

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

For the information of other Members of the Council

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

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

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

PLANNING AND DEVELOPMENT BOARD AGENDA

15 APRIL 2013

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 15 April 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**

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

4 Planning Applications – Report of the Head of Development Control

Summary

Town and Country Planning Act 1990 – applications presented for determination

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

5 Scheme of Delegation – Report of the Head of Development Control

Summary

This report reviews the current Scheme of Delegation, and provides Members with the opportunity to see what alterations might be required.

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

6 Neighbourhood Designation Area for Coleshill Neighbourhood Plan - Report of the Assistant Chief Executive and Solicitor to the Council

Summary

This report informs Members of the progress of the formal consultation on the Coleshill Neighbourhood Plan Designation area.

The Contact Officer for this report is Mike Dittman (719451)

7 Sub-Regional Green Infrastructure Strategy and Biodiversity Offsetting Pilot Consultation - Report of the Assistant Chief Executive and Solicitor to the Council

Summary

This report outlines the Sub-Regional Green Infrastructure Strategy consultation.

The Contact Officer for this report is Mike Dittman (719451)

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

8 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.

9 Re-Structure of the Service – Report of the Head of Development Control

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

JERRY HUTCHINSON
Chief Executive

Agenda Item No 4

Planning and Development Board

15 April 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, 20 May 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/2012/0546	4	Marston Farm Hotel, Dog Lane, Bodymoor Heath, Warwickshire, Demolition of North West wing and temporary relocation of existing marquee, and the construction of 14 new bedrooms and new function room to replace the marquee	General
2	PAP/2012/0598	23	Land at, Lister Road, Atherstone, Warwickshire, Redevelopment of the site comprising of 24 dwellings, including affordable housing; along with local amenities, shops and associated works	General
3	PAP/2012/0610	49	The Coleshill School, Coventry Road, Coleshill, Warwickshire, New sports centre building with car parking space, landscaping and boundary fencing	General
4	PAP/2012/0614	67	4 Station Buildings, Birmingham Road, Water Orton, Change of use from butchers to cafe/tea (use class A3) room 7-4	General
5	PAP/2012/0624	81	River Tame Flood Defence, Bodymoor Heath Lane, Middleton, Construction of the River Tame flood defences, broadly comprising a series of earth embankments and walls on a 6.115ha site at Kingsbury & Lichfield	General

General Development Applications

(1) Application No: PAP/2012/0546

Marston Farm Hotel, Dog Lane, Bodymoor Heath, Warwickshire, B76 9JD

Demolition of North West wing and temporary relocation of existing marquee, and the construction of 14 new bedrooms and new function room to replace the marquee, for

Brook Hotels

Introduction

This application is reported to Board due to it constituting a departure from the Development Plan. The matter is reported back to Board following a Members Site Visit, with the February report at Appendix 1.

The Site

The site and its history are fully described in the report at Appendix 1, with the context shown at Appendix 2.

The Proposal

It is proposed to temporarily relocate the existing marquee before demolishing the north-west wing and construct new extensions in its place and to the south-west corner to provide 14 new bedrooms and a new function room which will replace the marquee. The proposal has been slightly modified from that described in the previous report in with minor changes to the elevations having been made. The up to date plans are shown at Appendix 3.

Development Plan

Core Policy 2 (Development Distribution), ECON5 (Facilities Relating to the Settlement Hierarchy), ENV1 (Protection and Enhancement of Natural Landscape), ENV2 (Green Belt), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV7 (Development of Existing Employment Land Outside Defined Development Boundaries), ENV8 (Water Resources), ENV9 (Air Quality), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations in New Development), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

Other Relevant Material Considerations

North Warwickshire Core Strategy (Submission Document February 2013): NW1 (Settlement Hierarchy), NW2 (Green Belt), NW8 (Sustainable Development), NW9 (Renewable Energy and Energy Efficiency), NW10 (Quality of Development), NW11 (Natural and Historic Environment) and NW12 (Nature Conservation).

Government Advice: National Planning Policy Framework (NPPF).

Consultations

The County Highway Authority considered that the proposal could lead to an intensification of the use of the junction of Dog Lane with Bodymoor Heath Lane which does not have full visibility to meet current standards. The issue of the scale of any likely intensification has been the subject of ongoing discussions and negotiations between the Highway Authority and the applicant. As a consequence a speed survey was undertaken and Members were aware of this at the time of their visit. The Highway Authority now has withdrawn its objection as a consequence subject to standard conditions.

The Environmental Health officer welcomes the change from a marquee to a conventional function room, noting complaints in the past; and agrees that it will assist in reducing future noise breakout subject to prior approval of acoustic treatments.

Warwickshire Fire and Rescue Service raise no objection subject to the provision of adequate fire fighting facilities.

The Inland Waterways Association considers the proposals to be a visual improvement on the existing marquee, with the temporary relocation of the marquee considered acceptable on a temporary basis.

Severn Trent Water raises no objection subject to a condition.

Representations

Press notices were published on 13 and 20 December 2012, with neighbour notifications sent on 11 December. A site notice was erected on 17 January 2013.

A single neutral comment has been received welcoming the provision of a building with better sound proofing, hoping that the work is commenced without delay.

Observations

The application has been assessed under Article 7 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The impacts are not considered to be significant such that an Environmental Statement is required. However the extent and nature of the development and location within Green Belt means that if Members are minded to approve, it must be referred to the Secretary of State as a departure from the Development Plan. The Board can refuse planning permission without recourse to such a referral.

The main considerations of the proposal focus on Green Belt, highway safety and amenity impacts; as well as overall design and appearance.

(a) Green Belt

The NPPF provides an exemption for extensions to existing buildings, irrespective of their use, as long as they do not result in disproportionate additions over and above the size of the original building. This site, as the name suggests, originally started out as a farm with a small bed and breakfast business. The various extensions during the 1980s and 1990s (including a notable 24-bedroom extension in 1989) have already taken the extent of development well beyond what is considered

“disproportionate”. In this light it has to be concluded that the proposal is inappropriate development in the Green Belt, harmful to the openness of it. Significant weight is attached to this harm. It is also for this reason the proposal must be referred to the Secretary of State should the Council be minded to approve.

Attention is given to whether very special circumstances exist. The existing marquee was first granted permission in 1994. This was for a period of 5 years, but renewals have allowed this marquee to remain until the end of December 2012. The marquee is thus noted to be sited without consent at the time of writing, but given this application it has not been considered expedient to enforce. The important point to note here is that the marquee has become a well established part of the overall hotel, with it having stood for nearly two decades. Regard is given to the most recent application where the applicant evidenced that the marquee generates around 37% of the total revenue at the hotel, and when accounting for expenditure solely attributed to the marquee (sales, wages, etc); the gross operating income from the marquee alone represents around 46% of the business total. It is thus clear that the marquee serves as an integral and significant element of the existing business, and to refuse permission would likely amount to considerable employment loss, and potentially complete failure of the business. Consideration has been given to space elsewhere within the complex to see whether the loss of the marquee could be offset. Besides a much smaller function suite, there is nowhere capable of accommodating weddings and large functions which, as outlined, form nearly half of the gross operating income. This holds significant weight in favour of the proposal.

This does not provide support for the additional bedrooms however. Attention is given to the intended “steering” of the business away from weddings and similar events to corporate functions. This arises from the fact that the replacement of the marquee with a traditional function room (to overcome previous design concerns – see (d) below) will likely stem the attraction of this venue for weddings. It is also noted that the hotel also has to decline group bookings as they have insufficient rooms to support other parties when a wedding is taking place. It is therefore not unreasonable to expect there to be some additional bedrooms included as part of the proposal – in this instance 14 rooms in addition to the existing 35. Whilst this still appears to be a considerable increase (40%); the manner in which this accommodation is provided helps to alleviate the harm caused.

Turning to the layout and design, the proposed function room will largely replace the existing marquee volume like for like. The existing wing adjacent to the marquee and enclosing the courtyard will be extended upwards and into the courtyard slightly. These changes so far are quite modest and in the context of the existing wider hotel complex, somewhat negligible. The focus is therefore on the two-storey accommodation block to the back of the function room, which carries 8 bedrooms. When considering the above benefits to the business and also factoring the job creation arising from this expansion, it is considered that very special circumstances have been demonstrated to outweigh the harm to openness of the Green Belt brought about.

(b) Highway safety

The Highway Authority has provided comment on this proposal. Following clarification of some matters, an objection was lodged on the grounds that the visibility at the Dog Lane junction with Bodymoor Heath Lane was insufficient to accommodate an intensification of the use at the hotel. This perceived intensification is debated by the applicant who considers the new direction of the business and use of the function room will actually reduce the number of vehicular movements and “even out” any peaks in traffic movements. Whilst this may be true by way of greater on-site accommodation resulting in fewer trips just for the function which is being held; consideration must be given to the fact that permission runs with the land and not the current hotel operator. The existing or a successive operator could change the business profile back to a focus on weddings, etc. In this respect the applicant has undertaken further work – the speed surveys - to ascertain what the correct visibility splays should be at the junction.

Further negotiation with the Highway Authority has addressed the northern visibility. It is now accepted that the canal bridge provides a natural traffic calming feature. The speed survey has also demonstrated that a lesser visibility to the south can be accepted. In this light, the Highway Authority now holds no objection and seeks the inclusion of conditions.

(c) Neighbouring amenity

The focus here is on noise arising from the use of the function room. At present the marquee offers little sound attenuation, and the Environmental Health officer notes that complaints have arisen in the past from nearby residents. It is partly for this reason that permissions have only been temporary. The proposal will directly address this, with the design much more suitable in reducing noise breakout, especially when there will now be adjacent bedrooms such that a noise limiter is likely to be installed.

(d) Design

The proposed design is largely as originally presented. The changes made relate to fenestration on the two-storey bedroom block and to the new reception area. These help to tie in the new elements to that existing and lessen the previously uniform nature of openings. The windows on the function room are unchanged, as the nature of this element is considered to command a slightly different design approach with a greater emphasis on glazing. When combining these details with the overall scale of the proposal, the prominence of the existing marquee, and the siting and relationship to the existing hotel complex, marquee footprint and courtyard; the design is considered to be of considerable merit.

Recommendation

That the Council is minded to support this development proposal and as a consequence, it is referred to the Secretary of State under paragraph 9 of the 2009 Consultation Direction with a recommendation that planning permission be granted subject to the following conditions:

- i) Standard Three year condition
- ii) Standard Plan Numbers condition – Location Plan and plan numbers 7119/150B, 250C and 251C all received on 6/11/12 together with plan number 7119/450A received on 22/2/13.

Pre-Commencement Conditions

- iii) No development shall commence on site until such time as the 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 on site.

REASON

In the interests of the visual amenities of the area.

- iv) No development shall commence on site until such time as full details of the measures to be installed for the disposal of both foul and surface water have first been submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be implemented on site.

REASON

In the interests of reducing the risks of flooding and pollution.

- v) No development shall commence on site until such time as a scheme for the provision of adequate water supplies and fire hydrants necessary for fire fighting purposes at the site has first been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be installed.

REASON

In the interests of public safety

- vi) No development shall commence on site until such time as all acoustic treatments (structural, glazing and ventilation) have first been submitted to and approved in writing by the Local Planning Authority. Only the approved treatments shall then be installed.

REASON

In order to reduce the risk of noise pollution and thus in the interests of the residential amenity of neighbouring occupiers.

Pre-Occupation Conditions

- vii) There shall be no occupation of the building hereby approved for business purposes until such time as the measures approved under condition (v) above have first been installed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of public safety

- viii) There shall be no occupation of the building hereby approved for business purposes until such time as the measures approved under condition (vi) above have first been installed to the written satisfaction of the Local Planning Authority.

REASON

In order to reduce the risk of noise pollution and thus in the interests of the residential amenity of neighbouring occupiers.

- ix) There shall be no occupation of the building hereby approved until such time as the whole of the parking and turning areas as shown on the approved plan have been laid out and fully completed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety

Notes

- i) The Development Plan policies relevant to this decision are Saved Core Policy 2 and saved policies ECON5, ENV1, ENV2, ENV3, ENV4, ENV6, ENV7, ENV8, ENV9, ENV10, ENV11, ENV12, ENV13, ENV14, TPT1, TPT3 and TPT6 of the North Warwickshire Local Plan 2006.
- ii) The Local Planning Authority has worked positively and pro-actively with the Local Planning Authority in order to resolve planning issues involved in this application through pre-application discussions; seeking design amendments, visiting the site and in discussions to resolve issues arising from consultation responses thus meeting the requirements of the NPPF 2012.
- iii) Attention is drawn to Section 163 of the Highways Act 1980

Justification

The proposal is inappropriate development in the Green Belt. The harm to the openness of the Green Belt is limited given the scale of the existing development and because the proposal would enclose a fourth side of a court thus not protruding into open land. However the Council considers that there are material considerations of such weight to override the limited harm done as a consequence of that inappropriateness. These are that there has been a marquee on this site for the past twenty years; that the original building here has already been significantly extended, that the business the marquee generates is significant and material to the whole hotel enterprise and thus its loss as a consequence of refusing its replacement would potentially damage the whole business, and that the proposal provides an opportunity to improve the whole visual appearance of the site as well as to reduce the likelihood of on-going noise impacts as a consequence of the continuing use of the marquee. There are no issues arising from the responses from consultations that can not be overcome by condition and there is local support. It is considered here that the promotion of local business and enterprise outweighs the limited harm to the openness of the Green Belt in this particular case. It is considered that the proposal can thus be supported under the relevant Development Plan policies as identified above and that it accords with the principles of the National Planning Policy Framework 2006.

BACKGROUND PAPERS

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

Planning Application No: PAP/2012/0546

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	06/11/2012 03/12/2012
2	Inland Waterways Association	Consultation reply	10/12/2012
3	Severn Trent Water	Consultation reply	17/12/2012
4	Environmental Health Officer	Consultation reply	17/12/2012
5	Warwickshire Fire & Rescue Service	Consultation reply	20/12/2012
6	Case Officer	Email to Agent	20/12/2012
7	Jane Cerone	Representation	26/12/2012
8	County Highway Authority	Consultation reply	31/12/2012
9	Cllr Simpson	Email to Case Officer	25/01/2013
10	County Highway Authority	Consultation reply	25/01/2013
11	Head of Development Control	Site visit notes	09/02/2013
12	Head of Development Control	Screening Opinion	13/02/2013
13	Case Officer	Email to Agent	13/02/2013
14	Agent	E-mail	22/02/2013
15	Agent	E-mail	15/3/2013
16	WCC Highways	Consultation	2/4/2013

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.

(#) Application No: PAP/2012/0546

Marston Farm Hotel, Dog Lane, Bodymoor Heath, Warwickshire, B76 9JD

Demolition of North West wing and temporary relocation of existing marquee, and the construction of 14 new bedrooms and new function room to replace the marquee, for

Brook Hotels

Introduction

This application is reported to Board due to it constituting a departure from the Development Plan.

The Site

The site is wholly within the Green Belt at the end of Dog Lane which connects to Bodymoor Heath Lane adjacent to the canal bridge. There are residential and commercial properties some distance away along Dog Lane. The M42 lies beyond agricultural land to the east, with further agricultural land to the north and south of the site. The Birmingham and Fazeley Canal runs along the western edge with the towpath to this side. The existing hotel is broadly in a 'C' shape, although it does create an enclosed courtyard, and is two-storeys for much of its footprint. It has evolved from an original farmhouse and barns in the 1970s to its current form. A marquee is sited adjacent to the 'C' and provides further enclosure to the internal courtyard. A redundant tennis court lies within the grounds between the Canal and the hotel, with car parking to the northern side of the buildings, and the perimeter is framed by a mix of hedgerow and mature trees. The site and its context is shown at Appendix A.

The Proposal

It is proposed to temporarily relocate the existing marquee before demolishing the north-west wing and construct new extensions in its place and to the south-west corner to provide 14 new bedrooms and a new function room which will replace the marquee. Overspill parking will also be provided. The proposals are shown at Appendix B.

Background

As noted above, the hotel has evolved from a former farmhouse and barn. Permission was first granted for a bed and breakfast establishment across the barn in 1977. Various extensions were permitted through the 1980s and 1990s – most notably a 24 bedroom extension in 1989. An application for 16 bedrooms was withdrawn in 1991 and a 20 bedroom extension with other extensions was refused in 1995.

Permission was first granted for the marquee in 1994 for a period of 5 years. This consent was renewed for a further 5 years in 1999 and again in 2004. That consent lapsed but the marquee was allowed to remain until January 2011 by way of permission in October 2009. An application to enable the marquee to permanently remain was submitted in late 2010, but due to visual amenity and noise concerns a further temporary period was offered instead in February 2011, allowing it to remain until end of December 2012.

This proposal follows pre-application discussions regarding the same.

Development Plan

Core Policy 2 (Development Distribution), ECON5 (Facilities Relating to the Settlement Hierarchy), ENV1 (Protection and Enhancement of Natural Landscape), ENV2 (Green Belt), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV7 (Development of Existing Employment Land Outside Defined Development Boundaries), ENV8 (Water Resources), ENV9 (Air Quality), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations in New Development), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

Other Relevant Material Considerations

North Warwickshire Core Strategy (Pre-submission Document November 2012): NW1 (Settlement Hierarchy), NW2 (Green Belt), NW8 (Sustainable Development), NW9 (Renewable Energy and Energy Efficiency), NW10 (Quality of Development), NW11 (Natural and Historic Environment) and NW12 (Nature Conservation).

Government Advice: National Planning Policy Framework (NPPF).

Consultations

A number of statutory and technical consultees have been approached. Their responses will be reported to the Board at a future meeting.

Representations

All residents along Dog Lane have been consulted, a press notice published and a site notice erected. Any representations will be reported to the Board at a future meeting.

Observations

This report is provided as an interim report only. The extent and nature of the development and location within Green Belt means that it must be referred to the Secretary of State as a departure from the Development Plan.

Members will note the background to the site and the current situation. The marquee has long been established within this location and the harm to openness of the Green Belt is equally well established. Indeed successive temporary permissions did not raise issue on Green Belt grounds, but instead on the visual impact of a white marquee structure adjacent to the Canal corridor and within the open countryside, and on the noise breakout from this marquee towards residents along Dog Lane from its use for functions. The latter has resulted in complaints to the Environmental Health officer. The proposals seek to resolve these matters on a permanent basis and so that the ongoing scenario of temporary consents is ended.

In light of the scale of the proposal, its location within the Green Belt and conflict with the Development Plan, the recommendation here is to enable an appreciation of the current situation against the proposals under this application.

Recommendation

That Members of the Planning Board undertake a site visit before determining the application at a future meeting.

BACKGROUND PAPERS

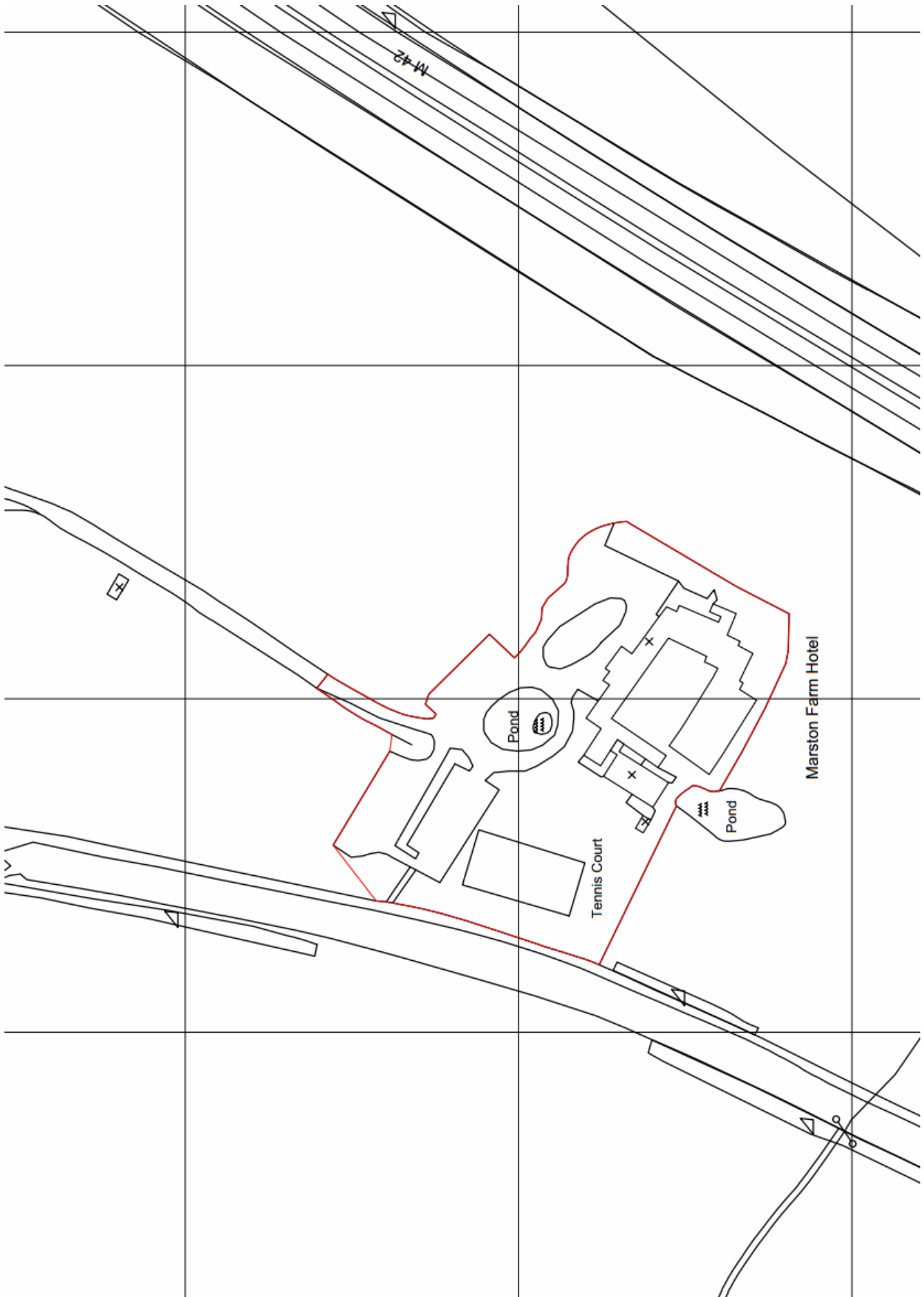
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2012/0546

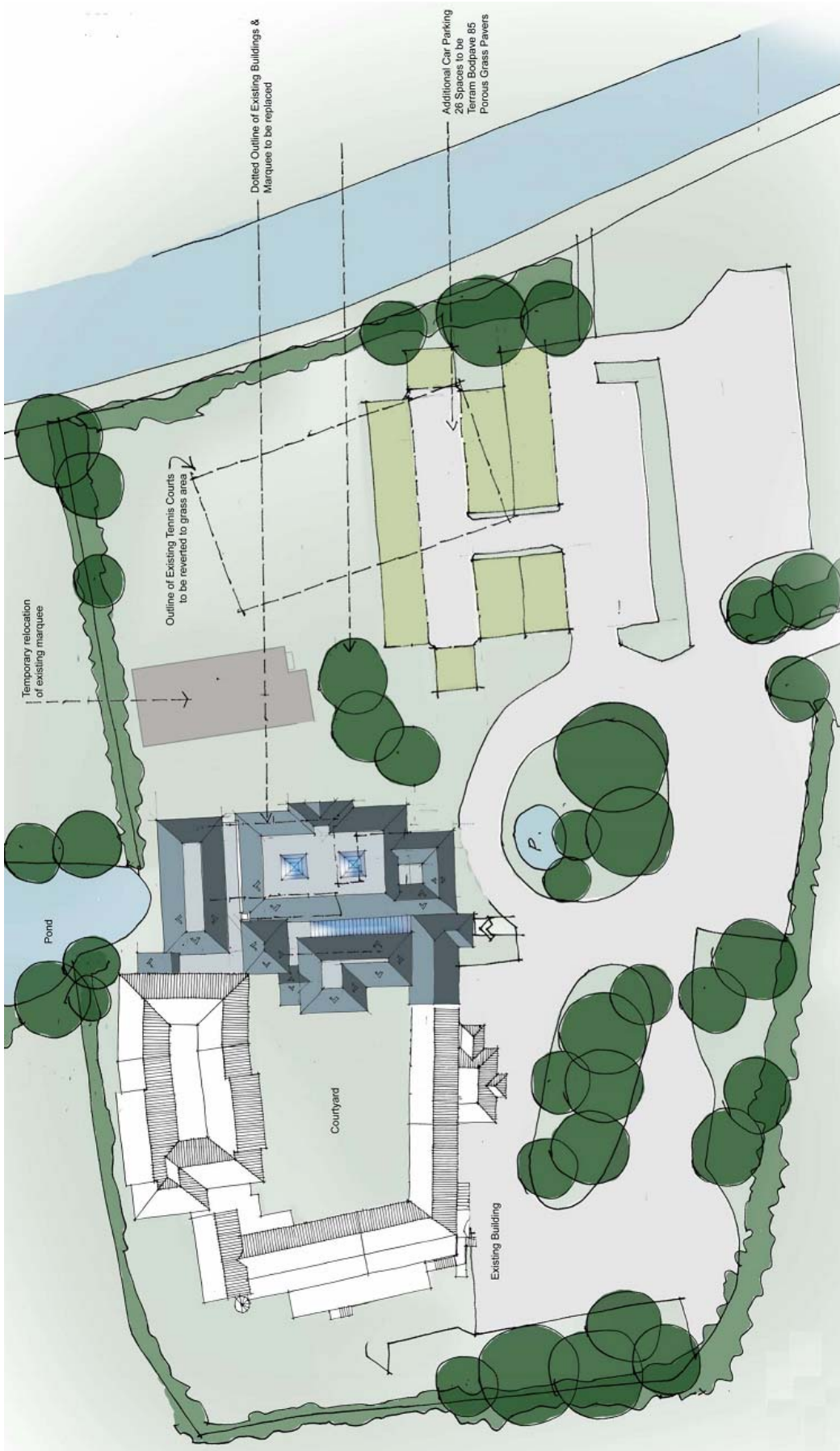
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	06/11/2012 03/12/2012

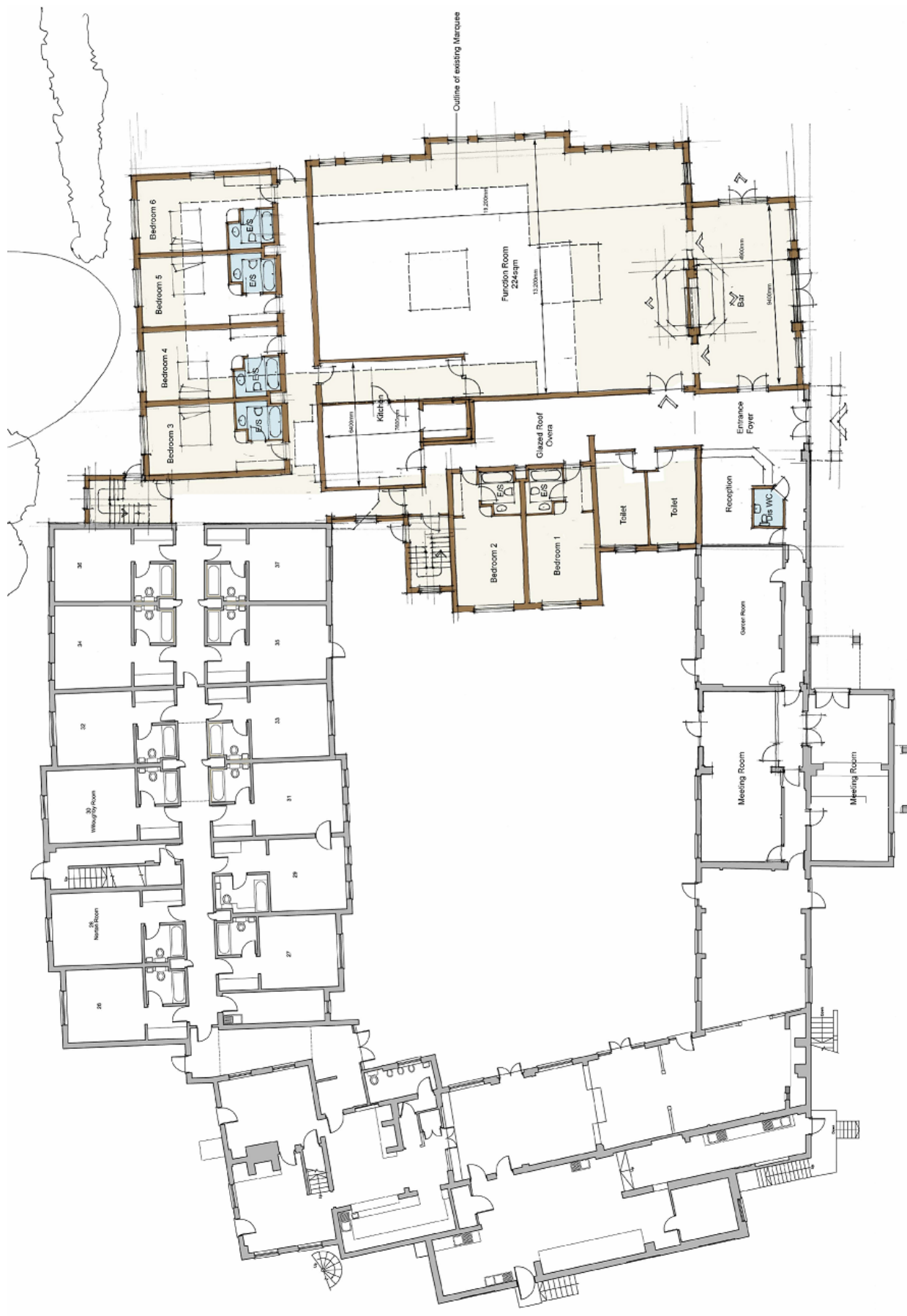
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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.



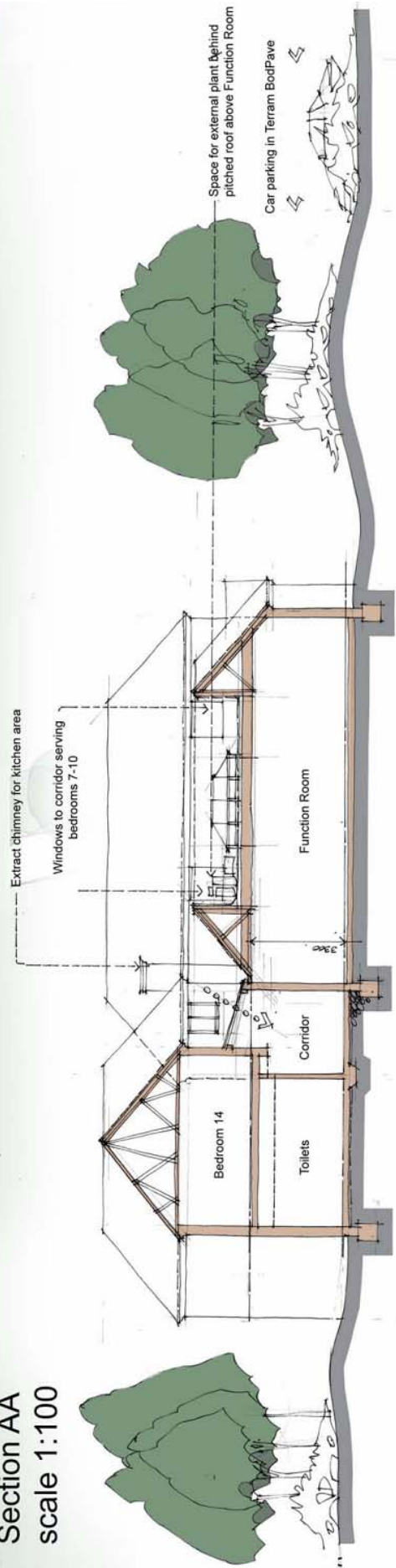


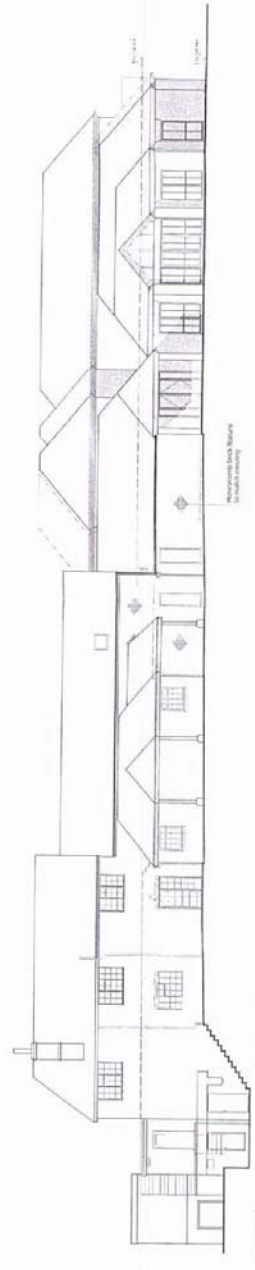






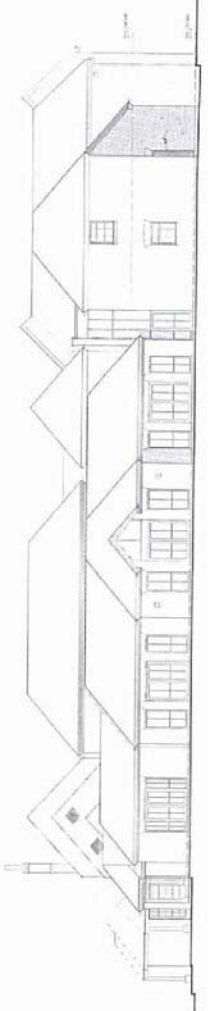
Section AA
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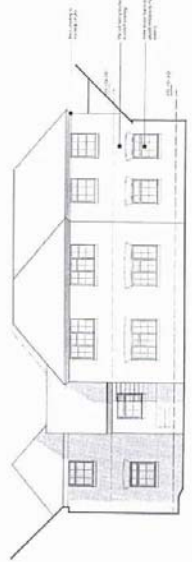


Scale: 1/8" = 1'-0"
 North Eastern Elevation

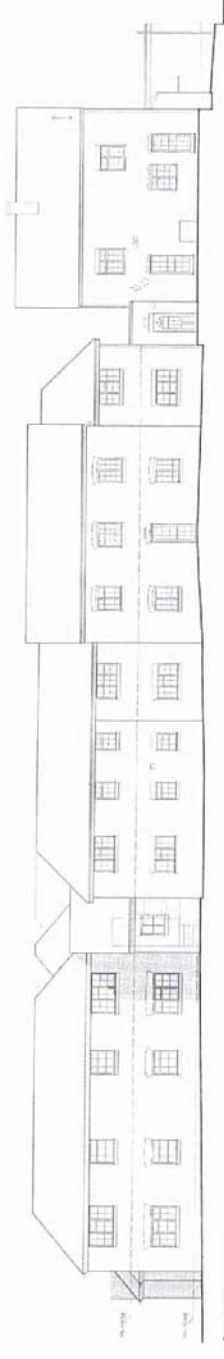
The Architect warrants that the drawings were prepared in accordance with the professional standards of practice and that the drawings were prepared in accordance with the professional standards of practice and that the drawings were prepared in accordance with the professional standards of practice.



Scale: 1/8" = 1'-0"
 North Western Elevation



Scale: 1/8" = 1'-0"
 Courtyard South Eastern Elevation



Scale: 1/8" = 1'-0"
 South Western Elevation

**Marston Farm Hotel,
 Bodymoor Heath**

Scale 1:100



REVISIONS	
NO. 1	ISSUED FOR PERMIT
NO. 2	PROPOSED DECK MATERIAL TO MATCH EXISTING

**BROOK HOTELS
 MARSTON FARM HOTEL**



PROPOSED ELEVATIONS

DATE	BY	SCALE	JOB NO.
10/08/04	JCT/12	KAL	7719.400A

(2) Application No: PAP/2012/0598

Land at, Lister Road, Atherstone, Warwickshire,

Redevelopment of the site comprising of 24 dwellings, including affordable housing; along with local amenities, shops and associated works, for

Waterloo Housing Group

Introduction

This application was referred to the Board's March meeting and it was resolved that planning permission be granted subject to the conditions set out in the written report. However following this decision, the Chief Executive received a Minority Report signed by members of the Board. In accordance with the Council's constitution, this means that the application should now be referred to Council for it to determine the case, with the Planning and Development Board's resolution becoming a recommendation to approve. The situation therefore is that determination is presently in abeyance.

Officers are aware that the reason for the Minority Report was to do with the proposed appearance of the bungalow and house elevations and not the principle of the scheme. As a consequence, with the agreement of the Board's Chairman, a meeting has been held to better understand these design concerns, and as a result, amended plans have been prepared. It is the purpose of this report to place these amendments before the Board.

For convenience, the report brought to the March Board is attached at Appendix A. It contains copies of the plans showing the appearance of the houses and bungalows that were considered by the Board at that time.

Amended Plans

At the time of preparing this report the amended plans are only in sketch form. However these are attached at Appendix B so that Members can understand where the alterations have been made. Full plans should be available for display at the meeting.

The amendments include:

- new gables added in the bungalow elevations over bay windows and in the main elevations in order to break up the long "horizontal" line
- additional chimney features on the houses, and
- new pitched porch roofs and canopies added to the front elevations of the houses.

Observations

These amendments are supported as they add detail to the elevations and they also better reflect designs that the Council has approved elsewhere in the Borough.

Recommendation

That planning permission be **GRANTED** subject to all of the conditions as set out in Appendix A, subject to the plan numbers in condition 2 being substituted for the amended plans as illustrated in this report.

BACKGROUND PAPERS

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

Planning Application No: PAP/2012/0598

Background Paper No	Author	Nature of Background Paper	Date
1	Agent	E-mail	13/3/13

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.

(#) Application No: PAP/2012/0598

Land at Lister Road, Atherstone, Warwickshire,

Redevelopment of the site comprising of 24 dwellings, including affordable housing; along with local amenities, shops and associated works, for

Mrs Jenny Crowther (Waterloo Housing Group)

Introduction

This application is reported to Board in light of the land being owned by both the Borough and County Councils.

The Site

The site lies within the Atherstone settlement boundary, a short distance north-east of the A5 and part of the residential estate framed by Sheepy Road and Ratcliffe Road. It forms an L-shape and presently consists of a 1960s three-storey building set at the centre of the site, away from the street edge, with a "square" to the front facing Lister Road. To the rear of the building is an area of informal open space carrying some trees, framed by York Avenue and Nightingale Close. There is a similar area of open space to the south-east end of the site.

The building carries retail units to the ground floor with flats above. There is a block of garages to the immediate south-east of this building, with further parking and access to the rear. York Avenue runs down the side of this building, with Nightingale Close running along the north-east edge of the site. There is 1960s terraced housing surrounding the site facing either onto the aforementioned open spaces or onto the highway. Some of this housing is of flat roof design, with a mix of render and brick for materials, but throughout the style is one of a 1960s housing estate. Bracebridge Court, a three-storey block of flats, also lies to the south. The site and surrounding environs is shown at Appendix A with photos at Appendix B.

The Proposal

It is proposed to demolish the existing shops and flats, along with associated garage block; and close off an existing access to Lister Road. A new mixed retail and residential block will be erected forward of the existing fronting Lister Road and the corner with York Avenue, with a ribbon of two-storey dwellings through the centre of the site adjacent to an internal access road. This access road will link onto a central courtyard placed upon the northern element of the open space and be surrounded by elderly persons bungalows. A further run of two-storey dwellings will frame the south-eastern end of the shopping facade, facing out onto the southern element of open space of which some is lost to a new access and parking. Plans are at Appendix C.

Whilst 6 flats will be lost, 24 dwellings will be provided as a mix of bungalows, flats, and two-bed and three-bed dwellings, giving a net gain of 18 dwellings. This will consist of 20 units for socially rented purposes; and 4 for intermediate (shared-ownership) housing. The level of retail space will remain more or less constant, although the number of units will decrease. Inevitably there will be an increase in parking spaces.

The proposal will also need to be constructed in a phased approach so to minimise disruption to shop owners and occupants of the flats above. It is thus intended to erect the retail/residential block first before works focus to the remainder of the development.

Background

This application follows negotiations between the Council's Housing department and Waterloo Housing Group, as well as liaison with planning, highway, crime prevention and other officers.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies): Core Policy 1 (Social and Economic Regeneration), Core Policy 2 (Development Distribution), Core Policy 6 (Local Services and Facilities), Core Policy 8 (Affordable Housing), Core Policy 11 (Quality of Development), Core Policy 12 (Implementation), ECON3 (Protection of Existing Employment Sites within Development Boundaries), HSG2 (Affordable Housing), HSG4 (Densities), ENV4 (Trees and Hedgerows), ENV5 (Open Space), ENV6 (Land Resources), ENV8 (Water Resources), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations in New Development), TPT2 (Traffic Management and Travel Safety), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

Other Relevant Material Considerations

North Warwickshire Core Strategy (Pre-submission Document November 2012): NW1 (Settlement Hierarchy), NW3 (Housing Development), NW4 (Split of Housing between Settlements), NW5 (Affordable Housing), NW8 (Sustainable Development), NW9 (Renewable Energy and Energy Efficiency), NW10 (Quality of Development) and NW15 (Atherstone).

Supplementary Planning Guidance: A Guide to the Design of Householder Developments (2003), A Guide for Shopfront Design (2003) and A Guide for the Design of Lighting Schemes (2003).

Government Advice: National Planning Policy Framework (NPPF).

Local Finance Considerations: New Homes Bonus (NHB)

Consultations

The County Highway Authority initially lodged an objection noting that some of the land involved was under their ownership and Notice had not been served upon them accordingly; as well as raising concern over proposed parking bays and features within the public highway, access and turning space dimensions, visibility to the new access and access suitability for larger vehicles such as refuse wagons and service vans. Following amendments the majority of issues have been addressed, and whilst they still hold concerns regarding the level of parking provided for the retail units; they raise no objection subject to conditions.

The Warwickshire Crime Prevention Design Advisor raises no objection subject to conditions, noting his involvement with pre-application discussions in shaping the proposal now before Members.

The County Library Service has made a request for a financial contribution of £2,731, whilst the County Education Service has confirmed it will not be seeking one.

The Environmental Health officer raises no objection.

Atherstone Town Council raises no objection.

Atherstone Civic Society welcomes the proposal noting it will provide much needed affordable and elderly housing, and an enhancement to the area.

Severn Trent Water raises no objection subject to a condition requiring drainage details.

Representations

Neighbours were initially notified on 7 January 2013 with a press notice published on 10 January and a site notice erected on 30 January. Following the receipt of amended plans, re-consultation took place on 19 February 2013.

Two objections from residents have been received, one of whom resides immediately adjacent to the proposal. The concerns focus on the loss of open space affecting the character of the area; the number of properties proposed resulting in a "cramming" of development here; there being a greater number of vehicles on the estate arising from the development; loss of existing parking to some properties; and an adverse effect on existing residents.

Observations

This is a significant redevelopment of an existing residential and retail site within Atherstone, offering a noticeable improvement in housing range and tenure, and retail floor space; as well improvement of the built form. There is strategic support in principle from both saved policies of the Local Plan, emerging policies under the submitted Core Strategy and Site Allocations Plan, recently opened to consultation. The site is sustainably located close to existing transport links and within walking distance of the town centre. Services will be provided on site. Indeed considerable weight is afforded by the fact the housing element proposed is 100% affordable, well above that required in this settlement. That is not to say there are matters which need consideration, and some conflict which will require balancing in order to reach a recommendation. The areas of focus are thus on highway safety, loss of open space, neighbouring amenity, design and visual amenity.

(a) Highway safety and parking

The Highway Authority initially raised objection on various points as outlined above. These have largely been addressed subject to conditions, with the exception of parking provision.

The number of *residential* parking spaces provided is considered to accord with adopted guidance, with it noted that those properties presently utilising the garage block being provided with spaces within the development. There is however a shortfall in spaces for the retail units. 11 should be provided, but only 4 are proposed due to the limited space available. Whilst a considerable shortfall, there are a number of factors which are considered to outweigh this. Firstly this is a local service centre (LSC) which provides for the estate. Observations indicate that many customers arrive on foot. Secondly the status of this as a LSC means that vehicular trips are more likely to the town centre as opposed to this site. Thirdly employees of the retail units are likely to reside on the surrounding estate, and hence most will likely arrive by foot. Fourthly the number of spaces required is not necessarily a true reflection of the actual parking demand, with the retail unit likely to only require 3 members of staff at any one time, and the chip-shop and hairdressers attracting 2 at any one time. When considering the "opposite" opening hours of the hairdressers and chip-shop, there may only be a real demand for 5 to 6 spaces – and the above factors will lessen this demand further. Finally the public are highly unlikely to use parking to the rear of the retail units due to the need to commute around to the front of the building, with it more convenient for customers to continue their existing practice of parking on Lister Road – a generally lightly trafficked road.

The Highway Authority still has concern that during inclement weather or the hours of darkness that customers may choose to use private vehicles and park on the adjacent highway. Nevertheless they recognise that the patterns of use would be as existing, so there is not likely to be a significant change on the current state of play. It is for this reason that they do not raise objection. Hence whilst a shortfall is identified, it is not considered to be so detrimental to warrant refusal.

Consideration is also given to shared access routes into the development. It will be important to ensure these are well defined so to ensure safety for both pedestrians and vehicles in the same domain. The improvements brought about by this proposal will also make the site more accessible for elderly and disabled users by way of eliminating stepped arrangements in front of the retail units and ensuring level footpaths and thresholds to the proposed houses and bungalows.

(b) Loss of open space

There is conflict with policy here. Both the existing Local Plan and emerging Site Allocations Plan designate the two green areas as open space. This is defined as informal open space in the North Warwickshire Green Space Strategy 2008 – 2018; of which there is a sufficient supply within Atherstone. Furthermore the loss of open space is not total here, with the southern element largely remaining. This can be further strengthened through additional planting and improvements. This limited loss is thus in line with both local and national policy.

(c) Neighbouring amenity

The position of the proposed dwellings and the heights of one or two storeys are not considered to cause undue overlooking on existing or between the proposed properties. Although the retail units will cause shading to the rear of plots 10 to 13 during the winter months; this is not considered to be so great to be unacceptable.

The proximity of the retail units, including a fish and chip shop which falls under the A3 takeaway Use Class, has also been considered. There are already flats above such uses and this proposal will be subject to current standards of noise insulation through Building Regulations requirements. It is considered there will be a net improvement here. The proximity of other proposed dwellings is also not considered to be of concern, with rear access to the retail units not providing a link to the shop front for customers.

(d) Design, including crime prevention, drainage arrangements and energy consumption

The scheme is largely designed to reflect the existing character of the estate, with the houses reflecting the 1960s terraced runs. That is not to say they are of substandard quality, as they carry contemporary elements to exhibit a quality development; as do the bungalows and the retail/residential block (which itself provides a significant focus and dramatic improvement on the current situation). The density of development is not considered to be out of kilter with the surrounding area and thus is felt to be appropriate. A range of materials are used to add a contemporary feel, and surfacing materials – particularly those on the internal access and courtyard – will be of elevated quality to define a shared surface for vehicles and pedestrians. The indicative signage and shop front design is considered acceptable, although a further application(s) will be necessary for this signage.

The whole scheme has been designed in liaison with the Crime Prevention Design Advisor. The existing site acts as a rat run for anti-social behaviour, and the closure of this connection is welcomed; as are many other improvements. Severn Trent Water raise no objection to the foul and surface water drainage of the site, but the County Drainage officer notes the need to ensure surface water run off is maintained at current discharge rates – particularly when a larger surface area will be impermeable.

The proposal also triggers the need for renewable energy under local policy. The scheme will already be constructed to a higher standard of the Code for Sustainable Homes (CfSH) due to it being a social housing provider who is developing the site. If developed after a forthcoming uplift in standards, it would be a development achieving Level 5 of the CfSH. This is acknowledged. The Code does not address unregulated emissions however – that is those arising from the use of appliances in the home. This is where local policy comes in, and as the Council should be setting the benchmark for others it is considered appropriate to seek a reduction in unregulated emissions unless otherwise unviable.

(e) Visual amenity

A number of semi-mature trees around the open space will be lost to facilitate the erection of the bungalows. Whilst one is potentially worthy of protection, the wider benefits of this scheme are recognised, and compensatory planting can be secured by condition.

Finally consideration is given to the request from the County Library Service for a financial contribution. Members will be aware that North Warwickshire has no

Community Infrastructure Levy charging schedule such that there is no set amount per property. Financial contributions must be therefore sought through Section 106 and thus on the basis that this particular development would otherwise have unacceptable impacts. There are tests set out in the NPPF for this. The request is unsubstantiated – officers have asked the County Library Service to demonstrate why a contribution is necessary to make the development acceptable, how it directly arises from the proposal, and whether it is reasonably related to the scale and kind of the development (i.e. is it based on net additional dwellings and does it account for different housing sizes and types?). No response has been received. When applying the NPPF tests it is not considered there are sound grounds upon which to seek such a contribution such that it is recommended this request be disregarded.

Recommendation

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 following plans:

- 00619_S_000 Rev P01 (Site Location Plan), received 7 December 2012;
- 00619_S_003 Rev P01 (Proposed Demolition Plan), received 7 December 2012;
- 00619_S_004 Rev P06 (Proposed Site Plan), received 25 February 2013;
- 00619_300 Rev P01 (Plots 1-9 Floor Plans), received 7 December 2012;
- 00619_301 Rev D02 (Plots 1-9 Roof Plans), received 7 December 2012;
- 00619_320 Rev P01 (Plots 1-9 Elevations 1-5), received 7 December 2012;
- 00619_320 Rev P01 (Plots 1-9 Elevations 6-8), received 7 December 2012;
- 00619_400 Rev P01 (Retail/Residential Block Floor Plans), received 7 December 2012;
- 00619_400 Rev P01 (Retail/Residential Block Roof Plans), received 7 December 2012;
- 00619_420 Rev P01 (Retail/Residential Block Elevations), received 7 December 2012;
- 00619_100 Rev P03 (Plots 10-13 Floor Plans & Elevations), received 25 February 2013;
- 00619_200_B Rev P03 (Plots 14-16 Floor Plans & Elevations), received 18 February 2013;
- 00619_200_A Rev P01 (Plots 17-20 Floor Plans & Elevations), received 7 December 2012;

- 00619_BIN STORE Rev P01 (Bin Store Plans & Elevations), received 18 February 2013;
- 00619_500 Rev P01 (Proposed Materials), received 7 December 2012; and
- 00619_S_013 Rev P01 (Bin Store Plans & Elevations), received 18 February 2013.

REASON

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

3. No demolition works shall commence until details of a phasing plan to ensure minimum disruption to existing residents and traders, as well as ensuring safe access and sufficient parking, turning and storage areas at all times, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON

To protect the amenities of residential and commercial property both on the site and in the immediate vicinity, and in the interests of highway safety.

4. No development shall commence until a scheme for the construction of the foul and surface water drainage system (ensuring surface water is recycled and/or discharged and attenuated at a Greenfield rate) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON

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

5. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON

To provide sufficient compensatory planting and in the interests of the amenities of the area.

6. No development shall commence until details of the facing bricks, roofing tiles, render, timber cladding, chimneys, and surfacing materials (for public and private areas, footways and accesses) to be used have been submitted to and

approved by the Local Planning Authority. The approved materials shall then be used.

REASON

In the interests of the amenities of the area.

7. No development shall commence until details indicating the positions, design, materials and type of screen walls/fences to be erected have been submitted to and approved in writing by the Local Planning Authority. Such details shall include elevational details of screen walls to public areas, positions of lockable gates to rear gardens and the side of the retail units, and vehicular preventative fencing to open space areas. The approved details shall be erected/installed before the use hereby approved is commenced and shall subsequently be maintained.

REASON

In the interests of the amenities of the area and security of the properties concerned.

8. No development shall commence until details of a lighting scheme to public and shared access areas has been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be erected/installed before the use hereby approved is commenced and shall subsequently be maintained.

REASON

In the interests of the amenities of the area, as well as safety and security of property and persons on the development.

9. No development shall commence until details of measures to reduce unregulated energy consumption by at least 10% has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed before the use hereby approved is commenced and shall subsequently be maintained.

REASON

In the interests of reducing the consumption of fossil fuels and centralised energy sources.

10. No development shall commence until details of surfacing of the access with a sealed material for a distance of 12 metres (for the York Avenue access) and 7.5 metres (for the Lister Road access), as measured from the near edge of the public highway, has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority). The accesses to the site for vehicles associated with occupation/use of the development shall not be used until they have been surfaced in accordance with the approved details.

REASON

In the interests of safety on the public highway.

11. No development shall commence until details of measures to be taken to prevent spoil/mud being deposited on the public highway from vehicles leaving the site during the construction works have been submitted to and approved in writing by the Local Planning Authority. Such measures shall be fully installed before the development commences and shall be retained for the duration of the construction period in order that no vehicle shall leave the site unless it has been cleaned sufficiently to prevent mud/spoil being deposited onto the highway.

REASON

In the interests of safety on the public highway.

12. No development shall commence until details of a scheme for the installation of bollards to the front of the retail units has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority). The bollards shall be installed prior to the first use of the retail units hereby approved and shall be subsequently maintained.

REASON

In the interests of safety on the public highway.

13. The development shall not be occupied until respective turning areas for vehicles associated with that occupation have been provided within the site so as to enable vehicles to leave and re-enter the public highway in a forward gear.

REASON

In the interests of safety on the public highway.

14. The development shall not be occupied until all parts of the existing access within the public highway (Lister Road) not included in the permitted means of access has been closed and the kerb and footway line has been reinstated in accordance with the standard specification of the Highway Authority.

REASON

In the interests of safety on the public highway.

15. Access for vehicles to the site from the public highway (Lister Road [D160] and York Avenue [D163]) shall not be made other than at the position identified on the approved drawing number 00619_S_004 Rev P06. The gradient of these accesses for vehicles to the site shall not be steeper than 1 in 10 for a distance of 12 metres (for the York Avenue access) and 7.5 metres (for the Lister Road access), as measured from the near edge of the public highway.

REASON

In the interests of safety on the public highway.

Notes

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning objections and issues, suggesting amendments to improve the quality of the proposal, meetings and negotiations and 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.
2. The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): Core Policy 1 (Social and Economic Regeneration), Core Policy 2 (Development Distribution), Core Policy 6 (Local Services and Facilities), Core Policy 8 (Affordable Housing), Core Policy 11 (Quality of Development), Core Policy 12 (Implementation), ECON3 (Protection of Existing Employment Sites within Development Boundaries), HSG2 (Affordable Housing), HSG4 (Densities), ENV4 (Trees and Hedgerows), ENV5 (Open Space), ENV6 (Land Resources), ENV8 (Water Resources), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations in New Development), TPT2 (Traffic Management and Travel Safety), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).
3. Advertisement Consent is required under a separate procedure of the Town and Country Planning Act 1990. Should any advertisements, signs, name boards, or other devices to attract attention, be intended in respect of this development, the Local Planning Authority will be pleased to advise you on all associated aspects prior to the erection of any such advertisements, and provide you with application forms.
4. You are advised of the proximity to the adjacent electricity substation and the need for relevant consent from the operator to alter or affect their property. You are also advised to ensure that adequate access is afforded to this substation at all times during construction works.
5. The New Roads and Street Works Act 1991 requires the owners of services and plant located within the highway to serve notice before they are permitted to execute works within the limits of the public highway to provide or connect utility services for the benefit of any permitted development. The planning permission hereby granted does not give consent for such excavations to be made and developers should note that a period of up to three calendar months notice is required for major service works within the highway.
6. The above conditions require works to be carried out within the limits of the public highway. The applicant / developer must enter into a Minor Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant/developer should

note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278. An application to enter into a Section 278 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

7. 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 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.
8. The development for which planning permission is hereby permitted requires that part of the public highway be stopped-up by a Statutory Order made under Section 247 of the Town and Country Planning 1990. This permission does not authorise the stopping-up of the highway concerned or guarantee that it will be done. Before the development is commenced the applicant/developer must apply to the Department for Transport, National Transport Casework Team, Citygate, Gallowgate, Newcastle upon Tyne NE1 4WH, for an Order to be made.
9. The applicant/developer will be required to defray all the County Council's administration, legal, design, technical approval, safety audit, inspection of works costs, etc; whenever applicable in respect of any applications to enter into Highway Works Agreement, or for the issue of licences or similar actions. The County Council will not be held liable for any delays in the execution of any works carried out under the provisions of any Highway Works Agreement or issue of any licence which may be incurred as a result of the applicant's/developer's failure to make an application for such an agreement/licence sufficiently in advance of the works requiring to be executed or for any delays which may be incurred as a result of service or plant alterations required by the public utility companies.
10. The applicant/developer is encouraged to contribute £50 per dwelling for sustainable welcome packs and to help promote sustainable travel in the local area.

Justification

1. The proposal is considered to bring about a positive and attractive redevelopment of the existing site, providing much needed affordable housing, improved retail facilities and an overall visual improvement to the area. The loss of open space is considered to be absorbed by way of a sufficient supply of informal open space in the settlement, whilst a shortfall in customer parking for

the retail units is not considered to materially differ from the existing situation. Overall design, security and energy consumption impacts are considered acceptable subject to condition, and there is not considered to be a detrimental effect on neighbouring amenity. As such the proposal is considered to be in accordance with saved policies Core Policy 1, Core Policy 2, Core Policy 6, Core Policy 8, Core Policy 11, Core Policy 12, ECON3, HSG2, HSG4, ENV4, ENV5, ENV6, ENV8, ENV10, ENV11, ENV12, ENV13, ENV14, TPT1, TPT2 and TPT6 of the North Warwickshire Local Plan 2006, adopted supplementary planning guidance 'A Guide to the Design of Householder Developments' (2003), 'A Guide for Shopfront Design' (2003) and 'A Guide for the Design of Lighting Schemes' (2003), and national policies as set out in 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/2012/0598

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	07/12/2012 02/01/2012 13/02/2013 18/02/2013 25/02/2013
2	Environmental Health Officer	Consultation reply	08/01/2013
3	Severn Trent Water	Consultation reply	11/01/2013
4	County Highway Authority	Consultation reply	14/01/2013
5	Warwickshire Crime Prevention Design Advisor	Representation	15/01/2013
6	County Library Service	Representation	15/01/2013
7	Case Officer	Email to Agent	15/01/2013
8	Case Officer	Email to County Library Service	15/01/2013
9	Atherstone Civic Society	Consultation reply	14/01/2013
10	M Hardman and S Hardman	Representation	21/01/2013
11	B J Horton	Representation	23/01/2013
12	Atherstone Town Council	Consultation reply	24/01/2013
13	Cllr Simpson	Representation	25/01/2013
14	County Library Service	Representation	28/01/2013
15	Agent	Email to Case Officer	13/02/2013
16	Case Officer	Email to Agent	16/02/2013
17	Agent	Email to Case Officer	18/02/2013
18	County Drainage Consultant	Representation	19/02/2013
19	Case Officer	Re-registration Letter	19/02/2013
20	Warwickshire Crime Prevention Design Advisor	Re-consultation reply	20/02/2013
21	County Museum (Archaeology)	Consultation reply	21/02/2013
22	County Highway Authority	Email to Agent	25/02/2013
23	County Highway Authority	Re-consultation reply	25/02/2013

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APPENDIX A

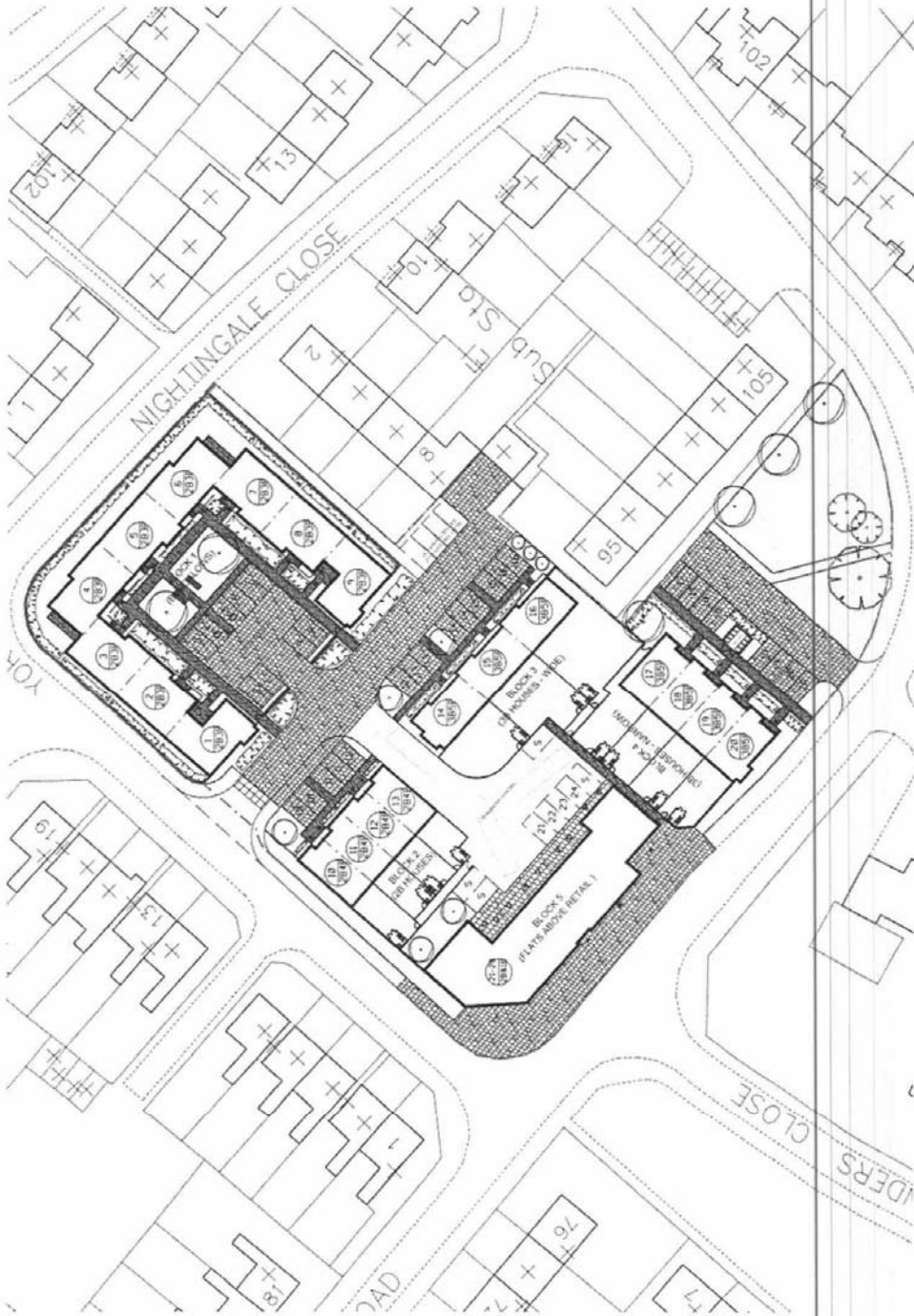


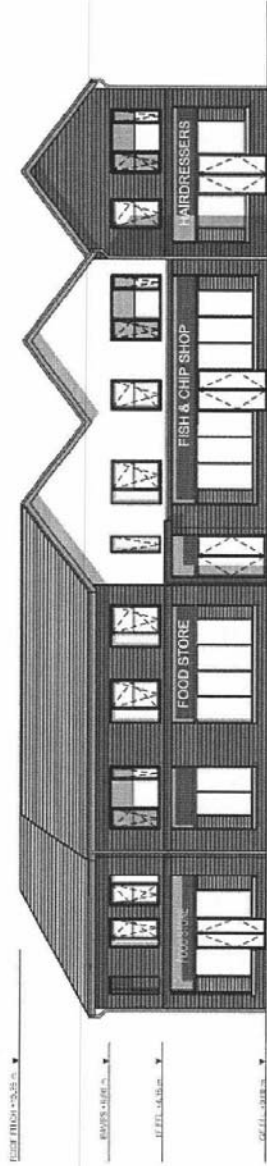


APPENDIX B

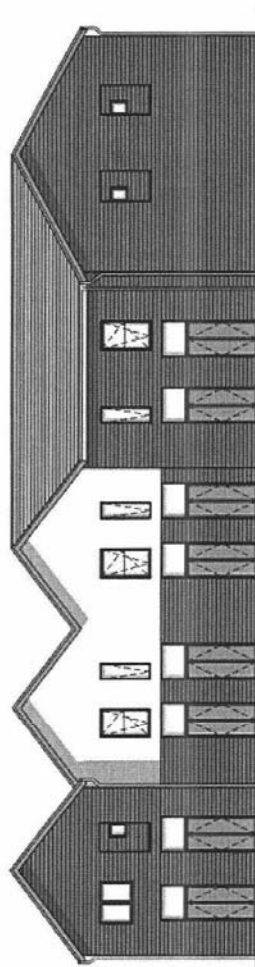




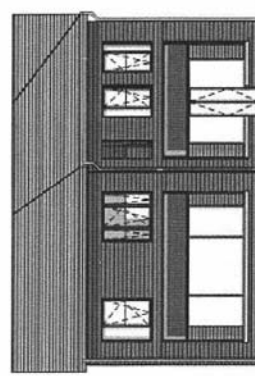




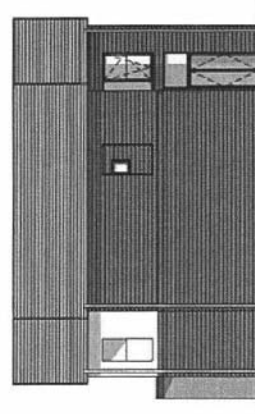
RETAIL WITH FLATS ABOVE_FRONT ELEVATION



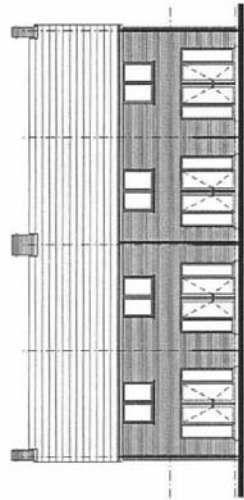
RETAIL WITH FLATS ABOVE_BACK ELEVATION



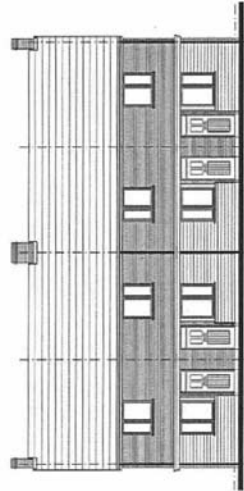
RETAIL WITH FLATS ABOVE_SIDE ELEVATION (L)



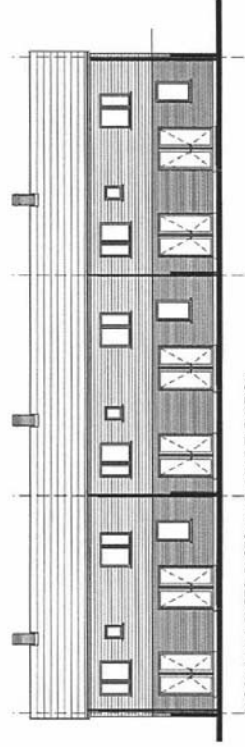
RETAIL WITH FLATS ABOVE_SIDE ELEVATION (R)



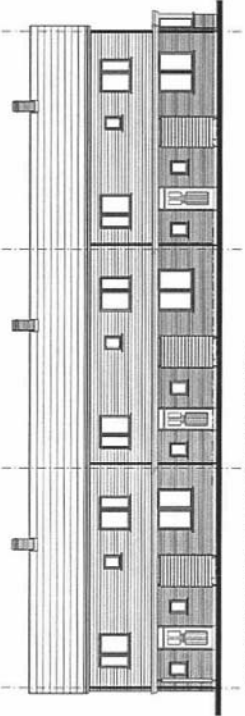
BLOCK 2 (2B HOUSES, PLOTS 10-13)_REAR ELEVATION



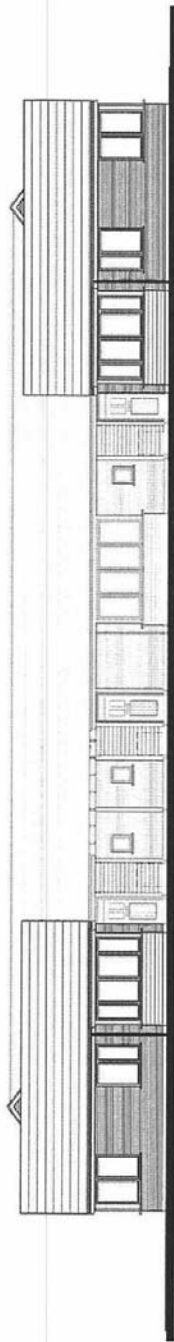
BLOCK 2 (2B HOUSES, PLOTS 10-13)_FRONT ELEVATION



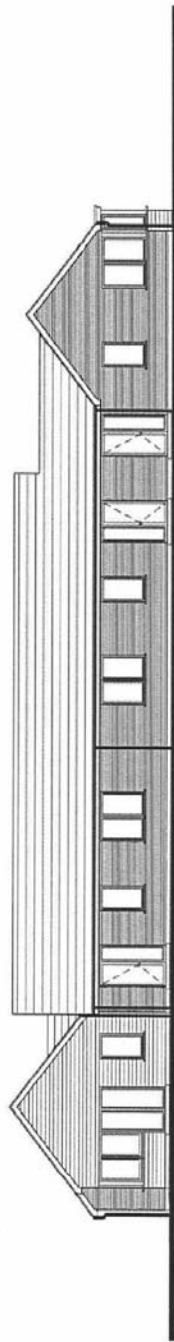
BLOCK 3 (3B HOUSES, PLOTS 14-16)_REAR ELEVATION



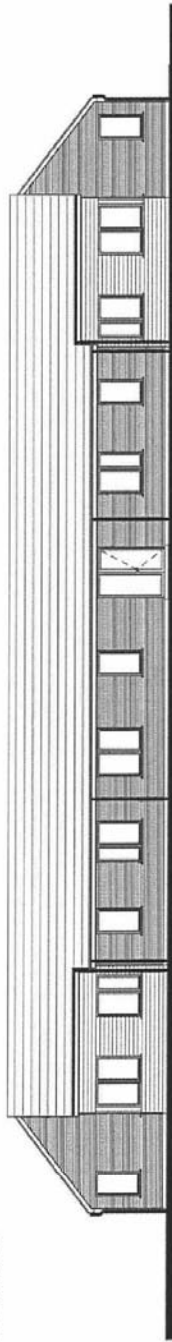
BLOCK 3 (3B HOUSES, PLOTS 14-16)_FRONT ELEVATION



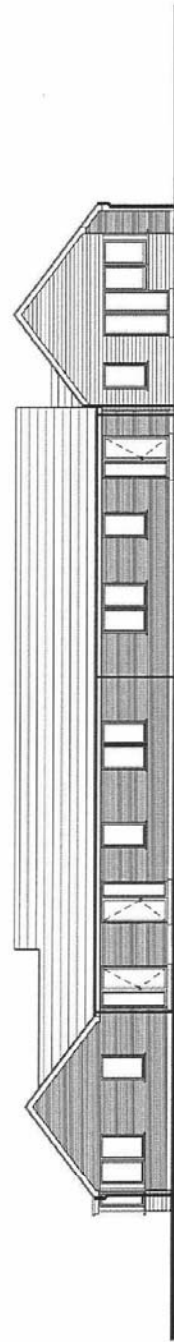
(2B3P BUNGALOWS_PLOTS 01-09)
ELEVATION_01



ELEVATION_3



ELEVATION_4



ELEVATION_5

(3) Application No: PAP/2012/0610

The Coleshill School, Coventry Road, Coleshill, Warwickshire, B46 3EX

New sports centre building with car parking space, landscaping and boundary fencing, for

Mr Simon Powell - North Warwickshire Borough Council

Introduction

This application is reported to the Board in light of the Council being the applicant.

An initial report was brought to the Board's March meeting and this described the site, outlined the proposal and set out the Development Plan background. That report is attached for convenience at Appendix A.

The Board is to visit the site as agreed at the March meeting. This will take place on 6 April.

Amended Plans

Amended plans have been received. They are attached at Appendix B. The changes from those originally submitted and included in Appendix A, relate to the following:

- the gates across the main access have been brought back further into the site
- the car parking layout has been slightly amended
- the entrance lobby has been revised
- the window locations on the first floor front and side elevations have been revised
- the "overhangs" to the sports block have been removed creating a rectangular appearance throughout and
- PV panels are added to the roof.

These amendments have been re-circulated to neighbours and to those agencies consulted on the original scheme. Any representations received will be reported to the Board at the meeting.

The responses to the original plans are reported below.

Additional Information

Following concern expressed by the Highway Authority about parking provision, further information has been passed to the County Council. It is understood that the County had wrongly assumed that a replacement swimming pool was to be provided and that the new facility would act as a "changing room" facility for use of the School's pitches by outside clubs, thus significantly extending the car parking requirement. Neither of these two situations is the case and thus it is now satisfied with the overall level of provision being proposed. Moreover it has been confirmed to the Highway Authority that the car park will not be available to parents for dropping off or collecting children at the School as it will be "bespoke" to the Sports Centre. The plans show barriers across the car park entrance and the provision of these can be conditioned. Moreover the County Council has now received details of actual patterns of use at the existing leisure centre and can

compare these to the parking situation actually experienced at the School. During the week, the peaks in usage at the centre do not align with school dropping off or collecting times. At weekends the higher levels of use seen at the centre during weekday evenings are extended throughout the weekend days. But these are not peak periods for school use. There is presently some parking provided for the School on the existing tennis courts. This however is a temporary arrangement whilst other construction work is taking place elsewhere at the School, thus displacing some existing car parking. This will revert to its existing location when that work is complete. Additionally, the submitted plans do now show a footway along the southern side of the access as recommended by the County Council. In light of all of these considerations, the Highway Authority has withdrawn its original objection. It would however wish to see extended safety markings in the carriageway at the school entrance, and this matter can be conditioned.

Consultations

Severn Trent Water Ltd – No objection subject to its standard condition

Environmental Health Officer – The boundary treatment at the southern boundary needs to be confirmed by condition in order to reduce any potential amenity impacts on the occupiers of the adjoining bungalow.

Warwickshire County Council as Highway Authority – As described above the County raised initial concerns about the amount of car parking proposed and asked for evidence to show that it would be sufficient and so as not to cause on-street car parking. Discussions have taken place with the applicant in response and the Highway Authority raises no objection subject to standard conditions.

Sport England – The proposal is consistent with its policy objectives of ensuring a “planned” approach to sports and recreation facilities such that they meet the needs of the whole community based on local assessment; supporting the development of new facilities whilst enhancing existing provision, and promoting the wider use of new sports facilities particularly through joint provision. Sport England supports the application.

Representations

Coleshill Town Council – The Council welcomes the continuation of leisure service provision in the town. The proposal is said to be a “good fit” for the site.

Coleshill Civic Society – The Society has no objection stressing the importance of this project for Coleshill, but asks that the Board to be satisfied with its design and appearance.

Two representations have been received – One refers to existing on-street car parking at the beginning and end of the School day, wondering whether this proposal will exacerbate this concern; the other says that the centre will not be used as much as the existing as the new location is “out of town”.

One objection has been received. This relates to the lack on information about how the centre will be managed; how it will fit in with the school curriculum and if the car parking will be made available to School users rather than to Leisure Centre users.

These are the only comments received as a consequence of the formal notification to the community as a consequence of the necessary formal planning procedures. However prior to the application being submitted, there was an extensive consultation

exercise undertaken with the community together with a series of meetings and interviews. The over-whelming conclusion was for a new centre that matched existing facilities; recognition that the existing centre was at capacity and that it was generally becoming “run-down”. There was an even split between those preferring redevelopment of the existing site and those preferring a site at the School.

Observations

As the previous report outlined, there is overall planning policy support for this development in the existing Development Plan, the emerging Core Strategy and in the National Planning Policy Framework. It would also meet objectives in the Sustainable Community Strategy and those set out by Sport England. The issues in this case are thus those affecting the details, and these are particularly focussed firstly on the design and appearance of the building and secondly on the parking issue.

The present buildings that make-up the complex at Coleshill School are functional and utilitarian in appearance. The ones to be demolished – the swimming pool and the existing sports hall – are themselves nondescript buildings. The new Hall is considered to be an improvement. It will sit close to existing buildings and thus not impose on the openness of the Green Belt to the south and will be “read” against the existing buildings. Its height will be lower than the existing Sports Hall and the main school buildings. It will thus not be seen or viewed in isolation. The proposed design reflects a modern building but one that is “fit for purpose”. It is made up to two rectangular “boxes” so would not appear as a single large “shed” enabling some differentiation and flexibility. The mono-pitched roof and overhangs shown on the original drawings have been removed and the window panels to the front elevation have been extended to the advantage of the internal layout. It also incorporates energy efficiency measures in order to reduce its carbon footprint – namely PV cells on the roof and on one elevation. These will all have a “matt” and not a “reflective” finish. Overall given the setting it is considered that the building is better in appearance than existing buildings on the site.

The parking situation is of concern, but it is not considered that there is a reason for refusal based on the issue, particularly now that the Highway Authority has responded with no objection. The number of spaces proposed – 50 – is equivalent to that recommended in the North Warwickshire Local Plan. It would also be a dedicated centre user’s car park. It is also considered to be a greater number than that regularly used and available at the existing centre both before and after the supermarket’s opening. Moreover the existing survey information of use at the existing centre has been compared with actual school parking patterns and they have been found not to coincide. In terms of location issues, it is pointed out that the school itself is a heavy and frequent user of the existing facility as are the other Coleshill Schools and thus its re-location to the school would remove these journeys. There are regular bus services on the Coventry Road, and Packington Lane has a pedestrian footway along its length. In all of these circumstances it is considered that the balance lies with support for the proposal and its car parking provision.

Recommendation

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

- i) Standard Three year condition
- ii) Standard Plan numbers condition – the Location Plan received on 25/1/13; plan numbers C1553/121A, 125B, 126B, 127A, 128B and 129A all received on 22/3/13 and plan number 124F received on 3 April 2013.

Pre-commencement conditions

- iii) 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

- iv) 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.

- v) 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.

- vi) 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.

- vii) 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.

- viii) 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.

Pre- Occupancy Conditions

- ix) 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 full parking 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

- x) 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.

- xi) 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:

- i) 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.
- ii) 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.

- iii) Attention is drawn to the Advertisement Regulations 2007 in respect of condition 9 above.

Justification

The proposal is located within the settlement boundary for Coleshill where the provision of this type of facility is appropriate and sustainable given the Development Plan, emerging Planning policy and the National Planning Policy Framework. The facility would enhance recreation provision within the town and particularly its relationship with the school as a dual use facility would satisfy planning policy as well as Sport England's objectives. The design and appearance of the building is appropriate given the setting and its function. Car parking provision is adequate given the requirements of the Development Plan; evidence of use of the existing facility, the school's own parking patterns and the likely peak periods of use of the new centre. Its use by existing Schools is considered to be of benefit in this respect. The building meets the energy efficiency requirements set out in the Development Plan. The proposal is considered to accord with saved policies CP1, CP2, COM1, COM2, COM3, ENV8, ENV9, ENV10, ENV11, ENV12, ENV13, ENV14, TPT1, TPT3 and TPT6 of the North Warwickshire Local Plan 2006 and the National Planning Policy Framework 2012.

BACKGROUND PAPERS

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

Planning Application No: PAP/2012/0610

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	25/1/13
2	Severn Trent Water	Consultation	1/2/13
3	G Shelley	Representation	4/2/13
4	Sport England	Consultation	6/2/13
5	Coleshill Town Council	Representation	6/2/13
6	D Axe	Representation	14/2/13
7	Coleshill Civic Society	Representation	14/2/13
8	Environmental Health Officer	Consultation	15/2/13
9	D Ibbotson	Objection	17/2/13
10	WCC Highways	Consultation	25/2/13
11	Head of Development Control	Letter	12/3/13
12	Applicant	Letter	20/3/13
13	Applicant	E-mail	22/3/13
14	WCC Highways	Consultation	2/4/13
15	WCC Highways	E-mail	2/4/13
16	Applicant	E-mail	3/4/13

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.



(#) Application No: PAP/2012/0610

The Coleshill School, Coventry Road, Coleshill, Warwickshire, B46 3EX

New sports centre building with car parking space, landscaping and boundary fencing, for

Mr Simon Powell - North Warwickshire Borough Council

Introduction

This application is reported to Board in light of the Council being the applicant.

The Site

The site lies to the southern edge of Coleshill, to the eastern side of the school site with Packington Lane forming the eastern boundary. The school site is surrounded by residential properties to the west which front onto Coventry Road. To the north of the site is Woodlands Primary School, and to the south is a single bungalow and St. Edwards Primary School, along with playing fields. Beyond Packington Lane is open countryside. The site is currently occupied by tennis courts and a covered swimming pool, which is to be demolished as part of the works. The site is shown at Appendix A.

The Proposal

The disused swimming pool will be demolished, whilst the existing sports hall and changing block, which link to the arts block will be demolished, leaving the arts block standing alone. The new sports hall and changing facilities will be replaced within the new sports centre building, with squash courts, a gym and dance studio also provided within. Car parking space, landscaping and boundary fencing will also be provided. Plans and elevations are shown at Appendix B.

Background

The school itself has evolved during the course of the late 60s and the 70s, with further extensions and alterations from the mid-1990s onwards. This proposal arises from pre-application discussions involving the school and leisure and planning officers.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies): Core Policy 1 (Social and Economic Regeneration), Core Policy 2 (Development Distribution), COM1 (New Community Facilities), COM2 (Protection of Land and Buildings used for Existing Community Facilities in the Main Towns and Market Towns), COM3 (Safeguarding Educational Establishments), ENV8 (Water Resources), ENV9 (Air Quality), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations in New Development), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

Other Relevant Material Considerations

North Warwickshire Core Strategy (Pre-submission Document November 2012): NW1 (Settlement Hierarchy), NW8 (Sustainable Development), NW9 (Renewable Energy and Energy Efficiency), NW10 (Quality of Development) and NW17 (Services and Facilities).

Government Advice: National Planning Policy Framework (NPPF).

Consultations

Sport England, the Environment Agency, the County Highway Authority, the County Museum (Archaeology), the Environmental Health officer, Severn Trent Water, the Coleshill Town Council and Coleshill Civic Society have all been consulted. Their responses will be reported at a future meeting.

Representations

Neighbours were consulted on 31 January 2013, and press and site notices also published. Representations will be reported at a future meeting.

Observations

The principle of this development is considered acceptable with the site lying within the settlement boundary for Coleshill. The proposal will replace the existing Coleshill Leisure Centre on Park Road, with the facilities also providing as upgraded sports and changing facilities for the school. There is direct policy support for this proposal, but there are also a number of matters which require consideration. These relate to highway safety impacts and parking provision; impact on neighbouring amenity; design and character; and the sustainability of the proposal.

This report is intended as an interim report only as Members are encouraged to consider the design of the proposal. At the time of writing the Design Champions have offered comments which have been discussed at length with the applicant. This has established that many of the elevational features, such as the translucent windows to the western elevation and high level windows and doors on the eastern elevation, are functional and arise out of the internal layout of the proposal. Notwithstanding, amendments are being pursued to improve the more public elevations, and if these are available by the time of the meeting they will be presented to Members accordingly.

The recommendation below therefore accommodates the above discussion, especially as Members may also wish to consider the wider setting for this proposal and other matters such as parking provision.

Recommendation

That the Board visit the site prior to the application being presented for determination at a future meeting.

BACKGROUND PAPERS

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

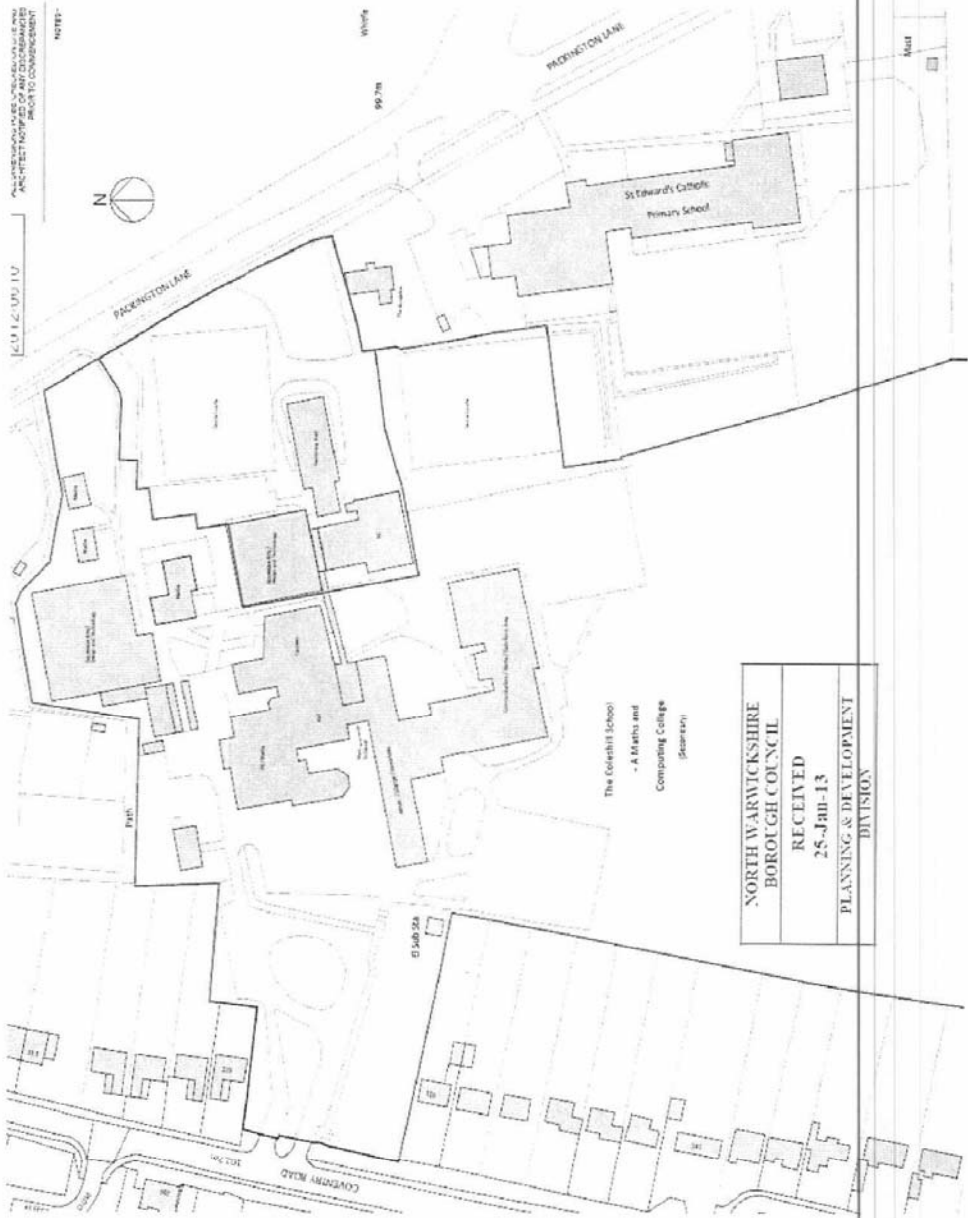
Planning Application No: PAP/2012/0610

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	13/12/2012 25/12/2012

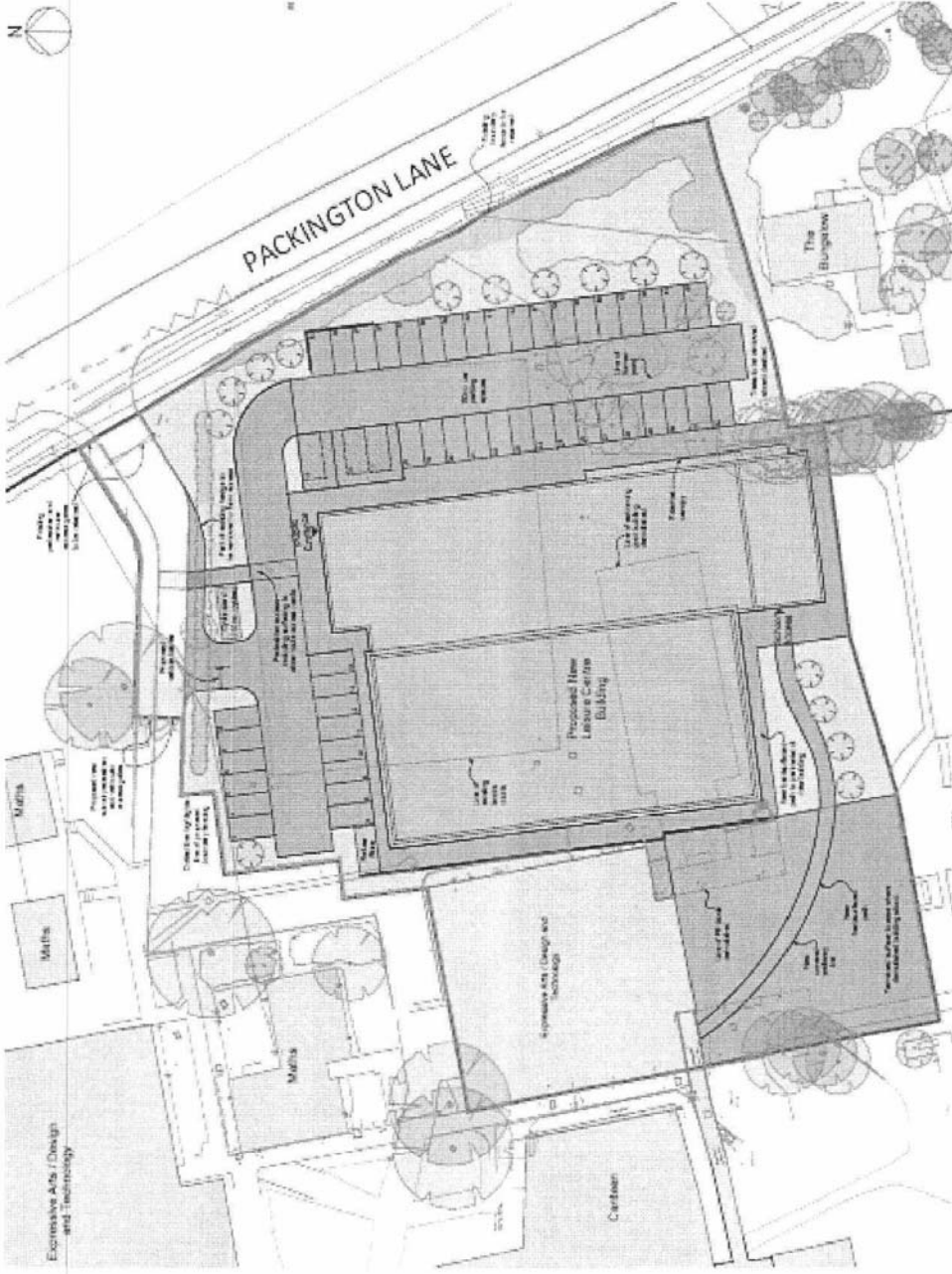
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

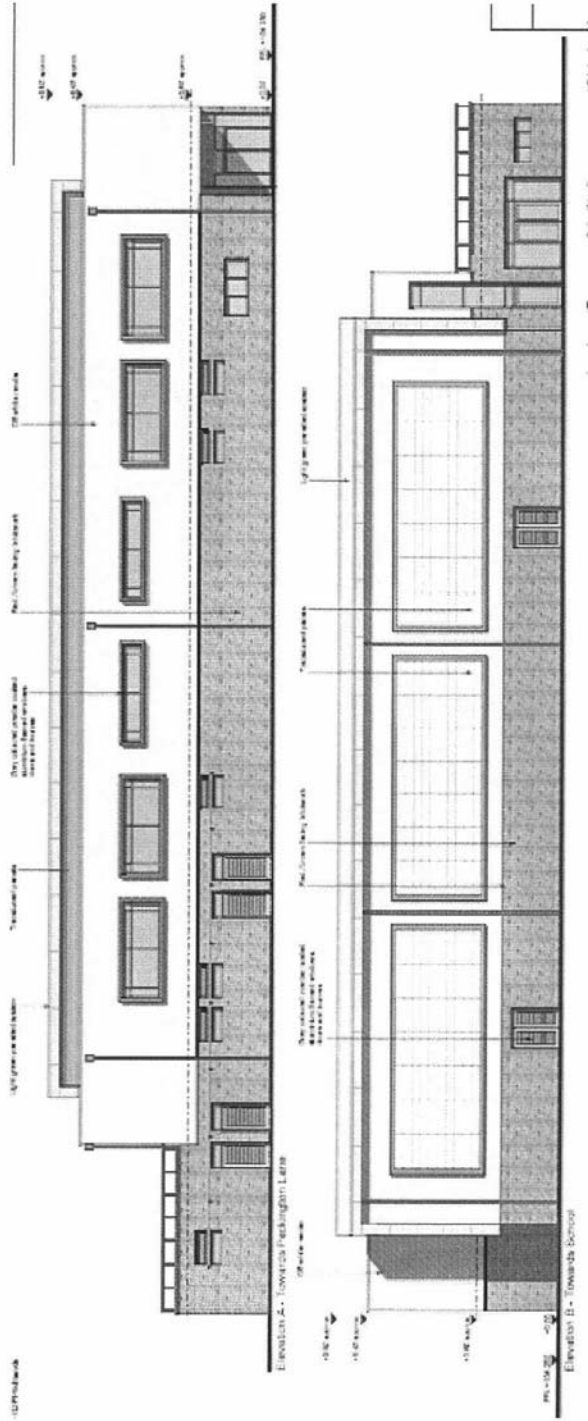
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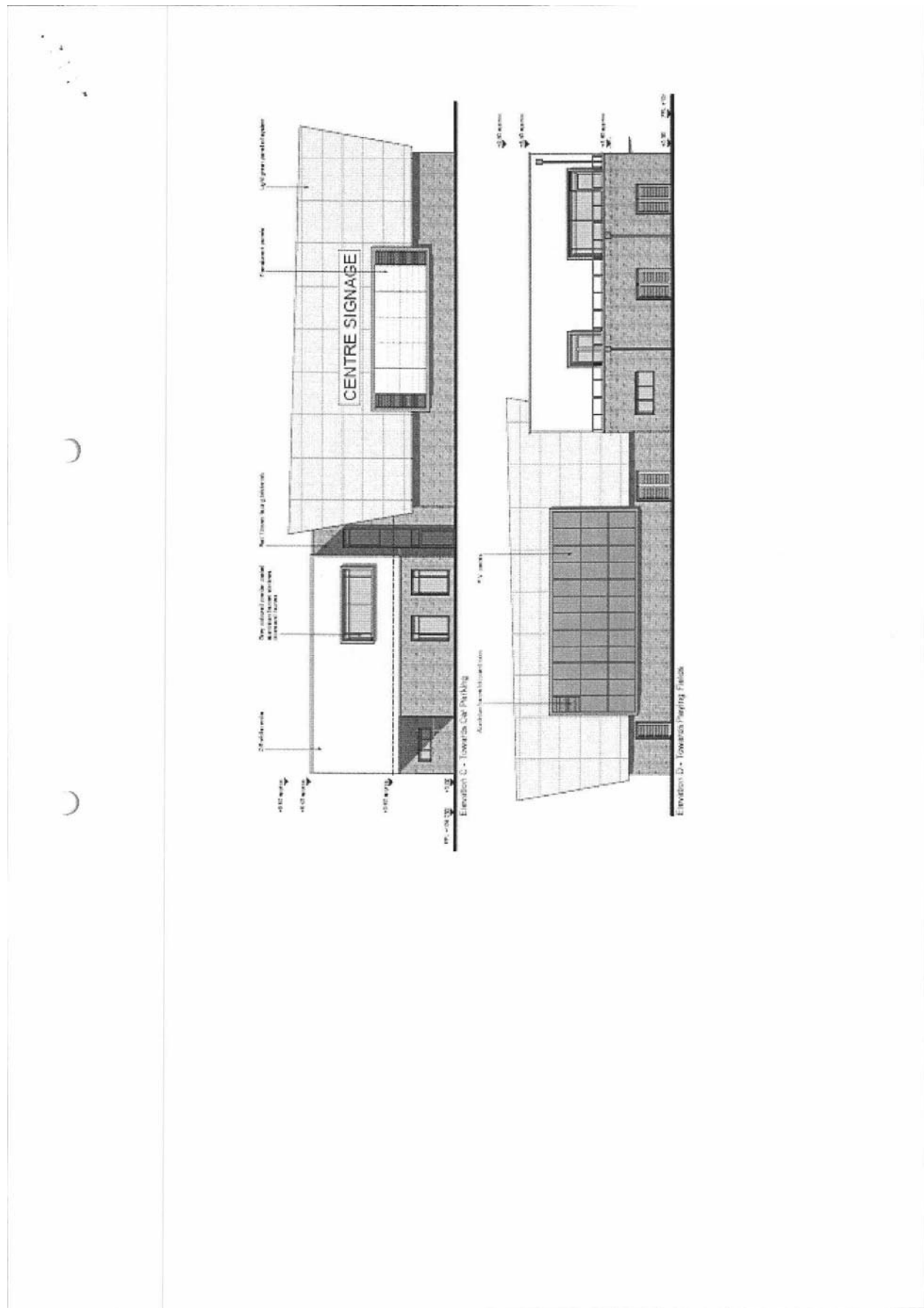
APPENDIX A

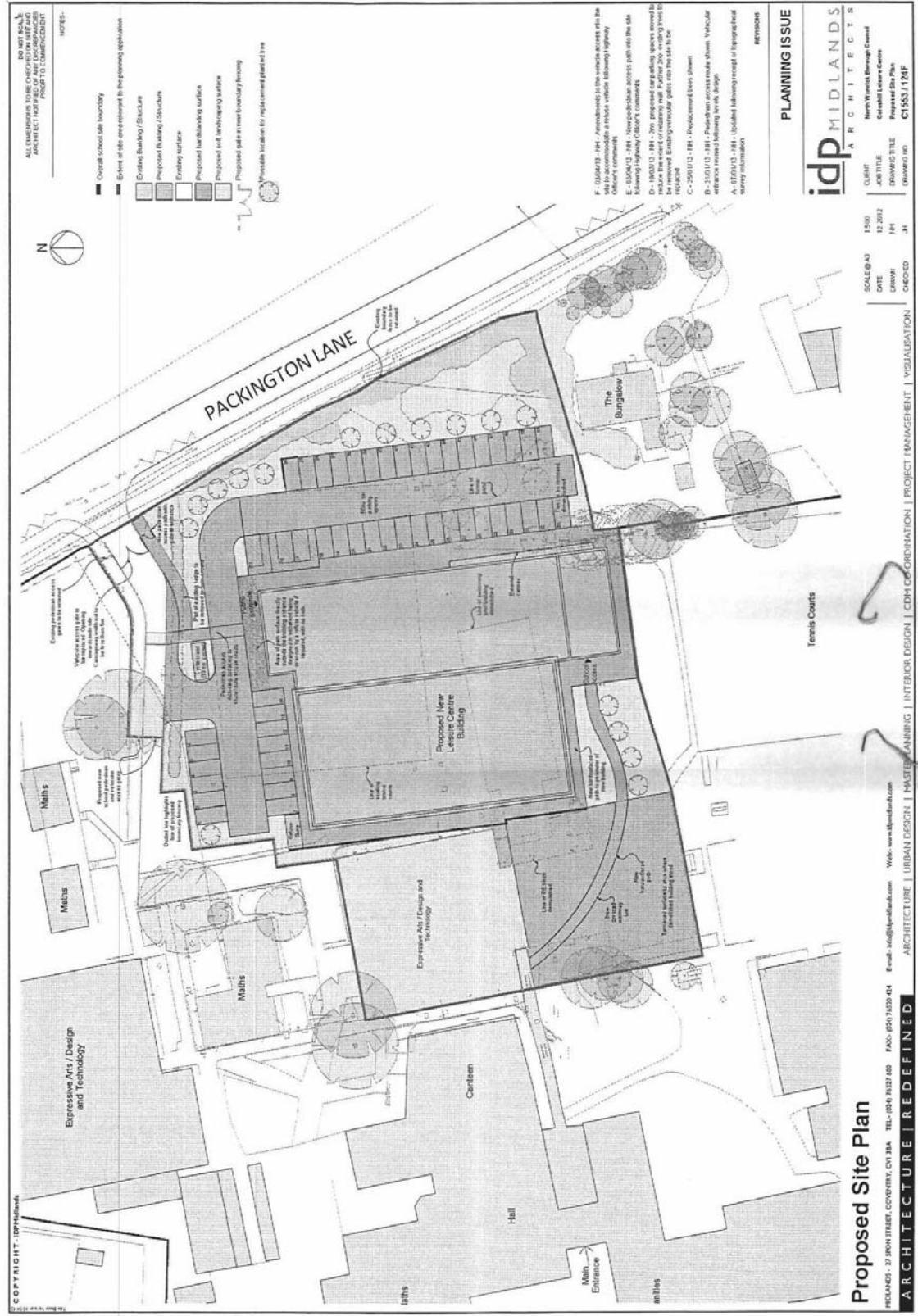


NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED 25-JUN-13
PLANNING & DEVELOPMENT DIVISION



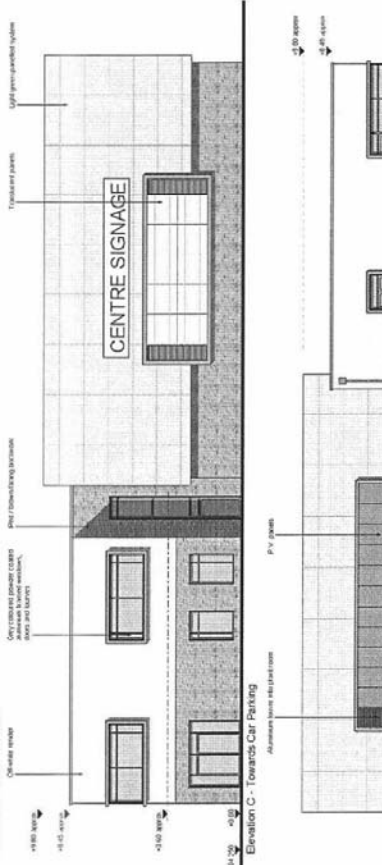
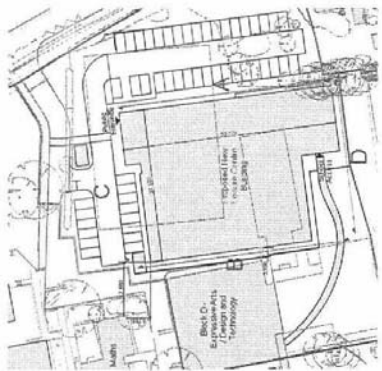
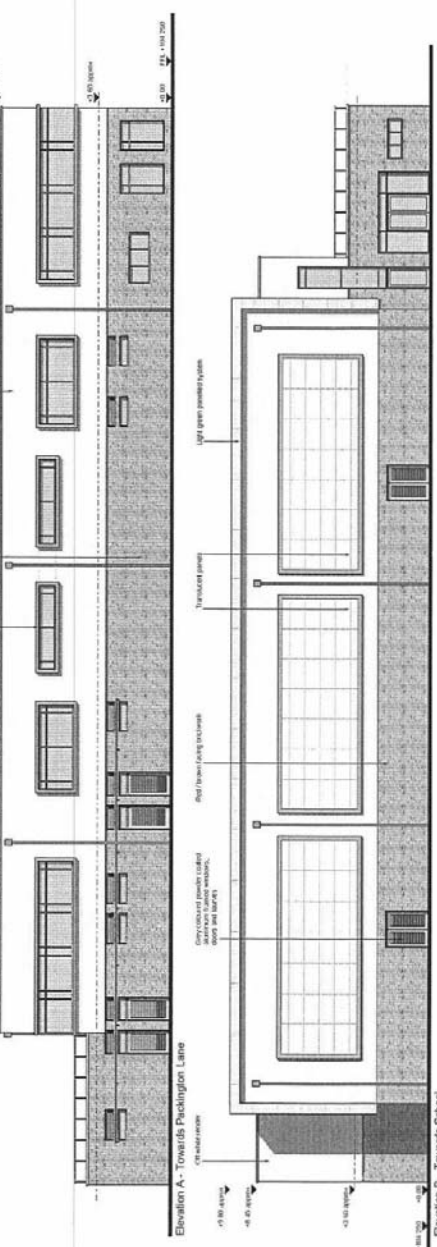






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NOT TO SCALE
ALL DIMENSIONS TO BE CHECKED ON DRAWING AND
ARCHITECT NOTIFIED OF ANY DISCREPANCIES
PRIOR TO CONSTRUCTION
NOTES:



REVISIONS

A - 23/01/13 - DM - Further design development

B - 23/05/13 - DM - Amendments following Planning comments, Lobby of public entrance removed, Corner entrance removed, External lighting removed, External lighting to be replaced with new lighting, External lighting to be replaced with new lighting

PLANNING ISSUE

idp MIDLANDS ARCHITECTS

SCALE @ A3	1:200
DATE	12/01/13
OWNER	IBH
CHECKED	JH
CLIENT	IBH
JOB TITLE	General Leisure Centre
PROJECT TITLE	General Leisure Centre
DRAWING NO.	CI953/128B

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

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

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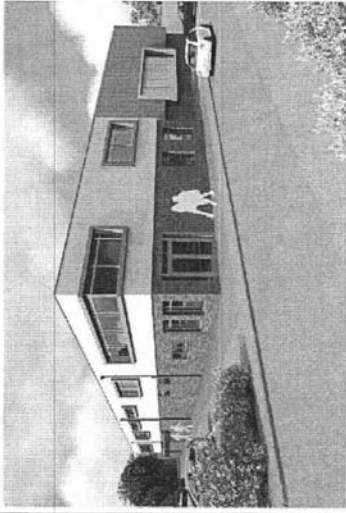
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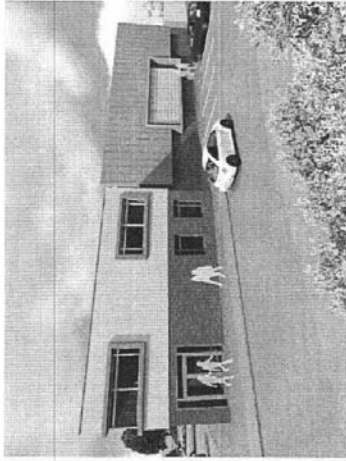
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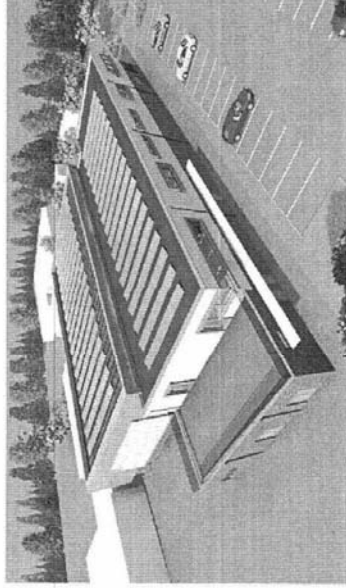
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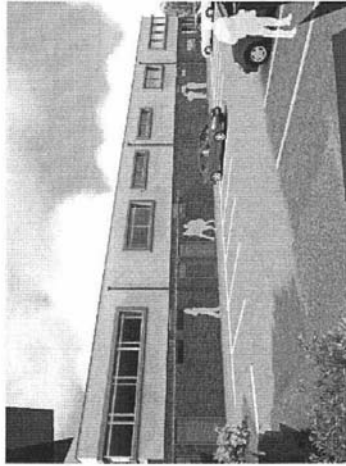
View 1. Community Entrance



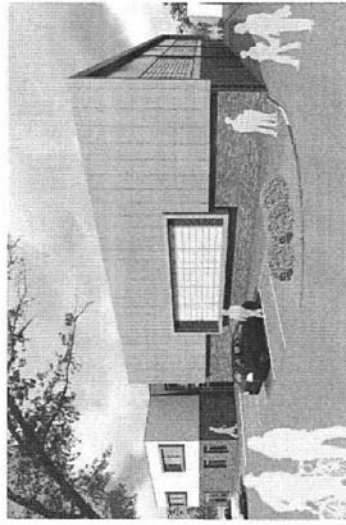
View 2. Elevation facing car parking



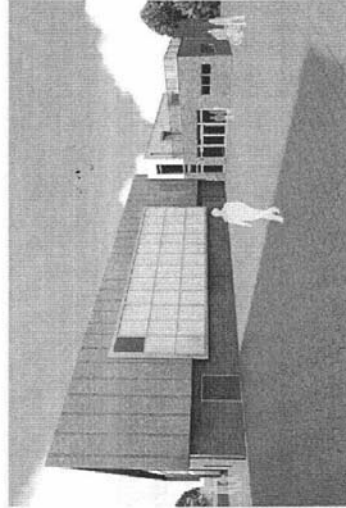
View 3. Aerial view of building



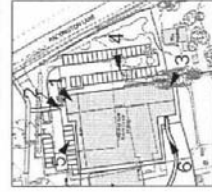
View 4. View of building facing Packaging Lane



View 5. View of building facing car parking



View 6. View of school entrance



Key plan 1-2000

A - 2500 02 - 104 - 20 images created for referl reports to
design planning (subject to contract)

REVISIONS

PLANNING ISSUE

idp MIDLANDS
ARCHITECTS

CLIENT	HTS
JOB TITLE	12.2012
DRAWING TITLE	PH
DRAWING NO	PH
DATE	12.2012
SCALE	1:1
DESIGNED BY	HTS
CHECKED BY	JH

North Midlands Strategic Council
Cathall Leisure Centre
30 Artists Impression Images
C1555 / 1204

3D Artists Impression Images

REGD ARCHITECTS - 17 SPON STREET, COVENTRY, CV3 9NA TEL: 024 7632 6600 FAX: 024 7632 614
E-MAIL: 3d@idpmidlands.com Web: www.idpmidlands.com

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

ARCHITECTURE | REDEFINED

(4) Application No: PAP/2012/0614

4 Station Buildings, Birmingham Road, Water Orton, B46 1SR

Change of use from butchers to a cafe/tea (Use Class A3) room for

Mr Paul Nicholaou

Introduction

The application is being brought before the Board following a request from a local member concerned about the potential highway impacts.

The Site

The site lies within the centre of Water Orton and is part of an existing parade of shops and other businesses. The site is directly accessed off the main Birmingham Road. These commercial uses are at ground floor and there flats above them. To the front of the site is a "lay -by" providing a row of vehicle parking spaces, which does not have time restrictions. The main railway line runs behind the parade of shops. The location of the building can be viewed in Appendix 1.

The Proposal

The proposal is for a change of use of the vacant retail unit – an A1 Use - to a café / tea room – use within Use Class A3. It was last used as a butchers shop, and this closed in early 2012. The café/tea room would sell items such as hot and cold food, drink, teas and coffees and homemade cakes. Also the premises would serves snacks – sandwiches, soups etc, and breakfast in the morning all of which are to be eaten within the premises. The proposed opening hours are from 0700 to 1600 hours, Monday to Saturday. Three full time staff would be employed. External ducting and internal extraction equipment are required but the applicant has asked for these to be reserved by condition. Photographs of the site can be viewed in Appendix 2.

Background

The existing row of the ground floor building uses are from left to right – a Chinese Takeaway, a Fish Bar, a Carpet Shop, a Sandwich Shop, a Dentist, a Travel Centre, an off- licence and Tesco Express.

In 2005 planning permission was refused at the site for a change of use from the butchers shop to a takeaway with internal alterations. The refusal was taken to appeal and upheld due to noise and disturbance to the adjoining and surrounding residential properties and the impact on parking problems and with highway safety issues.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies) - ECON5 (Facilities relating to Settlement Hierarchy); ENV11 (Neighbour Amenities), ENV13 (Building Design), ENV14 (Access Design) and TPT6 (Vehicle Parking)

Other Relevant Material Considerations

The Core Strategy Submission – February 2013

The National Planning Policy Framework - 2012

Consultations

WCC Highways – No objection subject to the use being conditioned to A3 alone.

Representations

Seventeen letters of objection and comments have been received. The matters raised are:

- The proposal would be detrimental to existing struggling businesses.
- The proposals would have a serious impact on other businesses in the area as parking is only required by their customers for short periods of time whereas with a cafe/coffee shop, customers would require time to eat food, meet and socialise etc. and therefore occupy available car parking longer.
- The existing sandwich shop, Chinese and chip shop provide a good service to the community and local businesses.
- Parking issues with all day parking to the front of the buildings, leading to pedestrian safety issues.
- The opening of a café would be taking up parking spaces for at least an hour, leading to further problems.
- Car and lorries reversing onto the main road, out of the parking spaces.
- Double parking and the parking surface is deteriorating.
- There are tea rooms already in the village.
- Previous applications have been rejected.
- Any more A3 or A5 uses will badly affect present businesses.

Water Orton Parish Council – The Parish Council objects repeating many of the comments referred to above.

Observations

This application has generated a significant amount of interest and raised a number of issues. However the main issue revolves around highway and traffic considerations. These will be looked at later.

a) Economic Considerations

It is important to emphasise that the starting point when considering this present application is that the premises have an existing lawful use as an A1 retail outlet. As such the existing unit could reopen as a retail unit with no planning controls at all. That would still lead to customers arriving by car and parking outside and could involve longer opening times.

The existing building is vacant and it is understood that it has been marketed for almost a year.

Given the sites lawful use; its' current location, the nature of its neighbours and the fact that Water Orton is a Local Service Centre as defined by the 2006 Local Plan, this proposed use is entirely appropriate for this site. It would fully comply with planning policies relating to such centres and for such uses to be supported in sustainable locations. This is exactly the location where this type of use should be acceptable and appropriate. Moreover in policy terms it would also fully accord with the NPPF and its thrust on economic development; encouraging new business and competition as well as making appropriate use of vacant buildings.

Members will be aware that the issue of "competition" between similar uses is not a planning consideration. Whilst there is concern from those making representations about the potential cumulative impact of an increased number of similar types of uses in the station buildings, there is no planning policy on which to base a refusal. Moreover in this parade of shops there is a sandwich shop and the Tesco shop that are open during the day and evening together with a chip shop and Chinese Takeaway which mainly do trade in the evening, when the proposed café / tea room would be closed.

Given all of these considerations, on the issue of the economic development, significant weight should be given to providing an opportunity to occupy this unit such that the general appearance and environment does not decline as a result of having boarded-up properties, and to ensure that economic growth is maintained.

b) Amenity

As set out earlier the proposal lies within an existing row of existing row shops and businesses, and that the vacant premises could reopen as a shop without the need for a planning application.

The proposed opening hours are less than many of the other occupiers here and generally match those of those of the previous butcher use. Given this and that there is nothing intrinsic in the use as a café / tea room that is likely to give rise to significant amenity issues, there is un-likely to be an unacceptable impact upon privacy or amenity of the nearby residential properties.

Ducting is proposed to the tea room to take away food cooking smells. However the details would need to be reserved for later approval following advice from the Environmental Health team.

Given all of these considerations there is unlikely to be a loss amenity or privacy to the extent that warranted the previous refusal. The proposal would therefore accord with saved policy ENV11 of the Local Plan 2006.

c) Parking

The site lies within the centre of Water Orton and is well served by existing bus routes; it is near to the station and can be reached on foot and by bicycle.

There is generally a slow turn over of vehicles moving to and from the frontage of the row of shops during the day, but this increases in the evening. Moreover the parking area has no waiting restrictions. There was a butcher here before and customers used this parking area. Moreover a new A1 shop could re-open here at any time leading to additional parking demands and no planning application would be required. It is understood that this is a very busy area with through traffic movement, a pedestrian crossing, parking cars, cars reversing and high levels of pedestrian activity. However the substantial issue is whether the proposed use would materially worsen this. It is considered not because of the proposed hours; the fact that the unit could re-open as a shop at any time, the parking turnover arising from other traders and the fact that the site is highly accessible from other modes of transport. There is not the evidence here to support a refusal. Additionally of course the Highway Authority does not object.

d) Past Refusals

There has been a recent previous refusal here in 2005 as reported above. That related to a proposed change of use to a takeaway. The refusal reasons were based on the amenity issue in respect of residential properties above the unit and to the parking impact. It is considered that the current proposal is materially different in that no takeaway element is proposed; that the hours are considerably reduced and that the required extraction equipment will be of a different specification. Moreover Government planning policy has changed whereby there is now a strong emphasis on promoting growth, economic development and the use of vacant units for alternative uses.

e) Conclusion

It is considered that the re-use of this vacant shop is acceptable and appropriate when considering the NPPF and all of the considerations outlined above. Members are once again asked to be mindful of the “fall-back” position here in that the existing site could re- open as an A1 retail unit which could lead to similar parking demands but with no need for a planning application. Conditions are recommended in order to restrict the use class, opening hours and the installation of the appropriate flue and ducting equipment.

Recommendation

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 block plan, site location plan and proposed layout plan received by the local Planning Authority on 25 January 2013.

REASON

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

3. The restaurant hereby approved shall not be open for business other than between the hours of 07:00 and 16:00 on Mondays to Saturdays inclusive, and there shall be no opening for business purposes on Sundays and Bank Holidays.

REASON

To prevent disturbance to the occupiers of nearby properties.

4. For the avoidance of doubt, there shall be no take away service and the A3 planning permission hereby granted shall only pertain to the sale of food and drink for consumption on the premises.

REASON

In the interests of the amenities of the area.

5. No development shall commence until full details of an extractor fan and ducting and flue to the rear of the building have been submitted to and approved in writing by the Local Planning Authority. These must contain details of any proposed methods for minimising noise and odour where necessary i.e. noise attenuation of fan motors, filtration/treatment of odours and stack height. Only the approved details shall be installed. Also full information as to the extraction system which is designed to neutralise cooking odours.

REASON

In the interests of the amenities of the area.

Notes

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

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

3. This development may be affected by the provisions of Food Safety, Health and Safety and/or Licensing Legislation. You are advised to consult the Regulatory Division, Old Bank House, 129 Long Street, Atherstone - Tel No 01827 715341 or email foodsafety@northwarks.gov.uk.

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

North Warwickshire Local Plan 2006 (Saved Policies)

ECON5 - Facilities relating to Settlement Hierarchy; ENV11 - Neighbour Amenities
ENV12 - Urban Design; ENV13 - Building Design; ENV14 - Access Design; TPT6 -
Vehicle Parking; TPT3 Access and sustainable travel and transport; Core Policy 2 -
Development Distribution

OTHER RELEVANT MATERIAL CONSIDERATIONS

NWBC Core Strategy Proposed Submission November 2012

Water Orton SPG 2003

Government Advice: National Planning Policy Framework 2012

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

6. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through discussions 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.

Justification

The proposal is to use the existing retail unit as a café / tea room. The existing retail unit has been vacant for approximately one year. The site lies within a row of existing shops and businesses, and the proposal is to bring back into use an empty building and provide job opportunities. The site benefits from a lawful use within Use Class A1 (retail), given the previous butchers use. Vehicle parking is existing to the frontage of the site, and is shared with the neighbouring businesses. The existing shop unit could generate greater vehicle movements through out the day. It is not considered that the impacts of the change of use to a cafe/tea room are so materially different from those arising from the continuation of that lawful use so as to warrant refusal. Conditions are proposed covering hours and smell/noise. The proposal is considered not to result in a loss of privacy, light or amenity to the neighbouring properties, which would lead to an unacceptable adverse impact. The proposal thus accords with saved Core Policy 2 and saved policies ECON5, ENV11 and ENV14 of the North Warwickshire Local Plan 2006, and to National Planning Policy Framework 2012.

BACKGROUND PAPERS

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

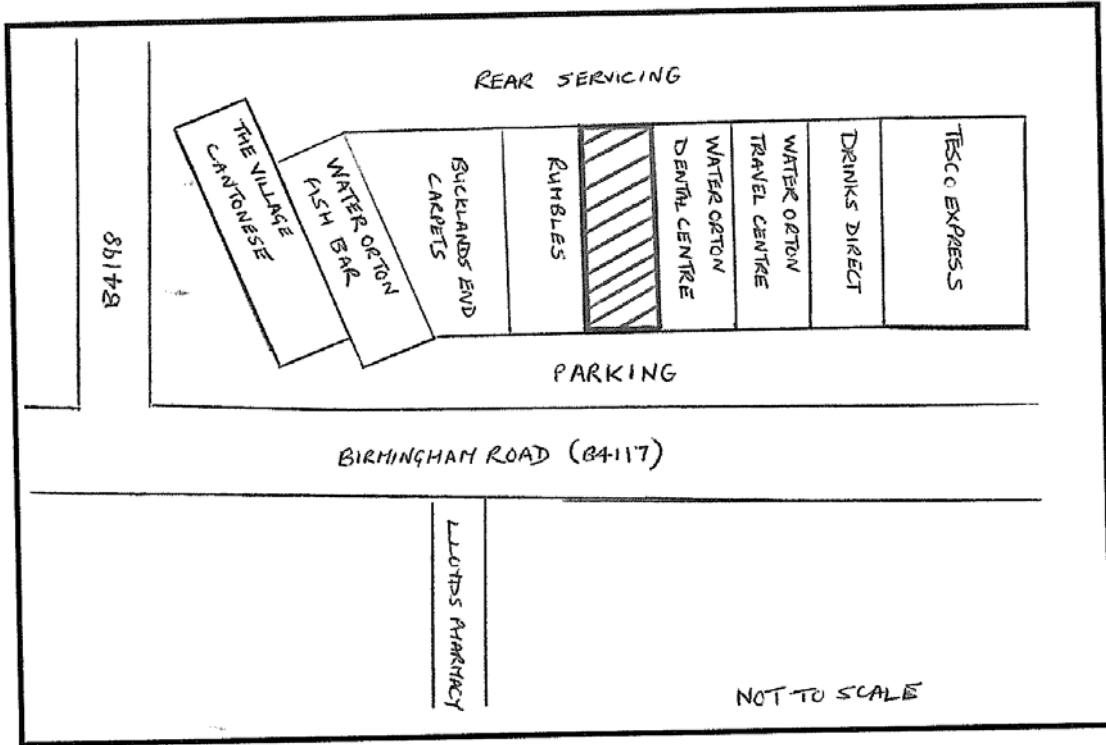
Planning Application No: PAP/2012/0614

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	25/1/13
2	Neighbour Woodlands Vicarage Lane	Objection	29/1/13
3	Case officer	Site visit	6/2/13
4	Case officer	Letter to applicant	7/2/13
5	Neighbour 22 Hargrave Close	Comments	12/2/13
6	Case officer	Email to Parish Clerk	12/2/13
7	Neighbour 3 Station Buildings	Objection	13/2/13
8	Parish Council	Email to case officer	13/2/13
9	Case officer	File note	14/2/13
10	Applicant	Letter to case officer	19/2/13
11	Neighbour 1 Station Buildings	Objection	20/2/13
12	Neighbour 3 Station Buildings	Objection	19/2/13
13	Neighbour 5 Church Avenue	Objection	20/2/13
14	WCC Highways	Consultation response	25/2/13
15	Water Orton Parish Council	Objection	28/2/13
16	Neighbour 22 Hargrave Close	Objection	28/2/13
17	Cllr Payne	Email to case officer	28/2/13
18	Case officer	Letter to applicant	7/3/13
19	Neighbour 19 Edward Road	Objection	12/3/13
20	Neighbour 19 Edward Road	Objection	12/3/13
21	Neighbour 19 Edward Road	Objection	12/3/13
22	Neighbour 19 Edward Road	Objection	12/3/13
23	Neighbour 19 Edward Road	Objection	12/3/13
24	Neighbour 19 Edward Road	Objection	12/3/13
25	Neighbour 19 Edward Road	Objection	12/3/13
26	Neighbour 4 George Road	Objection	16/3/13
27	Neighbour 3 Edward Road	Objection	16/3/13

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.

20 13 / 06 14



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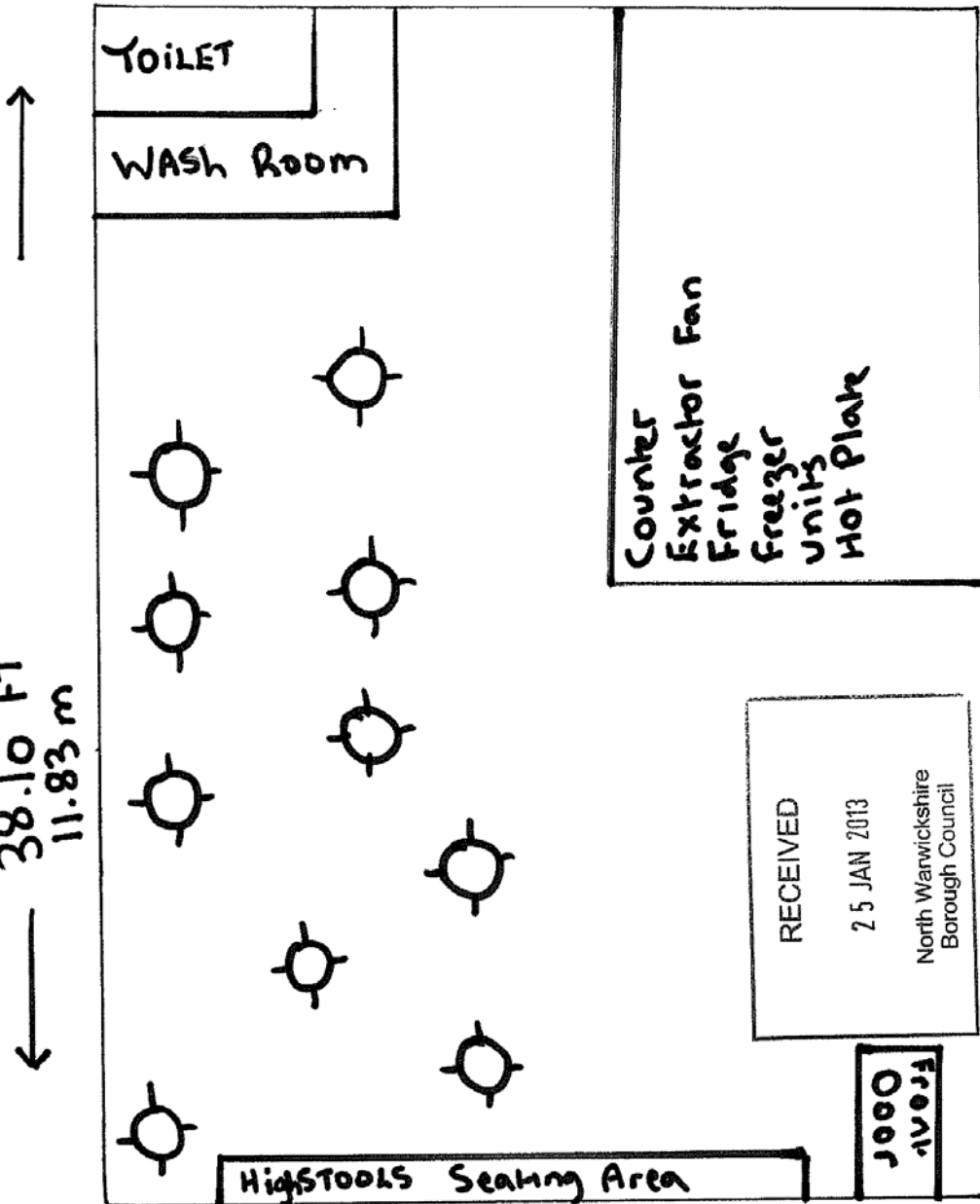

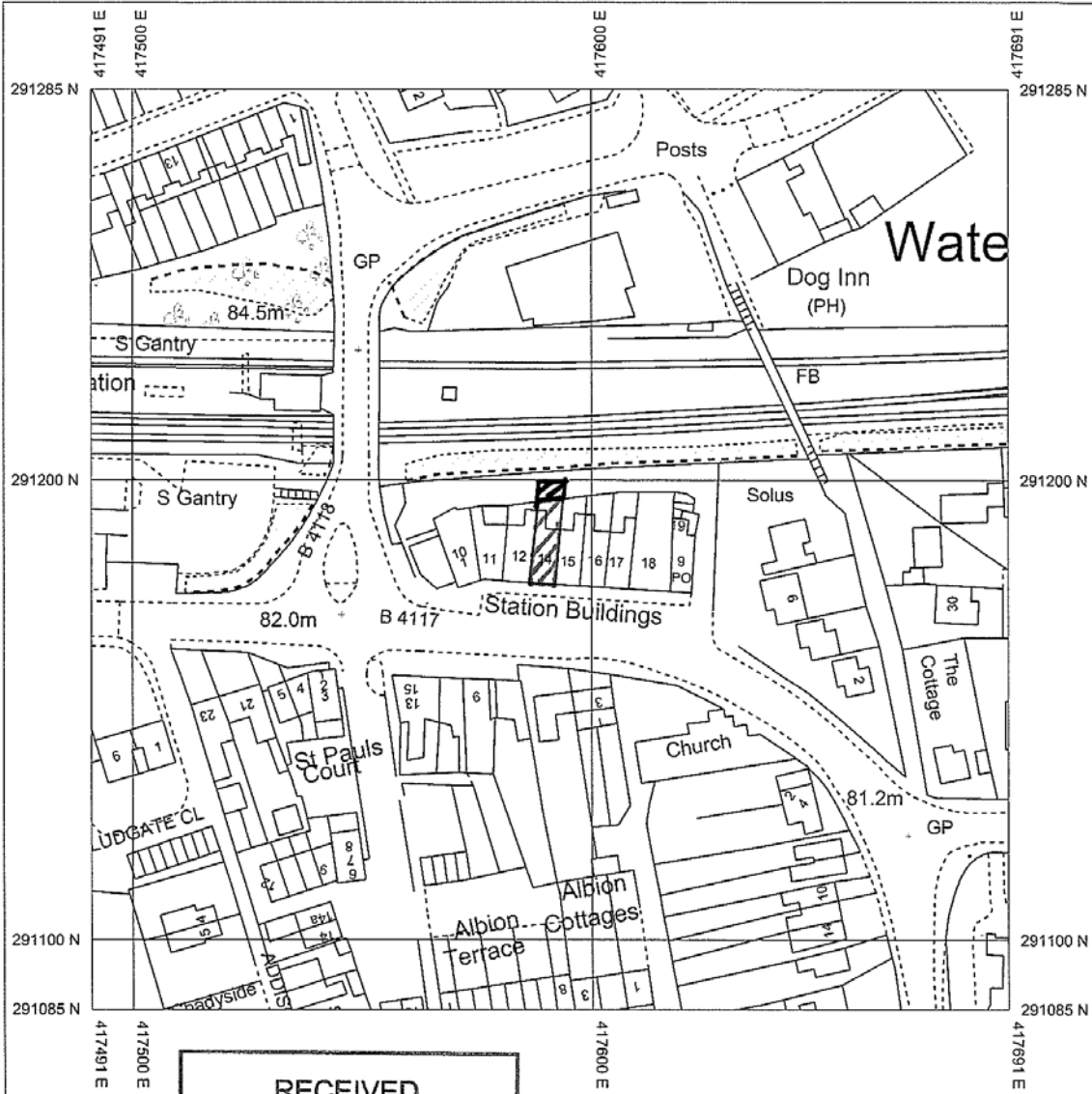


Table & chairs 

Total Ground Space
651.00 Sq. Ft
45.86 Sq. m



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10 JAN 2013
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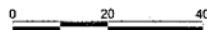
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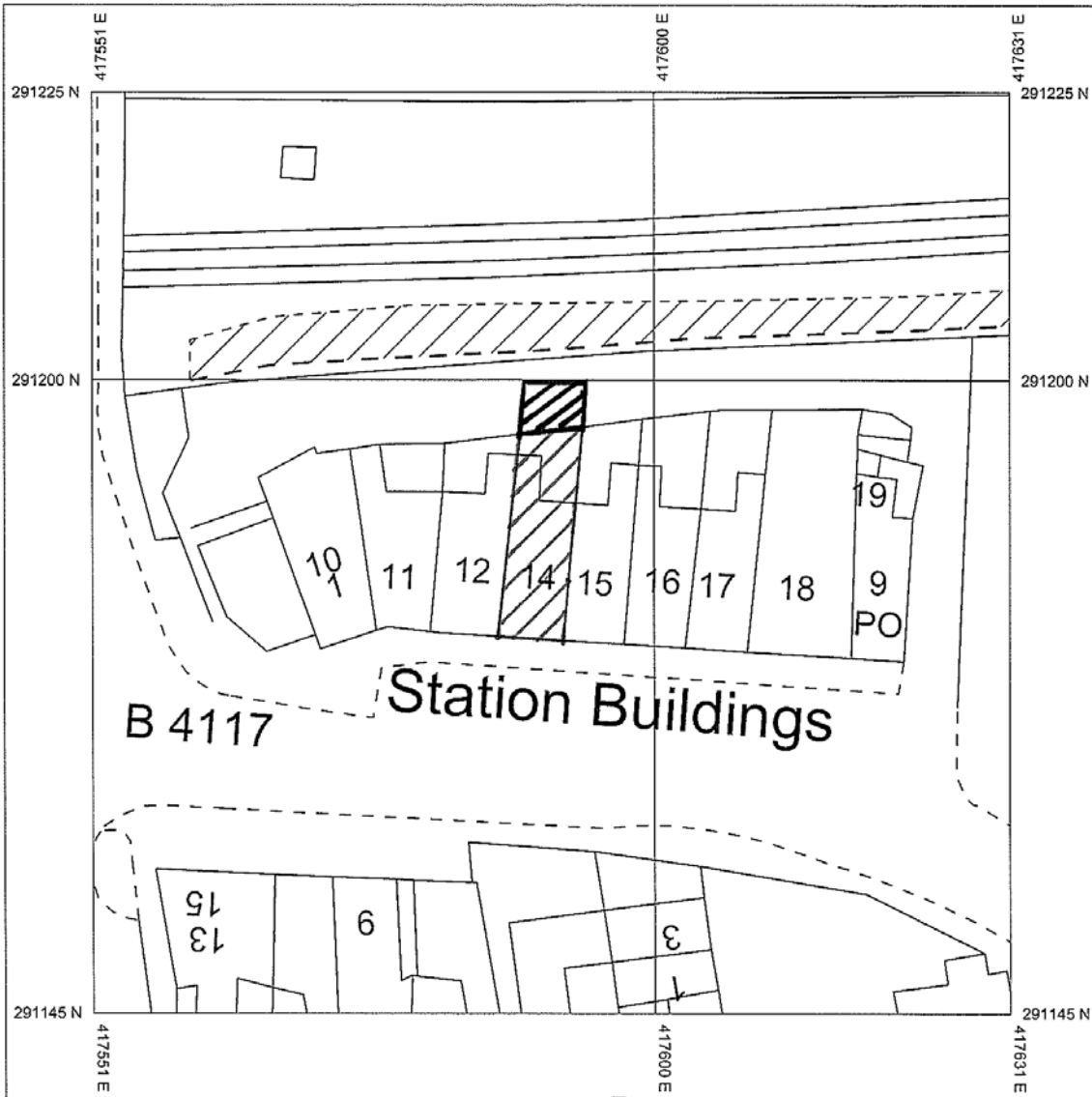


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Supplied By: Print 5

Serial number: 001077998

Plot Centre Coordinates: 417591, 291185



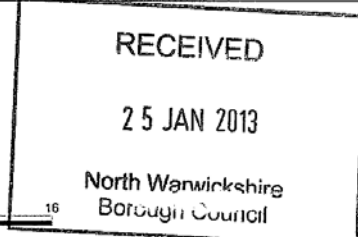
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Supplied By: Print 5
 Serial number: 001077995
 Plot Centre Coordinates: 417591, 291185

Appendix 2 – Photographs of the site



(5) Application No: PAP/2012/0624

River Tame Flood Defence, Bodymoor Heath Lane, Middleton,

Construction of the River Tame flood defences, broadly comprising a series of earth embankments and walls on a 6.115ha site at Kingsbury & Lichfield, for

- The Environment Agency - c/o Halcrow Group Limited

Introduction

This application is reported to the Board in view of a holding objection received from Warwickshire County Council.

The Site

The proposed site measures some 6 hectares and involves land located on the eastern bank of the River Tame between Bodymoor Heath and Fazeley. The M42 Motorway lies to the southeast of the proposed site and the Birmingham to Fazeley canal lies immediately to the west. The majority of the area has been extracted for gravel and these extracted areas now form the lakes at Kingsbury Water Park and Middleton Lakes.

There are residential properties within the site boundary which include the four properties known as Canalside Cottages, Bodymoor Heath.

Construction traffic will access the site via the former access to the gravel works alongside the Aston Villa Training Ground which leads on to Bodymoor Heath Lane.

A very small part of the overall proposal - around 1% - is actually sited within the administrative boundary of Lichfield District Council.

The Proposal

This is to construct a 1.65 kilometre flood defence bank along the eastern side of the Birmingham and Fazeley Canal to prevent water from overtopping into the canal from the River Tame and using the Canal as a conduit to flood properties downstream. The proposal also includes a flood defence around the Canalside Cottages so as to reduce the risk of flooding to these properties. The flood bank is proposed to be separate to the canal so as to reduce the risk of impacts to the structural stability of the canal. The intention is for the new flood bank to create a new linear feature in the landscape parallel to the canal embankment.

The flood bank would have a 1 in 3 slope on its western canal facing side and be at a height of no more than 1.5 metres with a 3 metre wide crest. At the request of the RSPB the gradient on the east side of the defence has been slackened with a scalloped edge and varying gradients (up to a 1 in 8 slope) so as to reduce the appearance of a linear "engineered" structure.

Three flood walls are proposed being:

- a 1.8 metre high brick clad wall approximately 300 metres in length around the outer boundary of the gardens at Canalside Cottages;
- a 0.4 metre high flood wall located on the edge of Canal Pool within Kingsbury Water Park; and,
- the wall on the existing aqueduct where the canal crosses the Langley Brook would be strengthened and the flood bank tied into new head walls on either side of the Brook thus reducing the need to culvert the River in this location.

Most of the material will be sourced locally from within the existing floodplain.

During construction works a main compound would be located on the west bank of the Canal in the former quarry compound area and this would measure some 50 metres by 50 metres. The working area will be approximately 25 metres for both the flood banks and the flood walls.

Background

The Environment Agency published the River Tame Flood Risk Management Strategy in 2011 which identified a number of schemes to manage flood risk. Kingsbury is part of the Lower Tame Scheme which includes proposed defences at Coton for which planning consent has already been obtained and in Fazeley and Whitacre Heath, for which planning applications will be forthcoming.

Pre-application discussions have taken place with key stakeholders prior to the submission of this application as well as consultation with the public and interested parties. A Statement of Community Involvement is included in the documentation submitted.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies) – Core Policy 3 (Natural and Historic Environment), ENV1 (Protection and Enhancement of the Natural Landscape), ENV2 (Green Belt), ENV3 (Nature Conservation), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV13 (Building Design), ENV14 (Access Design)

Other relevant material considerations

Government Advice - National Planning Policy Framework (2012)

NWBC Core Strategy Submission Version - February 2013

Consultations

The Inland Waterways Association – They state that the Birmingham and Fazeley Canal is an historic waterway and a valuable amenity and recreational corridor, providing leisure boating, walking, angling, cycling and nature conservation benefits to the area. They consider that the limited height of the proposed embankments and their shallow side slopes and grass covering will mean that they will blend into the local landscape. They further state that the scheme has been carefully designed to retain the majority of the existing trees, with replanting where necessary and that although the floodwalls around the cottages will be more visually intrusive, this will be mitigated by the brick cladding to complement the existing canal architecture. It is their opinion that public access to the canal towpath will be maintained and improved and that although there will be some disruption during construction, there will be only limited visual impact on the canal environment after completion and significant long-term benefits from the flood protection. Therefore, on balance, they have no objection to this application.

Highways Authority – The County Council have made a holding objection to the proposal to use the former access to the gravel works along Bodymoor Heath Lane. It stated that although this access can provide two-way free flowing traffic, the proposal involves 13,000 tonnes of material to be imported onto the site. This tonnage equates to some 650 lorry loads. They are concerned that the visibility splays for this access are below the required standards and they are unsure whether gravel extraction has finished. In addition to this, there have been 4 recorded accidents at the junction of Bodymoor Heath Lane (C125) and the A4091 in the last five years. Until it has been demonstrated to the County Council that the proposed vehicle movements can be accommodated safely on the existing highway network and access the public highway network without detriment to highway safety, it wishes to raise a holding objection. In response the applicant has provided additional information and the Highway Authority has been reconsulted. Any revised comments will be reported verbally to the Board.

Natural England – It states that the application is in close proximity to the Middleton Pool Site of Special Scientific Interest (SSSI). However, given the nature and scale of the proposal, Natural England is satisfied that there is not likely to be an adverse effect on that site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. In addition to this, Natural England would expect the Borough Council to assess and consider the other possible impacts resulting from the proposal including Biodiversity Action Plan Priority Habitats, Protected Species, Local Wildlife Sites, Local Landscape and Biodiversity Enhancements.

Warwickshire County Council Rights of Way Team – They objected to the original proposal as it would have affected public footpaths T24 and T71. The proposed flood wall would be constructed across public footpath T24 where it connects with the canal towpath but it is now proposed that new steps and a ramp will be provided to enable continued access for footpath users. It is also proposed that the ground on the eastern side of these steps will be raised to defence level which will involve raising part of public footpath T24. No objections are therefore now offered to this part of the scheme provided the steps are maintained by the applicant. However, the recorded alignment of public footpath T71 will cross the proposed new embankments near to Fishers Mill Bridge in several places. The application shows footpath T71 running along the top of the embankments, however, such a diversion will be required to be legally diverted. Furthermore, any disturbance or alteration to the surface of a public right of way requires consent from the Highways Authority and they state that they would not be

willing to grant consent for the construction of embankments across the current alignment of public footpath T71 unless the public footpath is legally diverted. The Footpath Team do state that they would be willing to withdraw their objection if a path diversion application was submitted to the planning authority and once they had given approval. Amended plans have been submitted by the agent and the revised comments from the Footpaths Team are awaited. These will be reported verbally to the Board.

Canal and River Trust – The Trust has no objections to the proposed development subject to the imposition of suitably worded conditions relating to: the outfall channel from Sluice 8B on the Langley Brook; the materials to be used on the boundary walls around Canalside Cottages and between the Birmingham and Fazeley Canal and Canal Pool; and landscaping plans. The Canal and River Trust also seek the inclusion of a note advising the applicant that they are landowner of the Canal towpath and would not wish to see any encroachment of structures onto the towpath.

Environmental Health Officer – They have comments relating to the quality of the groundwater and the adequacy of the testing carried out on some of the samples given that the historic land use of the area over which the flood defence scheme is crossing. In order for a development to proceed it is their understanding that a site must not be capable of being classed as "contaminated" in accordance with Part IIA of the protection act. Whilst the development may not be adding to the potential contamination, it may not adequately deal with the contamination which may (or may not) be there or create a new/ exacerbate the pathway through which the contamination may impact adversely on a receptor. It is noted that there is the proposal to cut-off controlled waters from reaching the canal both above and belowground, using a combination of bentonite slurry walling and sheet piling, it is therefore really only the groundwater feeding the river that their concern relates to. Additional information has been provided by the applicant's agent and the Environmental Health Officer has responded by stating that they have no further comments on the proposal as it is usually the Environment Agency who they seek advice from on all matters hydrological and hydrogeological. They recommend that the contractor produces a watching brief during the construction works.

Environment Agency – The Agency has no objections to the proposed development but wishes to make comments on the site investigation data. They stress that they are not too alarmed by the soil or water results shown to date and believe there are only minor exceedances of relevant quality standards found. In addition to this the main receptor would be the River Tame with the shallow groundwater feeding the river and the deeper strata being mudstone. The suspect areas of fill and PFA will have been there for a long time and thus been weathered and able to impact the river already so they are not concerned that this flood alleviation scheme will cause additional pollution. They do recommend that the contractor produces a watching brief during the construction works and stops and seeks advice from the Environment Agency if significant issues do crop up.

RSPB – The Society stress that it has worked closely with the Environment Agency on the scheme design and is comfortable that they have helped them achieve a sensitive integration of the new flood defence feature with the local landscape and wildlife habitats. The RSPB confirm that they asked for the pedestrian footpath to be sited on top of the bank to enhance the experience for visitors, giving them some elevation to views across the reserve. They state that the banks are relatively low (compared to the waterski lake) and wildlife will not see people against the skyline as there is a good cover of trees immediately behind the bank (running along the canal). The RSPB also stress that locally sourced wildflower meadow seeds should be used to create the

sward on the banks and coupled with the variety in bank gradients, this will create more interest and reduce the uniformity found elsewhere.

Representations

Resident at Moor Ash Barn, Moorash Lane – The occupiers neither objects to nor supports the application. They state that their property lies in a designated flood risk zone and they were flooded in both 2008 and 2012. This proposal, by creating flood defences higher up stream could increase the risk of flooding to properties downstream. They seek assurance that the proposed work will not have any worsening impact on their property which is undefended. To summarise they state that they have no objection to defences against flooding for any local resident of Bodymoor Heath, however, some low cost embankments to protect their properties would be most welcome.

CPRE – The CPRE is satisfied that the proposed development will be minimally disruptive to wildlife, and the visual impact of the structure on the landscape will not be excessive. They consider that as the new planting becomes established and the land regenerates, the long-term impact of the development will not be unacceptable for the benefits which will be achieved in reducing flood risk.

Observations

a) Introduction

The proposal relates to the construction of flood defences between Bodymoor Heath and Fazeley along the length of the Birmingham and Fazeley Canal. The erection of a flood bank and flood walls will seek to protect the flood risk to the four properties known as Canalside Cottages and will seek to reduce flood risk to a further 216 properties at Fazeley for a 1 in 200 year event. This flood alleviation scheme is identified in the published “River Tame Flood Risk Management Strategy” (2011) produced by the Environment Agency following a period of public consultation. This document and the commitment of the Environment Agency to reduce flooding along the River Tame are material planning considerations of significant weight which need to be balanced against the environmental impact of building such flood defence works along this stretch of the Canal.

b) Inappropriate Development in the Green Belt and the Need for the Scheme

The Development Site is located within the West Midlands Green Belt. The development by its very nature of depositing material is defined as inappropriate development in the Green Belt. The primary aim within the Green Belt is to maintain the open nature of the area. The siting of the proposed flood defences has as far as possible, followed existing well defined boundaries or landscape features in an attempt to integrate these features into the existing landscape. Although the finished works will be higher than the existing ground levels, the existing vegetation and the new planting scheme will attempt to lessen their impact on the landscape.

Indeed, the land use will remain unchanged once the works are complete. The existing land use is recreational which is encouraged within the Green Belt and through the maintenance of the footpaths and landscape areas, the visual amenity of this area should be more accessible to members of the public. In light of this, it is considered that there will be a minimal impact on the openness of the Green Belt in this location.

The flood walls will replace existing landscaped boundaries and will be constructed from materials which match the existing properties in this locality. Despite this, the flood walls will have a greater impact on the openness of the Green Belt and this will be a permanent feature in the landscape.

This impact on the openness of the Green Belt needs to be balanced against the need for the flood defence scheme. The River Tame Flood Risk Management Strategy has identified this area as being vulnerable from flash flooding from the River Tame using the Canal as a conduit to carry floodwaters to properties downstream. Saved Policy ENV8 (Water Resources) and the NPPF both attach significant weight to protecting development from flood water. On balance it is considered that the limited impact on the openness of the Green Belt from this inappropriate development is outweighed by the benefits such a scheme will have on reducing the risk of flooding in the area. Mitigation measures including the use of materials and woodland blocks and shrub planting will reduce this impact further.

c) Visual Impact and Impact on Ecology

As stated above, the siting of the proposed flood defences have, as far as possible, followed existing well defined boundaries or landscape features. The aim is that once colonised the proposed defences will integrate with the pattern and character of the landscape. However, this landscape is relatively flat. In light of this, the mitigation measures put forward are important to ensuring that the bunds soon blend into the environment by being vegetated with wildflower mixes and being screened by further woodland block planting.

The footprint of the flood bank through the meadows at Kingsbury Water Park is proposed to be kept to a minimum and will be managed as part of the whole meadow where sheep graze. No fencing will be erected to reduce the visual distinction between flood bank and meadow.

Saved Policy ENV3 (Nature Conservation) requires that proposals for development in or likely to affect Sites of Special Scientific Interest (SSSI) will be subject to special scrutiny. In light of the proximity of the application to Middleton Pool Site of Special Scientific Interest (SSSI), Natural England has been consulted. They have confirmed that they are satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted.

Saved Policy ENV3 further goes on to state that development likely to have a harmful effect on nature conservation value will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal that clearly outweigh the need to safeguard the nature conservation value of the site. Statutory consultees have been consulted on this documentation including the Environment Agency, who, although they are the applicant, is deemed to be a responsible authority. No objections have been received from any consultees on the content of the reports submitted with the application in respect of both flora and fauna. On this basis, it can be concluded that the benefits of the scheme and the way it has been environmentally designed, outweigh any minor impacts identified in these reports.

Saved Policy ENV3 concludes by stating that where development is permitted, the Authority will consider the use of conditions to secure all compensatory measures necessary to protect and enhance the site's nature conservation interest. The mitigation

measures put forward have been confirmed as being acceptable by Natural England, the Canal and River Trust and the RSPB.

In light of the above it is considered that the scheme accords with Saved Policy ENV3 and advice given in the NPPF on the need to protect and enhance the nature conservation value of an area.

d) Highway Safety

Saved Policies ENV14 and TPT1 require development proposals to have a safe vehicular access into the site where the local road network is able to accommodate the traffic to and from the development without problems of congestion, danger or intimidation caused by the size or number of vehicles, and without adversely affecting the character of the surrounding environment.

As explained above the County Council as the Highway Authority for the area, has objected to the proposal to allow construction traffic to access the site via the former access to the gravel works along Bodymoor Heath Lane. A very useful meeting was held on site between the Highway Engineers representing the applicant and the Highways Authority. Additional information has now been submitted by the agents and the Highways Authority have been reconsulted on this information. The intention is for the construction period to be limited to a six month period. The initial signs are that the speed of traffic using the road, although subject to the national speed limit, is more likely to be 40 mph and that traffic signals or warnings could thus be erected during this construction phase. Also, depending on the weather, the material should arrive at the site over a 13 day period and not for the whole of the construction phase. There would be 12 private vehicles accessing the site and maybe a mini bus. The comments of the Highways Authority are awaited and these will be reported verbally to the Board.

Provided the recommendation from the Highways Authority is one of no objection subject to conditions, then it is considered that the construction phase of this scheme can be designed to accord with the requirements of Saved Policies ENV14 and TPT1 in the NWLP 2006.

e) Impact on the Footpath Network of the Area

The proposal will affect public footpaths T24 and T71. Warwickshire County Council's Rights of Way Team had objected to the original proposal. As explained above that objection has been withdrawn in respect of the T24. In respect of the T21, then as also explained above, amended plans have been submitted by the agent showing Footpath T71 following its original line throughout the scheme. The amended plans have been forwarded to the Rights of Way Team and its comments are awaited. These will be reported verbally to the Board.

Based on the amended plans received it is considered that the scheme will not impact on the public footpaths in this area.

f) Potential to Pollute Ground and Surface Water

Saved Policy ENV8 (Water Resources) requires development proposals to prevent the contamination of any watercourse or aquifer as advised by the Environment Agency. As reported above both the Council's own Environmental Health Officer and the Environment Agency no longer have an objection. It is considered that subject to a planning condition requiring the contractor to produce a watching brief and the

Environment Agency to oversee the construction phase, the scheme will comply with the requirements of Saved Policy ENV8.

g) Potential to increase flooding in undefended areas

Saved Policy ENV8 requires that developments be protected from floodwater. A letter has been received from a resident at Moor Ash Barn, Moorash Lane concerned that as their property lies in a designated flood risk zone and they were flooded in both 2008 and 2012, this proposal, by creating flood defences higher up stream could increase the risk of flooding to properties downstream. The Environment Agency has been in contact with the resident concerned. They have reviewed the computational hydraulic model for the area and basically the level of protection for the house is the same as the design level of the flood defence scheme for the whole of the Lower Tame area. It is likely that groundwater and surface water flooding could also contribute to flood risk in the area which exacerbates the problems.

The scheme does not extend to this part of Bodymoor Heath and there is no intention by the Agency to include this area. The Agency is satisfied that these flood defence works will not exacerbate flooding elsewhere. As such the scheme complies with Saved Policy ENV8.

Conclusion

On balance, it is considered that although there will be some visual impact on the landscape and on the Green Belt from the proposed flood defence scheme, the mitigation measures proposed and the benefits of protecting properties from flooding outweigh this minimal impact. As such the scheme can be supported subject to conditions.

Recommendation

Subject to the Highways Authority having no objections to the proposal then planning permission should 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 - to be agreed once comments from Highways Authority have been received.

REASON

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

- 3) Prior to the construction of the flood defence walls and parapet extensions, samples of the facing bricks and coping stones shall be submitted to the Local Planning Authority for approval. Only the approved materials shall be used on the scheme.

REASON

In the interests of the amenities of the area.

- 4) Prior to any construction activity taking place at the site the contractor shall produce an appropriate method statement for working within suspected ground contamination areas. This report shall include a watching brief detailing the procedures for the actual works and the reporting mechanisms should any contamination be found on site. Such a report shall be submitted to the Local Planning Authority for their approval in writing.

REASON

In the interests of water quality.

- 5) The new steps proposed along the route of public footpath T24 shall be maintained by the applicant at all times.

REASON

To ensure the safe passage of pedestrians using this public footpath.

- 6) Notwithstanding the submitted details, no development shall take place until full details of the culverting of the outfall channel from Sluice 8B under the new flood bund, including installation of a flap valve and a penstock on the downstream end to provide protection from backflows, have been submitted to and agreed in writing by the Local Planning Authority in consultation with the Canal and River Trust. The development shall thereafter only be carried out in accordance with the agreed details.

REASON

To ensure that appropriate drainage arrangements are maintained, in the interests of minimising the risk of flooding to adjacent land or damage to the adjacent Birmingham and Fazeley Canal and to accord with the advice and guidance contained in the National Planning Policy Framework March 2012.

- 7) Prior to the construction of any fences, full details of the design, appearance and materials to be used in their construction shall be submitted to the Local Planning Authority for their approval in writing. Only the approved materials shall then be used on the site.

REASON

In the interests of the amenities of the area.

- 8) No development shall take place until a landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the size, species and spacing of planting, and all areas to be grassed, and also details of the landscape management plan. Any such planting which within a period of five years of implementation of the landscaping scheme fails, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to the variation. The approved scheme shall be fully implemented during the first planting season following completion of the works unless otherwise agreed in writing by the Local Planning Authority and the landscape management plan shall be implemented as approved.

REASON

To ensure that the proposed development contributes to the preservation and enhancement of the local character, distinctiveness and biodiversity importance of the canal corridor and to minimise the visual impact of the proposed flood bank on the character and appearance of the canal corridor and to comply with Saved Policies in the NWLP 2006.

Together with any conditions recommended by the Highway Authority on the use of the vehicular access for construction traffic; the amount of heavy goods vehicles that can use the access and the maximum construction time period.

Notes

- 1) The applicant/developer is advised to contact the Works Engineers Team at the Fazeley Office on 01827 252000 in order to ensure that any necessary consents are obtained and that the works comply with the Canal and River Trust "Code of Practice for Works affecting the Canal and River Trust."
- 2) The Canal and River Trust as landowners advise that they do not wish to see any encroachment onto the towpath from works required in connection with the potential strengthening of the existing bridge parapets to retain flood water. As such they have requested that the Environment Agency as applicant explore alternative means of strengthening this parapet. Should this involve a different scheme proposed then amended plans will be required to be submitted for the proposal by way of a variation of condition application.
- 3) The Local Authority has worked positively with the applicant in this case to resolve planning issues arising from the application through pre-application discussions; resolving matters arising from consultation responses and seeking amended plans in mitigation of impacts, thus meeting the requirements of the National Planning Policy Framework.

Justification

This proposal is inappropriate development in the Green Belt. However the impact on the openness of the Green Belt is limited due to the setting and context of the surrounding physical appearance and landscaper character and the scale of the proposals. The mitigation measures proposed are significant in reducing this impact even more. The surrounding land is mostly in recreation and nature conservation use and thus there is no adverse impact arising from examination of the reasons for including land within the Green Belt. There are no substantial bio-diversity or nature conservation issues that can not be overcome by condition and there is overall support from the relevant bodies. The responsible agencies in respect of ground water contamination; ground conditions and water quality have no objection. There will be some impact on the residential amenity of neighbouring residential property but this is outweighed by the mitigation measures and the substantial need to provide flood defences. Public footpath lines are maintained. As such it is considered that all adverse impacts can be mitigated and covered by condition. Any residual impacts are considered to be outweighed by the need for flood defence measures. The proposals thus accord with saved core policy 3 and saved policies ENV2, ENV3, ENV8, ENV11, ENV13 and ENV14 of the North Warwickshire Local Plan 2006 and the National Planning Policy Framework 2012.

BACKGROUND PAPERS

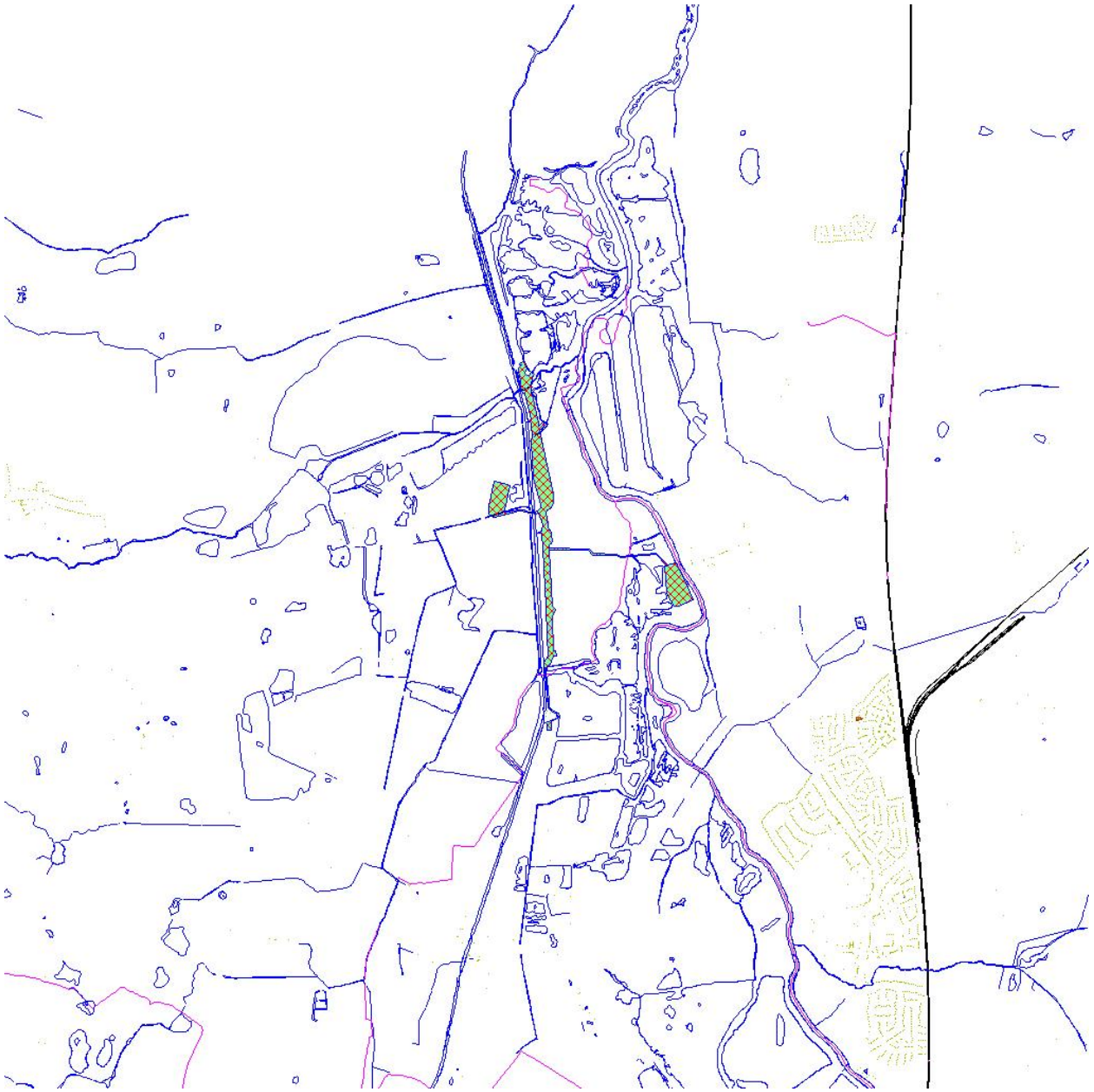
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2012/0624

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	24/12/12
2	Press Notice	Atherstone Herald	10/1/13
3	John Maude	Letter of concern	13/1/13
4	Inland Waterways Association	Consultation	18/1/13
5	Highways Authority	Objection	14/1/13
6	Natural England	Consultation	24/1/13
7	CPRE	Consultation	29/1/13
8	Rights of Way Team	Objection	30/1/13
9	Agent	Additional information	30/1/13
10	Environmental Health Officer	Consultation	6/3/13
11	Canal and River Trust	Consultation	25/2/13
12	Environment Agency	Consultation	7/3/13
13	Chris Nash	E-mail to Agent	5/3/13
14	Agent	Further information	6/3/13
15	Agent	Further information	18/3/13
16	Sharron Wilkinson	E-mail to Agent	20/3/13
17	RSPB	Consultation	21/3/13
18	Agent	Additional information and plans	27/3/13

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.



Agenda Item No 5

Planning and Development Board

15 April 2013

**Report of the
Head of Development Control**

Scheme of Delegation

1 Summary

- 1.1 This report reviews the current Scheme of Delegation, and provides Members with the opportunity to see what alterations might be required.

Recommendation to the Board

That the alterations as set out in this report are agreed, together with any others agreed by the Board.

2 Report

- 2.1 The Council has an adopted Scheme of Delegation in respect of the determination of planning applications. This is reviewed on a regular basis and the current scheme is due for such a review this month. This report therefore provides the opportunity for the Board to consider any changes which it thinks appropriate. Since the original adoption of the Scheme, the changes made have always either followed on from legislation alterations or from internal staffing changes. The overall principles and procedures have remained unchanged.

- ... 2.2 The present Scheme is attached at Appendix A.

3 Observations

- 3.1 The Scheme is working well. In common with almost every other Local Planning Authority, the level of delegation is around 90% of all applications being dealt with under delegated powers. Members are also aware that those cases reported to the Board are very largely the larger and major applications and those that have been particularly contentious. The Member referral system is working well with only occasional cases being reported through this mechanism. Members, and particularly those not sitting on the Board, are requested to remind themselves of the procedures involved as they have perhaps been misunderstood in the past.
- 3.2 The Board will also be aware of current Government proposals to further “encourage” speedy determinations of planning applications. The Council’s

Scheme of Delegation does just that and this should stand the Council in good stead when these proposals are implemented.

- 3.3 There are no procedural matters that officers would recommend change to at this time. However there are two factual alterations that are needed to bring the Scheme up to date.
- In the third point under paragraph 2.1, there no longer are any National Indicators. It is suggested that this be altered to “any relevant Performance Indicators” as this would then provide a more flexible definition should Indicators be re-introduced.
 - In Annex A (C), the source of the legislation needs changing to, “Articles 16 and 17 of the Town and Country Planning (Development Management Procedure) Order 2010, as amended.”
- 3.4 Additionally the next review of the Scheme should be added. In line with past reviews this would be April 2016.

4 Report Implications

4.1 Equalities and Human Rights Implications

- 4.1.1 The Scheme enables a reasonable and proportionate balance to be achieved between the various interests in the determination of planning applications.

4.2 Links to Council’s Priorities

- 4.2.1 The Scheme enables the efficient handling of planning applications thus assisting the Council in achieving a balanced budget.

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

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date

**North Warwickshire
Borough Council**



**Scheme of Delegation to the
Assistant Chief Executive and
Solicitor to the Council
in respect of the Determination
of Planning Applications**

August 2010

1. INTRODUCTION

- 1.1 This Scheme of Delegation enables the Assistant Chief Executive and Solicitor to the Council to undertake certain functions without reporting first to the Council's Planning and Development Board. The legal basis for this delegation from the Board is contained in Section 101 of the Local Government Act 1972, as amended.
- 1.2 In practice, delegation means the Assistant Chief Executive and Solicitor to the Council taking executive action on behalf of the Council. In the delivery of the planning control service, that means determining planning applications, and making decisions on related matters. The 'boundaries' for this delegation are outlined below by clearly stated and published rules.

2. THE PURPOSE OF DELEGATION

- 2.1 The purpose of delegation is to:

- ❖ leave the Board to focus its time and effort on the most significant matters that affect planning policy;
- ❖ help reduce the time taken for making the more straightforward decisions on planning applications, and related matters, when they are consistent with Council policy as set out in the Development Plan;
- ❖ help the Council to achieve a more flexible and responsive planning control service, so that it can speed up the process of decision making in line with Government guidance, National Indicators and Council objectives;
- ❖ simplify procedures so as to concentrate effort and resources where they are most needed; and
- ❖ release staff time so that it can be redirected to securing better quality development.

- 2.2 Hence this Scheme of Delegation, by operating within clear guidelines, will be able to deliver planning control decisions which are consistent with the Development Plan, routinely, and with greater speed than where little advantage is taken of delegation.

3. THE CONTEXT OF DELEGATION

- 3.1 This Scheme of Delegation takes into account the following matters which have provided the background against which it has been adopted.
 - ❖ **The Development Plan:** The Planning legislation describes the concept of a "plan-led" decision making process, whereby planning decisions should be taken in accordance with the Development Plan. The Council's approach to new development proposals is thus already laid out in this Plan, and decisions on individual planning applications can be made accordingly.

- ❖ **The Human Rights Act 1998:** This Act requires the Council to act in a way which is compatible with European Convention Rights. This Scheme of Delegation has been prepared in this knowledge.

3.2 The basis for delegation has generally been accepted by all Local Planning Authorities. It has worked successfully in achieving a more flexible service responding to the variety of calls placed upon an Authority's planning control function. The Scheme outlined below will take North Warwickshire Borough Council's planning control service forward with an improved service delivery.

4. THE SCHEME OF DELEGATION

A) Applications

4.1 The following applications that are submitted to North Warwickshire Borough Council for determination, will be decided by the Planning and Development Board, following consideration of a written report from the Assistant Chief Executive and Solicitor to the Council which will contain a written recommendation in all cases:

- a) All applications that constitute material departures from the Development Plan.
- b) All applications that are required to be accompanied by an Environmental Impact Statement.
- c) All applications where an approval will involve a legal agreement under Planning legislation.
- d) All applications that are made wholly, jointly, or on behalf of North Warwickshire Borough Council, whether on Borough Council land or not, and any application that is made on Borough Council land.
- e) All major applications that are made by the County Council, or that are made jointly, or on behalf of Warwickshire County Council whether on its own land or not, within North Warwickshire.
- f) Any application that is submitted by or on behalf of any Member of the Council, and any member of staff employed by the Council.
- g) Any application where a request based on material planning considerations is made in writing to the Assistant Chief Executive and Solicitor to the Council by any Borough Councillor for referral of that application to the Board.
- h) Any application where the Assistant Chief Executive and Solicitor to the Council considers it appropriate to report to the Board for determination.
- i) Any application where a statutory consultee has submitted an objection in writing, but yet where a recommendation of approval is to be made by the Assistant Chief Executive and Solicitor to the Council
- j) Any application where, following the receipt of representations that are contrary to the Assistant Chief Executive and Solicitor to the Council's

recommendation, and where either the Chair or Vice Chairman of the Planning and Development Board, or the Local Ward Member(s), disagree with that recommendation.

4.2 In all other cases, the determination of applications is delegated to the Assistant Chief Executive and Solicitor to the Council. Each determination shall be accompanied by a written report outlining the reasoning for that determination.

4.3 For the purpose of the Scheme of Delegation, the terms "application" and "Statutory Consultee", are defined in Annexe 'A' to this Scheme.

B) Consultations

4.4 When an application is:

- ❖ submitted to the Warwickshire County Council as the Minerals Planning Authority, or the Waste Local Authority for determination, and North Warwickshire Borough Council has been consulted for its observations on that application, or
- ❖ when an application is submitted to a neighbouring Local Planning Authority for determination, and that Authority has consulted North Warwickshire Borough Council for its observations on that application, or
- ❖ when the Council is consulted by others on matters under legislation other than planning legislation, but where these matters are related to planning considerations, then

the principles outlined in paragraph 4.1 will apply as to whether the observations of the Council shall be made by the Assistant Chief Executive and Solicitor to the Council under delegated powers, or by the Planning and Development Board.

4.5 In all of the above cases, where the observations are forwarded by the Assistant Chief Executive and Solicitor to the Council under delegated powers, then:

- ❖ he will report to the Planning and Development Board on the observations made, and
- ❖ include on the file, the reasoning behind these observations.

4.6 For the purposes of this Scheme of Delegation, examples of the other legislation referred to in paragraph 4.4 is included in Annexe A to this Scheme.

5. MEMBER INVOLVEMENT

5.1 Members and officers work together to determine planning applications. This Scheme of Delegation recognises that there are good reasons for, and advantages in, delegating some decisions to the Assistant Chief Executive and Solicitor to the Council. However, given the high public profile of planning matters, it is inevitable that Members will often become involved in the planning control service during the passage of a planning application through the process. In order to ensure that there is a strong partnership of Members and Officers, but that their respective roles are identified and maintained, the following Best Practice guidelines will be followed:

- ❖ For the purposes of paragraph 4.1 (g) and (j) above, as soon as it becomes apparent that the recommendation of the Assistant Chief Executive and Solicitor to

the Council will be contrary to the nature of representations received on any application, then the case officer will contact the Local Ward Member(s), together with the Chair and Vice Chairman of the Planning and Development Board. If no adverse comments are received within seven days, then the matter will be dealt with in line with the Assistant Chief Executive and Solicitor to the Council's recommendation under delegated powers. A record of this contact will be kept on the case file. Contact will be made as early as possible via e-mail, in order to ensure full Member involvement.

- ❖ Ward briefings, either individually or on a group basis, will be held with Members at their request so that they can be kept up to date with applications and their progress towards determination, and other significant 'ward' issues. Current applications and plans can be made available for discussion.
- ❖ All 'significant' applications to be reported to the Board and Ward Members, to enable site visits to be organised at an early stage.
- ❖ Issues and progress reports will be circulated to the Board and Ward Members either by notification or through a report on major and/or sensitive applications, prior to the determination report, so that the material considerations and key matters can be made explicit at an early stage.
- ❖ Regular post-decision site visits to be made to assess the quality of the decision, and to see the implementation of the scheme, so that there can be continuous monitoring of the quality of decision making.

5.2 The procedure outlined above in respect of Member involvement, will also apply to proposed amendments to development proposals.

6. REVIEW DATE

6.1 This Scheme of Delegation will be reviewed by April 2013.

ITEMS FOR CLARIFICATION

A) For the purposes of this Scheme, 'application' includes:

applications for:

All types of planning permission

Reserved matters

Discharge, non-compliance or variation of conditions and minor amendments

Advertisement Consent

Listed Building Consent

Conservation Area Consent

Works to Trees subject to Tree Preservation Orders

Hazardous Substances Consent

Hedgerow Removals

Certificates of Lawful Development

Prior Notifications and Determinations in respect of agricultural and telecommunications developments together with demolitions.

Proposed Amendments to previously approved developments.

B) For the purposes of this Scheme, 'other legislation' includes:

Forestry Act 1967

eg Felling Licences

Electricity Act 1989

eg Overhead Lines

Land Compensation Act 1961

eg Certificates of Alternative Development

Local Government (Miscellaneous Provisions) Act 1982

eg Car Boot Sales Notices

Transport Act 1968

eg Goods Vehicle Licensing

C) For the purposes of this scheme, "Statutory Consultee" means those organisations referred to in the table contained in Article 10 of the Town and Country Planning (General Development Procedure) Order 1995, as amended.

Agenda Item No 6

Planning and Development Board

15 April 2013

**Report of the Assistant Chief Executive
and Solicitor to the Council**

**Neighbourhood Designation Area
for Coleshill Neighbourhood Plan**

1 Summary

- 1.1 This report informs Members of the progress of the formal consultation on the Coleshill Neighbourhood Plan Designation area.

Recommendation to the Board

- a That the responses to the proposed Coleshill Neighbourhood Plan Designation be noted; and**
- b The Neighbourhood Designation Area for Coleshill Neighbourhood Plan be agreed and approved.**

2 Consultation

- 2.1 Councillors Sweet, Winter, Simpson, Hayfield and Stanley (M) and Coleshill Members, Councillors Fowler, Ferro, Sherratt and Watkins have been sent an advanced copy of this report for comment. Any comments received will be reported verbally at the meeting.

3 Background

- 3.1 In North Warwickshire a Neighbourhood Plan can be prepared by a Town or Parish Council. It can cover one or more areas. When adopted the Neighbourhood Plan will be part of the Local Plan for North Warwickshire and will be taken in to consideration in the determination of planning applications. This report relates to the designation of the area to be covered by a Neighbourhood Plan for Coleshill. There has been no indication by the Town Council which subjects will be covered by their Neighbourhood Plan and they are not required to do so until the drafting of the Plan.

4 Coleshill

- 4.1 Coleshill Town Council has applied to North Warwickshire Borough Council for designation of a Neighbourhood Plan Area. The area covered by the designation consists of all the land within the current Coleshill Parish boundary. Coleshill Town Council's reasons for designating the area are set out below;

- Clarity with neighbouring parishes, County, Borough and Town Councillors and residents as to where responsibilities start and finish; and
- A desire to concentrate on the more urban aspects of the town, which is all within the curtilage of the Town Council boundary.

5 Consultation

- 5.1 The consultation ran until Thursday 28th February 2013 and a total of seven consultation responses were received. Members are asked to note the responses.
- 5.2 The consultation responses can be summarised as follows;
- Homes and Communities Agency – Acknowledges request, no further comment.
 - Coleshill Cricket Club – Fully supportive.
 - DTZ on behalf of Royal Mail – no objection.
 - Warwickshire County Council, Strategic Commissioning – No comments at this stage.
 - The Coal Authority – No specific comments.
 - Town Planning LNW on behalf of Network Rail - No specific comments beyond standard development management response regarding requirement to contact/consult Network Rail in event proposals are near or next to operational railway.
 - Centro - No specific comments at this stage.
- 5.3 There have been no other comments or concerns raised about the Neighbourhood Designation Area. Informal concerns were raised over the implications of the proposed HS2 route on any subsequent Neighbourhood Plan. However the HS2 route will rely on a Hybrid Parliamentary Bill, is a matter for a separate consultation exercise and, as a National Infrastructure project, will override any local proposals or issues arising from the Neighbourhood Plan. The Plan will have to take account of the HS2 safeguarding areas when considering proposals.
- 5.4 It is considered that following the responses to the consultation no valid or reasonable reasons have been raised that warrant refusal of the Coleshill Neighbourhood Designation Area. The Area should therefore be agreed and approved as the right area to frame the production of the neighbourhood plan and the Town Council informed of the Borough Council's decision.

6 Report Implications

6.1 Finance and Value for Money Implications

6.1.1 The Borough Council can claim for up to £30,000 for each Neighbourhood Development Plan – the first payment of £5,000 will be made following designation of the neighbourhood area. This recognises the amount of officer time supporting and advising the community in taking forward a Neighbourhood Development Plan. A second payment of £5,000 will be made when the local authority publicises the Neighbourhood Development Plan prior to examination. The third payment of £20,000 is made on successful completion of an independent examination.

6.2 Legal and Human Rights Implications

6.2.1 The process conforms with the legal requirements for Neighbourhood Plans

6.3 Human Resources Implications

6.3.1 Staff time is expected to be provided by the Borough Council to support and advise the Town Council and community in taking forward a Neighbourhood Development Plan. However the amount of staff time will be limited, essentially to an advisory role, due to the other work priorities of the Forward Planning Team and that this role must be provided to the other Parishes who are also considering undertaking Neighbourhood Plans.

6.4 Links to Council's Priorities

6.4.1 The designation of the Neighbourhood Plan Designation Area will have links to the following priorities;

1. Enhancing community involvement and access to services
2. Protecting and improving our environment
3. Defending and improving our countryside and rural heritage

The Contact Officer for this report is Mike Dittman (719451).

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	Homes and Communities Agency	Consultation response	10/12/2012
2	Coleshill Cricket Club	Consultation response	06/12/2012
3	DTZ on behalf of Royal Mail	Consultation response	19/12/2012
4	Warwickshire County Council, Strategic Commissioning	Consultation response	21/12/2012
5	The Coal Authority	Consultation response	14/02/2013
6	Town Planning LNW on behalf of Network Rail	Consultation response	13/02/2013
7	Centro	Consultation response	30/01/2013

Agenda Item No 7

Planning and Development Board

15 April 2013

Report of the Assistant Chief Executive and Solicitor to the Council

Sub-Regional Green Infrastructure Strategy and Biodiversity Offsetting Pilot Consultation

1 Summary

- 1.1 This report outlines the Sub-Regional Green Infrastructure Strategy consultation prepared by officers from all local authorities in the Coventry, Solihull and Warwickshire area.
- 1.2 The delivery of the Strategy will be through a method of assessing the financial impact of development on biodiversity, called Biodiversity Offsetting, one of six national pilots, which is also part of the consultation.

Recommendation to the Board

- a That support is given to the Sub-Regional Green Infrastructure Strategy and Biodiversity Offsetting Pilot;
- b The observations in the report are sent as a response to the consultation; and
- c That the Sub-Regional Green Infrastructure Strategy will be part of the evidence base for the Local Plan for North Warwickshire.

2 Consultation

- 2.1 Councillors Sweet, Winter, Simpson, Hayfield and M Stanley have been sent a copy of this report for comment. Any comments received will be reported verbally at the meeting.

3 Background - The Sub-Regional Green Infrastructure Strategy

- 3.1 Coventry, Solihull and Warwickshire Association of Planning Officers are seeking comments and opinions on the Warwickshire Sub-Regional Green infrastructure strategy and Biodiversity Offsetting Pilot. The reports and information are available to view online. The strategy covers the sub-region of Coventry, Solihull and Warwickshire. It identifies Green Infrastructure (GI) assets for:
 - Accessibility
 - Biodiversity; and
 - Landscape

- 3.2 The Strategy has been prepared as an evidence base for planning policy. It could be taken on board more formally as a supplementary planning document. It also has wider spatial implications including land management. The Strategy could therefore be adopted by any organisation. There will be elements that can be applied at a local, parish and field level. The Strategy is a strategic tool to deliver GI enhancements across the partner authorities to meet national, sub-regional and local Green Infrastructure needs. The Strategy will also seek support from the Warwickshire, Coventry and Solihull Local Nature Partnership (LNP).
- 3.3 The consultation started on 18th February 2013 for 9 weeks, ending on Monday 22nd April 2013. The Executive Summary is attached as Appendix 1 to this Report. The consultation is available to view online at <http://askwarks.wordpress.com/2013/02/18/sub-regional-green-infrastructure-strategy/>
- 3.4 Annexe A to the strategy provides an explanation of Biodiversity Offsetting and how it is to be implemented within the sub-region to ensure the delivery of Green Infrastructure enhancements as part of the national Defra Biodiversity Offsetting Pilot.
- 4 **Biodiversity Offsetting**
- 4.1 Biodiversity Off-setting is an approach which was announced in the Government's Natural Environment White Paper. From April 2012, Defra has been working with local planning authorities and their partners to test this approach over a two year period through six pilot schemes. The scheme for the CSW area is one of these pilots.
- 4.2 Biodiversity offsetting is where conservation activities deliver biodiversity benefits in compensation for biodiversity loss, in a measurable way. It has the potential to deliver effective, widespread biodiversity gain for the natural environment in a way which is easy to use for developers. A defined methodology is used to calculate how many 'biodiversity units' need to be paid by a development to offset their biodiversity loss. Offset providers then offer for sale conservation projects that deliver biodiversity units which a developer can buy.
- 4.3 Defra hopes the information gathered from the pilot schemes will create more understanding and help decision-making on how biodiversity off-setting should be used in the future. In practice, it means any negative impacts on the natural environment are compensated for, or 'offset' by developers.
- 4.4 The Wildlife Trusts recognise the potential of biodiversity offsetting on land, but believe it is a last resort measure and should only be used to compensate for genuinely unavoidable damage. The replacement of one habitat with another is extremely complex and there are some habitats that are simply irreplaceable, so:
1. The starting point for any development proposal should be to avoid damage to our most important wildlife sites.
 2. Next, it is essential to mitigate the potential damage of a development through good design.
 3. Only then - and as a final measure - should off-setting be considered to compensate for damage that cannot be avoided or mitigated.

- 4.5 Any offsetting should help nature to recover by creating more habitat than is being lost. While the idea of off-setting is becoming more widely recognised, its use in the UK to compensate for developmental damage on the natural environment is a relatively new concept. There are many issues to consider in making sure it works effectively and delivers high quality restoration of the natural environment.
- 4.6 The Warwickshire, Coventry and Solihull sub-region has been selected as one of the six pilot areas nationally to trial biodiversity offsetting to run for two years from 1st April 2012. Developers required to provide compensation for biodiversity loss under planning policy can choose to do so through biodiversity offsetting, once a mitigation hierarchy has been applied and compensation is seen as the only option available. The Mitigation hierarchy can be summarised as:
1. Impacts are avoided.
 2. If impacts are unavoidable, impacts are mitigated against.
 3. If mitigation is not possible, impacts are compensated for as a last resort (e.g. through biodiversity offsetting).
- 4.7 This hierarchy is supported within the NPPF (2011) through the statement that “The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”.
- 4.8 Biodiversity offsetting will primarily be delivered through legal agreements although the potential of some form of Levy has also been proposed. This is relevant particularly for smaller scale developments that fall within a threshold where a minimum “standardised” payment is considered appropriate and a full Biodiversity impact assessment is considered unnecessary.

5 Observations

- 5.1 There have been a number of reservations raised over the application of the Biodiversity Offsetting method. These relate to how financial contributions will be sought. This financial offset and how this offset is to be collected and delivered is outlined in Appendix 1 in the Biodiversity Offsetting Annexe.
- ...
- 5.2 All minor and major applications will need to calculate biodiversity Impacts, be this positive (gain), negative (loss) or neutral. Where there is a negative (loss), Biodiversity Offsetting will be triggered. Currently the pilot indicates that for larger developments that seek to offset their impact through financial contributions, a legal S106 obligation will be required. This is a typical approach for which no significant issues or problems are envisaged.
- 5.3 The strategy notes that all householder applications that have biodiversity land-take will have a *de minimus* financial offset. To address this form of levy was suggested, similar to Community Infrastructure Levy (CiL). However, in the absence of an agreed and established CiL approach within North Warwickshire it is considered that the planning authority cannot seek the payment of contributions through a levy, additional application fee or via a planning condition. The only process available is through a S106 Agreement/Obligation.

- 5.4 The levy proposed for smaller householder applications has been assessed as £55. However, there is a cost to the local Authority in applying the S106 process which is likely to be greater than the £55 sought from all householder applications. The need to ensure all developments address their biodiversity impact is understood and supported but there is a need to find a more appropriate method of addressing and collecting this financial contribution.
- 5.5 There are also concerns over the delays that requiring a S106 obligation on a larger number of householder type applications will have on the processing of planning applications and their decisions.
- 5.6 The more restrictive approach to be applied to S106 obligations following the CiL provisions may also cause difficulties. After 6 April 2014 the use of pooled contributions collected through S106 obligations (tariffs) will be limited for all authorities. Authorities will only be able to accept a maximum of five contributions towards infrastructure projects or types of infrastructure that could otherwise be funded from the CIL. If they have agreements in place for more than five S106 contributions after April 2010 for a project or type of infrastructure from April 2014 or the date they adopt CIL if earlier, they will not be able to collect any more contributions for that purpose. The five contributions include any from unimplemented consents. Although there may be the opportunity to target five lots of S106 contributions at specific Green Infrastructure/Biodiversity projects (listed in subsequent strategy programmes) this is still likely to reduce the potential contributions achieved and limits the benefit, viability and proportionality of seeking contributions from smaller householder applications.

6 **Next Steps**

- 6.1 The observations above be forwarded as the Councils response to the consultation. The minutes of the meeting combined with any additional comments from Members will also be included.

7 **Report Implications**

7.1 **Finance and Value for Money Implications**

- 7.1.1 These will become clearer as the Pilot is applied on costing chargeable activity. There will be an administration cost to the authority in increased use of the S106 Planning Obligation process.

7.2 **Legal and Human Rights Implications**

- 7.2.1 Biodiversity Offsetting is considered as a mechanism to enact National Planning Policy Framework (2012) sustainable development principles involving “*seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life*”. There are no human rights implications expected.

7.3 **Environment and Sustainability Implications**

- 7.3.1 Biodiversity offsetting will help to maintain and improve environmental quality and assets of an area.

7.4 Risk Management Implications

7.4.1 Limited funding is currently obtained towards biodiversity impacts, so the implementation of biodiversity offsetting would give opportunities for additional funding. However the complexities around S106 agreements would increase, and these may require increased staff time and possibly additional external assistance.

7.4.2 The impact of an offsetting scheme will depend on the detail of any future scheme. Taking part in the pilot scheme will give the Council an opportunity to try to influence any national scheme adopted in the future.

7.5 Links to Council's Priorities

7.5.1 The Strategy will have links to the following priorities;

1. Protecting and improving our environment
2. Defending and improving our countryside and rural heritage

The Contact Officer for this report is Mike Dittman (719451).

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. Online web link for Consultation; http://askwarks.wordpress.com/2013/02/18/sub-regional-green-infrastructure-strategy/	WCC	On-line Consultation web page and documents	Feb 2013
2. SUB-REGIONAL GREEN INFRASTRUCTURE STRATEGY [Consultation Draft, February 2013]	WCC	Consultation Document	Feb 2013
3. SUB-REGIONAL GREEN INFRASTRUCTURE STRATEGY ANNEXE A: Local Biodiversity Offsetting Strategy	WCC	Consultation Document	Feb 2013
4. SUB-REGIONAL GREEN INFRASTRUCTURE STRATEGY ANNEXE B: North West Green Infrastructure Guide (NWIG)	WCC	Consultation Document	Feb 2013
5. SUB-REGIONAL GREEN INFRASTRUCTURE STRATEGY Habitat Target Costings for Biodiversity Offsetting	WCC	Consultation Document	Feb 2013

Vision

A diverse and well-managed Warwickshire, Coventry and Solihull Green Infrastructure network that underpins the quality of life for communities. This will be the result of a well-connected, accessible and biodiversity resilient landscape, supporting economic growth, social health and climate change adaptation.

Executive Summary

'Green Infrastructure is a network of multifunctional greenspace, both new and existing, both rural and urban, which supports the natural and ecological processes and is integral to the health and quality of life of sustainable communities'.¹

The purpose of this Strategy is to provide evidence for the preparation of plans, policies and strategies relating to Green Infrastructure (GI) at a sub-regional level and at a local level. It also details how GI will be delivered and part adopted as supplementary planning guidance. The strategy covers the disciplines of

- Landscape
- Biodiversity
- Accessibility

Figure 1 shows the extent of the sub-regional area of Warwickshire, Coventry and Solihull that this Strategy covers.

Landscape

The main strategic areas of opportunity for strengthening landscape character are identified in the Warwickshire Landscapes Guidelines and are still relevant, including opportunities to demonstrate exemplary approaches to landscape conservation management. However, it is recommended that the Enhancement Zones be re-assessed to identify target areas for landscape restoration. In particular, planning and implementing substantial landscape frameworks, well in advance of major developments and transport infrastructure, can bring many benefits, including safeguarding and enhancing vital landscape assets, helping to create a sense of place for new development and retaining vital links with the past.

Biodiversity

The strategy identifies sub-regional GI Biodiversity Assets and identifies Strategic Areas for delivering the Biodiversity Strategy's aim to reconnect habitats throughout the sub-region. It makes the recommendation consistent with national policies and strategies to safeguard, enhance and create GI Biodiversity Assets to connect individual sub-regional GI Biodiversity assets together to form core areas creating large functional clusters of woodland, wetland and grassland habitats. After this has been scientifically demonstrated the next aim is to Connect the large functional areas together. However, this does not preclude the opportunity to create new areas that will be large enough to function independently.

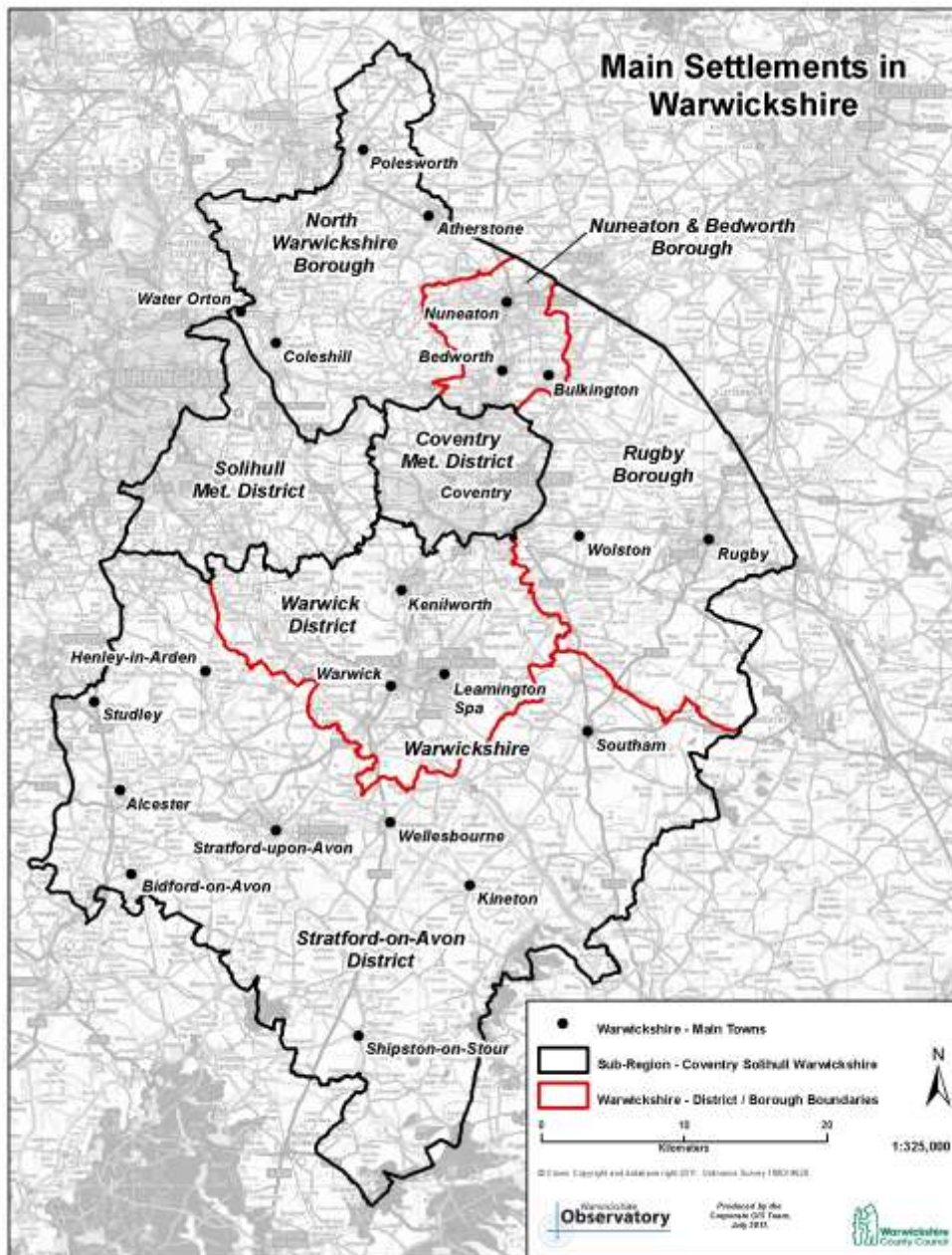
Accessibility

The Strategy uses the Natural England's Accessible Natural Greenspace Standard criteria and the Woodland Access Standards to identify sub-regional GI Accessibility Assets. It

¹ English Nature (2003) English Nature Report 526 'Accessible Natural Green Space Standards in Towns and Cities: A Review and Toolkit for Implementation'.

recommends that areas of deficiency are identified so that new or existing features can be created or enhanced to meet the sub-regional needs.

Figure 1: Sub-regional area covered by the Green Infrastructure Strategy



Agenda Item No 8

Planning and Development Board

15 April 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 9

Re-Structure of the Service - Report of the Head of Development Control.

Paragraph 1 – by reason of the report referring to individual staff

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