

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

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

PLANNING AND DEVELOPMENT BOARD AGENDA

14 OCTOBER 2013

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 14 October 2013 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**

- 4 **Minutes of the meetings of the Board held on 15 July, 12 August and 9 September 2013** copies herewith to be approved as a correct record and signed by the Chairman.

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

- 5 **Budgetary Control Report 2013 / 2014 - Period Ended 30 September 2013** - Report of the Assistant Director (Finance and Human Resources)

Summary

The report covers revenue expenditure and income for the period from 1 April 2013 to 30 September 2013. The 2013/2014 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

The Contact Officer for this report is Nigel Lane (719371)

- 6 **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)

- 7 **Statutory Consultees – Local Enterprise Partnership Protocol** – Report of the Assistant Chief Executive and Solicitor to the Council

Summary

This report informs Members of the Local Enterprise Partnership's (LEP) recently agreed protocol on working with statutory consultees to planning applications.

The Contact Officer for this report is Steve Maxey (719438)

- 8 **Planning Application PAP/2013/0224 Spon Lane, Grendon** – Report of the Head of Development Control

Summary

An appeal has been lodged following the refusal of planning permission here, and the report recommends an approach to be followed so as to best defend the Council's position.

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

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

9 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.

10 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

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

15 July 2013

Present: Councillor Sweet in the Chair.

Councillors Butcher, L Dirveiks, Humphreys, Lea, May, B Moss, Phillips, Sherratt, Simpson, A Stanley, Watkins, Winter and Wykes

10 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Lea declared a non-pecuniary interest in Minute No 13 Planning Applications (Application No 2013/0011 (High View, Common Lane, Corley, Warwickshire, CV7 8AQ) by reason of being members of the County Council's Regulatory Committee and took no part in the discussion or voting thereon.

11 **Minutes**

The minutes of the meetings of the Board held on 11 March, 15 April, 20 May and 17 June 2013, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

12 **Budgetary Control Report 2013/2014 – Period Ended 30 June 2013**

The Assistant Director (Finance and Human Resources) reported on the revenue expenditure and income for the period from 1 April 2013 to 30 June 2013. The 2013/2014 budget and the actual position for the period, compared with the estimate at that date were detailed, together with an estimate of the out-turn position for services reporting to the Board.

Resolved:

That the report be noted.

13 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board.

Resolved:

- a That the Council is minded to support Application No 2013/0208 (River Tame Flood Defence, Land adjacent to Birmingham Road, Coton Road, Whitacre Heath) but consideration be deferred and a progress report be brought back to the next Board meeting in respect of on-going discussions between the parties;**

[Speakers: Susan Russell, Stephen Powell, Davinder Gill and John Buckingham]

- b** That in respect of Application No 2013/0011 (High View, Common Lane, Corley, Warwickshire, CV7 8AQ) the County Council be notified that the Borough Council has no objection to this proposal for the reasons given in the report of the Head of Development Control, subject to the scale of the operation and the nature of the use remaining as at present and that any recommendations from the Highway Authority and the Environmental Health Officers are included as planning conditions should a planning permission be granted.
- c** That providing the applicant first enters into a Section 106 Agreement as set out in draft in the report of the Head of Development Control, Application No 2013/0164 (Homer House, Kingswood Avenue, Corley, CV7 8BU) be approved subject to the conditions set out in the report;
- d** That providing the applicant first enters into a Section 106 Agreement as set out in draft in the report of the Head of Development Control, Application No 2013/0234 (101 Knowle Hill, Hurley, Atherstone, CV9 2JB) be approved subject to the conditions set out in the report;
- e** That Application No 2013/0261 (Unit 8, Innage Park, Abeles Way, Holly Lane Ind Est, Atherstone, CV9 2QX) be approved subject to the conditions set out in the report of the Head of Development Control;
- f** That the receipt of the Application No 2013/0278 (Moto Service Station, M42 Motorway Services Area, Green Lane, Dordon, B77 5PS) be noted at the present time; and
- g** That prior to the determination of Application No 2013/0285 (Poultry Farm, Gorsey Green Lane, Fillongley, CV7 8PH) a visit to the site and its surrounding area be arranged.

14 **Planning Performance**

The Head of Development Control reported on new Government measures to increase the speed of decision making by Local Planning Authorities.

Resolved:

That the report be noted.

15 **Annual Performance Report 2012/13**

The Head of Development Control reported on the performance of the Development Control Service during the past year comparing it with previous years.

Resolved:

That the report be noted.

R Sweet
Chairman

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

12 August 2013

Present: Councillor Sweet in the Chair.

Councillors L Dirveiks, Fowler, Humphreys, Johnston, Lea, Morson, B Moss, Phillips, Sherratt, Simpson, Smith, A Stanley, Turley and Winter

Apologies for absence were received from Councillors Butcher (Substitute Councillor Morson), May (Substitute Councillor Smith), Watkins (Substitute Councillor Fowler) and Wykes (Substitute Councillor Johnston).

Councillors Ferro and Moore were also in attendance and with the consent of the Chairman spoke on Minute No 17 Planning Applications (Applications No 2013/0168 and 2013/0169 - Father Hudson's, Coventry Road, Coleshill, B46 3EA and Application No 2013/0224 - Land South Of Dairy House Farm, Spon Lane, Grendon) respectively.

16 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillors Morson and Lea declared a non-pecuniary interest in Minute No 17 Planning Applications (Application No 2013/0012 - Land at, Sewage Treatment Works, Lichfield Road, Coleshill, B46 1DA and Application No 2013/0013 - Sita UK - Packington House, Packington Lane, Meriden, CV7 7HN) by reason of being members of the County Council's Regulatory Committee and took no part in the discussion or voting thereon.

Councillors Fowler and Sherratt declared a non-pecuniary interest in Minute No 17 Planning Applications (Application No 2013/0325 (Adjacent to Wynn House, 60 High Street, Coleshill, B46 1AZ).

17 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board. Details of correspondence received since the publication of the agenda is attached as a schedule to these minutes.

Resolved:

- a **That in respect of Application No 2013/0208 (River Tame Flood Defence, Land adjacent to Birmingham Road, Coton Road, Whitacre Heath)**

- i) That planning permission be approved subject to the conditions specified in the report of the Head of Development Control;**
- ii) The Head of Development Control be asked to write on behalf of the Board to the Environment Agency, Warwickshire County Council, Severn Trent Water Ltd and Network Rail indicating a preference for a pumping station and requesting that they work together to facilitate and implement jointly funded drainage improvements in the Whitacre Heath area;**
- iii) That reports are brought to the Board as appropriate on the progress made by the Environment Agency, Warwickshire County Council, Severn Trent Water Ltd and Network Rail to resolve the surface water flooding issues in Whitacre Heath; and**
- iv) That a Liaison Committee be put in place involving the local community and local Members in order to address the more detailed issues arising as these matters are dealt with by the Agencies involved.**

[Speakers Davinder Gill and John Buckingham]

- b That in respect of Application No 2013/0012 (Land at, Sewage Treatment Works, Lichfield Road, Coleshill, B46 1DA)**
 - i) the County Council be notified that this Council has no objection to the proposal provided that both the Council's Environmental Health Officers, and the County's own highway officers have no objections, and that the County Waste Authority is satisfied that there is conclusive evidence to show that the proposal would not result in excess capacity within North Warwickshire to the detriment of the Green Belt;**
 - ii) the Head of Development Control also write to the Warwickshire County Council informing them of the Council increasing concern about the number of waste developments that are being permitted in the Green Belt and to emphasise that environmental protections such as the Green Belt should remain of substantial importance.**
- c That, subject to the comments of the Borough Environmental Health Officer and the Highway Authority, this Council has no objection to the proposed variations in respect of Application No 2013/0013 (Sita UK - Packington House,**

Packington Lane, Meriden, CV7 7HN) for the reasons outlined in the report of the Head of Development Control;

- d That Application No 2013/0107 (Oak Tree Farm, Quarry Lane, Mancetter, Atherstone, CV9 2RD) be approved subject to the conditions set out in the report of the Head of Development Control;**

[Speaker Heather Bacon-Campbell]

- e That in respect of Applications No 2013/0168 and 2013/0169 (Father Hudson's, Coventry Road, Coleshill, B46 3EA)**
 - i) planning permission be approved subject to the conditions set out in the report of the Head of Development Control; and**
 - ii) notwithstanding the advice already received, the Head of Development Control be asked to write to the Fire Service Authority to look at the possible fire risks involved given the proximity of the adjoining farm to the development.**

[Speakers Gary Stevenson and Tim Bradford]

- f That in respect of Application No 2013/0211 (Mallard Lodge Site, Marsh Lane, Water Orton, B46 1NS) the Council is minded to grant planning permission for the reasons set out in the report of the Head of Development Control subject to the said conditions and to consequential amendments to the existing Section 106 Agreement, but that the matter first be referred to the Secretary of State under Article 9 of the 2009 Town and Country Planning (Consultation) Direction. If the case is not called-in by the Secretary of State then the development be granted planning permission;**
- g That Application No 2013/0224 (Land South Of Dairy House Farm, Spon Lane, Grendon) be refused for the following reasons;**

“The Council considers that it has land to provide a five year housing supply. The submitted Core Strategy shows how this can be taken forward to 2028 in line with the planning principles of the National Planning Policy Framework 2012. The current proposal does not accord with the emerging Core Strategy in that the Council considers the proposal to be unsustainable development extending the village of Grendon on to greenfield land.”

[Speakers Clare Marshall, Simon Jones and Michael Robson]

- h That in respect of Application No 2013/0278 (Moto Service Station, M42 Motorway Services Area, Green Lane, Dordon, B77 5PS)**
 - i) planning permission be approved subject to the conditions set out in the report of the Head of Development Control; and**
 - ii) that Tamworth Borough Council be consulted on the suggestion to split the Benefit Fund on a 50/50 basis and that this be affected through two separate Unilateral Undertakings under Section 106 of the Planning Act, and that their response be referred back to this Board.**
- i That Application No 2013/0285 (Poultry Farm, Gorseley Green Lane, Fillongley, CV7 8PH) be refused for the reasons set out in the report of the Head of Development Control;**

[Speakers Clarke Adams and Craig Barks]

- j That subject to the Highway Authority not objecting to the revisions, and to the updating of the existing 106 Agreement to refer to Application No 2013/0288 (Caldecote Hall Industrial Estate, Caldecote Hall Drive, Caldecote, Warwickshire, CV10 0TW), condition 2 of planning permission PAP/2011/042 dated 28/3/12 be varied so as to refer to the site location plan and plan numbers 110G, 013B, 210C, 220B, 220D, 240D, 250, 205C and 200C all received on 14 June 2013, and to all of the other conditions contained in that permission, including any alterations as may be required by the Highway Authority;**
- k That consideration of Application No 2013/0321 (Wienerberger Brick Works, Rush Lane, Dosthill, B77 1LT) be deferred for a site visit;**
- l That Application No 2013/0325 (Adjacent to Wynn House, 60 High Street, Coleshill, B46 1AZ) be approved subject to the amendment of condition iv) to read as follows**
 - “iv) The two dwelling units hereby approved shall not be occupied until two parking space for each has been provided and marked out within the existing car park in accordance with a scheme to be first agreed in writing with the Local Planning Authority. Specifically; the marking shall indicate that the spaces are available**

for residents only between the hours of 6pm to 8.30am daily.”

- m That in respect of Application No 2013/0365 (3, Willow Walk, Arley, CV7 8NY), provided no new representation is received that had not been already identified in the previous report, planning permission be approved following the expiry of the consultation process, subject to the conditions set out in the report of the Head of Development Control.**

18 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April – June 2013

The Board was informed of progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April – June 2013.

Resolved:

That the report be noted.

19 Neighbourhood Plan Designations for Austrey and Fillongley

The Assistant Chief Executive and Solicitor to the Council reported on the progress of the formal consultation on the designation of Austrey Neighbourhood Plan area and the Fillongley Neighbourhood Plan area.

Resolved:

- a That the responses to the proposed consultation be noted; and**
- b The designation of the Neighbourhood Plan Areas for Austrey and Fillongley be approved.**

20 Emergency Tree Preservation Order - Land at Mancetter Manor, The Green, Mancetter

The Board was invited to confirm the decision to issue an Emergency Tree Preservation Order in respect of 1 Horse Chestnut Tree and 2 Lime Trees at Mancetter Manor, The Green, Mancetter.

Resolved:

That the decision to issue an Emergency Tree Preservation Order be confirmed in respect of 1 Horse Chestnut Tree and 2 Lime Trees, for the reasons given in the report of the Head of Development Control, and that any representations received be referred to the Board for it to consider whether to make the Order permanent.

21 **Emergency Tree Preservation Order – Land at Coventry Road, Fillongley**

The Board was invited to confirm the decision to issue an Emergency Tree Preservation Order in respect of 1 Oak tree on land at Coventry Road, Fillongley.

Resolved:

That the decision to issue an Emergency Tree Preservation Order be confirmed in respect of 1 Oak tree, for the reasons given in the report of the Head of Development Control, and that any representations received be referred to the Board for it to consider whether to make the Order permanent.

R Sweet
Chairman

**Planning and Development Board
12 August 2013
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
4/4	PAP/2013/0107	Canal and River Trust	Consultation	12/8/2013
4/5	PAP/2013/0168 and PAP/2013/0169	Warwickshire County Council Applicant	Consultation Draft Undertaking	9/8/13 12/8/13
4/6	PAP/213/0211	Agent	Plans and Letter	31/7/13
4/7	PAP/2013/0224	E Jones	Representation	9/8/13
4/8	PAP/2013/0278	Birmingham Airport Agents	Consultation Draft Undertaking	9/8/13 12/8/13
4/9	PAP/2013/0285	Mr and Mrs Adams Note Mrs Prowse CPRE	Objection Site Visit Objection Objection	31/7/13 31/7/13 7/8/13 9/8/13
4/10	PAP/2013/0288	Warwickshire County Council	Consultation	22/7/13
4/12	PAP/2013/0325	Coleshill Town Council Agent	Representation Note	7/8/13 6/8/13

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

9 September 2013

Present: Councillor Sweet in the Chair.

Councillors Butcher, L Dirveiks, Humphreys, Lea, May, Morson, Phillips, Sherratt, A Stanley, Turley, Winter and Wykes.

Apologies for absence were received from Councillors B Moss (Substitute Councillor Morson), Simpson and Watkins.

Councillor Smith was also in attendance.

22 **Disclosable Pecuniary and Non-Pecuniary Interests**

None were declared at the meeting.

23 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board.

Resolved:

That planning permission PAP/2006/0182 (29 – 41 New Road, Water Orton) may be implemented without compliance with condition 13 and thus the Unilateral Undertaking dated 22 June 2007 be fully discharged.

24 **Further Proposed Permitted Development Changes**

The Head of Development Control reported that the Government was consulting on a fresh round of proposals to remove more proposed changes of use of buildings from the need to submit a planning application.

Resolved:

That the Council objects to the proposals for the reasons set out in the report of the Head of Development Control.

25 **Nuneaton and Bedworth Borough Council – Borough Plan July 2013**

The Assistant Chief Executive and Solicitor to the Council reported on the formal consultation on Nuneaton and Bedworth Borough Council's Borough Plan (July 2013).

Resolved:

That with particular emphasis on the impact on the A5 through North Warwickshire, the draft response appended to the report of the Assistant Chief Executive and Solicitor to the Council be approved.

26 Exclusion of the Public and Press

Resolved:

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 in Schedule 12A to the Act.

27 Breaches of Planning Control

The Head of Development Control reported on an alleged breach of planning control and the Board was asked to agree suggested course of action.

Resolved:

That in respect of Corley Ash Garage, Tamworth Road, Corley, the Solicitor to the Council be authorised to take legal action through the Magistrates' Court in response to the non-compliance with an extant Enforcement Notice requiring: 'Cease the use of the land for the storage and display of vehicles offered for sale and remove the stored vehicles from the site'.

R Sweet
Chairman

Agenda Item No 5

Planning and Development Board

14 October 2013

**Report of the Assistant Director
(Finance and Human Resources)**

**Budgetary Control Report 2013 / 2014
Period Ended 30 September 2013**

1 Summary

- 1.1 The report covers revenue expenditure and income for the period from 1 April 2013 to 30 September 2013. The 2013/2014 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

Recommendation to the Board

That the report be noted and that the Board requests any further information it feels would assist it in monitoring the budgets under the Board's control.

2 Consultation

- 2.1 Councillors Butcher, N. Dirveiks, Smith and Sweet have been sent an advanced copy of this report for comment. Any comments received will be reported verbally at the meeting.

3 Introduction

- 3.1 Under the Service Reporting Code of Practice (SeRCOP), services should be charged with the total cost of providing the service, which not only includes costs and income directly incurred, but also support costs relating to such areas as finance, office accommodation, telephone costs and IT services. The figures contained within this report are calculated on this basis.

4 Overall Position

- 4.1 Net controllable expenditure for those services that report to the Planning and Development Board as at 30 September 2013 is £94,208 compared with a profiled budgetary position of £239,986; an under spend of £145,778 for the period. Appendix A to this report provides details of the profiled and actual position for each service reporting to this Board, together with the variance for the period. Where possible, the year-to-date budget figures have been calculated with some allowance for seasonal variations, in order to give a better comparison with actual figures. Reasons for the variations are given, where appropriate, in more detail below.

...

4.2 Planning Control

4.2.1 Income is currently ahead of forecast by £158,020, the bulk of which is attributable to a planning application of £114,720 from I M Properties for a site on Birch Coppice. An increase in other, smaller applications explains the remaining variance of £43,300. This has been partially offset by increased costs on professional fees and postage costs of £6,730.

4.3 Local Land Charges

4.3.1 There is a adverse variance of £5,214 on this budget which relates to a fall in income from local land charges. While the number of Local Land Charges completed to date is slightly ahead of profile, the level of income generated by these charges is below the profiled amount due to the change in mix of application types.

5 Performance Indicators

5.1 In addition to the financial information provided to this Board, when the budgets were set in February, performance indicators were included as a means of putting the financial position into context. These are shown at Appendix B.

...

5.2 There has been an increase in the planning applications being handled. This increase in applications, alongside several large applications, has resulted in much higher income and has meant that the gross cost per application is below the profiled amount. Further, the net cost per application is significantly below the profiled position as a consequence of the single, large application from I M Properties.

5.3 Whilst the gross cost per Land Charge is slightly lower than expected, the net cost is higher per search. Although the numbers of searches are roughly in line with profile, there has been a change in the type of Land Charge applications received, resulting in lower income than anticipated.

6 Risks to the Budget

6.1 The key risks to the budgetary position of the Council from services under the control of this Board are:

- The need to hold Public Inquiries into Planning Developments. The Inquiry scheduled for the appeal against the decision relating to Spon Lane in Grendon could cost the Council around £40,000.
- Reductions in income relating to planning applications.
- Proposed plans by government to relax planning permission on certain extensions may affect the level of planning income received.

- Risk to the mix of Local Land Charge applications not bringing in the expected level of fee income.

7 Estimated Out-turn

- 7.1 Members have requested that Budgetary Control Reports provide details on the likely out-turn position for each of the services reporting to this Board. The anticipated out-turn for this Board for 2013/14 is £393,230 as detailed in the table below: -

	£
Approved budget 2013/2014	568,230
Additional Planning Application Fee income	(175,000)
Expected Out-turn 2013/14	393,230

- 7.2 The figures provided above are based on information available at this time of the year and are the best available estimates for this board, and may change as the financial year progresses. Members will be updated in future reports of any further changes to the forecast out turn.

8 Building Control

- 8.1 Figures provided by the Building Control Partnership indicate that this Council's share of the costs up to 31 August 2013 indicates a favourable variance.
- 8.2 The approved budget provision for Building Control is £60,330, which will be sufficient to cover the full year costs currently estimated by the Partnership. We will continue to monitor this over the course of the year.

9 Report Implications

9.1 Finance and Value for Money Implications

- 9.1.1 The Council's budgeted contribution from General Fund balances for the 2013/14 financial year is £458,470. As can be seen above, a decrease in net expenditure of around £175,000 from this Board is expected to date. The position will continue to be monitored closely and reported to Members at a future meeting of this Board.
- 9.1.2 Income and Expenditure will continue to be closely managed and any issues that arise will be reported to this Board for comment.

9.2 Environment and Sustainability Implications

- 9.2.1 The Council has to ensure that it adopts and implements robust and comprehensive budgetary monitoring and control, to ensure not only the availability of services within the current financial year, but in future years.

The Contact Officer for this report is Nigel Lane (719371).

APPENDIX A

North Warwickshire Borough Council

Planning and Development Board

Budgetary Control Report 2013/2014 as at 30 September 2013

Description	Approved Budget 2013/2014	Profiled Budget September 2013	Actual September 2013	Variance	Comments
Planning Control	424,820	203,701	52,351	(151,350)	Comment 4.2
Building Control Non fee-earning	77,500	8,598	8,598	0	
Conservation and Built Heritage	50,380	28,180	31,197	3,017	
Local Land Charges	1,980	(7,268)	(2,054)	5,214	Comment 4.3
Street Naming & Numbering	13,550	6,775	4,117	(2,658)	
	568,230	239,986	94,209	(145,777)	

Key Performance Indicators for Budgets Reporting to the Planning and Development Board

	Budgeted Performance	Profiled Budgeted Performance	Actual Performance to Date
Planning Control			
No of Planning Applications	740	370	381
Gross cost per Application	£997.84	£989.73	£974.44
Net cost per Application	£574.08	£550.54	£156.36
Local Land Charges			
No of Searches	450	225	241
Gross cost per Search	£103.09	£89.84	£84.48
Net cost per Search	£4.40	-£32.30	-£8.52
Caseload per Officer			
All applications	137	68.5	70.6

Agenda Item No 6

Planning and Development Board

14 October 2013

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, 11 November 2013 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/2013/0052	5	Land Adjacent to, 1 Ivyleigh Villas, Church Lane, Shuttington, Outline - erection of new dwelling	General
2	PAP/2013/0269 PAP/2013/0272	27	Business Park, Hall End Farm, Watling Street, Dordon, Change of use of 17.47 ha of land from agricultural use to employment use within use class B1(c) - light industrial use; use class B2 - general industrial use and use class B8 - storage or distribution use. Construction of new industrial / warehouse buildings on six pre-formed development plateaux - comprising up to 63,000sqm gross floor space for use within use class B1(c) - light industrial use; use class B2 - general industrial use or use class B8 storage/distribution. Approval sought now for Access, Scale, Layout & Landscaping; with Appearance reserved. Business Park, Hall End Farm, Watling Street, Dordon, B78 1SZ Full application - Demolition of existing buildings, totalling 3,785 sqm of mixed use employment floorspace and engineering works to construct a signal controlled vehicle access to the A5; a site access road; to form six development plateaux; associated site drainage and attenuation measures and landscaping,	General
3	PAP/2013/0338	55	8 Shawbury Village, Shawbury Lane, Shustoke, Coleshill, Change of use of building to holiday let accommodation in association with 8 Shawbury Village (and inclusion of land to be used as drive).	General

4	PAP/2013/0357	71	Hilltop House, Mill Lane, Fillongley, Erection of a garage and gymnasium building, with a sunken form, incorporating a pitched roof	General
5	PAP/2013/0380	78	Abbey Green Park, Grendon Road, Polesworth, Warwickshire, Installation of lighting to the principle paths within the park as set out in the approved management plan. The aim is to facilitate evening use of the pavilion and to address community safety issues around the pavilion and the play and sports facilities. The works are to be carried out in conjunction with the overall refurbishment of the Park.	General
6	PAP/2013/0425 and PAP/2013/0426	90	The Coleshill School, Coventry Road, Coleshill, Warwickshire, Variation of condition no: 2 & 9 of planning permission PAP/2012/0610 relating to revisions to approved drawings & vehicular and pedestrian access arrangements, including additional road markings, together with the full parking and turning area provision, including car parking barriers; in respect of new sports centre building with car parking space, landscaping and boundary fencing	General

General Development Applications

(1) Application No: PAP/2013/0052

Land Adjacent to, 1 Ivyleigh Villas, Church Lane, Shuttington, B79 0EB

Outline - erection of new dwelling, for

Mrs Sara Jones

Introduction

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

The Site

The site is to the side of No.1 Ivy Leigh Villas, and fronts Church Lane which is an un-adopted road, but which happens to “host” a public right of way. Church Lane serves existing dwellings along its length and the Church beyond. To the side and rear of the application site, there is an existing path which allows pedestrian access into the housing estate at the rear. Church Lane has a surface that is part gravel and part tarmac.

Church Lane is accessed of Shuttington Road which is a main classified road. The topography of the land is such that Church Lane slopes up from Shuttington Road and also the dwellings opposite the application site are at a lower level.

The existing dwelling of No.1 Ivy Leigh is semi-detached. The application site currently has a garage sited on it which serves No.1 and this is set around 2 metres lower than the base of the window to No.1.

The site over looks the valley and open countryside to the west.

The dwellings on the opposite side of Church Lane are modern style bungalows and the dwellings fronting Shuttington Road have rear elevations facing to the side of the site. Shuttington has a mix of dwelling designs.

The site area is 0.27 hectares, and the location is shown in Appendix 1.

The Proposal

This is an outline application seeking the Council’s support in principle for the erection of a detached dwelling. The proposal is for a three bedroom dwelling with parking to the front. The property would use the existing access from Church Lane and have a private rear garden. The indicative designs can be seen in Appendix 2 and the siting would in line with the front of No.1 Ivy Leigh. Photographs of the site and area can be viewed in Appendix 3 for information.

Although the application is in outline for one dwelling the applicant has submitted an illustration as to how such a house might be accommodated on the site. This is to be treated as illustrative material and is not to be determined as part of this application. Nevertheless it is a material consideration of some weight as it provides a useful and reasonable understanding of what might be constructed on the site should an outline

planning permission be granted. The illustration in the Appendices shows a house with its ridge running parallel to Church Lane in a cottage style with roof eaves dormers and a traditional two storey design. The roof space on the front elevation is proposed to contain solar panels. Members should be aware that this is a different illustration from that originally submitted with the application. It shows a dwelling that has less height and a different design.

The applicant has submitted a draft Section 106 Agreement with the application offering a contribution of £7000 in lieu of on-site affordable housing provision.

Background

Planning permission was granted for extensions to No.1 Ivy Leigh in the 1990's.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006 - Core Policy 2 (Development Distribution), ENV10 (Energy Generation and Energy Conservation) ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), and TPT6 (Vehicle Parking).

Other Relevant Material Considerations

Government Advice: - National Planning Policy Framework 2012

NWBC Core Strategy Submission Version 2013 – the relevant policies are; NW3 (Housing Development); NW5 (Affordable Housing); NW8 (Sustainable Development); NW9 (Renewable Energy and Energy Efficiency) and NW10 Quality of Development).

Supplementary Planning Guidance: - The Council's SPG – A Guide for the Design of Householder Developments – Adopted September 2003

Local Finance Considerations - New Homes Bonus

Consultations and representations

Warwickshire Police – No objection

Severn Trent Water – No objection

Environmental Health Officer – No objection subject to a site investigation.

UK Coal Authority – The developer should seek appropriate technical advice before any works are undertaken due to the mining history of the area. Additional notes are recommended in the case of a planning permission being granted.

Warwickshire Museum – No objection subject to a standard condition requiring agreement for an archaeological brief to scope an investigation on site prior to work commencing.

Valuation Officer – The off-site contribution is reasonable.

WCC Footpaths – No objection subject to notes being added to the grant of planning permission relating to the need not to obstruct the public footpath.

WCC Highways Authority – An objection has been made on the grounds of poor visibility at the junction of Church Lane and the Shuttington Road due to cars parked on the main road and the steep incline to the south; the width of Church Lane being only 3.2 metres wide and already catering for other houses and church events, the potential to have refuse bins stored on the road, and potential difficulties during the construction period due to the substandard visibility and the width of Church Lane.

Representations

Shuttington Parish Council has lodged an objection based on the following matters:

- The site was not one of those previously listed as an allocated site.
- Church Lane is very narrow, narrowing even more at the point of the proposed building, and yet it would appear that the building line is being brought forward, leaving no manoeuvring space and no parking either.
- The access and egress from Church Lane onto Main Road has been a constant course of concern for many years and continues to be dangerous.
- Already there is severe congestion on Main Road, and again the Parish Council has sought an acceptable solution, but without success. There is already too little parking available to residents along Main Road.
- Concerns were also raised about the amount of garden that would be consumed by building this new house, and the knock-on effect that this would have in over-shadowing other properties, restricting their light and removing their privacy, as windows are situated over-looking neighbouring properties and their gardens.
- There are also problems with sewer over-load in this part of the village too.

Objections have been received from two neighbours repeating the matters raised above but also referring to the potential impacts of the proposal on their residential amenity particularly on the bungalow to the west and that the proposal is too cramped; over intensive, being out of character and leading to parking and highway problems. Whilst these remarks were made in respect of the original indicative drawings submitted with the application, they raise issues which should equally be considered against the revised illustrations copied in the Appendices.

Observations

a) Introduction

This application has generated a significant number of issues, and all of these will need to be addressed in the determination of this case. This report will first look at matters of principle before exploring the more detailed issues raised by the representations.

It is first important to stress to Members that this is an outline planning application, not a detailed one. The determination thus rests on whether the principle of one house with its access from Church Lane is appropriate at this site. Notwithstanding this, there are three points that need to be made from the outset. Firstly, indicative plans have been submitted to illustrate how such a house might be accommodated here. Whilst not part of the application, they are material and do carry weight, because they do inform the Board as to what the outcome on the site might look like if it is developed in line with this outline application. Secondly, if the application is granted outline permission, it is open to Members to attach conditions controlling elements of the development so as to possibly reduce or mitigate any adverse impacts that they might see arising, or to provide the framework for the later detailed submission – as a form of development

brief. Finally of course, it is open to the Board to conclude that the potential impacts arising from the development are of such weight that they might individually or cumulatively outweigh any support in principle.

b) The Principle and Affordable Housing

The application site lies within the Development Boundary of Shuttington as defined by the Local Plan. The Plan also requires all new housing here to be affordable housing. The emerging Core Strategy and the draft Preferred Options for Site Allocations set out that Shuttington is suitable for an additional ten dwellings and the application site itself has been defined as a site suitable in meeting this target.

There is therefore no objection in principle to this development proposal. The issue of principle is thus one of how the affordable housing matter should be addressed. The applicant has set out how this particular development can not be affordable, but that in lieu of on-site provision, a contribution can be offered. This will assist in the provision of affordable housing by the Council to help meet the Council's target of 40 percent of all dwellings completed by 2028 of being affordable. A copy of the draft agreement setting out this offer can be viewed in Appendix 4. Moreover the proposed dwellings would deliver the Council's five year land supply.

c) Traffic and Parking

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

Firstly it is agreed that visibility from Church Lane onto Shuttington Road is not within guidance and therefore sub-standard. However it already provides unrestricted full vehicular access for five dwellings and for Church events. It is not considered that the addition of one dwelling would materially worsen the existing situation. Similarly it is acknowledged that the Lane is narrow but it already serves the existing dwellings and Church activities. One additional house would not materially worsen that situation. In respect of bins, then an appropriate condition can be added to store bins on-site as there is room and opportunity to do so at this stage in the process. The construction period will be difficult, but it will be transitory.

There is sufficient space on-site to accommodate car parking provision for two cars and this provision can be conditioned to remain in perpetuity.

As a consequence it is considered unusually, that whilst there is indeed concern about highway matters, there is insufficient evidence for a refusal.

d) Amenity Issues

The impact of the proposed dwelling on the residential amenities of surrounding occupiers needs to be considered by the Board. The application here is in outline and thus the illustrations provided need not necessarily be the final detailed design of any house, if one is eventually permitted. However they do provide a basis on which to assess likely impact, and the main elements that could give rise to amenity issues are now considered.

Given the vehicle parking distance required to accommodate on-site parking the dwelling would have to be located further into the site. The existing separation to the nearest part of number 4 on the other side of the Lane is already approximately 20 metres. The additional set back will increase this separation. Such a distance is considered to be acceptable. However in this case there is a noticeable drop in levels such that from the first floor of “Ivy Leigh” – the existing house – it is possible to view the entire roof of No.4 and also look into the ground floor window. Overlooking is therefore an existing issue from the existing house, but the proposed dwelling will be at angle and the indicative first floor layout shows cottage style dormer windows at eaves level, thus reducing the likelihood of overlooking. This arrangement can be conditioned in the event of a planning permission.

Properties on Shuttington Road are approximately 20 metres from the proposed dwelling and this separation distance is considered to be acceptable.

As such, it is not considered that there is anything here that is so unusual that there is a case for refusal on the likely adverse impacts on the amenity of local occupiers. Planning conditions can be added to any permission in order to protect this position.

e) Sustainability and Energy Conservation

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

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

f) Other Planning Issues

The Council has to ensure that it has a five year supply of land available and that new housing is constructed in appropriate settlements such that green field land is not lost. This additional house would thus assist in meeting the overall planning objectives of the Council as outlined in its emerging Development Plan.

The proposal is considered to be fully accord with the National Planning Policy Framework.

The public footpath to the front of the site is not considered to be affected by the proposal and relevant notes can be attached to any approval Notice.

g) Construction

There is nothing unusual about this site to warrant conditioning particular construction operations. It is accepted that it is in a residential area but the great majority of construction work in the Borough is carried out in such circumstances. There will be some inconvenience and disruption through the construction period but this would only be for a temporary period, and if other residents had to undertake works to extend their property for instance, they too would expect access directly to their land. On balance, use of the lane is considered to be acceptable and work will have to take place within the confines of the site so not to block existing rights of way and traffic movements.

Recommendation

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

1. This permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 on an outline approval, and the further approval of the Local Planning Authority shall be required with respect to the undermentioned matters hereby reserved before any development is commenced:-

- i) Layout
- ii) Scale
- iii) Appearance
- iv) Landscaping
- v) Access

REASON

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

2. In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission.

REASON

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

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of all reserved matters.

REASON

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

4. The development hereby approved shall not be carried out otherwise than in accordance with the site location plan received by the Local Planning Authority on 4 February 2013.

REASON

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

5. For the avoidance of doubt this permission is for the erection of one, one and half storey dwelling as viewed from the front elevation and a two-storey dwelling from the rear. The height of the dwelling shall not exceed 7.4 metres to the ridgeline. The ridge line should run north west to south east. There shall be a maximum of two roof eaves dormer dormers windows in the front elevation at two windows panes wide. Any side windows or doors shall be obscurley glazed.

REASON

In the interests of the amenities of the area.

6. No development whatsoever within Classes A, B, C, D, E, of Part A, of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995, as amended in 2008 shall commence on site.

REASON

In the interests of the amenities of the area.

7. The gradient of the access to the site shall not be steeper than 1:12 at any point for a distance of 5.0 metres, as measured from the near edge of the public highway carriageway.

REASON

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

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

REASON

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

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

REASON

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

10. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

REASON

To ensure the recording of any items of archaeological interest.

Notes

1. The proposed development is on a site where coal measures are believed to be near the ground surface. This means that there is the possibility that they may have been worked at some point in the past and that the workings are not recorded. This means that, there may be mining waste near the surface and or voids at shallow depth which require treatment (more from a geotechnical perspective). As the voids issue is more a building control regulated concern, I am only concerned at this point with the quality of the soil in the proposed garden area given the potential former use of the development as a shallow coal mine.

2. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. 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. If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk.

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

4. You are recommended to seek independent advice on the provisions of the Party Wall etc., Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet entitled "The Party Wall etc., Act 1996" is available from Her Majesty's Stationary Office (HMSO), Bull Street, Birmingham, during normal opening hours or can be downloaded from the Communities and Local Government web site - <http://www.communities.gov.uk/publications/planningandbuilding/partywall>.

5. The Town and Country Planning (General Permitted Development) Order 1995, as amended in October 2008, introduces controls relating to the hard surfacing of front gardens to ensure that surface water run off is directed to permeable or porous locations (Schedule 2, Part 1, Class F). If you propose to create a new hard surface or replace an existing hard surface in the front garden to a dwelling house you are advised to refer to the guidance document found on the government web site www.communities.gov.uk, entitled 'Guidance on the permeable surfacing of front gardens' and seek advice about the need for planning permission if you are in doubt. Under the changes to the Householder permitted Development rule of 2008, hardstanding to the front of dwelling should be permeable, otherwise hardstanding of more than 5 square metres will require planning permission.

6. The Development Plan policies which are relevant to this Decision are as follows:
North Warwickshire Local Plan 2006 (Saved Policies):
Saved Policies of the North Warwickshire Local Plan 2006 - Core Policy 2 (Development Distribution), ENV2 (Green Belt), ENV10 (Energy generation and energy conservation) ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV10 (Energy generation and energy conservation), HSG2 (Affordable Housing), HSG4 (Densities), TPT3 (Access and sustainable travel and transport), TPT6 (Vehicle Parking).

Other Relevant Material Considerations

Government Advice: - National Planning Policy Framework 2012

NWBC Core Strategy Submission Version 2013 - the relevant policies are; NW2 (Green Belt); NW3 (Housing Development); NW5 (Affordable Housing); NW8 (sustainable Development); NW9 (Renewable Energy and Energy Efficiency); and NW10 Quality of Development).

Supplementary Planning Guidance: - The Council's SPG - A Guide for the Design of Householder Developments - Adopted September 2003

6. 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.

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 objections and issues, along with suggesting amendments to improve the quality of the proposal, as well as meetings and negotiations. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

8. Public footpath number T109 passes close to the site. Care should be taken, particularly during construction works, to ensure that this route is kept open at all times. The vehicle users should exit from the site in a forward gear, as reversing drivers will have reduced visibility of approaching pedestrians.

- Public footpath T109 must remain open and available for public use at all times, so must not be obstructed by parked vehicles or by materials during construction.

- If it is necessary to close public footpath T109 for any length of time during construction then a Traffic Regulation Order will be required. Warwickshire County Council's Rights of Way team should be contacted well in advance to arrange this.
- The Highway Authority are required to maintain public footpath T109 to a standard required for its public use by pedestrians only and not to a standard required for private vehicular use.
- Any disturbance or alteration to the surface of public footpath T109 requires the prior authorisation of Warwickshire County Council's Rights of Way team.

BACKGROUND PAPERS

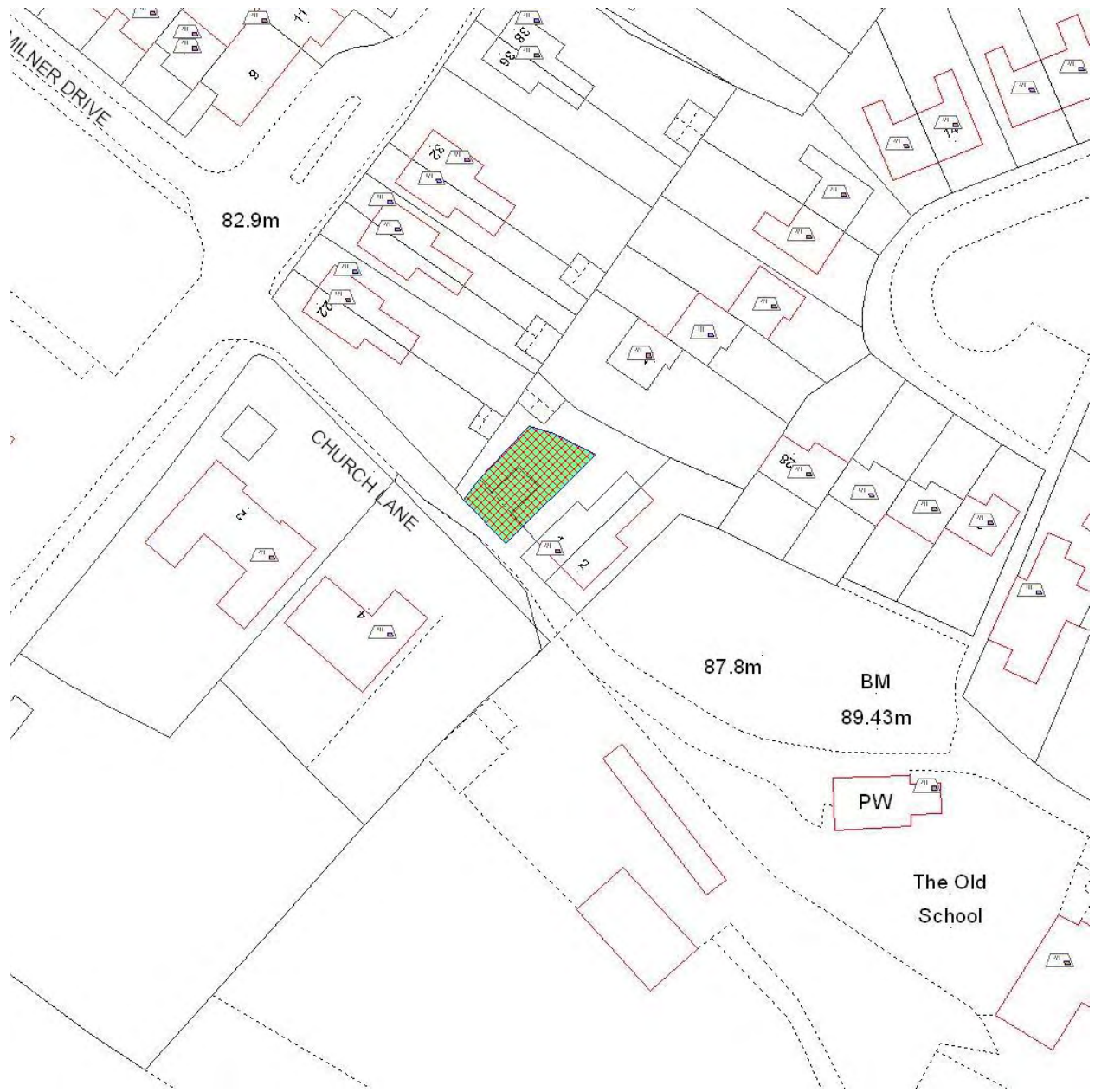
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2013/0052

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	4/2/13
2	Warwickshire Police	No objection email	5/3/13
3	Severn Trent Water	Consultation response	7/3/13
4	Case officer	Letter to agent	12/3/13
5	NWBC Environmental Health	Consultation response	12/3/13
6	Cllr T May	Email to planning	19/3/13
7	Head of Development Control	Email to Cllr T May	19/3/13
8	Neighbour 4 Church Lane	Objection email	20/3/13
9	Neighbour 2 Church Lane	Objection email	21/3/13
10	Parish Council	Objection email	20/3/13
11	Case officer	Letter to agent	22/3/13
12	NWBC Forward Planning	Consultation response	21/3/13
13	Agent	Letter to case officer	25/3/13
14	WCC highways	Consultation response	28/3/13
15	Case officer	Letter to agent	5/4/13
16	Agent	Letter to case officer	4/4/13
17	NWBC Land valuer officer	Email to case officer	4/4/13
18	WCC Footpaths Team	Email to case officer	27/3/13
19	Case officer	Letter to agent	8/4/13
20	Agent	Email to case officer	21/4/13
21	Case officer	Email to WCC Footpaths	22/4/13
22	Agent	Letter to case officer	23/4/13
23	Coal Authority	Report	4/2/13
24	WCC footpaths	Email to case officer	30/4/13
25	WCC Archaeology	Email to case officer	8/5/13
26	Case officer	Email to Cllr May	20/6/13
27	Case officer	File note	1/7/13
28	Case officer	Email to agent	1/7/13
29	Agent	Email to case officer	5/7/13
30	Case officer	Email to agent	5/7/13
31	Agent	Email to case officer	30/7/13
32	Case officer	Email to agent	19/8/13
33	Case officer	Meeting with agent	29/8/13
33	Case officer	Meeting with agent	29/8/13
35	Case officer	Email to Cllr May	17/9/13

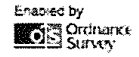
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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.



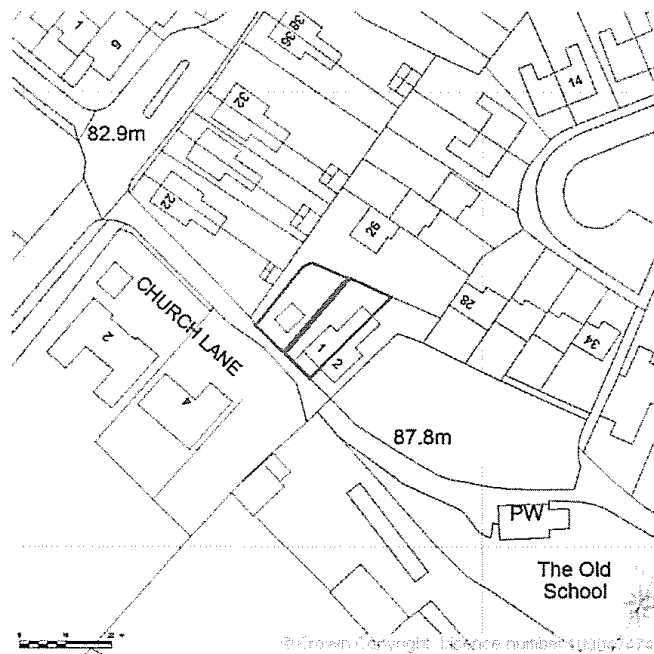
Appendix 1 – Site location plan

APPENDIX 1



SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250

CENTRE COORDINATES: 425468, 305247

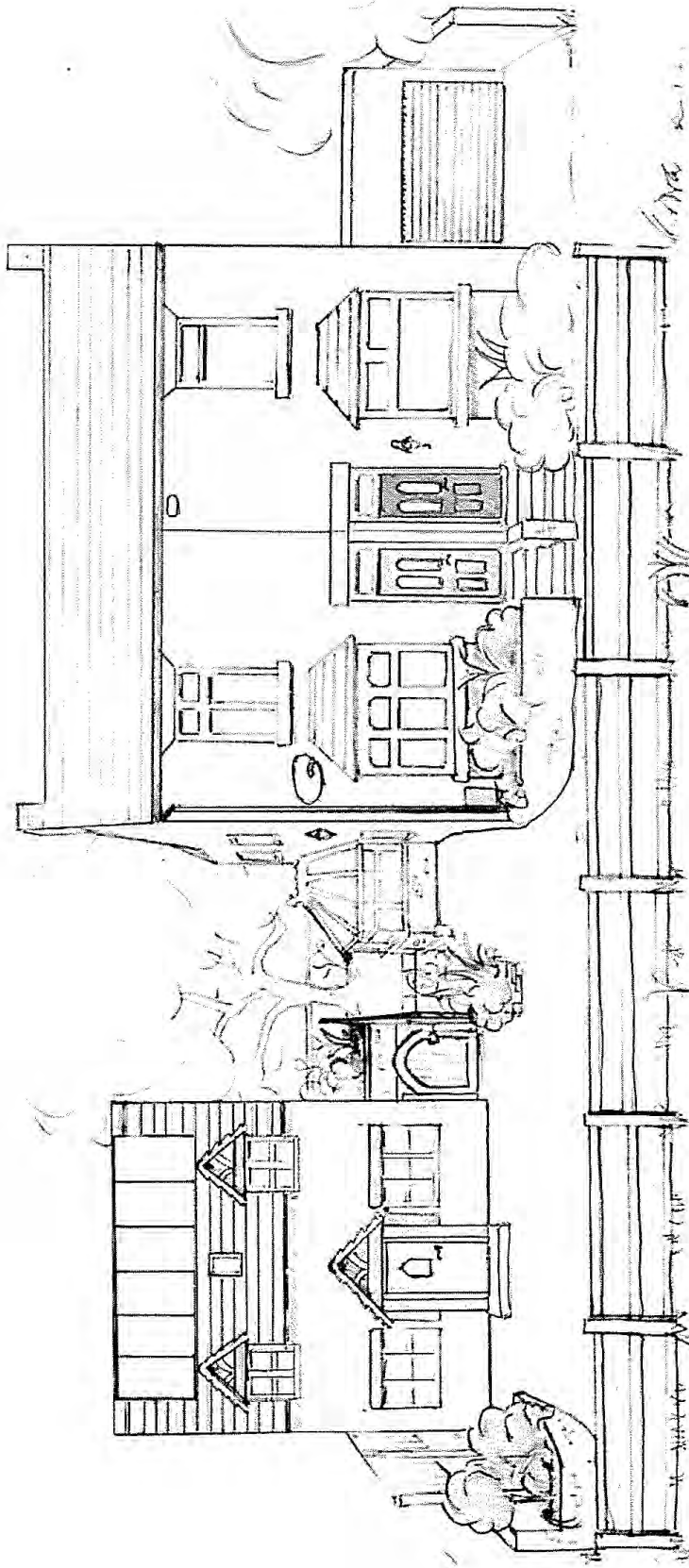


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2013 / 0052



Artist's impression of proposed new dwelling on land adjacent to 1, Ivy Leigh Villas, Church Lane, Shuttington

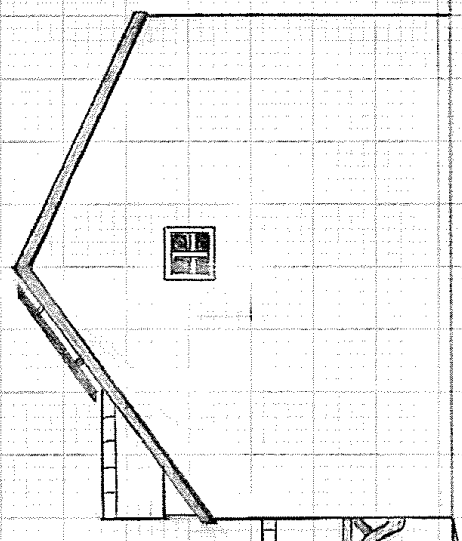
Reid
16/9/13

2013 / 0052

PROPOSED NEW DWELLING AT LAND ADJACENT TO 1, IVY LEIGH VILLAS, CHURCH LANE, SHUTTLETON
EXISTING LEVELS / CONTOURS

SCALE 1:100

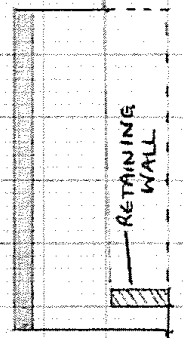
PROPOSED



CHURCH LANE

RETAINING WALL

EXISTING



CHURCH LANE

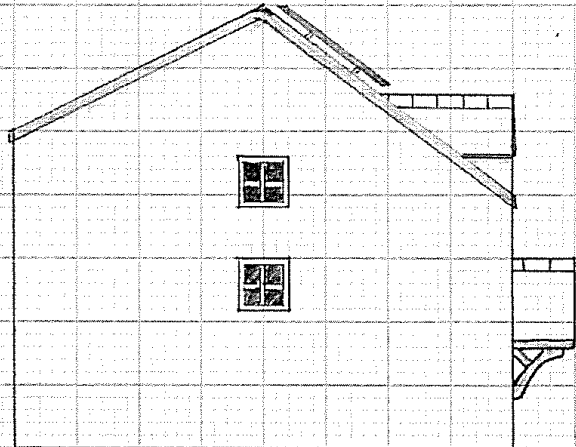
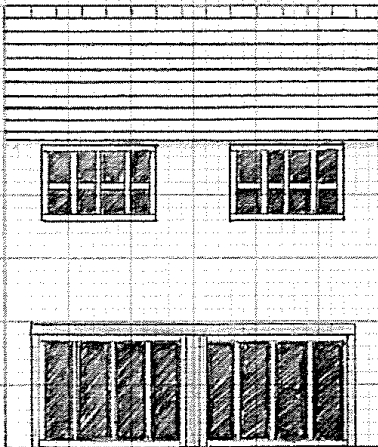
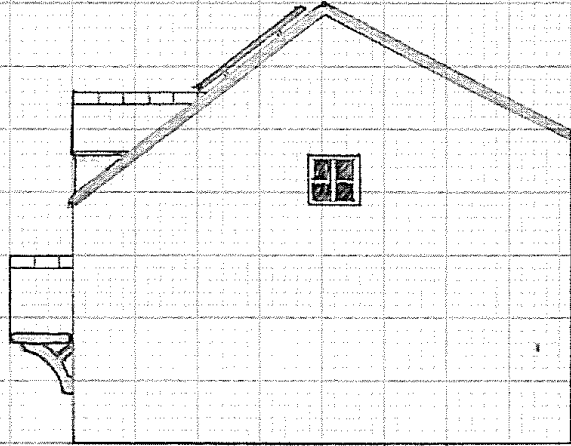
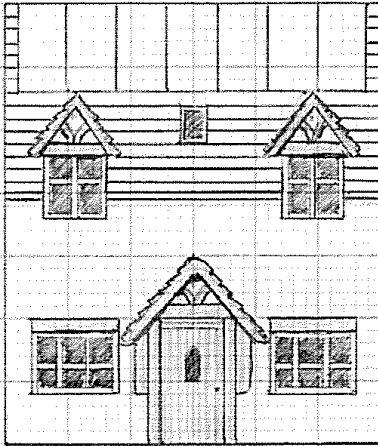
RETAINING WALL

Re'd 14/9/13

2013 / 0052

PROPOSED NEW DWELLING AT LAND ADJACENT TO 1, IVY LEIGH VILLAS, CHURCH LANE, STUTTINGTON
ELEVATIONS

SCALE 1:100



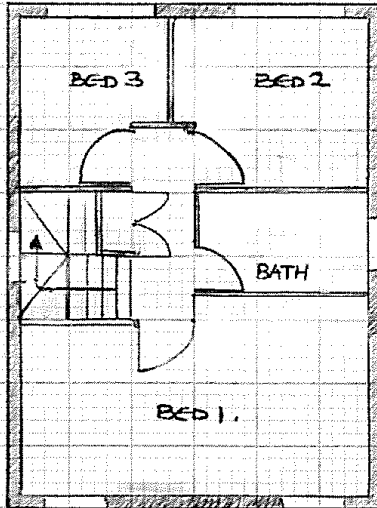
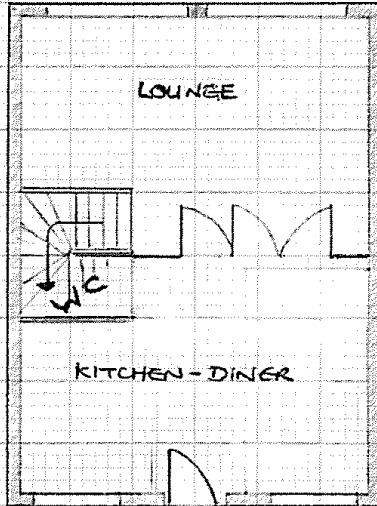
Reid 16/9/13

2013 / 0052

PROPOSED NEW DWELLING AT LAND ADJACENT TO 1, IVY LEIGH VILLAS, CHURCH LANE, SHUTTINGTON.

FLOOR PLANS

SCALE 1:100



Recd 16/9/13

2013/0052

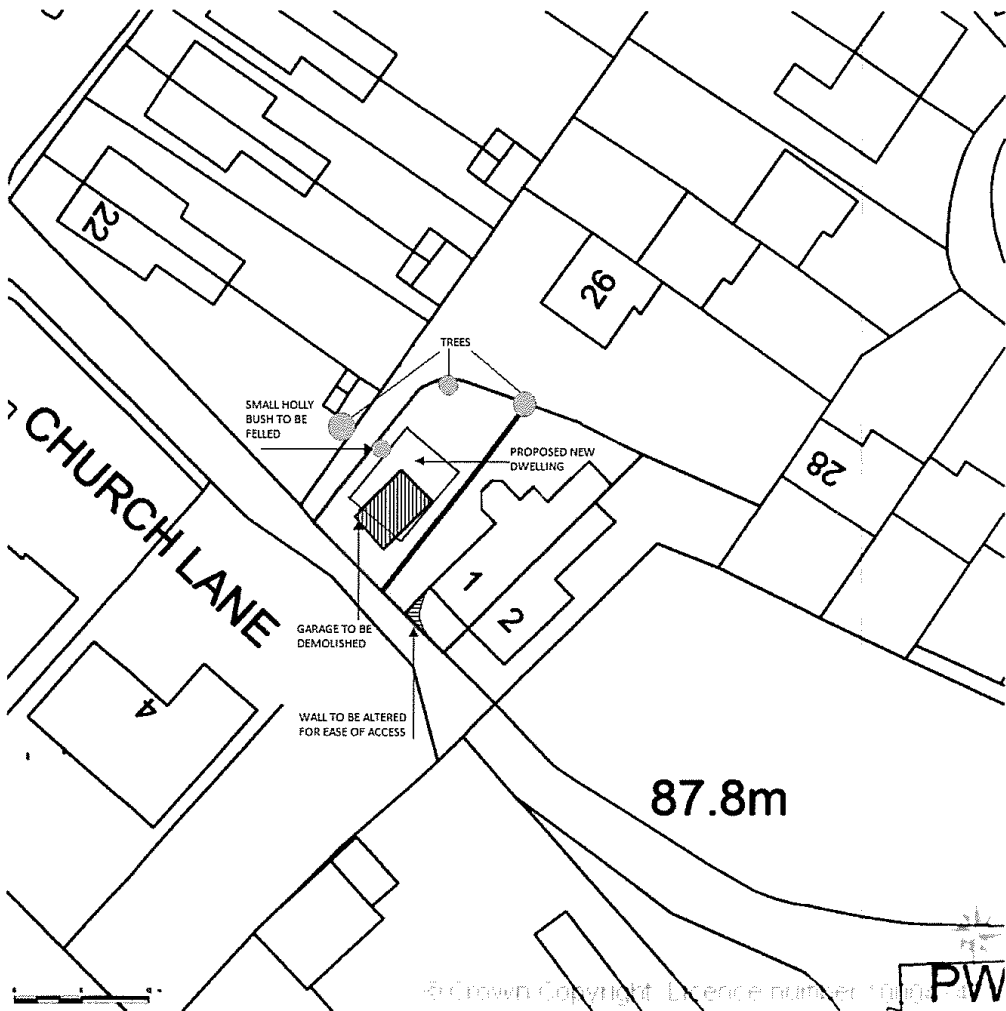


NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
4-Feb-13
PLANNING & DEVELOPMENT
DIVISION



BLOCK PLAN
AREA 90m x 90m
SCALE 1:500

CENTRE COORDINATES: 425468, 305250



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Appendix 3 – Photographs of the site



Appendix 4 – Draft legal agreement

2013 / 0052

THIS AGREEMENT is made the day of Two Thousand and Thirteen

BETWEEN:-

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

AND

(2) Sara Vivien Jones and Anthony John Jones of 1, Ivy Leigh Villas, Church Lane, Shuttington,
Tamworth, Staffordshire B79 0EB ("the Land Owners")

DEFINITIONS

The Land means the land adjacent to 1 Ivy Leigh Villas, Church Lane, Shuttington, contained number WK257423 shown more particularly edged in red on the plan at Appendix 1.

BACKGROUND

1. The Council is the Local Planning Authority for the purposes of the Town and Country Planning Act 1990 ("the Act") for the Land.
2. The Land Owners are the registered proprietors of the Land.
3. A planning application has been made to the Council under reference (PAP/2013/0052) for planning permission for ONE residential dwelling ("the Development") on the Land.
4. The Council has resolved to grant Planning Permission for the Development subject to the completion of this Agreement for the purpose of providing a contribution towards affordable housing within the area ("the Planning Permission").
5. This Deed is made pursuant to Section 106 of the Town and Country Planning Act 1990 to the intent that it shall bind the Owner, Applicant and successors in title to each and every part of the Land and the covenants contained herein are planning obligations for the purposes of Section 106 of that Act.

6. THE LAND OWNERS' OBLIGATIONS

The Land Owners hereby covenant with the Council that:

- 6.1. The Land Owners shall not carry out the Development except in accordance with the planning permission.
- 6.2. Prior to commencement of the Development, the Land Owners agree to pay to the Council £5,000.00 as a contribution towards affordable housing in the area; which will to be used by the Council in accordance with paragraph 7 .2.

7. COUNCIL COVENANTS

The Council covenants that:

7. 1. It will immediately issue the Planning Permission subject to conditions.

7.2. The contribution detailed in paragraph 6.2 will be spent within the borough. The Council will take reasonable steps to inform the public of where and for what the contribution has been used for and also inform the Land Owners by letter on request.

8. AGREEMENTS BETWEEN THE PARTIES

It is agreed between the parties:

8.1. If the Planning Permission is revoked or withdrawn or expires before the Development has been initiated within the meaning of Section 56 of the Act, this Agreement shall cease to have effect.

8.2. The Land Owners or their successors in title shall not at any future date seek to serve a purchase notice or otherwise seek compensation from the Council in respect of the land on the grounds that it has become incapable of reasonable beneficial use in its existing state as a result of the completion of this agreement.

8.3. Nothing in this Agreement will create any rights in favour of any person pursuant to Contracts (Rights of Third Parties) Act 1999.

8.4. Nothing in this Agreement shall be construed or implied so as to prejudice rights, discretions, powers, duties and obligations of the Council under all laws, statutes, byelaws, statutory instruments, orders or regulations in the exercise of its local authority or require the Council to spend capital money.

8.5. All notices, approvals, consents or other documents involving the Council under the provisions of this Agreement shall be issued by or served on the Council's Head of Development Control at The Council House, South Street, Atherstone, Warwickshire CV9 1DE.

8.6. The Developer shall pay to the council all the council's reasonable legal costs in the preparation and execution of this Agreement limited to the sum of £350 inclusive of any value added tax.

8.7. This Agreement shall be registered as a Local Land Charge for the purposes of the Local Land Charges Act 1975.

8.8. No person shall be liable for any breach of non performance or non observance of the covenants, restrictions or obligations contained in this Deed that occur after they have parted with their interest in the land or that part in respect of which such breach, non performance or non observance occurs, but without prejudice to their liability for any subsisting breach prior to parting with such interest.

8.9. Any dispute or difference which shall at any time hereafter arise between the parties hereto concerning this Deed shall be referred to a single arbitrator to be agreed upon by the parties to the dispute or in default of agreement to be nominated by the president (or other officer for the time being delegated to make such appointment) of the Royal Institute of Chartered Surveyors.

THE COMMON SEAL of NORTH
WARWICKSHIRE BOROUGH COUNCIL
was hereby affixed in the presence of



Designated Officer:

Sara Vivien Jones

Signed:

Date:

Witnessed by:

Anthony John Jones

Signed:

Date:

Witnessed by:

AGREEMENT

(under Section 106 of the Town and Country Planning Act 1990)

Relating to Land at:

1, Ivy Leigh Villas, Church Lane, Shuttington, Tamworth, Staffordshire B79 0EB WK257423

(2) Application Nos: PAP/2013/0269 and PAP/2013/0272

Application No: PAP/2013/0269

Business Park, Hall End Farm, Watling Street, Dordon, B78 1SZ

Outline application - Change of use of 17.47 ha of land from agricultural use to employment use within use class B1(c) - light industrial use; use class B2 - general industrial use and use class B8 - storage or distribution use. Construction of new industrial/warehouse buildings on six pre-formed development plateaux - comprising up to 63,000sqm gross floor space. Approval is sought now for Access, Scale, Layout and Landscaping details; with Appearance as a reserved matter.

Application No: PAP/2013/0272

Business Park, Hall End Farm, Watling Street, Dordon, B78 1SZ

Full application - Demolition of existing buildings, totalling 3,785 sqm of mixed use employment floorspace and engineering works to construct a signal controlled vehicle access to the A5; a site access road; to form six development plateaux; associated site drainage and attenuation measures and landscaping,

both for

Mr David Hodgetts - Hodgetts Estates

Introduction

These applications propose development for employment use of land situated between the A5 Trunk Road and the Birch Coppice Business Park development. The land is owned by Hodgetts Estates.

The Birch Coppice Business Park has been developed in three separate phases. The first phase was the re-development of the former Birch Coppice colliery site; Phase two comprises the area to the south east extending to Lower House Lane, where Ocado Ltd is now located, and Phase 3, for which planning permission has recently been granted, encompasses the land to the east of the application site extending to Gypsy Lane. This comprises the site of the former dwelling house known as The Beanstalk and former agricultural land surrounding Holt Wood.

Whilst these current applications are departures, in that the development proposed does not accord with allocations in the approved Development Plan, should the Council be minded to grant permission, under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009, the current applications will not need to be referred to the Secretary of State for his consideration.

A draft legal agreement under Section 106 of the Planning Act is submitted with the applications. This proposes financial contributions to improve access to the development, through support for existing public transport routes; improvements to cycle access, and for training for local people to enhance access to job opportunities.

The Site

This comprises an area of 17.5 hectares. The northern part, 2.5 hectares, includes the Hall End Business Park with the remainder of the site in agricultural land. The land slopes down from the Hall End Business Park to the Penmire Brook; the vertical fall in height is 20 metres, from 102 metres above sea level, AOD (above Ordnance Survey datum) at Hall End Business Park to 82 metres AOD at the Penmire lake. Public footpath AE49 runs along the eastern boundary of the site before crossing the site to Phase 1 of the Birch Coppice Business Park; public footpath AE57 branches from this to the Penmire Lake. The diversion of parts of the routes of both of these existing paths will be necessary to accommodate the proposed development. The Hall End Business Park comprises a range of buildings and areas used for outside storage. The buildings are of varying ages, some relative recent. Hall End Hall is situated between the Hall End Business Park and the A5 and this is a statutory listed building, grade 2. This is excluded from the application site and will remain.

Background

An application by IM Properties for an extended Phase 3 Birch Coppice Distribution Park was recently referred to the Board. This proposed a similar development on the agricultural land within the current application site. The Board resolved to approve this application subject to the resolution of outstanding matters relating to the archaeological investigation of the site, following to the recommendation of the Warwickshire Museum that this should be undertaken prior to a grant of planning permission, and the finalisation of details within a Section 106 Agreement submitted with the application. The required archaeological investigation has now been undertaken and details are submitted with the current application.

The Proposals

The first application, reference PAP/2013/0269, seeks outline planning permission for the change of use of the land and for the erection of new buildings with a total gross floor space of 63,000 m² for employment uses within Use Classes B1 (c) - Light industry; B2 - General industry and B8 - Storage and Distribution. Details of the access arrangements; the site layout, the scale of the development in terms of the gross floor space of new buildings and landscaping are submitted for consideration now. Details of the design, height and appearance of buildings and external areas are reserved for later consideration by approval of reserved matters.

Existing buildings within the Hall Farm Business Park and the older brick buildings to front of Hall End Hall will be demolished, with the exception of a former milking parlour, and the small brick building immediately to the west of Hall End Hall, which will be retained.

The proposed site layout is shown in Appendix 1. This creates six development areas. Areas A, B and C are close to the A5, to the side and rear of Hall End Hall, and will house buildings of 1,670 m², 1,450 m² and 2300 m² respectively. These buildings could be divided into smaller units. Areas D, E and F step down the sloping land to the rear. Area D at 100m AOD will offer the largest development plateau; Area E at 95m AOD is smaller and Area F at 89m AOD is the smallest of the three. These would provide buildings of up to 31,250 m², 18,300m² and 7,150m² respectively, each with an associated service yard with HGV parking and separate care parking area. Car parking

provision will be required in accordance with adopted parking standards. Appendix 2 includes a profile through the application site to show the plateaux levels and indicative heights for buildings.

A new signal controlled junction, with a dedicated right turn lane, will provide vehicle access from the A5 and an internal site access road will run to the rear of Hall End Hall and along the eastern boundary of the site to areas D, E and F. Alternative routes for the existing public footpaths will be created within the site. This will result in only minor deviation from the existing routes.

Small ponds located within site form part of the drainage strategy to attenuate surface water runoff. Areas of planting, up to 20m in depth, will be provided to the A5 site frontage. These areas together with the ponds will provide natural habitat within the site.

The second application, reference PAP/2013/0272, seeks full planning permission for the demolition of the existing buildings to be removed and for the engineering works to prepare the site for development. These works will involve creating the new vehicle access to the A5 and the internal access roads, installing the site drainage and other infrastructure, boundary planting and landscaping and the ground works to form the six level development plateaux. This will allow these works to be progressed in advance of the approval of the reserved matters of appearance of the proposed buildings required by the outline application.

Supporting Documentation

Supporting documents submitted with the application include an Environmental Statement with a Non -Technical Summary ; a Planning Statement with appendices, a Design and Access Statement' a Transport Assessment, reports covering Civil Engineering, Geo-physical, Hydrology, Flood Risk Assessments and Drainage Strategy; Contamination Desk Study and Ground Investigation (the area covered by the existing Hall End Business Park however was not sampled and thus further investigation of this area is necessary), Scheme of Archaeological Investigation and report of trench fieldwork investigation, Arboricultural, Habitat and Protected Species surveys for Bats and Great Crested Newts; a Marketing Report and Community Engagement.

The Environmental Statement includes detailed assessments of the impacts for Landscape and Visual appearance, Transport, Noise and Vibration, Ground Conditions, Ecology, Protected Species, Hydrology, Drainage and Archaeology.

The Planning Statement set out the planning policy issues relevant to the principle of the development on this site not allocated in the Development Plan; referencing the national planning policy framework, existing local planning policies and the emerging core strategy and evidence tested in regional consideration of employment provision, regional logistics sites and local employment opportunities and the implications for road and rail transport.

The Market report identifies potential demand for both large and smaller units in this location from businesses who wish to establish a presence in this area. The proximity to the Birmingham International Rail Freight Terminal in Birch Coppice Phase 1 is often a key consideration, and from businesses who wish to service existing businesses nearby.

The proposed development will provide units of varying size. Smaller units will be within new buildings erected within the area of the existing Hall End Business Park, with three larger units provided on the land to the south.

Section 106 Legal Agreement

The applicant is proposing to enter into a Section 106 Agreement. A draft agreement is submitted with the application. This proposes payment of a financial contribution totalling £98,756. This is directed to improving access to the development by public transport; enhancing cycle access and for training and promotion targeted for local people to enhance access to the employment opportunities created. Similar contributions have been secured from the previous phases of the Birch Coppice development and these have been used to support an improved bus service and a skills training programme. The contribution offered now should be used to support the arrangements already in place to provide better access by public transport and to improve the opportunities for local people to access jobs at Birch Coppice. In addition improvements to other existing routes leading to Birch Coppice from local areas to allow enhanced cycle access need to be encouraged.

The applicant considers the level of contribution offered is proportionate for the associated requirements and similar to that offered in previous applications for development at Birch Coppice. This is broadly accepted, but further negotiation on the detail of the draft, particularly on the issue of the cycle access improvements is necessary to finalise the agreement.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 1 (Social and Economic Regeneration); Core Policy 2 (Development Distribution), Core Policy 11 (Quality of Development) and Core Policy 12 (Implementation), policies ENV1 (Protection and Enhancement of Natural Landscape), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV8 (Water Resources), ENV10 (Energy Generation and Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV14 (Access Design), ECON1 (Industrial Sites), TPT1 (Transport Considerations), TPT2 (Traffic Management), TPT3 (Access and Sustainable Transport), TPT5 (Freight Movement), TPT6 (Vehicle Parking).

Other Material Planning Considerations

Panel Report into the Preferred Options for the Phase 2 Revision of the RSS – 2009
National Planning Policy Framework – 2012
NWBC Proposed Submission Core Strategy – 2012
Strategic Rail Freight Interchange Policy Guidance – Department for Transport: 2011
The Logistics Growth Review – Connecting People with Goods – DFT: 2011
Local Growth: Realising Every Place's Potential – DCLG: 2010
The Plan for Growth - HM Treasury: 2011
Supporting Local Growth – DCLG: 2011
The Coventry and Warwickshire Economic Assessment – 2011

Consultations

Highways Agency – No objection subject to conditions.

WCC Highways – No objection subject to conditions.

Environment Agency – No objection subject to conditions to ensure a sustainable drainage and a remediation strategy for any unexpected contamination.

Severn Trent Water Ltd – No objection subject to a condition to require drainage details prior to commencement.

Tamworth Borough Council - No objection but they express a desire for improved sustainable transport links to Tamworth.

Environmental Health Officer – No objection subject to conditions to require additional investigation of the area within the Hall Farm Business Park not included within investigation undertaken and the submission of a remediation method statement and verification plan.

Representations

One representation from a local resident on Watling Street, Dordon raises concern over noise. Noise from Hall End Business Park is said to occur as early as 0400 hours in the morning. There is also concern over potential lighting impacts if operations on site are unrestricted. They would welcome additional planting within the existing hedgerow along the eastern site boundary. There is also concern over the impact of the new junction on existing traffic flows and safety for vehicle users and pedestrians on A5. There is an overall query about the need for further development here given its potential impact on the character of area and environment.

A representation from a resident at Hill Top, Baddesley objects to further development citing adverse noise impact and visually intrusiveness of existing development within the landscape.

A representation made on behalf of the adjoining landowner, IM Properties, raises a number of concerns and makes comparisons with its own development proposal for the this site. In summary the issues raised include access arrangement, development layout, accuracy of drainage assessment, capacity of existing infrastructure, visual impact, the setting of listed building, lack of design brief for buildings, and adverse impact on their land. The applicant has provided a detailed response to the issues raised. Due consideration has been given to both documents in preparing this report. Some issues raised are addressed in the responses of the statutory consultees e.g. the Highways Agency and the Environment Agency, neither which objects to this development, nor does the County highway Authority and significant points are referred to below. Comments highlighting perceived disadvantages by reference to an alternative development are not material to the consideration of the detail of these applications.

Observations

There are planning policy issues and also development specific matters common to both applications.

a) Policy

The most significant planning policy issue arises because the application is a departure from the Development Plan. The site is not designated as employment land nor is it allocated for development in the adopted North Warwickshire Local Plan 2006.

The West Midlands Regional Spatial Strategy (WMRSS), which included provision for regionally significant logistics development, has now been formally revoked. The evidence considered in the development of regional policy however remains relevant to considerations of such development; it can therefore be a material consideration to which appropriate weight may be given. Members will recall the WMRSS Preferred Options proposed 40 hectares for a regional logistics development at Birch Coppice. A further 20 hectares of land at Hams Hall was also identified for regionally significant logistics development. The designation and the evidence base underpinning it, was significant in the decision to grant planning permission for the Birch Coppice Phase 2 development, even though that land was not allocated in the North Warwickshire Local Plan 2006.

The emerging Core Strategy, which will replace the North Warwickshire Local Plan 2006, supports the proposed development of additional land for employment use. It identifies a potential requirement for a further 31 hectares of employment land in the period up to 2028. It proposes the allocation of 20 hectares of land outside the green belt for employment uses within Use Classes B1(b), B1(c), B2 or B8 to promote the diversification of the local economy and identifies the area to the south of Dordon as a preferred location. This allocation is similar in area to the area of land within the green belt at Hams Hall identified for regionally significant logistic development in the now revoked WMRSS. This is a material planning consideration in determining this application.

The core strategy is in the early stages of the formal process of adoption and the weight that should be attached to the emerging Core strategy must thus be proportionate. The Examination in Public will take place in early 2014. A cogent case, based on evidence and change in circumstances, is presented in the Core Strategy Proposed Submission document to justify the proposed allocation of additional employment land. This includes analysis of the take up of logistics development since 2007; assessment of the employment provision required through to 2028, and a clear indication that additional land will be required for employment uses, beyond that already allocated in the Local Plan 2006.

The proposed development will result in the loss of the existing employment buildings and uses within the Hall End Business Park. These are occupied by a range of small to medium enterprises. The proposed development includes the provision of new buildings which will provide opportunities for similar enterprises to locate on the site.

The following significant considerations are more specific to the proposed development.

b) Ground levels

The development will limit the alteration of ground levels required on the site. The development plateaux would step down the sloping site thus requiring the minimum amount of "cut and fill". Site levels at the top of the site will be lowered by some 2 metres whilst levels at the bottom of the site near the Penmire lake will be raised by some 4 metres. No significant import or export of fill material will be required. The ground levels of the development plateaux will be similar to those on the Birch Coppice Phase 1 development and proposed buildings broadly align with existing buildings on Phase1.

This development which maintains the existing ground level, contrasts with the design of the Birch Coppice Phase 3 development permitted to the east. This involves the lowering of the site ground levels by up to 10 metres. Land owners have responsibilities to owners of adjoining land and the owners here are aware of these. The difference in levels was accommodated within the permitted Phase 3 development and boundary planting within both developments will soften the impact of the change in level. The difference in ground level of the proposed developments is thus not considered to give rise any significant adverse impact.

c) Archaeology

A detailed archaeological investigation of the site has been undertaken across the site in accordance with an agreed written scheme of investigation. A response is awaited from the Warwickshire Museum on the details of the findings. Interim discussion has indicated that no "archaeology" was found to be present that would compromise the proposed development and therefore it is likely that any outstanding matters could be resolved through conditions.

d) Access

A new vehicle access to the site will be provided from the A5. This will be a signal controlled junction with a dedicated right turn lane for traffic travelling east on the A5. The site layout is considered to provide appropriate access, circulation and manoeuvring within the site. The Highways Agency and County Highway Authority are both satisfied with the proposed access arrangements subject to the inclusion of conditions to ensure that safe access is created.

Existing footpath routes to the site from Dordon, offer the possibility to provide safe cycle access to the development. The applicants recognise this potential and are prepared to make a financial contribution to improve cycle access. Facilities for cycle storage are proposed and the provision of facilities for cyclists within buildings will be sought. Occupiers of individual buildings will be required to adopt sustainable travel plans to promote the use of modes of travel other than by private motor vehicles

The proposal will require the diversion of two public footpath rights of way - one path, the AE49, runs from the A5 to the Penmire Lake and the other, the AE57, branches from this and runs into Phase 1. The diversion of these paths is along two new routes. One will follow the eastern boundary of the site to re-join at the Penmire Lake; the other will cross the site between areas E and F to re join the path within Phase 1 of Birch Coppice. Footpath diversions require a diversion order to be made under the provisions of the Planning Act and no development may commence until the diversion order has been confirmed and has taken effect. Details of how the diversion will be achieved remain to be clarified. The alignment, surface treatments and path furniture for new routes will also need to be agreed with the County Council.

e) Scale

The application proposes the development of up to 63,000 m² of built floor space on six development plateaux. A site layout is submitted to show how this will be achieved with a mix of larger and smaller buildings and units. The proposed layout is not considered to be an over-intensive development of the site and one that could be achieved without an unacceptable adverse impact on the local environment or amenity.

f) Layout

A site layout is submitted for the proposed development. This is considered to provide a development that will not create unacceptable adverse impacts on either the local environment or amenity. The layout of the plateau; the vehicular access point and internal road layout maximise the developable area, integrates the development with existing adjacent commercial development and respects existing topography and drainage. The development will have a visual impact in the landscape but new planting and landscaping to the A5 frontage and the eastern site boundary will significantly reduce this.

g) Landscaping

The landscaping scheme and planting schedule includes retaining existing boundary hedgerows and a mix of new planting in broad belts to the A5 frontage and along the site boundaries. This new planting includes an appropriate mix of native Forest of Arden species.

h) Amenity

The closest dwelling is Hall End Hall which is bounded on three sides by the Hall Farm Business Park. The distance between the new buildings within the development and residential properties on the A5 towards Dordon will reduce from 200 metres to 115 metres. The land between is open space providing sports areas adjacent to the Miners Welfare premises. Dwellings at Hall End Cottages will be closer by some 70 metres. A commercial building within the Birch Coppice Phase 1 development is closer than the buildings proposed on this site. The new buildings on area A, B and C are located to the boundaries to provide a barrier to the external access and parking areas located more centrally within the site. New planting and landscaping is to be provided to the site boundaries which will mitigate the visual impact.

Concern over noise is raised in the representations received. Noise impact is assessed within the Environmental Assessment submitted. This identifies that significant noise impacts will occur during some construction phases, particularly at Hall End Hall. A construction management method statement will be required to ensure that these are managed appropriately. Operational noise from the completed development is also assessed. Significant effects are considered to be unlikely provided the assumed noise rating levels are not exceeded. Noise assessments will be required to be undertaken prior to the occupation of any building to ensure consideration is properly given to operational noise.

i) Lighting

Full details of external lighting to be provided are not provided. External lighting provided must be appropriate to the location. Details will be required to be submitted and approved prior to the commencement of any development and this will be ensured by a condition.

j) Setting of the Listed Building

Hall End Hall is a grade 2 statutorily Listed Building. Whilst this will remain, existing buildings nearby will be removed and new buildings will be erected to the close to the rear and to each side. New landscaping and additional planting around the boundary of the site with the Hall will however mitigate the impact of these. The Hall is in different

ownership to the Hall End Farm Business Park, which includes the existing brick buildings located to the west of the Hall.

The removal of the older brick buildings to the west which encroach in front of the Hall will open up views of the listed building. New buildings proposed to the each side and the rear will be sited further away than the existing buildings. This will allow new planting and landscaping around the boundary of the site with the Hall. The position of new buildings is considered to respect the listed building. The removal of the existing older brick buildings will have an effect on the appearance of the group of buildings, however this is not considered to materially detract from character of the Listed Building. The impact on the setting of the Listed Building is thus considered to be one of enhancement overall.

Recommendation

That subject to the satisfactory resolution of the outstanding matters of detail pertaining to the Section 106 Agreement by the Chairman and Opposition Planning Spokesperson, then planning permissions be **GRANTED** for both applications subject to the following conditions:

Application ref. PAP/2013/0269

Conditions to define the permission

1. This outline planning permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010. The further approval of the Local Planning Authority shall be required with respect to the undermentioned matters hereby reserved before any development is commenced:-

i). Appearance

For the avoidance of doubt details required to be included under Appearance are set out in condition 20 below.

REASON

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

2. In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the Local Planning Authority not later than the expiration of five years beginning with the date of this permission.

REASON

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

3. The development to which this permission relates must be begun not later than the expiration of three years from the final approval of all reserved matters.

REASON

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

4. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered 3484 PL11; 3484 PL12; 3484 PL13; 3484PL14; 201/revG; F10089/01/revG; F10089/11/revA; F10089/12 and KL201.001/rev0 received by the Local Planning Authority on 3/6/2013. For the avoidance of doubt the demolition of the the building identified as "Milking parlour" in section 3.3 of the Design and Access statement submitted is not hereby permitted .

REASON

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

5. The total gross floor space of all buildings erected on the site shall not exceed 63,000 square metres. The use of the site shall be limited to uses falling within Use Classes B1(C), B2 or B8 of the Town and Country Planning (Use Classes) Order 1987, as amended. Uses within Use Classes B1(C) or B2 shall not exceed 10% of the total gross floorspace of all buildings.

REASON

To avoid adverse impact on the capacity of the existing road network in the interest of highway safety.

6. The number of car parking spaces within the development shall not exceed 436.

REASON

In the interest of sustainable development and highway safety.

Pre - commencement conditions

7. No development shall commence until in addition to the Flood Risk Assessment Ref: R/12457/002 received on 3/6/2013, the further details set out in the response of the Environment Agency received on 5/7/2013 and scheme for the installation of oil & petrol separators have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in full and maintained at all times.

REASON

To prevent the risk of flooding deterioration in warer quality within watercourses and to improve and to protect water quality, habitat and amenity, and to ensure future maintenance of the system.

8. No development including ground works, shall commence until a ground investigation of the land within the site of the Hall End Business Park, has been undertaken and a report of the investigation, and, if necessary, recommended measures for the remediation of any contamination found, has been submitted to and approved in writing by the Local Planning Authority. All recommended remediation shall be implemented in full and a written verification report of the implementation shall be submitted to the Local Planning Authority.

REASON

In the interest of avoiding contamination and risk to health.

9. No development shall commence until full details of the drainage systems for foul and surface water, have been first submitted to and approved in writing by the Local Planning Authority. These should include details of the management of the surface water runoff attenuation ponds

REASON

In order to reduce pollution and of flooding

10. No development shall commence until details of the lighting to be provided to the site roads and external areas has first been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed in accordance with the approved details before the development is first occupied and shall be maintained in accordance with the approved details.

REASON

In the interests of the amenities of the area.

11. No development shall commence until such time as a Construction Method and Management Statement has first been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of how the site will be laid out during the construction period; the likely number of vehicular movements, parking provision and how deliveries will be controlled and managed; of the method of demolition of existing buildings; for the working and phasing of the ground works; the hours of working, mitigation measures in respect of noise attenuation and for reducing deposits on the surrounding highway network arising from HGV traffic, the location of site compounds and storage facilities, and the location of any site lighting during the construction phase. It shall also identify the period during which plan shall have effect, the means by which the terms are to be monitored and reviewed and a procedure for the handling of complaints. The approved Plan shall implemented in full.

REASON

To minimise the impact on the environment of this major construction project In the interest of amenity and ecology.

12. No development shall commence until an Construction Environmental Management Plan for the site has first been submitted to and approved in writing by the Local Planning Authority. This should include measures and working practices to minimise contamination and disturbance to the pWLS at Penmire Lake and along the Penmire Brook.

REASON

To ensure impacts arising from the construction activities are minimised and important habitats and protected species are protected in the interest of protecting ecology and amenity.

13. No demolition of existing buildings within the Hall End Business Park shall commence until the Construction Method and Management Statement required by condition 10 has been approved in writing by the Local Planning Authority.

REASON

To define the permission and to ensure that protected species are not harmed by the development.

14. No development, including site clearance, shall commence on site until a detailed mitigation plan for reptiles, including a schedule of safeguarding measures and working practices, has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full.

REASON

To ensure that protected species are not harmed by the development.

15. No development shall be commenced until an Habitat Management Strategy for the whole site has first been submitted to and approved in writing by the Local Planning Authority. This shall include details of measures to be implemented for ecological mitigation and enhancement and for habitat management and shall include measures for the monitoring of outcomes and the means of reviewing the Strategy. The approved strategy shall be implemented in full and shall remain in place at all times.

REASON

In the interest of ecology and amenity.

16. No development shall commence until a Car Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of how parking within communal areas and roadways will be managed.

REASON

In the interest of highway safety and amenity.

Pre-occupancy conditions

17. No building shall be occupied for business purposes until such time as the new signal controlled access arrangement as illustrated on Bancroft Consulting Drawing Number F10089/01 Rev G has been constructed and is fully operational and the whole of the access road, roundabouts, parking areas, emergency access, cycle routes and footpaths shown on the approved plans have been implemented in full. The traffic signal arrangement required shall be MOVA Control.

REASON

In the interest of highway safety.

18. No building shall be occupied for business purposes until such time as details of the measures to be installed necessary for fire fighting throughout the site have first been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full.

REASON

In the interests of safety.

19. No building shall be occupied for business purposes until such time as all of the landscaping and planting shown on approved plan number KL201.001 has been implemented in full.

REASON

In the interests of amenity and ecology To ensure the early implementation of the landscaping in order to mitigate visual impact and secure bio-diversity benefits.

20. No building approved under this permission may be constructed until such time as the matters reserved under condition 1(i) above have first been submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt the details required under Appearance shall include the following :-

- a) Details of ground investigation to be undertaken prior to the development of the site.
- b) The plot layout, including all access, circulation, car parking and cycle storage areas.
- c) The siting, design and external appearance of all buildings, including fixed structures and plant
- d) The type, texture and colour of building and surfacing materials

- e) The site boundary treatments - including all walls, fences and other means of enclosure
- f) Details of landscaping within each development
- g) Development site levels and building ground floor levels.
- h) Details of the foul and surface water drainage systems to be provided.
- i) Details of all external illumination, security structures and equipment.
- j) Details of how the building design has incorporated the conclusions of the Noise Assessment submitted and the rating level limits set out therein.
- k) Details of the building energy assessment, and of energy efficiency measures and renewable energy sources incorporated.
- l) Details of the layout of proposed car parking areas, these shall include the number and location of parking spaces for disabled and car share drivers.

REASON

For the avoidance of doubt and to ensure a high quality of development in the interest of amenity and sustainable development.

21. No building shall be occupied until an assessment of predicted operational noise associated with the use of the building by the proposed occupier has been submitted to and approved in writing by the Local Planning Authority. The noise assessment submitted proposes noise from operational activity at the proposed development (LAeq (1hr daytime, 5min night-time)) shall be less than 5dB above the background level(LA90) near the façade of any affected dwelling and identifies Rating Level Limits for operational noise. The design of all fixed plant and vehicle use within the development should comply with this regime. If the operational noise assessment identifies instances where the regime is exceeded, measures to reduce the impact will be required.

REASON

In the interest of amenity.

22. No building shall be occupied until a detailed Sustainable Travel Plan, in accordance with the revised Travel Plan dated May 2013 submitted with this application, has been submitted to and approved in writing by the Local Planning Authority. The Sustainable Travel Plan shall include the following:-

- targets for trip reduction by private motor vehicle and for modal shift;
- methods to be employed to achieve these targets;
- mechanisms for monitoring and review of measures and targets;
- penalties to be applied in the event the targets are not met;
- time periods and timetables relevant to targets, the implementation of measures within the plan and for the review of the travel plan.

REASON

In the interest of sustainable development.

23. .No building shall be occupied until details showing how the promotion and encouragement of use of the inter-modal rail freight terminal at Birch Coppice for the movement of freight arising from the new development have been submitted to and approved in writing by the Local Planning Authority. These details shall include a description of the measures and the mechanisms of promotion and how the effectiveness of these will be monitored and reviewed. The approved measures shall be implemented in full. A record of the implementation and of the monitoring and review undertaken shall be made available to the Local Planning Authority on request. For the avoidance of doubt, these measures shall be applied to all occupiers of the development hereby approved, and not just to the initial occupier of any building.

REASON

To promote the use of the inter-modal rail freight terminal at Birch Coppice in the interest of sustainable development.

Other Conditions

24 Buildings erected pursuant to this permission shall achieve the prevailing required standard in terms of energy conservation and efficiency at the time of its design and construction.

REASON

In the interest of sustainable development.

Application PAP/2013/0272

Conditions to define the permission

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered 3484 PL11; 3484 PL12; 3484 PL13; 3484PL14; 201/revG; F10089/01/revG; F10089/11/revA; F10089/12 and KL201.001/rev0 received by the Local Planning Authority on 3/6/2013. For the avoidance of doubt the demolition of the the building identified as "Milking parlour" in section 3.3 of the Design and Access statement submitted is not hereby permitted .

REASON

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

3. The total gross floor space of all buildings erected on the site shall not exceed 63,000 square metres. The use of the site shall be limited to uses falling within Use Classes B1(C), B2 or B8 of the Town and Country Planning (Use Classes) Order 1987, as amended. Uses within Use Classes B1(C) or B2 shall not exceed 10% of the total gross floorspace of all buildings.

REASON

To avoid adverse impact on the capacity of the existing road network in the interest of highway safety.

4 The number of car parking spaces within the development shall not exceed 436.

REASON

In the interest of sustainable development and highway safety.

Pre - commencement conditions

5 No development shall commence until in addition to the Flood Risk Assessment Ref: R/12457/002 received on 3/6/2013, the further details set out in the response of the Environment Agency received on 5/7/2013 and scheme for the installation of oil & petrol separators have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in full and maintained at all times.

REASON

To prevent the risk of flooding deterioration in water quality within watercourses and to improve and to protect water quality, habitat and amenity, and to ensure future maintenance of the system.

6. No development including ground works, shall commence until a ground investigation of the land within the site of the Hall End Business Park, has been undertaken and a report of the investigation, and, if necessary, recommended measures for the remediation of any contamination found, has been submitted to and approved in writing by the Local Planning Authority. All recommended remediation shall be implemented in full and a written verification report of the implementation shall be submitted to the Local Planning Authority.

REASON

In the interest of avoiding contamination and risk to health.

7. No development shall commence until full details of the drainage systems for foul and surface water, have been first submitted to and approved in writing by the Local Planning Authority. These should include details of the management of the surface water runoff attenuation ponds

REASON

In order to reduce pollution and of flooding

8. No development shall commence until details of the lighting to be provided to the site roads and external areas has first been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed in accordance with the approved details before the development is first occupied and shall be maintained in accordance with the approved details.

REASON

In the interests of the amenities of the area.

9. No development shall commence until such time as a Construction Method and Management Statement has first been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of how the site will be laid out during the construction period; the likely number of vehicular movements, parking provision and how deliveries will be controlled and managed; of the method of demolition of existing buildings; for the working and phasing of the ground works; the hours of working, mitigation measures in respect of noise attenuation and for reducing deposits on the surrounding highway network arising from HGV traffic, the location of site compounds and storage facilities, and the location of any site lighting during the construction phase. It shall also identify the period during which plan shall have effect, the means by which the terms are to be monitored and reviewed and a procedure for the handling of complaints. The approved Plan shall implemented in full.

REASON

To minimise the impact on the environment of this major construction project In the interest of amenity and ecology.

10. No development shall commence until an Construction Environmental Management Plan for the site has first been submitted to and approved in writing by the Local Planning Authority. This should include measures and working practices to minimise contamination and disturbance to the pWLS at Penmire Lake and along the Penmire Brook.

REASON

To ensure impacts arising from the construction activiites are minimised and important habitats and protected species are protected in the interes of protecting ecology and amenity.

11. No demolition of existing buildings within the Hall End Business Park shall commence until the Construction Method and Mangement Statement required by condition 10 has been approved in writing by the Local Planning Authority.

REASON

To define the permission and to ensure that protected species are not harmed by the development.

12. No development, including site clearance, shall commence on site until a detailed mitigation plan for reptiles, including a schedule of safeguarding measures and working practices, has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full.

REASON

To ensure that protected species are not harmed by the development.

13. No development shall commence until an Habitat Management Strategy for the whole site has first been submitted to and approved in writing by the Local Planning Authority. This shall include details of measures to be implemented for ecological mitigation and enhancement and for habitat management and shall include measures for the monitoring of outcomes and the means of reviewing the Strategy. The approved strategy shall be implemented in full and shall remain in place at all times.

REASON

In the interest of ecology and amenity.

14. No development shall commence until a Car Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of how parking within communal areas and roadways will be managed.

REASON

In the interest of highway safety and amenity.

Pre-occupancy conditions

15. No building shall be occupied for business purposes until such time as the new signal controlled access arrangement as illustrated on Bancroft Consulting Drawing Number F10089/01 Rev G has been constructed and is fully operational and the whole of the access road, roundabouts, parking areas, emergency access, cycle routes and footpaths shown on the approved plans have been implemented in full. The traffic signal arrangement required shall be MOVA Control.

REASON

In the interest of highway safety.

16. No building shall be occupied for business purposes until such time as details of the measures to be installed necessary for fire fighting throughout the site have first been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full.

REASON

In the interests of safety.

17. No building shall be occupied for business purposes until such time as all of the landscaping and planting shown on approved plan number KL201.001 has been implemented in full.

REASON

In the interests of amenity and ecology To ensure the early implementation of the landscaping in order to mitigate visual impact and secure bio-diversity benefits.

18. No building approved under this permission may be constructed until such time as the following matters have first been submitted to and approved in writing by the Local Planning Authority.

- a) Details of ground investigation to be undertaken prior to the development of the site.
- b) The plot layout, including all access, circulation, car parking and cycle storage areas.
- c) The siting, design and external appearance of all buildings, including fixed structures and plant
- d) The type, texture and colour of building and surfacing materials
- e) The site boundary treatments - including all walls, fences and other means of enclosure
- f) Details of landscaping within each development
- g) Development site levels and building ground floor levels.
- h) Details of the foul and surface water drainage systems to be provided.
- i) Details of all external illumination, security structures and equipment.
- j) Details of how the building design has incorporated the conclusions of the Noise Assessment submitted and the rating level limits set out therein.
- k) Details of the building energy assessment, and of energy efficiency measures and renewable energy sources incorporated.
- l) Details of the layout of proposed car parking areas, these shall include the number and location of parking spaces for disabled and car share drivers.

REASON

For the avoidance of doubt and to ensure a high quality of development in the interest of amenity and sustainable development.

19. No building shall be occupied until an assessment of predicted operational noise associated with the use of the building by the proposed occupier has been submitted to and approved in writing by the Local Planning Authority. The noise assessment submitted proposes noise from operational activity at the proposed development (LAeq (1hr daytime, 5min night-time)) shall be less than 5dB above the background level(LA90) near the façade of any affected dwelling and identifies Rating Level Limits for operational noise. The design of all fixed plant and vehicle use within the development should comply with this regime. If the operational noise assessment identifies instances where the regime is exceeded, measures to reduce the impact will be required.

REASON

In the interest of amenity.

20. No building shall be occupied until a detailed Sustainable Travel Plan, in accordance with the revised Travel Plan dated May 2013 submitted with this application, has been submitted to and approved in writing by the Local Planning Authority. The Sustainable Travel Plan shall include the following:-

- targets for trip reduction by private motor vehicle and for modal shift;
- methods to be employed to achieve these targets;
- mechanisms for monitoring and review of measures and targets;
- penalties to be applied in the event the targets are not met;
- time periods and timetables relevant to targets, the implementation of measures within the plan and for the review of the travel plan.

REASON

In the interest of sustainable development.

21. No building shall be occupied until details showing how the promotion and encouragement of use of the inter-modal rail freight terminal at Birch Coppice for the movement of freight arising from the new development have been submitted to and approved in writing by the Local Planning Authority. These details shall include a description of the measures and the mechanisms of promotion and how the effectiveness of these will be monitored and reviewed. The approved measures shall be implemented in full. A record of the implementation and of the monitoring and review undertaken shall be made available to the Local Planning Authority on request. For the avoidance of doubt, these measures shall be applied to all occupiers of the development hereby approved, and not just to the initial occupier of any building.

REASON

To promote the use of the inter-modal rail freight terminal at Birch Coppice in the interest of sustainable development.

Other Conditions

22 Buildings erected pursuant to this permission shall achieve the prevailing required standard in terms of energy conservation and efficiency at the time of its design and construction.

REASON

In the interest of sustainable development.



Name: HALL END HALL

Heritage Category:	Listing
List Entry No :	1034715
Grade:	II
County:	Warwickshire
District:	North Warwickshire
Parish:	Dordon

For all list entries pre-dating 4 April 2011 maps and national grid references do not form part of the official record of a listed building. In such cases the map here and the national grid reference are generated from the list entry in the official record and added later to aid identification of the principal listed building or buildings.

For all list entries made on or after 4 April 2011 the map here and the national grid reference do form part of the official record. In such cases the map and the national grid reference are to aid identification of the principal listed building or buildings only and must be read in conjunction with other information in the record.

Any object or structure fixed to the principal building or buildings and any object or structure within the curtilage of the building, which, although not fixed to the building, forms part of the land and has done so since before 1st July, 1948 is by law to be treated as part of the listed building.

This map was delivered electronically and when printed may not be to scale and may be subject to distortions.

List Entry NGR:	SK 25607 00256
Map Scale:	1:2500
Print Date:	30 July 2012


 ENGLISH HERITAGE

1 Waterhouse Square, 128-142 Holborn, EC1N 2ST
 Tel: 020 7973 3000 www.english-heritage.org.uk

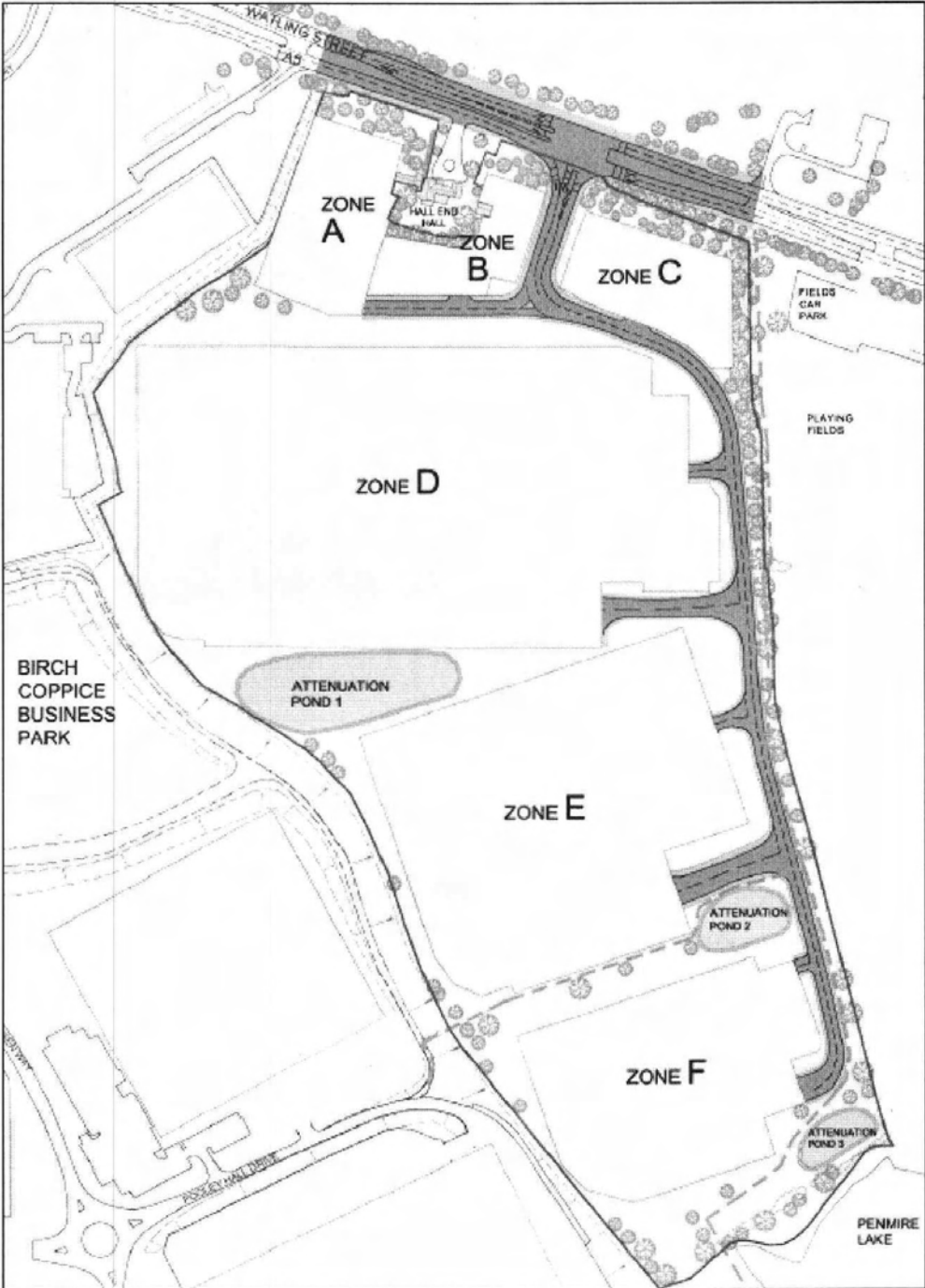
BACKGROUND PAPERS

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

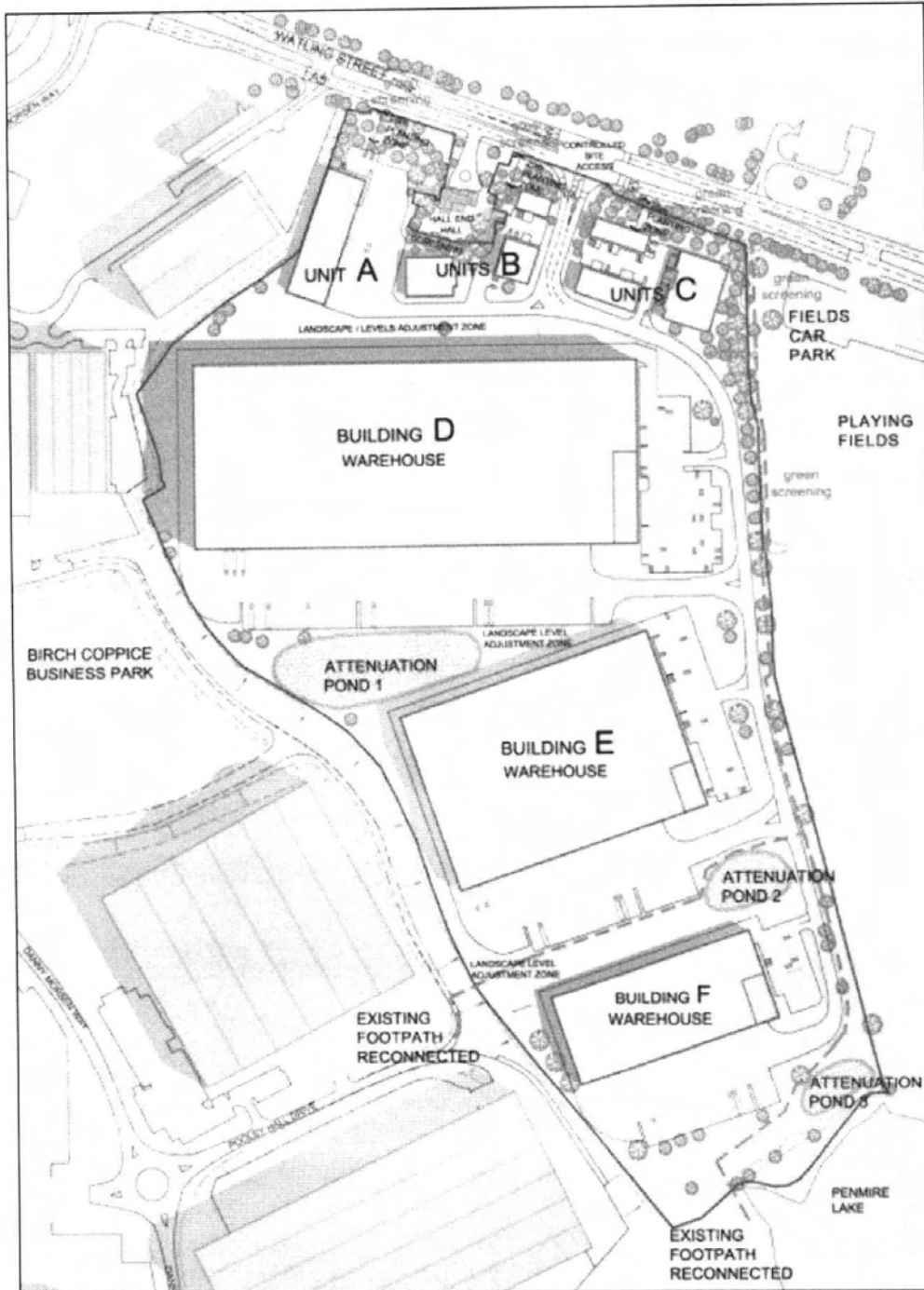
Planning Application No: PAP/2013/0269

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	3/6/13, 13/9/13, 1/10/13
2	Highways Agency	Consultation response	
3	WCC Highways	Consultation response	16/7/13 & 9/8/13
4	Env. Agency	Consultation response	5/7/13
5	ST Water	Consultation response	26/6/13
6	Tamworth BC	Consultation response	8/7/13
7	NWBC EHO	Consultation response	23/7/13 18/7/13 14/8/13
8	Tweeddale	Representation	3/7/13 & 8/8/13
9	M Blackburn	Representation	1/7/13
10	L Harris	Representation	28/6/13

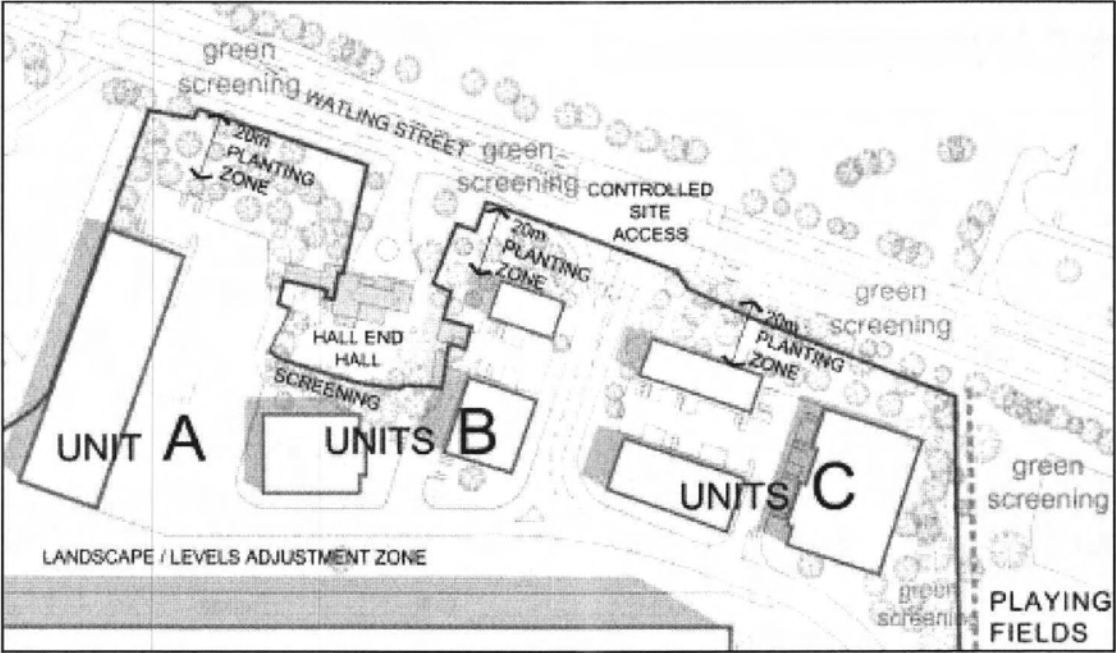
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes. background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.



Plateaux Zones Plan



The Illustrative Scheme Layout

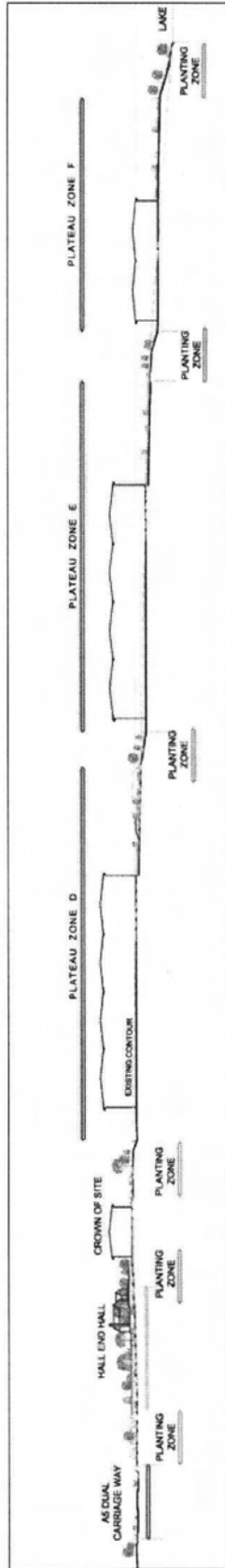


Illustrative layout of northern part of site, showing Hall End Hall, new access to A5 and landscaped buffer area.

Schedule of the proposed buildings with floorspace (m²) and number of parking spaces for cars and HGV's.

Unit/ Precinct	Approx SQM	Car park Spaces	HGV Spaces
A	1,670	15	several
B	1,450	22	
C	2,300	40	
D	31,250	210	60
E	18,300	123	30
F	7,150	48	24

Long Site Section



(3) Application No: PAP/2013/0338

8 Shawbury Village, Shawbury Lane, Shustoke, Coleshill, B46 2RU

Change of use of building to holiday let accommodation to be used in association with 8 Shawbury Village, and inclusion of land for a driveway and parking, for

Mr G Poulton

Introduction

The application is reported to board as a unilateral undertaking has been received during the application process.

The Site

The site lies off Shawbury Lane and to the rear of 8 Shawbury Village. The majority of the surrounding land is located within the applicant's ownership. The site comprises an existing rural building, formerly a school workshop and is sited to the rear of 8 Shawbury Village. The site is located beyond any development boundary and access to the site is via narrow country lanes, the site lies within in the centre of Shawbury where there is a small cluster of dwellings and outbuildings. The general arrangement to the site is illustrated below:



The Proposal

The building has already been converted to form accommodation. The proposal would alter the existing accommodation to include facilities suitable for a self catering holiday let and the southern drive would be used to serve as an access with the use of the existing overgrown hardstanding track forming an access drive. A parking space would be provided to the side of the building and an existing decked area would be retained as a small amenity space. The extent of the use would be limited to the red line as illustrated at Appendix 1. The holiday let accommodation would be restricted by legal agreement to be used in association with 8 Shawbury Village and a copy is included at Appendix 3.

Background

The host dwelling to this outbuilding at No. 8 Shawbury Village was established through the small development of Shawbury Village on demolition of the former school buildings. The building subject to the planning application was an original school workshop building in a separate parcel of land and was retained by the development.

There was a previous attempt to change the use of the building to residential back in 2007, but this was withdrawn.

The building is already converted under application ref: PAP/2009/0204, following an appeal that was allowed in 2010. However, the use of the building does not fulfil the conditional requirements of the Inspector's decision in that it is not ancillary to the main building and thus the existing use is unauthorised. This current application seeks an alternative approach.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies): North Warwickshire Local Plan 2006 (Saved Policies): ECON9 (Re-use of Rural Buildings), ENV2 (Green Belt), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design) and TPT6 (Vehicle Parking).

Other Relevant Material Considerations

North Warwickshire Core Strategy (Submission Document February 2013): NW2 (Green Belt), NW8 (sustainable Development), NW10 (Quality of Development).

Government Advice: National Planning Policy Framework (NPPF).

Consultations

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

Representations

Shustoke Parish Council objects on the grounds that this application appears to suggest the prospect of a new dwelling in the Green Belt outside of a defined settlement boundary intensifying the existing use.

Observations

The main issues centre on the re-use of the building in principle; sustainability issues in this Green Belt location and the impact in respect of highway safety, visual and neighbouring amenities.

Whilst the site is located within the Green Belt, it is important to recognise that the re-use of a building is not necessarily inappropriate development. Current Government policy in the NPPF makes this explicit. Paragraph 90 refer to the forms of development that are not inappropriate, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt, then the re-use of buildings is appropriate provided they are of a permanent and substantial construction.

The key factors are whether the implementation of a new use would have an impact on the openness of the Green Belt. Saved Local Plan policy ECON9 does enable the re-use of buildings within the countryside and conversion proposals will be based on whether the building is inappropriate condition for re-use to reflect the principles of sustainability.

a) Re-use of the building

The building is already converted and was capable of conversion and adaptation without its demolition or re-building and its overall form and design are in keeping with the immediate surroundings. The internal alterations to the building have occurred and rooms have been subdivided with changes to the window openings, but the general appearance of the building and scale, albeit modernised has not substantially altered. The proposal would retain the existing layout of the building and would re-introduce a kitchen. The elevation and floor plans are at Appendix 2. The proposal meets the requirements of conversion as advised in saved policy ECON9.

There is scope for its re-use since the building already exists and had gained consent for its use for incidental accommodation to that of the main dwelling, There also exists an informal hard standing arrangement in the form of a track, which is partially overgrown and a southern access gate, with direct access onto Shawbury Lane. In essence, the built form that would serve a proposed use is already in situ.

In terms of a sequential test as to how the building could be reused then the site does not operate as a farm and therefore farm diversification is not relevant here. The proposal does not seek to address local needs or provide a community building. The proposed tourism factor identified by the provision of a holiday let would address the objective of facilitating public access to and enjoyment of the countryside and would meet an economic objective of ECON9, potentially providing a means of employment if a cleaner were employed. Thus there is benefit in allowing a re-use in terms of supporting access into the countryside.

The use of a holiday let also falls within the C3 use class as a residential dwelling. The manner in which the red line covers the residential property as well as the proposal means that a new planning unit is not created by the proposal, but that the use of the building is included within the curtilage of the dwelling house. The holiday let is linked with the main dwelling. In terms of concerns arising over future use of the building then a unilateral undertaking has been submitted with the application which restricts the use of the building and land.

b) Sustainability

The main issue is on the sustainability of the site. Saved policy ECON9 requires a building to have a direct access to the rural distributor road network. The nearest rural distributor road (B4098) is some 2.4km distance, such that all vehicular traffic to the site would have to travel on minor roads to reach the site, which is remotely located along narrow lanes.

Public transport access is infrequent (route 228 and 232) and the bus stop is located adjacent to Shawbury Village though the service is limited. However, the nearest regular service is located at either Fillongley at a distance of some 3.95 km or Shustoke Green at a distance of some 3.91km. The nearest shop is also some 3.95km in Fillongley Village Centre.

The site is not considered to be sustainable in respect of limited public transport methods and with no immediate access to local facilities, though the site is within reasonable access to country public houses, these would be at a considerable walking distance. The sustainability factor of the pre-conditions of ECON9 would not be met. Consideration is therefore given to any other material considerations within the proposal that would mitigate against a refusal on sustainability grounds.

Firstly, there are other ranges of transport methods possible, such as use of a cycle given the proximity to cycle routes and walking routes given the proximity of public footpaths. Regard is also given to the proposed use which amounts to tourism, this type of use is characterised by the use of private vehicle, regardless of what the public transport might be, the need for public transport is not quite so significant in this situation.

Secondly, whilst there are concerns with the sustainability of the site, the use is of a limited scale and would not attract HGV's or horseboxes or agricultural vehicles which might normally be associated with other rural uses within the area. Vehicles movements would be light traffic associated with the proposed use and is unlikely to be at peak times, thus not impacting on traffic flow. It is material that the Highways Authority have not objected in terms of the traffic such a use may generate. Thus would reduce the adverse impacts of the sustainability concern as the proposal would not give rise to any hazard or impediment of safe and free movement of traffic on the rural road network.

Thirdly, there are also other material considerations here such as the economic use of a building which would contribute to the rural economy and the means of providing the public with direct access to the countryside and encourage tourism in the area.

Fourthly it is also material that the recent amendments to the General Permitted Development Order and the flexibility of uses means in so far as this site is concerned a building of this size could be re-occupied for the purposes of a school for example, however such a use would generate more traffic to the site.

The above factors are all material considerations of substantial weight that would account for a reasonable use of the building, where its use is controlled by way of a unilateral undertaking; rather than the prospect of any other use coming forward that would likely fall under permitted development and would have a substantially greater impact on sustainability and openness.

c) Access and Design

There are two vehicular accesses to the building. One is the western vehicular access which is located adjacent to No. 12 Shawbury Lane and has a shared access arrangement with The Shawburies. This access would not be used for the holiday let.

There is a separate southern access directly off Shawbury Lane with an existing hard standing driveway arrangement, albeit overgrown. This drive would be used and the existing access formalised with a suitable surface.

A parking provision would be included to the side of the building and an existing decked area would be retained. The remainder of the applicant's land would not be developed by the proposal and is required to remain open. However external parking would introduce a new element. However if any other rural use came forward such as stables and equestrian use of the land, then any other type of use could generate more traffic to the site and parking which in turn would alter the character of the land.

d) Green belt

The re-use of existing buildings within the Green Belt is not considered to be inappropriate development and given the building already exists and does not involve extensions then there is no materially greater impact on openness by a result of the proposed change of use. The proposal is therefore not in conflict with the requirements of paragraph 90 of the NPPF.

The use of the existing access and drive way and the need to park a vehicle at the site would include land in the Green Belt, consideration is therefore given the effect of a formalisation of the access and the use of the existing hardstand driveway and parking at the building.

The effect on openness is not considered to be harmful since the access and informal hard standing already exists. If the building were used for an agricultural purpose or the land used for the construction of stables or equestrian use, there would be outside storage and the parking of vehicles as well as the use of the existing access in any case. The re-use of the access and hard standing is not considered to be an overriding refusal reason, particularly given the remainder of the land would remain open. The proposal would not therefore harm the openness or conflict with the purposes of including land in the Green Belt, since these elements at the site already exist.

e) Design and visual amenities

The building will continue to harmonise with the immediate and wider surroundings, since it was in situ before many of the buildings within the immediate surroundings, its scale would not be altered and the character of the immediate land has altered overtime in any case. The proposed use and the elements that facilitate it would not be considered to adversely alter the characteristics of the site. On balance the visual amenities of the locality would not be lost, given all elements facilitating the proposed use exist in any case.

In terms of impact on neighbours then the use of the southern access has no impact on the immediate neighbours in terms of highway safety. The occupation of the building would not be considered to harm the amenities of neighbours given the distance involved between neighbouring properties. The use would not therefore be considered to impact on neighbours amenities. Environmental Health have not raised any comments.

f) Conclusion

The re-use of a rural building is supported in principle and whilst the sustainability of the site in relation to the rural distributor road network cannot be met, there are a number of material considerations which lend themselves to support the proposal. Firstly Government policy supports the re-use of existing buildings if it supports the rural economy; the proposed use would meet these requirements which are also relevant to saved policy ECON9. Secondly the building is already in situ as are the elements that facilitate the use and therefore the harm on openness is negligible compared with any other use that may come forward in the future given the flexibility of Use Classes Order. Thirdly the proposal brings about the opportunity to facilitate access to the countryside with the use of cycle routes and footpaths to nearby leisure uses. There is also the opportunity to control the use by way of a unilateral undertaking which would restrict how the building is used; conditional requirements would further control development of the site. On balance and with all matters considered, the beneficial re-use of the building of permanent construction weighs in favour in respect of the principles of sustainability and the use provides access to the countryside, assisting in a rural economy. Subject to conditional requirements and the unilateral undertaking the proposal is supported and is not considered to bring about harm on openness.

Recommendation

That subject to the completion of Section 106 Unilateral Undertaking as drafted in this report, planning permission be **GRANTED** subject to the following conditions:

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered PAL.03, PAL.06 and PAL.07, received by the Local Planning Authority on 10 July 2013 and the site location plan PAL.01B received by the Local Planning Authority on 6/9/2013.

REASON

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

3. The accommodation for a self catering holiday let hereby approved shall be occupied solely for holiday let purposes and not occupied as a person's sole or main place of residence. The occupier of 8 Shawbury Village, Shawbury Lane, Shawbury, B46 2RU shall maintain an up to date register of the names of all the occupiers of the accommodation and of their main home address, as well as dates of their arrival and departure. This register shall be made available at all reasonable times to the Local Planning Authority.

REASON

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

4. The use of the building hereby approved shall not be used for any purpose, including any other purpose in Class C3 of the Town and Country Planning (Use Classes) Order 1987, (as amended), or in any statutory instrument revoking and re-enacting that Order with or without modification other than for a self catering holiday let.

REASON

To prevent unauthorised use of the property.

5. The parking space hereby approved shall not be used for any purpose other than the parking of cars associated with the holiday let.

REASON

To ensure adequate on-site parking provision for the approved use and to discourage parking on the adjoining highway in the interests of local amenity and highway safety.

6. The existing access to the site for vehicles, located on the southern side of the site with Shawbury Lane, shall not be used in connection with the development hereby permitted until it has been surfaced with a bound material for a distance of 10.0 metres as measured from the near edge of the public highway carriageway, in accordance with details to be submitted and approved by the Local Planning Authority. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

REASON

In the interests of safety on the public highway.

7. The development shall not be commenced until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distances of 100.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interests of safety on the public highway.

Notes

1. This Decision Notice must be read in conjunction with a Unilateral Undertaking, completed under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended). You are advised to satisfy yourself that you have all the relevant documentation.

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. Condition number 6 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

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

BACKGROUND PAPERS

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

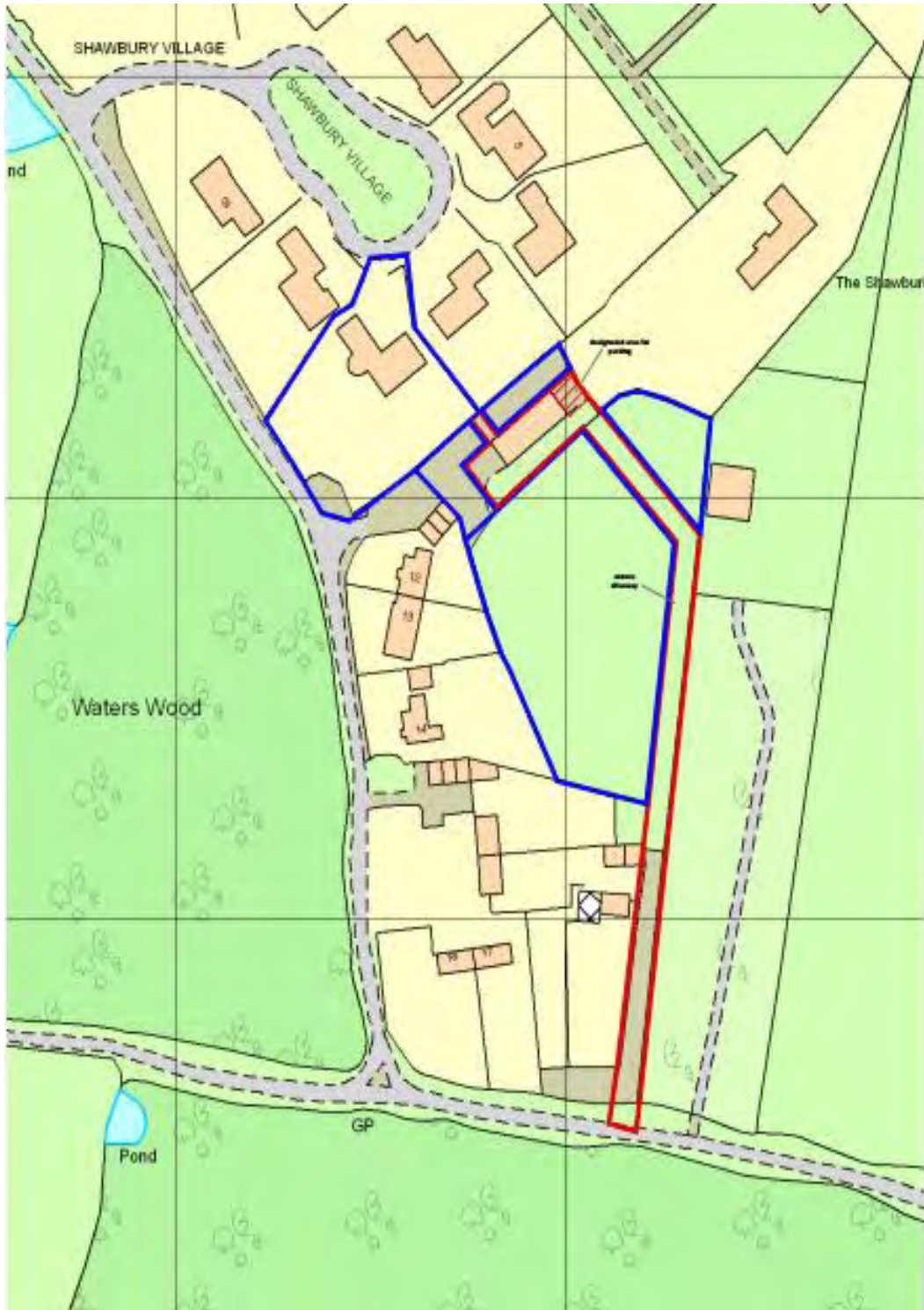
Planning Application No: PAP/2013/0338

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	10/7/13
2	Fillongley Parish Council	E-mail representation	19/7/13
3	Case Officer to Parish Council	E-mail	12/8/13
4	Highways Authority	E-mail comments	14/8/13
5	Case Officer to Agent	E-mail	14/8/13
6	Agent to Case Officer	E-mail	16/8/13
7	Parish Council to Case Officer	E-mail	16/8/13
8	Environmental Health	E-mail representation	23/8/13
9	Highways Authority	E-mail representation	30/8/13
10	Case Officer to Agent	Correspondence	3/9/13
11	Case Officer to Parish Council	E-mail	3/9/13
12	Fillongley Parish Council	E-mail representation	3/9/13
13	Case Officer to Agent	Correspondence	5/9/13
14	Agent to Case Officer	E-mail of legal agreement	9/9/13
15	Case Officer to Council's Solicitor	Memo – Legal agreement	17/9/13
16	Fillongley Parish Council	E-mail representation	20/9/13
17	Case Officer to Agent	Correspondence	23/9/13
18	Agent to Case Officer	E-mail draft legal agreement	27/9/13

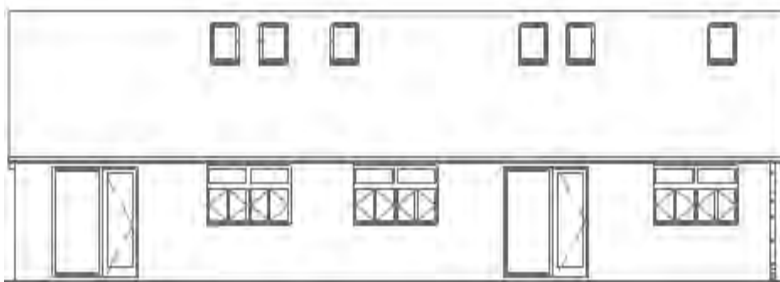
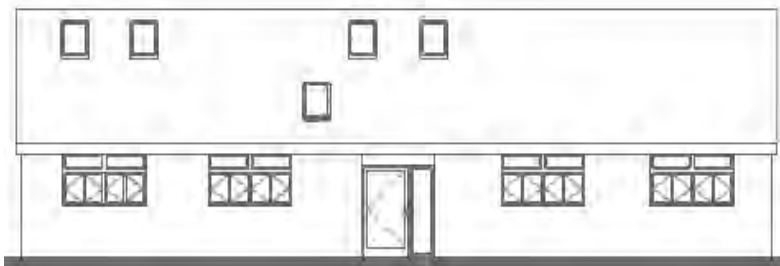
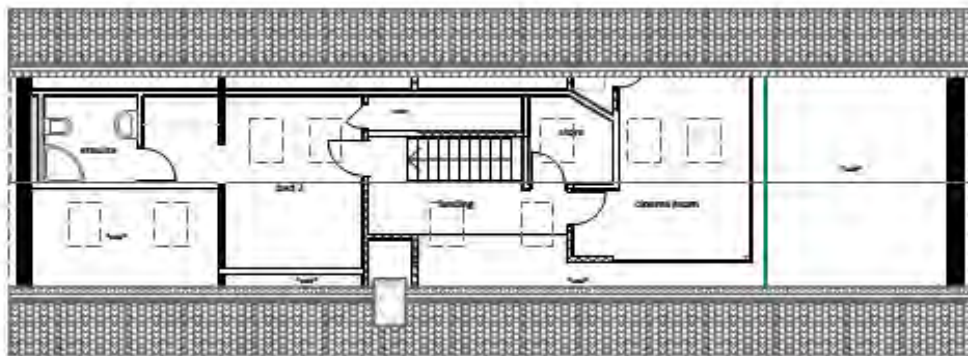
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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.

Appendix 1



Appendix 2



DRAFT

Dated the 6th day of September 2013

Mr and Mrs Poulton
AND

North Warwickshire Borough Council

UNILATERAL UNDERTAKING

Pursuant to Section 106 of the Town and Country Planning Act 1990
Planning Application Ref:

PAL/2013/0338 Holiday Let Accommodation

Relating to the proposed development at:
8 Shawbury Village
Shawbury Lane
Shustoke
B46 2RU

THIS UNDERTAKING is made the _____ day of
_____ 2013

1 Parties

1.1 The owner Mr Gary Anthony and Mrs Karen Yvonne Poulton of 8
Shawbury Village, Shawbury Lane, Shustoke, B46 2RU

1.2 The Mortgagee – NONE

TO

1.3 The Council North Warwickshire Borough Council of South St, Atherstone,
Warwickshire, CV9 1DE

BACKGROUND

A The Council is the Local Planning Authority for the purposes of the Act in
respect of the Land and by whom the obligations in the Undertaking are
enforceable.

B The owners have a freehold interest in the land

C On 11 July 2013 the owners submitted the Planning Application to the
Council for permission to change the use of the Building and Land for the
purposes and in the manner described in the Planning Application.

D The Council has not yet determined the application and the parties hereto
enter into this Undertaking in the knowledge that the Planning Permission
may not be granted.

THIS UNDERTAKING WITNESSES AS FOLLOWS:-

2 Definitions and Interpretation

2.1 For the purposes of the recitals and this Undertaking, the following expressions shall have the following meaning:

“Act”	means the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 and the Planning and Compulsory Purchase Act 2004
“The Council”	means North Warwickshire Borough Council
“Deed”	means this Deed
“Application”	means the planning application submitted with this undertaking dated 11 th day of July 2013 for the “Change of use of building to holiday let accommodation to be used in association with 8 Shawbury Village
“Permission”	means planning permission granted pursuant to the Application
“The Plan”	means the plan annexed hereto
“Land”	means the land situated at “8 Shawbury Village and shown edged red on the plan”
“Building”	means the building subject of the Application and coloured red on the plan

2.2 In this Deed where the context so requires references:

2.3 to Clauses are references to Clauses in this Deed

2.4 to any Act of Parliament refers to the Act as it applies at the date of this Deed and any later amendment or re-enactment of it

3 Recitals

3.1 The owner is the owner of the land at the rear of 8 Shawbury Village, B46 2RU, which is registered at HM Land Registry under Title No. _____ subject to a charge in favour of _____ registered as entry 3 on the charges register of the said Title No.

_____ Office copy entries of the said Title are attached hereto

3.2 The Council is the local planning authority within the meaning of the 1990 Council Act for the area within which the site is situate and by whom the obligations on the part of the Owner herein contained will be enforceable

3.3 The Owner wishes to secure the development of the building and land at the rear of 8 Shawbury Lane, Shustoke B46 2RU, the application has been submitted to the Council for that purpose

3.4 The Council considers and the Owner accepts by the terms of this Undertaking that the building should not take place without the Owner entering into the obligations contained in this Undertaking

4 Legal Effect

4.1 This Deed is made pursuant to Section 106 of the 1990 Act to the intend that is shall bind the Owner and their successors in title and their Assigns and all persons deriving title to all or part of the Site as provided in those Sections and the covenants contained in Clause 5 hereof are planning obligations for the purposes of Section 106 of the 1990 Act

4.2 This Deed and the obligations in Clause 5 shall come into effect upon the grant of Permission

4.3 This Undertaking is a local land charge and will be registered as such

5 The Owners Covenant

5.1 In the event of the Council granting permission to the Owners so as to bind the building and land hereby covenants with the council as follows:-

5.2 The Building shall not

(a) be used for any other purpose other than as self catering holiday accommodation.

(b) be occupied by the same person or group of people for more than 28 days and there shall be no return to the accommodation within the following 3 months.

(c) be sold or in anyway disposed of separately from the adjoining dwellinghouse.

5.3 Access to the land for the use of the holiday let shall be via the southern access only. With use of the parking area as identified on the plan marked in red.

6 Costs

6.1 The Owner hereby agrees to pay the Councils reasonable legal costs not exceeding £450.00 incurred in connection with the approval and completion of this Deed

7 Rights of Third Parties

7.1 For the avoidance of doubt none of the provisions of the Contract (Rights of Third Parties) Act 1999 shall apply to this Deed

8 Consent

8.1 The Owner hereby consents to the completion of this Undertaking and acknowledges that from the date hereof the Site shall be bound by the covenants restrictions and stipulations contained herein

9 Covenants by the Council

9.1 The Council shall within 8 weeks of the execution of this Undertaking grant the planning permission to save that the Council shall not be in breach of this obligation if it shall - be prevented from issuing the planning permission by a court order

EXECUTED and delivered as a Deed the day and year first hereinbefore written

SIGNED and delivered as a deed by

The said

NAME:

SIGNED:

In the presence of:

NAME:

ADDRESS:

OCCUPA.:

SIGNED and delivered as a deed by

The said

NAME:

SIGNED:

In the presence of:

NAME:

ADDRESS:

OCCUPA.:

(4) Application No: PAP/2013/0357

Hilltop House, Mill Lane, Fillongley, CV7 8EE

Erection of a garage and gymnasium building, with a sunken form, incorporating a pitched roof, for

Mr Craig Gardner

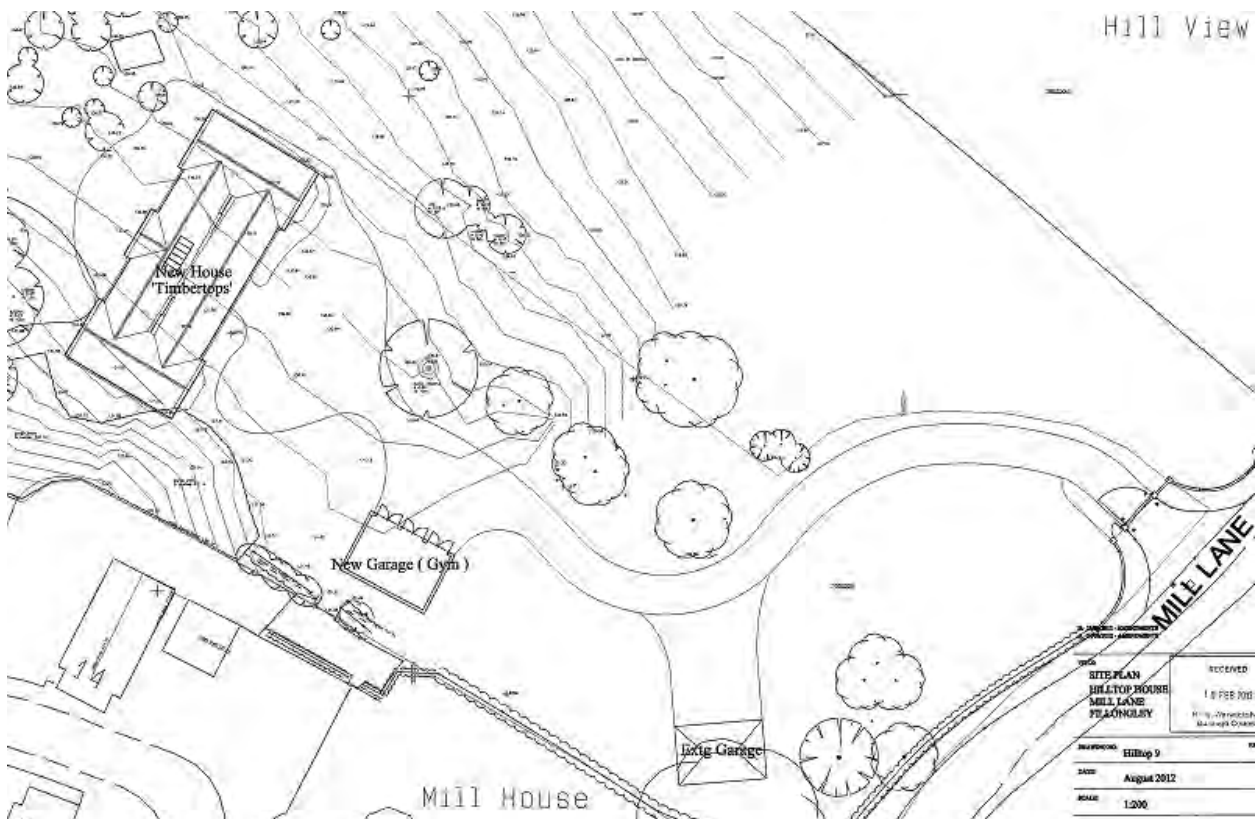
Introduction

This application is reported to Board for determination because the recommendation includes the revocation of an earlier planning permission.

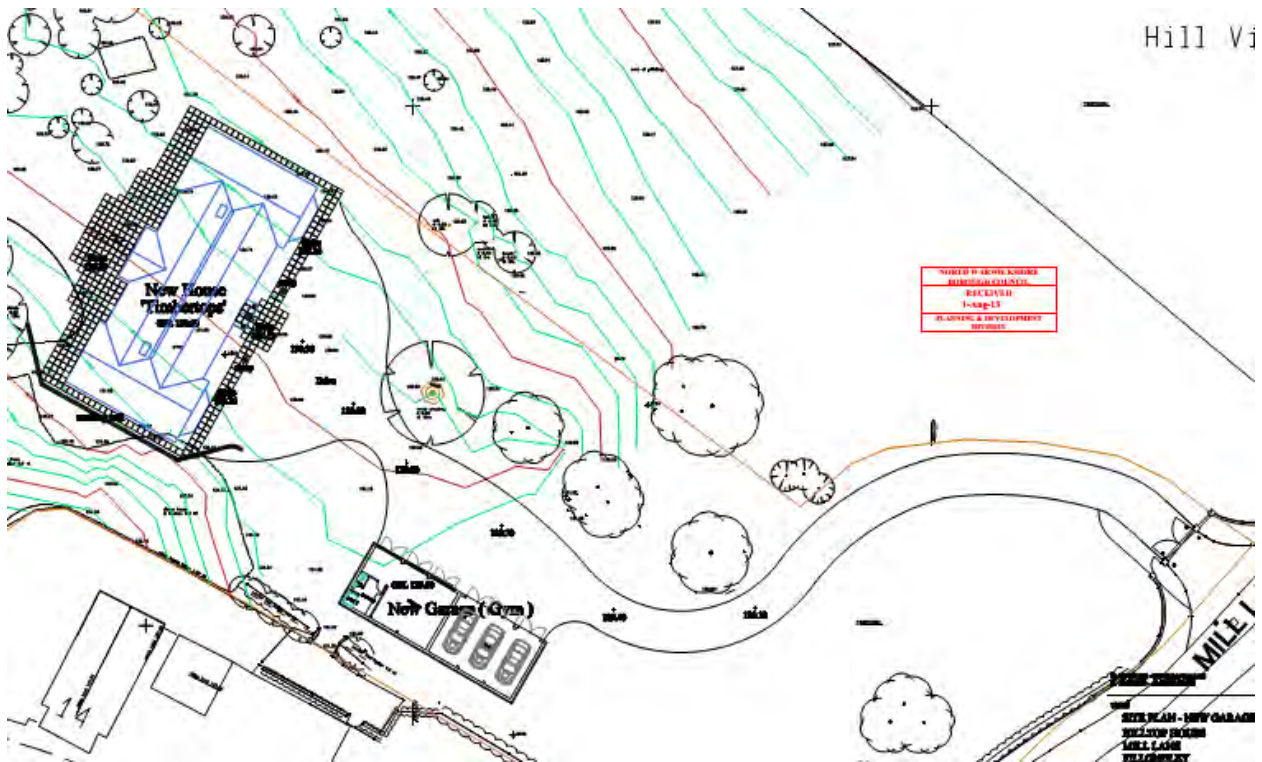
The Site, Background and Proposal

The property is one of a few isolated properties, lying along Mill Lane and adjacent to the redevelopment of the former Skelton's Haulage yard (now known as Willow Lane).

Planning permission exists for the replacement of a split level bungalow with a large two storey house on a different footprint. The permission for the replacement dwelling included the erection of a new detached replacement garage which had a sunken construction. Later permissions approved the use of the new garage as a gym and the retention of the existing three car garage building (originally proposed to be demolished). The approved site layout is therefore shown below:



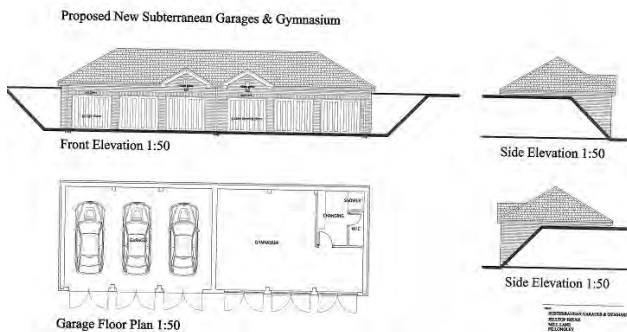
This application seeks the erection of a single building comprising a three car garage and gymnasium building, with a sunken form, in place of the two buildings which are currently approved. The proposed site layout is shown below.



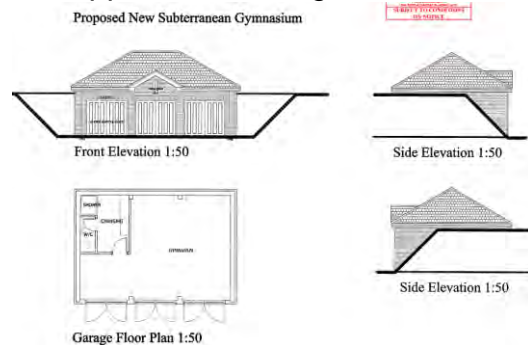
This layout shows the demolition of the existing garage, contrary to the planning permission which authorised its retention (application reference PAP/2013/0080). The applicant has indicated that, if the current application is approved, he is happy for the Planning Authority to use Section 97 of the 1990 Town & Country Planning Act to revoke the permission referenced PAP/2013/0080. He has indicated that he will not seek any compensation and is willing to pay the reasonable expenses of the Council, not exceeding £900.

The illustrations below show the proposed building by comparison to it in its approved form.

Proposed Building



Approved Building



Development Plan

Saved Policies of the North Warwickshire Local Plan 2006: Core Policy 2 (Development Distribution), Core Policy 11 (Quality of Development), ENV2 (Green Belt), HSG3 (Housing Outside Development Boundaries), ENV11 (Neighbour Amenities) and ENV13 (Building Design)

Other Relevant Material Considerations

Government Advice: National Planning Policy Framework (NPPF).

Paragraph 58: Planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 89: A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include:

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

Representations

Fillongley Parish Council –Objects to the application on the grounds that the proposed building is sited inappropriately; not sited close enough to the main dwelling to enable it to be used for the purpose described.

Observations

The site lies in the Green Belt and outside of any defined development boundary.

In essence, this application seeks to erect a single building in place of two buildings. The two buildings have a comparable combined footprint to the single building now proposed. Given that the proposed building would have a partially sunken form and would not be spread across the frontage to this property, it is considered that it's more compact form would have less of an impact on the openness of the area than the approved two buildings.

Notwithstanding that the submitted drawings clearly show the demolition of the existing garage, the retention of the garage is the subject of a stand alone planning permission. It would be inappropriate to approve the large gym/garage building if there was any lawful opportunity for the applicant to construct the new building and retain the existing three car garage because there would be cumulative impact on the openness of the green belt and harm to the rural character of the area. Therefore the revocation of the planning permission referenced PAP/2013/0080 would be wholly appropriate.

The proposed building, though forward of the approved dwelling, would be within 19m of the new house. It is not uncommon for incidental buildings in the curtilages of large dwellings to be at such a distance from the dwellings. Furthermore, the approved gym is set at the same distance from the dwelling and the existing garage is set at a further distance still. It is considered that if the garage were used for another purpose, then that would become a matter for separate consideration.

The application may be supported subject to conditions and subject to the revocation of the permission for the three car garage building.

Recommendation

- A) That the under the provisions of [Section 97 of the Town & Country Planning Act 1990](#) the planning permission referenced PAP/2013/0080 be revoked.
- B) That the application be **GRANTED** subject to the following conditions :
 - 1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

REASON

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

- 2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered Hilltop 9 Rev G received by the Local Planning Authority on 1 August 2013 and the plan numbered Hilltop 17 received by the Local Planning Authority on 19 July 2013.

REASON

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

- 3. The approved building shall be constructed with bricks and tiles to match the materials used in the construction of Hilltop House, Mill Lane, Fillongley.

REASON

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

- 4. The gymnasium and garage hereby approved shall not be used for any purpose other than for purposes incidental to the enjoyment of the dwelling known as Hilltop House, Mill Lane, Fillongley as such.

REASON

To prevent unauthorised use of the property.

INFORMATIVES

2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. 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.
3. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
4. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.
5. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions and seeking to resolve planning objections and issues. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0357

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	19/7/13 1/8 /3
2	Case Officer and Applicant's Agent	Correspondence	1/8/13 8/8/13 1/8/13 19/8/13 30/8/13
3	Fillongley Parish Council	Representation	20/9/13

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.



(5) Application No: PAP/2013/0380

Abbey Green Park, Grendon Road, Polesworth, Warwickshire

Installation of lighting to the principle paths within the park as set out in the approved management plan. The aim is to facilitate evening use of the pavilion and to address community safety issues around the pavilion and the play and sports facilities. The works are to be carried out in conjunction with the overall refurbishment of the Park for

Miss Alethea Wilson - North Warwickshire Borough Council

Introduction

The application is brought before the Planning and Development Board as the applicant is the Council.

The Site

The site is an existing park which contains a variety of uses, such as tennis courts, a bowling green, footpath pitches, a skate board park and children's play area.

The park has three vehicle parking areas, two off Abbey Green via Grendon Road and the other one is off Grendon Road, next to the Polesworth Garage.

The site is currently undergoing improvement works undertaken as part of an approved management plan. The site does have limited lighting to the existing paths. The overall site area of the park is 7.7 hectares.

The Proposal

The lighting will allow the evening use of the pavilion which is to the south of the main football pitch. Also the lighting would seek to address community safety issues around the existing park. The park is currently undergoing refurbishment and the works would be carried out in conjunction with it, leading to an overall park improvement.

The lighting is proposed to serve the car park to the east of 41b Grendon Road, the playground, the pavilion and between the tennis courts, the bowling green and the path leading up to the canal bridge crossing to the east of the park.

All of the lighting columns would be 6 metres in height, with 76 mm shafts, a 140mm base and be painted dark green with 70w lanterns.

14 lights are proposed. 4 lighting columns will have raise and lower columns set out as RL on the site plan, as shown in Appendix 1. 10 lighting columns will have straight columns and lanterns, and will seek to match the existing lighting within the park, and the positions can be seen on the same Appendix marked S. Images of the proposed lights can be viewed in Appendix 2.

The lights are proposed to be on between 6 am and 10pm, Monday to Sunday. Photographs of the site can be viewed in Appendix 3.

Background

The proposal to install lighting at Abbey Green Park in Polesworth is integral to the major refurbishment that is currently being carried out in accordance with the management plan approved by the Borough Council's Community and Environment Board in October 2012. A substantial part of the funding for the works has been provided through the Birch Coppice Section 106 Agreement.

The Park is very well used but is run down and vulnerable to anti-social behaviour and vandalism, particularly in the evenings when there are fewer people about. The aims of the project are to refurbish much of its infrastructure, thereby improving both fitness for purpose and visual amenity, and to deter the anti-social behaviour and vandalism to which it is prone. Besides structural improvements, such as to fencing and footpaths, much of the work that is being carried out involves tree management and removal of vegetation to improve sightlines across the Park. The outcome will be an enhancement to this part of the Polesworth Conservation Area as facilities are upgraded and views are improved.

The desirability of lighting the main footpath through the Park from the teen play area (which is already lit) around the pavilion and through to the access over the canal at Limekiln Bridge was brought out in consultation with local groups and by the police. This is a well used path, not just by visitors to the park but also by people using it as a route from one side of the village to the other. It is felt that lighting this path would help to deter inappropriate behaviour, facilitate policing and improve safety for legitimate users of the Park.

The pavilion currently presents something of an eyesore within the Park, and thus within the Conservation Area, as it is out of use and boarded up, having been vandalised on several occasions. The lack of lighting in the evenings militates against any investment in the building and so limits its usage. The provision of lighting would facilitate more use of the adjoining community room and would allow for the pavilion to be refurbished and brought back into use as a community facility. As with the Park, a greater presence of people actively using the building throughout the day and evening would in itself be a deterrent to anti-social behaviour.

The car park adjacent to 41b Grendon Road, opposite Abbey Green Court, is underused with residents preferring to park along the driveway to the pavilion instead, which is felt to be unsatisfactory. Feedback from consultation suggested that a factor in the under use of the car park is that it is dark and secluded in the evenings. Lighting is felt to be essential if residents are to be encouraged to use the car park. Shields will be fitted to lights in this location to reduce spillage that might affect adjoining properties.

There is currently CCTV provision in the centre of the village but not within the Park itself. The proposed lighting columns are at some distance from the existing cameras and so would not interfere with coverage. Increased lighting would, however, facilitate CCTV coverage in the Park in the future if this were to be deemed necessary.

The chosen design of the lighting is in keeping with that installed at the teen play area in 2009 (PAP/2008/0682). It will be painted dark green to match fencing and furniture on site so that there is a consistency of style across the Park. A latest use of the lights of 10pm on all days is being proposed in accordance with the planning condition already in effect with regard to existing lights in the Park. Whilst it is acknowledged that the provision of lighting introduces a further built element into the Conservation Area it is felt

that by supporting the enhancements and use of the Park the overall impact will be positive.

The site lies within a flood risk area, but the proposal is for essential infrastructure and is ancillary to the existing land use being the being the Abbey Green Park and car-parking areas. The installation of lighting is classed as having a low environmental risk having viewed the standing advice by the Environment Agency. As such the installation of the 14 lighting columns would not impede the flow of flood water; would not increase surface run-off or the risk of flooding, and would not take up flood water capacity. Therefore their installation is considered to have a negligible impact on floodwaters. The equipment will be installed to meet British standards and is safe for use and installation in times of flood.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006 - Core Policy 11 - Quality of Development, ENV1 - Protection and Enhancement of Natural Landscape, ENV5 - Open Space, ENV8 - Water Resources, ENV11 - Neighbour Amenities, ENV12 - Urban Design, ENV15 - Heritage Conservation, Enhancement and Interpretation.

Other Relevant Material Considerations

Government Advice: - National Planning Policy Framework 2012

NWBC Core Strategy Submission Version February 2013

Observations

The site lies just outside of the Development Boundary but is in the Polesworth Conservation Area. There is no objection in principle to the development, and so the main considerations here are whether the lighting columns are appropriate in terms of their design, illumination and siting, given the area of open space and the Conservation Area, and whether there exists an amenity issue to neighbouring residents in respect of light pollution. The issues around the application will be considered in the report.

a) Design

In terms of design, then the lighting columns are standard features of street furniture and are not inappropriate. The height of the lighting column is acceptable and in terms of intensity of illumination then this will be at 70 watts and is designed to direct lighting downwards. Glare will be kept at a minimum given that the light is horizontal. A "back shield" is included on the lights adjacent next to the car park next to 41b Grendon Road. The lighting will not cause any glare or light spillage beyond the area that is proposed to be illuminated. The dark skies will not be affected by the proposed lighting scheme given that no upward lighting is proposed.

b) Countryside

The location of the development is towards the edge of the recreational area known as Abbey Green Park and borders the Development Boundary. The lighting columns in this location do not present an adverse impact on the openness of the area, given they are on the edge of the site and will not be obtrusive to the remainder of the open recreational area.

c) Amenity

In respect of the impact upon the amenity of neighbouring residents then the nearest dwelling of 41b Grendon Road is located approximately 19 metres distant from the nearest lighting column. The columns to the car park next to No.41 are angled away from the rear garden with the lights directed northwards. It is noted that there are existing lighting columns along the road to the front of Abbey Green Court to the front of 41a and 41b Grendon Road and also within the park. Overall the distance is considered to be sufficient given that there would be no glare or light spillage experienced to the neighbouring properties. A “back shield “is included on the lights adjacent next to the car park next to 41b Grendon Road, so as to prevent light spill to the nearby neighbouring residents, and thus causing minimum impact to the nearest residential properties.

The siting of the other lighting columns within the park is considered to be acceptable and not impact upon other neighbouring properties.

d) Conservation Area

In terms of the setting of the Conservation Area, then the lighting columns are not considered to represent a harmful affect on the character, appearance or setting of the conservation area any further than existing street lighting.

e) Flooding

As set out in the background information part of the report the proposal is considered to be acceptable with regards to the impact of flooding, and have a negligible impact upon floodwaters.

f) Other issues

A public footpath AE20 runs through the site, however the proposal is not considered to affect it, and a note is proposed to highlight the path to the applicant.

g) Overall

It is considered that it would be unreasonable to refuse the application on grounds of siting, design, illumination or on the impact on the openness of the area and conservation area, given the illuminated areas are towards the edge of the recreational ground, and to existing paths. A refusal based around fears of the potential for anti-social behavior or criminal damage is unlikely to carry weight.

Recommendation

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the drawing number 931-38 and site location plan received by the Local Planning Authority on 2 August 2013.

REASON

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

3. For the avoidance there shall be no illumination of the lighting between 22.00 hours and 06:00 hours.

REASON

In the interests of the amenities of the area.

4. The development hereby approved shall be coloured dark green or such other colour as may be approved in writing by the Local Planning Authority, and thereafter maintained to such an approved colour at all times.

REASON

In the interests of the amenities of the area.

5. The two lighting columns which are to the east of the car park nearest to the neighbouring residents at Numbers 41a and 41b Grendon Road, Polesworth shall be installed with a back shield to prevent any light spillage.

REASON

To protect the amenities of nearby residential property.

Notes

1. The Development Plan policies which are relevant to this Decision are as follows:

Saved Policies of the North Warwickshire Local Plan 2006 - Core Policy 11 - Quality of Development, ENV1 - Protection and Enhancement of Natural Landscape, ENV5 - Open Space, ENV8 - Water Resources, ENV11 - Neighbour Amenities, ENV12 - Urban Design, ENV15 - Heritage Conservation, Enhancement and Interpretation.

Other Relevant Material Considerations : Government Advice: - National Planning Policy Framework 2012, NWBC Core Strategy Submission Version February 2013, Local Finance Considerations: New Homes Bonus (NHB), Community Infrastructure Levy (CIL)

2. Public footpath number AE20 passes through the application site. Care should be taken, particularly during construction works, to ensure that this route is kept open at all times.

3. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

4. 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.

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.

BACKGROUND PAPERS

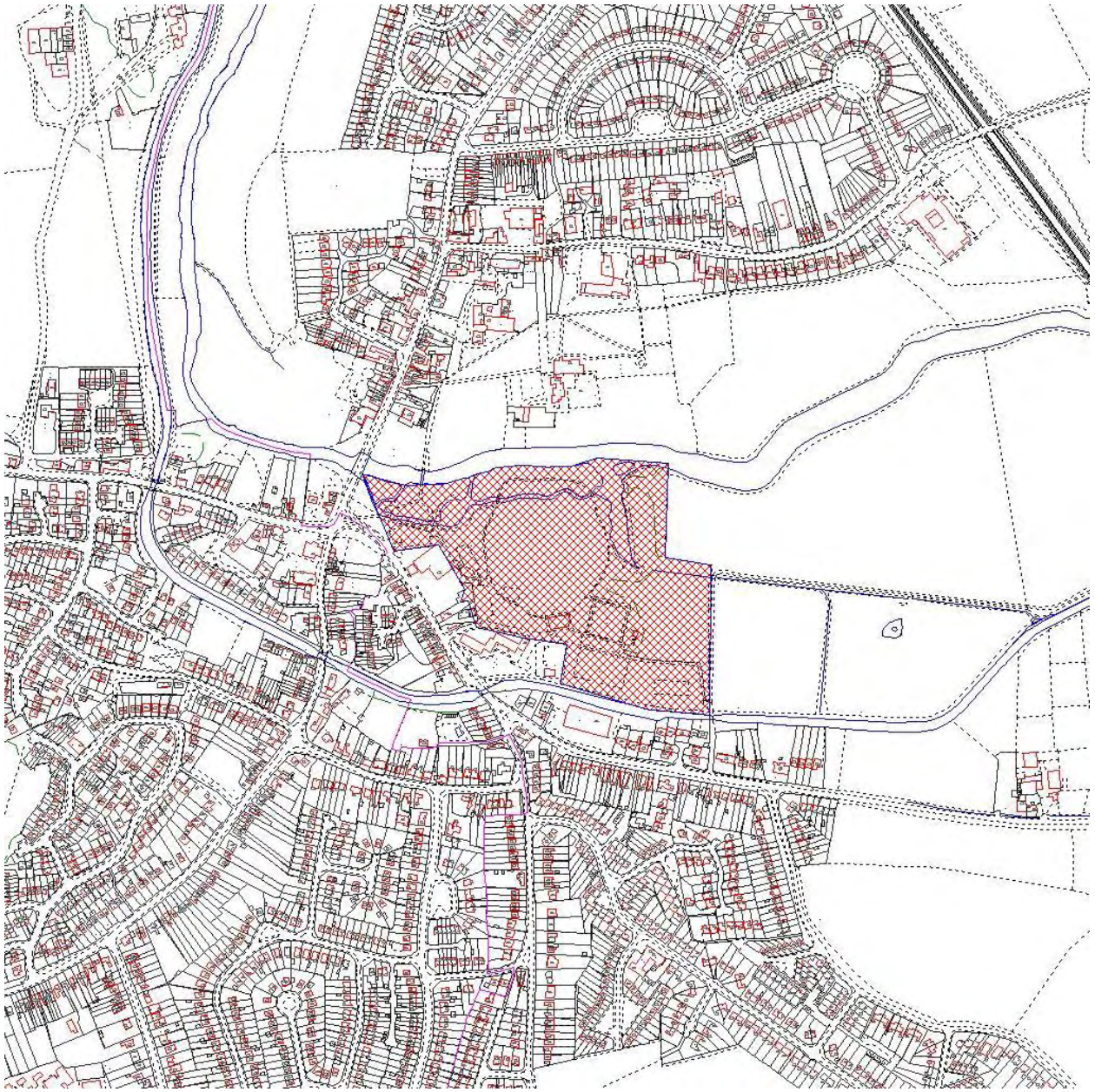
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2013/0380

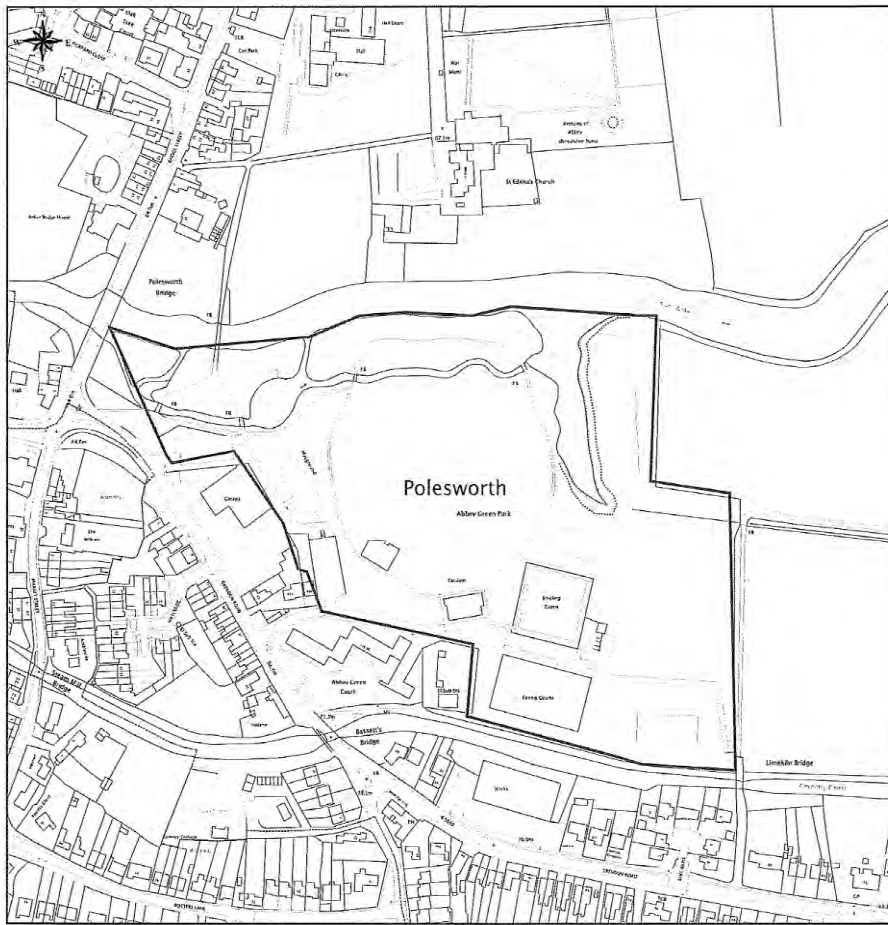
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	2/8/2013
2	Case officer	Email to applicant	2/9/2013
3	Applicant	Email to case officer	2/9/2013
4	Case officer	Email to applicant	2/9/2013
5	Case officer	Email to applicant	5/9/2013
6	Applicant	Email to case officer	6/9/2013
7	Applicant	Email to case officer	11/9/2013
8	Case officer	Email to applicant	11/9/2013
9	Applicant	Email to case officer	11/9/2013

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.



Polesworth Abbey Green Park



This Plan includes the following Licensed Data: OS MasterMap Black and White PDF Site Plan by the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date of production. Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary. © Crown copyright and database rights 2013. Ordnance Survey 0100031673

Scale: 1:2500, paper size: A3

Site Location

plans ahead by emapsite™

Prepared by: Alethea Wilson, 02-08-2013

Appendix 2 – images of the proposed lights



Appendix 3 – photographs of the site



(6) Application No: PAP/2013/0425 and PAP/2013/0426

Application to vary conditions 2 and 9 of planning permission PAP/2012/0610 relating to revisions to approved drawings, and

Surface water drainage works to facilitate the new leisure centre, both for

North Warwickshire Borough Council

Introduction

Planning permission was granted earlier this year for the new Coleshill Leisure Centre at the Coleshill School towards the southern end of Coleshill off Packington Lane. As the Council is the applicant in both of these applications, they are reported to the Board for determination.

The Site

The site of the new Centre is on the eastern side of the Coleshill School complex where the existing swimming pool and tennis courts stand. There is open countryside to the east and the school playing fields are to the south. Other school buildings are to the north and west.

Background

The permitted scheme included a main hall, changing rooms and other related spaces with access arrangements off Packington Lane. The approved layout is shown at Appendix A and the elevations are included at Appendix B.

The Proposals

One of the two applications now submitted seeks amendments to the building itself, reducing its size with consequential elevation changes, and also to the approved car parking layout. The second application sets out the proposed surface water drainage details.

The proposed changes to the building do not affect the overall size of the main hall but relate to the associated ancillary space at its southern end. As a consequence the overall building is five metres shorter than that approved. This means that the large single storey element here is effectively removed. The proposed layout and elevations are at Appendices C and D. The car park remains as approved with space reserved for the full number of approved spaces, except that space for eleven cars is now safeguarded as "overflow" car parking. This is in exactly the same position as that already approved.

The proposed surface water drainage measures include underground pipes taking the water from the building and car parks alongside the eastern boundary of the School site to the south of the proposed centre, and then discharging into a shallow rectangular swales or depressions which would run parallel to and adjoin the school playing field boundary.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006 – ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design) and TPT6 (Vehicle Parking)

Other Material Considerations

The National Planning Policy Framework – 2012

Consultations

Environment Agency – No comments.

Severn Trent Water Ltd – No comments received

Sport England – No objection to the proposed drainage system as it does not extend on to the actual playing field area, or prejudice future recreation.

Observations

There is no objection to the proposed changes for the building as these will result in a slightly smaller building with a more symmetrical appearance. The changes do not materially affect the overall appearance as approved.

In respect of the car parking then this current change is immaterial. Space for the approved fifty car parking spaces is still safeguarded. However it is now proposed to only hard surface space for a lower number of spaces (39) but leave overflow space for the remainder (11).

There has been no objection to the proposed surface drainage arrangements from the technical consultations and thus there is no reason for refusal.

Recommendation

a) PAP/2013/0425 – Proposed Amendments

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

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

REASON

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

2. Standard plans condition – plan numbers C1553/120, 123, 134 and CPW/12345/M/001REVPL1 all received on 25/1/13 and plan numbers C1553/124H, 125C, 126C, 127B, 128C, 133A and CWA/12/300/500/P3 all received on 30/8/13.

REASON

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

Pre-commencement conditions:

3. No work, other than the demolition of the existing buildings consequent upon this permission, shall commence on site until such time as full details of all of the facing materials to be used have first been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used.

REASON

In the interests of the visual amenities of the area.

4. No work, other than the demolition of the existing buildings consequent upon this permission, shall commence on site until such time as full details of the measures to be taken to dispose of both foul and surface water have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall be installed on site.

REASON

In the interests reducing the risks of pollution and flooding.

5. No work, other than the demolition of the existing buildings consequent upon this permission, shall commence on site until such time as full details of the proposed soft and hard landscaping for the site have first been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented on site.

REASON

In the interests of the visual amenities of the site.

6. No work, other than the demolition of the existing buildings consequent upon this permission, shall commence on site until such time as full details of all boundary treatments, the new entrance gates and all other car parking barriers have first been submitted to and approved in writing by the Local Planning Authority. Only the approved treatments shall then be implemented on site.

REASON

In the interests of the visual amenities of the area and to protect the residential amenity of the neighbouring occupiers.

7. No work, other than the demolition of the existing buildings consequent upon this permission, shall commence on site until such time as full details of all external lighting, including all safety lighting, car parking lights and building lights have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

REASON

In the interests of the visual amenities of the area.

8. No work, other than the demolition of the existing buildings consequent upon this permission, shall commence until details of an extension to the road makings at the entrance to the site have first been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of highway safety.

9. The development hereby approved shall not be occupied for business purposes until such time as the whole of the vehicular and pedestrian access arrangements, including additional road markings, together with the permanent car parking spaces and turning area provision, including car parking barriers, as shown on the approved plan have first been fully completed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety.

Other Conditions:

10. For the avoidance of doubt this permission does not approve the display or erection of any advertisement or other device announcing, describing or advising of the development hereby approved.

REASON

In the interests of the visual amenities of the area.

11. The sports hall hereby approved shall not be used in connection with or in association with any of the school's outdoor sports pitches other than through direct use by the school itself.

REASON

In the interests of highway safety.

Notes

1. The Development Plan policies relevant to this permission are saved Core Policies 1 and 2, together with saved policies COM1, COM2, COM3, ENV8, ENV9, ENV10, ENV11, ENV12, ENV13, ENV14, TPT1, TPT3 and TPT6 of the North Warwickshire Local Plan 2006.
2. The Local Planning Authority has worked positively and pro-actively with the applicant to overcome the planning issues arising from this proposal through pre-application meetings; discussions seeking amendments, site visits and assisting in responding to consultation responses so as to meet the requirements of the National Planning Policy Framework.
3. Attention is drawn to the Advertisement Regulations 2007 in respect of condition 10 above.

b) PAP/2013/0426 – Surface Water

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

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

REASON

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

2. Standard Plan numbers condition – plan numbers C1553/160A and CWA/12/300/507/T1 both received on 26/9/13.

REASON

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

Notes

The Local Planning Authority has worked positively and pro-actively to overcome the planning issues arising from this proposal through pre-application meetings and discussions responding to consultation responses so as to meet the requirements 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/2013/0425

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	30/8/2013

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.

BACKGROUND PAPERS

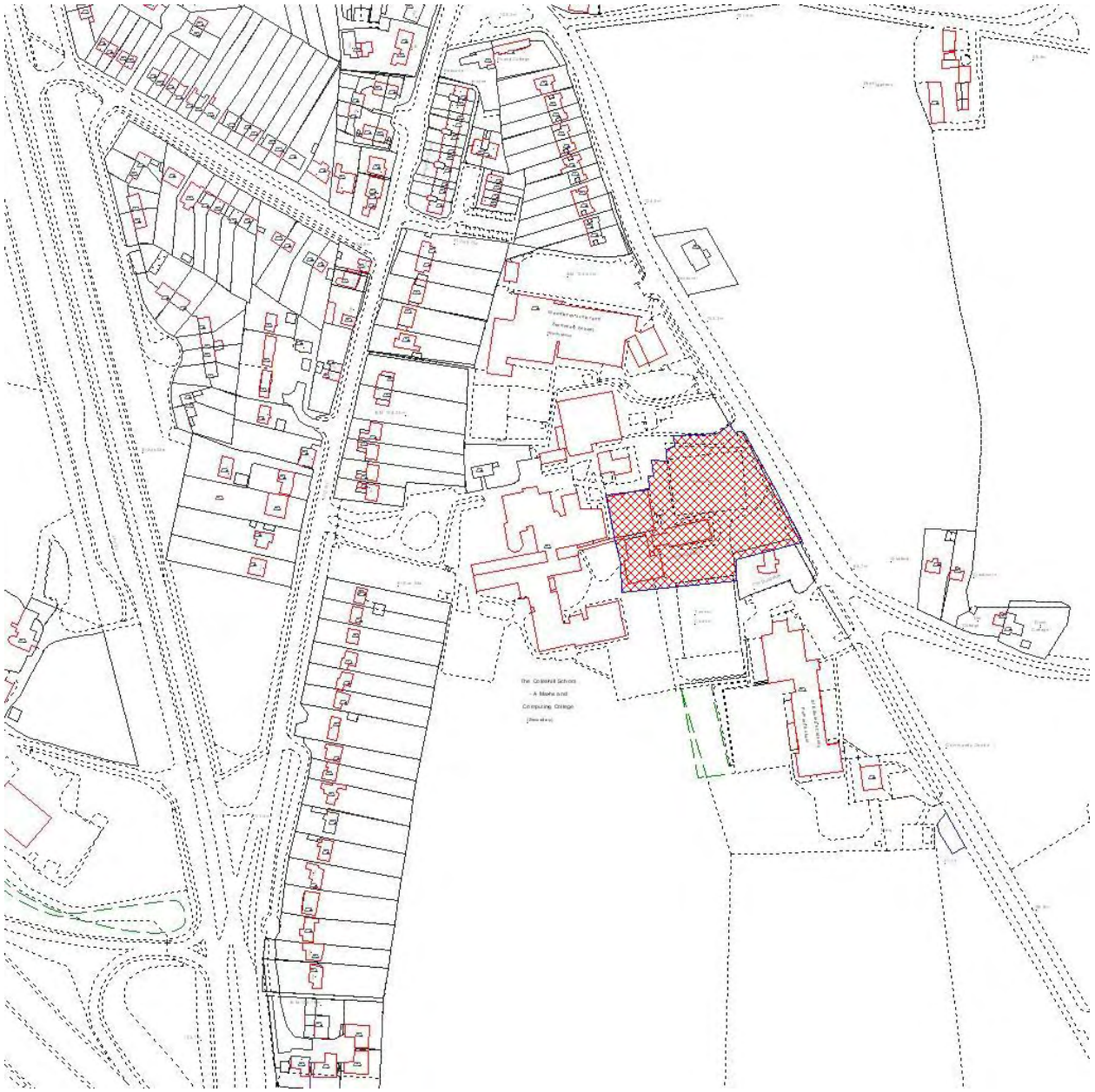
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2013/0426

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	30/8/2013
2	Environment Agency	Consultation	5/9/13
3	Sport England	Consultation	23/9/13
4	Applicant	Amended plans	26/9/13

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.



Appendix A

20130610

DO NOT SCALE
 ALL DIMENSIONS ARE GIVEN UNLESS OTHERWISE NOTED BY ANY DIMENSIONED LINE FROM COMMENCEMENT POINTS

NOTES:

- Overall school site boundary
- Extent of site environment for planning application
- Existing Building / Structure
- Proposed Building / Structure
- Existing surface
- Proposed hardstanding surface
- Proposed soft landscaping surface
- Proposed gate at new boundary crossing
- Proposed location for replacement graded tree



NORTH WARWICKSHIRE
 BOROUGH COUNCIL
 RECEIVED
 16-Apr-13
 SUBJECT TO CONDITIONS
 ON NOTICE

NORTH WARWICKSHIRE
 BOROUGH COUNCIL
 RECEIVED
 4-Apr-13
 PLANNING & DEVELOPMENT
 DIVISION

F. 020913 - NH - Amendments to the vehicle access into the site to accommodate a large school refuse vehicle following the removal of the existing refuse vehicle access. Further 200m of the site to accommodate a refuse vehicle following highway. Client's comments.

E. 020913 - NH - New pedestrian access path into the site from the existing parking space. Further 200m of the site to be removed. Existing vehicular gates into site to be removed.

C. 250113 - NH - Replacement trees shown.

B. 210113 - NH - Pedestrian access route shown. Vehicular access route shown following level of slope.

A. 020913 - NH - Updates following receipt of topographic survey information.

REVISIONS

PLANNING ISSUE

idp MIDLANDS
 ARCHITECTS

CLIENT: North Warwick Borough Council
 OFFICE: Central Leamington
 DRAWING TITLE: Proposed Site Plan
 DRAWING NO: C1553 / 12AG

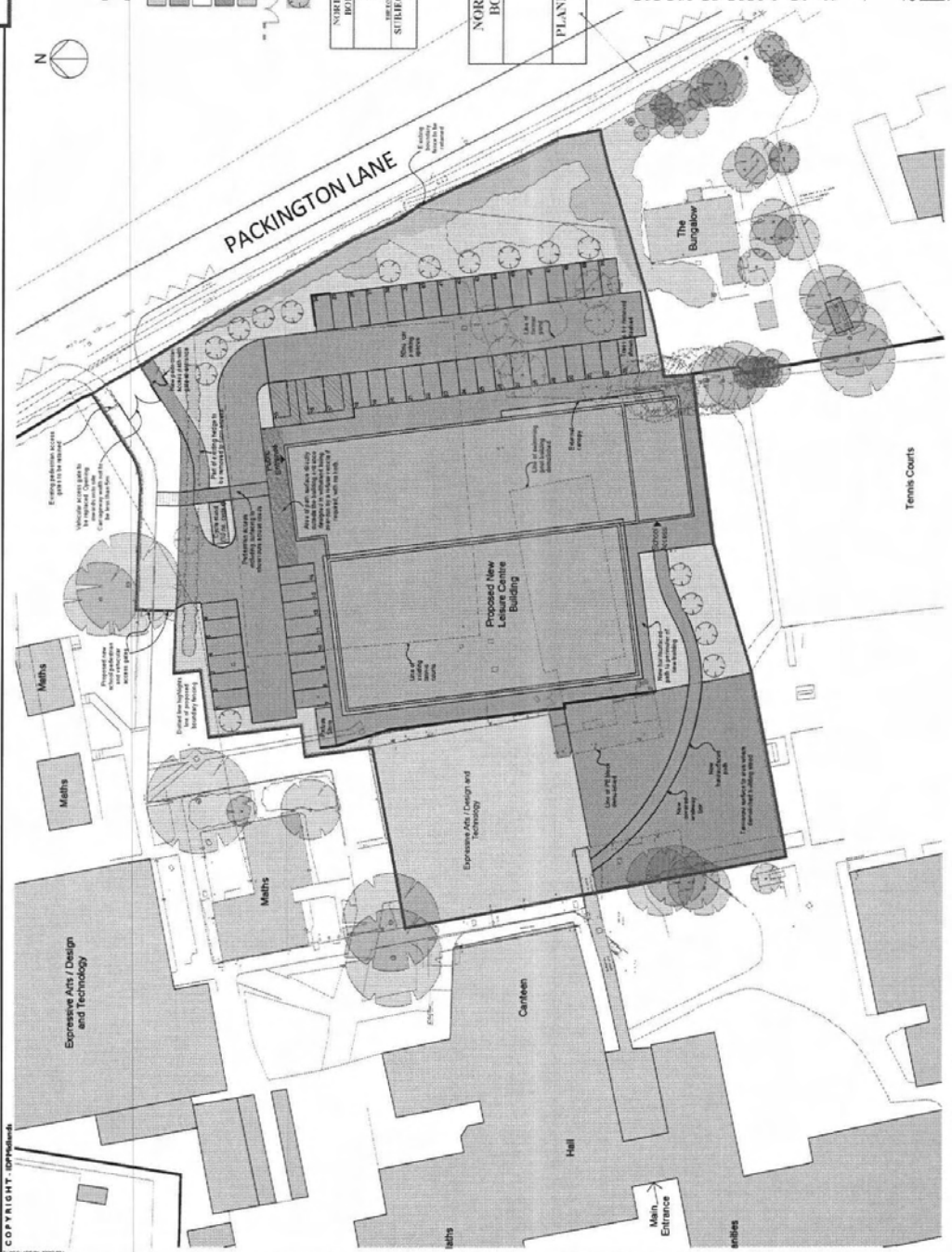
SCALE @ A3: 1:500
 DATE: 12/2012
 DRAWN: NH
 CHECKED: JH

ARCHITECTURE | URBAN DESIGN | INTERIOR DESIGN | CDH CO-ORDINATION | PROJECT MANAGEMENT | VISUALISATION

ARCHITECTURE REDEFINED

PROPOSED SITE PLAN

INDLANDS - 37 POON STREET, COVENTRY, CV3 9BA. TEL: 02476 3222 404. FAX: 02476 3222 404. Email: info@idp.co.uk. Web: www.idp.co.uk

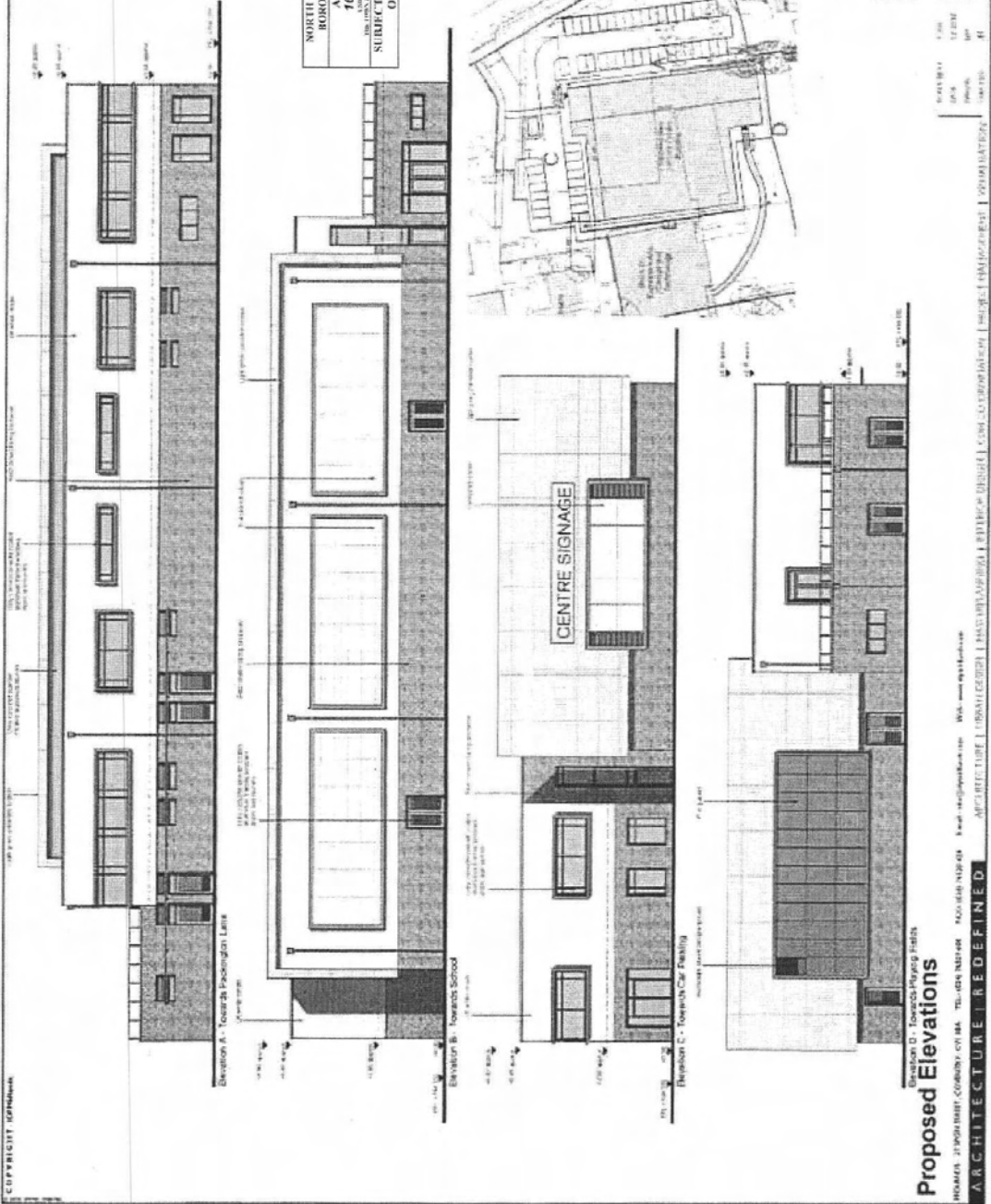


Appendix B

2012/0610

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

04/13/12



NORTH WARWICKSHIRE
BOROUGH COUNCIL
APPROVED
16-Apr-13
SUBJECT TO CONDITIONS
ON NOTICE

NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
23-Mar-13
PLANNING & DEVELOPMENT
DIVISION

1. THIS PLAN IS A PRELIMINARY DRAWING AND IS NOT TO BE USED FOR CONSTRUCTION. ANY CHANGES TO THE PLAN MUST BE APPROVED BY THE ARCHITECT.
2. THIS PLAN IS A PRELIMINARY DRAWING AND IS NOT TO BE USED FOR CONSTRUCTION. ANY CHANGES TO THE PLAN MUST BE APPROVED BY THE ARCHITECT.

idp MIDLANDS
ARCHITECTS

North Warwick Borough Council
Planning & Development
15, The Quadrant, Warwick, CV34 4EF
Tel: 01927 543333 Fax: 01927 543334
www.idparchitects.co.uk

PLANNING ISSUE

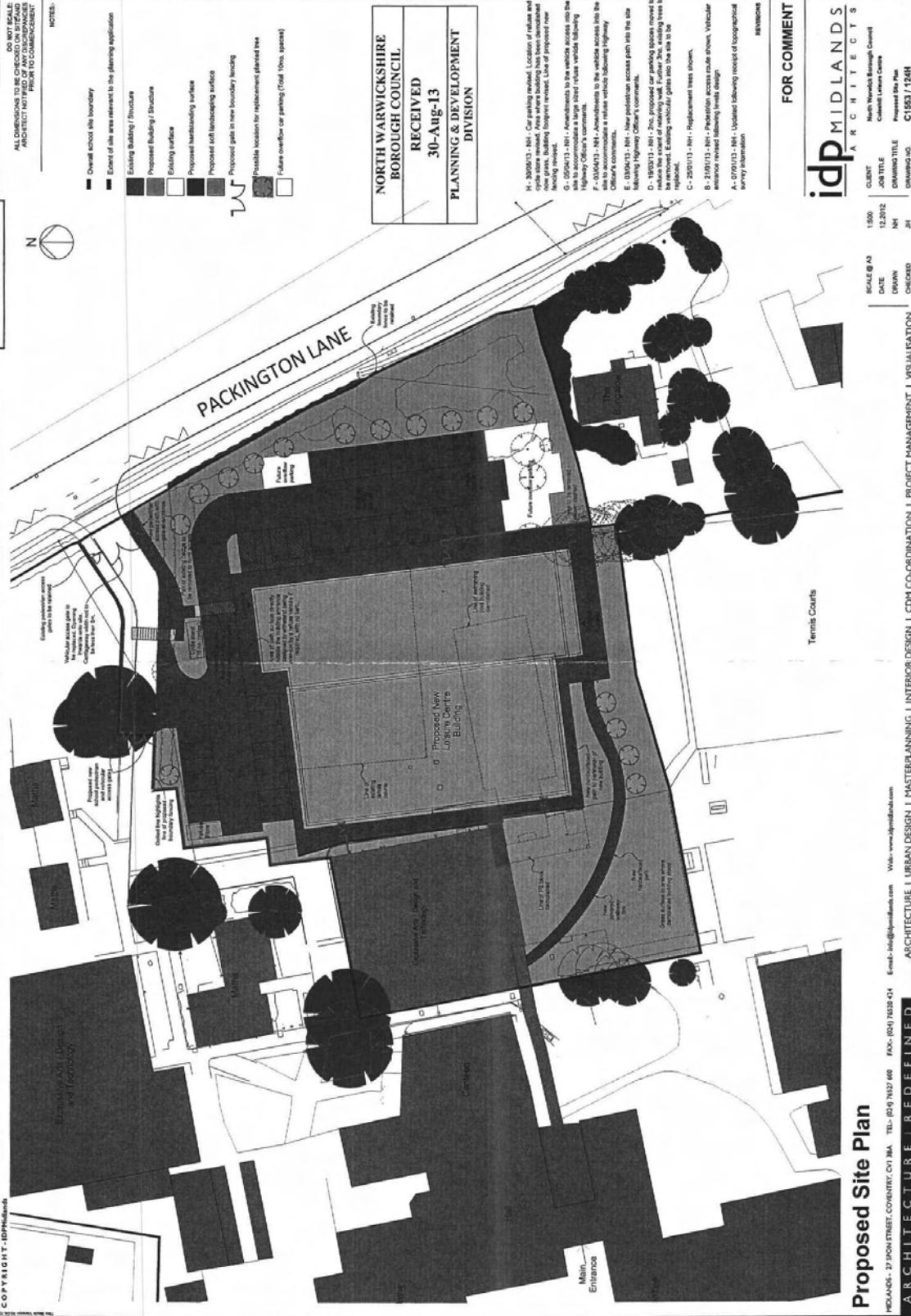
DATE	12/01/12
BY	12/01/12
FOR	12/01/12
REVISION	12/01/12

Proposed Elevations

HOAMES ARCHITECTURE REDEFINED

Appendix C

2013/0425



DO NOT SCALE
ALL DIMENSIONS TO BE CHECKED ON SITE AND
ARCHITECT NOTIFIED IF ANY DISCREPANCIES
FOUND TO CORRECT THEM

- NOTES:
- Overall school site boundary
 - Extent of site area reserved for planning applications
 - Existing Building / Structure
 - Proposed Building / Structure
 - Existing surface
 - Proposed hardstanding surface
 - Proposed soft landscaping surface
 - Proposed gate in new boundary fencing
 - Possible location for replacement planted tree
 - Future overflow car parking (Total 1000 spaces)

NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
30-Aug-13
PLANNING & DEVELOPMENT
DIVISION

- REVISIONS
- H - 18/03/13 - NH - Correcting technical location of site and cycle store marked. Area where building has been demarcated new grass. Building footprint revised. Line of proposed new car parking revised.
 - C - 20/03/13 - NH - Amendments to the existing access into the site to accommodate a large sized future vehicle following Highway Officer's comments.
 - F - 03/04/13 - NH - Amendments to the website access to the site to accommodate a large sized future vehicle following Highway Officer's comments.
 - E - 03/04/13 - NH - New pedestrian access path into the site following Highway Officer's comments.
 - D - 18/03/13 - NH - 200 - Proposed car parking layout moved to the rear of the site. Proposed car parking layout moved to the rear of the site. Proposed car parking layout moved to the rear of the site. Proposed car parking layout moved to the rear of the site.
 - C - 20/03/13 - NH - Replacement trees shown.
 - B - 21/03/13 - NH - Pedestrian access route shown. Vehicle entrance revised following level design.
 - A - 07/03/13 - NH - Updated library layout of topographical survey information.

FOR COMMENT

idp MIDLANDS
ARCHITECTS

CLIENT: North Warwickshire Council
JOB TITLE: Current Learning Centre
DRAWN: JH
CHECKED: JH
DATE: 12/2012
SCALE @ A3: 1:500
DRAWN: JH
CHECKED: JH

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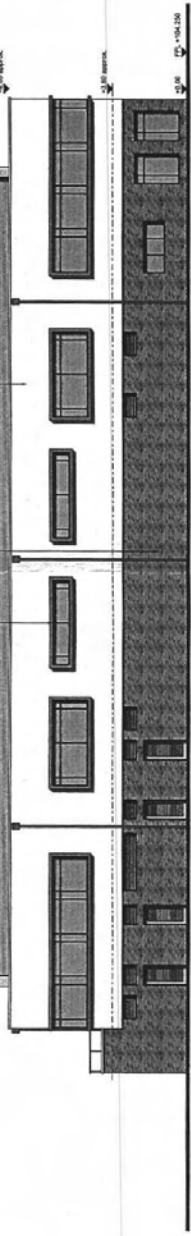
Proposed Site Plan

HOLADGS - 27 PON STREET, COVENTRY, CV3 3NA. TEL: (024) 7632 404 FAX: (024) 7632 404
E-mail: info@idpmidlands.com Web: www.idpmidlands.com

ARCHITECTURE | URBAN DESIGN | MASTERPLANNING | INTERIOR DESIGN | CDH CO-ORDINATION | PROJECT MANAGEMENT | VISUALISATION

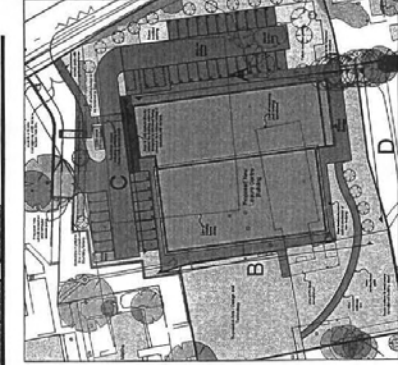
2013/04/25

NOTES:
ALL DIMENSIONS TO BE CHECKED ON SITE
ARCHITECT NOTIFIED OF ANY DISCREPANCIES
PRIOR TO CONSTRUCTION

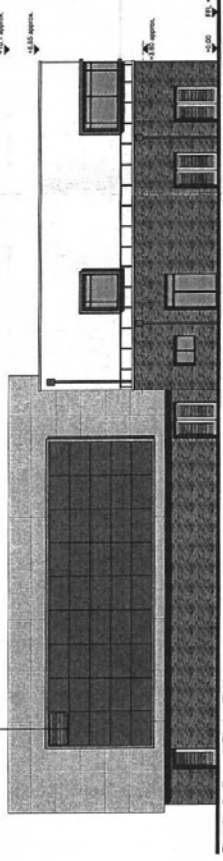


Elevation A - Towards Packington Lane

NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
30-Aug-13
PLANNING & DEVELOPMENT
DIVISION



Elevation B - Towards School



Elevation C - Towards Car Parking

Proposed Elevations

MIDLANDS: 27 FORD STREET, COVENTRY, CV3 3BA TEL: (024) 76227 448 FAX: (024) 76227 451 Email: info@idp-midlands.com Web: www.idp-midlands.com

ARCHITECTURE | REDEFINED | INTERIOR DESIGN | MASTERPLANNING | INTERIOR DESIGN | CDV CO-ORDINATION | PROJECT MANAGEMENT | VISUALISATION

FOR COMMENT

idp MIDLANDS
ARCHITECTS

CLIENT: North Warwick Borough Council
JOB TITLE: Council Caravan
DRAWING TITLE: Proposed Elevations
DRAWING NO.: C1953 / 28C

SCALE @ A3: 1:200
DATE: 12.2012
DRAWN: NH
CHECKED: JH

REVISIONS

A - 21/01/13 - NH - Further design development.
B - 22/03/13 - NH - Amendments following planner's comments. Lobby at public entrance revised. Corner overhang to sports hall block removed.
C - 28/03/13 - NH - Ground floor building area revised. Overhang to sports hall block removed. Further development of construction section.
D - 22/03/13 - NH - Amendments following planner's comments. Lobby at public entrance revised. Corner overhang to sports hall block removed.

Agenda Item 7

Planning and Development Board

14 October 2013

Report of the Assistant Chief Executive and Solicitor to the Council

Statutory Consultees – Local Enterprise Partnership Protocol

1 Summary

- 1.1 This report informs Members of the Local Enterprise Partnership's (LEP) recently agreed protocol on working with statutory consultees to planning applications.

Recommendation to the Board

That the protocol be noted and that regard be had to the protocol in the determination of planning applications.

2 Consultation

- 2.1 Councillors Sweet and Simpson have been sent copies of the report.

3 Local Enterprise Partnership Protocol

- 3.1 As Members will be aware, the LEP was created to drive forward the Coventry and Warwickshire economy. The LEP has a number of working groups looking at the key aspects of the economy and one of these groups is the Planning Group. One aspect of that group's work has been to look at the problems that can sometimes occur when statutory consultees are involved in planning applications. The attached protocol has been agreed by the LEP, in conjunction with all the statutory consultees. The Board is asked to note it and agree that regard will be had to the protocol in the determination of planning applications.
- 3.2 As Members will be aware, the Council is not current represented at Councillor level on the LEP and this continues to be a matter of concern. This issue is raised on a regular basis with partners. The Council does however have representation on the Planning Group, with the Forward Planning Manager and the Assistant Chief Executive and Solicitor to the Council sharing that representation.
- 3.3 It is acknowledged that the Protocols so far from the LEP have been somewhat one sided with nothing yet requiring developers and/or agents to improve their performance, something that has regularly been a problem in this area. Officers will continue to push for this.

3.4 It is still thought that the Protocol is helpful, but it is important to note that it does not bind the Council. If we still think it is in the public interest to wait for consultation responses longer than is recommended in the Protocol, or if we wish to examine issues in more detail, then the Council will. Whilst speed and certainty are important matters, particularly in light of recent Government measures previously reported to the Board, the Council's overriding duty remains to ensure quality developments.

4 **Report Implications**

4.1 **Finance and Value for Money Implications**

4.1.1 Failure to consistently determine planning applications in a timely way could lead to planning fees having to be refunded or the applications being directed to the Planning Inspectorate.

4.2 **Legal and Human Rights Implications**

4.2.1 The protocol complies with the current planning law and guidance.

4.3 **Environment and Sustainability Implications**

4.3.1 Removing barriers to sustainable and acceptable growth would improve the liveability of the Borough.

4.4 **Links to Council's Priorities**

4.4.1 Allowing the economy to grow in a sustainable and acceptable manner is a key priority of the Council.

The Contact Officer for this report is Steve Maxey (719438).

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date
1	Local Enterprise Partnership	Statutory Consultee Protocol	September 2013

**Protocol for Statutory Consultees in supporting growth
Coventry and Warwickshire Local Enterprise Partnership**

The Local Enterprise Partnership (LEP) is currently preparing a 5 year strategy for the Coventry and Warwickshire economy which states;

“By 2016, through, strong private-public sector collaboration, Coventry and Warwickshire will be regarded as one of the best and easiest places in the country to establish, run and grow strong and successful businesses, generating significant new employment and skills opportunities in the area.”

Planning authorities are vital in delivering this vision. This will require a commitment to collaborative working, good project management and to achieving high quality sustainable developments with exemplar outcomes in terms of economic and other benefits. It is important for planning authorities to make development by valued investors in the area more cost effective and low risk. This will involve the presumption in favour of sustainable growth, recognising the benefits that this brings for the economy.

The broad principles set out below are intended to be agreed by the LEP board and the constituent planning authorities. The protocol is intentionally not burdened with technical matters and does not include prescriptive detail.

The CWLEP is committed to supporting broader economic growth. We want to ensure a timely and effective planning system in order to support growth. While local planning authorities remain ultimately responsible for planning decisions, they can give significant weight to the advice of the key Statutory Consultees on specialist technical issues where an authority may have limited expertise. This can mean authorities are reluctant to determine applications without input from these key bodies and therefore Statutory Consultees should take responsibility for the advice they give.

Who are Statutory Consultees?

Statutory Consultees are organisations and bodies, defined by statute, which must be consulted on relevant planning applications.

What they do?

Statutory Consultees provide advice on specialist technical issues. They play an important role in the planning system, supporting the delivery of development i.e. highway safety, heritage, drainage and flooding matters.

The purpose of this protocol is to;

- achieve a more joined up outlook and avoid duplication of work and planning conditions;
- improve the quality of their engagement;
- support growth in a timely way; and
- promote the ambition of national government to deliver development and growth within the local economy.

What each Statutory Consultee will commit to:

- Provide clear and concise advice throughout the process, being conscious of the need, cost and timeframe for their requirements.
- Apply equal priority to minor and major applications to ensure a timely response is achieved.
- Maintain a single point of contact throughout the process.
- Work proactively through the process with the applicant. If mitigation of an issue is required, the applicant should be informed as soon as possible.
- Only respond with requirements that are planning considerations.
- Ensure responses are reasonable and take into account viability issues on site.
- Work collaboratively with other Statutory Consultees who comment on similar issues.
- Agree with the applicant a timescale for providing pre-application advice within 7 days of the initial meeting. Providing the scheme does not change, pre-application responses will normally remain valid for a period of three months. The Statutory Consultee will need to clearly state this validation period. Unless legally required to do so, the Local Planning Authority will not be required to re-consult the Statutory Consultee if the formal application is submitted within this three month period and the pre-application discussion has been fully resolved with any proposed planning conditions agreed by all parties. Those conditions would then be offered by the applicant as part of the formal application.
- Respond to applications within 21 days of receiving the consultation. In the absence of any comments made within 21 days, the LPA may reasonably conclude that the Statutory Consultee has no objections to the granting of planning permission. Holding responses will not be considered unless an extension of time has been previously agreed or they have been directed by the Statutory Consultee. If a holding direction is necessary reasons should be provided.
- Statutory Consultees should agree conditions on a planning permission within a reasonable time.

What the applicant will commit to:

- Submit the necessary information required to enable the Statutory Consultee to respond to the application within 21 days of receiving the consultation and to advise on any likely issues.
- Work collaboratively with the Statutory Consultee.
- Agree with the Planning Officer at the initial pre-application meeting who the Statutory Consultees are and what will be required within agreed timescales.
- Submit any pre-application advice given with their application.

What the Planning Authority will commit to do:

- Agree a schedule of standing advice with Statutory Consultees within three months.
- Facilitate pre application discussions with the relevant Statutory Consultees
- Work pro-actively with relevant departments to avoid unnecessary delays (e.g. licencing).

There will be annual review meetings with Statutory Consultees within the Coventry and Warwickshire LEP area. This will be informed by feedback through the Local Planning Authorities customer satisfaction surveys. Chief planners and statutory consultees will bring an overview of performance against this protocol to review.

Agenda Item No 8

Planning and Development Board

14 October 2013

**Report of the
Head of Development Control**

**Planning Application
PAP/2013/0224
Spon Lane, Grendon**

1 Summary

- 1.1 An appeal has been lodged following the refusal of planning permission here, and the report recommends an approach to be followed so as to best defend the Council's position.

Recommendation to the Board

a That, upon the receipt of legal advice it is considered that the Council would also refuse planning permission in this case for the following reason;

“2. It is considered that the proposed development would be inappropriate in size and in this location as it would materially extend the settlement of Grendon onto green field land impacting on its local character and distinctiveness”;

b That the Council engages planning consultants to represent the Council on this appeal working in association with planning officers; and

c. That Board approves the use of some of the additional planning fee income to fund the appeal costs up to the value of £40,000.

2 Background

- 2.1 Members will recall that at its August meeting, planning permission was refused for the construction of 85 houses off Spon Lane in Grendon. A copy of the Notice is attached at Appendix A and this contains the one refusal reason.

- 2.2 An appeal has now been lodged against this refusal, and the Planning Inspectorate has agreed that it should be heard by way of a Public Inquiry. A date is yet to be agreed, Advance warning of the appeal has already been circulated to the local community.

3 Reasons for Refusal

- 3.1 In handling this appeal, the Council will instruct Counsel to represent our case at the Inquiry. He has already offered legal advice, and it is suggested that the Council might wish to consider a further refusal reason. The existing reason is essentially one relating to the five year housing supply and to the emerging Core Strategy. In addition, it is suggested that the impact of the proposal on the village should be examined given the direction set out in the Preferred Options document. If Members agree, this additional reason can be included.
- 3.2 Members will see from Appendix A that the existing refusal reason relates to the proposal not being in conformity with the emerging Core Strategy. The current situation with the Core Strategy is that the Inspector dealing with this, has now agreed that hearings will begin in early January. This prematurity case therefore has merit in view of where the Council now is with its Core Strategy, its updated evidence base and the weight that can be given to these issues.

4 The Inquiry

- 4.1 As Members are aware, officers recommended that this application should be supported and this is referred to in the appellant's grounds of appeal. In order not to compromise the Council's position and so as to provide the strongest possibility of success, it is recommended that a planning consultant should be engaged to act as the Council's planning witness in this case. An officer would also need to be present in order to act as a technical witness to provide factual information for the Inspector. The Council has adopted this approach before in dealing with planning appeals.
- 4.2 Members will be aware from the quarterly reports of the Assistant Director (Finance and Human Resources) that the costs of an appeal are always a risk that the Board should be aware of when taking decisions. In this case the combined cost of Counsel and a Planning Consultant could amount to £15k. In the event of the appeal being allowed and costs being awarded against the Council, the appellant's costs could amount to an additional £25k.

5 Report Implications

5.1 Financial and Value for Money

- 5.1.1 As set out above the Council will incur costs as a consequence of this appeal. To be in the strongest position to defend the refusal, our own costs could amount to £15k. If costs are awarded against the Council a further £25k might be required. The Board is asked to approve the use of some of the additional planning fee income to fund the costs which will be incurred, up to the value of £40,000.

5.2 Environment and Sustainability

5.2.1 The refusal of planning permission here is considered material to the Council's approach towards future housing development in the Borough as set out in the Core Strategy which follows the sustainability agenda of the National Planning Policy Framework 2012.

5.3 Risk Management Implications

5.3.1 The recommended actions will give a stronger chance of success, which may mitigate the financial risk to the Council.

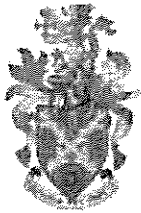
5.4 Impact on the Council's Priorities

5.4.1 The refusal in this case accords with the Council's priority of protecting the rural character of the Borough.

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

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



**North Warwickshire
Borough Council**

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Website: www.northwarks.gov.uk

Date: 13 August 2013

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

DECISION NOTICE

Smallscale Major - Outline Planning Application

Application Ref: PAP/2013/0224

Site Address

Land South of Dairy House Farm, Spon Lane, Grendon

Grid Ref: Easting 427909.33
Northing 299573.55

Description of Development

Outline application for the erection of up to 85 dwellings, access and associated works, all other matters reserved

Applicant

Kler Group Ltd

Your planning application was valid on 15 May 2013. It has now been considered by the Council. I can inform you that:

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

1. The Council considers that it has land to provide a five year housing supply. The submitted Core Strategy shows how this can be taken forward to 2028 in line with the planning principles of the National Planning Policy Framework 2012. The current proposal does not accord with this emerging Core Strategy in that the Council considers the proposal to be unsustainable development extending the village of Grendon on to greenfield land.

Authorised Officer: _____

Date:

13 August 2013



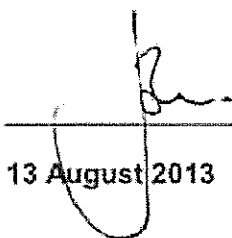
APPEALS TO THE SECRETARY OF STATE

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

NOTES

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

Authorised Officer: _____



Date:

13 August 2013

Agenda Item No 9

Planning and Development Board

14 October 2013

**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 item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

Agenda Item No 10

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).