

Agenda Item No 4

Planning and Development Board

5 September 2016

Planning Applications

Report of the Head of Development Control

1 Subject

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

2 Purpose of Report

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

3 Implications

- 3.1 Should there be any implications in respect of:

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

4 Site Visits

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

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 10 October 2016 at 6.30pm in the Council Chamber at the Council House.

6 **Public Speaking**

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

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2	CON/2016/0012	11	Packington Lane Landfill Site, Packington Lane, Little Packington, Warwickshire Variation of conditions 4, 12, 17 and 19 and removal of condition 20 of planning permission NW6/97CM039 to amend and revise the restoration and after use scheme and to agree the management and aftercare regime.	General
3	DOC/2016/0004	16	Heart of England, Meriden Road, Fillongley Discharge of conditions 7 (landscaping scheme), 8 (in part) (archaeological work), 9 (in part) (bricks, tiles, surface and facing materials), 10 (window and door joinery), 11 (exterior lighting), 12 (energy generation/conservation measures), 13 (tree protection), 14 (boundary treatment), 15 (drainage network and hydro-brake control), 16 (access and car parking details), 17 (refuse storage/disposal) and 18 (crime prevention measures) of the planning permission referenced PAP/2013/0391	General
4	PAP/2015/0348	31	Land At Crown Stables, Nuneaton Road, Mancetter Erection of 40,001 bird broiler building and associated control room, feed silos, LPG tank, heat exchanger, hard-standing and attenuation pond	General

5	PAP/2015/0584	76	Former quarry & land, Grimstock Hill, Lichfield Road, Coleshill Outline application for the erection of up to 24 residential dwellings with all matters reserved except access	General
6	PAP/2016/0292	94	The Chase Inn, Coleshill Road, Hartshill Variation of conditions no:- 2, 4 and 5 of planning permission PAP/2016/0163 dated 17/05/2016 relating to the approved plans, allow for the use of the building as a (D1) Children's Day Nursery; and hours condition; in respect of Change of use from A4 (Drinking Establishment) to D1 Vets Surgery (Non-Residential Institutions)	General
7	PAP/2016/0367	105	28, Church Lane, Old Arley, Coventry Retrospective application for the retention of detached garage/seating area.	General
8	PAP/2016/0376 PAP/2016/0375	110	41 Stanley Road, Atherstone Outline application for the erection of one new dwelling with access from Ambien Road 43 Stanley Road, Atherstone Outline application for the erection of one new dwelling with access from Ambien Road	General
9	PAP/2016/0380 PAP/2016/0434 PAP/2016/0447	130	83, Lister Road, Atherstone Display of illuminated signage 85, Lister Road, Atherstone Display of illuminated signage 85, Lister Road, Atherstone Change of use from A1(shop) to A5 (take a way)	General

10	PAP/2016/0397	138	<p>Heathland Farm, Birmingham Road, Nether Whitacre</p> <p>Removal of existing mobile home on west side of enclosed yard and replacement with bungalow on north side of yard, with timber decking, car parking spaces and turning head</p>	General
11	PAP/2016/0399	149	<p>Former B Station Site, Faraday Avenue, Hams Hall, Coleshill</p> <p>Demolition of existing buildings and redevelopment of site for industrial/distribution uses (Use Class B2/B8) including ancillary offices and associated parking, highway infrastructure, ground engineering works, drainage and landscaping</p>	General
12	PAP/2016/0420	223	<p>Land 225m South Of Lakeside Industrial Park, Marsh Lane, Water Orton</p> <p>Gas fuelled capacity mechanism embedded generation plant to support the National Grid</p>	General
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General Development Applications

(1) CON/2016/0010 and CON/2016/0011

Queen Elizabeth Academy, Witherley Road, Atherstone

Submission of details to discharge conditions 8 and 24 of planning permission NWB/15CC004 constituting proposed community use agreement and obscuration of glazing assessment

Application to vary condition 6 of planning permission NWB/15CC0004 relating to the phasing of a playing field

both for

Carillon Construction Ltd and WCC

Introduction

The County Council granted planning permission for the new Queen Elizabeth Academy in June last year and work is well underway. The County Council has consulted the Borough on the two applications it has received as described above and invites the Council to submit its representations.

The Site

The new School building is on the north side of the Witherley Road opposite a row of detached houses. The ground level is set well down but the overall height of the building matches the ridge line of these houses. There are mature specimen trees in the boundary hedge.

The Proposals

There are three proposals here.

The first is to vary one of the conditions. As the new building partly took up an existing playing field, there is a condition - number 6 – requiring a new replacement playing field to be made available before the school opens this September. The applicant points out that this cannot be achieved as the new playing field is on land where part of the existing buildings has to be first demolished. However this will not now be until October. Hence the joint applicants are requesting variation so as introduce a new temporary playing “5 – a -side” pitch for the interim period. The location of this is shown on the attached plan at Appendix A.

The second relates to a condition requiring an assessment to be made about the potential to introduce obscuration for the first and second floor windows in the south elevation – the one facing the houses in Witherley Road. At present there is clear glazing but the condition allows for different arrangements should the assessment show that some degree of obscuration is needed. That assessment has been submitted. It states that the average separation distance between a three storey building and other dwellings is between 27 and 30 metres (this average is from 11 neighbouring Authorities). As the Borough Council has no such guidance it concludes that this type of

distance should be used. The applicants say that the separation distance here is 50 metres. Moreover it is argued that good quality natural light is important to the health and wellbeing of the pupils.

The third relates to the need to agree a Community Use Agreement. A draft has been submitted.

Consultations

Assistant Director (Leisure and Community Development) – No objection to the interim arrangements proposed for the playing field, but he would wish to take a closer look at the detail of the proposed Community Use Agreement

Development Plan

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

Other Material Planning Considerations

The National Planning Policy Framework 2012

Observations

There is no objection to the variation of the condition relating to the timing of the introduction of the new playing field or the interim arrangements proposed. They will ensure continuity of provision.

The draft Agreement has the Council as a signatory. From a planning perspective the draft includes use of the outdoor and indoor sports areas and facilities throughout the year but outside of core school hours. In these general respects there is no objection. However the actual operational detail of the community use should be explored in full by the Assistant Director (Leisure and Community Development). This is accommodated in the recommendation.

The remaining issue is whether any measures should be introduced to obscure the glazing in the southern elevation. The separation distances here are beyond the normal guidance that the Council operates. However local residents have met the applicant on site and it is agreed that in the circumstances here there may well be a direct overlooking issue. The applicant is thus exploring measures that might be taken. Officers will bring the Board up to date at the meeting.

Recommendation

- a) That the Council does not raise objection to the variation of the condition relating to the playing field.
- b) That the County Council be informed that from a planning perspective there is no objection to the draft Community Use Agreement but the detail of this needs to be considered further by the appropriate Council Officers and thus further comments will be forwarded in due course.
- c) That for the time being there is an objection to the proposal not to obscure the south facing windows.

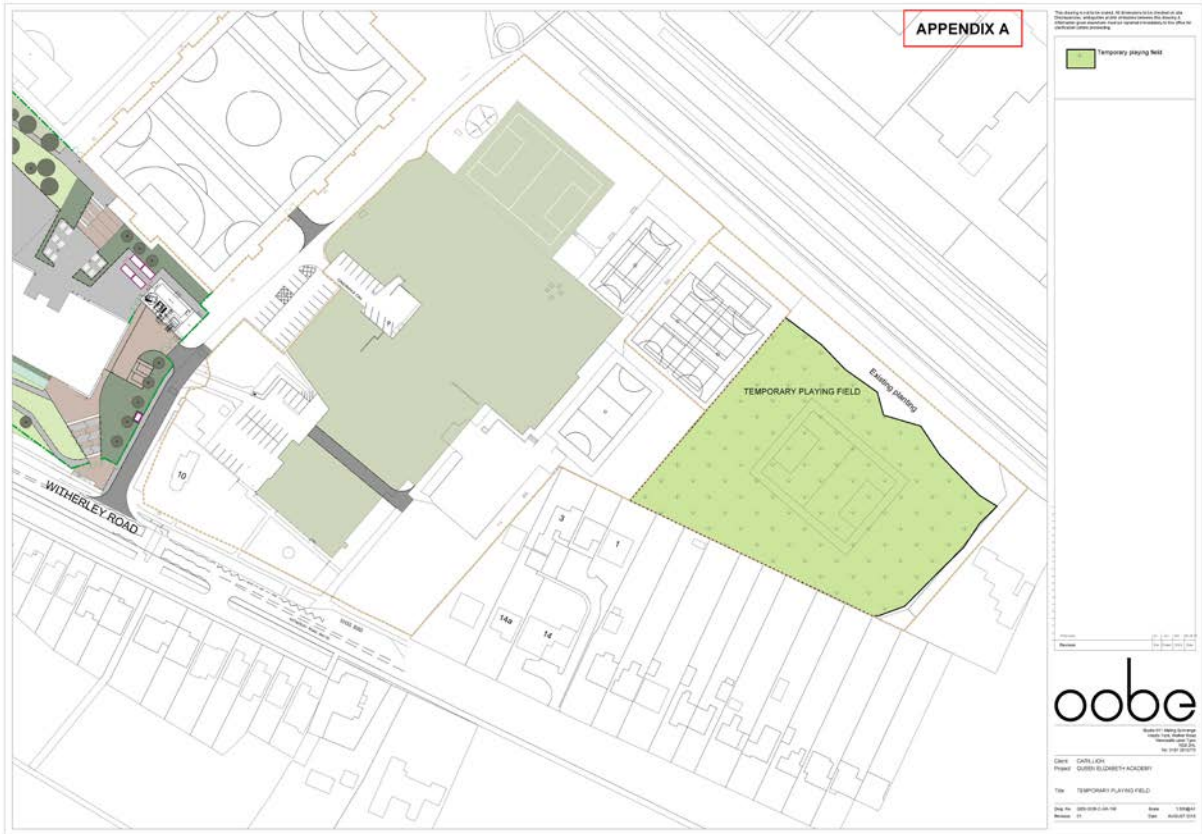
BACKGROUND PAPERS

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

Planning Application No: CON/2016/0010 and CON/2016/0011

Background Paper No	Author	Nature of Background Paper	Date
1	Warwickshire County Council	Consultation	8/8/16
2	Warwickshire County Council	Consultation	8/8/16

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.



(2) Application No: CON/2016/0012

Packington Lane Landfill Site, Packington Lane, Little Packington, Warwickshire, CV7 7HN

Variation of conditions 4, 12, 17 and 19 and removal of condition 20 of planning permission NW6/97CM039 to amend and revise the restoration and after use scheme and to agree the management and aftercare regime, for

Suez Recycling and Recovery UK Ltd

Introduction

The County Council has received this application to vary conditions attached the Packington Lane landfill site. It has invited representations from the Borough Council so that these can be taken into consideration when it determines the case.

The Site

Members will be familiar with the landfill site here in Packington Lane with the pronounced mound within the landscape south of the M6 Motorway and east of the A446.

Background

There has been a very long history of mineral working and waste disposal here. The substantive planning permission is now the one granted in 2001 for the final landform and restoration. Landfilling at the site finished in early 2015 and restoration is now underway under the guidance of that 2001 permission.

Within the site there are other operations which have stand-alone planning permissions. These are also mostly temporary consents. These are for two composting operations (one up to 2019 and the second until the end of landfill operations); a wood processing facility (up to 2019), a leachate treatment plant with no end date and an Anaerobic Digester (permitted for 25 years). There is also the administrative office off Packington Lane and the gas utilisation plant within the railway cutting a little further to the south, generating electricity for the grid from gas emitted from the landfill site – expected to continue until 2035.

The Proposals

It is proposed to vary some of the 2001 conditions. In essence, these proposals are to materially change the after use. The 2001 permission allowed for an agricultural/natural habitat after use but controlled public access to part of the restored site through a car park; picnic areas and a series of footpaths. The current application seeks to remove this opportunity. The applicant says that his prime responsibility is to maintain the integrity of the landfill and environmental controls that are in place. Public access can heighten risks to that infrastructure and additionally the stand alone permissions in some cases will continue for some time thus harbouring potential health and safety risks due to conflicting uses/activities. The proposal is thus to restore the site to a mix of arable and managed grassland much as before but without public access – the car parks; picnic areas and footpath network. Conditions 4 and 12 are thus proposed to be

varied so as to reflect this change on the approved plans. An associated Section 106 Agreement enabling public access would also need to be varied.

Condition 17 requires all fixed structures plant and machinery to be removed on completion of restoration. The applicant indicates that there is no issue with complying with this as far as above ground plant is concerned. It is that underground that is of concern. Experience on site now that landfill operations have ceased, shows that differential settling is taking place and this affects the underground pipework, which leads to the formation of underground “wells” that distort gas emission flows and leachate run-off. In order to comply with the condition, all underground plant will have to be decommissioned and blocked off. Given that the site is still gassing and leaching and will do so for a good many years, it is considered that the management of this will become increasingly at risk. The application thus seeks the removal of all structures, plant and equipment NOT connected with ongoing leachate and gas management to be removed, but that this is itself finally removed after de-commissioning.

Conditions 19 and 20 deal with site after-care and management. Such agreements should have been resolved within five years of the date of the permission – i.e. 2006. That did not take place and the applicant now seeks effectively a new compliance period – within twelve months of site restoration.

An indicative restoration plan is at Appendix A.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW10 (Development Considerations), NW13 (The Natural Environment), NW15 (Nature Conservation) and NW16 (Green Infrastructure)

The Warwickshire Waste Core Strategy 2013-2028

Other Material Planning Considerations

The National Planning Policy Framework 2012

Observations

There is no objection to the variation of the condition affecting plant and equipment removal. This is pragmatic reflecting a real practical issue and makes sense from an environmental protection point of view. It is important that the site remains safe.

The main issue is the lost opportunity for public access. Members have long seen this as some form of mitigation or compensation for the local community because of the lengthy operations that have taken place and the quite dramatic change to the landscape. An additional “park” would also meet other health/well-being and recreation objectives as set out in the Core Strategy as well as accord with one of the purposes of the Green Belt in securing public access to the countryside. On the other hand it is appreciated that public access has its risks and that they may well be greater in the presence of working operational sites. However the complete withdrawal of any public access seems extreme. It is not considered impossible that public access could be provided in a controlled way over parts of the site. County officers are asked to follow through on this and to engage with the North Warwickshire County and Borough Members so as to meet and discuss alternative arrangements with the applicant.

Recommendation

- a) That the Council has no objection to the variation of condition 17 but that it does object to the variation of conditions 4, 12, 19 and 20 for the reasons expressed above.
- b) In this regard the Council would welcome the involvement of North Warwickshire representatives in meetings with County Officers and the applicant to explore the possibility of public access to parts of the site through alternative measures and arrangements.

BACKGROUND PAPERS

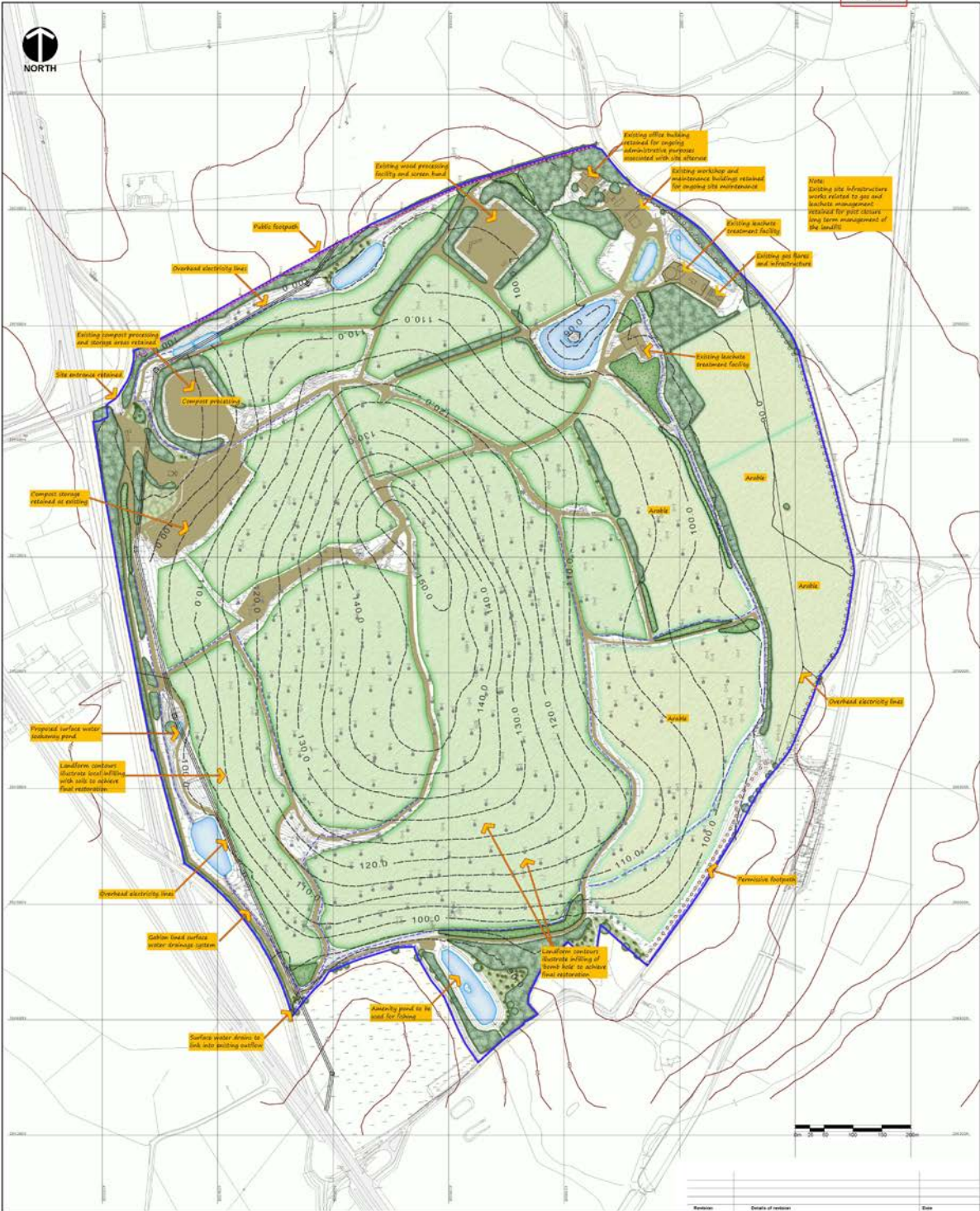
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: CON/2016/0012

Background Paper No	Author	Nature of Background Paper	Date
1	Warwickshire County Council	Consultation	9/8/16

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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Key			
	Site boundary for restoration		Proposed areas restored to grassland
	Existing woodland combined into overall restoration scheme		Permissive footpath routes and defensive public footpath
	Proposed woodland		Existing surface water management facilities and wetland to be retained
	Existing arable agricultural areas		Indicative surface water drainage routes
	Gas and boiler well head and infrastructure retained above surface, including surface lead pipes		Proposed areas of rough grassland/scrub areas
			Existing areas of scrub with natural tree regeneration
			Indicative post settlement restoration contours taken from plan 10' LIA 17/03/2015 to April 2015, together with additional contour values on arable areas and around western peripheral overhead pipes
			Retained tracks with site comprising hardcore, tarmac or areas concrete, as existing

Project: **PACKINGTON LANDFILL SITE**
The: **Indicative Restoration Masterplan**

1/40 Ref: PA995-D2/5	Version: 5	Drawn by: RB	Plot size: A1	Origin Date: November 2015
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This document shall not be a legal instrument. It is not a contract. It is a study or a preliminary proposal. It is not a guarantee. It is a preliminary document. It is not a contract. It is not a guarantee. It is a preliminary document. It is not a contract. It is not a guarantee. It is a preliminary document.

landscape and environmental consultants

PA995-D2

(3) Application No: DOC/2016/0004

Heart of England, Meriden Road, Fillongley, CV7 8DX

Discharge of conditions 7 (landscaping scheme), 8 (in part) (archaeological work), 9 (in part) (bricks, tiles, surface and facing materials), 10 (window and door joinery), 11 (exterior lighting), 12 (energy generation/conservation measures), 13 (tree protection), 14 (boundary treatment), 15 (drainage network and hydro-brake control), 16 (access and car parking details), 17 (refuse storage/disposal) and 18 (crime prevention measures) of the planning permission referenced PAP/2013/0391, for

Mr Stephen Hammon - Heart Of England Promotions

Introduction

Members received a report concerning matters related to the premises known as The Heart of England Conference and Events Centre in Part Two of the agenda of the August meeting of the Planning and Development Board. Amongst other matters, a position statement in respect of this Discharge of Conditions application was reported. Members have requested that it be reported back to the following Board for determination.

Position Update

The applicant's agent has been notified that the Board wishes to determine the application at the September meeting. He has been advised that if the identified matters of concern have not been addressed, consideration will be given to refusing the discharge of certain of the conditions.

The applicant's agent has been supplied with a copy of the August report appendix which set out, in detail, the consideration of the Discharge of Conditions Application. For ease of reference, this has been reproduced below in full as Appendix One below.

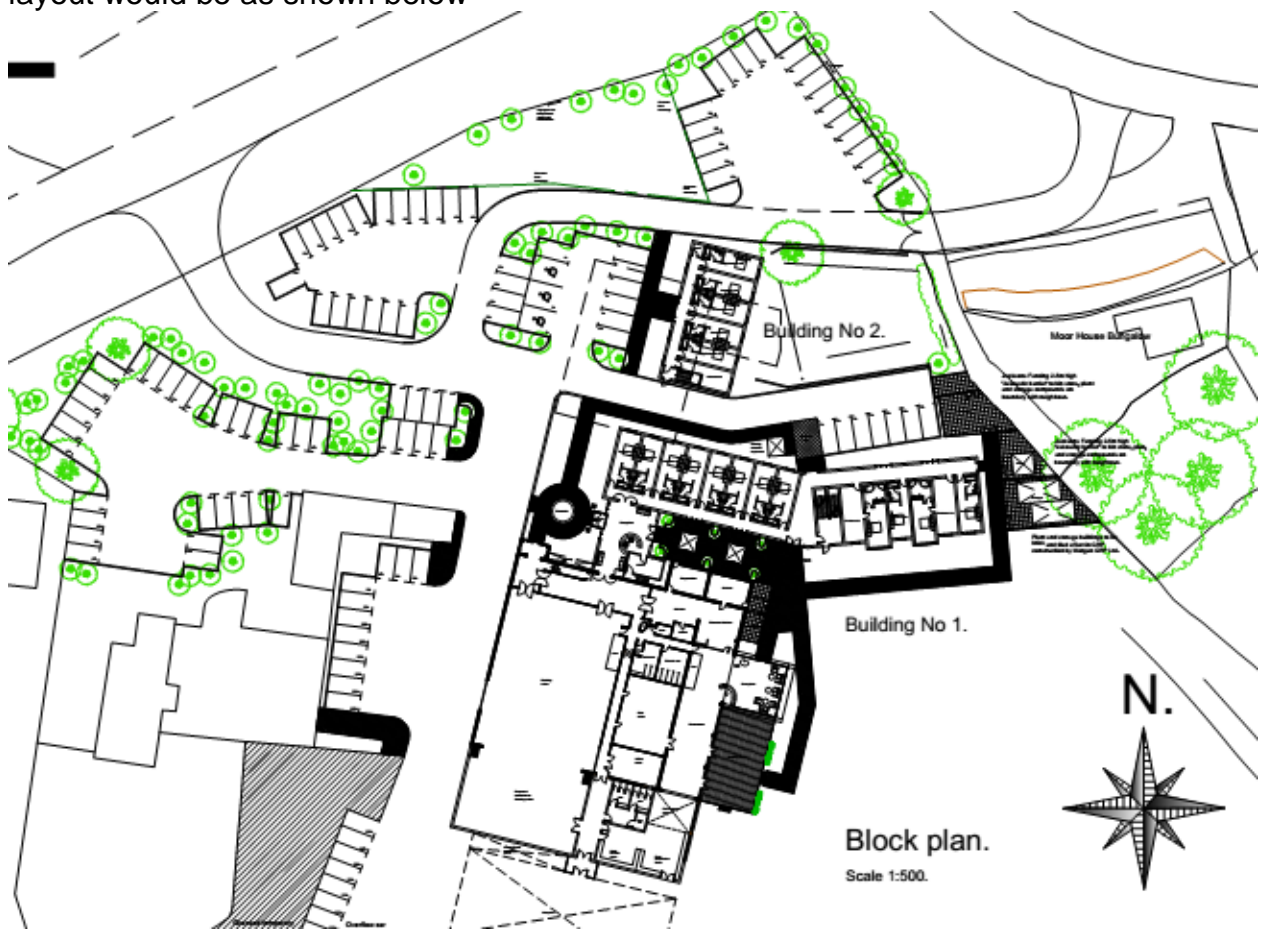
The applicant's agent was offered an opportunity to address the outstanding matters/concerns and offer an update.

He has responded explaining that the delay relates to matters surrounding the claim that part of the site is common land. He indicates that there was no point in submitting revised details until the final layout of the carpark had been established.

He indicated that he had finished the drainage layout (and supplied copies). The layout was being forwarded to the applicant's consultants for checking prior to submission. No formal submissions have yet been received and it is assumed that the matter is still with the applicant's consultants.

It was further advised that work was progressing on a lighting layout and all other matters were in hand.

A Non-material minor amendment application has recently been received (though it is not yet valid, pending receipt of the application fee). The amendment seeks a revision to the layout of the car park relating to the planning permission for the erection of hotel and conference centre extensions. The revised layout seeks to avoid the provision of car parking spaces on land recently established as part of Common Land. The revised layout would be as shown below



Observations

In light of the explanation from the applicant that the information requested in respect of the discharge of conditions has been held up pending resolution of the car park layout and the Common Land issue, together with his assurance that matters are in hand to address all identified matters, it is considered expedient to allow some additional time ahead of determining this Discharge of Conditions application. It would however, be reasonable to allow the opportunity to be time limited. To allow for consideration of the non-material minor amendment, including consultation associated with it, and re-consultation on revised drawings associated with the discharge of conditions, it would be reasonable to limit the opportunity to no more than six weeks.

Recommendation

That the application be reported back to Board for determination after the passage of six weeks.

The Application to Discharge Conditions

Reference No	DOC/2016/0004
Location	Heart of England Meriden Road Fillongley CV7 8DX
Application Type	Approval of Details Required by Condition(s)
Proposal	Discharge of conditions 7 (landscaping scheme), 8 (in part) (archaeological work), 9 (in part) (bricks, tiles, surface and facing materials), 10 (window and door joinery), 11 (exterior lighting), 12 (energy generation/conservation measures), 13 (tree protection), 14 (boundary treatment), 15 (drainage network and hydro-brake control), 16 (access and car parking details), 17 (refuse storage/disposal) and 18 (crime prevention measures) of the planning permission referenced PAP/2013/0391

Development Plan and Other Relevant Material Considerations

Members will be aware that the relevant policies of the Development Plan in respect of this application are NW10 (Development Considerations) and NW12 (Quality of Development) of the Core Strategy 2014. The National Planning Policy Framework of 2012 is also a material planning consideration.

Representations

Two representations have been received in respect of the discharge of these conditions - one from a local resident and one from Fillongley Parish Council.

The representation from the occupier of a nearby dwelling raising the following concerns: - the car parking area uses a “hideous conglomeration of large rocks”, that were used for the development of the beach, and supposedly sourced from site. The rocks are unsightly, untidy and not in keeping with the surrounding countryside.

The area being used to form the car park appears to have expanded beyond the original boundary.

The rocks have now had a liquid such as (sour-milk) poured over them to encourage the growth of fungi, which will take years for it to grow.

The illumination of the area is very brightly lit, far too many lights, with illuminated signage and flags. We were told the lights would be facing down into the car park, avoiding the spread of the lighting. This causes light pollution. Mr Hammon likes to be noticed, and this brightly lit, “monstrosity”, that is out of character with the area, has certainly achieved this for him.

The comments forwarded by Fillongley Parish Council will be set out in the commentary for each of the conditions below.

Observations

Condition 7 – Landscaping

This condition follows on from the hotel permission which did include the removal of the roadside frontage of conifers. These have now gone and the condition seeks a replacement scheme. Following initial concerns about the adequacy of the landscaping proposals a revised plan has been submitted.

Any trees which die to be replaced in the next planting season.



Fillongley Parish Council comments in respect of the introduction of a 'sculpture shown on the initial landscaping scheme at the centre of the lawn to the east of the main vehicular entrance from Meriden Road'. They consider it to be inappropriate as it would cause detriment to the rural nature of the location and visual amenity. It also suggests that it would be a potential impediment to drivers causing a highway safety issue. It further suggests that the positioning of the feature would be outside the redline boundary for the application.

The applicant is seeking a balance between effective screening as well as making sure that his premises are readily visible from the road. It is considered that the mix of species is now acceptable here and the scheme does now provide an effective balance between the differing interests.

Condition 8 – Archaeology

The applicant initially presented an argument to suggest that this condition should be set aside, however, later commissioned and submitted a Written Scheme of Investigation prepared by Archaeology Warwickshire.

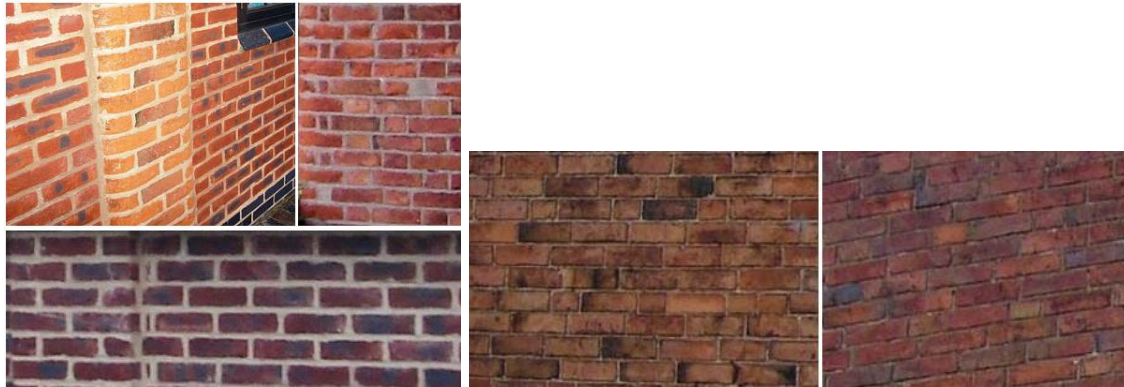
Fillongley Parish Council comments that it does not think that the requirements of this condition are unreasonable.

This condition requires a written brief to be agreed for an evaluation to be carried out and for the final report to be deposited with the Warwickshire Museum. The brief has been agreed by the Museum and thus there can be a partial discharge of this condition.

Condition 9 – Facing Materials (in part) (bricks, tiles, surface and facing materials)

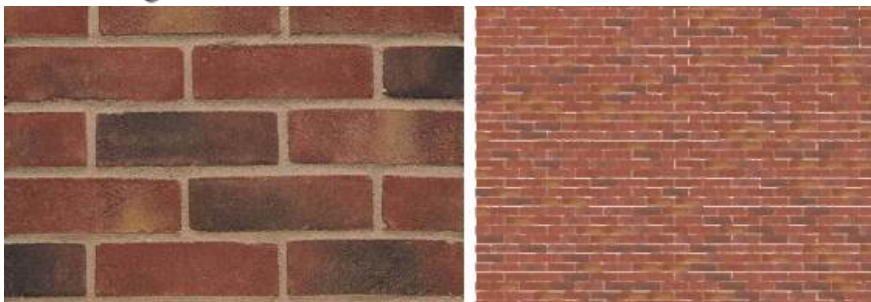
The proposal for the use of materials is as follows:

Existing variety of bricks in the Old Hall and office.



The proposed brickwork is shown below:

Wienerberger's 'Blended Red Multi Gilt Stock'



The existing variety of bricks in the Old Hall and office are shown below:



The proposed tile is shown below:



Marley Eternit's 'Hawkins' Clay Plain Tile, 'Staffordshire Blue' colour

The following examples of block paving materials are suggested in respect of pathways and courtyards.



In respect of the proposed conference centre extension the following is proposed:

This will be faced with cedar board vertical cladding, to match the existing building, on the west and south elevations. The east elevation is to be faced in a reddish-brown brick, selected to match the brickwork of the existing restaurant as closely as possible. The proposed roof covering would be 'Big 6'/Profile 6 ridged fibre-cement sheeting, painted in a 'Flint Grey' colour (BS 4800/5252, 00 A 09), to mimic the profile of the existing asbestos cement sheeting. This is readily available from Marley Eternit and other suppliers. A typical example is illustrated below.



The car parking areas and main driveways:

The car parking areas and main driveways will be surfaced in black bitumen macadam (tarmac) in the conventional manner, with the bays and other markings delineated in white and yellow paint.

Fillongley Parish Council comment: The brickwork proposed seems out of keeping with the older parts of Fillongley Hall. The poor renovations/extensions to the Listed Building should not be used as a precedent. Given the extent of the elevations a Tumbled stock brick such as Olde Woodford Red Multi, Retro Barn Stock, Retro Cottage Stock or Whitby Red Multi Rustica may be more appropriate. It suggests that samples are constructed on site for review by the planners to enable an informed decision; given the scale of the development this would not seem unreasonable.

The bricks are considered to be an appropriately blended mix, sufficiently similar to existing materials at the site and a red brick material traditional in this part of Warwickshire.

The proposed tile is considered to be an appropriate tile which is also traditional in this part of Warwickshire.

The suggested colours/blends for the block paving materials would be satisfactory and the tarmac surface for the car park is a standard appropriate surface solution.

The materials are felt to be sufficiently in-keeping with the rural character of the area and a reasonable match with existing buildings at the site. It is considered that the applicant can be advised that these materials are found to be generally acceptable but that the discharge of the condition will be subject to the caveat that samples be constructed on site for final agreement. The applicant has indicated a willingness to construct samples on site ahead of use. This can happen and should the materials be found to differ from expectations a more suitable alternative can be agreed.

Condition 10 – Window and Door Joinery

Condition 10 reads:

No development shall be commenced before details of all new windows and doors to be used to have been submitted to and approved by the Local Planning Authority in writing. The approved joinery detail shall then be installed and maintained as such at all times thereafter.

The details submitted confirm the use of stained timber materials and simple styling.

Fillongley Parish Council comments that it would suggest a sample of windows and doors including proposed stains are installed within a sample wall on site for approval by planners to enable an informed decision; given the scale of the development this would not seem unreasonable. Drawings currently state 'All windows to receive 2no. min. coats of stain to Local Authority approval.' and 'All ironmongery to be approved with Local Authority prior to fixing.' FPC would suggest this condition cannot be discharged until this is resolved.

The condition can be discharged.

Condition 11 – Exterior Lighting

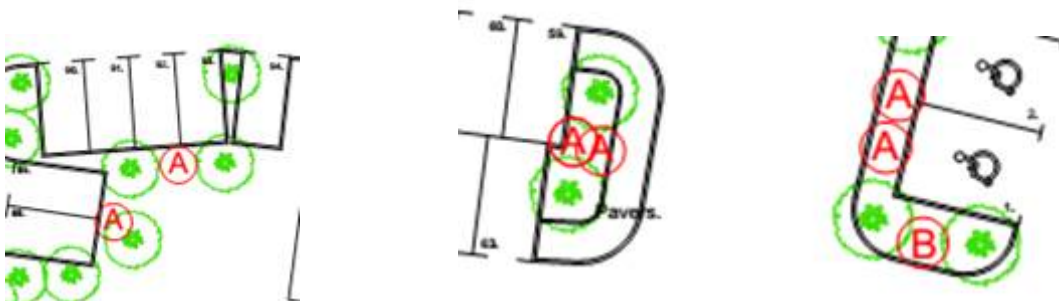
The current version of the lighting proposal is shown below. It would comprise a combination of 4m high lighting columns (15 in total), illuminated bollards (30 in total) and wall mounted LED luminaire (10 in total)



The initial lighting proposal was found to be unacceptable because of the number, height and degree of luminance from the proposed lighting. A revised scheme was presented. However, necessary information about the details of the lighting sources, its luminance and coverage were omitted from the revised proposal. There was also no corresponding revision to the lighting impact assessment.

A request for more than a basic revised lighting proposal and clarification of the details of the proposal has been made but no response has been received.

The proposal contains several instances where two 4m tall lighting columns are proposed in very close proximity to each other (see examples below). There is no immediate reason for this. It appears that in all of these instances a single column could suffice. A request has been made for a reduction in the number of columns accordingly, or where no reduction is proposed, a clear explanation of the necessity for multiple columns. No revised plan or explanation has been received.



Fillongley Parish Council comments as follows:

5 metre lighting columns are inappropriate for this rural location; the same fittings could be mounted on shorter columns; FPC would suggest a maximum of 3m.

Deciduous trees should not be used to 'break up and contain light spread' as inherently this is ineffective during the winter months when the lights will be required more frequently.

Lighting levels in excess of 30 lux are inappropriate for this rural location. CIBSE LG6 would suggest 10 lux is more adequate and arguably 5 lux would be more than adequate (see Gloucester Gateway Service Station, Stroud District Council where 5 lux is acceptable for a motorway service station forecourt.)

Fittings with an upward lighting component (such as type C) **should not be used** in this rural location due to light spill.

The aesthetics of the fittings selected are not in keeping with the rural location and are more industrial and chunky. Either sleek minimalist fittings such as 'Iguzzini Quid' (or similar) or fittings with a nod to the rural location such as the RAGNI wooden column mounted lights (or similar) would be more appropriate.

Fifteen (number), 4 metre high, 15 lux lighting installations are considered too intrusive for this countryside setting and a level of illumination far higher than is necessary for the reasonable functioning of the site during the hours of darkness.

The proposed luminance of the lighting installations is of concern. Lux levels of up to 15 would be inappropriate and unjustified in this rural setting. Guidance from the Institute of Lighting Professionals indicates that 15 Lux would be the level for main road lighting. It indicates that 5 Lux would be the average for a residential street. It is considered that the level of lighting in this rural location should not exceed that of a residential street (5 Lux). A request for a justification of the Lux levels has received no response. The proposal as presented would be harmful to the character and appearance of this rural location and the submitted lighting proposal may not be supported.

Condition 12 – Energy Generation/Conservation Measures

Condition 12 reads:

No development other than demolition shall be commenced before details of a scheme for the incorporation of energy generation and energy conservation measures has been submitted to and approved by the Local Planning Authority in writing. The approved measures shall then be installed and maintained as such at all times thereafter.

The proposal that has been presented is for the installation of energy conservation and energy efficiency measures only. It includes:

- Installation of energy consumption monitoring equipment
- Use of low energy lighting and light sensors/photo-sensors
- Use of good thermal insulation in the construction of the new buildings
- Use of thermostatic controls
- Measures for water conservation
- Controls on the use of air conditioning

- Use of energy efficient appliances and energy conscious use of such appliances

Fillongley Parish Council comments as follows:

The statement provided in no way addresses the condition. NW 11 states '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. Smaller schemes will be encouraged to seek the introduction of renewable energy and energy efficiency schemes at the outset to avoid costly retrofit.'

No scheme is given for the incorporation of energy generation.

Details of energy conservation measures are limited and qualitative only and do not enable a considered review.

FPC suggest this needs re-submitting complete with Building Regulations Part L 2A calculations to enable proper consideration. Starting on site would be foolhardy without Part L 2A calculations in place as these can dictate construction e.g. wall thicknesses etc. together with the efficacy of systems. We believe Dynamic Thermal Simulation would be required for this complexity of building and systems.

This application is for a large scale commercial development. It should reasonably be built in a sustainable manner such that it incorporates both energy generation and energy conservation measures. The submission to date deals only with energy conservation matters and proposes only routine conservation measures as would be required through the building regulations or through the normal operation of an efficient business. The omission of energy generation measures presents a case for refusal.

Condition 13 – Tree Protection

The conifer trees already removed were in line with the 2016 permission as described above. The new tree planting within the proposed landscaping scheme will compensate for the loss of former tree cover and the site frontage (beyond the applicant's ownership) is bordered by existing trees which will continue to afford some screening and softening of the site. It is not considered that there is meaningful action that can be taken in respect of this condition.

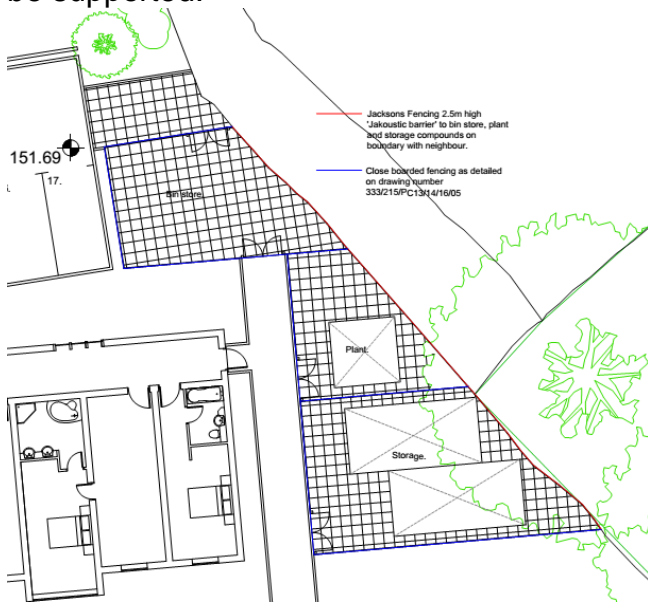
Condition 14 – Boundary Treatment

Condition 14 reads:

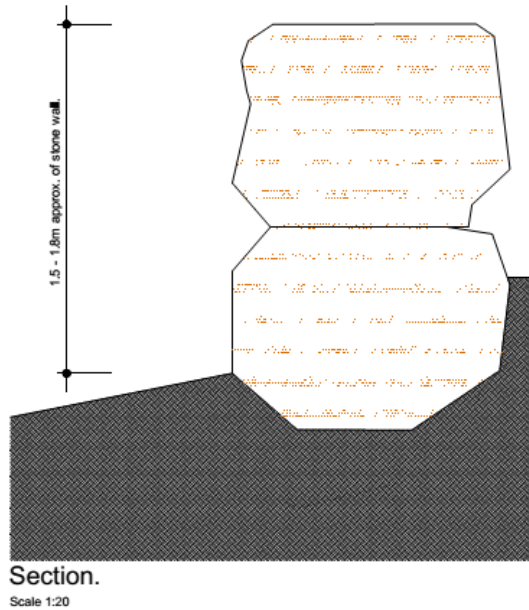
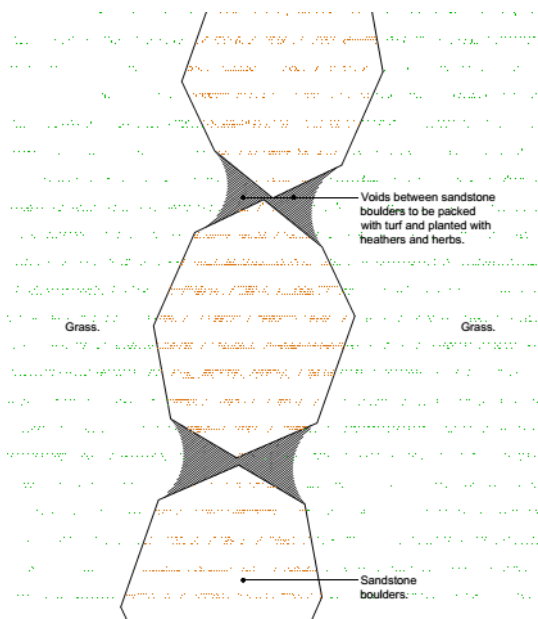
No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be implemented only in accordance with the approved details and maintained as such at all times thereafter.

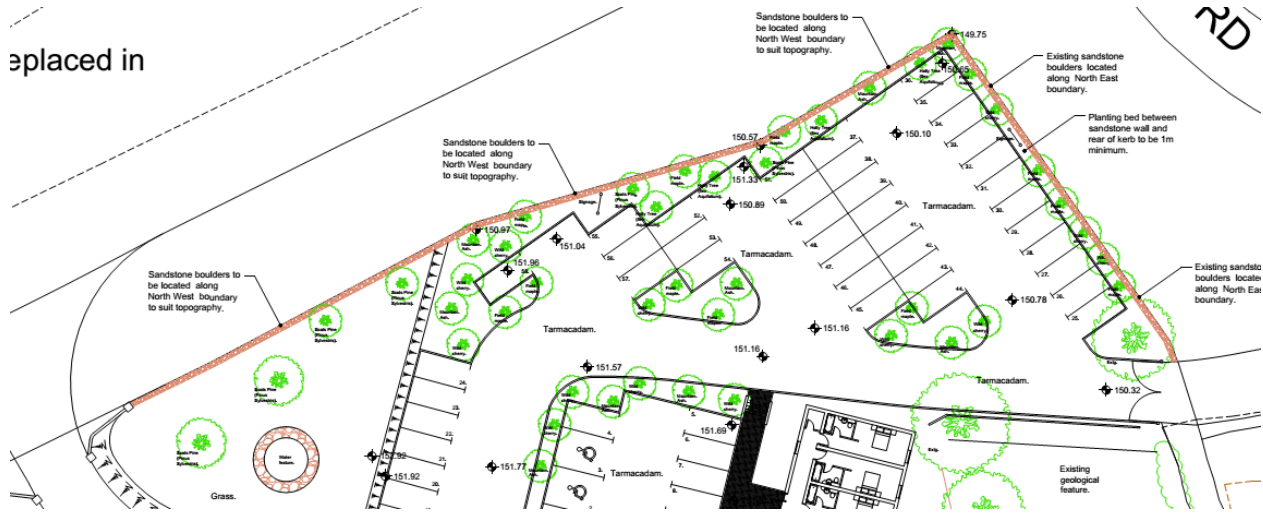
There are two key elements to the boundary proposals – the treatment of the site frontage and the treatment of the enclosure of the bin/service area.

In respect of the latter an acoustic fence is proposed on the site boundary surrounding the bin/service area (as shown below). The Environmental Health Officer confirms that this is an appropriate solution and this element of the proposed boundary treatment may be supported.



In respect of the site frontage a low level sandstone front boundary wall is shown on the proposed drawings.





These works have commenced ahead of the issue of a Discharge of Conditions application – see photo below.



This has given rise to objections from the local community. However it is considered that this is an acceptable solution. The stones are naturally occurring in the area and they will attract natural green vegetation. It is low and set well back from the road, behind trees and not creating a visual dis-amenity.

The wall is not visually prominent in long views towards the site:



Nor is it unduly prominent in close up views:



It is considered that this is far better than wooden fencing or a palisade fence. It is thus considered to be worthy of support.

Condition 15 – Drainage Network and the Hydro-brake Control

Condition 15 reads:

Prior to the commencement of the development a detailed plan of the drainage network and hydro-brake control referred to in the Flood Risk Statement shall be submitted to and approved in writing by the Local Planning Authority.

Fillongley Parish Council asks for confirmation that a class 1 separator is proposed and indicates that there would need to be calculations confirming discharge rates in order to sign off scheme.

Two consultees, the Lead Local Flood Authority and the Environment Agency, object to the discharge of this condition.

The Environment Agency indicates that it does not recommend that conditions relating to surface water run-off are discharged as the submitted documents have not demonstrated that the development is safe from surface water flooding from itself or shown that it does not increase flood risk elsewhere.

The Lead Local Flood Authority also indicates that it requires the submission of the surface water drainage matters, namely:

The means of disposing of surface water - Full drainage details should be submitted including the following:

- Proposed drainage layout details
- Calculations showing suitability of the drainage and attenuation proposals
- The proposed allowance for exceedance flow
- Overland flow routing
- Allowances for climate change

The applicant has been requested to address these objections but has not responded.

It is considered that the discharge of this condition should be refused.

Condition 16 – Access and Car Parking Details

Condition 16 reads:

No development shall commence until full details of the provision of the access, car parking, manoeuvring and service areas, including surfacing, drainage and levels have been submitted to and approved in writing by the Council.

Fillongley Parish Council suggests that vehicle tracking modelling would be required in order to confirm adequate provision and therefore discharge condition.

The proposed parking layout generally accords with the layout shown on the drawings approved under in the original application. The additional detail submitted in respect of this discharge of conditions application is confined to the detailing of steps, surfacing and kerbs and edging. Whilst the submitted details appear acceptable, no details of surface water drainage proposals or levels have been received. The condition cannot therefore be discharged in full.

Condition 17 – Refuse Storage/Disposal

Condition 17 reads:

No development shall commence on site until details of a scheme for the storage and disposal of all refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the storage locations, provide detailed drawings of storage vessels or compounds and the methods and time limits for the collection or dispatch of waste materials. The approved scheme shall be implemented in full at all times thereafter.

Fillongley Parish Council offers no comment other than to state that compliance with hours of use will be key to protecting residential amenity.

The applicant has submitted a waste and recycling operation method statement. It makes provisions for the private collection of wastes on Mondays at 10am and the nomination of a dedicated employee as a Recycling Co-ordinator or Champion. The reasonable weekday hour for waste collection is acceptable. The statement does not specify an evening limit on the use of the external bin store area. It is considered necessary to limit the use of this area at night because the disposal of wastes, including bottles etc. could give rise to noise disturbance to the adjacent dwelling, even with the installation of acoustic fencing. In discharging this condition it would be proposed to specify that the external store could not be used between the hours of 22:00 hours and 07:00 hours on any day.

Condition 18 – Crime Prevention Measures

Fillongley Parish Council indicates that advice from the local Crime Prevention Officer will be key to complying with the condition.

The Police Architectural Liaison Officer has no objection to the measures submitted in response to this condition. It can be supported.

BACKGROUND PAPERS

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

Planning Application No: DOC/2016/0004

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	12 1 16 1 4 16 12 8 16
2	Police Crime Prevention Officer	Consultation Response	29 1 16
3	Environmental Health Officer	Consultation Response	25 2 16 9 3 16
4	Warwickshire County Council Highways Authority	Consultation Response	4 2 16
5	Planning Archaeologist, Warwickshire Museum	Consultation Response	11 4 16 7 6 16
6	Environment Agency	Consultation Response	18 4 16
7	Lead Local Flood Authority	Consultation Response	26 4 16 29 6 16
8	Fillongley Parish Council	Representation	1 3 16
9	Mc Hugh	Representation	8 6 16

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.

(4) Application No: PAP/2015/0348

Land At Crown Stables, Nuneaton Road, Mancetter, CV9 1RF

Erection of 40,001 bird broiler building and associated control room, feed silos, LPG tank, heat exchanger, hard-standing and attenuation pond, for

Crown Waste Management

Introduction

A report on this item was brought to the last meeting of the Board. Following receipt of an archaeological evaluation it was recommended that the Council not defend its second refusal reason if an appeal was lodged. The Board deferred a decision in order that the Parish Council and the Civic Society could comment on that evaluation such that their representations could also be considered in the decision making process.

Those representations have now been received and the Chairman has requested that the matter be referred back to the Board.

The previous report is attached at Appendix A

The Evaluation Report is attached at Appendix B

The representations from the Civic Society are at Appendix C

Those from the Parish Council are at Appendix D

Consultations

Warwickshire Museum - The representations received have been forwarded to the Museum but it retains its position of raising no objection. The full response is at Appendix E

Observations

The recommendation as set out in the previous report is repeated. There are four extra comments that should be made to support this position.

Firstly, the representations have been referred to the Warwick Museum, but it still retains its position of not raising an objection. The response is full and addresses the "challenges" made by those representations.

Secondly and significantly the foundations for this type of building will be shallow. The trenches were of sufficient depth to recognise this. This was a proportionate response to the issue and follows the advice of the National Planning Policy Framework. Should future development proposals be submitted involving the need for deeper foundations, then additional archaeological evaluations can be explored proportionate to the proposal – in other words potentially involving deeper trenches and over a wider area.

Thirdly, the Board is asked to consider the interests of the Council. It has refused planning permission for two reasons. Additional evidence has been received which strongly points to there not being a defensible case at any appeal for one of those reasons. That has been supported throughout by the Archaeological Consultation responses. There is a strong risk that in pursuing this reason for refusal that the Council's interests could be affected in an appeal.

Finally and most significantly, the position set out by the representors – the Civic Society and the Parish Council – is not at all prejudiced by this recommendation in any appeal. They can appear as a third party and present their case and their evidence to the Inspector.

Recommendation

That, in the event of an appeal being lodged against the refusal of planning permission, the Council does not pursue the second reason for refusal in light of the archaeological evaluation undertaken.

BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0348

Background Paper No	Author	Nature of Background Paper	Date
1		Thames Valley Report	June 2016
2	Atherstone Civic Society	Letter	12/8/16
3	Mancetter Parish Council	Letter	15/8/15
4	Warwickshire Museum	Consultation	22/8/16

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.

PAP/2015/0348

Land at Crown Stables, Nuneaton Road, Mancetter, CV9 1RF

Erection of a 40,001 bird broiler building and associated control room, feed silos, LPG tank, heat exchanger, hard-standing and attenuation pond, for

Crown Waste Management

Introduction

Members will recall that this planning application was refused by the Planning and Development Board at its meeting on 7 March 2016. A copy of the decision notice can be found at Appendix A.

In response to refusal reason number 2 the applicant has undertaken a programme of evaluative trial trenching across the site in accordance with a Written Scheme of Investigation (WSI) previously agreed by Warwickshire County Council's Planning Archaeologist. A Heritage Assessment has also been submitted as produced by Thames Valley Archaeology Services Ltd. This report looks at the information provided and considers whether it sufficiently addresses the issues raised in refusal reason number 2.

Consultations

WCC's Planning Archaeologist – He confirms that a programme of evaluative trial trenching has recently been undertaken across this site in accordance with a Written Scheme of Investigation (WSI) previously submitted to his office, by Thames Valley Archaeological Services. He confirms that no archaeological features, deposits or finds were identified within any of the trenches and as such he has no further archaeological comments to make regarding any resubmitted application for this site.

Development Plan

North Warwickshire's Core Strategy 2014 - NW10 (Development Considerations); NW12 (Quality of Development) and NW14 (Historic Environment)

Other Material Planning Considerations

The National Planning Policy Framework 2012

Observations

Reason for refusal number two attached to the decision notice for ref: PAP/2015/0348 specifically quoted Policies NW10(10), NW12 and NW14 in the Core Strategy 2014 which require development to sustain, protect, conserve and enhance the historic environment. The reason for refusal further went on to state that the Council was not satisfied that the risk to the setting of these assets had been fully explored, such that the proposal cannot be said to have met the requirements of these policies.

As Members will recall the County's Planning Archaeologist previously advised during the determination of this planning application that he had no objection to the principle of the development. However, he did recommend that a planning condition was imposed on any consent granted requiring further archaeological work to be undertaken before any development commenced on the site. This work has now been undertaken through a

programme of evaluative trial trenching across the site in accordance with a Written Scheme of Investigation (WSI) previously agreed by the County's Planning Archaeologist.

The objectives of the evaluation trial trenching were to gather sufficient information to establish the presence/absence, character, extent, state of preservation and date of any archaeological deposits within the area of proposed development. A total of nine trenches was excavated across the site. No archaeological features, deposits or finds were identified within any of the trenches. The County's Planning Archaeologist has responded by stating that he is satisfied with the trial trenching carried out on the site and has no further archaeological comments to make on this proposal.

The conclusions of the trial trenching are the same as the conclusions already reached by the Planning Archaeologist during the determination of the planning application in that archaeological features, deposits or finds were not expected to be found in this location.

Reason for refusal number 2 further went on to cite concerns about the impact on the setting of the Scheduled Ancient Monument in Mancetter from the proposed development. A Heritage Assessment has been submitted with the further information provided by the applicant's agent.

The Assessment looks at the proposal's proximity to two Scheduled Monuments (within 1km of the site). In respect of the fortress monument, the Assessment concludes that it is not inter-visible with the site, with the built up areas of Mancetter intervening (including the church and manor house, indicating that this separation of the monument from its surrounds is long standing). The report concludes that the proposed development would have no beneficial or harmful impact on the contribution made by the setting of the asset to its heritage significance.

The report further looks at the Monument of the civilian settlement of '*Manduessedum*' concluding that this Monument is inter-visible with the site and that the proposal would marginally reduce the rural nature of the view in this direction. The report concludes however that the impact of the view in this direction would be mitigated by tree screening and in any case, only a "tiny fraction of the panoramic views" from the monument would be affected. This minor adverse impact would not amount to anything approaching substantial harm.

Both Scheduled areas have seen significant change in recent years as noted in the listings (and also reflected in areas excluded from listing), diminishing the contribution made by setting to their significance. These changes have not resulted in harm sufficiently substantial to reduce the assets' heritage value.

The recent evaluation on the proposal site showed that there are no related archaeological remains here, which, if present, could have materially added to the significance of both heritage assets and linked the site to them. The evaluation results provide a clear demonstration that there is no functional or informational connection between the proposal site and the assets.

Policy NW14 (Historic Environment) states that the quality of the historic environment will be protected and enhanced, commensurate to the significance of the asset. It is considered that the evidence provided in the Heritage Statement shows that there is no significant impact on the two Scheduled Ancient Monuments' interconnectedness and only very minor impact on the overall visual setting. The assets potentially derive part of their significance from their functional relationship to their contemporary surrounding landscape, but the proposal site has been shown to have no evidence to suggest that it made any contribution to this. The site

occupies a relatively minor proportion of the wide views to and from the scheduled areas: any purely aesthetic visual impact will be very minor and any other type of impact on the settings of the assets will be negligible. Neither asset would suffer anything approaching substantial harm to their heritage significance as a result of the development proposal.

Conclusions

Without any firm evidence to the contrary and without the backing of the archaeologists at Warwickshire County Council, it is recommended that following the submission of this additional information, the Council writes to the applicant to explain that it would defend reason for refusal number 2 at any appeal which may be imminent for the determination of planning proposal ref: PAP/2015/0348.

Recommendation

That the Head of Development Control writes to the applicant to confirm that, based on the submission of the additional information received on 8 July 2016, the Council will not be defending reason refusal number 2 at any appeal which may be submitted for the purposes of planning proposal ref: PAP/2015/0348.

Background Papers

1) Applicant's Agent	Additional Information	08/07/16
2) WCC's Planning Archaeologist	Consultation Response	14/07/16



North Warwickshire
Borough Council

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RG8 0RR

Jeff Brown BA Dip TP MRTPI
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The Council House
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Warwickshire
CV9 1DE

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

Date: 08 March 2016

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

DECISION NOTICE

Major Full Planning Application (small scale)


Application Ref: PAP/2015/0348

Site Address Land at Crown Stables, Nuneaton Road, Mancetter, CV9 1RF	Grid Ref: Easting 432394.64 Northing 296052.36
Description of Development Erection of 40,001 bird broiler building and associated control room, feed silos, LPG tank, heat exchanger, hard-standing and attenuation pond	
Applicant Crown Waste Management	

Your planning application was valid on 9 June 2015. It has now been considered by the Council. I can inform you that:

Planning permission is **REFUSED** for the following reasons:

1. Policy NW10(9) of the Core Strategy 2014 requires all development to avoid and to address unacceptable impacts upon neighbouring amenities through amongst other things, fumes and other pollution. The Council is not satisfied that this requirement has been met. There is a residential property within 100 metres of the proposed site and opposite the entrance to the site. It is considered that there is a risk of unacceptable odour emissions occurring from the development which will have a detrimental impact on the amenity of the occupiers of this property.
2. The proposed development is located in an area of potential archaeological interest at Mancetter. To the north east of the application site archaeological deposits associated with extensive Romano-British settlement have been identified. These remains are of national importance and are protected as a Scheduled Ancient Monument. To the north west of the site are the remains of a sequence of fortresses, built by the Roman army. To the west of the site an area of deserted medieval settlement has been identified as well as an area of early medieval iron production. Policies NW10(10), NW12 and NW14 of the Core Strategy 2014 require all development to sustain, protect, conserve and enhance the historic environment. The Council is not satisfied that the risk to the setting of these assets has been fully explored, such that the proposal cannot be said to have met the requirements of these policies.

Authorised Officer: 

Date: 8 March 2016



APPEALS TO THE SECRETARY OF STATE

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

NOTES

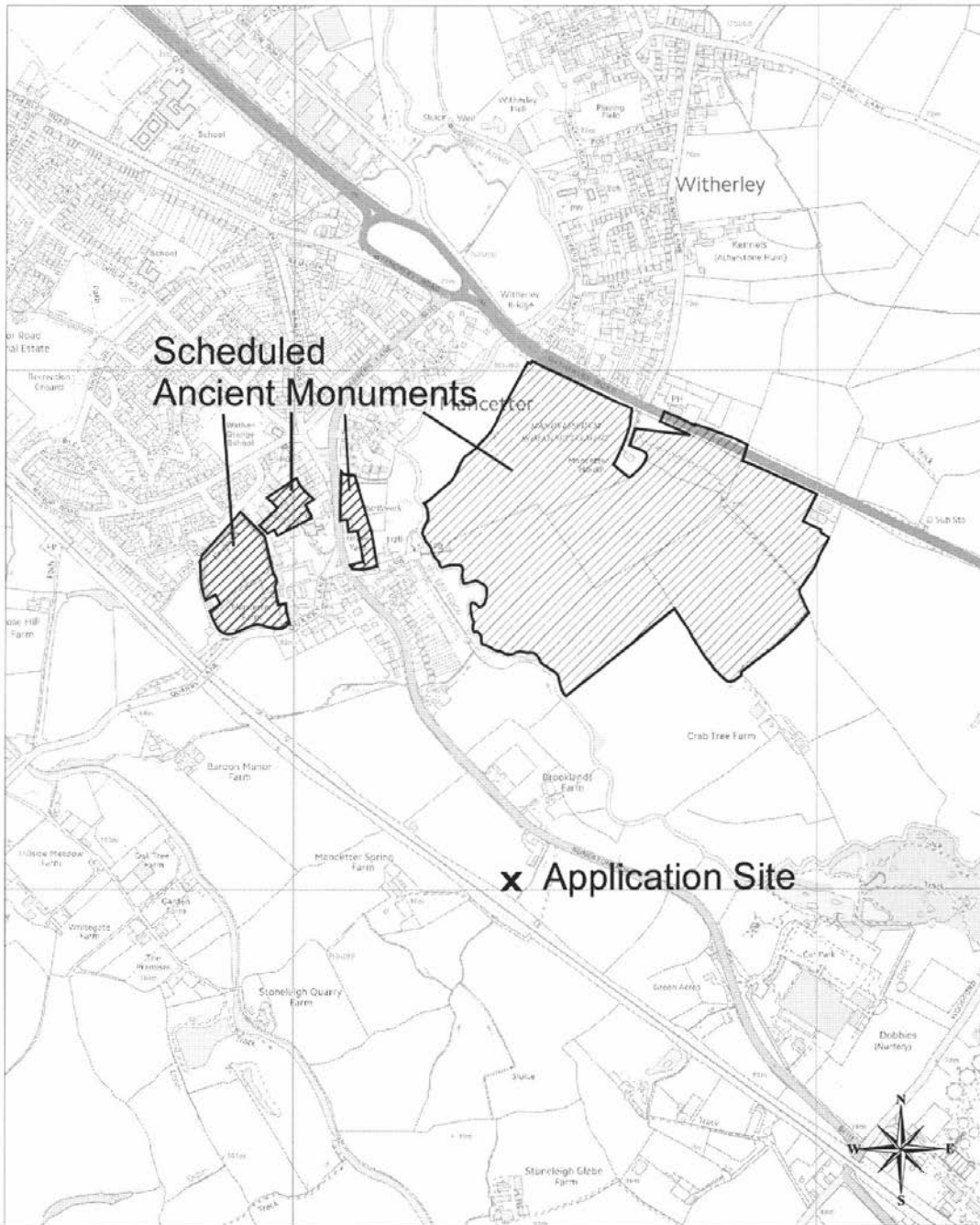
1. This decision is for the purposes of the Town and Country Planning Act only. It is not a decision under Building Regulations or any other statutory provision. Separate applications may be required.
2. A report has been prepared that details more fully the matters that have been taken into account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

Authorised Officer: _____

Date:

8 March 2016

Page 2 of 2



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T H A M E S V A L L E Y

ARCHAEOLOGICAL

S E R V I C E S

**Land at Crown Stables, Nuneaton Road,
Mancetter, Warwickshire**

Archaeological Evaluation

by Luis Esteves and Ellen McManus-Fry

Site Code: CSW16/114

(SP 3241 9604)

**Land at Crown Stables, Nuneaton Road,
Mancetter, Warwickshire**

**An Archaeological Evaluation
for Crown Waste Management**

by Luis Esteves and Ellen McManus-Fry
Thames Valley Archaeological Services Ltd

Site Code CSW 16/114

June 2016

Summary

Site name: Land at Crown Stables, Nuneaton Road, Mancetter, Warwickshire

Grid reference: SP 3241 9604

Site activity: Evaluation

Date and duration of project: 9th and 10th June 2016

Project manager: Steve Ford

Site supervisor: Luis Esteves

Site code: CSW 16/114

Area of site: c. 0.67 ha

Summary of results: No deposits or finds of any archaeological interest were observed. The site is considered to have no archaeological potential

Location and reference of archive: The archive is presently held at Thames Valley Archaeological Services, Reading and will be deposited at Warwick Museum in due course.

*This report may be copied for bona fide research or planning purposes without the explicit permission of the copyright holder. All TVAS unpublished fieldwork reports are available on our website:
www.tvas.co.uk/reports/reports.asp.*

Report edited/checked by: Steve Ford ✓ 30.06.16 Steve Preston ✓ 30.06.16

Land at Crown Stables, Nuneaton Road, Mancetter, Warwickshire An Archaeological Evaluation

by Luis Esteves and Ellen McManus-Fry

Report 16/114

Introduction

This report documents the results of an archaeological field evaluation carried out at Land at Crown Stables, Nuneaton Road, Mancetter, Warwickshire (SP 3241 9604) (Fig. 1). The work was commissioned by Mr Alex Lawrence of Reading Agricultural Consultants, Gate House, Beechwood Court, Long Toll, Woodcote, Reading, RG8 0RR on behalf Crown Waste Management, Pool Road Industrial Estate, Nuneaton, Warwickshire, CV10 9AE .

Planning permission (PAP/2015/0348) has been refused by North Warwickshire Borough Council for the construction of a new bird broiler facility. The refusal is to be appealed. One of the grounds for refusal was that the council was not satisfied that the proposal fully explored the risk to the settings of heritage assets. In order to supply further information on the archaeological potential of the site, a field evaluation has been requested, to be accompanied by an appraisal of the proposal's impact on the settings of nearby heritage assets.

This is in accordance with the Department for Communities and Local Government's *National Planning Policy Framework* (NPPF 2012), and the Borough Council's policies on archaeology. The field investigation was carried out to a specification approved by Mr John Robinson, Planning Archaeologist of Warwickshire County Council. The fieldwork was undertaken by Luis Esteves and Peter Banks on the 9th and 10th June 2016 and the site code is CSW16/114. The archive is presently held at Thames Valley Archaeological Services, Reading and will be deposited at Warwick Museum in due course.

Location, topography and geology

The site is located in a parcel of land southwest side of Nuneaton Road, northeast side of the railway, Mancetter, Warwickshire (Fig. 1). Mancetter lies north of Nuneaton . The underlying geology is mapped as Anker Sand and Gravel (red and grey clayey and pebbly sand and silt) (BGS 1994), which was observed across the site and it lies at a height of c.75m above Ordnance Datum.

Archaeological background

The archaeological background of the site has been considered from data presented in a search of the county historic environment record. The development site lies within the general hinterland of an extensive Roman settlement (*Manduessedum*) which lies on the opposite side of the River Anker at 500m or more distance. The importance of this settlement is recognised by designation of parts of the site as a Scheduled Monument (SAM30024). The settlement, which may have formed around a series of earlier Roman vexillation fortresses (also scheduled), lies astride Watling Street, the major Roman road from London to the north-west. The Coventry canal runs approximately 500m to the south of the site and there are several listed buildings and structures (e.g. a bridge, milestone) associated with the canal, particularly around the area of Hartshill Wharf to the south. There are also a number of listed buildings and monuments north west of the site, at the south of Mancetter, focussed around the medieval Mancetter manor and the 13th century church of St Peter. The majority of archaeological investigations in the vicinity of the proposed development site have focussed on the Roman fortifications and settlement. To the north-west of the site a Roman belt buckle and a single sherd of Roman mortarium have been recovered. In the same area there is reportedly an early medieval iron-working site and excavations have uncovered a possible deserted medieval village east of Quarry Lane, to the west of the proposed development site. Archaeological investigations have also uncovered evidence of prehistoric activity in the wider area, with Bronze Age ring money and Neolithic flint tools found at Mancetter. However, a watching brief in the north-east corner of the site itself found nothing of archaeological interest. Most recent archaeological investigations close to the site (outside the scheduled areas) have found nothing of archaeological interest. There are no archaeological sites within 300m of the proposal site.

Historic mapping shows the site has been undeveloped since before the late 19th century (Fig. 5); it is characterized by the county's historic landscape characterization as 'irregular fields'.

Objectives and methodology

The purpose of the evaluation was to determine the presence/absence, extent, condition, character, quality and date of any archaeological deposits within the area of development.

Specific aims of the project were:

- to determine if archaeologically relevant levels have survived on this site;
- to determine if archaeological deposits of any period are present, particularly any of Roman date; and
- to inform a strategy for mitigation if required.

It was intended that 9 trenches were to be dug, each measuring 20m long and 1.6m wide. These were to be dug using a JCB-type machine fitted with a toothless grading bucket under constant archaeological supervision and all spoilheaps were to be monitored for finds.

Results

In the event, the nine trenches were dug (Fig. 3), measuring between 15m and 19.8m long and between 0.55m and 0.91m deep (Fig. 4). All were 2m wide. Most of the trenches were dug as intended, but some were moved due to the presence of fences (Trenches 1 and 3). Due to the high water table, some of the trenches filled with water soon after excavation (Trenches 2 and 3). A complete list of trenches giving lengths, breadths, depths and a description of sections and geology is given in Appendix 1.

Trench 1 (Fig. 3; Pl. 1)

Trench 1 was aligned S - N and measured 16m long and 0.68m deep. The stratigraphy consisted of 0.32m overlying 0.29m of subsoil overlying the natural geology. No archaeological features or finds were encountered.

Trench 2 (Figs 3 and 4; Pl. 5)

Trench 2 was aligned W - E and measured 17.90m long and 0.75m deep. The stratigraphy consisted of 0.28m of topsoil overlying 0.44m of subsoil overlying the natural geology. No archaeological features or finds were encountered.

Trench 3 (Fig. 3)

Trench 3 was aligned S - N and measured 16m long and 0.91m deep. The stratigraphy consisted of 0.41m of topsoil overlying 0.46m of subsoil overlying the natural geology. No archaeological features or finds were encountered.

Trench 4 (Fig. 3)

Trench 4 was aligned S - N and measured 14.6m long and 0.73m deep. The stratigraphy consisted of 0.27m of topsoil overlying 0.42m of subsoil overlying the natural geology. No archaeological features or finds were encountered.

Trench 5 (Fig. 3; Pl. 4)

Trench 5 was aligned W - E and measured 17.80m long and 0.63m deep. The stratigraphy consisted of 0.23m of topsoil overlying 0.34m of subsoil overlying natural geology. No archaeological features or finds were encountered.

Trench 6 (Figs 3 and 4; Pl. 2)

Trench 6 was aligned S - N and measured 19.80m long and 0.80m deep. The stratigraphy consisted of 0.21m of topsoil overlying 0.51m of subsoil overlying the natural geology. No archaeological features or finds were encountered.

Trench 7 (Fig. 3; Pl. 6)

Trench 7 was aligned S - N and measured 17.90m long and 0.68m deep. The stratigraphy consisted of 0.27m of topsoil overlying 0.41m of subsoil overlying the natural geology. No archaeological features or finds were encountered.

Trench 8 (Fig. 3; Pl. 3)

Trench 8 was aligned W - E and measured 16m long and 0.55m deep. The stratigraphy consisted of 0.30m of topsoil overlying 0.25m of subsoil overlying the natural geology. No archaeological features or finds were encountered.

Trench 9 (Fig. 3)

Trench 9 was aligned W - E and measured 18m long and 0.86m deep. The stratigraphy consisted of 0.26m of topsoil overlying 0.46m of subsoil overlying the natural geology. No archaeological features or finds were encountered.

Finds

No finds of archaeological interest were recovered during the evaluation.

Conclusion

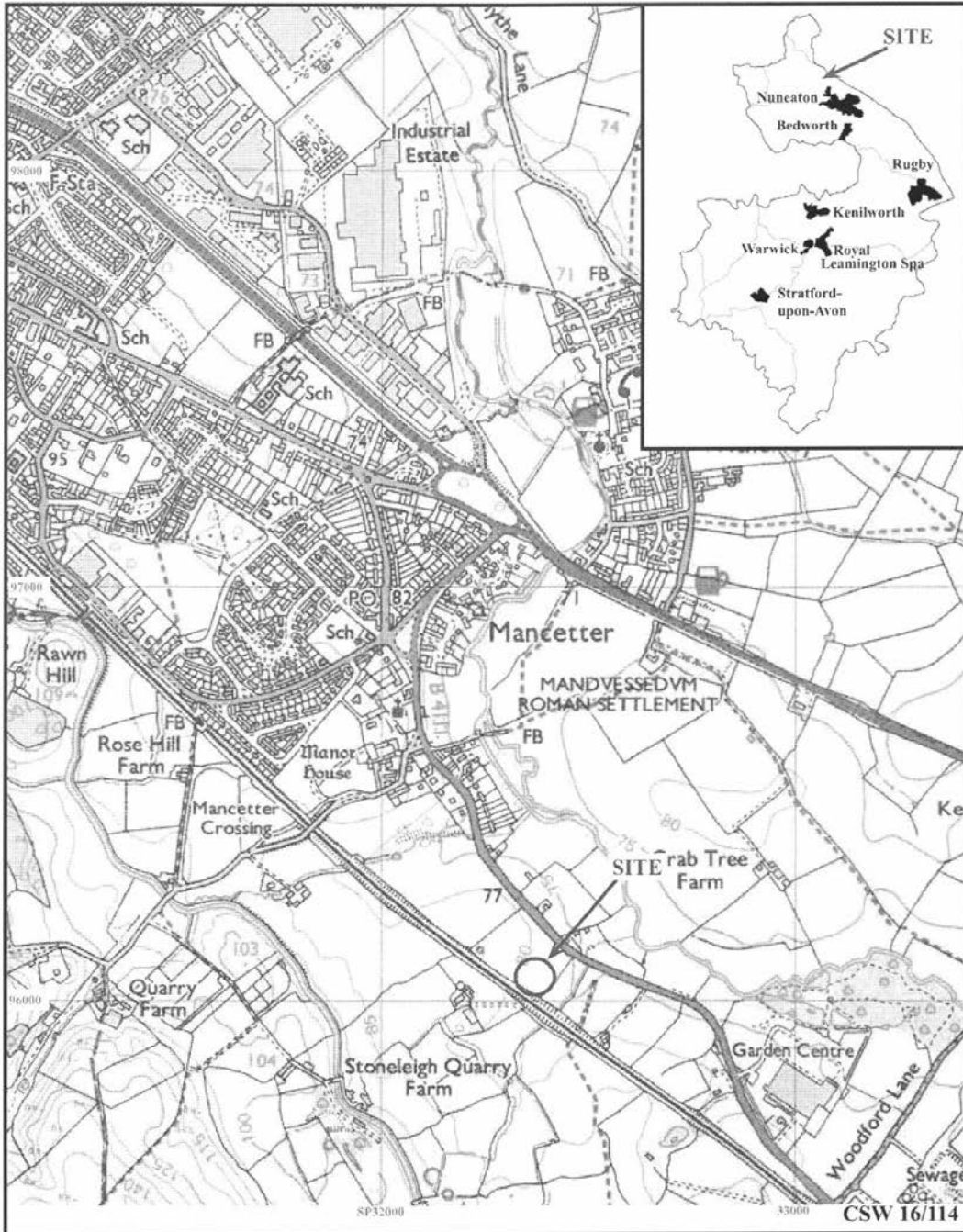
Despite the potential for archaeology to be present on the site, no deposits or finds of any archaeological interest were observed during the evaluation. On the basis of these results, the site has no archaeological potential.

References

BGS, 1994, *British Geological Survey*, 1:50000, Sheet 169, Solid and Drift Edition, Keyworth
NPPF, 2012, *National Planning Policy Framework*, Dept Communities and Local Govt, London

APPENDIX 1: Trench details

<i>Trench</i>	<i>Length (m)</i>	<i>Breadth (m)</i>	<i>Depth (m)</i>	<i>Comment</i>
1	16	2	0.68	0-0.32m topsoil; 0.32m-0.61m subsoil; 0.61m+ Dark reddish brown clay and sandstone natural geology. [Pl. 1]
2	17.9	2	0.75	0-0.28m topsoil; 0.28m-0.72m subsoil; 0.72m+ Dark reddish brown clay and sandstone natural geology
3	16	2	0.91	0-0.41m topsoil; 0.41m-0.87m subsoil; 0.87m+ Dark reddish brown clay and sandstone natural geology
4	14.6	2	0.73	0-0.27m topsoil; 0.27m-0.69m subsoil; 0.69m+ Dark reddish brown clay and sandstone natural geology. [Pl. 5]
5	17.8	2	0.63	0-0.23m topsoil; 0.23m-0.57m subsoil; 0.57m+ Dark reddish brown clay and sandstone natural geology
6	19.8	2	0.80	0-0.21m topsoil; 0.21m-0.72m subsoil; 0.72m+ Light yellow red clay natural geology. [Pl. 2]
7	17.9	2	0.68	0-0.27m topsoil; 0.27m-0.68m subsoil; 0.68m+ Dark red brown clay with sandstone patches natural geology. [Pl. 6]
8	16	2	0.55	0-0.30m topsoil; 0.30m-0.55m subsoil; 0.55m+ Dark red brown clay with sandstone patches natural geology. [Pl. 3]
9	18	2	0.72 Test pit 0.86	0-0.26m topsoil; 0.26m-0.72m subsoil; 0.72m+ Dark red clay with light grey sandy patches natural geology. [Pl. 4]



Land at Crown Stables, Nuneaton Road,
 Mancetter, Warwickshire, 2016
 Archaeological Evaluation
 Figure 1. Location of site in relation to Mancetter and within
 Warwickshire.

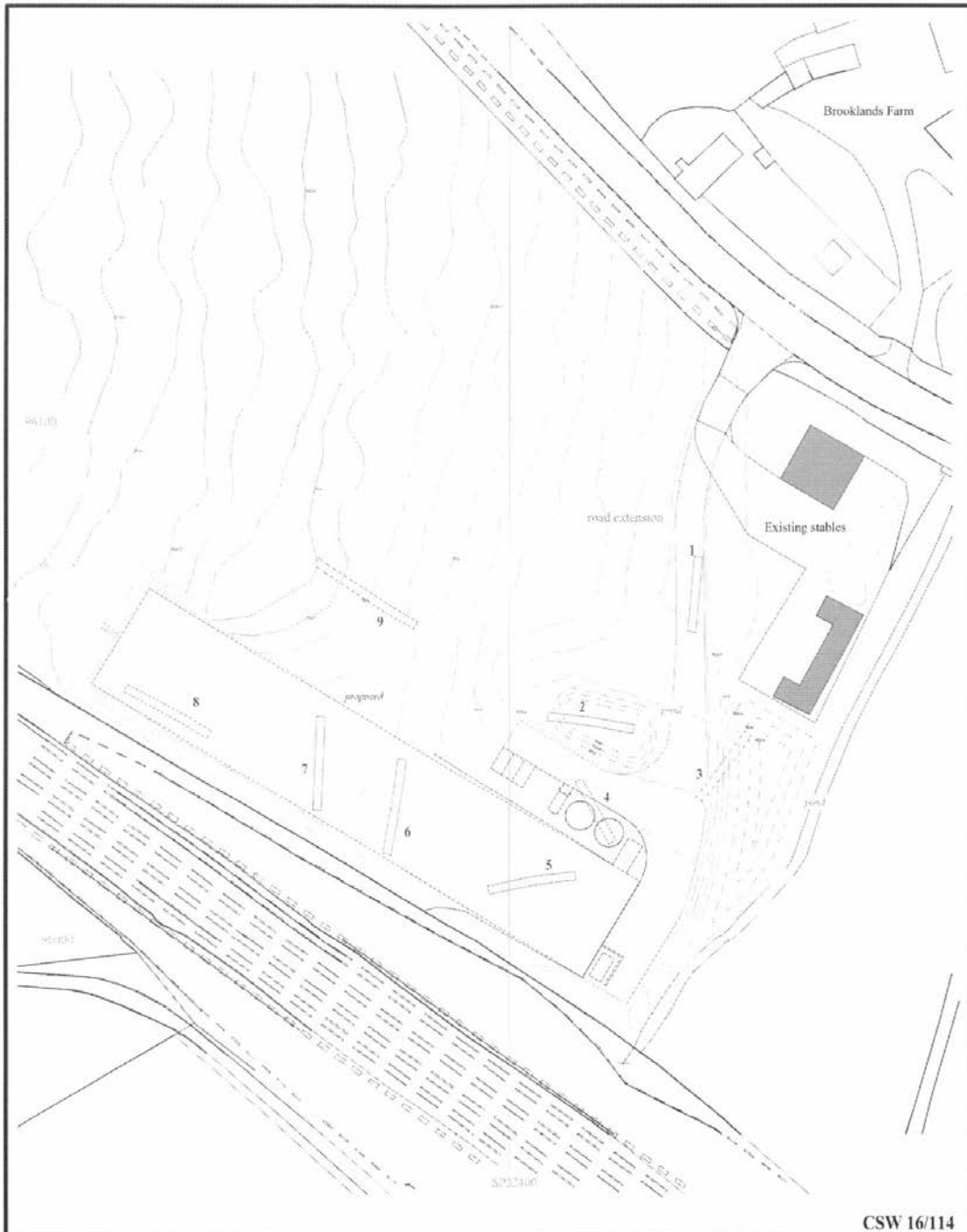
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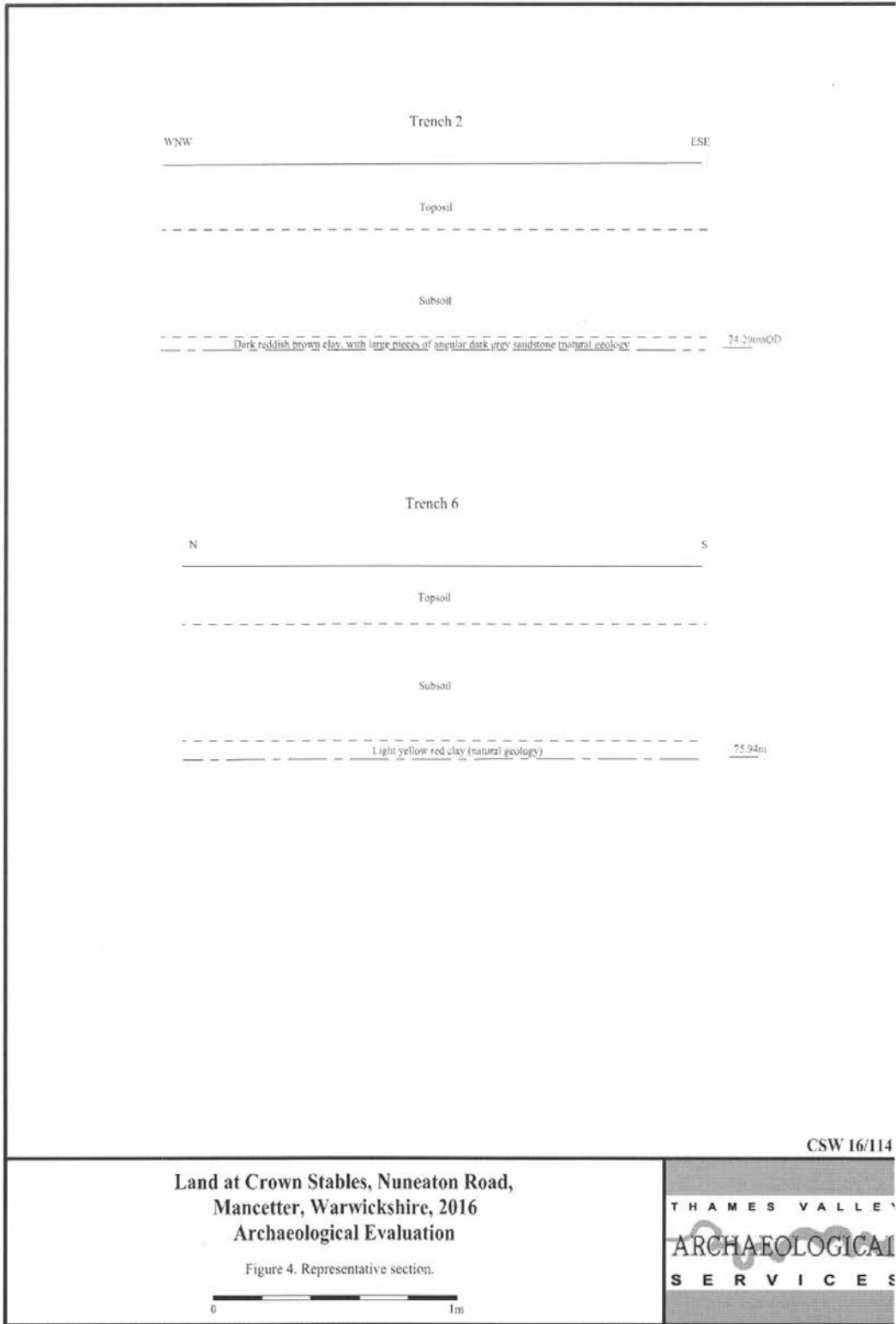
CSW 16/114

<p>N ↑</p>	<p>Land at Crown Stables, Nuncaton Road, Mancetter, Warwickshire, 2016 Archaeological Evaluation Figure 2. Detailed location of site.</p> <p>Reproduced from Ordnance Survey Digital Mapping under licence. Crown copyright reserved. Scale 1:1250</p>	<p>THAMES VALLEY ARCHAEOLOGICAL SERVICES</p>
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CSW 16/114

<p>N</p>	<p>Land at Crown Stables, Nuneaton Road, Mancetter, Warwickshire, 2016 Archaeological Evaluation</p> <p>Figure 3. Location of trenches, and plan of proposed development.</p> <p>0 50m</p>	<p>THAMES VALLEY ARCHAEOLOGICAL SERVICES</p>
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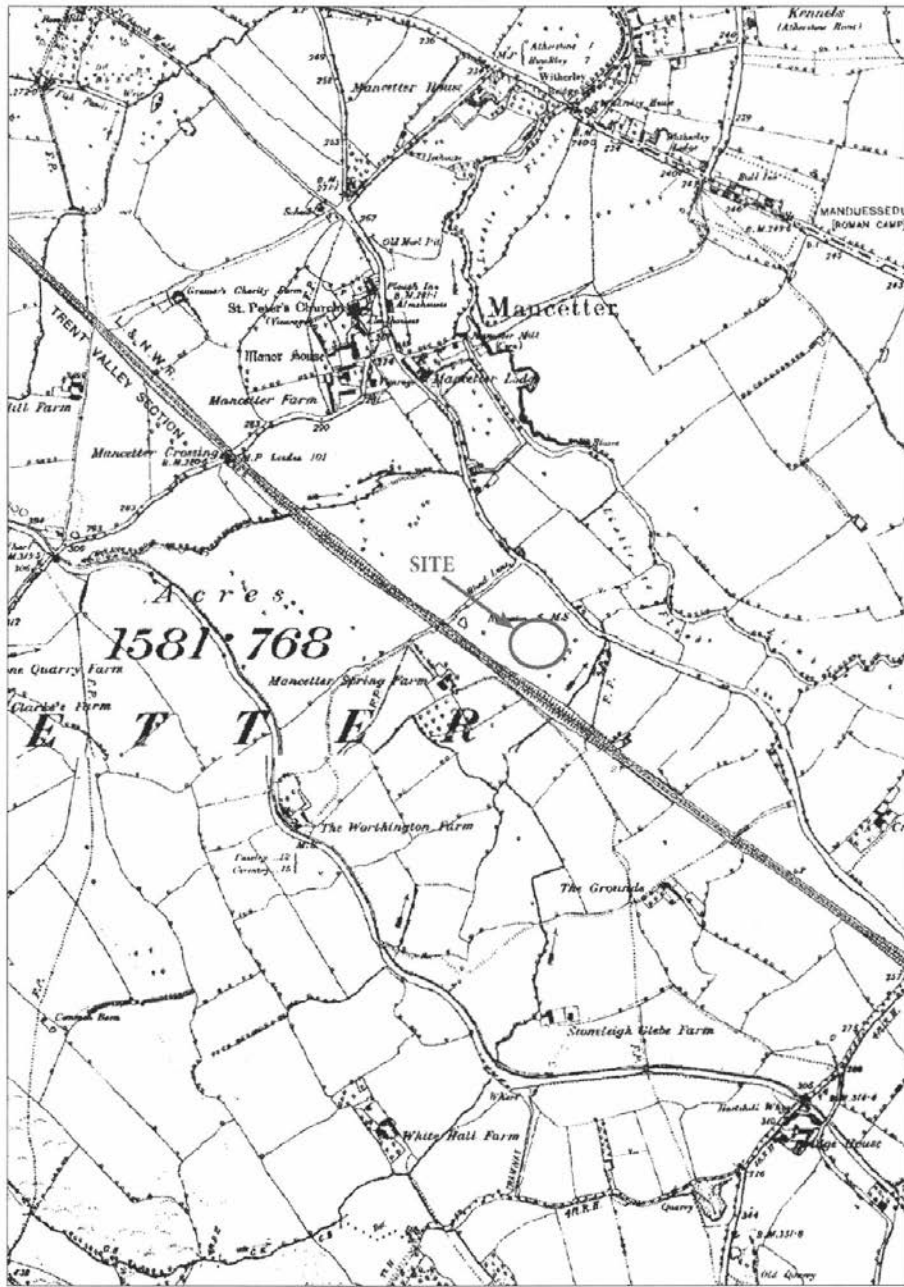


CSW 16/114

**Land at Crown Stables, Nuneaton Road,
Mancetter, Warwickshire, 2016
Archaeological Evaluation**

Figure 4. Representative section.

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Land at Crown Stables, Nuncaton Road,
Mancetter, Warwickshire, 2016
Archaeological Evaluation
Figure 5. Ordnance Survey first edition 1889

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Plate 1. Trench 1, looking north east, Scales: horizontal 2m and 1m, vertical 0.5m.



Plate 2. Trench 6, looking north west, Scales: horizontal 2m and 1m, vertical 0.5m.

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Land at Crown Stables, Nuneaton Road,
Mancetter, Warwickshire, 2016
Archaeological Evaluation
Plates 1 - 2.

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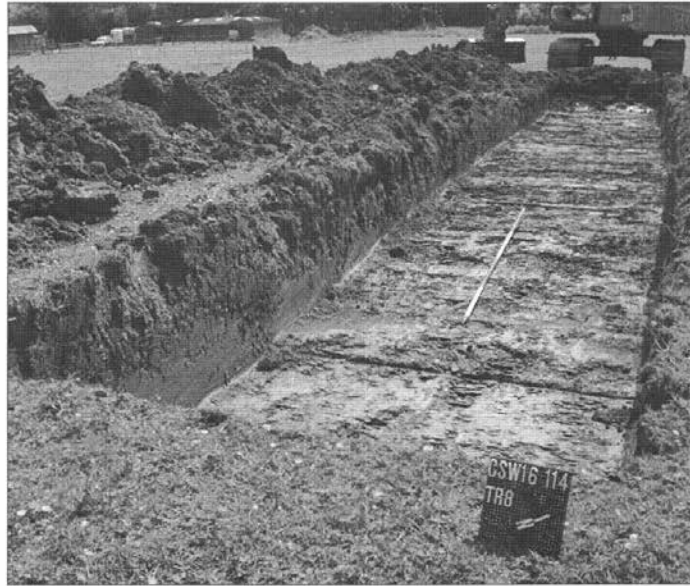


Plate 3. Trench 8, looking east, Scales: horizontal 2m and 1m, vertical 0.5m.



Plate 4. Trench 9 with test pit, looking south east, Scales: horizontal 2m and 1m, vertical 0.5m.

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Land at Crown Stables, Nuneaton Road,
Mancetter, Warwickshire, 2016
Archaeological Evaluation
Plates 3 - 4.

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Plate 5. Trench 4, looking south east, Scales: horizontal 2m and 1m, vertical 0.5m.



Plate 6. Trench 7, looking north west, Scales: horizontal 2m and 1m, vertical 0.5m.

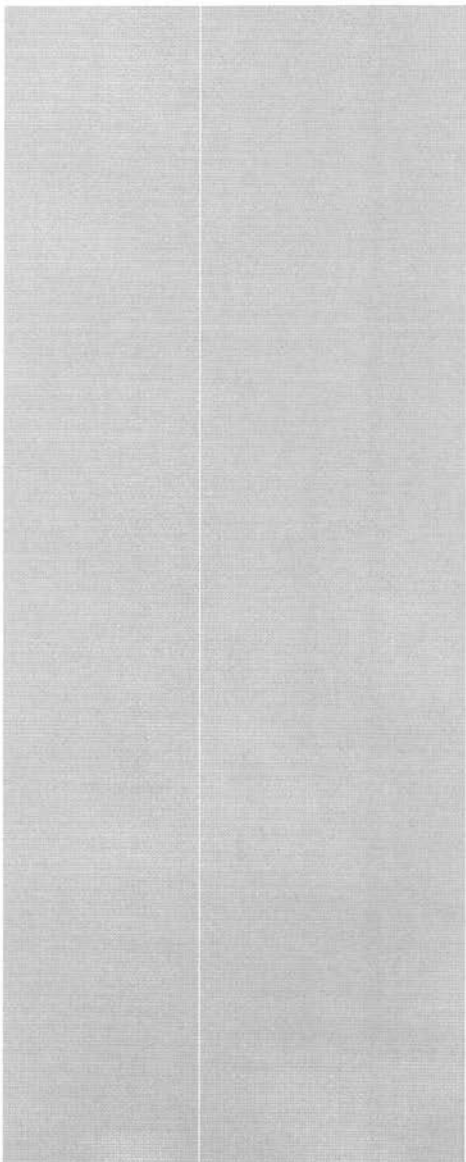
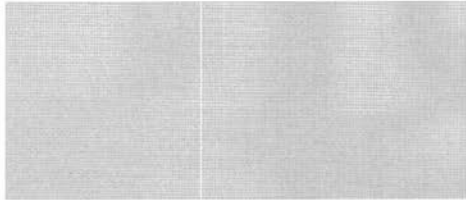
CSW 16/114

Land at Crown Stables, Nuneaton Road,
Mancetter, Warwickshire, 2016
Archaeological Evaluation
Plates 5 - 6.

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TIME CHART

	Calendar Years
Modern _____	AD 1901
Victorian _____	AD 1837
Post Medieval _____	AD 1500
Medieval _____	AD 1066
Saxon _____	AD 410
Roman _____	AD 43
Iron Age _____	BC/AD 750 BC
Bronze Age: Late 1300 BC	1300 BC
Bronze Age: Middle 1700 BC	1700 BC
Bronze Age: Early 2100 BC	2100 BC
Neolithic: Late 3300 BC	3300 BC
Neolithic: Early 4300 BC	4300 BC
Mesolithic: Late 6000 BC	6000 BC
Mesolithic: Early 10000 BC	10000 BC
Palaeolithic: Upper 30000 BC	30000 BC
Palaeolithic: Middle 70000 BC	70000 BC
Palaeolithic: Lower 2,000,000 BC	2,000,000 BC
↓	↓



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Web: www.tvas.co.uk**



Atherstone Civic Society

For the attention of members of North Warwickshire Borough Council's
Planning and Development Board.

August 12th 2016

Dear Councillor

Planning Application No: PAP/2015/0348 Land at Crown Stables, Mancetter

I write to ask you to consider additional points in support of my presentation to the Planning and Development Board on August 8th. As a committee member of Atherstone Civic Society, my purpose was to set out the reasons for continued consideration of the heritage factor in evaluating the above proposal. My comments focused on the historic value of the site, as will this letter. (The equally important environmental factors are outside my area of expertise.)

To that end I challenged the comprehensiveness of the Heritage Assessment by Thames Valley Archaeological Services, commissioned by the applicant in response to the reasons given by the Planning & Development Board for their March 7th refusal of planning permission. Reason number no. 1 focused on the environmental issues. Reason no. 2 was: "The Council is not satisfied that the risk to the setting of these [historical] assets has been fully explored, such that the proposal cannot be said to have met the requirements of policies NW10(10), NW12, and NW14 of the Core strategy 2014." It was in response to this reason that the applicant commissioned the Thames Valley Archaeological Services survey (hereafter referred to as TVASS).

My argument is set out here under four headings:

- How TVASS falls short
- The status of the Mancetter/Hartshill Roman kilns
- The flaw in making finds central to the archaeological decision on planning permission for this site
- The short-sightedness of the absence of any TVASS strategy for mitigation of impact on surrounding historical assets

How TVASS falls short

I had prepared my presentation to the planning meeting without sight of the actual report from TVASS, at that stage publicly unavailable. Nevertheless, from the Planning & Development Board summary I felt justified in describing it as incomplete. Having now read the report for myself, I am dismayed at the extent of its misreading of the site.

Page 1 opens with good intentions, referencing the Council's initial concern regarding the risk to nearby settings of heritage assets. TVASS therefore undertakes the aim of supplying further information on the archaeological potential of the site, via a field evaluation accompanied by an appraisal of the proposal's impact on the settings of nearby heritage assets. (Re that appraisal, see below, page 7)

However, confidence in the TVASS overview begins to dissolve on continuing to the next section on page 2: archaeological background. The following misunderstandings support my claim that the report is incomplete:-

- *TVASS's starting point: "The archaeological background of the site has been considered from data presented in a search of the county historic environment record"*

- Challenge. Warwickshire's HER holds numerous references to the large number of finds evidencing the Mancetter Roman pottery industry, which were included in the HER records made available to TVASS. But TVASS makes no mention of them. In failing to take account of these HER entries, TVASS is incomplete.
- o *TVASS quite rightly attends to the assets which have earned SAM status - the fort and the burgus - but goes on to describe Crown Stables as "within the general hinterland of an extensive Roman settlement"*
 - Challenge. "hinterland" seems a justifiable term only if one omits any mention of the vast kilns site. But the Crown Stables land is no "hinterland". Were kilns to be acknowledged, it would be clear that the site is part and parcel of the extensive Roman settlement.
- *TVASS notes a mere two finds in the area: "To the northwest of the site a Roman belt buckle and a single sherd of Roman mortarium have been recovered."*
 - Challenge. One might ask whether, alongside its search of the HER records, TVASS took notice of the six very public information boards on the Mancetter Roman Trail, each displaying some of the area's numerous finds. Many more exist, not mentioned on those boards - rather more than one Roman belt buckle and a sherd. But that throwaway note of a "single" sherd of mortarium is breathtakingly inaccurate. Warwick Museum in its storeroom holds shelf upon shelf of sherds of mortaria, so many that for field days with a Roman theme the Museum has handed over to ACS bags full of sherds that they can afford to give away, so numerous

are the finds. Many Mancetter households own a sherd or two picked up on everyday walks through the fields. Indeed, the Museum acknowledges a pressing need to catalogue its huge number of Mancetter Roman finds, but currently lacks the resources. Consequently, plans are in progress to enlist volunteer help from local historical societies, under Museum supervision.

- *TVASS continues: "A watching brief in the north-east corner of the site itself found nothing of archaeological interest"*
 - Challenge. This ignores much recent activity, for instance on the nearby Clock Hill field, which includes extremely interesting work on its kilns (see attachment 1). In fact this work goes beyond evidence of kilns to reach a probable solution to a puzzle which has long concerned Roman pottery specialists, regarding the alternative industry on these sites in winter; this theory is becoming recognised as having national implications. Such activity confounds the TVASS conclusion: "Most recent archaeological investigations close to the site (outside the scheduled area) have found nothing of archaeological interest"

The status of the Mancetter/Hartshill Roman kilns

It is firmly established that Mancetter, Hartshill and way over to Weddington comprises the site of a significant Roman pottery industry which flourished for over two centuries, from around AD150 to AD 350. Its goods went out nationwide. We are, in effect, in size and impact looking at a Roman Stoke-on-Trent.

A significant body of mid-twentieth-century excavation work, notably by Kay Hartley, and by Keith Scott, focused on this pottery heritage.

References:

Baddeley, Colin. *Roman Mancetter*, Atherstone Archaeological and Historical Society, 2010.
K.F. Hartley, 'The kilns at Mancetter and Hartshill, Warwickshire', 1973[b], in *Current Research in Romano-British Coarse Pottery*, A. Detsicas (ed.), Council for British Archaeology [CBA] Res Rep 10, pp143-7.

K.F. Hartley and R. Tomber (eds) 'A mortarium bibliography for Roman Britain', the *Journal of Roman Pottery Studies*, Vol. 13, 2006, for K.F. Hartley, 'Comments and Prognosis', pages 15-21.

'Papers in honour of K.F. Hartley', the *Journal of Roman Pottery Studies*, Vol. 12, 2005

However, this work remained relatively specialist and niche, and for a while it almost seemed that study of this industry stalled. This could be why TVASS missed its significance. However, there has been a recent resurgence of interest, and it is regrettable that TVASS did not pick up on it.

A significant meeting took place on February 26th this year, at the Warwickshire County Council venue, Northgate House. It was convened jointly by Ben Wallace, Warwickshire HER manager, and Jane Evans, Senior Finds Archaeologist at Worcestershire Archive and Archaeology Service. Attendees included Sara Wear from Warwick Museum, and Anna Stocks, Planning Archaeologist Warwickshire. Other nationally recognised specialists attended, for example Mike Hodder, Birmingham City Council's Planning Archaeologist from 1994 to 2014, who has studied the Mancetter Broad Close kilns extensively, and James Gerrard, lecturer in Roman Archaeology, Newcastle University. The meeting agreed without a note of dissent that the Mancetter/Hartshill kilns are of national importance, and that their study should be a national priority. (See Attachment 2) Since then, the Council for British Archaeology hosted a well-attended day conference here in Mancetter,

which, while including fort and burgus, placed even greater emphasis on this major pottery site.

At that February meeting, Jane Evans agreed to co-ordinate a project to progress this prioritised study, and has produced a framework of aims, progress and potential. (See attachment 3) The framework clearly includes Warwickshire Museum, also Archaeology Warwickshire, Warwickshire HER, and Planning. It is puzzling to try to reconcile this engagement with Jeff Brown's account at the August 8th Planning & Development Board meeting, of the opinion from Warwick Museum that further archaeological consideration of the site is definitely unnecessary. Might not the total absence in the TVASS of any reference to Mancetter's Roman pottery industry have appeared unsatisfactory to participants in Jane Evans's proposed framework?

Discussion of potential difficulties in making finds central to the archaeological decision on planning permission for the site

Cllr. Dirveiks's intervention at the meeting pinpoints a difficulty: there is no doubt that there were no archaeological finds in the trenches deployed in the TVASS. With no such evidence on this site, to turn the proposal down on archaeological grounds *could* appear ridiculous. However, my presentation on Aug 8th aimed to raise what Cllr Dirveiks actually put more succinctly: there are reasons for opposing such a building close to a Scheduled Ancient Monument. However, other reasons demonstrate the concept that it is the area itself which has attributes similar to, or perhaps even deserving of, SAM status. The already excavated area of the kilns site is startlingly large, while the outstanding extent of the whole can be informedly anticipated. The chicken broiler would sit within this wider area. So, while the Crown Stables site at the moment reveals nothing of archaeological importance (although... what might

there be *between* the trenches?) its context is, certainly, of archaeological significance. As Cllr Waters (standing in for Cllr Bell) suggested, perhaps we can assume that the inspector would consider the archaeology of the wider area. Meanwhile, perhaps consideration could be given to designating the whole kilns site as a SAM?

The short-sightedness of TVASS's lack of any strategy for mitigation of impact on surrounding historical assets.

The TVASS is incomplete in a further matter. Despite its avowed aim (see page 2 above) TVASS considers that it is unnecessary to act on the Council's requirement "to detail a strategy to mitigate the archaeological impact of the proposed development..... which should be informed by the results of the archaeological evaluation." (Condition 15 of the officers' report recommending approval) This was required "in view of the site's location within an area of archaeological potential associated with the extensive Romano-British settlement identified to the north-east" (Condition 14 (b), as above).

TVASS's second aim is:-

- to determine if archaeological deposits of any period are present, particularly of any Roman date; and to inform a strategy for mitigation *if required*.

On the basis that no deposits or finds of interest were found on the site, TVASS concludes that the site has no archaeological potential. Consequently, following the leeway of that "if required", TVASS acts literally, and offers no strategy for mitigation.

However, this falls far short of the ideals of the Landscape Strategy Assessment (2010), which recommends for Mancetter's similar Mill Lane area, for

example, that “any development that may be proposed should be sensitively designed to be in keeping with the character of the local area and have regard to the adjacent historically sensitive landscape elements”. I suggest that what applies to Mill Lane is equally applicable to Crown Stables. Undeveloped, its position would enjoy the character it shares with the Mill Lane area of the LCA, remaining in consequence part of the “historically sensitive landscaped elements”.

Furthermore, alongside those agreed and established assets, there is the need to be alive to potential additions to the canon. Recent study of aerial photographs reveals the presence of two further Roman installations – marching camps, maybe - on the north side of the B4111 between Mill Lane and Dobbies, across the road from Crown Stables. And important not to overlook: on a board by the canal, not far from Crown Stables, the Boudican final battle is flagged as a well-supported probability. Nor should we forget the burial site of the Roman child at Witherley; her life would be part of Mancetter’s life. It’s as though Roman Mancetter is evolving.

Furthermore, it’s interesting to consider the Crown Stables area in the light of another LCA Mill Lane area recommendation: “ Consider formalising access to the remaining fields west of the Anker, and the possibility of retaining and managing it in perpetuity as nature conservation land”....nature *and* historical conservation land?

In conclusion.

With all that the area offers, in history and landscape, surely there is opportunity for an enhancement of Mancetter’s tourism potential. A few miles away a model exists, in Bosworth Battlefield Centre, for the

custodianship of an area's historic wealth, in a well-preserved rural setting: aiding local prosperity hand-in-hand with conservation. Such a vision could be our guide when deciding whether to grant permission to proposals such as the one we are considering here. Let's not stumble into allowing one ill-judged development to stymie a much more interesting progression towards a richer Mancetter future.

It may well be in this case that environmental considerations will be sufficient cause to refuse planning permission. If that be so, excellent. But it's important also that the reasons for the area's historic value be there on record. I hope you will find the reasons set out above as important as do I. Important enough to ask for further archaeological assessment.

Thank you for your time and your interest. I respectfully urge you to consider a continuation of archaeological review of this site, towards a decision to refuse permission for development.

Yours sincerely,
Margaret Hughes

Attachments

1. Clock Hill Field: Malcolm Lockett, Chair, Hinckley Archaeological Society
2. References to the national importance of the Mancetter/Hartshill kilns
3. Framework for the progression of further study of the Mancetter/Hartshill kilns: Jane Evans, Senior Finds Officer, Worcestershire Archaeology

Recent work by the Hinckley Archaeological Society, Chair: Malcolm Lockett

Clock Hill, Mancetter/Hartshill

Five Roman pottery kilns were excavated in a field near Cherry Tree Farm in 1983. In 2013, following the exposure of a probable kiln during construction of a water-pumping station, members of the Hinckley Archaeological Society fieldwalked the whole of the field, including the area excavated in 1983 and the area to its west. About 2000 pieces of Roman pottery were found. The pottery was concentrated around the location of the pumping station, in the north-east part of the field.

The pottery was predominantly sherds of mortaria, with a variety of rim types suggesting production took place here over a long period of time, and they included sherds of mortaria in hard-fired grey ware, which were smaller and thinner-walled than those made from the usual "pipeclay". There were also sherds of colour-coated ware and black-burnished ware. Pieces of fired clay may include parts of kilns. Many fragments of granite were found, mostly in the area of the pottery concentration, and are suggested to be material laid as walkways. Cube-shaped pieces of granite may be tesserae (components of a mosaic floor) but there were no other remains of buildings.

Figures analysing this fieldwalking show:-

1. distribution of Roman pottery showing concentration in eastern part of field,
2. distribution of large flanged rim mortaria,
3. distribution of open flanged mortaria rims,
4. distribution of hammerhead mortaria rims
5. distribution of possible kiln material - this suggests the location of another kiln in the south of the field, beyond those located in 1983

Figures 1 and 5, below.

Figure 1. Malcolm Lockett

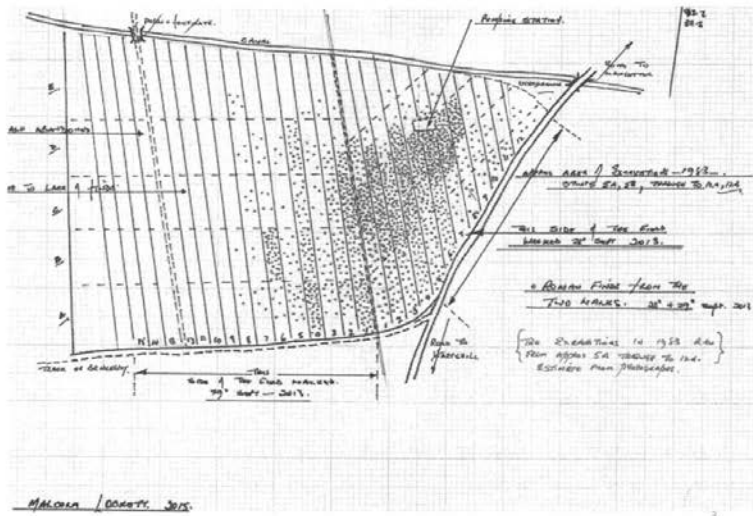
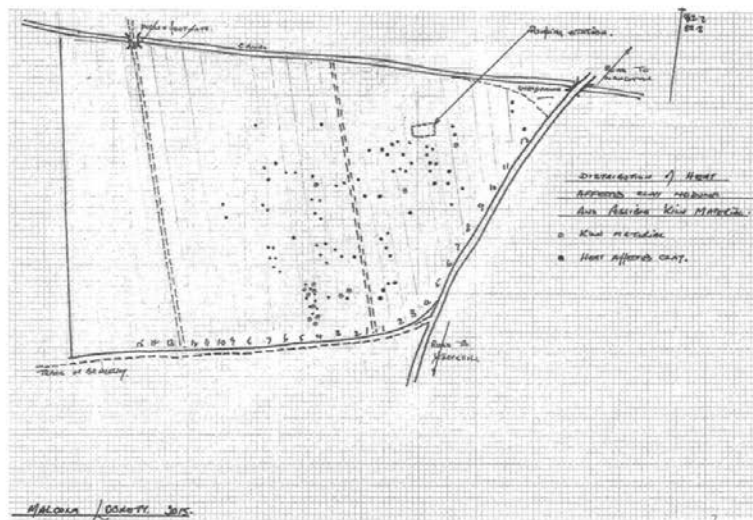


Figure 5 Malcolm Lockett



COMMENTS FROM ARCHAEOLOGISTS AFTER THE CBA DAY CONFERENCE, MANCETTER JULY 16TH 2016

Jane Evans, Senior Finds Archaeologist, Worcestershire Archive and Archaeology Service, Worcestershire County Council. Jane has made in-depth studies of the Mancetter potteries.

See CIFA conference, April 2015: *Firing up for a productive collaboration: Maximising the potential of the Mancetter-Hartshill Roman kilns archive*

"The extensive pottery industry earns Mancetter the description, 'a Roman Stoke-on-Trent' I am convinced of the nationally important place Mancetter holds in the Romano-British story..... it is clear that Roman Mancetter is a valuable resource for British history. It is a site not only dearly valued by those who live on and around, but also by academics and historians nationally."

"The Mancetter /Hartshill Roman kilns are referred to in a number of strategic documents highlighting important areas of archaeological research on Roman Britain. They are considered to be 'nationally important' and their publication has been described as a 'national priority.' "

**Sheena Payne-Lunn, BA MCIFA Chair of CBA West Midlands
Historic Environment Record Officer
Development Management Service - Worcester City Council
Comment for press after CBAWM AGM at Mancetter July 16th 2016**

"The Council for British Archaeology West Midlands is very pleased to be able to support events like this, that highlight the importance of archaeology in the local area. The Roman remains discovered at Mancetter are nationally important and there is much more to be learnt from the results of the excavations that took place here in the 1960s, 70s and 80s. We hope that by shining the spotlight on Roman Mancetter, these significant discoveries can be made available to a much wider audience and lead to publication of the findings."

Dr Mike Hodder, an archaeologist specialising in the West Midlands, Birmingham City Council's Planning Archaeologist from 1994 to 2014

Comment for press after CBAWM AGM at Mancetter July 16th 2016

"All of the Roman remains at Mancetter are part of the history of Roman Britain, but especially the pottery industry because its products have been found right across Roman Britain, up to the very edge of the Roman Empire, and we even know the names of some of the potters"

ON THE IMPORTANCE OF PUBLISHING THE MANCETTER/HARTSHILL ARCHIVE

Historic England Schedule List Entry "To provide an important insight into a specialised industry organised on a large scale"

A Mortarium Bibliography for Roman Britain 2006 "The publication of more than 50 kilns (at least 64) excavated, and their kiln groups, plus a full form series is badly overdue"

West Midlands Regional Research Framework "[It is] an industry of national importance"

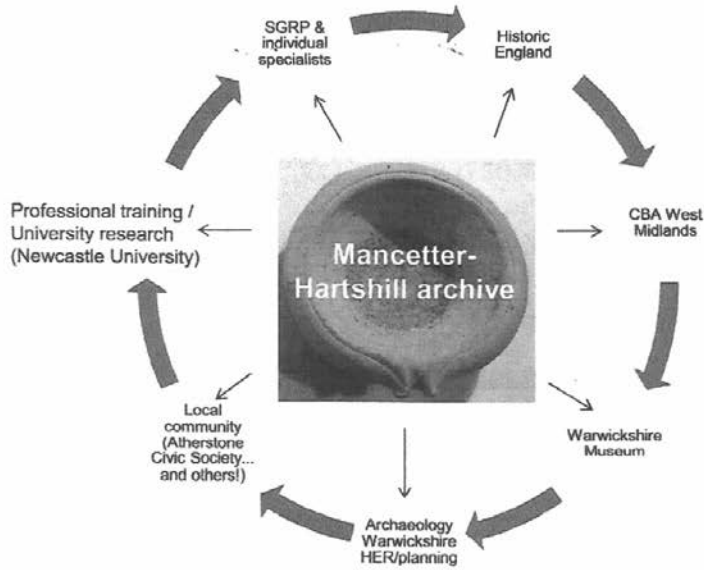
Fulford & Huddleston report for E H 1991 “....an urgent need for the publication of the principal forms of the major workshops and for a corpus of potters’ stamps.... the case for a general publication is so strong that it overrides the need for more site reports.... First priority should be given to the publication of the kiln sites atHatshill/Mancetter”

Willis 1997 (SGRP Reseach frameworks) “Mancetter-Hartshill: The publication of the 1960-84 excavations on these sites must be considered a national priority, particularly for kiln and mortarium studies, though the coarse wares are also regionally important.... it would have implications for pottery studies in Northern Britain”

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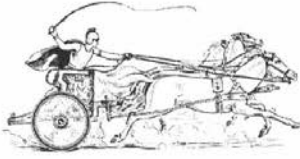
Collaboration: aims, progress and potential



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2015/16

 worcestershire
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Manduessedum - Mancetter Village
(Place of War Chariots)

Mancetter Parish Council

Serving the People of Mancetter and Ridge Lane

Parish Clerk: Mrs Karen Meads
Assistant Clerk: Mrs Elaine Higgins
Registered Address:
10 Convent Close, Atherstone
CV9 1PW
Telephone: 01827 722552
Email: parishclerk@mancetter.org.uk
Website: www.mancetter.org.uk

15th August 2016

Emailed to Jeff Brown
NWBC

Dear Jeff

Re: Land at Crown Stables, Nuneaton Road, Mancetter.

I respond to your letter of 9th August 2016 requesting comments on the Archaeological Evaluation undertaken on this site.

After consulting with a number of Parish Councillors we have the following comments:

Were the trenches deep enough, particularly when it is alleged that rubbish and other materials have been dumped on this site over the years?

At one of the meetings it was stated that the level of the ground would need to be reduced considerably before work could start. Therefore, foundations would be much deeper than the trenches excavated at this time.

We support the report compiled by Margaret Hughes of Atherstone Civic Society.

We wish to **strongly** insist that NWBC officers refuse to agree to any request by the applicant for the 'written representations' procedure when the appeal is lodged and **insist** that it is taken to a Public Hearing.

We trust that these comments will be taken into consideration when any decisions are made concerning this application.

Yours sincerely

Karen Meads
Clerk to Mancetter Parish Council

Brown, Jeff

From: John Robinson <johnrobinson@warwickshire.gov.uk>
Sent: 22 August 2016 09:46
To: Brown, Jeff; Wilkinson, Sharron
Subject: PAP/2015/0348 - Land at Crown Stables, Nuneaton Road, Mancetter, Warwickshire, CV9 1RF

your ref PAP/2015/0348

my ref JR/nw/NW15_0348.1

Date 22nd August, 2016

Dear Mr Brown,

Proposed: Erection of 40,000 bird broiler building and associated control room, feed silos, LPG tank, heat exchanger, hard-standing and attenuation pond.

Location: Land at Crown Stables, Nuneaton Road, Mancetter, Warwickshire, CV9 1RF.

ARCHAEOLOGICAL COMMENT

Thank you for your consultation. As you will be aware this office provided comments to North Warwickshire Borough Council to the above planning application (Ref: PAP/2015/0348) with respect of the archaeological implications that the proposed development may have for this site.

This office highlighted that the proposed development is located within an area of archaeological potential. Archaeological deposits associated with a Romano-British settlement have been identified to the north of the application site. These remains are of national importance and are protected as a Scheduled Monument (Historic England List Entry No. 1017585). To the north-west the remains of a sequence of fortresses, built by the Roman army have been identified and are also protected as a Scheduled Monument (Historic England List Entry No. 1005736). To the west of the application site an area of deserted medieval settlement has been identified (Warwickshire Sites and Monuments Record WA 390) as well as an area of early medieval iron production.

Whilst this office did not object to the principle of development it was recommended that should consent be forthcoming a programme of archaeological work would be required and that this could be secured by means of a planning condition attached to the consent. It was envisaged that this work would take a phased approach the first element of which would comprise an archaeological evaluation by trial trenching to be followed, should significant archaeological remains be identified, by an appropriate strategy to mitigate the archaeological impact of the proposed development.

Whilst this office had not objected to the application one of the reasons cited for its refusal by North Warwickshire Borough Council was that the proposed development was located within an area of archaeological interest.

Prior to the resubmission of this application the applicant engaged Thames Valley Archaeological Services (TVAS) to carry out an archaeological evaluation for this site. A Written Scheme of Investigation (WSI) produced by TVAS was subsequently approved by this office as representing an appropriate strategy to adequately evaluate this site.

The archaeological evaluation was undertaken, in accordance with the agreed WSI, in early June 2016. A report detailing the results of the evaluation¹ was submitted to this office and to the Planning Authority. In summary, a total of nine trenches were excavated across the site; no archaeological features or finds were encountered within any of the trenches. In light of the information gained from the evaluation it is my opinion that the proposal has a low potential to impact upon any archaeological features or finds and that there should be no requirement to undertake further archaeological work across this site either to inform the determination of this application or as a programme for archaeological mitigation. Consequently on 14th July 2016 I advised North Warwickshire Borough Council that I would have no further archaeological comments to make regarding any resubmitted application for this site.

You kindly forwarded me correspondence in relation to this application from Margaret Hughes; I will attempt to address her main points below.

Firstly it should be highlighted that when assessing any planning application this office has direct access to Warwickshire's Historic Environment Record (HER) and will as a matter of course consider this data independently of any information supporting information provided with an application. Whilst the TVAS Heritage Statement² does provide an overview of the potential impact upon known heritage assets the information presented has not been considered in isolation.

Following a data request the relevant HER information was supplied to TVAS prior to the undertaking of the archaeological evaluation and the production of the Heritage Statement. Ms Hughes suggests that reference to the Roman pottery industry has not been included. Whilst the TVAS Heritage Statement may not directly reference the HER in this regard it is clearly acknowledged on page 5 that Mancetter was an important centre for pottery production. "*The survival of the kilns, drying sheds other timber structures and wells and water channels used in processing, as well as large quantities of pottery provide an important insight into a specialised regional industry organised on a large scale*"; and later "*Manduessedum was a small, partly defended, town lying along the route of Watling Street and probably acted as a production and marketing focus for the region's pottery industry, which is known to have had a major centre to the south east of the settlement*".

The use of the term "hinterland" is also challenged by Ms Hughes. The area of known pottery production is located within the Scheduled Area and is approximately 500m to the north of the proposed development on the opposite side of the River Anker. There is currently no evidence that this pottery production site extends to the south of the river. The evaluation itself has demonstrated that neither pottery production or the Roman settlement extends across the development site.

The reference of just two finds commented on by Ms Hughes is refereeing to individual findspots recorded on the HER. Archaeological investigations across the surrounding area have indeed identified significant quantities of material, however where concentrations of material are identified these are more typically recorded as HER monuments or events and this information has also been considered. The known extents of pottery production, and other monuments recorded on the HER are located away from the development site and will not be impacted by this proposal.

Given the results of the archaeological evaluation I would not consider it necessary to require the applicant to provide any further information with regard to archaeology nor would I recommend that it would be appropriate to require the implementation of a programme of archaeological mitigation in respect of this application.

If you have any questions please do not hesitate to contact me.

¹ Esteves L. and McManus-Fry E. 2016, *Land at Crown Stables, Nuneaton Road, Mancetter, Warwickshire*, Thames Valley Archaeological Services Ltd.

² Preston S, 2016, *Land at Crown Stables, Nuneaton Road, Mancetter, Warwickshire*, Thames Valley Archaeological Services Ltd.

Yours sincerely

John Robinson
Planning Archaeologist

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(5) Application No: PAP/2015/0584

Former quarry & land, Grimstock Hill, Lichfield Road, Coleshill,

Outline application for the erection of up to 24 residential dwellings with all matters reserved except access, for

Heyford Developments Limited

Introduction

This application was referred to the August Board meeting but determination was deferred for a number of reasons – a site visit; referral back to the Highway Authority in light of the anticipated HGV movements and a request to the applicant to consider a “lesser” proposal.

The previous report is attached at Appendix A for convenience

Additional Information

Members have now visited the site. As that visit took place between the preparation of this report and the meeting, a note will be circulated at the meeting.

The Highway Authority was requested to review its position in light of all of the information available including the potential land-fill and construction issues. Its response is attached at Appendix B where it can be seen that it is not going to be persuaded to alter its position.

The applicant however was requested to see if there was scope to reduce the scale of the proposal in order to reduce the traffic impact locally. He has responded by amending the proposal to a maximum of 24 houses rather than the original 30 – a 20% reduction. He further points out that in these circumstances there is greater opportunity to increase the separation distances between the new houses and the rear elevations of the existing houses in Tiberius Close and Trajan Hill. An amended illustrative layout is attached at Appendix C.

In reducing the scale of the development, the applicant points out that the viability of the project is affected. As a consequence there is now no affordable housing proposed – either onsite or through an off-site contribution.

Members are therefore asked to determine the application based on a maximum of 24 houses.

Consultations

The various Agencies and Bodies were re-consulted on this further amendment with a request to see if they wished to alter their previous responses. At the time of preparing this report, none have. The Board will be updated at the meeting but given the lack of objection received previously it is not anticipated that objections will arise.

Representations

All those who submitted representations to the previous proposal have been re-notified. Again at the time of preparing this report no responses had been received. Members will be updated at the meeting but they should be advised to assume that the objections recorded in the last report should remain.

Other Material Planning Considerations

Following the meeting of the Local Development Framework Sub-Committee on 3 August Members will be aware that the draft Local Plan for North Warwickshire is now publically available and that this site is retained as an appropriate residential allocation.

Observations

The recommendation below remains as set out as in Appendix A. There are changed circumstances – the proposal is materially reduced - and the Highway Authority has not changed in its position in respect of the overall principle of the development. These add weight to that recommendation. The other change is the loss of any affordable housing. Members therefore have to look at the balance between reduced traffic impact with no affordable dwellings or affordable housing provision but with greater traffic impact. As the thrust of the objections here locally is all about traffic it is considered that extra weight should be given to the current reduced proposal. Moreover the Council will need to maintain a continued housing supply if it is not to be the subject of speculative applications for the development of land not identified in its own planning documents.

Recommendation

That the recommendation as set out in Appendix A be agreed subject to appropriate changes to recognise the reduced proposal in the suggested conditions.

BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0584

Background Paper No	Author	Nature of Background Paper	Date
1	NWBC	Letter	
2	WCC Highways	Letter	
3	Applicant	Revised plans	19/8/16

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.

PAP/2015/0584

Land at Grimstock Hill, off Trajan Drive, Coleshill

Outline planning application for the erection of up to 30 (Class C3) dwellings with all matters reserved except for access for Heyford Developments Ltd.

Introduction

This application is referred to the Board for determination at the request of local Members particularly concerned about the highway impact of the proposal on the local network.

The Site

This is a roughly rectangular area of heavily wooded land amounting to some 1.2 hectares bounded to the west by the A446 Lichfield Road; to the north and east by existing residential development at Trajan Hill, Tiberius Close and Norton Road and to the south by the Grimscote Manor Hotel. There are residential and commercial uses on the opposite side of the A446.

The site is more particularly shown at Appendix A.

It used to be a quarry but this use ceased back in the 1960's and since then it has regenerated into an un-managed and overgrown area of woodland. There is a substantial roadside hedge alongside the A446. The quarry was partially filled with inert materials.

Because of this history there is a distinct difference in levels between the eastern perimeter and the A446 to the west. The former quarry slopes are particularly prevalent along the eastern and southern boundaries.

Background

The site is partially covered by three Woodland Tree Preservation Orders dated 1980. The extent of these is shown at Appendix B.

The site is included in the draft Site Allocations Plan of 2014 as being a preferred option for new residential development.

The Proposals

This is an outline planning application for the site's residential redevelopment with up to 30 dwellings. The original submission proposed that all vehicular access would be from the A446, but following an objection from the Highway Authority, an amended scheme was put together involving access from Trajan Hill. It is this revised proposal that is now the subject of this report. All detailed matters are still reserved for later approval except for the means of vehicular access which is now proposed to be from Trajan Hill.

The application site includes one of the existing dwellings on the southern side of this cul-de-sac – number 1. It is proposed to demolish this house in order to gain access into the site. An illustrative layout has been submitted showing a cul-de-sac with the housing concentrated at the northern end of the site. This is attached at Appendix C.

This suggests that the northern half of the site would be cleared of trees and there would be some in-filing in order to achieve a development plateau. The trees to the south would be thinned and managed and the remaining slopes landscaped. This would become an area of open space which would also contain a balancing pond for the collection of surface water.

Foul water would be pumped to Trajan Hill whereas surface water would drain to the pond and thence to the Lichfield Road.

The proposal includes the draft terms for a Section 106 Agreement including up to 30% provision of affordable housing on-site and a financial contribution towards improvement of the Cole End Park.

The application itself is accompanied by other documentation.

A Bat Survey shows that the site is used by two different species of bat for both foraging and commuting. The main focus is in the southern half of the site. There is also potential for bats to be present for roosting. It is recommended that trees are retained wherever possible and particularly in the southern half close to an drainage ponds and swales. Appropriate avoidance measures should be followed where evidence of bats is found where trees are to be removed through the normal Licensing procedures of Natural England

A Badger survey did identify existing setts. Mitigation measures are recommended through the construction of artificial setts. There is sufficient space on site to retain the existing activity level. Natural England should be involved throughout the replacement process.

A Flood Risk Assessment suggests that infiltration might not be the preferred surface water disposal option due to the potential contamination arising from earlier historic landfilling. As a consequence surface water would be captured on site in a series of balancing ponds and swales at the southern end of the site thus discharging at licensed levels agreed with the Environment Agency into the public storm water sewer in the Lichfield Road. Foul water is to be pumped to the existing network in Trajan Hill.

An Arboricultural Report describes the site as being secondary broadleaved woodland which is predominantly of the same age. This structure is not optimal. The trees here are early/semi-mature a mature specimens – sycamore and hawthorn. There are some oaks and ash. The woodland is considered to have a greater amenity benefit because of the number and grouping of trees rather than on their individual merits as they are effectively all poor specimens. This is because they are mostly self-set and there has been no management of the trees cover since the site re-generated. Because of this it is dense and dark and so not particularly valuable for bio-diversity. A re-development proposal for the site offers opportunities for not only arboricultural benefit but also for ecological enhancement. There is sufficient opportunity here to retain and to improve.

A Transport Assessment concludes that the existing local highway network has capacity for the expected traffic to be generated. There are public transport alternatives.

A Design and Access Statement describes the site and its setting illustrating how the indicative layout has been arrived at together with potential appearance and design.

A Planning Statement brings these matters together into a planning context arguing that this is sustainable development on a site identified for residential development by the Council.

Representations

Colehill Town Council – Objection on traffic grounds and the impacts on bats and badgers

Colehill Civic Society – Objection on traffic grounds through the use of Trajan Hill.

Twenty seven letters of objection have been received referring to the following matters in connection with the revised proposal:

- Adverse impact on local wildlife
- Loss of privacy to existing occupiers
- Increased noise pollution through the loss of tree cover
- The access would be dangerous – a narrow road with on-street parking
- The Road Safety Audit says that there have been no accidents whereas there have been accidents
- Trip rates are understated.
- Potential ground stability issues
- HGV's using Trajan Hill during construction
- Loss of open space

A letter of support has been received saying the development will supply affordable houses and clear up a derelict area of land that has been prone to anti-social behaviour

Consultations

Warwickshire County Council as Highway Authority – Originally objected to the proposals when access was to be sought onto the A446. It has withdrawn that objection with the amended access scheme off Trajan Hill.

Warwickshire County Council as Flood Authority – No objection subject to a standard condition

Warwickshire County Council (Public Rights of Way) – No objection but in order to mitigate the increase in the Council's maintenance liability a contribution is sought towards improvements to the local footpath network

Environmental Health Officer – No objection subject to standard conditions requiring ground condition surveys and noise attenuation measures in the new houses.

Severn Trent Water Ltd – No objection

AD (Leisure and Community Development) – The future maintenance of the open space on the site needs to be resolved. The 106 contribution would be welcome.

AD (Housing) - No objection. The biggest demand on the waiting list in Coleshill is for two-bedroom houses.

Development Plan

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

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV6 (Land Resources), ENV13 (Urban Design), HSG4 (Densities) and TPT1 (Transport Considerations in New Development)

Other Material Planning Considerations

The National Planning Policy Framework 2014 – (the "NPPF")

The NWBC Draft Site Allocations Plan 2014

The draft Local Plan for North Warwickshire 2016

Observations

a) Introduction

This site is inside the development boundary for Coleshill as defined by the Development Plan. Moreover the town is identified in that Plan as being an appropriate settlement to accommodate a minimum of 275 dwellings within the plan period. The site is also identified as a preferred option in the draft Site Allocations Plan of 2014. Members too will be aware that a few days before this meeting, the Council is anticipating the publication of the new draft Local Plan for North Warwickshire. This site is anticipated to be retained as a housing allocation in that document. Given these matters there is no objection in principle to the residential redevelopment of this land. This position is also supported by the NPPF as this proposal is sustainable development. This is because of its location within a residential area in a Market Town and the accessibility of a full range of local services and facilities as well as alternative modes of transport. The NPPF states that there should be a presumption in favour of supporting sustainable development. The starting point here for the Board is thus a presumption of approval, particularly as this application seeks an outline planning permission – that is permission in principle.

Members will know therefore that for this presumption to be overturned, there have to be material planning considerations of substantial weight sufficient to override it. The report now looks at the two most important of these considerations – traffic and the loss of the woodland – before considering other matters.

b) Material Considerations - Traffic

The most significant of these considerations is that of access, particularly as the application seeks approval for the detail of those arrangements at this time.

The objection from the Highway Authority in respect of the initial access off the A446 has led the applicant to reconsider. The resolution has been to propose access off Trajan Hill through the demolition of an existing residential property and the use of the consequential open land as the preferred access. The Highway Authority has confirmed that a satisfactory access arrangement can be obtained over the land that becomes available through this demolition. That arrangement meets the specification of that Authority with regard to a residential access for the number of houses proposed and for access by larger vehicles – e.g. a refuse lorry. It too is satisfied that the existing local highway network has the capacity to accommodate the traffic generated by the proposed thirty houses arguing that this will disperse throughout that network and therefore in general terms not materially add to traffic movements. This is tempered by the need for conditions requiring off-site works within the immediate highway junctions to enable pedestrian crossings. The Highway Authority is the Statutory Agency and thus its response to the application carries substantial weight. As Members are aware the NPPF states that the traffic impact from a new development following any mitigation has to be "severe" if the presumption in favour of a sustainable development is to be outweighed. Without the support of the relevant statutory highway authority agreeing to that conclusion, the Board would be in a significantly weak position to defend a refusal on highway grounds.

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Nevertheless the representations received have raised some significant practical concerns – on-street car parking in Trajan Hill particularly; construction traffic, turning movements and pedestrian safety.

Car parking provision on the development site as a direct consequence of the proposed dwellings will be resolved at the detailed stage when those matters are submitted. Provided that the Council's standards are adopted there should be limited likelihood of cars parking off site as a consequence. The issue here however is the view that Trajan Hill is already narrow and that there is on-street car parking. Additional traffic passing along the road would thus be considered to be detrimental to pedestrian safety and to turning and manoeuvring cars. Members should be aware that there are some garage spaces and front hard-standings for car parking in Trajan Hill and Tiberius Close and so it is not the case that all of the occupiers here have to park on the road. Moreover the proposed junction of the new access on the site of number 1 Trajan Hill is the best available location on Trajan Hill for two reasons - firstly there is no housing opposite that house and thus there would be no conflicting movements turning in to and particularly out of the new access. Secondly, the majority of houses in Trajan Hill are as a matter of fact beyond this proposed access location – additional traffic therefore would not affect the majority of residents. Parking in the Tiberius Close cul-de-sac would not be affected. It is accepted that there is existing on-street parking in Temple Way, but the Highway Authority considers that the proposed development would not materially add to the traffic already generated by the some 260 dwellings that use Temple Way presently for access. In all of these circumstances the Highway Authority has not raised an objection.

The use of Trajan Hill and Temple Way for construction traffic including landfill operations at the commencement of the development is considered to be of greater concern. There is no alternative route into the site. The applicant considers that there would be an average of eight two-way movements a day (that is four in and four out) within a period of twelve months. This is an average over the whole of that time, clearly with the greater movements likely at the commencement of the period. The twelve months includes landfilling and construction phases.

It is acknowledged that this would cause disruption and inconvenience but that is not considered to be a reason for refusal. Firstly this will be a temporary period of disruption. All construction operations are going to involve disruption and this is not unusual with both large and smaller housing estates throughout the Borough. Most recent developments have involved traffic using residential estate roads and there is not considered to be anything intrinsically worse in this case. Secondly a Construction Management Plan is recommended as a condition. The applicant fully accepts that this is going to be essential. That will look at both delivery and construction hours as well as the operational requirements such as dust suppression and street cleaning measures. Significantly it will have to be agreed by the Highway Authority. That will probably involve temporary Traffic Regulation Orders and/or temporary parking measures (cordoning off areas of highway during delivery periods). The success of such a Management Plan relies wholly on communication between the developer and the residents. Those channels will need to be made explicit within that Plan.

c) Material Considerations - Woodland

A second consideration here is the impact on the existing tree cover in terms of visual amenity and its ecological value.

Taking the second impact first then it is agreed that the ecological value of the site is low because of the density of the woodland cover; that it is all of a similar age which doesn't

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encourage diversity and that it is wholly unmanaged. The proposal does therefore represent an opportunity for significantly improving this situation. A good proportion of the site can be retained and different habitats introduced as a consequence. In the longer term this will be of real benefit. There are both bats and badgers on the site at the present time. The proposals do not necessarily mean that these species will be materially affected provided proper mitigation is employed under the direct licensing and management systems and procedures of Natural England. These are the appropriate safeguards and Members should have confidence in this other legislation and Natural England's enforcement procedures if required.

The impact of the proposals on the visual amenity of the present woodland and its setting is considered to be greater. This is because of the extent of the woodland cover and that its importance to public amenity is recognised by the making of the Orders. That however is not in itself a reason for refusal, but equally the proposal should not itself result in the loss of this amenity. A compromise situation should be reached. There are several reasons for this. Primarily the woodland here has been unmanaged since it started to regenerate the former quarry and landfill site many decades ago. It is more or less consists of a dominant species – selfset sycamores – which are all of a single age. These trees will eventually naturally dieback at about the same time leaving an unkempt and visually unattractive site. Secondly although the woodland has value as a public amenity, it is mainly its perimeter that performs this function – particularly along the A446 whether approaching from the north or south – and at the rear of existing houses in Trajan Hill, Tiberius Close and Norton Road. Given the low ecological value of the site and the fact that there is permission in principle here, it is considered that every opportunity should be taken to retain the public amenity of the woodland but such that its value is enhanced through new planting, thinning and with retention of the perimeter buffers.

Given these circumstances it is considered that the proposal provides an opportunity for ecological and arboricultural benefit and should thus be supported. An alternative conclusion would be that the proposal adds to its sustainable development credentials because it enhances longer term ecological and arboricultural benefits.

d) Other Matters

It is not considered that there are adverse heritage impacts here and there has neither been objections submitted by the relevant drainage Authorities.

There will be a change of outlook for the occupiers of those houses that back onto the site but as indicated above, this would occur in any event as the tree cover matures and decays. There is currently no known management plan for this woodland either presently or in the future and thus that outlook is uncertain. Members should be aware that this is an outline application and the illustrations that have been submitted are just that – potential indications of layout. The final details of the layout are "reserved" under an outline consent and that is the time to look at the detail of separation distances; final ground levels and boundary treatments. There is however sufficient space on the site to meet the Council's own guidelines such that the Board can be satisfied that there would be no material loss of residential amenity.

The Council's policy towards affordable housing provision is set out in policy NW6 of the Core Strategy. In this case that would expect up to 30% provision. The applicant has agreed that this should be the case here and has committed to a Section 106 Agreement in order to deliver this provision. This is very welcome and adds significant weight to support for the scheme as it would deliver much needed provision in Coleshill. This is a public benefit arising from the proposal.

It is noted that the applicant would also consider a contribution towards the enhancement of the Cole End Park some distance to the south. Members are recommended not to endorse this contribution through a Section 106 Agreement as it is not considered to be compliant with the legislation, it having no direct link with the proposals. If the applicant wishes to deliver this then that should be through a Unilateral Undertaking which would carry no weight in the final assessment of the planning considerations in this case.

Recommendation

That subject to the completion of a Section 106 Agreement in respect of affordable housing provision as set out in this report, outline planning permission be granted subject to the following conditions:

Standard Conditions

- i) Standard Outline condition – reserving all matters except access
- ii) Standard Outline condition
- iii) Standard Outline condition
- iv) Standard plan numbers condition – the Site Location Plan and plan number 1375/10D both received on 17/5/16.

Defining Conditions

- v) For the avoidance of doubt this permission is for no more than 30 dwellings
Reason: In the interests of highway safety and visual and residential amenity
- vi) The bell-mouth junction to the development shall have visibility splays provided to the pedestrian crossing point of 1.5 by 11 metres as measured from the rear edge of the highway footway. These splays shall be kept free of all development and planting at all times.
Reason: In the interests of highway safety

Pre-Commencement Conditions

- vii) No work shall commence on the development hereby approved until a site investigation report based on a Phase 1 Assessment has first been submitted to and approved in writing by the Local Planning Authority. This report shall contain all necessary remediation measures commensurate with the findings of that investigation, together with a plan to show how completion of those measures can be verified on site.
Reason: In order to reduce the risk of pollution
- viii) No work shall commence on the development hereby approved until any remediation measures agreed under condition (vii) have first been approved and fully implemented through the written agreement of the Local Planning Authority. Only the approved measures shall be undertaken and these shall only take place in accordance with the approved verification plan.
Reason: In order to reduce the risk of pollution
- ix) No work shall commence on the development hereby approved until a detailed surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of

the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- a) show whether or not infiltration type drainage is appropriate through testing in accordance with BRE 365 guidance;
 - b) demonstrate compliance with the SUDS Manual; CIRIA Reports C753, C697 and C687 together with the National SUDS Standards,
 - c) show how the discharge rate generated by all rainfall events up to and including the 100 year plus 30% critical rainstorm, will be limited to greenfield runoff rates,
 - d) demonstrate compliance with attenuation in accordance with Science Report SC030219,
 - e) include detailed designs and calculations for all details of the scheme and outfall arrangements, and
 - f) confirm how the scheme will be maintained in perpetuity
- Reason: In order to reduce the risk of flooding and to improve water quality.

x) No work shall commence on the development hereby approved until full details of all acoustic bunding and fencing together with the location and specification of all acoustically treated glazing and ventilation have first been submitted to and approved in writing by the Local Planning Authority.
Reason: in order to reduce the risk of noise pollution.

xi) No work shall commence on the development hereby approved until full drainage plans for the disposal of foul water have first been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of reducing pollution and risk of flooding.

xii) No work shall commence on the development hereby approved until a Construction Management Plan has both been submitted to and approved in writing by the Local Planning Authority. The measures in the approved Plan shall apply at all times
Reason: In the interests of the residential amenities of the area and for highway safety reasons.

xiii) No work shall commence on the development hereby approved until a Landfill Operations Plan has first been submitted to and approved in writing by the Local Planning Authority. This Plan shall include a survey of existing ground levels and proposed ground levels. The measures in the approved Plan shall apply at all times.
Reason: In the interests of the residential amenities of the area and for highway safety reasons

xiv) No work shall commence on the development hereby approved until a Woodland Management and Open Space Plan for the areas to be left after completion has first been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of the amenities of the area.

Pre-Occupation Conditions

xv) No dwelling hereby approved shall be occupied until public pedestrian dropped kerbed crossings have been laid out and constructed across the junctions of Trajan Hill with Tiberius Close and Trajan Hill with Temple Way, to the written satisfaction of the Local Planning Authority.
Reason: In the interests of highway and particularly pedestrian safety.

Notes:

- i) The Local Planning Authority has met the requirements of the NPPF in this case through addressing the impacts arising from the development in discussion with the Statutory consultees and through amended plans.
- ii) Severn Trent Water advises that although their records show no public sewers within the site there may be sewers recently adopted under the Transfer of Sewer Regulations 2011. Additional information and advice should be sought.
- iii) Attention is drawn to Sections 59, 149, 151, 163, 184 and 278 of the Highways Act; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice.
- iv) Warwickshire County Council as Lead Local Flood Authority does not consider that oversized pipes or culverts are sustainable drainage solutions. Above ground solutions are advised.

Background Papers

Application 18/9/15

WCC (Footpaths) Consultation 7/10/15

Environmental Health Officer Consultation 23/10/15

Environmental Health Officer Consultation 13/10/15

Coleshill Town Council Representation 7/10/15

WCC Highways Consultation 22/10/15

AD (L and CD) Consultation 5/10/15

Coleshill Civic Society Representation 3/11/15

WCC (Flooding) Consultation 16/11/15

Severn Trent Water Ltd Consultation 23/11/15

WCC (Flooding) Consultation 5/12/15

Environmental Health Officer Consultation 14/6/16

Coleshill Civic Society Representation 21/6/16

AD (Housing) Consultation 21/6/16

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WCC (Highways) Consultation 23/6/16

T Leadbeater Objection 25/6/16

J George Objection 13/6/16

P Freeth Objection 14/6/16

N Meadows Objection 14/6/16

N Speers Objection 16/6/16

K Wyatt Objection 14/6/16

S and K Boffey Objection 17/6/16

K Fallowell Objection 17/6/16

M Wyatt Objection 21/6/16

D Wade Objection 28/6/16

J Grinnell Objection 27/6/16

H Hunt Objection 26/6/16

C French Objection 26/6/16

P Phillips Objection 26/6/16

K Hunt Objection 23/6/16

V and R Jones Objection 28/6/16

L Giffiths Objection 29/6/16

A Core Objection 28/6/16

R Aitkenhead Objection 24/6/16

R Turley Objection 12/6/16

K Pickersgill Support 18/6/16

N Speers Objection 30/6/16

E Lloyd-Kelly Objection 30/6/16

J Jordan Objection 30/6/16

P Carter Objection 30/6/16

L Speers Objection 29/6/16

T Corrin Objection 3/7/16

Mr and Mrs Bould Objection 29/6/16

Your ref: PAP/2015/0584
My ref: 150584
Your letter received: 12 August 2016



Mr J Brown BA Dip TP MRTPI
Head of Development Control Service
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Transport and Economy

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15 August 2016

Dear Mr Brown

Re: Proposed Residential Redevelopment Former Quarry, Off Trajan Hill, Coleshill

Thank you for your letter dated 10th August 2016 in regard to the above proposed development.

The Highway Authority has the following comments to make in response to the three questions posed:

- i. Even with a reduction in the number of dwellings proposed on the site, there remain concerns in regard to creating an access onto the A446. The A446 fronting the site was designed to move large quantities of vehicles. Drivers leaving and entering the site will have an effect on the traffic flows.

In regard to highway safety, the visibility splay from the proposed access point had a large blind spot and the intervisibility between drivers entering and exiting the site was not considered suitable. In addition, the access to the site would be in close proximity to the brow of the hill fronting the site. Drivers approaching the site may not see a vehicle leaving the site, so there is a risk of collision between a slow vehicle leaving the site and a fast vehicle passing the site. The access could not be moved further southwards because of the brow of the hill.

- ii. A temporary access would not be supported either. There would still be visibility splay concerns, and there could be more of a risk of collision over the brow of the hill as there could be more slow moving laden vehicles leaving the site.

*Working for
Warwickshire*

- iii. Development extensions on existing housing estates occur frequently. The planning application was for access only, with all other matters reserved. The Highway Authority recommended the inclusion of a Section 59 Agreement of the Highways Act 1980. Should the public highway be damaged or affected as a consequence of the works being undertaken during the development of the site, the developer would be required to undertake work to remediate this damage.

In addition, as part of the reserved matters the Highway Authority would recommend a condition restricting HGV movements to off-peak hours on the highway network and not when school children would be passing the site.

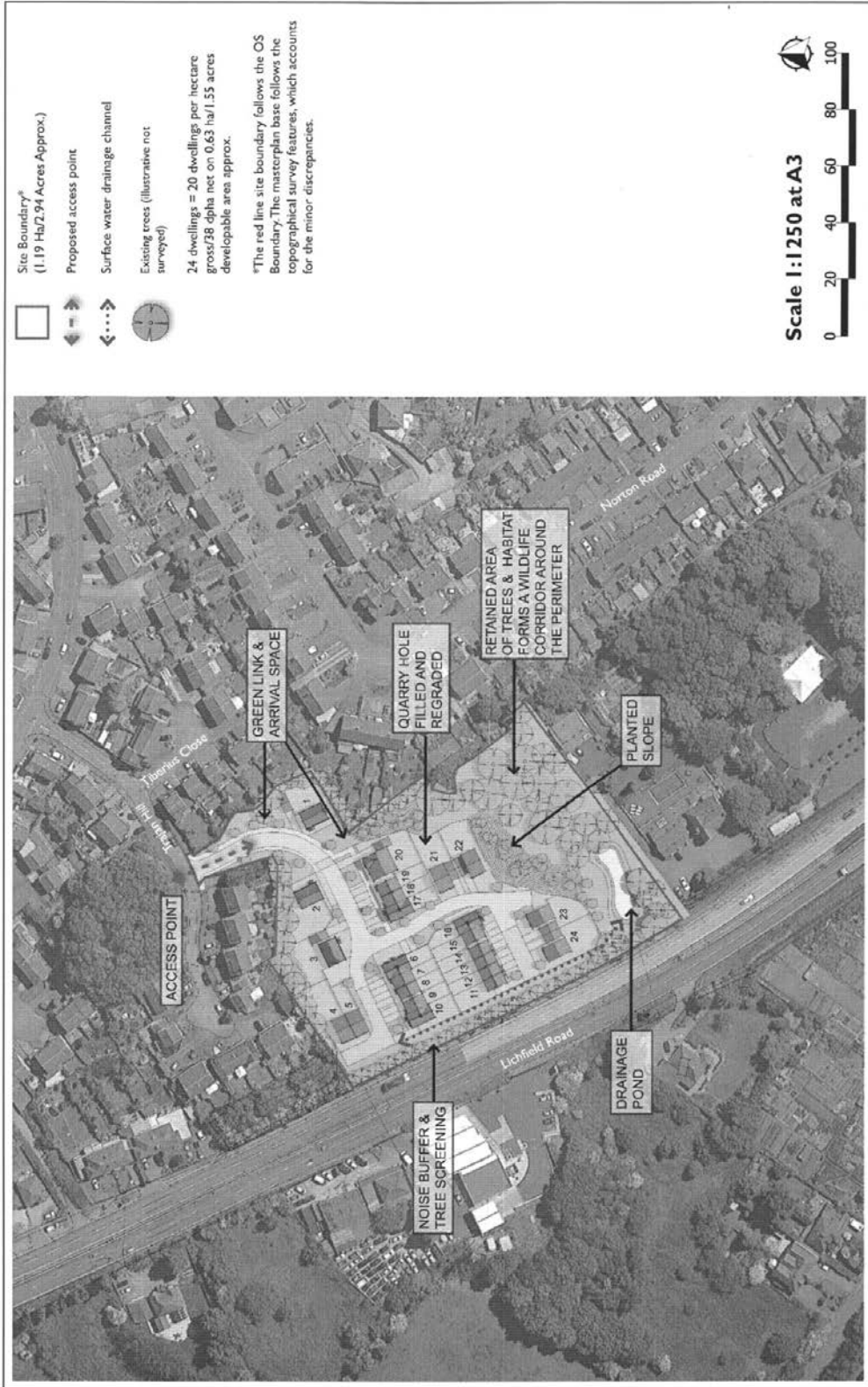
And would recommend a Construction Management Plan laying out how the site could be serviced with the least impact on the residential streets around the site including an approved route.

Please let me know if you require any further information.

Yours sincerely

Tony Burrows
Highway Control Engineer





Site Boundary*
(1.19 Ha/2.94 Acres Approx.)

Proposed access point

Surface water drainage channel

Existing trees (illustrative not surveyed)

24 dwellings = 20 dwellings per hectare gross/38 dpha net on 0.63 ha/1.55 acres developable area approx.

*The red line site boundary follows the OS Boundary. The masterplan base follows the topographical survey features, which accounts for the minor discrepancies.

Scale 1:1250 at A3

0 20 40 60 80 100

Drawing Number	Rev.	Date
	IM-01a	K

ILLUSTRATIVE MASTERPLAN

PROJECT	CLIENT
	Grimstock Hill, Colehill
	Heyford Developments

townscape solutions
208 Lighwood Hill, Smeethwick West Midlands, B67 5EH
E:tbrown@townscapesolutions.co.uk
T:0121 4296111; F:0121 7288989

(6) Application No: PAP/2016/0292

The Chase Inn, Coleshill Road, Hartshill, CV10 0PH

Variation of conditions numbers 2, 4 and 5 of planning permission PAP/2016/0163 dated 17/05/2016 relating to the approved plans, allow for the use of the building as a (D1) Children's Day Nursery; and hours condition; in respect of Change of use from A4 (Drinking Establishment) to D1 Vets Surgery (Non-Residential Institutions), for

Mr S Choudry - Warwickshire Partnership

Introduction

The application is brought before the Board following local Member concern about access.

The Site

The building falls within the Hartshill development boundary. The site lies at the junction of Plough Hill Road and Coleshill Road, both of which are main roads. The existing vehicular access off Plough Hill Road would be used for the proposed use.

The public house has been in existence for a number of years but is currently vacant. The site contains car parking and grassed areas. The site is within a mainly residential area with a mix of commercial and residential uses to the east along Coleshill Road. Below are a few photographs of the site and the remainder can be viewed in Appendix 1.



The Proposal

It is proposed to vary conditions attached to planning permission PAP/2016/0163 dated 17/05/2016 to allow for the use of the building as a (D1) Children's Day Nursery. That permission agreed a change of use to a D1 Vets Surgery.

The Veterinary use has not been implemented and thus the building is currently vacant. The proposed new use would entail no external changes, but internal changes would be required to accommodate the proposed use within the existing building fabric. The opening hours would be 0700 – 2000 hours Monday to Friday and 0700 to 1800 hours on Saturdays. The hours are proposed to allow for the flexible working of the parents. Eight staff would commence upon opening, but this may rise as child numbers increase so as to match professional child to carer ratios.

The site is said could accomodate up to 70 children but this would take place over a period of 3 years. The applicant points out that all of the children would not be on the site at the same time, depending upon parent requirements and it may also be the case that some journeys may involve a parent collecting and bringing more than one child. The existing car park would be used and this would contain 16 parking spaces. The existing vehicle access to the car park is off Plough Hill Road and was used when the public house was open.

The building will contain a toddler room; a baby room, a main play area and store and toilets on the ground floor, with first floor offices, staff room and kitchen. The relevant plans are shown in Appendix B

Consultations

Environmental Health Officer – No response received

Warwickshire County Council as Highway Authority – No objection. It is not considered that the proposed use would generate greater traffic use or cause greater highway problems than the historic use as a public house or the consented use as a Veterinary Practice.

Representations

Hartshill Parish Council - No comments to make

Two objections have been received referring to the following:

- The site is not suitable as it lacks parking and space for parents to drop off children
- The access is right on a very busy junction. It is a safety hazard.
- It could impact on local residential amenity

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW9 (Employment), NW10 (Development Considerations), NW12 (Quality of Development) and NW20 (Services and Facilities)

Other Relevant Material Considerations

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

Observations

The main consideration here is to consider whether the proposed use would lead to any significant adverse impacts over and above those which might occur as a consequence of the current lawful use as a public house and the consented use as a Veterinary practice.

The site is surrounded by residential uses. The car park is existing and is bordered by Willow Close which consists of bungalows. It is considered that given the scope of the lawful use and the consented use, that the current proposed use would be likely to be the “better” of the uses. Clearly re-occupation of the building as a public house is more likely to give rise to potential amenity issues. The earlier morning start however is not considered to be material given the use of this junction at this hour in any event regardless of the use of the premises. The public house’s function room would be used as the main children play area and as of such could lead to a reduced level of noise pollution and thus disturbance.

It is important to consider that the lawful use of the site is a public house. It could therefore re-open and if successful might lead to trade throughout the day with customers users using the outdoor amenity space along with traffic movements. There is also a fall-back position here given the Government’s changes to the Use Classes Order enabling much greater flexibility. The site could open as a shop, such as a small supermarket without the need for a planning application. This could have unrestricted opening hours and generate a number of vehicle movements. The alternative uses of the building are thus material planning considerations and should be weighted accordingly.

Finding a use for the vacant premises is considered to be important to the local economy. The loss of the public house as a facility has already been recognised through the recent alternative grant of planning permission and the nursery would be an alternative community use. A vacant premises would not be welcome.

The main issue here is parking and highway safety. The site has a large car park and this can be extended. It is of significant weight that the Highway Authority has not objected. It is aware of the use of the junction here and of the lawful and consented uses. It still considers that it could not defend a refusal in these circumstances. The National Planning Policy Framework clearly states that permission should be refused only if the traffic impact is severe. With no objection from the relevant statutory consultee the Council find it difficult in any appeal situation.

However the real concern here is with child safety which would be unlikely to occur with the lawful or consented uses. In recognition of this a condition is proposed to restrict entry and exit to and from the building other than via the car park at the rear. It is also recommended that a barrier or railing to be installed close to the boundary with Plough Hill Road so as to reduce the risk of children running into the road.

Recommendation

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

1. The development to which this permission relates must be begun not later 16 May 2019.

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 02A and 03 received by the Local Planning Authority on 11 April 2016 and the plan numbered 04A received by the Local Planning Authority on 20 May 2016.

REASON

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

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

REASON

To protect the privacy of the occupiers of adjoining properties.

4. Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order (2015) (as amended), or any Order revoking and re-enacting that Order with or without modification, this site shall be used as a Childrens Day Nursery only and no other use under Class D1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

REASON

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

5. The D1 Children's Day Nursery Use shall only be open to the general public between 07:00 and 20:00 hours Monday to Friday and between 07:00 and 18:00 hours on Saturday. There shall be no opening whatsoever on Sundays, Public Holidays and Bank Holiday.

REASON

To prevent disturbance to the occupiers of nearby properties.

6. There shall be no outdoor play area for the nursery.

REASON

To protect the amenities of nearby residential property.

7. All pedestrian access into the nursery shall be from the rear car park entrance to the building

REASON

In the interests of highway safety on the public highway.

8. Prior to occupation details of a barrier/railing to be placed along the Plough Hill Road frontage shall be submitted to and approved in writing. The approved scheme shall then be implemented and retained in place at all times.

REASON

In the interests of highway safety

Notes

1. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.
2. For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.
3. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority. Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com
4. 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.

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

5. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.
6. It is suggested that the owner/applicant consider a railing inside off the boundary along the grass area and the parking area to Plough Hill Road, so to reduce any potential incidents of children running into the public highway. The height of any boundary treatment is covered by Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, schedule 2, part 1.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0292

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	20/5/16
2	WCC Highways Authority	Objection	17/6/2016
3	WCC Highways Authority	No objection	4/8/16
4	Hartshill Parish Council	No comments response	8/6/16
5	The Links Day Nursery	Comments	25/5/16
6	25 Church Lane	Objection	25/5/16
7	Agent	Email to case officer	20/5/16
8	Case officer	Email to agent	20/5/16
9	Agent	Email to case officer	20/5/16
10	Case officer	Email to agent	20/5/16
11	Case officer	Email to agent	23/5/16
12	Agent	Email to case officer	23/5/16
13	Agent	Email to case officer	23/5/16
14	Case officer	Email to agent	23/5/16
15	NWBC Environmental Health	Email to case officer	24/5/16
16	Case officer	Email to agent	24/5/16
17	Agent	Email to case officer	24/5/16
18	Case officer	Email to NWBC Environmental Health	25/5/16
19	Case officer	Email to agent	1/6/16
20	Lennon Transport Planning, on behalf of agent	Email to case officer	9/6/16
21	Agent	Email to case officer	26/5/16
22	Case officer	Email to agent	17/6/16
23	Agent	Email to case officer	17/6/16
24	Case officer	Email to WCC Highways	17/6/16
25	WCC Highways	Email to case officer	17/6/16
26	Case officer	Email to agent	17/6/16
27	Lennon Transport Planning, on behalf of agent	Transport statement	22/6/16
28	Case officer	Email to agent	23/6/16
29	Site owner	Email to case officer	23/6/16
30	Case officer	Email to site owner	27/6/16
31	Lennon Transport Planning, on behalf of agent	Email to case officer	8/7/16
32	Case officer	Email to Lennon Transport Planning	8/7/16
33	Case Officer	Email to WCC highways	14/7/16
34	Case Officer	Email to agent	21/7/16

35	Case Officer	Email to agent	21/7/16
36	Agent	Email to case officer	26/7/16
37	Case Officer	Email to WCC Highways	2/8/16
38	WCC Highways	Consultation response	3/8/16
39	Case Officer	Email to agent	4/8/16
40	Case Officer	Email to agent	4/8/16
41	Case Officer	Email to Councillors and responses	4/8/16 – 11/8/16
42	Case Officer	Email to agent	9/8/16
43	Case Officer	Email to WCC Highways	10/8/16
44	Case Officer	Email to Councillors	10/8/16
45	Case Officer	Email to agent	17/8/16

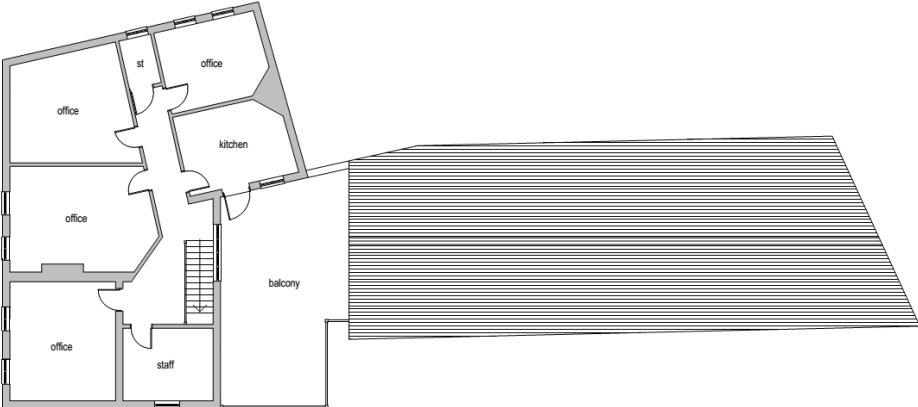
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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

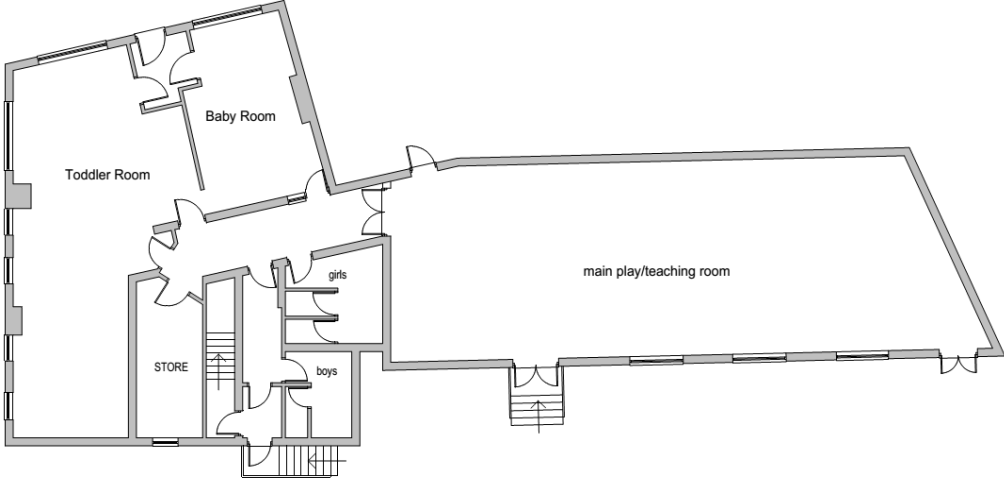
Appendix A – Photos



Appendix B – Plans.

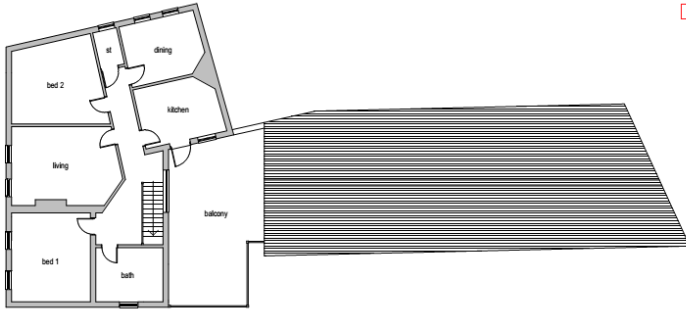


first floor plan

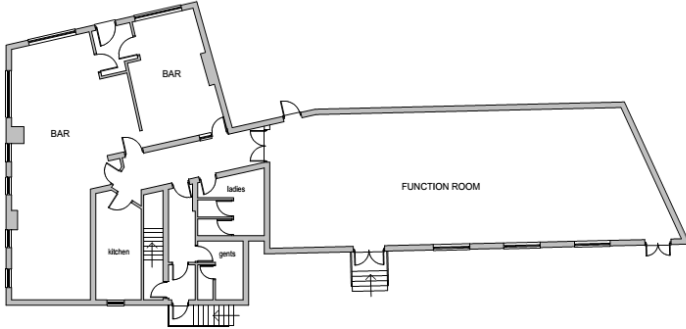


ground floor plan

Proposed floor plans



first floor plan



ground floor plan

Existing floor plan.



Proposed and existing layout plans.

(7) Application No: PAP/2016/0367

28, Church Lane, Old Arley, Coventry, CV7 8FW

Retrospective application for the retention of detached garage/seating area, for

Mr Carl Sanders

Introduction

The application is brought before the Planning and Development Board because the retrospective application is for the retention of an existing garage and garden structure that has not been built in accordance with the previously approved plans PAP/2014/0251 dated 03 July 2014. Given that the application is recommended for refusal, authority is also sought for the service of an enforcement notice.

The Site

The site is within the development boundary of Old Arley. The character of the site is a single row of terraced houses with long front gardens, and an access road to the rear that has a detached garage and long rear gardens that are very open and not separated by boundary walls or fences, together with a public footpath to the rear.

The Proposal

The proposal is a retrospective application for the retention of a large detached garage, partially cut into the original steeply sloping garden, and formation of an elevated seating area enclosed by cast insitu concrete walls.

Background

An application PAP/2014/0251 was approved on the 3 July 2014 for a single storey extension to the rear of the dwelling house; a rear dormer and front roof lights and a partially sunken detached garage to the rear. The materials were to be facing brickwork and roof tiles to match the original dwelling house.

The front part of the garage would be of domestic scale and cut into the ground such that the flat roof element at the rear of the garage would form a patio at a level equal with the existing ground level. As such the garage would fall within the limitations of permitted development.

Development Plan

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

Saved policies of the North Warwickshire Local Plan 2006 - ENV12 (Urban Design) and ENV13 (Building Design)

Other Relevant Material Considerations

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

Representations

Arley Parish Council – No response

A letter of support has been received saying:

“Development accords with aims of local, borough and national objectives to reduce on street parking which is chronic in this former mining village where due to age of housing no parking facilities were provided when built. Church Lane is severely obstructed by vehicles parked on roadside limiting access by large farm vehicles and rail vehicles to nearby rail access point. Development accords with aims of Arley Parish Plan and improves sustainability of local area.”

A letter of objection has been received from another neighbour saying:

“The platform at the rear of this illegal structure gives views into rear bedrooms of adjacent properties. To be removed. Overall height should be reduced in line with original planning permission to reduce impact of building. Building usage to be changed to commercial as car repairs being carried out

Observations

It should also be noted that the objection received was followed up and no evidence has been provided that any commercial activity is associated with the site. As the existing rear garden is elevated, there is no greater opportunity to look into neighbouring properties than can be achieved without the raised seating area.

The garage is approximately 4 metres longer than the approved plans, and the pitch is steeper. The increase in height of 700mm results in the patio area formed by the flat roof at the rear of the garage being elevated, and walls have been formed around the perimeter of the platform. The building is formed in a single in situ concrete structure that dominates the surrounding garden landscape.





The resultant structure is not domestic in scale and massing with a garage that has a footprint that is more than four times larger than the adjacent domestic garages. The concrete walls and profiled steel sheet roofing are not domestic in character. The elevated platform and surrounding concrete walls are visually obtrusive and over dominant and do not harmonise with the domestic scale of garden buildings and open gardens characteristic of the properties in this locality. The access to the rear parcel of land is severely obstructed by the widening of the rear element of the structure, making access difficult without entering the adjoining garden.

The very open nature of the gardens in this locality is predominantly grass, without boundary fences and walls. The hard landscaping in the form of the raised patio and concrete surrounding walls are out of keeping with this distinctive local character and are not considered to positively contribute to the immediate environment, thereby adversely affecting the amenity of adjoining neighbours.

Consideration has been given to whether there are any alterations that could be made to the structure to make it more acceptable, however it is considered that the scale and the impact of the structure make it fundamentally unsuitable to its location and there are no cosmetic alterations that would remedy the harm caused by this building. The structure is so dissimilar in height, width, design and materials to the previously approved development, that it is considered to be a new building. Given the form of construction, it is considered that the only reasonable solution is total demolition.

Given this conclusion, the expediency of enforcement action needs to be considered. There is an approval here for a garage and the owner has taken a deliberate decision not to undertake the approved plans. Enforcement action seeking demolition is thus a risk that he has brought on himself. There is also a right of appeal against the issue of any refusal as well as the service of a Notice. In this case the adverse visual impact is considered to be so strong as to warrant action.

Recommendation

- a) That planning permission be **REFUSED** for the following reasons:
1. The structure is over dominant in the open gardens characteristic of the locality, such that it affects the amenity of neighbours in the enjoyment of their gardens. This is contrary to policy NW10 of the Core Strategy 2014.
 2. The structure is visually obtrusive and the building is not domestic in scale, character or materials, such that the scale, massing, height and appearance do not positively integrate with the surroundings. The materials do not respect or enhance the local distinctiveness in that the elements do not harmonise with the immediate setting to present a visually attractive environment. This is contrary to policy NW12 of the Core Strategy 2014 and saved policies ENV12 and ENV13 of the North Warwickshire Local Plan 2006.
 3. The design of the concrete structure is not considered to achieve an acceptable level of good design and appropriate landscaping that positively contributes to better places for people as required by paragraphs 56-58 of the National Planning Policy Framework (NPPF).
- b) That authority be given for the service of an Enforcement Notice which requires the demolition of the building; the removal of materials from the land and reinstatement of the garden to its original grassed surface. A compliance period of six months is considered to be appropriate.

Notes

Notwithstanding this refusal, the Local Planning Authority has worked with the applicant in a positive and proactive manner through considering the opportunities to overcome reasons for refusal. However despite such efforts, the planning issues have not been satisfactorily addressed. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0367

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	22/06/2016
2	NWBC	Approved plan and decision notice from the application PAP/2014/0251.	03/07/2014
3	Mr Reader	Representation	28/06/2016
4	Mr Jeavons	Representation	07/07/2016

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