

**To: The Deputy Leader and Members of the Planning and Development Board
(Councillors Sweet, Butcher, L Dirveiks, Humphreys, Lea, May, B Moss, Phillips, Sherratt, Simpson, A Stanley, Turley, Watkins, Winter and Wykes).**

For the information of other Members of the Council

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

For general enquiries please contact David Harris, Democratic Services Manager, on 01827 719222 or via e-mail - davidharris@northwarks.gov.uk.

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

PLANNING AND DEVELOPMENT BOARD AGENDA

10 FEBRUARY 2014

The Planning and Development Board will meet at the Atherstone College, Ratcliffe Road, Atherstone, Warwickshire on Monday 10 February 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 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - December 2013** - Report of the Chief Executive and the Deputy Chief Executive

Summary

This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to December 2013.

The Contact Officer for this report is Robert Beggs (719238).

**PART C – EXEMPT INFORMATION
(GOLD PAPERS)**

- 6 **Exclusion of the Public and Press**

Recommendation:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

- 7 **Breaches of Planning Control** – Report of the Head of Development Control

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

JERRY HUTCHINSON
Chief Executive

Agenda Item No 4

Planning and Development Board

10 February 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.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 10 March 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/.
- 6.2 If you wish to speak at a meeting of the Planning and Development Board, you may either:
 - e-mail democraticservices@northwarks.gov.uk;
 - telephone (01827) 719222; or
 - write to the Democratic Services Section, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE enclosing a completed form.

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	PAP/2013/0465	4	Land to rear of 20A, Spon Lane, Grendon, Atherstone, Erection of two dwellings	General
2	PAP/2013/0488	16	75, Coleshill Road, Hartshill, Erection of new dwelling (cottage style) and extension to existing dropped kerb.	General
3	PAP/2013/0523	30	Stone Cottage, Lower House Lane, Baddesley Ensor, Atherstone, Conversion of stable/garage into ancillary accommodation	General
4	PAP/2013/0573	51	Hillwood Farm, Middleton Lane, Middleton, Change of use from the lawful use of the site as described in the certificate dated 25/04/2002, to a mixed use retaining this lawful use but substituting the storage of electrical goods under use Class B8 within the building outlined in blue on that certificate, all for a temporary period of twelve months	General
5	PAP/2013/0582	68	Land South of Church Walk, Church Walk, Mancetter, Erection of 70 no. unit extra care accommodation with associated communals, landscaping and parking.-10 no. bungalows with associated landscaping and parking	General
6	PAP/2014/0014	85	Land South West Of M42 Roundabout, Watling Street, Dordon, Outline application for employment use within class B1(c) light industry, use class B2 general industry and use class B8 storage or distribution. Approval is sought for access from Centurion Way, all matters reserved	General

General Development Applications

(1) Application No: PAP/2013/0465

Land to rear of 20A, Spon Lane, Grendon, Atherstone,

Outline application for the erection of two dwellings, for

Mr Ron Noble

Introduction

The application is accompanied by a Section 106 legal agreement and is consequently reported to Board for determination.

The Site

The site is currently accessed of Willow Lane which is a small unclassified lane located between 20 and 20A Spon Lane. The site is currently vacant, contains a pond and is well screened with leylandi and hedgerow boundaries. There is an arable field to the north of the site and allotments are situated to the south on the other side of the lane.

The site area is approximately 0.21 ha and is shown in the aerial photography below.

The interior of the site is rough grass with a small number of fruit trees and a pond.

The Site:



The access to the site is via a predominantly single track private drive which has recently benefited from some resurfacing/improvement (associated with the recent development of another dwelling at the end of the track). Allotment gardens lie on the opposite side of the access track.

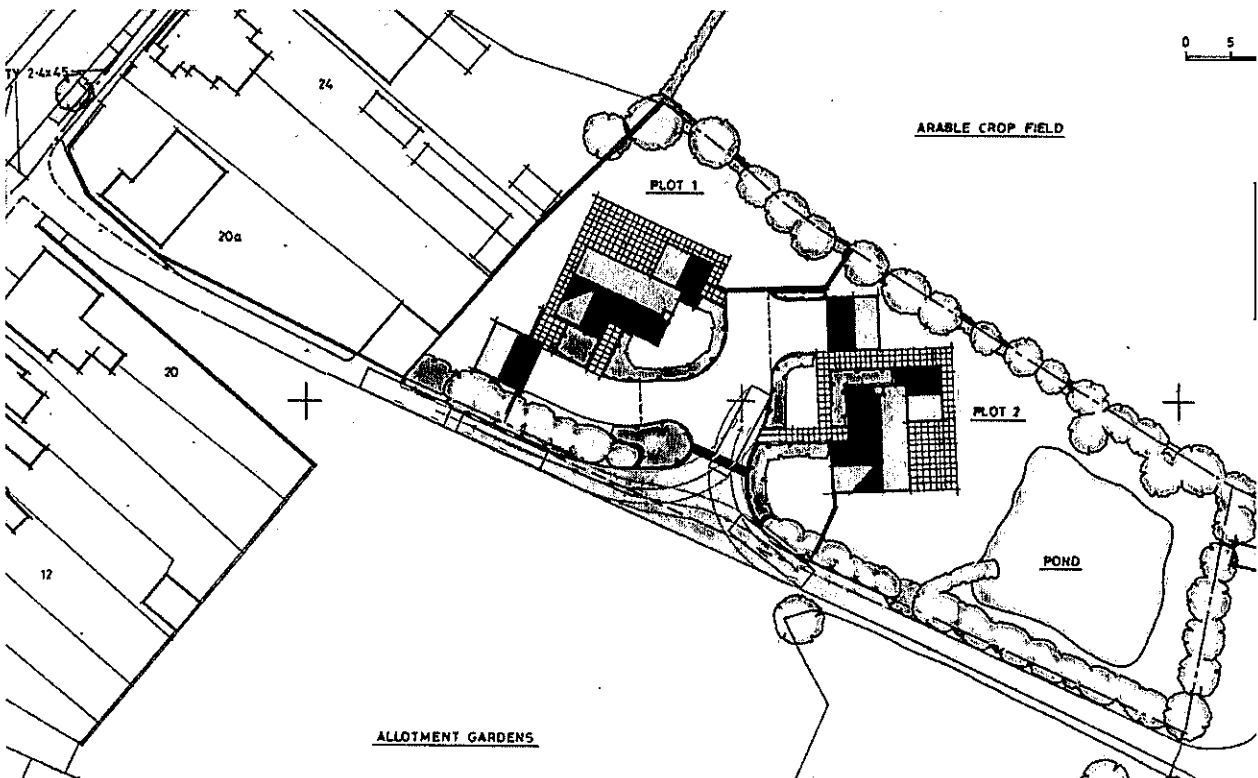
The Surrounds:



The Proposal

The application seeks outline planning permission for the erection of two new dwellings. The proposal seeks approval for the details of access and layout but reserves the matters of appearance, scale and landscaping.

The proposed layout is shown below. The development would comprise two large detached dwellings, each having a detached garage. Access would be via a shared drive and the existing pool at the site would be retained and incorporated within the garden to one of the proposed dwellings. It is proposed that the dwellings would both be four bedroom properties.



Background

Though the land is not associated with a dwelling house it has been previously used for quasi-residential purposes, being used for many years for the cultivation of vegetables and garden/amenity purposes by the current owner (the applicant).

An application for one dwelling was made in circa 1994 and was refused. The site was also put forward for inclusion in a previous SHLAA assessment but was not identified as a preferred site.

Development Plan

Saved policies of the North Warwickshire Local Plan 2006 – Core Policy 2 (Development Distribution), Core Policy 3 (Natural and Historic Environment), Core Policy 5 (Development in Towns and Villages), Core Policy 8 (Affordable Housing), Core Policy 12 (Implementation) and policies ENV1 (Protection and Enhancement of Natural Landscape), ENV3 (Nature Conservation), ENV4 (trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG3 (Housing Outside Development Boundaries), TPT1 (Transport Considerations), TPT2 (Traffic Management and Safety), TPT 3 (Access and Sustainable Travel) and TPT6 (Vehicle Parking).

Other Relevant Material Considerations

The National Planning Policy Framework 2012 (“NPPF”) – Achieving Sustainable Development; Core Planning Principles, Delivering a wide Choice of High Quality Homes, Conserving and Enhancing the Natural Environment and Conserving and Enhancing the Historic Environment

The Council’s Submission Core Strategy – February 2013: Draft policies NW1 (Settlement Hierarchy), NW3 (Housing Development), NW4 (Split of Housing Numbers), NW5 (Affordable Housing), NW8 (Sustainable Development), NW10 (Quality of Development), NW11 (Natural and Historic Environment) and NW19 (Infrastructure)

The Council’s Preferred Locations for Site Allocations Consultation – February 2013

New Homes Bonus – The development of these sites will attract New Homes Bonus.

Consultations

The Environment Agency - No objection.

The County Archaeologist - No objection.

Warwickshire County Highways Authority – Initially objected to the proposal, but following the receipt of amended plans, now offers no objection subject to conditions.

Severn Trent Water - No objection subject to conditions.

Flood Risk Officer, Warwickshire County Council - No objection subject to conditions.

Representations

Two letters of support for the development and four letters of objection have been received.

Concerns are raised about:

1. highway safety
2. foul water disposal arrangements

3. flooding
4. loss of privacy and overlooking
5. the congestion of wheelie bins on Spon Lane
6. disturbance from construction
7. loss of tranquillity
8. harm to the character of the area
9. the likelihood that this site would be incorporated into a larger residential development with adjacent land
10. that the Highway Authority has previously concluded that increased traffic generation along the lane would be inappropriate
11. disturbance from noise and the difficulties of installing services along the recently improved private drive.

Observations

a) Introduction

These applications have been submitted in the context of emerging Development Plan policy and in response to the National Planning Policy Framework. The proposal does not accord with the current Development Plan – the 2006 Local Plan – in that the development being proposed is outside of an existing development boundary.

However, Members will be aware that the weight to be given to that Plan in terms of future housing requirements is now very limited. It is out of date in respect of its evidence base for future housing requirements. This has already moved forward and is being addressed through current work on the Core Strategy.

Evidence presented to the Inspector dealing with the Examination into the submitted Core Strategy showed that the Council is not presently able to evidence a 5 year supply of housing land.

The principle of this proposal therefore has to be considered against that emerging Core Strategy and the content of the National Planning Policy Framework 2012, not the Local Plan. It needs to be stressed that the emerging Strategy is not yet adopted. It therefore has some weight but not full weight. The NPPF on the other hand carries full weight. Members should therefore be aware that a determination on the principle of these developments in planning policy terms will rest on the emerging Core Strategy and the NPPF.

b) The Principle and the Emerging Core Strategy

The site lies adjacent to, but outside of, the development boundary for Grendon, as identified in the North Warwickshire Local Plan 2006 (Saved Policies).

The submitted Core Strategy sets out the Council's approach to new housing in policy NW1. This says that it will be directed to settlements and that it will be proportionate to the position of the settlement within a defined settlement hierarchy. In the case of Grendon it is identified as a Local Service Centre. Policy NW1 indicates that development will be permitted in or adjacent to development boundaries that is considered to be appropriate to its place in the settlement hierarchy', and policy NW4 proposes 180 new houses in the settlement (Grendon and Baddesley Ensor) up to 2028.

The Council has now gone further in publishing its Preferred Options for allocating sites for future housing. The application site is not however identified as a preferred allocation.

c) The Principle and the National Planning Policy Framework

The NPPF is clearly a general document but it carries full weight. It states that where relevant policies are out of date, planning permission should be granted unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole, or specific policies in the Framework indicate the development should be restricted”. As the Local Plan is out of date in respect of housing requirements, the approach has to be as set out above.

The approach of the NPPF to new housing developments is to significantly “boost” the supply of new housing. It requires Local Planning Authorities:

- To use their evidence base to ensure that their Local Plan fully meets housing needs in their area identifying key sites critical to the delivery of the housing strategy.
- To identify a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition. Where there is a record of persistent under delivery, the buffer should be increased to 20% to provide a realistic prospect of achieving the planned supply, and-achievement.
- To identify a supply of specific developable sites or broad locations for growth for 6-10 and where possible for years 11 – 15.

It is thus necessary to look at housing supply under each of three factors mentioned above.

d) Housing Supply

The first point above relates to overall housing requirements. The emerging Core Strategy has now been submitted to the Secretary of State. His Inspector is satisfied that the emerging up to date evidence on housing requirements is consistent with the Borough’s overall housing requirement and its general distribution through the Borough’s settlements. The Strategy identifies general directions of growth. Grendon is identified as a settlement suitable for some housing growth.

The second is about the five year supply. The Council has a recently declared position in respect of this measure (Hearing Session 2 Paper – Appendix A). This shows that with a 20% buffer the supply is 4.5 years (based on the Council’s suggested method of calculation).

Thirdly there is the issue of sustainability. The NPPF has no definition of “sustainable development” but it does say that the planning system should guide development to sustainable locations. The issue therefore is whether this site is in such a location. It is an extension to an existing settlement and is not isolated from existing development. In location terms it has road access and there is access to bus service connecting to nearby main urban areas. The settlement is a local service centre. The site has no unusual constraints in terms of its development that can not be overcome through recognised technical solutions. This site is considered to be in a sustainable location.

e) Initial Conclusions on the Principle

The Development Plan is out of date in respect of how this application is decided in principle. The Core Strategy is still emerging not having yet been adopted and the preferred options for possible site allocations are at consultation/revised consultation stage. The NPPF therefore carries greater weight in these circumstances. There is clarity, that whichever method of calculation used, the Council is short of its five housing supply. In location terms this site, given the small scale of development proposed, is considered to be in a sustainable location. The initial conclusion therefore is that there is a prospect that the development proposals could be supported.

The remainder of this report will consider the specifics of the proposed scheme and the issues raised by residents to see if there are any matters which could be of such weight either singly or cumulatively to warrant overriding the initial conclusion reached here.

f) Scale and Impacts

The site, though outside of the development boundary, is distinctly visually contained. It is fully enclosed by established hedging. Existing residential land lies to one side of the site. The access route to the land is off Spon Lane, an established residential road. The land is presently of quasi-residential character, having been used for many years as amenity land by the applicant.

The indicative site layout plan shows the retention of existing hedgerow boundaries and the existing on site pond.

The Highways Authority offers no objection following receipt of layout plans showing that a larger vehicle turning area can be achieved on site. The site layout should ensure that refuse collection can take place without undue congestion or obstruction.

The Flood Risk Officer (Warwickshire County Council), the Environment Agency and Severn Trent Water all offer no objections subject to conditions requiring the submission of a detailed drainage scheme. It is not considered that the development would result in any significant flood risk.

Objectors refer to the application that was refused for 85 homes on land adjacent to this site and argue that the likelihood is that this site would be incorporated into a larger residential development. This application, if approved, would not set a precedent in terms of the large scale development. Whilst this site also lies outside the settlement boundary, the physical characteristics are very different (the application site is already well screened and it relates the existing settlement with housing adjacent). The current proposal is very small scale by comparison to the refused housing, with only two dwellings being proposed. The applicant has owned the land since 1979 and wishes to occupy one of the dwellings himself once it is built. The applicant has asked it to be made clear that he has no connection with the adjoining proposal.

The development would not represent a significant extension of the built up area or an unduly large extension of the settlement. Given that there are no technical objections to the development of the land it is considered that the scale and impact of the development would be acceptable.

g) Affordable Housing

The provision of affordable housing can reasonably be required on this site. There is an evidenced ongoing need for affordable housing in North Warwickshire. The site is in a location outside of the development boundary where the 2006 Local Plan would only support the provision of housing which is 100% affordable. The emerging Core Strategy indicates that 40% of dwellings completed in the plan period will be in the form of locally affordable housing (Policy NW5).

The applicant has undertaken a valuation of the development proposal. This valuation has shown that there is insufficient value in the development to justify on-site provision of affordable housing. However, there is sufficient value as to provide for a financial contribution for the off-site provision of affordable housing in the Grendon and Baddesley Ward or any adjacent Ward. This amounts to a sum of £11,000. A draft Section 106 Agreement has been submitted to this effect and would satisfy the requirements of emerging planning policy and NPPF guidance.

h) Overall Conclusion

The NPPF establishes a presumption in favour of sustainable development. The reasoning above sets out why it is considered that this development is sustainable in the context of the characteristics of this site and the settlement of Grendon.

Recommendation

That subject to the Section 106 Agreement requiring the payment of a financial contribution towards the off-site provision of affordable housing, the application be **GRANTED** subject to the following conditions:

Standard Conditions

- 1) Standard outline conditions
- 2) Standard outline conditions
- 3) Standard outline conditions
- 4) Standard plan numbers condition – Drawing Number 20a.LAY.001 Rev C received by the Local Planning Authority on 14 November 2013.

Overall Defining Conditions

- 5) The maximum number of dwelling units to be constructed on this site shall be 2, and none shall be more than two storeys in height.

REASON

In the interests of limiting potential adverse highway, settlement character and visual impacts.

Pre-Commencement Conditions

- 6) Prior to the commencement of development a drainage design for foul and surface waters shall be submitted to and approved in writing. The approved scheme shall be implemented in full prior to the occupation of any new dwelling. The submitted scheme shall ensure that adequate drainage is provided to prevent an increase in the flood risk both on the application site and off-site.

REASON

In the interests of ensuring that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 7) No development shall commence until full details of the surfacing, drainage and levels of the car parking and manoeuvring areas as shown on the approved plan, drawing No. 20a.LAY.001 Rev C, have been submitted to and approved in writing by the Council. No unit shall be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles. The parking and manoeuvring areas within the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

REASON

In the interests of safety on the public highway and to ensure satisfactory drainage of the highway environment.

Pre- House Construction Conditions

- 8) No work shall commence on the construction of any house hereby approved until such time as details of the facing materials and ground surface materials to be used have first all been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used

REASON

In the interests of the visual amenities of the area.

Notes

- 1) The Crime Reduction and Community Safety Officer of the Warwickshire Police can offer guidance on the design and detail of the future scheme so as to minimise the risk of crime.
- 2) Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
- 3) The Local Planning Authority has worked positively with the applicant in this case to address planning issues arising from this development through discussion and the exchange of information following receipt of consultation responses and representations thus meeting the requirements of the National Planning Policy Framework 2012.

BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0465

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s) and S106 Agreement	23 9 13 14 11 13 13 1 14
2	S Baker	Representation	22 10 13
3	A Evans	Representation	22 10 13
4	J Reid	Representation	21 10 13
5	Warwickshire County Museum (Archaeology)	No Comments	21 10 13
6	W Reid	Representation	16 10 13
7	Environment Agency	No Comments	11 10 13
8	Y Yeatman	Representation	10 10 13
9	Environmental Health Officer	No Comments	10 10 13
10	Mr and Mrs H Dodd	Representation	24 10 13
11	Warwickshire County Highways Authority	Consultation Reply	30 10 13 6 11 13 18 11 13
12	Severn Trent Water	Consultation Reply	11 11 13
13	Flood Risk Officer, Warwickshire County Council	Consultation Reply	11 12 13

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

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



(2) Application No: PAP/2013/0488

75, Coleshill Road, Hartshill, CV10 0NZ

Erection of new dwelling (cottage style) and extension to existing dropped kerb, for

Mr and Mrs Clive Duester

Introduction

The application is reported to Board at the request of a Local Member due to highway concerns.

The Site

The site is located on the corner of School Hill and Coleshill Road in Hartshill. It is located within the Development Boundary but is not within an area of special control or designation. The site comprises of an area of garden land under the ownership of 75 Coleshill Road; which was formerly the Manse occupied in connection with the adjoining Congregational Chapel. There is a high hedgerow surrounding the site boundary which screens the site from both public highways. The application site can be viewed within the context of its surroundings at Appendix A.

The Proposal

This is for the erection of new two storey dwelling adjacent to number 75 fronting the Coleshill Road. Its height and ridgeline would match that of its neighbour. There is an existing dropped kerb onto School Hill which provides access to a garage at the rear of number 75 and it is proposed to extend this in order to create a widened access point such that vehicular access can be achieved to for the proposed house. A turning area and two car parking spaces are also included. Plans illustrating the proposals are attached below.

Background

The principle of one dwelling on this site has already been established in 2001 following the grant of an outline planning permission.

Subsequently two applications for the details of this house have been refused on the grounds that the proposed dwelling was too big for the site thus leaving inadequate amenity space. One of these refusals was upheld at appeal.

The current proposal seeks to overcome the detailed issues of these two refusals, as the principle of a new dwelling here is already established.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 2 (Development Distribution), and policies ENV6 (Land Resources), ENV11 (Neighbour

Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design) HSG2 (Affordable Housing), and TPT6 (Vehicular Parking).

Other Relevant Material Considerations

North Warwickshire Core Strategy (Submission Document February 2013) - policies NW1 (Settlement Hierarchy), NW3 (Housing Development), NW5 (Affordable Housing) and NW10 (Quality of Development).

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

Consultations

Environmental Health Officer – No comments

Warwickshire Museum – No objection

Warwickshire County Council as Highway Authority – No objection subject to conditions as a satisfactory access and visibility splay can be provided with adequate on-site space for turning and parking.

Representations

Hartshill Parish Council - The Parish Council have highlighted the historic context of the immediate area pertaining to the existing house at No.75 originally built as the Manse which lies to the left of the Chapel End United Reformed Church, which is a grade 2 listed building. The Parish Council have said that the appeal was dismissed as a previous development proposal at this site would have resulted in an over development of the site, leaving little space for amenity and landscaping. The Parish go on to mention the present parking issues around this area, particularly on School Hill and Coleshill Road and pedestrians using these busy school routes, where parking restricts visibility. The Parish is concerned that there is already hazardous parking experienced by pedestrians and through traffic alike, particularly when there is parking on the existing double yellow lines and crossing zig-zags. The Parish has summarised that the proposed dwelling would dramatically change the existing street scene and cause over densification of the local area with exacerbation of the existing parking problems.

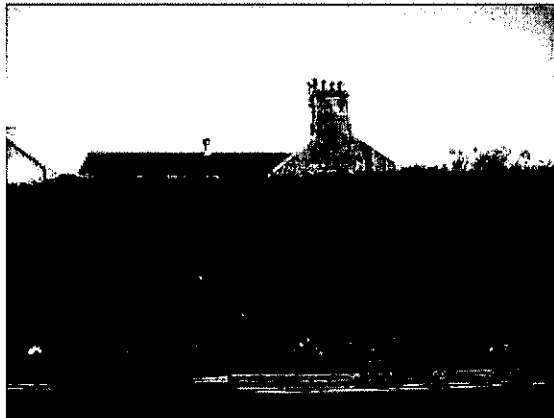
Observations

There are a number of key considerations – namely the principle of development for a new house; the impact on neighbouring amenity and the amenity for occupiers of the proposed development, highway safety and the overall design and appearance of the proposal on the street scene.

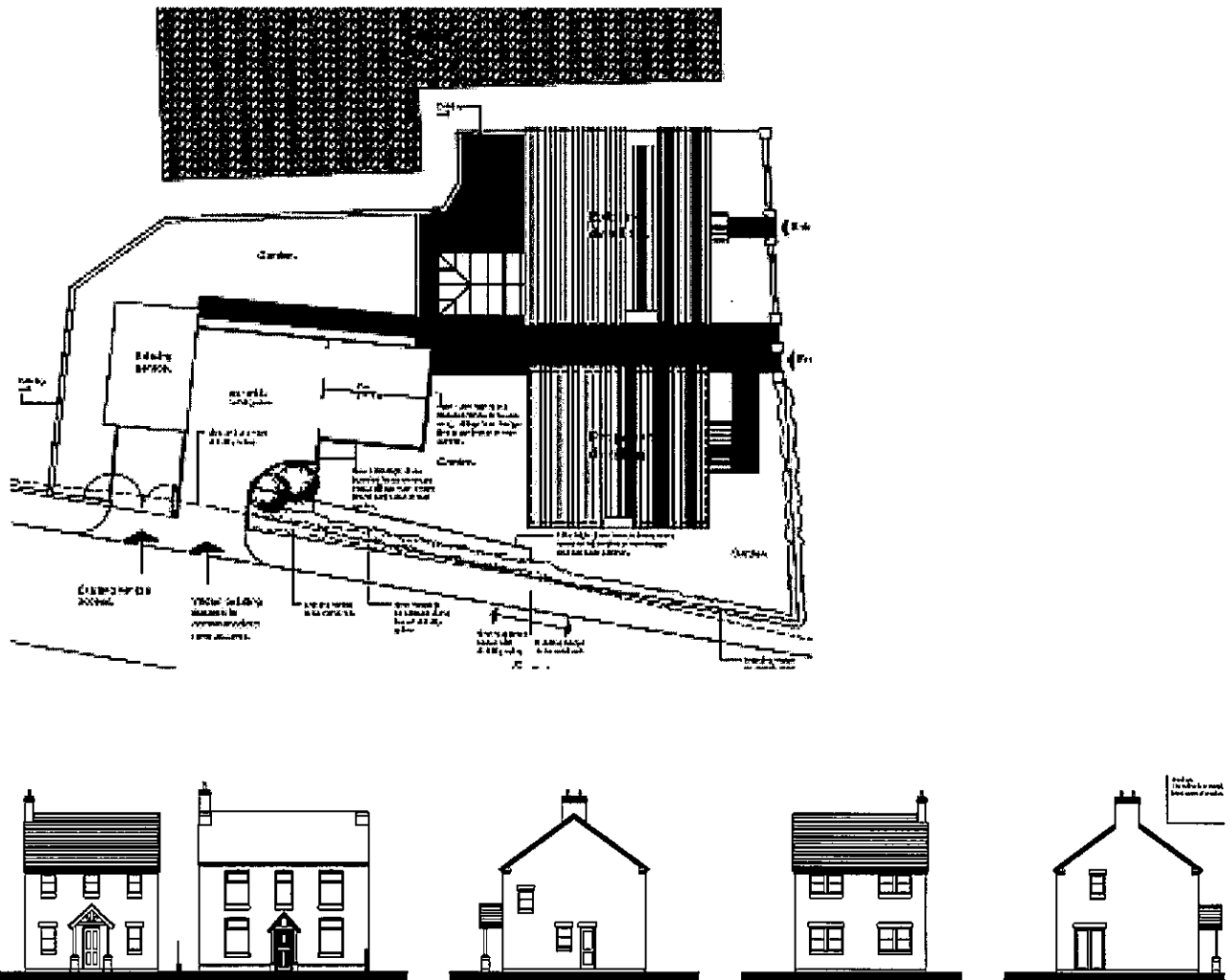
It is important to understand from the beginning that the present scheme seeks to overcome the detailed reasons of the past two refusals and thus does represent a new approach. The principle of one house here is established through the grant of the 2001 outline planning permission.

The proposed dwelling measures 8.2 metres in length by 7.9 metres in width by 5 metres to the eaves and 7.7 metres to the ridge of the roof. The layout of the site would provide capacity for a garden space and a parking area for two vehicles with a turning area. The proposed new building would follow the building line and height of the existing dwelling (formerly the manse at 75 Coleshill Road).

The arrangement to the existing garden area and site from the perspective of the street scene are shown in photographs below:



The proposed layout within the site is included within the red line illustrated below and the elevations are also included below:



a) Principle of development and affordable housing

The site lies within a settlement boundary such that housing is acceptable in principle in this location as acknowledged through the 2001 permission. The dwelling would be a market house as there is no policy requirement for affordable provision on a site of this size in Hartshill.

b) Building Design and Urban Design

The design of the dwelling is considered to be of an acceptable footprint and scale and in its location it is not considered to be out of character with the setting of the immediate neighbouring dwellings or the surrounding terrace dwellings which are sited adjacent to the property.

The majority of the dwelling would be screened by the existing mature hedgerow, albeit the first floor and roof would be visible above the hedgerow. A bungalow could have been proposed here although that would have resulted in a larger footprint, as per the arrangement with the previous two refusals. It is considered that a two storey dwelling of reasonable proportion creates a minimum footprint, thus allowing for garden and parking space to be provided.

The use of appropriate materials would be conditioned to ensure that materials complement neighbouring properties. There is a mixture of render and brick within the immediate surroundings.

The site does not lie within the Conservation Area but whilst it is sited two doors away from the Listed Congregational Church, there is not considered to be any harm caused to its setting.

In terms of the impact on the street scene then the proposal would develop what is a relatively open corner plot, albeit substantially screened by existing landscaping in the form of a mature hedgerow. However the building line and scale of the proposed dwelling does complement the neighbouring property at No. 75. In this respect it is not considered to intrude on the character of the street frontage along Coleshill Road, given the proposal would result in a proportionate design that respects the design features on the host property.

The line of hedgerow would be broken by the incorporation of a front pedestrian gate, which would exit onto Coleshill Road. The hedgerow would also be partially removed to School Hill which would be subject to re-instatement by an appropriate species mix, in order to meet the visibility splay required by the extension to the existing access that serves 75 Coventry Road. The temporary removal of part of the hedgerow would be re-instated with a hedge to follow the line of the visibility splay the partial loss of the hedge would only be short term and would be subject to a landscaping condition. The site would thus still retain two green boundaries.

The character of the street scene and the immediate surroundings has a mixture of property types and designs and so the proposal presented would not be considered adverse on the immediate setting. However in view of past decisions it would be prudent to remove householder permitted development rights should a permission be forthcoming.

c) Amenity

The location of the dwelling on this parcel of land follows the existing building height and line of the immediate host dwelling at No. 75 and in this respect there would be no amenity issues between neighbouring occupiers. There would be a gap between these properties of approximately two metres which equates to one metre on either side of the party boundary. Given the properties would be side by side it is not considered there would be an issue with light or overshadowing.

There are first floor side windows, either side of the gable, though these can be obscurely glazed. Rear first floor windows inevitably have an element of overlooking between rear garden spaces, though is not considered to be an amenity issue given there are many properties with this arrangement. There are no immediate windows in the host dwelling that would cause a privacy issue to a potential future occupier of a new build. There would not be considered a privacy related issue between these immediate neighbouring properties.

The arrangement to the rear of the Chapel is at a separation distance from the rear elevation of the new build of 12 metres and at an oblique angle, such that there would be no overlooking or privacy related issues. The other nearest surrounding occupiers to the new build located along School Hill and Coleshill Road are at acceptable separation distances of approximately 19 to 20 metres from the elevations of the new build. In this

respect of this distance is sufficient in order that there would not be a privacy or light related issue between other nearby neighbouring occupiers.

In terms of the impact of dust and noise associated with a new build then this would be a short term duration and would not be a long term effect on the neighbour's amenity. It is considered that the working hours of a development can be restricted to daytime hours with no working at weekends for example.

The application dwelling itself must also benefit from good amenity. The room sizes of the new build are considered to be acceptable. The outdoor amenity space in the form of a garden that is located to the front, side and rear of the site equates to a total capacity of approximately 80m² in ground area. This is similar to the neighbouring property.

d) Highway Safety

The Highway Authority has no objection subject to standard planning conditions adapted to the arrangements at this site.

It is acknowledged that the site is on the corner of the junction of School Hill with Coleshill Road and that parking is very limited given the number of shops and commercial units, and that there is a heavy traffic flow at traffic times. However given the established lawful use here for one dwelling as a consequence of the 2001 permission; the provision on-site of satisfactory parking and turning areas and that appropriate vision can be achieved, there is not considered to be grounds to promote a highway refusal reason.

e) Other Material Considerations

The previous appeal decision dismissed a development on this parcel of land, which was for a dormer bungalow designed with a large footprint and with no garden space as the site was taken up with parking. There were also amenity issues given the siting of a dormer bungalow with its immediate relationship to neighbouring buildings. The previous refusals were justified given the development proposals presented at the time would have resulted in the over-development of the site, as identified in the Inspectors decision.

The present scheme reflects a different design and layout and is more akin to the scheme first presented with the outline application. It includes parking to the rear of the site, a garden space in the middle and a house in line with the host dwelling at No. 75. The main considerations are that garden amenity space has been improved, as well as a parking area provided and a more proportionate design is achieved to a dwelling, which is not out of scale or of a massing that would look oversized in the context of the street scene. Though the development may appear cramped, the proposal would not be considered to result in an over development of the site, this is particularly the case given that it achieves amenity standards for garden space and for parking.

The NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development. It is considered that the proposal would create a dwelling on land within the development boundary, and therefore assist in a modest way in meeting the housing requirements for the Hartshill area and reducing green field land pressures for development. Good design is also a key aspect of sustainability and it is considered that the proposal is improved and responds to local surroundings, retaining and introducing appropriate landscaping. In this respect it is

considered that that proposal is substantially improved compared with the previous proposals.

There is no objection in respect of land stability or contamination as no comment has been received from Environmental Health.

f) Representations

Though no representations have been received from neighbours, the comments received from the Parish are clear in explaining the local situation.

On the matter relating to the site history and the previous appeal decision then it must be re-iterated that an earlier outline consent has already established the principle of development at this site. The subsequent appeal decision dismissed the details of a very different scheme to that now presented.

The other matters referred to by the Parish have been covered above.

Summary

The new proposal for one dwelling here is acceptable in its revised format. Although planning applications have been refused on this site in previous years it is considered that the current application does present a wholly different scheme. There is no policy justification to refuse this application on design grounds, when comparing the neighbouring plot layouts. With all amenity matters duly assessed, the proposal is not considered to result in an unacceptable amenity impact on the neighbouring occupiers, by virtue of the separation distances involved between buildings. Future occupiers would also benefit from a good level of amenity, with a private rear garden achieved by retention of landscaping does screen the site from the highway. There would be no amenity, design or highway related issues that would warrant a refusal of the application.

Recommendation

That the application be **GRANTED** subject to 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 revised plan numbered 109 23 5 E received by the Local Planning Authority on 19 December 2013.

REASON

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

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

REASON

In the interests of the amenities of the area.

4. No development shall be commenced before samples of the facing materials and roofing tiles to be used have been submitted to and approved by the Local Planning Authority. The approved materials shall then be used.

REASON

In the interests of the amenities of the area.

5. The first floor side windows shall be glazed with obscured glass and permanently maintained in that condition.

REASON

In the interests of the amenities of the area.

6. The development shall not be occupied until the existing vehicular access to the site has been widened so as to provide an access of not less than 5 metres, as measured from the near edge of the public highway carriageway.

REASON

In the interests of safety on the public highway.

7. The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway. Gates erected at the entrance to the site for vehicles shall not be hung so as to open to within 6 metres of the near edge of the public highway carriageway.

REASON

In the interests of safety on the public highway.

8. The access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.

REASON

In the interests of Highway safety.

9. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'X' distances of 2.4 metres and 'Y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interests of the amenity on the public highway.

10. The access to the site shall not be widened in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.

REASON

In the interests of safety on the public highway.

11. No work relating to the construction of the development hereby approved, including preparation prior to operations shall take place before the hours of 0700 nor after 1900 Monday to Friday. With no work related construction on Saturdays, Sundays or recognised public holidays.

REASON

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

12. Before the development commences a scheme for the construction of the foul and surface water drainage system shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON

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

13. The landscaping scheme pertaining to the re-alignment of the hedgerow as illustrated on the proposed plan hereby approved shall be implemented accordingly prior to occupation of the dwelling hereby approved. Until the hedgerow has reached a height of 1.8 metres then the temporary close boarded fence denoted on the plan shall be removed. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. In the event of any tree or plant failing to become established within five years from the date of planting or die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

REASON

In the interests of the amenities of the area.

Notes

1. 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.

2. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.

3. For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.

4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 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. 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.

5. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

6. Condition numbers 6 and 8 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer.

7. The Area Team may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be

noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice.

8. Before commencing any Highway works the applicant/developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

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

BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0488

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	3/10/13
2	Hartshill Parish Council	Representation	21/10/13
3	Local Ward Member	E- mail	21/10/13
4	WCC Highways Authority	Correspondence of representation	31/10/13
5	NWBC Environmental Health	E-mail representation	8/11/13
6	WCC - Museum	E-mail representation	21/11/13
7	Case Officer to Agent	Correspondence	22/11/13
8	Agent to Case Officer	E-mail	25/11/13
9	Agent to Case Officer	E-mail and revised plan	5/12/13
10	WCC Highways Authority	Correspondence of representation	9/12/13
11	Agent to Case Officer	E-mail and revised plan	19/12/13
12	NWBC Forward Plans	E-mail representation	20/12/13
13	WCC Highways Authority	Correspondence of representation	23/12/13
14	Severn Trent Water	Correspondence of representation	27/12/13
15	Local Ward Member	E-mail	6/1/14
16	Case Officer to Members	E-mail	15/1/14
17	Local Ward Member to Case Officer	E-mail	17/1/14

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



(3) Application Nos: PAP/2013/0523 and PAP/2013/0524

Stone Cottage, Lower House Lane, Baddesley Ensor, Atherstone, CV9 2QB

Conversion of stable/garage into ancillary accommodation, for

Mr R Cole

Introduction

The applications are brought before the Planning and Development Board as a Legal Agreement has been provided as part of the proposals.

Site

The site lies within the countryside and is located on the north- west side of Lower House Lane to the south of the Birch Coppice commercial estate. It comprises a house, stables and a garage and adjoins the highway verge. The application outbuilding is established within the garden and has been used as a garage.

The Proposal

It is proposed is to retain the outbuilding but to convert it to ancillary living accommodation. This would include a bedroom, bathroom, new stair to the upper floor, living room, hall and office, in order to provide living space for a family member.

Given that the house and other buildings here are listed as Grade 2, both planning and Listed Building applications have been submitted.

The plans for the proposal can be viewed in Appendix 1, and relevant photographs can be viewed in Appendix 2.

The outbuilding's dimensions are 13.2 metres wide, 4.3 metres in depth and 5.3 metres high to the roof ridge. A front protruding element is 2.6 metres in depth and 6.5 metres wide. There are no proposals to change its footprint.

The existing garage door opening will contain timber infill frames and glazing. The existing openings to the windows and doors are existing and will contain hardwood timber materials stained in mahogany.

The existing external appearance of the building contains random stones which match the frontage of the main dwelling.

The proposed attached legal agreement is to control the use of the building so it remains ancillary to the main dwelling house; not to provide separate facilities and not to sell the building separately from the main dwelling house. The draft legal agreement can be viewed in Appendix 3.

Background

The outbuilding was listed in 1956 at the same time as the main dwelling house. It was added to the listing for group value. The listing sets out the building had red brick with sandstone rubble to the rear, dating from the late 18th Century. In 1987, consent was given for a rear extension; works to the outbuilding and a new link between the dwelling and outbuilding. In 1992 consent was given for a stable building.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies) - Core Policy 2 (Development Distribution) and policies ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV1 (Protection and Enhancement of the Natural Landscape) and ENV16 (Listed Buildings).

Other Relevant Material Considerations

The Council's Core Strategy Submission Version 2013

National Planning Policy Framework - 2012.

The Council's Supplementary Planning Guidance: A Guide for the Design of Householder Developments (2003).

Observations

The application has generated a number of issues which will be covered in this report.

As members are aware, in 2008 the Town and Country Planning (General Permitted Development) Order 1995 was amended, and this changed the criteria for outbuildings within a residential curtilage in respect of when a planning application would be required. In this case it is considered that the building is indeed within a residential curtilage.

The dimensions of the building are such that they fall outside the thresholds for permitted development in respect of outbuildings – it's too tall basically, however the building exists.

The issue is the use of the building. The proposed use of the building is ancillary to the main dwelling house, rather than being just incidental to the main dwelling house. As a consequence a planning permission is required, given that Class E outbuildings can only be incidental. Incidental uses are those such as for storage, a garage or a hobby use – in other words uses that can not exist without the use of the main house, whereas ancillary uses cover anything you can normally do in a standard house, such as using it as a lounge or a spare bedroom.

This application provides the opportunity for the Council to control the use of the building, through planning conditions and a legal agreement.

The applicant has provided a draft Unilateral Undertaking under Section 106 of the 1990 Act. This effectively says that if permission is granted for the current outbuilding, then it would not:

(1) be used for other purpose other than as ancillary accommodation in relation to the residential occupation of the main dwelling;

(2) be sold or otherwise disposed of separately from the rest of the property, or.

(3) be leased, rented, sublet or occupied as a dwelling separate from the main dwelling at any time.

The current size and scale of the outbuilding is not proposed to be revised - it is presently rendered with a tile roof. The building is visible from the public realm, but it is set back from the road next to the main dwelling house. The proposal would lead to windows and doors being placed into existing openings. The window and door designs are considered to reflect those already on the outbuilding and the main dwelling house. The main visual change will be the closure of the garage door opening; however the windows and planked panels proposed reflect the surrounding buildings. The proposal is considered to comply with the relevant saved Local Plan policies.

The proposed building is sited around 65 metres away from the nearest neighbouring property. The proposal would also be visible from the public realm, however is not considered to impact upon amenity, privacy or light. Overall the proposal is not considered to result in a loss of amenity, privacy or loss of light that would result in unacceptable loss of amenity and privacy in the area. The proposal complies with ENV11 of the Local Plan 2006.

The application building is listed, and lies close to the main listed dwelling on the site. The proposals would not lead to any increase in the building, just external appearances changes and a new internal use related to the main dwelling. It is considered that the proposal would not affect the historic or architectural character of the main listed farm house or the existing listed out building. The materials to be used are considered to be acceptable, with regards to infill panels and windows/doors which will be hardwood timber. Cross section plans of the windows show a recess for the glazing, with timber hardwood frames which are considered to be acceptable. The works are considered to be acceptable when viewed from the street. The details of the works are proposed to be conditioned. The works overall are not considered to detract from the character, appearance or historic value of a heritage asset, and are thus in accordance with the NPPF.

The proposal is considered acceptable within the countryside and will not increase the size and scale of the building and therefore not impact upon openness.

Planning conditions are proposed covering the use and that no additional openings are installed, along with other relevant conditions given the building is listed.

In order to bring some degree of certainty to the proposal and to control the use of the building, a draft Unilateral Undertaking has been put forward by the applicant as viewed in Appendix 3. It would enable the applicant to retain the outbuilding and lead to control of the future use of the outbuilding.

Recommendation

a) PAP/201/0523 – Conversion of stable/garage into ancillary accommodation

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the proposed plan (site plan, elevations, layout and sections) received by the Local Planning Authority on 9 December 2013; the site location plan received by the Local Planning Authority on 21 January 2014 and construction plan received by the Local Planning Authority on 16 January 2014.

REASON

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

3. The windows, doors and planked panels shall be hardwood timber stained in mahogany colour and retained as such at all times.

REASON

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

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

REASON

In the interests of preserving the architectural/historic interest of the setting of Listed Buildings.

5. The windows and doors shall be constructed with hardwood brown timber and retained as such at all times.

REASON

In the interests of preserving the architectural/historic interest of the Listed Building.

6. The accommodation hereby approved shall be occupied solely in connection with, and ancillary to the main dwelling at Stone Cottage, Lower House Lane, Baddesley Ensor, Atherstone, CV9 2QB; and shall not be sold off, sub-let or used as a separate unit of accommodation.

REASON

To prevent unauthorised use of the property.

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
2. You are recommended to seek independent advice on the provisions of the Party Wall etc, Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at:
www.communities.gov.uk/publications/planningandbuilding/partywall
3. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property. For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.
4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, meetings and negotiations and determining the application. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

5. 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. 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.

b) PAP/201/0523 – Listed Building Consent for the Conversion of stable/garage into ancillary accommodation

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with proposed plan received by the Local Planning Authority on 9 December 2013, to the location plan received by the Local Planning Authority on 21 January 2014 and the construction details received by the Local Planning Authority on 16 January 2014.

REASON

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

3. The windows, doors and planked panels shall be hardwood timber stained in mahogany colour and retained as such at all times.

REASON

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

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

REASON

In the interests of preserving the architectural/historic interest of the setting of Listed Buildings.

5. Any mortar used shall be a mix of lime and cement.

REASON

In the interests of preserving the setting architectural/historic interest of the Listed Buildings.

6. Any guttering on the ancillary accommodation building shall be aluminium and painted black and maintained as such at all times.

REASON

To protect the architectural/historic interest of the building given it lies within the curtilage of Listed Buildings.

7. The windows and doors shall be constructed with hardwood brown timber and retained as such at all times.

REASON

In the interests of preserving the architectural/historic interest of the Listed Building.

8. The accommodation hereby approved shall be occupied solely in connection with, and ancillary to the main dwelling at Stone Cottage, Lower House Lane, Baddesley Ensor, Atherstone, CV9 2QB; and shall not be sold off, sub-let or used as a separate unit of accommodation.

REASON

To prevent unauthorised use of the property.

Notes

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

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

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BACKGROUND PAPERS

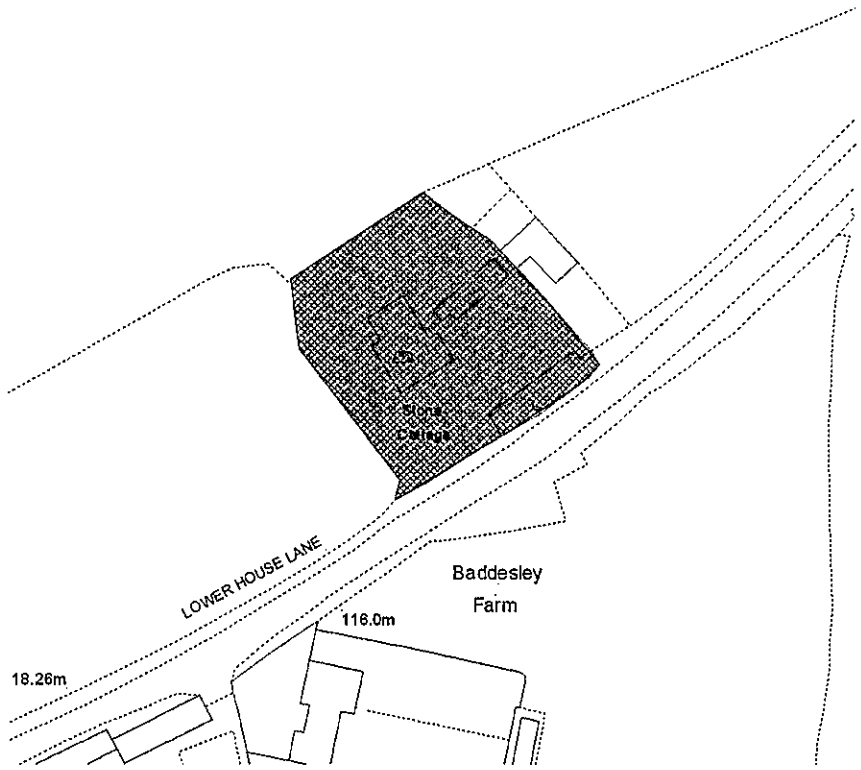
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

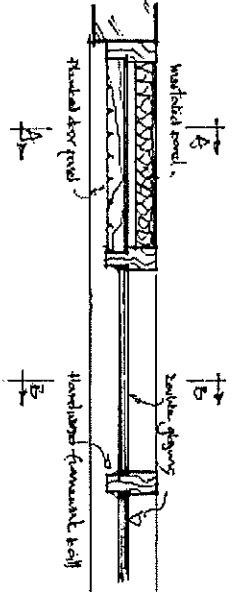
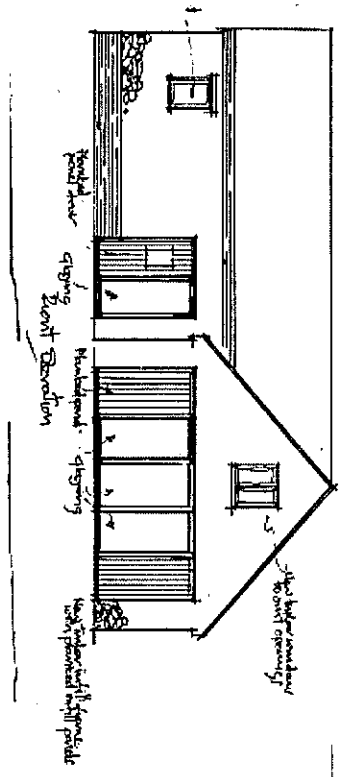
Planning Application No's: PAP/2013/0523 and PAP/2013/0524

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s) Valid	9/12/2013
2	Case officer	Email to Council Solicitor	04/11/2013
3	Councils Solicitor	Email to case officer	3/1/2014
4	Case officer	Email to agent	6/1/2014
5	Case officer	Emails to agent	16/1/2014
6	Agent	New plans to case officer	16/1/2014
7	Case officer	Email to agent	17/1/2014
8	Agent	Email to case officer	17/1/2014
9	Case officer	Email to agent	17/1/2014
10	Agent	New plan to case officer	21/1/2014

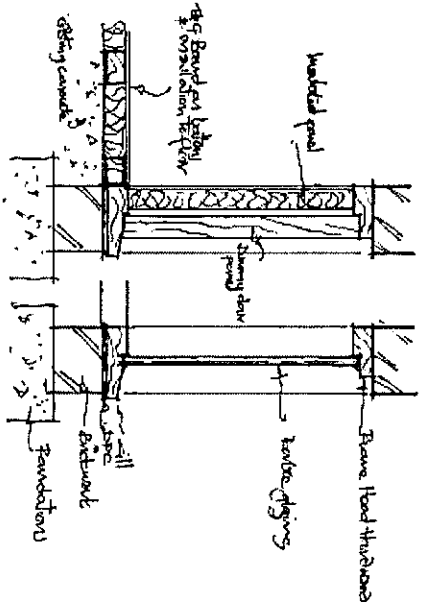
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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.

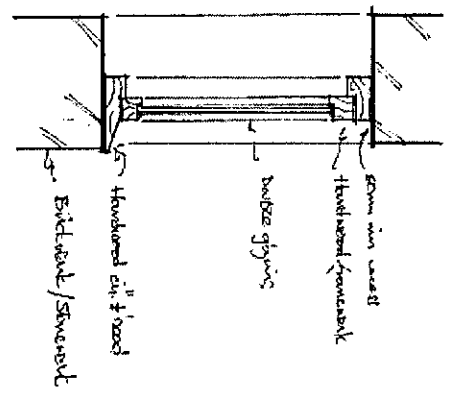




Living room window detail



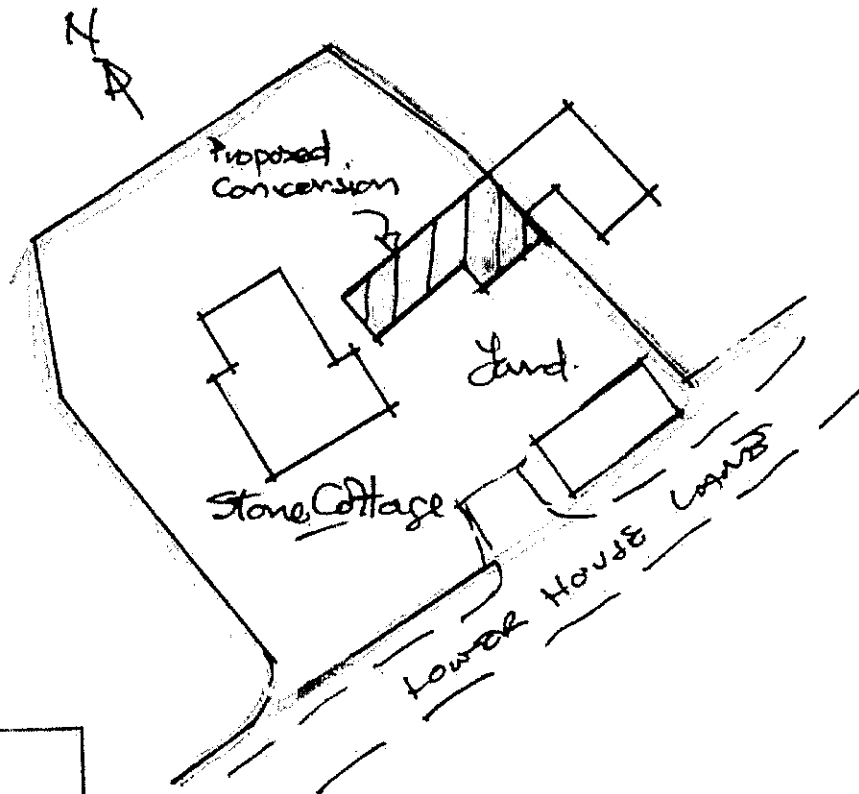
Section AA 1/10 Section BB 1/10



Window detail 1/5

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 North Warwickshire
 Borough Council

Location Plan 1/500

STONE COTTAGE
LOWER HOUSE LANE
BADDELEY GROUND



2013 / 0523

DATED

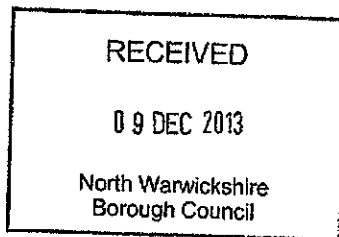
(1) ROBERT CHARLES COLE and WENDY ELIZABETH COLE

AND

(2) NORTH WARWICKSHIRE BOROUGH COUNCIL

PLANNING OBLIGATION BY UNILATERAL UNDERTAKING PURSUANT TO SECTION 106
OF THE TOWN AND COUNTRY PLANNING ACT 1990

RELATING TO APPLICATION PAP/2013/0524 STONE COTTAGE, LOWER HOUSE LANE,
BADDESLEY ENSOR, AHERSTONE, WARWICKSHIRE, CV9 2QB



Prepared by
Garner Canning Solicitors
133 Long Street
Atherstone
Warwickshire
CV9 1AD
Tel: 01827 713543
Ref: RT/Cole

THIS PLANNING OBLIGATION BY UNILATERAL UNDERTAKING IS DATED
DAY OF 201

BY

(1) ROBERT CHARLES COLE and WENDY ELIZABETH COLE both of Stone Cottage,
Lower House Lane, Baddesley Ensor, Atherstone, Warwickshire, CV9 2QB ("the
Owners")

TO

(2) NORTH WARWICKSHIRE BOROUGH COUNCIL of The Council House, South Street,
Atherstone, Warwickshire, CV9 1DE ("the Council")

BACKGROUND

- A. The Owners have the freehold interest in the Property free of any mortgage and the Property is registered at the Land Registry with Title Number WK258790.
- B. The Council is the local planning authority for the purposes of the Act in respect of the Property and by whom the obligations given by the Owners in this Undertaking are enforceable.
- C. On 21 October 2013 the Owners submitted the Planning Application to the Council for the development described in the Planning Application.
- D. The Council has not yet determined the Planning Application and the parties hereto enter into this Undertaking in the knowledge that the Planning Permission may not be granted.

THIS DEED WITNESSES AS FOLLOWS:-

1. DEFINITIONS AND INTERPRETATION

1.1 For the purposes of this Deed the following expressions shall have the following meanings:

"Act"	means the Town and Country Planning Act 1990.
"Main Building"	means the dwelling house situated on the Property and known as Stone Cottage, Lowe House Lane, Baddesley Ensor, Atherstone, Warwickshire, CV9 2QB.
"Property"	means the freehold property registered at the Land Registry with title number WK258790. Official Copies of the Register are included at Schedule 3, shown edged red on Plan A at Schedule 2.
"Planning Application"	means the application for planning permission for the conversion of a stable/garage block to ancillary accommodation under reference PAP/2013/0524.
"Planning Permission"	means the planning permission to be granted pursuant to the Planning Application.
"Stable Block/Garage"	means the stable block adjoining the Main Dwelling currently used as garages the subject of the Planning Application.

1.2 Unless the context otherwise requires, words denoting the singular shall include the plural and vice versa and words denoting one gender shall include all or any genders and words denoting persons shall include bodies corporate, unincorporated associations, Partnerships and other similar bodies.

1.3 References in this Deed to any statute or statutory provision shall be construed as a reference to such statute as may from time to time be amended, extended, modified consolidated or re-enacted whether before or after the date of this Deed.

1.4 The headings in this Deed are used for convenience and shall not affect the construction or interpretation of this Deed.

1.5 Unless the context otherwise requires, references to a clause, paragraph, sub-clause or schedule shall be references to clauses, paragraphs, sub-clauses or schedules included in this Deed.

1.6 Where a party includes more than one person any obligations of that party shall be joint and several unless expressly stated otherwise.

1.7 References to any party to this Deed shall include the successors in title to that party and in the case of the Council any successors of the Council's respective functions.

2. GENERAL PROVISION

2.1 This Deed is made pursuant to Section 106 of the Act, Section 111 of the Local Government Act 1972 and Section 2 of the Local Government Act 2000 to the intent that it will bind the Owners.

2.2 The covenants, restrictions, undertakings and requirements imposed on the Owners under this Deed create planning obligations pursuant to Section 106 of the Act and are enforceable by the Council as local planning authority against the Owners without limit of time.

2.3 Nothing contained or implied in this Deed shall affect the rights, powers, duties and obligations of the Council in the exercise of their functions as local planning authority and their rights, powers, duties and obligations under all public and private statutes, bye-laws and regulations.

2.4 If any provision in this Deed shall be held to be illegal, unenforceable or invalid then this shall not affect the validity or enforceability of the remaining provisions of this Deed.

2.5 No waiver (whether express or implied) by the Council of any breach by the Owners in performing or observing any of the covenants, undertakings, obligations or restrictions contained in this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the covenants, undertakings or obligations or from acting upon any subsequent breach or default by the Owners.

2.6 Nothing in this Deed shall prohibit or limit the right to develop any part of the Property in accordance with a planning permission granted (whether or not on appeal) after the date of this Deed.

2.7 This Deed cannot be amended or discharged without the prior consent in writing of the Owners and the Council.

2.8 In the event of the planning obligations contained in this Deed being modified a note or memorandum of such modification shall be enforced upon this Deed.

2.9 A person who is not a party to this Deed does not have any right to enforce terms of this Deed under the Contracts (Rights of Third Parties) Act 1999.

2.10 This Deed is governed and interpreted in accordance with the laws of England and Wales.

3. THE OWNERS PLANNING AND OBLIGATIONS

3.1 The Owners covenant with the Council so as to bind the Property to observe and perform the obligations contained in Schedule 1.

4. CONDITIONALITY

4.1 Save where otherwise provided, the obligations in this Undertaking are subject to and conditional upon the grant and implementation of the Planning Permission.

5. DISPUTES

5.1 All disputes, differences or questions arising out of the terms of this Deed or the rights or obligations of the parties or in connection with the construction of this Deed shall be referred to arbitration by a single arbitrator to be agreed between the parties or, failing agreement, within 21 days by an arbitrator appointed at the request of either party by the President of the Royal Institute of Chartered Surveyors having due regard to any representations made to him as to the appropriate qualifications of such arbitrator.

5.2 The arbitration shall take place within a radius of 35 miles of the Property and shall be in accordance with the Arbitration Act 1996 or any re enactment or modification of that Act for the time being in force.

IN WITNESS WHEREOF THE PARTIES HAVE EXECUTED THIS DEED ON THE DATE BEFORE WRITTEN

Signed as a DEED

By ROBERT CHARLES COLE

.....

in the presence of

Witness Signature

.....

Witness Name

.....

Witness Address

.....

.....

Witness Occupation

.....

Signed as a DEED
By WENDY ELIZABETH COLE

.....

In the presence of

Witness Signature

.....

Witness Name

.....

Witness Address

.....

.....

Witness Occupation

.....

Executed as a DEED
By affixing the Common Seal of
North Warwickshire Borough Council
hereto:

In the presence of:

Designated Officer

.....

SCHEDULE 1

The owners covenant and undertake with the Council as follows:-

The Stable Block/Garage shall not:

1. Be used for any other purpose other than as ancillary accommodation in relation to the residential occupation of the Main Dwelling.
2. Be sold or otherwise disposed of separately from the rest of the Property.
3. Be leased, rented, sublet or occupied as a separate dwelling from the main dwelling at any time.

(4) Application No: PAP/2013/0573

Hillwood Farm, Middleton Lane, Middleton, B78 2BW

Change of use from the lawful use of the site as described in the Certificate dated 25/04/2002, to a mixed use retaining this lawful use but substituting the storage of electrical goods under use Class B8 within the building outlined in blue on that Certificate, all for a temporary period of twelve months, for

Mr S Thomas - Thomas Group

Introduction

This application is referred to the Board at the request of local Members concerned about the proposal which is not appropriate in a rural area.

The Site

The site used to be known as Cock Hill Farm, but the recent new owner, the applicant, has changed it to Hillwood Farm.

The site lies within the Green Belt as identified within the North Warwickshire Local Plan 2006 as saved. The application building lies within a group of other buildings, which are sited to the north-west of and about 220 metres from Middleton Lane. There is an existing direct access track to the site from that Lane. To the side of the site is an existing dwelling and a dwelling resulting from a conversion. The access track passes by a separate dwelling where it joins the lane otherwise the site is located in a rural area with only a scattering of houses, farmsteads and other businesses. The lane has a junction with the A446 to the west.

There is an existing public footpath running through the site, but this is unaffected by the proposal. There are existing boundary hedgerows, trees and bunds around the site, such that building cannot be seen directly from Middleton Lane.

Background

The buildings and open land to which the current application relates benefits from a Certificate of Lawfulness dating from 2002 (ref: LAW/2002/0039). The lawful use is described as "the sale, purchase, and storage of commercial goods vehicles and commercial plant and agricultural equipment". This use extends across the whole of the application site. There are a number of limitations attached to this use which define its scale – up to five commercial vehicles to be parked in the yard and three in the building, together with three commercial vehicles being under repair at any one time, ten pieces of equipment being stored on the site and sales being limited to 156 vehicles and 30 pieces of agricultural equipment each year. The track and access gates have been present for a number of years now, and improvements to them were undertaken in 1995, 1999 and 2011.

The Proposals

It is proposed to change the use of the building on the site for a temporary period of twelve months for a B8 storage use – namely electrical goods. This use involves the storage of un-sold, ex-demonstration or end-of-line white goods from companies such as Argos and Amazon, and their redistribution to new outlets in the country and in Europe. This involves the delivery of these goods; their sorting and subsequent movement off site – normally two or three times a week. Hours of operation sought are 0730 to 1900 during the week, and from 0800 to 1800 on Saturdays, with no operations on Sundays. No customers are said to visit the site.

This use is already in operation and thus the application is retrospective. The applicant however is seeking a temporary period so that he continues here lawfully until he finds a new site to move the business to. The application has been submitted as a consequence on investigation by officers responding to questions raised by local residents.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies): - ENV11 (Neighbour Amenities), ENV2 (Green Belt), Core Policy 2 (Development Distribution), ECON9 (Re-use of Rural Buildings) and ENV14 (Access Design).

Other Relevant Material Considerations

National Planning Policy Framework 2012

NWBC Core Strategy Submission Version February 2013

Consultations

Environmental Health Officer – No comments

Warwickshire County Council as Highway Authority – No objection subject to standard conditions

Representations

An objection has been received from the occupier of the house adjoining the access drive's junction with Middleton Lane. The matters raised are:

- The operating hours are excessive for a residential area and signify an intensified use of the site contrary to the Certificate of Lawfulness 2002 which sought to preserve the rural residential area affected.
- Fork lift trucks are used with noisy hooters warning of lift lowering/raising and being adjacent to two residential houses would be intolerable. Leigh Hurst is some distance away but the noise can still be heard of the hooters and the clanking of trucks being manoeuvred.
- The suggested hours of work restricted to 0800 - 1800 Mon - Sat.
- With regards to HGV access and egress, Middleton Lane is a narrow lane in places and the access/egress to the site is poor and inadequate for full size articulated vehicles that regularly use the route contrary to Certificate of Lawfulness 2002, as the verge has not been extended to comply with the

Highways recommendations. Regular damage to the verge can be seen and the lane has been blocked for several hours recently when an articulated lorry and full size trailer got stuck attempting the manoeuvre at 8pm. Full size articulated trailers are regularly stored on site obstructing the footpath across the yard, which is contrary to Certificate of Lawfulness 2002. Industrial waste disposal has led to regular bonfires have been taken place and it is noted that the applicant states waste is stored on-site. This is a residential area in green belt and is not acceptable. Proper industrial waste management should be employed.

- The retail sales of motor cars, were not included in Certificate of Lawfulness 2002, merely domestic/light commercial vehicles are listed i.e. car derived vans.

Observations

The site lies within the Green and consideration will be given to the issues related to the application.

A. Green Belt

The site is in the Green Belt. The Council's approach to the control of development in the Green Belt is set out in saved policy ENV2 which refers to Government Guidance. That is now the Government's NPPF. Here at paragraph 90 it says that the "re-use of buildings, provided that they are of permanent and substantial construction", is not inappropriate development provided the re-use preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt. It is necessary to explore the three conditions set out in this paragraph of the NPPF.

The buildings here are of permanent and substantial construction, hence the first of the conditions referred to above, is satisfied.

The second is whether the new use preserves openness. It is important to understand that the Certificate defines the existing lawful use and that is the base-line against which the impact of the new use should be assessed. The description outlined above of that lawful use involves outside parking and the storage of equipment together with associated traffic and movement. It is not considered that the new use would make this situation worse. No additional buildings are proposed and the storage use is contained within the existing buildings, with limited outside storage and/or parking. Site visits by officers at various times have confirmed this position. As a consequence it is considered that the new use does not have a greater impact on the openness of the Green Belt than that which has already been established under use described in the Certificate. The proposal is therefore considered to satisfy the second condition of paragraph 90.

In looking at the third condition which refers to the purposes of including land within the Green Belt, then again the base-line here is the lawful use. Of the five purposes outlined in the NPPF, the relevant one to this case is "safeguarding the countryside from encroachment". The same conclusion is reached as above. This is not open land; the proposal does not involve new built development encroaching onto the land, and the lawful use is quite a significant commercial use. Therefore it is considered that the third condition of paragraph 90 is satisfied.

As a consequence it is concluded that the proposed use is not inappropriate development in the Green Belt. As such the presumption is in favour of the grant of planning permission, unless there are material adverse impacts.

Before leaving this Green Belt issue however it is worth referring to the potential “commercialisation” of the Green Belt hereabouts as mentioned by objectors. There are already commercial uses in the neighbourhood – the Belfry golf course, Ash End Farm Atlantic Nurseries and RJB Repairs. Planning permissions have also been granted in the Parish for the re-use of building as holiday lets, offices, for caravan storage and for other commercial B1 uses. Government policy in paragraph 90 of the NPPF, as quoted above, does not distinguish between uses, and as Members are aware the whole thrust of the NPPF is to promote and encourage economic development and business opportunities. There is direct acknowledgement that there should be support for the “growth and expansion of all types of business and enterprise in rural areas both through conversion of existing buildings and well designed new buildings”. In other words there is overall support in principle for this use unless there are significant adverse impacts.

B. Sustainability

Saved Local Plan policy ECON9 on the re-use of rural buildings is also relevant here. This has a number of pre-conditions requiring the site of such building amongst other things, to have direct access to the rural distributor road network. If this is the case, then preference is given to an economic or commercial alternative use. Whilst the second of these matters is clearly satisfied here, there could be discussion about compliance with the first. However, the fact that there is a lawful commercial use here at this site overrides any conclusion from that discussion. As a consequence there is no weight to be given to the saved policy ECON9 in these circumstances. For the same reason the lawful use would override the content of saved Core Policy 2.

C. Amenity

Section (a) concluded that the use was not inappropriate unless there were adverse impacts. It is now appropriate to look at these. Again it is necessary to establish that the base-line here is not as if the site were an open field or a residential area. The lawful use is material as it sets that base-line. In other words, are the impacts arising from the new use materially worse than those which could reasonably be expected from the full operation of that lawful use? The first impact to look at is amenity.

The nearest dwellings are some 30 and 40 metres away from the site and are the original houses here and the ones arising from the conversion referred to at the beginning of the report. Boundaries with the site comprise a brick wall and hedgerows. The nature of the lawful use of the site, as described above, is quite extensive despite the limitations. It is a use that could be considered to fall with the B2 general industrial use class, particularly as there are no restricted working hours. It is considered that the nature of the new use is different and with the hours of operation proposed would lead to an improvement in amenity terms for the two nearest houses.

As described above the access to the site adjoins an existing dwelling at its junction with the lane. As a consequence, all movements to and from the site have to pass directly by this dwelling. This is not just a matter of movement as additionally drivers can look into the residential garden here too. Once again the comparison has to be whether the new use is any worse than that which could arise under the lawful use even with its limitations. The extent of movement connected to the lawful use of the site could be extensive and at all hours. The new use is considered to be of less intensity and of less impact, particularly if conditioned.

It is accepted that this situation is not satisfactory and that had there been no lawful use and the proposal was to introduce the new use, then significant weight would be given to these amenity issues.

D. Highways

The site is accessed via a track leading to the C10 Middleton Lane, a single track lane connecting with the A446 some 700m to the west. Middleton Lane where it is accessed off A446 does have a sign saying vehicles no more than 2.5T, except for access, and therefore 40T vehicles are in compliance as they are accessing the site of a lawful use. It is for the Highway Authority and Police to monitor the issue.

The lorries using the access to the site have been causing some damage to the verge around the access, and the Highway Authority has asked for this to be repaired by condition if a planning permission is granted. The applicant is happy to carry out this work.

The number of vehicle movements is considered to be less than those associated with the lawful use of the site when it was in operation, and importantly it sets the base-line for any alternative use. It is this which has led the County Council not to submit an objection.

E. Other issues

There is an opportunity with this application to introduce some control over the use of the site bearing in mind that the lawful use is largely unrestricted in terms of its operation. This is a material consideration when assessing the impacts of the use. In particular, matters such as the use of the building being confined to storage only; limitations to operating hours, no visitors, a temporary period of operation, a personal condition, no outside storage and highway consideration are all relevant here.

A neighbour has raised concerns over a horn being used at the site, however it should be remembered that reserving warnings and the use of fork lifts can reasonably be expected to be present on this site given the nature of the lawful use. The Environmental Health Officer has no objection but any noise issues will be taken up and investigated by his division.

F. Overall

Officers can quite understand the objections to this proposal and accept that the site is not really appropriate for such a commercial operation as described. However it should be very clear to Members that this report and indeed its recommendation is wholly influenced by the nature and extent of the lawful use; the opportunity that the application gives to introduce operational planning conditions and to the fact that the applicant has suggested a temporary permission as he too wishes to re-locate.

Recommendation

That the application be **Granted** subject to conditions:

1. The development hereby approved shall be discontinued on or before 31 January 2015.

REASON

To ensure that the use does not become permanently established on the site.

2. The development hereby approved shall not be carried out otherwise than in accordance with location plan REV B and site plan REV B received by the Local Planning Authority on 24 December 2013.

REASON

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

3. This permission shall enure solely for the benefit of Mr S Thomas of Thomas Group and for no other person or Company whatsoever, and shall cease when Mr Thomas vacates the premises, or the use shall be discontinued after 31 January 2015.

REASON

In order to control the scale and scope of the use so as to control its impacts.

4. The use hereby permitted shall only be for the buildings shown as hatched as the temporary B8 use on the approved plan and this use shall only be for the storage of electrical goods and for no other purposes whatsoever within Use Class B8 as defined by the Town and Country Planning (Use Classes Order) 1987 as amended. The use will then revert back to the lawful operation, repair and sale of goods vehicles, plant and agricultural machinery as covered by LAW/2002/0039 (PMIDXX/0071/2002/LAW)

REASON

In the interests of the amenities of the area.

5. There shall be no external storage of electrical goods at the site in connection with the use hereby permitted.

REASON

In the interests of the visual amenities of the area and to retain openness.

6. The vehicular access to the site for the use hereby permitted other than via the access off Middleton Lane to the north east of Leigh Hurst, Middleton Lane, as illustrated on the approved plan.

REASON

In the interests of safety on the public highway.

7. The storage of electrical goods shall only be open between the hours of 07.30 - 19:00 Monday to Friday and between the hours of 08.00am - 18:00 on Saturday. There shall be no operations whatsoever on Sundays, Public Holidays and Bank Holidays.

REASON

To prevent disturbance to the occupiers of nearby properties.

8. The damaged verge fronting the vehicular access to the site shall be made good to the satisfaction of the Highway Authority and the condition of the area shall be monitored during and after the temporary period of the change of use. Any further damage to the verge considered detrimental to highway safety shall be rectified immediately, and after the period of change of use has ended the verge and any damage to the carriageway shall be reinstated to the satisfaction of the Highway Authority.

REASON

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

9. Within one month of the date of the Decision Notice the aco style drain within the vehicular access to the site shall be repaired to the designed specification.

REASON

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

10. Within one month of the approval the visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway. No structure, tree or shrub shall be erected, planted or retained within the splays/highway extent exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

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

11. The use of the building shall not be for members of the general public to visit.

REASON

In the interests of the amenities of the area.

Notes

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

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

3. The name change to the farm from Cockhill to Hillwood, should be registered through the correct channels.
4. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
5. Condition number 8 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must contact the Highway Authority's Area Team, who will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515.
6. The applicant should contact the Area Team to organise for the hedgerows either side of the vehicular access to be trimmed back.
7. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning issues raised during the application. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

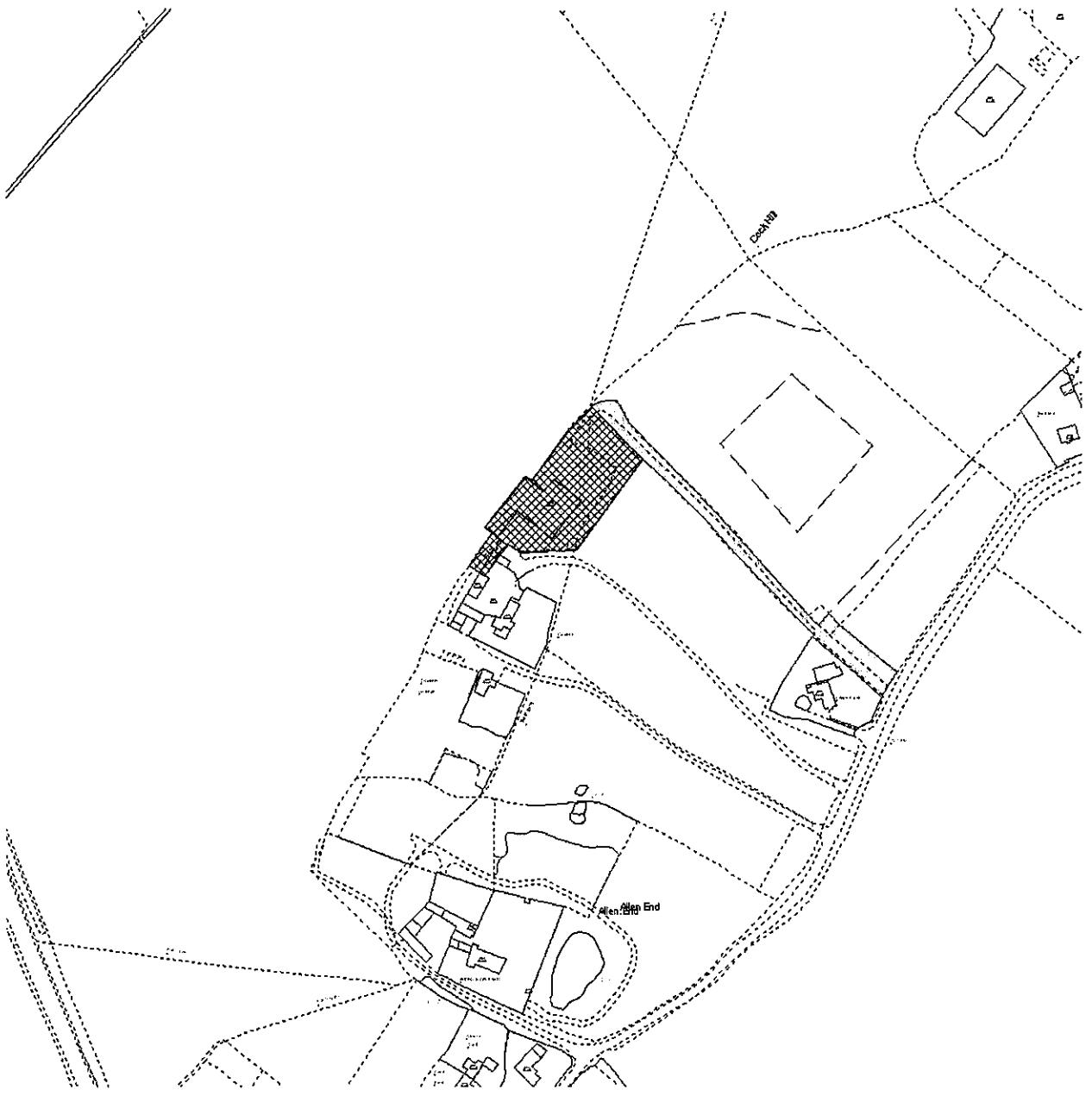
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2013/0573

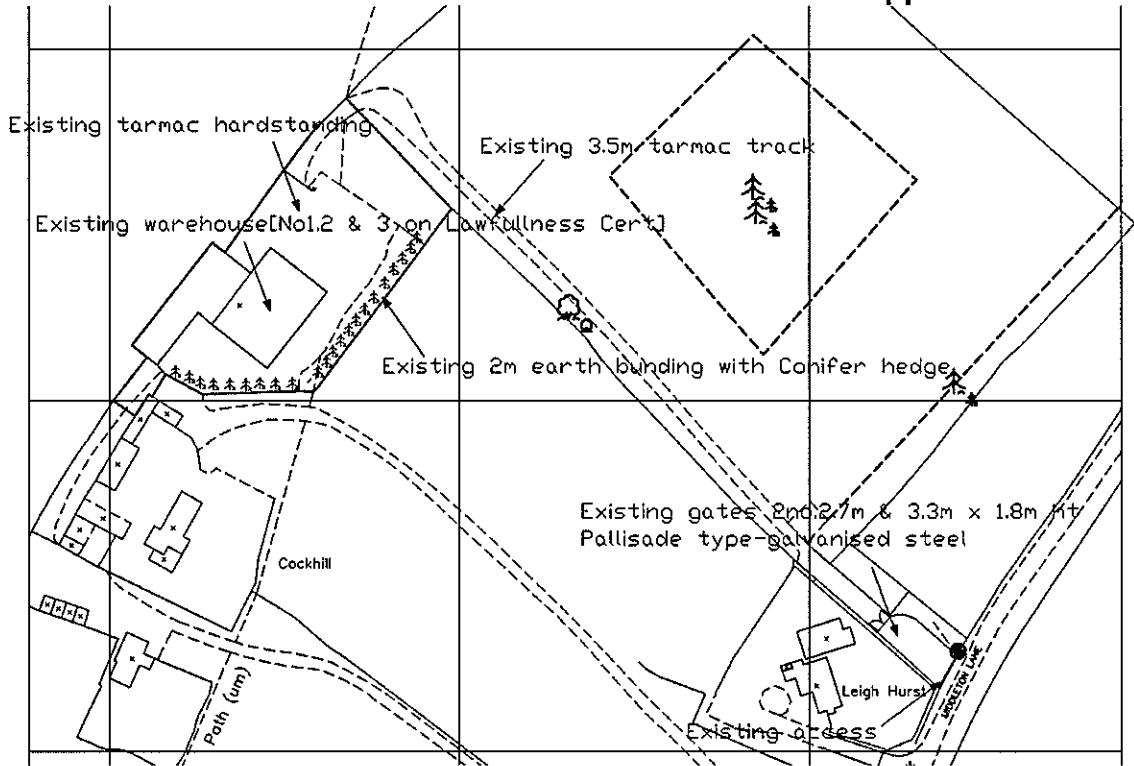
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	9/12/13 and valid on 17/12/13
2	Case Officer	Email to agent	20/12/13
3	Case Officer	Email to agent	20/12/13
4	Agent	Email to case officer	24/12/13
5	Neighbour objection	Consultation response	8/1/14
6	Case Officer	Email / letter to agent	9/1/14
7	NWBC Environmental Health	Consultation response	6/1/14
8	WCC highways	Consultation response	13/1/14
9	Agent	Email to case officer	13/1/14
10	Case Officer	Email to agent	13/1/14
11	Case Officer	File note after speaking to Cllr Lea	16/1/14
12	Case Officer	Email to agent	16/1/14
13	Agent	Email to case officer	17/1/14
14	Case Officer	Email to agent	17/1/14
15	Case Officer	Email to Cllr Lea	17/1/14
16	Cllr Lea	Email to case officer	17/1/14
17	Cllr Simpson	Email to Head of Development Control	19/1/14
18	Head of Development Control	Email to Cllr Simpson	20/1/14
19	Case Officer	Email to chair, vice chair and local members	21/1/14
20	Cllr Lea	Email to case officer	26/1/14
21	Cllr Simpson	Email to case officer	26/1/14
22	Case Officer	Email to agent	27/1/14

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.

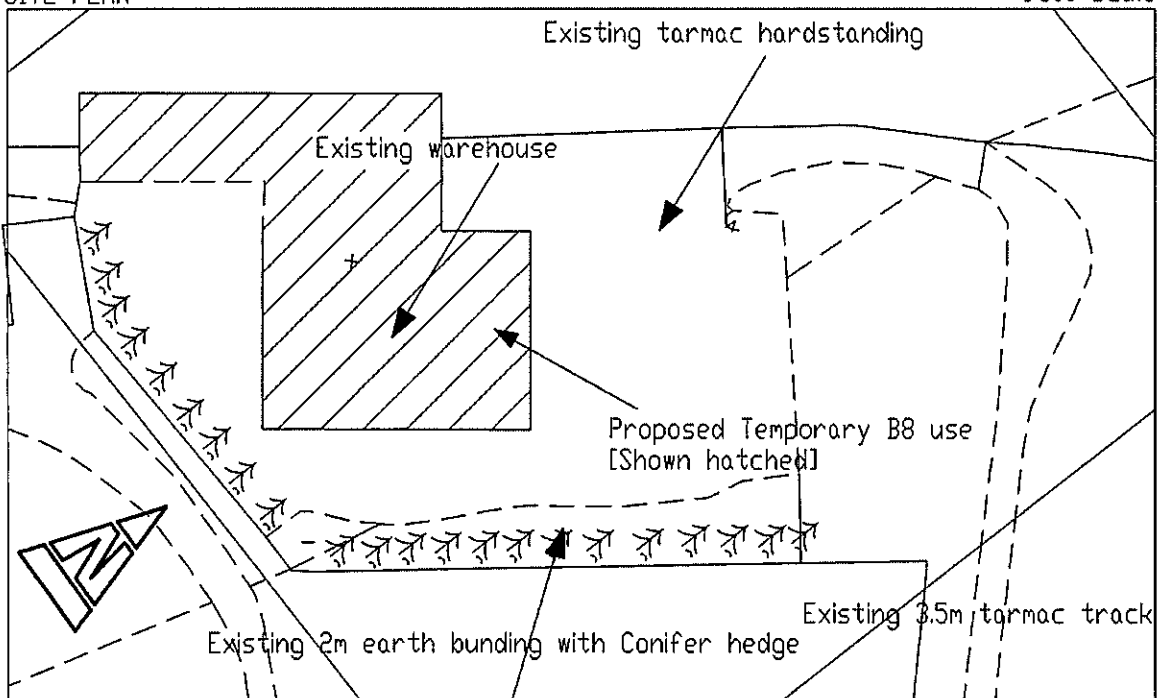


Appendix 1 - Plans

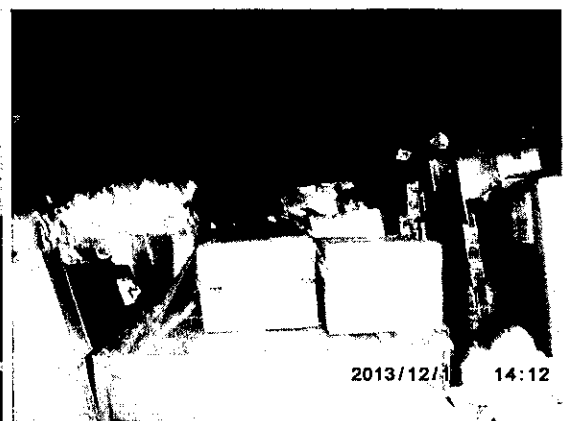
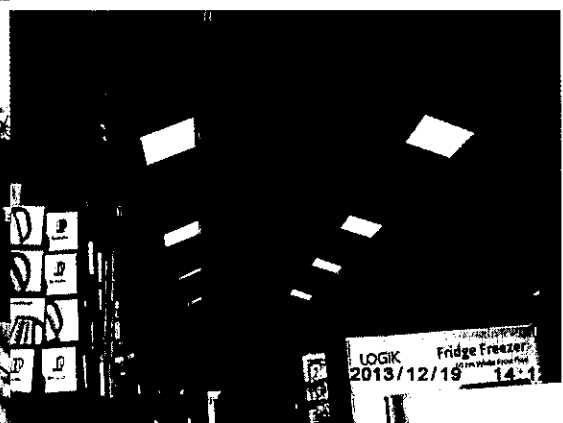
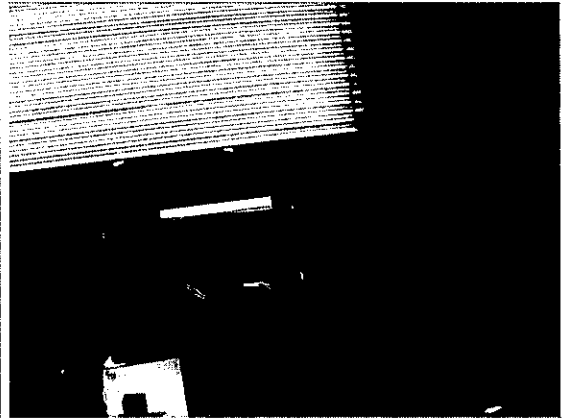
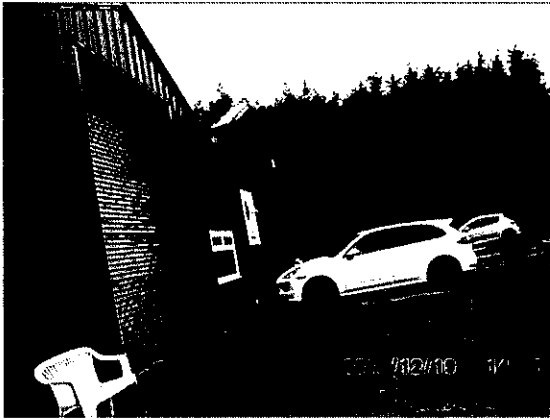
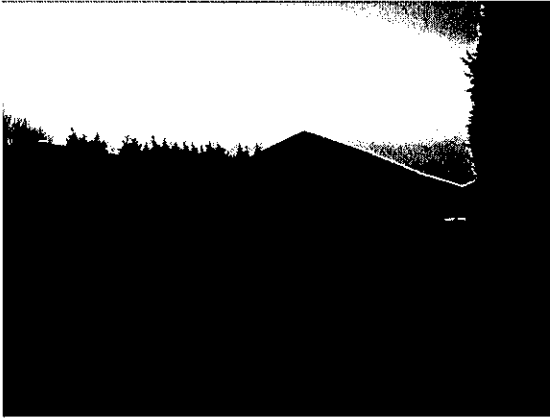


SITE PLAN

1:500 scale



Appendix 2- Photographs



Appendix 3 – 2002 Certificate of Lawfulness



North Warwickshire
Borough Council

Planning Division
PO Box 6
Council House
South Street
Atherstone
Warwickshire
CV9 1BG

Michael Lambert, Dip TP, MRTPI, MEB
Assistant Director (Planning)

The Town and Country Planning Acts
Sections 191 and 192 (As Amended by Section 10 of the
Planning and Compensation Act 1991)
Town and Country Planning (General Development
Procedure) Order 1995: Article 24

DECISION
CERTIFICATE OF LAWFULNESS

Application Ref : PMIDX/0071/2002/LAW

1	To Addressee TIM BAILEY 104 MAIN ROAD SHEEPY MAGNA ATHERSTONE CV9 3QU
2	Site Address Cockhill Farm Cottage, Middleton Lane, Middleton.
3	Description of Development Certificate of lawfulness for operation repair purchase & sale of goods vehicles plant & agricultural machinery
4	Applicant Mr L Shaw
5	I hereby certify that on 20 December 2001, the use described in the First Schedule to this Certificate, in respect of the land specified in the Second Schedule to this Certificate and edged red on the plan attached to this Certificate, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason(s): Reason for Lawfulness Evidence has been provided to show that in the balance of probability the use has subsisted on the site identified by the plan for a period of ten years prior to the date of submission of the application for this Certificate.

Continued.....

Authorised Officer

Date 25 April 2002

PC41M





**DECISION
CERTIFICATE OF LAWFULNESS**

Page 2

Application Ref: PMIDXX/0071/2002/LAW

FIRST SCHEDULE:

The sale, purchase and storage of commercial goods vehicles and commercial plant and agricultural equipment together with ancillary repairing of commercial goods vehicles and commercial plant and agricultural equipment, subject to limitations (specified below) on the intensity of use to ensure the volume and degree of activity on the site of the date of the application are not exceeded, such limitation being a maximum of:

- * 5 commercial vehicles stored on the area outlined in green on the attached plan
- * 3 commercial vehicles stored in the building outlined in blue on the attached plan
- * 3 commercial vehicles under repair at any one time
- * 10 pieces of commercial and agricultural equipment on the site area outlined with a thick black line on the attached plan
- * 156 commercial vehicles being offered for sale from the site in any one calendar year
- * 30 pieces of agricultural and commercial equipment being offered for sale from the site in any one calendar year.
- * The parking of up to 5 domestic and light commercial vehicles not exceeding 7.5 tonnes on the area outlined in pink on the attached plan.

SECOND SCHEDULE:

The land outlined in red on the attached plan known as Cockhill Farm Cottage.

NB. Two buildings, 1 and 2 on plan remain agricultural buildings.

Continued.....

PC41M

Authorised Officer

Date 25 April 2002





DECISION
CERTIFICATE OF LAWFULNESS

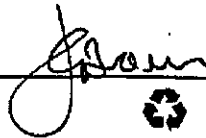
Page 3

Application Ref: **PMIDXX/0071/2002/LAW**

Notes:

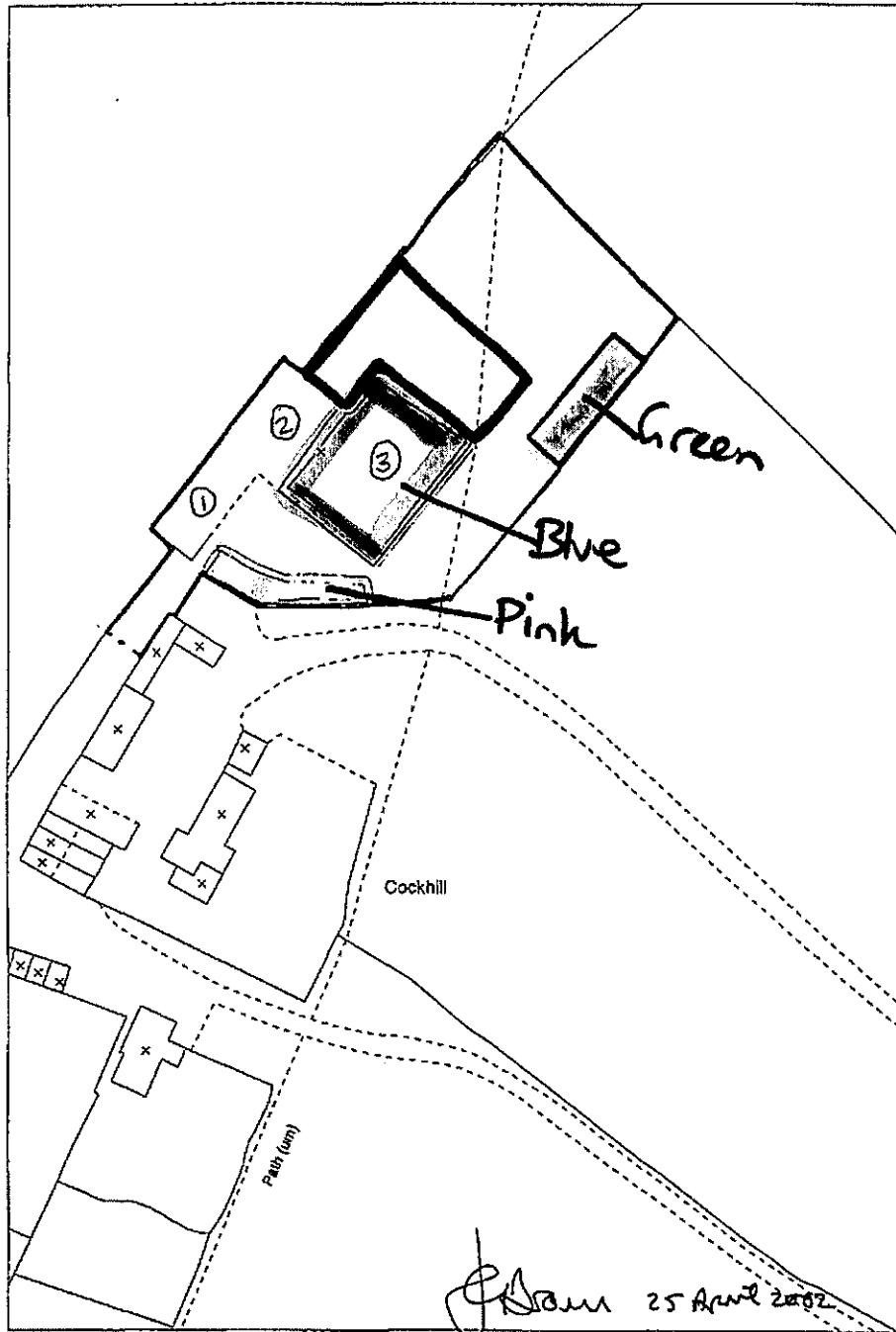
1. This Certificate is issued only for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and thus, is liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This Certificate applies only to the extent of the use described in the First Schedule, and to the land specified in the Second Schedule, identified on the attached plan. Any use which is materially different from that described or which relate(s) to other land may render the owner liable to enforcement action.

PC41M
Authorised Officer



Date 25 April 2002





**North Warwickshire
Borough Council**
PO Box No.6, The Council House,
South Street, Atherstone,
Warwickshire, CV9 1BG.

Scale 1:1000

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(5) Application No: PAP/2013/0582

Land South of Church Walk, Church Walk, Mancetter, CV9

Erection of 70 no. unit extra care accommodation with associated communals, landscaping and parking.-10 no. bungalows with associated landscaping and parking, for

Housing 21

Introduction

Members will recall that they received a presentation by the applicant in respect of these proposals a little while ago. The application has now been submitted and is reported here for information purposes at this time. A further report will be brought to the Board for determination in due course.

The Site

This is a roughly rectangular parcel of land south of Church Walk in Mancetter close to its junction with Manor Road at the rear of the former School building amounting to 1.1 hectares in size. It also has a frontage to Manor Road. It is owned by the County Council. There is residential development surrounding the site including a three storey block of flats and a three storey parade of shops with flats above in Church Walk. The site is open amenity land owned by the County Council and formerly was the playing field to the school. There is a slight but discernable slope falling from the Church Walk frontage towards the rear (south-west) of the site, amounting to the three metre difference in levels.

It is more particularly illustrated at Appendix A.

The Proposals

The applicant states that the overall purpose of the scheme is to provide "safe and secure self-contained accommodation for adults and older people who require varying levels of support to enable them to live independently in a home environment". It will be for the over 55 age group. There are two parts to the scheme. In general terms, firstly there is a 70 unit "Extra Care" apartment block fronting, but set back from the Church Walk frontage. This would be three storeys and extend back through the site to the rear of the houses in Priory Walk. Secondly there are ten bungalows proposed fronting Manor Road which would comprise five semi-detached units.

The overall layout is shown at Appendix B.

The Extra Care block would extend across the whole of the Church Walk frontage set back some ten metres from the rear of the pavement. 36 car parking spaces would be provided here together with the vehicular access. The block itself would spread the 70 two bedroom apartments throughout its three floors. The ground floor however of the Church Walk frontage would accommodate all of the administrative and operational areas such as offices, a laundry, a buggy store, and storage areas, together with the communal facilities. These include the kitchen and dining area, a lounge and a hairdressing salon. They would also be accessible to the community at large. There would be a separate shop at the far northern end of the ground floor, with its own

independent access from the front car park area. The shop and the salon are to replace the existing facilities within the Council owned parade of shops to the north-west which is earmarked for demolition.

The block would be three storeys rising to 13 metres to the roof ridge. The existing three storey building to the north is almost 11 metres to its ridge and the former school building to the south is 7 metres to its ridge. The elevations are broken up through a series of different sized gables. The proposed materials show a combination of roofing tiles; brick, render and timber cladding throughout the block.

The ten two bedroom bungalows fronting Manor Road would be set out in five semi-detached blocks each having front and rear gardens together with one car parking space.

Elevations of the proposed built form, including street sections, are attached at Appendices C and D.

There are a large number of supporting documents submitted with the application.

Archaeological Assessment – An archaeological evaluation was conducted pre-submission comprising a geophysical survey and the excavation of a series of trial trenches. Finds recovered appear to date from the early Roman period – amphora, pottery and glass – perhaps associated with a small settlement outside of the main Roman military site.

Tree Survey – There are only limited boundary trees around the site – 22 in total. The evaluation recommends the definite removal of six trees mainly willow and elder, with works necessary to six others (cherry, white beam and cherry), a further 8 to be monitored (ash and sycamore), and the definite retention of the remaining 2 (a crab apple and a yew).

Ecology Survey – This concludes that the site is of limited nature conservation value with no evidence of protected species being found. Any proposals should include measures to enhance the bio-diversity of the site.

Flood Risk Assessment – The site is Flood Zone 1 at the lowest risk of fluvial flooding. The proposals include a sustainable drainage system including attenuation measures. The Assessment concludes that the proposal would not increase flood risk if appropriate surface water management systems are put into place.

Ground Conditions Survey – This recommends that no action is necessary in respect of ground contamination and that traditional spread footings should be viable for the construction of the buildings.

Sustainability Assessment – This concludes that the site is sustainable in terms of its location, access to services and in terms of the risks of flooding and pollution.

Transport Assessment – The site is accessible to pedestrians and cyclists and to bus services. The car parking provision is above the level set out in the Local Plan. The existing infrastructure is sufficient to accommodate the predicted traffic generation arising from this type of proposal. No off-site works are required. The applicant's other Extra Care developments in the country are identified and whilst these are overall smaller in size than the current Mancetter proposals, the percentage of residents who

are car owners is just over 5%. Average car parking provision for these other sites is below that set out in the current application.

Green Travel Plan – Because of the nature of the development and its location, there are good prospects that travel to and from the site by private car will be limited. The number of car parking spaces is thus proportionate. Deliveries will be moderate too. Employee travel patterns will be evaluated and measures such as car sharing, promotion of information about bus services, the use of cycles and buggy use will be widely advertised.

Design and Access Statement – This describes the site's setting; connections to services and how it integrates into the present settlement. It then describes the characteristics of the surrounding built environment outlining the main views into and out of the site. The rationale behind the proposed built form is then set out.

Affordable Housing Statement – This short statement is attached in full at Appendix E. It can be seen from section 4 that 50% of the bungalows would be for shared ownership with the remainder for market sale. In the main block, then just over 55% would be for affordable rent; 30% for shared ownership and the balance for outright sale. Overall this would amount to some 80% affordable housing provision on-site.

Section 106 – The applicant's statement is attached at Appendix F from which it can be seen that the applicant is not offering any contributions under Section 106 given the nature of the proposal and its availability to the wider community.

Public Consultation – Although not submitted as a separate document, the applicant says in the Design and Access Statement that a public consultation event took place in early 2012. The main issues raised from the responses included the location of the access; car parking provision, noise from the school and security matters affecting residents and loss of the open space.

Development Plan

Saved policies of the North Warwickshire Borough Council 2006 – Core Policy 1 (Social and Economic Regeneration); Core Policy 2 (Development Distribution), Core Policies 6 (Local Services and Facilities), Core Policy 8 (Affordable Housing), Core Policy 11 (Quality of Development) and policies ENV5 (Open Space), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG5 (Special Needs Accommodation) and TPT6 (Vehicle Parking).

Other Material Planning Considerations

The National Planning Policy Framework 2012

The Submitted Version of the North Warwickshire Core Strategy 2013

The Council's Preferred Options for Site Allocations Consultation 2013.

Observations

Members are already familiar with this site and the proposals which are now set out in this application.

The main policy issues here are the loss of the open space and its appropriateness for an alternative use, namely residential redevelopment, together with the provision of affordable housing.

As far as the first of these is concerned, the site is clearly within the development boundary for Mancetter as defined by the Local Plan, and thus is in a sustainable location appropriate for new housing provision. However it is identified in that Plan as "Open Space". In this respect the requirements of saved policy ENV5 of that Plan will require exploration to see if there is a case here for its redevelopment thus leading to the loss of the open space. In respect of the submitted version of the Core Strategy, then again the site is within Mancetter. Together with Atherstone, the combined settlements are identified as being suitable for 600 houses. Indeed the Preferred Options consultation document includes this site as an identified allocation for some 80 units. The weight to be given to the emerging Core Strategy and the Preferred Options will need to be investigated and balanced against the conclusion reached above. The NPPF promotes sustainable development and seeks a wide range of housing within appropriate locations.

The second issue relates to the provision of affordable housing. The Local Plan would require 40% on-site provision here and the submitted version of the Core Strategy expects a 40% provision throughout the Borough as a whole. In this case, some 80% provision is proposed. The NPPF also encourages the provision of affordable housing when delivery and viability issues can be met.

A number of other issues are material. These relate to the design and layout; parking and access provision as well as the matters covered by the reports submitted in the supporting documentation as outlined above.

These matters will all be addressed within a forthcoming determination report once the consultation period has been completed.

Recommendation

That the receipt of the application be noted

BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0582

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	2/1/2014

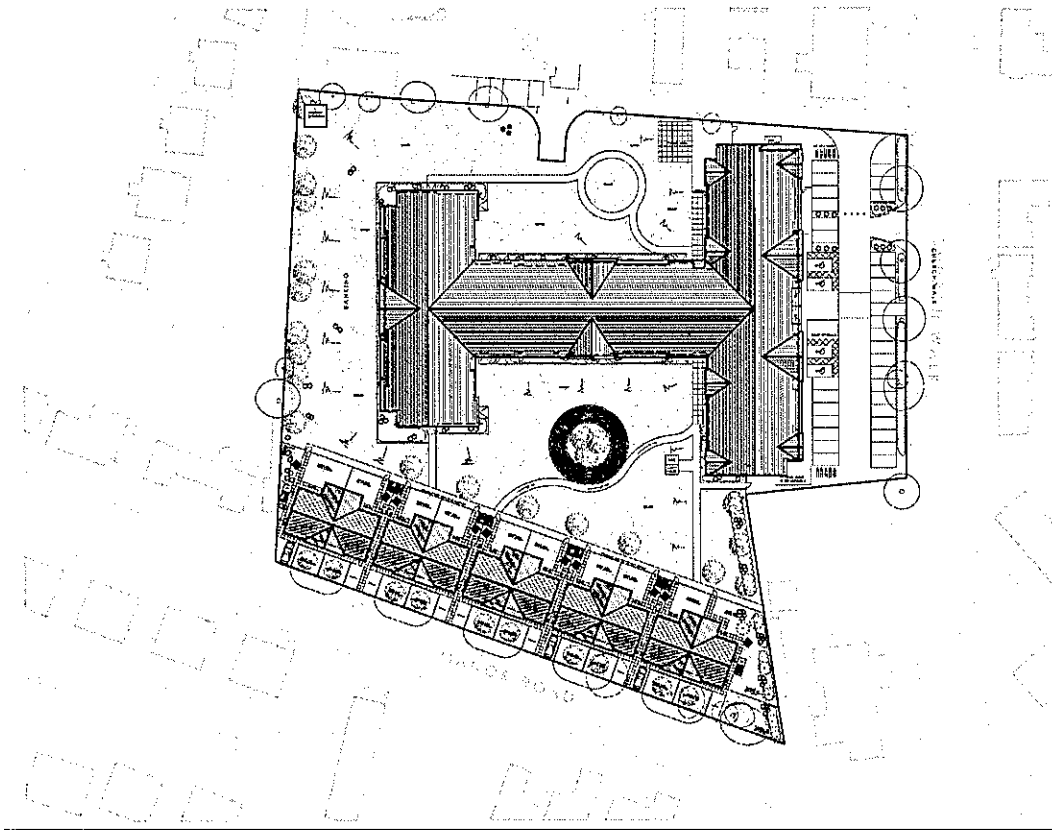
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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





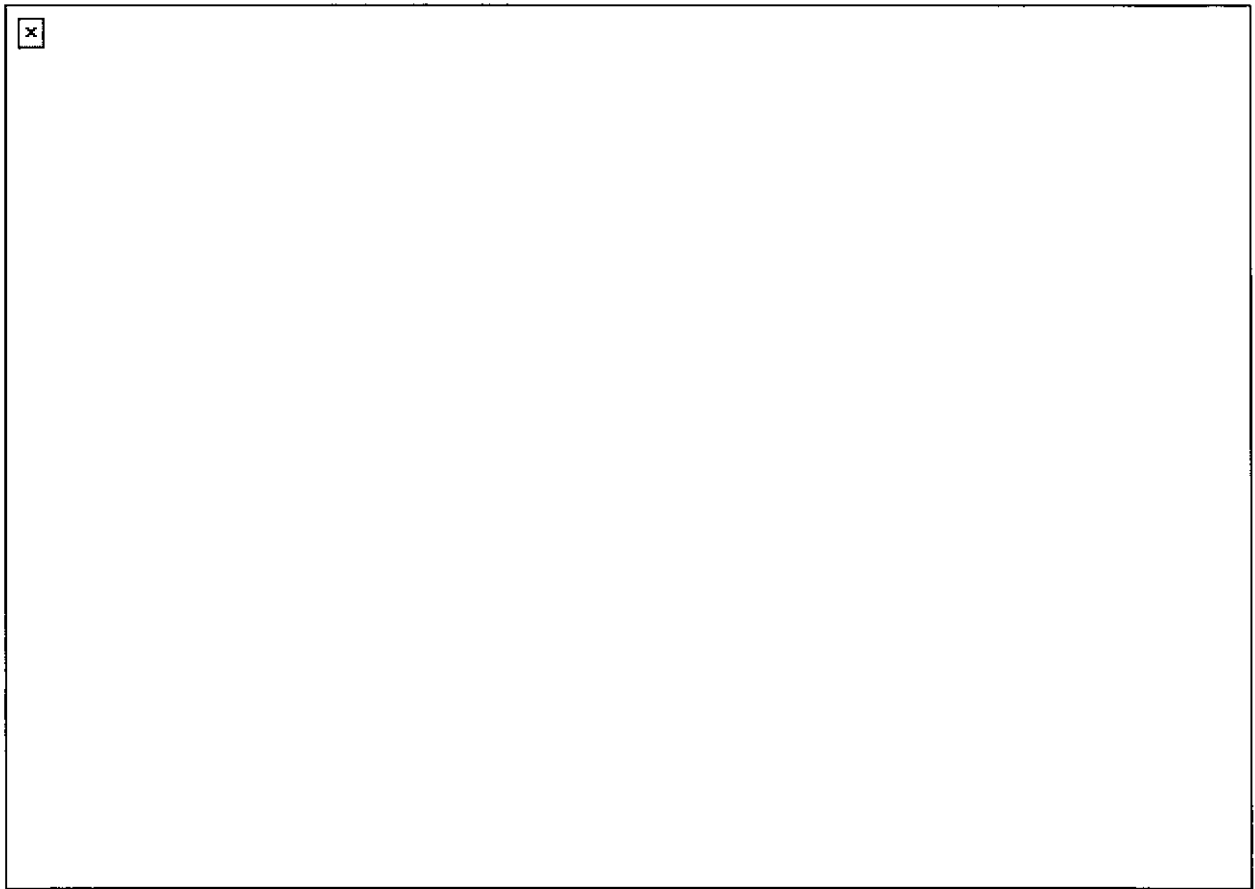
Project Name	
Client	
Location	
Date	
Scale	
Author	
Checker	
Approver	

2013/0582

NORTH WALES
MUNICIPALITY
RECEIVED
12-Dec-13
PLANNING & DEVELOPMENT DIVISION

Project Name	housing21
Client	
Location	
Date	
Scale	
Author	
Checker	
Approver	
Project No.	375





2013/0582

AFFORDABLE HOUSING STATEMENT

FOR

SITE BOUNDED BY CHURCH WALK
AND MANOR ROAD, MANCETTER,
ATHERSTONE, WARWICKSHIRE

PREPARED BY

HOUSING 21 IN CONJUNCTION WITH GLANCY
NICHOLLS ARCHITECTS AND WILMOTT DIXON

NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED 12-Dec-13
PLANNING & DEVELOPMENT DIVISION

NOVEMBER 2013

**Affordable Housing Statement for the site bounded by
Church Walk and Manor Road, Mancetter, Atherstone,
Warwickshire**

1. Background

Core policy 8 and HSG 2 of the North Warwickshire Borough Council Plan local plan requires a proportion of new dwellings on sites in excess of 15 dwellings to be affordable.

The Policy states that 40% of new housing should be affordable and should meet the specific needs in the strategy.

2. Introduction

Housing 21, in partnership with Glancy Nicholls Architects and Wilmott Dixon, are proposing to build 70 Extra Care apartments and 10 Extra Care bungalows, the majority of which are for rent or shared ownership.

81% of these apartments and bungalows will be classified as affordable housing. These will be let and sold in accordance with an allocations and nominations agreement which will be entered into with Warwickshire County Council.

Extra Care housing provides older people with choice, independence, control and privacy. It is an environment where older people can continue to live independently, secure in the knowledge that all their needs can be taken care of by a team of professional people. Extra care housing provides residents with the security and privacy of a home of their own, a range of facilities on the premises and 24 hour care services if these are needed.

Housing 21's extra care housing schemes offer the following benefits to residents :-

- Accessible self contained apartments built to a high standard,
- Safe and secure living environment,

-
- Range of communal facilities,
 - The chance to live life to the full, with social activities, learning opportunities and facilities for healthy living should residents wish to take part,
 - Care staff on site to provide care and support tailored to the individual needs,
 - The opportunity for residents to choose their own level of involvement in the wider community within the scheme.
 - The ability to continue close relationships with family, friends and to remain part of the local community.

Housing 21's extra care housing is designed to be an integral part of the community. Amenities and services are provided both for the people who live there and for the surrounding community whilst ensuring that residents maintain their privacy.

The purpose of extra care housing is to provide residents with their own home and their own front door where care and support services are available should they need them. Extra care housing provides an environment that offers older people independence, quality of life, a sense of wellbeing and peace of mind.

3. Local Housing Need

Following discussions with North Warwickshire Borough Council and Warwickshire County Council it has been established that there is a great housing need for this extra care development therefore the scheme has their full support.

Should the development proceed grant funding from the Housing and Communities Agency may be sought on this scheme.

The scheme will be developed in accordance with the HCA's design standards and will achieve BREEAM very good standard, building for life and will comply with Housing Quality Indicators,

The use of local labour, subcontractors and suppliers and the provision of employment for young people will be encouraged.

The scheme will contribute to the local economy and be developed with sustainability in mind.

The extra care apartments and bungalows will allow older people to remain in the area rather than having to find suitable housing elsewhere. This will contribute to the sustainability and growth of Mancetter.

The need for extra care housing is demonstrated in section 10 C) (1) of the Warwickshire Local Investment Plan. This supports the Warwickshire County Council and PCT findings that has resulted in plans to introduce Extra care housing schemes throughout the County.

4. Proposed Mix

The development will comprise of the following :-

- 40nr 2 bedroom flats for affordable rent,
- 20nr 2 bedroom apartments for shared ownership,
- 10nr 2 bedroom apartments for outright sale
- 5nr 2 bedroom bungalows for shared ownership and
- 5nr 2 bedroom bungalows for outright sale.

The scheme will also include the following communal facilities which will be open to the general public during the daytime :-

- Communal Lounge,
- Catering Kitchen and Dining Room,
- Shop,
- Hair Salon,
- Well being suite,
- Care Shop.

In addition the following facilities will be available primarily for use by the residents :-

- Laundry
- Guest Accommodation
- Hobbies and Craft Room
- Assisted Bathroom
- Staff Areas

5. Conclusion

The proposed development will deliver a significant proportion of affordable housing which greatly exceeds the requirements of the Local Authority.

The proposals reflect locally defined housing needs.

A range of tenures will be delivered which is consistent with the aims and objectives of both national and local policy.

The location of the affordable units will be spread throughout the development so as to ensure a proper mixed tenure community is produced.

The design will ensure that the affordable housing apartments will be indistinguishable from the private sale apartments.

Section 106 Agreement - Statement**Proposed Extra Care Housing Scheme at Mancetter, Atherstone**

Warwickshire County Council in partnership with North Warwickshire Borough Council have procured Housing 21 to develop extra care housing in 5 locations in the County as part of an overall strategy to modernise and improve services and promote well being, independence and choice for older people.

Housing 21 is a not for profit Registered Provider with charitable aims (formerly the Royal British Legion Housing Association) and has over 45 years experience of providing housing and services to older people nationwide. We are regulated and partly funded by the Homes and Communities Agency which is a Government agency that funds new affordable homes and regulates housing associations in England.

As specialists, our aim is to develop extra care housing that improves the range and quality of choices available to older people. Each extra care scheme that we develop provides a choice of tenure of flat and bungalows (either to rent, part own or to potentially own outright), with associated care facilities and communal facilities.

The overarching intention is to enable older people to live independently within their own flat or bungalow in the scheme for as long as they wish to with the added reassurance of care provision on site. In addition to flats and bungalows specifically designed to meet the needs of older people with care needs, each scheme also has a range of communal facilities including residents' lounges, dining room, hairdressers and a small shop.

It is Housing 21's aim to ensure that these communal facilities are open to the wider community in order that the scheme is viewed as a community hub. This will bring benefits to the wider community, where surrounding residents who may be suffering from isolation, can access the dining room and will be able to attend classes and events held in the scheme during the day and at specific times in the evening. In ensuring an active community we work closely with our residents and local voluntary and community groups to cater to the needs of older persons.

There is no subscription to use these services but charges are made for lunches and services such as hairdressing or chiropody and specific classes. Other events are paid for

housing21

via fundraising, charitable contributions and by utilising and accessing existing services available to the community but allowing our meeting room facilities to be used as venues.

Extra care housing offers an alternative to residential care for frail older people. It combines the advantages of high quality, self contained accommodation and the provision of flexible care services based in the scheme. The service enables the tenants to retain control over their own lives while receiving the support they need in a safe environment.

Generally, a third of the flats and bungalows will be occupied by residents with high care needs, equivalent to someone who would otherwise have needed placement in a residential care home. As a general rule, these people will require in excess of 15 hours of care.

The remainder of the flats and bungalows will be occupied by residents with medium to low care needs, ranging from 4 to 10 hours. Some of these will be occupied by residents with little or no care needs but are vulnerable; the vast majority of these will have support needs.

Nominations to the scheme will be in partnership with the County Council and Local Authority, Housing 21 and the care provider through an allocations panel and are based on assessment of individual needs and care packages.

The proposed scheme at Mancetter may be aided by capital grant funding from the Homes and Communities Agency, this means that the vast majority of the 80 units will provide affordable housing and will be subject to nominations from the Council and restricted to those over 55 years old. If allocated the Social Housing Grant would be ring fenced to the scheme and approved on the basis of the mix approved, This mix has been agreed with the Local Authority to provide a choice of tenures for residents and to produce a sustainable mixed community.

The site is currently owned by the County Council but will transfer to Housing 21 with a restrictive covenant for their proposed use in order to facilitate the construction of the new scheme and to ensure the long term usage of the client group.

Given the restricted grant funding sources, the proposed level of affordable housing in the proposal and the benefits to the wider community; it is felt that a Section 106 contribution towards open spaces, education or health is not appropriate in these circumstances.

Housing 21
Warwickshire County Council
North Warwickshire Borough Council

NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED 12-Dec-13
PLANNING & DEVELOPMENT DIVISION

Page 2 of 2

(6) Application No: PAP/2014/0014

Land South West Of M42 Roundabout, Watling Street, Dordon,

Outline application for employment use within class B1(c) light industry, use class B2 general industry and use class B8 storage or distribution. Approval is sought for access from Centurion Way, all matters reserved, for

St Modwen Developments Ltd

Introduction

This receipt of this application is reported to the Board at this time for information purposes and a full determination report will be brought to the Board in due course. The application is accompanied by a draft Section 106 Agreement. Members received a presentation on the proposal during December.

The Site

This is an 8.49 hectare agricultural field located immediately to the west of the M42 Motorway south west of Junction 10 and to the east of Centurion Park, a commercial estate in Tamworth. There is further agricultural land to the south, used informally for recreational purposes connecting to the Kettle Brook Local Nature Reserve to the south west of Centurion Park. There is a brook water course along the western boundary and a bridleway crosses the site at its southern end. Within the site itself the land generally falls from the motorway towards Centurion Park (from east to west) at its northern end, but it is more level with the motorway at its southern end.

The site's location is shown at Appendix A.

The Proposals

Planning permission is being sought for employment purposes within the B1(c) Light industrial; B2 General Industrial and B8 Storage and Distribution Use Classes. It is said that 10% of the floor space could be "reserved" for the B1 and B2 Use classes. All vehicular access would be through Centurion Park and onto the A5 west of junction 10. The net developable area would be 5.2 hectares (around 60% of the site). An illustrative layout has been provided which suggests two buildings towards the western side of the site adjoining the existing buildings in Centurion Park, one either side of the proposed extended access through that site into the application site. The southern-most building is shown as being the larger of the two – some 12 metres tall and the smaller one to the north being 10 metres. Together they would accommodate some 19,500 square metres of floor space. The estimated number of jobs is around 420. A 15 metre landscaped area is proposed to three of the boundaries with enhancement to the fourth – the western brook course.

An illustration of the above description is at Appendix B, and a cross section east/west through the site including Centurion Park is at Appendix C.

Members should be aware that the proposed access arrangements connecting to Centurion Way are in the Tamworth Borough Council's area and thus a detailed application for those arrangements has also been submitted to that Authority for determination.

A significant number of supporting documents have also been submitted with the application, and these are identified below together with a short summary of their conclusions.

An Archaeology Assessment concludes that there is potential archaeological interest in the site particularly relating to Romano-British activity evidenced by the proximity to the Watling Street and other features. It is suggested that further archaeological work is required by agreement with the appropriate authorities. The Assessment also concludes that the proposals are unlikely to adversely on the setting of listed buildings in Freasley because of separation distances and intervening screening.

An initial "desk top" Ground Conditions Survey suggests that there is likely to be no adverse ground contamination and thus there should be no objection to the proposal in principle, but that further more detailed intrusive work would assist in defining ground water conditions and the scale and nature of any possible contaminants.

A Habitat Survey concludes that the site supports only limited habitat that is considered to be of value to wildlife. The exceptions to this are the hedgerows; the woodland strip and the streams along the western and north western boundaries. There is no evidence of great crested newts; badger setts or reptiles arising from the survey work undertaken. The report continues by saying that the main impact of the proposed development will be on the habitats referred to above and potential disturbance to wildlife within them. Much can be done by planning conditions requiring full details of lighting, extra landscaping, retention of hedgerows and trees and protecting run-off to the stream, together with enhancing bio-diversity through the introduction of appropriate landscaping.

A Utility Statement identifies that there are existing networks in place in the area particularly within Centurion Way. There is no gas or water mains crossing the site. An overhead 33kv electricity line will require diversion but this could be placed underground. Water supply would be likely from South Staffs water.

A Flood Risk Assessment shows that the site is in Flood Risk Zone 1 and that the risk of fluvial flooding is low. A strategy for draining the site using sustainable systems has been prepared involving swales, filter drains, filter strips and basins and discharge would be to the stream to the west of the site. This would be controlled through a detention basin in the proposed landscape area to the south west of the site. Foul water would discharge to the public sewer that runs parallel to the western boundary potentially requiring connection through third party land.

A Transport Assessment shows that the site is well served by public transport with four services operating on two routes within walking distance. There are also public footpaths within the adjoining commercial estate, which can be extended into the site and which also connects to the nearby residential areas in Tamworth. There are similar cycle connections. The traffic impact is low with a predicted 0.3% increase at junction 10 at peak times. The A5/Centurion Way and the A5/Pennine Way roundabouts have spare capacity. A draft Green Travel Plan is also proposed which is said could be incorporated into a planning condition.

A Tree Survey shows that the proposed extended access into the site coincides with poor tree cover, and that the proposals can be designed so as not to impact on existing tree roots and canopies along this western boundary.

A Landscape Appraisal describes the existing landscape character using the North Warwickshire Landscape Character Assessment. The Assessment concludes that the site is visually “contained” and that longer range views of the site are limited. It would be most noticeable from the Motorway and the approach from the south. The Assessment concludes that the overall impact on landscape character would be low or low to medium and that with the layout and landscaping being illustrated the proposal would be seen as a “sensitive” response to the site conditions and its visual context.

A Design and Access Statement describes the setting and characteristics of the site and its context. It then looks at how the illustrative layout and built form has evolved through consideration of this analysis.

An Employment Study has been submitted to provide background information on employment needs and requirements for both North Warwickshire and Tamworth. The Study outlines current Development Plan and NPPF planning policies before evidencing the current employment land situation regionally as well as in Tamworth and North Warwickshire. Market trends are then outlined with an overall conclusion that there are strong circumstances to warrant support of this proposal. The overall summary is copied at Appendix D.

A Planning Statement brings all of the various matters together. In particular it outlines a full planning policy context including reference to the NPPF, and the Development Plans for North Warwickshire and Tamworth. Reference is also made to the emerging replacement Development Plans in both Authorities, including up to date evidence submitted to the recent North Warwickshire Examination. Technical matters are then reviewed before an assessment is made of the planning merits of the proposals. This is attached in full at Appendix E. The Statement then outlines the offer of a Section 106 Agreement to provide a contribution for training and promotion targeted for local people to enhance access to the employment opportunities that would be created. No figure is suggested but it is said that this should be proportionate to those contributions already agreed for Birch Coppice.

Development Plan

Saved policies of the North Warwickshire Local Plan 2006 – Core Policies 1 (Social and Economic Regeneration); 2 (Development Distribution), 11 (Quality of Development), 12 (Implementation) and policies ENV1 (Protection and Enhancement of Natural Landscape), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV8 (Water Resources), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenity), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ECON1 (Industrial Sites), TPT1 (Transport Considerations), TPT2 (Traffic Management), TPT3 (Sustainable Travel) and TPT6 (Vehicle Parking).

Other Material Planning Considerations

The Tamworth Local Plan – 2006

The Tamworth Borough Council Employment Land Review – January 2012.

The National Planning Policy Framework 2012

The Submitted Version of the North Warwickshire Core Strategy 2013

The NWBC Employment Land Review Update – September 2013

The NWBC Preferred Options for Site Allocations – February 2013

Observations

The site is outside of any development boundary defined by the Development Plan and is also outside of any proposed or allocated sites in the emerging Core Strategy for employment provision. In these circumstances the proposals do not accord with the Development Plan. However as Members are aware, the weight to be given to the Development Plan is quickly reducing as the replacement Core Strategy progresses towards adoption. In this interim period, the NPPF will also carry significant weight. Therefore the Board will have to weigh a number of different sources of planning policy when it comes to determine this application. That will also have to include the up to date evidence on employment needs submitted by the Council to the recent Examination into the submitted Core Strategy. It is also likely that the Inspector who conducted that Examination could provide an interim letter outlining his position, before the determination of this application. That too will become a material consideration to be put into the final policy assessment of this application.

Members will be aware too that the Board will need to explore all of the technical issues arising from the various matters covered by the extensive supporting documentation.

Recommendation

That the receipt of this application be noted at this time

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0014

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	10/01/2014

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.



LEGEND
 [Thick black line] Site boundary



FIGURE 1: SITE LOCATION PLAN

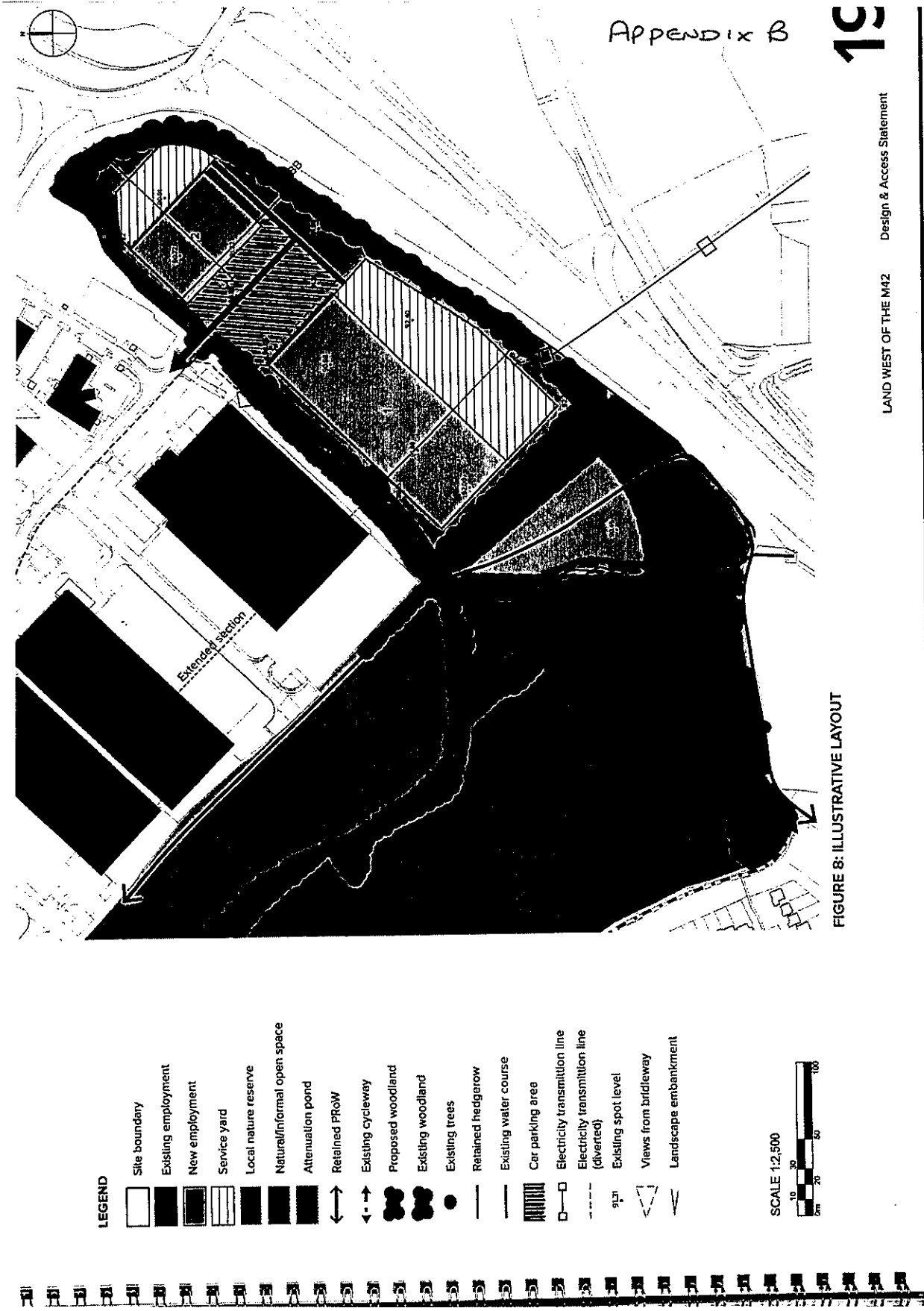
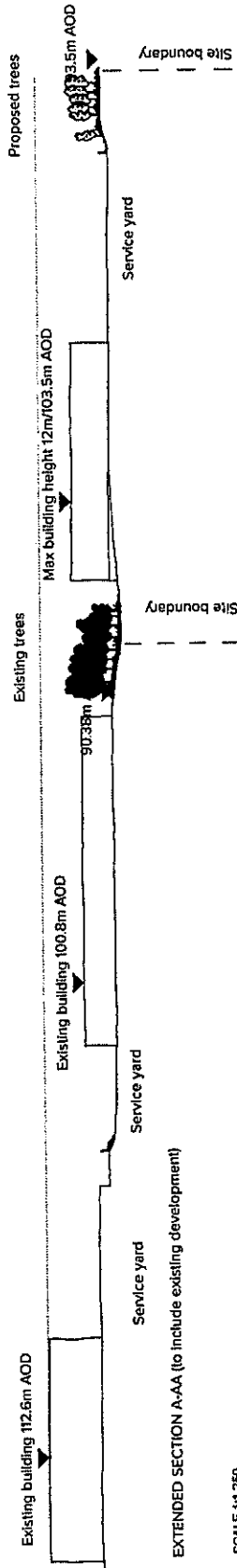


FIGURE 8: ILLUSTRATIVE LAYOUT

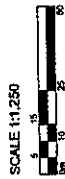
- LEGEND**
- Site boundary
 - Existing employment
 - New employment
 - Service yard
 - Local nature reserve
 - Natural/informal open space
 - Attenuation pond
 - Retained PRoW
 - Existing cycleway
 - Proposed woodland
 - Existing woodland
 - Existing trees
 - Retained hedgerow
 - Existing water course
 - Car parking area
 - Electricity transmission line
 - Electricity transmission line (diverted)
 - Existing spot level
 - Views from bridleway
 - Landscape embankment

SCALE 1:2,500
 0 10 20 30 40 50 60 70 80 90 100
 METRES

Proposed tree and shrub planting shown after 15 year growth c.film height



EXTENDED SECTION A-AA (to include existing development)



7 Conclusions and Recommendations

- 7.1 The site is undesignated and located outside the Green Belt. As the site falls outside the development boundaries of established settlements within North Warwickshire, adopted plan policy recognises that identified circumstances are needed to warrant development.
- 7.2 The evolving development plans for both North Warwickshire and Tamworth are not advanced and have yet to be tested at Examination. Their adoption will depend on their consistency with planning policy at a national level and where, still relevant, regional planning policy and its associated evidence base.
- 7.3 The NPPF places significant weight on the need to support economic growth with the economy considered to be an important dimension to achieving sustainable development. Local planning authorities are urged to proactively meet the development needs of business.
- 7.4 Central Government has encouraged the development of a robust network of strategic rail freight interchanges and associated development of distribution warehouses. This is to increase the volume of rail freight, help reduce road congestion and carbon omissions, and support growth and create employment.
- 7.5 Draft regional planning policy is still relevant and referred to by both NWBC and TBC in plan-making and decision-taking. The draft RSS seeks to ensure local planning authorities make provision for a minimum reservoir of readily available land and a long term requirement. In the case of Tamworth, the Panel to the draft RSS recommended a long term requirement of 56 hectares, but noted that some of this may need to be provided for in neighbouring North Warwickshire or Lichfield due to a constrained supply in Tamworth. It is also recommended a minimum reservoir of 11 ha of "readily available" development land.
- 7.6 Draft regional planning policy constructively sought to address the need for strategic logistics land, particularly that well served by both road and rail. Other criteria required sites to be located away from incompatible neighbours such as housing.
- 7.7 The Regional Logistics Study 2009 Update identified a significant need for new warehousing land (between 307 and 430 ha) and noted the paucity of options for rail connected sites. The Panel to the RSS endorsed the Study's main findings and encouraged realisation of the full potential of Birch Coppice. The Panel also recognised that regional logistics sites could be disaggregated and made up of satellite sites, that are close or well related to intermodal terminals.
- 7.8 The need for significantly more new warehousing land, as identified by the Regional Logistics Study, has been endorsed recently by the Black Country and Southern Staffordshire Regional Logistics Site Study (April 2013). It recognises the mismatch between supply and demand for warehousing land in the West Midlands.
- 7.9 The North Warwickshire ELR identifies a very significant need for additional warehousing land for the Borough (between 190 ha and 340 ha). This requirement is significantly greater than current supply. Given the regional attraction of Birch Coppice, there may also be a need to identify further employment land to serve local demand.
- 7.10 There is real shortage of employment development land serving Tamworth, particularly large sites suitable for warehousing. Much of the identified supply is occupied and/or not being marketed. The supply of land is significantly less than the indicative long term requirement of 56 ha recommended by the Panel to the RSS. The true level of "readily available" land is less than 5 ha and significantly less than the minimum 5 year reservoir of 14 ha of "readily available" land of 14 ha required by Policy PA6 of the draft RSS.
- 7.11 Despite the economic downturn of the last 4/5 years, there has been significant take-up of large warehouses. This has led to a real shortage of supply of new facilities and the return of speculative development.
- 7.12 The West Midlands, along with the East Midlands, remains the dominant geographical area for distribution. The market has reverted particularly in recent years to the core area known as the Golden Triangle.

- 7.13 Access to rail, for the purposes of freight, has become an increasingly important issue for developers and operators in order to future proof their investments. This has, and will, place sites that are well located to rail freight terminals, such as Birch Coppice, at a premium.
- 7.14 Apart from Birch Coppice, there are few development options in the West Midlands where there are deliverable sites to support rail freight. Over four years have elapsed since the Panel report was published but no real substantive progress has been made in bringing forward new intermodal sites. We consider it makes most sense to fully exploit the potential that exists around existing facilities.
- 7.15 Birch Coppice has become a very successful scheme. It has managed to develop out at 240,000 sq.ft per year. The level of remaining consented land (including Phase 3) equates to 8.1 years supply at this rate of development. However, as Birch Coppice is so well established, can accommodate very large floorspace buildings, is accessible to BIFT, and in the hands of a competent developer, we consider the remaining land will be developed out over the next 5 years.
- 7.16 Tamworth has witnessed recently significant letting activity in its built stock, particularly in neighbouring Centurion Park. There is no available competing industrial and distribution stock that is modern and greater than 50,000 sq.ft. In addition, there is no available marketed development land that can provide for this sector of the market.
- 7.17 Enquiry levels for the distribution and automotive sectors for premises greater than 50,000 sq.ft are very good. However, there is a real gap in the market in Tamworth for this type of accommodation. The proposed development, comprising buildings of 57,183 sq.ft and 153,387 sq.ft, will help to close this gap and offer something to the Tamworth employment premises and land portfolio that is badly missing.
- 7.18 The land being promoted by St Modwen holds an almost unique set of characteristics to make it particularly attractive to the logistics and automotive sectors. The principal characteristics that make it so attractive are as follows:-
- Located in a logistics hot spot in the West Midlands.
 - Almost direct access to Junction 10 of the M42 and associated road infrastructure.
 - Good access to BIFT.
 - A national extension to Centurion Park.
 - Satellite site to Birch Coppice.
 - Sufficient size to accommodate large floorplate buildings of up to 150,000 sq.ft.
 - The principal land holding is flat.
 - The land is in the full control of a competent and experienced developer of industrial and distribution property (namely St Modwens).
- 7.19 The proposals should generate around 421 jobs, based on similar development at Birch Coppice, with shift patterns avoiding the normal peak hours.
- 7.20 These characteristics, and the real shortage of development land serving both the sub-regional distribution market and Tamworth, are strong circumstances that warrant new development at this location.

6 PLANNING MERITS

- 6.1 This section addresses the principal planning issues of the proposed scheme, in terms of the employment proposals, implications of HS2 Phase 2, implications for landscape and countryside, and the principle of development.

Employment Proposals

- 6.2 The Report on Employment Land Issues undertaken by Jones Lang LaSalle submitted with the planning applications has reviewed the planning policy context, its evidence base and relevant market signals for industrial and distribution property in relation to the site and fully justifies the proposals. The following section provides summarised analysis from this report.
- 6.3 Whilst the evolving development plans for both North Warwickshire and Tamworth are not advanced and have yet to be tested at Examination the Report demonstrates there exists a clear and undeniable need for new employment land. Their adoption will depend on their consistency with planning policy at a national level and where, still relevant, regional planning policy and its associated evidence base. The NPPF places significant weight on the need to support economic growth with the economy considered to be an important dimension to achieving sustainable development. Local planning authorities are urged to proactively meet the development needs of business.
- 6.4 Draft regional planning policy is still relevant and referred to by both NWBC and TBC in plan-making and decision-taking. The draft RSS seeks to ensure local planning authorities make provision for a minimum reservoir of readily available land and a long term requirement. In the case of Tamworth, the Panel to the draft RSS recommended a long term requirement of 56ha, but noted that some of this may need to be provided for in neighbouring North Warwickshire or Lichfield due to a constrained supply in Tamworth. It also recommended a minimum reservoir of 11ha of "readily available" development land.
- 6.5 The North Warwickshire ELR identifies a very significant need for additional warehousing land for the Borough (between 190 ha and 340 ha). This requirement is significantly greater than current supply. Given the regional attraction of Birch Coppice, there may also be a need to identify further employment land to serve local demand.
- 6.6 There is a real shortage of employment development land serving Tamworth, particularly large sites suitable for warehousing. Much of the identified supply is occupied and/or not being marketed. The true level of "readily available" land is less than 5ha and significantly less than the minimum 5 year reservoir of 14ha of "readily available" land of 14ha required by Policy PA6 of the draft RSS.
- 6.7 Despite the economic downturn of the last 4/5 years, there has been significant take-up of large warehouses. This has led to a real shortage of supply of new facilities and the return of speculative development.
- 6.8 The West Midlands, along with the East Midlands, remains the dominant geographical area for distribution. The market has reverted particularly in recent years to the core area known as the Golden Triangle. Access to rail, for the purposes of freight, has become an increasingly important issue for developers and operators in order to future proof their investments. This has, and will, place sites that are well located to rail freight terminals, such as Birch Coppice, at a premium.

- 6.9 Apart from Birch Coppice, there are few development options in the West Midlands where there are deliverable sites to support rail freight. Over four years have elapsed since the Phase 2 RSS Panel Report was published but no real substantive progress has been made in bringing forward new intermodal sites.
- 6.10 The proposals therefore fully exploit the potential that exists around existing facilities and provide the potential to act as a satellite site to Birch Coppice (North Warwickshire) and as natural extension to Centurion Park (Tamworth). The accompanying employment land report demonstrates how consideration is given to both the national and regional distribution market and the more local market for Tamworth and that the proposed development will be attractive to both.
- 6.11 Birch Coppice has become a very successful scheme. It has managed to develop out at 240,000 sq.ft per year. The level of remaining consented land (including Phase 3) equates to 8.1 years supply at this rate of development. However, as Birch Coppice is so well established, can accommodate very large floorspace buildings, is accessible to BIFT, and in the hands of a competent developer, Jones Lang LaSalle consider the remaining land will be developed out over the next 5 years.
- 6.12 Tamworth has witnessed recently significant letting activity in its built stock, particularly in neighbouring Centurion Park. There is no available competing industrial and distribution stock that is modern and greater than 50,000 sq.ft. In addition, there is no available marketed development land that can provide for this sector of the market.
- 6.13 Enquiry levels for the distribution and automotive sectors for premises greater than 50,000 sq.ft are very good. However, there is a real gap in the market in Tamworth for this type of accommodation. The proposed development, comprising buildings of 57,183 sq.ft and 153,387 sq.ft, will help to close this gap and offer something to the Tamworth employment premises and land portfolio that is badly missing.
- 6.14 The land being promoted by St Modwen holds an almost unique set of characteristics to make it particularly attractive to the logistics and automotive sectors. The principal characteristics that make it so attractive are as follows:-
- Located in a logistics hot spot in the West Midlands.
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 - Sufficient size to accommodate large floorplate buildings of up to 150,000 sq. ft.
 - The principal land holding is flat.
 - The land is in the full control of a competent and experienced developer of industrial and distribution property (namely St Modwen).

- 6.15 The proposals should generate around 421 jobs, based on similar development at Birch Coppice, with shift patterns avoiding the normal peak hours.
- 6.16 These characteristics, and the real shortage of development land serving both the sub-regional distribution market and Tamworth, are strong circumstances that warrant new development at this location.

Implications of HS2

- 6.17 High Speed Two (HS2) is the planned new high speed rail network connecting London with the West Midlands and running lines to Manchester and Leeds. The current consultation on the Phase Two Route started in July 2013 and closes on 31 January 2014.
- 6.18 The indicative Phase 2 route is currently shown running through the centre of the site on a south-west to north-east axis. An extract of the indicative route map is provided at Appendix 1 of this Statement. The applicant is making representations to the current consultation.
- 6.19 In determining the applications local planning authorities are required to have regard to the announcement of the Government's initial preference for HS2 Phase 2 and the Government's commitment in January 2012 to delivering Phase 2 as material considerations. Following the closure of the consultation the responses will be analysed and as a result, the proposed route may be subject to some change to take account of the responses received, environmental impacts and economic factors. The Government intends to announce a final decision on the proposed route, station and depot options for Phase 2 by the end of 2014.
- 6.20 In July 2013 TBC resolved to grant outline planning permission for the erection of 29 dwellings at Land off Freasley Lane, Hockley (ref 0081/2013) despite the application site being located in close proximity to the initial proposed route of HS2. The 7 July 2013 Committee Report addresses the HS2 issue and states:

"No comments are made in terms of the current application other than to confirm that due to the proximity of the site to the proposed HS2 line the site may in the future be required by High Speed 2 Ltd to construct and/or operate the railway. An informative advising the applicant of this is recommended. Overall the HS2 proposals should not impact upon the determination of this application, which includes from a land use, noise and compensation perspective."

- 6.21 Given the early stage of the HS2 proposals in that consultation on the proposed route is still ongoing and the announcement of the preferred route is not expected until the end of 2014, the proposed route may be subject to some change, and therefore the HS2 proposals should not impact upon the determination of the planning applications for the proposed development of Land to the West of the M42.

Implications for Landscape and Countryside

- 6.22 NPPF paragraph 111 encourage the effective use of land by re-using land that has been previously developed, provided that it is not of high environmental value. The outline application site is located within the countryside, is not allocated for employment purposes, and is greenfield rather than previously developed land.

6.23 A Landscape and Visual Appraisal (LVA) has therefore been undertaken in order to assess the site. The LVA establishes that the overall effect of the proposed development on the landscape character and visual amenity of the study area will be low or low/medium. The illustrative Development Framework Plan has been landscape-led to ensure that the proposed development will be designed to mitigate any potential impact upon the landscape character of the site and its surroundings.

6.24 It is recognised that there would be some degree of harm in terms of landscape impact and the loss of greenfield land to built development. However, given the site is not within the Green Belt and is located between the existing built up area of Tamworth to the north-west and the major infrastructure of the M42 motorway to the south-east then the landscape impact of the development of this well-contained linear site would be of very limited harm. In addition the proposals will incorporate the provision of green space towards the southern end of the site which would effectively extend the existing green spaces corridor located to the west of the site.

Delivery of Sustainable Development

6.25 NPPF paragraph 14 sets a presumption in favour of sustainable development, which for decision-taking means approving development proposals that accord with the development plan without delay. It states where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

6.26 It is considered that the full application proposals submitted to TBC for a new vehicular access from Centurion Way accords with the development plan as the site is shown as unallocated white land on the Tamworth Local Plan 2001-2011 Proposals Map.

6.27 With regard to the outline application proposals submitted to NWBC for employment development comprising uses classes B1(c), B2, and B8 this would be a departure from saved Core Policy 2 of the North Warwickshire Local Plan 2006 as the site is designated as countryside on the Proposals Map and is not allocated for employment use.

6.28 Notwithstanding this, it is considered that the saved employment policies of both the Tamworth Local Plan 2001-2011 and the North Warwickshire Local Plan are not consistent with the policies of the NPPF which requires local planning authorities to plan for economic growth.

6.29 The evidence base and Jones Lang LaSalle employment report demonstrate the existing Local Plan policies of both authorities have not kept pace with the need to identify new land for employment generating uses. The development fully meets the three strands of sustainable development (paragraph 7 of the NPPF) as follows:

- **Economic Role** – The proposals will make a major contribution to the economy of the area ensuring that much needed employment land is provided to support economic growth.
- **Social Role** – The proposals will support a strong, vibrant community, through the provision of approximately 421 jobs and training opportunities created from inward investment or expansion plans of existing business, with the development being accessible to local communities.

- **Environmental Role** – Whilst there will be the loss of some agricultural land, this is of very limited ecological or landscape value, and the proposals will create new woodland planting and provide the opportunity to enhance the public right of way.

- 6.30 The NPPF presumption in favour of sustainable development applies unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal.
- 6.31 In terms of the adverse impacts it is accepted that the proposals would result in some harm in terms of landscape impact and the loss of greenfield land to built development. It has been demonstrated that through good design and the well-contained characteristics of the site any landscape harm would be very limited, with mitigation through the provision of green space towards the southern end of the site. The development site is greenfield, and NPPF paragraph 111 encourages the effective use of land by re-using land that has been previously developed. However the development of this greenfield site would assist in meeting the identified employment land requirements for Tamworth Borough which is very tightly constrained with a limited supply of previously developed land.
- 6.32 In terms of the benefits of the proposal the development of the site would not result in the loss of Green Belt land. The site is located immediately adjacent to the existing employment area at Centurion Park and would provide a natural extension. The site is considered to be located in a logistics hot spot in the West Midlands, with virtually direct access to the Junction 10 of the M42 and the strategic highway network, good access to BIFT, and would be a complementary use to Birch Coppice. Paragraphs 18-20 of the NPPF set out the Government's priority for promoting sustainable economic growth, and the proposed development would create approximately 421 new jobs and provide training opportunities for local people.
- 6.33 It is therefore clear that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits of the proposal and therefore the presumption in favour of this development applies.
- 6.34 Based on the clear evidence in the Framework (paragraph 14) planning permission should be granted for the development.

7 S.106 HEADS OF TERMS

Circular 5/2005 and CIL

- 7.1 Paragraph B5 establishes national policy on planning obligations, making it clear they are only to be sought where they meet the appropriate tests and in particular they must be fairly related in scale and kind.
- 7.2 Whilst it is acknowledged no Community Infrastructure Levy (CIL) is in place at the present time for NWBC, following the introduction of the CIL Regulations on 6th April 2010, it is unlawful for a planning obligation to constitute a reason to grant planning permission unless it is: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

North Warwickshire Local Plan

- 7.3 Paragraph B5 establishes national policy on planning obligations, making it clear they are only to be sought where they meet the appropriate tests and in particular they must be fairly related in scale and kind. North Warwickshire Local Plan (July 2006) Core Policy 12: Implementation indicates that planning obligations will be used to secure establishment and maintenance of sustainable communities and patterns of development.
- 7.4 Whilst it is envisaged the S106 Planning Obligation requirements will be refined following submission of the application and further consideration by consultees and the applicant, the heads of terms provided below indicate the applicant's current proposals.

S106 Heads of Terms

- 7.5 The applicant proposes to enter into a Section 106 Agreement to provide a contribution for training and promotion targeted for local people to enhance access to the employment opportunities created. Similar contributions have been secured from the three phases of the Birch Coppice development and the contribution would be proportionate to the floor area proposed.
- 7.6 Further discussion will be held with NWBC and WCC with regard to training opportunities which will be secured under a S106 Agreement.

8 CONCLUSIONS

- 8.1 This Planning Supporting Statement has been prepared on behalf of St Modwen Developments Limited in support of development proposals for Land to the West of the M42, Tamworth which straddles the administrative boundary of NWBC and TBC.
- 8.2 An outline planning application has been submitted to NWBC which seeks outline planning permission for employment use within use class B1(c) - light industry, use class B2 – general industry, and use class B8 – storage or distribution. Approval is sought for access from Centurion Way, with all other matters to be reserved. In addition a full application has been submitted to TBC which seeks detailed planning permission for a new vehicular access as an extension of the existing Centurion Way, Tamworth in order to serve the outline application site within NWBC.
- 8.3 The planning policy assessment has had regard to the NPPF and relevant Development Plan policies contained in the adopted North Warwickshire Local Plan and adopted Tamworth Local Plan, along with the relevant policies in the emerging plans.
- 8.4 No conflict with development plan policy has been identified apart from the proposed development site being located outside of the development boundaries defined by the North Warwickshire Local Plan Proposals Map and Core Policy 2: Development Distribution which is considered to be not up-to-date as it has failed to adequately provide for the current employment land requirements of the area. A clear need for employment land has been demonstrated both for Tamworth's needs and North Warwickshire's needs in terms of logistics provision.
- 8.5 A full technical assessment of the proposals has been undertaken including drainage, landscape and ecology, which demonstrates there are no overriding constraints to delivery of the proposals. In addition, the Transport Assessment has demonstrated that the impact of the development on the wider road network is negligible. The site is therefore suitable for employment development with existing infrastructure and links to local residential areas and there are no technical or site specific reasons why the proposed development should not be granted planning consent.
- 8.6 A full assessment has been undertaken of the employment land requirements of both Tamworth and North Warwickshire. This has demonstrated there is a significant undersupply in employment land, when considered against current requirements particularly in the logistics sector. The proposals would therefore provide an opportunity of addressing some of this shortfall and act as a satellite to the existing Birch Coppice Regional Logistics site and/or a natural extension of Centurion Park.
- 8.7 The proposals represent sustainable development in fulfilling an economic, environmental and social role and whilst it is recognised the development will result in a loss of greenfield land and have a limited impact upon the local landscape, this limited harm, is significantly outweighed by the assistance the proposals provide towards the economic growth of the area and in particular the generation of 19,562 sqm of new employment floor space and approximately 421 new jobs and training opportunities for the local area.
- 8.8 It is therefore clear that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits of the proposal and therefore the presumption in favour of this development applies. Based on the clear evidence in the Framework (paragraph 14) planning permission should be granted for the development.

Agenda Item No 5

Planning and Development Board

10 February 2014

Report of the Chief Executive and the Deputy Chief Executive

Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - December 2013

1 Summary

- 1.1 This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to December 2013.

Recommendation to the Board

That Members consider the performance achieved and highlight any areas for further investigation.

2 Consultation

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

3 Background

- 3.1 This report shows the third quarter position with the achievement of the Corporate Plan and Performance Indicator targets for 2013/14. This is the third report showing the progress achieved so far during this year.

4 Progress achieved during 2013/14

- 4.1 Attached at Appendices A and B are reports outlining the progress achieved for all the Corporate Plan targets and the agreed local performance indicators during April to December 2013/14 for the Planning and Development Board.

- 4.2 Members will recall the use of a traffic light indicator for the monitoring of the performance achieved.

Red – target not being achieved (shown as a red triangle)

Amber – target currently behind schedule and requires remedial action to be achieved (shown as an amber circle)

Green – target currently on schedule to be achieved (shown as a green star)

5 **Performance Indicators**

5.1 The current performance indicators have been reviewed by each division and Management Team for monitoring for the 2013/14 year.

6 **Overall Performance**

6.1 The Corporate Plan performance report shows that 100% of the Corporate Plan targets and 33% of the performance indicator targets are currently on schedule to be achieved. The report shows the individual targets that have been classified as red, amber or green. Individual comments from the relevant division have been included where appropriate. The table below shows the following status in terms of the traffic light indicator status:

Corporate Plan

Status	Number	Percentage
Green	5	100%
Amber	0	0%
Red	0	0%
Total	5	100%

Performance Indicators

Status	Number	Percentage
Green	1	33%
Amber	0	0%
Red	2	67%
Total	3	100%

7 **Summary**

7.1 Members may wish to identify any areas that require further consideration where targets are not currently being achieved.

8 Report Implications

8.1 Safer Communities Implications

8.1.1 Major applications are considered by the Police Architectural Liaison Officer who is looking to ensure that Secure by Design principles are applied for new developments.

8.2 Legal and Human Rights Implications

8.2.1 The national indicators were specified by the Secretary of State for Communities and Local Government. They were replaced by a single list of data returns to Central Government from April 2011.

8.3 Environment and Sustainability Implications

8.3.1 Improvements in the performance and quality of services will contribute to improving the quality of life within the community. The action to improve employment opportunities for local residents at Birch Coppice is contributing towards the Raising aspirations, educational attainment and skills priority of the North Warwickshire Sustainable Community Strategy 2009 – 2026.

8.4 Risk Management Implications

8.4.1 Effective performance monitoring will enable the Council to minimise associated risks with the failure to achieve targets and deliver services at the required performance level.

8.5 Equality Implications

8.5.1 The action to improve employment opportunities for local residents at Birch Coppice is contributing to equality objectives and is a positive impact in terms of the protected characteristics for age through the young people employment programme.

8.6 Links to Council's Priorities

8.6.1 There are a number of targets and performance indicators included relating to bringing more jobs to North Warwickshire, protecting and improving our environment and defending and improving our countryside and rural heritage.

The Contact Officer for this report is Robert Beggs (719238).

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
National Indicators for Local Authorities and Local Authority Partnerships	Department for Communities and Local Government	Statutory Guidance	February 2008

NWCP Planning Board 13/14					
Action	Priority	Reporting Officer	Update	Status	Direction
NWCP 012 Manage development so as to deliver the priorities on the Council's Corporate Plan and in the Sustainable Community Strategy and report by March 2014	Countryside and Heritage	Brown, Jeff	To be reported on time in March 2014	★ Green	➔
NWCP 013 Ensure that only appropriate development is permitted in the Green Belt, that development is focused on the agreed settlement hierarchy and protects the best of our existing buildings and report by March 2014	Countryside and Heritage	Brown, Jeff	To be reported on time in March 2014	★ Green	➔
NWCP 014 Use the Design Champions to ensure the best achievable designs are implemented and developed and report by March 2014	Countryside and Heritage	Brown, Jeff	To be reported on time in March 2014	★ Green	➔
NWCP 051 To work with the County Council, Job CentrePlus and other partners to provide training and to administer funding provided by the developers at Birch Coppice Industrial Estate to maximise opportunities for employment of local people including employment engagement activity, development of work clubs and bespoke training and report by March 2014.	Local Employment	Maxey, Steve	Work continues with the North Warwickshire Works Partnership to maximise our residents' opportunities of accessing the employment in our Borough. In addition a number of Jobs fairs linked to the closure of Daw Mill and administration of Greenwoods Communication have taken place. A network of work clubs continue to operate however due to low unemployment levels some have now stopped. A software programme 'Bright Sparks' was being rolled out to all young people Year 6 through to secondary school age in the locality. This initiative has failed to deliver key activities. WCC are looking into this issue with the aim to claw back the	★ Green	➔
NWCP 070(1) Using opportunities through Section 106 Agreements to improve transport links to the local economy and to report on this by March 2014	Access to Services	Brown, Jeff	To be reported on time in March 2014	★ Green	➔

Ref	Description	Section	Priority	Year End Target	Performance	Traffic Light	Direction of Travel	Comments
@NW:NI157a	Processing of planning applications in 13 weeks for major application types	Development Control	Countryside and Heritage	60	68.97	★ Green	↕	Result is due to prioritising major applications
@NW:NI157b	Processing of planning applications in 8 weeks for minor application types	Development Control	Countryside and Heritage	85	53.49	▲ Red	↕	This is annual figure
@NW:NI157c	Processing of planning applications in 8 weeks for other application types	Development Control	Countryside and Heritage	95	78.63	▲ Red	↕	Situation improving throughout the year

Agenda Item No 6

Planning and Development Board

10 February 2014

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.

Agenda Item No 7

Breaches of Planning Control - Report of the Head of Development Control.

Paragraph 6 – by reason of the need to consider appropriate legal action

The Contact Officer for this report is David Harris (719222).