

Agenda Item No 6

Planning and Development Board

8 October 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.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 5 November 2018 at 6.30pm in the Council Chamber at the Council House.

6 **Public Speaking**

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

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	DOC/2018/0051	4	Ashleigh, Coventry Road, Fillongley, Approval of details required by condition no's 3, 4 & 12 of planning permission PAP/2015/0687 dated 12/01/2016 APP/R3705/W/16/314503 dated 05/07/2016) relating to external facing and roof surface materials, hard and soft landscape works and details of any external lighting	General
2	PAP/2017/0440	56	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	General
3	PAP/2018/0149	63	Land South East Of M42 Junction 10, Trinity Road, Dordon, Approval of reserved matters of appearance, landscaping, layout and scale relating to "Phase 2" of development	General
4	PAP/2018/0321	68	Land to the Rear of The Elms, Austrey Road, Warton, Outline application for demolition of existing buildings and erection of up to 9 dwellings, with access arrangements. Appearance, Landscaping, Layout and Scale to be Reserved Matters. □	General
5	PAP/2018/0353	104	Oak Tree House, 49 Main Road, Austrey, Atherstone, Single storey side extension including new entrance porch	General
6	PAP/2018/0533 & PAP/2018/0534	110	United Reform Church, Coleshill Road, Chapel End, Conversion of former Church into 7 no: residential units with parking at rear. Demolition of rear lean-to kitchen/WC and garage Listed Building Consent for conversion of former Church into 7 no: residential units with parking at rear. Demolition of rear lean-to kitchen/WC and garage	General

General Development Applications

(1) Application No: DOC/2018/0051

Ashleigh, Coventry Road, Fillongley, CV7 8BZ

Approval of details required by condition no's 3, 4 & 12 of planning permission PAP/2015/0687 dated 12/01/2016 APP/R3705/W/16/314503 dated 05/07/2016) relating to external facing and roof surface materials, hard and soft landscape works and details of any external lighting, for

Cassidy Group

Introduction

Members will recall that this application was reported to the last meeting along with an application to vary the planning permission granted at appeal and giving rise to this discharge of conditions applications. The debate on the applications wholly focused on the impacts of the proposed amendments under the variation application. That application was refused planning permission. However discussions with the Chairman following the meeting and seeking legal advice strongly suggests that the Board did not make it clear whether the discharge of conditions application was also included in the proposal to refuse planning permission. As a consequence the Chairman, following legal advice, considers it that it is prudent to refer that discharge of conditions application back to the Board for a clear decision.

The previous report is attached at Appendix A.

Background

As can be seen from the Appendix the discharge application refers to the need to deal with three conditions as described in the header to this report. The previous report describes the details submitted and pointed out that no objections had been received in respect of these details.

The letter from the Parish Council circulated at the meeting does however question the siting of the lighting bollards against the rear boundaries of the existing residential properties. In response then this is considered to be the best location as they would be set up against existing boundary treatments.

In these circumstances the previous recommendation remains.

Recommendation

That the recommendation (a) as set out in Appendix A is agreed

(9) Application No's PAP/2018/0377 and **DOC/2018/0051**

A) PAP/2018/0377

Ashleigh, Coventry Road, Fillongley

Variation of Condition 2 of planning permission APP/R3705/W/16/3245303 dated 29/7/16 relating to plot 3 – increase in ridge height from 5.398m to 6.935m together with elevation changes to plots 1 to 5

B) DOC/2018/0051

Approval of details required by conditions 3, 4 and 12 of planning permission APP/R3705/W/16/3145303 dated 29/7/16 in respect of facing materials, landscaping and lighting details

both for Mr J Cassidy

Introduction

Application "A" as described above was reported to the last Board meeting but determination was deferred pending the receipt of a single set of plans that would be determined. Members were aware that amendments had been made to the original set of plans and that there was a degree of "leap frogging" in terms of receiving representations and then amended plans. The plans now reported are those to be determined.

The proposed elevations and layout are shown at Appendix A which also illustrates the already approved street scene and identifies the detailed changes to each plot. It also includes a plan showing separation distances.

At the same time, an application was submitted to discharge other conditions contained in the planning permission for the site as described in application "B" above. Normally this would be dealt with separately but in view of the "amenity" issues raised by objectors to Application A, it seems appropriate to have both determined together.

A copy of the previous report relating to Application "A" is at Appendix B.

An outline of Application "B" is provided below, before the report deals with the planning merits of both.

The Proposals for Discharge of Conditions

These relate to the need to discharge three of the pre-commencement conditions attached to the planning permission granted at appeal.

Condition 3 relates to the facing and roofing materials to be used. It is proposed to use Birtley Olde English bricks and Redland duo-plain Charcoal grey roofing tiles. Block paving would be used for hard standings.

Condition 4 relates to full details of the soft and hard landscaping details. Details are submitted to cover all of the matters referred to by the condition including details of boundary treatments and the entrance gates. The plan is attached at Appendix C.

Condition 12 requires details of the lighting scheme for the site. The details submitted show low level bollards for the service road and small wall mounted security lighting. These are illustrated at Appendix D

Representations

Members will be aware of the objections received to the original submission of Application "A" and these are outlined in Appendix B. The plans referred to in Appendix A have been re-circulated for comments and it is anticipated that the same issues will be raised. These will be covered in the main report below, but any new matter will be raised at the meeting

There have been no representations received in respect of Application "B" during its three week consultation period.

Consultations

Warwickshire County Council as Highway Authority – It has been asked to comment on the proposed access re-location to Ashleigh. The applicant has submitted a Road Safety Audit in respect of this alteration – see Appendix E. The County Council have received this. At the time of writing this report the County Council has agreed to the inclusion of these works in a Section 278 Agreement under the Highways Act and had no negative feedback on the Audit. A formal response to the planning application has not yet been received and an update will be provided at the meeting.

Development Plan

There is no change in the Development Plan policies relevant to both applications as set out in Appendix B

Other Material Planning Considerations

The new NPPF came into effect at the end of July after the date of the last Board report.

There is nothing in the 2018 NPPF that would affect the discussion below.

Observations

It is proposed to look at the several issues raised by the objectors in turn and then to cover any other outstanding matters.

a) The increase in height at Plot 3

As indicated in the previous report the increase in height to plot 3 would bring its height up to that already approved for the neighbouring two properties on either side – see Appendix A. Although there would be uniformity of height with the other plots, that is not in itself a reason for refusal. The increase in height is not considered to lead to any material worsening in the visual appearance of the development. The increase in height does enable the roof space to be used and two first floor windows are proposed. The Board is reminded of the Inspector's comments on the appeal case and the conclusion that the separation distances are appropriate. This conclusion would not alter in respect of this change now being proposed. There is thus no material worsening to the residential amenity of the frontage properties.

4/195

b) The increase in volume for the Plots

There is an overall increase in volume over the five properties. Appendix A illustrates the increases in plan form and by elevation. This is not considered to materially worsen the residential amenity of the frontage properties.

c) The increase in the number of windows

The increase in first floor windows can be seen at Appendix A. There would be five additional dormers and five additional velux lights. There would also be an additional side elevation window at Plot 5 together with side panels to the front doors. There are also additional windows in the rear elevations – five dormers. The changes at ground floor level are very unlikely to be visible to frontage properties given the intervening boundary treatments. The side panels are to be fitted with obscure glazing. The new velux lights are to stairwells and not to habitable rooms. Two of the new dormers are to en-suite rooms and obscure glazing is to be used. Given these circumstances and the fact that the approved scheme already had first floor windows and these were found to be acceptable in the appeal case, it is difficult to see that there is a material reason for refusal here. As the separation distances remain the same, there is no material adverse impact on residential amenity. There is also a concern that whilst these new openings might not be to habitable rooms or that they can be obscurely glazed, the fact is that there will be light emitted from them. It is acknowledged that there is as a matter of fact, an increase and that there will be a greater degree of lighting, but this is of a residential scale and nature and Members are asked to assess whether there would be a significant worsening here, given the conclusions already reached by the Inspector.

d) Car Parking

In its comments on the original scheme submitted for Application A, the Fillongley Parish Council considered that there was insufficient car parking space provided. The applicant consequently increased provision, but this led to an objection from a neighbour concerned about the impact on residential amenity. The provision showed on the plans at Appendix A is for 400% provision – in excess of the Council's standards. The additional spaces are to be provided in front of each of the new houses apart from additional visitors spaces at the rear of Ashleigh. They would thus not reduce the amount of space available for planting along the rear of the frontage properties. On balance it is considered appropriate to plan for additional spaces now, rather than have ad-hoc parking at a later date. The principle of houses here and parking at the rear of frontage property has already been established.

e) The Re-location of the access to Ashleigh

In highway technical terms this is acceptable to the Highway Authority. It has come about because of the need to plan for the nearby crossing arrangements over the Coventry Road as required by the appeal decision. The concern is that the re-location will affect existing boundary treatments and stability at the neighbouring property and that it reduces visibility and increases the likelihood of conflicting movements when exiting the site. There is also concern that the amount of green grass verge would be removed. The Highway Authority agrees to the re-location from a technical point of view as outlined in the consultations section above. However, the formal response to the planning application is awaited. In respect of the other issues, then the boundary concerns are a private matter to be resolved between the parties. A note can be attached to the grant of any planning permission so as to draw attention to this issue.

This is normal practice. The loss of verge is not considered to be material in the overall setting.

f) Landscaping

The proposals here are suitable and appropriate.

g) Lighting

The grant of the permission for the development recognised that there would be some lighting needed and that as this was to be a private drive, then that would not be the normal street columns. The use of low level, low luminance bollards is therefore proposed. These would be a metre tall and located alongside the access drive next to Ashleigh (three bollards); at the turning head outside plot 5 (four bollards) and along the access drive (four bollards). There will be some luminance reflected off the road surfaces here, but this is not considered to be material in giving rise to adverse impacts. There is also concern expressed about house lights fitted to front elevations. This is again not considered to give rise to material impacts.

h) Materials

The materials are appropriate to the setting here and there has been no comment received on them.

i) Other Matters

In looking at the proposals and given the objections received, the applicant was asked to consider the “handing” of the development such that the new dwellings had their rear elevations and gardens backing onto those of the frontage properties. The applicant points out that the separation distances would probably be reduced as the houses would be closer to those along the frontage and then there would be rear gardens backing onto rear gardens, which could still give rise to amenity issues because of the likely greater activity levels than that arising from the road.

The possibility of replacing some of the new dormer windows in the front elevations with windows at the rear instead was also put to the applicant. He points out that these are mostly for en-suite rooms and will be obscurely glazed and that the separation distances have already been found to be appropriate through the recent appeal decision. He sees no planning reason to further amend the scheme.

Recommendations

a) DOC/2018/0051

That the following details be approved in discharge of conditions attached to planning permission APP/R3705/W/16/3145303 dated 29/7/16:

1. The materials schedule received on 16/7/18 in full discharge of Condition 3
2. All of the details received on 16/7/18 in full discharge of all of the matters under Condition 4
3. The lighting details received on 16/7/18 in discharge of Condition 12.

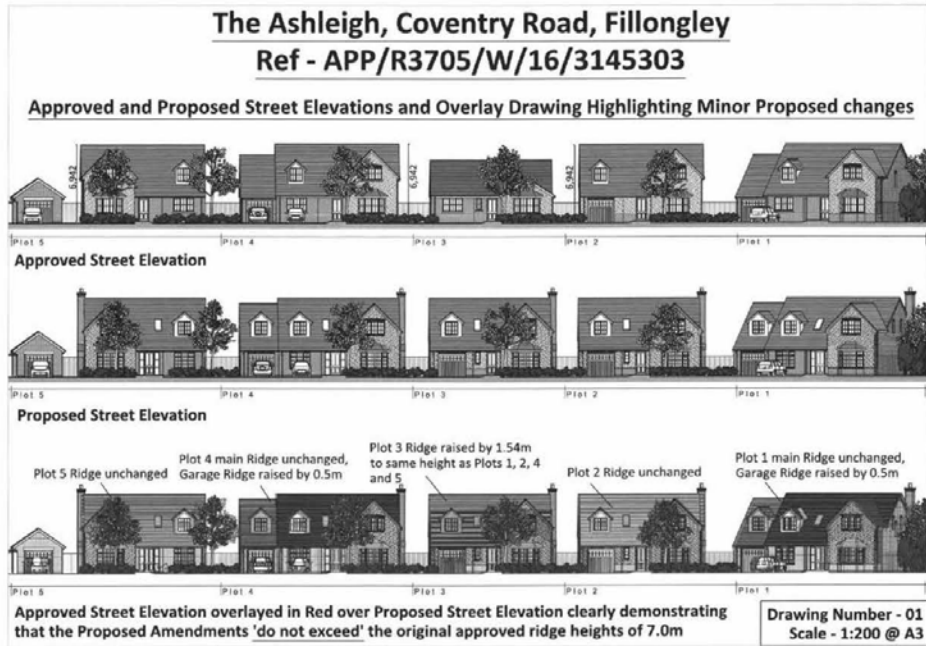
b) PAP/2018/0377

That subject to there being no objection from the County Council as Highway Authority, Condition 2 of planning permission APP/R3705/W/16/3145303 dated 29/7/16 be varied so as to refer to the plan numbers contained in Appendix A to this report; that a note be added as outlined in the report and that any conditions required by the Highway Authority be added.

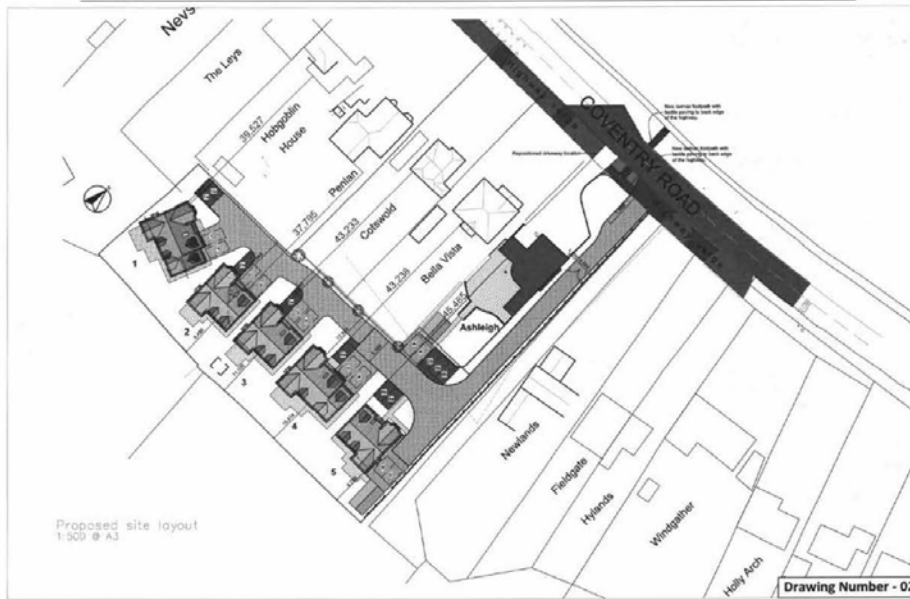
**11no Documents to support Application PAP/2018/0377
for the Variation of Condition 2,
Ashleigh, Coventry Road, Fillongley
Approved Appeal Ref – APP/R3705/W/16/3145303**

Contents

- Drawing 01 – Street Elevations
- Drawing 02 – Separations Distances
- Drawing 03 – Plot 1
- Drawing 04 – Plot 2
- Drawing 05 – Plot 3
- Drawing 06 – Plot 4
- Drawing 07 – Plot 5
- Drawing 08 – Plot 2 Perimeter Example
- Drawing 09 – Massing Increase Example
- Drawing 10 – Lighting Plan
- Drawing 11 – Road Frontages



Separation Distances Between Existing and Proposed



The Ashleigh, Coventry Road, Fillongley Ref - APP/R3705/W/16/3145303

PLOT 1



Proposed Amendments

Front Elevation

1. Height & Width Unchanged
2. Velux stair light added
3. Glazed Panels added either side of the front door
4. Dormer width increased with window remaining same size
5. Study window cill lowered
6. Dormer window (frosted) added to En-suite above Garage
7. Garage Ridge Raised
8. Brickwork verge detail added
9. Chimney added to side Elevation

Rear Elevation

1. Height & Width Unchanged
2. Central Velux replaced with Dormer
3. Central Ground Floor window replaced with French Doors
4. Utility windows reduced from 2 to 1
5. Brickwork Eaves above Utility windows raised
6. Bedroom Dormer widened with French Doors and Glazed Balustrade
7. Bedroom window replaced with French Doors and Glazed Balustrade
8. Brickwork verge detail added
9. Chimney added to side Elevation

Drawing Number - 03

The Ashleigh, Coventry Road, Fillongley
 Ref - APP/R3705/W/16/3145303

PLOT 2

Approved



Proposed



Proposed Amendments

Front Elevation

1. Height & Width Unchanged
2. Velux stair light added
3. Frosted WC window added Ground Floor
4. Dormer width increased with window remaining same size
5. Brickwork verge detail added
6. Chimney added to side Elevation

Rear Elevation

1. Height & Width Unchanged
2. Central Velux replaced with Dormer window to Bathroom
3. Bedroom Dormer width increased with window remaining same size
4. First Floor Bedroom window replaced with French Doors and Glazed Balustrade
5. Brickwork verge detail added
6. Chimney added to side Elevation

Drawing Number - 04

The Ashleigh, Coventry Road, Fillongley
 Ref - APP/R3705/W/16/3145303

PLOT 3

Approved



Proposed



Proposed Amendments

Front Elevation

1. Height of Proposed raised by 1.54m to be in line with Plots 2 and 4, Width Unchanged
2. Frosted WC window added Ground Floor
3. Bedroom 1 Ground Floor replaced with Garage
4. Velux stair light added
5. Dormer Bedroom window added
6. Brickwork and Render Gable added with Bedroom window
7. Brickwork verge detail added
8. Chimney added to side Elevation

Rear Elevation

1. Height & Width as above
2. French Door removed, replaced with window
3. Kitchen window replaced with combination door and window
4. 2no Dormer windows added for Bedroom and Bathroom
5. First Floor Brickwork Gable added including French Doors and Glazed Balustrade to Bedroom
6. Brickwork verge detail added
7. Chimney added to side Elevation

Drawing Number - 05

The Ashleigh, Coventry Road, Fillongley
 Ref - APP/R3705/W/16/3145303

PLOT 4



Proposed Amendments

Front Elevation

1. Height & Width Unchanged
2. Velux stair light added
3. Glazed Panels added either side of the front door
4. Dormer width increased with window remaining same size
5. Study window cill lowered
6. Dormer window (frosted) added to En-suite above Garage
7. Garage Ridge Raised
8. Brickwork verge detail added
9. Chimney added to side Elevation

Rear Elevation

1. Height & Width Unchanged
2. Central Velux replaced with Dormer
3. Central Ground Floor window replaced with French Doors
4. Utility windows reduced from 2 to 1
5. Brickwork Eaves above Utility windows raised
6. Bedroom Dormer widened with French Doors and Glazed Balustrade
7. Bedroom window replaced with French Doors and Glazed Balustrade
8. Brickwork verge detail added
9. Chimney added to side Elevation

Drawing Number - 06

The Ashleigh, Coventry Road, Fillongley
 Ref - APP/R3705/W/16/3145303

PLOT 5



Proposed Amendments

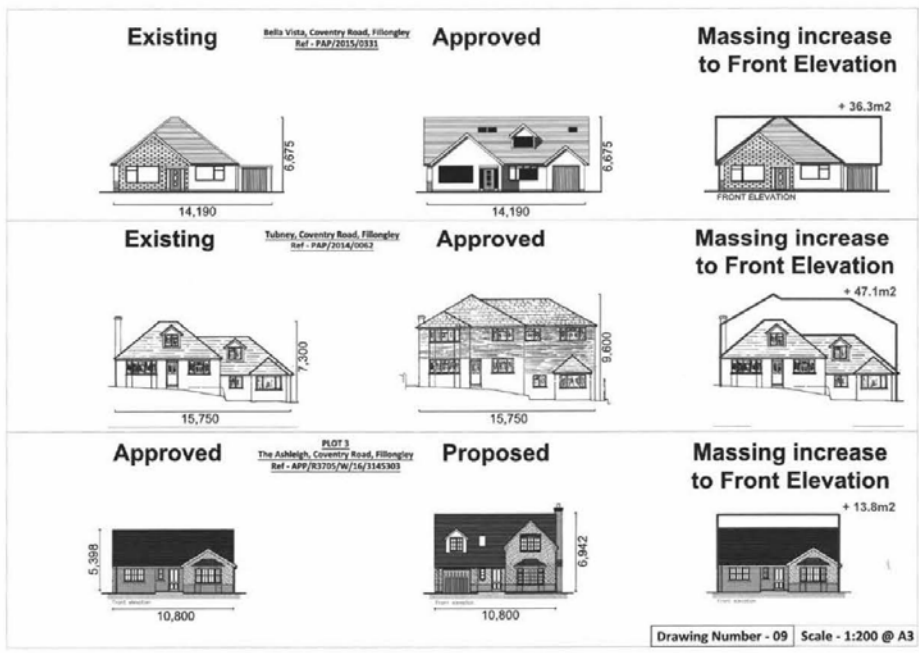
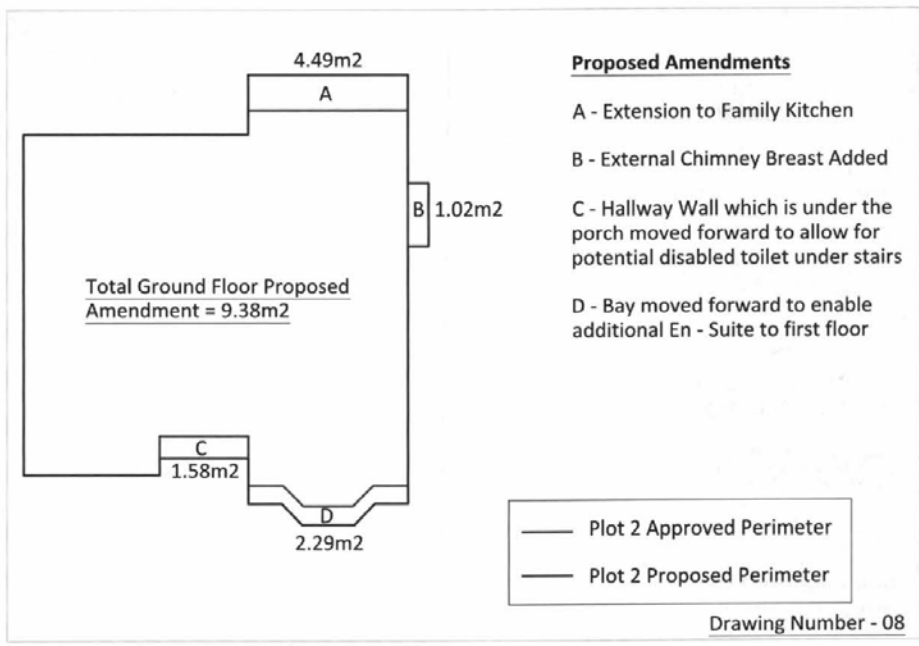
Front Elevation

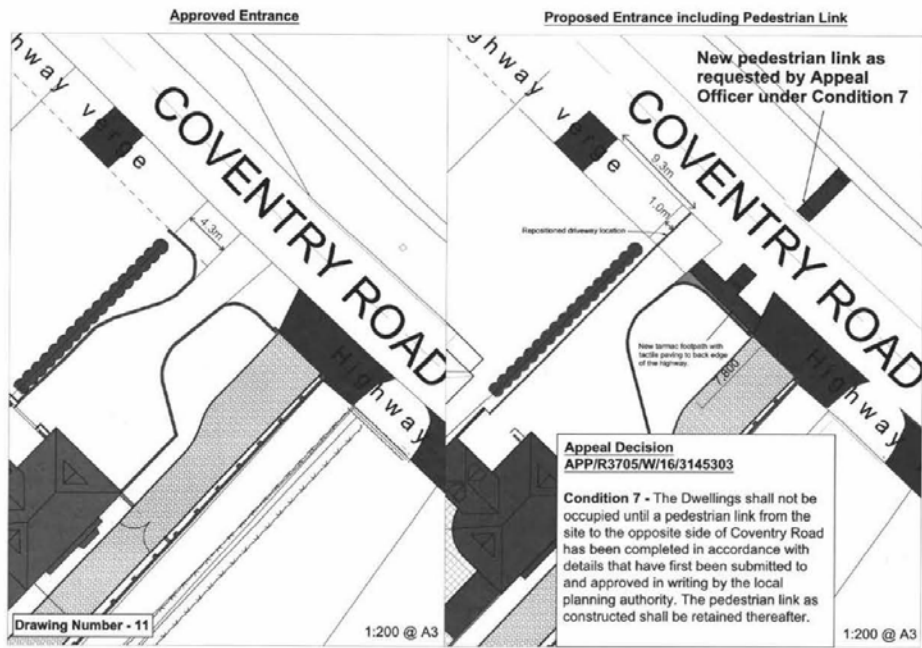
1. Height & Width Unchanged
2. Velux stair light added
3. Glazed Panels added either side of the front door
4. Dormer width increased with window remaining same size
5. Study window cill lowered
6. Brickwork verge detail added
7. Chimney added to side Elevation

Rear Elevation

1. Height & Width Unchanged
2. Central Ground Floor window replaced with French Doors
3. Central Velux replaced with Dormer to Bathroom
4. Dormer width increased with window remaining same size
5. First Floor Bedroom window replaced with French Doors and Glazed Balustrade
6. Brickwork verge detail added
7. Chimney added to side Elevation

Drawing Number - 07





PAP/2018/0377

Ashleigh, Coventry Road, Fillongley

Variation of Condition 2 of planning permission APP/R3705/W/16/3245303 dated 29/7/16 relating to plot 3 – increase in ridge height from 5.398m to 6.935m together with elevation changes to Plots 1 to 5 for

Mr J Cassidy

Introduction

This application is referred to the Board by local Members who are concerned about the potential impact for over-looking and the loss of privacy.

The Site

Ashleigh is one of a number of frontage detached houses and bungalows on the south side of Coventry Road. The site is at the rear and extends along the back of several of these properties.

The site is illustrated at Appendix A

Background

A detailed planning permission was granted on appeal in 2016 for the erection of five dwellings on this site.

The appeal decision is attached at Appendix B.

The approved layout and elevations are at Appendix C

The Proposals

It is proposed to raise the height of the unit on plot 3 by 1.537 metres together with elevation changes to all five dwellings. A schedule of proposed changes is at Appendix D

The proposed street scene is at Appendix E.

As can be seen from Appendix C, the approved development has four one and half storey "dormer" bungalows and one single storey bungalow in line with their own service road running parallel to a frontage of detached properties facing the Tamworth Road. The fronts of the new bungalows thus face the rear of the frontage properties. The new development would also be lowered by some 0.75 metres from original ground levels throughout its length. The distance between the front elevations and the rear elevations of the existing dwellings is between 37 and 39 metres. The Inspector dealing with the appeal found that this distance was acceptable. Additionally she concluded that the heights of the new dwellings would be subservient to the frontage properties aided by the lowering in ground levels.

Representations

At the time of writing this report four letters of objection have been received referring to the following matters:

- These houses are on garden land and behind other houses
- They will be visible to existing occupiers
- The access is poor
- They will dominate the environment
- The increased height will increase over looking
- There are more windows
- The increased height is unnecessary

Development Plan

The Core Strategy 2014 – NW10 (Development Considerations)

Other Material Planning Considerations

The National Planning Policy Framework

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

Observations

There is a planning permission here for the erection of five new dwellings and thus the principle of development is not a matter for re-consideration with this current application. The approved layout and the location and size of the footprints of the new dwellings are neither being proposed for variation. The issues are wholly limited to consideration of the proposed changes to the design and appearance of the new dwellings.

It is proposed to raise the height of the building on plot 3 – the central one of the five – by 1.5 metres. This would bring it into line with the approved ridge heights of the other four. There is therefore no reason here for refusal. Whilst the same ridge height throughout would lead to a more uniform overall appearance, that is not a reason for refusal given that there is no heritage asset here to consider, or other adopted design requirement. Indeed the Inspector neither found that the development was so out of keeping with the character and appearance of the area to warrant refusal. That decision approves the height of this proposal.

The other detailed changes do not materially alter the general appearance of the dwellings and neither do they introduce any elements that might lead to adverse amenity impacts on the occupiers to the existing houses. In short:

- Plots 1 and 4 introduce a new dormer to the front elevation over the garage; a new velux light on the front roof and larger windows to the rear. A chimney is also added.
- Plot 2 adds a chimney and a new velux light to the front roof slope with rear fenestration enlarged
- Plot 3 would appear as Plot 2. The changes are the increase in height with a velux light and two windows in the roof slope – one a dormer and the second in a gable.

- Plot 5 adds a chimney and “hands” the front gable from one side to the other and the rear windows are enlarged.

There was concern raised previously about the number of windows in the front elevations of the new houses. For completeness, the approved scheme has a total of eight. The current proposal is for twelve with five new velux roof lights. This increase is not a reason for refusal in its own right. Clearly the Inspector allowed the appeal because the separation distances were appropriate and in excess of that normally considered to be acceptable. The lowering in ground levels aided that conclusion. The proposed changes do not alter this overall conclusion.

Recommendation

That plan numbers 6882/09G; 21E; 22D, and 23C all received on 19/6/18, be substituted for those referred to in condition 2 of the permission APP/R3705/W/16/3245303 dated 29/7/16, subject to the conditions contained in that decision.

Notes:

- a) The Local Planning Authority has met the requirements of the NPPF in this case by balancing the planning issues involved against the Development Plan and other material planning considerations.

Background Papers

Application 19/6/18

D and S Lees Objection 5/7/18

S McIndoe Objection 2/7/18

J Macdonald Objection 27/6/18

C Rooke Objection 28/6/18

Condition 4 – Item F and H

F – Planting Plans

H – A Schedule of Plants noting Species, Plant
Sizes and Proposed Numbers

Please Refer to Drawing reference -
Proposed Landscaping Plan &
Schedule of Plants and Trees



- Prunus Lusitanica Variegata Hedge
30cm/40cm - 3no 2.5L pots per metre
- Buxus Sempervirens Hedge
30cm/40cm - 3no 2.5L pots per metre
- Elaeagnus Ebb 'Gilt Edge' Hedge
30cm/40cm - 3no 2.5L pots per metre
- Ⓐ Corylus Columna
Height: 450 - 500cm
Girth: 18 - 20cm 4no
- Ⓑ Betula Pendula (Silver Birch)
Height: 450 - 500cm
Girth: 18 - 20cm 5no
- Ⓒ Sorbus Acuparia
Height: 400 - 450cm
Girth: 18 - 20cm 2no
- Ⓓ Prunus Avium (Cherry Tree)
Height: 300 - 400cm
Girth: 14 - 16cm 3no



Land to the rear of Ashleigh and Penlan
Proposed Landscaping Plan 1:500 @ A3
Coventry Road
Fillongley
CV7 8BZ

Schedule of Plants and Trees



Prunus Lusitanica Variegata



Buxus Sempervirens hedge
(Common Box)



Elaeagnus Ebb Hedge
(Gilt Edge)

4/210

6/21



Prunus Avium (Cherry Tree)



Corylus Colurna Tree



Sorbus Aucuparia Tree
(Sheer Water Seedling)



Betula Pendula Tree
(Silver Birch)

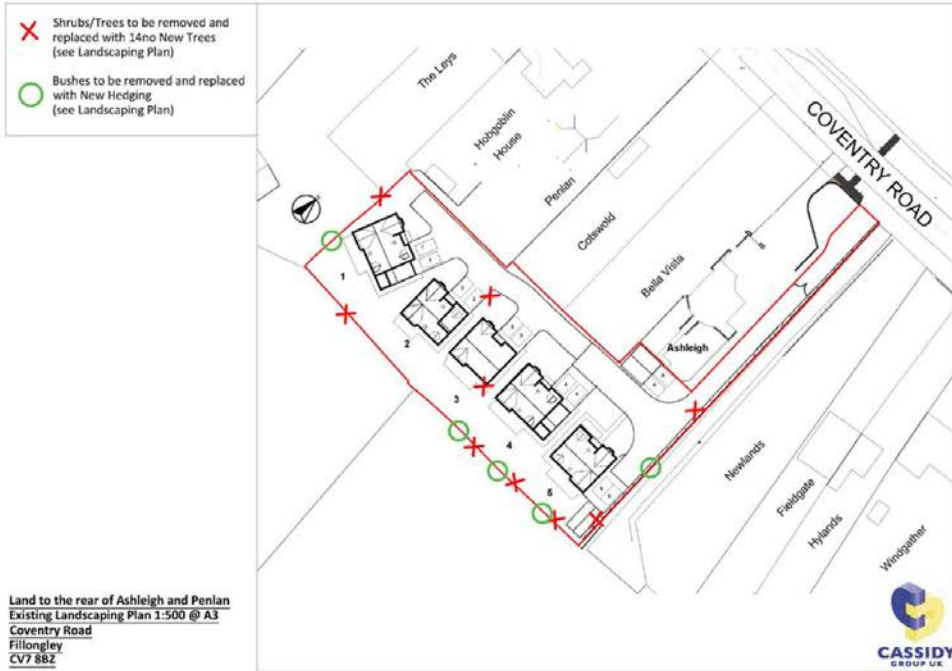
Condition 4 – Item i and J

i – Existing Landscape Features including
hedges to be retained

J – Existing Landscape Features including
hedges to be removed

Please Refer to Drawing reference -
Existing Landscaping Plan
Proposed Landscaping Plan





Condition 4 – Item K

K – an implementation programme

Please Refer to the Landscape
Implementation Plan and Maintenance
Programme



LANDSCAPE IMPLEMENTATION PLAN AND MAINTENANCE PROGRAMME

1.0 GENERAL

1.1 Construction Programme

At present an exact start date for construction of the 5no dwellings has not been finalised and therefore we cannot provide a monthly programme and therefore cannot determine the completion date for occupation of the properties compared to recommended planting seasons.

1.2 Planting Phasing Plan

All Planting as shown within the Proposed Landscaping Plan will be planted prior to the occupation of the properties. There will be no phasing regardless of the recommended planting season. Instead, Cassidy Group will ensure that the plants are maintained and watered sufficiently and replace any plants or trees that die, are removed, become seriously damaged or diseased in accordance of Planning Condition 5.

1.3 Standards

All plants shall conform to BS 3936 and be in accordance with the National Plant Specification. Supplying nurseries shall be registered under the HTA Nursery Certification Scheme. All plants shall be packed and transported in accordance with the Code of Practice for Plant Handling as produced by CPSE. Planting shall not be carried out when the ground is waterlogged, frostbound or during periods of cold drying winds. All bare root stock shall be root dipped in an approved water-retaining polymer.

If the formation level is compacted it should be ripped through before topsoiling. Topsoil depths to be 450mm for shrub beds and 150mm for grass areas.

2.0 ORNAMENTAL SHRUBS AND TREES

2.1 Ground Preparation

Where necessary treat existing weeds with a glyphosate based herbicide and allow a suitable period as recommended by the manufacturer for this to take effect. A general purpose slow release fertiliser at the rate of 75gm/m² and Tree Planting and Mulching Compost at the rate of 20litres/m² are to be incorporated into the top 150mm of topsoil during final cultivations. All extraneous matter such as plastic, wood, metal and stones greater than 50mm in any dimension shall be removed from site.

Tree pits are to be excavated and the base broken up a further 150mm with the sides well scarified to prevent smearing. All trees up to and including selected standards are to be supported with single 75mm diameter stakes. All rootball, container grown and trees over heavy standard size shall be double staked. Any feature trees semi mature in size to be secured with a below ground anchoring system (such as a deadman anchor). Stakes should be driven 500mm into undisturbed ground before planting the tree, taking care to avoid underground services and cables etc.

2.2 Planting



Shrubs and hedges are to be set out as shown on the drawing and pit planted into the prepared soil at the specified centres with minimal disturbance to the rootball and well firmed in.

Trees are to be placed into the pits and backfilled with topsoil incorporating slow release fertilizer and Tree Planting and Mulching Compost as specified. Firm trees in well and secure with proprietary rubber tree ties and spacers.

Water in all trees and shrubs at the end of each day of planting.

Spread ornamental pine bark mulch to a depth of 75mm across all new planting areas, ensuring groundcover plants are not buried

2.3 Maintenance

The landscape contractor shall maintain all areas of new planting for a period of 12 months following practical completion. All stock deemed to be dead, dying or diseased within the defects period shall be replaced by the contractor at their cost. Any trees or plants which within a period of five years that die, are removed, or become seriously damaged will be replaced in the next planting season by the developer.

The site is to be visited monthly throughout the first 12 months to undertake the following operations.

Weed clearance: All planting areas are to be kept weed free by hand weeding or herbicide treatment.

Litter clearance: All litter is to be removed from planting beds.

Watering: Planting areas are to be brought up to field capacity at each visit and each tree is to receive 20 gallons.

Checking trees: All tree ties and stakes are to be checked and adjusted if too loose, too tight or if chaffing is occurring. Any broken stakes are to be replaced.

Formative pruning: Any damaged shoots/branches are to be pruned back to healthy wood. Plants are to be pruned in accordance with good horticultural practice to maintain healthy well-shaped specimens.

3.0 NATIVE SHRUB PLANTING

3.1. Ground Preparation

The extent of the planting area shall be set out using 38x38x1200mm timber stakes at each change in direction and at a maximum of 50m intervals.

Either : for notch planting all herbaceous material within the proposed planting area shall be sprayed out using an approved herbicide at least two weeks before planting and the ground shall be cultivated to a depth of 150mm.

or : for pit planting

A 900mm diameter circle shall be sprayed out at each planting station using an approved herbicide at least two weeks before planting.

3.2 Planting

All bare rooted stock is to be root dipped in water retaining polymer. Proposed planting is to be planted on an informal grid. To avoid straight lines each planting station can be moved by up to 300mm in any direction.

Either a for shelters or b for rabbit fence

a. All stock to be protected from rabbit damage using approved proprietary tree and shrub shelters, 900mm and 600mm high respectively, secured with stakes and ties as advised by the manufacturer.

b. All stock to be protected from rabbit damage by 900mm high rabbit fencing erected in accordance with the manufacturers recommendations.

3.3 Maintenance

Using approved herbicides a 900mm diameter circle centred on each planting station shall be kept weed free throughout the maintenance period.

Each Autumn after planting and until handover to the adopting authority, the contractor will prepare a list of all plants which are dead, dying or diseased and will replace these during the following planting season.

4.0 NATIVE HEDGE PLANTING

4.1 Setting Out

The hedge line shall be set out using 38x38x1200 stakes at maximum 50m intervals and all herbaceous material within 400mm of the centre line shall be sprayed out using an approved herbicide at least two weeks before planting.

4.2 Preparation

The 800mm wide hedge line shall be cultivated to 150mm incorporating Enmag or equal at 75gm/m².

4.3 Planting

Plants shall be notch planted in two rows 250mm apart and staggered at 300mm centres. All plants are to be protected with a 600mm proprietary shelter secured with a stake/cane and ties as recommended by the manufacturer.

4.4 Maintenance

Using approved herbicides a 800mm wide swathe centred on the hedgeline shall be kept weed free throughout the maintenance period.

5.0 GRASS

5.1 Preparation

The area to be seeded shall be sprayed out with a glyphosate herbicide and cultivated to a depth of 100mm removing all weeds, debris and stones over 25mm diameter. The surface shall be raked to smooth flowing contours with a fine tilth, incorporating pre-seeding fertiliser at 70 g/m².

5.2 Turf

Turfing operations shall be in accordance with BS 4428.

Whole turves shall be laid around the perimeter of the area to be turfed. The central area shall be laid in rows with staggered joints, well butted together, working from planks positioned on turves already laid. The turf shall be watered on completion. Any unevenness shall be made good by lifting the turf and adjusting the levels. Should shrinkage occur, fine topsoil shall be brushed into the joints.

5.3 Seeding

Grass seed shall be sown in April during calm weather and not when the ground is frost bound or waterlogged. Seed shall be sown in two equal sowings in transverse directions at 35 g/m². After sowing the contractor shall lightly rake the seed into intimate contact with the soil. All seed mixes to be specified in accordance with those set out in the approved management plan.

5.4 Initial cut

When newly seeded areas reach 50mm they should be cut back to a height of 30mm and then cut twice annually in early Spring and late Summer. All arisings shall be removed or spread evenly across grassland. Any bare patches shall be made good at this time.

6.0 TOPSOIL

6.1 Existing Topsoil

Pre-planting herbicide application:-

Apply by suitable spraying apparatus, an approved translocated systemic herbicide to the manufacturer's instructions and to 1997 Control of Pesticides Regulations and 2003 COSHH regulations on all beds, except those which are both weed free and are to receive agrotexile sheet mulch. Spray immediately if any weeds are present. If none are showing, but there may be a delay before planting, or the area is to be seeded, spray after one month following cultivation, to allow dormant seed to terminate. All spraying shall be carried out by skilled and qualified operatives, using protective clothing, in suitable weather (no wind) and any damage caused by spray drift, from incorrect usage or spillage, shall be rectified at the contractor's own cost. Repeat as necessary to ensure complete kill and rake off all dead material from site.

Carry out the following works to the existing topsoil on site to ensure it Conforms to BS 3882:2015, being free from rocks larger than 50mm diameter, concrete, all roots, wire, brick, and have less than 20% clay. Allow for pre-application of herbicide as above. Fertilize with 100g per meter square of Vitax "Nutricote 180" slow release fertilizer, in accordance with the manufacturer's instructions. For beds less than 5 meters in width, fork over thoroughly or machine rotavate soil to a depth of 300mm, ensuring that the subgrade and topsoil are completely broken up and free draining, relieving any compaction. For beds greater than 5 metres in width, break up the subgrade and topsoil using a tractor mounted subsoiler or ripper at 500mm centres to a depth of 500mm, except where there are services, or within 10 metres of tree stems or 3 metres of existing hedges. Do not rip areas where roots greater than 10mm diameter are encountered.

6.2 Imported Topsoil

Any imported topsoil for making up ground, shall conform to BS:3882:2015, and be free from rocks (over 50mm diameter), concrete, roots, wire and brick, and have less 20% clay.

7.0 WILDFLOWER AND GRASSLAND MIX

7.1 Preparation

If required the area to be seeded shall be sprayed out with a glyphosate herbicide and cultivated to a depth of 100mm removing all weeds, debris and stones over 25mm diameter. The surface shall be raked to smooth flowing contours with a fine to medium tilth.

7.2 Seeding

Meadow and wildflower seed mixes shall be sown in either August -September or March -April during calm weather and not when the ground is frost bound or waterlogged. Seed shall be sown in two equal sowings in transverse directions at 4 or 5 g/m², according to supplier's recommendations. After sowing the contractor shall roll the seed into intimate contact with the soil with a ribbed Cambridge roller.

7.3 First year maintenance for common areas

All litter should be removed from areas prior to mowing. The following procedures should not be undertaken in adverse weather conditions or if ground conditions prevent the use of machinery without damage to the ground surface. Mow regularly throughout the first year of establishment to encourage basal growth and reduce weed competition. All arisings shall be removed.

7.4 Second and subsequent year maintenance for common areas

Management of subsequent years comprises a single Autumn cut in September or October to allow plants to set seed. Arisings shall be left for a minimum of 24 hours and a maximum of 7 days before being removed.

Condition 12 –

Details of any External Lighting shall be submitted to and approved in writing by the Local Planning Authority before the dwellings hereby permitted are occupied. The Lighting shall be carried out in accordance with the approved details

Please Refer to Drawing reference -
External Lighting Plan, Data Sheets &
Lighting Report





4/223

FRESCO

Extruded aluminium LED Bollard



Features:

High output LED bollard
Ideal for pathways and pedestrian areas
Symmetric distribution
Surface mounted utilising J bolts
CRI: Ra>80
Up to 65 lumens per Watt efficacy
50,000 hours lifetime (L70/B50)

Construction:

Extruded aluminium body finished in black (RAL 9005)
Root mounted kit also available
Integral driver
Supplied as standard with neutral white (4000K) LED

Options:

M3 - 3 hours integrated emergency

Lighting for
a Living



FRESCO

Extruded aluminium LED Bollard

Order Codes

All dimensions are in millimetres

Order code	Description	Lumens (lm)	Total power (W)	Efficacy (lm/W)	Weight (kg)
FREL23NW	23W - 4000K	1600	23	65	5.7

Dimensions

All dimensions are in millimetres

Order code	C	Diameter
FREL23NW	1000	180

Installation instructions:

Surface mount utilising J bolt assembly and wired via a three way terminal block. Please ensure correct ground preparations are applied before installation

To specify:

LED bollard as per Tamlite FRESCO range

Please Note: Order codes listed are for standard (non-emergency) versions only. For all other gear options, please contact Tamlite Lighting.



Tamlite Sales Centre.
Tel: 01527 517777
Fax: 01527 517666
e-mail: sales@tamlite.co.uk

Tamlite Technical.
Tel: 01952 292441
Fax: 01952 292155
e-mail: technical@tamlite.co.uk

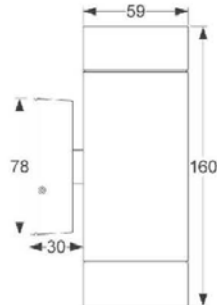


ACCREDITED
SUPPLIER

LIAQA AWARD
WINNER 2017



Data Specification Sheet



WALL2L GU10 Wall Mounted Fitting

Code	WALL2L
Description	GU10 Wall mounted IP65 Fitting Up & Down light
Finishes available	Stainless Steel
Overall dimensions (mm) Depth from Wall	See Above
Product Weight	696 grams
Recommended product location	Indoor or Outdoor (Not recommended for food preparation areas)
Lamp Supplied	No
Voltage (V)	230V 50Hz
Maximum Lamp Wattage (W)	2x35Watts
Class	Class I. Must be Earthed
IP	IP65
Distance from lighted object	0.3M
Photometric Testing	Not available
Instruction sheet	Yes
Origin of manufacture	China
Main materials:	
• Body & Base	Stainless Steel
• Glass	Tempered Glass, Temperature Rated To 300°C.
• Reflector	N/A
Method of fix	Wall mounting base plate 2 x screw 40mm centres
Lampholder cap	2xGU10
Lamp type and base	2xGU10 35watt Max – GU10 LED
Electrical Connections	10A L.E.N. Nylon Connector, Screw Terminals
Cable rating (mm SQ /C.S.A.) & type	N/a
CE mark	Yes
Quality Assurance System	Yes ISO 9001 QMS
Batch coding details on product	Yes
Certificate of Conformity (Held on File)	Yes
Manufactured in accordance to:	EN60 598-2-5
Warranty	1 year

ML Accessories Ltd. reserves the right to withdraw, improve or modify any design without prior notification.
ML Accessories Ltd. cannot be held responsible for the incorrect application of any product.
ISSUE PS-01-12-V001 SC-02



Bollard Lighting

Installation : Various

Project number : 35468
Customer : CEF Coventry North
Processed by : Nick Cadman
Date : 05.07.2018

Project description:

.....
All calculations unless stated have been based upon an open plan area without any obstructions above the working plane.
With regards to CIBSE/ BSEN12464-1:2011 we have shown illuminance levels and ratios for your ultimate approval. UGR and luminance values are available for your approval if necessary. It may be necessary in some instances to check UGR values even if the luminance values are below the compliant threshold.
Emergency lighting has been designed in accordance with BS5266-1:2016 but is an indicative layout only - additional lighting may be required. All emergency lighting is to be checked and confirmed with a local building/fire control officer and ultimately approved by the owner of the building. Any emergency lighting calculations that have been completed have been based on 0.5 lux for open areas and 1 lux for escape routes (where details of escape routes have been given).
Please be aware of L2 requirements and check that conformity has been met where required. In addition, ensuring that fire tents are used where needed to conform to current building regulations is vital; please contact our sales office for a quotation.
All luminaires used are subject to approval/certification of client/end user.
Common design parameters (shown below) have been used in order to carry out all calculations. If any part of this scheme or luminaire choice within this scheme is deemed not suitable for the application, please contact us for re-calculations to be carried out prior to an order being placed. All calculations have been based upon rated lumen outputs and may vary with ambient on site temperatures.
Please ensure that this lighting scheme complies with all requirements, and if further details/calculations are required please contact us via the below details.
Final quantities are to be confirmed prior to an order/installation and we will not be held responsible for any errors or omissions.
.....

Nominal Values Used:
Maintenance Factor - 0.8
Reflectance Values (Office Type Interior): 70/50/20
Reflectance Values (Warehouse Type Interior): 50/30/20
.....

>Calculations based on the positions on the drawing provided, light level and uniformity poor due to bollards being used.

The following values are based on exact calculations on calibrated lamps, luminaires and their arrangement. In practice, gradual divergences can occur.

Guarantee claims for luminaire data are excluded.

Relux and the luminaire manufacturers accept no liability for consequential damage and damage which is occasioned to the user or to third parties.

Nick Cadman - Lighting Design Engineer - nickc@tamlite.co.uk
TamLite Lighting

Object : Bollard Lighting
Installation : Various
Project number : 35468
Date : 05.07.2018



1 Luminaire data

1.1 TamLite Lighting, FRESCO (FREL23NW)

1.1.1 Data sheet

Manufacturer: TamLite Lighting



FREL23NW Bollard **FRESCO**
Aluminium LED bollard

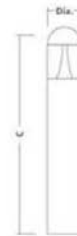
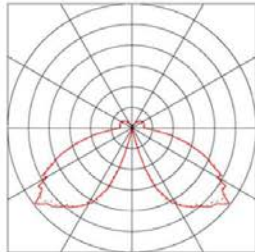
Luminaire data

Absolute Photometry :
Luminaire efficacy : 63.84 lm/W
Classification : B21 ↓88.1% ↑11.9%
CIE Flux Codes : 25 63 90 88 100
Glare : G*2 / D6
Control gear : LED Driver
Power : 22.9 W
Luminous flux : 1462 lm

Equipped with

Quantity : 1
Designation :
Colour :
Socket : N/A

Dimensions : Ø180 mm x 1000 mm



Nick Cadman - Lighting Design Engineer - nickc@tamLite.co.uk
TamLite Lighting

35468 - Bollard Lighting Report.rtf

Page 2/9

Object : Bollard Lighting
Installation : Various
Project number : 35468
Date : 05.07.2018



1 Luminaire data

1.2 TamLite Lighting, SLATE (TE-WST2)

1.2.1 Data sheet

Manufacturer: TamLite Lighting



TE-WST2 Wall Lights SLATE
High output LED wall light

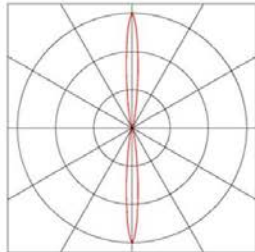
Luminaire data

Absolute Photometry : 56 lm/W
Luminaire efficacy : C84 ↓50.0% ↑50.0%
Classification : 95 98 100 50 100
CIE Flux Codes : <10.0 / <10.0
UGR 4H 8H : LED Driver
Control gear : 12 W
Power : 672 lm
Luminous flux

Equipped with

Quantity : 1
Designation :
Colour :
Socket : N/A

Dimensions : Ø110 mm x 134 mm



Nick Cadman - Lighting Design Engineer - nickc@tamLite.co.uk
TamLite Lighting

Object : Bollard Lighting
Installation : Various
Project number : 35468
Date : 05.07.2018



2 Requested positions

2.1 Description, Requested positions

2.1.1 Floor plan



Nick Cadman - Lighting Design Engineer - nickc@tamllite.co.uk
Tamlite Lighting

35468 - Bollard Lighting Report.rdf

Page 4/9

4/230

6/41

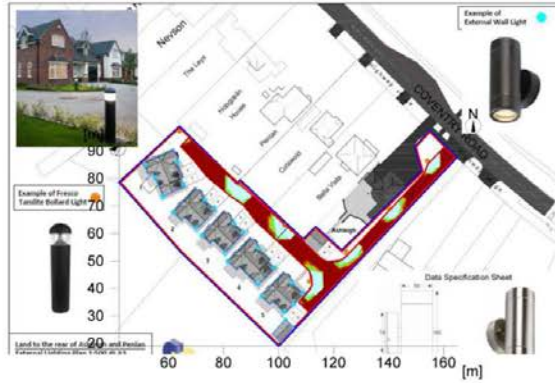
Object : Bollard Lighting
 Installation : Various
 Project number : 35468
 Date : 05.07.2018



2 Requested positions

2.2 Summary, Requested positions

2.2.1 Result overview, Roadway



General

Calculation algorithm used	Average indirect fraction
Height of evaluation surface	0.00 m
Maintenance factor	0.80
Total luminous flux of all lamps	26410 lm
Total power	448.3 W
Total power per area (3288.88 m ²)	0.14 W/m ²

Illuminance

Average illuminance	Eav	0.98 lx
Minimum illuminance	Emin	0.04 lx
Maximum illuminance	Emax	9.14 lx
Uniformity Uo	Emin/Em	1:22.7 (0.04)
Diversity Ud	Emin/Emax	1:212 (0)

Type No. Make

- | | | |
|---|----|----------------------------------|
| 1 | 7 | Tamlite Lighting |
| | | Order No. : FREL23NW |
| | | Luminaire name : FRESCO |
| | | Equipment : 1 x 22.9 W / 1462 lm |
| 2 | 24 | Order No. : TE-WST2 |
| | | Luminaire name : SLATE |
| | | Equipment : 1 x 12 W / 674 lm |

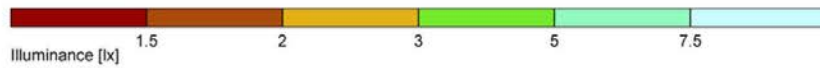
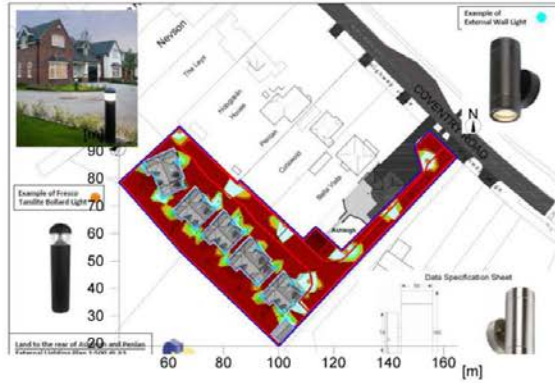
Nick Cadman - Lighting Design Engineer - nickc@tamlite.co.uk
 Tamlite Lighting

Object : Bollard Lighting
 Installation : Various
 Project number : 35468
 Date : 05.07.2018



2.2 Summary, Requested positions

2.2.2 Result overview, Evaluation area 1



General

Calculation algorithm used
 Maintenance factor

Average indirect fraction
 0.80

Total luminous flux of all lamps

26410.00 lm

Total power

448.3 W

Total power per area (3288.88 m²)



0.14 W/m² (4.87 W/m²/100lx)

Evaluation area 1

Reference plane 1.1

Horizontal
 Em 2.8 lx
 Emin 0.01 lx
 Emin/Eav (Uo) 0.00
 Emin/Emax (Ud) 0.00
 Position 0.00 m

Type No. Make

- | | |
|---|---|
| Tamlite Lighting | |
| 1 | 7 |
|  | Order No. : FREL23NW
Luminaire name : FRESCO
Equipment : 1 x 22.9 W / 1462 lm |
| 2 | 24 |
|  | Order No. : TE-WST2
Luminaire name : SLATE
Equipment : 1 x 12 W / 674 lm |

Nick Cadman - Lighting Design Engineer - nickc@tamlite.co.uk
 Tamlite Lighting

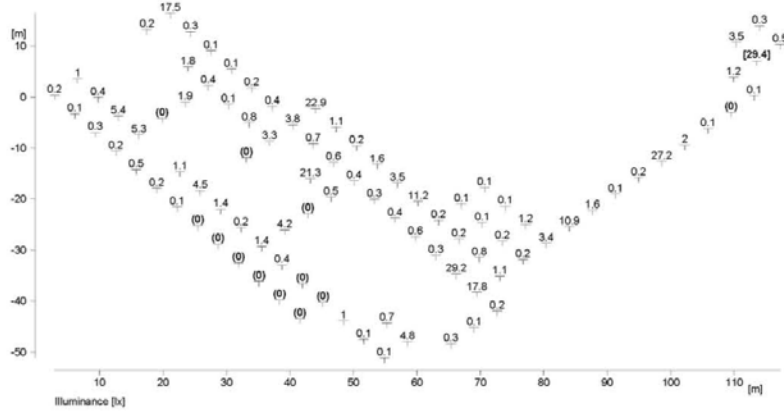
Object : Bollard Lighting
 Installation : Various
 Project number : 35468
 Date : 05.07.2018



2 Requested positions

2.3 Calculation results, Requested positions

2.3.1 Table, Reference plane 1.1 (E)



Height of the reference plane	Eav	: 0.00 m
Average illuminance	Eav	: 2.8 lx
Minimum illuminance	Emin	: 0 lx
Maximum illuminance	Emax	: 29.4 lx
Uniformity Uo	Emin/Eav	: 1 : 335.54 (0.00)
Diversity Ud	Emin/Emax	: 1 : 3524.92 (0.00)

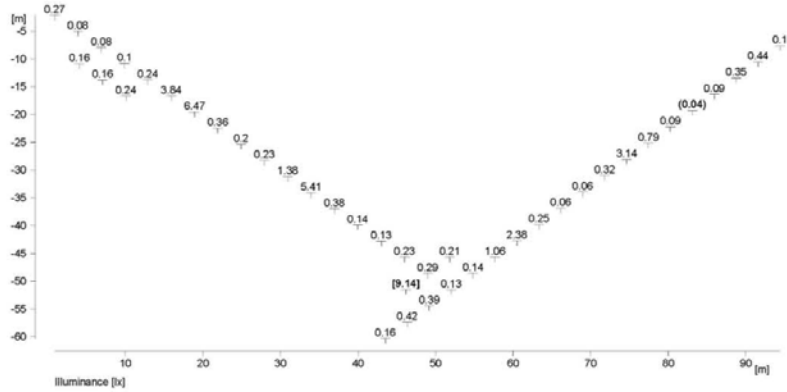
Nick Cadman - Lighting Design Engineer - nickc@tamlite.co.uk
 Tamlite Lighting

Object : Bollard Lighting
 Installation : Various
 Project number : 35468
 Date : 05.07.2018



2.3 Calculation results, Requested positions

2.3.2 Table, Roadway (E)



Height of the reference plane	Eav	: 0.00 m
Average illuminance	Eav	: 0.98 lx
Minimum illuminance	Emin	: 0.04 lx
Maximum illuminance	Emax	: 9.14 lx
Uniformity Uo	Emin/Eav	: 1 : 22.72 (0.04)
Diversity Ud	Emin/Emax	: 1 : 212.16 (0.00)

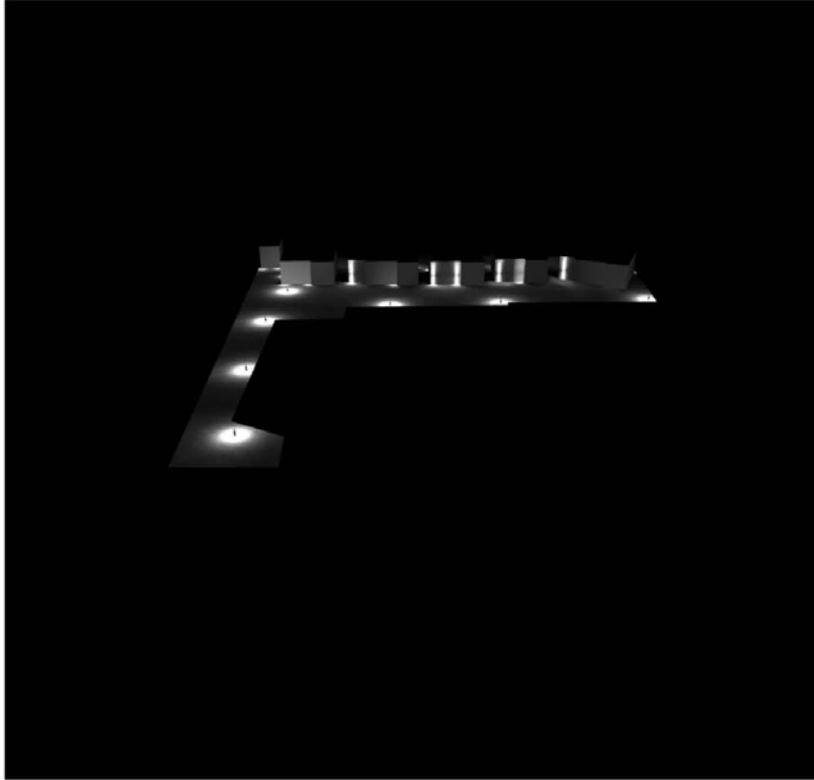
Nick Cadman - Lighting Design Engineer - nickc@tamlite.co.uk
 TamLite Lighting

Object : Bollard Lighting
Installation : Various
Project number : 35468
Date : 05.07.2018



2.3 Calculation results, Requested positions

2.3.3 3D luminance, View 1



Luminance in the scene
Minimum: : 0 cd/m²
Maximum: : 27.3 cd/m²

Nick Cadman - Lighting Design Engineer - nickc@tamlite.co.uk
TamLite Lighting



safer roads for everyone



APPENDIX E

PAP/2018/0377



Land to the rear of 'Ashleigh', Coventry Road, Fillongley, Warwickshire

Road Safety Audit Stage 2

on behalf of Cassidy Group UK

TMS reference no: 14343



Unit 1b, Sovereign Court 2,
University of Warwick Science Park,
Sir William Lyons Road, Coventry CV4 7EZ

Tel: +44 (0)24 7669 0900
Fax: +44 (0)24 7669 0274
Email: info@tmsconsultancy.co.uk
Web: www.tmsconsultancy.co.uk

Land to the rear of 'Ashleigh', Coventry Road, Fillongley, Warwickshire

Road Safety Audit Stage 2

1. Introduction

1.1 This report describes a Stage 2 Road Safety Audit carried out on minor highway works in association with a small residential development at land to the rear of 'Ashleigh', Coventry Road, Fillongley, Warwickshire, on behalf of Cassidy Group UK. The audit was carried out on 10th July 2018 in the offices of TMS Consultancy.

1.2 The audit team members were as follows:-

Audit Team Leader

Darren Newbold – MSc, BSc (Hons), MCIHT, MSoRSA
Highways England Approved RSA Certificate of Competency
Senior Engineer, TMS Consultancy

Audit Team Member

Richard Cook - BA (Hons)
Graduate Engineer, TMS Consultancy

1.3 The audit comprised an examination of the documents listed in **Appendix A**. The Road Safety Audit was undertaken in accordance with the Brief provided by Kerry Birta, Cassidy Group UK. The site was visited by the Audit Team on 9th July 2018 between 9.45am and 9.55am. The weather was sunny and dry. Traffic flows were light. No pedestrian and cycle flows were observed.

1.4 The terms of reference of the audit are as described in HD 19/15. The team has examined and reported only on the road safety implications of the scheme as presented and has not examined or verified the compliance of the design to any other criteria.

1.5 All of the problems described in this report are considered by the audit team to require action in order to improve the safety of the scheme and minimise accident occurrence. The locations of specific problems are referenced on the plan in **Appendix B**.

- 1.6 The scheme consists of minor highway works in association with a small residential development (five dwellings) at land to the rear of 'Ashleigh', Coventry Road, Fillongley, Warwickshire. The works include the repositioning of the existing vehicle access to 'Ashleigh', the provision of a pedestrian crossing (uncontrolled) connecting the development to the footway on the east side of Coventry Road and a new vehicle crossover access to serve the development.

2. Items resulting from this Stage 2 Audit

2.1 PROBLEM

Location – Coventry Road; proposed pedestrian crossing

Summary: Potential slip hazard to pedestrians

There is a metal service cover within Coventry Road that is likely to be in the crossing path of pedestrians using the proposed pedestrian crossing. The metal cover may be a potential slip hazard, particularly in wet or icy conditions.



RECOMMENDATION

Either the pedestrian crossing should be relocated so that the metal cover is not in the crossing path or the cover should be treated with a pedestrian friendly non-slip surface.

2.2 PROBLEM

Location – Coventry Road; proposed pedestrian crossing

Summary: Potential collisions between vehicles and pedestrians

Inter-visibility between pedestrians at the eastern side of the pedestrian crossing and north bound approaching drivers may be restricted by the low-lying branches of a tree within the eastern verge (the tree also casts a shadow across the carriageway). Poor inter-visibility may lead to potential collisions between vehicles and pedestrians.



RECOMMENDATION

The lower branches of the tree should be removed to ensure that adequate inter-visibility is provided to and from the pedestrian crossing point.

3. **Audit Team Statement**

We certify that the terms of reference of the road safety audit are as described in HD 19/15.

Audit Team Leader

Darren Newbold – MSc, BSc (Hons), MCIHT, MSoRSA
Highways England Approved RSA Certificate of Competency
Senior Engineer, TMS Consultancy

Signed 

Date 10th July 2018

Audit Team Member

Richard Cook - BA (Hons)
Graduate Engineer, TMS Consultancy

Signed 

Date 10th July 2018

TMS Consultancy

Unit 1b, Sovereign Court 2,
University of Warwick Science Park
Sir William Lyons Road
Coventry, CV4 7EZ

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 info@tmsconsultancy.co.uk
 www.tmsconsultancy.co.uk

Appendix A

Documents Examined:

- Drawing No. M41246-D100 Rev B
- Drawing No. M41246-D106

Other Information Provided:

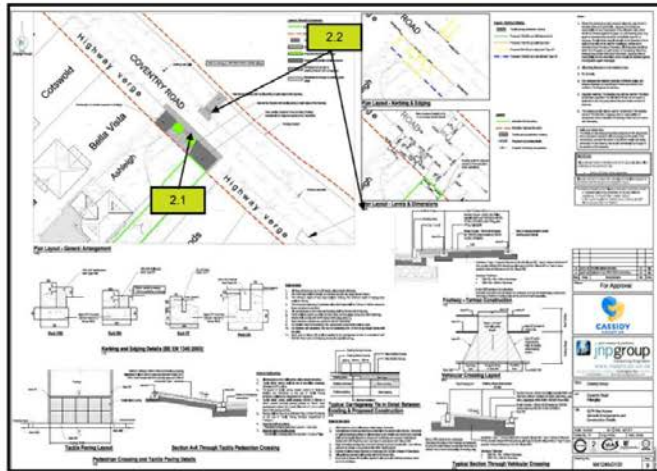
- Road Safety Audit Brief
- Site Location Plan (6882/19)
- Correspondence with Warwickshire County Council

Appendix B

Please refer to the following page for a plan illustrating the locations of the problems identified as part of this audit (location numbers refer to paragraph numbers in the report).

The location of the scheme is shown below





(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

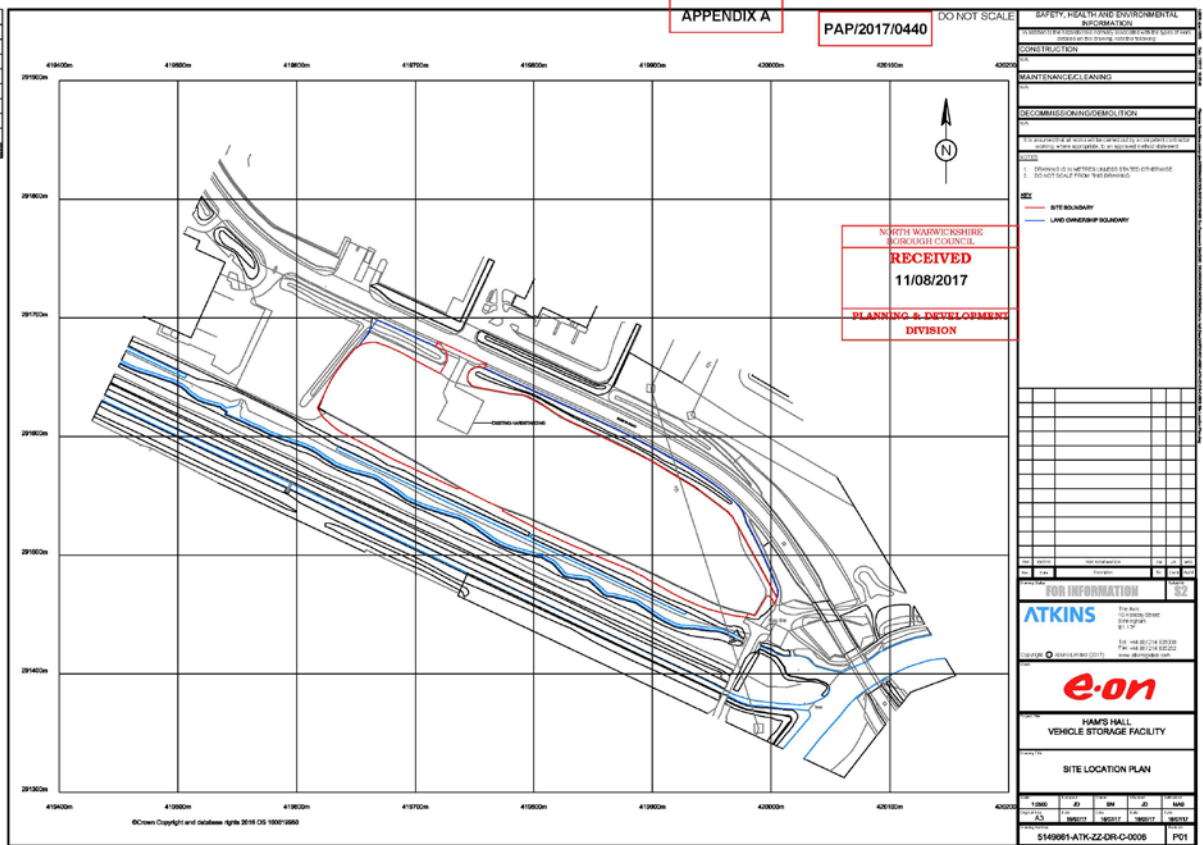
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

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.



(3) Application No: PAP/2018/0149

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

Approval of reserved matters of appearance, landscaping, layout and scale relating to "Phase 2" of development, for

St Modwen Developments Ltd

Introduction

The application is referred to the Board as the recommendation made on the case is contrary to objections received. Rather than refer the case to the relevant Members under the Scheme of Delegation, the item is referred directly to the Board. The consultation period expires after its date.

Outline planning permission was granted here in late 2016 for the commercial redevelopment of this site by a mix of B1, B2 and B8 uses. Phase One details were subsequently approved in early 2018 along with a number of other pre-commencement conditions. The current application is for details of the built development and layout for the greater part of Phase 2.

The Site

The whole site covers the land to the south-west of Junction 10 and is bisected by Trinity Road and has a frontage to the A5. Phase One was for around a third of the whole site on its western side. This approved the erection of three units. The current application covers the eastern side of the site fronting the A5 and running south towards Freasley.

The overall site illustrating phase one – units 1, 2 and 3 – together with Phase Two – units 5, 6, 7 and 8 - is at Appendix A. Unit 4 would be located in the “future development site” shown on the plan.

The Proposal

This shows three large sheds – one comprising two units - with access from a new road junction on Trinity Road, already approved under the outline consent and the phase one details. The estate road would run from Trinity Road east towards the Birch Coppice mound and then north towards the A5. A bus stop is included along its initial length with a roundabout at its eastern end to accommodate bus turning movements.

The largest of the buildings would amount to 27,870 square metres in floor area with a height of 19 metres. It would face the A5 Watling Street and have its service yard facing the M42. Car parking (295 spaces) would be between the building and the A5 with HGV parking (45 spaces) available in the service yard. It would be constructed in varied grey coloured sheeting.

The other two buildings are to be located alongside the eastern boundary. They amount to 5574 square metres and 9447 square metres respectively in floor area and 12 and 11 metres in height. Each would have its own service yard and car parking areas. The facing materials would match those described above.

Landscaping for the phase is also submitted and this includes details of the significant buffer of open land between the internal southern estate road and the village of Freasley. This shows areas of woodland planting together with landscaped bunds. The bunding would create a level difference of four metres between its height and that of the southern estate road and 8 metres in respect of the ground level of unit 5.

The bunds and changes to the ground levels in this large landscaped buffer between the development and Freasley would be created using material from inside the site of Phase Two, as the development plateau for Unit 5 in particular would be “cut” into the slope that rises up from the A5.

The proposals include the earthworks as explained above and these would create the plateau for the building to be constructed as Unit 4. However, presently the layout for that unit is still to be decided and it will come forward as a separate application. This is why the site is referred to as a “future development site” on the overall layout.

Representations

Dordon Parish Council – No comments received

A Freasley resident - Suggested amendments to the elevations of Unit 5 which faces Trinity Road; closure of the old road access onto Trinity Road and review of the landscaping. This has all been taken into account.

Twenty three residents from Wood End and Kingsbury – They object on the grounds that the new access arrangements onto Trinity Road will be unsafe; there will be increased traffic congestion, countryside will be destroyed and that there is no need for further industrial units.

Consultations

Warwickshire County Council as Highway Authority – It originally objected on detailed construction matters and requirements for bus access, turning and the actual bus stops.

There has been continuing dialogue with the applicant and the bus company on detailed specifications. It is understood that agreement is likely to be reached on these design matters.

Highways England – No objection subject to a condition about lighting

Warwickshire County Council as Flood Authority – No objection

Warwick Museum – It originally objected as some of the proposed works would affect archaeological interest underground which was to be retained in situ under the agreed mitigation strategy. Amended plans have been prepared to resolve this matter.

Development Plan

The Core Strategy 2014 – NW10 (Development Considerations) and NW12 (Quality of Development)

Other Material Planning Considerations

The National Planning Policy Framework 2012

The Submission Version of the North Warwickshire Local Plan 2018 – LP31 (Development Considerations); LP32 (Built Form) and LP36 (Parking)

Observations

The outline planning permission has set the parameters for the development. The buildings proposed in this current application are for uses within those parameters as are their floor areas and heights. Additionally the materials to be used are those already approved for Phase One and on other such estates throughout the Borough.

The layout is to be expected as it makes the most efficient use of the site and corresponds to the conditions set out in the outline permission. Notably it also has been designed to enable public transport access into the estate as described above.

The earthworks are limited as there is not a substantial change in levels over the site, but they do enable some degree of “cut” and “fill” thus enabling the development plateaux to be set into the slope particularly at the southern end of the site. This therefore also enables significant bunds to be added to the landscaped buffer here.

Overall the proposals can be supported.

The principle of this development together with the proposed access arrangements off Trinity Road was approved and granted planning permission at appeal – notwithstanding the refusal by this Council. There is thus no weight that can be given to the resident’s objections as the details as shown in this current application directly reflect and incorporate the outcome of that appeal decision.

As recorded above, there is an ongoing liaison with the County Council and the bus companies on the actual design and construction specifications for the engineering works here. The overall layout is very unlikely to change as a consequence of these discussions. It is therefore considered that the Board can agree in principle to the submitted layout, appearance and landscaping for the Phase, subject to the final actual detail being agreed. If no agreement is reached then the matter will be referred back to the Board.

Recommendation

That the Council in minded to **GRANT** permission for the reserved matters for Phase 2 of this development subject to the final detailed plans being agreed with the County Council, and in that event, the issue of the Notice be delegated to officers. If there is no agreement then the matter is to be referred back to the Board for further consideration.

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0149

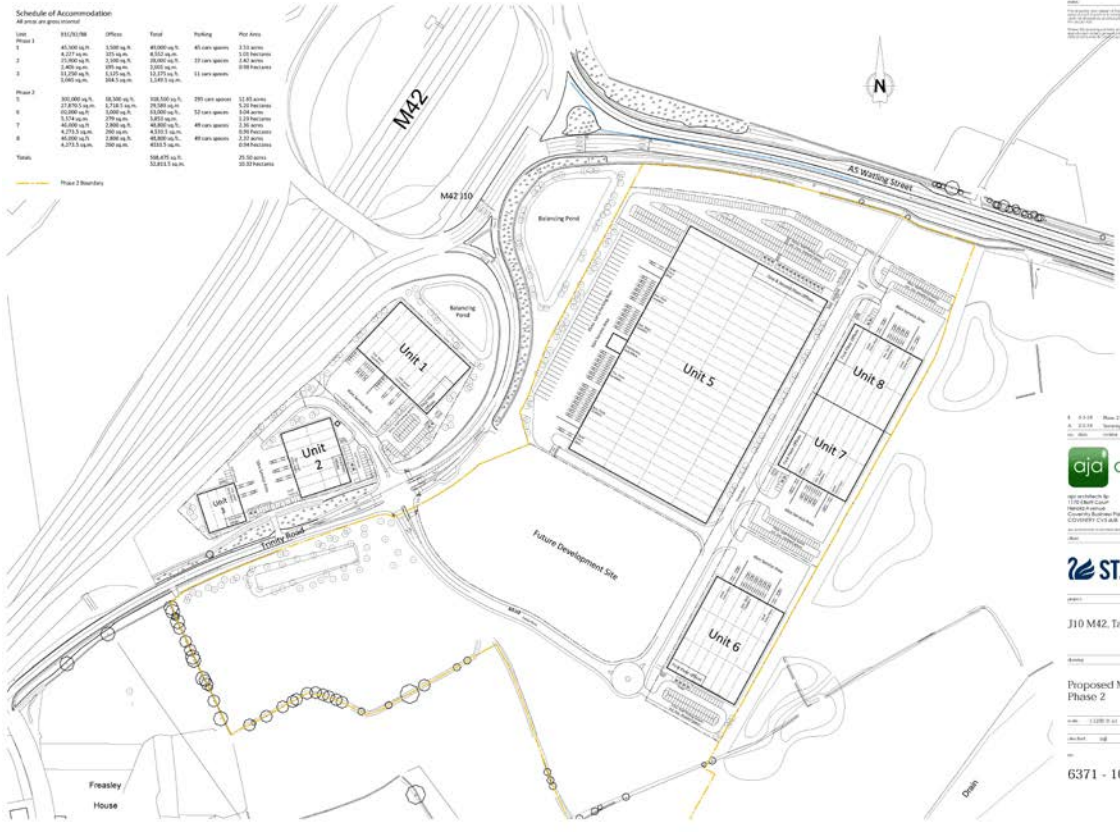
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	7/3/18
2	Warwickshire Flooding	Consultation	21/3/18
3	Warwickshire Museum	Consultation	29/3/18
4	Highways England	Consultation	4/4/18
5	Resident	Objection	14/5/18
6	Resident	Objection	21/4/18
7	Resident	Objection	20/4/18
8	Resident	Objection	19/4/18
9	Resident	Objection	17/4/18
10	Resident	Objection	8/4/18
11	Resident	Objection	7/4/18
12	Resident	Objection	6/4/18
13	Resident	Objection	6/4/18
14	Resident	Objection	6/4/18
15	Kingsbury Resident	Objection	6/4/18
16	Resident	Objection	6/4/18
17	Resident	Objection	6/4/18
18	Resident	Objection	6/4/18
19	Resident	Objection	6/4/18
20	Resident	Objection	3/4/18
21	Resident	Objection	3/4/18
22	Resident	Representation	3/4/18
23	Resident	Objection	3/4/18
24	Resident	Objection	3/4/18
25	Resident	Objection	30/3/18
26	Resident	Objection	30/4/18
27	Resident	Objection	29/3/18

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.

Schedule of Accommodation
All units are ground level

Unit	Office	Total	Parking	Plot Area
Phase 1				
1	40,000 sq.m	40,000 sq.m	40 car spaces	2.10 acres
2	4,207 sq.m	4,207 sq.m	4,207 car spaces	1.00 hectares
3	20,000 sq.m	20,000 sq.m	20 car spaces	2.40 acres
4	2,400 sq.m	2,400 sq.m	2,400 car spaces	0.50 hectares
5	11,200 sq.m	11,200 sq.m	11 car spaces	0.90 hectares
6	5,000 sq.m	5,000 sq.m	5,000 car spaces	1.20 hectares
Phase 2				
7	800,000 sq.m	800,000 sq.m	200 car spaces	11.00 acres
8	17,000 sq.m	17,000 sq.m	17 car spaces	2.20 hectares
9	1,000 sq.m	1,000 sq.m	10 car spaces	0.20 acres
10	1,100 sq.m	1,100 sq.m	11 car spaces	1.10 hectares
11	40,000 sq.m	40,000 sq.m	40 car spaces	2.50 acres
12	4,200 sq.m	4,200 sq.m	4,200 car spaces	0.90 hectares
13	40,000 sq.m	40,000 sq.m	40 car spaces	2.50 acres
14	2,700 sq.m	2,700 sq.m	2,700 car spaces	0.60 hectares
15	40,000 sq.m	40,000 sq.m	40 car spaces	2.50 acres
16	2,700 sq.m	2,700 sq.m	2,700 car spaces	0.60 hectares
Total				
		3,000,000 sq.m	75,000 car spaces	30.00 hectares



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PLANNING & LOCAL GOVERNMENT DEPARTMENT

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ST.MODWEN

J10 M42, Tarnworth
Proposed Masterplan
Phase 2
6371 - 10 Rev B

(4) Application No: PAP/2018/0321

Land to the Rear of The Elms, Austrey Road, Warton, B79 0HG

Outline application for demolition of existing buildings and erection of up to 9 dwellings, with access arrangements. Appearance, Landscaping, Layout and Scale to be Reserved Matters, for

NTK Swinnerton

Introduction

The application is brought back to Board following its request to consider the details of the Construction Management Plan.

The Site

The site – extending to some 0.4 hectares - is located at the northern extent of the village on land to the rear of the property known as The Elms. Full site details can be found in Appendix 2.

The Proposals

This is an outline application for up to nine dwellings with all details reserved for later determination apart from the access arrangements. An indicative layout is illustrated at Appendix 2. Access would be via an improved D class highway – Gravel Lane - onto Austrey Road. The original submission was for twelve, but this has been amended during consideration of the application.

Observations

As requested by the Board, officers have been in discussions with the agent and a neighbour, following matters raised at the September meeting. The agent for the applicant has now met with the neighbour. As a result, a bespoke Construction Management Plan has been produced. The neighbour has viewed the plan and has no objections to the wording. The Construction Management Plan can be viewed at Appendix 1

The plan will be added into the planning conditions as set out below. Whilst the current application is only outline, a future reserved matters application could lead to a revised layout. However the plan will still be in place, but it might need to be revised, through agreement with the Council and the relevant neighbour occupier.

Officers are satisfied that the plan sets out that full weight has now been given to the material planning consideration raised by the neighbour. The overall conclusion of the September report has not altered, in that it is not considered that there are significant adverse impacts arising from this development and thus the presumption to grant planning permission as set out in the NPPF is followed through.

Recommendation

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

1. This permission is granted under the provisions of Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015 on an outline approval, and the further approval of the Local Planning Authority shall be required with respect to the under-mentioned matters hereby reserved before any development is commenced:-
 - (b) appearance
 - (c) landscaping
 - (d) layout
 - (e) scale

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

2. In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of all reserved matters.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development hereby approved shall not be carried out otherwise than in accordance with the Vehicle Access Appraisal Feb 2018, CO17/607/12, and within plans CO17/607/02-SK001 Rev P1 and CO17/607/02-SK002 Rev P1 received by the Local Planning Authority on 18 May 2018, the plan numbered CS/NTS/102 (block plan and indicative site layout) received by the Local Planning Authority on 19 June 2018, the Bat and Bird Survey by Tamworth Property Services dated 21 May 2018 received by the Local Planning Authority on 8 May 2018, the Construction Management Plan received by the Local Planning Authority on 18 September 2018, and the site location plan CS/NT/104A received by the Local Planning Authority on 20 September 2018.

REASON

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

5. In the event that the development approved at the Approval of Reserved Matters achieves a combined gross floorspace of more than 1,000 square metres (gross internal area), the development shall not be commenced until a proposal for the delivery of affordable housing has been submitted to and approved by the Local Planning Authority in writing. In accord with the provisions of Policy NW6 of the North Warwickshire Core Strategy Adopted October 2014, 20% of the development shall be delivered as affordable housing, achieved through on site provision or through a financial contribution in lieu of providing affordable housing on-site.

Any scheme for on-site provision shall include the following details:

- i) details of how the affordable housing meets the definition of affordable housing in Annex 2 to the National Planning Policy Framework (or any future guidance that replaces it).
- ii) the tenure of the housing units;
- iii) the timing of their construction, and their phasing in relation to the occupancy of the market housing at the application site;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing units; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

REASON

To make appropriate provision for the delivery of affordable housing in accord with the provisions of Policy NW6 of the North Warwickshire Core Strategy Adopted October 2014.

6. The sites scale and design notwithstanding condition 1, shall include:
- a) The site shall contain no more than 9 detached dwellings in total. The dwellings shall be of a height no greater than 8.5 metres and should be of a two storey design, unless they border the existing dwellings No 85, 87 and 89 Austrey Road, in which case the dwelling should be no more than 7.5metres in height and adopt a one and half storey design.
 - b) There shall be a minimum separation distance of 25 metres between the rear elevations of existing properties known as No. 85, 87 and 89 Austrey Road and the facing elevations of the proposed new properties.
 - c) The architectural design of the new development will complement the rural nature of the site and character of the immediate neighbouring properties, known as the Elms and 85-89 Austrey Road.

REASON

In the interests of the amenities of the area.

7. No development shall take place on site until the existing structure(s) shown to be demolished on the approved plan has been so demolished and all resultant materials permanently removed from the site.

REASON

In the interests of the amenities of the area.

8. With regards to condition 1. Before the commencement of the development, a landscaping scheme, has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be carried out as approved.

REASON

In the interests of the amenities of the area.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON

In the interests of the amenities of the area.

10. The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority

REASON

In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters

11. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

REASON

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

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 development whatsoever within Class A, B, C and E of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.

REASON

In the interests of the amenities of the area.

14. Any garages or car ports within the development shall not be converted or used for any residential purpose other than as domestic garages.

REASON

To ensure adequate on-site parking provision.

15. Prior to occupation of the dwelling(s) hereby approved a bin storage facility capable of holding a minimum of 3 x 240 litre wheeled bins shall be provided within the curtilage of each dwelling. The storage facility shall remain permanently available for that purpose at all times thereafter. A bin presentation point at the entrance of the development for all residents to place their bins upon on collection days.

REASON

To enable effective storage and disposal of household waste and in the interests of the amenity of the area.

16. No development shall commence until the proposed datum levels of the built form have been provided and approved by the Local Planning Authority

REASON

In the interests of the amenities of the area.

17. The Construction Management Plan received by the Local Planning Authority on 18 September 2018 shall be carried out in strict accordance with the contents, unless agreed in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the area.

18. No development shall commence until a dust management plan has been submitted in line with the IAQM guidance, to and approved in writing by the Local Planning Authority. The findings/conclusions shall be carried out in full.

REASON

In the interests of the amenities of the area.

19. No part of the development hereby permitted shall be commenced until a scheme for the provision of suitable nesting boxes for swallows, house sparrows and other species to be erected on new buildings within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the platforms and boxes shall be installed and maintained in perpetuity. The bird box scheme boxes cluster should be sited in a north/north westerly direction away from prevailing winds, usually south westerly and away from strong sun.

REASON

To ensure that protected species are not harmed by the development.

20. The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted to the south of the site; where bat mitigation measures will be incorporated; and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods
- Connections to areas important for foraging should contain unlit stretches.

REASON

In the interests of the amenities of the area and safety on the public highway, and In accordance with NPPF, ODPM Circular 2005/06.

21. No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site and adjacent to the site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been

removed.

REASON

In the interests of the amenities of the area and the protection of trees and other features on site during construction.

22. Prior to the commencement of the development detailed technical drawings, vehicular tracking drawings, with a supporting Road Safety Audit, in accordance with preliminary drawing CO17/607/02-SK002 Rev P1, shall be submitted and approved in writing by the Local Planning Authority. Thereafter the approved highway access works shall be implemented in accordance with the approved plans. No part of the site shall be occupied until the approved highway access works have been completed, as evidenced by the issuing of a Certificate of Substantial Completion by the Highway Authority.

REASON

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

23. Prior to the commencement of the development detailed technical drawings, vehicular tracking drawings, with a supporting Road Safety Audit, in accordance with preliminary drawing CO17/607/02-SK001 Rev P1, shall be submitted and approved in writing by the Local Planning Authority. Thereafter the approved highway access works shall be implemented in accordance with the approved plans. No part of the site shall be occupied until the approved highway access works have been completed, as evidenced by the issuing of a Certificate of Substantial Completion by the Highway Authority.

REASON

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

Notes

1. Warwickshire Police have set out the following guidance - Research studying the distribution of burglary in terraced housing with open rear access footpaths has shown that up to 85% of entries occurred at the back of the house. Where there is rear access to multiple rear gardens this access needs to be gated at the front of the building line and with a self closing spring, and a snap shut lock, that needs a key to release.

All perimeter fencing should be 1.8 metre high close boarded fencing however where it backs onto open space it should be topped with 0.2 trellis, so the overall height is 2 metres in height.

Lighting on adopted highways, footpaths, private roads and footpaths and car parks must comply with BS 5489-1:2013.

Building sites and in particular, site offices and storage areas are becoming common targets for crimes such as theft of plant and fuel. These sites should be made as secure as possible. All plant and machinery should be stored in a secure area. Tools and equipment should be marked in such a way that they are easily identifiable to the company. Consideration should be given to the use of

security patrols. Developers are now requested to inform the local Safer Neighbourhood Policing Team, which covers the area of the development that they have arrived on site and provide contact numbers of the site manager for use in the case of an emergency. A grid reference for the site should be provided. This will help to reduce the possibilities of a delayed response.

2. You are advised to contact Warwickshire County Council as the address below with regards to Sustainability Travel Packs at £75 per pack. Infrastructure Team, Economic Growth, Warwickshire County Council, PO Box 43, Barrack Street, Warwick, CV34 4SX.
3. 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.
4. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
5. Before carrying out any work, you are advised to contact Cadent Gas about the potential proximity of the works to gas infrastructure. It is a developer's responsibility to contact Cadent Gas prior to works commencing. Applicants and developers can contact Cadent at plantprotection@cadentgas.com prior to carrying out work, or call 0800 688 588
6. Gross Internal Area (GIA) of the scheme will be the area of the building measured to the internal face of the perimeter walls at each floor level. This measurement should take into account the gross internal floor area of new dwellings, extensions, conversions, garages and any other buildings ancillary to residential use. It should include all rooms, circulation and service space, including lifts, floorspace devoted to corridors, toilets, ancillary floorspace (e.g. underground parking). In flat developments, it should include communal entrances, landings etc, and any related internal parking.
7. The applicant is advised that to comply with the condition relating to the standard of works to trees, the work should be carried out in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".
8. There may be bats present at the property that would be disturbed by the proposed development. You are advised that bats are deemed to be European Protected species. Should bats be found during the carrying out of the approved works, you should stop work immediately and seek further advice from the

Ecology Section of Museum Field Services, The Butts, Warwick, CV34 4SS
(Contact Ecological Services on 01926 418060).

9. Wildlife and Countryside Act 1981 - Birds. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.
10. You are advised to contact Lea Marston Parish Council, to discuss design and siting of any future development. The contact details are: Lea Marston Parish Council, Louise Baudet, Clerk to the Parish Council, Email : leamarstonpc@hotmail.com.
Website: <http://www.leamarstonpc.org/>.
11. Wildlife and Countryside Act 1981 - Birds. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.
12. In view of the nearby ponds, care should be taken when clearing the ground prior to development and when storing materials on site. If evidence of specially protected species such as reptiles or amphibians is found (great crested newt, grass snake, common lizard or slow-worm), work should stop while WCC Ecological Services (01926 418060) or Natural England (02080 261089) are contacted. Reptiles and amphibians are protected to varying degrees under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species under the Conservation of Habitats and Species Regulations 2010.

In view of the suitable habitat, care should be taken when clearing the ground prior to development. If any hedgehogs are found, these should be moved carefully to a suitable adjacent habitat. Hedgehogs are of high conservation concern and are a Species of Principal Importance under section 41 of the NERC act. Habitat enhancement for hedgehogs can easily be incorporated into development schemes, for example through provision of purpose-built hedgehog shelters. More details can be provided by the WCC Ecological Services if required

13. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues, suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.
14. There may be bats present at the property that would be disturbed by the proposed development. You are advised that bats are deemed to be European Protected species. Should bats be found during the carrying out of the approved works, you should stop work immediately and seek further advice from the Ecology Section of Museum Field Services, The Butts, Warwick, CV34 4SS (Contact Ecological Services on 01926 418060).
15. The developer is reminded that the Control of Pollution Act 1974 restricts the carrying out of construction activities that are likely to cause nuisance or disturbance to others to be limited to the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays, with no working of this type permitted on Sundays or Bank Holidays. The Control of Pollution Act 1974 is enforced by Environmental Health.
16. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway; or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
17. With regards to highway works, you should be aware of Sections 149, 151, 163 and 278 of relevant Acts.
18. The access road to the site, should remain open during works as it serves as a access to pedestrians and also for other sites beyond.
19. It is reported that the site building could contain asbestos. you are advised to check before any demolition works take place and if so, it should be treated in the correct manner and disposed of to a licenced premises. If you have any question, the Councils Environmental Health Team.

BACKGROUND PAPERS

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

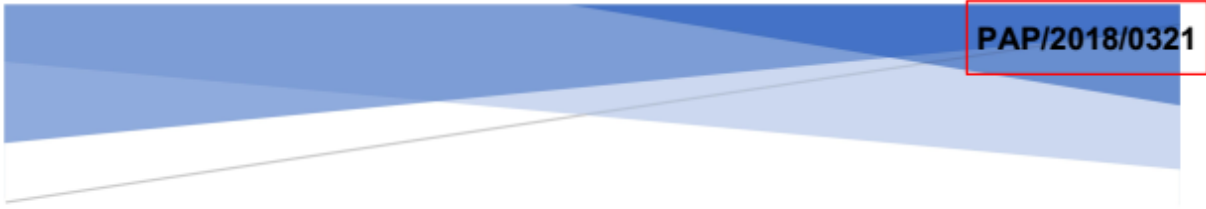
Planning Application No: PAP/2018/0321

Background Paper No	Author	Nature of Background Paper	Date
1	Head of Planning	Letter to agent	4/9/18
2	Case officer and agent	Exchange of emails	5/9/18 – 7/9/18
3	Case officer and NWBC Refuge	Application comments	11/9/18
4	Case officer and agent	Exchange of emails	10/9/18
5	Case officer and neighbour	Exchange of emails	7/9/18 and 10/9/18
6	Agent	Construction management plan provided to NWBC	18/9/18
7	Case officer and agent	Exchange of emails	18/9/18 – 19/9/18

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

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

Appendix 1 – Construction Management Plan



CONSTRUCTION MANAGEMENT PLAN

Land Rear of The Elms, Austrey Road Warton

Richard Smith
BSc FCABE CBuildE

Contents

1. Existing Site Layout and Proposal
2. Demolition of Existing Buildings
3. Bespoke Provisions to Adjacent Buildings
4. Clean Working Areas
5. Materials Storage Provisions
6. Material Waste Provisions
7. Site Welfare and Facilities
8. Monitoring Dust on Site
9. Cleanliness of adjacent Highways
10. Site Working Hours

Appendices

Appendix I – Construction Management Layout Plan

1. Existing Site Layout and Proposal

- a. The site is currently a working farm yard with additional caravan storage. The site has two existing buildings comprising; a stable block located to the rear of 85 and 87 Austrey Road and a steel framed arable barn which is positioned centrally on the site. It is proposed that these two existing buildings are demolished and the site redeveloped as a housing site consisting of nine dwellings.

2. Demolition of Existing Buildings

- a. Both the brick built stable building and the steel framed barn are to be demolished, the following provisions apply:
 - i. Due to its close proximity and size, the stable block will be demolished by hand rather than machinery, any material of value will either be re-used on the site or recycled.
 - ii. The Steel Barn will be demolished by an approved contractor who can demonstrate experience in demolishing steel framed buildings.

3. Bespoke Provisions to adjacent Buildings

- a. It is proposed that the developer or land owner will make provision for heat pump cooling to one ground floor room and one first floor bedroom to 89 Austrey Road Warton. The cooling provision must be completed prior to any demolition or building works taking place on the development site. This bespoke provision is made in response to the particular circumstances prevailing at the time of making the outline application.

4. Clean Working Areas

- a. No mechanical cutting or grinding of materials shall take place to the rear gardens to plots 4, 5 and 6 (indicated in blue on drawing number CS/NTS/1025). This is to prevent a creation of dust that may impact the adjacent properties on Austrey Road.

5. Materials Storage Provisions

- a. Materials will be stored in accordance with manufacturers recommendations, the location of materials storage is highlighted on plan number CS/NTS/1025

6. Material Waste Provisions

- a. Material waste and construction waste should be kept to minimum, however the following provisions would apply.

- i. Under no circumstances will it be acceptable to burn materials on or adjacent to the site.
- ii. All skips must be appropriately covered and secured to prevent excessive dust and any risk of fires due to vandalism.
- iii. The Waste storage area will be positioned to within the rear garden of plot 1 (see CS/NTS/1015).

7. Site Welfare and Facilities

- a. There will be a site compound and car parking on the site for trades. The compound will be in the centre of the site as indicated on drawing CS/NTS/1025.

8. Monitoring of dust on site

- a. It is inevitable that there will be some dust as a result of the demolition and construction. During the build period the developer will monitor the level of dust particularly during dry periods and will dampen down the site when applicable.

9. Cleanliness of adjacent Highways

- a. The adjacent highways will be monitored for cleanliness, the developer will ensure that adjacent roads are kept clean and will make provision for roads to be swept on a regular basis.
- b. There will be a facility on site to ensure that any lorries or machinery can have wheels washed prior to leaving the site.

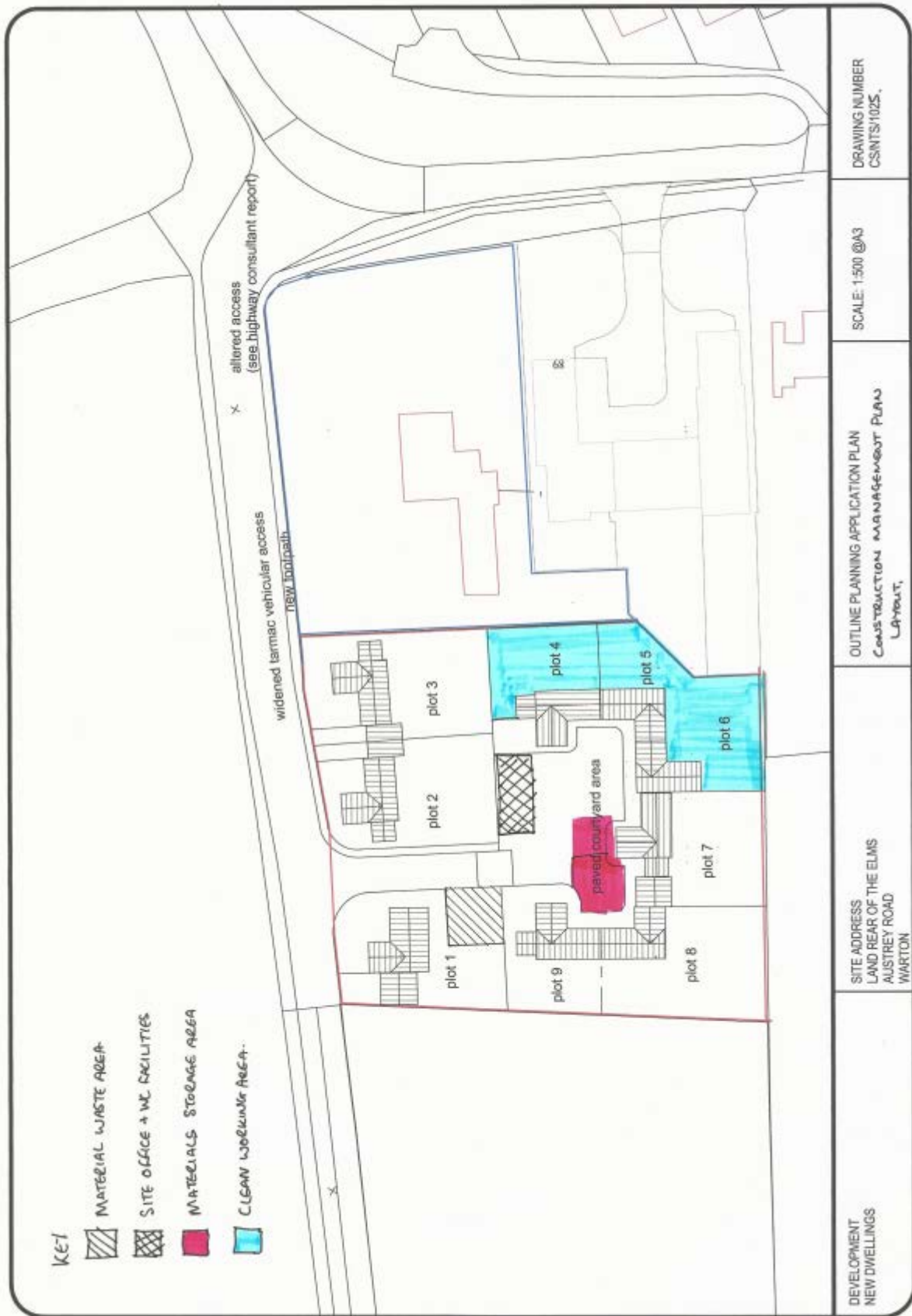
10. Site Working Hours

- a. The proposed site working hours will be as follows;
 - i. Monday- Friday 8.00 am- 6.00 pm
 - ii. Saturdays 8.30 am- 2.00pm
 - iii. Sundays and Bank Holidays- Closed

End

Appendix I

Construction Management Layout Plan



Appendix 2 – September Planning Board Report

Application No: PAP/2018/0321

Land to the Rear of The Elms, Austrey Road, Warton, B79 0HG

Outline application for demolition of existing buildings and erection of up to 9 dwellings, with access arrangements. Appearance, Landscaping, Layout and Scale to be Reserved Matters.

for

NTK Swinnerton

Introduction

This application is reported to the Board for determination, following a member request given the potential impact of new development in Warton.

The Site

The site – extending to some 0.4 hectares - is located at the northern extent of the village on land to the rear of the property known as The Elms. The site is currently occupied by a brick stable building; a small timber stable, a large metal framed agricultural building, an area of hardstanding and caravan storage. Access is on to a minor road which joins Austrey Road to the east of the site.

Its location and setting is shown at Appendix A with an aerial photograph below.

Members should be aware that the site plan at Appendix A omits three recently constructed houses immediately south of The Elms. These are clearly shown at Appendix B – numbers 85, 87 and 89 Austrey Road.

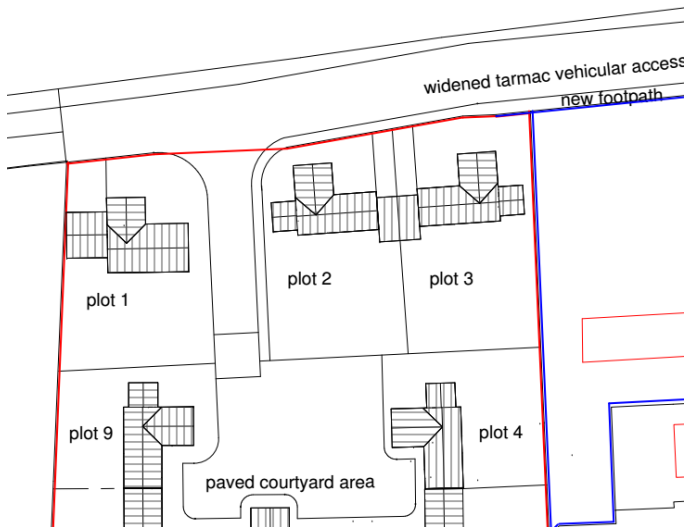


The Proposals

This is an outline application for up to nine dwellings with all details reserved for later determination apart from the access arrangements. An indicative layout is illustrated at Appendix B. Access would be of an improved D class highway – Gravel Lane - onto Austrey Road. The original submission was for twelve, but this has been amended during consideration of the application.

The detailing of the proposal is not known, but the applicant indicates that these would be two storey houses providing a mix of sizes. No affordable provision is proposed.

More detail on the access improvements is shown below.



A bat and bird survey has been undertaken but this did not find evidence of bat roosts on site and the likelihood of the buildings being so used is very limited. Demolition of the buildings should take place outside of the bird breeding season and in line with agreed methods of working in case bat roosts are found at that time.

Background

Planning permission for three houses south The Elms was granted in 1995, but the houses now constructed date from a more recent consent which amended the earlier proposals.

With regards to the existing uses on the site, the caravan storage has been on the site since 2006 and the livery use has been on the site for over 30 years.

The agricultural building is presently only partly used in part for agricultural purposes. The applicants also own Bentley Farm in Austrey Road which is a large farmyard with a number of existing agricultural buildings and livery stables. It is intended that the agricultural storage use of the application site building can be accommodated at Bentley Farm.

Development Plan

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

Saved Policies of the North Warwickshire Local Plan 2006 - Core Policy 2 (Development Distribution); ENV6 (Land Resources), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

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

The Submitted North Warwickshire Local Plan 2018 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP7 (Housing Development), LP9 (Affordable Housing Provision), LP31 (Development Considerations) and LP39 (Housing Allocations)

The Council’s Five Year Housing Land Supply – March 2018

Consultations

Warwickshire County Council as Highways Authority - No objection subject to conditions

Environmental Health Officer – No objection subject to conditions covering construction hours and the need for a construction management plan.

Warwickshire Fire Services – No objection subject to a standard condition

Representations

Thirteen letters from occupiers of neighbouring properties have been received referring to the following matters:

- The revised plans now show the boundaries to neighbouring properties, but concern that in any reserved matters application the siting of the dwellings can change.

- Consider that the proposed number of houses is too high for the size of the site and would cause overcrowding and lead to extra traffic and footfall in what is now the quietest area of Warton. Noise from the development.
- The current plans shows houses/building too near to the boundary. Impact upon amenity and house prices.
- The proposal does not accord with development plan policies. It is not previously developed land being a major expansion of the village.
- The height of the houses needs to be restricted to ensure that the nature of the proposed housing is sympathetic to the established housing i.e. either bungalows or 1.5 storey houses which will not restrict the light neighbouring properties.
- Dust management would be an issue.
- The village is undergoing considerable expansion, putting pressure on the existing infrastructure and impact upon village character.
- The site in the village has been recently developed with 4 large dwellings
- The proposal offers no affordable housing.
- The existing building has asbestos.
- Bats, birds and owls are within the building. Any development should contain measures to boxes and measures to protect.
- Impact on public footpath.

Observations

a) The Principle of Development

The site is not within the development boundary of Warton as defined by the Development Plan. It is however adjacent to that boundary. Warton is identified as a Category 4 settlement within Core Strategy policy NW2, where new development is to be limited to that defined by the Development Plan. In this case Policy NW5 identifies a minimum of 45 dwellings over the plan period, usually on sites of no more than ten dwellings. However Members are fully aware that Policy NW2 in respect of the identification of development boundaries is out of date following the Daw Mill appeal decision and thus it carries limited weight. Moreover the Council has now submitted its new Local Plan for North Warwickshire to the Secretary of State. The site remains outside but adjacent to the development boundary within this Plan but there are allocations included in that Plan for Warton for 170 houses together with recognition of a further site currently under construction. Planning permissions have been granted or are to be granted in principle for the allocated sites. Moreover the latest housing land supply figure identifies a 4.8 year supply. Members are aware that these circumstances - policy NW2 being out of date and there not being a five year supply – there is full engagement with the NPPF. As a consequence, in line with the policy of the NPPF, planning permission should be granted in principle here unless there are significant and demonstrable adverse impacts.

The remainder of the report will consider whether there are.

b) Affordable housing

No affordable housing is included in the proposal either through on-site provision or through an off-site contribution. This would accord with recent Government Guidance on such provision for smaller sites – ten or less units. However the provision should still be requested where the gross development floor area exceeds 1000 square metres. This application is in outline and thus details of house types are unknown. In order to protect

the Council's policies for such provision, a planning condition would be required in the event of an approval here, limiting the floor space to 1000 square metres with an advisory note explaining that provision over this threshold at the detailed stage will require such provision either on or off-site provision. In this way the proposal would satisfy policy NW6 of the Core Strategy and LP9 of the 2018 Submitted Plan.

c) Landscape

The site is not a green field site. It contains a number of existing uses and buildings which adjoin existing buildings, albeit that they are wholly residential in character. The site is thus not open, isolated and neither does it stand on its own. Visually it is part of the village built environment. In these circumstances there is no significant adverse visual or landscape impact. It could be argued too, that the replacement of the existing uses and larger buildings would be a betterment. The lesser number of units now being proposed would add weight to that argument. Overall it is considered that the landscape impact is neutral.

d) Heritage

There is no designated heritage asset affected – either a Conservation Area; Listed Building or a Scheduled Ancient Monument Site. The Elms is an important building locally, both historically and visually. It has a “presence” in the street scene particularly when approaching the village from the north. However it is not considered that there would be substantial harm caused to its setting here. The proposals are well behind the house – not visible from Austrey Road and they would replace a cluster of larger buildings which are utilitarian in appearance. The new houses would not dominate or “crowd” the setting of The Elms particularly as there are three relatively new houses to its south. Moreover as the proposal is in outline, the exact design and location of the new houses can be looked at fully in detail at a later date.

e) Ecology

There is no ecology or bio-diversity objection to the proposal and conditions can be attached in order to respect the demolition of the buildings; to introduce new hedgerow and tree planting as well as for the provision of bat and bird boxes.

f) Highways

It is of material weight that the Highway Authority has not objected to the proposal. It considers that the proposal would have no material impact on the immediate highway arrangements or the wider highway network, and details have been provided as part this outline covering the highway access arrangements and junction improvements. It should be remembered that the existing uses identified above all generate traffic and that the nature of that involves caravans; agricultural and equestrian vehicles. The Highway Authority does not see a significant adverse impact here and the opportunity is taken to improve the existing access arrangements. There is no evidence available to demonstrate significant highway harm.

g) Residential Amenity

The proposal is only in outline with an indicative layout plan. The proposal backs onto neighbouring dwellings in Austrey Road but the indicative layout shows separation distances of between 25 and 27 metres which is acceptable and greater than the Council's normal guideline of 22/23 metres. Moreover these distances can be

conditioned. Moreover conditions can be used in order to restrict the scale of the dwellings here to either one or one and half storeys. Boundary treatments too will need to be considered at the detailed stage. There is no reason at this outline stage to warrant a refusal based on likely adverse impacts on existing residential amenity.

A Construction Management Plan will be required and this will deal with working hours and mitigation measures for dust and other debris.

h) Other Issues

The site lies in a low risk flood area and sustainable surface water drainage systems will be required by condition such that discharge rates are no greater than green- field run off rates.

Members will be aware of the issues surrounding contributions towards the infrastructure of other services and the small size of this proposal has therefore not prompted requests from the various infrastructure delivery Agencies.

i) Conclusions

Give the matters raised above it is not considered that there are significant adverse impacts arising from this development and thus the presumption to grant planning permission as set out in the NPPF is followed through.

Recommendation

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

1. This permission is granted under the provisions of Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015 on an outline approval, and the further approval of the Local Planning Authority shall be required with respect to the under-mentioned matters hereby reserved before any development is commenced:-
 - (b) appearance
 - (c) landscaping
 - (d) layout
 - (e) scale

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

2. In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of all reserved matters.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development hereby approved shall not be carried out otherwise than in accordance with the plans CS/NTS/104 and the Vehicle Access Appraisal Feb 2018, C017/607/12, and within plans CO17/607/02-SK001 Rev P1 and CO17/607/02-SK002 Rev P1 received by the Local Planning Authority on 18 May 2018, the plan numbered CS/NTS/102 (block plan and indicative site layout) received by the Local Planning Authority on 19 June 2018, and the Bat and Bird Survey by Tamworth Property Services dated 21 May 2018 received by the Local Planning Authority on 8 May 2018.

REASON

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

5. In the event that the development approved at the Approval of Reserved Matters achieves a combined gross floorspace of more than 1,000 square metres (gross internal area), the development shall not be commenced until a proposal for the delivery of affordable housing has been submitted to and approved by the Local Planning Authority in writing. In accord with the provisions of Policy NW6 of the North Warwickshire Core Strategy Adopted October 2014, 20% of the development shall be delivered as affordable housing, achieved through on site provision or through a financial contribution in lieu of providing affordable housing on-site.

Any scheme for on-site provision shall include the following details:

- i) details of how the affordable housing meets the definition of affordable housing in Annex 2 to the National Planning Policy Framework (or any future guidance that replaces it).
- ii) the tenure of the housing units;
- iii) the timing of their construction, and their phasing in relation to the occupancy of the market housing at the application site;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing units; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

REASON

To make appropriate provision for the delivery of affordable housing in accord with the provisions of Policy NW6 of the North Warwickshire Core Strategy Adopted October 2014.

6. The sites scale and design notwithstanding condition 1, shall include:
- a) The site shall contain no more than 9 detached dwellings in total. The dwellings shall be of a height no greater than 8.5 metres and should be of a two storey design, unless they border the existing dwellings No 85, 87 and 89 Austrey Road, in which case the dwelling should be no more than 7.5metres in height and adopt a one and half storey design.
 - b) There shall be a minimum separation distance of 25 metres between the rear elevations of existing properties known as No. 85, 87 and 89 Austrey Road and the facing elevations of the proposed new properties.
 - c) The architectural design of the new development will complement the rural nature of the site and character of the immediate neighbouring properties, known as the Elms and 85-89 Austrey Road.

REASON

In the interests of the amenities of the area.

7. No development shall take place on site until the existing structure(s) shown to be demolished on the approved plan has been so demolished and all resultant materials permanently removed from the site.

REASON

In the interests of the amenities of the area.

8. With regards to condition 1, Before the commencement of the development, a landscaping scheme, has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be carried out as approved.

REASON

In the interests of the amenities of the area.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON

In the interests of the amenities of the area.

10. The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority

REASON

In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters

11. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

REASON

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

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 development whatsoever within Class A, B, C and E of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.

REASON

In the interests of the amenities of the area.

14. Any garages or car ports within the development shall not be converted or used for any residential purpose other than as domestic garages.

REASON

To ensure adequate on-site parking provision.

15. Prior to occupation of the dwelling(s) hereby approved a bin storage facility capable of holding a minimum of 3 x 240 litre wheeled bins shall be provided within the curtilage of each dwelling. The storage facility shall remain permanently available for that purpose at all times thereafter. A bin presentation point at the entrance of the development for all residents to place their bins upon on collection days.

REASON

To enable effective storage and disposal of household waste and in the interests of the amenity of the area.

16. No development shall commence until the proposed datum levels of the built form have been provided and approved by the Local Planning Authority

REASON

In the interests of the amenities of the area.

17. No works of construction shall be undertaken unless and until a construction management plan has been submitted to and approved in writing by The Local Planning Authority following consultation with the Local Authority Environmental Health Team and Highways Authority. The construction management plan shall include:

- details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction,
- dust suppression,
- noise and vibration,
- demolition or clearance works,
- details of wheel washing (details to prevent mud and debris on the public highway),
- site working hours
- delivery times,
- HGV Routing Plan
- restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process.

All works of demolition or construction shall be carried out in strict accordance with the approved construction management plan.

REASON

In the interests of the amenities of the area.

18. No development shall commence until a dust management plan would need to be submitted and approved in line with the IAQM guidance, has been submitted to and approved by the Local Planning Authority. The findings/conclusions shall be carried out in full.

REASON

In the interests of the amenities of the area.

19. No part of the development hereby permitted shall be commenced until a scheme for the provision of suitable nesting boxes for swallows, house sparrows and other species to be erected on new buildings within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the platforms and boxes shall be installed and maintained in perpetuity. The bird box scheme boxes cluster should be sited in a north/north westerly direction away from prevailing winds, usually south westerly and away from strong sun.

REASON

To ensure that protected species are not harmed by the development.

20. The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted to the south of the site; where bat mitigation measures will be incorporated; and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods;
- Connections to areas important for foraging should contain unlit stretches.

REASON

In the interests of the amenities of the area and safety on the public highway, and in accordance with NPPF, ODPM Circular 2005/06.

21. No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site and adjacent to the site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have

been completed and all equipment, machinery and surplus materials have been removed.

REASON

In the interests of the amenities of the area and the protection of trees and other features on site during construction.

22. Prior to the commencement of the development detailed technical drawings, vehicular tracking drawings, with a supporting Road Safety Audit, in accordance with preliminary drawing CO17/607/02-SK002 Rev P1, shall be submitted and approved in writing by the Local Planning Authority. Thereafter the approved highway access works shall be implemented in accordance with the approved plans. No part of the site shall be occupied until the approved highway access works have been completed, as evidenced by the issuing of a Certificate of Substantial Completion by the Highway Authority.

REASON

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

23. Prior to the commencement of the development detailed technical drawings, vehicular tracking drawings, with a supporting Road Safety Audit, in accordance with preliminary drawing CO17/607/02-SK001 Rev P1, shall be submitted and approved in writing by the Local Planning Authority. Thereafter the approved highway access works shall be implemented in accordance with the approved plans. No part of the site shall be occupied until the approved highway access works have been completed, as evidenced by the issuing of a Certificate of Substantial Completion by the Highway Authority.

REASON

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

Notes

1. Warwickshire Police have set out the following guidance - Research studying the distribution of burglary in terraced housing with open rear access footpaths has shown that up to 85% of entries occurred at the back of the house. Where there is rear access to multiple rear gardens this access needs to be gated at the front of the building line and with a self closing spring, and a snap shut lock, that needs a key to release.
All perimeter fencing should be 1.8 metre high close boarded fencing however where it backs onto open space it should be topped with 0.2 trellis, so the overall height is 2 metres in height.
Lighting on adopted highways, footpaths, private roads and footpaths and car parks must comply with BS 5489-1:2013.
Building sites and in particular, site offices and storage areas are becoming common targets for crimes such as theft of plant and fuel. These sites should be made as secure as possible. All plant and machinery should be stored in a secure area. Tools and equipment should be marked in such a way that they are easily identifiable to the company. Consideration should be given to the use of security patrols. Developers are now requested to inform the local Safer Neighbourhood Policing Team, which covers the area of the development that

they have arrived on site and provide contact numbers of the site manager for use in the case of an emergency. A grid reference for the site should be provided. This will help to reduce the possibilities of a delayed response.

2. You are advised to contact Warwickshire County Council as the address below with regards to Sustainability Travel Packs at £75 per pack. Infrastructure Team, Economic Growth, Warwickshire County Council, PO Box 43, Barrack Street, Warwick, CV34 4SX.
3. 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.
4. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
5. Before carrying out any work, you are advised to contact Cadent Gas about the potential proximity of the works to gas infrastructure. It is a developer's responsibility to contact Cadent Gas prior to works commencing. Applicants and developers can contact Cadent at plantprotection@cadentgas.com prior to carrying out work, or call 0800 688 588
6. Gross Internal Area (GIA) of the scheme will be the area of the building measured to the internal face of the perimeter walls at each floor level. This measurement should take into account the gross internal floor area of new dwellings, extensions, conversions, garages and any other buildings ancillary to residential use. It should include all rooms, circulation and service space, including lifts, floorspace devoted to corridors, toilets, ancillary floorspace (e.g. underground parking). In flatted developments, it should include communal entrances, landings etc, and any related internal parking.
7. The applicant is advised that to comply with the condition relating to the standard of works to trees, the work should be carried out in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".
8. There may be bats present at the property that would be disturbed by the proposed development. You are advised that bats are deemed to be European Protected species. Should bats be found during the carrying out of the approved works, you should stop work immediately and seek further advice from the Ecology Section of Museum Field Services, The Butts, Warwick, CV34 4SS (Contact Ecological Services on 01926 418060).

9. Wildlife and Countryside Act 1981 - Birds. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.
10. You are advised to contact Lea Marston Parish Council, to discuss design and siting of any future development. The contact details are:Lea Marston Parish Council, Louise Baudet, Clerk to the Parish Council, Email : leamarstonpc@hotmail.com.
Website: <http://www.learmarstonpc.org/>.
11. Wildlife and Countryside Act 1981 - Birds. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.
12. In view of the nearby ponds, care should be taken when clearing the ground prior to development and when storing materials on site. If evidence of specially protected species such as reptiles or amphibians is found (great crested newt, grass snake, common lizard or slow-worm), work should stop while WCC Ecological Services (01926 418060) or Natural England (02080 261089) are contacted. Reptiles and amphibians are protected to varying degrees under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species under the Conservation of Habitats and Species Regulations 2010.

In view of the suitable habitat, care should be taken when clearing the ground prior to development. If any hedgehogs are found, these should be moved carefully to a suitable adjacent habitat. Hedgehogs are of high conservation concern and are a Species of Principal Importance under section 41 of the NERC act. Habitat enhancement for hedgehogs can easily be incorporated into development schemes, for example through provision of purpose-built hedgehog shelters. More details can be provided by the WCC Ecological Services if required
13. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues, suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

14. There may be bats present at the property that would be disturbed by the proposed development. You are advised that bats are deemed to be European Protected species. Should bats be found during the carrying out of the approved works, you should stop work immediately and seek further advice from the Ecology Section of Museum Field Services, The Butts, Warwick, CV34 4SS (Contact Ecological Services on 01926 418060).
15. The developer is reminded that the Control of Pollution Act 1974 restricts the carrying out of construction activities that are likely to cause nuisance or disturbance to others to be limited to the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays, with no working of this type permitted on Sundays or Bank Holidays. The Control of Pollution Act 1974 is enforced by Environmental Health.
16. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway; or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
17. With regards to highway works, you should be aware of Sections 149, 151, 163 and 278 of relevant Acts.
18. The access road to the site, should remain open during works as it serves as a access to pedestrians and also for other sites beyond.
19. It is reported that the site building could contain asbestos. you are advised to check before any demolition works take place and if so, it should be treated in the correct manner and disposed of to a licenced premises. If you have any question, the Councils Environmental Health Team.

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0321

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	18/5/18
2	Poore	Representation	7/6/18
3	Parker	Representation	7/6/18
4	Halden	Representation	14/6/18
5	Bilson	Representation	18/6/18
6	Sherwood	Representation	25/6/18
7	Poore	Representation	26/6/18
8	Bilson	Representation	4/7/18
9	Parker	Representation	4/7/18
10	Cobb	Representation	5/7/18
11	Hargreaves	Representation	6/7/18
12	Shilleto	Representation	10/7/18
13	Poore	Representation	20/7/18
14	WCC Health	Consultation response	31/5/18
15	NWBC Housing	Consultation response	4/6/18
16	WCC Fire	Consultation response	5/6/18
17	Warwickshire Police	Consultation response	6/6/18
18	WCC Ecology	Consultation response	8/6/18
19	WCC Ecology	Consultation response	12/6/18
20	WCC FRM	Consultation response	12/6/18
21	NWBC Forward Plans	Consultation response	13/6/18
22	George Eliot Trust	Consultation response	15/6/18
23	WCC Health	Consultation response	20/6/18
24	NWBC Env Health	Consultation response	25/6/18
25	WCC Ecology	Consultation response	28/6/18
26	NWBC Forward Plans	Consultation response	2/7/18
27	WCC FRM	Consultation response	2/7/18
28	NWBC Env Health	Consultation response	4/7/18
29	WCC Infrastructure	Consultation response	6/7/18
30	George Eliot Trust	Consultation response	24/7/18
31	WCC highways	Consultation response	9/8/18
32	Case officer	Consultation emails / letters	31/5/18
33	Case officer	Email to agent	31/5/18
34	Case officer and agent	Exchange of emails	4/6 – 8/6/18
35	Case officer and Local Councillors	Exchange of emails	6/6/18 and 11/6/18
36	Case officer and agent	Exchange of emails	11/6 and 14/6/18
37	Case officer and agent	Exchange of emails	18/6/18 – 20/6/18

38	Case officer	Email to George Eliot Trust	20/6/18
39	Case officer	Email to neighbour	25/6/18
40	Case officer and agent	Exchange of emails	25/6/18 – 29/6/18
41	Case officer	Email to WCC FRM	3/7/18
42	Case officer	Emails to agent	3/7 and 5/7/18
43	Case officer and agent	Exchange of emails	23/7 and 24/7/18
44	Case officer	Email to agent	31/7 and 2/8/18
45	Case officer	Email to WCC Highways	31/7/18
46	Case officer and agent	Exchange of emails	7/8/18 – 10/8/18
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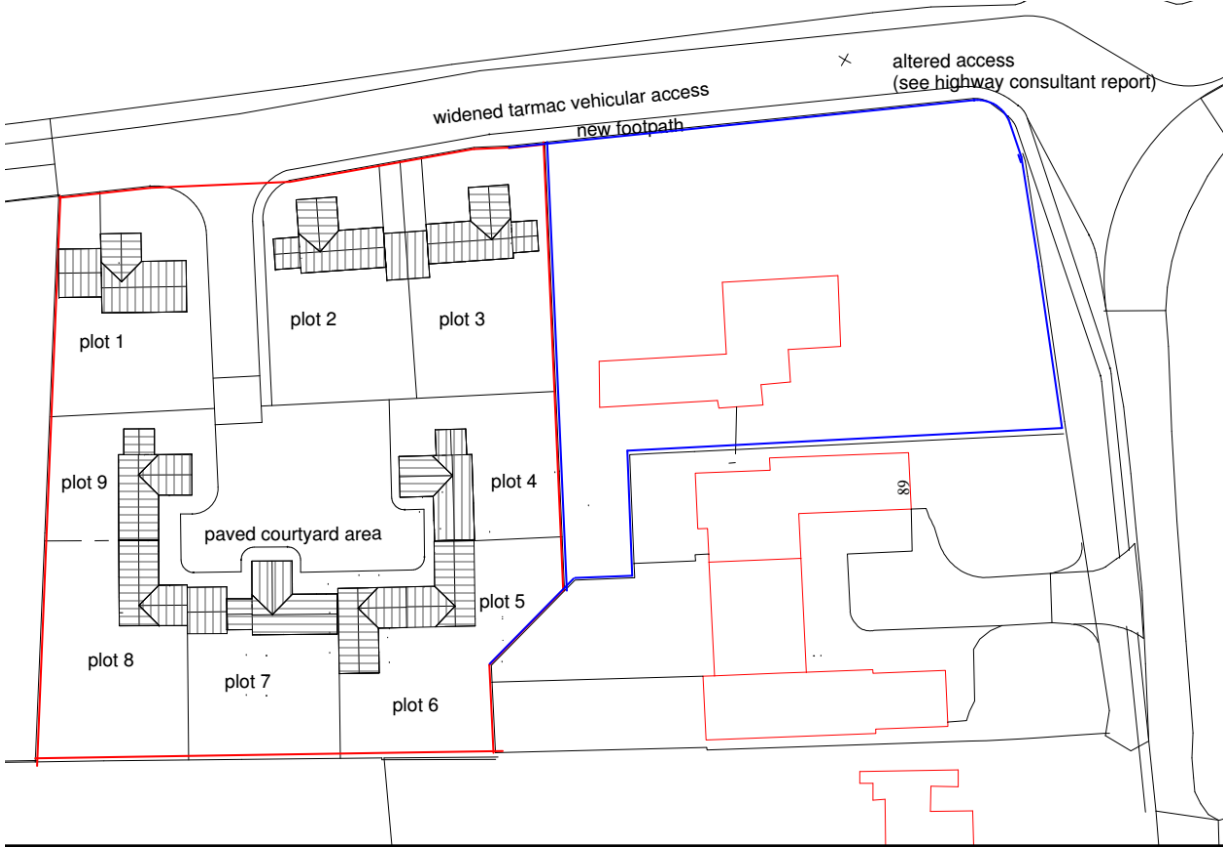
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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

Appendix A – Site Location Plan



Appendix B – Plan



Appendix C – Site photos





(5) Application No: PAP/2018/0353

Oak Tree House, 49 Main Road, Austrey, Atherstone, CV9 3EH

Single storey side extension including new entrance porch, for

Mrs J Price

Introduction

The planning application for the erection of a single storey frontward extension to Oak Tree House is brought before the Board as the applicant is an employee of the Council.

The Site

A two-storey detached dwellinghouse situated to the east of Main Road within the village of Austrey. The property falls wholly within the Austrey Development Boundary.

Within the front garden of the house is a 16 metre tall, mature oak tree (*Quercus robur*) which is subject to statutory protection through a Tree Preservation Order

The Proposal

This is for a single storey front extension comprising a new porch and an enlargement of the existing sitting room. The sitting room extension is modest in size, projecting 1.4 metres off the present principal elevation of the property with a width of 4 metres and height of 3.8 metres to the apex of a mono-pitched roof. The gabled porch extension would be 1.45 metres deep, 2.7 metres wide and 3.6 metres high. Facing brickwork and interlocking roof tiles will match those present on the host building.

Plans are attached at Appendix A

Background

The dwelling has been constructed following the grant of planning permission in 1998 with a single storey rear extension to the building added in 2015.

Development Plan

North Warwickshire Core Strategy 2014 – NW10 (Development Considerations)

North Warwickshire Local Plan 2006 (Saved Policies) - ENV12 (Urban Design); ENV13 (Building Design) and ENV15 - (Nature Conservation)

Austrey Neighbourhood Plan 2014-2029

Other Relevant Material Considerations

National Planning Policy Framework 2018 (the “NPPF”)

The North Warwickshire Local Plan Submission Version, March 2018

Consultations

The Council's Tree Officer has no objection

Representations

None have been received.

Observations

The Tree Officer was consulted because of the proximity of the works to the protected tree. No objections have been received subject to conditions.

With regards to design and neighbouring amenity, there are no concerns here. Saved policies ENV12 and ENV13 of the 2006 Local Plan seek to ensure that development proposals harmonise with the immediate and wider surroundings and demonstrate an appropriate scale, massing, height and material use.

Both elements of the proposal are not considered to derogate from the character and appearance of the surrounding built environment by reflecting the form, materials used and fenestration design of the host dwelling. Moreover the extensions are modest in size and appear visually and physically subservient.

Core Strategy policy NW10 (9) of the 2014 Core Strategy seeks to avoid and address unacceptable impacts upon neighbour amenity. Given the nature of the proposals and the distance from Oak Tree House to neighbouring properties, the development is considered to have a negligible impact on daylight, sunlight, overshadowing and privacy, the latter owing to windows already existing within the principal elevation of the dwelling.

Recommendation

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the site location plan, existing and proposed floor plan and block plan numbered 01, and the existing and proposed elevations plan numbered 02A, all received by the Local Planning Authority on 5th June 2018.

REASON

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

3. The new works shall be carried out with facing brick and roof tiles to match the host dwelling.

REASON

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

4. The development hereby approved shall not be carried out otherwise than in accordance with the Tree Protection Plan received by the Local Planning Authority on 7th September 2018.

REASON

To ensure the work is carried out to accepted arboricultural practices to the long term well-being of the tree subject to a preservation order.

5. All excavation works shall be carried out with manual handheld equipment only.

REASON

To protect the health and stability of the tree subject to a preservation order

6. Should any tree roots to be uncovered during the course of excavation works, their removal will only be carried out under arboricultural supervision and with the approval of the Local Planning Authority.

REASON

To protect the health and stability of the tree subject to a preservation order

Notes

1. Before carrying out any work, you are advised to contact Cadent Gas about the potential proximity of the works to gas infrastructure. It is a developer's responsibility to contact Cadent Gas prior to works commencing. Applicants and developers can contact Cadent at plantprotection@cadentgas.com prior to carrying out work, or call 0800 688 588
2. The proposed works may require building regulations consent in addition to planning permission. Building Control services in North Warwickshire are delivered in partnership with Nuneaton and Bedworth Borough Council. For further information please see https://www.nuneatonandbedworth.gov.uk/info/20025/planning_and_building_control and https://www.planningportal.co.uk/info/200187/your_responsibilities/38/building_regulations.

Guidance is also available in the publication 'Building work, replacements and repairs to your home' available free to download from <https://www.gov.uk/government/publications/building-work-replacements-and-repairs-to-your-home>

3. The applicant is advised that to comply with the condition(s) relating to the protection of trees, the measures should be carried out in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".
4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking additional information to enable the application to be determined. As such, it is considered that the council has implemented the requirement set out in paragraph 34 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/2018/0353

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	5/6/18
2	Gareth D Hare - Arboriculturalist	Arboricultural Report, Tree Protection Plan and Tree Constraints Plan	22/8/18
3	NWBC Green Space Officer	Representation – No objection	18/9/18

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

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

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

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

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

Warwickshire Partnerships

Introduction

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

The Site

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

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

A general location plan is at Appendix A.

Background

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

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

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

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

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

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

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

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

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

The Proposals

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

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

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

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

There would be no other alterations externally to the building.

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

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

Development Plan

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

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

Other Material Planning Considerations

The National Planning Policy Framework 2018 – particularly Section 16

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

Observations

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

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

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

Recommendation

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

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0533

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

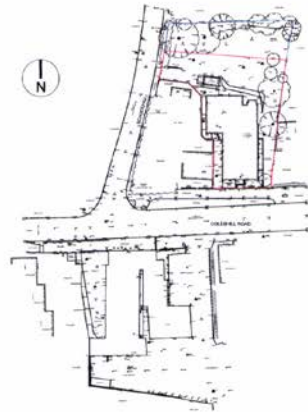
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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

PAP/2018/0534

A4

- Application Site Boundary
- Other land in applicants ownership



NORTH WARWICKSHIRE
BOROUGH COUNCIL

RECEIVED

04/09/2018

PLANNING & DEVELOPMENT
DIVISION



brownhill hayward brown
Chartered Landformers

Client Ref: 3406-01	Project Ref: 3406-01
Location Plan	Date: 04/09/18
PLANNING	Scale: 1:200 @ A4
<input checked="" type="checkbox"/> Approved for Issue <input checked="" type="checkbox"/> Approved for Submission	Designated as a protected area under the Planning (Listed Buildings and Conservation Areas) Act 1967.

bhb

BSO

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

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

DISTRICT OF NORTH WARWICKSHIRE (WARWICKSHIRE)

WHEREAS:

1. Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Act") requires the Secretary of State, for the purposes of the Act and with a view to the guidance of local planning authorities in the performance of their functions under the Act in relation to buildings of special architectural or historic interest, to compile lists of such buildings, and may amend any list so compiled.
2. On 30th March 1988 the Secretary of State compiled a list of buildings of special architectural or historic interest situate in the District of North Warwickshire.
3. The Secretary of State, having consulted with the Historic Buildings and Monuments Commission for England and such other bodies of persons who appear to him appropriate as having special knowledge of, and interest in, such buildings, considers that the said list should be amended in the manner set out in the Schedule hereto.

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

HSD DOC 2



SCHEDULE

The following building shall be added:-
HARTSHILL

SP39SW

1728-0/5/10004

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

II

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

Dated: 23 June 1994

Signed by authority of the
Secretary of State

TA Ellingford

T A ELLINGFORD

A Higher Executive Officer in
the Department of National
Heritage

Appeal Decision

Site visit made on 8 November 2016

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

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

Decision date: 30 November 2016

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

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

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

Decision

1. The appeal is dismissed.

Procedural Matter and Main Issue

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

Reasons

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

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

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

¹ Paragraphs 128 and 129

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

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

² See Annex 2: Glossary

presents a number of constraints, including its age, size and attendant maintenance burden, internal configuration and tight external space incorporating a graveyard and proximity to neighbouring dwellings, which restrict the range of functions for which the property would be ideally suited.

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

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

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

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

Other Matters

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

Conclusion

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

Nicholas Taylor

INSPECTOR

