

(13) Application No: PAP/2018/0272

Over Coppice Farm, Boulters Lane, Wood End, Atherstone, CV9 2QD

Retrospective application for continued occupation of accommodation for agricultural worker, for

Mr D Tillson

Introduction

This matter was referred to the Board's July meeting but determination was deferred to enable Members to visit the site. This will take place after the publication of this agenda and thus a note of the visit will be circulated at the meeting.

At the last meeting, the applicant submitted a note responding to the allegation that there might be a question of deception in this particular case. This has been considered further and will be discussed in the report below.

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

Observations

There are two main areas to look at here – the first is the matter of deception and the second is the response to the recommendation that planning permission be refused because of the lack of evidence to support an agricultural justification for the accommodation.

a) Deception

The construction of a building inside a larger one and then its residential use has understandably led to the possibility of there being some deception in the actions undertaken. For the Council to commence legal proceeding in the Magistrate's Court there has to be a robust case based on firm evidence. The legal requirement is to show that on the balance of probability, the breach has been "deliberately concealed". As a consequence of the applicant's note, it is considered that there are several matters which suggest that the Council would find it difficult to pursue this course.

The first is the application to the Court has to be made within six months of the date when evidence of the apparent breach came to light to justify that application. In this case the alleged breach was first encountered in November 2017 following a site visit by an Investigation Officer. This is over six months ago.

The second is that the applicant/owner had been living on the site since 2009 in a touring caravan. In the early stages this was perhaps not on a permanent basis, but latterly this was the case. That too was in breach of planning control and known about by officers. The move to new accommodation was because that van was unfit for further residential use. The applicant says that he constructed the building in the building for added shelter and security. In all of these circumstances, it is argued by the applicant that the unauthorised residential accommodation on site has never been deliberately concealed.

Thirdly, the applicant asks if there have been any complaints or suggestions by neighbours or walkers using a footpath which clearly passes close to the barn, that there was anything untoward happening here. He asks this, as he considers that the building is “visible” from that path. There have been no such references to officers, but Members will be able to assess the visibility of the building from this foot path when they visit.

Fourthly, the applicant points out that when officers have visited and written to him there has never been reference to the matter of deception, even although the residential use on the site and indeed the building were being inspected.

When all of these matters are put together it is considered that, on the balance of probability, the requirement of there being “deliberate concealment” is unlikely to be satisfied.

b) Enforcement

The applicant has indicated that the new building was substantially completed at the end of 2013. The Council has no evidence to rebut this assertion. This is over four years.

The applicant agrees however that if the breach here is a change of use of the agricultural building to a mixed agricultural/residential use then the relevant time period of ten years for immunity from enforcement action would not be met.

The view expressed in the last report was that the breach here is a change of use. This is again reiterated as by fact and by degree the building is contained within the internal arrangement of that building as one of a number of self-contained compartments. As such therefore there is no immunity and Members will need to consider the expediency of enforcement action here

The planning circumstances here point very strongly to a refusal of the planning application to retain the building – there being no agricultural justification for permanent residential accommodation on this holding. It is for this reason that the recommendation in the last report was one of refusal. The issue of enforcement action thus arises, as the breach as set out above is not immune from action.

As indicated and recommended in the last report, it was considered that action would be expedient and that the requirement would be the cessation of the residential use of the building such that it returns wholly to an agricultural use. A twelve month compliance period was recommended.

The applicant points out in mitigation that this is his main residence and that his livelihood is wholly dependent on the agricultural holding. Members will also have seen the personal circumstances that he sets out in the note that was circulated to the Board at the last meeting. He therefore argues that there would be quite serious personal implications if he was to move from the site. He therefore asks the Board to consider an alternative – the grant of a planning permission to remain in the building but that that consent is wholly personal to him. Enforcement action would still be available to the Council in such a scenario through the issue of a Breach of Conditions Notice, for which there is no appeal. Members are advised that this is an entirely proper alternative course of action. On the other hand if Members consider that it is expedient to issue a full Enforcement Notice, then there may be a case for extending the compliance period to two years because of the personal circumstances of the case.

Members may well take a view on these alternatives following their visit

Observations

In order to remain consistent in its approach to new agricultural dwellings and thus to maintain the importance of the principle here of upholding the Development Plan, it is considered that it is expedient to serve a Notice, but that in consideration of the particular circumstances of this case the compliance period be two years.

Recommendation

- a) That planning permission be **REFUSED** for the reason set out in Appendix A
- b) That the Corporate Director (Environment) be authorised to serve an Enforcement Notice requiring cessation of the residential use of the agricultural building for the reasons set out in this report and that in Appendix A, with a compliance period of two years.

(8) Application No: PAP/2018/0272

Over Coppice Farm, Boulters Lane, Wood End, Atherstone, CV9 2QD

Retrospective application for continued occupation of accommodation for agricultural worker, for

Mr Dave Tillson

Introduction

This application follows an enforcement investigation and the officer's recommendation is one of refusal. The matter is thus reported to the Board for determination because of the possibility of enforcement action.

The Site

The application site relates to a small holding of 19 Acres, with Over Coppice Farm located north of Delves Farm reached off a track off Boulter's Lane. The farmyard exhibits a generally untidy appearance, with a number of steel storage containers and caravans. In addition, there are small wooden structures along with a dog kennel and pen. The site lies outside of a development boundary and outside of land designated as Green Belt.



Aerial view of the site and context

Site visit photos can be seen at Appendix A.

The Proposal

This is a retrospective application for continued occupation of accommodation for an agricultural worker.

The accommodation referred to is a flat roofed, primarily timber stud wall construction built and substantially completed during 2013 within an open sided agricultural barn. It provides a basic level of accommodation with a bedroom, dining/kitchen area, bathroom, toilet, utility room and hall.

The Elevations and Floor Plan as existing are at Appendix B

Background

There have been recent permissions for new agricultural buildings here. Investigations by officers looking at potential breaches of the terms of conditions attached to these identified that a caravan had been placed on the site in 2009, but that it was not possible to establish by fact and by degree if it was used as a permanent residence. However later visits and one in late 2017 did result in the identification within one of the existing agricultural buildings here, of a new construction, purposefully built by the applicant and lived in permanently. A breach of planning control was thus identified and brought to the attention of the owner. This application is the outcome of this investigation and it seeks to remedy the breach through the grant of planning permission.

Development Plan

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

Saved Policies of the North Warwickshire Local Plan 2006 - HSG3 (Housing Outside of Development Boundaries) and ENV1 (Protection and Enhancement of the Natural Environment)

Other Relevant Material Considerations

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

The National Planning Policy Guidance - (the "NPPG")

The Submitted North Warwickshire Local Plan 2018 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP14 (Landscape), LP16 (Natural Environment), LP31 (Development Considerations) and LP32 (Built Form)

Consultations

Rural Land Consultant – There is no essential requirement for an agricultural worker's dwelling at the site. This is expanded on in the observations section below.

Representations

Kingsbury Parish Council – No comments received

Observations

a) Principle of development

The application site is located outside of a defined settlement boundary. Here for the purposes of Policy NW2 of the Core Strategy 2014 and Policy LP2 of the Submitted Local Plan, development will be limited to that necessary for agriculture, forestry or other use that can be shown to require a rural location. This is also reiterated in Saved Policy HSG3 of the 2006 Local Plan.

As policy NW2 of the 2014 Core Strategy in respect of the identification of development boundaries is considered to be out of date, it thus has to be given limited weight. However the general approach towards new housing outside of recognised settlements, as here, is considered still to be sound. If this is contested, saved Policy HSG3 of the 2006 Local Plan still carries full Development Plan status and becomes more significant. It can be used in the assessment of the planning merits together with the relevant provisions of the NPPF. LP3 of the emerging Local Plan can also be afforded moderate weight given its recent submission to the Secretary of State.

For the benefit of Members, whilst paragraph 28 of the NPPF supports the rural economy, paragraph 55 refers to the need to avoid unsustainable new homes in the countryside unless there is an essential need for a rural worker to live permanently at or near their place of work. No guidance is given within the NPPF on how to assess “*the essential need*”, but reference to the former methodology explained in Annex A of the former PPS7 can be given some weight. Whilst it is acknowledged that this no longer forms part of policy, it remains an appropriate way in which this issue can be assessed.

b) Essential Need

The applicant is an established farmer who has been in this occupation since 2006 when he bought the farm. A rural land consultant has assessed the farm operation and concludes that there is a low level of farming here. The applicant has a small flock of sheep which lamb down at Over Coppice Farm in early spring before being turned out onto rented land. He also has a herd of suckler cows which are calved down in the late spring/early summer and are either grazed at Over Coppice or taken to the rented land at Over Whitacre. On this basis the consultant, using the Nix’s farm management pocketbook (48th edition) 2018, can calculate the standard man day assessment for farming business at the site. This is as follows:

Class of Stock	No. of Animals	SMDs per Class	Total SMDs
suckler cows	17	1.35	22.95
young cattle	10	1.0	10
bulls	1	3.50	3.50
ewes	60	0.50	30
rams	2	0.50	1

SMD = standard man day

The total labour requirement for the livestock element of the farm business is 68.75 SMD's. A unit of full time labour is assessed as 275 SMD's per annum. Therefore it is concluded that presently, the labour requirement for the livestock is 0.25 of a full-time worker.

It is concluded by the rural land consultant that there is no essential agricultural need for a worker to permanently live at Over Coppice Farm. The level of stock held is low and the needs of the stock are predominantly seasonal and could be met from a dwelling in one of the local villages.

c) Financial Stability

While the NPPF does not set out a financial test, any development under the Framework must be seen as being sustainable. The applicant is in receipt of Basic Farm Payment subsidy for his owned land, but he has not provided any accounts as part of the application. It is therefore concluded on the balance of probability that there is no evidence to show that the farming activities carried out by the applicant are financially sustainable.

d) Conclusion

The evidence from the Council's consultant is that the functional needs of the holding could be fulfilled within accommodation in the surrounding immediate area which is suitable and available for occupation by the worker concerned, given the part-time nature of the farm and its labour profile. There are a number of properties in the local villages which could be utilised to meet this need.

It is considered that there is not an essential need for the requirement of an agricultural worker's dwelling at Over Coppice Farm. As such the principle of the continued use of the structure as a dwelling is considered to be contrary to saved policy HSG3 of the 2006 Local Plan; Policy NW2 of the Core Strategy 2014 and the NPPF. As such the recommendation below is one of refusal.

e) Enforcement

Given this recommendation, the Board, if it agrees, will also have to consider whether it is expedient or not to authorise enforcement action. There will be implications if that decision is taken.

Action here would usually be the service of an Enforcement Notice requiring the cessation of the residential use; demolition of the associated materials and their removal from the site. Prior to this action the Council would need to ensure that the identified breach could not be immune from enforcement action through the passage of time. Officer visits indicate that the dwelling has not been here more than ten years and it is considered that this would be the "test" as we are dealing with a change of use of the barn, from an agricultural building to a mixed agricultural and residential use. In these circumstances the advice is that the breach here is not immune from enforcement action.

Moreover, there is the issue of whether the applicant, by virtue of constructing the dwelling within the existing barn itself, has "deceived" the Local Planning Authority. Members may recall cases on this issue involving similar developments which have

resulted in changes to planning legislation. It is considered that this option should be also be pursued and the recommendation below takes this into account.

Members will be aware that there is a significant impact here because if Enforcement action is taken as described above, the applicant would potentially be made homeless and there would also be a financial cost to him in respect of the demolition and the final arrangement for new accommodation – rented or owned. Whilst it can be argued that he has brought this situation upon himself, the issue still carries significant weight. From a planning perspective it is usual in these circumstances to provide an appropriate time period for compliance with a Notice. Twelve months would be proportionate in the circumstances here. Moreover the applicant does have the right of appeal against the Notice.

Members are reminded that the Board has been consistent in its approach and handling of applications for agricultural worker's dwellings. There is a clear breach of planning policy here and that should be upheld.

Recommendations

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

"It is not demonstrated to the satisfaction of the Local Planning Authority that there is a demonstrable essential need for a permanent agricultural worker's dwelling at the farm holding and as such, the proposal would not accord with Policy NW2 of the North Warwickshire Core Strategy 2014; Saved Policy HSG3 of the 2006 North Warwickshire Local Plan and the National Planning Policy Framework"

- b) That the Assistant Chief Executive and Solicitor to the Council issues an Enforcement Notice requiring the cessation of the residential use of this building for the reasons given in (a) above and with a compliance period of twelve months.
- c) That the Assistant Chief Executive and Solicitor to the Council be authorised to apply to the Magistrate's Court for a Planning Enforcement Order under Sections 71 (B) (A) and (B) (B) of the Town and Country Planning Act 1947

Notes

1. Notwithstanding this refusal, the Local Planning Authority has worked with the Applicant and Agent in a positive and proactive manner. However the planning issues at the site cannot be satisfactorily addressed. 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/2018/0272

Background Paper No	Author	Nature of Background Paper	Date
1	The Agent	Application Forms	25/04/2018
2	The Applicant	Letter	25/04/2018
3	The Agent	Design and Access Statement	25/04/2018
4	The Agent	Location Plan	25/04/2018
5	The Agent	Red Line Plan	25/04/2018
6	The Agent	Elevations	25/04/2018
7	Rural Land Agent	Consultation Response	22/05/2018

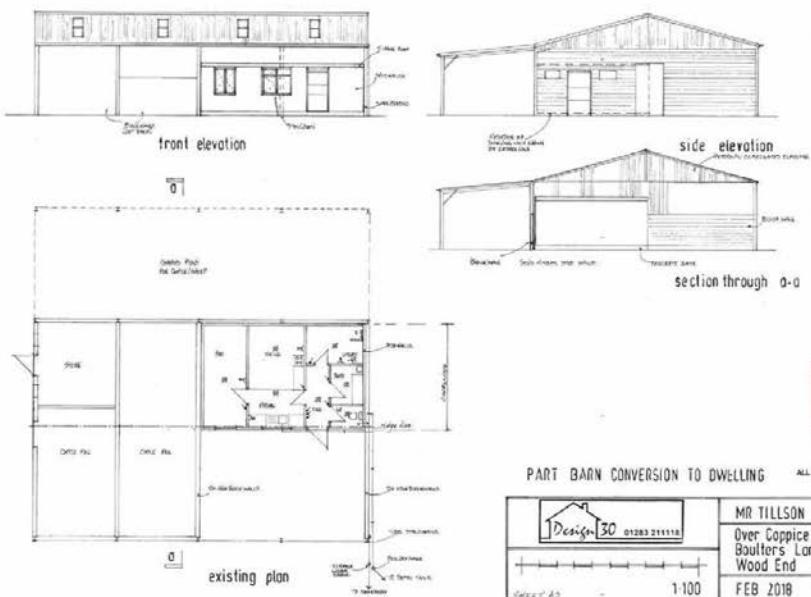
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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.

Appendix A – Site Photos

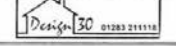


Appendix B – Elevations and Floor Plans



RECEIVED
25/04/2018
PLANNING & DEVELOPMENT
DIVISION

PART BARN CONVERSION TO DWELLING ALL DIMENSIONS TO BE CHECKED ON SITE

 01283 211111	MR TILLSON	
	Over Coppice Farm Baulters Lane Wood End CV9 2UE	
1:100 FEB 2018	11785	

(14) Application No: PAP/2018/0300

Land Opposite Thompsons Meadow, Spon Lane, Grendon,

Outline application for residential development, for

Mr A Dodson - Apus Projects Ltd

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 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.

(9) Application No: PAP/2018/0300

Land Opposite Thompsons Meadow, Spon Lane, Grendon

Outline application for residential development, for

Mr A Dodson - Apus Projects Ltd

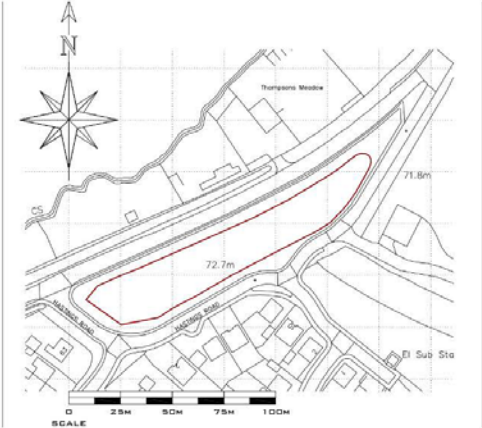
Introduction

This application is reported to the Board for determination, given a previous application was determined at Board earlier in 2018.

The Site

This is a long strip of paddock land of some 0.3 hectares in area between Spon Lane and the newly constructed Hastings Road at the northern end of Spon Lane beyond the A5. Dairy House Farm is to the east as is a newly completed residential estate of 85 houses – referred to here as the Bellway Estate. The site is flat with hedgerow boundaries. There is open land around the other boundaries of the site.

Its location and setting is shown at Appendix A, and also below.



The Proposal

This is an outline application for residential development with all matters reserved for later agreement. Indicative plans however suggest that the site could accommodate eight detached dwellings with access off Hastings Road and a section of Spon Lane.

This illustration is shown at Appendix B.

As part of the submission, the applicant has included a Flood Risk Assessment and a Foul and Surface Water Drainage Strategy. These identify that the site is right on the boundary of Flood Zones 1 and 2 and it recognises the fluvial flooding risk from the Penmire Brook. The Strategy points to the need for raised ground levels as well as on site surface water drainage measures. Photographs of the site can be viewed at Appendix C.

Background

In 2016 an outline planning application was submitted for residential development with all matters reserved for later agreement. Indicative plans however suggested that the site could accommodate ten detached dwellings with access off Hastings Road and a section of Spon Lane, as shown at Appendix D. The application was refused by the Planning and Development Board in January 2018. An appeal has been lodged with the Planning Inspectorate. The reason for refusal was,

"The proposed development given the number of units proposed, its associated car parking provision, and its very prominent location and setting would not positively improve the character or appearance of this part of Grendon. The proposal is considered not to accord with Policy NW12 of the Core Strategy 2014."

The Council has recently published its annual five year housing supply figures. As at the end of March 2018 this stands at 4.8 years.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW15 (Nature Conservation) and NW20 (Services and Facilities)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV13 (Urban Design); ENV14 (Access Design) and TPT 6 (Vehicle Parking)

Other Material Planning Considerations

The Submission Version North Warwickshire Local Plan 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP6 (Amount of Development), LP7 (Housing Development), LP8 (Windfall Allowance), LP9 (Affordable Housing Provision), LP11 (Economic Regeneration), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP17 (Green Infrastructure), LP22 (New Services and Facilities), LP31 (Development Considerations), LP32 (Built Form), LP35 (Water Management), LP36 (Parking) and LP37 (Renewable Energy)

The National Planning Policy Framework – ("NPPF")

The National Planning Practice Guidance

Representations

Two letters of objection have been received from local residents referring to the following matters:

- This development when considered with others, exceeds the Core Strategy policy requirement for Baddesley and Grendon
- The site is outside of the development boundary
- Local drainage infrastructure is inadequate to accommodate the cumulative impacts of recent development as well as this proposal.
- There will be increased parking and traffic pressure on the existing roads particularly as there is also farm traffic using them and traffic calming is required
- There are no housing types/designs included with application
- There needs to be a pedestrian crossing over the A5 to allow access to amenities
- The character of the area is being materially changed
- Any development needs to be in keeping with phase 1 and 2 (Hastings Road development).
- Suggested parking provision is not adequate and will lead to off-site parking.
- Spon Lane and Hastings Road already serve a new housing estate with a further extension proposed

Grendon Parish Council – No comments have been received

Consultations

Warwickshire County Council as Highway Authority – No objection.

Highways England – No objection

Warwickshire County Council as Flooding Authority – No objection

Environmental Health Officer – No response received

Warwickshire Fire and Rescue Services – No response received

Warwick Museum – No response received

Observations

a) The Principle of Development

The determination of this application is to be made on its own merits, but a useful starting point is the recent refusal. It is necessary to see if there have been any changed circumstances to warrant a different outcome.

It is considered that there have been four such circumstances.

The first is the Council's resolution to submit its version of the new Local Plan for North Warwickshire to the Secretary of State at the end of March. This includes proposals that directly impact on this site. These are two-fold. The first is the allocation of land to the east of the recent Bellway development referred to above, for a further 120 houses with access off Hastings Road and Spon Lane which bound this current application site and secondly, the further reservation of housing land beyond for an additional 360 houses with the potential for the diversion of the A5. In other words the Council is proposing significant housing growth in this area adjoining this application site.

Secondly as reported to previous Board meetings, the findings of the Daw Mill appeal decision in March mean that the Core Strategy development boundaries are out of date and thus carry limited weight. Given recent consents here and when coupled with the consideration raised above, it has to be recommended that there is no weight to a refusal based on non-compliance with policy NW2 in these circumstances.

Thirdly the up to date housing supply figure for the end of March is less than five years. In these circumstances the NPPF states that there is presumption in favour of development unless there is significant and demonstrable adverse harm caused. The issue of harm will be looked at later, but at the present time it is recommended that the presumption of support here carries substantial weight.

Finally, whilst still in outline, the applicant indicates an upper limit of eight units thus reducing the impact on car parking and reducing the density of development. In other words it is less intensive which was one of the matters that the Board was concerned with in its determination of the earlier application.

It is considered that these four changes together should be afforded substantial weight.

b) Harm

It is considered that there is no harm caused to any heritage asset. The site is not close to a Conservation Area nor does it affect the setting of any Listed Building. The Warwick Museum set out in the last refused application that it did not consider that pre-determination survey work was required in respect of the potential for underground heritage impact. As such the proposal would satisfy Policy NW14 of the Core Strategy and LP15 of the 2018 Submission Local Plan.

Secondly, there is no ecological or bio-diversity objection to the proposal. It is of low present value and provided that surrounding hedgerows are retained and that any sustainable drainage measures are designed to accommodate a range of habitats the proposal would satisfy policies NW15 and NW16 of the Core Strategy and LP16 and LP17 of the 2018 Submission Local Plan.

Thirdly there is little likelihood of any harm being caused to the residential amenity of existing occupiers. Indeed this has not been raised through the representations made. The separation distances involved are materially greater than elsewhere and the intervening road network adds to this conclusion. Detailed design considerations such as the location of windows will be considered at the detailed stage. Eight houses on the site would neither cause material dis-benefits to future occupiers. The proposal thus satisfies the relevant sections of Policy NW10 of the Core Strategy.

In respect of landscape character then it is not considered that material harm would be caused here. There is no designated landscape area here nor in the vicinity and as the

site is small and self-contained physically and visually, there is no adverse impact on the wider landscape character or indeed the character of the existing built form. The proposal would thus satisfy Policy NW13 of the Core Strategy and LP14 of the 2018 Submission Local Plan.

It is of material weight that the Highway Authority has not objected to the proposal and neither has Highways England. They consider that the proposal would have no material impact on the immediate highway arrangements or the wider highway network. Clearly at the next detailed stage the design of access into the site will be a matter to be dealt with technically. The site is small and thus from the point of view of Highways England, would not materially affect its present position in respect of the need for a pedestrian crossing over the A5. As the details of the layout are reserved for later determination the parking situation can be addressed then. The loss of two units is welcomed as the likelihood of meeting those standards is increased. At present therefore, there is no objection to the scheme under the relevant sections of Policy NW10 of the Core Strategy and LP31 of the 2018 Submission Local Plan.

It is also of substantial weight that there has been no objection from the relevant flooding and drainage Agencies. Members will be aware of the extensive debate at recent Public Inquiries and from other sites elsewhere in the Borough in respect of flooding matters, that the general conclusion is that these concerns are very unlikely to be upheld as refusal reasons, without the support of the appropriate technical Agencies. In this case the County Council has asked for extensive further work to be undertaken by the applicant prior to it reaching its conclusion that it has no objection.

Flooding is covered by a condition and the scheme would require drainage to be at flows at a greenfield run off rate. It is in these circumstances that it cannot be recommended to Members that the proposal does not accord with the relevant sections of Policy NW10 of the Core Strategy, and LP31 of Submission Plan.

There is no objection to the proposal from the various service and infrastructure providers and no contributions are requested as a consequence. The Council therefore has no evidence to support a refusal based on Policies NW1 and NW20 of the Core Strategy, or LP1 and LP22 of 2018 Submission Plan.

No affordable housing is proposed within this development either through on-site provision or through an off-site contribution. This would accord with recent Government Guidance on such provision for smaller sites – ten or less units. However the provision should still be requested where the gross development floor area exceeds 1000 square metres. This application is in outline and thus details of house types are unknown. In order to protect the Council's policies for such provision, a planning condition would be required in the event of an approval here, limiting the floor space to 1000 square metres with an advisory note explaining that provision over this threshold at the detailed stage will require such provision either on or off-site. In this way the proposal would satisfy policy NW6 of the Core Strategy and LP9 of the 2018 Submission Plan.

It is therefore concluded that there is no demonstrable evidence here of significant adverse harm caused by this proposal.

c) Conclusion

Bringing matters together, it is concluded that there have been material changes since the recent refusal and that as a consequence they would now outweigh the limited harm identified in that refusal reason. There is no other significant harm that can be demonstrated.

Recommendation

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

1. This permission is granted under the provisions of Article 5(1) of the Town and 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) access
- (b) appearance
- (c) landscaping
- (d) layout
- (e) scale

REASON

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

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

REASON

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

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

REASON

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

Defining Conditions:

4. The development hereby approved shall not be carried out otherwise than in accordance with site location red line plan received by the Local Planning Authority on 11 May 2018, and the Flood Risk Assessment for Planning and Foul and Surface Water Drainage Strategy documents, Land opposite Thompsons Meadow, Spon Lane, Grendon_UNDA_86749-Bowley-SponLn_ October 2017, as received by the Local Planning Authority on 23 November 2017 under PAP/2016/0430.

REASON

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

5. The site shall contain no more than 8 dwellings in total with a combined maximum gross internal floor area of no more than 1000 square metres. The dwellings shall be of a height no greater than 8.0 metres and should be of a two storey design or dormer bungalow design. There shall be no roof dormers.

REASON

In order to define the scope of the development.

Pre-Commencement Conditions:

6. No development shall commence until the proposed datum levels of the built form have been provided and approved by the Local Planning Authority. The development shall only then proceed in line with the approved levels.

REASON

To reduce the risk of flooding.

7. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA and Drainage Strategy, Land opposite Thompsons Meadow, Spon Lane, Grendon_UNDA_86749-Bowley-SponLn_ October 2017 and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Undertaken infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water run off from the site.
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield run-off rate for the site.

- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 years, 1 in 30 years, 1 in 100 years and 1 in 100 years plus climate change return periods.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.
- Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.
- Provide a maintenance plan to the LPA giving details on how the entire surface water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

REASON

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

8. No development shall take place until a detailed hydrological model of the surface water flood risk to the site, identified within the FRA, has been conducted. The modelling should include a range of return periods and identify the extents, depths and velocities of flooding caused by surface water in these events.

REASON

To ensure the safety of site users; to inform the area at lowest risk of surface water flooding and to prevent the increased risk of flooding.

9. No development shall be commenced before details of all facing materials to be used have been submitted to and approved by the Local Planning Authority in writing. The approved materials shall then be used.

REASON

In the interests of the amenities of the area.

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

REASON

In the interests of public safety from fire, and the protection of Emergency Fire Fighters.

11. No development, shall commence until a Construction Method and Management Statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details of :-

- the hours during which work will take place;
- the parking provision for construction workers;
- the arrangements to manage deliveries to the site;
- the measures to prevent the deposit of extraneous materials on the surrounding highway network;
- the measures to minimise disturbance due to noise and dust;
- the location of site buildings and the arrangements for the storage of materials.
- the location and specification of any site lighting to be installed during the construction phase;
- the procedure for the handling of complaints
- the period during which plan shall be put into effect,
- the means by which the plan provisions will be monitored and reviewed.

The approved Statement shall be implemented in full and complied with all times.

REASON

In interest of amenity, highway safety and sustainable development.

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

REASON

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

Pre-Occupation conditions

13. Prior to occupation of the dwelling(s) hereby approved a bin storage facility capable of holding a minimum of 3 x 240 litre wheeled bins shall be provided within the curtilage of each dwelling. The storage facility shall remain permanently available for that purpose at all times thereafter.

REASON

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

Other Conditions:

14. Condition 1 sets out that that highways details (access and layout) are required as part of the reserved matters for the site. The details shall include:

- Areas which are proposed for adoption.
- Access road radii geometry.
- Access road width (particularly where there are any changes).
- Treatment of junctions (in respect of speed management features)
- Visibility at splays junctions, speed control bends, changes in alignment (which will require forward stopping sight distance), accesses (including pedestrian visibility splays).
- Tracking/Swept path analysis (based on largest vehicle requiring regular access)
- Changes of material.
- Communal bin storage collection points (to be within 25.0 metres of the public highway)
- Annotation of details regarding TROs, lining, etc. that would have been referred to as part of the approved planning permission but maybe S106/S278/Minor Works.
- Position of any trees proposed within those areas which are to be proposed for possible adoption.
- Trees will have to be an element that is considered at Section 38 stage due to approval procedure of street lighting. However where they are to be an integral part of the street scene these details should still be included to understand the aspirations of the LPA/developer with respect to this element of the site layout.

REASON

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

15. No development whatsoever within Class A, B, C and E of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.

REASON

In the interests of the amenities of the area.

16. Any parking area hereby provided as part of the site development shall not be used for any purpose other than the parking of cars.

REASON

To ensure adequate on-site parking provision and to discourage parking on the adjoining highway in the interests of local amenity and highway safety.

Notes

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

2. You are advised to contact Warwickshire County Council as the address below with regards to Sustainability Travel Packs at £75 per pack. Infrastructure Team, Economic Growth, Warwickshire County Council, PO Box 43, Barrack Street, Warwick, CV34 4SX.

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

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4. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>

5. 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 quickly determining the application. 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.

6. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority. Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

7. The Highways Authority has set out the following, which should form part of the reserved matters application - There is already a field gate access to the site located on the eastern side of the site fronting Spon Lane. The preferred access point/s would be from southern side of Spon Lane, as the speed limit is lower and the recommended visibility splays can be achieved. However, the layout fronting the site along that section of Spon Lane has altered, so does not look like the drawing submitted. So at reserved matters an accurate drawing will need to be submitted. The point/s of access should not conflict with the existing junctions. The site fronts the access to a busy farm. As such, parking provision should be the maximum standard, if not more. Very large machinery is used by the farm and the farm has regular visits by articulated vehicles, so Spon Lane should not be obstructed. Shared accesses to central parking courts may be the preferred option, so that people are encouraged to enter the site rather than park on-street

8. 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.

9. 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.

10. With regards to conditions flooding the WCC FRM team has set out the following: Warwickshire County Council as the Lead Local Flood Authority does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.

11. With regards to conditions flooding the WCC FRM team has set out the following: Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

12. With regards to condition 11, it is considered that no work relating to the construction of the development hereby approved, including 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.

13. As covered in condition 5, on site affordable housing will be required if the scheme has a gross floor area of more than 1000 metres square, or more than 10 dwellings. You are advised to contact the Local Planning Authority for advice. If a future application other than reserved matters, is submitted and exceeds condition 5, with regards to 1000m², then the following information is relevant:

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

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

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

REASON

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

15. The gross internal floor space (GIA) is the area of the building measured to the internal face of the perimeter walls at each floor level. The use of GIA is consistent with the guidance of the PPG in relation to calculating floorspace for the purposes of the Community Infrastructure Levy.

16. This measurement should take into account the gross internal floor area of new dwellings, extensions, conversions, garages and any other buildings ancillary to residential use. It should include all rooms, circulation and service space, including lifts, floorspace devoted to corridors, toilets, ancillary floorspace (e.g. underground parking). In flatted developments, it should include communal entrances, landings etc, and any related internal parking.

17. Before carrying out any work, you are advised to contact Cadent Gas about the potential proximity of the works to gas infrastructure. It is a developer's responsibility to contact Cadent Gas prior to works commencing. Applicants and developers can contact Cadent at plantprotection@cadentgas.com prior to carrying out work, or call 0800 688 588

18. Highways have set out the following when considering the indicative layout plan - The informal layout provided would not be considered acceptable for the reserved matters application. The vehicle accesses for Plots 6-8 are too close to the junction and the visibility splays looking left from the site may be obstructed. Parking provision is not considered acceptable. The garages would have to go and be replaced with vehicle hardstandings.

BACKGROUND PAPERS

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

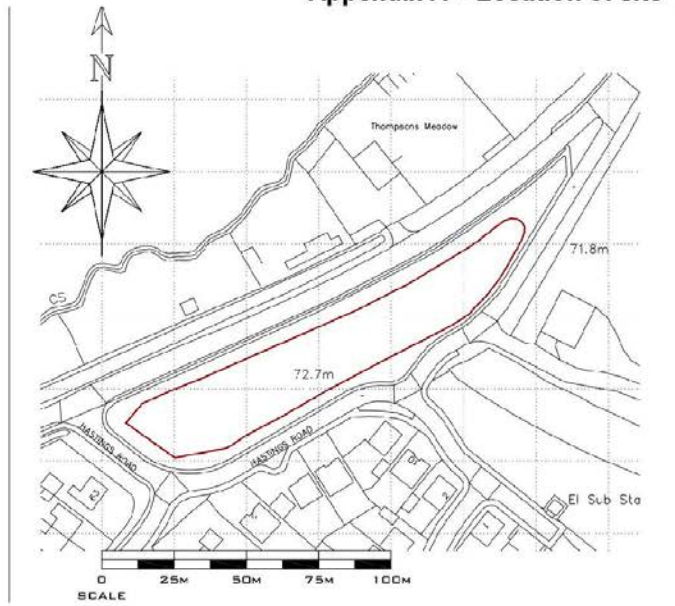
Planning Application No: PAP/2018/0300

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	11/5/18
2	Case officer	Email to NWBC leisure	8/6/18
3	Case officer	Email to WCC FRM team	8/6/18
4	WCC FRM	Email to case officer	11/6/18
5	NWBC Democratic Services	Email to case officer	12/6/18
6	Case officer and agent	Exchange of emails	19/6/18
7	Case officer and WCC highways	Exchange of emails	20/6/18
8	Bate	Representation	19/6/18
9	Hill	Representation	7/6/18
10	Highways England	Consultation response	11/6/18
11	WCC FRM	Consultation response	11/6/18
12	WCC Highways	Consultation response	20/6/18
13	Case officer	Email to agent	21/6/18
14	Case officer	Email to agent	20/6/18

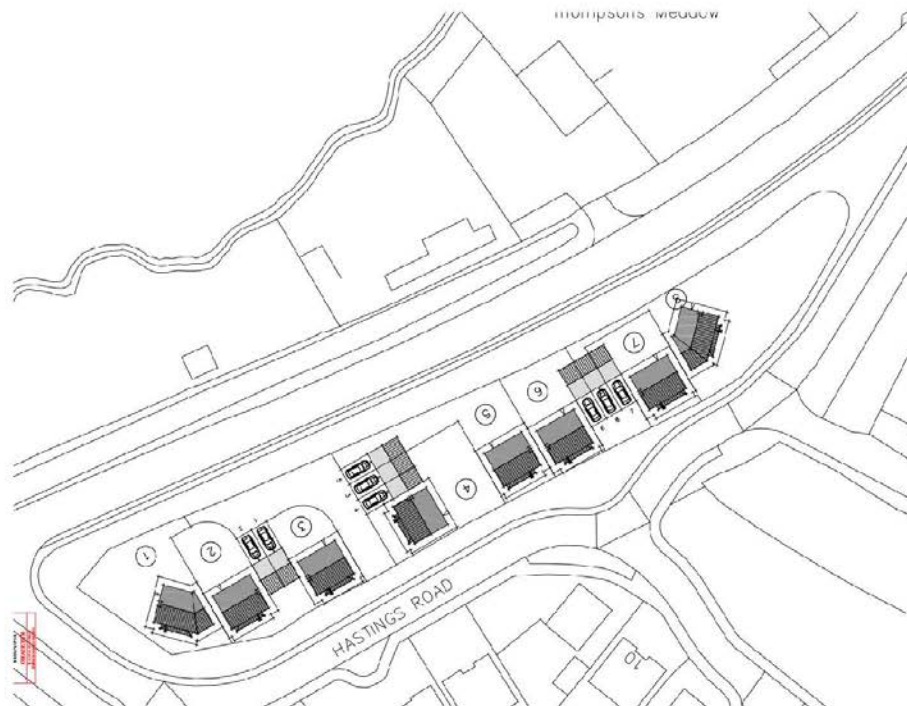
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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

Appendix A – Location of site



Appendix B – Indicative Plan



Appendix C – site photos

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Appendix D – Refused Indicative Plan



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(15) Application No: PAP/2018/0377

Ashleigh, Coventry Road, Fillongley, CV7 8BZ

Variation of Condition 2 of planning permission APP/R3705/W/16/3245303 dated 29 July 2016 relating to plot 3 – increase in ridge height from 5.398m to 6.935m together with elevation changes to Plots 1 to 5 for

Mr J Cassidy

Introduction

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

The Site

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

The site is illustrated at Appendix A.

Background

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

The appeal decision is attached at Appendix B.

The approved layout and elevations are at Appendix C.

The Proposals

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

The proposed street scene is at Appendix E.

As can be seen from Appendix C, the approved development has four one and half storey “dormer” bungalows and one single storey bungalow in line with their own service road running parallel to a frontage of detached properties facing the Tamworth Road.

The fronts of the new bungalows thus face the rear of the frontage properties. The new development would also be lowered by some 0.75 metres from original ground levels throughout its length. The distance between the front elevations and the rear elevations of the existing dwellings is between 37 and 39 metres. The Inspector dealing with the appeal found that this distance was acceptable. Additionally she concluded that the heights of the new dwellings would be subservient to the frontage properties aided by the lowering in ground levels.

Representations

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

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

Fillongley Parish Council – It objects because it considers that the development is too intensive in the Green Belt and that it significantly reduces neighbour amenity. The objection then details a number of particular issues which are said to override the appeal decision. The letter is attached in full at Appendix F.

Development Plan

The Core Strategy 2014 – NW10 (Development Considerations)

Other Material Planning Considerations

The National Planning Policy Framework

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

Observations

There is a planning permission here for the erection of five new dwellings and thus the principle of development is not a matter for re-consideration with this current application. The Parish Council is incorrect – the site is not in the Green Belt as the site is within the settlement's development boundary. The approved layout and the location of the new dwellings are neither being proposed for variation. The issues here are therefore wholly limited to consideration of the proposed changes to the design and appearance of the new dwellings.

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

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

- Plots 1 and 4 introduce a new dormer to the front elevation over the garage; a new velux light on the front roof and larger windows to the rear. A chimney is also added.
- Plot 2 adds a chimney and a new velux light to the front roof slope with rear fenestration enlarged
- Plot 3 would appear as Plot 2. The changes are the increase in height with a velux light and two windows in the roof slope – one a dormer and the second in a gable.
- Plot 5 adds a chimney and “hands” the front gable from one side to the other and the rear windows are enlarged.

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

It is necessary to consider the above conclusions in light of the comments made by the Parish Council.

The table on the first page of the letter is correct. There is an increase in the number of bedrooms in each dwelling. The issue is to assess the impact of that. Floor areas do increase as a consequence, but this is over two floors. The increase is accommodated in the “depth” of the dwellings, not in their width, and in the extended gables, not the main house. This extension is around a metre at the front and back. Critically there is no height increase apart from plot 3 which is referred to above. There is therefore no material outward difference in massing from that approved apart from Plot 3. Additionally the separation distances to the rear elevations of the existing houses remain in excess of 36 metres – a distance found to be acceptable through the appeal decision.

It is agreed that there are changes but as described above these are not considered to be material given the conclusions of the appeal decision.

The reference in the Parish Council to its emerging Neighbourhood Plan carries no weight in light of it being at the early stages of preparation.

Recommendation

That plan numbers 6882/09G; 21E; 22D, and 23C all received on 19 June 2018, be substituted for those referred to in condition 2 of the permission APP/R3705/W/16/3245303 dated 29 July 2016, subject to the conditions contained in that decision.

Notes:

The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case by balancing the planning issues involved against the Development Plan and other material planning considerations.

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0377

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	19/6/2018
2	Resident	Objection	5/7/18
3	Resident	Objection	2/7/18
4	Resident	Objection	27/6/18
5	Resident	Objection	28/6/18

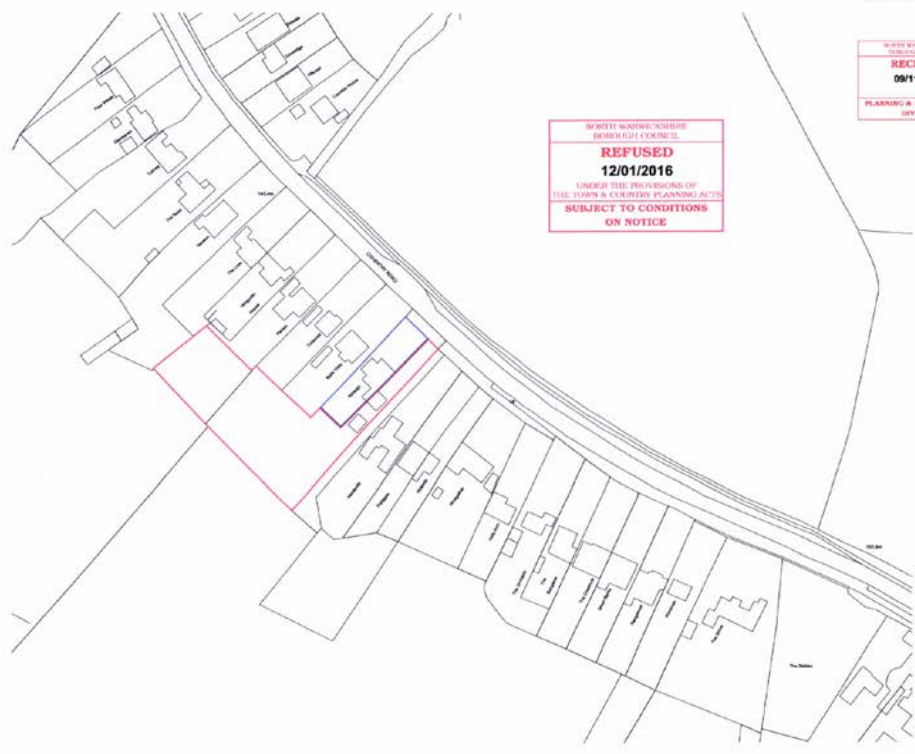
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PAP/2015/0687

SOUTH WANDSWICH BOROUGH COUNCIL
RECEIVED
09/11/2015
PLANNING & DEVELOPMENT DIVISION

SOUTH WANDSWICH BOROUGH COUNCIL
REFUSED
12/01/2016
UNDER THE PROVISIONS OF
THE TOWN & COUNTRY PLANNING ACTS
**SUBJECT TO CONDITIONS
ON NOTICE**



Reference

REFUSED
 APPROVED
 REVOKED
 DELETED

Project

REFUSE
APPLY TO THE HEAD OF APPLICATOR
COMMERCIAL DEVELOPMENT
THE PROPERTY

Other

LOCATION DEVELOP

Submitting Time

LOCATION PLAN

Checked By AJL **Checked By** DJT

Date 15-05-15 **Drawn** 1/250 @ A3

Reference Number 0687/15 **Division**

gwh

www.gwh.co.uk

Appeal Decision

Site visit made on 5 July 2016

by **Rachel Walmsley BSc MSc MRTPI**

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

Decision date: 29 July 2016

Appeal Ref: APP/R3705/W/16/3145303

Ashleigh, Coventry Road, Fillongley, Warwickshire CV7 8BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr James Cassidy, the Cassidy Group against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2015/0687, dated 6 November 2015, was refused by notice dated 12 January 2016.
- The development proposed is residential development of 5 new dwellings, 1 detached garage and associated highways, landscaping and external works. Demolition of the "Ashleigh" garage and morning room.

Decision

1. The appeal is allowed and planning permission is granted for a residential development of 5 new dwellings, 1 detached garage and associated highways, landscaping and external works. Demolition of the "Ashleigh" garage and morning room at Ashleigh, Coventry Road, Fillongley, Warwickshire CV7 8BZ in accordance with the terms of the application, Ref PAP/2015/0687, dated 6 November 2015, subject to the 12 conditions set out in the attached schedule.

Main Issues

2. The main issues raised by this appeal are:
 - (i) the effect of the proposal on the character and appearance of the area; and,
 - (ii) the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to privacy, outlook, noise and disturbance and light.

Reasons

Character and appearance

3. The appeal site is within the village of Fillongley as defined within Policy NW2 of the Core Strategy¹. The development boundary for the part of the village which the appeal site sits in is tightly drawn around existing built development. The built development constitutes ribbon development; that is a single line of houses which front Coventry Road. The houses are individual in their design

¹ North Warwickshire Borough Council. North Warwickshire Local Plan: Core Strategy, forming part of the Local Plan for North Warwickshire (adopted October 2014)

and are set within long plots which afford good sized front and rear gardens. The area has a spacious and verdant character formed by the large plots and mature trees and landscaping.

4. Ashleigh is a large detached house with a garage and a morning room to its side. The proposed development involves demolishing the garage and morning room to create an access that would run parallel with the house to provide vehicular and pedestrian access to a plot of land to the rear of the existing dwelling and houses fronting Coventry Road. The plot of land to the rear is in use as gardens.
5. Developing the land to the rear would introduce another line of development, behind the houses fronting Coventry Road. Developing an area of land where there is currently none, and introducing a line of development behind an existing row of houses would, by its very nature, change the character of the area. However, the development would be set back from the existing houses and would not reduce the length of the existing back gardens in such a way that the existing pattern of good sized front and rear gardens would be harmed. Furthermore, introducing an access to the side of Ashleigh would not impair the spacious character of this plot. The ribbon development which characterises part of the village would still be evident from Coventry Road given that the new houses would not be visible from the public highway and therefore would not interfere with the form of development fronting Coventry Road. I find, therefore, that the development would not be harmful to the existing pattern of ribbon development or to the spacious and verdant character and appearance of the area.
6. Being within the settlement boundary of the village the development would not encroach onto the countryside. The development would also maintain the relationship the village has with the countryside by virtue of the rear gardens to the new properties facing the open land to the rear which replicates the relationship the existing properties have with the countryside.
7. The plots for the proposed houses would be smaller than the existing plots along Coventry Road. However, the new dwellings would be appropriate to their plot size with sufficient space to the front of the dwellings for parking and to the front and rear for garden space. In addition, the spaces between the houses would be sufficient to retain an acceptable level of spaciousness, in-keeping with the spacious character of the surrounding area. On this basis, therefore, I am not persuaded that the proposed development would be an overdevelopment of the site that would be harmful to the character and appearance of the area.
8. The single and 1.5 storey houses would be subservient in scale to the frontage properties, aided by the lowering of the ground level by an average of 0.75m. The use of brick and render would reference features evident on the existing houses, as would the proposed gables and dormer windows. Whilst the dwellings exhibit similar designs, they would not be out of keeping with the character and appearance of the existing dwellings.
9. In all, therefore, whilst the introduction of development to the rear of the existing houses is a material difference given that it introduces development where there currently is none, I have found that the proposed development would not be harmful to the character and appearance of the area and as a

result would not be contrary to Policy NW12 of the Core Strategy which seeks to ensure that development does not harm the character of an area.

Living conditions

10. The new dwellings would be separated by over 37 metres from the existing houses which I consider to be a distance sufficient to ensure that overlooking would not be harmful to the privacy of occupiers when inside their dwellings. The distance of separation between dwellings, combined with the lowering of the site by an average of 0.75 metres and the ridge height of the houses not exceeding 7.0 metres would ensure that the height of the dwellings did not have an overbearing impact on and therefore create an oppressive environment for occupiers of the existing houses.
11. The proposed access would be a sufficient distance from the existing houses for any noise and disturbance from the movement of vehicles to not have a detrimental effect on the living conditions of the occupiers of the neighbouring properties. Furthermore, for the majority of the length of the access road to the rear of the existing houses, vehicles would move in single file which would lessen any potential problems of noise.
12. Whilst no details of lighting are before me, it is reasonable to surmise that the access road would be lit at night. Details of external lighting, secured by condition on any planning permission, would ensure that the appearance of, and light emitted from any street lighting would not result in light pollution that would be harmful to the living conditions of the occupiers of the neighbouring properties. I am satisfied, therefore, that with an appropriate condition, any street lighting could be accommodated on the site without resulting in harm to the living conditions of neighbouring occupiers.
13. I have considered the impact of light from car headlights on the living conditions of the occupiers of the neighbouring properties. Light from passing vehicles would not shine directly towards the existing houses given that the access road would run parallel to the shared boundary with the neighbouring gardens. Furthermore, whilst a detailed landscaping scheme has not been submitted, the design and access statement proposes 1.8 high close boarded fencing and planting along the boundaries of the site. I consider that a planning condition with regards to boundary treatment and landscaping would protect the living conditions of neighbouring occupiers with regards to light pollution.
14. Altogether, I have found that the development would not have a detrimental impact on the living conditions of the occupiers of neighbouring properties, with particular regard to privacy, outlook, noise and disturbance and light. For the reasons given, the proposal would not be contrary to Policy NW10 of the Core Strategy that seeks to avoid, amongst other matters, unacceptable impacts on neighbouring amenities.

Other matters

15. In light of Policy NW6 of the Core Strategy which requires a financial contribution towards affordable housing in lieu of providing affordable housing on site, the Council have made a request for a financial contribution towards

affordable housing. However, following a recent Court of Appeal judgement² the policies in the Written Ministerial Statement³ once again form national planning policy, defining the specific circumstances where contributions for affordable housing should not be sought from small scale development; that is on sites of less than 10 dwellings. Whilst I note concerns that the development would not provide for affordable housing, as that the Court of Appeal judgement was made subsequent to the adoption of the Core Strategy, I am required to give weight to the policies in the Written Ministerial Statement. For this reason, a financial contribution towards affordable housing is not justified.

16. I have given consideration to the weight that can be attributed to Policy NW6 given its recent adoption. I am not convinced from the evidence before me, however, that a financial contribution in this instance would mitigate any adverse impacts associated with the development proposed. I find, therefore, that a financial contribution towards affordable housing is not required and does not form a ground on which to dismiss the appeal as a result.
17. In addition to the issues which have been considered above, local residents have raised a number of concerns including the principle of the development, the loss of open space, increased densities, flooding and sewerage and highway safety. Although I am sympathetic to such concerns, the Council has not objected to the proposed development on these grounds. Based on the evidence before me I see no reason to come to a different view. Therefore, I find nothing of sufficient weight to change my decision.
18. In reaching my decision I have considered the concerns raised relating to the planning history of the proposed development and reported inconsistencies in information. I am required, however, to consider the merits of the proposal as it was submitted to and considered by the Council under the planning application reference noted on this decision. It is on this basis that I have found that the development would not be harmful for the reasons given.

Conditions

19. The Council has suggested planning conditions which I have considered against the advice in the Planning Policy Practice Guidance and the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a result I have amended some of them for clarity and eliminated others to avoid duplication.
20. In addition to the standard time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans for reasons of clarity and proper planning.
21. Conditions requiring the submission and approval of samples of the external facing materials, hard and soft landscaping and tree protection measures are necessary in the interests of protecting the character and appearance of the area.
22. I have included a condition requiring details of a pedestrian link to ensure that prospective residents can access a public footpath safely. Conditions with

² Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council C1/2015/2559; [2016] EWCA Civ 441.

³ Written Ministerial Statement of 28 November 2014.

regards to the vehicular access and parking and turning area have been included in the interests of highway safety.

23. Conditions with regards to contamination, surface and foul water disposal and lighting ensure that there are no significant adverse impacts on the local environment and the amenity of local residents.

24. I have considered the Council's suggestion of including a condition to remove permitted development rights. However, in light of paragraph 200 of the National Planning Policy Framework and no clear justification for such a condition, I have not included a condition to this effect.

Conclusion

25. For the reasons set out above, I conclude that the proposed development would not be contrary to the development plan and therefore the appeal is allowed.

R Walmsley

INSPECTOR

CONDITIONS SCHEDULE

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site Layout, Application 3: 6882/26; House Type Plots 1 and 4: 6882/21B Rev B; Plot 2: 6882/22C Rev C; Plot 3: 6882/25B Rev B; Plot 5: 6882/23B Rev B; Site Sections: 6882/17D Rev D;
3. No development shall commence until samples of the external facing and roof surface materials to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.
4. No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - a. a statement setting out the design objectives and how these will be delivered;
 - b. earthworks showing existing and proposed finished levels or contours;
 - c. means of enclosure and retaining structures;
 - d. boundary treatments;
 - e. hard surfacing materials;
 - f. planting plans;
 - g. written specifications;
 - h. a schedule of plants noting species, plant sizes and proposed numbers;
 - i. existing landscape features including hedges "to be retained";
 - j. existing landscape features including hedges "to be removed";
 - k. an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

5. All planting, seeding or turfing comprised in the approved details of landscaping referred to under condition 4 shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
6. All the trees shown under the works identified in condition 4 "to be retained" and any trees whose canopies overhang the site shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed

from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

7. The dwellings shall not be occupied until a pedestrian link from the site to the opposite side of Coventry Road has been completed in accordance with details that have first been submitted to and approved in writing by the local planning authority. The pedestrian link as constructed shall be retained thereafter.
8. The dwellings shall not be occupied until a means of access for vehicles has been constructed in accordance with the approved plans and to the satisfaction of the local planning authority. The access shall be retained thereafter.
9. The turning, parking and access areas shown on the approved plans shall remain for these purposes at all times.
10. No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing by the local planning authority.
11. No development shall commence until details of sewage disposal and drainage works have been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until the sewage disposal and drainage works have been completed in accordance with the approved details.
12. Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the dwellings hereby permitted are occupied. The lighting shall be carried out in accordance with the approved details.

APPENDIX C

PAP/20150687



Proposed street elevation
1:200 @ A2



Proposed site layout
1:500 @ A2

NORTH SUFFOLK DISTRICT
PLANNING & DEVELOPMENT DIVISION
REFUSED
12/01/2016
LANDS ETC. THE PROVISION OF
THE PLANNING & DEVELOPMENT DIVISION IS
SUBJECT TO CONDITIONS
OR NOTICE

NORTH SUFFOLK DISTRICT
PLANNING & DEVELOPMENT DIVISION
RECEIVED
06/11/2015
PLANNING & DEVELOPMENT
DIVISION

Notes

- This drawing MUST NOT BE SCALED.
- All drawings to be CHECKED ON SITE and any DISCREPANCY reported to the architect.
- The site boundary shown in this sheet is subject to the boundary shown on the title plan.

Discussions

APPROVED BY: FOR DEVELOPER
 PRELIMINARY FOR CONSTRUCTION

PROJECT:
 NEW HOUSES
 LAND TO THE REAR OF 48/49/50
 COVENTRY ROAD
 PLYMOUTH

CLIENT:
 CLASSIFY GROUP

DRAWING FOR:
 PROPOSED SITE LAYOUT APPLICATION 2

DRAWING BY: A.J.L. CHECKED BY: P.J.T.
 DATE: 29/10/2015 DATE: Various/A1
 DRAWING NUMBER: 6881 / 26 REVISION:

APPROVED BY:
 NAME: [Signature]
 TITLE: [Title]
 DATE: 06/11/2015
 EMAIL: [Email]
 WWW.GMH.CO.UK

gmh

AMENDMENTS TO ELEVATIONS & INTERNAL LAYOUTS**Plots 1 & 4****Rear elevation**

- Ground floor family room extended on rear elevation
- French doors added to dining area
- Utility window amended
- WC window removed as now relocated internally
- Eaves line of garage roof to rear raised so in line with main building (ridge height unaltered)
- First floor french doors added to 2 x bedrooms which are overlooking open fields down to the M6
- Velux window removed & replaced with small dormer

Front elevation

- Dormer window added above garage, this is to an en-suite frosted glass therefore no overlooking issues regardless of the fact that the distances are circa 40+m to the rear of the nearest property
- Velux added for light on stairwell, this is a high level velux and you would not be able to look out of it
- Front door widened to include side lights which is possible due to relocating WC inside

Side elevation 1

- Brick chimney added
- Addition of side window due to extension of family room
- Small frosted window added due to addition of en-suite

Side elevation 2

- Addition of side window due to extension of family room

Internal

- WC relocated from hallway to understairs by reducing study
- WC removed from rear of utility area
- Wall between living & family areas straightened
- En-suite added to bed 1
- New bed 2 extended over garage within roof space and en-suite added
- Addition of bedroom 4 by utilising the roof space over the garage

Plot 2**Rear elevation**

- Ground floor family room extended on rear elevation
- First floor french doors added to bedroom 1 which is overlooking open fields down to the M6
- Velux window removed & replaced with small dormer

Front elevation

- Velux added for light on stairwell, this is a high level velux and you would not be able to look out of it
- Frosted window added to ground floor WC, therefore no overlooking issues

Side elevation 1

- Brick chimney added
- Addition of side window due to extension of family room
- Small frosted window added due to addition of en-suite

Side elevation 2

- Single pedestrian door for garage access added
- Addition of side window due to extension of family room

Internal

- En-suite added to new bed 1
- En-suite removed from old bed 1
- Addition of 1 bedroom – new bedrooms 3 & 4 replace old bedroom 1

Plot 3

Height of building increased from the previously approved ridge height of 5398mm to the proposed ridge height of 6935mm, an increase of 1537mm.

Due to the increase in ridge height the elevations & internal layout is proposed to be amended to be the same as the new proposed plot 2.

Plot 5**Rear elevation**

- Ground floor family room extended on rear elevation
- French doors added to dining area & window removed
- First floor french doors added to bedroom1 which is overlooking open fields down to the M6
- Velux window removed & replaced with small dormer

Front elevation

- Velux added for light on stairwell, this is a high level velux and you would not be able to look out of it
- Front door widened to include side lights

Side elevation 1

- Brick chimney added
- Addition of side window due to extension of family room
- Small frosted window added due to re-positioning of en-suite

Side elevation 2

- Removal of side window to single pedestrian door
- Addition of side window due to extension of family room

Internal

- WC relocated from rear of utility to understairs
- En-suite added to new bed 1
- En-suite removed from old bed 1
- Addition of 1 bedroom – new bedrooms 3 & 4 replace old bedroom 1

APPENDIX E



Proposed street elevation
1203x72



<p>Notes</p> <ol style="list-style-type: none"> 1. See Working Plan 171110-01-0101 2. All dimensions are in millimeters unless otherwise stated. 3. See also Appendix 10.01 for any additional notes. 	
<p>PAP/2018/0377</p>	
<p>Information</p> <p><input type="checkbox"/> APPROVAL <input type="checkbox"/> REVISION</p> <p><input type="checkbox"/> REAPPRAISAL <input type="checkbox"/> USE CONSULTATION</p>	
<p>Project</p> <p>NEW HOME LAND TO THE SEAR OF AGRICULTURE COVENTRY ROAD COVENTRY</p>	
<p>Client</p> <p>GRADY GROUP</p>	
<p>Drawing Title</p> <p>PROPOSED LAYOUT AND STREET ELEVATION</p>	
<p>Author</p> <p>A.K.</p>	<p>Checked by</p> <p>RJT</p>
<p>Date</p> <p>20/07/2018</p>	<p>Drawn</p> <p>1500x72</p>
<p>Planning Number</p> <p>2018/0377</p>	<p>Revision</p> <p>G</p>
<p>gwh</p>	

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19/06/2018
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DIVISION

FILLONGLEY PARISH COUNCIL



Clerk to the Council: Mrs Heather Badham, The Crooked Stile, St Mary's Road,
Fillongley, Warwickshire, CV7 8EY

Clerk@fillongleyparishcouncil.co.uk Telephone 01676 549193

Mr J Brown
Chief Planning Officer
NWBC
By email.

23rd July 2018

Dear Jeff

Ref; PAP/2018/0377

I write further to discussion regarding this application at the recent Parish Council meeting. This application is listed as a "variation of condition..." There are so many variations it would have appeared to have warranted a new application entirely! The applicant is hoping to profit well from the cost of £234 for this application.

It may be remembered that FPC objected to the original application (PAP/2015/0687) and were grateful to NWBC for their refusal.

The Council wish to strongly OBJECT to the application; it is far too intrusive in the Green Belt and significantly reduces the neighbours amenity.

The application PAP/2015/0687 was for 5 dormer bungalows. One was indeed a bungalow and the others houses. This new application has removed the bungalow in favour of another house. The houses have significantly increased in size.

A table shows this clearly;

	PAP/2015/0687	PAP/2018/0377
PLOT 1 – number of bedrooms	3	4
PLOT 1 – Square metres	176.9	217.08
PLOT 2 – number of bedrooms	3	4
PLOT 2 – Square metres	150	170.97
PLOT 3 – number of bedrooms	2	4
PLOT 3 – Square metres	Bungalow – no area given	House – 170.97
PLOT 4 – number of bedrooms	3	4
PLOT 4 – Square metres	176.9	217.08
PLOT 5 – number of bedrooms	3	4
PLOT 5 – Square metres	169	190.4

Total increase of 1 bungalow (no dimensions previously given) to 1 house PLUS a further 122.73 metres squared of living space which is almost as much as one of the original houses. It is difficult to calculate the dimension as there are no measurements given and plans state that the drawings must not be scaled.

The Inspectors Decision notice made reference to the Councils original objections:

(Inspectors comments in brown)

"In addition, the spaces between the houses would be sufficient to retain an acceptable level of spaciousness, in keeping with the spacious character of the surrounding area. On this basis, therefore, I am not persuaded that the proposed development would be an overdevelopment of the site that would be harmful to the character and appearance of the area"

It is difficult to imagine how the houses can have such a large increase of scale but not then conflict with the original decision and therefore the new proposal would indeed be harmful to the character and appearance of the area.

"The single and 1.5 storey houses would be subservient in scale to the frontage properties, aided by the lowering of the ground level by an average of 0.75m. The use of brick and render would reference features evident on the existing houses, as would the proposed gables and dormer windows. Whilst the dwellings exhibit similar designs, they would not be out of keeping with the character and appearance of the existing dwellings."

"The ribbon development which characterises part of the village would still be evident from Coventry Road given that the new houses would not be visible from the public highway and therefore would not interfere with the form of development fronting Coventry Road. I find, therefore, that the development would not be harmful to the existing pattern of ribbon development or to the spacious and verdant character and appearance of the area."

Had the current proposal been the one in front of the Planning Inspector the above comments could not have been made. The current proposal has no single storey buildings and it is difficult to see how any of the new houses could be classed at 1.5 storey buildings. The current proposal would appear to increase the ridge heights on all the buildings which would make them ALL visible from the road, at a sweep destroying the ribbon development characterisation of the village and urbanising the landscape.

"The new dwellings would be separated by over 37 metres from the existing houses which I consider to be a distance sufficient to ensure that overlooking would not be harmful to the privacy of occupiers when inside their dwellings. The distance of separation between dwellings, combined with the lowering of the site by an average of 0.75 metres and the ridge height of the houses not exceeding 7.0 metres would ensure that the height of the dwellings did not have an overbearing impact on and therefore create an oppressive environment for occupiers of the existing houses."

This has now been altered significantly. The separation is still the length of the existing residents garden however there is no mention in the application of lowering the site and the applicant admits that the ridge heights now exceed 7metres which should therefore conclude from the Inspectors comments that the new proposal will have an overbearing impact on and create an oppressive environment for the occupiers of the existing houses.

“Whilst no details of lighting are before me, it is reasonable to surmise that the access road would be lit at night. Details of external lighting, secured by condition on any planning permission, would ensure that the appearance of, and light emitted from any street lighting would not result in light pollution that would be harmful to the living conditions of the occupiers of the neighbouring properties. I am satisfied, therefore, that with an appropriate condition, any street lighting could be accommodated on the site without resulting in harm to the living conditions of neighbouring occupiers”

The Inspector may have viewed the light pollution differently if they had been presented with the new proposal that has a significant increase in windows and French doors.

“In addition to the standard time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans for reasons of clarity and proper planning.”

It would appear from this comment that the Inspector was only happy with the plans laid before them and had they been larger they would not have been passed.

It should be further noted that Plot 5 (increased by 21.4m) is now a completely different property to the original applications.

Since the original Appeal was granted, Fillongley Neighbourhood Plan has moved along and is now set for imminent submission and completion. As such significant weight should be given to it.

FNP01 and FNP07 require additional parking spaces for additional bedrooms. It could be viewed that the original application was passed before the FNP was finalised and hence there are 4 less spaces overall than the FNP would prefer. The proposal currently on the table will see in total 10 spaces fewer than the FNP and that is not acceptable. It will undoubtedly cause issues throughout the area as additional cars look for spaces; one “ideal location” would be the bus stop which if blocked will cause a traffic hazard just over the brow of the hill. Particularly dangerous. The policy is reinforced in FNP01 “Bedroom extensions will not be permitted where no off road parking is available” which also could be applied in this case as the permission is not granted and the current application could be viewed as an extension.

FNP03 deals with flooding. It is without doubt that larger houses will mean larger hard surface areas and more run off. It will also mean greater use of the drainage system which is already overloaded (as agreed by Severn Trent). The increase in size of properties could mean a minimum of 12 more residents in the additional rooms increasing the population by 25% more than expected.

FNP04 “New developments should encourage a broad mix of housing types including smaller starter homes and retirement dwellings together with provision for ‘Affordable Housing’ for local people as per NWBC requirements”. Whilst FPC recognise there is no requirement for affordable housing, to remove the only bungalow that was included in the development contravenes FNP04.

FNP07 “To promote safe vehicular access, parking/garaging and turning provisions for new developments without detriment to existing residents and the street scene. To ensure that the number of car parking spaces to be related to the size of the new and extended properties – ie

a minimum of 2 parking spaces (as per NWBC standard) plus an additional 1 parking space per increased bedroom.”

For all of these reasons, Fillongley Parish Council would sincerely request that NWBC reject the application.

Yours sincerely

H Badham

Mrs Heather Badham
Clerk to Fillongley Parish Council

(16) Application No: PAP/2018/0422

Land Rear of 1 To 6, St Benedicts Close, Atherstone,

Works to trees in Conservation area, for

North Warwickshire Borough Council

Introduction

This application is referred to the Board as the land on which the trees stand is owned by the Borough Council.

The Site

St Benedict's Close is on the south side of South Street opposite the Co-op supermarket store. The two trees the subject of this application are located either side of the flats – one , a cherry, in between the flats and the road – and the other, an ash, is on the other side of flats .

A location plan illustrates the two trees at Appendix A

The Proposals

The cherry tree is likely to suffer damage from a new waste store and is proposed for removal.

The ash tree is in decline and is showing signs of decline – the stem and root plate are losing their integrity. In view of its location in a very public area where damage to the public could arise, it too is proposed for felling.

The assessment's for these trees is at Appendix B.

Observations

The trees are not considered to be such that they should be protected by an Order in view of the damage occurring and their relatively limited public amenity value.

Recommendation

The works may proceed and that suitable alternative replacements are planted.

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0422

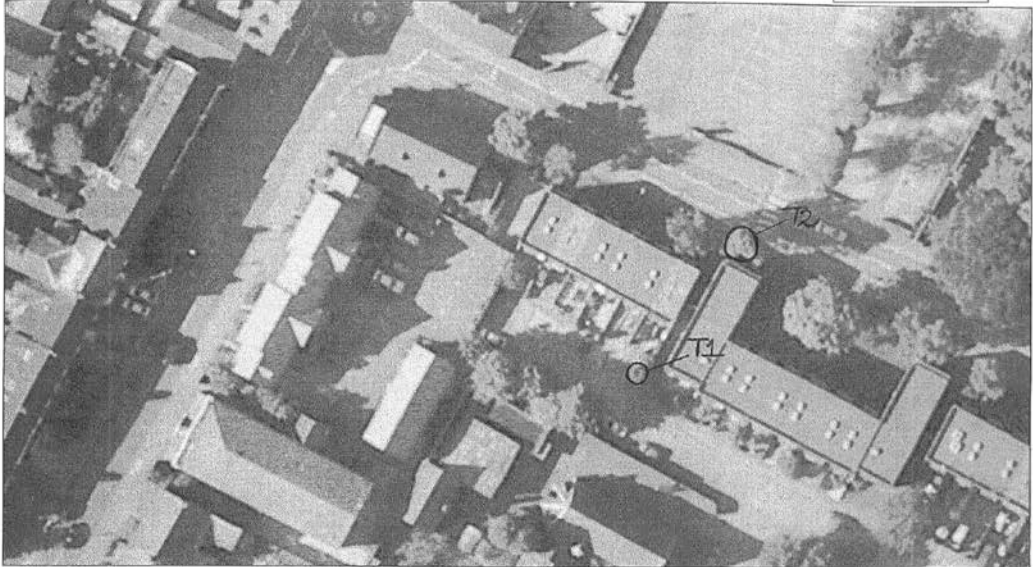
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	10/7/2018

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.

St Benedict's Close, Atherstone. Ash & Cherry

PAP/2018/0422



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 E-mail: info@cadcorp.com

RECEIVED
 10/07/2018
 PLANNING & DEVELOPMENT
 DIVISION



T1- cherry
 T2- Ash



Ordnance Survey
 Licensed Ordnance Survey
 Data

ARBORICULTURAL APPRAISAL /INSPECTION/TREE REPORT

- **NWBC Ref No :** NWBC Trees 09.07.18
- **Site Address:** St Benedict's Close, Atherstone, CV9 1EP
- **Prepared by :** Andrew Watkins
- **Prepared for :** Planning Application
- **Date of Inspection :** 17/05/2018
- **Date of Report :** 09/07/2018

**Works applied for:**

- Works to trees within a Conservation Area.
- T1 Cherry. Fell.
- T2 Ash. Fell.

Observations:

- The trees within this report are located upon the grounds of a residential site that North Warwickshire Borough Council is responsible for. This Notification follows the un-scheduled inspection of the trees by the North Warwickshire Borough Council Tree Officer (the author of this report).
- **T1. Cherry.** This specimen is seen to be early-mature in age class and located upon the grounds of the North Warwickshire Borough Councils apartment block of Saint Benedict's Court, Atherstone. The area that the tree is sited upon at this location is to be developed in regards to the construction of a waste store, the tree and associated root plate have been assessed and it is agreed that these organisms will cause detrimental damage to the completed and constructed store. The tree has been assessed by the author of this report and the specimen is not seen to be worthy of protection by way of a Tree Preservation Order given its limited amenity value and common type.
- **T2. Ash.** This specimen is seen to be young to early-mature in age class and located upon the grounds of the North Warwickshire Borough Councils apartment block of Saint Benedict's Court, Atherstone. It can be confirmed that the tree is seen to be in decline, the health of the tree failing over the last 12 months to a point where the structural integrity of both the stem and the root plate of the tree are questioned (1&2). The tree is in close proximity to both the footpath and highway. The nature of the potential failure of the tree could cause serious injury if the tree is to remain at this location. The removal of T2 is recommended and the works requested are a precautionary measure to prevent damage or injury to both visitors and residents to the property detailed previously and to users of both the footpath and highway.

Andrew Watkins *Tech Cert (Arbor A) Cert Arb (RFS)* Green Spaces Officer (Trees)

North Warwickshire Borough Council Tel: 01827 719212 Mob: 07875700111

- It must be noted that in relation to the Occupiers Liability Act of both 1957 and 1984 ⁽³⁾ an occupier with control over premises (which can be gardens and woodland) is liable to take such care that is "reasonable" to see that either the visitor (under the 1957 part of the Act) or trespasser (under the 1984 part of the Act) will be reasonably safe. A higher standard of care is owed to a visitor than for a trespasser and a higher standard still is required for a child compared with an adult. The removal of T1 is deemed to be a reasonable response to the hazard highlighted following the inspection of the tree.
- **Recommendations:**
- Facilitate the removal of T1 and T2 following approval provided after successful Conservation Area Notification.
- **Modifications (if any):**
- None

Appendices

References

1. Diagnosis of ill-health in trees. R.G. Strouts and T.G. Winter (2000)
2. Manual of Wood Decay in Trees. K Weber and C Mattheck (2003)
3. The Occupiers Liability Act (1957 and 1984).

Andrew Watkins *Tech Cert (Arbor A) Cert Arb (RFS)* Green Spaces Officer (Trees)

North Warwickshire Borough Council Tel: 01827 719212 Mob: 07875700111

(17) Application No: PAP/2018/0423

The Council House, South Street, Atherstone, CV9 1DE

Work to tree in Conservation area, for

North Warwickshire Borough Council

Introduction

This application is reported to the Board as the tree the subject of the proposal is located on the Council's land.

The Site

This is a cherry tree which located on the boundary between the Council's South Street staff car park and that of the Co-op store.

It is more particularly shown at Appendix A.

The Proposals

The tree is protected by virtue of it being in the town's conservation area.

The tree is not in good health and appears to be in severe decline with minimal canopy regeneration seen this year. It is likely to deteriorate further and thus it is proposed for removal.

The Council's tree officer's assessment is at Appendix B.

Observations

The tree is clearly deteriorating and given the number of other trees in this boundary there is no significant amenity loss if it is removed. The character and appearance of the Conservation Area is neither likely to be significantly affected

A suitable replacement tree would be appropriate here.

Recommendation

That the works may proceed and that a suitable alternative tree is replanted.

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0423

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	10/7/2018

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.



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T1 - CHERRY.

o/s Ordnance
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ARBORICULTURAL APPRAISAL /INSPECTION/TREE REPORT

- **NWBC Ref No :** NWBC Trees 10.07.18
- **Site Address:** North Warwickshire Borough Council Offices, CV9 1DE
- **Prepared by :** Andrew Watkins
- **Prepared for :** Planning Application/Notification
- **Date of Inspection :** 22/06/2018
- **Date of Report :** 10/07/2018

Works applied for:

- Works to trees within a Conservation Area.
- T1 Cherry. Fell.

Observations:

- The tree within this report is located upon the grounds of the North Warwickshire Borough Council offices and situated within one of the employee car parks upon the site. The tree is adjacent to the car park of a local convenience store. This immediate area does experience a medium amount of both foot and vehicular traffic at numerous times of the day. This Notification follows the un-scheduled inspection of the trees by the North Warwickshire Borough Council Tree Officer (the author of this report).
- **T1. Cherry.** This specimen is seen to be early-mature in age class and located upon the grounds of the North Warwickshire Borough Council office car park as noted previously. The health of the tree is seen to be in severe decline with minimal canopy regeneration noted this growth season. The lack of canopy and resulting detrimental effect this will have on the stability of the tree as a whole is a cause for concern ^(1&2), it must be noted that remedial works will not reverse the decline of the specimen and that removal is the only option. The tree does also hold a high proportion of deadwood that will cause injury and damage should it release from the tree. The tree has been assessed by the author of this report and the specimen is not seen to be worthy of protection by way of a Tree Preservation Order given its current and worsening condition and its limited remaining contribution to the site.
- It must be noted that in relation to the Occupiers Liability Act of both 1957 and 1984 ⁽³⁾ an occupier with control over premises (which can be gardens and woodland) is liable to take such care that is "reasonable" to see that either the visitor (under the 1957 part of the Act) or trespasser (under the 1984 part of the Act) will be reasonably safe. A higher standard of care is owed to a visitor than for a trespasser and a higher standard still is required for a child compared with an adult. The removal of T1 is deemed to be a reasonable response to the hazard highlighted following the inspection of the tree.

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- **Recommendations:**

- Facilitate the removal of T1 following approval provided after successful Conservation Area Notification.

- **Modifications (if any):**

- None

Appendices

References

1. Diagnosis of ill-health in trees. R.G. Strouts and T.G. Winter (2000)
2. Manual of Wood Decay in Trees. K Weber and C Mattheck (2003)
3. The Occupiers Liability Act (1957 and 1984).

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(18) Application No: PAP/2018/0427

Land to the West of, Laurel Drive, Hartshill, CV10 0XP

Works to trees protected by a tree preservation order, for

North Warwickshire Borough Council

Introduction

This application is referred to the Board as the tree the subject of the proposal is located on land owned by the Council.

The Site

This is land to the west of Laurel Avenue in Hartshill right on the edge of the settlement.

The proposal relates to an Alder tree which is protected by an Order made in 1993.

The site is shown on Appendix A.

The Proposals

It is proposed to reduce the height of the tree by around four metres in order to control future growth which might damage the tree or cause problems to nearby property.

The assessment of the situation here is attached at Appendix B.

Observations

The works proposed are to ensure the good health and longevity of the tree whilst minimising the potential of future damage to neighbouring property.

Recommendation

That the works may proceed

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0427

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	10/7/2018

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.

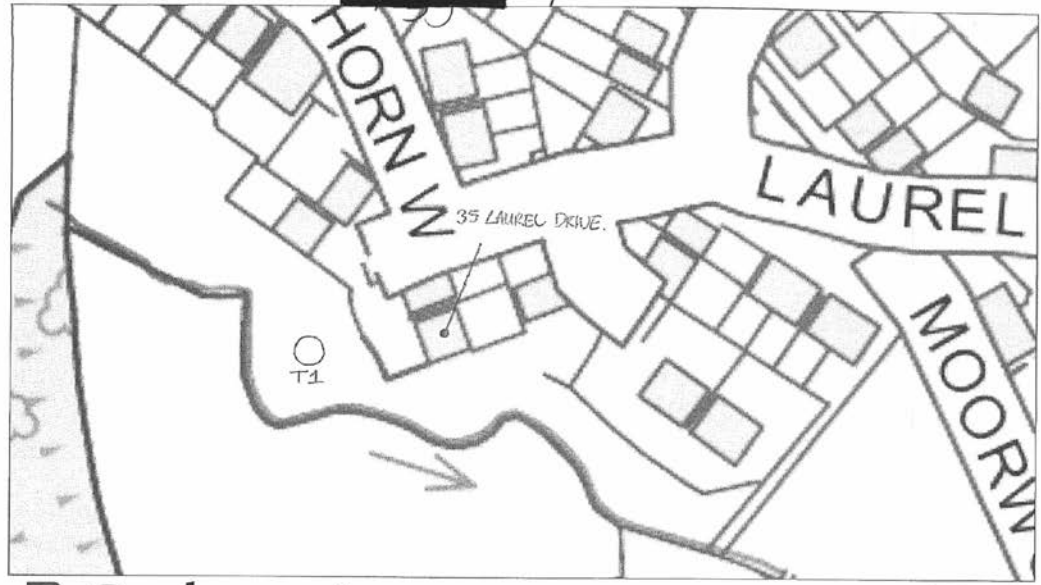
A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

Lang to The West of Laurel Drive

APPENDIX A

Laurel Drive/10.07.18

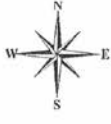
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ARBORICULTURAL APPRAISAL /INSPECTION/TREE REPORT

- **NWBC Ref No :** NWBC Trees 10.07.18
- **Site Address:** Near 35 Laurel drive, Hartshill, CV10 0XP/
- **Prepared by :** Andrew Watkins
- **Prepared for :** Planning Application/Notification
- **Date of Inspection :** 22/06/2018
- **Date of Report :** 10/07/2018

**Works applied for:**

- Works to tree protected by a Tree Preservation Order.
- T1 European Larch. Reduce height by around four metres to suitable growth point in line with BS3998:2010 Treeworks-Recommendations.

Observations:

- The tree within this report is located upon land owned and maintained by North Warwickshire Borough Council and in close proximity to the site address noted above. This Notification follows the un-scheduled inspection of the trees by the North Warwickshire Borough Council Tree Officer (the author of this report) following contact from a concerned resident residing in close proximity to the tree within the report. This tree and several others in this immediate area are protected by Tree Preservation Order 713.030/4 (confirmed 12th March 1993), works are not scheduled in regards to other trees protected by this Order at this present time.
- **T2. Alder.** This specimen is seen to be early-mature in age class and located upon the grounds owned and maintained by North Warwickshire Borough Council as noted previously. The tree is deciduous in nature and as such could be mistakenly described as deceased if seasonally compared to other trees of differing Genus. The tree is seen to be in good health in regards to the vitality of the specimen but it must be noted that the stem of the tree does form a twin-stem around six to seven metres from ground level. The structural integrity of this union has been questioned by the author of this report and it is recommended that the height of this tree be reduced below this point ^(1&2). The tree has been assessed by the author of this report and the specimen is still seen to be worthy of protection by way of a Tree Preservation Order given its remaining contribution to the site and general location.
- It must be noted that in relation to the Occupiers Liability Act of both 1957 and 1984 ⁽³⁾ an occupier with control over premises (which can be gardens and woodland) is liable to take such care that is "reasonable" to see that either the visitor (under the 1957 part of the Act) or trespasser (under the 1984 part of the Act) will be reasonably safe. A higher standard of care is owed to a visitor than for a trespasser and a higher standard still is

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required for a child compared with an adult. The works requested to T1 are deemed to be a reasonable response to the hazard highlighted following the inspection of the tree.

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- **Recommendations:**

- Facilitate the works requested to T1 following approval provided after successful Application. All works to be performed in line with B3998:2010 Treeworks-Recommendations.

- **Modifications (if any):**

- None

Appendices

References

1. Diagnosis of ill-health in trees. R.G. Strouts and T.G. Winter (2000)
2. Manual of Wood Decay in Trees. K Weber and C Mattheck (2003)
3. The Occupiers Liability Act (1957 and 1984).

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(19) Application No: PAP/2018/0430

Footpath Church Hill Flats, Church Hill, Coleshill, B46 3AJ

Works to trees in Conservation area, for

North Warwickshire Borough Council

Introduction

This application is referred to the Board as the trees are located on land owned by the Council.

The Site

The Church Hill flats are located on the south side of Church Hill in the centre of Coleshill. Four of the trees the subject of this application are within the central service/parking area whereas the remaining five run along the northern side of the footpath linking the High Street to the Church.

Appendix A illustrates the locations.

The Proposals

The four trees in the central area are two maples, a scots pine and a holly. It is proposed to reduce the crown of the two maple tree in order to prevent damage to the actual buildings. The Scots Pine and holly trees are proposed for felling due to their minimal root plates so close to the buildings.

The other trees – three hazels and two holly trees are all proposed for height reductions

The assessments are at Appendix B.

Observations

The most significant trees here are the ones running along the footpath from the Lych Gate to the church. They are important to the character and appearance of the Conservation Area hereabouts and have high amenity value. The other trees are visually self-contained surrounded by three storey flats and thus have limited public amenity value.

Recommendation

That the works may proceed but that that suitable alternative replacement trees are planted.

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0430

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	10/7/2018

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.

Church Hill Flats, Coleshill

PAP/2018/0430



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- T1 NORWAY MAPLE
- T2 MAPLE
- T3 SCOTS PINE
- T4 HOLLY
- T5 HAZEL
- T6 HAZEL
- T7 HAZEL

- T8 HOLLY
- T9 HOLLY

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ARBORICULTURAL APPRAISAL /INSPECTION/TREE REPORT

- **NWBC Ref No :** NWBC Trees 10.07.18.2
- **Site Address:** Church Hill Flats, Coleshill, B46 3AD.
- **Prepared by :** Andrew Watkins
- **Prepared for :** Planning Application/Notification
- **Date of Inspection :** 03/05/2018
- **Date of Report :** 10/07/2018

Works applied for:

- Works to trees located within a Conservation Area.
 - T1-Norway Maple. Reduce crown of tree by 2 metres. To prevent encroachment of building.
 - T2-Maple. Reduce crown of tree by 2 metres. To prevent encroachment of building and street light.
 - T3-Scots Pine. Fell due to minimal root plate due to location.
 - T4-Holly. Fell due to minimal root plate due to location.
 - T5-Hazel. Reduce height to no more than 2 metres from ground level. To prevent encroachment of building and laundry facilities.
 - T6-Hazel. Reduce height to no more than 2 metres from ground level. To prevent encroachment of building and laundry facilities.
 - T7-Hazel. Reduce back to boundary line. To prevent encroachment of the site.
 - T8-Holly. Reduce to a height no more than 2 metres from ground level. To prevent encroachment of building and laundry facilities.
 - T9. Holly. Reduce to a height no more than 2 metres from ground level. To prevent encroachment of building and laundry facilities.

Observations:

- The trees within this report are located upon land owned and maintained by North Warwickshire Borough Council and in close proximity to the site address noted above. This Notification follows the un-scheduled inspection of the trees by the North Warwickshire Borough Council Tree Officer (the author of this report). The Notification of works is required due to the trees being located within the Coleshill Conservation Area.

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- It must be noted that in relation to the Occupiers Liability Act of both 1957 and 1984 ⁽³⁾ an occupier with control over premises (which can be gardens and woodland) is liable to take such care that is "reasonable" to see that either the visitor (under the 1957 part of the Act) or trespasser (under the 1984 part of the Act) will be reasonably safe. A higher standard of care is owed to a visitor than for a trespasser and a higher standard still is required for a child compared with an adult. The works requested to all of the trees are deemed to be a reasonable response to the concerns highlighted following the inspection of the trees.

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- **Recommendations:**

- Facilitate the works requested to all trees following approval provided after successful Notification. All works to be performed in line with B3998:2010 Treeworks-Recommendations.

- **Modifications (if any):**

- None

Appendices

References

1. Diagnosis of ill-health in trees. R.G. Strouts and T.G. Winter (2000)
2. Manual of Wood Decay in Trees. K Weber and C Mattheck (2003)
3. The Occupiers Liability Act (1957 and 1984).

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