

## **(5) Application No: PAP/2010/0498**

### **Land at Stiper's Hill Polesworth, Kisses Barn Lane, Warton, Warwickshire**

### **Change of use of land from agriculture to recreational use of sphereing for a total of 70 days in a calendar year, and retention of track, for Sphere Mania Birmingham North**

#### **Introduction**

This application is referred to Board as a local member raises concern over the highway impacts of the proposal.

#### **The Site**

The site lies to the south of Stipers Hill, to the north-west of Polesworth, and to the east of Stipers Hill Plantation. The land steeply slopes down towards the valley bottom containing the River Anker, the Coventry Canal and the West Coast Mainline. There is a moto-cross track established immediately adjacent to the application site, which operates under the temporary land uses provision of the General Permitted Development Order.

It is clear that the hill slope has recently been reseeded and this is relatively well established, although there are areas where this is showing signs of wear. There is a fenced 'pen' area to the top of the hill, and an access track has been installed on the slope to facilitate the recovery of the spheres. There is also a wall of bales acting as a backstop for the spheres.

The access is proposed onto Kisses Barn Lane, connected to a parking area adjacent to Stiper's Hill Farm buildings to the east, with pedestrian access to the sphereing run.

#### **The Proposal**

It is proposed to use the land for recreational use for sphereing, also known as zorbing, for a total of 70 days between April and September each year, and to retain the track which has been installed to facilitate recovery of the spheres from the base of the run.

#### **Background**

Sphereing, also known as 'Zorbing' is a relatively new recreational activity involving rolling downhill whilst strapped inside in an orb, generally made of transparent plastic. They are usually designed to hold two riders at once, and is double-sectioned with one ball inside the other, with the air layer between acting as a shock absorber for the rider(s).



*Photos courtesy of www.spheremia.com*

This application follows complaints that the allowance for temporary uses under the General Permitted Development Order had been exceeded. The sphereing use has already commenced with a number of sphereing days during 2010, albeit to a lesser extent than proposed.

### **Development Plan**

North Warwickshire Local Plan 2006 (Saved Policies): CORE POLICY 2 (Development Distribution), ENV1 (Landscape Character), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV9 (Air Quality), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV14 (Access Design), TPT1 (Transport Considerations in New Development) and TPT3 (Access and Sustainable Travel and Transport).

### **Consultations**

NWBC Environmental Health – raised initial objections centring on the potential for noise disturbance to neighbouring residential property arising from the extent of the use, the manner of operation, the vehicles used and the physical characteristics of the land. Further discussions indicated that, subject to a temporary period of consent, prior use conditions and limitations on the use to allow suitable monitoring of the impacts, there would be no objection at this time.

Warwickshire Wildlife Trust – no response has been received

WCC Highways – raise no objection following amendments to use the access now proposed and subject to a temporary period of consent to monitor the impact on the nearby crossroads of Kisses Barn Lane and Orton Lane.

### **Representations**

Nine letters of support have been received, stating no noise or traffic concerns; and many also stating the use supports their business or promotes further spending in, as well as bringing employment into, the Polesworth area.

Three letters of objection have also been received. These cite traffic, noise and amenity concerns arising from a permanent use and the hours of operation. The noise concerns are also felt to be compounded by the moto-cross use on adjacent land. In addition, there is further concern about the potential for intensification, as well as health and safety matters

## Observations

This type of recreational pursuit is appropriate to a rural location. In addition, a regular bus service passes the site, along with further infrequent bus services, connecting to surrounding settlements and rail links. This improves the sustainability credentials of this site. The current use is less intense than that being sought, as there were approximately 30 sphereing days during 2010, and it is known that both spheres proposed were not used throughout this entire period. The April to September period allows 183 days per annum. Accounting for variable weather conditions, the 70 day cap (equivalent to 2 or 3 days per week, most probably focussed around the weekend) would likely be fully utilised. Thus the number of 'rolls' and associated recovery of the spheres is likely to be much greater, and consideration is therefore focussed on the 'wearing' impact this would have on the hill slope, potential disturbance from noise, and increased vehicle movements in and out of the access and at the nearby crossroads.

It is observed that the lesser intensity of use to date is already having a significant impact on the hill slope, with a 'scarring' following the installation of a track, wearing at the brow of the hill, and the grading and re-seeding of the slope. There is thus concern that a doubling or quadrupling of the use would have a serious detrimental impact on this publically visible and prominent hill slope. However, it is noted there are local economic and employment benefits to proposal. Whilst not of sufficient weight to allow degradation of the landscape, it does highlight the need to consider conditions to mitigate, and/or a temporary period of consent to allow assessment of, the impacts.

The 'scarring' effect arises from customers, parking, the spheres, and the use of a sphere recovery vehicle. The first three can be addressed by rotating the waiting and parking area around the available land and re-seeding of the run each year. A geotextile grass based surface is proposed to address the fourth effect here, especially as it also provides an even surface to abate noise breakout (see below). Further boundary planting can soften the impact of a track in this location.

However, there is no certainty that these conditions will fully mitigate the visual impacts here. In the absence of a similar test case for comparison, a temporary period of consent is felt necessary to allow assessment of the actual impact before considering whether a permanent consent is appropriate.

Turning to noise impacts, one residential property in particular is subjected to noise breakout from this site. Noise sources are (1) the rolling/bouncing of the spheres and 'echo' acoustics of them, (2) the shouting from users and those waiting at the brow of the hill, and (3) the recovery vehicle and trailer movements. Environmental Health advise that noise associated with the spheres is unlikely to cause disturbance. However, users waiting at the brow of the hill have potential to cause disturbance, whilst the recovery vehicle and trailer has the greatest impact due to its build and the currently uneven nature of the track. In addition, concern is raised over the increase in days of operation, hours of operation, the potential for amplified sound, and the combined impact if the moto-cross use occurs concurrently.

It is considered a similar conditional and temporary stance to that above is felt appropriate, especially in the absence of a noise survey and where the proposal seeks to intensify the existing use. A conditional temporary period of consent allows assessment of the true impacts, providing a fair balance between the use and existing neighbouring amenity standards, without subjecting the nearest residential property to unacceptable noise beyond the coming season should it be found to be inappropriate. Should the effect be found to be extreme, Environmental Health also has powers to ensure this protection. The proposed track surface and amendments to the recovery trailer should also reduce noise breakout so that the likely long term effect can be accurately monitored.

Turning to highway impacts, the use of the existing access onto Stiper's Hill is not supported by County Highways, with the visibility significantly below standards. Access geometry further compounds this issue. The access is therefore proposed onto Kisses Barn Lane, via Stiper's Hill Farm adjacent. Visibility splays are also below recommended guidelines here, and in addition the existing advanced warning signage on approach to the crossroads approaches is limited, with only one sign alerting drivers of the crossroads junction. County Highways are concerned that the proposal could result in intensification at this junction, to the detriment of highway safety, with recorded accidents here in the last 5 years.

However, planning permission was recently granted for the use of buildings at Stiper's Hill Farm for light industrial purposes. This could also result in intensification at the crossroads. Observations indicate that this use has not commenced yet, and as such the effects of that change of use cannot be monitored. It is also noted that whilst not requiring junction improvement works through a Section 106 agreement at this time, County Highways reserve the option to do so if proved necessary. Therefore, there is no objection subject to a temporary period of consent to allow assessment of the real impact on the crossroads junction.

Consideration is also given the ecology and design. The hill slope leads to the River Anker and the spheres are presently stopped by a wall of bales. As these will degrade over time, there is an increased risk of a sphere entering the watercourse with potential for ecological harm, as well as putting users at risk. However, this can be addressed by way of a condition which also helps to improve visual amenity. In addition, conditions can ensure the track and grass is appropriately maintained.

Further consideration is given to viability of the proposal when subjected to conditions and a temporary period of consent. It must be noted that without the conditions below the proposal would have, or potentially have, unacceptable impacts. The temporary period of consent is also necessary to allow monitoring of the impacts, whilst protecting the Council's position should unacceptable impacts be observed. The applicant's agent has requested that the conditions are worded to reduce the level of expenditure necessary whilst there is no certainty of a permanent consent. This is a reasonable request, and has been accommodated as far as possible.

## Recommendation

That a temporary period of consent be offered, subject to the following conditions:

1. The development hereby approved shall be discontinued on or before 15 February 2012.

### REASON

To allow a sufficient period to monitor and assess the noise, visual and highway impacts arising from the use, and to ensure that the use does not become permanently established on the site.

2. The use hereby permitted shall be only for sphereing (also known as zorbing) purposes only, and expressly not for any other recreational or leisure use.

### REASON

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

3. No more than two spheres shall be present on site at any one time. Only one shall be rolled at any one time.

### REASON

To prevent disturbance to the occupiers of nearby properties.

4. There shall be no sphereing other than between 1 April and 30 September inclusive, and not exceeding a total of 70 days within this period, in any one year. A register of operational days, including customer totals and number of sphereing 'rolls' for each day, shall be maintained and made available for inspection by officers of the Local Planning Authority at 24 hours notice.

### REASON

To prevent disturbance to the occupiers of nearby properties, and in the interests of the amenities of the area.

5. The use hereby approved shall not take place other than between 0900 and 1800 hours on any one day.

### REASON

To prevent disturbance to the occupiers of nearby properties.

6. The use hereby approved shall not occur concurrent with other temporary land use rights as afforded by Class B of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995, as amended.

REASON

To prevent disturbance to the occupiers of nearby properties, and in order to allow monitoring and analysis of the use hereby approved without influence from other uses.

7. No public address or other sound amplification system, including hand held tannoys, or floodlighting shall be used, placed or erected on the site without details first having been submitted to, and approved in writing, by the Local Planning Authority.

REASON

To prevent disturbance to the occupiers of nearby properties, and in the interests of the amenities of the area.

8. No persons, other than employees and customers involved in the current sphereing 'roll' and next available sphereing 'roll' shall be south of the existing track running east-west across the site, as indicated on the approved site location plan.

REASON

To prevent disturbance to the occupiers of nearby properties.

9. The open land within the curtilage of the site shall not be used for the parking of vehicles, storage, display or sale of anything whatsoever other than during lawful periods of operation, as defined by conditions 4 and 5.

REASON

In the interests of the amenities of the area.

10. The wall of bales acting as a buffer at the foot of the slope shall be removed within 2 weeks following the final day of sphereing in any one year, and replaced no sooner than 2 weeks prior to the first day of sphereing in any one year.

REASON

To ensure maintain a suitable buffer in the interests of health and safety for sphereing customers, to protect the ecology of the River Anker, and in the interests of the amenities of the area.

11. The hill slope shall be permanently maintained as grass and re-seeded each autumn where necessary in order to prevent the degradation of the hill slope.

#### REASON

In the interests of the amenities of the area.

12. The recently constructed sphere recovery track immediately adjacent to the eastern boundary fence on the hill slope shall be replaced with a Bodpave geotextile surface prior to the first sphereing event; of which detailed plans showing the length, width, position, construction method and a propriety rootzone mix seeding timescale, shall be submitted to the Local Planning Authority for approval in writing prior to these works taking place. The works shall be implemented in accordance with the details approved, with the propriety rootzone mix planted no later than 31 November 2011, and permanently maintained as such.

#### REASON

To prevent disturbance to the occupiers of nearby properties, and in the interests of the amenities of the area.

13. Within 9 months of the date of this decision notice, a landscaping scheme, including details of tree and hedge planting to the eastern side of the sphere recovery track shall be submitted to the Local Planning Authority for approval.

#### REASON

In the interests of the amenities of the area.

14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following approval; 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

In the interests of the amenities of the area.

15. Prior to the first sphereing event, drawings and a timetable to demonstrate to rotation of the parking, registration, waiting and viewing areas around the available land, with each period not exceeding 10 operational days in a row, and no return to the same area of land within the following 20 operational days, shall be submitted to and approved in writing by the Local Planning Authority. These approved details shall be adhered to accordingly, irrespective of whether weather conditions allow for the full 10 days in each location to be utilised. This consent explicitly does not grant permission for the retention of the hard standing which has been laid without planning consent included within the red line on the plan hereby approved.

## REASON

To prevent disturbance to the occupiers of nearby properties, and in the interests of the amenities of the area, particularly to minimise wear of the existing grass surface leading to permanent degradation of the land.

16. Prior to the first sphereing event, details of cushioning and sound minimising measures to the recovery vehicle and/or trailer shall be submitted to the Local Planning Authority for approval in writing. Such measures shall be implemented prior to the first sphereing event and permanently maintained. Where replacement vehicles/trailers are necessary, full details shall be submitted to the Local Planning Authority for prior approval in writing.

## REASON

To prevent disturbance to the occupiers of nearby properties.

## Notes

- 1 The applicant is advised that if visual, noise or highway impacts are found to be unacceptable, the Local Planning Authority is unlikely to renew this temporary permission at the end of the period permitted.
- 2 The proposed development lies within an area which could be subject to hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. Further information relating to coal mining hazards should be examined on the Coal Authority website at [www.coal.gov.uk](http://www.coal.gov.uk). Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out of their proposals and must seek specialist advice where required.
3. The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).
4. The applicant is reminded that notwithstanding this permission, the Local Authority has powers in respect of statutory noise nuisance which it may exercise in addition to the conditional controls on this decision notice.
5. The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies) CORE POLICY 2 (Development Distribution), ENV1 (Landscape Character), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV9 (Air Quality), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV14 (Access Design), TPT1 (Transport Considerations in New Development) and TPT3 (Access and Sustainable Travel and Transport).



## **Justification**

It is not clear from the information submitted, and subsequent correspondence, whether the noise impacts on neighbouring property, visual impacts on landscape character, and highway impacts on the nearby junction of Kisses Barn Lane and Stipers Lane will be acceptable under the intensity of the use proposed. Given the comparatively low intensity of use to date, and the Council's observations of this use to date, there is potential for these impacts to be unacceptable. Notwithstanding this, a period of temporary consent, subject to conditions to amend or adjust existing features and methods of operation, is felt appropriate to allow for a period of monitoring and analysis of the impacts. Matters pertaining to sustainability, nature conservation and urban design are considered acceptable, subject to conditions where appropriate. The proposal is therefore in accordance with saved policies CORE POLICY 2, ENV3, ENV4, ENV12 and TPT3 of the North Warwickshire Local Plan 2006, whilst further consideration is necessary to determine compliance or not with saved policies ENV1, ENV9, ENV11, ENV14 and TPT1 of the North Warwickshire Local Plan 2006.

## BACKGROUND PAPERS

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

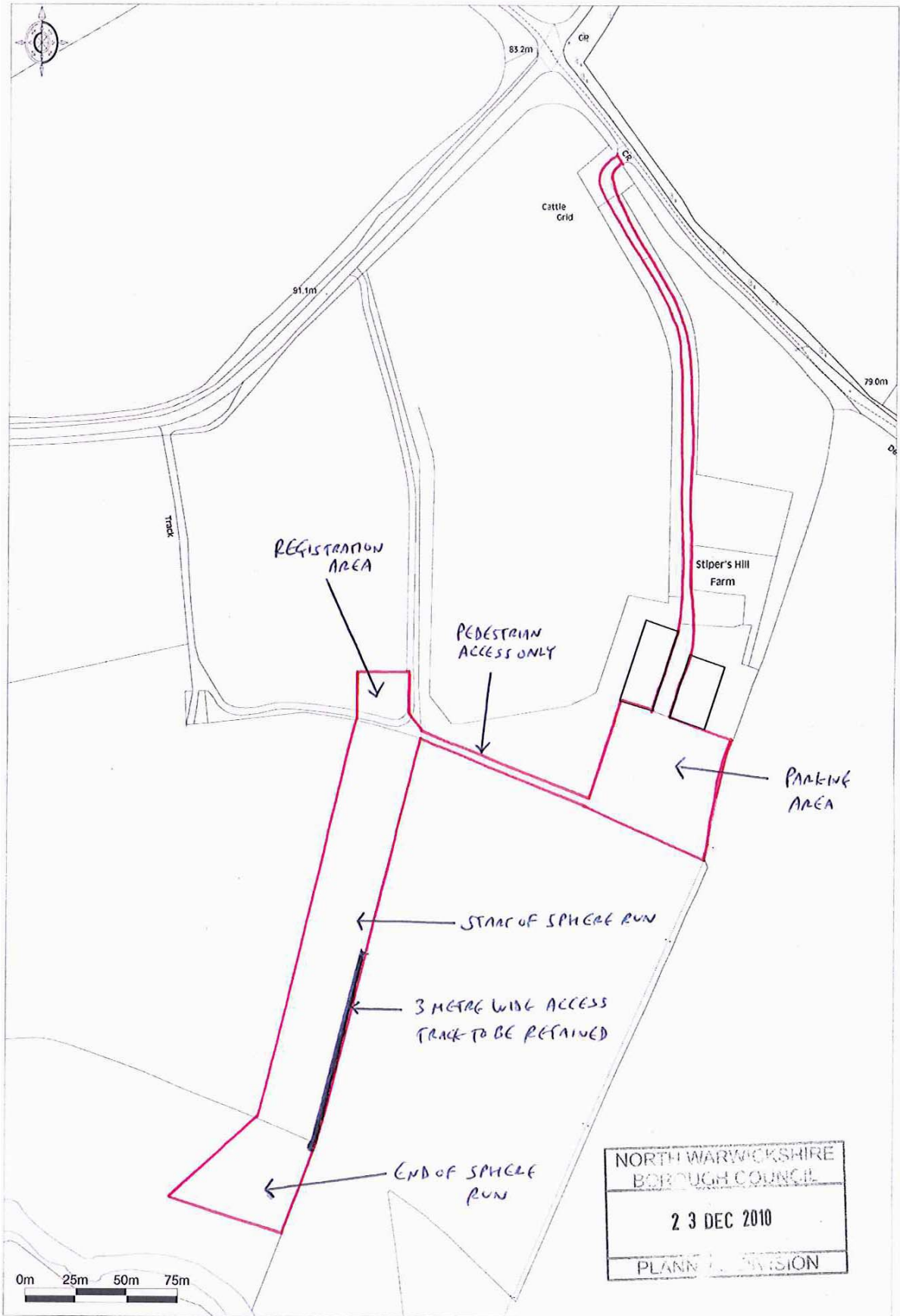
### Planning Application No: PAP/2010/0498

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans	21/9/2010 and 23/12/2010
2	Case Officer	Email to Agent	6/10/2010
3	Mary Smith	Representation – support	11/10/2010
4	William Richards	Representation – objection	12/10/2010
5	Environmental Health	Consultation reply – concerns	14/10/2010
6	Cllr Lea	Email to Case Officer	15/10/2010
7	Agent	Email to Case Officer	15/10/2010
8	Nigel Whitlock	Representation – support	18/10/2010
9	Case Officer	Email to Agent	18/10/2010
10	Case Officer	Email to Agent	19/10/2010
11	K Roberts	Representation – objection	20/10/2010
12	Agent	Email to Case Officer	22/10/2010
13	Steve Bartle	Representation to Env Health	26/10/2010
14	Steve Bartle	Representation – objection	27/10/2010
15	The Bulls Head	Representation – support	27/10/2010
16	Polesworth Fish Bar	Representation – support	27/10/2010
17	Les & Julie Poole	Representation – support	28/10/2010
18	Agent	Email to Case Officer	29/10/2010
19	Case Officer	Email to Agent	29/10/2010
20	Liberties Bistro	Representation – support	29/10/2010
21	The Red Lion	Representation – support	29/10/2010
22	Environmental Health	Emails to Case Officer	29/10/2010
23	Case Officer	Email to Agent	29/10/2010
24	Waterworks House	Representation – support	1/11/2010
25	County Highways	Consultation reply – objection	1/11/2010
26	Agent	Email to Case Officer	2/11/2010
27	Environmental Health	Email to Case Officer	4/11/2010
28	Environmental Health	Email to Case Officer	9/11/2010
29	Steve Bartle	Representation to Env Health	15/11/2010
30	Agent	Email to Case Officer	16/11/2010
31	Case Officer	Email to Agent	17/11/2010
32	Agent	Email to Case Officer	17/11/2010
33	Steve Bartle	Email to Case Officer	17/11/2010
34	Case Officer	Email to objector	18/11/2010
35	C Pallas	Representation – support	21/11/2010
36	County Highways	Email to Agent	25/11/2010
37	Case Officer	Email to Agent	25/11/2010
38	Agent	Email to Case Officer	3/12/2010
39	Case Officer	Email to Agent	6/12/2010
40	County Highways	Email to Agent	7/12/2010
41	Agent	Email to Case Officer	9/12/2010
42	Case Officer	Email to Agent	9/12/2010
43	County Highways	Email to Agent	9/12/2010
44	Agent	Email to Case Officer	14/12/2010
45	Agent	Email to Case Officer	15/12/2010
46	Case Officer	Email to Agent	16/12/2010

47	County Highways	Email to Case Officer	17/12/2010
48	Agent	Amended Certificate B	23/12/2010
49	Case Officer	Emails to Agent	23/12/2010
50	Anonymous	Representation – comments	7/1/2011
51	Environmental Health	Consultation reply – no objection	11/1/2011
52	Steve Bartle	Representation to Env Health	12/1/2011
53	Case Officer	Email to objector	12/1/2011
54	County Highways	Consultation reply – no objection	27/1/2011
55	Case Officer	Referral to Members	27/1/2011

*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.*



## **(6) Application No PAP/2010/0546**

### **Land south of Orton Road, Warton**

### **Change of use of land from agricultural to recreational use for the flying of model helicopter aircraft for Midland Helicopter Club**

#### **Introduction**

This application is referred to the Board by Head of Development Control given the issues involved.

#### **The Site**

This comprises a triangular area of pastoral agricultural land bounded on two sides by drainage ditches and lies some 500 metres to the south east of Warton. It measures some 2.93 hectares overall. A smaller area measuring some 2 hectares, in the southern part of the larger site, is proposed as the over flying area. The remainder of the site houses a portacabin, used as a clubhouse, a storage container, two portaloos and a car parking area. A public right of way footpath, the AE13 passes some 10 metres to the west of the site. The site lies within the functional flood plain of a minor brook which flows to join the River Anker near Polesworth. A flood risk assessment has been provided.

#### **The Proposal**

The application seeks authorisation for the change in use of the land from agricultural to recreational use for the flying of model helicopter aircraft and to position a portacabin, a container and two portaloos on the site to provide a clubhouse, ancillary storage and facilities.

#### **Background**

The application is retrospective. The site is already being used for flying of model helicopter aircraft and the portacabin and container are already in position on the site. The use was initially established "permitted development" rights which allows for the temporary use of land. The use however now occurs more frequently than is permitted by these rights, and a planning application is now necessary.

#### **Development Plan**

North Warwickshire Local Plan 2006 (Saved Policies) - Core Policy 2 (Development Distribution), Core Policy 11 (Quality of Development), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations in New Development), TPT3 (Access), and TPT6 (Vehicle Parking)

## **Other Relevant Material Considerations**

Government Advice - Planning Policy Guidance 17 (Planning for Open Space, Sport and Recreation), Planning Policy Guidance 24 (Planning and Noise) and PPS 25 (Development and Flood Risk)

DoE - Code of Practice for the minimisation of noise from model aircraft 1982.

## **Consultations**

WCC Highways – No objection subject to conditions to ensure safe access.

Environmental Health Officer – No objection subject to conditions to minimise and monitor noise impact.

## **Representations**

11 representations from local residents have been received objecting to the proposed development. These raise concerns over adverse impact due to noise; the proximity to residential properties, potential for use of the site every day, on highway safety due to increased traffic, on public safety due to proximity to public footpath, from air pollution and smell due to emissions from model aircraft powered by internal combustion engines (the suggestion is that these are frequently operated on over rich fuel mixtures), impact on wildlife, impact on flooding, location down wind in prevailing wind direction, potential future development on the site, query willingness of the Helicopter Club to adhere to restrictions given the previous unauthorised use and retrospective application.

## **Observations**

The proposed use is an open area recreational use that is, as a matter of principle, appropriate to a countryside location. The ancillary built development proposed is considered to be limited to essential facilities necessary for the proposed use. These ancillary buildings comprise one portacabin, used as a clubhouse building and one small storage container sited adjacent to the portacabin. The portacabin is 6.15 metres long, 2.76 metres wide and 2.45 metres high with a flat roof. The container is 3.75 metres long by 2.45 metres wide and 2.45 metres high. The colour of these is appropriate to the countryside location. The buildings are closely grouped, cover a small area and will have a limited impact on openness. These are portable structures which can easily be removed from the site. The proposal is thus considered to be in accord with national guidance given in Planning Policy Statement 17.

The site does lie within an area liable to flooding and a flood risk assessment has been submitted. The proposed use is considered to be in accord with national guidance given in Planning Policy Statement 25, because the proposed use here is for outdoor recreation. This falls within the “water compatible” category set out in Annex D of PPS25, and such uses are identified as appropriate for locations within Flood Zone 3. The small ancillary buildings and other structures will not significantly impede flow of flood waters across the site.

The club has some 50 members. It is however most unlikely all will turn up to fly on any one given day. The applicants state more typically, some 15 members will visit the site to fly on more popular days - e.g. a Sunday with good flying weather. This would indicate a total of some 30 vehicle movements, 15 in and 15 out. The club does hold events periodically that will attract non-members and a higher number of vehicles will visit the site during these events.

The access track from Orton Rd to the flying site is generally some 3 metres wide. It is slightly wider at bends and these provide passing opportunities for cars. Visibility on the track is good allowing vehicles to wait in passing points. The existing vehicle access can provide a safe access arrangement for the vehicle traffic associated with the typical use. The required visibility can be achieved at the existing access onto the public highway and other necessary improvement works can be secured by condition. Adequate space exists within the site for parking and turning of vehicles. The Highway Authority has no objection subject to the recommended conditions to ensure safe access.

A public footpath does pass some 10 metres to the west of the apex of the flight area. However flying of aircraft is restricted to the flight area proposed, shown hatched on the flight area plan submitted, thus no aircraft should over fly or come within 10 metres of the public footpath.

The opportunity to fly model aircraft is limited by factors such as wind speed, visibility and the weather, and thus the potential to fly all year round is limited. Using weather record data for the area, the applicants estimate flying may only be possible on fewer than half the number of days in a year. Daylight is also required for flying, thus opportunities for flying are further limited during winter months. Flying activity and members behaviour is further constrained by the Club's own rules and code of conduct, together with the rules, practices and procedures set out by the British Model Flying Association.

With regard to the existing natural environment the use has produced relatively minor change to the land - the most significant is perhaps the regular mowing of the flight launch/landing area. Boundary hedgerows remain unaffected and the existing habitat has not been significantly disturbed.

The one aspect of the proposal that is not fully resolved in the details submitted is the impact that will arise from noise associated with the proposed use. No fully objective method to assess the impact of noise from model aircraft has yet been formulated at a national level. PPS 24 gives guidance on assessing and measuring noise impact in relation to built development, but is less useful where noise is associated with outside activities. The Department of the Environment produced a Code of Practice for the minimisation of noise from model aircraft in 1982. This remains relevant. It promotes operating guidelines and identifies four factors relevant to assessment of noise around sensitive properties, such as dwellings, separation distance, barriers between the flying site and noise sensitive properties, times of operation and numbers of model aircraft in simultaneous operation.

The Code recommends a separation distance of 500 metres between the launch point of flying site and nearest noise sensitive properties. Where separation distances are inadequate, restriction of the hours of operation is suggested. Although actual hours are a matter for local determination, recommended hours for weekdays are 0900 to 1900 hours and from 1000 to 1900 hours on Sundays and public holidays.

The separation distance for the application site in this case is 520 metres, however given the flat terrain, there are no barriers between the application site and the nearest properties that will reduce noise generated.

The submitted findings of the noise survey indicate noise associated with the flying activity, at the level monitored, would not produce significantly greater noise levels at nearby properties. However the noise survey undertaken is not considered to be fully representative, as it was undertaken with two aircraft flying, only one of which was powered by an internal combustion engine, when wind speed and direction would have mitigated the impact recorded at nearby residential properties. Also the ambient noise level was only monitored for a short period.

Given the above it is considered that a permission which limits flying activity to the level monitored would be unlikely to result in a significant loss of amenity or disturbance for occupiers of nearby properties. The available flight area could accommodate up to four aircraft at one time; a further two aircraft could thus fly simultaneously. This could be acceptable, providing the noise generation was not significantly different to that monitored. The engine noise generated by electrically powered aircraft is significantly less than aircraft powered by internal combustion engine, thus flying up to two additional electrically powered aircraft would not significantly increase engine noise levels. The applicant has stated that with experienced pilots, no more than three aircraft are likely to be airborne at once.

The Council's Environmental Health Officer has considered carefully the noise survey findings and the comments on noise as set out in the representations received. He recommends that if permission is to be granted, then the hours of operation should be restricted. Given the limitation of the noise survey and the recommendation of the EHO, it would be appropriate to grant a time limited permission for one year subject to conditions, to limit the number and type of aircraft flying simultaneously and the hours of operation. This will provide the opportunity to undertake additional noise monitoring and afford the opportunity for review.

## **Recommendation**

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

1. The development hereby approved shall not be carried out otherwise than in accordance with block plan; building position plan, floor plan and elevation plan received by the Local Planning Authority on 18 October 2010 and the site plan received by the Local Planning Authority on (revised site plan awaited).

## **REASON**

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



2. The use hereby approved shall enure solely for the benefit of The Midland Helicopter Club and for no other organisation or person whomsoever, and shall be discontinued on or before 28/2/2012, or on the vacation of the site by The Midland Helicopter Club, whichever date is the earlier.

#### REASON

Planning permission is granted solely in recognition of the particular circumstances of the beneficiaries, and to ensure that the use does not become permanently established on the site.

3. The buildings and all associated structures hereby approved shall be removed from the site and the land restored to its former condition within two months of the cessation of the use hereby permitted.

#### REASON

To prevent the permanent establishment of the buildings on the site, and in the interest of amenity.

4. The existing vehicle access to the site shall not be used in connection with the use hereby permitted until the access has been provided with a width of not less than 3 metres or greater than 5 metres for a distance of 10 metres as measured from the near edge of the public highway carriageway and has been laid out to provide a vehicle passing place within a distance of 10 metres as measured from the near edge of the public highway carriageway.

#### REASON

In the interests of safety on the public highway.

5. The existing vehicle access to the site shall not be used in connection with the use hereby permitted until it has been surfaced with a bound material for a distance of 10 metres measured from the near edge of the public highway carriageway, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

#### REASON

In the interests of safety on the public highway.

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

#### REASON

In the interests of safety on the public highway.

7. The existing access shall not be used in connection with the use hereby permitted until visibility splays have been provided to the vehicular access with an 'x' distance of 2.4 metres, and a 'y' distances of 160 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays, exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interests of safety on the public highway.

8. No flying or other operation of model aircraft, including the testing or running of engines whilst stationary, shall take place other than between 09:00 and 19:00 hours on Mondays to Fridays and other than between 10:00 and 17:00 hours on Saturdays, Sundays and Bank Holidays.

REASON

In the interests of amenity and disturbance to occupiers of nearby properties.

9. No more than four model aircraft shall be flown from the site at any one time and of these, only one model aircraft shall be powered by any type of internal combustion engine. No model aircraft that emits a noise louder than 80 db(A) measured at point 7 metres distant when on the ground shall be flown from the site.

REASON

In the interests of amenity and to prevent disturbance to occupiers of nearby properties.

10. Model aircraft shall be flown only within the flight area (marked by diagonal hatching) shown on the Flight Area plan received on 18 October 2010. No aircraft shall be flown in airspace outside of this area at any time.

REASON

In the interest of amenity, public safety and to prevent disturbance to occupiers of nearby properties.

11. Within two months of the date of this permission the applicant shall submit in writing, details of a noise survey to monitor the impact of noise arising from the use hereby permitted. The noise survey details shall first be approved in writing by the Local Planning Authority and then implemented by the applicant in accordance with the approved scheme. The findings shall be submitted in writing to the Local Planning Authority.

REASON

To monitor noise arising from the use in order to assess its impact on the residential amenities of local residents.

12. No buildings or structures shall be placed or erected within 5 metres of the watercourses bounding the site.

REASON

In the interests of land drainage.

13. No external lighting or sound amplification equipment shall be placed or erected on the site without details first having been submitted to, and approved in writing, by the Local Planning Authority.

REASON

In the interests of the amenities of the area.

14. The open land within the curtilage of the site shall not be used for the storage, display or sale of anything whatsoever.

REASON

In the interests of the amenities of the area.

Justification

The proposed use is an open area recreational use that is appropriate to a countryside location. The ancillary built development proposed is considered to be limited to essential facilities necessary for the proposed use. These ancillary buildings are functional portable buildings which can easily be removed from the site; the colour is appropriate for the countryside location. They are closely grouped, cover a small area and will have a limited impact on openness. The proposal is thus considered to be in accord with national guidance given in Planning Policy Statement 17.

The site lies within an area liable to flooding. The proposed use is however considered to be in accord with national guidance given in Planning Policy Statement 25. The proposed use for outdoor recreation, falls within the "water compatible" category set out in Annex D, such uses are identified as appropriate for locations within Flood Zone 3.

The existing vehicle access can provide a safe access arrangement for the vehicle traffic associated with the use. The required visibility can be achieved at the existing access and other necessary improvement works can be secured by condition. Adequate space exists within the site for parking and turning of vehicles.

One aspect of the proposal that is not fully resolved in the details submitted is the impact that will arise from noise associated with the proposed use. The submitted findings of the noise survey indicate noise associated with the flying activity, at the level monitored, would not produce significantly greater noise levels at nearby properties. However the noise survey undertaken is not considered to be fully representative as it was undertaken with two aircraft flying, only one of which was powered by an internal combustion engine, when wind speed and direction would have mitigated the impact recorded at nearby residential properties also the ambient noise level was only monitored for a short period. Given the above it is considered a

permission which limits the flying activity to the level monitored would be unlikely to result in a significant loss of amenity or disturbance for occupiers of nearby properties. It is recommended the permission granted now however be time limited to one year. This will provide the opportunity to undertake additional noise monitoring and allow for a review in the light of the findings from this further noise monitoring.

The proposal is considered to be in accord with saved policies CP2; CP11; ENV8; ENV11; ENV12; ENV14; TPT1; TPT3 & TPT6 of the North Warwickshire Local Plan 2006. With regard to policy ENV11 a further period of noise monitoring is required to properly assess the impact on amenity. Given the noise details submitted this concern is not considered sufficient to refuse permission, however it is sufficient to warrant the grant of a time limited permission for one year only.

## BACKGROUND PAPERS

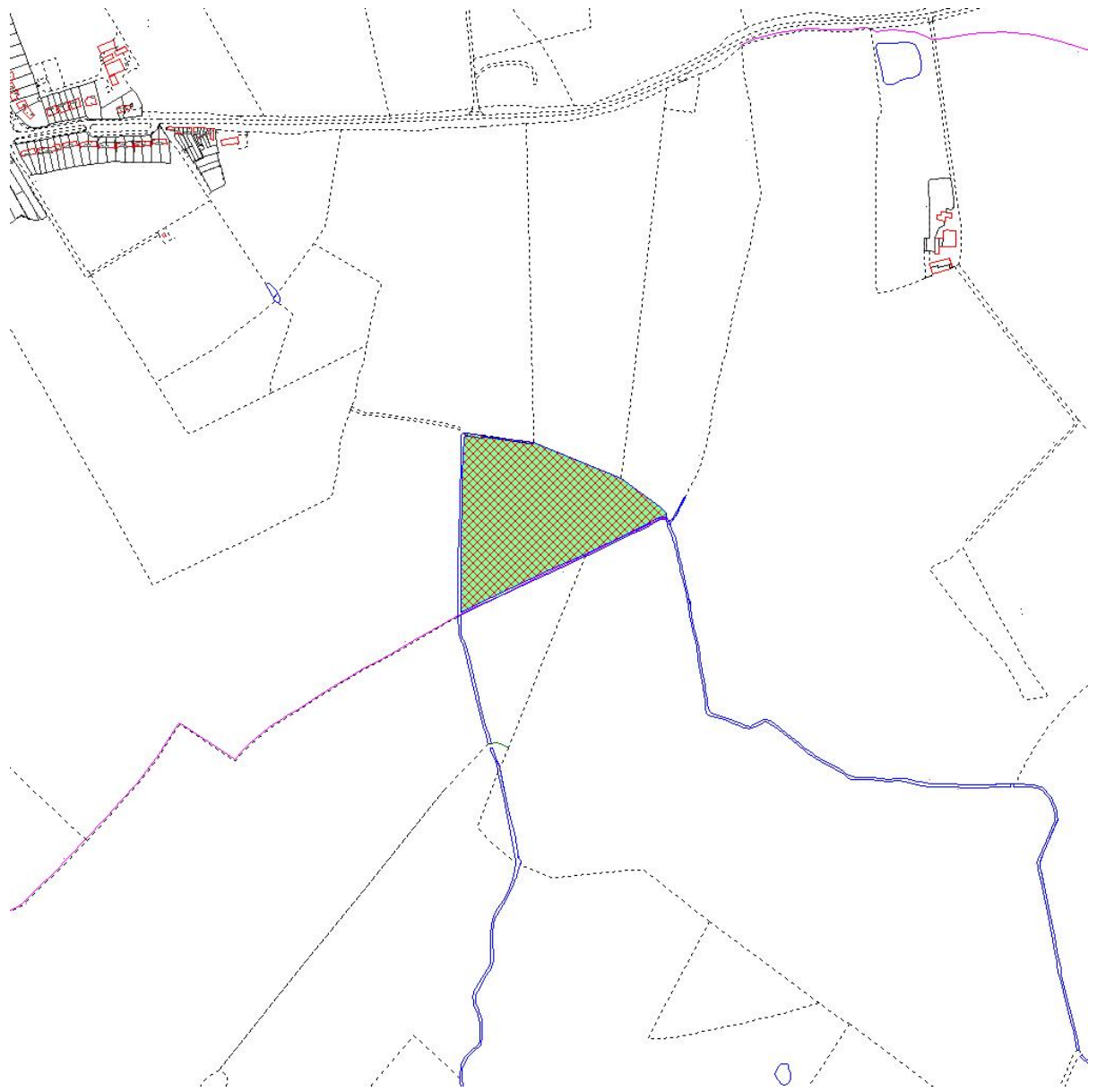
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

**Planning Application No: PAP/2010/0546**

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms and Plans	18/10/10
2	The Applicant or Agent	Additional details	31/10/10
3	G Roberts	Representation	18/11/10
4	Mrs Resident	Representation	13/11/10
5	J Hicks	Representation	13/11/10
6	A Grimley	Representation	22/11/10
7	M Moss	Representation	22/11/10
8	P Ghent	Representation	19/11/10
9	D Carter	Representation	22/11/10
10	J Fretter	Representation	27/11/10
11	Anon.	Representation	29/11/10
12	WCC Highways	Consultation response	15/12/10
13	NWBC Env. Health Officer	Consultation response	18/11/10 02/12/10

*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.*



**(7) Application No 2010/0577**

**71 The Arcade, Long Street, Atherstone**

**Change of Use from office to health and fitness suite (D2) for  
Mrs M Parker**

**Introduction**

This application appeared on the Agenda of the December Board meeting but that meeting was subsequently cancelled. A copy of the report is attached at Appendix A. The Chief Executive was asked to determine the application using his delegated powers, and planning permission was subsequently granted as a consequence.

**Recommendation**

That the Board endorses the action taken by the Chief Executive.

**(7) Application No PAP/2010/0577**

**71 The Arcade Long Street, Atherstone**

**Change of use from office to health and fitness suite (D2), for Mrs Maureen Parker De Ville's Health & Fitness**

**Introduction**

This application is reported to the Board, as the Council is the land owner.

**The Site**

The Arcade is an internal parade of shops on the south side of Long Street in the centre of the town linking that Street with the Bus Station area. There is a first floor that has a lawful use as offices.

**The Proposal**

To change the use of the front first floor unit overlooking Long Street from offices - but currently vacant - to a health and fitness suite. The applicant has pointed out that this is not to be a gym, and there will not be any of the usual fitness machines associated with a gym. Most of the treatments will be relate to meditative and relaxation therapies. One or two people would be employed and the opening hours would be from 0700 to 2100 on weekdays and until 1600 at the weekends.

**Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – ECON5 (Facilities), ENV11 (Neighbour Amenities)

**Consultations**

Environmental Health Officers – Officers would be concerned about potential noise impacts on the occupiers below if gym and fitness equipment was introduced; if there was regular dance or other fitness activity taking place. As a consequence a personal consent is recommended in order to restrict the use to that described by the applicant.

**Representations**

One of the existing tenants is concerned about noise emissions and impacts on the unit below the application site.

Atherstone Town Council – Welcomes the application as it provides a use for a vacant unit.

Atherstone Civic Society – No objection



### Observations

These premises are within the town centre and thus are supported by Policy ECON5 which seeks to encourage such uses in the town centre for sustainability reasons. The premises are not residential in character or use, but any new use should respect the amenity of neighbouring tenants. This use, as described, is one that is relatively low key in its impact, and it is unlikely that there would be disturbance to residential occupiers either in adjoining premises or those opposite. A material factor is that the previous use was an office. Planning conditions can restrict the introduction of fitness equipment; the scope of the use and the hours of opening. Rather than retain these premises as a vacant unit, this use can be supported given its policy support.

### Recommendation

That planning permission be granted subject to the following conditions:

- i) Standard Three Year condition
- ii) Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 as amended, the site shall solely be used for the purposes set out in the application form, and for no other purposes within Use Class D2, and shall enure solely for the benefit of De Ville's Health and Fitness and for no other organisation, company or person whatsoever.  
Reason: In order to protect the amenity of neighbouring occupiers.
- iii) For the avoidance of doubt, the use hereby permitted shall not involve the use of any fitness or gym equipment whatsoever.  
Reason: In order to protect the amenity of neighbouring occupiers.
- iv) The use hereby approved shall only operate between 0700 and 2100 hours on weekdays and between 0700 and 1600 at all other times  
Reason: In the interests of protecting the amenity of neighbouring occupiers.

#### Policies:

As set out above

#### Justification:

This use is appropriate in a town centre location and is unlikely to cause material harm to the amenities of neighbouring residential occupiers. Conditions need to be added to ensure that there is minimum impact on the amenity of neighbouring occupiers.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2010/0577

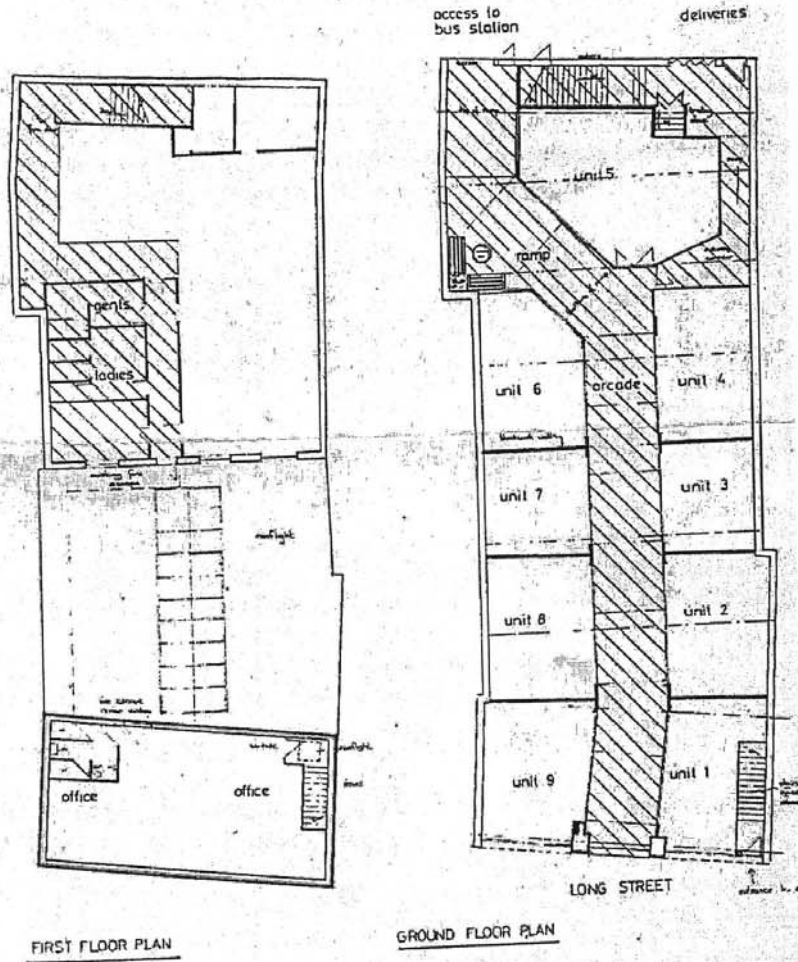
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans	12/11/10
2	Mrs Capon	Representation	18/11/10
3	Head of Development Control	Letter	19/11/10
4	Applicant	E-mail	24/11/10
5	Atherstone Civic Society	Representation	25/11/10
6	Atherstone Town Council	Representation	17/11/10
7	Environmental Health Officer	Consultation	29/11/10
8	Environmental Health Officer	E-mail	29/11/10
9	Environmental Health Officer	E-mail	30/11/10

*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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FOR IDENTIFICATION ONLY - DO NOT SCALE



## **(8) Application No: PAP/2010/0584**

**The Club Spice 45 Ltd, Club Spice, A45 Birmingham Road, Meriden**

**Change of use from restaurant to private members club, for Mr Stuart Walton,  
The Club Spice 45 Ltd**

### **Introduction**

This application is presented to Board following a request from a local Member citing concerns over traffic generation, noise and potential nuisance.

### **The Site**

This site forms part of the former petrol filling station/Little Chef complex immediately adjacent to the A45 Birmingham Road. There is car parking available around the building with peripheral landscaping. There are accesses to the A45, a busy dual carriageway, and Shepherds Lane which offers a connection for eastbound traffic to Meriden. There are limited dwellings nearby. Sawmill Cottage lies closest on Shepherds Lane some 40m distant. Forest Ground Cottage and Archery Cottage lie some 80m to the south-east, and The Rookery 170m to the west. The remaining land in the vicinity is agricultural or wooded with the exception of a golf course and outdoor archery facility.

The building is rendered white, with its windows boarded up to match. The main doorway faces the A45, and a recently erected smoking shelter exists to a new doorway on the eastern elevation. This smoking shelter and elevational change are not currently included in this application, and the applicant has been notified of the need to separately regularise this unauthorised development.

### **The Proposal**

Change of use from restaurant to a private members club operating throughout the week.

### **Background**

This building was formerly an Indian Restaurant following the closure of the Little Chef some years ago. That change of use did not require a planning application as the use fell within the lawful Use Class A3. The private members club is a Sui-Generis use, this generating the need for this application. The building has sat vacant for some time, with the current tenants holding a Premises Licence for the use proposed.

### **Development Plan**

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

## **Other Relevant Material Considerations**

Government Advice: Planning Policy Guidance Note 2 (PPG2) Green Belt

### **Consultations**

WCC Highways – no objection subject to condition.

NWBC Environmental Health – raise no objection to the use as it presently operates, but comment that other types of clubs could intensify noise concerns such that conditional restrictions are required.

Packington Estate Parish Council – object on grounds of a negative impact on the environment and character of the area and Green Belt; that the proposal does not support the vitality of the main settlements; noise, light and privacy impacts on neighbours; access visibility onto Shepherds Lane; and reliance on private motor vehicle to use the premises.

Meriden Parish Council – raise objection to increase in traffic and noise late at night and in the early hours

### **Representations**

6 objections have been received. Most state moral concerns over the proposed use, but it should be remembered that this application must be determined on its planning merits. As such, these concerns are not repeated here or considered below.

Other objections focus on noise impacts from late opening hours and the access onto Shepherds Lane; loss of privacy from CCTV; highway safety and capacity issues, generally focussed on Shepherds Lane; and overall impact on the environment and character of the area from the introduction of a nightclub into a rural area.

MPs for Warwickshire and Meriden have written to support the above objections, citing similar concerns relating to noise, opening hours and highway impacts.

### **Observations**

The site lies within Green Belt, and objections raise concern of the impact on Green Belt and character of the area. Green Belt impacts focus on openness and whether the proposal is appropriate or inappropriate. The re-use of existing buildings within the Green Belt is generally considered as appropriate development. The proposal does not increase the built form, instead and making subtle changes to the existing elevations. Consequently, as there is not considered to be harm to openness or the visual amenities of the Green Belt, the proposal is appropriate development. Therefore, material considerations must be of significant weight to overturn the general presumption of approval here. Moreover, the lawful A3 use has similar impacts and unrestricted opening hours providing a material fall back position. If refused on adverse impacts, these must be significant enough to outweigh the above two considerations.

The character of the area will not suffer harm, with no external changes or a material increase in vehicles associated with the use compared that which could currently exist under the lawful A3 use. Ecological impacts raised are also considered negligible.

In principle, there is no sustainability reason to object to the re-use of this building. Access by a range of transport means is possible, with the A45 linking to the wider strategic road network and public transport good, with a regular bus service connecting the site with Meriden, Birmingham and Coventry late into the night. Whilst cycling and pedestrian access is limited, the nature of the proposal means it is highly unlikely that this method would be used if connections were good. Furthermore, the building is permanent and suitable construction, and it can be re-used with minimal elevational changes.

In terms of re-use objectives, the proposal cannot be considered for farm diversification. The next objective seeks provision of local services and facilities for which there is an identified need and for which no planned provision has been made within nearby settlements. The identified need has not been quantified, but it is noted that the niche nature of the use has not been planned for in nearby settlements. Therefore, to resist this application on the lack of evidence supporting the need, it is not considered there is significant provision here to warrant refusal, particularly when the Council holds no needs evidence to the contrary.

Under highway safety considerations, there is no objection to the continued use of the A45 access, nor the access onto Shepherds Lane. County Highways comment that it appears that the use of the latter would be acceptable, regarding visibility and geometry. There would also be a benefit for traffic wishing to travel from and to the north, as this would remove the need to travel a significant distance to the east on the A45. They do raise concern over a recently erected gate with a need for it to be set back from the edge of the highway, but this can be addressed through condition. 28 parking spaces are provided, adequate to accommodate customers.

Significant consideration is given to nearby dwellings here, particularly with a late night/early hours use and associated vehicle movements. However, it must be considered in the context of noise from the adjacent A45. Whilst noise levels from the A45 would be lower in the early hours, it is not considered that additional vehicle movements from club members would cause disturbance above and beyond that from the A45, particularly since the use of access onto Shepherds Lane is prohibited by the Premises Licence after 11pm. Consideration of its use before this time is therefore relevant. Environmental Health raises no objection in these respects, given this context and existing control.

The Club has now been running for a few weeks without any complaints to Environmental Health. This is noted. Environmental Health raise noise concerns linked with the opening hours and noise breakout from inside the building in respect of the use *currently* occurring. In the absence of concerns otherwise, the opening hours as governed by the Premises Licence shall be matched. Notwithstanding this, the potential for disturbance from future private members clubs could be materially greater. Hence, whilst not in a position to object at this time, Environmental Health comment that there are preventative measures that could be incorporated by condition in order to minimise this potential. These are carried forward in the conditions below. It must also be noted that if noise did become an issue, there are two further layers of control. Firstly, statutory noise nuisance powers under the

Environmental Protection Act 1990; and secondly, powers to review or revoke the Premises Licence.

Concerns over privacy are not considered to be of issue. There is no overlooking created by the use, and passing customers in the car park would be no different to the last use as a restaurant. The CCTV is limited to the front door, and this is angled not to give views of other property.

## **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 plan numbered 2/07/10 received by the Local Planning Authority on 23 November 2010.

### **REASON**

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

3. The private members club hereby approved shall not open other than between 1200 and 0100 hours Monday to Thursday, 1200 and 0300 hours on Friday and Saturday, and between 1200 hours and 0000 hours on Sunday and Bank Holidays.

### **REASON**

To prevent disturbance to the occupiers of nearby properties.

4. All amplified music shall be subject to control by the use of a noise limiter which shall be capable of automatically shutting down any electronically amplified entertainment when a set decibel level is met or exceeded. The decibel level at which the noise limiter is set shall be agreed in advance with an appropriate officer from the Council's Environmental Health Department, and where necessary to overcome noise issues, the Council's Environmental Health Department reserves the right to redefine this decibel level. Works necessary to install and set the noise limiter referred to herein shall be completed within 1 month of the date of this decision.

### **REASON**

To prevent disturbance to the occupiers of nearby properties.



5. Gates erected at the entrance to the site for vehicles shall not be hung so as to open to within 7.5 metres of the near edge of the public highway carriageway. Retrospective works to comply with this condition shall be undertaken within 1 month of the date of this decision.

#### REASON

In the interests of safety on the public highway.

#### Notes

1. 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.
2. The smoking shelter and elevational change to provide a doorway into this shelter remain unauthorised. You are advised that an application for retention of these works is necessary.

3. The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): ECON9 (Re-use of Rural Buildings), ENV2 (Green Belt), ENV11 (Neighbour Amenities), ENV13 (Building Design), ENV14 (Access Design) and TPT6 (Vehicle Parking).

#### Justification

The proposal is considered to be an appropriate re-use of a rural building with suitable transport links to sustain the use. Noise and traffic movement impacts are noted, but are considered to be either acceptable, or controlled by condition or other legislative powers. Visual amenity and character impacts are also acceptable, and there is not considered to be any detriment to highway safety. The proposal is therefore in accordance with saved policies ECON9, ENV2, ENV11, ENV13, ENV14 and TPT6 of the North Warwickshire Local Plan 2006 and national policies as set out in Planning Policy Guidance Note 2. There are no material considerations that indicate against the proposal.

## BACKGROUND PAPERS

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

### Planning Application No: PAP/2010/0584

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans	15/11/2010 & 23/11/2010
2	Mr & Mrs Underhill	Representation – objection	13/12/2010
3	Jean MacDonald	Representation – objection	15/12/2010
4	Kim Reynders	Representation – objection	15/12/2010
5	Lynne Hancock	Representation – objection	15/12/2010
6	Packington Estate	Representation – objection	15/12/2010
7	Caroline Spelman MP (Meriden)	Representation – comments	16/12/2010
8	Cllr David Bell (Solihull)	Representation – objection	20/12/2010
9	Rosie Weaver	Representation – objection	5/1/2011
10	Environmental Health	Consultation reply – no objection	10/1/2011
11	Environmental Health	Consultation reply clarification	11/1/2011
12	WCC Highways	Consultation reply – no objection	11/1/2011
13	Meriden Parish Council	Consultation reply – objection	13/1/2011
14	Environmental Health	Additional consultation reply	14/1/2011
15	Case Officer and Applicant	Email correspondence	20/1/2011 & 21/1/2011
16	Dan Byles MP	Representation – comments	24/1/2011

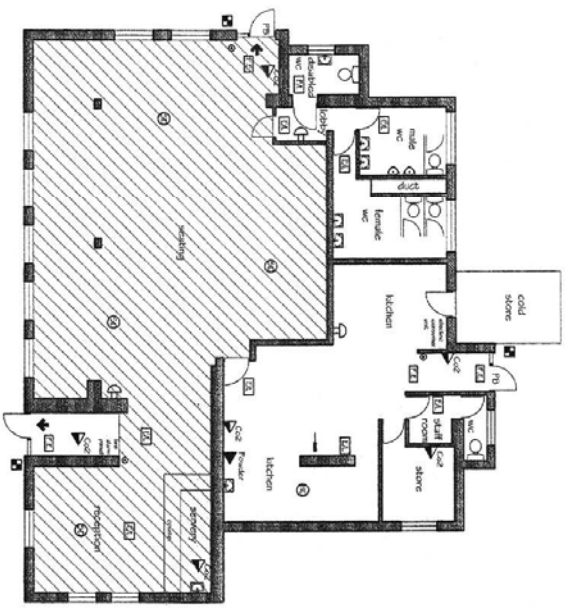
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LOCATION PLAN 1:1250



GROUND FLOOR PLAN

FIRE KEY

- ☐ EMERGENCY LIGHT (non maintained)
- ☐ ILLUMINATED FIRE EXIT SIGN
- ☐ 3 hour maintained signage to BS 2560
- ☐ NON-ILLUMINATED FIRE EXIT SIGN
- ➔ RUNNING MAN SIGN
- ⊕ BREAK GLASS POINT with M prominently displayed
- ⊕ FIRE ALARM SIREN
- ⊕ FULLY MAINTAINED MAINS OPTICAL SMOKE & HEAT DETECTION to BS 5839 p11 1986
- ⊕ EXTERNAL EMERGENCY LIGHT (NON MAINTAINED)
- FIRE BLANKET
- FIRE EXTINGUISHER (powder)
- ☑ FIRE EXTINGUISHER (carbon dioxide)
- ☑ PUSH BAR - emergency exit

AREA HATCHED THIS INDICATES LEGAL AREA

notice approved by the fire authority, outlining emergency procedure.  
 Fire fighting equipment to comply with BS 5423 1987 & BS 5306 pt 3 1985  
 Fire signs & notices to BS 5499 p11 1990

ROBERT VENTROGROSHINE  
 BORDOUSH COUNCIL  
 23 NOV 2010  
 PLANNING DIVISION

Reference	Logbook	Notes
Revision		
Project	LICENCE PLAN	
Client	CLUB SNICE BIRMINGHAM ROAD MERRIDEN CV7 7JT	
Drawn	Date	July 2010
Scale	1:100 (shown posted at A3 format)	
<b>S. H. Architectural Services Ltd.</b>		
33 Debdon Road, Emsdon, Coventry CV5 9PC		
Telephone 02476 7667 9753, Fax 02476 7667 0567		
Email <a href="mailto:sh@shad.co.uk">sh@shad.co.uk</a>		
Contract number	207710	Copyright ©
		Size

## **(9) Application No: PAP/2010/0592**

### **The Sportsman's Arms, Perryman Drive, Piccadilly**

#### **Demolition of public house and redevelopment consisting of 19, 2/3 bedroom dwellings with associated car parking for Waterloo Housing Association**

##### **Introduction**

This application is reported to Board because alternative access arrangements have been proposed, both of which have led to representations being made. It is considered that the Board should decide the balance of those comments.

##### **The Site**

This is around 0.3 of a hectare of land immediately to the south of the existing settlement of Piccadilly set some 100 metres back from Trinity Road. There is currently a vacant public house/restaurant on that part of the site immediately adjacent to the residential properties of the village. The associated car park, hard standings and some green space extends up to the road known as Perryman Drive which serves a community centre building, its car park and the open playing field/recreation area further to the south from its junction with Trinity Road. To the north are the residential properties of Piccadilly – particularly the old mining terraces comprising two and a half storey houses, and other more modern semi-detached property. There is a concrete wall and a palisade fence bounding the site to the north, but there are pedestrian links to the community centre and recreation ground from the existing houses.

##### **The Proposal**

It is proposed to demolish the two storey public house/restaurant; to remove all of the car parking and hard standing, so as to redevelop the site with nineteen new two/three bedroom “affordable” properties. All vehicular access is to be through Piccadilly with no vehicular connections to Perryman Drive. The layout is based on small blocks of terraced properties. Pedestrian access links would be maintained such that the community centre and recreational areas can be accessed. All of the properties would be “affordable” and managed through the applicant company. The appearance of the houses reflects the traditional brick and tile character of the area with a mixture of arched and straight lintols over openings, and some render. All buildings would be built to the Code Three level in terms of energy conservation. Appendices A and B show the proposed layout and elevations.

Half of the site, namely that comprising the existing public house is within the defined development boundary of Piccadilly, whereas the remainder is outside in the Green Belt. The applicant has put forward the very special circumstances which he considers are of sufficient weight to override the presumption of refusal for the residential proposals on that part of the site within the Green Belt. These are that the Green Belt boundary here is wholly arbitrary going through the public house car park; the reference in PPG2 (paragraph 3.4) to affordable housing for community needs not necessarily being inappropriate within the Green Belt, the 2009 Housing Needs Survey showing a need for some 21 family dwellings in the Kingsbury Ward,

the closure of the public house/restaurant due to it being unviable, and the services and facilities available locally and accessible by public transport.

The Green Belt boundary running through the site is illustrated in Appendix A.

The application was accompanied by a Design and Access Statement, including a Planning Statement; a Phase 1 Ground Conditions Assessment, with a bat survey being submitted later.

## **Background**

The application is not one that meets the criterion for referral to the Secretary of State for Green Belt reasons, should the Council be minded to support the proposal, as the proposed nett floor space of the built development actually in the Green Belt falls below the threshold contained in the 2009 Direction relating to referrals.

The size of this site is below the threshold defined under the “urban development project” category of Schedule 2 of the Environmental Impact Assessments Regulations 199, as amended, for consideration as to whether an Environmental Statement should be submitted with the application.

## **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 2 (Development Distribution), Core Policy 6 (Local Services and Facilities), Core Policy 8 (Affordable Housing), ENV2 (Green Belt) ENV11 (Neighbour Amenities). ENV13 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG 3 (Development Outside of Development Boundaries), HSG4 (Densities), ECON12 (Services and Facilities in Category 3 and 4 Settlements) and TPT6 (Vehicle Parking)

## **Other Material Planning Considerations**

Government Guidance and Policy: PPG2 (Green Belts), PPS3 (Housing) and PPG13 (Transport)

Council Documents: Housing Needs Survey 2009 together with the Affordable Housing Supplementary Planning Document (2008)

## **Consultations**

Environment Agency – Do not wish to make comments.

Warwickshire Highway Authority – Originally expressed concerns about the adequacy of the access onto Trinity Road via Perryman Drive due the restricted visibility and the speed of the traffic. There is no objection in principle to the alternative access arrangement as now proposed through Piccadilly, subject to the design of the first part of the new road being to adoptable standards so as to accommodate the turning of a refuse vehicle. The plans accommodate this requirement.

Warwickshire Wildlife Trust – The site adjoins the Kingsbury Wood SSSI. The Phase One report suggests that any contamination here is low risk and therefore proposals to remove any pockets are beneficial to the SSSI. The site itself will be used by bats when they fly over it from their roosts in the Wood, but more importantly, the pub/restaurant building may well host bat roosts as it has been vacant for a little while. A bat survey is needed and mitigation measures installed as appropriate into the new houses. Grass snakes have been recorded in the area, but they are unlikely to be found on the hard surfaces of the application site.

Natural England – It originally lodged an objection as it had no information on the proposed surface water disposal system and the ground conditions of the site as disturbance could be caused to the nature conservation value of the adjoining SSSI. Additionally it was concerned about the presence of bats and repeated the matter concerning grass snakes as identified by the Trust. With the receipt of the bat survey which shows no evidence of them at the site, it has withdrawn that objection. It is also aware of the Phase One survey and in light of proposed conditions relating to a Phase 2 ground conditions assessment and the proposed surface water system, it has withdrawn its objection in respect of this matter. It agrees that a suitable note can be attached to any permission in respect of the reptiles.

Environmental Health Officer – Satisfied with the conclusions reached in the Phase One report. Further investigative work is now recommended, which can be conditioned. The site is subject to noise from the M42 Motorway, the rail sidings at the oil terminal and the EMR premises. It is advisable that a noise survey is undertaken in order to establish the level of noise attenuation measures that need to be built into the construction of the houses. This can be conditioned.

Warwickshire Police – No objections

Fire Services Authority - No objection subject to a standard condition

## **Representations**

Kingsbury Parish Council – Originally objected to the scheme when access was proposed via Trinity Road as it would be on Green Belt land; any access onto Trinity Road would be inadequate and increased traffic would bring added hazards to Perryman Drive particularly as the area is heavily used by local children to play. Its revised comments on the alternative layout and access arrangements will be reported to the Board at the meeting.

A representation received welcomes the demolition of the “neglected” public house, and would like to see the pedestrian links with the existing village.

An objection was received from the Piccadilly Community Association based on the original proposals with access off Trinity Road. The matters mentioned referred to the “separation” of the scheme from the village; the loss of car parking available for the Club, the inadequacy of the access onto Trinity Road and the increased hazards associated with more traffic in an area regularly visited by children.

The Association has also commented on the revised plans with access through Piccadilly. It is concerned that eight of the houses closest to Piccadilly do not face the village; the need for direct pedestrian access to the Community Centre, the future adoption of Perryman Drive, the existing flooding issues on the site need



resolution, the car park for the Centre is still too small, and the lack of facilities in the village.

A further objection refers to the loss of the pub/restaurant and the potential worsening of flooding problems.

The proposals were the subject to public consultation carried out by the applicant prior to submission, based on access being from Perryman Drive and Trinity Road, and a record of the comments made at that time is attached at Appendix C.

A re-consultation exercise has taken place in light of the receipt of amended plans as described. At the time of preparing this report three objections had been received from residents concerning the proposed access through Piccadilly. They cite existing difficult driving and parking conditions being exacerbated by more traffic and increased dangers for children playing in the area. In particular it is said that there is limited parking already and the Police have had to be called because of illegal parking and blocked roads; the access to the site is circuitous and difficult because of parked cars, the access onto Trinity Road is just as bad as at Perryman Drive and there are existing drainage problems. If further representations are received, then these will be reported to the Board at its meeting.

## **Observations**

About half of this site is inside the development boundary for Piccadilly where there is a presumption that new housing would be supported. The Local Plan defines Piccadilly as a Category Four Settlement, and thus all new housing here should be “affordable” housing within the definition set out in that same Local Plan. As a consequence, there is no objection in principle to the redevelopment of that part of the site within the settlement boundary for affordable housing as set out in this application. The key planning policy issue with this application turns on that part of the application that is in the Green Belt.

New residential development is inappropriate development in the Green Belt as set out in the Government’s PPG2. However, the guidance does indicate that where such housing is to meet the affordable housing needs of a local community then it might not necessarily be inappropriate. This is expanded in the Government’s PPS3. This recognises that opportunities for the provision of affordable housing in rural communities may be more limited. As a consequence Rural Exception Sites could be supported on land not normally considered appropriate for housing, for example because of policies of restraint, but only if they are specifically used for affordable housing purposes, and preferably on land adjoining those communities. Such sites can only be used for affordable housing in perpetuity and need to address the local needs of that community. Local Plan policy HSG2 reflects this approach. Hence the proposed housing here might not necessarily be inappropriate. In this case, there is a robust evidence base for the quantity and type of house being proposed, and the applicant as one of the Council’s partner Registered Social Landlords, will ensure that it is managed to meet the definitions of affordability in the Local Plan and in perpetuity. There is therefore a basis here to support this proposal as a whole. In order to add weight to this support, it is considered that if the redevelopment scheme only related to that part of the site within the development boundary, then a maximum of around six or seven units could be provided due to the physical shape of that part of the site. That would be unlikely to be a viable scheme due to the costs of demolition of the public house and the costs of providing new infrastructure for so few houses. Moreover it would only meet some of the local community’s housing

needs. Another site would be needed. Additionally, there is an argument that because the site is hard up against the built form of Piccadilly, then the development of that part of the site in the Green Belt adjacent to Piccadilly would not have a material impact on the openness of the Green Belt hereabouts, and that it would accord with the preference of these sites being adjacent to rural communities. This is not wholly accepted as around half of the new houses here are to be located in the Green Belt and it is considered that such a scale of new built form will lead to loss of openness. The key issue therefore is whether that dis-benefit is overriding in this case, given the other benefits as identified above. Other matters need to be explored as part of this balancing exercise.

The first of these is the loss of the public house/restaurant. It is not considered that this would be material to the settlement's community. The facility itself has had difficulties and has had a number of tenants. It is presently vacant, and there has been very little interest shown. Continued disuse could lead to anti-social behaviour. Moreover there is a community centre a few metres away. In these circumstances it is considered that the loss of this facility is not material. Local Plan policy supports and encourages the retention of such facilities in the larger settlements, not necessarily in the smaller ones such as Piccadilly. Secondly, the site itself is accessible to Kingsbury where there are education, community and health facilities. Access can be achieved through a regular 'bus service along Trinity Road as well as by car. There are pavements along Trinity Road too. Thirdly, there are no technical reasons arising from the consultation process to prevent development, and at the time of preparing this report, there has been little in the way of objection to the principle of the proposal from the local community.

In all of these circumstances it is considered that the loss of openness is, on balance, not an overriding factor here, and that the material planning considerations set out above do constitute the very special circumstances necessary to outweigh the presumption of refusal for inappropriate development in the Green Belt.

The design and appearance of the proposed houses is appropriate to the area, and follows the approach taken in other similar schemes in the Borough. Pedestrian connections from Piccadilly into the site and beyond to the community centre and the open space are shown on the plans. Two parking spaces per dwelling are being proposed which meets the provision expected under the Council's guidelines.

As indicated above there have been no adverse comments from the consultees that can not be dealt with by conditions. It is recognised that there are existing drainage problems in this part of Piccadilly, and the applicant has confirmed that any new measures would be comprehensive in their design. A condition can be attached to the grant of any permission requiring full details of the proposed drainage for this site to be agreed prior to any work commencing. Any permission too can make reference to the need for improvements in the existing system where appropriate.

The introduction to this report referred to an alternative scheme – one which was submitted with the original application. This involved all vehicular access coming off Perryman Drive and its junction with Trinity Road. Only pedestrian access would be via Piccadilly. This arrangement was considered to lead to adverse impacts which cumulatively would outweigh the benefits of the scheme as outlined above. These impacts were: Highway Authority concerns about the adequacy of the visibility for drivers exiting from Perryman Drive onto Trinity Road; the speed of traffic using that road, the narrow width of Perryman Drive, it not being an adopted road, its use for on-street car parking when matches are being played on the adjoining pitches, and

the fact that the new development would not be perceived as part of the wider community with only a pedestrian link. Whilst the principle of the development could still be supported using this access arrangement, the impacts as described were considered to be significant. These could be avoided with the alternative access arrangement as described in the current plans. However it is accepted that there are also still adverse impacts with these plans. In particular, the increase in traffic using Piccadilly has been referred to, and its potential effect on increasing parking difficulties and worsening the overall environment. In mitigation, the applicant indicates that the new proposed houses will each have two car parking spaces on site, thus avoiding additional parking on Piccadilly itself, and that there would be a rumble strip to be provided across the access from Piccadilly, in order to slow traffic speeds. In respect of the concerns from the Community Association, then Perryman Drive is currently a private road and would remain so even had the proposals gained access over it. There is a pedestrian access to the playing fields. If a further one is added this may well attract residents to park in the Association's car park and use Perryman Drive for access. It is considered that the balance here lies with the pedestrian access position as illustrated on the plans. The car park capacity for the Community Centre at 39 spaces is well over Development Plan requirements, and the centre will pick up customers who walk to the Centre. The criticism that one of the housing blocks faces "away" from Piccadilly is understood, but the geometry of the road layout constrains any other arrangement.

The Board has to weigh up all of these issues. If Members consider that the benefits arising from the housing provision outweigh the Green Belt issues, then they need to decide on the preferred access arrangements. There are benefits and dis-benefits with both alternatives that have been discussed. It might be too, that the adverse impacts from both arrangements are of such weight that neither can be supported and thus the application will fail. Officers consider that overall, the balance between all of the issues as described above is considered to fall with the current arrangements.

## **Recommendation**

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

- i) Standard Three Year condition.
- ii) Standard Plan numbers – 9042/06E, 07, 08 and 09 received on 25/1/11.
- iii) This permission shall enure solely for the benefit of a Registered Social Landlord and for no other persons or organisation whomsoever.

## **REASON**

In recognition of the very special circumstances of this case being treated as a Rural Exception Site within the Green Belt.

- iv) No development shall commence on the site until such time as details of all facing and surfacing materials to be used throughout the site 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.

- v) No dwelling hereby approved shall be occupied until such time as the whole of the access, parking and turning areas as shown on the approved plan have first been provided, completed and marked out in full to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety and so as to reduce the likelihood of on-street parking.

- vi) No development shall commence on site until such time as full details of the means of disposing foul and surface water from the site have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented.

REASON

In order to reduce the likelihood of flooding and the risk of pollution.

- vii) No work shall commence on site until such time as a Phase 2 Intrusive Investigation into the ground conditions at the site has first been undertaken and completed in accordance with a brief that shall first have been submitted to and approved in writing by the Local Planning Authority. This investigation shall include recommendations for the method of remediation of any ground contamination found as a consequence of the work undertaken.

REASON

In order to reduce the risk of pollution.

- viii) No work shall commence on site until the Local Planning Authority has agreed in writing a Validation Report to be submitted by the developer, which confirms that any remediation measures agreed under condition (vii) above or as otherwise recommended by the Authority, have been completed in full.

REASON

In order to reduce the risk of pollution.

- ix) No development shall commence on site until such time as a noise assessment report has been undertaken in accordance with a brief that shall first have been submitted to and approved in writing by the Local Planning Authority. This assessment shall make recommendations regarding noise attenuation measures to be included in the construction of the houses hereby approved, commensurate with the conclusions of that assessment. These measures shall be agreed in writing by the Local Planning Authority.

REASON

In order to reduce any adverse impacts of noise pollution.

- x) No house hereby approved shall be occupied until such time as any measures agreed under condition (ix) above have first been installed into the houses to the satisfaction in writing of the Local Planning Authority.

REASON

In order to reduce any adverse impacts of noise pollution.

- xi) No work 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 been submitted to and approved in writing by the Local Planning Authority. No house shall then be occupied until the approved scheme has been fully implemented to the satisfaction of the Local Planning Authority.

REASON

In the interests of fire safety

Informatives:

- i) Policies – as set out above.
- ii) Warwickshire Wildlife Trust advise that its biological records show that there are grass snakes recorded in the area. It is unlikely that they use this site regularly, but they could do intermittently. The Trust wish to alert the developer to this record and to the fact that these reptiles are protected under the Wildlife and Countryside Act 1981 (as amended).
- iii) Advice on the scope of the briefs referred to in respect of the Ground Conditions and Noise Surveys can be sought from the Environmental Health Officer of the Council.
- iv) It is understood that there are existing surface water and flooding concerns on the site. The details required by condition above should take this into account wherever appropriate

## Justification:

Half of this site is within the development boundary of Piccadilly where new housing is supported provided that it is all affordable housing as defined by the Development Plan. In this case it is. The remainder of the site is in the Green Belt where residential development is inappropriate by definition. The applicant has put forward material planning considerations of such weight which he considers amount to the very special circumstances necessary to override the presumption of refusal. These considerations are that: the development should be taken to be a Rural Exceptions Site for affordable housing, there is significant evidence of local housing need to establish the basis for the development, the development is on the edge of the settlement, there is little impact on openness and the proposals remove a derelict building and the development as a whole is needed if the scheme is to be viable. These arguments are accepted. There will be an adverse impact on the openness of the Green Belt due to the number of units being proposed, but it is considered that this impact is limited with the development being hard up against the settlement boundary; there being a large building already on site and particularly because of the local housing need being addressed through the scheme. The loss of the public house is not considered to be of such weight to warrant refusal given the greater weight to be given to the community need for affordable housing and the fact that there is a Community Association building very close by. There are no technical objections arising from the consultation process that can not be dealt with by condition and there has been little in the way of objection to the principle of the development from the local community. The proposals therefore accord with the saved policies of the Development Plan – ENV2, ENV11, ENV12, ENV13, ENV14, HSG2, HSG3, ECON12 and TPT6, together with government guidance in PPG2 and PPS3.

## BACKGROUND PAPERS

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

### Planning Application No: PAP/2010/0592

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans	17/11/10
2	Environment Agency	Consultation	23/11/10
3	Mr Moore	Representation	25/11/10
4	Environmental Health Officer	Consultation	10/12/10
5	Mr Thomas	Objection	12/12/10
6	Community Association	Objection	12/12/10
7	Kingsbury Parish Council	Objection	16/12/10
8	Warwickshire Police	Consultation	16/12/10
9	WCC Highways	Objection	14/12/10
10	Warwickshire Wildlife Trust	Consultation	05/01/11
11	Agent	E-mails	11/01/11
12	Agent	Amended Plans	24/01/11
13	Head of Development Control	E-mails	25/01/11
14	Natural England	Consultation	26/01/11
15	Natural England	Consultation	28/01/11
16	Agent	E-mail (Bat survey)	26/01/11
17	Mr Marsh	Objection	27/01/11
18	Mr Fielding	Objection	27/01/11
19	Fire Services Authority	Representation	30/01/11
20	Mr & Mrs Moore	Objection	01/02/11
21	Agent	E-mail	01/02/11

*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.*





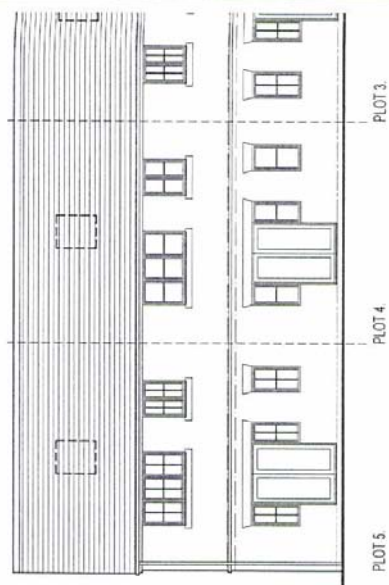
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PLAN.  
Scale 1/1250



green  
belt  
boundary

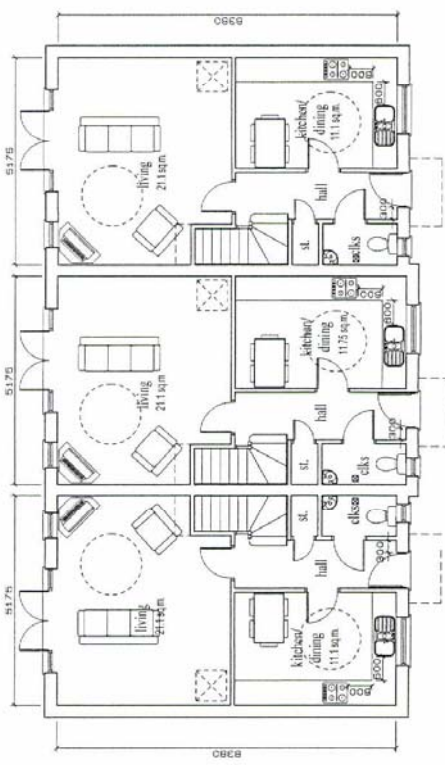


SITE LAYOUT.  
Scale 1/500.

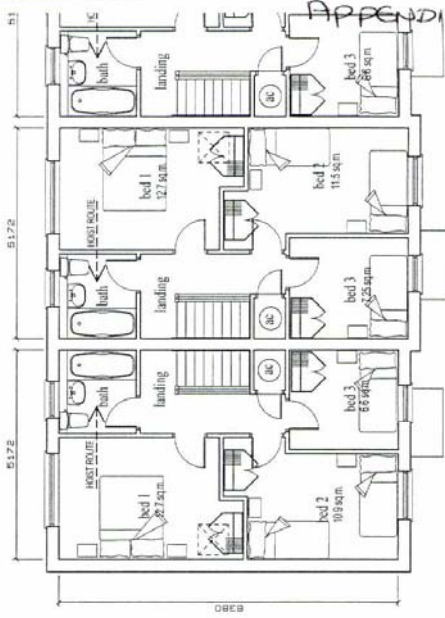


FRONT ELEVATION.

REAR ELEVATION.



GROUND FLOOR PLAN.



FIRST FLOOR PLAN.

APPENDIX B



**What do you consider the most important attributes of the site?**

No access from Piccadilly is good  
 Problems with parking already  
 Take down ugly fence that separates site  
 Do not open up Piccadilly  
 Having access from Perryman Drive  
 Want access for pedestrians but not for cars  
 To keep respectable families in area  
 Access from old houses – existing way through to social club  
 May be vandalised if fencing goes up (people with mobility problems use it)  
 Drainage problems currently also problems with pub previously  
 Anything is better than what is there  
 That the houses will be integrated into the village  
 Access from Piccadilly to the community centre  
 Happy with outline  
 Was concerned about use e.g. sheltered but advised will be general needs  
 As long as there is still access to community centre  
 To have everywhere cleaned up

**Do you think the proposals address these attributes in a positive or negative way?**

Yes, anything to stop the kids from wrecking existing houses  
 New housing is much needed  
 Positive, happy with site  
 Do not have flats  
 Could be a positive, the new development to improve the village  
 Home Ownership good  
 Dependent on how it is sorted  
 Unfortunate now shop/post office for new residents  
 Ensure parking is sufficient for Social Club ( Football, Bingo, Parties)  
 Access out onto main road  
 Parking problems (no visitor spaces)  
 A large hole next to childrens playground  
 No problems with actual housing  
 Concerned about noise during construction as work nights  
 Another 19 families – not a lot for older children  
 Worried that bored older children have not got a lot to do – may cause nuisance  
 Very positive  
 Positive, it should make the village a more attractive place to live  
 It is a good thing, good for security  
 Positive, as long as careful with allocations.  
 Think about road naming, not to clash with existing  
 Does allow access to community centre, but would be better if access from Piccadilly just remains a walk way  
 Positive

**Do you experience any problems related to the current use of the site?**

Take down the conifers  
Damage to adjacent park  
Drug dealing  
Cars on Piccadilly  
Parking everywhere on Piccadilly  
Problems with parking  
Drainage problems  
Lighting problems to social club  
Children hanging around the pub whilst empty – firing air guns  
Has been break in back of Piccadilly – open at rear – worried will be worse with more people  
Football on Sundays – appx 30-50 cars currently use pub car park. How many spaces on communal car park?  
Development will open up new buildings on playing fields  
ASB  
Drug dealing  
Lots of problems  
No  
Trouble in the past, community centre broken into  
Would like pedestrian access through site  
Sewerage problems with pub in past  
Storm drains also needs to be looked at  
Car access  
Will we be doing something about wall/fence creating pedestrian access.  
Make sure that motorbikes can not get through  
Used to have problems with sewerage when it was Indian Restaurant  
Problems with sewerage and rats, would be nice to have cleared properly  
No

**Do you think it is possible to increase the level of accommodation on this site?**

Amazed you can get 19 on the site  
Reasonable amount of properties  
No  
No  
Happy with numbers  
No – unless a shop and post office can be accommodated  
No

**Do you think the proposals are sympathetic to the character of the surroundings?**

Take down the existing conifers  
Yes, houses look nice

Yes, happy with proposals  
Keeping playground fields etc  
Yes, very nice  
Yes

**Do you have any other comments?**

Pleased that access is off Perryman Drive  
Would like pedestrian access through development to Community Centre  
Design and access statement referred to shop which is not longer there  
Would like pedestrian access through site to Community Centre  
Happy to see new housing  
Have a strong letting policy  
Do not bring problems on to houses  
Land to rear of the site is MOD ground could we include this on our site  
Hope that people look after their properties  
Vehicle access through site as well as pedestrian  
Can we provide parking for existing residents in Piccadilly  
Used to be a public footpath from 73 Piccadilly to 2 Piccadilly Crescent  
Scheme is village friendly  
Fencing between development and Piccadilly will cause 'them and us' feeling  
No amenities – need a shop  
Concern that this will set precedent for development on playing fields  
Concern about level of traffic existing Perryman Drive onto main road  
Main storm drains come down Piccadilly into car park  
Flooding problems at end of Piccadilly  
Need pedestrian access through site  
Concern that fencing will create 'them and us' situation  
Please start soon  
Worried about car parking on football days  
No concerns  
Happy that access is off Perryman Drive  
Rats on existing site – need to deal with this  
Concern regarding who we will be housing – neighbour nuisance  
No shop or post office  
No amenities  
Poor public transport  
As long as people are screened to who lives here  
Lack of facilities

## Agenda Item No 5

### Planning and Development Board

14 February 2011

#### Report of the Chief Executive and the Deputy Chief Executive

#### Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - December 2010

### 1 Summary

- 1.1 This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to December 2010.

#### **Recommendation to the Board**

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

### 2 Consultation

#### 2.1 Portfolio Holder, Shadow Portfolio Holder and Ward Members

- 2.1.1 The Portfolio Holder and Shadow Portfolio Holder for Resources, Councillors Bowden and Butcher have been sent a copy of this report and any comments received will be reported to the Board.

### 3 Background

- 3.1 This report shows the position with the achievement of the Corporate Plan and Performance Indicator targets for 2010/11 for the first three quarters from April to December. This is the third report showing the progress achieved so far during 2010/11.

### 4 Progress achieved during 2010/11

- 4.1 Attached at Appendices A and B are reports outlining the progress achieved for all the Corporate Plan targets and the performance with the national and local performance indicators during April to December 2010/11 for the Planning and Development Board.

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

Red – target not achieved

Amber – target currently behind schedule and requires remedial action to be achieved

Green – target currently on schedule to be achieved.

## 5 Performance Indicators

- 5.1 The current national and local performance indicators have been reviewed by each division and Management Team for monitoring for the 2010/11. Members should be aware that the current set of national indicators have been reviewed by the Coalition government and have all been stopped. In a recent announcement the Secretary of State for Communities and Local Government has confirmed the replacement of the National Indicator Set with a single comprehensive list of all the data expected to be provided by local government to central government. The data requirements are being reviewed and reduced for April 2011 onwards.

## 6 Overall Performance

- 6.1 The Corporate Plan performance report shows that 83% of the Corporate Plan targets and 67% of the performance indicator targets are currently on schedule to be achieved. The report shows that individual targets that have been classified as red, amber or green. Individual comments from the relevant division have been included where appropriate. The table below shows the following status in terms of the traffic light indicator status:

### Corporate Plan

Status	Quarter 3 Number	Percentage
Green	5	83%
Amber	1	17%
Red	0	0%
Total	6	100%

### Performance Indicators

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

## 7 Summary

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



## 8 Report Implications

### 8.1 Safer Communities Implications

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

### 8.2 Legal and Human Rights Implications

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

### 8.3 Environment and Sustainability Implications

8.3.1 Improvements in the performance and quality of services will contribute to improving the quality of life within the community.

### 8.4 Risk Management Implications

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

### 8.5 Equalities

8.5.1 There are indicators relating to Equality reported to other Boards.

### 8.6 Links to Council's Priorities

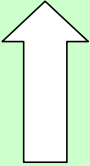
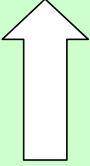
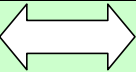

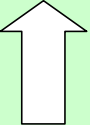
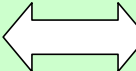
8.6.1 There are a number of targets and performance indicators included relating to protecting and improving our environment and defending and improving our countryside and rural heritage.

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

### Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date
National Indicators for Local Authorities and Local Authority Partnerships	Department for Communities and Local Government	Statutory Guidance	February 2008

Ref	Start Date	Action	Board	Lead Officer	Reporting Officer	Theme	Sub-Theme	Update	Traffic Light	Direction
30	Apr-10	To move towards the management of development rather than its control where appropriate, looking at development proposals as an opportunity to deliver the Council's priorities and objectives as set out in the Sustainable Community Plans, the Corporate Plan, and not just the Development Plan. To report on the effectiveness of this approach by March 2011	Planning & Development Board	Head of DC	Jeff Brown	Countryside & Heritage		Development management is becoming more embedded in decision making - eg. the Section 106 for Phase 2 of Birch Coppice. This will be reported in more detail to Board in March 2012	Amber	
33	Apr-10	Working with partners at the sub regional level to gather information and then develop a financial plan for financial contributions linked to development. At the same time gathering information locally and develop a robust financial plan for inclusion in the LDF process by February 2011 including a Supplementary Planning Document on contributions for Open Space provision within the LDF process by February 2011	Executive Board / Planning & Development Board	ACE&SC	Dorothy Barratt	Countryside & Heritage		Work continuing to be gathered although there may be implications from abolition of RSS and work on Core Strategy that may impact on the implementation.	Green	
34	Apr-10	Implementing the revised policy and provide an annual report on the outcomes of the Enforcement Policy by March 2011	Planning & Development Board	Head of DC	Jeff Brown	Countryside & Heritage		Enforcement Policy reviewed and adopted in Jan 2011. Annual performance report in summer 2011.	Green	
41	Apr-10	Considering planning applications so as to protect the best of our existing buildings and ensure new build is in keeping with the character of the area	Planning & Development Board	Head of DC	Jeff Brown	Countryside & Heritage		This is an ongoing planning consideration and report going to board in March 2012	Green	
43	Apr-10	To ensure design advice is given at pre-application stages in appropriate cases and to introduce a system of post development visits. Continue to use the design champion	Executive Board / Planning & Development Board	ACE&SC	Jeff Brown	Countryside & Heritage	DCE	Design Champion involved in pre-application discussions and post development visits now taking place.	Green	
44	Apr-10	To prepare for the Civic Award event in 2012	Planning & Development Board	ACE&SC	Jeff Brown	Countryside & Heritage	DCE	No action needed yet.	Green	

Performance Indicators

PI Ref	Description	Division	Section	High/Low is good	2010/11 Target	2009/10 Outturn	National Best Quartile	Performance	Traffic Light	Direction	Comments	Suggested reporting interval	Board
<b>Development Control</b>													
NI 157a	Processing of planning applications as measured against targets for major application types	Development Control	Development Control	High	65%	64.71%	81.6%*	53.3%	Amber	↓	This is an annual indicator. Decrease is due to applications requiring S106 agreements	Q	Planning and Development Board
NI 157b	Processing of planning applications as measured against targets for minor application types	Development Control	Development Control	High	85%	84.52%	84%*	88.24%	Green	↓		Q	Planning and Development Board
NI 157c	Processing of planning applications as measured against targets for other application types	Development Control	Development Control	High	95%	92.48%	93.91%	93.38%	Green	↓		Q	Planning and Development Board

## **Agenda Item No 6**

### **Planning and Development Board**

**14 February 2011**

**Report of the  
Head of Development Control**

**National Planning Guidance –  
Revised PPG13 (Transport)**

#### **1 Summary**

- 1.1 At the beginning of this year the Government published a revised version of its Planning Guidance Note on Transport matters. This report outlines the main changes made.

<b>Recommendation to the Board</b>
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<b>That the report be noted.</b>
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#### **2 Background**

- 2.1 Government guidance on transport issues in respect of planning matters was contained in its Planning Policy Guidance Note Number 13, which dates from 2001. This has now been re-issued with immediate effect, in order to reflect the current Government's thinking on some particular issues. It thus becomes a new material planning consideration in the determination of planning applications.

#### **3 The Changes**

- 3.1 The first change removes the advice to encourage high parking charges in major urban areas. The second change removes the need for Authorities to limit car parking provision within residential development proposals. Both changes are said to increase "local" accountability by leaving it free for each Authority to decide levels of car parking provision and charges that it sees appropriate to the conditions in its own area. It is noteworthy that the new Guidance explicitly states that the imposition of parking standards should not apply to "small developments" and the thresholds are then outlined in the Note. It continues by explicitly saying that, "by virtue of the thresholds, this locally based approach will cover most development in rural areas".
- 3.2 This means that the car parking standards as set out in the North Warwickshire Local Plan 2006 will still remain for the time being, as the Council's requirements for car parking provision. Members may recall that these did reflect our own local circumstances in any event, at the time of their preparation, as they differentiate between different settlements in the assessment of car parking provision. They will however, clearly need to be

reviewed as part of the work presently underway on the Local Development Framework.

#### 4 **Report Implications**

##### 4.1 **Environment and Sustainability Implications**

4.1.1 All development proposals should seek a balance between the need for car parking provision; support for existing and new modes of public transport and the viability of existing centres and services.

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

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1		Communities and Local Government; PPG 13 (Transport) 2011.	

## Agenda Item No 7

### Planning and Development Board

14 February 2011

Report of the  
Head of Development Control

Proposals for the Expansion of  
the Daventry International Rail  
Freight Terminal - Consultation

#### 1 Summary

- 1.1 The Council has been invited to comment at a preliminary stage about proposals to significantly expand the Rail Freight Terminal at Daventry.

#### **Recommendation to the Board**

**That the Council responds as highlighted in this report together with any further representations that the Board may wish to make.**

#### 2 Background

- 2.1 Rugby Radio Station Limited and its joint venture partner, Prologis, propose to submit an application for an Order granting Development Consent to allow for the expansion of the present Daventry International Rail Freight Terminal (DIRFT). The proposals fall into the definition of a Nationally Significant Infrastructure Project and therefore the application for the Order is to be submitted to the Infrastructure Planning Commission (IPC) for consideration. It is anticipated that this will be made in the late Spring. The Council has been invited to comment on the proposals prior that submission.

#### 3 The Present Position at DIRFT

- 3.1 Members will be aware of the present DIRFT site at Junction 18 on the M1 Motorway at Crick where the A5 joins that Motorway. The present arrangement is a rail-linked logistics park with an intermodal area where goods can be dispatched by either road or rail. The rail link is to the Rugby/Northampton line that connects with the West Coast Main line. The current facility provides 390,645 square metres of warehousing at DIRFT 1, and a further 180,741 square metres of rail linked warehousing which is currently under construction at DIRFT 11. The site employs around 4000 people with a further 2000 expected at DIRFT 11 when this is complete.

#### 4 The Proposals

- 4.1 The third phase of DIRFT would involve a substantial expansion of the existing facility, more or less doubling the existing capacity of phases 1 and 11. This would be located between the A5 and the M1 Motorway running north from the edge of the existing DIRFT 1 development up to the site of the

present HGV services and parking area just south of the village of Lilbourne. This would provide up to 714,000 square metres of additional rail served storage and distribution floor space. The existing first phase of DIRFT includes the rail port and its associated rail sidings. As part of the expansion plans to create a third phase of development, the existing intermodal area would be closed, but the rail sidings would remain. A new rail terminal would be relocated in DIRFT 111 by extending the rail connections across the A5 and into the expanded area. The rail connections of the DIRFT 11 warehouses would remain. The existing HGV Services would be redeveloped and enlarged at the northern end of the proposed DIRFT 111 area. In total, around 9000 further jobs are anticipated from DIRFT 111. In addition to perimeter landscaping around the site, a new 70 hectares of open space and landscaping would be created at the northern end of the site, to ensure a buffer between the development and the village of Lilbourne remains.

- 4.2 If Consents are granted, work is expected to commence in 2013.
- 4.3 If Members would like more detailed information about this proposal then this can be obtained directly from the project website at [www.DIRFT111.com](http://www.DIRFT111.com).
- ... 4.4 This proposal is illustrated at Appendix A.
- 4.5 Members will note that this plan also shows a significant expansion of Rugby itself – marked as a Sustainable Urban Extension (SUE). This is not part of the submission to the IPC. These proposals are contained in Rugby Borough Council's Core Strategy which is presently subject to an Examination in Public.

## 5 Observations

- 5.1 There is no direct impact on the interests of this Borough, but Members may wish to consider the following matters in making their representations at this stage.
- 5.2 Firstly, there are questions over the capacity of the A5. Whilst it is to be expected that much of the HGV traffic would use the M1, M6, M42 and M69 Motorways to access this site, there must be concerns about the capacity on these roads too. Additionally there are already existing Logistics and Distribution Centres along the length of the A5 from the M1 right up to the M6. HGV movements would undoubtedly increase if occupiers on these Centres used the rail facility at DIRFT.
- 5.3 Secondly, the impact on the two rail served terminals in North Warwickshire needs to be explored. The scale of the DIRFT 111 proposals is such that the passage of goods might be transferred to DIRFT and away from Birch Coppice and Hams Hall.
- 5.4 Thirdly, whilst the overall pool of job opportunities would be substantially expanded, the impact on the existing job provision at North Warwickshire's existing centres needs to be explored. This proposal has the capacity to draw employees from a wide geographic area, and thus could provide substantial competition to the Borough's pool of employment opportunities.

5.5 Fourthly, the traffic impact is not limited to HGVs alone. There would be a substantial increase in light traffic movements arising from employee movements. Effective green travel plans are needed with bespoke arrangements for occupiers in order to limit traffic generation and to cater for varied shift changes.

## 6 Report Implications

### 6.1 Sustainability and Environmental Implications

6.1.1 There could be implications for the Borough as explained in this report which need to be explored further by the IPC in its consideration of this proposal.

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
1	Nathaniel Lichfield and Partners	Letter	20/1/11



# THE PROPOSALS

This page shows an illustrative masterplan of the proposals for DIRFT III in context to its current and possible future surroundings. DIRFT II is currently being built and includes 180,741 sq m of directly rail-connected buildings.

## DIRFT I & II

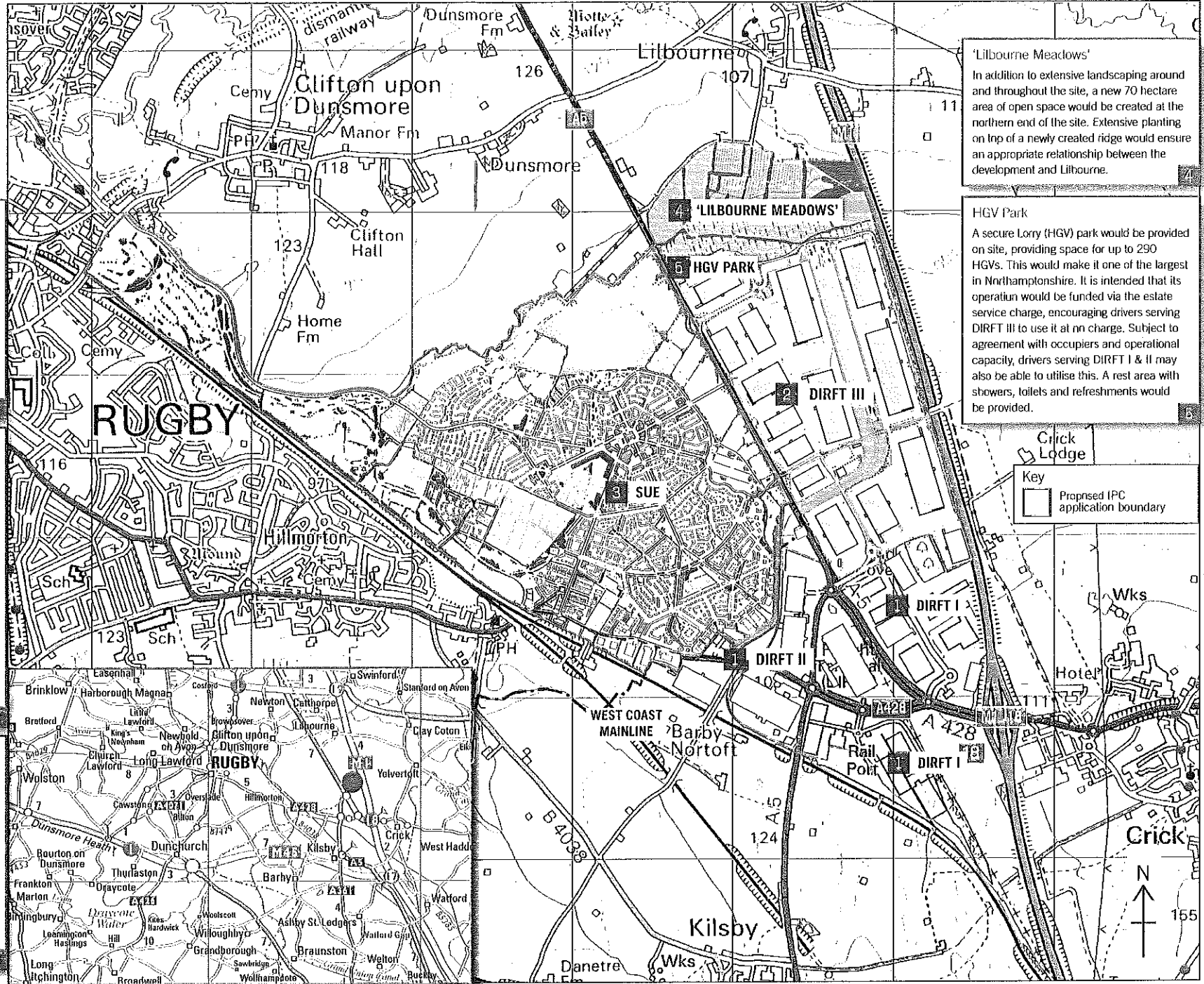
The original DIRFT estate includes 16 warehouse buildings and a rail port (the 'intermodal area') with associated rail sidings. As part of the proposals for DIRFT III, the current intermodal area would be closed, with the sidings remaining. DIRFT II is currently being built and includes 180,741 sq ft of directly rail-connected buildings. The site currently employs some 4,000 people, with over 2,000 more anticipated once DIRFT II is completed and occupied.

## DIRFT III

The DIRFT III proposals would include: a rail link from the existing terminal to a replacement rail terminal which includes new transhipment sidings, container storage and an HGV reception area; up to 714,000 sq m of rail served storage and distribution floorspace; operational facilities including rail control building and staff facilities; a lorry park; strategic open space, and; infrastructure to serve including roads and bridges. Although the 'Lilbourne Meadows' would be created at the outset of the project, the development is likely to be completed over approximately 15 years. The proposals are also expected to generate around 9,000 new jobs.

## Sustainable Urban Extension (SUE) to Rugby

This image also includes the proposed masterplan (in grey) for the SUE proposals on Radio Station land to the west of the A5. This proposal includes some 6,200 new homes, public open space and employment areas to create up to 2,800 new jobs. These proposals are a proposed allocation in Rugby Borough Council's Core Strategy document and this is subject to an Examination in Public by a government inspector which commenced in December 2010.



**'Lilbourne Meadows'**  
In addition to extensive landscaping around and throughout the site, a new 70 hectare area of open space would be created at the northern end of the site. Extensive planting on top of a newly created ridge would ensure an appropriate relationship between the development and Lilbourne.

**HGV Park**  
A secure Lorry (HGV) park would be provided on site, providing space for up to 290 HGVs. This would make it one of the largest in Northamptonshire. It is intended that its operation would be funded via the estate service charge, encouraging drivers serving DIRFT III to use it at no charge. Subject to agreement with occupiers and operational capacity, drivers serving DIRFT I & II may also be able to utilise this. A rest area with showers, toilets and refreshments would be provided.

**Key**

- Crick Lodge
- Proposed IPC application boundary

**Report of the  
Head of Development Control**

**Network Rail Proposals –  
Atherstone Station**

**1 Summary**

- 1.1 The report describes Network Rail's proposals for a new car park at Atherstone Station, which have recently been made public.

**Recommendations to the Board**

- a That the Board refers the closure of the footbridge to the Department of Transport for it to consider the closure of that bridge under the 2005 Railways Act;**
- b That Network Rail be requested to agree facing materials and street furniture details with the Council prior to work being undertaken on site;**
- c That Network Rail be requested to work with officers to prepare and implement a tree re-planting programme; and**
- d That Officers be requested to write to the Government and to its two MP's seeking support for the review of the Permitted Development rights granted to Network Rail under existing planning legislation.**

**2 Background**

- 2.1 Following the re-instatement of stopping trains at Atherstone by London Midland, Network Rail has begun to consider further works to the station in order to increase passenger numbers. The existing footbridge has had to be closed recently for safety reasons and thus alternative passenger access arrangements have been in place for a little while. These were always considered to be temporary by Network Rail until a more permanent solution, incorporating new car parking arrangements was drawn up. These have now been prepared and made public by Network Rail. The existing car park is located on the north side – the town side – of the station. In order to improve the use of the station and so as to provide less inconvenience to passengers, a new additional car park is to be proposed on the south side of the station. In addition pedestrian access from the south side to the north is to be improved, as the bridge is to be removed.

2.2 Network Rail held a public exhibition of its proposals in early February.

### **3 The Proposals**

3.1 The existing footbridge will be removed and the existing car park on the town side will remain. A new eight space car park would be provided on the south side of the station with access from Merevale Road. Pedestrian access would be improved with a replacement stair and ramp to provide access to the Old Watling Street. There would also be improvements under the rail bridge over this road in order to reduce the likelihood of flooding and to improve lighting, in order to improve it as a route for customers. These proposals are illustrated at Appendix A.

### **4 The Council's Remit**

4.1 It will probably come as no surprise to Members to learn that the great majority of the work proposed above is "permitted development" by virtue of the benefits which Network Rail enjoys under the Town and Country Planning General Permitted Development Order. Thus no planning applications are necessary for the car park and its associated street works. The scope of Council's remit is thus limited.

4.2 The access onto Merevale Road is an access onto an unclassified road, and therefore no planning application is needed for this work. However, the consent of the County Council as Highway Authority is.

4.3 The works under the bridge to improve drainage and lighting are all works that are permitted development either by the Highway Authority as works within the highway or by Network Rail as works to their own land and structures.

4.4 The plans show the removal of some sycamore trees. These currently are located along the boundary of the site with Merevale Road. All of these trees are self-set sycamores apart from one Horse Chestnut. They are not sited in the Conservation Area hereabouts.

4.5 Members will recall that the Council refused the removal of the footbridge, but an appeal to the Secretary of State by Network Rail was allowed, and the bridge can be removed under Listed Building legislation.

### **5 Representations**

5.1 A number of representations have been made to this Council as well as to Network Rail. These come from local residents of the houses off Merevale Road, and have been reflected by others. These concerns revolve around:

- increased disturbance and loss of amenity
- increased vehicle movements
- increased pressure on on-street car parking if the station car park is full
- the very poor highway access to the car park from the town – the low bridge and the very sharp turn into Merevale Road

- the poor environment for pedestrians using the car park – a lengthy, inconvenient and unwelcoming environment
- the loss of trees which act as a noise and visual buffer

## 6 Observations

- 6.1 The Council has not been consulted formally on these proposals because of the permitted development rights as described above. However it is considered appropriate that it should make representations to ensure that the proposed works represent the best balance between all of the differing interests here. The remainder of this report will thus run through a number of matters before making a series of recommendations.
- 6.2 The re-opening of the station to stopping trains and encouraging greater patronage are both objectives that it is considered should be encouraged by the Council for the benefit of the whole town. However the location of the station in the town, and the particular physical features in and around the station do lead to very real difficulties in implementing these objectives. It is because of these issues – as well as the historical association of the footbridge with a Victorian Station – that the Council refused Consent for the removal of the footbridge. Retention of the bridge could reduce the need for the scale of proposed works to the south side of the station as well as removing a very uninviting alternative pedestrian route under the road bridge, even with improvements. It is considered that further representations should be made to retain this bridge. The Atherstone and District Rail Users Group has initiated action under the 2005 Railways Act in an attempt to retain the bridge, and it has invited the Council to support this action. It is considered that given the Council's past decision, it would be appropriate to respond.
- 6.3 If the footbridge is to be removed, there has to be alternative pedestrian access arrangements between the two sides of the station. As a consequence it is not considered that the works proposed here in that respect are objectionable. The stair and ramp are essential given the level differences involved and improvements under the bridge are essential. It will be necessary to ensure that the materials and street furniture used are appropriate such that they do not appear out of keeping on the edge of the Conservation Area here. The Council should therefore request that Network Rail agrees such details in advance of work commencing.
- 6.4 The objective of increasing patronage will involve catering for car drivers. The town's car parks are too remote to encourage such patronage and the existing car park can only cater for a handful of cars. A car park on the south of the town would encourage patronage, but highway access to this side is not convenient or inviting and thus there are limitations as to the likely size of the car park required. The eight spaces now proposed results in a small car park, and its access is at the far western end of the site away from the great majority of the existing householders. Any adverse impacts are thus limited. As indicated above the Council has no remit in preventing this work. It should however work with Network Rail in order to reduce any adverse impacts, particularly in order to protect the residential amenity of occupiers opposite the site. The current design is thus probably the best given that these works are to take place.

6.5 The loss of some of trees is a key issue. The Council's Tree Officer has inspected them and would not recommend Tree Preservation Orders. This is because those to be removed are self set sycamores which are not of good quality; they are multi-stemmed and could snap, and overall they have limited life span. He has already been in touch with Network Rail pointing this out and that these trees will "rain" a sap or resin that could well deter drivers parking in the car park. In overall terms for the longer term benefit of the residents and drivers, he has recommended that Network Rail plant appropriate extra heavy standard lime trees this spring, in order that over time, they can provide full visual cover as well as assist in reducing noise levels. This is a considered and reasoned response with a plan of action that should be supported. Those new trees then in time, should be the subject of Orders themselves.

6.6 Of more general and wider concern is the scale of works that can be undertaken by Network Rail under its permitted development rights. This is clearly a consequence of the historic land holdings that the former British Rail had, when the railway network covered extensive land areas. Not only do these proposals at Atherstone not require a planning application, but Members may recall the "improvements" made to the bridges in Nether Whitacre which led to widespread local opposition. Additionally if Members have seen the recent new car park at Nuneaton – again "permitted development" - the scale of the works that can be undertaken is not only extensive but can have significant adverse impacts. The Council should approach its MP's in order to press for these permitted development rights to be reviewed.

## 7 Report Implications

### 7.1 Environment and Sustainability Implications

Notwithstanding the scope for the Council to influence these works, the measures set out in this report would all accord with the Council's planning objectives of retaining the character of the Borough's environment and heritage.

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
	Network Rail	Letter	24/1/11
	Network Rail	Plans	19/1/11

**GENERAL NOTES**

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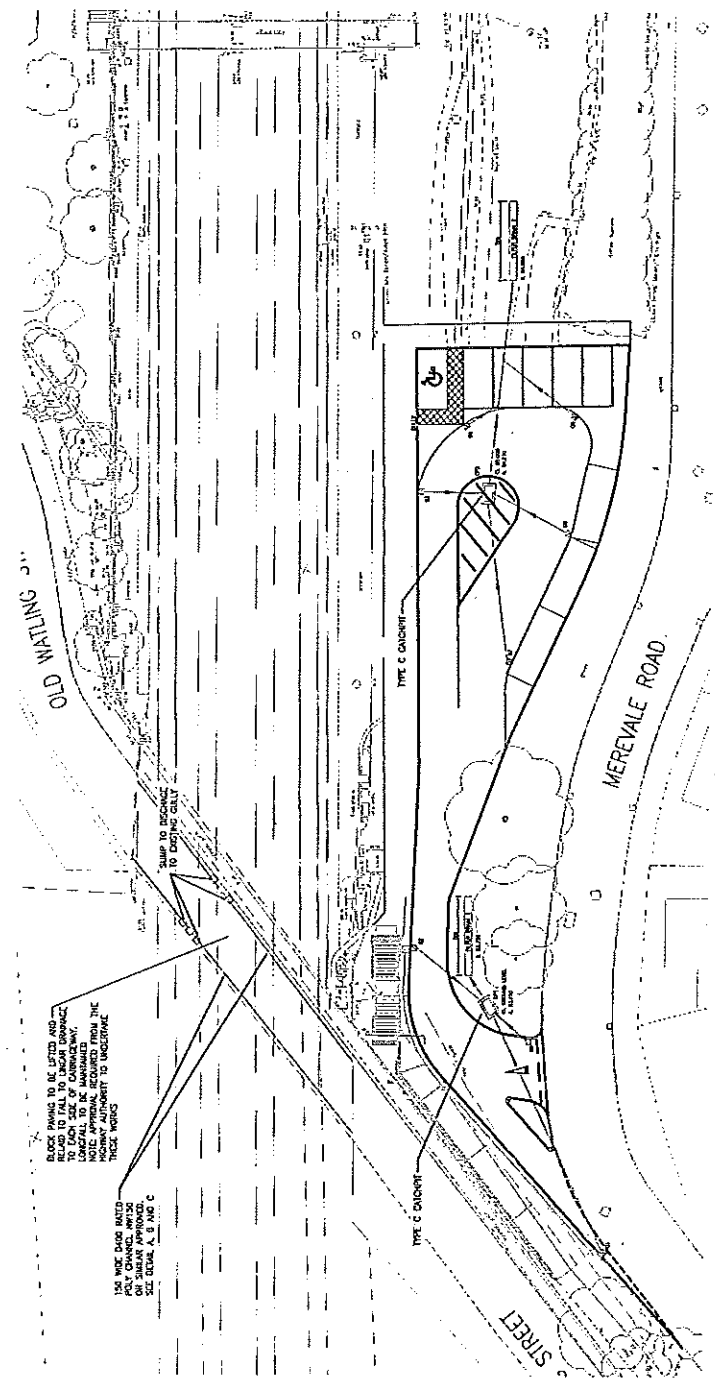
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**FORM B FOR APPROVAL**

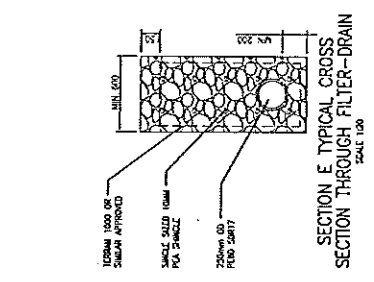
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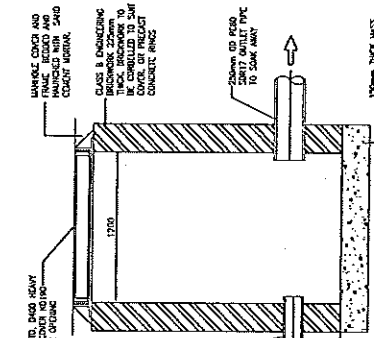
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CLIENT	KISS & RIDE CARRIAGEWAY DRAINAGE PLAN
DATE	10/10/11
SCALE	AS SHOWN
DESIGNER	P. FRISCHMANN
CHECKED	J. WRIGHT
DATE	01/11/11
SCALE	AS SHOWN



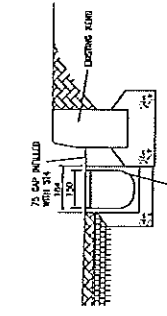
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SCALE 1:200



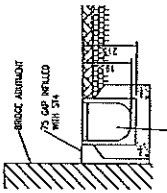
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SCALE 1:20



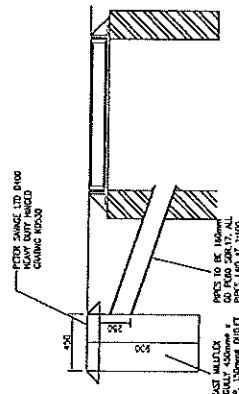
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SCALE 1:20



**DETAIL C**  
SCALE 1:10



**DETAIL B**  
SCALE 1:10



**DETAIL A**  
SCALE 1:20



**Agenda Item No 9**

**Planning and Development Board**

**14 February 2011**

**Report of the  
Head of Development Control**

**Tree Preservation Order  
Atherstone Magistrate's Court**

**1 Summary**

- 1.1 Officers were requested to report on the possibility of making a Tree Preservation Order on a further tree at this site.

**Recommendation to the Board**

**That a Tree Preservation Order not be made in respect of this magnolia tree for the reasons set out in this report.**

**2 Background**

- 2.1 At its last meeting the Board confirmed a Tree Preservation Order in respect of a number of trees at this site. During the discussion, mention was made of a Magnolia tree which appeared to have been missed from the Order. Officers indicated that the tree would be inspected and a further report be brought to the Board.
- 2.2 The tree has now been inspected by the Council's Landscape Officer (Trees). He points out that this is a mature magnolia which abuts the building. It is in a fair condition but with limitations on its further development and thus retention, because of its location and age. Only the upper tips of its canopy can be seen from the adjoining road and there would thus not be a loss to public amenity if the tree were removed.

**3 Observations**

- 3.1 An Order is placed on a tree if it is considered to have "public amenity" value. This tree is hardly visible from public vantage points and it is a mature specimen with limited longevity. It is thus considered that an Order is not pursued. Reference was made about the historical association of the tree to the Magistrates Court and the fact that it can be seen from the interior of the building thus giving it value as a public amenity. This is acknowledged but the tree is abutting the building and would need to be removed in the next few years in any event. The amenity value of the tree is limited just to those visiting the Court and given all of these circumstances it is not considered that an Order can be justified.

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

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	Tree Officer	Arboricultural Report	27/1/11



**Agenda Item No 10**

**Planning and Development Board**

**14 February 2011**

**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 11**

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

Paragraph 6 – by reason of the need to consider appropriate legal action and the issue of an enforcement notice

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