

Agenda Item No 4

Planning and Development Board

10 June 2019

Planning Applications

Report of the Head of Development Control

1 Subject

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

2 Purpose of Report

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

3 Implications

- 3.1 Should there be any implications in respect of:

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

4 Site Visits

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

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 8 July 2019 at 6.30pm in the Council Chamber at the Council House.

6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at:
https://www.northwarks.gov.uk/info/20117/meetings_and_minutes/1275/speaking_and_questions_at_meetings/3.

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	CON/2019/0017	4	Mancetter Quarry, Quarry Lane, Mancetter, Atherstone, Warwickshire, Variation of condition 43 (hours of operation) of permission NWB/14CM034	General
2	CON/2019/0018 and CON/2019/0016	9	Northern Part of Land Known as Triangle Site (Land North of Middle Bickenhill Lane - Bounded by M42 - A452/A446) Land Between the A452 - A446 Chester Rd - Stonebridge Rd Intersection, A452 Chester Rd Adj to Melbicks - East of A452/A446 Rou Consultation on Schedule 17 Submission	General
3	CON/2019/0019	13	High Meadow Infant School, Norton Road, Coleshill, Construction of standalone classroom block to rear of site to allow for the expansion of High Meadow Infant School into a full primary.	General
4	PAP/2019/0003	18	Land adjacent 1, Jean Street, Baddesley Ensor, Construction of 3 bed dwelling with associated access and parking	General
5	PAP/2019/0276	37	Cole End Park, Lichfield Road, Coleshill, Works to trees in Conservation Area	General

General Development Applications

(1) Application No: CON/2019/0017

Mancetter Quarry, Quarry Lane, Mancetter, Atherstone, Warwickshire, CV9 2RF

Variation of condition 43 (hours of operation) of permission NWB/14CM034 in order to extend the hours over which HGV's may return, for

Tarmac

Introduction

This application has been submitted to the County Council as Minerals Planning Authority. The Borough Council has been consulted as part of the determination process.

The Site

The Mancetter Quarry complex comprises the amalgamation of three mineral workings known as Purley Quarry, Jubilee Quarry and Oldbury Quarry. Mineral is now only extracted from Oldbury with the other two quarries largely restored. This complex is all located to the south of Mancetter off Quarry Lane where it changes to Purley Chase Lane. The present operational area is off Purley Chase Lane. Its location is shown at Appendix A.

Background

The site benefits from a planning permission extending the quarrying to 2025. There is an agreed HGV routing arrangement which requires un-laden vehicles to enter the site via Mancetter and Quarry Lane with all HGV's to exit via Purley Chase Lane.

The Proposals

The application seeks to vary a condition relating to HGV operating hours. It does not affect the permitted output levels of the quarry or the route arrangement as set out above. The overall number of HGV's leaving the site will therefore remain the same. The proposal is to allow drivers more time to return to the quarry.

The existing condition is set out in full.

“Condition 43

1. The following operations shall not take place on Sundays or public holidays, and on any other days shall take place only between the hours indicated:
 - a) Mineral extraction, processing, servicing, maintenance or testing of plant and restoration works:
 - 0700 to 1730 Mondays to Fridays
 - 0700 to 1200 Saturdays

b) Tip removal, soli stripping and overburden removal

- 0800 to 1730 Mondays to Fridays
- 0800 to 1200 Saturdays

c) Blasting operations

- 1000 to 1600 Mondays to Fridays
- 1000 to 1200 Saturdays

d) HGV movements

- 0600 to 1730 Mondays to Fridays
- 0600 to 1200 Saturdays

2. The coating plant shall be operated only between the following hours:

- 0400 to 1730 Mondays to Fridays
- 0400 to 1700 Saturdays
- 0500 to 1700 Sundays

and notwithstanding paragraph 1 of this condition, coated stone deliveries may take place between 1200 and 1700 on Saturdays and between 0600 and 1700 hours on Sundays, but the average number of such loads leaving the site between those hours on any Saturday or Sunday shall not exceed five per hour. “

The proposed variation is to facilitate the return of empty HGV's to the site, whether they carried stone or coated stone, outside of these permitted hours, so that drivers can collect their own vehicles and to allow for the safe parking on-site of HGV's outside of the permitted hours. As indicated above, the total number of HGV's will not change nor will their routing to get back to the site.

The proposal is to vary the condition such that the “end time” is extended by two hours: Paragraph 1(d) above would thus read:

“HGV Movements:

- 0600 to 1930 Mondays to Fridays
- 0600 to 1400 Saturdays”

Paragraph 2 above would thus read:

“and notwithstanding paragraph 1 of this condition, coated stone deliveries may take place between 1200 and 1900 on Saturdays and between 0600 and 1900 on Sundays but the average number of such loads leaving the site between these hours on any Saturday or Sunday shall not exceed five per hour.”

Development Plan

The Core Strategy 2014 – NW10 (Development Considerations)

Mancetter Neighbourhood Plan

The Minerals Local Plan for Warwickshire

Other Material Planning Considerations

The National Planning Policy Framework

Observations

The wish to have empty HGV's on the site, rather than parked elsewhere is understood and on balance is something that should be supported in principle. However that does mean that empty HGV's would be returning to the site after the permitted hours and these would be passing through Mancetter, a residential area, and using roads that are not appropriate, even although there is no other option by which to gain access to the quarry. Whilst the total number of HGV's will stay the same, some will now return in the proposed extra two hours. The applicant estimates that this might be five to seven on any one day. This figure cannot be conditioned as it will vary from day to day and from driver to driver.

It is considered on balance that the proposal is acceptable, but that the County Council should ensure that the local community is comfortable with the extension. To that end the recommendation refers to the Quarry Liaison Group.

Recommendation

That the Council has No Objection, subject to there being No Objection from the local community's quarry liaison group.

BACKGROUND PAPERS

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

Planning Application No: CON/2019/0017

Background Paper No	Author	Nature of Background Paper	Date
1	Warwickshire County Council	Consultation	8/5/19

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.

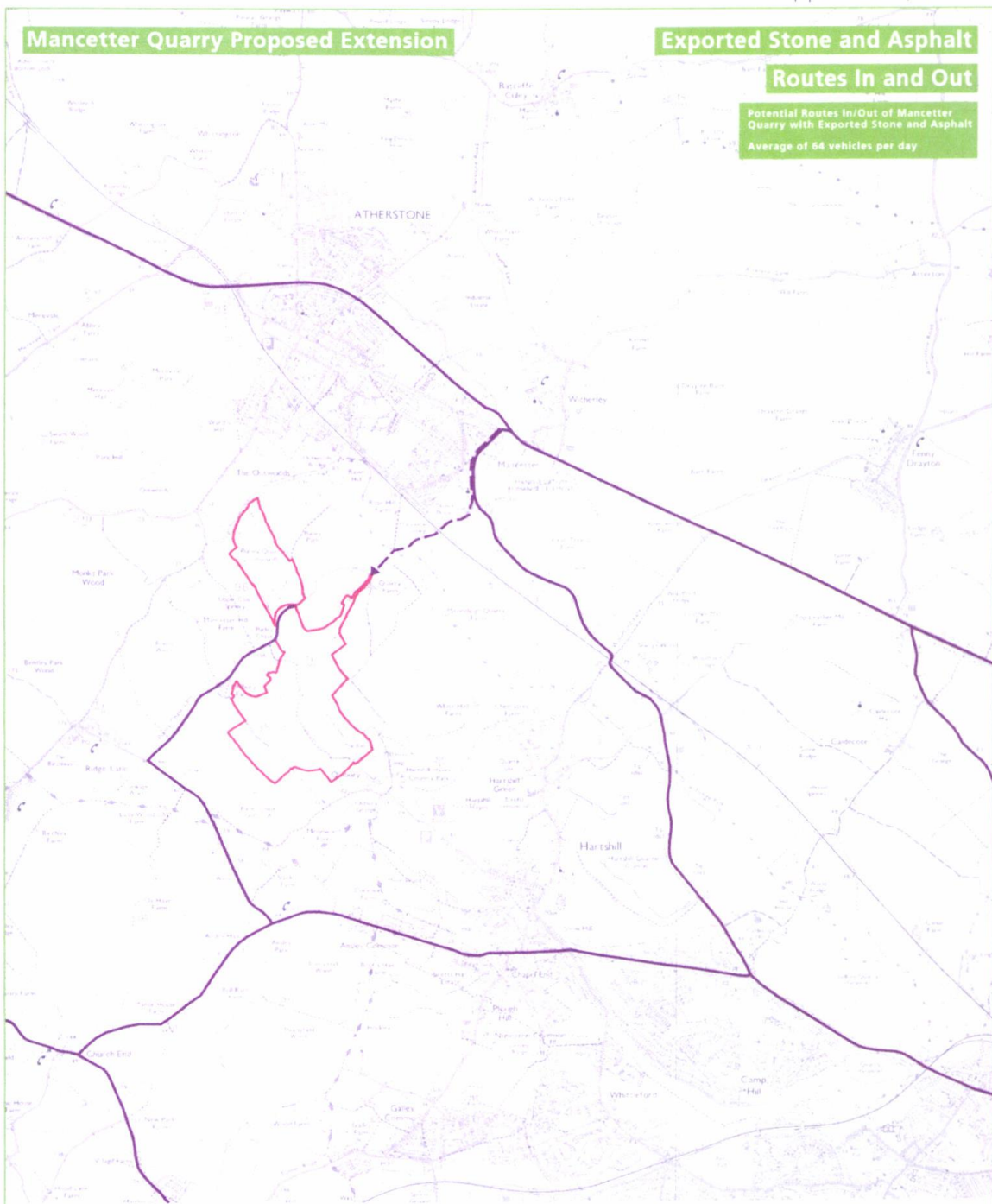
A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

Mancetter Quarry Proposed Extension

Exported Stone and Asphalt

Routes In and Out

Potential Routes In/Out of Mancetter Quarry with Exported Stone and Asphalt
Average of 64 vehicles per day



Legend

- Site Application Boundary
- Exported Stone and Asphalt - Routes In
- ← Exported Stone and Asphalt - Routes Out



Mancetter Quarry

Exported Stone and Asphalt - Routes In and Out

Scale: 1:12,500 at A1
1:20,000 at A3

Date: April 2019

Drawing No:
TAR-060-NA/001



Notwithstanding to whomsoever these drawings are issued, the user shall remain responsible for the accuracy and completeness of the information provided. The user shall also remain responsible for the accuracy and completeness of the information provided. The user shall also remain responsible for the accuracy and completeness of the information provided.

(2) Application No: CON/2019/0018 and CON/2019/0016

A452/B4438 Northway Island, Bickenhill and land to the east of the A542, Solihull Development authorised by the High Speed Rail (London – West Midlands) Act 2017 for highway works for

HS2 Ltd

Introduction

These are two Schedule 17 applications submitted to the Solihull Metropolitan Borough Council under the above Act for highway works consequential to the HS2 line and the new Birmingham Interchange station, together with the equivalent Schedule 17 application submitted to this Council for that part of the works within North Warwickshire.

The Borough Council can of course only determine the application for the works within North Warwickshire (HS2/2019/0001). The Solihull Metropolitan Borough Council has also invited comments from the Borough Council as part of its determination on the two applications it has received for the works in its area (CON/2019/0016 and 0018).

Members are aware that Schedule 17 applications are NOT planning applications and the remit of the Local Planning Authority in this regard is very limited.

The applicant is understood to have prepared a short “video” of the proposed works and it is anticipated that this will be available to be shown to the Board at the meeting.

The Sites and Proposals

It is easier in this case to describe the full extent of the works and then to describe those that are within North Warwickshire.

The HS2 line will run to the west of the present A542 and cross the M42 in the vicinity of the existing A 452 roundabout that is on the west side of the M42. It is shown on Appendix A.

The proposed works are substantially all located in Solihull and are all connected to consequential road re-arrangements to provide access into the new HS2 Station and to accommodate the line of HS2, because it will remove the A452 roundabout referred to above. That is to be relocated further to the south. The consequential works are to continue links to the NEC, the Airport and to the Birmingham Business Park, as well to provide access into the new station. The proposals are shown at Appendices A and B.

The whole of the illustrated works are substantially in Solihull but there are parts of the overall scheme located in North Warwickshire – namely revised access arrangements into Melbick Nurseries; the Birmingham Business Park known as The Quartz and some slight re-alignment of the link road from the A452 to the M42 over bridge.

Observations

These substantial works are almost all in Solihull and thus the Council can only make representations to that Council as it has been invited to do so. There will be little direct impact on North Warwickshire apart from the revised routeing into the NEC and to the Airport. The new roundabout itself will have to be built over the HS2 line and its link roads will thus need to rise to do so. Given that the line of HS2 is set, together with its levels and gradients as well as the location of the station, there is very little room here for making representations in principle. These link roads will have to rise to clear the HS2. The comments that need to be made to Solihull are that they should take every opportunity to seek substantial tree planting and landscaping provided throughout the whole works in order to lessen the visual impact of what will be significant engineered works. This will particularly be the case for that part of the works facing The Quartz site referred to above, because of the size of the roundabout abutment here which leaves very little room for effective mitigation.

In respect of the application submitted to the Borough Council the remit for comment is even more limited, as the works are essentially altered surface access alterations.

Recommendation

- a) That the Solihull MBC be informed that the Council makes representations as set out in this report.

- b) That the Council has no comments to make of the associated Schedule 17 application affecting North Warwickshire.

BACKGROUND PAPERS

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

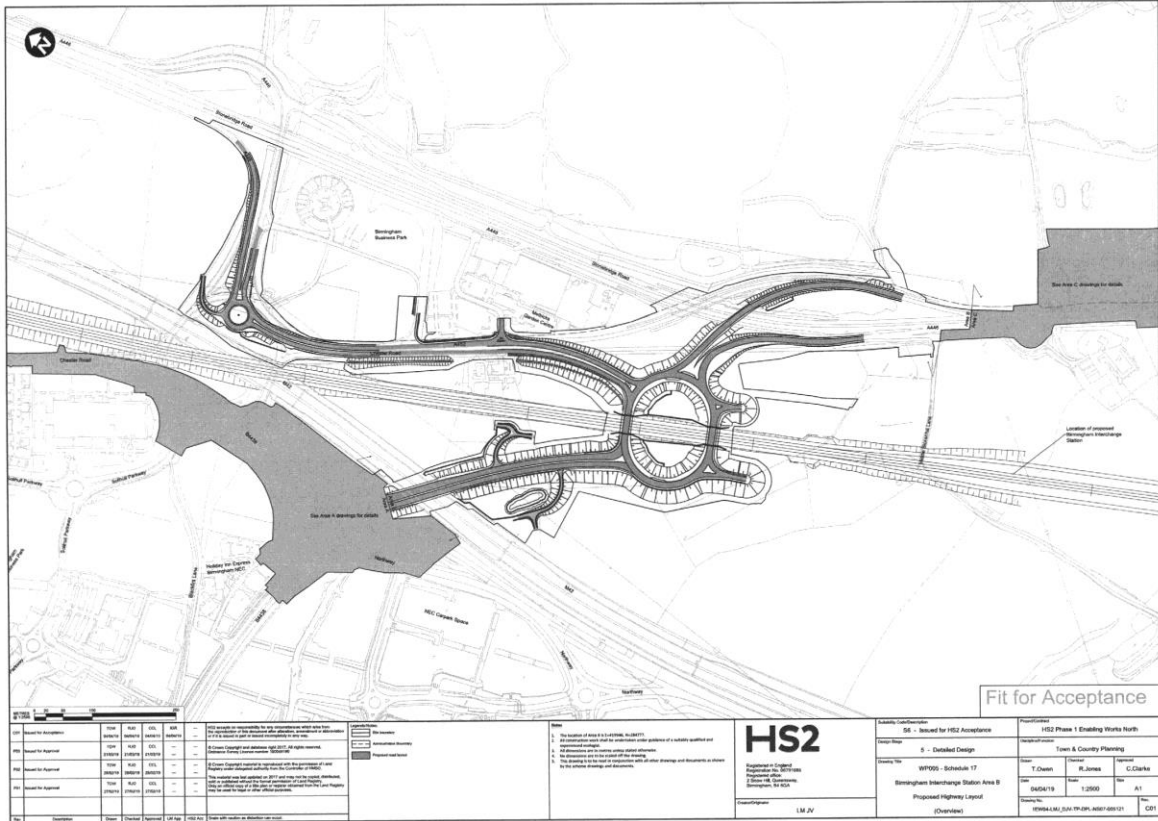
Planning Application No: CON/2019/0018

Background Paper No	Author	Nature of Background Paper	Date
1	SMBC	Consultation letter	10/5/19
2	SMBC	Consultation letter	14/5/19
3		Application	17/5/19

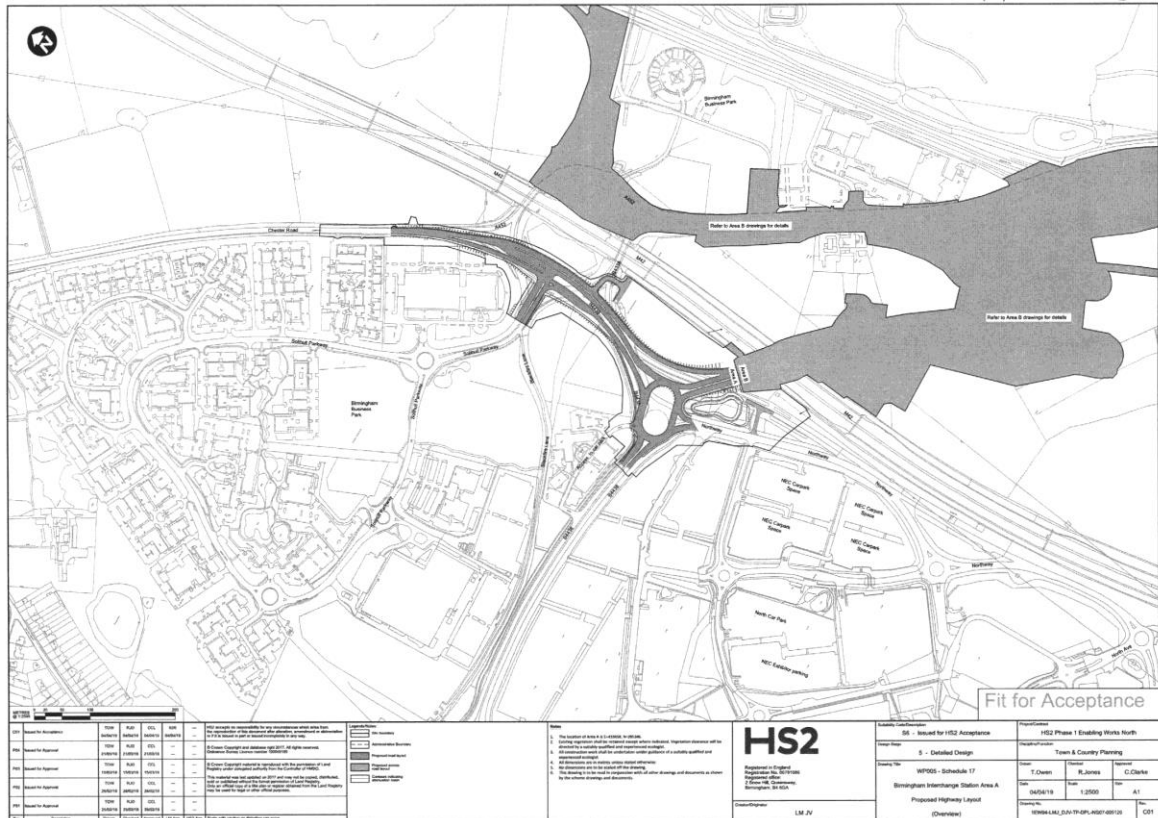
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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APPENDIX A



APPENDIX B



(3) Application No: CON/2019/0019

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

Construction of standalone classroom block to rear of site to allow for the expansion of High Meadow Infant School into a full primary, for

Warwickshire County Council

Introduction

This application will be determined by the County Council in due course and the Borough Council has been consulted as part of that process.

The Site

The existing School site is sited between Norton Road and Rose Road at the northern end of the town, with access off the former road. Its location is illustrated at Appendix A.

The Proposal

It is proposed to add a new single storey classroom block to provide four classrooms and ancillary accommodation so as to enable the school's expansion to a full primary school. The new block would be sited to the south-east of the existing class room block and take a crescent shape. It would be single storey but have an increased height so as to allow high level clerestory lighting.

The existing car park would be reconfigured so as to provide an additional five spaces.

The proposed location and elevations are shown at Appendices B and C.

Development Plan

The Core Strategy 2014 – NW10 (Development Considerations)

Coleshill Neighbourhood Plan

Other Material Planning Considerations

The National Planning Policy Framework

The Submitted Local Plan 2018 – LP31 (Development Considerations) and LP32 (Built Form)

Observations

There is no objection to the expansion of this school in principle and the design, appearance and siting of the new block is acceptable. It is also welcome to see a more adventurous approach to the design of the building which will enhance the whole site.

The main issue as always will be the additional pressure put on the local road network for parking particularly at school start and finish times.

Recommendation

That the Borough Council has No Objection to the proposals but requests that the County Council ensures that it has measures in place to accommodate the increased parking pressures that will arise

BACKGROUND PAPERS

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

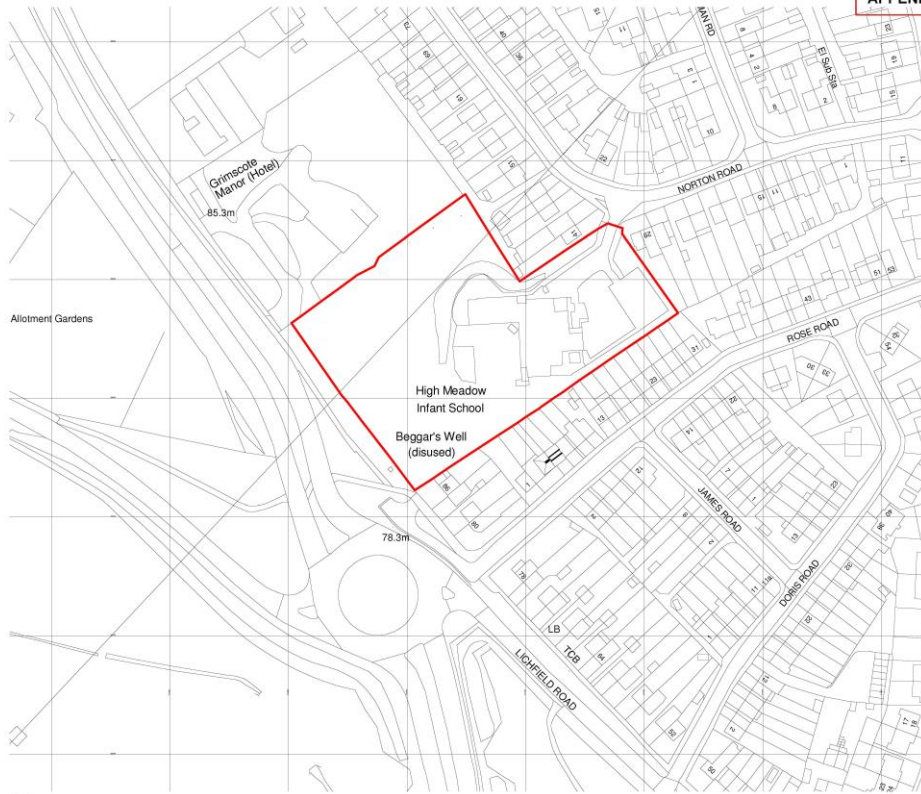
Planning Application No: CON/2019/0019

Background Paper No	Author	Nature of Background Paper	Date
1	Warwickshire County Council	Consultation	13/5/19

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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APPENDIX A



1 Site Plan Existing OS Site Plan
PL01 1:1250

NO DIMENSIONS TO BE SCALED FROM THIS DRAWING
DIM. MEASUREMENTS TO BE TAKEN FROM THE FOLLOWING DIMENSION LINES OR DIMENSION POINTS. DIMENSIONS TO BE TAKEN FROM THE DIMENSION LINES OR DIMENSION POINTS. DIMENSIONS TO BE TAKEN FROM THE DIMENSION LINES OR DIMENSION POINTS.

Existing Site Boundary
Existing Site Area = 10249m²
2.53 Acres
1.02 Hectares

PLANNING ISSUE

Rev	Revision	Date	By	CHK
1	Issue for Information	10/01/2023	PL01	

Client: **Warwickshire County Council**

Project: **High Meadow Infant School**

Planning Title: **Existing OS Site Location Plan**

Subsidiary Status: **S2 - Suitable for Information**

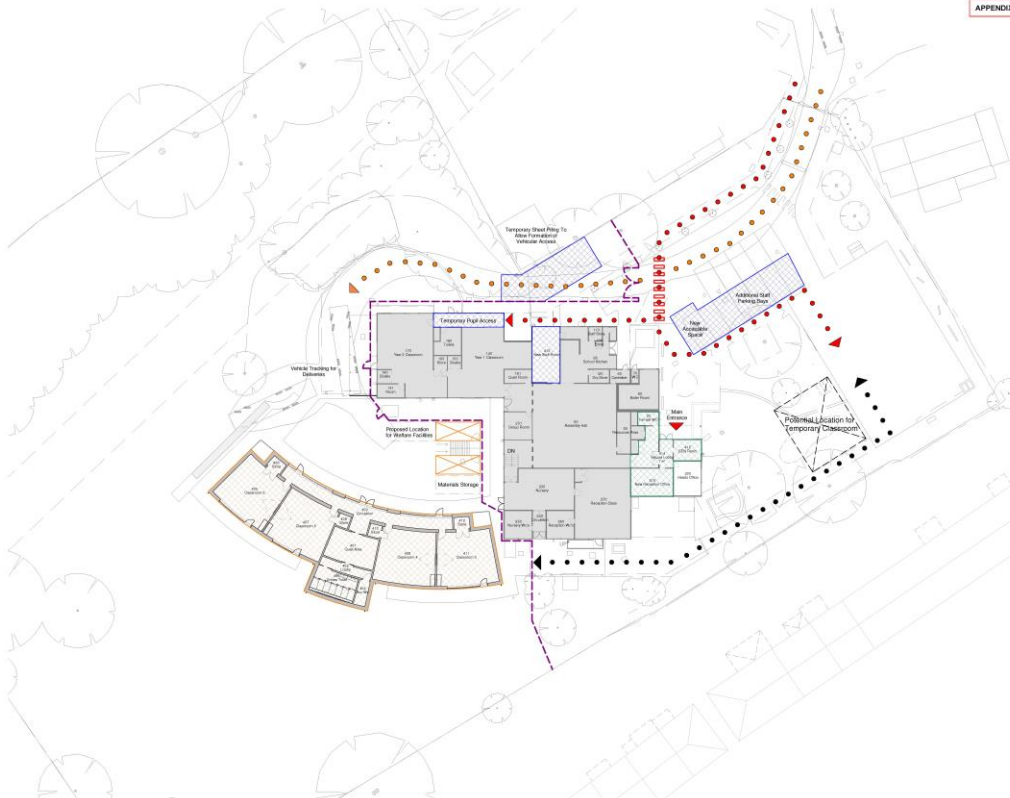
Scale: **As Indicated @ A3 P01**

Project Code: **WAR7-PEV-XX-ZZ-DR-A-PL01**

PICK EVERARD

This drawing is issued for the site and exclusive use of the intended occupant and is not to be used for any other purpose. PICK EVERARD does not accept any responsibility or liability whatsoever for loss by a person other than the intended occupant.

APPENDIX B



PLANNING ISSUE

Rev	Revision	Date	By	CHK
1	Issue for Information	10/01/2023	PL01	

Client: **Warwickshire County Council**

Project: **High Meadow Infant School**

Planning Title: **Proposed Planning Plan**

Subsidiary Status: **S2 - Suitable for Information**

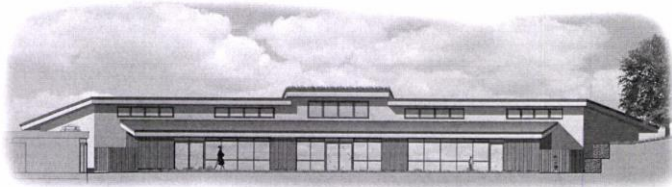
Scale: **As Indicated @ A1 P01**

Project Code: **WAR7-PEV-XX-ZZ-DR-A-PL07**

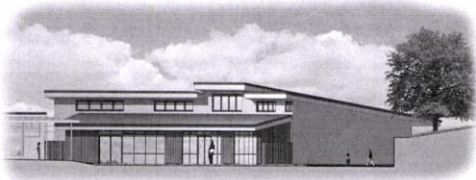
PICK EVERARD

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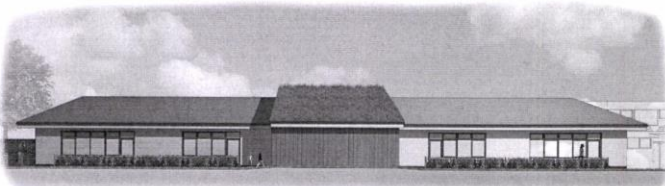
APPENDIX C



Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation

- General Materials**
- Facing Materials**
- Roofing**
- Windows**
- Doors and Entrances**
- Interior**
- Roof Finish**
- Other**

PLANNING ISSUE

DATE: _____ TIME: _____

BY: _____ FOR: _____

APPROVED BY: _____

PROJECT NAME: _____

PROJECT LOCATION: _____

PROJECT NO: _____

SCALE: _____

DATE: _____

WARF - FEV - XX - ZZ - DR - A - PLO1

PICK EVERARD

(4) Application No: PAP/2019/0003

Land adjacent 1, Jean Street, Baddesley Ensor, CV9 2EA

Construction of 3 bed dwelling with associated access and parking, for

Ms Y Sweet

Introduction

The application is brought to the Board meeting following previous Board involvement.

The Site

This is an area of land which measures approximately 0.031 hectares in area and is located within the development boundary. It is to the rear of a dwelling known as Redlands on New Street, with the proposed access off Jean Street. The residential area is made up of dwellings of varying styles, designs and ages on a mixture of plot sizes. The application site is currently part of the residential garden to Redlands, which is a detached dwelling.

The boundary of the site to Jean Street is marked by hedging. The site is rectangular in shape and rises up from Jean Street. To the north east is a Listed Building, but it is not adjoining the red line application site. To the south of the site is a residential garden, and opposite to the west are bungalows. Baddesley has a small range of shops, and local facilities, with bus routes.

The Proposal

It is proposed to construct one three bedroom house with vehicle parking off Jean Street.

The proposed dwelling will have a front elevation that fronts Jean Street; a rear garden and side parking for two vehicles. The two storey element of the dwelling would be 6.5 metres high to the roof ridge. The dwelling will have a ground floor rear element.

The dwelling would be slightly below the existing ground level and the relevant plan can be viewed in Appendix 1. The design of the dwelling is cottage style with the first floor windows being partly in the eaves with dormer style features in the roof space. The materials and landscaping are not known, but are likely to be in keeping with the area. The boundary hedge would be removed so to provide highway visibility. The foul and storm drainage is to connect into an existing sewer.

Background

The Board has looked at development in this locality on several occasions. Refusals have all been overturned at appeal.

The situation is therefore that:

- The dwelling known as Redlands has consent to be divided into two dwellings
- There is consent on the application site for one dwelling – see Appendix 2

- There is consent on the land immediately around the application site for three dwellings – one accessed off Jean Street and two off Church Row – see Appendix 3

Development Plan

North Warwickshire Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW10 (Development Considerations) and NW12 (Quality of Development)

Saved Policies of the North Warwickshire Local Plan 2006 - Core Policy 2 (Development Distribution), ENV13 (Building Design) and ENV14 (Access Design)

Other Relevant Material Considerations

The National Planning Policy Framework

The Submitted Local Plan 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP31 (Development Considerations) and LP32 (Built Form)

Consultations

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

Environmental Health Officer - No objection

Warwick Museum – No objection

Warwickshire Fire Services – No objection.

Representations

Four representations have been received from neighbours referring to:

- Highway and on-street car parking problems
- Emergency access is difficult
- It's a larger house than that approved
- The design is not in keeping
- There will be an adverse amenity impact on neighbouring property

Observations

It is material that a two storey detached dwelling has been granted planning permission on this site, albeit at appeal, but it is still an extant permission. There is thus no objection in principle here. The Board's remit is thus to consider whether the different design and appearance is so out of keeping to warrant a refusal based on significant harmful effects.

The main concern expressed again here in the representations, as with all of the previous cases is the likely impact on parking and highway concerns. However the proposal has two on-site parking spaces; the Highway Authority does not object and there is already an extant planning permission here for one dwelling. Hence even if

there was a refusal here, the extant permission can always be taken up. As a consequence there is not the evidence available for a defensible refusal based on highway/parking issues.

The proposed house is the same height as that already permitted but it would stand slightly forward of the approved building line. There would be no additional windows in the first floor front or rear elevations, but one additional bathroom window in the first floor north-east elevation (facing Redlands). There would be no change in the south-west elevation.

These changes to the approval are not considered to be material as they would not lead to any significant adverse impacts over and above those which might result from the approved situation. A condition can be added to any approval for no additional openings.

The main frontage to Jean Street will contain a brick and tile finish. The local area contains a range of dwelling materials, with Jean Street being terraced dwellings. The design and appearance of the new dwelling would be different to the surrounding two storey dwellings in Jean Street, however be of a similar height to Redlands. It is not considered that there is a material difference here to that already approved.

The site is close to a Listed Building but not adjoining its boundary. It must therefore also be assessed against Sections 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF, and Policy NW14 of the North Warwickshire Core Strategy and saved policy ENV 16 of the current Local Plan (2006). It is considered on balance that the proposal will seek to preserve the adjoining Listed Building. It occupies a prominent position but is surrounded by residential development of varying ages, styles and sizes. It is not considered the proposed development will have an adverse impact on the setting. Indeed the appeal decision reflects this conclusion and the differences now proposed would not warrant a change of view.

The recommendation below includes the use of pre-commencement condition(s) (this is a condition imposed on a grant of planning which must be complied with before any building or operation comprised in the development is begun or use is begun). The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 provide that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition. In this instance the applicant has given such written permission.

Recommendation

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 1000-698 250 (proposed plans and elevations) and 7699 100 (location plan) received by the Local Planning Authority on 2 January 2019.

REASON

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

3. No works shall commence to construct the external surfaces of the building before details of the facing bricks, roofing tiles, external render, external materials and surfacing materials to be used have been submitted to and approved by the Local Planning Authority in writing, and development shall be carried out in accordance with the approved details.

REASON

In the interests of the amenities of the area.

4. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner.

REASON

In the interests of the amenities of the area.

5. The ground floor WC window and the first floor bathroom windows shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 4 or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.

REASON

In the interests of the amenities of the area.

6. Before occupation of the dwellinghouses a landscaping scheme shall be submitted to the Local Planning Authority for approval. The scheme shall include boundary treatments.

REASON

In the interests of the amenities of the area.

7. All planting, seeding or turfing comprised in the approved details of landscaping as covered by condition 6 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and the landscaping scheme agreed under condition 6 shall be permanently retained thereafter.

REASON

In the interests of the amenities of the area.

8. No work relating to the construction of the development hereby approved, including works of preparation prior to operations, shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall remain in operation during the length of construction and amongst other things will cover:

a. Deliveries and collections associated with the construction of the proposed development shall not occur during peak periods on the highway network (08:00 - 09:00 and 17:00 - 18:00 weekdays).

b. The development hereby permitted shall not commence or continue unless measures are in place to prevent or minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material.

REASON

In the interests of the amenities of the area.

9. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal fitting out, shall take place before 0700 nor after 1900 Monday to Friday, or before 0800 nor after 1300 Saturdays or at all on Sundays or recognised public holidays

REASON

To protect the amenities of the occupiers of nearby properties during the construction period.

10. All materials obtained from demolition shall be permanently removed from the site within twenty eight days of demolition being commenced.

REASON

In the interests of the amenities of the area.

11. Notwithstanding the plans submitted no development shall commence until full details of the surfacing, drainage and levels of the car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Council. The unit shall not be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles, and shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

REASON

In the interests of the amenities of the area and safety on the public highway.

12. Access for vehicles to the site from the public highway shall not be made other than at the position identified on the approved drawing, number 1000-698/250, and shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the specification of the Highway Authority

REASON

In the interests of the amenities of the area and safety on the public highway.

13. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.0 metres and 'y' distances of 24 metres looking left and 19 metres looking right to the near edge of the public highway carriageway. The existing landscaping within the visibility splay over Redlands shall not be altered to detrimentally affect the visibility splay.

REASON

In the interests of the amenities of the area and safety on the public highway.

14. The development shall not be occupied until pedestrian visibility splays have been provided to the accesses to the site with an 'x' distance of 2.4 metres, and 'y' distances of 2 metres where possible, as measured to the near edge of the public highway footway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interests of the amenities of the area and safety on the public highway.

15. No development shall take place until:

- a) A written scheme of investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the local planning authority.
- b) The programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork shall be submitted to the Local Planning Authority.

- c) An Archaeological Mitigation Strategy (AMS) document (including the WSI) has been submitted to and approved in writing by the local planning authority. 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.
- d) The development and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the AMS shall be undertaken in accordance with the approved AMS.

REASON

To allow for the recording the history of the area.

16. No burning shall be carried out on the site.

REASON

In the interests of the amenities of the area.

Notes

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

2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>

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

For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.

4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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

5. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues, suggesting amendments to improve the quality of the proposal and negotiations. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

6. Before carrying out any work, you are advised to contact Cadent Gas about the potential proximity of the works to gas infrastructure. It is a developer's responsibility to contact Cadent Gas prior to works commencing. Applicants and developers can contact Cadent at plantprotection@cadentgas.com prior to carrying out work, or call 0800 688 588

7. The applicant is advised that to comply with the condition relating to the standard of works to trees, the work should be carried out in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".

8. The applicant is advised that to comply with the condition relating to the protection of trees, the measures should be in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".

9. Wildlife and Countryside Act 1981 - Birds. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.

10. The felling of trees should be undertaken by a competent tree surgeon in accordance with BS3998-2010 Tree work- Recommendations.

11. The developer is reminded that the Control of Pollution Act 1974 restricts the carrying out of construction activities that are likely to cause nuisance or disturbance to others to be limited to the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays, with no working of this type permitted on Sundays or Bank Holidays. The Control of Pollution Act 1974 is enforced by Environmental Health.

12. Condition number 12 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant/developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant/developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

13. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

14. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness

15. From Warwickshire County Council Fire and Rescue Service - Following notification of the Planning Consultation, Warwickshire Fire and Rescue Authority offers no objection to the application, subject to, the inclusion of, an advisory note drawing the applicant's attention to the need for the development to comply with Approved Document B, Volume 2, Section B5 – Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc. regarding this can be found at; www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning

Where compliance cannot be met, please provide details of alternative measures you intend to put in place.

Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5.18, Access for Emergency Vehicles.

For Consideration: Warwickshire Fire and Rescue Authority fully endorse and support the fitting of Sprinkler installations, in accordance with the relevant clauses of BS EN 12845 : 2004, associated Technical Bulletins, and or to the relevant clauses of British Standard 9251: 2014, for residential premises.

Warwickshire Fire and Rescue Authority ask you to consider and ensure that access to the site, during construction and once completed, is maintained free from obstructions such as parked vehicles, to allow Emergency Service vehicle access

BACKGROUND PAPERS

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

Planning Application No: PAP/2019/0003

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	Jan 2019
2	WCC Highways	Consultation response	25/1/19
3	Fire Service	Consultation response	5/2/19
4	NWBC Environmental Health	Consultation response	7/2/19
5	NWBC Environmental Health	Consultation response	15/2/19
6	WCC Museum	Consultation response	8/2/19
7	NWBC Tree officer	Consultation response	21/2/19
8	WCC Highways	Consultation response	12/4/19
9	WCC Highways	Consultation response	26/4/19
10	Neighbour	Representation - objection	12/2/19
11	Neighbour	Representation - objection	12/2/19
12	Neighbour	Representation - objection	12/2/19
13	Neighbour	Representation - objection	12/2/19
14	Case officer	Email to agent	25/1/19
15	Case officer	Email to agent	4/2/19
16	Case officer	Emails to agent	7/2/19
17	Case officer	Emails to agent	21/2/19
18	Agent	Email to case officer	12/3/19
19	Case officer	Email to agent	4/4/19
20	Agent	Email to highways and case officer	5/4/19
21	Highways	Email to agent and case officer	12/4/19
22	Case officer	Email to WCC highways	12/4/19
23	Agent	Email to case officer	15/4/19
24	Case officer	Emails to agent and WCC highways`	15/4/19
25	Case officer and agent	Extension of time email agreement	24/4/19
26	Case officer	Email to agent	26/4/19

27	Agent	Email to case officer	29/4/19
28	Case officer	Emails to agent	17/5/19
29	Case officer	Emails to agent	21/5/19
30	Case officer	Email consultation to Councillors	17/5/19

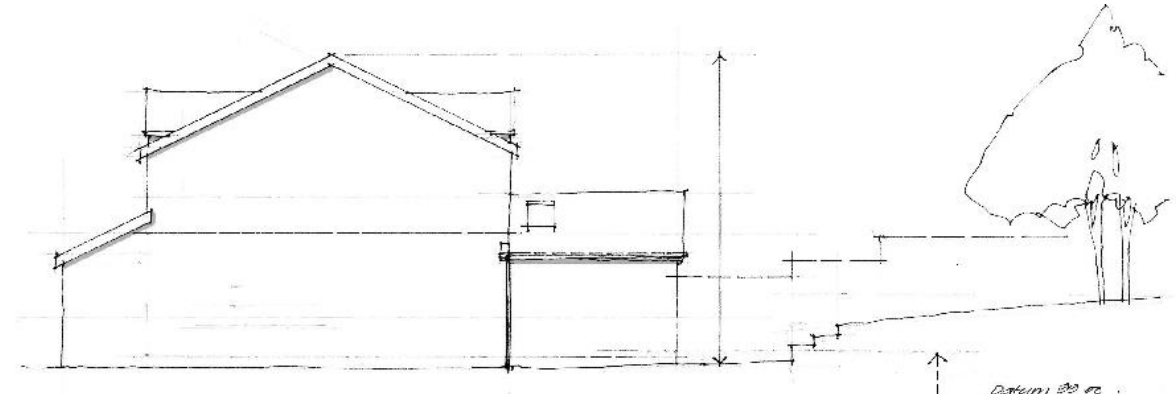
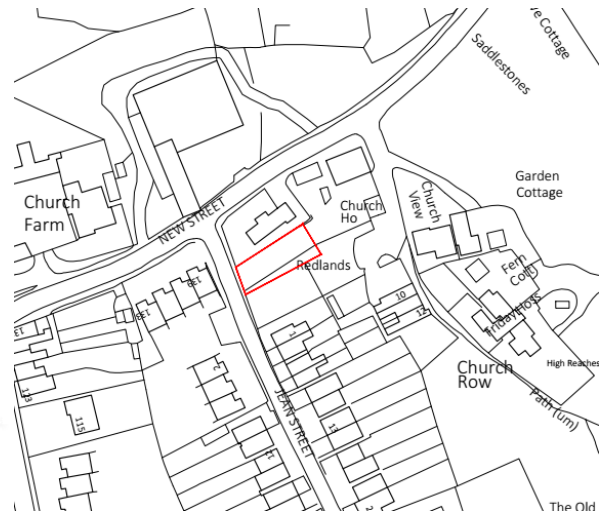
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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.

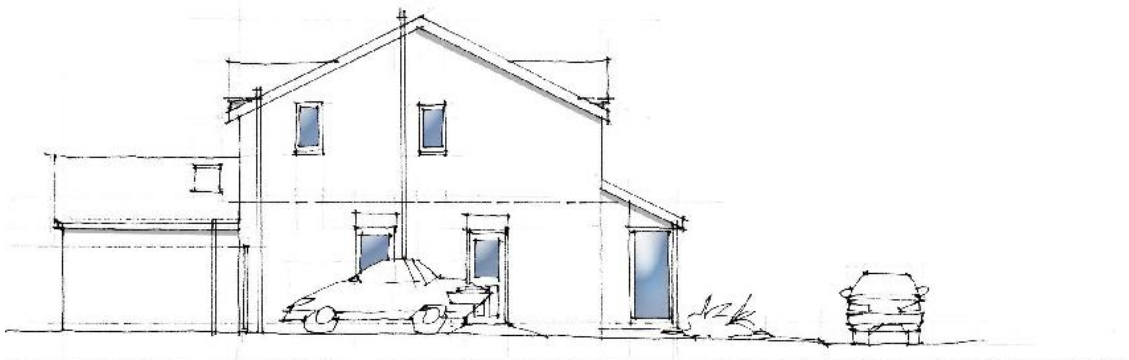
Appendix 1 – proposed plans



Proposed Site Plan
[Scale 1:200]



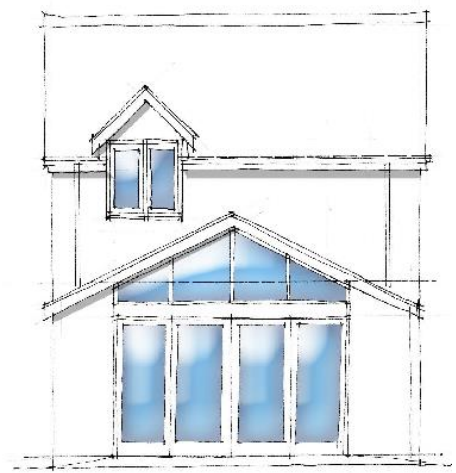
Proposed Side Elevation
[Scale 1:100]



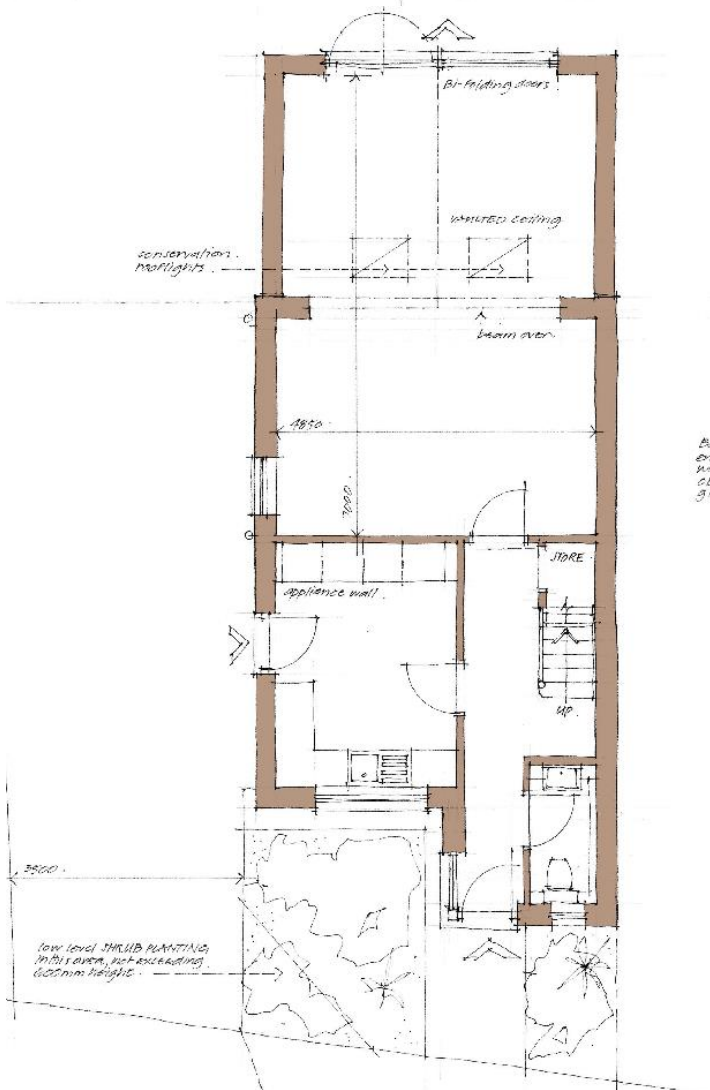
Proposed Side Elevation
[Scale 1:100]



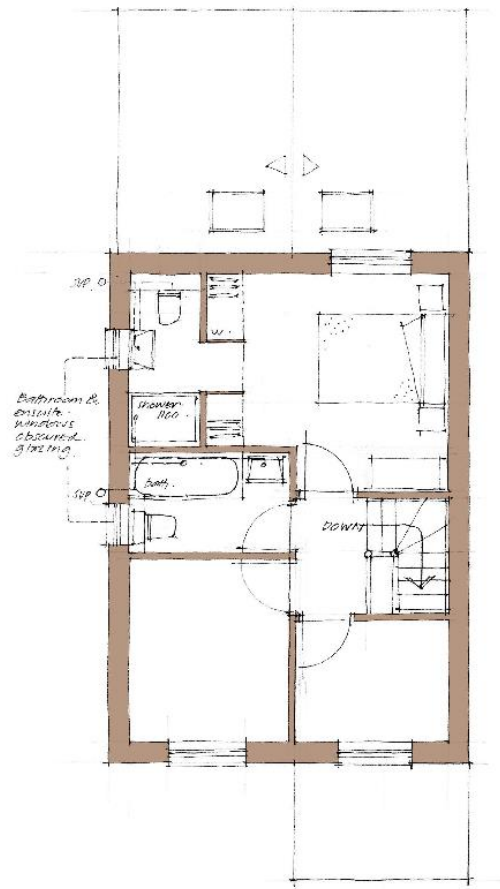
Proposed Front Elevation
[Scale 1:50]



Proposed Rear Elevation
[Scale 1:50]

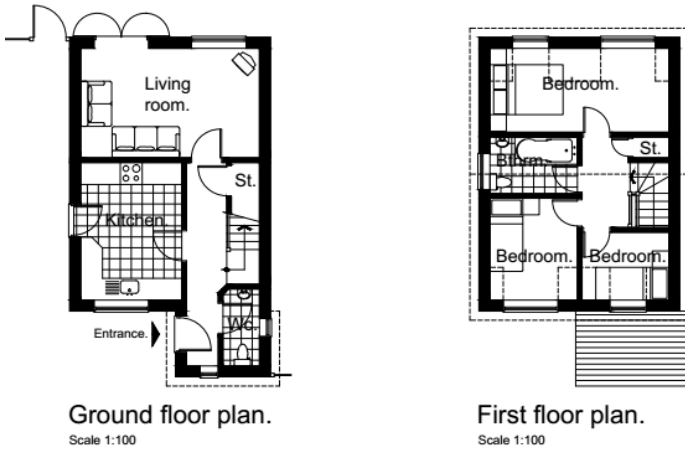


Proposed Ground Floor Plan
[Scale 1:50]



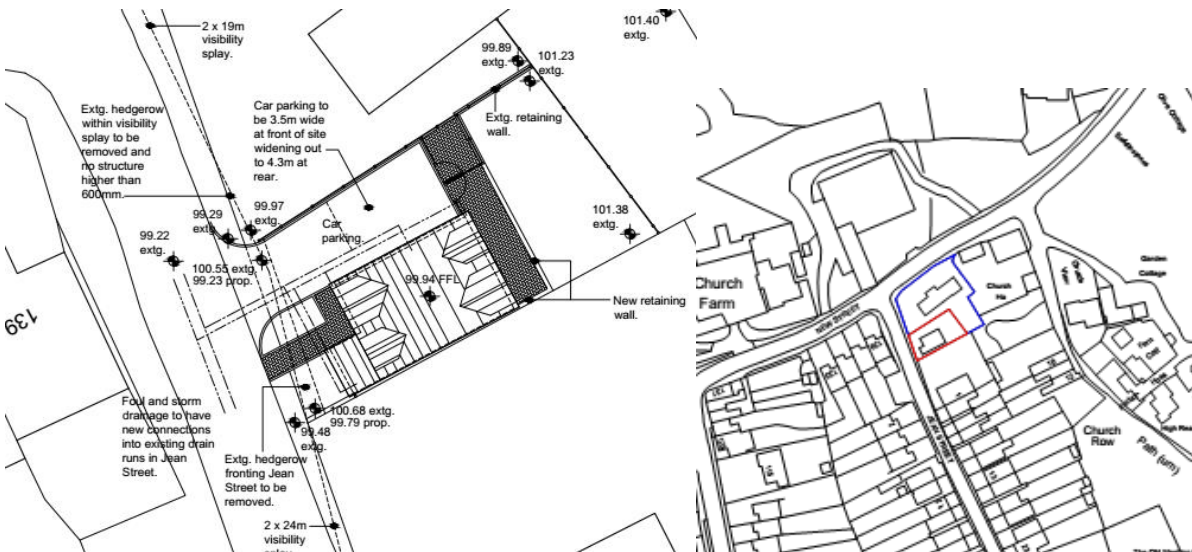
Proposed First Floor Plan
[Scale 1:50]

Appendix 2 – 2016/0642 Plans and Appeal Decision



Section along Jean Street.

Scale 1:100





Appeal Decision

Site visit made on 9 October 2017

by **S Jones MA DipLP**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9th November 2017

Appeal Ref: APP/R3705/W/17/3179378

Land Adjacent to Redlands, New Street, Baddesley Ensor, Atherstone CV9 2DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gary Morton against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2016/0643, dated 15 November 2016, was refused by notice dated 16 May 2017.
 - The development proposed is erection of a three bedroom house with vehicle parking.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of a three bedroom house with vehicle parking at land adjacent to Redlands, New Street, Baddesley Ensor, Atherstone CV9 2DL in accordance with the terms of the application, Ref PAP/2016/0643, dated 15 November 2016, subject to the conditions in the attached schedule to this decision.

Preliminary Matter

2. The application form was amended to clarify that it refers to a three bedroom house under application ref PAP/2016/0643. That amendment is reflected above.

Main Issue

3. The main issue is the effect of the development on parking and highway safety in the area.

Reasons

4. The plot of land lies between the rear of Redlands, a large 1970s style detached house currently being redeveloped, and another detached house alongside the site on Jean Street, a small cul-de-sac lined with a variety of housing. A new three bedroom house would be constructed on the plot accessed off Jean Street facing towards the bungalows opposite the site.
5. There is no regular passing traffic because Jean Street is a cul-de-sac. It has pavements in part and a tarmac roadway and I do not consider it to be below a reasonable standard for this type of road. I can appreciate that because it is relatively narrow and there is no specific turning circle that there would have been concerns regarding vehicles, in particular parking congestion. However, a

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

single new house would not be likely to significantly impact traffic levels. At my afternoon site visit New Street which is a short distance down Jean Street and runs along in front of the bungalows was largely clear of cars, although I accept this may not reflect peak use. Furthermore, with regard to parking, in Jean Street many of the dwellings including the bungalows opposite have a parking area outside the frontage so that parking is not restricted to onstreet parking only. Some of the frontages have sufficient parking to accommodate more than one car per dwelling. There are no parking restrictions or yellow lines in Jean Street, New Street, or the immediate vicinity of streets surrounding the site. Furthermore the design and layout of the proposed three bedroom house would allow space for two vehicles alongside the development, meaning that the onstreet demand would be unlikely to increase significantly if at all as a result of the development.

6. On the above basis I am satisfied that the development would not significantly contribute to parking congestion. Consequently the loss of some onstreet parking due to the development would not have an unacceptable effect on onstreet parking in the area because many households have alternatives to onstreet parking in any event, and the availability of other onstreet parking within a relatively short distance is generally not restricted.
7. The onsite parking would also allow for vehicles from the site to reverse out and face forwards when leaving Jean Street and exiting onto the through road at New Street where there is two way passing traffic. This is similar to arrangements for many existing households in Jean Street and would not exacerbate that situation. Conflict with emergency vehicles was raised as a concern, however there was little evidence before me to substantiate that. Given the offstreet parking provision at the development it would be unlikely to make access for emergency vehicles more difficult than at present.
8. Although the proposed development might not completely accord with the preferred highway standards for new development in general because of the existing constraints in Jean Street, there were no objections from the local Highway Authority, subject to suitable conditions being imposed, including visibility splays.
9. I am satisfied that the onsite parking provided, the lack of local parking restrictions, the availability of onstreet parking in the general area, and the conditions required by the highway authority are material considerations that overcome any conflict with Policy NW10 (6) of the North Warwickshire Local Plan Core Strategy 2014.

Conditions and Conclusion

10. The Council proposed a number of conditions which I have considered against the advice contained in the Planning Practice Guidance. I have made some minor amendments in the interest of clarity and enforceability. I consider that the condition restricting permitted development rights would not be necessary because the circumstances in this case are not exceptional enough to justify its imposition in accordance with the Guidance.
11. Conditions have been imposed about commencement and approved plans in the interests of certainty. Further conditions have been imposed to ensure a satisfactory standard of development in terms of materials, boundary treatments, landscaping, obscure glazing, and control of openings to protect

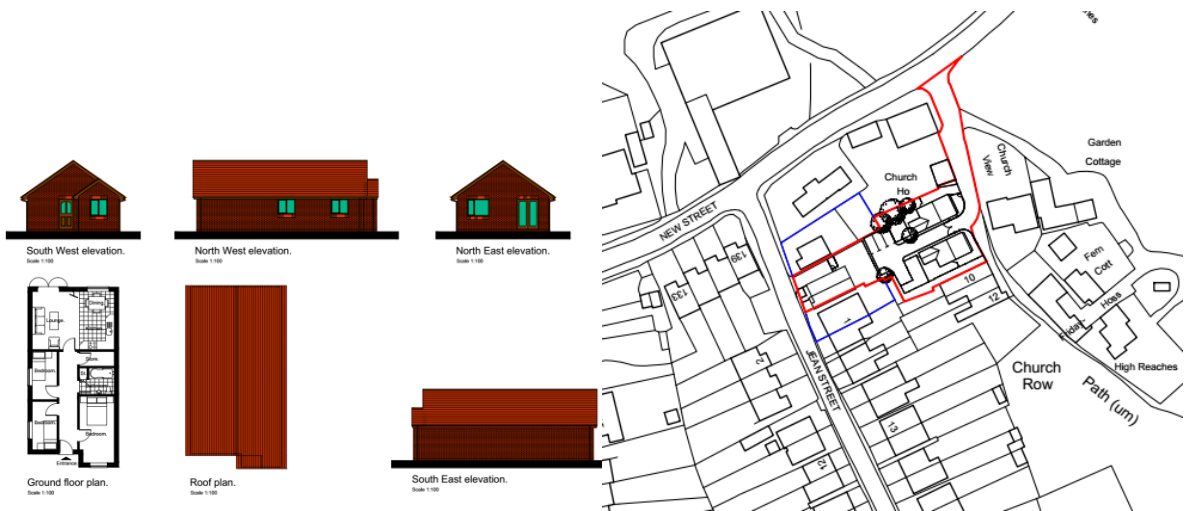
the character and appearance of the area and the living conditions of neighbouring residents. The site has a listed building nearby so a condition regarding the possibility of archaeological remains is necessary to ensure recording should anything be uncovered.

12. A condition securing a Construction Management Plan and conditions about hours of working and removal of debris are necessary to ensure there are no significant adverse impacts on the living conditions of nearby residents or the highway during any part of the development. Conditions regarding parking areas, visibility splays and location of access are necessary to ensure highway safety and its longterm efficacy.
13. For the reasons given above I conclude that the appeal should be allowed and planning permission granted subject to these conditions.

S Jones

INSPECTOR

Appendix 3 – three dwellings as approved on adjacent land



(5) Application No: PAP/2019/0276

Cole End Park, Lichfield Road, Coleshill, B46 1BG

Works to trees in Conservation Area, for

North Warwickshire Borough Council

Introduction

The application is referred to the Board as the Council is responsible for the trees.

The Site

The trees are located on the north side of the River Cole in Cole End Park which straddles the River Cole at the northern end of Coleshill.

The Proposal

It is proposed to fell a cherry and a willow because of fungal infection which has affected their structural integrity.

The two trees are located as shown on Appendix A – T1 being the cherry.

Observations

The trees are protected by virtue of the location of the Town's Conservation Area. As such the Board's sole remit is to determine whether or not to place a Tree Preservation order on either one or both of the trees. In this case that is not recommended as the trees are diseased and likely to become increasingly dangerous particularly in a publically accessible park.

Recommendation

The Board does not consider that Orders are appropriate here and thus the works can proceed subject to suitable appropriate replacement trees being planted in the park.

BACKGROUND PAPERS

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

Planning Application No: PAP/2019/0276

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	13/5/19

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.