

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

**(Councillors Butcher, Barber, L Dirveiks,  
Humphreys, Lea, May, B Moss, Phillips,  
Sherratt, Simpson, A Stanley, Sweet, Turley,  
Watkins and Winter)**

**For the information of other Members of the Council**

This document can be made available in large print and electronic accessible formats if requested.

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

## **PLANNING AND DEVELOPMENT BOARD AGENDA**

**16 JUNE 2014**

The Planning and Development Board will meet at the The Council Chamber, The Council House, South Street, Atherstone, Warwickshire CV9 1DE on Monday 16 June 2014 at 6.30 pm.

### **AGENDA**

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

**PART A – ITEMS FOR DISCUSSION AND DECISION  
(WHITE PAPERS)**

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

**Summary**

Town and Country Planning Act 1990 – applications presented for determination

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

- 5 **Annual Performance Report 2013/14** - Report of the Head of Development Control

**Summary**

This report outlines the performance of the Development Control service during the past year comparing it with previous years.

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

JERRY HUTCHINSON  
Chief Executive

## **Agenda Item No 4**

### **Planning and Development Board**

**16 June 2014**

### **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](http://www.northwarks.gov.uk).
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 14 July 2014 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/](http://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](mailto:democraticservices@northwarks.gov.uk);
  - telephone (01827) 719222; or
  - write to the Democratic Services Section, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE enclosing a completed form.

## Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	PAP/2013/0452	4	<b>Land adjacent to Castle Close, Coventry Road, Fillongley,</b> Erection of 3 no: detached houses with associated garages and access drive	General
2	PAP/2014/0028	23	<b>The Paddocks, Austrey Road, Warton,</b> Erection of detached two storey dwelling	General
3	PAP/2014/0117	35	<b>George and Dragon, 154 Coventry Road, Coleshill,</b> Retrospective application for engineering works in car park	General
4	PAP/2014/0168	45	<b>Ivy Cottage, Freasley,</b> Retrospective application for change of use of land to mixed use equestrian and allotments	General
5	PAP/2014/0228	53	<b>1-7 (odd nos), Church Walk, Mancetter, Atherstone,</b> Demolition of block of 4 shops and 4 maisonettes and construction of 14 flats and 6 houses	General

## General Development Applications

(1) Application No: PAP/2013/0452

Land adjacent to Castle Close, Coventry Road, Fillongley,

Erection of 3 no: detached houses with associated garages and access drive, for

Bonds Hospital Estate Charity

### Introduction

The application is brought before the Planning and Development Board as a Section 106 Agreement has been submitted as part of the application.

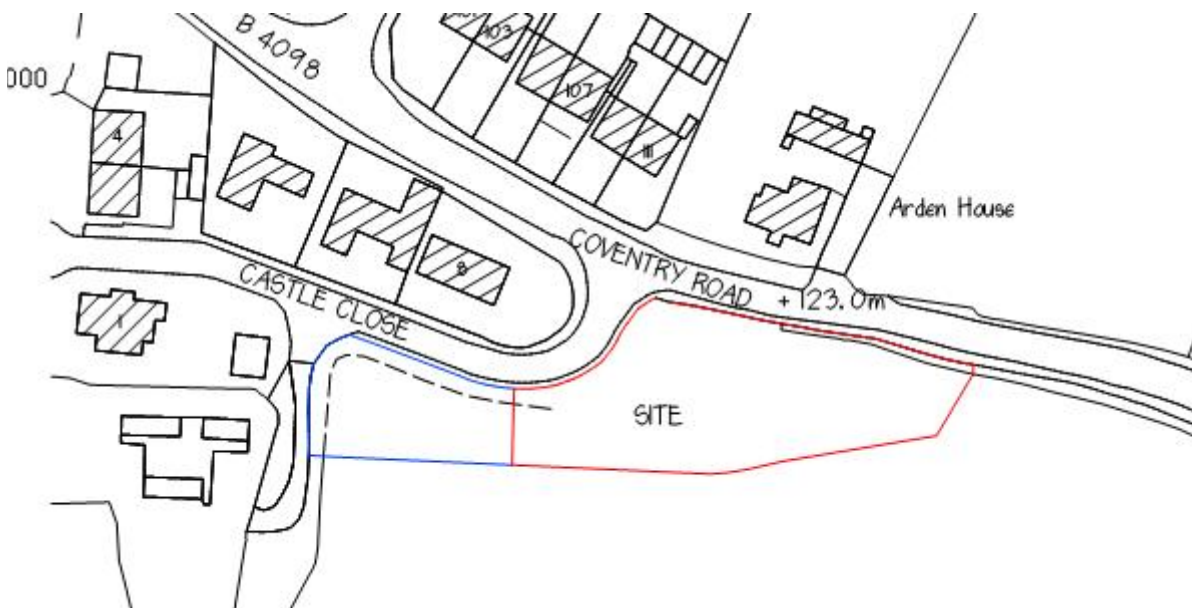
### The Site

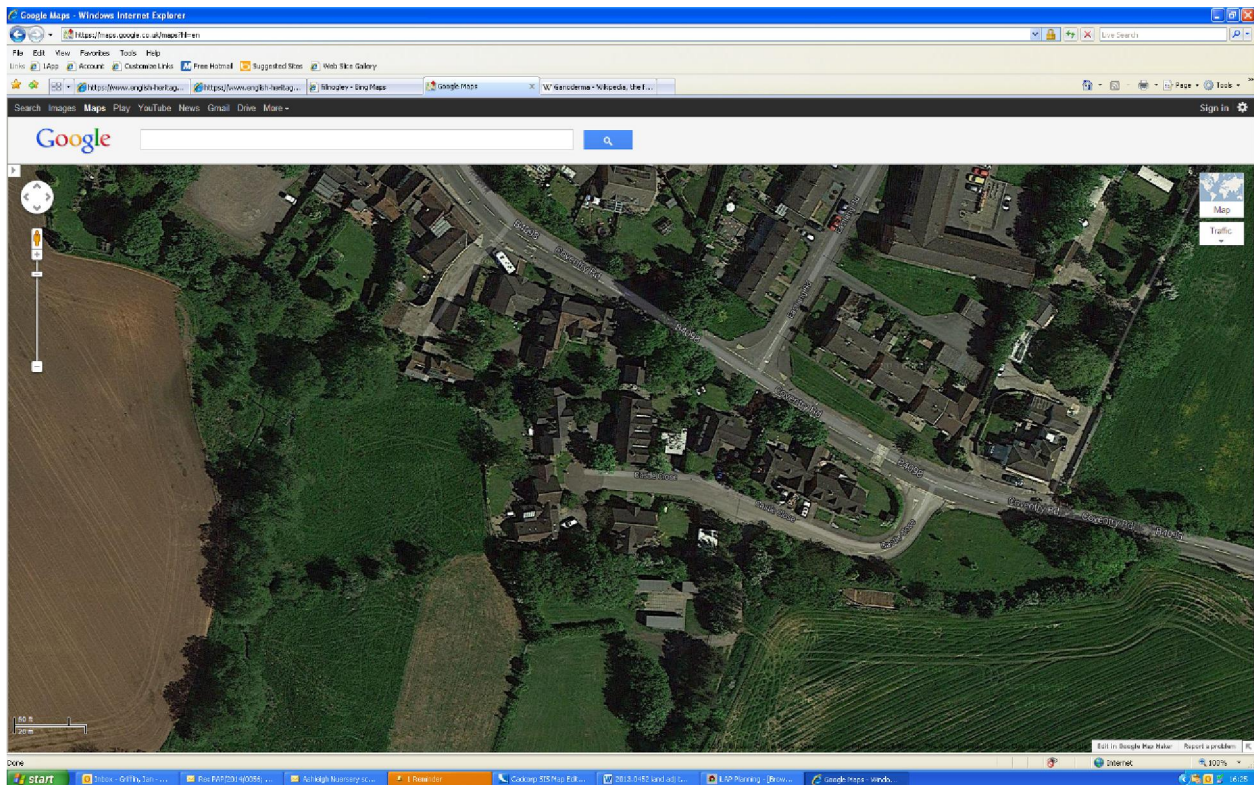
The site is land at the junction of Castle Close and Coventry Road, on the southern edge of Fillongley. It is presently amenity grassland, bounded on its northern boundary by a mature hedge. There is a mature Oak on the boundary with the Coventry Road which is the subject of a Tree Preservation Order. Along the southern boundary are seven young Norway Maple trees and three other broadleaf trees. There are also two mature Holly trees here.

The land is a narrow parcel with its widest part being at the junction of Castle Close and Coventry Road. It slopes up from Coventry Road and Castle Close with a height difference of about 2.5 metres.

To the rear of the site is an agricultural field, and an access drive which is also used to access a camping site for the Girl Guides off Castle Close. There are eight detached dwellings in Castle Close, which are rural in character and design, and date from the 1980's. Opposite Castle Close is Arden House and other 1960's/70's dwellings.

The general location is illustrated below.





Aerial photography taken from [www.google.co.uk](http://www.google.co.uk) (15/4/14)

## The Proposal

The proposal is for three detached market dwellings which are to be sited in the centre of the site. The design and appearance are basically similar, and they would share an access off Castle Close. The overall layout and appearance is illustrated at Appendix A

## Background

The whole of the application site is within the development boundary for Fillongley as defined by the North Warwickshire Local Plan 2006. It is not therefore in the Green Belt.

The replacement Local Plan – the submitted Core Strategy – identifies a housing requirement of 30 dwellings for Fillongley.

The site is identified as one of the Preferred Options for delivering this requirement in the Site Allocations Document as agreed by the Council in April 2014 for further consultation. It is site “FIL4” capable of accommodating three dwellings.

The site is not within the Fillongley Conservation Area. However it is close to the Area’s southern boundary. This is shown at Appendix B.

The land to the south west is within a Scheduled Ancient Monument Site and this too is illustrated at Appendix B.

The girl guides use the land to the rear of the site as a camping site. This dates from 1978. Planning permission for a replacement camping hut was granted in 2012.

## Development Plan

Saved Policies of the North Warwickshire Local Plan 2006 (“the Local Plan”) - Core Policy 2 (Development Distribution), Core Policy 3 (Natural and historic Environment); Core Policy 5 (Development in Towns and Villages), ENV2 (Green Belt), ENV15 (Heritage Conservation); ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation), ENV16 (Listed Buildings), HSG2 (Affordable Housing), HSG4 (Densities), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

### **Other Relevant Material Considerations**

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

The Council’s Core Strategy Submission Version 2013: policies NW2 (Green Belt); NW3 (Housing Development), NW5 (Affordable Housing), NW8 (Sustainable Development), NW9 (Renewable Energy and Energy Efficiency), NW11 (Natural and Historic Environment) and NW10 (Quality of Development).

The Council’s Preferred Options for Site Allocations – Consultation Document April 2014

The Fillongley Conservation Area Designation Report - 1970

The North Warwickshire Landscape Character Assessment - 2010

### **Consultations**

Environment Agency – The proposal will have low environmental risk.

Severn Trent Water Ltd – No objection subject to a standard condition.

Warwickshire County Council as Highway Authority – Originally submitted an objection on the grounds that the size of the garages and drives was not to the Authority’s standard specification and that the design of the turning area needed amendment. It considered that these matters could lead to on-street parking in Castle Close. Amended plans have now been submitted in order to overcome these issues – the drives and turning areas have been made larger and all of the garages have been removed, replaced by parking areas as shown at Appendix A. The Highway Authority has yet to comment on this latest plan and its comments will be reported verbally at the meeting. This will also be the case in respect of local resident’s comments on the latest layout.

Warwickshire Museum – No objection subject to its standard condition.

Warwickshire Tree Officer - No objection as the proposed development takes account of the root protection areas of the oak tree covered by an Order and the other boundary trees around the site. The removal of other trees along the southern boundary is considered to be reasonable.

Environmental Health Officer – No objection



## Representations

Fillongley Parish Council – It objects to the proposal and refers to the following matters:

- The infill of this piece of land, albeit highlighted by the Site Allocations Document will change the character of the village. It will build on the small piece of proven amenity land that prevents the village from being “ribbon development”. The Parish Council has previously been told that NWBC is against this style of development within the Borough. Building on this land is contrary to the Councils own policy ENV5.
- When Castle Close was developed in the 1980’s the last two homes (no’s 7 and 8) were only allowed on appeal. The developer was told categorically that building on this plot would not be permitted. Further development is contrary to ENV 11 because of the loss of amenity.
- The land is immediately adjacent to the Conservation Area. The proposed development is for three standard properties. It appears that no consideration has been given to the unique nature of the site or to the style of buildings in the Conservation Area. The Council does not consider that the proposal meets the following Local Plan policies - Core Policy 4; Core Policy 11, ENV 12, (points i and ii), ENV 13 (point 1) and ENV 15 (points 2 and 5).
- The nearby Eastlang Road already suffers from car congestion. This proposal will create the same situation in Castle Close. There is also a Guides camp site at the rear of Castle Close. When the Camp Site is used, the road already becomes unmanageable as it is a cul-de-sac. The proposal is contrary to policies ENV 11 and ENV14.
- Prior to the site being “cleansed” for development there was a small spinney which created a wildlife “corridor”. The removal of the spinney area will undoubtedly affect wildlife movements detrimentally. Further development of the land into suburban gardens will also remove habitat from this wildlife-rich area. This is contrary to Local Plan Core Policy 3 and policy ENV 3.
- The Borough Council will be aware of the problems that Fillongley already has with flooding and sewage flooding. It should be noted that there are three issues regarding this:
  - a) The storm water/road drains from Castle Close will mix with the sewage waste. When flooding has occurred, some properties in Castle Close get flooded with a mixture of flood water and raw sewage. Any additional surface run off from paved areas will add to this.
  - b) Currently the centre of the village suffers from flooding on a regular basis. Rain water flows down Coventry Road into the centre of the village. Additional hard surfaces will add to the run-off (as will removal of trees because the roots that previously held the soil together and absorbed some of the water are no longer there).
  - c) There is also a problem in that the sewers, travelling down from above Castle Close to the centre of the village block regularly causing a backlog of sewage inside some properties. The Parish Council think that it would be folly to increase the number of houses linking in to the currently overloaded system.

- The Parish is currently working on an emerging Neighbourhood Plan. The initial scoping survey within the Parish showed that there was strong support from the Parish for keeping green areas green. The Parish Council is supporting a development of brown-field land elsewhere in the parish. This will be the subject of a Neighbourhood Development Order. It could provide for the full 30 dwellings as set out in the Core Strategy.

Twelve letters of objection have been received from local residents. These cover many of the matters raised above by the Parish Council, expanding on some in detail. Other matters included in the letters are:

- The land ownership plans are questioned.
- There is no detail on landscaping proposals or retaining walls and banking
- What will the ecological impact be and is this covered adequately in the accompanying documentation?
- What impact will there be on the Protected tree, and its root area needs proper protection?
- The site has important flora and fauna value (in particular dandelions which are important for bee retention and amphibians)
- The design will dominate the street scene – the dwellings will be at a higher level than those in Castle Close
- More detail is needed for the open areas to be left
- Retaining walls will affect land drainage
- There will be an impact on the setting of Arden House – built in 1760.
- There will be an impact on the original Castle Farm; its historic farmstead setting and the early history of sandstone exploitation in the area linked to the adjacent ancient monument. The application site may well have been an associated orchard.

The George Elliot Fellowship has written saying that there are local and personal connections to George Eliot as she spent much time at the neighbouring Castle Farm. Its environs should be retained and not be compromised by this development.

Two letters of support have been received.

## Observations

Prior to commencing this section of the report, it is useful to provide a selection of photographs of the site and its surroundings.





## **a) Introduction**

This application has generated a significant number of issues, and all of these will need to be addressed in the determination of this case. That will rest on balancing the relevant saved policies of the Local Plan with those of the Council's emerging Core Strategy and the content of the NPPF. The first part of this section will look at the matter of principle and then detailed matters will be followed through in later sections.

Members will be aware from previous cases reported to the Board and from recent appeal cases that the matter of principle rests on the weight to be given to the policies in the respective documents referred to above. In order to assist here, Members will know that the housing policies of the Local Plan are out of date and thus carry no weight. Those in the emerging Core Strategy carry more weight as they are based on very recent evidence of housing need and that that evidence has recently been the subject of objective assessment at the Examination in Public. However as that Strategy has not yet been adopted, the policies of the NPPF will still carry the greater weight in respect of housing issues.

With this background the matter of principle can be assessed.

## **b) The Local Plan - New Housing**

This application site is not in the Green Belt. Indeed it is wholly within the development boundary for Fillongley as defined by the Local Plan. As such and in line with the policies of that Plan, there is no objection in principle to the residential development of this site.

## **c) The Submitted Core Strategy – New Housing**

The submitted version of the Core Strategy does not alter the green belt boundary around Fillongley. The application site thus remains within the development boundary shown for the village in this document. Indeed in this case, the village is identified for further housing development for a minimum of 30 dwellings. As such there is no objection in principle to this current proposal.

The Council has also published its Preferred Options for Site Allocations illustrating how these 30 dwellings might be accommodated in Fillongley. The application site is identified as a preferred allocation for three houses. The Council has recently endorsed this preferred option in its latest consultation which will be published shortly. This therefore reinforces support in principle.

## **d) The “NPPF” – New Housing**

The essence of the NPPF in respect of its approach to new housing is that Local Planning Authorities are required to “significantly boost” new housing developments. They should do this through their Core Strategies by allocating land, and secondly through the grant of planning permissions. The Borough Council has done the former through its submitted Core Strategy and the Preferred Options document. However as indicated in the introduction these do not yet carry full weight. In these circumstances the NPPF requires the grant of planning permissions if the development the subject of a planning application is “sustainable” and that it assists in meeting the Authority's five year housing supply. In this case, the development is sustainable in principle as the site

is within and has been consistently within the defined development boundary for Fillongley. Secondly, the Council does not have a five year housing supply. As a consequence there is no objection in principle under the NPPF to this development.

#### **e) The Matter of Principle**

Having gone through each of the three background policy considerations here, then it becomes very clear that there is support for this development in principle from all of the respective planning policy documents. Members are therefore strongly recommended to adopt this conclusion.

As a consequence the determination of this application will rest on detailed matters. The approach to be taken in this respect is that set out in the NPPF. The Board will have to assess whether there are “significant and demonstrably adverse impacts” which outweigh the support in principle for this proposal. In doing so, Members are advised that there should be evidence to support a “significant and demonstrably” adverse impact if it is to carry weight.

There are clearly a number of matters here which need to be assessed as suggested by the content of the objections received. However there are two matters which need to be dealt with first - those of alternative sites and the provision of affordable housing.

#### **f) Other Sites**

The Parish Council and others refer to the prospect of an alternative site being brought forward to meet the Core Strategy housing requirement for thirty dwellings in Fillongley. As always Members are asked to treat the current application on its own merits. In this case, then the Parish Council’s prospective Neighbourhood Development Order is just that – prospective. It carries no weight. Additionally that site is in the Green Belt and there is still an argument that is to be resolved as to whether its development would conflict with the emerging Core Strategy or not, and whether the site is in a sustainable location. As such Members are asked to give no weight to a potential reason for refusal based on the prospect of an alternative housing site coming forward.

#### **g) Affordable Housing**

The Local Plan requires all new housing in Fillongley to be “affordable”. The emerging Core Strategy requires a far more flexible approach to affordable provision subject to the viability of each individual housing scheme in line with the approach of the NPPF. In balancing these approaches, it is considered that the balance lies with the NPPF and the emerging Core Strategy. As a consequence in this case, an off-site affordable housing contribution of £75k is offered. It is considered that this is reasonable in this case.

It is now proposed to assess those detailed matters which might give rise to significant and demonstrable adverse impacts.

#### **h) Neighbour Amenity**

Saved policy ENV11 of the Local Plan says that development should not be permitted if neighbouring occupiers would suffer significant loss of amenity including amongst other things, overlooking, loss of privacy or disturbance such as traffic. The NPPF has as one of its core planning principles that new development should have a good standard of

amenity for all existing and future occupants of land and buildings. It is considered that saved policy ENV11 accords with the NPPF and thus that it should carry full weight. It could therefore be cited as a potential reason for refusal if there was a “significant and demonstrably” adverse amenity impact.

It is not denied that there will be an impact here as new development would appear where none exists presently. However it is not considered that this would be so significant or demonstrably adverse to warrant a reason for refusal. Arden House would be the closest house overlooking the site and would have a separation distance of some 21 metres to the closest new front elevation. Members will be aware that the Council has no adopted guidance on separation distances but it has consistently used a figure of 21 or 22 metres in its decision making – consistent with other neighbouring Authorities. Given that there is a road in between the two sites and that there will be partial screening by retained trees and landscaping, this distance is considered to be reasonable. The same considerations would apply to the neighbouring property to Arden House – namely 111 Coventry Road which would be some 30 metres distant. The closest property in Castle Close is number 8 and its side gable would face the side gable of the new house on plot three – a distance of 22 metres. There are no windows in the side gable of the nearest of the proposed houses which would overlook number 8 and the front windows would be at an oblique angle. There is however a first floor window in the side gable of number 8. It is agreed that the new house would be at a higher level than number 8 – by a metre to a metre and a half - but that is not considered to be so adverse as to warrant the new house being “domineering” or overly “prominent”. Given also that the vehicular access to the three proposed houses is located before the drive to number 8 is reached in Castle Close and that the property backs onto the main road, it is not considered that there would be a demonstrable adverse impact upon the residential amenity of the occupier to number 8.

In conclusion it is not considered that a reason for refusal based on potential adverse impacts on neighbouring residential amenity could be evidenced.

#### **i) Land Ownership**

The application site boundary has been amended as a consequence of the representations received. However Members will be aware that this is not a material planning consideration and should a planning permission be granted then the resolution of any ownership issue is a private matter between the parties. However a note can be added to any Notice referring to the Party Wall Act and to ownership concerns.

#### **j) Drainage**

Saved policy ENV8 of the Local Plan requires that water resources are safeguarded and enhanced, by ensuring that new development has a satisfactory surface and foul water drainage system and that aquifers are protected. The NPPF requires the determination of planning applications to be made such that flood risk is not increased elsewhere. It is considered that ENV8 accords with the NPPF and thus that it would carry full weight in the event of evidence to demonstrably show adverse impacts arising from a development proposal. That is not considered to be the case here. Surface water from the proposal will be disposed of through a combination of sustainable drainage measures including rainwater harvesting; soak-aways and permeable drive way materials. It is material that Severn Trent Water Ltd has not objected. Severn Trent Water has also confirmed that there is sufficient capacity in the main foul drainage

system to accommodate the new development. The Environment Agency has not objected on the grounds of potential impact on the aquifer.

The condition requested by Severn Trent Water would “reserve” the detailed design of all of these measures to be approved prior to construction. This is the appropriate way forward.

#### **k) Wildlife including Trees**

Saved Core Policy 3 of the Local Plan seeks to protect and enhance bio-diversity and this is supplemented by saved policy ENV3 which refers to designated nature conservation and wildlife sites, and saved policy ENV4 which seeks to retain, trees, woodlands and hedgerows. The NPPF seeks as one of its core planning principles to conserve and enhance the natural environment by refusing development that would cause significant harm and to ensure that there is bio-diversity enhancement in a development proposal. It is thus considered that the saved Local Plan policies accord with the NPPF and as such could be cited in refusal reasons if there was evidence that the proposals would cause significant and demonstrable harm.

The application site is not itself or does it adjoin any local, national or regionally designated or potentially designated wildlife site. There is one tree covered by an Order, but as the whole of the site is outside of the Conservation Area there is no protection for any other tree on the site or around its boundary. The bat survey submitted with the application found no evidence of bat roosts. The County Council’s Forestry Officer has responded by saying that the development would not impact on the root system of the protected tree or other notable trees. As a consequence, any reason for refusal here would have to be based on evidence of a significant adverse ecological impact. It is noteworthy that this site is a preferred option in the Council’s consultation on site allocations, and as such has already not attracted objection from the ecology assessments undertaken during the process of identifying the preferred option sites.

The development will change the ecology of the site. That will involve the lowering of levels; the introduction of a retaining wall and bank together with the loss of trees in the southern boundary. The issue is whether this will cause demonstrable harm to the bio-diversity of the area. It is considered that it would not be of this extent.

#### **l) Landscape**

Saved policy ENV1 of the Local Plan says that development that would not protect or enhance the intrinsic qualities of the existing landscape should not be supported. Saved policy ENV5 seeks to retain open space but only if identified on the Proposals Map and following an Open Spaces audit. The NPPF has a similar objective to that of ENV1 as one of its core planning policies. It is thus considered that the saved policy would carry full weight if it was to be cited as a reason for refusal.

The North Warwickshire Landscape Character Assessment includes the whole of Fillongley within the “Arden Hills and Valleys” zone. The main characteristics of the area are described as being elevated farmland with low rounded hills, steep scarps and small incised valleys. Hilltop woodlands and tree cover create an intricate and small scale character punctuated by scattered farms and hamlets. It is not considered that this proposal would materially affect or lessen the description so set out. This is because of its small size; the pronounced fall in level from the southern boundary towards the road so containing the site visually within the village, the visual connection with Castle Close

rather than open agricultural land, and that the development would not materially extend the built up area of Fillongley or alter its overall compact boundary. Moreover, contrary to the Parish Council's view, the site itself is not identified in the Local Plan as an ENV5 site and the Borough wide audit undertaken does not alter this position. Perhaps of more weight is the representation that the development would extend ribbon development in the village. This is correct as a new frontage development would be created. The counter argument is however substantial. This site is within the defined development boundary for both the Local Plan and the emerging Core Strategy, within a settlement considered to be sustainable and where new housing should take place. It is not in the Green Belt and neither is it recognised in the Local Plan as a protected ENV5 Open Space. Given the conclusion above on the principle of development, the fact is that this was always a site which was seen to be a potential development site. That this would be through a frontage development was accepted.

### **m) Highways**

Saved policy ENV14 of the Local Plan requires all new development to have safe vehicular access and that the local highway network has the capacity to accommodate any increase in traffic generated. The NPPF requires the safe and suitable access. As such the saved policy would carry full weight should it be cited as a reason for refusal. Saved Policy TPT6 of the Local Plan requires parking provision in line with a set of standards to be treated as maximum provision. The NPPF suggests that standards can be set provided they reflect a number of factors. The saved policy TPT6 is not fully in accord with the NPPF and thus should be treated with caution if to be cited as a reason for refusal.

The Highway Authority originally objected to the proposal on the grounds that there was insufficient turning space; the sizes of the drives were not to a standard specification and that there was a potential car parking issue given that the garages were of minimum dimensions. Amended plans have been submitted which are considered to address all of these matters, but the formal view of the County Council is still awaited. The drives and turning areas are considered to meet current highway standards and no garages are now proposed.

Picking up on the parking issue which was the underlying issue with the County Council's original objection, then the site is in a sustainable location where there is a shop, a school and public transport connections. The proposed parking provision is for two spaces per dwelling exactly in line with the standards set out by this Council in its saved policy TPT6. It is not considered that there is any scope here for a reason for refusal.

One of the issues raised by objectors was the obstruction caused in Castle Close by the use of the land to the rear by the Guides. That permission was conditioned because of this likelihood and as such there may well be cause to investigate compliance with the relevant parking conditions. Additionally the Police can deal with illegal parking.

Given all of these matters it is not considered that there is scope here for a refusal reason.



## **n) Urban Design**

Saved policies ENV12 and ENV13 require new development to be well related to both the immediate setting and the wider surroundings so as to provide an attractive appearance. The NPPF also requires good quality design from new developments. As such these two saved policies carry full weight and could be used in any refusal reason.

The site is not in the village's Conservation Area and neither is there any adopted design guidance for Fillongley and hence any refusal reason here would have to be based on a very poor design clearly out of keeping with its surroundings. This is not the case here. The materials to be used are brick and tile; chimneys have been added, the fenestration includes curved lintols and there are bay windows and covered canopies, all features which the Board has requested elsewhere throughout the Borough. The site is visually and physically separated from the earlier existing development in Castle Close and thus a different approach can reasonably be taken here. Indeed there is also a variety of different house types opposite the site. As a consequence there is not the scope here for a refusal reason.

## **o) Heritage Interests**

The site is not within the Conservation Area but its western edge does come close to it. As such saved policy ENV15 says that new development which would have a harmful effect on the character, appearance or setting of the Area or views into or out of it will not be permitted. The NPPF contains very similar wording and thus it is considered that the saved policy would carry full weight should there be evidence to support a refusal here. The plan showing the extent of the Area in relation to the application site is at Appendix B.

The designation report for the Fillongley Conservation Area describes the development of the village as a compact settlement clustered around the junctions of Ousterne Lane and Church Lane with Coventry Road, where there is a marked hollow and stream. To the south Castle Farm is mentioned as being significant overlooking the stream. The Church is mentioned to the north. The report says that the attractiveness of the Area is due to the use of one brick type and tile. The closest development to the site is the former Castle Farm which has now been developed through new build and conversions to form the present day Castle Close. It is not considered that the current proposal would affect the character or appearance of the Conservation Area as described above due to the site not being within or close to the centre of the village, and that it is visually and physically separated from the former Castle Farm.

Other heritage interests cited in the representations include the impact on the setting of Arden House referred to earlier. This is not a Listed Building but its setting has already been compromised by the adjoining more modern development in Coventry Road. Even with the proposed development there would be sufficient open space around it for it to retain a "presence".

Representations have indicated that the site historically was almost certain to be part of the former Castle Farm farmstead probably as a former orchard, and that the former farmstead has been recognised by English Heritage. As referred to above, the site is not in the Conservation Area and has no designated heritage identification. It is separated from the former farm house, whose character and setting has already been materially altered by recent new development in Castle Close. As an identified preferred

location it too has not attracted objection from the heritage assessments undertaken prior to the identification of these options. Moreover the Warwickshire Museum has not objected to the current application. A similar response would be appropriate to the site being a possible former sandstone quarry.

The link with the George Elliot family is noteworthy, but the development of this site would not diminish that historic record and the whole of the former farmstead buildings have now been removed, redeveloped and converted. There is no planning reason for refusal here.

## **p) Conclusions**

There is no objection in principle to this proposal as its development is supported by all three relevant planning policy documents. Given this conclusion any refusal would involve detailed matters and a wide range of potential issues have been identified in the representations received. However if these are to carry any weight to override the presumption in favour of development they would have to result in significant and demonstrable adverse impacts supported by robust evidence. The various Agencies involved have not raised objections and whilst there will be impacts these are not so substantial to warrant a refusal.

## **Recommendation**

That subject to the completion of a Section 106 Agreement to provide an off-site contribution for affordable housing as set out in this report, planning permission be **GRANTED** subject to the following conditions:

1. Standard Three year condition

2. Standard plan numbers – 282/5B and 2A received on 26/4/14; plan 282/4A received on 11/4/14 and plan number 282/3G received on 4/6/14.

## **Pre-commencement Conditions**

3. No development shall commence on site until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

## **REASON**

In view of the potential archaeological interest in the site

4. No development shall commence on site until details of the means to dispose of both foul and surface water from the site have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

## **REASON**

In order to reduce the risk of flooding and pollution

5. No development shall commence on site until such time as full details of the landscaping for the site have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

REASON

In the interests of the visual amenities of the area.

6. No development shall commence on site until such time as full details of the measures that are to be provided on site to protect the root system of the protected tree have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be implemented on site and these shall remain in place until such time as works have been completed.

REASON

In the interests of ensuring the longevity of the protected tree.

7. No development shall commence on site until such time as full details of the proposed retaining wall at the rear of the plots including levels, cross-sections, construction and associated land drainage have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

REASON

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

8. No development shall commence on site until such time as details of all facing materials and tiling together with all ground surface treatments have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be used on the site.

REASON

In the interests of the visual amenities of the area.

**Pre-Occupation Conditions**

9. None of the three dwellings hereby approved shall be occupied until such time as the details approved under conditions (iv), (v) and (vii) have all been fully implemented on site to the written satisfaction of the Local Planning Authority.

REASON

In order to ensure a satisfactory development

## **On-going Conditions**

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended or as may be subsequently amended, no development within Class E of Part One of Schedule 2 to that Order shall take place without the written approval of the Local Planning Authority.

### **REASON**

In the interests of highway safety so as to reduce the risk of on-street car parking through ensuring that garages are suitably sized.

11. Two car parking spaces shall be provided and maintained within the curtilage of each of the three plots hereby approved at all times.

### **REASON**

In order to reduce the potential for on-street car parking.

Together with any conditions requested by the Highway Authority

## **Notes**

The Local Planning Authority has worked positively with the applicant in this case to address planning issues through seeking amended plans in order to meet responses from consultation agencies thus meeting the requirements of the NPPF.

## BACKGROUND PAPERS

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

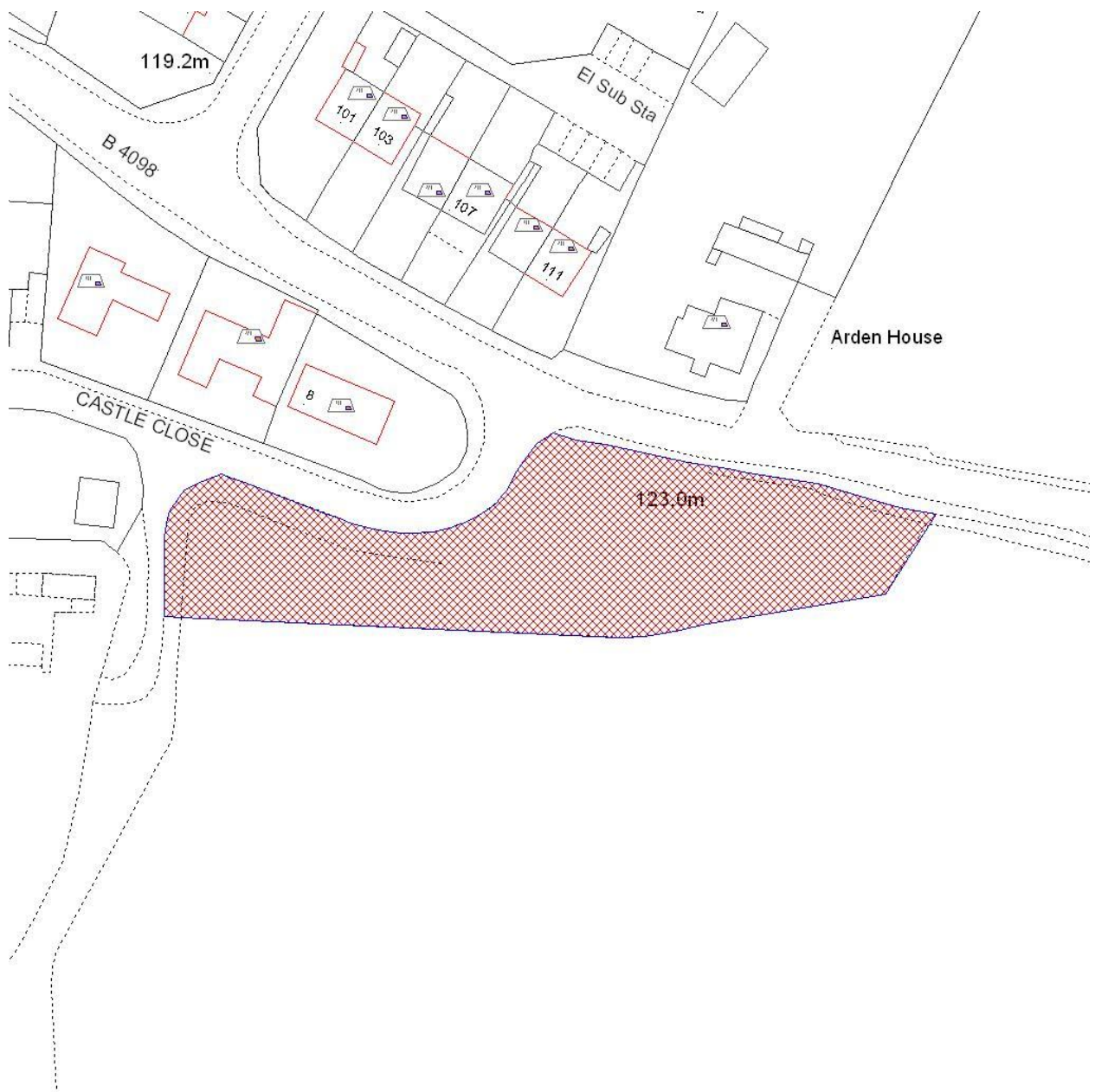
Planning Application No: PAP/2013/0452

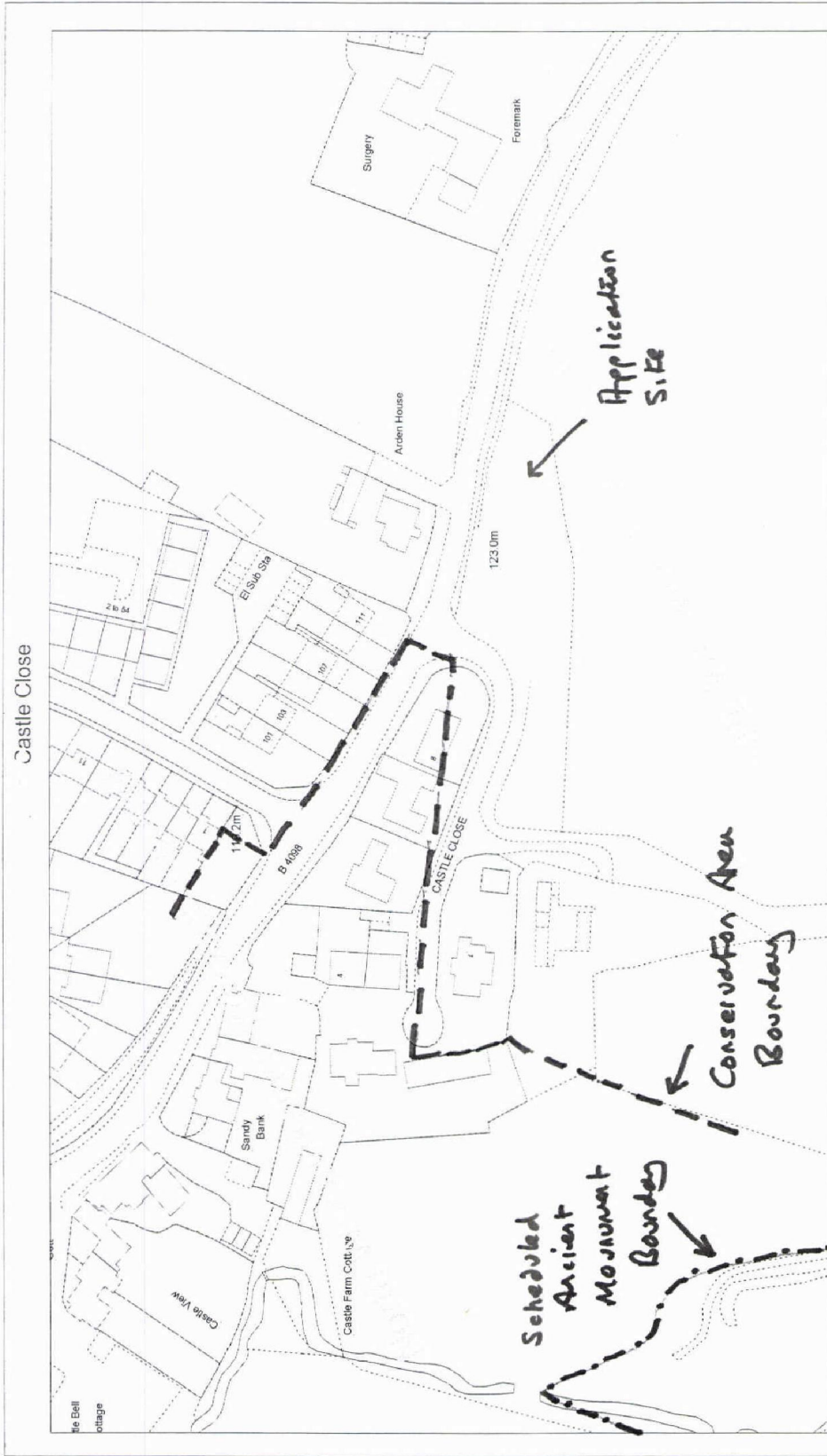
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	11/9/13
2	Case Officer	e-mail	6/3/14
3	Environment Agency	Consultation	6/3/14
4	Environmental Health Officer	Consultation	6/3/14
5	Case Officer	Letter	7/3/14
6	Dr Stokes	Support	9/3/14
7	J Roberts	Objection	10/3/14
8	Case Officer	Letter	12/3/14
9	Case Officer	e-mail	13/3/14
10	S Martin	Objection	12/3/14
11	Case Officer	e-mail	13/3/14
12	Case Officer	Letter	12/3/14
13	Case Officer	Letter	11/3/14
14	P Mahoney	Support	18/3/14
15	Case Officer	e-mail	21/3/14
16	Applicant	Letter	19/3/14
17	Forward Planning	No objection	21/3/14
18	Case Officer	e-mail	24/3/14
19	Case Officer	'phone call	26/3/14
20	Applicant	e-mail	26/3/14
21	Applicant	e-mail	26/3/14
22	WCC Forestry	Consultation	20/3/14
23	D Whiteford	Objection	21/3/14
24	J Roberts	Objection	24/3/14
25	Mr and Mrs Chinn	Objection	25/3/14
26	G Purchase	Objection	
27	Mr and Mrs Sanders	Objection	25/3/14
28	L Moore	Objection	23/3/14
29	Case Officer	e-mail	26/3/14
30	Severn Trent Water Ltd	Consultation	18/3/14
31	Forward Planning	No objection	31/3/14
32	G Jones	Objection	29/3/14
33	Fillongley Parish Council	Objection	25/3/14
34	Case Officer	E-mail	31/3/14
35	L Moore	Objection	30/3/14
36	D Whiteford	Objection	1/4/14
37	Mr and Mrs Hammond	Objection	31/3/14
38	Case Officer	E-mail	1/4/14
39	Applicant	Letter	7/4/14
40	J Roberts	Objection	4/4/14

41	L Gill	Representation	4/4/14
42	WCC Highways	Objection	9/4/14
43	Case Officer	E-mail	10/4/14
44	Applicant	E-mail	11/4/14
45	Case Officer	E-mail	11/4/14
46	Case Officer	E-mail	11/4/14
47	Case Officer	E-mail	11/4/14
48	S Martin	E-mail	11/4/14
49	George Eliot Fellowship	Objection	14/4/14
50	Severn Trent Water	Consultation	9/4/14
51	J Roberts	Representation	15/4/14
52	S Martin	E-mail	11/4/14
53	West Midlands Farmsteads	Report	
54	Mr and Mrs Sanders	Objection	13/4/14
55	Case Officer	E-mail	16/4/14
56	Applicant	E-mail	16/4/14
57	S Martin	Objection	16/4/14
58	Case Officer	E-mail	17/4/14
59	George Eliot Fellowship	Objection	16/4/14
60	Applicant	E-mail	16/4/14
61	P Telfer	Objection	28/4/14
62	Applicant	E-mail	28/4/14
63	S Martin	E-mail	28/4/14
64	WCC Highways	Objection	25/4/14
65	G Billington	Objection	26/4/14
66	Fillongley Parish Council	Objection	24/4/14
67	L Moore	Objection	20/4/14
68	S Maxey	E-mail	16/5/14
69	Applicant	E-mail	9/5/14
70	Applicant	E-mail	28/5/14
71	WCC Highways	Objection	27/5/14
72	Case Officer	E-mail	29/5/14
73	Warwickshire Museum	Consultation	2/6/14
74	Warwickshire County Council	Consultation	4/6/14

*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 Assessment*





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North Warwickshire  
Site Allocations Development Plan Document  
Issues and Options



North Warwickshire  
Borough Council



**(2) Application No: PAP/2014/0028**

**The Paddocks, Austrey Road, Warton, B79 0HW**

**Erection of detached two storey dwelling, for**

**Mr A Ross**

### **Introduction**

The application is brought before the Planning and Development Board as a Legal Agreement has been provided as part of the application.

### **The Site**

The site lies within the Warton development boundary. It is surrounded by other residential property and to the south-west is a social club. There are conifer hedgerows bounding the south and north-west boundaries. Vehicular access is onto the Austrey Road.

### **The Proposal**

The proposal is for one new four bedroom house in the garden area to the side of the existing dwelling known as the Paddocks. The dwelling would be a dormer style bungalow in style with room in the roof space, roof lights and gable end windows. The dwelling would have a front elevation that matches the Paddocks, with a rear gable feature. One parking space would be provided between the proposed dwelling and a previously approved double garage, with a turning space to the side of the dwelling. The front of the site and the Paddocks will also have a shared parking area. A separate garden area would be provided at the rear through division of the existing garden to the Paddocks. The existing vehicular access would be shared.

The proposed layout, elevations, site plan and vehicle access plans can be viewed at Appendix 1 and relevant photographs can be viewed at Appendix 2.

A legal agreement is also submitted as part of the application in order to provide a contribution of £5000 for off-site affordable housing in lieu of on-site provision.

### **Background**

The Paddocks is a recent addition to Warton being constructed in 2006. In 2013 planning permission was granted for a detached garage which is forward of the proposed dwelling, and also a side extension to the main dwelling of the Paddocks.

In 2012 consent was given for a change of use from agricultural land to domestic garden for a portion of the land at the rear of the house.

### **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 - Core Policy 2 (Development Distribution); ENV11 (Neighbour Amenities), ENV12 (Urban Design),

ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing) and TPT6 (Vehicle Parking).

### **Other Relevant Material Considerations**

The National Planning Policy Framework 2012

The Council's submitted Core Strategy 2013 - Policies NW1 (Settlement Hierarchy); NW4 (Spilt of Housing Numbers), NW5 (Affordable Housing) and NW8 (Sustainable Development).

The Council's Consultation on Amendments to Policy NW5 - 2014

### **Consultations**

Warwickshire County Council as Highway Authority – Objection for the following reasons:

- It has not been demonstrated that the recommended visibility splays can be achieved within the public highway and/or the extent of the applicant's control.
- It has not been demonstrated that the access is suitable for multiple users.
- It has not been demonstrated that the site can be serviced in accordance with guidance.

### **Observations**

The determination of this application rests on balancing the relevant policies of the Local Plan with our emerging Core Strategy which is based on the NPPF. The Local Plan now carries less weight with the publication of the NPPF.

#### **a) Development Plan - New Housing**

The proposal for an additional dwelling in Warton does accord with saved Core Policy 2 of the Local Plan. However saved policy HGS2 would only allow this to be an affordable house. The current proposal is not and therefore the starting position is the presumption that the application should be refused.

However there is now an emerging Development Plan and the proposal needs to be assessed against those emerging policies to see if this initial conclusion is repeated.

#### **b) The Emerging Development Plan – New Housing**

In terms of the emerging policies for new housing then the proposal would accord with policy NW1 of the Submitted Core Strategy, Warton being a named settlement for new housing. Moreover Policy NW4 goes further by saying that Warton should provide 45 new dwellings. Emerging policy NW5, in the latest amended version reflects the advice set out in the NPPF and introduces far more flexibility into the delivery of that affordable housing, subject to viability testing explicitly recognising the use of off-site contributions in lieu of on-site provision. It is considered that in terms of weighing up the proposal against emerging policy, that whilst the additional house being proposed here is not an affordable unit, there is the opportunity here to request an off-site contribution in lieu, if the financial appraisal indicates that this would be viable. The applicant is offering such a contribution here and this is welcomed.

### **c) The Principle of the Development**

It is now necessary to draw together all the above. The Development Plan would support the principle of a new dwelling here, but only if it was an affordable unit, whereas the emerging Plan would support the principle of this new house provided it was accompanied by the off-site contribution.

Here it is agreed that it is very unlikely that the new unit itself would be an affordable dwelling under the Council's definitions. As a consequence, given the offer and verification that this is a reasonable figure based on this particular case, then the development can be supported.

### **d) Neighbour Amenity**

The site is not visible from the public street scene. Only the immediate neighbours can see the site. To the north west of the site is a conifer hedge which will be retained and thus reduce the impact with the proposed roof ridge being only slightly higher.

The location of the proposed dwelling is sufficient distance from all neighbouring dwellings and though there are dwellings within the vicinity at Numbers 7 and 8 Curlew Close and Numbers 28 and 22 Austrey Road, they are not within 23 metres of the proposed dwelling.

The access to the side of Number 20 Austrey Road would see an increase in traffic, however the access is existing and one additional dwelling is not considered to lead to an unacceptable level of disturbance.

The new dwelling will have to be considered against in the setting of the Paddocks to the side, and whilst the applicant owns this dwelling this may not always be the case. Side windows are proposed but given their positioning and those existing at the Paddocks, there is not considered to be an adverse impact.

### **e) Traffic and Parking**

As set out earlier the Highway Authority has objected to the scheme, and thus its concerns have to be addressed as a refusal would usually be the outcome even if the principle of the new dwelling was accepted. Each of highway matters raised thus needs to be explored further to see if they can provide the basis for a sound refusal reason.

It is agreed that visibility from the site onto Austrey Road is not within the guidance, and therefore sub-standard. However this access already provides unrestricted full vehicular access for one dwelling, and the proposal is for one additional dwelling. The agent has set out visibility splays on a plan as shown on Appendix 2. It is not considered that the addition of one dwelling would materially worsen the existing situation. Moreover it is acknowledged that Austrey Road is a 30mph road, with many off road vehicle access points.

It is considered that the existing drive is able to accommodate two vehicles passing within it, so as not leading to vehicles waiting on the highway.

One additional house would not materially worsen that situation. In respect of bins, then an appropriate condition can be added to store bins on-site as there is room and opportunity to do so at this stage in the process. The construction period will be difficult, but it will be transitory.

There is sufficient space on-site to accommodate adequate car parking provision for two dwellings with a turning area for the new dwelling, and a double garage for the Paddocks, along with a shared drive area.

As a consequence, based on the individual circumstances of this case, it is considered unusually, that whilst there is indeed concern about highway matters, there is insufficient evidence for a refusal.

#### **f) Design**

The design of the dwelling seeks to reflect the neighbouring property of The Paddocks, with regards to the front elevation roof design and roof pitch. The siting of the windows is considered to be acceptable. The site lies within an established housing area. The site is set back from the Austrey Road reducing the impact upon the street scene. The size, massing design and scale is acceptable. The materials are proposed to reflect the Paddocks dwelling.

#### **g) Other issues**

The application is likely to incorporate eco-features to ensure sustainability and to reduce the environmental and energy impact. Overall any form of energy generation is encouraged, and is in accordance with the relevant saved policy.

The site is close to the main road which is served by buses to nearby settlements and larger towns beyond. Also the village has limited local facilities to serve residents.

#### **Recommendation**

That subject to completion of a Section 106 Agreement as set out in this report, planning permission be **GRANTED** subject to the following conditions:

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

#### **REASON**

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered MR4/01/01 - REV B; MR4/01/04 - REV B; and MR4/01/03 - REV B received by the Local Planning Authority on 12 March 2014 and the plan numbered MR4/01/02 - REV A received by the Local Planning Authority on 6 March 2014.

REASON

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

3. The new dwelling shall have roofing tiles which match those used on the existing dwelling known as The Paddocks, Austrey Road, Warton. The facing bricks shall be TBS Audley Antique blend.

REASON

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

4. Prior to commencement of the development hereby approved details of noise mitigation measures shall be submitted and approved by the Local Planning Authority. Details shall include specification for acoustically treated glazing and ventilation to the extension.

REASON

In the interests of the occupiers of the development given the proximity of the Social Club and the potential for noise disturbance from this neighbouring use.

5. No development whatsoever within Class A, B, C, D and E of Part, of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995, as amended.

REASON

In the interests of the amenities of the area.

6. 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.

7. All new hard surfaces shall either be constructed using permeable surface materials or shall make provisions for surface water run-off to be directed to a permeable, or porous area within the curtilage of the site.

REASON

In the interests of the prevention of flooding and to ensure the sustainable disposal of surface waters.

## Notes

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.
2. 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 0845 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.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).
3. This permission does not authorise obstruction to the private right of way that runs through the site. The applicant is reminded to keep the private right of way open/accessible at all times and should be unhindered by the development. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
4. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at [www.communities.gov.uk/publications/planningandbuilding/partywall](http://www.communities.gov.uk/publications/planningandbuilding/partywall).
5. The access track to the site from Austrey Road should remain open and unobstructed so not to impact upon vehicle movements in and out of the site.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0028

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	20/1/14
2	Case Officer	Email to Forward Plans	6/2/14
3	Forward Plans	Email to case officer	6/2/14
4	Case Officer	File note	12/2/14
5	Case Officer	Email to NWBC Solicitor	14/2/14
6	Case Officer	Email to NWBC Finance Director	13/2/14
7	NWBC Finance Director	Email to case officer	17/2/14
8	Case Officer	Letter to agent	18/2/14
9	Case Officer	Letter to agent	21/2/14
10	WCC Highways	Consultation response	21/2/14
11	6 Willis Croft	Letter to case officer	19/2/14
12	NWBC Solicitor	Email to case officer	15/2/14
13	Case Officer	Email to agent	25/2/14
14	Applicant	Letter to case officer	4/3/14
15	Case Officer	Email to WCC highways	5/3/14
16	Case Officer	Email to agent	11/3/14
17	Case Officer	Email to WCC Highways	7/3/14
18	Agent	Email to case officer	7/3/14
19	Agent	Email to case officer	6/3/14
20	Case Officer	Email to applicant	12/3/14
21	Case Officer	File note	12/3/14
22	Case Officer	Letter to agent	19/3/14
23	Applicant	Email to case officer	25/3/14
24	Case Officer	Email to applicant	26/3/14
25	WCC Archaeology	Consultation response	24/3/14
26	NWBC Environmental Health	Consultation response	20/3/14
27	Case Officer	File note following on site meeting	16/4/14
28	Applicant	Email to case officer	27/5/14
29	Case Officer	Email to WCC Highways	28/5/14
30	Case Officer	Email to applicant	28/5/14

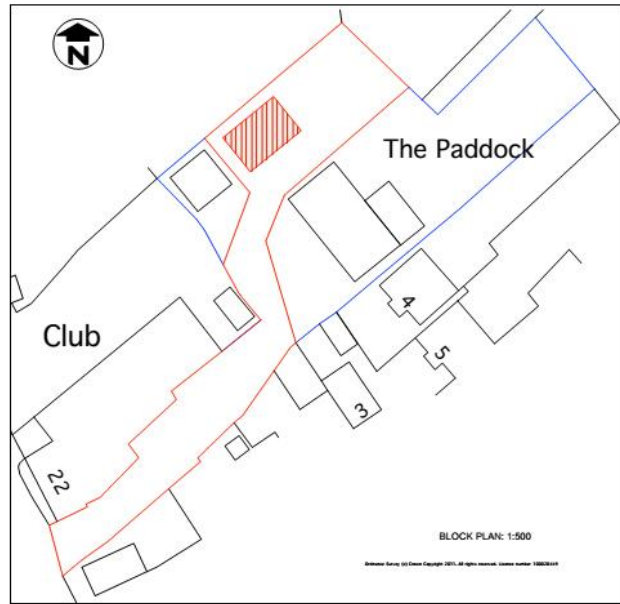
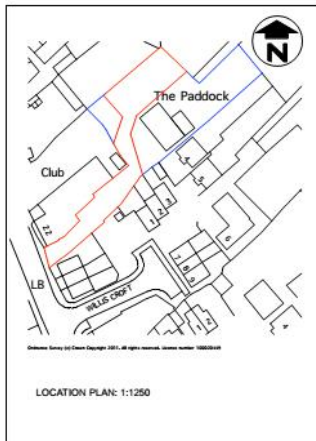
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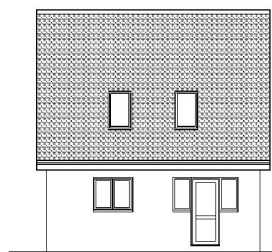
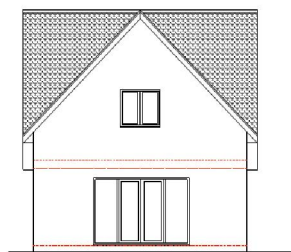
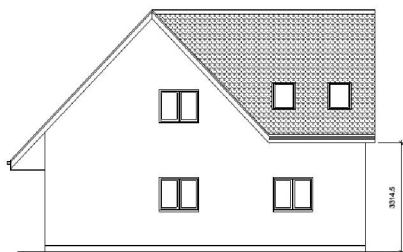
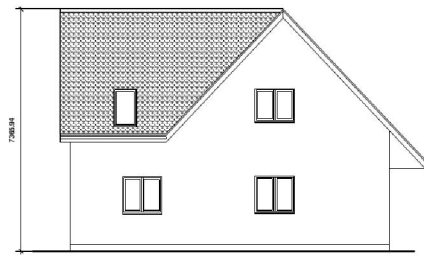
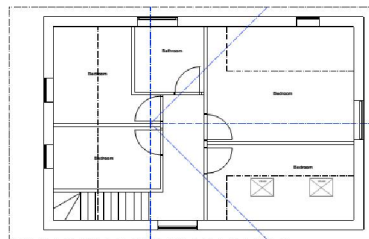
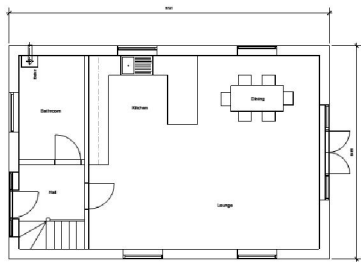


# Appendix 1 – Plans



2014/0028

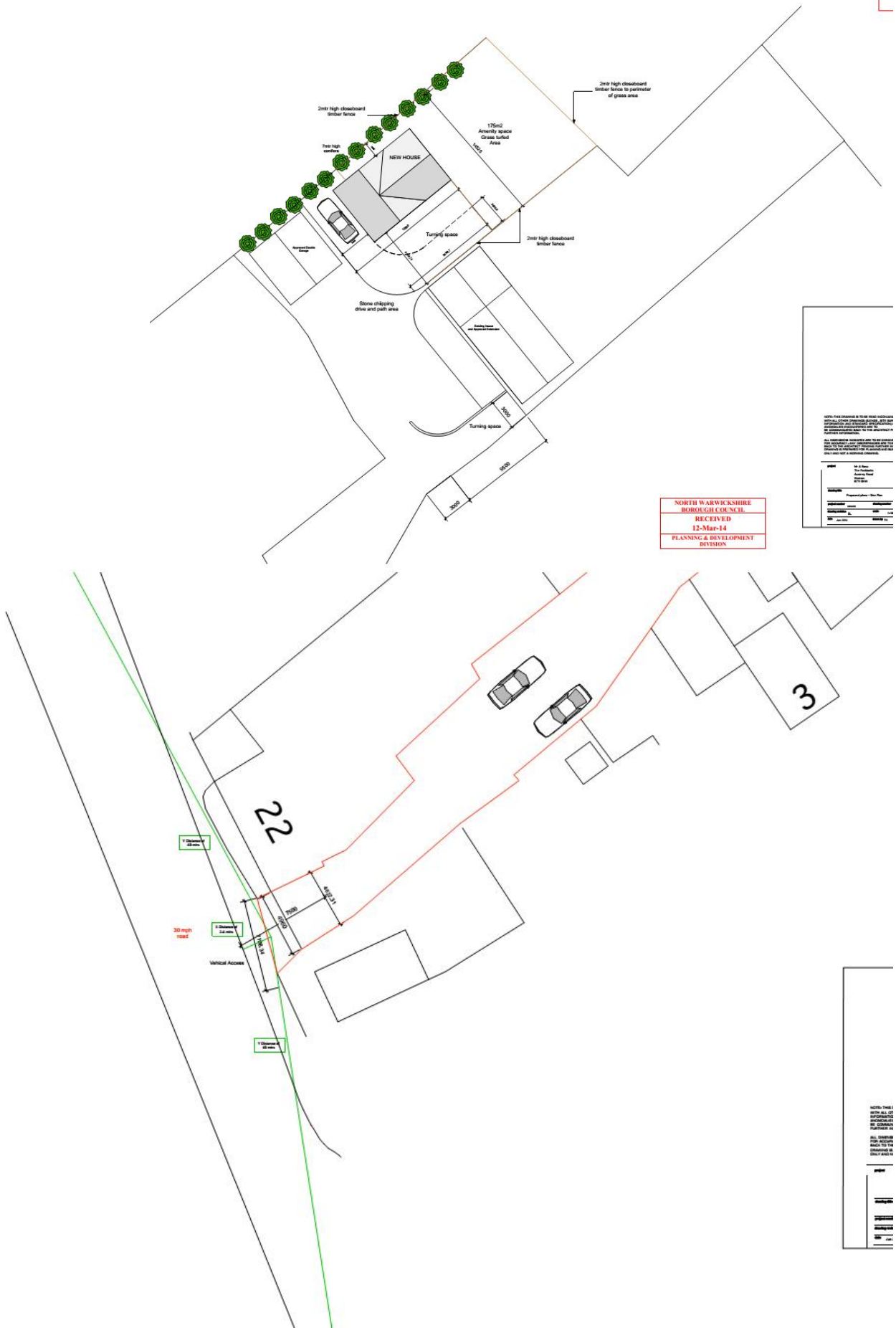
## PROPOSED HOUSE PLANS:



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Project: 01 of 01 - The Paddock  
 Drawing No: 1/14/0028  
 Date: 12/03/14

**NORTH WARWICKSHIRE  
 BOROUGH COUNCIL**  
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 12-Mar-14**



**NORTH WARWICKSHIRE  
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12-Mar-14  
PLANNING & DEVELOPMENT  
DIVISION**

PROJECT	14/13/14/001
DATE	12/03/14
BY	14/13/14/001
FOR	14/13/14/001
APPROVED BY	14/13/14/001
DATE	12/03/14
BY	14/13/14/001
FOR	14/13/14/001

PROJECT	14/13/14/001
DATE	12/03/14
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FOR	14/13/14/001
APPROVED BY	14/13/14/001
DATE	12/03/14
BY	14/13/14/001
FOR	14/13/14/001

Appendix 2 - Photos





**(3) Application No: PAP/2014/0117**

**George and Dragon, 154 Coventry Road, Coleshill, B46 3EH**

**Retrospective application for engineering works in car park, for**

**Mr Simon Kennedy - George & Dragon (Coleshill) Ltd**

**Introduction**

This application is referred to the Board at the request of a local Member concerned about the impact of these works on adjoining residential amenity.

**The Site**

This is a public house on the west side of the Coventry Road in Coleshill at its southern end close to the junction with Packington Lane. There is residential property on either side and opposite the premises. A vehicular access provides access to the rear where there is a large hard surfaced car park and a beer garden. This is on its northern boundary abutting the side of the adjoining residential properties rear garden. There is also other residential property abutting this car park. The site is generally level and equivalent to that of the surrounding properties.

The site is within the Coventry Road, Coleshill Conservation Area.

The location plan at Appendix A illustrates the site in its setting.

**The Proposals**

This is a retrospective application to retain a raised hard-standing at the rear of the public house in the car park. The hard-standing measures some 10.3 metres by 7.5 metres and has a height varying between 0.29 metres and 0.2 metres above ground level. This is towards the front of the car park, some 25 metres from the building's rear elevation. It would abut the northern boundary of the site where there is a wall and fence around 2 metres tall, together with a substantial hedgerow at the end of the Southfields Close cul-de-sac. It would extend 6 metres forward of the front elevation of the closest property – 21 Southfields Close. This location is shown on the plan at Appendix B together with photographs at Appendix C.

There was originally a smaller kerbed grass reservation in this location and two trees stood within it. The height of this reservation was 0.16 metres. The trees have now been removed and the reservation replaced with the larger hard-standing described above.

The applicant says that this will provide an additional garden area when covered with artificial grass and also offer an opportunity to erect a marquee as when might be appropriate.

**Development Plan**

Saved policies of the North Warwickshire Borough Council 2006 – ENV11 (Neighbour Amenities), ENV13 (Building Design) and ENV15 (Conservation)

## **Other Material Planning Considerations**

The National Planning Policy Framework 2012

The Council's Coventry Road, Coleshill, Conservation Area Designation Report- 1995.

## **Representations**

Coleshill Town Council – Objects on the grounds of loss of amenity to nearby residents as the hard standing could be located elsewhere in the car park resulting in less harm to the residents.

Two letters of objection have been received from residents of Southfields Close. This is a new feature which has not been located to reduce impacts on nearby residents. The new surface will allow public drinking and activity together with the erection of a marquee very close to residential property. Also it reduces car parking space thus potentially leading to on-street car parking. One resident in particular is very concerned about any marquee erected on this new surface due to the potential for nuisance and disturbance right up against their boundary. The use of past marquees has caused disturbance. Any marquee would be visible and not contribute to the Conservation Area.

## **Observations**

Members should be aware from the start that this application is to retain the raised hard-standing in the position as described above. It is not for a marquee. The remit of the Board in this case is therefore substantially limited.

### **a) The Raised Hard-Standing**

On this basis it is first considered that this platform would have no adverse impact on the character and appearance of the Conservation Area here. This part of that Area includes the public house; its car park and the frontage residential properties to the Coventry Road. The raised surface is visually part of the rear car park to the public house and because of this; its' low height and the small proportion it takes up of that car parking area, there is not considered to be any material adverse impact. It looks as if it is part of an existing car park. Given the setting and context here there is no case for a refusal citing a heritage issue.

In terms of overall amenity, then the raised surface itself is not considered to have a material adverse impact visually or on neighbour's amenity.

The car park is large and the raised surface replaced a grass reservation. Albeit that it is larger, there is only a limited consequential impact on the amount of car parking space available. This is not considered to be significant.

Moreover, the premises here do benefit from permitted development rights under Part 42 of the General Permitted Development Order as amended. As such a "hard surface" of 50 square metres could be provided without the need to submit a planning application. The area here is 76.15 square metres. Hence a reduction in the area could result in the raised surface being permitted development. This is a significant "fall-back position".

In all of these respects therefore it is concluded that there would be no reason for refusal for the retention of this raised surface and the remainder of this report should be read with this in mind. However other issues have been raised by those making representations and it is necessary to address them

#### **b) The Lawful Use**

The planning unit here is the whole curtilage of the George and Dragon Public House. Its lawful use from a planning perspective is one that falls into Use Class A4 of the Use Classes Order, as amended. This is described as a “drinking establishment”. Hence provided the use of this planning unit falls within this Use Class, it is lawful. As a consequence the use of part of the site as a beer garden, a car park, a children’s play area or indeed for function, are all lawful provided that they remain ancillary to and associated with the main A4 use. It is necessary to point out that the use of this raised surface as an additional beer garden would not therefore require any form of planning application. If its’ use as such causes adverse impacts – e.g. noise - then that is a matter for the Council’s environmental health and licensing services to investigate. It is not a planning matter.

#### **c) A Marquee**

Members should be aware that a marquee has been erected elsewhere on the rear car park during the past two to three years for temporary periods in order to accommodate functions held at the public house. In planning terms, then a marquee would fall within the definition of a “building” as it includes a “structure or erection”, and as such would be subject to the planning regime. However in this case the issue is whether the building, structure or erection is a permanent or temporary building. Case-law and dictionary definitions are used to help here as there is no guidance in the Planning Act as how to decide when a building moves from being a temporary one to a permanent one. The general consensus is that for a building to be permanent it has to be fixed to the ground with foundations and that it has to be present for a material length of time. If a building is permanent it requires planning permission, if temporary then not. As such the decision to be made is very case-specific.

As indicated above, there has been a marquee in the rear car park here on several occasions. However there have been up to three different locations; it has been erected and dismantled several times and there are no foundations. The conclusion has thus been that on each occasion, the marquee was a temporary building not requiring planning permission.

Bearing this in mind, the applicant here has indicated that the raised surface will be used to locate the erection of a marquee from time to time. It will be necessary for a decision to be taken as to whether that marquee is then a temporary structure or not. That decision will be made on the facts relating to the marquee at the time, not because there might be a raised surface present. It should be remembered that a marquee can be erected anywhere on the rear car park without the need for the raised surface. If there are adverse impacts arising from the use of the marquee then they will be investigated by the appropriate Council services.

#### **d) Conclusions**

There is no objection in planning terms to the retention of the raised surface and thus a recommendation of approval will be made.

Clearly however there is a genuine concern about the use of the raised surface for the erection of a marquee, but in light of the above there is no planning control over this. The Board might therefore wish to consider the following two matters. Firstly, it could advise the applicant that the Council will monitor the erection of any marquee here in order to ensure that it is a temporary building rather than a permanent one. Secondly, it could request that the Council's Licensing Committee reviews the license for these premises to take into account any erection of a marquee on the rear car park.

#### **Recommendations**

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

Standard plan numbers – plans received on 11/4/14

#### **Notes**

The Council has worked positively in this case to address the planning issues arising from this case through advice given to both the applicant and objectors thus meeting the requirements of the National Planning Policy Framework 2012

- b) That the applicant be advised that any marquee erected on the raised hard-standing should be a temporary structure and that as a consequence this matter will be monitored by Council officers.
- c) That the Board requests the Council's Licensing Committee to review the licence for these premises as a consequence of any erection of a marquee within the rear car park.



## BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0117

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	11/4/14
2	Case Officer	E-mail	7/5/14
3	Coleshill Town Council	Objection	8/5/14
4	Mr Richards	Objection	12/5/14
5	Applicant	E-mail	17/5/14
6	Mr and Mrs Jackson	Objection	10/5/14

*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.*



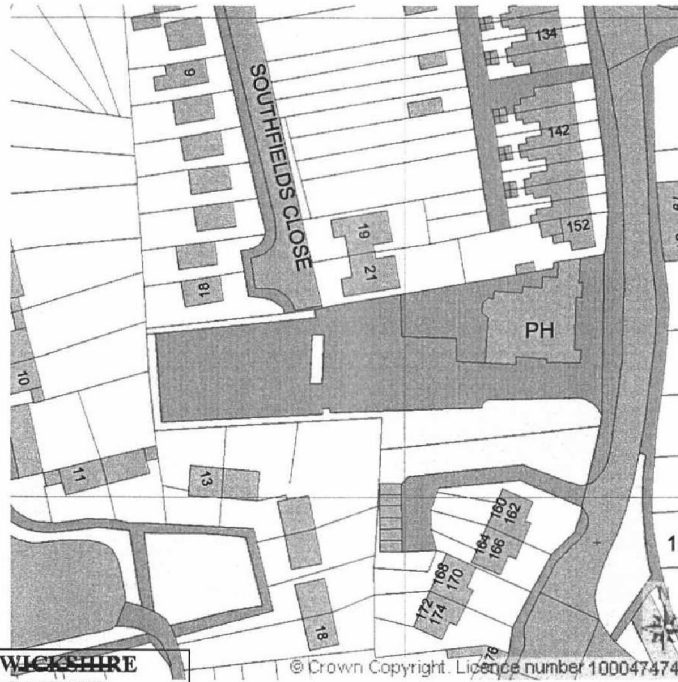
Appendix A

2014/0117

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Survey

SITE LOCATION PLAN  
AREA 2 HA  
SCALE 1:1250 on A4  
CENTRE COORDINATES: 420088, 287932



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<b>RECEIVED 11-Mar-14</b>
<b>PLANNING &amp; DEVELOPMENT DIVISION</b>

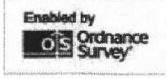
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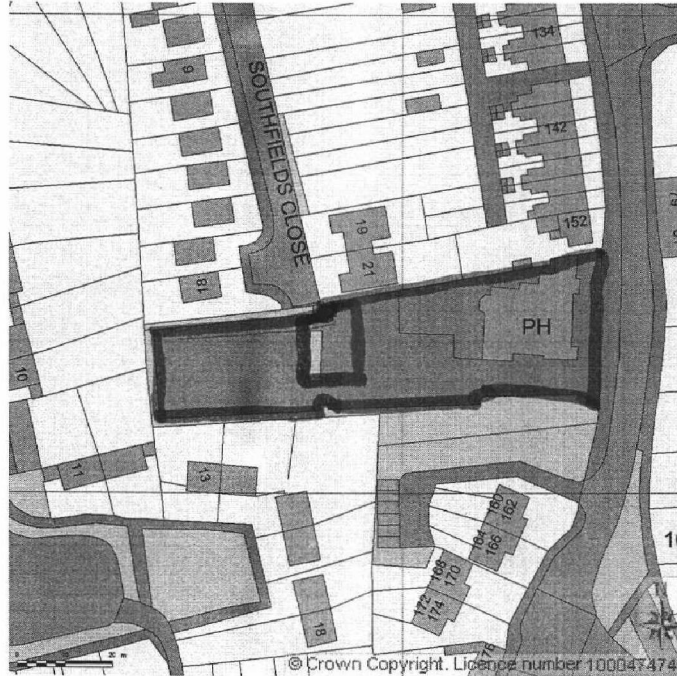
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2014/0117  
Appendix B.

Streetwise™



SITE LOCATION PLAN  
AREA 2 HA  
SCALE 1:1250 on A4  
CENTRE COORDINATES: 420088, 287932

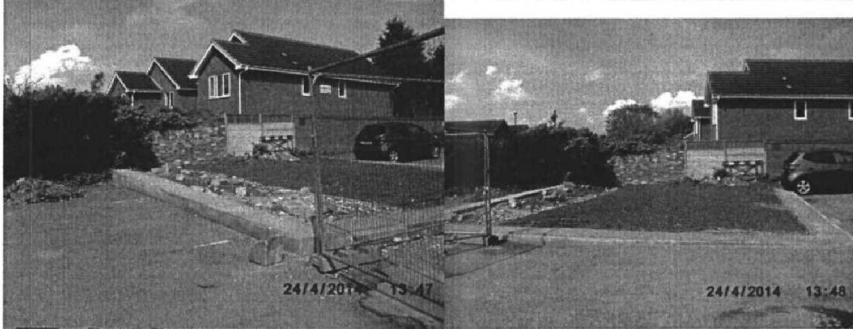


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**(4) Application No: PAP/2014/0168**

**Ivy Cottage, Freasley, B78 2EZ**

**Retrospective application for change of use of land to mixed use equestrian and allotments, for**

**Mr & Mrs Pritchard**

**Introduction**

The application is reported to Board as authorisation is required to proceed with enforcement action if the recommendation of refusal is agreed.

**The Site**

The site is located on the east side of the lane that runs through Freasley and is adjacent to Freasley Common. It is north of Ivy Cottage. The application site consists of a stable block and a barn with a ménage and the land is used for exercising horses. However additional structures such as a wall, a hen house and a greenhouse have been erected along with planting beds and vegetable patches. The site is served by an informal access off the lane. The main dwelling - Ivy Cottage - is sited on a separate parcel of land further to the south.

The plan at Appendix A illustrates the location of the stables, the ménage, the additional structures and Ivy Cottage.

**The Proposal**

This is a retrospective application to retain a change of use of the land to mixed use comprising equestrian and allotments together with the retention of the structures.

**Background**

The site has been subject to numerous planning permissions in recent years including a conservatory on the dwelling and a new separate garden room. The site also gained consent for the stable block and ménage on a separate parcel of land beyond the curtilage of the dwelling house in 2013.

Unauthorised development has occurred on the parcel of land which presently comprises of the stable block and a ménage. A large greenhouse with a mono pitch roof has been erected backing onto a new wall structure. This greenhouse measures 2.5 by 3.8 metres and is 2.6 metres at its tallest. The back wall is larger with a width of 7.5 metres and a height of 2.8 metres. A potting shed has been erected to the side of the greenhouse and a row of cold frames has been installed in front of the greenhouse along with a series of raised planting beds. A hen house measuring 2.2 by 2.2 metres and 2.3 metres tall is sited a little beyond. It is understood that the land owner wishes to use part of the equestrian site as allotment land for his own use.

The erection of new walls and buildings together with the change of use of land on the equestrian site is unauthorised development as permitted development rights for such development do not exist beyond residential land. The applicant has chosen to remedy this breach through the submission of this retrospective application.

A plan illustrating these features and some photographs are included in this report below.

### **Development Plan**

Saved policies of the North Warwickshire Local Plan 2006 - Core Policy 2 (Development Distribution); ENV1 (Protection and Enhancement of the Natural Landscape), ENV11 (Neighbours Amenities) and ENV13 (Building Design).

### **Other Relevant Material Considerations**

The North Warwickshire Core Strategy (Submission Document February 2013) - Policies NW10 (Quality of Development) and NW8 (Sustainable Development)

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

### **Representations**

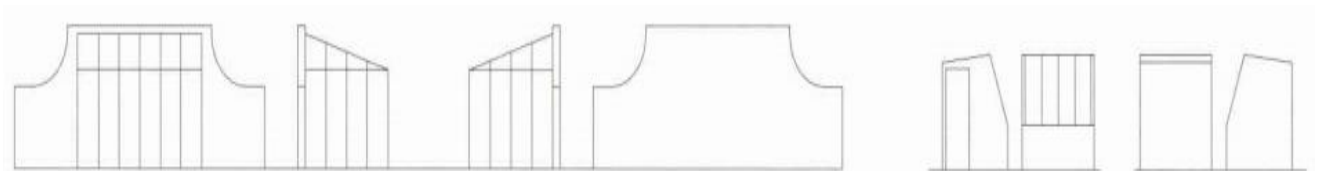
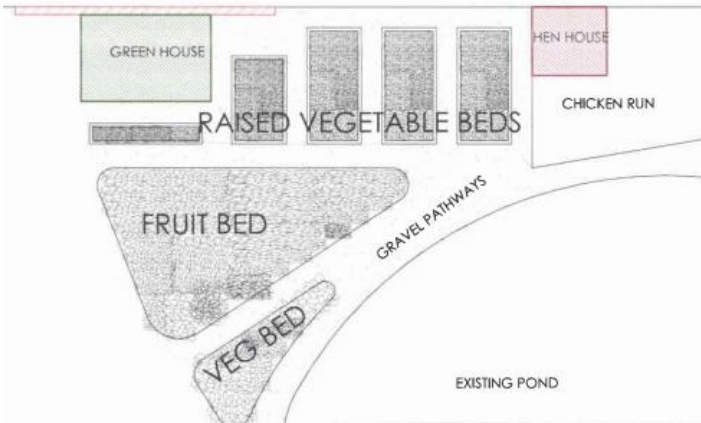
A local resident objects by saying that this retrospective application is now the fourth one applied for over a period of four years. It is not consistent with the previous applications of an equestrian theme as this now proposes a garden with a greenhouse which is more aligned to a house rather than stables. The 3 metre high wall which has already been built does not conform with the normal fencing for a ménage which should be post and rail. It is also inconceivable that a greenhouse that abuts this wall should be next to the entrance of the ménage as glass and horses do not mix. Considering this and other breaches of planning related to the previous application which have yet to be corrected, he suggests that this application is refused. It appears that a residential development has been gradually introduced over the last four planning applications.

The Dordon Parish Council says that commercial mixed use for equestrian purposes is not appropriate for a hamlet. It also considers that the allotments will create more traffic which again will have an adverse impact on the hamlet because of the single carriageway width of the track. Additionally there could be adverse ecological impacts.

### **Observations**

The site lies within open countryside and outside of any settlement boundary. The main issue here is the appropriateness of these additional structures in a rural setting particularly in terms of their visual impact.





### **a) Design**

A small glass house would not normally be an inappropriate structure by virtue of its design, and this one is relatively small. The hen house is also small in scale and these are often seen on agricultural land. Similarly, the planting beds are not in themselves inappropriate in a rural setting. However here the applicant has constructed a tall ornamental wall within the middle of the site and it appears to form part of the boundary to the ménage which was approved under the previous application for the stables and the equestrian land use. The ornamental wall also forms the rear supporting elevation to the green house. Walls and boundary treatments would normally be included around the perimeter of a site, but not mark the edge of a ménage or to a greenhouse. An ornamental wall of this type of construction has a robust appearance rather than a more simple treatment such as a post and rail fence which would normally bound a manage for example. Together, it is considered that the proliferation of these structures when taken with the stable and barn is considered to have an adverse cumulative visual impact here materially affecting the openness of the setting and the rural character. These features do not accord with saved policy ENV13 which seeks to ensure that new development “positively integrates into its surroundings”.

### **b) Use**

Saved Core Policy 2 looks to only allow development outside of development boundaries which requires a rural location. The structures here do not require a rural location.

### **c) Common Land**

There is an area of Common Land which runs through Freasley and this contributes to the open character of the area. The development the subject of this application appears to be located outside this common land and thus would not impact on the right of others to use that land.

### **d) Enforcement**

Give the recommendation below, the Board if it agrees to this, will also have to consider whether it is expedient or not to authorise enforcement action. This would require the removal of the wall, the green house, the hen house, the potting shed and the raised planting beds. The reason for such action is to remove the cumulative adverse visual impact and thus would be in line with saved policies ENV1 and ENV13 of the North Warwickshire Local Plan 2006. It is considered that these do accord with the NPPF and thus carry full weight. The compliance period should be three months.

There will clearly be a cost to the owner here but then the construction of these features was commenced at his own risk. That cost is not considered to be substantial and neither would it have other adverse consequences. The owner has the right of appeal against both a refusal and the issue of any Notice.

## **Recommendation**

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

The development results in a piecemeal development of the parcel of land and a proliferation of structures which together with other authorised structures is considered to have a detrimental impact on the visual amenities of the area and on the openness of the countryside hereabouts. As such, the proposal is contrary to saved policies ENV13 and ENV1 of the North Warwickshire Local Plan 2006, which are considered to carry full weight as they accord with the National Planning Policy Framework 2012.

**B)** That authority also be granted to the Assistant Chief Executive and Solicitor to the Council to serve an enforcement notice requiring the removal of the wall, the greenhouse, the hen house, the potting shed and the raised planting beds together with the restoration of the land to its former condition, within a period of three months, for the reason given in the refusal reason set out above.

## **Notes**

Notwithstanding this refusal, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussion. However the planning issues at this site cannot be satisfactorily addressed. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0168

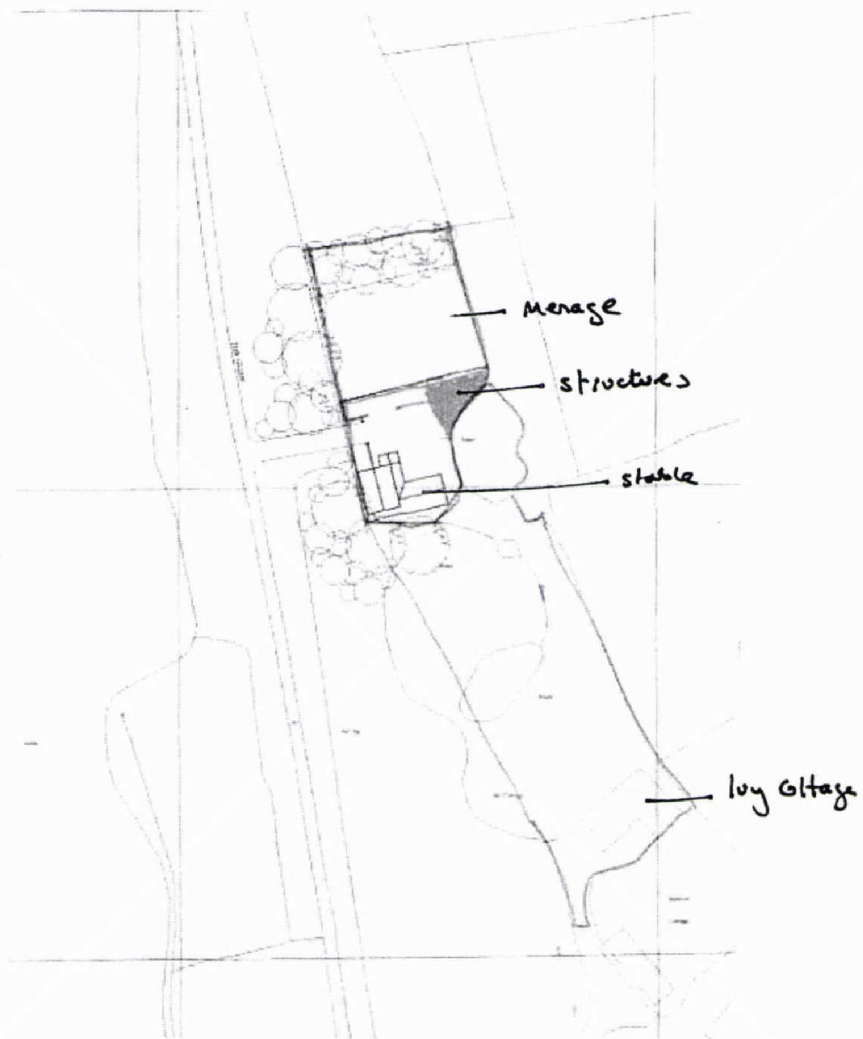
<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	4/4/14
2	Dordon Parish Council	Objection	23/4/13
3	Mr Farmer	Objection	25/4/14
4	Case Officer	E-mail to Agent	29/5/14

*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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Appendix A



**(5) Application No: PAP/2014/0228**

**1-7 (odd nos), Church Walk, Mancetter, Atherstone, CV9 1PZ**

**Demolition of block of 4 shops and 4 maisonettes and construction of 14 flats and 6 houses, for**

**Waterloo Housing Group**

**Introduction**

This application is referred to the Board as the Council is the land owner.

**The Site**

This is a three storey parade of four shops at ground level with maisonettes on the upper floors on the south side of church Walk opposite its junction with Daniel Road. This block faces Church Walk behind a small lay-by. Beyond at the rear is a group of twelve lock-up garages and vacant land. There are two storey semi-detached properties running along the site's northern boundary and to the immediate north of the site. On the other side of the road are more two storey residential properties with a three storey block of flats further to the east. To the immediate south of the site is the open space associated with the former Mancetter Primary School a little further to the south. Members will be aware that planning permission has recently been granted for a three storey Extra Care Home on this open land with its frontage to Church Walk.

The site is illustrated at Appendix A.

**The Proposal**

The whole site would be cleared. In its place a three storey block would be constructed where the present parade now is. This would provide fourteen flats – 6 one bed and 8 two bed units. This block would appear as two sections connected by a lower link. The northern end would be two storey so as to align with the existing residential property to the north. The block would be 12 metres to its roof ridgeline, 1.5 metres less than the care home. The new block would be some 24 metres from the front elevation of the opposite houses. The existing access of Church Walk giving access to the rear would be improved such as to provide vehicular access to the redevelopment site at the rear. Here there would be three blocks of residential development. They would run along the north side of this new access facing the properties in Priory Walk and the new care home – the separation distance to the rear of the Priory Walk houses would be 30 to 35 metres. These blocks would be two storey in height each accommodating two residential units – four two bed and two three bed. In total therefore 20 new residential units are proposed with 26 car parking spaces distributed throughout the site. All of the units would be affordable units.

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

The application is accompanied by other documents.

A tree survey indicates that some of the larger trees along the common boundary with the new care home site should be retained but otherwise new landscaping would offer a better opportunity for bio-diversity and visual enhancement.

A ground conditions survey suggests very minor areas contamination and no need for gas prevention measures to be incorporated into the design of foundations.

A design and access statement illustrates how the built form and proposed appearance of the proposal has been devised as a consequence of its setting.

### **Development Plan**

Saved policies of the north Warwickshire Local Plan 2006 – Core Policy 2 (Development Distribution), Core Policy 8 (Affordable Housing), ENV6 (Land Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), and TPT6 (Vehicle Parking).

### **Other Relevant Material Considerations**

The National Planning Policy Framework 2012 (NPPF).

The Submitted Version of the Core Strategy 2013 – Policies NW1 (Settlement Hierarchy), NW4 (Split of Housing Numbers), NW5 (Affordable Housing) and NW8 (Sustainable Development).

Consultation of proposed modification to Policy NW5 – 2014

The Preferred Options for Site Allocation Consultation - 2014

### **Observations**

There is no objection in principle here. The site is within the development boundary of Mancetter as defined by the Development Plan and in a settlement where growth is to be encouraged by that Plan. Moreover Mancetter is considered to be suitable for additional housing growth in the submitted Core Strategy and indeed the site is also identified as a preferred site allocation for new housing. Additionally the proposal is for 100% provision of affordable housing. It would also assist in meeting the Council's five year housing supply. For all of these reasons the determination of this application rests on its detail.

The determination report will therefore look at those detailed matters – particularly at design, appearance, amenity and parking.

### **Recommendation**

That the application be noted at the present time.



## BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0228

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	8/5/14

*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.*





2014/0228

<b>SITE AREA 0.29 HA</b>	
<b>NORTH WARWICKSHIRE BOROUGH COUNCIL</b>	
<b>RECEIVED 1-May-14</b>	
<b>PLANNING &amp; DEVELOPMENT DIVISION</b>	
B RED LINE ADJUSTED A RED LINE REVISED REVISIONS	25/4/14 1/4/14 DATE

970

969



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<b>WATERLOO/NWBC</b>			
<b>RESIDENTIAL DEVELOPMENT</b>			
<b>CHURCH WALK, MANCETTER</b>			
<b>LOCATION PLAN</b>			
scale@A4	date	drawn	drawing
1:1250	JAN 11	SPF	11006/1B

968

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Appendix A.

2014/0228



Scale 1:500



SITE AREA 0.29HA

ACCOMMODATION

- Plot 1 1B 2P Flat @ 47.63m<sup>2</sup>
- Plot 2 2B 4P Flat @ 70.14m<sup>2</sup>
- Plot 3 1B 2P Flat @ 47.63m<sup>2</sup>
- Plot 4 2B 4P Flat @ 69.38m<sup>2</sup>
- Plot 5 2B 4P Flat @ 69.38m<sup>2</sup>
- Plot 6 1B 2P Flat @ 47.63m<sup>2</sup>
- Plot 7 2B 4P Flat @ 70.14m<sup>2</sup>
- Plot 8 1B 2P Flat @ 47.63m<sup>2</sup>
- Plot 9 2B 4P Flat @ 69.38m<sup>2</sup>
- Plot 10 2B 4P Flat @ 69.38m<sup>2</sup>
- Plot 11 1B 2P Flat @ 47.63m<sup>2</sup>
- Plot 12 1B 2P Flat @ 47.63m<sup>2</sup>
- Plot 13 2B 4P Flat @ 69.38m<sup>2</sup>
- Plot 14 2B 4P Flat @ 69.38m<sup>2</sup>
- Plot 15 3B 5P House @ 85.36m<sup>2</sup>
- Plot 16 2B 4P House @ 76.46m<sup>2</sup>
- Plot 17 2B 4P House @ 76.46m<sup>2</sup>
- Plot 18 2B 4P House @ 76.46m<sup>2</sup>
- Plot 19 2B 4P House @ 76.46m<sup>2</sup>
- Plot 20 3B 5P House @ 85.36m<sup>2</sup>

A. WORKING AND UNLIT REVED	7/11/14	DATE
REVISIONS		

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Appendix B

WATERLOO  
 RESIDENTIAL DEVELOPMENT  
 CHURCH WALK, MANCETTER  
 SITE PLAN

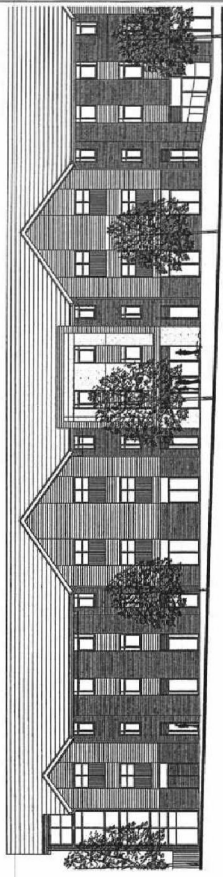
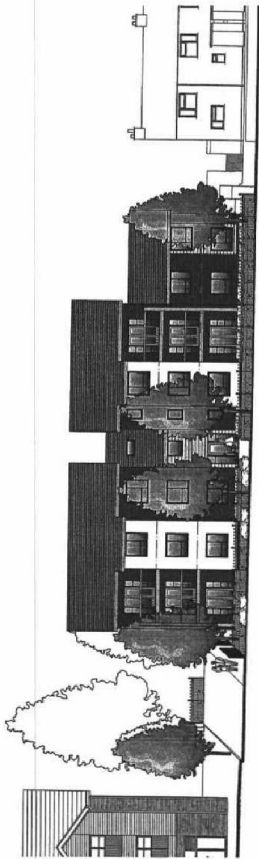
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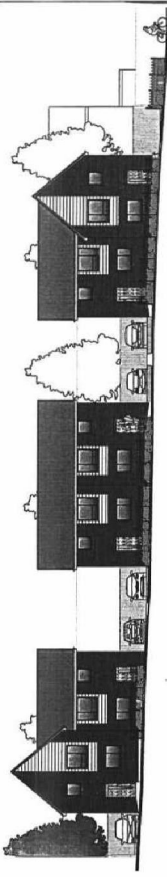
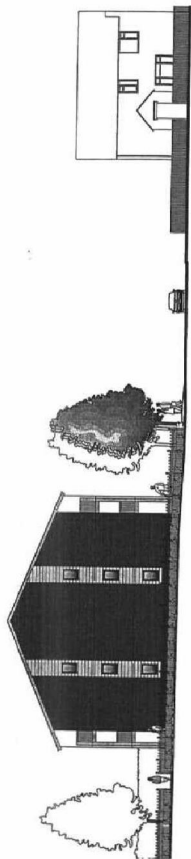


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 DIVISION

2014/0228



STREET SCENE TO CHURCH WALK



STREET SCENE TO NEW ACCESS ROAD

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WATERLOO	
RESIDENTIAL DEVELOPMENT	
CHURCH WALK, MANCETTER	
STREET SCENE	
NO. 11006/9	DATE 11/06/14
DATE 11/06/14	BY SP
DRAWN BY S. P. Faizey	
CHECKED BY S. P. Faizey	
APPROVED BY S. P. Faizey	
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NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED 1-May-14
PLANNING & DEVELOPMENT DIVISION

## Agenda Item No 5

### Planning and Development Board

16 June 2014

#### Report of the Head of Development Control

Annual Performance 2013/14

#### 1 Summary

- 1.1 This report outlines the performance of the Development Control service during the past year comparing it with previous years.

#### Recommendation to the Board

- a That the report be noted, and
- b That the Executive Board be recommended to amend the Scheme of Delegation as set out in this report.

#### 2 Observations

- 2.1 The performance of the service is set out as in previous years in two tables which are attached to this report – the first deals with the handling of all planning and related applications and the second with enforcement work.

##### a) Applications

Table One shows that application workload remains steady overall, but with a slight reduction in the number of applications received. Interestingly the nature of that workload is remarkably similar to the previous year – (Row A on Table One). There is a small increase in the number of major applications being submitted – from 3% to 5% over the last two years reflecting the changing planning climate - and that householder applications are reducing - from over 30% a few years ago to 27%, perhaps reflecting recent changes to the permitted development benefits. It is anticipated that the percentage of major applications will increase further over the next few years as the Core Strategy nears adoption and as more speculative applications are submitted due the content of the National Planning Policy Framework. There too has been a small increase in applications to discharge conditions (DOCS in Row A) and in applications for Minor Amendments (MIAS in Row A). Members will recall that these were previously dealt with by letter. They now have to be determined through the submission of applications.

Notwithstanding the stable workload, Members can see immediately that the value of that workload in respect of fee income is substantial – (Row I on Table One) – and that that income has doubled in the last couple of years. This is due to the increased number of major applications that are coming in. Even a small increase in this type of application can have a significant impact on fee income. This trend is continuing and will be sustained over the next few years as the Core Strategy progresses, such that these higher income levels should be maintained.

Performance in determining some kinds of applications is falling – see minors in Row D, whereas for majors it has increased. This is due to a combination of several factors. Firstly as Members are aware, there is now a Government imposed "sanction" in respect of handling major applications. As a consequence priority has had to be given to them. There is also an increase in such applications being received as we move forward with our emerging Core Strategy. Interestingly our performance here is 61%, equivalent to the national figure. Secondly, Members should be aware that both Discharge of Condition applications (DOC's) and those for Minor Amendments (MIA's), as referred to above, are not included in the definition of "minor" or "other" application for Government purposes. Hence the increase in these types of application and work associated with them is not recorded in these performance figures.

Thirdly, in respect of the other categories of application then that for "minor" applications stands out – 56%. The national figure is 70%. As a consequence an analysis of all of those applications which did not meet their 8 week "target" has been undertaken and the following can be reported.

i) 67% of these cases were a result of officers and consultees pursuing amendments, either to overcome objections; to add value in terms of design and appearance or to adapt the proposal so as to better accord with planning policy. This is considered to be the "added value" which the service can offer. A few years ago under the Planning Delivery Grant regime, these applications could well have been refused or withdrawn in order to meet the 8 week "target", rather than be completed – see the figures for this category of application in years 2009/10 and 2010/11 where the performance is in the mid 80%'s. Interestingly, of these applications going over the eight week period, there has been no reaction from applicants and agents and no appeals against non-determination. Applicants prefer to go the "extra week or two" for an approval rather than receive a refusal in the 7<sup>th</sup> week.

ii) A further 20% of those applications not meeting the eight week period went over because of the need to complete a Section 106 Agreement. As any application involving an Agreement is reported to the Board under the Scheme of Delegation, this is having a consequence on performance as cases have to wait for a Board date. This particular matter is taken up separately below.

iii) Finally the remaining 13% is due to referrals to the Board for determination either by the Head of Service or by Members. These referrals can be for a number of reasons but the very referral of these applications will almost inevitably result in delay as Board dates then govern reporting. Delays can be as little as a few days or as much of three weeks depending on the timing of the referral and the next available Board date.

As a consequence of this analysis two areas perhaps should be looked at. The first is to give extra emphasis to ensure that when an application is submitted, it is already in the best possible light for determination, with pre-application consultation and advice being reflected in the proposal. This should result in less call for amendments and variations. The second area is that some alteration perhaps also could be made to the Scheme of Delegation. This is explored later in section (c) of this report below.

## **b) Enforcement**

Table Two shows a decrease in the number of notifications concerning alleged breaches of planning control over the past couple of years – Row A of Table Two. Performance in terms of assessments being made is improving – Rows C and D of Table Two - and the means of resolution of breaches remains heavily focussed on voluntary action and the submission, where appropriate, of Certificate and Planning applications (90% of cases – Row F of Table Two). These applications bring in income – see Row H of Table 2 – but this will vary with the type of application submitted and so there will be variations from year to year. Formal action through the Courts remains consistent, but as Members are aware these can and often are very time consuming and are prone to delay through no fault of the service.

So that Members can have an illustration of the performance of this side of the service, officers will draw attention to a few cases which have had a high profile, and where Members were involved through authorising formal action. This will be done verbally at the meeting.

## **c) The Scheme of Delegation**

As seen above, the reason why 20% of all minor applications exceeded their “target” determination date was due to them having an associated Section 106 Agreement and thus having to be reported to Board. However other applications too are connected to Section 106 Agreements – notably with major applications. An analysis of all Board reports over the last fifteen months reveals that 31% of all reports are on the Board’s agenda because of such Agreements - of which two-thirds concerned Agreements with no financial content.

It is considered that it might be timely to look at this issue. Not only could “performance” be improved, but there would be less delay for applicants and there would be savings for the Council.



At the present time, any application involving an Agreement is reported to the Board under the Scheme of Delegation. Members will have noticed recently – as illustrated by the figures above – that there is an increasing number of Agreements relating to non-financial matters. These to date have almost all been seeking additional controls over the separate use of residential annexes as independent residential units – in other words restrictions on use. As this approach is directly related to adopted planning policy, reporting the matter to Board appears to be a disproportionate response to an application. It is thus proposed that any Agreement containing a non-financial obligation need not be reported to Board. If the pattern of the last couple of years is followed this could reduce the number of applications needing referral by 14 a year. This proposal should carry a caveat, in that these cases should only be delegated to the authorised officer if the Chair, Vice-Chair and local Ward Members have no objections.

This therefore raises the question as to whether 106 Agreements with financial obligations should be treated in the same way. Some of the reasons for doing so are outlined above. However there is a reason against – the need for transparency where financial considerations are involved. However as it happens, the majority of applications involving Agreements with financial content are already reported to Board in any event for other reasons. In these circumstances it is suggested that the same approach is taken as outlined above, that applications involving a financial Agreement are only reported to the Board at the request of the Chair, Vice-Chair or local Ward Members. Based on last year's Board agendas this could result in a further 6 less applications being reported to the Board. When added to the 14 mentioned above, this could be seen as a saving with no adverse impact and with a low risk.

The present Scheme of Delegation says that, "all applications where an approval will involve a legal agreement under planning legislation", will be decided by the Board - see para 4.1 (c) of the adopted Scheme. It is proposed that this be amended so as to read, "any application where a request has been made by either the Chair or Vice-Chair of the Planning and Development Board, or the local ward member(s), and when an approval would involve a legal agreement under planning legislation", will be decided by the Board.

### **3 Report Implications**

#### **3.1 Finance and Value for Money Implications**

- 3.1.1 Whilst the continuing increase in fee income is clearly welcome and likely to be sustained, there is a concern that if performance reduces, then some fee income could be lost through the Government's new refund and designation measures already introduced last October. Any reduction in the number of applications not being reported to the Board will reduce costs in the development control service, the central support service and in the democratic services section.

### 3.2 Environment and Sustainability Implications

3.2.1 The service is performing well in upholding the Development Plan with its emphasis on balancing the protection of the rural character of the Borough with the wish to provide economic development opportunities. However there is now a noticeable increased tension in an interim period with the NPPF increasingly taking on greater weight than that of the Local Plan, before the Core Strategy is adopted. The adoption of the Core Strategy is material to maintaining this balanced approach. The continuing investigation of, and subsequent successful action into enforcing breaches of planning control, is also able to reinforce this balance.

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

#### Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date
None			

**TABLE ONE: HANDLING APPLICATIONS**

Measure	Year 2009/2010	Year 2010/2011	Year 2011/2012	Year 2012/2013	Year 2013/2014
<b>Processing Applications</b>					
A) Total number of applications received divided as follows:	674	787	788	756	741
• Change of use	6.23%	8.00%	7%	6%	6%
• Householder	34.12%	22.4%	29%	27%	27%
• Major developments	3.26%	2.9%	3%	5%	5%
• Minor developments	30.42%	23.9%	26%	26%	24%
• Others	14.84%	17.8%	21%	20%	20%
• Docs	10.29%	12.2%	11%	12%	12%
• MIAS	0.74%	3.5%	3%	3%	6%
B) Total number of Decisions	644	720	762	727	753
C) % of all applications granted permission	82.14%	73.47%	69.4%	86.2%	70%
D) % of all applications determined in eight weeks (BVPI)	88%	87%	75%	73%	68%
• majors in 13 weeks	64%	47%	50%	46%	61%
• minors in 8 weeks	85%	86%	72%	75%	56%
• others in 8 weeks	88%	88%	79%	63%	66%
E) % of all householder applications determined in eight weeks	95.02%	92.5%	83.41%	86.43%	85%
F) % of all applications determined in under delegated powers (BVPI)	93%	94%	90%	89%	91%

## PLANNING CONTROL SERVICE IMPROVEMENT PLAN – MONITORING REPORT

### TABLE ONE: HANDLING APPLICATIONS (Cont'd)

Measure	Year 2009/2010	Year 2010/2011	Year 2011/2012	Year 2012/2013	Year 2013/2014
<b>Appeals</b>	15	30	17	22	15
G) Number of Appeals lodged					
H) % of Appeals allowed	42.80%	24%	0%	25%	47%
<b>Fees and Costs</b>					
I) Fee income from all applications	£247,200	£262,215	£286,609	£481,984	£514,098
J) % of all applications that are non-fee earning.	7.8%	8.13%	10.53%	11.77%	9.58%
K) % of fees that come from householder applications.	14.23%	14.9%	12.30%	8.89%	9.63%

**PLANNING CONTROL SERVICE IMPROVEMENT PLAN – MONITORING REPORT**

**Appendix B**

**TABLE TWO: BREACHES OF PLANNING AND ENFORCEMENT**

<b>Measure</b>	<b>Year 2009/2010</b>	<b>Year 2010/2011</b>	<b>Year 2011/2012</b>	<b>Year 2012/2013</b>	<b>Year 2013/2014</b>
<b>Reports of Alleged Breaches</b>					
A) Number of notifications	236	218	232	173	185
B) %Where a breach identified	66%	63%	61%	57%	64%
C) Average working days from notification to site visit	11	7	7	7	4
D) Average working days from notification to assessment	13	10	9	10	5
E) % of assessments in 21 days	62	78	76	71	70
F) Once a breach is established – mode of resolution (%)					
• Retrospective planning application or certificate application	25	33	41	42	34
• Voluntarily removed	52	40	35	49	56
• Not expedient to take action	4	5	3	1	3
• Enforcement action authorised	14	14	12	7	7
• Other action, eg injunctions	5	0	4	0	0
• outstanding	0	8	5	1	1

**PLANNING CONTROL SERVICE IMPROVEMENT PLAN – MONITORING REPORT**

**TABLE TWO: BREACHES OF PLANNING AND ENFORCEMENT (Cont'd)**

<b>Measure</b>	<b>Year 2009/2010</b>	<b>Year 2010/2011</b>	<b>Year 2011/2012</b>	<b>Year 2012/2013</b>	<b>Year 2013/14</b>
<b>Reports of Alleged Breaches</b>					
G) %of notifications resolved, or where no breach identified in twelve weeks	69%	84%	70%	66%	65%
H) Fee income from retrospective applications	£ 6050	£ 7175	£ 14250	£ 11895	£ 7926
I) Number of Enforcement Notice Appeals lodged (not necessarily relating to Notices served this year).	10	9	8	4	4
J) Number of cases where Court Action authorised (not necessarily relating to cases reported this year).	1	4	4	4	4