

(9) Application No: PAP/2018/0123

The Vicarage, Newlands Road, Baddesley Ensor, CV9 2BY

Variation of condition no: 2 of planning permission PAP/2014/0250 to add a single garage to each dwelling, for

Mr Cyril Routledge

Introduction

This application was referred to the Board's July meeting but determination was deferred in order that Members could visit the site. This will have occurred prior to this meeting but after circulation of this report and thus a note of the visit will be circulated later.

A copy of the previous report is attached at Appendix A.

Recommendation

That planning permission be **GRANTED** subject to the condition as set out in Appendix A.

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Introduction

This application is referred to the Board for determination at the request of local Members concerned about the potential impacts on neighbouring residential amenity.

A further application for the same site, reference PAP/2018/0215, seeks retrospective consent for other alterations to the dwellings. This is dealt with separately on this agenda as that too has been requested to be referred to the Board for the same reason.

The Site

This is a triangular shaped site containing two detached properties which are in the final stages of construction, within the large former land ownership of The Vicarage located on the eastern edge of Baddesley Ensor. There is established frontage housing on Newlands Road and Post Office Road which backs onto the eastern, western and southern sides of the site, with the retained Vicarage to the north. The application site is on rising ground from the roadside housing referred to above. The site had extensive mature trees along its boundaries. A number of mature trees still remain, particularly on the south eastern part of the site as well as across the site. These are protected by an Order.

The site is illustrated at Appendix A.

Background

Planning permission was granted for two detached dwellings here in late 2012. A variation was subsequently approved in August 2014 which dealt with alterations to the access arrangements. A further more recent variation involved moving the footprint of one of the plots, that backing onto Post Office Road, by 500mm to the south.

The approved layout is shown at Appendix B.

The Proposal

This is an application to further vary the approved plans condition for the two dwellings with the inclusion of two single garages to abut each of the houses.

The approved plans for the two houses included integral garages, but the applicant has now re-used this space for residential accommodation whilst construction work has proceeded. This would lead to the loss of covered garage space. The current application was therefore submitted to add garage spaces for each plot. The original submission sought to propose two detached double garages, one for each of the plots. Each would have been some distance away from their respective house. Because of the potential impact on the roots of the protected trees and the visual impact of having two further buildings here, the applicant agreed with officer recommendations, to reduce the scale down to single garages and to relocate them hard up against the two houses such that they "read" as extensions".

One of the garages now would be located directly to the south of the house backing on to Post Office Road and the second would be located on the north-west corner of the one backing onto Newland Road.

The current plan and that before the Board under this application is attached at Appendix C.

Development Plan

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

Other Relevant Material Considerations

The National Planning Policy Framework 2012 - (the "NPPF")

The Submitted North Warwickshire Local Plan 2018 - LP31 (Development Considerations) and LP32 (Built Form).

Consultations

NWBC Tree Officer – No objection to the revised proposals as the single garages are outside the root protection areas of the protected trees.

Representations

The amended plans referred to above were referred to local residents for comments following their objections to the original submission. The following comments have been received:

- The garages proposed next to the property will be at the end of gardens
- Concerns that the alterations are retrospective;
- Property is lower down in height than the application site and there is a loss of privacy with the houses being built and the garages will be another eyesore for ourselves and our neighbours.
- We have undertaken works in order to obscure our view and try to retrieve our privacy back, to no avail.

In order to assist the Board, a plan at Appendix D illustrates the distances between the proposed garages and existing residential property.

Observations

This application is solely concerned with the proposed new garages. Each would measure 1.8 metres to its respective ridge and its internal size would meet the Council's standards. They would be constructed in matching materials to each main dwelling.

Concerns have been received with regards to the impact of the revised location of the attached garages from neighbouring properties.

The proposed garage to the property backing onto Newlands Road would be situated in a staggered position to its northern elevation. It is not considered that it would have any detrimental impact in terms of loss of privacy, light or overall residential amenity. It is some 30 metres from the rear elevation of properties in that Road. Even allowing for the change in ground levels, this additional garage would not be likely to cause any material adverse impact.

The garage proposed for the other plot is to be located hard up against the southern elevation. Its distance from the rear elevations of houses in Post Office Road would be between 23 and 30 metres. Again this separation distance is considered to be acceptable. Moreover the garage will have an immediate backdrop of the new house itself and thus the "outline" of that house would not be extended even allowing for the change in ground levels here.

In overall terms therefore it is considered that there would be no material adverse harm sufficient to warrant refusal.

Concerns have been expressed about the loss of trees on the site, particularly around the southern boundaries and thus the new buildings being more prominent with a suggested loss of outlook as a consequence, and made worse by the change in ground levels. Whilst many trees here are protected by an Order, it only relates to the main large specimen trees. It does not include a number of other species, particularly to holly. As a consequence there has been no breach of the Tree Regulations. As indicated above, even with the current more open site, there is no substantive reason to refuse the two additional garages.

Recommendation

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

1. The development hereby approved shall not be carried out otherwise than in accordance with the site location plan received by the Local Planning Authority on 10 April 2018 and the drawing ref: 891-10 Rev B received by the Local Planning Authority on 15 May 2018.

REASON

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

2. No development whatsoever within Classes A, B, C, D, E and F of Part 1, and Class A of Part 2, of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995, as amended, shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.

6/72

REASON

In the interests of the amenities of the area; in order to protect neighbouring amenity; and to ensure that development does not cause harm to protected trees.

3. Any side facing first floor windows on the two new dwellings hereby approved shall be glazed with obscured glass and shall be permanently retained in that condition.

REASON

To protect the privacy of the adjoining properties and to prevent overlooking.

4. The visibility splays to be provided to the vehicular access to the site shall be in full accordance with Drawing No: 891-09 received by the Local Planning Authority on 2 May 2017 under ref: DOC/2017/0019. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.3 metres above the level of the public highway carriageway.

REASON

In the interests of safety on the public highway.

5. The tree protection measures hereby approved under ref: DOC/2017/0019 shall be retained throughout the course of works and construction, and only removed when the dwellings are ready for occupation.

REASON

In the interests of protecting trees on the site.

6. The turning area shall be constructed in accordance with the details shown on Drawing No: 891-08 Rev C as received by the Local Planning Authority on 14 February 2017 under ref: DOC/2017/0019 so as to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear.

REASON

In the interests of safety on the public highway.

7. The details of the water bowser to jet spray vehicles before they leave the site as approved under ref: DOC/2017/0019 shall be put in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material.

REASON

In the interests of safety on the public highway

8. The development hereby approved shall be constructed in matching materials of the dwellings as approved; Eco Stock Hampton Rural Blend facing bricks and Forticrete Gemini Interlocking Plain Tiles in Slate Grey only.

REASON

In the interests of the amenities of the area.

9. The approved foul and surface water drainage system as shown in Drawing No: 891-08 Rev C received by the Local Planning Authority on 14 February 2017 under ref: DOC/2017/0029 shall be implemented in full before the dwellinghouses are occupied.

REASON

To prevent pollution of the water environment and to minimise the risk of flooding on or off the site.

10. The approved screen walls/fences as shown on Drawing No: 891-08 Rev C received by the Local Planning Authority on 14 February 2017 under ref: DOC/2017/0019 shall be erected before the dwellings hereby approved are first occupied and shall subsequently be maintained.

REASON

In the interests of the amenities of the area and to afford occupants a reasonable level of security.

11. The approved details of the provision of the access, car parking, manoeuvring and service areas (including a bin storage area), including surfacing, drainage and levels shall be laid out in accordance with the details approved on Drawing No: 891-08 Rev C received by the Local Planning Authority on 14 February 2017 under ref: DOC/2017/0019. Such areas shall be permanently retained for the purposes of parking and manoeuvring of vehicles, as the case may be. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

REASON

In the interests of safety on the public highway and in order to ensure protected trees on site are not harmed.

12. The landscaping scheme hereby approved as shown on Drawing No: 891-08 Rev C received by the Local Planning Authority on 14 February 2017 under ref: DOC/2017/0019 shall be implemented prior to occupation of the dwellings hereby approved. 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.

13. Within one month of the permitted access being constructed, the existing access shall be closed off and the public highway verge/footway reinstated to the satisfaction of the Local Planning Authority.

REASON

In the interests of safety on the public highway.

14. Access for vehicles to the site from the public highway (Newlands Road D135) shall not be made other than at the position identified on the approved drawing, number 09.07 01E, providing an access no less than 5.0 metres in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway. No gates shall be hung within the vehicular access to the site so as to open within 6.0 metres of the near edge of the public highway carriageway.

REASON

In the interests of highway safety.

Notes

1. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. It should also be noted that this site may lie within an area where a current licence exists for underground coal mining. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.
2. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property. For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.

3. 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.
4. Conditions number 2, 13, 15 and 16 require works to be carried out within the limits of the public highway. Before commencing such works the applicant must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant. The Area Team at Coleshill may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days' notice will be required. For works lasting longer than 10 days, three months' notice will be required.
5. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

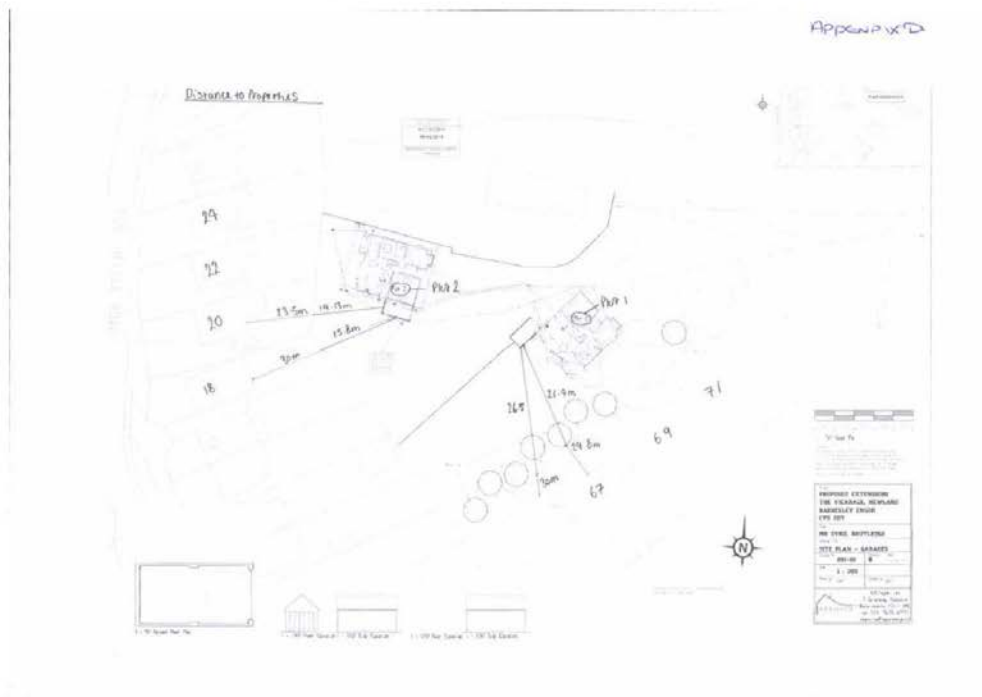
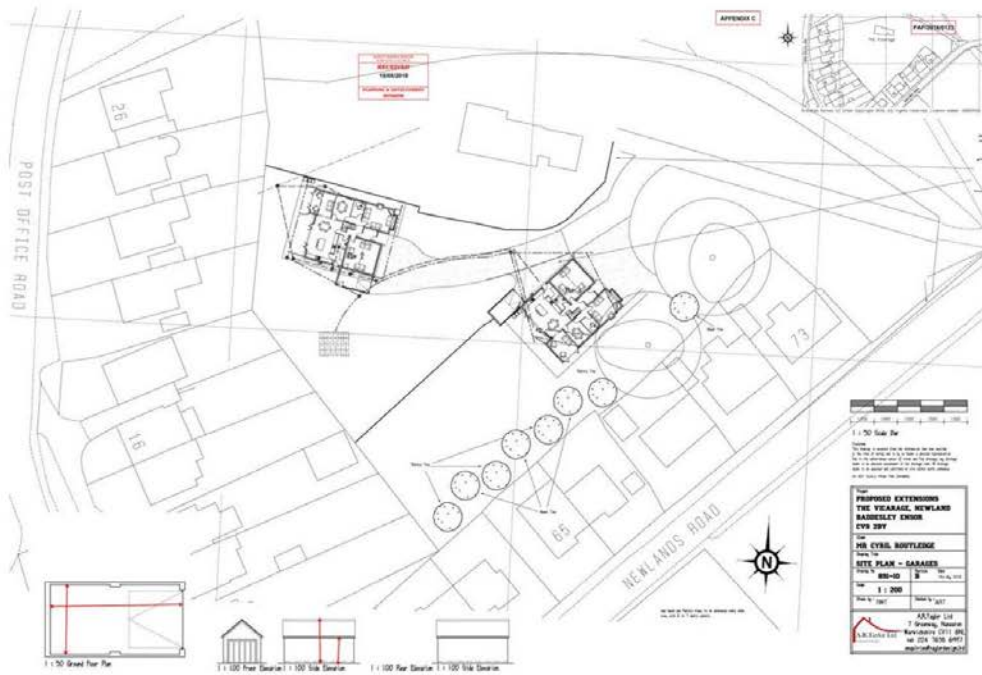
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

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Background Paper No	Author	Nature of Background Paper	Date
1	The Agent	Application Form	21/02/2018
2	The Agent	Site Location Plan reference 891-100	10/04/2018
3	The Agent	Site Plan – Garages reference 891-10 Rev A – Superseded	21/02/2018
4	The Agent	Site Plan – Garages reference 891-10 Rev B	15/05/2018

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

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



(10) Application No: PAP/2018/0138

Applegarth and The Croft, Norton Hill, Austrey, CV9 3ED

Approval of reserved matters following outline application for erection of 14 dwellings and access road - all other matters reserved, for

Meadowview Homes Ltd

Introduction

This case is reported to Board as there is a proposed alteration to the existing Section 106 Agreement.

The Site

The site is a roughly u-shaped area of land on the north side of Norton Hill at the southern end of the settlement of Austrey. The site incorporates the existing properties of The Croft and Applegarth and wraps around the property known as Bembridge House.

The site benefits from an outline planning permission for 14 dwellings and an access road, with all other matters reserved It is allocated for development in the Submitted North Warwickshire Local Plan 2018 and the Austrey Neighbourhood Plan.

The Proposal

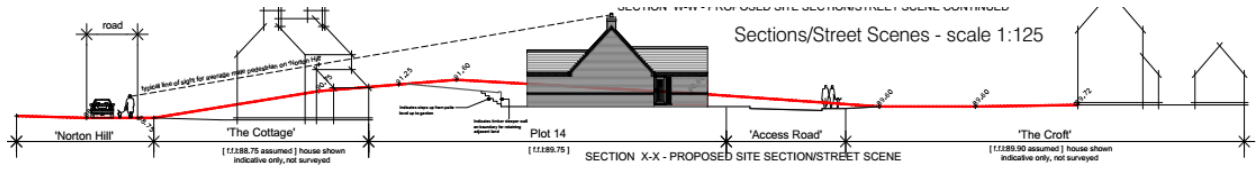
This seeks the approval of reserved matters following that outline consent.

The proposed site layout is as shown below:

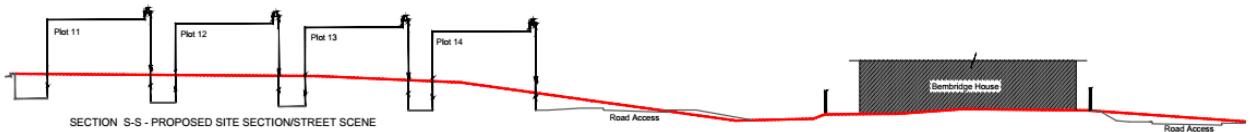


The site is sloping land. The scheme will re-profile the levels as shown in the cross sections below show

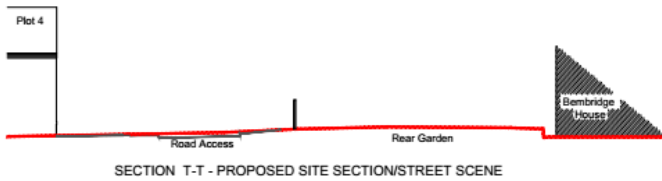
Section through the site south to north, incorporating the existing dwellings The Croft and The Cottage:



Section showing the separation distance from side elevation of Bembridge House and the adjacent Plots 11 to 14 and relative heights:



Section showing the separation distance from rear elevation of Bembridge House and the adjacent Plot 14 and relative heights:



Section from within the site looking north (in two parts):



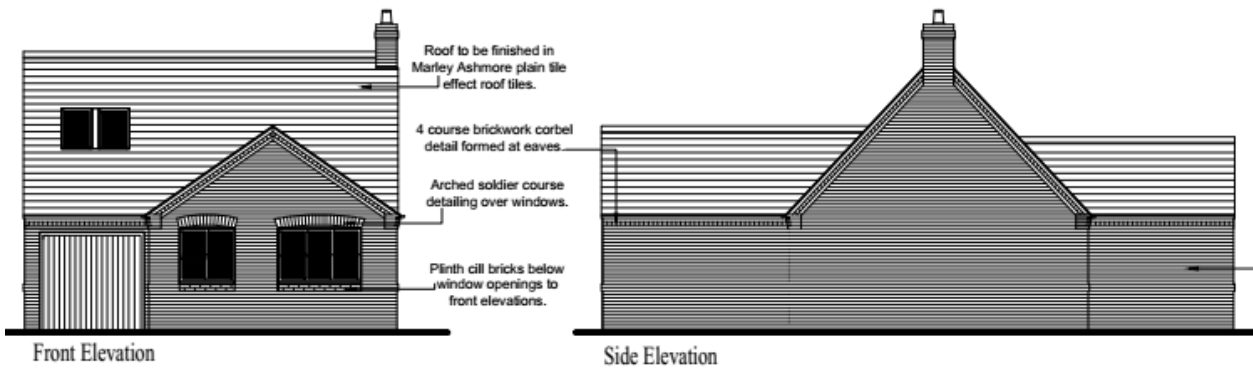
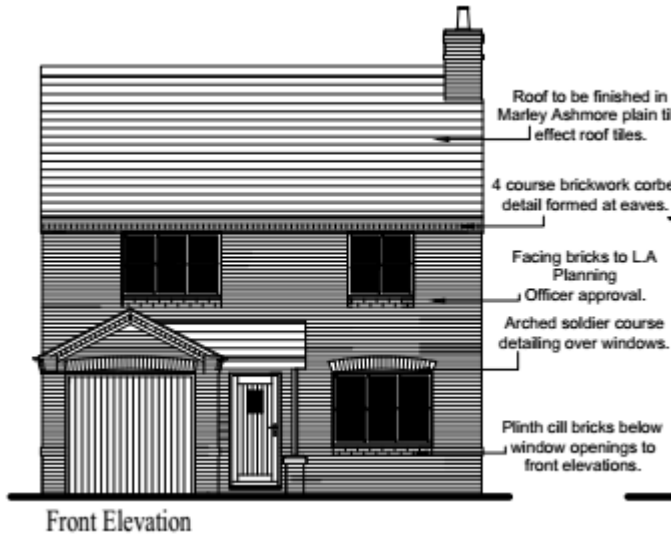
Section from within the site looking south:

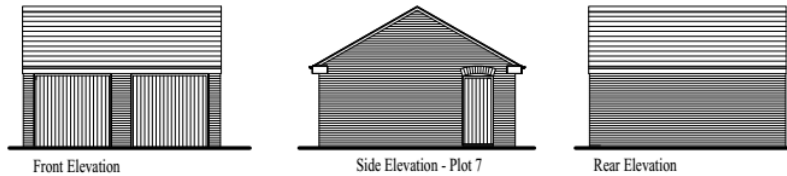
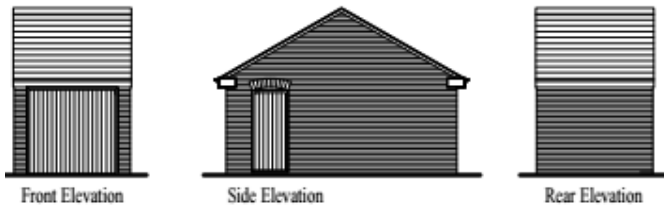


Section from within the site looking east:



The cross sections illustrate the variety in the house types proposed. The following illustrations show a sample of the house types proposed:





House Type Legend -

- Type A - 2 Bed (Plots 1 & 2)
- Type B - 4 Bed (Plots 3,6 & 8)
- Type C - 4 Bed (Plots 4 & 10)
- Type D - 4 Bed (Plot 5)
- Type E - 4 Bed (Plot 7)
- Type F - 3 Bed (Plot 9)
- Type G - 3 Bed Bungalow (Plots 11 &13)
- Type H - 3 Bed Bungalow (Plots 12 &14)

The accommodation to be provided is a mix of two, three and four bedroom houses.

The application seeks to vary the approach to affordable housing. Rather than provide affordable housing on site the applicant seeks to offer an equivalent financial contribution for off-site delivery.

The following pallet of materials will be used:



Background

Outline Planning Permission (PAP/2014/0157) was granted for this site in July 2015. Given concerns about the implications of ground levels Members visited the site and an illustrative site layout was produced which, though not approved, was flagged on the Decision Notice as being an acceptable solution to the development of the site – see below:



A copy of the associated outline planning permission is attached as Appendix 1 so that Members can see the range of conditions already attached to this permission. The applicant has submitted a corresponding Discharge of Conditions application (DOC/2018/0012) that will be determined when the final layout is known following the approval of reserved matters.

The outline planning permission was subject to a Section 106 Legal Agreement which secured the provision of on site affordable housing and an off-site open spaces contribution.

Development Plan

The North Warwickshire Core Strategy 2014 - NW6 (Affordable Housing Provision); NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development) and NW13 (Natural Environment)

Austrey Neighbourhood Plan - AP1 (Existing hedgerows, ditches and mature trees in the Parish should be retained and enhanced where possible); AP5 ("Building for Life 12" guidelines and "Lifetime Home Standards" guidelines), AP6 (Renewable energy), AP7 ("Secured by Design" and "Safer Places") and AP9 (Sites to deliver the housing needs for Austrey: Hollybank Farm (A); Crisps Farm/Glebe Field (B); Applegarth/The Croft (C))

Other Relevant Material Considerations

National Planning Policy Framework – (the "NPPF")

The North Warwickshire Local Plan Submission Version, March 2018 - LP1 (Sustainable Development); LP9 (Affordable Housing Provision), LP16 (Natural Environment), LP31 (Development Considerations), LP32 (Built Form), LP36 (Parking), LP37 (Renewable Energy and Energy Efficiency) and LP39 (Housing Allocations)

Consultations

Environmental Health Officer – No objection subject to controls on the hours of construction and operation in accordance with the submitted Construction Management Plan.

Warwickshire County Council as Highways Authority – It presently has a holding objection but the outcome of re-consultation is awaited. The reasons given for the holding objection are:

1. The gradient of the access to the site for vehicles has been altered to such an extent that is not considered acceptable to the Highway Authority. The access needs to be laid out in accordance with the approved layout.
2. The proposed hard-standings for Plots 11-14 are not considered suitable for the purpose intended; the result of which could be that vehicles could be parked fronting the dwellings detrimentally affecting the turning area.
3. The pedestrian crossing point fronting the Croft is within the vehicular access to the dwelling.

The Council's Tree Officer – Supports the revised proposal and encourages the retention of principal trees.

Representations

One representation indicates no objection to the proposed development but expresses serious concerns for highways issues - safety and capacity issues for Norton Hill as a result of this development due to the narrowness of the lane, the capacity of the lane to take extra traffic and the speed drivers use on the hill. They indicate that the 30 mile speed limit is generally ignored; that the development will potentially increase traffic on the hill and that traffic calming measures would make the road safer.

Six letters of objection raise the following concerns:

- Whilst the Access Road looks 'proper on paper' it is still fundamentally in the wrong place by which the proposed development should be accessed. The visibility splays are inadequate. It would be better if access was to Main Road.
- The loss of local character and environment owing to the proposed development, and the loss of land surrounding larger properties, will be irreversible.
- Wildlife habitat is being eroded by building development.
- More new housing will destroy the reason why people wanted to live in Austrey in the first place.
- The findings and facts of the Tree Survey are challenged.
- One near neighbour indicates satisfaction with some revisions made to the layout during the processing of the application, including an increase in the size of the area given over to open space and the repositioning of the access road to allow

greater separation distance between it and the neighbouring property, but continued to take issue with others. The outstanding concerns relate to the choice of boundary proposed adjacent to the neighbouring property, the species of tree proposed near his boundary (crab apple) because it could be an attraction and there is a request that the tree planting be supplemented with thorny bush/holly for winter screening, a low brick wall between brick pillars on which would be built a hit and miss wooden fence would be preferred as a boundary treatment rather than the proposed 1800 mm wooden hit and miss fence between wooden posts. Given differences in ground level between the application site and the neighbouring property, a 1.8m fence would have an imposing impact on windows of the property.

- Concern is expressed that the proposed street lighting might cause disturbance or nuisance.

Observations

a) Principle of Development

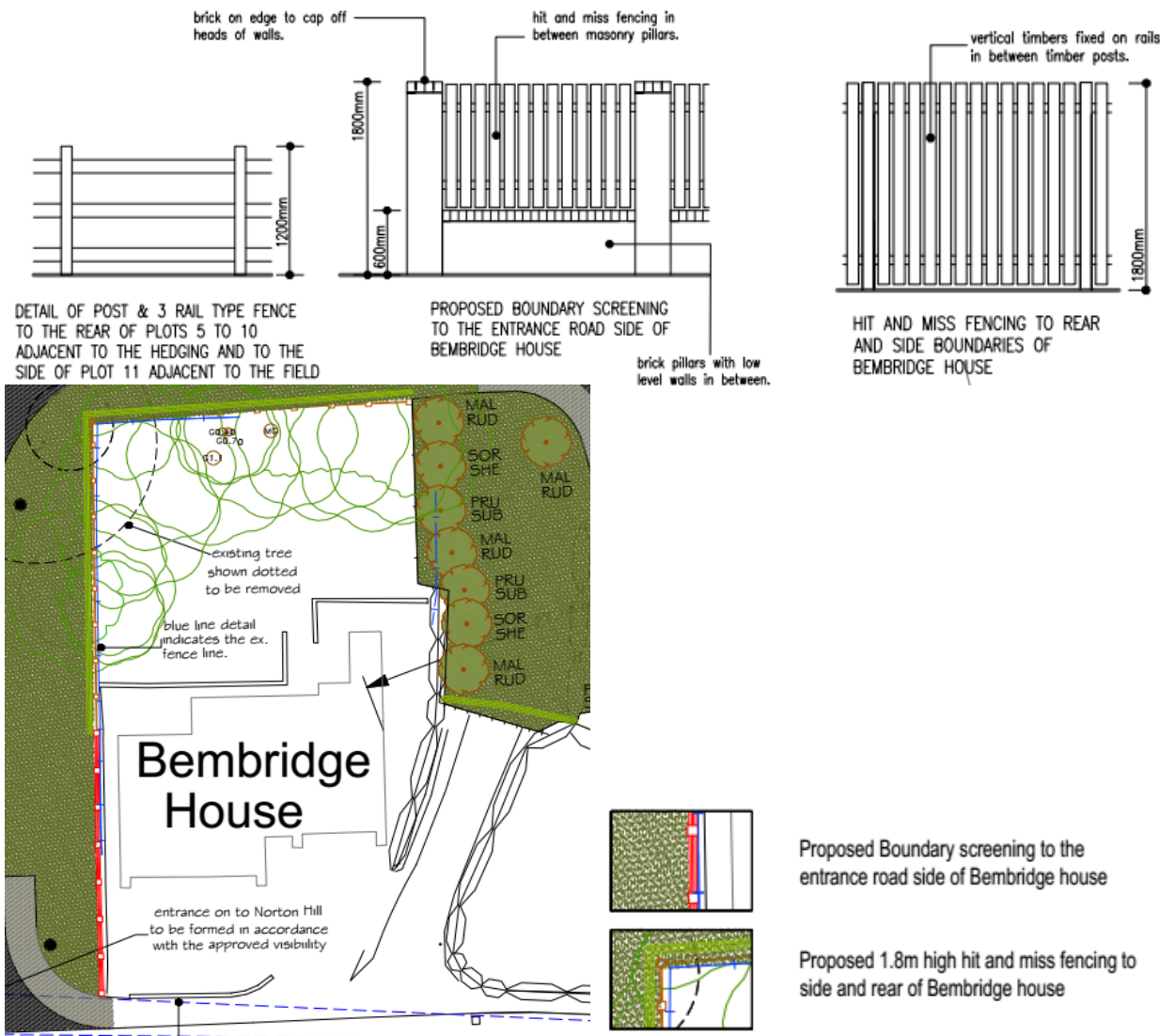
The principle of development here has been established through the grant of outline planning permission and the allocation of the site in the adopted Neighbourhood Plan. The only issues therefore relate to the acceptability of the details submitted to discharge the reserved matters – layout, scale, appearance and landscaping. The details of access have already been approved within the outline planning permission. The access shown in the submitted drawings conforms with the approved details.

b) Design and Layout

The layout largely conforms with the layout approved in the outline consent. The layout conforms with the approved access arrangements, it ensures that all dwellings have off road parking, private amenity space, a reasonable standard of living accommodation and no significant issues of overlooking or loss of privacy result for either occupiers of the new dwellings or occupiers of existing dwellings that surround the site. The design of the individual dwellings is acceptable. The chosen materials are in keeping with those common in the locality and will be an appropriate fit.

Given the need to ensure that the scale of the dwellings does not over dominate or overlook neighbouring dwellings, it would be appropriate to retain control over future extensions to the approved dwellings and the removal of permitted development is proposed. Furthermore, it can be seen from the cross sections above, that the rear gardens of dwellings facing Norton Hill are elevated above the level of the road. Garden buildings erected here could have a very prominent presence on the neighbouring dwelling and on the street scene. It would be appropriate to remove permitted development for the erection of garden buildings to control negative impacts.

A near neighbour expresses concern that new walls and fences will be constructed on boundaries where there will be a change in levels. The applicant indicates that to be a misconception, he assures that levels will be the current levels at boundaries, with no change in levels. The plans show the following:



This is considered to be an appropriate solution to the treatment of this boundary, striking an acceptable balance between visual amenity in public and private areas and protection of existing trees.

The proposed street lighting takes the form of low energy, low level bollard lighting as shown below:



This lighting will not be so intrusive that it is likely to cause lighting pollution or significant disturbance. It is an acceptable approach to the lighting of an edge of settlement development.

c) Affordable Housing

The outline planning approval had an associated Agreement relating to the provision of two, two bedroomed dwellings to be delivered on site. The applicant prefers to offer an off-site contribution in lieu. This is an acceptable approach in principle because it would comply with the provisions of policy NW6 of the North Warwickshire Core Strategy (extract below) making provision for an off-site contribution for sites of up to 14 dwellings.

Schemes of between 1 and 14 inclusive units

20% affordable housing provision will be provided. This will be achieved through on site provision or through a financial contribution in lieu of providing affordable housing on-site. This will be calculated using the methodology outlined in the Affordable Housing Viability report or subsequent updated document and is broadly equivalent to on-site provision.

The methodology for calculating the contribution has been applied, following an independent valuation assessment of the Gross Development Value. The sum calculated as a result of applying the methodology was £148,000, however, this was not considered to meet the second clause of the policy 'and is broadly equivalent to on-site provision'. To accord with the value attributed to the on-site provision in the 2015 Agreement and to reflect the cost of acquiring property recently in a nearby settlement, the off-site contribution sum is increased to £160,000. This is an acceptable, policy compliant sum and the variation of the original S106 Agreement can be supported.

d) Highway Safety

The Highway Authority expressed some concern that the development is tightly dimensioned. It points to the narrowness of parking spaces and the likelihood that garages will not genuinely be used for the garaging of vehicles. Its concern stems from the fact that the vehicles parked on the road would hamper the use of the site by larger vehicles. To address this, the housing internal layout has been adjusted to increase the internal dimensions of the garages to make them more suitable for larger modern day vehicles and the site layout has been altered to allow more space around parking. It is also considered appropriate in this case to encourage off street car parking through a requirement that garages should be retained for the purpose of car parking and not converted or used for other residential uses. This can be addressed by planning condition.

The final observations of the Highway Authority on the internal site layout and engineering design, together with recommendations of any appropriate conditions are awaited and Members will be updated at the Board, but it is anticipated that there are now no significant highway reasons for refusing the details of this site.

e) Effect on Trees and Biodiversity

Revisions to the site and landscaping plan show proposals for the introduction of a new native hedgerow at the boundary of the site and the retention of hedgerows elsewhere; an increase to the extent of the area of open space and an increase in the scale of tree planting. The most important and significant trees on the site are retained and incorporated.

The impact the nearby works will have on the trees within Bembridge House is considered very low. No tree is being lost and the drive is far enough away from the trees not to impact on them. The construction of a post and panel fence near the trees on the boundary can be achieved without placing the health or vitality of the trees in the garden area at risk.

The landscaping scheme provides a reasonable solution to the protection of existing trees and hedgerow, to visual amenity and to ecological protection and enhancement.

An assessment of the biodiversity impact of an earlier version of the site layout calculated a small biodiversity loss. Since that date the scheme has been revised to include greater tree and hedgerow planting and to increase the area of open space. The scheme allows for the inclusion of bat and bird boxes. It is not considered that the revised scheme will have a negative impact on biodiversity.

f) Summary

The development is considered to be sustainable development. It is a difficult to develop site because of ground levels and highway constraints, but, on balance, the redevelopment is desirable and can be achieved without significant harm to interests of acknowledged importance, including significant harm to the amenity of occupiers of neighbouring dwellings. The scheme may be supported.

Recommendation

That subject to a satisfactory Deed of Variation of the Section 106 Agreement relating to changes to the provisions for affordable housing, planning permission be **GRANTED** subject to the following conditions:

1. The development hereby approved shall not be carried out otherwise than in accordance with the following plan schedule:

Austrey – Location Plan (AUS – 011)

AUSTREY - Site & Landscaping Plan - Rev.D (AUST – 001)

(Proposed Site Plan Including Landscaping, Street Lighting and Boundary Treatment Details)

Austrey – Materials Schedule – Rev.A

Austrey - Type A - Plots 1 & 2 (AUS – 002)

Austrey - Type B - Plots 3,6 & 8 (AUS – 003)

Austrey -Type E - Plot 7 (AUS – 006)

Austrey -Type F - Plot 9 (AUS – 007)

AUSTREY – Plot 4 – Type C – Rev A (AUS – 004 Plot 4 – House Type (C))

AUSTREY – Plot 10 – Type C - Rev.A (AUS – 010 Plot 10 – House Type (C) – handed)

AUSTREY - Type D - Rev.B (AUS – 005 Plot 5 – House Type D)

AUSTREY - Type G - Rev.B (AUS – 008 House Type (G) – Plots 11 & 13)

AUSTREY - Type H - Rev.B (AUS – 009 House Type (H) – Plots 12 & 14)

AUSTREY – Detached Garage Drawing – Rev.A (AUST – 014)

AUSTREY - street scenes and sections- Sheet 1 - Rev.B (Dwg No AUS-015 Site Plan & Sections/Street Scenes Indicating the existing and proposed levels)

AUSTREY - street scenes and sections - sheet 2 (Dwg No AUS-030 Site Plan & Additional Sections/Street Scenes Indicating the existing and proposed levels)

Austrey - Updated Facing Materials (jpeg photograph of brick types and roof tiles)

Sample Images of Brickwork Details – jpeg images 1 to 5

Austrey -Topo Survey with Bembridge House Trees & Levels added (second Topographical survey to include the levels of Bembridge House curtilage and the trees within)

Austrey – Arboricultural Assessment (Tree Health Consulting Ltd Ref: THC/2018/06/04)

Road/Drainage Engineers Drawings:

DW231-001D Site Drainage Plan A1 (Proposed Site Drainage Plan)
DW231-002D Road Setting Out A1 (Proposed Road Setting out Plan)
DW231-003D Surfacing Plan A1 (Proposed Surface and Kerbing Plan)
DW231-020B Longitudinal Road Sections Sh 1 A1 (Longitudinal Road and Sewer Sections, Sheet 1)
DW231-025B Road Cross Sections Sh 1 A1 (Road Cross Sections)
Triton - Attenuation Drawing 770-01-Rev O (Proposed Triton Attenuation Tanks)
DW231-011A Chamber Schedule A2 (Proposed Chamber Schedule)
DW231-010C Drained Area Plan A2 (Drained Area Plan)
DW231-005 Vehicle Tracking Plan A1 (Refuse Vehicle Tracking & Turning Head)
DW231-021A Longitudinal Road Sections Sh 2 A1 (Longitudinal Road and Sewer Sections Sheet 2)
Austrey – Tree Protection Plan – Rev.B (AUS – 012 Tree Protection Plan)
Austrey - Construction Method Statement
Austrey - Material Cleaning Plan - Rev A (AUS – 013 Highway Cleaning Measures)
Norton Hill Austrey WSI (Archaeological Written Scheme of Investigation)
Aust18_draft_v2.1_reduced (report from the archaeological investigations)

2. Prior to occupation of the dwellings hereby approved the bin storage facilities shown on the approved plans, within the enclosed rear garden of each dwelling, shall be installed such that they are capable of holding a minimum of 3 x 240 litre wheeled bins. The storage facilities shall remain permanently available for that purpose at all times thereafter.
3. Prior to the occupation of any of the dwellings hereby approved the street lighting scheme illustrated on the approved site layout plan shall be implemented and made operational. No additional street or exterior lighting shall be installed.
4. The development shall proceed in full accordance with the provisions of the Construction Method Statement received by the Local Planning Authority on 22 March 2018.
5. No development whatsoever within Classes A, B, C, D and E of Part 1 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.
6. Prior to the commencement of development a scheme for renewable energy generation and the incorporation of energy efficiency measures shall be

submitted to and approved in writing. The approved scheme shall then be implemented in full and maintained thereafter.

7. 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.
8. Prior to occupation of any of the dwellings hereby approved the ecology mitigation measures (bat and bird box installation and hedgerow and tree planting) shown on the plan numbered AUST – 001 Rev D (Site and Landscaping Plan) received by the Local Planning Authority on 9 July 2018 shall be implemented in full.
9. The development shall be carried out in full accordance with the Tree Protection measures and recommendations detailed in the A L Smith Arboricultural Consultants Report dated 4 June 2018 and received by the Local Planning Authority on 12 June 2018 and the Tree Protection Plan AUS-012 Rev B received by the Local Planning Authority on 5 July 2018. Tree protection measures shall be implemented in full accord with BS5837:2012 prior to the commencement of development.
10. 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.
11. The garages hereby permitted shall not be converted or used for any residential purpose other than as domestic garages.

Plus conditions advised by the Highway Authority in the event that this application is granted.

Notes

1. The applicant is advised that to comply with the condition relating to the protection of trees, the measures should be in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".
2. 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.

3. 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>.
4. 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.
5. The felling of trees should be undertaken by a competent tree surgeon in accordance with BS3998-2010 Tree work- Recommendations.
6. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, 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 paragraphs 186 and 187 of the National Planning Policy Framework.

Plus notes required by the Highway Authority.



North Warwickshire
Borough Council

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

Date: 28 July 2015

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

DECISION NOTICE

Major Outline Application (small scale)

Application Ref: PAP/2014/0157

Site Address

Applegarth And The Croft, Norton Hill, AustreyAtherstone, CV9 3ED

Grid Ref: Easting 429774.54
Northing 306252.55

Description of Development

Outline application for erection of 14 dwellings and access road - all other matters reserved

Applicant

Mr Smyczek & Mrs Bowman

Your planning application was valid on 2 July 2014. It has now been considered by the Council. I can inform you that:

Planning permission is **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:-
 - (a) appearance
 - (b) scale
 - (c) landscaping
 - (d) layout

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

Authorised Officer: 

Date: 28 July 2015



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 plan numbered 021404 (in respect of the red line location plan part of the drawing only) received by the Local Planning Authority on 30 June 2014 and the access arrangements shown on drawing number 759_06 Rev E received by the Local Planning Authority on 2 February 2015.

REASON

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

5. The layout, appearance and scale details required in condition 1 shall incorporate the provision of bungalows and reductions in ground levels in the south eastern section of the site in order to minimise the visual impact of the development and address the potential for loss of amenity for existing residential properties. The details shown on the submitted drawings 759 06 Rev E, 759 07 Rev B, 759 08 Rev A and 759 09 Rev A (received 2 February 2015) are examples of an acceptable approach to the development of this part of the site in this regard.

REASON

In the interests of the amenities of the area and to protect the amenity of occupiers of adjacent dwellings.

6. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

REASON

To ensure the recording and preservation of any items of archaeological interest and to avoid any harm to items of archaeological interest.

7. No development or site works whatsoever shall commence on site until details of measures for the protection of the existing trees which are to remain and for the protection of adjacent dwellings have been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the area, to protect the amenity of occupiers of adjacent dwellings and to avoid any harm to the existing landscape and ecology of the site.

8. No development or site works whatsoever shall commence on site until the measures approved in Condition No 7 above have been implemented in full.

REASON



Authorised Officer:

cc:

28 July 2015

In the interests of the amenities of the area, to protect the amenity of occupiers of adjacent dwellings and to avoid any harm to the existing landscape and ecology of the site.

9. Prior to the commencement of development a scheme for the compensation of biodiversity lost as a result of the approved development shall be submitted to and approved by the Local Planning Authority in writing.

REASON

To accord with the requirements of Policy NW15 of the North Warwickshire Cor Strategy (October 2014) and to avoid any harm to the existing biodiversity of the site ahead of reaching an agreed compensation scheme.

10. Access for vehicles to the site from the public highway (Norton Hill D14) shall not be made other than the position identified on the approved drawing, number 759_06 Rev E, providing a bellmouth junction with radii of 6 metres and an access width of no less than 5.0 metres for a distance of 20 metres, with a gradient of no greater than 1:36, as measured from the near edge of the public highway carriageway. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

REASON

In the interests of safety on the public highway.

11. Notwithstanding the plans submitted no development shall commence until full details of the provision of the access, car parking, manoeuvring and service areas, including surfacing, drainage and levels have been submitted to and approved in writing by the Council. No building shall be occupied until the areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.

In the interests of safety on the public highway such detailed information needs to be provided before the commencement of development to ensure an integrated design solution.

12. The existing vehicular access to the site shall be closed off and the public highway footway reinstated to the satisfaction of the Highway Authority within 1 month of the new access being formed.

REASON

In the interests of safety on the public highway.

13. No gates shall be hung within the vehicular access to the site so as to open within 12 metres of the near edge of the public highway footway.

REASON

In the interests of safety on the public highway.

14. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distances of 36.0 metres looking right (westerly) and 68 metres looking left (easterly) to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at

Authorised Officer: 

Date: 28 July 2015

maturity, a height of 0.3 metres above the level of the public highway carriageway.

REASON

In the interests of safety on the public highway.

15. The development shall not be commenced until a turning area has been provided within the site so as to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear.

REASON

In the interests of safety on the public highway such space needs to be provided before the commencement of development.

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

REASON

In the interests of safety on the public highway such measures needs to be in place before the commencement of development.

17. Before the development commences a scheme for the construction of the foul and surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON

To prevent pollution of the water environment and to minimise the risk of flooding on or off the site and to ensure that an integrated design solution addresses the water environment.

18. 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 0700 nor after 1900 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 nearby residential property.

19. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls/fences/hedges to be erected. The approved screen walls/fences shall be erected before the dwellings hereby approved are first occupied and shall subsequently be maintained. 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, to protect the amenity of occupiers of adjacent properties and to ensure that an integrated design solution.

Authorised Officer:



28 July 2015

INFORMATIVES

1. 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.
2. Condition numbers 1, 2 and 3 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.
Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months notice will be required.
3. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
4. The County Council will not be held liable for any delays in the execution of any works carried out under the provisions of any Highway Works Agreement or issue of any licence which may be incurred as a result of the applicant's /developer's failure to make an application for such an agreement / licence sufficiently in advance of the works requiring to be executed.
5. 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.
6. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.
7. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

Authorised Officer:



Date:

28 July 2015

APPEALS TO THE SECRETARY OF STATE

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

PURCHASE NOTICES

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

NOTES

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

Authorised Officer: 

Date: 28 July 2015

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0138

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	1 3 18
2	Police	Consultation Response	13 4 18
3	Environmental Health Officer	Consultation Response	13 4 18
4	Warwickshire County Council Highways Authority	Consultation Response	17 4 18 5 7 18
5	Tree Officer	Consultation Response	4 7 18
6	Austrey resident	Representation	2 5 18
7	Austrey resident	Representation	4 5 18
8	Austrey resident	Representation	8 5 18 2 7 18
9	Austrey resident	Representation	2 7 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.

(11) Application No: PAP/2018/0215

The Vicarage, Newlands Road, Baddesley Ensor, CV9 2BY

Variation of condition no: 2 of planning permission PAP/2017/0299 relating to raising of the eaves to the front and rear projected gables and replacement of a velux roof light to dormer on both properties; in respect of erection of two detached dwellings, for

Mr Cyril Routledge

Introduction

This application was referred to the Board's July meeting but determination was deferred in order that Members could visit the site. This will have occurred prior to this meeting but after circulation of this report and thus a note of the visit will be circulated later.

A copy of the previous report is attached at Appendix A.

Recommendation

That planning permission be **GRANTED** subject to the condition as set out in Appendix A.

(6) Application No: PAP/2018/0215**The Vicarage, Newlands Road, Baddesley Ensor, CV9 2BY****Variation of condition no: 2 of planning permission PAP/2017/0299 relating to raising of the eaves to the front and rear projected gables and replacement of a velux roof light to dormer on both properties; in respect of erection of two detached dwellings, for****Mr Cyril Routledge****Introduction**

This application is referred to the Board for determination at the request of local Members concerned about the impact on residential amenity to neighbouring occupiers.

A second application relating to this site for the erection of two garages is reported elsewhere on this agenda – application reference PAP/2018/0123. This too is referred at the request of local Members for the same reason.

The Site

This is a triangular shaped site containing two detached properties which are in the final stages of construction, within the larger former land ownership of The Vicarage located on the eastern edge of the village of Baddesley Ensor. There is established frontage housing on Newlands Road and Post Office Road which backs onto the southern, western and eastern sides of the site, with the retained Vicarage to the north. The application site is on rising ground from the roadside housing referred to above. It has extensive mature trees along its boundaries. A number of mature trees still remain, particularly on the south eastern part of the site as well as across the site. These are protected by an Order.

The site is illustrated at Appendix A

Background

Planning permission was granted for two detached dwellings here in late 2012. A variation was subsequently approved in August 2014 which dealt with alterations to the access arrangements. A further more recent variation involved moving the footprint of one of the plots, that backing onto Post Office Road by 500 mm to the south.

The approved layout is at Appendix B

The Proposal

Work has commenced on site and it has been established that the appearance of the two plots varies from that approved. The applicant has submitted this retrospective application in order to seek a remedy to this breach of planning control.

The key retrospective alterations from the originating consents are:

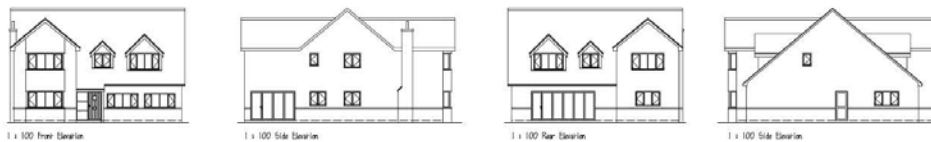
a) Plot one

- Replacement of double garage doors to, two ground floor windows to the front elevation.
- Replacement of velux window to rear elevation roof slope, with a dormer window serving a bathroom.
- The raising of the eaves of the front and rear projecting gables – from 4.4 to 5.2 metres at the front and from 3.7 to 5.2 at the rear.
- The raising of the eaves of the projecting gable subsequently raises the eaves on the side elevations in this respect.

These are illustrated below.



Elevations as approved under planning reference PAP/2012/0325



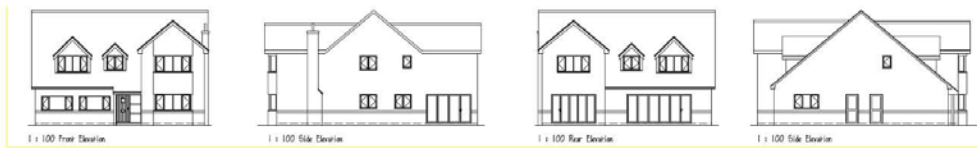
Elevations as built

b) Plot Two

- Replacement of double garage doors to, two ground floor windows to the front elevation.
- An additional side elevation ground floor window
- The replacement of ground floor windows with bifold doors in the side elevation
- Re-positioning of a first floor window on the side elevation to serve a first floor ensuite
- Replacement of a velux window to the rear elevation roof slope with a dormer window to serve a bathroom.
- The raising of the eaves of the front and rear projecting gables - at the front from 4.1 to 5.2 and at the rear from 3.7m to 5.2 metres.
- The raising of the eaves of the projecting gables subsequently raises the eaves on the side elevations in this respect.



Elevations as approved under planning reference PAP/2012/0325



Elevations as built

As can be seen from this description, the proposals do NOT

- Increase the footprint of either plot
- Increase the overall height of either plot.

Development Plan

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

Other Relevant Material Considerations

The National Planning Policy Framework 2012 - (the "NPPF")

The Submitted North Warwickshire Local Plan 2018 - LP31 (Development Considerations) and LP32 (Built Form)

Representations

Three objections have been received from occupiers whose properties back onto the site. The matters raised include:

- Concerns about overlooking – particularly the new dormer window – onto rear gardens and rear rooms
- Concerns about the loss of outlook through the loss of trees.
- The changes in the topography exacerbate the problem.
- The application is retrospective

Observations

The Board has to deal with the proposals as submitted and these are described above. Overall the changes in appearance are acceptable in design terms. There is little material change in the number, size or design of the replacement and re-located ground floor windows. It is agreed that the additional height given to the gable eaves does alter the appearance and the perception is of a greater "mass" of built form. However crucially, there is no overall height increase in either of the two plots or in their footprints. There is thus no additional shadowing or loss of light arising. As a consequence there is no material adverse impact here sufficient to warrant a refusal.

The main issue is the potential for overlooking of the rear gardens and rooms of the established houses on the surrounding roads through the removal of the velux window and its replacement with a dormer. In design terms, this is considered to be in keeping with the overall appearance of the two dwellings. It is commensurate with the other dormers on this elevation. The issue is that of potential over-looking. The new window would serve a bathroom, as with the velux light, and as such it can be conditioned to be top opening and obscurely glazed in line with accepted practice. Additionally, attention is drawn to the fact that there are already approved first floor dormer windows in this rear elevation and therefore there is already a degree of potential overlooking. Furthermore the new dormer is recessed behind the others. Overall given all of these matters, it is considered that there is limited additional impact on neighbouring amenity.

Concerns have also been expressed about the loss of trees on the site, particularly around the southern boundaries and thus the new buildings being more prominent with a suggested loss of outlook as a consequence, and made worse by the change in ground levels. Whilst many trees here are protected by an Order, it only relates to the main large specimen trees. It does not include a number of other species, particularly to holly. As a consequence there has been no breach of the Tree Regulations. However, given the alterations and perceived impact on the form and bulk of the resulting built form, the applicant has agreed for a landscaping screen of trees to be implemented along the boundary with gardens to the rear of Newlands Road. In discussion with the Council's Green Space Officer an appropriate landscaping scheme will be implemented by condition on any recommendation for approval.

It has also come to light from officer visits to the site that further alterations have occurred which include the introduction of velux lights within a roof slope to serve a second floor and extensive decking to both plots. These matters are being investigated separately as potential breaches of planning control and a further report will be brought to the Board in due course.

Recommendation

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

1. The development hereby approved shall not be carried out otherwise than in accordance with the site location plan received by the Local Planning Authority on 10 April 2018 and the drawing ref: 891-10 Rev B, 891-02 Rev J and 891-05 Rev J received by the Local Planning Authority on 28 June 2018.

REASON

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

2. No development whatsoever within Classes A, B, C, D, E and F of Part 1, and Class A of Part 2, of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995, as amended, 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; in order to protect neighbouring amenity; and to ensure that development does not cause harm to protected trees.

3. Any side facing first floor windows on the two new dwellings hereby approved shall be glazed with obscured glass and shall be permanently retained in that condition.

REASON

To protect the privacy of the adjoining properties and to prevent overlooking.

4. The two dormers to the replacing veluxes on the rear elevations to both plots hereby approved, shall be top opening and glazed with obscured glass to privacy level 3 and shall be permanently retained in that condition.

REASON

To protect the privacy of the adjoining properties and to prevent overlooking.

5. Notwithstanding Condition 13 of planning reference PAP/2017/0299 regarding the approved landscaping scheme drawing no:891-08 Rev C received by the LPA on 14 February 2017 under DOC/2017/0019, details of the additional tree planting along the south eastern boundary shall be submitted and approved in writing by the Local Planning Authority prior to the occupation of the dwellings. 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 the neighbouring properties along Newlands Road.

6. The visibility splays to be provided to the vehicular access to the site shall be in full accordance with Drawing No: 891-09 received by the Local Planning Authority on 2 May 2017 under ref: DOC/2017/0019. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.3 metres above the level of the public highway carriageway.

REASON

In the interests of safety on the public highway.

7. The tree protection measures hereby approved under ref: DOC/2017/0019 shall be retained throughout the course of works and construction, and only removed when the dwellings are ready for occupation.

REASON

In the interests of protecting trees on the site.

8. The turning area shall be constructed in accordance with the details shown on Drawing No: 891-08 Rev C as received by the Local Planning Authority on 14 February 2017 under ref: DOC/2017/0019 so as to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear.

REASON

In the interests of safety on the public highway.

9. The details of the water bowser to jet spray vehicles before they leave the site as approved under ref: DOC/2017/0019 shall be put in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material.

REASON

In the interests of safety on the public highway

10. The development hereby approved shall be constructed in matching materials of the dwellings as approved; Eco Stock Hampton Rural Blend facing bricks and Forticrete Gemini Interlocking Plain Tiles in Slate Grey only.

REASON

In the interests of the amenities of the area.

11. The approved foul and surface water drainage system as shown in Drawing No: 891-08 Rev C received by the Local Planning Authority on 14 February 2017 under ref: DOC/2017/0029 shall be implemented in full before the dwellinghouses are occupied.

REASON

To prevent pollution of the water environment and to minimise the risk of flooding on or off the site.

12. The approved screen walls/fences as shown on Drawing No: 891-08 Rev C received by the Local Planning Authority on 14 February 2017 under ref: DOC/2017/0019 shall be erected before the dwellings hereby approved are first occupied and shall subsequently be maintained.

REASON

In the interests of the amenities of the area and to afford occupants a reasonable level of security.

13. The approved details of the provision of the access, car parking, manoeuvring and service areas (including a bin storage area), including surfacing, drainage and levels shall be laid out in accordance with the details approved on Drawing No: 891-08 Rev C received by the Local Planning Authority on 14 February 2017 under ref: DOC/2017/0019. Such areas shall be permanently retained for the purposes of parking and manoeuvring of vehicles, as the case may be. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

REASON

In the interests of safety on the public highway and in order to ensure protected trees on site are not harmed.

14. Within one month of the permitted access being constructed, the existing access shall be closed off and the public highway verge/footway reinstated to the satisfaction of the Local Planning Authority.

REASON

In the interests of safety on the public highway.

15. Access for vehicles to the site from the public highway (Newlands Road D135) shall not be made other than at the position identified on the approved drawing, number 09.07 01E, providing an access no less than 5.0 metres in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway. No gates shall be hung within the vehicular access to the site so as to open within 6.0 metres of the near edge of the public highway carriageway.

REASON

In the interests of highway safety.

Notes

1. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. It should also be noted that this site may lie within an area where a current licence exists for underground coal mining. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.
2. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property. For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.
3. 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.
4. Conditions number 2, 13, 15 and 16 require works to be carried out within the limits of the public highway. Before commencing such works the applicant must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant. The Area Team at Coleshill may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

5. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 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/2018/0215

Background Paper No	Author	Nature of Background Paper	Date
1	The Agent	Application Forms	28/03/018
2	The Agent	Site Plan Revised 891-01 Rev B	15/05/2018
3	The Agent	Elevation Plans Plot 1 Revised reference 891-02 Rev J	28/06/2018
4	The Agent	Elevation Plans Plot 2 reference Revised 891-05 Rev J	28/6/2018

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

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

RECEIVED
10/04/2018
PLANNING & DEVELOPMENT
DIVISION




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1 : 50 Scale Bar

This drawing is accurate from the information that was available at the time of survey and is to be taken as a detailed representation
DO NOT SCALE FROM THIS DRAWING

Project PROPOSED EXTENSIONS THE VICARAGE, NEWLAND BADDESLEY ENSOR CV9 2BY		
Client MR CYRIL ROUTLEDGE		
Drawing Title SITE PLAN		
Drawing No 891-100	Revision	Date 09/04/2018
Scale		
Drawn by FMT	Checked by ART	
 AR.Taylor Ltd 7 Greenway, Naseaton Warwickshire CV11 6NL Tel: 024 7636 6997 enquiries@taylordesigns.co.uk		



(12) Application No: PAP/2018/0231

Heart of England Conference and Events Centre, Meriden Road, Fillongley, CV7 8DX

Display of two pole-mounted banner signs with halo (internal) illumination (lettering only illuminated), for

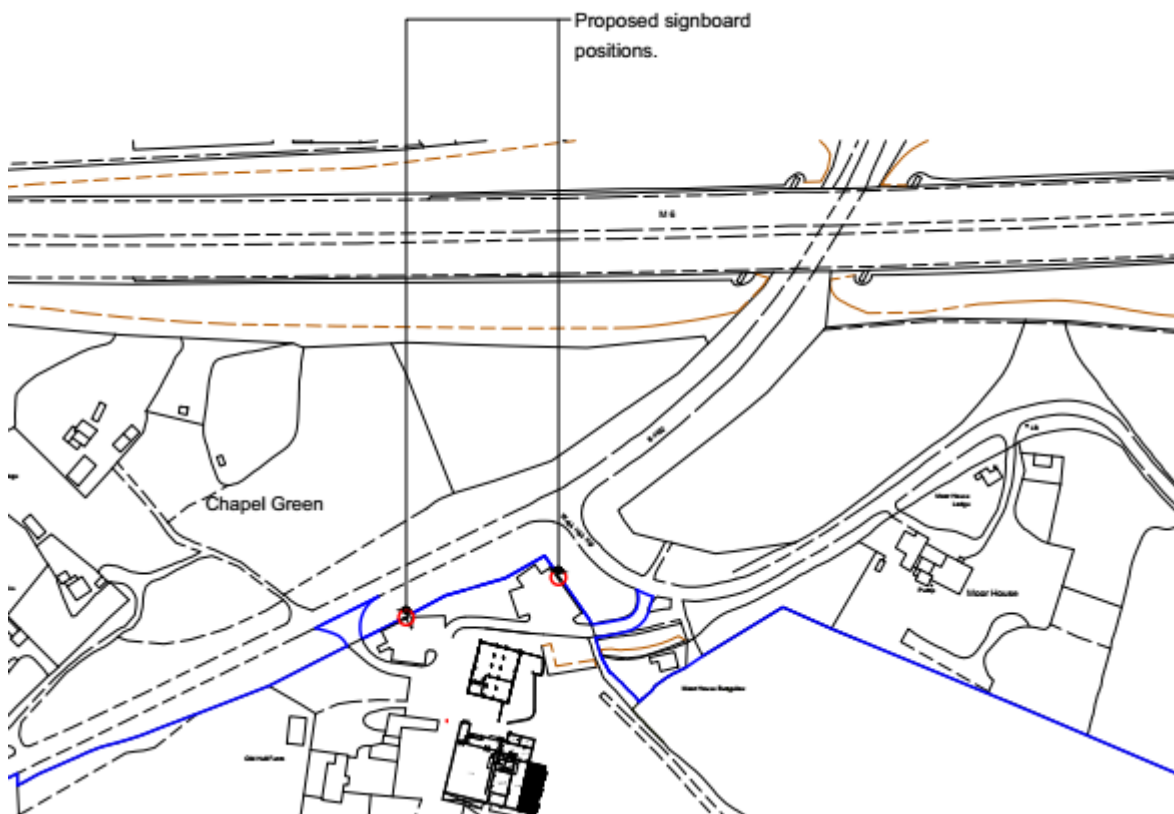
Mr Stephen Hammon - Heart Of England Promotions

Introduction

The application is reported at the discretion of the Head of Development Control given the history of the site, including the history of planning appeals.

The Site

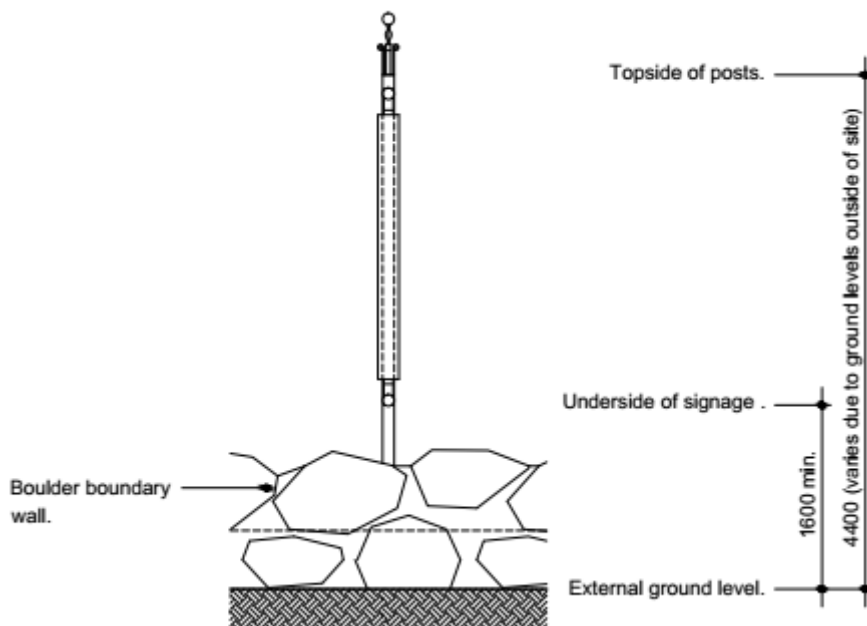
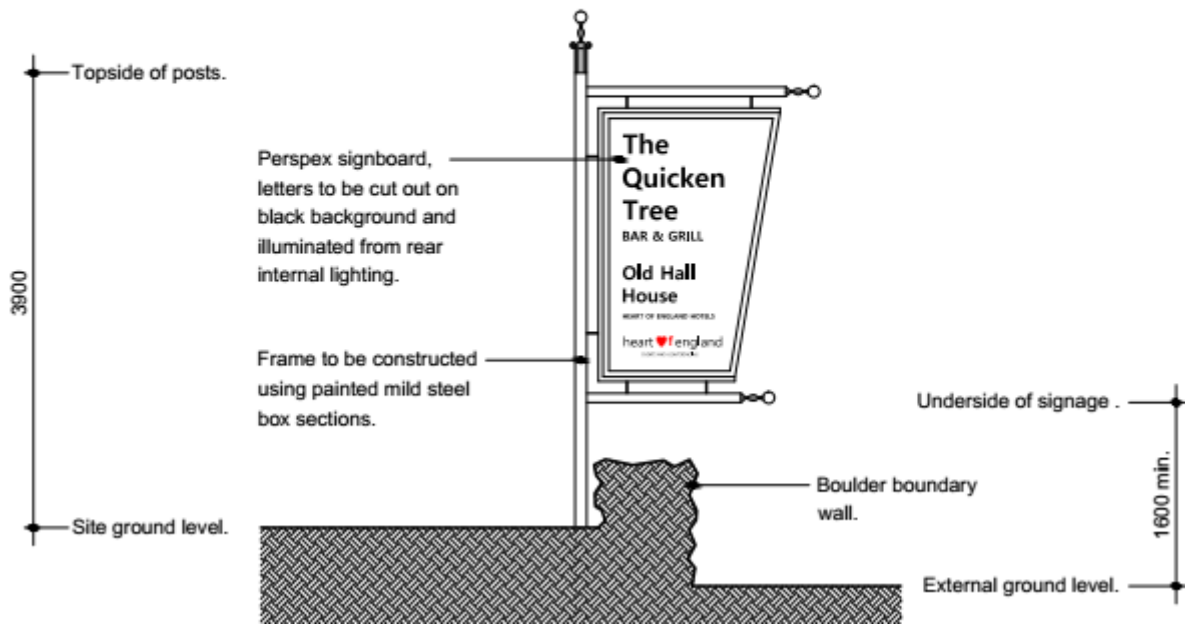
The plan below shows the locations of the two signs for which advertisement consent is sought. They are on the boundary of the site with Meriden Road and Wall Hill Road close to the main entrance to The Heart of England Conference and Events Centre.



The Proposal

Display of two pole-mounted banner signs with halo (internal) illumination (lettering only illuminated). The signs would be to the appearance and dimensions shown below.

Proposed signboards.

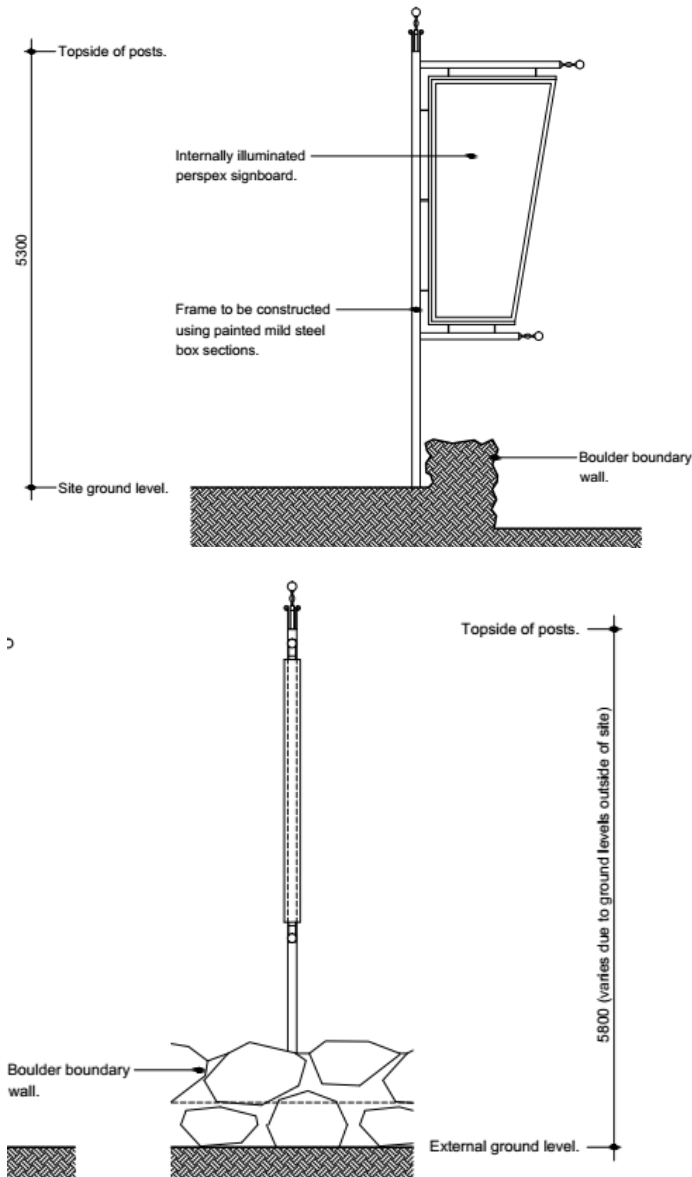


Background

Two illuminated frontage signs were erected at this location in 2016. Retrospective consent was sought for their retention. Consent was refused and a subsequent appeal was dismissed. A copy of the Inspectors Decision is attached as Appendix A.

The appeal proposal related to the signs shown below:

Proposed signboards.



Each sign was double sided, trapezoidal in shape, around 5.3 m high and approximately 3.7 m² in area, consisting of Perspex panels mounted in a steel frame and internally illuminated by LED lighting.

The Inspector's key findings were:

- He recognised that the setting was a lack of street lighting and dark surroundings.
- He found the signs to be unduly prominent when illuminated. This is because the white and red illuminated lettering contrasts with the black background of the signs. The signs appear visually intrusive and add to the level and clutter of illumination at the site in this sensitive Green Belt location.

- He found that the two banner signs conflicted with the Framework and did not constitute sustainable development. This was because they have an appreciable detrimental impact on their surroundings and a harmful effect on the visual amenity of this Green Belt location, through their height, scale and illumination in the hours of darkness.

Development Plan

North Warwickshire Core Strategy 2014 - NW3 (Green Belt); NW10 (Development Considerations) and NW12 (Quality of Development)

North Warwickshire Local Plan 2006 (Saved Policies) - ENV12 (Urban Design)

Other Relevant Material Considerations

National Planning Policy Framework – (the “NPPF”)

The North Warwickshire Local Plan Submission Version, March 2018

Consultations

Warwickshire County Council as Highway Authority – No objection

Representations

CPRE objects to this application, on the grounds that an illuminated advertisement, visible from public land is completely inappropriate for this setting. The CPRE considers the proposal to be contrary to paragraph 125 of the NPPF

Fillongley Parish Council does not believe that this application is significantly better than the last and maintains the same objections. Whilst the Council understands that the applicant wishes to draw more notice to his business, this is now more easily done as he has removed all of the hedge and therefore the buildings are extremely visible from the nearby road. The Council believes that the applicant is mistaken in categorising the zone as “village or relatively dark outer suburban locations”; the area is not in the village nor in a sub-urban location. It is firmly a rural location in the green belt and is intrinsically dark. The signs appear to be approximately 1/5th less in size which is not significant enough. The Council believes that the signs are incongruous and are inappropriate development within the Green Belt and as such should be refused.

Observations

The main considerations in the determination of this application are the effect of the signs on amenity and the effect of the signs on highway safety. Paragraph 67 of the NPPF recognises that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. It identifies that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

The Highway Authority offers no objection to the proposed signs as it does not determine them to be detrimental to highway safety. There are no circumstances that would cause the planning authority to take a different view. As with the previous proposal, the signs raise no issues of public safety, subject to conditions. Although the

site is in a prominent location next to Meriden Road there is no evidential basis to form a contrary view. The main issue remains the effect of the advertisements on visual amenity and whether the concerns of the Inspector are addressed by the revised proposal.

The site is located within the Green Belt. Paragraph 81 of the Framework indicates, amongst other things, that once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to retain and enhance visual amenity.

Paragraph 125 of the Framework indicates that planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

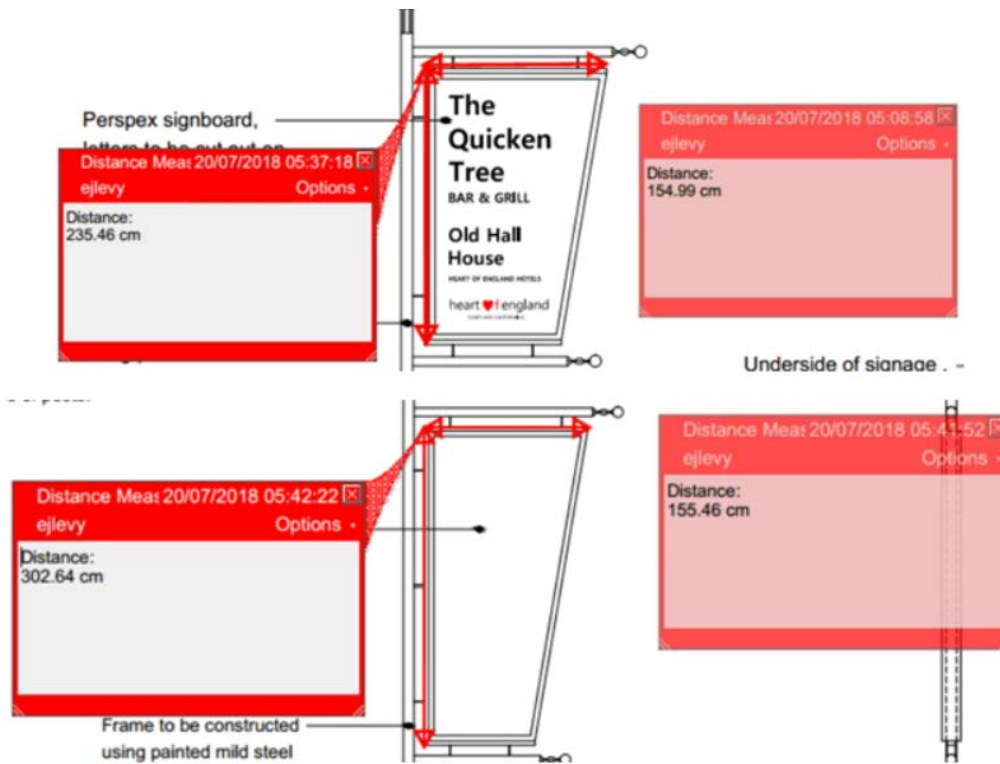
The previous scheme was found by the Inspector to *'have an appreciable detrimental impact on their surroundings and a harmful effect on the visual amenity of this Green Belt location, through their height, scale and illumination in the hours of darkness'*.

It is therefore necessary to compare the two proposals in respect of:

- Height
- Scale
- Illumination

The proposed new signs would replace the existing banners and support structures. The basic design would be similar, but the banners would be less tall, with the same width but a reduced height, with the height from the top to bottom (including the support arms) being 2.7 metres (a reduction of 1.4 metres on the existing). The overall height from the external ground level would be around 4.4 metres to the top of the vertical support post, or 4.9 metres if the decorative finial is included. This equates to an overall height reduction of 1.4 metres. The height from the external ground level to the underside of the bottom horizontal support arm would be 1.6 metres, a reduction of 0.7 metres on the existing signs.

The actual sign board itself would measure 2.35m deep by 1.55m at its widest point. This is smaller than the dimensions of the signs dismissed at appeal, which were 3.02m deep but the same width.



The overall height reduction and the reduction in the size of the sign board itself both address the concern raised by the Inspector about height and scale. The issue is whether the reductions are adequate enough to overcome the identified harm. There is no doubt that the reduced size signs will remain fairly large. This is not considered unreasonably large given that the signs are set back from the edge of the highway and given that they serve a site that has become a destination for a large number of visitors who will not necessarily be familiar with the locality. Although the changes are not dramatic, arguably on the balance of acceptability, the overall reduction in total height and area are now considered to strike a reasonable balance between the protection of the visual amenity of the area and the needs of the business.

The differences between the existing and proposed signs are shown below. The colour scheme is similar but is now almost exclusively restricted to black with white, as opposed to black with red and white. This is a noticeable improvement but again it is not a dramatic change. The reduction in overall size will make the colour scheme less intrusive.



In terms of illumination, the applicant refers to the Institute of Lighting Professionals 'The Brightness of Illuminated Advertisements' Lighting Guide. The following extracts are from that guide:

Zone	Surrounding	Lighting Environment	Examples
E0	Protected	Dark	UNESCO Starlight Reserves, IDA Dark Sky Parks
E1	Natural	Intrinsically dark	National Parks, Areas of Outstanding Natural Beauty etc
E2	Rural	Low district brightness	Village or relatively dark outer suburban locations
E3	Suburban	Medium district brightness	Small town centres or suburban locations
E4	Urban	High district brightness	Town/city centres with high levels of night-time activity

Illuminated area (m ²)	Zone E0	Zone E1	Zone E2	Zone E3	Zone E4
Up to 10	0	100	400	600	600
Over 10	0	n/a	200	300	300

The Inspector's observations in respect of the illumination were as set out below. From the application and the appellant's appeal statement, it was difficult to conclusively say what the level of illumination was when stated as a measurement (see paras 8 and 9 below) so the Inspector made an assessment on basis of visual assessment of what he saw first-hand only (para 10 below)

8. The sign company supplying the signs has advised that the output of a sign is 200 candelas and because the sign has only the letters illuminated it would be "a lot less at approximately 25 candelas". However, no technical documentation has been submitted to substantiate the 'output' of the signage. In addition, the application form indicates an illuminance level of '350 cd/m'.
9. The appellant refers to the Institute of Lighting Engineers' *Guidance Notes for the Reduction of Obtrusive Light GN01:2011* and considers that the application site falls into Zone E2 being rural, with low district brightness and "village or relatively dark outer suburban". This covers all poorly lit and unlit areas where there is no street lighting or street lighting is negligible. However, the up-to-date applicable guidance is the Institute of Lighting Engineers' *Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements 2015*. The appellant has mentioned this guidance but has not submitted documentation to support the contention that "for illuminated signs with an area of 2-5 m², 600 candelas is permitted".

:

10. I visited the site during daylight and the hours of darkness. Despite the submissions by the appellant regarding the limited 'output', I found the signs to be unduly prominent when illuminated. This is because the white and red illuminated lettering contrasts with the black background of the signs. The signs appear visually intrusive and add to the level and clutter of illumination at the site in this sensitive Green Belt location. This is within the context of the lack of street lighting and dark surroundings. Paragraph 125 of the Framework indicates that planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

This application initially sought to illuminate the sign at 400 cd/m². Following expressions of concern about the signs, the applicant offered the following explanation for his choice, but also then revised the proposal to a maximum luminance of 100 cd/m² (over an area up to 10 m²).

The explanation for the submitted figure of 400 cd/m² is that, in an effort to provide more reliable calculation, the applicant has referred to the Institute of Lighting Professionals' *Professional Lighting Guide 05: The Brightness of Illuminated Advertisements* – the luminance calculation is based on the advice given therein – the maximum permissible for the relevant conditions. This was done specifically to address the appeal inspector's criticism that the most up-to-date guidance had not previously been consulted.

Basically, there are two main criteria: (1) determine the appropriate 'environmental zone' applicable to the application location; and (2) calculate the area in square metres which it is desired to illuminate.

The problem at the Heart of England location was that it seemed to fall somewhere between two zones: Zone E2 is 'Rural: low district brightness', which seemed to to the applicant's agent to best fit the circumstances, although the example environments cited were "village or relatively dark outer suburban locations". The HoE site is not in a village or suburb, though it does fall within the Chapel Green hamlet. However, the next category up is Zone E1, described as "Natural: intrinsically dark". The examples here were National Parks, AONBs, etc – and the applicant considered, the HoE site was not at *that* level of sensitivity. As there was no middle ground, he plumped for Zone E2, as closest to the HoE environment.

The maximum permitted luminance for Zone E2 is 400 cd/m² for an illuminated area up to 10 m²

The applicant now proposes, in order to reach an acceptable compromise, that the site should be treated as though it were a Zone E1 scenario and states a maximum luminance of 100 cd/m². Though this may be below the sign supplier's usual standard, he sees no good reason why they could not reduce the luminance level to suit the individual circumstances.

He explains the background to the illuminated areas of the proposed sign boards at Heart of England measures 2.6 square metres for each side, equating to an area of 5.2 square metres per sign. If the illuminated area is measured as a single rectangle drawn more tightly around the edge of the block of lettering, the area falls to just 1.6 square metres per side, or 3.2 square metres overall. The applicant then argues that the signs therefore fall well within the "up to 10m²"

category and so the Zone E1 maximum luminance limit of 100 cd/m² applies here. The guidance explains that the maximum values of luminance apply to any point across the surface of an advertisement at any time during the night and they are not adjusted to take account of variable luminance distribution across the advertisement. The manufacturers of the new Heart of England signs will be instructed to ensure that the overall luminance of the illuminated sign boxes falls well within the acceptable limit stipulated in the professional guidance.

The revision to reduce the illumination to Zone E1 (described as “Natural: intrinsically dark”) levels is encouraging because it responds appropriately to the dark skies location of the application site.

The previous approach of seeking a level of illumination equivalent to ‘the maximum permissible for the relevant conditions in Zone E2’ would have been deemed too intrusive because the locality is, as the applicant acknowledges, more of a dark skies environment than the Zone E2 location description. To seek the maximum permissible degree of illumination, given the Inspectors observations in dismissing the previous proposal, would have been inappropriate.

Given the fact that the Inspector made an assessment only on the basis of a visual assessment of what he saw first-hand and could not conclude what the illumination of the refused signage was, in terms of a measurement, it is not possible to say definitively that the current proposal is for lower levels of illumination than witnessed by the Inspector, however, it is highly probable, given the low level of illumination now proposed. The applicant advises that most consumer desktop liquid crystal (LCD) displays have luminance levels of 200 to 300 cd/m², which gives an idea as to what 100 cd/m² might be like. He suggests that 100 cd/m² is therefore not very bright. The Guidance suggests that the level of illumination now would be suitable for deeply rural locations (National Parks/AONB’s) and such levels would therefore appear appropriate here.

Given the sensitivity of the site and the dismissal of the previous appeal, it would be appropriate to require the applicant to verify the level illumination of the signs before bringing the signs into operation in an illuminated form. It is suggested that a condition requiring this would be appropriate.

The premises is a night time venue and offers overnight accommodation and so will require the illumination of the signs until the early hours of the morning, however, in recognition of the countryside location it would not be appropriate to leave the signs illuminated throughout the night. An hours of operation condition for the illumination would be appropriate.

On this basis, it is recommended that advertisement consent can be granted

Recommendation

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

Standard advertisement conditions:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to -
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Other conditions:

6. The advertisements hereby approved shall be constructed and operated such that the banner sign boards are made from black Perspex, with the letters cut out and illuminated from inside the sign box. Only the cut-out lettering shall be illuminated and not the background of the entire panels. The support frame shall be constructed using mild steel box section posts and arms, painted black. The level of luminance shall be within the limit recommended for natural Intrinsically dark rural areas (Zone E1, described as "Natural: intrinsically dark") in the Institute of Lighting Professionals guidance entitled *Professional Lighting Guide 05: The Brightness of Illuminated Advertisements*. The internal illumination luminance shall be restricted to a maximum of 100 cd/m². The signs shall have no external source of lighting whatsoever. The appearance and dimensions of the signs shall be as shown in the drawings numbered 370/216/03 Rev C, location plan and site plan received by the Local Planning Authority on 10 April 2018 and maintained as such at all times thereafter.
7. The advertisements hereby approved shall not remain illuminated between 0200 hours on any day and dusk the same day
8. Prior to bringing the signs into operation in an illuminated form, a lighting measurement shall be taken by a suitably qualified relevant professional to verify that the level of illumination complies with the requirements of condition 6 of this permission. The signs shall not be displayed in an illuminated form until the

Local Planning Authority has confirmed in writing that the lighting conforms with the requirements of condition 6.

Notes

1. The developer is advised that the signs are in the vicinity of, or on, Common Land. You are strongly advised to address the implications of the presence of Common Land prior to any commencement of development. Information about Common Land and Guidance in relation to Works on Common Land can be found at the following link: <https://www.gov.uk/government/collections/common-land-guidance>
2. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions and seeking to resolve planning objections and issues. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

Appeal Decision

Site visit made on 11 April 2017

by **Martin H Seddon BSc DipTP MPhil MRTPI**

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

Decision date: 03rd May 2017

Appeal Ref: APP/R3705/Z/17/3168258

Heart of England Conference Centre, Meriden Road, Chapel Green, Fillongley, Coventry, Warwickshire, CV7 8DX

- The appeal is made under section 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Heart of England Promotions against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2016/0462 dated 10 August 2016 was refused by notice dated 12 January 2017.
- The advertisements erected are two post-mounted banner signs on the site boundary, facing Meriden Road and Wall Hill Road.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The advertising units were erected prior to the application to the Council.
3. The Council has referred to policies NW10 and NW12 of the North Warwickshire Core Strategy, which generally concern development considerations and the quality of development. Development plan policies cannot be decisive because the regulations to control advertisements and the National Planning Policy Framework (the Framework) indicate that decisions should be made only in the interests of amenity and public safety, taking account of cumulative impacts. However, these policies have been taken into account as a material consideration in this appeal.
4. The sign which fronts Meriden Road lies within an area of land designated as Common Land. Whether the signs need Section 38 Consent of the Commons Act 2006 is not a matter before me in this appeal.

Main issue

5. The site is located within the Green Belt. Paragraph 81 of the Framework indicates, amongst other things, that once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to retain and enhance visual amenity. The Council raises no issues of public safety, subject to conditions. Although the site is in a prominent location next to Meriden Road there is no evidential basis to form a contrary view. The main issue is therefore the effect of the advertisements on visual amenity.

Reasons

6. The two banner signs are located at the boundary of the site with Meriden Road and Wall Hill Road at the Heart of England Conference and Events Centre. Each sign is double sided, trapezoidal in shape, around 5.3 m high and approximately 3.7 m² in area, consisting of Perspex panels mounted in a steel frame and internally illuminated by LED lighting.
7. The appeal site is located within a rolling landscape in the open countryside. The area is sparsely developed. The nearest dwelling to the appeal site is Moor House Bungalow. There is a small cluster of dwellings beyond the bungalow and at Chapel Green. The immediate area around the site has no street lights.
8. The sign company supplying the signs has advised that the output of a sign is 200 candelas and because the sign has only the letters illuminated it would be "a lot less at approximately 25 candelas". However, no technical documentation has been submitted to substantiate the 'output' of the signage. In addition, the application form indicates an illuminance level of '350 cd/m²'.
9. The appellant refers to the Institute of Lighting Engineers' *Guidance Notes for the Reduction of Obtrusive Light GN01:2011* and considers that the application site falls into Zone E2 being rural, with low district brightness and "village or relatively dark outer suburban". This covers all poorly lit and unlit areas where there is no street lighting or street lighting is negligible. However, the up-to-date applicable guidance is the Institute of Lighting Engineers' *Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements 2015*. The appellant has mentioned this guidance but has not submitted documentation to support the contention that "for illuminated signs with an area of 2-5 m², 600 candelas is permitted".
10. I visited the site during daylight and the hours of darkness. Despite the submissions by the appellant regarding the limited 'output', I found the signs to be unduly prominent when illuminated. This is because the white and red illuminated lettering contrasts with the black background of the signs. The signs appear visually intrusive and add to the level and clutter of illumination at the site in this sensitive Green Belt location. This is within the context of the lack of street lighting and dark surroundings. Paragraph 125 of the Framework indicates that planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
11. I find that the two banner signs conflict with the Framework and do not constitute sustainable development. This is because they have an appreciable detrimental impact on their surroundings and a harmful effect on the visual amenity of this Green Belt location, through their height, scale and illumination in the hours of darkness.

Other Considerations

12. The appellant considers that the location and number of the signs is established in principle by the approved site plan for the planning permission for a hotel at the site (ref: PAP/2013/0391). However, although the approved plans show locations for the signage, no evidence has been submitted of any approved details of the proposed signs.

13. The appellant advises that before the signs were erected, taxis coming to the site after dark to pick people up often had difficulty finding their way. This resulted in taxis driving past the site and turning around, sometimes in private driveways. Now that the signs are in place, the appellant submits that this problem does not occur and the signage has therefore reduced road disruption at night.
14. The main entrance to the site from Meriden Road is a wide gateway bounded by two substantial high spot lit walls either side and with a flag pole and two lanterns on the top of each wall. Each wall has signage on its front elevation indicating 'Heart of England Events and Conference Centre'. In my opinion, it is likely that local taxi operators would become aware of the location of the site from their visits to drop off and pick up customers. Moreover, the other illumination at the site through the coloured lights on the buildings and lit main entrance would make it visible from Meriden Road for passing traffic in the evenings.

Conclusion

15. All other matters raised have been taken into account. For the reasons given above the appeal is dismissed.

Martin H Seddon

INSPECTOR

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0231

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	10 4 18
2	CPRE	Representation	24 4 18
3	Warwickshire County Council Highways Authority	Consultation Response	9 5 18
4	Fillongley Parish Council	Representation	18 5 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.