

**To: The Deputy Leader and Members of the
Planning and Development Board**

**(Councillors Simpson, Reilly, Bell, Chambers, L
Dirveiks, Hayfield, Henney, Jarvis, Jenns,
Morson, Phillips, Smitten, Sweet, Symonds and
A Wright)**

For the information of other Members of the Council

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and electronic accessible formats if requested.

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For enquiries about specific reports please contact
the officer named in the reports

PLANNING AND DEVELOPMENT BOARD AGENDA

9 APRIL 2018

The Planning and Development Board will meet in
The Council Chamber, The Council House, South Street,
Atherstone, Warwickshire CV9 1DE on Monday 9 April
2018 at 6.30 pm.

AGENDA

- 1 **Evacuation Procedure.**
- 2 **Apologies for Absence / Members away on
official Council business.**
- 3 **Disclosable Pecuniary and Non-Pecuniary
Interests**

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

- 4 **Appeal Update** – Report of the Head of Development Control.

Summary

The report summarises the outcome of recent appeal decisions.

The Contact Officer for this report is Jeff Brown (719310).

- 5 **Planning Applications** – Report of the Head of Development Control.

Summary

Town and Country Planning Act 1990 – applications presented for determination

The Contact Officer for this report is Jeff Brown (719310).

- 6 **NPPF Consultation on proposed changes** – Report of the Assistant Chief Executive and Solicitor to the Council (**to follow**)

Summary

This report brings to Members a summary of the main changes being proposed in the recent consultation into the NPPF.

The Contact Officer for this report is Dorothy Barratt (719250)

JERRY HUTCHINSON
Chief Executive

Agenda Item No 4

Planning and Development Board

9 April 2018

Report of the Head of Development Control

Appeal Update

1 Summary

1.1 The report summarises the outcome of recent appeal decisions.

Recommendation to the Board

That the report be noted.

2 Consultation

2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

3 Background

3.1 The Board receives regular updates on the outcome of appeal decisions drawing attention to any practical or policy considerations which Members should be aware of.

The Decisions

a) Daw Mill

Members will know by now that this appeal was dismissed. The Inspector recommended to the Secretary of State that this be so, and he has accepted that recommendation. This letter is attached at Appendix A. The letter quotes from the Inspector's report but rather than copy it here, copies will be made available in each of the Member's rooms for their reference.

Apart from the significance of the decision to the Council and the local community, the decision letter is unusually robust in its assessment of the harm that would result from the proposal, and in this respect all impacts were found to be significantly harmful – including highway harm.

Members will be aware that the appellant could seek to Judicially Review the decision.

The Council's application for costs however was not supported and thus each party has carried its own costs in this case.

b) Maxstoke Lane, Coleshill

The refusal here was for the erection of four dwellings on the east side of Coleshill outside of the development boundary and in the Green Belt. The appellant argued that the housing demand in the Borough should outweigh the harm done to the Green Belt. The Inspector disagreed. His overall conclusion was that even if the Borough’s housing supply of housing was not up to date, the benefit of allowing the development did not clearly outweigh the substantial harm to the Green Belt. Interestingly he indicated that small size of the development – four – would be a “very small contribution” to that benefit. The full decision is at Appendix B.

c) Stipers Hill Farm, Warton

This appeal was against the refusal to grant a Certificate of Lawfulness for the siting of a night watchman’s caravan. The Inspector was not persuaded by the appellant’s evidence and also relied heavily on recent appeal decisions for similar development at the site which were also dismissed. The full decision is at Appendix C. An application for a costs award against the Council was also unsuccessful.

d) Moor Farm Stables

This was an appeal against an Enforcement Notice requiring the demolition of the indoor riding arena at these premises. The Inspector has upheld the Notice but allowed the appellant extra time in which to undertake the demolition work. The letter is at Appendix D. The reasoning of the Inspector is heavily reliant on the decision of the previous appeal decision not to grant permission to retain the existing structure and to the limitations of the legislation affecting enforcement appeals.

4 Report Implications

4.1 Environment, Sustainability and Health Implications

4.1.1 The strength of Green Belt policy and guidance in protecting the Borough’s environment; its countryside and its tranquillity clearly carried substantial weight in the three Green Belt cases here. It’s also noteworthy that the sustainability arguments put forward by the Daw Mil appellant’s case found were not supported.

The Contact Officer for this report is Jeff Brown (719210).

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date



Ministry of Housing,
Communities &
Local Government

Gateley plc
Ship Canal House
98 King Street
MANCHESTER
M2 4WU

Our ref: APP/R3705/W/16/3149827
Your ref: PM\25385445.1\066139.010\KPPM

21 March 2018

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY HARWORTH ESTATES
LAND AT DAW MILL COLLIERY, DAW MILL LANE, ARLEY
APPLICATION REF: PAP/2014/0339**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Frances Mahoney DipTP PGDipTP MRTPI IHBC, who held a public local inquiry commencing on 21 February 2017 into your client's appeal against the decision of North Warwickshire Borough Council to refuse your client's application for outline planning permission (with all matters reserved for subsequent approval other than access) for the redevelopment of land at Daw Mill Colliery, Arley for a maximum of 24,652 sq m (265,345 sq ft) of built floorspace for employment uses comprising either wholly B2 (General Industry) development /or part B2 (General Industry) and a rail distribution depot for the purposes of maintaining rail infrastructure comprising the stabling of trains and the storage, handling and processing of railway related materials, ancillary open storage areas, associated car parking, service yards, gantry crane, infrastructure and utilities; retention and use of existing infrastructure including rail head and sidings, site vehicular access, grid connection, electricity sub-station and reconfigured surface water drainage infrastructure system in accordance with application ref: PAP/2014/0339 dated 27 June 2014.
2. On 26 June 2016, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be dismissed.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and agrees with her recommendation. He has decided to dismiss the appeal and refuse planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Ministry of Housing, Communities & Local Government
Richard Watson, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 444 1627
Email: PCC@communities.gsi.gov.uk

Procedural matter

5. Having regard to your client's wish to restrict, by means of conditions, the use of the appeal site to any of the following B2 (general industrial) uses (IR4-5 and IR246):
 - the manufacturing of rails, sleepers, track, signalling, gantries and associated railway construction, operation and maintenance equipment;
 - train and rail rolling stock maintenance and repair including ancillary stabling of such trains and stock;
 - train and rail rolling stock manufacturing facility.

the Secretary of State agrees (IR247-253) that no prejudice would be caused by determining the appeal on the basis of the amended proposals, and he has proceeded on that basis.

Matters arising since the close of the inquiry

6. On 25 January 2018, the Secretary of State wrote to the main parties to afford them an opportunity to comment on a statement submitted by Craig Tracey MP and Marcus Jones MP on behalf of the Leys and Whitacre Residents Action Group (LAWRAG) and Over Whitacre Parish Council. These representations were circulated to the main parties on 5 February 2018, and further correspondence was received on 7 and 11 February 2018. The Secretary of State is satisfied that the issues raised do not affect his decision, and no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. A list of representations received is at Annex A and copies may be obtained from the address at the foot of the first page of this letter.
7. Applications for full awards of costs were made by North Warwickshire Borough Council and LAWRAG and Over Whitacre Parish Council against Harworth Estates (IR3). These applications are the subject of separate decision letters, also being issued today.

Policy and statutory considerations

8. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
9. In this case the development plan includes the North Warwickshire Core Strategy (CS) adopted in October 2014; the saved policies of the North Warwickshire Local Plan (NWLP 2006) (July 2006); and the Arley Neighbourhood Development Plan (NP) made in December 2016. The Secretary of State agrees with the Inspector (IR12) that the development plan policies of most relevance to this case are those listed in Section 5 of the Statement of Common Ground (Inquiry Doc 1) and referred to as appropriate below.
10. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance').

11. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.

12. In accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Emerging plan

13. Paragraph 216 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. The emerging local plan is currently subject to the pre-submission consultation process. Therefore, as it still at an early stage and may be subject to further unresolved objections, the Secretary of State gives it little weight.

Main issues

Whether the appeal site constitutes Previously Developed Land (PDL)

14. The Secretary of State has carefully considered the Inspector's analysis and reasoning at IR256-272 and he agrees with the Inspector that, for the reasons given, Daw Mill was a mine started before 1 July 1948 (IR271). The Secretary of State therefore also agrees with the Inspector at IR273 that the appeal site cannot be considered to be PDL.

Baseline against which the impacts of the proposed scheme should be considered

15. For the reasons given at IR274-282 the Secretary of State agrees with the Inspector's view that, in the absence of convincing evidence to the contrary, the possibility of the site returning to a green field, in accordance with the Restoration Plan, needs to be taken into account not only as a material consideration but as the baseline comparative scenario.

Green Belt

16. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and substantial weight should be given to any harm to the Green Belt. The Secretary of State agrees with the Inspector that, using the green field restored site as the baseline, the appeal proposal would clearly have a greater impact on openness, introducing an expansive industrial spread of development across the site (IR283-287). Furthermore, the Secretary of State also agrees with the Inspector at IR288 that, even in comparison with the current state of the appeal site, the scale and nature of the proposal would introduce an industrial, urbanising character of built form which would present a significantly greater spread of development across the site than currently exists. He therefore agrees with the Inspector that both the openness and permanence of the Green Belt would be eroded (IR289) so that, for the reasons given at IR290-291, the appeal proposal is inappropriate development in the Green Belt and should not be approved except in Very Special Circumstances (IR292).

Any other harm

- Landscape

17. For the reasons given at IR293-297, the Secretary of State agrees with the Inspector that the landscape of the appeal site does not include specific attributes or landscape features sufficient for it to amount to a 'valued landscape' in terms of the Framework (IR297). Nevertheless, for the reasons given at IR298-302, the Secretary of State also agrees with the Inspector's conclusion at IR303 that the proposal would not respect its local context and would seriously harm the character and appearance of the countryside setting. The Secretary of State gives substantial weight to this, and agrees with the Inspector that it would conflict with CS Policies NW12, NW13 and NP Policy ANP1.

- Noise

18. For the reasons given at IR304-319, the Secretary of State agrees with the Inspector at IR320 that the impact of noise from the proposed development cannot be regarded as having anything less than a significant adverse impact, to which he gives significant weight.

- Tranquility

19. For the reasons given at IR321-326, the Secretary of State agrees with the Inspector that there can be no surety that the noise from the rail-related uses would not give rise to significant adverse impacts on the long term health and quality of life of residents and those who enjoy the countryside, which would be conflict with CS Policy NW12. The Secretary of State gives significant weight to this against the proposal.

- Highways

20. Despite the fact that Highways England has raised no objection to the development proposal (IR327), the Secretary of State has given careful consideration to the Inspector's analysis at IR 328-344 and agrees with her conclusions. In particular, the Secretary of State agrees that, for the reasons given in IR331, it would generally be possible to implement the mitigating highways works at Fillongley Junction without straying over third party land; and that the junction improvements in respect of Furnace End junction (IR332) would be a distinct benefit for traffic flows, road users and residents. However, he also agrees that a greater sense of the actual practicality of achieving this road junction improvement would have given more confidence when considering its mitigating effects. With regard to the Green Man Crossroads at Coleshill, the Secretary of State agrees with the Inspector at IR333-337 that the proposed Church Hill diversion route is likely to be more attractive to drivers as congestion increases, thereby removing significant levels of traffic to the point at which the crossroads would be no worse with the development than without.

21. Turning to the provision of public transport, the Secretary of State agrees with the Inspector that, for the reasons given at IR338-341, little weight can be placed on the Travel Plan and the bus service in the package of mitigation measures. Furthermore, for the reasons given at IR342-344, the Secretary of State shares the Inspector's reservations about the practicality of enforcing the terms of conditions 12 in Annex A and 8 in Annex B to the IR in respect of HGV and other traffic movements in and out of the site.

22. Overall, for the reasons given at IR345, the Secretary of State agrees with the Inspector that the residual cumulative impacts of the development would be severe and CS Policy NW10, in so far as it encourages sustainable forms of transport, would be compromised. He considers that the impacts of vehicle movements on the local highway and the other issues identified in relation to sustainable transport weigh heavily against the proposal.

- Historic Heritage

23. For the reasons given at IR346-349, the Secretary of State agrees with the Inspector that, whilst the impact of the proposal on the settings of the listed buildings in the immediate locality would be limited, overall the scale, extent of site coverage and degree of activity would be such that it would fail to preserve the settings of the listed buildings. The Secretary of State also agrees that, for the reasons given at IR350-354, there would be limited harm to the significance of Fillongley Conservation Area (IR351) while, although the proposal would not preserve the character and appearance of the Coleshill Conservation Area as a whole, that harm would be reduced by the localised enhancing effect described by the Inspector at IR353. The Secretary of State also agrees with the Inspector at IR355 that no evidence had been provided to suggest that there remains a discernible Forest of Arden which could be considered a non-designated heritage asset.

24. Overall, the Secretary of State considers that the proposal would result in less than substantial harm to the significance of designated heritage assets which he agrees with the Inspector at IR354 has to be weighed against the public benefits of the proposal.

- Ecology

25. For the reasons given at IR256-357, the Secretary of State agrees with the Inspector that, in comparison with the baseline of the restored site, the proposed development would damage habitats and features of importance for nature conservation and that CS Policy NW15 would be offended. He affords this harm substantial weight, whilst acknowledging that, in a situation where the Restoration Plan was not considered to be the baseline (IR358), the appeal proposal would offer some improvements to biodiversity.

- Flooding

26. For the reasons given at IR 359-361, the Secretary of State agrees with the Inspector that there would be no significant impacts of the proposed development in respect of flood risk or drainage.

Other considerations

- General need

27. Having carefully considered the Inspector's reasoning in respect of general need (IR362-377), the Secretary of State agrees with her that only limited weight can be given to the potential allocations in the emerging local plan (IR375). He also agrees that CS Policies NW2, NW3 and NW10 are out-of-date and only limited weight can be attached to them (IR376). Nevertheless, he also agrees (IR377) that the appeal site would go some way to meeting the need for employment land, creating jobs and benefiting the local and national economy; and that this should weigh heavily in favour of the scheme.

- Rail related need

28. However, for the reasons given at IR378-381, the Secretary of State agrees with the Inspector that Daw Mill's remote location significantly reduces the weight to be given to the appeal scheme as a contributor to the need for rail related sites (IR382) and, for the reasons given at IR383, he agrees that very little weight should be given to the expression of interest from Cemex.

Planning conditions

29. The Secretary of State has carefully considered the Inspector's analysis at IR227-241, IR339, IR341 and IR343-344 and the recommended conditions set out at the end of the IR and to national policy in paragraph 206 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 206 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for dismissing this appeal and refusing planning permission.

Planning obligations

30. Having had regard to the Inspector's analysis at IR242-244, the planning obligation dated 16 May 2017, paragraphs 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework. However, the Secretary of State does not consider that the obligation overcomes his reasons for dismissing this appeal and refusing planning permission.

Planning balance and overall conclusion

31. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with CS Policies NW10 (with regard to encouraging sustainable forms of transport), NW12, NW13, NW15 and NP Policy ANP1; and is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
32. Given that CS Policies NW2, NW3 and NW10 are out-of-date, paragraph 14 of the Framework indicates that planning permission should be granted unless (a) any adverse impacts of doing so significantly and demonstrably outweigh the benefits when assessed against policies in the Framework as a whole, or (b) specific policies in the Framework indicate development should be restricted.
33. Weighing heavily in favour of the proposal, the appeal site would go some way to meeting the need for employment land, creating jobs and benefiting the local and national economy. The Secretary of State also gives moderate weight to the wider benefits of some of the mitigating highways works at junctions which would reduce delays.
34. Against the proposal, the Secretary of State gives substantial weight to the harm which, by definition, it would cause to the Green Belt; added to which the fact that it would permanently reduce the openness of the Green Belt and would conflict with some of the purposes of designation also attract substantial weight. The Secretary of State then gives further substantial weight to the other harms to the landscape and countryside which the scheme would cause, including the loss of a green field site (in comparison with a baseline position of the restored site). Furthermore, the impacts of vehicle movements on

the local highway and uncertainties relating to sustainable transport, together with the impact of noise, all weigh heavily against the proposal.

35. Paragraph 134 of the Framework is a 'specific policy' for the purposes of paragraph 14 of the Framework, and the Secretary of State has considered whether the identified 'less than substantial' harm to: the significance of Coleshill Conservation Area, the settings of the listed buildings along Church Hill, the Fillongley Conservation Area and the settings of the listed buildings in the immediate vicinity of the appeal site is outweighed by the public benefits of the proposal. The Secretary of State has concluded on the benefits of the proposal in paragraph 24 of this letter. Overall the Secretary of State agrees with the Inspector at IR395 that the benefits of the appeal scheme are collectively sufficient to outbalance the identified 'less than substantial' harm to the significance of the identified heritage assets.
36. Overall, the Secretary of State concludes that the harm caused by the inappropriate nature of the proposal in the Green Belt and any other harm would not be clearly outweighed by other considerations and thus very special circumstances would not exist to justify development in the Green Belt.
37. The Secretary of State concludes that there are no material considerations to indicate that the appeal proposal should be determined other than in accordance with the development plan and that the appeal should be dismissed and planning permission refused.

Formal decision

38. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission for the redevelopment of land at Daw Mill Colliery, Arley for a maximum of 24,652 sq m (265,345 sq ft) of built floorspace for employment uses comprising either wholly B2 (General Industry) development /or part B2 (General Industry) and a rail distribution depot for the purposes of maintaining rail infrastructure comprising the stabling of trains and the storage, handling and processing of railway related materials, ancillary open storage areas, associated car parking, service yards, gantry crane, infrastructure and utilities; retention and use of existing infrastructure including rail head and sidings, site vehicular access, grid connection, electricity sub-station and reconfigured surface water drainage infrastructure system in accordance with application ref: PAP/2014/0339 dated 27 June 2014.

Right to challenge the decision

39. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
40. A copy of this letter has been sent to North Warwickshire Borough Council and LAWVAG and Over Whitacre Parish Council and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Richard Watson

Authorised by the Secretary of State to sign in that behalf

Annex A: SCHEDULE OF REPRESENTATIONS

General representations

Party	Date
Craig Tracey MP & Marcus Jones MP on behalf of Lawrag & Over Whitacre Parish Council	22 January 2018

Representations received in response to the Secretary of State's reference back letter of 25 January 2018

Party	Date
Gateley plc	31 January 2018
E Stirrop on behalf of Lawrag and Over Whitacre PC	31 January 2018
North Warwickshire BC (no comment)	30 January (received 7 February 2018)

Circulation of responses	5 February 2018
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Responses following circulation

Party	Date
Gateley plc	7 February 2018
E Stirrop	11 February 2018





Appeal Decision

Site visit made on 15 January 2018

by **Chris Couper BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th March 2018.

Appeal Ref: APP/R3705/W/17/3183891

Land east of 26 Maxstoke Lane, Coleshill B46 3DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Dennis Walker against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2017/0084, dated 21 February 2017, was refused by notice dated 19 April 2017.
 - The development proposed is up to 4 dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved for subsequent approval.

Main Issues

3. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt, and its purposes;
 - Whether or not the proposal makes adequate provision for infrastructure demands arising from the development; and
 - If the proposal is inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, such as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether or not inappropriate development

4. The National Planning Policy Framework ('Framework') sets out the great importance that the Government attaches to Green Belts; their essential characteristics being their openness and their permanence. It states that inappropriate development is, by definition, harmful to the Green Belt and

should not be approved except in very special circumstances. At paragraph 89 it regards the construction of new buildings as inappropriate unless it complies with one of a list of exceptions.

5. North Warwickshire Core Strategy 2014 ('NWCS') Policy NW3 and its supporting text refer to the need to maintain the open nature of the Green Belt, and to protect it from inappropriate development unless there are very special circumstances. NWCS Policy NW2 refers to the borough's settlement hierarchy, identifying Coleshill as a Green Belt Market Town. At paragraph 6.3 it recognises that there may be a need for development adjacent to development boundaries, but only on land beyond the Green Belt.
6. This site lies within the Green Belt, adjacent to, but just beyond, Coleshill's development boundary. It is not identified as a site for housing in the NWCS, or in the Coleshill Neighbourhood Plan 2015 – 2030 ('CNP'), which was adopted in June 2017, after the Council's decision on this application.
7. The Council considers that housing here would conflict with Green Belt policy in the NWCS, and would not meet any of the listed exceptions at paragraph 89 of the Framework. In his Design, Access and Planning Statement the appellant states that the scheme would constitute limited infilling. However, there is a road between the site and the dwellings to the west, and the site forms part of a large, open field, with no built development immediately to the east, or across Maxstoke Lane to the north-east. Consequently, the proposal would not constitute limited infilling in a village, and it would be inappropriate development in the Green Belt as defined by the Framework and NWCS Policy NW3.
8. Although the Council's decision also refers to NWCS Policy NW5, as that sets out housing requirements for settlements including Coleshill, it provides context to my decision in terms of housing needs, which I return to later, but is not directly relevant to this issue.

The effect of the proposal on the Green Belt's openness, and its purposes

9. The appeal site comprises part of a much larger field. Although partially enclosed by a fence, it is otherwise free from built development. The scheme would involve the introduction of buildings where none are currently present. That would have an adverse impact on the area's openness in this prominent hillside location adjacent to public highways. It would also encroach into the countryside, thereby conflicting with one of the Green Belt's purposes.
10. The CNP and North Warwickshire Local Plan Draft Submission (November 2017) ('NWDLP') include a proposal to extend the existing cemetery into land opposite this site on the other side of Maxstoke Lane. However, given the typical nature of such a use the impact on openness would be much more limited compared to this scheme, and it does not justify the harm that this proposal would cause.
11. On this issue the scheme would therefore conflict with the Framework, and with the supporting text to NWCS Policy NW3. The harm that would be caused by reason of the significant reduction in the Green Belt's openness and the conflict with its purposes, adds to the other Green Belt harm that I have found by reason of inappropriateness.

Infrastructure demands

12. At paragraph 4.4 of its appeal statement the Council states that, by reference to NWCS Policy NW22 there is a requirement for proposals to make provision for facilities and infrastructure to meet the demands of development. In this case, a £5,804 contribution towards the improvement of Brendon Close Park is sought by means of a s106 agreement.
13. However, neither the Council's decision, nor its officer's report, refers to any such requirement. Indeed the latter specifically remarks that contributions towards play facilities or open space are not required. The appellant considers the requirement to be unjustified at this juncture of the appeal timetable.
14. I have no s106 agreement before me. Moreover, I have no evidence as to how the requested contribution was calculated, or how it would be spent. On the basis of the very limited information before me I cannot therefore conclude that the requested obligation is necessary to make the development acceptable; that it would be directly related to the development; or that it would be fairly and reasonably related to it in scale and kind. My conclusion on this issue is a neutral consideration in the overall balance.

Other considerations

15. The main parties disagree with regards the Council's ability to demonstrate a five year housing land supply, as required by Framework paragraph 47. At the time of its decision, the Council acknowledged that it could not demonstrate such a supply. However, since then, by reference to its Annual Monitoring Report to 31 March 2017 (published July 2017), and the housing requirement of a minimum of 5808 dwellings to be delivered by 2033 as set out in Policy LP6 of the NWDLP, it maintains that it can now demonstrate a 5.1 year housing land supply. That calculation includes housing sites in Coleshill, which are identified in the emerging NWDLP, and which are not within the Green Belt.
16. For his part, whilst he has not provided specific details regarding the deliverability of particular sites, or his own calculation of the Council's five year housing land supply, the appellant refers to the aspiration in NWDLP Policy LP6 to deliver a further 3790 dwellings arising from the duty to co-operate with neighbouring authorities, and the Council's memorandum of understanding with Birmingham on this matter. He notes the Council's reliance in its calculation on untested allocations in its NWDLP, and the substantial step change that will be required if it is to improve on historic delivery rates.
17. Additionally, he refers to two appeal decisions, including a decision at Ansley (Ref: APP/R3705/W/16/3149572) in January 2017 where the Inspector concluded that the Council could not demonstrate a five year housing land supply based on the minimum target in NWDLP Policy LP6, and where, applying Framework paragraph 47, in light of a record of persistent under delivery of housing, a 20% buffer was considered appropriate, rather than the 5% used by the Council in its latest calculations.
18. Given that roughly 60% of the Borough is designated Green Belt, the emerging NWDLP recognises that some land will be required to be removed from it, or safeguarded, if the Council is to deliver the required housing. The NWDLP identifies some housing sites within the Green Belt. However, the housing sites in Coleshill in the NWDLP and in the adopted CNP are not within the Green Belt.

Even if some further Green Belt sites are required to meet housing needs in the borough and those arising from the duty to co-operate with neighbouring authorities, there may be locations where the impact on the Green Belt's openness and purposes, would be less harmful than here.

19. Irrespective of whether or not the Council can demonstrate a five year housing land supply, the Housing White Paper: Fixing our broken housing market describes the housing challenges facing the country if it is to tackle years of undersupply and deliver the homes it needs; and the Framework seeks to boost significantly the supply of housing.
20. This scheme would deliver housing in a location close, and easily accessible by lit footpaths, to the services and amenities of Coleshill, and to transport links to destinations beyond. However, even if the appellant is correct and there is no five year housing land supply, as the scheme would only deliver up to four houses, it would make only a very modest contribution towards that objective. That is therefore only a moderate benefit in the scheme's favour.

Balance and Conclusions

21. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. NWCS Policy NW3 also requires very special circumstances to be demonstrated.
22. I have found that the scheme would be inappropriate development in the Green Belt, which would conflict with its purposes, and would significantly reduce its openness. I have given substantial weight to those harms.
23. In its favour, the scheme would contribute to the supply of housing on the edge of a town, close to its services and amenities. However, I have taken into account the Government's Planning Practice Guidance which states that, 'unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt' (ref ID 3-034-2014006). Moreover, that contribution to housing supply here would be very small, and constitutes only a moderate benefit, which does not clearly outweigh the harm to the Green Belt. Consequently, very special circumstances do not exist.
24. Paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up to date if the Council cannot demonstrate a five year supply of deliverable housing sites. In these circumstances paragraph 14 of the Framework indicates that permission should be granted, unless there are specific policies in the Framework (such as land designated as Green Belt), which indicate that development should be restricted.
25. However, even if the development plan's policies for the supply of housing are not up to date, given that no very special circumstances exist, Green Belt policy means that development here should be restricted. Overall, therefore, the proposal is not sustainable development, and does not benefit from the Framework's presumption in favour. It is contrary to the development plan,

and material considerations do not indicate that the proposal should be determined other than in accordance with it. For these reasons, the appeal is dismissed.

Chris Couper

INSPECTOR



Appeal Decision

Hearing held on 30 January 2018

Site visit made on 30 January 2018

by **Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA**

an Inspector appointed by the Secretary of State

Decision date: 19 March 2018

Appeal Ref: APP/R3705/X/17/3178342

Stipers Hill Farm, Kisses Barn Lane, Warton, Tamworth, Warwickshire B78 0JS

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensations Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Polesworth Garage against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2016/0437, dated 27 July 2016, was refused by notice dated 20 December 2016.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is the proposed siting of a night watchman's caravan.
-

Formal Decision

1. The appeal is dismissed.

Application for costs

2. An application was made by Polesworth Garage for an award of costs against North Warwickshire Borough Council. This application is the subject of a separate decision.

Procedural matters

3. The identity of the Appellant and the planning merits of the operation, use or activity are not relevant to the legal issues involved in determining an LDC appeal. The burden of proof in such an appeal lies with the appellant who has to show on the balance of probability that the Council's decision to refuse the LDC was well-founded.
 4. The decision notice contains flaws. Firstly it states that the siting of a caravan is a material change of use of the land. As is well established the mere siting of a caravan does not amount to a material change of use, it is rather the change of use of land itself that may be deemed material, whether for example by its use for the storage of a caravan or for other uses such as residential.
 5. Secondly, the notice states that "*in determining whether it [presumably the siting of the caravan] is ancillary, and thus does not constitute a material change of use of the land, the proposal does not meet the severability test in that the use would remain if the primary use ceases.*" This reason confuses
-

what is a straightforward principle, namely that ancillary or incidental use rights cannot lawfully continue after the cessation of the primary use of land. An ancillary use that becomes unlawful is itself subject to enforcement action.

6. The reasons also state that *"a caravan, by definition within the Caravan Sites and Control of Development Act 1960 (Section 29(1)), is designed and/or adapted for human habitation; and habitation is defined as dwelling in or occupying. [sic] The proposal for a caravan would provide more than a simple night watchman's function and constitutes a material change of use of the land."*
7. The appellant points out that the proposal is for the use of land for the siting of a caravan for a night watchman's function, no overnight sleeping would be involved so reference to habitation or dwelling is irrelevant as the certificate might be framed accordingly. It seems to me that the size and nature of the proposed structure, which is not otherwise explained in the application save by reference to a "caravan" which could be sited anywhere on the appeal site, may be relevant. Indeed Planning Practice Guidance (PPG) advises that an applicant must describe the proposal with sufficient clarity and precision to enable it to be understood exactly what is involved.¹ However for reasons that follow it is unnecessary to consider this matter further.
8. Despite the fact that there are flaws in the decision notice it is recognised in case law that the issue before me is whether the refusal of the application was well founded irrespective of the reasons given by the Council.

Reasons

9. The approach is usually to determine the lawful use of the planning unit, assess the effect on the unit of the siting of the caravan and its use, and then determine whether that effect amounts to a material change of use.
10. It was not disputed that the appropriate planning unit for which a certificate is sought is the whole land the subject of the application, being land owned by the appellant and in respect of which it is desired to improve security for the benefit generally of the site and its constituent undertakings.
11. However the appellant recognises that for his appeal to succeed the proposed use must be ancillary to a B1 use of agricultural buildings on the appeal site, the subject of a planning permission granted on 25 August 2010 (the 2010 permission). It authorised the change of use of the agricultural buildings, which I shall call Building A (otherwise known as Unit 1A) and Building B, to a B1 use (business). However Condition 3 restricted the use of the buildings to Class B1(c). Other conditions removed permitted development rights and prohibited open land in the curtilage of the site, being used for storage.
12. In a s192 application, reliance cannot be placed on a permission that has not been implemented as it is the existing lawful use that is relevant. Therefore it is necessary to establish whether the 2010 permission was implemented before its expiry date of 25 August 2013. The PPG advice concerning applications for existing use is apposite to apply in this context, namely that if the Council has no evidence itself, nor from others, to contradict or make the applicant's version of events less than probable, there is no good reason to refuse the

¹ Paragraph: 006 Reference ID: 17c-006-20140306

application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

Previous LDC appeal decision

13. Two previous appeal decisions relating to the site are relevant to consider. Firstly, the appellant had appealed a previous refusal of an LDC for the stationing of a caravan and its use as an office/shelter for a night watchman.² The Inspector referred to the use of Unit 1A by a "forecourt and maintenance services and signs company". There were materials associated with signage but "no indication of any manufacturing taking place on the premises." He also noted that an employee of the business confirmed to the Council that there had never been any manufacturing on the site. The use of Unit 1A appeared to the Inspector, who carried out his site visit on 9 November 2011, to be B8 storage.
14. The Inspector found that the lawful use of the site at the time of the application was agricultural. He referred to "considerable evidence" that uses, occurring before and after the application was submitted, did not fall within Class B1(c). He also noted that the appellant's response to a Planning Contravention Notice failed to refer to any light industrial or B1(c) use. Whilst there were B2, B8 and sui generis uses on the site, these were unlawful. He found that the 2010 permission had not been implemented.

Enforcement appeal decision

15. The area of land comprised in the current appealed LDC application, the application site the subject of the 2010 permission and the previous application for the unsuccessful LDC, is the same. Buildings A and B have large areas of hardstanding around them used for the parking and storage of several vehicles. The Council tried to take enforcement action against the storage of these non-agricultural vehicles, scrap cars, containers, boats, hardstanding and other matters. The enforcement notice was defective and quashed on appeal but the Inspector held a hearing, considered the 2010 permission and made a site visit on 24 July 2012. He "neither saw nor heard any evidence to suggest that a class B1 use of those buildings [Buildings A and B] is actually taking place."³

Late evidence submitted at the hearing: Building A

16. At the hearing a short adjournment was necessary to consider late evidence in the form of photographs and invoices. These documents were claimed to support the appellant's case that the 2010 permission was lawfully begun.
17. The photographs were taken in the week before the hearing so whilst they indicate current use, they are of little assistance in considering whether the 2010 permission commenced before its expiry date of 25 August 2013.
18. The invoices are for providing signage products in the form of stencil cut panels and associated materials, to Central Maintenance Solutions Limited (CMS), the occupier of Building A. Mr Whitlock, the managing director, told me that the company was formed in 2008 to rebrand, sign and maintain petroleum sites, and set up "storage of signage products" and their "minor assembly", with a view to buying manufacturing equipment to make panels to be used as cladding material.

² APP/R3705/X/11/2156957, dated 24 November 2011

³ APP/R0375/C/12/2174852, dated 3 August 2012

19. The invoices show that what was being delivered to the site included panels that had been pre-cut to detailed specifications with vinyl detail applied, including light boxes and, variously, blank panels, loose pre-spaced reflective text and panels with digital print logos applied. All three invoices included items that were delivered to fit over fascias of specified dimensions.
20. The invoices are dated 11 July 2012 (3 items), 12 August 2013 (6 items) and 18 April 2016 (5 items). The 2016 invoice post-dates the expiry date of the 2010 permission so is less relevant. Mr Whitlock picked out three supplied items as typical of the operations: individual lettering to apply to the panels (Item B, 2012 invoice), blank panels where the print was to be applied, and aluminium panels with stencil cut detail, top and bottom fixing rails and digital print logo applied (Items A and B, 2013 invoice).
21. A CNC (computer numeric cutter) machine was commissioned in January 2017 and is used to cut the panels to desired specifications. Mr Whitlock stated that the CNC machine was installed as funds became available, and when the company grew, "manufacturing was brought in-house" rather than it being "just sub-assembly". I also noted on site a circular saw which I was told was used to make carrier frames, welded to accommodate the panels that are taken or delivered to the garage or place where the signage is affixed.
22. During the period when the 2010 permission could have been implemented I am satisfied that there was small scale sub-assembly of the panels. Such work is capable of coming within the definition of "industrial process" in the Town and Country Planning (Use Classes) Order 1987 (as amended), namely a process "for or incidental to the making of any article or part of any article...or the altering,...finishing... adapting for sale...of any article."
23. However Article 3(3) of the Order states that a use which is included in and ordinarily incidental to any use in a class specified in the Schedule is not excluded from the use to which it is incidental merely because it is specified in the Schedule as a separate use. The installation of the CNC machine in January 2017 represented a key change in the activities of the company when it is clear that by then the manufacturing process had begun in earnest. The current processes and my observations on site suggest that a B2 use has been present for a while. The noise from the recently installed CNC machine when in operation is considerable. A circular saw is used and there is a paint spray booth in one corner of the building. Such activities are capable of giving rise to serious amenity issues which are unlikely to be carried out in a residential area without some detriment to the living conditions in the surrounding area.
24. The activities in Building A may have evolved to what now is a mix of B2 and B8 components. Indeed it is possible that a B2 component was present from the start of operations, given the lack of precise dates as to, for example, the start of frame welding and paint spraying. A considerable amount of storage of panels and signage occurs outside the building as well as an area used as a dumping ground for discarded signs. The primary use of the building itself was storage as found by the LDC Inspector in November 2011. It is difficult to form a clear conclusion as to the uses involved from then until August 2013, based on one or two invoices that provide a snapshot of the business. The Inspector's observations from the hearing and site visit on 24 July 2012 also carry weight and cast doubt on any inference that might be drawn from the invoice of 11 July 2012 that a separate B1(c) use had begun by then.

25. In all there is insufficient evidence to persuade me that on the balance of probabilities the lawful agricultural use of the building had been supplanted by a B1(c) use prior to the expiry date of the 2010 permission. It is more likely in my opinion that the sub-assembly work, although properly classed as light industrial, was small scale, a subsidiary component of the unlawful main storage use and incidental thereto. That does not provide the basis for implementation of a B1(c) use, either as a sole use of the building or as a separate component in its own right alongside the primary storage use.

Building B

26. The institution of a B1(c) use in Building B is also relevant to an eventual implementation of the 2010 permission. However apart from the 2011 appeal decision in which the uses were found to be a mix of B2, B8 and sui generis uses, no evidence explains when the various uses in that building were begun. For example Units 3B and 4B were tuning and car engine rebuilding specialists, assessed as a sui generis use, and Units 5B and 6B were used for storage and removals and for a kitchen and bathroom storage respectively, both within B8 storage use. The car engine tuning business is still present at Building B.

27. Given the lack of evidence to the contrary, it would not be unreasonable to infer that the first use of units in Building B after it was granted permission to change from agricultural to a B1(c) use, were those found by the Inspector to be present only a year or so later. The Council had not been able to gain access to all the units and could only offer the view that the activities on the site were industrial in nature. That of course is not inconsistent with the finding that the industrial uses were a mix of B2, B8 and sui generis uses.

Conclusion

28. The appellant's evidence is insufficiently precise and unambiguous to demonstrate on the balance of probability that the 2010 planning permission was begun before it expired on 25 August 2013. Therefore the lawful use of the appeal site has not changed from agricultural use as found by successive Inspectors. No other planning permission exists for a B1 use which would justify the proposed siting of a caravan within the terms of the application as "*ancillary to the authorised B1 use - which it is proposed to be so used*".

29. Therefore it is unnecessary to consider whether the proposed use would have a function that would be ancillary to a B1(c) use or to consider the relevance to the application of the definition of a caravan. Similarly the relevance of the appeal and costs decisions relating to land outside the Council's area and cited by the appellant, is not reached.

Overall conclusion

30. For the reasons given above, I conclude that the Council's refusal to grant a LDC in respect of the proposed siting of a night watchman's caravan at Stipers Hill Farm, Kisses Bam Lane, Warton, Tamworth, 878 OJS was well-founded and that the appeal should be dismissed. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Grahame Kean

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ms Isabella Tafur of Counsel

Mr Nigel Whitlock

Mr Graham Lea

Francis Taylor Buildings

Managing Director, CMS Limited

Town and Country Planning
Partnership Limited

FOR THE LOCAL PLANNING AUTHORITY:

Ms Fiona Wallace

Planning Enforcement Officer

DOCUMENTS submitted at the hearing:

Photographs of the appeal site

Invoices dated 11.7.2012, 12.8.2013 and 18.4.2016



Appeal Decision

Site visit made on 02 February 2018

by **Chris Preston BA(Hons) BPI MRTPI**

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

Decision date: 20 March 2018

Appeal Ref: APP/R3705/C/17/3178335

Land at Moor Farm Stables, Wall Hill Road, Corley Moor CV7 8AP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs Elizabeth White against an enforcement notice issued by North Warwickshire Borough Council.
 - The enforcement notice was issued on 16 May 2017. The Council's reference is PAP/2014/0533
 - The breach of planning control as alleged in the notice is: Unauthorised indoor riding arena building.
 - The requirements of the notice are: i) Demolish the indoor riding arena building; and ii) remove the resultant materials from the site and re-instate the land.
 - The period for compliance with the requirements is six months from the date the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2) (f) and (g) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The appeal is allowed on ground (g), and it is directed that the enforcement notice be varied by the deletion of six months and the substitution of ten months as the period for compliance. Subject to that variation the enforcement notice is upheld.

The Appeal on Ground (f)

2. The purposes for which an enforcement notice may be served are governed by section 173(4) of the Town and Country Planning Act 1990 (the Act). Those purposes are:
 - (a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or
 - (b) remedying any injury to amenity which has been caused by the breach.
3. An appeal on ground (f) is made on the basis that the steps required by the notice to be taken exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. In order to determine the scope of such an appeal it is necessary to understand

the purposes behind the issue of the enforcement notice and whether they fall within section 173(4) (a) or (b).

4. In this case, the Council hasn't explicitly stated which of those purposes it is seeking to achieve. However, within its Statement of Case, the Council notes that the building is materially different to that approved in 2014 and that the entire structure is unauthorised¹. The requirements seek the demolition of the building in its entirety, the removal of associated materials and the re-instatement of the land to its former condition. In that sense, the aims of the notice clearly fall within section 173(4)(a). My view on that point is reinforced by the reasons for issuing the notice which do not solely relate to matters of amenity but also to the wider principle of development within the Green Belt.
5. Moreover, the Council did initially consider the possibility of issuing a notice that would have required the height of the building to be reduced by 1.5m; that being the recommendation put to members of the Council's Planning Board in May 2016. The minute of that meeting, as produced in the appellant's statement, shows that the Board authorised the Solicitor to the Council to issue an enforcement notice to reduce the height of the building by 1.5m but that the issue be held in abeyance to enable further meetings between the appellant's representatives and members of the Board.
6. Subsequent to that recommendation further meetings took place and an appeal was submitted against the Council's refusal to grant planning permission for the structure, as built². That appeal was dismissed on 24 January 2017. On 06 March 2017 a further report was presented to the Council's Planning Board with a recommendation to take enforcement action to secure the demolition of the building, the removal of materials and the reinstatement of the land. On reading the board report it is clear that officers had taken account of the previous appeal decision and considered that action to secure the demolition of the building was justified. Thus, the action taken by the Council did not seek to 'under enforce' against the breach by reducing the height by 1.5m but sought to remedy the breach and return the land to its former condition.
7. It is necessary for me to spell out the aims of the notice because those aims have important implications for the scope of the appeal on ground (f). In the absence of an appeal on ground (a) it is not open to me to grant planning permission for the development as it stands or for any part of that development. The scope of the appeal on ground (f) is limited to the specific question of whether any lesser steps would remedy the breach of planning control.
8. The alternative put forward by the appellant is to lower the height of the building which would be achieved by removing the present roof and erecting a new roof structure with a much lower pitch. The resulting building would not comply with the previously approved scheme. The ridgeline would remain higher, the building would be longer, the floor area would be greater, it would not be cut into the hillside, and the external appearance would be different as a result of the altered roof pitch. In other words it would represent a different form of development for which planning permission would be required.

¹ Paragraph 2.9 of the Council's Statement of Case

² Planning Inspectorate reference: APP/R3705/W/16/3163176

9. As noted, I cannot consider the planning merits of the proposal in the absence of an appeal on ground (a). In the absence of any planning permission, the building would still amount to unauthorised development and, consequently, the proposal would not remedy the breach of planning control. The proposal to plant additional landscaping would not alter that position and would not remedy the breach.
10. There is no suggestion that the unauthorised development arose out of a deliberate failure to comply with the previously approved scheme and it would appear that the appellant put the construction in the hands of others. I have some sympathy for her situation in that respect and am mindful of the significant consequences of the enforcement notice. Nonetheless, I can only determine the ground (f) appeal within the confines of the legislation pertaining to the scope of such appeals. Whilst personal circumstances can sometimes be a material planning consideration in relation to an appeal on ground (a), they have no bearing on the issue of whether any lesser steps are available that would remedy the breach of planning control.
11. For the reasons set out, no lesser steps have been put forward that would remedy the breach of planning control and I can think of no obvious alternative that would achieve those aims. Accordingly, the appeal on ground (f) must fail.

The Appeal on Ground (g)

12. The appellant contends that six months is too short a period to comply with the notice on a number of grounds. The end of the six month period, taken from the effective date of the notice was 23 December 2017 and the appellant contends that compliance by that date would have left the business without indoor covered facilities over the winter months. However, the present building is unauthorised and the previous Inspector took account of the impact on the business in dismissing the appeal for its retention. Thus, the fact that its removal would impact on the business does not amount to a reason to extend the time period for compliance. I am required to balance the circumstances of the appellant against the requirement to ensure expediency in the enforcement of the planning system.
13. No specific information has been presented to indicate that it would not be practically possible to carry out the physical operations required within a six month period. The building is a portal framed structure that would be relatively easy to dismantle for a professional contractor.
14. Reference has also been made to the need to raise funds to implement either the lowering of the height of the structure or to seek the renewal of the previous planning permission and the implementation of that scheme. For the reasons given, it is not open to me to grant planning permission for an alternative scheme and whether or not the Council would be prepared to grant planning permission for an alternative development, or a renewal of the previous permission is not for me to determine. To my mind, the appeal on ground (g) relates to the practicalities of demolishing the structure, as opposed to a need to raise funds for some potential future development.
15. That said, the appellant would appear to be seeking continued discussion with the Council with regard to an alternative scheme. It is not clear whether the Council is receptive to any alternative but it was clearly open to the principle of

a covered riding area when granting planning permission in 2014. The previous Inspector was required to consider the merits of the building, as erected, and for the reasons given I am unable to consider the planning merits of any alternative. I make no comment on the merits, or otherwise of such an approach but, purely from a practical point of view I can understand the benefit of the appellant having an understanding of whether the Council would be prepared to grant planning permission for an alternative before commencing work on the demolition of the current structure. The Council has indicated that it would accept a longer period if I thought it reasonable.

16. In that context, I am minded to allow the appeal on ground (g) and extend the time period for compliance to ten months. That would enable four months within which the appellant and the Council could discuss and consider any alternative proposal, which is reasonable given the process involved and six months to carry out the work, as per the present timescale. The appeal on ground (g) succeeds to that extent and I shall vary the terms of the notice accordingly.

Chris Preston

INSPECTOR

Agenda Item No 5

Planning and Development Board

9 April 2018

Planning Applications

Report of the Head of Development Control

1 Subject

- 1.1 Town and Country Planning Act 1990 – applications presented for determination.

2 Purpose of Report

- 2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.
- 2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.
- 2.3 The proposals presented for decision are set out in the index at the front of the attached report.
- 2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications. .

3 Implications

- 3.1 Should there be any implications in respect of:

Finance; Crime and Disorder; Sustainability; Human Rights Act; or other relevant legislation, associated with a particular application then that issue will be covered either in the body of the report, or if raised at the meeting, in discussion.

4 Site Visits

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.
- 4.2 Members are reminded of the "Planning Protocol for Members and Officers dealing with Planning Matters", in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 14 May 2018 at 6.30pm in the Council Chamber at the Council House.

6 **Public Speaking**

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

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	PAP/2017/0335	5	Land Adjacent 1, Jean Street, Baddesley Ensor, Erection of three new three bed dwellings and creation of a new access to Jean Street, and use of access to Church Row	General
2	PAP/2017/0551	40	Land South Of Warton Recreation Ground, Orton Road/Barn End Road, Warton, Outline application for up to 100 dwellings; all matters reserved except for access	General
3	PAP/2018/0005 & PAP/2018/0006	64	Aston Villa Training Ground, Bodymoor Heath Lane, Bodymoor Heath, Phase 1 - change of use involving formation of replacement football pitches (including one artificial floodlit pitch) together with new access and car/coach parking; provision of changing rooms and new floodlit show pitch Phase Two – Change of use involving replacement football pitches together with diversion of private road and bridleway	General
4	PAP/2018/0025	85	Hillcrest Boarding Kennels, Birmingham Road, Water Orton, Retrospective application for erection of holding kennels	General
5	PAP/2018/0034 & PAP/2018/0036	103	Former B Station Site, Faraday Ave, Hams Hall, Coleshill, Approval of reserved matters application for erection of four employment units (use class B2/B8) together with ancillary offices, service yards, car parking and on-plot landscaping (PAP/2016/0399) Approval of reserved matters for the erection of two employment units (class B2/B8) together with ancillary office, service yards, car parking and on-site landscaping	General

6	PAP/2018/0058	110	Copperfields, Dog Lane, Nether Whitacre, Extensions and alterations to previously approved scheme PAP/2017/0496 residential conversion	General
7	PAP/2018/0078 & PAP/2018/0079	118	80-82, High Street, Coleshill, Change of use of offices to form 2 no: residential apartments (C3) including alterations Listed Building Consent for Change of use of offices to form 2 no: residential apartments (C3) including alterations	General
8	PAP/2018/0094	136	St Andrews Home, Blythe Road, Coleshill, Removal of condition No.3 of PAP/2017/0267 relating to the occupation of the eight bungalows prior to the completion of the refurbishment works to St Andrews House	General
9	PAP/2018/0129	172	Cole End Park, Lichfield Road, Coleshill, Works to trees in Conservation Area	General
10	PAP/2018/0140	177	Land East of Castle Road & North of Camp Hill Road, Hartshill & Nuneaton, Outline application for mixed development comprising the erection of up to 382 residential (class 3a) dwellings together with a local centre providing up to 280sqm net sales area with ancillary parking (22 spaces) associated access to Castle Road and Camphill Road (including demolition of 116 and 118 Camp Hill Road), sustainable drainage system (Suds) open space, landscaping and related infrastructure works, including courtyard bungalow development of two bed sheltered bungalows (Class C3b) and 28 x 2, 3 and 4 (Class 3a) discount for sale ""starter homes""	General
11	PAP/2018/0185	184	Recreation Ground, Johnson Street, Wood End, Works to tree protected by a tree preservation order	General
12	PAP/2018/0186	189	Meadow Street Park And Gardens, Meadow Street, Atherstone, Works to trees protected by a tree preservation order	General

General Development Applications

(1) Application No: PAP/2017/0335

Land Adjacent 1, Jean Street, Baddesley Ensor, CV9 2EA

Erection of three new three bed dwellings and creation of a new access to Jean Street, and use of access to Church Row, for

- Mr Morton & Mr Martin & Ms Sweet

Introduction

This application was reported to the March meeting of the Board but determination was deferred so as to enable Members to visit the site. This has now taken place and a note of that visit will be circulated at the meeting.

The previous report is attached at Appendix A for convenience.

Observations

There have been no further matters to report to the Board since its last meeting.

Recommendation

That planning permission be **Granted** subject to the conditions set out in Appendix A.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0335

Background Paper No	Author	Nature of Background Paper	Date
1	Head of Development Control	Letter	6/3/18

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

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

(3) Application No: PAP/2017/0335

Land Adjacent 1, Jean Street, Baddesley Ensor, CV9 2EA

Erection of three new three bed dwellings and creation of a new access to Jean Street and use of access to Church Row, for

Mr Morton, Mr Martin and Ms Sweet

Introduction

The application has been brought to the Board for consideration at the discretion of the Head of Development Control due to the Boards interest in a previous case here.

The Site

The application site measures approximately 0.085 hectares (862m²) in area and is located within the development boundary. The area is mainly residential displaying a variety of styles, ages and plot sizes. The site itself has two frontages, one to Jean Street and the other to Church Row. The site is currently a garden to 1 Jean Street and a vacant area of land off Church Row.

Along the boundary to Church House, is a row of trees and the boundary to Jean Street is predominantly marked by hedging. To the north is a Listed Building (Church House). Baddesley Ensor has a small range of shops and local facilities with bus routes. The location of the site is below and can also be viewed in Appendix A. Photographs of the site can be viewed in Appendix B.



The Proposal

It is proposed to erect three dwellings, consisting of one three-bed bungalow and two three bed detached dwellings together with the creation of a new access to Jean Street, and use of access to Church Row.

The proposal will result in the reduction of the garden to number one Jean Street to accommodate two car parking spaces and the bungalow. The other two dwellings would be accessed off Church Row. This would lead to four off-road parking spaces serving those two dwellings. The boundary to number ten Church Row would contain a fence. Detailed plans of the dwellings can be viewed in Appendix A.

The land levels rise from Jean Street to Church Row and rise along Church Row off New Street. The street view along Church Row is shown below and also contained within Appendix A.



Elevation along Church Row.
Scale 1:100

The access to the two dwellings off Church Row is sought to be improved as the whole vehicle access up to number 10 Church Row would be hard surfaced. The four parking spaces will be to the rear, through an access between the two dwellings. The bell-mouth of the access drive would provide an advantage in that it can also be used informally as a passing place if vehicles need to pass each other on the relatively narrow Church Row. It should be noted that there is a 20-mph speed limit on New Street around the area where the Church Row junction occurs.

Church Row itself (the carriageway) belongs to the Merevale Hall Estate. The necessary formal notice has been served on landowners. The whole of the road access up to the New Street junction has been included within the red line of the application site and thus the hard surfacing referred to above can be conditioned.

The application has set out that the occupants of the cottages at numbers 10, 11 and 12 Church Row have an old established right of way from the rear of the properties and at the side of number 10. This has been respected by leaving an adequate passageway between number 10 and the southernmost new dwelling. To demarcate the right of way, it is proposed to erect a two metre high fence at the distance of 1.524 metres away from the wall of number 10 Church Row. This will also ensure privacy for the new dwelling for people accessing the right of way.

Foul and storm drainage is to connect into the existing sewer system.

New landscaping will be proposed.

Background

In 2016, two applications were submitted. One related to the conversion of Redlands, which faces New Street, into two dwellings and the second was for the erection of one new dwelling on land accessed off Jean Street, to the rear of Redlands. The application for a new dwelling was refused, but a subsequent appeal has been allowed. The appeal decision can be viewed under Appendix C. Below are the relevant drawings



The farm (Church Farm) to the opposite side of New Street has been proposed for future residential development in the draft Submission Version of the new Local Plan

Development Plan

North Warwickshire Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11

(Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment) and NW15 (Nature Conservation)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV6 (Land Resources); ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT2 (Traffic Management and Traffic Safety), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

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

The National Planning Practice Guidance

The Draft Submission Version of the Local Plan for North Warwickshire - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP6 (Amount of Development), LP7 (Housing Development), LP8 (Windfall Allowance), LP9 (Affordable Housing Provision), LP15 (Historic Environment), LP31 (Development Considerations) and LP32 (Built Form)

Consultations

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

Environmental Health Officer - No comments to make

Warwick Museum – No objection subject to a standard condition

Warwickshire Fire Services - No objection

Representations

Baddesley Ensor Parish Council – No response received

Objections and comments have been received from 53 properties on Church Row, Jean Street and The Common – a number are from the same addresses. A petition of 35 signatures has been received objecting to the proposal – some of the signatures also appear amongst the letters. The matters raised relate to:

- The properties of 10, 11 and 12 Church Row have existing parking problems and these will be worsened.
- There are young children who live on Church Row and it would be dangerous for it to be used as an access, let alone the disruption it will cause number 10 being right outside windows.
- Parking from builders will lead to highways issues on both Jean Street and Church Row.
- Impact on senior citizens who live opposite on Jean Street.
- Church Row improvements could lead to water flow and maintenance issues.
- Amenity, privacy and overlooking issues for neighbouring properties.
- Impact on drainage system.

Observations

a) The Principle

The proposal is for three additional dwellings within Baddesley/Grendon. Members should be aware that the site is within the development boundary, and thus the proposal does accord with the Development Plan in principle. The starting position is therefore presumption that the application will be supported as sustainable development within an appropriate location. This position is not altered as a consequence of the publication of the draft Submission Version of the new Local Plan for North Warwickshire.

The remainder of the report will consider other relevant planning considerations to see if they are of such weight to override this presumption.

b) Neighbour amenity

The dwelling is within an existing established residential area with residential dwellings to all sides of the application site, hence there is already a degree of overlooking and high density development.

The proposed Jean Street dwelling site is an existing garden and is within an existing established residential area. No. 1 Jean Street is to the side of the application site and has been extended. No.1 does have a side facing windows facing towards the side garden and towards the application site. The application will have one small ground floor WC window. The gap between the side of No.1 and the application site is around 1.5 metres. The side windows to No.1 are considered to be secondary to the rooms they serve with front and rear elevation openings. The proposed dwelling is a bungalow, with eaves being 2.2 metres and the roof ridge running west to east, thus allowing any light into the side windows. The garden to the bungalow would be partly raised, however boundary treatment can reduce overlooking and amenity. The rear garden at present is overlooked from neighbouring properties. The proposed two dwellings on Church Row would be around 20 metres away, and whilst the land levels on Jean Street are lower, the existing dwellings on Church Row lead to similar overlooking issues. It is considered on balance the proposal would not cause an adverse amenity impact on this neighbour beyond what they might reasonably expect to enjoy.

To the north of the bungalow proposed at Jean Street, is the single dwelling that has recently been approved at appeal. It would contain a small WC side facing window. It would be sited at least 4 metres away, with vehicle parking in-between. It is considered on balance the proposal would not cause an adverse amenity impact on this neighbour beyond that which they might reasonably expect to enjoy. Redlands to the north/north east of the application site is currently one dwelling. Part of the garden would adjoin the application site (car park and vehicle parking). It is considered on balance to be acceptable with regards to amenity and overlooking.

To the north west is a bungalow which is No.139 New Street, and the front of the proposed dwelling would be 13.5 metres to the side of 139. The proposal will look towards the rear access area of the bungalow. It is considered on balance that it would not cause an adverse amenity impact on this neighbour beyond what they might reasonably expect to enjoy. The bungalow along with the adjoining bungalows, are owned by the Council and the housing team have raised no objection.

To the south west is No.2 Jean Street, with a separation distance of just under 20 metres, which is greater than the separation distances between the existing dwellings on Jean Street, and thus it is considered on balance the proposal would not cause an adverse amenity impact on this neighbour beyond what they might reasonably expect to enjoy.

The main amenity impact of the scheme will be on No.10 Church Row, which is 3.8 metres away from the side of plot B. No.10 contain side principle windows to a habitable room, which is northern facing and thus only gains little direct sunlight in the evening. The siting of the new dwelling and the drop in land levels would allow a reasonable and acceptable level of amenity to the occupiers. The drawing below shows No.10 to the far left. The photo below shows three of the side windows to No.10. Side windows are proposed to the new dwelling, however the nearest are to bathrooms and can be conditioned as being obscurely glazed. The other side window serves a kitchen window and a door, but is set further off the boundary. A boundary fence is proposed, reducing any harm, as shown on the photos below.



Elevation along Church Row



Church House, to the north of the site, which is a listed building, is around 17 metres from the side of the nearest proposed dwelling. Church House does have rear facing windows, however given the separation distance the nearest windows can be obscurely glazed in the new dwelling. The new dwelling will be higher than Church House, however the natural land level slopes down Church Row. Below are photos looking towards Church House.



On the opposite side of Church Row to the dwellings is Church View. Images of Church Row are below for reference.



Church View has front and rear facing windows and openings. Given the existing residential siting, a number of dwellings already overlook the front and rear of Church View. The proposed two dwellings will face the side, and the separation distances are around 8 metres, however the openings will not be directly in the existing rooms. It is considered on balance the proposal would not cause an adverse amenity impact on this neighbour beyond what they might reasonably expect to enjoy Numbers 10 to 12 Church Row, have openings looking into room openings and the garden area to Church View. Below are photographs taken from the rear garden to Church View, facing towards 10-12 Church Row and the Application Site.



A condition can be added to any approval for no additional openings to the new dwellings.

The amenity of future occupiers has also to be considered. The garden areas to the dwellings are small, but acceptable. The dwellings and garden areas will be overlooked given the existing residential area and the changes to the topography of the land. The separation distances to the neighbouring properties are acceptable and therefore allow a level of amenity and privacy. The layout of the dwellings with regards to living arrangements is considered to be acceptable.

Overall the proposal is not considered to result in a material adverse loss of amenity, privacy or loss of light that would result in an unacceptable impact upon the neighbouring properties. The proposal therefore accords with the policy NW10 of the Core Strategy, with policy LP31 of the Draft Local Plan and paragraph 17 of the NPPF.

c) Highways, Parking and Sustainability.

The main objection and concern of the neighbours are the proposed access arrangements and the parking situation. It should be noted that the Highways Authority raise no objection to the scheme, subject to conditions and notes. The proposal will create 6 off road car parking spaces. The scheme meets parking standards set out in the Development Plan.

Representations have highlighted parking issues in the area. Appendix D shows photos provided by a neighbouring showing parking issues on Jean Street. The site access is likely to result in the loss of two on road parking spaces on Jean Street. An earlier separate application on an adjacent parcel of land on Jean Street was allowed at appeal (Appendix C), which will be covered later, means that this part of Jean Street will have limited on road parking availability. Jean Street is a narrow road and serves a number of properties and one additional dwelling is not considered to lead to a detrimental impact upon parking particularly as space is to be provided on site. It is considered that the existing situation for emergency vehicles will not change for one new dwelling and any construction work would have to be carried out off the highway. Representations have raised concerns over building work, but it would be for a short period, and a condition can be set out covering the construction times. The access to the site is within an existing residential area, and the site is close to local facilities. The site is near bus routes with links to the surrounding areas. The site is considered to be sustainable and thus in compliance with the NPPF and the Development Plan.

The access to the two dwellings in Church Row is off a private drive. The applicant has access rights over this and the relevant notice has been served upon the land owner. The application will lead to the improvement of Church Row. Church Row narrows and serves dwellings. Church House has a garage and Church View has a drive and garage. Numbers 10 -12 Church Row do not have any dedicated parking and had until recently, used the rear part of the application site for informal parking but this has ended. To the front of No. 10-12 Church Row, there is a limited area of space for vehicles but not enough to cater for three dwellings. The owners of Church Row have objected, but as set out earlier the applicant has a right of way to use the access and the application site is owned by them. The proposal will however lead to on-site car parking for the new houses.

The access to the site is within an existing residential area, and is close to local facilities. The site is near bus routes with links to the surrounding areas. The site is considered to be sustainable and thus in compliance with the NPPF; the 2014 Core Strategy and the emerging 2017 Local Plan. The proposal is considered to comply with the maximum parking standard as set out in the Development Plan.

d) Appeal on adjacent land on Jean Street

In 2017, the Planning Inspectorate considered an appeal, on land adjacent to the proposed site on Jean Street, for one dwelling. The Board's refusal wholly centred on parking issues and thus highway impacts.

The appeal was allowed with the Inspector making the following comments. The full decision can be viewed in Appendix C.

- 6. On the above basis I am satisfied that the development would not significantly contribute to parking congestion. Consequently the loss of some onstreet parking due to the development would not have an unacceptable effect on onstreet parking in the area because many households have alternatives to onstreet parking in any event, and the availability of other onstreet parking within a relatively short distance is generally not restricted.**

- 9. I am satisfied that the onsite parking provided, the lack of local parking restrictions, the availability of onstreet parking in the general area, and the conditions required by the highway authority are material considerations that overcome any conflict with Policy NW10 (6) of the North Warwickshire Local Plan Core Strategy 2014.**

This decision is considered to be material to the current application.

e) Design and siting

The main frontage to Jean Street will contain brick tile finish. The local area contains a range of dwelling materials, with Jean Street mainly being terraced dwellings. The proposal will lead to a modern design, contemporary design considering the surrounding architecture and design features. The roofs and window details are designed to reflect the area.

The two dwellings to Church Row are of a modern, contemporary design considering the surrounding architecture and design features, whilst not seeking to impact upon the Listed Building. The materials would be brick and tile. The siting is to the front of Church Row, which is similar to 10-12 Church Row and the former built form. The built form is considered to enhance the site, by removing the vacant area of land. The window proportions are acceptable.

The proposal is considered to comply with policy NW12 of the Core Strategy and to the emerging policy LP32. The building form of the development seeks to reflect the existing built form of the area, also considering the relevant part of the NPPF.

f) Heritage

The application site adjoins the southern boundary of a Listed Building. The side gable wall to the nearest new dwelling will face towards the listed building. The separation distance from the nearest dwelling to the listed building is around 17 metres. The design of the proposed dwellings off Church Row is considered to be acceptable when considering the setting and character of the listed building.

The setting and impact upon the heritage asset is a material consideration as covered by the NPPF 2012 and Development Plan policy. Policy NW14 of the Core Strategy and policy LP15 of the 2017 Draft Plan, seek to protect and enhance heritage assets. It is considered that the proposal would cause less than substantial harm to the setting of the building because of the nature of the existing surrounding relatively high density development. The prominence of the building on the corner is its most significant aspect and this would not be affected.

g) Other issues

A number of the trees along the boundary to Church House are to be removed but some are to be retained. The Councils Tree officer has requested an assessment which can be conditioned, but does not object to the removal of trees. The proposal will lead to new landscaping on the site.

Any issues raised about the sale of the land, together with boundary issues with neighbours are not material planning considerations and need to be taken up privately between the parties.

Recommendation

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered 383/216/07 REV A; 383/216/06 REV B; and 383/216/10 received by the Local Planning Authority on 5 February 2018 and the plans numbered 383/216/08 REV C; and 383/0216/09 REV F received by the Local Planning Authority on 6 February 2018.

REASON

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

Pre-Commencement

3. No development shall be commenced before details of the facing bricks, roofing tiles, external materials and surfacing 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.

4. No development shall commence until details of a landscaping scheme shall be submitted to the Local Planning Authority for approval. For the avoidance of doubt landscaping includes, boundary treatment, surfacing materials, trees and hedges.

REASON

In the interests of the amenities of the area.

5. No work relating to the construction of the development hereby approved, including works of preparation prior to operations, shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall remain in operation during the length of construction and amongst other things will cover:

- a. Deliveries and collections associated with the construction of the proposed development shall not occur during peak periods on the highway network (08:00 - 09:00 and 17:00 - 18:00 weekdays).

- b. The development hereby permitted shall not commence or continue unless measures are in place to prevent or 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.

- c. Storage of materials.

REASON

To protect the amenities of nearby residential property.

6. No development shall commence until full details of the surfacing, drainage and levels of the car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Council. No unit shall be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles, and 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 the amenities of the area and safety on the public highway.

7. No development shall take place until:
- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
 - b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority.
 - c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the LPA. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

REASON

To ensure the recording of any items of archaeological interest.

8. No development shall take place on site until a Arboricultural Assessment, as covered by BS5837:2012 Trees in relation to design, demolition and construction Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be carried out as approved.

REASON

To protect the health and stability of the trees to be retained on the site in the interests of amenity.

Other conditions

9. No development whatsoever within Class A, B and C of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall not commence on site.

REASON

In the interests of the amenities of the area.

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

REASON

To protect the privacy of the occupiers of adjoining properties.

11. Any side facing windows that serve WC's or bathrooms shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 4 or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.

REASON

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

12. All planting, seeding or turfing comprised in the approved details of landscaping as covered by condition 4 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. Access for vehicles to the site from Jean Street shall not be made other than at the position identified on the approved drawing, number 383/216/09 Rev E, and shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.

REASON

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

14. The development accessed from Church Row shall not be occupied until the bellmouth junction of Church Row with New Road has been resurfaced to the satisfaction of the Highway Authority.

REASON

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

15. The development accessed from Jean Street shall not be occupied until the existing public highway footway on the eastern side of Jean Street has been extended to serve the proposed dwelling.

REASON

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

16. The development accessed from Jean Street shall not be occupied until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.0 metres and 'y' distances of 20 metres measured to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

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

17. The development accessed from Jean Street shall not be occupied until pedestrian visibility splays have been provided to the access to the site with an 'x' distance of 2.4 metres, and 'y' distances of 2 metres, as measured to the near edge of the public highway footway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

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

18. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal fitting out, shall take place before the hours of 0800 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.

REASON

To protect the amenities of the occupiers of nearby properties during the construction period.

Notes

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

2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.

3. 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, by suggesting amendments to improve the quality of the proposal negotiations. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

4. 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.

5. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness are going to/or being collected from the local schools.

6. Condition numbers 13, 14 and 15 require works to be carried out within the limits of the public highway. Before commencing such works the applicant/developer 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/developer. The Area Team 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/developer 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.

7. 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.

8. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

9. With regards to condition 8, The applicant is advised that to comply with the condition relating to the standard of works to trees, the work should be carried out in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations". Also Trees are to remain upon the site in close proximity to any of the proposed dwellings it is recommended that full guidance is taken in regards to NHBC (National House Building Council) Chapter 4.2 (2); Building Near Trees to help prevent future incidents of subsidence.

10. The Police have made the following suggestions to be incorporated into the design as they will go some way to ensuring the residents do not become victims of crime or anti-social behaviour.

- 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 us 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.

11. Warwickshire Fire and Rescue Authority ask you to consider and ensure that access to the site, during construction and once completed, is maintained free from obstructions such as parked vehicles, to allow Emergency Service vehicle access.

The development meets compliance with Approved Document B, Volume 2, Section 85 -Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc.. regarding this can be found at

www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning

Where compliance cannot be met, please provide details of alternative measures you intend to put in place. Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5. 18, Access for Emergency Vehicles.

For Consideration - Warwickshire Fire and Rescue Authority ask you to consider and ensure that access to the site, during construction and once completed, is maintained free from obstructions such as parked vehicles, to allow Emergency Service vehicle access. Should you require clarification of any of the foregoing or any further Fire Safety advice please do not hesitate to contact the Fire service at 01926 423231, or email: firesafety@warwickshire.gov.uk.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0335

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	28/6/2017
2	WCC Museum	Consultation response	31/7/17
3	NWBC Tree officer	Consultation response	5/12/17
4	NWBC tree officer	Consultation response	7/8/17
5	Warwickshire Police	Consultation response	6/12/17
6	WCC Fire Service	Consultation response	20/12/17
7	WCC Highways	Consultation response	22/12/17
8	NWBC Tree officer	Consultation response	16/1/18
9	WCC Fire service	Consultation response	23/1/18
10	WCC Highways	Consultation response	29/1/18
11	WCC Highways	Consultation response	31/1/18
12	E Smith	Representation objection	17/7/17
13	C Bellamy	Representation objection	17/7/17
14	P Martin	Representation objection	18/7/17
15	N Price	Representation objection	19/7/17
16	P Martin	Representation	19/7/17
17	M Carney	Representation objection	19/7/17
18	J Bird	Representation objection	24/7/17
19	E Whittle	Representation objection	24/7/17
20	A Russell	Representation objection	24/7/17
21	A Bird	Representation objection	25/7/17
22	P Martin	Representation objection	11/12/17
23	Sheppard	Representation objection	25/7/17
24	Eaton	Representation objection	28/7/17
25	D Russell	Representation objection	31/7/17
26	Jones	Representation objection	31/7/17
27	Merevale Estate	Representation objection	31/7/17
28	35 Name petition	Representation objection	1/8/17
29	E Whittle	Representation comments	1/8/17
30	K Hughes	Representation objection	2/8/17
31	M Maher	Representation objection	2/8/17
32	R Dee	Representation objection	3/8/17
33	Jackson	Representation comments	24/8/17
34	M Maher	Representation objection	11/12/17
35	M Maher	Representation objection	8/12/17
36	R Martin	Representation objection	11/12/17
37	D Russell	Representation objection	12/12/17
38	Jones	Representation objection	12/12/17
39	K Hughes	Representation objection	14/12/17
40	E Whittle	Representation objection	14/12/17

5/77

41	Eaton	Representation objection	14/12/17
42	M Carney	Representation objection	15/12/17
43	Merevale Estate	Representation objection	18/12/17
44	J Smith	Representation objection	10/1/18
45	N Price	Representation objection	12/1/18
46	G Price	Representation objection	12/1/18
47	M Maher	Representation objection	22/1/18
48	D Russell	Representation objection	22/1/18
49	R Martin	Representation objection	22/1/18
50	K Hughes	Representation objection	22/1/18
51	M Carney	Representation objection	22/1/18
52	A Russell	Representation objection	22/1/18
53	E Whittle	Representation objection	22/1/18
54	Eaton	Representation objection	22/1/18
55	M Maher	Representation objection	24/1/18
56	A Russell	Representation objection	25/1/18
57	M Carney	Representation objection	31/1/18
58	M Maher	Representation objection	1/2/18
59	A Russell	Representation objection	5/2/18
60	Eaton	Representation objection	6/2/18
61	M Carney	Representation objection	6/2/18
62	K Hughes	Representation objection	6/2/18
63	E Whittle	Representation objection	8/2/18
64	Case officer, agent and Merevale	Application correspondence	31/7/17
65	File note	Case officer meeting with agent	1/8/17
66	Agent	Email from agent	3/8/17
67	Case officer	Email to agent	8/8/17
68	Agent and Case officer	Extension of timer agreements	26/9/17 – 14/11/17
69	Case officer	File note of neighbour site meeting	4/12/17
70	Agent and case officer	Extension of time agreement	17/1/18
71	Case officer	File notes of neighbour meeting	18/1/18 and 19/1/18
72	Case officer	Emails to Forward Plans and Local Councillors	13/7/17
73	Case officer	Emails to NWBC tree officer and agent	14/7/17
74	Case officer and agent	Emails	17 and 18/7/17
75	Case officer	Email to neighbour	24/7/17
76	Case officer	Email to agent	24/7/17
77	Case officer and agent	Emails	31/7/17
78	Case officer and neighbour	Exchange of emails	3 and 4/8/17
79	Case officer	Email to agent	4/8/17
80	Case officer	Email to agent	8/8/17

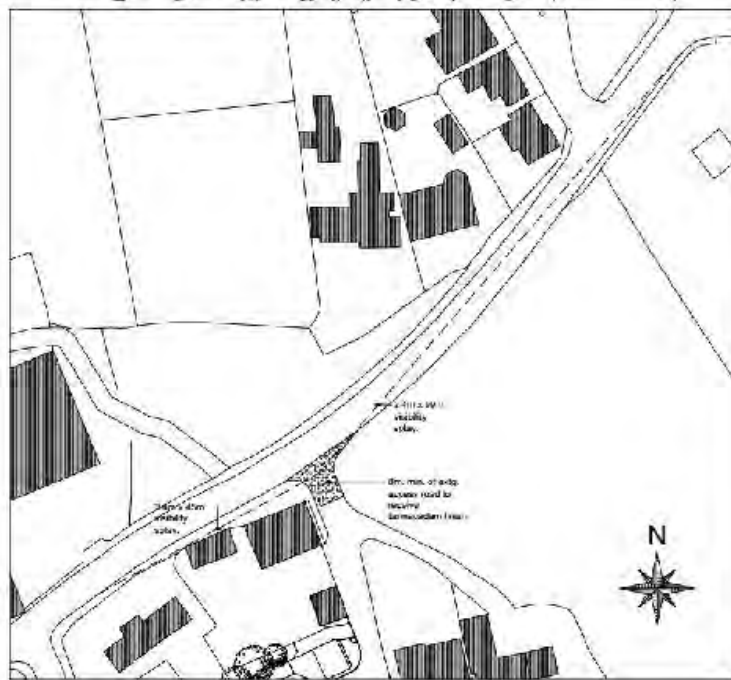
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81	Case officer and neighbour	Exchange of emails	11 and 12/8/17
82	Case officer and neighbour	Exchange of emails	12 - 15/8/17
83	Case officer and agent	Emails	26/9/17
84	Case officer and agent	Emails	23/10/17
85	Case officer and agent	emails	13 - 30/11/17
86	Case officer	Email to agent	4/12/17
87	Case officer	Email to neighbour	14/12/17
88	Case officer	Email to agent	15/12/17
89	Neighbour	Email to case officer	17/12/17
90	Case officer and agent	Emails	18/12/17
91	Case officer	Email to agent	2/1/18
92	Case officer and agent	Emails	8/1/18
93	Case officer and neighbour	Exchange of emails	8/1/18
94	Case officer and agent	Emails	8 - 11/1/18
95	Agent	Email to case officer	30/1/18
96	Case officer	File note	7/2/18
97	Case officer and agent	Emails	17 - 19/1/18
98	Case officer and agent	Emails	22 - 24/1/18
99	Case officer	Email to NWBC legal team	29/1/18
100	Case officer and agent	Emails	29/1/18 - 6/2/18
101	Case officer	Email to Councillors	17/1/18
102	Neighbours and Case officer	Exchange of emails including representations	7/2/18 - 12/2/18
103	E Whittle	Representation objection	7/2/18
104	D Russell	Representation objection	11/2/18
105	E Whittle	Representation objection	11/2/18
106	Case officer	Email to NWBC Solicitor	12/2/18
107	Case officer	Email WCC fire Service	12/2/18
108	WCC fire service	Email response	12/2/18
109	Neighbour	Email to case officer	12/2/18
110	R Allan	Representation objection	12/2/18
111	Case officer	Email to neighbour	15/2/18
112			
113			
114			
115			

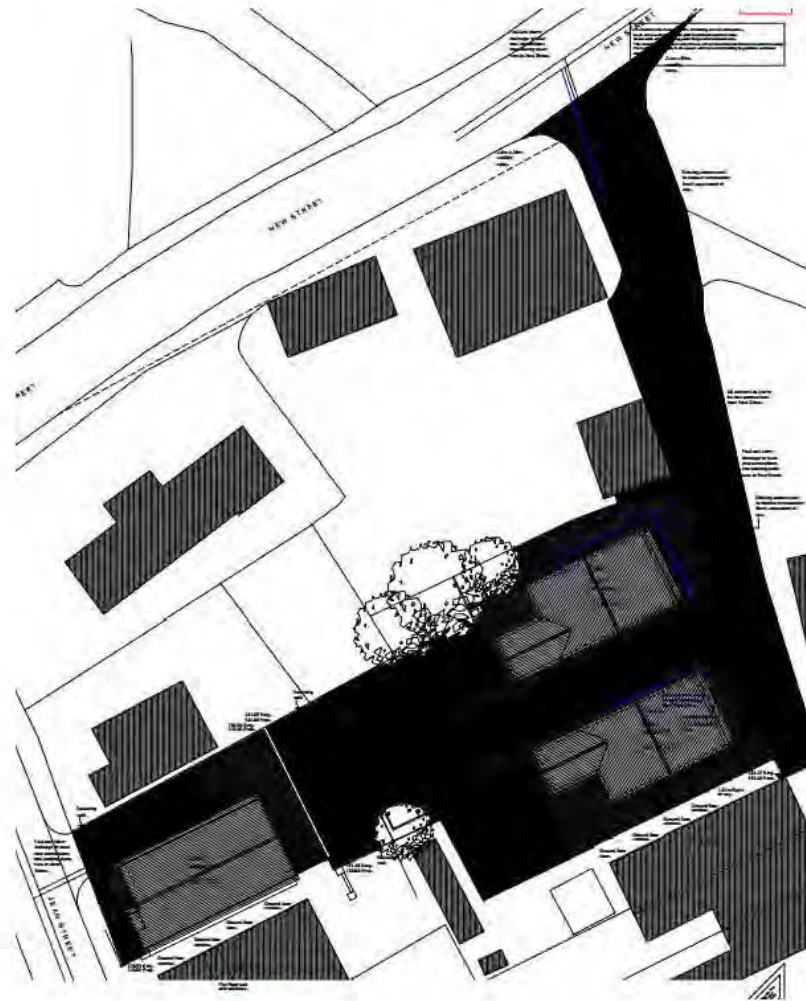
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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 plan.
Scale 1:500



Elevation along Church Row.

Scale: 1/800

5/81

5/28

House Type A.



North East elevation.
Scale 1:100



North West elevation.
Scale 1:100



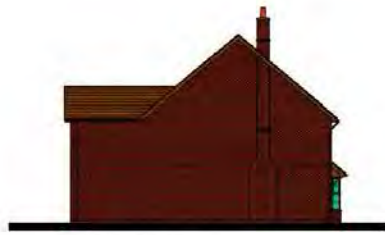
South West elevation.
Scale 1:100



Ground floor plan.
Scale 1:100



First floor plan.
Scale 1:100



South East elevation.
Scale 1:100

House Type B.



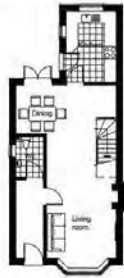
North East elevation.
Scale 1:100



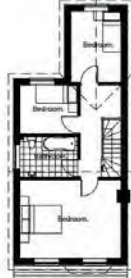
North West elevation.
Scale 1:100



South West elevation.
Scale 1:100



Ground floor plan.
Scale 1:100



First floor plan.
Scale 1:100



South East elevation.
Scale 1:100



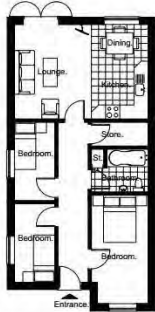
South West elevation.
Scale 1:100



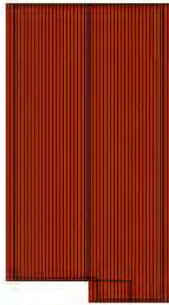
North West elevation.
Scale 1:100



North East elevation.
Scale 1:100



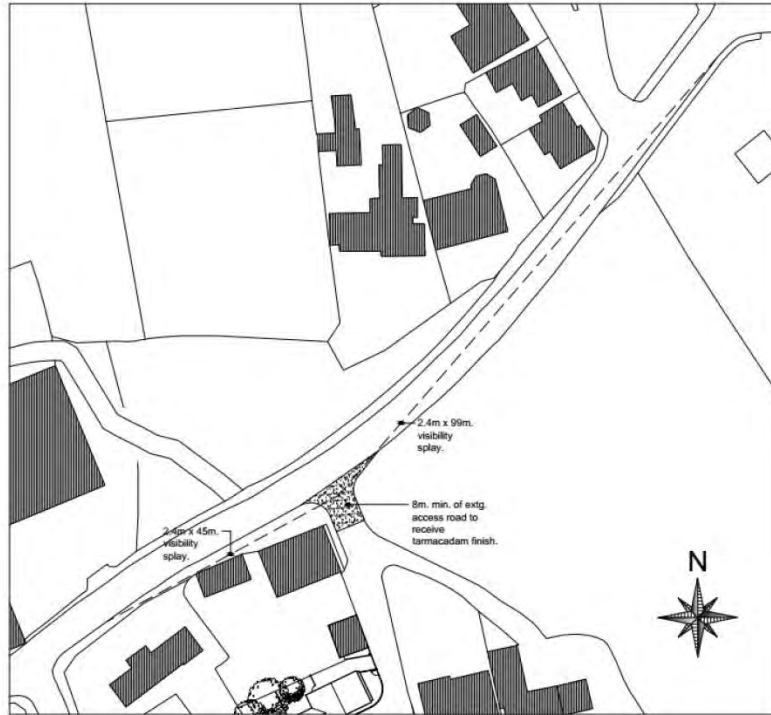
Ground floor plan.
Scale 1:100



Roof plan.
Scale 1:100



South East elevation.
Scale 1:100

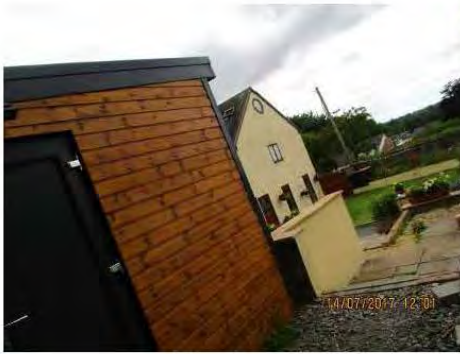


Site plan.
Scale 1:500.

Appendix B – Photographs of the site and area



5/84



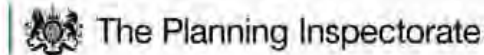
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5/32



5/86

5/33



Appeal Decision

Site visit made on 9 October 2017

by **S Jones MA DipLP**

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

Decision date: 9th November 2017

Appeal Ref: APP/R3705/W/17/3179378

Land Adjacent to Redlands, New Street, Baddesley Ensor, Atherstone CV9 2DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gary Morton against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2016/0643, dated 15 November 2016, was refused by notice dated 16 May 2017.
 - The development proposed is erection of a three bedroom house with vehicle parking.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of a three bedroom house with vehicle parking at land adjacent to Redlands, New Street, Baddesley Ensor, Atherstone CV9 2DL in accordance with the terms of the application, Ref PAP/2016/0643, dated 15 November 2016, subject to the conditions in the attached schedule to this decision.

Preliminary Matter

2. The application form was amended to clarify that it refers to a three bedroom house under application ref PAP/2016/0643. That amendment is reflected above.

Main Issue

3. The main issue is the effect of the development on parking and highway safety in the area.

Reasons

4. The plot of land lies between the rear of Redlands, a large 1970s style detached house currently being redeveloped, and another detached house alongside the site on Jean Street, a small cul-de-sac lined with a variety of housing. A new three bedroom house would be constructed on the plot accessed off Jean Street facing towards the bungalows opposite the site.
5. There is no regular passing traffic because Jean Street is a cul-de-sac. It has pavements in part and a tarmac roadway and I do not consider it to be below a reasonable standard for this type of road. I can appreciate that because it is relatively narrow and there is no specific turning circle that there would have been concerns regarding vehicles, in particular parking congestion. However, a

<https://www.gov.uk/planning-inspectorate>

single new house would not be likely to significantly impact traffic levels. At my afternoon site visit New Street which is a short distance down Jean Street and runs along in front of the bungalows was largely clear of cars, although I accept this may not reflect peak use. Furthermore, with regard to parking, in Jean Street many of the dwellings including the bungalows opposite have a parking area outside the frontage so that parking is not restricted to onstreet parking only. Some of the frontages have sufficient parking to accommodate more than one car per dwelling. There are no parking restrictions or yellow lines in Jean Street, New Street, or the immediate vicinity of streets surrounding the site. Furthermore the design and layout of the proposed three bedroom house would allow space for two vehicles alongside the development, meaning that the onstreet demand would be unlikely to increase significantly if at all as a result of the development.

6. On the above basis I am satisfied that the development would not significantly contribute to parking congestion. Consequently the loss of some onstreet parking due to the development would not have an unacceptable effect on onstreet parking in the area because many households have alternatives to onstreet parking in any event, and the availability of other onstreet parking within a relatively short distance is generally not restricted.
7. The onsite parking would also allow for vehicles from the site to reverse out and face forwards when leaving Jean Street and exiting onto the through road at New Street where there is two way passing traffic. This is similar to arrangements for many existing households in Jean Street and would not exacerbate that situation. Conflict with emergency vehicles was raised as a concern, however there was little evidence before me to substantiate that. Given the offstreet parking provision at the development it would be unlikely to make access for emergency vehicles more difficult than at present.
8. Although the proposed development might not completely accord with the preferred highway standards for new development in general because of the existing constraints in Jean Street, there were no objections from the local Highway Authority, subject to suitable conditions being imposed, including visibility splays.
9. I am satisfied that the onsite parking provided, the lack of local parking restrictions, the availability of onstreet parking in the general area, and the conditions required by the highway authority are material considerations that overcome any conflict with Policy NW10 (6) of the North Warwickshire Local Plan Core Strategy 2014.

Conditions and Conclusion

10. The Council proposed a number of conditions which I have considered against the advice contained in the Planning Practice Guidance. I have made some minor amendments in the interest of clarity and enforceability. I consider that the condition restricting permitted development rights would not be necessary because the circumstances in this case are not exceptional enough to justify its imposition in accordance with the Guidance.
11. Conditions have been imposed about commencement and approved plans in the interests of certainty. Further conditions have been imposed to ensure a satisfactory standard of development in terms of materials, boundary treatments, landscaping, obscure glazing, and control of openings to protect

the character and appearance of the area and the living conditions of neighbouring residents. The site has a listed building nearby so a condition regarding the possibility of archaeological remains is necessary to ensure recording should anything be Uncovered.

12. A condition securing a Construction Management Plan and conditions about hours of working and removal of debris are necessary to ensure there are no significant adverse impacts on the living conditions of nearby residents or the highway during any part of the development. Conditions regarding parking areas, visibility splays and location of access are necessary to ensure highway safety and its longterm efficacy.
13. For the reasons given above I conclude that the appeal should be allowed and planning permission granted subject to these conditions.

S Jones

INSPECTOR

APP/R3705/W/17/3179378

Land adj to Redlands, New Street, Baddesley Ensor, Atherstone CV9 2DL
Schedule of Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.
2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 375/216/02 REV E received by the Local Planning Authority on 14 March 2017.
3. No development shall be commenced before details of the facing bricks, roofing tiles, external render, external materials and surfacing materials to be used have been submitted to and approved by the Local Planning Authority in writing, and development shall be carried out in accordance with the approved details.
4. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner.
5. The ground floor WC window and the first floor bathroom windows shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 4 or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.
6. Before occupation of the dwellinghouses a landscaping scheme shall be submitted to the Local Planning Authority for approval. The scheme shall include boundary treatments.

7. All planting, seeding or turfing comprised in the approved details of landscaping as covered by condition 6 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 the landscaping scheme agreed under condition 6 shall be permanently retained thereafter.
8. No work relating to the construction of the development hereby approved, including works of preparation prior to operations, shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall remain in operation during the length of construction and amongst other things will cover:
 - a. Deliveries and collections associated with the construction of the proposed development shall not occur during peak periods on the highway network (08:00 - 09:00 and 17:00 - 18:00 weekdays).
 - b. The development hereby permitted shall not commence or continue unless measures are in place to prevent or 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.
9. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal fitting out, shall take place before 0700 nor after 1900 Monday to Friday, or before 0800 nor after 1300 Saturdays or at all on Sundays or recognised public holidays
10. All materials obtained from demolition shall be permanently removed from the site within twenty eight days of demolition being commenced.
11. No development shall commence until full details of the surfacing, drainage and levels of the car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Council. The development shall not be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles, and 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.
12. Access for vehicles to the site from the public highway shall not be made other than at the positions identified on the approved drawing, number 375/216/02 Rev E, and shall not be used unless public highway footway crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority.
13. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.0 metres and 'y' distances of 24.0 metres looking left and 19 metres looking right to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed

at maturity, a height of 0.6 metres above the level of the public highway carriageway.

14. The development shall not be occupied until pedestrian visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres, and 'y' distances of 2 metres, as measured to the near edge of the public highway footway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway

15. No development shall take place until:

- a) A written scheme of investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the local planning authority.
- b) The programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork shall be submitted to the local planning authority.
- c) An Archaeological Mitigation Strategy (AMS) document (including the WSI) has been submitted to and approved in writing by the local planning authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.
- d) The development and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the AMS shall be undertaken in accordance with the approved AMS.

Appendix D – Photos from neighbour in Jean Street



(2) Application No: PAP/2017/0551

Land South Of Warton Recreation Ground, Orton Road/Barn End Road, Warton,

Outline application for up to 100 dwellings; all matters reserved except for access, for

Richborough Estates, M & A Caton

Introduction

This case is reported to Board at the request of Councillors in recognition of the scale of the development and the cumulative impacts of the developments proposed in Warton.

The Site and the Proposal

The site has an area of 4.48ha. It is situated on the south side of the village of Warton and has frontages to Barn End Road and Orton Road. Agricultural land lies to the south and west and the village recreation ground lies to the north-west. A site immediately to the north benefits from planning permission for 29 dwellings. The site is shown edged red in the aerial photograph below.



The site is in use for the production of crops and is broadly level land with no tree or shrub cover with the exception of at its outer boundary. The land is shown in the photograph below (taken from the junction of Barn End Road and Orton Road)

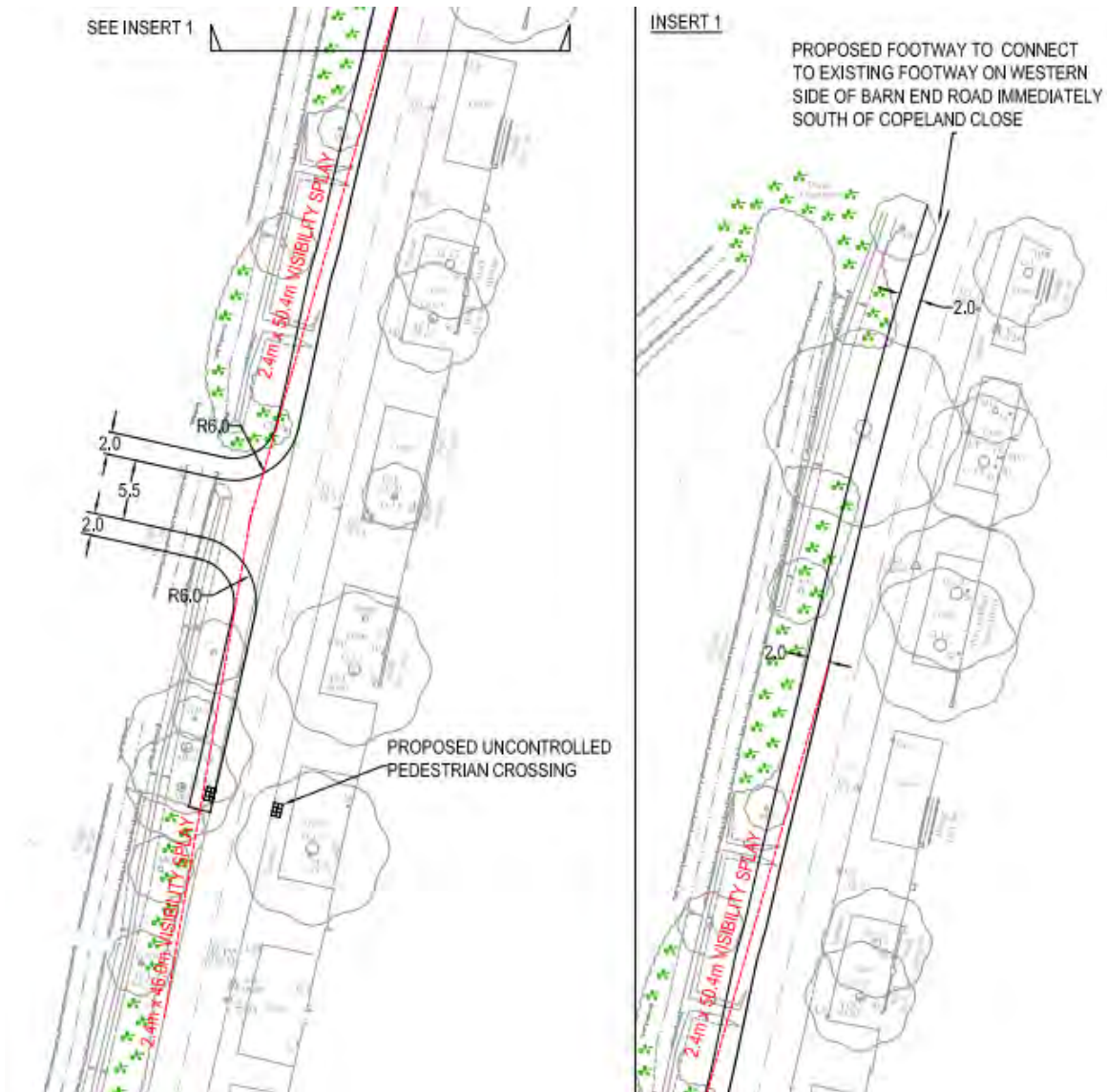


The application is accompanied by an Illustrative Masterplan (reproduced below) and other supporting documents:

- Planning Statement, prepared by Pegasus Group;
- Design and Access Statement, prepared by Pegasus Group;
- Affordable Housing Statement, prepared by Pegasus Group;
- Open Space Statement, prepared by Pegasus Group;
- Landscape and Visual Appraisal, prepared by Pegasus Group;
- Agricultural Land Classification Report, prepared by Soil Environment Services;
- Transport Assessment, prepared by PTB Transport Planning;
- Travel Plan, prepared by PTB Transport Planning;
- Flood Risk Assessment, prepared by BWB;
- Sustainable Drainage Statement, prepared by BWB;
- Foul Water and Utilities Assessment, prepared by BWB;
- Ecological Appraisal, prepared by Just Ecology;
- Reptile Survey Report, prepared by Just Ecology;
- Great Crested Newt Survey Report, prepared by Just Ecology;
- Tree Survey, prepared by Midland Forestry; and
- Ground Conditions Desk Study, prepared by ASL.



A new access is proposed to Barn End Road. Details of the access are shown below:



The photograph below shows the stretch of Barn End Road onto which the new access will be formed:



The proposal would be the subject of a Section 106 Agreement with the following elements and sums having been agreed (subject to final correction on the

apportionment of the education contributions between the three development sites in the same village):

- The application proposes 40% affordable housing on site as required by policy.
- County Council Contributions - Broken down as follows:

Two new bus stops on Little Warton Road near the junction with Barn End Road - **£9,000**.

Sustainable Travel Packs - Contribution of £75 per dwelling - **£7,500**

Libraries - Expansion of service to meet customer needs generated by residential developments. Monies will be used to improve, enhance and extend the facilities or services of a specified library service point where local housing development will mean an expected increase in numbers of people using those facilities – **£2,189**

Education:

Provision stage	Number of children generated	Provision	Contribution requested
Primary	18	Contribution towards provision at Warton Nethersole CofE Primary School	£228,690
Secondary	13	Contribution towards additional provision at The Polesworth School	£206,453
Post 16	5	Contribution towards additional provision at The Polesworth School	£90,920

Total Contribution	£526,063
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- North Warwickshire Borough Council:

Recreation contribution addressing Built Sport Facilities and Playing Pitches - **£125,929**

- Public Health/CCG:
- Capital contribution of **£21,702** for the improvement and/or extension of the Polesworth and Dordon Group Practice.

Background

Members have expressed the view that the cumulative effect of development in the village should be considered and that there should be consistency of approach to the determination of all applications, particularly in respect of developer contributions.

The applications below are current applications proposing major residential development in the same village. They have been previously reported to Board, and

Board has resolved to approve the developments in principle, subject to the satisfactory resolution of developer contribution negotiations.

PAP/2016/0280	21	Land Opposite 84 To 104, Orton Road, Warton, Outline application for erection of 72 dwellings with associated access, parking and landscaping
PAP/2017/0202	39	Land Rear of 29 to 49, Little Warton Road, Warton, Outline application for erection of up to 56 no: dwellings and associated works, including the demolition of 47 Little Warton Lane (outline:point of access)

Development Plan

North Warwickshire Core Strategy (October 2014): NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW15 (Nature Conservation), NW16 (Green Infrastructure) and NW22 (Infrastructure) Saved Policies of the North Warwickshire Local Plan 2006: ENV4 (Trees and Hedgerows); ENV6 (Land Resources), ENV8 (Water Resources), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

The National Planning Policy Framework 2012 (NPPF)

Planning Practice Guidance 2017

The North Warwickshire Local Plan Submission Version, March 2018

Appeal Reference: APP/R3705/W/16/3149573 – Ansley

Consultations

Environmental Health Officer - Agrees with the findings of the desk study, that a further intrusive investigation for potential contamination will be required. A dust management plan will also be required for the development in line with the IAQM guidance. He recommends that, should permission be granted, hours of construction are limited to 08:00 to 18:00 on weekdays and 08:00 to 13:00 on Saturdays.

Natural England – Initially raised queries about the likely impact on the Alvecote Pools SSSI and the Birches Barn Meadow SSSI, however, upon receipt of additional information supplied by the applicant, it concluded that the development will not have significant impacts on designated sites.

Warwickshire Wildlife Trust – No objection. Comments on the issues relating to the presence of protected species and the need for additional surveys (bat and badger).

Lead Local Flood Authority – No objection subject to conditions.

Warwickshire County Council Highways Authority – No objection subject to conditions

Severn Trent Water – No objection subject to conditions.

Waste and Transport Manager, NWBC – Comments on what will be required at the approval of reserved matters stage - recommends a practical bin storage facility for every property, each capable of holding a minimum of 3 x 240L wheeled bins and the need to see a vehicle flow plan for a 26T RCV on all areas of adopted highway. Comments that the illustrative plan shows a high proportion of dwellings (40%) serviced from private drives where the refuse collection service will not enter (by vehicle or foot). Concrete collection points adjacent to the adopted highway to cater for properties located on private drives.

Warwickshire County Council Public Health (Public Health) and NHS Warwickshire North Clinical Commissioning Group (the CCG) – Comments that the design of the development should adhere to Building for Life 12 principles, advocates that parking should not dominate the street scene as on road parking can impact on the ability of emergency vehicles to navigate roads and asks that consideration be given to the inclusion of green gyms and the installation of electric vehicle charging point on this development.

Design Out Crime Officer Warwickshire Police – No objection.

Sport England – Raises no objection.

Fire Service - No objection subject to conditions

AD (Housing) – Advises that up to date demands suggest that an appropriate mix for affordable housing would be 20 x 2 bed houses, 5 x 3 bed houses and 2 x 4 bed houses.

Warwickshire County Council Footpaths – No objection but identifies that given that the section of public footpath crossing the site would be serving the proposed residential development and will link to the adjacent proposed development to the north, it would also expect the developer to improve the surface of the public footpath to bring it up to the same standard as other footways within the site, such as with a tarmac surface. The section of public footpath crossing the site should preferably also have street lighting and be included in any adoption agreement for the site. It seeks confirmation that such resurfacing works will be undertaken or funded by the applicant.

Tree Officer, NWBC – No objection. The trees at the site are mainly located to the edges of the proposed development site, these trees do provide a small amount of amenity to the local area but given the historic use of the land (agricultural) they have not been maintained to a high standard and as such do not warrant protection by way of Tree Preservation Orders. The tree removals and works are acceptable. The Illustrative Masterplan re-planting scheme is well constructed and in keeping with the local area.

Planning Archaeologist, Warwickshire Museum – Advised that the site lies within an area of archaeological potential approximately 150 metres southwest of the medieval settlement of Warton (Warwickshire Historic Environment Record MWA9578) and approximately 500 metres east of a possible cropmark complex (MWA6728). Evidence of a possible Roman settlement has also been recorded approximately 850 metres to the northwest of the site (MWA 220). Whilst there is little other direct evidence for pre-

medieval activity that has been identified from the immediate vicinity of the site, this may be a reflection of a lack of previous investigations across this area, rather than an indication of the potential for below ground archaeological deposits to survive across the site.

He therefore recommends that the applicant be requested to arrange for an archaeological evaluation to be undertaken before any decision on the planning application is taken.

Whilst the applicant has undertaken a geophysical survey, the Planning Archaeologist is of the view that trial trenching is also required.

Representations

Letters have been received from 19 individuals raising the following matters:

- The village will struggle to accommodate the traffic generated, particularly given that three other developments are also planned. Speeding and parking difficulties at the school are already a problem. The likely traffic generation is greater than that assumed in the Transport Assessment.
- The crossroads at Barn End Road and Orton Road is the site of many accidents (though most are non-reportable).
- Increased volumes of traffic on local roads will exacerbate congestion elsewhere in Polesworth, Grendon, Atherstone and Tamworth. The traffic report supplied has only considered traffic levels and the traffic leaving the village, and at the school in Polesworth, it has not considered other areas of existing traffic congestion.
- The village has inadequate services (sewerage, doctors and other health care, dentists, schools, public transport)
- The development impacts should be looked at collectively with other developments, including Dordon, Grendon, Polesworth and Tamworth's large development in Robey's Lane (off the B5000) and along the Ashby Road (B5493).
- There is no need for more houses.
- Housing should not be built on green fields.
- The scale of development will mean that the village will lose its village identity.
- Plans for up to 80 houses and now that has increased to up to 100.
- Residents of Barn End Road will suffer noise and headlight disturbance from the new junction and the volume of traffic using it.
- Loss of opportunity for on street car parking in the vicinity of the new junction will be a problem for existing households.
- An access off Orton Road, away from existing dwellings, would be preferable.
- Other amenities should be provided for a new larger village, such as improved sporting facilities.
- The density of housing is too high given its context.
- There would be no objection if 20 houses were proposed here.
- The development would be contrary to NPPF core planning principles and its promotion of sustainable travel.
- The site is outside of the defined development boundary.
- The site is productive arable land. BREXIT potentially means that this type of land will be of national importance.

- The development will impact adversely on the quality of life for occupiers of properties on Barn End Road and Ivy Croft Road.
- The residents will not have access to high quality public transport.
- Costs of increased road maintenance should be identified and met.
- There will be an increase in risk to vulnerable road users because of increased traffic volumes.
- There would be an adverse impact on flora and fauna.
- Flooding has been an issue for the current residents bounding the proposed site and the current drainage will not be able to cope with the increase in dwellings.
- The village has already had the required housing development as per the local plan and this site is not preferred in the pending local plan, this build exceeds the identified housing requirement for the village.
- Warton is a dispersed settlement where development proposals should be considered very carefully: infilling could ruin the character of the village while estate development would overwhelm it.
- The layout of the new houses would result in loss of light and loss of view to adjacent properties
- existing property has a balcony from the bedroom with seating area. From this area the occupiers would be looking into bedroom windows and gardens.
- Loss of privacy to existing dwellings.
- Loss of property value.
- The maintenance of a landscaped strip between existing and new dwellings is advocated.
- Surface water drainage of adjacent properties on Ivycroft Road is still unresolved.
- Catering for Birmingham housing need is not providing housing for local people.
- If this application is to be decided by councillors at Board, the objector indicates a desire to speak.
- Bats roosting nearby make use of the trees and hedgerows lining the Barn End Road boundary.
- The development is advanced for political reasons.

Observations

Core Strategy Policy NW1 (Sustainable Development) states that planning applications which accord with the policies in the Core Strategy should be approved without delay, unless material considerations indicate otherwise. On this basis this report will assess the proposal against the Development Plan policies in the Core Strategy which are considered to be up-to-date.

a) The Principle of Development

The site lies outside the Development Boundary for Warton. Policy NW2 in North Warwickshire's Core Strategy seeks to develop a broad distribution pattern in accordance with the Borough's settlement hierarchy. Warton is a category 4 settlement where development is limited to that identified in the Plan or has been identified through a Neighbourhood or other locality plan.

The site lies adjacent to the development boundary for Warton as the development boundary includes the residential properties along Barn End Road and Ivy Croft Road. However, the site has been identified as an allocated housing site in Policy LP39 as part of housing site H27 (Land off Barn End Road, Warton) in the North Warwickshire Local Plan Submission Version March 2018.

SAP part of Site Proposal WAR8

14.89 Some of the land off Barn End Road is being proposed for housing development. A developed site for a minimum of 80 can be created by the introduction of a landscaped area which effectively recreates a strong boundary to the open field beyond.

H27 Land off Barn End Road, Warton

Some 4.5 hectares is allocated for housing at land off Barn End Road, Warton providing for a minimum of 80 units. A landscaping strip will be provided to the east of the site to create a strong landscaped boundary to the field beyond. Contributions will be required for health and educational facilities. Improved and / or new recreational facilities will be provided.

The site allocation indicates that the site should provide for a minimum of 80 dwellings.

The site will have direct vehicular and pedestrian access onto Barn End Road. A bus service between Tamworth and Atherstone operates from the village (although improved access to bus stops would be a necessary requirement of the development). There is a shop and post office in Warton and a primary school on Maypole Road. There are pedestrian linkages to services within the village which comply with the requirements of Policy NW10 (4) and (5) to promote healthier lifestyles for the community to be active and to encourage sustainable forms of transport focussing on pedestrian access and provision of bike facilities.

Based on the above it is considered that the site proposed is in a sustainable location being located adjacent to the development boundary of Warton. The site is identified as an allocated housing site in the Emerging Local Plan. As such it is considered that the scheme complies with Policy NW2 and Policy NW10 in the Core Strategy.

The main impacts of approving residential development should now be considered.

b) Highway Infrastructure

Policy NW10 (Development Considerations) in the Core Strategy states that development will provide for proper vehicular access, sufficient parking and manoeuvring for vehicles in accordance with adopted standards.

The access to the site is proposed to be taken from Barn End Road, in the form of a priority 'T' junction. The Highway Authority offers no objection to the proposed access arrangements and raises no concern about highway capacity. It notes that the submitted Transport Assessment (TA) appropriately calculates trip generation of the proposed development utilising the TRICS database and uses a robust methodology. The modelling undertaken shows that the impact on the operation of the highway network will be minimal. The Highway Authority therefore concludes that the development can be accommodated and cannot be considered as 'severe' in accordance with Paragraph 32 of the National Planning Policy Framework.

The Highway Authority notes that the applicants have submitted a Travel Plan, however, it advises that it does not recognise Travel Plans for residential development as they are not enforceable once the development has been completed. Therefore the Highway Authority provides Sustainable Travel Packs for each dwelling at a cost of £75.00, equating to a total sum of £7,500.00.

The Highway Authority has considered the access arrangements as identified in preliminary drawing number, T17533-001 Rev A. Though it considers the proposals to be acceptable in principle, when considering the provided tracking drawings, it is noted that a Road Safety Audit Stage 1 has not been provided to support the access arrangements. Based on its assessment of the proposal and accident records within the vicinity of the access the Highway Authority considers that the provision of the Road Safety Audit Stage 1 can be conditioned to accompany the need of technical detailed drawings prior to the commencement of development.

c) Loss of Biodiversity

The site consists of arable land surrounded by hedgerows.

The indicative site layout that has been supplied incorporates a substantial landscaped strip and shows that structural landscaping would be established/maintained in and around the site.

d) Archaeology

The Planning Archaeologist at Warwickshire Museum identified a potential for the site to have archaeology associated the medieval settlement of Warton, a possible cropmark complex and a possible Roman settlement. He indicated that whilst there is little other direct evidence for pre-medieval activity this may be a reflection of a lack of previous investigations across this area, rather than an indication of the potential for below ground archaeological deposits to survive across the site. He sought pre-determinative evaluation, with a geophysical survey being the initial phase.

The applicant has supplied a geophysical survey report which concludes that there were 'no anomalies of possible archaeological interest have been identified by the survey, with all the anomalies relating to various agricultural practices, natural variations and modern ferrous debris'.

The Planning Archaeologist has been supplied with this report. He remains concerned that a negative report does not fully demonstrate that there is no archaeology of importance. He points to current Historic England guidelines which indicate that any reference to 'negative evidence' must be fully qualified and explained. Lack of geophysical anomalies cannot be taken to imply a lack of archaeological features, and in such cases an alternative evaluation procedure such as trial trenching, should be considered. In light of the size of this application site and the lack of previous archaeological work having been undertaken within the vicinity of the proposal he does not consider that the potential for the site to contain archaeological deposits has been adequately demonstrated.

This stance has to be balanced against the stance taken at the other development sites in the village. The County Council's proposal on Orton Road for 72 dwellings identified a comparable historic context, however, the stance in that instance did not require pre-determinative evaluation, instead required a programme of evaluation ahead of the submission of reserved matters. Given the size of the current site and, dependent on the importance of any archaeology identified, there would be some scope for variances in the layout at reserved matters stage. It is considered that a consistent stance should be adopted and a programme of evaluation ahead of the submission of reserved matters will also be acceptable in this instance.

e) Residential amenity and village character

With regards to the residents to the north and north east of the site, the application is submitted in outline format and so any reserved matters application can ensure that the units are all orientated to maintain a sufficient degree of privacy between existing and proposed residential properties. The proposed indicative layout shows properties side on to each other or with rear gardens abutting rear gardens. Whilst separation distances will need to be reviewed at the reserved matters stage, there is scope for these arrangements to be shown to cause no significant demonstrable harm to residential amenity.

As such it is not considered that to grant outline planning permission here for housing would result in the significant loss of privacy, over dominance or loss of light to nearby residents. The proposal thus complies with Policy NW10 (Development Considerations) in the Core Strategy 2014.

The site layout shown on the indicative plan makes provision for a broad landscaped belt around the periphery of the site to soften its visual impact on the setting of the village edge and to accord with the provisions of the emerging local plan in the site allocation. The development will abut other modern housing development and will achieve access via a road which has an existing frontage of dwellings. It is not considered the development will appear as an alien or disproportionately large addition to the settlement in this context.

To ensure that the site achieves the broad landscaped belt around the periphery it would be appropriate to control, by condition, the extent of the developable area, as shown below hatched blue:



The land beyond the hatched blue area shall be used for the purpose of landscaping, nature conservation and sustainable drainage measures only.

f) Affordable Housing

Policy NW6 (Affordable Housing Provision) requires that 40% of the dwellings shall be affordable units. This can be required through a Section 106 Agreement.

The proposed development will meet policy provisions of Core Strategy Policy NW6 and emerging Local Plan Policy LP9, which require green field sites of more than 10

dwelling to provide 40% affordable housing on site (40 dwellings). Whilst the policies prescribe a target affordable housing tenure mix of 85% affordable rent and 15% suitable intermediate tenure wherever practicable, informal discussions with the Council's Housing and Strategy Officer, have identified that approximately 65% affordable rent and 35% shared ownership would be reflective of the local housing market.

The submitted indicative masterplan is therefore based on the schedule of accommodation below.

Market Housing		
No. Beds	No. Dwellings Proposed	% of market total
2	8	13.3%
3	36	60.0%
4	16	26.7%
Total 48 units (60% of units proposed)		
Affordable Rented Housing		
No. Beds	No. Dwellings Proposed	% of affordable total
2	20	50%
3	5	12.5%
4	2	0.5%
Affordable rented sub-total 67.5%		
Affordable Shared Ownership Housing		
No. Beds	No. Dwellings Proposed	% of affordable total
3	13	32.5%
Affordable shared ownership sub-total 32.5%		
Total 40 Dwellings (40% of total dwellings proposed)		

This is an appropriate, policy compliant, provision to meet local affordable housing need and the application can be supported in this respect. The provisions would be made a requirement of the associated S106 Agreement.

h) Access to services and education

A number of the objections received raise concerns about the pressure on the existing services in the area from the occupiers of these units.

Education providers, health service providers and the Borough Council, as the provider of formal sports and recreation provisions, have all set out the financial contributions that would be appropriate to cater for the needs arising from the development. The applicant has indicated a broad acceptance of the Heads of Terms and the sums of money sought (set out above). In these circumstances, it cannot be concluded that the development would be to the detriment of existing infrastructure provisions, as it would appropriately address the needs arising as a result of it. Having said this, the negotiations are not fully concluded at this stage, in terms of the distribution of contributions between the three Warton sites. The report recommendation caters for the conclusion of these ongoing negotiations.

These contributions sought are in accordance with Policy NW22 (Infrastructure) in the Core Strategy.

i) Surface water drainage

Warwickshire County Council as the Lead Local Flood Department has no objection to the proposal subject to the imposition of a planning condition requiring a detailed surface water drainage scheme to be submitted for the site. In view of the area of land

proposed to remain free from development it is considered that a satisfactory surface water drainage scheme can be submitted in accordance with the proposed wording of the planning condition. This is in accordance with Policy NW10 (Development Considerations).

j) Loss of Agricultural Land

The application is accompanied by an Agricultural Land Classification Analysis. The analysis determines that the site is Graded 3B. This is land of moderate quality – see table below:

Grade	Description
1	Excellent quality agricultural land with no or very minor limitations to agricultural use.
2	Very good quality agricultural land with minor limitations which affect crop yield, cultivation or harvesting.
3a	Good quality agricultural land capable of producing moderate to high yields of a narrow range of arable crops or moderate yields of a wider range of crops.
3b	Moderate quality agricultural land capable of producing moderate yields of a narrow range of crops or lower yields of a wider range of crops.
4	Poor quality agricultural land with severe limitations which significantly restrict the range of crops and/or level of yields.
5	Very poor quality agricultural land with very severe limitations which restrict use to permanent pasture or rough grazing, except for occasional pioneer forage crops.

This is therefore not land which is identified in the NPPF as being the ‘Best and most versatile agricultural land’, which the NPPF sets out is Land in grades 1, 2 and 3a of the Agricultural Land Classification.

An objector expresses concern that following Brexit land in agricultural production should be retained for food self sufficiency. There is no national or local policy that has this objective.

The application cannot be resisted on the basis that it would result in the loss of important agricultural land.

k) Ground Conditions

The application is accompanied by a desk study to determine any potential environmental and geotechnical risk issues and liabilities pertaining to the future development of the site. The report findings identified that, due to the limited potential for contamination to be present, the potential risk to the identified receptors is generally considered to be low. The potential risk posed by the migration of hazardous ground gases associated with the former onsite pond and landfills and infilled quarries and ponds within the vicinity of the site is considered to be moderate.

Any residual risk is likely to be mitigated by the use of physical barriers including cover layers, contaminant resistant water supply infrastructure and gas resistant membranes. It is considered that traditional strip or pad foundations may be appropriate for the proposed development with foundations placed within the natural strata. Foundations may need to be locally deepened within the vicinity of existing or proposed trees and through any Made Ground or organic materials. The report recommends that an intrusive ground investigation is required ahead of any development works to determine

the founding properties of the underlying ground conditions and to determine the actual contaminative ground conditions. The intrusive investigation should include an assessment of hazardous ground gases. The Council's Environmental Health Officer concurs with these findings and recommendations. There are no ground conditions that would preclude the development of the land subject to conditions.

I) Impact on Biodiversity

The site comprises predominantly arable land with semi-improved grassland field margins and hedgerows along the southern and eastern boundaries and part of the northern boundary along with an area of tussocky semi-improved grassland and tall ruderal, and broad-leaved trees. The wider landscape predominantly comprises arable and pasture fields bounded by hedgerows and trees.

Part of the northern boundary contains a species rich hedgerow of approximately 2 to 3 metres in height. Off site and adjacent the north-west boundary is a body of standing water. The southern boundary contains a well maintained species rich hedgerow of approximately 1 to 2 metres in height with a dry ditch on the south side of the hedge. The eastern boundary contains a well maintained species rich hedgerow on a half bank of approximately 1 to 2 metres in height.

Existing hedgerows and trees will be retained as inclusive, legible components or 'markers' of the development, ensuring the site field boundaries are maintained and safeguarded, in some instances historic hedgerows are reinstated. The strategy includes a landscaped edge of public semi-natural open space to the south, west and east linking to a public right of way and a reinforced green corridor to the north. This will curtail the development edges creating a strong, meaningful landscape buffer.

The Ecological Appraisal by Just Ecology makes a clear recommendation that the hedgerows should be retained as they are key wildlife corridors. The report recommends that wildlife corridors of at least 10m wide are retained to the north, east and southern boundaries. The Warwickshire Wildlife Trust points out that this will need to be incorporated in the design at the reserved matters stage.

A badger sett exists in the vicinity. The Warwickshire Wildlife Trust concludes that the development will not harm badgers or this sett as it is outside the developable area and can be protected by a suitable buffer and fenced off during construction. Foraging routes are retained to the south and west, but not to the north. As stated in the survey report, a badger survey will need to be conducted within a few months of the construction starting to make sure that no new setts have been dug elsewhere in on the site. This could be a planning condition.

Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

The application is proposes an ecology enhancement strategy indicates that it 'provides options which could provide an ecological net gain'. The National Planning Policy Framework, March 2012, looks to ensure that development achieves bio-diversity net gains if it is to be considered sustainable development (Paragraphs 9, 109 and 118). The approval of reserved matters applications should be able to demonstrate that this is achieved. It would therefore be appropriate to require the carrying out of a Bio-Diversity Impact Assessment as a conditional requirement of planning permission.

It is considered that, subject to conditions the development would not cause harm to interests of nature conservation or bio diversity.

Conclusions

It is recommended that this outline proposal (with details of access) for residential development is supported. It is considered that the development would be sustainable development, being adjacent to the existing settlement and in accord with the emerging development plan. The proposed S106 contributions address concerns raised about the capacity of local schools and health services and transport provision. This site is an allocated site for housing under Emerging Policy LP39 (Housing Allocations) of the Submission Version of March 2018. It has been demonstrated that the application site can be developed with up to 100 dwellings in accordance with the policies in the Development Plan. Detailed concerns about the effect of the built form on existing dwellings would be addressed at the reserved matters stage.

Recommendation

That subject to the signing of a Section 106 Agreement covering the draft Heads of Terms as set out in this report, the Council is minded to **GRANT** outline planning permission with the following conditions:

- 1) Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to the Local Planning Authority for approval in writing before any development takes place and the development shall be carried out as approved.

REASON

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

- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

REASON

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

- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

REASON

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

- 4) The development hereby approved shall be carried out in accordance with the site location plan numbered P17-0427-017-1 and the plan numbered Proposed Site Access Layout T17533_001_Rev A received by the Local Planning Authority on 13 October 2017, and no more than 100 dwellings shall be constructed on the site. The developable area of the site shall be confined to the area of land hatched blue on the attached plan – ‘Plan One – Developable Area’. The land beyond the hatched blue area shall be used for the purpose of landscaping, nature conservation and sustainable drainage measures only.

REASON

To reduce the impact of the proposal on the open countryside.

- 5) No development shall take place on site until a Construction Management Plan has been submitted to the Local Planning Authority for approval in writing, which shall remain in force throughout the construction period. The Plan shall provide details of the arrangements for:
- The location of storage compounds and car parking for site operatives and visitors;
 - The HGV Routing Plan;
 - The hours of working and the hours of delivery of goods, plant and materials;
 - Wheel washing facilities and any dust suppression measures particularly to prevent mud and debris entering the public highway;
 - Noise control during construction;
 - A dust management plan in line with the IAQM guidance
 - Site lighting details;
 - Measures for the protection of trees that are to be retained;
 - Household refuse from occupied dwellings during construction; and,
 - The contact for any local concerns with regards to the construction activities on the site.

REASON

In the interests of highway safety and of the amenity of neighbouring residents.

- 6) Prior to the commencement of the development detailed technical drawings, with a supporting Road Safety Audit, in general accordance with preliminary drawing T17533-001 Rev A, shall be submitted and approved in writing by the Local Planning Authority. Thereafter the approved highway access works shall be implemented in accordance with the approved plans. No part of the site shall be occupied until the approved highway access works have been completed, as evidenced by the issuing of a Certificate of Substantial Completion by the Highway Authority.

REASON

In the interests of highway safety.

- 7) The development hereby permitted shall not commence until drainage plans for the disposal of 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.

8) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA and Sustainable Drainage Statement, *Richborough Estates Ltd, Orton Road_BWB Consulting_ ORW-BWB-EWE-XX-RP-YE- 0001_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 runoff from the site.

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.

If infiltration is not viable, 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 runoff rate of 5 l/s 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 year, 1 in 30 year, 1 in 100 year and 1 in 100 year 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 Local Planning Authority.

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.

9) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall have the purpose of determining the founding properties of the underlying ground conditions to determine the actual contaminative ground conditions and shall include an assessment of hazardous ground gases. If any contamination is found, a report

specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the Local Planning Authority within 28 days of the report being completed and approved in writing by the Local Planning Authority.

REASON

To ensure that risks from land contamination to the proposed end users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 10) Prior to the submission of any Reserved Matters applications for any phase of development:
- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the Local Planning Authority.
 - b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the Local Planning Authority.
 - c) An Archaeological Mitigation Strategy document (including a WSI for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

REASON

In view of evidence recorded of proximity to the medieval settlement of Warton (Warwickshire Historic Environment Record MWA9578), a possible cropmark complex (MWA6728) and possible Roman settlement (MWA 220).

- 11) The hours of construction shall be limited to 08:00 to 18:00 on weekdays and 08:00 to 13:00 on Saturdays only. There shall be no construction at any other times.

REASON

In the interests of residential amenity.

- 12) Prior to the commencement of development a badger survey shall be conducted to establish to up to date presence or absence of badger sets and badger activity. A report of the findings and recommendations for action in respect of the findings shall be submitted to and approved by the Local Planning Authority in writing. The agreed recommendations and actions shall be implemented in full thereafter.

REASON

In recognition of the presence of a protected species.

- 13) An ecological management plan (EMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The content of the EMP shall include the following:
- a) Measures for the protection and retention of existing trees and hedgerows.
 - b) Description and evaluation of features to be managed.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving the aims and objectives.
 - e) An up-to-date Biodiversity Impact Assessment demonstrating that 'no net loss' to biodiversity has been achieved.
 - f) A work schedule, including an annual work plan capable of being rolled forward over a five-year period.
 - g) Details of the body or organisation responsible for the implementation and ongoing management, monitoring and remedial actions of the plan, including the mechanism for funding.

The approved plan shall be implemented in full accordance with the approved details and maintained as such at all times thereafter.

REASON

In the interests of protecting the biodiversity interests of the site.

- 14) None of the residential units hereby permitted shall be occupied 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 interest of public safety from fire and for the protection of the Emergency Fire Fighters.

Notes

1. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
2. 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.
3. 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.
4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at:
5. www.gov.uk/government/organisations/the-coal-authority
6. 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.
7. Public footpath AE11 must remain open and available for public use at all times unless closed by legal order, so must not be obstructed by parked vehicles or by materials during construction.
8. The applicant must make good any damage to the surface of public footpath AE11 caused during construction.
9. If it is necessary to temporarily close public footpath AE11 for any length of time during construction then a Traffic Regulation Order will be required. Warwickshire County Council's Rights of Way team should be contacted well in advance to arrange this.

10. Any disturbance or alteration to the surface of public footpath AE11 requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public footpath.
11. The design of the reserved matters scheme shall have regard to the following:
The illustrative plan submitted with the application shows a significant proportion of the planned development (approximately 40%) accessible down private drives only. Please note that the Council's Waste and Recycling Service will not travel along (vehicle or on foot) paved/private drive areas to collect waste receptacles. It would require the placement of hard surfaced collection points adjacent to the adopted highway. It will require the submission of a vehicle flow plan for a 26T RCV on all areas of adopted highway for the development. The Council will require the provision of a bin storage facility capable of holding a minimum of 3 x 240 litre wheeled bins within the curtilage of each dwelling.
12. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

PLAN ONE - DEVELOPABLE AREA

PAP/2017/0551



- KEY**
- 1 SITE LOCATION
11.87 ACRES / 4.8 HECTARES
 - 2 PROPOSED BUILT FORM
 - 3 KEY LANDMARK BUILDINGS
 - 4 NEW PEDESTRIAN LINKS
 - 5 EXISTING PUBLIC RIGHTS OF WAY
 - 6 NEW SITE ACCESS VIA BARN END ROAD
 - 7 POTENTIAL ATTENUATION POND LOCATION
 - 8 ADJACENT CONSENTED RESIDENTIAL DEVELOPMENT
 - 9 EXISTING OFF-SITE POND, PROTECTED BY A 10M ECOLOGY OFF-SET
 - 10 SOFT DEVELOPMENT EDGE SET BACK FROM BARN END ROAD AND ORTON ROAD
 - 11 REINTEGRATED HEDGEROWS TO EMULATE MODULAR NATURE OF THE LOCAL CONTEXT
 - 12 NEW WOODLAND PLANTING TO ENHANCE NATURE OF THE LOCAL CONTEXT
 - 13 KEY NODAL SPACES WITH LARGE GREEN VERGES TO REFLECT WARTON CHARACTER
 - 14 NEW FOOTPATH LINK TO EXISTING RECREATIONAL GROUNDS
 - 15 NEW PEDESTRIAN FOOTPATH ON WESTERN SIDE OF BARN END ROAD, CONNECTING INTO COPELAND CLOSE JUNCTION
 - 16 LOWER DENSITIES ON DEVELOPMENT EDGE, ENFORCE STRATEGY FOR SOFTER APPEARANCE
 - 17 DUAL SIDED FORMAL STREETS WITH A HIGH DEGREE OF DETACHED DWELLINGS, PROVIDING A LEGIBLE CHARACTER
 - 18 SHARED SURFACE STREETS, PROVIDING PEDESTRIAN PERMEABILITY THROUGH THE SITE
 - 19 NEW AREA OF PUBLIC OPEN SPACE
 - 20 5m WILDLIFE CORRIDOR
 - 21 POST AND WIRE FENCE TO WESTERN BOUNDARY
- DEVELOPMENT QUANTUM**
CIRCA 100 DWELLINGS @ 38 DPH

LAND OFF BARN END ROAD, WARTON, WARWICKSHIRE - ILLUSTRATIVE MASTERPLAN

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS | www.pegasusppj.co.uk | TEAM/DRAWN BY: SJW/RL | APPROVED BY: SJW | DATE: 11/09/17 | SCALE: 1:1250 @ A3 | DRWG: P17-0427_015_1 REV: 0 | CLIENT: RICHBOROUGH ESTATES LTD |

PEGASUS DESIGN

 09012018

 PLANNING & DEVELOPMENT

 SERVICES

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0551

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	13 10 17 28 11 17 09 01 18
2	Collett	Representation	01 11 17
3	Mark	Representation	01 11 17
4	Douglas	Representation	01 11 17
5	Studd	Representation	06 11 17
6	Armstrong	Representation	06 11 17
7	Simkins	Representation	06 11 17
8	Lytton	Representation	20 11 17
9	Atwood	Representation	20 11 17
10	Barker	Representation	20 11 17
11	Fletcher	Representation	20 11 17
12	Mrs Cater	Representation	20 11 17
13	Mr Cater	Representation	20 11 17
14	Miss Cater	Representation	20 11 17
15	Miss Cater	Representation	20 11 17
16	Middlesmoor	Representation	20 11 17
17	Clinton	Representation	20 11 17
18	Talbot	Representation	20 11 17
19	Briers	Representation	27 11 17
20	Lytton	Representation	14 12 17
21	Waste and Transport Manager	Consultation Response	01 11 17
22	Warwickshire County Council Public Health and NHS Warwickshire North Clinical Commissioning Group	Consultation Response	20 12 17
23	Jones	Representation	02 11 17
24	Design Out Crime Officer Warwickshire Police	Consultation Response	03 11 17
25	Lead Local Flood Authority	Consultation Response	09 11 17 4 12 17 20 12 17
26	Sport England	Consultation Response	04 12 17
27	Fire and Rescue	Consultation Response	15 11 17
28	NWBC Housing and Strategy Officer	Consultation Response	15 11 17
29	Warwickshire Wildlife Trust	Consultation Response	08 11 17
30	Environmental Health Officer	Consultation Response	20 11 17

31	Natural England	Consultation Response	20 11 17 11 12 17
32	Planning Archaeologist, Warwickshire Museum	Consultation Response	22 11 17
33	Warwickshire County Council Footpaths	Consultation Response	29 11 17
34	NWBC Trees Officer	Consultation Response	05 12 17
35	Warwickshire County Council Highways Authority	Consultation Response	20 12 17 26 01 18
36	Severn Trent Water	Consultation Response	30 01 18

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

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

(3) Application No: PAP/2018/0005 and PAP/2018/0006

Aston Villa Training Ground, Bodymoor Heath Lane, Bodymoor Heath, B78 2BB

Phase One – Change of Use involving formation of replacement football pitches (including one artificial flood lit pitch) together with new access and car/coach parking; provision of changing rooms and new floodlit pitch

Phase Two – Change of use involving replacement football pitches together with diversion of private road and bridleway

Both for Aston Villa Football Club

Introduction

These applications were reported to the February Board for information outlining the extent of the proposals and summarising the supporting documentation. The relevant parts of the Development Plan were also highlighted.

Both applications will be dealt with together in this one report as the planning issues are the same and they clearly form one overall proposal. The observations section below therefore will treat the proposal as one rather than as two.

A copy of the February report is attached at Appendix A for convenience.

Amendments Made

Since the receipt of the application amended plans have been received. Members will recall from Appendix A that a fairly substantial spectator stand was proposed alongside one of the floodlit “show” pitches. This has been reduced in scale to a simple three tier structure measuring 45 by 4 metres and a roof height of 5 metres, compared with the original submission of a five tier structure with a cantilevered roof, measuring 75 by 7 metres and 7 metres in height. The revised plans are at Appendix B.

The application now includes the direct replacement of the existing entrance walls and gate across the new access as well as the direct replacement of the existing gate house.

Other alterations are referred to below as they are submitted in response to consultation replies.

Representations

Middleton Parish Council - No comments received

Kingsbury Parish Council – No comments received

Ramblers Association – They are keen to retain a “permissive path” through the woodland to the north of the proposed pitches so as to link with a diverted route of a public footpath as a consequence of HS2 works and to ensure that the bridleway through Phase Two is properly diverted.

They consider that the diversion of the T21 bridleway around the outside of the two phase two pitches is an unreasonable diversion.

Consultations

Warwickshire County Council as Highway Authority – It originally objected as it was concerned about the visibility at the new improved access onto Bodymoor Heath Lane. Amended plans have been submitted as a consequence and the revised comments of the County Council are awaited. These will be reported verbally at the meeting.

Warwickshire County Council as Flood Authority – It originally objected because of the lack of detailed information on surface water discharges. This has now been forwarded by the applicant and its further comments are awaited.

Environmental Health Officer – No objection but the timings of the flood lighting periods need to be conditioned.

Warwickshire Wildlife Trust – The Trust had issues concerning the potential impact of lighting on the habitat in the Ancient Woodland and the surrounding areas together with queries about bio-diversity gain. There has been substantial engagement between the Trust and the applicant since the submission of these concerns such that it no longer objects subject to conditions. Those are to deal with the design of the lighting specification because of its potential impact on bat activity.

Sport England – It is concerned that a proposed access way to the new pitches will prevent play on the existing first team practice pitch. The replacement first team pitches therefore need to be provided early in the phasing. This can be achieved by an appropriate planning condition. Additionally they require conditions in order to secure an appropriate quality for the replacement playing surfaces

HS2 Ltd – No objection

Natural England - No comments to make

Observations

a) Appropriate or Not Appropriate Development

Overall the applications are for the change of use of land with associated built development and engineering operations. The sites are in the Green Belt and changes of use here at not appropriate developments thus leading to a presumption of refusal, because inappropriate development is deemed to cause substantial harm to the Green Belt.

Apart from this definitional harm, the Board is asked to assess the actual level of harm arising from the change of use. The associated built development will be assessed a little later. The principle here however is for a change of use to the recreational use of the land. It is not considered that this in itself would be likely to cause harm to the openness of the Green Belt hereabouts for several reasons. Openness is not defined in the NPPF but is generally taken to be the absence of development. The proposed change of use here is unlikely to impact upon the perception of openness in this location. Firstly the development is very largely “surface” development with a number of pitches and additional roadways. In this case these do not involve significant or even

moderate changes in ground levels, either by way of cutting into or filling above existing levels. Secondly, the site is visually self-contained by virtue of its isolation and of being already a fairly large area of open land surrounded by heavily wooded areas. There would be little perceptible change to the overall character of the landscape hereabouts. The actual degree of harm on the openness as a consequence of the proposed change of use is thus considered to be limited.

New built development is defined as being not appropriate development in the Green Belt by the NPPF. However as Members are aware, there are exceptions to this definition. Two may well be applicable here. The first is where the built development is for the provision of “appropriate facilities for outdoor sport and outdoor recreation”, but this is subject to two conditions. The second exception is where the development is for a replacement building provided that it is in the same use and is not materially larger than the one it replaces.

Looking at the first of these then the associated built development includes such things as the goal posts, surrounding fences, the flood lights, the seating stand, the entrance gates and the gate house. It is considered that these are appropriate facilities for outdoor sport and thus are likely to fall under the terms of this exception. The two conditions referred to above, are that these facilities should preserve the openness of the Green Belt and secondly not conflict with the purposes of including land within the Green Belt. There will be an impact on the openness of the Green Belt here because of the introduction of the lighting columns; the gates, the spectator seating stand and the gate house. This will therefore not preserve the openness of the Green Belt hereabouts. In respect of conflict with the purposes of including land in the Green Belt, then there would be some conflict with one of these – namely that of safeguarding the countryside from encroachment, even although the countryside here is not typical agricultural land. As such the proposals would not satisfy this exception and thus would not be appropriate development. In respect of actual harm to the Green Belt then it is considered that there would be limited harm. Apart from the reasons set out above, the associated developments here to a large degree, would be direct replacements and thus the overall nett effect would not be so significant as if they had all been new.

In respect of the second exception then the replacement ancillary building described in Appendix A would be of the same dimensions as the existing, thus not being materially larger than the one it replaces. However it would be used for a different use than the original. As such this part of the proposal would not satisfy this exception. It would thus not be appropriate development. In respect of actual harm to the Green Belt here then there would be limited harm as the building would be of an equivalent size and there still would be activity associated with it as there was before.

In conclusion therefore, the overall principle of the change of use here would be inappropriate development, but it would cause only limited actual harm to the Green Belt. The associated built development would not be appropriate development and it too would only cause limited actual harm. Overall therefore the proposal is for inappropriate development in the Green Belt causing limited actual harm.

b) Other Harm

Members will be aware that in looking at the overall planning balance here the “harm” side of that equation has to include any other non-Green Belt harm. There are several matters that need to be assessed under this heading.

The Highway Authority originally expressed concerns about the adequacy of the improvements planned for the new access into the site. Further engagement between the parties has led to the submission of amended plans and the comments of the County Council were still awaited at the time of preparing this report. These will be reported verbally should they be received by the date of the meeting. Similarly the County as Flood Authority has received additional information and its comments will be reported to the Board.

In terms of potential impacts on heritage assets then the proposals do bring new development closer to Middleton Hall – a grade 2 Star Listed Building. The significance of this asset is its representation of a large 18th Century country house developed from its original 14th and 16th Century agricultural origins within a wider parkland setting. There is no direct impact on the architectural or historic character of this asset or its significance. There will be some impact on its setting but this is considered to be less than substantial given the separation distances and the nature and scale of the intervening woodland. There would be potentially some impact because of the floodlighting, but this would be mitigated through the imposition of planning conditions for the hours of lighting and requiring the final specification of the design of that lighting to be agreed. Overall therefore there would be less than substantial harm here but even that has to be given weight in the overall planning balance.

In terms of ecological impact then the Warwickshire Wildlife Trust has been engaged with the applicant's ecological consultant. As a consequence agreement has been reached in respect of the overall significant on-site bio-diversity gain from the proposals and agreement on the content of Landscape and Environment Management Plans. It is again agreed that conditions are the appropriate way forward for the exact lighting specification for the area closest to the Wood and for the pathway through the wood. In these circumstances there would be no harm.

There are very few residential properties in the vicinity but even so there have been no representations received including any from the Parish Councils.

Sport England's comments can be resolved through planning conditions as can the concerns of the Ramblers Association.

c) The Harm Side of the Balance

As a consequence the "harm" side of the planning balance amounts to limited actual Green Belt harm and to no other harm apart from the less than substantial harm to the heritage assets and subject to final responses from a couple of the consultation Agencies

d) The Applicant's Case

The applicant's case rests on several matters that are put forward as planning considerations to be added to the other side of the planning balance.

The first of these is that the NPPF actually states that one of the beneficial uses of the Green Belt is to provide opportunities for outdoor sport and recreation. This objective is already apparent throughout the Borough where there are several examples of large scale sporting and recreation facilities in the Green Belt – golf courses; football, rugby and cricket club premises. The objective too is reflected in the Development Plan – Core Strategy policies NW10 and NW22 – as well as in the emerging Local Plan – policies LP1, LP31 and LP2. This argument will thus carry significant weight.

The second really follows on from this in that the Club is already established here under the grant of planning permissions. The principle of the use and the associated facilities are thus already lawful at the site. The current proposals are seen as an extension of this established feature. This argument too will carry significant weight.

The third is that the reason for the applications has been prompted by the HS2 scheme – a national infrastructure project that now has planning permission. The replacement facilities are thus a direct consequence of that project, outside the control of the applicant.

The fourth is that the HS2 works do not necessitate the whole scale re-location of the Club's premises as was the case with the recent Old Salts RFC operations. The search for an appropriate alternative site was thus not an option here. That search would have had to include non-Green Belt alternatives. As the HS2 works "only" involve, in essence, the relocation of pitches, then the retention of the site as a wholly functional unit at Bodymoor Heath does carry significant weight.

The fifth is that the Club has taken the opportunity to enhance/improve its facilities as a consequence. This would have had to occur in any event because of new legislation relating to sports facilities as well as other legislation – e.g. Child protection matters. It is also highly likely given the expansion of the sport for younger age groups as well as for female players that additional pitches would have been required. The Club also makes the point that retention of "Academy" status within FA guidance is a substantial objective for the Club. This consideration does not carry great planning weight as it is essentially only a "club" interest or objective. However the opportunity to open up the facility to the local community and particularly to local schools is something that would add planning weight.

Adding all of these considerations together it is concluded that the applicant's weight as a whole carries significant weight.

e) The Final Planning Balance

As Members are aware the final planning balance involves an assessment of the weight on the "harm" side against the material planning considerations put forward by the applicant. Those considerations would only override the harm, if they "clearly" outweigh the level of harm. If they do they would then amount to "very special circumstances". In this case it is considered that they do. This is because of the limited actual harm caused and that the proposals are a consequence of a national infrastructure project. Added to this is the importance to the Borough in terms of indirect tourism and economic benefits as well as the opportunity for direct community benefits.

Recommendations

a) PAP/2018/0005

That subject to there being no objection from the Highway and Flooding Authorities, planning permission be **GRANTED** subject to the following conditions together with those required by these two Authorities:

1. Standard Three Condition
2. Standard Plan numbers – P1/01 Rev A; P1/03; 04 and 06 received on 2/1/18; P1/09 received on 16/3/18, plan number 1712HB/AV (C) received on 2/1/18, plan numbers SK/21790/01revA and 02RevA received on 9/3/18 and plan numbers P1/C04, 5 and 6 received on 26/3/18.
3. For the avoidance of doubt, no work whatsoever shall commence on the construction of the length of the “new walkway” shown on plan number P1/03 which crosses the existing pitches, until the written approval of the Local Planning Authority has been received.

REASON

To ensure the satisfactory quality, quantity and accessibility of compensatory provision which secures continuity of use in order to satisfy paragraph 74 of the NPPF.

4. For the avoidance of doubt, lighting levels for the training pitches and along the woodland pathway through the Coneybury Wood are not approved. No lights shall be erected or brought into use for these pitches or along the pathway until the matters raised by conditions (5) to (7) below been resolved in writing by the Local Planning Authority.

REASON

In the interests of the visual amenities of the area and in order to protect wildlife habitats and activity.

5. Bat activity surveys shall be undertaken along the northern edge of Coneybury Wood; the woodland edges around the perimeter of the site and along the area of the woodland path through Coneybury Wood during the period May to September 2018. The findings of this survey work shall be forwarded to the Local Planning Authority. That submission shall also identify how the results are to inform the detail of the lighting levels and the design and specification for that lighting along woodland edges and the woodland footpath. For the purposes of clarity, the finalised lighting scheme shall retain a 5 metre wide dark corridor along woodland edges where lux levels are to be no greater than 3 lux. A final lighting scheme shall be agreed in writing by the Local Planning Authority and only that scheme shall then be implemented and used on site once the pitches are brought into use.

REASON

In order to provide a base-line for understanding bat activity and thus to assess the impact of lighting on that activity.

6. The lighting scheme for the woodland path through Coneybury Wood shall also be informed by the survey findings under condition (5). It shall also take account of the Bat Conservation Trust's guidance of 2014. The final lighting scheme shall be agreed in writing by the Local Planning Authority and only that scheme shall then be implemented and used on site once the footpath has been brought into use.

REASON

In order to protect the habitat of protected species.

7. Additional bat surveys shall be undertaken in 2019 once the pitches are in playing use and the findings submitted to the Local Planning Authority. Lighting levels may require further adjustment as a consequence.

REASON

In order to monitor bat activity as a consequence of the full use of the pitches.

8. No work shall commence on the spectator seating stand hereby approved until full details of the materials to be used have first been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used on site and these shall be retained at all times

REASON

In the interests of the visual amenities of the area

9. No work shall commence on the new amenity building hereby approved until full details of the facing and roofing materials to be used have first been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used on site and these shall be retained at all times.

REASON

n the interests of the visual amenities of the area

10. No work shall commence of any of the car and coach parks hereby approved, or on the access way through the Coneybury Wood, until full details of the surfacing materials to be used have first been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used on site.

REASON

In the interests of the visual amenities of the area and to reduce the risk of flooding.

11. Within three months of the date of this permission full landscaping details and specifications together with a phasing plan for its implementation and any future maintenance plan, shall all be submitted to the Local Planning Authority. Only the approved details shall then be implemented on site in accordance with the approved phasing plan. The landscaping once completed, shall be maintained in line with the approved Maintenance Plan

REASON

In the interests of the visual amenities of the area and to enhance bio-diversity

12. The Landscape Environment Management Plan dated 22/3/18 and referenced 60559614 is hereby approved. It shall be adhered to at all times and the works identified therein shall be undertaken in line with its recommendations.

Reason: In the interests of enhancing and maintaining the bio-diversity of the site.

13. Within six months of the date of this permission, proposals for community use of the facilities hereby approved shall be submitted to the Local Planning Authority. Once approved, those measures shall be implemented and maintained at all times.

REASON

In order to enhance the health and well-being of the local community.

14. For the avoidance of doubt, the definitive route of public footpath T17, together with its temporary diversion and the permissive paths that are linked to it, shall be retained in full at all times and shall not be obstructed in any manner.

REASON

In the interests of maintaining public access through the site.

15. Highway conditions

16. Drainage conditions

Notes

1. The Local Planning Authority has met the requirements of the NPPF in this case through pre-application discussions and in seeking amended plans to overcome planning and other issues arising from the case.
2. Attention is drawn to Sport England's technical Design Guidance Note entitled "Natural Turf for Sport" (2011) and all relevant design guidance of the appropriate National Governing Body.

b) PAP/2018/0006

That subject to there being no objection from the Highway and Flooding Authority that planning permission be **GRANTED** subject to the following conditions:

1. Standard Three year condition
2. Standard Plan numbers – P2/01; P2/03 and 1712HB/AV(C) received on 2/1/18.
3. No development shall commence on site until the following details have first been submitted to and approved in writing by the Local Planning Authority.
 - a) A detailed assessment of ground conditions of the land proposed for the new playing fields as shown on plan P2/01 shall be undertaken (including drainage and topography) in order to identify constraints which could adversely affect playing field quality.
 - b) Based on the results of the assessment made under (a) above, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality. The scheme shall include a written specification of the proposed soils, structure, drainage, cultivation and other operations associated with grass and sports turf establishment and a programme for implementation.

The approved scheme shall be carried out in full in line with the agreed programme and thereafter maintained in accordance with that scheme.

REASON

To ensure that the playing fields are prepared to an adequate standard and that they are fit for purpose in accordance with paragraph 74 of the NPPF.

4. The playing fields hereby approved shall not be brought into use until a Management and Maintenance Scheme for those fields, including a maintenance schedule, management responsibilities and a mechanism for review, has first been submitted to and approved in writing by the Local Planning Authority. Following commencement of the use, the approved Scheme shall be complied with in full at all times.

REASON

To ensure that the playing fields are first established as functional playing areas to an adequate standard and that they are fit for purpose to accord with paragraph 74 of the NPPF.

5. Within three months of the date of this permission full landscaping details and specifications together with a phasing plan for its implementation and any future maintenance plan, shall all be submitted to the Local Planning Authority. Only the approved details shall then be implemented on site in accordance with the approved phasing plan. The landscaping once completed, shall be maintained in line with the approved Maintenance Plan

REASON

In the interests of the visual amenities of the area and to enhance bio-diversity

6. The Landscape Environment Management Plan dated 22/3/18 and referenced 60559614 is hereby approved. It shall be adhered to at all times and the works identified therein shall be undertaken in line with its recommendations.

REASON

In the interests of enhancing and maintaining the bio-diversity of the site.

Notes

1. The Local Planning Authority has met the requirements of the NPPF in this case through pre-application discussions and in seeking amended plans to overcome planning and other issues arising from the case.
2. Attention is drawn to the fact that bridleway T21 crosses this site. This permission does not authorise any diversion to this bridleway and it should remain open and unobstructed at all times. The diversion of this public right of way, either for a temporary or a permanent period, will require approval under alternative legislation.
3. Attention is drawn to Sport England's technical Design Guidance Note entitled "Natural Turf for Sport" (2011) and all relevant design guidance of the appropriate National Governing Body.

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0005 and PAP/2018/0006

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	10/1/18
2	Natural England	Consultation	25/1/18
3	Sport England	Consultation	23/1/18
4	Environmental Health Officer	Consultation	24/1/18
5	WCC Flooding	Consultation	25/1/18
6	Ramblers Association	Representation	29/1/18
7	Warwickshire Wildlife Trust	Consultation	6/2/18
8	HS2 Ltd	Consultation	31/1/18
9	WCC Highways	Consultation	31/1/18
10	Agent	E-mail	1/2/18
11	Head of Development Control	E-mail	7/2/18
12	Agent	E-mail	8/3/18
13	Agent	E-mail	8/3/18
14	Agent	E-mail	8/3/18
15	Warwickshire Wildlife Trust	E-mail	13/3/18
16	Agent	E-mail	22/3/18
17	Sport England	Consultation	26/3/18
18	Agent	E-mails	26/3/18
19	Sport England	Consultation	27/3/18

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

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

(9) Application No: **PAP/2018/0005** and PAP/2018/0006

Aston Villa Training Ground, Bodymoor Heath Lane, Bodymoor Heath, B78 2BB

Phase One – Change of Use involving formation of replacement football pitches (including one artificial floodlit pitch) together with new access and car/coach parking; provision of changing rooms and new floodlit show pitch

Phase Two – Change of use involving replacement football pitches together with diversion of private road and bridleway

both for Aston Villa Football Club

Introduction

These applications are reported to the Board for information at this time. Members have already been made aware of the proposals through a pre-application presentation to Members at the end of October last year. A note of that meeting is attached at Appendix A.

The proposals are very broadly in line with the content of that presentation, but with some detailed changes following further research by the Club. The proposals are also submitted as two phases as described generally above.

Members are aware that the applications have arisen as a consequence of the impact of HS2 on the present site and its layout and playing arrangements.

This report will outline the content of the applications; describe the supporting documentation, identify the relevant Development Plan policies together with any other material planning considerations.

A full determination report will be brought back to the Board in due course once the consultation period has expired.

The Site

The present training ground is at the junction of Bodymoor Heath Lane and the B4091 Tamworth Road about a kilometre north of the "Belfry" roundabout junction of the B4091 and the A446. It amounts to some 30 hectares of land and comprises a large number of football playing areas, both lit and unlit; associated buildings and the much larger Academy building with its indoor playing surface, car parking and significant areas of woodland.

All vehicular access is off Bodymoor Heath Lane.

The site itself is bounded by a significant landscaped bund along its road frontages as well as substantive woodland to the north – Coneybury Wood – which extends north towards Middleton Hall as well as towards the east. There is a further access onto the Lane and this runs along the eastern boundary of the present site giving access to former mineral workings and to the RSPB Middleton Lakes reserve at Middleton Hall. These former mineral workings are now being restored and there is thus some activity on them presently together with some retained buildings and structures. The workings are also regenerating naturally.

The site is surrounded by open countryside.

There is a private residential property close to the access on the Lane and a couple of cottages further to the east approaching the small hamlet of Bodymoor Heath. A farm is located to the east of the present holding.

The combined application sites amount to around an additional 20 hectares of land beyond and to the north of the present premises as described above, running practically up to Middleton Hall. The Phase One proposals cover the great majority of this land, whereas the Phase Two proposals are towards the southeast of the overall application site.

The combined sites in summary comprise the whole of the former mineral workings together with some adjoining poor quality grazing land and significant areas of woodland. Coneybury Wood is excluded, as it is to be retained.

The sites are relatively flat and comprise both restored land and naturally regenerating land.

The proposals include the replacement of one of the remaining buildings associated with the former mineral workings.

An overall site location plan is attached at Appendix B.

Background

The existing Academy and the current layout of the site was granted planning permission in 2002. Since then there have been minor amendments and additions to development at the site.

The HS2 project carries compulsory purchase measures which will take effect in 2018 in respect of the existing site.

The application sites were worked for mineral extraction under a series of planning permissions granted by the Warwickshire County Council as Minerals Planning Authority since the 1950's. These in general terms allow for the natural regeneration of the land following extraction; the removal of the plant and structures as well as landfilling. These operations are now practically complete.

The public bridleway – the T21 - crosses part of the proposed second phase of the proposals here but it is proposed to divert it around the development.

The Proposals

Whilst two applications have been submitted they are to be treated jointly. The main Phase One application relates to the relocation of academy pitches to the north of the existing premises and indeed north of Coneybury Wood. The second application would provide two replacement pitches to the east of the main premises. It is submitted separately due to the need to divert a public footpath/bridleway.

The overall proposals arise directly as a consequence of the construction of the HS2 rail project. The route that runs north of Birmingham has a direct impact on the existing Academy premises resulting in the loss of four pitches and the sole means of access

into the site. However the Club considers that there will be a substantial impact too on the ability to use other pitches because of the consequential noise and vibration impacts of the trains. These matters are the subject of full Noise Assessments which have formed a large part of the case put by the Club to HS2 Ltd. The Club's conclusion is that as a consequence of this Assessment, the continued use of other pitches not directly affected by the construction of the line will also be adversely impacted. The Club therefore, in order to retain its existing Category 1 Academy status seeks to replace these too. There are currently nine grass pitches of various sizes plus one floodlit 3G artificial pitch. All are proposed to be re-located outside of the critical noise areas.

The Academy was granted planning permission in 2002 and since then the Football Association has significantly updated and increased its specifications for Academy playing conditions and facilities for those Clubs wishing to retain Category 1 Academy status. All Premiership and Championship Clubs are required to achieve this status. Hence, whilst the main driver for the application is indeed the impact of HS2, the Club has taken the opportunity to review its Academy provision in order to continue to meet the mandatory FA specifications.

Together the two applications propose twelve pitches – two would be floodlit – with the retention of just two pitches on the current premises. These are illustrated on the plan at Appendix C. The two floodlit pitches would be sited together within centre of the proposals.

This plan also conveniently illustrates the closure of the existing site access – as a direct consequence of the HS2 construction and associated road works – and its replacement with substantial improvement to the former mineral access-way alongside the eastern boundary of the current site. Additional connections would be made to the those parts of the retained service road within the existing site. Enhanced cycle and pedestrian routes are also to be provided – noticeably through Coneybury Wood. Replacement car and coach parking is thus also required – amounting to some 185 spaces to be located within the centre of the site. The plans also illustrate perimeter landscaping and bunding. Of note is a spectator viewing seated area covered with a cantilevered roof. This would overlook what is called the "show pitch" and would lie between the two floodlit pitches. It would measure some 75 by 7 metres with a roof height of around 7 metres. This is at Appendix D.

There would be two floodlit pitches and these are located within the centre of the Phase One site. Each would have six metre tall perimeter lighting columns and there would be two 18 metre columns attached to the spectator seating area's cantilevered roof with luminaries directed towards both pitches. The show pitch would be lit to 500 lux and the second to 200 lux. There would nine lighting columns in the associated car and coach parking areas providing 10 lux lit areas. The proposed walkway through Coneybury Wood would be lit with "street" lights each with an 11lux value.

In order to manage these facilities, an existing building – formerly used in connection with the mineral workings – would be demolished and rebuilt to the same footprint (485 square metres) and height (nine metres) in order to provide changing and other ancillary accommodation. This is illustrated at Appendix E.

A number of supporting documents have also been submitted

A Transport Assessment begins by pointing out that all existing vehicular access into the present site will be lost as a consequence of the accommodation works required for the HS2 construction and road alterations. The use and upgrading of the former mineral access alongside the eastern boundary is the response. The Assessment concludes that this can provide a safe and appropriate new access. This would be improved to provide 12 metre radius turnouts; a 6.1 metre carriageway but with a 7.3 metre width for its first 60 metres and 2.4 by 120 metres visibility splays.

A Flood Risk Assessment concludes that the risk of flooding is low and that the mitigation measures proposed being a series of perimeter ditches, attenuation ponds and reuse of existing water features would not lead to flooding consequent upon the proposals. Additionally both the grass and artificial pitches will reduce rapid surface water run-off and subsurface irrigation construction will allow water retention and filtration.

An Arboricultural Assessment of the whole site concludes that there would be limited harm to existing trees and those that are considered to be good quality. Those to be removed can be replaced within the extensive proposed planting and landscaping areas such that it is likely that there will be an overall positive enhancement in terms of tree provision. The trees to be retained as well as the new are more likely to be properly managed, which has not been the case whilst the mineral working and restoration measures were being undertaken.

An Ecology Report provides an extensive description of the current ecology of the whole area. Whilst in general terms there was evidence of some bat activity, the site showed good potential for bird populations as well as for great crested newts and invertebrates. There was also potential on site for otters, water voles and reptiles. It is therefore recommended that both Ecological and Landscape Management Plans are prepared in order to enhance many of the habitats found. The Middleton Pool SSSI which is some 200 metres to the north is unlikely to be affected. Coneybury Wood is an area of Ancient Woodland and there other such "stands" in the neighbourhood. As such full protection plans are recommended during construction as well as for ongoing maintenance. This has the potential to safeguard these areas as well as enhance their diversity through proper management. The report concludes with a number of species specific mitigation measures.

A Noise Assessment draws attention to national guidance for acoustic design of schools where outdoor sports and teaching are undertaken and uses this as a base-line in order to assess the noise impact of the use of the new HS2 line. The pitches that would remain after rail construction and when the line is brought into full use would fail to meet this guidance. The proposed site layout would conform with the guidance.

A Design and Access Statement describes the overall proposals and provides more detail on the replacement building and the new seating area which required under FA requirements for Academy status.

A Planning Statement draws together the technical issues and identifies a number of impacts. The planning policy background is identified and the Club's arguments are set out as to how the proposals accord with this planning background.

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW3 (Green Belt), NW10 (Development Considerations), NW12 (Quality of Development), NW13 (The Natural Environment), NW14 (The Historic Environment), NW15 (Green Infrastructure)

Other Material Planning Considerations

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

National Planning Practice Guidance

The draft Submission Version of the Local Plan for North Warwickshire 2017

Observations

The existing Academy and its associated playing pitches were approved in 2002. The Council was able to accept the case made by the Club for its proposals within the Green Belt. It was considered at that time that there were planning considerations of such weight, to amount to the very special circumstances to clearly outweigh the harm caused by the inappropriate development. Members will be aware that from the description of the proposals above, the Academy building and its indoor playing area is to remain and that the bulk of the proposals are new playing pitches and significant areas of new bunding and landscaping as well as replacement car and coach parking areas. The amount of new building operations is limited to a replacement building, a new spectator stand and associated infrastructure – lighting columns. The Board will again have to consider the scope of these proposals against Green Belt policy, as that has not altered since 2002. The degree of harm will have to be assessed against the impact on the openness of the Green Belt and the purposes of including land within it. Other harm will also require assessment. In this case that in particular will need to focus on visual impacts; potential harm to the bio-diversity of the area, impact on the heritage assets at Middleton Hall and the potential for traffic impacts.

Members have already visited the site and thus will have a better understanding of its setting and its capacity or otherwise to absorb these proposals and to assess the potential impacts.

A full determination report will be brought to the Board once consultations have been completed

Recommendation

That the applications be noted at this time

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0005 and PAP/2018/0006

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	2/1/18

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.

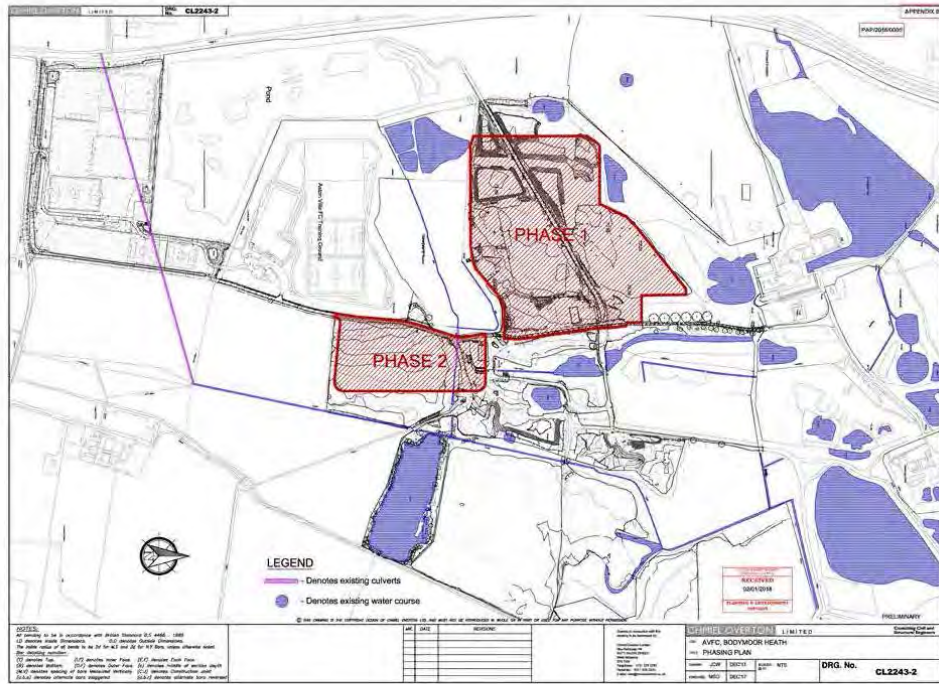
Aston Villa Academy

Member Site Visit

Saturday 28th October 2017 at 1030

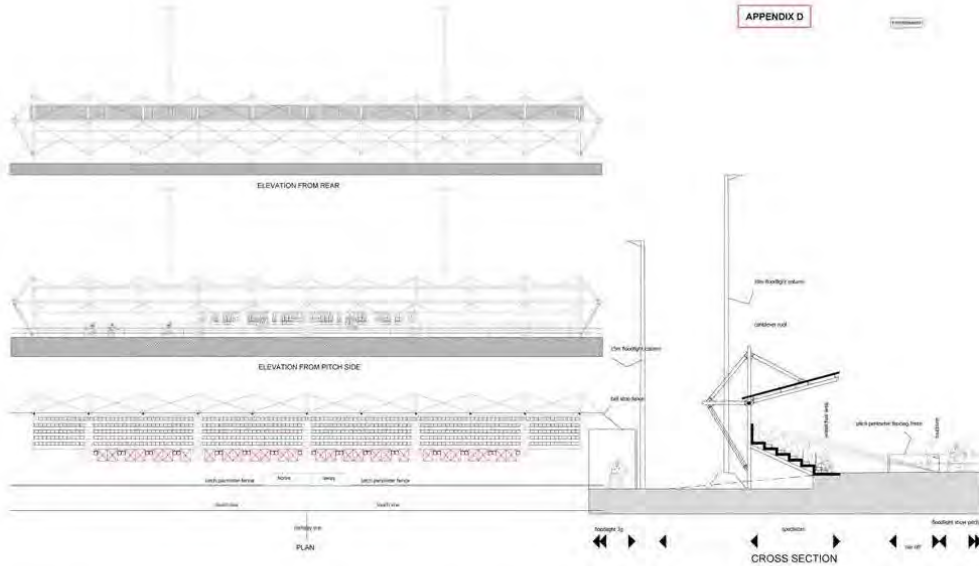
Present: Councillors Farrell, Jenks, Lea, Moss, Phillips, Reilly, Simpson, Smitten, Sweet, Symonds and A Wright together with S Powell (AD (L and CD)) and J Brown from NWBC as well as a representative from the RSPB. The Club was represented by S Darke and D Swain.

1. The Club had requested a pre-application presentation for Members in respect of a proposed planning application for replacement pitches consequential to HS2 works running through their existing site.
2. Members were given a presentation outlining the reasons for the application; the thinking behind the proposals and the prospective timescale. The acquisition of additional land was discussed together with the Club's assessment of alternatives. The issues of the early closure of the existing access; the presence of Ancient Woodland and the connections to the RSPB reserve at Middleton Hall were all referred to. A short video presentation was also shown as this had been submitted to the House of Lords during the Club's petitioning stage.
3. Members were then taken on a tour of the proposed site. First they were shown the existing Academy pitches and the location of the line of HS2 was pointed out. The group then went into the existing access that provided access to the RSPB reserve and the land the subject of the application. They were shown the site of the existing plant for the extraction area that was being filled and restored as well as driving around to the existing final area of restoration. They were also shown the existing building that was to be refurbished into the "satellite" centre for the pitches together with the site of the associated car parking areas. The extent of the Coneybury Wood was pointed out.
4. The tour then continued through the site to Middleton Hall and the RSPB reserve car park just beyond.
5. On returning to the Academy, Members were given a short outline of the importance to the Club of the Academy and its standing in the prospective development plans for FA approval in the country. In this, there was an outline of how the club might engage with the Council in promoting community use.
6. The visit concluded at around 1230

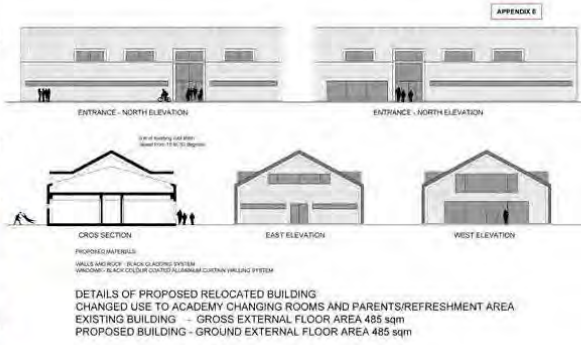
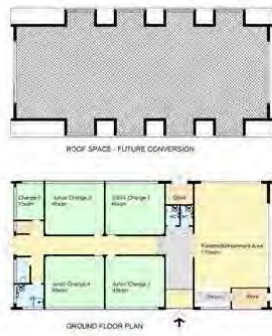


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5/82



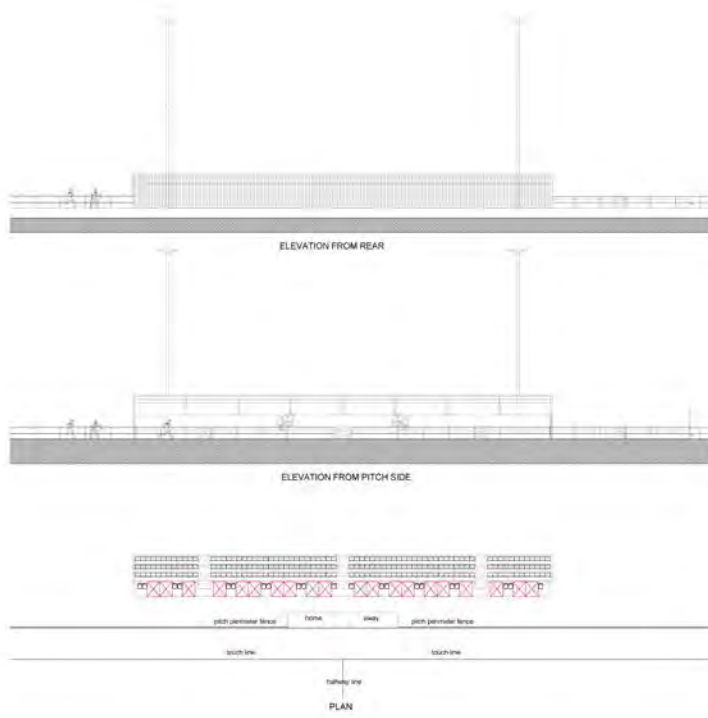
AVFC TRAINING GROUND - PHASE 1 - PROPOSED SPECTATOR AREA



AVFC TRAINING GROUND - PHASE 1 - PROPOSED BUILDING DETAILS

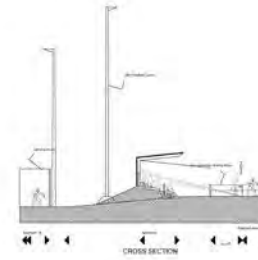
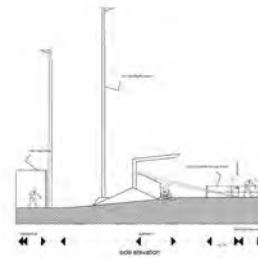
ENTRANCE - NORTH ELEVATION





APPENDIX 1

PAP/2018/0005



RECEIVED
13/03/2018
PLANNING & ENVIRONMENT
DIVISION

AVFC TRAINING GROUND - PHASE 1 - PROPOSED SPECTATOR AREA

Project Name	AVFC Training Ground
Project Number	PAP/2018/0005
Project Location	AVFC Training Ground, Avonmouth, Bristol
Project Description	PHASE 1 PROPOSED SPECTATOR AREA
Project Status	PLANNING & ENVIRONMENT DIVISION
Project Date	13/03/2018
Project Contact	AVFC
Project Address	AVFC Training Ground, Avonmouth, Bristol
Project Phone	0117 927 1000
Project Email	avfc@avfc.co.uk
Project Website	www.avfc.co.uk
Project Logo	

(4) Application No: PAP/2018/0025

Hillcrest Boarding Kennels, Birmingham Road, Water Orton, B46 1TG

Retrospective application for erection of holding kennels, for

Hillcrest Boarding Kennels

Introduction

This application was referred to the March Board but determination was deferred to enable Members to visit the site. A note of that visit will be circulated at the meeting.

The previous report is attached at Appendix A.

Observations

During the discussion at the last meeting there was concern expressed about the lack of clarity about the number of dogs that could be lawfully present on the site.

In 2015 planning permission was granted for 30 boarding kennels at the site. These can house 30 dogs and are located at "A", "B" and "C" on the plan at Appendix B.

Additionally the owner of the site has his own dogs - presently four or five. These are also kennelled at "C" on the same plan.

The application seeks retention of the "holding" kennels at "F" on the plan. These can "hold" up to 13 dogs in individual kennels.

For the benefit of Members the house of the objector who spoke at the last meeting is at "E". The applicant's house is at "D".

In light of this background and the overall recommendation to grant permission, the conditions set out in Appendix "A" do need review.

Conditions 1, 2 and 3 can remain as suggested; condition 4 can be made more specific by referring to blocks A, B and C as per condition 3 and condition 5 needs to limit the number of kennels within those blocks, to 13.

Recommendation

That planning permission be **GRANTED** subject to the conditions set out in Appendix A as modified in this report

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0025

Background Paper No	Author	Nature of Background Paper	Date
1	Head of Development Control	Letter	6/3/18

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

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

(8) Application No: PAP/2018/0025

Hillcrest Boarding Kennels, Birmingham Road, Water Orton, B46 1TG

Retrospective application for erection of holding kennels, for

Hillcrest Boarding Kennels

Introduction

This application is reported to the Planning and Development Board at the request of a Local Member concerned about local impacts.

The Site

The existing site lies on the northern side of the Birmingham Road (B4118) leading west out of Water Orton. The whole application site is within the limits of North Warwickshire Borough Council however to the west lies the boundary between land in control by Birmingham City Council. The application site lies outside of the defined development boundary as identified within the North Warwickshire Core Strategy, 2014 and Local Plan, 2006 (as saved). The site lies wholly within Green Belt.

The site is accessed from the main road with fencing erected along the boundary with the highway. The access rises away from the road. A mature hedgerow and trees characterise the western boundary with fencing to the northern boundary beyond which is further open land owned by the applicant.

The site is used currently as a cattery and boarding kennels. The dwelling at the site, known as Hillcrest, is sited to the south-east of the site facing onto the Birmingham Road and is a semi-detached dwelling. The adjoining neighbouring property is known as Hill Crescent.



Site Location Plan

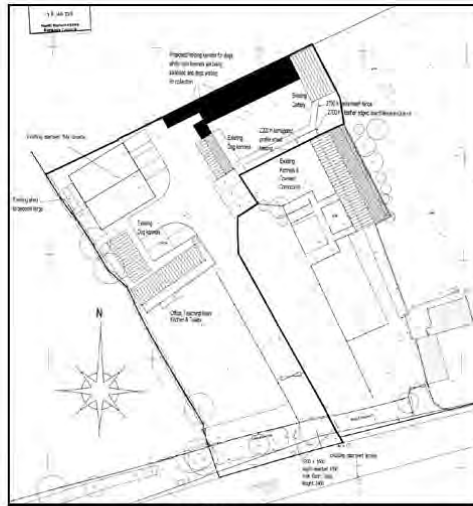


Aerial Photograph of Surrounding Context

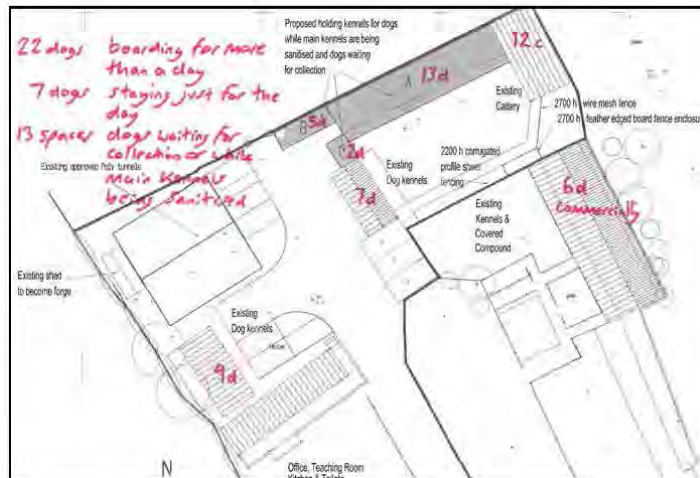
The Proposal

The application seeks the retention of the erection of holding kennels. These have been built along the northern boundary of the application site and are built as a single block comprising of vertical timber boarding to base with glazing, metal profile cladding to rear and wire mesh doors. The block measures 2.2metres in height to a flat roof. The main portion measures 4.8metres in width and 20.3metres in length. There are two smaller "extensions" on its western side – one measuring 6.8 by 2.6metres and the second 3.1 by 2.7metres.

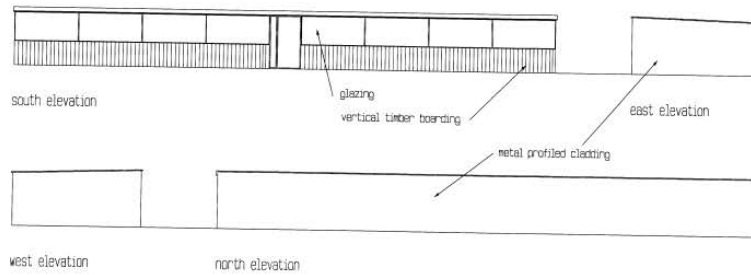
The plans below illustrate the location of this block and the elevations



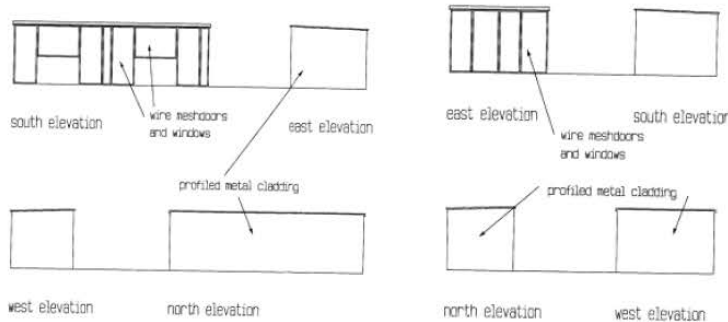
Layout as constructed



Numbers of kennels/dogs per kennel.



BLOCK A



BLOCK B

BLOCK C

Elevations

The applicant points out that this is not “new” accommodation increasing the number of dogs kennelled at the site. It is ancillary space for owners to leave their dogs whilst those other kennels are being cleaned and prepared, or for dogs awaiting collection. In other words they “hold” dogs for temporary short periods either before or after kennelling in the existing approved buildings.

Background

The site has been formerly used as an agricultural small holding with equestrian uses together with surrounding land, also within the applicant's control. There are a number of buildings dotted around the site. In 2011, planning permission was granted for the equestrian use, along with the stables; a farrier's forge, commercial kennels, livery and hard-standings (PAP/2011/0071) – see Appendix B. This provided for a maximum of 40 kennels across the site. In 2013 planning permission was granted for the erection for poly-tunnels (PAP/2012/0568). Planning permission was also approved under reference PAP/2015/0334, for kennels and a cattery use at the site. Due to the location of these kennels and the cattery the actual number of kennels at the site was reduced to 30.

Representations

Water Orton Parish Council – No comments received

Third Party Representations – One objection has been received. The objection is summarised as follows:

- Unacceptable impact on my business and tiredness by the kennel noise;
- Unable to use the garden and can hear dogs through double glazing and external wall cladding
- The dogs bark throughout the day and night and is worse in summer when open windows
- The impact of our clients who come the farm for therapeutic is affected.
- Holding kennels are closer to our home than the current housing and face the direction of the neighbour concerned.
- The pens face each other a known catalyst for increased barking.
- As with the entire kennel compound vermin (fox and rats) easily gain entry to the facility and this area, once again being a catalyst for barking.
- The holding kennels have no soundproofing or sound reducing qualities- in fact like much of the kennel compound steel sheeting has been used that would amplify rather than dampen sounds.
- The application states no operating times for the holding kennels- duration of dogs staying in the holding kennels and numbers being housed.
- No compensation has been offered from this business for their impact, triple glazing and air conditioning to allow windows to remain closed without loss of comfort would help mitigate impact.
- I refer you to the sessions of monitoring that the North Warwickshire Environmental health team have undertaken at my property.

Consultations

Environmental Health Officer - No objection subject to conditions as set out below:

"The environmental health department has received a number of noise complaints about barking from the kennels in recent years. As a result should permission be granted then the holding kennels may need to be more substantial/enclosed i.e. mesh fencing replaced with solid material and insulating the kennels to reduce the noise and minimise any potential disturbance. I would also recommend that these are only used as holding kennels to prevent them being used for daytime and night-time boarding. It may also be beneficial to limit the numbers of holding kennels used at any one time"

Development Plan

North Warwickshire Core Strategy (October 2014) – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW10 (Development Considerations) and NW12 (Quality of Development)

Saved Policies of the North Warwickshire Local Plan 2006 - ECON5 – (Facilities relating to the settlement hierarchy); ENV12 (Urban Design) and ENV13 (Building Design)

Other Relevant Material Considerations

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

National Planning Policy Guidance 2014

Observations

Taking into account planning policy and other material planning considerations, the key considerations in the determination of the application would be the principle of the additional building within the site; the impact on the Green Belt and the impact on neighbouring amenity.

a) Principle

The principle of the boarding kennels at the site has been established under planning previous planning permissions.

The principle of the proposal should be assessed under Policies NW2 and NW10 of the Core Strategy, 2014. The site lies within an open countryside location outside a development boundary or a Category 5 settlement for the purpose of Policy NW2 of the Core Strategy 2014. Policy NW2 states that development in settlements without a development boundary will be limited to that necessary for agriculture, forestry or other uses that can be shown to require a rural location.

Policy ECON5 says that proposals for additional shopping facilities, amongst other uses, outside of development boundaries will not be permitted because such locations are unsustainable. This is emphasised through Core Policy 2, where new development is directed towards settlements, and limited to that requisite for agricultural, forestry or other uses requiring a rural location, outside of defined development boundaries.

The thrust of this approach is to ensure that developments do not develop or grow within unsustainable locations thus promoting the viability and vitality of existing settlements with their existing services and facilities.

In respect of this matter, the principle of the kennels (amongst other uses at the site) has already been established. The use is one which is not appropriate in residential areas and within the built up defined development areas and as such would require a rural location. This is the position with many other kennels throughout the Borough.

It is noted that there is no increase in the number of boarding kennels here. The additional block is required to assist in the maintenance and cleaning, required during the use. There would be no additional dogs staying for periods at the site. As such it is considered that the principle is already established and the proposal does not materially alter that position.

b) Green Belt

The addition of the holding kennel block is considered to be inappropriate development because it relates to the construction of new buildings. There is thus harm to the Green Belt here, however the actual degree of Green Belt harm to the openness and permanence of the Green Belt and to the purposes of including land within it, is considered to be minor. This is because the buildings are small; within a contained site that already has a significant number of similar other buildings within it and visually there is no additional adverse impact.

In terms of other harm, then in respect of their design and scale the block is low level to a height of 2.2metres to flat roof height. They are commensurate in scale with the other buildings across the site. All the elements of the building are well related to both the immediate setting and the wider surroundings. As such it is considered that the proposal would accord with saved policies ENV12 and ENV13 of the Local Plan, 2006 and Policy NW12 of the Core Strategy, 2014.

The main concern in terms of "other harm" is the impact from potential noise disturbance on residential amenity – particularly that of the neighbouring property as set out in the representations above.

In respect of the use of the site here for kennels, then Environmental Health Officers confirm that there have been a number of noise complaints from the occupiers of the neighbouring property and that further concerns have been made with regards to this application.

Environmental Health Officers point out that building is located at the rear of the site with a number of intervening buildings between it and the neighbouring house together with saying that the noise environment already is one in which the motorway is dominant. Moreover the actual use of the building is to allow the movement of dogs in order to clean vacated kennels and/or await pick up. As such the proposal would not result in additional dogs kennelled at the site. A condition would be relevant here to limit the maximum number of dogs kennelled at the site to that of the 2015 consent – namely 30. With regards to the open fronted nature of the holding kennels, then the Environmental Health Officer recommends that a more substantial material is required for the building, together with its enclosure and insulation to reduce the potential for disturbance. A condition for these measures to be undertaken within a set period would be the way forward. Members are reminded that conditions should always be considered to be the preferred way forward in order to mitigate potential adverse impacts and that a refusal should only be considered if the residual impacts after such mitigation would still be unacceptable. The advice from the Environmental Health Officer is that this is not the situation here. As such the proposal would accord with the relevant policies of the Development Plan and the NPPF with those recommended conditions.

In respect of the "harm" side of the planning balance here then there is minor actual Green Belt harm and limited other harm.

The considerations on the other side of the balance are significant – the application accords with the lawful use of the site; it is an ancillary use to that approved and not a new use or an intensification of that lawful use. It is considered that these matters do outweigh the limited harm caused.

c) Other Matters

It is recognised that the objector raises concerns here about noise and that the Environmental Health Officers are aware of the previous complaints. Members are reminded that the determination here rests not on whether there is noise emitted from the existing site, but whether the use of the additional building would cause a material increase in noise emissions over and above that which is experienced through the operation of the lawful use. This is not the advice that is being given by the Environmental Health Officers, subject to conditions. If consideration is to be given to a refusal here, then Members need to be satisfied that they have the technical noise

evidence available to show that the use now proposed would materially and adversely alter the noise environment.

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 Reference 1172-02 and Site Plan and Elevation plans Reference 1307:01 Rev A received by the Local Planning Authority on 10th January 2018, Block Plan received by the Local Authority on 15th February 2018 and noise insulation details received by the Local Authority on 16th February 2018.

REASON

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

2. Within one month of the date of this permission, the holding kennels hereby approved, shall be insulated in line with the details of the noise mitigation measures received by the Local Authority dated 16.02.2018 in order to reduce the potential impacts from noise.

REASON

In the interests of reducing the risk of noise pollution.

3. The holding kennels labelled Block A, B and C shall remain solely ancillary to the kennelling use approved at the site under planning reference PAP/2015/0334 for the purpose of holding kennels and for no other purposes whatsoever. The holding kennels shall not be used for day or night time boarding.

REASON

In recognition of the circumstances of the case, so as to prevent the unauthorised use of the site.

4. The holding kennels hereby permitted shall not receive or allow collection of animals other than between 0700 and 1900 hours Mondays to Fridays, and 0800 and 1200 hours on Saturdays, Sundays, Public Holidays and Bank Holidays.

REASON

To prevent disturbance to the occupiers of nearby properties.

5. Not more than 30 dogs in connection with the Kennels business at the site shall be kept at the premises at any time.

REASON

To prevent disturbance to the occupiers of nearby properties.

Notes

1. 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 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/2018/0025

Background Paper No	Author	Nature of Background Paper	Date
1	The Agent	Application Forms, Plans and Statement(s)	10.01.2018
2	Mr. Wootton	Representation	4.02.2018
3	NWBC Environmental Health	Consultation Response	6.02.2018
4	Case Officer	E-mail	12.02.2018
5	Agent	E-mail and detail plan	15.02.2018
6	Case Officer	E-mail	15.02.2018
7	Agent	E-mail and noise insulation detail	16.02.2018
8	Case Officer	E-mail	16.02.2018
9	Agent	E-mail	16.02.2018
10	NWBC Environmental Health	Re-consultation Response	19.02.2018

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 Photographs



Appendix B – Decision Notice planning reference PAP/2011/0071 granted 21st April 2011



North Warwickshire
Borough Council

F B Architecture Limited
The Old Telephone Exchange
Gipsy Lane
Balsall Common
CV7 7FW

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

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

Date: 21 April 2011

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

DECISION NOTICE

Full Planning Application

Application Ref: PAP/2011/0071

Site Address

Hillcrest Farm, Birmingham Road, Water Orton, B46 1TG

Grid Ref:

Easting 416720.08
Northing 290961.17

Description of Development

Retention of farriers forge, stable, hay barn, office with teaching room kitchen and toilets, extension to kennels building, willow screen fencing and powered timber gates to road frontage, and a reduced amount of hardstanding; together with change of use of stable for livery, and private kennels to include commercial kennels, with farrier, livery and kennel businesses to operate from the office and welfare facilities

Applicant

R H Farrier Services

Your planning application was valid on 11 February 2011. It has now been considered by the Council. I can inform you that:

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

1. The uses hereby approved not yet commenced must be begun not later than the expiration of three years from the date of this permission.

REASON

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

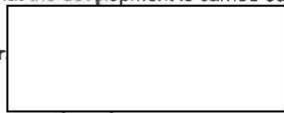
2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 1042-10A received by the Local Planning Authority on 5 April 2011.

REASON

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

Authorised Officer

Date:



3. The portakabin hereby approved shall not be laid out otherwise than in accordance with the plan numbered 1042-14 received by the Local Planning Authority on 4 April 2011, with the toilets, kitchen, office and teaching room remaining solely ancillary to the livery, kennelling and farrier uses hereby permitted, and specifically not for residential purposes whatsoever. The portakabin shall not be replaced without the prior written approval of the Local Planning Authority.

REASON

In recognition of the circumstances of the case, so as to prevent the unauthorised use of the site.

4. Within 3 months of the date of this decision, the portakabin shall be clad in timber and permanently maintained as such.

REASON

In the interests of the amenities of the area.

5. The occupation of the existing dwelling known as Hillcrest, Birmingham Road shall be limited to persons solely or mainly employed or last employed prior to retirement in managing the dog boarding/kennelling business hereby permitted, or the dependents of such persons including the widow or widower of such persons.

REASON

To prevent disturbance to the occupiers of nearby properties.

6. The kennel business shall receive or allow collection of animals other than between 0700 and 1900 hours Mondays to Fridays, and 0800 and 1200 hours on Saturdays, Sundays, Public Holidays and Bank Holidays.

REASON

To prevent disturbance to the occupiers of nearby properties.

7. There shall be no burning of stable waste on the site whatsoever.

REASON

To protect the amenities of nearby residential property.

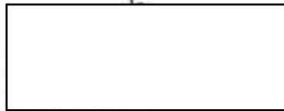
8. Surplus hardstanding on site, not permitted for retention by way of the approved plan, shall be removed and the land reinstated to its former condition within 3 months of the date of this decision.

REASON

In the interests of the amenities of the area.

9. Visibility splays shall be provided and maintained to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distances of 70.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.9 metres above the level of the public highway carriageway.

Authorised Officer:



Date:

REASON

In the interests of safety on the public highway.

10. Within 3 months of the date of this decision, the existing vehicular access to the site shall be widened so as to provide an access of not less than 5.0 metres, for a distance of 15.0 metres as measured from the near edge of the public highway carriageway. and surfaced with a bound material for a distance of 12.0 metres, as measured from the near edge of the public highway carriageway.

REASON

In the interests of safety on the public highway.

11. Within 3 months of the date of this decision, the vehicular verge crossing shall be extended, laid out and constructed in accordance with the standard specification of the Highway Authority.

REASON

In the interests of safety on the public highway.

12. Gates erected at the entrance to the site for vehicles shall not be hung so as to open to within 12.0 metres of the near edge of the public highway carriageway.

REASON

In the interests of safety on the public highway.

13. Within 3 months of the date of this decision, details of the provision of the access drainage and levels shall be submitted to and approved in writing by the Council. 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.

14. Within 3 months of the date of this decision, the car parking and manoeuvring areas shall be laid out and are available for use in accordance with the approved plan, and such areas shall be permanently retained for the parking and manoeuvring of vehicles.

REASON

In the interests of safety on the public highway.

INFORMATIVES

1. The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): ENV2 (Green Belt), ECON9 (Re-use of Rural Buildings), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV9 (Air Quality) and ENV11 (Neighbour Amenities).

Authorised Officer: 

Date:

21 April 2011

2. It is possible that formerly agricultural land to the north of the residential properties known as Hillcrest and Hill Crescent has been fenced off and added to amenity space for these properties. To use this land for residential purposes constitutes a material change of use for which planning permission is required. You are advised to contact the Planning Department if this has occurred to ascertain what action should be taken.
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. Condition numbers 10 and 11 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer 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/developer. The Area Team 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 / developer 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.

REASONED JUSTIFICATION

The proposal is considered to consist of appropriate development and uses within the Green Belt, with special circumstances demonstrated to retain unauthorised elements which conflict with Green Belt policy. In addition, the re-use of the buildings is appropriate, with suitable transport links and end uses. Visual amenity and highway safety is not considered to suffer harm, subject to conditions, and the impact on neighbouring amenity is considered acceptable subject to appropriate controls. The proposal is therefore in accordance with saved policies ENV2, ECON9, ENV12, ENV13, ENV14, ENV9 and ENV11 of the North Warwickshire Local Plan 2006 and national policies as set out in Planning Policy Guidance Notes 2. There are no material considerations that indicate against the proposal.

APPEALS TO THE SECRETARY OF STATE

1. If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you can appeal to the Department for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.
2. If you want to appeal against your local planning authority's decision, then you must do so within 6 months of the date of this notice.
3. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, or online at www.planning-inspectorate.gov.uk and www.planningportal.gov.uk/pcs.

Authorised Officer:



Date:

21 April 2011

4. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
5. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
6. The Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

PURCHASE NOTICES

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

NOTES

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

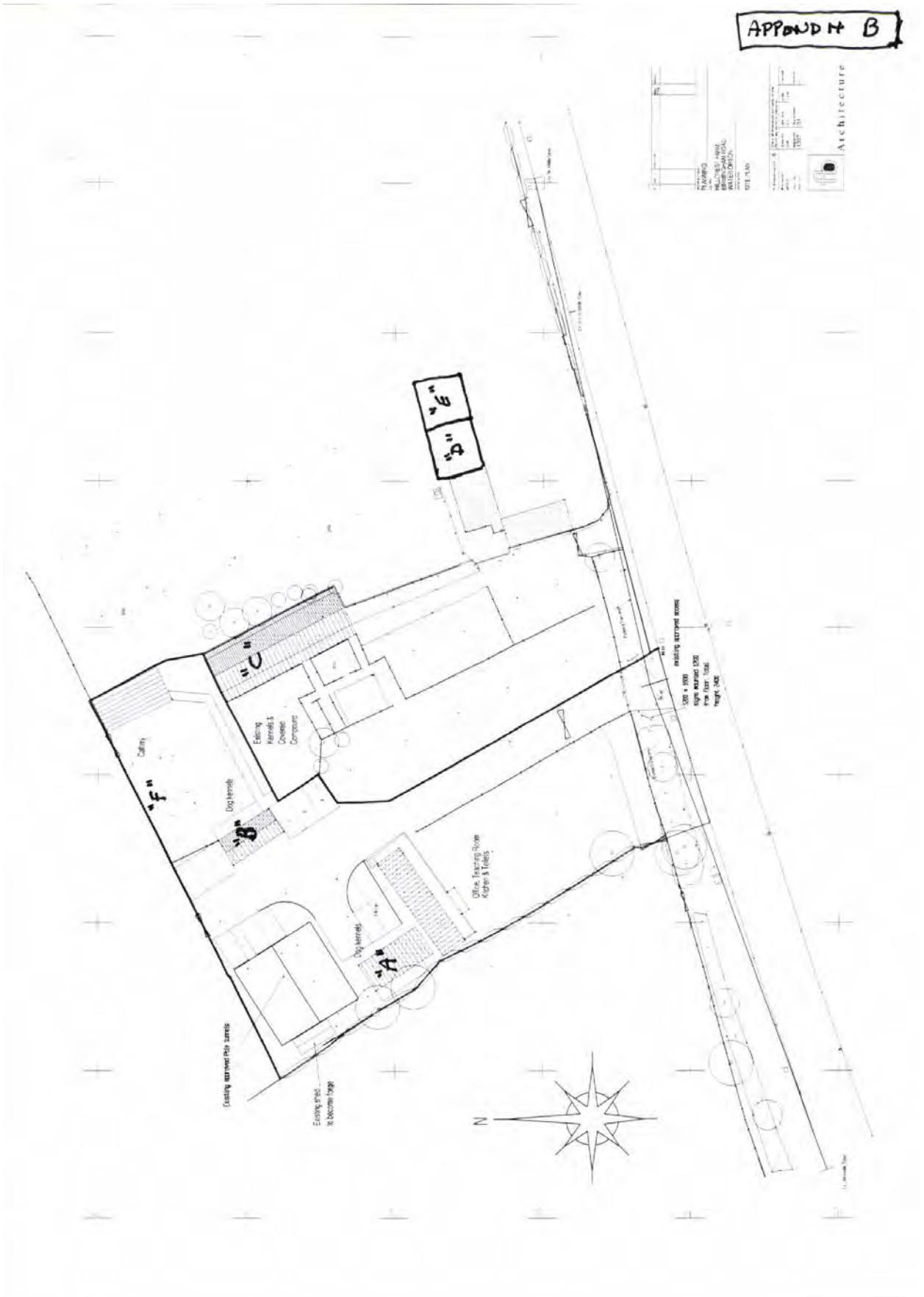
Authorised Officer:



Date:

21 April 2011

APPENDIX B



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 CLIENT: [Blank]
 ARCHITECT: [Blank]
 DATE: [Blank]

(5) Application No's: PAP/2018/0034 and PAP/2018/0036

Former B Station Site, Faraday Ave, Hams Hall, Coleshill, B46 1AL

Approval of reserved matters application for erection of four employment units (use class B2/B8) together with ancillary offices, service yards, car parking and on-plot landscaping (PAP/2016/0399),

Approval of reserved matters for the erection of two employment units (class B2/B8) together with ancillary office, service yards, car parking and on-site landscaping

for

Prologis UK CCCX SARL

Introduction

An outline planning permission has been granted for the commercial redevelopment of this former Power Station site on the Hams Hall estate, within the B2 and B8 Use Classes. A subsequent reserved matters application was approved for the structural landscaping around the perimeter of the site, notably at its northern side and for whole site drainage infrastructure. The sustainable drainage measures are to be located at its northern end. The applicant has now submitted two applications for the subsequent approval of reserved matters dealing with layout and appearance. Two are submitted in order to provide alternatives for marketing purposes. One is for four units and the second is for two units. In both cases, the reserved matters sought are for layout, appearance, scale and plot landscaping. Access details were approved at outline stage.

Both proposals have been amended during the course of handling the applications.

Both now show that the service yard for the unit closest to Lea Marston will be located between the units rather than face away from the site as originally submitted.

The applications are referred to the Board because of the original interest in the site and local Member concerns about the potential impacts on Lea Marston.

The Site

The site of both applications is that of the former "B" power station site and is on the north-west side of the overall former site. It adjoins the Birmingham-Derby rail line along its northwest boundary which is in cutting here and there is other commercial development around its other boundaries apart from its northern side. Here is an open playing field and then a significant area of woodland before the village of Lea Marston is reached. The application site amounts to some 20 hectares and it is generally flat and more or less wholly covered in concrete.

Three access points into the site have already been approved - two off Canton Lane and the third off the un-named access leading to Faraday Avenue. This un-named access would also be improved.

Background

The outline planning permission set out the parameters for the site against which to assess the more detailed layout plans that would follow. The key parameters were the definition of a core development area; a maximum floor space of 85,000 square metres and HGV parking to be at 1 space for every 375 square metres.

The site also has significant bunding around the site and there is additionally a 2.4 metre acoustic fence to be constructed along the northern edge of the site facing Lea Marston between the site and the planting and drainage features beyond. The details of this fence have already been approved.

The Proposals

a) PAP/2018/0034

This is the proposal for four units. Together they amount to some 82,819 square metres – 38,634; 24,722, 11,447 and 8,016 square metres. The layout shows that the largest of these would be located at the northern end of the site running across its whole boundary. Its access would be solely from one of the existing but improved Canton Lane access points. Its offices and car parking area would face east and the loading bays/service yard would be on its southern side facing into the site and thus its rear elevation would run alongside the northern site boundary. It would be 19.5 metres tall.

The car park would accommodate 257 spaces and there would be 92 HGV spaces.

The second unit would take its car and light vehicle access off Canton Lane but its HGV access would be from the other upgraded road. It would face southwards with its height being 17.2 metres. It would have 179 car parking spaces and 45 HGV spaces with its service yard facing south.

The other two units would run parallel to the railway cutting with all access off the improved road. They would face south and have 86 and 66 car parking spaces and 39 and 21 HGV spaces respectively. Their heights would be 15.25 and 15 metres.

All of the units would have on-site ornamental planting.

The facing materials used would be common throughout the four units – shades of grey and white for the roof and wall claddings with other features - doors, columns, loading bays etc. - marked out in different colours – greens and silvers.

The layout is illustrated at Appendix A and the elevations at Appendix B

b) PAP/2018/0036

This is the proposal for two units. They amount to 85,000 square metres of floor space – one being 38,634 and the second being 46,366 square metres. The layout shows the smallest of these along the northern boundary. The submitted plan shows its service yard between the two units thus not facing towards Lea Marston. Its access however would remain off Canton Lane. The second and largest unit would take up the whole of the remainder of the site running at right angles to the railway. It would be 17.25 metres tall, have 338 car parking spaces and 96 HGV spaces. Access to one of the car parks

would be off Canton Lane with access to the second and all HGV access off the improved un-named road. On site ornamental planting is proposed.

The facing materials to be used would be common throughout the two units and follow the pattern set out in the alternative four unit proposals.
The layout is illustrated at Appendix C.

Representations

Lea Marston Parish Council – Originally lodged an objection expressing concerns about the potential adverse impacts from the proposed service yards facing “out” of the site. The objection has been withdrawn in light of the receipt of amended plans.

Nether Whitacre Parish Council - It reflected the views as expressed above in respect of the original plans, but welcomes the amended plans. Comments about other details are not given weight as they have already been approved as recorded above.

A letter has been received from one of the other occupiers of one of the units in Canton Lane expressing concerns about the potential for on-street parking should there be insufficient space on site. There is also a call on parking restrictions along Canton Lane.

Consultations

Environmental Health Officer – There was no objection to the original submissions and thus there is no objection to the amended schemes

Warwickshire County Council as Highway Authority – No objections

Warwickshire Wildlife Trust – Originally expressed concern about the potential impact of noise and light pollution on the wildlife sites to the north of the site. This is no longer the case, but it remains concerned about the impact of lighting on the bat roosts within a retained building – the round house - which was excluded from the original site application area.

Development Plan

The Core Strategy 2014 – NW10 (Development Considerations)

Other Material Planning Considerations

The National Planning Policy Framework

Observations

Both sets of proposals accord fully with the parameters already established under the outline planning permission. Given that there is no objection from the highway authority to the geometry of the access points into the site in either scheme or to the on-site arrangements, there is no highway objection to either of the proposed layouts. Additionally, the design of the buildings is not uncommon throughout the Borough on similar sites and the materials too are not unexpected. This site is very well contained visually and is unlikely to be seen in a wider setting. This benefit was raised at outline stage too. As a consequence the design and appearance of the buildings in either scheme are acceptable.

The main issue, as it was at outline stage, is the potential impact on the village of Lea Marston.

Both schemes now show that the units at the northern end of the site will run along the site boundary and thus that their service yards will face into the site and be located between other units. This has led to the Parish Councils withdrawing their main objections. As a consequence both schemes acceptable.

Reference is made to concerns about on-street parking. The proposed capacities of the plots here – either on the two or the four unit scheme – show parking provision above that which the Council would normally ask for. Additionally there was no objection at outline stage by the Highway Authority to the use of Canton Lane as an access into the site. The matter of parking restrictions on the road is a matter for the Highway Authority using its highway powers and the occupiers should follow this up with the County Council. The matter is not one that should give rise to a refusal reason.

In respect of the Wildlife Trust's comments, then the details and specifications for the lighting arrangements are to be the subject of a further application. The applicant is aware of this particular issue and thus those details will need to address the matter raised by the Trust. The Trust will be consulted on the submission too.

Recommendation

a) PAP/2018/0034

That the plans received on 7 March 2018 be approved in full discharge of conditions 1 (a), (b), (c) and (d) and conditions 8 and 9 of planning permission PAP/2016/0399 dated 26/5/17 as amended by MIA/2017/0019 dated 28/7/17.

Notes

The Local Planning Authority has worked with the applicant in order to seek amended plans to overcome planning issues associated with the proposal thus meeting the requirements of the NPPF.

b) PAP/2018/0036

That the plans received on 22/3/18 be approved in full discharge of conditions 1 (a), (b), (c) and (d) and conditions 8 and 9 of planning permission PAP/2016/0399 dated 26/5/17 as amended by MIA/2017/0019 dated 28/7/17.

Notes

The Local Planning Authority has worked with the applicant in order to seek amended plans to overcome planning issues associated with the proposal thus meeting the requirements of the NPPF.

BACKGROUND PAPERS

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

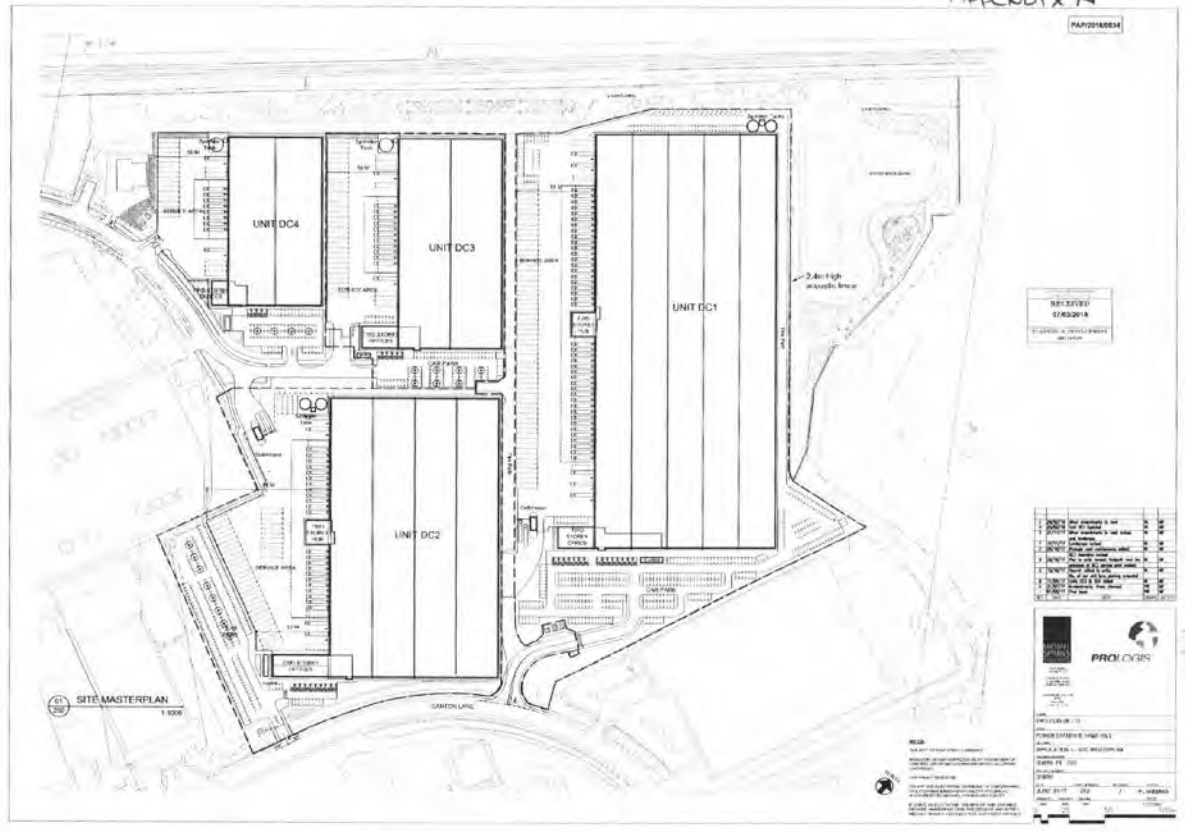
Planning Application No: PAP/2018/0034 and PAP/2018/0036

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	15/1/18
2	Head of Development Control	Letter	22/1/18
3	Environmental Health Officer	Consultation	25/1/18
4	Environmental Health Officer	Consultation	26/1/18
5	D Ford	Representation	5/2/18
6	Environmental Health Officer	Consultation	9/2/18
7	Agent	E-mail	16/2/18
8	Lea Marston PC	Objection	28/2/18
9	WCC Highways	Consultation	19/2/18
10	Warwickshire Wildlife Trust	Consultation	28/2/18
11	Nether Whitacre PC	Representations	2/3/18
12	Applicant	Letter	6/3/18
13	Head of Development Control	E-mail	8/3/18
14	Lea Marston PC	Representation	11/3/18
15	Applicant	Letter	22/3/18
16	Nether Whitacre PC	E-mail	22/3/18
17	Warwickshire Wildlife Trust	Consultation	22/3/18

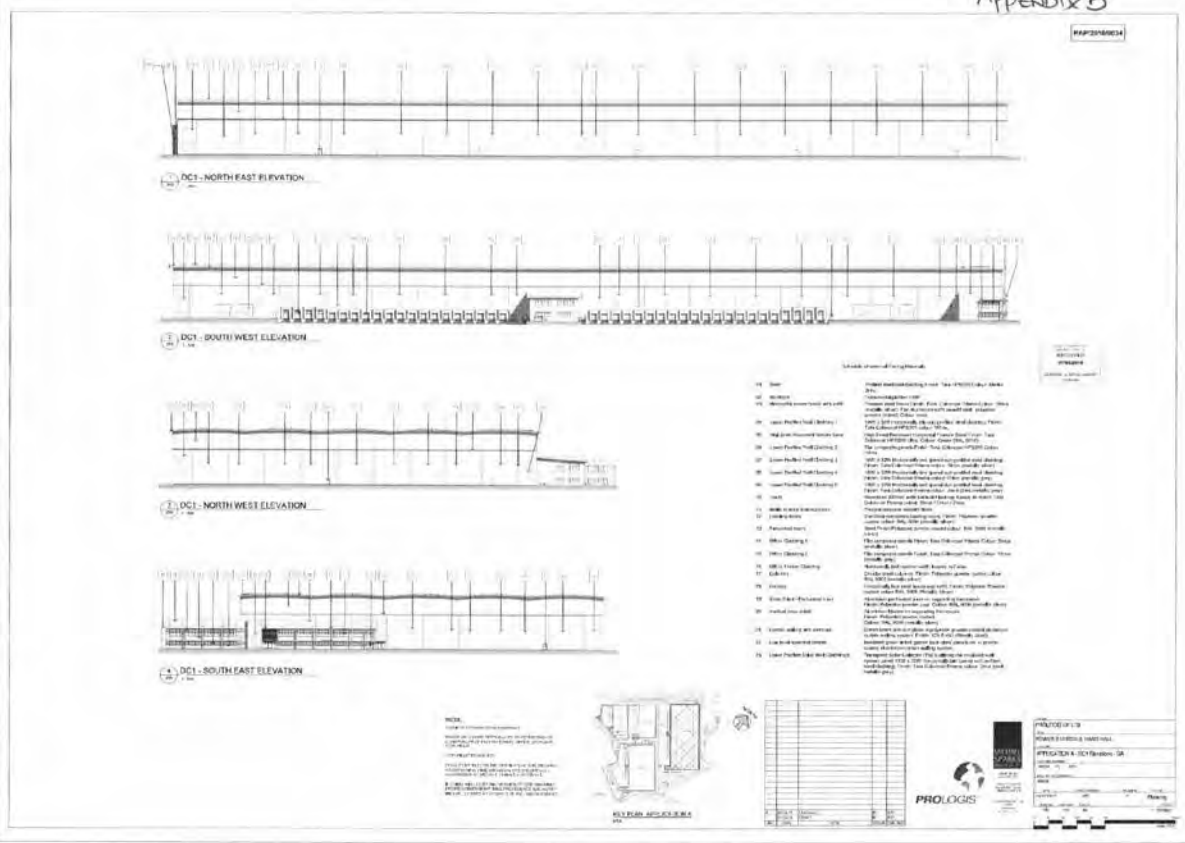
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

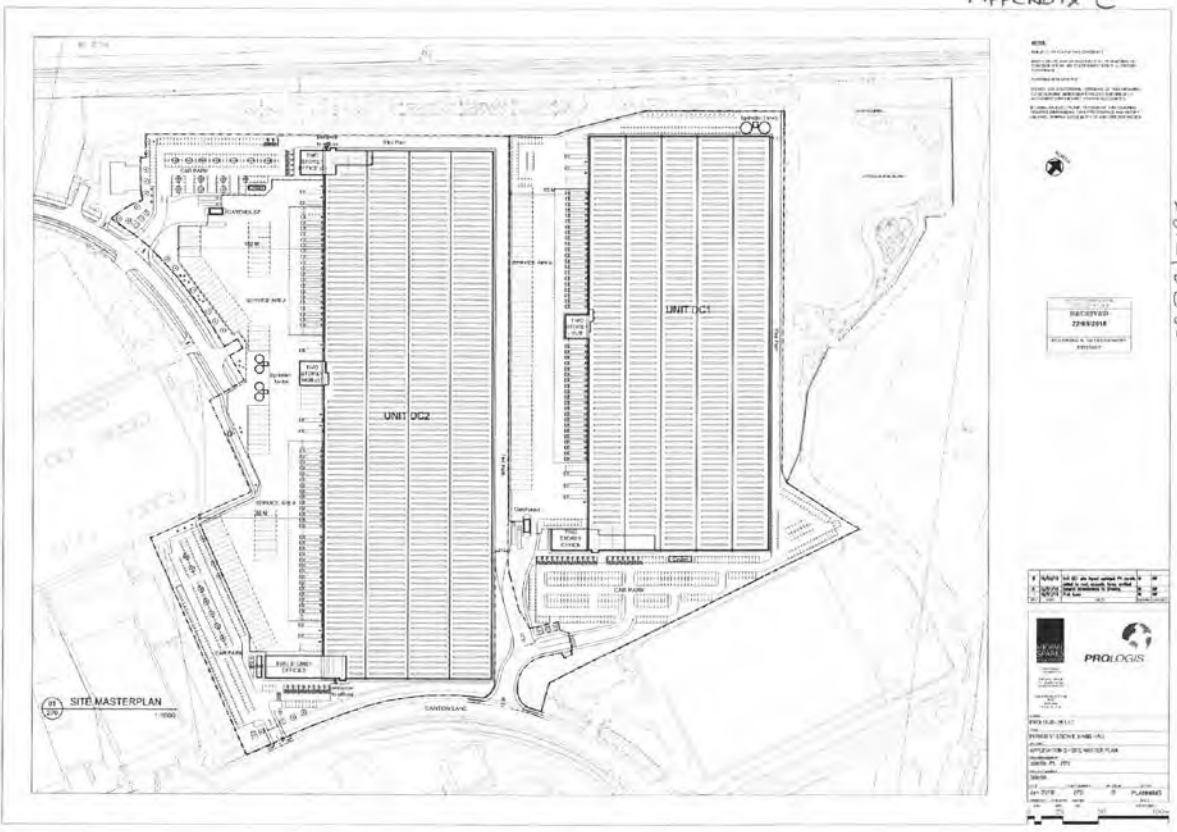
A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

APPENDIX A



APPENDIX B





2015/02/26

(6) Application No: PAP/2018/0058

Copperfields, Dog Lane, Nether Whitacre, B46 2DT

Extensions and alterations to previously approved scheme PAP/2017/0496 residential conversion, for

Mr & Mrs T Waters

Introduction

This application is reported to the Board as the applicant is an elected Member of the Council.

The Site

This is a two storey detached house on the north side of Dog Lane in Nether Whitacre. There are other detached and semi-detached properties fronting both sides of the lane in the vicinity, together with other residential property at the rear. This is all surrounded by open countryside. Within the curtilage there is a detached garage set back from the lane and currently used as a garage, office and utility room. There is a single vehicular access to the whole site off Dog Lane.

The existing site layout is illustrated at Appendix A with existing elevations and floor plans of the garage at Appendices B and C.

Background

Planning permission was granted in January 2018 for the “conversion and extension of garage to individual dwelling”. The approved plans are at Appendices D and E. The consequential building would have two bedrooms, its own access onto Dog Lane – retaining the existing access – and a new access would be created for Copperfields itself.

The approved plans show an increase in volume over the existing garage building of 14%.

The Proposals

In essence the current proposals are to enlarge the building arising from the recent January planning permission.

The existing garage building would be enlarged with a two storey side extension and with alterations at the rear so as to provide a larger two bedroom dwelling. A new access would be provided as already approved along with car parking provision and Copperfields would have a new separate access onto Dog Lane.

The proposed plans are shown at Appendices F and G.

The proposals would extend the existing garage building by 42% in volume.

The applicant argues that consent has already been granted here for a new dwelling and that the proposed extensions here are not inappropriate and will have limited impacts.

Representations

Four letters of support have been received which say that the proposal is in keeping and has no detrimental impact.

Nether Whitacre Parish Council – No objection

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency) and NW12 (Quality of Development)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV12 (Urban Design), ENV13 (Building Design) and ENV14 (Access Design)

Other Material Planning Considerations

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

The draft Submission Version of the Local Plan for North Warwickshire 2017 – Policies LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt) and LP 31 (Development Considerations)

Observations

Policy NW3 of the Core Strategy requires an assessment to be made of a proposal in the Green Belt against the policies set out in the NPPF. As this proposal is for new built development, the NPPF defines this as inappropriate development and it is harmful by definition to the Green Belt. As such there is a presumption of refusal here.

Members will know that there are exceptions to this presumption and the relevant one here is where extensions are found not to be disproportionate to the original host building. The starting point is therefore to compare the existing building with that now proposed and decide whether the extensions are disproportionate. In this case it is considered that they could well be. In quantitative terms there is a 42% increase in volume, which is not insubstantial. Moreover the Development Plan – saved policy ENV13 of the Local Plan provides a guide of 30% as the “limit” as to when extensions are likely not to be supported. This is carried through into the emerging plan at Policy LP3, but this is qualified by pointing out that setting and design are also important considerations which might give rise to consideration of larger extensions. Indeed even under ENV13, permissions have been granted for larger extensions particularly within an established built frontage. Qualitatively, the extension results in a different design, appearance and massing to the existing, however it is not out of keeping given the residential properties that surround the site. Another approach would be to look at the impact on the openness of the Green Belt, which because of the setting here within an established curtilage; the building being set well back from the road and the surrounding other residential property, would be considered to be limited. As a consequence of

balancing all of these factors, the proposal is considered not to be disproportionate and thus the proposal would not be inappropriate development in the Green Belt.

In terms of other harm that might arise then there is no highway objection and neither is there any ecological or heritage harm. There would be unlikely to be any harm to neighbouring residential amenity.

Recommendation

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

1. Standard Three year condition
2. Standard Plan numbers – COP/PSL 002B; PFP/004C and PRE/006B all received on 26/2/18
3. No development whatsoever within Classes A, B, C and D of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), shall commence on site.

REASON

In view of the circumstances of this case and to ensure that the proposal does not further impact on the openness of the Green Belt in this location.

4. The new works shall be carried out using facing bricks and roofing tiles to match the existing building.

REASON

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

5. The building shall not be occupied for residential purposes until the car parking and manoeuvring areas have been laid out and made available for use in accordance within the approved plan and such areas shall be permanently retained for the parking and manoeuvring of vehicles.

REASON

In the interests of highway safety

Notes

The Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking amended plans in order to overcome planning issues. As such the Council has met the requirements of the National Planning Policy Framework in this case.

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0058

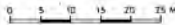
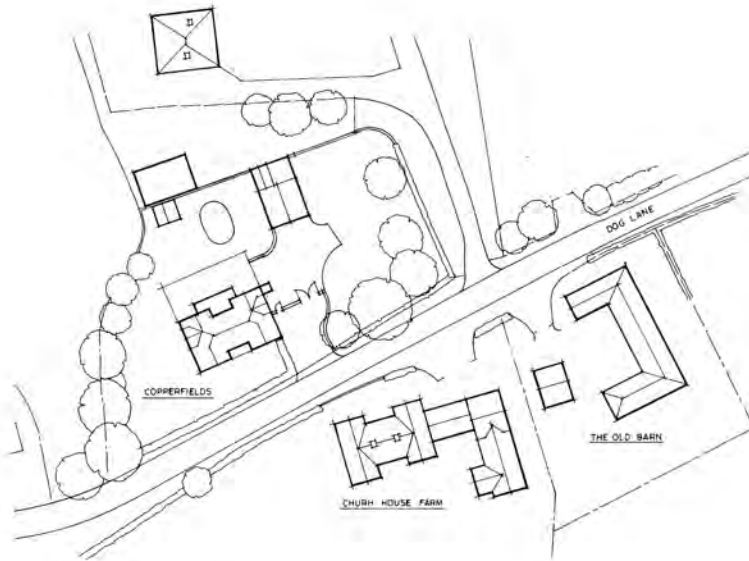
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	24/1/18
2	R Wright	Representation	9/2/18
3	A Hughes	Representation	8/2/18
4	J Thompson	Representation	7/2/18
5	R and L Pulley	Representation	23/2/18
6	Nether Whitacre Parish Council	Representation	23/2/18
7	Applicant	Letter	26/2/18
8	Nether Whitacre Parish Council	Representation	2/3/18

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

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

APPENDIX A

PAP/2018/0058



NORTH WALESHERS
BOROUGH COUNCIL
RECEIVED
24/01/2018
PLANNING & DEVELOPMENT
DIVISION

PROJECT	
COPPERFIELDS DOG LANE, NETHER WHITACRE	
CLIENT	
MR AND MRS. T. WATERS	
DESCRIPTION	
EXISTING SITE BLOCK ROOF PLAN	
DRAWN BY	
ANDREW LARGE SURVEYORS LTD	
THE ESTATE OFFICE, STATION PARADE HALL, WELLS ROAD, NETHER WHITACRE, LA20 1JH, LEICESTERSHIRE, LE19 1ET	
DATE	NO.
23.12	1/000
SCALE	BY
1:100	CDP EBL/001

APPENDIX B

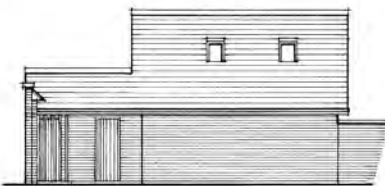
PAP/2018/0058



SOUTH ELEVATION



EAST ELEVATION



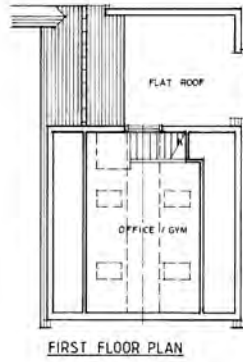
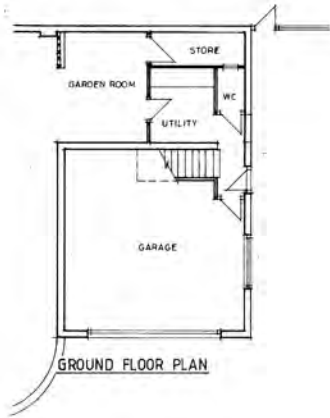
WEST ELEVATION



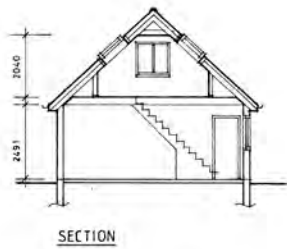
NORTH ELEVATION

NORTH WALESHERS
BOROUGH COUNCIL
RECEIVED
24/01/2018
PLANNING & DEVELOPMENT
DIVISION

PROJECT	
COPPERFIELDS DOG LANE, NETHER WHITACRE	
CLIENT	
MR AND MRS. T. WATERS	
DESCRIPTION	
EXISTING ELEVATIONS	
DRAWN BY	
ANDREW LARGE SURVEYORS LTD	
THE ESTATE OFFICE, STATION PARADE HALL, WELLS ROAD, NETHER WHITACRE, LA20 1JH, LEICESTERSHIRE, LE19 1ET	
DATE	NO.
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SCALE	BY
1:100	CDP EXE 005



NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
24/01/2018
PLANNING & DEVELOPMENT
DIVISION



PROJECT	COPPERFIELDS DOG LANE, NETHER WHITACRE	
CLIENT	MR AND MRS T. WATERS	
DATE	EXISTING FLOOR PLANS	
ANDREW LARGE SURVEYORS LTD		
THE ESTATE OFFICE, STATION ROAD, HALL WELSHAM ROAD, NETHER WHITACRE, LEICESTERSHIRE, LE19 1ST		
DATE	SCALE	PROJECT NO.
2018	1:100	COP EFF 003
2018	AL	

APPENDIX D

PAP/2017/0496

GROUND FLOOR

FIRST FLOOR

SOUTH ELEVATION

EAST ELEVATION

WEST ELEVATION

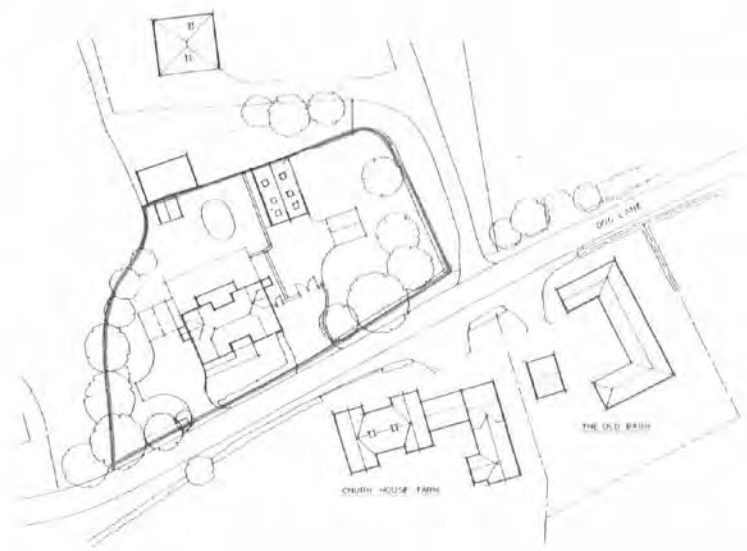
NORTH ELEVATION

GEA: 67.6 sq.m.

MR AND MRS T. WATERS
COPPERFIELDS, DOG LANE,
NETHER WHITACRE
PROPOSED ELEVATIONS AND
FLOORPLANS
SCALE: 1:100@A3

NORTH WARWICKSHIRE
BOROUGH COUNCIL
APPROVED
16/01/2018
I HEREBY DECLARE THAT I AM A MEMBER OF THE TOWN & COUNTRY PLANNING ACT 1990
**SUBJECT TO CONDITIONS
ON NOTICE**

RECEIVED
30/06/2017
PLANNING & DEVELOPMENT
DIVISION



SHARPLEY BUILDING SOLUTIONS
 RECEIVED
 30/10/2017
 PLANNING & DEVELOPMENT
 DIVISION

SHARPLEY BUILDING SOLUTIONS
 RECEIVED
 16/01/2018
 SUBJECT TO CONDITIONS
 ON NOTICE

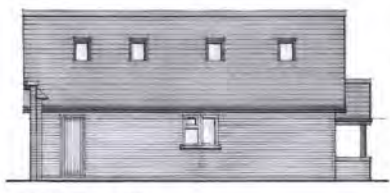
DOWPERFIELDS DOG LANE, NETHER WHITACRE	
MR AND MRS T. WATERS	
PROPOSED SITE BLOCK ROOF PLAN	
ANDREW LARGE SURVEYORS LTD	
REVISIONS TO CLIENT'S REQUIREMENTS	
DATE	BY
15/01	BAW
15/01	BAW



SOUTH ELEVATION



EAST ELEVATION

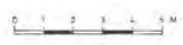


WEST ELEVATION



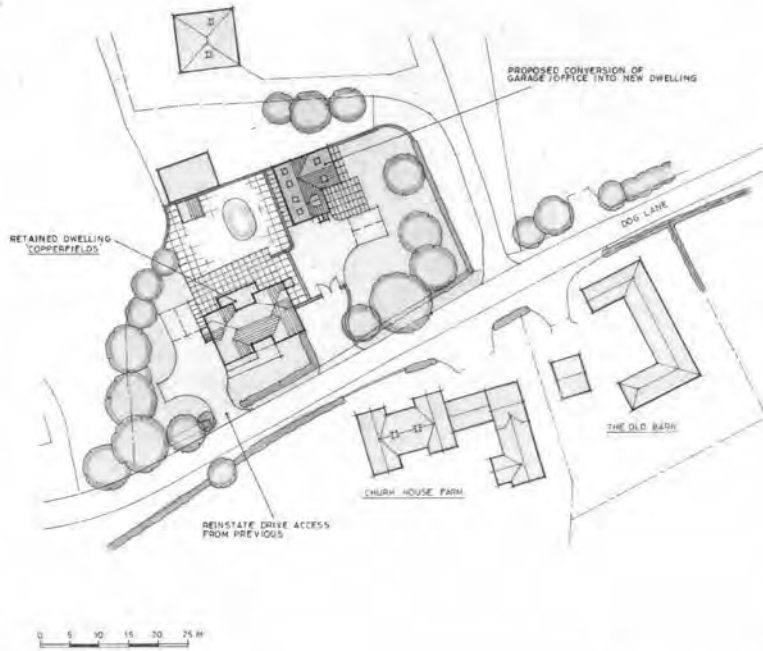
NORTH ELEVATION

SHARPLEY BUILDING SOLUTIONS
 RECEIVED
 24/01/2018
 PLANNING & DEVELOPMENT
 DIVISION



DOWPERFIELDS DOG LANE, NETHER WHITACRE	
MR AND MRS T. WATERS	
PROPOSED ELEVATIONS	
ANDREW LARGE SURVEYORS LTD	
REVISIONS TO CLIENT'S REQUIREMENTS	
DATE	BY
15/01	BAW
15/01	BAW

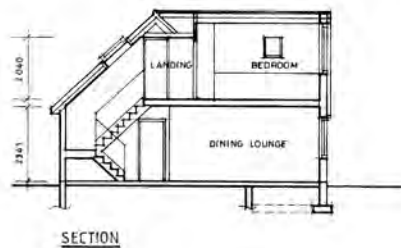
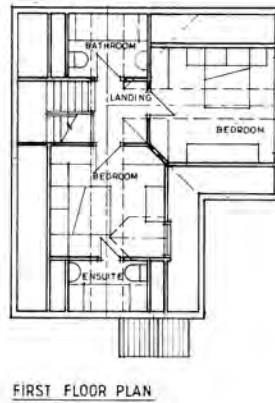
REV A. AMENDED TO CLIENT'S REQUIREMENTS
 4.9.17



REV. A. AMENDED TO CLIENTS REQUIREMENTS 4.9.17

NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
24/01/2018
PLANNING & DEVELOPMENT
DIVISION

COPPERFIELDS DOG LANE, NETHER WHITACRE			
MR AND MRS. T. WATERS			
PROPOSED SITE BLOCK ROOF PLAN			
ANDREW LARGE SURVEYORS LTD.			
THE SITE OFFICE, BOURTON/WARWICKSHIRE			
46, SOUTH ROAD, LONDON, W14 9JH			
DATE	SCALE	PROJECT	NO.
24.01	1:100	COP.PSL.002	A



NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
26/02/2018
PLANNING & DEVELOPMENT
DIVISION

REV. C. STUDY REPOSITIONED 20.2.18
REV. B. VOLUME REDUCED BY 10% 19.2.18
REV. A. AMENDED TO CLIENTS REQUIREMENTS 4.9.17

COPPERFIELDS DOG LANE, NETHER WHITACRE			
MR AND MRS. T. WATERS			
PROPOSED FLOOR PLANS			
ANDREW LARGE SURVEYORS LTD.			
THE SITE OFFICE, BOURTON/WARWICKSHIRE			
46, SOUTH ROAD, LONDON, W14 9JH			
DATE	SCALE	PROJECT	NO.
26.02	1:100	COP.FFP.004	C

(7) Application No: PAP/2018/0078 and PAP/2018/0079

80-82, High Street, Coleshill, B46 3AH

Change of use of offices to form 2 no: residential apartments (C3) including alterations,

And

Listed Building Consent for Change of use of offices to form 2 no: residential apartments (C3) including alterations, for

Cavendish Blush Limited

Introduction

The applications are reported to Planning Board at the request of the Vice Chairman of the Planning and Development Board.

The Site

The site lies within the development boundary and within the Conservation Area for Coleshill. The building is a three storey listed building comprising shops to the ground floor and formerly offices to the first and second floor. The rear of the site is a car-parking area with a detached yard building used for retail storage. Access to the site is from Parkfield Road.

The context of the site is illustrated at Appendix A.

The Proposal

It is proposed to change the use of the offices to form two residential apartments (C3) including alterations. This would involve minor internal works relating to the removal and insertion of stud walls and a staircase. One additional roof light would be added and a side gable window would be made slightly larger to allow for more light into a second floor room. Otherwise the proposal has little material impact on the historic character or appearance of the building.

The ground floor units would remain in retail use. A rear yard building used for retail storage was also proposed to be converted to residential accommodation; however this has been removed from the scheme due to the potential for poor amenity issues for a future occupier of the conversion. The rear yard building therefore remains as retail storage.

Background

The building is Grade 2 listed and the listing description which highlights the special architectural interest of the building is as follows:

House, now incorporating shop. Early C18 with mid-C19 alterations. Plastered brick; plain tile roof with raised verges. 2 storeys with rusticated quoins of unequal length breaking through a bracketed eaves cornice (c.f. The Swan Hotel).4

bays: C19 four-pane sashes to first floor, C19 canted bay window to ground floor right and projecting C19 shop front to the left. Central C19 six-panel door with rectangular overlight and moulded doorcase with fluted key.

Development Plan

The Core Strategy (October 2014) - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW10 (Development Considerations), NW12 (Quality of Development) and NW14 (Historic Environment)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV12 (Urban Design); ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation), ENV16 (Listed Buildings) and TPT6 (Vehicle Parking)

Coleshill Neighbourhood Plan 2017 – TCPLENP4 (Proposals for residential conversion of upper floors in High Street)

Other Relevant Material Considerations

National Planning Policy Framework - (the “NPPF”)

The draft North Warwickshire Local Plan Submission Version 2018 - LP15 (Historic Environment); LP31 (Development Considerations), LP32 (Built Form), LP39 (Housing Allocations) and LP36 (Parking)

Representations

Neighbours - This is an encouraging development that will return former office space to residential use.

Coleshill Town Council – No objection

Consultations

Environmental Health Officer – No objection

Warwickshire County Council as Highway Authority – No objection

Observations

The main considerations are the principle of the change of use and the impact upon the surrounding area and the special characteristics of the listed building.

a) Principle

The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively. Policy NW1 outlines that where planning applications accord with policies within the Core Strategy, 2014, the proposal should be approved without delay, unless material considerations indicate otherwise.

The site lies within the Coleshill development boundary, a Category 2 settlement for the purposes of Policy NW2 (Settlement Hierarchy) of the Core Strategy, 2014. It is

considered that the principle of the residential development is acceptable, given it is within the defined development boundary of Coleshill, which is a Green Belt Market Town.

The application site would have good access to transport links and local facilities within a short walking distance and therefore would be in a sustainable location. There would be no requirement for affordable housing provision or off-site contributions when considering the relevant policies in the development plan.

b) Design

There are no proposed external alterations to the structure of the building with the exception of a roof light to a rear sloping roof and the alteration to an existing side window in the gable roof to make it larger. The inclusion of a stair case is acceptable whereby the works can be carried out with harm little to the historic fabric. Overall the internal condition of the building remains the same, with betterment in the removal of inappropriate stud walls. The main façade to High Street and that to the rear will not be altered. The proposal is considered to comply with the Core Strategy on design matters. This is a relatively straightforward conversion with the philosophy of minimal intervention in approach to repairs. The proposed design and layout of the first and second floor is at Appendix B. This includes existing floor plans in order to show the differences of the proposal. Photographs of the existing internal condition of the building are illustrated at Appendix C.

c) Use of offices/employment/town centres

The proposal will result in the loss of offices, although the office space is currently vacant. It is known that there are a number of nearby vacant office premises in Coleshill and the majority of vacant office space has already been approved for residential conversion. Therefore when considering NW9 of the Core Strategy, it is considered that the proposal complies with the relevant parts as there is no realistic opportunity of the first and second floor of the building being used for employment. A marketing report has been received with the application. There is no interest arising from using the first and second floors as office space.

The ground floor of the building would be retained as retail in order to retain an active frontage along High Street and therefore employment use at the site would not be lost altogether.

Paragraph 23 of the NPPF seeks to ensure the vitality of town centres, and it is considered that the proposed residential use will still leave a range of activities, and also help support the existing commercial uses in the area. The proposal is not considered to have a detrimental impact upon the town centre as covered by NW20 of the Core Strategy.

With regards to saved policy ECON3, this seeks to protect employment provision within Development Boundaries. As the site lies within the Town Centre, mixed use proposals are encouraged, but the size of the property and the layout prevents this opportunity without further extensions and/or alterations, given the building is listed then there is limited scope for improved office use here without too much intervention to the fabric of the building.

There is still a positive provision of B1(a) within Coleshill such that it is not considered the loss of this office would have a negative impact on the function of Coleshill Town

Centre. The fact that the first and second floors of the building were residential originally lends itself to the proposed straightforward conversion.

Policy TCLENP4 of the Coleshill Neighbourhood Plan supports proposals for the residential conversion of upper floors above premises in the High Street for the following reasoning:

“High Street retail units have first or second floor areas, used for either storage or ancillary uses. Proposals to develop these upper floor spaces into appropriate residential uses should be supported and encouraged. An increased residential offer and subsequent presence of residents along the High Street will increase the use of local businesses and the prospects of the High Street”.

The proposal is therefore in accordance with the requirements of the Coleshill Neighbourhood Plan.

d) Parking

The application site contains rear parking facilities, shared with neighbouring uses. It is likely there would be provision for at least one parking space per apartment. In any case the site is well served by regular bus services which link to the nearby conurbation of Birmingham as well as Coleshill Parkway rail services, and is a few steps from local services and facilities and that of employment opportunities on Station Road and Gorsey Way Industrial Estates and at Hams Hall. It is not necessary for the occupier of the flat to rely upon private vehicle. The site is considered to be sustainable and thus in compliance with the NPPF. There is no highway objection to the proposal.

e) Heritage Asset

The site lies within the Coleshill Conservation Area and the building is also listed. The internal alterations to the building are not considered to negatively impact on the external appearance of the building or the internal historic fabric. The proposals are modest in relation to the part of the building which has previously undergone conversion from its original use and previous loss to historic fabric in the process when these rooms were converted to offices. Though the majority of the door heights and frames appear original as does skirting in some rooms and original cupboards, fire places have been blocked off in some room but remain in others

It is understood that the interior fabric will remain with the exception of the removal of existing stud walls and redecoration. However for the requirements of building regulations then details of extraction vents and ducts can compromise the appearance of the building and so would need to be assessed under a condition. In addition all new joinery will need to be considered by condition.

It is also advantageous that the building be used and reasonably converted and so bringing the building up to a standard for habitation will assist in enhancing the heritage asset.

The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage

asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

It is considered that the development here would lead to less than significant harm to the Conservation Area and the Listed Building, but it is nevertheless harm to which great weight should be attached. The NPPF guides that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this instance, the benefit of achieving two additional housing units in town outweighs the harm caused to the heritage asset.

The proposal is therefore in keeping with the character and distinctiveness of the Conservation Area and the Listed Building an acknowledged heritage asset of significance, and as such, the development would not be contrary to the provisions of Policies NW12 and NW14 of the North Warwickshire Core Strategy Adopted October 2014 and policies ENV12, ENV13, ENV15 and ENV16 of the North Warwickshire Local Plan 2006 (Saved Policies) and LP15 of the Draft Local Plan (submission version), November 2017.

f) Neighbour Amenities

The site is surrounded by a mix of dwellings and commercial uses. The neighbouring property is a residential use and so the re-use of the first floors would be compatible with neighbouring uses. A new rear rooflight would be added which has no impact upon neighbours. A side gable window would be made larger, but this would not impact on the privacy of the neighbouring occupier at No. 78 High Street.

The amenity of the future occupiers must be considered and whilst the site contains virtually no amenity space, this is to be expected within a town centre location. The site is a short distance away from open space areas within Coleshill.

The NPPF sets out in paragraph 17, Core Planning Policies that ‘...good standard of amenity for all existing and future occupants of land and buildings’. It is considered that the proposal is acceptable to this part of the NPPF.

Overall the proposal is not considered to result in a loss of amenity, privacy or loss of light that would result in an unacceptable impact upon the neighbouring properties. The proposal complies with NW10 of the Core Strategy.

g) Summary

There is no objection in principle to the reversion of these floors of this Grade 2 Listed Building to their original use. Residential accommodation is also appropriate in this location and there is evidence to show that the retention of the buildings in office use would be difficult to sustain. Given that the building is listed, it is considered that this application should be supported rather than leave the first and second floors vacant, which otherwise offers no contribution to the settlement.

Recommendations

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the Design, Access, Heritage and Planning Statement, Marketing Report, site location and block plan, existing elevation plan to High Street numbered 9, existing ground floor plan numbered 1, Proposed first floor plan numbered 6, received by the Local Planning Authority on 2 February 2018 and the revised second floor plan numbered 7a received by the Local Planning Authority on 9 March 2018.

REASON

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

3. No work whatsoever shall commence on site until such time as details of the following have been submitted to and approved in writing by the Local Planning Authority:

- a) Details of all external vents and flues
- b) Details of all new internal joinery including doors and architraves, skirtings, at a 1:50 scale with sections at 1:10.
- c) Details of alterations and insertion of windows including elevations at a scale of 1:20 and sections at a scale of 1:10. All windows unless otherwise agreed in writing shall be finished in timber. Rooflights shall be of a Conservation design.
- c) Section design of the provision for a new staircase at a scale of 1:20.
- c) Details of the provision of any plumbing, routes of soil waste pipes.
- d) Details of secondary glazing and/or repair works to existing windows.
- e) All repairs to the internal condition of external walls shall be carried out with lime plaster and lath.
- f) Schedule of works detailing a summary of proposed repairs and alterations to each room.

Only the approved details shall then be implemented.

REASON

In the interests of preserving and restoring the special architectural and historic interest of the Listed Buildings.

Notes

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through 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.
2. The developer is advised that if works are carried out without strict compliance with the above conditions, approved plans and details, an offence will have been committed under the Planning (Listed Buildings and Conservation Areas) Act 1990 rendering both the building owner, their agent and the person carrying out such works liable to prosecution. In cases of doubt you should contact the Local Planning Authority for further advice prior to the commencement of works.

b) That Listed Building Consent be **GRANTED** subject to the following conditions:

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

REASON

To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory purchase Act 2004, and to prevent an accumulation of unimplemented consents.

2. The development hereby approved shall not be carried out otherwise than in accordance with the Design, Access, Heritage and Planning Statement, Marketing Report, site location and block plan, existing elevation plan to High Street numbered 9, existing ground floor plan numbered 1, Proposed first floor plan numbered 6, received by the Local Planning Authority on 2 February 2018 and the revised second floor plan numbered 7a received by the Local Planning Authority on 9 March 2018.

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- d) Details of secondary glazing and/or repair works to existing windows.
- e) All repairs to the internal condition of external walls shall be carried out with lime plaster and lath.

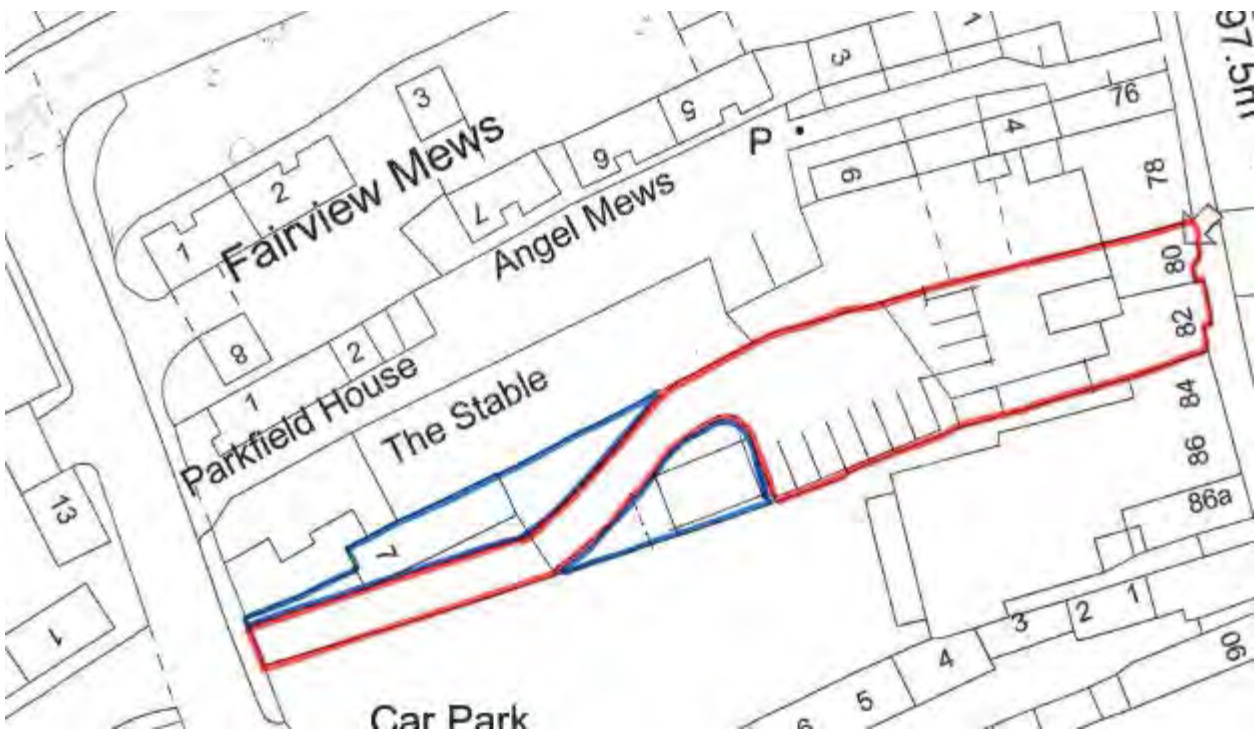
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REASON

In the interests of preserving and restoring the special architectural and historic interest of the Listed Buildings.

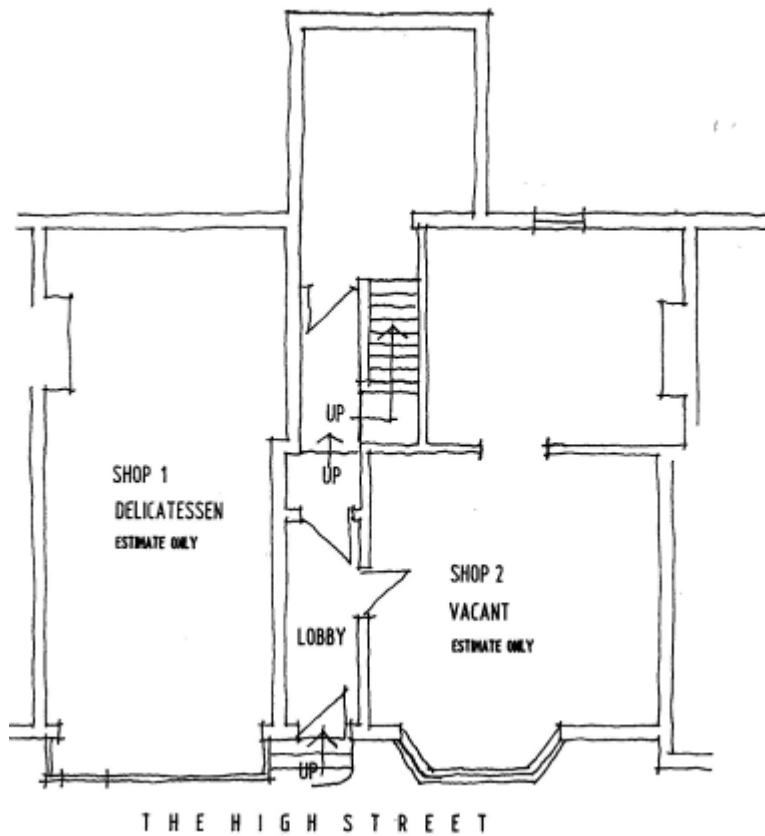
Appendix A



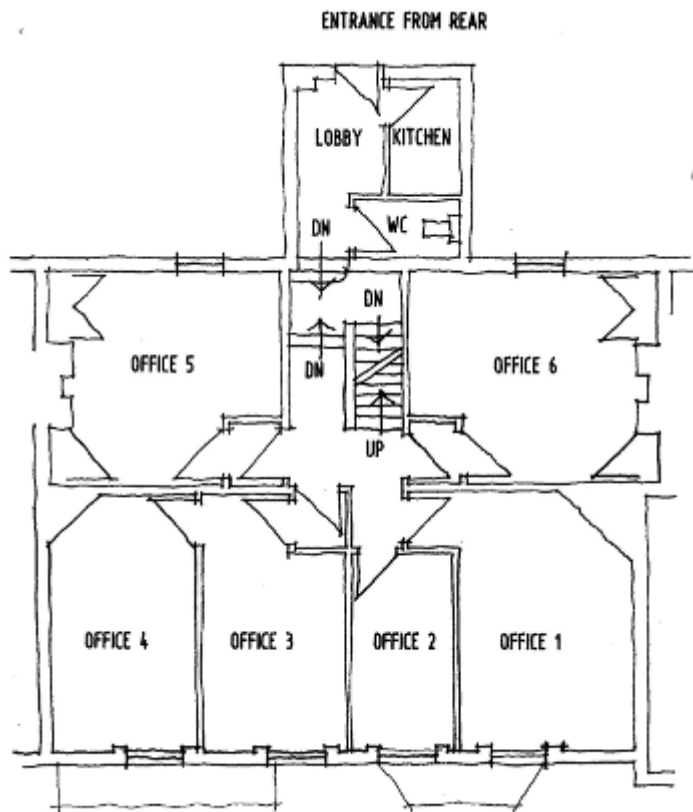
Appendix B



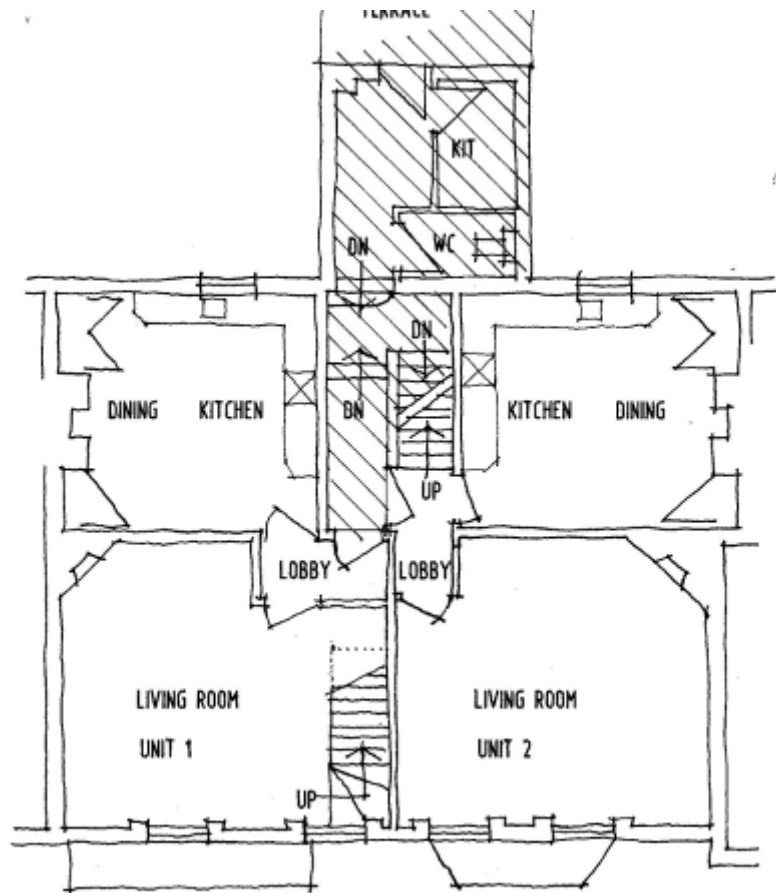
Front elevation facing High Street to be retained as existing.



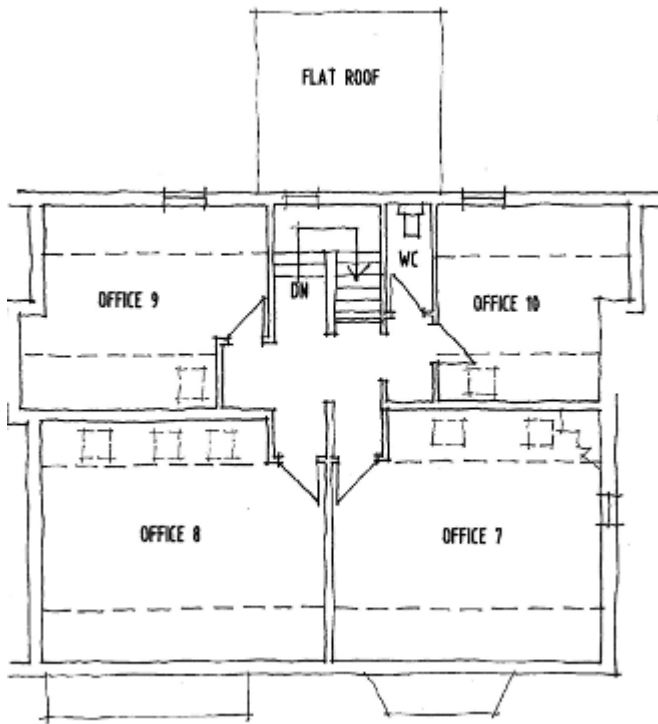
Existing ground floor plan to be retained as existing.



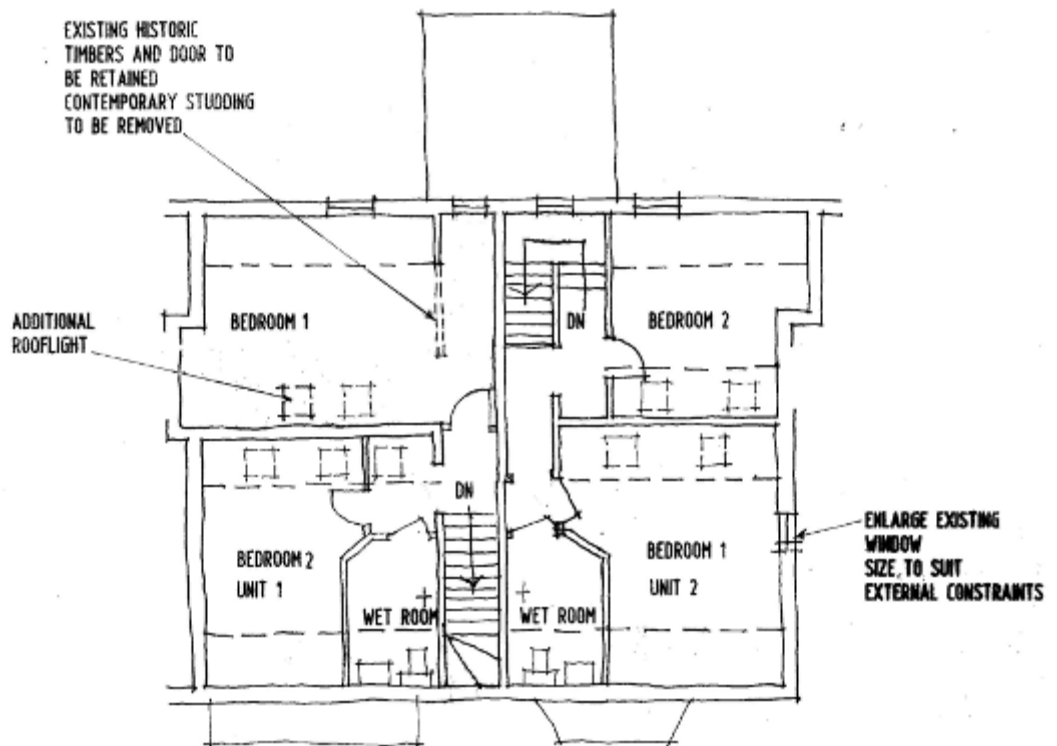
Existing f/f plan



Proposed f/f plan



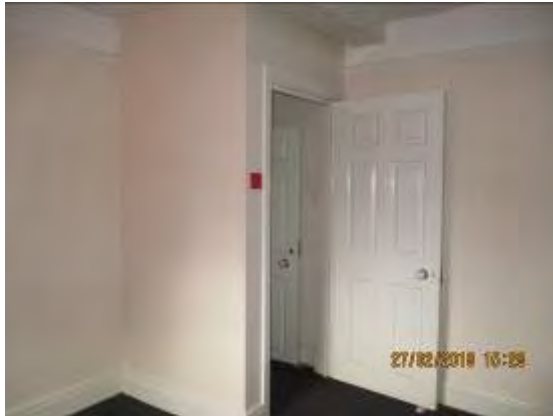
Existing Second Floor plan



Proposed Second Floor plan

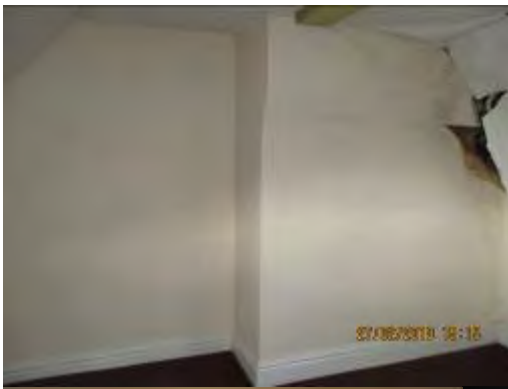
Appendix C

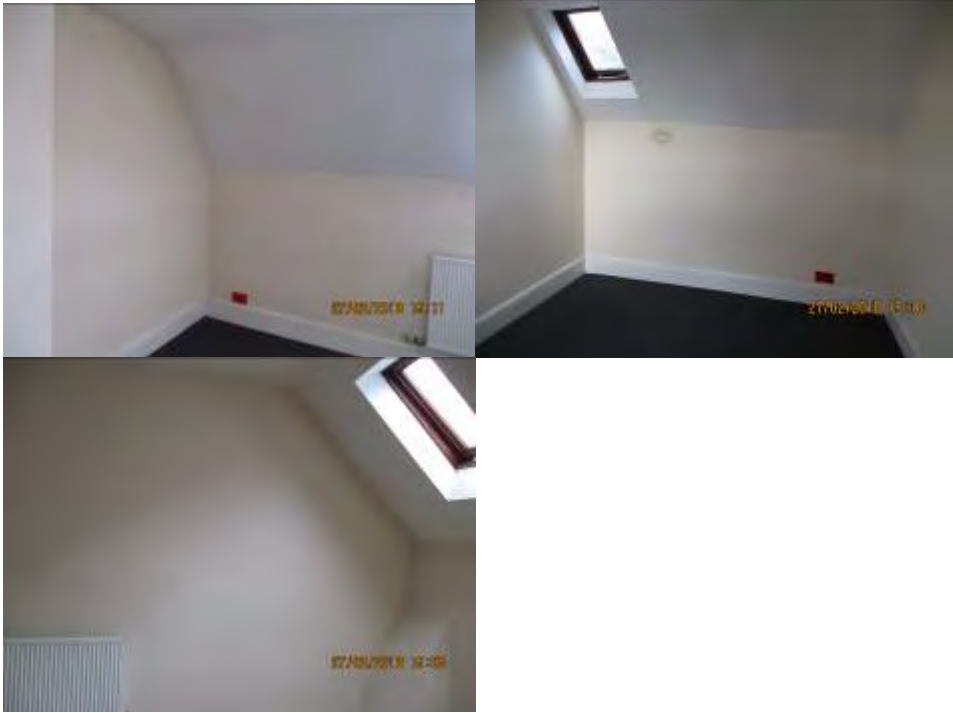
Photographs of internal arrangement to the first and second floors





Water ingress – repairs to the ceiling required







BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0078 and PAP/2018/0079

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	2.2.18
2	Agent	E-mail	14.2.18
3	Case Officer	E-mail	14.2.18
4	Agent	E-mail	15.2.18
5	Neighbour	Support	19.2.18
6	Agent	E-mail	20.2.18
7	Case Officer	E-mail	20.2.18
8	WCC Highways	No objection	21.2.18
9	NWBC EHO	No comments	21.2.18
10	Case Officer	E-mail	27.2.18
11	Agent	E-mail	27.2.18
12	Case Officer	E-mail	1.3.18
13	Agent	E-mail	1.3.18
14	Agent	Revised plan	9.3.18
15	Case Officer	E-mail	23.3.18
16	Agent	E-mail	23.3.18
17	Case Officer	E-mail	26.3.18
18	Agent	Revised description	26.3.18
19	Case Officer	E-mail	27.3.18
20	Agent	E-mail	27.3.18
21	Coleshill Town Council	No objection	28.2.18
22	Coleshill Civic Society	Comments	28.2.18

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/2018/0094

St Andrews Home, Blythe Road, Coleshill, B46 1AF

Removal of condition No.3 of PAP/2017/0267 relating to the occupation of the eight bungalows prior to the completion of the refurbishment works to St Andrews House, for

Father Hudson Society

Introduction

This application is referred to the Board in light of its previous interest in the site.

Background

Members will recall the planning permission and Listed Building Consent were recently granted for the refurbishment of St Andrews House to a single dwelling with the erection of two cottages and eight bungalows. The bungalows were to be at the rear of the House on lower ground and with their own separate vehicular access.

One of the conditions attached to the planning permission here – number 3 – reads: “There shall be no occupation of any of the eight bungalows hereby approved until such time as the whole of the proposed refurbishment works to St Andrews House hereby approved, have been fully completed to the satisfaction of the Local Planning Authority”

The reason for this condition was to “ensure the works to the heritage asset are prioritised”,

The written report in respect of this case is attached at Appendix A for convenience.

The Proposals

The application is to seek to continue with the permission but to delete the requirements of this condition completely.

The applicant states that the condition “is, if anything, delaying the whole project”. The condition could only in his mind, “be viable if the whole scheme were being sold to one party. However the marketing, sale and development of the new housing and refurbishment elements of the scheme are for entirely different audiences. Prospective developers are being put off purchasing the new build elements as they cannot guarantee that they will not be prevented from selling the properties constructed.”

He continues by saying that there “is no heritage reason why the condition is necessary.” He attaches a report from a heritage consultant who argues that the site of the bungalows has no tangible heritage link with St Andrews House; that they were not treated as “enabling” development and that they are “acceptable in their own right”.

The condition is thus said to fail the tests set out in Government Guidance.

The report is attached at Appendix B.

Representations

Coleshill Town Council – No objection

Development Plan

The Core Strategy 2014 – NW10 (Development Considerations) and NW14 (Historic Environment)

Other Material Planning Considerations

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

The National Planning Practice Guidance – (the “NPPG” particularly in respect of planning conditions)

Observations

a) Introduction

This application proposes the removal of a planning condition imposed on a recent planning permission. As a consequence, the Board’s attention is necessarily drawn to the reasons for including the condition and thus its purpose. In this regard whilst the Board might consider that there may well be good reasons for it, those reasons will still have to satisfy the “tests” for including conditions as set out in the NPPG. If this application is refused then in an appeal situation, the Inspector will be looking to see that the condition does indeed satisfy these tests.

For the benefit of Members, these tests are that conditions have to be:

- Necessary,
- Relevant to planning
- Relevant to the development to be permitted
- Enforceable
- Precise and
- Reasonable in all other respects.

b) Background

When Members considered the main proposals here they wanted re-assurance that the approved refurbishment works to the Listed Building – St Andrews House - were completed so as to conserve the heritage asset. The preferred use for the building is as a single dwelling house and the refurbishment would enable the best prospect of that use coming to fruition. The “sanction” so as to reduce the possibility of the works not being implemented was to link them to the new build development at the rear. In this case, rather than to have the works completed prior to that new build commencing, it was considered reasonable to enable that construction work to continue but that the

sanction would be triggered through occupation. Hence the condition was so worded. The significance of the heritage asset was thus prioritised.

c) The Tests

It is considered that the condition is “precise” in that it is not open to interpretation and that it is enforceable because there is a clear “trigger” point with explicit requirements - no occupation. The main arguments thus revolve around the other tests.

It is considered that the condition is necessary for planning reasons. This is because it preserves the public benefit in having the heritage asset given the best opportunity to satisfy its preferred use. This would accord with Policy NW14 of the Core Strategy and the NPPF (paragraph 131 at Section 12). The NPPF also requires the Council to retain the significance of the heritage asset. Here that was identified as being a single dwelling house and in order to retain that, the “outlook” from the house was going to be an important consideration. There was a need therefore to resolve any impact of the scale of the new build on that outlook. The two parts of the development are thus linked.

The applicant considers that the condition is not necessary and not relevant to the development that has been permitted. There are two reasons being promoted. The first is that the site is being marketed as two sites thus to two “different audiences” who will have different perspectives and outcomes. The second is that there is no direct heritage link between the two portions of the site and thus the condition, by linking the two, is irrelevant and thus unreasonable.

In response to the first, it was a matter of fact that the applicant himself decided to submit just the one application for the whole site, not two applications. The whole proposal was designed and processed as a whole and the main issues were dealt with as a whole - e.g. the setting of the listed building extends over the land at the rear and the design and appearance of the layout and bungalows here has a material impact on that setting. Notwithstanding this, the applicant has himself taken the decision to market the site as two portions. If that has led to an issue about deliverability, then that was the outcome of his decision not this Council’s. The issue of deliverability is of weight to the Council, in that it wishes to see both “portions” of the site delivered. However the decision to market as two sites is not a material planning consideration of significant weight in assessing the necessity of the condition. Indeed it could be argued that that decision prejudices the deliverability of the overall proposal.

In response to the second, then the Board accepted that the open paddock at the rear of the house, whilst important to the setting, was not an integral part of the curtilage of the house here. This was one of the reasons why development was permitted. The scale of that development and its impact on the significance of the asset was the key issue and hence the “planning” and “heritage” link between the two portions. Again whilst the applicant considers that the heritage link does not exist, the application was still submitted as one and not in two parts.

The condition is thus considered to be necessary and relevant to the overall proposal.

The final test is whether the condition is reasonable in all other respects. This is a little difficult to define as non-planning matters can enter the assessment here. Given the submission of the application, Members should give consideration as to whether an alternative or varied condition might still meet the Board’s objective whilst offering some comfort to the applicant. In this regard the condition presently requires no occupation of

any of the bungalows until the approved works to the St Andrews are completed. A variation of this might allow occupation of some of the bungalows rather than all, or indeed occupation of nine of them but not the final one until substantive works to St Andrews have taken place. It is considered that such an approach might enable both the Council and the applicant to have some comfort through such a compromise.

d) Conclusions

It is considered that overall there is weight in retaining the condition as agreed. However the applicant has an issue and there is some weight that can be attached to that. It is therefore suggested that appropriate Members meet with the applicant in order to see if there is scope for varying the condition as outlined above, thus preventing the possibility of an appeal in the event of a refusal.

Recommendation

That the applicant be informed that the Council is not minded to support the removal of the condition for the reasons outlined above, but that he be invited to meet with appropriate Board Members in order to explore a variation of the condition acceptable to both parties.

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0094

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	12/2/18
2	Coleshill Town Council	Representation	28/2/18

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.

(5) Application No: PAP/2017/0267 and PAP/2017/0268

St Andrews, 37 Blythe Road, Coleshill, B46 1AF

Reinstate St Andrews to a single dwelling with residential annex, and construct 10 no: 2 bed dwellings, comprised of a building replacing the original coach house as two dwellings, and 8 dormer bungalows, for

Father Hudsons Society

Introduction

These are identical applications to those considered by the Board at its May meeting.

At that time the Board deferred determination of the applications as it considered that the significance of St Andrews as a single dwelling should be enhanced through amended design.

The Board authorised representatives to meet with the applicant.

Following that deferral, the applicant submitted appeals with the Secretary of State against the non-determination of those applications. A decision on these will thus now be taken by a Planning Inspector. However in view of the Board's request, the applicant has re-submitted the proposals exactly as reported to the May Board, so that discussion could continue. These are the applications now reported to the Board. The applicant has indicated a willingness to withdraw the appeals if agreement can be reached in respect of the Board's concerns.

For convenience the full Board report from the May meeting is attached at Appendix A.

A missing paper was circulated separately to that meeting and this is at Appendix B.

Discussions

Councillors Simpson and Sweet met with the applicant's agent on 6 June in order to express the Board's concerns about the viability of retaining St Andrews as a single house within the design of the layout as promoted. That meeting has resulted in an amended plan which has now been submitted. This is at Appendix C.

The changes are two-fold:

- There was concern about the outlook to the north from St Andrews overlooking the proposed car park and bungalows together with the proximity of the boundary here. The ground floor windows in St Andrews are to a kitchen, a laundry room and a dining room. However the principal windows to that dining room face towards the east not the north. In order to improve the outlook, the car parking area has been re-designed so as to have more space for landscaping here as well as less car parking space. The overall number of car park spaces remains the same; there is just a re-alignment of them.

- The shared access off Blythe Road serving both St Andrews and the new Coach House building remains, but there is now a physical separation within the site so as to clearly demarcate two distinct curtilages. That boundary would be an iron railing with a sliding gate.

Development Plan and Other Material Planning Considerations

The previous report, at Appendix A, sets out the relevant Development Plan policies. Members are advised that the Coleshill Neighbourhood Plan was adopted on 12 June and thus it now becomes part of the Development Plan. The relevant policies that the Board now has to consider as part of its consideration of these applications are HNP1 (Housing Allocations) and HNP2 (Integration of New Housing).

There have no changes to any other material planning considerations since the previous meeting.

Representations

The Coleshill Town Council has no objection thus reinforcing compliance with the Neighbourhood Plan.

A letter of support has been submitted.

Consultations

There is no change in respect of technical considerations with these re-submissions as the changes do not affect highway; drainage, ecological or archaeological interests. Earlier responses from the consultant agencies can thus be carried forward and they will carry full weight.

Observations

There has been no change in the planning policy background to these resubmissions since the May meeting. The proposals accord with the Coleshill Neighbourhood Plan policies referred to above. As such there remains no objection in principle to the proposals.

The central issue is thus to assess the impact of these amendments on the significance of the heritage assets – The Grade 2 Listed St Andrews House and the Coleshill Conservation Area. There is considered to be no additional impact or effect on the significance of the town's Conservation Area. There will however be an impact on the setting of St Andrews House. The additional landscaping and re-location of some of the car parking provision at the rear is a benefit to the setting as it enhances the privacy of the area at the rear of the House. The sub-division at the front does harm the openness of the setting of the House as it is at the front and will be visible from the public domain. However, that harm is less than substantial because the boundary would be an iron railing and thus would not be a visual barrier and secondly because it is easily reversible. As a consequence these amendments would not alter the overall assessment that was reached with the previous applications and reported to the Board. Overall there is harm to the heritage asset here but that is less than substantial. There is however a greater public benefit which outweighs that harm in that St Andrews would be brought back into use as a single dwelling – its' preferred and its original use – and

that outcome is enhanced through these latest changes. The applications, as amended, can thus be supported.

Recommendations

That planning permission and listed building consent be granted subject to the conditions and notes set out in Appendix A together with the substitution of plan numbers so as to refer to those attached at Appendix C.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0267 and 2017/0268

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	23/5/17
2	Head of Development Control	Letter	17/5/17
3		Note of meeting	6/6/17
4	Mr Axe	Representation	7/6/17
5	Coleshill Town Council	Representation	7/6/17
6	Environmental Health Officer	Consultation	15/6/17

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

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

(6) Application No: PAP/2016/0659 and PAP/2017/0660

Planning and Listed Building Applications for the re-instatement of St Andrews to a single dwelling with a residential annex and the construction of ten two bedroom dwellings comprising a building replacing the original coach house as two dwellings and eight dormer bungalows with associated parking and landscaping and a new access point off Chestnut Grove for

The Father Hudson's Society

Introduction

The receipt of this application was reported to the December Board meeting but determination was deferred to enable a site visit. That took place in February and the matter is now reported back to the Board.

The previous report is attached for convenience at Appendix A and the site visit note is at Appendix B.

Amended Plans

Although the scale and nature of the proposal here has not altered since the December Board, the applicant has amended the design of the new buildings – the Coach House and the rear bungalows. Additionally the number of parking spaces for the eight bungalows has increased to 16.

A copy of the overall layout is attached at Appendix C and the latest elevations are at Appendix D.

It can be seen that the bungalows reflect a more traditional appearance whereas the Coach House attempts to reflect the appearance of St Andrews itself, but this has led to the introduction of a rear flat roof feature.

Additionally the applicant has submitted a letter concluding that the proposed new building would not be likely to have a negative impact on the marketing of St Andrews as a large single dwelling – see Appendix E.

Representations

A letter of support has been received welcoming the plan to secure the future of the building and to provide new houses in Coleshill. It adds that there needs to be a pedestrian access from the bungalows to Blythe Road.

Six letters of objection have been received referring to the following matters:

- Increased traffic will arise on Blythe Road where there are already long peak hour tailbacks.
- Lack of capacity on the local facilities
- On-street car parking will spill over into Chestnut Grove.

- Details of boundary treatments need to be agreed.

Coleshill Civic Society – No objections

Coleshill Town Council – No response received

Consultations

Warwickshire County Council as Flood Authority – It originally objected requiring additional detail. This has been submitted and the objection has been withdrawn subject to conditions.

Warwickshire Police (Architectural Liaison) – No objection

Environmental Health Officer – No objection

Warwickshire Museum – No objection

Warwickshire County Council as Highway Authority – It originally objected to the proposal seeking more information which has since been provided. It had not responded to this at the time of preparation of the report. The recommendation below recognises this situation.

Heritage Consultant – Following the amended plans there is no objection from a heritage point of view to the overall development or to the design of the new bungalows. However there are issues with the design of the new Coach House because the rear roof design lacks integrity as a development within the setting of a listed building.

Observations

As indicated in the previous report there is no objection to these proposals in principle as the site is within the development boundary of Coleshill as defined by the Development Plan. The town is also one where new housing is supported. The proposal is thus located within a sustainable location. The issues to look at in this case are therefore the detailed considerations of the likely impacts – particularly the highway and heritage impacts.

a) Heritage Impacts

There are two matters to address – the impact on St Andrews as a Listed Building and its setting and secondly the impact on the town's Conservation Area.

In respect of the first then St Andrews is a Grade 2 Listed Building dating from around 1820 but built in the Regency style thus exhibiting both internal and external design characteristics of that period. There is a separate service/servants quarters extension and there used to be a detached coach house to the west. It was occupied as a single dwelling by different owners up to 1949 when the Father Hudson's Society acquired it for use as a boys home as an annex to the Society's main campus at the southern end of the town. This use ended in the 1980's when the building was converted to self-contained flats occupied by other of the Society's residents. The historical record shows that its principal elevation faced towards the east away from Blythe Road and that its related garden and curtilage ran west/east along this frontage. The former orchard at the rear and now vacant land was not part of the original curtilage as it was acquired at a later date and included within the Society's land holding. The significance

4/117

of this heritage asset lies in the retention of a relatively unaltered mid -19th Century single dwelling house detailed in the Regency revivalist style.

In terms of the impact of the proposal on this significance then the Council's Consultant agrees with the applicant that it would be beneficial. Not only will the house be put back into its original use as a single dwelling but the changes will remove inappropriate partitions and alterations that would not affect the original built form, internal layout or the contemporaneous fittings and fixtures. External changes would re-instate original openings and window design. As such the scheme would be entirely beneficial in this respect rather than harmful. The re-instatement of the Coach House too would be appropriate historically and thus no harm in principle would be caused as the location would match that of the original siting.

The main issues are therefore around the impact of the proposals on the setting of the Listed Building. As indicated above there is no issue in principle with the reinstatement of the Coach House. In principle there is neither an objection to the introduction of new development in the former orchard at the rear. This is because this land was not part of the historic curtilage of St Andrews and it therefore had no direct association with the building apart from a recent ownership connection. There is thus no objection in principle to its development. In this case that development is neither considered to be harmful to the building. This is because of the low height of the proposed buildings; them being at a lower ground level, they have an alternative access not breaching the curtilage of St Andrews and the pronounced break of slope between the two parts of the site being retained. As a consequence the proposal is considered to have less than substantial harm on the setting of the listed building.

It is neither considered that the proposed appearance of the new buildings here would alter these conclusions. The bungalows to the rear have a different style to that of St Andrews and because of that and their simple design there would be no direct harm caused. The Coach House has been designed so as best to reflect the style of St Andrews without causing harm, but this has introduced a rear flat roof feature which doesn't sit well within the setting of the Listed Building. However this feature would not be visible and the weight of the dissatisfaction with this feature would thus be lessened.

In all of these respects therefore it is considered that the proposals in their entirety would have less than substantial harm to the setting of the Listed Building and that they would have benefits in respect of the building itself.

In terms of the Conservation Area then its significance can be described as reflecting the evolution of the town with the range retaining the variety of different architectural styles and the growth of the town along a pronounced ridgeline. The application site is not in the Conservation Area and neither does it adjoin it. It is considered that the proposals here have no impact on the significance of the Area as set out above.

The Council has a statutory duty to have special regard to the desirability of preserving Listed Buildings, their settings and any features of special architectural or historic interest. It also has to have special regard to the preservation or enhancement of the character and appearance of a Conservation Area. In this case in overall terms the proposals have less than substantial harm on the setting of St Andrews and no harm on the significance of the Conservation Area. This conclusion will have to be placed in the final planning balance. That will have to assess whether the less than substantial harm is outweighed by the public benefits of the overall scheme.

b) Highway Impacts

The Highway Authority originally objected but not in terms of highway capacity or the adequacy of the off-site junctions. It was concerned with the detailed geometry of the internal layout. This has now been resolved through the submission of amended plans. The County Council is fully aware of the highway concerns expressed by the objectors as it has had to deal with other applications that lead to increased traffic using Blythe Road. However it has not objected to the principle of the development and this carries substantial weight. Members will be aware that the NPPF advises a highway refusal reason only if the impacts are severe. That is not the case here.

c) Other Matters

There are no other matters that would cause adverse harm and the details submitted are acceptable subject to final clearance through conditions.

There has been some concern expressed about the long term future of St Andrews in that whilst this proposal represents the best outcome for the property, the market may well not respond to this project either initially or in the future. In this regard there may be proposals in the future to sub-divide the property again should no future purchasers be found for the large single dwelling. Members will, be aware that speculation is not a material planning consideration and that commercial and market considerations are not planning considerations. Future proposals will need to be considered on their merits dependant on the planning considerations at the time of determination. In order to assist however two planning conditions are recommended. One is to ensure that the refurbishment works to St Andrews are completed first such that the heritage asset is fully realised and thus available for occupation as a single dwelling. The second would restrict sub-division in order to show intent, but as indicated this may not prevent the submission of future applications to vary the condition.

d) Conclusions

There is no objection in principle to this proposal as a whole and it carries significant benefits. It is located in a sustainable location and has the benefit of increasing housing supply in that respect, thus assisting with the Council's five year housing supply. There is also a significant benefit in enabling the refurbishment of a Listed Building in a way that is preferred, as it re-establishes the original single dwelling with separate annexe accommodation without any internal or external adverse heritage impact. Members will have to assess whether there is any harm caused that is sufficient to outweigh these benefits in a final planning balance.

In this respect there is no harm other than the less than substantial harm caused to the setting of the Listed Building and the less than substantial harm caused by the design of the rear element of the new Coach House building. Individually or taken together it is not considered that this level of harm is sufficient to clearly outweigh the benefits arising here within the final planning balance.

Recommendations

a) PAP/2016/0659

That planning permission be **GRANTED** subject to there be no objection from the Highway Authority and to the following conditions together with other that might be required by that Authority:

1. Standard Three year condition
2. Standard Plan numbers –

Defining Conditions

3. There shall be no occupation of any of the eight bungalows hereby approved until such time as the whole of the proposed refurbishment works to St Andrews House hereby approved, have been fully completed to the written satisfaction of the Local Planning Authority.

REASON

In order to ensure that the works to the heritage asset are prioritised.

4. There shall be no internal sub-division of St Andrews House once the refurbishment works hereby approved have been fully completed and neither shall there be any sub-division of the whole of its curtilage.

REASON

In order to retain the heritage asset

Pre-commencement Conditions

5. No development shall commence on site until a full landscaping scheme for the whole site has first been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented on site.

REASON

In the interests of the visual amenities of the area

6. No development shall commence on site until full details of all facing, roofing and surface materials to be used throughout the site and details of all boundary treatments including the dividing retaining wall between St Andrews and the bungalows have first been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used on site.

REASON

In the interests of the visual amenities of the area.

7. No development shall commence on site until full details of the surface water and foul water disposal from the site have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be implemented on site.

REASON

In order to reduce the risks of flooding and pollution.

8. No development shall commence on site until full details of the measures to be implemented on site to protect trees to be retained have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall be implemented on site and these shall remain on site until construction is completed.

REASON

In the interests of the visual amenities of the area and to protect bio-diversity.

9. No development shall commence on site until a Construction Management Plan has first been submitted to and approved in writing by the Local Planning Authority. This Plan shall remain in force throughout the construction period. It shall include details of:

- a) The parking of vehicles for site operatives and visitors
- b) Loading and unloading of plant and materials
- c) Storage of plant and materials
- d) The erection of security hoarding/fencing
- e) Wheel washing facilities
- f) Dust emission measures
- g) A waste recycling scheme
- h) Working and delivery hours
- i) Contact details for the site manager

REASON

In the interests of the residential amenities of the area and to reduce the risk of pollution.

Notes

The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through pre-application discussion and no-going negotiation in order to address planning and heritage issues.

4/121

b) PAP/2016/0660

That Listed Building Consent be **GRANTED** subject to the following conditions:

1. Standard three year condition.
2. Standard Plan numbers condition – plans per condition (i2) in PAP/2016/0659

Defining Conditions

3. There shall be no occupation of any of the eight bungalows hereby approved until such time as the whole of the proposed refurbishment works to St Andrews House hereby approved, have been fully completed to the written satisfaction of the Local Planning Authority.

REASON

In order to ensure that the works to the heritage asset are prioritised.

4. There shall be no internal sub-division of St Andrews House once the refurbishment works hereby approved have been fully completed and neither shall there be any sub-division of the whole of its curtilage.

REASON

In order to retain the heritage asset

Pre-Commencement Conditions

5. No development shall commence on site until a full landscaping scheme for the whole site has first been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented on site.

REASON

In the interests of the visual amenities of the area.

6. No development shall commence on site until full details of all facing, roofing and surface materials to be used throughout the site and details of all boundary treatments including the dividing retaining wall between St Andrews and the bungalows have first been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used on site.

REASON

In the interests of the visual amenities of the area.

7. No development shall commence on site until full details including scaled elevations and cross sections of all windows and external doors throughout the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site

4/122

6/72

REASON

In the interests of the historic and heritage value of the site and its setting.

Other Conditions

8. All windows and doors throughout the development hereby approved shall be recessed back into their openings by a minimum of 75mm

REASON

In the interests of the historic and heritage value of the site and its setting.

9. All new doors and windows throughout the development hereby approved shall be constructed in wood and maintained as such thereafter.

REASON

In the interests of the historic and heritage value of the site and its setting.

Notes

The Local planning Authority has met the requirements of the National Planning Policy Framework in this case through pre-application discussion and on-going negotiation to resolve the heritage issues arising from the proposal.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0659

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	23/11/16
2	Mr and Mrs Axe	Support	24/11/16
3	WCC Flooding	Consultation	29/11/16
4	Mr and Mrs Gascoigne	Objection	29/11/16
5	Mr Briody	Representation	30/11/16
6	Warwickshire Police	Consultation	2/12/16
7	Mr and Mrs Gainsley	Objection	4/12/16
8	Environmental Health Officer	Consultation	6/12/16
9	Warwickshire Museum	Consultation 9/12/16	9/12/16
10	T Bond	Representation	11/12/16
11	D Griffiths	Objection	13/12/16
12	S Peachey	Objection	13/12/16
13	Coleshill Civic Society	Support	23/12/16
14	Heritage Consultant	Consultation	Dec 2016
15	WCC Highways	Objection	18/1/17
16	Site Visit	Note	4/2/17
17	Agent	Letter	16/2/17
18	WCC Highways	Consultation	6/4/17
19	Heritage Consultant	E-mail	5/4/17
20	Agent	E-mail	28/4/17

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.

(9) Application No: PAP/2016/0659 and PAP/2016/0660

St Andrews Home, 37 Blythe Road, Coleshill, B46 1AF

Planning and Listed Building Applications for the re-instatement of St Andrews to a single dwelling with a residential annex and the construction of ten two bedroom dwellings comprising a building replacing the original coach house as two dwellings and eight dormer bungalows with associated parking and landscaping and a new access point off Chestnut Grove for

The Father Hudson's Society

Introduction

This application is reported to the Board for determination at the discretion of the Head of Development Control. This however is an introductory report which will describe the site, outline the proposals and identify the relevant Development Plan background.

The recommendation is that the Board visits the site prior to determination.

The Site

This comprises just under a half hectare of land on the north side of Blythe Road to the east of the town centre. It is essentially made up of two sections. The front half lies behind a heavily landscaped road frontage which is marked by a brick wall. Several of these trees are protected by Order. The House sits behind, with an area of car parking space and it has its own access onto the road. The rear half is divided from the front by an obvious bank which runs the whole width of the site. This lower half is best described as a paddock and runs down to the northern boundary. There is a gated access in the far north-eastern corner linking to the cul-de-sac head of Chestnut Grove.

The site is surrounded by other traditional two storey residential property. That on the western boundary however is a three storey terrace with a blank gable facing the site.

The site is not in nor does it adjoin the Coleshill Conservation Area but the boundary is close by. The site is on higher ground with extensive open views to the north.

The site's location is illustrated in Appendix A.

St Andrews House is a Grade 2 Listed Building dating from around 1820, built in the Regency style thus exhibiting both internal and external design characteristics of that period. There is a service/servants quarters extension and there used to be a detached coach house to the west. It was occupied as a single dwelling by different owners up until 1949 when the Fathers Hudson's Society acquired it for use as a boys home as an annex to the Society's main campus at the southern end of the town. This use ended in the 1980's when the building was converted to self-contained flats occupied by other of the Society's residents. It has however been vacant since 2013.

5/228

4/125

6/75

The Proposals

It is proposed to return the main house to a single dwelling with six bedrooms and to convert the servant's quarters to a residential annex associated with the main house. Very little in the way of change is involved internally apart from the removal of the partitioning that was installed when the Society converted it to apartments. External alterations are minor comprising new windows. All access would be from the existing Blythe Road access and six car parking spaces are proposed.

Appendix B illustrates the internal layout as proposed and Appendices C and D illustrate the external changes.

The remainder of the proposals involve the erection of ten additional two storey dormer bungalows. Two of these would be semi-detached and would be located roughly in the location of the former coach house to the west of the main building and would be 7 metres to their ridge. Materials would be a mixture of render, facing brickwork and cement fibre slate roofing tiles. The front elevation replicates coach doors. Four car parking spaces are to be provided. The remaining eight bungalows would be in two blocks - one of five and the other of three - comprising linked dormer units set around a communal area on the lower ground to the north with its own parking area providing 12 spaces. They would be 7 metres to their ridge and use the same materials as before. Vehicular access to these eight bungalows would be from the gate onto Chestnut Grove. The existing break in slope would remain across the site marked by an iron field railing set onto a brick retaining wall.

No affordable housing is being proposed either on-site or by way of an off-site contribution as the applicant considers that as there are ten new units being proposed, the development comprises a small development thus exempt from such provision following recent case-law.

The overall site layout is illustrated at Appendix E and illustrations of the new dwellings are at F and G.

Supporting documentation includes the following reports.

An Ecology Study concludes that the site as a whole has poor bio-diversity but that the tree frontage and perimeter hedgerows provide some ecological value. Further surveys are needed to establish the presence of bats in the trees.

A Day Time Bat survey suggests that the construction of the present House would preclude the presence of bats and that there were no signs of bat roosts in the trees.

A Transport Assessment concludes that the development would not cause adverse highway impacts that would amount to "severe", so as in the terms of the NPPF to warrant refusal.

A Preliminary Drainage Assessment recommends that sustainable drainage arrangements on site would ensure that surface water was contained and that discharge would not be greater than green field run-off.

5/229

4/126

6/76

5/155

A Tree Survey describes the trees and hedgerows around the perimeter of the site. The most significant are those along the Blythe Road frontage comprising a mature Cedar, acacia, maple, holly and sycamore. The Survey shows that all of these are worthy of retention as are others along this frontage. Some management is needed and those trees to be removed are those of poor quality and in poor condition. The works in and around the house would not affect the trees to be retained provided appropriate root protection measures are introduced. The remainder of the site would be enhanced through new planting.

A Design and Access Statement explains the setting of the site and how the design, layout and appearance of the new buildings have been arrived at.

A Heritage Impact Assessment has been submitted and this describes the history of the site and provides a detailed architectural description of each of the rooms. The report confirms that there were service quarters in the south west corner of the site. The House stood in grounds that extended parallel to the road extending further to the east with its access further to the east – hence explaining why the main front elevation of the house now faces away from the road. The land to the north of the application site was an orchard but was physically distinct and separate from the House and its gardens. Much of the orchard has now been developed but the remainder of the site is now the paddock land as seen today. However the Report makes it clear that historically there was no connection between the House and the land – it only becoming linked probably when the Society acquired the site and the remaining orchard land. The Assessment concludes that the works to the House itself are not harmful and actually enhance the heritage significance by bringing the property back into use as a single dwelling – the preferred use. In respect of the new range to the south west then this would not significantly affect the setting of the house and also enable a re-instatement of the historic built form. The bungalow development to the north however will impact on the setting of the Listed Building. But the assessment points out that the setting has already been "severely compromised" with original gardens to the House lost and redeveloped such that the linear form running parallel to the road has been lost: the former orchard and gardens being historically distinct and physically separated and because the north elevation of the House is in fact not the principal elevation. The impact of the development on the present setting is thus limited. In terms of the impact on the Conservation Area then again harm is considered to be limited.

A Planning Statement brings all of these matters together arguing that there should be no objection in principle because of the sites location inside the town's development boundary and it being sustainable development. With no harm arising from highway, ecological or drainage impacts the main consideration revolves around heritage impacts. The Statement draws on the Heritage Assessment to conclude that any impacts would be outweighed by the greater public benefit in bringing the house back into its preferred and original use as a single dwelling.

The applicant also draws attention to a public exhibition which was held in September.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development), NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development) and NW14 (Historic Environment)

5/230

4/127

6/77

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV12 (urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Conservation), ENV16 (Listed Buildings) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

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

The National Planning Practice Guidance 2014

The Coleshill Conservation Area Designation Report 1969

Observations

The site is wholly inside the development boundary for Coleshill as defined by the Core Strategy and thus there is no objection in principle here. The town is allocated for a minimum of 275 new dwellings in the plan period and the emerging Local Plan does not alter the significance of the town as a location for new housing. The development is thus sustainable development and the presumption is therefore one of support unless material planning considerations indicate otherwise.

Members will be aware that such considerations revolve around looking at the impact of the proposals on a range of matters. The next report will explore these – highway, drainage, arboricultural and ecological impacts. The effect on the residential amenity of the adjoining householders will also need to be examined. However as Members are aware from this report it is likely that the two most significant issues that they should look at are the impact on the heritage assets (the Listed Building and the Conservation Area) as well the quality of the design and appearance of the proposed new dwellings.

In this regard the recommendation below is that the Board visits the site in order to better understand its setting prior to making a determination.

Recommendation

That the Board visits the site

5/231

4/128

6/78

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0659

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	21/11/18

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

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

5/232

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5/233

4/130

6/80

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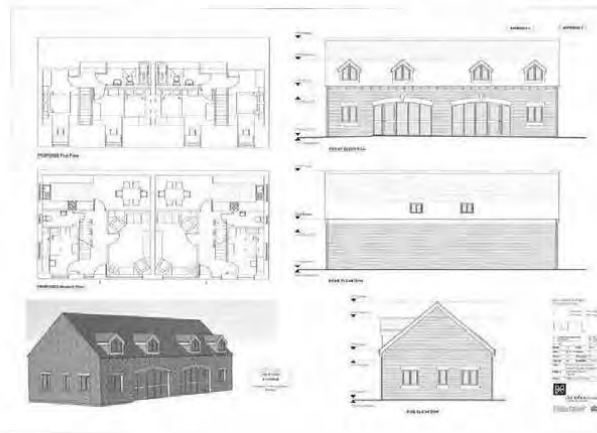
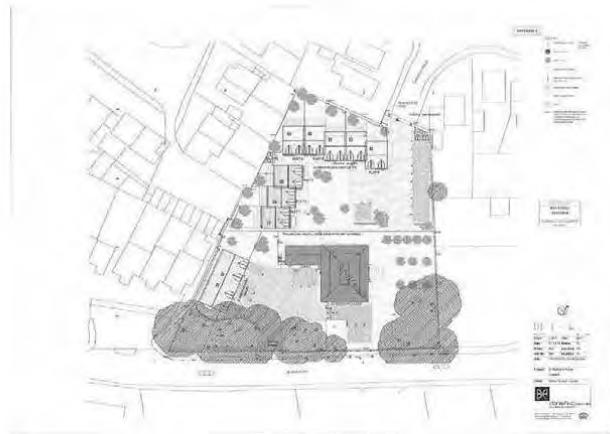


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5/235

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5/236

4/133

6/83

5/162

PAP/2016/0653

St Andrews House, Coleshill

Member Site Visit – Saturday 4th February 2017 at 1045

Present: Councillors Bell, L and N Dirveiks, Hayfield, Henney, Humphries, Jenks, Jones, Reilly, and Simpson with J.Jowitt (Agent for the applicant) and J Brown

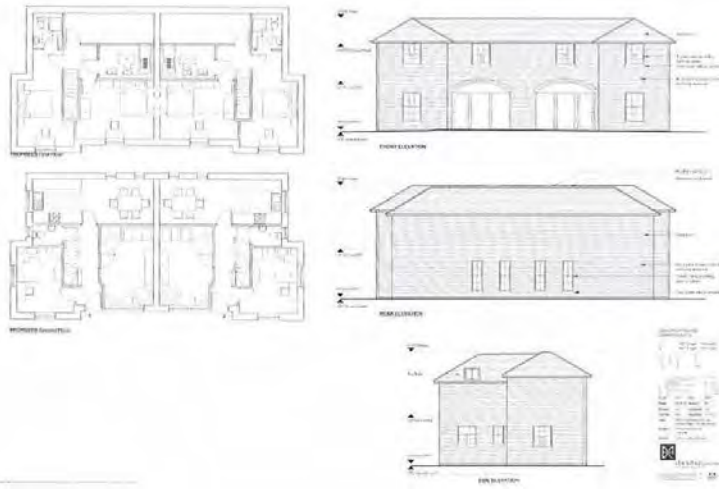
1. Members were shown the proposed plans and layout. The main house and its "wing" were noted as well as the buildings to be demolished.
2. Members were shown a historic plan outlining the position of the house and its original curtilage. The position of the former coach house was seen on the plan.
3. Whilst at the front of the house Members noted the access, the tree lined frontage, the location of the proposed two semi detached houses and the side gable of the properties to the west.
4. They then proceeded to walk around St Andrews House. They saw the main front elevation noting its aspect. The position of new windows was outlined in the northern elevation.
5. Whilst here Members saw the open land to the north noting the position of surrounding houses and their rear gardens. The position of the new access off Chestnut Grove was noted. The position of the new boundary feature dividing the house from the new build area was noted. In particular Members noted the slope towards the north and the nature of the proposed layout.
6. Members then went inside the house and were able to look at the main ground floor circulation space as well as the original kitchen. The room layout was explained as well as the position of the cellar and the staircases.
7. Members left the site at around 1110.



4/135

6/85

5/164



4/136

6/86

5/165

APPENDIX B



Chartered Valuation Surveyors • Auctioneers • Estate Agents

Charles Bradley Miller FRICS
Consultant: Alexander Smith FRICS

Date 15th February 2017

Our Ref: CBM/LMB/7111

Your Ref:

Mr. N. Stubbs
Father Hudsons Care
St Georges House
Gerards Way
Coleshill, B46 3FG



Dear Noel,

Re: St Andrews, Blythe Road, Coleshill, B46 1AF

Further to our recent telephone conversation and your email of last week I note that following a meeting between your architect and NWBC Planning Committee one issue that was raised was whether the number and proximity of units would have a detrimental effect on the marketing of St Andrews as a single dwelling house.

I would advise that the property has been marketed since 2013 by Miller Briggs & Co, as joint agents with Reeves & Partners, during which time there was very little interest received for the property as a single dwelling, only for the development opportunity offered by the whole of the site. This was partly due to the condition of repair of the property, its Listing status and the established use as a residential care home. Hence the marketing of the property was not successful in finding a buyer.

Having examined various options for the development of the site and the refurbishment of the house, the use as a single property has proved to be most cost effective and we do not consider that the proximity of the new build would have a significant adverse affect on the marketing of the property.

The two dormer windows are located to the rear of St Andrews whilst the bungalows will be located on land which slopes gently down to the Chestnut Grove cul-de-sac and will not therefore be over intrusive as viewed from St. Andrews.

I look forward to hearing that the planning process has been satisfactorily concluded and if I can be of any further assistance then please do not hesitate to contact me.

Kind regards,

Yours sincerely,

CHARLES MILLER FRICS

Clinton House, High Street, Coleshill, B46 3BP
Tel: 01675 462355 Fax: 01675 466197 DX 15053 Coleshill
Email: Charles@miller-briggs.com www.miller-briggs.com





**St. Andrew's House
(formerly Blythe Cottage)
Blythe Road
Coleshill
Warwickshire
NGR: SP 20130 89307**

**A
Heritage Impact Assessment
of Proposed Development
in the Grounds**

**An Addendum
Regarding
New Houses and Enabling Development**

Text
Richard K Morriss *MA(Hons) MSocSc*
Assistants
R Patterdale

December 2017
Mercian Heritage Series No.1186

- 1 -

1. Introduction

St. Andrew's House is, despite originally being called Blythe Cottage, a large early-19th century house in the late-Regency style. Originally built on the outskirts of Coleshill, it is now subsumed within its built up area. In July 2016 this consultancy produced a heritage impact assessment of proposals for the redevelopment of the house and development within its grounds.¹

This is a short addendum to that report; the report contains the historical background to the property and its setting, as well as an outline description of the building and a heritage assessment of the proposed development of part of its grounds. The consultancy also produced more details assessments and appraisals of the house itself but these are not relevant to this particular note.

2. The Issue

As part of the development scheme, eight new houses were built in the former grounds to the north of the house. One of the planning conditions was that:

'There shall be no occupation of any of the eight bungalows hereby approved until such time as the whole of the proposed refurbishment works to St Andrews House hereby approved, have been fully completed to the written satisfaction of the Local Planning Authority.'

REASON

In order to ensure that the works to the heritage asset are prioritised.'

Although not officially stated as such, this is suggestive of 'enabling development', allowed to assist in the repair of a designated heritage asset – in this case, St. Andrew's House. It is appreciated that the concept of 'enabling development' is a complex one. Paragraph 140 of the National Planning Policy framework states that:

'Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies'.

This consultancy has been asked to assess whether or not there are any purely heritage-based reasons why the houses cannot be occupied prior to the works being completed on the main house.

¹ Mercian Heritage Series No.916.

3. The Assessment

The consultancy's report outlined the fact that the extent and appearance of the present grounds of St. Andrew's House are very misleading. The original gardens, carved out of the adjacent fields, was a long and narrow linear strip parallel to Blythe Road – the northern, or rear, boundary of which was on the lip of the slope dropping down northwards.

The rear of the house faced this boundary, beyond which the slope was, in the 19th century, occupied by an orchard. There was, therefore, no historical link between the slope and the gardens of the house – the two being in separate use and ownership.

The orchard did contribute to the setting of the house, but its contribution changed as the field evolved and, in particular, as housing was developed over much of it – and in fields to either side.

By the mid-20th century the setting had changed dramatically, as had the boundaries of the grounds of St. Andrew's House. These lost their original eastern section – taken up by new housing – but gained part of the top of the formerly separate orchard, which was then laid to grass as it dropped down to the new suburban housing.

The new houses are within this section of garden gained from the former orchard and thus not, historically, part of the original grounds of the early-19th century house. Because of this and because of the existing development to the north, the original heritage impact assessment, considering the potential for these new houses, concluded that:

'Overall it is considered that the impact on the historical setting of proposed new housing of similar type, height and massing of the existing modern properties in the area along the north-western edge of the site will be minimal – largely because of the fact that the setting has already been considerably compromised by the redevelopment of the original gardens and also because the new housing will be down the slope from the house and within the site of the former orchard that was outside of its gardens'.

It is considered that this assessment still stands. Neither the houses nor their site have any tangible heritage link with St. Andrew's House. It is not considered that the houses could be considered, in heritage terms, as enabling development for the listed building because they lack such a historical link with it. There is also no specific indication in the planning consents that the issue of enabling development has officially been raised.

It is unclear whether or not the development of the land historically outside the boundaries of the listed building and adjacent to existing modern development would conflict so significantly with planning policy that it could only be permitted if it was considered to be enabling development.

This assessment would be different for the developments within the historic gardens of the property, specifically towards their western end where the former stable and coach house court once stood.



The Consultancy

Richard K Morriss founded this Consultancy in 1995 after previously working for English Heritage and the Ironbridge Institute of the University of Birmingham and spending eight years as Assistant Director of the Hereford Archaeology Unit. Although Shropshire-based the Consultancy works throughout the UK on a wide variety of historic buildings for clients that include the National Trust, the Landmark Trust, English Heritage, the Crown Estates, owners, architects, planning consultants and developers. It specialises in the archaeological and architectural analysis of historic buildings of all periods and planning advice related to them. It also undertakes broader area appraisals and Conservation Plans.

*Richard Morriss is a former Member of the Institute of Field Archaeologists and of the Association of Diocesan and Cathedral Archaeologists, archaeological advisor to four cathedrals, occasional lecturer at Bristol and Birmingham universities, and author of many academic papers and of 20 books, mainly on architecture and archaeology, including *The Archaeology of Buildings* (Tempus 2000), *The Archaeology of Railways* (Tempus 1999); *Roads: Archaeology & Architecture* (Tempus 2006) and ten in the *Buildings* of series: Bath, Chester, Ludlow, Salisbury, Shrewsbury, Stratford-upon-Avon, Warwick, Winchester, Windsor, Worcester (Sutton 1993-1994). He was a member of the project team responsible for the restoration of Astley Castle, Warwickshire, winner of the 2013 RIBA Stirling Prize.*

(9) Application No: PAP/2018/0129

Cole End Park, Lichfield Road, Coleshill,

Works to trees in Conservation Area, for

North Warwickshire Borough Council

Introduction

This application is reported to the Board as the Council is the applicant and the owner of the land.

The Site

Cole End Park runs either side of the River Cole at the bottom of the hill in Coleshill between the Lower High Street, Lichfield Road and the A446.

Background

The trees are not covered by an Order but they are protected being within the town's Conservation Area. As such the remit of the Board is solely to decide whether the trees in the application should be further protected by an Order.

The Proposals

It is proposed to fell two trees – a willow and an ash – which are located towards the A446. They are illustrated on the attached plan.

The application is accompanied by a report outlining the condition of the two trees and the reasons behind the requests to fell both of them. This is attached at Appendix A. In short both trees are showing signs of structural failure and both are close to plant owned by Severn Trent Water Ltd and are within a public park. In both cases Orders are not considered to be expedient.

Representations

If any are received they will be reported verbally at the meeting.

Observations

Given the circumstances set out here there is no objection to this work subject to satisfactory agreement on replacement trees within the Park.

Recommendation

That the works may proceed but that suitable replacement trees are planted in consultation with the Coleshill Town Council.

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0129

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	26/2/18

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.

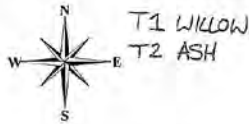
A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

NORTH WAFFLEFIELD
BOROUGH COUNCIL
RECEIVED
26/02/2018
PLANNING & DEVELOPMENT
DIVISION



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Ordnance Survey
UK's National Mapping Agency
The National Grid is based on the
Airy 1830 spheroid and the
Admiralty Tropic of Capricorn
of 1948. The datum is the
mean sea level of the
English Channel.

ARBORICULTURAL APPRAISAL /INSPECTION/TREE REPORT

- **NWBC Ref No :** NWBC Trees 23.2.18
- **Site Address:** Cole End Park, Coleshill, B46 1 BG
- **Prepared by :** Andrew Watkins
- **Prepared for :** Planning Notification
- **Date of Inspection :** 15/02/2018
- **Date of Report :** 23/02/2018

**Works applied for:**

- Works to tree within a Conservation Area.
- T1 Willow. Fell.
- T2. Ash. Fell.

Observations:

- The trees within this report are located upon the North Warwickshire Borough Council's (NWBC) green space of Cole End Park, Coleshill. This area is within the Coleshill Conservation Area. This application follows the un-scheduled inspection of the tree by the North Warwickshire Borough Council Tree Officer (the author of this report).
- **T1. Willow.** This specimen is seen to be mature in age class. This specimen is a multi-stemmed variant that has historically partially failed at ground level. The canopy and one stem of the tree is in close proximity to a structure that is owned and maintained by Severn Trent Water. It has been requested that the owner of the tree (NWBC) prevent damage to the structure. The tree exhibits a pronounced lean towards the South-East of the immediate vicinity and shows signs that the structural integrity is failing (1).

The tree is in close proximity to a designated footpath through the green space. This area is expected to experience a medium to high amount of pedestrian traffic throughout the day and is an area that is used unrestricted by the general public. The tree is devoid of fungal infection at the time of the inspection. The removal of T1 is recommended and the works requested are a precautionary measure to prevent damage or injury.

The Council has the opportunity to deny the removal of the T1 by the placement of a Tree Preservation Order (TPO). It is felt that at this time given the condition of the tree it would not be expedient to place such an Order.

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

North Warwickshire Borough Council Tel: 01827 719212 Mob: 07875700111

- **T2. Ash.** This specimen is seen to be young to early-mature in age class. The specimen is multi-stemmed variant. This specimen is in close proximity to a structure that is owned and maintained by Severn Trent Water. The specimen is seen as a self-set tree and has grown in close proximity to the structure, the growth pattern of the tree has resulted in compromised structural integrity of the tree with little to no effort of the tree to correct the issues it faces. It must be noted that the owner of the structure has requested that the owner of the tree (NWBC) prevent damage to the structure.

The tree is in close proximity to a designated footpath through the green space. This area is expected to experience a medium to high amount of pedestrian traffic throughout the day and is an area that is used unrestricted by the general public. The tree is devoid of fungal infection at the time of the inspection. The removal of T2 is recommended and the works requested are a precautionary measure to prevent damage or injury.

The Council has the opportunity to deny the removal of the T2 by the placement of a Tree Preservation Order (TPO). It is felt that at this time given the condition of the tree it would not be expedient to place such an Order.

- It must be noted that in relation to the Occupiers Liability Act of both 1957 and 1984 ⁽²⁾ an occupier with control over premises (which can be gardens and woodland) is liable to take such care that is "reasonable" to see that either the visitor (under the 1957 part of the Act) or trespasser (under the 1984 part of the Act) will be reasonably safe. A higher standard of care is owed to a visitor than for a trespasser and a higher standard still is required for a child compared with an adult. The removal of T1 is deemed to be a reasonable response to the hazard.

- **Recommendations:**

- Facilitate the removal of T1 and T2 after Notification period has expired.

- **Modifications (if any):**

- None

Appendices

References

1. Diagnosis of ill-health in trees. R.G. Strouts and T.G. Winter
2. The Occupiers Liability Act (1957 and 1984).

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

North Warwickshire Borough Council Tel: 01827 719212 Mob: 07875700111

(10) Application No: PAP/2018/0140

Land East of Castle Road & North of Camp Hill Road, Hartshill & Nuneaton,

Outline application for mixed development comprising the erection of up to 382 residential (class 3a) dwellings together with a local centre providing up to 280sqm net sales area with ancillary parking (22 spaces) associated access to Castle Road and Camphill Road (including demolition of 116 and 118 Camp Hill Road), sustainable drainage system (Suds) open space, landscaping and related infrastructure works, including courtyard bungalow development of two bed sheltered bungalows (Class C3b) and 28 x 2, 3 and 4 (Class 3a) discount for sale ""starter homes"", for

Tarmac Trading Limited

Introduction

This application is reported to the Board for information at this time. This report will outline the content of the application; describe the supporting documentation, identify the relevant Development Plan policies together with any other material planning considerations. A full determination report will be brought back to the Board in due course once the consultation period has expired.

The Site

The site lies on the western edge of Hartshill which is about three miles north-west of Nuneaton town centre. Hartshill is situated between Nuneaton and Atherstone. The southern boundary of the site adjoins the common administrative boundary with Nuneaton and Bedworth BC, although the village maintains an independent character despite being close to the neighbouring settlements of Ansley Common, Galley Common and the Camp Hill area of Nuneaton.

Hartshill is also an important education centre which benefits from two primary schools and a secondary Academy school; two local supermarkets, three public houses, a café, florist and post office and other local businesses together with a doctor's surgery, church, library and community centre, along with a number of recreational and social facilities.

In terms of accessibility, Hartshill is close to the A5 trunk road which in turn means that it has good access to the M42, M69 and M1. It is also served by bus services that run from the edge of the site on Castle Road and Camp Hill Road into the centre of Atherstone and Nuneaton and further afield. Hartshill is a sustainable settlement and it will consequently see its population grow over the plan period.

The District Council and Parish Council have endorsed and supported this housing growth focused on the application site on the western edge of the village.

The area immediately surrounding the site can generally be characterised as residential. The proposal adjoins existing houses fronting Castle Road with school playing fields adjoining the south west boundary of the site. On the south side the site includes Snow Hill Wood and residential development fronting onto Camp Hill Road and off Hillside Drive (in Nuneaton).

To the north is an embankment that is designated as a Local Wildlife Site and is surmounted by the 'Quarryman's Walk' long distance footpath.

The closest school is Hartshill Academy, part of the Midland Academy Trust, which is located within walking distance to the south west of the site. The primary school that shares the same site is the Nathaniel Newton Primary that is again accessible from the site.

The location of the application site has the potential to reduce vehicular movements as it is located within easy walking and cycling distance from Hartshill and Chapel End via the Camp Hill Road access.

In addition the nearest bus stops located on Castle Road provide access to six bus routes (numbers 5, 48, 207, 766, 767 and Cx48) offering a combined peak frequency of one bus every 10 minutes between Nuneaton, Tamworth, Atherstone and Coventry.

The Camp Hill Road access is also served by six buses with stops located adjacent to the site entrance. These buses provide a combined peak frequency of one bus every 10 minutes between Nuneaton, Tamworth, Cawston, Atherstone and Coventry. Bus services operate between 07.30 and 18.00 hrs, facilitating travel by bus for traditional commuting purposes. The journey to Nuneaton takes around 20 minutes.

An identical application has been submitted to Nuneaton and Bedworth Borough Council (NBBC) however it is only the Camp Hill Road access which falls within the boundary of that Local Planning Authority.

An overall site location plan is attached at Appendix A.

Background

The applicant has been involved in pre-application discussions with Council Officers, Hartshill Parish Council and the Neighbourhood Plan Steering Group. Members were also briefed on the emerging application on 14 December 2016 and again on 10 July 2017.

Two public consultation events; a community planning morning (22 October 2016) and a public exhibition (8 April 2017) were arranged and held by the applicant.

The Proposal

The application seeks outline planning approval for a residential development of up to 382 dwellings with a new local convenience store with ancillary parking area, landscaping and public open space and a through road between Castle Road, and Camp Hill Road, in addition to associated infrastructure works comprising a sustainable drainage system (Suds), including a Management Plan for Snow Hill Wood.

The means of access (a priority junction on Castle Road and a second priority junction with ghost right turn lane on Camp Hill Road) are submitted as part of the outline application, however all other matters (i.e. appearance, landscaping, layout and scale) will be determined as part of a reserved matters application.

The application has been submitted by Tarmac Trading Limited and is accompanied by the following supporting documents.

An Ecological Appraisal concludes that the site is of low wildlife interest. The grassland was found to be not particularly diverse in grasses and wildflowers. None of the trees scattered throughout the site supported features suitable for bat roosts or for foraging, however enhancements such as bat and bird boxes are recommended within the report. No signs of other protected species were found, which was anticipated due to the lack of suitable habitats. There was also limited connectivity to habitats outside of the site.

The report concludes that the overall ecological impact of the proposal will thus be limited.

A Woodland Management Plan has also been submitted with the application for the long term retention and management of the 3.5 hectare Snow Hill Wood.

A Transport Statement together with a Travel Plan (prepared by Systra) has been submitted. This concludes that there is no material or overriding highway or transport reason to support a highway reason for refusal.

A Flood Risk Assessment concludes that the site is located within Flood Zone 1 and is therefore at low risk of flooding. However the proposal does increase the amount of non-permeable surfacing on the site and thus surface water flooding risk will increase. As a consequence sustainable drainage measures are to be included such as on site water storage with floor levels set higher than ground level so as to reduce the risk should these storage measures themselves fail.

A Design and Access Statement describes the setting of the site and outlines several different styles and designs of the variety of built form in the vicinity. This concludes by identifying a number of constraints and opportunities related to the proposed development of the site. The proposed illustrative layout is also explained in some detail.

A Planning Statement brings together all of these documents and puts them into a planning context. It explains the national and local policy background as well as outlining the emerging policies for the town. It also indicates that the precise layout of dwellings has yet to be determined, but the submitted design Vision Statement, Masterplan, Illustrative Layout and Phasing Plan submitted with the application show that the site is to be developed in three phases to accommodate up to 382 dwellings in a variety of sizes and types, at a net density of 35 dwellings per hectare, including a percentage (20%) for socially rented houses and an additional 20% for “starter homes”.

The Statement concludes that the proposal is sustainable development and thus that it should be permitted as there would be no significant or demonstrable harm arising. Possible draft Heads of Agreement for a Section 106 Agreement are said to include a contribution towards affordable housing; education provision if justified, as well as to offsite local play and open space provision and enhancement. Other supporting documentation is also submitted.

Development Plan

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

NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment) and NW15 (Nature Conservation)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV8 (Water Resources), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations) and TPT6 (Vehicle Parking)

Hartshill Neighbourhood Plan 2017 – H3; H4, H5, H6, H7, H8, H10, H11, H14, H15, H16, H17 and H18

Other Material Planning Considerations

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

National Planning Practice Guidance,

The North Warwickshire Local Plan Submission Version - March 2018

Observations

Members will be aware that the application site is part of an allocated site in the Submission Version of the North Warwickshire Local Plan 2018 – site H19 – for up to 400 houses. As such the development is appropriate in principle both in terms of its location and its overall content. From recent presentations to Members, the Board will be aware of its setting and the connections that are proposed in respect of access to the surrounding road network and to local services. In this respect the re-opening of the adjoining quarry will become a significant issue in the determination of the application.

Members will appreciate that the details of the proposed access arrangements are included within this application but that other matters such as layout and appearance are not. Indicative and illustrative plans have been submitted in order to give an idea as to the potential layout of the site and its phasing. The Hartshill Neighbourhood Plan is part of the Development Plan and many of its policies are directly focussed on this allocated site. However much of their content will only be relevant at the later reserved matters stages. However the main parameters of the site’s development will need to be established at this outline stage.

The impact of the proposal on local services and facilities will be reported in the later report and much will depend on the responses from the main Agencies – WCC Education and Public Health for instance. The Board will also wish to understand the impacts on Snow Hill Wood and the adjoining recreation area. The proposals include what is termed a “local centre” and this is anticipated to refer to a retail outlet. However the location and scope of such a facility will need investigation to ensure that there is no adverse impact on the viability of established facilities in Hartshill itself.

At the present time Members are asked to note the receipt of the application. Several Members have already visited the site prior to the Council considering the Submission Version of the Local Plan. Members may wish to take another look now that the application has been submitted.

Recommendation

That the application be noted at this time and a site visit be arranged.

BACKGROUND PAPERS

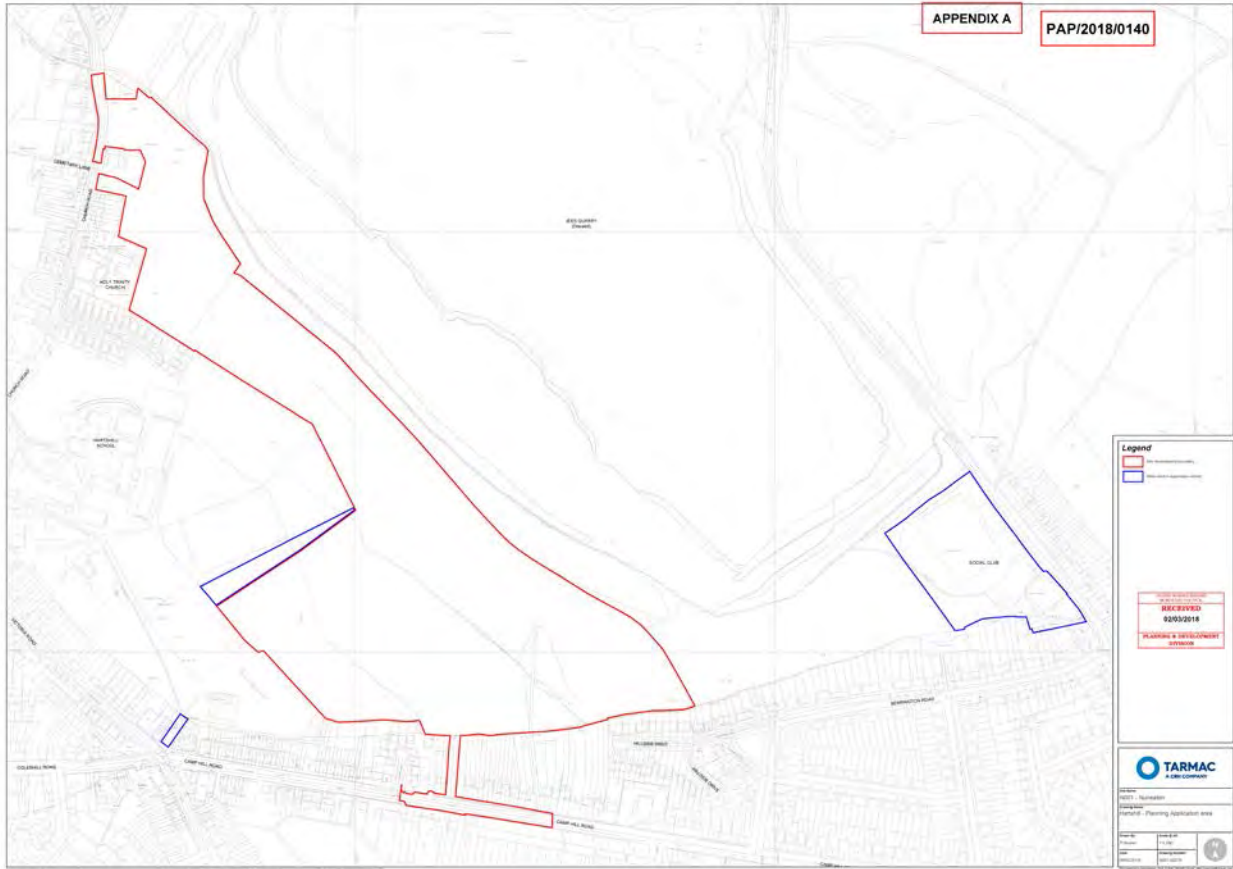
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2018/0140

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	2/3/18

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

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



(11) Application No: PAP/2018/0185

Recreation Ground, Johnson Street, Wood End, CV9 2RS

Works to tree protected by a tree preservation order, for

North Warwickshire Borough Council

Introduction

The application is referred to the Board as the Council owns the land.

The Site

This is the recreation ground off Pinewood Avenue at the southern side of Wood End.

The Proposal

There is row of trees along the northern side of the recreation ground and the one at the far end of the row is an ash tree protected by an Order confirmed in 1987.

The ash is mature but exhibits several cavities and infected area, such that the tree has the potential to fracture without warning and this could cause damage or injury. It is proposed to remove the tree as a precautionary measure.

Appendix A illustrates the location and the Tree Officer's report is at Appendix B.

Development Plan

The Core Strategy 2014 – NW10 (Development Considerations) and NW13 (Natural Environment)

Other Material Planning Considerations

The National Planning Policy Framework

Observations

There is no objection here given the seriousness of the problem with this tree. A appropriate replacement tree should be planted

The consultation period for this application ends just after the date of this Board and thus the recommendation is worded accordingly.

Recommendation

That subject to no objections being received before 12 April, consent be **GRANTED** subject to the planting of an appropriate replacement tree.

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0185

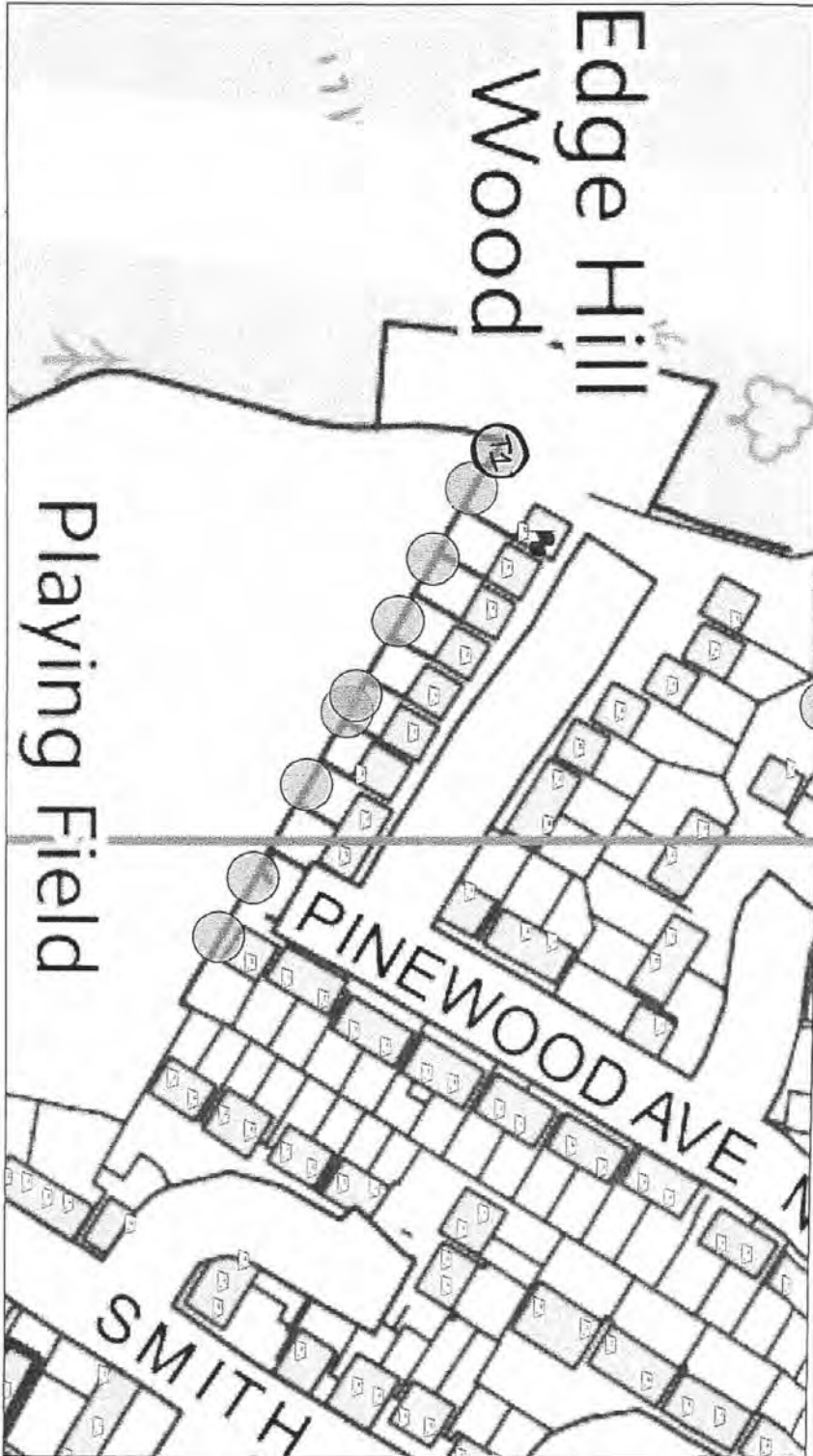
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	15/03/2018

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.

Ash Tree Wood End Green Space

PAP/2018/0185



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T14 - ASH

NORTH WAREWICKSHIRE BROOKFIELD COUNCIL
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PLANNING & DEVELOPMENT DIVISION



ARBORICULTURAL APPRAISAL /INSPECTION/TREE REPORT

- **NWBC Ref No :** NWBC Trees 15.3.18
- **Site Address:** NWBC Green Space, Wood End, CV9 2RS
- **Prepared by :** Andrew Watkins
- **Prepared for :** Planning Application
- **Date of Inspection :** 14/03/2018
- **Date of Report :** 15/03/2018

**Works applied for:**

- Works to tree Protected by a Tree Preservation Order.
- T1 Ash. Fell.

Observations:

- The tree within this report is located upon the grounds of North Warwickshire Borough Council (NWBC) Green Space, Wood End, CV9 2RS. This application follows the un-scheduled inspection of the tree by the North Warwickshire Borough Council Tree Officer (the author of this report). It must be noted that the tree within this report is afforded protection by way of a Tree Preservation Order, this Order, 713.042/3 placed on 19th December 1986 and confirmed on 10th February 1987.
- **T1. Ash.** This specimen is seen to be mature in age class and located upon the boundary of the NWBC Green Space as noted previously and in close proximity to the boundary fence of the privately owned residence of 59 Pinewood Avenue, Wood End, CV9 2RS. The un-scheduled inspection of the tree follows contact with the Council from the resident and owner of this address following concerns noted by a visitor to their site in relation to the health of the tree.

The NWBC inspection of the tree notes that the tree is over 7 metres in height and that the tree forms a twin stem at around 5 metres from ground level. The tree stem exhibits numerous cavities, the average size being over 150mm in diameter with poor occluded bark noted at the time of the inspection. Historic evidence of the fungal infection *Inonotus Hispidus* can be seen upon the stem at a height of 4 metres from ground level located within one of the aforementioned cavities. This infection compromises the Cellulose, which provides tensile strength within the internal structures of the tree and causes the tree to fracture at the point of the infection, potentially without warning and is the known and documented progression of the disease and it's affect upon trees (1&2).

The tree is within a NWBC formally designated Green Space which has open, un-restricted access throughout all times of the year. The tree is located upon an area of the site that will experience reduced foot traffic. However, the nature of the failure of the

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tree could cause serious injury if the tree is to remain at this location. The removal of T1 is recommended and the works requested are a precautionary measure to prevent damage or injury to both visitors to the Green Space and to the private residents and property detailed previously.

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

Appendices

References

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

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(12) Application No: PAP/2018/0186

Meadow Street Park And Gardens, Meadow Street, Atherstone,

Works to trees protected by a tree preservation order, for

North Warwickshire Borough Council

Introduction

This application is reported to the Board because the Council owns the land.

The Site

This is the Council's amenity garden on the north side of Meadow Street with pedestrian links through to Cook's Close and South Street. The six trees the subject of the application, are all located along the western side of the garden at the rear of residential properties in Owen Street.

The Proposals

The trees are all Black Poplar and were protected by an Order confirmed in 1972. The six poplars are mature specimens and they were inspected recently in connection with a community scheme to enhance this Memorial Garden. The proposals are to pollard the trees as required and as is common practice with this species of tree.

Appendix A provides a location plan and Appendix B is a copy of the Tree Officer's report.

Development Plan

The Core Strategy 2014 – NW10 (Development Considerations); NW13 (Natural Environment) and NW14 (Historic Environment)

Other Material Planning Considerations

The National Planning Policy Framework

Observations

There is no objection to this proposal given that this is regular maintenance and upkeep as recommended for this species of tree. Given the amenity value of the garden and its community use then this action is welcome.

The consultation period on this application ends a couple of days after the date of this meeting and the recommendation is thus worded accordingly.

Recommendation

That subject to no objections being received before 12 April 2018, consent is **GRANTED** for the proposed works.

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0186

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	15/03/2018

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.

Meadow Street Gardens NW/BC

PAP/2018/0186



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ARBORICULTURAL APPRAISAL /INSPECTION/TREE REPORT

- **NWBC Ref No :** NWBC Trees 14.3.18
- **Site Address:** Meadow Street Gardens, Atherstone, CV9 1ER
- **Prepared by :** Andrew Watkins
- **Prepared for :** Planning Application
- **Date of Inspection :** 14/03/2018
- **Date of Report :** 15/03/2018

**Works applied for:**

- Works to trees Protected by a Tree Preservation Order.
- T1 to T6. Black Poplar. Re-pollard to previous pollard points.

Observations:

- The trees within this report are located upon the grounds of North Warwickshire Borough Councils (NWBC) Green Space, Meadow Street Gardens, Atherstone, CV9 1ER. This site being within the development boundary of the settlement of Atherstone.

This application follows the un-scheduled inspection of the trees by the North Warwickshire Borough Council Tree Officer (the author of this report). It must be noted that the trees within this report are afforded protection by way of a Tree Preservation Order, this Order, 713.004/6 placed on 25th October 1971 and confirmed on 17th January 1972. This tree preservation Order also provides protection to other trees within this area.

- **T1-T6 Black Poplar.** These specimens are seen to be mature in age class and located upon the boundary of the NWBC Green Space as noted previously. The un-scheduled inspection of the trees follows a brief from the NWBC Green Space Officer in relation to a community scheme to regenerate this Memorial Garden. The trees within this report are within the works area of the suggested design.

The tree works requested are considered to be necessary maintenance by their nature and are required to remove the potential of failing branches and boughs at known weak unions (1).

The NWBC inspection of the trees notes that the trees are over 10 metres in height and exhibit canopies with a total spread of over 6 metres per tree. The canopies of the trees are predominantly composed of regenerative growth from historic pollards (heavy reduction to the framework of the tree canopy). The resulting regrowth of this genus and species of tree is seen to be less structurally sound than the previous material of the tree and it is common practice that trees that have been the subject of pollards are periodically re-pollarded in line with an owners Risk Assessment.

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The trees are within a NWBC formally designated Green Space which has open, unrestricted access throughout all times of the year. The trees are located upon an area of the site that experience a high amount of foot traffic (this to be increased following the completion of the scheme). The works to the trees is recommended and requested and are a precautionary measure to prevent damage or injury to both visitors to the Green Space and private residents and property in close proximity to the trees.

- It must be noted that in relation to the Occupiers Liability Act of both 1957 and 1984⁽²⁾ an occupier with control over premises (which can be gardens and woodland) is liable to take such care that is "reasonable" to see that either the visitor (under the 1957 part of the Act) or trespasser (under the 1984 part of the Act) will be reasonably safe. A higher standard of care is owed to a visitor than for a trespasser and a higher standard still is required for a child compared with an adult. The requested works to the trees is deemed to be a reasonable response to the hazard highlighted following the inspection of the trees.
- **Recommendations:**
- Facilitate the requested tree works following approval provided after successful TPO Application.
- **Modifications (if any):**
- None

Appendices

References

1. Diagnosis of ill-health in trees. R.G. Strouts and T.G. Winter (2000)
2. The Occupiers Liability Act (1957 and 1984).

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