

Agenda Item No 7

Planning and Development Board

4 February 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, 4 March 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: www.northwarks.gov.uk/downloads/file/4037/.
- 6.2 If you wish to speak at a meeting of the Planning and Development Board, you may either:
- e-mail democraticservices@northwarks.gov.uk;
 - telephone (01827) 719222; or
 - write to the Democratic Services Section, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE enclosing a completed form.

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General Development Applications

(1) Application No: CON/2019/0004

Peddimore, Land north of Minworth, east of A38 and south of Wiggins Hill Road, Sutton Coldfield

Hybrid application comprising:

- a) Outline application with all matters reserved for an employment park comprising B1(b), B1 (c), B2 and/or B8 uses, including ancillary offices (B1a), gatehouse and security facilities, service yards and HGV parking, plant, vehicular and cycle parking, landscaping, pedestrian and cycle infrastructure, green and blue infrastructure, ancillary business and community facilities (D1/D2/B1a/A3/Sui Generis) including a multi-purpose hub building and associated development.**

- b) Full planning application for a new roundabout access from the A38, construction access and compound area, internal spine road, site gatehouse, primary substation and tower, engineering operations including foul pumping station, acoustic fencing, earthworks (including creation of development plot plateaux) pedestrian and cycle infrastructure, structural landscaping including drainage infrastructure and development platform within the Peddimore Brook corridor for ancillary business and community facilities, all for**

IM Properties PLC and Birmingham City Council

Introduction

The Borough Council has been consulted on this major application by the Birmingham City Council and invited to submit its comments as part of the determination.

The Site

This is 110 hectares of agricultural land extending east from the A38 close to its southern end – the roundabout at Minworth and north of the established residential and commercial areas on the north side of the Minworth Road leading out to Curdworth. Its eastern boundary is Wiggins Hill Road.

The Proposal

This is outlined above. Essentially it is an outline application for a new employment park and an associated full application for engineering operations to enable that development, notably including a new roundabout onto the A38. All access would be via this arrangement.

The proposal is perhaps better understood by looking at the attached Master Plan at Appendix A.

A substantial amount of supporting documentation is submitted with the application and Members are advised that they can view this on the planning pages of the City Council's web site using the planning application reference 2019/00108/PA.

As part of that documentation there is a Planning Statement and this helpfully draws the submission together. Although still quite long, it is attached at Appendix B for the benefit of Members.

Observations

The site was removed from the Green Belt by the Birmingham Development Plan of 2017 for employment purposes. It is part of a wider site described in that Plan as the Peddimore Growth Area and there is an accompanying Supplementary Planning Document published in late 2018 which addresses issues of design, phasing, access and its relationship with the substantial 6000 home residential development to the north - the Langley Sustainable Urban Extension. In other words the principle of employment development here has been established through the plan-making process. Whilst the outline current application seeks a flexible planning permission to include a range of employment uses, the Development Plan does require over half of the site to be safeguarded for manufacturing uses.

In these circumstances, clearly the Borough Council's remit is effectively to ensure that any adverse impacts are satisfactorily mitigated, either through Section 106 Undertakings or planning conditions. The most significant of all of these impacts is the increased use of the roads through Minworth and Curdworth out to Junction 9 of the M42. A secondary highway matter will be to deter any increased traffic through Minworth and into Water Orton as well as use of the rural network out to Wishaw. There appears to be little in the way of recognition of these impacts in the supporting documentation. It is considered appropriate to thus object to the application until these issues are fully explained to Members.

The site should also be "future-proofed" in that if further land to the east is ever to be considered for future development, vehicular access should be safeguarded through this site rather than having the potential of new access arrangements off the Kingsbury Road in the Curdworth area.

Whilst enhanced bus services are being promoted, it is important that these extend into North Warwickshire such that local residents have the opportunity of accessing employment opportunities. This would also apply to the need for new and enhanced pedestrian and cycling routes.

As with employment proposals in North Warwickshire, opportunities for training and enhancing skills for local people to access new job opportunities needs to be included with 106 Agreements to ensure that North Warwickshire residents are not disadvantaged.

Recommendation

That the Borough Council objects to the planning application until the matters raised in this report are adequately addressed

BACKGROUND PAPERS

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

Planning Application No: CON/2019/0004

Background Paper No	Author	Nature of Background Paper	Date
1	Birmingham City Council	Consultation letter	14/1/19

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.

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

1. Introduction

- 1.1 This Planning Statement has been prepared by Turley to accompany a hybrid planning application proposing development of a high quality employment park at Peddimore. The site lies within the Royal Town of Sutton Coldfield in Birmingham. The application is submitted jointly by IM Properties Plc and Birmingham City Council ("the Applicants").
- 1.2 Peddimore comprises one of the most significant employment opportunities within the UK. As a whole it will set new standards for commercial development and be capable of attracting large scale businesses, as well as small/medium enterprises, in key growth sectors.
- 1.3 The development will deliver significant social, economic and environmental benefits to the local area and wider region, including the creation of thousands of jobs. The Applicants are committed to delivering Peddimore as a best in class employment park and business community which is fully integrated with the local community.
- 1.4 The site was released from the Green Belt and allocated to deliver 71ha of best quality employment land in the Birmingham Development Plan (2017) ("BDP") to address the identified needs of the industrial and logistics sectors, including international, national and regional scale businesses.
- 1.5 The description of proposed development is:

"Hybrid planning application comprising: Outline application with all matters reserved for an employment park comprising B1b, B1c, B2 and/or B8 uses, including ancillary offices (B1a), gatehouses and security facilities, service yards and HGV parking, plant, vehicular and cycle parking, landscaping, pedestrian and cycle infrastructure, green and blue infrastructure, ancillary business and community facilities (D1/D2/B1a/A3/sui generis) including a multi-purpose hub building and associated development. Full planning application for a new roundabout access from the A38, construction access and compound area, internal spine road, site gatehouse, primary substation and tower, engineering operations including foul pumping station, acoustic fencing, earthworks (including creation of development plot plateaus), pedestrian and cycle infrastructure and structural landscaping including drainage infrastructure and development platform within Peddimore Brook corridor for ancillary business and community facilities."

Engagement

- 1.6 The proposals have been informed by a comprehensive pre-application engagement process with Birmingham City Council as local planning authority and landowner, key stakeholders and the local community.
- 1.7 This has included pre-application meetings with Officers of Birmingham City Council ("the Council"), meetings and workshops with consultees and an extensive community consultation process which involved eight public exhibitions held during November and

December 2018. Full details of the engagement process are provided in the Statement of Community Engagement.

- 1.8 IM Properties Plc and Birmingham City Council entered into a Planning Performance Agreement (PPA) in August 2018 (2018/06770/PA) to provide a robust pre-application process and to ensure that the application can be determined within the statutory period.

Purpose of Statement

- 1.9 This Statement describes the site and proposed development and considers the degree to which development is compliant with the Development Plan and other material considerations, including the presumption in favour of sustainable development set out in national planning policy. It also considers the need for, and scope of, planning conditions and provides draft heads of terms for potential planning obligations.
- 1.10 The Statement draws upon the findings of the Environmental Statement and technical assessments/reports supporting the application.

Structure

- 1.11 This Statement is structured as follows:
- Section 2 provides background information on the Applicants;
 - Section 3 describes the site, its surroundings and relevant planning history;
 - Section 4 describes the proposed development;
 - Section 5 sets out the framework of planning policies and material considerations against which the application will be determined;
 - Section 6 provides an assessment of the planning considerations;
 - Section 7 sets out prospective planning conditions and obligations; and
 - Section 8 provides a summary and conclusion.

Supporting Information

- 1.12 The planning application comprises a comprehensive package of documents including plans, an Environmental Statement (ES) and technical assessments/reports. This package is listed in **Appendix 1**.
- 1.13 An Environmental Impact Assessment ("EIA") Scoping Report was submitted on 6 July 2018 and the Council's Scoping Opinion and Scoping Opinion Addendum were issued on 20 August 2018 and 24 October 2018 respectively. Turley responded to the Council's EIA Scoping Opinion and Addendum on 10 December 2018 and the Council provided a response to this on 21 December 2018. All of this correspondence is appended to the ES. The correspondence confirms that the proposals constitute EIA development and provide advice on the scope of the EIA.

2. Background and the Applicants

- 2.1 This section provides background information on the Applicants and an overview of the arrangements to deliver Peddimore.

Appointment of IM Properties Plc as Birmingham City Council's Development Partner

- 2.2 The application site is owned by the Council and, following allocation in the BDP, the Council commissioned an extensive competition in 2017 to identify and appoint a development partner to deliver the first phases of Peddimore.
- 2.3 Following a six month procurement process, which attracted many of the UK's leading real estate companies, IM Properties Plc was appointed by the Council as its development partner for Peddimore in March 2018. IM Properties Plc is now responsible for enabling/servicing the whole of Peddimore and marketing, delivering and managing Development Zones 1A, 1B and the Hub Plot (as identified on the application plans). Development Zone 2 will be retained in the control of the Council.
- 2.4 Subject to the outcome of the planning process, IM Properties Plc will commence key infrastructure works to service the site – namely the new access junction from the A38, spine road and services installation – before autumn 2019 with completion of these works during summer 2020. They will also commence development of a first phase of employment in Development Zones 1A and/or 1B (a minimum of 45,000 sq m) during summer 2020. This initial phase of development will set the standard for high-quality design at Peddimore; illustrative details have been submitted with this hybrid application in the form of two potential buildings (Units "A and H") within Development Zones 1A and 1B to indicate how larger (Unit A) and medium-scale (Unit H) occupier requirements could potentially be delivered in high-quality buildings. These illustrative schemes have been formulated to align with the design principles set out in the Reserved Matters Design Guide (which is explained further in section 4).
- 2.5 Marketing of the site is ongoing. Applications for the approval of reserved matters for this initial phase of employment development will be submitted during the second half of 2019 to enable building development to commence during summer 2020. This approach will provide maximum opportunity for the Applicants to accommodate potential operator requirements prior to the submission of full details for this initial phase of development.
- 2.6 Specific social value commitments have been proposed by IM Properties Plc and agreed with the Council to deliver significant socio-economic enhancements at Peddimore which will support and empower the local community and wider West Midlands. These are described in the Social Value Study. Whilst these form commitments to be delivered by IM Properties Plc through the development of Peddimore (and specifically its undertaking in connection with the provision of strategic infrastructure and development of Development Zone 1), it is important to highlight that they are not mitigating development impacts and they do not comprise material considerations in the determination of the planning application.

- 2.7 IM Properties Plc has the financial and technical capability to realise the vision for Peddimore as one of the UK's most significant employment opportunities, as described below.

IM Properties Plc

- 2.8 IM Properties is one of the UK's largest privately owned property companies and owns over 1,000 acres (400 hectares) of land being promoted for commercial / industrial use.
- 2.9 Being part of the IM Group, the business has been built on philanthropy and supporting communities through its Christian Fund and establishing the Grace Academy to help develop tomorrow's leaders. As the property business has grown and diversified, it remains committed to supporting the communities in which it is developing and to delivering social value at a local level.
- 2.10 The Company is head-quartered a short distance from Peddimore in Coleshill, North Warwickshire, and has a strong track record of delivering high-quality employment developments across the region including:
- Hinckley Park, Leicestershire (J1, M69) – a strategic employment site adjacent to the M69 and A5, comprising c.121,000 sq m of industrial and logistics floorspace.
 - Birch Coppice Business Park, North Warwickshire (J10, M42) – c.160ha strategic (rail connected) employment site. IM Properties Plc worked in partnership with North Warwickshire Borough Council to transform Birch Coppice from a disused colliery, employing c.1,500 people when operational, into an award winning business park which accommodates c.6,000 jobs. Birch Coppice was developed to high standards of building design, park infrastructure, landscaping, amenities and management;
 - The Hub, Witton, Birmingham – relocation site for the Birmingham Wholesale Markets and a key employment site within the City;
 - 55 Colmore Row, Birmingham – redevelopment of a prime located Grade II listed Victorian building in Birmingham's business district to deliver c.15,000sqm of grade A office floorspace; and
 - Blythe Valley Park, Solihull (J4, M42) – 116ha mixed use development, incorporating Blythe Valley Business Park (65,000sqm floorspace) and benefitting from planning permission for a mixed use residential-led (750 units) development.
- 2.11 Through its development activity, the company has demonstrated its appetite to think differently, to innovate and challenge convention, whether that be through its market leading application of battery technology at The Hub (and an electricity cost neutral [ECN] building), or its commitment to wellbeing and delivering a successful business community at Blythe Valley Park.
- 2.12 IM Properties will apply its experience of delivering key projects to date and its ambition to realise quality and sustainable outcomes to ensure that Peddimore sets

the standard for UK industrial and logistics development and delivers significant benefits to the local community, City and wider region.

3. Site and surroundings

- 3.1 This section provides an overview of the application site and its surroundings. It includes an overview of relevant planning history.

Strategic location

- 3.2 The application site extends to approximately 110 hectares and is located north-east of Birmingham, to the east of the A38 and north of Minworth within the Royal Town of Sutton Coldfield. A relatively small part of the application site lies to the west of the A38 although this is included purely to accommodate a temporary construction compound.
- 3.3 The site is located approximately 10km to the north-east of Birmingham City Centre and is roughly 4.2km south-east of Sutton Coldfield town centre, between the strategic road network of the A48 and the A4097.
- 3.4 The site is bounded by the A38 to the west; the Birmingham and Fazeley canal and Walmley Ash Lane to the south; Wiggins Hill Road to the east; Over Green and Wishaw Golf Club to the north-west; and agricultural land to the north.

The site

- 3.5 The application site is identified on the Site Location Plan at **Appendix 2**. This identifies the application site (edged in red), all of which is owned by the Council, in the context of the BDP Peddimore Growth Area allocation boundary (edged in black) and the BDP "Developable Area" boundary (edged in purple). The BDP designation boundaries are also explained at 5.14.
- 3.6 It should be noted that the BDP designated Growth Area and Developable Area include land within third party ownership which lies beyond the planning application site boundary. It should also be noted that the application site includes a section of the A38 to deliver the new junction as well as land to the west which is included purely to accommodate a temporary construction compound.
- 3.7 The majority of the site is currently used for agriculture, comprising a number of fields of mainly arable / grassland. The topography of the site is rolling with a gradual fall from the north and east.
- 3.8 The fields are intersected by Wishaw Lane and Peddimore Lane, as well as by a public right of way (PROW) which links Wiggins Hill Lane to Wishaw Lane (ID: 2086), hedgerows, Peddimore Brook and drainage ditches. The site can be accessed from the south via Peddimore Lane and Wishaw Lane which provide connections to Minworth and Walmley.
- 3.9 There are no listed buildings or scheduled ancient monuments within the site. However, within close proximity are the Grade II listed Peddimore Hall (to the north), the Grade II listed Forge Farmhouse (to the south) and the Grade II listed Minworth Greaves Farmhouse (to the east). In addition, a group of Grade II listed buildings on

Wiggins Hill Road lie to the east of the site. The 'Moated site at Peddimore Hall' is a Scheduled Monument, which lies c.400m to the north.

- 3.10 An area Tree Preservation Order ("TPO") lies within the western extent of the site along the A38 highway verge.
- 3.11 The Peddimore Brook runs through the centre of the site and drains in a north to south direction. The Environment Agency's Flood Map for Planning shows that the entire site is located within Flood Zone 1, which is land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%).

Surrounding context

- 3.12 The area to the north and east generally comprises countryside until the M6 Toll road. Midpoint Park and Minworth Sewage Treatment Works lie to the south of the Fazeley Canal and Kingsbury Road. To the south lies the residential community of Minworth as well as allotments. To the west lies arable agricultural land allocated as the Langley Sustainable Urban Extension, beyond which is Walmley. To the north, off Peddimore Lane, are Vine Cottage and The Cottage, Peddimore Hall Farm and Barns and Wishaw Golf Club.
- 3.13 Currently, National Express West Midlands and Claribel Coaches operate bus services to the south-west of the site, including the 71, 57, 116, 167 and 168 services. These provide connections to Birmingham City Centre, Birmingham International Airport, the Royal Town of Sutton Coldfield and Tamworth.
- 3.14 The preferred route for the Sprint bus rapid transit network (subject to consultation by Transport for West Midlands and ongoing technical work), will run along Walmley Ash Lane and Webster Way on the "Sutton Coldfield to Birmingham City Centre via Langley" (SBL) route. This will involve a priority bus service with dedicated bus lanes and bus stops and is due to be completed by 2022.
- 3.15 The A38 offers national road connections to the south-west and access to other key cities / towns including Birmingham and Derby. To the north, the A38 meets Junctions T3 and T4 of the M6 Toll and A5, and links to Lichfield, Burton-on-Trent and Derby before meeting Junction 28 of the M1 and ending in Mansfield.
- 3.16 The A4097 links from the Minworth Roundabout with the A38 to the south of the site, to Kingsbury, via Junction 9 of the M42 to the east. The M42 and nearby M6 motorways both facilitate direct access to major UK cities including London (via the M1/M40), Manchester, Liverpool, Stoke-on-Trent, Derby, Nottingham and Coventry.
- 3.17 The proximity to the national motorway network facilitates access to a number of ports. In addition, a number of rail freight terminals lie within close proximity, including Hams Hall (c.2.5km to the south-east) and Birch Coppice (c. 9km to the north-east).

Relevant planning history

The site

- 3.18 Between 3 December 1996 and 16 January 1997 a local planning inquiry was held to consider two applications for strategic employment development at Peddimore. These comprised:
- An outline application by West Midlands Development Agency for a micro-electronics fabrication plant and provision of a new access road from the A38 (Ref: 1996/02128/PA) ("application A"); and
 - An outline planning application by P&O Properties Ltd for B1 and B2 uses plus ancillary storage, car parking, landscaping and new access between Webster Way, Walmley Ash Lane and the A38, including land east of the A38 (Ref: 1996/03388/PA) ("application B").
- 3.19 Given the scale of the proposals and the site's designation as Green Belt, the Secretary of State ("SoS") directed in pursuance of Section 77 of the Town and Country Planning Act 1990 that both applications should be referred to him for determination.
- 3.20 The SoS' appointed Inspector recommended that planning permission be refused in respect of both applications. The SoS accepted the Inspector's recommendations in respect of application B, but granted planning permission for application A.
- 3.21 The SoS concluded that both proposals would constitute inappropriate development in the Green Belt. However, he determined that very special circumstances existed to outweigh the harm to the Green Belt for both applications. This was on the basis of the following:
- there was an urgent regional need for major investment;
 - there was a lack of readily available alternative sites outside the Green Belt; and
 - the economic benefits amount to very special circumstances.
- 3.22 The SoS favoured application A over B given it was in the sole ownership of the Council and was being promoted on behalf of a specific prospective occupier. It was granted permission in August 1997.
- 3.23 A Section 73 application (Ref: 2000/02618/PA) was submitted in June 2000 to vary condition 30 of the permission to extend the period of time within which to submit reserved matters. A new planning permission was granted in November 2000, although the development was not implemented and the permission has now expired.
- 3.24 The layout plan for the approved application (1996/02128/PA) is enclosed at **Appendix 3**.
- 3.25 In 2016 Aston Martin shortlisted Peddimore as one of three potential locations for its UK headquarters with a requirement for 40ha. However, it ultimately decided to locate to St Athan in Glamorgan.

Adjacent Sites

- 3.26 There are a number of constructed and operational employment sites close to Peddlmore, which have been subject to major applications since the late 1980s and early 1990s. A number of post-1990 applications have been approved on these sites, including the following:

Minworth Trade Park

- 3.27 A full planning application was submitted in May 2007 for the refurbishment of units including the demolition and change of use to allow for B1c and B8 interchangeable uses with ancillary trade counters.
- 3.28 Full planning permission was granted in August 2007. A Section 73 application (Ref: 2015/10501/PA) was submitted in January 2016 seeking the variation of condition 11 attached to permission 2007/02992/PA to permit no more than 50% of the floor area of Unit C2 to be used for showroom or trade sales ancillary to B1c or B8 uses.

Midpoint Park

- 3.29 Midpoint Park has an extensive planning history relating to applications for business space (Use Class B1) and storage and distribution (Use Class B8) since 1991.
- 3.30 Most recently, a full planning application was submitted in June 2017 for the change of use of 5 Midpoint Park from storage and distribution (Use Class B8) to allow a mixed use of storage and distribution (Use Class B8) and light industry (Use Class B1c). The application was granted in August 2017.

Asda Stores Ltd at Walmsley Ash Road, Minworth

- 3.31 A full planning application was submitted by Asda Stores Ltd March 2007 for the erection of new food and non-food retail store, car park and associated works (Ref: 2007/01654/PA). This was granted in December 2007 and the store is now operational.

Old Kingsbury Road – Land at Minworth

- 3.32 An application for approval of reserved matters was submitted by Severn Trent Water in 1990 for the construction of an access road and associated works in connection with the development of the site for industrial purposes (Ref: 1990/01027/PA). There are limited details available on the Council's application website but it is understood that approval was granted in May 1990.

Summary

- 3.33 The application site comprises a highly sustainable location to deliver a high quality employment park being adjacent to the strategic road network of the A38, M42, M6 and M6 Toll, which offer excellent accessibility to the wider region and UK including major industrial supply chains and consumer markets. The site is within close proximity to a strong labour force. The site has, in relative terms, limited physical and environmental constraints.
- 3.34 The site has a longstanding history of being proposed for employment development. Planning permission was granted by the SoS to the West Midlands Development Agency in the late 1990s for a high-tech manufacturing use. It is understood that this

permission was not implemented as the specific occupier interest could not be delivered in the time taken to secure the permission.

- 3.35 The local area includes a range of employment developments including business, industrial and logistics parks.

4. Proposed development

- 4.1 This section describes the proposed development. It should be read in conjunction with the detailed development specification contained in Chapter 4 of the Environmental Statement, as well as the application plans, the Design and Access Statement (“DAS”) and the Reserved Matters Design Guide.

The Vision for Peddimore

- 4.2 Peddimore comprises one of the most significant employment opportunities within the UK sitting at the heart of the UK’s strategic road network and benefitting from excellent accessibility to major conurbations and skilled labour.
- 4.3 The Applicants are committed to delivering a best in class employment park and business community at Peddimore which is fully integrated with the local community and environment. As a whole, it will set new standards for commercial development, with high quality buildings, supporting facilities and infrastructure meeting high sustainability standards, all set within a comprehensively masterplanned and multi-functional landscape which enhances biodiversity and which is accessible to employees, visitors and the local community by sustainable modes of transport.
- 4.4 The site will be delivered swiftly and will be capable of attracting businesses in key growth sectors. It will support significant new jobs including training opportunities for local people.

Need for employment development

- 4.5 The BDP draws reference to evidence which confirms an “urgent” shortage of high quality “Best Urban” employment land in the City to meet the needs of clients and investors seeking an international, national and regional choice of location (paras. 5.66 and 7.4-7.7). The BDP Inspector’s Report (2016) confirmed that Peddimore will significantly boost the supply of Best Urban supply and will “...go a long way towards meeting the plan period requirement” (para. 123). The Inspector also concluded that Peddimore’s “...size and good road transport links are likely to make it attractive to developers, and it would provide local employment opportunities for residents of the SUE [Langley] and the surrounding neighbourhoods” (para. 123). He also concluded that Peddimore “...is required as soon as possible” (para. 125).
- 4.6 IM Properties Plc has in-depth knowledge of the national, regional and local employment and investment markets, owning several strategic-scale sites within the Midlands. They have first-hand experience of the significant shortfall in high quality employment land throughout the West Midlands and have full confidence that Peddimore will be attractive to the needs of international, national, regional and local businesses. This is reflected in their commitment to commence development of a first phase of employment buildings on a speculative basis by summer 2020, which will not only provide accommodation for occupiers at the earliest opportunity but will set the standard for high quality development across the wider site.

Application format and description of development

- 4.7 The application seeks hybrid planning permission for a high-quality employment park.
- 4.8 There is a clear distinction between the specific proposals for which full permission is sought and the proposals submitted in outline, where permission is sought to establish the principle of development with all matters reserved for subsequent approval (subject to development parameters defined by the Parameters Plan, ES and Reserved Matters Design Guide).
- 4.9 The hybrid application has been structured in this way to allow the site infrastructure and enabling works to be implemented and delivered immediately following the grant of planning permission. Applications for the approval of reserved matters and discharge of conditions in relation to the Development Zones can be submitted whilst site infrastructure and enabling works are underway, allowing detailed proposals to be formulated in response to market and occupier requirements. In summary, the permission will provide certainty to enable swift delivery of the infrastructure and enabling works and a degree of flexibility in relation to the development of employment uses within the Development Zones.
- 4.10 The DAS sets out the design rationale to ensure that the proposed development delivers a high quality scheme which responds appropriately to context, constraints and opportunities. The Reserved Matters Design Guide provides an agreed framework of design principles specifically for the outline Development Zones. Its purpose is to secure a holistic and high-quality development across the whole of Peddimore and will also enable applications for the approval of reserved matters to be determined in a timely manner.
- 4.11 The description of development is:
- “Hybrid planning application comprising; Outline application with all matters reserved for an employment park comprising B1b, B1c, B2 and/or B8 uses, including ancillary offices (B1a), gatehouses and security facilities, service yards and HGV parking, plant, vehicular and cycle parking, landscaping, pedestrian and cycle infrastructure, green and blue infrastructure, ancillary business and community facilities (D1/D2/B1a/A3/sui generis) including a multi-purpose hub building and associated development. Full planning application for a new roundabout access from the A38, construction access and compound area, internal spine road, site gatehouse, primary substation and tower, engineering operations including foul pumping station, acoustic fencing, earthworks (including creation of development plot plateaus), pedestrian and cycle infrastructure and structural landscaping including drainage infrastructure and development platform within Peddimore Brook corridor for ancillary business and community facilities.”*
- 4.12 The description of development includes for B1b (research and development) uses. B1b uses are often bespoke operations and it is therefore difficult to assign average vehicular trip rates for these uses. However, it is anticipated that there will be a limited demand for B1b floorspace at the development. For these reasons, the technical

assessments have been undertaken on the basis of the available floorspace comprising of B1c, B2 and B8 uses with ancillary B1a office use.

- 4.13 To address the possibility that an occupier comes forward with a requirement for B1b floorspace, it is proposed that a condition will be applied to any grant of planning permission requiring that no B1b floorspace will be permitted unless updated technical assessments are undertaken to assess the impacts of their specific operations, that the technical assessments demonstrate that there is no increase in the impacts assessed and that any mitigation required to ensure that there is no increase in impacts is implemented. For example, an updated transport report would be produced which would quantify any potential increase in trips compared to the assessments supporting the hybrid planning application, and detail how any predicted increase in trips would be mitigated. Such an approach is consistent with the wider mitigation strategy which, in certain locations, will make provision for monitoring the actual impact of traffic movement and the form and timing of any necessary mitigation.

Application Plans

- 4.14 The Application Plans are listed at **Appendix 1** which confirms those submitted for approval and those submitted purely for information.
- 4.15 The Parameters Plan (**Appendix 4**) identifies the Development Zones across the site applied for in outline. This defines the development parameters for the outline plots which have been assessed through the EIA.
- 4.16 The Detailed Infrastructure Plan (**Appendix 5**) identifies the infrastructure and enabling works applied for in full, including the A38 junction, gatehouse, earthworks (creating development plateaus and mounding), infrastructure and utilities, and hard and soft landscaping works. The Detailed Infrastructure Plan is supported by more detailed stand-alone application plans covering:
- Site access from the A38 and internal spine road;
 - Site Gatehouse;
 - Structural hard and soft landscaping, including the provision of paths for pedestrians, cyclists and horse riders;
 - Infrastructure and drainage;
 - Site levels, including creation of plateaus for development plots;
 - Electricity primary substation and tower;
 - Foul pumping station; and
 - Acoustic fencing.
- 4.17 Two illustrative Masterplans have been submitted to demonstrate how each Development Zone (outline elements) could potentially be developed within the

defined parameters. These are submitted for illustrative purposes only and reflect contrasting scales of potential occupier requirements.

Full elements

Access and spine road

- 4.18 A new access into Peddimore will be provided off the A38 in the form of a new four-arm signalised roundabout (built to adoptable standards). An internal spine road will link this new roundabout to serve the Development Zones.
- 4.19 The new roundabout and connecting spine road will provide access for all commercial, employee and visitor movements. A T-junction will be provided off the spine road to serve the Hub Zone, which will also facilitate access to Peddimore Hall and Barns, Vine Cottage and The Cottage to the north.
- 4.20 The spine road will be built to adoptable standards but retained in private ownership. It has been designed to accommodate buses as well as an extended Sprint service (should the opportunity arise).
- 4.21 In order to encourage sustainable movement within the site and wider area, extensive pedestrian and cycle connections will be provided including a bridge crossing the A38 to link with Langley SUE and communities and countryside beyond, as well as c.4km of pedestrian, cycle and equestrian paths within the site, set within extensive landscape / ecological corridors and linking to points of access throughout the wider area.
- 4.22 The pedestrian and cycle bridge crossing the A38 roundabout will link Peddimore with Langley SUE and the wider area (e.g. Walmley) and will be provided to facilitate the sustainable and convenient movement of residents, employees and visitors between the two sites and throughout the wider area.
- 4.23 Bus stops will be provided within the site but the specific locations will be identified and agreed subsequently when the siting/layout of buildings within the Development Zones has been confirmed. Future bus stops will be within 400m of the main entrance of each building with links to walking and cycling routes, and will include shelters and real-time travel information.
- 4.24 Three roundabouts are proposed on the spine road between the Development Zones. The southern internal roundabout will enable future access to third party land which is included within the Peddimore Developable Area boundary within the BDP.
- 4.25 A sufficient level of vehicular parking (HGV, van and car) will be provided within the Development Zones to reflect the scale of buildings at the outline stage and to safeguard against vehicular parking on the spine road and local roads.
- 4.26 Emergency access points for blue light vehicles will be provided to the north-east and south of the site connecting the internal spine road with Wishaw Lane.
- 4.27 The application will necessitate the stopping up of Peddimore Lane and Wishaw Lane as well as the temporary stopping up and diversion of the PROW ID. 2086, as described in more detail below.

Earthworks

- 4.28 A "cut and fill" exercise will be undertaken to realise appropriate "plateaus" for the Development Zones in order to address the existing variations in site levels and to create landscape bunds/buffers to appropriately screen development. The excavation and deposition of site material will be completed to ensure that no material is exported or imported to/from the site (topsoil will be retained on site). This forms an important part of the strategy to minimise construction traffic to and from the site (with associated environmental benefits).
- 4.29 The plateaus for each Development Zone are applied for in full so that these earthworks can commence as soon as permission is granted. The proposed site levels allow for flexibility in maximum building height above finished floor level.

Structural landscaping

- 4.30 Peddimore will provide an employment park in a landscaped setting; the landscape design has been an integral consideration in the design evolution of the proposed development, which is represented by proposed enhancements to the Peddimore Brook corridor and the integration of the landscape with infrastructure and built form, to create attractive views and amenity spaces for employees and visitors (including the local community).
- 4.31 The structural landscaping will be created as part of the initial site infrastructure and enabling works. This will enable vegetation to establish and mature as quickly as possible. The landscaping will include enhancement of the Peddimore Brook corridor and major works on the edges of the site.
- 4.32 The existing Peddimore Brook will be retained and enhanced to create an attractive amenity feature with ecological enhancements. It will also form part of the site wide surface water drainage attenuation. Within this corridor, amenity features will be provided including new footpaths and footbridges crossing the Brook and new water-bodies, seating and rest areas. At either end of the corridor, event spaces will be provided which will serve both informal and formal recreation purposes (e.g. space for hosting periodic organised events such as "street food" markets, sports or outdoor performances). A programme for the use of these spaces will be determined as the development is brought forward and will be cognisant of the wider public art strategy and the desire to engender a strong business community for Peddimore, sitting within a wider community.
- 4.33 A vehicular culvert crossing is proposed over the Brook to link Development Zone 1A with Development Zone 2. However, this will only be developed if required for the operational needs of the future occupier(s). For example, Development Zone 1A may accommodate several units which may create a need for accesses from both its northern and eastern boundaries, rather than just accesses to the north. In addition, an access over the Brook Corridor may be desirable to enhance site permeability, particularly if there are functional relationships between businesses on Development Zones 1A and 2. Conversely, if Development Zone 1A accommodates one or two larger building(s) then an access from the northern boundary may be sufficient, in which case a vehicular Brook crossing will not need to be provided.

- 4.34 A development platform will be constructed in the Brook corridor which will be capable of accommodating “pop-up” style units i.e. semi-permanent, providing small-scale and ancillary amenity and/or retail functions for employees and visitors to Peddimore. For clarity, these buildings are not included within this application and full planning permission will be sought at a future date when the design details have been finalised (though provision for their servicing is being accommodated within this application). The ambition is that these semi-permanent structures will be designed in collaboration with local universities (integrated into the architectural syllabuses), and their procurement and operation be delivered in association with third sector enterprises.
- 4.35 The soft landscaping applied for in full is extensive and can be approximately quantified as follows:
- 555 specimen trees;
 - 153,000 sq m of forestry planting;
 - 4,400 lin/m of native hedgerow planting;
 - 760 lin/m of ornamental hedgerow planting (10L);
 - 64,400 sq m of amenity mown grass (flowering lawn);
 - 171,000 sq m of wildflower grasses; and
 - 1,040 sq m of aquatic planting for brook ponds.
- 4.36 Extensive and contoured landscape buffers will be formed around the perimeter of the Development Zones (particularly to the north and east) to reduce the visual impact of the buildings, to mitigate noise impacts and to create a structural landscaping edge to the proposed development. This will also create ecological benefits and offer mature visual screening from nearby residential properties and key visual receptors.

Main site gatehouse

- 4.37 The entrance to the site will be managed through a site gatehouse to welcome visitors and provide accommodation for site security. The building will be located to the north of the spine road and to the east of the junction with the Hub Zone. Adjoining the gatehouse will be a vehicular barrier to the estate road which, it is intended, will only be lowered in exceptional circumstances, thus facilitating the free flow of traffic into and out of the employment park.
- 4.38 The gatehouse will comprise a small single-storey building accommodating an office which will include a meeting room, control room and amenity facilities. As one of the first buildings to be experienced when entering Peddimore, the gatehouse has been designed with a simple palette of materials reflecting its scale, location and purpose but will be visually distinctive from other buildings through the inclusion of timber cladding. The design will complement the common architectural language to be achieved across Peddimore (which will be secured through the principles set out in the Reserved Matters Design Guide).

- 4.39 The building will be complemented by a small car park (to the rear) for gatehouse employees and occasional visitors and will be linked to the wider site by the proposed paths.

Substations

- 4.40 There is a need for an on-site 132kV/33kV/11kV primary substation to provide sufficient supplies to the site including a new 132kV tower/pylon (23.5m in height) and a potential communications tower/mast (15m in height). To ensure that this facility can be suitably constructed, accessed and maintained, there is a technical need to position it to the north-east of the site in proximity to the existing 132kV overhead cables, close to Wishaw Lane. The substation has been positioned to minimise visual impact including screening it from northern views using landscape bunds and new planting.
- 4.41 The primary substation will be accessed from the three-arm roundabout between Development Zone 1B and Development Zone 2 (via a vehicular track) and Wishaw Lane from the north-east.
- 4.42 A smaller substation to serve street lighting will be positioned to the south of the site close to the foul pumping station (see below).

Temporary construction access and storage compound

- 4.43 The new A38 roundabout will be operational by Summer 2020 to allow for the safe ingress and egress of construction vehicles. Prior to the completion of the new roundabout, preliminary construction access to the site will be taken from two locations on Walmley Ash Lane serving a temporary construction compound to the west of the A38 (part of the Langley SUE allocation). The accesses will be in the form of priority controlled T junctions.
- 4.44 The first temporary construction access will be located to the west of the A38, to the west of Yew Tree Cottages, and the second will be located to the east of the A38, to the east of The Bungalow.
- 4.45 The temporary construction compound and accesses would normally qualify as permitted development but as the application is EIA development the compound has been included within the red line application boundary and description of development.
- 4.46 Further details are provided within the Transport Assessment and Construction Environmental Management Plan (CEMP).

Foul pumping station

- 4.47 There are currently no foul drainage connections within the site; therefore a new foul connection will be provided. A pre-development enquiry has been submitted to Severn Trent Water, which has confirmed that there are potential connection points to the existing public sewer. Pumping will be required to drain foul water and a pumping station will be provided to the south of the site close to Wishaw Lane.

Acoustic fencing

- 4.48 Acoustic fences have been integrated into the green infrastructure along the northern boundary to mitigate noise impacts upon properties to the north of the development, most notably those to the immediate north of the site boundary.

Outline elements

- 4.49 The proposals submitted in outline have been split into Development Zones as identified on the Parameters Plan, including the Hub Zone (1.1ha), Development Zones 1A (20.3ha) and 1B (7.9ha), and Development Zone 2 (24.8ha). The total area submitted in outline amounts to 54.1ha.
- 4.50 IM Properties Plc will be responsible for marketing, delivering and managing Development Zones 1A, 1B and the Hub Zone (as identified on the application plans) along with the wider park infrastructure. Development Zone 2 will be retained within the control of the Council, though marketed alongside IM Properties' marketing campaign for the balance of the site. This is to ensure complementary marketing and that prospective occupiers are exposed to the wider opportunities at Peddimore.
- 4.51 The employment uses to be delivered within each Zone will be B1b, B1c, B2 and/or B8 uses with ancillary offices. This will provide flexibility over specific employment uses to be delivered within each Development Zone in phases and directly responds to the Council's aspirations for growth in high quality manufacturing and logistics sectors.
- 4.52 In the short term, IM Properties Plc is committed to deliver a first phase of employment development within Development Zone 1. This will commence during summer 2020 and illustrative details for potential first phase buildings are submitted with the application (refer to Section 2 for further details). This first phase of development will set the standard for high-quality design across the site.
- 4.53 Two Illustrative Masterplans have been submitted to indicate how the Development Zones could potentially be developed in accordance with the Parameters Plan. As set out above, the Reserved Matters Design Guide provides the agreed framework of design principles to ensure a holistic and high quality development across the outline Development Zones.

Development Zone 1

- 4.54 The Parameters Plan establishes a maximum building height of 23.5m above FFL at Zone 1A and 19.5m above FFL at Zone 1B.

Development Zone 2

- 4.55 The Parameters Plan establishes a maximum building height of 23.5m above FFL.

Hub Zone

- 4.56 This is located in the north-western corner of the site close to the entrance from the A38. It will provide a gateway facility for Peddimore accommodating a building(s) potentially providing multi-purpose business and community facilities to serve Peddimore, as well as visitors and the local community. The facilities will be ancillary to the primary employment use but are intended to provide a shared and central facility with a range of uses which will serve the needs of occupiers and visitors and help to

foster a Peddimore community (which in itself could underpin other initiatives such as car sharing). Appropriate outdoor amenity space will also be provided.

- 4.57 The Hub is positioned in a prominent location at the site entrance, being adjacent to the A38 roundabout and accessible to vehicular traffic, buses, pedestrians and cyclists. It will also be accessible to the new community at Langley and to visitors making use of the extensive recreational paths.
- 4.58 The Hub Zone is applied for in outline with all matters reserved for future approval. The proposals submitted illustratively comprise a building of c.700sq m (GIA) which could accommodate one or more of the following uses (not exhaustive):
- Business centre and/or meeting rooms – B1a (Office);
 - Community centre, education / training centre / interpretative centre / exhibition space – D1 (Non-residential institutions) or D2 (Assembly and Leisure);
 - Café – A3 (Restaurant / Cafe); and/or
 - Cycle hire and/or cycle maintenance – *Sui Generis*.
- 4.59 Development and maintenance of the Hub Zone will be the responsibility of IM Properties Plc. The final composition and mix of uses within the Hub Zone will be entirely dependent on a sustainable business case for such uses, including demand and commercial viability as well as ensuring that uses are ancillary to the employment park.
- 4.60 The Parameters Plan establishes a maximum building height of 18m above FFL.
- 4.61 The facilities within the Hub will complement the purposely smaller-scale and ancillary amenity and/or retail functions proposed within the Peddimore Brook corridor which will be applied for through a separate planning application once the detailed design has been confirmed (as described above).

Off-site Planting at Wishaw Lane Playing Fields

- 4.62 Planting is proposed off-site, at Wishaw Lane Playing Fields to the south of the application site of Wishaw Lane. This will include planting a woodland screen along the fields southern boundary to screen the development from a large section of the canal towpath; planting a hedgerow and trees along the eastern boundary following Peddimore Brook; and a specimen tree planting to the rear of properties to the western side of the sports field. These will help reduce the visual impact of the development from a number of positions.
- 4.63 The proposed planting scheme has been formulated through pre-application consultation with the Council, who also own the site. It is envisaged that this planting scheme will be delivered through a planning obligation.
- 4.64 The sports pitches at Wishaw Lane Playing Fields are currently being reinstated by the Council as part of a separate project to provide new adult and junior pitches with sports pitch drainage. Planning permission has also recently been granted for a sports

pavilion providing changing facilities, club room for private/social events and an upgraded car park (2018/05201/PA).

Public Art Strategy

- 4.65 There are no policies within the BDP explicitly requiring the delivery of public art through new development. However, the Council has produced the "Birmingham Public Art Strategy 2015-2019" (2015) with the foreword stating that "collaboration in place-based practice and sharing of resources between all of Birmingham's stakeholders will be needed to ensure we have good quality public art, whether it is temporary, permanent, new or existing". Page 27 states that the Council "...encourages the commissioning of new works and programmes of public art via developers...".
- 4.66 The draft Peddimore Supplementary Planning Document (SPD) (September 2018) recognises that public art can add to the development's identity with key opportunities being the A38 gateway, landscaping (to mark footpaths and cycleways) and feature lighting (page 17).
- 4.67 IM Properties Plc recognises the importance and benefits that public art can bring in relation to place-making and community engagement and the company is committed to delivering public art rooted by the community. "Co-design" principles are integral to IM Properties Plc's chosen consultation process titled "The Art of Conversation" which draws on the principal of "co-design" where people are empowered to have a voice and shape outcomes, establishing a community-led public art strategy which not only responds to the local context but provides opportunity for the wider business community through its delivery.
- 4.68 Attached as **Appendix 6** is a document which explains the Company's approach to "Developing a Public Art Strategy" for Peddimore. This summarises the considerable consultation which has already been undertaken with the Council, the local community and key stakeholders, which has been facilitated through the appointment of a public art consultant and the Erdington Arts Forum. The document summarises the outcomes of the initial consultation and sets out next steps and ongoing consultation to further develop the site's public art strategy.
- 4.69 IM Properties Plc shall submit a Public Art Strategy for Peddimore in early 2019 for approval by the Council as part of the planning application. It is proposed that this document be linked to the planning permission through a condition to ensure that there is a clear and holistic approach and programme to the delivery/commissioning of public art across the site. In adopting a community-led approach, the strategy submitted will include a timeline for delivery, but will be action orientated, and outcome focused as opposed to output led. This is because the co-design principles described above mean that IM Properties Plc are not directing the final form of public art and hence the art outputs (be they temporary, permanent, physical installations or otherwise) will evolve through further consultation and implementation. Once final themes and art forms are established, IM Properties Plc will agree these with the Council and implement within timescales set out in the Strategy and any subsequent Implementation Plan.

Stopping-up / diversion of highways and PROW

- 4.70 The proposed development will necessitate the stopping up of Peddimore Lane and Wishaw Lane as well as the temporary stopping up and diversion of PROW ID. 2086. As a result of the stopping up of Peddimore Lane it is also necessary to extend PROW ID 1131. These proposals are explained in turn below.
- 4.71 This section should be read alongside the plan attached at **Appendix 7** which details the approach to stopping up and/or diversion of these routes.

Peddimore Lane

- 4.72 It is necessary to stop up Peddimore Lane given that it crosses Development Zone 1A, the spine road and areas of strategic landscaping. It is not possible to retain the highway as part of the development and stopping up is required to allow the site earthworks to commence, which will include the creation of the development plateaus for Zone 1A. It is therefore proposed that the highway be stopped up at the point at which it meets Walmley Ash Lane to the south and where it connects to PROW ID 1131 in the north.
- 4.73 Peddimore Lane currently provides access to the residential properties at Peddimore Hall and Barns, Vine Cottage and The Cottage to the north of the application site. Planning permission is sought for a T-junction to be provided off the spine road to facilitate vehicular access to and from these properties to the new A38 junction (as well as the Hub and gatehouse). From here, access is possible to Minworth roundabout which connects to Minworth and Walmley Ash Lane (where Peddimore Lane currently connects).
- 4.74 This new access will provide residents with a more direct access to the north from the A38 and will also provide a direct access to Langley which, when developed, will accommodate a range of community and retail facilities. Pedestrian and cycle access will still be possible for the residents through Peddimore to Walmley Ash Lane and Minworth via the network of permissive routes, and these routes will also provide new accesses to the east and north-east (linking Wishaw Lane and Wiggins Hill Road).
- 4.75 IM Properties Plc has consulted with the occupiers of the properties concerned to explain these proposals and this dialogue is ongoing.
- 4.76 Arrangements will be made to maintain an appropriate access for the relevant properties to the north until such time as the new A38 roundabout is completed.

Wishaw Lane

- 4.77 It is necessary to stop up Wishaw Lane given that it crosses Development Zone 2 as well as areas of structural landscaping and providing circulation routes within the perimeter of the site. It is not possible to retain the highway as part of the development and stopping up will be required to allow the site earthworks to commence, which will include the creation of the development plateaus in Zone 2. It is therefore proposed that the section of highway which lies within the application site be stopped up.

- 4.78 Wishaw Lane currently provides access between Minworth to the south and Over Green to the north. However, Wiggins Hill Road provides an alternative route between the two via the Kingsbury Road. Access to Wishaw Lane recreation fields and Severn Trent Water's land (to the south) will be retained via Minworth.
- 4.79 Emergency access points for blue light vehicles will be provided to the north-east and south of the site connecting the internal spine road with Wishaw Lane.
- 4.80 IM Properties has consulted with the local communities within Minworth, Over Green and along Wiggins Hill Road to explain these proposals.

PROW 2086

- 4.81 This PROW connects Wiggins Hill Road to Wishaw Lane, orientated broadly east-west. The eastern half crosses the area of structural landscaping and planting and the western half crosses Development Zone 2. It is necessary to:
- Temporarily stop up the eastern half to permit the site earthworks and structural landscaping, after which this section of the PROW can be reinstated including an upgraded path with an enhanced form of surfacing; and
 - Divert the western half of the PROW through the creation of a new bridleway connecting the eastern half of the PROW with Wishaw Lane to the north (refer to **Appendix 7**). The bridleway will permit pedestrian, cycle and horse rider access.
- 4.82 This approach will deliver net benefits for local accessibility by upgrading the eastern half of the PROW and providing a greater length of publicly accessible pathway through the creation of a new bridleway, which will extend accessibility to cyclists and horse-riders (the existing PROW is purely for pedestrians). Furthermore, this PROW/bridleway will now connect in to an extensive (c.4km) network of permissive paths within Peddimore, providing enhanced accessibility within the site and to wider area as well as a new recreational resource.

PROW 1131

- 4.83 This PROW lies to the north-west of the application site, linking Bulls Lane to the north with Peddimore Hall and then connecting to Peddimore Lane to the south. It currently terminates where it joins with Peddimore Lane adjacent to Vine Cottage and The Cottage to the north of the application site.
- 4.84 Given Peddimore Lane is being stopped up and the spine road will not be an adopted highway it will be necessary to extend PROW ID 1131 to link it to the adopted A38 junction footway (and bridge). This is shown on the plan attached as **Appendix 7**.
- 4.85 The above PROW proposals have been developed following consultation with the Birmingham Local Access Forum, Ramblers Association (Sutton Coldfield branch), Canal and River Trust and the Council's Principal Rights of Way Officer.

Application routes

- 4.86 IM Properties Plc will submit applications under Sections 247 and 257 of the Town and Country Planning Act 1990 to stop up the two highways and divert PROW 2086

(respectively). It is envisaged that the extension of PROW 1131 will be delivered as part of the technical and design approval process for the A38 junction and related adoption agreement.

- 4.87 It is envisaged that the relevant applications will be made concurrently with the planning application or shortly thereafter. The timing of any closures (temporary or permanent) will be publicly communicated as the full detail for construction works is developed.

Outline development programme

- 4.88 Subject to the planning process, site preparation/enabling works and infrastructure will commence by Quarter 4 2019 and will be completed in 2020. Building construction will commence in 2020 and is expected to be completed by 2027, though this could be earlier subject to occupier demand and the scale of their property requirements.

5. The Development Plan and material considerations

- 5.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this application is to be considered against the provisions of the Development Plan, unless material considerations indicate otherwise.
- 5.2 Presented below is a summary of the key planning policies from the Development Plan and other material considerations relevant to the development proposals. Full details of relevant planning policy are provided in **Appendix 8**.

The Development Plan

- 5.3 The Development Plan comprises the saved policies from the Birmingham Unitary Development Plan ("UDP") (October 2005) and the adopted Birmingham Development Plan ("BDP") (January 2017).

Birmingham Development Plan 2031

- 5.4 The BDP was adopted in January 2017 and sets out the spatial vision and strategy for the sustainable growth of Birmingham for the period 2011 to 2031. The BDP replaces the majority of policies within the previous UDP (2005) save for Chapter 8 and paragraphs 3.14 to 3.14D.
- 5.5 The Vision set out in the BDP underlines that Birmingham will be renowned as an enterprising and innovative city based on a strong and prosperous economy with diverse economic activity and a skilled workforce. Paragraph 3.13 of the BDP underlines that Peddimore will provide the City with the much needed employment land of the right size and type for major investors to help support the overarching vision.

Policy PG1 Overall levels of growth

- 5.6 Policy PG1 states that over the plan period significant levels of employment development will be planned for and provided along with supporting infrastructure and environmental enhancements, including Peddimore.
- 5.7 Paragraph 4.8 of the BDP is clear that in order to provide employment for the City's growing population and reduce existing levels of unemployment and worklessness, an additional 100,000 jobs need to be created. This aim will be enabled by the provision of employment land, including Peddimore.

Policy GA5 Langley Sustainable Urban Extension

- 5.8 The Langley Sustainable Urban Extension ("SUE") lies to the west of Peddimore and has been allocated to provide approximately 6,000 new homes.
- 5.9 The policy establishes that Langley SUE will be an exemplar of sustainable development and a destination of choice for families wishing to live in Birmingham. The policy contains a number of criteria / principles to which development proposals must accord. These include linking Langley SUE to Peddimore via a network of integrated pedestrian

and cycle routes, which should be direct, connected, safe, attractive and comfortable. In addition, improvements will be required to increase the capacity of the local road network.

Policy GA6 Peddimore

- 5.10 GA6 establishes that Peddimore will deliver 71ha of new employment land for B1b (Research and Development), B1c (Light Industrial), B2 (General Industrial) and B8 (Storage and Distribution) uses; whilst B1a (Office) development will remain ancillary to the main industrial use.
- 5.11 BDP paragraph 5.66 explains that there is a significant shortfall in the supply of high quality "Best Urban" employment land to attract to international, national and regional occupiers. Paragraphs 5.67 and 5.68 state that Peddimore has been identified through the preparation and examination of the BDP as the "best opportunity" to accommodate new employment development, with the shortage of suitable brownfield sites comprising the exceptional circumstances to justify the release of the site from the Green Belt.
- 5.12 As set out in section 4, the BDP Inspector's Report (2016) confirmed that Peddimore will significantly boost the supply of Best Urban supply and the Inspector concluded that Peddimore's "...size and good road transport links are likely to make it attractive to developers, and it would provide local employment opportunities for residents of the SUE [Langley] and the surrounding neighbourhoods" (para. 123). He also concluded that Peddimore "...is required as soon as possible" (para. 125).
- 5.13 GA6 contains a number of criteria / principles to which development proposals must accord. These include guidance on achieving high quality design and landscaping, access improvements, enhanced biodiversity and protection of heritage assets.
- 5.14 Plan 10 "Peddimore Spatial Plan" identifies the 71ha "Developable Area" and wider "Growth Area" boundary which represents the land released from the Green Belt. The Growth Area and Developable Area boundaries are detailed on the Site Location Plan attached as **Appendix 2**.
- 5.15 The key principles set out within Policy GA6, which future development will need to ensure, can be summarised as:
- 40ha of the site should be safeguarded for B1c and/or B2 (manufacturing) uses;
 - Highest quality development in a landscape setting including a landscaped buffer area including reinstatement of historic hedgerows to the north and east;
 - Development should not take place outside the Developable Area (save for infrastructure as confirmed in the draft Peddimore SPD – see below);
 - Building heights close to the northern and eastern edges should be carefully controlled to limit visual impact;
 - A network of integrated pedestrian and cycle routes linking Langley SUE and the cycle network.

- New bus connections such as Sprint/Rapid Transit services;
- New junction with the A38;
- Enhanced biodiversity including Peddimore Brook and hedgerow reinstatement;
- Protect and enhance known archaeological features and the character and setting of heritage assets;
- Consider impacts on soil resources; and
- Ensure a comprehensive development and relationship with Langley SUE.

Policy TP19 Core Employment Areas

- 5.16 Peddimore is identified as a Core Employment Area on the BDP Policies Map.
- 5.17 Policy TP19 sets out that the Core Employment Areas will be retained in employment-use and will be the focus of additional development opportunities during the plan period.

Birmingham Unitary Development Plan

- 5.18 Following the adoption of the BDP, the policies within the UDP, apart from Chapter 8 and paragraphs 3.14 to 3.14D, were replaced. These policies will continue to be in force until the adoption of the emerging Development Management DPD.
- 5.19 Paragraph 3.14 provides detailed design policies requiring a high standard of design and consideration to be given to a schemes context including respect towards the surrounding scale and design.

Other material considerations

- 5.20 There are a number of Supplementary Planning Documents (“SPDs”) which provide further details and guidance supporting the policies in the Development Plan, including the draft Peddimore SPD.

Peddimore Draft Supplementary Planning Document (September 2018)

- 5.21 Policy GA6 of the BDP states that an SPD will be prepared before development commences to address issues of design, access and phasing to ensure a comprehensive development and relationship with Langley SUE.
- 5.22 A draft version of the Peddimore SPD was published for consultation between 10 September 2018 and 22 October 2018. The draft SPD provides a Vision (supported by an Illustrative Framework plan), development principles and delivery guidance. The Illustrative Framework confirms the A38 gateway access, main vehicle routes, Brook corridor, development areas, landscape setting and pedestrian/cycle routes and seeks a masterplan-led approach which is informed by this Illustrative Framework Plan.
- 5.23 A summary of the Key Development Principles set out in the draft SPD is provided below:

- **Connectivity:** Development at Peddimore will provide for sustainable travel, promoting walking, cycling and high quality public transport. A new strategic junction on the A38 and improvements to the existing road network are central to the transformation of the area.
- **Design:** A strong design-led approach will be taken to ensure that buildings and infrastructure contribute towards creating a high quality place that successfully integrates into the surrounding landscape. There is no limit on the amount of floorspace to be developed although all employment land uses should be within the Developable Area (other enabling works can fall outside the developable area provided they are appropriately sited and mitigate visual impacts).
- **Sustainability:** Peddimore will deliver a multi-functional green infrastructure network, where valuable landscape and ecological assets are enhanced, increasing biodiversity and habitat connectivity. Buildings will also contribute towards these networks and will meet high sustainability standards.

5.24 It is understood that the final Peddimore SPD will be adopted in early 2019 following a review of consultation responses.

Langley Sustainable Urban Extension Draft SPD (September 2018)

5.25 A draft version of the Langley SUE SPD was published alongside the draft Peddimore SPD in September 2018. The draft version included an Illustrative Framework indicating areas of interaction with Peddimore, including primary access points and Sprint/Rapid Transit routes.

5.26 The draft Langley SUE SPD sets out that the delivery of Langley and Peddimore will be coordinated to provide a comprehensive approach to bring significant investment into the area, including new homes, new jobs, improved public transport, green and social infrastructure and enhancements to the highway network.

Other SPDs

5.27 A number of generic SPDs and SPGs are material to the development proposal. These include:

- Nature Conservation Strategy (March 1997);
- Places for All SPG (November 2001);
- Archaeology Strategy: Building the Future, Protecting the Past (February 2004);
- Access for People with Disabilities (March 2006);
- Lighting Places SPD (June 2008); and
- Car Parking Guidelines SPD (February 2012)

National planning policy and guidance

National Planning Policy Framework

5.28 The revised National Planning Policy Framework ("NPPF") was adopted in July 2018 and is a material consideration in the determination of all planning applications. At its heart is a 'presumption in favour of sustainable development' (para. 11). The NPPF is clear at paragraph 11(c) that development proposals which accord with an up-to-date development plan should be approved without delay.

- 5.29 Paragraph 3 of the NPPF establishes that the Framework should be read as a whole, including its footnotes and annexes.
- 5.30 Paragraph 8 of the NPPF sets out that achieving sustainable development means that the planning system has economic, social and environmental objectives, which are interdependent and need to be pursued in mutually supportive ways.
- 5.31 The NPPF contains advice on the delivery of sustainable development across thirteen key themes, of which, the following are considered of particular relevance:
- Building a strong, competitive economy;
 - Promoting health and safe communities;
 - Promoting sustainable transport;
 - Making effective use of land;
 - Achieving well-designed places;
 - Meeting the challenge of climate change, flooding and coastal change;
 - Conserving and enhancing the natural environment; and
 - Conserving and enhancing the historic environment.
- 5.32 The NPPF requires decisions to help create the conditions in which businesses can invest, expand and adapt. Paragraph 82 is clear that this includes recognising and addressing specific locational requirements of different sectors including high technology industries and for storage and distribution operations at a variety of scales and in suitably accessible locations.
- 5.33 The NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal (para. 196).

National Planning Practice Guidance

- 5.34 On 6 March 2014, the Department for Communities and Local Government (“DCLG”) launched the planning practice guidance web-based resource.
- 5.35 The National Planning Practice Guidance (“PPG”) replaces previous planning practice guidance documents, and covers a number of topic areas which are relevant to the determination of this application including “Design”. This section places great weight on the importance of good design, which can be used to address issues related to local character, crime prevention and vibrancy.
- 5.36 Other sections of the PPG include air quality; climate change; conserving and enhancing the historic environment; environmental impact assessment; health and wellbeing; land affected by contamination; light pollution; minerals; noise; travel plan, transport assessment and statements; and water supply, wastewater and water quality.

Summary

- 5.37 The principle of employment development at Peddimore has been established through the release of the site from the Green Belt and allocation through Policy GA6 of the BDP to meet the City's and region's shortfall in best quality employment land. The Inspector appointed to examine the BDP recognised the credentials of Peddimore and stated that site delivery is required as soon as possible.
- 5.38 The proposed development has been formulated taking into account relevant national and local planning policies, including the adopted Development Plan and the draft SPD for Peddimore.
- 5.39 The following section considers the relationship between planning policy and the development proposal in further detail.

6. Planning assessment

- 6.1 This section assesses the proposed development against the Development Plan and other material considerations, as outlined in Section 5.

Principle of employment development

- 6.2 The principle of employment development at Peddimore is firmly established through the BDP with the site removed from the Green Belt and allocated (Policy GA6) to deliver 71ha of employment land for B1b (Research and Development), B1c (Light Industrial), B2 (General Industrial) and B8 (Storage and Distribution) uses (with ancillary Offices (B1a)). Peddimore is a fundamental component of the strategy to deliver to the BDP's Vision.
- 6.3 In addition to the BDP allocation, the site has previously been granted planning permission (Ref: 1996/02128/PA) by the SoS for strategic scale employment development prior to its release from the Green Belt. The economic case was deemed to be a very special circumstance to justify the grant of planning permission (as explained in Section 3).
- 6.4 In summary, the principle of employment development at the application site is in accordance with the Development Plan; the application will deliver 66.5ha of the 71ha BDP allocation (with the remainder in third party ownership).

Requirements of Policy GA6

Land safeguarded for manufacturing

- 6.5 Policy GA6 requires 40ha of the site to be safeguarded for manufacturing uses (B1c or B2). Page 16 of the draft SPD states that it is envisaged these manufacturing uses will be delivered through both phases of the scheme (i.e. Development Zones 1 and 2).
- 6.6 The application seeks a flexible outline planning permission for the employment uses with Development Zones 1A, 1B and 2 to accommodate B1b, B1c, B2 and/or B8 uses (with ancillary offices). This approach will provide flexibility over specific employment uses to be delivered within each individual Development Zone in response to market requirements and the Council will be able to safeguard the 40ha of manufacturing uses as applications for approval of reserved matters are submitted.

High quality design and landscaping

- 6.7 The DAS, Reserved Matters Design Guide and Landscape & Green Infrastructure Strategy demonstrate that Peddimore will comprise an employment park of the highest quality in a landscaped setting.
- 6.8 Chapter 10 of the ES concerns "Landscape and Visual" matters. There are no significant residual effects during construction although when the development is operational there will inevitably be adverse residual effects relating to changes from arable land/countryside to built form, from a gently rolling landscape to level plateaus and disrupted/foreshortened views from residential properties and the PROW/canal. However, the creation of new access routes and open space will have a (significant)

moderate beneficial residual effect, and there will be minor beneficial residual effects relating to enhancement to Peddimore Brook and creation of new landscape features.

- 6.9 The application is also supported by a Landscape and Green Infrastructure Strategy and 20 Year Landscape Management Plan.
- 6.10 The employment park has been designed to successfully integrate with the surrounding landscape through a landscape-led masterplan. The development will be set within an extensive area of green and blue infrastructure, including significant areas of new vegetation (tree and woodland planting) and an enhanced Peddimore Brook corridor. These areas will create an attractive working and recreational environment which enhances biodiversity. Landscape buffers have been purposefully designed within and around the Developable Area to appropriately screen the built form where necessary.
- 6.11 New buildings will be confined to the BDP's defined Developable Area. The primary substation and pumping station will be outside of the Developable Area but there are specific technical reasons for this enabling infrastructure to be positioned in their specific locations (see section 4) and they have been sensitively designed to mitigate visual impact; in accordance with the draft SPD (p16).
- 6.12 The Parameters Plan provides limits on building heights, which have been assessed within Chapter 10 of the ES, taking into account the detailed proposals for strategic landscaping. Buildings to the north of the spine road within Development Zone 1B and the Hub Zone will be reduced compared to Development Zones 1A and 2. Building heights will accord with the limits stated in the draft SPD (p16).
- 6.13 The Reserved Matters Design Guide provides an agreed framework of design principles specifically for the outline Development Zones; it will secure a holistic and high-quality approach to building design, infrastructure and landscaping.

Access improvements

A38 Access and Transport Assessment

- 6.14 In accordance with Policy GA6, the proposed development will benefit from a new junction with the A38 comprising a four-arm signalised roundabout with a pedestrian/cyclist footbridge linking Peddimore to Langley SUE (and beyond). This will form a high-quality gateway to the employment park.
- 6.15 The traffic and access effects of the proposed development, during both construction and operational phases, have been assessed in Chapter 6 of the ES and the Transport Assessment (TA) (supported by the Site Access Strategy Report). The former finds that there are no significant adverse residual transport effects. These documents explain the transport modelling work which has been undertaken (using the Sutton Coldfield "Saturn" model) to assess impacts, including the potential transport impacts arising from Langley SUE within the TA.
- 6.16 The transport strategy is consistent with the broad proposals set out in the BDP evidence base. It seeks to prioritise investment in the promotion of sustainable travel modes to provide travel choice and reduce car travel. The assessment work has

Identified potential highway improvements schemes to mitigate the residual impacts of Peddimore with Langley SUE. These potential improvements will be either implemented in accordance with agreed triggers or via a “monitor and manage” approach where successful modal shift could remove the need for their implementation. The transport measures can be delivered through Section 106 and/or 278 Agreements, and in association with contributions by others as appropriate.

A network of integrated routes

6.17 The development will include an extensive network of permissive pedestrian and cycle paths, as well as a new bridleway, within a landscaped setting which will fully integrate with the local network. These will encourage sustainable movements for Peddimore employees and visitors but will also enhance accessibility throughout the wider area and serve as a valuable recreational/leisure asset.

Sustainable Transport Strategy

6.18 The Sustainable Transport Strategy confirms that the site is sustainably located but that connections are required to link the site with existing local transport facilities. The site is included within a wider proposed Green Travel District covering Peddimore, Langley and the existing areas of Sutton Coldfield, Minworth and Walmley. Early progress on this initiative will be spearheaded by the Peddimore development.

6.19 A Framework Travel Plan supports the application to encourage travel by sustainable modes; the appointed travel plan coordinator, working in conjunction with each occupier at Peddimore, will be responsible for delivering/implementing detailed Travel Plans – including freight management – which accord with the Framework Travel Plan.

6.20 The principal sustainable transport measures comprise:

- New footpaths and cycleways on-site and off-site enhancements;
- Bike share scheme;
- On-site public transport infrastructure including enhanced bus services serving the site (and including bus stops within 400m of building entrances with shelters with seating and real time timetable information, and well linked to the cycle and walking routes);
- Cycle parking;
- Electric bike and car charging facilities;
- Car share scheme and parking for “car club” vehicles; and
- Smart technologies to encourage sustainable travel.

Enhanced biodiversity

- 6.21 The impacts on biodiversity have been assessed through Chapter 9 of the ES. The application is also supported by a Framework Ecological Mitigation Strategy and Local Wildlife Site Assessment.
- 6.22 During construction there are several adverse residual effects including loss/fragmentation of non-statutory, ecologically valuable and farmland bird habitats. These are at the local/district level. Specific construction methods will be incorporated to minimise effects.
- 6.23 When the development is operational there would be a single significant residual effect relating to the establishment of green and blue infrastructure, including biodiversity net gain and restoration of connectivity within non-statutory sites and replacement. The landscaping, drainage and lighting strategies (including management practices) have been designed in accordance with ecological principles to deliver habitat creation and enhancement and biodiversity net gain, which will outweigh the habitat loss. As such, habitat creation and enhancement will deliver long-term benefits to biodiversity.
- 6.24 Significant areas of new planting and habitat creation, particularly along the Peddimore Brook corridor and eastern areas (with reinstated hedgerows), have been incorporated which will ensure biodiversity is appropriately conserved and enhanced in accordance with BDP Policies TP7 and TP8.
- 6.25 A Soil Resources Management Plan is appended to the CEMP to consider and mitigate impacts on soil resources during construction and operation.

Protecting heritage assets and archaeological features

- 6.26 Chapters 11 and 12 of the ES assess potential impacts upon built heritage and archaeology respectively (the former is supported by a Heritage Assessment).
- 6.27 Pre-historic and medieval archaeological remains have been identified within the site. A programme of excavation, recording and post-excavation will be undertaken in areas of identified potential and no significant residual effects have been identified during the construction phase.
- 6.28 Turning to built heritage assets, Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon the Council in determining applications for development affecting listed buildings to have special regard to the desirability of preserving the special architectural or historic interest and setting of a listed building.
- 6.29 In this regard, it has been concluded that the development could result in harm to the significance of Peddimore Moated Site (scheduled monument), Peddimore Hall (Grade II), The Old Barn (Grade II), the Old Barn Cottage (Grade II) Wiggins Hill Farmhouse (Grade II) and Dovecot and Stable At Wiggins Hill Farm (Grade II), Forge Farmhouse (Grade II), and the Farm Buildings adjacent to Peddimore Hall (non-designated asset). This harm relates to the setting of the assets and due to the measures to be delivered through the development is considered to be 'less than substantial' harm in NPPF policy terms.

6.30 Paragraph 196 of the NPPF is therefore engaged requiring that the “less than substantial” harm should be weighed against the public benefits of the proposed development. The NPPG confirms that public benefits could be anything that delivers economic, social or environmental progress as described in the NPPF. Significant public benefits will flow from the proposed development (of a nature or scale to be of benefit to the wider public), as summarised below (further details can found within the suite of application documents including the ES):

Table 6.1: Forecast Public Benefits from Proposed Development

Phase	Socio-economic ¹	Environmental
Construction	<p>200 full-time equivalent (FTE) (gross) jobs (135 in the West Midlands and 75 in Birmingham);</p> <p>A further 65 FTE indirect and/or induced jobs generated within the supply chain and from onward employee expenditure within the West Midlands (20 in Birmingham);</p> <p>An additional £12.8 million annual uplift in productivity (GVA) within the West Midlands (£6.1 million in Birmingham);</p> <p>Improvement in health associated with increased work and training</p>	N/A
Operation	<p>Provision of 5,755 direct (gross) FTE jobs (4,250 held by residents of the West Midlands, of which 2,160 in Birmingham);</p> <p>Taking additional factors into account and indirect / induced effects, 6,380 net additional jobs (direct, indirect and induced) could be held by residents of the West Midlands (2,700 local to Birmingham);</p> <p>£355.5 million annual contribution to GVA within the West Midlands (£153 million local to Birmingham);</p>	<p>Biodiversity net gain through the establishment of green and blue infrastructure</p> <p>Hydrology – Enhancement to Peddimore Brook, creation of wetland habitats and enhanced surface water runoff regime</p> <p>Landscape – New landscape features and enhanced landscape character at the regional level</p>

¹ These figures are sourced from the Economic Impact Assessment and relate specifically to the proposed development. Please note that the whole of the Peddimore allocation (including third party land) has been assessed as having the potential to create approximately 6,500 jobs directly on site when complete and operational, with a further 3,000 jobs created and supported in the wider economy. Also note that ES Chapter 10 includes different figures as it applies a worst case scenario to the proposed development i.e. the lowest number of jobs created and, in turn, lower annual productivity figures (Gross Value Added (GVA))

Additional salary expenditure of circa £66.8 million per annum;
Approximately £5.9 million business rate revenue to the Council per annum;
Access to areas of open space, nature and permissive paths / a new bridleway ; and
Improvement in health associated with increased work and training

- 6.31 In summary, the proposed development will generate extensive public benefits relating to socio-economic and environmental improvements. The view is taken that these outweigh the "less than substantial harm" to the significance of the identified heritage assets, thereby satisfying Policy GA6 and NPPF para. 196.
- 6.32 To conclude, the application is in accordance with Policy GA6 from the BDP.

Ensuring comprehensive development

- 6.33 As set out above, the employment park has been planned comprehensively with a landscape-led masterplan, in which new buildings are confined to the Developable Area defined in the BDP. The Detailed Infrastructure and Parameters Plans are in accordance with the Illustrative Framework and Phasing Plan presented in the draft Peddimore SPD.
- 6.34 The application has been carefully structured to ensure that development of infrastructure, landscaping and business space occurs in a comprehensive and co-ordinated manner.
- 6.35 The application excludes two peripheral areas of land within the BDP Developable Area (adjoining Development Zone 2 to the east and south) which are in third party ownership (these are annotated on the Illustrative Masterplans). However, the proposed development will enable the future development of these areas through the delivery of strategic infrastructure which will effectively service the two sites and which could be incorporated as part of Development Zone 2.
- 6.36 Section 7.3 of the Design and Access Statement includes Masterplan Options 3 and 4 demonstrating how one of the third party land parcels – owned by Severn Trent Water (to the south) – could be delivered comprehensively, either as part of Development Zone 2 or as a subsequent development phase. The Masterplan Options show that either option could be delivered on the basis of the proposed spine road.
- 6.37 The proposed infrastructure has been planned to "future proof" development of the third party land. A higher quantum of development reflecting the whole allocation has informed the transport modelling within the Transport Assessment to ensure that the transport infrastructure, including the A38 junction, spine road and internal roundabouts, can accommodate the traffic flows. In addition, development

earthworks/plateaus, strategic landscaping and cycle/pedestrian routes covered by the full application all allow for the future development of the third party land within the defined Developable Area.

- 6.38 It can therefore be concluded that the application will in no way prejudice the future development of this third party land. Quite to the contrary, it will help to enable the future development of these areas in a manner which is integrated with the wider allocation.

Other technical considerations

Air quality

- 6.39 An Air Quality assessment is provided as Chapter 7 of the ES.
- 6.40 The site is located within the Birmingham City-Wide AQMA designation.
- 6.41 A number of sensitive receptors have been identified and have been assessed including neighbouring residential properties, schools close to roads affected by changes in traffic flows and the broad Birmingham AQMA.
- 6.42 The assessment concludes that there are no residual effects during construction. When the development is operational emissions from traffic generated by the proposed development would not result in significant residual effects, reflecting the effective implementation of identified low emission mitigation measures.

Noise and vibration

- 6.43 The effects of potential noise and vibration emissions from the proposed development is assessed in Chapter 8 of the ES.
- 6.44 A baseline noise survey was undertaken over a 12 day period during May 2018 and measurements were undertaken at nine locations around the site. A number of sensitive receptors have been identified including residential properties and canal moorings near to the site and near to the local road network.
- 6.45 During the construction phase there will be significant adverse residual effects relating to noise and vibration from construction works. During operation there will be a single significant adverse residual effect relating to off-site road traffic on existing residential properties close to the A38 south of the new access in the short-term but this effect will not be significant in the long-term.
- 6.46 Mitigation measures will include controls on construction activities and traffic and landscaping measures (mounding and acoustic fences). In addition, the final layout and design of the Development Zones will be formulated at the reserved matters stage and will ensure any noise impacts are appropriately mitigated in line with the assessment findings contained in the ES.

Lighting

- 6.47 Effects in relation to lighting are assessed through Chapter 13 of the ES. In addition, an External Lighting Assessment Report has been submitted with the application.

- 6.48 Several sensitive receptors were identified including areas of residential properties (e.g. Walmley to the west) and local road infrastructure (e.g. the A38).
- 6.49 Lighting associated with the A38 roundabout and the internal spine road has been designed to specified national standards. Landscape mounding and planting will help to limit views of lighting from receptors. The assessment concludes that there would be no significant residual effects on receptors during construction or operation of the development.

Flooding and hydrology

- 6.50 Flood risk and hydrology effects have been assessed in Chapter 14 of the ES. In addition, the application is supported by a Flood Risk Assessment, Sustainable Drainage Statement and Water Framework Directive.
- 6.51 Peddimore Brook is the only surface water feature on site and the majority of Peddimore lies within a low probability flood zone. There are no significant adverse residual effects during construction. Turning to the operational phase, attenuation systems will be delivered and there are two moderate beneficial residual effects relating to the reduced risk of flooding and diversion of Peddimore Brook to create a more natural watercourse aligning with the natural valley line and with a modified flow regime. These measures will deliver an enhanced surface water runoff regime.
- 6.52 The proposed management of flood risk and water resources accords with BDP Policy TP6.

Ground conditions

- 6.53 Effects relating to ground conditions and contamination have been assessed within Chapter 15 of the ES and stand-alone Geotechnical and Geo-environmental reports have been submitted with the application. A CEMP has also been provided.
- 6.54 There are not considered to be any significant residual effects relating to ground conditions. The sensitivity of construction works is considered to be medium. The magnitude of change is considered to be negligible and therefore there is likely to be a direct, temporary, adverse residual effect, which is considered to be negligible.

Foul Water and Utilities

- 6.55 A Foul Water and Utilities Assessment has been prepared to understand the locations of existing utilities apparatus in the vicinity of the site and to provide an account of the viability of servicing the proposed development with suitable main services infrastructure.
- 6.56 It has been identified that the site surrounds are well served by high and low voltage electricity, foul drainage, clean water and telecommunications apparatus. Pre-application engagement with relevant utility network operators indicates that sufficient residual capacity exists within the surrounding network to serve the proposed development.
- 6.57 As explained in section 4, the proposed development will require an onsite primary substation in order to facilitate the required electricity demand on site; whilst there is

also a requirement to undertake reinforcement works to facilitate overall site clean water demand.

Soils and agricultural land

- 6.58 Effects relating to soil and agricultural land are assessed through Chapter 16 of the ES.
- 6.59 There are two adverse residual effects relating to the loss of "best and most versatile" (BMV) agricultural land and loss of land to farm holdings.
- 6.60 It must however be recognised that 71ha of land at Peddimore has been allocated for employment development in the BDP to meet the identified shortfall in high quality Best Urban employment land, and the view is taken that the loss of BMV is outweighed by this allocation and the large number of socio-economic and environmental benefits which it will deliver.

Minerals

- 6.61 In accordance with Policy GA6 and TP16 of the BDP, a Mineral Assessment has been undertaken to investigate the existence of mineral deposits and to identify whether there are any viably workings which should be extracted.
- 6.62 The investigation has identified that there are low quantities of sand, gravel and significant quantities of brick clay within the site boundary. However, the extraction of such minerals is considered to be economically unviable due to the low quality and overall cost to transport the minerals.

Sustainability and climate change

- 6.63 Sustainability is one of the Key Development Principles within the draft SPD and the submitted Sustainability and Carbon Reduction Strategy demonstrates the strong commitment to deliver a sustainable and innovative employment park which includes the construction of low carbon, energy efficient buildings. The sustainability targets and ambitions at Peddimore will make it an exemplar development not only in the West Midlands but nationwide.
- 6.64 A carbon reduction strategy has been developed at outline stage for implementation during detailed design. This strategy contains a number of targets and commitments that specifically relate to building design and construction. The strategy has been developed to target the main source of carbon emissions which are as a result of electrical energy consumption and embodied carbon.
- 6.65 Sustainability targets have been developed for the buildings and have been reflected in design principles set out within the Reserved Matters Design Guide:
- A carbon reduction target of 36% above current building regulations;
 - 30% carbon reduction through renewable technologies;
 - BREEAM Excellent (2014) methodology;
 - 40% reduction in water use based upon the BREEAM calculator;

- Use of smart grid technology for the initial buildings within Development Zone 1 consisting of roof mounted PV cells linked to battery technology; and
- An embodied carbon assessment to provide a benchmark for targeted reductions through material selection.

- 6.66 Climate change effects have been assessed in Chapter 17 of the ES.
- 6.67 A number of likely significant effects have been considered as part of the assessment including release of direct and indirect greenhouse gas emissions during construction and operation, and building overheating during operation.
- 6.68 As a result of secondary adaptive mitigation, there will be no significant residual effects.
- 6.69 The proposed development has included measures to help manage and minimise impact of extreme weather and climate change in accordance with Policy TP2 of the BDP.

Conclusion

- 6.70 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this application needs to be considered against the provisions of the Development Plan, unless material considerations indicate otherwise.
- 6.71 The presumption in favour of sustainable development is set out in paragraph 11 of the NPPF. In this case, paragraph (c) is engaged because there is an up-to-date Development Plan; the BDP (2017). This national policy states that development proposals which accord with an up-to-date development plan should be approved without delay.
- 6.72 This statement has demonstrated that the proposed development is in accordance with the Development Plan as well as other relevant material considerations including national policy and guidance and the draft Peddimore SPD. The proposals will contribute significantly to the Vision and Objectives of the BDP. In particular;
- (i) the principle of employment development is firmly established through Policy GA6;
 - (ii) the development proposal will deliver high quality design and landscaping, access improvements, enhanced biodiversity and ensure a comprehensive development, as required under GA6; and
 - (iii) the proposed development accords with the Illustrative Framework, Phasing Plan and "Key Development Principles" of Connectivity, Design and Sustainability, as outlined within the draft SPD.
- 6.73 It has been acknowledged that the proposed development will result in "less than substantial harm" to the significance of specific designated heritage assets (changes to their settings) and the loss of Best and Most Versatile agricultural land. However, this

less than substantial harm to setting and loss of agricultural land will be outweighed by the extensive public benefits including the creation of thousands of jobs, a significant uplift in productivity (Gross Value Added) across the West Midlands, health improvements associated with increased work and training, access to open space, nature and recreational routes, and enhancements to biodiversity (net gain), landscape features/character and hydrology.

- 6.74 The proposed development accords with the Development Plan (as well as other material considerations) and constitutes truly sustainable development as defined by paragraph 11 of the NPPF. It should therefore be approved subject to appropriate planning conditions and obligations.

7. Planning Conditions and Obligations

- 7.1 The proposed development will be subject to a series of planning conditions and obligations to ensure it is acceptable in planning terms. Planning (and highway/transport) obligations will be delivered through appropriate legal agreements.
- 7.2 This section provides an overview of potential conditions and obligations which will need to be discussed and agreed with the Council and other stakeholders in further detail during the application determination period.
- 7.3 Chapter 20 of the ES provides a composite schedule of mitigation required to manage environmental effects during the construction and operational phases of the proposed development. It will be essential for many of these mitigation measures to be captured through planning conditions and obligations, with appropriate mechanisms for monitoring and/or review, as necessary.

Planning Conditions

- 7.4 Paragraph 55 of the NPPF states that planning conditions should be kept to a minimum and only imposed where they are:
 - (i) necessary;
 - (ii) relevant to planning and to the development to be permitted;
 - (iii) enforceable;
 - (iv) precise; and
 - (v) reasonable in other respects.
- 7.5 Given the format of the planning permission, namely hybrid with both full and outline elements, it is suggested that conditions are structured to respond specifically to these separate aspects of the planning permission. This is critical to allow the site enabling and infrastructure works to commence as soon as possible following the grant of permission.
- 7.6 In relation to the outline permission it is important that the conditions can be discharged for individual phases of development, to permit phases to commence once conditions and reserved matters have been discharged/approved for that specific phase. The permission and conditions should also permit sub-phases within each Development Zone to be applied for and approved individually.
- 7.7 Different types of condition are likely to be required including "Compliance" (in accordance with submitted details e.g. detailed plans/strategies), "pre-occupation" and "pre-commencement" conditions (requiring submission and approval of further details prior to occupation of buildings or commencement of the development). However, the aspiration is to minimise pre-commencement conditions as far as possible with the use of compliance conditions, especially for the elements applied for in full, in order to

reduce the burden on the administrative process and avoid the need for unnecessary further approvals.

- 7.8 The Development Zones are applied for in outline but the site earthworks, which are applied for in full, also cover the Zones. It will therefore be necessary to ensure that conditions are structured to allow the earthworks to be implemented prior to the approval of reserved matters and discharge of conditions for each outline Zone. It will be necessary for pre-commencement conditions relating to the outline Development Zones to be worded so as to allow earthworks but prevent “above ground works”.
- 7.9 It is anticipated that conditions may be necessary in relation to the approval of following details *inter alia*:

Table 7.1: Potential Planning Conditions

Matter	Full	Outline	Type / Comments
Submission and Approval of Reserved matters	N/A	Y	Pre-commencement – During pre-application discussions a 10 year period for the submission of reserved matters was agreed (Section 92(4) of the TCPA 1990 permits longer timeframes than the standard 3years). It will be necessary to allow applications for individual plots to be submitted, approved and implemented in phases
Approved Plans and documents	Y	Y	Compliance – important that specific plans and documents are aligned to full or outline elements
B1b uses	N/A	Y	Requiring that no B1b floorspace will be permitted unless updated technical assessments are undertaken to assess the impacts of their specific operations and the technical assessments demonstrate that there is no increase in the impacts assessed and that any mitigation required to ensure that there is no increase in impacts is implemented
Public Art Strategy	Y	Y	Ensure a clear and holistic approach to the delivery/commissioning of public art across the site
Materials	Y	Y	Compliance for Full (Gatehouse) and pre-commencement for outline (specific elevational requirements are set out in the ES)

Details of plant and building extraction and ventilation	Y	Y	Pre-occupation for full (gatehouse) and outline
Acoustic mitigation	Y	Y	Compliance for Full and pre-occupation for outline
Lighting scheme	Y	Y	Compliance for Full and pre-occupation for outline
Drainage	Y	Y	Compliance for Full and pre-installation for outline
Archaeological field evaluation and recording	Y	Y	Pre-commencement
Construction Environmental Management Plan (including appendices) which will deliver tertiary mitigation identified in ES	Y	Y	Compliance, with appropriate arrangements for monitoring and review when contractors appointed. To cover unexpected contamination protocol as required in ES. It may be acceptable for areas where specific detail is not currently known to be subject to a separate and bespoke pre-commencement condition.
Detailed Travel Plans to accord with FTP	N/A	Y	Pre-occupation
Reserved Matters Design Guide	N/A	Y	Compliance and protocol for review
Sustainability Statements to accord with targets in Sustainability and Carbon reduction Strategy	N/A	Y	Accompanying reserved matters or pre-commencement
Watercourse Diversion Method Statement	Y	Y	A temporary method statement for construction phase and permanent method statement for operational phase, triggered prior to specific works affecting the watercourse
Site Flood Management Plan	Y	Y	Detailing emergency procedures for a flood event
Dynamic thermal modelling for building design	N/A	Y	Accompanying reserved matters or pre-commencement (as required by ES)

Draft Heads of Terms for Potential Planning Obligations

- 7.10 Paragraph 56 of the NPPF states that planning obligations should only be sought where they meet all of the following tests:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 7.11 The tests are also set out in section 122 of the Community Infrastructure Levy Regulations 2010 ("CIL Regulations"). Planning obligations are also covered by Policy TP47 of the BDP and Section 8 of the UDP.
- 7.12 It is anticipated that the following potential obligations will be required:
- Financial contribution to the Council towards planting at Wishaw Lane playing/recreation fields
 - Open space access and maintenance/management (including the 20 Year Landscape Management Plan)
 - 20mph speed limit across the site
 - Transport improvements as set out in the TA including:
 - Specific walking and cycling schemes;
 - Public transport (to be appropriately phased); and
 - Highway interventions to be implemented in accordance with agreed triggers or via a monitor and manage approach where successful modal shift could remove the need for their implementation
- 7.13 Any contribution towards highway improvements will be dealt with separately through a Section 278 Agreement with the Council as local highway authority.
- 7.14 In accordance with paragraph 3.12 (xix) of the Planning Performance Agreement, the Applicants would welcome further discussions with the Council regarding conditions and obligations to be applied to the grant of planning permission to ensure that the delivery of development is not delayed.

8. Summary and Conclusions

- 8.1 This Planning Statement accompanies the hybrid planning application proposing development of a high quality employment park at Peddimore; one of the most significant employment opportunities within the UK.
- 8.2 In January 2017, Peddimore was released from the Green Belt and allocated to deliver 71ha of best quality employment land through the Birmingham Development Plan ("BDP") to address the identified needs of the industrial and logistics sectors, including international, national and regional scale businesses.
- 8.3 The proposed development will set new standards for commercial development and be capable of attracting large scale businesses as well as small/medium enterprises in key growth sectors. The Applicants are committed to delivering a best in class employment park which is fully integrated with the local community. The proposals have been informed by comprehensive pre-application engagement, including meetings, workshops and exhibitions with Birmingham City Council, key stakeholders and the local community. IM Properties is committed to continuing this dialogue as the development progresses and to seek to ensure the benefits of development are shared by the widest possible audience. As the project progresses, existing channels of communication will be maintained and new forums established to allow practical matters such as the detail of construction activity to be shared, the impacts of on-site operational practices to be understood and the long term opportunities for all to be maximised.
- 8.4 It has been demonstrated that the proposed development is in accordance with the Development Plan, as well as relevant material considerations, including national policy and guidance and the draft Peddimore SPD:
- (i) The principle of employment development is firmly established through Policy GA6;
 - (ii) The development proposal will deliver high quality design and landscaping, access improvements, enhanced biodiversity and ensure a comprehensive development, as required by GA6; and
 - (iii) The proposed development accords with the Illustrative Framework, Phasing Plan and "Key Development Principles" of Connectivity, Design and Sustainability, as outlined within the draft SPD.
- 8.5 The development will deliver extensive socio-economic and environmental benefits including the creation of thousands of jobs, a significant uplift in productivity (Gross Value Added) across the West Midlands, health improvements associated with increased work and training, access to open space, nature and recreational routes, and enhancements to biodiversity (net gain), landscape features/character and hydrology. The public benefits will outweigh the "less than substantial harm" to the significance of specific designated heritage assets (changes to their settings) and the loss of Best and Most Versatile agricultural land.

- 8.6 In addition to the above referenced benefits, specific social value commitments have been agreed between the Applicants to deliver significant socio-economic enhancements at Peddimore which will support and empower the local community and wider West Midlands (as described in the Social Value Study). Whilst these form commitments to be delivered by IM Properties Plc through the development of Peddimore (specifically its undertaking in connection with the provision of strategic infrastructure and the development of Development Zone 1A), it is important to highlight that they are not mitigating development impacts and they do not comprise material considerations in the determination of the planning application.
- 8.7 To conclude, Peddimore is fundamental to the socio-economic growth of Birmingham and the West Midlands. The application accords with the Development Plan as well as other material considerations and constitutes truly sustainable development as defined by paragraph 11 of the NPPF. It follows that planning permission should be approved subject to appropriate planning conditions and obligations.

(2) Application No: CON/2019/0005

Land at Fivefield Road and Tamworth Road,

Outline application for the demolition of all existing buildings and the erection of up to 550 dwellings and creation of associated vehicular accesses to Tamworth Road and Fivefield Road, pedestrian/cycle and emergency accesses, diversion of public rights of way, highway improvements to Fivefield Road, parking, landscaping, drainage features, open space and associated infrastructure, with all matters to be reserved except access points into the site, for

Coventry City Council

Introduction

This application has been submitted to the Coventry City Council and the Borough Council has been invited to forward its representations to the City as part of its determination of the application.

The Site

This is an area of lane between the Tamworth Road coming out of Coventry towards Corley and Fivefield Lane which is a route out of Coventry going to Keresley.

The Proposals

As described above this is an outline application for up to 550 dwellings and associated infrastructure. The illustrative Master Plan shows a series of blocks of development separated by existing and new hedgerows, trees and open space. Vehicular access would be onto both of the roads referred to above.

Appendix A illustrates the site and the Master plan. The area to the south is already being developed by new residential development.

Observations

The site forms part of the Keresley Sustainable Urban Extension site allocation for housing in the City's Local Plan – site reference H2.1

In these circumstances, the Borough Council's representations should bring the City Council's attention to the potential impacts of this development on North Warwickshire. The first of these would be to reduce the likelihood, through good engineering design, of the traffic generated to pass through North Warwickshire – particularly on the route through Fillongley with its conservation area and the difficulties already encountered at its crossroads. The other roads in this part of North Warwickshire are local, very rural in character and unsuitable for additional traffic movements.

The City Council is also requested to consult with the appropriate infrastructure Agencies which have facilities nearby in North Warwickshire – e.g. Schools, as there will be a potential impact in terms of increased patronage and the possibility of introducing health services in the development such that North Warwickshire residents can benefit also. These facilities should not be "forgotten" even although the proposal may well "look to" Coventry and its own residential areas in the assessment of impacts.

Additionally, should the City Council be seeking extensions to bus services through this development if it is approved, then the potential to extend those services to the two villages of Corley and Fillongley should be explored.

Recommendation

That the Coventry City Council be advised of the comments set out in this report together with any additional matters raised by the Board

BACKGROUND PAPERS

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

Planning Application No: CON/2019/0005

Background Paper No	Author	Nature of Background Paper	Date
1	Coventry City Council	Consultation letter	11/1/19

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.

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.

(3) Application No: PAP/2018/0030

Coleshill Leisure Centre, Park Road, Coleshill, B46 3LA

Demolition of existing leisure centre and construction of twenty three new dwellings and ancillary site works, for

Arnold Holdings - c/o FB Architecture Limited

Introduction

The application is reported to Board at the discretion of the Corporate Director – Environment in the light of representations from Statutory Consultees.

The Site

The site is the former Coleshill Leisure Centre at Park Road Coleshill. The now vacant leisure centre building is situated at the centre of the site. It is adjacent to the town fire station (to the west); the town park (Coleshill Memorial Park) which forms the home to the town’s cricket club and houses a cricket pavilion (to the east and south) and residential property fronting Park Road lies to the north. The Morrison Supermarket car park lies on the opposite side of Park Road further to the north. Access is from a private road which is accessed in turn from Park Road. The site location and site boundary are shown in the plan below.



To facilitate necessary improvements to pedestrian routes to the town and the nearby supermarket, the site area includes some highway verge to the north of the site (shown above).

Photographs below show the existing building viewed from the town and the edge of the Conservation Area across the Memorial Park and its cricket pitch. The photographs

also show the trees on adjacent land that might be important as part of the local landscape character:



The images below show trees on the site or adjacent land that could influence the development



The existing building (to be demolished) is shown below:



The current relationship of the building to the boundary facing the cricket pitch is shown below:



The Proposal

It is proposed to demolish the existing leisure centre and then construct twenty three new dwellings, with ancillary on site and off-site works.

The mix of development proposes:

Type	Number of units	Unit Size Sq M
Flats		
Two bed flat	13	Ranges from 67.73-91.97
Houses		
Three bed townhouses	10	Ranges from 123-124.03,
	23	2,268 sqm

The proposed development in terms of elevations and layout is shown below.



92.00

EAST ELEVATION (FROM CRICKET PITCH)



92.00

WEST ELEVATION (WITHIN COURTYARD)



92.00

SOUTH ELEVATION (FROM RECREATIONAL GROUND)

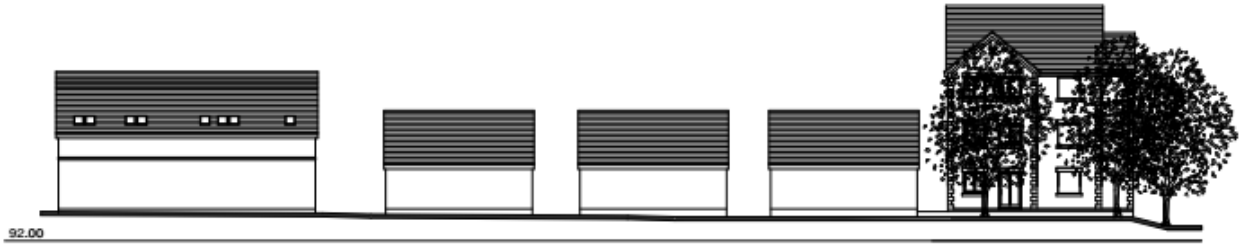


92.00



92.00

NORTH ELEVATION (WITHIN COURTYARD)



WEST ELEVATION (FROM FIRE STATION)



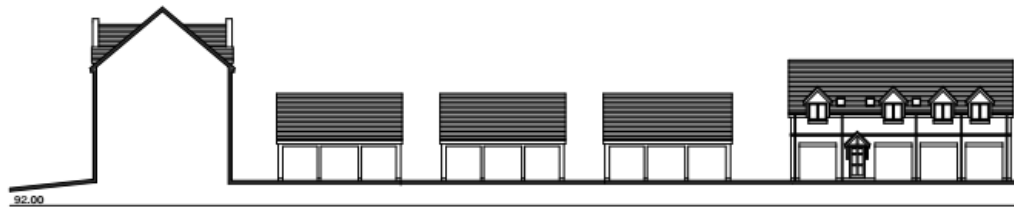
NORTH ELEVATION (PARK ROAD)



NORTH ELEVATION
plot 10



NORTH ELEVATION
plot 7



EAST ELEVATION (WITHIN COURTYARD)



Background

The use as a leisure centre ceased some years ago when a replacement facility was built at the town's secondary school. The site has remained vacant since.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split in Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11 (Renewable Energy), NW12 (Quality of Development), NW14 (Historic Environment), NW17 (Economic Regeneration) and NW20 (Services and Facilities)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV12 (Urban Design); ENV13 (Building Design), ENV14 (Access Design), ENV15 (Conservation), COM2 (Protection of Existing Community Facilities), TPT3 (Sustainable Travel) and TPT6 (Vehicle Parking)

Coleshill Neighbourhood Plan (Adopted 2017) - HNP1 (To support the housing allocations in the North Warwickshire Core Strategy 2014 and those proposed in the North Warwickshire Local Plan Draft August 2016); HNP2 (Integrate new housing into Coleshill), HNP3 (Development of affordable housing), ENP1 (The Conservation Area), ENP2 (Existing green open spaces will be preserved), ENP5 (Support enhancements to Coleshill Memorial Park) and CA3 (Improve pedestrian access and safety to/through High Street and new housing developments)

Other Relevant Material Considerations

The National Planning Policy Framework 2018 - (the "NPPF")

The North Warwickshire Local Plan Submission Version, March 2018

Consultations

Warwickshire Police – They express concern about the risk from anti-social behaviour on the adjacent park and car park.

Warwickshire Police (Design Out Crime Officer) - No objections but requests that security measures be incorporated into the design.

Severn Trent Water - No objection subject to conditions.

Warwickshire County Council as the Lead Local Flood Authority - No objection subject to conditions.

Coleshill Town Council – It has the following comments:

“The Council welcomed the mix of property sizes and the on-site affordable housing. It had no objections, subject to the following conditions and the Town Council having further discussions with Borough Planning Department on these matters:

No off-site S106 developer contributions (on-site only),
The boundary between the site and the Memorial Park on the cricket pitch side being hedging rather than a 6ft fence

Consideration of handling the difference in height of the Memorial Park drive and the nearest proposed property (6-8 ft lower).

Contributions to the facilities of the Memorial Park, health care provisions and additional road and traffic management. The Town Council would seek to work with other agencies to agree best use of such funds.

Warwickshire County Council Highways Authority - No objection subject to conditions

Sport England - Sport England maintains an objection, as no ball stopping structure (11.4m which is understood to be the highest point of the building) is proposed to be in place.

It considers that failure to provide the mitigation identified within a technical report looking at the risk of cricket balls hitting the proposed development would not accord with NPPF paragraph 182 as the applicants' suggested lesser mitigation measures will still give rise to balls leaving the playing field and landing on the application site. The proposed development would increase the potential liability to the Cricket Club for damage to property and personal injury. Such ball strikes have the potential to constitute a nuisance under the Environmental Health legislation and as such could prejudice the sporting use of the playing field. It points out that this was the case in *Miller -v- Jackson* [1977] QB 966 where cricket balls from a village green kept going into a nearby house. Therefore the proposal would fail to comply with Core Strategy Policy NW10.

Sport England also draws attention to the High Court case, *East Meon Forge and Cricket Ground Protection Association v East Hampshire District Council* [2014] EWHC 3543 (Admin) (31 October 2014), where the decision made, failed to act on the proposals of such technical reports and Sport England's statutory response.

Given this, Sport England reiterates the need for a ball-stop structure and netting alongside the other measures proposed by the applicant to reduce the risk of ball strike causing damage to the building, property and people. Whilst Sport England understands that concerns are raised about the potential for permanent netting and structure to the height of 11.4 metres being present, it suggests that the applicant should explore if it would be feasible for a retractable cricket netting system, such as that approved at Sale Sports Club located within Trafford Council (planning application reference 91934/FUL/17), to be located on the boundary of the application site. It indicates that, if feasible and practicable, the design of the system and its management arrangements should be agreed (following discussions with Sport England, ECB and the Club) prior to the determination of this planning application. The cost of the system and the subsequent maintenance should be the responsibility of the developer/management company in perpetuity.

George Elliott Hospital Trust – Requests developer contributions for health service demands arising from the development.

Environmental Health Officer – It is recommended that habitable rooms facing the adjacent fire station should incorporate acoustic glazing and ventilation into the design in order to minimise potential disturbance. Hours of demolition should be 08:00 to 18:00 during weekdays and 08:00 to 13:00 on Saturdays.

Warwickshire County Council Infrastructure Team requests that the developer provides Sustainable Travel Packs.

Tree Officer – Identifies the need for tree protection works.

Representations

Two letters of support have been received, indicating that the development is a 'great looking new development'; that it will remove from the skyline the 'hideous' former Leisure Centre structure and will provide much needed accommodation in Coleshill.

Four further correspondents raise the following concerns:

There is a need to make provision for cycling.

The cricket club, town council and the police express concern about the relationship with the cricket pitch.

Access and parking arrangements are unsatisfactory.

The scheme is an over development of the site.

Vehicular conflicts with neighbouring developments will result.

There is an absence of affordable housing.

The Coleshill Cricket Club is concerned that balls from its activity could affect the development. Cricket balls are hit on the land that is subject of the proposed development and there is a potential danger to persons occupying houses developed and the properties built. The Club is concerned that it could be forced to cease playing. Although the Club has been at the ground since 1895, in the event of balls being hit onto the adjoining land, a court injunction ordering cricket to cease until the "nuisance" has stopped, could be obtained by any aggrieved adjoining owner(s). The Club initially indicated that it only fair that the cost of ensuring there is no danger to person or property should be borne by the developer. It suggested that permanent netting on poles of the necessary height will be needed. It considered that the closer this is to the construction to the properties the better from a safety point of view. However, following a more recent revision to mitigation measures in the design of the building it stated that it has no objection subject to a condition that all mitigation provisions are included in a Mitigation Agreement. It indicates that a condition should specify that the Mitigation Agreement be in place in perpetuity or for so long as cricket is played on the current ground. Such condition should be in place for adherence by all property owners/occupiers within the development site, whether the future ownership consists of a number of individual owner/occupiers, a residents' management group, a registered social landlord or otherwise

Coleshill and District Civic Society - The site is in a highly sustainable location and suitable for housing development, being identified as such in Policy LP39 Housing Allocations in the emerging North Warwickshire Local Plan (Draft). The Society supports the scheme in principle, but asks the Borough to make a strong case for a meaningful Section 106 contribution from the developer which should be discussed and agreed with Coleshill Town Council and should achieve full affordable housing requirements.

Observations

a) Principle of Development

The site lies within the development boundary for Coleshill, a Green Belt Market Town, defined as a Category 1 settlement on the North Warwickshire Core Strategy. The site is, in principle, a sustainable and appropriate location for redevelopment for residential purposes. Indeed, the site is allocated as a housing site (for 25 dwellings) in the emerging Local Plan (Allocation H4) and the development proposed would fit with the NPPF's objective of significantly boosting the supply of homes.

The main issues for consideration will therefore be matters of detail such as highway safety, effect on heritage considerations, design and amenity matters and, in this instance, the effect of the development on the adjacent cricket ground.

b) Affordable Housing

The adopted Core Strategy Policy NW6 sets out that in schemes of 15 or more dwellings, 30% of housing provided on-site will be affordable. However, the application proposes no affordable housing, either on site or in the form of off-site financial contribution for provision elsewhere. This is because the applicant indicates that the provision of affordable housing would render the scheme unviable. To this end a Viability Assessment has been presented by the applicant and, on behalf of the Council, verified by the District Valuer. The District Valuer concurs that the scheme shows a lack of profitability. Indeed, it is suggested that the scheme may be unviable unless profit expectations are lowered or cost savings found. In these circumstances it would not be reasonable to require the provision of affordable housing.

c) Other Developer Contributions

Given the District Valuer's finding, the contributions sought by the Hospital Trust and the Town Council would also render the development unviable. They may not therefore be sought in this instance.

The District Valuer has taken account of the cost of off-site works for the improvement of pedestrian connectivity amounting to works costing in the region of £11,000. These works are directly related to the development and reasonably necessary. The requirement may be addressed through the use of a planning condition given that the works will wholly be within the limits of the public highway and for clarity the land in question has been incorporated in the application red line.

New housing is normally expected to make provisions for Open Space and Recreation. The SPD, commissioned from consultants by the Borough Council, contains a calculation for the appropriate open spaces contribution for this site (addressing Open Space, Built Sport Facilities and Playing Pitches). This is the Council's most up to date assessment of its open space/recreation needs and can reasonably be relied upon for the purpose of setting out the contributions which will be sought in respect of new development.

The calculation for this site set out in the draft SPD assumes 25 dwellings, whereas this proposal seeks 23 dwellings. Therefore the total adjusted contribution sought would be

£37,207.56. Given the applicant's findings in relation to his Viability Assessment, it too will not be possible to achieve this contribution, but as discussed in the 'Design and Amenity' section of these observations the setting of the site next to the town's park is fortuitous.

d) Effect on Heritage

There are no listed buildings on the site or on adjacent land, the setting of which could be affected by the proposed development.

The site does not lie within the Conservation Area. However, it is visible across the town park from the edge of the Conservation Area some distance away. The development, as proposed, would not have an adverse impact on the setting of the Conservation Area. Indeed, the demolition of the existing, increasingly derelict, building and the development of the site would be something of an enhancement to the setting.

The potential effect of netting to protect the cricket use on the Conservation Area (not now proposed, but previously considered) will be discussed in the following section of the report.

e) Effect on Coleshill Cricket Club

The photograph below shows the former Leisure Centre building and its relationship to the cricket square.



The application proposes three storey residential development close to the boundary of the land, adjacent to the park containing the town's long established cricket pitch. The risk of ball strike from the cricket pitch was identified as a concern by the cricket club, the local police officer and the town council, and then latterly, following consultation, also by Sports England.

Sport England is a statutory consultee where development would prejudice the use, or lead to the loss of use of land being used as a playing field or has been used as a

playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). Sport England was duly consulted and raised an objection. It required a technical analysis of ball strike risk/mitigation.

The required analysis identified risk and made recommendations of measures it considered necessary to mitigate the risk. A copy of the Technical Analysis is reproduced in full as Appendix A.

The Assessment establishes the following facts and recommendations:

Measured Distance to the Shortest Boundary is about 34.6 m – the edge of the cricket square to the proposed location of mitigation (if required)

The table below highlights the total estimated distance a ball will travel for typical shots (angles and velocities) taken from assessment of in-game action ranging from 20 degrees to 50 degrees and 20 m/s (45 mph) to 50 m/s (112 mph).

Total Estimated Distance (m)		Angle (degrees)						
		20	25	30	35	40	45	50
Velocity (m/s)	20	20.70	23.24	25.82	27.22	28.04	27.84	27.10
	25	28.82	32.8	35.29	37.01	37.95	37.66	36.25
	30	37.32	41.99	44.91	46.31	47.34	46.51	45.27
	35	45.95	50.48	53.80	55.40	55.96	55.04	53.15
	40	53.71	58.79	61.82	63.62	63.73	62.73	60.24
	45	60.50	66.15	69.52	70.93	70.62	69.17	66.53
	50	67.88	73.23	76.29	77.88	77.15	75.62	72.09

At the distance of 34.6m (as at the application site), the estimated ball heights for differing velocity of shots is as given below:

Estimated Ball Height @ 34.6 m		Angle (degrees)						
		20	25	30	35	40	45	50
Velocity (m/s)	20	0	0	0	0	0	0	0
	25	0	0	1.3	2.9	4.0	4.4	4.0
	30	1.7	4.4	6.8	9.1	11.4	13.3	14.4
	35	4.4	7.3	10.1	12.9	15.8	18.6	21.1
	40	6.3	9.3	12.3	15.5	18.7	22.1	25.4
	45	7.6	10.6	13.9	17.1	20.8	24.5	28.4
	50	8.4	11.6	14.8	18.4	22.1	26.3	30.7

The basis of the shot velocity (50 m/s) is calculated on professional (1st class and international) players. Typically for community cricket clubs the assumption that 40 m/s is a suitable speed given the speed of bowling and batsman's skill when contrasted with elite players. It is on this basis that the recommendations below have been made.

The shortest distance from the edge of the cricket square to the boundary of the proposed development in the east orientation is 34.6 m. At 34.6 m, all but the fastest shots for community/amateur level cricket will be stopped by a 19 m high mitigation system. A 19 m high system will not stop all shots from landing beyond the boundary but it is believed from the assessment of ball trajectory it will

significantly reduce their frequency. In order to almost completely remove the risk of cricket balls landing in the area beyond the boundary a mitigation system greater than 25 m high would be required. In both instances this is unlikely to be practical or proportionate.

Based on the height calculations of the ball trajectory combined with the experiential information regarding shot scenario, direction of play and site specifics it is recommended that a 19 m high mitigation system will be required. At this height the mitigation may not stop all shots from landing beyond this boundary but it is believed from the assessment of ball trajectory that it will significantly reduce their frequency. It is suggested however, that this level of mitigation may not be practical and an alternative solution may need to be sought.

Alternatively, if the location of the mitigation system was to be placed at the development boundary with no public access between the line of mitigation and the new residential properties it may be possible to reduce the height of mitigation to be in line with the elevation of the buildings which is understood to be approx. 11.4 m to the ridge height of the proposed three storey buildings at its highest point. Mitigation to this height will protect the building elevations directly adjacent to the cricket pitch reducing the risk of damage to this elevation from horizontal trajectories and low level balls surpassing the boundary. This may not stop all shots from landing in the area, but it is believed from the assessment of ball trajectory it will significantly reduce their frequency.

In addition, it is recommended that the material used to the building roof should be carefully considered to withstand damage from cricket balls

The report does not recommend the specific design of a mitigation system, but identifies that options could include;

- Ball stop netting
- Rigid panel fencing
- Closed board fencing
- Permanent or temporary fencing structures

The applicant has declined to propose the erection of boundary fencing or netting for reasons of amenity and practicality (discussed more fully below). This is a stance which has common support. No local interested parties have a desire to see a tall fence supporting netting within the Memorial Park. There is a shared aspiration for an attractive development facing the cricket pitch. Instead, he proposes the following mitigation measures:

The use of impact resistant roof tiles – Tapcoslates which are flexible, impact resistant roofing slates.

Facing brickwork which will resist damage from ball strikes.

Window and door glazing will therefore be toughened or laminated to the south facing openings to units 2, 4 and 6, and south east facing openings to units 15, 16 and 17.

Windows and doors will be fitted with devices to restrict them being opened beyond 10 centimetres to the south facing openings to units 2, 4 and 6, and south east facing openings to units 15, 16, and 17.

Balcony balustrades, including 'Juliet' balconies, and the balustrades on top of the retaining wall approximately 2.2 metres from the east walls of the buildings facing the pitch will all be toughened or laminated glass.

The proposed development will be private, with a management company employed to manage the communal areas of the site, communal areas within the apartment buildings, other shared spaces, and set out rules and conditions with which the owners/occupants will comply. The management company will be responsible for checking and ensuring that any materials changed will be replaced with similar materials in order to comply with this and any Planning Conditions. This will ensure that facing brickwork, roof slates, windows, doors, and rainwater goods will always provide the level of damage limitation foreseen at the time of the grant of planning permission.

In order to reduce the likelihood of balls passing between the four buildings facing east towards the cricket pitch, the three openings between them will have vertical screen walls spanning horizontally between them. Placed 1.35 metres from the corners of the buildings they will span the width of the space between adjacent buildings from ground of the lowest adjacent eaves level. Only a single door located between units 9 and 10 will provide access from within the site to the landscaped strip between the buildings and the Memorial Park boundary. This access is solely for the use of operatives in connection with cleaning and maintenance of the buildings and landscaping and is to remain locked at all other times.

Management company rules will include seeing that notices warning occupiers of the possible dangers from flying cricket balls are fixed and maintained in appropriate positions.

During the same playing of matches and practice sessions no persons or property likely to be damaged by the impact of flying or falling cricket balls should be within the area of the site that lies between the east facing walls of the proposed development and the adjacent Memorial Park boundary.

The applicant highlights that a proposal to erect a fence adjacent to the Park boundary, just within the application site, at up to 11.4 metres in height above the proposed floor levels of the new buildings, equivalent to their ridge heights, will still look unsightly. It will obstruct clear views across the Park as well as make the new buildings look unsightly, and could thus have a detrimental effect on speed and value of sales as well as the appearance.

The applicant explains that his approach is to severely limit access to the small strip of open land on the side of the site facing the cricket pitch and to make the building construction effectively work as a 'solid panel barrier'. The buildings would be constructed from materials that will not be damaged by ball strikes and the window and door openings would be mechanically restricted from opening to prevent balls entering the buildings. The applicant considers these measures to be capable of being conditioned and to be enforceable.

On consideration of these measures, Sport England has continuing concerns as the proposed development would increase the potential liability to the Cricket Club for damage to property and personal injury. Such ball strikes have the potential to constitute a nuisance under the Environmental Health legislation and as such could prejudice the sporting use of the playing field. As such it maintains its objection.

In brief there are two matters here - will the Cricket Club face responsibility for damage caused by cricket balls hitting the proposed houses? and the degree of weight to be afforded the consultation response of Sport England, together with a reasoned response to the efficacy of Sport England's position in the context of this site and the specifics of the proposal.

On the first matter, the law is clear that "caveat emptor" or "coming to the nuisance" as the Courts have called it, is not an effective defence for the Cricket Club. This follows the Lawrence v Coventry Supreme Court case in 2014, a case in which a long running speedway track was held to be a nuisance to new residents. There is a suggestion that if a claimant changes the use of their land, then that may defeat a claim but that is unlikely to be a defence for either the first or subsequent buyers.

Sport England is heavily and legitimately, influenced in its position by the recent East Hampshire case held as follows.

The committee report rejected Sport England's advice and recommendation without giving any or any adequate reasons. In *Shadwell Estates Ltd. v Breckland DC* [2013] EWHC 12 (Admin), Beatson J. said at [72]:

"a decision-maker should give the views of statutory consultees "great" or "considerable" weight. A departure from those views requires "cogent and compelling reasons": see *R...Hart DC*) v Secretary of State for Communities and Local Government [2008] EWHC 1204 (Admin) per Sullivan J. at [49] and *R (Akester) v DEFRA* [2010] EWHC 232 (Admin) per Owen J. at [112], [115]."

"The officer also failed to advise the Planning Committee that Sport England was a statutory consultee whose views should be given considerable weight and only departed from for good reason. In consequence, the Planning Committee granted planning permission and imposed conditions without due regard to the recommendations and advice of Sport England."

It follows therefore that in making a decision on this application, with strong parallels to the High Court case, the Board has to give considerable weight to Sport England's view that the alternative mitigation isn't sufficient and if a grant of planning permission is to be considered on that basis, very compelling reasons are needed for doing so.

In this regard there are a number of considerations that will weigh in the balance of assessing the suitability and desirability of the proposed development:

- The effect and desirability of the measures suggested by the technical assessments.
- The suitability of the protection measures advocated by Sport England as a potential solution
- The efficacy of the proposed mitigation scheme.
- The increase in risk (above the baseline position of the site having a lawful use as a leisure centre open to the public)
- The desirability of the redevelopment of the site and the benefits that will arise from the proposal.

Turning to each of these in turn:

Firstly the report and consequently, Sport England, suggest netting fencing erected on the site boundary close to a principle elevation of the building to its full three storey height. Because of its significant height, such fencing would not be an insubstantial structure. For wind resistance, stability and to serve the ball resistance function it would be a potentially bulky frame and close density net. The site is unusual in that because of the open ground at the park in the foreground it would be a highly visible development, viewed in the context of the edge of Conservation Area cricket ground. From a townscape perspective it is undesirable to obstruct views to the development with such a structure. From the perspective of new residents it is undesirable to obstruct views of the town from their properties (within 3 metres of the windows to the principal habitable rooms of the new development). Furthermore, there are two very significant black poplar trees on adjacent land but very close to the boundary. Nets would interfere with the netting and visa versa. The retention of the trees is highly desirable from a townscape perspective and protective fencing would potentially jeopardise their retention.

Secondly, Sport England suggest a retractable fence and refer to an example of one erected at a cricket ground in the Manchester area. The applicant has researched and considered this option.

The images below show such a retractable solution



Acknowledging that the images may not reproduce with clarity, they show a fairly large base (because they contain individual air compressors) and a netting trough is to contain the nets when retracted. The mast bases are 450mm square. The system is visible to 2.8m when retracted.

There appear to be several impracticalities and issues with this suggested solution.

Sport England required the system to be easily set up/taken down as they feared if it was too time consuming/difficult and thus people would not do it.

Once erect, the end masts must be guyed to a suitable ground anchor to reduce the stress on the outer masts. This would likely be beyond the application site.

The applicant further points out that any system operated by third parties cannot be relied upon by the Cricket Club; that the marginal profitability of the scheme does not allow for the provision of retractable nets and that insistence on retractable nets will lose the development funding and the scheme will not go ahead.

There would be inherent difficulties with enforceability and ongoing maintenance, operation and renewal. There would also potentially be issues with trees in the vicinity.

The retractable netting would not be considered practicable in the circumstances of this site.

Thirdly, though there are parallels to the High Court Case here, it differs in that the scheme is designed to ensure that there is no routine or significant public access to land within the site between the new building and the boundary with the cricket pitch. That was not the case in the High Court Case where a decking and walkway remained vulnerable. In this instance the open land will be planted with shrubs and have no pedestrian access (save for a locked door for use for maintenance purposes only, accessed under controlled conditions). This is arguably an improvement over the former use of the site which contained a car parking area accessed in an unrestricted manner by members of the public visiting the sports hall on match days.

The mitigation measures proposed have a lesser efficacy than the report recommendations but the report recommendations would not be acceptable from a townscape/visual amenity perspective.

The philosophy of designing the building to be damage proof and impenetrable as possible is considered to be an appropriate alternative and practicable solution.

It is notable that the Cricket Club does not expressly object to the development. It simply wishes to ensure that risks are minimised. It is considered that the proposed mitigation measures are sufficient to afford that reasonable risk minimisation

Finally, the site has been vacant and in a deteriorating condition for an extended period of time. The development of this brown field site is desirable. The development with housing will be a valuable and policy compliant addition to the housing supply locally

For the reasons set out above, it is considered that there are compelling reasons for the grant of planning permission that outweigh the concerns expressed by Sport England and others.

f) Design and Amenity

The design of the scheme is suited to its centre of town location. Three storey development is not uncommon in the town. Though the site makes little or no direct provision of private open space, the site lies immediately adjacent to the town's park

which provides for both formal and informal recreation. The absence of on-site private amenity space is not an impediment to the development of this site. There is no considered to be any material harm to the residential amenity of neighbouring occupiers and no representations have been received in that regard. In these circumstances there is overall support of the development in townscape terms.

g) The planning balance

All of these matters need to be put into the final balance. The principle of the development is wholly in accord with Development Plan policy and the overall design and appearance is acceptable. There are no demonstrable harms caused to heritage, ecological or highway interests and the development would be a significant enhancement over the existing situation in terms of appearance and “townscape”. The proposal too would add to the supply of housing in the Borough. On the other side of the balance there is no affordable housing provision, either on-site or in lieu with off-site contributions. Also there are no other contributions proposed. These dis-benefits weigh against support for the scheme. However in this regard, there is evidence of substantial weight that demonstrably shows that with such contributions the scheme would not be viable and thus the benefits recorded above would not be achievable. As a consequence it is considered that the benefits here do clearly outweigh the harm caused by not having these contributions.

This overall conclusion now has to be reviewed in respect of the Sport England objection. This objection carries significant weight and the Board should assess whether it carries sufficient weight for it to clearly outweigh the initial conclusion set out above. It is a material consideration that could therefore lead to a refusal.

The report above outlines that in the particular circumstances here, a “retractable netting” arrangement would be a proportionate measure to satisfactorily reduce the “risk” identified by Sport England. The applicant has outlined practical reasons why this is inappropriate and instead has set out other mitigation measures. The report – particularly section (e) when taken as a whole – provides reasons why in the circumstances of this case, they can be considered as a reasonable and proportionate response to the identified level of risk. That assessment is also influenced by the acceptance in principle for the scheme and the overall enhancement in townscape terms to it going ahead. As a consequence, officers conclude that the benefits here do outweigh the total harms caused including the risk of ball-strikes. The Board may well take a different view in terms of the weights to be given to these matters and that is an outcome that would be reasonable. The Board however would need to explicitly outline its reasons why that would be the case.

Recommendation

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

- 1) Standard three year condition
- 2) Specified plans
- 3) The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

REASON

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Habitable rooms facing the adjacent fire station shall incorporate acoustic glazing and ventilation into the design in order to minimise potential disturbance.

REASON

In the interests of the amenity of the occupiers of the approved dwellings

- 4) No development shall take place until the following detailed information has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

Undertaken infiltration testing in accordance with the BRE 365 guidance to confirm whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.

If infiltration is not feasible, limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 4.9 l/s for the site.

Demonstrate that the surface water drainage system is designed in accordance with 'The SuDS Manual', CIRIA Report C753.

Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'.

Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

Provide evidence of the secured legal agreement from the Fire Station to connect to their existing surface water network.

Provide the name of the party responsible for maintenance, including contact name and details shall be provided to the LPA.

REASON

To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

- 5) No unit shall be occupied until the pedestrian and vehicular access from Park Road has been altered in accordance with the submitted drawings and the

specifications of the Highway Authority providing a minimum carriageway width along the access road of 6.1 metres to where the access road meets the access to the site.

REASON

In the interests of highway safety

- 6) No unit shall be occupied until the agreed footway improvement works along Park Road and Birmingham Road have been completed.

REASON

In the interests of highway safety

- 7) No unit shall be occupied until the access, car parking for that unit, manoeuvring and service areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be 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 highway safety

- 8) No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan (CMP) shall include all construction traffic including concrete pours and abnormal loads and shall include proposals for the :
 - a. Routing of construction traffic (including swept path details where appropriate),
 - b. Scheduling and timing of movements including nature and number of vehicles,
 - c. The management of junctions to and crossings of the public highway and
 - d. rights of way,
 - e. Details of escorts for abnormal loads,
 - f. Temporary warning signs,
 - g. Temporary removal and replacement of highway infrastructure/street furniture,
 - h. Reinstatement of any signs, verges or other items displaced or damaged by construction traffic,
 - i. Details of the site access and banksman/escort details.
 - j. Hours of working and deliveries
 - k. measures to suppress dust emissions
 - l. measures to reduce debris and waste being deposited onto the highway.

The approved Construction Traffic Management Plan including any agreed improvements or works to accommodate construction traffic where required along the route, shall be carried out as approved

REASON

In the interests of highway safety

Together with conditions:

- To agree details of all facing and roofing materials
- To withdraw permitted development rights
- To agree all other boundary treatments
- To agree a landscaping scheme
- To agree measures to protect those existing trees to be retained.

Notes

- 1) Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
- 2) Warwickshire County Council as the Lead Local Flood Authority does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.
- 3) Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.
- 4) Conditions require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX. 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. Applications 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.
- 5) 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.

- 6) 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.
- 7) 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".
- 8) There may be bats present at the property that would be disturbed by the proposed development. You are advised that bats are deemed to be European Protected species. Should bats be found during the carrying out of the approved works, you should stop work immediately and seek further advice from the Ecology Section of Museum Field Services, The Butts, Warwick, CV34 4SS (Contact Ecological Services on 01926 418060).
- 9) 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.
- 10) 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>
- 11) 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 and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

TECHNICAL REPORT



COLESHILL LEISURE CENTRE – BOUNDARY ASSESSMENT

CLIENT	Arnold Holdings Ltd	
CLIENT ADDRESS	Tilia Building Limited 61, Charlotte Street, Birmingham, B3 1PX	
CLIENT CONTACT	c/o Chris Fellows – FB Architecture Ltd	
REPORT NUMBER	LSUK.18-0682	
REVISION NUMBER & DATE	1-1	20/08/2018
REPORTED BY		Tom Wills Consultant
APPROVED BY		Kathryn Severn Operations Manager

SUMMARY

To assess the potential risk of cricket balls being hit into a proposed development adjacent to the cricket field at Colehill Leisure Centre, Labosport Ltd has reviewed the proposed site including distances to ascertain the risk of balls landing in the adjacent areas; and advise on the type and level of mitigation recommended to provide a suitable level of protection.

This report forms the bases of a risk assessment and if required a recommended mitigation strategy to minimise potential risks.

NORTH WARWICKSHIRE
BOROUGH COUNCIL

RECEIVED

09/11/2018

**PLANNING & DEVELOPMENT
DIVISION**

Report Number	LSUK.18-0682	Page 1 of 8
Date	20/08/2018	
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INTRODUCTION

To assess the potential risk of cricket balls being hit into a proposed residential development adjacent to the cricket field at Coleshill Leisure Centre, Labosport Ltd has reviewed the proposed site plan including distances to ascertain the risk of balls landing in the adjacent areas and advise on the type and level of mitigation recommended to provide a suitable level of protection. Mitigation options taken into consideration where applicable include; fencing, location and orientation of the cricket square and wickets, player ability, location of junior and senior wickets, development type.

Using a ball projectile model and supporting data from research undertaken, based on professional level cricket, by Labosport for the England and Wales Cricket Board (ECB) the following risk assessment has been produced. As with any model and sensible risk assessment the proportionality linked to risk (comprising likelihood and severity) are included in this report.

Note: All measurements were taken by Labosport in situ based on information provided by the client on the day of the site visit. The site visit took place on the 27th July 2018.

SITE SPECIFICS

The below diagram illustrates the layout of the existing cricket square in relation to the existing sports centre development (yellow) in the West orientation. A new residential development is proposed on this land with the development boundary situated at the boundary of the cricket field car park (see proposed development plan below). Note the proposed layouts are illustrative only. The wickets are orientated in a North to South direction. There is a fall of approximately 1 m from the wicket to the car park located to the West of the square.

Site Overview



Proposed Development Plan



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Orientation of Risk

The focus on the boundary assessment is based on the shortest distances from the edge of the cricket square to the proposed boundary of the development and hence worst case scenario. This can be identified in the above site plan as the Westerly orientation.

SITE MEASUREMENTS

The above diagram illustrates the minimum measured distances from the cricket square to the proposed development boundary. Note as this is a risk assessment the worst case scenarios are considered; consequently the shortest measured (and calculated) distance is used for the study.

Measured Distance	Shortest Boundary (m)
West – Edge of the cricket square to the proposed location of mitigation if required.	Circa 34.6 m

Previous work undertaken for the England and Wales Cricket Board (ECB) led to the development of a model used to estimate the distance a ball would travel and its trajectory given a specific velocity and angle.

Model limitations:

The size of a cricket ball and its estimated drag coefficient has been added to the model, this in combination with classical Newtonian Physics for the influence of air resistance and gravity have been used to predict the projectile path. However, for simplicity, there are some limitations to the model including but not limited to bat/ball restitution, atmospheric conditions, wind (speed and direction) and spin of the ball. Due to these limitations the model is regarded as an indicative prediction tool.

The below table highlights the total estimated distance a ball will travel for typical shots (angles and velocities) taken from assessment of in-game action ranging from 20 degrees to 50 degrees and 20 m/s (45 mph) to 50 m/s (112 mph).

ESTIMATED BALL HEIGHT (USING THE PROJECTION MODELLING TOOL)

Total Estimated Distance (m)	Angle (degrees)							
	20	25	30	35	40	45	50	
Velocity (m/s)	20	20.70	23.24	25.82	27.22	28.04	27.84	27.10
	25	28.82	32.8	35.29	37.01	37.95	37.66	36.25
	30	37.32	41.99	44.91	46.31	47.34	46.51	45.27
	35	45.95	50.48	53.80	55.40	55.96	55.04	53.15
	40	53.71	58.79	61.82	63.62	63.73	62.73	60.24
	45	60.50	66.15	69.52	70.93	70.62	69.17	66.53
50	67.88	73.23	76.29	77.88	77.15	75.62	72.09	

Note: the trajectory for the above distances will be very different depending on the angle and velocity of shot as can be seen in the assessment below.

The hit angles and velocities are estimated from in-game action to cover a range of 'typical' shots ranging from 20 degrees to 50 degrees and 20 m/s (45 mph) to 50 m/s (112 mph).

The following distances have been used to calculate the height of the ball for different shot conditions as specified below:

Measured Distance	Shortest Boundary (m)
West – Edge of the cricket square to the proposed location of mitigation if required.	Circa 34.6 m

Estimated Ball Height @ 34.6 m	Angle (degrees)						
	20	25	30	35	40	45	50
Velocity (m/s)	20	0	0	0	0	0	0
	25	0	0	1.3	2.9	4.0	4.4
	30	1.7	4.4	6.8	9.1	11.4	13.3
	35	4.4	7.3	10.1	12.9	15.8	18.6
	40	6.3	9.3	12.3	15.5	18.7	22.1
	45	7.6	10.6	13.9	17.1	20.8	24.5
	50	8.4	11.6	14.8	18.4	22.1	26.3

See Appendix A for example trajectories.

RISK ASSESSMENT DISCUSSION

This report has been prepared to assess the potential risk of cricket balls being hit into a proposed residential development adjacent to the cricket field at Coleshill Leisure Centre and advise on the type and level of mitigation recommended to provide a suitable level of protection. Mitigation options taken into consideration where applicable include; fencing, location and orientation of the cricket square and wickets, player ability, location of junior and senior wickets, development type.

The exact frequency of shots resulting in a cricket ball being hit into the adjacent area is unknown and impossible to predict with certainty (player skills, type of game and many other factors can influence this) hence a proportionate approach needs to be taken to provide safety to these users. In reality there will always be a "freak" shot that will result in a further than expected trajectory, however, the implications of planning for this type of worst case approach would result in the closure of hundreds of cricket grounds across the country hence a balanced risk mitigation strategy needs to be implemented that is proportionate. Indeed, there are risks associated with many everyday activities, but plans need to be developed to reduce risk following good practical health and safety principles including a combination of likelihood and severity.

Labosport Ltd have undertaken this type of assessment for other cricket grounds over the past 3 years when there have been perceived problems with cricket balls exceeding the boundary or the influence a new development may have on an existing club.

The basis of the shot velocity (50 m/s) is calculated on professional (1st class and international) players. Typically for community cricket clubs we undertake the assumption that 40 m/s is a suitable speed given the speed of bowling and batsman's skill when contrasted with elite players. It is on this basis that the below recommendations have been made.

Risks Overview/Mitigation Approach

West Orientation

The shortest distance from the edge of the cricket square to the boundary of the proposed development in the West orientation is 34.6 m. At 34.6 m all but the fastest shots for community/amateur level cricket will be stopped by a 19 m high mitigation system. A 19 m high system will not stop all shots from landing beyond the boundary but it is believed from the assessment of ball trajectory it will significantly reduce their

frequency. In order to almost completely remove the risk of cricket balls landing in the area beyond the boundary a mitigation system greater than 25 m high would be required. In both instances this is unlikely to be practical or proportionate.

Based on the height calculations of the ball trajectory combined with the experiential information regarding shot scenario, direction of play and site specifics it is recommended that a 19 m high mitigation system will be required. At this height the mitigation may not stop all shots from landing beyond this boundary but it is believed from the assessment of ball trajectory it will significantly reduce their frequency. It is suggested however, that this level of mitigation may not be practical, and an alternative solution may need to be sought.

If there is a desire to reduce the recommended height of mitigation increasing the distance from the edge of the cricket square to the development boundary could be considered if viable. Options to consider could include restricting outer wickets to junior players (under 16s) only or moving the proposed location of mitigation from the boundary of the cricket field to the development boundary.

The following highlights the recommended heights of mitigation for community level cricket at set distances

@ a distance of 35 m – minimum recommended height 19.0 m

@ a distance of 40 m – minimum recommended height 18.0 m

@ a distance of 45 m – minimum recommended height 15.0 m

@ a distance of 50 m – minimum recommended height 14.0 m

@ a distance of 55 m – minimum recommended height 11.0 m

@ a distance of 60 m – minimum recommended height 5.0 m

@ a distance of 65 m – at this distance a good level of protection for community level cricket should be provided.

Note: At these heights the fencing mitigation may not stop all shots from landing beyond the boundary, but it is believed from the assessment of ball trajectory it will significantly reduce their frequency.

Alternatively, if the location of the mitigation system was to be placed at the development boundary with no public access between the line of mitigation and the new residential properties it may be possible to reduce the height of mitigation to be in line with the elevation of the buildings which is understood to be approx. 31.4 m to the ridge height of the proposed three storey buildings at its highest point. Mitigation to this height will protect the building elevations directly adjacent to the cricket pitch reducing the risk of damage to this elevation from horizontal trajectories and low level balls surpassing the boundary. This may not stop all shots from landing in the area, but it is believed from the assessment of ball trajectory it will significantly reduce their frequency. In addition, it is recommended that the material used to the building roof should be carefully considered to withstand damage from cricket balls / the client would need to be accepting that some damage may be caused from direct hits by cricket balls. It is suggested that balls landing from a higher trajectory in the vertical direction onto the buildings will be less than the horizontal component.

Further notes:

This report does not recommend the specific design of a mitigation system, however options could include;

- Ball stop netting
- Rigid panel fencing
- Closed board fencing
- Permanent or temporary fencing structures

It is recommended the client discuss design options with the relevant stakeholders.

Report Number LSUK 18-0682

Date 20/08/2018

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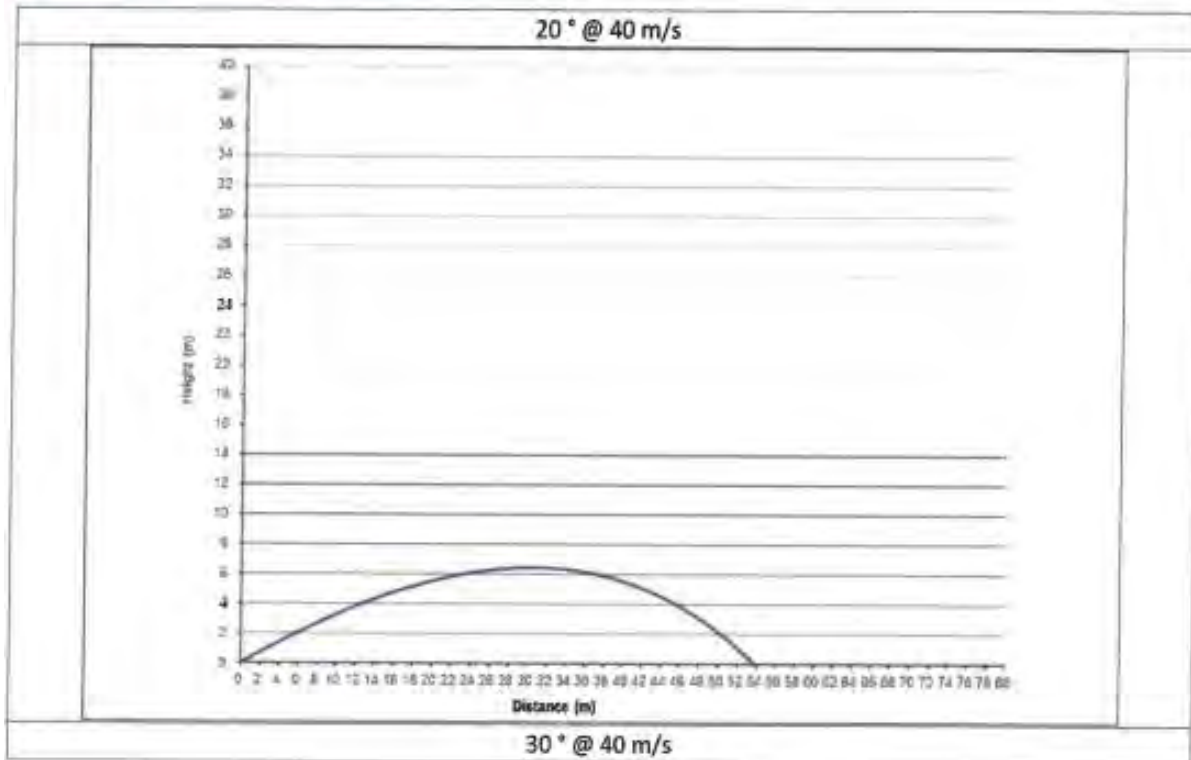
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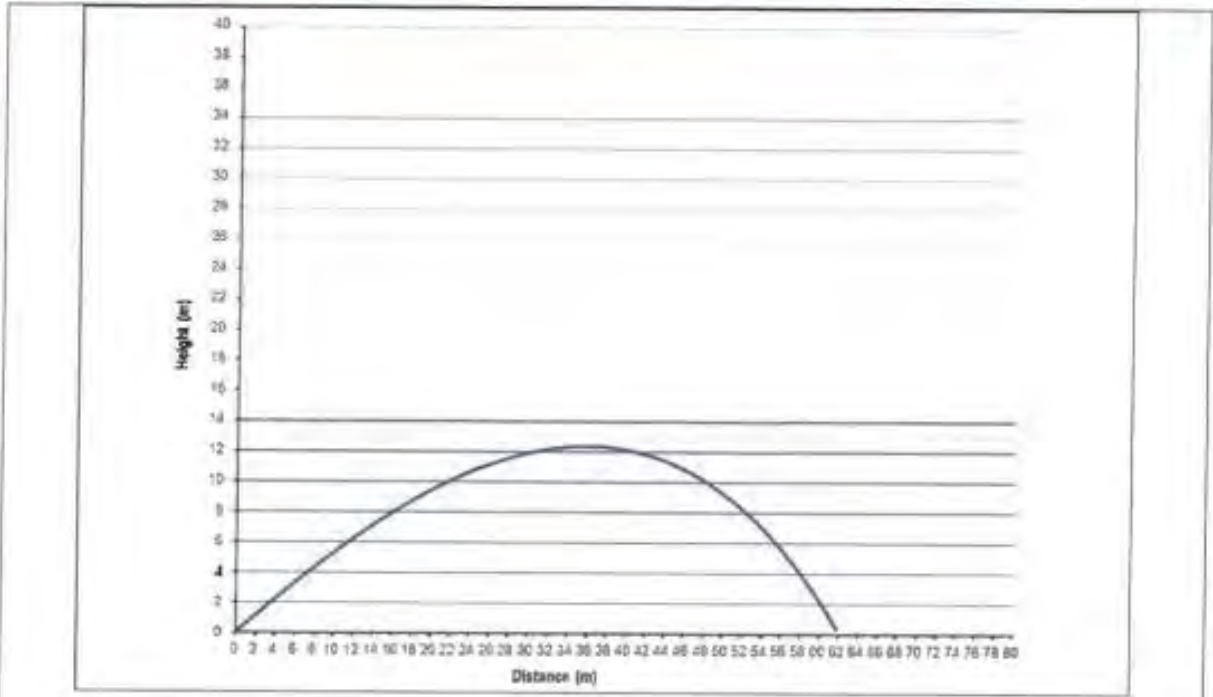
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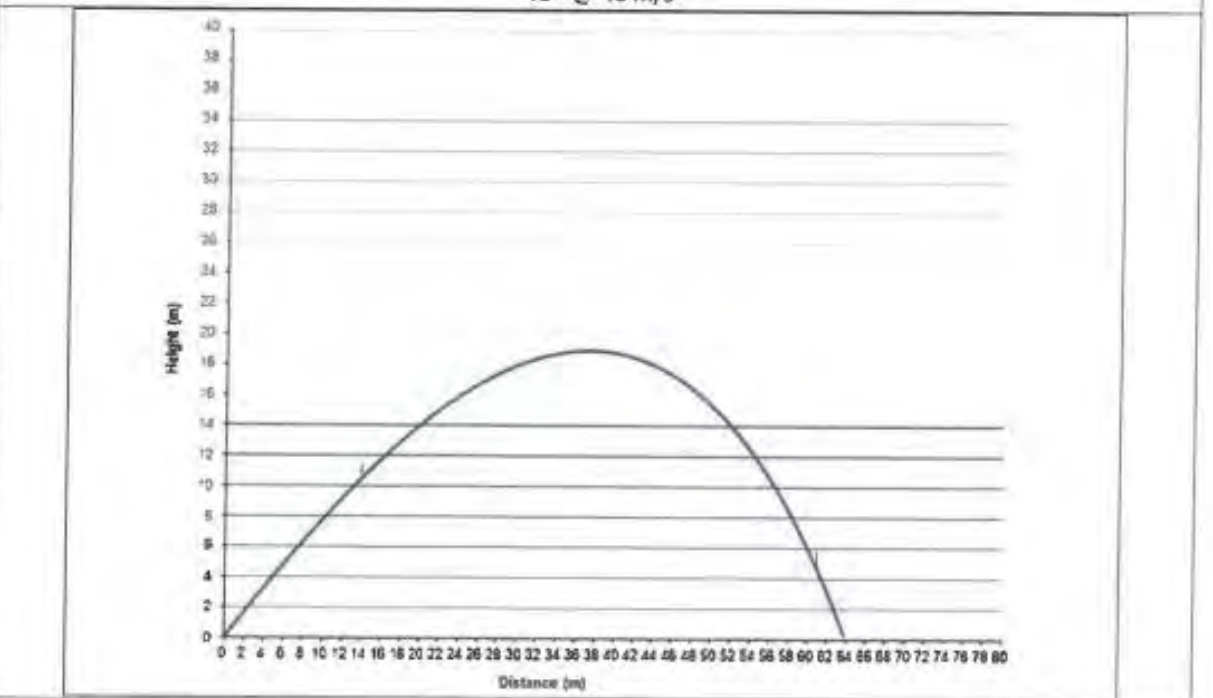
It is recommended the client discuss the plan with the England and Wales Cricket Board (ECB) or other relevant organisations such as Sport England along with the club to ensure whatever system if proposed is both suitable in mitigating the risk but also practicable for the cricket club's day to day use.

APPENDIX A – TYPICAL EXAMPLE TRAJECTORIES





40 ° @ 40 m/s



BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0030

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	various
2	NWBC Streetscape	Consultation Response	24 1 18
3	George Eliot Hospital NHS Trust	Consultation Response	20 1 18
4	Severn Trent Water	Consultation Response	30 1 18
5	Lead Local Flood Authority	Consultation Response	1 2 18 25 4 18
6	Coleshill Civic Society	Representation	1 2 18 19 2 18
7	Warwickshire County Council Highways Authority	Consultation Response	6 2 18 4 1 19
8	Environmental Health Officer	Consultation Response	13 2 18
9	Tree Officer	Consultation Response	19 2 18
10	Warwickshire County Council Infrastructure	Consultation Response	20 4 18
11	Sport England	Consultation Response	14 6 18 11 1 19
12	Coleshil Town Council	Consultation Response	1 2 18 29 11 18
13	Coleshill Cricket Club	Representation	25 1 18 10 5 18 28 11 18
14	Police	Representation	2 2 18
15	7 local residents	Representation	various

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.

(4) Application No: PAP/2018/0239

Caldecote Hall Estate, Caldecote Hall Drive, Caldecote, CV10 0TW

Erection of 2 no: houses with 2 no: air source heat pumps, for

Mr Heaton

Introduction

Members are aware that determination of this application was deferred at the last meeting in order that representatives of the Board could meet with the applicant to review the design of the building identified for Plot 7. The past report is attached for convenience at Appendix A. The latest plan for Plot 7 which was displayed at the meeting is at Appendix B.

The meeting is scheduled for the 31 January, which is after the date for circulation of this report. As a consequence, there will be a verbal update at the Board meeting and any further plan will be displayed at the meeting.

Recommendation

That planning permission be **GRANTED** subject to any alterations requested by the Board as a consequence of the meeting referred to in this report.

(3) Application No: PAP/2018/0239

Caldecote Hall Estate, Caldecote Hall Drive, Caldecote, CV10 0TW

Erection of 2 no: houses with 2 no: air source heat pumps, for

Mr Heaton

Introduction

This application was referred to the December Board meeting but determination was deferred in order to enable Members to visit the site. A note of this visit is at Appendix A.

The previous report is attached at Appendix B.

In order to assist those Members who did not attend the visit, the following plans were shown at that time:

- The layout of the former estate buildings – Appendix C
- The elevations of these buildings – Appendix D – particularly elevation B
- The first redevelopment scheme – Appendix E – showing the new houses and office conversion
- The approved elevations of the office conversion – Appendix F – particularly elevation B
- The subsequent approval for two houses in lieu of the offices – Appendix G – particularly the top elevation
- The current application – the layout and particularly the bottom elevation at Appendix H

Observations

Members at the December meeting expressed the view that the proposed unit on plot 7 should have a more traditional design in order to reflect the transition between the established buildings on site and the modern new houses. That view was reflected at the visit and officers were asked to follow this through with the applicant. A verbal update will be given at the meeting.

Recommendation

In the interim, the recommendation to the Board remains as set out in Appendix B

PAP/2018/0239

Caldecote – Site Visit - 22 December 2018 at 1030

Present: Councillors L and N Dirveiks; M and D Humphries, Phillips and Simpson together with J Brown

1. Members met at the end of Hawcutt Drive.
2. Here they were shown plans of the former estate works buildings and plans for the initial redevelopment proposals. These included the new detached houses as well as the first proposal to convert the buildings on the current application site to offices. They were then shown the second proposal which was to demolish and add two houses in lieu of the offices but to retain a continuous frontage between the two houses. The current proposals for two alternative detached houses were shown and comparisons with the approved were pointed out.
3. Members then walked down Hawcutt Drive and viewed the detached houses as well as the one that reflected some of the original buildings' features.
4. Members saw the buildings on the current application site and noted the single storey ranges and changes in ridge heights. They walked along the drive up to the main Hall access. Here they looked back at the site and also they viewed the collection of mews houses close by.
5. They then returned to Hawcutt Drive via Caldecote Lane and here they saw the row of terraced cottages
6. The visit ended at around 1100

General Development Applications

(#) Application No: PAP/2018/0239

Caldecote Hall Estate, Caldecote Hall Drive, Caldecote, CV10 0TW

Erection of 2 no: houses with 2 no: air source heat pumps, for

Mr Heaton

Introduction

The proposal is presented before Members of the Planning and Development Board as a consequence of local Members concerned about the design of the scheme.

The Site

The application site relates to part of the former Caldecote Estate Works which are located immediately adjacent to Caldecote village accessed via a private track from Caldecote Road. Caldecote Road runs east to Weddington Lane, (A444) approx. 500m in distance.

In 2011 planning consent was granted for the redevelopment of the site, which other than the area subject to this application, has been implemented and built out. The whole area once comprised of a variety of light and general industrial, storage and distribution, and sui generis uses. The original scheme was amended in 2013 and a recent application in 2016 sought to further amend the approved proposal, but just for the area subject to this application.

There is a collection of mews and terraced properties to the west of the site. To the east is open space which can be viewed from Caldecote Lane which is characterised with residential terraced properties and semi-detached properties. A number of mature trees are located to the south of the site.

The application site lies within open countryside, as identified on the North Warwickshire Core Strategy 2014 together with the North Warwickshire Local Plan 2006, as saved and emerging Local Plan Submission, 2018.

Application site photographs can be viewed at Appendix A.

The Proposal and Amendments

The application seeks permission for the erection of two houses, both with air source heat pumps.

The application seeks for the amendment of a previously granted scheme for the erection of two detached dwelling houses, access and parking bays. The extant permission was granted in April 2017 under planning reference PAP/2016/0589 (see Appendix B). The major difference is that the dwellings are now proposed as two separate dwellings with the dwelling at Plot 6 to match in modern design with the dwellings at No.'s 2-5.

Plot 7 resides to the rear of the proposed dwelling at Plot 6, both dwellings would obtain access from Hawcutt Drive. The design of the proposed dwelling at Plot 6 has been redesigned to simplify the form and give connectivity to the surrounding area through a traditional coach-house style form and through the incorporation of reclaimed materials from the existing low long range barn that is present on the site See Appendix C.

The application is accompanied by a Design and Access Statement and a Phase 1 Ecology Survey.

Background

Relevant Site History

PAP/2011/0420 – Mixed use development to Caldecote Hall Estate Works, consisting of: 1. Extension & remodelling of existing offices, 2. Change of use from workshop to residential, 3. 3 no. new dwellings Granted 28 March 2012.

PAP/2013/0288 - Variation of condition no: 2 of planning permission PAP/2011/0420 relating to new plans, reduction in size of plots 1, 3 & 4, reduction in size of office block, 1 no: new dwelling; in respect of mixed use development to Caldecote Hall Estate Works, consisting of: 1. Extension & remodelling of existing offices, 2. Change of use from workshop to residential, 3. 3 no. new dwellings. Approved 14 October 2013.

DOC/2014/0065 - Approval of details required by conditions no. 4,5,7,8,9,11,12,14,16 and 17 of planning permission PAP/2013/0288 dated 14 October 2013 relating to Phase One ground conditions survey, measures under condition 4, facing materials, including bricks, tiles cladding and window frames, ground surfacing materials, woodland management scheme, bat detection survey, construction and drainage of surfaces, a-f of Condition 13, mechanical wheel wash foul and surface water and screen wall/fence. Granted 20 October 2014.

PAP/2016/0589 – Erection of two dwellings. Granted 10 April 2017.

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment) and NW15 (Nature Conservation)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV1 (Protection and Enhancement of the Natural Landscape); ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT 1 (Transport Considerations) and TPT6 (Vehicle Parking)

Other Relevant Material Considerations

National Planning Policy Framework, 2018 – (the 'NPPF')

The Submitted North Warwickshire Local Plan 2018 - LP1 (Sustainable Development); LP16 (Natural Environment), LP31 (Development Considerations), LP32 (Built Form) and LP36 (Parking)

Consultations

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

Environmental Health Officer – No objections

Warwick Museum – No comments received.

Natural England – A further bat survey will be needed which should recommend appropriate mitigation measures.

Representations

Amalgamated objection received from local community:

- The approved design (under planning reference PAP/2016/0589) is preferred, as the elevation that faces the village and the main drive is more "cottage" like and a better looking aspect.
- The facing aspect of the proposed design is made up of end elevations that are not favourable.
- The existing buildings had the rear entrances facing into the courtyard, any future design should maintain this orientation.
- The elevations facing the village and main drive to the hall should be using reclaimed tiles and bricks and be of similar design to the first house recently developed (No 1 Hawcutt Drive).
- Keeping the original footprint of the buildings would be preferred there has already been an increase in height from the existing properties and have concerns with resulting being imposing.
- Concerns with the loss of light on immediate neighbour.
- Confirmation of the boundary and planting scheme between the south facing elevation and Hall Drive should be confirmed to avoid future debate.
- Possible Title issues

Observations

a) Principle of development

It is noted the principle of the residential development has already been ascertained under the extant planning reference PAP/2016/0589. The key considerations therefore would be the alterations in the design approach to formulate two separate dwellings; impact on neighbouring amenity and impact within the street scene.

b) Design and scale

Pre-application engagement and consultation was undertaken by the agent prior to a submitted scheme. Of key concern was for the proposal to maintain views through to the paddock area, whereby the approved 2016 scheme restricts these views from adjacent residents. Furthermore the previous scheme allowed for traffic to travel through the application site from Hawcutt Drive to Caldecote Drive.

The design of the dwelling at Plot 6 is sympathetic to the new modern dwelling houses approved with the previous redevelopment of the site. The design and proposed materials match those properties that have now been constructed in Plots 2-5. The materials here comprise of red brick under plain tiles with cedar cladding detail and render to match the existing modern dwellings. The proposed dwelling would respect the building line of the property at Plot 5 and would be no taller in height. The overall design takes design cues from the modern buildings. As such it is not considered that Plot 6 would have any significant harm on the wider street scene.

It was considered that the bulk and mass of the proposed dwelling at Plot 7 by way of siting and design would not reflect the character of the area or have any connection with the neighbouring mews type properties to the immediate west or the modern development as approved. It is acknowledged that the application site here is problematic with regards to according to the design principle of connectivity with the wider site.

Plot 7 would be sited to the southern part of the application site and to the rear of Plot 6 sharing access with Plot 6 from Hawcutt Drive. It was considered that together with the proposed siting and design that the dwelling would not have been compatible with the wider context and disconnect with the adjacent properties at Caldecote Mews see Appendix A. It is to note, however that the Mews properties have traditionally been separated and inward facing away from Caldecote Estate Works given the functionality of the historic uses at the site (See Appendix E). Furthermore with the redevelopment of the site, the modern design of the dwellings now along Hawcutt Drive were designed to be separated from the Mews and have no connections or communicable pathways into the Mews or other parts of the wider Caldecote Estate.

Notwithstanding the design principles, an amended scheme was undertaken which sought to refine the resulting form of the proposed dwelling at Plot 6 and following discussion with the Agent sought to incorporate more traditional design elements. This amendment is welcome and it is considered that it responds to officer and local concerns. The revised design of the dwelling house at Plot 6 is simplified with a traditional form and would be constructed out of reclaimed materials from the existing buildings at the site. Concerns have been made that the heights of the proposal would exceed the previously approved. It can be confirmed that the proposed heights of each dwelling would not be taller than the previously approved extant permission see Appendix D.

Furthermore concerns had been made in regards to the impact of the proposal on views from the village and the main drive and sought a more traditional 'cottage-like' character.

In response to the objections received, the alterations to the design of Plot 7 that face on to Caldecote Drive and the east elevation vistas have been improved and are considered to have a negligible impact on the character of the wider area. The re-design of the dwelling at Plot 7 would be traditional in form and read as a coach house style property. The revised design of Plot 7 is set back from the track that leads to the unlisted Caldecote Hall outside of an area of special control and is considered to be sympathetic to the street scene. It is noted that properties within the surrounding area are a mix of semi-detached, detached, terraced and traditional cottage dwelling houses in red brick and render.

Overall the mass of the scheme reading along the eastern elevation of the application site has been reduced. This assists in the sense of spaciousness for the proposal and most importantly retains views to the paddocks as desired by residents.

Policy NW12 of the Core Strategy, 2014 seeks for development to improve the individual settlements character; appearance and environmental quality of an area. It is not considered that the resulting elevation and overall design of the small scale property at Plot 7 would result in detrimental harm to the character of the area to warrant refusal of the application. The proposal would enhance the vacated buildings that are in disrepair and would reduce the mass of built form approved under the previous 2016 application.

c) Impact on Amenity

Overall it is not considered that the deviation from the previous form approved to two detached dwellings would result in a detrimental impact on the character of the wider area.

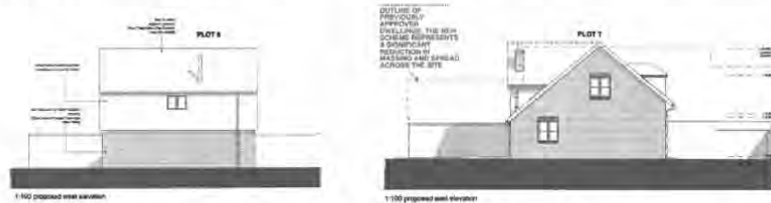
In regards to the impact on neighbouring amenity, the proposed dwelling in Plot 6 would be situated approx. 1.8m. This is a similar distance and spacing to the wider residential development at the site. The east elevation of Plot 5 (now No. 5) is a blank elevation. The proposed west elevation of the proposed dwelling proposes one opening to first floor which would serve a bathroom and as such would be subject to be obscure glazed to privacy level 3.

The proposed new dwelling at Plot 6 would not intercept the 45 degree angle for the purposes of Paragraph 2.22 within the Guide for the Design of Householder Developments, 2003, of any primary habitable rooms to the ground floor of the neighbouring property at No. 5 (See Appendix F).

The proposed dwelling at No. 6 is not considered to have a detrimental impact on the neighbouring property to the north at No. 1 by way of overlooking, loss of privacy or overbearing impact. The proposed dwelling would be sited on a similar footprint to that of the extant consent. Furthermore no representations have been received.

Plot 7 would be positioned approx. 8.8m from the east elevation of No. 39 Caldecote Hall. The proposed dwelling has been set back from the boundary and would not have any increased harm to the neighbouring property by way of overbearing impact or loss of light than the extant permission.

The west elevation of the proposed dwelling at Plot 7 proposes one opening to first floor which would serve and en-suite and as such would be subject to a condition to be obscure glazed to privacy level 3.



Proposed West Elevation of Plot 7

Proposed height of Plot 7 with outline of previously approved

d) Impact on Ecology

It is noted a bat licence has been granted for the period of 20 March 2015 to 17 March 2020 as a mitigation requirement under the originating redevelopment consents (planning references PAP/2011/0420 and Non Material Amendment MIA/2014/0021).

No Phase 1 or updated bat survey accompanied this proposal to determine the species and vulnerability that presently existing within the buildings proposed to be demolished. It is noted that the ecology surveys are out of date and bats were observed in both 2008 and 2014. A 'Bat Update Ecology' report has been prepared by a licensed ecologist and received 7 November 2018 by the Local Planning Authority.

It is noted in the report that the wider site has now been redeveloped with substantial exterior lighting which will impact both the front of the cottage and the flight path previously used by the brown long eared bats identified at the site. It is also noted that the archway over the roost entrance has now been demolished.

The report concludes that it appears that the brown long eared bats are no longer using the buildings as a maternity roost, although there is evidence that the bats are still using the buildings as day roosts. It is regrettable that the cumulative re-development of the wider site has contributed to these impacts on ecology.

A Habitats Regulations licence will be required before works can start at the site prior to disturbance of the cottage and barns since there is continued evidence of day roosts of bats. In *Morge v Hampshire County Council* [2011] UKSC 2 the Supreme Court considered how planning authorities should discharge this regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 (as amended). In his leading judgment, Lord Brown, at paragraph 29, stated that planning permission should be granted unless the planning committee concludes that the proposed development would both (a) be likely to offend Article 12(1) of the Habitats Directive; and (b) be unlikely to be licensed by Natural England pursuant to the derogation powers.

Natural England have been consulted on the application and updated ecology survey and considered the likelihood of granting an updated bat license is probable. It is not

considered that the presence of bats here present a legal obstacle to the recommendation of approval of this application.

Previous bat mitigation methods were required by way of a provision of a bat loft would therefore no longer be a requirement of a bat licence. Appropriate compensation for the loss of day roosts of common pipistrelle and brown long eared bats is the provision of cavity wall boxes in the new buildings as detailed in the report. Any recommendation for approval would seek a condition for these mitigation measures together with an informative advising the Applicant that a further license from Natural England will be required prior to the commencement of development at the site.

It is considered that the proposal would accord with Policies NW13 together with NW15 of the Core Strategy, 2014. These policies seek for the protection and enhancement of the ecological aspects of a development site.

e) Conclusion

Taken as a whole, this proposal would be sustainable development and as a consequence of amended plans, the issues that were raised previously have been overcome and the now lesser amount of development proposed has overall visual amenity benefits within the surrounding area than the previously approved scheme.

Recommendation

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

Standard 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 reference PAL.03A entitled 'Proposed Location Plan', PAL.02A entitled 'Proposed Site Plan', PAL.011A entitled 'Proposed Site Plan Plot 6 and 7', PAL.015A 'Proposed Elevations Plot 6', PAL.016A 'Proposed Elevations- Plot 7', PAL.018A 'Proposed Ground Floor Plot 7', PAL.019A 'Proposed First Floor – Plot 7' received 5 July 2018 together with Plans referenced PAL.012 entitled 'Proposed Ground Floor Plot 6' and PAL.013 'Proposed First Floor – Plot 6' both received 16 April 2018.

REASON

For the avoidance of doubt of what is permitted and to ensure the protection of designated trees.

Pre-commencement Conditions

3. No development shall be commenced before details of the facing materials comprising of brickwork and timber cladding, roofing tiles and surfacing materials used in the construction of the new dwelling hereby approved, have been submitted to and approved by the Local Planning Authority in writing. Development shall be carried out in accordance with the approved details.

REASON

In the interests of the character and appearance of the area.

4. Notwithstanding details contained in the application, detailed specifications and drawings of all external doors, windows (including cills and heads), eaves/verges, ridges and rainwater goods at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be carried out in accordance with the approved details.

REASON

To ensure the architectural detailing of the buildings reflects the established character of the area.

5. The development shall be completed in accordance with the recommendations in the Section entitled 'Interpretation/evaluation of survey results' within the Bat Survey Update report dated October 2018 prepared by AMPA Associates Limited received by the Local Planning Authority dated 7 November 2018. All the recommendations and plans shall be implemented in full according to the specified timescales, as modified by a relevant European Protected Species Licence, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently retained.

REASON

To ensure the necessary protection of Protected Species

6. No development shall be commenced on site until a turning area has been provided within the site so as to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear. The public highway shall not be used for the purposes of loading and unloading materials associated with the construction of the development.

REASON

In the interests of highway and traffic safety

7. No development shall commence until details of a hard and soft landscaping scheme has been submitted and approved in writing by the Local Planning Authority. The landscaping scheme shall detail species of plants and the materials to be used for any hardstanding at the site.

REASON

In the interests of the character and appearance of the area

Pre-Occupancy Conditions

8. No building shall be occupied until the parking and manoeuvring areas have been laid out. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.

REASON

To ensure the provision of off-street parking in the interest of highway safety

On-going conditions relating to post-occupancy monitoring

9. In the event that contamination is found at any time when carrying out the approved development that was not previously known, it must be reported in writing immediately to the Local Planning Authority. Work should cease and an investigation and risk assessment must be undertaken and submitted to in writing to the Local Planning Authority for written approval before recommencement.

REASON

To protect future occupiers from sources of pollution

10. The development hereby permitted shall not commence or continue unless measures are in place to prevent/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 Highway Safety

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking and re-enacting that Order with or without modification) no extension (or alterations) falling within Classes A, B, C and D of Part 1 of Schedule 2 to the Order, or detached garage or outbuilding falling under Class E of Part 1 of Schedule 2 to the Order shall be erected or any minor operations otherwise approved under Classes A and C of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted by the Local Planning Authority.

REASON

In the interests of the amenities of the area and to protect the character and appearance of the area.

12. 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 the hours of 0800 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.

REASON

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

13. No floodlighting or other form of external lighting shall be installed except in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority.

REASON

In order to protect the biodiversity of protected species noted at the site.

Notes

1. The applicant is advised that the site is located within a smoke control area, therefore only 'smokeless' fuels may be used or alternatively an exempt appliance must be installed. For further details see <https://www.gov.uk/smoke-control-area-rules>.
2. 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

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. 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. 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/2018/0239

Background Paper No	Author	Nature of Background Paper	Date
1	The Agent	Application Forms, Plans and Statement(s)	16/04/2018
2	The Agent	Revised Plans	5/07/2018
3	AMPA Ecology	Bat Survey Update Report	7/11/2018
4	WCC Highways	Consultation Response	16/05/2018
5	Officer	Consultation and correspondence with Natural England	8/11/2018
7	Officer	Correspondence with issues with Agent	16 April - present

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 – Site Visit Photographs



From application site towards No. 1 Hawcutt No.1 Existing building on east side of application site towards No.1



Fence boundary between No. 5 and proposed Plot 2 rear of No. 5 and garden.



Wall boundary between Mews and Application site



No. 5 Hawcutt Drive & No. 39 in distance

Views across paddock east to Caldecote Lane



Existing building at site

Vegetation and trees to rear of the site



View of development from south of site along Caldecote Hall Drive



Caldecote Mews to west of site

View south from Caldecote Hall Drive from south of site



Looking east towards village with application site on mid- left southern entrance to application site



Views into the site from Caldecote Drive

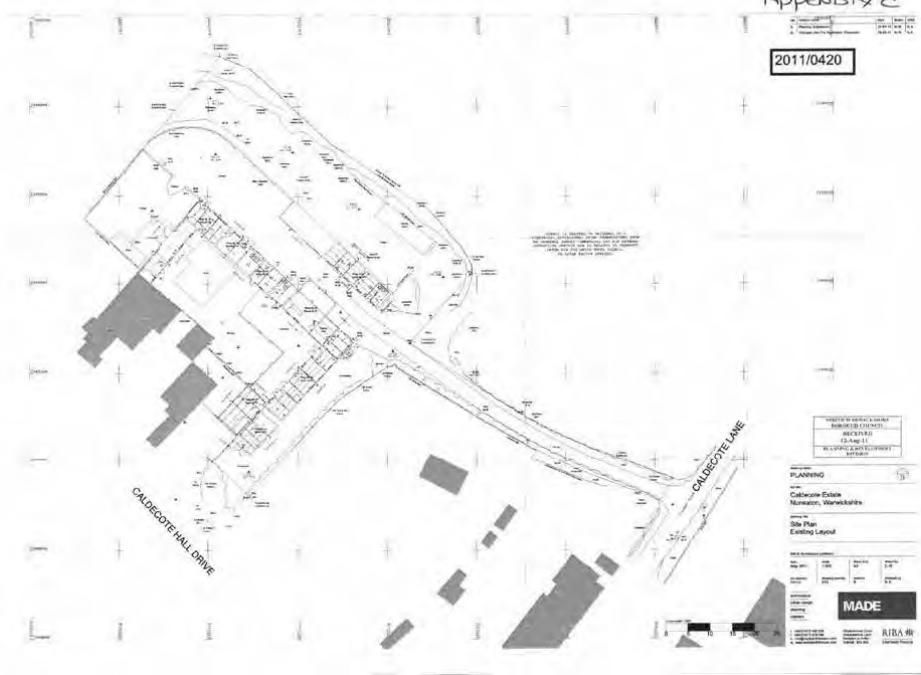


Building towards southern end of site and looking through to Caldecote Drive.



Appendix C

2011/0420



PROJECT INFORMATION
 PROJECT NO: 2011/0420
 PROJECT NAME: CALDECOTE HALL DRIVE
 PROJECT TYPE: OFFICE ELEVATIONS
 PROJECT LOCATION: CALDECOTE HALL DRIVE
 PROJECT DATE: 10/10/11
 PROJECT STATUS: APPROVED

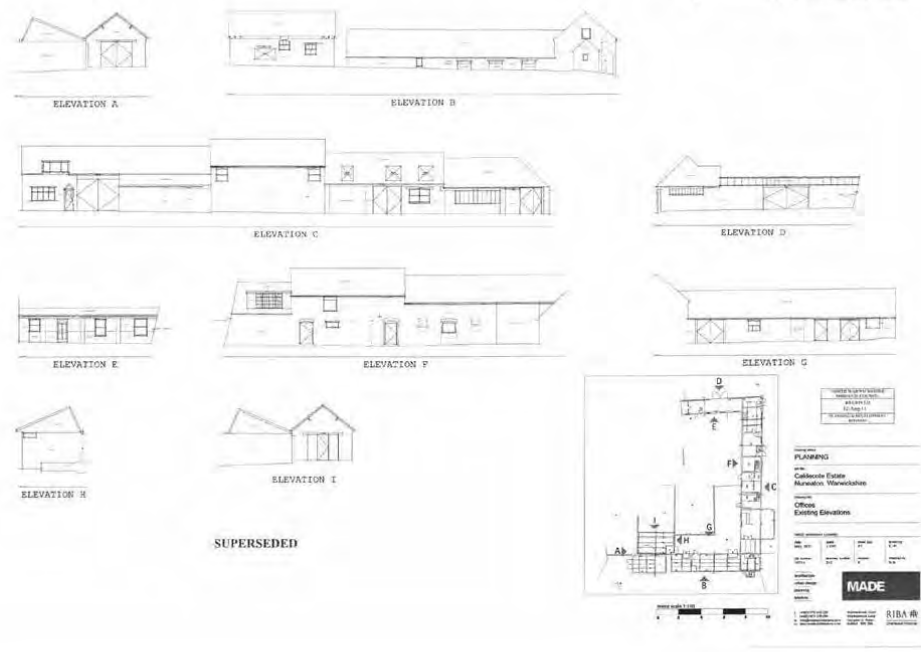
PLANNING
 CALDECOTE ESTATE
 MUSEUM, WORKSHOPS
 OFFICE
 OFFICE ELEVATIONS

MADE

RIBA

Appendix D

2011/0420



PROJECT INFORMATION
 PROJECT NO: 2011/0420
 PROJECT NAME: CALDECOTE HALL DRIVE
 PROJECT TYPE: OFFICE ELEVATIONS
 PROJECT LOCATION: CALDECOTE HALL DRIVE
 PROJECT DATE: 10/10/11
 PROJECT STATUS: APPROVED

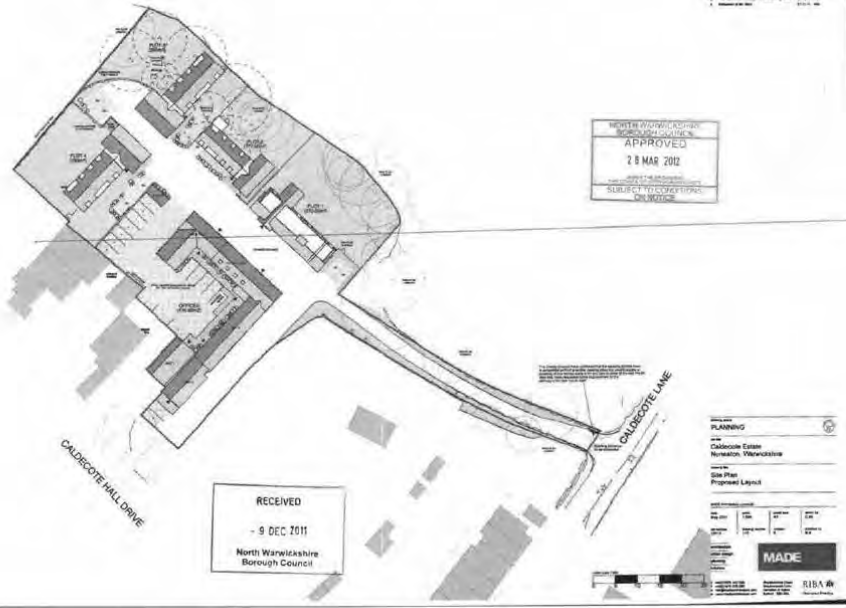
PLANNING
 CALDECOTE ESTATE
 MUSEUM, WORKSHOPS
 OFFICE
 OFFICE ELEVATIONS

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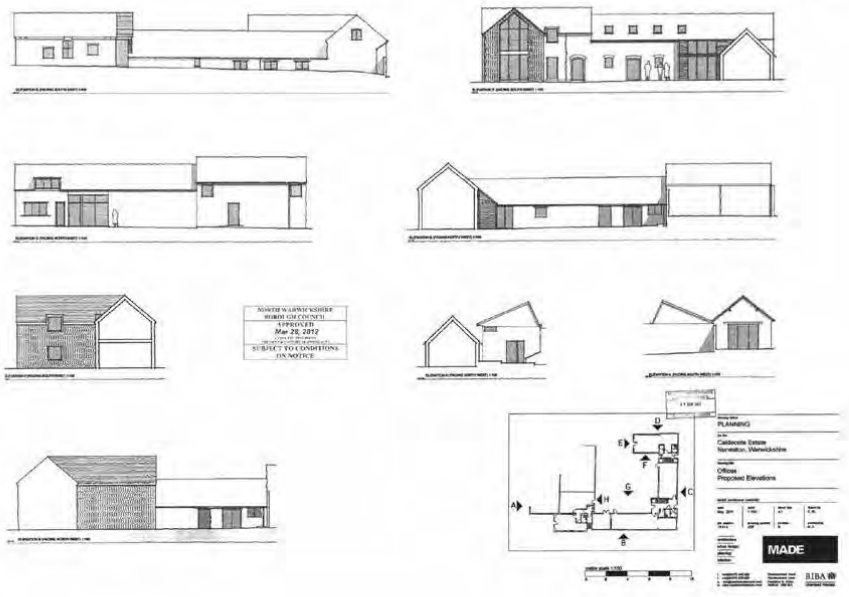
APPENDIX E

1. Planning	10/01/11
2. Design	10/01/11
3. Construction	10/01/11
4. Planning	10/01/11
5. Design	10/01/11
6. Construction	10/01/11



APPENDIX F

1. Planning	10/01/11
2. Design	10/01/11
3. Construction	10/01/11
4. Planning	10/01/11
5. Design	10/01/11
6. Construction	10/01/11



(5) Application No: PAP/2018/0533 and PAP/2018/0534

United Reform Church, Coleshill Road, Chapel End, CV10 0NZ

Planning and Listed Building applications for the conversion of the former Church into 6 no: residential units with parking at rear. Demolition of rear lean-to kitchen/WC and garage, for

Warwickshire Partnership

Introduction

The receipt of these applications was reported to the October meeting of the Board and it was resolved that determination be deferred pending a site visit. This took place on 27 October and a note of this is attached at Appendix A. A copy of the previous report is at Appendix B.

The applicant has now revised his proposals for the property such that amended plans have been received which show conversion to six rather than seven units. It is these plans that he wishes to be determined.

Re-consultation on the amended plans has taken place. Because some Members were not available for the visit, a second visit was undertaken and a note of this is attached at Appendix C. This also enabled Members to review the revised plans.

The Proposed Changes

The main change to accommodate the loss of the one unit is to the main space in the Chapel itself - not to the rear Sunday School. This large open space would thus be divided into two, not three units. The division would be across the width of the space, not its length. This enables more open space extending from the full height from the floor to the ceiling, to be retained in each unit. The division avoids existing windows in the side elevations as well as retaining the ceiling roundel in one of the units. There are consequential changes to access, but because of the loss of the one unit there is less intervention and the two are now materially larger than previously. In terms of detail the bathroom units on the first floor would be constructed as "pods" thus not extending fully to ceiling height and so retaining the perception of open space above. The balustrades and columns have been retained.

The proposed division with cross sections is illustrated at Appendix D.

Further investigation has been undertaken too, to fully survey the graveyard at the rear.

This has resulted in the proposed layout at Appendix E. This shows a small low level railing to separate the car parking area from the grave-yard. Four headstones would need to be relocated. A refuse collection point is also shown.

The revised plans have been re-circulated for consultation and the responses are referred to below.

Representations

The Hartshill Parish Council supports the proposals as they “will sustain a very important heritage building in Chapel End. In situations like this, a compromise is the pragmatic solution – i.e. better than the building falling further into dereliction”.

A local resident maintains an objection on the grounds that the proposals are too intensive. The access at the rear does not have the required visibility splays to meet the Highway Authority’s standards and the road here is busy not only with cars but it is also well used by pedestrians. The building should be retained and brought back into its former use or a reduced number of units. The Heritage Statement refers to the site at Church not Chapel End; it does not refer to the preacher who founded the Chapel from community contributions and there are 81 graves at the rear. The owner has not marketed the property at a reasonable level and there has been no vandalism other than the owner removing some items.

Consultations

Warwickshire County Council as Highway Authority – It maintains its objection notwithstanding the loss of the one unit and thus reduced traffic generation. The standard visibility splays onto School Hill cannot be achieved.

The Council’s Heritage Consultant – No objection. The latest proposals have responded positively to earlier comments. As such the scheme, although a compromise in terms of loss of fabric and harm to the significance of the listed building, can be supported in the balance between harm and public benefit. This benefit is the provision of housing and a viable use for this redundant listed building.

Observations

The site is a Grade 2 Listed Building. As such the Council is under a Statutory Duty to have special regard to the “desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses” as set out in Section 16(2) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, when dealing with development proposals. The site is not within, nor does it adjoin a designated Conservation Area and there are no other heritage assets that are likely to be a consideration when undertaking this overall duty.

In order to assist in this assessment of this duty, the National Planning Policy Framework says that the Council should take account of three matters in determining applications:

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and
- c. the desirability of new development making a positive contribution to local character and distinctiveness”.

a) The Significance of the Asset

The starting point in this process is for the applicant to describe the significance of the assets affected and for the Council to identify and assess the impact of the proposal on that significance. The applicant has set out his description of the significance of this asset and this also refers to a relevant 2016 appeal decision which dealt with proposals to divide the Chapel into eight units as the Inspector had to undertake the same exercise. Officers agree with the description set out. In summary, this is the retained specific architectural form typical of this period and use with contemporaneous external and external features and fittings and its historical associations with the social fabric of the community. The attached Sunday School is a key element in this. The spacious auditorium and its galleries are the key features of the Chapel. The single storey rear extension and garage detract from the rest of the building and have a negative impact on the understanding of buildings function in social terms as a place of worship.

a) The Level of Harm Caused

Officers have assessed the impact of the proposals on this description of the significance of the asset and this is now outlined. The applicant has also undertaken a similar exercise and where there differences these will be pointed out.

In respect of the proposed demolition of the rear lean-to kitchen extension and the single storey garage then it is agreed with the applicant that this would have a positive impact on the asset itself in allowing its significance to be better understood and revealed. It also enhances its setting with respect to the relationship with the rear grave yard. This would accord with the findings too of the 2016 appeal decision.

In respect of the proposals to the Sunday School itself, then it is agreed that the elevations here are not as significant as that of the frontage to the chapel and replacing a window with a door would have minimal visual or architectural impact. The proposal enables the preservation of the whole structure and so its whole presence is retained as a publically visible feature. Of substantial weight is that the proposals do not separate or divide it from the Chapel thus emphasising the connection between the two buildings.

The overall setting of the whole asset is thus enhanced through its complete retention with very little if any external change. It is noteworthy too that the 2016 appeal decision – which also had division into four units - did not find harm here either. There is thus no harm caused by the proposals in the Sunday School. This is agreed with the applicant.

The proposals to the grave yard and to land at the rear also need to be assessed. This is largely to be retained, but it would it would have to accommodate a car parking area, a refuse collection area and the on-site access arrangements. Following a full survey of this part of the site only four headstones out of 30 would need to be re-located. There is a legal procedure that enables this course of action outside of planning regulations. A low steel railing would be added to separate the car parking area from the graveyard.

The spaces are to be quite close to the building – on that of the demolished structures – so as to reduce visibility. The changes here will disturb the significance of this part of the site. There would be physical change as well as increased activity – by cars and people. However well designed the car park surfacing and other features would be, the function and appearance of the setting would be affected. As a consequence there

would be harm caused to the heritage asset and given the change in character that would amount to moderate harm. This is also the applicant's conclusion.

The main proposals would harm the spacious three dimensional open space of this asset. It is agreed that much of the internal form and fittings would be retained, such that the former use would still be understood and that its associated architectural attributes would be also be retained thus enabling that understanding to be preserved

The design of the subdivision respects the full height of the existing space; it retains the essence of the galleries and it recognises the impact of the full height windows in the front and side elevations. Hence the impact of the proposals is much lessened from the very former very harmful subdivision into four units – the 2016 appeal – and the initial submission in this application for three. Nevertheless the proposals do materially affect the most significant attribute of the asset by fact and by degree. That harm therefore has to be weighted as being significant. This is higher than the moderate weight given by the applicant.

These different elements can now be added together. Officers have found a benefit arising from the demolitions; no harm to the Sunday School, moderate harm to the graveyard area and significant harm to the main Chapel. As a consequence these harms cumulatively would amount to substantial harm. Members are reminded that the NPPF only differentiates between “less than substantial” and “substantial” harm in respect of harms caused to heritage assets. Even if the Board was to agree with the applicant on the level of harm caused to the main Chapel – moderate – the overall level of harm here would still be substantial. The NPPF points out that regardless of the level of harm caused, “great weight” has to be given to the asset's conservation.

b) The National Planning Policy Framework “Test”

The NPPF sets out the template for the Board in how it is to resolve this final planning balance when a finding of substantial harm has been found. In short the proposal should be refused Listed Building Consent “unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm” or, that all of a number of criteria apply.

The applicant argues that the public benefits here are the provision of housing and the retention of a heritage asset which would otherwise become derelict over time. These are indeed public benefits that need to be put into the final balance. The NPPF however does give an alternative – four criteria as set out in that document. Given that the level of harm here is substantial, it is considered prudent for the Board to be satisfied that these criteria are also satisfied, if it is to consider giving weight to the applicant's argument. Accordance with them would thus give confidence to giving it enough weight to outweigh that harm.

The first criterion is that “the nature of the heritage asset prevents all reasonable uses of the site”. The built form of this building does restrict the range of uses to which it could be put – namely its age, size, internal configuration, the associated Sunday School and graveyard, proximity to residential property, the lack of car parking and ongoing maintenance costs. On the other hand its lawful use as a place of worship falls, in planning terms within Use Class D1. This would enable a change of use to “clinics, health centres, creches, day nurseries, day centres, ,schools, art galleries (other than for sale of hire), museums, libraries, halls, places of worship, church halls, law courts and non-residential education and training”. The range of alternative lawful uses is

therefore wide. However in looking at this list, Members will appreciate that in order for many of these uses to function “reasonably” as required by the criterion, there would need to be greater associated services e.g. toilets, kitchens, storage facilities and perhaps partitioning etc. which would require separate listed building consent, which may or may not be forthcoming, as well as car parking provision, bearing in mind the limited on-street car parking availability. In other words reasonable alternatives would be limited almost certainly to those just wanting to make use of the spaces as they are – e.g. as an exhibition or gallery space or as a venue for meetings. Again any additional fittings would require Listed Building Consent – e.g. services and partitioning. It is also arguable as to whether the whole site could be used for such a purpose or a combination of purposes. Members are also asked to consider the location of the asset, as this is part of its “nature”. The neighbouring residential uses are not conducive to noisy or commercial uses or those that might operate longer hours. The lack of on-site and on-street car parking is also clearly evident. As a consequence of all of these matters, it is considered that the nature of the heritage asset is indeed a dis-incentive to finding an alternative use, but that the width of the Use Class might allow a use to be found. As such the criterion is considered to be partially satisfied, as the nature of the building does not wholly “prevent” other reasonable uses.

The second criterion is that, “no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation”.

Evidence has been submitted to show that marketing since October 2014 to the present has yielded minimal interest. There was some criticism in the 2016 Appeal Decision that the then level of marketing was insufficient. There is evidence from independent agents to show that that has been remedied. There has still been no interest. The Parish Council has stated that it would not be interested in acquisition as has the Nuneaton and Bedworth Borough Council. The location of the site is also a factor here in perhaps not encouraging to prospective uses – the lack of car parking; the residential neighbourhood and indeed the low land values and rentals in this part of the Borough. Viability could be seen as an issue here. The criterion also refers to the “conservation” of the asset. Any prospective occupier or use would thus have to be able to have the capacity and facility to maintain the building and in this case its nature could become a dis-incentive. In all of these circumstances it is considered that on balance, this criterion has been satisfied.

The third one is that “conservation by grant-funding or some other form of not-for-profit, charitable or public ownership is demonstrably not possible”. As indicated above no other local public body has expressed an interest and no charity came forward to respond to the marketing of the site. The 2016 Inspector concluded that “grant funding with or without public or charitable ownership would be likely to be very difficult if not impossible”. It is concluded that this criterion is satisfied.

The final one is that “the harm is outweighed by the benefit of bringing the site back into use”. It is considered that the proposals, putting the harm to one side, would have the benefit of ensuring long term use and occupation of the building. This in turn would safeguard the longer term maintenance of the fabric and preserve the asset for the public’s benefit in the street scene and in its association with the social history of the community. There would be an added, albeit minor benefit in adding to the housing stock by six units. As a consequence it is considered that there this a benefit here, but the issue is whether that is substantial enough to outweigh the harm.

In looking at the four criteria, it is considered that cumulatively the conclusions above do provide a strong degree of confidence in supporting the application, but as indicated above, that has to outweigh the harm.

c) An Initial Conclusion

The test as set out in the NPPF is whether the substantial harm caused here is “necessary” to achieve any substantial public benefits. Those benefits are two-fold, but the most substantial is the bringing back into use of the vacant building into a full long-term new use and occupation, thus safeguarding the overall fabric and setting of the asset. The external appearance of the building in the street scene would be retained in full, as would the overall significance of the building as part of the social fabric of the community. These are substantial benefits. The concerns have always been the harms caused to the internal space. However in the absence of the reasonable prospect of an alternative occupier or user who would retain the whole of that space, it is considered that some compromise should be explored. The amended proposal provides that compromise because it respects the internal features and fittings; retains the perception of space despite sub-division and represents the minimal amount of necessary intervention. It is of weight that the Council’s heritage consultant agrees with this conclusion and that the final proposal has the support of the Parish Council. As a consequence there appears to be support for the amended proposal. However there are other matters that have to be added into the overall final consideration.

d) Other Matters

There are there three reasons for this.

Firstly, the Highway Authority maintains its objection here and this is replicated by the objector. As a consequence there is an additional harm to add to the final planning balance. The access arrangements here do not meet standard visibility requirements. Even though the applicant is proposing the removal of the hedge on the right of the access when exiting and the slight relocation of the railing, the full splays cannot be achieved. This is significant because of the need to access the property in order to reduce on-street car parking and because the pavement here is regularly used by pedestrians. There are traffic mitigating factors here too in that the speed of traffic on this part of School Hill is low because of the proximity to the junction and other on-street car parking. However these would not wholly override the issue raised by the County Council.

The harm thus has to be added to the final balance. There are mitigating heritage factors that need to be considered here. Firstly it is almost inevitable that any new occupier or user of the Chapel would need some use of this rear access point for access and car parking. Visibility is thus always likely to be an issue here that would weigh against any alternative use. Similarly the existing railings behind the existing hedgerow are part of the heritage asset and its setting. The proposal to thus relocate these so as to increase visibility and to remove the hedge is welcome as this will enhance the character of the asset. This would apply again to whoever occupies the premises. Even if the current proposal was further reduced to four or five units thus removing much if not all of the heritage harm to the internal open spaces of the building, there would still need to be rear access and car parking. Whilst traffic generation would be less than that to be generated with the current proposal, the same visibility splays would be needed and these cannot be obtained. In all of these circumstances the issue focusses on whether the highway harm is of such great weight as to override any opportunity to retain and reuse the heritage asset with an appropriate alternative use. It

is considered that in the circumstances of this case and given the analysis set out in sections (b) and (c) above, that it should not.

The second matter is the practical matter of refuse collection. This is an inevitable consequence of the proposal and a refuse store is proposed at the rear. The current proposed location will need review as it is quite prominent and an alternative would perhaps be better closer to the building itself. However the exact location of this and its design can be reserved by a condition attached to any grant of planning permission. Whilst a refuse vehicle would have to wait in School Hill, this already happens in respect of collections from existing property. This would not be a “harm” that needs to be given significant weight.

The third is the need to ensure that the appropriate legal procedure is followed in respect of the relocation of the head stones. There are other procedures here outside of planning legislation and attention will be drawn to these in the event of an approval.

On a point of detail the objector refer to the reference in the applicant’s reports as being “Church End” not “Chapel End”. This is not fatal to the proposal as the plans and all other documentation explicitly identify the correct site in Hartshill.

e) The Final Balance

All of these matters now need to be balanced. The conclusions above identify that there are substantial public benefits but that the degree of heritage harm is also substantial and this should be given considerable importance and weight in accordance with case law. There is a strong initial presumption of refusal in cases such as this.

However it is it is suggested that this “weight” and “presumption” is overridden by the strong countervailing features of this case. It is considered that the harm identified is “necessary” in order to achieve these benefits. The reasons for this are that it is considered that the three matters raised at the beginning of these observations are satisfied. The proposals will provide a sustainable use that provides a viable use. This is considered to be consistent with its conservation as they minimise the degree of intervention to that which is necessary in order to implement the development. The asset would also continue to make a positive contribution to the street scene; its setting and to the local community even with the introduction of the new use and thus the local character and distinctiveness is conserved.

In line with current procedures, the applicant has agreed the conditions set out below.

Recommendations

A) That Listed Building Consent be **GRANTED** subject to the following conditions:

1. Standard Three year condition
2. Standard Plan numbers condition – plan numbers 3406/01 and 02 together with 3406/06C, 07D and 09C.
3. No development shall commence on site until full details of the following have first been submitted to and approved in writing by the Local Planning Authority:
 - a) The location, size and design of the refuse store

- b) The railing at the rear demarking the boundary between the car park and the grave-yard
- c) The surfacing materials for the rear car park and access arrangements
- d) The extent of the removal and thinning of the hedge along School Hill
- e) The re-location of any of the existing railing along School Hill
- f) Details of all replacement windows, transoms and mullions.
- g) Details of all new balustrading
- h) Details of all external lighting arrangements
- i) Details of the heating arrangements for the building
- j) Details of the treatment of the two first floor windows in the Sunday School's western elevation.
- k) Details of any vehicle electric charging points

Only the approved details shall then be implemented on site.

REASON

In the interests of preserving and enhancing the conservation of the heritage asset.

Notes

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through active engagement with the applicant to seek a solution that on balance can be supported given the heritage interest in the site.
2. Attention is drawn to the need to follow the appropriate legislation in seeking to relocate the headstones as shown on the approved plan.

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

1. Standard Three year condition
2. Standard Plan numbers condition – plan numbers 3406/01 and 02 together with 3406/06C, 07D and 09C.
3. No development shall commence on site until full details of the following have first been submitted to and approved in writing by the Local Planning Authority:
 - l) The location, size and design of the refuse store
 - m) The railing at the rear demarking the boundary between the car park and the grave-yard

- n) The surfacing materials for the rear car park and access arrangements
- o) The extent of the removal and thinning of the hedge along School Hill
- p) The re-location of any of the existing railing along School Hill
- q) Details of all replacement windows, transoms and mullions.
- r) Details of all new balustrading
- s) Details of all external lighting arrangements
- t) Details of the heating arrangements for the building
- u) Details of the treatment of the two first floor windows in the Sunday School's western elevation.
- v) Details of any vehicle electric charging points

Only the approved details shall then be implemented on site.

REASON

In the interests of preserving and enhancing the conservation of the heritage asset.

4. No development shall commence on site until a detailed preliminary assessment has taken place over the site, in respect of establishing potential contamination. That assessment shall outline also any remediation measures where necessary. The final assessment shall be submitted to the Local Planning Authority.

REASON

In the interests of reducing the risk of pollution.

5. No development shall commence on site until a Construction Management Plan has first been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of working hours; noise abatement measures and the means of reducing debris and materials being deposited on the public highway. The development shall only then proceed in accordance with the approved Plan.

REASON

In the interests of the amenities of the area.

6. There shall be no occupation of the development hereby approved for residential purposes until the whole of the access, parking and turning areas have been fully completed to the satisfaction in writing of the Local Planning Authority

REASON

In the interests of highway safety

Notes:

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through active engagement with the applicant to seek a solution that on balance can be supported given the heritage interest in the site.
2. Attention is drawn to the need to follow the appropriate legislation in seeking to relocate the headstones as shown on the approved plan.
3. Attention is drawn to Sections 159 and 163 of the Highways Act 1980 together with other relevant highway legislation in undertaking works within or adjacent to the public highway.

PAP/2018/0533 and 534

Former URC Chapel, Chapel End, Hartshill

Site Visit – 1030 October 27th

Present: Councillors N Dirveiks, Humphries, Simpson and Sweet, A Matthias (on behalf of the applicant) and J Brown

1. Members first looked at the external elevation fronting the Coleshill Road before entering the building.
2. Once inside on the ground floor a number of features were pointed out – the stained glass sliding entrance doors, the side staircases, the organ, the raked balconies, the balustrades, the features on the northern wall (the moulding and sliding doors), the ceiling roundel and the full length narrow windows.
3. An explanation of how this space would be divided was explained with the aid of the plans and also physically seeing where the divisions and changes would be made in situ.
4. Members then went up to the gallery where they looked down and into the space, experienced the different levels and noted the position of the windows.
5. The group then moved into the first floor space of the rear Sunday School, again noting how it would be divided with the aid of the plans and seeing the location of the various works. Some time was spent in assessing the potential overlooking of neighbouring property.
6. Downstairs Members noted the supporting columns.
7. The lean-to proposed for demolition was noted.
8. Entering the rear graveyard area, Members noted the location of the drive and car parking area. Particular attention was paid to the location of the graves and headstones with several now being covered and hidden with vegetation.
9. The perimeter trees were noted.
10. Outside of the site, Members walked up to the location of the existing closed access onto School Hill. Some time was spent here in looking at the original railings that were now within the hedge here as well as assessing traffic speeds and visibility.
11. The visit concluded around 1130.

(6) Application No's: PAP/2018/0533 and PAP/2018/0534

United Reform Church, Coleshill Road, Chapel End, CV10 0NZ

Planning and Listed Building applications for the conversion of the former Church into seven residential units with parking at the rear. Demolition of rear lean-to kitchen and garage for

Warwickshire Partnerships

Introduction

The receipt of these applications is reported to the Board for determination given the involved planning history of the site and the outstanding appeal proceedings.

The Site

This now vacant Chapel lies on the north side of the Coleshill Road just to the east of its junction with School Hill. Opposite the site is a frontage of two and three storey buildings with residential uses over ground floor retail accommodation. There is also a separate retail outlet and a fish and chip shop. A large car park serves these uses at the rear of the frontage. On either side of the Chapel is detached residential property. The whole site is located within the built up area of Chapel End.

There is on-street car parking as well as a small layby immediately in front of the Chapel. Rear access to the chapel is via a now closed access off School Hill. At the rear of the Chapel is a small but overgrown grave yard.

A general location plan is at Appendix A.

Background

The Chapel is a Grade 2 Listed Building added to the List in 1994. The List Description is attached at Appendix B.

The site is not in, nor does it adjoin a Conservation Area. There are no other Listed Buildings nearby whose settings might be affected by this proposed development.

The property was acquired by the current in applicant and it has remained unused since that time. It was last used as place of worship in 2013.

Planning and Listed Building applications proposing the conversion of the property into eight dwellings with associated rear parking were refused in 2016. An appeal was lodged but this was unsuccessful. The appeal decision is attached at Appendix C.

Revised applications also for conversion to eight units, but with the offer of retaining four of them as "affordable", were refused in 2017.

As a consequence the owner served a Listed Building Purchase Notice on the Council claiming that the building had no economic beneficial use. The Council issued a Counter Notice and this was upheld by the Secretary of State in 2017. The owner appealed this decision and a Public Hearing opened into the issue of the Purchase Notice in February 2018. The Inspector concluded that there were significant

differences between the two parties such that the appeal warranted full cross-examination of all of the evidence and thus adjourned the proceedings so that this could be properly conducted through an Inquiry rather than a Hearing. That Inquiry was scheduled for mid-October 2018.

In the interim, the owner considered that a revised application should be submitted with a view of obtaining the appropriate Consents and thus the appeal could be withdrawn.

The current proposals as described in this report are these revised plans for the property. In light of this submission the Inspector has postponed the Inquiry scheduled for October.

The Proposals

The overall nature of these applications remains as before but the proposal is now for conversion to seven and not to eight units.

As previously it is proposed to demolish the modern lean-to and garage at the rear of the Chapel.

The attached rear Sunday School as described in the listing would be converted to four one bedroom flats. The main and open central part of the Chapel would be converted to three units, two with one bedroom and the third with two.

The rear access would be opened up to enable the seven car parking spaces at the rear to be provided.

There would be no other alterations externally to the building.

The existing site layout is at Appendix D with the existing elevations at Appendix E and the internal layout at Appendix F.

The proposed layout is at Appendix G; the proposed internal sections at H and the external elevations at I.

Development Plan

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

Hartshill Neighbourhood Plan 2017 – H9 (Heritage Assets) and H12 (Hartshill Retail Centre)

Other Material Planning Considerations

The National Planning Policy Framework 2018 – particularly Section 16

The Submitted North Warwickshire Local Plan 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP 15 (Historic Environment) and LP 31 (Development Considerations)

Observations

Although these applications are reported to the Board in order to draw attention to them in light of the outstanding appeal proceedings, it is perfectly proper even at this stage, to point out that the principle of conversion here to residential flats is acceptable. The site is within the defined settlement boundary for Hartshill where new development is directed and encouraged and this is reflected in the Neighbourhood Plan where the site's location adjoins the Hartshill Retail Centre. Indeed the reasons for refusal in the sets of applications referred to above do not relate to this issue and neither does the appeal decision say otherwise. The proposal in principle is thus acceptable in this sustainable location.

The central issue, as it always has been, is an assessment of the harm caused to the significance of the heritage asset here and whether that harm is outweighed by other benefits. The later determination report will explore this issue.

In the interim it is recommended that Members take the opportunity to visit the site and particularly to view its interior.

Recommendation

That the receipt of the applications is noted and that a site visit be arranged prior to their determination.

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0533

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	4/9/18

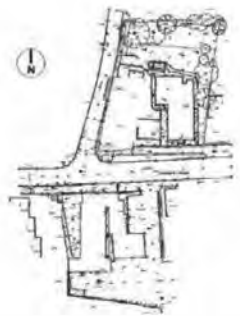
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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.

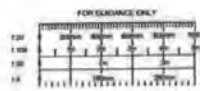
PAP/2018/0534

A4

Application site boundary
Other land in applicant's ownership



SOUTH BAY AREA COUNCIL
RECEIVED
04/09/2018
PLANNING & DEVELOPMENT
DIVISION



brownhill hayward brown
PLANNING

BSO

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

5TH AMENDMENT OF 44TH LIST OF BUILDINGS OF SPECIAL ARCHITECTURAL
OR HISTORIC INTEREST

DISTRICT OF NORTH WARWICKSHIRE (WARWICKSHIRE)

WHEREAS:

1. Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Act") requires the Secretary of State, for the purposes of the Act and with a view to the guidance of local planning authorities in the performance of their functions under the Act in relation to buildings of special architectural or historic interest, to compile lists of such buildings, and may amend any list so compiled.

2. On 30th March 1988 the Secretary of State compiled a list of buildings of special architectural or historic interest situate in the District of North Warwickshire.

3. The Secretary of State, having consulted with the Historic Buildings and Monuments Commission for England and such other bodies of persons who appear to him appropriate as having special knowledge of, and interest in, such buildings, considers that the said list should be amended in the manner set out in the Schedule hereto.

NOW THEREFORE the Secretary of State, in exercise of the powers conferred on him by Section 1 of the Act, hereby amends the said list in the manner set out in the Schedule hereto.

HSD DOC 2



SCHEDULE

The following building shall be added:-
HARTSHILL

SP39SW

1728-0/5/10004

COLESHILL ROAD, Chapel
End(North side)
Chapel End Congregational
Church

II

Congregational Chapel. Dated 1840; Sunday school added 1853. English bond red brick with a stuccoed front. Slate roof with gabled ends and brick dentil eaves cornice. PLAN: Rectangular auditorium with entrance at the south front under the gallery. The gallery was extended on the east and west sides in 1853 when a large Sunday school was built across the north end. Classical style. EXTERIOR: Single storey. 3-bay south front with a large broken pediment containing a roundel with a clock face and giant rusticated pilasters with paterae on the capitals. Central round arch doorway with panelled double doors, wreath in semi-circular fanlight, paterae in spandrels and shallow canopy on enriched consoles; moulded round-headed panel above with painted inscription. Tall flanking windows with similarly moulded round-headed architraves with moulded cills. 3 tall round-headed windows on either side. All windows have later frames. Across the back the large 1853 2-storey Sunday school with multi-pane windows with segmental arches and later outshut on north side. INTERIOR: Gallery on three sides on thin iron posts, with panelled front; the side galleries added in 1853 have balusters set in the panels. Panelled dado. Rostrum with Greek key motif and tripartite panel above on north end wall with round arches, pilasters and painted text. Flanking the panel two round arches at the ends of the side galleries give access directly to the Sunday school. Benches with shaped ends and umbrellas stands. SOURCE: Nonconformist Chapels and Meeting-houses in Central England, RCHME, [42], page 235.

Dated: 23 June 1994

Signed by authority of the
Secretary of State

T A Ellingford
T A ELLINGFORD
A Higher Executive Officer in
the Department of National
Heritage

Appeal Decision

Site visit made on 8 November 2016

by **Nicholas Taylor BA(Hons) MRTPI**

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

Decision date: 30 November 2016

Appeal Ref: APP/R3705/Y/16/3150828

Chapel End Church, Coleshill Road, Chapel End, Warwickshire CV10 0NZ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Warwickshire Partnership against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2015/0657, dated 25 October 2015, was refused by notice dated 11 February 2016.
- The works proposed are conversion of Chapel End Church and rear buildings into 8 residential units with parking at rear and side of church. Demolition of rear lean-to kitchen block garage.

Decision

1. The appeal is dismissed.

Procedural Matter and Main Issue

2. The appeal property is a Grade II listed building. A parallel application for planning permission (Council ref. PAP/2015/0656) was determined by the Council on 11 February 2016. However, the appeal before me concerns an application for listed building consent. Consequently, the main issue in this appeal is whether the proposal would preserve the listed building or its setting or any features of special architectural or historic interest it possesses (i.e. its significance).

Reasons

3. The appeal property is a large former non-conformist chapel, fronting Coleshill Road and with a side boundary onto School Hill. The surrounding area is predominantly residential with a number of nearby shops on Coleshill Road.
4. The property comprises several elements. The chapel dates originally from 1840 and is prominent on Coleshill Road. It was substantially altered and extended by the construction to its rear of an attached Sunday school in 1853. At that time, the internal gallery which runs around three sides of the main auditorium was also extended. Further single storey lean-to service extensions were added later. There is limited external space around the front and sides of the building but the plot is more extensive to the rear, where there is a small graveyard and a small free-standing garage. The property has been vacant for several years.
5. In considering whether to grant listed building consent, Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

require decision makers to have special regard to the desirability of preserving the building or its setting. The *National Planning Policy Framework* (the Framework) requires¹ applicants to describe, and the decision maker to identify and assess, the significance of heritage assets affected by a proposal. From the listing description, the parties' evidence and my own observations, it is apparent that the building's significance as a heritage asset derives largely from its overall architectural form, both external and internal, its fittings and its historical associations with the social fabric of the local community. Notable architectural features include the external appearance of the church part of the building, with its neo-classical façade and tall, narrow round arch windows, which is distinctive and prominent on the Coleshill Road frontage. Also of importance is the spacious, galleried interior, with galleries supported on slender columns.

6. At the time of my site visit, many interior features, such as pulpit, pews and plaques, had been removed either off the site or stored within the building. Submitted photographs show that, when use for worship ceased in 2013, the interior remained fairly complete, with its still extant organ and sliding entrance doors, so that some of these internal features would, and still do, also make a considerable contribution to significance through, aesthetic, evidential and associative value.
7. Both parties acknowledge that the externally plain Sunday school part of the building is of lesser architectural value but it contains a number of attractive features of interest, including columns on the ground floor, doorways to the gallery and some windows. It too contributes through more modest, aesthetic, evidential and associative value to the overall significance of the building. I see no reason to disagree with the parties that the rear service lean-to has little historic or architectural merit. Finally, the currently overgrown graveyard contributes to the setting and historic significance of the property.
8. I turn next to the impact on the heritage asset of the proposed works, which would be intended to bring about the conversion of the property to residential use in the form of eight apartments. Demolition of the rear service lean-to and the garage would, as agreed by the parties, have a positive effect by better revealing the asset's significance. Proposed external alterations to the main building, mainly involving window and door openings to the Sunday school element, would, again as agreed by both parties, preserve that part of the building. The graveyard would remain, with a small number of parking spaces inserted at the rear of the building and a vehicular access reinstated from Church Hill. The Council raises concerns about the visual intrusion of "mass parking" at the rear of the building but I consider that, with sympathetic surfacing materials, insertion of a few spaces in a reasonably limited hard-surfaced area would have negligible adverse impact on the setting and thereby heritage significance of both building and graveyard.
9. Internally, sub-division into apartments would entail construction of a structural wall down the middle of the auditorium, supporting a new first floor just above the level of the galleries. Both the auditorium and Sunday school elements would be sub-divided by stud partitions into numerous rooms and staircases. Paragraph 017 of *Planning Practice Guidance* (PPG) states that substantial harm is a high test, which indicates that a key element of an asset's

¹ Paragraphs 128 and 129

special architectural or historic interest is affected. In this case, I agree with both parties that the sub-division of the auditorium into many small spaces on two floors, bearing very limited relationship to the existing layout, would amount to substantial harm. Retention of the church's entrance lobby, side staircases (albeit blocked off) and sliding doors, together with tall window openings, limits the harm to some extent. The fact that the columns would remain visible within apartments and that the galleries would be boxed in, remaining in situ but hidden, also offers some limited mitigation. Loss of internal fittings and features, notwithstanding that the appellants maintain that much of the removal of these items was carried out before they acquired the building, would add to the harm. Although theoretically reversible, the harm from loss of almost any sense of the internal spatial qualities and completeness of the church element in particular would remain substantial.

10. The subdivision of the Sunday school, particularly of its first floor space, uncertain incorporation of ground floor columns into the room layout and loss of connecting doorways to the gallery along with remaining fittings, would also be harmful but, in isolation, less than substantial.
11. The preservation of the building envelope, with its exterior largely intact, and the removal of detrimental parts, are important considerations. But, although some aspects of the works would individually constitute less than substantial or negligible harm, overall, the impact of the proposed scheme would represent substantial harm.
12. Listed buildings are all nationally important and possess special interest. Paragraph 132 of the Framework states that when considering the impact of a proposal on a designated heritage asset, great weight should be given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to a grade II listed building should be exceptional.
13. Paragraph 133 of the Framework goes on to say that substantial harm to a designated heritage asset should be refused, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm or that four further tests are all passed.
14. The preservation of the building envelope is a public benefit but I have already assessed that it would not prevent my finding of substantial harm to the asset's significance. Provision of eight apartments, adding to the area's housing stock, would amount to a significant public benefit. The appellants' very brief *Affordable Housing Viability Report* states that the apartments would be let at rents similar to social housing levels in the area but I have been given no indication that that would be anything other than a market rent for the type of accommodation or that appropriate mechanisms are in place to ensure that the accommodation would meet the Framework's definition² of "affordable". Consequently, I attach limited additional weight to the assertion that the housing would be low cost or affordable. In summary, I am not convinced that the public benefits of the particular scheme put forward would outweigh the substantial harm to the heritage asset.
15. Moving on to the four tests in paragraph 133, the first is whether the nature of the asset prevents all reasonable uses of the site. I accept that the property

² See Annex 2: Glossary

- presents a number of constraints, including its age, size and attendant maintenance burden, internal configuration and tight external space incorporating a graveyard and proximity to neighbouring dwellings, which restrict the range of functions for which the property would be ideally suited.
16. The appellants assert that sub-division of the auditorium is inevitable to enable the building's continued use and that no other building layout than that proposed is economically viable. Taking into account marketing, on which I comment further below, together with the lack of evidence of serious investigation of alternative conversion scenarios, I am not convinced that a viable use, which would enable the auditorium space to be largely retained, is unlikely to be found. Nor, even if the auditorium was to be sub-divided, is it clear that there is no potentially viable scheme which would enable a greater preservation and appreciation of its spatial qualities.
 17. Moreover, the Sunday school element provides greater scope for conversion and sub-division which would expand the potential range of uses, possibly in combination with each other. For the avoidance of doubt, I consider that sensitive sub-division of both existing floors of the former Sunday school could be acceptable in principle if part of an otherwise acceptable scheme for the building as a whole. I note the Council's concerns regarding access and parking but, all in all, there is no strong evidence that all reasonable use of the building is prevented by the very nature of the asset.
 18. The second test is that no viable use of the asset itself can be found in the medium term through appropriate marketing that will enable its conservation. Paragraph 016 of PPG advises that the aim of marketing is to reach all potential buyers. In this case, the report by the appellants' letting agent was written after just 9 months marketing, although the appellants state that marketing has continued thereafter without success. This is a fairly modest period in the context of such an unusual property, although I accept that the agents may have worked hard to generate the level of interest achieved. Moreover, it appears to have been marketed only for rent on set terms and it is not clear that alternative models of disposal, financial arrangements or uses were seriously sought or considered. Although interest was limited, it was clearly not absent, including from potential religious users. All in all, despite the property's physical and locational constraints, it is not clear that potential interest from viable users in the medium term has been exhausted.
 19. Regarding the third test, I accept that, in the current climate, grant funding, with or without public or charitable ownership, would be likely to be very difficult if not impossible to access for the appeal property. Whilst I have been given no evidence of any serious effort to investigate such options, the Council has not suggested a possible source of funding or ownership.
 20. The final test is whether the harm to the heritage asset is outweighed by the benefit of bringing the site back into use. I note the advice from Historic England³, referred to by the Council, that sensitive conversion of former places of worship should be appropriate to the building's historic character whilst being economically viable in the particular location. It advises that internal fittings, and I would include in this case also internal space, constitute a large part of such buildings' historic character and that some degree of compromise over use may be required. The Council says that it is prepared to countenance

³ *New Uses For Former Places of Worship*, Historic England, updated 2012

a mixed use and I do not demur. It has not been demonstrated here that a residential conversion of the kind and intensity proposed is the only viable way of bringing the site back into use.

21. PPG paragraph 014 confirms that disrepair and damage to a listed building and its effect on viability can be material considerations but should be disregarded where deliberate. Although, leaving aside the deliberate removal of some features, fittings and materials, some deterioration of the appeal property was evident at my site visit, I have not been provided with any detailed, structural or other evidence to support the contention that significant works are required to secure the structure. Whilst the appellants argue that the fabric of the building has deteriorated since falling vacant, with maintenance of the roof a particular concern, I give that limited weight, as basic on-going maintenance should be a normal expectation of a responsible owner. The condition of the building has not been shown to pose an existential threat to the building as a whole and the cost of repair has not been clearly shown to be prohibitive. Overall, therefore, I am not convinced that the benefit of bringing the site back into use would outweigh the harm in this case.
22. I conclude that the building is of strong historic and architectural value, contributing to its significance as a designated heritage asset. The proposed works would amount to substantial harm to the designated heritage asset. It has not been demonstrated that the required tests set out in the Framework have all been passed or that strong public benefits would ensue which would be sufficient to outweigh the harm.
23. Accordingly, the proposal conflicts with the overarching statutory duty, which must be given considerable importance and weight, and with the Framework. Although not determinative in a s20 appeal, the scheme would conflict with the development plan, taken as a whole. In particular, there would, overall, be conflict with the requirement of Policies NW10, NW12 and NW14 of the *North Warwickshire Local Plan Core Strategy (CS)* and saved Policy ENV16 of the *North Warwickshire Local Plan 2006* to conserve the historic environment. The proposal would partly comply with CS Policy NW10 to the extent that it would focus development on brownfield land and re-use of a redundant building.

Other Matters

24. The main parties dispute the outcome of the parallel application for planning permission. Similarly, a number of issues and concerns of third parties relevant to the planning application but not the application for listed building consent are raised in the Council's decision report. I confirm that these matters have little bearing on my conclusions in this appeal case.

Conclusion

25. For the reasons set out above, the appeal should be dismissed.

Nicholas Taylor

INSPECTOR

APPENDIX D

PAP/2018/0534

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2018/05/18
PLANNING & DEVELOPMENT
SECTION

FOR GROUND ONLY

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PLANNING

APPENDIX E

PAP/2018/0534

Existing Front Elevation

Existing Side Elevation

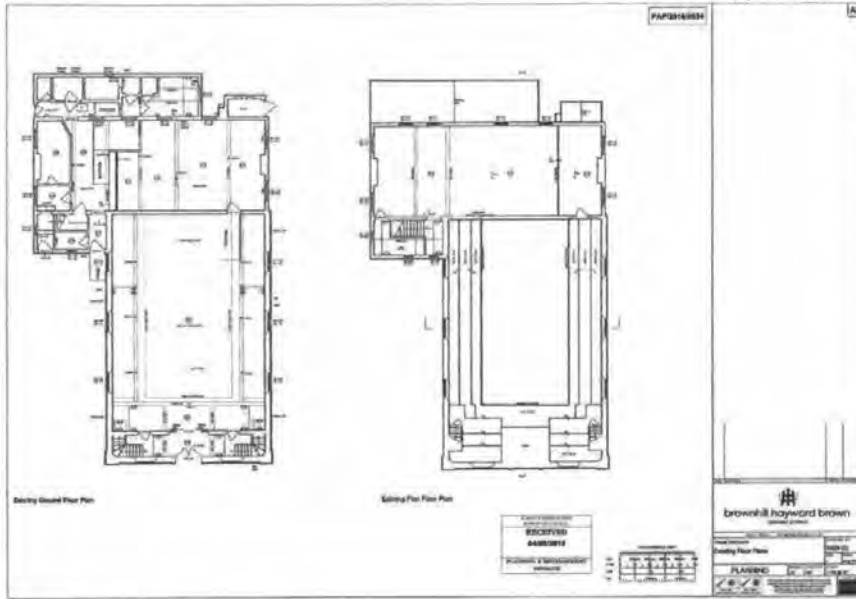
Existing Rear Elevation

Existing Side Elevation

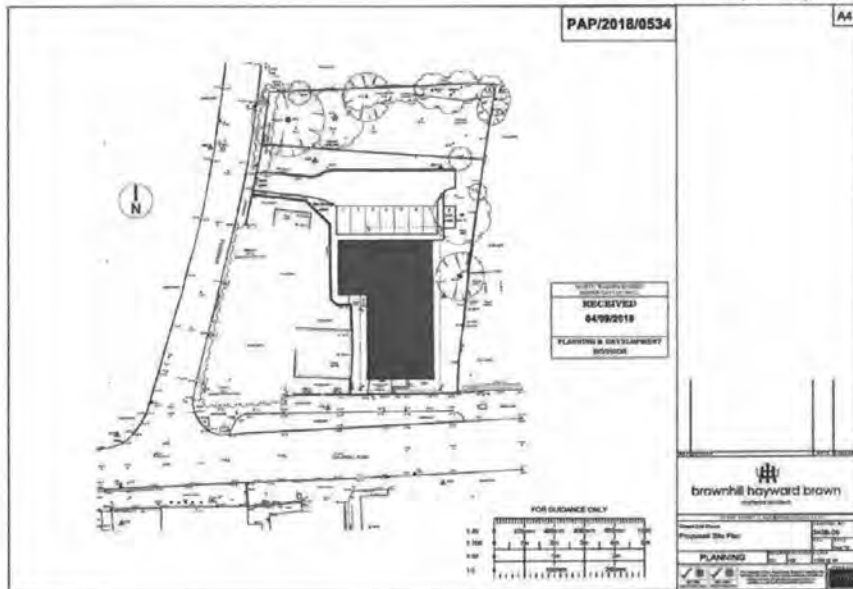
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PLANNING

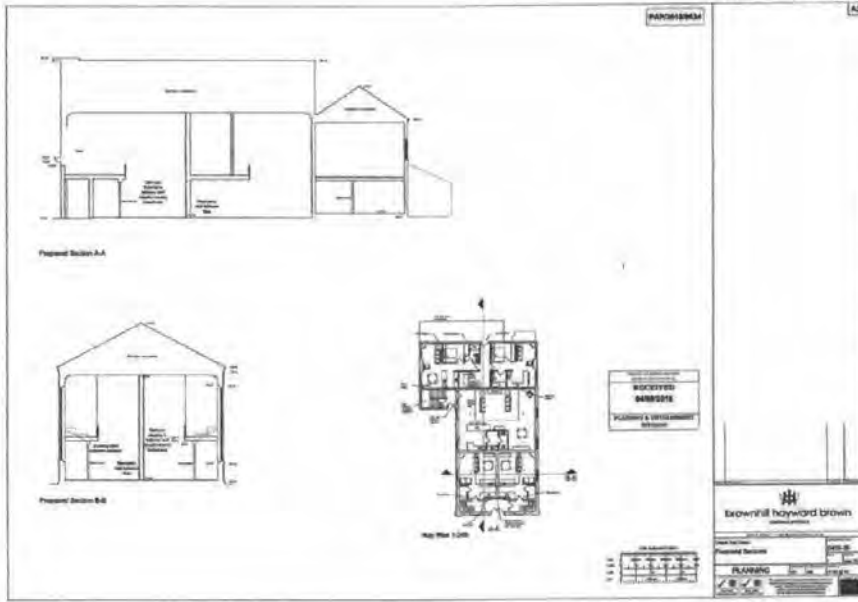
Appendix F



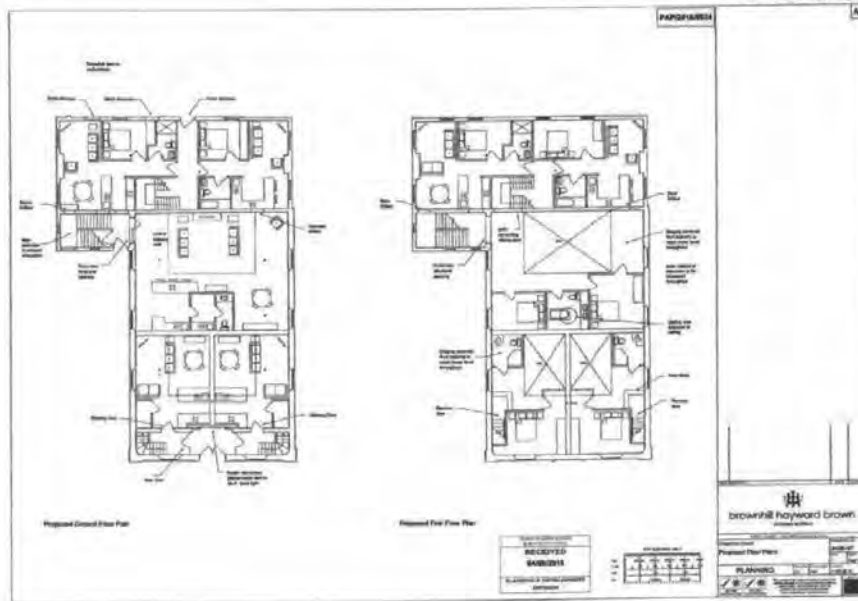
Appendix G



APPENDIX H



APPENDIX I



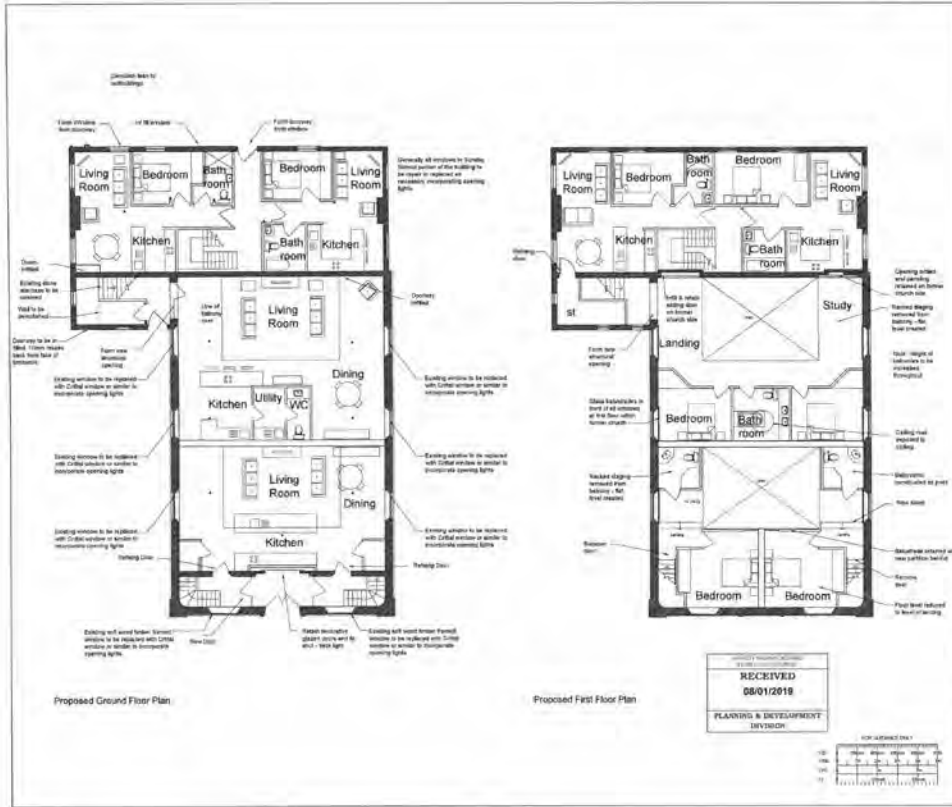
PAP/2018/0533 and 534

URC Chapel at Coleshill Road, Hartshill

Site Visit – 1100 on the 18th January 2019

Present: Councillors Bell, L and N Dirveiks, Lewis and Phillips together with A. Matthias for the applicant and J Brown

1. Members entered the chapel and spent some time looking at the existing internal features and how this was to be converted with the benefit of the amended plans. The changes from the original proposal were explained and there was a detailed explanation of how the new proposals would be dealt with.
2. Members then progressed into the Sunday School at the rear where again the proposals were explained in detail. Some Members moved up to the first floor.
3. The rear external area was then visited and Members took some time looking at the buildings to be demolished; the access provisions and the location of the car parking area.
4. The visit concluded at 1130.



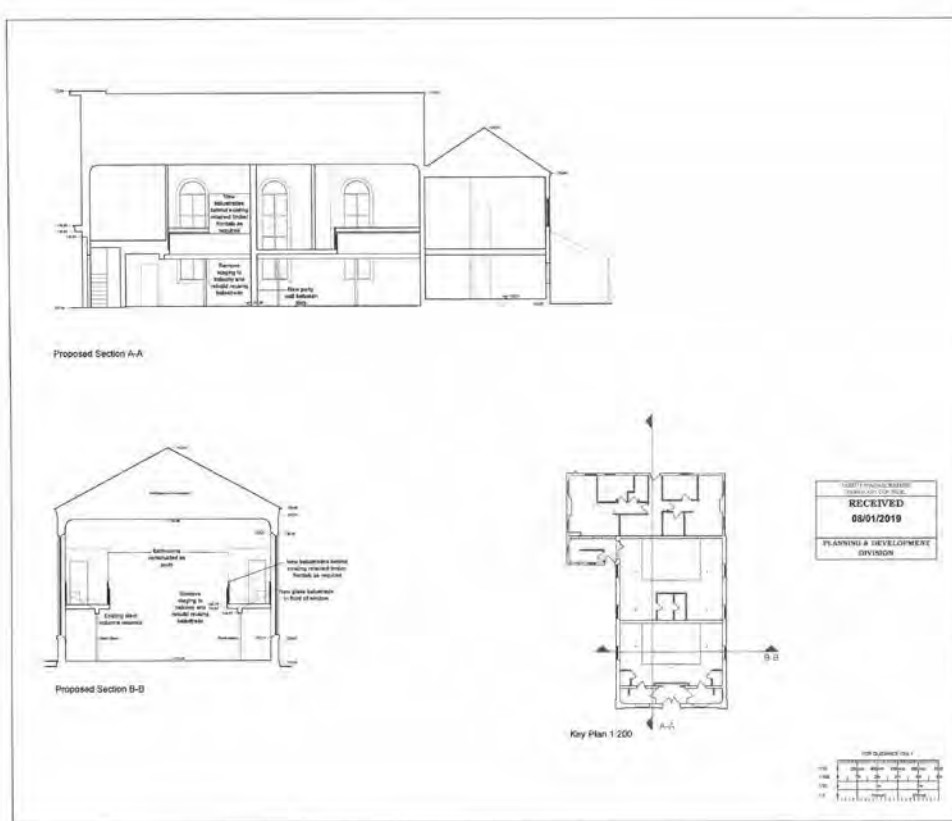
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DIVISION

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3. Planning & Development (Professional Fee)	07/2019	00
4. Planning & Development (Professional Fee)	07/2019	00
5. Planning & Development (Professional Fee)	07/2019	00
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8. Planning & Development (Professional Fee)	07/2019	00
9. Planning & Development (Professional Fee)	07/2019	00
10. Planning & Development (Professional Fee)	07/2019	00

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architectural services

Project Name: Proposed Floor Plans
Project No: 3406-07
Date: 08/01/2019
Scale: 1/8" = 1'-0"

PLANNING



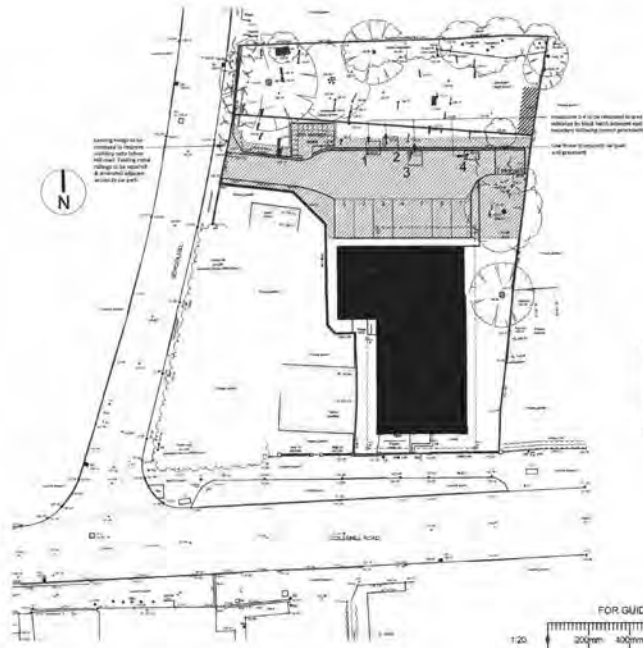
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9. Planning & Development (Professional Fee)	07/2019	00
10. Planning & Development (Professional Fee)	07/2019	00

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Project Name: Proposed Sections
Project No: 3406-08
Date: 08/01/2019
Scale: 1/8" = 1'-0"

PLANNING



RECEIVED
08/01/2019
PLANNING & DEVELOPMENT
DIVISION



1	Site area proposed for future use to increase proposed floor area	1/12/19	AM
2	Site area proposed	8/12/19	AM
3	Impervious covered car park and on-site electrical substation	8/12/19	AM
4	Impervious covered car park	8/12/19	AM

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landscape architects

17001 151ST AVE #100 BURNABY BC V5A 1S8

1-800-467-8888

Proposed Site Plan
3406-06
2771
C
Dec '19

PLANNING
1-1000 @ AM

bhb

(6) Application No: PAP/2018/0738

3, Atherstone Road, Hartshill, CV10 0SP

Continued use of the bungalow for a D1 use (non-residential institutions) for a further 3 years, for

Mr Shaun Major - Insignis Holding Ltd

Introduction

The application is reported to the Board at the request of a local Member concerned about the compatibility of the use within the immediate area.

The Site

The site in question relates to a bungalow set back along Atherstone Road in Hartshill. There are a number of dwellings along the north side of Atherstone Road.

The Proposal

This is for the continued use of the bungalow for a D1 use (non-residential institutions) for a further three years.

The proposal seeks renewal of planning permission for the temporary change of use of a residential property (C3 use class) to a non-residential institution (D1 use class) for three years originally granted temporarily for one year in 2017 under reference PAP/2017/0512. The applicant confirms all matters remain the same for the use at the site.

Independent Education Services have been providing young Special Education Needs and Disabled pupils aged 10-25 across the County with placements that provide a variety of educational experiences to suit each pupil's individual needs. The use at this site would allow an education experience service for students with special education needs and disabilities with a tutor to learn independent skills within a home environment for the future.

The education service to be provided would allow a maximum of two pupils and two teachers at the site from 9.30am to 2.30pm each day Monday to Friday totalling 18 hours of 1-1 lessons.

There would be no overnight residential stays at the property.

The use would be for 39 weeks a year.

Only one car parking space on the drive is required.

There would be no open days or evening events as these events are held at the main site in Nuneaton.

No trips are made throughout the times on and off the premises during the day (unless in an emergency).

There would be no tours of the facility as this would be undertaken at the main Nuneaton site.

The proposed development does not seek for any external alterations or alterations to access or the associated parking.

The site location can be seen at Appendix A.

Background

Site History

HIS/1902/0419 – Lounge, porch and veranda extension granted 11.05.1978
HIS/1902/1892 Conservatory granted 10.12.1980

PAP/2017/0512 - Temporary change of use to D1 (non-residential institutions) for 12 months – 15.12.2017

Other relevant planning history

PAP/2017/0108 Outline Application - demolition of existing industrial building and construction of 10 dwellings with associated access and parking – granted 6.11.2018

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW10 (Development Considerations), NW12 (Quality of Development) and NW20 (Services and Facilities)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV14 (Access Design), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking)

Hartshill Neighbourhood Plan 2017 – Policy H5 (Ensuring new development provides appropriate infrastructure) and Policy H6 (Housing mix)

Other Relevant Material Considerations

The National Planning Policy Framework 2018 - (the “NPPF”)

The Submitted Local Plan 2018 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP22 (New Services and Facilities), LP31 (Development Considerations), LP32 (Built Form), LP36 (Parking) and Appendix K (Parking Standards)

Representations

Hartshill Parish Council – Objection received 2 January 2019 as follows –

Same concerns about parking on Atherstone Road, vehicle access to and from the property forwards from and to Atherstone Road on blind bend as previous application;

The condition of the property and impact on neighbouring amenity;

Cumulative impact of development in the area on land opposite the bungalow and highway safety;

County Highways Authority and the Police, those whom have control of parking and speeding will not be interested until a serious accident;

Concerns with cumulative impact of developments and the impact on the infrastructure;

Users of the Church Road/Castle Road break the speed limit especially from The Green down Atherstone Road and also entering the Village up Atherstone Road. A Speed Reduction System is required within the village.

Two representations have been received referring to parked cars on the pavement whilst children are dropped off and collected and to the view that the rear garden has not been properly maintained.

Consultations

The County Council as Highway Authority – It has no objection saying that it is not aware of any accidents or complaints during the period of the first permission.

Observations

a) Principle

Material changes which might affect a review of the principle of the development and thus the principle of a renewal, would be the outline approval of the residential development at 24-26 Atherstone Road on the other side of the road and whether there have been any quantifiable issues with the temporary use and the weight of the emerging Local Plan Submission March 2018.

b) Neighbouring Amenity

Concerns have been raised in regards to the rear garden being unmaintained. This is not a material consideration in the determination of this application.

The renewal proposal does not seek any external alterations therefore the proposal would not result in any impact on residential amenity such as overlooking or loss of privacy.

Concerns have also been raised with regards to the number of cars parked on the pavement that obscure the vision splay on to the road from driveways. It is not considered that there is any evidence to suggest that these vehicles are indeed related to the use of the site. This is regarded as a civil matter between the driveway owner and the owner of the vehicles in question. Additionally if the use reverts to a house, this issue is likely to remain. There have been no complaints made to the Council with regards to the use at the site regarding noise/disturbance etc.

The applicant has clarified that there is no difference between the use at the site now and that of the previous application in regards to the vehicle movements at the site. To clarify, the bungalow will only be used Monday to Friday during Warwickshire School terms between the hours of 0930 – 1500. There would be two car movements a day one in the morning at one at the end of the day. The property would not be in use over the weekend. One teacher's car will be on the drive giving room for a taxi to drop off. There may be few occasions when there are more. A family home of this size could create a demand of more cars than that is proposed within this application.

There would be no external alterations to the property.

Overall it is considered there are no material reasons to refuse the continued use of the bungalow for D1 use because of the impact on neighbouring amenity. It is not considered the continued use would impact on neighbouring amenity. It is therefore

considered that the proposal would accord with Policy NW10 of the Core Strategy 2014 and emerging Policy LP31 of the Local Plan Submission 2018.

c) Highway Safety

Concerns have been raised again in regards to the number of cars parked on the pavement in front of the property and the additional impact the use would have on highway safety. This is also considered in light with the approved residential development at land at 26-46 Atherstone Road.

It is noted that a number of cars are parked within the designated layby at Atherstone Road, however it is impossible to identify whether the cars along the pavement are in association with the use at the site. Regardless of this fact, it is noted that throughout Hartshill, parking on pavements occurs. Furthermore officer's previous observations of the suitability of the use and impact are emphasised.

Policy TPT6 of the Local Plan, 2006 states that on-site parking provision in connection with development proposals will be required not to exceed the maximum standards set out in Appendix 4. For D1 education institution uses, the maximum standards required would be 1 space per 10 staff and 1 per 5 students.

The provisions of the Town and Country Planning General Permitted Development Order 2015 (as amended) allows for dwelling houses (Class C3) to become a House under Multiple Occupation ("HMO") (Class C4) without the need for planning permission or vice versa. This legislation permits up to six unrelated individuals to live within one property without the need for a formal planning permission. Officers note that permitted development entitlements enables a single family dwelling to be converted into a small HMO bringing no requirement to provide any on-site parking.

A number of properties along the Atherstone Road have driveways which often see cars reversing on to the main road. The existing property and immediate neighbouring property both reverse on to the road currently; therefore there would be no difference by way of the proposed use of the property.

The Highways Authority have been consulted of the proposal and conclude with no objections to the continued use at the site. The Highways Authority note that there have been no complaints received with regards to the use of the site and records show that the use has not resulted in any recorded collisions fronting the site.

In light of this together with the low number of vehicular movements proposed with the use and the continued use of the site for a temporary period of three further years is considered that there would be no scope to refuse the proposal on highway grounds. Therefore it is considered on balance that the proposal would accord with Policies TPT3 and TPT6 of the Local Plan, 2006.

d) Other Matters

As continued from previous concerns, any recommendation for approval would be accompanied with an informative in relation to no access across third party land.

e) Summary

In light of the above observations, it is considered that given the low intensity use and temporary planning consent for a further three years the proposal on balance would be

in accordance with the relevant Development Plan Policies as assessed above and permission is recommended subject to appropriate conditions.

conditions

The recommendation below does not include the use of pre-commencement conditions.

Recommendation

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

1. The use hereby permitted shall be carried on only by Independent Educational Services and shall be for a limited period of three years from the date of this notice, or until the premises cease to be occupied by Independent Educational Services whichever is the sooner.

REASON

The use is only justified in the light of the special circumstances of the case.

2. 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 13 December 2018.

REASON

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

3. The educational facility hereby approved shall not be used for any purpose, including any other purpose in Class D1 of the Town and Country Planning (Use Classes) Order 1987, (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

REASON

To prevent unauthorised use of the property.

4. The use hereby approved shall not take place on the site before 0800 and after 1600 hours Monday to Friday and shall not take place at any time at any weekend, Bank Holiday, Good Friday or Christmas Day.

REASON

To prevent unreasonable disturbance to the occupiers of nearby residential properties.

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.

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. The applicant is advised that this permission is in respect of a change of use of the premises only and any external alteration to the building will require a separate planning permission.
3. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions and suggesting amendments to improve the quality of the proposal. 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

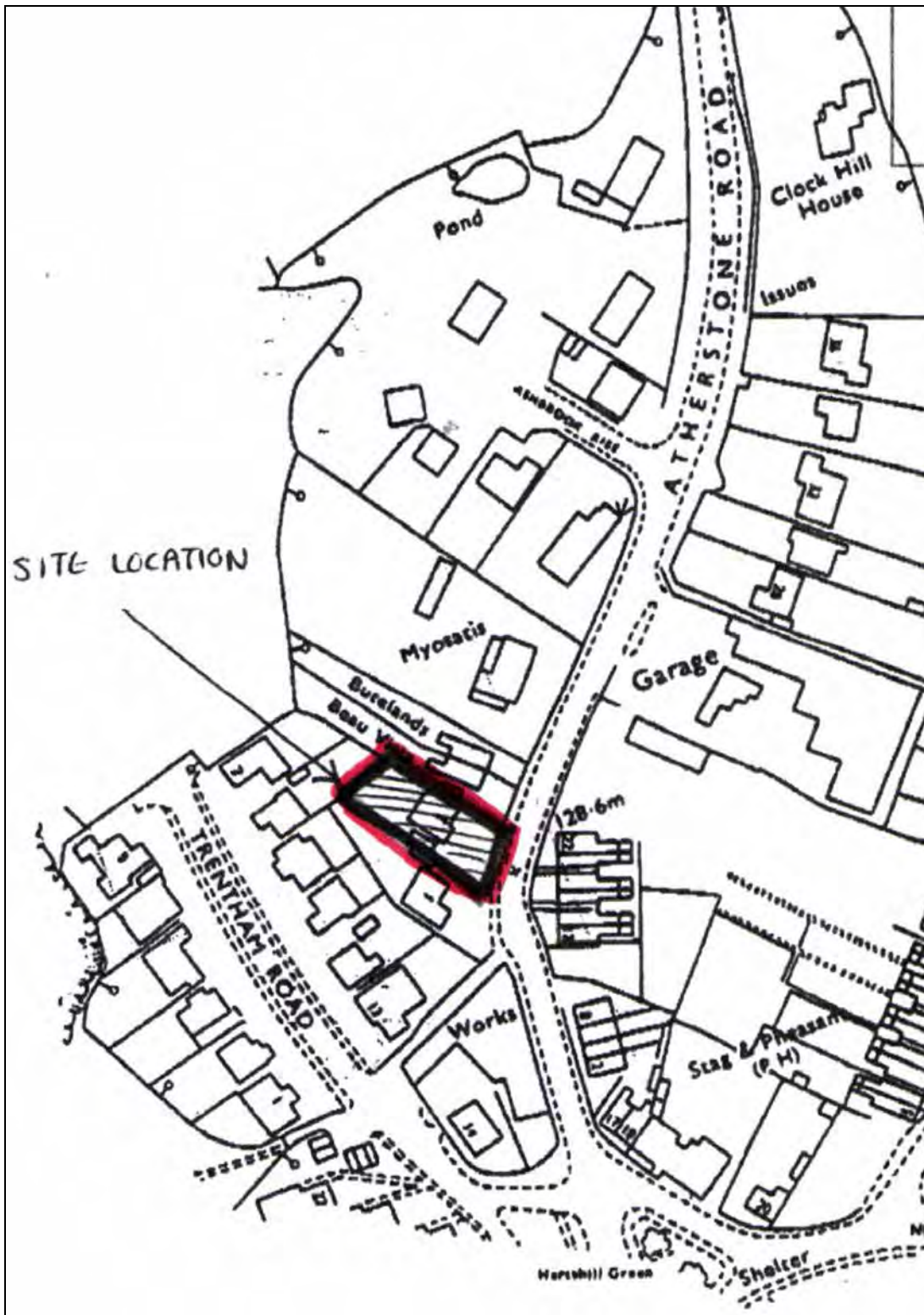
Planning Application No: PAP/2018/0738

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant	Application Forms, Site Location	11/12/2018
2	The Applicant	Additional information on use from previous application	20/11/2017
3	Hartshill Parish Council	Consultation Response	31/12/2018
3	Case Officer	Correspondence with Highways Authority	10/01/2019
4	Warwickshire County Council	Highways Authority Consultation Response	16/01/2019
5	Case Officer	Scheme of Delegation Email	17/01/2019

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

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

Appendix A – Site Location Plan



(7) Application No: PAP/2018/0748

Abbey Field, Castle Road, Nuneaton, CV10 0SE

Certificate of lawfulness for proposed extensions, for

Ms Margaret Bell

Introduction

The application is brought to the Planning and Development Board as the applicant is a Member of the Council.

The Site

The site is located immediately south east of the Ancient Monument that comprises the remains of the Castle at Hartshill. The site falls outside of the Development Boundary in open countryside, as identified on the North Warwickshire Local Plan 2006.

The Proposal

The application is for a Certificate of Lawful Development for proposed extensions to the sides and rear of the original dwelling house, including part demolition of previous side and rear extensions

Representations

None have been received.

Observations

This is not a planning application. The applicant is requesting the Council to confirm, or otherwise through the issue of a Certificate that the development described in his application is lawful because of its compliance with the Town and Country Planning (General Permitted Development) Order 2015, as amended. The remit of the Council is limited to an assessment of the evidence submitted by the applicant. If it does, then the Certificate has to be granted. The Council therefore will not make this assessment with reference to any planning policy or to potential impacts. If granted, the Council may not apply any conditions, but informative notes may be included.

In assessing the claim of proposed Lawful Development, the proposal is compared with the limitations described in the Town and Country Planning (General Permitted Development) Order 2015, as amended.

The proposal includes the demolition of part of a previous structure at the rear of the ground floor level. A planning application is not required for demolition as the property is not a listed building.

All of the proposed extensions are single storey. They do not exceed 4 metres in height and do not project forward of the principle elevation or the elevation facing the highway.

The proposed extensions do not result in the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse)

exceeding 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse). The proposed eaves height is 2.4 metres. The materials to be used in the proposed extensions are to match the host dwelling, with some additional areas of flat roof. The proposed pitched roof elements are to match the pitch of the original house.

The proposed side extensions to the north-west extension and the south-east elevation are in accordance with the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would not have a width greater than half the width of the original dwellinghouse.

The enlarged part of the dwellinghouse would not extend beyond the rear wall of the original dwellinghouse by more than 4 metres.

With regard to the attachment of the proposed development onto the previously constructed two storey rear extension, the total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) would not exceed the limits set out in A4 (2)(a) of the Town and Country Planning (General Permitted Development) Order 2015, as amended.

Therefore the proposal meets the requirements of the Town and Country Planning (General Permitted Development) Order 2015, as amended and a Certificate of proposed Lawful Development may be issued.

Recommendation

That the Certificate be **GRANTED** for the proposals as submitted.

Notes

1. The proposed development lies within an area of significant archaeological potential, within the probable extent of the medieval settlement at the adjacent Hartshill Castle. The proposed development is, likely to alter, damage or obscure elements of the historic building fabric which are important in understanding the nature, extent and function of the structure. There is, also a potential for archaeological features to extend across the application site and to be disturbed by the proposed development.
 - a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be 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 shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority.
 - c) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the LPA. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

2. 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.

3. 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
4. The site is within an area that lies within 250 metres of a site that is registered as being at risk of contamination. There is the potential for migratory gases to impact on the health or safety of the occupants on this site, therefore either ground investigation works should be undertaken to ensure that the site is not affected or precautionary measure should be undertaken in the proposed construction to minimise the risk.
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 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.
7. 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 issues, suggesting amendments to improve the quality of the proposal and quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0748

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	18/12/2018

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.

(8) Application No: PAP/2018/0755

Land to east of Former Tamworth Golf Course, North of Tamworth Road - B5000 and west of M42, Alvecote,

Outline application - Demolition of all existing buildings and construction of up to 1540 dwellings (including a 100 bed unit extra care home) a community hub (up to 2,250m² of gross floorspace for use class A1-A5, B1a-B1b, D1 and D2) a two form entry primary school, the provision of green infrastructure comprising playing fields and sports pavilion, formal and informal open space, children's play areas, woodland planting and habitat creation, allotments, walking and cycling routes, sustainable drainage infrastructure, vehicular access and landscaping, for

Hallam Land Management Ltd

Introduction

Members have been familiar with this proposal for a little while now given the residential allocation of the majority of the site in the Submitted Local Plan; the presentations given to Members, the community consultation events and the submission of an earlier application for 500 dwellings on one part of the current site.

This report therefore formally records receipt of the application and provides a description of the site and surroundings as well as a summary of the proposals. It will also outline the relevant parts of the Development Plan together with other material planning considerations.

Before doing so, there are a number of procedural matters that need to be set out.

Firstly, part of the site is within the administrative area of Tamworth Borough Council in order to accommodate the proposed vehicular access into the site – the land south of the B5000 at Chiltern Road. An appropriate planning application has been submitted to that Authority. Additionally that Council has been formally consulted on the substantive application submitted to this Council. There will therefore have to be coordination between the two Authorities in respect of procedures and timetabling. Members will be kept informed as matters progress.

Secondly, this application has been submitted during the Examination in Public for the Council's Submitted Local Plan for North Warwickshire. That Examination is continuing and is anticipated to be finished prior to the determination of this application. Members are aware that the weight to be given to this emerging Plan will be strengthened as it continues its course. The Inspector's findings may therefore become a material planning consideration in the determination of the application.

Thirdly, this application is accompanied by an Environmental Statement. This is available to view on the Council's website. It contains the applicant's supporting documentation as well as identifying impacts – adverse as well as beneficial – such that mitigation measures can be recommended where appropriate. This is a substantial document and Members are invited to study this in order to better understand the applicant's case.

Fourthly, the scale of the proposal and its location means that both the Warwickshire County Council and the Staffordshire County Council will have significant interests in the proposal. This will extend from them acting as Highway Authorities, as well as to their role as Education and Public Health Authorities. It is anticipated that there will be co-ordinated and agreed positions in respect of their assessments of the proposal and their potential requests for the delivery of appropriate infrastructure.

Fifthly, this leads to the position, that should the proposal be supported, to a significant role for the content of a Section 106 Agreement in order to deliver appropriate co-ordinated infrastructure.

Sixthly, officers will be asking the applicant whether the current outstanding application for 500 dwellings is now to be withdrawn.

Finally, because of the matters raised above, it is likely that progress reports may need to be brought to the Board in advance of a full determination report.

The Site

This is 96 hectares of mainly arable land sited north of the B5000 Tamworth Road, east of the former Tamworth Golf Course and west of the M42 Motorway. It extends north to the Alvecote Marina. Robey's Lane divides the site into two main parcels. Roughly one third is to the east and this comprises agricultural land within three fields, the largest of which abuts the B5000. The remaining two-thirds is to the west where the site is predominantly agricultural land, but it also includes the Daytona Go-Kart track as well as the house and range of buildings at Woodhouse Farm. The house known as Priory Farm to the immediate east of the go kart track is excluded from the site. The site does include land south of the B5000 around the junction of Chiltern Road with the B5000.

The site is gently undulating with the highest points being at its southern end – e.g. the go kart track with a level of 110m AOD. It then has a slight drop in the centre of the site before rising again to 100m AOD in its north western corner.

The site as a whole is open in character with the large fields, little hedgerow cover and a small number of trees. There are however stronger hedgerows bounding Robey's Lane along its southern section and along the B5000 northern frontage. There are tree belts along the B5000, around Priory Farm, along a water course bounding the western edge of the site and towards the northern edge of the site approaching the Alvecote Marina.

To the west of the site was the site of the former Tamworth golf course but this is now being residentially developed in a series of phases amounting to 1100 houses. A primary school and a community centre are also to be provided. The more established residential areas of Tamworth are then to the immediate west. To the south of the B5000 is the residential area of Stonydelph in Tamworth which extends up to Chiltern Road. Beyond are the North Warwickshire Recreation Ground and a small collection of houses between the B5000 and the line of the former Tamworth Road, before the B5000 passes over the M42.

To the east of the site is open agricultural land up to the M42 and beyond, this extends up to the western edge of Polesworth. To the immediate east of Robey's Lane towards the northern half of the site is Alvecote Wood which a designated Ancient Woodland.

To the north are the Alvecote Marina; the west coast main railway line, the Coventry Canal, the Alvecote Pools SSSI, Alvecote Priory and the village of Alvecote.

The nearest local centre to the site is Stonydelph – 1.1km – which contains a range of facilities including a retail convenience store, a doctor's surgery, a fish and chip as well as a community hall. There are two existing primary schools here – Stonydelph and Three Peaks (1.4 and 1.6km distant). The closest Secondary Schools are at the Landau Forte Academy in Amington and at Polesworth School – both around 2.2 kilometres distant. There is also a surgery at Dordon and both Polesworth and Dordon have a range of local services and facilities.

In respect of public transport provision, Arriva's 65 bus service operates hourly along the B5000 linking Tamworth and Nuneaton. There is a bus stop at the Recreation Ground referred to above. Tamworth has a train station with national and regional connections.

For convenience, the application site is illustrated at Appendix A.

The Proposals

In overall terms the application seeks outline planning permission for up to 1450 dwellings plus a range of associated facilities and green/open space infrastructure. All matters except for access arrangements are to be reserved for further consideration.

The applicant refers to two phases – phase one being that part of the site to the east of Robey's Lane and the second being the larger part of the site to the west. An illustrative Masterplan provides the framework for the two phases. The majority of the development – some 1300 of the units – would be to the west of Robey's Lane in Phase Two. This would include the extra care home and the community hub. That possible uses within the hub could include a mix of uses – retail, financial services, café/restaurants, takeaways, a nursery and places of worship. To the east of Robey's Lane and in the first phase would be the balance of the houses, 150, the primary school and its playing field and a number of other open space uses – playing fields, allotments, children's play areas and structural landscaping.

In terms of the housing provision then a mix of housing is proposed: 2% being one bedroomed, 20% with two bedrooms, 42% with three, 24% with four and 6% being five bedroom properties. The balance is taken up with the extra care facility. An overall 20% affordable provision is being proposed – excluding the care home number. The applicant has submitted a Viability report to justify this level of provision.

There are two vehicular accesses proposed into the site – both off the B5000. The principal access takes the form of a new four-arm roundabout junction providing access to and from the B5000 and linking with Chiltern Road. The second access onto the B5000 is through a signalised "T" junction where Robey's Lane meets the B5000. It would continue a short distance north and then divert to the north of Priory Farm such that it serves the southern half of the Phase Two development. It would connect with the access from the new roundabout running through Phase One to meet about half way along Robey's Lane. The existing section of Robey's Lane between the two link points would become a pedestrian/cycle way. North of this the existing Robey's Lane would remain in order to provide access to Alvecote and the north. There would be opportunities for pedestrian and cycle connections towards the west into the residential developments under construction on the former golf course site.

The illustrative Masterplan is included at Appendix B.

In preparing the application, the applicant has undertaken a range of community consultations. There have been three joint presentations to Members of both Councils. The two central issues raised were traffic impacts and infrastructure provision. Additionally the applicants have undertaken two public consultations- one in Polesworth and the second in Tamworth. The main issues raised were the matter of principle; traffic impacts, infrastructure provision, the impact on the Meaningful Gap between Tamworth, Polesworth and Dordon, the mix of housing, schools and recreational facilities.

As indicated above the applicant has submitted an Environmental Statement. It is not proposed to itemise all of the chapters in that document. However he has prepared a Planning Statement in which there are summaries of these chapters. The relevant part of that Statement is attached at Appendix C. It also provides a useful summary of the applicant's case – note that the Appendices to the Statement are not attached. Members are advised to review the main Environmental Statement in order to better understand the applicant's full case.

Background

There are outstanding outline planning applications for up to 500 dwellings with associated infrastructure lodged with the Council and the Tamworth Borough Council, on the Phase One land. Access is proposed from the B5000 incorporating the same roundabout access as described above.

Planning permission for the residential redevelopment of the former Tamworth golf course by up to 1100 houses was granted in 2016 by the Tamworth Borough Council. Reserved matters are now being dealt with such that over 725 of these have now been approved in detail and work is well underway on the initial phases. The Section 106 Agreement accompanying the outline for this development requires the early provision of a primary school and the arrangements for the delivery of the community centre through Tamworth Borough Council.

The Go-Kart track referred to above is a lawful use.

Buildings at Woodhouse Farm benefit from planning permissions for commercial uses. The small triangle of land between the southern end of the site and the B5000 beyond the existing karting track has the benefit of a planning permission for new commercial buildings.

The Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11 (Renewable Energy), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW15 (Nature Conservation), NW16 (Green Infrastructure), NW19 (Polesworth and Dordon), NW21 (Transport) and NW22 (Infrastructure)

Saved Policies of the North Warwickshire Local Plan 2006 – HSG3 (Housing Outside of Development Boundaries), HSG 4 (Densities), ENV4 (Trees and Hedgerows), ENV9 (Air Quality), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation) and ENV16 (Listed Buildings)

Other Material Planning Considerations

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

The Submitted Local Plan for North Warwickshire 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP5 (Meaningful Gap), LP6 (Amount of Development), LP7 (Housing Development), LP8 (Windfall Allowance), LP9 (Affordable Housing Provision), LP14 (Natural Environment), LP25 (Historic Environment), LP16 (Nature Conservation), LP17 (Green Infrastructure), LP24 (Recreational Provision), LP25 (Transport), LP28 (Strategic Road Improvements), LP29 (Walking and Cycling), LP31 (Development Considerations), LP32 (Built Form), LP35 (Water Management), LP36 (Parking), LP37 (Renewable Energy), LP38 (Information and Communication Technologies) and LP39 (Housing Allocations)

The Affordable Housing SPD 2008

Affordable Housing Addendum 2010

Strategic Housing Land Availability 2016

Coventry and Warwickshire Joint Green Belt Study 2016

North Warwickshire Level 1 Strategic Flood Risk Assessment (2008 and 2013 update)

Landscape Character Assessment 2010

North Warwickshire Archaeological Assessment 2010

North Warwickshire Playing Pitch Strategy 2017

North Warwickshire Open Space, Sport and Recreation SPD 2017

Assessment of the Meaningful Gap 2018

North Warwickshire Greenspace Strategy 2017

Observations

Clearly a proposal of this scale raises a whole raft of issues both detailed and otherwise. In order to assist Members, the following broad headings will need to be explored during the course of dealing with the application and ultimately in its determination.

The principle of supporting the proposal or not is the crucial issue. On the one side of the balance is the fact that the site is not recognised by the settlement hierarchy in the adopted Core Strategy. On the other hand the greater part of the site is however identified as a housing site in the Submitted Local Plan – Site H13. That Plan is currently at Examination in Public and the weight to be given to it will increase as it progresses through that Examination. However the final balance will also be influenced by other factors. Firstly, Members will know that through the Daw Mill appeal, the development boundaries of the Core Strategy were found to be “out-of-date” and thus the terms of the NPPF come into the balance whereby sustainable development should

be approved unless there is significant demonstrable harm. Secondly the matters of the Council's housing land supply will need to be considered.

The second broad area to consider will be the impact of the development on the Meaningful Gap. This is introduced in the Core Strategy at Policy NW19, which explains its planning purpose. Its geographic definition however is identified in the Submitted Local Plan and is the subject of a number of representations, to be discussed in the continuing Examination. Part of the application site – the whole of phase One - is in this identified area.

The principle of the main access location into the development is also an issue. This is because the primary access proposed – the roundabout at Chiltern Road – leads to development within the Meaningful Gap – 150 houses and the primary school. The issue here is whether this arrangement is the only means of access available to facilitate and implement the whole development, or whether alternatives can be found to do the same, without requiring development within the Meaningful Gap.

Highway impacts over the whole of the local and wider highway network will be a major issue. That network will include access into the centres of Tamworth as well as through Polesworth and Dordon. There are also concerns about routes through Stonydelph to the A5 and Junction 10 of the M42; those through Amington in Tamworth and also through the closest North Warwickshire villages of Alvecote and Shuttington.

The affordable housing provision is below the Core Strategy requirement of 40% and the equivalent in the Submitted Plan – also 40%. Clearly this will need to be examined to see if the viability report is sufficiently robust to evidence the lower provision.

Additionally the implementation and management of the care home will need to be resolved.

The scale of the proposal will require an understanding of the impacts on existing services – particularly Schools and health facilities but also on the emergency services and established recreation facilities. The advice and guidance of the appropriate infrastructure Agencies will thus need to be coordinated and understood.

Other impacts will need to be evaluated such as whether there would be harm to heritage and ecological interests. The latter will be a significant issue given the presence of Alvecote Wood which adjoins the site and the Alvecote Pools SSSI.

There is a substantial amount of open space and green infrastructure included in the proposals. The Board will need to understand and to have confidence that, should the development be supported, this would be enabled not only in full, but that it is maintained in perpetuity as the development matures.

Consideration of all of these issues has led the applicant to submit his Illustrative Master Plan for the development. Members too will need to understand how this has been arrived at and whether it does adequately mitigate adverse impacts and lead to sustainable development.

Recommendation

That the receipt of the application be noted and that officers, in collaboration with colleagues in the Tamworth Borough Council be requested to provide progress reports

and that if appropriate, the applicant be invited to meet representatives of the Board and Tamworth Members as the application proceeds

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0755

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	21/12/18

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.

5. PLANNING HISTORY AND COMMUNITY CONSULTATION

Planning History

- 5.1. In May 2017 the Applicant submitted a planning application (PAP/2017/0257) to NWBC for 500 dwellings with associated green infrastructure, sustainable drainage and vehicular access. This comprised land to the east of Robey's Lane only (Phase 1). A duplicate application was also submitted to TBC for the reasons set out in Section 3. Both applications remain undetermined.
- 5.2. Prior to the submission of PAP/2017/0257, a Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2011 was sought in April 2016 and provided by the LPA in May 2016 confirming that an EIA was required for the Phase 1 application.
- 5.3. Scoping Opinions for the ES this application were sought and provided in September 2017 and March 2018 under the 2017 Regulations.
- 5.4. Although not related to the site itself, it is relevant to reference the permission at the Former Tamworth Golf Course. This was granted outline permission (ref :0088/2015) in January 2016 by the neighbouring planning authority, Tamworth Borough Council, for the demolition of clubhouse and construction of up to 1,100 dwellings, primary school, local community centre, parking, green infrastructure comprising community woodland, extension to local nature reserve, formal and informal open spaces, footpaths, cycleways, water areas (including a sustainable urban drainage system), landscaping and vehicular access.
- 5.5. Subsequent reserved matters approval has been granted, initially for 218 dwellings (reference: 0136/2016); a further 254 dwellings (reference: 0400/2016) and in June 2018 for 252 dwellings (0129/2018), meaning a total of 724 dwellings have been approved in detail at the time of writing.
- 5.6. The Section 106 Agreement that was completed with the outline planning permission on the golf course site details the delivery of key infrastructure associated with the permission. Of particular note is the requirement for the provision of the primary school which is due to be provided within 24 months of commencement or before the commencement of the 250th dwelling. The local centre delivery is set out in Schedule 9 of the Agreement and confirms that once remediation has been undertaken and within a period of 5 years of the commencement date, the owner

will transfer the land to Tamworth Borough Council. The Borough Council is then obligated to provide the local centre within a period of 5 years.

Community Consultation

- 5.7. In preparing this planning application the Applicant has engaged with a range of stakeholders in formulating the proposals and has undertaken a series of meetings and consultation events.

Presentation to Local Ward Members

- 5.8. Presentations to the elected local ward councillors of both NWBC and TBC were undertaken on 5 and 26 March 2018, with a further 'update' presentation on 8 October 2018. The presentations explained the key elements of the scheme, the policy background and strategy for infrastructure. There was then an opportunity for members to have question and answer sessions with the Development Team. The presentations were well attended with member representatives from both Council's together with lead officers from both LPA's.
- 5.9. The key issues raised at both presentations and from members of both Council's were traffic, both in terms of scope of assessment and impact, and infrastructure provision.
- 5.10. The Development Team explained that the scope of the Transport Assessment had been derived from discussions with the two local highway authorities, Warwickshire County Council and Staffordshire County Council, together with Highways England.
- 5.11. Strong concern was expressed by Tamworth members in particular that the scope of the junctions to be assessed did not extend sufficiently west and that key junctions were not being assessed. Post the presentation and through officers, the Applicant was supplied with alternative junctions that Tamworth members considered should form part of the assessment. The submitted TA appraises each of these additional junctions but found that the impact would be so limited that they did not warrant further modelling assessment.
- 5.12. In respect of traffic impact the TA has identified that improvement works will be required at both the Pennine Way/Sandy and Glascote Rd/Mercian Way junctions. This mitigation will ensure that the development has an acceptable traffic impact.
- 5.13. The delivery of infrastructure, specifically relating to education and health is recognised to be a key issue for a development of the size proposed. A clear strategy

in respect of primary school provision has been established with delivery of a new school on site. The scheme will also make a financial contribution towards secondary school places derived from the development. Whilst members wanted more information on the specific schools that would potentially accommodate new pupils, the local education authorities are undertaking work on how to accommodate children from all emerging NWLP development and so are currently unable to be specific on this. This issue will therefore be resolved during the course of the application and any Section 106 Agreement will need to be clear on where any contribution will be spent.

- 5.14. It was explained to members that two forms of 'Health' contributions have been requested from the Primary Trust and the George Eliot Trust. Similarly to the education contribution, at present the health authorities have not determined the exact location of where the Primary Trust contribution would be allocated. This will again be determined during the course of the application.

Public Consultation Events

Tamworth Bowls Club – 20 March 2018 4-8pm

Tithe Barn, Polesworth – 21 March 2018 4-8pm

- 5.15. Public consultation events were arranged to exhibit the development proposals, explain the content and rationale of the scheme and to take questions from members of the public.
- 5.16. The above events were advertised through the following methods:
- Approx 2220 leaflets hand delivered to local residents' addresses. The industrial estate to the east of Sandy Way were not individually leafleted due to the potential difficulty of delivering to such addresses, though notices were erected.
 - Advertisement in Tamworth Herald and Nuneaton News & on Tamworth Herald online
 - Posters displayed at the following venues: Polesworth Memorial Hall, Polesworth Co-op, Polesworth Sports and Social Club, Polesworth Library, Polesworth Baptist Church, G&J Chesters Newsagents, Dordon Village Hall and Polesworth Parish Council.
 - An email was sent to all North Warwickshire and Tamworth Ward Councillors

- An email was sent to the parish councils of Polesworth, Dordon and Shuttington and Alvecote.

5.17. A plan showing the area of local residents consulted, together with a copy of the newspaper advertisement, the poster and the email/letter sent to ward councillors and the parish council is contained within **Appendix A**.

Summary of Comments

5.18. A total of 130 people attended the two events, with 71 attending the exhibition in Tamworth and 59 the event in Polesworth. A total of 17 feedback sheets were either deposited at the event or provided through the comments facility hosted on the website of FPCR Environment and Design Ltd. These are provided at **Appendix B**.

The main comments received were as follows:

- **Principle of Housing** – From the feedback sheets only 5 out of 17 respondents supported the principle of housing. Many of the visitors to the event explained that it wasn't the housing per se which was objectionable but the absence of infrastructure to sustain it.
- **Traffic** – the largest concern regarding the scheme is traffic. Residents are concerned that the large scale of the scheme will inevitably exacerbate existing problems with the B5000 and Pennine Way in particular, with other impacts on the A5 and the M42 junction. Several suggestions of having direct access onto M42.
- **Infrastructure** – the provision of schools, doctors, shops, dentists, leisure facilities were all identified by residents as being critical to any housing scheme. There remains significant concern that the existing facilities are unable to cope with the additional housing planned on this site and other sites.
- **Meaningful Gap** – as with the 'Phase 1' application there was concern expressed regarding building in the proposed Meaningful Gap. Some residents acknowledged the improvement in setting the built development further west, but they commented that this does not overcome the principle or eroding the space between Tamworth and Polesworth.
- **Mix of Housing** – residents expressed a desire for affordable housing and housing suitable for first time buyers and the elderly. Bungalows are

desirable and generally people felt 2/3 bedroom properties were most required.

- **Primary school** – most respondents to the feedback forms and verbal feedback supported the provision of a primary school on the site.
- **Open Space/Sports Facilities** - Some support, though others felt that the provision was insufficient or that it should be provided elsewhere such as Polesworth.

- 5.19. The principal objections were traffic impact and infrastructure. The suggestion of a direct junction off the M42 is not supported by Highways England and is not a realistic alternative. The 'response' to the issues concerning traffic and infrastructure are set out in the Planning Appraisal section of this statement, where all of the other issues raised are also addressed.

6. PLANNING POLICY

- 6.1. The Development Plan comprises the North Warwickshire Core Strategy (2014) and the Local Plan (2006). The new Development Plan was initially being created on a two tier system with the Site Allocations and Development Management Policies forming part of the Plan. However, NWBC announced that the new Local Plan will be merged into a single document to take account of greater development requirements. The new Local Plan was submitted to the Secretary of State for examination in March 2018. However, at present the Development Plan for the determination of planning applications will remain to be the Core Strategy and 2006 Local Plan.
- 6.2. This section identifies the key local and national planning policy and also the emerging policy from the Draft Local Plan. Appendix 4.1 of the ES contains a summary of all of the relevant policies within the North Warwickshire Core Strategy (2014), the North Warwickshire Local Plan (2006), and the Submission Draft North Warwickshire Local Plan (2017). Section 8 of this Statement appraises how the proposed development performs against the relevant local and national planning policy and other material considerations. Below are listed the main policies, both local and national, which are relevant to the proposed development.

Core Strategy (2014)

- 6.3. The relevant policies of the Core Strategy are as follows:
- Policy NW1 – Sustainable Development
 - Policy NW2 – Settlement Hierarchy
 - Policy NW4 – Housing Development
 - Policy NW5 – Split of Housing Numbers Policy
 - Policy NW6 – Affordable Housing
 - Policy NW10 – Development Considerations
 - Policy NW11 – Renewable Energy Efficiency
 - Policy NW12 – Quality of Development
 - Policy NW13 – Natural Environment
 - Policy NW14 – Historic Environment
 - Policy NW15 – Nature Conservation
 - Policy NW16 – Green Infrastructure
 - Policy NW19 – Polesworth and Dordon
 - Policy NW21 – Transport
 - Policy NW22 – Infrastructure

Local Plan (2006)

6.4. Appendix B of the adopted Core Strategy explains that many of the policies of the Local Plan are replaced by the Core Strategy. However, a number of Saved Local Plan policies survive. The relevant policies are as follows:

- Policy HS3G – Housing Outside of Development Boundaries
- Policy HSG4 - Densities
- Policy ENV4 – Trees and Hedgerows
- Policy ENV9 – Air Quality
- Policy ENV12 – Urban Design
- Policy ENV13 – Building Design
- Policy ENV14 – Access Design
- Policy ENV15 – Heritage Conservation, Enhancement and Interpretation
- Policy ENV16 - Listed Buildings, Non Listed Buildings of Local Historic Value and Sites of Archaeological Importance

National Planning Policy Framework (NPPF - 2018)

6.5. A key material consideration in the determination of the application is the NPPF. The NPPF was revised in 2018 and it is against this latest version that the application is appraised. The main relevant policies, by reference to their paragraph numbers are listed below:

- Paragraph 8 – Achieving Sustainable Development
- Paragraph 11 – Presumption in Favour of Sustainable Development
- Paragraph 59, 64, & 73 – Delivering a Sufficient Supply of Homes
- Paragraphs 91-92, & 94-95 – Promoting Healthy and Safe Communities
- Paragraphs 102-103 & 108-111 – Promoting Sustainable Transport
- Paragraphs 117-118 & 122-123 – Making Effective Use of Land
- Paragraphs 124, 127 & 128 – Achieving Well-Designed Places
- Paragraphs 148, 150, 155, 163 and 165 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.
- Paragraphs 170, 175, 178, 180 and 181 – Conserving and Enhancing the Natural Environment
- Paragraphs 189-190, 192 and 196 - Conserving and Enhancing the Historic Environment

Emerging North Warwickshire Local Plan (2017)

- 6.6. The NWLP will replace the Core Strategy, incorporating some amendments and will include site allocations and development management policies to provide a new Local Plan for the period up to 2033. The NWLP was submitted for examination in March 2018 and at the time of writing the initial strategic hearing sessions are envisaged for July 2018, although this is not confirmed and may be subject to change.
- 6.7. Paragraph 48 of the NPPF sets out the weight that should be given to relevant policies in emerging plans. The relevant policies are as follows:
- Policy LP1 – Sustainable Development
 - Policy LP2 – Settlement Hierarchy
 - Policy LP5 – Meaningful Gap
 - Policy LP6 – Amount of Development
 - Policy LP7 – Housing Development
 - Policy LP8 – Windfall Allowance
 - Policy LP9 – Affordable Housing Provision
 - Policy LP14 - Natural Environment
 - Policy LP15 - Historic Environment
 - Policy LP16 - Nature Conservation
 - Policy LP17 – Green Infrastructure
 - Policy LP24 – Recreational Provision
 - Policy LP25 – Transport Assessment
 - Policy LP28 – Strategic Road Improvements
 - Policy LP29 – Walking and Cycling
 - Policy LP31 – Development Considerations
 - Policy LP32 – Built Form
 - Policy LP35 – Water Management
 - Policy LP36 – Parking
 - Policy LP37 – Renewable Energy and Energy Efficiency
 - Policy LP38 – Information and Communication Technologies
 - Policy LP39 – Housing Allocations
- 6.8. In some instances policies are largely carried forward from those included within the adopted core strategy. However, altered policies in relation to housing requirement,

distribution, strategic policies (such as the MG) and allocations have been not been subject to examination and therefore at the time of writing should be afforded limited weight.

7. **FIVE YEAR HOUSING SUPPLY**

Introduction

- 7.1. The latest five year housing land supply report ("FYHLSR") is for the period up to 31 March 2018 and concludes that NWBC had a housing supply of 4.8 years.
- 7.2. Prior to the publication of the above figure in June 2018, an Inspector for a recent appeal (3189584) for 70 dwellings at a site in Ansley the decision of which is attached as **Appendix C** did not deem it necessary to come to a conclusion on housing land supply¹. The principal reason for this is the Secretary of State decision in March 2018 at land at Daw Mill Colliery, Daw Mill Lane, Arley (Appeal ref: 3149827). In this decision the SoS determined that Policy NW2 of the Core Strategy which relates to settlement hierarchy is out of date, in in agreement with the conclusions of the Appeal Inspector². On this basis the Anstey Inspector came to the conclusion that as NW2 is out of date, the tilted balance of Paragraph 11 of the NPPF is in any event engaged. This position equally applies to this application.
- 7.3. Notwithstanding the above position, the LPA has now confirmed they are unable to demonstrate a five year housing supply.

¹ Paragraph 14
² Paragraph 27/IR376

8. PLANNING APPRAISAL

- 8.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The starting point for establishing whether the principle of development is acceptable is therefore the adopted Core Strategy and the Saved Policies of the Local Plan.

The Principle

- 8.2. Policy NW2 of the Core Strategy sets out the settlement hierarchy and the site falls within category 5, 'outside of the above settlements' (referring to the named settlements of the policy). The site therefore sits in open countryside and only permits development either necessary for agriculture, forestry or other uses that require a rural location or small scale affordable housing. The application scheme meets none of these requirements and so there is a conflict with Policy NW2 of the Core Strategy. Equally Saved Policy HSG3 of the Local Plan deals with housing outside settlement boundaries and has similar restrictions to Policy NW2 on types of permitted development. The proposal is therefore contrary to Policy HSG3.
- 8.3. Paragraph 11 of the NPPF, specifically footnote 7, confirms that relevant policies for the supply of housing should not be considered up-to-date if the LPA is unable to demonstrate a five year housing supply.
- 8.4. As demonstrated in section 7 the LPA is unable to provide a five year housing supply and furthermore Policy NW2 has been deemed out of date by the Secretary of State. The LPA's housing supply policies should not be considered up-to-date and accordingly the presumption in favour of sustainable development and the 'tilted balance' is engaged.
- 8.5. The most pertinent Development Plan policies which directly affect housing supply in this case are policies NW2, NW4 and NW5 of the Core Strategy and Saved policy HS3G of the Local Plan.
- 8.6. Policies NW2 and NW5 direct and distribute development around the borough based on the settlement hierarchy and are underpinned by sustainability credentials. The Inspector in the 2017 Ansley appeal decision, applied moderate weight to these policies. Whilst this is noted, it is submitted that the emerging Local Plan is catering for a higher number of dwellings and is introducing an alternative tier into the

settlement hierarchy through Policy LP2 with category 2 being "settlements adjoining the outer boundary of the Borough". The emerging NWLP has not been subject to examination and therefore new policies not brought forward from the Core Strategy should only be capable of limited weight. However, in accordance with the thrust of the SoS decision (Appeal decision 3149827), it is considered that both NW2 and NW5 should be given limited weight.

- 8.7. A similar logic applies to Policy NW4 which defines the overall housing requirement. This again should only limited weight, given that the emerging Local Plan is a) committing to a higher OAN figure and accommodating requirement from the CWHMA and b) that NWBC has undertaken to accommodate 3,790 dwellings from the GBSBCHMA, albeit subject to infrastructure testing. In short the housing requirement figure is set to change by a highly significant and challenging amount.
- 8.8. Policy HSG3 dates from the Local Plan (2006) and relates to development needs prior to the Core Strategy or the original NPPF(2012). Whilst the purpose of the policy, to protect countryside, clearly retains some value given, its age it should be afforded very limited weight.
- 8.9. In applying the above judgements on the weight that should be afforded to the local plan policies, it is clear that the extent of the shortfall of housing supply is significant. Whilst the LPA are in the process of coming forward with a new Local Plan, it is still to be examined and therefore the 'remedy' is some way off coming to fruition.

The Meaningful Gap

- 8.10. Policy NW19 relates to the MG. The portion of the site to the east of Robey's Lane is contained within the MG and this is proposed for approx 240 dwellings, a primary school, and a range of green infrastructure.
- 8.11. The MG policy is different to the policies appraised above which explicitly deal with housing supply in terms of quantum and distribution or are directly restrictive. The MG policy states that any development to the west of Polesworth, Dordon and Tamworth must respect the separate identities of Polesworth, Dordon and Tamworth and must maintain a meaningful gap between them. The policy does not seek to define the extent of the gap and any area of search to which development may be acceptable. Indeed the Inspector's report for the Core Strategy³ advises that the policy enables

³ Issue 2 Page 5 Para 21.

flexibility and the exploration of options through the Site Allocations DPD (albeit, that this will be now replaced by the emerging NWLP). The policy also identifies that the broad location of growth will be to the south and east of the settlements (Polesworth and Dordon).

- 8.12. The purpose of Policy NW19 is relatively simple in that it directs the area of growth to the south and east of Polesworth and Dordon, seeks to protect the identities of Polesworth, Dordon and Tamworth and maintain a meaningful gap between these settlements. It is considered that the absence of a five year housing supply should significantly reduce the weight given to this policy in the decision making process.
- 8.13. In addition, the emerging Local Plan seeks to propose 1270 dwellings on part of the application site, to the west of Robey's Lane land, adjoining Tamworth's administrative boundary. There has therefore been a shift in the broad location of housing in this particular area, with the emerging Local Plan acknowledging that land to the south and east of Polesworth is no longer the sole focus of significant development.
- 8.14. The emerging NWLP contains Policy LP5 which effectively would replace Policy NW19 and this i) proposes a defined MG as set out on the Proposals Map ; ii) repeats the requirement of NW19 that any development must respect the separate identities of Polesworth and Dordon and Tamworth and maintain a MG between them and iii) requires that all new development within this gap should be small in scale and not intrude visually into the gap or physically reduce the size of the gap. In summary the differences therefore are that the MG is defined, the emphasis on significant development to the south and east of Polesworth and Dordon is removed and a requirement for any development within the gap to be 'small' is introduced.
- 8.15. The definition of the area forming the proposed MG had been established prior to the consultation on the Draft Local Plan which began in November 2016. The MG was first subject to a consultation between 29 January to 12 March 2015. This proposed a MG based on an exercise which divided land which conceivably could be considered within the Gap into 'Areas' and identified which areas were and were not proposed to form part of the Gap. The consultation made it clear that the MG would be given weight as policy from the decision at Committee to consult on its scope (January 2015). Based on this original consultation the land subject to this application was in land covered by Areas 3, 4 and 5 and all were proposed to form

part of the MG. An objection was submitted against the proposed MG on the following principle grounds:

- There is no justification for a specific Meaningful Gap Policy
- The adoption of the Meaningful Gap Assessment as policy compromises the emerging Site Allocations process and undermines the emerging Local Plan.
- Notwithstanding the principle objection and without prejudice, the methodology of the Assessment is significantly flawed. Substantial and overriding weight is given to landscape considerations without the required evidence in the form of a full landscape assessment.
- Consequently the landscape and overall conclusions of the Assessment are also flawed and it is recommended that Areas 3 and 4 are removed from the proposed Meaningful Gap.

- 8.16. A copy of the objection, together with the accompanying Landscape Appraisal from FPCR is provided at **Appendix D**.
- 8.17. Following NWBC's consideration of the consultation responses, they published a new report in August 2015 which omitted Areas 4 and 5 from the MG. The area to the east of Robey's Lane, Phase 1, which forms part of Area 3, remained in the MG. It is the August 2015 definition of the MG on which the emerging NWBC and Policy LP5 is based. This was carried forward to the submission draft consultation which was supplemented by a further evidence document entitled "*Assessment of the Value of the Meaningful Gap* (January 2018)."
- 8.18. Firstly, the weight that should be given to the definition of the MG under Policy LP5 is very limited. The policy is subject to a number of strong objections and the consultation on which it was based was flawed for two key reasons. Firstly, the MG boundary was formed in advance of identifying any potential sites for development to meet the Plan's housing requirement. Such an assessment should have been undertaken in parallel with potential identification of sites. Secondly it was heavily reliant on landscape judgements which were not reached with the benefit of appropriate landscape evidence. This was clearly an issue of concern for the Inspector in the appeal decision (3136495) in November 2016 concerning Land to the East of the M42 (Junction 10), of which the Meaningful Gap was a principal issue. The Inspector is critical of the Council's evidence base for the Meaningful Gap judgements, commenting that there is a lack of '*qualitative assessment of how the*

*character of the area would change or how it would be perceived from any locally important viewpoints*⁴. A copy of this appeal decision is contained in **Appendix E**.

- 8.19. The Submission Draft Local Plan consultation that ran from November 2017 to January 2018 was extended to March 2018 to allow supplementary documents to be considered, including the Assessment of the Value of the Meaningful Gap. However, this document continues to fail to assess the credentials of the MG objectively and in an evidenced based manner. A copy of the Applicant's objection to the MG Policy is contained in **Appendix F**.
- 8.20. The evidence behind defining Area 4 (Phase 2/land west of Robey's Lane) within the MG was clearly flawed and was quickly rectified, however Area 3, including the portion of the application site to the east of Robey's Lane (Phase 1) remains in the MG.
- 8.21. Chapter 10 of the ES and the accompanying Landscape and Visual Impact Assessment (LVIA), deals with the issue of the MG in detail. The first important point of note is that this application is significantly different to application PAP/2017/0257, in that the extent of the residential development has been pulled further west to align with the existing settlement pattern of Stoneydelph to the south. The residential area east of Robey's Lane accounts for just 6.7ha of a total of 30ha in this portion of the site. The illustrative masterplan demonstrates a logical relationship with existing built development and provides a variety of open space between the residential element of the scheme and the eastern boundary.
- 8.22. In summary the development of this site would be observed as a component of the built up area of Tamworth and there would remain an ample distance between the proposed development and the built up areas of Polesworth and Dordon to protect identities of settlements and maintain a MG
- 8.23. There are a number of features that would help maintain a MG. Firstly, the M42 acts as a definitive physical barrier which separates the settlements of Tamworth and Polesworth. Further major infrastructure is planned on the east of the M42 with the planned route of HS2. The HS2 infrastructure will also act as a deterrent/barrier from development creep from the east.

⁴ Paragraph 26 - 3136495

- 8.24. The illustrative masterplan demonstrates that a significant area of structural planting is proposed along the eastern and northern eastern boundaries of the site and this will join up to Alvecote Wood. This will form a comprehensive and sensitive landscaped edge to the development. This coupled with the additional buffer of the playing pitches and the alignment with built development to the south will further reduce any perception of settlement identities being threatened. The LVIA confirms that the Meaningful Gap is not a landscape quality designation and yet landscape value appears at the heart of the reason why the site is proposed to be included in the Meaningful Gap. The LVIA comments that "*The site is not subject to any landscape designation contains no significant or rare landscape features and displays no marked sense of scenic quality. It is not particularly tranquil, performs no public recreational function, and has no known cultural associations.*"¹⁶
- 8.25. The overall conclusion within the ES on landscape effects is that the development in the longer term will have a **Moderate/Minor Adverse** impact on landscape character and this is not deemed to be 'significant'. In this context and having regard for the wider conclusions of the LVIA, it is considered that landscape character should not be a legitimate reason for inclusion of the site within the MG and furthermore development of the site poses no unacceptable harm to either landscape or the concept of a MG. It is therefore submitted that compliance is achieved with Policy NW19 of the Core Strategy.

Summary of the Principle of Development

- 8.26. It is accepted that the site sits outside of settlement boundaries and therefore there is conflict with Policy NW2 of the Core Strategy and Policy HSG3 of the Local Plan. However, these policies are out of date both by the virtue of the wider development needs emerging through the NWLP and the constraints that these policies would place on this and the absence of a five year housing supply. They therefore should be attributed limited weight. Whilst on a site of this size, there is inevitably some harm caused to the open countryside, we submit that this is significantly outweighed by the number of benefits that the scheme will generate.
- 8.27. In addition we submit that Policy NW19 should also be given reduced weight in the planning balance by reason of the absence of a five year housing supply, but notwithstanding this, we submit that the application site should not be within any

¹⁶ Para 10.4.75 - LVIA Appendix 10.1 of ES

defined MG and the scheme poses no harm to its objectives of respecting settlement identity and retaining a MG.

8.28. A key part of the pre-application consultation process was explaining why the development site is required to be extended beyond that proposed for allocation, to include land east of Robey's Lane (Phase 1). There are a number of reasons why this is necessary and these are set out below:

- The Phase 1 land is required to deliver the most appropriate vehicular access and to ensure early deliver of housing and infrastructure on the site.
- The emerging NWLP site allocation proposes access via the FTGC. This involves third party land, the detailed residential layouts for the FTGC make no provision for a major access to be taken through their site and there are a range of ecological and ground level constraints.
- Alternative access points onto B5000 either technically constrained in relation to proximity to Robey's Lane junction or if utilising Robey's Lane significantly changes the character of the southern part of this lane through the size of roundabout required.
- Fundamentally the Highway Authority requires two access points and two entirely separate access points could not be achieved with the extent of the allocation as proposed.
- The go kart business remains in operation and is a later Phase of development. In practice a developer will not want to commence development adjacent to an existing noisy use and the development needs to be phased to accommodate this.
- Without the principal access being east of Robey's Lane, as proposed, there is a significant risk that development will be delayed and will not achieve the number of dwellings required in the Plan period.

Sustainability

8.29. It has been established that the presumption in favour of sustainable development against the 'tilted balance' in favour of development in paragraph 14 of the Framework is engaged. This next section of the Planning Appraisal looks at the sustainability of the site in relation to its location and access to services. It is recognised that sustainability for the purposes of the paragraph 14 definition takes a much wider scope and this is summarised in the 'Planning Balance'.

- 8.30. The site is considered to be within a sustainable location, situated on the edge of an urban area of Tamworth. The key components to determine whether a site is sustainable in location terms is access to a wide range of services and facilities by methods of public transport, walking and cycling.
- 8.31. Firstly, the scheme proposes a wide range of facilities and services as part of the proposed development. A community hub will be delivered that can accommodate retail, a food/drink offer, together with other community uses and is proposed in the heart of the development. The scheme will also provide a two-form entry primary school and it is envisaged that this will be delivered after the first 150 dwellings.
- 8.32. It is acknowledged that delivery of service and facilities will take time, albeit that the primary school is identified for early delivery and in the interim future residents may need to rely on existing facilities.
- 8.33. The ES contains a local facilities plan for both Tamworth and Polesworth respectively. It is anticipated that for local services the main focus of direction for future residents is likely to be the Stoneydelph area and in time, the local centre approved as part of the FTGC development.
- 8.34. The Stoneydelph local centre is approximately 0.65 miles from the application site and offers a range of local shops and facilities, including a convenience store, which service day to day needs. The distance is above the desirable distance of 400m to local facilities but nonetheless is within a distance that is convenient for pedestrians to access the local centre from the site. Chiltern Drive joins up to a dedicated pedestrian and cycle route which runs to the south of the local centre and provides an attractive walking/cycling environment to access facilities.
- 8.35. In respect of education facilities, the nearest primary schools are Stoneydelph Primary School and Three Peaks Primary School at 1.4km and 1.7km respectively from the site. At these distances, walking is still realistic, in the case of the Stoneydelph Primary School in particular. Beyond the first few years of the development it is evident that children will attend the proposed on-site primary school and so convenient and safe walking and cycling routes to the school will be secured in the long term.
- 8.36. With regards to secondary education it is commonplace to travel greater distances to access schools. However, the facilities plans and the TA record that there are two secondary schools within 2.2km of the site. Walking, cycling and public transport are

alternatives to the private car in accessing these schools and therefore these are sustainably accessible.

- 8.37. Access to public transport is very convenient with bus stops outside of the site's southern boundary on Tamworth Road. The No.65 operated by Arriva provides two buses an hour into Tamworth and from the Polesworth Sports Ground stop (opposite the site) journey times are 20 minutes. In addition Tamworth train station is a strategic location, providing regular journeys to London Euston, Birmingham, Nottingham, Derby and Stafford. This provides genuine sustainable transport choices for people seeking to access employment.
- 8.38. It has been demonstrated that the development site is within an accessible location for a range of services and facilities. The provision of facilities and services will increase as the development progresses in line with the submitted Phasing Plan. The proposal therefore accords with the sustainability objectives of Policy NW10 of the Core Strategy and the NPPF.

Layout/Masterplanning

- 8.39. The indicative masterplan provides the framework for the development of the site and is based on a green infrastructure led scheme which will create a highly attractive environment.
- 8.40. The residential element of the scheme is provided over 40.6ha and would represent a net density of circa 38 dwellings per hectare. This density is considered to strike the appropriate balance between the character of the site on the edge of an urban area and making the best use of land. The density must also be assessed in the context that the residential development will sit within a site that provides 50ha of green infrastructure. The masterplan layout is based on an irregular grid pattern structure that provides legibility but variety, and allows integration of both open space within the residential heart of the scheme but also on the periphery of the built environment. The children's play space sits centrally within the masterplan, sited within a large area of open space and accessible to all residents.
- 8.41. In respect of dwelling types, it is intended to provide a range of 1-5 bed dwellings with an indicative mix as follows:

- 1 bed – 25 (1.5%)
- 2 bed – 300 (19.5%)
- 3 bed – 650 (42%)

- 4 bed – 370 (24%)
- 5 bed – 95 (6%)
- Extra Care – 100 (6%)
- Total: 1540

- 8.42. The above mix, whilst being indicative and therefore flexible and capable of change, embraces the requirement to provide a genuine mix of housing which will help meet the housing requirement of the area.
- 8.43. The Design and Access Statement details the evolution of the design and the placemaking objectives in detail. Drawings and diagrams are provided demonstrating street hierarchies and patterns of development, together with key design principles for the different types of streets envisaged. In short the D&A Statement provides a well thought out framework that will enable the delivery of a characterful development.
- 8.44. The D&A Statement also confirms that the scheme will largely be two-storey dwellings, with some limited use of two and a half storeys and a maximum residential building height of 10.5m (apart from the extra care home which will be 12m).
- 8.45. The green infrastructure provides a variety of different forms of open space including a zone for new woodland and structural planting on the eastern boundary of the site, providing a buffer to Alvecote Wood. Formal playing pitches, including a pavilion for changing facilities is proposed to the east of Robey's Lane and children's play equipment is distributed throughout the layout. Green Infrastructure penetrates throughout the layout which will help deliver an attractive living environment.
- 8.46. In summary it is submitted that the indicative site layout and masterplanning principles of the development demonstrate that a high quality and varied scheme can be delivered on this site. The scheme will provide a diverse range of housing types and sizes and the development will successfully integrate with the extensive green infrastructure proposed on the site. Accordingly the proposal is considered to meet the relevant criteria of Policy NW10 and NW12 of the Core Strategy and Policy ENV12 of the adopted Local Plan.

Access and Traffic Generation

- 8.47. It is proposed to access the site from Tamworth Road (B5000), utilising two separate junctions. The principal access is proposed on the Site Access Design drawing CIV15596/06/001/A05. This shows a four arm roundabout positioned to link up the B5000 and Chiltern Road to the south, entering into the Phase 1 portion of site, east of Robey's Lane . The carriageway width of the site access will be 6.75m and will include 3m wide footway/cycleways either side of the carriageway.
- 8.48. The second access point is shown on drawing CIV15596/06/001/A02 and is a signalised junction between the B5000 and Robey's Lane. This involves accommodating a footway/cycleway for a short section of Robey's Lane before it turns west into the site, north of Priory Farm.
- 8.49. A third access is proposed to link Phase 1 and Phase 2 of the site together, across Robey's Lane and this is shown on drawing on drawing WIE/15569/06/017/A01
- 8.50. The Transport and Access Chapter of the ES (chapter 5) and the accompanying Transport Assessment (TA) set out in detail the traffic impact of the development. The scope of this has been agreed with Warwickshire County Council, Staffordshire County Council and Highways England. The TA utilises the Paramics Model used in the preparation of the emerging NWLP and an extended assessment has been agreed for junctions beyond the scope of Paramics, within Staffordshire.
- 8.51. The TA identifies that there will need to be works undertaken at two junctions to improve their capacity. These are the Pennine Way/Sandy Lane junction and the Glascote Road/Mercian Way roundabout (also identified for improvement in the Strategic Transport Assessment), both of which are to the west of the development site within Tamworth. A junction improvement for Pennine Way/Sandy Lane has been prepared and is proposed in the TA⁶. With respect to Glascote Rd/Mercian Way, a committed scheme for improvement from WCC is shown in the TA⁷ and it is envisaged that a proportionate financial contribution will be provided to assist with delivery of this.
- 8.52. Once mitigation has been delivered the ES Chapter concludes a **Negligible** impact. The proposal does not create any severe transport impacts and therefore in

⁶ Appendix L

⁷ Appendix M

accordance with Paragraph 109 of the NPPF the proposal is acceptable in transport terms.

Noise

- 8.53. ES Chapter 6 assesses the noise impacts of the development analysing the road traffic noise, construction noise, plant noise from the proposal on existing receptors and further analysing noise from existing sources to new residents from the scheme.
- 8.54. The overall conclusions of the ES chapter is that the noise effects from traffic generation for existing residents will be **Minor Adverse** at worst for nearby dwellings in the short term, reducing to **Negligible** in the long term.
- 8.55. In respect of noise from construction the impact is considered to be at worst **Minor Adverse** and by its nature such impact will be temporary. In terms of impacts on residents of the proposed dwellings, the scheme has been assessed with regards to traffic noise (including the M42) and the go-kart track, which is envisaged as a later phase of development. Noise from both sources will be mitigated as an inherent part of the layout and design of the scheme and consequently a suitable environment will be provided for future residents. The significance of the effect of noise is considered to be **Negligible**.

Ecology

- 8.56. The site does not form part of any International, National or Locally designated ecological sites. To the north of the site is Alvecote Pools Site of Specific Scientific Interest (SSSI) which is considered of National value. Alvecote Wood, which is adjacent to the site boundary and FTGC local wildlife site are of County level value. The ecological assessments undertakes a comprehensive overview of the impact on designated sites, habitats and flora, arboricultural features and protected species.
- 8.57. No direct impacts to the features of interest of the SSSI are predicted as a consequence of the application and equally it is considered unlikely that the features of value within the SSSI will be affected by construction noise. The residual impact on Alvecote Wood is concluded as **Negligible** in the ES given the sensitive site design including the buffering from development and the complementary extension of woodland as part of the masterplan.
- 8.58. In terms of protected species the residual impacts are listed for each species and against each potential effect. Impacts on Badgers, Great Crested Newts and Bats

are largely assessed as **Negligible**, though there are instances with both species of **Minor Beneficial** impacts through the creation of new habitat.

- 8.59. In respect of breeding birds the impact is considered to be **Minor Adverse** for arable farmland birds.
- 8.60. In summary no significant impacts are predicted to occur to designated sites, habitats and flora, arboricultural features or protected species. Indeed there are predicted to be some local minor benefits. The scheme is considered to comply with the requirements of Policy NW15 of the Core Strategy, Policy ENV4 of the adopted Local Plan and Paragraph 175 of the NPPF.

Air Quality

- 8.61. The impact of the scheme on Air Quality has been assessed as part of the ES (Chapter 8). The chapter sets out the UK Air Quality Objectives and Pollutants and undertakes an assessment based on the proposed development and other committed development (including FTGC).
- 8.62. The assessment appraises a range of existing and proposed receptor locations against a number of scenarios and the results conclude that subject to suitable mitigation, the residual impacts of both the construction and operational phase would be **Negligible** and therefore not significant.

Heritage

- 8.63. There are no designated heritage assets within the site or immediately adjacent to it. Polesworth conservation area is located approximately 900m to the east of the site. There is an scheduled ancient monument, Alvecote Priory and dovecote, to the north of the site. The heritage chapter assesses a range of designated and non-designated heritage assets within its study area.
- 8.64. No heritage assets are recorded on the site and potential for unrecorded assets is considered to be at most low. No adverse impact on the setting of any surrounding heritage assets has been identified and in all cases the site is substantively screened by topography, woodland or buildings. The only potential effect identified as 'significant' with the development is the potential for truncation or removal of unrecorded archaeological features. However, a geo-physical survey has been undertaken and the archaeological potential is considered to be low. Further evaluation phases may comprise field-walking and/or trial trenching and appropriate

mitigation could be put in place in the unlikely event of finding any interest of value. This could be secured by an appropriately worded condition.

- 8.65. The residual impact of the construction phase is considered to be **Negligible** which is not significant in terms of EIA regulations. No operational impacts have been identified with the proposed development.
- 8.66. The proposed scheme complies with the requirements of Policy NW14 of the Core Strategy, Policies ENV15 and ENV16 of the adopted Local Plan and the relevant paragraphs of the Historic Environment chapter of the NPPF.

Landscape and Visual Impact

- 8.67. The impact on landscape has already been covered in part in the assessment of the Meaningful Gap. In brief Chapter 10 of the ES analyses the impact of the development on the landscape character and a range of visual receptors.
- 8.68. At the operational stage of development, following completion, at all levels bar the site and its immediate context the impact is assessed **Minor Adverse or Negligible** at completion, reducing to **Negligible** by Year 15 as the benefits of the green infrastructure prosper.
- 8.69. At site level, the 'on completion' stage of the scheme would result in a **Moderate Adverse** landscape effect. However such effects would reduce in the longer term and the residual landscape effects would lessen to **Moderate-Minor Adverse**. This is not considered significant in EIA terms.
- 8.70. From a visual perspective, very few receptors of high sensitivity would be affected. Marked adverse effects would be limited to visual receptors that are localised to the site and whilst there would be a level of change and effect for these localised receptors (which vary between 'High' and 'Low' at the operational stage), this is moderated by the existing presence and visibility of built and urban features that are often discernible within the context of the site. The ES assesses each visual receptor in turn and this is not repeated here.
- 8.71. For all visual receptors, it is judged that the level of adverse effects would lessen in the longer term on account of the scheme's perimeter landscape framework that would filter and 'soften' views of the built form and assist in assimilating the proposed development into the landscape. In conclusion, it is assessed that the proposed development would not result in any unacceptable long-term landscape and visual

effects. The proposal is therefore considered to comply with the aims of Policy NW13 of the Core Strategy.

Flooding and Drainage

- 8.72. The site is located wholly in Flood Zone 1 (the area of least flood risk) and hence mitigation is not considered necessary. A Sustainable Drainage Statement has been produced to support the planning application at this location. This details the proposed surface water drainage strategy for the site.
- 8.73. It is proposed that surface water runoff from the site is limited to the greenfield runoff rate. This approach seeks to mimic the site's natural drainage regime, minimising the impact on the wider catchment. Water will be attenuated at the site prior to discharge using sustainable urban drainage systems, with storage provided up to the 1 in 100 year plus climate change event. A 40% climate change allowance is to be provided at the site. Limiting runoff from the site, and accommodating it on-site up to the aforementioned event, provides betterment over the current drainage regime.
- 8.74. During the construction phase the impact on the water environment is considered **Negligible**. In the operational phase the proposed development will remain in Flood Zone 1, hence the impact on flood flows is considered to be **negligible**. The surface water drainage strategy proposed will limit runoff at the site to the greenfield rate, and provide attenuation up to the 1 in 100 year plus climate change event. This will have a **minor beneficial** impact by reducing runoff to the surrounding area and providing water quality improvements. The scheme complies with the requirements of Policy NW10 of the Core Strategy and Paragraphs 155 and 163 of the NPPF.

Geology and Contamination

- 8.75. The geology and contamination chapter is supported by a Geo-Environmental Desk Study. The chapter confirms that following implementation of the mitigation measures, the risk to construction workers from contamination is **Negligible**. Equally the risk to the underlying Secondary A Aquifer and nearby surface water receptors is considered to be **Negligible**.
- 8.76. During the operational phase of development the chapter concludes that following the incorporation of appropriate gas protection measures into building design the risk of gas build-up following gas migration into buildings will render the risk

Negligible. Where present, impermeable surfaces and use of capping material will reduce the likelihood of exposure to soil-borne contamination by future on-site residents and the risk from such contamination is therefore considered **Negligible**.

- 8.77. The integration of a suitable surface water drainage scheme will reduce the risk to the Secondary A Aquifer and nearby surface waters and the risk from contamination is considered **Negligible**. In conclusion, it is clear from the assessment that there is no significant impact from contamination as a consequence of the development and the proposal complies with Policy NW10 of the Core Strategy.

Best and Most Versatile Agricultural Land

- 8.78. Paragraph 170 of the NPPF requires that LPAs take into account the economic and other benefits of the best and most versatile agricultural land.
- 8.79. Chapter 15 of the ES analyses this issue and identifies The agricultural land at the site is predominantly of subgrade 3a quality (72%), with 20% at grade 3b and 8% non-agricultural. The scheme would result in the loss of 68ha of best and most versatile (BMV) land and this is judged as a **Moderate Adverse** impact, which is classed as significant. It should be noted that Grade 3a land is judged as markedly less significant than Grades 1 and 2, of which the site contains neither of these classifications. There is no mitigation for such a loss, ie: once its lost it cannot be replaced, but this must be understood in its wider context.
- 8.80. Appendix 15.2 of the ES assesses agricultural land on a wider scale across the district. Land across the Borough, surveyed by the former Ministry of Agriculture, Fisheries, and Food (MAFF), was shown to have a similar composition of land grades to the application site with 66% classified as BMV land. In summary therefore it is considered unlikely that an area of land similar to the size proposed for development could be identified that does not include BMV land. On this basis and having regard to the significant positive impact that this development would have on housing supply, it is concluded that the impact on BMV land is acceptable.

Amenity

- 8.81. The application is submitted in outline and so a detailed appraisal of amenity impacts for future residents is not possible at this stage. However, it is clear from the masterplan that the scheme would create a landscape led development which would meet the needs of future residents.

- 8.82. The D&A details how a high quality designed scheme will be delivered which integrates open space into the housing layout providing an attractive living environment. In summary the scheme provides the framework to ensure that future residents will have a high degree of amenity.

9. AFFORDABLE HOUSING STATEMENT

- 9.1. The current policy requirement for affordable housing is defined by Policy NW6 of the Core Strategy which states that on greenfield sites provision of 40% shall be provided subject to viability. The policy explains a target affordable housing tenure mix of 85% affordable rent and 15% suitable intermediate tenure should be provided wherever practicable. The Affordable Housing SPD (2008, updated in 2015) provides more detailed guidance.
- 9.2. The emerging policy (LP9) in the draft Local Plan takes the same approach in terms of requirement (40%) but confirms that compliance with the policy can be achieved through either on-site provision or a financial contribution. The policy contains the same mechanism for challenging provision on viability grounds. The supporting text also introduces that a minimum of 20% of the affordable housing element will be delivered through starter homes.
- 9.3. The application is supported by a comprehensive viability appraisal which examines the viability of providing the policy required 40% of affordable housing. This returns a negative residual land value and is therefore not viable. The viability report concludes that affordable housing of 20% is viable and therefore this level of affordable housing is proposed as part of the application. This amounts to 308 affordable units. As a comparison the adjoining FTGC site also secured 20% affordable housing as part of its planning permission.
- 9.4. Initial discussions have been held with NWBC's Housing Strategy Department on the mix of affordable units and this is likely to follow the tenure split required by policy. In respect of size of units, it is understood that highest demand is for smaller units of two bedrooms or under and this is where the majority of provision will be concentrated. There will however be a mix of provision across 1-4 bedroom sized dwellings.
- 9.5. The exact composition of the affordable housing will be subject to discussion with officers during the application once there is greater certainty on agreement of the principles of the viability appraisal.

10. OPEN SPACE STATEMENT

- 10.1. The ES contains a chapter on open space (chapter 16). The Green Space Strategy (2017) ("GSS"), Playing Pitch Strategy ("PPS") and Planning Obligations for Open Space, Sport and Recreation SPD ("OSSR SPD") have been reviewed in detail as part of this assessment, together with the corresponding evidence reports for Tamworth Borough Council.
- 10.2. This statement summarises the policy requirements and the open space and playing pitches proposed as part of the development. It also briefly deals with the potential requirement for a leisure contribution.
- 10.3. The ES at table 16.5 details the open space requirements by typology identified in the GSS, based on 1700 dwellings, the quantum tested in the ES. The application itself is for a maximum quantum of 1540 dwellings and so the requirement will be less than stated in the ES.
- 10.4. Of a total site area of 96ha, the parameters plan demonstrates that a total of 50ha will be provided as 'green infrastructure'. Some of this area includes items excluded from the SPD definition and when SUDS (2.5ha), zones for structural planting (13.1ha), existing vegetation (4.5ha) and footway and cycleways (1.7ha) are removed this figure, this reduces to 28.2ha. A sport pitches provision of 3.9ha, subject to assessment below, reduces the total to 24.3ha of open space under the SPD definition. This amounts to 25% of the site, which in isolation far exceeds the typical 14% of the site being given over to open space as set in the OSSR SPD.
- 10.5. The proposed scheme provides a variety of the different typologies of open space identified in GSS. In regards to natural and semi-natural green space and amenity space the masterplan provides 13.3ha and 9.5ha respectively. This is significantly in excess of the requirement of the OSSR SPD, which based upon the population of a 1540 dwelling scheme equates to 6.62ha for natural and semi-natural green space and 2.2ha of amenity green space.
- 10.6. The proposed development includes provision for two Neighbourhood Equipped Areas of Play ("NEAP") and two Local Equipped Areas of Play ("LEAP") as part of the scheme. Figure 16.2 of the ES shows that the proposed position of these play areas will be within the required 400m walking distance from any proposed dwelling for a LEAP and within 1000m for a NEAP, as prescribed by the GSS. The southern

NEAP will also include facilities for older children in the form of multi use games area (MUGA).

- 10.7. The masterplan provides 0.5ha for allotments (including a community orchard). This is below the quantum required on a simple application of the SPD formula, which for 1540 dwellings is 0.73ha. However, the GSS identifies that the borough has an over-supply of allotments at present and therefore any additional demand is likely to be catered for in existing supply.
- 10.8. The only typology of open space identified within the GSS not provided on site is Parks and Gardens. However, the requirements of the SPD are not meant to be prescriptive so that each site has to provide the exact proportion of each different typology of open space. Further, to the north east of the site is Pooley Country Park which would fall within this category. Whilst pedestrian access is limited from the site, it nevertheless provides a local facility for residents of the development.
- 10.9. In respect of playing pitches, the PPS identifies that an additional 18 sports pitches (football, cricket, rugby and hockey) will be required to cater for development projected up to 2031. If you apply the requirement derived from the projected population of this proposed development, based on 1540 dwellings, this equates to a need for four sports pitches.
- 10.10. The masterplan proposes a total of seven pitches, comprising one adult football pitch, two mini soccer pitches (U9/U10) and two smaller mini soccer pitches (U7/U8) to the south of the NEAP and allotments. In addition two further mini soccer pitches (1 x U7/U8 and 1 x U9/U10) are proposed within the primary school site. A changing room facility will be provided as part of a pavilion.
- 10.11. The scheme therefore again out performs requirement. Should the LPA require a different mix of playing pitches, as currently the proposal is football orientated, this potentially could be accommodated.
- 10.12. One area that the scope of the ES chapter does not address was the leisure provision. The Leisure Facilities Strategy (2017) identifies requirement up to 2031 and amongst other matters highlights that a replacement of Polesworth Sports Centre is likely to be required, together with increased swimming pool capacity and fitness stations.

- 10.13. The OSSR SPD⁸ undertakes an assessment of the proposed allocated sites in the emerging NWLP and how these could contribute to leisure provision. Part of the application site is identified in the form of 'Land to the West of Robey's Lane' and based on a proposed allocation of 1191 dwellings, then a calculation of £1,344,214 is derived based on meeting need for swimming pools, sports halls, fitness studios gyms and indoor bowls. The proposed allocation has increased to 1270 dwellings and the application proposes 1540 dwellings, so taking the latter (application) figure this would increase the contribution to £1,738,110. However, the SPD exercise in calculating how leisure facilities should be provided is a strategic overview looking at the borough as a whole. Whilst the Applicant is amenable in principle to paying a contribution towards such matters, this will need to be demonstrated to pass the CIL regulations and be considered within the spectrum of the viability case.
- 10.14. Overall it has been demonstrated that the proposed scheme delivers a high quality green infrastructure which will both create an attractive environment and provide significant opportunity for recreation and amenity enhancement. The scheme is therefore considered to comply with, and indeed exceed, the requirements of Policy NW16 of the Local Plan and the OSSR SPD.

⁸ Figure 9 P33

11. SECTION 106 OBLIGATIONS (HEADS OF TERMS)

- 11.1. It is anticipated that the following items will be required to be secured through a Section 106 Agreement:
- 11.2. **Affordable Housing** – the application as submitted proposes 20% affordable housing (308 dwellings) and is supported by a viability appraisal. Although discussions have commenced with the Council's housing officer, these will continue through the course of the application and the mix of tenure, type of dwellings and the trigger points for delivery will be secured through the Agreement.
- 11.3. **Education** – Based on the requirements of Warwickshire County Council the development would derive the following requirement for education places.
- Early years Education – 34 places
 - Primary Education – 233 places
 - Secondary Education – 167 places
 - Sixth Form Education – 33 places.
- 11.4. This is based on 1540 dwellings and so the final figures will be less based on the fact that no education facilities will be derived from the extra care home and a reduction should also be applied for the smaller sized dwellings.
- 11.5. A primary school is proposed on the eastern portion of the site and this will be a two-form entry school with capacity for 420 pupils. Discussions with the LPAs and local education authorities (LEAs) have indicated that this will be required as an early phase of the development and therefore, subject to confirmation of the funding mechanism, it is proposed to be delivered at 150 dwellings. It is understood that existing primary schools in Tamworth have capacity to absorb school places from this development for the first 150 dwellings. For early years provision discussions will be undertaken to ascertain whether the LEAs would require this as part of the proposed primary school, located elsewhere on the site (the scheme includes provision for unspecified D1 uses) or an off-site contribution.
- 11.6. With respect to the delivery of the primary school it is proposed that this will be on the basis of a contribution per place derived from the development. The phasing mechanisms for such payments will be negotiated with the LPA and LEAs.

- 11.7. Secondary school places will be created via a financial contribution. The Applicant has discussed with the LEAs the potential options for where additional capacity will be created to serve this development. A wider exercise to incorporate other Local Plan sites is being undertaken and so the LEAs have been unable to specify which schools may be expanded at this stage. However, it is envisaged that contributions will be directed to both Polesworth and Tamworth schools.
- 11.8. The financial contribution will therefore be calculated using WCC standard cost of place per education category. The trigger points for delivery will be negotiated with the LPAs and LEAs.
- 11.9. **Health** – Discussions with the George Eliot Trust and NHS England in respect of Primary Trust provision have derived that contributions will be required of £887,785.36 and £334,216.96 respectively (based on 1540 dwellings). The Applicant has sought information from NHS England (through North Staffordshire NHS) as to where any contribution for the Primary Trust will be directed. At this stage NS NHS are unable to confirm whether the monies will be used to extend existing facilities or contribute to a new facility, or its location. However, this will be resolved during the course of the application. The trigger points for payment will be subject to negotiation.
- 11.10. **Maintenance of Public Open Space** – The maintenance of all public open space within the scheme is proposed to be covered by a Management Company. The Section 106 will provide the details of this. The trigger points and provision of open space on the site is proposed to be secured by planning condition.
- 11.11. **Off Site Highway Works/Contributions** – There are two main junction improvements proposed as part of the application. These are Pennine Way/Sandy and Glascote Rd/Mercian Way. The requirement for these junction improvements could potentially be secured by condition and their trigger points will be discussed with the local highway authorities. However, in the case of the Glascote Rd/Mercian Way objection, the proposal is for this to be a contribution and so accordingly it will form part of the S.106.
- 11.12. **Travel Plan** – the requirements of the travel plan will be secured through the S.106.
- 11.13. **Other Contributions** – during the Phase 1 application contributions were requested from the Police and WCC Rights of Way. Assuming such contributions are again requested these will be considered on their merits based on evidence. As identified

in section 10, it is also anticipated that a leisure contribution will be sought by NWBC and the details of this will be subject to further discussion.

- 11.14. Importantly all contributions/requests will need to be demonstrated to be compliant with Regulations 122 and 123 of Community Infrastructure Regulations (as amended) and are subject to viability.

12. PLANNING BALANCE

12.1. It has been established that the policies governing housing supply are out of date and the LPA is unable to demonstrate a five year housing supply. Accordingly the proposal falls to be determined against the 'tilted balance' within Paragraph 11 of the NPPF which states that where policies are out of date, permission should be granted unless there any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies indicate development should be restricted.

12.2. There are a number of significant economic, social and environmental benefits associated with the scheme, which are set out below in their respective categories, recognising that they are not mutually exclusive.

12.3. Economic Benefits

- The construction of the scheme is anticipated to cost circa £215 million and will generate approximately 1850 full time construction jobs. In addition the House Builders Federation report (2015) estimates that for every 1 direct job created, the development supports 0.5 indirect jobs in the supply chain.
- 'Operational Phase' jobs will also be created through the provision of businesses/services in the community hub and at the primary school. At the mix of uses are flexible at this stage it is difficult to quantify this benefit.
- The new additional spending capacity to the local economy from future residents
- New Homes Bonus

12.4. Social Benefits

- Delivery of 1540 dwellings, including provision of 20% affordable housing. The scheme will deliver a wide housing mix including elderly accommodation that will seek to address housing need both in the borough and beyond. This should be afforded substantial weight in the balance in both contributing to five year supply and continued supply in the emerging Plan period including assisting in meeting the 'aspirational' targets of the emerging Local Plan.

- Provision of a new primary school on the site which will have a capacity significantly in excess of the child places created by the development and thus will have wider benefits to the existing community.
- Framework for the provision of a high quality built environment that will provide a highly attractive living experience for future residents
- 50ha of green infrastructure which will provide a range of facilities for the enjoyment of both future residents and neighbouring existing residents including children's play facilities, sports pitches, allotments and other recreational open space.

Environmental Benefits

- The site is located within a sustainable location with walking and cycling opportunities and access to a strong public transport service.
- The ecological chapter of the ES has identified some net benefits from the scheme, at a local level, in respect of trees, hedgerows and some protected species.
- 50ha of green infrastructure, with the provision of an extensive woodland to adjoin Alvecote Wood is considered in particular to be a benefit.

12.5. In respect of adverse impacts, it is recognised that an intrusion into the countryside of this scale will bring about a level of harm. However, it is considered that this harm is very limited on the basis of the landscape features of the site, that the development would not erode any objectively assessed meaningful gap, and through the mitigating design features of the scheme including the high proportion of green infrastructure.

12.6. The development results in the loss of approx 68ha of BMV land and this is an 'adverse' impact. Although the ES identifies this as 'significant' this must be understood in the context of the fact the agricultural land profile across the borough is very similar to that of the application site. Accordingly, to achieve the level of housing required by the emerging NWLP some loss of BMV land is inevitable. This point is demonstrated by the proposed allocation of 66ha (69%) of the site which includes a high proportion of the BMV land.

13. CONCLUSION

- 13.1. The proposed development is contrary to Policy NW2 of the Core Strategy and Policy HSG3 of the adopted Local Plan. However, these housing policies are considered out of date and the LPA is unable to demonstrate a five year housing supply. The presumption in favour of sustainable development against the tilted balance of Paragraph 11 of the NPPF is therefore engaged.
- 13.2. The scheme would make a significant contribution towards housing supply, both in the immediate five years and beyond this, assisting in delivering the requirements of the emerging Local Plan.
- 13.3. The part of the site to the east of Robey's Lane is proposed as MG in the emerging NWLP but this is not justified by the LPA. Notwithstanding this the scheme has evolved from the Phase 1 submission to limit the extent of residential incursion to the east, so that it aligns with existing settlement pattern of Stoneydelph to the south. The submitted scheme would still maintain a MG and the Landscape chapter of the ES and the supplementary LVIA explains that the landscape character of the site is not of any significant value and cannot justify the inclusion of part of the site within the MG.
- 13.4. The ES which accompanies this application has identified a single residual 'significant' adverse impact through the loss of BMV land, which is unable to be mitigated. However, to achieve the LPA's housing requirement the loss of some BMV land is necessary and this is not considered to outweigh the beneficial impacts of the application, either in isolation or combined with the loss of open countryside.
- 13.5. On the contrary it is concluded that the benefits of the scheme far outweigh any adverse impacts and on this basis, and in accordance with paragraph 11 of the NPPF it is recommended that planning permission be granted for the development.

(9) Application No: PAP/2018/0756

Hubbards Cottage, Bentley Lane, Maxstoke, B46 2QR

Construction of link between house and converted garage, for

Mr Mark Simpson

Introduction

This application is brought before the Planning and Development Board in accordance with the adopted Scheme of Delegation because the applicant is a North Warwickshire Borough Councillor.

The Site

The site is located on a sharp bend in Bentley Lane in an isolated location amongst other dispersed houses and farm buildings. The property dates back to before the 18th Century, but it has been structurally rebuilt using a steel structure with reclaimed timbers believed to be from a local Tithe Barn that was demolished around the same time in the 1960's.

The Proposal

The proposal is to provide linking building between the house and an existing large garage. That would be converted to form a new kitchen, pantry and utility room. The existing oil tank would also re-located. The link would provide additional accommodation.

Development Plan

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

Saved Policies of the North Warwickshire Local Plan 2006 - ENV13 (Building Design)

Other Relevant Material Considerations

The National Planning Policy Framework 2018 - (the "NPPF")

The Submitted North Warwickshire Local Plan 2018 - LP3 (Green Belt); (Development Considerations) and LP32 (Built Form)

Supplementary Planning Guidance - A Guide for the Design of Householder Developments 2003

Representations

No responses have been received to date.

Observations

The two storey host dwelling is a timber framed house that was originally two cottages. Although the original buildings were constructed prior to the 18th century and there is a plaque with the date 1730 over the rear door, it is understood that the cottages were converted from a dilapidated state to a single dwelling, and was extended to the east of the original cottages, with replacement timbers reclaimed from the demolition of the nearby Tithe Barn, and a steel structure was introduced to support the timbers and prevent further decay during the 1960s. Therefore although the dwelling appears old, it has been significantly altered and is therefore not appropriate for listing.

Despite the alterations and extensions, the form of the structure is of historic interest and for this reason the property may however be considered for inclusion on the Local List in due course. It is considered however that the proposed extension has limited impact on the fabric of the host dwelling and the garage.

The proposed orangery will sit between the rear of the dwelling and the east side of the garage, and will have partially glazed links to connect the proposed orangery to existing openings in the adjacent structures.

The proposed orangery itself is 7 metres long and 5.8 metres wide, with a flat roof and a glazed roof lantern, having an eaves height of 2.9 metres. The east elevation overlooking the garden is to be fully glazed. The orangery structure itself falls within the limitations of permitted development for an outbuilding and would not require a planning approval. It is the proposed links attaching it to the existing house and garage that cross the threshold of permitted development.

The proposed conversion of the garage will include the replacement of the garage doors with a single pedestrian door and windows set within a timber frame with timber panels below cill level. An existing side window in the east facing elevation is to be reduced in width to accommodate the link from the orangery. An existing external door is to be replaced with a window. An existing oil tank is overly large and is to be replaced with a smaller tank and relocated to a louvered timber structure to the rear of the existing garage. Internal partitions will form a new pantry and utility. The existing oil tank store is then to be converted into a ground floor bathroom. The existing first floor of the garage is to remain unchanged as a store/ guest accommodation.

The proposed design and materials are considered to be in keeping with the existing buildings and the locality. The proposal is set away from the site boundaries and does not impact on neighbours. No neighbour objections have been received to date.

The loss of the garage is not considered likely to result in on-street parking, as there is adequate parking space for several vehicles to park and manoeuvre and exit the site in a forward gear. There are also two roadside parking spaces adjacent to the gate for deliveries and visitors.

Given all of these matters it is likely that the proposal can be supported. However the key planning policy issue here is that the site is in the Green Belt. New building is defined as being inappropriate development here by the NPPF thus carrying a presumption of refusal. However the NPPF sets out a number of exceptions. One of

these is relevant here and that is where that the building is an extension of an existing building. The condition that has to be satisfied for the development to fall within the terms of this exception is that it should not be a “disproportionate” addition over the original building. Clearly the building here has already been extended and this proposal would materially add to that original structure. By fact and by degree the current proposal would materially increase its volume over the original structure and thus the proposal would not satisfy the exception. The proposal is thus not appropriate development.

In terms of actual harm to the Green Belt then this is considered to be minimal. The proposal is set well back from the principal elevation of the house. It is low in height and still subservient to both the garage and the house. Its impact on the openness of the Green Belt in this isolated location is not adverse.

As indicated above it is not considered that there is any other harm arising

The matter therefore revolves around the final planning balance of whether the merits of the proposal clearly outweigh the cumulative Green Belt and other harm. It is considered that this is the case here. Firstly, the actual Green Belt harm is limited and secondly permitted development rights as indicated above could well enable much of this proposal to be built in any case. In these circumstances the balance lies with supporting the proposal.

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 7684/100, 7684/250E, 7684/450C and 7684/450D, received by the Local Planning Authority on 20 December 2018.

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 an oak frame and rendered infill panels to closely match the appearance of the host dwelling; with a single ply high performance flat roof membrane.

REASON

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

4. No development whatsoever within Classes A, B, C, D, 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 of the area.

Notes

4. 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".
5. The Planning Authority has met the requirements of the NPPF in this case through pre-application discussion and the issue of a speedy decision.
6. 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.
7. The felling of trees should be undertaken by a competent tree surgeon in accordance with BS3998-2010 Tree work- Recommendations.
8. 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.
9. 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.

10. 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:

<https://www.gov.uk/government/organisations/the-coal-authority>

11. 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
12. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0756

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	20/12/18

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.

(10) Application No: PAP/2018/0762

Land East of Islington Farm, Tamworth Road, Wood End,

Outline application for residential development (class C3) with associated access, landscaping, open space and drainage infrastructure, with all matters reserved save for access, for

Summix IFW Developments Ltd

Introduction

The receipt of this application is reported to the Board for information at this time and a full determination report will be made in due course.

The Site

This in total is just over six hectares of agricultural land on the east of Wood End extending from the rear of the existing frontage properties in Boulters Lane in the north to the rear of those fronting Tamworth Road to the south. It is part of a much larger field. The land slopes up from Tamworth Road to Boulters Lane. The site adjoins the established residential area of Wood End to the west – Delves Crescent and Meadow View - with agricultural land to the east. The site also includes a property on Tamworth Road – number 115 – in order to provide access into the application land, together with a smaller corridor between 117 and 119 and the existing buildings in and around Islington Farm.

A public footpath runs from Tamworth Road but this does not cross the site.

This site is shown at Appendix A.

The Proposals

This is an outline application which seeks consent in principle for the residential development of the land. The only detail to be submitted is that relating to the access arrangements. The site would be accessed wholly by a single vehicular access from Tamworth Road on the site of the demolished number 115. A further pedestrian access would be sought between number 117 and 119. Further footpath connections with Boulters Lane and the public path to the east are proposed.

An indicative masterplan has been submitted and this suggests a development of up to 145 dwellings with a large area of open amenity space running along its eastern boundary. Also proposed are perimeter tree planting at the rear of existing properties backing onto the site and retention of existing trees to the west of the site.

The applicant is prepared to provide on-site affordable housing at the 40% level – i.e. 58 units.

The Masterplan is attached at Appendix B

The applicant has submitted a number of supporting documents.

The Transport Assessment concludes that the development would not have a material impact on safety or the operation of the local road network.

A Flood Risk Assessment concludes that the site lies in Flood Zone One and as such there is a very low risk of fluvial flooding. Surface water drainage will be regulated through a series of sustainable drainage measures on site.

An Air Quality Assessment concludes that with appropriate construction phase mitigation, the development would meet national and local planning policies.

A Noise Screening Assessment states that noise levels from existing sources are unlikely to require site specific mitigation measures.

An Archaeological Report concludes there would be no impact on the setting of Listed Buildings and that there is unlikely to be an underground interest.

The Ground Conditions Study reports that from initial desk based work that pollutant linkages would be low but that further investigation would be needed in respect of possible contaminants in filled ponds and from gas emitting from former miner workings.

The Ecological Report concludes that the site has generally low wildlife interest with no evidence of badgers, otters or water voles and with low potential for other protected species. Existing trees and boundary hedgerows are important and enhancement on site would increase its bio-diversity.

The Tree Survey agrees that the retention of existing trees on the site should be retained.

A Landscape Assessment concludes that because of the scale of the development and its setting that there would be limited impact on the landscape character, but that there would be moderate changes in respect in visual terms, especially from the viewpoint of adjoining residents. Proposed mitigation in the form of perimeter planting and the retention of an open boundary to the east are all beneficial.

A Design and Access Statement shows how the illustrative Masterplan has been drawn up.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW 5 (Split in Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW15 (Nature Conservation) and NW20 (Services and Facilities)

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

Other Material Planning Considerations

The National Planning Policy Framework

The Submitted Local Plan for North Warwickshire 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP9 (Affordable Housing Provision), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP20 (Green

Spaces), LP321 (Development Considerations), LP35 (Water Management) and LP39 (Housing Allocations)

Observations

The determination report will outline all of the responses that are received from the various technical Agencies, Infrastructure bodies and from the local community. These will help members to assign weight to any potential harmful impacts that might arise as a consequence of this proposal. That harm has then to be placed into the assessment of the final planning balance that the Board will have to undertake. Members will be familiar with this. It's because the site is not an allocated site either within the adopted Core Strategy or the Submitted Plan. However whilst it does adjoin the development boundary of Wood End, Members will be aware that these development boundaries have been found to be out-of-date through planning appeal decisions. Into this context has to be added the progress being made on the Submitted Plan as it continues through its Examination in the next few months. The final assessment of that balance will thus not be straight forward.

Recommendation

That the receipt of the application be noted and that the Board undertakes a visit to the site in order to better understand its setting.

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0762

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	24/12/18

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.

