

(3) Application PAP/2018/0349

Land South And South West Of Whitegate Stables, Kingsbury Road, Lea Marston, Warwickshire,

Change of use of field from market/car boot sales from 14 days to 28 days annually and to retain vehicle access onto Kingsbury Road, for

Mr Taroni

Introduction

The application is brought to the Board following concerns expressed by Local Members about the impacts of the proposal.

The Site

This is a parcel of land about 15.7 hectares in area south of the Kingsbury Road and extending from Haunch Lane in the west to the Coton Road in the east. The Kingsbury Road links Kingsbury to the M42 Motorway. The site is degraded land and has hedgerows particularly fronting its roadside boundaries. It has a slightly elevated central section.

The site used to be known as Whitegate Stables and the stables were located to the north east but have since been removed. Unauthorised container storage has also been cleared. The western half of the site is already used for car boot sales under permitted development rights.

Existing access points into the site are from Haunch Lane opposite the Lea Marston hotel and from the Kingsbury Road central to the site's frontage with that road

There is a public footpath within the site – the M24A – which runs parallel to the Kingsbury Road along its full frontage

The application site is illustrated at Appendix A.

Background

The car boot event which presently runs from the site is one of several that have been and are operating in the locality. The other sites have and do include Hams Lane in Lea Marston, land at Marston Fields Farm off the Kingsbury Road, land opposite The Belfry Hotel and at a site at Dunton Hall.

The Proposal

The application is to increase the number of days on which a car boot sale can take place on the land annually from 14 to 28 days. These events would be confined to the western and central portion of the application site in very much the same area as they are currently held. The proposal shows that there would be an "in" and an "out" access arrangement - in off Haunch Lane via a widened access leading to a multi lane stacking area - and out onto Kingsbury Road via a 3.5 metre wide single lane access. These access points would be hard surfaced over their initial lengths.

The site as proposed would accommodate 1464 cars and 300 pitches, with areas set aside for mobile toilets and mobile vans selling food and drink. Substantial perimeter landscaping is also proposed particularly along the Haunch Lane side of the site.

Members should be aware that the size described above is that which currently operates here.

The car boot site – the car park and event area - would be surrounded by a 1.2 metre high chestnut fence, which is said would keep the public footpath route open and also prevent unauthorised access onto the site.

The car boots would take place between March and October each year with the land being cleared after each event. The following detail has been submitted:

- Opening Hours: 0500 – 1400 hours
- Days of operation: Sunday and Bank Holidays
- Operation: March to October
- Maximum: 28 days per annum
- Approximately 100-300 traders
- Approximately 2000 visitors and a maximum of 1000 cars.

The proposed site layout is at Appendix B.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW9 (Employment), NW10 (Development Considerations), NW12 (Quality of Development) and NW13 (Natural Environment)

North Warwickshire Local Plan 2006 (Saved Policies) - ENV13 (Building Design), ENV14 (Access Design) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

The Submitted Local Plan 2018 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP14 (Landscape), LP16 (Natural Environment), LP25 (Transport Assessment), LP31 (Development Considerations) and LP35 (Water Management)

National Planning Policy Framework – (the “NPPF”)

National Planning Practice Guidance – (the “NPPG”)

Consultations

Warwickshire County Council (Rights of Way) – No objection.

Warwickshire County Council as Highway Authority – No objection subject to conditions

Environmental Health Officer – No objection subject to conditions.

Representations

Twenty letters of objection have been received referring to:

- Currently waste is burnt on site and it is not being disposed of correctly
- Mud is being brought onto the highways and impacting on drains.
- There will be increased traffic in the area, especially at weekends.
- There will be on road parking along the as “booters” try to avoid paying to access the site.
- There are currently more than fourteen events in a year
- Breach of green belt principles.
- There is already noise pollution from the site caused from music and engines.
- It is already difficult to pull out of Haunch Lane onto Kingsbury Road.
- The Portaloos and the fence will make the use permanent.
- The planting of trees will impact upon views and sunlight into properties on Haunch Lane.
- The container use is shown on the plan.
- Kingsbury Road is already busy with oil tankers.
- Local roads and ditches are already used as a “dumping ground” for unsold car boot items.
- Any Licence for entertainment, food and alcohol should be refused.

The Lea Marston Parish Council objects referring to:

- The access off the A4097 that has been used for transporting the storage containers to the site does not have the approval of highways and they should be consulted on the safety for its use as an access or for the installation of the dropped kerbs.
- The access has been made wider onto Kingsbury Road.
- The roads are already very busy and congested with queuing for the Water Park.
- Fourteen days for the car boot is already sufficient.
- The proposed increase in days is due to HS2 taking over land used by other car boots in the area.
- The number of car boots in the parish would be up to 56 days.
- How will the number of days be enforced?
- The area currently has four sites being used which immediately impacts on the Parish. Should this site be granted consent to increase to 28 days then this would invite other applications and set a worrying precedent.
- There are current issues - early morning noise, litter, visual impact - as well as the nature of the other activities faced by the community in the area, and that increases in car boot activity will only add to this and be to the detriment of local parishioners.
- The access arrangements are inappropriate to the Green Belt
- 28 car boot days is too many and 20 should be considered a maximum.
- There are already breaches of the 14 day provision.
- That initially a 12 month approval is granted. This is to allow the Parish time to adjust to the impacts of HS2 and any increases in car boot activity and then be able to monitor the site.
- A full and relevant Site Management Plan is needed.

Observations

a) Introduction

The Board is reminded that whatever the outcome of this application, car boot sales can continue on this site without any need for the submission of a planning application and thus the imposition of planning conditions. This is a fall-back position of significant weight. Members are thus advised that the discussion on impacts has to only consider what effect there would be over and above those that might occur in any event, under this permitted development right. In this regard Members may wish to consider whether the submission of this application, might enable the imposition of conditions and any terms of any Agreement being applied to the operation here so as to bring the use of the site for car boot sales under planning control

b) Green Belt

The site is in the Green Belt. The application involves the change of use of land. The NPPF advises that such changes are inappropriate development unless they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. As a consequence if these conditions are satisfied then the development is appropriate and the presumption is to support the proposal. If not, then the presumption is to refuse as inappropriate development is harmful to the Green Belt by definition.

There is no definition of openness in the NPPF but it is generally taken in planning terms to mean the absence of development. The NPPG however does provide some useful guidance. There is a spatial element. Here the setting is open with some dispersed development in the locality – both built development and uses other than agricultural. The topography is generally flat and there are public viewpoints. The proposal is large in scale covering a wide area and whilst little in the way of built development is involved, the use is extensive. The use is also temporary in nature, 28 days in a year but that 14 of those are permitted in any event. As such it is concluded that from a spatial perspective there would be limited harm to openness. In respect of the visual element of openness, then there would be an impact. This is not through new buildings but through the scale and extent of the use over a wide area. It would be a significant change in the area whilst it operates. Even for the additional 14 days that visual impact would be moderate. The use would be temporary rather than permanent and the land left open during each event. Finally the activity associated with the events would have a significant impact on openness because the scale of the operation. Again this is considered to be a moderate impact over the extra fourteen days. In conclusion therefore it is considered that the proposal would not preserve openness.

Turning to the matter of whether there is conflict with the purposes of including land in the Green Belt then it is considered that there would be only limited conflict with the one purpose of safeguarding the countryside from encroachment. The cumulative effect of this proposal and other development in the locality has had an influence in coming to this conclusion

Overall therefore it is considered that the proposal would not satisfy the two conditions and thus this is inappropriate development carrying the presumption of refusal.

In terms of actual Green Belt harm then from the above it can be seen that that would be moderate.

It is now necessary to see if the any other harms likely to be caused.

c) Other Harms

It is not considered that there is unacceptable harm caused by the proposal on local heritage assets, ecological interests or as a consequence of the surface water and foul water disposal arrangements. There would be some impact on the character of the landscape here but for all of the reasons outlined above that would be limited in extent.

The two main concerns where harms might be caused are the impacts on the residential amenity of neighbouring occupiers and whether there are any adverse highway impacts.

In respect of the former, then there are residential properties in Haunch Lane that have already experienced car boot sales of this scale operating on this site and there are other properties on the local road network that see the traffic impacts of the existing events. These matters are referred to in the representations section – early morning activity, noise, litter, parked cars and bonfires. Many of these incidents are due to the car boot operation not being the subject of planning conditions. The proposals include moving the car boot sale some 100 metres to the east of Haunch Lane and to plant in that intervening corridor as well as to provide space for car stacking on site rather than along the road. The applicant is also proposing a Site Management Plan involving the use of site marshals to monitor the site. As indicated above, fourteen unregulated events can take place here without recourse to planning legislation. The increase to twenty eight will be material because of the size of the events and because those impacts - both environmental and highway - would affect the same residents. Of substance too is that these events are scheduled for Sundays and would run for half of the Sundays in a year during the summer months, when residents might expect to enjoy the outside of their premises. Overall it is considered that even with the imposition of planning conditions, the additional days would cause limited harm to the wider local community but moderate harm to the most affected residential occupiers.

The highway impact has been the most significant one that has been raised and it is the reason for the delay in determining the application. The Highway Authority has not objected to the proposals subject to conditions. That position has been arrived at following the submission of Road Safety Audits and significant engagement between the applicant and that Authority. This resulted in an amendment being made to the original submission involving a change from a two lane exit to a one lane access and to the use of marshals to prevent on-road parking. It is of substantial weight that the Highway Authority has not objected to the amended proposals and as such it is considered that there would be only limited harm caused. Certainly there would be insufficient evidence to defend a highway reason of refusal.

The public right of way would remain open during events and so there is not a harm created in this respect.

d) The Harm Side of the Balance

In conclusion therefore the harm side of the balance consists of substantial de facto Green Belt harm but moderate actual Green Belt harm with moderate harm to the residential amenity of the most affected neighbouring occupiers.

e) The Applicant's Case

The applicant has raised a number of considerations which he considers do provide the weight to clearly outweigh the total harms identified above. The matters he raises are the presence of the fall-back position; that this proposal would provide planning controls to be imposed on the operation of the site and finally that the use does provide benefits to the local community in increasing footfall to local facilities elsewhere.

It is considered that these matters cumulatively carry significant weight. The issue is whether they are of sufficient weight to "clearly" outweigh the total level of harms likely to be caused.

f) The Final Balance

This application offers an opportunity to bring the existing car boot operation here under planning control through the use of planning conditions and through the introduction of a properly managed site layout which does reduce identified harms. The size of these events is considerable and the adverse impacts described in the representations continue to be raised each year. An opportunity does therefore arise here. However in exchange for regularisation, the number of events would be increased.

It is considered that there are matters which should be further explored before concluding on this. Those matters are:

- Whether the applicant would consider the cessation of other car boot sales in the area that he currently operates, particularly if they may be the subject of HS2 acquisition and works
- Whether the applicant would consider a temporary planning permission in order to monitor the events
- Whether any such monitoring period should be confined to say 20 events in a year in the first instance through a temporary permission
- The actual content of any Site Management Plan so as to include the measures put in place to monitor the number of events held, overall monitoring of the activity and the sanctions for non-compliance.
- Whether a Section 106 Agreement or Unilateral Undertaking is more appropriate in these matters.

The recommendation below follows this approach.

Recommendation

That the Council is minded to support this proposal, but wishes to engage with the applicant to discuss the matters raised in this report through a meeting between appropriate Members and representatives of the applicant. The outcome of that meeting would be referred back to the Board.

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0349

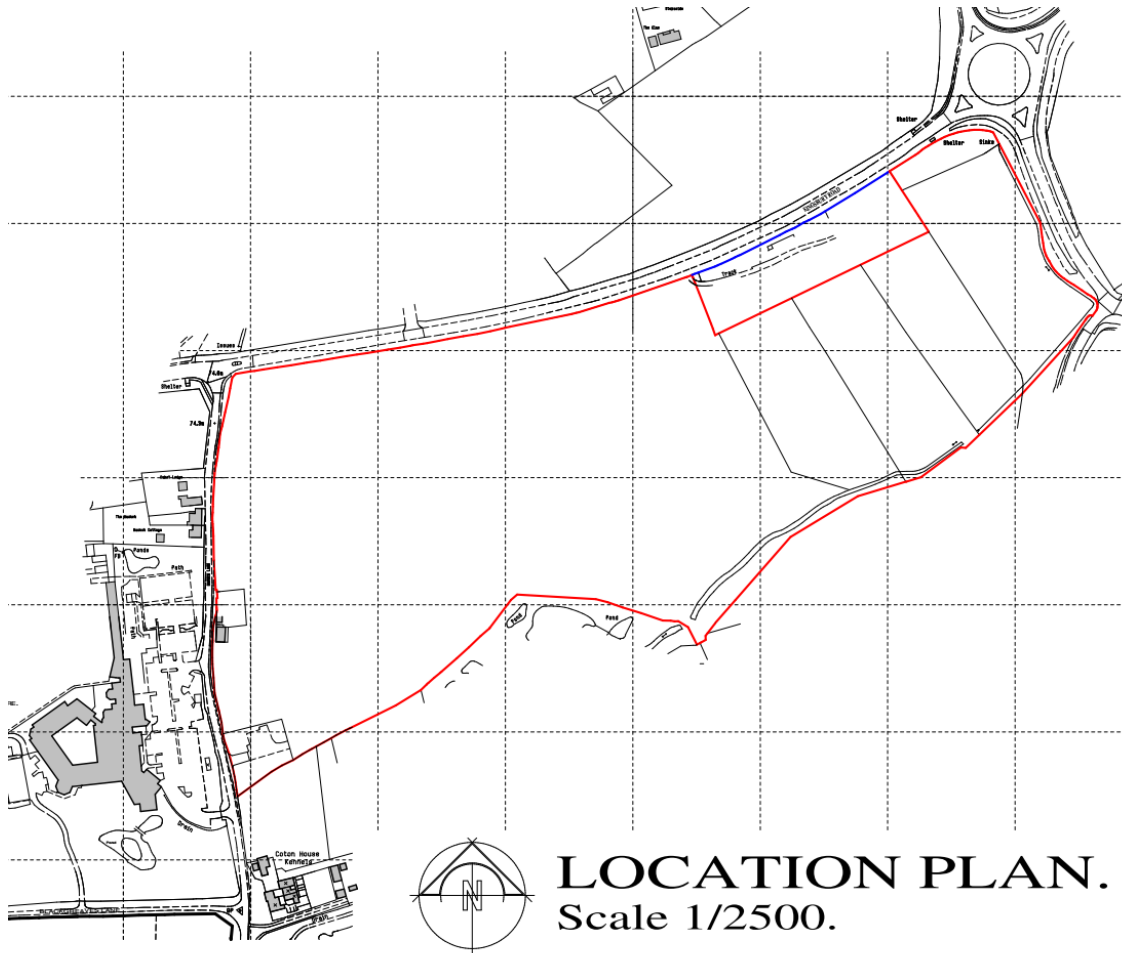
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	4/6/2018
2	WCC Footpaths	Consultation response	8/8/18
3	NWBC Environmental Health	Consultation response	14/8/18
4	NWBC Environmental Health	Consultation response	29/8/18
5	WCC Highways	Consultation response	6/9/18
6	Lea Marston Parish Council	Consultation response	7/9/18
7	WCC Highways	Consultation response	5/11/18
8	Lea Marston Parish Council	Consultation response	6/11/18
9	WCC Highways	Consultation response	7/1/19
10	WCC Highways	Consultation response	20/2/19
11	NWBC Environmental Health	Consultation response	5/4/19
12	WCC Footpath	Consultation response	11/4/19
13	WCC Highways	Consultation response	15/4/19
14	WCC Highways	Consultation response	26/9/19
15	HS2	Consultation response	1/8/19
16	Lea Marston Parish Council	Consultation response	15/3/19
17	Neighbour	Representation	13/8/18
18	Neighbour	Representation	13/8/18
19	Neighbour	Representation	15/8/18
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25	Neighbour	Representation	11/10/18
26	Neighbour	Representation	12/10/18
27	Neighbour	Representation	28/3/19
28	Neighbour	Representation	28/3/19
29	Neighbour	Representation	3/4/19
30	Neighbour	Representation	4/4/19
31	Neighbour	Representation	5/4/19
32	Neighbour	Representation	11/4/19
33	Neighbour	Representation	23/4/19
34	Case officer and WCC Footpaths	Exchanges of emails	8/8/18 – 17/10/18
35	Case officer and agent	Exchange of emails	8/8/18 – 29/8/18

36	Parish Council	Email to case officer	29/8/18
37	Cllr Reilly and case officer	Email exchange	10/9/18
38	Case officer and agent	Exchange of emails	7/9/18 – 16/12/18
39	Case officer and Highways officer	Exchange of emails	7/1/19 – 10/6/19
40	Case officer / neighbour / Parish Council	Exchange of emails	March/ April 2019
41	Case officer / highways / Parish Council	Exchange of emails	April / May 2019
42	Case officer / NWBC EH / Parish Council	Exchange of emails	April - July 2019
43	Case officer and agent	Exchange of emails	8/1/19 – 29/3/19
44	Case officer and agent	Exchange of emails	9/4/19 – 21/8/19
45	Case officer and agent	Exchange of emails	11/10/19 – 23/10/19
46	Case officer and highways	Exchange of emails	25/9/19 – 11/10/19

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.

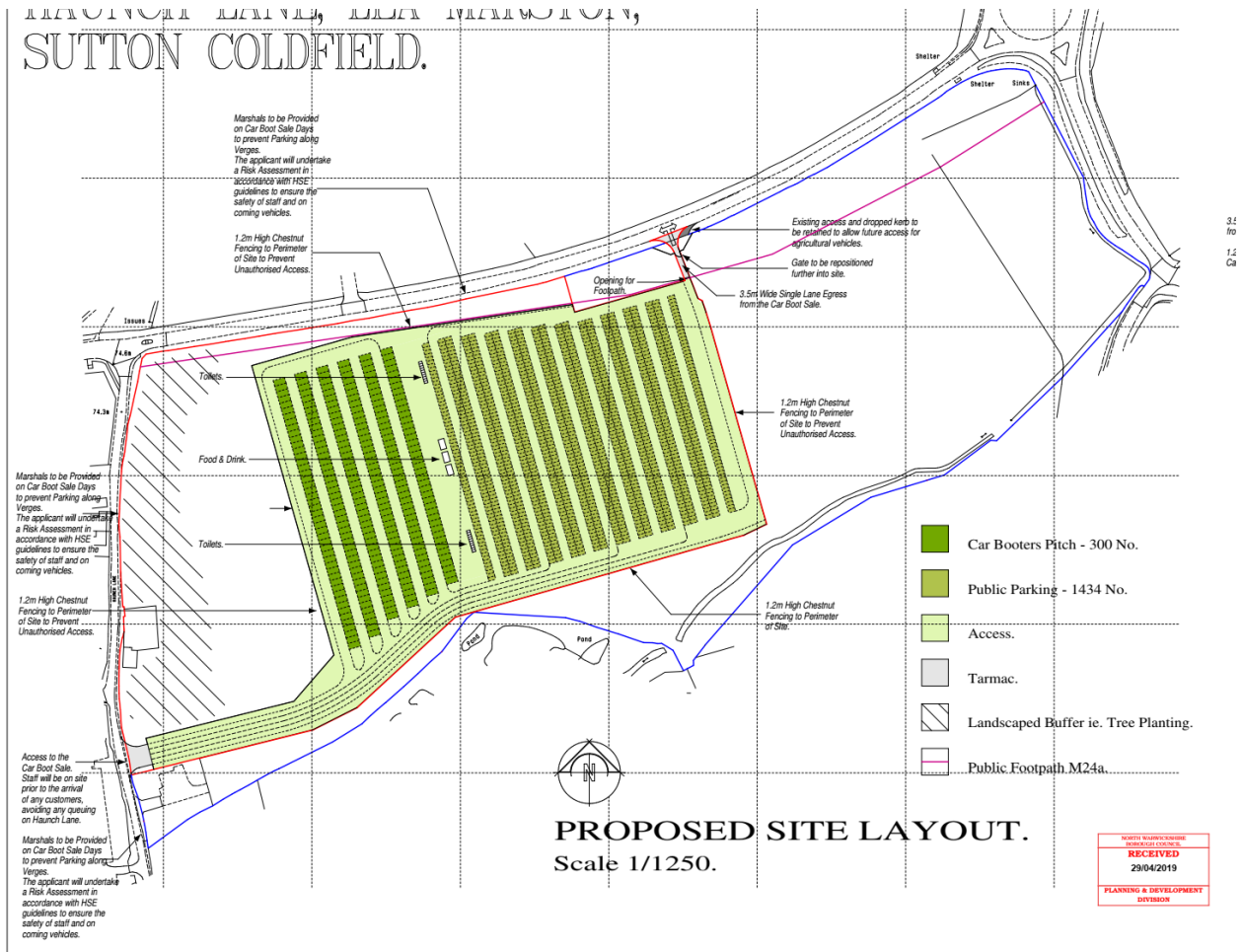
Appendix A – Application Site



reserved Licence number 100022432

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Appendix B – Proposed site layout



(4) Application No: PAP/2019/0180 and PAP/2019/0183

Britannia Works, Coleshill Road, Atherstone, CV9 2AA

Erection of 70 apartments (use class C3) with extra care provision, for

Atherstone Britannia Ltd

Introduction

These applications were referred to the Board's May meeting. A copy of the report is at Appendix A and a note of the site visit is at Appendix B.

There have been no changes to the Development Plan or to other relevant material planning considerations since that time and thus Members are referred to Appendix A for the appropriate planning policy background.

However before providing the report for determination of the applications, it is necessary to refer to the receipt of amended plans.

Amendments

The amendments submitted do not go to the heart of the proposals in that the scale and nature of the proposals remains exactly the same. The changes affect the blocks fronting the Coleshill Road. These changes essentially are that the extent of demolition here is widened and that one of the frontage blocks would have alterations to its fenestration. These changes come about for two reasons. Firstly, there has been continuing deterioration in the stability of the structure of these blocks and secondly there is an operational reason directly consequential to the nature of the proposals. These front blocks have different floor and ceiling levels such that it has been impossible to devise a workable internal layout without the need for ramps, steps and at least two lifts. This would not be operationally acceptable for the proposed use. Indeed the likely occupier of the development has indicated that such a situation would lead to the withdrawal of their interest. In these circumstances a greater degree of demolition is now proposed and this would probably have been needed in any event due to the continuing deterioration of the property. The front façade would still remain, apart from one block, but the demolitions behind would now enable level floors and corridors to be inserted. The demolished block would be rebuilt to the same height and design, re-using the materials, but the windows would all be lower than existing. There would also be a simplification of the new build behind the other blocks.

On a point of detail, the amended plans no longer include proposals for bollards and double yellow lines at the access locations in Richmond Road. These were initially included to retain clear space at the access points. However early comments from the Highway Authority led to their removal in order to lessen any consequential impacts on Richmond Road.

The amount of the existing structure that was to be retained is at Appendix C and that now to be retained is at Appendix D.

The Coleshill Road frontage that was included in the original submission is at Appendix E and that now proposed is at Appendix F.

The canal side frontage has also been the subject of design changes. The original submission is at Appendix G and that now proposed is at Appendices H and I. The only changes are minor fenestration alterations.

Because of the receipt of amended plans, re-consultation has been undertaken. The section below summarises the responses from both the original and the second consultation.

Additional Background

Local Members will certainly be aware that there has been a significant increase in unlawful entry into the site as well as anti-social behaviour on site – particularly in the summer months. Both the Police and the Fire Service have had cause to visit on several occasions. There have been other site visits and investigations with Building Control colleagues. As a consequence of all of this and the deteriorating structure of the buildings – particularly its Coleshill Road frontage - and the need to protect public safety because of its location, a formal Dangerous Structure Notice has been served on the owners under the Building Act. This falls short of complete demolition due to the Listed Building status of that front elevation. The Notice requires demolition as agreed under any Listed Building Consent that might be granted. The Notice is thus a material planning consideration of substantial weight given the location of the site and the degree of deterioration.

Consultations

Warwickshire County Council as Highway Authority – It has maintained an objection throughout. It is concerned about traffic generation and the sole means of access for that being onto Richmond Road.

Warwickshire County Council as Lead Local Flood Authority- No objection subject to a standard condition.

County Archaeologist – No objection subject to standard conditions requiring an evaluation post-demolition.

Warwickshire Libraries – A contribution of £1532 is sought to enhance existing facilities.
Warwickshire Police (Architectural Liaison) – A number of detailed design matters have been forwarded to the applicant in order to add security.

Environmental Health Officer – No objection subject to conditions relating to a Construction Management Plan; contaminated land assessments, and the need for electric charging points on site.

Inland Waterways Association – The redevelopment is welcomed given the historic and tourism importance of the canal to the town. However, it expresses concern over the “monolithic and uninspiring” canal frontage which whilst addressing the industrial character of the site does not reflect the vernacular architecture of the canal.

Canal and River Trust – Whilst the canal side frontage would use brick as the primary material and there have been changes to the top floor, the Trust repeats the criticism of the IWA above. The frontage lacks variation. Conditions are needed in respect of construction details and final canal boundary treatments.

George Eliot NHS Trust – It requires a financial contribution of £29,344 towards additional health care facilities for the Trust

Warwickshire Public Health – It requires a financial contribution of £50,111 towards primary medical care facilities in the CCG’s identified Rural North Primary Care Network
NWBC Waste and Refuse Officer – Richmond Road is a difficult road to service for waste vehicles whether public or private. Waste collection points at the site entrances are satisfactory.

Representations

Atherstone Town Council – No objections.

Atherstone Civic Society – No objections and would support increased car parking on site if possible as well as more ground level views of the canal through the main building blocks.

Three letters of objection have been received referring to the following matters:

- The development is far too short on on-site car parking
- Extra traffic coming onto Coleshill Road
- Refuse/Waste collections are already difficult
- 41 to 47 Richmond Road are on an un-adopted private road. There should be no access/trespass onto this stretch of road
- Where will tenants of properties at 41 and 43 park their cars and put out their bins
- The impact of parking in Richmond Road
- Overlooking and loss of light to private property along Richmond Road and at its southern end.

One letters of representation has raised concerns about the demolition process; the length of time involved, contractors’ parking, what will be the final boundary treatments around the site where they adjoin private property and on-site security.

Observations

a) Principle

There is no objection in principle to this proposal. There are several reasons for this – the site is located within the town’s development boundary as defined by the Development Plan and is thus appropriate for new residential development in overall terms; Atherstone is a Category One settlement in the hierarchy as defined by that Plan being suitable for larger developments, and the fact that permissions have already been granted for the residential redevelopment of the site – the last being in 2017 for 59 dwellings. This last permission could still therefore be taken up. The determination of these applications is thus a matter of assessing both the impacts arising from this changed proposal to see if they would cause significant and demonstrable harm as well the details of the proposal to see if they accord with the heritage interest in the site and the good quality of development required by the Development Plan.

b) The Proposal

Whilst it would appear that this proposal at 70 units would cause greater impacts than the permission for the 59 because it is more intensive, it is necessary to say that this is not likely to be the case. This proposal is materially different to the 2017 scheme. This is because the proposal is for an extra care home which means that there would be far less of a traffic impact than that arising from the scheme for 59 private apartments. The residents would not be commuters and very unlikely to take daily car trips. The site is close to the town centre, the bus and rail stations and whilst not all would walk, taxi services would become prominently used. Members are familiar with these developments elsewhere in the Borough. As a consequence it is material to the determination to understand the difference in the nature of this current proposal.

There are other “benefits” arising from this changed circumstance. The County Council is fully supportive of the scheme, not only in general terms but because it would assist in continuing to meet the growing need and requirement for this type of accommodation in the north of the County. It thus meets a different type of housing need where there is a known shortage in the Borough. This has a consequence in that if the units here are occupied by local people there will be a “freeing-up” of existing established houses in the town thus becoming available for other occupiers.

Secondly there is a significant “community” hub being proposed in the scheme – the lounge/restaurant and retail space. This will support the local community and should enhance footfall to the existing services in the Coleshill Road.

In overall terms therefore this proposal is appropriate in principle and would bring other benefits that would accord with Development Plan policy that might not have arisen with the 2017 scheme.

c) Highway Impacts

The Highway Authority’s position is entirely to be expected and wholly understandable. Members will have seen themselves the access points into Richmond Road, the scale of the on-street parking, the narrowness of the carriageway and the visibility at its junction with the Coleshill Road. This new development will have an adverse impact by its very nature and that impact could be significant. In response, the applicant argues that this current scheme would materially reduce traffic generation compared to the approved scheme in terms of both numbers of trips made and that there would not be the pronounced peak movements during the day. This is acknowledged and it would reduce the level of impact. But, it would not eliminate it all together and neither would it reduce to anything less than a moderate impact. There is still harm likely to be caused.

In respect of car parking provision, then the scheme reflects the nature of the proposal. As a consequence 30 spaces are provided on-site – that is 43% provision. Members’ attention is drawn to the Laurel Gardens development in Mancetter where 51% provision was approved and to the Orchard Blythe development in Coleshill (the former Police Station) where 43% was provided. In neither of those two cases did the Highway Authority object to that level of provision. It is agreed that this issue is material, perhaps even more so in this particular location with the nature of the surrounding road network. In short, whatever development is approved for the redevelopment of this site, there will always be this particular impact. This current proposal does however have the benefit of there being more likelihood of a reduction of parking being needed. The issue however is still one that should be considered as a likely harm.

d) Heritage Harm

The Council is under a statutory duty to have special regard to the desirability of preserving or enhancing the character and appearance of a Conservation Area when it comes to determine any planning application. Here the town's Conservation Area is a little distant – some 100 metres to the north. The significance of the Area is that it is large and that it reflects the evolution of the town's history in architectural and built form terms, representing a number of different periods and through a number of different uses and activities. Contemporaneous features, characteristics and attributes remain in situ and its significance is enhanced by the size and range of these elements. The proposal has no direct impact on the character and appearance of the Conservation Area because of the separation distance. However it does have a beneficial impact in that it would retain a scale of development on a site that is wholly linked to the town's industrial and transport history which is represented elsewhere in the Conservation Area. It is not only this historic and architectural link with the significance of the Area, but there is also a visual link as the site is visible from locations within the Area. It is agreed that the scheme in general built form therefore does preserve and enhance the Conservation Area to a moderate degree and that as a consequence there is no substantial harm.

The Council is also under a statutory duty to pay special regard to the desirability of preserving a Listed Building; its setting or any features of special architectural and historic interest that it possesses. The application site is a Grade 2 former millinery works and factory dating from the early 19th Century. The significance of this asset is that it retains part of the town's industrial heritage as a "hatting" town. It is one of other surviving factories which combined to make the town of national importance. In this case the transport link to the canal adds to its importance. This historic background is reflected in the contemporaneous architectural characteristics of the mid to late Victorian period extending into the 20th Century which particularly are seen along the Coleshill Road frontage.

As the proposals involve demolition – over 90% of the existing structures are to go – it is considered by fact and by degree that substantial harm will be caused to the significance of this asset. That is mitigated to a degree by the retention of the Coleshill Road façade in overall terms; the retention of a couple of those frontage blocks and the replication of an "industrial" approach to the design of canal side frontage. Hence whilst there would be retention and recognition of both the historic and architectural characteristics within the current proposals, it is the degree of demolition and the significance of the asset to the town's industrial history that leads to the conclusion that substantial harm would be caused.

In respect of other neighbouring Listed Buildings then Members attention is first drawn to the canal infrastructure along the waterway that adjoins the site. The lock systems here are Grade 2 Listed and are a little to the west of the site. Their significance is that they exhibit a strong historic connection with the town's industrial past and that they reflect the architectural characteristics typical of that infrastructure. They now have a strong tourist and recreational value. There is no direct impact on these listed structures or their setting because of the separation distance and because the proposals generally replicate the built form presently on site. With the Coleshill Road frontage largely unaffected the degree of harm is considered to be less than substantial. The other canal infrastructure here – the Coleshill Road bridge and the towpaths – can be considered as non-designated assets. Again here the degree of harm is considered to be less than substantial as the proposal may well be considered to enhance their setting whilst

replicating the past industrial linkages. Public access to the canal side is retained from the site. Although this is limited it does enable appreciation of the linkages here.

Queen Anne House a Grade 2 late 18th/early 19th Century house on the other side of Coleshill Road and on the other side of the canal. Its significance is that it is a retained detached house of that period, complete with external and internal contemporaneous features set in its own curtilage. There is no direct impact on either the historic or architectural characteristics of this significance arising from the proposal. It is the setting of the House that is most at risk. However there is some distance between the sites (100 metres) and the built form proposed at the Britannia Works matches the scale and mass of the existing, such that that setting is not materially altered through visual or physical “enclosure” or “intervention”. As a consequence there is less than substantial harm caused and that level of harm would be at the lower end of the scale.

In conclusion therefore, there is substantial harm caused to the significance of the Britannia Works and less than substantial harm to the adjoining and neighbouring canal infrastructure and to the setting of Queen Anne House. However the proposal does have a moderate benefit in enhancing and preserving the character and appearance of the Conservation Area.

e) Design and Appearance

Whilst this was touched on in looking at the heritage impact on the architectural significance of the Listed Building, it is necessary to look at the design and appearance of the proposal as a whole regardless of its heritage value.

Firstly, the proposed built form here is entirely appropriate and relevant to its setting. The existing site is highly visible, prominent and with an undoubted industrial appearance. These elements are all retained in the scale and massing of the new built structures. The Coleshill Road frontage is left unaltered in these respects and the retention the building on the canal bridge is significant in “turning” the development onto the canal side, as well as linking the historic industrial appearance of the frontage to the modern industrial face of the canal side. That face matches the existing structures in scale and mass.

Secondly, it is appropriate to take an industrial “lead” on the design of this canal frontage rather than a residential one. It reflects and preserves the historic use of the site. Residential detail such as gables, balconies, domestic scale fenestration and sloping rooves would wholly change the visual environment and not retain the heritage linkages of the site.

These two conclusions do however give rise to the criticisms raised the Canal and River Trust. The canal frontage is “big” in length and height but it is split into a number of blocks and the use of facing brickwork will be material particularly if different colours and textures are used. It is considered that the design is sufficiently well presented and coherent such that it would accord with Development Plan policies. Members may wish to take a different view and follow the views expressed by the Trust and the Inland Waterways Association. The comment that this frontage in architectural terms should reflect the canal’s linkages to the site is very much acknowledged, but it is the scale and mass of this frontage that first needs to be addressed. It is considered that that requires an “industrial” approach. It is not considered that experience of canal users would be unduly harmed.

f) Residential Amenity

This is a large development and there will be new residential development along the canal side up to four storeys in height. There will thus be overlooking of established properties to the north in Westwood Road and Westwood Crescent. However it is notable that there have been no objections received from this area. Nevertheless there will be harm caused but this is mitigated by separation distances and the fact that the former factory floors would have overlooked the residential properties. Of note too, is that there is an approved residential scheme with four and three storey development for the site. As a consequence, whatever redevelopment scheme comes forward for the site, this issue will always arise.

There will also be a degree of overlooking of property in Richmond Road more particularly at its eastern end. There is potential harm here because the proposals are much closer to established property. However there is an approved scheme for the site and Members will be aware that residential redevelopment schemes have been approved for sites outside of the application site and the end of Richmond Road. This does not mean that the harm is eliminated as it will remain as a residual harm whatever is approved in this particular location.

g) Other Harms

It is not considered that the proposal will result in unacceptable harm in respect of surface water drainage, ecological or archaeological interests. It is of significant weight that the Environmental Health Officer has no objected thus leading to the conclusion that there should not be unacceptable noise or air quality impacts or those arising from the site's ground conditions.

h) Other Matters

The representations received reflect the matters that have been raised above. However one particular concern relates to the situation at the far end of Richmond Road. It is correct that the stretch from 41 to 47 is a private road. However the application site does not include any of that land. Any depiction of boundaries on the application plan outside of the application site is not material to the determination of these applications and such disputes need to be taken up privately or through the Land Registry.

It is however a planning matter that the existing access from Richmond Road into the site here would become an entrance for the staff car park and that some refuse bins would be collected from here. There would therefore be increased activity over the present situation. That activity too may displace the use of this area as now used by local residents. However it would revert to the situation when the site was in its former use as an access and indeed to the situation as approved under the recent 2017 permission. Additionally as indicated above there are other approvals at the end of Richmond Road and these too if taken up, will displace some car parking. It is therefore agreed that there could be a cumulative adverse impact on residents at the far end of Richmond Road. This cannot be "mitigated" in full despite the change in the nature of this current proposal. This residual "harm" therefore has to be added into the final planning balance.

In respect of the potential for the existing buildings as a roosting site for bats, surveys have been undertaken and at that time no evidence was found. It was however concluded that they could well be used for foraging on a transient basis. As a consequence demolition would need to be undertaken with a licensed bat handler and mitigation measures such as bat boxes included in the final construction.

The site was used a former factory and as was the case in the recent 2017 approval, appropriate conditions can be attached for site investigations into ground contamination once demolition has been completed.

i) The Final Planning Balance

At the beginning of this section, it was concluded that there is no objection to the principle of the proposed development. That presumption remains. However it is necessary to assess whether any of the harms identified above are of sufficient weight individually or together, to outweigh the presumption.

Starting with the heritage harm, then great weight has to be given to the conservation of a heritage asset. It is clear here that the harm to the asset is substantial. As a consequence, given the weight to be given to conservation, the NPPF states that any support for proposals resulting in substantial harm to a Grade 2 Listed Building should be refused. Any support for such a scheme should be exceptional and require clear and convincing justification. The NPPF says that for this to happen, either the harm is necessary to achieve substantial public benefits, or all of four “tests” are satisfied. Whilst this is an either/or situation, it is considered appropriate to look at both in order to fully explore the issues involved. It is first proposed to look at each of the “tests” in turn.

The first is that the nature of the asset prevents all reasonable uses of the site. The very nature of the asset here limits the range of potential uses. Clearly there is a lawful commercial B2 use associated with the site, but resumption of that is unlikely – the site has been vacant for several years - and any resumption would result in environmental harms that would be unacceptable. A re-use for B1 light industrial uses or office accommodation would be acceptable in principle but would be unlikely to be viable in Atherstone and give rise to substantial highway and parking issues. Other uses such a recreation and leisure uses would give rise to similar issues. It is not only the nature of the asset itself that prevents these uses but its setting which severely handicaps the range of other uses. A residential conversion is a reasonable use for the asset. An approved scheme exists for such a development. A different form of residential development as is proposed now does offer an alternative reasonable use with lessening of the adverse impacts. So the nature of the asset here doesn't prevent all reasonable uses, but it does restrict the alternatives available.

The second is that no viable use can be found in the medium term through appropriate marketing to enable its conservation. The Council has considered alternative schemes for this site over the last few years and there have been different owners. All of the schemes that been approved have not been implemented and the general view is that the developments even with the benefit of permission have not been viable. This is considered to be largely a consequence of the continuing deterioration of the buildings and the costs of demolition and clearance. Also the market for residential apartments in Atherstone is not as buoyant as in the larger conurbations. This planning history shows that a viable use is going to be extremely difficult to achieve here.

The third is that conservation cannot be made possible through grant funding or charitable ownership. There has been no interest expressed at any time through recent years and Historic England has not promoted the site. This is a large complicated and very difficult site to develop and it is therefore understandable that there has been no other interest. However the applicant has not submitted evidence to demonstrate that there is no such interest. This third “test” is therefore not fully met.

The final one is that the harm or loss is outweighed by the benefit of bringing the site back into use. This is considered to be the case here. The harm here is not total loss of the asset. Past consents have supported substantial demolition works here with the most significant buildings being retained. As the building has deteriorated the likelihood of increased demolition has also risen. The current Dangerous Structure Notice is a clear pointer that further demolition is needed. The current proposal does so, not only for this reason but also to enable an alternative use that appears to have other benefits as well as reducing other harmful impacts. As a consequence it is considered on balance, that this “test” is satisfied.

In conclusion therefore these considerations suggest that the range of options for a reasonable use of the site is limited; that no viable uses have been forthcoming and whilst there is no evidence of other means of funding or part funding a proposal, there has been no expression of interest shown or has it been promoted by other Agencies and that the loss and harm caused does have the benefit of bringing the most significant elements of the asset back into use and conserving their character and appearance.

These findings now need to be considered in answering the key heritage issue. This is, are there substantial public benefits here to outweigh the substantial harm caused by the proposal to the heritage asset? It is considered that there are.

There are several reasons for this. The first is that the building is now the subject of a Dangerous Structures Notice. Its condition has deteriorated significantly since the 2017 planning permission and there is now an identified health and safety risk. These factors mean that more of the buildings will need to be demolished in order to retain the most significant element of the asset – namely its Coleshill Road façade.

Secondly, the proposed use is one that is needed in the Borough and one that is supported by the County Council in that regard. There is a willing operator who wishes to implement any planning permission granted because of that need and the particular merits of this site and the opportunities it offers to meet that need.

Thirdly, the proposed use is one that reduces other adverse impacts that will cause harm – namely the highway and parking issues described above. The scheme is less intensive in these respects to the already approved developments.

Finally, the site is important to the town. It has heritage value; it is on one of the main road arteries into the town and it links with the tourism objectives of the Borough through its canal side setting. Its future needs to be secured. It is currently vacant and rapidly deteriorating. There will be a substantial benefit in its appropriate redevelopment.

Having reached this conclusion on heritage harm, the Board still needs to assess whether there are any other harms that might outweigh the presumption to support the principle of this proposal. The most significant one is the highway/parking issue.

It would be fair to say that whatever the proposed development, then there are going to be adverse highway and parking impacts. The site's location and the nature of the surrounding built form and the highway network make this inevitable. The issue is to achieve a reasonable balance. There have been past permissions here and these set a bench mark for answering that question. In this case, it is considered that the current scheme is a "better" scheme than those already approved and thus that the balance does lie in supporting the proposal. The Highway Authority will understandably object to any redevelopment scheme that involves even a moderate degree of traffic generation. That is reflected too in the representations submitted by some local residents. However that should be not be given greater weight when there are other more significant benefits being proposed. A continuing vacant and derelict site is not in the public's interest.

It is not considered that any of the other identified harms, or indeed a combination of all of the harms is of greater weight than the benefits and opportunities presented by this proposal. As a consequence the final planning balance lies in supporting the developments.

Finally, Members attention is referred to the contributions that have been requested and as are set out earlier in this report. A Viability Assessment has been prepared by the applicant in response to them and this concludes that their inclusion would make the scheme unviable. This is essentially due to the abnormal demolition and construction costs involved and the lower property values that could be expected in Atherstone rather than in Birmingham or other areas of Warwickshire. This report does carry weight. Moreover the contributions sought relate to health contributions. As these are largely calculated on a formula basis it is not evident that any account has been taken for the nature of the development proposed – that of extra care provision with some degree of assistance being available on site. Moreover many of the residents would be from the local area and thus not "new" additions to the health requirements of the area. As a consequence it is not clear whether the requests would be CIL compliant. Given these circumstances and the view that the overall public benefit is to secure a future for the site and to meet the need for new accommodation in this sector, it is considered that the balance here lies with proceeding with the development without the contributions.

It is in consideration of all of the matters raised above that the current proposals can be recommended for approval.

Recommendations

a) PAP/2018/0180

That planning permission be **GRANTED** subject to the following conditions:

1. Standard Three year condition
2. Standard Plan numbers condition – plan numbers 001A, 002A, 100A, 101A, 102A, 103, 104A, 105, 106, 107A, 108A, 109, 110A, 111A, 112A, 113A, 200B, 201B, 202C, 203D, 204C, 205C, 206B, 207A, 208A, 209A, 210A and 211 and supporting documents including Written Scheme of Investigations and Structural Surveys and Heritage Statement.
3. Before building work commences, the following details shall be submitted to the local planning authority for approval:

- i) A schedule of materials (including samples) to be used in the elevations, roofing, hard surfacing, wall plinth/bases of the new development and the restoration of Block Q.
- ii) Eaves/verges, ridges and chimneys at a scale of not less than 1:10

The development shall be constructed in the approved materials and details.

REASON:

To ensure the architectural detailing of the new buildings reflects the established character of the area and in the interests of preserving the appearance of the historic buildings.

4. Before building work commences, a sample panel of walling of the buildings to be renovated and the new buildings shall be constructed on site to the written satisfaction of the local planning authority. The works shall be carried out in full accordance with these sample walls.

REASON

In the interests of preserving these historic buildings and ensuring that any new build is sympathetic to these historic buildings.

5. Prior to the installation of glazed elements including windows, doors (glazed and timber) and glazed links, scaled elevations at 1:20 and sections at 1:10 shall be submitted to the Local Planning Authority and approved in writing for the new blocks and where there are changes to the architectural detail in the historic buildings. Only the approved details shall then be used.

REASON

In the interests of preserving these historic buildings and ensuring that any new build is sympathetic to the historic buildings.

6. Prior to the installation of architectural Ironmongery details of the balconies, rainwater goods, fencing, lighting, CCTV, gates, decking, street furniture and railings shall be submitted to the local planning authority for their approval in writing. Only the approval details shall then be used.

REASON

In the interests of preserving these historic buildings and ensuring that any new build is sympathetic to these historic buildings.

7. No part of the development hereby approved shall commence until a scheme detailing the phasing for the implementation of the overall development has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall describe the stages in which the development will be implemented and for each stage it shall describe the phasing of conversion of the historic building and of the re-construction of any building. The development shall then proceed only in accordance with the approved phasing details.

REASON

To ensure that all components of the overall development are provided in a manner appropriate to the heritage value of the site.

8. No building shall be occupied until all works within that phase of the development have been completed, the historic blocks shall be converted to a standard deemed to be appropriate for their occupation as confirmed in writing by the Local Planning Authority.

REASON:

In the interests of safeguarding the Heritage Asset.

9. Details of the methods to be used for the protection of the retained building fabric shall be submitted to and approved in writing by the Local Planning Authority before any works for demolition and construction commence. Particular reference shall be made to the protection of the remaining blocks O/P, R and U/T and to the boundary wall alongside the canal. The approved protection works shall be carried out before any other works are carried out.

REASON

To ensure that parts of the original listed building are properly protected and supported.

10. The demolition of Block Q shall be carried out by hand (or tools held in the hand other than power-driven tools) and the materials stored for re-use on the site.

REASON

To protect the significance of the remaining listed buildings.

11. For the avoidance of doubt, there shall be no uPVC windows or doors used on any of the buildings whatsoever. All of the windows and external doors shall be recessed back in their openings by a minimum of 75mm.

REASON

In the interests of preserving these historic buildings and ensuring that any new build is sympathetic to these historic buildings.

12. Prior to any demolition works a historic building survey shall be undertaken and completed in accordance with the document submitted with this application entitled "Written Scheme of Investigation for Historic Building Survey", by University of Leicester Archaeological Services.

REASON

To ensure appropriate recording of the historic buildings.

13. Prior to construction the following details are required:

a) a programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition shall be undertaken and completed in accordance with the document submitted with this application entitled "Written Scheme of Investigation for Archaeological Field Evaluation" , by University of Leicester Archaeological Services.

b) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the LPA. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

REASON

In view of the potential for the works to disturb any archaeological features associated with the industrial use of this site.

14. Prior to the first occupation of the site, a detailed proposal for the remediation of any soft landscaping areas proposed to address the lead content of the underlying soils shall be submitted to the Local Planning Authority for its approval in writing. The scheme shall then be implemented in accordance with the approved details.

REASON

In view of the former use of the site so as to reduce the risk of pollution.

15. No works shall commence on site other than the demolition works hereby approved, until a preliminary assessment for contaminated land has first been undertaken. It shall be submitted to the Local Planning Authority. If this assessment identifies potential contamination, then at the request of the Local Planning Authority a further detailed investigation shall be carried out and details of all remediation measures shall then be submitted to the Authority. Works may then only progress in accordance with measures as approved in writing by the Authority.

REASON

In the interests of reducing the risk of pollution.

16. In the event that contamination is found under condition (9) at any time when carrying out the development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and Risk Assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared. Work may only continue in line with remediation as agreed in writing by the Authority.

REASON

In the interests of reducing the risk of pollution.

17. Where any remediation measures have been carried out in pursuance of conditions (9) and (10) a post remediation verification report shall be submitted to the Local Planning Authority before the development is first occupied. Occupation may only proceed following the written approval of the Authority

REASON

In the interests of reducing the risk of pollution.

18. No development shall take place on the site other than the demolition works hereby approved until full details of the gas protection measures to be provided within the buildings have first been submitted to and approved in writing by the Local Planning Authority. All construction work shall then take place including the approved measures

REASON

In view of the former use of the site so as to reduce the risk of pollution.

19. No development shall commence on site other than the demolition works hereby approved until a Landscape and Open Space Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open space areas has first been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of the mechanisms which will secure its implementation as well as details of the heritage assets from the former hat factory which will be placed in these open spaces. The Plan shall then be carried out as approved.

REASON

In the interests of the visual amenities of the area.

20. No development shall commence on site until a Construction Management Plan has first been submitted to and approved in writing by the Local Planning Authority. This Plan must contain details for the suppression of dust generated from activities on the site; the prevention of mud and debris being deposited on the surrounding highways, the hours of construction, the hours for the delivery of goods and materials to the site, the arrangements for worker's car parking, the security arrangements and the points of contact identified for concerns and complaints from the local community.

REASON

In the interests of the amenities of the area.

21. No development shall commence on site other than the demolition works hereby approved until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details. The scheme shall:

- Demonstrate that the system is designed in accordance with CIRIA C753 through the submission of plans and cross sections of all the drainage features
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% critical rain storm to a rate to be agreed by the Local Planning Authority. This must show a minimum of a 50% reduction on pre-development peak run-off.
- Demonstrate that the attenuation storage accords with Science Report SC030219.
- Demonstrate detailed design of the surface water scheme including details of all attenuation and outfall arrangements. Calculations should demonstrate the performance of the system for a range of return periods and storm duration inclusive of the 1 in 1 year; 1 in 2 year, 1 in 30 year and 1 in 100 year plus climate change return periods.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing. Water must not be directed toward properties nor flow onto third part land. Overland flow routing should look to reduce the impact of an exceedance event.

REASON

To reduce the risk of flooding.

22. There shall be no occupation of the development hereby approved until a detailed maintenance plan written in accordance with CIRIA C753 has first been submitted to and approved in writing by the Local Planning Authority. It shall include the name of the party together with full contact details, responsible for the implementation of the approved plan. The measures in the approved plan shall be maintained at all times.

REASON

To reduce the risk of pollution.

23. There shall be no occupation of any of the units hereby approved until the whole of the car parking provision; turning areas and access arrangements as shown on the approved plan has first been fully completed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety.

24. No development shall commence work on site other than the demolition works hereby approved, until such time as a Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the appropriate specification for any noise insulation needed to ensure an acceptable noise climate for the occupiers of the residential development and in particular those occupying units adjoining the neighbouring public house. The approved Plan shall be implemented in full prior to occupation of any of the units hereby approved.

REASON

In the interests of the residential amenities of the area.

b) PAP/2019/0183

That Listed Building Consent 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory purchase Act 2004, and to prevent an accumulation of unimplemented consents.

2. Standard Plan numbers condition – plan numbers 001A, 002A, 100A, 101A, 102A, 103, 104A, 105, 106, 107A, 108A, 109, 110A, 111A, 112A, 113A, 200B, 201B, 202C, 203D, 204C, 205C, 206B, 207A, 208A, 209A, 210A and 211 and supporting documents including Written Scheme of Investigations and Structural Surveys and Heritage Statement.

REASON

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

3. Before building work commences, the following details shall be submitted to the local planning authority for approval:
 - iii) A schedule of materials (including samples) to be used in the elevations, roof, wall plinth/bases of the new development and the restoration of Block Q.
 - iv) eaves/verges, ridges and chimneys at a scale of not less than 1:10

The development shall be constructed in the approved materials and details.

REASON:

To ensure the architectural detailing of the new buildings reflects the established character of the area and in the interests of preserving the appearance of the historic buildings.

4. Before building work commences, a sample panel of walling of the buildings to be renovated and the new buildings shall be constructed on site to the written satisfaction of the local planning authority. The works shall be carried out in full accordance with these sample walls.

REASON

In the interests of preserving these historic buildings and ensuring that any new build is sympathetic to these historic buildings.

5. Prior to the installation of glazed elements including windows, doors (glazed and timber) and glazed links, scaled elevations at 1:20 and sections at 1:10 shall be submitted to the Local Planning Authority and approved in writing for the new blocks and where there are changes to the architectural detail in the historic buildings. Only the approved details shall then be used.

REASON

In the interests of preserving these historic buildings and ensuring that any new build is sympathetic to the historic buildings.

6. Prior to the installation of architectural Ironmongery details of the balconies, rainwater goods, fencing, lighting, CCTV, gates, decking, street furniture and railings shall be submitted to the local planning authority for their approval in writing. Only the approval details shall then be used.

REASON

In the interests of preserving these historic buildings and ensuring that any new build is sympathetic to these historic buildings.

7. No part of the development hereby approved shall commence until a scheme detailing the phasing for the implementation of the overall development has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall describe the stages in which the development will be implemented and for each stage it shall describe the phasing of conversion of the historic building and of the re-construction of any building. The development shall then proceed only in accordance with the approved phasing details.

REASON

To ensure that all components of the overall development are provided in a manner appropriate to the heritage value of the site.

8. No building shall be occupied until all works within that phase of the development have been completed, the historic blocks shall be converted to a standard deemed to be appropriate for their occupation as confirmed in writing by the Local Planning Authority.

REASON:

In the interests of safeguarding the Heritage Asset.

9. Details of the methods to be used for the protection of the retained building fabric shall be submitted to and approved in writing by the Local Planning Authority before any works for demolition and construction commence. Particular reference shall be made to the protection of the remaining blocks O/P, R and U/T and to the boundary wall alongside the canal. The approved protection works shall be carried out before any other works are carried out.

REASON

To ensure that parts of the original listed building are properly protected and supported.

10. The demolition of Block Q shall be carried out by hand (or tools held in the hand other than power-driven tools) and the materials stored for re-use on the site.

REASON:

To protect the significance of the remaining listed buildings.

11. For the avoidance of doubt, there shall be no uPVC windows or doors used on any of the buildings whatsoever. All of the windows and external doors shall be recessed back in their openings by a minimum of 75mm.

REASON

In the interests of preserving these historic buildings and ensuring that any new build is sympathetic to these historic buildings.

12. Prior to any demolition works a historic building survey shall be undertaken and completed in accordance with the document submitted with this application entitled "Written Scheme of Investigation for Historic Building Survey", by University of Leicester Archaeological Services.

REASON

To ensure appropriate recording of the historic buildings.

12. Prior to construction the following details are required:

- a) a programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition shall be undertaken and completed in accordance with the document submitted with this application entitled "Written Scheme of Investigation for Archaeological Field Evaluation" , by University of Leicester Archaeological Services.

- b) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the LPA. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

REASON

In view of the potential for the works to disturb any archaeological features associated with the industrial use of this site.

BACKGROUND PAPERS

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

Planning Application No's: PAP/2019/0180

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	26/3/19
2	Resident	Objection	7/5/19
3	Resident	Objection	13/4/19
4	Resident	Objection	13/4/19
5	Atherstone Town Council	Representation	18/4/19
6	Resident	Representation	28/4/19
7	Resident	Representation	29/4/19
8	Resident	Objection	25/7/19
9	Atherstone Civic Society	Representation	
10	Resident	Objection	25/7/19
11	Atherstone Town Council	Representation	19/9/19
12	Warwickshire Police	Consultation	12/4/19
13	Inland Waterways Association	Consultation	10/4/19
14	WCC Highways	Consultation	9/4/19
15	WCC Highways	Consultation	26/9/19
16	Environmental Health Officer	Consultation	30/5/19
17	Environmental Health Officer	Consultation	8/5/19
18	GE NHS Trust	Consultation	
19	WCC Public Health	Consultation	28/5/19
20	WCC Infrastructure	Consultation	
21	Canal and River Trust	Consultation	3/5/19
22	Canal and River Trust	Consultation	17/9/19
23	County Archaeologist	Consultation	30/4/19
24	NWBC Waste	Consultation	12/4/19
25	WCC Flooding	Consultation	15/4/19
26	WCC Flooding	Consultation	23/9/19
27	Applicant	Amended plan	2/9/19
28	WCC Highways	Consultation	3/10/19
29	Resident	Objection	
30	NWBC Waste	Consultation	2/10/19
31	Applicant	E-mail	23/10/19

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.

Planning Application No: PAP/2019/0183

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	
2	Historic England	Consultation reply	18.4.19
3	Atherstone Town Council	Consultation reply	18.4.19
4	Canal and River Trust	Consultation reply	3.5.19
5	Atherstone Civic Society	Consultation reply	20.5.19
6	Heritage Officer to Case Officer	Consultation reply	31.5.19
7	Heritage Officer to Case Officer	Consultation reply	20.6.19
8	Case Officer to Heritage Officer	Plans	22.8.19
9	Heritage Officer to Case officer	Consultation reply	23.8.19
10	Agent	Revised plans	29.8.19
11	Canal and River Trust	Consultation reply	17.9.19
12	Historic England	Consultation reply	18.9.19
13	Atherstone Town Council	Consultation reply	23.9.19

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.

General Development Applications

(#) Application No: PAP/2019/0180 and PAP/2019/0183

Britannia Works, Coleshill Road, Atherstone, CV9 2AA

Planning and Listed Building applications for the erection of 70 apartments (use class C3) with extra care provision, for

Atherstone Britannia Ltd

Introduction

The receipt of these applications is reported to the Board in view of its continuing interest in the site.

The Site

These former hat factory premises are located between the Coventry Canal, Richmond Road and the Coleshill Road about 400 metres south of the Atherstone town centre.

There are established residential areas around the site with some other retail uses and a public house.

Within the site are two separate mill buildings which date from the late Victorian age – one facing the Coleshill Road and the second overlooking the canal towards the south-east. These two are now connected by early twenty century industrial blocks. The whole complex was last in use in 1999 when manufacturing ceased. The overall built form is generally three to four storeys in height and runs along the Coleshill Road frontage and the canal side. All vehicular access is via Richmond Road.

The ground level of the site sits above the residential properties in Westwood Crescent to the north.

The site's general location is shown at Appendix A.

The existing Coleshill Road elevation is at Appendix B and the canal side northern elevation is at Appendix C.

The Proposals

The majority of the existing buildings are to be demolished in order to provide as relatively clear development site. The buildings to be retained in full or in part are the two former Victorian mill buildings – the two storey traditionally brick built building in the south-east corner overlooking the canal, and in essence the front portions of the main Mill building overlooking the Coleshill Road including retention of its complete façade.

As described above the proposal is for 70 apartments as “extra care” provision. The number would be split evenly between one and two bedroom accommodation.

The main new build would face the canal side and the general approach taken is to reflect the industrial nature of the site but with a contemporary design therefore leading to a number of different con-joined blocks.

The Applicant's Ecological Appraisal identified no bat roosts during surveys but says that the buildings might have the potential to support roosts of some species of bat. It is recommended therefore that some bat boxes are included in the final design of the buildings.

The Flood Risk Assessment says that the site is in Flood Zone One where development is at the least risk of fluvial flooding. Surface water drainage is to discharge into the canal and foul water would use the existing sewerage network.

The Transport Assessment concludes that the site is well located to the town centre, nearby shops with accessible pedestrian access and routes to regular public transport services. It is thus a well located sustainable site. There will be less traffic generated by the proposed use as compared with the previous permissions given the change in the nature of the residential use now proposed.

Written Schemes for the Historic Investigation of the Buildings and for the archaeological evaluation of the site itself have been submitted.

A Heritage Impact Assessment has also been submitted which concludes that the proposal would accord with both Development Plan and NPPF planning policies. This Assessment is not copied into this report but will be referred to in detail in the subsequent determination report.

A Design and Access Statement describes how the proposed design of the new build has been arrived at.

A Planning Statement draws all of the relevant planning considerations together.

The plan at Appendix D illustrates the extent of the existing buildings on site and Appendix E illustrates those to be retained.

Appendix F illustrates the proposed layout and Appendices G and H are the equivalent elevations for the sections referred to above – Coleshill Road and the canal side.

Background

In 2008 planning and listed building permissions were granted, but never taken up for the part demolition and conversion of the site for residential use together with a heritage centre.

In 2017 planning and listed building permissions were granted for the part demolition and part conversion of the site for residential use by 59 new units. Several of the pre-commencement conditions attached to these permissions have been discharged.

The frontage Victorian Mill building is a Grade 2 Listed Building. The remaining buildings on the site are associated curtilage buildings.

The site is not in the Atherstone Conservation Area.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development) and NW14 (Historic Environment)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV12 (Urban Design); ENV14 (Access Design), ENV16 (Listed Buildings) TPT3 (Access and Sustainable Transport) and TPT 6 (Vehicle Parking)

Other Material Planning Considerations

The National Planning Policy Framework

The Submitted Local Plan 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP9 (Affordable Housing Provision), LP15 (Historic Environment), LP31 (development Considerations), LP32 (Built Form) and LP36 (Parking)

Observations

Members have been pressing for the future of this site to be resolved given the significance of its heritage value in the history of the town and its prominent location. The recent permissions have not been taken up and thus the buildings on the site have continued to deteriorate, albeit with emergency works, including demolitions, to overcome times when there were call outs under the dangerous structures procedures.

Given the site's location within the town's development boundary and the recent permissions which are considerations of substantial weight, the principle of redevelopment with a residential use has been acknowledged. The main issues with any new proposals are thus going to revolve around a number of detailed issues. In general terms these are the amount of demolition; the impact of that on the significance of the heritage asset, the appearance and design of the new buildings, the means of access into the site, parking provision and the overall impact on neighbouring residential amenity.

A full determination report will be brought to the Board in due course when the consultation responses have been assessed and any amendments sought have been received.

It is suggested that Members should visit the site. However given the condition of some of the buildings and that the main issues are going to be with appearance and design, it is considered that that visit perhaps be confined to a walk around the site taking in the canal and the Coleshill Road and Richmond Road frontages.

Recommendation

That the report be noted at this time and that a visit be organised prior to the application's determination.

BACKGROUND PAPERS

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

Planning Application No: PAP/2019/0180 and PAP/2019/0183

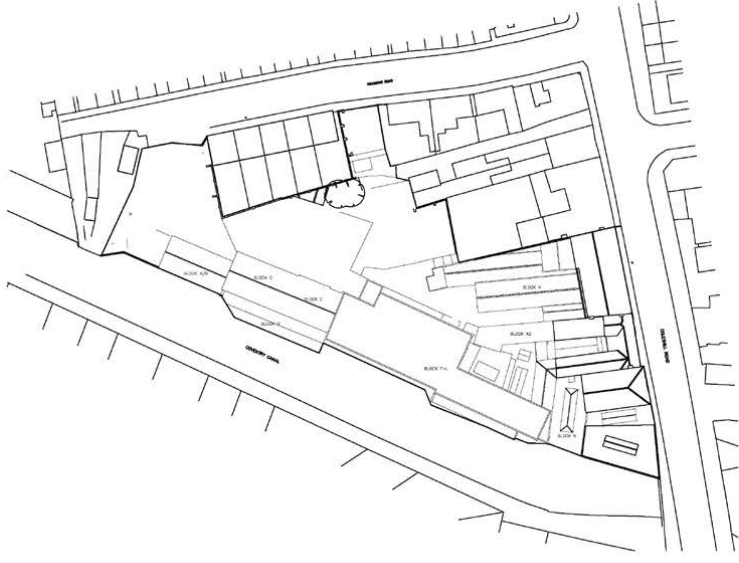
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	26/3/19

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

PAP/2019/0180



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 www.msquarearchitects.com

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APPENDIX B

PAP/2019/0180



EXISTING NORTH - WEST ELEVATION



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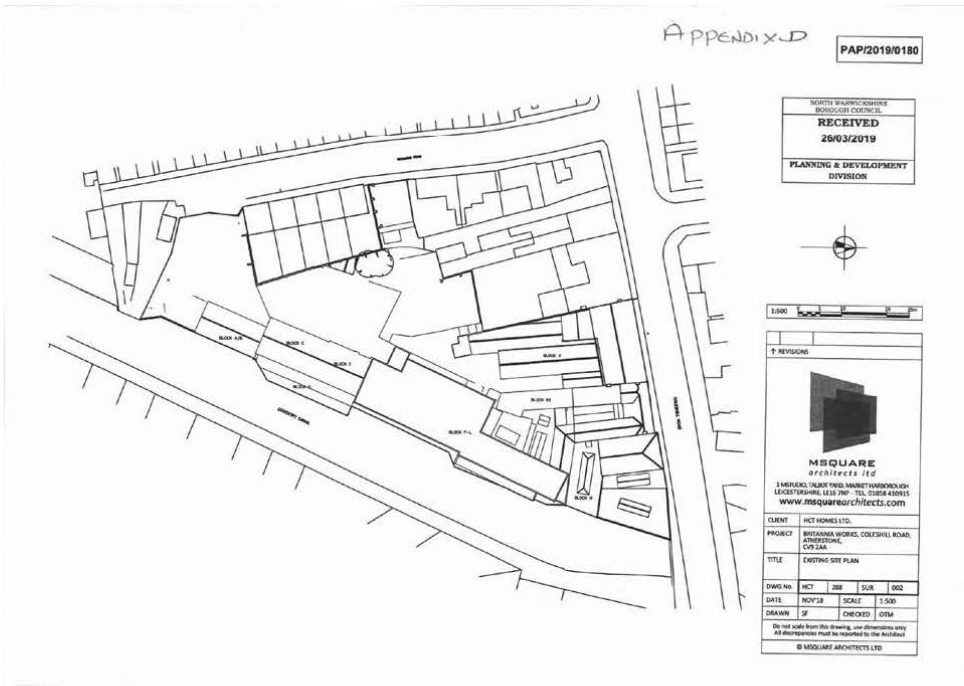
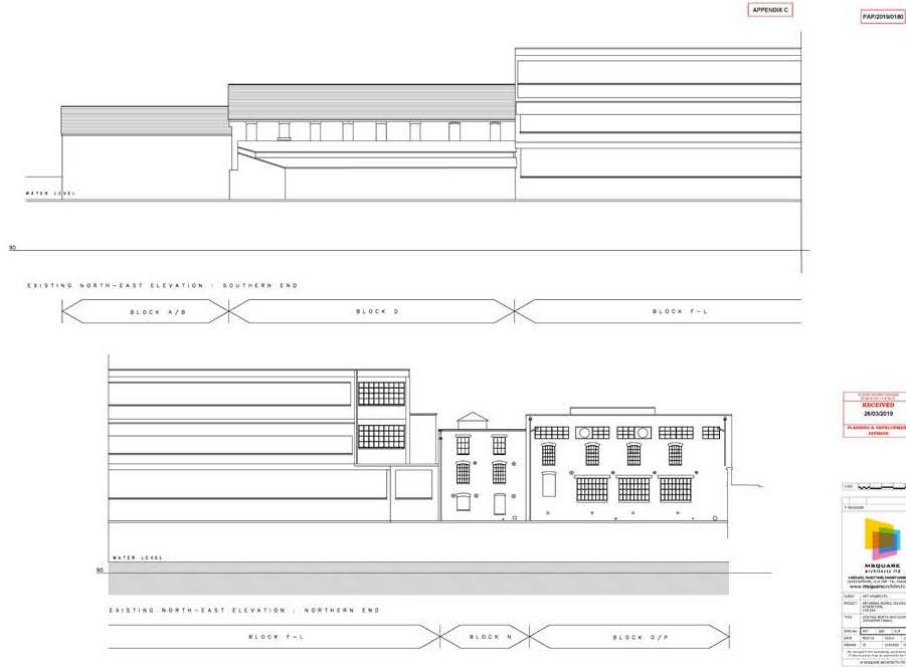
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 CV3 5JA

TITLE: EXISTING SITE PLAN

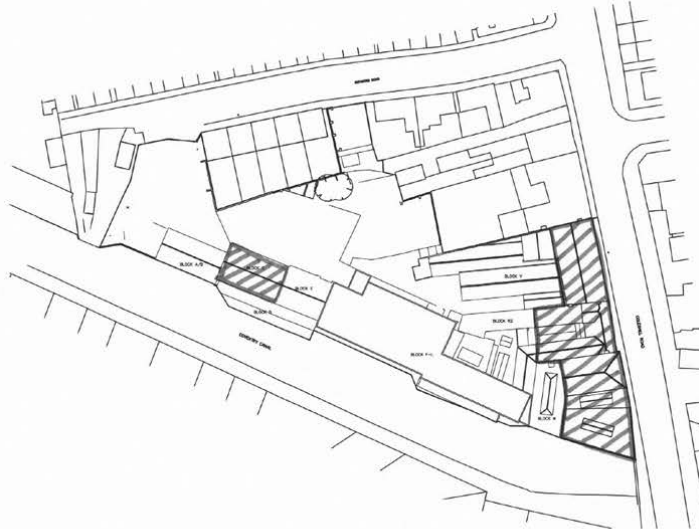
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LEGS/SPRUELL, LE18 7PW TEL: 01534 410015
www.msquarearchitects.com

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PROJECT: BRITANNIA WORKS, COLESHILL ROAD,
STREET ONE,
CT9 7JX

TITLE: EXISTING SITE PLAN

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LEGEND

- EXISTING BUILDING FOOTPRINT, COLOUR SEE
- PROPOSED BUILDING FOOTPRINT, COLOUR SEE
- PROPOSED BUILDING FOOTPRINT, COLOUR SEE
- EXISTING ROAD, COLOUR SEE
- PROPOSED ROAD, COLOUR SEE
- GRAVEL
- ASPHALT (SEE LAYOUT SCHEDULE)

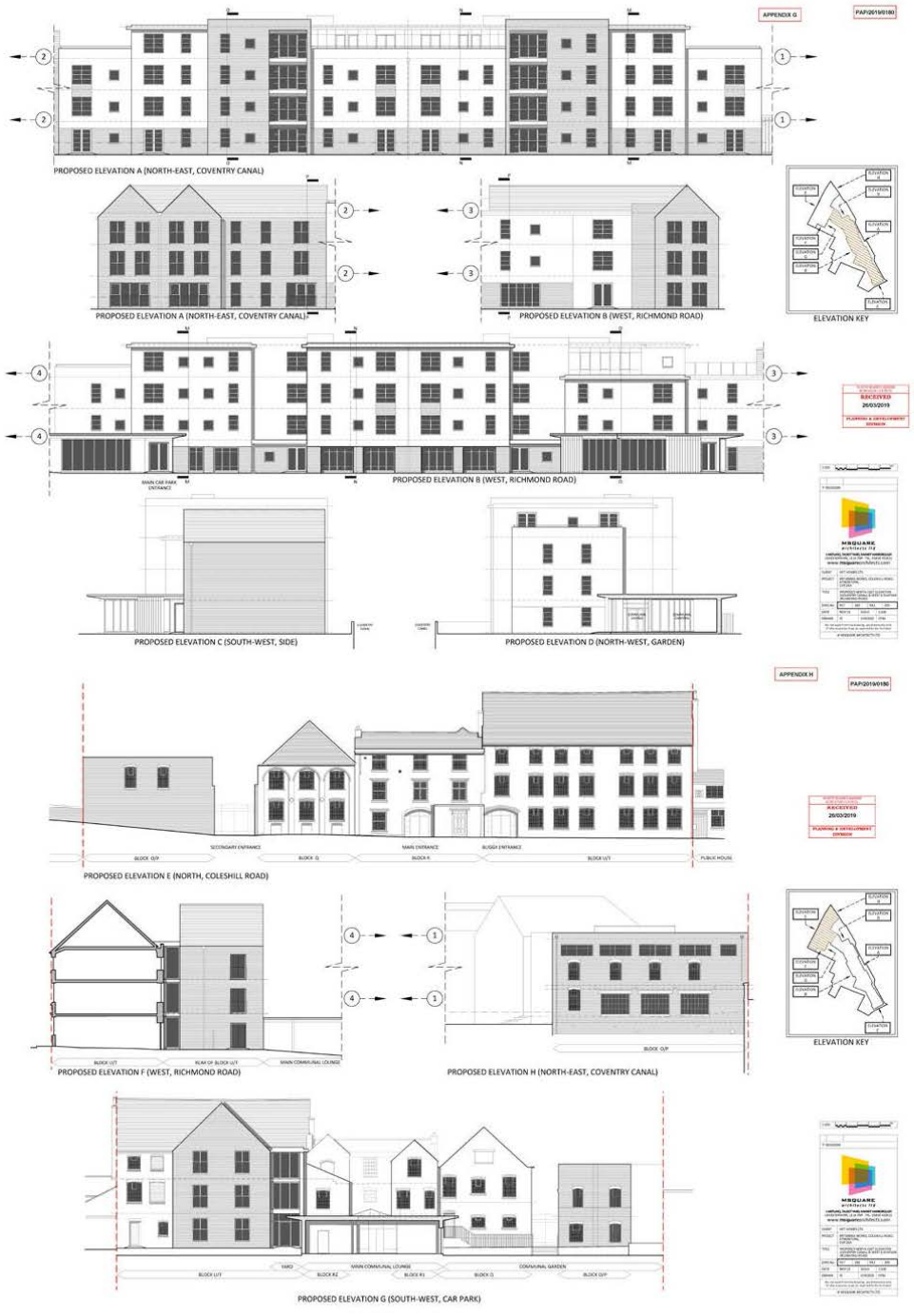
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 TITLE: PROPOSED LAYOUT
 DESIGNED BY: J. SMITH
 CHECKED BY: J. SMITH
 DRAWN BY: J. SMITH
 DATE: 26/03/2019

M20 JUNCTION 12
 A CONSULTING ENGINEERING AND PLANNING FIRM
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 TEL: 020 7654 3300
 WWW.M20JUNCTION12.COM

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 2019



PAP/2019/0180

Britannia Works, Coleshill Road, Atherstone

Member Site Visit – 1 June 2019 at 1000

Present: Councillors Bell, D and T Clews, Dirveiks, D and M Humphries, Jarvis, H Phillips, Simpson Symonds and D Wright together with J Brown

1. Members met on the Coleshill Road opposite the site and were shown plans illustrating the scale of the proposed demolition together with the proposed layout within the site and the proposed appearance of the front elevation.
2. Members then walked into Richmond Road in order to look at the two points of access as well as the nature of that road with its on-street car parking and the now vacant industrial premises at the end of the road.
3. Members returned to the Coleshill Road and noted the condition of some parts of the front elevation.
4. They then met on the canal-side frontage. Here they could appreciate the full extent of the demolition involved. Plans illustrating the appearance of the new build were also circulated.
5. The visit concluded at around 1035

APPENDIX C

PAP/2019/0180



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CLIENT: HCT HOMES LTD.
PROJECT: BRITANNIA WORKS, COLESHILL ROAD, AITHERSTONE, CV9 2AA
TITLE: EXISTING SITE PLAN

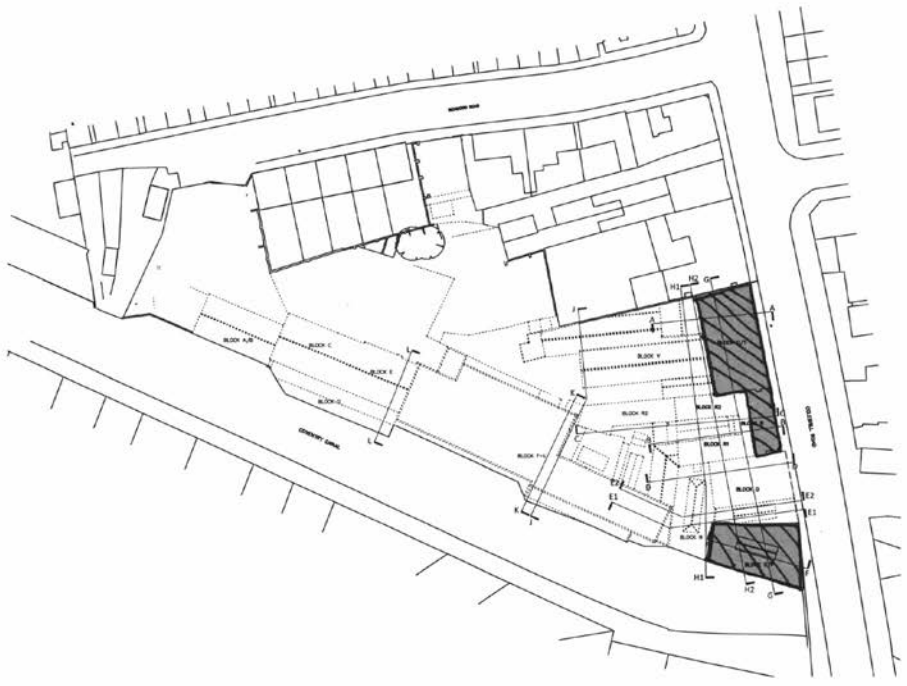
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PAP/2019/0180



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A | 07.08.19 | Extents of demolition updated

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LEICESTERSHIRE, LE16 7AP - TEL: 01534 410915
www.msquarearchitects.com

CLIENT: HCT HOMES LTD.
PROJECT: BRITANNIA WORKS, COLESHILL ROAD, AITHERSTONE, CV9 2AA
TITLE: DEMOLITION SITE AND ROOF PLAN

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APPENDIX E

PAP0018180

SUPERSEDED



PROPOSED ELEVATION E (NORTH, COLESHILL ROAD)



PROPOSED ELEVATION F (WEST, RICHMOND ROAD)



PROPOSED ELEVATION H (NORTH-EAST, COVENTRY CANAL)



ELEVATION KEY

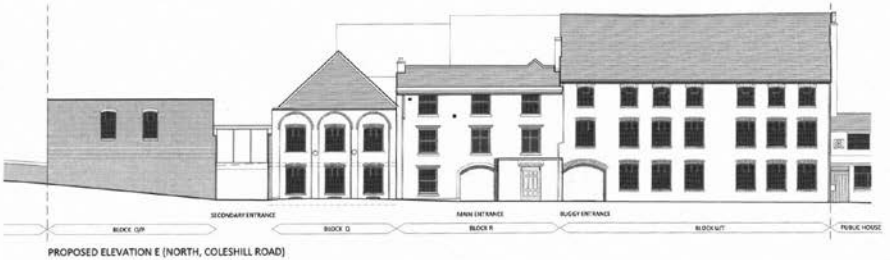


PROPOSED ELEVATION G (SOUTH-WEST, CAR PARK)

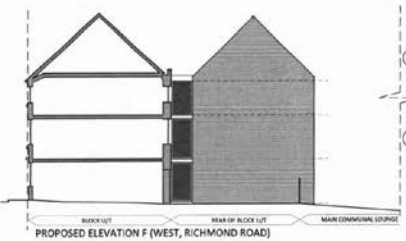


APPENDIX F

PAP0018181



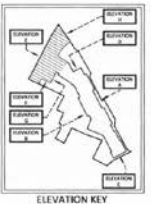
PROPOSED ELEVATION E (NORTH, COLESHILL ROAD)



PROPOSED ELEVATION F (WEST, RICHMOND ROAD)



PROPOSED ELEVATION H (NORTH-EAST, COVENTRY CANAL)



ELEVATION KEY



PROPOSED ELEVATION G (SOUTH-WEST, CAR PARK)



Appendix G

PAP02194180



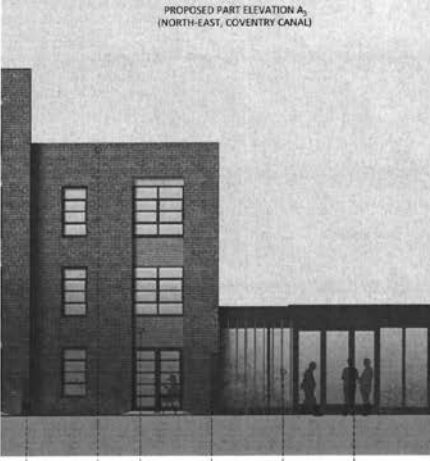
Appendix H

PAP02194180



APPENDIX I

PAP/2019/0183



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MSQUARE ARCHITECTS 100-102, THE CANALSIDE, COVENTRY, CV1 2GR WWW.MSQUAREARCHITECTS.COM
PROJECT: PLANNING APPLICATION FOR THE DEVELOPMENT OF A MIXED-USE SCHEME REF: 2019/0183 DATE: 21/09/2019 TIME: 10:30 AM BY: [Signature] FOR: [Signature]

(5) Application No: PAP/2019/0256

Land 50 Metres South Of Kirby Glebe Farm, Atherstone Road, Hartshill,

Change of use of land to use as a residential caravan site for 4 no: gypsy families, each with 2 no: caravans, together with laying of hardstanding and erection of 4 no: ancillary amenity buildings, for

Mr J Delaney

Introduction

This application is reported to the Board at the request of local Members concerned about cumulative impacts, should this proposal be granted a planning permission.

The Site

This is land to the south of an access track leading off the Atherstone Road to Kirby Glebe Farm. The access onto Atherstone Road is close to the B4111 road junction where it passes under the West Coast main railway line. That line is some 120 metres to the north of the site.

There are residential developments further along the track to the west as well as equestrian and fishery uses and activities. There are similar uses to the south.

There is a collection of three or four residential properties at the rail bridge junction; a further two cottages about 800 metres to the east along the B4111, and four or five cottages on the B4111 on the other side of the railway line.

The Dobbies garden centre is on the B4111 immediately 250 metres both of the site.

Background

Immediately to the east there are other gypsy and traveller sites on either side of the access track. These benefit from planning permissions. In total these permitted 16 pitches providing up to 38 caravans (touring and static) and 13 amenity buildings.

Land further to the west is the subject of two Injunctions granted by the High Court on the 11 and 17 October. They prevent the stationing of caravans or mobile homes on the land, or the undertaking of development including the digging of trenches, the erection of buildings or the laying of hardstanding without the written consent of the Council. Both Injunctions can be reviewed by the High Court on the 7 November. As a consequence limited weight should be attached to them.

Appendix A illustrates the location of this application site (marked as "A") together with that of the other one included on this agenda (marked as "B"), the extent of the land covered by the permissions referred to above, as well as the sites the subject of the Injunctions.

Although the nearest settlement to the site is Hartshill, it is located in Mancetter Parish

The Proposals

This is to provide four pitches each with a touring and static caravan together with a small brick built amenity building (8 by 4 metres and 4 metres tall). These proposals reflect the content of the adjoining lawful permitted developments.

The applicants are Irish travellers and have no alternative accommodation. They satisfy the appropriate definition for the travelling community.

The proposed layout is shown at Appendix B.

Consultations

Warwickshire County Council as Highway Authority – It objects to the proposal because of increased use of the access onto Atherstone Road which is causing deterioration to the physical access and increasing road safety concerns. The access track is not within the control of the applicant and thus cannot be improved by planning condition.

Warwickshire County Council (Public Rights of Way) - No objection.

Environmental Health Officer – No objection.

NWBC (Refuse and Waste) – All refuse bins should be placed at the road junction.

Representations

Five representations have been received which refer to the following matters:

- The Local Plan requirement has already been reached and increased
- That increase appears to all be in Hartshill
- This would add too many for Hartshill
- The access is poor – narrow and leading onto a very busy road
- No footpaths to walk into Hartshill
- There may be an increase in anti-social behaviour
- Adjacent stables have closed
- There should be more landscaping if this is approved
- Smoke and light pollution
- Additional pressure on existing facilities and services
- The planning permissions need to be investigated so that there are no breaches
- The 2015 consent said that the remaining land was to remain in agricultural use.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW7 (Gypsy and Travellers), NW8 (Gypsy and Traveller Sites), NW10 (Development Considerations) and NW12 (Quality of Development).

The Mancetter Neighbourhood Plan 2017 – DP1 (Sustainable Development Principles); SB2 (Residential Development outside of Settlement Boundaries) and BE2 (Protecting and Enhancing Local Character)

Other Material Planning Considerations

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

The Planning Policy for Traveller Sites – (the “PPTS”)

The Submitted Local Plan 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP6 (Amount of Development), LP10 (Gypsy and Travellers) and LP31 (Development Considerations)

The Examination Inspector’s letter of 29/6/19 - INSP18

The Daw Mill appeal decision – APP/R3705/W/16/3149827

Kirby Glebe Appeal decisions referenced APP/R3705/W/17/3188036 and APP/R3705/C/05/2001114

The Highfield Lane Corley appeal decision referenced APP/R3705/W/18/3199149

The North Warwickshire Landscape Character Appraisal 2010

Observations

a) Introduction

It is acknowledged that the applicant satisfies the definition within the PPTS in respect of his status as a gypsy and traveller.

Contrary to some comments made by representors, the site is not in the Green Belt.

The site is outside of the development boundary of Hartshill - the closest settlement named in the Core Strategy settlement hierarchy. The boundary is some 600 metres to the south. Members will know that in such a location new residential development is not normally permitted unless it is for a purpose in connection with the use of that land; where it requires an essential rural location or where it is affordable housing explicitly to meet local community needs – see policy NW2. This would suggest a starting point of refusal in this case, but there are three material planning considerations that outweigh this presumption. The first is that the development boundaries in the Core Strategy have been found to be out of date as a consequence of the Daw Mill appeal decision. In these circumstances the NPPF is engaged as the primary planning policy consideration. Here it says in paragraph 11, that planning permission should be granted unless there are significant and demonstrable adverse impacts, when the NPPF is taken as a whole.

The second is that the PPTS does recognise that sites for travellers should not be restricted to urban or built up areas. There may thus be support for sites to be permitted outside of development boundaries. Indeed this approach is explicitly followed in Policy NW8 of the Core Strategy dealing with gypsy and traveller sites, and this is the third consideration. As such therefore, the Board is reminded that because of these circumstances, the starting point here is that planning permission should be granted in principle.

It is therefore necessary to refer to the NPPF as the primary planning policy in this case. It states in paragraph 11 that planning permission should be granted without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF when taken as a whole.

b) Adverse Impacts

The harm side of this planning balance therefore needs to be assessed. If adverse impacts are found here and they are to be used in a refusal, it is necessary that there is demonstrable evidence available to show they are significant, such that they outweigh the support in principle for this development.

i) Policy NW8

The starting point for looking at these is Policy NW8 of the Core Strategy. This is a policy, as explained above, explicitly designed to assess planning applications such as this – windfall applications for traveller sites. The policy says that such sites will be permitted outside, adjoining or within a reasonable safe walking distance of a settlement outside of the Green Belt. The site here is outside of the Green Belt. The policy is supplemented by a number of criteria, each of which will be explored below.

Before doing so, it is important to recognise that the Policy applies to the “site”. This is the application site itself. References and/or concerns reflecting the wider and neighbouring setting will be dealt with later in the report.

The first criterion is that the size and number of pitches is appropriate in scale and size to the nearest settlement and its range of services and infrastructure, limited to a maximum of five pitches per site. This application is for four pitches, one below the five referred to. It is also acknowledged that this number of four is appropriate in scale and size to the nearest settlement – Hartshill. Hartshill also has a full range of services and facilities. Members should be aware too that the two Kirby Glebe Farm appeal decisions referred to above accepted that those appeal proposals on neighbouring sites complied with this policy criterion – the most recent being in late 2018. It is in these circumstances that the current proposal would satisfy this criterion.

The second is that the site is suitably located within a safe, reasonable walking distance of a public transport service with access to a range of services including school and health services. This applies here with a bus stop directly opposite the junction of the access track with the Atherstone Road. The bus service here is frequent and runs throughout the week and at weekends, in both directions accessing a full range of services in Hartshill, Atherstone, Nuneaton and Coventry. The proposal would satisfy this criterion – a matter of fact agreed by both previous appeal decisions. The policy also refers to a site being within a reasonable safe walking distance of a settlement. In this case it is agreed that there is no pavement or footway into Hartshill, but two Inspectors have concluded that the alternative bus service being readily accessible here, outweighs that concern.

The third criterion is that sites should avoid a high risk of flooding and avoid other environmental hazards that might affect resident’s welfare. This criterion is satisfied – agreed by two Inspectors.

The fourth is that the site has access to essential services – which again is the case here as agreed by two Inspectors.

The final one is that the site can be assimilated into the surroundings and landscape without significant adverse effect. This is the one criterion that requires closer examination as it links to the concerns that the site should be seen in its wider setting as an extension to already established developments. It also ties in with policies NW12 of the Core Strategy and BE2 of the Mancetter Neighbourhood Plan.

Policy BE2 in the Mancetter Neighbourhood Plan says that development should recognise and complement the local character of the Parish. The explanation of the policy refers to the views both up to the higher ground to the south and from that ground out over the Anker Valley to the north. To a large extent therefore this relates to landscape impacts arising from new developments. The starting point for this is the North Warwickshire Landscape Character Appraisal. The application site lies in the Baddesley to Hartshill Uplands Area. This describes the main characteristics as being a “distinct and unified upland and steeply undulating landscape located upon a rocky escarpment. The landform gives rise to upland woodland, heath and marginal pastoral farmland. Although the area contains settlements and industry this is generally absorbed by the prevailing wooded upland character. The southern half is heavily disturbed by quarrying activities and related modern industries.” The issue is thus whether this new proposal would significantly and demonstrably adversely cause harm to these characteristics. In overall terms it is considered not, as those impacts are confined to a very small part of the whole Landscape Character Area; there is other development in the immediate area that is also publically visible – Dobbies garden centre, the railway line, other houses, barns and stables - and there are significant established hedgerows in the area. Moreover additional on-site landscaping could lessen any residual visual impacts. It is thus not considered that the proposal would materially impact on the character of the wider landscape area.

Policy NW12 of the Core Strategy says that new development must positively improve the environmental quality of the area. This means that if a proposal is to be refused, it is necessary to show that significant harm would be caused to the environmental quality of the area. The proposal would extend the area currently occupied by similar development by some 20% in land area; by 20% in terms of the increased number of permitted caravans and 30% in terms of additional amenity buildings. The site has an established strong hedgerow running along its southern boundary and planning conditions can be added to supplement landscape provision. In overall terms it is agreed that there would be a visual impact, but that is not considered, even cumulatively, to be significant. The Inspector in the most recent appeal decision of late 2018 referred to the railway line, to the Dobbies Garden Centre, and to the established hedgerows. He considered the site he was dealing with to be “relatively contained”. In respect of the setting he says that whilst there are views from higher ground to the south over open fields, the “enclave” of the sites here would not be prominent or conspicuous in the rural landscape. There are only glimpses of the caravans when viewed from the north and the views from the railway line would be transitory. It is fully acknowledged that that appeal site was within the main body of the permitted sites and that this current site is an extension to that “enclave”. It is not considered that it would however significantly or demonstrably alter the Inspector’s general conclusions.

Returning therefore to the final criterion of Policy NW8 it is concluded that the site can be assimilated into the surroundings without adverse impact.

It is therefore concluded that the proposal would be compliant with Policy NW8.

ii) Policy NW10

This policy includes a list of matters which affect all development proposals. The two of most relevance here are those relating to vehicular access and to residential amenity.

In respect of the second of these then it is not considered that this development would materially impact on the residential amenity of neighbouring residential occupiers in respect of loss or privacy, overshadowing or overlooking. Members are reminded that matters relating to loss of a view are not material planning considerations.

In respect of access matters then it is of significant weight that the County Council as Highway Authority has objected to the proposal. That objection refers to the increased use of a substandard access that is unlikely to be improved as it is not within the control of the applicant. No evidence has been submitted with the application such as Road Safety Audits to suggest that there is highway safety issue here. The County Council's objection has been referred to the applicant's planning agent but no response has been received and thus there is no rebuttal evidence available for the County Council to review its objection. The Highway Authority therefore considers that there is sufficient concern so as not to meet the guidance set out the NPPF. In these circumstances substantial weight should be attached to this objection as the Council's Core Strategy Policy NW10 (6) cannot be achieved.

iii) Other Harms

The site is not within a Conservation Area or other designated heritage, ecological or landscape area. It neither would affect the setting of any such areas.

There is reference in the representations to other matters which now need to be considered.

The first is that this development when added to the established neighbouring sites would go beyond the Borough's site requirement for the Strategy's plan period as set out in Policy NW7 of the Core Strategy. In other words there would be over-provision. The policy says that the requirement in the Borough throughout the plan period of 2011 to 2029 is nine residential pitches and five transit pitches. To date there are now nineteen pitches approved following the Corley appeal decision, as well as twelve transit pitches being approved by the County Council. The figures have therefore been exceeded. However just as with applications for the settled community in any particular settlement, Members are fully aware that even if we have a five year supply of housing that does not mean that all future housing applications should be refused. Each application for traveller accommodation has to be treated on its merits, just as any other type of application would be. In this case, these applications for windfall sites are explicitly dealt with under Policy NW8 and any other relevant policies of the Development Plan. This was the approach taken by the Inspector in the Corley decision when faced with the same matter where he explicitly states that the "requirement is not a ceiling". Hence if a proposal complies with the criteria under Policy NW8, then it should be granted planning permission. As a consequence a refusal based on this "harm" could not be supported.

The second is that there is a disproportionate level of gypsy and traveller sites in the Hartshill area. There are several responses to this. Firstly, it is agreed that the PPTS in paragraph 14 says that "when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not

dominate the nearest settled community". Paragraph 25 says that, "Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of and do not dominate the nearest settled community and avoid undue pressure on the local infrastructure". Here even if allowed, this development would lead to there being some fourteen families in this general area close to Hartshill. That would not "dominate" that settlement. Moreover it would not give rise to undue pressure on the local infrastructure as the Council's own Submitted Regulation 19 Plan is allocating 400 houses in Hartshill and further numbers in Ansley Common. The two Kirby Glebe appeal decisions referred to above also come to the same conclusion. Moreover no evidence has been submitted to show that there has been an adverse "social" impact directly arising from the established sites. As a consequence therefore, a refusal based on this "harm" could not be supported.

The third is that it is suggested that the description in a 2015 planning application said that "the remaining land to remain within an agricultural/equestrian use". It is agreed that this is the case, but that does not prevent or restrict the submission of later applications being submitted for other uses. Members will be fully aware of all kinds of applications for the change of use of agricultural and equestrian land and that each will then be determined on the merits of the case against the Development Plan unless other material planning considerations indicate otherwise.

This is what has happened in this case with determination taking place under NW8 the relevant Plan policy.

Finally there is concern that there is alleged to be breaches of planning control at the permitted sites and thus there might be a continuation if this application is supported. Members are aware that "speculation" is not a material planning consideration and no weight should be attached to it. This is not a reason for refusal of this application. Allegations are investigated and there are recognised procedures for following through if breaches of planning control are established.

As a consequence of these matters it is not considered that there is other significant harm caused by these concerns that can be demonstrated to give rise to adverse impacts.

In conclusion therefore it is concluded that the only adverse impact here that could cause significant and demonstrable harm is that caused by highway issues under Policy NW10 (6) of the Core Strategy.

c) The Applicant's Case

Referring back to the beginning of this section, it was concluded that the presumption here is to grant a planning permission unless there are significant and demonstrable adverse impacts. Such harm has been identified. However that has to be weighed in the final planning balance against any matters that the applicant raises that might still outweigh that harm.

He has first considered the criteria in Policy NW8 and concludes that the proposal is compliant. He disagrees with the Highway Authority given that the development would not materially add significant amounts of traffic using the junction and access and thus reduce road safety issues. He refers to the standards set out in the Government's "Manual for Streets" concluding that the access width is compliant with these standards

and that traffic generation from these sites is not similar to those of the settled community as the families here are often off-site for some time and that they do not recognise normal peak hours for moving.

The second consideration which he puts forward is that the Council has not allocated land for gypsy and traveller sites in its Core Strategy, nor indeed in its newly Submitted Local Plan. Until such time as it does and in the absence of alternative sites, it should determine each application against Policy NW8. Here the proposal is compliant with that policy. Whilst there is no reference in the applicant's case to the recent letter from the Inspector dealing with the Examination of the Submitted Plan, it should be referred to here. That letter requests an updated Assessment for Gypsy and Traveller accommodation to be completed and that appropriate changes are made to Policy LP6 of the Submitted Plan. Members should be aware that that Assessment commissioned jointly by several Authorities is not yet published and thus no weight can be attributed to it in the determination of this application.

The third consideration is that the four families to be accommodated here currently have no alternative accommodation of their own and therefore there is an immediate need. Living on this site would enable a settled base for the children with good access to schools and health facilities, which would be in their best interests compared with an itinerate life.

A further consideration is that additional accommodation is better located close to similar developments so as to prevent isolated and scattered sites throughout the Borough. There is some weight to be given to this. However on the other hand both Development Plan policy and the PPTS refer to resisting large sites. The appropriate measure in this case is spelled out in the relevant planning policy to address this matter – namely NW8 of the Core Strategy which has been reviewed in the context of this application. This refers to the “assimilation” issue and in this particular case that is not considered to be material.

All of these considerations carry weight. Members are reminded of their Public Sector Equality Duty and the advice in the PPTS at paragraph 24 where the personal circumstances of the applicant are relevant in making a determination in these cases. The best interests of the children are therefore a consideration here, of significant weight.

d) The Final Planning Balance

The presumption here is to grant planning permission unless there are significant and demonstrable adverse impacts. One has been identified. It is necessary therefore to assess whether the considerations put forward by the applicant outweigh that adverse impact. It is considered not because the highway objection relates to road safety matters and those concerns apply beyond the applicant families, they apply to the other people resident here and to all other road users. In other words there is a wider public interest point here. Increased use of the access by whomever will give rise to safety issues and they will be permanent.

e) Other Matters

As a consequence of site investigations in the area, officers can confirm that work has commenced on this site through the laying of hard-standings, the erection of amenity buildings and the placement of vans on the site. A breach of planning control has thus been established. The Board will need to decide whether or not it is expedient to serve

an Enforcement Notice. Such a Notice would require the cessation of residential use, the removal of all buildings and caravans as well as associated infrastructure and hard-standings and the site's reinstatement to a grassed area. A compliance period of six months would be an appropriate period. The reasons for service are those highlighted in this report leading to the refusal recommendation.

There clearly will be an impact on the occupiers of this site because of this Notice. That will in short make any occupants homeless which could result in "road side" accommodation being used and to the disruption of any child's education. Because of these impacts further research is required into the particular personal circumstances of the occupants here and thus the recommendation below is worded accordingly.

Recommendations

A) That planning permission be **REFUSED** for the following reason:

1. " It is not considered that the proposal accords with policy NW10 (6) of the North Warwickshire Core Strategy 2014, nor paragraphs 108, 109 and 110 of the National Planning Policy Framework in that the increased use of the access and its junction with the Atherstone Road will give rise to road safety matters that cannot be resolved by planning condition"

Notes

The Local Planning Authority has met the requirements of the NPPF in this case by engaging the applicant to see if objections and representations could be overcome but that has not been the outcome.

B) That the Council is minded to serve an Enforcement Notice in the terms referred to above and for the reasons outlined, but that a further report is brought to the Board once the impacts of such action on the occupiers of the site have been assessed.

BACKGROUND PAPERS

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

Planning Application No: PAP/2019/0256

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	2/5/19
2	Resident	Objection	23/5/19
3	Resident	Objection	23/5/19
4	Resident	Objection	23/5/19
5	Resident	Objection	30/5/19
6	WCC Rights of Way	Consultation	24/3/19
7	NWBC Waste	Consultation	31/5/19
8	Resident	Objection	1/6/19
9	NWBC Environmental Health	Consultation	3/6/19
10	WCC Highways	Consultation	21/8/19
11	WCC Highways	Consultation	30/8/19

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.

Hartshill, Atherstone Road, Kirby Glebe.



Date: 21-10-19
Scale: 1:3000

Two Injunction Sites



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Outstanding applications - "A" 0256, and "B" is 0457



Consented Area -

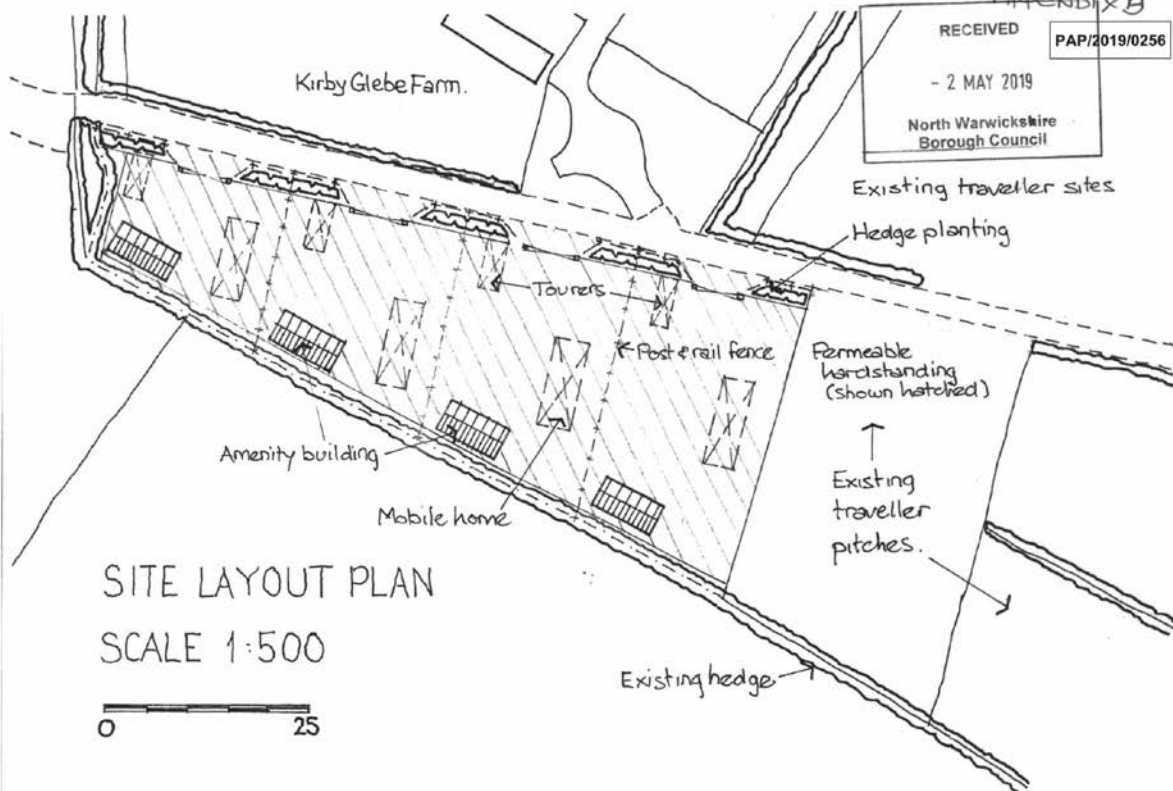


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PAP/2019/0256

- 2 MAY 2019

North Warwickshire
Borough Council



(6) Application No: PAP/2019/0411

2, Tamworth Road, Polesworth, B78 1JH

Retrospective application for change of use of land from garden to storage of motor home vehicles and formation of dropped kerb, for

Mr Darren Gammage

Introduction

The application is reported to the Board because of the potential for enforcement action.

The Site

This is land on the north side of Tamworth Road extending from the road to the River Anker at the rear and comprising the residential curtilage of the property. The site is just to the west of the Polesworth Crossroads in the centre of the village and opposite the Fire Station.

The site is illustrated at Appendix A.

The Proposal

This is a retrospective application to retain the use of the site for the storage of motor homes as well as to form a dropped kerb to accommodate the use.

The use commenced at the beginning of 2019 and officer visits confirmed that the motor homes are kept here for onward transportation to auction houses in the Midlands. This is confirmed by the applicant. Officers have seen seven homes on the site and other reports refer to thirteen at one time. The application form requests storage of ten such homes and that the average time on site is around a week. It also states that the hours of working would be 1000 to 1600 hours and that there are no other employees apart from the applicant. He says that there is no other activity undertaken on the vehicles

Representations

Two objections have been received referring to the following matters:

- The use is out of character and is within the Conservation Area
- There are highway issues because of the proximity of the crossroads
- The site floods

Consultations

Warwickshire County Council as Highway Authority – It objects because of the substandard visibility, access arrangements and turning areas which has a road safety implication given the proximity of the crossroads.

Environment Agency – It objects. The site is in Zone 3 which has a high probability of flooding and there is no flood risk assessment submitted to demonstrate the flood risks arising from the development.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW10 (Development Considerations) and NW14 (Historic Environment)

Other Material Planning Considerations

The National Planning Policy Framework

The Submitted Local Plan 2018 – LP1 (Sustainable Development), LP16 (Historic Environment) and LP31 (Development Considerations)

The Polesworth Conservation Area Designation Report

Observations

This proposal cannot be supported for the following reasons.

The Council is under a statutory duty to have special regard to the desirability of preserving or enhancing the character and appearance of its Conservation Areas. The significance of the Polesworth Conservation Area lies in its historic connections with the evolution of the settlement particularly focussed in the Abbey and its local associations. The architectural character is small in scale and reflects different stages the development of the village retaining its layout and contemporaneous attributes and features. The current proposal is alien to this significance in nature and in degree. There are views into and out of the Area that are interrupted because of this development and glimpses of the site can be seen from many vantage points. This causes harm to the character and appearance of the Area. That harm is considered to be less than substantial but the NPPF advises that it should still be given great weight in the planning balance.

Secondly the Highway Authority has objected. Its concerns reflect those of the representations received and are understandable given the location of the access and the nature of the surrounding highway network. Improvements to widen the access would not eliminate these concerns.

Finally without any submitted Flood Risk Assessment and the site being in Flood Zone 3, the most vulnerable to flooding, there is an objection in principle. Although the use is not a “sensitive” one in the sense that it is not a residential development, the motor homes could cause damage and exacerbate flood problems.

There are not considered to be any matters that would counter these issues as there is no essential or other reason to explain why this site has to be used when other more appropriate locations should be considered.

It is not considered that a “personal” planning permission here would overcome or mitigate these three concerns.

The recommendation below follows on from these matters.

If the Board agree, then it has to consider the expediency of enforcement action. Given the content of the refusal reasons it is recommended that the balance here lies in taking that action. There would be consequences on the applicant as there would be costs involved in finding other premises and in honouring any commitments or contracts. However that is considered to be a consequence of the applicant's own unauthorised actions. Whilst the use is one that is needed and to a degree does provide a community benefit, in the circumstances here the greater public benefit lies with the cessation of the use. A compliance period of six months would be reasonable to clear the site and for new premises to be found.

Recommendations

a) That planning permission is **REFUSED** for the following reasons:

1. The site is in the Polesworth Conservation Area. By virtue of the nature of the use and its location it is considered that it does not conserve or enhance the character or appearance of the Area. Harm is caused to the degree 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
2. The Warwickshire County Council do not consider that the use of the access in its location provides an appropriate safe access onto the public highway network. The proposal is thus not in accordance with Policy NW10 (6) of the North Warwickshire Core Strategy 2014 or Section 12 of the National Planning Policy Framework.
3. The Environment Agency objects due to the site's location in Flood Zone 3 and the lack of a Flood Risk Assessment to demonstrate that the use would not cause unacceptable flooding consequences. The proposal is thus not in accordance with Policies NW10,11 and 12 of the North Warwickshire Core Strategy 2014 or Section 14 of the National Planning Policy Framework

Notes

- a) The Local Planning Authority has met the requirements of the NPPF in this case through early engagement with the applicant in order to explain the concerns raised, but without success.
- b) That the Board considers that it is expedient in this case to commence enforcement action for the reasons given in this report. The Notice would require cessation of the use of the site for the storage of motor home vehicles and that the compliance period be six months

BACKGROUND PAPERS

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

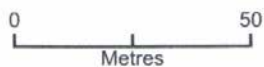
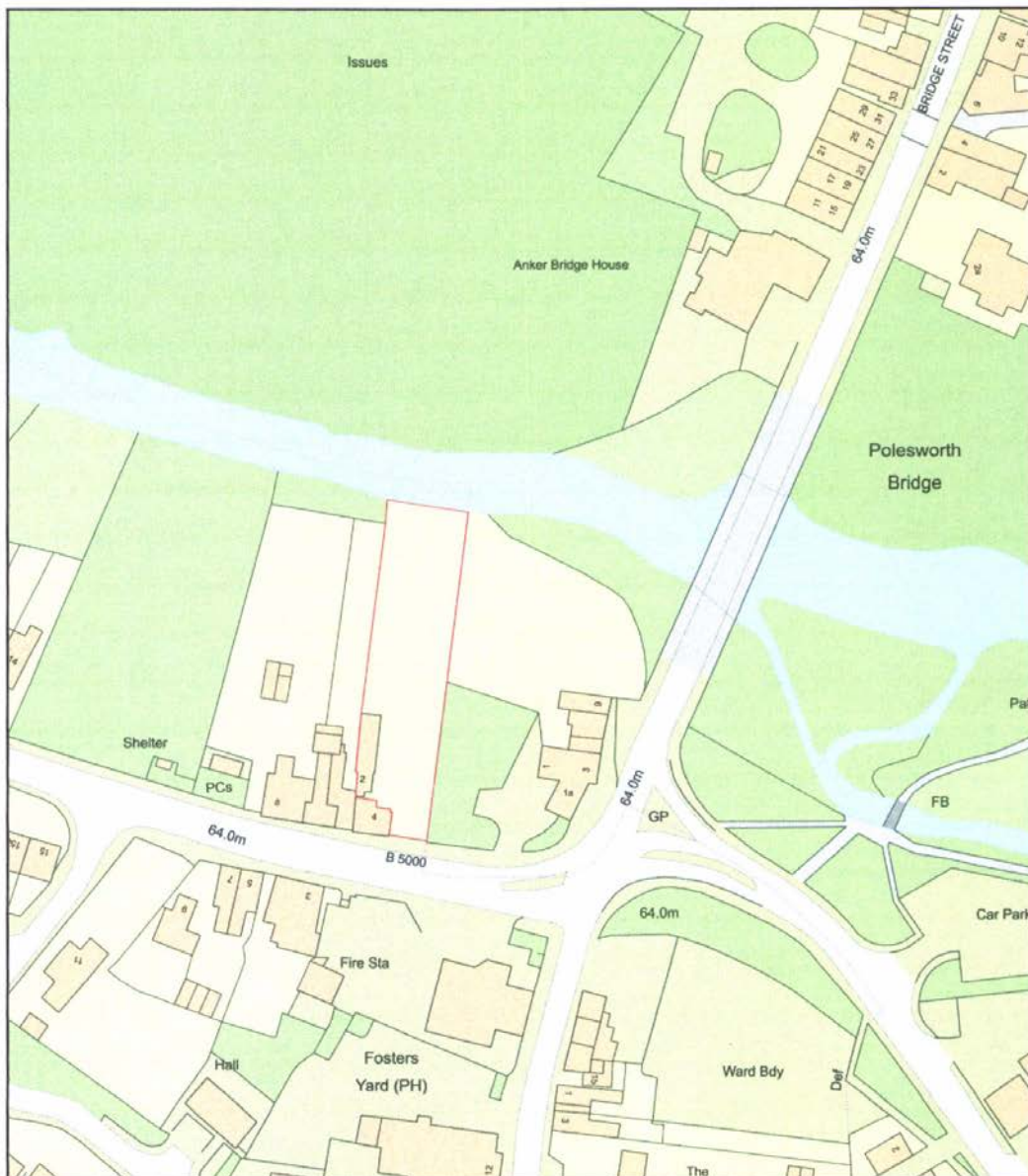
Planning Application No: PAP/2019/0411

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	10/7/19
2	Environment Agency	Objection	30/7/19
3	NWBC Environmental Health	Comments	1/8/19
4	WCC Highways	Objection	7/8/19
5	Resident	Objection	5/8/19
6	Resident	Objection	5/8/19

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.

2 Tamworth rd b78 1jh

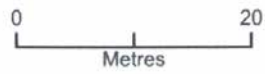


Plan Produced for: D Gammage
 Date Produced: 08 Jul 2019
 Plan Number/Project ID: TQRQM19189204915147
 Scale: 1:1250 @ A4

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(7) Application PAP/2019/0427

Land Adjacent Orchard House, Cliff Hall Lane, Cliff

Change of use of land to equestrian land and use as a single pitch gypsy site with day room, installation of septic tank and relocation of the access, for

Mrs T Doherty

Introduction

The application is reported to the Board, due to a previous refusal and a current appeal relating to the land.

The Site

This is 1.7 hectares of flat agricultural land on the west side of the A51 Tamworth Road, just over half a kilometre north of the edge of the settlement of Kingsbury. It sits immediately to the north of a dwelling known as The Lodge separated from it by a fence. To the west is the River Tame beyond a mature tree belt of some 25 metres in depth. To the north is further open agricultural land separated by a fence and the eastern road frontage is marked by a hedgerow. The site is within a wholly agricultural landscape. The small hamlet of Cliff is some 250 metres to the north.

To the north west of the site lies a caravan site which is segregated from the application site by a mature hedgerow and trees.

The south eastern corner of the site nearest The Lodge is presently occupied by a residential traveller's pitch.

The application site and relevant plans are shown at Appendix A.

The Proposal

This is for the change of use of the land for equestrian use together with a single pitch gypsy site with a day room and the installation of a septic tank together with the relocation of the access. The statement accompanying this planning application confirms that occupation of the site would be by the applicant, Mr and Mrs Doherty with their children and that it would be restricted to gypsies and travellers.

The new access of 7.5 metres in width would be provided onto the road just north of the existing arrangement, which would be closed. New landscaping would be added around the north east of the site and the new access, with the existing hedge line to Tamworth Road being enhanced. The site would have space to allow larger vehicles to turn around. The family pitch is to be a touring caravan with a static caravan and a day room. This would be 7.5 metres by 5 metres in its footprint and 3.8 metres to the roof ridge.

The agent has set out that the applicant would be happy that the occupation of the site is restricted to their sole use through a condition limiting only one family onto the site.

The application sets out that the family had nowhere to live and that they moved onto the site in February 2019. The land is owned by them. The family is registered with the local GP and the children are attending the local Kingsbury Primary School. Council Tax is being paid. The applicant says that there are health issues which are being managed by the local Pear Tree Surgery.

An ecological appraisal concludes that there was no evidence of the presence of protected species on the site.

Soakaway tests have been carried out which show that these are not appropriate here and that is why the treatment plant is included in the proposal.

Background

An application was submitted in 2018 for the change of use of land to equestrian use and use as a gypsy site comprising of five pitches with dayrooms including relocation of the access, a stable block, menage and the installation of treatment plant. This was refused and the case is now at appeal with a Hearing to be arranged for mid-November 2019.

In February 2019, part of the current application site was occupied as a traveller's site without the benefit of planning permission. At the present time this comprises an enclosed area of hardstanding, an access, a static mobile home, two touring vans, a wooden shed and a septic tank. In light of this unauthorised action, the Council was granted an Injunction in the High Court to remove the unauthorised development in February 2019, but this was appealed. On 6 March 2019 the Injunction was varied. It enables the defendants to site one mobile home, two caravans, a day room, fencing and hardstanding on the site as a temporary measure. If a planning permission is allowed in the current appeal then that supersedes the Injunction. If not, then the protection of the Injunction ceases and the development covered by the Injunction has to be removed.

Development Plan

Core Strategy 2014 - NW1 (Sustainable Development); NW3 (Green Belt), NW2 (Settlement Hierarchy), NW7 (Gypsy and Travellers), NW8 (Gypsy and Travellers Sites), NW10 (Development Considerations), NW12 (Quality of Development), and NW13 (Natural Environment)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV 13 (Building Design); ENV14 (Access Design) and TPT3 (Access and Sustainable Travel and Transport)

Other Relevant Material Planning Considerations

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

National Planning Practice Guidance – (the “NPPG”)

The Planning Policy for Traveller Sites 2015 – (the “PPTS”)

The Submission Local Plan 2018 - Policies LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP6 (Amount of Development), LP7 (Housing Development), LP8 (Windfall Allowance), LP9 (Affordable Housing Provision), LP11 (Economic Regeneration), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP31 (Development Considerations), LP32 (Built Form), LP35 (Water Management) and LP10 (Gypsy and Travellers)

North Warwickshire Landscape Character Assessment 2010

Consultations

Warwickshire County Council as Highway Authority – No objection subject to standard conditions

HS2 – No objection

Warwickshire Fire Services – No objection

Warwickshire County Council (Rights of Way) – No objection

NWBC Refuse and Waste – A bin collection area is requested at the access

Environmental Health Officer – No objections subject to standard conditions

Representations

324 letters of objection has been received raising the following issues:

- Poor Design - The inclusion of a gypsy site in the village of Cliff will have a negative impact because it is not in keeping.
- Green Belt - Green Belts are a treasured asset that protect character and wildlife and prevent urban sprawl. The proposed site is currently in the Green Belt and should be protected accordingly. The introduction of HS2 removes Green Belt over a vast area in an adjacent location. The proposed gypsy site would tarmac over a significant amount of it. It might expand.
- Infrastructure and Local Impact - The areas of Kingsbury, Cliff and Dosthill can barely cope with the residents of each area requiring access to medical care, schooling and local facilities. The introduction of a Gypsy Site, without an uplift in these facilities by the Council would introduce a significant and unnecessary burden to an already overextended infrastructure.
- Traffic and Transport - The A51 (Tamworth Road) is already used excessively by commuters and the introduction of a gypsy site would generate an increase in vehicular traffic to the road, which would lead to an increase in expense for the Council to repair and maintain. To build the 10m access from the main carriageway, the A51 would require access restrictions to be in place that would affect the flow of traffic on an already busy commuter road, this would also increase traffic in the Kingsbury and Dosthill areas, in particular near the School access points; creating an unnecessary risk for the local children and parents.
- Impact upon the environment and light pollution from the site.
- Impact upon residential amenity and character of neighbourhood.
- Proof of Need - The Traveller Caravan Count on the GOV.UK Website, dated January 2019 identifies that there are already 13,261 caravans located on Authorised Sites with Permanent or Temporary Planning Permission around the

UK. Therefore, there is no evidence to support that Tamworth requires a Gypsy Site in Cliff.

- Could lead to additional gypsy families living on the site if permission is forthcoming.

There is one letter of support referring to:

- The plot of land is much improved. It houses a very respectable mobile home and other facilities.
- Given the proximity to the M42 and the proposed HS2, The Willows does much to enhance the local environment
- Planning permission should be granted. Everyone needs a secure place to live.

Kingsbury Parish Council - Objection on the following grounds:

- Inappropriate development within the countryside and rural setting,
- Detrimental to the Green Belt
- New access on to A51 and would introduce a safety risk to road users from movements into and leaving the site.
- Existing works already undertaken upon the site.
- Work should not have taken place before the decision has been made.

MP Craig Tracey has written to object

MP Christopher Pincher writes to say that he notes what residents have been saying.

Observations

The application has led to a number of issues and planning matters that need to be considered as part of the proposal.

a) Previous refusal

The 2018 application for the site was refused for green belt and highways issues. It does not follow that this current application should also be refused. It is a different proposal and should be considered on its own merits. A reduced level and scale of development is now proposed. As such it has not attracted a highway objection from the Highway Authority as there is a revised access point and because the potential traffic generated from the current proposals is much reduced - from five families to one. The level of impact of the development on the Green Belt is also reduced because of the difference in the scale of the proposal. Members are therefore to treat this application afresh

b) The Green Belt

The site is in the Green Belt. The construction of new buildings in the Green Belt is defined as being inappropriate development by the NPPF. There is thus a presumption of refusal here as such works are harmful to the Green Belt. Whilst the day room might be considered akin to a small agricultural buildings and thus be appropriate in the Green Belt, the proposal needs to be looked at as a whole. The application itself is for a material change in the use of the land. Changes of use are also defined as inappropriate development unless they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Openness is not defined in the

NPPF but in planning terms is usually understood as meaning the absence of development. The NPPG has recently assisted which draws attention to a number of elements. There is a spatial element. Here the appearance and perception of the existing space and its setting is materially altered through the introduction of new development. The existing large open tract of land on either side of the A51 is interrupted. Openness is thus reduced. There is also a visual element. The existing space and setting here are also materially altered due to a visual change in the appearance of the area. The development is for permanent change of the appeal site and thus its setting. It is not temporary in character or function and the land or even part of it would not be remediated or returned to its present state. Moreover the whole development introduces activity and use of the site that affects openness – traffic, parked vehicles, comings and goings, family activity, horses being ridden and all of the delivery and other visits made to a residential site. As a consequence it is considered that development here would result in a material worsening of openness by fact and by degree. Not only is this a result of the introduction of buildings into an open, flat area but the change of use would also involve general comings and goings in the form of general vehicular and human activity associated with the proposed use. It is also considered that the proposal would cause greater conflict with one of the purposes of including land within the Green Belt than presently – namely that it would not safeguard the countryside from encroachment. It is thus concluded that the development is inappropriate development in the Green Belt and thus by definition in the NPPF, it causes substantial Green Belt harm.

In respect of its actual harm to the Green Belt then it is concluded that the site is clearly visible from the public domain - the road and public footpaths – and the development would introduce new development into a relatively flat and open area thus affecting one's perception of open space. However there are mitigating factors here – landscaping is proposed; agricultural buildings much larger than buildings being proposed here are appropriate developments in the Green Belt and equestrian uses and infrastructure are common throughout the Green Belt in the Borough. These do not remove the level of harm to the openness of the Green Belt but they do reduce it. Because of the location on the main road and the fact that this introduces residential activity, which is not a mitigating factor, the level of actual Green Belt harm would be moderate in scale.

In conclusion therefore this is inappropriate development in the Green Belt and thus it causes substantial harm but the actual level of Green Belt harm is moderate in scale.

d) Other Harms

There will be a visual impact as this section of this field would take on a materially different appearance by fact and by degree. Core Strategy policy NW12 requires all new development to positively improve the environmental quality of an area and Policy NW13 requires the quality, character and local distinctiveness of the natural environment to be protected and enhanced. These two policies reflect the content of the NPPF in respect of achieving well designed places.

The site lies with the Tamworth – Urban Fringe Farmlands, as covered by the North Warwickshire Landscape Character Assessment 2010. The application area is characterised by “an indistinct and variable landscape with relatively flat open arable fields and pockets of pastoral land, fragmented by spoil heaps, large scale industrial buildings and busy roads, bordered by the settlement edges of Tamworth, Dordon and Kingsbury” and “generally the indistinct topography and combination of peripheral elements, limits open views to within the area.” The management strategies for the area

include, “maintaining a broad landscape character to both sides of the M42” and “conserving remaining pastoral character “. Policy NW12 of the Core Strategy requires all new development to positively improve the environmental quality of an area. It is not out of date and carries full weight as it is within the adopted Development Plan and is considered to accord with the 2019 NPPF paragraphs 127 and 170. The environmental quality of the area is of a rural open character. The proposal is finely balanced as it will introduce new landscaping, but also new development. The level of development in the 2018 refused application was considered not to positively improve the area because there would be the introduction of substantial new permanent development. The current application is much reduced and as a consequence it is considered that there would only be limited harm to the landscape as characterised in the Assessment and thus limited harm to policies NW12 and NW13.

It is not considered that there would be unacceptable impacts on any heritage assets, ecological assets or as a consequence of surface water and foul water disposal arrangements.

The proposed access arrangements have been considered to be safe by the Highway Authority. This carries substantial weight. Additionally the site has direct access to bus services linking Tamworth with Kingsbury. There is a bus stop a short distance from the site. The road here also has a footpath into Kingsbury on the same side of the road as the application site. In these circumstances it is not considered that material highway harm could be defended.

Policy NW8 of the 2014 Core Strategy is criteria based policy which is used to assess proposed gypsy and traveller residential sites. It is not out of date and carries full weight because it is within the adopted Development Plan and is considered to accord with the NPPF - paragraph 61 - as well as the PPTS – paragraphs 8 to 13 but particularly paragraph 11. The key matter here is that the policy refers to the assessment of sites outside of the Green Belt. The appeal site does not satisfy the prime locational criterion set out in the introduction to this policy. It is a matter of fact that it is not inside of, or does it adjoin a named settlement that has a settlement boundary outside of the Green Belt. It is a matter of fact that the proposal therefore does not accord with Policy NW8. As this is matter of principle, substantial harm is caused to that policy

Notwithstanding this position, the policy NW 8 does provide a basis for an assessment of potential other harms and these should be considered. The proposal would satisfy all of the criteria within this policy save for one – that is that given the level of visual and landscape harms identified above, the site could not be assimilated into the surrounding and landscape without any significant adverse impact.

e) The Harm Side of the Planning Balance

On this side of the balance is the substantial de facto Green Belt harm caused; the moderate actual level of the Green Belt harm, the moderate level of visual harm, the limited harm to landscape character and the substantial harm caused to there being a breach of Policy NW8 in the Core Strategy.

It is now necessary to assess the other side of the balance.

f) The Applicant's Case

The applicant's case is based on the view that the site is not located within an area that enjoys the highest status of protection in relation to landscape and beauty; that the development would not amount to an over dominant site within this location causing only limited Green Belt harm and that it help deliver the Authority's identified requirement for additional pitches and that it would benefit the local economy. The personal circumstances of the applicant and particularly the best interests of the children also have to be considered and these have to be given weight

These considerations all carry weight but it is necessary to consider whether they have sufficient weight, in the terms of the NPPF, to "clearly" outweigh the total harm caused and thus amount to the very special circumstances in order to support the proposal.

g) The Final Planning Balance

In respect of the harms caused to the Green Belt and to visual amenity and landscape character, then clearly there is a different conclusion between the applicant and officers. The Board needs to make its own judgement on these matters bearing in mind the location and setting of the site and the various components of the proposal, the fall-back position in respect of what might be appropriate development on this site and the full scope of the landscaping that is being proposed. Officers maintain that the conclusions in the report remain as a reasonable assessment.

In respect of the delivery of further traveller pitches in the Borough then Members will know that Policy NW7 of the Core Strategy identifies a requirement for nine residential pitches between 2011 and 2028. As a matter of fact nineteen have been granted to date. Whilst some may consider that the NW7 should be regarded as a maximum, that has not carried any weight in appeal proceedings with Inspectors pointing out that the Policy doesn't exclude further provision and that each application has to be considered on its own merits. In this regard Policy NW8 deals with such windfall applications and that has been the case in leading to the permissions over and above the nine referred to in NW7. That will continue to be the case until the new Local Plan is adopted. The Inspector leading the Examination into that plan has asked for an updated Assessment of need and that work has been jointly commissioned with neighbouring Authorities. Until such time as that is published, the Council will continue to determine planning applications under NW8. The Council is therefore responding to traveller's requirements in a positive way. In this case it is a matter of fact that the application does not accord with NW8's principal criterion of not approving such sites in the Green Belt. As such it cannot agree that this application would assist in meeting traveller requirements in general terms.

The reference to "general terms" above is because there is no automatic refusal for that reason. This is because as mentioned above, the personal circumstances here might be of such weight to override that conclusion.

The applicant's family includes four children and there are some health issues. The family has an identified need for the educational and health of the children. The security of a settled site will enable that as well as allow the applicants to continue their travelling way of life. The family did not have another pitch when they moved here as they have been "road side" travellers. Their horses are currently stabled around 30 miles from the application site. As indicated above the family is registered locally and the children attend the local school. A planning permission here would enable that to continue and Members will be aware that any such permission could be conditioned to occupation solely by the applicant and the immediate family. As a consequence the matters raised above are considered to carry significant weight.

The Board will be aware of its obligations under the Public Sector Equality Directive in respect of the best interests of the children. The PPTS offers guidance in this respect. Paragraph 16 says 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". It was argued above that the applicant's unmet need consideration was not of substantial weight. So the judgement therefore has to be made as whether the best interests of the children here, are of sufficient weight to clearly override the harms caused. It is considered not because the total level of cumulative harm is substantial and permanent even with an occupancy condition. The Borough's response to such applications is to look to non-Green Belt sites under NW8 and that has been promising in responding to needs. There is no essential locational or functional reason for this site to be selected by the applicant as opposed to a non-Green Belt site.

h) Enforcement Matters

The Board will also need to look at the expediency of enforcement action here should the recommendation below be agreed. However that is not straight forward as the unauthorised development on the site presently, is not that which is the subject of this planning application. That is covered by the Injunction and as explained above, if the current appeal is allowed then it will remain on site (subject to the conditions of the permission granted at appeal) but if it is dismissed, then the Injunction requires its removal. So in that latter circumstance, enforcement action is not necessarily expedient.

It is thus considered appropriate to bring a further report to the Board at a later date on the enforcement issues here. The outcome of the appeal will be known and the Board can be advised on any further appeal against a refusal of the current application.

Recommendations

A) That planning permission be **REFUSED** for the following reason:

1. The site is in the Green Belt. It is considered that the development amounts to inappropriate development thus giving rise to a presumption of refusal. This is because it would fail to preserve the openness of the Green Belt and conflict with the purposes of including land within the Green Belt. The applicant's case is noted, however in this case it is considered that the benefits and considerations proposed would not clearly outweigh the substantial cumulative level of Green Belt and other harm caused, such as not to amount to the very special circumstances needed to support them. In particular the Council can demonstrate compliance with its requirement for the provision of gypsy and traveller sites and that this proposal does not comply with policies NW8 and NW12 of the North Warwickshire Core Strategy 2014. The proposal is thus not in accordance with Policies NW3, NW8 and NW12 of the North Warwickshire Core Strategy 2014 as supported by the National Planning Policy Framework 2019.

Notes

1. Notwithstanding this refusal, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues and suggesting amendments to the proposal. However despite such efforts, the planning objections and issues have not been satisfactorily addressed/the suggested amendments have not been supplied. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

B) That officers bring a further report to the Board in respect of enforcement matters relating to this site for the reasons outlined in this report.

BACKGROUND PAPERS

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

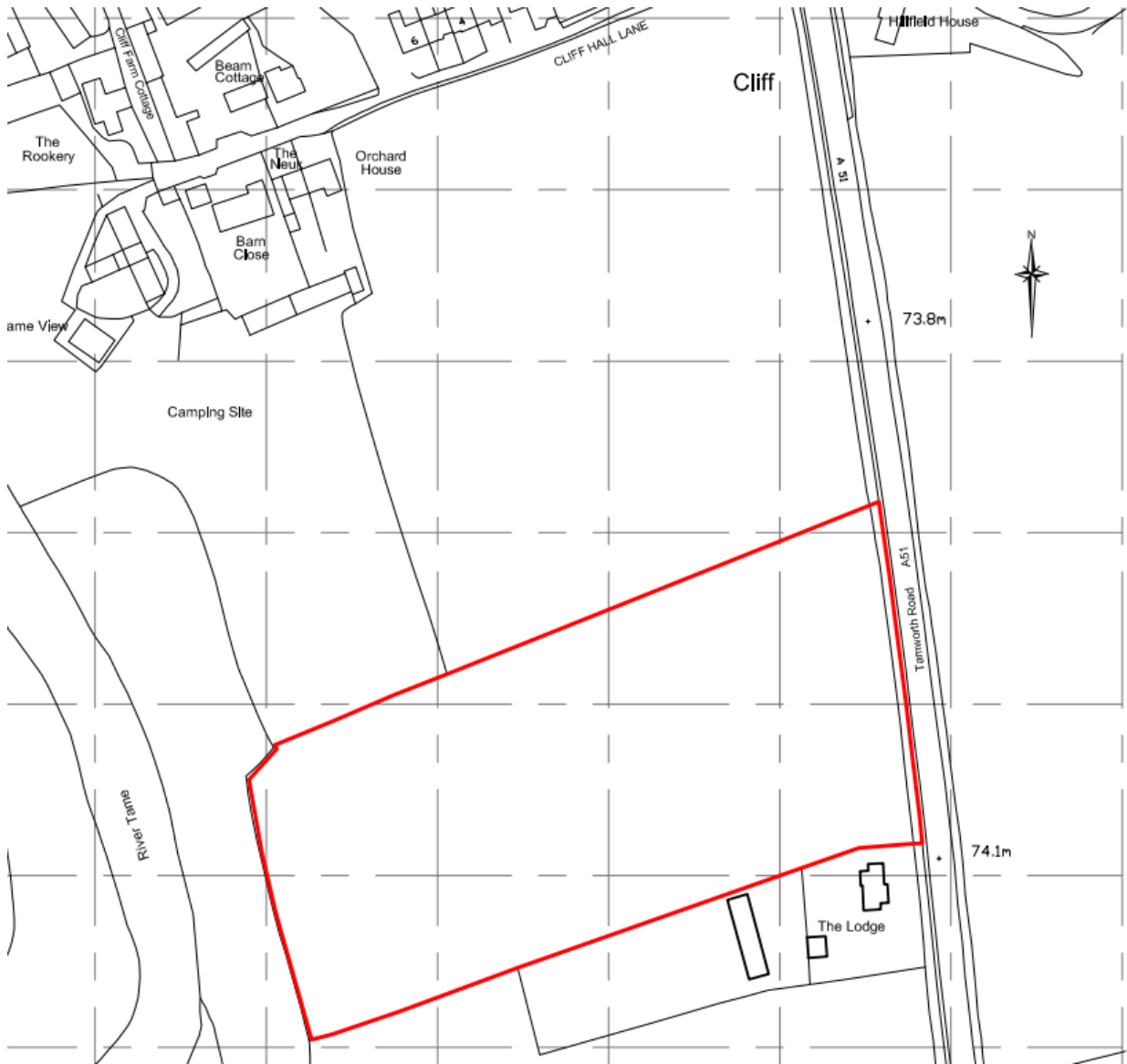
Planning Application No: PAP/2019/0427

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	16/7/2019
2	Neighbours - 324	Representations of objection and comments	29/7/19 – 16/09/2019
3	WCC Rights of Way	Consultation response	02/08/2019
4	MP Craig Tracey	Application comments	02/08/2019
5	Kingsbury Parish Council	Consultation response	14/08/2019
6	HS2	Consultation response	19/08/2019
7	NWBC Waste	Consultation response	21/08/2019
8	Kingsbury Parish Council	Consultation response	16/09/2019
9	WCC Highways	Consultation response	20/08/2019
10	WCC FRM	Consultation response	19/08/2019
11	WCC Fire Authority	Consultation response	25/09/2019
12	WCC FRM	Consultation response	02/10/2019
13	WCC Highways	Consultation response	24/09/2019
14	Press notice	Consultation	01/08/2019
15	Case officer and agent	Email correspondence	26/07/2019 – 30/08/2019
16	Case officer	Email to Local Councillors	26/07/2019
17	Case officer and agent	Email correspondence	19/08/2019 – 01/10/2019

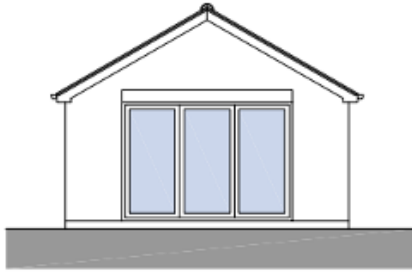
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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 A – Plans







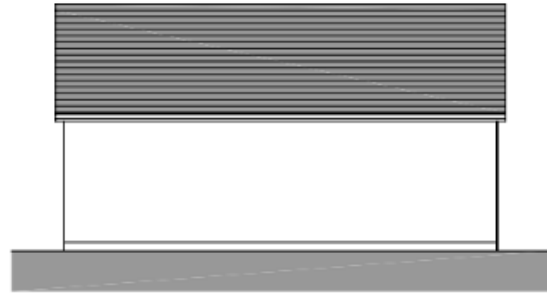
Day Room Front Elevation
1:50



Day Room Side Elevation
1:50



Day Room Rear Elevation
1:50



Day Room Side Elevation
1:50

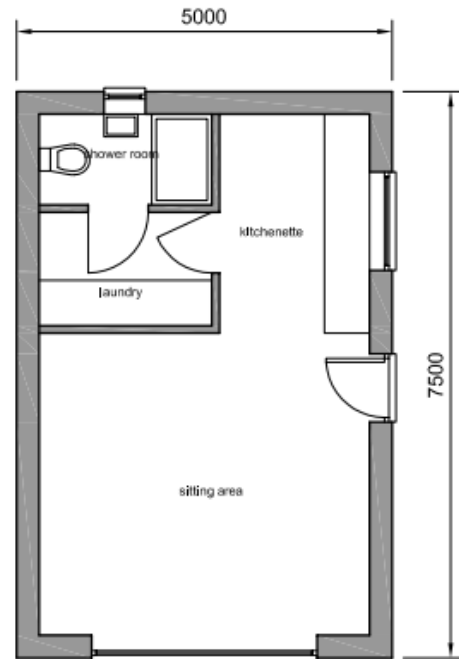
MATERIALS SCHEDULE

ROOF TILING TO BE FORTICRETE GEMINI IN CHARCOAL COLOUR.

FACING BRICKWORK TO BE IBSTOCK BIRTLEY OLDE ENGLISH WITH MORTAR TO COMPLIMENT ADJACENT PROPERTIES. ALL IN STRETCHER BOND WITH SOLDIER COURSING TO HEADS OF WINDOWS & DOORS.

WINDOWS TO BE WHITE uPVC IN STYLE TO COMPLIMENT ADJACENT PROPERTIES.

FASCIA BOARDING TO BLACK uPVC WITH BLACK MARLEY DEEPFLOW RAINWATER GOODS, SOFFIT BOARDING TO BE WHITE uPVC.



Day Room Floor Plan
1:50

(8) Application No: PAP/2019/0457

Kirby Glebe Farm, Atherstone Road, Hartshill, Warwickshire, CV10 0TB

Change of use of land to use as a residential caravan site for 7 no: gypsy families, each with 2 no: caravans, together with laying of hardstanding and erection of 3 no: ancillary amenity buildings, for

Mr T Stokes

Introduction

This application is reported to the Board at the request of local Members concerned about cumulative impacts, should this proposal be granted a planning permission.

The Site

This is half a hectare of land a hundred metres south of the West Coast Main Railway line and around 300 metres west of Atherstone Road close to its junction with the B4111 where that line crosses the road. It presently comprises paddock land together with some stables and a menage. There is a hedgerow boundary to the west. Access is over an unmade track which extends to the Atherstone Road. There are residential developments further along the track as well as equestrian and fishery uses and activities. Similar uses are to the south.

There is a collection of three or four residential properties between the junction of the drive at Atherstone Road and the rail bridge junction including a kennels; a further two cottages about 800 metres to the east along the B4111 and four or five cottages on the B4111 on the other side of the railway line.

The Dobbies garden centre is on the B4111 immediately 250 metres both of the site.

Over a length of around 150 metres of the drive referred to above and on either side are a number of permitted gypsy and traveller sites with their associated amenity buildings.

Background

Immediately to the east there are other gypsy and traveller sites on either side of the access track. These benefit from planning permissions. In total these permitted 16 pitches providing up to 38 caravans (touring and static) and 13 amenity buildings.

Land further to the west is the subject of two Injunctions granted by the High Court on the 11 and 17 October 2019. They prevent the stationing of caravans or mobile homes on the land, or the undertaking of development, including the digging of trenches, the erection of buildings or the laying of hard-standings without the written consent of the Council. Both Injunctions can be reviewed by the High Court on 7 November. As a consequence limited weight should be attached to them.

Appendix A illustrates the location of this application site (marked as "B") together with the site of the other case on the agenda (marked as "A") as well as showing the extent of the land covered by the planning permissions referred to above as well as the land affected by the two Injunctions.

Although the nearest settlement to the site is Hartshill, it is located in Mancetter Parish.

The Proposals

This is to provide seven pitches each with a touring and static caravan together with three semi-detached brick built amenity buildings (7 by 3.5 metres and 3.5 metres tall). The stable building would be retained. These proposals reflect the content of the adjoining lawful permitted developments.

The site would accommodate seven Irish traveller families who have no alternative lawful accommodation. They satisfy the appropriate definition for the travelling community.

The proposed layout is at Appendix B.

Consultations

Warwickshire County Council as Highway Authority – Objection as it considers that the increased use of the access and particularly where it joins the Atherstone Road will cause road safety issues.

Warwickshire County Council (Public Rights of Way) - No objection.

Environmental Health Officer – No objection.

NWBC (Refuse and Waste) – All refuse bins should be placed at the road junction.

Representations

Six representations have been received which refers to the following matters:

- The Local Plan requirement has already been reached and increased
- That increase appears to all be in Hartshill
- This would add too many for Hartshill
- The access is poor – narrow and leading onto a very busy road
- No footpaths to walk into Hartshill
- There may be an increase in anti-social behaviour
- Adjacent stables have closed
- There should be more landscaping if this is approved
- Smoke and light pollution
- Additional pressure on existing facilities and services
- The planning permissions need to be investigated so that there are no breaches
- The 2015 consent said that the remaining land was to remain in agricultural use.

Hartshill Parish Council objects because of the poor quality of the access arrangements onto the Atherstone Road and the added burden arising from the extra families on local services.

Marcus Fox MP has written in support of the representations made.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW7 (Gypsy and Travellers), NW8 (Gypsy and Traveller Sites), NW10 (Development Considerations) and NW12 (Quality of Development)

The Mancetter Neighbourhood Plan 2017 – DP1 (Sustainable Development Principles); SB2 (Residential Development outside of Settlement Boundaries) and BE2 (Protecting and Enhancing Local Character)

Other Material Planning Considerations

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

The Planning Policy for Traveller Sites – (the “PPTS”)

The Submitted Local Plan 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP6 (Amount of Development), LP10 (Gypsy and Travellers) and LP31 (Development Considerations)

The Examination Inspector’s letter of 29/9/19 - INSP18

The Daw Mill appeal decision – APP/R3705/W/16/3149827

Kirby Glebe Appeal decisions referenced APP/R3705/W/17/3188036 and APP/R3705/C/05/2001114

The Highfield Lane Corley Appeal Decision APP/R3705/W/18/3199149

The North Warwickshire Landscape Character Appraisal 2010

Observations

f) Introduction

It is acknowledged that the applicant families would satisfy the definition within the PPTS in respect of their status as gypsies and travellers.

Contrary to some comments made by representors, the site is not in the Green Belt.

The site is outside of the development boundary of Hartshill - the closest settlement named in the Core Strategy settlement hierarchy. The boundary is some 600 metres to the south. Members will know that in such a location new residential development is not normally permitted unless it is for a purpose in connection with the use of land; where it requires an essential rural location or where it is affordable housing explicitly to meet local community needs – see policy NW2. This would suggest a starting point of refusal in this case but there are three material planning considerations that outweigh this presumption. The first is that the development boundaries in the Core Strategy have been found to be out of date as a consequence of the Daw Mill appeal decision. In these circumstances the NPPF is engaged as the primary planning policy consideration. Here it says in paragraph 11, that planning permission should be granted unless there are significant and demonstrable adverse impacts, when the NPPF is taken as a whole. The second is that the PPTS does recognise that sites for travellers should not be

restricted to urban or built up areas. There may thus be support for sites to be permitted outside of development boundaries. Indeed this approach is explicitly followed in Policy NW8 of the Core Strategy dealing with gypsy and traveller sites, and this is the third consideration. As such therefore, the Board is reminded that because of these circumstances, the starting point here is that planning permission should be granted in principle.

It is therefore necessary to refer to the NPPF as the primary planning policy in this case. It states in paragraph 11 that planning permission should be granted without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF when taken as a whole.

g) Adverse Impacts

The harm side of this planning balance therefore needs to be assessed. If adverse impacts are found here and they are to be used in a refusal, it is necessary that there is demonstrable evidence available to show they are significant, such that they outweigh the support in principle for this development.

iv) Policy NW8

The starting point for looking at these is Policy NW8 of the Core Strategy. This is a policy, as explained above, explicitly designed to assess planning applications such as this – windfall applications for traveller sites. The policy says that sites will be permitted outside, adjoining or within a reasonable safe walking distance of a settlement outside of the Green Belt. The site here is outside of the Green Belt. The policy is supplemented by a number of criteria, each of which will be explored below.

Before doing so, it is important to recognise that the Policy applies to the “site”. This is the application site itself. References and/or concerns reflecting the wider and neighbouring setting will be dealt with later in the report.

The first criterion is that the size and number of pitches is appropriate in scale and size to the nearest settlement and its range of services and infrastructure, limited to a maximum of five pitches per site. This application is for seven pitches, two above the five referred to. However it is also acknowledged that this number of seven is appropriate in scale and size to the nearest settlement – Hartshill. Hartshill also has a full range of services and facilities. Members should be aware too that the two Kirby Glebe Farm appeal decisions referred to above accepted that those appeal proposals on neighbouring sites complied with this policy criterion – the most recent being in late 2018. It is in these circumstances that the current proposal would satisfy this criterion.

The second is that the site is suitably located within a safe, reasonable walking distance of a public transport service with access to a range of services including school and health services. This applies here with a bus stop directly opposite the junction of the access track with the Atherstone Road. The bus service here is frequent and runs throughout the week and at weekends, in both directions accessing a full range of services in Hartshill, Atherstone, Nuneaton and Coventry. The proposal would satisfy this criterion – a matter of fact agreed by both previous appeal decisions. The policy also refers to a site being within a reasonable safe walking distance of a settlement. In this case it is agreed that there is no pavement or footway into Hartshill, but two Inspectors have concluded that the alternative bus service being readily accessible here, outweighs that concern.

The third criterion is that sites should avoid a high risk of flooding and avoid other environmental hazards that might affect resident's welfare. This criterion is satisfied – agreed by two Inspectors.

The fourth is that the site has access to essential services – which again is the case here as agreed by two Inspectors.

The final one is that the site can be assimilated into the surroundings and landscape without significant adverse effect. This is the one criterion that requires closer examination as it links to the concerns that the site should be seen in its wider setting as an extension to already established developments. It also ties in with policies NW12 of the Core Strategy and BE2 of the Mancetter Neighbourhood Plan.

Policy BE2 in the Mancetter Neighbourhood Plan says that development should recognise and complement the local character of the Parish. The explanation of the policy refers to the views both up to the higher ground to the south and from that ground out over the Anker Valley to the north. To a large extent therefore this relates to landscape impacts arising from new developments. The starting point for this is the North Warwickshire Landscape Character Appraisal. The application site lies in the Baddesley to Hartshill Uplands Area. This describes the main characteristics as being a “distinct and unified upland and steeply undulating landscape located upon a rocky escarpment. The landform gives rise to upland woodland, heath and marginal pastoral farmland. Although the area contains settlements and industry this is generally absorbed by the prevailing wooded upland character. The southern half is heavily disturbed by quarrying activities and related modern industries.” The issue is thus whether this new proposal would significantly and demonstrably adversely cause harm to these characteristics. In overall terms it is considered not, as those impacts are confined to a very small part of the whole Landscape Character Area; there is other development in the immediate area that is also publically visible – Dobbies garden centre, the railway line, other houses, barns and stables - and there are significant established hedgerows in the area. Moreover additional on-site landscaping could lessen any residual visual impacts. It is thus not considered that the proposal would materially impact on the character of the wider landscape area.

Policy NW12 of the Core Strategy says that new development must positively improve the environmental quality of the area. This means that if a proposal is to be refused, it is necessary to show that significant harm would be caused to the environmental quality of the area. The proposal would extend the area currently occupied by similar development by some 30% in land area; by 35% in terms of the increased number of permitted caravans and 25% in terms of additional amenity buildings. These increases are material. Although the site has an established strong hedgerow running along its western boundary and planning conditions can be added to supplement landscape provision, there would still a sizeable extension over the extent and scale of the already permitted sites. In overall terms it is agreed that there would be a significant visual impact, which is increased by the cumulative impact to the already permitted developments to the east. The Inspector in the most recent appeal decision of late 2018 referred to the railway line, to the Dobbies Garden Centre, and to the established hedgerows. He considered the site he was dealing with to be “relatively contained”. In respect of the setting he says that whilst there are views from higher ground to the south over open fields, the “enclave” of the sites here would not be prominent or conspicuous in the rural landscape. This proposal alters that perspective, as it materially extends the whole built development here such that it is no longer considered to be a contained “enclave” and there would be a wider impact drawing attention to the site

from the higher ground to the south. This proposal cannot be said to positively improve the environmental quality of the area as required by Policy NW12.

Returning therefore to the final criterion of Policy NW8 it is concluded that the site cannot be assimilated into the surroundings without adverse impact.

It is therefore concluded that the proposal would not be compliant with Policy NW8.

v) Policy NW10

This policy includes a list of matters which affect all development proposals. The two of most relevance here are those relating to vehicular access and to residential amenity.

In respect of the second of these then it is not considered that this development would materially impact on the residential amenity of neighbouring residential occupiers in respect of loss or privacy, overshadowing or overlooking. Members are reminded that matters relating to loss of a view are not material planning considerations.

In respect of access matters then it is of significant weight that the County Council as Highway Authority has objected. The concerns relate to increased use of the access and its junction with the Atherstone Road. Increased use has already led to the deterioration of the junction and the access which are outside the control of the applicant. There are now road safety concerns with the increased use that is now proposed. The response of the County Council was referred to the applicant's planning agent but no response has been received. As such there is no rebuttal evidence in front of the County for it to review its position. The County considers that the requirements of the NPPF are therefore not satisfied.

vi) Other Harms

The site is not within a Conservation Area or other designated heritage, ecological or landscape area. It neither would affect the setting of any such areas.

There is reference in the representations to other matters which now need to be considered.

The first is that this development when added to the established neighbouring sites would go beyond the Borough's site requirement for the Strategy's plan period as set out in Policy NW7 of the Core Strategy. In other words there would be over-provision. The policy says that the requirement in the Borough throughout the plan period of 2011 to 2029 is nine residential pitches and five transit pitches. To date there are nineteen pitches approved following the recent Corley appeal decision as well as twelve transit pitches being approved by the County Council. The figures have therefore been exceeded. However just as with applications for the settled community in any particular settlement, Members are fully aware that even if we have a five year supply of housing that does not mean that all future housing applications should be refused. Each application for traveller accommodation has to be treated on its merits, just as any other type of application would be. Indeed the Inspector in the recent Corley appeal decision says that the requirement set out in the policy is not a "ceiling". In this case, these applications for windfall sites are explicitly dealt with under Policy NW8 and any other relevant policies of the Development Plan. If the proposal complies with these policies, then it should be granted planning permission. As a consequence a refusal based on this "harm" could not be supported.

The second is that there is a disproportionate level of gypsy and traveller sites in the Hartshill area. There are several responses to this. Firstly, it is agreed that the PPTS in paragraph 14 says that “when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community”. Paragraph 25 says that, “Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of and do not dominate the nearest settled community and avoid undue pressure on the local infrastructure”. Here even if allowed, this development would lead to there being some twenty four families in this general area close to Hartshill. That would not “dominate” that settlement. Moreover it would not give rise to undue pressure on the local infrastructure as the Council’s Submitted Regulation 19 Plan is allocating 400 houses in Hartshill and increased numbers at Ansley Common. The two Kirby Glebe Farm appeal decisions referred to above, also come to the same conclusion. Moreover no evidence has been submitted to show that there has been an adverse “social” impact directly arising from the established sites. As a consequence therefore, a refusal based on this “harm” could not be supported.

The third is that it is suggested that the description in a 2015 planning application said that “the remaining land to remain within an agricultural/equestrian use”. It is agreed that this is the case, but that does not prevent or restrict the submission of later applications being submitted for other uses. Members will be fully aware of all kinds of applications for the change of use of agricultural and equestrian land and that each will then be determined on the merits of the case against the Development Plan unless other material planning considerations indicate otherwise.

This is what has happened in this case with determination taking place under NW8 the relevant Plan policy.

Finally there is concern that there is alleged to be breaches of planning control at the permitted sites and thus there might be a continuation if this application is supported. Members are aware that “speculation” is not a material planning consideration and no weight should be attached to it. This is not a reason for refusal of this application. Allegations are investigated and there are recognised procedures for following through if breaches of planning control are established.

As a consequence of these matters it is not considered that there is other significant harm caused by these three concerns that can be demonstrated to give rise to adverse impacts.

In conclusion therefore it is concluded that the only adverse impacts here that could cause significant and demonstrable harm are those caused by highway issues under Policy NW10 (6) of the Core Strategy and the lack of assimilation into the surroundings and landscape under policies NW8 and NW12 of the Core Strategy.

h) The Applicant’s Case

Referring back to the beginning of this section, it was concluded that the presumption here is to grant a planning permission unless there are significant and demonstrable adverse impacts. Such harm has been identified. However that has to be weighed in the final planning balance against any matters that the applicant raises that might still outweigh that harm.

He has first considered the criteria in Policy NW8 and concludes that the proposal is compliant. He disagrees with the Highway Authority given that the development would not materially add significant amounts of traffic using the junction and access and thus reduce road safety issues. He refers to the standards set out in the Government's "Manual for Streets" concluding that the access width is compliant with these standards and that traffic generation from these sites is not similar to those of the settled community as the families here are often off-site for some time and that they do not recognise normal peak hours for moving. He also disagrees on the matter of assimilation into the surroundings given the character of the neighbouring land uses and developments as well as the strong hedgerow boundary to the west.

The second consideration which he puts forward is that the Council has not allocated land for gypsy and traveller sites in its Core Strategy, nor indeed in its newly Submitted Local Plan. Until such time as it does and in the absence of alternative sites, it should determine each application against Policy NW8. Here the proposal is compliant with that policy. Whilst there is no reference in the applicant's case to the recent letter from the Inspector dealing with the Examination of the Submitted Plan, it should be referred to here. That letter requests an updated Assessment for Gypsy and Traveller accommodation to be completed and that appropriate changes are made to Policy LP6 of the Submitted Plan. Members should be aware that that Assessment commissioned jointly by several Authorities is not yet published and thus no weight can be attributed to it in the determination of this application.

The third consideration is that the seven families to be accommodated here currently have no alternative accommodation of their own and therefore there is an immediate need. Living on this site would enable a settled base for the children with good access to schools and health facilities, which would be in their best interests compared with an itinerate life.

All of these considerations carry weight. Members are reminded of their Public Sector Equality Duty and the advice in the PPTS at paragraph 24 where the personal circumstances of the applicant are relevant in making a determination in these cases. The best interests of the children are therefore a consideration here, of significant weight.

i) The Final Planning Balance

The presumption here is to grant planning permission unless there are significant and demonstrable adverse impacts. Two have been identified. It is necessary therefore to assess whether the considerations put forward by the applicant outweigh those adverse impacts. It is considered that they do not.

The highway objection carries significant weight as the increased use of this access and junction will affect not only the applicant families but all of the other families and other road users. There is thus a much wider public interest issue here. The increased use of the access is now material particularly as its improvement cannot be dealt with by planning condition.

There is now a material increase in the overall scale and size of the traveller accommodation here. That increase extends that present contained area into open ground and cumulatively the impact both spatially and visually is substantial. The proposal is for residential use and thus all of the associated residential characteristics would be present. The proposal is not for temporary or periodic use and there is no reinstatement of the land proposed. The proposal therefore when taken with the

established developments would give rise to a wholly non-rural appearance for this part of the landscape. This has now reached a position where there will be substantial impacts.

j) Other Matters

As a consequence of site investigations in the area, officers can confirm that work has commenced on this site though the laying of hard standings and the placement of vans on the site. A breach of planning control has thus been established. The Board will need to decide whether or not it is expedient to serve an Enforcement Notice. Such a Notice would require the cessation of residential use, the removal of all of the development that has occurred and the reinstatement of the land to a grassed area. A compliance period of six months would be an appropriate period. The reasons for service are those highlighted in this report leading to the refusal recommendation.

There will clearly be an impact on the occupiers of this site because of the Notice requirements. That will in short make any occupants homeless which could result in "road side" accommodation being used and to the disruption of any child's education. Because of these impacts further research is required into the particular personal circumstances of the occupants here and thus the recommendation below is worded accordingly.

Recommendations

A) That planning permission be **REFUSED** for the following reason:

1. 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 NW10 (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.

Notes

The Local Planning Authority has met the requirements of the NPPF in this case through engagement with the applicant in order to overcome objections to the proposal.

- B)** That the Council is minded to serve an Enforcement Notice in the terms referred to above and for the reasons outlined, but that a further report is brought to the Board once the impacts of such action on the occupiers of the site have been assessed.

BACKGROUND PAPERS

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

Planning Application No: PAP/2019/0457

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	5/8/19
2	Hartshill PC	Objection	28/9/19
3	Resident	Objection	16/8/19
4	Resident	Objection	29/8/19
5	Resident	Objection	28/9/19
6	Resident	Objection	24/8/19
7	Resident	Objection	24/8/19
8	Resident	Objection	24/9/19
9	WCC Highways	Consultation	29/8/19
10	Marcus Fox MP	Letter	11/9/19

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.

Hartshill, Atherstone Road, Kirby Gleebe.



Date: 21.10.19
Scale: 1:3000

Two Injunction Sites



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Outstanding applications - "A" 0256, and "B" is 0457



Consented Area -



SITE LAYOUT PLAN
KIRBY GLEBE FARM



SCALE 1:500

RECEIVED
- 5 AUG 2019
North Warwickshire
Borough Council

(9) Application No: PAP/2019/0507

**CCTV locations Central Atherstone, Including Long Street / South Street / Market Square, Atherstone,
Replacement of CCTV cameras around Atherstone and three new CCTV cameras,
and**

(#) Application No: PAP/2019/0508

**Old Bank House & The Old Bakery, 129 & 94 Long Street, Atherstone, CV9 1AP & CV9 1AB
Listed Building Consent for the replacement of CCTV cameras at The Old Bakery and Old Bank House, Long Street.**

both North Warwickshire Borough Council

Introduction

The application proposes development by North Warwickshire Borough Council.

The Sites and the Proposals

The applications seek planning permission for the replacement of CCTV cameras around Atherstone and for three new CCTV cameras. It also seeks Listed Building Consent for the replacement of CCTV cameras at The Old Bakery and Old Bank House, Long Street.

It is proposed to replace the 27 CCTV cameras within the town of Atherstone belonging to the Atherstone CCTV Partnership (North Warwickshire Borough Council, Atherstone Town Council & Warwickshire Police) that are located at various sites around the town centre because the current CCTV cameras are obsolete and have reached the end of their useful operation life.





It is also proposed to install 3 additional CCTV cameras at various sites (detailed below) and relocate an existing CCTV Camera in order to improve the CCTV system's ability to prevent, deter and detect crime; assist with traffic management and public safety.

It is proposed to install the Replacement CCTV cameras on the same columns and wall locations as the current CCTV cameras.







Model H1 - This panoramic CCTV camera model to be installed on WCC Street lamp columns at locations:
C1 (existing cam 1), N1 & N3




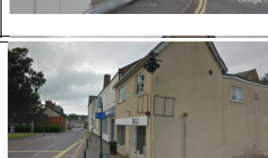



CCTV Camera No.	Site Address	Post Code	Easting	Northing	Description	Camera Location & Image

1	Adjacent to Woolpack Way / Long Street mini roundabout (next to bench)	CV9 1AF	430985	297736	Column mounted CCTV camera in dome housing. It is proposed to relocate this CCTV camera as its effectiveness has diminished over time due to the growth of nearby trees. Details of the relocation proposal are contained in section C1 below. To be replaced by column mounted CCTV Camera model H1 – See attachment 3	
C1	Adjacent to Woolpack Way / Long Street mini roundabout (adjacent to 124 Long Street)	CV9 1AF	431001	297741	Proposed relocation of CCTV camera 1 with replacement CCTV camera model H1 (see attachment 3) to be mounted on WCC street lamp (see attachments 8 – 8b)	
N1	The Black Horse public house 156 Long Street (in front of building)	CV9 1AE	431105	297688	Proposed additional CCTV camera model H1 (see attachment 3) to be mounted on WCC street lamp next to public house (see attachments 9 – 9b)	
N3	St Mary's Road (adjacent to playing field entrance)	CV9 1JR	431158	297895	Proposed replacement CCTV camera model H1 (see attachment 3) to be mounted on WCC street lamp (see attachments 10 – 10b) and linked to CCTV control centre replacing existing stand alone CCTV camera.	



Model H2 - This panoramic CCTV camera model to be installed on existing wall locations and CCTV columns at locations 2 – 8, 10 – 13, 15, 17 – 18, 21, 22, 27 – 28 except at location N2 which will be installed on a new CCTV column




CCTV Camera No.	Site Address	Post Code	Easting	Northing	Description	Camera Location & Image
2	Front of Old Bank House	CV9 1AB	430914	297768	Wall mounted CCTV camera in dome housing. Listed Building Consent applied for. To be replaced by wall mounted CCTV Camera model H2 – See attachment 3	
3	Front of 94 Long Street (The Old Bakery)	CV9 1AP	430837	297815	Wall mounted CCTV camera in dome housing. Listed Building Consent applied for. To be replaced by wall mounted CCTV Camera model H2 – See attachment 3	CV9 1AB 
4	87 Long Street (On pavement in front of building)	CV9 1BB	430768	297836	Column mounted CCTV camera in dome housing. To be replaced by column mounted CCTV Camera model H2 – See attachment 3	
5	Front of 62 Long Street	CV9 1AU	430714	297878	Wall mounted CCTV camera in dome housing. To be replaced by wall mounted CCTV Camera model H2 – See attachment 3	

6	In front of Atherstone Library, Long Street (On pavement in front of building)	CV9 1AX	430614	297923	Column mounted CCTV camera in dome housing. To be replaced by column mounted CCTV Camera model H2 – See attachment 3	
7	Rear of Memorial Hall, Long Street	CV9 1AX	430597	297978	Wall mounted CCTV camera in dome housing. To be replaced by wall mounted CCTV Camera model H2 – See attachment 3	
8	Front of Atherstone Leisure Centre, Long Street	CV9 1AX	430644	297994	Wall mounted CCTV camera in dome housing. To be replaced by wall mounted CCTV Camera model H2 – See attachment 3	
10	Market Square	CV9 1ET	430848	297921	Column mounted CCTV camera in dome housing To be replaced by column mounted CCTV Camera model H2 – See attachment 3	
11	South Street (Next to pavement opposite South Street car park)	CV9 1EP	430841	297676	Column mounted CCTV camera in dome housing. To be replaced by column mounted CCTV Camera model H2 – See attachment 3	
12	81 Station Street (Junction with Coleshill Road)	CV9 1DB	430771	297714	Wall mounted CCTV camera in dome housing. To be replaced by wall mounted CCTV Camera model H2 – See attachment 3	
13	50 Station Street (Entrance to bus station)	CV9 1DB	430685	297788	Wall mounted CCTV camera in dome housing. To be replaced by wall mounted CCTV Camera model H2 – See attachment 3	
15	Station Street mini roundabout (Entrance to Co-op supermarket car park)	CV9 1BU	430547	297830	Column mounted CCTV camera in dome housing. To be replaced by column mounted CCTV Camera model H2 – See attachment 3	
17	NWBC Depot Sheepy Road (Next to exit)	CV9 1HH	430812	298141	Column mounted CCTV camera in dome housing. To be replaced by column mounted CCTV Camera model H2 – See attachment 3	
18	NWBC Depot Sheepy Road	CV9 1HH	430822	298159	Wall mounted CCTV camera in dome housing. To be replaced by wall mounted CCTV Camera model H2 – See attachment 3	

21	NWBC Council House (On corner of building by garage)	CV9 1DE	430915	297710	Wall Mounted CCTV camera in "shoebox" housing. To be replaced by wall mounted CCTV Camera model H2 – See attachment 3	
22	NWBC Council House (Above rear entrance of building)	CV9 1DE	430903	297687	Wall Mounted CCTV camera in "shoebox" housing. To be replaced by wall mounted CCTV Camera model H2 – See attachment 3	
27	Westwood Road play area (near to entrance)	CV9 1EL	430909	297277	Column mounted CCTV camera in "Metal Mickey" housing. To be replaced by column mounted CCTV Camera model H2 – See attachment 3	
28	Ratcliffe Street / North Street junction	CV9 1JL	430950	297861	Column mounted CCTV camera in dome housing. To be replaced by column mounted CCTV Camera model H2 – See attachment 2	
N2	Atherstone bus station (on paved area in front of Triple A Taxis, Data House)	CV9 1BU	430750	297806	Proposed additional CCTV camera Model H2 (see attachment 3) to be column mounted near to Data House (see attachments 7 – 7b)	




Model H3 - This pan, tilt & zoom CCTV camera model to be installed on existing wall locations and CCTV columns at locations 9, 14, 16, 19, 23 & 25 – 26

CCTV Camera No.	Site Address	Post Code	Easting	Northing	Description	Camera Location & Image
9	Rear of Sheepy Road car park	CV9 1HD	430735	297951	Column mounted CCTV camera in dome housing. To be replaced by column mounted CCTV Camera model H3 – See attachment 3	
14	Cattle Market car park	CV9 1DD	430626	297740	Column mounted CCTV camera in dome housing. To be replaced by column mounted CCTV Camera model H3 – See attachment 3	
16	Long Street Entrance to Co-op supermarket car park	CV9 1BU	430528	297938	Column mounted CCTV camera in dome housing. To be replaced by column mounted CCTV Camera model H3 – See attachment 3	

19	NWBC Council House (Above rear entrance of building)	CV9 1DE	430906	297694	Wall mounted CCTV camera. To be replaced by wall mounted CCTV Camera H3 – See attachment 3	
23	NWBC Council House (On building near to reception entrance)	CV9 1DE	430884	297678	Wall Mounted CCTV camera in "shoebox" housing To be replaced by wall mounted CCTV Camera model H3 – See attachment 3	
25	Coleshill Road (By canal bridge)	CV9 2AD	430650	297474	Column mounted small CCTV camera in dome housing. To be replaced by column mounted CCTV Camera model H3 – See attachment 3	
26	NWBC Council House (On building near to reception entrance)	CV9 1DE	430892	297693	Wall Mounted CCTV camera in "shoebox" housing. To be replaced by wall mounted CCTV Camera model H3 – See attachment 3	



There is a single camera to be decommissioned and removed:

20	NWBC Council House (On corner of building by garage)	CV9 1DE	430908	297715	Wall Mounted CCTV camera in "shoebox" housing. To be decommissioned and removed	
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The new cameras are to be positioned as follows:

New Camera Number One:

Proposed CCTV Camera Long St/Welcome St Junction – View of street Lamp column 46 to which the proposed CCTV camera will be attached



The camera housing will be of the design shown below:

Proposed CCTV Camera at Long St / Welcome St Junction – Satellite View



Proposed location for CCTV camera



New Camera Number Two:

The site forms part of the pedestrian footway to the rear of the Bus Station in Atherstone, close to the rear of properties fronting Long Street and to the front of the Triple A Taxi offices, at the location shown below.

Camera to be located on pathway in front of Triple A Taxi office and will replace post with parking restriction sign



It is proposed to install a 6 metre high column and CCTV camera.

The camera housing will be of the design shown below:



The new column will replace a 3 metre high pole with parking restriction signs on it. It is proposed to remove this and mount the parking signs on the CCTV column.

An existing CCTV camera is at the opposite end of the bus station by the entrance and this will remain as the proposed camera covers the areas that the existing camera cannot view i.e. the rear entrance of the arcade, the alleyway to Long Street by the taxi office, the car park and the taxi offices and MP's office by the exit to the bus station.

The applicant advises that different locations for the siting of the CCTV camera within the bus station environs have been considered but the proposed site is considered to be the optimum for providing the best field of view of the rear of the bus station area, the alleyway into Long Street, the areas in front of the taxi offices and also the car park, much of which is not visible to the existing CCTV.

New Camera Number Three:



Proposed camera location (replacing existing CCTV camera mounted on street lamp column)

The camera housing will be of the design shown below:

CCTV Camera St Mary's Rd – View of Existing CCTV Camera and Street Lamp Column



It is intended to affix the 'as supplied' brackets to the existing columns (illustration below).



Background

The applicant advises that the existing cameras are nearly 20 years old and have become obsolete.

Development Plan

North Warwickshire Core Strategy (October 2014) : NW1 – Sustainable Development, NW10 - Development Considerations, NW12 – Quality of Development, NW14 – Historic Environment, NW18 - Atherstone

North Warwickshire Local Plan 2006 (Saved Policies) : ENV12 – Urban design, ENV15 – Heritage Conservation, Enhancement and Interpretation, ENV16- Listed Buildings, non-Listed Buildings of local historic value and sites of archaeological importance

Other Relevant Material Considerations

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

The North Warwickshire Local Plan Submission Version, March 2018 : LP1 – Sustainable Development, LP15 – Historic Environment, LP21- Towns Centres & Neighbourhood Centres, LP31 - Development Considerations, LP33 - Shop Fronts, Signage & External Installations

Supplementary Planning Guidance : A Guide for Shopfront Design (Adopted 2003)
The Shopfronts Design Guide (submission version September 2016)

Consultations

Heritage and Conservation Officer (PAP/2019/0508 and PAP/2019/0508) – Notes that it is unfortunate that the existing more ornate brackets could not be retained as these would have softened the modern appearance of the units, but understands the applicant's argument that adapting the units to take the existing brackets could look unbalanced.

The balance is that provided the CCTV units and the brackets are in a recessive colour - black matt or to the colour of the existing column then there would be no additional harm on the Heritage Assets other than the modern design of the CCTV.

On the listed buildings she suggests attaching the unit to the masonry through the existing holes rather than making new insertions that could otherwise harm the fabric or make good the existing fabric on removal of the existing units with appropriate materials.

As such she considers the proposal to amount to less than substantial harm on the Heritage Assets in this case balancing the public benefit means there is a security interest (surveillance/detection and avoidance of crime) which can slightly outweigh the harm caused by modern installations.

Historic England, SPAB, Ancient Monuments Society, Council for British Archaeology, Historic Buildings and Monuments Commission, The Georgian Group and The Victorian Society – To be reported.

Representations

None received.

Observations

The sites are in Atherstone town centre and within Atherstone Conservation Area. There is a duty to preserve and enhance the character and appearance of the Conservation Area when considering development proposals. Furthermore, the town centre contains numerous listed buildings and there is a need to consider the effect on the setting of listed buildings and the effect on the listed buildings themselves.

The CCTV cameras are an established part of the street scene in and around Atherstone Town Centre, having first been installed in 2002. The swap in the design of the camera housing is not likely to lead to any new or altered issues of privacy or amenity.

The replacement CCTV cameras are of a similar shape and size to the current CCTV cameras and have some similarity in profile to the current CCTV cameras. The main difference is that it is not possible to source exact replacements. Following an extensive search, it has been established that the ornate 'heritage style' domes and brackets are no longer manufactured. This is regrettable because the modern versions are less refined, having a very modern, functional appearance. Their form however, is not considered to be so different as to cause such undue harm to the character and appearance of the area that refusal of permission would be appropriate, given that the retention of a CCTV presence in the town is a desirable crime detection/public safety objective and that the cameras have been sourced to be as similar as possible to the current cameras.

The installation of new additional CCTV cameras within the Atherstone bus station area and along Long Street will not detrimentally affect the character or appearance of the area and will arguably play a role in enhancing the character and appearance because it will enhance security for the commercial buildings within the bus station area and provide a safer environment for people and cars in the car park area within the bus station as well as for people using the area as a through route to and from Long Street and Station Street and along Long Street. There are already several 6 metre lighting columns within the bus station area. In this context the proposed CCTV column will not present with any dominance in the bus station area.



In terms of the effect on listed buildings and heritage assets, at the time of first installation of the CCTV around the town and on its listed buildings, it was acknowledged that the proposal had arguments for and against and which pulled in opposite directions in respect of heritage matters. The Old Bank House was a prominent and significant listed building in the town's Conservation Area, where great

care had been taken to secure its preservation and its enhancement when the refurbishment took place to provide office accommodation. Subsequently, minor additions to the front facade had been added - alarms, lights, brackets and ventilation bricks had been agreed so as not to impact adversely on the historic or architectural integrity of the building, or to have an adverse impact on the character and appearance of the Conservation Area. The new structure was large, not in keeping with the main facade and located in a prominent position. On the other hand, the provision of CCTV throughout the town was considered an important and central issue for the overall benefit of the town centre. The argument was based on the need to reduce crime and disorder and thus to encourage more use of the town centre outside normal day hours. The support for CCTV met with Government and Local Council policy. There was a tension between the two objectives, but on balance it was found that the CCTV camera was not a permanent alteration to the Listed Building. It could be removed without harming the front facade. Secondly, the camera was part of a town-wide and overall community scheme that has other benefits that are recognised and supported by the community at large. Hence the camera was seen as part of a wider town enhancement scheme which had wider community benefit thus outweighing any temporary harm to the Listed Building.

The situation differs little now. There remains a tension between the objectives but as set out by the Heritage and Conservation Officer it is considered that the proposed works amount to less than substantial harm on the Heritage Assets in this case balancing the public benefit means there is a security interest (surveillance/detection and avoidance of crime) which can slightly outweigh the harm caused by modern installations.

In the case of Old Bank House and 94 Long Street it is appropriate to condition the method of fixing to the fabric of the building.

In respect of the application for listed building consent on the Old Bank House building, the grant of listed building consent would be a grant on a Council owned building. Planning Regulations set out that if any of the National Amenity Societies object to the application then it must be referred to the Secretary of State for his determination. No objections have been received to date but the consultation period has not yet expired. The recommendation is therefore framed to allow for the eventuality that an objection is received.

Recommendation

PAP/2019/0507

- a) That, subject to the receipt of no adverse representations, planning permission be **GRANTED** subject to the conditions listed below:

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 following received by the Local Planning Authority on 22 October 2019:

- Attachment 1 - Planning Application Atherstone CCTV System 2019 - Camera Locations & Descriptions
- Attachment 3 - Planning Application Atherstone CCTV System 2019 - Replacement CCTV Camera Models

And the following received by the Local Planning Authority on 3 September 2019:

- Attachment 2 - Planning Application Atherstone CCTV System 2019 - CCTV Camera System OS Map
- Attachment 7 - Planning Application Atherstone CCTV System 2019 - Bus Station CCTV Camera - Satellite & Street View
- Attachment 7a - Planning Application Atherstone CCTV System 2019 - Bus Station CCTV Camera OS Map
- Attachment 7b - Planning Application Atherstone CCTV System 2019 - Bus Station CCTV Camera - New CCTV Column Drawings and dimensions
- Attachment 8 - Planning Application Atherstone CCTV System 2019 - Camera 1 Relocation Woolpack Way Relocation Satellite View
- Attachment 8a - Planning Application Atherstone CCTV System 2019 - Camera 1 Relocation OS Map
- Attachment 8b - Planning Application Atherstone CCTV System 2019 - Camera 1 Relocation - Image Lamp post junction Long St & Woolpack Way
- Attachment 9 - Planning Application Atherstone CCTV System 2019 - Long St & Welcome St Satellite View
- Attachment 9a - Planning Application Atherstone CCTV system 2019 - Long St & Welcome St OS Map
- Attachment 10 - Planning Application Atherstone CCTV System 2019 - St Marys Rd Play Area Satellite View
- Attachment 10a - Planning Application Athersone CCTV System 2019 - St Mary's Rd OS Map

REASON

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

3. The camera housing and bracket shall be coloured black matt or to the colour of the existing column upon which it is sited and shall be maintained as that colour at all times thereafter.

REASON

In the interests of the amenity of the area and in recognition of the Conservation Area setting of the CCTV system.

NOTE

In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning objections 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.

- b) That in the event of the receipt of adverse representations, the decision be delegated to the Head of Development Control in consultation with the Chair and Vice Chair of the Planning and Development Board and the Ward Members for Atherstone.

PAP/2019/0508

- a) That, subject to the receipt of no adverse representations, Listed Building Consent be **GRANTED** subject to the conditions listed below:

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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory purchase Act 2004, and to prevent an accumulation of unimplemented consents.

2. The development hereby approved shall not be carried out otherwise than in accordance with the following received by the Local Planning Authority on 22 October 2019:

- Attachment 1 - Planning Application Atherstone CCTV System 2019 - Camera Locations & Descriptions
- Attachment 3 - Planning Application Atherstone CCTV System 2019 - Replacement CCTV Camera Models

And the following received by the Local Planning Authority on 3 September 2019:

- Attachment 5a - Planning Application Atherstone CCTV System 2019 - Listed Building Consent - 94 Long St OS Map
- Attachment 6a - Planning Application CCTV System 2019 - Listed Building Consent - Old Bank House OS Map

REASON

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

3. The camera housing and bracket shall be coloured black matt and shall be maintained as that colour at all times thereafter.

REASON

In the interests of the amenity of the area and in recognition of the heritage value of the building and the Conservation Area setting of the CCTV system.

4. The CCTV camera brackets shall be attached to the masonry of the buildings utilising the existing holes rather than making new insertions. If that is not deemed to be possible, the existing fabric shall be made good on removal of the existing units with materials that fully match the existing masonry.

REASON

In the interests of the amenity of the area and in recognition of the heritage value of the building and the Conservation Area setting of the CCTV system.

NOTE

In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning objections 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.

- b) That in the event of the receipt of objections from any of the National Amenity Societies, the application be referred to the Secretary of State for his determination.
- c) That in the event of the receipt of no objections from any of the National Amenity Societies but the receipt of adverse representations from others, the decision be delegated to the Head of Development Control in consultation with the Chair and Vice Chair of the Planning and Development Board and the Ward Members for Atherstone.

BACKGROUND PAPERS

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

Planning Application No: PAP/2019/0507

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	22/10/19 3/9/19
2	Heritage and Conservation Officer	Consultation Response	21/10/19

Listed Building Consent Application No: PAP/2019/0508

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	
2	Heritage and Conservation Officer	Consultation Response	21/10/19

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.

(10) Application No: PAP/2019/0539

Meadow Street Park And Gardens, Meadow Street, Atherstone,

Works to trees in Conservation Area, for

North Warwickshire Borough Council

Introduction

The application is referred to the Board as the Council owns the land.

The Site

The Meadow Street gardens are located on the north side of Meadow Street and extend almost through to South Street. They are surrounded by residential development.

The Proposals

It is proposed to fell three trees at the Meadow Street end of the area – a hawthorn, a silver birch and a Tree of Heaven. The first of these is mature, but twin stemmed. Its structural integrity is now compromised such that it could fail and as it close to a footpath it is recommended for felling. The silver birch is mature but its canopy is growing within another tree's canopy and that tree is of better quality and has longer longevity. The silver birch will only deteriorate over time if left alone. The Tree of Heaven is in decline and has much deadwood and is now skeletal in appearance.

The location of these trees is shown at Appendix A.

Observations

The trees are all in the Atherstone Conservation Area. The Board's remit here is thus to determine whether each tree should be protected formally by an Order or not. Given the circumstances set out, and that the trees have been inspected by a qualified arborist, it is not recommended that Orders are appropriate here.

Recommendation

That the works may proceed but that appropriate replacements are provided within twelve months of their removal

BACKGROUND PAPERS

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

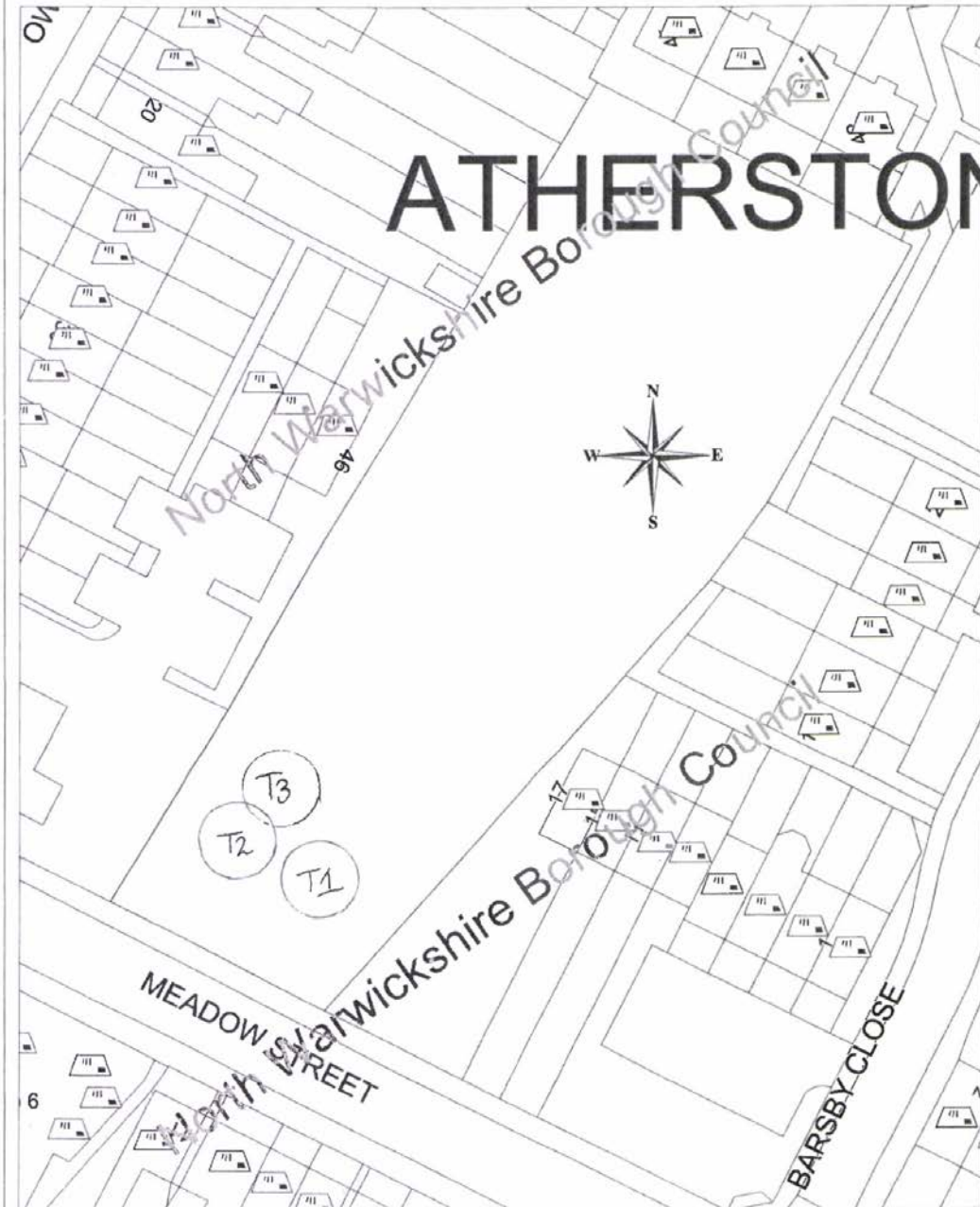
Planning Application No: PAP/2019/0539

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	24/9/19

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.

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Meadow Street Gardens



Date: 24/09/19
Scale: 1:481

T1 - TREE OF HEAVEN
T2 - HAWTHORN
T3 - SILVER BIRCH

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