

**(9) Application No: PAP/2016/0719**

**6, Coventry Road, Coleshill, B46 3BE**

**Change of use from office (use class A2) to delicatessen, cafe and hot food takeaway (use class A1/A3/A5), for**

**Mr A Stickland - Tadjcloe Ltd**

### **Introduction**

This application was reported to the February Board meeting but determination was deferred pending a site visit. That has now been arranged and the matter is reported back to the Board for determination.

The previous report is attached at Appendix A.

### **Recommendation**

That planning permission be **GRANTED** subject to the conditions as 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/2016/0719

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	Head of Development Control	Letter	7/3/17

*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/2016/0719**

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**Mr A Stickland - Tadjcloe Ltd**

### **Introduction**

The application is reported to Board at the request of a local Member concerned about potential impacts.

### **The Site**

The site is located in a parade of shops along Coventry Road in Coleshill and lies within the development boundary and opposite the boundary with the Conservation Area. The parade is at the southern end of the Town Centre where Coventry Road joins Parkfield Road. The parade turns the corner here and fronts both roads. It is of modern 1960's design with flats above and parking spaces along the frontage. The context of the site is illustrated in the location plan at Appendix A and the shop within the context of the parade is in the photograph at Appendix B.

### **The Proposal**

This is to change of the use an office (use class A2) to a delicatessen, cafe and hot food takeaway (use class A1/A3/A5). The general layout of the use is illustrated in the proposed floor plan and elevations at Appendix C.

### **Background**

The uses within the row of shops here are predominantly retail being A1 use class. There are two hairdressers, a dry cleaners, a sandwich shop/cafe, butchers and drinks shops. The existing Chinese take away and betting shop are non-retail uses. The shop units are well established. The office at No. 6 Coventry Road has ceased and this is now a vacant unit. No other prospective office occupier has come forward and thus this application for the change of use of the unit to A1/A3 and A5 has been submitted as an alternative.

The fall-back position is that the Permitted Development Order permits changes of use from A2 to A1 and from A2 to A3 (albeit the latter being subject to prior approval). Therefore the delicatessen use proposed can operate from the unit in any case, as can the café element (subject to a prior notification). As a consequence it is effectively the takeaway element of the mixed use that requires the planning permission.

The hot food takeaway element would be limited to pizzas. The retail element would provide bread (to be baked on the premises) and the provision of delicatessen food types such as cooked meats, pre-prepared meals (lasagne and other pasta dishes), salads, preserves, specialist bread and herbs This would not require planning permission. The main impact is therefore the takeaway use, as the A1 and A3 uses are flexible under the Permitted Development Order.

## **Development Plan**

The Core Strategy 2014) - NW1 (Sustainable Development); NW10 (Development Considerations), NW12 (Quality of Development) and NW20 (Services and Facilities)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV12 (Urban Design); ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation), ECON5 (Facilities relating to the settlement hierarchy) and TPT6 (Vehicle Parking)

## **Other Relevant Material Considerations**

The National Planning Policy Framework ("NPPF")

Coleshill Neighbourhood Plan – consultation version

Local Plan Draft for North Warwickshire - Consultation August 2016

## **Representations**

Representations have been received from a neighbouring occupier referring to the following matters:

- The butchers at 8 Coventry Road already sell a range of cold meats and pies as well as raw meat. In the same area there are two other food outlets, one of which is a café and delicatessen.
- Customer parking is already a problem and having another food outlet will only increase the problem. There is a parking area in front of the shops which has no time limit on it but no warden to police it.
- The Coleshill High Street is changing.. There are already two food outlets and a family butchers and newly furnished public house opposite. Business is finding the climate hard at the moment and a further food premises would make that more difficult. There are more than enough hot food shops in the town.
- The effect of litter as well as traffic and late night noise.

Coleshill Town Council - The Town Council objects based on Core Strategy Policy NW20 (too many of this type of food outlet in a small area) and NW14 (effect on the historic environment). In addition, the Council believes that there is a policy on economic viability which is being transgressed.

## **Consultations**

Environmental Health Officer – No objection but details of the proposed odour treatment system will need to be submitted for approval by the local authority prior to development. The extract flue is also in close proximity to residential properties so noise attenuation details will also be required in the ducting. .

Warwickshire County Council as Highway Authority – No objection

## Observations

The main consideration is whether the principle of a mixed use is acceptable and the effect of the use on neighbours amenity and traffic.

The application site is not within the primary retail core, or indeed within the Town Centre Boundary as defined by the saved policies of the Local Plan 2006 and the Strategy 2014. As such the loss of an A2 use is not objectionable in principle. This parade caters for a number of uses, but this particular unit has been vacant. It is therefore considered appropriate for it to be occupied by the applicants business in order to prevent its ongoing vacancy. The Council cannot enforce a preferred use. The proposed mixed use is compatible with the uses in the parade of shops. The proposed use is to be predominantly retail, a café and a takeaway and will not materially affect or reduce other retail services operated here. In any case competition is not a material planning consideration and can be healthy, new businesses should not be stifled unless there are material adverse impacts such as traffic, noise and odour.

The Draft Coleshill Neighbourhood Plan does not mention the parade of shops at Coventry Road as being safeguarded from a saturation of uses such as takeaways. It only mentions the safeguarding of retail units within the Coleshill High Street. The emerging new Local Plan Draft advises (under policy LP21) on the need to safeguard neighbourhood centres but this parade of shops at Coventry Road is not mentioned as one of the safeguarded neighbourhood centres and neither is it located within the Core Shopping frontage zone for Coleshill. Therefore this parade of shops at Coventry Road is suitable for a variety of uses as it is not restricted to retail alone. These consultation documents are not yet adopted and so are not given material weight at present. However they do largely comply with current policy under NW20 of the Core Strategy.

This is the main policy consideration in this case and advises that a '*disproportionate concentration of uses will be avoided*'. An assessment of this has been made.

The applicant considers that the parade of shops at Coventry Road is removed from the High Street and thus the proposed use would not have a detrimental impact on the town centre or the uses of the neighbouring units. He considers that the number and proportion of takeaways in the town centre to the north of the parade of shops is not at "saturation point".

The applicant points out that this parade has nine units with only one takeaway and the remainder in retail use with the exception of the betting shop. Moreover the proposed use does have a retail element. There are also different times of the opening - the existing takeaway being open into the late evening and the sandwich shop being open during the day time. The proposal would be open at compatible hours to the existing uses and not open late into the evening.

The proposed use is thus said to be complementary to the existing uses as it does not offer a repeat of food types already established in the parade of shops and in the unlikely event that the delicatessen element should cease and the A5 pizza takeaway take over, then this would then be subject to planning control in any case. In this respect it is considered to the mixed use can be controlled by condition to prevent a sole use for A5 from being established without a further planning application.

Though the planning system cannot restrict takeaways completely, policy NW20 advises that where there is a local problem then local policies may seek to restrict the number of takeaways. There is not a specific policy limiting the percentage restriction

on takeaways in any given settlement within the borough. In this case the proposed use offers a retail element in the form of the delicatessen (which would not require permission for an A1 use) with the café and takeaway as a secondary element. For all of these reasons it is considered that the proposal is not disproportionate to the existing uses at the parade of shops or in Coleshill, such that the proposal is not contrary to NW20 of the Core Strategy or saved policy ECON5 of the North Warwickshire Local Plan, 2006.

The thrust of the NPPF under paragraph 23 seeks to '*ensure the vitality of town centres; seeking to enhance existing markets and re-introduce or create new ones, ensuring that markets remain attractive and competitive*'. Therefore market forces dictate the need of the town centre environments and in this respect the proposal would be in accordance with the thrust of the NPPF.

One of the main objections to the scheme is the number of existing restaurants and takeaway premises in Coleshill. These are mostly within the defined town centre particularly along High Street. There would not therefore be a conglomeration of such uses if this application were permitted at this parade of shops. Additionally the cumulative impact of having a number of takeaways sited together might well justify a refusal, but only if it can be shown that a further use would itself exacerbate existing adverse impacts to an unacceptable degree. This will need looking at in more detail below, but for the present this is considered to be unlikely given the nature of the proposal; which seeks for a retail element to the use. Additionally the option of leaving premises empty and unoccupied brings a range of different but real adverse impacts.

#### **b) Amenity**

This arrangement may pose issues for the installation of ventilation or fume extraction equipment often required with A5 uses. Cooking odours and potential noise issues from extraction units can be dealt with by condition as is normal practice in these cases. Therefore environmental health has requested details of this installation by condition. Otherwise there is no objection raised by Environmental Health.

The proposal will lead to a new rear external flue being installed, as shown on the plans in Appendix 3. The flue will be an external vertical pipe. The height of the flue is controlled by Environmental Regulations which state that the top of the flue must be at least one metre above existing windows on the building, and as the building has first and second floor uses and windows; the flue has to exceed the roof eaves height to comply.

The final details of the flue and the extraction system can be conditioned in respect of their design. The applicant is proposing to use a modern extraction system which is designed to neutralise cooking odours. Such a system will be necessary here. Given the type of takeaway on offer then there is no deep fat frying involved, cooking facilities are limited to ovens and a cooker range and so the cooking odours are not likely to be poignant compared with other types of takeaways.

A concern raised by objectors is the potential increase in noise from customers. In terms of noise disturbance then the existing use of the shops has an element of noise from traffic and car doors closing, until closing hours of these shops. These shops are well established and it is not considered that the proposal would add further noise issues provided it does not open after the closing times of the existing businesses. Thus the amenity of the neighbours would not be affected beyond the amenity issues

generated by the existing uses. There would be no deliveries associated with the take away use and this would be limited by condition.

The opening times are proposed from 0900 hours until 2130pm Monday to Saturday with no opening on Sundays. The takeaway element would open later at 1130 hours until 2130. This is generally consistent with opening times at the parade of shops and is not too late into the evening.

Litter is not likely to be an issue given the type of use and take away proposed. The majority of users to the take away will take their purchase away from the site.

Overall there is not considered to be an amenity issue beyond how the uses already operate at the parade of shops such that the proposal is not considered contrary to policy NW10 of the Core Strategy.

#### **c) Highways**

One of the other objections from the neighbouring properties is that the proposal would probably lead to an increase in vehicle numbers. The premises is already a commercial unit, it could attract numbers of car born customers regardless of whether the use proposal is introduced or not. Indeed a Tesco Express or similar shop could operate here without the need for any planning application, and this could lead to significant car born custom. However this is not considered to be a reason for refusal. The Highway Authority does not object.

#### **d) Design**

The proposal does not alter the appearance of the shop front or alter that of the area. The conversion will be limited to the ground floor area of the unit only and there is limited space for the café element in any case. Signage would be assessed under a separate application for advertisement consent. Thus there are no design considerations associated with the use, except for the extraction unit, which is a common feature associated with these type of uses. In any case the extraction unit would be located at the rear of the premises and is not therefore visible from the street scene.

The proposed flue would egress the rear kitchen from within the rear service yard and then exit, extending up the rear elevation of the three storey element of the property so as to finish just below the existing ridge. This installation would not be visible from the street scene along Coventry Road or from views in and out of the Conservation Area. An appropriate condition can cover its exact colour.

The proposal does not alter the front elevation of the building thus there would be no harm brought about by the use. The general design of the parade of shops is neutral to the setting of the Conservation Area. Thus there is no harm on the Historic Environment required by policy NW14 of the Core Strategy.

#### **e) Other Matters**

Competition between different businesses is not a material planning consideration.

Although a take away and a sandwich shop already exist along the parade of shops; then a cumulative impact of having a number of takeaways sited together may well

justify a refusal, but only if it can be shown that a further use would materially exacerbate existing adverse impacts arising directly from such uses.

The assessment is that the majority of the units are in retail and so there is no overall retail loss along the parade of shops, which are relatively independent from town centre uses and therefore as the proposal offers a retail use which is likely to result in more footfall to the parade of shops. The takeaway use is subordinate to the main retail use and there would not be considered a saturation of takeaways along the parade of shops by the introduction of the mixed use. The café element is very minor with just one bench seat and three small tables and is an ancillary element to the main retail use. A condition limiting the consent to a mixed use and not the takeaway alone will be applied.

In terms of health requirements then the NPPF also seeks to promote healthy communities. The Core Strategy recognises that poor health and obesity is an issue throughout the borough. In this respect as the proposal is required for an A1 use with a takeaway then customers have the choice of whether they purchase healthy goods related to the delicatessen or that of a takeaway.

In any case supermarkets and corner shops offer different types of foods and the consumer has a choice. Alternatively customers could purchase a pizza from a supermarket regardless of whether the takeaway operates or not. The health considerations are still the same and therefore it is the consumer's choice. The proposal would not be considered to impact on health any further than the choice that is already offered within the settlement.

Overall, the proposal would not be considered to result in an adverse impact on these existing businesses given it would provide a slightly different type of food on offer. A further material consideration is that the proposal provides the opportunity for employment providing two-full time and four-part time posts then there is also an economic advantage for the unit being re-occupied. This is a material consideration which also carries weight to the outcome of this application.

#### **f) Conclusion**

The beginning of this section indicated that the principle of this use at these premises was sound unless there were identifiable and clear adverse impacts arising directly from the proposal which would materially worsen the situation. It is accepted that the proposal will introduce change and that will inevitably itself introduce different impacts. However these, in planning terms, are not considered to be so adverse as to warrant refusal. On balance therefore, the application is recommended for approval, but subject to conditions. These in particular will relate to control over the use; the opening hours and the extraction flue.



## 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 10582-01 Rev B and the planning statement received by the Local Planning Authority on 16 December 2016 and the supporting statement received by the Local Planning Authority on 16 February 2017.

### REASON

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

3. The floor plan shall be laid out in general accordance with drawing 19582-01 Rev B. The unit shall not be operational until the areas have been laid out in accordance with the approved details.

### REASON

In the interests of highway safety.

4. There shall be no opening for business purposes of the A1 and A3 use of this permission other than between 09.00 hours to 21.30 hours on Mondays through to Saturdays and the A5 use between 11.30 hours until 21.30 hours Mondays through to Saturdays. There shall be no opening on Sundays or public bank holidays. There shall be no opening whatsoever outside of these specified times.

### REASON

To prevent disturbance to the occupiers of nearby properties.

5. The use hereby approved shall not commence until details of noise attenuation and odour abated kitchen extraction system is submitted and approved by the Local Planning Authority in writing. These details must contain details of any proposed methods of minimising noise and odour i.e. noise attenuation of fan motors, filtration/treatment of odours, (the stack height should be at least 1 metre above the roof height to aid odour dispersion). The drainage serving the kitchen shall be fitted with a grease separator or other means of grease removal.

REASON

In the interests of the amenities of the area.

6. The specification details on the extraction system, specifically the silencers for noise control and filtration for odour control required by Condition 5, shall be installed prior to the first opening of the use to the satisfaction of the Local Planning Authority.

REASON

In the interests of the amenities of the area.

7. The use hereby approved is limited specifically to A1, A3 and A5 (mixed use) as per the floor plan layout required by Condition 3 and specifically not the A5 use alone and should the A1 element of the use cease then the mixed use shall hereby be discontinued.

REASON

In the interests of defining the limitations of the consent in recognition that the A1 use is the primary use with ancillary A3 and A5 use.

8. There shall be no delivery service associated with the takeaway use.

REASON

In the interest of the amenities of the area.

**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](http://www.communities.gov.uk/publications/planningandbuilding/partywall).

3. Advertisement Consent is required under a separate procedure of the Town and Country Planning Act 1990. Should any advertisements, signs, name boards, or other devices to attract attention, be intended in respect of this development, the Local Planning Authority will be pleased to advise you on all associated aspects prior to the

5/160

erection of any such advertisements, and provide you with application forms.

4. Any alterations to the shop front or any part of the building are likely to require planning permission. You are advised to contact the Local Planning Authority before carrying out of any work.

5. This development may be affected by the provisions of Food Safety, Health and Safety and / or Licensing Legislation. You are therefore advised to consult the Regulatory Division, Old Bank House, 129 Log Street, Atherstone – 01827 715341 or e-mail [foodsafety@northwarks.gov.uk](mailto:foodsafety@northwarks.gov.uk).

6. In dealing with this application, the Local Planning Authority has worked with the agent in a positive and proactive manner through seeking to resolve planning issues. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

## 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
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	16.12.17
2	Local Member	Representation	4.1.17
3	Mr Murray	Representation	5.1.17
4	Mr Jones	Representation	10.1.17
5	Coleshill Town Council	Representation	12.1.17
6	NWBC EHO	Consultation reply	16.1.17
7	Case Officer to Agent	email	8.2.17
8	Case Officer to Agent	email	14.2.17
9	Agent to Case Officer	email	14.2.17
10	Agent to Case Officer	email	14.2.17
11	Case Officer to Agent	email	16.2.17
12	Agent to Case Officer	Supporting statement	16.2.17
13	Agent to Case Officer	email	16.2.17
14	WCC Highways	Consultation reply	20.2.17
15	Case Officer to Agent	email	22.2.17

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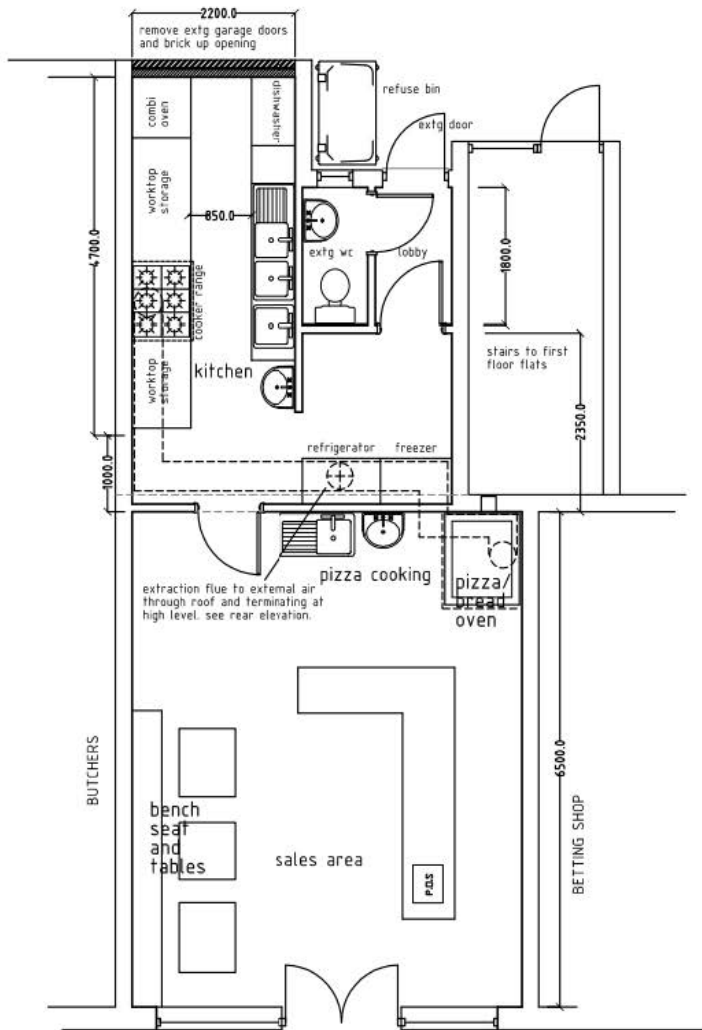


Appendix B

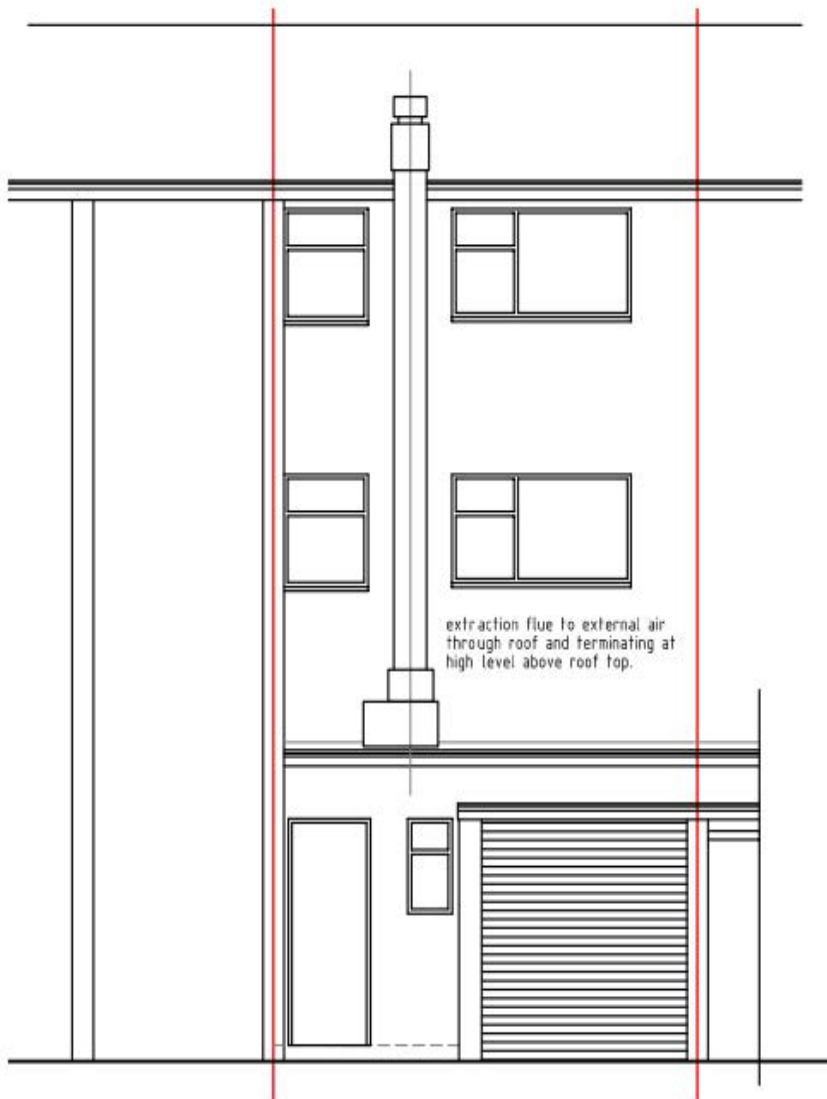
Unit 6



Appendix C



Proposed floor plan



extraction flue to external air  
through roof and terminating at  
high level above roof top.

Proposed elevation



**(10) Application No: PAP/2017/0053**

**Land North of Manor Barns, Newton Lane, Austrey**

**Approval of reserved matters application for access, appearance, landscaping, layout and scale relating to outline application for erection of up to 23 no: dwellings and associated works and use of land for residential development**

**Application No: PAP/2017/0054**

**Land North of Manor Barns, Newton Lane, Austrey**

**Change of use of land to domestic garden**

**both for Mr R Kirkland - Maplevale Developments Ltd**

**Introduction**

The applications are reported to board in light of the planning history of the site.

**The Sites**

The locations of the two sites are shown below.

(Application No: PAP/2017/0053)



(Application No: PAP/2017/0054)



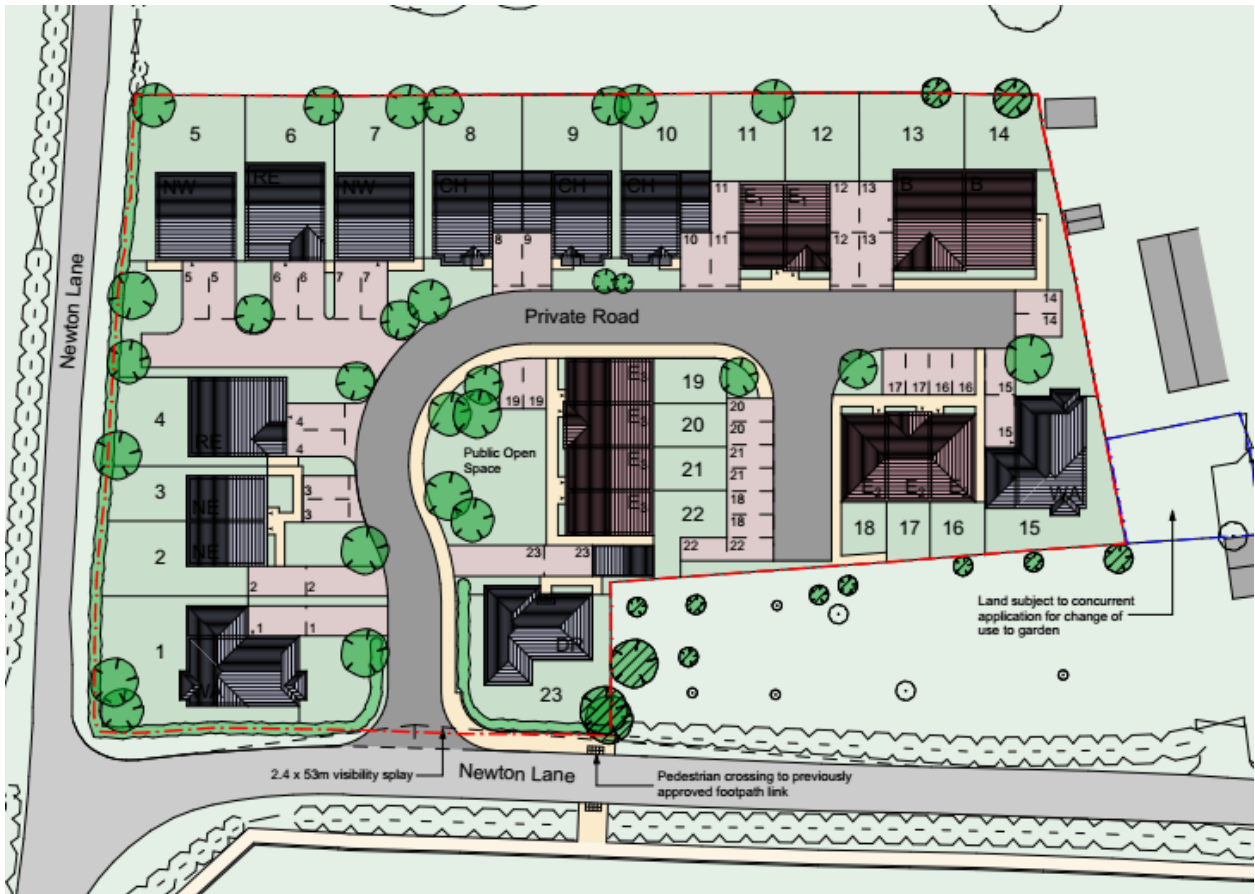
Application No: PAP/2017/0053 - Newton Lane borders the north and west sides of the sites and existing residential development or land with planning permission for residential development lie to the east and south.

Application No: PAP/2017/0054 - The site comprises a small part of a larger paddock. It is bordered on three sides by the gardens to three existing dwellings and on the fourth side by land which now benefits from outline planning approval for residential development. Outbuildings belonging to the Grade II Listed Building at The Manor House, Warton Lane border the southern side of the site.

# The Proposals

## Application No: PAP/2017/0053:

The application seeks approval of reserved matters for the erection of 23 dwellings (16no. two bed, 3no. three bed and 4no. four bed), (11no. two bed to be affordable and managed by a Social Registered Landlord) with associated works.



The proposed appearance of the new properties will be as shown below:



**Front Elevation**  
Housetype: Needwood  
Market home



**Front Elevation**  
Housetype: Newton  
Market home



**Front Elevation**  
Housetype: Repton  
Market home



**Front Elevation**  
Housetype: Walton  
Market home



**Front Elevation**  
Housetype: B  
Affordable home



**Front Elevation**  
Housetype: E1  
Affordable home



**Front Elevation**  
Housetype: E2  
Affordable home



**Front Elevation**  
Housetype: E3  
Affordable home



**Front Elevation**  
Housetype: Chilcote  
Market Home



**Front Elevation**  
A full landscaping scheme is proposed  
Housetype: Draycott  
Market home



## Schedule of Development (Open Market)

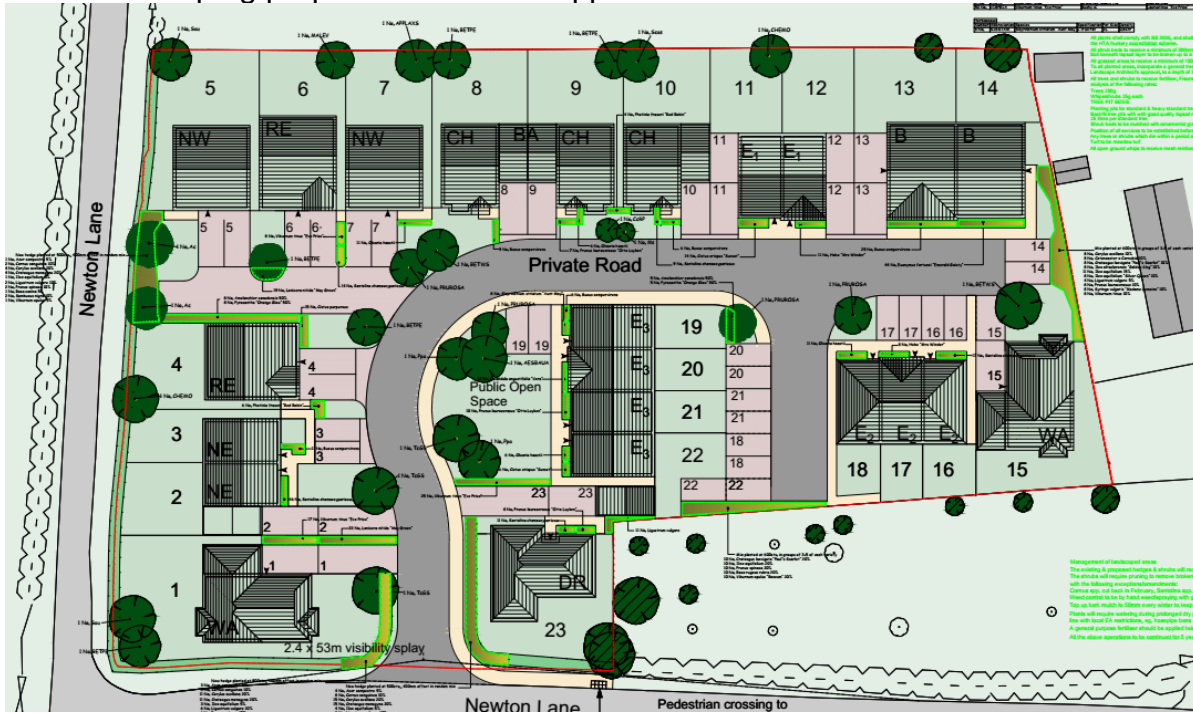
Ref *	Name	Description	Area (ft <sup>2</sup> )	No.	Total Area (ft <sup>2</sup> )
NE	Needwood	2 bedroom semi detached	692	2	1,384
DR	Draycott	2 bedroom detached bungalow	843	1	843
WA	Walton	2 bedroom detached bungalow	817	2	1,634
CH	Chilcote	3 bedroom detached	971	3	2,913
RE	Repton	4 bedroom detached	1,265	2	2,530
NW	Newton	4 bedroom detached	1,174	2	2,348
<b>Total</b>				<b>12</b>	<b>11,652</b>

## Schedule of Development (Affordable)

Ref *	Description	Area (ft <sup>2</sup> )	No.	Total Area (ft <sup>2</sup> )
B	2B3P semi detached bungalow	704	2	1,408
E	2B3P terrace	755	9	6,795
<b>Total</b>			<b>11</b>	<b>8,203</b>

\*Where reference is followed by a number (e.g. NE<sub>1</sub>), this denotes a variation of the same housetype, see housetype drawings for details







A full landscaping proposal has been supplied:



The scheme includes a planting schedule:

Planting schedule								
Number	Abbreviation	Species	Specification	Pot Size	Girth	Height	Common Name	Density
2 No.	Ac	Acer campestre	Selected Standard :BR		10-12cm		Common Maple	Counted
1 No.	Ac	Acer campestre	Transplant :Bushy :BR				Common Maple	0.5/m <sup>2</sup>
7 No.	Ac	Acer campestre	Transplant :Bushy :BR				Common Maple	0.5Ctr Double Staggered at 0.4m offset
1 No.	AESBAUA	Aesculus hippocastanum 'Baumannii'	Extra Heavy Standard :RB		14-16cm		Horse Chestnut 'Baumannii'	Counted
1 No.	APPLXS	Apple 'Laxton's Superb'	Light Standard :C		6-8cm			Counted
2 No.	BETWS	Betula 'White Spire'	Multi-Stemmed :5/7 brks :RB			2.5-3.0m		Counted
5 No.	BETPF	Betula pendula	Standard :BR		8-10cm		Common Silver Birch	Counted
2 No.	CHFMO	Cherry 'Morello'	Standard :BR		8-10cm			Counted
8 No.	CLPSS	Crataegus laevigata 'Paul's Scarlet'	Feather :Bushy :BR			60-80cm	Midland Hawthorn 'Paul's Scarlet'	0.6Ctr
10 No.	CLPSS	Crataegus laevigata 'Paul's Scarlet'	Whip :3 Stems :3 brks :1+1 :BR			60-80cm	Midland Hawthorn 'Paul's Scarlet'	0.6Ctr
4 No.	Cmo	Crataegus monogyna	Transplant :3 brks :BR			60-90cm	Common Hawthorn	0.5/m <sup>2</sup>
26 No.	Cmo	Crataegus monogyna	Transplant :3 brks :BR			60-90cm	Common Hawthorn	0.5Ctr Double Staggered at 0.4m offset
1 No.	Ia	Ilex aquifolium	Bushy :C	2L		60-90cm	Common Holly	0.5/m <sup>2</sup>
11 No.	Ia	Ilex aquifolium	Bushy :C	3L		60-80cm	Common Holly	0.6Ctr
7 No.	Ia	Ilex aquifolium	Bushy :C	2L		60-90cm	Common Holly	0.5Ctr Double Staggered at 0.4m offset
10 No.	Ia	Ilex aquifolium	Bushy :C	2L		60-80cm	Common Holly	0.6Ctr
1 No.	MALEV	Malus 'Evereste'	Standard :BR		8-10cm			Counted
2 No.	Ppa	Prunus padus	Heavy Standard :RB		12-14cm		Bird Cherry	Counted
4 No.	PRUROSA	Prunus subhirtella 'Autumnalis Rosea'	Selected Standard :BR		10-12cm		Autumn Cherry 'Rosea'	Counted
2 No.	Sau	Sorbus aucuparia	Standard :BR		8-10cm		Rowan	Counted
1 No.	Scas	Sorbus cashmiriana	Light Standard :BR		6-8cm		Kashmir Rowan	Counted
3 No.	TtGS	Tilia cordata 'Green Spire'	Heavy Standard :Clear Stem 175-200 :RB		12-14cm		Small-leaved Lime 'Green Spire'	Counted

**Legend**

-  New Trees
-  Existing Trees to be Retained
-  Existing hedges to be Retained
-  Replacement hedge
-  New shrub planting
-  New grassed areas (domestic quality)

Shrubs						
Number	Abbreviation	Species	Specification	Common Name	Height	Pot Size Density
9 No.		Amelanchier canadensis	Bushy :C		80-100cm	3L 0.7Ctr
8 No.		Amelanchier canadensis	Bushy :C		80-100cm	3L 1/m <sup>2</sup>
97 No.	Bse	Buxus sempervirens	Bushy :C	Common Box	25-30cm	2L 0.5Ctr
20 No.	CTSCRS	Cistus crispus 'Sunset'	Bushy :C		30-40cm	2L 0.5Ctr
15 No.	CTSPUR	Cistus purpureus	Bushy :C	Rock Rose	30-40cm	2L 0.5Ctr
2 No.	CORSA	Cornus sanguinea	I+I :Bushy :BR	Common Dogwood	60-90cm	0.5/m <sup>2</sup>
14 No.	CORSA	Cornus sanguinea	I+I :Bushy :BR	Common Dogwood	60-90cm	0.5Ctr Double Staggered at 0.4m offset
4 No.	CAV	Corylus avellana	I+I :Bushy :BR	Common Hazel	60-90cm	0.5/m <sup>2</sup>
8 No.	CAV	Corylus avellana	Branched :Bushy :BR	Common Hazel	60-80cm	0.6Ctr
26 No.	CAV	Corylus avellana	I+I :Bushy :BR	Common Hazel	60-90cm	0.5Ctr Double Staggered at 0.4m offset
1 No.	CRP	Cotinus coggygria 'Royal Purple'	Branched :Bushy :C	Smoke Bush 'Royal Purple'	125-150cm	39L Counted
8 No.		Cotoneaster x Cornubi	Branched :Bushy :C		900-1000cm	3L 0.6Ctr
44 No.	EFFG	Euonymus fortunei 'Emerald Gaiety'	Bushy :C	Euonymus 'Emerald Gaiety'	20-30cm	0.4Ctr
19 No.	HEBMW	Hebe 'Mrs Winder'	Bushy :C	Shrubby Veronica 'Mrs Winder'	20-30cm	2L 0.5Ctr
8 No.	ILEALGX	Ilex altaclarendensis 'Golden King'	Bushy :C		60-80cm	3L 0.6Ctr
8 No.	ILEAQSO	Ilex aquifolium 'Silver Queen'	Bushy :C	Holly 'Silver Queen'	60-80cm	3L 0.6Ctr
12 No.	LAVANVE	Lavandula angustifolia 'Vera'	Bushy :C		20-30cm	2L 0.4Ctr
2 No.	LIGVU	Ligustrum vulgare	I+I :Bushy :BR	Common Privet	60-90cm	0.5/m <sup>2</sup>
4 No.	LIGVU	Ligustrum vulgare	Branched :Bushy :C	Common Privet	60-80cm	3L 0.6Ctr
14 No.	LIGVU	Ligustrum vulgare	I+I :Bushy :BR	Common Privet	60-90cm	0.5Ctr Double Staggered at 0.4m offset
11 No.	LIGVU	Ligustrum vulgare	I+I Leader and laterals :3 brks :BR	Common Privet	60-80cm	0.6Ctr
92 No.	LONNIMG	Lonicera nitida 'May Green'	Branched :Bushy :C	Box Honeysuckle 'Maygreen'	20-30cm	2L 0.5Ctr
1 No.	Ms	Magnolia stellata	Branched :Bushy :C		100-125cm	25-35L Counted
34 No.	Oh	Olearia hoastii	Bushy :C	Daisy Bush	30-40cm	2L 0.5Ctr
10 No.	PFRB	Photinia Fraseri 'Red Robin'	Bushy :C	Christmas Berry 'Red Robin'	60-80cm	3L 0.7Ctr
8 No.	PRULA	Prunus laurocerasus	Bushy :C		60-80cm	3L 0.6Ctr
25 No.	PIOL	Prunus laurocerasus 'Otto Luyken'	Bushy :C	Cherry Laurel 'Otto Luyken'	30-40cm	2L 0.5Ctr
2 No.	PRUSP	Prunus spinosa	I+I :Bushy :BR	Blackthorn	60-90cm	0.5/m <sup>2</sup>
14 No.	PRUSP	Prunus spinosa	I+I :Bushy :BR	Blackthorn	60-90cm	0.5Ctr Double Staggered at 0.4m offset
10 No.	PRUSP	Prunus spinosa	I+I :Bushy :3 brks :BR	Blackthorn	60-80cm	0.6Ctr
9 No.		Pyracantha 'Orange Glow'	Leader With Laterals :C		80-100cm	3L 0.7Ctr
8 No.		Pyracantha 'Orange Glow'	Leader With Laterals :C		80-100cm	3L 1/m <sup>2</sup>
1 No.	Rca	Rosa canina	I+I :Bushy :BR :3/4 brks	Dog Rose	60-90cm	0.5/m <sup>2</sup>
7 No.	Rca	Rosa canina	I+I :Bushy :BR :3/4 brks	Dog Rose	60-90cm	0.5Ctr Double Staggered at 0.4m offset
10 No.	ROSRUGRU	Rosa rugosa rubra	Bushy :C		60-80cm	2L 0.6Ctr
2 No.	SAMNI	Sambucus nigra	I+I :Bushy :BR	Common Elder	60-90cm	0.5/m <sup>2</sup>
14 No.	SAMNI	Sambucus nigra	I+I :Bushy :BR	Common Elder	60-90cm	0.5Ctr Double Staggered at 0.4m offset
57 No.	SANCH	Salvia chamaecyparissus	Bushy :C	Cotton Lavender	20-30cm	2L 0.4Ctr
8 No.	SYRVUMAL	Syringa vulgaris 'Madame Lemoine'	Bushy :C		60-80cm	3L 0.6Ctr
1 No.	VIBOP	Viburnum opulus	I+I :Bushy :BR	Guelder Rose	60-90cm	0.5/m <sup>2</sup>
7 No.	VIBOP	Viburnum opulus	I+I :Bushy :BR	Guelder Rose	60-90cm	0.5Ctr Double Staggered at 0.4m offset
10 No.	VIBOPR	Viburnum opulus 'Roseum'	Bushy :C		60-80cm	3L 0.6Ctr
8 No.	VIBTI	Viburnum tinus	Branched :Bushy :C	Laurestinus	60-80cm	3L 0.6Ctr
50 No.	VIBPREA	Viburnum tinus 'Eve Price'	Bushy :C	Laurestinus 'Eve Price'	40-50cm	3L 0.6Ctr

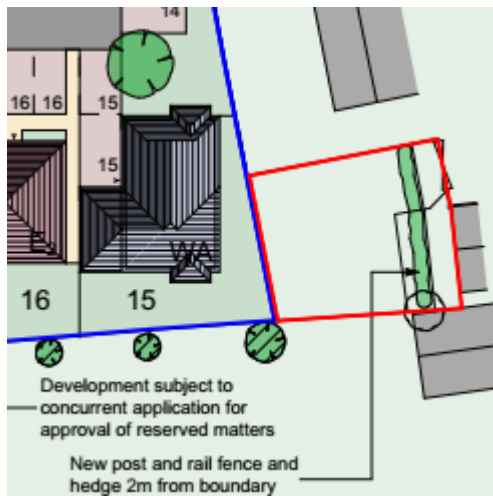
  

Herbaceous						
Number	Abbreviation	Species	Specification	Pot Size	Density	
8 No.	STSSHAM	Sisyrinchium striatum 'Aunt May'	C :Full Pot	2L	0.4Ctr	

It also provides a scheme for the management of landscaped areas to ensure the establishment of the planting.

**Application No: PAP/2017/0054:**

The application proposes the change of use of land which presently forms part of the larger paddock to domestic garden. It is proposed to utilise the additional parcel of land as the garden to the dwelling proposed as Plot 15 in application PAP/2017/0053.



A new post and rail fence, supplemented by a new hedgerow, will be formed as a new southern boundary.

**Background**

Outline planning permission was granted at appeal in 2016. The approval gave permission for the access arrangements but reserved details of appearance, layout, scale and landscaping for later approval. A copy of the Inspector's decision is attached as Appendix A.

## **Development Plan**

North Warwickshire Core Strategy (October 2014) – NW1 (Sustainable Development); NW11 (Renewable Energy and Energy Efficiency), NW12(Quality of Development), NW14 (Historic Environment) and NW15 (Nature Conservation)

## **Other Relevant Material Considerations**

The Austrey Neighbourhood Plan (Referendum Version) - NB. Referendum scheduled to take place of 4 May 2017

National Planning Policy Framework - (NPPF).

## **Consultations**

### **Application No: PAP/2017/0053:**

Warwickshire County Council Highways Authority – It confirms that the access arrangements conform with the requirements of the outline planning permission.

Lead Local Flood Authority – It offers no objection but notes that the proposed development site is already subject to a surface water drainage condition as part of the outline approval (PAP/2015/0350). This reserved matters application does not contain any further information in relation to the surface water drainage and there does not appear to be any significant alteration to the site layout; as such they offer no further comments until such time as specific details have been submitted to discharge drainage related conditions on the outline approval.

AD (Housing) - It is confirmed that the site will help towards achieving more affordable housing within the borough.

## **Representations**

### **Application No: PAP/2017/0053:**

Five letters have been received, raising the following matters:

- Disappointed at the lack of attention given to the neighbourhood plan
- The housing proposed is not in keeping with the current housing within the village
- Will potentially cause road accidents in a known blackspot. There is extremely limited visibility especially to the junction of Newton Lane towards Newton Regis /Newton Lane towards No Man's Heath Lane/Newton Lane towards Warton Lane.
- Concern that a greater amount of hedgerow will be lost than the application suggests.
- The development should built in quality materials sympathetic to the character of the village.
- The scale of the development would be contrary to the limitations on house numbers contained in the adopted Core Strategy and the emerging Neighbourhood Plan
- The Inspectorate seems to have ignored the concerns of nearby residents about the lack of accessibility of the site for people without cars
- The new footpath should be lit.

- The plans do not achieve the visibility splays stipulated in the outline planning consent, particularly in respect of pedestrian visibility.
- The hedgerow increases in size substantially from Spring to Autumn, which will impede visibility even further as it grows throughout this period if only trimmed to the current mid point. It is not believed that trimming the hedgerow alone will satisfy the requirements of the condition.

**Application No: PAP/2017/0054:**

The owner of the Listed Building at The Manor House initially made a representation concerning continued access to the stable door in the end elevation of the outbuilding to the property, however, following receipt of a revised proposal establishing a new post and rail and hedge boundary set 2m distant from the end elevation of the stable, confirmation was received that the concern had been satisfactorily addressed.

**Observations**

**Application No: PAP/2017/0053:**

a) The Principle of Development:

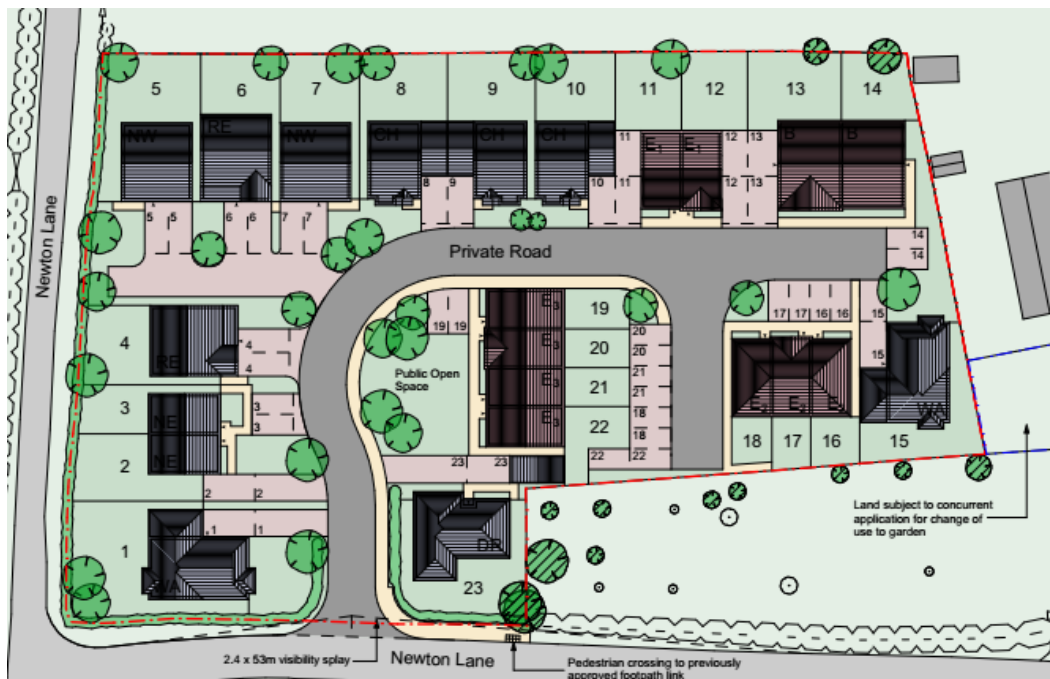
i) The principle of this development has already been established by the outline planning application which set an upper threshold for the number of dwellings as twenty three. There is therefore no opportunity through this application to revisit the principle or scale of the development. Nor is there any scope to revisit the merits of the proposed access arrangements to the site, as the access dimensions and the pedestrian crossing have also been approved by the Planning Inspector at appeal.

The conditions attached to the outline application approved access dimensions and the visibility splays associated with vehicular and pedestrian movements. The reserved matters verifying that the scheme accords with those conditions and is looking at other aspects of access. The latest submitted plan achieves an access which is to the dimensions specified in the outline planning permission conditions.

ii) Layout, Scale and Appearance:

The current proposal achieves the introduction of a small area of public open space which wasn't satisfactorily achieved on the former indicative layout and it achieves less terracing of units, with the continuing, more limited, elements of terraced units being located in the less publically visible parts of the site. It also proposes a larger number of bungalows. The changes have the effect of creating a more traditional layout.

The comparisons are as shown below, with the outline indicative layout first and the current proposed layout following.



There is a wide variety in the proposed house types but there is a commonality in scale, materials and detailing. The specific details of these materials can be agreed as a condition of planning approval. The appearance of the proposed dwellings will be reasonably in keeping with the locality, particularly read in the context of other local new development presently under construction. The orientation of the dwellings and positioning of rooms within dwellings will ensure that there are reasonable inter-visibility distances between dwellings, such that all new and neighbouring dwellings will not suffer poor levels of privacy or overlooking.



The site layout is unlikely to impact adversely on the living conditions of occupiers of adjacent properties. Though the property at Poacher's Pocket contains a large glazed elevation facing the site the nearest proposed property will be a bungalow and a relatively open vista immediately fronts the elevation formed by the position of the roadway and parking.

The layout achieves two off road parking/garaging spaces per dwelling, and a reasonable area of private amenity garden for every dwelling.

A revised layout ensures adequate access for service and emergency vehicles and provisions for bin collection.

Refuse disposal from dwellings in North Warwickshire presently utilises three wheeled bins per dwelling. Given the density of development there is little opportunity to store the wheeled bins at the front of the properties without compromising the availability of land for car parking purposes or without adversely affecting the visual amenity of the site, therefore it would be appropriate to require that, with the exception of days upon which refuse is collected, wheeled bins be stored to the rear of each dwelling within an enclosed rear garden at all times.

The scale, appearance and layout may be supported.

Though the submitted details are acceptable, the dwellings occupy a large footprint within the site, have relatively limited private open space and are in close proximity to each other. The scheme works as presented, however, if occupiers of the new dwellings were to take advantage of permitted development rights to extend or alter the dwellings or construct large garden buildings, there is potential for the creation of conditions which would be detrimental to neighbouring occupiers. It would therefore be appropriate to remove permitted development rights to ensure future control over the effects of future alterations to the approved dwellings.

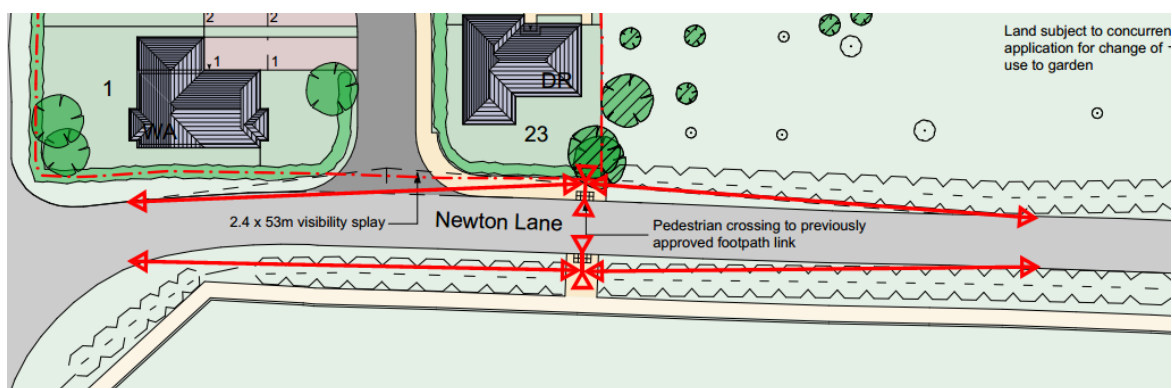
### iii) Access:

In respect of the highway and pedestrian safety implications of the development, the Highway Authority offers no major concerns (subject to revised plans widening the depth of the footway, which have now been received). The Highway Authority notes that the Proposed Site Layout indicates that the access road is to remain a private road. The Highway Authority advises that the layout as currently presented would not be suitable for adoption as highway, however considers that as a private road would not be likely to lead to severe detriment to safety on the existing adopted highway adjacent to the site.

The outline planning permission contains the following conditions in respect of highway visibility.

- 7) No dwelling shall be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 metres measured along the near edge of the public highway carriageway, incorporating a tangent to the north-west terminating at a point 2.4 metres back from the 'give way' line of the public highway D11 Newton Lane at its junction with C3 Newton Lane. 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.
- 12) The development shall not be occupied until a footway crossing with dropped kerbs and tactile paving, incorporating visibility splays on each side of the carriageway with 'x' distances of 2.0 metres and 'y' distances of 43 metres measured along the near edge of the public highway, has been provided to enable pedestrians to safely cross the public highway C3 Newton Lane as part of the footway link required in Condition 11. 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.

The submitted site layout plan shows that the vehicular access visibility splay can be achieved and the plan below shows that, with limited trimming back of the hedgerow within the highway, and regular maintenance of the hedgerow, the pedestrian visibility splays can be achieved. This is acceptable to the Highway Authority. The applicant has confirmed that the public open space and the visibility splays will be undertaken by Trent & Dove/The Management Company.



The Highway Authority advises that an additional condition should be imposed relating to street lighting, in order that a consistency of coverage can be attained between private street lighting for the private road and the street lighting within the public highway that will be necessary at the access junction, adjacent junction and pedestrian crossing.

#### iv) Affordable Housing:

In respect of affordable housing, the scheme proposes the on-site provision of 11 units. This exceeds the number that would be required on site by policy (9 dwellings for 40% delivery would be the minimum requirement on this greenfield site) by an additional 2.

The applicant is currently constructing a site with 10 dwellings on the opposite side of Newton Lane (The Headlands site) where the affordable housing policy requirement is addressed by an associated S106 legal agreement for the provision of 2 dwellings. The

developer seeks to omit the provision of affordable housing on the Headlands site but, instead, to provide them on the current application site.

There is no objection in principle to this proposal as it still provides for the correct number and mix of dwellings in the settlement and potentially makes for easier management of the affordable housing. It is considered that the provision and control of the affordable housing can be addressed by planning condition in this instance.

v) Landscaping:

A comprehensive landscaping scheme has been provided which achieves a 'soft' edge to the roadway for most of the perimeter of the site, as well as achieving reasonable levels of tree and amenity planting within the site. The submitted scheme is a good solution to the landscaping of this relatively high density site and may be supported.

vi) Other Matters:

Policy NW11 of the Core Strategy indicates that new development will be expected to be energy efficient in terms of its fabric and use. Major development will be required to provide a minimum of 10% of its operational energy requirements from a renewable energy source (subject to viability) and smaller schemes will be encouraged to seek the introduction of renewable energy and energy efficiency schemes at the outset to avoid costly retrofit. At twenty three dwellings, this scheme constitutes a major development. To comply with policy this is a reasonable requirement. The applicant has indicated that he is happy for this matter to be addressed through the use of a planning condition.

Detailed matters of drainage and noise attenuation for the dwellings are matters that are addressed in conditions attached to the outline planning application. The applicant indicates that he will submit a separate application to address those matters.

A discharge of conditions application has been received (DOC/2017/0027) addressing matters of archaeological investigation (condition 20) and compensation for biodiversity loss (condition 22).

vii) Conclusion:

In light of the above it is considered that the proposed access, appearance, layout, scale and landscaping are appropriate and may be supported.

**b) Application No: PAP/2017/0054:**

The site comprises a small part of a larger paddock. It is bordered on three sides by the gardens to three existing dwellings and on the fourth side by land which now benefits from outline planning approval for residential development.

If the land was not used for the proposed purpose it would become land locked and have no useful purpose.

The development of the adjacent site with 23 dwellings is a high density development. Local residents and planning officers have expressed concern at the suitability of such high density development on the land. The ability to provide garden land for one of the dwellings on the application site will assist to a small degree in achieving a workable layout for the larger site.

The revised proposal to establish a new boundary with a post and rail fence set 2 metres from the boundary with The Manor House resolves the issue about continuing access to The Manor House stables outbuilding and preserves the setting of The Manor House.

Given the proximity to the Listed curtilage building and the proximity of the land to neighbouring dwellings the erection of new garden buildings could cause harm. It would therefore be appropriate to control the

## **Recommendations**

### **A) Application No: PAP/2017/0053:**

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

1. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 1343\_60F received by the Local Planning Authority on 6 March 2017 and the plans numbered 1343/01D, 1343/64, 1343/65B, 1343/66A, 1343/67, 1343/68, 1343/69, 1343/70, 1343/71, 1343/72, 1343/73B, 1343/74A, 1343/75, 100614-01 and AE1702-01A received by the Local Planning Authority on 6 February 2017.

#### **REASON**

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

2. No development shall be commenced before details of the facing bricks, roofing tiles, wall cladding, window and door frames and surface 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.

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

#### **REASON**

In the interests of the amenities of the area.

4. Prior to the commencement of development a scheme for renewable energy generation and the incorporation of energy efficiency measures shall be submitted to and approved in writing. The approved scheme shall then be implemented in full and maintained thereafter.

#### REASON

In the interests of achieving sustainable development and in order to comply with the requirements of policy NW11 of the North Warwickshire Core Strategy Adopted October 2014.

5. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal fitting out, shall take place before the hours of 0700 nor after 1900 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.

#### REASON

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

6. No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority in respect of the 11 affordable housing units hereby approved

- i) details of how the affordable housing meets the definition of affordable housing in Annex 2 to the National Planning Policy Framework (or any future guidance that replaces it).
- ii) the tenure of the housing units;
- iii) the timing of their construction, and their phasing in relation to the occupancy of the market housing at the application site and at the site approved under the planning reference PAP/2014/0302 (APP/R3705/W/15/3016570);
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing units; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

#### REASON

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

7. With the exception of days upon which refuse is collected, wheeled bins shall be stored to the rear of each dwelling within an enclosed rear garden at all times.

#### REASON

In the interests of highway safety and the visual amenities of the area.

8. Two car parking spaces and/or garage spaces shall be retained at each dwelling for the off road parking of vehicles at all times.

REASON

In the interests of highway safety.

9. Prior to the commencement of development a schedule of boundary treatments shall be submitted to and approved by the Local Planning Authority in writing. The approved details shall then be carried out in full and maintained as such at all times thereafter.

REASON

In the interests of the amenities of the area.

10. The landscaping scheme hereby approved shall be implemented within six calendar months of the date of occupation of the first house approved under reference PAP/2017/0053 for domestic purposes. In the event of any tree or plant failing to become established within five years thereafter, each individual tree or plant shall be replaced within the next available planting season, to the satisfaction of the Local Planning Authority.

REASON

In the interests of the amenities of the area.

11. The development shall not be occupied until street lighting has been provided to the private road, and to the public highways C3 and D11 Newton Lane in the vicinity of the junction between the two public highway roads, the site access junction and the proposed pedestrian crossing, in accordance with a scheme approved in writing by the local Planning Authority in consultation with the Highway Authority.

REASON

In the interests of highway safety.

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

REASON

In the interests of highway safety.

13. 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) or during periods when children are going to/or being collected from the local school.

REASON

In the interests of pedestrian and highway safety.

## 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 <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance> .
3. The applicant is reminded that this approval of reserved matters is not a planning permission. It must be read in conjunction with planning permission Ref. No. PAP/2015/0353 (Appeal Decision APP/R3705/W/16/3155070), of which it forms a part, the terms and conditions of which continue to apply.
4. Conditions require works to be carried out within the limits of the public highway. The applicant/developer must enter into a Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant/developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278. An application to enter into a Section 278 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant/developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months' notice will be required.

5. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions and seeking to resolve planning objections. 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.

**B) Application No: PAP/2017/0054:**

That the application 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 plan numbered 1343/80 received by the Local Planning Authority on 6 February 2017 and the plan numbered 1343/81A received by the Local Planning Authority on 20 March 2017.

REASON

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

3. The hedgerow shown on the approved plan shall be a hedgerow comprised of native species. The post and rail fence shall be erected and the hedgerow shall be planted within one calendar month of the first occupation of the associated dwelling at Plot 15 of the dwelling consented under the planning permission referenced PAP/2017/0053. Any hedgerow plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved. The fence and hedgerow shall be maintained at the approved position at all times thereafter.

REASON

In the interests of the amenities of the area and in the interests of maintaining an appropriate setting for the listed building at The Manor House, Warton Lane.

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

REASON

In the interests of the amenities of the area and in the interests of protecting the setting of the adjacent Listed Building.



## 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. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions and seeking to resolve planning objections. 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/2017/0053

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	6 2 17 28 2 17 6 3 17
2	AD (Housing)	Consultation Response	8 2 17
3	Planning Archaeologist, Warwickshire Museum	Consultation Response	20 2 17
4	Lead Local Flood Authority	Consultation Response	23 2 17
5	Warwickshire County Council Highways Authority	Consultation Response	6 3 17 23 3 17
6	Environmental Health Officer	Consultation Response	7 3 17
7	Beeson	Representation	10 2 17
8	Walton	Representation	27 2 17
9	Walton	Representation	27 2 17
10	Angus	Representation	28 2 17
11	Kerr	Representation	7 3 17

Planning Application No: PAP/2017/0053

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	6 2 17 28 2 17 20 3 17
2	Wilde	Representation	28 2 17 22 3 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.*

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## Appeal Decision

Site visit made on 24 October 2016

**by S D Harley BSc(Hons) MPhil MRTPI ARICS**

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

Decision date: 14<sup>th</sup> November 2016

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**Appeal Ref: APP/R3705/W/16/3155070**

**Land North of Manor Barns, Newton Lane, Austrey, Warwickshire CV9 3EP**

- 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 R Kirkland, Maplevale Developments Ltd. against the decision of North Warwickshire Borough Council.
  - The application Ref PAP/2015/0350, dated 5 June 2015, was refused by notice dated 14 June 2016.
  - The development proposed is erection of up to 25 no. dwellings and associated works (outline:access).
- 

### Decision

1. The appeal is allowed and outline planning permission is granted for up to 23 dwellings and associated works (outline:access) on Land North of Manor Barns, Newton Lane, Austrey, Warwickshire CV9 3EP in accordance with the terms of the application Ref PAP/2015/0350, dated 5 June 2015, subject to the conditions set out in the attached Schedule.

### Procedural Matters

2. The proposed development is described on the application form as set out above. The appellant has indicated on the appeal form that the description of development had not changed. However, the decision notice, the description of development on the appeal form and the illustrative plans all refer to the erection of up to 23 dwellings. The Council considered the proposal on this basis and I have considered the appeal in the same way.
3. The application is submitted in outline with layout, scale, appearance and landscaping for consideration at the reserved matters stage. Access is included for consideration. At a late stage the Highway Authority made representations and commented that plan Ref 16346-03D does not meet the required standards. The appellant had the opportunity to comment on the representations of the Highway Authority and raised no objections to the conditions proposed. Highway safety is a material consideration and in reaching my conclusions I have had regard to the views of the appellant, the Council and the Highway Authority.

### Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area taking particular account of density and built form in its location and setting in the village.
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## Reasons

### *Character and appearance*

5. Policy NW12 of the North Warwickshire Local Plan Core Strategy 2014 (the CS) requires that, amongst other things, all development proposals must demonstrate a high quality of sustainable design that positively improves the character of the individual settlement, and the appearance and environmental quality of the area. In this respect Policy NW12 conforms to those principles in Section 7 of the National Planning Policy Framework (the Framework) that seek good design that respects the character of the local area.
6. The appeal site lies at the northern edge of Austrey village outside the development boundary. It comprises a roughly rectangular shaped broadly flat field immediately to the north of Manor Barns and other properties accessed off Warton Lane. It adjoins Manorcroft to the north east where planning permission has been granted for the erection of four dwellings Ref PAP/2014/0446. Beyond Manorcroft are other residential properties facing Newton Lane. The site is bordered by a village periphery road, Newton Lane, on the remaining two sides. The roadside boundary is enclosed by hedgerows other than at the field access. Across Newton Lane are flat open agricultural fields.
7. Austrey has a variety of styles, ages and forms of development within it including some high density development in the core of the village. The appeal site extends to some 0.58 hectares. A development of 23 houses would equate to a density of around 40 dwellings per hectare. This would be on the high side particularly in the context of the houses to the north of the appeal site and the openness of the countryside beyond Newton Lane.
8. I appreciate that developing open land would, by its very nature, change the character of the area. However, the site does not feature in views of Austrey that the Local Action Group seeks to protect as indicated in the plan appended to the Austrey Neighbourhood Plan Final Submission Document August 2016 (the Neighbourhood Plan). Rather it reads in the context of the adjoining development.
9. I find the submitted plans are not particularly convincing in terms of the fairly significant run of terraced units, positioned close together in a near continuous run of built form at Plots 5 to 15, and the closeness of the houses at Plots 1 and 23 to Newton Lane. However, these are illustrative plans only and I consider that a satisfactory development of up to 23 dwellings could be accommodated within the site provided careful attention was paid to the scale and positioning of buildings, particularly on the roadside fringes, the positioning of any needed open space and provided the development is limited to two storeys in height as proposed by the appellant.
10. There would be a single point of access from Newton Lane. Part of the hedgerow along the appeal site boundary would be removed to create the access and requisite visibility splays. A short section of hedgerow would also be removed to create access to the proposed pedestrian footway on the western side of Newton Road beyond the existing hedgerow. However, the majority of the Newton Lane hedgerows would be retained and appropriate landscaping could offset the effects of the losses and retain the soft landscaped character of this part of the village.

11. The proposed development is some distance from the nearest listed buildings. Accordingly subject to careful positioning of buildings the proposal would not adversely affect them or their settings.
12. On balance I conclude that the development would round off the settlement and, with an appropriate layout and design of buildings, would preserve the character and appearance of the area and the setting at the edge of the village. It would therefore broadly accord with Policy NW12 of the CS. It would also align with those principles of Section 7 of the Framework which seek high quality design and to positively improve a settlement's character and appearance.

*Other development plan considerations*

13. Policy NW2 of the CS sets out a settlement hierarchy for the distribution of development within the Borough. Austrey is a village with a range of facilities including churches, a primary school and a pre-school, public house, playing fields, a shop/post office and a limited bus service. It is defined as a category 4 settlement where development should be limited to that identified in the CS, or through a neighbourhood or other locality plan. I find that the site, though some distance from the village centre is in a moderately accessible location.
14. The site lies outside the development boundary for Austrey. It is not an allocated site for housing in the emerging Site Allocations Plan (Draft Pre-Submission June 2014) (ESAP); nor is it put forward in the consultation draft of the Neighbourhood Plan as one of the 3 sites allocated for housing. Accordingly the proposal is contrary to Policy NW2. Whilst I recognise that the appeal site is not included as a potential housing site in the ESAP or emerging Neighbourhood Plan these are not yet at a sufficiently advanced stage as to warrant full weight. Nor does the fact that planning permission has been granted on possible future allocations in the ESAP affect the above conclusions.
15. Policy NW5 of the CS states that a minimum of 40 dwellings should be provided in Austrey. From the evidence it appears that planning permission has been granted for about 80 dwellings, within and on the periphery of the village. Objections have been raised on the grounds that the scale of growth exceeds the capacity of Austrey to accommodate it in terms of services and in terms of maintaining the character of the settlement. The 40 dwellings are identified as a minimum and no maximum thresholds have been set. It appears that there has been no objective assessment of the capacity of the settlement and I have seen no empirical evidence to show that an additional 23 dwellings would 'tip the balance' such that further development would be unsustainable.
16. The proposal is for more than 10 dwellings which would conflict with the expectation in Policy NW5 of the CS that housing would be delivered on sites of no more than 10 units. The Policy does not expressly require sites to be within the development boundary. On the basis of the above I consider the proposal would partly comply and partly conflict with Policy NW5.
17. From the submitted evidence it appears that the Council can demonstrate a 5 year supply of deliverable housing land. However, this is likely to be affected, amongst other things, by the agreement to accommodate some of Coventry City Council's shortfall of capacity. Moreover, the Framework is clear that local planning authorities are required to boost significantly the supply of housing regardless of their housing land supply position and says that housing

applications should be considered in the context of the presumption in favour of sustainable development. The appeal scheme would make a moderate contribution to the supply of housing which would accord with these principles of the Framework.

18. I appreciate that considerable work has been undertaken on the emerging Neighbourhood Plan, and together with the forthcoming ESAP, will set out policies for housing. However, notwithstanding the support for the emerging Neighbourhood Plan and its iterations, both the Neighbourhood Plan and the forthcoming ESAP are at an early stage of preparation and therefore, even though the Framework encourages a plan-led approach, I can attach limited weight to them.

*Other considerations*

19. Notwithstanding the views of third parties about the level of affordable housing required in Austrey itself Policy NW6 of the CS indicates a requirement of 40% of affordable housing to address the shortage of affordable housing in the Borough. A completed and signed Unilateral Undertaking has been provided securing on-site affordable housing to accord with Policy NW6. This would also comply with the requirements of the Community Infrastructure Levy Regulations and attracts moderate weight in favour of the proposal.
20. From the evidence it appears that localised episodes of flooding occur and Warwickshire County Council as the Lead Local Flood Authority objects to the proposal. However the Council considers that a technical solution to the satisfactory drainage of the site, based on a system of containment and slow discharge as was previously established under application Ref PAP/2014/0446, could be found. The attenuation would be likely to take the form of tanks to be installed beneath the access road within the site.
21. The Ecological Appraisal identifies that the site is of low ecological value. There may be some loss of biodiversity as a result of the loss of parts of hedgerows. This could be satisfactorily offset by a scheme for the compensation of biodiversity loss.
22. Local residents have raised objections on the grounds of safety of the proposed access and the increase in traffic generated by the scheme. The County Council as Highway Authority do not object in principle but do not agree with the details proposed on Plan Ref 16346-03d. Nevertheless the Highway Authority considers appropriate visibility splays could be provided, the development would represent a modest increase in the number of vehicle movements, and a pedestrian footpath along Newton Lane would be provided. Notwithstanding the timing of the submission of the Highway Authority comments, on this basis and subject to the imposition of the conditions proposed, I see no reason to withhold permission on the grounds of highway safety.
23. The Highway Authority has requested a contribution of £75 per dwelling to provide sustainable welcome packs; to promote sustainable living and to deliver road safety education in the area. The Council considers such a contribution is not necessary to make the development acceptable. On the basis of the available evidence I see no reason to disagree with the Council.

24. I have also considered whether the grant of planning permission would set a precedent for other similar developments. I have seen no directly comparable sites to which this might apply. Each application and appeal must be determined on its individual merits, and a generalised concern of this nature would not justify withholding permission in this case. Whether or not permission has been refused for earlier proposals on the site has not led me to any different conclusions on the appeal before me.
25. The proposed HS2 route lies close to the village. The effects of this on the living conditions of occupiers of the proposed dwellings could be addressed by incorporating appropriate acoustic features during construction.
26. Poachers Pocket is a single storey converted barn with a glazed elevation close to the appeal site boundary. Concern has been raised about the effect of the proposal on the outlook, privacy and light of occupiers of that property. However, the effect on the living conditions of occupiers of that and any other property, including those dwellings granted permission Ref PAP/2014/0433, could be addressed at the later detailed stage.

### **Planning Balance and Final Conclusion**

27. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (the TCPA) require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration and contains a presumption in favour of sustainable development. This is defined as having environmental, social and economic roles.
28. I have found the proposal does not conform to those policies of the development plan that allocate sites for housing and seek to protect the land outside development boundaries from residential development. However, the ESAP and the Neighbourhood Plan attract limited weight as they have not advanced to adoption.
29. I have found that the proposal would not unacceptably affect the location and setting of the village and that it broadly conforms to Policy NW12 in terms of the effect on the environment. It is a reasonably accessible location for the purposes of Policy NW2. On this basis I conclude that the proposal satisfies the environmental role of sustainable development.
30. I have found that the proposal partly accords with and partly conflicts with Policy NW5 but overall would help boost the supply of housing. In providing for affordable housing it would meet the aims of Policy NW6 of the CS. Although the Council can presently demonstrate a 5 year supply of deliverable housing land, overall I conclude the contribution to the housing stock attracts moderate weight in favour of the proposal. This would meet the social role of sustainable development.
31. The proposal would assist the economy by providing employment during construction. Future residents would increase local spending and help support facilities in the village. This would satisfy the economic role of sustainable development to which I attribute moderate weight in favour.
32. I therefore conclude that the appeal scheme would amount to sustainable development. Sometimes policies pull in different directions but, on balance, I

conclude that the proposal conforms to the development plan taken as a whole and there are no technical reasons that cannot be overcome. For the reasons set out above and taking into account all other relevant matters raised I conclude the appeal should succeed.

### **Conditions**

33. I have considered the conditions suggested by the appellant, the Council and the Highway Authority. Where appropriate I have amended them in the light of advice in the Framework and the Planning Practice Guidance.
34. A number of the conditions require submission of details of reserved and other matters and the timing of development, all of which are necessary to ensure the development is carried out appropriately. Similarly implementation in accordance with the approved plans and details and retention of the approved measures is appropriate and necessary. To preserve the character and appearance of the area, it is necessary to restrict the number and height of the proposed units and control finished floor levels. The specification and maintenance of a scheme for delivery of compensation for biodiversity loss and replacement hedgerow(s) along the existing access to the site and around the proposed access are needed in the interests of the character and appearance of the area and to enhance biodiversity.
35. In respect of highway safety, it is necessary to ensure the access road is sufficiently wide, suitable visibility splays are provided and that the access has an appropriate surface prior to occupation of the dwellings. In the interests of pedestrian safety a new crossing and a footpath link of appropriate width, lighting and surfacing should be provided. The existing gate access should be closed, only one vehicle access should be created and a Construction Management Plan should be put in place in the interests of highway safety.
36. To ensure that the site is adequately drained, and to restrict any potential for flooding of adjacent land, it is necessary to control the disposal of foul and surface water, to ensure any works in the highway do not reduce the effective capacity of highway drains and ditches and to ensure permeable paving is used. The provision of adequate water supplies and fire hydrants is necessary in the interests of fire fighting purposes.
37. Appropriate sound insulation measures should be provided to mitigate any effects of noise arising from the proposed HS2 railway line.
38. Archaeological investigations of the site and, if appropriate a mitigation strategy, are required to record/protect heritage assets.

*SDHarley*

INSPECTOR

### Schedule of Conditions

- 1) Notwithstanding the layouts shown on Plans Ref 16346-03D and 1343/50 Rev F (neither of which, other than with regards to the proposed footpath link, are hereby approved) details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning



- authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
  - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
  - 4) The development hereby approved shall be carried out in accordance with location Plan Ref 1343\_01C and shall not be more than 23 residential units; no building shall be more than two storeys in height.
  - 5) No development shall take place until precise details of the finished floor levels of the development in relation to a nearby datum point have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.
  - 6) No development shall commence until details of the specification and maintenance over a period of 5 years of the approved replacement hedgerow and other landscaping have been submitted to and approved in writing by the local planning authority. The replacement hedgerow(s) and other landscaping works shall be carried out in accordance with the approved details within the first planting season following the removal of the existing hedgerow in accordance with the agreed maintenance and implementation programme. The completed scheme shall be maintained in accordance with the approved scheme of maintenance.
  - 7) No dwelling shall be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 metres measured along the near edge of the public highway carriageway, incorporating a tangent to the north-west terminating at a point 2.4 metres back from the 'give way' line of the public highway D11 Newton Lane at its junction with C3 Newton Lane. 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.
  - 8) No dwelling shall be occupied until the new access from Newton Lane has been constructed with a width of no less than 5.5 metres and has been surfaced in a bound material for a minimum distance of 20 metres, as measured from the near edge of the public highway carriageway.
  - 9) The access to the site for vehicles shall not be used until it has been provided with not less than 6 metre kerbed radiused turnouts on each side.
  - 10) There shall be no more than one means of vehicular access to the site.
  - 11) The development shall not be occupied until a footway/footpath link, broadly in accordance with the footpath proposals shown on plan Ref 16346-03D, and incorporating appropriate street lighting, advance warning signs of the pedestrian crossing for road users and maintenance proposals for the private pedestrian footway, has been provided to connect the application site to the footway of the public highway C1 Warton Lane within the land indicated within the 'blue line' ownership on

drawing number 1343/01 Revision C, in accordance with a scheme submitted to and approved in writing by the local planning authority. The footway/footpath link and associated street lighting shall thereafter be maintained in operational order for those purposes in accordance with details approved as part of that scheme.

- 12) The development shall not be occupied until a footway crossing with dropped kerbs and tactile paving, incorporating visibility splays on each side of the carriageway with 'x' distances of 2.0 metres and 'y' distances of 43 metres measured along the near edge of the public highway, has been provided to enable pedestrians to safely cross the public highway C3 Newton Lane as part of the footway link required in Condition 11. 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.
- 13) The access to the site and associated highway infrastructure shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.
- 14) Prior to the first occupation of the development, the existing gate access serving the site off Newton Lane shall have been closed and the kerb and footway/verge have been reinstated in accordance with details previously submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 15) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
  - Parking, turning and loading/unloading of construction/demolition vehicles;
  - construction working hours; and
  - wheel washing facilities.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 16) No development shall take place until detailed design drawings and calculations for the disposal of foul and surface water have been submitted to and approved in writing by the local planning authority. No sewage discharge shall be in operation until the approved works have been completed.
- 17) No development shall take place until a Maintenance Plan detailing how the approved surface water system will be maintained has been submitted to and approved in writing by the local planning authority. The completed scheme shall be maintained in accordance with the approved scheme of maintenance.
- 18) No development shall take place until detailed drawings showing plans and sections of the proposed permeable paving have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 19) The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details before any dwelling is occupied.
- 20) No development shall take place until a Written Scheme of Investigation for a programme of archaeological evaluative work has been submitted to and approved in writing by the local planning authority in consultation with the Warwickshire County Council Archaeological Information and Advice team.
- 21) Prior to any development works (with the exception of any groundworks associated with the archaeological evaluation detailed above) taking place an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the local planning authority. This shall detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation detailed in condition 20 above. The programme of archaeological fieldwork and associated post-excavation analysis, report production and archive deposition detailed within the approved Archaeological Mitigation Strategy shall be undertaken in accordance with the approved details.
- 22) Prior to the commencement of development a scheme for the delivery of compensation for biodiversity loss shall be submitted to and approved by the local planning authority in writing. The approved scheme shall be implemented in accordance with the approved details.
- 23) Prior to the commencement of development a scheme of acoustic double glazing and acoustically treated ventilation to habitable rooms in the proposed dwellings shall be submitted to and approved in writing by the local planning authority. The approved scheme shall then be implemented in full and maintained as such thereafter.

**(11) Application No: PAP/2017/0092**

**Block 01-07 & Block 08-14 Chancery Court, Chancery Lane, Chapel End, CV10 0PA**

**Works to flat pitched roof conversion, also incorporating the relocating of cold water tanks into newly formed roof void, for**

**North Warwickshire Borough Council**

**Introduction**

This application is reported to the Board because the applicant is the Borough Council.

**The Site**

Chancery Court is a block of four storey flats on the south side of the Coleshill Road in Chapel End at the junction with Chancery Lane. The area is a mixed residential and retail area with a variety of building designs and appearances. There are three and two storey buildings close by and the site itself lies on ground lower than that to the east.

**The Proposals**

In short this is to add a low pitched roof to the block of flats and to use the new void for the relocation of the cold water tanks.

The roof was re-felted about ten years ago but is still giving rise to minor leaks. The existing location of the tanks restricts access to them for maintenance purposes and thus they continue to be a "risk". The roof would be a pre-engineered metal trussed light weight roof which will be a walnut colour. The pitch would be 30 degrees thus not dominating the surrounding area.

The tenants have been notified of the proposals by the Housing Division.

**Representations**

The consultation period for the receipt of representations expires on 7 April. Any comments received between the preparation of this report and the date of this meeting will be reported to the Board.

**Development Plan**

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

Saved Policies of the North Warwickshire Local Plan 2006 – ENV12 (Urban Design)

The Hartshill Neighbourhood Plan 2017 – H4 (Good Quality Design)

**Other Material Planning Considerations**

The National Planning Policy Framework 2012

## **Observations**

This is an appropriate and suitable response to the long term maintenance of this block of flats which causes no adverse amenity or visual harm within its setting.

## **Recommendation**

That subject to the receipt of no objections, planning permission be **GRANTED** subject to the following conditions:

1. Standard three year condition
2. Standard plan numbers condition – the plans received on 23 February 2017.

## **Notes**

The Planning Authority has met the requirements of the National Planning Policy Framework in this case through the issue of a speedy decision.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0092

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	23/2/17

*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.*

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