

(2) Application No: PAP/2018/0538

1 Yew Tree Cottages, Coton Road, Whitacre Heath, B46 2HD

Change of use of building from garages/storage to business use for refrigeration and air (Renewal), for

Mr M Kenna

Introduction

Following deferral of this matter at its January meeting, the Board resolved that a site visit should take place and a note of that is attached at Appendix A.

The previous report is at Appendix B.

Additionally, the residents of the other houses opposite the site asked for a meeting with Members and this took place on 1 February. A note of that meeting is at Appendix C.

There have been no changes in material planning considerations since the first report to the Board in November last year.

Observations

The first report to the Board recommended refusal and that it was expedient to serve an Enforcement Notice. The Board wanted to better understand the potential impact of such a Notice on the applicant and thus agreed to meet him. The implications of the Notice would be the move to other premises involving greater costs and potentially the viability of the business and the subsequent loss of employment. Members have now met the objectors so as to better understand their concerns and they have also visited the site in order to better understand the “geography” of the area and the access and turning arrangements.

The matter before the Board is therefore to consider if there is anything arising from the information gained through these meetings and the visit that would alter its determination of the application in accord with the initial recommendations.

It is considered that there are three matters here of material weight.

Firstly, the applicant’s website does appear to describe a B2 use of the site referring to a “workshop” and “factory” - see Appendix D. It is noteworthy that this was “taken down” during the course of dealing with this application. Residents have noticed in change in the character of the use of the site since that happened.

Secondly, the photographic evidence does show quite significant use of the site and its access arrangements by the business’s own vehicles; employee’s vehicles and delivery vehicles.

Finally, it is acknowledged by the applicant that another site is already in use by his business.

It is the view of officers that since the grant of the 2013 planning permission, the business has outgrown the site and that that has led to adverse environmental and access impacts. Conditions attached to that consent appear to have been breached and that has likely caused some of these impacts. Other adverse impacts have been noted by residents. This overall view appears to have been recognised by the applicant through his change to the website and the recent move of some of the business to an alternative site. As a consequence the renewal of the planning permission for the use as allowed in 2013 is not recommended.

Prior to assessment of whether it would thus be expedient to serve an Enforcement Notice, Members should explore whether a fresh planning permission could be granted with a different set of conditions – particularly aimed at mitigating the adverse impacts. Experience over the last few years suggests that the fundamental issue here is that the business has outgrown the site and secondly that the site is not appropriate in principle for commercial use given its access arrangements and its juxtaposition with private residential property. As a consequence conditions attached to a fresh permission here would more than likely prevent the current business from operating here – e.g. hour's conditions; limiting delivery vehicle numbers, restricting the use to possibly just an office use etc. In these circumstances a fresh permission is not to be recommended.

An Enforcement Notice would thus be expedient here. The requirements would be the cessation of the use. Members have heard that another site is being used and thus there has been partial relocation in the three months since this was first brought to the Board. A compliance period of six months is considered proportionate here. In respect of the impact on the viability of the business and the loss of employment, Members will have noted that there has been no information submitted by the applicant to evidence these outcomes. In all of the circumstances therefore a Notice is recommended.

Recommendations

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

“It is considered that the continuation of the use for business purposes is inappropriate here given the size of the site; its proximity to private residential property and the nature of the access, parking and turning areas. The Council is satisfied that the use has caused adverse environmental impacts such that the use should not continue. The proposal does not therefore accord with Policies NW10 and NW12 of the North Warwickshire Core Strategy 2014 together with the National Planning Policy Framework”

- b) That the Board does consider that it is expedient to issue an Enforcement Notice requiring the cessation of the refrigeration and air conditioning business use of the site with a compliance period of six months for the reasons outlined in this report.

PAP/2018/0538

Yew Tree Cottages – Site Visit - 24th January 2019 at 1100 hours

Present: Councillors Bell, Humphries, Simpson and Sweet together with Mr McKenna (the applicant), I Griffin and J Brown.

1. Members met outside the premises and were able to see the general overall setting and relationship between the nearby residential properties and the site. Whilst here they saw the nature and character of the track in front of the houses and they noted its condition leading back to Coton Road.
2. Members entered the site and saw the building the subject of the application; the yard fronting it and the other buildings here which were used by the applicant's family.
3. Members entered the application building and viewed the office and the amount of storage as well as other equipment.
4. Whilst here, a delivery was made to the premises, and Members went outside to see how the van used the track to access and leave the premises.
5. Members also looked in the other buildings on the site.
6. The visit ended at around 1115.

Application No: PAP/2018/0538

1 Yew Tree Cottages, Coton Road, Whitacre Heath, B46 2HD

Change of use of building from garages/storage to business use for refrigeration and air (renewal), for

Mr Maurice Kenna

Introduction

The application is brought before the Board in view of the recommendation which will need consideration of the service of an Enforcement Notice which would cease the business use on the site.

The Site

The site lies within the Green Belt as identified within the 2014 Core Strategy. The existing building lies within a group of other buildings including three residential properties – one of which is the applicants. There is a yard area for the business to the west of the building. The access to the site is from existing arrangements off Coton Road.

Plans for the site can be viewed at Appendix 1 and photographs of the site are at Appendix 2

The Proposal

The proposal is to retain the use of a garage / storage building and yard in connection with a refrigeration and air conditioning business. This use was approved in 2013 under planning reference PAP/2013/0440 and a temporary consent was given – expiring on 11 November 2018. A copy is attached at Appendix 3

The building contains an office and a storage area. It is understood that no manufacturing takes place but that parts are kept here for subsequent assembly on a client's site. There is some degree of servicing and repair here but the material use of the site is essentially a B8 storage and distribution use. Since 2013 the business has grown and the applicant now has 8 employees, who normally work in teams of two and who are mostly on site around the country, such that the site is not used as a base. Deliveries are made to the site and then subsequently transferred to a client's site.

Some local work is also done. Staff will come to the site to pick up a work sheet and then go and do the job but not always returning at night. The worker's vans are kept at their own homes.

An overview of the use of the site is given by the applicant at Appendix 4.

Development Plan

North Warwickshire Core Strategy – NW1 (Sustainable Development); NW3 (Green Belt), NW10 (Development Considerations), NW12 (Quality of Development) and NW17 (Economic Regeneration)

Saved polices of the within the Core Strategy 2014 - ENV12 (Urban Design); ENV13 (Building Design), ENV14 (Access Design), ECON9 (Re-use of rural buildings), TPT2 (Traffic Management and Travel Safety) and TPT3 (Access and sustainable travel and transport)

Other Material Planning Considerations

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

The Submitted Local Plan for North Warwickshire 2018 - LP1 (Sustainable Development); LP3 (Green Belt), LP13 (Rural Employment) and LP31 (Development Considerations)

Consultations

Environmental Health Officer – No objection subject to conditions

Representations

Two local residents have raised the following points:

- Site contamination – gases; possible hazardous substances and burning on site.
- Vehicles – The right of way can be blocked on occasions, delivery vehicles (arrive different times of the day), number of employees, blocking rights of way for other users of the lane.
- Hours – Can be 24 hours. Work weekends and bank holidays, along with evenings.
- Industry / commercial – The website indicates that more activity actually takes place on site than is admitted in the application
- Impact on residential amenity – noise, disturbance, overlooking / privacy.

Photographs have been supplied with the objections which are said to illustrate these matters.

Nether Whitacre Parish Council – It objects supporting the matters raised by the local residents. It considers that the use has intensified since the 2013 grant of the planning permission and that conditions attached have been breached. It has also suggested that a public footpath here may has been illegally diverted.

Observations

a) Introduction

The Council did consider that this site was an appropriate one for a business use to operate through the grant of the 2013 permission. This however was conditioned in

order to mitigate possible adverse impacts. Importantly it was time limited as it was considered at the time that it was necessary to monitor the terms of the permission.

Members will thus need to assess whether there have been any changes in material planning considerations that are of such weight as to either lead them not to renew that planning permission, or to renew it, but with another set of conditions. Those material planning considerations here will be whether there has been any change to relevant planning policy and secondly to assess how the permitted use has "performed" using the conditions as the appropriate criteria. However that appraisal can only be used as a relevant consideration in the final planning balance, as the Notice and thus the conditions are no longer extant – the 2013 permission having expired.

b) Planning Policy Changes

The site remains in the Green Belt and whilst the NPPF was reviewed in July 2018 there has been no overall material change in how the control of development within the Green Belt is approached. The re-use of existing buildings can still be considered to be appropriate development, provided that there is no worse impact on the openness of the Green Belt or the five purposes of including land within it than presently exists. This use was found to satisfy these conditions in 2013. In respect of the impact on the purposes of including land within the Green Belt then the same situation applies now. There has been no change in circumstance. In respect of the impact on openness then it is suggested that there may be an intensification of use with more activity particularly in respect of vehicle use. However given the setting, it is considered that the only impact on openness here is very localised and because the site is very self-contained visually by other development, there is no overall adverse impact on the Green Belt – either in spatial terms or in restricting the visual perception of open space. The continuation of the proposed use would thus still be an appropriate development in the Green Belt.

The Core Strategy was adopted after the 2013 permission, but it too does enable the reuse of buildings for commercial use in general terms. Members are aware of a number of commercial uses particularly in former agricultural buildings throughout the Borough and indeed also within residential planning units. The NPPF encourages such uses in general and the Submitted Local Plan does not alter this approach.

In conclusion therefore there has been no material change in planning policy to seriously re-consider a refusal in principle here solely in planning policy terms. The proposal can therefore still be supported in principle.

c) Other Impacts

The 2013 permission contained a number of controlling conditions in order to mitigate adverse impacts. The objections received suggest that these have been breached on a regular basis. The concerns are working hours; the numbers of vehicles at the site, the overall level of activity, noise, general amenity and possibly health and safety matters.

In terms of working hours the condition on the 2013 permission restricts use to between 0800 and 1700 hours on weekdays and between 0800 and 1200 hours on Saturdays with no Sunday or Bank Holiday working. The applicant states that these hours are maintained. The evidence from the representations received contradicts this. Weight is attached to that evidence as the representations are made by actual observations of the

operations on the site and the evidence is similar from different sources. Additionally complaints by residents have been followed through by enforcement officers who have concluded that there may well have been breaches.

There is no condition controlling the number of vehicles attending the site. As such there is no present control over this. However the photographic evidence from those making representations is significant. They show numbers of light vehicles both in the yard and on the adjoining access track. Some show HGV and a larger delivery van. These lead to the conclusion that the site is too small in which to accommodate the present use. Due to the nature and location of the site then its current use would appear to be causing inconvenience and disturbance for neighbouring residents.

Another condition requires doors and windows to be closed except for access and egress. The photographic evidence from the representations doesn't suggest that this condition is being breached on a regular basis, although access for deliveries given the number of vehicles witnessed on the photographs, could suggest that the main doors will be open, but this could be argued to fall under "access" to the building.

The Environmental Health Officers have been called to the site to investigate potential noise but this has not resulted in any formal action.

A further condition states that there should be no outside storage – the photographs suggest compliance with this condition.

On the basis of these conclusions there would appear to be some evidence to suggest that perhaps only the working hours' condition may have been breached, but this should be given moderate weight as it has led to representations claiming adverse impacts.

d) The Final Balance

As the 2013 permission no longer applies, the central issue for the Board is to consider whether the current use operating on the site can be supported with appropriate conditions particularly as the use could accord with planning policy in principle. The current use would appear to be more akin to a B8 storage and distribution use with ancillary assembly and repair and servicing. The operation of this use however has "outgrown" the confined size of the site permitted in 2013; there are substantially more vehicle movements generated, a larger number of employees and there is very likely activity on the site outside of the 2013 permitted hours. These factors have led to objections describing adverse impacts on neighbouring residential amenity. This would lead to the conclusion that the use cannot be supported. However before reaching a final conclusion, it is necessary to consider whether new conditions could mitigate those impacts. A new suite of conditions would be needed to control operating and delivery hours; the actual use of the building confining it to a storage use and a restriction on the number of vehicles accessing the site. Because of the small size of the site and its setting close to private residential property, it is considered that such conditions would need to be quite restrictive.

Members will be aware that a refusal here would need to be followed by consideration of whether it would be expedient to issue an Enforcement Notice. That Notice would require cessation of the current use because that use is presently unauthorised. This will have a direct and substantial impact on the business. It would

need to find alternative premises and that would carry a cost. It might also lead to cessation of the use and the associated loss of employment for eight people. On the other hand the further grant of permission would need to be subject to conditions that might render the continuing use unviable. Because of the possible substantial impacts of such a Notice, it is considered that the expediency of such action needs further assessment.

In conclusion therefore it is suggested that the Board should invite the applicant to meet appropriate Members in order to better understand the consequences of the service of a Notice on his business whether requiring its cessation and the impacts of the imposition of conditions should a new permission be considered.

Recommendation

That prior to determination of this application, the applicant be invited to meet appropriate Members of the Board with a view to understanding more fully, the potential consequences here of a refusal of planning permission and the subsequent service of an Enforcement Notice.

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0538

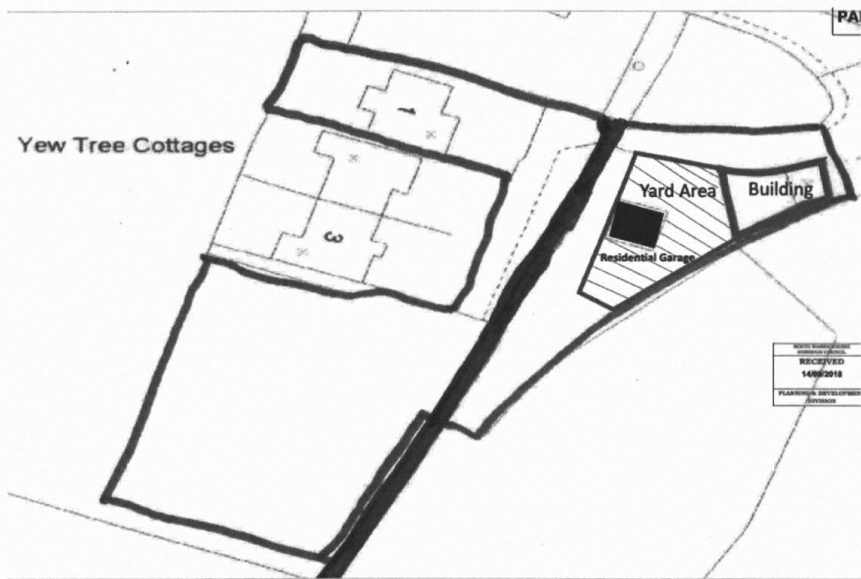
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	6/9/18
2	NWBC Environmental Health	Consultation Response	2/10/2018
3	NWBC Environmental Health	Further comments	10/10/2018
4	Parish Council	Consultation response	18/10/2018
5	Neighbour	Objection	1/10/2018
6	Neighbour	Objection	2/10/2018
7	Applicant	Extension of time agreement	21/10/2018
8	Case officer and agent	Exchange of emails	14/09/2018
9	Parish Council and Case officer	Exchange of emails	27/09/2018
10	Case officer	Email to agent	3/10/2018
11	Case officer and NWBC Environmental Health	Exchange of emails	2/10/2018 – 10/10/2018
12	Agent	Email to case officer	11/10/2018
13	Case officer and owner	Exchange of emails	18/10/2018 – 24/10/2018
14	WCC Footpaths and Case officer	Exchange of emails	24/10/2018
15	Case officer	Email to Councillor Simpson to provide details on the application	12/11/2018

16	Case officer	Email to owner	12/11/2018
17			
18			
19			
20			

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 - Plan



Appendix 2 – Photos





North Warwickshire
Borough Council

Mr Maurice Kenna
1 Yew Tree Farm Cottages
Coton Road
Nether Whitacre
Coleshill
B462HD

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

Telephone: (01827) 715341
Fax: (01827) 719225
E Mail: PlanningControl@NorthWarks.gov.uk
Website: www.northwarks.gov.uk
Date: 11 November 2013

The Town & Country Planning Acts
The Town and Country Planning (Listed Buildings and
Conservation Areas) Act 1990
The Town & Country Planning (General Development)
Orders
The Town and Country Planning (Control of
Advertisements) Regulations 1992 (as amended)

DECISION NOTICE

Full Planning Application

Application Ref: PAP/2013/0440

Site Address

1 Yew Tree Cottages, Coton Road, Whitacre Heath, Coleshill,
B46 2HD

Grid Ref: Easting 421441.10
Northing 293768.92

Description of Development

Change of use of building from garages / storage to business use for refrigeration and air conditioning business

Applicant

Mr Maurice Kenna

Your planning application was valid on 16 September 2013. It has now been considered by the Council. I can inform you that:

Planning permission is **GRANTED** subject to the following conditions:

1. The development hereby approved shall not be carried out otherwise than in accordance with the site location plan received by the Local Planning Authority on 12 September 2013

REASON

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

2. This permission shall ensure solely for the benefit of Mr Kenna and for no other person or Company whatsoever, and shall cease when Mr Kenna vacates the premises, or the use shall be discontinued after 5 years from the date of this permission.

REASON

In order to control the scale and scope of the use so as to control its impacts.

Authorised Officer: 

Date: 11 November 2013



3. The use hereby permitted shall only be for the building and land contained within the hereby approved red line plan and this use shall only be for the for the reffridgeration and air conditioning business, and for no other purposes whatsoever within Use Class B2 as defined by the Town and Country Planning (Use Classes Order) 1987 as amended.

REASON

In order to control the scope and scale of the development and thus to limit its impacts.

4. The use of the application site for the reffridgeration and air conditioning business shall only be used between 08:00 hours and 17:00 hours each day Monday through to Friday and between 08:00 hours and 12:00 hours on Saturday. There shall be no opening whatsoever on Sundays, Public Holidays and Bank Holidays.

REASON

To prevent disturbance to the occupiers of nearby properties.

5. During the opening hours of the business the doors and windows shall be kept closed except for access and egress.

REASON

To protect the amenities of nearby residential properties and the area.

6. There should be no external storage whatsoever.

REASON

In the interests of the amenities of the area.

7. 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

To protect the privacy of the occupiers of adjoining properties.

8. There shall be no sales from the site or trade counter operated. Any deliveries related to the reffridgeration and air conditioning business shall be for the benefit of Mr Kenna.

REASON

To protect the amenities of nearby residential property.

INFORMATIVES

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.

Authorised Officer: 

Date: 11 November 2013

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 www.communities.gov.uk/publications/planningandbuilding/partywall.
3. Public footpath number T32 passes close to the site. Care should be taken, particularly during construction works, to ensure that this route is kept open at all times.
4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through discussions to resolve planning objections and issues and negotiations. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

APPEALS TO THE SECRETARY OF STATE

1. If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you can appeal to the Department for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.
2. If you want to appeal against your local planning authority's decision, then you must do so within 6 months of the date of this notice.
3. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, or online at www.planning-inspectorate.gov.uk and www.planningportal.gov.uk/pes.
4. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
5. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
6. The Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

PURCHASE NOTICES

1. If either the Local Planning Authority or the Department for Communities and Local Government grants permission to develop land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
2. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Authorised Officer: _____



Date:

11 November 2013

NOTES

1. This decision is for the purposes of the Town and Country Planning Act only. It is not a decision under Building Regulations or any other statutory provision. Separate applications may be required.
2. A report has been prepared that details more fully the matters that have been taken into account when reaching this decision. You can view a copy on the Council's web site via the Planning Application Search pages <http://www.northwarks.gov.uk/planning>. It will be described as 'Decision Notice and Application File'. Alternatively, you can view it by calling into the Council's Reception during normal opening hours (up to date details of the Council's opening hours can be found on our web site <http://www.northwarks.gov.uk/contact>).
3. Plans and information accompanying this decision notice can be viewed online at our website <http://www.northwarks.gov.uk/planning>. Please refer to the conditions on this decision notice for details of those plans and information approved.

Authorised Officer: _____



Date:

11 November 2013

Appendix 4 – Business Case for the proposal from the applicant

The Business, use of building and yard area:

The business is a small company that provides the service, installation and repair of refrigeration and air conditioning equipment.

Commercial & industrial refrigeration and air conditioning repairs and service:

Most of our work on relating to the repair of commercial refrigeration equipment is done on customers sites, such as schools, colleges, universities, hotels, restaurants and catering facilities in larger plants and factories. From time to time it becomes necessary to bring refrigeration equipment back to the workshop if we cannot make the repair on site, however this is becoming very rare. The types of products we work on are mainly stainless-steel fridges, freezers, salad / pizza preparation stations and vending machine coolers.

All commercial refrigeration and air conditioning services, which are normally scheduled are carried out on customers premises, due to the size and nature, all industrial refrigeration repairs and service are also performed on our customers sites.

The three engineers and their vehicles used for the commercial & industrial refrigeration and air conditioning repairs and service side of the business are based from the business address.

Air Conditioning Installation:

The air conditioning installation side of the business is all undertaken on site, the vehicles for this are not operated or stored at the premises. The majority of the installation work is out of town, with the engineers arriving on site on a Monday morning, staying away for the week and returning home on a Friday afternoon.

Deliveries:

Although we do receive deliveries from suppliers, the majority of our spare parts are collected by us from local refrigeration wholesalers, such as Kooltech in Coleshill and Wolseley (Climate Centre) in Minworth. All the capital equipment and the majority of materials for the air conditioning installation teams are delivered to site, however our install engineers do collect from wholesalers should the need arise.

Use of the building:

The windowless building / shed consists of a small office at the rear with the rest of the floor space given to racking (for tool storage and spare parts) and 3 steel work benches, there is another bench for the engineers paperwork with associated job details.

Use of the yard area

The yard area is used for vehicle storage, this area is fairly secure as the gates are kept closed except for access and egress and are locked overnight or when there is nobody at the address during the day.

PAP/2018/0538

Yew Tree Cottages, Coton Road, Whitacre Heath

Meeting – 1 February 2019 at 1330

Present: Councillors Humphries Simpson and Sweet; Mr and Mrs Walmsley, Mr and Mrs Grant, I Griffin and J Brown

1. JB provided a brief summary of where we were with the application. Since the last Board meeting Members had visited the site. Today's meeting was at the request of the residents.
2. The residents then outlined a number of issues:
 - The website of the Company had explicit references to repairs on site and to it being called a "factory". The website had now been taken down.
 - It was understood that new premises were in use in Coleshill, but there was still activity at the site – deliveries and working at night.
 - There had been a noticeable reduction in the use of the site since the application had been submitted and the item had been reported to the Planning Board.
 - A series of photographs were circulated
 - At least two people are employed at the site.
3. Members drew attention to the need to separate out "business" use of the premises with "residential" use.
4. It was pointed out that the matter would be referred to the next Board meeting on the 4th March and that they would again be invited to speak, just as would the applicants.

http://icrefrigeration.co.uk

Industrial & Commercial Refrigeration & Air-Conditioning

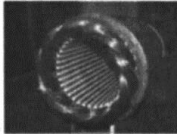
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Motor Rewinds

We also have the capability to Rewind Electric Motors in our workshop.

Not only do we rewind motors electric motors but we also offer a complete overhaul, bearing changes and seal replacements



Burnt Out Motor



Same Motor after being Rewound

Social Media Icons



Contact Us:

1 New Tree Farm Cottages
 Cotton Road
 Nether Whitacre
 Colehill
 Birmingham
 B47 2HD
 Tel: 01675 238243
 E-mail: sales@icrefrigeration.co.uk
 Email: dean.kenna@icrefrigeration.co.uk
 Mobile: 07927 409326
 E-Mail: david.kenna@icrefrigeration.co.uk
 Mobile: 07860 525205

Industrial & Commercial Refrigeration & Air-Conditioning

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Compressors

Our compressor re-manufacturing facility includes engineering and test equipment, to ensure re-manufactured compressors are leak-free and leave the factory in an as new condition, all compressors come with a full 12 month warranty.



We Re-Manufacture all types of Compressors, Semi Hermetic, Fully Hermetic, Open Drive and Screw Compressors. We also Re-Manufacture Fully Hermetic Reciprocating machines, some of the main manufacturers being Bitzer, Carrier, Copeland, Danfoss, Doran, Durham Bush, Hill, Manurop, Mosjay, Frostcold, Refcorp, Trane and York.

We also offer on site rebuilds of compressors, this is usually for compressors that are very difficult to remove from basements or rooftops, of course this avoids the expense of road closures and crane hire.



Social Media Icons



Contact Us:

1 New Tree Farm Cottages
 Cotton Road
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 Colehill
 Birmingham
 B47 2HD
 Tel: 01675 238243
 E-mail: sales@icrefrigeration.co.uk
 Email: dean.kenna@icrefrigeration.co.uk
 Mobile: 07927 409326
 E-Mail: david.kenna@icrefrigeration.co.uk
 Mobile: 07860 525205

About Us

Here at Industrial & Commercial Refrigeration we offer the re-manufacture or supply of new refrigeration and air-conditioning compressors, we also refurbish all kinds of catering equipment from Fridges & Freezers to Meat and Dairy displays and Fish counters or Serve Overs (integral & remote condenser) and salad / pizza preparation stations.



Social Media Icons



Contact Us:

My Name is Dean Kenna. I have been in the refrigeration and air-conditioning industry for 25 years, mainly in the compressor re-manufacturing & motor rewind industry, for a global heating, air conditioning and ventilation company.

David Kenna, my brother has also been in the compressor industry for a number of years, but spent a lot of his time in service working all over the country on all aspects of refrigeration equipment, he and I have now joined forces in this business partnership so we can now offer a turn key solution for all your refrigeration or air-conditioning requirements.

We also have our own in house electric motor rewind and test capability, this not just dedicated to our compressors, we also overhaul and rewind all kinds of electric motors, overhauls include bearing change & seal replacement on all types fans and pumps.

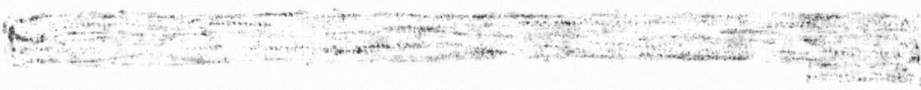
We are fully F-Gas qualified and Compliant.

Please search our website or give us a call, we can save you money.

1 Yew Tree Farm Cottages
 Cotton Road
 Nether Whitacre
 Coleshill
 Birmingham
 B45 2HD
 Tel: 01675 238242
 E-mail: sales@icrefrigeration.co.uk
 Email: dean.kenna@icrefrigeration.co.uk
 Mobile: 07972 409266
 E-Mail: david.kenna@icrefrigeration.co.uk
 Mobile: 07860 525205

Image C – Full commercial engineering activities being undertaken at the workshop and NOT at customer sites as stated in the application form 'We also have our own in house electric motor rewind and test capability, this not just dedicated to our compressors, we also overhaul and rewind all kinds of electric motors, overhauls include bearing change & seal replacement on all types fans and pumps.'

Appendix B – Photos and other evidence



(3) Application No: PAP/2018/0570

57, The Green, Shustoke, B46 2AT

Erection of two storey side and rear extension, for

Mr & Mrs L Brennan

Introduction

The householder application is brought before the Board at the request of a local Councillor, for reasons of over development, highways issues and impact on neighbours.

The Site

The application site is a two storey, semi-detached dwelling and is situated at the end of the turning head of a cul-de-sac in the centre of Shustoke. This turning head also provides five marked car parking spaces. Number 59 has a garage and a drive where cars can be parked. The houses on the opposite side of the turning head have garages and off-street car parking.

The Proposal

The proposal is for the erection of a two-storey side and two-storey rear wrap-around extension. This would provide a six bedroom property. There are presently three bedrooms.

A “block” plan illustrating the location and scale of the plans that are to be determined for this proposal is at Appendix A. This is the latest in a series of amendments since the original submission.

So that Members can understand this series of changes, equivalent “block” plans are attached. The original proposals are at Appendix B and two intervening amendments are at Appendices C and D. All of these three would have been two storey in height.

The current plans for consideration at the meeting are attached in full at Appendix E. The two-storey wrap-around can clearly be seen. The existing front elevation would be widened by 2.9 metres and the extension has two windows (to a utility room and a single bedroom). The side extension would measure 11.2 metres from the front elevation of the existing house and 5.5 metres beyond its rear elevation. A single kitchen door and two dining room windows are proposed at ground floor. There are no first floor windows proposed. The rear gable elevation would be 7 metres wide with opening french-doors at ground level and two bedroom windows at first floor. Its “internal” side elevation would have a bedroom window at first floor and a dining room window at ground floor.

The boundary between number 57 and number 55 is a small wall at the front and a wooden fence at the rear. Number 55 is at right angles to the proposal. It has a door and a single window at ground floor and a single window at first floor in its front elevation. Its side elevation has a landing window at first floor. The distance between its front elevation and the closest part of the proposed extension is 7 metres.

The distance to the rear elevations of number 81 and 83 is 32 metres.

Two additional car park spaces are shown in front of number 57

Development Plan

The Core Strategy 2014 - NW10 (Development Considerations)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV13 (Building Design) and ENV14 (Access Design)

Other Material Planning Considerations

National Planning Policy Framework 2018 – (the “NPPF”)

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

Supplementary Planning Guidance - A Guide to the Design of Householder Developments, adopted September 2003.

Representations

There have been objections received from local residents throughout the time the application has been with the Council in respect of the original submission and the series of amendments. The matters covered related to:

- The increased accommodation will lead to greater pressure for on-street car parking in a narrow road and with existing parking issues.
- Neighbour’s property would be overlooked and overshadowed with a loss of light
- Local foul water infrastructure is already under pressure
- The development would lead to a house appearing as out of keeping with the established development in the cul-de-sac.
- The increased accommodation will be likely to create more disturbance through occupation by a larger family.
- There will be access problems during construction

In respect of the latest set of plans and those before the Board, the following objections have been received:

- It is still a large rear extension and will intrude, overlook and overshadow neighbour’s property
- There are still concerns about the parking situation.

Shustoke Parish Council has objected to the latest set of plans. It considers that:

- The proposal is disproportionate and out of place in the cul-de-sac
- There will be adverse effects on neighbouring property
- Parking provision is already inadequate and will worsen
- The accommodation will significantly increase occupation bringing increased noise and disruption

Consultations

Warwickshire County Council as Highway Authority – No objection as car parking is provided in line with the Borough Council's requirements.

Observations

The current proposal is the third amendment to the proposal. The applicant has revised his proposals in an attempt to address the concerns of neighbours, but there continues to be objections.

Clearly there is no objection in principle to extending a house and thus it is necessary to assess the latest proposal against the relevant Development Plan policies. These are identified above.

Firstly no objections have been received from occupiers directly facing the application site or from those at the rear. The separation distances in both cases are well above the Council's advisory distances and the likelihood of adverse impacts is very small.

In respect of the situation with the next door property – number 59 – then the concern here is that rear portion of the proposal could lead to loss of privacy and to overshadowing. The proposed extension satisfies the 45 degree line in respect of windows in the rear elevation of number 59 and because the extension is to the north, any loss of light would not be material. As explained above the elevation of that extension facing number 59 would have a ground floor window and a first floor window.

The rear garden of number 59 is already overlooked by windows in the existing arrangement. It is agreed however that there would be some adverse impact due to the additional bedroom window.

The greatest impacts will fall on number 55. The existing front windows of number 55 look straight down the cul-de-sac and would not be affected by the proposal because they are at the far right hand side of the elevation and thus are not likely to be overshadowed or be overlooked. The window in the side elevation is to a landing and thus not a habitable room. Moreover any degree of overshadowing and overlooking is not likely to be significant. There are no windows in the extension's proposed side elevation facing number 55's side garden and so there would be no loss of privacy from overlooking. There could be a degree of overshadowing particularly in the winter months as the extension is to the south of that property, but this would not affect the rear garden to number 55. The extension would however come closer the overall property of number 55 and there thus there will be some loss of openness.

Taking all of these factors into account, it is agreed that there would be some adverse impact, but it is considered that this would not be material so as to warrant a refusal. In this regard Members do need to take account of what the applicant could undertake under “permitted development” rights – i.e. works not requiring a planning application.

The applicant clearly wishes to extend his property and thus the issue of what can be done under these rights in lieu of an application will carry significant weight.

In respect of “permitted” works that might impact on number 59, then a single storey rear extension up to 3 metres long and 4 metres in height, with an eaves level of 2.5 metres, could be erected immediately abutting the shared boundary with number 59. This would materially impact on light to the ground floor windows of number 59. By pulling the proposed rear extension away from that common boundary, even to two storey, the proposal will not breach the 45 degree line from the centre of the neighbours’ ground floor window and it would have lesser impact than the permitted works. It is considered on balance, that the proposed works would have less impact on number 59 than permitted works.

In respect of “permitted” works that might impact on number 55, then a single storey full width side extension could be added to the gable facing number 55 and this could extend practically up to the ownership boundary. Whilst less in height than that now proposed it could come very close to the boundary. The present proposal is “pulled” away from that boundary albeit with a two storey extension.

Given these matters it is considered that the proposed extension is a reasonable attempt to provide a balance between what might be “permitted “ and that which is now “proposed”.

In respect of whether the extension is disproportionate, then Members do need to take account of several factors - the total amount of development that might be undertaken under “permitted” development; the impact on the matters referred to under Policy NW10 of the Core Strategy and whether the proposal is so detrimental to the street scene so as to warrant refusal. It is agreed that the proposal is large and that it doubles the amount of accommodation, but in terms of public visibility, the impact is limited and there would be little loss of openness overall within the general setting of a residential area. This is particularly so given the large amount of open space in front of the property and at its rear. A two storey side extension has been added to number 53 and this would replicate the appearance of the proposed front elevation to number 57. Overall it is not considered that the weight of this matter would lead to a demonstrable reason for refusal.

In terms of the materials to be used then the proposed extension would be constructed in facing brickwork and roofing tiles to match the host dwelling.

Parking is clearly an issue in any cul-de-sac. There are five marked spaces here and there is space for additional parking on the other side of the turning head. The proposal too would add an additional two spaces directly in front of the house. The Council’s requirement in its adopted Core Strategy is for two spaces and this would be satisfied here. As such there is little weight for a refusal.

Neighbours have expressed concerns that part of the building could be sublet at a future date. This clearly is speculation without any evidence. However the issue can be resolved by planning condition.

The Parish Council suggests that more accommodation might lead to more noise and disturbance. This again is speculation and if this is to be followed through, many future applications for extensions in Shustoke would also need to be refused.

Overall therefore it is acknowledged that this is a large extension, but on assessment there appears to be only limited adverse impacts. These are not sufficient to evidence significant and unacceptable harm. Planning conditions do however need to be added to control any future proposals.

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 plans numbered 1D, 2D, 3D and 5D, received by the Local Planning Authority on 24 January 2019.

REASON

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

3. The new works shall be carried out with facing brickwork and roof tiling to match the colour, shape, size and texture of those materials used in the construction of the host dwelling.

REASON

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

4. All bathroom, shower room and toilet windows shall be fitted with permanent passive window head trickle ventilator units; and shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 3, 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

To protect the privacy of the occupants, and to ensure adequate continuous ventilation is maintained.

5. All ground floor windows that open over a path or patio area shall be fitted with window restrictors to prevent windows from opening more than 100mm.

REASON

To ensure that open windows do not present a safety hazard.

6. No deliveries, contractors parking or other on-site works shall take place within 30 minutes of school start and end times, and between 18:00 hours and 08:00 hours on Monday to Friday, and additionally after 13:00 hours on Saturdays. There shall be no operations whatsoever at any time on Sundays or Public Holidays.

REASON

To prevent disturbance to the occupiers of nearby properties, and additional congestion on the public highway.

7. No additional windows or door openings in all elevations and roof plains shall be made, other than as shown on the plans hereby approved, nor shall any approved windows or doors be altered or modified in any manner.

REASON

To protect the privacy of the occupiers of adjoining properties.

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

REASON

In the interests of the amenities and character of the area and the application site; and the adverse impact on neighbours.

9. The extensions hereby approved shall be occupied solely in connection with to the main dwelling at 57 The Green and no part shall not be sold off, sub-let or used as a separate unit of accommodation.

REASON

To prevent unauthorised use of the property.

10. Dust generated by construction operations must be managed in accordance with current Health and Safety Executive advice. COSHH assessments will be undertaken and the risks managed in accordance with best practice guidelines. There shall be no burning of any materials on site.

REASON

To ensure that construction operations do not cause unnecessary nuisance for nearby residential neighbours.

11. The vehicular hardstanding to the front of the property shall be constructed in a porous material such as macadam or blockwork that are designed to enable the absorption of surface water; or otherwise install Aco type drainage channels connected to the surface water drainage system for the dwelling.

REASON

To prevent the flow of surface water into the highway.

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
3. The 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.
4. The Developer/Applicant is advised to notify all affected neighbours 24 hours in advance of any major deliveries of materials, plant or machinery that may cause the road to be restricted or blocked. Access for emergency services must be available at all times and vehicles must always be manned when the access road is blocked or severely restricted such that the vehicle could quickly be removed in an emergency.
5. 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.

6. 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

7. Condition 10 requires management of dust; this should be managed in accordance with the construction information sheet No. 36 available at: <http://www.hse.gov.uk/pubns/cis36.pdf>, or the latest superseding guidance.
8. The proposals works to be carried out within the limits of the public highway. Before commencing such works the applicant 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. The Area Team at Coleshill may be contacted by telephone: (01926) 412515.
9. 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 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.
10. 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.
11. In addition to Planning Approval for the proposed works, a further application must be made to the Local Highway Authority, Warwickshire County Council, for consent to construct the dropped kerb, you will need to provide a copy of the Planning Approval to accompany the application. The procedure for making a drop kerb application may be found online at: <https://www.warwickshire.gov.uk/droppedkerb>; the work within the highway must be undertaken by an accredited contractor.
12. For advice on the construction of vehicular hardstandings refer to the note 'Guidance on the permeable surfacing of front gardens' available at: https://www.planningportal.co.uk/info/200130/common_projects/45/paving_your_front_garden

13. 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, meetings and negotiations and quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

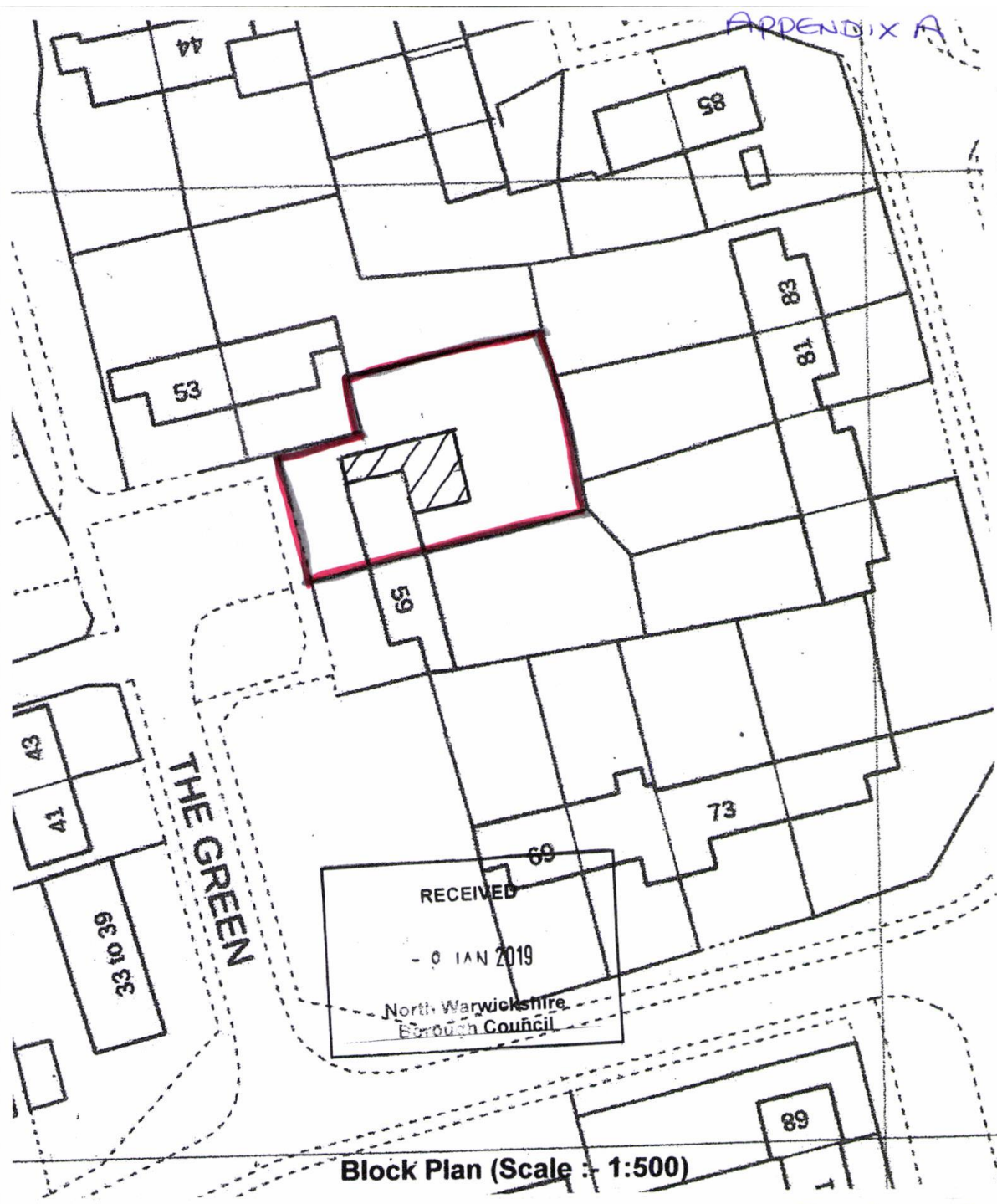
Planning Application No: PAP/2018/0570

Background Paper No	Author	Nature of Background Paper	Date
1	The Agent	Application Forms, and Plans	24/01/2018
2	Neighbours	Objections	Various
3	Local Highway Authority	Consultation Response	17/01/2019
4	Environmental Health	Consultee Response	22/11/2018

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



Block Plan (Scale :- 1:500)

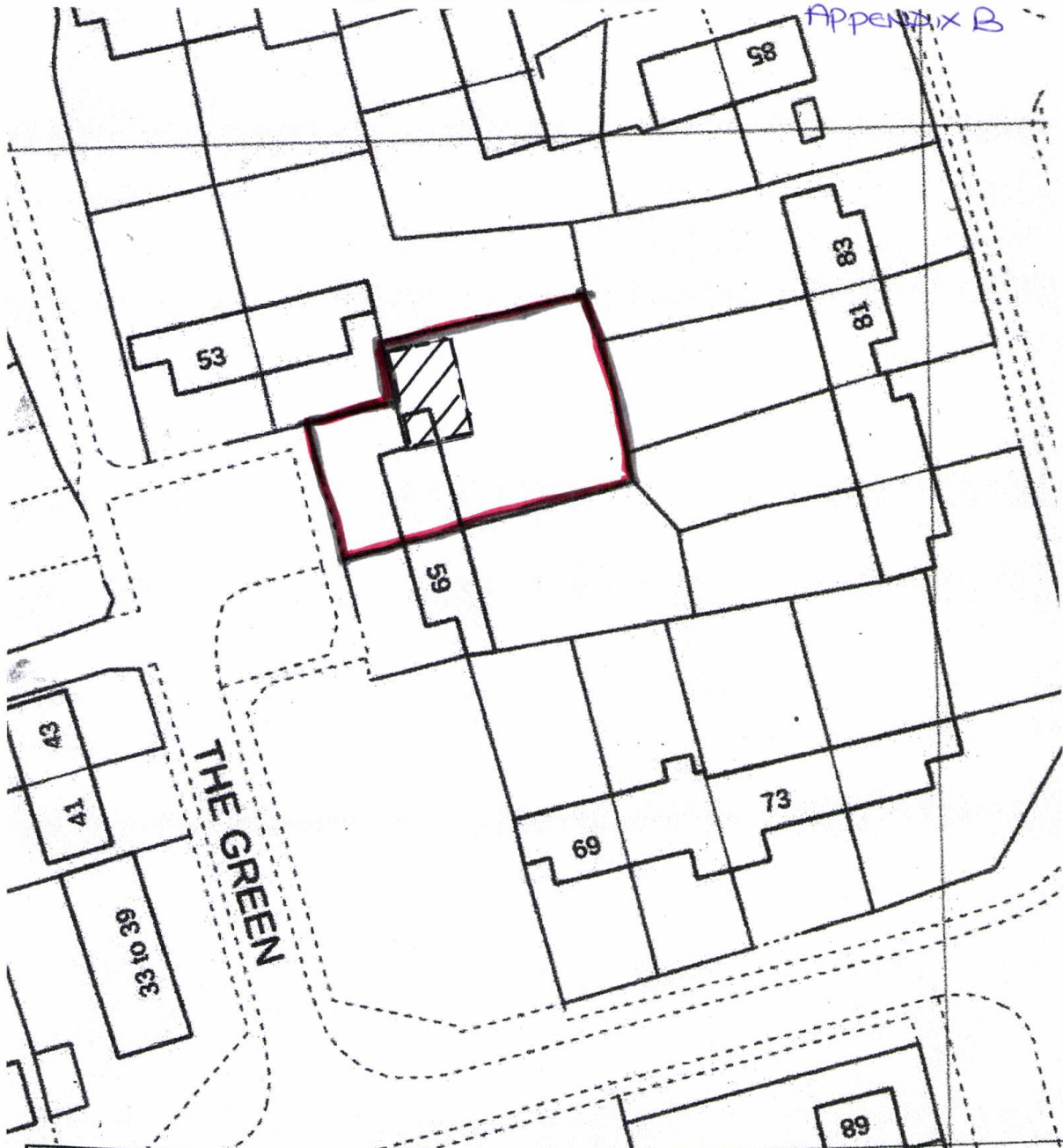
Drawing no 3

**Proposed two storey extension
to side of house at 57 The Green, Shustoke,
Coleshill for Mr & Mrs Lee Brennan.**

Scale :- 1:50

Date :- September 2018
Rev C – January 2019)

Appendix B

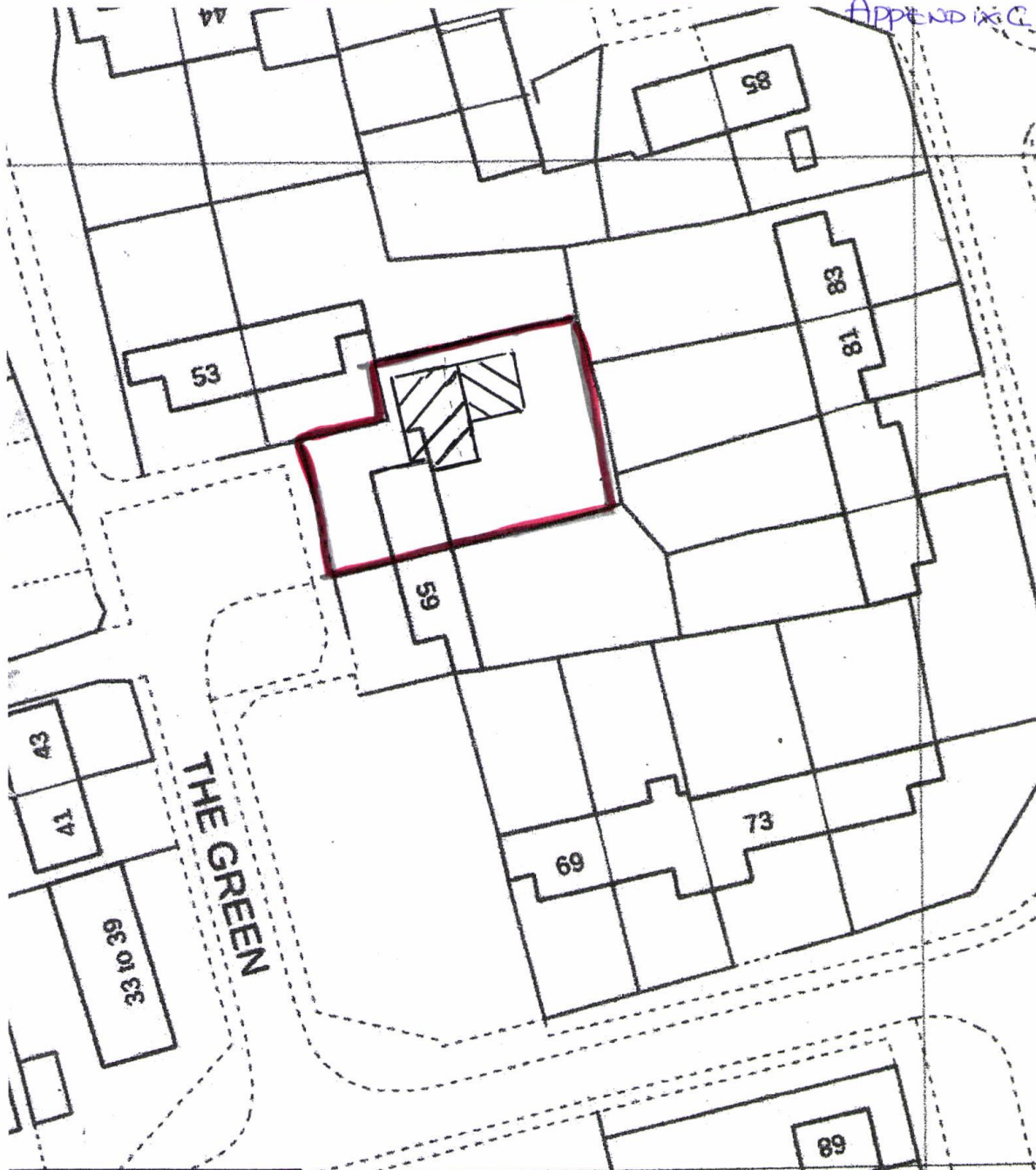


RECEIVED
 19 SEP 2018
 North Warwickshire
 Borough Council

Block Plan (Scale :- 1:500)

Drawing no 3
Proposed two storey extension
to side of house at 57 The Green, Shustoke,
Coleshill for Mr & Mrs Lee Brennan.
 Scale :- 1:50 Date :- September 2018

APPENDIX C



RECEIVED

Block Plan (Scale : 1:500)

1 NOV 2018

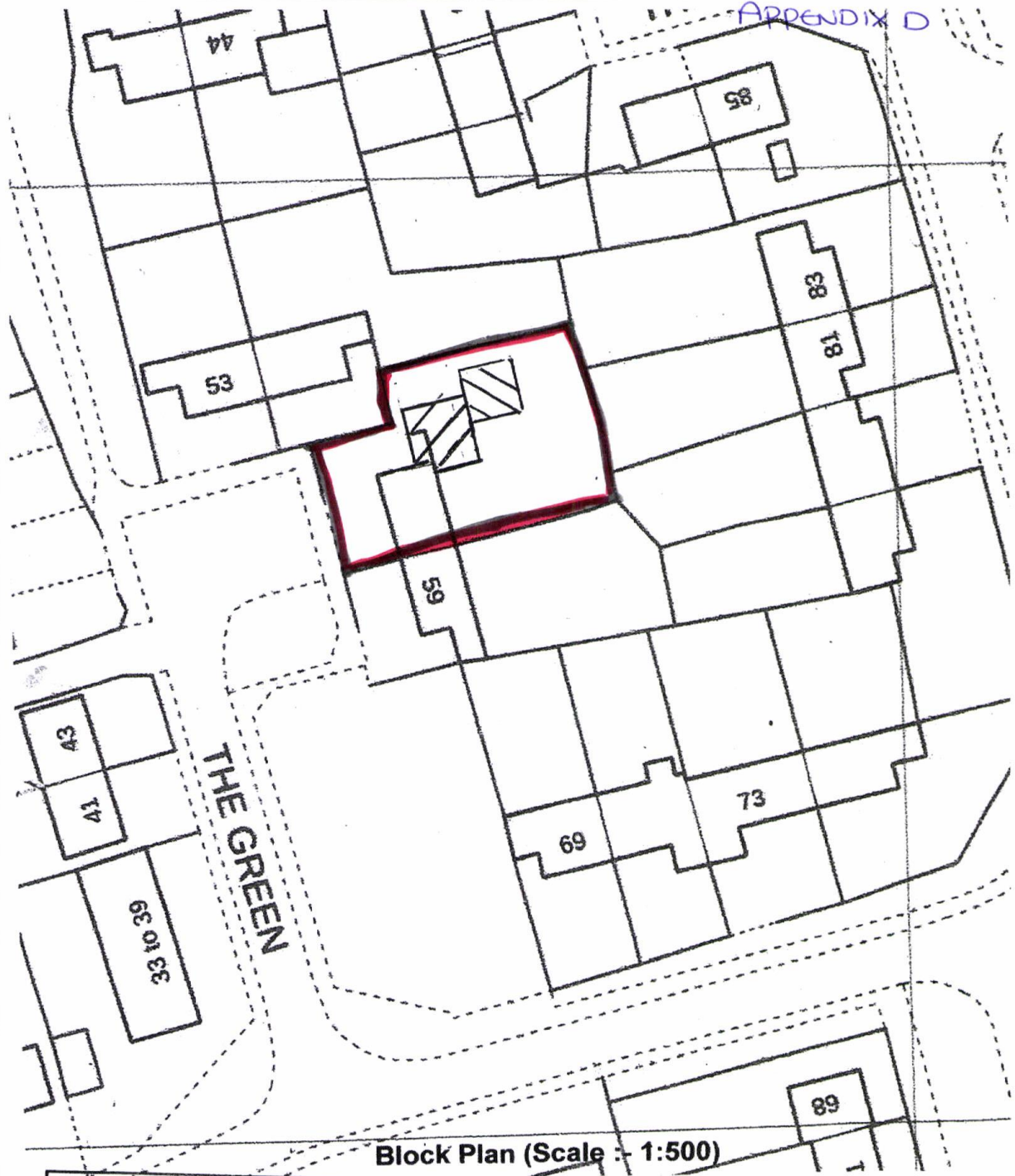
North Warwickshire
Borough Council

Drawing no 3

**Proposed two storey extension
to side of house at 57 The Green, Shustoke,
Coleshill for Mr & Mrs Lee Brennan.**

Date :- September 2018
Rev A - October 2018)

APPENDIX D



Block Plan (Scale :- 1:500)

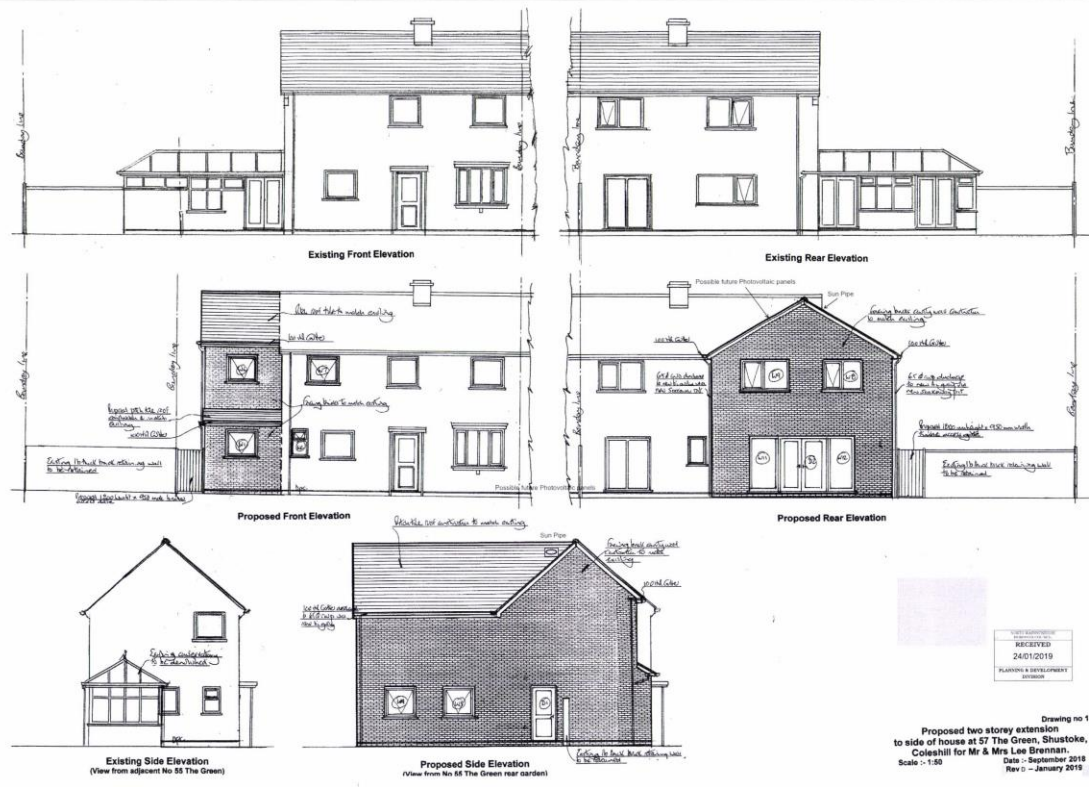
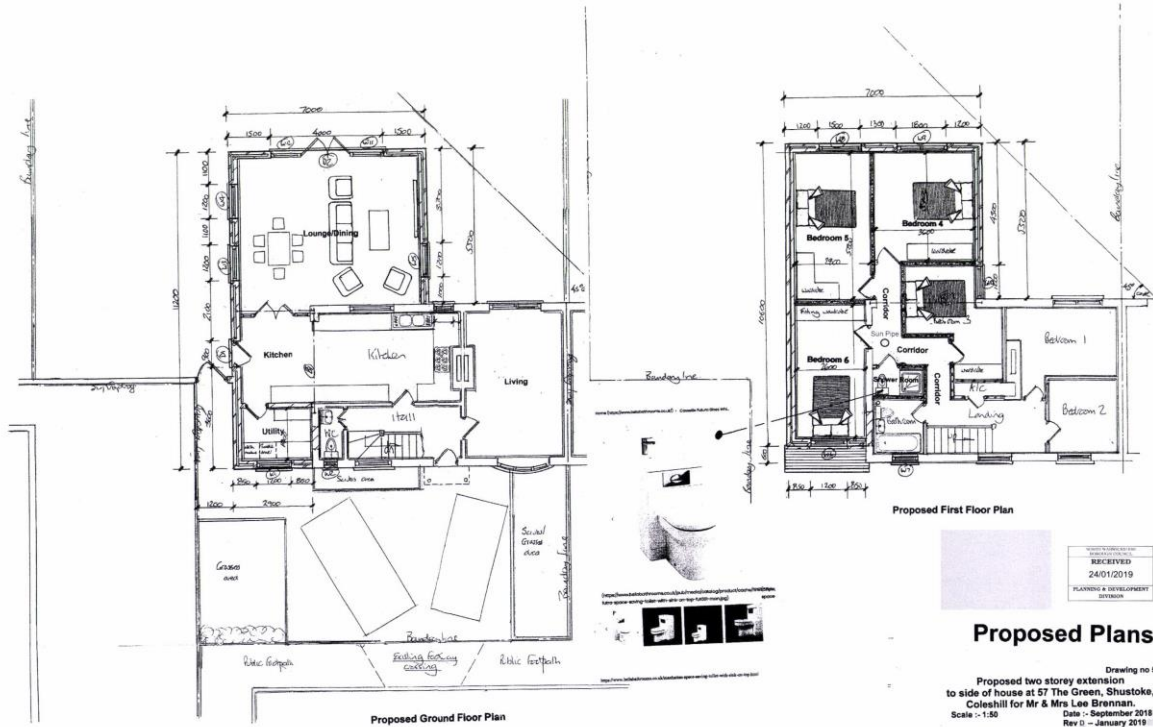
RECEIVED
 21 NOV 2018
 North Warwickshire
 Borough Council

Drawing no 3

**Proposed two storey extension
 to side of house at 57 The Green, Shustoke,
 Coleshill for Mr & Mrs Lee Brennan.**

Scale :- 1:50

Date :- September 2018
 Rev B - November 2018



(4) Application No: PAP/2018/0678

15/17, New Street, Birchmoor, B78 1AF

Outline - erection of a single dwelling with two allocated parking spaces, for

Mrs H Dorrell

Introduction

This application is reported to the Board at the discretion of the Head of Development Control as Members may wish to review the weight to be given to the issues involved.

The Site

This is a vacant piece of garden land on the south side of New Street lying between residential frontages of terraced properties. There is a similar arrangement on the opposite side of the road. The site presently has a brick wall running along its frontage.

New Street is a cul-de-sac with pavements on either side. There is a Social Club and a community hall in the street. There is an open car park at its end, but this a private facility for use of patrons to the Club. It is available to the public between 2300 and 0800 hours.

Appendix A illustrates the location of the site.

The Proposal

The initial application was for two units here but as a consequence of the receipt of objections, it was amended to a proposal for just one unit.

It is proposed to erect a single two storey dwelling towards the eastern end of the site. It would abut the boundary to number 7, which is marked with a brick wall at its front and a wooden fence at its rear. This would be almost at the back of the pavement. The space to the west would comprise two parking spaces for the new house and two for number 15. In addition there is an existing garage for number 15 which is sited behind the two spaces referred to here. The application site spaces as well as those for number 15 would be arranged in tandem and next to each other. The applicant owns number 15.

The amended reduced scheme is illustrated at Appendix B

Consultations

Warwickshire County Council as Highway Authority – Originally it objected to the proposed two units but in light of the amended scheme for one, it has withdrawn its objection.

Representations

At the time of the initial proposal for two units, five letters of objection were received.

The main issues related to:

- the existing scale of on-street car parking
- the narrow width of the road, and consequential difficulties in turning into those properties that have on-site parking provision.
- There was also reference to the street being a cul-de-sac with a Social Club which generates additional traffic
- There is reference to the loss of an open space
- New buildings here would adversely affect the residential amenity of houses on the opposite side of the road.
- Additionally, the two units would not be in-keeping with the street.

In respect of the reduced scheme then four objections have been received. These refer to;

- Regardless of the reduction, the road is still not appropriate for additional traffic and increased parking pressure or turning movements
- There will still be loss of light to neighbouring property
- The design is not sympathetic
- The development would abut neighbouring property

Development Plan

The Core Strategy 2014 – NW2 (Settlement Hierarchy) and NW10 (Development Considerations)

Other Material Planning Considerations

The National Planning Policy Framework

The Submitted Local Plan 2018 – LP2 (Settlement Hierarchy) and LP31 (Development Considerations)

Observations

There is no objection in principle here as the site is in an established built up area within the defined settlement boundary of Birchmoor. The issues therefore revolve around detailed matters.

The key issues are about the access arrangements and car parking provision. New Street is narrow and with on-street parking down both sides on both pavements, particularly outside of working hours, it is effectively a single carriageway lane. The space on the road in front of the site is already used for on-street parking. The proposal includes new dropped curbs to enable on-site car parking – two spaces for the proposal and three for number 15. This level of provision satisfies Council policy in this regard. The spaces are also of satisfactory dimensions. As a consequence the Highway Authority has not raised an objection to the reduced scheme and that is a material consideration of significant weight. Members will be aware of other similar cases in Baddesley Ensor and in Atherstone where there were similar concerns about access onto narrow streets with on-street parking.

The County Council's position is clearly based on the plan as submitted. However Members may wish to attribute weight to the actual experience here as reported. In particular the operational difficulties of parking and turning; the need to find alternative parking elsewhere, the difficulty experienced with emergency vehicles and the additional use of the street by the two community facilities. Whilst similar matters were raised in the cases referred to above and planning permissions were finally granted at appeal, the situation here in New Street is acknowledged to be "worse" than those appealed. Members may therefore wish to review the weight given to the representations received.

The recommendation below supports the County Council as it is the statutory highway authority and secondly because the on-site car parking provision accords with this Council's guidance.

There are two other matters to look at. The first is whether there is sufficient harm caused to the residential amenity of occupiers of property on the other side of the road. There clearly would be an impact as part of the open space here would be filled. However the reduction to one unit helps by still leaving open areas on both sides of that unit and the situation here would be no different in terms of separation distances to that already existing in New Street. Whilst harm would be caused this would not be so adverse to warrant a refusal.

The second factor is that the new building would be a modern addition, but at present there are no details of its design and appearance as this is an outline application. If approved there will be ample opportunity to ensure that the detail includes traditional features and detailing.

Recommendation

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

1. Standard outline condition number 1 – all reserved matters except access
2. Standard outline condition number 2
3. Standard outline condition number 3
4. Standard plan numbers – plan numbers 2200/001A and 2200/003B

Notes

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through seeking amendments in order to overcome objections.
2. Standard Party Wall Act informative

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0678

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	21/11/18
2	Resident	Objection	28/1/18
3	Resident	Objection	29/11/18
4	Resident	Objection	29/11/18
5	Resident	Objection	4/12/18
6	Resident	Objection	13/12/18
7	WCC Highways	Objection	13/12/18
8	Applicant	Amended plan	18/12/18
9	Resident	Objection	22/1/19
10	Resident	Objection	22/1/19
11	Resident	Objection	22/1/19
12	Resident	Objection	25/1/19
13	WCC Highways	Consultation	29/1/18

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

Revision: A Date: 09-10-2018 DS
 A amending red and blue lines



PAP/2018/0678



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KEY	
▬	Application Site Area = 308 m ²
▬	Land also in applicant's ownership

NORTH WARWICKSHIRE
 BOROUGH COUNCIL
RECEIVED
15/11/2018
 PLANNING & DEVELOPMENT
 DIVISION

<p>Second Floor, Suite 3 Woburn House Vernon Gate Derby DE1 1UL</p> <p>Tel: 01332 347 371 Fax: 01332 347 555 E-mail: info@planningdesign.co.uk</p>		PROJECT DESCRIPTION: Outline planning for the erection of two dwellings at 15-17 New Street Birchmoor Tamworth B78 1AF	
		DRAWING TITLE: Site Location Plan	
CLIENT: Helen Dorrell		DRAWN BY: DS	CHECKED BY: RW
STATUS: PLANNING		DRAWING NUMBER: 001	REVISION: A
		SCALE: 1:1250 @ A4	DATE: August 2018
		DRAWING REF: 2200 - 001A	

© COPYRIGHT EXISTS ON THE DESIGNS AND INFORMATION SHOWN ON THIS DRAWING : The Contractor must verify all dimensions on site before making shop drawings or commencing work of any kind. No dimensions to be scaled from this drawing. Architect to be notified of any discrepancies in dimensions immediately

(5) Application No: PAP/2018/0744

Land South East Of M42 Junction 10, Trinity Road, Dordon,

Approval of reserved matters for appearance, landscaping, layout and scale relating to "Phase 2 - Unit 4" of development addressing land east of Trinity road, for

St Modwen Developments Ltd

Introduction

This application is reported to the Board at the discretion of the Head of Development Control in view of the Board's previous consideration of the issues involved here, at other sites in the Borough.

Outline planning permission was granted for this commercial development at appeal in November 2016. Phase One details were subsequently approved along with subsequent pre-commencement conditions. Similarly the details of Phase Two were agreed and again conditions are in the course of being discharged. However the second phase details excluded one unit – number 4. The details of that unit are now submitted.

The Proposals

The unit amounts to a 10,335 square metre building for uses within the B1(c), B2 and B8 Use Classes. It would be located on the northern side of the main access road into phase two from Trinity Road. Further larger units have already been approved further to the north. The building would be 15 metres tall and clad in a mix of different shades of grey to match existing buildings. It would be set down on a lower development plateau which would be set into the existing ground levels. There is significant earth bunding and landscaping already approved to the south such that the top of that mounding would be some three metres above the building's floor level. When trees mature it is considered that they would match the height of the building. The nearest residential property to the south, is some 400 metres distant.

Both noise and lighting assessment reports have been submitted.

The general layout is illustrated at Appendix A which shows the wider geographic setting. Appendix B shows the elevations.

Consultations

Warwickshire County Council as Highway Authority – No objection

Environmental Health Officer – No objection subject to conditions

Representations

Dordon Parish Council – No comments received,

One letter has been received which on behalf of local residents refers to:

- The landscaping along the car park boundary needs to be more pronounced.
- A hipped roof would lessen its visual impact
- A general concern about visual impacts
- The ground level appears to be higher than that originally approved

Development Plan

The Core Strategy 2014 – NW10 (Development Considerations)

Other Material Planning Considerations

The National Planning Policy Framework

The Submitted Local Plan for North Warwickshire 2018 – LP31 (Development Considerations)

Observations

The proposal is typical of the type of development already approved here and on similar estates in the Borough. The design, appearance and the materials to be used are all similar to that to be implemented in both phases of the present development. There is thus no objection in principle here as the development would be very much in keeping with the proposals already approved for this estate. Indeed a hipped roof would not be in keeping.

The main concern here is that the service yard is outward facing, towards the south-west and the small hamlet of Freasley. This raises a number of issues, all to do with potential adverse impacts arising for residents from possible noise and light pollution as reflected by the representation. The applicant considers that he has addressed these concerns through the submission of noise and lighting impact reports. The applicant argues that because the distance to the nearest house is some 400 metres; the proposed mounding and planting and the lowering of the floor level of the building, there would only be negligible impacts either from noise emissions or from light pollution.

It is proposed to explore three matters – visual impact; noise and lighting.

Looking at the first of these, then the approved Parameters Plan for the whole site has a height limit of ten metres alongside the north-eastern side of the estate road. The proposed building at 15 could not therefore be located close to that road without breaching the approved Parameters Plan. The building, at 15 metres, is located in part of the site where 18 metres is the maximum height. As a consequence the submitted plans fully align with the already approved parameters for the site.

The Board could approve a 15 metre tall building alongside the road, but because of the greater proximity to Freasley and the increase in height, it would be more visible from Freasley and would be seen above the intervening landscaping and mounding. Moreover the finished floor level of the development plateau and the height of the building (15 metres) is still well below (1.8 metres) that which could be allowed under the Parameters Plan.

There is thus a strong argument against having a 15 metre building close to the road, as in visual terms the impact would be greater than that which could be developed under the approved parameters.

The light levels proposed are typical of such developments. Here the columns will be inward facing and there would be no visible light sources. Light spillage is to be contained in the site boundary because the luminaries would be at the horizontal. Light sources on the facing external elevation would face downwards. There would be a glow from the unit but with maturing tree planting that should be mitigated. The impacts are thus considered to be limited and not material.

The noise issue is of greater concern – because of issues that have arisen elsewhere in the Borough. The Applicant’s assessment has used a “worst case” scenario - assuming higher noise levels than those typically used for B8 uses; background levels that are lower than those actually measured and making no allowance for the intervening landscaping and distances to the closest of the Freasley houses. In his analysis no adverse impacts would be experienced at Freasley.

The Council’s Environmental Health Officer agrees and the conditions recommended would be precautionary – e.g. boundary fencing and reserving details of all refrigeration and air conditioning plant. In respect of the fence, then the applicant is going to be providing a security fence around the site in any event.

It therefore makes sense that this feature should be a fence serving two purposes – for security and noise attenuation. The detail of this can be conditioned. Conditions can also be added so as not to include any cold storage areas, plant or equipment in the building without prior approval of those details. In light of these comments, there would be little demonstrable evidence to support a refusal based on significant adverse noise impacts.

Recommendation

That the plans received on 17 December 2018 be **APPROVED** in partial discharge of condition 1 of planning permission APP/R3705/W/15/3136495 dated 28 November 2018, subject to the following conditions:

1. The building hereby approved shall not be occupied until full details of the perimeter boundary treatment have first been submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be implemented on site.

REASON

In the interests of visual amenity and to reduce the risk of noise emissions from the service yard

2. No refrigeration plant or equipment shall be installed within or as an extension to the building and no fuel pumps shall be installed within the service yard.

REASON

In the interests of reducing the risk of noise emissions from the site

Notes

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case by working with the applicant in order to address matters arising from the consultation process.

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0744

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	17/12/18
2	Resident	Representation	7/1/19
3	Applicant	E-mail	7/1/19
4	WCC Highways	Consultation	10/1/19
5	Environmental Health Officer	Consultation	15/2/19

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.

(6) Application No: PAP/2019/0053

83, 85, 87 and 89, Castle Road, Hartshill, CV10 0SG

Conversion of flat roof to pitched, for

North Warwickshire Borough Council

Introduction

This application is reported to the Board for determination as the proposals involve Council owned buildings.

The Site

This is a small “terrace” of four flat roofed properties on the west side of Castle Road within Hartshill very close the “The Green”. There is residential property around the site.

The front elevation to the road is two storey, but because of a drop in levels the rear is three storey in scale.

Appendix A illustrates its location.

The Proposal

It is proposed to add a shallow pitched hip roof to the whole terrace thus raising its height by two metres. The roof would be a 20 degree pitch with the use of grey slates.

The existing and proposed elevations are attached at Appendices B and C.

Development Plan

The Core Strategy 2014 - NW10 (Development Considerations).

Hartshill Neighbourhood Plan 2017 - H4 (Good Quality Design)

Other Relevant Material Considerations

National Planning Policy Framework (NPPF).

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

Observations

There is no objection as the proposals would enhance the appearance of this row of houses and be more in keeping with the surroundings. Members will be aware of similar schemes to the Council’s stock elsewhere in Hartshill and Atherstone.

Recommendation

That the application be **GRANTED** subject to the following conditions:

1. Standard three year condition.
2. Standard plan numbers.

Notes

The Council has met the requirements of the National Planning Policy Framework in this case through the issue of a speedy decision

BACKGROUND PAPERS

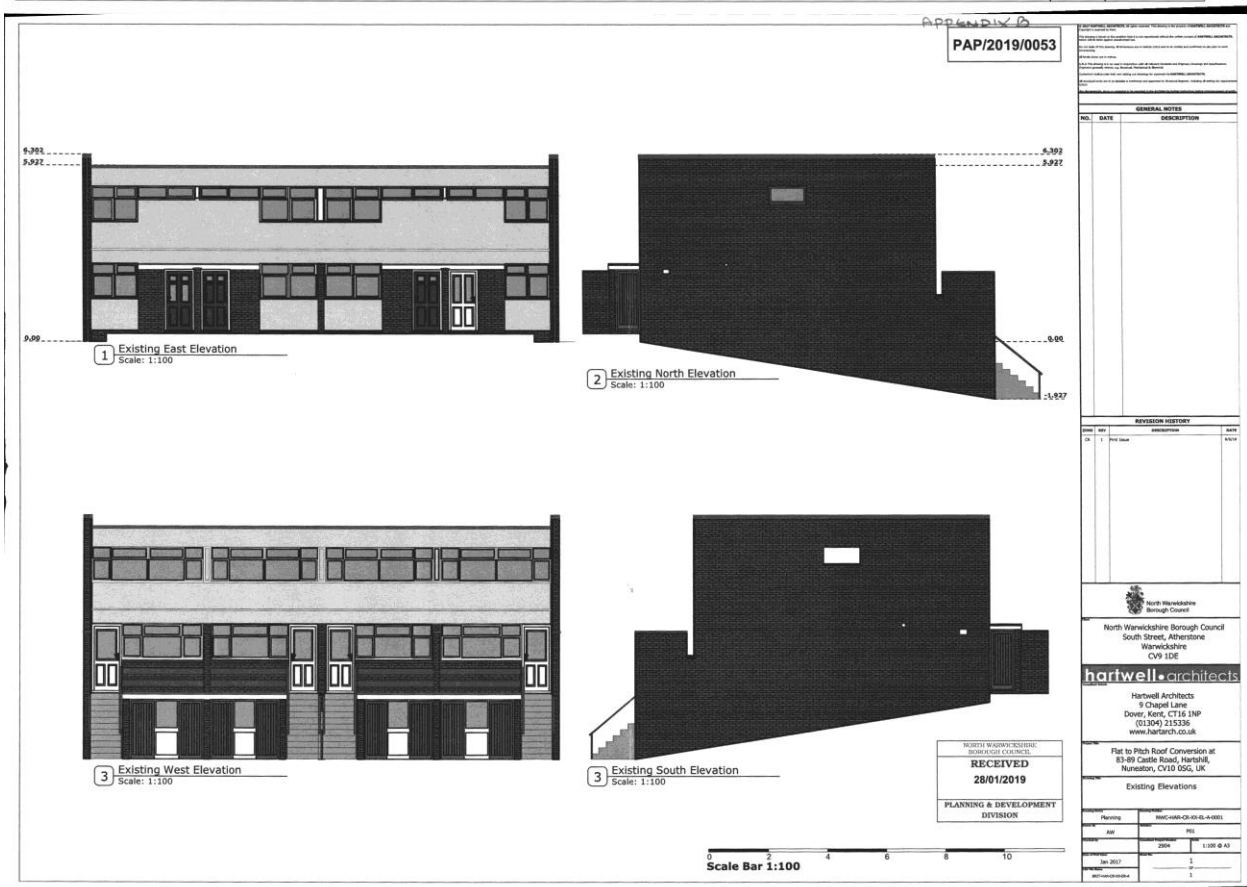
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

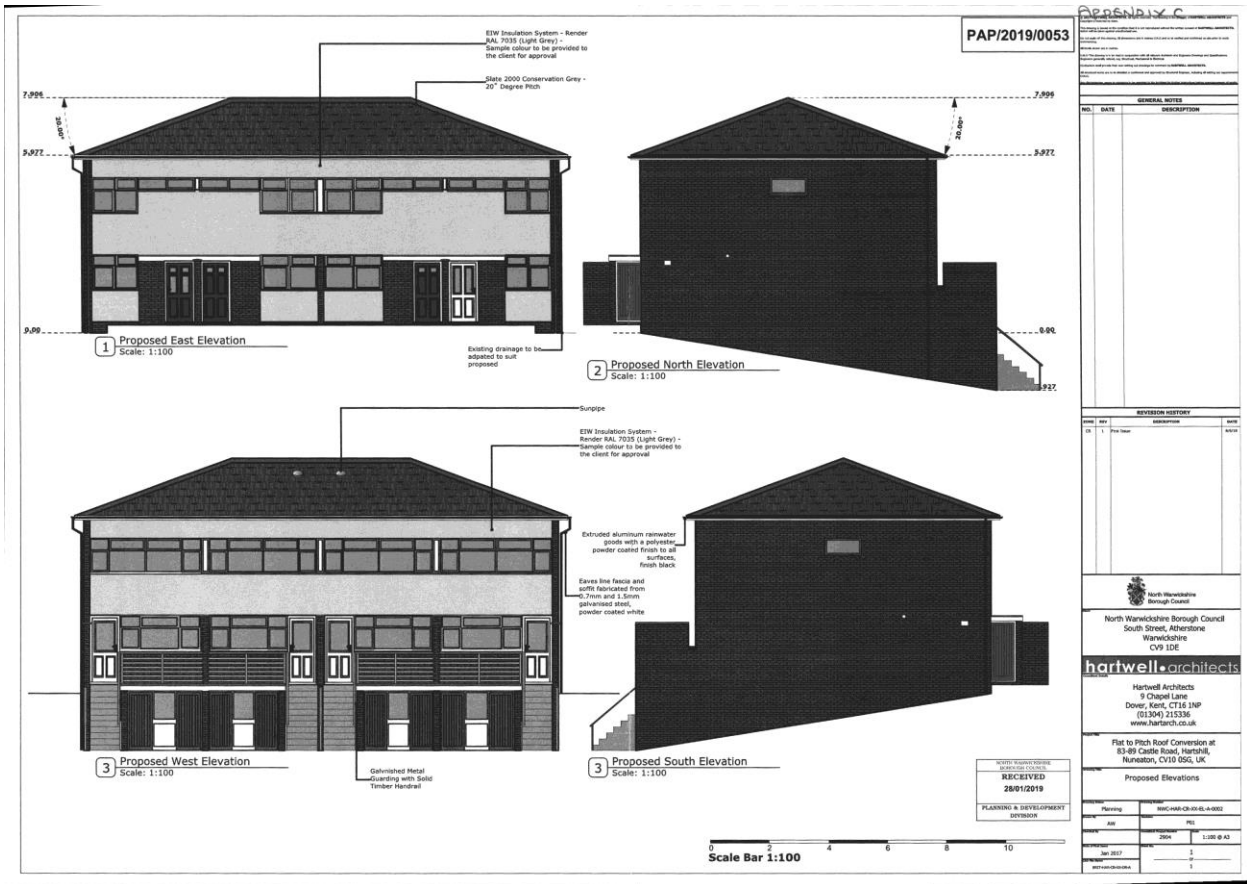
Planning Application No: PAP/2019/0053

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	28/1/19

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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PAP/2019/0053

APPENDIX C

PLANNING & DEVELOPMENT DIVISION

REVISION HISTORY

NO.	DATE	DESCRIPTION
01	1	Pre Issue

North Warwickshire Borough Council

North Warwickshire Borough Council
South Street, Alcester
Warwickshire
CV9 1DE

hartwell architects

Hartwell Architects
9 Chapel Lane
Dover, Kent, CT16 1NP
(01304) 215336
www.hartwell.co.uk

Flat to Pitch Roof Conversion at
81-89 Castle Road, Harshill,
Rugby, CV21 0SQ, UK

Proposed Elevations

Planning	Reference
APP	2019/0053
REV	2019/0053
REV	2019/0053
REV	2019/0053

PLANNING & DEVELOPMENT DIVISION

Scale Bar 1:100

(7) Application No: PAP/2019/0066

Land to north of, Overwoods Road, Hockley, B77 5NQ

Variation of S106 agreement relating to affordable housing for PAP/2017/0410 & PAP/2018/0332; in respect of erection of 88 no. dwellings and associated works, for

Walton Homes

Introduction

Planning permission was granted to construct 88 houses on land to the north of Overwoods Road and west of the M42 Motorway off Trinity Road, Freasley in late 2015.

Applications have subsequently been submitted for reserved matters (the two referred to above) and for discharge of pre-commencement conditions.

There was a Section 106 Agreement accompanying this permission. The Obligations related to on-site affordable housing provision; an education contribution to the County Council as well as towards speed limit alterations in Overwoods Road.

Section 106BA of the 1990 Town and Country Planning Act enables affordable housing provision obligations in a Section 106 Agreement to be varied. This application therefore relates solely to a proposed variation in this Obligation and does not relate to the others.

Members should be aware that there is a right of appeal to the Secretary of State in the event of a refusal.

The Proposal

At the present time the Obligation requires no less than 40% of the approved dwellings to be affordable rented units to be delivered through a Registered Provider of Social Housing – that is to say no less than 35. These are to be made up of a range of different sizes of houses.

The proposal is to remove on-site provision all together, but in lieu to make a contribution to the Council for affordable housing provision elsewhere in the Borough of £1,561,608. This would be paid in two equal instalments.

The applicant has provided the following evidence to support the application:

- A Schedule of responses by Housing Associations to a letter from the applicant seeking expressions of interest in the site. This shows that there were none.
- Copies of the letters sent to these Associations and their responses.
- A calculation to show that the value of off-site contribution has been arrived at in accordance with the Council's Affordable Housing Guidance
- A viability statement to show how the trigger points for the two payments have been arrived at.

Consultations

The Council's Housing Director – It is acknowledged that the evidence clearly shows that there is no interest from Registered Providers and that this accords with the Director's own understanding. In these circumstances, the alternative measure is to be welcomed. The contribution could go towards the acquisition of land; to buy properties that are part of a S106 site as grant would not be available, or to assist sites that are already in development and might have viability issues. The contribution could be used elsewhere in the Borough.

Development Plan

The Core Strategy 2014 – NW6 (Affordable Housing Provision)

Other Material Planning Considerations

The National Planning Policy Framework

The Submitted Local Plan 2018 – LP9 (Affordable Housing Provision)

The Review and Update of the Council's Affordable Housing Viability Assessment, Local Plan Allocations Viability Assessment and CIL Study – NWBC September 2018

Observations

Members will see that this is not a planning application and thus the matter has to be considered solely within the remit of the relevant section of the Act as quoted above.

In this case, the wording of the affordable housing clause in the 106 Agreement is quite specific – 40% of the units on site to be provided by a Registered Provider. The evidence submitted shows explicitly that this is not going to be achieved. The Council's housing officers have undertaken their own consultations with the Providers and they too report that there is no expression of interest. Without substantial robust evidence to the contrary, the Board is very unlikely therefore to be successful if it wishes to challenge the applicant at appeal.

The alternative measure is reasonable and proportionate. It has been calculated in accordance with the Council's own guidance and it has been shown to be a viable alternative. Additionally, it is a substantial sum and the Council's housing officers consider that it would make a difference in the provision of affordable housing in the Borough.

Given all of these circumstances the application should be supported.

Recommendation

That the draft Deed of Variation be **AGREED** on the terms outlined in the report and that the Solicitor to the Council be authorised to complete the process.

BACKGROUND PAPERS

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

Planning Application No: PAP/2019/0066

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application	4/2/19
2	NWBC Housing Director	Consultation	15/2/19

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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