

## **Agenda Item No 5**

### **Planning and Development Board**

**10 December 2018**

### **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](http://www.northwarks.gov.uk).
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 14 January 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/](http://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](mailto: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.

## Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	CON/2018/0032	#	<b>Coleshill School, Coventry Road, Coleshill,</b> Proposed construction of a three storey block to comprises 11 classrooms, 2 offices, 2 stores, toilets, accessible toilet, workroom and circulation areas. External paved areas and pathways .	General
2	CON/2018/0033	#	<b>Hartshill Quarry, Nuneaton Road, Hartshill,</b> Application for a Lawful Development Certificate relating to the use of the plant site for the processing of excavated and quarried materials	General
3	CON/2018/0036	#	<b>Land at northern side of Plank Lane, Water Orton,</b> Construction of a single storey building to provide a Special Education Needs facility	General
4	CON/2018/0037	#	<b>Coleshill Quarry, Gorsey Lane, Coleshill,</b> Variation of condition 1 of planning permission NWB/14CM035 to allow the retention of the materials recycling facility and associated equipment store for a further 10 year period	General
5	PAP/2016/0280	#	<b>Land Opposite 84 To 104, Orton Road, Warton,</b> Outline application for erection of 72 dwellings with associated access, parking and landscaping	General
6	PAP/2017/0440	#	<b>Storage Land - Hams Hall National Distribution Park, Edison Road, Coleshill,</b> Change of use of land for open light vehicle storage, revised site access, site infrastructure and temporary office accommodation	General
7	PAP/2018/0239	#	<b>Caldecote Hall Estate, Caldecote Hall Drive, Caldecote,</b> Erection of 2 no: houses with 2 no: air source heat pumps	General
8	PAP/2018/0525	#	<b>Cooperative Supermarket, Station Street, Atherstone,</b> Erection of new standalone units, including re-configuration of existing car parking and designated secure service yards. Units to be mixed class usage A1 (shops) D1 (non residential institutions)	General

9	PAP/2018/0538	#	<b>1 Yew Tree Cottages, Coton Road, Whitacre Heath,</b> Change of use of building from garages/storage to business use for refrigeration and air (Renewal)	General
10	PAP/2018/0663	#	<b>Moor Farm Stables, Wall Hill Road, Corley,</b> Demolition of existing indoor riding arena and its rebuilding at a lower level, together with engineering operations to lower the surrounding area, and new earth bunding and landscaping	General
11	PAP/2018/0668	#	<b>Land South Of Dairy House Farm, Spon Lane, Grendon,</b> Installation of 300mm land drain	General
12	PAP/2018/0686	#	<b>Kingsbury Hall, Coventry Road, Kingsbury,</b> Hybrid planning application comprising 1) Full planning application for the restoration and conversion of Kingsbury Hall and outbuildings to A3, C1 and D2 use classes; 2) Outline planning application (all matters reserved except access) for a high-dependency care centre of up to 4,565sq mtrs (use class C2) and 81 dwellings for over 55s (use class C3)	General

## **General Development Applications**

**(1) Application No: CON/2018/0032**

**Coleshill School, Coventry Road, Coleshill, B46 3EX**

**Proposed construction of a three storey block to comprises 11 classrooms, 2 offices, 2 stores, toilets, accessible toilet, workroom and circulation areas. External paved areas and pathway are to be provided to the piazza area and around the new building to link with existing pathways and playground for**

### **Warwickshire County Council**

#### **Introduction**

This application will be determined by the County Council and the Borough Council has been invited to send any comments to the County as part of the consultation process.

#### **The Site**

The Coleshill School extends over a large campus at the far southern end of the town. It lies between the Coventry Road and Packington Lane. An aerial photograph at Appendix A illustrates the site.

#### **The Proposals**

This is described in the header above. The three storey block would be located within the complex of other buildings here, behind the Leisure Centre building. It is more fully illustrated at Appendices B and C with the design shown at Appendix D.

#### **Development Plan**

Core Strategy 2014:NW2 (Settlement Hierarchy) and NW10 (Development Considerations).

Coleshill Neighbourhood Plan 2017

#### **Other Relevant Material Considerations**

National Planning Policy Framework 2018 (NPPF).

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

#### **Observations**

The site of this proposed block is within the Coleshill development boundary and is located within a complex of similarly sized and designed buildings. There is thus no objection in principle here. However the proposal is based on expected growth in pupil numbers and as Members are aware there are significant traffic congestion issues at the beginning and end of the school day particularly along Packington Lane. It is acknowledged that there is to be increased on-site car parking and additional cycle parking, but this does little to mitigate the problems caused by on-street parking. As with

other school proposals that the Board has been involved with recently, I is considered that as this parking issue has such a major impact, the Council, should as in those other cases, forward a holding objection.

### **Recommendation**

That the County Council be informed that this Council raises a holding objection to this proposal on the grounds that there is no mitigation or betterment proposed to the issue of alleviating on-street parking in Packington Lane.

## BACKGROUND PAPERS

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

Planning Application No: CON/2018/0032

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	Warwickshire County Council	Letter	24/10/18

*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.*

A0



- NOTES
1. Do not scale dimensions from this drawing except for L.A Planning Purpose
  2. All Contractors and Sub-Contractors must verify sizes and conditions on site before work commences. If in Doubt, Ask
  3. Copyright - This Drawing is Copyright to Ashby & Croft and may not be reproduced in any form whatsoever without prior express written consent.



WIP

No.	Description	By	Check	Date
1	Issue for Approval	AS	AS	10.02.19

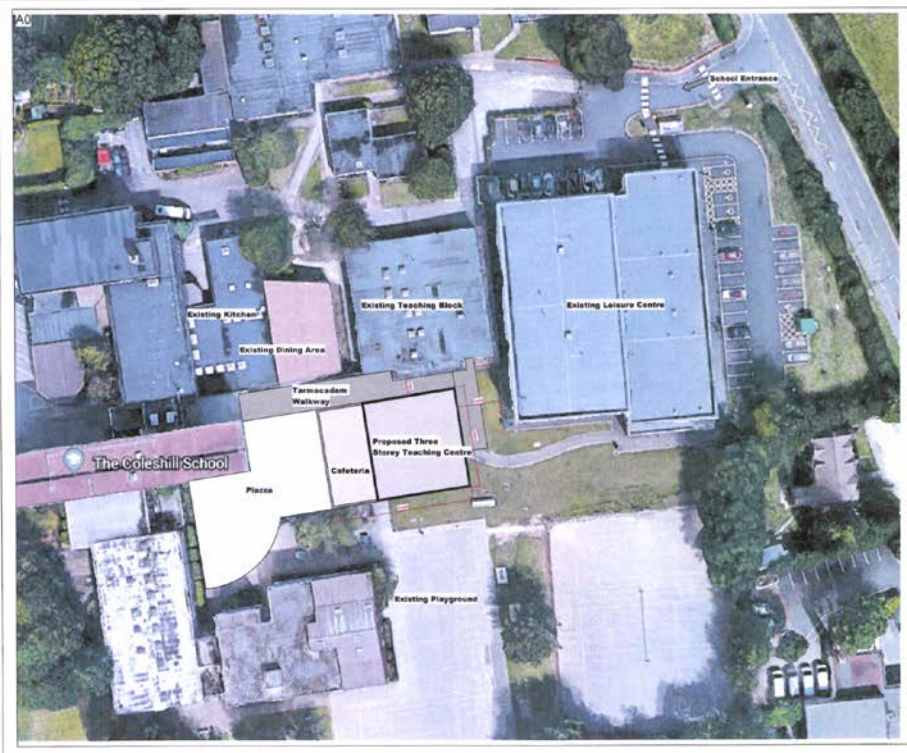
Name: Ashby & Croft  
 Number: 01927 55000  
 Email: info@ashbycroft.co.uk  
 Website: www.ashbycroft.co.uk

Client:  
 Warwickshire County Council  
 Project:  
 Coleshill School - Three Storey Teaching Centre  
 Drawing with Site Boundary

Scale	1:100	1:200	1:500	1:1000
Plot Size	200x100	100x50	50x25	25x12.5
Sheet Size	A3	A2	A1	A0

APPENDIX B

A0



Planning Issue

No.	Description	By	Check	Date
1	Issue for Approval	AS	AS	10.02.19

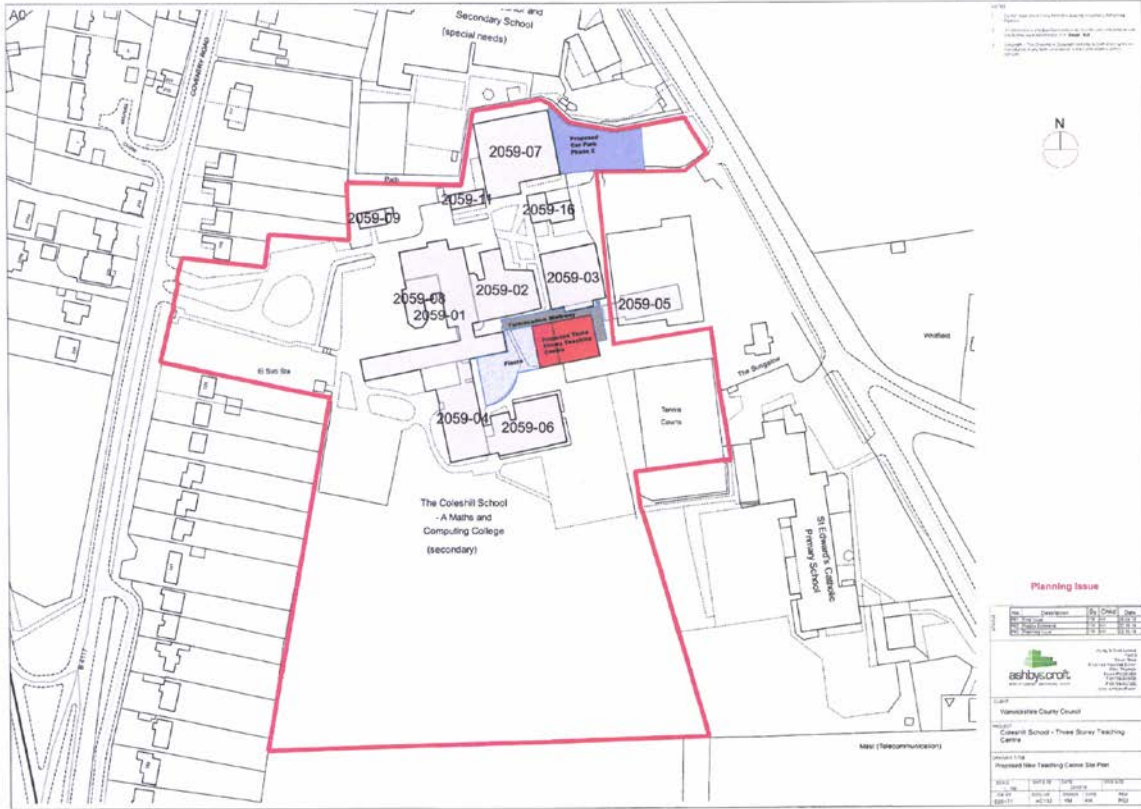
Name: Ashby & Croft  
 Number: 01927 55000  
 Email: info@ashbycroft.co.uk  
 Website: www.ashbycroft.co.uk

Client:  
 Warwickshire County Council  
 Project:  
 Coleshill School - Three Storey Teaching Centre  
 Drawing with Proposed Three Storey Teaching Centre

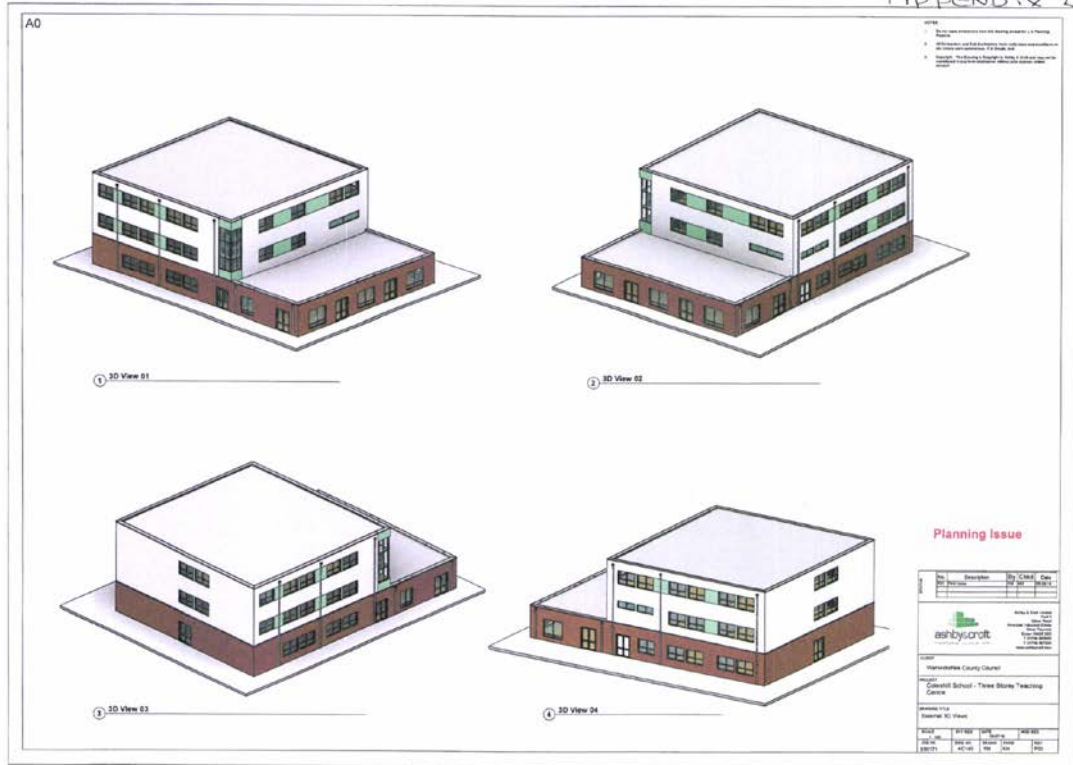
Scale	1:100	1:200	1:500	1:1000
Plot Size	200x100	100x50	50x25	25x12.5
Sheet Size	A3	A2	A1	A0



APPENDIX C



APPENDIX D



**(2) Application No: CON/2018/0033**

**Hartshill Quarry (formerly known as Jeas and Boons Quarry, Nuneaton Road, Hartshill**

**Application for a Lawful Development Certificate relating to the use of the plant site at Hartshill Quarry for the processing of excavated and quarried materials from the quarry area the subject of planning consent NW126/01CM013 for**

**Mr K Aslam**

**Introduction**

The County Council, as the Minerals Planning Authority, will determine this case and has asked the Borough Council for its comments to assist that determination.

This is not a planning application.

The applicant is seeking verification from the County Council that the use described above has been in operation on the application site for the last ten years and thus is lawful by virtue of the passage of time. The County Council has to consider the evidence submitted by the applicant and if, on the balance of probability, it considers that the use has been present as described then it will issue a Certificate verifying the claim. The County Council only has to consider the evidence in front of it and will not consider any planning policy or the possible impacts arising from the use. The Borough Council has been asked therefore to consider whether it has any evidence which either supports or rebuts the applicant's claim.

**The Site**

Members will be familiar with the site of this quarry on the north side of the B4111 at the base of the Anchor Hill just to the east of the Sarval Plant and to the north of Hartshill. The access to the site is from the Nuneaton Road close to the Coventry canal bridge and a selection of other commercial uses as well as the Anchor Inn. It is shown on the plan at Appendix A.

**Background**

The applicant has acquired the majority of the land and minerals at the former Jeas and Boon quarry and has re-commenced quarrying operations. These workings are the subject of a planning consent as referenced in the application. The quarried materials are transported to the plant site located on the land the subject of this application – that between the quarry and the road. The former plant, machinery and buildings here were removed after the mothballing of the quarry operations in 1995. Consequently, since his acquisition, the applicant has installed and is operating replacement crushing, screening and washing plant and ancillary equipment as well as a two storey office, and a weighbridge.

The Certificate application is to establish:

- The site area over which these processing activities occur and
- To confirm the following activities are lawful here – crushing, washing, screening of quarried and excavated material from the adjacent quarry the subject of the named consent
- Stockpiling of as-dug, unprocessed and processed materials from the quarry and the loading, weighing and exporting of as-dug unprocessed and processed materials from the site using the existing access.

### **The Evidence Submitted**

The applicant has submitted photographic, drawing and copy correspondence illustrating the existence of the processing of stone and ancillary activities associated with the former Jeas and Boons Quarries from at least 1933 on the application site. It is contended too that this shows that the site's plant processing operations had reached its present extent by 1947. It is acknowledged that there was a suspension of activity between the closure of the quarry with the subsequent removal of the plant here in 1995 and the current owner's recent reinstatement of operations on the site.

### **Observations**

This is not straight forward as both officers and local Members will know that the buildings were removed and the use of this part of the quarry area for that described ceased in the late 1990's. As such it is unlikely that the ten year continuous use requirement can be satisfied. The applicant however has argued that the use was neither "ceased" nor "abandoned". The site in his view was "mothballed" to enable subsequent use, in association with the re-activation of the quarry consent referred too.

The requirement for a Certificate to be granted is a ten year continuous use which is plainly is not the case here. The County Council should take legal advice on the argument put by the applicant and indeed review it, in the context of the re-activation of the quarry use.

### **Recommendation**

That the County Council be advised that the Borough Council can confirm that there has not been a ten year continuous use of this land and that the County should therefore take legal advice on the argument put forward by the applicant before consenting to the Certificate.

## BACKGROUND PAPERS

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

Planning Application No: CON/2018/0033

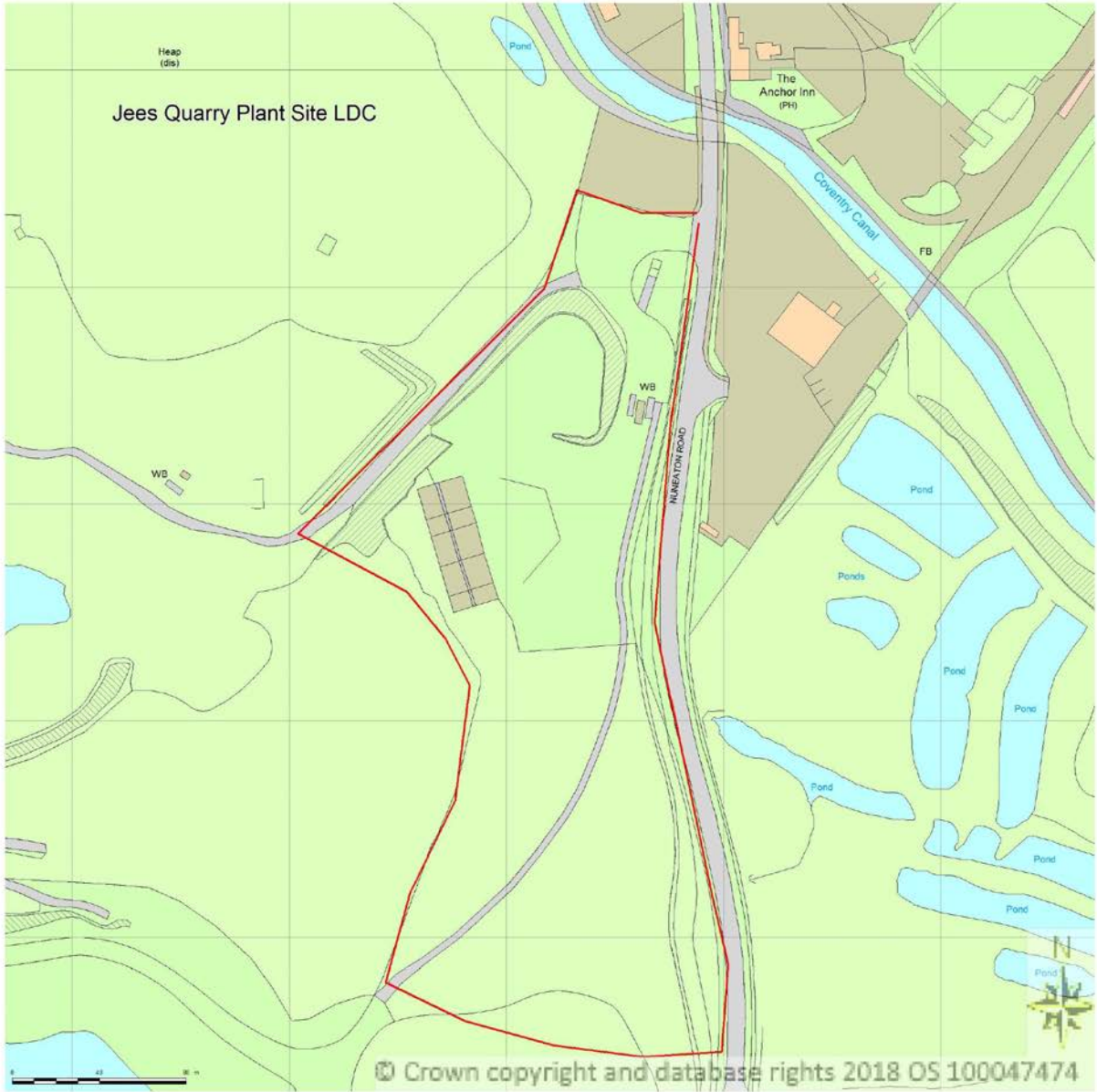
<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	Warwickshire County Council	Letter	30/10/2018

*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.*



**SITE LOCATION PLAN**  
**AREA 25 HA**  
**SCALE 1:2500 on A4**  
**CENTRE COORDINATES: 433420, 294480**



Supplied by Streetwise Maps Ltd  
[www.streetwise.net](http://www.streetwise.net)  
Licence No: 100047474  
05/07/2018 15:38:42

### **(3) Application No: CON/2018/0036**

**Land at northern side of Plank Lane, Water Orton,**

**Construction of a single storey building to provide a Special Education Needs (SEND) facility at the new Water Orton Primary School for**

**Warwickshire County Council**

#### **Introduction**

This is a consultation by the County Council inviting the Borough Council to make representations on a proposed new building at the new Water Orton School.

Planning permission has been granted under the provisions of the HS2 Act, for a new primary school at Water Orton because of the impact of the HS2 project on the existing school. The site for the new School is on land north of Plank Lane and the approved plan is illustrated at Appendix A.

#### **The Proposals**

This is to add a new SEND building to the school site. As can be seen on Appendix A, it would be located at the rear of the new school building close to the rear of the established residential properties off Long Leys Court. The building would be flat roofed and single storey measuring 10 by 30 metres and be around 3.5 metres tall. It would be timber clad on a brick plinth. It is illustrated at Appendix B.

#### **Development Plan**

The Core Strategy 2014 – NW1 (Sustainable Development); NW3 (Green Belt) and NW10 (Development Considerations)

#### **Other Material Planning Considerations**

The National Planning Policy Framework

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

#### **Observations**

The site is in the Green Belt and thus this proposal is not appropriate development. There is thus a presumption of refusal here. The degree of actual harm to the openness of the Green Belt here is considered to be limited in view of the buildings small size; its location between the main school and existing residential development and its setting within a lawful educational site. No other harm is likely to be caused. The design matches that of the new school and there would be no greater impact on neighbouring residential amenity over and above that from the new school.

There are other considerations here that do carry weight, namely the provision on site of a secure SEN education provision and the fact that the site is in the Green Belt by virtue of the HS2 project and the subsequent grant of permission under that Act.

It is considered that in this case due to the actual limited harm caused and the significant educational and social benefit of having this purpose built facility on site that the final planning balance would clearly weigh in favour of supporting the application.

**Recommendation**

That the Council has no objection to the proposal

## BACKGROUND PAPERS

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

Planning Application No: CON/2018/0036

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	Warwickshire County Council	Letter	15/11/18

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

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



APPENDIX A



- 1. Interlocking Blockwork
- 2. Interlocking Blockwork
- 3. Interlocking Blockwork
- 4. Interlocking Blockwork
- 5. Interlocking Blockwork
- 6. Interlocking Blockwork

2 LEGE001 - Fence Legend - ERP  
1:500

No.	Description	Date	Issued by

hunters south architects

10000 Exchange  
Suffolk Lane  
Chatham  
VIC 3915

13000 9670

Project Name: Evergreen Resource Provision

Project No: 20188 - HSA - OK - ZZ - PL - A - 0009

Client: PLANNING

Project: PLANNING APPLICATION

APPENDIX B



<p>Building &amp; Timber cladding - Timber cladding</p>	<p>Roof - Single ply membrane by RIG Anomaxplan Colour: Slate grey (RAL 7010)</p>	<p>Solid mesh fence</p>
<p>Flint wall - Staffordshire blue facing brick</p>	<p>Aluminum windows, doors, eifs, clappings - Powder coated (RAL 7024)</p>	<p>Window example</p>

hunters south architects

10000 Exchange  
Suffolk Lane  
Chatham  
VIC 3915

13000 9670

Project Name: Evergreen Resource Provision

Project No: 20188 - HSA - XX - 00 - PL - A - 0110

Client: PLANNING

Project: PLANNING APP

**(4) Application No: CON/2018/0037**

**Coleshill Quarry, Gorse Lane, Coleshill, B46 1JU**

**Variation of condition 1 of planning permission NWB/14CM035 to allow the retention of the materials recycling facility and associated equipment store for a further 10 year period, for**

**Cemex UK Operations Ltd**

**Introduction**

The County Council as the Waste Local Planning Authority will determine this application but has invited the Borough Council for its comments to assist in that determination.

**The Site**

The site is within the wider location formerly known as the Coleshill Quarry where sand and gravel was extracted. It is to the east of the town on the east side of the River Cole with access off Gorse Lane. To the west is the rear of industrial premises fronting Station Road and Gorse Lane; to the north are the Birmingham/Leicester railway line and the Hams Hall Freight Terminal, whilst to the west and south is open countryside.

The existing site contains an equipment store, residual stockpiles of soil, and a number of portacabins.

The consent for extraction at the quarry was granted by the County Council in 1989.

The reserves are now exhausted and the quarry has largely been restored and tipping has ceased. Permission was granted for a materials recycling facility in 2003 and this has effectively been extended such that it would expire on full completion of the quarry.

It currently extends until 19/12/18. A restoration scheme for the recycling site was approved in late 2017.

The site of the recycling facility is illustrated at Appendix A.

**The Proposal**

The proposal is to extend the life of the facility by a further ten years.

The reason is to ensure that sufficient facilities exist in order to process waste arising from HS2. Because of the proximity to the line of the HS2 it is argued that it is more sustainable to use an existing facility than to create another one. Waste from the HS2 project would be brought here to be recycled. That process is expected to result in 9800 two-way HGV movements a year based on 275 working days. The applicant points out that the existing permission would allow this amount of HGV traffic in any event, so there would not be an increase over permitted levels. Operating hours would be as now – 0800 to 1730 on weekdays and 0800 to 1300 on Saturdays.

The proposal is accompanied by an analysis of potential alternative sites for a minerals recycling facility. This is attached at Appendix B and from an initial 24 sites, the survey

showed a possible four other sites which scored as highly as Coleshill Quarry. In these cases the land owners were not prepared to forward their sites as they were more interested in promoting more normal commercial uses.

## **Development Plan**

The Warwickshire Waste Core Strategy 2013 to 2028 – CS1 (Waste Management Capacity); CS2 (Spatial Waste Planning Strategy), CS5 (Proposals for re-use and recycling), CS8 (Safeguarding Waste Management Sites), DM1 (Protection and Enhancement of the Natural and Built Environment) and DM2 (Sustainable Transport)

Saved Policies of the Warwickshire Minerals Plan 1995 – M9 (Restoration)

The North Warwickshire Core Strategy 2014 – NW1 (Sustainable Development); NW3 (Green Belt), NW10 (Development Considerations), NW12 (Quality of Development) and NW13 (Natural Environment)

Saved Policies of the North Warwickshire Local Plan 2006 - TPT1 (Transport Considerations)

Coleshill Neighbourhood Plan – ICLENP2 (Employment Opportunities)

## **Other Material Planning Considerations**

The National Planning Policy Framework

National Planning Policy for Waste

## **Observations**

The site is in the Green Belt and this type of use is inappropriate development with none of the exceptions as set out in the NPPF applying. The issue is thus to balance any harms caused against those considerations put forward by the applicant which in his view would clearly outweigh that harm.

There is significant Green Belt harm here by definition as indicated above. In terms of actual Green Belt harm then consideration needs to be given to the impact of the development on the openness of the Green Belt and the whether it conflicts with the five purposes of including land within it. There will be an impact on openness here as the existing plant would be retained. The land here is relatively flat and thus the open nature of the countryside here would be affected. However there is a built “back-drop” with the Station Road and Hams Hall industrial and warehouse developments on two sides and the plant on site is not significant in scale. Clearly though it has a commercial appearance rather than a countryside appearance. As such, it is considered that there would be a limited to moderate impact on the openness here. In terms of the Green Belt purposes then there would be some conflict with the purpose of safeguarding the countryside from encroachment as the site could be seen as being an extension of built development over the River Cole and into open land. In overall terms therefore it is considered that moderate actual Green Belt harm is caused.

There are no other harms likely to be caused as planning permission has already been granted for the use and planning conditions imposed to mitigate any identified harmful impacts. However the continuation of the use by a further ten years will increase the level of visual and landscape harm as the current use is only lawful until the end of

2018, and the site is then to be restored. The visual and landscape harm thus caused in the delay of that restoration is considered to be moderate. This is because of the length of time involved and the further postponement of the bio-diversity and ecological enhancements that accompanied that restoration.

The final harm side of the balance is thus the significant Green Belt harm caused by definition, the moderate actual Green Belt harm and the moderate visual, landscape and ecological harm caused by delaying restoration of the site.

The applicant has put forward a number of considerations. These include the fact that the site has already been found to be appropriate for the use; the number of renewals of permission already, the compliance with the Waste Core Strategy, the HS2 situation and the lack of alternative sites. Together these considerations are considered to carry significant weight.

In assessing the final balance, it is necessary to consider whether the applicants' case "clearly" outweighs the cumulative level of harm caused. It is considered that in this case they do. This is essentially to do with HS2 and the lack of alternative sites close to this project. The HS2 development has materially changed circumstances here and it has to be accommodated as best as it can with the least amount of highway and environmental disruption and impact.

### **Recommendation**

That the County Council be informed that this Council has no objection to this proposal for the reasons outlined in the report

## BACKGROUND PAPERS

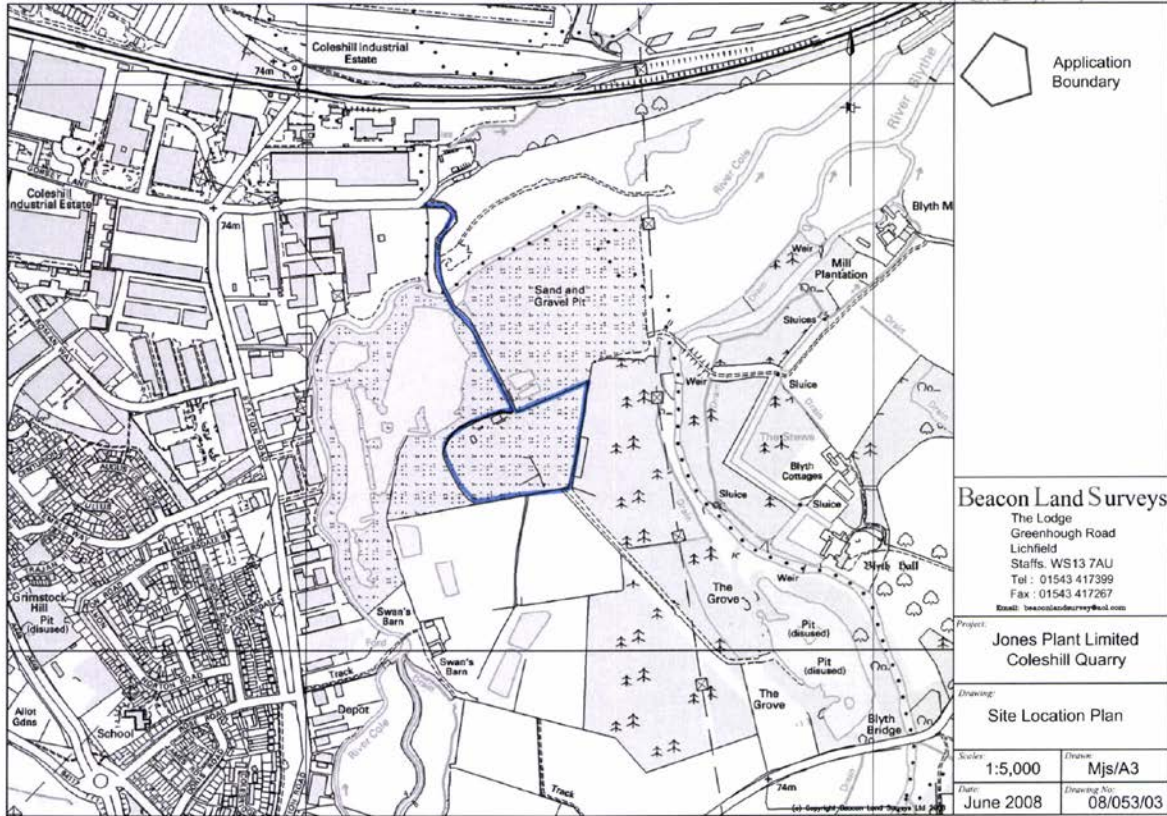
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: CON/2018/0037

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	Warwickshire County Council	Letter	14/11/2018

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

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



APPENDIX A – ALTERNATIVE SITES ASSESSMENT – COLESHILL QUARRY, WARWICKSHIRE

Site ID	Site Address	LPA	Shared facilities with active or former quarry	Integration with restoration Disposal	Access to Primary Road Network	Proximity to Waste Catchment	Outside Green Belt	Absence of Localised Constraints	Flood Risk	1-2ha	Availability
1	16-18 Thurnmill Road, Long Lawford, Rugby, CV23 9DR	Rugby Borough Council	No	No	Not directly, have to travel down Thurnmill Road, then Townsend Road to access the main road which is the A426.	Yes	Yes	The site is located adjacent to and within residential housing. There is also a Primary School located 0.5 miles away from the site.	The site itself is in Flood Zone 1, so no risk of flooding	3.6	Yes
2	Tournament Field, Warwick, Warwickshire, CV34 6LG	Warwick District Council	No	No	The main roads nearby are the Warwick Bypass and the A4189. To reach the Warwick bypass, one must take Stratford road first, this would be the shortest distance to a main road. To access the A4189, one must travel through roads cutting through residential properties.	Yes	Yes	The site is located adjacent to an existing residential development site and also within 2 miles of Warwick Castle – a grade I listed building and Warwick Castle Mill is grade II* listed building.	The site itself is in Flood Zone 1, so no risk of flooding	12	Yes
3	AXIAL, Coventry Business Park, Coventry, CV5 6UF	Coventry City Council	No	No	This site has direct access to the A45.	Yes	Yes	The site is located in an industrial Business Park, with residential development on the opposite side of the A45. The site is also close to a Petrol Station so contamination will need to be considered. The site is not in a conservation area or in any Sites of Special Scientific interest. It is also outside of the city Centre boundary.	The site itself is in Flood Zone 1, so no risk of flooding	2.5	Yes
4	116 Aldridge Road, Perry Barr, Birmingham, B42 2TP	Birmingham City Council	No	No	This site is situated directly next to the A453 and close to the A43.	Yes	Yes	The site is located within 1 mile of Birmingham City University and Perry Barr Athletics Stadium. There is a sports centre within 500m of the site. Also there are residential developments and allotments adjacent to the site. The site is not in a conservation area or in any Sites of Special Scientific interest.	The site is in a Flood Risk Zone 2, so a potential for flooding.	12	Yes
5	Prologis Ryton – DC8, Oxford Road, Coventry, CV8 3EA	Rugby Borough Council	No	N	This site is situated just off the roundabout of the A423 and sits in between the A423 and A45.	Yes	No, within the Green Belt, but in a Strategically Significant Employment Site and Major Development Site in the Green Belt	The site is located adjacent to residential developments to the east and the College of Policing to the south	The site itself is in Flood Zone 1, so no risk of flooding	3	Yes

APPENDIX A – ALTERNATIVE SITES ASSESSMENT – COLESHILL QUARRY, WARWICKSHIRE

6	Former Montracon Site, Thorn Street, Woodville, Swadincote, DE11 7DS	South Derby District Council	No	No	This site has direct access to the A511.	Yes	Yes	The site is very much located within a residential and built up area.	The site itself is in Flood Zone 1, so no risk of flooding	0.001	Yes
7	Pilot Way, Ansty Business Park, Coventry CV7 9RD	Rugby Borough Council	No	No	This site is set back from the Motorway (M6) and is situated close to the A69, A46 and A4600. The site has direct access to the A46	Yes	No, within the Green Belt, but in Ansty, M6 (PAS) and a Strategically Significant Employment Site.	The site has no residential developments nearby and it is surrounded by other industrial buildings. There are fields surrounding the site.	The site itself is in Flood Zone 1, so no risk of flooding	21	Yes
8	Seven Stars Road, Oldbury, B69 4JR	Sandwell Metropolitan Borough Council	No	No	The site has direct access to the A457 and is approximately 1 mile from the M5.	Yes	Yes	The site is mostly surrounded by industrial developments and some residential developments. The site is 200m away from the residential developments.	The site is located next to a main river but apart from that it is Flood Zone 1	2	Yes
9	Peddimore Hall, Minworth, Sutton Coldfield B76 9AA	Birmingham City Council	No	No	The site had direct access to the A38. It is also situated amongst the M42, M6 and M6 Toll.	Yes	No	The site is located next to a Wishaw Golf Club and directly next to the A38. The site is 1 mile from a Manor House and 1 mile from Wishaw Riding Centre.	The site itself is in Flood Zone 1, so no risk of flooding.	<2	Yes
10	Phase II, Corbett Business Park, Shrew Lane, Stoke Prior, Bromsgrove, B60 4EA	Bromsgrove District Council	No	No	The site is situated roughly 6 miles from the A38 and 7 miles from the M5. The site has access to the A38 but through village lanes.	Yes	No but in an employment site within the Greenbelt.	The site is located opposite a residential area. To the east there are more industrial developments. However, the site is located within 0.5 miles of Stoke Prior Sports and Country Club.	The site itself is in Flood Zone 1, so no risk of flooding.	2	Yes
11	Devon Way, Longbridge, Birmingham, B31 2TS	Birmingham City Council	No	No	The site is situated 0.2 miles from the A38 and 1.3 miles from the A441. The site has direct access to the A38.	Yes	Yes	This site is in a residential area adjacent to Longbridge town centre. Longbridge Technology Park is also adjacent to the site.	This site is in a high risk flood area – Flood Zone 3.	9	Yes
12	Wood End Lane, Fradley, Lichfield WS13 8NG	Lichfield District Council	No	No	The site is situated approx 1.5km from the A38, 2 miles from the A5127 and 3 miles from the A5192. There is road access directly by the building – Wood End Lane.	Yes	Yes	The site is surrounded by other industrial buildings and fields. There are residential properties adjacent to the site but are approx. 1.5 km away.	The site itself is in Flood Zone 1, so no risk of flooding.	<2	Yes

September 2018

APPENDIX A – ALTERNATIVE SITES ASSESSMENT – COLESHILL QUARRY, WARWICKSHIRE

13	Kingswood Lakeside, Hickling Road, Cannock, WS11 8JH	Cannock Chase District Council	No	No	This site is situated approximately 1 mile from the A5, A450 and the A34. There is road access by the site to the A519 which leads on to the A460.	Yes	Yes	There are no residential properties within 1 mile of the site. The east and north of the site is surrounded by fields.	The site itself is in Flood Zone 1, so no risk of flooding.	3	Yes
14	Bliston Lane, Wilsenhall, Walsall, WV13 2QE	Walsall Metropolitan Borough Council	No	No	The site has direct access to the A462.	Yes	Yes	Based in a retail park. There are some residential developments to the east of the site, however, the B4590 is between the two. There are also some residential properties to the north of the site however, there is a railway between the two. The site is located near a Parish Church - St Peter's. The site has access to Whitehall Road, however, opposite the site is residential developments. Behind the site is a canal and then another retail park. To the west of the site beyond the residential developments there is also a local nature reserve, so traffic entering/exiting the site may disturb the wildlife.	The site itself is in Flood Zone 1, so no risk of flooding.	3	Yes
15	Whitehall Rd, West Bromwich, Tipton DY4 7JR	Sandwell Metropolitan Borough Council	No	No	The site had direct access to the A461 via Whitehall Road.	Yes	Yes	The site is located near a Parish Church - St Peter's. The site has access to Whitehall Road, however, opposite the site is residential developments. Behind the site is a canal and then another retail park. To the west of the site beyond the residential developments there is also a local nature reserve, so traffic entering/exiting the site may disturb the wildlife.	The site itself is in Flood Zone 1, so no risk of flooding.	5	Yes
16	FP230 Fradley Park, Wood End Lane, Fradley, Lichfield, WS13 8NF	Lichfield District Council	No	No	The site has access to the A38 but via Wood End Lane.	Yes	Yes	The site is next to a Tesco distribution centre and residential properties are within 0.5 miles of the proposed site. There is also a canal which runs at the back of the site. To the south of the site are more industrial and commercial developments in a retail park.	The site itself is in Flood Zone 1, so no risk of flooding.	<2	Yes
17	Nucleus 430, Fradley Park, Lichfield, WS13 8SS	Lichfield District Council	No	No	The site has access to the A38 but via Wood End Lane.	Yes	Yes	See above	See above	4	Yes
18	Weeford Quarry, London Road, B75 5SZ	Lichfield District Council	Yes	Yes	The Site is accessed of the London Road (A38) which runs parallel to the M6 Toll and provides access to the A5 and A453.	Yes	No The Site is located within the green belt.	Yes. The site is not located within localized constraints which would be impacted upon as part of the development proposal. Site is not designated within an area of nature conservation importance.	The site itself is in Flood Zone 1, so no risk of flooding.	>2	No
19	Colehill Quarry, Gorsey Lane B46 1JU	North Warwickshire Council	Yes	Yes	The Site is accessed from Gorsey Lane that has a direct access to the A446 and M42 and M6	Yes	No	No The Site is located in the confluence of two water courses and the majority of the Site is located in an area of Flood Risk defined by the Environment Agency. Site is not designated within an area of nature conservation importance.	This site is on Flood Zone 2.	>2	Yes

September 2018

APPENDIX A – ALTERNATIVE SITES ASSESSMENT – COLESHILL QUARRY, WARWICKSHIRE

20	Rugeley Quarry Wolseley Road WS15 2TX	Cannock Chase Council	No	No	The Site is accessed via an existing low grade haul route that joins the A513 and the A51 beyond	Yes	No	No The Site falls within the defined Area of Outstanding Natural Beauty.	The site itself is in Flood Zone 1, so no risk of flooding.	<2	Yes
21	Aldridge Quarry Birch Lane Stonnall Walsall WS9 0NF	Walsall Council	No	No	The Site has a direct access onto Birch Lane and the A452 beyond	Yes	No	Yes The Site is located in the Green Belt and is no longer operational. In addition planning permission has previously been refused by Staffordshire County Council for ancillary mining operations and waste recycling operations. Site is not designated within an area of nature conservation importance.	The site itself is in Flood Zone 1, so no risk of flooding.	<2	No
22	Birmingham Coaling Plant Aston Church Road, Salfley B8 1QF	Birmingham City Council	No	No	The Site is accessed from Aston Church Road and then Heartlands Parkway.	Yes	Yes	No The Site is located within close proximity to existing industrial uses and the mainline railway network. Site is not designated within an area of nature conservation importance.	The site is on the edge of a Flood Zone 2.	<2	No
23	Hopwas Quarry Knox Grove Lane, Tarnworth B78 3AR	Tarnworth Borough Council	Yes	Yes	The Site has a direct but poor access to the A51.	Yes	No	Yes Although the site is located within the greenbelt there are no other localized constraints which would be impacted upon as part of the development proposal. Site is not designated within an area of nature conservation importance.	The site itself is in Flood Zone 1, so no risk of flooding.	<2	No
24	Rugby Cement Works	Rugby Borough Council	Yes	Yes	The Site has direct access onto the A428.	Yes	No	The Site is located within close proximity to existing industrial uses and the mainline railway network. Site is not designated within an area of nature conservation importance.	Part of the site is in a Flood Risk Zone 2, which has a potential for flooding.	<2	Yes

September 2018

Appendix B

Matrix scoring system: Coleshill Quarry, Warwickshire

Site ID	Integration with Quarry Production	Shared facilities with active or former quarry	Access to Primary Road Network	Proximity to waste catchment	Outside green belt	Absence of localised constraints	1-2 ha	Availability	Score
1	0	0	1	1	1	0	1	1	5
2	0	0	1	1	1	0	1	1	5
3	0	0	1	1	1	1	1	1	6
4	0	0	1	1	1	0	1	1	5
5	0	0	1	0	0	0	1	1	3
6	0	0	1	1	1	0	0	1	4
7	0	0	1	1	0	1	1	1	5
8	0	0	1	1	1	0	1	1	5
9	0	0	1	1	1	1	0	1	5
10	0	0	0	1	0	0	1	1	3
11	0	0	1	1	1	0	1	1	5
12	0	0	1	1	1	1	0	1	5
13	0	0	1	1	1	1	1	1	6
14	0	0	1	1	1	0	1	1	5
15	0	0	1	1	0	0	1	1	4
16	0	0	1	1	1	1	0	1	5
17	0	0	1	1	1	1	1	1	6
18	1	1	1	1	0	1	1	0	6
19	1	1	1	0	0	0	1	1	6
20	1	1	0	1	0	0	0	1	4
21	1	1	1	1	0	0	0	0	4
22	0	0	0	1	1	0	0	0	2
23	1	1	0	1	1	0	1	0	5
24	1	1	1	1	0	1	0	0	4

Top Scoring Sites

September 2018



**(5) Application No: PAP/2016/0280**

**Land Opposite 84 To 104, Orton Road, Warton, B79 0HU**

**Outline application for erection of 72 dwellings with associated access, parking and landscaping, for**

**Warwickshire County Council**

**Introduction**

This application is referred to the Board following a further deferment from the last Board meeting. Essentially officers were asked to continue to liaise with the applicant and highway engineers to establish whether there was an opportunity for third party land to be included so as to provide the possibility of a potential third location for access into the site.

Members are reminded of the previous Board reports. Although not included here they are to be treated as an integral part of this current report.

**Background**

By way of summary, Members will recall that notwithstanding there being no objection from the Highway Authority to a proposed access central to the Orton Road frontage, the Board asked for alternatives to be considered after hearing from local representations on the proposal. That review resulted in the site access being proposed further towards the east. The Highway Authority did not object to this amended arrangement. However the Board considered that the option of relocating it still further to the east should be looked at again in order to exhaust all options, even if this might involve the agreement of a third party – namely the adjoining land owner. Local residents consider that that third access point could be achieved without third party involvement.

**The Highway Issue**

Further work has now been undertaken and the position is explained below.

As Members have been aware, the residents of the properties fronting Orton Road and opposite to the site have been parking on the wide grass verge between the site and the road. This practice is unauthorised. The proposals as originally submitted sought to address this issue as this ad-hoc parking could not continue – it would be reduced in order to provide the new access into the site and because the cars would be parked in the visibility splays for that access. As a consequence the applicant included two mitigation measures – car parking for seventeen spaces on site behind the Orton Road frontage and secondly the re-alignment of Orton Road with a slight “bow” so as to provide space in front of the residential properties for a parking lay-by. The “bow” could be achieved because of the wide verge on the other side of the road and referred to above.

The second access that was agreed with the applicant and the Highway Authority further to the east maintained these two measures.

A third access – even further to the east – can be achieved and still provide a meaningful access into the site and without third party land, ONLY if the realignment – the “bow” - is removed and the straight line of Orton Road is retained. This is because the required visibility can then be achieved. Retention of the “bow” cannot retain these vision splays as the road is taken further into the verge thus moving the vision dimension into the site and there being insufficient highway land to the east to accommodate the vision splay in that direction. The consequence is that if the third location is agreed, the on-street car parking lay-by cannot be retained. There can be car parking provided on site, but not on-street outside the houses.

Appendix A illustrates the second access with the road re-alignment and satisfactory vision splays.

Appendix B illustrates a third access further to the east with the road re-alignment showing that visibility cannot be achieved without third party land.

Appendix C illustrates a third access further to the east with satisfactory visibility but as a consequence, the re-alignment cannot be provided.

### **Re-consultation**

This situation has been explained to the residents through the local Members and on balance it would appear that they prefer retention of the parking lay-by. Representatives of the local residents have been invited to speak at the Board meeting.

### **Observations**

The Board has a situation here where there is no planning objection to the proposed residential development, but that the preferred access into the site has not yet been agreed. The first option as submitted, central to the site’s frontage, carried the support of the Highway Authority – it enabled a parking lay-by to be provided in front of the row of houses here opposite the site, as well as on-site car parking for residents. The second access, further to the east, also carried the support of the Highway Authority and enabled all of the parking provision as described above. A third access can be provided even further to the east and without the involvement of third party land, but only on-site car parking provision can be made – the layby would be “lost”.

It is considered on balance that the preferred access location here is the second as described above. It enables significant additional and formal car parking provision and removes the access as far as possible away from residential property.

### **Recommendation**

That outline planning permission be **GRANTED** with site access as per the second scheme, subject to the completion of a Section 106 Agreement as set out in earlier reports and the conditions as set out therein.

## BACKGROUND PAPERS

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

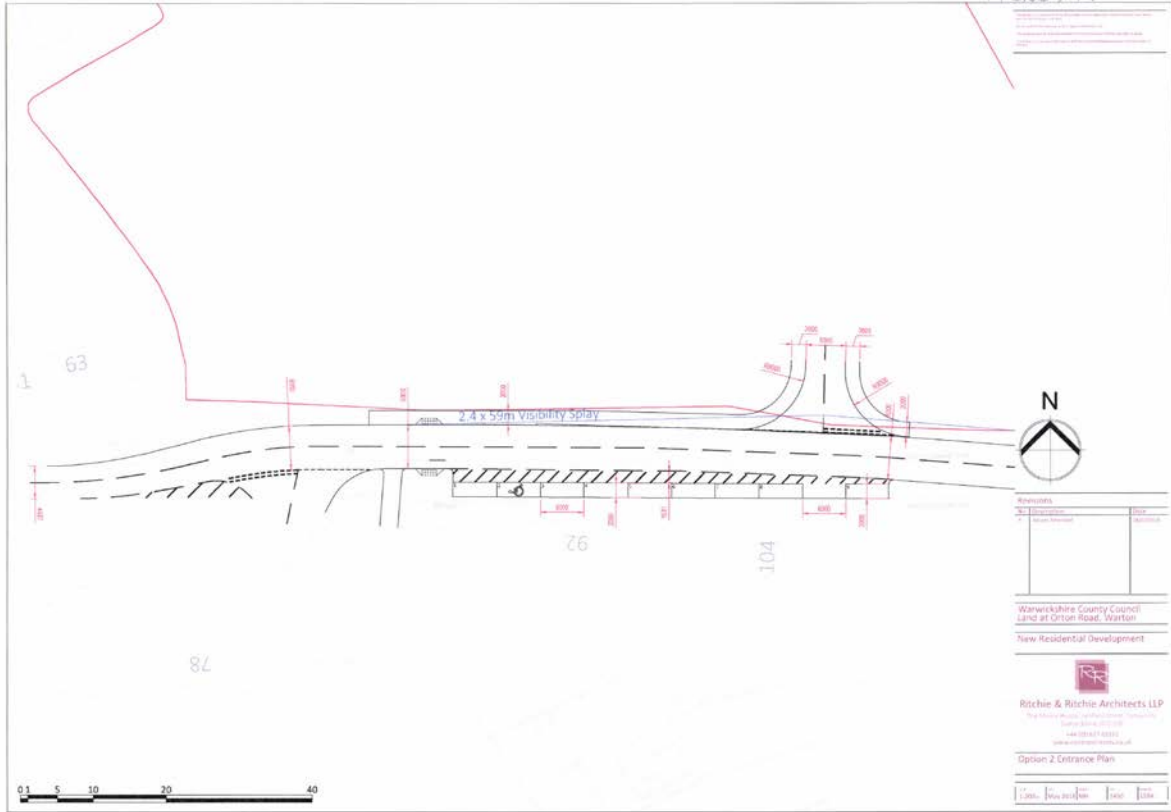
Planning Application No: PAP/2016/0280

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Additional plans	12/11/2018

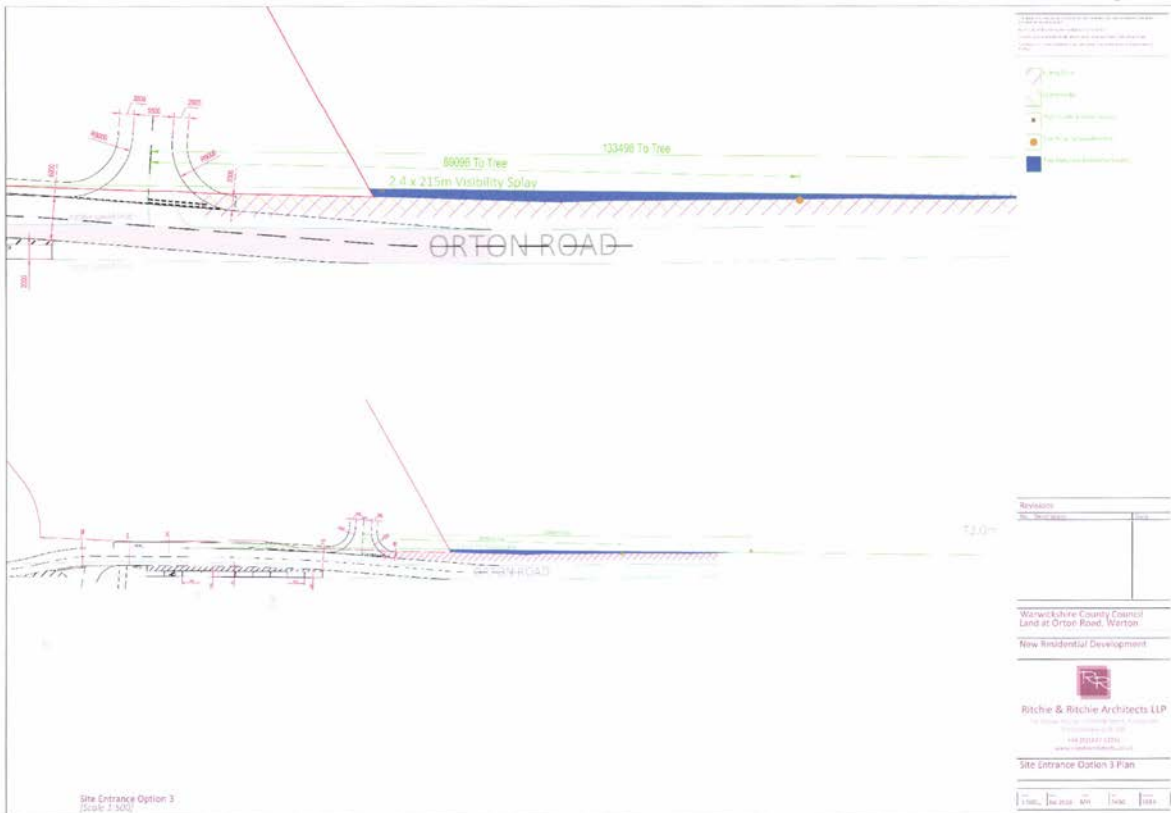
*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

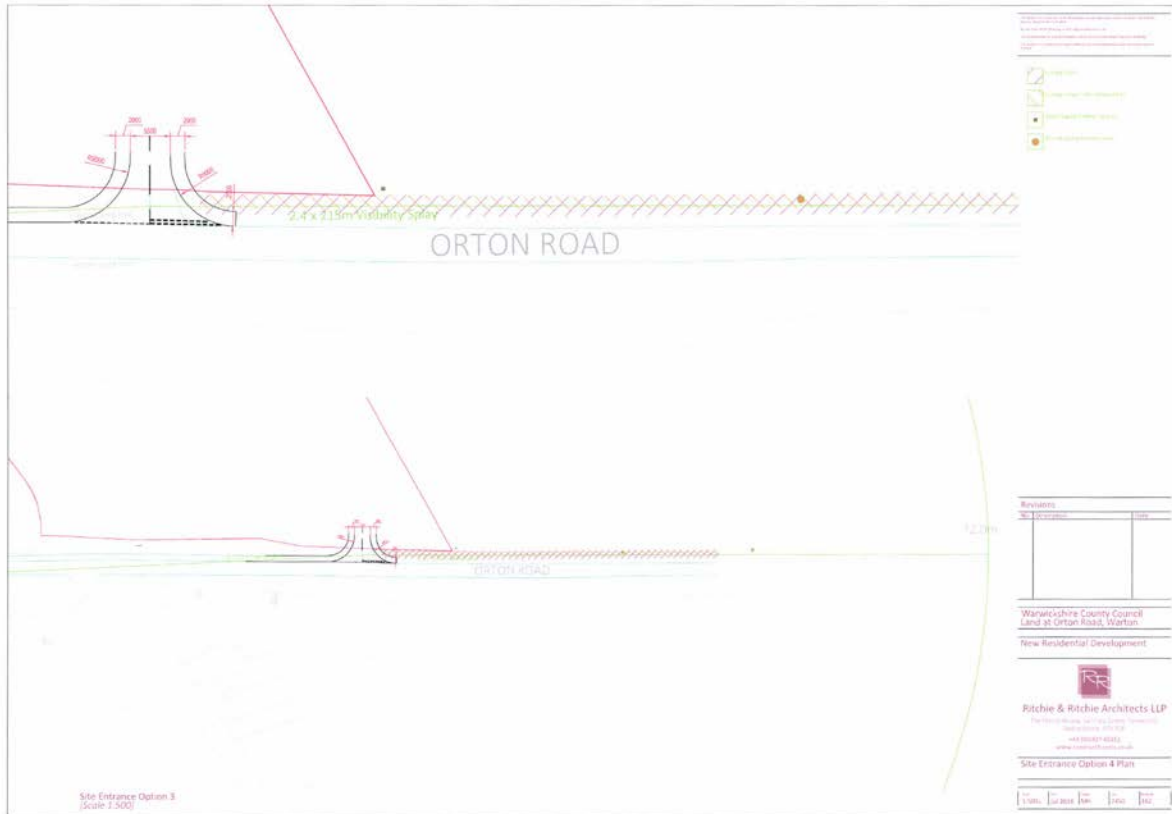
*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*

APPENDIX A



APPENDIX B





**(6) Application No: PAP/2017/0440**

**Storage Land - Hams Hall National Distribution Park, Edison Road, Coleshill,**

**Change of use of land for open light vehicle storage, revised site access, site infrastructure and temporary office accommodation, for**

**EON**

**Introduction**

This application was reported to its October meeting but determination was deferred to enable Members to visit the site. A note of visit is attached at Appendix A.

The final Highway Authority's consultation response was also awaited at the time of the last report. This has still not been received, but the indications are that this will be one of no objection subject to the closure of the existing access and its replacement some 50 metres to the east. Members will be updated at the meeting.

The previous report is attached at Appendix B.

A copy of the revised access location and the consequential site layout is at Appendix C.

**Background**

The focus of Member's attention with this application has been road safety issues – the use of an existing access almost directly opposite another site access used by HGV's and the on-street parking of HGV's awaiting entry to premises in Edison Road restricting visibility. This concern has been reflected by the Highway Authority who raised these matters on receipt of the application. As a consequence there have been extensive discussions between the applicant and the Highway Authority. A number of Road Safety Audits have been undertaken in order to evaluate the safety issues. As a consequence of all of this, it has been agreed by the applicant and the County Council that a new access should be proposed off Edison Road about 50 metres to the east.

During the discussion at the Board meeting, the applicant confirmed that there would be no Sunday working. An additional condition restricting working hours can be added to the recommended conditions.

Additionally, the applicant confirmed that the 23 two-way hourly movements would not wholly be by HGV or transporter.

Whilst on site Members raised queries about the monitoring of the surface water drainage from the site. The Lead Local Flood Authority has suggested an additional condition which can be included on any planning permission.

**Observations**

Given all of the above it is considered that there is no reason for refusal here provided that the final response from the Highway Authority is one of no objection.

## Recommendation

That subject to no objections being received from the Highway Authority, planning permission be **GRANTED** subject to the conditions and notes outlined in Appendix B, but with the following alterations:

- a) Additional planning conditions:

“The use hereby permitted shall only operate between the hours of 0700 to 1900 on Mondays to Fridays; between 0800 and 1200 on Saturdays with no use of the site on Sundays and Bank Holidays.

Reason:

In the interests of highway safety and the general amenities of the area”

- b) “No development shall commence on site until such time as the full details of a drainage maintenance plan has been provided and approved in writing by the Local Planning Authority. In particular this plan shall give details of how surface water drainage systems are to be maintained and the measures to be installed to monitor and control any leachate from surface water draining from the site for the life time of the development. Only the approved measures and monitoring regime shall then be implemented on site.

Reason:

In order to reduce the risk of pollution”

- c) together with any highway conditions.

**PAP/2017/0440**

**Storage Lane, Edison Road, Hams Hall**

**Site Visit – 1 November 2018 at 1700 hours**

Present: Councillors Phillips, Simpson and Sweet together with two representatives of E'ON and J Brown

1. Members met in the existing access into the site opposite the entrance into the Davies Turner premises.
2. They were shown a location plan such that the extent of the site could be seen as well as given a summary of the proposed operations.
3. Members then walked to the site boundary where they could see the nature of the site; its surface and the perimeter planting.
4. Members then returned to the access. The access opposite the site was pointed out, as was the HGV parking on the southern side of Edison Road on both sides of the access.
5. The location of the proposed new access was shown to Members on a plan such that could compare that with the existing arrangement.
6. Members then left the site and drove down Edison Road towards the station and terminal such that when they returned they could see the full extent of the on-road HGV parking.
7. The visit concluded at 1520.



**(2) Application No: PAP/2017/0440****Storage Land - Hams Hall National Distribution Park, Edison Road, Coleshill,****Change of use of land for open light vehicle storage, revised site access, site infrastructure and temporary office accommodation, for****EON****Introduction**

This case is referred to the Board in view of the local Member's concerns about the access arrangements.

**The Site**

This is 3.5 hectares of open and unused land along the south side of Edison Road within the Hams Hall Manufacturing and Warehousing Park between the road and a water course that drains into the River Cole to the south. There are large sheds on the other side of the road which runs down to the Rail Freight Terminal and to Coleshill Parkway Station. The operational areas of the Severn Trent Coleshill Water Treatment Works are on the other side of the water course.

The site is flat but has overhead lines crossing it as well as 13 vent trenches connected to its previous use for landfill.

The site's location is illustrated at Appendix A.

**The Proposals**

This is to use the site for motor vehicle storage accessed through existing arrangements onto Edison Road. There would be two main "sections" one to the west and the other to the east of the access. The larger one to the east comprises around 75% of the site and has a known occupier. The other as yet does not. A small building of around 30 square metres would be provided close to the access and the site would be fenced. The eastern plot can accommodate around 1000 parked light vehicles, however it is expected that the plot would only contain around 200 vehicles at any one time. The western plot could provide around 200 spaces. The eastern plot would be serviced by around 23 two way vehicle trips per hour. The proposed layout is at Appendix B.

The main site operating hours would be from 0700 to 1900 on Mondays to Fridays and from 0800 to 1200 on Saturdays with limited Sunday access.

It is said that around 50 jobs would be created.

Lighting would be added with the main area of illumination being at the entrance and along the central spine road.

A drainage statement says that the existing systems that drain to the surface water drain on the southern boundary would be used, but enhanced through more sustainable arrangements including additional swales and a balancing pond between the site and the existing outfall.

The ground conditions report indicates that the surface would need re-capping but there would be no sub-surface workings. The site is known to contain asbestos and because of the worn surface of the existing "cap", this would need addressing through new surfacing and hard-standings.

The ecological value of the site is to be enhanced through the new swales and pond connecting to existing reed beds and scrub habitats. New planting would take place around the site.

### **Consultations**

Environmental Health Officer – No objection to the use, but had concerns if the buildings required foundations. Additional information has been submitted and the concern has been removed

Warwickshire County Council as Highway Authority – Originally submitted an objection and there has been an ongoing discussion with the applicant on road safety issues with an exchange of a number of Road Safety Audits. The outcome is still awaited.

Warwickshire County Council as Flood Authority – Originally submitted an objection but on receipt of additional information has withdrawn this subject to standard conditions.

Environment Agency – No objection subject to a condition relating to contamination.

Warwickshire Wildlife Trust – No comments.

### **Development Plan**

The Core Strategy 2014 – NW1 (Sustainable Development); NW9 (Employment Land), NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment) and NW17 (Economic Regeneration)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV6 (Land Resources) and ENV14 (Access Design)

### **Other Material Planning Considerations**

The National Planning Policy Framework 2018

The National Planning Practice Guidance 2012

The Submitted Local Plan for North Warwickshire 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy) and LP31 (Development Considerations)

### **Observations**

The site is within the Hams Hall and Coleshill development boundary and within the area covered by the original 1994 planning permission for the redevelopment of Hams Hall by commercial and manufacturing premises. There is thus no objection in principle here as this proposed B8 use fits within the lawful use for the Hams Hall Park. The site itself has not been developed through the erection of new B8 or B2 buildings because of the overhead lines and because the site is a known landfill site which contains asbestos. Surface developments are thus seen as being more appropriate. Indeed this

is reflected in a previous use of the site for a temporary period for car storage very similar to the current proposals.

The main issues have therefore focussed on the more technical detailed matters – drainage; ground conditions and access provision. Significant dialogue between the applicant and the respective Agencies has resulted in there being no objections from the flooding authority and the Environmental Health Officer. There has also been a protracted period of discussion with the Highway Authority. This is essentially to do with engineering and safety issues associated with the location of the existing access vis-à-vis those of other operators and of visibility because of on-street HGV parking. Those extensive discussions included the submission of a number of Road Safety Audits. The outcome of this exchange is still awaited.

Given that the principle of the use is acknowledged it is considered that the principle of the grant of permission here can be supported subject to the County Council being satisfied on the road safety issues.

### **Recommendation**

That the Council is minded to **GRANT** planning permission as a matter of principle and that subject to the removal of the County Council's objection as Highway Authority, the issue of the notice be delegated to officers with the attached conditions and others that might be recommended by the Highway Authority.

1. Standard Three year condition
2. Standard Plan Numbers condition – the site location plan PO1 received on 11/8/17; the recommendations of the Atkins Technical Note dated November 2017, and the access plans as agreed by the County Council.
3. For the avoidance of doubt, the planning permission granted here is for the storage of motor cars and light commercial vehicles and for no other purpose (including any other purpose in Class B8 of the Schedule to 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 define the permission in order to ensure that there are no unacceptable highway impacts.

4. There shall be no more than 30 two-way vehicle movements per hour into and out of the site.

#### REASON

In the interests of highway safety.

5. No development shall commence on site until such time as a Monitoring Plan has been submitted to and approved in writing by the Local Planning Authority in order to monitor the vehicle movements set out in condition (4) above. Only the approved Plan shall then be operated on site. The results of the monitoring set out in the agreed Plan shall be forwarded to the Authority at regular intervals as set out in the approved Plan.

REASON

In the interests of highway safety.

6. If during the implementation of the development hereby approved, contamination not previously found is identified is found to be present, then no further work shall continue unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure the development will be protective of controlled water at all times, notably the underlying Secondary Aquifer and the nearby River Tame.

7. No development shall commence on site until a detailed surface water drainage scheme for the site based on sustainable drainage principles; the approved Flood Risk Assessment prepared by Atkins dated July 2017, the additional Technical Note of November 2017 and an assessment of the hydrological and hydrogeological context of the development has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall limit the discharge rate by all rainfall events up to and including the 100 year plus 20% critical rain storm to a minimum of a10% betterment on the current brownfield discharge rate for the site. The scheme as approved shall be implemented in full before the development is occupied for business purposes.

REASON

In the interests of reducing the risk of flooding; to protect water quality, to improve habitat and amenity and to ensure the future maintenance of the drainage structures and systems.

## Notes

1. The Council has met the requirements of the NPPF in this case by ensuring that there has been constant engagement with a number of technical Agencies in order to ensure that their concerns have been overcome in order to enable support for the proposal.
2. The detail of the scheme required by condition (4) should demonstrate compliance with "The Suds Manual", CIRIA Report C753; demonstrate that the discharge rate is limited by all rainfall events up to and including the 100 year plus 20% critical rain storm to a minimum of 10% betterment on the current brownfield discharge rate for the site. Where flooding occurs on site. Demonstration of storage of the 1 in a 100 year climate change event, Details should be provided of the storage capacity required outside of the proposed formal drainage system. Details of the depths and locations of flooding should also be provided where depths may be unsafe. Hazard mapping may be required to ensure the development remains safe. It should demonstrate the detailed design in support of the system including details of the 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 a 100 year plus climate change. Plans and details should be provided showing the allowance for exceedance flow and overland flow routing. Overland flow routing should look to reduce the impact of exceedance events. Provide a maintenance plan on how the entire surface water system is to be maintained in perpetuity
3. The County Council does not consider oversized pipes or box culverts to be sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used with a preference for above-ground solutions
4. Surface water runoff should be controlled as near to its source as possible through a sustainable drainage approach.

## BACKGROUND PAPERS

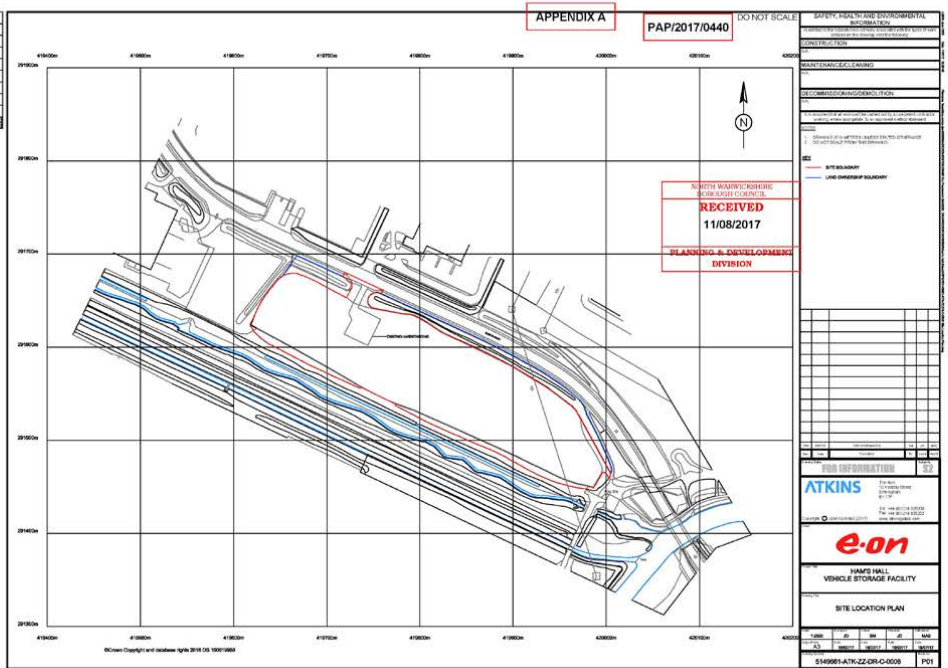
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2017/0440

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	11/8/17
2	Applicant	E-mail	10/10/18
3	Environment Agency	Consultation	23/10/17
4	WCC Flooding	Consultation	23/10/17
5	Environmental Health Officer	Consultation	29/11/17
6	WCC Highways	Consultation	30/11/17
7	WCC Flooding	Consultation	11/12/17
8	Applicant	Letter	12/3/18
9	WCC Flooding	Consultation	29/3/18
10	Applicant	E-mail	9/5/18
11	Applicant	E-mail	11/6/18
12	WCC Highways	Consultation	9/8/18

*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.*







**(7) 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.

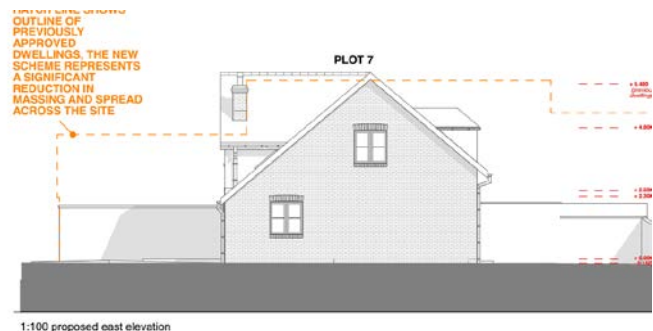
In regards to the impact on neighbouring amenity, the proposed dwelling in Plot 6 would be situated approx. 1.8m. This is a similar distance and spacing to the wider residential development at the site. The east elevation of Plot 5 (now No. 5) is a blank elevation. The proposed west elevation of the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



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

For further information and advice on radon please contact the Health Protection Agency at [www.hpa.org.uk](http://www.hpa.org.uk). Also if a property is found to be affected you may wish to contact the 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*



*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.



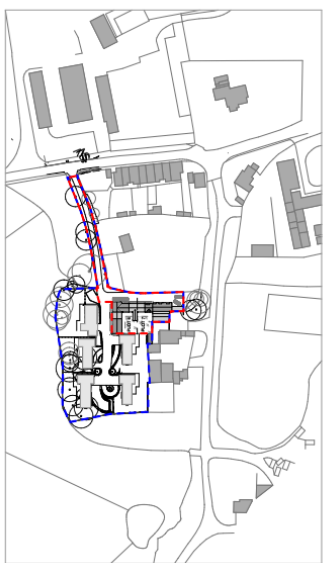


**Appendix B – Previously Approved Schemes**  
**PAP/2016/0589**

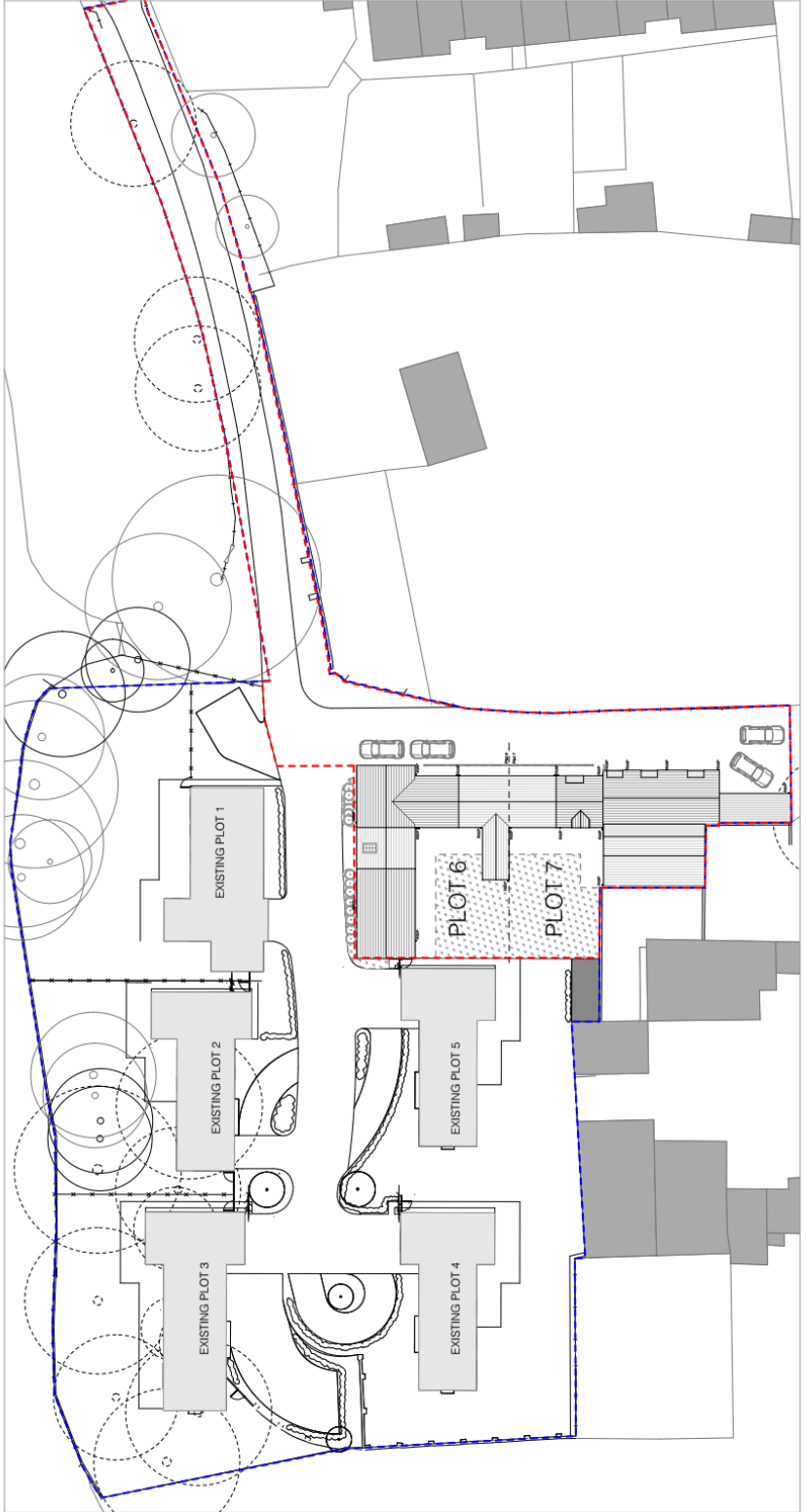
NO.	DATE	DESCRIPTION	BY	FOR
1	10/04/2017	APPROVED	10/04/2017	10/04/2017
2	01/03/2017	RECEIVED	01/03/2017	01/03/2017
3	10/04/2017	APPROVED	10/04/2017	10/04/2017
4	01/03/2017	RECEIVED	01/03/2017	01/03/2017
5	10/04/2017	APPROVED	10/04/2017	10/04/2017
6	01/03/2017	RECEIVED	01/03/2017	01/03/2017
7	10/04/2017	APPROVED	10/04/2017	10/04/2017
8	01/03/2017	RECEIVED	01/03/2017	01/03/2017

RECEIVED  
**APPROVED**  
**10/04/2017**  
 THE BOROUGH COUNCIL PLANNING OFFICE  
 SUBJECT TO CONDITIONS  
 CONTAINED

RECEIVED  
**RECEIVED**  
**01/03/2017**  
 PLANNING & DEVELOPMENT  
 DIVISION



Proposed Location Plan  
 1:1250



Proposed Site Plan  
 1:200



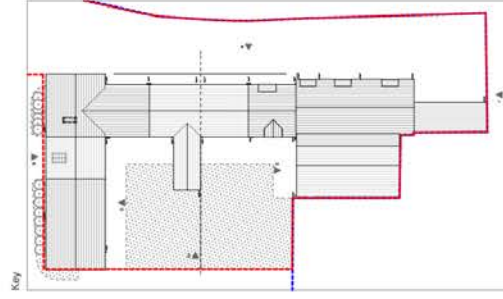
**PROPOSED INFORMATION**  
 Proposed Site & Location Plan  
 For the purpose of the development of the site and the construction of the proposed development.  
 Proposed by: [Name]  
 Date: 27.03.2017  
 Scale: 1:200  
 Reference Number: 10/114/0058/01

**MADE**

**RIBA HK**  
 Registered Chartered Architect  
 RIBA HK  
 1. 100 Broad Street, London EC2A 4DP  
 2. 100 Broad Street, London EC2A 4DP  
 3. 100 Broad Street, London EC2A 4DP  
 4. 100 Broad Street, London EC2A 4DP  
 5. 100 Broad Street, London EC2A 4DP

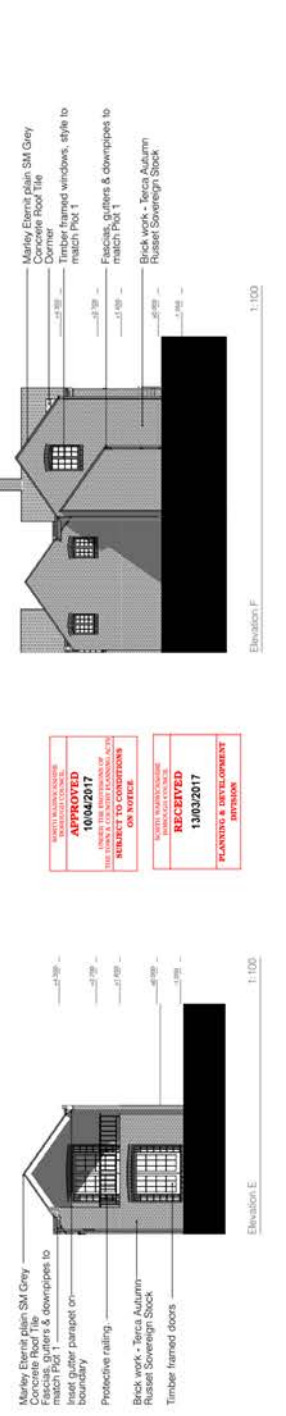
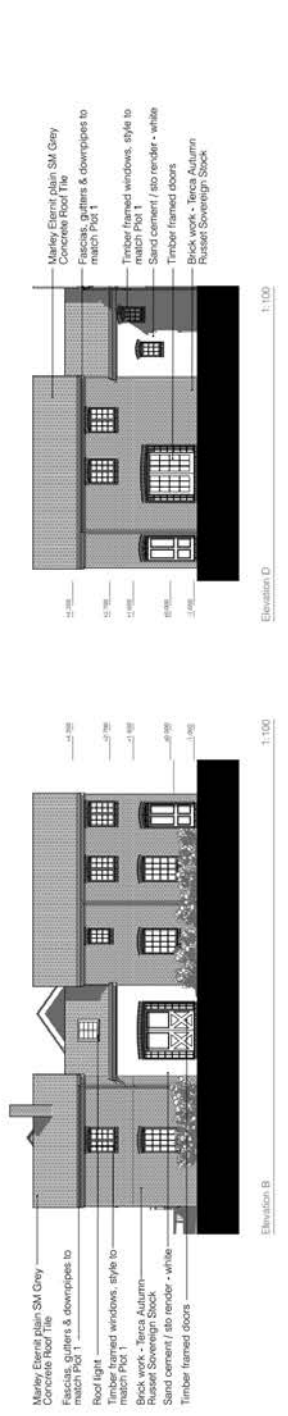
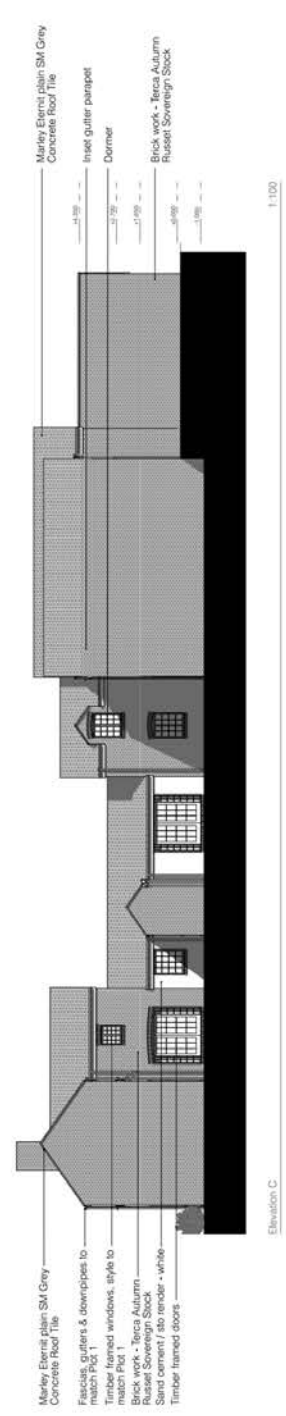
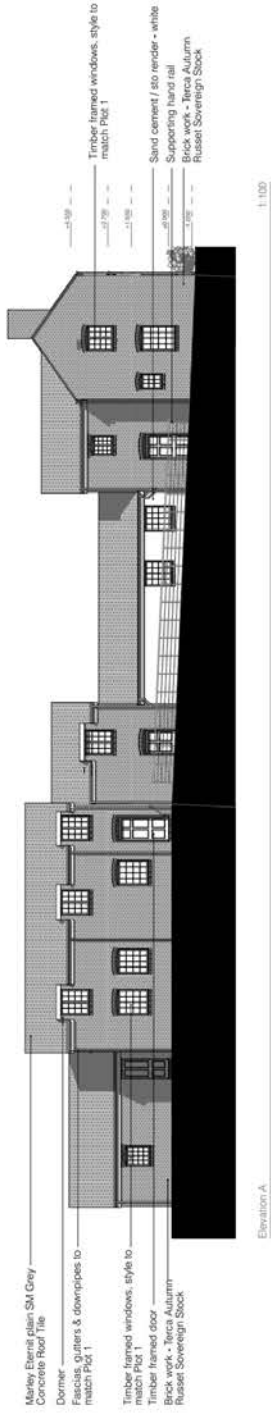
A Planning  
 B Planning  
 C Planning  
 D Planning  
 E Planning  
 F Planning  
 G Planning  
 H Planning  
 I Planning  
 J Planning  
 K Planning  
 L Planning  
 M Planning  
 N Planning  
 O Planning  
 P Planning  
 Q Planning  
 R Planning  
 S Planning  
 T Planning  
 U Planning  
 V Planning  
 W Planning  
 X Planning  
 Y Planning  
 Z Planning

**RECEIVED**  
 13/03/2017  
 PLANNING & DEVELOPMENT  
 DIVISION



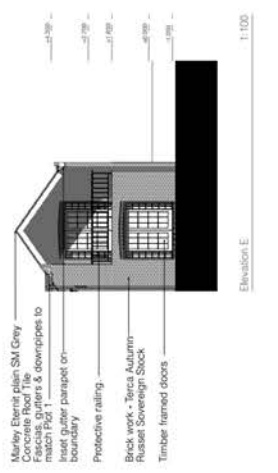
**RECEIVED**  
 13/03/2017  
 PLANNING & DEVELOPMENT  
 DIVISION

**MADE**  
 13/03/2017  
 PLANNING & DEVELOPMENT  
 DIVISION

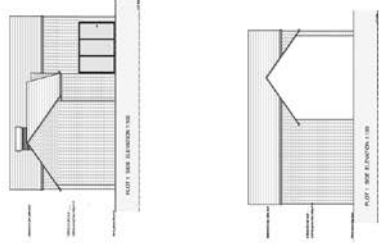
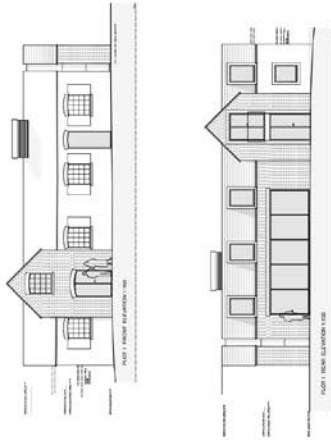


**RECEIVED**  
 13/03/2017  
 PLANNING & DEVELOPMENT  
 DIVISION

**RECEIVED**  
 13/03/2017  
 PLANNING & DEVELOPMENT  
 DIVISION

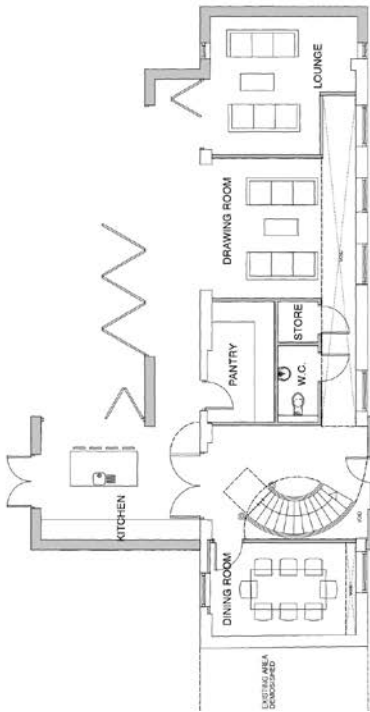


1. Overall site plan showing location of Plot 1  
 2. Proposed elevations and floor plans  
 3. Proposed elevations and floor plans  
 4. Proposed elevations and floor plans  
 5. Proposed elevations and floor plans

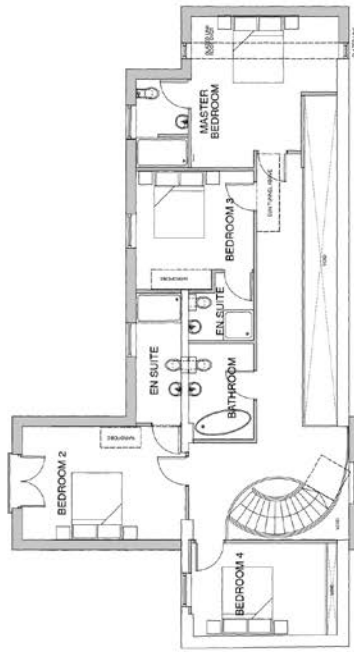


SOUTH EASTERN COUNTY  
 DEVELOPMENT  
 10000 N. STATE ST.  
 FLORENCE, ALABAMA 36633  
 205.763.1111

**PLANNING**  
 Caldecote Estate  
 Nuneaton, Warwickshire  
 Plot 1  
 Proposed Elevations and Floor Plans  
 10000 N. STATE ST.  
 FLORENCE, ALABAMA 36633  
 205.763.1111  
 10000 N. STATE ST.  
 FLORENCE, ALABAMA 36633  
 205.763.1111  
**MADE**  
 10000 N. STATE ST.  
 FLORENCE, ALABAMA 36633  
 205.763.1111



PLOT 1 GROUND FLOOR 1:50



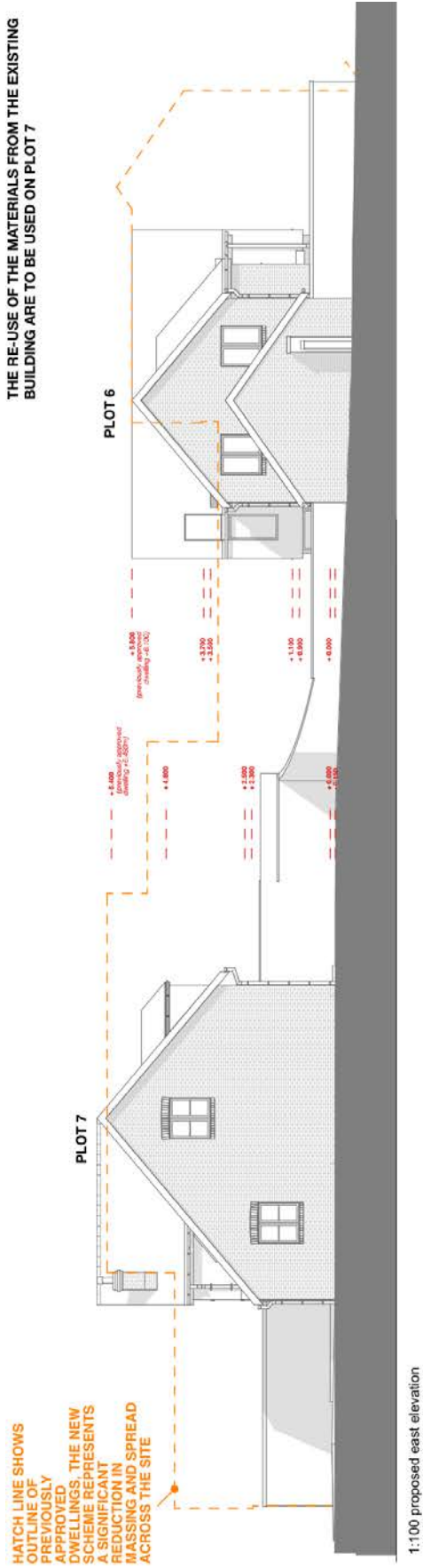
PLOT 1 FIRST FLOOR 1:50

Plot 1 as approved under Planning Reference PAP/2013/0288 (Non-material amendment of PAP/2011/0420).





**Appendix D – East Elevation of proposal with outline of heights of previously approved heights under planning reference PAP/2016/0589**



**Appendix F – Neighbouring Amenity**



No. 5 ground floor and rear plans from planning consent PAP/2013/0288 showing primary window positions.



Site Plan as approved under PAP/2013/0288

**(8) Application No: PAP/2018/0525**

**Cooperative Supermarket, Station Street, Atherstone, CV9 1BZ**

**Erection of new standalone units, including re-configuration of existing car parking and designated secure service yards. Units to be mixed class usage A1 (shops) D1 (non residential institutions), for**

**Central England Cooperative Limited**

**Introduction**

This application is reported to the Board in light of its significance in heritage terms on one of the main entrances into the town.

**The Site**

The existing Cooperative store stands at the western ends of both Long Street and Station Street adjoining the West Coast Main line. It is set back from the two roads with car parking areas fronting the two roads. A petrol filling station is at one end and the former Atherstone Station building now converted is at the other end. There are mixed residential and commercial uses on the opposite side of Long Street with a further Aldi store on the opposite side of Station Street.

The site of this application is within the car park facing Long Street and is situated right at the road frontage and junction of the two roads.

The site is shown at Appendix A

**The Proposals**

The proposal in short is for two connected single storey small retail units with pitched rooves fronting Station Street with service access at the rear. One unit would accommodate a retail outlet fully within the A1 Use Class Order and the second would be a mixed A1/D1 unit. No A5 development is proposed. The floor area would be around 280 square metres which the applicant considers is around a 12% increase over the existing established store at the rear.

The proposal would include timber shop windows with red brick facing brick work, columns and plinths and additional brick detailed patterning in some of the facing walls. The roof would be pitched with traditional materials and a detailed ridge tile.

All servicing would be from the rear of the building within the existing car park area. The proposal therefore takes up existing car park space – reducing the overall number for the existing Co-op store from 168 to 154 spaces. The 127 within the larger car park off Station Street and to the rear of the petrol station would not be affected. The reduction is wholly confined to the car park opposite the Memorial Hall which would have 27 rather than 41 spaces. Waste and refuse collection is from the rear and the storage for this is integrally designed into the building rather than it being a stand- alone compound.

The application is accompanied by a Car Parking Survey. It was undertaken on a Friday and Saturday from 1100 to 1900 hours on both days. Peak usage on the Friday was at 1100 when the two car parks taken together, were 73% full. Each of the two car parks had higher patronage at certain other times, but with a maximum of 83% in the Station Street car park. Peak usage on the Saturday was at 1115 when the two car parks were 81% full. Again, each car park had higher patronage at certain other times, but the maximum was 93% at 1100 hours in the Station Street car park. The authors consider that even with the traffic generation likely from the proposed units and the reduction to accommodate them, that there would still be overall capacity in the combined car parking area.

A Design and Access Statement sets out the rationale behind the design layout and appearance of the proposals.

A Heritage Assessment undertakes a full assessment of the impact of the proposals on the significance of the affected heritage assets.

The proposed layout and elevations are at Appendix B and C

## **Background**

The presently vacant land on the other side of Station Street opposite the site, has an extant planning permission for the erection of a three storey street frontage with retail accommodation at ground floor and residential above, so extending the character and appearance of the Long Street frontage around into Station Street.

## **Representations**

Atherstone Town Council – Objection on the grounds of loss of car parking and the loss of openness.

Atherstone Civic Society – No objection subject to there being no A5 use

## **Consultations**

Warwickshire County Council as Highway Authority – It requested clarification of the nature of the application as the initial submission did include an A5 use and this might affect traffic generation figures. It agrees that the removal of that use is beneficial to the proposal.

Environmental Health Officer – No objection

Warwickshire Museum – No comments received

## **Development Plan**

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW10 (Development Considerations), NW14 (Historic Environment), Atherstone (NW18) and NW20 (Services and Facilities)



## **Other Material Planning Considerations**

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

The Submitted Local Plan for North Warwickshire 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP15 (Historic Environment), LP21 (Town Centres), LP22 (New Services and Facilities) and LP31 (Development Considerations)

The Atherstone Conservation Area Designation Report-1994

The Draft Atherstone Conservation Area Appraisal – 2006

## **Observations**

### **a) The Principle**

The site is within the development boundary of Atherstone which is identified as a Category 1 settlement in the Development Plan where new development is actively encouraged. This approach is maintained in the submitted emerging Local Plan. New commercial development is also directed where appropriate to the town centre. The site is within the town centre as defined by the Development Plan. Given this background and the setting of the site and the nature of the surrounding uses, there is no objection in principle to this proposal. The central issue is going to focus on an assessment of the impact caused to the significance of the heritage assets here and weighing that in the final planning balance with the potential benefits of the scheme. Other potential harms will also need to be considered in that final assessment.

### **b) Heritage Matters - Introduction**

Before looking at the details of this proposal, it is necessary to outline the statutory duty that the Council is under in making this heritage assessment. In this case that extends to assets including both the Atherstone Conservation Area and the settings of a number of Listed Buildings.

The Council is under a statutory duty to have special regard to the desirability of preserving listed buildings, their settings and any features of special architectural or historic interest, as well as preserving or enhancing the character or appearance of a conservation area. Case-law has shown that the preservation of the setting of a Listed Building has to be given considerable weight in the final planning balance. This is reflected in the NPPF which requires Local Planning Authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets; the positive contribution that they can make to a community and the desirability of new development making a positive contribution to local character and distinctiveness.

The approach to be taken is firstly to understand the significance of the assets affected and then to assess the impacts of the proposals on that significance – either beneficial or harmful. The degree of harm, if that is the case, then has to be weighed against the public benefits of the proposals. It is clear from the above paragraphs that even less than substantial harm, still has to be given great weight in that balancing exercise.

### **c) Heritage Matters – The Conservation Area**

The overall significance of the Conservation Area is that it covers a substantial area of the town centre reflecting the town's different architectural and historic development throughout many different periods. This is portrayed in the retention of substantial contemporaneous built form, layout and open spaces depicting different uses from residential through to industrial and the service sector. Architectural character and attributes from these different periods and uses remains - the line of the Roman Watling Street/Long Street; the medieval burgrave plots, the Georgian appearance and the Victorian industrial premises. The significance is thus very much about the whole town's diverse history.

Being so large, it is appropriate to divide the Area into several distinct sub-areas - a task undertaken in the Conservation Area Appraisal document. The western end of the Area, where this site is located has historic interest in that it marks a clear and distinct break between the town centre and the more open land to the west. It is also the location of the former Victorian hatting factories and the site of the station. Its architectural interest remains with the contemporaneous commercial uses – the station and the remaining half of the Vero factory. It also marks one of the main vehicular approaches into the town with a distinct change from greenery and openness into the town centre's closeness and commercial character.

It is now necessary to assess what impact the proposals would have on the significance of this part of the Conservation Area.

The line of Station Street here is new and now provides a very distinct and marked edge to the town centre. There is high density three storey development fronting its east side, whilst to its west is open land extending well down to the station and beyond. The issue is whether this proposal would cause harm to this physical and visual "divide" thus changing the character and appearance of this part of the Area. It is considered that some harm would arise because of the very introduction of new development into an open area – albeit a car park. However that harm would not be substantial. There are several reasons for this. Firstly the buildings would be single storey and not fully extend along the two road frontages. As a consequence there would not be a "closing –off" or containment of the visual appearance of this divide – the overall perception of openness would still be retained. It is a corner site and thus would not "fill" or appear as an island within the current open area. There would still be views over the buildings towards the station and the Watling Street frontage when travelling west and perhaps more importantly, when travelling east, the station would still be an important feature and the three storey development in Long Street and as approved on Station Street would still be clearly visible. There would also be some benefits too. The somewhat "untidy" appearance of the space at this end of the town would to a degree be tidied and secondly there would be some degree of enclosure on the Station Street/Watling Street corner which in townscape terms, is presently a "weak" feature in the street scene.

### **d) Heritage Matters – The Listed Buildings**

It is now appropriate to assess the impact of the proposals on the three nearby Listed Buildings. In this case it is considered that as the proposals do not directly affect the buildings themselves but that because of the separation distances involved, the main concerns will be on the setting of these buildings.

The Station is a Grade 2 building some 70 or so metres to the west. Its historic significance is clearly connected to the arrival of the railway in the town and its retention as the town's station. Its architectural interest lies in its contemporaneous Victorian external and internal features and the details of those characteristics. Its setting has been substantially changed as the associated rail sidings and sheds have since been replaced. The proposed development will have an impact on the setting of this listed building but this is considered to be less than substantial because of the separation distance both physically and visually; the small scale of the proposal and the retention of open space around the Station frontage.

Grendon Lodge is a substantial Grade 2 residence dating from 1820 some 70 metres to the north-west. Its historic interest is that of a substantial detached house set in retained large gardens. As such the architectural interest is that of a retained house together with its walled and extensive gardens. Contemporaneous features prevail. Its setting too substantially remains as being one of openness and a wooded atmosphere. The proposal is unlikely to reduce the perception of openness here because of the separation distance and the intervening development which is not in direct line of vision. There is thus less than substantial harm.

Grendon House is an early 19<sup>th</sup> Century Grade 2 building some 30 metres to the west. Its architectural interest lies in its retained features. It is however the setting that is significant here being one of a group of buildings marking the western end of the Long Street corridor but without the grandness of the buildings in the centre of the town. The scale is thus more residential in nature. The proposal would affect this setting because of its proximity but the harm would be less than substantial because of the scale of the proposed building and it not enclosing or dominating the group value of this Watling Street frontage.

#### **e) Heritage Matters – Conclusion**

Overall therefore it is considered that there would be less than substantial harm to the significance of the individually identified heritage assets here. Because of the scale of the proposals; their location and because there would be some heritage benefit, it is considered that the cumulative level of harm remains as less than substantial. However as indicated above, even this less than substantial harm has to be given great weight in the final planning balance.

#### **f) Other Matters**

There are several other matters to consider here. The first will be the impact on the car parking situation. The survey provides evidence of some capacity in the existing arrangements. Importantly the Station Street car park behind the petrol station is clearly the prime car park for the existing Co-op store and this would not change with the proposal. The survey shows that there is more flexibility in the second car park and the adjoining Aldi car park and that at the Memorial Hall still remain available. As a consequence, given the survey's evidential base and the town centre setting, the Town Council's comments can only carry limited weight.

Vehicular access into and out of the site would be via the existing arrangements. These have capacity whether that arises from increased patronage of the existing Co-op facility or that from the proposal.

There are no objections from the Environmental Health Officer.

The design and appearance of the new buildings can be supported. As indicated above, the scale and massing of the units should not replicate the three storey development, in order to retain openness here as well as to protect the wider views of the station and established street scenes. The proposal is clearly different in scale and massing to the built form on the other side of the road here and thus it should not replicate the detail of that. That is characterised by older and more traditional buildings and the proposal clearly brings displays some of that character, but without copying it in full. The overall balance is thus something that can be supported.

In respect of the matters raised by the representations then the applicant has confirmed that there would be no A5 use proposed for the new units. It is certainly not in the description of the proposal as outlined in the header to this report.

### **g) The Planning Balance**

From the above it can be seen that the harm side of the planning balance relates only to the less than substantial heritage harm. Nevertheless the weight that has to be given to that harm is “great” in line with NPPF guidance.

On the benefit side of the balance there is some weight to be given to the enhancement of the heritage significance of Conservation Area here by “tidying” the appearance of this part of that Area. Additionally the growth of new services and facilities in the town is supported by Development Plan policy and would be in good stead for the expected growth of the town in the coming years. There would also be a small benefit in the opportunity for new employment provision.

Overall it is considered that these public benefits outweigh the harm likely to be caused.

### **Recommendation**

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

1. Standard Three year condition
2. Standard Plan Numbers condition – 12683/DB3/A/90/0001E; 002E and 003E together with 12683/DB3/A/20/001C and 002C all received on 31/8/18.
3. No development shall commence on site until full details of the rain water goods and the timber shop fronts have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

### **REASON**

In the interests of preserving the setting of the nearby heritage assets.

4. There shall be no occupation of the premises hereby approved until the whole of the car parking, turning and service areas have been fully constructed and marked out to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0525

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	31/8/18
2	Environmental Health Officer	Consultation	11/10/18
3	WCC Highways	Consultation	12/10/18
4	Atherstone Civic Society	Consultation	26/8/18
5	Applicant	Letter	12/10/18
6	WCC Highways	Consultation	12/10/18
7	Atherstone Town Council	Objection	18/10/18

*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.*



Ordnance Survey (c) Crown Copyright 2017. All rights reserved. Licence number 100022432

Block Plan 1:500



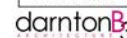
Location Plan 1:500

DEVELOPMENT AREA

PLANNING ISSUE RECEIVED 31/08/2018 PLANNING & DEVELOPMENT DEPARTMENT

SCHEDULE OF AREAS	
Site Area	137.00 sqft
EXISTING CO-OPERATIVE STORE	26.10 sqft
PROPOSED UNIT 1 (Class A1)	140.00 sqft
PROPOSED UNIT 2 (Class A1)	140.00 sqft
EXISTING CAR PARK SPACES - Overall	27
EXISTING CAR PARK SPACES - Overall	27
EXISTING CAR PARK SPACES - Overall	27

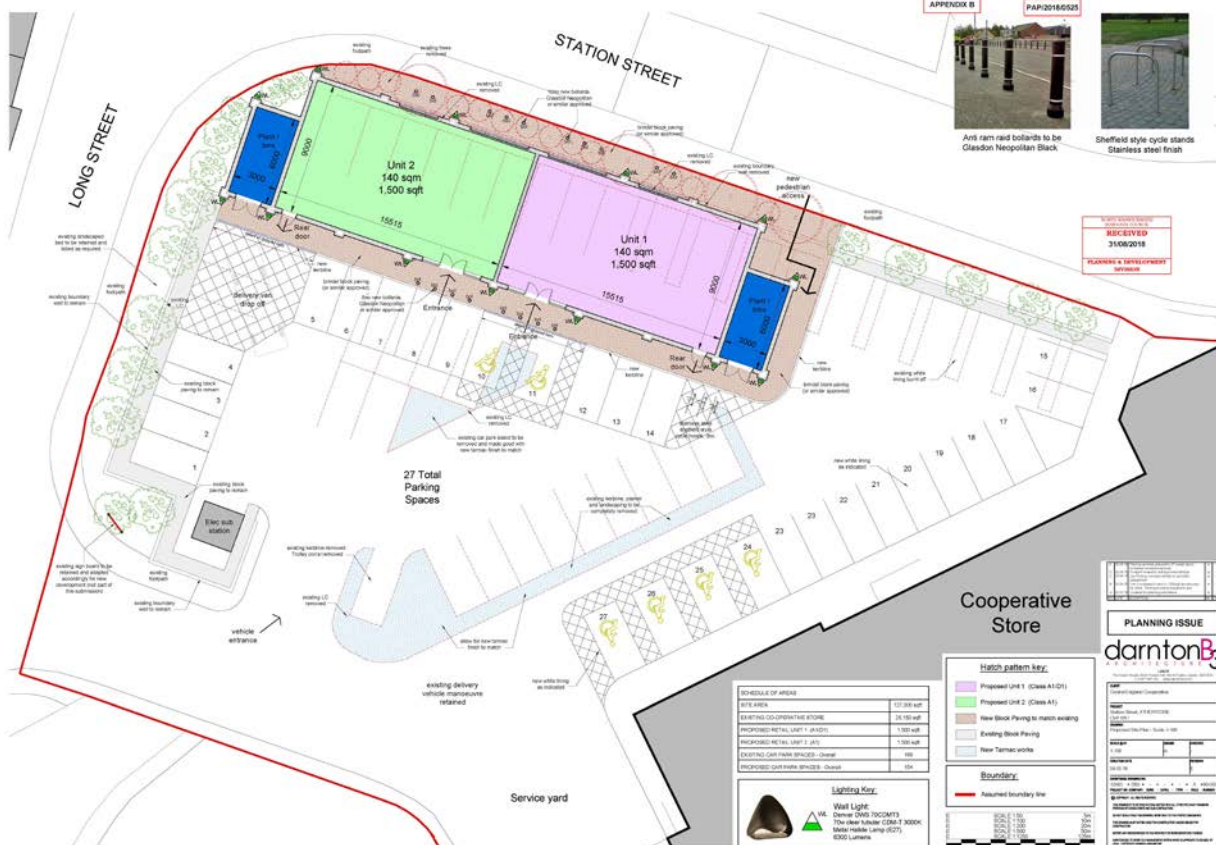
PLANNING ISSUE



SCHEDULE OF AREAS	
Site Area	137.00 sqft
EXISTING CO-OPERATIVE STORE	26.10 sqft
PROPOSED UNIT 1 (Class A1)	140.00 sqft
PROPOSED UNIT 2 (Class A1)	140.00 sqft
EXISTING CAR PARK SPACES - Overall	27
EXISTING CAR PARK SPACES - Overall	27
EXISTING CAR PARK SPACES - Overall	27

Boundary	
Assumed boundary line	Red line

SCHEDULE OF AREAS	
Site Area	137.00 sqft
EXISTING CO-OPERATIVE STORE	26.10 sqft
PROPOSED UNIT 1 (Class A1)	140.00 sqft
PROPOSED UNIT 2 (Class A1)	140.00 sqft
EXISTING CAR PARK SPACES - Overall	27
EXISTING CAR PARK SPACES - Overall	27
EXISTING CAR PARK SPACES - Overall	27



Aviri arm and bollards to be Gladson Neopolitan Black



Sheffield style cycle stands Stainless steel finish

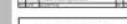
PLANNING ISSUE RECEIVED 31/08/2018 PLANNING & DEVELOPMENT DEPARTMENT

SCHEDULE OF AREAS	
Site Area	137.00 sqft
EXISTING CO-OPERATIVE STORE	26.10 sqft
PROPOSED UNIT 1 (Class A1)	140.00 sqft
PROPOSED UNIT 2 (Class A1)	140.00 sqft
EXISTING CAR PARK SPACES - Overall	27
EXISTING CAR PARK SPACES - Overall	27
EXISTING CAR PARK SPACES - Overall	27

Match pattern key	
Proposed Unit 1 (Class A1)	Green
Proposed Unit 2 (Class A1)	Blue
New Block Parking to match existing	Light Grey
Existing Block Parking	Dark Grey
New Tarmac works	Light Blue
Boundary	Red line

Lighting Key	
Wall Light	Denon DWG (DC2413)
Street Light	The One by One (C88T 8000)
Street Light	Street Light (C88T 8000)
Street Light	Street Light (C88T 8000)

PLANNING ISSUE



SCHEDULE OF AREAS	
Site Area	137.00 sqft
EXISTING CO-OPERATIVE STORE	26.10 sqft
PROPOSED UNIT 1 (Class A1)	140.00 sqft
PROPOSED UNIT 2 (Class A1)	140.00 sqft
EXISTING CAR PARK SPACES - Overall	27
EXISTING CAR PARK SPACES - Overall	27
EXISTING CAR PARK SPACES - Overall	27





**(9) Application No: PAP/2018/0538**

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

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

**Mr Maurice Kenna**

**Introduction**

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

**The Site**

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

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

**The Proposal**

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

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

Deliveries are made to the site and then subsequently transferred to a client's site.

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

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

**Development Plan**

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

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

## **Other Material Planning Considerations**

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

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

## **Consultations**

Environmental Health Officer – No objection subject to conditions

## **Representations**

Two local residents have raised the following points:

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

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

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

## **Observations**

### **a) Introduction**

The Council did consider that this site was an appropriate one for a business use to operate through the grant of the 2013 permission. This however was conditioned in order to mitigate possible adverse impacts. Importantly it was time limited as it was considered at the time that it was necessary to monitor the terms of the permission.

Members will thus need to assess whether there have been any changes in material planning considerations that are of such weight as to either lead them not to renew that planning permission, or to renew it, but with another set of conditions. Those material planning considerations here will be whether there has been any change to relevant

planning policy and secondly to assess how the permitted use has “performed” using the conditions as the appropriate criteria. However that appraisal can only be used as a relevant consideration in the final planning balance, as the Notice and thus the conditions are no longer extant – the 2013 permission having expired.

### **b) Planning Policy Changes**

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

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

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

### **c) Other Impacts**

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

In terms of working hours the condition on the 2013 permission restricts use to between 0800 and 1700 hours on weekdays and between 0800 and 1200 hours on Saturdays with no Sunday or Bank Holiday working. The applicant states that these hours are maintained. The evidence from the representations received contradicts this. Weight is attached to that evidence as the representations are made by actual observations of the operations on the site and the evidence is similar from different sources. Additionally complaints by residents have been followed through by enforcement officers who have concluded that there may well have been breaches.

There is no condition controlling the number of vehicles attending the site. As such there is no present control over this. However the photographic evidence from those making representations is significant. They show numbers of light vehicles both in the yard and on the adjoining access track. Some show HGV and a larger delivery van. These lead to the conclusion that the site is too small in which to accommodate the

present use. Due to the nature and location of the site then its current use would appear to be causing inconvenience and disturbance for neighbouring residents.

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

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

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

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

#### **d) The Final Balance**

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

Members will be aware that a refusal here would need to be followed by consideration of whether it would be expedient to issue an Enforcement Notice. That Notice would require cessation of the current use because that use is presently unauthorised. This will have a direct and substantial impact on the business. It would need to find alternative premises and that would carry a cost. It might also lead to cessation of the use and the associated loss of employment for eight people. On the other hand the further grant of permission would need to be subject to conditions that might render the continuing use unviable. Because of the possible substantial impacts of such a Notice, it is considered that the expediency of such action needs further assessment.

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

## **Recommendation**

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

## BACKGROUND PAPERS

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

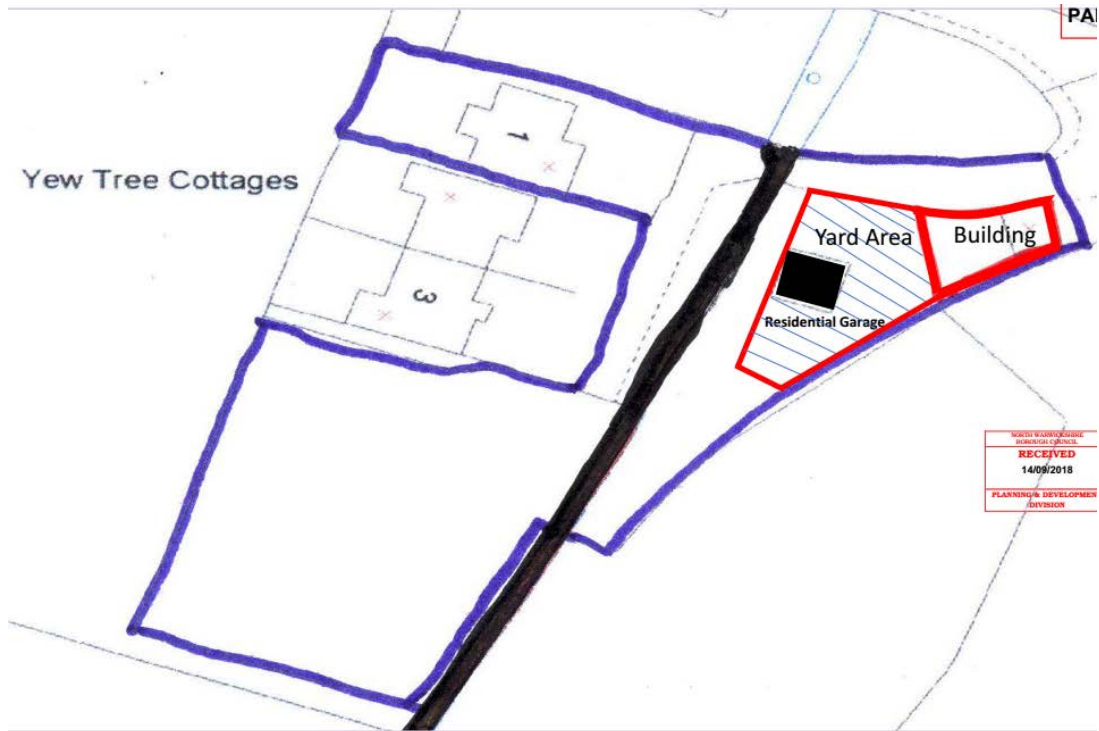
Planning Application No: PAP/2018/0538

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

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

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

# Appendix 1 - Plan



Appendix 2 – Photos







North Warwickshire  
Borough Council

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

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

Telephone: (01827) 715341  
Fax: (01827) 719225  
E Mail: [PlanningControl@NorthWarks.gov.uk](mailto:PlanningControl@NorthWarks.gov.uk)  
Website: [www.northwarks.gov.uk](http://www.northwarks.gov.uk)

Date: 11 November 2013

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

## DECISION NOTICE

Full Planning Application

Application Ref: PAP/2013/0440

---

**Site Address**

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

Grid Ref: Easting 421441.19  
Northing 293768.92

---

**Description of Development**

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

---

**Applicant**

Mr Maurice Kenna

---

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

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

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

**REASON**

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

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

**REASON**

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

Authorised Officer: 

Date: 11 November 2013



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

**REASON**

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

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

**REASON**

To prevent disturbance to the occupiers of nearby properties.

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

**REASON**

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

6. There should be no external storage whatsoever.

**REASON**

In the interests of the amenities of the area.

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

**REASON**

To protect the privacy of the occupiers of adjoining properties.

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

**REASON**

To protect the amenities of nearby residential property.

**INFORMATIVES**

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

Authorised Officer: 

Date: 11 November 2013

2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at [www.communities.gov.uk/publications/planningandbuilding/partywall](http://www.communities.gov.uk/publications/planningandbuilding/partywall).
3. Public footpath number T32 passes close to the site. Care should be taken, particularly during construction works, to ensure that this route is kept open at all times.
4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through discussions to resolve planning objections and issues and negotiations. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

#### APPEALS TO THE SECRETARY OF STATE

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

#### PURCHASE NOTICES

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

Authorised Officer: 

Date:

11 November 2013

**NOTES**

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

Authorised Officer: 

Date: 11 November 2013

Page 4 of 4

## **Appendix 4 – Business Case for the proposal from the applicant**

### **The Business, use of building and yard area:**

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

### **Commercial & industrial refrigeration and air conditioning repairs and service:**

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

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

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

### **Air Conditioning Installation:**

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

### **Deliveries:**

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

### **Use of the building:**

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

### **Use of the yard area**

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

**(10) Application No: PAP/2018/0663**

**Moor Farm Stables, Wall Hill Road, Corley, CV7 8AP**

**Demolition of existing indoor riding arena and its rebuilding at a lower level, together with engineering operations to lower the surrounding area, and new earth bunding and landscaping, for**

**Mrs L White**

**Introduction**

This application is reported to the Board at the discretion of the Head of Development Control in light of the Board's previous involvement in the site which includes enforcement action. Additionally, it is accompanied by a Section 106 Unilateral Undertaking.

The consultation period for receipt of comments expires between the date of publication of the Board agenda and the Board meeting. As a consequence there will be a verbal update at the meeting should any additional representations be received.

**The Site**

This is an established riding business on the north side of Wall Hill Road just west of its junction with Common Lane and opposite the Red Lion Public House. There is a range of stables here arising from the re-use of former agricultural buildings together with ancillary offices; amenity rooms, an outdoor menage, other paddocks and an indoor riding arena. The general layout is shown at Appendix A.

Moor Farm is a listed building.

**Background**

Planning permission was granted for a new indoor riding arena in 2014 to be located at the far western end of the existing range of buildings and beyond the menage. One of the key factors in the determination of that application was that the new building would be set down into the slope of the land through a "cut and fill" operation thus reducing its impact on the openness of the Green Belt; its visual impact and its impact on the residential amenity of neighbouring private residences to the south on the other side of Wall Hill Road. Unfortunately the building was not constructed in line with the approved plans – it was longer, but crucially it was not set down into the ground and thus was much "taller" than approved.

Attempts to resolve the situation were not successful and the Council considered that it was expedient to serve an Enforcement Notice requiring demolition of the building and re-instatement of the land. Notwithstanding an appeal, the Notice was confirmed, but with a longer compliance period – until 16 January 2019.

This current application is submitted in order that an indoor riding arena can be provided at the site as agreed in principle back in 2014, but to respect the reasons why the Notice was confirmed at appeal.

## **The Proposals**

It is proposed to demolish the whole building as required by the Notice and remove all of its foundations and service connections. It would then be rebuilt to the same dimensions as presently, but with less roof lights, some 6 metres to the north-west and on a new large depressed land platform. The whole of this platform would be surrounded by earth bunds which would be landscaped.

The proposal is best illustrated by comparing it with the existing situation on site. Appendix B is therefore attached. The top two sections here show the existing building and its relationship with the lane and the residential property opposite the site. There is also a comparison with that of the 2014 approved plans. In short the existing building is 3.4 metres taller than that approved. The bottom two sections show the proposed building – a full seven metres in height as at present – but set down by 2.2 metres below the existing floor level. The plans also illustrate the reduction in roof lights from 44 to 29. The building would not be used after 2200 hours.

The lowering of the land level here to accommodate the new building and the larger sunken surrounding area will be undertaken on site such that the material is re-used to form the quite substantial perimeter earth bunding. It is not proposed to export any material.

In the event of a planning permission being granted here and then the applicant not commencing on that permission for say a couple of years whilst retaining and using the existing building, the applicant has submitted a draft Unilateral Undertaking under Section 106 of the Planning Act. Herein he covenants to complete demolition and the new development within six months of the date of a planning permission.

## **Representations**

As indicated above, any representations received will be reported verbally at the meeting.

## **Development Plan**

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

## **Other Material Planning Considerations**

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

The Submitted Local Plan for North Warwickshire 2018 – LP1 (Sustainable Development); LP3 (Green Belt), LP16 (Natural Environment) and LP31 (Development Considerations)

## **Observations**

This is a fresh application and should first and foremost be treated on its own merits.

The planning background is a material planning consideration here and that will need to be weighed in the final planning balance. However that is not the starting point.

### **a) Green Belt**

The site is in the Green Belt. The construction of new buildings here is not appropriate development and thus it will harm the Green Belt by definition. That harm will carry significant weight to the extent that there is a presumption of refusal in this case.

There are exceptions defined in the NPPF as to when new buildings might be considered not to be inappropriate development. One of these is when the building is considered to be appropriate in connection with the existing use of the land for outdoor sport and recreation purposes. This might apply here. However the exception has two conditions attached – firstly that the building does not worsen the openness of the Green Belt and secondly, it has not to conflict within the five purposes of including land within it. The key test here is thus whether the building is an appropriate facility for use in connection with existing outdoor sports and recreation. It is considered that it is. The lawful use of the Moor Farm is as an equestrian centre and there is an established and successful equestrian use of the land here. That use can be considered to be an outdoor recreation activity. The building would widen and extend the business to enable whole year use of the site and also to enable some community and education groups, the opportunity to engage in the equestrian activity at the site. It is considered that there is a reasonable connection here with an established outdoor recreation use. It is then necessary to look at the two conditions. It has to be remembered that the existing building is unauthorised and therefore should not be used in any comparison when assessing the first of these conditions. The 2014 permission should neither be used as the building permitted then has not been constructed. The comparison is thus the situation prior to the 2014 permission. As Members are aware there is no definition of “openness” in the Green Belt, but in planning terms it is generally taken to mean the “absence of development”. The proposal introduces a significantly sized building into an open area of land with large scale associated earth works. There will thus be a spatial impact on the openness of the Green Belt by fact and by degree. The size of that building will also mean that it would have a visual aspect which would affect the perception of openness. In respect of the second condition then it is considered that of the five purposes outlined in the NPPF, the one purpose most affected here is whether the proposal would safeguard the countryside from encroachment. This would not be the case here as the land is already arguably agricultural land and agricultural buildings could be expected here. Moreover the 2014 proposal was not considered to conflict with this purpose and the current proposal is to be set down further. In all of these circumstances it is considered that the building, whilst an appropriate facility to be used in connection with an existing outdoor recreation facility does cause an adverse impact on the openness of the Green Belt. The proposal does not therefore meet the full definition as set out in the NPPF and thus the proposal is not appropriate development in the Green Belt. As a consequence there is significant harm caused to the Green Belt by definition.

Members should also assess the actual impact of the proposal on the Green Belt as opposed to this de-facto harm. The two most important attributes of the Green Belt are its openness and its permanence. Taking the first of these, then the site here is on raised ground and there are wide views out of and into the site particularly from the north. To the south the topography is constrained by built development and woodland. Because of the size of the whole proposal, there will be an impact on openness here as it will introduce significant development into an existing open setting. That impact is



mitigated in the proposal through the lowering of ground levels by 2.2 metres thus reducing the visibility of the new building and consequently its impact on the openness of the area. In other words it would be less visible and this would affect one's spatial awareness of the building. In respect of the second attribute of Green Belts, then the building is a permanent addition to the area and thus its impact will remain. However over time the new planting would add mitigate that impact. In all of these circumstances it is considered that the current proposal will cause less than significant actual harm to the Green Belt. In order to establish how much less than it is perhaps useful at this stage to see what past assessments have concluded in respect of actual harm. The original 2014 development proposal application was considered to cause limited harm and the appeal decision in respect of the existing situation, the Inspector found significant harm. The current proposal is set lower into the ground than the 2014 consent but the extent of earth works is greater. Given these assessments it is considered reasonable to conclude that the current proposal causes limited actual harm to the openness of the Green Belt here.

In conclusion therefore in respect of this section, the proposal is inappropriate development in the Green Belt and that causes significant harm. However the actual Green Belt is considered to be limited.

#### **b) Other Harm**

There several other impacts to assess.

As indicated above Moor Farm is a Grade 2 Listed Building. The Council has 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.

The exercise of this duty is outlined in the NPPF. In this case the significance in heritage terms of this listing is that it remains as an historic farm house within an agricultural setting and with an associated range of agricultural buildings all of which reflect the architectural characteristics of its age. The proposal will not directly impact on the special historic or architectural attributes or characteristics of Moor Farm. However the new building would be an extension to the range of buildings within its setting and there could be an impact here. It is considered that such an impact would be less than substantial given the distance from Moor Farm itself; the presence of intervening buildings and activity together with the proposal to lower the building. Also the bulk of the building works and the associated earthworks would all extend away from the Farm.

Notwithstanding this level of harm, it still has to be given great weight and that has to be placed in the final planning balance. Any public benefits arising from the proposal can then be added to that balance.

The proposal will be located on the opposite side of Wall Hill Road to private residential property. The original 2014 proposal was considered not to cause material visual impacts on residential amenity here due to the lowering of the building such that its ridge would not protrude too much above the adjoining hedgerow with its trees. The existing building does have a visual impact because of it not being lowered. The current proposal returns to the principle of the 2014 application. Indeed it goes further by lowering ground levels further. As such the current proposal in visual terms of impact on neighbours is considered to be better than the original application. The reduction in roof lights; the 2200 hour closure and that all activity associated with the new building would be on other side to Wall Hill Road also means that there would be no material adverse impacts arising from matters that could give rise to adverse residential amenity impacts.

The proposal includes substantial new earth mounding and tree planting. However in overall landscape terms this would not result in a material change in the character or appearance of the landscape hereabouts. The new tree planting would mitigate these overall scale of the works proposed and hence there is not considered to be harm caused here to the landscape.

There will be significant engineering work undertaken if this proposal is permitted. This is to take place on site without the need to export material and thus causing adverse traffic and highway impacts. Whilst the earth moving plant and equipment will need to be moved on to the site, it will remain there until the works are complete. There will however be noise impacts arising from the engineering works themselves. This can be mitigated through appropriate planning conditions.

### **c) The Harm Side of the Planning Balance**

In respect of the harm side of the planning balance here there is the significant Green Belt harm caused by this inappropriate development and the great weight that is afforded as a consequence of its heritage impact. However there is limited actual Green Belt and limited other harm.

### **d) The Applicants Planning Considerations**

The applicant has forwarded a number of considerations which he considers when treated cumulatively do carry the weight to clearly outweigh the harms caused and thus amount to the very special circumstances needed for the proposal to be supported.

The first of these is that one of the “beneficial” uses of the Green Belt as outlined in the NPPF is to provide opportunities for outdoor sport and recreation. The applicant argues that this proposal falls into such a category. As indicated above it is agreed that the proposal is an appropriate facility to be used in connection with a lawful outdoor recreation use. As such this consideration will carry significant weight.

The second is that there is a public benefit here not only in the provision of the facility in general terms but also in its social and educational benefits given the wide range of customers who use the present facility. The building is said to be “essential” for the continuation of these benefits and such a consideration should carry moderate weight.

The third is that a planning permission has already been granted here in 2014 for an equivalent building. The point to be made by him is that the principle of such a building in this Green Belt location has already been accepted. As there has been no material change in Green Belt planning policy since 2014, either with the introduction of the new NPPF or on the Submitted Local Plan, then he argues that the principle remains intact.

It is agreed that this is a material consideration and that as such it will carry significant weight.

Fourthly, he argues that the current proposal addresses the issues that were behind the service of the Enforcement Notice – namely it materially reduces the impact of the development on the openness of the Green Belt. As considered above this is agreed and thus this consideration will carry significant weight.

Finally the applicant has submitted a Unilateral Undertaking committing to an early and swift implementation and completion of any permission granted. This is significant as it ensures that the Council can enforce that Undertaking through the Courts rather than the planning process and it provides a significant re-assurance that the requirements of the Notice will not be “postponed” until the applicant decides to implement the planning permission.

When treated cumulatively, it is considered that these matters carry substantial weight.

#### **e) The Planning Balance**

The final assessment is thus to balance the harm side of the case here against the considerations put forward by the applicant. If these considerations “clearly” outweigh the total level of harm caused then they will amount to the very special circumstances necessary to support the application.

There is harm caused here but crucially the actual Green Belt harm is limited and there is less than substantial harm to the nearby heritage asset. The cumulative weight to be given to the appellant’s case is substantial and this points to the conclusion that the proposal can be supported. Confirmation of this is considered to lie in the planning background to this case. The principle of a building here has already been agreed and it is the detail of how that is achieved that has been the issue. This proposal is considered to best achieve that outcome.

Give the submission of a Unilateral Undertaking and the position in respect of the Enforcement Notice requirements it is considered that rather than condition commencement to the standard three years here, that should be reduced to within twelve months.

#### **Recommendation**

That, subject to the satisfactory completion of the Unilateral Undertaking and provided no objections are received before the expiry of the consultation period that cannot be resolved through planning conditions and in consultation with the Chairman and Vice-Chairman, the Council is minded to **GRANT** planning permission subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of one year from the date of this permission.
2. Standard Plan Numbers – 978/02C; 03C and 04B
3. Within three months of the date of this permission, full details of the landscaping proposed shall be submitted for approval to the Local Planning Authority. The approved details shall then be implemented within the next planting season following approval.

#### **REASON**

In the interests of the visual amenities of the area

4. No tannoy, public address system or external lighting shall be installed within or on the building hereby approved until such time as details have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

REASON

In the interests of the amenities of the area.

5. The building hereby approved shall not be used for any purpose whatsoever beyond 2200 hours on any one day.

REASON

In the interests of the amenities of the area.

6. All construction work associated with the implementation of this permission, including all demolition works and earth works shall only take place between 0800 and 1800 hours on Mondays to Fridays; between 0800 and 1300 hours on Saturdays with no work whatsoever on Sundays and Bank Holidays

REASON

In the interests of the amenities of the area.

Notes

The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through pre-application engagement and the issue of a speedy decision.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0663

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	16/11/2018

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

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



**APPENDIX A**

03 The drawing is copyright. DO NOT SCALE FROM THIS DRAWING. Dimensions to be checked on site and to be made to correspond with all other drawings and information in connection with the scheme. Any discrepancies to be reported to Callingham Associates Limited in writing prior to works commencing. No use without written permission from Callingham Associates Limited.

**PAP/2018/0663**



Callingham Associates  
 12508-A1 Drive  
 Wall Hill, Walsby, Lincolnshire  
 LN25 9JH  
 01509 420000  
 www.callingham.co.uk

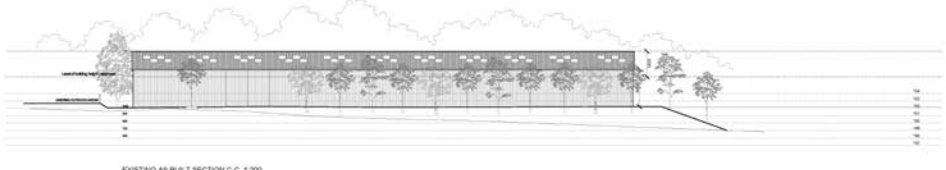
**RECEIVED**  
**13/11/2018**  
 PLANNING & DEVELOPMENT  
 SERVICE

**PROPOSED LOWERING OF ROOF TO EQUINE PRACTICE ARENA MOOR FARM STABLES WALL HILL RD CORLEY MOOR LIZ WHITE**

**LOCATION PLAN**  
 Scale: 1:1250 @ A1 Date: 23.05.17 Drawn by: 90  
 978.04B checked by: LC

**APPENDIX B**    **PAP/2018/0663**

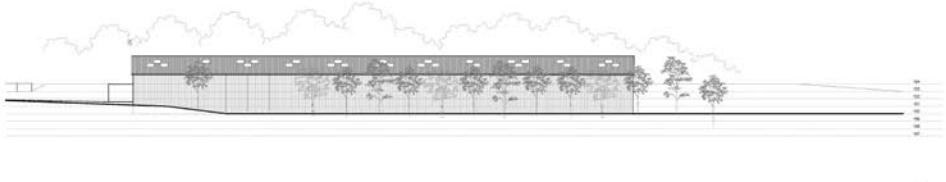
03 The drawing is copyright. DO NOT SCALE FROM THIS DRAWING. Dimensions to be checked on site and to be made to correspond with all other drawings and information in connection with the scheme. Any discrepancies to be reported to Callingham Associates Limited in writing prior to works commencing. No use without written permission from Callingham Associates Limited.



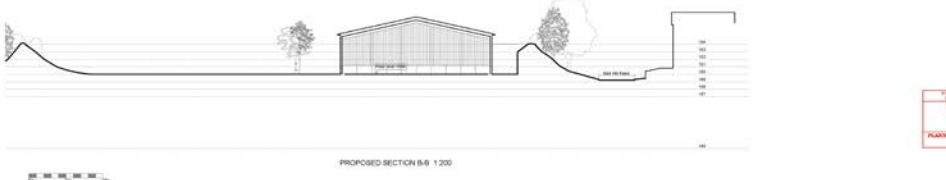
EXISTING AS BUILT SECTION C-C 1:200



EXISTING AS BUILT SECTION B-B 1:200



PROPOSED SECTION C-C 1:200



PROPOSED SECTION B-B 1:200



Callingham Architects  
 12508-A1 Drive  
 Wall Hill, Walsby, Lincolnshire  
 LN25 9JH  
 01509 420000  
 www.callingham.co.uk

**RECEIVED**  
**07/11/2018**  
 PLANNING & DEVELOPMENT  
 SERVICE

**PROPOSED LOWERING OF ROOF TO EQUINE PRACTICE ARENA MOOR FARM STABLES WALL HILL RD CORLEY MOOR LIZ WHITE**

**EXG & PROPOSED SECTIONS/ELEVATIONS**  
 Scale: 1:250 @ A1 Date: 15.05.17 Drawn by: AMC  
 978.03C checked by: xx

**(11) Application No: PAP/2018/0668**

**Land South Of Dairy House Farm, Spon Lane, Grendon,**

**Installation of 300mm land drain, for**

**Bellway Homes West Midlands**

## **Introduction**

This application is referred to the Board in view of the background to the proposed work at the discretion of the Head of Development Control.

## **The Site**

This is land on the extreme eastern boundary of the recently completed Bellway Homes development to the rear of established residential properties fronting Spon Lane and to the south of Dairy House Farm in Grendon.

The site is illustrated at Appendix A.

## **Background**

Outline planning permission for this new estate was granted at appeal in 2014. Bellway Homes acquired the site with the benefit of that permission and duly submitted an application for reserved matters in order to agree the detailed layout and appearance of the development along with details to discharge conditions attached to that outline. One of those conditions – number seven - required the approval of surface water drainage and disposal. The reserved matters were subsequently approved as were the details to discharge the conditions, including those for number seven. Bellway Homes then undertook the implementation of these permissions and the estate is now completed and occupied.

It became apparent in the early Spring of this year that substantial flooding incidents were occurring on site – particularly at the extreme southern end of the site. It appeared to drainage engineers from the County Council as the Lead Local Flood Authority that the drainage works as approved may not have been implemented in line with the approved arrangements and that ground water from the adjoining higher land to the east and to the south was not being “captured” and was thus naturally flowing onto the estate causing substantial damage to private residential property. Whilst Bellway Homes has undertaken some remedial work to individual property, the longer term issue remains – namely the response needed for excessive storm events and thus the longer term picture.

Discussions between the County Council drainage engineers and Bellway Homes have now resulted in a proposal for a new drain to be installed so as to capture the water and to discharge that flow into the highway ditch in Spon Lane.

## **The Proposals**

As outlined above, this is the construction of a new 300mm perforated land drain with fifteen catch pits, running the full length of the eastern boundary of the new estate and then around the existing balancing pond at the northern end of the site to discharge into

the highway ditch alongside Spon Lane. The most substantial of the catch pits and associated works will be at the extreme southern end of the proposed drain.

The proposals do not discharge into the existing balancing ponds at the northern end of the site because of its design limitations and because Severn Trent Water would not accept land drainage being discharged into them. The discharge point therefore has to be into another receiving watercourse which is the highway ditch in Spon Lane and its route follows that of the existing Bellway drains.

The plan at Appendix B illustrates the route of the drain.

### **Consultations**

Warwickshire County Council as Flood Authority – The proposed scheme has been designed in consultation with the County engineers and thus no objection is anticipated. This is evidenced by consultation exchanges, but the final response is still awaited at the time of writing this report.

### **Representations**

None received at the time of writing this report.

### **Development Plan**

The Core Strategy 2014 – NW1 (Sustainable Development) and NW10 (Development Considerations)

### **Other Material Planning Considerations**

The National Planning Policy Framework

The Submitted Local Plan for North Warwickshire 2018 – LP1 (Sustainable Development) and LP31 (Development Considerations)

### **Observations**

The application is a direct consequence of the need to install a satisfactory drainage mitigation measure, so as to prevent continued flooding of the residential estate by ground water originating off-site. In essence a new land drain is to be added at the bottom of the slope dividing the site from land to the east in order to capture that ground water and to discharge the flow into the existing highway ditch in Spon Lane. The drain is a single piece of engineering in that it does not connect to existing drains or to the associated existing balancing ponds. It has been designed in consultation with the appropriate engineers from the Flood Authority.

In all of these circumstances the proposals are supported.



## **Recommendation**

That subject to there being no objection from the County Council as Lead Local Flood Authority, planning permission be **GRANTED** subject to the following conditions:

1. Standard Three year condition
2. Standard Plan numbers condition – ENG/100A and 101A

Together with conditions requested by the County Council

### Notes:

The Local Planning Authority has met the requirements of the NPPF in this case through responding to technical consultation responses in the issue of a speedy decision.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0668

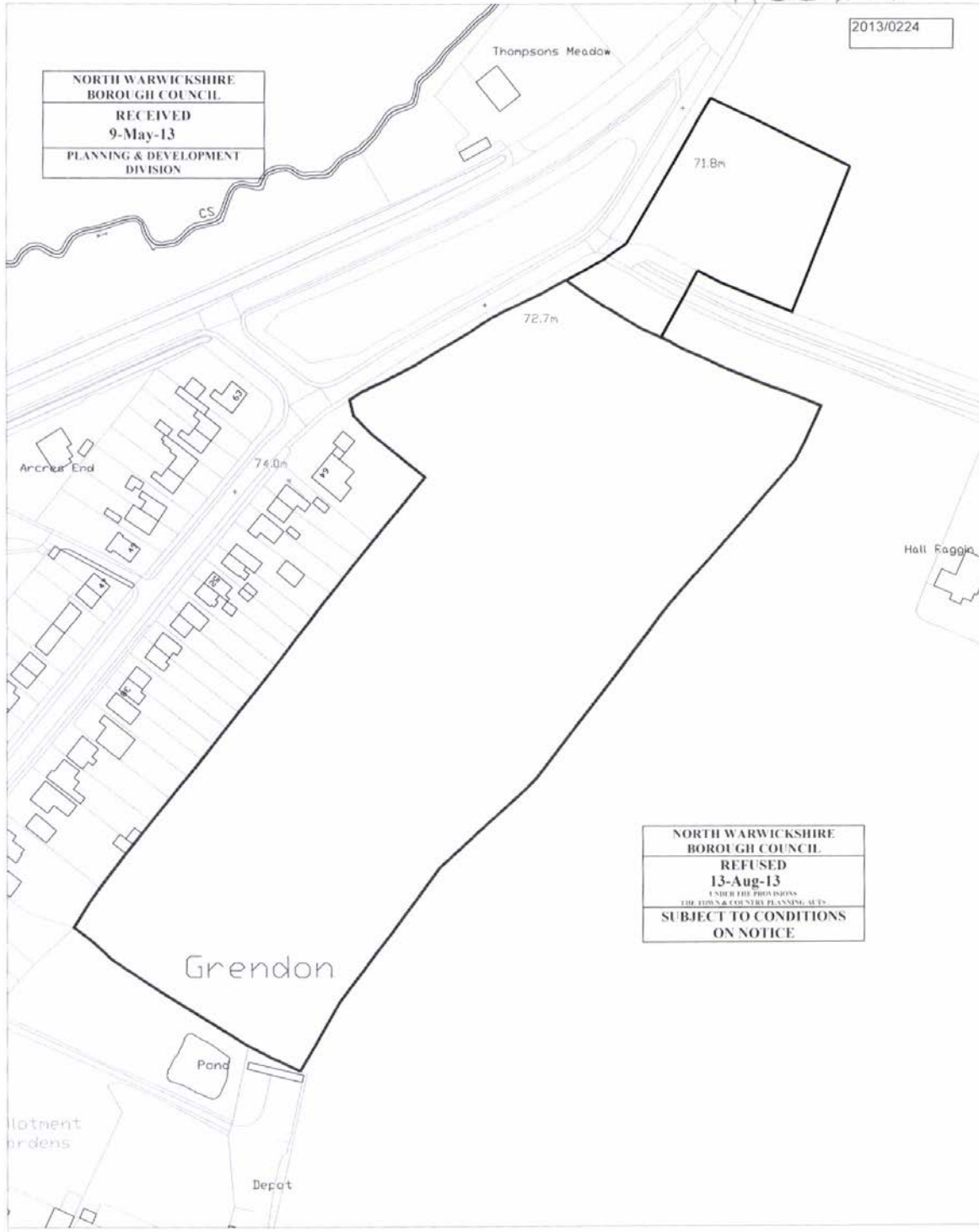
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	8/11/2018
2	Case Officer	E-mail	19/11/2018
3	WCC Flooding	Consultation	21/11/2018
4	Applicant	E-mail	26/11/2018
5	WCC Flooding	Consultation	27/11/2018
6	Applicant	E-mail	27/11/2018
7	Applicant	E-mail	27/11/2018
8	Applicant	E-mail	28/11/2018

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

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

2013/0224

NORTH WARWICKSHIRE  
BOROUGH COUNCIL  
RECEIVED  
9-May-13  
PLANNING & DEVELOPMENT  
DIVISION



NORTH WARWICKSHIRE  
BOROUGH COUNCIL  
REFUSED  
13-Aug-13  
UNDER THE PROVISIONS  
OF THE PLANNING ACT 1990  
SUBJECT TO CONDITIONS  
ON NOTICE

- Site boundary (5.24ha)
- Additional land required for drainage (0.45ha)



Grendon		
SITE BOUNDARY		
DATE	BY	<small>node Planning &amp; Development North Warwickshire Borough Council Leamington Spa CV32 3JH</small>
08/04/2013	02/08/2013	
CERPL2013GRE001	1	



**(12) Application No: PAP/2018/0686**

**Kingsbury Hall, Coventry Road, Kingsbury,**

**Hybrid planning application comprising:**

- 1) Full planning application for the restoration and conversion of Kingsbury Hall and outbuildings to A3, C1 and D2 use classes;**
- 2) Outline planning application (all matters reserved except access) for a high dependency care centre of up to 4565 square metres (use class C2) and**
- 3) 81 dwellings for the over 55's (use class C3) for**

**Kingsbury Hall Developments Ltd**

**Introduction**

This application is reported to the Board for information at this time in view of the Board's previous interest in the site; its inclusion on the Historic England's Building at Risk register and the significant heritage and planning issues involved. The purpose of the report is to outline the proposal; the relevant Development Plan policies and other material planning considerations.

The proposal also constitutes a departure from the Development Plan because of its scale within the Green Belt. As such it falls within the scope of the 2009 Direction. In other words if the Board is minded to support the proposal it would need to be referred to the Secretary of State to see if he wishes to call-in the application for his own decision following a Public Inquiry. The Board is free to refuse planning permission without the need for referral.

In view of its significance and in order to appreciate the works undertaken to the Hall under previous planning permissions, it is recommended that a site visit be undertaken prior to determination.

**The Site**

Kingsbury Hall comprises the Hall itself together with a range of outbuildings, a bungalow and the remains of a former Hall in the form of 14<sup>th</sup> Century curtain walling. It is located to the far west of Kingsbury accessed off a private road running between the Recreation Ground and a collection of residential properties. The access runs from the Coventry Road in the centre of the settlement. It also hosts a public right of way leading from the village to the Kingsbury Water Park. The Hall and its grounds are at a much higher level than land further to the west as it stands on the River Tame cliff bluff and overlooks the Kingsbury Water Park. The application site itself includes open agricultural land to the north of the Hall between that bluff and the playing fields of Kingsbury School right up to the residential property in Bromage Avenue. A further footpath runs north/south along the site boundary here.

The whole site is shown at Appendix A.

The Hall is a Grade 2 star Listed Building and is included in Historic England's Buildings at Risk register. It also sits within a Scheduled Ancient Monument site. To the south is the Kingsbury Conservation Area which includes St Peters and St Pauls Church.

## **Background**

The Hall has remained on the Buildings at Risk register for some time, so when its ownership changed hands some time ago there was renewed interest in seeking a viable use for the building. That resulted in the grant of planning permission and Listed Building Consents in 2009 for its conversion to nine apartments; conversion of some of the outbuildings to seven residential units, demolition of the bungalow, the construction of a new residential block comprising thirteen units and repairs to the curtain walling and other parts of the former Hall.

These consents were partly taken up in that substantial repair and refurbishment was undertaken to the Hall together with work to the curtain walling. These works were treated as a priority in view of the significance of the heritage asset here. There were some minor amendments agreed to the refurbishment work, but essentially work ceased following this repair stage and the full implementation of the uses as permitted has not taken place.

Members will recall that the proposals were dealt with as an “enabling” development. In other words the viability of repairing, refurbishing and converting the Hall for an appropriate use as well as undertaking repairs to the curtain wall and Ancient Monument would not be viable on its own. This “conservation deficit” could only be achieved or enabled through the inclusion of the new build. That new build would not normally have been supported had it not been linked to the refurbishment scheme, as it is located in the Green Belt.

The approved layout is shown at Appendix B and the elevations for the new build are at Appendix C.

## **The Proposals**

As described in the header there are three parts to the overall proposal. The overall objective is to bring the Hall back into a viable use. Again this application is to be treated as an “enabling development”. At this time, rather than implement the development approved in 2009, a different concept for the future of the Hall is envisaged. In this case the Hall becomes part of a whole new scheme for an enlarged site. The proposed development comprises a high-dependency care centre and 81 residential dwellings for the over 55’s as well as the conversion of the Hall and some of the outbuildings to uses within classes A3 (restaurant and café), C1 (guest house) and D2 (assembly and leisure). The proposals involve demolition of three of the existing outbuildings at the Hall as well as the bungalow, leaving three to be converted.

A fuller description of this summary is provided by the applicant at Appendix D.

A plan illustrating the overall site layout is at Appendix E

The existing layout of the area around the Hall and its outbuildings is at Appendix F with the proposed layout for this part of the site at Appendix G.

The existing and proposed elevations for the Hall are at Appendices H to K.

The proposed appearance of the converted outbuildings is at Appendix L.

An illustration of the possible new build houses is at Appendix M

The application is accompanied by a number of supporting documents

A preliminary Ecological Assessment has been undertaken for the whole site and its Non-Technical Summary is as Appendix N.

A preliminary Bat Roost Assessment was also undertaken and the summary of the findings is at Appendix O.

A Heritage Assessment of the Hall and its outbuildings has been submitted and is provided in full at Appendix P.

A Heritage Assessment of the impact of the new development is at Appendix Q.

A Landscape and Visual Appraisal has been undertaken. Its summary is attached at Appendix R

A Transport Statement concludes that because of the nature of the proposal the traffic impact would not be material. There would be improvements to the existing access road – widening and the provision of a footpath – together with barriers closer to the Hall to restrict unauthorised access to the Hall and beyond. Road Safety Audits have been completed for these arrangements.

A Drainage Assessment finds that the below ground conditions here are unlikely to support infiltration systems so on-site surface water storage is recommended with discharge to the River Tame. Foul water will need to be drained to a central pumping station which then pumps the water to a public foul water sewer located behind the White Swan Public House.

A Statement of Community Involvement describes the applicant's engagement with the local community prior to submission of the application. In particular it describes a consultation event held in the Kingsbury Methodist Church Hall in October 2018, which 68 people visited. In general terms the applicant considered that there was support for the overall objective here particularly in the refurbishment of the Hall.

Two Design and Access Statements – one for the Kingsbury Hall proposals and the second for the new development to the north - describe how the approach to design, layout and appearance has have been arrived at. The second one refers to how the scale of the development has been mitigated through making use of existing levels and through the approach to the design.

Finally a Planning Statement draws the applicant's case together and sets it in the context of the Development Plan and other material planning considerations.

## **Development Plan**

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (green Belt), NW5 (Split of Housing Numbers); NW6 (Affordable Housing), NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW15 (Nature Conservation)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage), ENV16 (Listed Buildings), HSG3 (Development Outside of Development Boundaries), HSG5 (Special Needs Accommodation), TPT 1 (Transport Considerations), TPT2 (Traffic Management), TPT3 (Sustainable Transport) and TPT (Vehicle Parking)

### **Other Material Planning Considerations**

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

The Submitted Local Plan for North Warwickshire 2018 – LP1 (Sustainable Development); LP2, Settlement Hierarchy), LP3 (Green Belt), LP7 (Housing Development), LP9 (Affordable Housing Provision), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP24 (Recreational Provision), LP25 (Transport Assessment), LP31 (Development Considerations), LP32 (Built Form) and LP36 (Parking)

The North Warwickshire Landscape Character Assessment 2010

Historic England’s Buildings at Risk Register 2018

“Enabling Development and the Conservation of Significant Places” – Historic England The Town and Country Planning (Consultation) (England) Direction 2009

### **Observations**

This major and significant application will need to be assessed afresh. Whilst the previous permissions here are material planning considerations to be weighed in the final planning balance, they are not the “starting-point” for the assessment because the current set of proposals is materially different by fact and by degree.

The determination report that is brought to the Board following consideration of the proposals with the benefit of all of the appropriate consultation responses and the representations received from the community will follow the familiar approach of dealing with the planning balance. It will firstly decide whether the development is appropriate or not appropriate development in the Green Belt. Given that the proposal involves new buildings, it is highly likely that that it will be found to be not appropriate development. Clearly though, all of the exceptions as set out in the NPPF will need to be explored. If it is found to be not appropriate then the nature of that planning balance changes.

Members will be familiar with the need in these circumstances to assess what the degree of actual Green Belt harm is caused, together with any other harm that might be caused. In this case there are material considerations of substance to consider here – heritage and visual impacts as well as highway and drainage considerations. The cumulative weight given to the harm side of the planning balance will thus be established.

On the other side of the balance, Members will be asked to consider what weight should be given to the applicant’s case. In summary, the focus of this is to find a sustainable and viable use for the future of the Hall. Other considerations include the need for the



type of residential accommodation being proposed and the previous grants of permission here for an enabling development.

The Board's final assessment of this balance will have to conclude whether the applicant's case and the public benefits of his proposal are found to "clearly" outweigh the cumulative level of Green Belt and other harm likely to be caused. If the Board finds that it is, then it can support the proposals as there would be the "very special circumstances" necessary to evidence that support.

### **Recommendation**

That the Board notes the receipt of the application and undertakes a site visit prior to determination

## BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0686

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	19/11/2018

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

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



North Warwickshire Borough Council  
RECEIVED  
19/11/2018  
PLANNING & DEVELOPMENT  
DIVISION

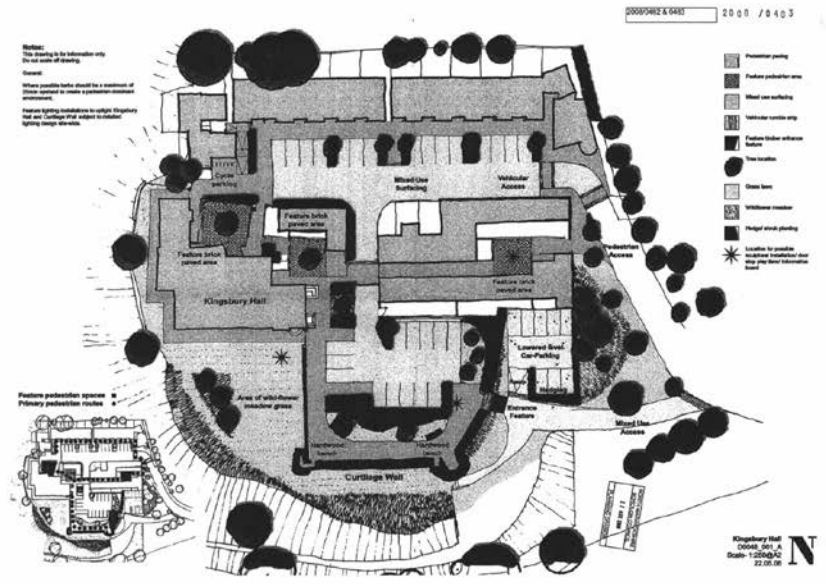
By: [Signature]  
Date: 19/11/2018, Checked by: [Signature]  
By: [Signature]  
Date: 19/11/2018, Checked by: [Signature]  
By: [Signature]  
Date: 19/11/2018, Checked by: [Signature]

FOR PLANNING

Project:  
KINGSBURY HALL RETIREMENT AND  
CARE VILLAGE  
Client:  
KINGSBURY HALL DEVELOPMENT LTD  
& DAVID PEARCE  
Site No:  
SW/12 SV 3.001 B  
Drawing No:  
EXISTING LOCATION PLAN  
Date:  
11/25/09 AJZ



APPENDIX B



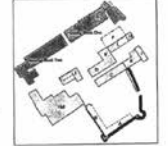
NORTH WARWICKSHIRE  
BOROUGH COUNCIL  
APPROVED  
May 06, 2009  
FOR THE PROVISION  
OF THE HALL AND CARE VILLAGE  
SUBJECT TO CONDITIONS  
ON NOTICE

# APPENDIX C

2008/0922

DO NOT SCALE THE DRAWING OR DIMENSIONS ONLY  
 MUST BE REFERRED TO THE DRAWING EXAMINERS REPORT  
 FOR A FULL EXPLANATION

SCALE: 1:100



NO.	DESCRIPTION
1	HOUSING BLOCK ONE
2	HOUSING BLOCK TWO
3	HOUSING BLOCK THREE
4	HOUSING BLOCK FOUR
5	HOUSING BLOCK FIVE
6	HOUSING BLOCK SIX
7	HOUSING BLOCK SEVEN
8	HOUSING BLOCK EIGHT
9	HOUSING BLOCK NINE
10	HOUSING BLOCK TEN



NORTH WARWICKSHIRE  
 BOROUGH COUNCIL  
 APPROVED  
**May 06, 2009**  
 (UNDER A TIME PROVISION)  
 SEE DRAWING 01/002 FOR APPROVAL SETS  
 SUBJECT TO CONDITIONS  
 ON NOTICE

NO.	DESCRIPTION	DATE	BY
1	PLANNING APPLICATION NO 1	5	24/03/09
2	PLANNING APPLICATION NO 2	5	24/03/09
3	PLANNING APPLICATION NO 3	5	24/03/09
4	PLANNING APPLICATION NO 4	5	24/03/09
5	PLANNING APPLICATION NO 5	5	24/03/09
6	PLANNING APPLICATION NO 6	5	24/03/09
7	PLANNING APPLICATION NO 7	5	24/03/09
8	PLANNING APPLICATION NO 8	5	24/03/09
9	PLANNING APPLICATION NO 9	5	24/03/09
10	PLANNING APPLICATION NO 10	5	24/03/09

Client: Mr. Ian. Fry

Project: Kingsbury Hall, Kingsbury

Proposed: Residential

Housing Block One and Two

Scale: 1:100 (A3)

Date: 24/03/09

Drawn: J. Fry

Checked: J. Fry

04\_022 1:100 (up A3)

## Land at Kingsbury Hall, Kingsbury, North Warwickshire

### Planning Statement



#### High Dependency Care Centre

- 2.2.2. The proposed development comprises a high-dependency care centre of up to 4,565sqm, which makes provision for 120 beds. The centre would provide accommodation and 24 hour care to the frail elderly. This element of the proposed development therefore falls under use class C2.
- 2.2.3. The care centre would be a maximum of 4 storeys in height and would include one level of basement car parking (see drawing DD.3.010). The wing closest to the river will be limited to 3 storeys. The centre would also provide further parking for staff and visitors situated in the north east corner of the site. The total number of car parking spaces to be provided at the centre would be 36 spaces.

#### Elderly Housing

- 2.2.4. The proposed development will include independent living accommodation for people over the age of 55. This provision would include 39 independent living apartments, which would be no more than 3 storeys in height, with a maximum height of 11.2m from ground level to roof ridge level. Apartments are expected to be of 1 – 2 bedrooms in size (to be finalised at the reserved matters stage). These apartments are proposed to be located within the north area of the site alongside the west boundary and will include a single storey of basement parking. 42 independent living houses, of 2 storeys in height (maximum height of 8.5m from ground level to roof ridge level) and expected to be of 1 – 2 bedrooms, are also proposed. The 2 storey housing element of the proposed development would be located in the lower end of the site closer to the site access.
- 2.2.5. The proposed development would also make provision for areas of public open space, leisure equipment (for example an outdoor gym and tennis courts), as well as potential for roof gardens on the care centre and independent living/extra care apartment block. 2 parking spaces per dwelling would be provided.

#### Conversion of Kingsbury Hall

- 2.2.6. The proposed development also seeks to secure the long-term viable use of Kingsbury Hall. It is therefore proposed to convert the Hall, as well 3 outbuildings for use classes A3, C1 and D2. These proposed uses are summarised as follows:
- Use Class A3 – It is proposed that one of the outbuildings (outbuilding 'D' on drawing DD3.170) will be converted to community use and also a potential café room. Alternatively, should this outbuilding be utilised for community use, it is also proposed that the ground floor of Kingsbury Hall will potentially be utilised as a café room instead.
  - Use Class C1 – It is proposed that Kingsbury Hall include 3 apartments for the purpose of providing short stay accommodation for visitors to the care centre or staff. The apartments are for short stay only and not for permanent living.

## Land at Kingsbury Hall, Kingsbury, North Warwickshire

### Planning Statement

---



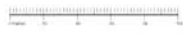
- Use Class D2 – It is also proposed to convert Kingsbury Hall to make it suitable to accommodate community facilities. Such use would utilise an area of open space adjoining the Hall to the south east, within the curtain walls, for use as community amenity space. Additionally, a retained outbuilding to the east of the Hall is proposed to be converted for potential community use / café room.

2.2.7. The proposed uses for Kingsbury Hall have been informed by a feedback received at a public consultation event held at Kingsbury Methodist Church on Saturday 6<sup>th</sup> October. Visitors to the event were encouraged to provide their views on potential suitable uses for the Hall and outbuildings. The feedback received has shown the members of the community felt that the Hall should be used as a space for community activities, as well as a cafe. Strong positive feedback was provided to the principle of the proposed development with 81% of respondents stating that they 'strongly agree' or 'agree' that Kingsbury Hall and surrounding grounds should be restored as per the proposals and that the proposed care village would be great addition to the community of Kingsbury. Further details of the event and feedback received are provided in the Statement of Community Involvement.



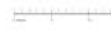
RECEIVED  
19/11/2018  
PLANNING & DEVELOPMENT  
DIVISION

FOR PLANNING  
KINGSBURY HALL RETIREMENT & CARE VILLAGE  
KINGSBURY HALL DEVELOPMENT LTD  
5 DALS WALK  
SUNNY  
DD3 3JF  
ILLUSTRATIVE MASTERPLAN  
1:2500 @ A2  
APEC Architects



RECEIVED  
19/11/2018  
PLANNING & DEVELOPMENT  
DIVISION

FOR PLANNING  
KINGSBURY HALL DEVELOPMENT LTD  
5 DALS WALK  
SUNNY  
DD3 3JF  
ILLUSTRATIVE MASTERPLAN  
1:2500 @ A2  
APEC Architects



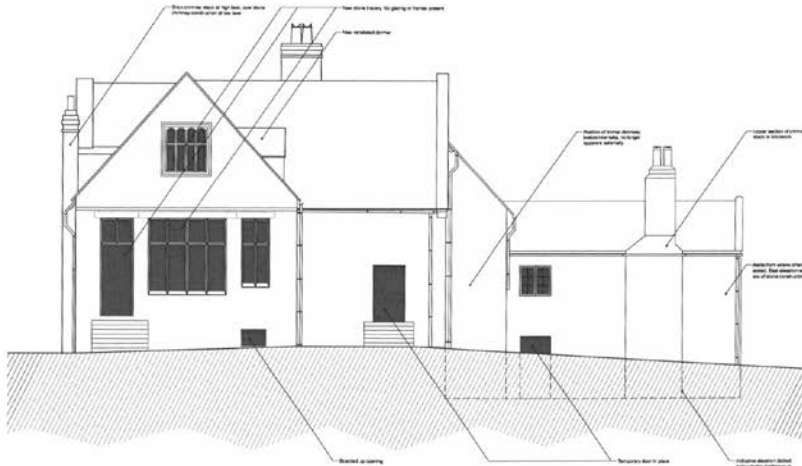






PAP/2018/0686

All drawings and designs herein are the copyright of APEC Architects and must not be copied without the expressed written permission of the company.  
This drawing should not be scaled from. All dimensions must be checked on site and any discrepancies reported to the designers before proceeding.



RECEIVED  
18/11/2018  
PLANNING & DEVELOPMENT  
SECTION

Revisions:  
A - 22/10/18, Drawn by: JPF, Checked by: MEP FOR PLANNING  
P - 20/06/18, Drawn by: JPF, Checked by: MEP FIRST ISSUE

FOR PLANNING

Project: KINGSBURY HALL  
Client: KINGSBURY HALL DEVELOPMENT LTD & IAN FRAY

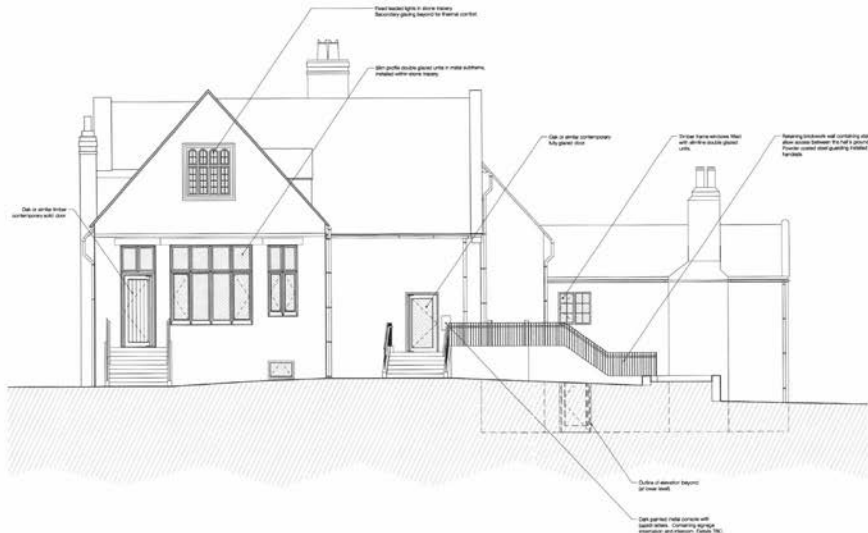
Job Number: 52801 Drawing Number: SV 3.350 Revision: A

Drawing Title: EAST ELEVATION - EXISTING  
Scale: 1:100 @ A3



PAP/2018/0686

All drawings and designs herein are the copyright of APEC Architects and must not be copied without the expressed written permission of the company.  
This drawing should not be scaled from. All dimensions must be checked on site and any discrepancies reported to the designers before proceeding.



RECEIVED  
18/11/2018  
PLANNING & DEVELOPMENT  
SECTION

Revisions:  
A - 22/10/18, Drawn by: JPF, Checked by: MEP FOR PLANNING  
P - 20/06/18, Drawn by: JPF, Checked by: MEP FIRST ISSUE

FOR PLANNING

Project: KINGSBURY HALL  
Client: KINGSBURY HALL DEVELOPMENT LTD & IAN FRAY

Job Number: 52801 Drawing Number: DD 3.350 Revision: A

Drawing Title: EAST ELEVATION - PROPOSED  
Scale: 1:100 @ A3



PAP/2018/0686

APPENDIX J

All drawings and designs herein are the copyright of APEC Architects and must not be copied without the expressed written permission of the company.  
This drawing should not be scaled from. All dimensions must be checked on site and any discrepancies reported to the designers before proceeding.

NOTES / KEY



NORTH WARWICKSHIRE  
BOROUGH COUNCIL  
**RECEIVED**  
**19/11/2018**  
PLANNING & DEVELOPMENT  
DIVISION

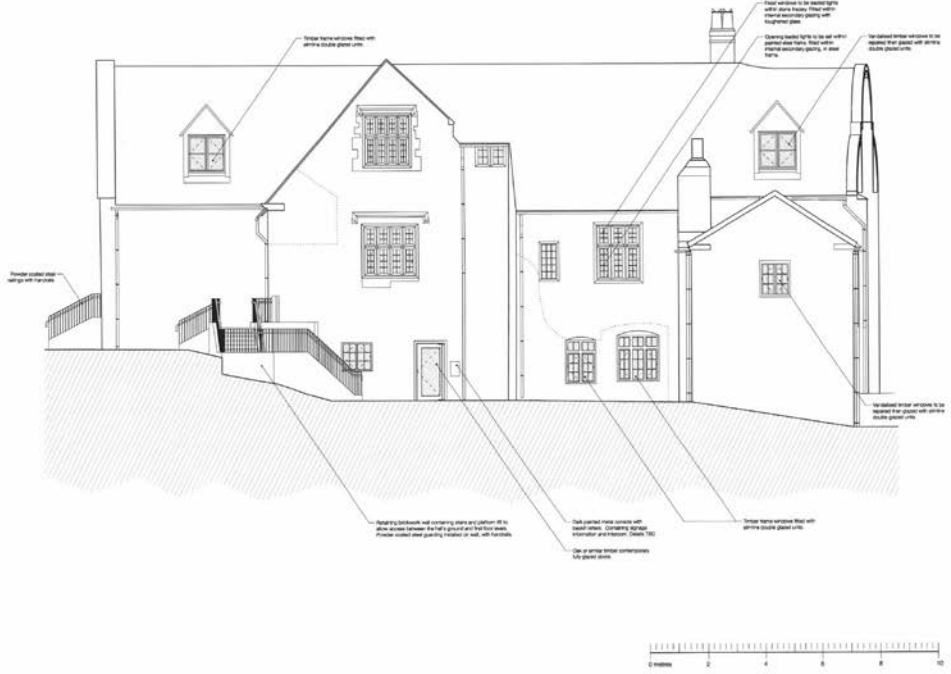
Revisions  
A - 22/10/18, Drawn by: JDP, Checked by: MFP FOR PLANNING  
J - 20/09/18, Drawn by: JDP, Checked by: MFP FIRST ISSUE

**FOR PLANNING**  
Project:  
KINGSBURY HALL  
Client:  
KINGSBURY HALL DEVELOPMENT LTD & IAN FRAY  
Job Number: SV 3.352 Revision: A  
Drawing Title: NORTH ELEVATION - EXISTING  
Scale: 1:100 @ A3  
**APEC Architects**  
111 The Custom Farm, 128B Street, Birmingham B36 4JH, UK  
info@apecarchitects.com

PAP/2018/0686

All drawings and designs herein are the copyright of APEC Architects and must not be copied without the expressed written permission of the company.  
This drawing should not be scaled from. All dimensions must be checked on site and any discrepancies reported to the designers before proceeding.

KEY



NORTH WARWICKSHIRE  
BOROUGH COUNCIL  
**RECEIVED**  
**19/11/2018**  
PLANNING & DEVELOPMENT  
DIVISION

Revisions  
A - 22/10/18, Drawn by: JDP, Checked by: MFP FOR PLANNING  
J - 20/09/18, Drawn by: JDP, Checked by: MFP FIRST ISSUE

**FOR PLANNING**  
Project:  
KINGSBURY HALL  
Client:  
KINGSBURY HALL DEVELOPMENT LTD & IAN FRAY  
Job Number: DD 3.352 Revision: A  
Drawing Title: NORTH ELEVATION - PROPOSED  
Scale: 1:100 @ A3  
**APEC Architects**  
111 The Custom Farm, 128B Street, Birmingham B36 4JH, UK  
info@apecarchitects.com

PAP/2018/0686

All drawings and designs herein are the copyright of APEC Architects and must not be copied without the expressed written permission of the company.  
This drawing should not be scaled from. All dimensions must be checked on site and any discrepancies reported to the designers before proceeding.



NORTH WARWICKSHIRE  
BOROUGH COUNCIL  
**RECEIVED**  
19/11/2018  
PLANNING & DEVELOPMENT  
DIVISION

Revisions  
A - 22/10/18, Drawn by: JDF, Checked by: MEP  
FOR PLANNING  
J - 28/08/18, Drawn by: JDF, Checked by: MEP  
FIRST ISSUE

**FOR PLANNING**

Project:  
KINGSBURY HALL  
Client:  
KINGSBURY HALL DEVELOPMENT LTD  
& IAN FRAY  
Job Number: SV 3.353 Revision:  
52801 A  
Drawing Title:  
WEST ELEVATION - EXISTING  
Scale:  
1:100 @ A3



PAP/2018/0686

All drawings and designs herein are the copyright of APEC Architects and must not be copied without the expressed written permission of the company.  
This drawing should not be scaled from. All dimensions must be checked on site and any discrepancies reported to the designers before proceeding.



NORTH WARWICKSHIRE  
BOROUGH COUNCIL  
**RECEIVED**  
19/11/2018  
PLANNING & DEVELOPMENT  
DIVISION

Revisions  
A - 22/10/18, Drawn by: JDF, Checked by: MEP  
FOR PLANNING  
J - 28/08/18, Drawn by: JDF, Checked by: MEP  
FIRST ISSUE

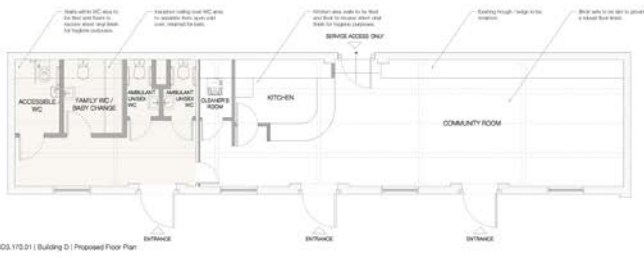
**FOR PLANNING**

Project:  
KINGSBURY HALL  
Client:  
KINGSBURY HALL DEVELOPMENT LTD  
& IAN FRAY  
Job Number: DD 3.353 Revision:  
52801 A  
Drawing Title:  
WEST ELEVATION - PROPOSED  
Scale:  
1:100 @ A3



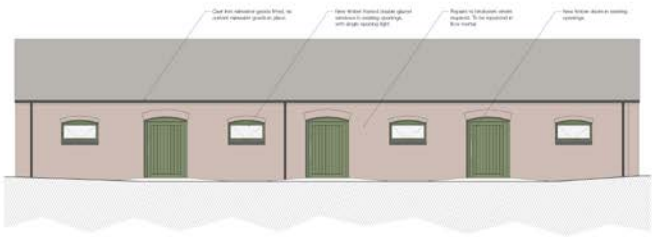
APPENDIX L

PAP/2018/0686



DD3.173.01 | Building D | Proposed Floor Plan

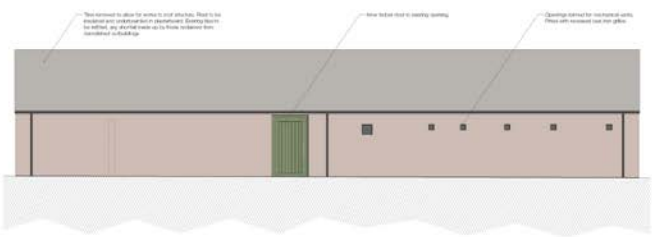
RECEIVED  
18/11/2018  
PLANNING & DEVELOPMENT  
SERVICES



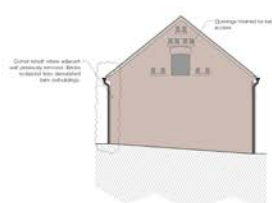
DD3.173.02 | Building D | Proposed South Elevation



DD3.173.03 | Building D | Proposed East Elevation



DD3.173.04 | Building D | Proposed North Elevation



DD3.173.05 | Building D | Proposed West Elevation

FOR PLANNING  
KINGSBURY HALL DEVELOPMENT  
KINGSBURY HALL DEVELOPMENT LTD  
& IAN FRAY  
DATE: 02/11/18  
SCALE: 1:500  
DRAWN BY: JEFFREY  
CHECKED BY: JEFFREY  
APEC Architects



APPENDIX M  
All photos and maps in this report are the copyright of APEC Architects and must not be copied without the explicit written permission of the copyright owner.  
This report should not be used for any other purpose without the explicit written permission of the copyright owner.



RECEIVED  
18/11/2018  
PLANNING & DEVELOPMENT  
SERVICES

Revision:  
1 - 20/10/2018, Drawn for HRB, Checked by: JF  
PLANNING SCALE

FOR PLANNING  
Project:  
KINGSBURY HALL RETIREMENT & CARE VILLAGE  
Client:  
KINGSBURY HALL DEVELOPMENT LTD & IAN FRAY  
Job Number: Drawing Number: Revision:  
52802 DD3.401 1  
Drawing Title:  
ILLUSTRATIVE VISUAL  
Scale:  
N/A



## NON-TECHNICAL SUMMARY

Middlemarch Environmental Ltd was commissioned by Savills to carry out a Preliminary Ecological Appraisal at the site of a proposed care home in Tamworth, Warwickshire. To fulfil this brief an ecological desk study and a walkover survey (in accordance with Phase 1 Habitat Survey methodology) were undertaken.

The desk study exercise identified no European statutory sites within 5 km of the survey area, two UK statutory sites within 2 km and eight non-statutory sites within 1 km. The site is not located within 10 km of a statutory site designated for bats. The closest statutory site is Kingsbury Meadow Local Nature Reserve located 220 m south-east. River Thame (ID: 10/29D) Ecosite, Kingsbury SS Peter and Paul Churchyard Ecosite are both located adjacent to the survey area. The desk study also provided records of protected and notable species including bats, otter, brown hare, hedgehog, badger, amphibians, birds, plants and invertebrates.

The walkover survey was undertaken on 30<sup>th</sup> April 2018 by Victoria Worrall MSc (Senior Ecological Consultant) and Sian Comlay BSc (Hons) (Ecological Project Officer). At the time of the survey, the site comprised two distinct sections. To the east was an agricultural field with a substantial scrub buffer. In the south was the original complex of Kingsbury Hall, a manor house dating from the mediaeval period. Surrounding this were numerous brick-built storage buildings/barns.

In order to ensure compliance with wildlife legislation and relevant planning policy, recommendations have been made regarding the following:

- Production of a Construction Ecological Management Plan, to ensure the protection of River Thame (ID: 10/29D) Ecosite, Kingsbury SS Peter and Paul Churchyard Ecosite and Kingsbury Water Park and Coton Pools Local Wildlife Site;
- In accordance with the provision of Chapter 11 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment) and Local Planning Policy, biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed works to maximise the ecological value of the site. This should include the provision of a barn owl nesting box;
- Retention and protection of the trees on and the functionality of the adjacent wildlife corridor adjacent to the site;
- A preliminary ground level bat roost assessment should be undertaken on any trees to be impacted as a result of the proposed development works;
- If the scrub along the western boundary of the survey area is to be cleared to facilitate the proposed development, it is recommended that this is undertaken under the direct supervision of an experienced ecologist to ensure the protection of badgers;
- A reptile survey should be undertaken of suitable habitats within the proposed development site. Reptile surveys can be completed in suitable weather conditions between April and September (inclusive). Clearance of vegetation undertaken at appropriate times of the year to ensure nesting birds are not impacted;
- Covering of excavations that are to be left overnight or fitted with mammals ramps and any open pipework is covered at the end of each working day to prevent animals entering.

Full recommendation text is provided in Chapter 7.

In addition, a Preliminary Bat Roost Assessment has been undertaken of the buildings on site (RT-MME-127311-02) and all recommendations within this report should be adhered to.

## NON-TECHNICAL SUMMARY

In April 2018, Savills commissioned Middlemarch Environmental Ltd to undertake a Preliminary Bat Roost Assessment at Kingsbury Hall in Tamworth. This assessment is required to inform a planning application associated with the proposed demolition of some of the existing buildings and construction of 81 independent living dwellings and a High Dependency Unit.

To fulfil the above brief to assess the potential for the existing buildings on site to support roosting bats, a Preliminary Bat Roost Assessment was undertaken on 30<sup>th</sup> April 2018.

Building 1 (Kingsbury Hall) has undergone roof works in the recent past with breathable roofing membrane being utilised with original and reclaimed tiles. No glass was present in the building windows and hasn't been for a considerable amount of time (10 years plus). Bat droppings were found within the middle floor of the hall. There were no obvious accumulations of more than 5 droppings noted at any one location. They appeared scattered throughout with no defining patterns.

Therefore, it is unclear without further surveys whether a small number of bats are using this building as a day roost or whether due to the open nature of the building, bats are using it for exploratory foraging. Internally there are very few roosting places for crevice dwelling bats, but the building does offer roosting features for cavity dwelling species. This building is therefore classified as having a high potential for roosting bats.

Buildings 2,3,4,5,7 and 8 have a similar appearance and structure. With no lining to the roof and solid brick walls, the majority of these building could be inspected. All of these buildings had free flight access to the inside. Only Building 4 held any evidence of bats in the form of two very old bat droppings. These were found approximately 4m apart and are unclear whether these were deposited as part of exploratory flight or from a roost. The remaining buildings did not show any evidence of bats but the nature of the floor substrate and accumulations of bird droppings, dust and debris could potentially disguise this. Therefore, these buildings are classified as having a high potential for roosting bats.

Building 6 was a more modern construction with cavity walls and loft space. The roof was well intact with a few missing tiles on both sides. Due to the lack of access internally, this building is classified as having a high potential for roosting bats.

Following the results of the Preliminary Bat Roost Assessment, the following recommendations have been made:

- R1** Buildings 1-8 have been identified as having high potential to support roosting bats. Bat Surveys: Good Practice Guidelines published by the Bat Conservation Trust (Collins, 2016) recommends that for structures with high bat roosting potential at least three dusk emergence and/or dawn re-entry surveys be undertaken during the bat emergence/re-entry survey season to determine the presence/absence of roosting bats within the structures. The bat emergence/re-entry survey season extends from May to September. At least two of the surveys should be undertaken during the peak season for emergence/re-entry surveys between May and August and one of the three surveys should be a dawn re-entry survey. If a roost is discovered during these surveys, a Natural England licence application may be required.
- R2** **Lighting**  
In line with paragraph 125 of the National Planning Policy Framework, the development should aim to limit the impact of light pollution on bats through the careful use of lighting in critical areas only and at a low level with minimum spillage. Any lighting, either temporary or permanent, along the site boundaries (especially along the western boundary where the site abuts the River Tame, which would provide suitable foraging/commuting habitat) should be kept to a minimum and directed away from the boundary features to maintain dark areas and corridors. Lighting should be designed in accordance with the principles of 'Landscape and urban design for bats and biodiversity' as published by the Bat Conservation Trust (Gunnell *et al*, 2012). Materials used under lights, such as floor surfaces, should be materials that have a minimum reflective quality to prevent light reflecting upwards into the sky. This will ensure that bats using the site and surrounding area to roost/forage/commute are not affected by illumination.

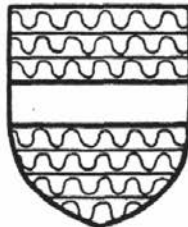
**R3 Habitat Enhancement**

In line with the National Planning Policy Framework, the development should aim to enhance the site for bats. Bat boxes should be installed to provide roosting habitat for species such as pipistrelle. In general, bats seek warm places and for this reason boxes should be located where they will receive full/partial sun, although installing boxes in a variety of orientations will provide a range of climatic conditions. Position boxes at least 3 m above ground to prevent disturbance from people and/or predators. The planting of species which attract night flying insects is encouraged as this will be of value to foraging bats, for example: evening primrose *Oenothera biennis*, goldenrod *Solidago virgaurea*, honeysuckle *Lonicera periclymenum* and fleabane *Pulicaria dysenterica*.



*Kingsbury Hall Farm, Kingsbury, Warwickshire*

**Kingsbury Hall Farm**  
**Kingsbury**  
**Warwickshire**  
NGR: SP 214 963



**BRACEBRIDGE.** *Vairy*  
*argent and sable a fesse*  
*gules.*

**A**  
**Heritage Assessment**

**Text**

Richard K Morriss *MA(Hons) MSocSc MIFA*

**Assistant**

R Lucy  
R Little

November 2014  
**Mercian Heritage Series No.782**

Page | 1

*Richard K Morriss & Associates, Historic Buildings Consultants, Bromlow House, Bromlow, Shropshire, SY5 0EA*  
*Rkmbromlowhouse@aol.com*



*A selection of marital Bracebridge coats of arms noted by Dugdale in the windows of Kingsbury Hall and published in his 'Antiquities of Warwickshire Illustrated' in 1657.*

*Contents*

<b>1. Introduction</b>	<b>2</b>
<b>2. Planning Guidance</b>	<b>4</b>
<b>3. Heritage Impact Assessments</b>	<b>5</b>
<b>4. Outline History</b>	<b>8</b>
<b>5. The Site</b>	<b>14</b>
<b>6. The Medieval Curtain Wall</b>	<b>14</b>
<b>7. The Farmstead</b>	<b>18</b>
7.1 Building A: The Barn	19
7.2 Building B: The Cartshed	22
7.3 Building C: The North Byre	25
7.4 Building D: The South Byre	27
7.5 Building E: The East Shelter Shed	30
7.6 Building F: The North East Loose Box	31
7.7 Building G: The Piggery	32
7.8 Demolished Buildings	34
<b>8. Discussion &amp; Heritage Statement</b>	<b>34</b>
<b>9. Conclusions</b>	<b>35</b>

**Kingsbury Hall  
Kingsbury  
Warwickshire  
NGR: SP 214 963**

## **1. Introduction**

Kingsbury Hall is a remarkable building that, until very recently, was in danger of becoming derelict and ruinous. Fortunately, its future now seems to have been assured by its purchase by a new owner who first consolidated and then began the process of restoring it.

In advance of the work this consultancy was commissioned to undertake an assessment of the development and significance of the building, supported by the available documentary and, more importantly, archaeological evidence related to the standing buildings on the site and their overall setting.<sup>1</sup>

Subsequent work within the grounds of the Hall has included repairs to the medieval curtain walls, archaeological excavations, and some demolitions of structurally unsound agricultural buildings.

The medieval and early-post-medieval setting of the Hall is becoming to be seen as more and more significant and this report has been commissioned to assess the significance of the remaining farm buildings.

### **1.1 Report Format**

The report format is fairly straightforward. Following this brief introduction, Sections 2 and 3 relate to planning advice, and Section 4 is concerned with a brief resume of the outline history of the site based mainly on readily available sources. Section 5 is concerned with the setting of the buildings and Section 6 describes and discusses the medieval curtain wall. Section 7 concerns the farm buildings and includes descriptions and discussions on the individual components. Section 8 is an overall discussion and heritage statement and Section 9 a short conclusion.

---

<sup>1</sup> Morriss, R K, 2004, *Kingsbury Hall, Warwickshire: An Archaeological & Architectural Analysis* (Mercian Heritage Series No.243).

## 2. Planning Guidance

### 2.1 National Planning Policy Framework Guidelines

In March 2010 the long-lasting *Planning Policy Guidance Nos. 15 and 16* (PPG15 and PPG16) – relating respectively to archaeology and buildings – were amalgamated into a new set of guidelines - *Planning Policy Statement No.5* (PPS5).<sup>2</sup> This introduced a new term in planning legislation – the ‘heritage asset’. This was identified in the guidance as:

*‘A building, monument, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. Heritage assets are the valued components of the historic environment’.*<sup>3</sup>

Parts of PPS5, much condensed, were incorporated and regurgitated into a new *précis* of planning guidance published in March 2012 – the *National Planning Policy Framework* (NPPF) – which replaced all other separate Planning Policy Guidelines and Planning Policy Statements.<sup>4</sup>

Because of the condensed and generalised nature of the new document there has been considerable confusion as to the guidance within it, but in essence, excepting the over-arching concept of presumption in favour of ‘sustainable development’, the heritage aspects have changed little.

Much of the existing advice outlined in the earlier guidelines is still deemed to be of relevance and this is summarised best in a guidance note to planning inspectors issued by the Planning Inspectorate, which states that *‘The Framework [i.e. the NPPF] largely carries forward existing planning policies and protections in a significantly more streamlined and accessible form’.*<sup>5</sup> The main relevant paragraph in the NPPF (largely based on policies HE6-HE8 of PPS5) states that local planning authorities should require applicants:

*‘...to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposals on their significance’.*<sup>6</sup>

The *National Planning Policy Framework*, as a general rule, recommends approval of development unless *‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits’.*<sup>7</sup>

<sup>2</sup> Department for Communities & Local Government, 2010, *Planning Policy Statement No.5: Planning for the Historic Environment*

<sup>3</sup> *op. cit.*, 13, Annex 2

<sup>4</sup> Department for Communities & Local Government, 2012, *National Planning Policy Framework*, para. 128.

<sup>5</sup> The Planning Inspectorate, 2012, *Advice Produced by the Planning Inspectorate for use by Inspectors*

<sup>6</sup> *Ibid.*

<sup>7</sup> NPPF, para. 14

### 3. Heritage Impact Assessments

#### 3.1 General Introduction

The purpose of a heritage impact assessment (HIA) is to meet the relevant guidance given in the NPPF. This outlines the need to inform the planning decisions when considering proposals that have the potential to have some impact on the character or setting of a heritage asset. It is not concerned with other planning issues.

The nature of the heritage assets and the potential impact upon them through development are both very varied. The heritage assets include both designated heritage assets – such as listed buildings, scheduled ancient monuments and conservation area – and non-designated heritage assets, a rather uncomfortable and sometimes subjective category that includes locally listed buildings, field systems and views.

The degree of impact a proposed development could have on such assets is variable and can sometimes be positive rather than negative. The wide range of possible impacts can include loss of historic fabric, loss of historic character, damage to historic setting, and damage to significant views.

Under the requirements of the NPPF, the still current advice in the notes that accompanied PPS5, and of other useful relevant guidance, such as English Heritage's *Conservation Principles* and *Informed Conservation*, it is necessary to assess the significance of the designated and non-designated heritage assets involved, to understand the nature and extent of the proposed developments, and then to make an objective judgement on the impact that the proposals may have.<sup>8</sup>

The site is a scheduled ancient monument and the Hall is listed; the farm buildings are not but could be deemed to be curtilage listed because of their relationship with the Hall.

---

<sup>8</sup> English Heritage, 2008, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment*; Clark, K, 2001, *Informed Conservation: Understanding Historic Buildings and Their Landscapes for Conservation*

### 3.2 Definition of Setting

The latest English Heritage guidance on the setting of heritage assets points out that:

*'Setting is not a heritage asset, nor a heritage designation. Its importance lies in what it contributes to the significance of a heritage asset. This depends on a wide range of physical elements within, as well as perceptual and associational attributes, pertaining to the heritage asset's surroundings'.<sup>9</sup>*

Setting, as a concept, was clearly defined in PPS5 and in the accompanying Guidance notes which state:

*'Setting is the surroundings in which an asset is experienced. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral'.<sup>10</sup>*

The same guidance states that setting is not confined entirely to visible elements and views but includes other aspects including environmental considerations and historical relationships between assets:

*'The extent and importance of setting is often expressed by references to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration; by spatial associations and by our understanding of the historic relationship between places'.<sup>11</sup>*

### 3.3 Definition of Significance

In the glossary of the new *Planning Practice Guidance* to the NPPF, significance is defined as:

*'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting'.*

<sup>9</sup> English Heritage, 2011, *The Setting of Heritage Assets: English Heritage Guidance*, 7, para. 2.4

<sup>10</sup> PPG Guidance para.113

<sup>11</sup> *Op. cit.*, para.114

### 3.4 Definition of Harm

The manner in which the significance of a heritage asset could be harmed was summarised in the case of *Bedford Borough Council v Secretary of State for Communities and Local Government*, [2012] EWHC 4344 (Admin)(also known as Podington):

*'Significance may be harmed through alteration of the asset, i.e. physical harm, or development within its setting, i.e. non-physical or indirect harm. Significance may be lost through destruction of the asset, or, in a very extreme case, development within its setting'.*

The NPPF and its accompanying Planning Practice Guidance effectively distinguish between two degrees of harm to heritage assets – *substantial* and *less than substantial*. Substantial harm is considered to be a degree of harm so serious to the significance of the heritage asset, usually involving total or partial destruction of a listed building, for example.

As the term suggests, *less than substantial harm* is not as serious and varies in its impact – but it still is an important consideration in assessing planning applications. In the Podington case the issue related to the impact on the setting of heritage assets and it was concluded that:

*'In the context of non-physical or indirect harm, the yardstick was effectively the same. One was looking for an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced'.*

#### 4. Outline History

The history of the site is set out in some detail in the original report and what follows is related mostly to the post-medieval and modern periods to which the farm buildings belong.

Kingsbury is a growing village in the north-western corner of Warwickshire. It is a little over four miles to the south, and upstream, of the Saxon market town of Tamworth, now just over the county boundary in Staffordshire but once shared by the two counties.

The village is set on a bluff on the east bank of the River Tame just to the north of the confluence of a small brook that rises on Hurley Common to the east. The ancient Hall is just to the north of the parish church and its churchyard, which have Norman origins. In between is a deep ravine – probably man-made – through which a track, now known as Red Lane, leads down to the successor of earlier Red Lane bridges across the Tame.

The knight's fee or lordship of Kingsbury under its overlords was held after the Conquest by Turchil de Warwick, husband of Leverunia, Countess Godiva's granddaughter; Turchil, despite being a Saxon, had either supported or quickly acquiesced to William and was suitably rewarded, being apparently one of only two Saxon lords allowed to retain their lands.<sup>12</sup>

He adopted the surname Arden, presumably to reflect the many wooded forests in his expanded domains. He was succeeded in turn by his son and grandson, both called Osbert; the grandson's daughter, Amice, married John de Bracebridge – a knight from the Lincolnshire village of that name - who thus obtained the lordship.<sup>13</sup>

The 14<sup>th</sup> century seems to have been a profitable one for the Bracebridges, due in no small part to the wars with France. The capture and ransom of French knights in battle lined many an English lord's pocket at this time. A Sir John Bracebridge fought for Edward III in France as did a Sir Ralph Bracebridge, probably his brother.

At the end of the century either this Sir Ralph or another held Kingsbury which was then a large and prosperous place; he had 20 servants in or around the hall.<sup>14</sup> His widow obtained permission from the Bishop of Lichfield and Coventry to have divine service in a chapel at her house.<sup>15</sup> The surviving curtain wall to the south-east was probably built in this century, indicating that this was then a substantial fortified manor house.

---

<sup>12</sup> Haines, *op.cit.*, 13

<sup>13</sup> VCH, *op.cit.*, 104

<sup>14</sup> Haines, *op.cit.*, 22

<sup>15</sup> Owen, A V, *op.cit.*, 10



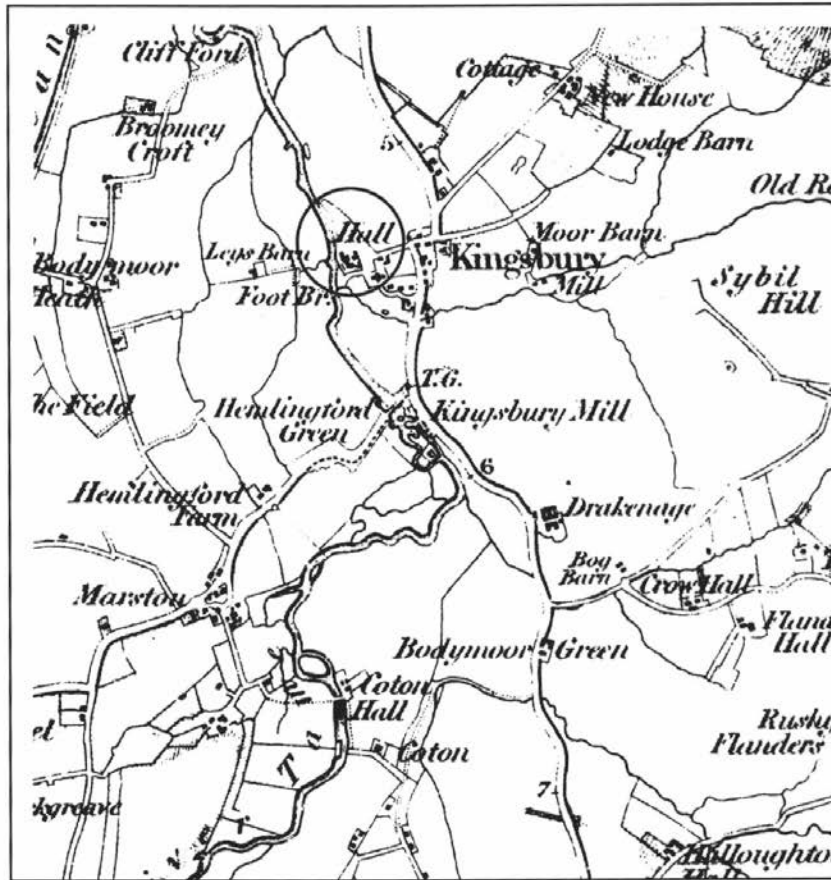


Fig.1: Enlarged extract from the 1834 Ordnance Survey map, showing the position of Kingsbury Hall.

In contrast, the 15<sup>th</sup> century saw a definite decline in the Bracebridges' fortunes. Sir Ralph's son and heir, John, died young and his widow Joan then held Kingsbury until her death in 1400. She left a son, Ralph – and the VCH implies that this was not Sir John's son.<sup>16</sup> He may have been from a second marriage or illegitimate but noticeably was not knighted – the first head of the Bracebridge family not to have been given that honour for two centuries.<sup>17</sup>

Writing in the period between 1535 and 1543, the traveller and writer John Leland wrote that '*Kinisbyri is a fair manor place and a lordship of 140 li. One Brasebridge is lord of it. It is in Warwikshir.*'<sup>18</sup>

After his third marriage in 1557, Thomas Bracebridge appears to have left Kingsbury and moved to Twyford, near Derby.<sup>19</sup> In 1559 he leased the manor house at Kingsbury from February of the following year to Sir Ambrose Cave, Chancellor of the Duchy of Lancaster, along with the park.<sup>20</sup> The younger Thomas disputed the arrangement, which was, with his agreement, redrawn as a 21-year lease; subsequently the lease was extended to 300 years from 1564 at a rent of £42 4s. 3d. This rent continued to be paid up until the 19<sup>th</sup> century.

The evidence from the tree-ring analysis of the Hall commissioned by the present owner indicated that it had been at least partly rebuilt – and entirely re-roofed and re-floored – in the mid-1560's when still evidently a grand property. It could have been the first significant double pile house in the country.

It is not clear from what time the Hall ceased to be a high status house, but the architectural evidence shows that it had certainly become little more than a farmhouse by the mid-18<sup>th</sup> century – and had probably been so from the latter part of the 17<sup>th</sup> century. The documentary evidence is confusing. Kingsbury Hall was apparently sold in 1657 to Richard Beardsley and his son George, who may have been leasing the hall for some time previously; they later conveyed it to Abel and Samuel Smyth – either father and son or brothers.<sup>21</sup>

Dugdale had visited in the mid-17<sup>th</sup> century and noted armorial bearings in the stained glass windows of the Hall; these included marital coats of Bracebridge impaling Ferrers of Groby, Francies, Hatton, and Clinton.<sup>22</sup> There is a *graffito* date of 1692 on an upstairs stone fireplace, possibly related to a carved name, William Tripett; nearby is another *graffito* that states '*John Bradford had the smallpox Aprill [sic.] 1712*'.<sup>23</sup> The Bradfords appear to have leased the Hall in the early-18<sup>th</sup> century – certainly from 1707 onwards - and a deed of 1714-5 relating to land in Birmingham refers to Francis Bradford of Kingsbury Hall, 'yeoman', his wife, Hannah, and their son, Henry.<sup>24</sup>

<sup>16</sup> VCH, *op.cit.*, 104

<sup>17</sup> Haines, *op.cit.*, 22

<sup>18</sup> Toulmin Smith, L (ed.), *The Itinerary of John Leland Vol.V*, 21

<sup>19</sup> Haines, *op.cit.*, 26

<sup>20</sup> VCH, *op.cit.*, 105

<sup>21</sup> Haines, *op.cit.*, 35

<sup>22</sup> Owen, *op.cit.*, 19

<sup>23</sup> In room F5, *see below*

<sup>24</sup> Birmingham Record Office MS 3568/ACC 1936-046/452127

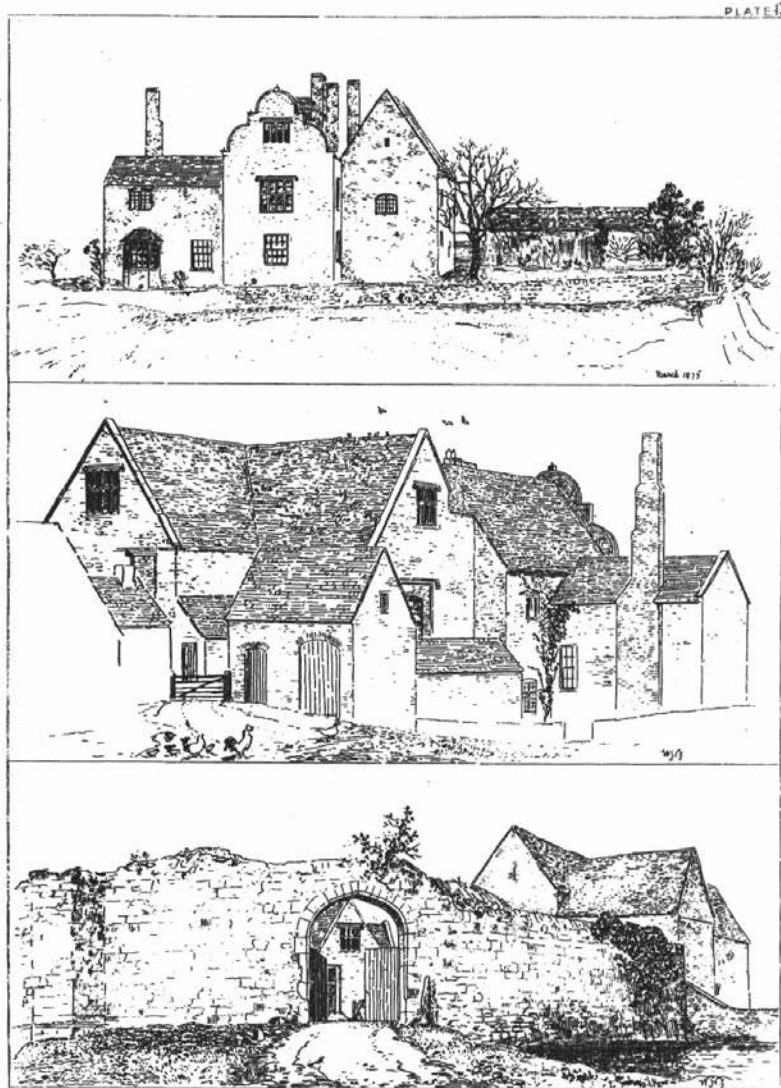


Fig.2: Views of Kingsbury Hall in Niven's 1872 work on Warwickshire houses – From the west (top), north-east (centre) and south-east (bottom).

A Robert Reynolds paid a Mr Bond 5s. a year rent for part of the Kingsbury Hall estate; that was presumably William Bond, who lived at the Hall in 1768 and may have been responsible for some of the 18<sup>th</sup> century changes.<sup>25</sup> By the mid-19<sup>th</sup> century it was occupied by Walter Coleman; he is described as being 'of Kingsbury, gent.' in a deed of 1842.<sup>26</sup> In local *Directories* he was described as a farmer who, by 1866, had prospered sufficiently to be able to move to Church Hill House in Kingsbury and be classed under the 'gentry' section of the *Directory*.

The Hall was then occupied by another farmer, James Hanbury, who was still there in the 1870's; at the end of the century it was farmed by Henry Green. Illustrations of the Hall published by W Niven in the 1870's show it in more or less its present state.<sup>27</sup> In the *graffiti* in the attic Edward Whitehouse twice pencilled his name – in 1882 and 1884 – describing himself as an 'Esq.' and of Kingsbury Hall.

Photographs of the Hall at the end of the 19<sup>th</sup> century show that the South Range had been given over mainly to agriculture but the overall condition of the site seems to have been fairly good. The slopes to the west down to the Tame were well kept and cultivated.

Nevertheless, a writer in the early-20<sup>th</sup> century despaired of the future of the Hall. The gateway was '*supported by beams of modern construction, but will, I fear, soon give way at the top and be destroyed altogether*'; the hall itself was '*now a mere shell of crumbling walls, whose downfall is being hastened by ill-usage*'.<sup>28</sup> He thought that within a century all that would be left would be some old photographs and remnants of a few walls.<sup>29</sup>

The situation was not helped by a swift turnaround of tenants or owners. *Directories* show a quick succession of farmers living at the Hall – Samuel Derricot in 1908, Frank Winfield in 1912, John Summerfield in 1924 and Fred Kitchen in 1932 – and it suffered continuing neglect up until very recently.<sup>30</sup>

Photographs during this period show the gradual decline of the house. Sometime between 1930 and 1948, for example, the coping stones of the 'Flemish' gable of the West Range was removed, and holes begin to appear in the roof covering. The Hall has been uninhabitable since the 1970's and was recently used as part of a coal haulage depot; despite all that, Kingsbury Hall has managed to survive and now its long-term future appears to be assured.

<sup>25</sup> Haines, *op.cit.*, 37

<sup>26</sup> Shakespeare Birthplace Trust DR574/732

<sup>27</sup> Niven, W, 1872; earlier undated engravings and paintings also suggest that the Hall was similar from the late-18<sup>th</sup> century onwards.

<sup>28</sup> Owen, *op.cit.*, 16

<sup>29</sup> *ibid.*

<sup>30</sup> Fred Winfield, presumably related to Frank, wrote a rather poignant *graffito* in the attic – '*Fred Winfield arrived at Kingsbury Wed 16<sup>th</sup> March 1911, Sails for Australia March 31<sup>st</sup> 1911. Good Bye Old England.*'



Fig.3: Extract from the original Ordnance Survey drawing, begun around 1817.

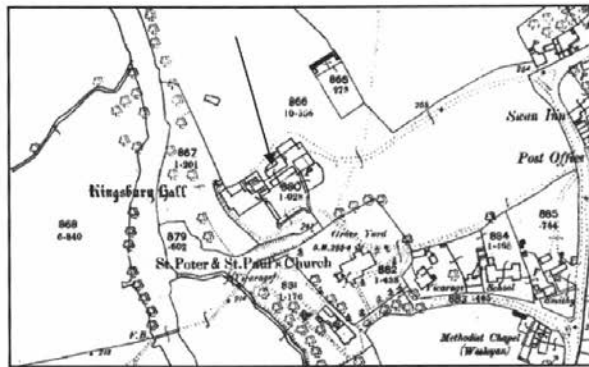


Fig.4: Extract from the 1<sup>st</sup> edition 1:2500 Ordnance Survey map published in 1888.



Fig.5: Extract from the 2<sup>nd</sup> edition 1:2500 Ordnance Survey map published in 1902.

## 5. The Site

Kingsbury Hall was dealt with in some detail in the original report and this one is concerned more with its setting – and, specifically, with the farm buildings and their relationship with the curtain wall.

The site lies in a clearly once defended site to the north of the parish church. Its grounds are separated from the churchyard by the deep ditch already referred to containing Red Lane. To the west, the land drops dramatically down to the floodplain of the river. The northern and eastern boundaries of the site have less obvious natural defences, but there are traces of a possible moat on the east side that could have continued along the northern perimeter as well.

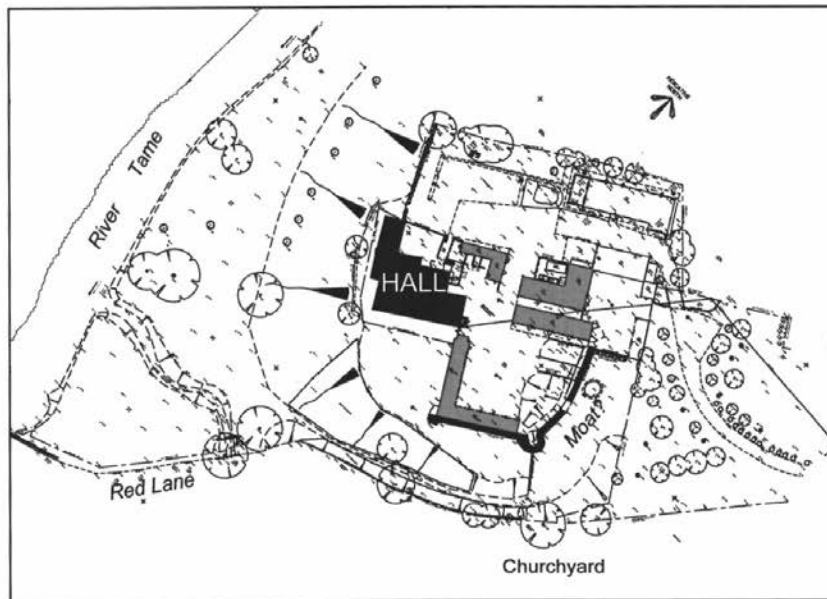


Fig.6: Modern site plan of Kingsbury Hall (approximate scale 1:1500)

## **6. The Medieval Curtain Wall**

### **6.1 Description**

The south-eastern corner of the site is also defended by a substantial curtain wall, built of well-coursed and well-worked sandstone masonry. The wall is about 1.7m (5' 6") thick and survives up to a height of approximately 6m (19' 6"). It was presumably once higher and embattled.

Both surviving sections of the wall are approximately 27m (88' 6") long and at their south-eastern junction is a contemporary projecting open-backed half-octagonal tower, now no higher than the adjacent sections of walling.

In the south-western part of the tower is a contemporary garderobe, lit by a small loop and served by a surviving chute; it is reached through a primary doorway with a two-centred arched head rebated on the inside.

There are the remains of a second garderobe, also reached through a doorway with a two-centre arched head, at the western end of the surviving southern section of the wall.

The wall presumably once extended further to the west and to the north and may have encircled the entire site – apart, perhaps, from the scarp on the river side; that may only have need a timber palisade in times of potential danger; the present low wall on this side just below the brow of the slope seems to have been added as a revetment wall.

There is a gateway in the eastern section of the curtain wall at the point where there is a slight change in direction in the wall. This has a chamfered stone arch with a four-centred head and appears to be inserted – probably in the late-16<sup>th</sup> or early-17<sup>th</sup> centuries. To either side of the opening are scars in the masonry that suggest the former existence of a projecting gatehouse or, less likely, another semi-octagonal mural tower.

The general characteristics of the wall, mural tower and garderobes suggest a later-14<sup>th</sup> century date, and there seems to have been just one major campaign of works involved. It is less easy to assess to full extent of these defences, either actual or intended.

### **6.2 Discussion**

The surviving curtain walls are of national significance on both architectural and historical grounds. They represent a form of defence on the cusp between the stronger fortified manor house and the lesser castle – combining aspirations for both prestige and defence and being an intriguing reminder of the long history of the site even before the construction of most of the present mid-16<sup>th</sup> century Hall.

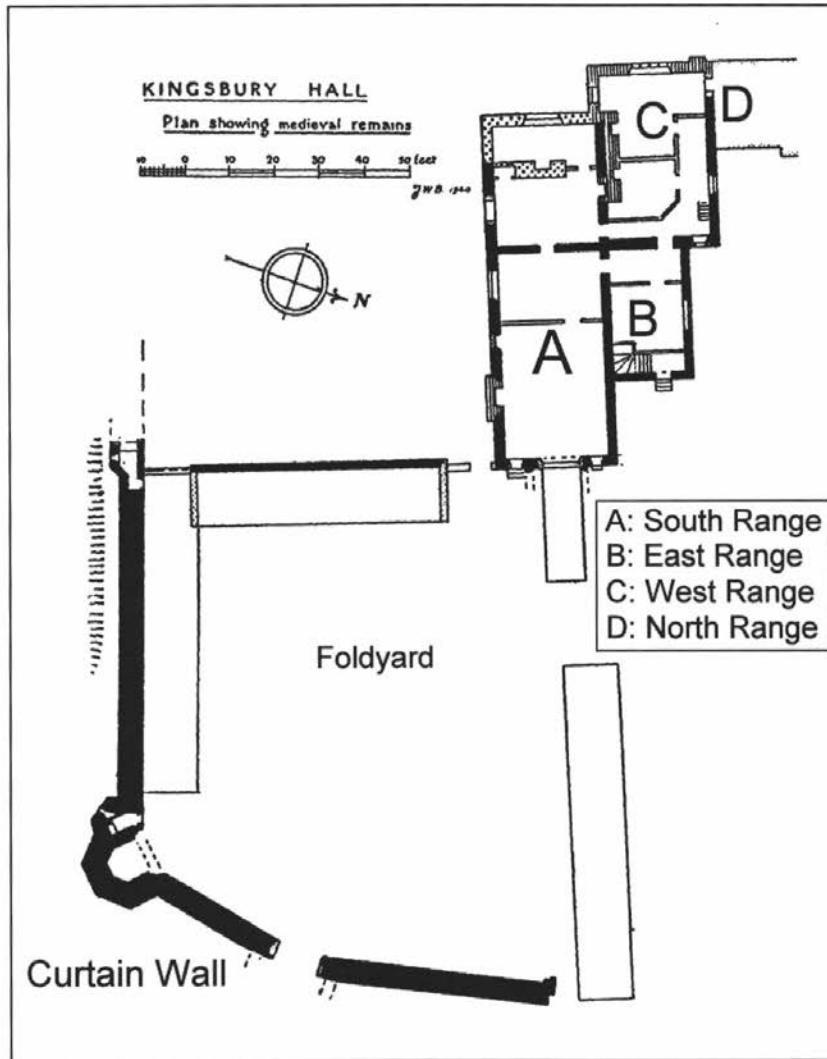


Fig.7: Annotated plan of Kingsbury Hall in 1940, taken from the relevant volume of the Victoria County History of Warwickshire – showing the position of the Hall and the surviving section of curtain wall.<sup>31</sup>

<sup>31</sup> VCH, *op. cit.*,



*Kingsbury Hall Farm, Kingsbury, Warwickshire*



Pl.1: Kingsbury church, viewed from the Hall, with the southwest corner of the farmstead to the left and defensive ditch between (2004). The farm lean-tos have since been demolished.



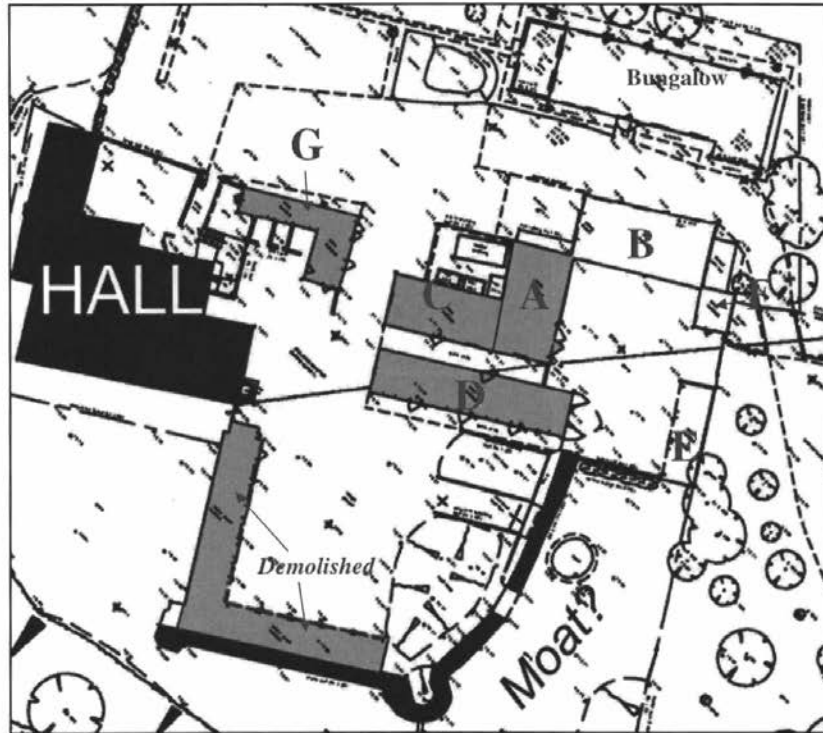
Pl.2: The open back of the corner tower of the medieval curtain wall



Pl.3: Part of the farmstead to the east of the Hall, forming the north side of the foldyard. The letters relate to the building identification in the report.

## 7. The Farmstead

To the south-east of the Hall is the former foldyard of the farmstead, its southern and eastern sides delineated by the medieval curtain wall. There are two yards – the main yard bounded by those walls and formerly lined with shelter sheds built against the walls – and a smaller eastern yard to the north-east. A modern bungalow lies at the northern edge of the farmstead and is of no architectural value.



- |    |                          |
|----|--------------------------|
| A: | The Barn                 |
| B: | The Cart Shed            |
| C: | The North Byre           |
| D: | The South Byre           |
| E: | The East Shelter Shed    |
| F: | The North-East Loose Box |
| G: | The Piggery Complex      |

Fig.8: Plan of the farmstead with identification of buildings.

## **7.1 Building A: The Barn**

### **7.1.1 Description**

The Barn lies at the north-eastern corner of the farmstead and is abutted by the western end of the Cart Shed (Building B) to the north-east and the east gable of the North Byre (Building C) to the west. It forms part of the western side of the east yard area. It is a complex building in poor condition.

#### **7.1.1.01 The Exterior**

In its present form the Barn is mainly built of hand-made red brick with a very tall undecorated and flush rubblestone plinth. The bond is erratic but mainly a form of crude Flemish Stretcher bond.

On the east elevation, facing the east yard, it is clear that the tall double doorways towards the left-hand, or south, of the elevation have been inserted – the base of the opening having been cut through the plinth. Curiously the section above the lintel of the doorway is of brick-nogged timber-framing.

Towards the right-hand end of the elevation is a doorway set high up in the wall and apparently primary to the brickwork, with a simple segmental arched head of one ring of headers. The threshold has been rebuilt and the opening was presumably reached by external ladders or steps; it has a plank door in a timber frame.

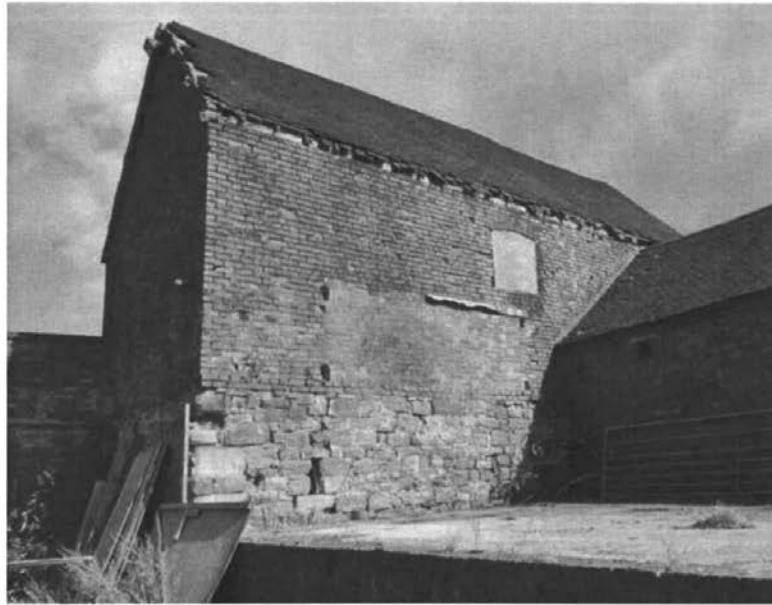
The west side elevation is abutted by the North Byre (Building C). This has just one centrally positioned window opening on the upper floor. This, like the doorway in the east elevation, seems to be primary to the brickwork and has the same type of segmental arched brick head.

There is a doorway with a segmental arched head centrally positioned in the south gable wall. In the north gable wall there is a single window opening at the upper level towards the left-hand, or eastern, end of the elevation – again with a segmental arched brick head.

There have clearly been at least two buildings butting against the gable wall at different times – one a lean-to against the gable end of the adjacent Cart Shed (Building B) and a built up section of wall between it and the Barn and the other a building against the Barn itself – which has left traces of its first-floor joists in the older building.



Pl.4: The east elevation of the Barn (Building A).



Pl.5: The Barn from the north-west.

#### **7.1.1.02 The Roof**

The roof is plain gabled, steeply pitched, and plain tiled. It is presumably of truss and purlin construction – with two tiers of purlins evident projecting through the brick gable ends. It could not be examined however because of the condition of the building.

#### **7.1.1.03 The Interior**

The interior could also not be examined for safety reasons because of the poor state of the building and there are no convenient openings to look through safely. It appears to be of two storeys.

#### **7.1.2 Discussion**

This is the tallest building on the farmstead but also the most complex. In its present form the brickwork on the rubblestone plinth would suggest a later-18<sup>th</sup> to early-19<sup>th</sup> century but it is possible that it is earlier – and, in fact, the result of the radical rebuilding of a timber-framed building on the same stone plinth. The only visible evidence at present for this is the brick-nogged framing above the large inserted doorway on the east side.

The function of the building is unclear. The large inserted doorways could suggest a use as a threshing barn but there is no answering opening on the other side. Without those doorways, the building in the rebuilt brick phase would have been tall, two-storied and quite dark – with a single opening in each side.

## **7.1 Building B: The Cart Shed**

### **7.1.1 Description**

#### **7.1.1.01 The Exterior**

The Cart Shed lies on the northern side of the farmstead, opposite the modern bungalow and its rear forming the northern side of the eastern yard. It is a plain brick rectangular structure under a plain gabled and plain tiled roof.

The hand-made and irregular dark red-brown bricks of which it is built are laid mainly to a plain English Bond. There is a low brick plinth and the front corners end in pilasters.

The front of the building was to the north, away from the yard. This was originally a three-bay open arcade with brick piers. The openings have since been infilled with brick containing later-20<sup>th</sup> century windows and a large French window towards the left-hand, or eastern end.

In the west gable elevation is an earlier inserted large doorway with an external sliding plank door. There is a very small window with segmental brick arched head in the gable of the east gable wall and, on the rear elevation facing the east yard, there is a larger primary window opening towards its left-hand, or west, end that has been re-windowed.

#### **7.1.1.02 The Roof**

The plain gabled roof is of quite crude construction with no trusses as such. Instead there are tie-beams supported on the arcade piers on the front elevation and brick pilasters on the rear. From these, vertical struts rise to support the single tier of purlins and the ridge-piece.

Raking braces from the beam and at right-angles to it support the purlins and there are smaller pairs of braces from the tops of the central posts to support the ridge piece. The timbers of these 'trusses', the purlins and the common rafters are crisp and the design unusual; it is possible it replaced an earlier roof.

#### **7.1.1.03 The Interior**

The interior has been completely modernised and little or nothing of interest remaining within it.



Pl.6: The former Cart Shed (Building B) from the north-west.



Pl.7: The east gable of the Cart Shed.

### **7.1.2 Discussion**

The building was clearly designed as a three bay cart shed or implement store and probably dates to the mid-19<sup>th</sup> century though the rather odd roof could be a later replacement.

The large opening in the west gable end was probably added in the mid-20<sup>th</sup> century, possibly at the same time that the arcades to the front were infilled and, presumably, to create a larger and more secure storage area for larger machinery or a tractor. The infills have since been re-windowed.

Although part of the wider grouping of farm buildings, the building has no clear intrinsic architectural qualities and it is understood that permission has been granted to demolish it.



Pl.8: Part of the interior and unusual roof structure of the former Cart Shed.



### **7.3 Building C: The North Byre**

#### **7.3.1 Description**

The North Byre is a fairly large but plain rectangular structure aligned west-east at the northern edge of the farmstead. It is close, and parallel to, the South Byre (Building D), its eastern gable abutting the Barn (Building A).

To the north is a large raised concrete terrace with brick walls on which there was evidently a building at one time – as indicated by the patina pattern in the brick flank of the adjacent Barn; this building was probably of 20<sup>th</sup> century date.

The Byre is built of fairly regular hand-made mid-red brick with many of the headers being over-fired and grey coloured as a result. This has not been used for decorative purposes as the bond is a simple English bond. The side walls are topped with a plain eaves course.

The building has remarkable few openings. There is a single doorway with a segmental arched head, rebated for an outwards opening door, towards the right-hand, or eastern, end of the south wall and a taking-in opening, also with segmental arched head, in the gable of the west gable wall. There are no openings in the north wall at all apart from three very small vents beneath the eaves.

The roof is plain gabled and plain tiled but its design could not be assessed at the time of the survey. The interior was not examined because of the poor condition of the building.

#### **7.3.2 Discussion**

This building is built of more regular bricks than the adjacent South Byre (Building D) and is probably slightly later than it in date. It appears to be of the second half of the 19<sup>th</sup> century but is shown on the 1<sup>st</sup> edition 1:2500 Ordnance Survey map published in 1888.

Dark, ill-lit and ill-ventilated – with just one door and the taking-in opening high in the west gable – its purpose was presumably associated with cattle but the precise purpose for which it was designed is unclear. It was clearly not a normal byre and seems too big to have been a slaughter house.



Pl.9: The North Byre (Building C) from the south-west, with the South Byre (Building D) to the right.



Pl.10: The north elevation of the North Byre, with the Barn (Building A) to the left.

## **7.4 Building D: The South Byre**

### **7.4.1 Description**

#### **7.4.1.01 The Exterior**

This range is a long rectangular single storey structure parallel to the North Byre (Building C) built of red bricks laid to a mainly Flemish Stretcher bond, its side walls topped by simple projecting eaves detailing.

The main elevation faces southwards, to the foldyard, and is of seven bays – of alternating windows and doorways – four of the former and three of the latter. The openings have segmental arched brick heads.

The doorways, set in inwardly projecting brick surrounds, have external rebates for originally outwards-opening doors and their inner surrounds are proud of the rest of the side walling. The stone pintle and catch blocks are integrated into the external jambs.

The windows had agricultural timber-framed glazing. Internally there were horizontally sliding shutters, the top and base timber rails for which survive in some places.

The rear wall is devoid of openings apart from a single doorway roughly midway – but not directly opposite the central doorway in the south elevation. There is evidence in the north-west corner of the west gable wall of a former western extension to the range, its cross-section – with shallow lean-to roof – fossilised in paint adhering the gable wall.

In the upper part of the west gable is a small window opening with a segmental arched brick head. Above and to the side of this are cantilevered out brick bands, designed as roosts; the openings for the birds have been infilled in brick.

In the eastern gable wall there are, high up in the gable itself, three tiers of projecting brick roosts– each roost necessarily shorter than the one below. The original openings above the lowest roost have been infilled with brick; the other two levels remain open.

#### **7.4.1.02 The Roof**

The roof is plain gabled and covered with plain tile. The trusses are made of relative thin scantling timbers and are of composite design, their tie-beams supported on brick corbels to either side.

The trusses consist of principals and tie-beam – with angled braces to the principals rising from a straining piece on top of the tie, and the composition stiffened by a king bolt. The trusses support a single tier of chocked purlins and a ridge-board; most of the common rafters appear to be original.



Pl.11: The front, or south, elevation of the South Byre (Building D).



Pl.12: The South Byre from the north-west, with the North Byre (Building C), left.

#### **7.4.1.03 The Interior**

The interior is one long open space open to the roof with limewashed walls and roof timbers. There were presumably dovescots at either end of the building but these have been removed. There are remnants of raised stalls against the rear, or north wall – with mangers of moulded upright ceramic slabs.

#### **7.4.2 Discussion**

This range was clearly built as a byre, facing onto the main foldyard to the south. It also contained dovescot roosts in each gable end. The cattle were in stalls, their heads against the rear wall.

It appears to have predated the North Byre (Building C) immediately to the north and probably dates to the mid-19<sup>th</sup> century. It is shown on the 1<sup>st</sup> edition of the 1:2500 Ordnance Survey map of 1888. Since it was built it appears to have been little altered but has clearly been redundant for many years and is becoming derelict.



Pl.13: The interior of the South Byre, looking east. Note sliding shutters (right) and trough (left), as well as the design of the roof structure.

## **7.5 Building E: The East Shelter Shed**

### **7.5.1 Description**

The East Shelter Shed is a fairly small single-storey rectangular structure on the eastern side of the east yard. It is built of red brick and had a three bay open front facing the yard. This had plain brick piers, of which only the southern, or right-hand, one survives. The other has collapsed or been removed. The interior is one single open space.

The roof structure is quite crude and made up of both re-used and waney edged timbers. The trusses were supported by the brick piers in the arcade and brick pilasters projecting from the rear wall. They consist simply of a tie-beam from which two stubby struts rise to support the single tier of purlins; there are no principal rafters. The heads of the common rafters meet at a ridge-board.

### **7.5.2 Discussion**

This range was presumably a small shelter shed for cattle using the east yard, although it may also have served as a cart shed. It seems to be of later-19<sup>th</sup> century date and is of limited intrinsic architectural significance and in poor structural condition.



Pl.14: The East Shelter Shed (Building E) from the south-west.

## **7.6 Building F: The North-East Loose Box**

### **7.6.1 Description**

In the north-eastern corner of the east yard, butting against the south-eastern corner of the Cart Shed (Building B) is a small unheated single-storey brick-built structure aligned north-south.

It is built of mottled red grey bricks with rounded south-west corner. In the south gable elevation is a doorway with a segmental arched brick head and external rebate for an outward opening door; the existing strap-hung plank door could be primary but is in poor condition. There is a window in the west elevation. The roof is plain gabled and covered in plain tile; the interior was inaccessible.

### **7.6.2 Discussion**

This appears to be a mid-late 19<sup>th</sup> century building, being shown on the 1<sup>st</sup> edition of the 1:2500 Ordnance Survey map. It was possibly designed as a small loose box. It is of limited intrinsic architectural significance.



Pl.15: The Loose Box (Building F) from the south-west.

## **7.7 Building G: The Piggery Complex**

### **7.7.1 Description**

The Piggery Annexe is an 'L-shaped' structure built of hand-made dark red brick laid to an English Garden Wall bond, the side walls topped by a simple projecting eaves band. Both sections are covered by plain-gabled and plain-tiled roofs.

The taller section forms the 'foot' of the 'L', is aligned north-south, and has a loft. The lower single-storey rear, or western, section has a north wall in line with the north gable wall of the taller section – and there are no breaks in the coursing to suggest that they are of different phases.

The east elevation of the East Section, of 'foot', of the complex has two doorways, the northern, or right-hand, one wider than the other. The wider doorway has a segmental brick arched head of just one ring; the other opening has a two-ring segmental arched head instead. Both have plank doors of unknown antiquity.

Attached to the south gable is a later brick lean-to with a simple eaves detail and a square-headed doorway in its south wall. Above this there are three brick roosts in the south gable. In the opposite north gable there is an attached wooden roost. This gable is effectively a heel gable attached to the left-hand end of a longer wall which runs westwards.

The front elevation faces south but is heavily overgrown and internal access is also difficult. It consists of a series of brick-walled pig yards in front of the pig sties – the latter having low segmental arch-headed doorways for the animals.

The rear elevation is devoid of openings. The west gable elevation of the west wing has square-headed doorways at ground-floor and loft levels but is becoming overgrown.

### **7.7.2 Discussion**

The Piggery seems to be a purpose built complex, largely made up of the pig sty and yard range with a store range – with possible cart shed and store in the taller 'foot' of the 'L'. It is a fairly plain brick structure that probably dates to the early-mid 19<sup>th</sup> century and is of limited architectural value but has a small amount of historical value in being a relatively unaltered exemplar of this type of complex.





Pl.16: The Piggery complex (Building G) from the north-west, with the main sty range in the foreground; the yards are to the right-hand side.



Pl.17: The Piggery complex from the south-east.

### **7.8 Removed Structures**

Until recently there was an open fronted shelter shed with brick piers along the inner face of the south section of the medieval wall; this had a lean-to roof supported on neatly-sawn timber half-trusses and was probably of mid-19<sup>th</sup> century date.

At right-angles to it, its rear wall in line with the eastern gable of the South Range of the Hall, was a long low building – originally an open-fronted range of eight bays – forming the western side of the foldyard.

This was also of brick but its rear wall is of stone; this masonry seemed to have been reused in the construction of the wall and could be contemporary with the brickwork. Its roof trusses were fairly primitive, and utilised waney-edged timbers.

### **8. Discussion & Heritage Statement**

The surviving farm buildings of Kingsbury Hall are of various dates but with the possible exception of the Barn (Building A), most seem to date to a broad mid to late 19<sup>th</sup> century period. The recently demolished buildings against the curtain walls would also fit into that general period.

There was evidently no overall designed plan to the farmstead, which appears to have grown and developed organically with little or no respect for the Hall to the west. The character of the buildings is also quite utilitarian and devoid of any architectural pretension or aspiration.

Whilst all are within the curtilage of the Hall and form part of its setting, none are of intrinsic architectural quality and it is unlikely that any would be considered for listing on their own historical or architectural merits. All are in relatively poor structural condition and all are also agriculturally redundant.

In the context of the Hall and the medieval curtain wall, the buildings are of relatively low significance, other than representing part of the later phases of the Hall as it ceased to be a high status dwelling from the later-18<sup>th</sup> century onwards.

Whilst all phases of a site such as this can be seen to be part of its organic development over time, there are clearly some elements that are of greater significance than others.

In this case it is clear that the medieval curtain walls and the Hall itself are of far greater importance than the farm buildings – and that the walls and the Hall predate the farm buildings by a considerable period of time.

The recent removal of the shelter sheds on the west and south sides of the main farmstead, along with other modern accretions within the yard, has exposed the inner face of the south curtain and the corner towers and resulted in a much better reading of the medieval layout of the site and of the later setting of the rebuilt late-16<sup>th</sup> century Hall.

In many ways the surviving buildings are unsuited to the type of adaptive reuse suggested briefly as a possible means of ensuring their long term futures at the end of the original report.

Clearly they would not be used for agricultural purposes and their design and size means that most other uses would be difficult to accommodate without quite radical change.

One of the main issues relates to the provision of natural light. The South Byre does have a relatively generous amount of windows and doorways which could provide access and light to the interior, but the others do not.

The North Byre is lacking in windows as is the Barn. To convert these buildings to any other viable use other than storage would result in necessarily radical changes to their character – especially if that use was residential.

Several new windows and doorways would be needed and these would then alter the external appearance of the buildings and alter the historical ‘reading’ of the buildings and alter their agricultural character.

Other buildings are too small or too inconvenient to convert to new uses. It is difficult, if not impossible, to find new residential uses for a Piggery for example, or for the two small buildings on the east side of the east yard – yet in all these cases some form of use would be needed to ensure their long-term futures.

## **9. Conclusions**

The surviving redundant agricultural buildings in the grounds of Kingsbury Hall are of relatively low intrinsic architectural merit and generally in fairly poor structural condition.

Their potential conversion to new uses is problematic because the necessary changes that would be needed are of a scale and type that would severely eroded any architectural and historical character that they retain.

Whilst they do represent some of the Hall’s later agricultural phase they are incomplete and it can be argued that their removal will enhance the most important elements and periods of the site – the medieval curtain wall and the Hall itself.

Nevertheless, should permission be granted to remove one or more of these redundant buildings, it is recommended that a detailed photographic survey and outline plan be made to ensure a degree of ‘preservation by record’.

## 4. Conclusion

- 4.1.1. It is through this document, and the separate Listed Building Application, that we aim to demonstrate that any harm is sufficiently outweighed by the benefits of the proposals.
- 4.1.2. The previous scheme, as approved (PAP/2008/0482 & PAP/2008/0483), was seen by all parties as a compromise of accepting far more development of the Scheduled Ancient Monument site than would normally be allowed, in exchange for restoring the Hall, which was identified as being at great risk by Historic England. Restoration works to the Hall were carried out, but increased and unexpected expense to the owner meant that only the shell of the building was restored, with no development taking place to provide the necessary return on the investment.
- 4.1.3. Since the scheme was put on hold in 2011, the owner has acquired the neighbouring field, so that a new option could be considered where the necessary capital funds for the conservation works (which were far greater than previously identified) could be raised by an appropriate development. This presented a rare opportunity to reassess the site, and develop new proposals that better address the sensitivities of development in the context of the heritage asset.
- 4.1.4. It was felt that the conversion of the Hall to residential use, as previously approved, would be too disruptive to its significance. The nature of residential conversion means that additional access stairs, services and fire and acoustic separation need to be incorporated into the Hall, where they do not currently exist, to comply with Building Regulations. The damage that this would cause could not be justified, especially now that the recent acquisition of the field meant that the owner no longer needed to rely on just the site of the Scheduled Ancient Monument to provide the necessary development to achieve the return on investment required to cover the funding deficit of the conservation work. The proposed use of the Hall as a community building means that the Hall can be conserved and restored much more faithfully. However, this function does not in isolation produce the returns required to fund the conservation work required, and therefore this demand is shifted to the new build within the field to the north.
- 4.1.5. The scale of development proposed on the field has been carefully considered so as to ensure that the amount and scale proposed is sufficient to achieve the aims of financing the restoration of the heritage asset and ensuring the site's long term viability. Financially, a certain scale of development, smaller than that proposed, could raise the return necessary for the conservation of the Hall to take place. However, given the more isolated location of Kingsbury Hall, that level of development would not be sufficient to achieve the critical mass of people required on the site for the Hall to be brought back into sustainable long term use.
- 4.1.6. The market need in the region was identified as over 55s' accommodation; particularly on a site that could cover a range of demands from fully independent living to high dependency care. The needs of the current and future over 55s population greatly differ to those of the generation before. People may wish to downsize and relocate on retirement, but do not wish to give up hobbies, sports and activities they are used to engaging in. New developments for this market cater for this with a wide range of facilities on site, such as workshops, classes, therapy rooms, spas, cafes and so on. The layout of Kingsbury Hall is well suited to providing this communal space, and is located close enough to the core of

Kingsbury so as to allow locals to also have access to this space. Assessment of a number of successful, recently completed, over 55s schemes was carried out to determine the area of communal space required by a different number of residents. Using this information, we worked backwards from the total floor area of Kingsbury Hall to determine the number of people required to achieve the necessary critical mass of use required. The proposals submitted represent this figure.

- 4.1.7. The restoration of the Hall and the retained outbuildings, as well as improvements to the setting is the mitigation for the development on the field. Without this, the only option for development that will fund the Hall's restoration, is to do so in the immediate vicinity of the Hall. This would not allow for the significant improvements to public accessibility and appreciation of the heritage assets that these proposals represent.
- 4.1.8. The careful use of the existing site topography and the self imposed protection of key views / sight lines, demonstrates how every effort has been made to minimise harm to the heritage assets, whilst still achieving the scale of development required. The proposals ensure that the Hall and walls will still be viewed as an isolated site, surrounded on the perimeter by natural landscape. There is little impact on the setting of the wider conservation area and on the principal view from the west. Whilst the Hall has long been a symbol of Kingsbury, opening it up to the public, as proposed, will ensure it becomes an even more important part of the local community.

**8. SUMMARY AND CONCLUSIONS****8.1 Summary**

This Landscape and Visual Appraisal (LVA) has been prepared in support of an outline planning application for a residential care village comprising 39 dwellings, 2 apartment blocks and related infrastructure on 3.08 hectares of land associated with Kingsbury Hall on the western edge of Kingsbury, North Warwickshire.

The LVA has recorded the baseline landscape and visual resources of the Application Site and surrounding area, identified landscape and visual receptors likely to be affected by the Development and determined the extent to which these will be altered.

The application includes the renovation and re-use of Kingsbury Hall and a key issue identified at the outset was the relationship of the new built form with the landscape setting of the hall and the historic core of Kingsbury which adjoins the Application Site to the south.

Mitigating measures were built into the Development at an early stage in order to reduce likely levels of adverse landscape and visual effects. Beneficial measures included confining the new built form to the arable field on the northern part of the Application Site, furthest from Kingsbury Hall; providing a sizeable area of green open space between the new built form and the hall; and retaining the vast majority of existing vegetation on the Application Site. Restoration of Kingsbury Hall grounds and other measures aimed at enhancing biodiversity across the Development were also incorporated.

The LVA concluded that whilst the new built form will give rise to varying degrees of negative landscape and visual effects on a number of receptors, the degree of effects predicted to arise once the Development is operational will be relatively low in most cases as a result of the mitigating measures proposed.

In summary, with mitigating measures in place and having become effective, residual effects on landscape character are predicted to be:

- Effects on national landscape character will be **negligible negative**;
- Effects on regional landscape character will be **negligible to minor negative**;
- Effects on local landscape character will be between **minor to moderate** and **moderate negative**;
- Effects on the landscape character of the Application Site and its immediate surrounds will be **moderate negative**.

In terms of effects on views and visual amenity, the appraisal concluded that residual effects (Year 15) would be largely unchanged from those appraised at completion (Year 0) due to the visually well contained nature of the Application Site afforded by mature vegetation to the boundaries. Residual effects on views and visual amenity are therefore predicted to be:

- Effects on people living in residential properties adjacent to the Application Site (on the western edge of Kingsbury) who are of high sensitivity will be between **minor to moderate** and **moderate negative**;
- Effects on people using the Heart of England Way long distance footpath where it passes adjacent to the Application Site who are of very high sensitivity will be **moderate to major negative**;
- Effects on people using other public footpaths and bridleways that adjoin the Application Site or pass adjacent to it who are of high sensitivity will be between **minor to moderate** and **major negative**;

- Effects on people using roads (A51) who are of a low sensitivity will be **negligible to minor negative**;
- Effects on people using Kingsbury Water Park who are of high sensitivity will be between **minor** and **moderate negative**; and
- Effects on people using other public open spaces adjacent to the Application Site (churchyard and village green) who are of medium sensitivity will be between **minor** and **minor to moderate negative**.

### **8.2 Heritage Assets**

With regard to Kingsbury Conservation Area, likely adverse effects on its character in this location are predicted to be negligible. This is due to the discrete location of the new built form; the careful consideration given to the scale and configuration of the new built form; and the responsive green infrastructure and landscape design strategy, which includes the retention of perimeter vegetation and the creation of a sizeable area of green open space between the Conservation Area and the new built form. This is in the overall context of the restoration of Kingsbury Hall which forms an integral part of the Conservation Area.

Similarly, in terms of the setting of Kingsbury Hall and its grounds the new built form has been located at a distance from the hall and the southern part of the arable field that adjoins the hall has been kept free from development and incorporated into a new green open space that is more sympathetic to its setting. Whilst some outbuildings will be demolished, this needs to be balanced against the refurbishment of the hall and the restoration of its grounds.

### **8.3 Green Belt**

Regarding the Green Belt where it extends to the western edge of Kingsbury, likely adverse effects on its openness are predicted to be negligible. The experience of openness here is limited by the treed and wooded nature of Kingsbury Park which extends west of the Application Site. Although elevated above the water park, the Application Site itself is small in scale and is visually well contained by mature vegetation to the boundaries, which will be retained and enhanced. The new built form is also confined to the northern part of the Application Site where it benefits most from screening vegetation to the site boundaries, in particular the western boundary.

### **8.4 Conclusion**

The nature, scale and form of the Development will inevitably result in some adverse effects on landscape character and visual amenity as summarised above. However, the mitigation measures proposed ensure that effects are relatively small in magnitude and are largely restricted to the Application Site and its immediate setting. Furthermore, new green infrastructure and landscape proposals incorporated with the Development will deliver a number of enhancements to the immediate setting of Kingsbury Hall.

Overall, there is no reason why the likely landscape and visual effects arising from the Development should be regarded as unacceptable, particularly in terms of the setting of Kingsbury Hall and Kingsbury Conservation Area. Neither should the Development be considered unacceptable in terms of diminishing the perceived openness of the Green Belt where adjoining the western edge of Kingsbury.