

(4) Application No: PAP/2017/0539

Angel Ale House, Church Street, Atherstone, CV9 1HA

Erection of 6 dwellings, for

Arragon Properties

Introduction

This application was submitted at the end of last year and with the agreement of the Chairman, meetings with representatives of the Board and local Members were arranged to discuss details of the case prior to it being reported to the Board for determination. This followed up similar meetings with the same applicant on previous applications on adjoining land.

The Site

The Angel Inn is a two and a half storey building standing at the corner of Church Street and the Sheepy Road facing the Market Square and opposite St Mary's Church. There is a small gap in the Church Street frontage immediately to the south before a range of three storey buildings is reached. This gap leads into a small yard which serves as a beer garden and gives access to the rear of the site. Beyond this is the Council's Sheepy Road car park. The Phoenix yard redevelopment site is to the south.

The application site itself is immediately at the rear of the Angel Inn premises and is presently demarcated by a fenced off area extending into the car park referred to above.

The Angel Inn is not a Listed Building but it does lie in the town's Conservation Area. St Mary's is a Grade One Listed Building.

The site which includes the access onto the Sheepy Road is illustrated at Appendix A.

Background

Planning permission was granted in 2016 for part demolition of the rear range of The Angel together with some garages, and the erection of ten dwellings and further new frontage development. The main run of the dwellings at the rear would be a continuation of the existing rear range, fronting the Sheepy Road, with a further detached block.

This is illustrated at Appendix B.

The Proposals

The current proposals would extend the approved redevelopment scheme into the car park through two ranges of three dwellings – a further six in total. The design and appearance of these units would match that of the approved scheme.

The proposed layout is at Appendix C and the elevations are at Appendix D.

Representations

Atherstone Town Council – It objects on the grounds that the development is too intensive and that car parking space would be lost. There is also a query about the re-routeing of a CCTV cable that crosses the site.

Atherstone Civic Society – It objects because it is out of character; provides a poor living environment for future occupiers and the loss of parking.

Consultations

The Council's Heritage Consultant - In principle the proposal would not cause harm to the heritage assets present but conditions are required to look at many detailed matters – such as materials and specifications for windows and chimneys.

Warwickshire County Council as Highway Authority – No objection.

Environmental Health Officer – No objection subject to conditions requiring acoustically treated glazing and ventilation together with agreement on a construction management plan.

Warwick Museum- No objection subject to pre-commencement investigation.

Development Plan

The Core Strategy 2014 – NW2 (Settlement Hierarchy); NW5 (Split in Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development) and NW14 (Historic Environment).

Other Material Planning Considerations

The National Planning Policy Framework

The Submitted North Warwickshire Local Plan 2018 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), LP7 (Housing Development), LP9 (Affordable Housing Provision), LP15 (Historic Environment) and LP31 (Development Considerations)

The Atherstone Conservation Area Designation Report 1994

The Draft Atherstone Conservation Area Appraisal – Consultation Document 2006

The Two Member Meetings

As indicated above representatives of the Board met with the applicant during the course of this application. Notes of the two meetings held are at Appendices E and F. It will be seen that the first of these meetings dealt with a number of different detailed issues and that the second followed up on a number of revisions being considered as a consequence.

Observations

Members will be aware that there is no objection here in principle as the proposals for new residential development within the centre of Atherstone accords fully with Development Plan policy and indeed the emerging policies in the Submitted Local Plan.

The issues here are the potential impact on the heritage assets; the details of the proposals and the potential impact on car parking. Each will need looking at in turn.

a) Heritage Impact

The heritage assets here that need to be considered are the town's Conservation Area and also some Listed Buildings located nearby particularly the Church. Whilst the Angel itself is not a Listed Building it is a non-designated asset due to its position and setting within the Conservation Area.

There is a statutory duty for the Council to give special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area, and to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.

The significance of the Conservation Area lies in its size, covering most if not all of the town centre and its surrounds, which reflects the evolution of the town historically and commercially with contemporaneous built form reflecting a number of different periods. The Market Place is the key central feature of the Area with its main focal point being the Church of St Mary's. From the south west corner of the Church there are important views to be had over the rear of the historic medieval burgage plots of Long Street and the rear ranges of Victorian commercial buildings collectively known, as Phoenix Yard.

This location also presents visitors entering from Sheepy Road with their first view of the historic town centre.

It is considered that the impact of the additional six units on this overall significance will be less than substantial. The buildings would be set at a lower level than the Sheepy Road and seen with a backdrop of the old retained Phoenix Yard buildings and the recent newly constructed residential ranges extending back from Church Street beyond the proposed development. The view of the Long Street rear elevations and former industrial units would not be contained or impaired. Similarly looking the other way, St Mary's would remain the dominant feature. The built form and appearance of the proposals would match that already approved nearby and would remain consistent with the overall approach to new development in this part of the Conservation Area. The car park is not a historically or visually important open space which contributes to the overall heritage significance. Its most important characteristic is its openness and how that enables better and fuller appreciation of the historic backdrop. That would not be materially impeded by this proposal. As a consequence it is considered that the proposal causes less than substantial harm to the town's Conservation Area – a conclusion agreed by the Council's consultant architect.

The significance of the Church is its central social and community importance to the town and its evolution through different periods with the evolution of its built form and architectural detail. It is a dominant building on the skyline. There is no direct impact though this proposal on its particular historic and architectural characteristics or attributes. It is the setting that might be. However even then, the proposed

development is some distance away and at a lower level. There is no direct intrusion or containment of views towards the Church or the other way. It is considered again that the proposal would have less than substantial impacts. This too is agreed by the Council's Consultant Architect.

The significance of The Angel Inn itself as non-designated heritage assets lies in its historic importance as continuing frontage development within the Market Square and particularly continuing the commercial "Inn" function of the town. The proposed development would not impact on this significance as agreed by the consultant.

In overall terms therefore the heritage impacts here are considered to be less than substantial, but they still need to be weighed against all other planning considerations in the final planning balance if the statutory duty is to be satisfied.

b) Affordable Housing

The proposal here is less than the ten advised by Government under which affordable provision can be requested. Given the size of these units and as they are akin to others in the neighbourhood, they are more likely to be rented and managed as such by the applicant. His property portfolio in the town is not indicating spare capacity. As such it is not considered that alternative arrangements can be requested.

c) Design and Appearance

The built form here is considered to be appropriate being a continuation of that agreed in the recent re-development scheme for The Angel. It also reflects the historic pattern or rear ranges extending back from frontage development as again approved at Phoenix Yard.

The meetings held with Members have resulted in a number of detailed changes to the originally submitted plans. These include larger rear amenity spaces; a redesign of the rear boundary treatment along the Sheepy Road frontage, a more detailed articulation of the two new gable ends and slightly larger internal floor spaces. Additional bin storage has also been agreed within the site itself. These changes cumulatively are supported and are considered to have enhanced the overall scheme. To a great degree this counterbalances the less than substantial harm caused to heritage assets identified above.

d) Car Parking

This issue has arisen because of the potential impact of the development on the car park off Sheepy Road. The spaces that were within the application site here are no longer available thus it is argued increasing pressure elsewhere in the town.

As can be seen from the meetings this matter was also discussed.

There are several factors that need to be considered here. Firstly, the site is the "core shopping area" and "town centre" as identified by the Development Plan, where new car parking spaces associated with new development are not required. Secondly, there has already been significant new residential development in the town centre that has not required associated dedicated on-site car parking. So the Development Plan and recent built record does not point towards a refusal here.

This case is a little different, in that the former use here was car parking space. As a consequence and as can be seen from the meeting notes, Members asked for further evidence about impacts as a direct consequence of this development. That was forthcoming and the applicant has undertaken a survey of the apartments and properties that he manages in the town. This shows that 58% of the tenants do not own a vehicle, but when the survey is focussed down to the town centre that figure drops to 20%. As a consequence the applicant considers that from this development of six houses there would be very little in the way of car parking need generated. Given all of these matters it is considered that a refusal reason would be difficult to sustain.

e) Other Matters

There are one or two other matters that have been raised.

The Town Council's concern about the re-routeing of a CCTV cable is a matter between the respective parties. It is not a material planning consideration. Members will be aware that much development that it approves will necessarily result in the need for diversion and re-location of utilities and services. Each service has its own arrangements and procedures in these circumstances and this no different. The applicant/developer should ensure that appropriate and proportionate alternatives are available. The payments due to cover diversions are matters for the parties concerned.

There has been discussion about land ownerships and the ability of the car park access to operate efficiently if this development proceeds. The Council has an interest here and its property services division has not raised objection to the amended plan, as an appropriate "chamfer" has been included on the site to maintain proper access into the car park.

Whilst discussing the detail of the scheme the matter of retaining access into the site from the car park was discussed – not from a vehicular point of view, but to ensure safe access by refuse crews and the emergency services. This is a matter that can be dealt with by condition and hence the recommendation below allows for this.

f) The Overall Balance

As can be concluded from the above discussion there is no identified adverse harm caused here apart from the less than substantial harm to heritage assets. It is considered that the benefits of the scheme do outweigh the low level of harm caused.

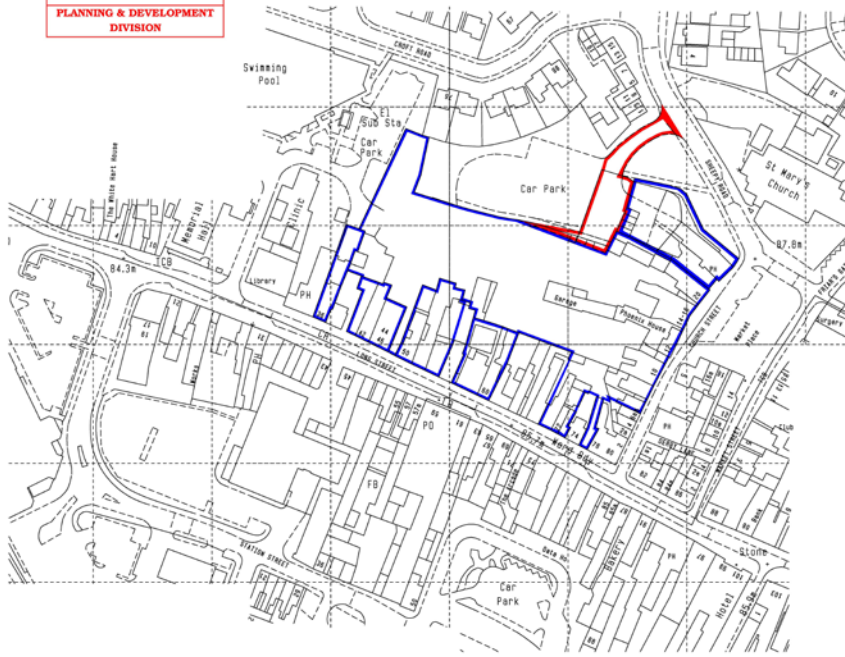
Recommendation

That planning permission be **GRANTED** subject to conditions that shall first be agreed by the Members who represented the Council at the meetings referred to in this report.

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APPENDIX A

PAP/2017/0539



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1 : 1250 Location Plan

Project PROPOSED EXTENSIONS ANGEL ALE HOUSE 24 CHURCH STREET ATHERSTONE CV9 1HA		
Client ARRAGON PROPERTIES LTD		
Drawing Title SITE LOCATION PLAN		
Drawing No 0030-00	Revision A	Date 02/02/2016
Scale 1 : 1250		
Drawn by RMT	Checked by ART	
 Taylor's Architectural Design Ltd 19 Short Street, Nuneaton, Warwickshire, CV10 6JF Tel: 024 7630 6997 email: enquiries@taddesign.co.uk		

APPENDIX B

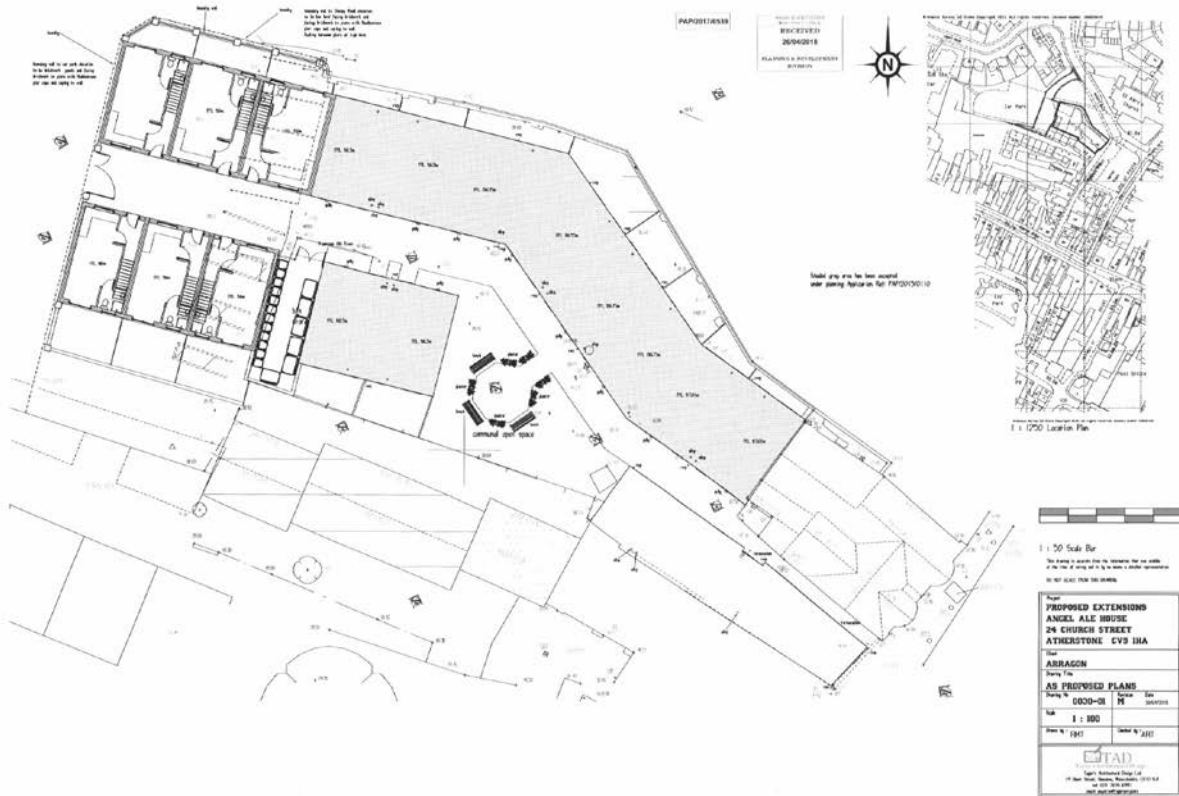


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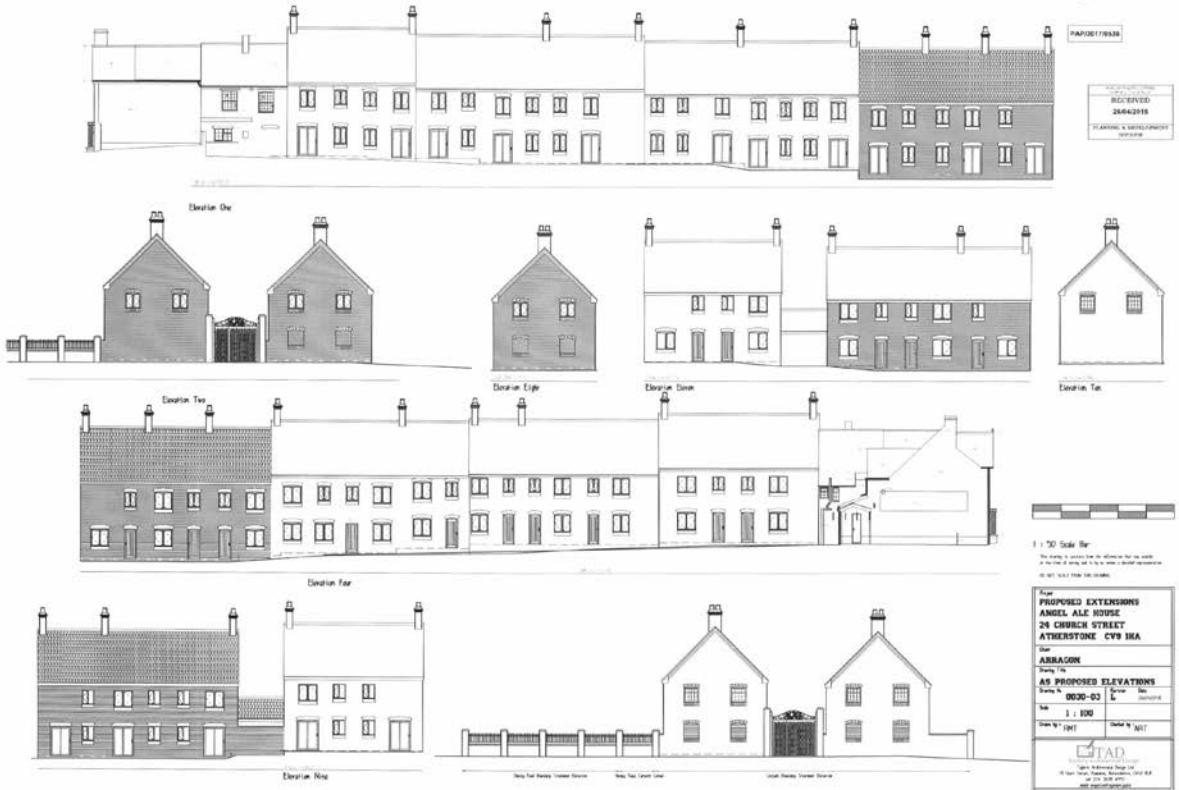
Project PROPOSED EXTENSIONS THE ANGEL CHURCH STREET ATHERSTONE		
Client ARRAGON PROPERTIES		
Drawing Title SYNOPSIS DRAWING		
Drawing No 076-20	Revision E	
Scale 1 : 300		
Drawn by RMT	Checked by ART	
 Taylor's Architectural Design Ltd 19 Short Street, Nuneaton, Warwickshire, CV10 6JF Tel: 024 7630 6997 email: enquiries@taddesign.co.uk		

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APPENDIX C,



APPENDIX D



PAP/2017/0539

The Angel Inn, Atherstone

Proposed six houses

Meeting – 26 January 2018 at 1000

Present: Councillors L Dirveiks; Jarvis and Sweet

J Bennetts and A Taylor on behalf of Arragon Properties Ltd

E Levy and J Brown (NWBC)

1. An apology had been received from Cllr Simpson
2. Cllr Sweet chaired the meeting
3. John B outlined the proposal for the additional six units and displayed the plans. He then went through each of the objections that officers had raised in respect of the proposals. He offered his response on each as set out below.
 - In regard to the internal space of the units he pointed out that they were equivalent to that already approved in the town centre and indeed at the Angel next door
 - There would be no impact on the adjoining car park as the land the subject of the application was no longer car parking space. Additionally many of the approved schemes in the town did not have car parking provision and relied on public car parking space or on-street parking. This proposal was no different. Moreover he understood that with a re-arrangement of the layout to the car park, a greater number of spaces could be provided than now.
 - The private amenity space proposed matched that already approved on the Angel site
 - Access for rubbish collection was as already approved in the previous application at The Angel
 - He had recently had a meeting with the AD (Streetscape) and rights of access from the Sheepy Road into the site had been confirmed
 - The plan included a "chamfer" in the layout so as to ease access into the car park
 - There was little impact on the views of the Church and the proposal replicated the historic built form of the town – rear yards and ranges.
 - There was little difference between this proposal and those approved elsewhere whether at Phoenix Yard or The Angel
4. EL then responded relying on her correspondence with Arragons. The main points were the cumulative impacts of the development which are likely to accentuate harmful conditions such as noise, disturbance and accessibility. The access into the site was not included in the application's red line and there had been no information to date on rights of access. The heritage impact was becoming of more weight because of the extension of the built form and particularly its uniformity. Open views of the Church from the car park were thus being lost or eroded.

5. LD asked if the walkway through the scheme from the Market Place would be retained for public use. This was confirmed.
6. LD and RJ pointed out that car parking space was under pressure because of new developments and because travel into the town was practically all by car.
7. LD considered that the private amenity space and space set aside for refuse bins would lead to environmental issues.
8. John B referred to other non-planning issues that were associated with this development – namely a land swap with Arragon and the Council. NWBC officers confirmed that this was not a planning consideration in dealing with this application.
9. Jeff B suggested that other options should be considered – namely reducing the size of the development such that the units could be larger; there could be greater space made available for private amenity and the heritage impact lessened particularly if the development differentiated between the two sides of the site and took account of levels.
10. John B agreed to look at these suggestions.
11. It was agreed that the group would meet again after receipt of any draft alternatives

Action points:

- i) EL to forward her initial comments on the proposals and John B's response to the Members plus Cllr Simpson
- ii) EL to arrange for AT to meet John Rhodes so as to discuss refuse space requirements and collection practice
- iii) AT to alter the red line plan; submit a Certificate B and give notice to the Council and provide details of rights of access
- iv) Jeff B to talk to AD (Streetscape) to see what has been agreed.
- v) John B and AT to prepare a sketch of a lesser scheme
- vi) Jeff B to brief Councillor Simpson

PAP/2017/0539

The Angel Inn, Atherstone

Meeting – 1 March at 1100 at the Council Offices

Present: Councillors Jarvis and Simpson

Messrs Bennetts, Taylor and Wright on behalf of Arragon

E. Levy and J Brown

1. Arragon outlined some revisions to the application. Whilst keeping the six units there was now more amenity space for all of them. They explained the outcome of the meeting with the AD (Streetscape) on access provision and rights of access. Revised red line plans had been submitted.
2. They also referred to approved developments elsewhere in the town which had similar sized houses and separation distances, illustrating these with a series of photographs.
3. There was some discussion about the design treatment for the gates/the rear gables/ the fenestration in those gables/ the refuse area and boundary walls.
4. A major issue remained in respect of the lack of car parking provision. Arragon would forward a schedule of their tenants in the town, so as to evidence their view that not all tenants would have a car. They would also forward a revised layout for the Sheepy Road car park which was being discussed with the AD (Streetscape). This would it was said, illustrate that far more spaces could be provided.
5. Amended plans were to be provided and circulated. It was agreed that depending upon the comments then received, that there may not be the need for an additional meeting.

(5) Application No: PAP/2018/0123

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

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

Mr Cyril Routledge

Introduction

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

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

The Site

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

The site is illustrated at Appendix A.

Background

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

The approved layout is shown at Appendix B.

The Proposal

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

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

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

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

Development Plan

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

Other Relevant Material Considerations

The National Planning Policy Framework 2012 - (the “NPPF”)

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

Consultations

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

Representations

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

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

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

Observations

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

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

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

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

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

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

Recommendation

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

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

REASON

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

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

REASON

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

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

REASON

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

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

REASON

In the interests of safety on the public highway.

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

REASON

In the interests of protecting trees on the site.

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

REASON

In the interests of safety on the public highway.

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

REASON

In the interests of safety on the public highway

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

REASON

In the interests of the amenities of the area.

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

REASON

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

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

REASON

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

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

REASON

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

12. The landscaping scheme hereby approved as shown on Drawing No: 891-08 Rev C received by the Local Planning Authority on 14 February 2017 under ref: DOC/2017/0019 shall be implemented prior to occupation of the dwellings hereby approved. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON

In the interests of the amenities of the area.

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

REASON

In the interests of safety on the public highway.

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

REASON

In the interests of highway safety.

Notes

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

3. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway; or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
4. Conditions number 2, 13, 15 and 16 require works to be carried out within the limits of the public highway. Before commencing such works the applicant must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant. The Area Team at Coleshill may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days' notice will be required. For works lasting longer than 10 days, three months' notice will be required.
5. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0123

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

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

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

NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED
 10/04/2018
 PLANNING & DEVELOPMENT DIVISION



1 : 50 Scale Bar

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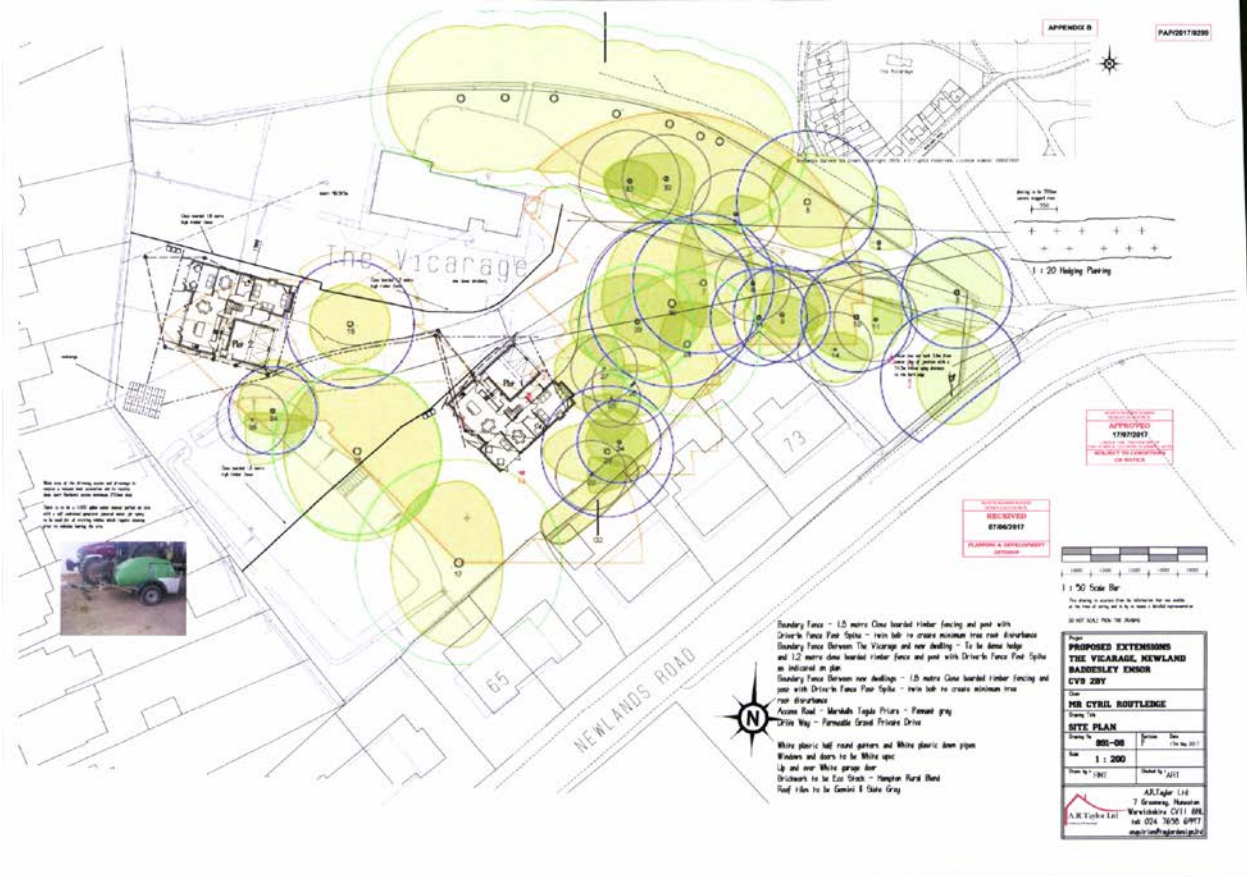
Project
**PROPOSED EXTENSIONS
 THE VICARAGE, NEWLAND
 BADDESLEY ENSOR
 CV9 2BY**

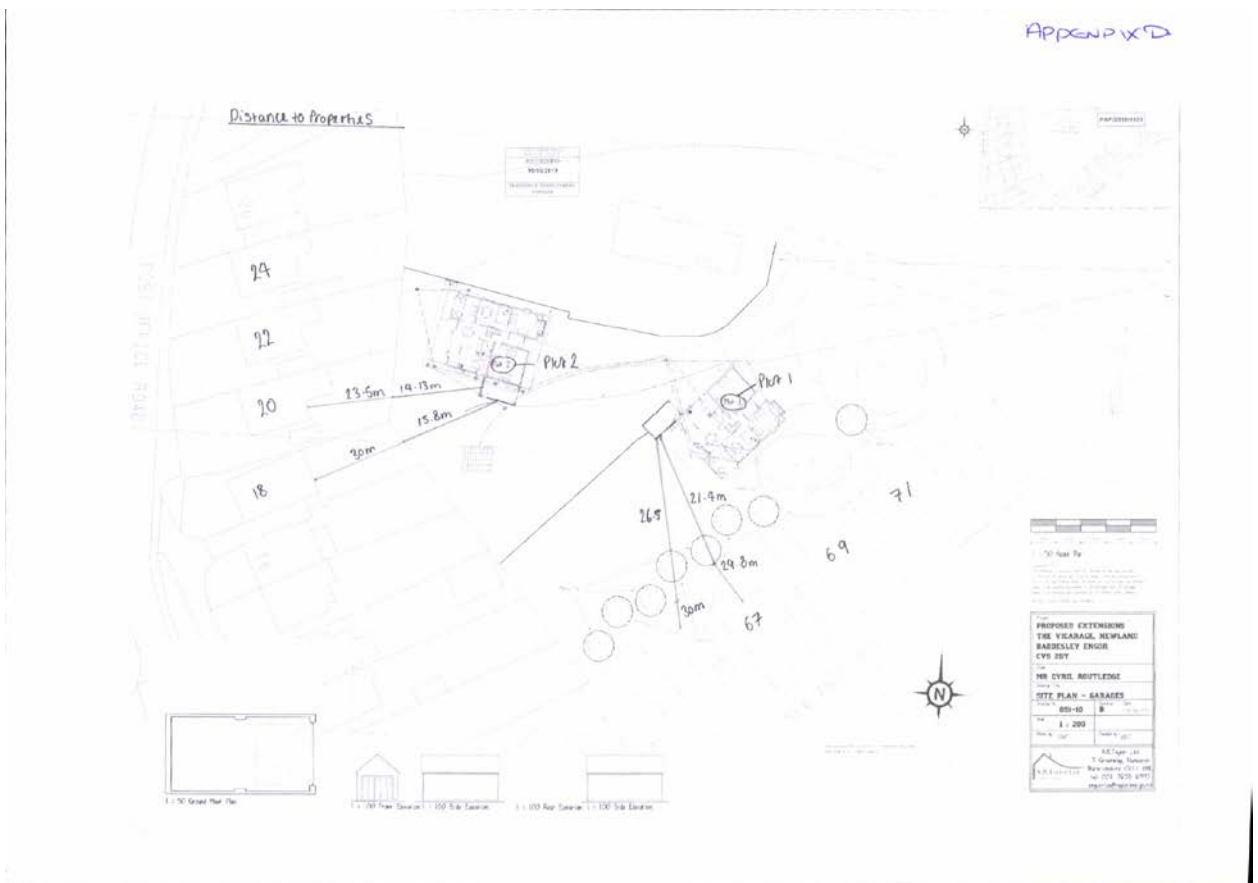
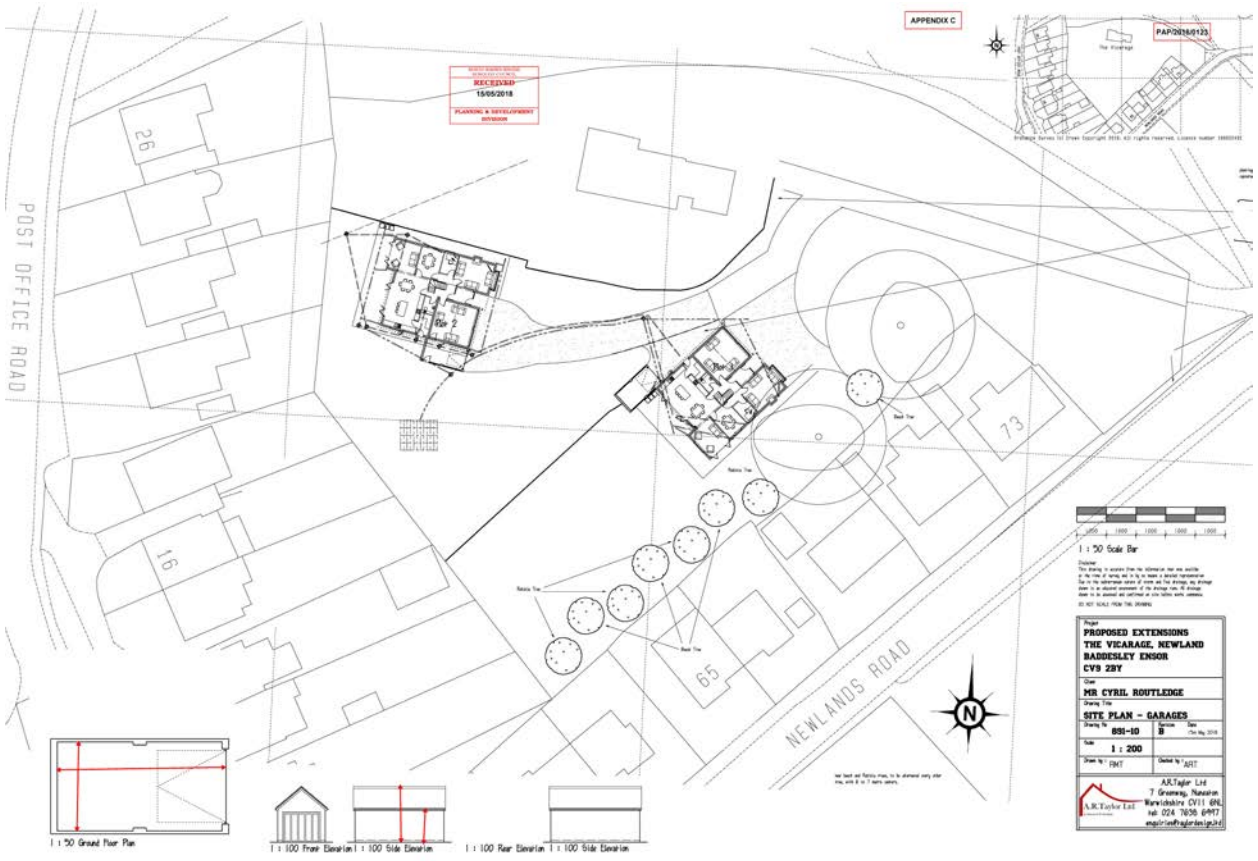
Client
MR CYRIL ROUTLEDGE

Drawing Title
SITE PLAN

Drawing No 891-100	Revision	Date 09/04/2018
Scale		
Drawn by : FMT	Checked by : ART	

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(6) Application No: PAP/2018/0215

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

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

Mr Cyril Routledge

Introduction

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

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

The Site

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

The site is illustrated at Appendix A

Background

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

The approved layout is at Appendix B

The Proposal

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

The key retrospective alterations from the originating consents are:

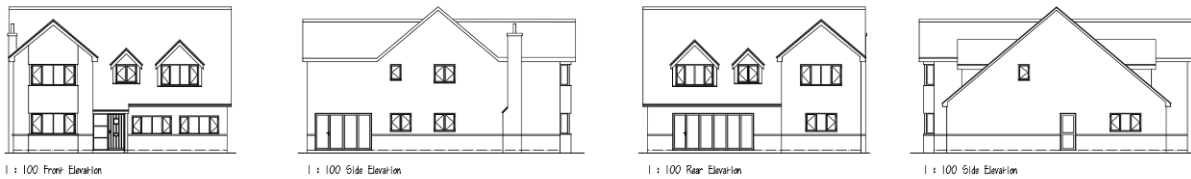
a) Plot one

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

These are illustrated below.



Elevations as approved under planning reference PAP/2012/0325



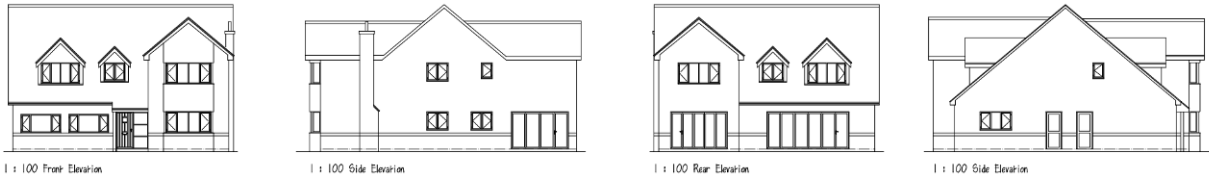
Elevations as built

b) Plot Two

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



Elevations as approved under planning reference PAP/2012/0325



Elevations as built

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

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

Development Plan

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

Other Relevant Material Considerations

The National Planning Policy Framework 2012 - (the “NPPF”)

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

Representations

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

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

Observations

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

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

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

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

Recommendation

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

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

REASON

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

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

REASON

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

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

REASON

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

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

REASON

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

5. Notwithstanding Condition 13 of planning reference PAP/2017/0299 regarding the approved landscaping scheme drawing no:891-08 Rev C received by the LPA on 14 February 2017 under DOC/2017/0019, details of the additional tree planting along the south eastern boundary shall be submitted and approved in writing by the Local Planning Authority prior to the occupation of the dwellings. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON

In the interests of the amenities the neighbouring properties along Newlands Road.

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

REASON

In the interests of safety on the public highway.

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

REASON

In the interests of protecting trees on the site.

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

REASON

In the interests of safety on the public highway.

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

REASON

In the interests of safety on the public highway

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

REASON

In the interests of the amenities of the area.

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

REASON

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

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

REASON

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

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

REASON

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

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

REASON

In the interests of safety on the public highway.

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

REASON

In the interests of highway safety.

Notes

1. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. It should also be noted that this site may lie within an area where a current licence exists for underground coal mining. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.
2. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property. For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.
3. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway; or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
4. Conditions number 2, 13, 15 and 16 require works to be carried out within the limits of the public highway. Before commencing such works the applicant must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant. The Area Team at Coleshill may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

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

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0215

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

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

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

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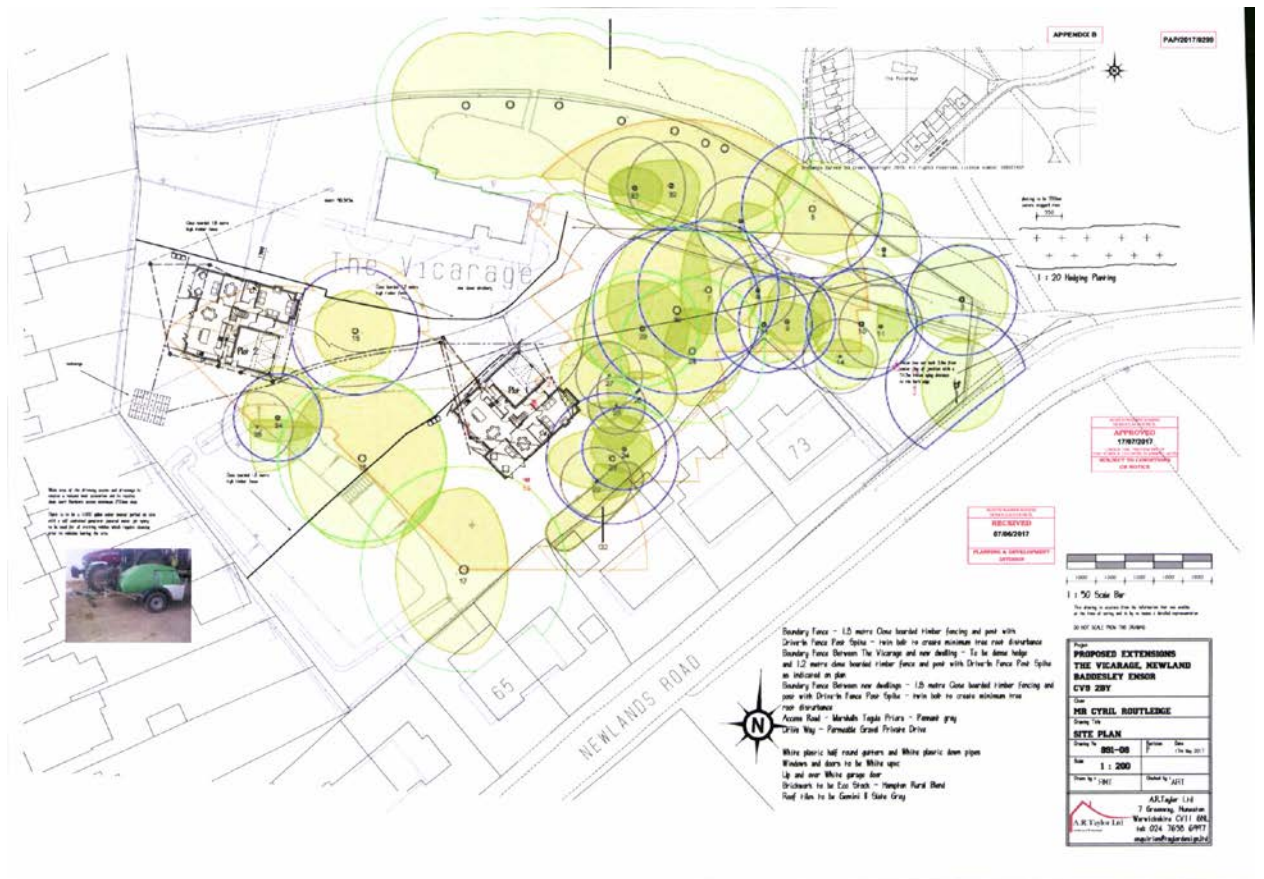
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Project PROPOSED EXTENSIONS THE VICARAGE, NEWLAND BADDESLEY ENSOR CV9 2BY		
Client MR CYRIL ROUTLEDGE		
Drawing Title SITE PLAN		
Drawing No 891-100	Revision	Date 09/04/2018
Scale		
Drawn by : FMT	Checked by : ART	
 A.R. Taylor Ltd 7 Greenway, Nuneaton Warwickshire CV11 6NL tel: 024 7638 6997 enquiries@taylordesign.ltd		



- Boundary Fence - 1.5 metres Close boarded timber fencing and post with
- Driveway Fence Post Splice - twin boll to create minimum tree root disturbance
- Boundary Fence Between The Vicarage and new building - To be same height and 1.5 metres close boarded timber fence and post with Driveway Fence Post Splice as indicated in plan
- Boundary Fence Between new buildings - 1.5 metres Close boarded timber fencing and post with Driveway Fence Post Splice - twin boll to create minimum tree root disturbance
- Access Road - Mershall's Tropic Pavers - Fennel grey
- Driveway Way - Fennel's Great Paved Drive
- White plastic half round garden and white plastic down pipes
- Windows and doors to be White open
- Up and over White garage door
- Brickwork to be East Strath - Hampton Rural Bond
- Roof tiles to be Gemini 8 Slate Grey

Project PROPOSED EXTENSIONS THE VICARAGE, NEWLAND BADDESLEY ENSOR CV9 2BY		
Client MR CYRIL ROUTLEDGE		
Drawing Title SITE PLAN		
Drawing No 891-00	Revision	Date 07/04/2018
Scale 1 : 200		
Drawn by : FMT	Checked by : ART	
 A.R. Taylor Ltd 7 Greenway, Nuneaton Warwickshire CV11 6NL tel: 024 7638 6997 enquiries@taylordesign.ltd		

(7) Application No: PAP/2018/0235

Labri, Ansley Lane, Arley, Coventry, Warwickshire, CV7 8FU

Erection of garage to rear, for

Mr L Hughes-Marriott

Introduction

This application was referred to the Board's June meeting but a determination was deferred in order to enable Members to visit the site. This took place after publication of this report and thus a note of that visit will be circulated at the meeting.

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

Recommendation

The recommendation is as set out in Appendix A.

(7) Application No: PAP/2018/0235

L'abri, Ansley Lane, Arley, Coventry, Warwickshire, CV7 8FU

Retrospective application for the erection of detached garage, for

Mr L Hughes-Marriott

Introduction

This application is reported to the Planning and Development Board because of the possibility of enforcement action in light of the recommendation.

The Site



Aerial photography of the application site, with the property delineated by a white star

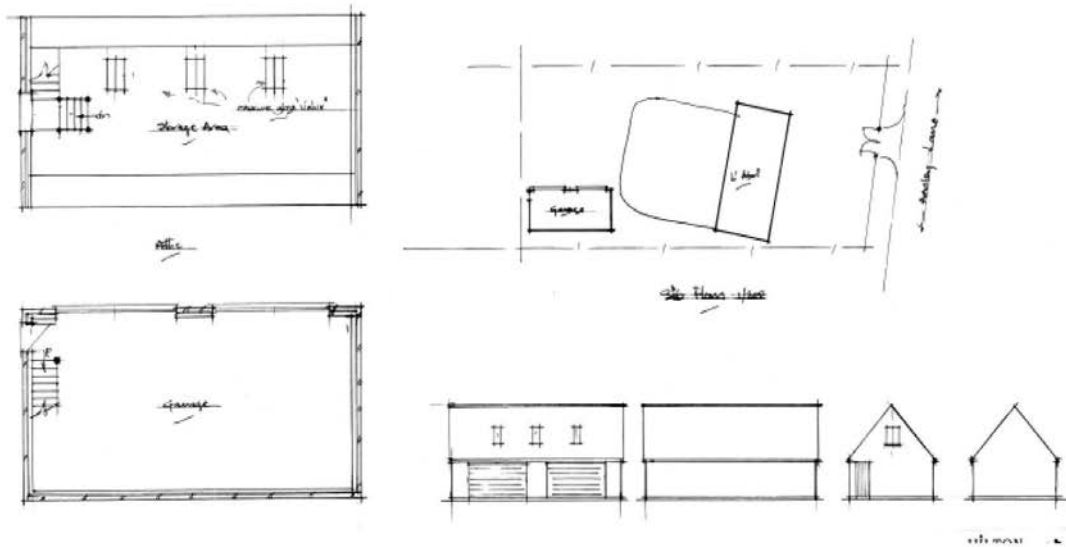
N.B. The hedgerow along the dwelling's western boundary has been removed in lieu of timber close boarded fencing

The application site comprises a large detached bungalow with a hipped roof located on Ansley Lane within the village of Old Arley. Other detached bungalows are present within the immediate vicinity, with terraced properties located to the south of the site. Vehicular access is via Ansley Lane, with a narrow track to the east of the dwelling leading on to the property's rear garden.

The Proposal

Planning permission is sought retrospectively, for the erection of a detached double garage within the dwelling's rear curtilage. Storage space is provided within the roof area. The garage is 6.1 metres long, 12.25 metres wide, with an eaves height of 2.65 metres and a ridgeline of 6.05 metres to the apex of a gabled roof.

Three Velux roof lights have been inserted within the building's east facing roof slope, with a further window present on the northern first floor elevation of the building. Two 4.25 metre wide doors are provided at ground floor level for the access and egress of vehicles. The building is of brick construction with clay roof tiles. The proposals are shown below.



Garage building in-situ

4/114

Background

In 2007 consent was sought and granted for an extension to the dwelling's roof form to provide additional living space at first floor level, alongside the provision of three new projecting bays to the front elevation. However this consent was not implemented, with a succeeding application to replace the dwelling submitted to and approved by the authority in 2008.

In 2013 permission was refused for the erection of a garage building and the change of use of land to the rear of the dwelling to an equestrian use, along with the provision of stable block. A revised application was subsequently approved six months later. The permission has not been implemented.

Development Plan

The Core Strategy 2014 - NW10 (Development Considerations).

Saved Policies of the North Warwickshire Local Plan 2006 - ENV 12 (Urban Design); ENV13 (Building Design), ENV14 (Access Design) and TP6 (Vehicle Parking)

Arley Neighbourhood Plan 2015-2030 - ANP1 (Maintain the Rural Character of the Parish) and ANP5 (Ensure the built environment in Arley meets the highest current standards)

Other Relevant Material Considerations

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

The Submitted North Warwickshire Submission Local Plan 2018 - LP31 (Development Considerations); LP32 (Built Form) and LP36 (Parking)

Representations

Arley Parish Council – It objects to the application because of the loss of amenity to neighbouring properties. It also queries the use the building as lorry deliveries and the use of a fork lift truck have been seen.

Eight letters of representation from local residents have been received, objecting to the development for the following reasons:

- Visual impact of the development
- Disregard for permitted development rights
- Design inappropriate for a garage
- Concern that loft area will be used for commercial storage purposes
- Allegations that a material change of use at the premises has occurred owing to increased vehicles movements; outside storage and keeping of commercial vehicles at the site, all of which are causing noise and disturbance to neighbouring residents
- Dominating impact of building
- Effect of extension on neighbouring amenity - building is too close to the boundary
- No reference is made within application form to the proximity of trees and hedges
- Western wall of building, facing westward, is breezeblock – out of character with the existing built form

Observations

a) Principle of Development

The dwelling lies within the development boundary of Old Arley in which extensions and alterations to existing residential properties, such as the provision of incidental and ancillary buildings are, in principle, acceptable, subject to adherence with the relevant development plan policies.

The property benefits from the provision of permitted development rights that allow a range of lawful alterations, extensions and improvements. The applicant could lawfully erect a single storey, dual pitched incidental outbuilding here provided that its height is limited to 4 metres and the structure is sited more than 2 metres from the curtilage boundary, without the requirement for a planning application under the provisions of Class E, Part 1 to Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. This is a material consideration and forms a fall-back position to be considered against the current proposals.

The application will be assessed against the development plan unless material considerations, including the fall-back position, indicate otherwise, in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004.

b) Design

Saved policy ENV12 of the 2006 Local Plan requires development proposals to harmonise with the prevailing characteristics of the immediate and wider surroundings; present an attractive environment and respect existing natural features. Policy ANP 5.3(1) of the Arley Neighbourhood Plan seeks to ensure that new development respects existing built form.

Saved policy ENV13 refers to the physical characteristics of new built form, only permitting development where the *'scale, massing, height and appearance of the proposal positively integrates into its surroundings'*.

The proposal is not considered to accord policies ENV12, ENV13 or ANP5.

The immediate built form along the northern side of Ansley Lane consists of bungalows and incidental buildings with hipped roofs. Although the garage building is gabled, contrasting with the prevalence of hipped roofs in the surrounding area, no objection is raised in principle to a gabled roof design.

Nevertheless the garage measures 6.05 metres to the apex of a steep pitched gabled roof, just 0.15 metres lower than main dwelling's ridgeline. Whilst not dominating the host dwelling, a key facet of policy ENV13, the building, through its sheer scale, massing and height, forms a dominant and incongruous feature which fails to positively integrate with the existing built form or respect its immediate surroundings.

Additionally, although the building is not visible from the surrounding street scene, the application at Old Arley sits, topographically, at an elevated position to the wider landscape and therefore the garage appears readily visible on the approach from Ansley Lane.

Furthermore, considering Submitted Local Plan policy LP32, although the use of facing brickwork and roof tiles is acceptable and coherent with the present built form, the development's scale does not respect the surrounding single storey dwellings, nor safeguard the amenity of neighbouring occupiers, a matter which will be further explored in the subsequent paragraphs.

c) Amenity

2014 Core Strategy Policy NW10 (9) requires all development proposals to avoid and address unacceptable impacts upon neighbouring properties, such as but not limited to overlooking overshadowing and privacy. The policy is considered to be consistent with the NPPF, notably paragraph 17, bullet point 4.

The two dwellings considered to be most affected by the building are Westward and Terrefel, sited to the west and east of the application site respectively. Westward is slightly elevated in respect of L'abri and the properties share a common boundary, a boundary close to which the garage has been erected. The building is sited 2.2 metres from the shared boundary and 7 metres from Westwards extended rear elevation.

Existing boundary between Westward and L'abri



Whilst the role of the planning system is not to protect private views, where proposals would adversely affect the outlook from a habitable window or private amenity space to such an extent that the development would appear intrusive and oppressive to the detriment of amenity, the resultant impact can be considered to form a material planning consideration.

The rear garden of Westward is currently overgrown and the existing vegetation cover presently screens the rear of the extended dwelling. Nevertheless it was evident from visits that the garden is in the process of being cleared and restored and in any event the present state of the garden can of course always change. The substantial 6 metre high building, which is 12 metres long on its western elevation, clearly has an overbearing and unacceptable impact on the occupants of Westward by virtue of dominating the outlook from the immediate garden area.

In respect of overshadowing, although the building clearly has an adverse impact, the existing vegetation cover, as previously referred to, screens the dwelling to such an extent that the resultant impact of the garage is lessened, and the building is not considered to materially worsen the present situation.

Concern has also been raised within a letter of representation pertaining to overlooking from the windows on the east facing roof slope. Although resulting in a degree of overlooking to the rear garden of the property at Terrefel, the windows direct views upwards, a separation distance of approximately 30 metres is retained to the rear elevation of Terrefel and the garage, and intervening features such as boundary fencing and a garage limit the prospective views.

d) The Fall-Back Position

The preceding observations now need to be balanced against the fall-back position as described earlier. A building could be erected in this location under permitted development rights. If it is closer to the boundary than 2 metres then it can have a height of 2.5 metres,

otherwise it has to be 4 metres. The building presently is 2.2 metres away and thus should have a height of 4 metres if it is to be "permitted development". As a consequence the building would have to be reduced in height to 4 metres from its existing 6 in order to be "permitted development". If it is wholly moved closer to the boundary then it has to be reduced by 3.5 metres. It seems to be that the former is the more realistic "fall-back" here.

The Board will need to consider whether the difference between 4 and 6 metres has an influence on the planning policies referred to above. If it considers that the height difference is immaterial, then clearly that reduces the weight to be given to the adverse impacts as described above. Officers consider that the height difference is material here by fact and by degree and that the adverse impacts arise because of the additional height. In other words the weight to be given to those impacts and their respective policies remains as significant.

Often at appeal, Planning Inspectors will consider whether the "fall-back" position is theoretical or whether it has weight because there is a reasonable prospect of it occurring. Here of course it has happened and thus the Board can look at the differences between the existing and the "fall-back". However as concluded above this does not alter the position.

e) Change of use

Concerns have been raised, with the submitted neighbour representations and the consultation response from Arley Parish Council that a material change of use has occurred at the premises, owing to increased vehicles movements, outside storage and keeping of commercial vehicles at the site, all of which are perceived to cause noise and disturbance to neighbouring residents.

Planning Practice Guidance states that, in determining whether a material change of use has occurred, consideration may be given to the following issues "*whether home working or a business leads to notable increases in traffic, leads to disturbance to neighbors or abnormal noise or smells, or the need for any major structural changes or major renovations*".

Officer visits to the site have revealed the presence of fire extinguishers; roof tiles, and metal fencing etc., stored on and within pallets and wooden boxes alongside two fork-lift trucks and a white storage structure was noted. The applicant has indicated that he does not work commercially from the premises and that the forklift trucks will be removed once building works are completed. Members are advised to take note of the above guidance in determining the application, however it should be noted that this application does not seek to change the premises use.

f) Access and parking

There are no overwhelming concerns here. Whilst the access to the rear of the site is narrow, it is considered to be suitable for the passage of domestic vehicles. Moreover the provision of parking is adequate, with numerous spaces provided to both the front and rear of the property.

g) Trees/hedgerows

A hedgerow has been removed adjacent to the boundary with Westward, which has destabilised the surrounding root structure and caused soil erosion. Moreover trees are likely to be within falling distance of the building, which has not been indicated on the application forms. Nevertheless the hedgerow removal and potential concerns with regards to damage to neighbouring properties are not material to the determination of a planning application.

h) Conclusion

The building is considered by virtue of its scale, height and massing to form a dominant and incongruous feature which fails to positively integrate with the existing built form or respect its immediate surroundings, conflicting with saved policies ENV12 and ENV13 of the 2006 North Warwickshire Local Plan. Additionally the structure has an overbearing and unacceptable

impact on the occupants of Westward as a result of dominating the outlook from the immediate garden area, contrary to policy NW10(9) of the 2014 North Warwickshire Core Strategy.

In these respects the recommendation below is one of refusal.

i) Enforcement Action

As the application is retrospective and effectively seeks to retain the building on site, the Board will need to consider the expediency of enforcement action if the recommendation below is agreed.

Firstly, from a planning policy perspective there are clear grounds for following up the recommendation with enforcement action. There is significant breach of Development Plan policies by fact and by degree.

Secondly, enforcement action here would not necessarily lead to the removal of the building. Lesser measures are appropriate here given the fall-back position – that is to retain the building but to reduce its ridge height from 6 to 4 metres.

Thirdly, there will be an adverse impact on the owner. That impact will be financial, being the cost of undertaking the building works to reduce the height. However he will still be able to use the building for garaging purposes incidental to the residential use of the planning unit.

As a consequence, given the identified conflict with the Development Plan and the impact on neighbour amenity, that enforcement action is expedient here and that the requirements of any Notice should be to reduce the building's ridge height to 4 metres throughout its complete length. A compliance period of six months is considered to be proportionate to this requirement.

Recommendations

A) That planning permission be refused for the following reason:

"The building is considered by virtue of its scale; height and massing to form a dominant and incongruous feature which fails to positively integrate with the existing built form or respect its immediate surroundings, conflicting with saved policies ENV12 and ENV13 of the 2006 North Warwickshire Local Plan together with policy ANP5 of the Arley Neighbourhood Plan. Additionally the structure has an overbearing and unacceptable amenity impact on the occupants of Westward as a result of dominating the outlook from the immediate garden area, contrary to policy NW10(9) of the 2014 North Warwickshire Core Strategy."

B) That authority be granted to the Assistant Chief Executive and Solicitor to the Council to issue an Enforcement Notice requiring the ridge height of the building to be reduced to 4 metres throughout its whole length, with a compliance period of 6 months, for the reasons set out in this report.

C) That officers monitor the use of the building in light of the ongoing concerns about an alleged material change in use.

Notes

1. Notwithstanding the above refusal, the Local Planning Authority is considered to have worked with the applicant in a positive and proactive manner, through identification of the planning concerns along with regular contact and meetings. However the identified planning issues at this site cannot be 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/2018/0235

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	12/4/18
2	Arley Parish Council	Representation	19/4/18
3	Carroll	Representation	16/4/18
4	Hales	Representation	23/4/18
5	Tulip	Representation	23/4/18
6	Williams	Representation	23/4/18
7	Williams	Representation	23/4/18
8	Briggs	Representation	29/4/18
9	Tulip	Representation	4/5/18
10	Case Officer	Exchange of emails to representor	24/4/18 to 1/5/18
11	Case Officer	Email to Agent	19/4/18
12	Case Officer	Email to Agent	4/5/18
13	Case Officer	Email to Applicant	20/4/18
14	Marriott	Email to Case Officer	24/4/18

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.

(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

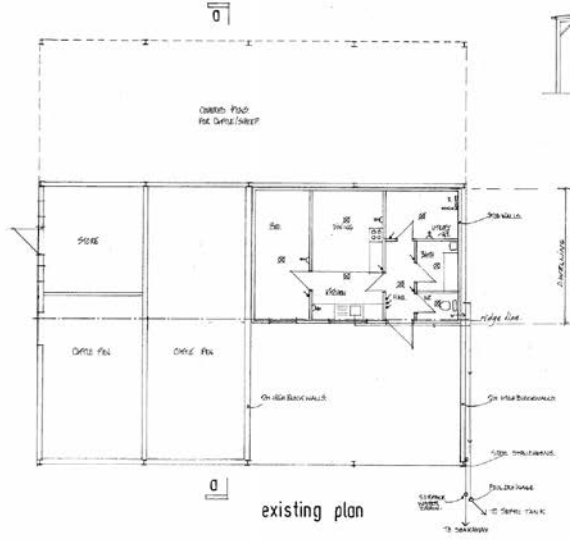
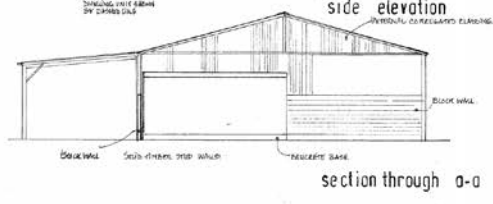
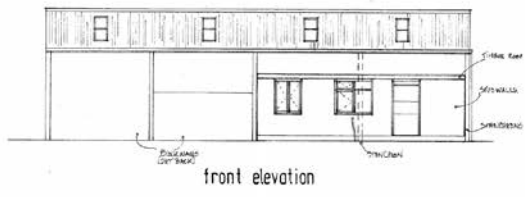
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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

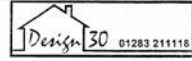


Appendix B – Elevations and Floor Plans



WARRICK SHIRE COUNCIL
 RECEIVED
 25/04/2018
 PLANNING & DEVELOPMENT
 DIVISION

PART BARN CONVERSION TO DWELLING ALL DIMENSIONS TO BE CHECKED ONSITE

 SHEET A2	MR TILLSON Over Coppice Farm Boulders Lane Wood End CV9 2UE	
	FEB 2018	11786

(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

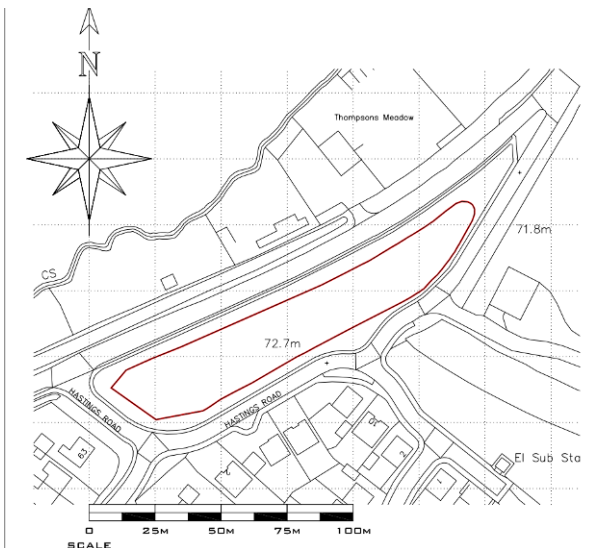
Introduction

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.

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

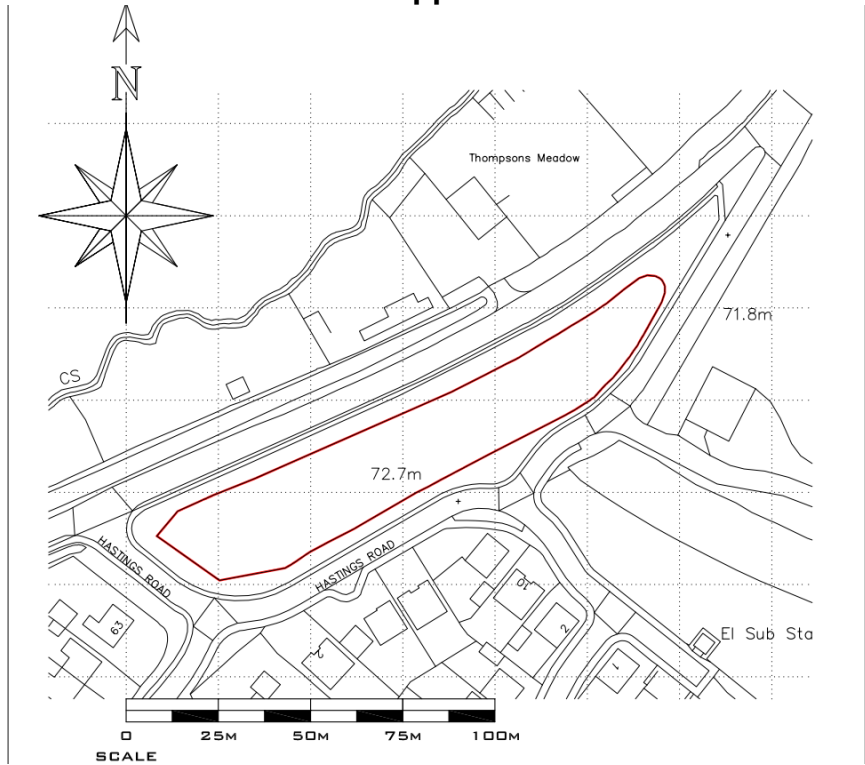
Planning Application No: PAP/2018/0300

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

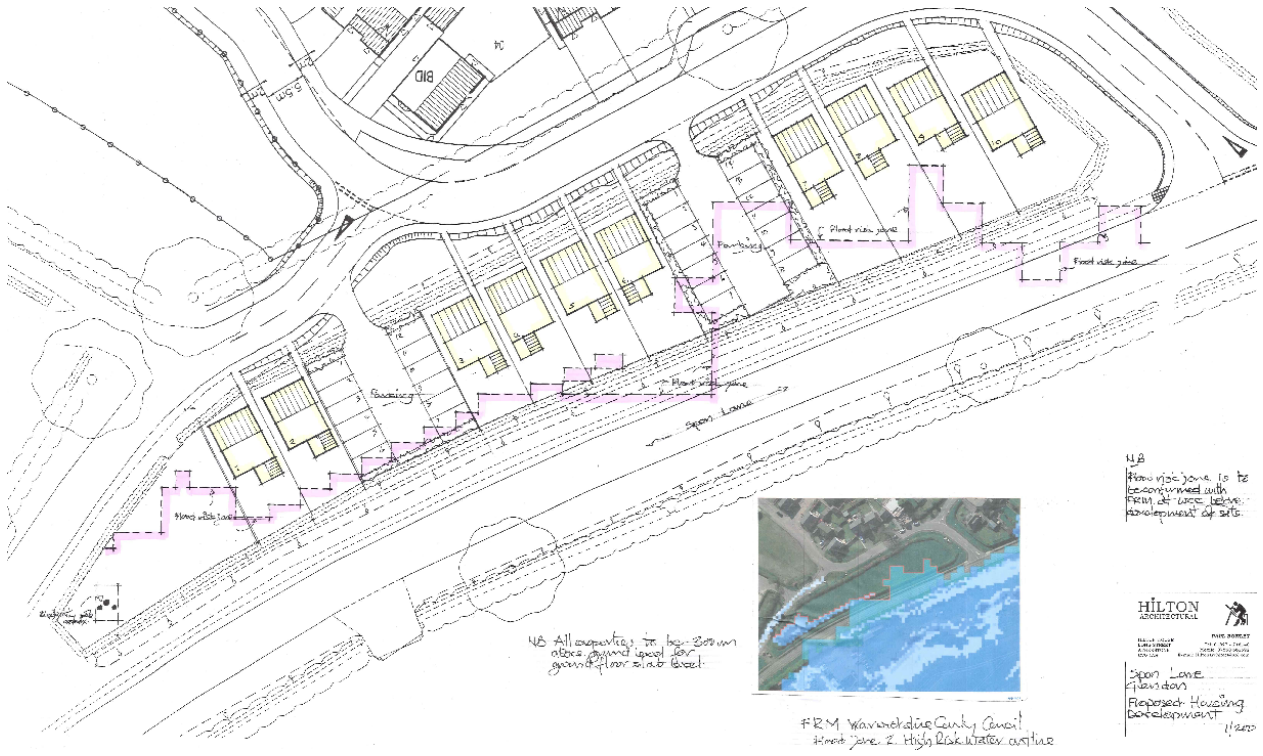


Appendix C – site photos





Appendix D – Refused Indicative Plan



(10) Application No: PAP/2018/0357

Recreation Ground, Johnson Street, Wood End

Prior notification for erection of 25m monopole to support 6 telecommunications antennae for shared use by Vodafone and Telefonica, with the installation of 2 dishes and 2 ground based equipment cabinets, for

Shared Access and CTIL

Introduction

This application is brought to the Board, as the proposal would be located on Council owned land.

This is **NOT** a planning application.

The principle of a mast of this height is already granted by virtue of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended). The application is to request the Council to confirm whether it requires prior approval of the details of the proposal before work commences. The Order limits that consideration to details of siting and appearance only. A determination **HAS** to be made within 56 days of receipt of the application otherwise the development can go ahead by default. This period expires on 3 August 2018.

In respect of this last point, it will be noted that the consultation expiry date is after the date of publication of this agenda and thus any responses received will be reported verbally at the meeting.

The Site

The mast would be located on the Johnson Street recreation ground at the southern end of the village bounded on two sides by the rear of frontage residential properties in Smith Street, Pinewood Avenue and Johnson Street. There is a strong tree belt located along the western boundary and there is a field and the school beyond the southern boundary.

There are two public rights of way in the vicinity – T171 and T68 with T171 passing through the recreation ground and around the site of the proposed mast.

The recreation ground was used as an adult football pitch, but it has not been used for this purpose since 2013. However there is a play area in its southern half.

The proposed mast is around 100 metres from the nearest property on Johnson Street and 120 metres from the nearest on Pinewood Avenue. It is some 150 metres from the Wood End Primary School in Wood Street.

There is also a gas main pipeline further to the west.

These matters are illustrated on the plan at Appendix A.

The Proposal

The detail submitted is for the installation of a 21 metre high pole topped with a 4 metre antenna leading to an overall height of 25 metres. The proposal would contain two dishes and three antennas, with an associated base cabinet within a small ground compound.

The relevant plans can be viewed under Appendix B. There are some site photos at Appendix C.

Supplementary supporting information explains the need for the application together with an analysis of a range of ten alternative locations. The reasons for rejection of these other sites are given and these include planning, technical and ownership issues. This is attached at Appendix D.

The application is accompanied with a declaration of conformity with of the International Commission on Non-Ionising Radiation (ICNIRP) Public Exposure Guidelines. The declaration confirms that the scheme has been designed in full compliance with the requirements of the radio frequency public exposure guidelines of the ICNIRP.

The applicant points out that mobile telephone companies have a Government obligation to provide and maintain public telecommunications services within the United Kingdom (UK) with both sufficient capacity and coverage to meet public need. In 2010, the Government directed Ofcom to increase the obligation, requiring operators to provide coverage of 90% across the UK population. The original 2G telecoms service predominantly provided voice and text messaging services. The 3G service supports multimedia applications, and in addition to voice and text messaging, has the capability to enable the transmission and receipt of visual media, including real-time video calls. The new 4G system supports broadband services and has very high-speed data capabilities.

The proposed siting of a telecoms pole in Wood End Recreation Ground would provide 2G, 3G and 4G coverage and presents an opportunity to maintain and enhance the existing telecommunications network coverage in the area, on behalf of CTIL. This is a joint venture between Vodafone and O2 where infrastructure is shared as would be the case here.

Background

As the proposed mast would be located on Council owned land, both the Resources and Executive Boards have considered it from within their own remits. It has been resolved to agree a 25 year lease and that the capital receipt of £40k be accepted and that this be ring-fenced for use within Wood End. This is a material planning consideration, but it should be afforded limited weight as it does not go to the heart of the planning assessment of siting and appearance.

With all such applications as this, there are health concerns – as is the case here. Members are referred to the NPPF guidance which says that applications under the prior approval procedure should be supported by “a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission on non-ionising radiation protection guidelines”. A Certificate to this effect has been submitted in this case. This also complies with Public Health England’s advice. The NPPF concludes by saying that Local Planning Authorities should not question the need

for the telecommunication systems, nor determine health safeguards if the proposal meets International Commission guidelines for public exposure.

The applicant carried out pre-application consultations with nearby residential occupiers as well as the school. The responses are included in the representation section below.

Development Plan

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

Saved Policies of the North Warwickshire Local Plan 2006 - ENV13 (Building Design) and ENV17 (Telecommunications)

Other Material Planning Considerations

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

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

The Submission Version of the North Warwickshire Local Plan – LP1 (Sustainable Development); LP3 (Green Belt), LP14 (Landscape), LP16 (Natural Environment), LP31 (Development Considerations) and LP38 (Information and Communication Technologies)

Consultations

Warwickshire Museum – Nothing received at the time of writing this report.

Warwickshire County Council (Rights of Way) – As above

Environmental Health Officer – As above

Cadent Gas – As above

NWBC Housing – siting is close to play area and would be a planning consideration.

Representations

At the time of writing this report one representation had been received of support and one of objection to the proposal. There were also five responses from the applicant's pre-application consultation. The matters raised refer to:

- Too close to children play spaces
- Too close to existing school
- Concerns of the health impact of a mast
- It should be sited elsewhere

Kingsbury Parish Council – No response to date

Wood End Primary School – No response to date

Observations

a) Introduction

As indicated at the beginning of this report, the Council's remit here is limited to asking for details of siting and appearance to be submitted and then determining whether those details can be supported or otherwise. In this case full details have been submitted so that the full extent of the proposal can be properly assessed. There is thus no need to request further detail. The issue is therefore whether that detail can be agreed. That decision has to be made within 56 days of receipt of the application – in this case before 3 August.

As background to this, the NPPF outlines that Local Planning Authorities should support the expansion of telecommunications networks and that the overall aim should be to keep their numbers to a minimum, consistent with the efficient operation of the network. Existing masts, buildings or other structures should therefore be used, unless the need for a new site has been justified. The applicant's supporting statement – Appendix C - outlines how this particular site has been selected in the face of ten other possible sites. This is evidence that should be given significant weight in view of the technical specifications that relate to this type of development.

b) The Green Belt

This is inappropriate development within the Green Belt and thus it causes Green Belt harm by definition because such development is harmful to the Green Belt as set out in the NPPF. There is thus a presumption of refusal here in respect of its siting. Moreover this type of development does not fit in within any of the six exceptions defined by the NPPF.

Apart from this definitional harm, Members will need to assess the level of actual Green Belt harm. In essence this revolves around the degree of harm caused to the openness of the Green Belt. There is no definition of openness in the NPPF but it is generally taken to mean the absence of development. Clearly by fact and by degree, this mast will have an impact on openness as a consequence of this definition. However the ground cabinets would not be significantly prominent within the street scene as viewed across the recreation ground any more than normal recreation equipment. It is of course the pole that possibly has the greatest impact. In this case the proposal is for a pole not a mast and there is a significant mature tree belt around the site. The overall impact on the wider landscape is thus very limited. There will be some visual impact but this would be classed as minor given the circumstances here. The overall, level of actual Green Belt harm is thus considered to be limited.

c) Other Harm

There is no harm to any local heritage asset and neither would there be any ecological, highway or drainage harm. In terms of residential amenity then there is not considered to be any major harmful impact with the greatest issue being visual intrusion, but as concluded above that would be limited because of the separation distances and the tree belt acting as a significant background.

It is accepted that there are concerns about health issues and that these might reasonably affect an occupier's perception about living in the surrounding streets. However as indicated above, given the applicant's Certificate and the clear content of Government guidance in these cases, then there is no grounds here for a refusal on health grounds.

d) The Applicant's Case

The applicant's considerations that are being put forward here are the obligation to provide overall national coverage and to enhance existing communications as technology progresses. The NPPF also supports this approach. In this case, it had been thought that a 2016 consent at Over Coppice Farm, to the north-west of Wood End, would have been taken up and thus that there would be no requirement for this current application. However as indicated in Appendix D that option is no longer deliverable and thus an alternative location is needed. The range of alternative locations investigated is proportionate and has been reasonably undertaken. It is also pointed out that this is a mast share. The applicant's case therefore will carry significant weight.

It is also pointed out that there is no blanket ban on masts within the Green Belt and Members will know of others in this general area.

e) Conclusion

In the final planning balance that has to be assessed, it is concluded that the cumulative level of Green Belt and other harm here is limited. As a consequence the applicant's case does outweigh the level of that harm

Recommendation

In accordance with Schedule 2 Part 16, Class A of the Town and Country Planning (General Permitted Development) Order, 2015 (as amended), it is considered that the proposed telecommunications equipment constitutes permitted development and that **No objection** is raised regarding its siting and appearance.

BACKGROUND PAPERS

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

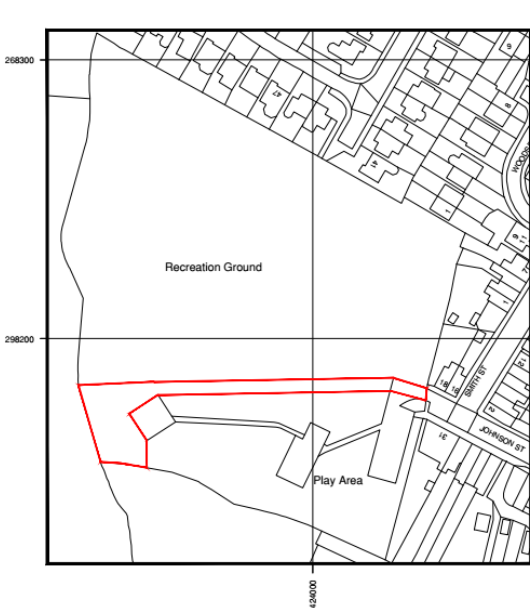
Planning Application No: PAP/2018/0357

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	8/6/18
2	NWBC Leisure and NWBC Planning	Exchange of emails	13/6/18
3	Carroll	Representation	4/6/18
4	NWBC Leisure and NWBC Planning	Exchange of emails	13/6 and 14/6/18
5	Case officer	Email to NWBC tree officer	18/6/18
6	Case officer	Email to NWBC Democratic services	19/6/18
7	NWBC Housing	Consultation response	26/06/18

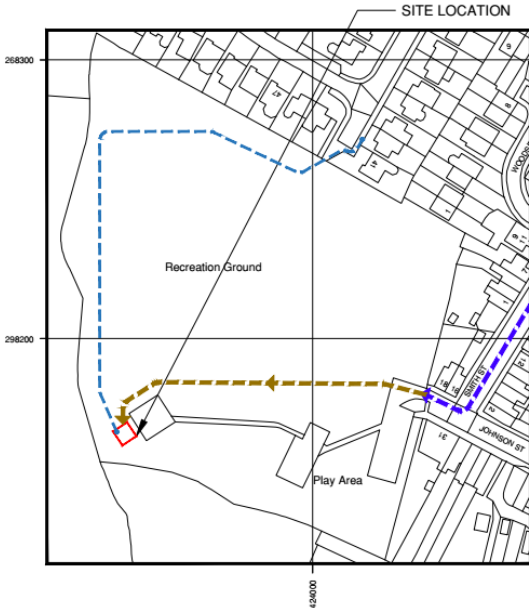
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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 – Plans



SITE LOCATION PLAN
 (Scale 1:1250)
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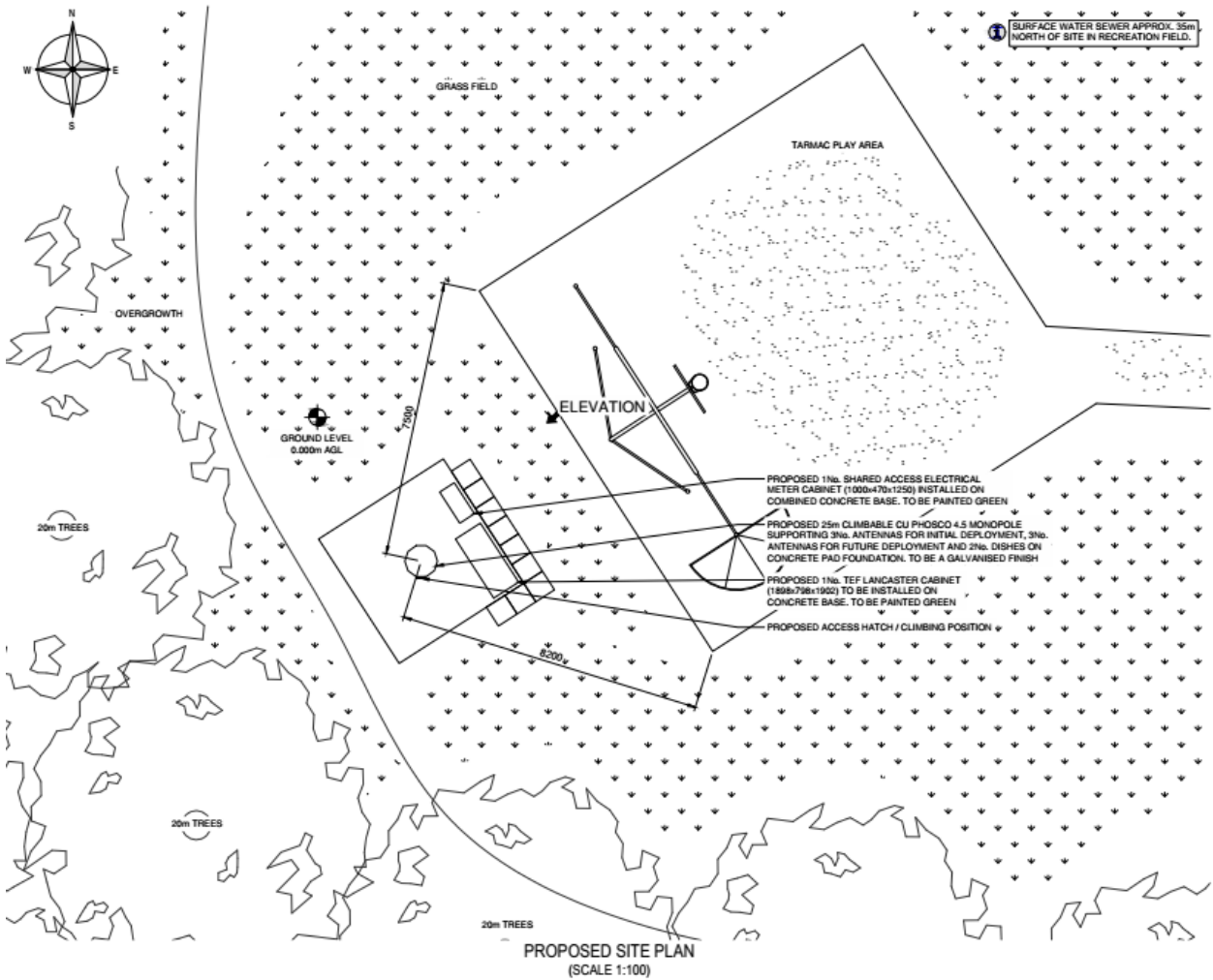


DETAILED SITE LOCATION PLAN
 (Scale 1:1250)
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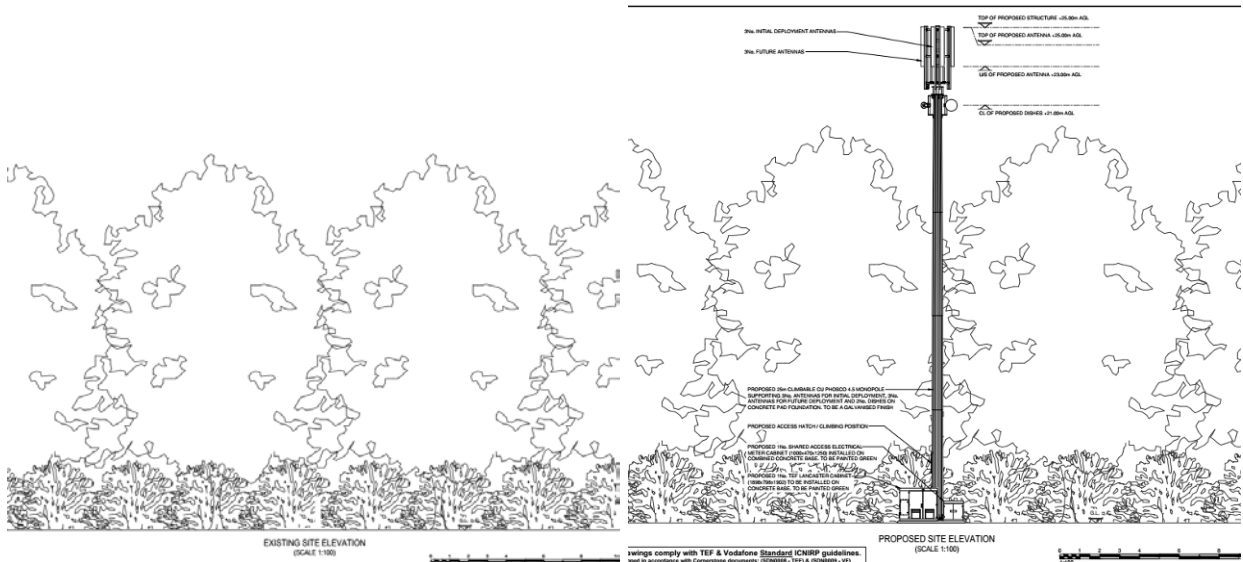
The Site



Appendix B – Plans



Drawings comply with TEF & Vodafone Standard ICNIRP guidelines.



Drawings comply with TEF & Vodafone Standard ICNIRP guidelines per it accordance with Commission documents (2002/95/EC) & (2004/18/EC)

Appendix C – Photos



Appendix D – Alternative locations



KEY



SITE LOCATION



CELL SEARCH AREA (1000M)

CANDIDATE SITES

LOCATION	DISTANCE FROM SITE
1 LNAD NORTH OF EDGE HILL	607M
2 LAND SOUTH OF BOULTERS LANE	804M
3 LAND EAST OF TAMWORTH ROAD	875M
4 DSV ROAD, TRINITY ROAD, WOOD END	555M
5 LAND SOUTH OF DELVES FARM	688M
6 LAND AT DELVES FARM	752M
7 POPLARS FARM, TAMWORTH ROAD	778M
8 ISLINGTON FARM/COTTAGE	685M
9 SW ON BOULTERS LANE, WOOD END	570M
10 FOREST EDGE EQUESTRIAN, EDGE HILL	338M

Site name and address	NGR	Type	Reason for not choosing
Land to the North of Edge Hill, Edge Hill, Wood End, CV9 2QR	Eastings 424126 Northings 298742	New Installation	A site acquisition agent has made an approach to this landowner to establish whether they are amenable to a telecommunication structure. No response has been received from the site provider and therefore the site is considered not to be available and has been discounted on this basis.
Land South of Boulter Lane, Boulter Lane, Wood End, CV9 2QE	Eastings 424698 Northings 298421	New Installation	A site acquisition agent has made an approach to this landowner to establish whether they are amenable to a telecommunication structure. No response has been received from the site provider and therefore the site is considered not to be available and has been discounted on this basis.
Land East of Tamworth Road, Tamworth Road, Wood End, CV9 2QQ	Eastings 424760 Northings 297873	New Installation	A site acquisition agent has made an approach to this landowner to establish whether they are amenable to a telecommunication structure. No response has been received from the site provider and therefore the site is considered not to be available and has been discounted on this basis.

DSV Road, Trinity Road, Wood End, B78 2EX	Eastings 423457 Northings 298454	New Installation	<p>Land located within industrial estate situated within a low area in terms of topography. Edge Hill, which rises to 25m above the industrial estate is situated within the intervening landscape between the estate and Wood End. This is a significant relief feature that would effectively block signal from any potential new mast.</p> <p>Any new mast would require a height over 40m to generate required coverage which would be visually significant and would likely be viewed in the landscape from multiple locations given the general open nature of this site. This site has been discounted on technical and visual impact.</p>
Land South of Delves Farm, Boulter Lane, Wood End, CV9 2QE	Eastings 424550 Northings 298474	New Installation	A site acquisition agent has made an approach to this landowner to establish whether they are amenable to a telecommunication structure. No response has been received from the site provider and therefore the site is considered not to be available and has been discounted on this basis.

Land at Delves Farm, Boulters Lane, Wood End, CV9 2QE	Eastings 424521 Northings 298637	New Installation	There is limited space to provide for a mast as the site is currently being pursued for redevelopment.
Poplars Farm, Tamworth Road, Wood End, CV9 2QQ	Eastings 424658 Northings 297878	New Installation	Warwickshire County Council have confirmed that they are unable to lease land on small holdings.
Islington Farm/Cottage, Tamworth Road, Wood End, CV9 2QQ	Eastings 424605 Northings 298310	New Installation	The site provided confirmed that they had no interest in hosting any telecommunications equipment on their land.
SW on Boulters Lane, Boulters Lane, Wood End, CV9 2QE	Eastings 424457 Northings 298393	New Installation	A street works options at this site would be in close proximity to residential housing. The proposed site would have no screening and have a significant visual impact on the village.
Forest Edge Equestrian, Edge Hill, Wood End,	Eastings 423837 Northings 298490	New Installation	This site is situated within a dip in topography and behind the large mound with tall trees to the South-East. Any mast in this location would

CV9 2QR			have to be of upwards of 28m due to the topography to deliver the coverage to Wood End village. The mast would be would have very little screening to the businesses and properties situated on Edge Hill and be viewed in the landscape from multiple locations given the general open nature of this site. This site has been discounted on technical and visual impact.
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