

**To: The Deputy Leader and Members of the Planning and Development Board  
Councillors Simpson, Bell, T Clews, Deakin, Dirveiks, Downes, Hayfield, D Humphreys, Jarvis, Lebrun, Morson, Parsons, H Phillips, Symonds, A Wright**

**For the information of other Members of the Council**

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For enquiries about specific reports please contact the officer named in the reports

## **PLANNING AND DEVELOPMENT BOARD AGENDA**

**9 December 2019**

The Planning and Development Board will meet in The Council Chamber, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE on Monday 9 December 2019 at 6.30 pm.

### **AGENDA**

- 1 **Evacuation Procedure.**
- 2 **Apologies for Absence / Members away on official Council business.**
- 3 **Disclosable Pecuniary and Non-Pecuniary Interests.**
- 4 **Minutes of the Planning and Development Board held on 7 October and 4 November 2019 – copies herewith, to be approved as a correct record and signed by the Chairman.**

## **ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)**

5 **Planning Applications - Report of the Head of Development Control**

**Summary**

Town and Country Planning Act 1990 – applications presented for determination.

The Contact Officer for this report is Jeff Brown (719310)

6 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - September 2019** – Report of the Chief Executive

**Summary**

This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to September 2019

The Contact Officer for this report is Robert Beggs (719238)

7 **Appeal Update** – Report of the Head of Development Control

**Summary**

The report refers recent appeal decisions to the Board for information.

The Contact Officer for this report is Jeff Brown (719310)

8 **Exclusion of the Public and Press**

**Recommendation:**

**That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.**

## **EXEMPT INFORMATION (GOLD PAPERS)**

- 9 **Tree Preservation Order** – Report of the Head of Development Control.

The Contact Officer for this report is Jeff Brown (719310).

STEVE MAXEY  
Chief Executive

## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

7 October 2019

Present: Councillor Simpson in the Chair.

Councillors Bell, T Clews, Deakin, Dirveiks, Downes, Hayfield, D Humphreys, Jarvis, Lebrun, Morson, Parsons, H Phillips, Symonds and D Wright.

Apologies for absence were received from Councillor A Wright (substitute D Wright).

Councillors M Humphreys, Lees and Reilly also in attendance

#### 28 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Lebrun declared a pecuniary interest in planning application PAP/2019/0482, left the meeting and took no part in the consideration of that application.

#### 29 **Minutes**

The minutes of the meetings of the Planning and Development Board held on 8 July 2019, 5 August 2019 and 2 September 2019, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

#### 30 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board. Details of correspondence received since the publication of the agenda is attached as a schedule to these minutes.

##### **Resolved:**

- a That in respect of Application PAP/2018/0716 (Land Rear of 1 to 6 Copeland Close, Warton B79 0JE):**
  - i) It was agreed that there had been no breach of planning control and it would not be expedient in all of the circumstances to take enforcement action; and**

- ii) That the issues arising from the case be acknowledged and, as a consequence, the practice be reviewed.

**Speakers: Julie Talbot**

- b That Application No PAP/2019/0037 (The Woodlands, Reddings Lane, Nether Whitacre, B46 2DN) be approved subject to the conditions set out in Appendix A, but that the plan numbers are altered to reflect the receipt of the latest amended plan;

**Speakers: Jim Thompson and Will Brearley**

- c That Application No PAP/2019/0157 (Priory Park Circuit, Robeys Lane, Alvecote, B78 1AR) be approved subject to the conditions set out in the report of the Head of Development Control with an addition to condition 5 to read, "For the avoidance of doubt only a maximum of six "Bambino 35cc" karts shall operate on the track between 0900 and 1030 hours on Saturdays and on Good Friday and between 0930 hours to 1030 hours on Sundays and Bank Holidays."

**Speakers: Councillor Bailey, Councillor Bilcliff, Tony Madge and Rachel Bishop**

- d That Application No PAP/2019/0306 (Field Rear of Fox & Dogs Public House, Orton Road, Warton) be refused for the following reasons:

**"The proposal does not accord with Policy NW12 of the North Warwickshire Core Strategy 2014, in that the development does not positively improve the character and appearance of Warton nor positively improve the environmental quality of the area. This is due to the extension by fact and degree of the site into open countryside beyond the present built form of the village; its failure to achieve the objectives set out in Section 12 of the National Planning Policy Framework and the cumulative impact that there would be on the place of the settlement within the settlement hierarchy set out in Policy NW2 of the Core Strategy. This causes significant harm that is not overcome by the benefits suggested by the applicant particularly as the Council can demonstrate a five year housing land supply".**

- e That Application No PAP/2019/0331 (84 Whitehouse Road, Dordon, B78 1QS) be approved subject to the conditions set out in the report of the Head of Development Control;

**Speakers: Ben Archer**

- f That Applications No PAP/2019/0434 and DOC/2019/0080 (Land 260m South East of Northbound, Smorrall Lane, Corley) be deferred to enable a meeting to be held with the applicant so as to better understand the detail of the proposed variation.

**Speakers: Howard Darling and Jennifer Smith**

- g That, subject to there being no objections from the Highway Authority and the County Archaeologist which were unresolved through amended plans or planning conditions, the Secretary of State be advised that the Council is minded to approve Application No PAP/2019/0455 (The Belfry Hotel, Lichfield Road, Wishaw, B76 9PR) subject to the conditions set out in the report of the Head of Development Control;

**Speakers: Ian Kettlewell**

- h That Application No PAP/2019/0482 (The Dairy, Chance Farm Mews, Kingsbury Road, Curdworth, Birmingham, B76 9DR) be approved subject to the conditions set out in the report of the Head of Development Control; and

- i That Application No PAP/2019/0496 (Proposed Wave Park, Coleshill Manor Campus, South Drive, Coleshill) be noted and a site visit be arranged.

**Speakers: Stephen Price**

### **31 Government Consultation – Permitted Development for 5G Coverage**

The Head of Development Control set out the Government's proposals to amend permitted development rights for extended mobile coverage through the deployment of 5G.

**Resolved:**

**That the report of the Head of Development Control, and the observations contained therein, be supported and forwarded to the DCMs, together with additional comments regarding the heights of masts, the affect on conservations areas and notable buildings. In addition a copy of the final comments would be circulated to Members.**

**32 Planning Enforcement Fund**

The Head of Development Control confirmed the successful outcome of a bid made to seek funding for an additional enforcement resource.

**Resolved:**

- a That the report be noted; and**
- b That a further report be brought to the Board outlining how the funding has been spent.**

**Councillor Simpson  
Chairman**

**Planning and Development Board  
7 October 2019  
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
5/56	PAP/2019/0037	Nether Whitacre PC	Objection	27/9/19
5/129	PAP/2019/0434	Applicant	Amendment	23/9/19
		Corley PC	Objection	2/10/19



## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

4 November 2019

Present: Councillor Simpson in the Chair.

Councillors Bell, T Clews, Chambers, Dirveiks, Hayfield, D Humphreys, Jarvis, Lebrun, Morson, Parsons, H Phillips, Symonds and D Wright.

Apologies for absence were received from Councillor Deakin (substitute Chambers) and Downes (substitute Rose).

Councillors D Clews, Jenns, Lees and Moss were also in attendance. With the permission of the Chairman, Cllr D Clews spoke on item 35 d (Brittannia Mill), and Cllrs Jenns and Moss spoke on item 35 g (Land adjacent to Orchard House, Cliff).

#### 33 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillors Chambers, D Clews and Jarvis declared non-pecuniary interests in respect of item 35 i by virtue of their membership of Atherstone Town Council, left the meeting and took no part in the discussion on that item.

#### 34 **Budgetary Control Report**

The Corporate Director – Resources reported on the revenue expenditure and income for the period from 1 April 2019 to 30 September 2019, the 2019/20 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to the Board.

#### 35 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board. Details of correspondence received since the publication of the agenda is attached as a schedule to these minutes.

##### **Resolved:**

- a **That in respect of Application Nos PAP/2019/0134 and DOC2019/0080 (Land South East of Northbound M6 Carriageway, Corley Services, Smorrall Lane, Corley) that delegated authority be given the Head of Development Control to approve the Management Plan dated October 2019 be approved in full discharge of condition 9 attached**

to planning permission APP/R3705/W/17/3192501 dated 22/10/18:

**Speakers: Howard Darling and Jennifer Smith**

- b That Application No PAP/2018/0140 (Land East of Castle Road & North of Camp Hill Road, Hartshill & Nuneaton) be deferred for the following reasons:**
  - i) The Board acknowledges this is an allocated site**
  - ii) However, there are a number of issues we still need more details on around exactly how the section 106 agreement and conditions will protect the issues mentioned in the report, particularly around the through road and mitigation for the respective parties. This will have to include issues of over pressure and air quality.**
  - iii) That the matter therefore be deferred for this detail.**

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**Speakers: John Groves, Glenys Roberts and Neil Beards**

- c That in respect of Application No PAP/2018/0349 (Land South and South West of Whitegate Stables, Kingsbury Road, Lea Marston, Warwickshire) that the matter be deferred and Council will then engage with the applicant to discuss the matters raised in the report of the Head of Development through a meeting between appropriate Members and representatives of the applicant with the outcome of that meeting being referred back to the Board.**

**Speakers: Kevin Oakley**

- d That in respect of Application Nos PAP/2019/0180 and PAP/2019/0183 (Britannia Works, Coleshill Road, Atherstone, CV9 2AA) planning permission and listed building consent be granted subject to the conditions set out in the report of the Head of Development Control:**

**Speakers: Janice Deeming and Tark Millican**

- e That in respect of Application No PAP/2019/0256 (Land 50 Metres South of Kirby Glebe Farm, Atherstone Road, Hartshill):**
  - i) planning permission be refused as the proposal does not satisfy Policy NW8 of the North Warwickshire Core Strategy 2014 in that it is considered that the proposal could not be**

assimilated into its surroundings and landscape because of its size and because of the cumulative effect when taken together with neighbouring developments, to the extent that significant harm would be caused. It neither accords policy NW 10 (6) of the same Core Strategy in that the access and its junction with the Atherstone Road in that paragraphs 108, 109 and 110 of the NPPF are not satisfied thus causing significant harm. It is not considered that the applicant's considerations are of sufficient weight to override the combined substantial harm caused, and

- ii) that the Council is minded to serve an Enforcement Notice in the terms referred to in the report of the Head of Development Control, but a further report be brought to the Board once the impacts of such action on the occupiers of the sited have been assessed;

**Speakers: Glenys Roberts**

- f
  - i) That in respect of Application No PAP/2019/0411 (2 Tamworth Road, Polesworth, B78 1JH) planning permission be refused for the reasons set out in the report of the Head of Development Control and
  - ii) The the Board considers that it is expedient in this case to commence enforcement action for the reasons given in the report of the Head of Development Control. The Notice will require cessation of the use of the site for the storage of motor home vehicles and that the compliance period would be six months;
- g That in respect of Application No PAP/2019/047 (Land Adjacent Orchard House, Cliff Hall Lane, Cliff) planning permission be refused for the reasons set out in the report of the Head of Development Control and that a further report be brought to the Board in respect of enforcement matters relating to the site also outlined in the report;

**Speaker: Aida McManus**

- h That in respect of Application No PAP/2019/0457 (Kirby Glebe Farm, Atherstone Road, Hartshill, Warwickshire, CV10 0TB):
  - i) planning permission be refused as the proposal does not satisfy Policy NW8 of the North

Warwickshire Core Strategy 2014 in that it is considered that the proposal could not be assimilated into its surroundings and landscape because of its size and because of the cumulative effect when taken together with neighbouring developments, to the extent that significant harm would be caused. It neither accords policy NW 10 (6) of the same Core Strategy in that the access and its junction with the Atherstone Road in that paragraphs 108, 109 and 110 of the NPPF are not satisfied thus causing significant harm. It is not considered that the applicant's considerations are of sufficient weight to override the combined substantial harm caused, and

- ii) that the Council is minded to serve an Enforcement Notice in the terms referred to in the report of the Head of Development Control, but a further report be brought to the Board once the impacts of such action on the occupiers of the sited have been assessed;
- i) i) That subject to the receipt of no adverse representations, Application No PAP/2019/0507 (CCTV locations Central Atherstone, including Long Street / South Street / Market Square, Atherstone) be approved subject to the conditions set out in the report of the Head of Development Control, and
- iii) That subject to the receipt of no adverse representations, Application No PAP/2019/0508 (Old Bank House & The Old Bakery, 129 & 94 Long Street, Atherstone, CV9 1AP & CV9 1AB) be approved subject to the conditions set out in the report of the Head of Development Control; and
- j) That Application No PAP/2019/0539 (Meadow Street Park and Gardens, Meadow Street, Atherstone) be approved but appropriate replacement are provided within twelve months of the removal of the trees.

## 36 Appeal Update

The Head of Development Control updated the Board on a recent appeal decision.

### Resolved:

That the report be noted.

**37 Exclusion of the Public and Press**

**Resolved:**

**That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.**

**38 Breaches of Planning Control**

**The Head of Development Control provided a preliminary outline of enforcement issues at a site and recommended a way forward.**

**Resolved:**

- a That the general approach to this matter be as set out in the report of the Head of Development Control; and**
- b That, as a consequence, this is communicated to the relevant Agencies so as to establish a link with the families involved.**

**Councillor Simpson  
Chairman**

**Planning and Development Board  
4 November 2019  
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
5/5	DOC/2019/0080	Corley PC	Objection	23/10/19
5/239	PAP/2018/0349	Resident	Objection	4/11/19
		Resident	Objection	4/11/19
		Resident	Resident	4/11/19
5/249	PAP/2019/0180	Warwickshire County Council	Consultation	25/10/19
5/325	PAP/2019/0508	Historic England	Consultation	30/10/19

**Report of the  
Head of Development Control**

**1 Subject**

- 1.1 Town and Country Planning Act 1990 – applications presented for determination.

**2 Purpose of Report**

- 2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.
- 2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.
- 2.3 The proposals presented for decision are set out in the index at the front of the attached report.
- 2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications. .

**3 Implications**

- 3.1 Should there be any implications in respect of:

Finance; Crime and Disorder; Sustainability; Human Rights Act; or other relevant legislation, associated with a particular application then that issue will be covered either in the body of the report, or if raised at the meeting, in discussion.

**4 Site Visits**

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.
- 4.2 Members are reminded of the "Planning Protocol for Members and Officers dealing with Planning Matters", in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

## 5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: [www.northwarks.gov.uk](http://www.northwarks.gov.uk).
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 13 January 2020 at 6.30pm in the Council Chamber at the Council House.

## 6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at:  
[https://www.northwarks.gov.uk/info/20117/meetings\\_and\\_minutes/1275/speaking\\_and\\_questions\\_at\\_meetings/3](https://www.northwarks.gov.uk/info/20117/meetings_and_minutes/1275/speaking_and_questions_at_meetings/3).



**Planning Applications – Index**

Item No	Application No	Page No	Description	General / Significant
1	CON/2019/0026  CON/2019/0024  CON/2019/0025	4	<p><b>Existing Water Weir, Kingsbury Junction, Coventry Road, Sutton Coldfield,</b> Alterations to existing water weir, new boat launch area, new parking and turning area, loose surface pathways, new portals and surfacing to existing footpath.</p> <p><b>Kingsbury Water Park Outdoor Education Centre, Bodymoor Heath, Kingsbury,</b> Alterations to outdoor pursuits centre including extension of existing building, new house training simulator, new openings to an existing tower, road traffic collision simulator and to provide new fire and rescue training centre.</p> <p><b>Environment Agency Depot, Coton Road, Lea Marston,</b> New fire and rescue training centre including “fire house” simulator, “cold smoke” simulator, modular training and welfare building together with ancillary parking and facilities.</p>	General
2	CON/2019/0029	18	<p><b>Packington Lane Landfill Site, Packington Lane, Little Packington,</b> Proposed road sweepings recycling facility</p>	General
3	CON/2019/0031	24	<p><b>High Meadow Infant School, Norton Road, Coleshill,</b> Retention of existing unauthorised temporary modular classroom until April 2020</p>	General
4	PAP/2019/0236	27	<p><b>Land Adjacent 32, Church Road, Warton,</b> Outline application for the erection of 22 new dwellings (comprising 14 open market and 8 affordable homes)</p>	General
5	PAP/2019/0503	38	<p><b>Foyle House, Arley Lane, Fillongley, Coventry, Warwickshire,</b> Convert garage into accommodation.</p>	General
6	PAP/2019/0557	44	<p><b>87, Pooley View, Polesworth,</b> Erection of granny annexe</p>	General

## **General Development Applications**

(1) Application Nos: CON/2019/0026 , CON/2019/0024 and CON/2019/0025

**A) CON/2019/0026 -Existing Water Weir, Kingsbury Junction, Coventry Road, Sutton Coldfield,**

**Alterations to existing water weir, new boat launch area, new parking and turning area, loose surface pathways, new portaloos and surfacing to existing footpath in order to provide a new water rescue training area.**

**B) CON/2019/0024 – Kingsbury Water Park Outdoor Education Centre, Bodymoor Heath, Kingsbury.**

**Alterations to outdoor pursuits centre including extension of existing building, new house training simulator, new openings to an existing tower, road traffic collision simulator and to provide new fire and rescue training centre.**

**C) CON/2019/0025 –Environment Agency Depot, Coton Road, Lea Marston.**

**New fire and rescue training centre including “fire house” simulator, “cold smoke” simulator, modular training and welfare building together with ancillary parking and facilities.**

### **Introduction**

These three applications have been submitted to the Warwickshire County Council and it has invited the Borough Council to make representations as part of its determination for each of the proposals.

They are all reported together as they all relate to new training facilities for the service and because there is one overall recommendation.

### **The Site and Proposal at Coventry Road.**

This is short way south of Kingsbury to the south off the Coventry Road and to the west of the railway line where the road passes under the railway bridge. Here there is an existing weir where the outfall of one of the Lea Marston lakes joins to the River Tame, which passes close to the road the bridge in the locality.

The site is shown at Appendix A.

As can be seen from the description above the proposal is to alter the profile of the weir to enable a training facility to be provided so as to enable the service to be better placed to deal with emergencies particularly involving cars caught in flooded areas. The alterations include a fixed low level wall and sluice gates to control the flow of water through the channel. An existing highway access would be used and existing surface infrastructure upgraded so as to enable vehicular and pedestrian access.

The applicant estimates that the site would be used on average twice a week with trainees arriving by minibus.

The proposed layout is at Appendix B with an artist's impression at Appendix C.

### **The Site and Proposals at Kingsbury Water Park**

The site is at the far northern end of Bodymoor Heath Lane which provides access to a Camping and Caravan site as well as to the former outdoor pursuits centre. This has been closed for a few years but it retains the main building and a number of structures and areas of hardstanding.

The site is shown at Appendix D.

The existing single storey building would be extended by some 30% retaining the same dimensions and continuing with the same materials – timber boarding and profiled metal sheeting. Additional structures would be provided – in order to simulate emergency conditions. These include a two storey terraced house and retention of a two storey tower but with added openings. A road collision area would replicate a length of dual carriageway as well as there being an area set aside for storing car shells – for occupancy removal and powered cutting training.

The application indicates that the site would be fully occupied throughout the week with frequent training sessions.

The smoke used on the site would be “imitation” smoke such that it dissipates very quickly.

The overall proposed layout is at Appendix E with the structures and extension illustrated at Appendices F to H.

### **The Site and Proposals at Coton Road.**

The Environment Agency depot is some distance on the west side of Coton Road with vehicular access close to its junction with the Kingsbury Road. It is close to the Lea Marston lakes complex through which the River Tame flows. The depot consists of utilitarian buildings and storage areas.

The site is shown at Appendix I.

As described above this is to provide a new compound here close to the western most lake shore in order to provide a new training facility for the applicant. Apart from training and welfare buildings a number of other structures are proposed in order to replicate buildings such that practical training opportunities can be taken.

The structures include:

- A two storey port-cabin structure for office/classroom and staff accommodation.
- A 8.5 metre tall two storey house “rig” to simulate such a property including habitable rooms in the roof space together with adjoining ten metre tall tower to simulate a fire appliance.
- A “fire-house” over three levels (13 metres tall) with filtration units and towers.

At the present time the applicant is considering “containing” the water used on site prior to it being “tinkered” off-site.

The proposed layout is at Appendix J and illustrations of these structures are at Appendices K through to M.

### **Background**

The Fire and Rescue Service presently has training centres in Bedworth and at Dunchurch near Rugby, but these are said not to offer the full range of opportunities at a practical level or to the scale now necessary to deal with emergencies and incidents.

Currently, personnel have to visit other centres outside of the County for essential training activity. The service thus sees an opportunity to provide bespoke training activities at each of the three sites.

It is said that the three sites offer different scenarios and therefore the best arrangement for the service, particularly as different exercises can take place at different sites at the same time. The service says that the Weir at the Environment Agency depot site cannot be used as it has steep sides and the Environment Agency is unlikely to agree to its modification – hence the Coventry Road proposal as an alternative.

## **Development Plan**

Core Strategy 2014 : NW1 (Sustainable Development), NW3 (Green Belt) and NW10 (Development Considerations).

## **Other Relevant Material Considerations**

Government Advice: National Planning Policy Framework 2019 (NPPF).

National Planning Practice Guidance – NPPG.

The Submitted Local Plan 2018 – LP31 (Sustainable Development), LP3 (Green Belt) and LP31 (Development Considerations).

## **Observations**

### **a) Introduction**

Whilst each of these applications has to be dealt with on its own merits, there is a connection between them and not only because they are from the same applicant and of similar content. The common planning factor is that the sites are all in the Green Belt.

It will be seen below that two of these proposals would amount to inappropriate development thus carrying a presumption of refusal. It is relevant to ask if the proposal were concentrated on one site then there may be less overall harm to the Green Belt. Additionally, other harms might be better mitigated through concentration on one site.

The report will return to this matter later, after each application has been looked at on its own merits.

### **b) Coventry Road, Kingsbury**

The site is in the Green Belt. Inappropriate development in the Green belt is harmful by definition here and thus carries a presumption of refusal. The development amounts to engineering operations and these are judged to be inappropriate development by the NPPF if they do not preserve the openness of the Green Belt or they conflict with the purposes of including land within it. Here the development is small in scale and in effect alters existing built arrangements at the weir. There will be a change visually and here will be far more activity here than presently. The site is well screened by the railway embankment and there are no nearby public footpaths. Moreover the use would not be that frequent. There is also a fall-back position here as the Environment Agency could undertake similar works under permitted development rights. Additionally this is the kind of site that is necessary in order to provide this type of training and so alternatives are limited. It is thus considered that the proposal would preserve openness. There is not considered to be a conflict with the purposes of including land within the Green Belt. As a consequence the proposal would be appropriate development and thus carry the presumption of support. However because of the location of the site access close to the bridge abutment and the curvature of the road the Highway Authority's comments will be critical. The use of shared vehicles for visits to the site is thus a significant benefit.

### **c) The Water Park**

The site is in the Green Belt where inappropriate development is considered to be harmful by definition in the NPPF and thus it carries the presumption of refusal. In this case no change of use is involved as the present site has a lawful Training Centre use – Class D1 of the Use Classes Order. The issue is thus whether the new built development proposed is appropriate or not. Normally it would not be, but one of the NPPF exceptions applies here – namely the partial or complete redevelopment of previously developed land. This exception will apply if the redevelopment would not worsen the impact of openness that occurs now and that it does not worsen any impact on the purposes of including land within the Green Belt. There is new built development proposed here – the extension to the main building, the new “terraced house”, the storage areas for the cars and the additional surface works to replicate road conditions.

Additionally there would be far more activity here and that would involve different types of vehicles being on site. There would thus overall be a greater impact on the openness of the Green Belt than exists now. The proposal is thus inappropriate development and carries the presumption of refusal. However the actual Green Belt harm caused, rather than the definitional harm caused is considered to be low because of the contained nature of the site; the surrounding uses, the lawful use of the site and the significant screening around all sides.

On the assumption that there are no other harms and the County Council will need to satisfy itself on that matter, it is necessary to see if there are any considerations here that clearly outweigh the level of total harm caused.

The considerations here are the fall-back position of the lawful use particularly in respect of outdoor recreational use and facilities, and the provision on one contained site of a number of different training opportunities for a “blue light” service. It is considered that these matters do clearly outweigh the harm caused because of the level of that harm is “low” and because of the weight to be given in public safety terms to training for an essential fire and rescue service on more of a sustainable basis than now.

### **d) Coton Road depot**

Again the site is in the Green Belt and the building operations here would amount to inappropriate development carrying a presumption of refusal. They do not fit with any of the exceptions outlined in the NPPF and as such there is substantial definitional Green Belt harm caused. In respect of actual Green Belt harm then whilst there is no definition of openness in the NPPF it is generally taken to mean the absence of development in planning terms. The NPPG has offered guidance too. There is a spatial element to openness and here an open area of land would be wholly built on with large structures.

The openness of the part of the Green Belt would not be preserved. The same conclusion would apply to the visual impact of the proposal. They are large structures that are not all in-keeping visually with the surroundings. The proposals would be permanent and there would be substantial activity associated with the use – vehicular, pedestrian and smoke. It is with all of these matters in mind that it is considered that the actual Green Belt harm caused would be significant.

In respect of other harms then the Highway Authority will take a view on the impact of the proposal on the access onto Coton Road but an objection is probably unlikely. The greatest impacts are going to be visual as well as potentially an ecological one if contaminated water enters the lake system. That would also give rise to a potential pollution risk. The County Council does need to resolve these matters prior to determination.

The considerations put forward by the applicant are that these proposals enhance a “blue light” service through providing a wide range of training opportunities which has professional and efficient benefits. These will carry significant weight.

In terms of the final planning balance, then the Board has to consider whether the applicant's case “clearly” outweighs the significant actual Green Belt harm caused. At the present time it is considered not. This is because of the substantial impact on the openness of the Green Belt here by what is a wholly alien form of built development.

Whilst the need to provide training facilities is clearly a significant benefit it is considered that it should be only be supported if all other alternatives have been dismissed.

### **e) Conclusions**

As suggested in the introductory section at (a) above, there is considered to be a strong case here for having a single site for these activities so as to reduce the overall impact on the Green Belt and perhaps deliver a more efficient training programme.

It is accepted that the training activity where the weir is needed should be located at the Kingsbury site. The Environment Agency's operational requirements for the present weir at the Coton Road site not being altered or revised takes preference here. There is clearly a need for this sort of training to be undertaken in light of increased flooding events. The Kingsbury site would offer little in the way of Green Belt harm and provided access arrangements can be agreed it is suggested that no objection is raised to that application.

Notwithstanding all of the comments raised above in respect of the other two sites it does appear that the Coton Road site offers the best opportunity for a larger training area to be found. The site is large; it has little in the way of public visibility and the structures could perhaps be re-sited to the north where they would be close to other functional buildings and plant that the Environment Agency has here and which could be shared or extended. Furthermore it would enable the Water Park site to be used for outdoor recreational purposes for which it is best suited. There would indeed be greater Green Belt harm because of the increased intensity of buildings and plant here, but that is preferable to having two distinct and separate sites where harm is caused.

As a consequence it is suggested that the Board resolves to make a holding objection such that this alternative can be properly explored.

### **Recommendation**

- A) That the County Council be notified that this Council has **No objection** to the proposals at Kingsbury under application NWB/19/CC012.
- B) That the County Council be notified that this Council submits a **Holding objection** in respect of application NWB/19/CC010 and 013 for the reasons given in this report.

## BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: CON/2019/0026

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	Warwickshire County Council	Letters	10 & 11/9/19
2	Warwickshire County Council	E-mail	24/10/19
3	Warwickshire County Council	E-mail	28/10/19

*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*

APPENDIX A

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Location Plan

1:1250

Scale: 1:1250

North Arrow

Client: Kingsbury Station Junction

Project: Kingsbury Station Junction

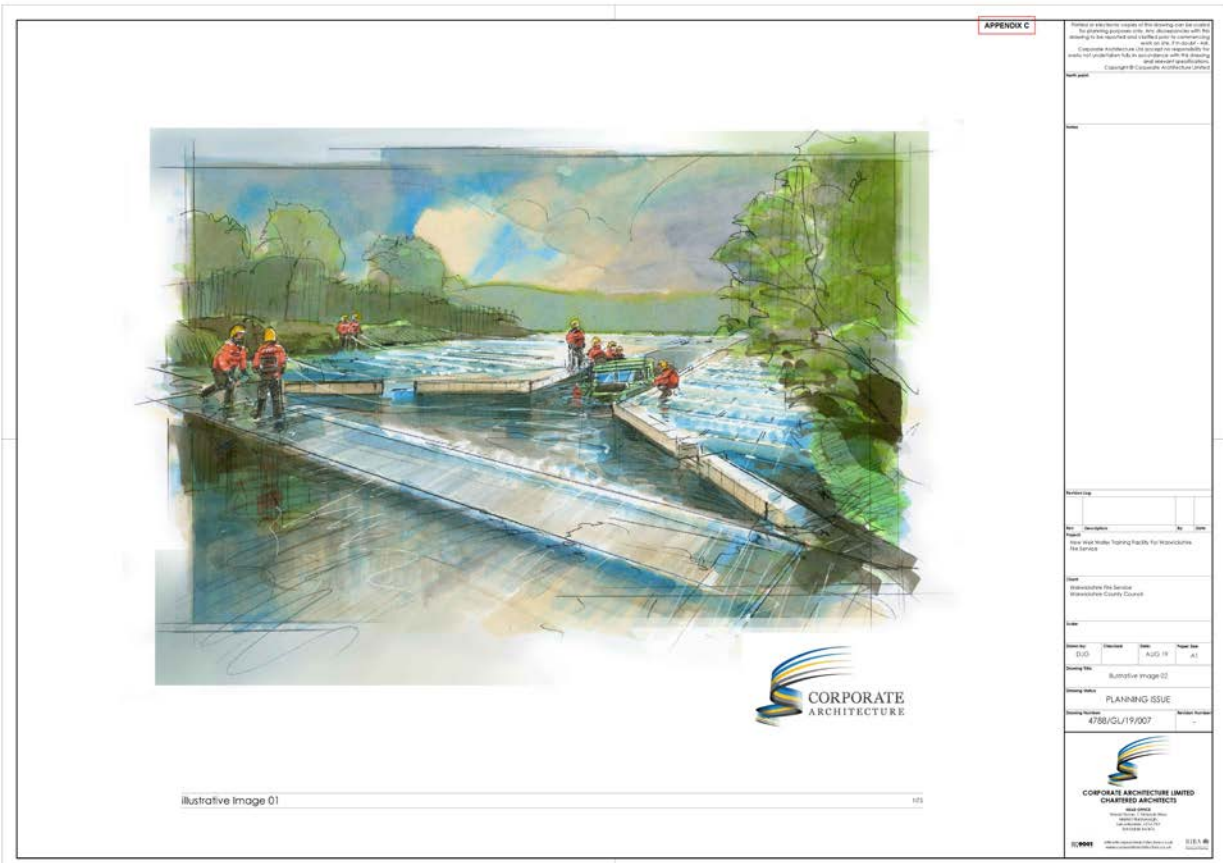
Issue: Planning Issue

Issue Number: 4788/GJ/19/001

Revision Number: B

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 020 7593 4000  
 www.corporatearchitects.co.uk





APPENDIX D

Do not scale from this drawing, work to given dimensions. All dimensions to be checked on site. All dimensions with the drawing to be reported and confirmed on site. All dimensions to be reported and confirmed on site. All dimensions to be reported and confirmed on site. All dimensions to be reported and confirmed on site.



Location Plan 1:1000



Location Plan 1:1000

North arrow pointing up.

Scale: 1:1000

Client: Moor Ash Farm

Project: Moor Ash Farm

Drawn: [Name]

Checked: [Name]

Date: Dec 18

Page No: A1

Project Name: Location Plan

Project Status: FOR DISCUSSION

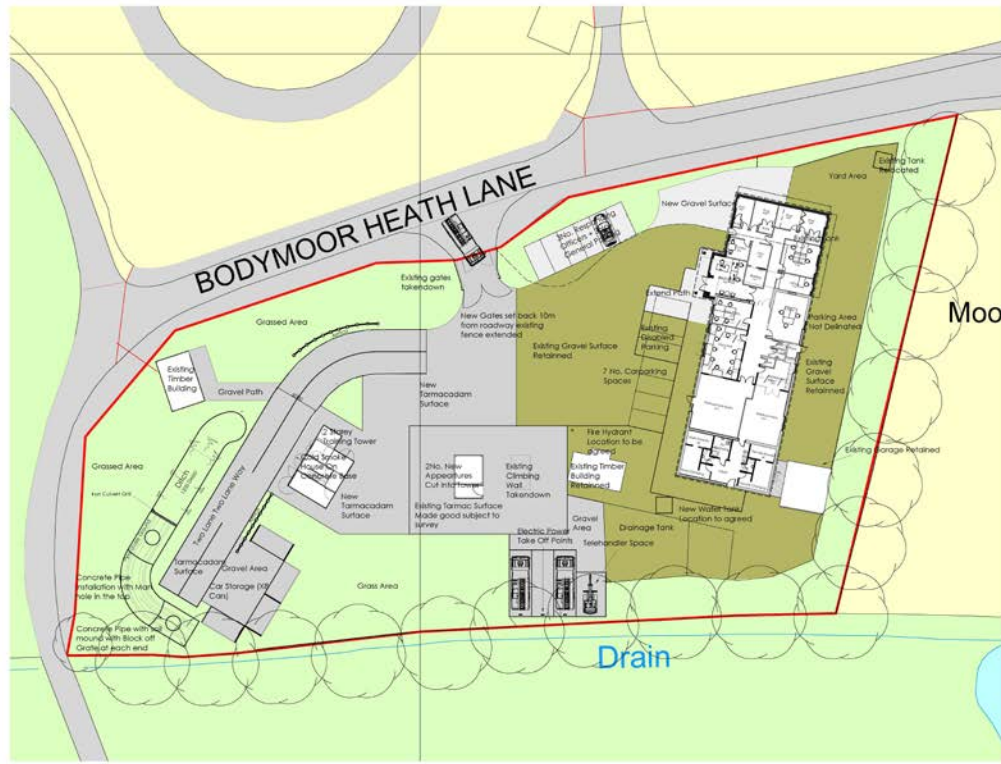
Project Number: 4725/GU/18/001

Revision Number: A

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APPENDIX E

Do not scale from this drawing, work to given dimensions. All dimensions to be checked on site. All dimensions with the drawing to be reported and confirmed on site. All dimensions to be reported and confirmed on site. All dimensions to be reported and confirmed on site.



Site Plan 1:300

North arrow pointing up.

Scale: 1:300

Client: Moor Ash Farm

Project: Moor Ash Farm

Drawn: [Name]

Checked: [Name]

Date: Dec 18

Page No: A1

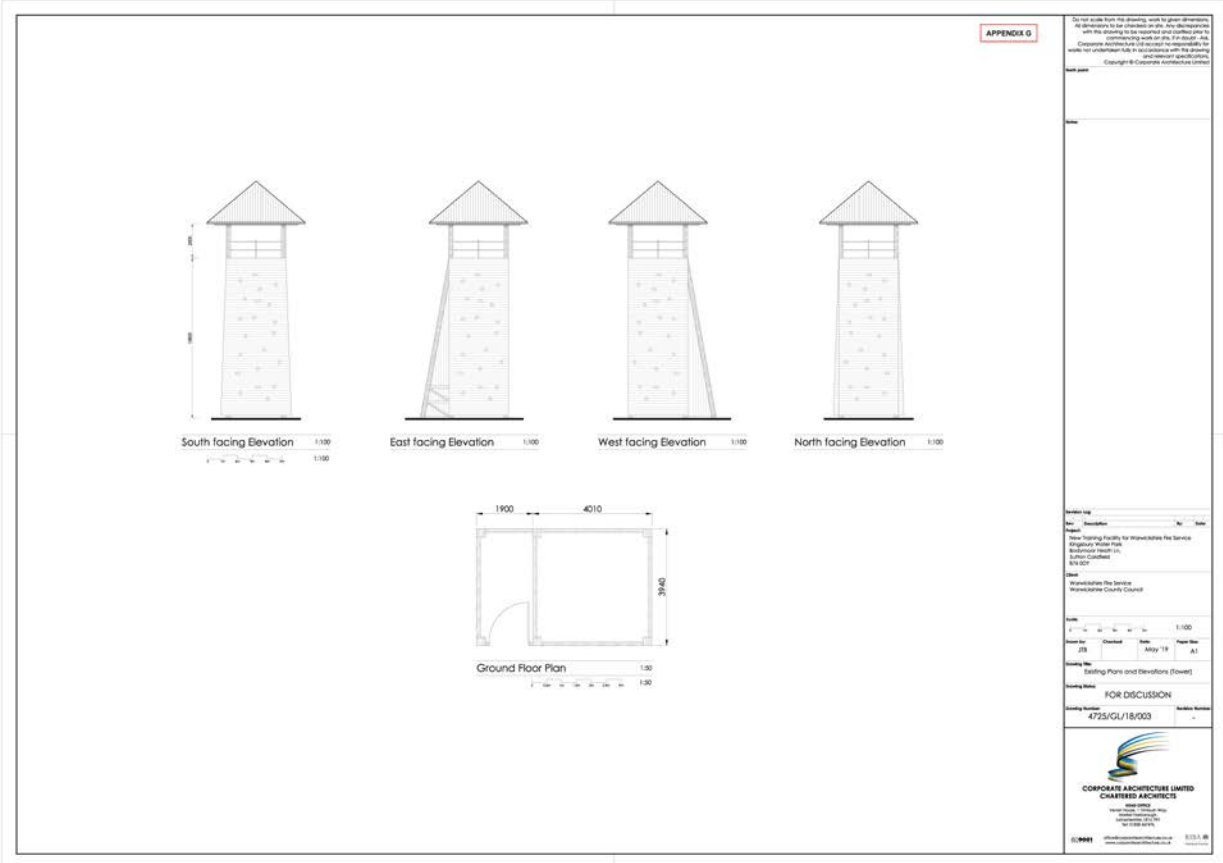
Project Name: Proposed Site Plan

Project Status: FOR DISCUSSION

Project Number: 4725/GU/18/005

Revision Number: J

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Appendix H

SECTION H-H

SECTION A-A

SECTION C-C

SECTION E-E SCALE 1:50

SECTION D-D

SECTION B-B

SECTION J-J SCALE 1:10

SECTION F-F SCALE 1:5

FLOOR PANELS 2480 x 1000 x 25mm

CHIMNEY STACK

GUARDING RAIL TO GABLE ENDS

LADDER ACCESS TO LOFT/DORMER FLAT PANEL INFILL

CHIMNEYS TIED BACK TO GABLE END FURLINS

APPROX. ALIGNMENT OF LADDER PROTECTION TO GUTTER/ROOF AND TOWER LADDER RAIL

1ST FLOOR ACCESS

DECCA BARGE COVER

ALTERNATING LADDERS

GND FLOOR SHIPS LADDER

GND FLOOR TOWER ACCESS

DO NOT SCALE DRAWING DIMS IN ( ) FOR REF ONLY

THIRD ANGLE

LADDER ACCESS TO LOFT/DORMER

FLAP PANELS

DETAIL F SCALE 1:5

MINERVA

Cold Smoke House

Warwick

HOUSE RIG - 2 STOREY TOWER

EN-571-HS2

1:100 1B 29/08/19 1 of 2

DEM Hill Farm Workshops, Balsford, Moreton-in-Marsh, Gloucestershire, GL56 9QG Tel: 01458 651965 Fax: 01458 651967 Website: www.minervasimulators.com Contact: info@minervasimulators.com

GENERAL ISOMETRIC (DOORS CLOSED)

FIRST FLOOR PLAN SECTION (DOORS OPEN)

GROUND FLOOR PLAN SECTION (DOORS OPEN)

DO NOT SCALE DRAWING DIMS IN ( ) FOR REF ONLY

THIRD ANGLE

MINERVA

Cold Smoke House

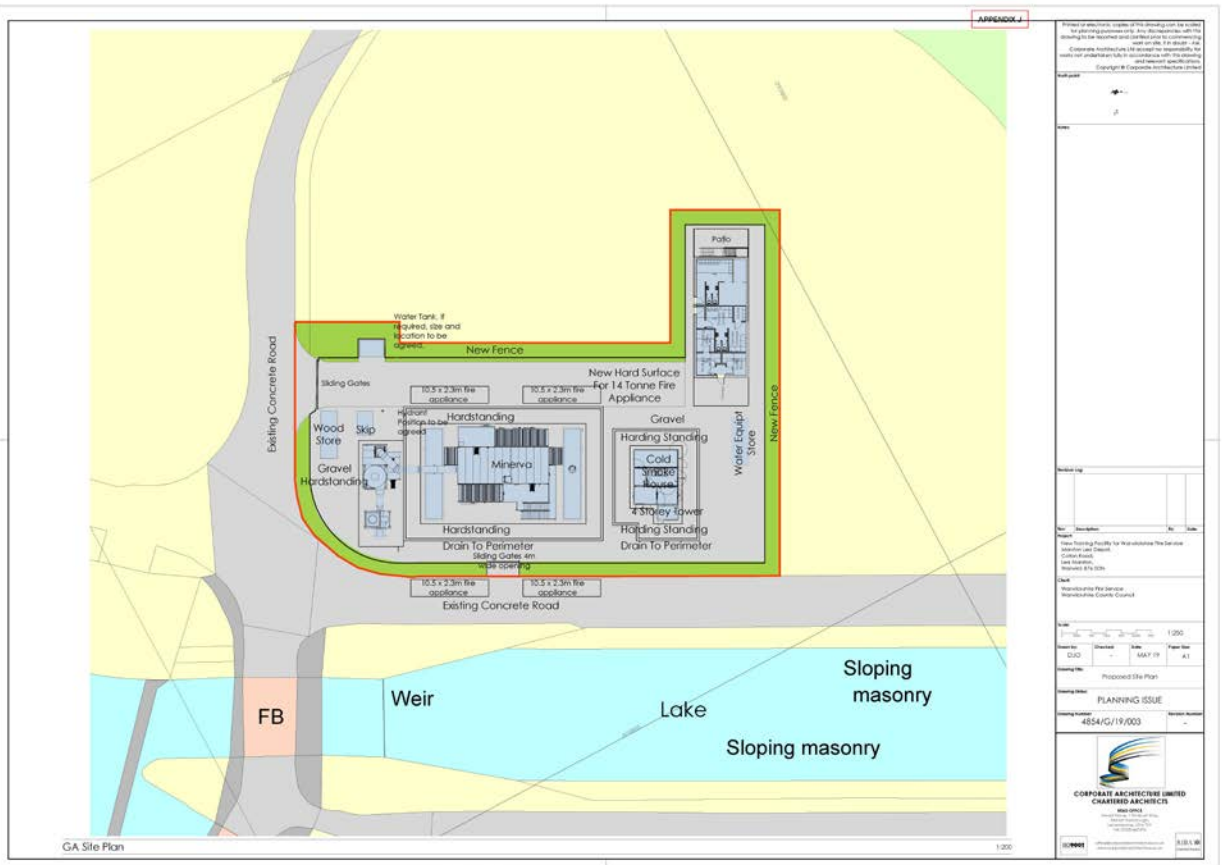
Warwick

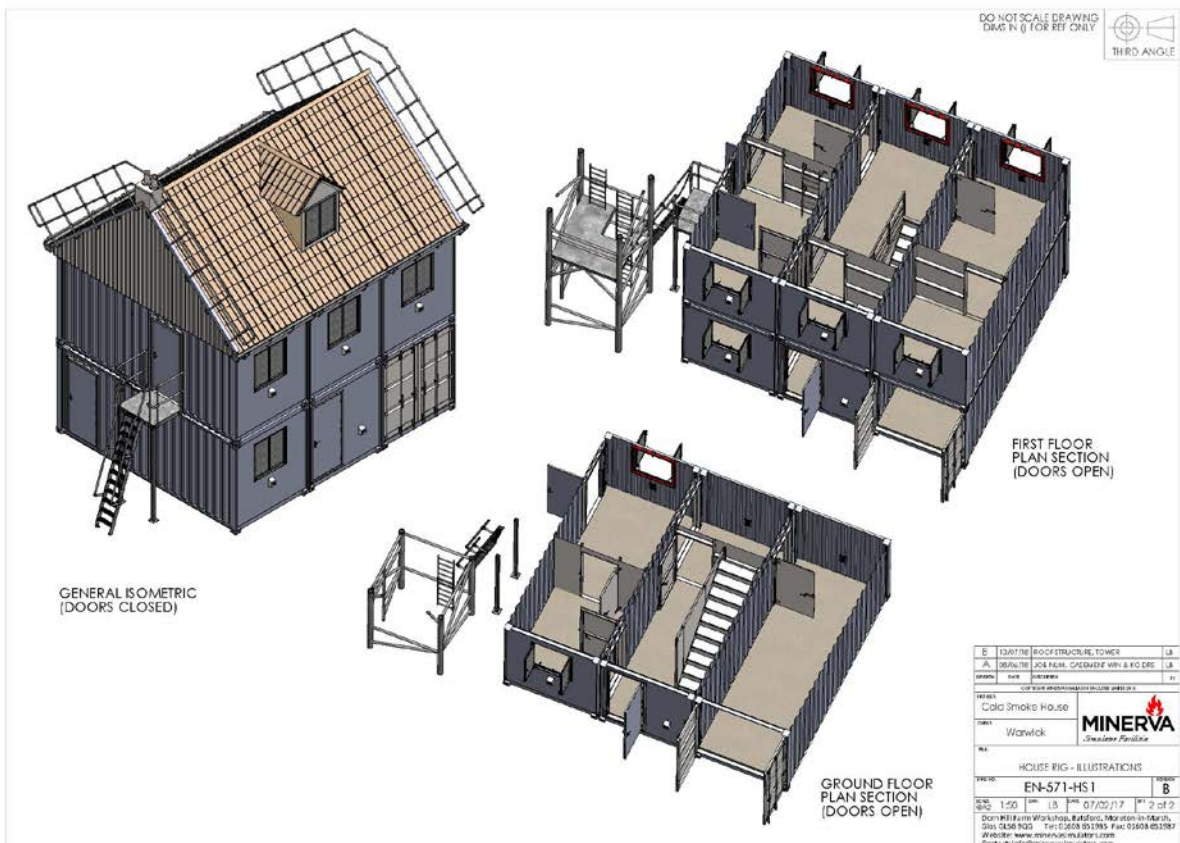
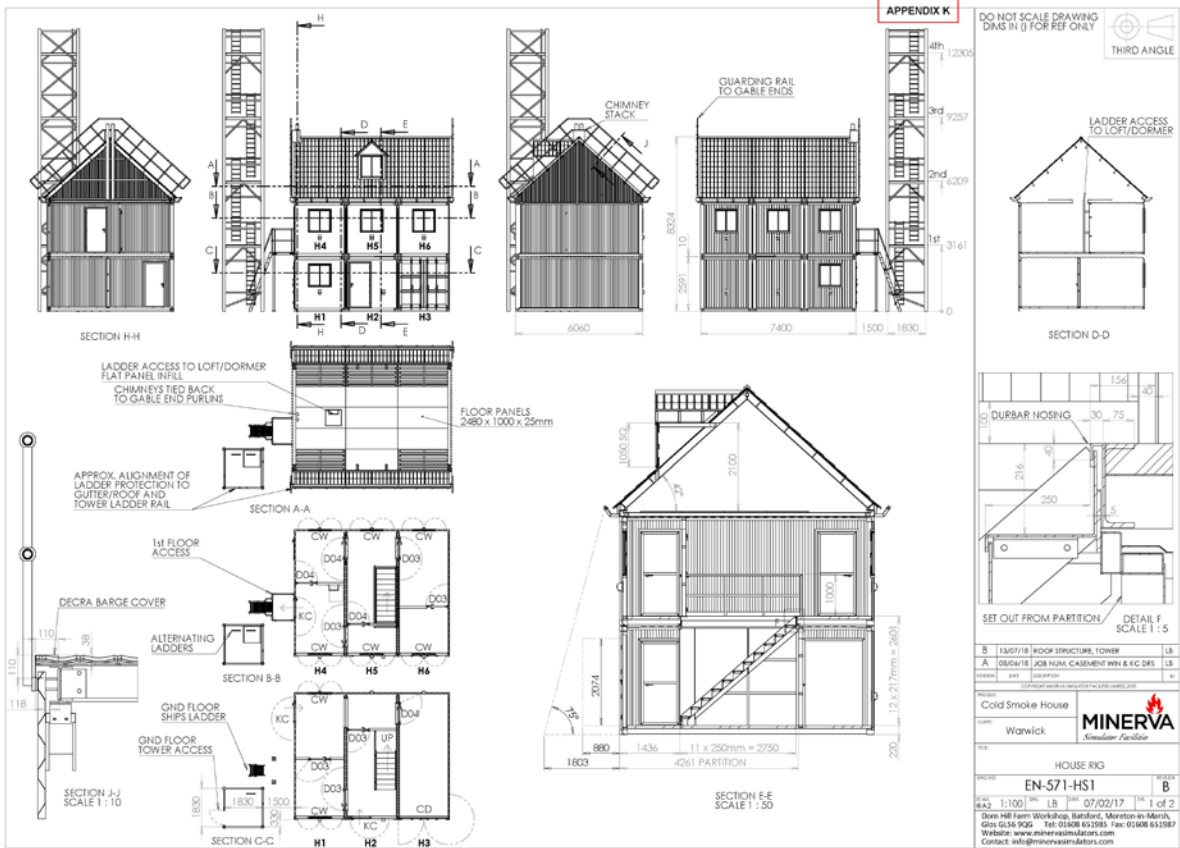
HOUSE RIG - 2 STOREY TOWER - ISO VIEWS

EN-571-HS2

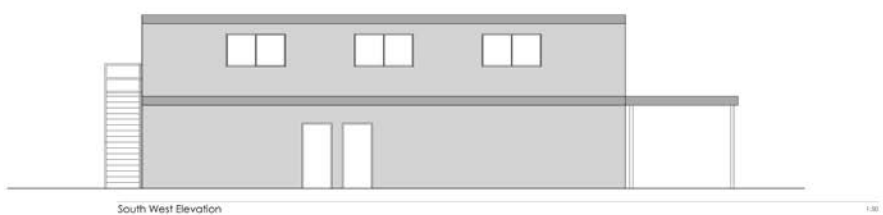
1:50 1B 29/08/19 2 of 2

DEM Hill Farm Workshops, Balsford, Moreton-in-Marsh, Gloucestershire, GL56 9QG Tel: 01458 651965 Fax: 01458 651967 Website: www.minervasimulators.com Contact: info@minervasimulators.com

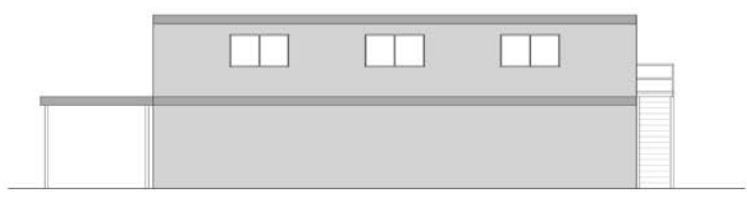




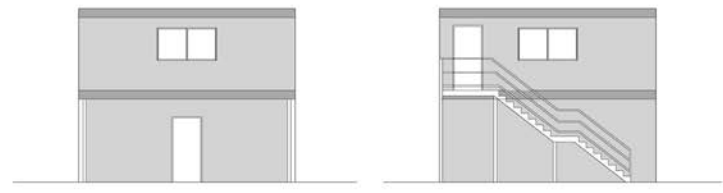
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South West Elevation 1:50

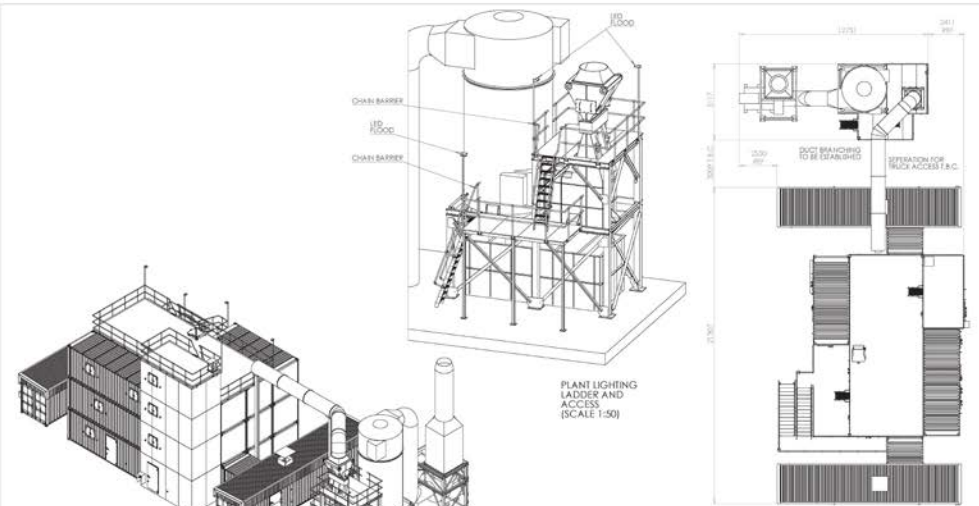


North East Elevation 1:50



South East Elevation 1:50 North West Elevation 1:50

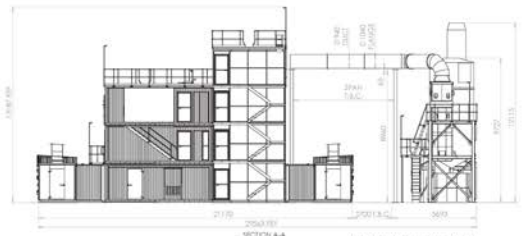
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Client	
Design	
Drawn by	
Checked by	
Date	
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Sheet	EN-472-P2
Project	PLANNING ISSUE
Reference	4854/G/19/005
<p>CORPORATE ARCHITECTURE LIMITED CHARTERED ARCHITECTS</p>	



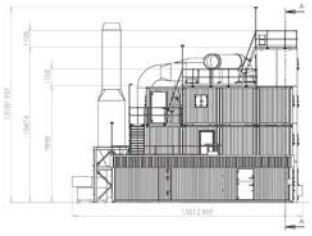
PLANT LIGHTING LADDER AND ACCESS (SCALE 1:50)

SEE DRG. EN-472-P1 FOR FIRE HOUSE DETAILS  
SEE DRG. EN-472-F1 FOR FLOOR PLAN DETAILS

SEE DRG. EN-472-P3 FOR FILTRATION UNIT DETAILS



SECTION A-A ALL SIZES SUBJECT TO CONFIRMATION



Rev	Description	By	Check
1	ISSUED FOR APPROVAL		
2	ISSUED FOR APPROVAL		
3	ISSUED FOR APPROVAL		
4	ISSUED FOR APPROVAL		
5	ISSUED FOR APPROVAL		
6	ISSUED FOR APPROVAL		
7	ISSUED FOR APPROVAL		
<p>WRS Warrickville CC Cantononica &amp; SA Training Facility Water Overhead Ducting</p> <p>EN-472-P2</p> <p>Scale: 1:50</p>			
<p><b>MINERVA</b></p> <p>Engineering &amp; Architecture</p> <p>10/100 The Esplanade, Warrickville, VIC 3248 Phone: (03) 9594 1100 Fax: (03) 9594 1101 Website: www.minervaindustrial.com</p>			

**(2) Application No: CON/2019/0029**

**Packington Lane Landfill Site, Packington Lane, Little Packington, CV7 7HN**

**Proposed road sweepings recycling facility, for**

**Suez Recycling and Recovery UK Ltd.**

### **Introduction**

This application has been submitted to the County Council as the Waste Planning Authority and the Borough Council is invited to submit its representations as part of the determination.

### **The Site**

This is a rectangular site of around 2 hectares on the north side of the mound at the former Packington landfill site. The A446 is a little way to the west; a wood processing facility is immediately to the north and there is a composting facility close by to the east.

A site location plan is at Appendix A.

### **The Proposals**

An existing facility is located close to the Coleshill Parkway station within the Severn Trent Water site at Minworth. This is said to be process 25,000 tonnes a year and on land that is not in control of the owner. The site is "lost" to the applicant in 2020 and so it is proposed to relocate the facility to Packington.

Access into the site will be from the A446 and there would be a weighbridge at the site entrance. The site would have a concrete floor on which would stand a modular type office; concrete loading bays and a processing plant which would be 7.6 metres at its highest and 55 metres in length. A 1.8 metre tall green weldmesh fence would run around the site together with perimeter planting.

Around 32,000 tonnes of road sweepings would be processed each year. They arrive by HGV and are unloaded into the storage bays. The material is then transported to the plant where ferrous materials are removed and where it is separated into sand, aggregates, organics and remaining "litter". The resultant materials are then removed for re-use.

The hours of operation would be 0700 to 2000 in the week with 0700 to 1700 on Saturdays and 0730 to 1600 on Sundays and Bank Holidays. These hours align with those of the adjacent wood processing facility.

It is estimated that 18 laden HGV's would arrive each day and the same 18 would leave as none would be parked overnight.

The site would be lit using 8 metre tall columns.

The overall site layout is at Appendix "B" and an illustration of the plant at "C".

### **Development Plan**

The Core Strategy 2014 – NW3 (Green Belt); NW10 (Development Considerations) and NW12 (Quality of Development).

The Warwickshire Waste Core Strategy 2013 – CS1 (Waste Management Capacity); CS4 (Spatial Waste Strategy – Small Sites), DM1 (Environmental Protection) and DM3 (Transport)



## Other Material Planning Considerations

The National Planning Policy Framework

The National Planning Policy for Waste 2014

The Submitted Local Plan 2018 – LP3 (Green Belt) and LP31 (Development Considerations)

## Observations

The site is in the Green Belt. Changes of use of land are inappropriate development here if the proposed use would not preserve openness or if it would conflict with the purposes of including land within the Green Belt. There is no definition of openness in the NPPF but it is generally taken to mean the absence of development in planning cases. The NPPG does help though. One of the elements of openness is a spatial issue. Here the proposal would be on presently open land – albeit flat – and it would extend other plots of development thus intensifying the area of land to the north of the mound that is to be developed. The perception of open land is thus lost. There is also a visual element. Although there would be some landscaping by way of mitigation there would be a visual impact as there is a public footpath close by. However the site is isolated and thus any loss of openness in visual terms is low. The third matter is whether the proposal is for a permanent change of use or a temporary one. Here the proposal would change the landscape on a long term basis. The final element is to take account of the activity associated with the proposal. Here that would be extra HGV movements and the outdoor activity on the site. When all of these matters are out together it is considered that openness would not be preserved. There would also be a conflict with the purpose of safeguarding the countryside from encroachment. It is concluded that the two conditions here are not satisfied and thus the proposal is inappropriate development carrying the presumption of refusal.

However because of the small scale of the site and its overall setting, the actual as opposed to the “de facto” harm would be limited.

It is not considered that other harms would be caused. Given the established access arrangements it is unlikely that the highway authority would object and the site is well away from any neighbouring private residential area. The County Council will need to satisfy itself on these and other matters – e.g. heritage, ecological and drainage interests – but it is considered unlikely that any of the relevant Agencies would find significant harms arising.

As a consequence the harm side of the planning balance is that associated with the Green Belt.

The applicant has advanced a number of considerations. These relate to the national objective of recycling as many different streams of waste as is practicable; the pressing need to relocate, the site's location adjacent to similar uses and activities, as well as to sites granted consent close by for recycling uses that have not been taken up and the overall lack of significant impacts. It is agreed that these together carry significant weight.

The final planning balance is to assess whether the considerations put forward “clearly” outweigh the total level of harm caused. Members will be aware that the Council's overall objective here is to have the Packington site restored and to seek its eventual use for recreation purposes. This is the reason that several of the representations made to the County Council on proposed recycling uses here have carried a request for a temporary consent so as to align with the expiry of remedial measures for the eventual restoration of this site. That is what is recommended below.

## Recommendation

That the Borough Council does **NOT OBJECT** subject to the grant of any planning permission being time limited to 2028 or an appropriate date linked the completion of the remediation and restoration of the mound.



## BACKGROUND PAPERS

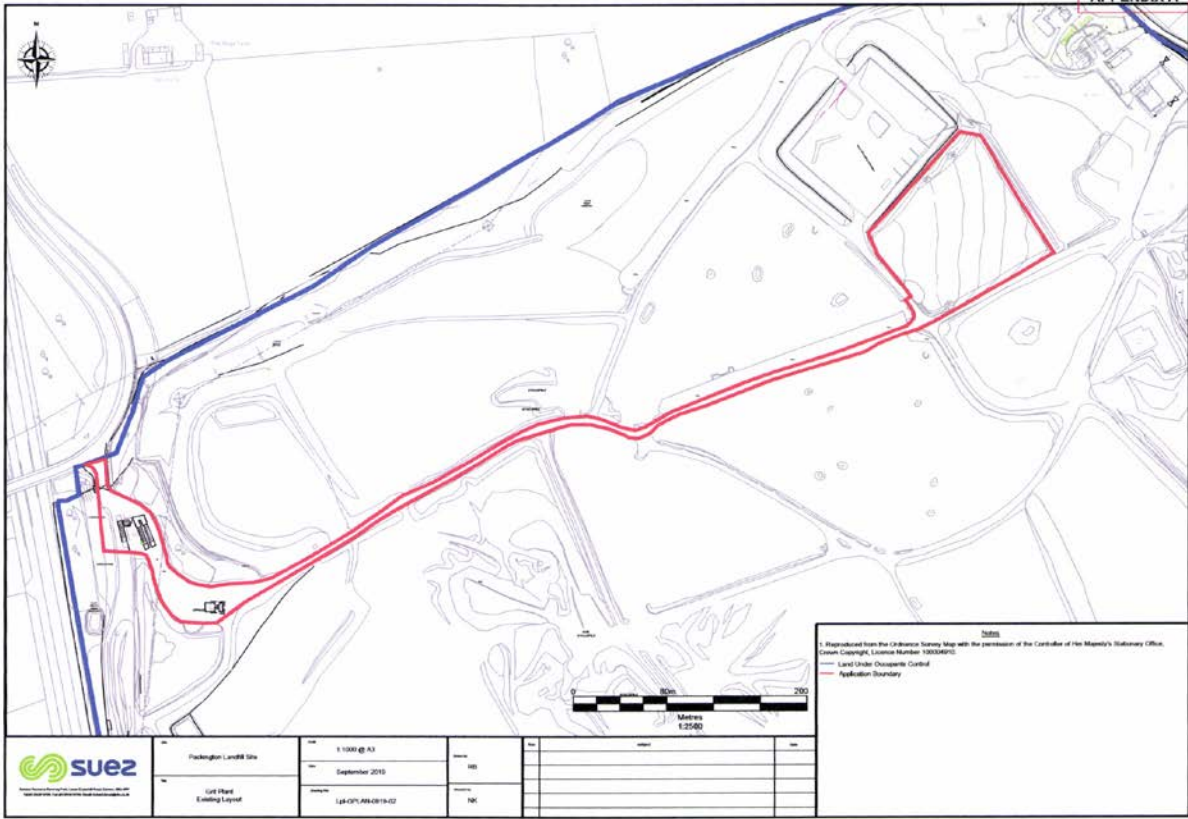
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: CON/2019/0029

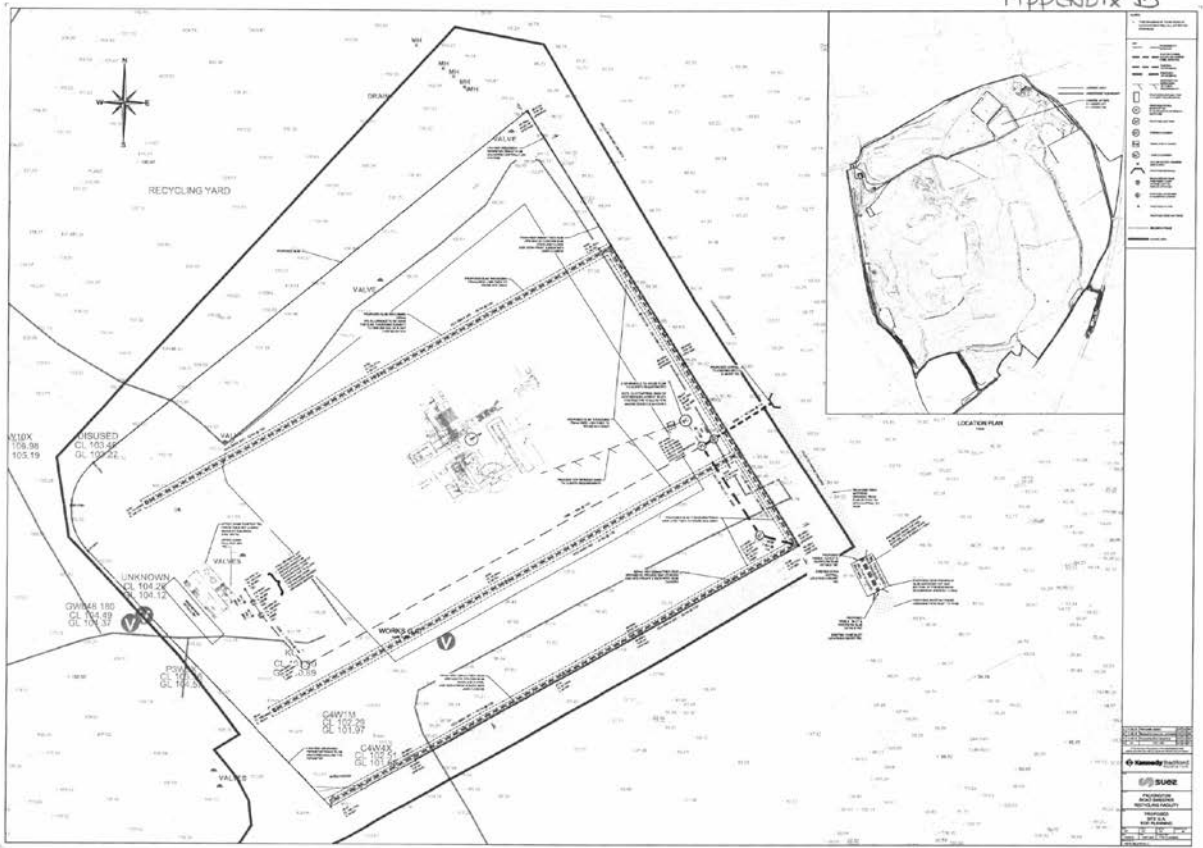
<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	Warwickshire County Council	Consultation letter	18/10/2019

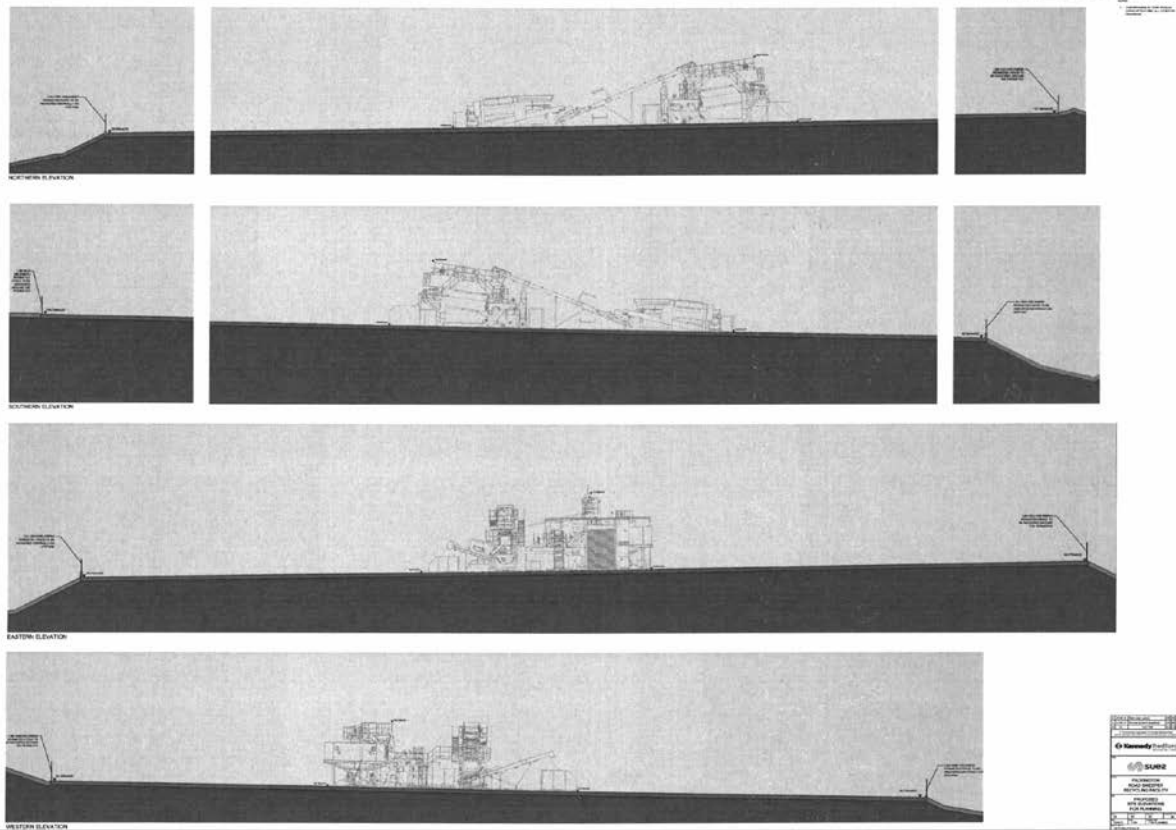
*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*



APPENDIX B





**(3) Application No: CON/2019/0031**

**High Meadow Infant School, Norton Road, Coleshill, B46 1ES**

**Retention of existing unauthorised temporary modular classroom in its existing location until April 2020, for**

**Warwickshire County Council**

### **Introduction**

This is a consultation from the County Council on a planning application which it will determine and that the Borough Council is invited to comment on. It relates to a development that the Board was consulted upon a few meetings ago.

### **Background**

That previous application related to new permanent classrooms at this School. The County granted planning permission in September 2019. Additionally permission was granted for a temporary classroom until September 2020 to enable the operation of the School to continue prior to completion.

### **The Proposals**

There is a current temporary classroom on site, but its orientation is not as approved as above. The application is to retain the classroom until April 2020 when it will then be re-positioned so as to match that of the approval.

The site plan is at Appendix A.

### **Development Plan**

The Core Strategy 2014 – NW10 (Development Considerations)

The Coleshill Neighbourhood Plan

### **Observations**

Given the background as described there is no objection here.

### **Recommendation**

That the Borough Council raises no objection

## BACKGROUND PAPERS

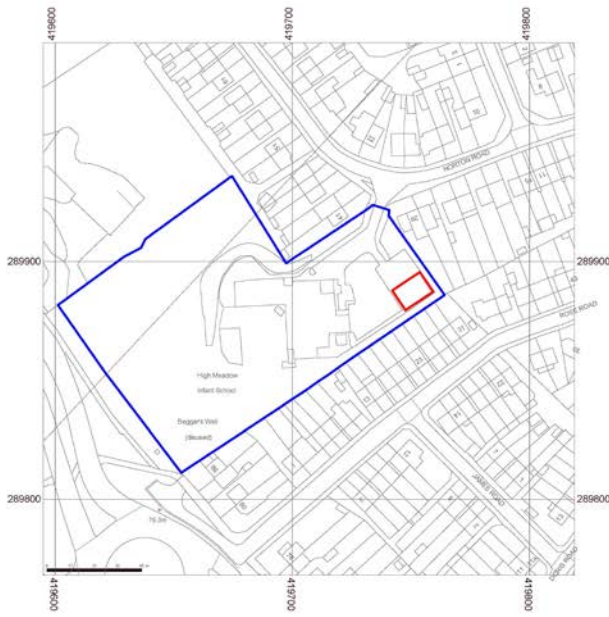
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: CON/2019/0031

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	Warwickshire County Council	Letter	18/11/19

*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*



**1** Location Plan  
1 : 1250



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Oliver Road  
Riverside Industrial Estate  
West Thurrock  
Essex RM20 3ED  
T 01708 869600  
F 01708 867200  
www.ashbycroft.com

No.	Description	Date
P11	ISSUED FOR PLANNING	24/05/2019
P12	ISSUED FOR PLANNING	06/11/2019

**Client**  
Warwickshire County Council

**Project**  
High Meadow Infants School  
Proposed Single Storey  
Modular Classroom Building

**Status**  
PLANNING

Drawing Title			
Existing Location Plan			
<b>Date</b>	25/05/2019	<b>AC00444-1000</b>	
<b>Drawn by:</b>	PS		
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<b>Chkd by: PS</b>	Rev: P2		
<b>Quote No:</b>	AC00444	<b>Job No:</b>	Bay Size:



**(4) Application No: PAP/2019/0236**

**Land Adjacent 32, Church Road, Warton,**

**Outline application for the erection of 22 new dwellings (comprising 14 open market and 8 affordable homes), for**

**Maplevale Developments**

**Introduction**

The application is reported to the Board in light of its interest in recent planning applications submitted for residential development in the village.

**The Site**

The site is located on the northern side of Church Road and adjoins the south western boundary of the village of Warton. It is outside of but contiguous with the identified settlement boundary of the village and is currently used for agricultural purposes.

Existing residential development bounds the site to the north east with the Church of the Holy Trinity and of the village recreational ground facing the site on the opposite side of Church Road. Agricultural land extends to the north. A small section of agricultural land separates the site from a cluster of further residential development along the road to the south- west.

The location plan is at Appendix A.

**The Proposal**

The proposal as described below and to be determined by the Council is a reduced scheme from that originally submitted. That was for 24 dwellings with 10 being affordable. That application also asked for details of the access to be approved and this was shown to be located at the northern end of the Church Road frontage opposite the Church.

The proposal now is a wholly outline application with all matters reserved for later approval including that of access. An indicative layout has been submitted which shows a single point of access into the site from Church Road at its south western end, giving access to many of the properties. Others gain access directly off Church Road. Twenty two houses are being proposed of which eight would be affordable. These eight would according to the indicative plan, comprise two bungalows and three pairs of semi-detached houses with the remaining open market properties comprising three bungalows, ten three bed semi and detached houses with one four bedroomed detached dwelling. The indicative proposal also includes space for a Church car parking area – 14 spaces - and a small amenity open space area.

The illustrative layout is at Appendix B.

**Consultations**

Warwickshire Archaeology – No objection subject to a standard pre-commencement evaluation.

Warwickshire County Council (Rights of Way) – No objection but seeks a financial contribution for the upkeep of local public footpaths.

Warwickshire County Council as Lead Local Flood Authority – Objection as a satisfactory Flood Risk Assessment has not been submitted.

Warwickshire Ecology – Objection as there is a nett bio-diversity loss but this could be mitigated through a financial contribution towards bio-diversity off-setting.

Warwickshire County Council as Highway Authority – Its objection is attached at Appendix C.

Warwickshire Fire Services – No objection subject to a standard condition.

Environmental Health Officer – No objection subject to standard conditions.

Director of Housing – No objection.

Director of Leisure and Community Development – No objection subject to an offsite contribution for recreation improvements.

NWBC Waste Officer - Has some concerns.

The George Eliot NHS Trust – No objection subject to a financial contribution towards the enhancement of existing services.

### **Draft Section 106 Heads of Terms**

Warwickshire Education - £136,264 towards additional School provision at Warton Primary School and the Polesworth Secondary School.

Warwickshire Rights of Way - £1,168

Bio-Diversity Offsetting - £40,515

George Eliot NHS Trust - £41,507

NWBC Recreation - £104,477

8 affordable houses

### **Representations**

At the time of the original submission there were thirteen letters of objection. These referred to:

- Church Road is already congested, visibility is poor and turning vehicles make the road unsafe
- There are already parking issues with activities at the Church and the recreation ground.
- The site is outside of the development boundary.
- Loss of green and open space.
- The local infrastructure cannot accommodate more growth.
- There have already been too many houses permitted in the village.
- There will be an adverse impact on the Church and the character of the village.

A further six letters were received in connection with the amended scheme. These reiterated the comments referred to above.

Polesworth Parish Council objected to the original scheme for the following reasons:

- Users of the recreation ground will be exposed to more air pollution because of extra traffic
- That traffic will make the recreation ground less safe to access and to use
- On Sundays when there are church services as well as football matches there are severe parking issues. This will happen too when there are funerals and weddings
- It is outside of the development boundary
- The village has around 500 houses with another 300 permitted. The local infrastructure has no capacity.

The PCC of All Souls objects because of the likelihood of more on-street car parking and increased congestion.

### **Development Plan**

The North Warwickshire Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW6 (Affordable Housing), NW10 (Quality of Development) and NW14 (Historic Environment)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV4 (Trees and Hedgerows) and ENV12 (Urban Design)

### **Other Material Planning Considerations**

The National Planning Policy Framework – (the “NPPF”)

The Submitted Local Plan 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP6 (Amount of Development), LP9 (Affordable Housing), LP15 (Landscape), LP15 (Historic Environment), LP31 (Development Considerations) and LP32 (Built Form)

The Daw Mill Appeal Decision – APP/R3705/W/16/3149827

The North Warwickshire Landscape Character Appraisal 2010

The North Warwickshire Five Year Housing Supply as at 31/3/19

The Examination Inspector’s Letter of 12/6/19 referenced INSP18

### **Observations**

#### **a) The Principle**

The site is outside of the Warton development boundary as defined by the Core Strategy, but it does adjoin it along its northern boundary. Here according to Policy NW2 of the Strategy, development is to be limited to that necessary for agriculture, forestry or other uses that require a rural location. Affordable housing too can be appropriate in such a location. As such this proposal would not accord with this policy and thus there is a presumption of refusal as the starting point. However as Members are aware, the Daw Mill appeal decision led to the development boundaries being declared “out of date”. In these circumstances the determination of the planning applications reliant on NW2 in respect of the boundaries, are to be assessed against the NPPF, not the Development Plan. In this regard paragraph 11 says that when the most important policies for determining an application are out of date, planning applications should be granted, unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole”. In other words the presumption is changed to one of approval. The principle of

development thus follows on from this presumption. For a refusal to be considered here there has to be significant harm identified and which can be demonstrated.

## **b) Harms Caused**

A number of potential harms can be identified here. Each will be explored and a weight attributed to it.

Firstly, although the development boundaries of Policy NW2 are out of date, the identification of a spatial hierarchy and the apportionment of new development to settlements in line with their status in that hierarchy was not found to be out of date.

Warton is in the hierarchy as a Category 4 settlement. This reflects its size and the range of its services and facilities. Growth is thus limited to being inside the development boundary and to that identified elsewhere in the Plan – in this case 45, by Policy NW5. Whilst this is cast as a minimum figure it is conditioned to being located with the settlement's boundary and usually on sites of no more than 10 units. This is so that smaller communities can grow organically and naturally to be sustainable – paragraph 7.16 of the Core Strategy. The adoption of such a hierarchy is continued in the Submitted Regulation 19 Local Plan and Warton remains in that hierarchy as a Category 4 settlement. As expressed above and with Member's experience a figure of some 250 houses have been granted planning permission recently in Warton. The Inspector dealing with the Examination into that Submitted Plan draws specific attention in his update Note (INSP18) to this situation – suggesting that this situation undermines the principle of having a settlement hierarchy and thus the overall approach to sustainable development.

The Board recently refused planning permission for an additional 25 houses at the rear of the Fox and Dogs in Warton amongst other things, for this very reason. The same approach should be adopted here. In other words there would be significant harm caused to the spatial planning approach set out in Policy NW2.

Secondly, Members will be aware of Policy NW12 of the Core Strategy which still carries full weight as it is not out of date. It also accords with Section 12 of the NPPF.

This requires all new development to positively improve an individual settlement's character, appearance and the environmental quality of an area. Warton is in the "No Mans Heath to Warton Lowlands" landscape character area as defined in the 2010 Assessment referred to above. This describes a well ordered landscape with scattered farmsteads and nucleated hill top villages including Warton. The villages include traditional vernacular buildings and more recent development connected by a network of minor roads and lanes. In the location of the application site, there is a very clear visual and physical boundary to the village. On the northwest side of the road there is development in depth to the north leading to the small frontage development immediately adjoining the site. The appeal site would return to development in depth thus harming the transition from built up development to open land on this side of the road. On the other side the Church and its church yard provides a substantial buffer of open land between the built up area to the north and the open land to the south. The development adversely affects the transition of the character of the settlement in this location. It is not infill development. It is large in scale, density and depth thus materially affecting the spatial and visual extent of the village. The proposal would conflict with policy NW12 of the Core Strategy. Moreover it would also not accord with the equivalent sections of the NPPF – particularly Section 12. It is considered that this does amount to significant harm which in the terms of paragraph 11 of the NPPF can be demonstrably evidenced.

Thirdly, the Board is under a statutory duty to have regard to the desirability of preserving Listed Buildings, their setting or any features of special architectural or historic interest that they possess. Holy Trinity Church is a Grade 2 Listed Building. Its significance is that of a traditional sandstone ashlar construction with architectural detailing in the simple gothic revival style dating from 1830. Its historic presence pre-dates much of the surrounding development. It retains a

strong communal and social value. Its setting has significance in that there is a retained open church yard but more particularly is the absence of development around it thus giving long range views of the church from far away and with open countryside from its own churchyard. The church is therefore part of the local landscape giving a clear boundary to the built up area of the village. Whilst there would be no direct impact on the historic or architectural characteristics of the asset itself, it is this impact on the setting that is harmful. The proposed development dilutes the openness around the church; interrupts the wide ranging views both into and outside of the site and diminishes the “entry” and “exit” to and from the village. Additionally the landscape character in the general area is marked by a number of prominent church buildings. Whilst there is no spire here, the important point is that churches have a place in the local landscape. It is considered that the degree of harm caused to the setting of the asset is substantial and thus the proposal does not accord with Policy NW14 of the Core Strategy which is not out of date and Section 16 of the NPPF.

Finally there are the two objections from the County Council.

The Highway Authority has lodged an objection – see Appendix C.

The applicant considers that the content and thrust of this objection is not one of principle, just detail connected to the illustrative layout. This is so, given the opening paragraph of the letter. However there is no acknowledgement as to the best location for the site access and there are a number of detailed objections to the illustrative layout. There is also concern about the Church car park access point and pedestrian crossing safety. Given that the proposal is in outline the applicant considers that all of these matters can be addressed at detailed stages. However any agreement on that detail may have a consequence on the number of houses on the site and the size and scale of any church car parking provision. Given the representations received it is considered that sufficient doubt does arise here and thus given that there is no objection in principle from the County Council it is considered that any planning permission should condition the development to “up to” 22 dwellings; that space be provided for a minimum of fourteen church car parking spaces as well as for an on-site amenity space.

The County as Lead Local Flood Authority has objected because of the lack of detailed information. That has now been forwarded to the County for comment. The meeting will be brought up to date at its meeting.

Two substantial harms have been identified here and the issue under paragraph 11 of the NPPF is whether they are of sufficient weight to override the presumption to grant planning permission.

### **c) The Final Balance**

It is considered that the harms are of sufficient weight to do so for two reasons. This is firstly because the weight to be given to the benefits or positive side of the final balance is reduced. The Council can show a five year housing land supply – it is 6.39 years as at 31 March 2019. As a consequence the weight to be given to a need to meet under-delivery of housing in the Borough is significantly reduced. Also given the degree of housing already permitted in Warton the overall level of affordable provision is policy compliant and thus that benefit or need again is significantly reduced in weight. Secondly the identified harms all carry significant weight which when viewed cumulatively carry substantial weight. The importance of retaining the spatial planning policy of the settlement hierarchy has been underlined by the Examination Inspector and the harm to the setting of the Church would be permanent.

It cannot therefore be agreed that the final balance lies in favour of the proposal

### **Recommendation**

That planning permission be **REFUSED** for the following reasons:

1. It is considered that the scale and location of the proposal does not accord with the position of Warton within the Borough's settlement hierarchy as defined by policies NW2 and NW5 of the North Warwickshire Core Strategy 2014.
2. It is considered that the proposal does not accord with policy NW12 of the North Warwickshire Core Strategy 2014 or section 12 of the National Planning Policy Framework 2019. This is because the scale and location of the proposal will cause significant and demonstrable harm to the character and appearance of the settlement and the surrounding area which is not outweighed by the benefits of allowing the development particularly as the Council can show that it has a five year housing land supply.
3. It is considered that the proposal does not accord with policy NW14 of the North Warwickshire Core Strategy 2014 or Section 16 of the National Planning Policy Framework 2019. This is because it would cause substantial harm to the setting of the Grade 2 Listed Church of the Holy Trinity which is not outweighed by the benefits of allowing the development particularly as the Council can show that it has a five year housing land supply.
4. Together with any additional objection from the Lead Local Flood Authority

## BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2019/0236

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	23/4/2019
2	Resident	Objection	21/5/19
3	Resident	Objection	1/5/19
4	Resident	Objection	2/5/19
5	Resident	Objection	2/5/19
6	Resident	Objection	7/5/19
7	Resident	Objection	8/5/19
8	Resident	Objection	12/5/19
9	Resident	Objection	21/5/19
10	Resident	Objection	22/5/19
11	Resident	Objection	22/5/19
12	Resident	Objection	28/5/19
13	Resident	Objection	28/5/19
14	Resident	Objection	2/6/19
15	Resident	Objection	26/8/19
16	Polesworth PC	Objection	23/5/19
17	PCC	Objection	
18	Housing Officer	Consultation	1/5/19
19	WCC RoW	Consultation	7/5/19
20	WCC Flooding	Consultation	1/5/19
21	Environmental Health Officer	Consultation	29/5/19
22	WCC Ecology	Consultation	21/5/19
23	NWBC Leisure	Consultation	27/6/19
24	GE NHS Trust	Consultation	19/6/19
25	WCC Archaeology	Consultation	10/5/19
26	WCC Police	Consultation	9/5/19
27	Resident	Objection	7/11/19
28	Resident	Objection	9/11/19
29	Resident	Objection	22/11/19
30	Resident	Objection	25/11/19
31	Resident	Objection	30/11/19
32	Resident	Objection	18/10/19
33	WCC Highways	Consultation	5/11/19

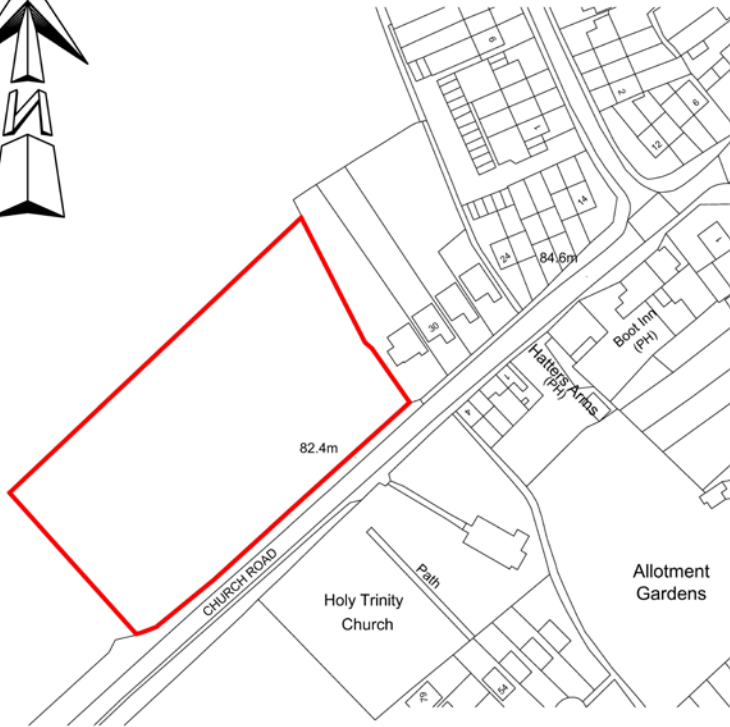
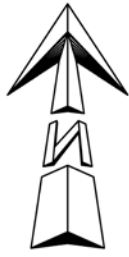
*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*

PAP/2019/0236

APPENDIX A

Rev: Description: Date:



NORTH WARWICKSHIRE  
BOROUGH COUNCIL

RECEIVED

23/04/2019

PLANNING & DEVELOPMENT  
DIVISION



Overlay Lane  
Alrewas  
Burton on Trent  
Staffordshire  
DE13 7DF  
T: 01283 790222  
E: info@maplevaleddevelopments.co.uk

Project:  
**Proposed Residential Development,  
Church Road, Warton**

Drawing Title:  
**Location Plan**

Drawing No: Revision:  
**1525/12**

Scale: Drawn By: Date:  
**1:1250 @ A4 SJ 14/12/18**

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This drawing should be read in conjunction with all relevant engineers information and construction specification.

**DO NOT SCALE FROM THIS DRAWING**

Schedule of Development (Affordable)

Ref #	Description	Area (sq) No.	Total Area (sq)
B	2b/3p longleaves	704 2	1,408
D	3b/4p semi detached	954 2	1,908
E	2b/3p semi detached	755 4	3,020
<b>Total</b>		<b>8</b>	<b>6,336</b>

Schedule of Development (Open Market)

Ref #	Name	Description	Area (sq) No.	Total Area (sq)
WA	Walton	2 bed detached longleaves	817 3	2,451
CN	Callon	3 bedroom semi detached	896 5	4,330
MR	Milton	3 bedroom semi detached	896 3	2,588
CH	Chilose	3 bedroom detached	954 2	1,908
LA	Langley	4 bedroom detached	1,368 1	1,368
<b>Total</b>		<b>14</b>	<b>12,645</b>	

Site Area 8,848m<sup>2</sup> / 1.17Ac

Field of vision from  
church entrance - single  
storey houses and  
garages only

NORTH WARWICKSHIRE  
BOROUGH COUNCIL  
RECEIVED  
11/10/2019  
PLANNING & DEVELOPMENT  
DIVISION

APPENDIX B

PAP/2019/0236

Rev	Description	Date
A	Site layout re-designed	15/10/18
B	Site layout re-designed	23/10/18
C	Plots 5-7 moved backwards, plots 1-4 moved forward and parking revised	12/12/18
D	Site layout re-designed	26/01/19
E	Drawing title revised	16/4/19
F	Site layout re-designed	9/10/19



- Legend**
- New Trees
  - Existing Trees to be Retained
  - Existing Trees to be Removed
  - Tarmac Private Road
  - Block paved raised platform traffic calming to junctions
  - Block paved parking spaces and driveways
  - Footpaths, paving slabs to rear access, block paved elsewhere

maplevale  
developments  
Overlay Lane  
Alrewas  
Burton on Trent  
Staffordshire  
DE13 7DF  
T: 01283 790222  
E: info@maplevaleddevelopments.co.uk

Project:  
**Proposed Residential Development,  
Church Road, Warton**

Drawing Title:  
**Indicative Site Layout**

Drawing No: Revision:  
**1525/10 F**

Scale: Drawn By: Date:  
**1:500 @ A3 SJ 25/7/18**

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**DO NOT SCALE FROM THIS DRAWING**



Your ref: PAP/2019/0236  
My ref: 190236  
Your letter received: 30 October 2019



Mr J Brown BA Dip TP MRTPI  
Head of Development Control Service  
The Council House  
South Street  
Atherstone  
CV9 1DE

FAO: Andrew Huntley

**Environment Services**

PO Box 43  
Shire Hall  
Warwick  
CV34 4SX

**Tel: (01926) 412342**

Fax: (01926) 412641

[tonyburrows@warwickshire.gov.uk](mailto:tonyburrows@warwickshire.gov.uk)

[www.warwickshire.gov.uk](http://www.warwickshire.gov.uk)

05 November 2019

Dear Mr Brown

**LOCATION:** Land Adjacent 32 Church Road, Warton  
**PROPOSAL:** Outline application for the erection of 22 new dwellings  
(comprising 14 open market and 8 affordable homes)  
**APPLICANT:** Mr Ian Reynolds

The Highway Authority has the following comments to make in regard to your consultation dated 15 October 2019:

The principle of the development appears acceptable. The potential number of vehicle movements associated with the development, as shown in the submitted Transport Statement, should not result in the capacity of the public highway network being exceeded.

The figures for vehicle movements in the Transport Statement are considered valid, but now the bellmouth access position has been altered the rest of the Transport Statement is now inaccurate.

Also, according to the application form the application is for outline permission except for access. Drawing No. 1525/13 Rev A shows the location of the proposed bellmouth junction to the site. But, as the access position and size are to be determined the application needed to be supported with a Stage 1 Road Safety Audit, swept path analyses showing refuse / recycling vehicles entering and leaving the site using a forward gear, and levels. Without that information being provided the appropriateness of the access cannot be determined.

*Working for  
Warwickshire*

Drawing No. 1525/10 Rev F has been submitted showing the indicative layout. However, there are 3 shared vehicular accesses and a single vehicular access fronting the public highway. As access is being considered the accesses shown on the plan are not considered indicative.

The access to the hardstanding for Plot 15 is not considered acceptable. The access goes over the eastern radius of the bellmouth junction. A pedestrian crossing point should be located on the radius, not a vehicle access. And there is no separation between the two points of access. There could be confusion as to whether an approaching vehicle with indicators on are going to turn into the bellmouth junction or the vehicle access. There needs to be clear separation.

In regard to separation, based on the recorded speeds, potentially the accesses to Plots 16 & 17 and 18 & 19 may be too close to the proposed junction as well.

No levels for any of the proposed vehicular accesses have been provided. It needs to be shown that the gradients for the accesses will be in accordance with guidance.

The visibility splays from the accesses have not been shown except for the bellmouth access. It needs to be shown that the appropriate visibility splay distances can be achieved.

A parking area for the church and for a couple of the dwellings is proposed. The access needs to be wide enough for two way traffic flows. The proposed access will be less than 3.5 metres in width. The access needs widening.

No pedestrian crossing point is proposed from the new church car park to the church. An informal pedestrian crossing point is recommended.

More street lighting will be required fronting the site. More pedestrians crossing the public highway and vehicles manoeuvring need to be able to be seen.

The internal layout has not been looked at properly. That will be done as part of the reserved matters application only. However, the vehicle access to Plot 1 is too close to the bellmouth junction. Any vehicular access in close proximity to the bellmouth junction will need to be a minimum of 15 metres from the near edge of the public highway carriageway.

For various reasons the site is not considered suitable for adoption as public highway. The site will have to remain private.

Therefore, the Highway Authority's response to your consultation is one OBJECTION for the following reasons:

1. No Road Safety Audit has been submitted for consideration.
2. It has not been demonstrated that the proposed vehicular accesses to the site are suitable for the purposes intended.

3. It has not been shown that safe and suitable access to the site for all users can be achieved, thereby being contrary to Section 108 of the NPPF.
4. And the proposed layout is considered contrary to Section 110 parts c & d of the NPPF in that conflict has not been minimised nor allows efficient delivery of goods, and access by service and emergency vehicles.

Yours sincerely

*A. Burrows.*

**Tony Burrows**  
Development Management Engineer

Copy to; Councillor Mr A Wright, - Baddesley & Dordon, for information only.

**(5) Application No: PAP/2019/0503**

**Foyle House, Arley Lane, Fillongley, Coventry, Warwickshire, CV7 8DH**

**Convert garage into accommodation for**

**Mr Satnam Singh**

### **Introduction**

The application is brought before the Planning and Development Board in accordance with the adopted Scheme of Delegation because a Section 106 Agreement is involved.

### **The Site**

The site is a large detached and isolated house on Lamp Lane about 100 metres northwest of the cross roads with Park Lane. The site is within the West Midlands Green Belt.

The site is shown at Appendix A

### **The Proposal**

It is proposed to convert an existing garage into residential accommodation comprising a one bedroom dwelling for the applicant's parents

The existing and proposed plans are at Appendix B.

### **Background**

The house dates from 1960 with the garage block added in 2001.

### **Development Plan**

The Core Strategy 2014 – NW2 (Settlement Hierarchy); NW3 (Green Belt) and NW10 (Development Considerations)

### **Other Relevant Material Considerations**

National Planning Policy Framework 2019 - (the "NPPF")

The North Warwickshire Local Plan Submission Version, March 2018 – LP2 (Settlement Hierarchy); LP3 (Green Belt) and LP31 (Development Considerations)

### **Representations**

Fillongley Parish Council - It objects as this would be a new dwelling in the Green Belt.

### **Observations**

The site is in the Green Belt where inappropriate development carries a presumption of refusal. However Members will be aware that there are exceptions to this and one is where the proposal is for the re-use of buildings provided that they are of permanent and substantial construction; that the proposal preserves openness and does not conflict with the five purposes of including land within the Green Belt. The first condition is satisfied here as the garage is relatively newly built and is sound. There is no conflict with the purposes as the land is within an established lawful residential curtilage. The second is also satisfied as any additional activity associated with the proposed use is considered to be immaterial particularly as the house could be accommodated

lawfully in any event by a large family. The proposal therefore is appropriate development carrying the presumption of approval.

Whilst the Parish Council has therefore misunderstood Green Belt policy it is correct that an additional dwelling would be proposed outside of any defined settlement boundary and thus the proposal does not accord with Policy NW2 of the Core Strategy. However the garage is within a residential curtilage and thus could be used as incidental accommodation to the main house under permitted development rights. The impacts arising from such a benefit are not considered to be materially different from the very low key impact arising from this limited proposal. Moreover the use of a Section 106 Agreement, obliging the applicant to not to separate the building from the curtilage and to restrict its use to just immediate family members, would provide sufficient comfort to ensure that the proposed use would not be a permanent arrangement.

Additionally there are presently two accesses into the site. It would not be difficult for the annex to become a separate planning unit. Therefore one entrance is to be closed off – the western one - and the boundary treatment reinstated. Only the eastern most access would be retained for access into the whole site. It is also proposed that permitted development rights be withdrawn to control further development on the site, particularly with regard to additional outbuildings that could be converted into accommodation at a later date.

### **Recommendation**

That planning permission be granted subject to the completion of a Section 106 Agreement as outlined in this report and the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

#### **REASON**

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered D0423/07/19/SP and D0423/07/19, received by the Local Planning Authority on 18 November 2019.

#### **REASON**

To ensure that the development is carried out strictly in accordance with the approved plans.

3. The alteration works shall be carried out with infill brickwork toothed into the existing brickwork with reclaimed facing brickwork to closely match the colour, size, shape and texture of the existing brickwork.

#### **REASON**

In the interests of the amenities of the area and the building concerned.

4. No development whatsoever within Class E of Part 1, and Classes A and B of Part 2, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.

## REASON

In the interests of the amenities of the area.

5. The accommodation hereby approved shall be occupied solely in connection with, and ancillary to the main dwelling at Foyle House, and shall not be sold off, sub-let or used as a separate unit of accommodation.

## REASON

To prevent unauthorised use of the property.

6. Access for vehicles to any part of the site shall not be made or maintained from any public highway other than that access shown on the plan numbered D0423/07/19/SP, received by the Local Planning Authority on 18 November 2019; and any other existing access shall be closed up and the highway, hedgerow and boundary treatment shall be reinstated to match the adjacent boundary treatment to the opening.

## REASON

In the interests of safety on the public highway.

## Notes

1. The developer is reminded that the Control of Pollution Act 1974 restricts the carrying out of construction activities that are likely to cause nuisance or disturbance to others to be limited to the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays, with no working of this type permitted on Sundays or Bank Holidays. The Control of Pollution Act 1974 is enforced by Environmental Health.
2. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
3. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through suggesting amendments to improve the quality of the proposal and quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

## BACKGROUND PAPERS

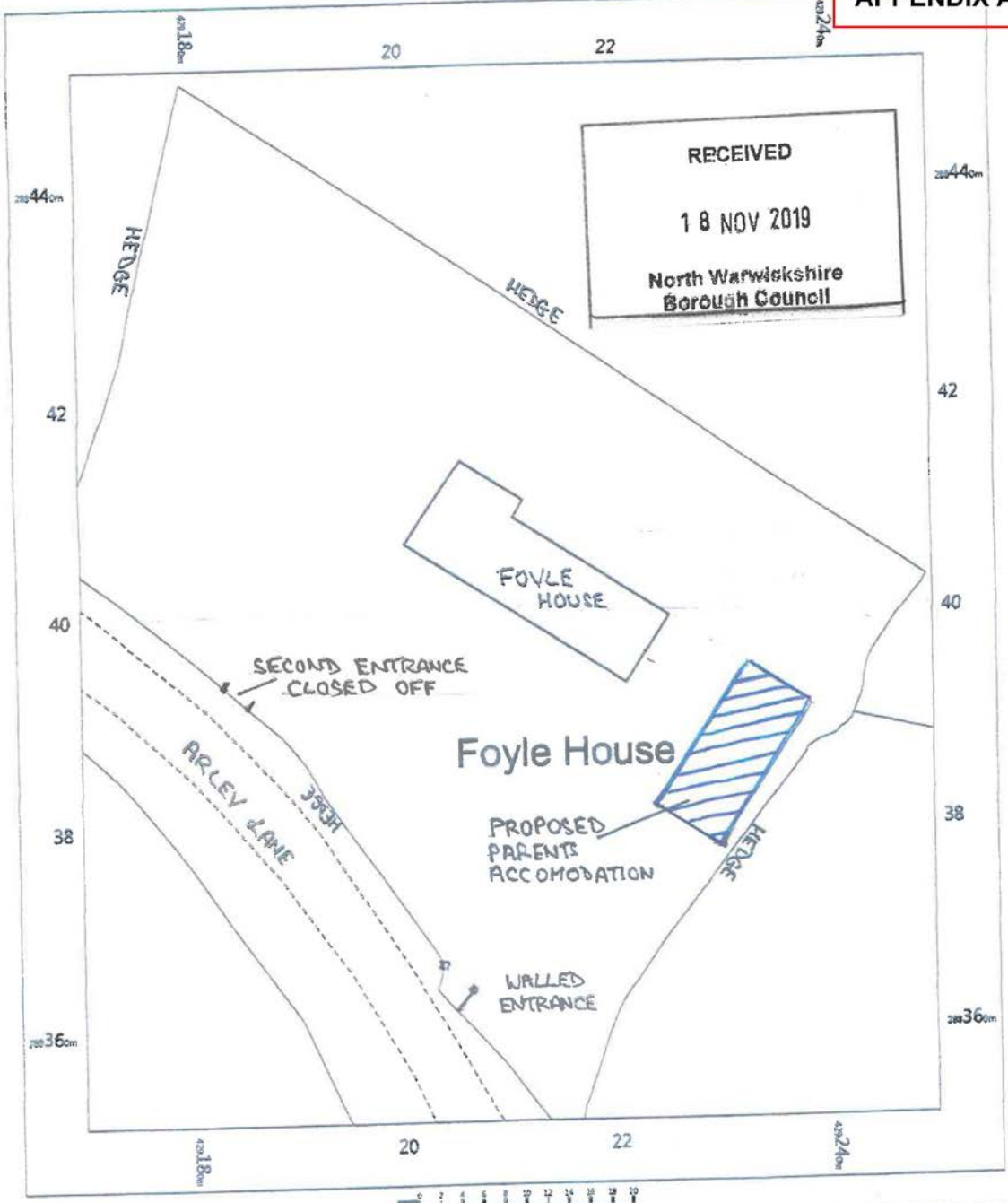
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2019/0503

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms and Plans	18/11/2019

*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*



SITE PLAN - FOYLE HOUSE ARLEY LANE FILLONGLEY  
SCALE - 1:500  
DRAWING N° D0423 / 07/19 / SP.  
BLUE HATCHING DENOTES PARENTS ANNEX







REVISIONS: 11/17/14  
THIS DRAWING, FROM THE APPLICATION  
NO. 14100012000, THE RECORDS  
DEPARTMENT, HAS BEEN IN THE INTEREST OF  
PUBLICITY MADE AVAILABLE TO THE PUBLIC. ANY  
CHANGES MADE TO THE RECORDS  
SHOULD BE MADE TO THE RECORDS.  
NO OTHER CHANGES WILL BE MADE.

REVISION: 11/17/14  
PROJECT: 14100012000  
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PROJECT: 14100012000  
PROJECT: 14100012000

REVISION  
11/17/14  
North Westside  
Business Center

SCALE = 1/8" = 1'-0"  
DATE = 11/17/14  
DRAWING NO = 001215-0274  
CONTRACTORS MUST VERIFY  
ALL DIMENSIONS ON SITE  
BEFORE COMMENCING WORK  
OR PREPARING SHOP DRAWINGS.

**(6) Application No: PAP/2019/0557**

**87, Pooley View, Polesworth, B78 1BT**

**Erection of granny annexe, for**

**Mr M Agg**

### **Introduction**

This application is reported to the Planning and Development Board as the applicant is an employee of North Warwickshire Borough Council.

### **The Site**



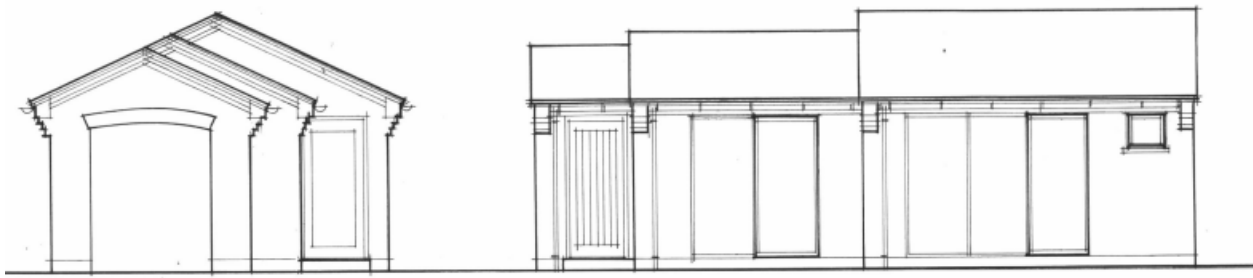
The application site is a two-storey, detached dwellinghouse situated on a corner plot adjacent to Pooley View's junction with Windsor Road. The site and the surrounding area are wholly residential in character, function and appearance with the property positioned inside the Polesworth development boundary.

### **The Proposal**

Planning permission is sought for the demolition of a detached garage/workshop within the rear of the property and the erection of single storey annex and attached binstore.

The building, constructed largely on the footprint of the existing outbuilding, contains three interconnected elements, a bin store, bedroom and living room. The maximum depth of the building is 5 metres, narrowing to 3.05 metres adjacent to Windsor Road with a total width of 9.75 metres.

The maximum height of the building is 3.8 metres to the apex of a gabled, tiled roof. Facing materials will consist of dapple light bricks and concrete roof tiles to match the finishes of the existing dwellinghouse.



**Proposed Side and front elevations**



**Proposed Floor Plan**

**Development Plan**

The Core Strategy 2014 – NW10 (Development Considerations)

North Warwickshire Local Plan 2006 (Saved Policies) - ENV12 (Urban Design) and ENV13 (Building Design)

**Other Relevant Material Considerations**

National Planning Policy Framework 2019 – (the “NPPF”)

The North Warwickshire Local Plan Submission Version, March 2018 –LP31 (Development Considerations)

Supplementary Planning Guidance: A Guide for the Design of Householder Developments 2016

**Representations**

One letter has been received, objecting to the development on the grounds of overlooking and loss of light.

## **Observations**

### **a) Principle of Development**

This application should be determined in accordance with the aforementioned development plan policies, unless material considerations indicate otherwise, pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

There is no objection in principle to this development in view of the dwelling's position within an established residential area inside the development boundary for Polesworth. The main considerations here therefore are the buildings intended use, design and the potential amenity implications for neighbouring occupiers.

### **b) Use**

The provision of a separate dwelling within the rear garden of 87 Pooley View would not be considered acceptable by virtue of its size which renders it unsuitable for independent useage, as well as the absence of dedicated parking and amenity space. Nevertheless ancillary accommodation provision, in principle, is supportable in view of the residential nature of the surroundings and the buildings proximity to the host dwelling. In the interests of planning control an ancillary use condition would be attached any forthcoming permission in line with the 11/95 conditions circular.

### **c) Design**

2006 Local Plan policy ENV12 requires development proposals to harmonise with the prevailing characteristics of the immediate and wider surroundings whilst respecting existing natural features. Policy ENV13 pertains to the physical characteristics of built form, only permitting development of an appropriate scale, massing, height and material use. Both policies, whilst predating the NPPF are considered to be consistent with section 12 of the NPPF which seeks to secure well-designed places.

It is considered that the design of the new building offers a distinct improvement upon the discordant existing structure owing to its gabled roof form and sympathetic facing material useage. Accordingly the building is perceived to harmonise with the immediate and wider setting. With regards to height, scale and massing, there would be no discernible increase here with the buildings height limited to 3.8 metres and thus clearly presenting as a subservient feature to the two-storey host property. The development accords with saved policy ENV13.

### **d) Amenity**

2014 Core Strategy Policy NW10 (9) requires all development proposals to avoid and address unacceptable impacts upon neighbouring residents, such as, but not limited to overlooking, overshadowing and privacy. This policy is perceived to be consistent with paragraph 127 (f) of the NPPF through ensuring a high standard of amenity is maintained.

2 Windsor Road to the north which shares a boundary with the host dwelling and 89 Pooley View, the immediate neighbour, are the two dwellings most likely to be affected by the development.

The side elevation of 2 Windsor Road facing the proposed building does not contain any windows serving habitable rooms; hence no loss of light would occur. Moreover the limited

increase in height is not considered to result in the structure appearing intrusive and consequently overbearing.

Turning to 87 Pooley View, a window serving the living room within the annex would face the rear elevation of the property; however the window is at ground floor level with any views obscured by boundary treatments. Given the distance between the annex and the neighbouring property, as well as its single storey height, loss of light and overshadowing is considered to be negligible. Accordingly, on balance, it is not considered that neighbouring properties would suffer from 'unacceptable' amenity impacts.

## **Recommendation**

That planning permission be granted subject to the following conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

### **REASON**

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the site location plan, block plan, site layout plan, proposed elevation plan and the proposed floor plan, all received by the Local Planning Authority on 3rd October 2019.

### **REASON**

To ensure that the development is carried out strictly in accordance with the approved plans

3. The new works shall be carried out with brickwork and roof tiles to match those used in the existing dwelling in coursing, colour and texture.

### **REASON**

In the interests of the amenities of the area and the building concerned.

4. The building hereby approved shall be occupied solely in connection with, and ancillary to the main dwelling at 87 Pooley View, Polesworth, B78 1BT, and shall not be sold off, sub-let or used as a separate unit of accommodation.

### **REASON**

The creation of an independent unit of residential accommodation in this location is contrary to the provisions of the Development Plan and could cause unacceptable impacts to highway safety, neighbouring properties and prospective occupiers.

## **Notes**

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of

any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.

2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
3. The proposed works may require building regulations consent in addition to planning permission. Building Control services in North Warwickshire are delivered in partnership with Nuneaton and Bedworth Borough Council. For further information please see [https://www.nuneatonandbedworth.gov.uk/info/20025/planning\\_and\\_building\\_control](https://www.nuneatonandbedworth.gov.uk/info/20025/planning_and_building_control) and [https://www.planningportal.co.uk/info/200187/your\\_responsibilities/38/building\\_regulations](https://www.planningportal.co.uk/info/200187/your_responsibilities/38/building_regulations) ; guidance is also available in the publication 'Building work, replacements and repairs to your home' available free to download from <https://www.gov.uk/government/publications/building-work-replacements-and-repairs-to-your-home>
4. Before carrying out any work, you are advised to contact Cadent Gas about the potential proximity of the works to gas infrastructure. It is a developer's responsibility to contact Cadent Gas prior to works commencing. Applicants and developers can contact Cadent at [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) prior to carrying out work, or call 0800 688 588
5. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

6. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from [www.ukradon.org](http://www.ukradon.org) if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.

For further information and advice on radon please contact the Health Protection Agency at [www.hpa.org.uk](http://www.hpa.org.uk). Also if a property is found to be affected you may wish to contact the Central Building Control Partnership on 0300 111 8035 for further advice on radon protective measures.

7. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

## BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2019/0557

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	3/10/19
2	Neighbour	Representation - Objection	9/10/19

*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*

## Agenda Item No 6

### Planning and Development Board

9 December 2019

#### Report of the Chief Executive

#### Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - September 2019

### 1 Summary

- 1.1 This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to September 2019.

#### **Recommendation to the Board**

**That Members consider the performance achieved and highlight any areas for further investigation.**

### 2 Consultation

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

### 3 Background

- 3.1 This report shows the second quarter position with the achievement of the Corporate Plan and Performance Indicator targets for 2019/20. This is the second report showing the progress achieved so far during this year.

### 4 Progress achieved during 2019/20

- 4.1 Attached at Appendices A and B are reports outlining the progress achieved for all the Corporate Plan targets and the agreed local performance indicators during April to September 2019/20 for the Planning and Development Board.
- 4.2 Members will recall the use of a traffic light indicator for the monitoring of the performance achieved.

Red – target not being achieved (shown as a red triangle)

Amber – target currently behind schedule and requires remedial action to be achieved (shown as an amber circle)

Green – target currently on schedule to be achieved (shown as a green star)



## 5 Performance Indicators

- 5.1 The current performance indicators have been reviewed by each division and Management Team for monitoring for the 2019/20 year.

## 6 Overall Performance

- 6.1 The Corporate Plan performance report shows that 100% of the Corporate Plan targets and 67% of the performance indicator targets are currently on schedule to be achieved. The report shows the individual targets that have been classified as red, amber or green. Individual comments from the relevant division have been included where appropriate. The table below shows the following status in terms of the traffic light indicator status:

### Corporate Plan

Status	Number	Percentage
Green	9	100%
Amber	0	0%
Red	0	0%
Total	9	100%

### Performance Indicators

Status	Number	Percentage
Green	2	67%
Amber	1	33%
Red	0	0%
Total	3	100%

## 7 Summary

- 7.1 Members may wish to identify any areas that require further consideration where targets are not currently being achieved.

## 8 Report Implications

### 8.1 Safer Communities Implications

- 8.1.1 Major applications are considered by the Police Architectural Liaison Officer who is looking to ensure that Secure by Design principles are applied for new developments.

## 8.2 Legal Data Protection and Human Rights Implications

8.2.1 The national indicators were specified by the Secretary of State for Communities and Local Government. They were replaced by a single list of data returns to Central Government from April 2011.

## 8.3 Environment and Sustainability Implications

8.3.1 Improvements in the performance and quality of services will contribute to improving the quality of life within the community. The actions to improve apprenticeships, training and employment opportunities and transport links for local residents is contributing towards the raising aspirations, educational attainment and skills priority of the North Warwickshire Sustainable Community Strategy 2009 – 2026.

## 8.4 Risk Management Implications

8.4.1 Effective performance monitoring will enable the Council to minimise associated risks with the failure to achieve targets and deliver services at the required performance level.

## 8.5 Equality Implications

8.5.1 The action to improve employment opportunities for local residents is contributing to equality objectives and is a positive impact in terms of the protected characteristics for age through the young people employment programme.

## 8.6 Links to Council's Priorities

8.6.1 There are a number of targets and performance indicators included relating to supporting employment and business, protecting countryside and heritage, and promoting sustainable and vibrant communities.

The Contact Officer for this report is Robert Beggs (719238).







### Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

Planning and Development 19/20							
	Action	Priority	Reporting Officer	Quarter 1	Quarter 2	Status	Direction
28	Manage development and to deliver its associated infrastructure, in line with the priorities on the Council's Corporate Plan and in the Sustainable Community Strategy	Protecting our Countryside & Heritage	Jeff Brown	A report will be brought to Board February 2020	A report will be brought to Board February 2020	★ Green	➡
29	To regularly report on Growth pressures on the Borough, the protection of the Green Belt as far as possible and how to sustain the rurality of the Borough	Protecting our Countryside & Heritage	Jeff Brown	The Planning Board has seen the pressures as a consequence of planning applications referred to it. There have been no significant developments allowed in the Green Belt	The Planning Board has seen the pressures as a consequence of planning applications referred to it. There have been no significant developments allowed in the Green Belt	★ Green	➡
30	Use the Design Champions to ensure the best achievable designs are implemented and developed so as to reflect setting and local character	Protecting our Countryside & Heritage	Jeff Brown	The Design Champions have been involved in several cases this quarter - notably at Wood End and in Mancetter	The Design Champions have been involved in several cases this quarter - notably at Wood End and in Mancetter	★ Green	➡
31	To seek to secure the protection of the best of the Borough's built and rural heritage	Protecting our Countryside & Heritage	Jeff Brown	The most significant matter in this regard was confirmation by the Board of an Article Four Direction for the former Mancetter Primary School.	The most significant matter in this regard was confirmation by the Board of an Article Four Direction for the former Mancetter Primary School. Consideration of the Britannia Mills site will be significant in this respect and will be reported on the same agenda.	★ Green	➡
32	(a) Better understand the employment and skills deficits in the Borough, particularly in respect of the changing nature of the logistics sector, so as to work with the County Council and other partners to provide and promote apprenticeships and training opportunities for North Warwickshire residents and to increase their accessibility to employment centres; and	Supporting Employment & Business	Steve Maxey	Work in this continues through the Community Partnership	Work in this continues through the Community Partnership. Funding has now been secured via the ESIF programme for a sub regional study and a tender for the study will be out to tender shortly	★ Green	▬
	(b) Administer funding provided by the developers and through other funding sources to maximise opportunities for employment of local people in light of the evidence to be provided under (a) above	Supporting Employment & Business	Steve Maxey	Work on project to use the s.106 funding continue through the Community Partnership	Work on project to use the s.106 funding continue through the Community Partnership	★ Green	➡
33	To work with the County Council, Town and Parish Councils and other partners to maximise section 106 contributions for infrastructure to support business such as broadband provision, the use of renewable energy, enhancement of sustainable transport initiatives and enterprise hubs	Supporting Employment & Business	Steve Maxey	Officers meet regularly to ensure that s.106 contributions are maximised in planning applications	Officers meet regularly to ensure that s.106 contributions are maximised in planning applications	★ Green	➡
34	To monitor progress of the North Warwickshire Transport Strategy so as to improve strategic roads such as the A5, the A446 and the B5000, to enhance transport links including cycle ways, footpath and public transport to local employment and review HGV parking	Supporting Employment & Business	Jeff Brown	There have been early discussions on the Local Plan Strategic sites where these issues have been raised as early as possible in the process	There have been early discussions on the Local Plan Strategic sites where these issues have been raised as early as possible in the process	★ Green	➡
35	To continue to work with North Warwickshire Heritage Forum to protect, promote and develop the heritage and tourism of North Warwickshire in accordance with the priorities of the Destination Management Plan	Protecting our Countryside & Heritage	Jeff Brown	The Board has agreed a procedure for "local " listing of non-designated heritage assets.	The Board has agreed a procedure for "local " listing of non-designated heritage assets.	★ Green	➡

NWPI Planning Board 19/20

Ref	Description	Section	Priority	Year End Target 2019/20	Outturn 2018/19	April - Sept Performance	Traffic Light	Direction of Travel	Comments
@NW:NI157a	Processing of planning applications in 13 weeks for major application types	Development Control	Countryside and Heritage	60%	88.00%	83.00%	 Green		
@NW:NI157b	Processing of planning applications in 8 weeks for minor application types	Development Control	Countryside and Heritage	80%	89.00%	83.00%	 Green		
@NW:NI157c	Processing of planning applications in 8 weeks for other application types	Development Control	Countryside and Heritage	90%	85.00%	79.00%	 Amber		The fall in all of these categories in the second quarter corresponds with staff shortages at the County Council which has meant that highway consultations have been significantly delayed on practically every single application.

## Agenda Item No 7

### Planning and Development Board

9 December 2019

#### Report of the Head of Development Control

#### Appeal Update

### 1 Summary

- 1.1 The report refers recent appeal decisions to the Board for information.

<b>Recommendation to the Board</b>
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<b>That the report be noted.</b>
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### 2. Consultation

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

### 3 Appeals

#### a) 13 New Street, Baddesley

- 3.1 This appeal refers to the imposition of planning conditions. Despite the applicant requesting a certain finish to his works, the Inspector found that this would restrict future changes. The decision letter is at Appendix A.

#### b) Cliff, Kingsbury

- 3.1.1 This was perhaps the quickest decision that we have seen – just a few days after a Hearing. The case was to do with an application for a five pitch gypsy and traveller site together with equestrian use. The decision to dismiss the appeal is welcomed and that the Green Belt issue was found to be significant in the decision. However the personal circumstances of the appellant were clearly of great weight.
- 3.1.2 Members will know that there is an Injunction relating to part of the appeal site and that this is time related to the appeal decision. Also there is a recent refusal for the change of use to one pitch. Officers will therefore need to bring a further report to Board on this site in due course.

The appeal decision is at Appendix B

#### 4 Report Implications

##### 4.1 Sustainability and Environment Implications

4.1.1 The second decision reflects current Development Plan policy in protecting the Green Belt as far as is possible.

The Contact Officer for this report is Jeff Brown (719310).

#### Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

## Equality Impact Assessment Summary Sheet

Please complete the following table summarised from the equality impact assessment form. This should be completed and attached to relevant Board reports.

Name of Policy Procedure/Service	
Officer Responsible for assessment	

Does this policy /procedure /service have any differential impact on the following equality groups /people

- (a) Is there a positive impact on any of the equality target groups or contribute to promoting equal opportunities and improve relations or:
- (b) could there be a negative impact on any of the equality target groups i.e. disadvantage them in any way

Equality Group	Positive impact	Negative impact	Reasons/Comments
<b>Racial</b>			
<b>Gender</b>			
<b>Disabled people</b>			
<b>Gay, Lesbian and Bisexual people</b>			
<b>Older/Younger people</b>			
<b>Religion and Beliefs</b>			
<b>People having dependents caring responsibilities</b>			
<b>People having an offending past</b>			
<b>Transgender people</b>			
<b>Armed Forces Covenant</b>			

If you have answered **No** to any of the above please give your reasons below

Please indicate if you believe that this document

Should proceed to further Impact assessment

Needs no further action



## Risk Management Form

**NORTH WARWICKSHIRE  
BOROUGH COUNCIL**

**Division**

**Cost Centre or Service**

Risk Ref	Risk: Title/Description	Consequence	Likelihood (5 = high, 1 = low)	Impact (5 = high, 1 = low)	Gross Risk Rating	Responsible Officer	Existing Control Procedures	Likelihood( 5 = high, 1 = low)	Impact (5 = high, 1 = low)	Net Risk Rating
Risk Ref	Options for additional / replacement control procedure						Cost Resources	Likelihood (5 = high, 1 = low)	Impact (5 = high, 1 = low)	Net Risk Rating

Completed By:

Date:



The Planning Inspectorate

## Appeal Decision

Site visit made on 20 September 2019

by **K E Down MA (Oxon) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 November 2019

### Appeal Ref: **APP/R3705/W/19/3225313** **13 New Street, Baddesley Ensor, CV9 2DW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mrs Charlotte Knott, Rockwarm Insulation Ltd against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2019/0054, dated 28 January 2019, was approved on 5 March 2019 and planning permission was granted subject to conditions.
- The development permitted is "Provision of cream insulated cladding panels to front of property".
- The condition in dispute is No 3 which states that: "The finished render colour/type of cream Permarock Silicone Ultra K Palazzo 180 will be maintained".
- The reason given for the condition is: "In the interests of the amenities of the area and the building concerned".

### Decision

1. The appeal is allowed and the planning permission Ref PAP/2019/0054 for cream insulated cladding panels to front of property at 13 New Street, Baddesley Ensor, CV9 2DW, granted on 5 March 2019 by North Warwickshire Borough Council, is varied by deleting conditions 1, 2 and 3.

### Background Information

2. In January 2019 external wall insulation (EWI) was installed at the appeal property. The Council advised that planning permission was required for EWI to the front elevation because previously this had not been painted or rendered and retained the original red brick finish. A planning application was submitted for the provision of cream insulated cladding panels to the front wall. As part of the supporting information details and a sample of the cladding were provided.
3. Planning permission was granted on 5 March 2019. There is no dispute that the cladding used is that specified in Condition 3. However, the appellant considers that the wording of Condition 3 would prevent the current or a future occupier of the appeal dwelling from changing the colour or type of the cladding without express planning permission.

<https://www.gov.uk/planning-inspectorate>

## **Main Issue**

4. There is one main issue which is the effect on the character and appearance of the appeal property and the surrounding area if Condition 3 was deleted to remove the requirement to maintain the existing colour/type of render.

## **Reasons**

5. The appellant contends that Condition 3, in effect, removes permitted development rights to paint a building or clad a dwelling, as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 and that this is unnecessary and unreasonable because such rights have not been removed from other dwellings in the street. The appellant points out that the exact same cladding may not be available in the future and that a future occupier may, in any case, wish to change the colour of the cladding.
6. The appeal property is a modest, semi-detached, early 20<sup>th</sup> century house set behind a small front garden enclosed by a low red brick wall. It has a bay window at ground floor under a tiled canopy that continues across the pair of dwellings. The attached pair is similar but has not been rendered, retaining the original red brick finish.
7. The street as a whole comprises other dwellings of a similar age and style to the appeal dwelling, arranged in semi-detached pairs and short terraces, together with detached and more recent additions of various sizes and design. There is no common building line but most dwellings have small front gardens. The dwellings are predominantly of red brick although the bricks are not uniform. A number having been partly or wholly rendered. The majority of these have a cream or white finish but there are also examples of pebble dash, other cladding and other colours. There is a general store and a large red brick building housing a social club near the appeal dwelling.
8. Overall the character of the street is one of harmonious variety with red brick as the dominant external material. I agree with the Council that where dwellings are rendered this is mainly coloured cream or white but I do not find that where other finishes have been used they detract from the street scene. On the contrary, in this non-uniform street, pockets of individuality provide diversity and interest which enhance the character and appearance of the area.
9. The Council points out that the appearance of buildings is a material planning consideration that applies universally and not only in the case of Conservation Areas or Listed Buildings. I agree. Nevertheless, whilst a cream or white finish might be in keeping in New Street, as argued by the Council, I am not convinced by the evidence that other finishes or colours at the appeal dwelling would fail to harmonise with or enhance the varied street scene.
10. It is therefore concluded on the main issue that there would be no materially harmful effect on the character or appearance of the appeal property or the surrounding area if Condition 3 was deleted to remove the requirement to maintain the existing colour/type of render. In consequence, Condition 3 is not necessary and its deletion would not conflict with Policy NW12 of the North Warwickshire Local Plan Core Strategy, 2014, or Section 12 of the National Planning Policy Framework (2019) which, taken together, expect new development to improve a settlement's character, appearance and

# DRAFT

Appeal Decision APP/R3705/W/19/3225313

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environmental quality through being visually attractive and sympathetic to the local character and history.

11. The Council suggests that Condition 3 is reasonable because the appellant specified the product in the original application and was represented by an agent. However, specifying proposed materials and finishes in an application is commonplace but the requirement, through a planning condition, for the retention and/or maintenance of those materials and finishes is not justified unless there are sound planning reasons. The Planning Practice Guidance (PPG) makes clear that conditions should be kept to a minimum and must satisfy the six tests which include being necessary and reasonable. Moreover, it makes clear that even a condition suggested by or agreed to by the applicant should not be used unless it satisfies the six tests.
12. The Council also suggests that because there is a procedure for dealing with any need to vary the terms of the condition, through the submission of an application, the condition does not prejudice the appellant or future occupiers. I disagree. The requirement to submit a planning application is onerous and carries a cost. Moreover, the outcome cannot be guaranteed. If, in the absence of the condition, changes could be made to the property without an application then it appears to me that the condition is an encumbrance which in this case is not justified.
13. The PPG advises that area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. I consider that the same reasoning would apply where such freedoms are removed from one dwelling, as in this case, without a clear justification whilst others nearby continue to benefit.
14. I therefore conclude that Condition 3 is neither necessary nor reasonable and I shall delete it.
15. The appellant points out that Conditions 1 (commencement) and 2 (requiring the development to be carried out in accordance with the approved plans and design statement) were not necessary because the development had been completed prior to the grant of planning permission. The Council suggests in evidence that these conditions should now be deleted. I agree that they do not serve a planning purpose and I shall delete them from the planning permission.
16. For the reasons set out above and having regard to all other matters raised the appeal is therefore allowed and I shall vary the planning permission by deleting disputed Condition 3 as well as Conditions 1 and 2.

*KE Down*  
INSPECTOR





The Planning Inspectorate

## Appeal Decision

Hearing Held on 12 November 2019  
Site visit made on 12 November 2019

by **Elaine Worthington BA (Hons) MTP MUED MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19<sup>th</sup> November 2019

**Appeal Ref: APP/R3705/W/19/3220135**

**Land adjacent to The Lodge, Tamworth Road, Cliff, B78 2DS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs T Doherty against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2018/0435, dated 11 July 2018, was refused by notice dated 12 December 2018.
- The development proposed is the change of use of land to equestrian use and use as a gypsy site comprising of 5 pitches with dayrooms including the relocation of access, a stables block, ménage and installation of treatment plant.

### Decision

1. The appeal is dismissed.

### Background

2. The appeal site is open grassed land with a road frontage to Tamworth Road and is within the Green Belt. It adjoins the adjacent dwelling and stables at The Lodge to the south. The river Tame and a mature tree belt lie to the west. A caravan park and associated caravan storage area adjoins the rear part of the site to the north and there are open fields on the other side of Tamworth Road to the east with the M42 beyond.
3. The Council accepts that the appellant and her husband meet the definition of gypsies and travellers set out in the Glossary to the Planning Policy for Traveller sites (PPTS) and it was confirmed at the hearing that they are Irish Travellers. I see no reason to come to a different view on this matter.
4. The south east corner of the appeal site has been occupied by the appellant and her family since February 2019 and a static caravan and two touring caravans are sited there. This unauthorised occupation of part the site is the subject of an injunction. A planning application<sup>1</sup> for the change of use to equestrian land and use of the site as a single gypsy pitch was refused on the 4 November 2019. Whilst the red line boundary for that application is the same as that for the appeal proposal, the single pitch proposed in that case only covers that part of the site currently occupied by the appellant (and shown on the appeal plans as a paddock). This being so, the parties are agreed that what is on site is a separate development that does not form part of the scheme before me.

<sup>1</sup> Reference PAP/2019/0427

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Appeal Decision APP/R3705/W/19/3220135

5. The Council's decision notice includes two reasons for refusal, the second of which relates to highway safety in relation to the proposed access. However, the appellant has provided a Road Safety Stage One Report and amended plans which the Highway Authority confirms address its previous objections. On this basis, despite the continued concerns of local residents, the Council confirmed at the hearing that it did not wish to defend this reason for refusal.
6. This background has led to my identification of the main issues below.

## **Main Issues**

7. The main issues in this case are:
  - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) (including its effect on openness and the purposes of the Green Belt); and
  - The effect of the proposal on the character and appearance of the surrounding area; and
  - If it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

## **Reasons**

### *Whether inappropriate development?*

8. The National Planning Policy Framework (the Framework) is clear that the government attaches great importance to Green Belts and that their essential characteristics are their openness and permanence.
9. The appeal proposal includes two elements, a change of use to a gypsy site and an equestrian use. The submitted plans show five gypsy and traveller pitches to rear of the site and paddocks and stables to the front of the site closest to Tamworth Road. Policy E of the Planning Policy for Travellers Sites (August 2015) (PPTS) specifically defines traveller sites as inappropriate development in the Green Belt (paragraph 16). The appellant argues that the equestrian use proposed would not in itself be inappropriate development in the Green Belt. However, taken as a whole, the appeal proposal concerns the change of use of the land to a mixed gypsy and equestrian use.
10. Paragraph 146 of the Framework establishes that certain forms of development are not inappropriate within the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include material changes in the use of land (criterion e).
11. Policy NW3 of the North Warwickshire Local Plan Core Strategy (Core Strategy) refers to the Green Belt generally, and the supporting text at paragraph 7.1 states that within Green Belts the primary aim is to maintain the open nature of the area and that there is a general presumption against development that is inappropriate except in very special circumstances.

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12. Openness is an essential characteristic of the Green Belt. It has a visual dimension as well as a spatial aspect. The proposal would introduce five residential pitches, each of which would include a static caravan, an amenity block and one touring caravan. A stable building would also be constructed and the development as a whole would be served by a new access. Boundary fences would also be erected and both the residential and equestrian use of the site would introduce associated paraphernalia and activity including the parking of vehicles. In spatial terms it would introduce a good deal of development into what is an open field.
13. The proposed paddocks would be to the front of the site closest to Tamworth Road. The stable building would be set back from the road frontage behind one of the paddocks and the five residential pitches would be beyond this to the rear of the site some 150 metres from the road. The site is adjacent to The Lodge immediately to the south for much of its southern boundary, and the caravan park adjoins the rear part of the site to the north. There is a substantial mature tree belt to the west of the site and a hedgerow to the site's frontage with Tamworth Road.
14. Even so, despite the proposed layout of the site and the existing development nearby, the site is visible in views from Tamworth Road (particularly on approach from the north) and from Cliff Hall Lane. This is so despite the existing hedgerows there, particularly in the winter months when the vegetation is not in leaf. Whilst additional landscaping is proposed, in my view the proposed development, including that towards the rear of the site, would be readily perceived from these viewpoints, as well as through the gap that would be created by the proposed access on Tamworth Road. Thus, the loss of openness resulting from the proposal would be evident.
15. As such, overall the proposal would lead to that part of the Green Belt in which the appeal site is located being much more built up than it is now. This would lead to a loss of openness. Given the currently open nature of the site, the harm caused in this regard would be considerable.
16. The purposes of the Green Belt are set out at paragraph 134 of the Framework and include to assist in safeguarding the countryside from encroachment (criterion c). The proposal would introduce built development to the countryside. In doing so, and impinging on openness as described, the proposal would not be consistent with site's role in safeguarding the countryside from encroachment. It would therefore have an adverse effect on one of the purposes of including land in the Green Belt. Given the size of the site in relation to the wider Green Belt in which it sits and the existing development nearby, the harm caused in this regard would be limited.
17. The appellant refers to the route of the proposed HS2 rail line which I understand would run to the east of the site on the other side of Tamworth Road close to the line of the nearby M42. Whilst I note the appellant's view that this would significantly diminish the status of the Green Belt, the intended route of the rail line is somewhat divorced from the appeal site and does not form part of its immediate context. Whilst the development of HS2 would inevitably alter the nature of the Green Belt in the wider area, I am not persuaded that the possibility of this future development lessens the appeal scheme's impact on the Green Belt, or serves to justify it.



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18. Bringing matters together, I consider that the proposal would fail to preserve the openness of the Green Belt and would conflict with one of the purposes of including land within it. Thus, it would not meet the terms of criterion (e) of paragraph 146 of the Framework. I therefore conclude that the proposal would be inappropriate development for the purposes of national Green Belt policy as set out in the Framework. This harm attracts substantial weight as set out at paragraph 144 of the Framework. It would also be contrary to Core Strategy Policy NW3.

#### *Openness and purposes*

19. For the reasons set out above, in addition to the harm that would be caused by its inappropriateness, the proposal would also have a detrimental impact on openness and would fail to prevent encroachment and so undermine one of the purposes of the Green Belt. This harm also attracts substantial weight as set out at paragraph 144 of the Framework.

#### *Character and appearance*

20. Core Strategy Policy NW12 requires good quality development that positively improves a settlement's character and appearance together with the environmental quality of the area. Core Strategy Policy NW8 is permissive of gypsy and traveller sites outside the Green Belt and advises that such sites will be assessed using a number of criteria. The final criterion requires that the site can be assimilated into the surroundings and landscaped without any significant adverse effect.
21. The appeal site is within the 'Tamworth – Urban Fringe Farmlands' area as identified in the North Warwickshire Landscape Character Assessment 2010 and forms part of a flat agricultural landscape. As set out above, it is adjacent to The Lodge and the caravan park. There are also other examples of scattered development nearby and number of properties on Cliff Hall Lane. Nevertheless, the site adjoins a large field to the north which runs up to Cliff Hall Lane, and there are open fields on the other side of Tamworth Road to the east and beyond The Lodge to the south. As such, the appeal site has an open and undeveloped rural character and appears very much as part of the wider surrounding countryside.
22. As previously described, the residential pitches would be set well back into the site and away from Tamworth Road and would adjoin the tree belt to the west. The stables would not be on the road frontage and would be built of timber and I accept that along with the paddocks they would appear generally sympathetic to their rural surroundings. I also note the appellant's argument that the fencing and hardstanding would not in itself require planning permission. Even so, as considered above, the proposal would be appreciated in views from Tamworth Road and Cliff Hall Lane. This would be so despite the additional planting around the boundaries that is intended.
23. In this context, I consider that the proposal as a whole would be appreciated as an unwelcome pocket of urbanising development in the countryside that would fail to protect and detract from the rural character of its surroundings. Even taking into account the additional landscaping proposed, I am not persuaded that the proposal could be readily assimilated into its surroundings without any significant adverse effect.

24. I therefore conclude on this main issue that the proposal would be harmful to the character and appearance of the surrounding area. This would be contrary to Core Strategy Policies NW8 and NW12. It would also be at odds with paragraph 127 of the Framework which requires development to be sympathetic to local character including landscape setting (c), and paragraph 170 of the Framework which requires planning decisions to contribute to and enhance the natural and local environment.

*Other considerations*

25. According to paragraph 143 of the Framework inappropriate development is by definition harmful to the Green Belt. Paragraph 144 advises that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The appellant has put forward a number of other considerations in this case.

The need for and supply of gypsy sites

26. The PPTS aims to promote more private traveller site provision and to increase the number of traveller sites in appropriate locations with planning permission to address under provision and maintain an appropriate level of supply. It also requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide 5 year's worth of sites against their locally set targets.
27. Core Strategy Policy NW7 identifies a need for 9 residential and 5 transit gypsy and traveller pitches from 2011 to 2028. This is based on the findings of the North Warwickshire and Nuneaton and Bedworth Gypsy and Travellers Accommodation Assessment 2013 (GTAA). The Council indicates that since 2011 some 19 residential pitches and 12 transit pitches have been permitted in the borough. The appellant does not dispute this. I accept that this exceeds the requirements set out in Core Strategy Policy NW7 and means that the Council has maintained 5 years' worth of deliverable sites against its locally set target.
28. The appellant is concerned that the need identified in Core Strategy Policy NW7 is an underestimation, and that no allocations have been made despite a number of years of the plan period remaining. However, the assessment of need that informed the Core Strategy is not before me for consideration. That said, I am mindful that the requirement set out in Core Strategy Policy NW7 is not a cap and does not prevent other appropriate sites coming forward. I am also conscious that the GTAA is a number of years old.
29. Policy LP6 of the emerging North Warwickshire Local Plan Submission March 2018 (Emerging Local Plan) contains the same targets for gypsy and traveller sites as Core Strategy Policy NW7 and is based on the same 2013 GTAA. As a result of the ongoing Examination of the Emerging Local Plan the GTAA is being updated and a new study has been commissioned. This is yet to be published and is not before me. Any updated GTAA (and any consequent modifications to Policy LP6) are in any event matters for the Examination of the Emerging Local Plan. However, as things stand, the evidence base is somewhat out of date and it is not possible to accurately estimate current levels of need.

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30. The appellant considers the high numbers of planning applications for gypsy and traveller sites in the borough since 2011 to be an indication of a need for private sites. The Council accepts that there are some unauthorised encampments in the borough, and although the Council has provided no information on the availability of pitches on public sites, the appellant refers to these being overcrowded and full, with no waiting lists in operation. These factors, along with the appellant's failure to find an alternative site, add to this argument. Accordingly, although the targets in Core Strategy Policy NW7 have been met, that updated evidence will find a greater level of need for gypsy and traveller sites in the borough cannot be ruled out.

#### Alternative sites

31. The appellant has been looking for a suitable site within a 30/50 mile radius for around two years, but has not found any. In her experience, nearby public sites are full and overcrowded, and pitches on private sites are not for sale and are kept for family members. Whilst the Council refers to some brownfield sites in the borough that are available for purchase, it recognises that these do not have planning permission to be used as gypsy sites (and may have permission for other uses including residential development) and accepts that their cost can be prohibitive. Based on the evidence before me, no known suitable alternative sites are available for the appellant and her family.

#### Personal circumstances and accommodation needs

32. The appellant and her family previously lived on the County Council run site at Alvecote where the appellant has two aging aunts. However, due to the overcrowded conditions there they moved to a house in Erdington for a number of months, and from there, on to part of the appeal site.

33. The family are all registered at the Peartree Surgery in Kingsbury. The appellant has specific health conditions which were discussed at the hearing and makes regular trips to Hope Hospital every 3 to 4 weeks. The appellant has four children ranging in age from 4 to 17 years. Two of the children have specific health conditions which were outlined at the hearing and are on regular medication. The younger two children are at Kingsbury Primary School and attend after school activities there. I understand that they are doing well and have established friendships. The eldest child is considering attending college in the future, though it is unknown where at this time.

34. The appeal site would provide a settled base from which the appellant and her family could continue to access education and health care more readily. This would be advantageous to the well-being of the family and it would also be in the best interests of the children. These matters count in favour of the proposal and accord with the aims of the PPTS to enable the provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure.

35. Additionally, the proposal would allow the appellant to keep her four horses on the site. These were previously stabled at Brownhills but are now in Coventry on a temporary basis. The appeal site would allow the appellant to provide on-site care and security for her horses as part of her traditional lifestyle and I appreciate that Policy F of the PPTS encourages mixed use traveller sites. The proposal would also reduce the number of car journeys and carbon emissions that are associated with caring for the horses at distance and allow the

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appellant to be close to her aunts at Alvecote and provide care for them as they grow older.

*Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development*

36. The proposal would be inappropriate development in the Green Belt and as such would cause substantial harm. It would also cause considerable harm to the openness and limited harm to one of the purposes of the Green Belt. These factors also attract substantial weight against the scheme. Additionally, the proposal would cause harm to the character and appearance of the area and conflict with the development plan in these regards.
37. On the other hand, in the context of the uncertain levels of need for gypsy and traveller sites in the area, alongside the absence of any allocated sites in the borough and the lack of alternative sites for the appellant, the contribution that the proposal would make to the supply of gypsy and traveller sites is a benefit which counts in its favour. However, the currently unknown nature of the likely future need for sites, limits the weight I attach to this benefit.
38. As set out above, the appellant's personal circumstances and the provision of a settled base for the family to maintain access to education and health facilities, proximity to family members and care for her horses, are all benefits of the proposal which add a good deal of weight in its favour. However, I am conscious that the proposal is for five pitches, not just one. At the hearing the appellant clarified that all five pitches would all be occupied by family members. The appellant and her husband (and dependents) would occupy one pitch and two pitches would be earmarked for her eldest children (aged 16 and 17) when they are ready to move out. The remaining two pitches would be retained in wider family occupation (for example by the appellant's parents, or those of her husband) or would potentially be occupied by the younger children when the times comes.
39. Whilst I appreciate the appellant's wish to provide accommodation in the longer term for her family and understand that the eldest two children are likely to marry in the next few years, as things stand, the appellant's personal circumstances (and those of their family) only extend to the requirement for a single pitch. In my view, the need for further pitches for family members in the future is a matter for consideration when and if it arises and should be considered with regard to any personal circumstances at that time. As such, the personal circumstances outlined in support of this appeal cannot be reasonably used to justify the scale of the proposal for five pitches.
40. The proposal would be located relatively close to services and facilities and it has not been put to me that it would not meet the sustainability considerations set out in paragraph 13 of the PPTS. Whilst it considers the proposal to be away from existing settlements, the Council raises no particular objections to the proposal in these regards or in terms of the corresponding criteria in Core Strategy Policy NW8. The absence of harm in relation to these factors counts neither for, nor against the proposal.
41. The appellant considers that the future occupiers of the site would use local services and facilities and so support the local economy. However, whilst this is a benefit of the proposal, the proposal's contribution in this regard would be

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limited by its relatively small scale. Although there would also be some use of local contractors in the construction phase, these would be relatively modest and short-lived. The appellant also argues that there would be some gains in biodiversity arising from the proposed boundary planting. Nevertheless, any such gains would need to be considered alongside the loss of a good deal of the open site to development along with the introduction of activity there and the consequent effect of this on biodiversity. Accordingly, I attach only very moderate weight to these benefits of the proposal.

42. I confirm that I have considered the possibility of granting a temporary planning permission (since a permission with a limited period would to some extent lessen the scheme's impact on the Green Belt and the character and appearance of the area and reduce the amount of resultant harm). However, Planning Practice Guidance (the Guidance) indicates that circumstances where a temporary permission may be appropriate include where a trial run is necessary in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period. It has not been put to me that such circumstances apply in this instance.
43. The Council does not consider a time limited permission to be appropriate due to the levels of harm that would arise even on a temporary basis and given the scale and extent of the development proposed. The appellant also considers that the investment that would be required to develop the site as proposed would not be viable over a temporary period. Taking all these factors into account, I also consider that a temporary permission is not justified.
44. Since it was raised at the hearing, I have also considered whether a personal permission (to restrict the occupation of the site to the appellant and her immediate family) would be appropriate. As set out in the Guidance, planning permission usually runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission. However, for the reasons given, as I see it, the appellant's personal circumstances can only be reasonably applied to her aspiration for a single pitch at the appeal site. Even if these were to be accepted, an exceptional personal need for the remaining four pitches proposed cannot be demonstrated on these grounds. Accordingly, I am not persuaded that this is an exceptional occasion whereby the proposal before me is justified on the grounds of who would benefit from it.
45. The appellant considers Core Strategy Policies NW7 and NW8 to be out of date and refers to paragraph 11 of the Framework and the presumption in favour of sustainable development. However, with footnote 6 of section (d) (i) of paragraph 11 in mind, I confirm that since the land is designated as Green Belt the application of policies in the Framework provides a clear reason for refusing the development proposed.
46. I have had regard to the requirements of Article 8 of the First Protocol to the Convention, as incorporated by the Human Rights Act 1998, and am aware that the Article 8 rights of a child should be viewed in the context of Article 3(1) of the United Convention on the Rights of the Child. However, I am mindful that the appellant's individual rights for respect for private and family life (along

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with the best interests of the children) must be weighed against other factors including the wider public interest and legitimate interests of other individuals.

47. I have also considered the Public Sector Equality Duty (PSED) at section 139 of the Equality Act 2010 to which I am subject. Since the appellant is an Irish Traveller Section 149 of the Act is relevant. Because there is the potential for my decision to affect persons (the appellant and her family) with a protected characteristic(s) I have had due regard to the three equality principles set out in Section 149 (1) of the Act.
48. To dismiss the appeal would disrupt the education of two of the children and the healthcare of two of the children and the appellant. The negative impacts of dismissing the appeal arise since the family may be forced into a roadside existence and intermittent use of unauthorised sites. This would interfere with the best interests of the children and each member of the family's right for respect for private and family life and lends some additional weight in favour of the appeal.
49. However, I have found that the proposal would cause substantial harm to the Green Belt and further harm to the character and appearance of the surrounding area and am satisfied that the well-established and legitimate aim of granting planning permission in accordance with the development plan and planning policies which seek to protect Green Belts and the countryside in the wider public interest, can only be adequately safeguarded by the refusal of permission in this instance. Whilst bearing in mind the need to eliminate discrimination and promote equality of opportunity, in my view the adverse impacts of dismissing the scheme on the appellant and her family are necessary and proportionate.
50. Policy E of the PPTs advises that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.
51. Bringing matters together, the other considerations in this case and the benefits of the proposal, even taking into account the family's Article 8 rights and the PSED considerations, do not clearly outweigh the totality of the harm identified. As such, the very special circumstances necessary to justify the development do not exist.

## **Conclusion**

52. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Elaine Worthington*

INSPECTOR

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## APPEARANCES

### FOR THE APPELLANT:

Aida McManus  
T Doherty  
J Doherty  
T Dorey

AM Planning Consultants Ltd  
Appellant  
Appellant's husband  
Friend of the appellant

### FOR THE LOCAL PLANNING AUTHORITY:

Jeff Brown  
Mike Dittman

North Warwickshire Borough Council  
North Warwickshire Borough Council

### INTERESTED PARTIES

Robert Williams  
Margaret Moss  
Andy Jenns

On behalf of Mr G Twomlow (local resident)  
Kingsbury Parish Council  
Local resident





**Agenda Item No 8**

**Planning and Development Board**

**9 December 2019**

**Report of the  
Chief Executive**

**Exclusion of the Public and Press**

**Recommendation to the Board**

**That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.**

**Agenda Item No 9**

**Tree Preservation Order - Report of the Head of Development Control**

Paragraph 6 – by reason of the need to consider the making of an order

The Contact Officer for this report is Emma Humphreys (719226).