

**To: The Deputy Leader and Members of the Planning and Development Board (Councillors Simpson, Bowden, Davis, L Dirveiks, Jenkins, Lea, Morson, B Moss, Sherratt, M Stanley, Swann, Sweet, Winter and Wykes)**

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

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

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

## **PLANNING AND DEVELOPMENT BOARD AGENDA**

**14 JUNE 2010**

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 14 June 2010 at 6.30 pm.

### **AGENDA**

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Declarations of Personal or Prejudicial Interests.**  
(Any personal interests arising from the membership of Warwickshire County Council of Councillors Fox, Lea, B Moss and Sweet and membership of the various Town/Parish Councils of Councillors Davis (Atherstone), B Moss (Kingsbury), Sherratt (Coleshill) and M Stanley (Polesworth) are deemed to be declared at this meeting.)

- 4 **Minutes of the meetings of the Board held on 15 March, 12 April and 17 May 2010** - copies herewith to be agreed as a correct record and signed by the Chairman.
- 5 **Management of Trees and Open Spaces** – Presentation from Alethea Wilson

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

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

### **Summary**

Town and Country Planning Act 1990 – application presented for determination.

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

- 7 **The powers delegated to the Director of Community and Environment** - Report of the Assistant Chief Executive and Solicitor to the Council

### **Summary**

The report seeks the Board's approval to recommend to the Executive Board that the powers delegated to the Director of Community and Environment be instead delegated to the Assistant Chief Executive and Solicitor to the Council and the Head of Development Control.

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

- 8 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April 2009 – March 2010** - Report of the Chief Executive and the Director of Resources

### **Summary**

This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April 2009 to March 2010.

The Contact Officer for this report is Robert Beggs (719310).

JERRY HUTCHINSON  
Chief Executive

## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

15 March 2010

Present: Councillor Simpson in the Chair.

Councillors Bowden, L Dirveiks, Fox, Lea, Morson, B Moss, Sherratt, M Stanley, Swann, Sweet, Winter and Wykes.

Councillor Phillips was also in attendance.

#### 76 **Declarations of Personal or Prejudicial Interests**

Personal interests arising from the membership of Warwickshire County Council of Councillors Fox, Lea, B Moss and Sweet and membership of the various Town/Parish Councils of Councillors Fox (Shustoke), B Moss (Kingsbury), Sherratt (Coleshill) and M Stanley (Polesworth) were deemed to be declared at this meeting.

Councillor Lea declared a personal and prejudicial interest in Minute No 77 (Minutes of the meeting of the Board held on 18 January 2010) left the meeting and took no part in the discussion or voting thereon.

#### 77 **Minutes**

The minutes of the meetings of the Board held on 7 December 2009, 18 January 2010 and 15 February 2010, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

#### 78 **Planning Applications**

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

##### **Resolved:**

- a **That in respect of Application No Application No 2010/0009 (Land adj. to Dog Inn Public House, Marsh Lane, Water Orton)**
  - (i) **Outline planning permission be granted subject to the receipt of acceptable plans that satisfy the Highway Authority concerns; the conditions as set out in the report of the Head of Development Control, and the prior completion of a Section 106 Agreement to provide a financial contribution of £247,250 in lieu of on-site affordable housing; and**

**(ii) If the terms of the Agreement as set out above cannot be settled, then the Application be referred back to the Board for further deliberation.**

**b That in respect of the Heart of England Ltd, Old Hall Farm, Meriden Road, Fillongley**

**A The following Notices be agreed in principle:**

**i) An Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 be issued in respect of the unauthorised change in use of land at the Heart of England centre from forestry land to a mixed use of forestry together with recreational uses, including paint ball activities and motor driving activities. The Notice will require the cessation of the recreational uses, such that they do not exceed the limits set out in Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended, and that the compliance period be three months. The reasons for this Notice are as set out in the report of the Head of Development Control;**

**ii) An Enforcement Notice under Section 172 of the Town and Country Planning Act 1990, be issued in respect of the construction of buildings and structures as identified in the report as numbered 1 to 5 in Appendix A to the report, and that the Notice requires their demolition and the removal of the resultant materials from the site within a period of three months. Additionally the Notice to include the unauthorised engineering operations of hard surfacing a length of track with bitumen, together with the formation of a bitumen storage area, requiring their removal and safe disposal, also within a period of three months. The reasons for the Notice are as set out in the report;**

**iii) An Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 be issued in respect of the unauthorised change in use of land at the Heart of England centre for motor recreation activity, with the requirement to cease the use of that motor recreation activity, together with the removal of two buildings used in association with this use, within a period of three months. The reasons for the Notice are as set out in the report;**

- iv) **An Enforcement Notice be issued under Section 172 of the Town and Country Planning Act 1990, as amended, in respect of the unauthorised material change in the use of a building at the Heart of England centre from a dwelling house to a hotel use, with the requirement to cease the hotel use of the building within a period of six months. The reasons for the Notice are as set out in the report.**
- B) That the precise wording and land areas to be covered by each of the Notices be delegated to the Solicitor to the Council prior to their issue;**
- C) That the Company be notified that it appears that there may well have been breaches of Listed Building Control in respect of works undertaken within the house at this site, and thus an internal inspection is required to establish the situation. A further report will be submitted to the Board as appropriate; and**
- D) That, if these recommendations are agreed, that the Heart of England Company be informed that the Council will hold their issue in abeyance until the end of March 2010.**

**79 Section 106 Monitoring Report**

The Head of Development Control provided a first review of outstanding Section 106 Agreements, highlighting where outstanding contributions had been expended.

**Resolved:**

**That the report be noted.**

**80 HS2 Route**

The Head of Development Control reported verbally on the proposed route of the new high speed rail service through North Warwickshire which had recently been announced. Further reports would be submitted to the Board in due course.

**81 Exclusion of the Public and Press**

**Resolved:**

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

## 82 **Building Control Partnership**

The Director of Community and Environment reported on the progress of the Building Control Partnership and the Board was asked to agree a suggested course of action.

### **Resolved:**

- a That the current Partnership Agreement continues to operate for another 12 months from October 2010; and**
- b That the potential for Rugby Borough Council to become involved in the Partnership be investigated by officers from the Partnership and Rugby Borough Council Building Control, to develop a business case that identifies possible options for shared working with Rugby which will be brought back to this Board for consideration before the extended Partnership Agreement expires.**

M Simpson  
Chairman

## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

12 April 2010

Present: Councillor Simpson in the Chair.

Councillors Bowden, L Dirveiks, Lea, Morson, B Moss, Sherratt, M Stanley, Swann, Sweet, Winter and Wykes.

An apology for absence was received from Councillor Fox.

Councillors Lewis and Phillips were also in attendance. With the consent of the Chairman, Councillor Phillips spoke on Minute No 84 Planning Applications (Application No 2010/0102 - Land to south west of Birch Coppice Business Park, Dordon).

#### 83 **Declarations of Personal or Prejudicial Interests**

Personal interests arising from the membership of Warwickshire County Council of Councillors Lea, B Moss and Sweet and membership of the various Town/Parish Councils of Councillors B Moss (Kingsbury), Sherratt (Coleshill) and M Stanley (Polesworth) were deemed to be declared at this meeting.

Councillors Lea and Sweet declared a personal interest in Minute No 84 Planning Applications (Application No 2010/0102 - Land to south west of Birch Coppice Business Park, Dordon) by reason of being Members of the County Council's Regulatory Committee and took no part in the discussion or voting thereon.

#### 84 **Planning Applications**

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

##### **Resolved:**

- a That in respect of Application No 2010/0088 (Coleshill Hall Farm, Birmingham Road, Coleshill) a site visit be held prior to its determination; and**
- b That in respect of Application No 2010/0102 (Land to south west of Birch Coppice Business Park, Dordon):**
  - i) the Board visits the application site and its surroundings prior to determination; and**
  - ii) that an early report is brought to Board in respect of the draft Section 106 Agreement.**

85 **Proposed Tree Preservation Order Land at Dunns Lane, Dordon (north side)**

The Board was asked to confirm a Tree Preservation Order made in respect of four oak trees situated on the northern side of Dunns Lane, Dordon.

**Resolved:**

**That the Tree Preservation Order be confirmed, with the modification, as set out in the report of the Head of Development Control.**

86 **Proposed Footpath Diversion (AE144) at Arc School, Ansley Lane, Ansley**

The Head of Development Control reported that an application had been made to the Council for the diversion of public footpath AE144 at Arc School, Ansley Lane, Ansley under the Highways Act. The Board was asked to agree a suggested course of action.

**Resolved:**

**That the Council makes an Order under the provisions of S119(1) of the Highways Act 1980 for the diversion of part of the public footpath AE144 at Land formerly known as Hood Lane Farm, Ansley, now known as Arc School, Ansley Lane, Ansley, in the manner described in the report of the Head of Development Control, and that any representations received be referred to the Board for it to consider whether to confirm the Order.**

87 **Further Changes and Consultation**

The Head of Development Control reported on further changes to the legislation affecting the handling of planning applications and on the publication of two further consultation papers.

**Resolved:**

**That the report be noted.**

88 **Exclusion of the Public and Press**

**Resolved:**

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



89 **Proposed Tree Preservation Order Land at the Junction of Knowle Hill and Dexter Lane, Hurley**

The Head of Development Control reported on a proposal to make a Tree Preservation Order in respect of a mature oak tree on land at the junction of Knowle Hill and Dexter Lane, Hurley. The Board was asked to agree a suggested course of action.

**Resolved:**

**That a Tree Preservation Order be made with immediate effect, in respect of a Pedunculate Oak (*Quercus robur*) tree for the reasons given in the report, and that any representations received be referred to the Board for it to consider when it decides whether to make the Order permanent.**

M Simpson  
Chairman

## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

17 May 2010

Present: Councillor Simpson in the Chair.

Councillors Bowden, Davis, L Dirveiks, Lea, Morson, Sherratt, M Stanley, Swann, Winter and Wykes.

Apologies for absence were received from Councillors Jenkins, B Moss and Sweet.

Councillor Phillips was also in attendance.

#### 1 **Declarations of Personal or Prejudicial Interests**

Personal interests arising from the membership of Warwickshire County Council of Councillor Lea and membership of the various Town/Parish Councils of Councillors Davis (Atherstone), Sherratt (Coleshill) and M Stanley (Polesworth) were deemed to be declared at this meeting.

#### 2 **Planning Applications**

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

##### **Resolved:**

- a **That Application No 2010/007 (Garage Site, Eastlang Road, Fillongley) be approved subject to the conditions specified in the report of the Head of Development Control;**
- b **That subject to the following additional condition Application No 2009/0385 (Manor House Farm, Coleshill Road, Ansley) be approved**

**“21 The landscaping scheme shown in the report received on 24 September 2009 and the lake bunding as shown on the approved plans under condition (ii), shall be maintained in accordance with these thereafter.**

**Reason: In the interests of securing the landscaping improvements in the future.”**

- c That consideration of Applications No 2010/0099, 2010/0100, 2009/0580 and 2009/0585 (The Three Tuns, Atherstone) be deferred for a site visit and that the Head of Development Control be asked to arrange a meeting with the applicant;
- d That consideration of Application No 2010/0102 (Birch Coppice) be deferred;
- e That Applications No 2010/0166, 2010/0165 and 2010/0167 (Corley Nurseries, Church Lane, Corley) be approved and varied as set out in the report of the Head of Development Control.

### 3 The Community Infrastructure Levy and Section 106 Obligations

The Head of Development Control reported on the newly introduced Community Infrastructure Levy (CIL) and highlighted its impact on the future use of Agreements under Section 106 of the 1990 Planning Act.

**Resolved:**

**That the report be noted.**

### 4 85A Long Street, Atherstone

The Chairman reported on an issue in respect of a sign in the window of 85A Long Street, Atherstone and Members were asked to agree a suggested course of action.

**Resolved:**

**That the Assistant Chief Executive and Solicitor to the Council be asked to speak to the tenant to request that the situation is voluntarily corrected.**

### 5 Exclusion of the Public and Press

**Resolved:**

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

### 6 Breaches of Planning Control

The Head of Development Control reported on two alleged breaches of planning control and the Board was asked to agree suggested courses of action.

**Resolved:**

- a That in respect of Manor House Farm, Coleshill Road, Ansley, the Solicitor to the Council be authorised to issue an Enforcement Notice requiring the removal of the new hardstanding area together with the reinstatement of the land to the south east of the farm buildings at Manor House Farm, Coleshill Road, Ansley and that the compliance period be three months; and
- b That in respect of 60 St Nicholas Estate, Baddesley Ensor, the Solicitor to the Council be authorised to issue an Enforcement Notice requiring the removal the unauthorised decking area, railing and steps; block and brickwork raised platform, where in excess of 300mm in height and not approved as part of the retrospective planning application for the rear conservatory, reference 2009/0360, dated 24 September 2009; together with the removal of fencing on the side boundaries where in excess of 2 metres in height at 60 St Nicholas Estate, Baddesley Ensor and that the compliance period be three months.

**7 Proposed Tree Preservation Order 32 Holbeche Crescent, Fillongley**

Under Section 100B(4)(b) of the Local Government Act 1972 the Chairman had agreed to urgent consideration of this report by reason of the need to endorse the action taken.

The Head of Development Control reported on the making of an emergency Tree Preservation Order in respect of an oak tree in the rear garden of 32 Holbeche Crescent, Fillongley.

**Resolved:**

**That action of the Assistant Chief Executive and Solicitor to the Council, in consultation with the Chairman of the Board, in making a Tree Preservation Order in respect of an oak tree in the rear garden of 32 Holbeche Crescent, Fillongley be agreed.**

M Simpson  
Chairman

## **Agenda Item No 6**

### **Planning and Development Board**

**14 June 2010**

### **Planning Applications**

#### **Report of the Head of Development Control**

#### **1 Subject**

- 1.1 Town and Country Planning Act 1990 – applications presented for determination.

#### **2 Purpose of Report**

- 2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.
- 2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.
- 2.3 The proposals presented for decision are set out in the index at the front of the attached report.
- 2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications. .

#### **3 Implications**

- 3.1 Should there be any implications in respect of:

Finance; Crime and Disorder; Sustainability; Human Rights Act; or other relevant legislation, associated with a particular application then that issue will be covered either in the body of the report, or if raised at the meeting, in discussion.

#### **4 Site Visits**

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.

4.2 Members are reminded of the “Planning Protocol for Members and Officers dealing with Planning Matters”, in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

## 5 **Availability**

5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site [www.northwarks.gov.uk](http://www.northwarks.gov.uk)

5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 19 July 2010 at 6.30pm in the Council Chamber at the Council House.

Item No	Application No	Page No	Description	General / Significant
1	PAP/2009/0420	4	<b>Almshouses Church Lane Middleton</b> Demolition of 6 almshouses and erection of 14 no almshouses and affordable houses with associated access and parking	General
2	PAP/2010/0088	12	<b>Coleshill Hall Farm Birmingham Road Coleshill</b> To refurbish and change the use of the Grade II Listed former stables/farmhouse to hotel communal space, together with erecting new bedroom accommodation with 40 ensuite rooms	General
3	PAP/2010/0099	53	<b>The Three Tuns Long Street Atherstone</b> Variation of condition no: 5 of planning application PAP/2006/0535 to use flowplast cast iron look a like upvc guttering	General
4	PAP/2010/0184	79	<b>Wood Corner Farm Green End Road Green End Fillongley</b> Variation of condition no: 3 of planning permission PAP/2005/5059 to remove reference of names of Mr V McCullagh, but to retain the restriction for Sovereign Exhibitions Ltd.	General
5	PAP/2010/0248	85	<b>The Depot Sheepy Road Atherstone Warwickshire</b> Erection of a 10mtr CCTV camera column and move the existing CCTV camera to the top of the column	General
6	PAP/2010/0260	95	<b>Garage Site Eastlang Road Fillongley</b> Variation of condition no: 2 of PAP/2009/0409 to allow amended site layout and change from two pair semi detached dwellings to four terraced dwellings in order to accommodate existing oak tree and sewer diversion	General

## **General Development Applications**

### **(1) Application No PAP/2009/0420**

#### **Almshouses, Church Lane, Middleton**

#### **Demolition of 6 almshouses and erection of 14 no almshouses and affordable houses with associated access and parking, For Mrs L Beeching - Samuel White Charities**

### **Introduction**

This application will be reported to the Board for determination in due course, as a Section 106 Agreement accompanies the development proposal. The opportunity however is taken to report the receipt of the proposal to the Board such that any issues can be identified at an early stage. This report will therefore describe the site, the proposals, identify the relevant Development Plan policies and explore the main issues.

### **The Site**

The existing almshouses are a group of bungalows that sit within a residential frontage on the south side of Church Lane, about 60 metres east of the Post Office and the junction with Coppice Lane, within the centre of Middleton. They extend a little way back from the frontage. The application site itself is in fact a larger site as it extends back away from Church Lane and amounts to a site with an area of 0.34 hectares. It slopes down from the road towards the stream within the valley to the south and there is a public footpath along its eastern boundary. It neighbours residential property and agricultural land – see Appendix A.

### **The Proposal**

It is proposed to demolish the almshouses and replace them in a redevelopment scheme comprising fourteen dwellings. All would be managed by the Charity. The proposal includes 1 three bed room and 13 two bedroom homes, six of which would be bungalows. The houses are to be located at the northern end along the road frontage whilst the bungalows would be at the rear, at the southern end. The frontage units would be set slightly forward of the building line of the neighbouring properties, and there is a car parking area in front of these houses. An access road would run down the western side of the site, as now, but be improved and extended to provide access to the houses within the site. These would be arranged in two blocks. These arrangements and the general layout are illustrated at Appendix A.

Appendix B provides a street scene showing the existing arrangement and that proposed.

Appendix C provides a plan showing the typical appearance of the proposed dwellings.

The application is accompanied by a Design and Access Statement which indicates how the design and layout of the proposal has arisen, explaining in its view how the proposal reflects local character and distinctiveness, and how the development is in-keeping with its setting.



A “Middleton Housing Needs Survey” commissioned by the Parish Council; the Warwickshire Rural Community Council and the Warwickshire Rural Housing Association is submitted which it is said provides the evidence base for the scale and type of affordable housing now proposed. It concluded that there was a need for 18 new homes in Middleton for local people with the majority (15) being for rented 2 and 3 bedroom accommodation, and the balance was for shared ownership 2 bedroom accommodation. It recommended that the community undertake a search for a suitable site within the village.

A draft Section 106 Agreement accompanies the application. This obligates the Charity to provide eight dwellings as affordable homes for rent, and six as affordable homes for shared ownership. The draft also includes the measures that are proposed to retain the dwellings as affordable in perpetuity; to retain them for local people and to ensure that there are links to the Borough Council’s own waiting list.

The application is also accompanied by a Planning Statement that sets out the applicant’s case for the proposed development. In particular it provides the “very special circumstance” that the applicant considers justifies the proposed development in the Green Belt. In short, this is the provision of a limited number of affordable homes for local community needs.

### **Development Plan**

North Warwickshire Local Plan 2006 – Saved Core Policies 2 (Development Distribution), 8 (Affordable Housing), 11 (Quality of Development) and 12 (Implementation) together with saved policies ENV2 (Green Belts), ENV11 (Neighbour Amenities) ENV12 (Urban Design) ENV13 (Building Design) ENV14 (Access Design) and HSG2 (Affordable Housing)

### **Other Material Planning Considerations**

Government Planning Policy - PPS 1 (Delivering Sustainable Development), PPS 3 (Housing), PPS 7 (Sustainable Development in Rural Areas)

Government Planning Guidance – PPG 2 (Green Belts), PPG13 (Transport)

### **Observations**

#### **a) The Main Issue**

The application site is in the Green Belt as this “washes over” the whole of the village of Middleton. The application is for inappropriate development in the Green Belt and as such the presumption is that planning permission be refused. The issue for the Board is whether the applicant has identified material planning considerations of such weight that it can agree to them amounting to the “very special circumstances” that would override this presumption. In this particular case, do these circumstances lead to an outcome of such significance or benefit, to outweigh the harm done to the Green Belt through the grant of permission for what is, by definition, inappropriate development in the Green Belt.

## **b) Material Considerations**

Middleton is not identified as Local Service Centre in the Local Plan, and thus it is not a settlement where new housing would be permitted. Saved Policy HSG2 states that in this circumstance, should any housing be considered for approval, then it should always be for “affordable” housing as defined by saved Core Policy 8 of the Local Plan. Government Policy, states that new housing is inappropriate development within the Green Belt. However it might be appropriate if it can qualify as a “Rural Exceptions Site”. In this case it has to be for “limited affordable housing for local community needs under Development Plan policies”. Saved Policy HSG2 does state that such Rural Exception Sites could be supported, but the local need has to be shown to have been justified through a systematic analysis involving the local community concerned, landowners and housing providers. Additionally the Policy limits numbers to ten new units. It is clear that the applicant here is making a case for this development proposal to be treated as a Rural Exceptions Site. Evidence has been submitted with the application in the form of a Housing Needs Survey, in order to justify the scale and type of housing proposed for this particular community, and a draft Section 106 Agreement, in order to show how the housing can be managed in perpetuity as affordable housing meeting local needs. This is said by the applicant to provide the robust basis for the development, as required by saved Policy HSG2. The Board will have to assess this evidence in order to see if it does indeed provide the weight needed for it to become a material planning consideration in the support of this application.

Other material considerations that the Board will need to explore are:

- i) Whether there are alternative sites for this proposal that might have less impact on the village
- ii) The impact of the development on the openness of the Green Belt
- iii) The quality of the design and layout in reflecting the local character and distinctiveness of Middleton
- iv) The adequacy of the access and drainage arrangements, and
- v) Any matters raised through the local consultation process.

Once all of these considerations are examined, the Board will be able to assess whether they are of such weight to provide the “very special circumstances” necessary for it to support the application.

## **c) Other Matters**

The Board should be aware that all households in Middleton have been notified of this planning application.

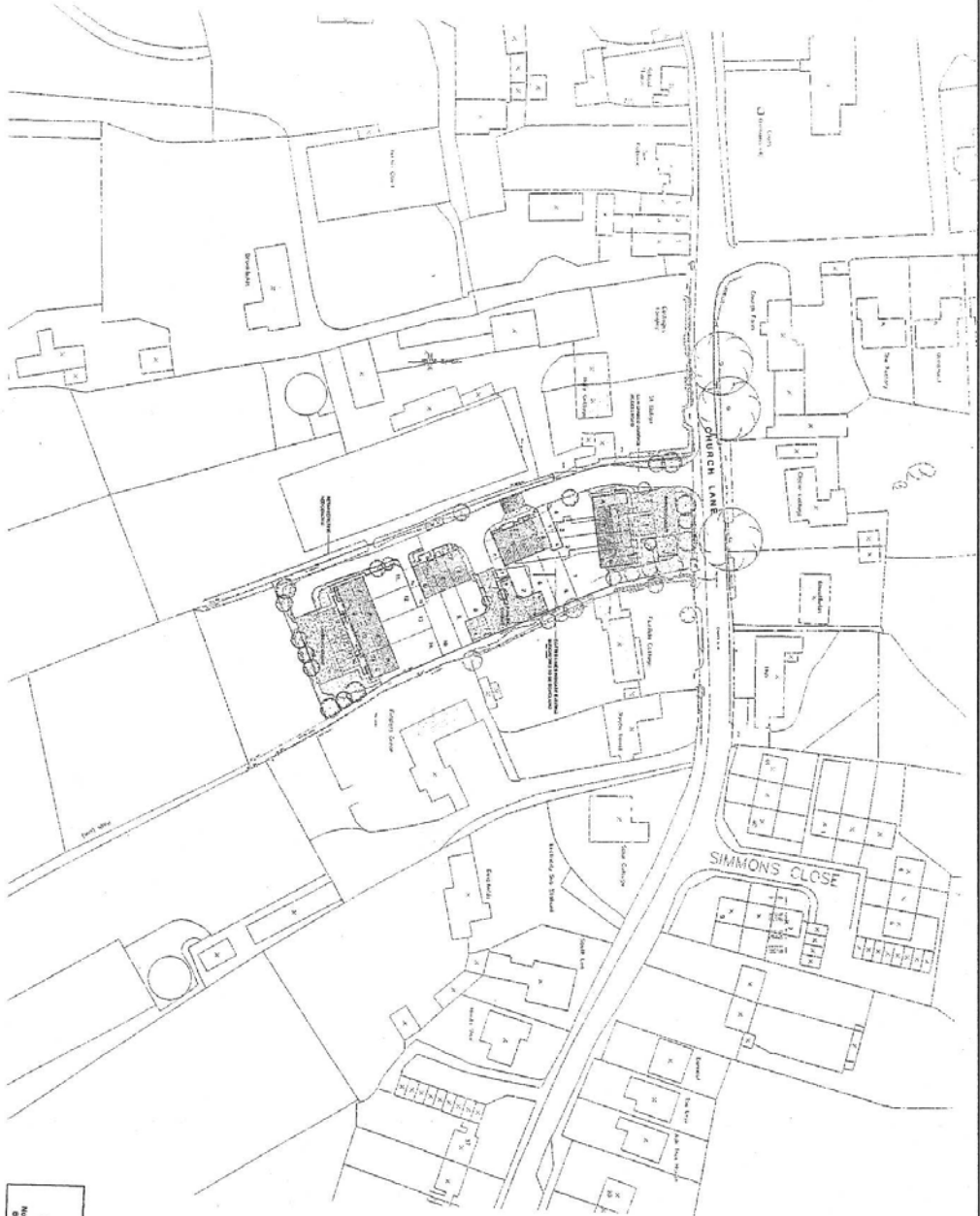
The Board is also invited to consider whether a site visit would be appropriate.

Depending on the responses from the consultation process, it is anticipated that a determination of this application could be made at the July Board meeting.

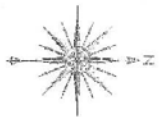
## **Recommendation**

- a) That the Board be invited to identify any issues that it considers should be explored as a consequence of this application, and
- b) That the Board be invited to consider whether it wishes to visit the site prior to determination.





PROPOSED SITE LAYOUT  
THE SAMUEL WHITE TRUST - CHURCH LANE, MIDDLETON.



- LEGEND
- BOUNDING WALLS TO BE RETAINED
  - PROPOSED TIERE PLANNING
  - EXISTING FENCES TO BE RETAINED
  - PROPOSED SEWER PLANNING

AGREEMENTS TO BE OBSERVED:

A	2000	15/01/01	15/01/01
B	2000	23/01/01	23/01/01
C	2000	15/01/01	15/01/01
D	2000	15/01/01	15/01/01
E	2000	15/01/01	15/01/01
F	2000	15/01/01	15/01/01
G	2000	15/01/01	15/01/01
H	2000	15/01/01	15/01/01
I	2000	15/01/01	15/01/01
J	2000	15/01/01	15/01/01
K	2000	15/01/01	15/01/01
L	2000	15/01/01	15/01/01
M	2000	15/01/01	15/01/01
N	2000	15/01/01	15/01/01
O	2000	15/01/01	15/01/01
P	2000	15/01/01	15/01/01
Q	2000	15/01/01	15/01/01
R	2000	15/01/01	15/01/01
S	2000	15/01/01	15/01/01
T	2000	15/01/01	15/01/01
U	2000	15/01/01	15/01/01
V	2000	15/01/01	15/01/01
W	2000	15/01/01	15/01/01
X	2000	15/01/01	15/01/01
Y	2000	15/01/01	15/01/01
Z	2000	15/01/01	15/01/01

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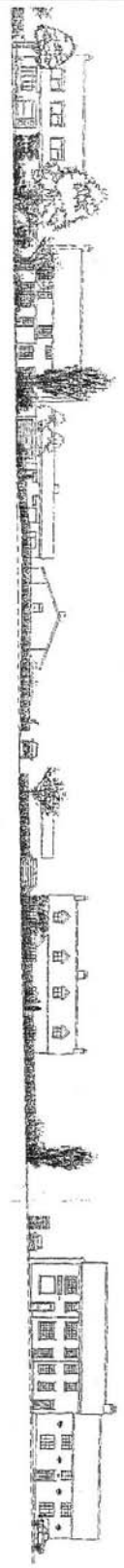
Drawn by: Neil Roddison  
Checked by: Neil Roddison  
Date: 15/01/01

Project Name: PROPOSED SITE LAYOUT  
Client: THE SAMUEL WHITE TRUST  
Address: CHURCH LANE, MIDDLETON

Scale: 1:500  
Date: AUGUST 2003

Sheet: 01 of 1

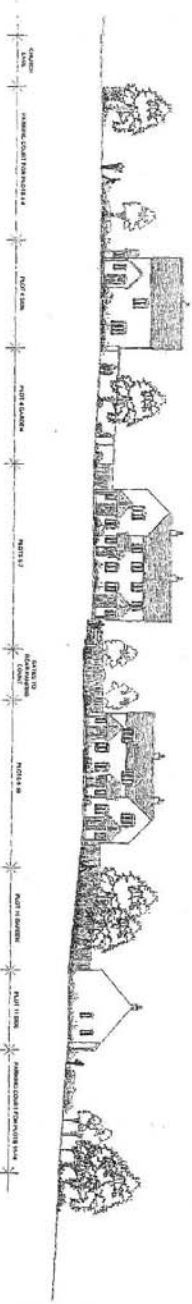
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EXISTING STREET SCENE ALONG CHURCH LANE



PROPOSED STREET SCENE ALONG CHURCH LANE



PROPOSED STREET SCENE WITHIN SITE

**STREET SCENES - EXISTING AND PROPOSED  
THE SAMUEL WHITE TRUST - CHURCH LANE, MIDDLETON.**

**RECEIVED**  
21 MAY 2009  
Hills Warrackville  
Shire Council

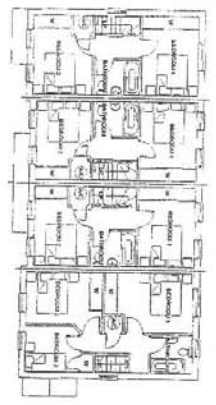
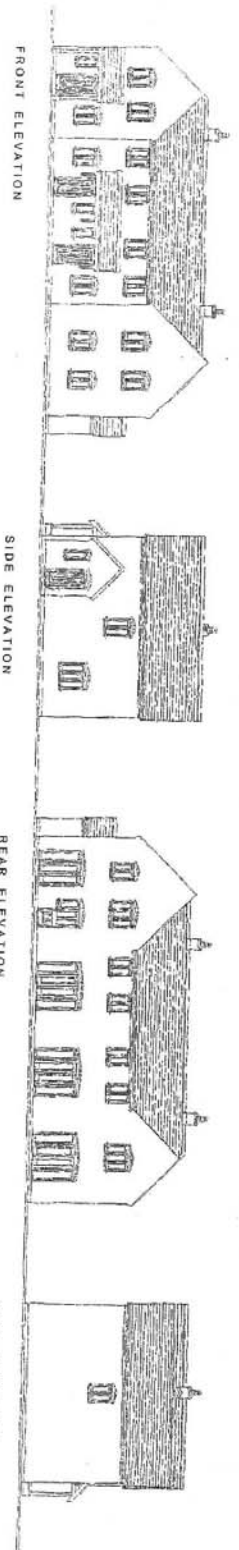
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THE SAMUEL WHITE TRUST  
PROPOSED REDEVELOPMENT OF THE  
SAMUEL WHITE TRUST OWN,  
CHURCH LANE, MIDDLETON.

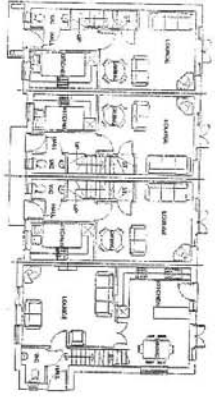
EXISTING & PROPOSED STREET SCENES

DATE	NO.	REVISION
13/03	01	INITIALS / 2009
24/03	02	REVISED
20/05	03	REVISED

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FIRST FLOOR PLAN



GROUND FLOOR PLAN

**PLOTS 1-4 - PLANS AND ELEVATIONS  
THE SAMUEL WHITE TRUST - CHURCH LANE, MIDDLETON.**

RECEIVED  
21 MAY 2009  
North Yorkshire  
Planning Council

<p><b>Neil Boddison Associates Ltd</b> Architects - Planning Consultants - Land Agents</p> <p>100-102, THE BRIDGE, 100-102 THE BRIDGE, MIDDLETON, WEST YORKSHIRE, TF11 9LW</p>	
<p>Client Name <b>THE SAMUEL WHITE TRUST THE SAMUEL WHITE TRUST CHURCH LANE, MIDDLETON.</b></p>	
<p>Plot No <b>PLOTS 1-4 PLANS AND ELEVATIONS</b></p>	
<p>App No <b>1100</b></p>	<p>Date <b>10 AUGUST 2009</b></p>
<p>Scale <b>1:100</b></p>	<p>Sheet <b>02</b></p>

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**(2) Application No PAP/2010/0088**

**Coleshill Hall Farm, Birmingham Road, Coleshill**

**To refurbish and change the use of the Grade II Listed former stables/farmhouse to hotel communal space, together with erecting new bedroom accommodation with 40 ensuite rooms,  
For The Trustees of the K E Wingfield Digby Settlement**

**Introduction**

The receipt of this application was referred to the April Board meeting. This described the proposal; identified the relevant Development Plan policies, and outlined the main issues that the Board would need to consider in the determination. Members have also now had the opportunity to visit the site. A copy of the earlier report is attached at Appendix A, and a note of the site meeting is at Appendix B.

It is proposed firstly to bring Members up to date on the proposal and then to report the representations and consultation responses received before addressing the matter of the recommendation.

**Further Information**

Since receipt of the application, the applicant has confirmed that the proposed communal spaces in the Listed Building would also be used for functions – conferences, events and weddings for instance. Hence the description of the application has been expanded to include these uses.

It will be seen below that the Warwickshire County Council acting as Highway Authority initially objected to the detail of the proposed access arrangements. As a consequence, an amended plan has been received that addresses the matters contained in the objection. This will be referred to below.

The Heritage Officer raised the matter of the car parking arrangements in his response, together with comments about the fenestration of the new build. As a consequence amended plans have been received which address all of his initial observations. Appendix C is a copy of the revised layout, and D is the revised elevation treatment for the new building illustrating a greater vertical emphasis for the windows.

**Consultations**

West Midlands Regional Assembly - Prior to the dissolution of the Assembly, it confirmed that the application was not Regionally Significant.

Advantage West Midlands – Confirms that it does not wish to make any comment on the proposal as it falls below the thresholds for developments that it would wish to consider.



Warwickshire County Council as Highway Authority – No objection in principle, but did initially object to some of the detail of the access arrangements – e.g. the geometry of the access design and the space available for turning areas etc. The applicant has addressed these matters through the submission of an amended plan.

Environment Agency – No objection in principle subject to conditions.

Severn Trent Water - No objection subject to a condition requiring full details of the measures to be used for the disposal of foul and surface water.

Warwickshire Police – Advice and guidance is given on how to increase the security of the development and thus reduce the risk of crime. Conditions can be used for some of these matters – e.g. external lighting, boundary treatments and access controlled gates, but others will need to be taken up by the applicant with the appropriate officers and the prospective developer –e.g. types of locks etc.

Warwickshire Fire Services – No objection subject to the standard condition requiring details of the fire fighting measures to be installed.

Warwickshire Wildlife Trust – The Trust has raised an issue concerning the potential for the existing structure to be a roost for bats – a protected species, as well as the potential for this location close to a river bank as a habitat for other wildlife species. It would require more detailed survey work before it could provide an informed response.

Warwickshire Museum – The site is of significant interest given its connections to the former Coleshill Hall, and the remains that are present on adjoining land. As a consequence it would require archaeological investigation prior to taking a view on the application, and thus submits a holding objection.

The Council's Heritage Officer – The proposals are considered to be acceptable subject to minor amendments and conditions. The scheme gives due consideration to the elements which make up the special interest and significance of the heritage asset, such that the approach is sympathetic to the Listed Building, and balances the preservation of that interest with the requirements of the new use necessary to secure its long term future. Some of the car parking spaces need to be re-arranged so as not detract too much from the setting of the building. The design of the new build has a neutral impact on the setting of the Listed Building and is acceptable subject to a condition tying its occupation to full repair of the Listed Building. Some of the fenestration detail however needs to be simplified. The applicant has responded to these detailed issues through the submission of amended plans.

The Council's Valuer – He considers that the appraisal is a reasonable outline in respect of the prospective costs of the proposal and the potential value of the development, given the current economic situation.

The Council's Community Development Officer (Rural Generation) – The location of the property is ideally situated in respect of the transport network, and it is close to the NEC and to Birmingham making it attractive for the business market. This facility would complement existing stock and therefore there is support for enhancing this business tourism proposal.

## **Representations**

Coleshill Civic Society – Objects to the proposals. Whilst it has no objection to the proposed use or to the impact that the works will have on the Listed Building, it considers that the amount of new development is too large and detracts from the setting of the Listed Building and the Green Belt. It would wish to see something smaller.

Letters - One letter of support has been received from a Coleshill resident, and one other letter has been received not expressing a view either way, but supporting development that brings employment to the area.

## **Observations**

### a) The Main Issues

Whilst the initial report highlighted a number of issues, the substantive matter before the Board is to assess whether there are very special circumstances of such weight here that warrant overriding the presumption against the grant of planning permission for this inappropriate development in the Green Belt. The proposals taken as a whole are inappropriate development in the Green Belt by definition. As such the presumption is therefore to refuse planning permission. However the applicant is putting forward material planning considerations that he argues amount to “very special circumstances” of such weight, that they should override this presumption. In summary he is arguing that those circumstances are that his proposals represent the last opportunity to enable the repair and refurbishment of this Listed Building whilst at the same time finding a viable future use for the Building.

This assessment can only be taken by first exploring a number of different issues. Particularly it must address nature of the impacts of the proposed development, conversion and new build, on the special historic and architectural interest of the listed building; the impact on the setting of that building, the archaeology of the site and the affect of the development on the openness of the Green Belt. Because the proposals are put forward as an “enabling” development, it will also be necessary to assess whether or not the “enabling” proposals retain and enhance the heritage asset; whether they are the minimum necessary to enable the repair and restoration of those assets, and whether there is a realistic prospect for alternative opportunities that might be less harmful.

The report will follow a logical approach by first looking at the impacts of the development. It will then explore its success or not in meeting the criteria outline by English Heritage for the assessments of enabling developments, before looking at whether as a consequence of these matters there are indeed the “very special circumstances” of such weight here to warrant overriding the presumption of refusal of this inappropriate development in the Green Belt.

## b) Impact on the Listed Building

The farmhouse and stable is a Grade 2 Listed Building, which has not been lived in for several decades now. It is rapidly falling into disrepair as a consequence of repeated vandalism, involving theft and arson. Over the past few years there has been a continuing programme of work to prevent access inside the building – the blocking up of openings and the removal of adjoining buildings that provide access, as well as on the site itself with a series of ditches. The applicant estimates that in the past five years, around £100k has been spent in response of these continuing problems. Much of this work has been undertaken in cooperation with the Council's officers. These works have had an impact, in that the Council's Heritage Officer agrees that the building remains structurally sound with a significant amount of its interior roof structure and room layout still remaining intact. He therefore considers that the building is in a condition that is still worthy of its listing, and one which is still very capable of being repaired and refurbished, if an appropriate future use can be found.

Given this background and the conclusion that a re-use for the building is worth pursuing, it is now necessary to understand the particular attributes of the building itself, such that any proposed use can be assessed against them, to see if that use adversely affects these individual attributes. To this end the application is accompanied by an informative and substantive appraisal of the building, which outlines in detail its history and architectural evolution. It is perhaps the historic merits of the building that are its most significant attributes, being the last remnant from the original Coleshill Hall, and its subsequent adaptation to an independent farmhouse and adjoining barn/stable. There is also a significant archaeological interest in the site which exhibits details of human activity prior to the construction of the Hall.

The statutory duty of the Council here is to judge whether the proposals adversely affect the special historic and architectural interest and merit of the building. The appraisal referred to above has been used in the drawing up of the proposals to re-use the building. It has clearly informed how the internal space is proposed to be used. Because the last use of the building was used as both a single residence and as a barn/stable, there is an unusual combination/division of the internal space inside the building, with different floor levels and with irregular openings. This would not lend itself to subdivision in any easy way – for instance as a series of apartments. The proposed use however, with its combination of different types of space – open areas needed for the dining area/restaurant, the lounge and kitchens, but with other smaller spaces needed for office accommodation and a manager's flat, comes together well, providing a very reasonable "fit" with the existing internal layout. As a consequence officers consider that the proposed use has taken full regard of the architectural and historic interest of the building such that the proposals cannot be said to have an adverse impact on the actual Listed Building. The proposed use, in the manner set out, is thus one that can be supported from a Listed Building point of view.

The other factor in coming to a view on the impact of the proposals on the actual Listed Building, is to assess the impact of the proposals on the setting of the building. In this case, that clearly means an assessment of the new build to the north of the Listed Building. There is no doubt that this new building is larger in footprint than the existing agricultural buildings – by 10%. That however should not be the only defining factor here. Consideration needs to be given to the overall height of the

new building – 9 metres as opposed to 12 metres for the Listed Building; the separation distance of 14 metres from the Listed Building, the reduction in the massing of the new building through design features such as varied ridgelines, irregular wall patterns and a simple approach to its appearance, the location of the new building at the rear of the site, together with the proposed ground floor level which will be lower than existing at present. All of these other factors need to be taken into account in the assessment. In short does the new building “dominate” the site; “overpower” the Listed Building or detract from the visual significance of the Listed Building? Officers conclude that there will be an impact on the setting of the Listed Building because of the size and location of the new building, but that that impact will be neutral given the design factors that are recorded above.

In closing this section therefore, it is concluded that the Listed Building is certainly worth retaining as a Listed Building and to retain its historic interest. The proposed use is sympathetic to the listed building and provides a well balanced and thought out solution to its re-use such that it can be fully supported. However the downside is that the new building will have an impact on the setting of the Listed Building, even if this impact is neutral, due to the design approach adopted. As a consequence, it is necessary to explore the other issues involved here, in order to assess whether the weight given to this impact can be lessened.

#### c) Impact on Archaeology

Although not a Scheduled Ancient Monument, the site of this building and its’ vicinity, has archaeological interest as evidenced from the Appraisal report accompanying the application. This is mainly directed at the moat and the area that is to the east of the building. The moat is clearly visible on the ground as are other earth features, and the appraisal report suggests that these are medieval in age, and show that there was human habitation here prior to Coleshill Hall. The Warwickshire Museum consider that these features may well extend onto the site itself, and thus there is a need for investigations prior to any determination of this application. This is a material consideration of some weight, and the matter is taken up later in this report.

#### d) Impact on the Openness of the Green Belt

The site is in the Green Belt. As the proposals involve a new building and the reuse of an existing building, it is necessary to consider whether there is an overall worsening of the openness of the Green Belt as a consequence of the proposals. In this case that assessment will need to include the associated car parking areas and all of the other attributes that are incidental to the proposed use. The approach taken below will be to treat the proposal as a whole, as the reuse of the existing building can not be treated in isolation here – it’s “raison d’etre” is the new building.

There will clearly be an impact on the openness here because a new building is being proposed. There are however a number of mitigating factors; the existing building will not be enlarged, the overall height of the new build will be below that of the existing building, it will be at the rear of the site set back from that building and the road, at a lower level than these existing buildings, thus reducing its visual impact and massing, it will replace existing buildings with a footprint 10 % greater than that existing, its height will be less than the existing buildings to be demolished, and car parking areas have been relocated to the rear of the site where they fit into the “hollow” of the contours. Notwithstanding these factors, it has to be recognised that there will be an impact on the openness of the Green Belt here - a large new building is being proposed. At this stage this impact is not necessarily fatal, given the

significance of the mitigating factors mentioned above, but it is considered that there will need to be other considerations to add weight to the proposal, if the weight to be given to the openness issue is the lessened further.

#### e) Preliminary Conclusion

At this stage it is considered that there is merit in this proposal. The proposed use will have limited impact on the actual Listed Building, and is one that is sympathetic to the historic fabric. There will be impacts on the setting of the Listed Building, and on the openness of the Green Belt. There are mitigating factors that point to these impacts being neutral in both respects, rather than being adverse. There is however significant archaeological interest in the site that requires further investigation. As a consequence it is considered that there needs to be other material planning considerations of such weight to override these conclusions, if there is to be support for this planning application.

#### f) The Case for Enabling Development

The applicant argues that the most significant additional consideration is the fact that the development, whilst inappropriate in the Green Belt, and thus a departure from the Development Plan, should be treated as an “enabling” development necessary to secure the retention and re-use of this Listed Building. It is necessary to explore this consideration in some detail.

Before doing so, Government Policy requires the Local Planning Authority to outline the significance of the heritage asset under consideration, in potential enabling projects. In other words if the asset is significant, then it is more likely to be a candidate for support to be given to an enabling development. In this case, the significance is local in nature and scope. It is not the architectural features or attributes that are of particular interest here. It is the local historic interest that is uppermost when assessing the importance of this particular asset. This is last surviving building associated with the former Coleshill Hall, perhaps one of the most significant structures in Coleshill’s history. The building here is not a surviving remnant but a building that is capable of re-use sympathetically, so as to retain a visual and historic link to that Hall. Moreover, it is on a site known for significant archaeological interest relating to medieval Coleshill. As a consequence, there is indeed merit in looking at proposals that would recognise this significance.

The advice of English Heritage, as reflected by the Government in its PPS5, is that enabling development should only be permitted if the heritage asset is not materially harmed, and that the applicant demonstrates that on balance, the benefits clearly outweigh the harm, not only to the asset, but also to other material planning considerations. In order to assist in this analysis, there are seven tests that the scheme needs to pass. The first four of these are “background” tests, and these will now be looked at in turn. Firstly, the proposals do avoid the potential fragmentation of the asset, and would not result in loss of control over its repair and maintenance. This is because the enabling development is dependent upon the Listed Building to provide the essential “communal” and “service” facilities that would enable it to function. This can be further controlled by condition to ensure that this link remains, and that repairs to the Listed Building are carried out prior to first occupation of enabling development. Once completed, the two buildings are dependant upon each other in order to function under any permission granted. Secondly, the proposals do secure the long term future of the Listed Building with a use that is sympathetic to the fabric of that building both internally and externally. As indicated above, there are

no adverse impacts on the architectural or historic merits and interest of the Listed Building. Thirdly, it is agreed that the need for the enabling development arises from the inherent needs of the asset itself, rather than the personal circumstances of the owner or to recoup the price paid for the Building. The applicant has owned this building for a substantial number of years, and has already shown patience and accepted liability in order to undertake significant urgent works to protect the building from further vandalism and thus loss. Moreover, officers agree that the costs put forward for the repair work and to undertake the conversion of the building, reasonably reflect the scope of the work needed in order to implement the proposals. In other words they are not inflated. Fourthly, it is agreed that there is unlikely to be any other source of income or assistance. English Heritage funding is not available as this is only a Grade 2 Listed Building, and Heritage Lottery Funding is not open for private developments. The building also benefits from a planning permission for an alternative use. However evidence has been submitted by the applicant, illustrating how, even with this benefit, there was no market interest, and thus no investment available. The applicant had advertised the property with the benefit of the 2007 consent from late 2007 through 2008. There were only three expressions of interest that were taken further, but all eventually pulled out because, it is said, of finding the funding needed within the period of the economic downturn; the cost of the repairs needed to the Listed Building to an agreed specification, and the difficulty in attracting interest in the permitted use. As a consequence, it is agreed that after looking at these four initial tests, that the background to the case does indicate that an enabling development may very well be necessary here.

The remaining three tests are therefore going to be critical. Firstly, any enabling development should not detract from the archaeological, historic, or landscape interest of the heritage asset, or materially harm its setting. It has been concluded above already that this test is not fully satisfied, specifically as the new building would have an impact on the setting of the Listed Building – albeit a “neutral” one, and that the archaeological impact remains unidentified. Secondly, any enabling development has to be shown to be the minimum necessary to secure the future of the heritage asset, and that its form minimises any dis-benefits. This will be explored more fully in the next section. Finally all of the findings from these tests have to come together in the final balancing exercise – namely does the value and benefit in securing the future of the heritage asset, outweigh the longer term dis-benefit of providing the enabling development. Again this will be looked at later in this report.

From this section it is concluded that the asset here is of local historic significance and that the proposals are worth further exploration in terms of an enabling development to secure the future of this asset, as there is sufficient remaining interest in the asset to retain that interest, and because the proposals themselves have limited or neutral impacts on the asset in respect of its setting, but unknown impacts on its archaeology. A critical issue is thus to determine whether the proposed enabling development represents the minimum amount of new development to secure the future of the asset.

#### g) The Amount of Enabling Development

The costs of repairing the building have to meet the specifications necessary and appropriate for its status as a Listed Building. Conversion and refurbishment work would then have to be added, together with the costs of the demolitions, and the general clearing of the site. This, the applicant estimates would cost in the order of £1.3 million. This cost would not be recovered from the proposed use of the Listed Building alone. The return is wholly dependent upon the enabling development. This

situation is unusual, as it is normally the case that the use proposed for the Listed Building itself creates a value. As a consequence, it is appropriate to see if there is evidence to support the applicant's argument that an appropriate use in the Building would not be viable. The marketing exercise undertaken following the 2007 planning permission did not result in a commitment from a developer to implement the proposal, even although it was an appropriate use for the building. The applicant has also provided evidence to confirm his view that the use of the building as a single dwelling house, or as two residential units, using the layouts as set out in the current proposals but for residential occupation, would not cover the cost as referred to above. A fully commercial use – eg offices, the applicant argues would not be viable in commercial terms. The Council's Valuer agrees with the evidence that leads to these conclusions. As a consequence, there is support to consider an enabling development that itself creates a value to cover the cost of repairs to the Listed Building, rather than this being partly covered by a new use within the Building.

The applicant argues that the proposed use would do this. The proposed hotel would yield the necessary value to cover both the costs of works to the Listed Building and the costs of developing the new building and its associated site works. The latter would amount to £2.8 million. Once contingencies and the developer's profit are added, the total cost rises to £5.5 million. The value created by the development covers this cost according to the applicant. The Council's Valuer considers that given the current economic situation, such a valuation is optimistic, although given a recovery, he would accept that the valuation would be reasonable, mainly because of there is a demand in this location for this type of use.

The appraisals undertaken by the applicant are thus supported in principle as being a reasonable representation of the proposals in terms of justifying this enabling development. The evidence is therefore available to give weight to the applicant's argument that retention of the Listed Building does require an enabling development of the size of the current proposal.

English Heritage advice is always to seek alternative measures before considering on-site enabling development, so as to minimise potential impacts on the heritage asset. As indicated above, the applicant has had no success in marketing the 2007 planning permission, and has provided the evidence to show that alternative uses for the Listed Building would not be viable. The applicant does in fact own other land around Coleshill, and the possibility of considering an off-site enabling development has been explored. However this land is in the Green Belt and would almost certainly have to be developed for market housing to secure the value to enable the re-use of the Listed Building, and all would have involved a loss of openness in the Green Belt. It is thus considered that there are significant planning issues connected with such alternatives, and that the current proposal is to be preferred.

#### h) Other Matters

Conditions can normally be used to satisfy matters in respect of the technical aspects of these proposals – in this case those advised by the Highway Authority, the Environment Agency and other statutory consultees. There is no unusual condition being recommended by these bodies. There is neither any detailed matter mentioned within the representations received.

The only outstanding issues are the concerns of the Warwickshire Museum and the Warwickshire Wildlife Trust, both of whom require more detailed site survey and investigative work prior to being able to give an informed view on likely impacts. In

both cases, discussions reveal that the use of conditions would be pre-mature, as they believe that investigative work should be undertaken before determination of the application, as the findings may impact on the principle of the proposals. These matters are material planning considerations, and the advice received is thus significant. A resolution of the matter is recommended below.

#### i) Conclusions

Coleshill Hall farm house is a grade 2 Listed Building, and the last remaining structure of the former Coleshill Hall. It is in sound condition and worthy of retention because of the local historic connections to Coleshill. An earlier planning permission to secure its reuse has not been taken, and a substantial amount of money has had to be spent on securing the building from recent arson and vandalism. It remains vacant. A further proposal has come forward that has as its outcome, the repair, refurbishment and reuse of the building that carry has not been the subject of any objection. Those proposals preserve the special historic merit of the building. However, it has been shown that these outcomes can not be secured without an on-site enabling development, that whilst limited to the minimum necessary, will have a limited impact on the setting of that building, and the openness of the Green Belt hereabouts. The central issue of principle is therefore whether the impacts arising from the enabling development are so adverse to warrant outright refusal.

It is considered that they are not. Firstly, the impact on the Listed Building itself will substantively preserve and retain the special historic and architectural features of the building. Secondly, it has been shown that the development will result in a deficit that can only be realistically funded from an enabling development. Thirdly, it is agreed that that enabling development is the minimum necessary to secure the outcomes of repairing and retaining the heritage asset. Fourthly, it is concluded that the enabling development would not have an adverse impact on the setting of the Listed Building or the openness of the Green Belt hereabouts. It is accepted that there will be a limited impact, because of the size of the new building, but there are a number of mitigating factors identified in this report that together point to this not being fatal to the scheme. Finally, given that the earlier 2007 permission was not taken up, and the continuing problems with vandalism, that this proposal does probably represent a last opportunity to secure one of Coleshill's significant heritage assets. The development proposals are thus supported in principle.

If this position is agreed, then there is the outstanding matter of the nature conservation and archaeological interests that have to be considered. Normally, these could be dealt with by condition, but in both cases here, the Agencies involved see these interests as matters of principle. The issue is how to recognise the significance of their concerns whilst agreeing to the principle of the development in heritage terms. It is considered that there is a resolution to this situation, and there are a number of factors that lend themselves to this.

Firstly, as pointed out in the initial Board report (Appendix A) the application will possibly need referral to the Secretary of State as a Green Belt departure, if the Council is minded to support the proposals. As a consequence, if this occurs, there will be an opportunity for the applicant to undertake these investigations. The Secretary of State will be asked to take a view on the principle of the development, subject to satisfactory conclusions on the nature conservation and archaeological interests.



Secondly, the proposals have been submitted only as a planning application. Members are aware that Listed Building Consent will also be required if the development as set out in the planning application, is to be implemented. The applicant can not therefore actually commence work on the site without that Consent. To do so would be illegal. (Members are aware that commencement of work with a requisite planning permission is not illegal, whereas commencement without a requisite Listed Building Consent is an offence). The Council, and the two Agencies involved therefore have comfort that work on the current proposals is very unlikely to proceed immediately.

Thirdly, the applicant, is keen to dispose of the site, and thus needs to find a developer for the site. The 2007 permission found no interest, but he considers that there is a greater potential for securing that interest with the current proposals. He is thus looking to have the confidence to market the site, and a prospective purchaser will be seeking comfort that the development proposals being marketed carry the support of the Local Planning Authority in principle. It is therefore suggested that a "minded to support" resolution, as indicated above, would also fit this scenario.

As a consequence, because of the importance of the heritage asset here, it is considered that this current opportunity to find a satisfactory outcome should not be lost, and that the resolution to support in principle would be expedient and appropriate.

This situation has been discussed with the applicant and the two Agencies involved. They see the merit in what has been outlined above, and agree to the recommendation as set out below.

## **Recommendations**

- A) That the Council is minded to support the principle of the development proposed in this application, but that it first be referred to the Secretary of State as a Green Belt Development as defined by paragraph 4 of the 2009 Direction, and that provided it is not "called-in", a planning permission be granted subject to satisfactory outcomes in respect of nature conservation and archaeological investigations, and the draft conditions as set out below.
- B) That the applicant be reminded of the need for archaeological and nature conservation investigations to be undertaken and submitted to the Council.
- C) That the applicant be reminded of the need to obtain Listed Building Consent for the works proposed prior to any work commencing on site.
- D) That, in the event of the grant of a planning permission, the following conditions are attached:

### **Standard Conditions**

- i) The standard three year condition.
- ii) The Standard Plans Condition -The Location Plan at 1:2500, the Block Plan at 1:500, plan numbers 767/02, 03, 04, 05, 06 and 08 all received on 2 March 2010, plan number 767/07A received on 19 April 2010 and plan number 767/01B received on 27 May 2010

### **Pre-Commencement Conditions**

- iii) No work whatsoever shall commence on site until such time as a full schedule of repairs to be undertaken together with the specification of those repairs has been submitted to and approved in writing by the Local Planning Authority. All repairs shall then be undertaken solely in line with the approved specifications.

Reason: In the interests of preserving the historic character of the Listed Building.

- iv) No work shall commence whatsoever on site until arrangements have been agreed in writing by the Local Planning Authority, for a comprehensive photographic record of the Listed Building. These arrangements shall include details of where the record is to be deposited.

Reason: as above

- v) No work whatsoever shall commence on the Listed Building until such time as details of the following items have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site:

- a) Full details of all fire, thermal and sound insulation measures
- b) Full details of all floor and roof strengthening, replacement and restraining measures
- c) Full details of all new internal and external joinery at 1:20 and 1:25 scales
- d) Full details of rainwater goods, roof lights, external vent pipes and flues
- e) Full details of all new surfacing materials for car parking areas and drives
- f) Full details of all damp proofing measures

Reason: As above

- vi) No work whatsoever shall commence on the new building hereby approved until such time as details of the following items have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site:

- a) Full details of all external facing materials
- b) Full details of the eaves and verges
- c) Full details of the brick bonding and mortar colour to be used
- d) Full details of all external joinery
- e) Full details of all roof lights

Reason: As above

- vii) No work whatsoever shall commence on site until such time as details of all site boundary treatments and of the surfacing materials for all car parking and hard standing areas have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be used on site.

Reason: In the interests of securing the least adverse visual impact and to enhance the rural character of the setting.

- viii) No work whatsoever shall commence on site until full details of the landscaping measures to be implemented on site have first been submitted to and approved in writing by the Local Planning Authority. These details shall include details of species, the density of new planting, the management regime in order to maintain the planting, and details of any earth mounds and ditches. Only the approved measures shall then be undertaken on site.

Reason: In order to enhance the rural setting of the site

- ix) No work whatsoever shall commence on site until such time as the measures to be adopted to protect those trees shown on the approved plan as to be retained, have first been submitted to and

approved in writing. The approved measures shall then be implemented on site prior to any work commencing.

Reason: In order to protect those trees that are valuable to the setting of the site

- x) No work whatsoever shall commence on site until such time as full details of the means of disposal of all foul and surface water arising from the development hereby approved, have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be implemented.

Reason: In the interests of reducing the risks of flooding and of pollution

- xi) No work shall commence on site until such time as full details of all external lighting to be installed at the site has first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be implemented,

Reason: In the interests of reducing light pollution, and in securing a scheme that is in keeping with the setting.

#### Pre-Occupation Conditions

- xii) The development hereby permitted shall not be brought into use for business purposes until such time as all of the repair works approved under condition (iii) above have been fully completed to the satisfaction in writing by the Local Planning Authority.

Reason: In order to retain and preserve the Listed Building in view of its significance in the grant of this permission.

- xiii) The development hereby permitted shall not be brought into use for business purposes until such time as all of the car parking, turning, and manoeuvring areas have first been provided and completed in full to the satisfaction in writing by the Local Planning Authority.

Reason: In the interests of traffic and highway safety

- xiv) The development hereby permitted shall not be brought into use for business purposes until such time as the whole of the access arrangements shown on the approved plan have first been completed in full to the satisfaction in writing by the Local Planning Authority. Only the arrangements as approved shall be implemented.

Reason: In the interests of traffic and highway safety.

- xv) The landscaping details approved under condition (viii) above shall be implemented in the first available planting season following their written approval, but shall have been fully implemented prior to occupation of the premises for business purposes, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area in view of the rural setting.

- xvi) The development hereby approved shall not be used for business purposes until such time as the existing access onto the public highway has been permanently closed and the kerb and footway reinstated in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

- xvii) The development hereby approved shall not be brought into use for business purposes until such time as a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has first been submitted to the Local

Planning Authority; approved in writing by the Local Planning Authority, and implemented in full in accordance with the approved details.

Reason: In the interests of fire safety

#### Other Conditions

- xviii) The full visibility splays shown on either side of the approved access arrangements shall be kept clear of any obstruction at all times.

Reason: In the interests of traffic and highway safety

- xix) The access to the site shall not reduce the effective capacity of any drain or ditch within the limits of the public highway.

Reason: In the interests of reducing the risk of flooding

- xx) Details of any facilities for the storage of oils, fuels or chemicals on site shall first have been submitted to and approved in writing by the Local Planning Authority prior to their installation on site. Only the approved detail shall then be implemented.

Reason: To reduce the risk of pollution of the water environment; reduce the risk of fire and to protect the setting of the site.

- xxi) No additional opening shall be made to the buildings hereby approved other than as shown on the approved plans, nor shall any approved opening be altered or modified without the written approval of the Local Planning Authority.

Reason: In the interests of preserving the character of the buildings on site and its setting.

- xxii) All external joinery on the existing and new building hereby approved shall be painted and not stained, to a colour that shall first have been agreed in writing by the Local Planning Authority. Only the approved colour shall then be used.

Reason: In the interests of preserving the character and setting of the Listed Building.

- xxiii) All windows to the Listed Building shall be single glazed otherwise than agreed in writing by the Local Planning Authority.

Reason: As above

Together with additional conditions as may be required as a consequence of the archaeological and nature conservation investigations that are to be undertaken.

E) That a further progress report is brought to the Board when appropriate.

#### **Policies**

As set out in Appendix A

#### **Justification**

The proposals are for inappropriate development in the Green Belt by virtue of the new building proposed, and they also involve works to a grade 2 Listed Building. This building has been prone to vandalism, but it is structurally sound, and retains internal and external features associated with its changing use over time. A detailed conservation and historic appraisal accompanies the application. The building is historically significant as it is the last remaining structure of the former Coleshill Hall. It is fully worthy of retention and repair if an appropriate future use can be found. A

2007 planning permission failed to generate the interest to re-use it. It is considered that the current proposals do not have an adverse impact on either the internal or external characteristics of the building and fully respect its listed status. However there will be an impact on the setting of the building because of the new building proposed at the rear. This impact is considered to be neutral given a number of design and locational mitigating factors incorporated into the proposals. Whilst the proposals involve the demolition of a number of adjoining and large modern agricultural buildings, there will still be a net increase in floor area. This will have an impact on the openness of the Green Belt hereabouts, but this is a limited impact. It is considered that the repair, refurbishment and re-use of the heritage asset here will require an enabling development. Evidence has been submitted to show that this is necessary and that the proposals represent the minimum necessary to enable repair and a viable after use. This evidence has been agreed. It is considered that this provides the material circumstance of such weight to constitute the very special circumstance required to outweigh the presumption of refusal for this inappropriate development, given that there are considered to be limited impacts. There are no other considerations of such weight to override this conclusion.

## BACKGROUND PAPERS

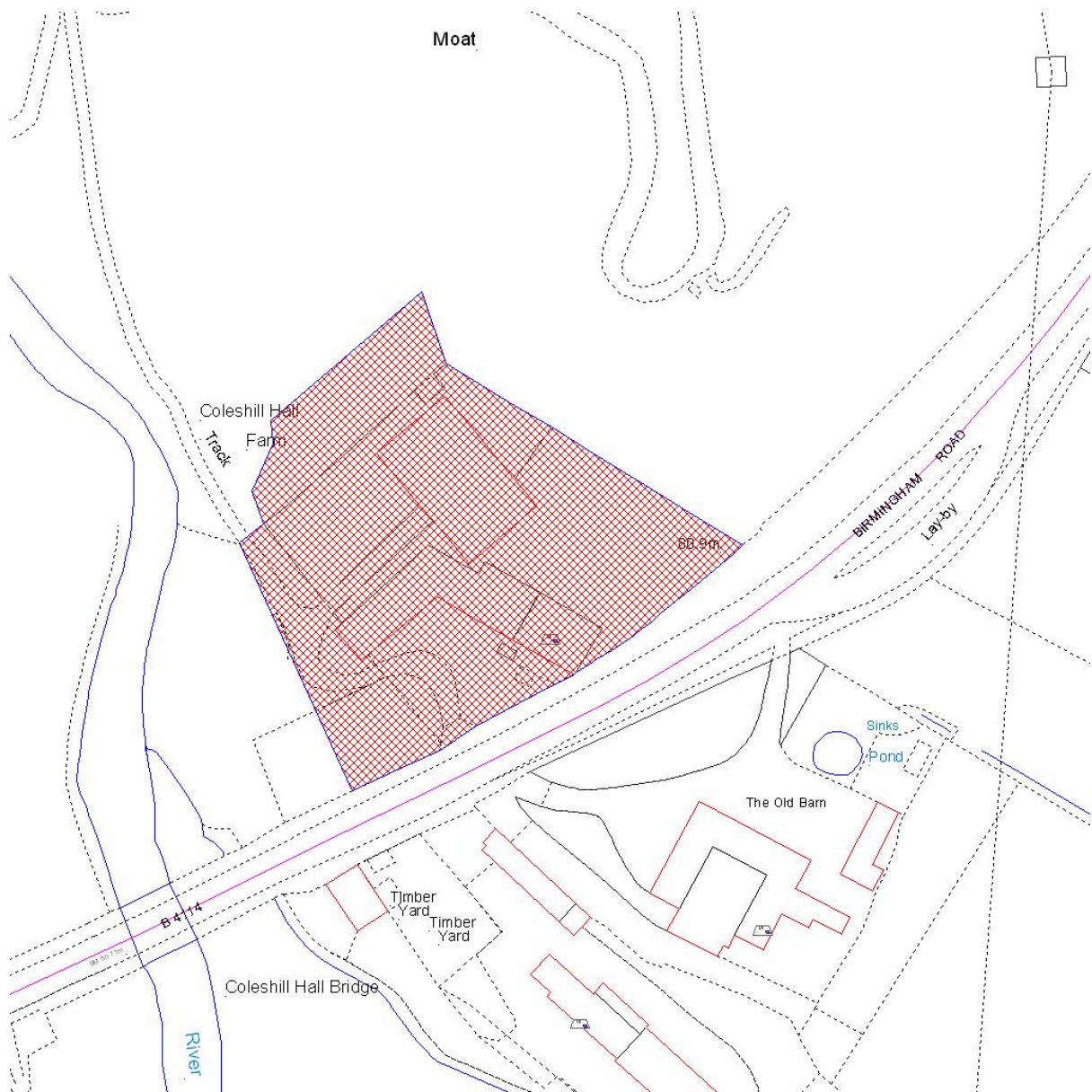
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

**Planning Application No: PAP/2010/0088**

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Applicants Agent	Planning Application Forms and Plans	2/3/10
2	D Axe	Representation	7/3/10
3	AWM	Consultation	19/3/10
4	Head of Development Control	Letter	9/3/10
5	Head of Development Control	Letter	15/3/10
6	Head of Development Control	E-mails	16/3/10
7	Community Development Officer	Consultation	25/3/10
8	Warwickshire Wildlife Trust	Consultation	30/3/10
9	WCC Highways	Consultation	9/3/10
10	Warwickshire Police	Consultation	29/3/10
11	Severn Trent Water Ltd	Consultation	31/3/10
12	Council's Valuer	Consultation	8/4/10
13	Head of Development Control	E-mail	8/4/10
14	Heritage Officer	Consultation	9/4/10
15	S Powers	Objection	17/4/10
16	A Harvey	Representation	15/4/10
17	Agents	Letter	27/4/10
18	Warwickshire Fire Services	Consultation	16/4/10
19	Coleshill Civic Society	Objection	27/4/10
20	Site Visit	Note	22/5/10
21	Agents	E-mail	25/5/10
22	Agents	E-mail	26/5/10
23	Agents	Letter	26/5/10
24	Council's Valuer	Consultation	27/5/10
25	Warwickshire Museum	Consultation	27/5/10
26	Warwickshire Highways	Consultation	20/5/10

*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.*



**PA 2010/0088  
Coleshill Hall Farm, Birmingham Road, Coleshill**

**Application to refurbish and change the use of the Grade 2 Listed Building former stables/farmhouse, together with the erection of new bedroom accommodation with 40 en-suite rooms, for**

**The Trustees of the K E Wingfield Digby Settlement**

### **Introduction**

This application has recently been submitted, and is reported here for information before it is determined. The report will describe the proposal; outline the relevant Policies of the Development Plan, and identify the main issues that will need to be considered in its determination.

### **The Site**

These premises are on the northern side of the Birmingham Road, about 800 metres west of its junction with the A446 Coleshill By-Pass, and 300 metres west of the roundabout junction with Coleshill Manor. It is shown on the attached plan at Appendix A. It comprises a brick built farm house and stables together with a range of agricultural buildings. There is a cluster of buildings on the other side of the road, but otherwise it lies in open countryside.

### **The Proposal**

It is proposed to demolish the agricultural buildings surrounding the main farmhouse, and to erect a single block to the north. This would be two storey brick and tile structure accommodating forty hotel bedrooms. The existing building would accommodate the dining/cooking/lounge/reception and other service functions of the hotel, together with staff rooms and office accommodation. Access would be from the Birmingham Road via a new access to the east of the building, as the existing one to the west would be permanently closed. 54 car parking spaces would be provided within the new complex in and around the buildings. The overall layout as proposed is illustrated at Appendix B. Plans showing the appearance of the new building and its relationship with the existing are attached at Appendix C.

The footprint of the buildings to be demolished amounts to some 900 square metres, and the footprint of the new building is around 1000 square metres (a 10% increase in footprint). The height of the new building is 5.5 metres to its eaves and 9.5 metres to its highest ridge, whereas the ridge of the retained building is 11 metres.

A more extensive description of the proposed works is provided below.



## **Background**

### **a) History**

The existing building is a Grade 2 Listed Building dating from the late 17<sup>th</sup> Century. It lies close to the moated site of an earlier medieval manor house. The main brick building is a combined farmhouse and barn, probably converted to these functions in the mid to late 18<sup>th</sup> Century from what was the late 17<sup>th</sup> Century stables and coach house serving the former Coleshill Hall. That was demolished early in the 19<sup>th</sup> Century. A full Archaeological and Architectural Appraisal of the existing building, including descriptions of the former Coleshill Hall has been submitted to accompany the application. The building was Listed in 1989, and the list description is attached at Appendix D.

There is little planning history attached to the site. In 1970, planning permission was granted for the "modern" agricultural buildings to the north of the Listed Building. Both planning permission and Listed Building Consent were granted in 2007 for the demolition of the modern agricultural buildings here, and the conversion of the Listed Building to form five live/work units together with ancillary site works. These applications have not been taken up.

Since 2007, the building has been the subject of frequent vandalism, and the owners have undertaken a series of repairs together with a number of other measures including the removal of other buildings close by in order to prevent access; blocking up openings, clearing the undergrowth to make the site more visible and the digging of ditches to prevent vehicular access. Many of these measures have had to be repeated.

### **b) Repairs**

A list of repairs to the Listed Building is included with the application together with a description of the proposed refurbishments and alterations on a room by room basis. It also provides a description of the state of the building. In general terms, this says that as far as the exterior is concerned, the window and door openings are a complete mix of location and size reflecting internal changes in the use of the building. The roof tiling is said to be in need of re-laying, but the external brickwork walls are stable with surface treatment necessary. The stone plinths and corner quoins have weathered but are in a better condition. Internally, the structure is sound. The roof trusses, purlins and rafters are sound, as are the first floor beams and joists. First floor walls have extensive damage to lathe and plaster, and some ceilings have been removed completely. The farm house staircase has been removed and most internal fittings have been damaged. There are no internal features. In conclusion the report says that the general structure is sound and in generally good condition.

Proposed external changes to the Listed Building include: a new first floor window in the south elevation using an existing opening, two new windows in the north elevation together with two roof lights, new joinery in all of the existing openings on the west elevation and four roof lights, and similar work to the east elevation but with reinstating existing door and window features and two roof lights. Appendix C illustrates some of these works.

The new building is effectively a square building that has been varied and adapted to provide a variety of elevations and roofscapes. It will provide the forty bedrooms around its perimeter with circulation space internally provided.

### **c) Documentation**

The application is accompanied by a number of supporting documents. These include:

- i) A Flood Risk Assessment given that the River Cole flows 50 metres to the west of the Listed Building. Neither the new or existing buildings are within current identified flood zones, although some of the proposed car parking will be.
- ii) A Road Safety Audit given that the existing access has poor visibility; the average speed of traffic on the road, and likely amount of traffic generated by the proposal. The existing access proposals are said to have been designed as a consequence of the Audits' conclusions.
- iii) A Design and Access Statement that outlines the reasoning behind the approach adopted towards the design of the new building.
- iv) A short statement on the likely impacts on existing trees and on the wildlife of the site.
- v) A Planning Statement outlining the applicant's assessment of the proposal against relevant Development Plan policy and Government Guidance.
- vi) A Business Statement and a Financial Appraisal that sets out the financial case for the development. This concludes that the total cost of the scheme is around £5.5 million but that the completed market value of the scheme would be equivalent to this, such that no surplus would result.

### **Development Plan**

a) The Regional Spatial Strategy ("RSS") 2004 - Policies RR1 (Rural Renaissance); PA1 (Prosperity for All), PA10 (Tourism and Culture), RA14 (Economic Development and the Rural Economy), QE1 (Conserving and Enhancing the Environment), QE3 (Creating a High Quality Built Environment), QE5 (Protection and Enhancement of the Historic Environment), QE6 (Conservation and Enhancement of the Landscape) and QE9 (The Water Environment).

b) The North Warwickshire Local Plan ("Local Plan") 2006 - Saved Core Policies CP1 (Social and Economic Regeneration); CP2 (Development Distribution), CP3 (Natural and Historic Environment), CP11 (Quality of Development), together with saved Policies ENV1 (Protection and Enhancement of Natural Landscape), ENV2 (Green Belt), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation), ENV16 (Listed Buildings), ECON9 (Re-Use of Rural Buildings), ECON10 (Tourism), ECON11 (Hotels and Guest Houses), TPT1 (Transport Considerations), TPT3 (Access and Sustainable Transport) and TPT6 (Parking)

### **Other Material Planning Considerations**

a) The RSS Phase 2 Revision (2008) - Policies RR1, PA1, PA10, PA14, QE1, QE3, QE5, QE6 and QE9.

b) Government Guidance - Planning Policy Statement Number 1 (Delivering Sustainable Development); Planning Policy Guidance Note Number 2 (Green Belts), Planning Policy Statement Number 4 (Planning for Sustainable Economic Growth), Planning Policy Guidance Note Number 9 (Planning for Biodiversity and Geological Conservation), Planning Policy Guidance Note 13 (Transport), Planning Policy Statement Number 5 (Planning for the Historic Environment), PPS5 Historic Environment Planning Practice Guide, Planning Policy Statement 25 (Development and Flood Risk) and the Good Practice Guide on Planning for Tourism.

c) English Heritage Publications - Enabling Development and the Conservation of Heritage Assets (1999); Enabling Development and the Conservation of Significant Places (2008)

### **Procedural Matters**

The development proposed is a departure from the Development Plan. This is because it is for inappropriate development in the Green Belt, and because the use is more appropriately to be located within a settlement rather than in open countryside. As a consequence of the combination of these two issues and because of the size of the proposal, it will be necessary to refer the case to the Secretary of State if the Council is minded to support the proposal. He will then determine whether or not he wishes to "call-in" the application for his own decision following a Public Inquiry. The Council may however refuse the application without referral.

This application falls below the thresholds adopted by the West Midlands Regional Assembly and Advantage West Midlands for Regionally Strategic Development. It is thus a matter that can be assessed on local impacts.

No Environmental Statement was required with the application as it was considered that the environmental effects would not be significant. This is because these effects are likely to be local in nature; the lack of special designations at the site or adjoining the site, the applicant has already addressed highway and flood risk issues in supporting documentation, and the main environmental impact is that of the "enabling" nature of the application, which is fully addressed in the supporting application.

### **Observations**

#### **a) The Green Belt**

The proposal is for inappropriate development in the Green Belt by definition in Government guidance, and thus there is a presumption that the application should be refused planning permission. In this case however, the applicant is suggesting that there are arguments that weigh against this position. It is thus necessary for the Board to identify whether there are indeed any material considerations of such weight that

they can be considered to amount to the very special circumstances that might lead to re-consideration of this presumption. If there are, then the main issue becomes whether they are of such weight to override the harm done to the Green Belt by virtue of the inappropriateness of the proposed development.

**b) The Conservation Asset**

In this case, the applicant is saying that the main material consideration of such weight as to warrant overriding the presumption of refusal, is that the proposal represents a development proposal that "enables" the restoration and re-use of the Listed Building here. He is saying that there is little prospect of the building being brought into a viable use without such a scheme, and that it represents a last opportunity to retain the building. The component issues that the Board will have to consider relate to the state of building; past opportunities, current prospects and any evidence of interest from the marketing the property. Then there the issues that arise because the proposal is being forwarded as an enabling development; is the proposed use appropriate for the Listed Building, what is the cost of repairing and refurbishing the building so as to introduce the use, is there a deficit, is the quantum of enabling development the minimum necessary to cover that deficit, is the conservation merit of the building reduced as a consequence of that enabling development, and what are the impacts of the works themselves on the building's own special architectural and historic attributes that led to it being listed.

**c) Development Distribution**

In this case, the proposed development – a hotel, is also a use that would not normally be supported outside the development boundary of one of the main settlements of the Borough as defined by saved Local Plan Core Policy 2. A further issue will be to assess whether there are material circumstances that could support this proposal notwithstanding this policy background. In particular those considerations will include other Development Plan policies and Government guidance that actively promote tourism; saved Development Plan policy that prefers an economic re-use for rural buildings, the likely impact on the viability of other hotels and town centres in general, and the conclusions reached on the Green Belt issue referred to above.

**d) Other Issues**

Whilst these are the substantive issues that the Board will have to debate, it will still need to satisfy itself that there are no adverse impacts arising from other matters that could lead to a refusal. These particularly here relate to highway/traffic matters; flood risk and to the impacts on wildlife.

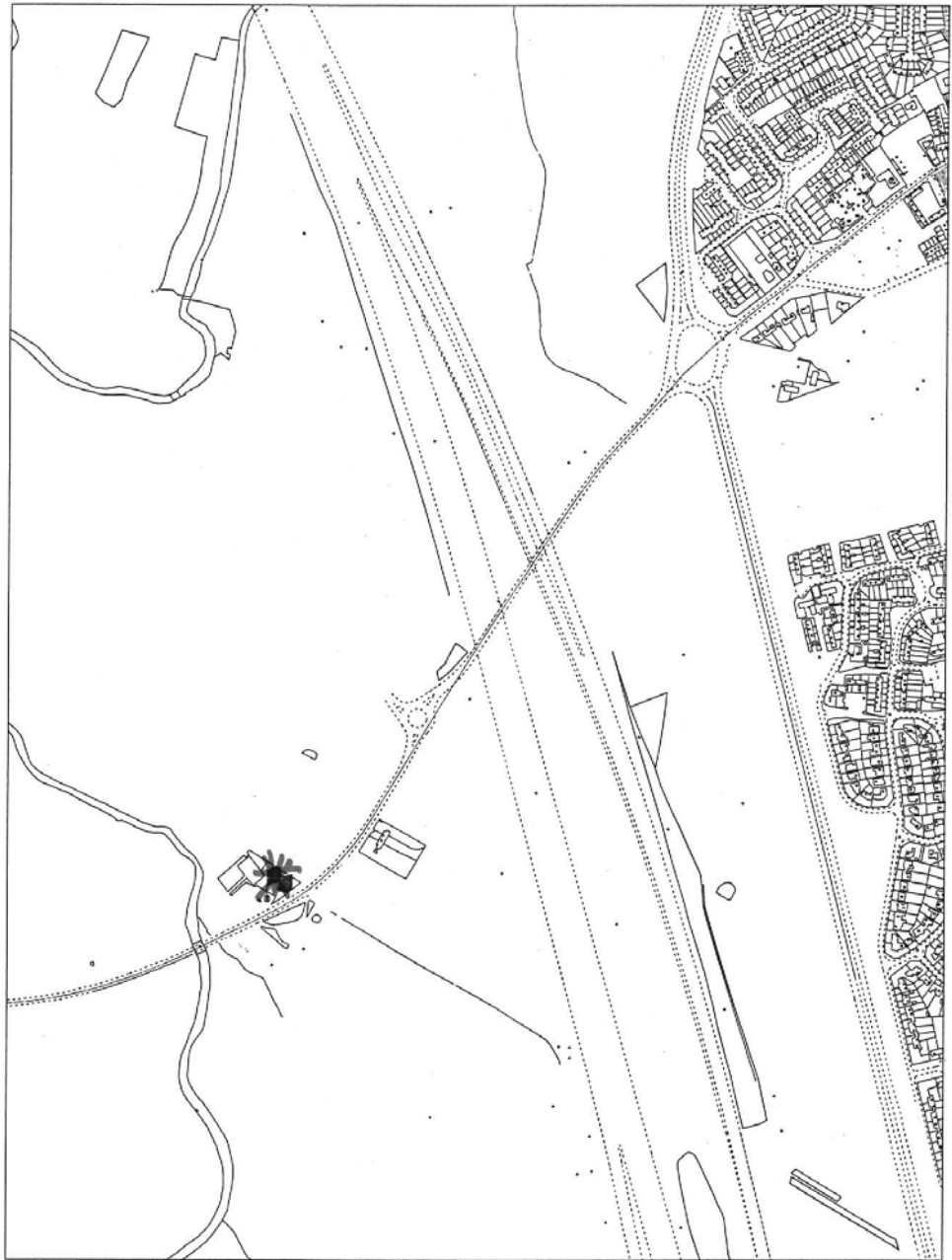
**Recommendation**

That the Board agrees to visit the site prior, to its determination of the application.

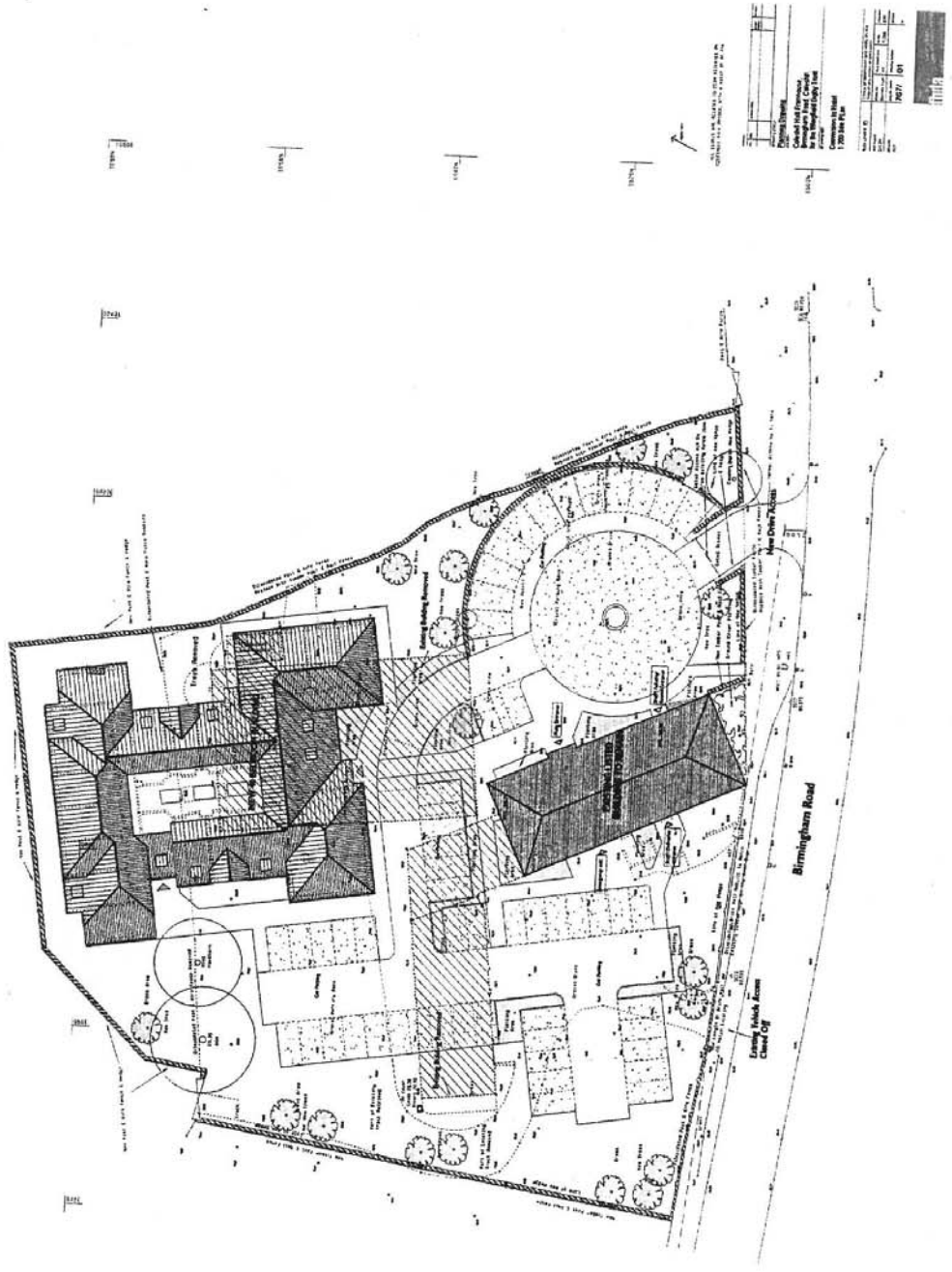
Background Papers

Application 2/3/10

A p p e n d i x A



Appendix B



2010 / 0088  
Coleshill Hall  
Farm House  
HOTEL

Coleshill Hall Farm House, Birmingham Road, Coleshill  
For The Wingfield Digby Trust

### Perspective Views for Planning Application

To refurbish and change the use of the Grade II Listed former Stables/farm house to hotel communal space, together with erecting new bedroom accommodation with 40 en-suite rooms.



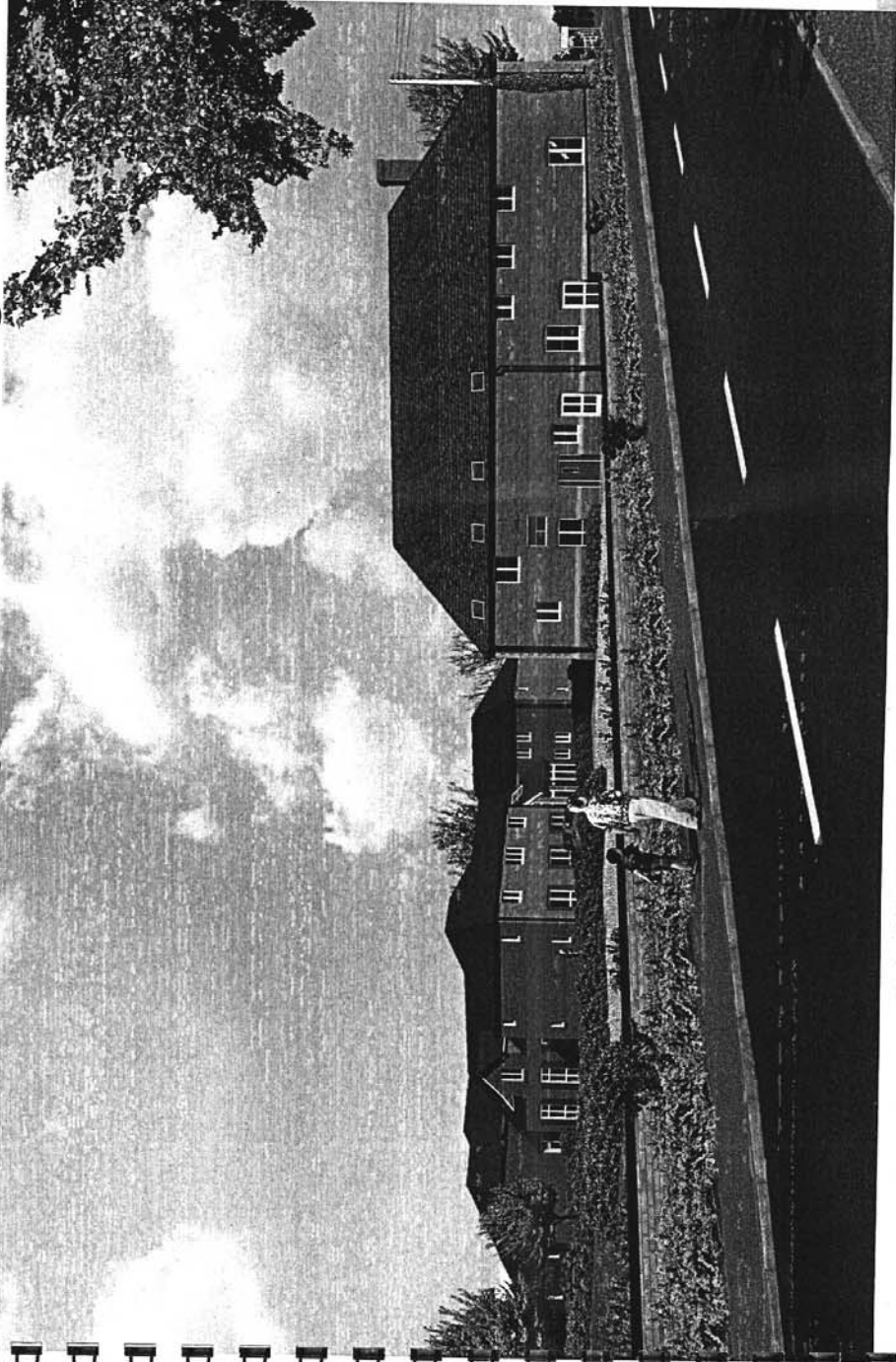
NORTH WARWICKSHIRE  
BOROUGH COUNCIL  
- 2 MAR 2010  
PLANNING DIVISION

Appendix C

Coleshill Hall Farm House - Conversion to 40 Bedroom Hotel.  
As Viewed From The Birmingham Road Heading West Away From Coleshill.

The existing listed building is on the left next to the road with the new building replacing some existing buildings on the right.

**Coleshill Hall  
Farm House  
HOTEL**



**Coleshill Hall Farm House - Conversion to 40 Bedroom Hotel.  
As Viewed From The Birmingham Road Heading East Towards Coleshill.**

The existing listed building is on the right next to the road with the new building replacing some existing buildings on the left.



SCHEDULE  
FORTY SIXTH LIST OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST  
COMPILED UNDER SECTION 54 OF THE TOWN AND COUNTRY PLANNING ACT 1971

SP18NE 7/1	COLESHILL	BIRMINGHAM ROAD (North-west side) Coleshill Hall Farmhouse
-		II

Stable block incorporating farm house. Late C17 with later alterations. Red brick (Flemish bond) with sandstone quoins and plinth coping; massive plain tile roof with hipped ends; brick off-ridge stack. Aligned north-west/south-east; the house occupies the south-east end of the range whereas the rest of the building is devoted to stables. North-east front: 2 storeys, 5 bays: C19 casements with segmental heads. Half-glazed door to left of centre with C19 bracketed canopy. The right hand half of this front is obscured by vegetation. The south-west front towards the farmyard has a central door with heavy chamfered timber frame, leading into a former through-passage. House door to the right flanked by 2 bays of segmental headed casements. The fenestration is otherwise irregular and includes 2 fixed-light glazing bar casements with segmental heads. Inserted doors to the left, and a loft hatch with plank door. Interior: late C17 roof with 2 collars and 2 pairs of queen struts. Reputed to be the former stable block to the now demolished Coleshill Hall.

**Coleshill Hall Farmhouse  
PA 2010/088  
Proposed Hotel**

**Board Site Visit – 22 May 2010 at 1100 hours**

**Present:** Councillors L and N Dirveiks, Lea, Morson, Sherratt, Simpson, Swann, Winter and Wykes. J Brown (NWBC) and Chris Fellows (Applicant's agent)

1. Members looked at the existing site from the lay by on the B4114, noted the Listed Building, its size, proximity to the road and its existing state. The site of the former Coleshill Hall was pointed out, and the visible signs of the remaining moat were identified. The proposed plans and layout were explored.
2. On entering the site, Members looked closely at the western elevation, facing towards Birmingham, and looked at the existing access which is to be closed. The buildings to be demolished were pointed out. The Members then went to the rear of the building to see the extent of the buildings to be demolished. The ground levels of the proposals were identified with reference to existing levels, such that the height of the new build could be compared with the existing, and so that the visual impact of the new build could be considered when approaching from the west.
3. Members concluded the visit by visiting the east elevation, and noted the proposed location of the new build in relation to the existing and the site of the new access was identified.
4. The visit concluded at 1130.

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 North Worcestershire  
 Borough Council

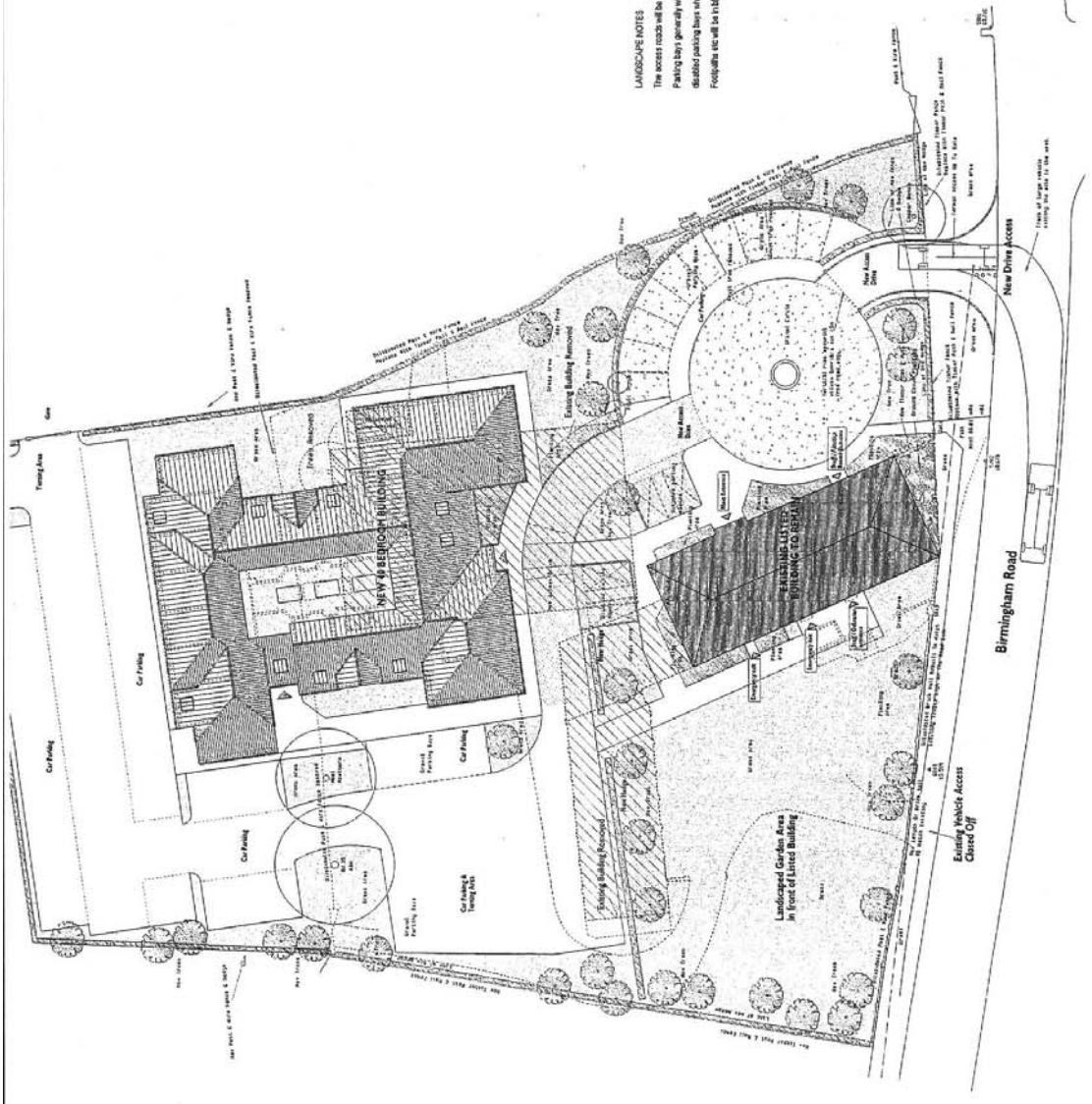
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8	Project Location	1/1
9	Project Contact	1/1
10	Project Notes	1/1

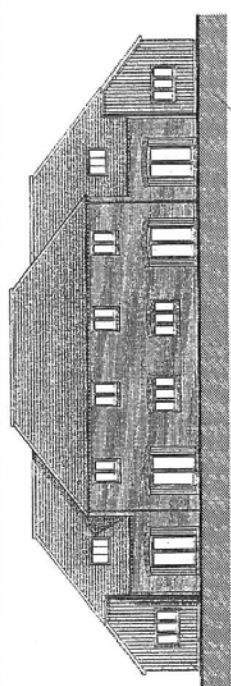
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 Planning Committee  
 Council Chamber  
 100 High Street, Birmingham  
 B2 4AA

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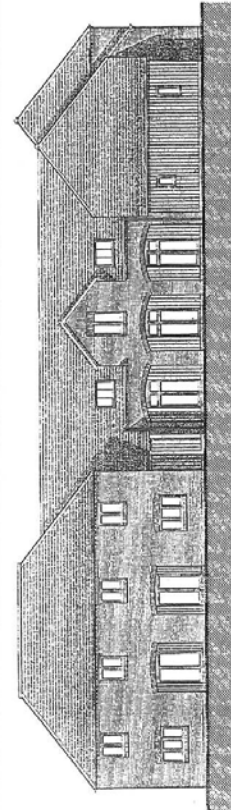
**LANDSCAPE NOTES**  
 The access roads will be in a well draining block system.  
 Parking bays generally will be paved except for disabled parking bays which will be as the access road.  
 Footpaths etc will be in blocks paving giving to well landscaped areas





NORTH FACING ELEVATION

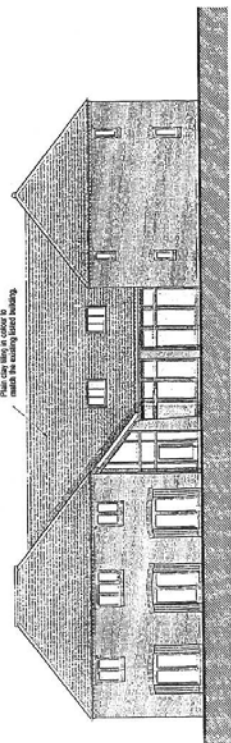
Note: Details to be reviewed with owner of each lot building



EAST FACING ELEVATION

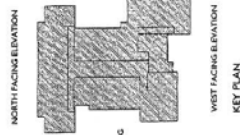
General stone detail in Warwickshire brick color for all exterior walls and roof tiles. The existing listed building.

Note: Details to be reviewed with owner of each lot building



ENTRANCE FOYER SECTION AND ELEVATION

Plan: City City in color to match the existing listed building.



KEY PLAN

**NEW BUILDING TO ACCOMMODATE THE HOTEL ECONOMICS**

The building has been designed with an irregular shape and broken up roof and eaves line to give the appearance of a group of 19th century brick built town houses.

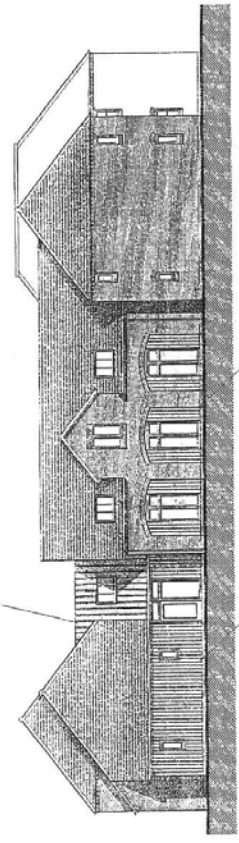
The roof over the main entrance will be a pitched roof with a central chimney to give the impression of an old extension.

To give the impression of building having been added over time the eaves shall be stepped down to the level of the existing building.

The roof over the main entrance will be a pitched roof with a central chimney to give the impression of an old extension.

Architects have been incorporated with the main extension will be a brick building with the existing building. Walls to be made in extension will be a brick building with the existing building.

Windows and door frames will be hardwood timber sections matching the listed building with panel finish.



WEST FACING ELEVATION

Note: Details to be reviewed with owner of each lot building

General stone detail in Warwickshire brick color for all exterior walls and roof tiles. The existing listed building.

Item	Description	Quantity	Unit
1	Brickwork	1000	m <sup>2</sup>
2	Roofing	500	m <sup>2</sup>
3	Windows	20	nos
4	Doors	10	nos

Field	Value
Project Name	Warwickshire Hotel
Client	Warwickshire Hotel
Architect	Warwickshire Hotel
Contractor	Warwickshire Hotel
Scale	1:100
Date	19 APR 2018
Sheet No.	7671 07
Sheet Total	10



**() Application No PAP/2010/0088**

**Coleshill Hall Farm, Birmingham Road, Coleshill**

**To refurbish and change the use of the Grade II Listed former stables/farmhouse to hotel communal space, together with erecting new bedroom accommodation with 40 ensuite rooms,**

**For The Trustees of the K E Wingfield Digby Settlement**

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These premises are on the northern side of the Birmingham Road, about 800 metres west of its junction with the A446 Coleshill By-Pass, and 300 metres west of the roundabout junction with Coleshill Manor. It is shown on the attached plan at Appendix A. It comprises a brick built farm house and stables together with a range of agricultural buildings. There is a cluster of buildings on the other side of the road, but otherwise it lies in open countryside.

**The Proposal**

It is proposed to demolish the agricultural buildings surrounding the main farmhouse, and to erect a single block to the north. This would be two storey brick and tile structure accommodating forty hotel bedrooms. The existing building would accommodate the dining/cooking/lounge/reception and other service functions of the hotel, together with staff rooms and office accommodation. Access would be from the Birmingham Road via a new access to the east of the building, as the existing one to the west would be permanently closed. 54 car parking spaces would be provided within the new complex in and around the buildings. The overall layout as proposed is illustrated at Appendix B. Plans showing the appearance of the new building and its relationship with the existing are attached at Appendix C.

The footprint of the buildings to be demolished amounts to some 900 square metres, and the footprint of the new building is around 1000 square metres (a 10% increase in footprint). The height of the new building is 5.5 metres to its eaves and 9.5 metres to its highest ridge, whereas the ridge of the retained building is 11 metres.

A more extensive description of the proposed works is provided below.

## **Background**

### **a) History**

The existing building is a Grade 2 Listed Building dating from the late 17<sup>th</sup> Century. It lies close to the moated site of an earlier medieval manor house. The main brick building is a combined farmhouse and barn, probably converted to these functions in the mid to late 18<sup>th</sup> Century from what was the late 17<sup>th</sup> Century stables and coach house serving the former Coleshill Hall. That was demolished early in the 19<sup>th</sup> Century. A full Archaeological and Architectural Appraisal of the existing building, including descriptions of the former Coleshill Hall has been submitted to accompany the application. The building was Listed in 1989, and the list description is attached at Appendix D.

There is little planning history attached to the site. In 1970, planning permission was granted for the “modern” agricultural buildings to the north of the Listed Building. Both planning permission and Listed Building Consent were granted in 2007 for the demolition of the modern agricultural buildings here, and the conversion of the Listed Building to form five live/work units together with ancillary site works. These applications have not been taken up.

Since 2007, the building has been the subject of frequent vandalism, and the owners have undertaken a series of repairs together with a number of other measures including the removal of other buildings close by in order to prevent access; blocking up openings, clearing the undergrowth to make the site more visible and the digging of ditches to prevent vehicular access. Many of these measures have had to be repeated.

### **b) Repairs**

A list of repairs to the Listed Building is included with the application together with a description of the proposed refurbishments and alterations on a room by room basis. It also provides a description of the state of the building. In general terms, this says that as far as the exterior is concerned, the window and door openings are a complete mix of location and size reflecting internal changes in the use of the building. The roof tiling is said to be in need of re-laying, but the external brickwork walls are stable with surface treatment necessary. The stone plinths and corner quoins have weathered but are in a better condition. Internally, the structure is sound. The roof trusses, purlins and rafters are sound, as are the first floor beams and joists. First floor walls have extensive damage to lathe and plaster, and some ceilings have been removed completely. The farm house staircase has been removed and most internal fittings have been damaged. There are no internal features. In conclusion the report says that the general structure is sound and in generally good condition.

Proposed external changes to the Listed Building include: a new first floor window in the south elevation using an existing opening, two new windows in the north elevation together with two roof lights, new joinery in all of the existing openings on the west elevation and four roof lights, and similar work to the east elevation but with reinstating existing door and window features and two roof lights. Appendix C illustrates some of these works.

The new building is effectively a square building that has been varied and adapted to provide a variety of elevations and roofscapes. It will provide the forty bedrooms around its perimeter with circulation space internally provided.

### **c) Documentation**

The application is accompanied by a number of supporting documents. These include:

- i) A Flood Risk Assessment, given that the River Cole flows 50 metres to the west of the Listed Building. Neither the new or existing buildings are within current identified flood zones, although some of the proposed car parking will be.
- ii) A Road Safety Audit given that the existing access has poor visibility; the average speed of traffic on the road, and likely amount of traffic generated by the proposal. The existing access proposals are said to have been designed as a consequence of the Audits' conclusions.
- iii) A Design and Access Statement that outlines the reasoning behind the approach adopted towards the design of the new building.
- iv) A short statement on the likely impacts on existing trees and on the wildlife of the site.
- v) A Planning Statement outlining the applicant's assessment of the proposal against relevant Development Plan policy and Government Guidance.
- vi) A Business Statement and a Financial Appraisal that sets out the financial case for the development. This concludes that the total cost of the scheme is around £5.5 million but that the completed market value of the scheme would be equivalent to this, such that no surplus would result.

### **Development Plan**

a) The Regional Spatial Strategy ("RSS") 2004 - Policies RR1 (Rural Renaissance); PA1 (Prosperity for All), PA10 (Tourism and Culture), RA14 (Economic Development and the Rural Economy), QE1 (Conserving and Enhancing the Environment), QE3 (Creating a High Quality Built Environment), QE5 (Protection and Enhancement of the Historic Environment), QE6 (Conservation and Enhancement of the Landscape) and QE9 (The Water Environment).

b) The North Warwickshire Local Plan ("Local Plan") 2006 - Saved Core Policies CP1 (Social and Economic Regeneration); CP2 (Development Distribution), CP3 (Natural and Historic Environment), CP11 (Quality of Development), together with saved Policies ENV1 (Protection and Enhancement of Natural Landscape), ENV2 (Green Belt), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation), ENV16 (Listed Buildings), ECON9 (Re-Use of Rural Buildings), ECON10 (Tourism), ECON11 (Hotels and Guest Houses), TPT1 (Transport Considerations), TPT3 (Access and Sustainable Transport) and TPT6 (Parking)

## **Other Material Planning Considerations**

a) The RSS Phase 2 Revision (2008) - Policies RR1, PA1, PA10, PA14, QE1, QE3, QE5, QE6 and QE9.

b) Government Guidance - Planning Policy Statement Number 1 (Delivering Sustainable Development); Planning Policy Guidance Note Number 2 (Green Belts), Planning Policy Statement Number 4 (Planning for Sustainable Economic Growth), Planning Policy Guidance Note Number 9 (Planning for Biodiversity and Geological Conservation), Planning Policy Guidance Note 13 (Transport), Planning Policy Statement Number 5 (Planning for the Historic Environment), PPS5 Historic Environment Planning Practice Guide, Planning Policy Statement 25 (Development and Flood Risk) and the Good Practice Guide on Planning for Tourism.

c) English Heritage Publications - Enabling Development and the Conservation of Heritage Assets (1999); Enabling Development and the Conservation of Significant Places (2008)

## **Procedural Matters**

The development proposed is a departure from the Development Plan. This is because it is for inappropriate development in the Green Belt, and because the use is more appropriately to be located within a settlement rather than in open countryside. As a consequence of the combination of these two issues and because of the size of the proposal, it will be necessary to refer the case to the Secretary of State if the Council is minded to support the proposal. He will then determine whether or not he wishes to “call-in” the application for his own decision following a Public Inquiry. The Council may however refuse the application without referral.

This application falls below the thresholds adopted by the West Midlands Regional Assembly and Advantage West Midlands for Regionally Strategic Development. It is thus a matter that can be assessed on local impacts.

No Environmental Statement was required with the application as it was considered that the environmental effects would not be significant. This is because these effects are likely to be local in nature; the lack of special designations at the site or adjoining the site, the applicant has already addressed highway and flood risk issues in supporting documentation, and the main environmental impact is that of the “enabling” nature of the application, which is fully addressed in the supporting application.

## **Observations**

### **a) The Green Belt**

The proposal is for inappropriate development in the Green Belt by definition in Government guidance, and thus there is a presumption that the application should be refused planning permission. In this case however, the applicant is suggesting that there are arguments that weigh against this position. It is thus necessary for the Board to identify whether there are indeed any material considerations of such weight that they can be considered to amount to the very special circumstances that might lead to re-consideration of this presumption. If there are, then the main issue



becomes whether they are of such weight to override the harm done to the Green Belt by virtue of the inappropriateness of the proposed development.

### **b) The Conservation Asset**

In this case, the applicant is saying that the main material consideration of such weight as to warrant overriding the presumption of refusal, is that the proposal represents a development proposal that “enables” the restoration and re-use of the Listed Building here. He is saying that there is little prospect of the building being brought into a viable use without such a scheme, and that it represents a last opportunity to retain the building. The component issues that the Board will have to consider relate to the state of building; past opportunities, current prospects and any evidence of interest from the marketing the property. Then there the issues that arise because the proposal is being forwarded as an enabling development; is the proposed use appropriate for the Listed Building, what is the cost of repairing and refurbishing the building so as to introduce the use, is there a deficit, is the quantum of enabling development the minimum necessary to cover that deficit, is the conservation merit of the building reduced as a consequence of that enabling development, and what are the impacts of the works themselves on the building’s own special architectural and historic attributes that led to it being listed.

### **c) Development Distribution**

In this case, the proposed development – a hotel, is also a use that would not normally be supported outside the development boundary of one of the main settlements of the Borough as defined by saved Local Plan Core Policy 2. A further issue will be to assess whether there are material circumstances that could support this proposal notwithstanding this policy background. In particular those considerations will include other Development Plan policies and Government guidance that actively promote tourism; saved Development Plan policy that prefers an economic re-use for rural buildings, the likely impact on the viability of other hotels and town centres in general, and the conclusions reached on the Green Belt issue referred to above.

### **d) Other Issues**

Whilst these are the substantive issues that the Board will have to debate, it will still need to satisfy itself that there are no adverse impacts arising from other matters that could lead to a refusal. These particularly here relate to highway/traffic matters; flood risk and to the impacts on wildlife.

### **Recommendation**

That the Board agrees to visit the site prior, to its determination of the application.

## BACKGROUND PAPERS

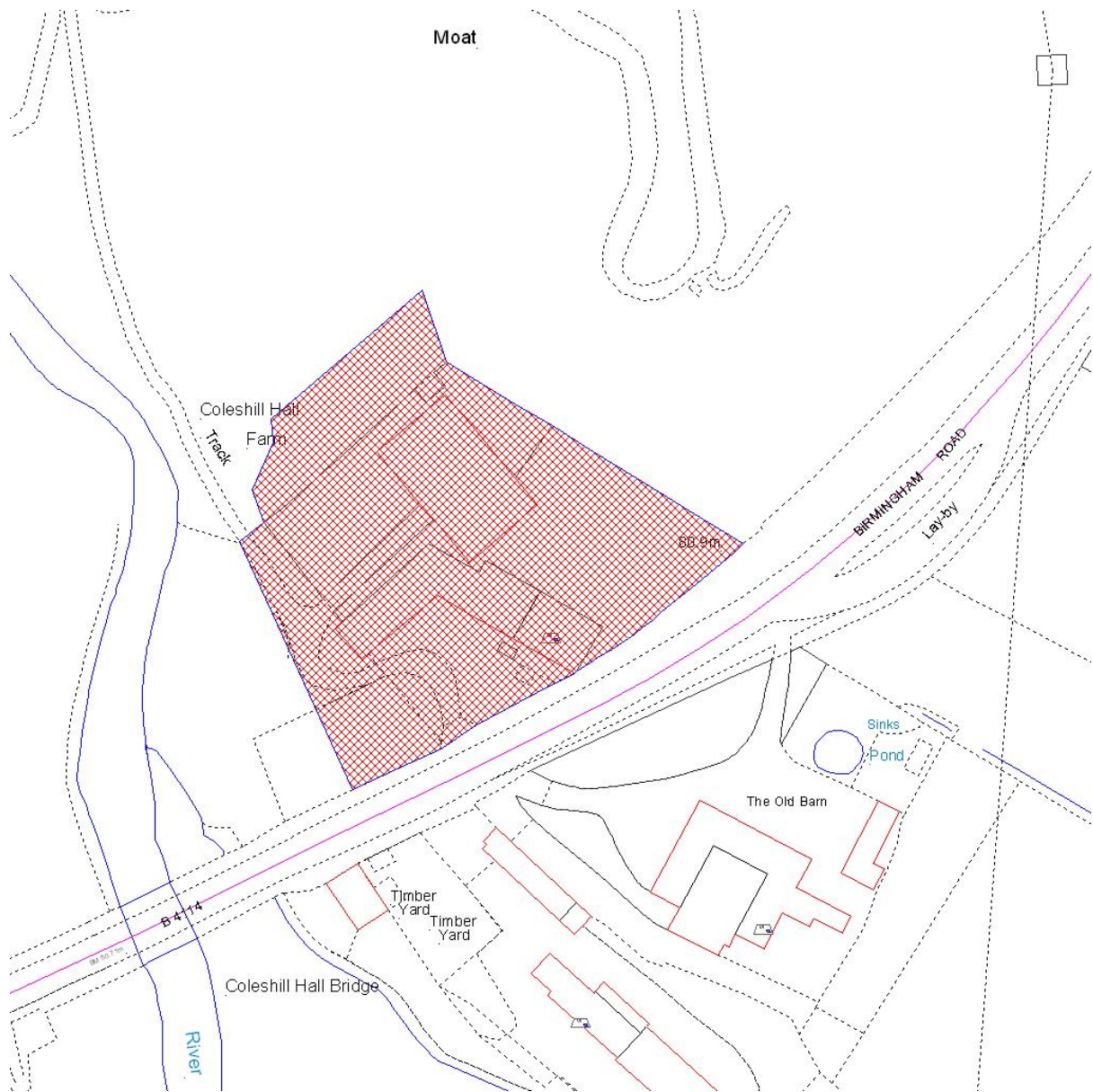
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

**Planning Application No: PAP/2010/0088**

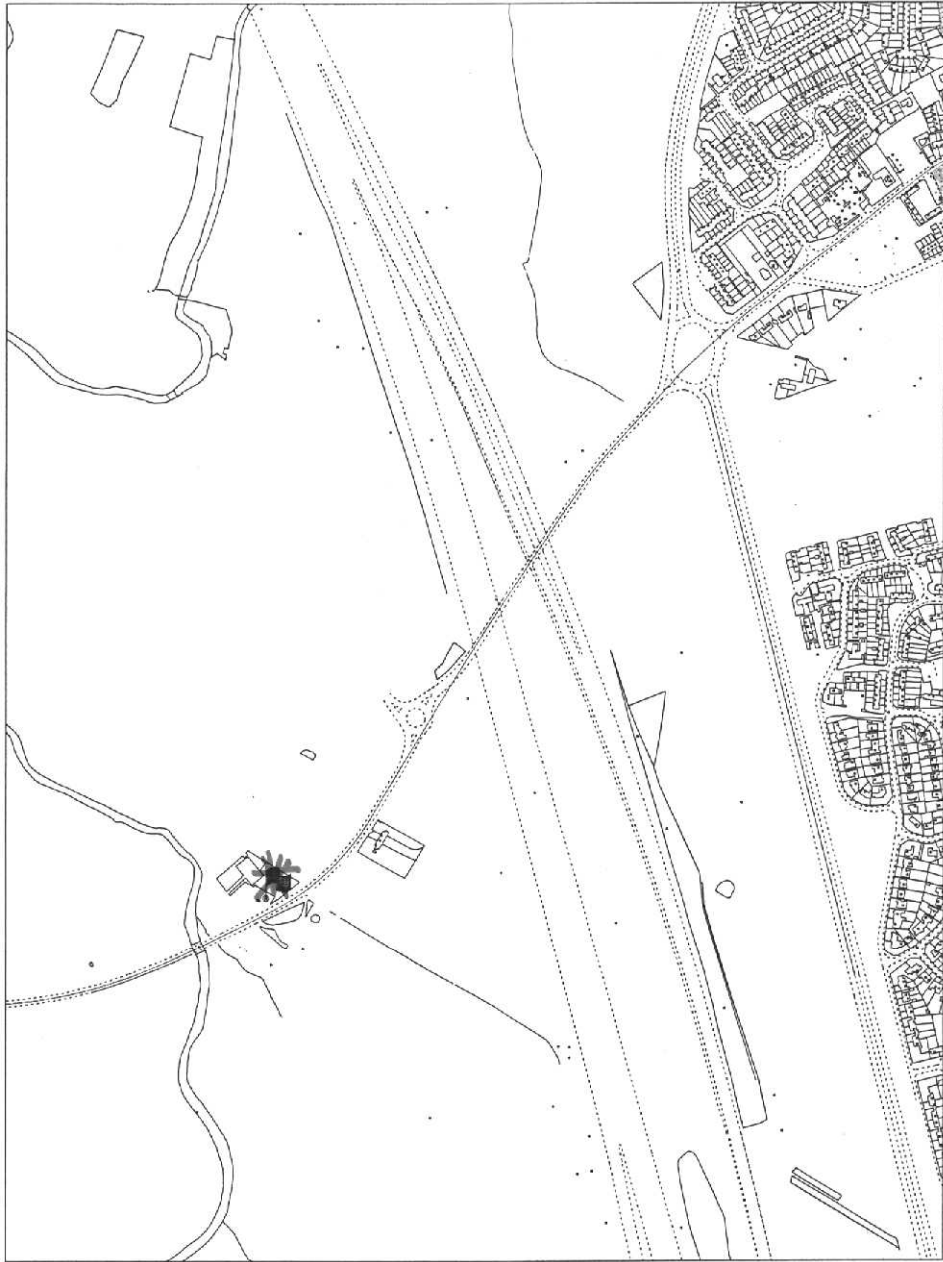
<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Applicants Agent	Planning Application Forms and Plans	2/3/10
2			

*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.*

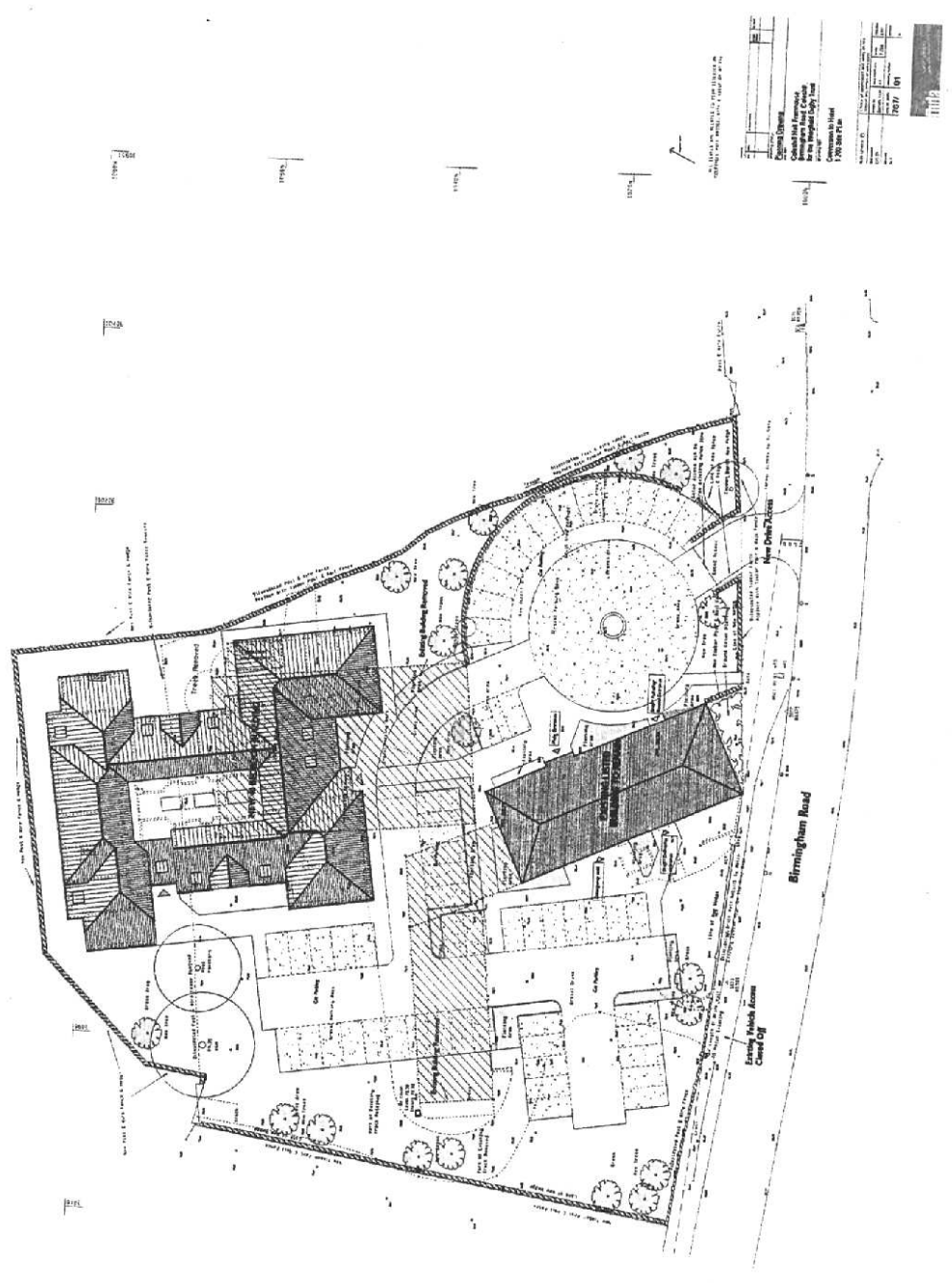
*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*



Apart A



# Appendix B



2010 / 0088  
Coleshill Hall  
Farm House  
HOTEL

Coleshill Hall Farm House, Birmingham Road, Coleshill  
For The Wingfield Digby Trust

### Perspective Views for Planning Application

To refurbish and change the use of the Grade II Listed former Stables/farm house to hotel communal space, together with erecting new bedroom accommodation with 40 en-suite rooms.



**Coleshill Hall Farm House - Conversion to 40 Bedroom Hotel.  
As Viewed From The Birmingham Road Heading West Away From Coleshill.**

The existing listed building is on the left next to the road with the new building replacing some existing buildings on the right.

NORTH WARWICKSHIRE  
BOROUGH COUNCIL  
- 7 MAR 2010  
PLANNING DIVISION

Appendix C



**Coleshill Hall  
Farm House  
HOTEL**



**Coleshill Hall Farm House - Conversion to 40 Bedroom Hotel.  
As Viewed From The Birmingham Road Heading East Towards Coleshill.**

The existing listed building is on the right next to the road with the new building replacing some existing buildings on the left.

SCHEDULE  
 FORTY SIXTH LIST OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST  
 COMPILED UNDER SECTION 54 OF THE TOWN AND COUNTRY PLANNING ACT 1971

SP18NE 7/1	COLESHILL	BIRMINGHAM ROAD (North-west side) Coleshill Hall Farmhouse
-		II

Stable block incorporating farm house. Late C17 with later alterations. Red brick (Flemish bond) with sandstone quoins and plinth coping; massive plain tile roof with hipped ends; brick off-ridge stack. Aligned north-west/south-east; the house occupies the south-east end of the range whereas the rest of the building is devoted to stables. North-east front: 2 storeys, 5 bays: C19 casements with segmental heads. Half-glazed door to left of centre with C19 bracketed canopy. The right hand half of this front is obscured by vegetation. The south-west front towards the farmyard has a central door with heavy chamfered timber frame, leading into a former through-passage. House door to the right flanked by 2 bays of segmental headed casements. The fenestration is otherwise irregular and includes 2 fixed-light glazing bar casements with segmental heads. Inserted doors to the left, and a loft hatch with plank door. Interior: late C17 roof with 2 collars and 2 pairs of queen struts. Reputed to be the former stable block to the now demolished Coleshill Hall.



**(3) Application No PAP/2010/0099**

**Variation of condition no: 5 of planning application PAP/2006/0535 to use flowplast cast iron look a like upvc guttering,**

**Application No PAP/2010/0100**

**Variation of condition no: 5 of listed building consent PAP/2006/0536 to use flowplast cast iron look a like upvc guttering,**

**Application No PAP/2009/0580**

**Variation of condition nos: 2 (revised design - variation from approved plans) and 6 (revised rooflight design) of planning application PAP/2006/0535,**

**Application No PAP/2009/0585**

**Listed Building Consent for variation of condition nos: 2 (revised design - variation from approved plans) and 6 (revised rooflight design) of planning application PAP/2006/0536,**

**The Three Tuns, Long Street, Atherstone for Arragon Construction**

**Introduction**

These applications were referred to the last Board meeting, but determination was deferred in order that Members could visit the site. The previous report is attached at Appendix A. It contains the background to the proposals. There has been no further information submitted since the last meeting for Members to take into account.

**Recommendation**

As set out in Appendix A.

## General Development Applications

**Application No PAP/2010/0099**

**Variation of condition no: 5 of planning application PAP/2006/0535 to use flowplast cast iron look a like upvc guttering,**

**Application No PAP/2010/0100**

**Variation of condition no: 5 of listed building consent PAP/2006/0536 to use flowplast cast iron look a like upvc guttering,**

**Application No PAP/2009/0580**

**Variation of condition nos: 2 (revised design - variation from approved plans) and 6 (revised rooflight design) of planning application PAP/2006/0535,**

**Application No PAP/2009/0585**

**Listed Building Consent for variation of condition nos: 2 (revised design - variation from approved plans) and 6 (revised rooflight design) of planning application PAP/2006/0536,**

**The Three Tuns, Long Street, Atherstone**

**For Arragon Construction**

### Introduction

This application is reported to the Board as two of the applications are retrospective and, if refused, would require consideration of the expediency of enforcement action; in light of the receipt of objections to the proposals and to enable members to view samples of the materials proposed to be used in respect of applications 2010/0099 and 2010/0100.

### The Site

A Grade II listed building situated on the south side of Long Street, approximately 30 metres from the junction with Station Street. The listed building fronts Long Street but its plot runs back through to Station Street. The development which is the subject of these applications adjoins the listed building to its rear.

### Background

Planning and Listed Building Consent was given for the erection of extensions to The Three Tuns, Long Street in 2006. Amendments to the approved design were granted in January 2008. Work commenced on the construction of the building in 2009. When visiting the premises Officer's noted that the construction was not in accordance with the approved plans – though the overall dimensions of the built form (footprint, height, roof pitch) conformed with the approved scheme, the size and number of window and rooflight openings had increased. Applications 2010/0580 and 2010/0585 seek retrospective permission to retain the building as constructed.

## The Proposals

1) Variation of condition no: 5 of planning application PAP/2006/0535 to use flowplast cast iron look a like upvc guttering and variation of condition no: 5 of listed building consent PAP/2006/0536 to use flowplast cast iron look a like upvc guttering.

The conditions numbered 5 in each of the planning and listed building consents required the following:

5. All the rainwater goods shall be constructed out of cast iron and painted black.

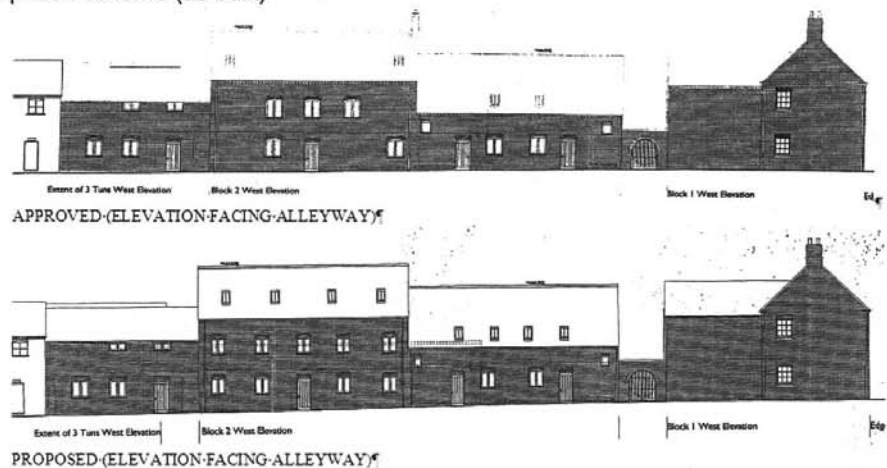
### REASON

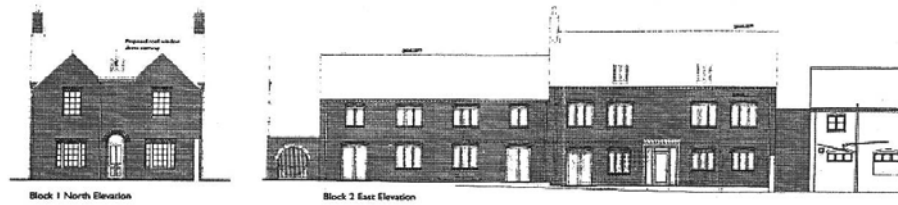
In the interests of preserving the architectural/historic interest of the listed building.

The applicant argues that it is cost prohibitive to use cast iron materials and instead proposes the use of a plastic alternative designed to replicate the look of cast iron.

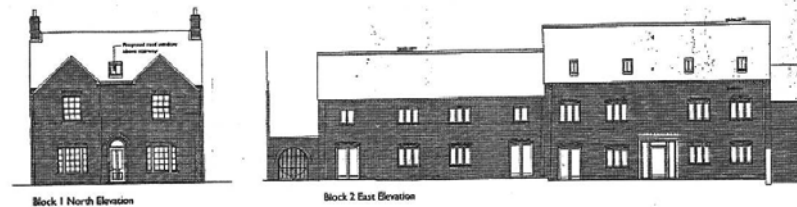
2) Variation of condition nos: 2 (revised design - variation from approved plans) and 6 (revised rooflight design) of planning application PAP/2006/0535 and Listed Building Consent for variation of condition nos: 2 (revised design - variation from approved plans) and 6 (revised rooflight design) of planning application PAP/2006/0536.

The illustrations below detail the differences between the approved scheme and the proposed scheme (as built)





APPROVED (ELEVATION-FACING-INTERNAL-COURTYARD)



PROPOSED (ELEVATION-FACING-INTERNAL-COURTYARD)

### Development Plan

North Warwickshire Local Plan 2006:  
 Core Policy 11 – Quality of Development  
 ENV11 – Neighbour Amenities  
 ENV12 – Urban Design  
 ENV13 – Building Design  
 ENV15 – Heritage Conservation, Enhancement and Interpretation  
 ENV16 – Listed Buildings, Non-Listed Buildings of Historic Value and Sites of Archaeological Importance (including Scheduled Ancient Monuments)

### Other Relevant Material Considerations

Government Advice: Planning Policy Statement 5 - Planning for the Historic Environment

### Representations

Application Nos PAP/2010/0099 and PAP/2010/0100

Atherstone Town Council – No objection, but it queries the durability of the proposed material.

The Atherstone Civic Society - We object to this proposal. The Three Tuns is a Grade II Listed Building in the heart of the Atherstone Conservation Area. Although the upvc guttering might look genuine from a distance it would not be authentic or have the same durable qualities as cast iron. It would also be more susceptible to damage. In our view it would degrade the development.

The developer's claim that 'it cannot be afforded in the current economic climate,' is not a planning matter and is irrelevant. This is an important Listed Building and the applicant has already obtained a major concession in achieving such an intensive scheme in a sensitive area. To allow this proposal would be to set a precedent for similar developments elsewhere.

Application Nos PAP/2010/0580 and PAP/2010/0585

Atherstone Town Council – No objection.

The Atherstone Civic Society - The Three Tuns has an unfortunate history in which Listed Buildings were demolished without Listed Building Consent. Therefore we expect the replacement buildings to be of a very high standard of design, along the lines of the successful English Heritage/AWM/NWBC Atherstone Partnership Scheme. It is therefore very worrying to see that not only has the development not proceeded according to the approved plan, but the plan submitted with this application and claimed to be the development 'as built' (9.12.09 07-091 034B) is also inaccurate.

However, measuring the development as it now stands against the Approved Amended Plans 07/091/34B & 35B & Plan Typical Eaves Detail, there are a number of unauthorised alterations which have degraded the development to such an extent that it now detracts from the Listed Buildings at the Long Street end of the site. They are as follows:

1. The chimney stacks have been omitted.
2. There are more roof lights than on the approved plan.
3. The projecting stretcher course and dentil detail is weak and not exactly according to the approved Typical Eaves Detail (3 Jan 08).
4. The gap between the eaves and the window is so large as to be out of character with the townscape. Some should be immediately under the eaves, but are not.
5. The windows are larger than the approved plan, some with three instead of two casement/panes.

We would also draw your attention to the 'Extent of 3 Tuns West Elevation' (part of plan 07-091 034B, as built 9.12.09). Although not part of this application the drawing does not accord with what is now on site.

The Three Tuns is too important and too prominent for these irregularities to be accepted. The plans were amended to obtain approval but the developers have now returned to something similar to their original, unaccepted, plans. This procedure must not be allowed to set a precedent. We would therefore urge the Council to refuse this application.

## **Consultation Responses**

### Application Nos PAP/2010/0099 and PAP/2010/0100

Heritage and Conservation Officer – Objects to the use of Flowplast UPVC guttering in place of cast iron. He regards the product to be inappropriate because it would be less durable than cast iron, being more susceptible to damage and to weathering in a manner dissimilar to cast iron. Given the siting within the Atherstone Conservation Area and that the development forms an extension to a Grade II Listed Building he regards the use of UPVC an unacceptable substitute.

### Application Nos PAP/2010/0580 and PAP/2010/0585

Heritage and Conservation Officer – I agree with the Civic Society that the alterations made to the approved scheme detract from, rather than add to, the attractiveness of the development, which is a pity in view of the officer time spent in negotiating and advising on the original design with the original owner and his agent. However with the exception of the roof-lights on the west elevation I do not feel that these changes are sufficiently material to enable them to be successfully upheld at any appeal against refusal.

While less than desirable, the changes to the west (passage-side) elevations are mitigated by the fact that they can only be viewed obliquely such that their visual impact particularly of the additional rooflights is less than the elevation drawings suggest. Views of these elevations from without the site from bus station square are also obscured by other buildings such that the repetitive and regular nature of the fenestration and large number of rooflights is not obviously apparent from public vantage points.

This is not the case on the west side where the slope of the prominent taller two – and a – half storey block is very apparent to views from South Street in the vicinity of the junction with Coleshill Road. The large number of lights on this slope contrasts with the unbroken slopes a building to north and south. The approved scheme showing two larger lights (which should be flush with the roof slope) are considered much superior aesthetically.

I would have no objection to the addition of a roof light on the rear (north) elevation of the proposed building fronting South Street subject to approval of size and that it too should be flush fitting and not projecting above the plane of the roof.

Environmental Health Officer - No Comments.

## **Observations**

Application Nos PAP/2010/0099 and PAP/2010/0100

These applications propose alterations to rainwater goods for use on the listed building extension. A sample of the proposed material, as well as a comparison sample of cast iron, will be available at the Board meeting for Members consideration.

The Heritage and Conservation Officer and the Atherstone Civic Society both oppose the use of UPVC rainwater goods on this building.

It is common practice that on Listed Buildings and historic buildings in Conservation Area locations consent will not be given for modern substitute materials such as plastic or pressed or extruded aluminium. These materials have a smooth, shiny surface compared to the subtly textured finish of cast iron, and employ a different method of jointing which alters the line of the guttering. It is commonly considered that they are not suitable because they detract from the traditional character of the building and have shorter life spans. They can be liable to buckling and distortion in prolonged exposure to sunlight and may discolour unattractively.

Though the rainwater goods are to be attached to new build attached to the listed building and within its curtilage, rather than to the Listed Building itself, it remains important that materials of appropriate quality are employed in the construction. Whilst the UPVC may have an attractive appearance when new it would not have the longevity of the traditionally used cast iron.

Policy ENV16 of the North Warwickshire Local Plan 2006 (saved policies) relates to Listed Buildings and indicates that:

**Development that would detract from the character, appearance or historic value of a Listed Building (including any building within its curtilage) in terms of historic form and layout or its setting, will not be permitted.**

Policy ENV15 relates to Conservation Areas and indicates that:

**New buildings within and adjoining a Conservation Area will be required to harmonise with their settings, reflecting the scale, form and fenestration of traditional buildings in the area, and using materials characteristic of the area.**

**Alterations and extensions to buildings will be required to harmonise with their character and that of the Conservation Area, by retaining and where necessary restoring traditional features, including boundary walls, paved surfaces and street furniture.**

The use of the proposed materials would be contrary to the objectives of these policies for the reasons given above.

Though the applicant suggests that the alternative material is sought because of the need to make cost savings the applicant has not put forward a case to suggest that the use of cast iron would jeopardize the overall viability of the scheme. Indeed, there is an argument to suggest that money saved in the short term would be cancelled by the need for future expenditure to the rainwater goods when they reach

the end of their relatively short life, when compared to cast iron. To compromise on the quality of material here on the grounds of cost reduction alone would set an undesirable precedent for other historic buildings and Conservation Areas elsewhere.

The applications may not be supported.

Application Nos PAP/2010/0580 and PAP/2010/0585

In essence these applications seek retrospective permission for alterations to the approved extension comprising alterations to window openings, in terms of their overall number, the opening sizes and their positioning within the building, and to the rooflights, also in terms of their overall number, the opening sizes and their positioning within the building.

The comparison elevations above show that the rooflights would be increased in number from 6 to 12 and the windows increased in number by 4 (on the passageway facing elevation).

The Atherstone Civic Society argues that the number of unauthorised alterations made to this development have degraded it to such an extent that it now detracts from the listed buildings at the Long Street end of the site. It regards the Three Tuns as too important and too prominent for these irregularities to be accepted. The plans were amended to obtain approval but the developers have now returned to something similar to their original, unaccepted plans. The Society argues that this procedure must not be allowed to set a precedent and urges the Council to refuse this application.

Heritage and Conservation Officer agrees with the Civic Society that the alterations made to the approved scheme detract from, rather than add to, the attractiveness of the development, which is a pity in view of the officer time spent in negotiating and advising on the original design with the original owner and his agent. However, with the exception of the roof-lights on the west elevation, he does not regard the changes to be sufficiently material to enable them to be successfully upheld at any appeal against refusal.

While less than desirable, the changes to the west (passage-side) elevations are mitigated by the fact that they can only be viewed obliquely such that their visual impact particularly of the additional rooflights is less than the elevation drawings suggest. Views of these elevations from without the site from bus station square are also obscured by other buildings such that the repetitive and regular nature of the fenestration and large number of rooflights is not obviously apparent from public vantage points. The following photographs illustrate this point.





VIEW OF THE DEVELOPMENT (PASSAGE SIDE)

The Heritage and Conservation Officer suggests that this is not the case on the west side where the slope of the prominent taller two –and a – half storey block is very apparent to views from South Street in the vicinity of the junction with Coleshill Road. He argues that the large number of lights (4 no.) on this slope contrasts with the unbroken slopes of the building to the north and south. He argues that the approved scheme showing two larger lights flush with the roof slope would be much superior aesthetically.

The photograph below shows the four rooflights in question (viewed across the Red Lion Car Park from Coleshill Street):



The applicant is reluctant to voluntarily revert to the two larger rooflights, arguing that their size would be more visually jarring than the four installed smaller units. It is therefore necessary to assess whether the inclusion of these four rooflights alone would justify the refusal of planning and listed building consents.

It is necessary to give some consideration to the wider context of the site.

The building which faces the roof slope containing the 4 rooflights is the extended Red Lion. The Red Lion extension, though lower in height, contains a similar array of rooflights, which are of the same proportion and which have a similar degree of visibility from Station Street (see photographic illustration below). The two roofs, being situated close together would be seen in the context of each other.



VIEW OF ROOFLIGHTS ON THE ADJACENT PROPERTY (RED LION)

Though the Heritage and Conservation Officer correctly identifies that the 4 rooflights would be most visible from the Station Street/Coleshill Street/Coleshill Road junction, it needs to be acknowledged that the visual prominence of the building is lessened on a seasonal basis as a result of the screening afforded by existing trees.



There are other examples of the use of large rooflights in the vicinity (see example below). The applicant argues that the use of larger rooflights would be more conspicuous and out of keeping. This opinion is credible. The large rooflights are atypical of the scale of rooflights commonly used in properties in the near vicinity and there is sound reasoning to suggest that four smaller openings would be less harmful than two larger ones.



EXAMPLE OF INAPPROPRIATELY LARGE ROOFLIGHTS (REAR OF LONG STREET)

Given that the use of rooflights is not uncommon on the rear roofs of other properties in the near vicinity and that the development would be read in the context of neighbouring development it is not considered that a refusal of the changes based on the impact of the four rooflights alone could be substantiated.

Though it is acknowledged that the revisions made to the building do not improve the design of the new building, neither are they so harmful to the Listed Building or to the character or appearance of the Conservation Area that the refusal of planning or Listed Building Consent could be substantiated. This decision would not set an undesirable precedent as each individual development is judged on its own merits.

**Recommendation:**

**(A) Application Nos PAP/2010/0099 and PAP/2010/0100**

That the applications each be **Refused** for the following reason:

The use of flowplast cast iron look a like UPVC rain water goods would be inappropriate at this listed building, situated in the Atherstone Conservation Area. The appearance, quality and durability of the material would detract from the traditional character of the Listed Building and its Conservation Area setting, contrary to the provisions of Policies ENV15 and ENV16 of the North Warwickshire Local Plan 2006 (saved policies). A desire to make cost savings does not outweigh the provisions of these policies.

Application Nos PAP/2010/0580 and PAP/2010/0585

(B) That condition 2 of both applications be **Varied** to read:

The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 07\_091 034B received by LPA on 17 December 2009 and the site location 05\_124 17 received by LPA on 26 July 2006.

REASON

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

(C) That consent be granted for partial non-compliance with condition 6 of each application

REASON

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

## BACKGROUND PAPERS

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

Planning Application Nos: PAP/2010/0099, PAP/2010/0100, PAP/2010/0580 and PAP/2010/0585

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Applicants Agent	Planning Application Forms and Plans	
2	Atherstone Civic Society	Representation	25 March 10
3	Atherstone Civic Society	Representation	
4	Atherstone Town Council	Representations	25 March 10
5	Heritage and Conservation Officer		
6	Environmental Health Officer	Consultation Reply	26 March 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.*



## **General Development Applications**

### **Application No PAP/2010/0099**

**Variation of condition no: 5 of planning application PAP/2006/0535 to use flowplast cast iron look a like upvc guttering,**

### **Application No PAP/2010/0100**

**Variation of condition no: 5 of listed building consent PAP/2006/0536 to use flowplast cast iron look a like upvc guttering,**

### **Application No PAP/2009/0580**

**Variation of condition nos: 2 (revised design - variation from approved plans) and 6 (revised rooflight design) of planning application PAP/2006/0535,**

### **Application No PAP/2009/0585**

**Listed Building Consent for variation of condition nos: 2 (revised design - variation from approved plans) and 6 (revised rooflight design) of planning application PAP/2006/0536,**

**The Three Tuns, Long Street, Atherstone**

**For Arragon Construction**

### **Introduction**

This application is reported to the Board as two of the applications are retrospective and, if refused, would require consideration of the expediency of enforcement action; in light of the receipt of objections to the proposals and to enable members to view samples of the materials proposed to be used in respect of applications 2010/0099 and 2010/0100.

### **The Site**

A Grade II listed building situated on the south side of Long Street, approximately 30 metres from the junction with Station Street. The listed building fronts Long Street but its plot runs back through to Station Street. The development which is the subject of these applications adjoins the listed building to its rear.

### **Background**

Planning and Listed Building Consent was given for the erection of extensions to The Three Tuns, Long Street in 2006. Amendments to the approved design were granted in January 2008. Work commenced on the construction of the building in 2009. When visiting the premises Officer's noted that the construction was not in accordance with the approved plans – though the overall dimensions of the built form (footprint, height, roof pitch) conformed with the approved scheme, the size and number of window and rooflight openings had increased. Applications 2010/0580 and 2010/0585 seek retrospective permission to retain the building as constructed.

### **The Proposals**

1) Variation of condition no: 5 of planning application PAP/2006/0535 to use flowplast cast iron look a like upvc guttering and variation of condition no: 5 of listed building consent PAP/2006/0536 to use flowplast cast iron look a like upvc guttering.

The conditions numbered 5 in each of the planning and listed building consents required the following:

- 5. All the rainwater goods shall be constructed out of cast iron and painted black.

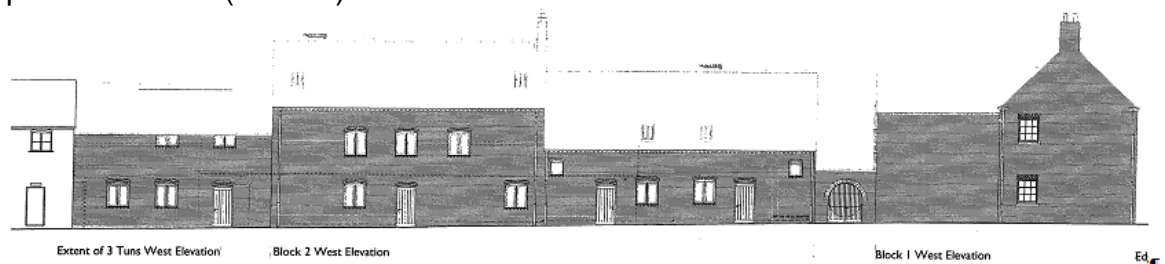
**REASON**

In the interests of preserving the architectural/historic interest of the listed building.

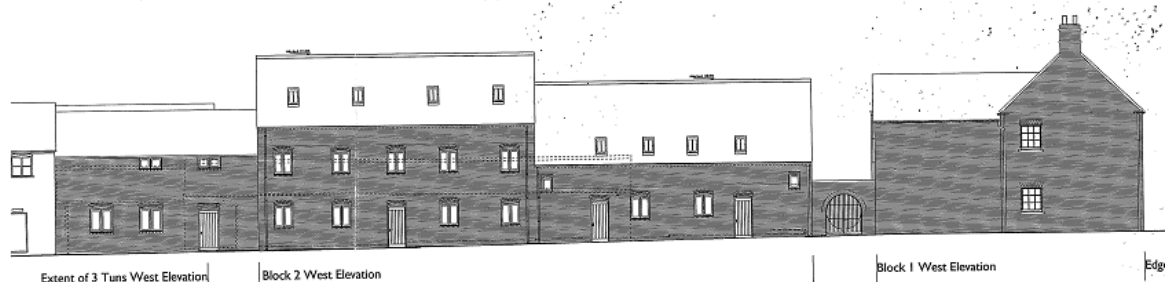
The applicant argues that it is cost prohibitive to use cast iron materials and instead proposes the use of a plastic alternative designed to replicate the look of cast iron.

2) Variation of condition nos: 2 (revised design - variation from approved plans) and 6 (revised rooflight design) of planning application PAP/2006/0535 and Listed Building Consent for variation of condition nos: 2 (revised design - variation from approved plans) and 6 (revised rooflight design) of planning application PAP/2006/0536.

The illustrations below detail the differences between the approved scheme and the proposed scheme (as built)



~~APPROVED (ELEVATION FACING ALLEYWAY)~~

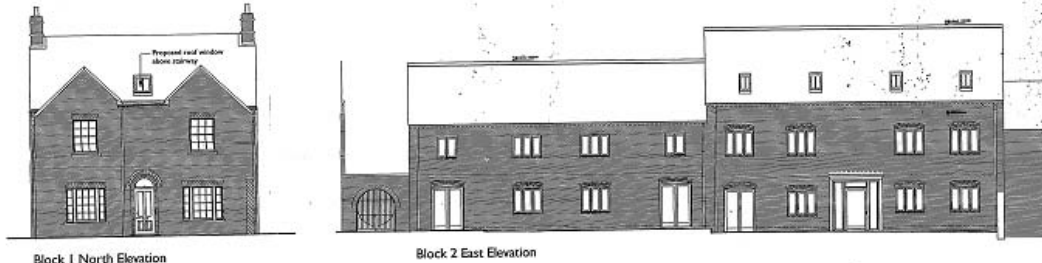


~~PROPOSED (ELEVATION FACING ALLEYWAY)~~





APPROVED (ELEVATION-FACING-INTERNAL-COURTYARD)



PROPOSED (ELEVATION-FACING-INTERNAL-COURTYARD)

## Development Plan

North Warwickshire Local Plan 2006:

Core Policy 11 – Quality of Development

ENV11 – Neighbour Amenities

ENV12 – Urban Design

ENV13 – Building Design

ENV15 – Heritage Conservation, Enhancement and Interpretation

ENV16 – Listed Buildings, Non-Listed Buildings of Historic Value and Sites of Archaeological Importance (including Scheduled Ancient Monuments)

## Other Relevant Material Considerations

Government Advice: Planning Policy Statement 5 - Planning for the Historic Environment

## Representations

Application Nos PAP/2010/0099 and PAP/2010/0100

Atherstone Town Council – No objection, but it queries the durability of the proposed material.

The Atherstone Civic Society - We object to this proposal. The Three Tuns is a Grade II Listed Building in the heart of the Atherstone Conservation Area. Although the upvc guttering might look genuine from a distance it would not be authentic or have the same durable qualities as cast iron. It would also be more susceptible to damage. In our view it would degrade the development.

The developer's claim that 'it cannot be afforded in the current economic climate,' is not a planning matter and is irrelevant. This is an important Listed Building and the applicant has already obtained a major concession in achieving such an intensive scheme in a sensitive area. To allow this proposal would be to set a precedent for similar developments elsewhere.

Application Nos PAP/2010/0580 and PAP/2010/0585

Atherstone Town Council – No objection.

The Atherstone Civic Society - The Three Tuns has an unfortunate history in which Listed Buildings were demolished without Listed Building Consent. Therefore we expect the replacement buildings to be of a very high standard of design, along the lines of the successful English Heritage/AWM/NWBC Atherstone Partnership Scheme. It is therefore very worrying to see that not only has the development not proceeded according to the approved plan, but the plan submitted with this application and claimed to be the development 'as built' (9.12.09 07-091 034B) is also inaccurate.

However, measuring the development as it now stands against the Approved Amended Plans 07/091/34B & 35B & Plan Typical Eaves Detail, there are a number of unauthorised alterations which have degraded the development to such an extent that it now detracts from the Listed Buildings at the Long Street end of the site. They are as follows:

1. The chimney stacks have been omitted.
2. There are more roof lights than on the approved plan.
3. The projecting stretcher course and dentil detail is weak and not exactly according to the approved Typical Eaves Detail (3 Jan 08).
4. The gap between the eaves and the window is so large as to be out of character with the townscape. Some should be immediately under the eaves, but are not.
5. The windows are larger than the approved plan, some with three instead of two casement/panes.

We would also draw your attention to the 'Extent of 3 Tuns West Elevation' (part of plan 07-091 034B, as built 9.12.09). Although not part of this application the drawing does not accord with what is now on site.

The Three Tuns is too important and too prominent for these irregularities to be accepted. The plans were amended to obtain approval but the developers have now returned to something similar to their original, unaccepted, plans. This procedure must not be allowed to set a precedent. We would therefore urge the Council to refuse this application.

### **Consultation Responses**

Application Nos PAP/2010/0099 and PAP/2010/0100

Heritage and Conservation Officer – Objects to the use of Flowplast UPVC guttering in place of cast iron. He regards the product to be inappropriate because it would be less durable than cast iron, being more susceptible to damage and to weathering in a manner dissimilar to cast iron. Given the siting within the Atherstone Conservation Area and that the development forms an extension to a Grade II Listed Building he regards the use of UPVC an unacceptable substitute.

Application Nos PAP/2010/0580 and PAP/2010/0585

Heritage and Conservation Officer – I agree with the Civic Society that the alterations made to the approved scheme detract from, rather than add to, the attractiveness of

the development, which is a pity in view of the officer time spent in negotiating and advising on the original design with the original owner and his agent. However with the exception of the roof-lights on the west elevation I do not feel that these changes are sufficiently material to enable them to be successfully upheld at any appeal against refusal.

While less than desirable, the changes to the west (passage-side) elevations are mitigated by the fact that they can only be viewed obliquely such that their visual impact particularly of the additional rooflights is less than the elevation drawings suggest. Views of these elevations from without the site from bus station square are also obscured by other buildings such that the repetitive and regular nature of the fenestration and large number of rooflights is not obviously apparent from public vantage points.

This is not the case on the west side where the slope of the prominent taller two – and a – half storey block is very apparent to views from South Street in the vicinity of the junction with Coleshill Road. The large number of lights on this slope contrasts with the unbroken slopes a building to north and south. The approved scheme showing two larger lights (which should be flush with the roof slope) are considered much superior aesthetically.

I would have no objection to the addition of a roof light on the rear (north) elevation of the proposed building fronting South Street subject to approval of size and that it too should be flush fitting and not projecting above the plane of the roof.

Environmental Health Officer - No Comments.

## **Observations**

### Application Nos PAP/2010/0099 and PAP/2010/0100

These applications propose alterations to rainwater goods for use on the listed building extension. A sample of the proposed material, as well as a comparison sample of cast iron, will be available at the Board meeting for Members consideration.

The Heritage and Conservation Officer and the Atherstone Civic Society both oppose the use of UPVC rainwater goods on this building.

It is common practice that on Listed Buildings and historic buildings in Conservation Area locations consent will not be given for modern substitute materials such as plastic or pressed or extruded aluminium. These materials have a smooth, shiny surface compared to the subtly textured finish of cast iron, and employ a different method of jointing which alters the line of the guttering. It is commonly considered that they are not suitable because they detract from the traditional character of the building and have shorter life spans. They can be liable to buckling and distortion in prolonged exposure to sunlight and may discolour unattractively.

Though the rainwater goods are to be attached to new build attached to the listed building and within its curtilage, rather than to the Listed Building itself, it remains important that materials of appropriate quality are employed in the construction. Whilst the UPVC may have an attractive appearance when new it would not have the longevity of the traditionally used cast iron.

Policy ENV16 of the North Warwickshire Local Plan 2006 (saved policies) relates to Listed Buildings and indicates that:

**Development that would detract from the character, appearance or historic value of a Listed Building (including any building within its curtilage) in terms of historic form and layout or its setting, will not be permitted.**

Policy ENV15 relates to Conservation Areas and indicates that:

**New buildings within and adjoining a Conservation Area will be required to harmonise with their settings, reflecting the scale, form and fenestration of traditional buildings in the area, and using materials characteristic of the area.**

**Alterations and extensions to buildings will be required to harmonise with their character and that of the Conservation Area, by retaining and where necessary restoring traditional features, including boundary walls, paved surfaces and street furniture.**

The use of the proposed materials would be contrary to the objectives of these policies for the reasons given above.

Though the applicant suggests that the alternative material is sought because of the need to make cost savings the applicant has not put forward a case to suggest that the use of cast iron would jeopardize the overall viability of the scheme. Indeed, there is an argument to suggest that money saved in the short term would be cancelled by the need for future expenditure to the rainwater goods when they reach the end of their relatively short life, when compared to cast iron. To compromise on the quality of material here on the grounds of cost reduction alone would set an undesirable precedent for other historic buildings and Conservation Areas elsewhere.

The applications may not be supported.

#### Application Nos PAP/2010/0580 and PAP/2010/0585

In essence these applications seek retrospective permission for alterations to the approved extension comprising alterations to window openings, in terms of their overall number, the opening sizes and their positioning within the building, and to the rooflights, also in terms of their overall number, the opening sizes and their positioning within the building.

The comparison elevations above show that the rooflights would be increased in number from 6 to 12 and the windows increased in number by 4 (on the passageway facing elevation).

The Atherstone Civic Society argues that the number of unauthorised alterations made to this development have degraded it to such an extent that it now detracts from the listed buildings at the Long Street end of the site. It regards the Three Tuns is too important and too prominent for these irregularities to be accepted. The plans were amended to obtain approval but the developers have now returned to something similar to their original, unaccepted plans. The Society argues that this procedure must not be allowed to set a precedent and urges the Council to refuse this application.

Heritage and Conservation Officer agrees with the Civic Society that the alterations made to the approved scheme detract from, rather than add to, the attractiveness of

the development, which is a pity in view of the officer time spent in negotiating and advising on the original design with the original owner and his agent. However, with the exception of the roof-lights on the west elevation, he does not regard the changes to be sufficiently material to enable them to be successfully upheld at any appeal against refusal.

While less than desirable, the changes to the west (passage-side) elevations are mitigated by the fact that they can only be viewed obliquely such that their visual impact particularly of the additional rooflights is less than the elevation drawings suggest. Views of these elevations from without the site from bus station square are also obscured by other buildings such that the repetitive and regular nature of the fenestration and large number of rooflights is not obviously apparent from public vantage points. The following photographs illustrate this point.



VIEW OF THE DEVELOPMENT (PASSAGE SIDE)

The Heritage and Conservation Officer suggests that this is not the case on the west side where the slope of the prominent taller two –and a – half storey block is very apparent to views from South Street in the vicinity of the junction with Coleshill Road. He argues that the large number of lights (4 no.) on this slope contrasts with the unbroken slopes of the building to the north and south. He argues that the approved scheme showing two larger lights flush with the roof slope would be much superior aesthetically.

The photograph below shows the four rooflights in question (viewed across the Red Lion Car Park from Coleshill Street):



The applicant is reluctant to voluntarily revert to the two larger rooflights, arguing that their size would be more visually jarring than the four installed smaller units. It is therefore necessary to assess whether the inclusion of these four rooflights alone would justify the refusal of planning and listed building consents.

It is necessary to give some consideration to the wider context of the site.

The building which faces the roof slope containing the 4 rooflights is the extended Red Lion. The Red Lion extension, though lower in height, contains a similar array of rooflights, which are of the same proportion and which have a similar degree of visibility from Station Street (see photographic illustration below). The two roofs, being situated close together would be seen in the context of each other.



VIEW OF ROOFLIGHTS ON THE ADJACENT PROPERTY (RED LION)

Though the Heritage and Conservation Officer correctly identifies that the 4 rooflights would be most visible from the Station Street/Coleshill Street/Coleshill Road junction, it needs to be acknowledged that the visual prominence of the building is lessened on a seasonal basis as a result of the screening afforded by existing trees.



There are other examples of the use of large rooflights in the vicinity (see example below). The applicant argues that the use of larger rooflights would be more conspicuous and out of keeping. This opinion is credible. The large rooflights are atypical of the scale of rooflights commonly used in properties in the near vicinity and there is sound reasoning to suggest that four smaller openings would be less harmful than two larger ones.



EXAMPLE OF INAPPROPRIATELY LARGE ROOFLIGHTS (REAR OF LONG STREET)

Given that the use of rooflights is not uncommon on the rear roofs of other properties in the near vicinity and that the development would be read in the context of neighbouring development it is not considered that a refusal of the changes based on the impact of the four rooflights alone could be substantiated.

Though it is acknowledged that the revisions made to the building do not improve the design of the new building, neither are they so harmful to the Listed Building or to the character or appearance of the Conservation Area that the refusal of planning or Listed Building Consent could be substantiated. This decision would not set an undesirable precedent as each individual development is judged on its own merits.

### **Recommendation:**

**(A) Application Nos PAP/2010/0099 and PAP/2010/0100**

That the applications each be **Refused** for the following reason:

The use of flowplast cast iron look a like UPVC rain water goods would be inappropriate at this listed building, situated in the Atherstone Conservation Area. The appearance, quality and durability of the material would detract from the traditional character of the Listed Building and its Conservation Area setting, contrary to the provisions of Policies ENV15 and ENV16 of the North Warwickshire Local Plan 2006 (saved policies). A desire to make cost savings does not outweigh the provisions of these policies.

Application Nos PAP/2010/0580 and PAP/2010/0585

**(B)** That condition 2 of both applications be **Varied** to read:

The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 07\_091 034B received by LPA on 17 December 2009 and the site location 05\_124 17 received by LPA on 26 July 2006.

REASON

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

**(C)** That consent be granted for partial non-compliance with condition 6 of each application

REASON

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



## BACKGROUND PAPERS

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

Planning Application Nos: PAP/2010/0099, PAP/2010/0100, PAP/2010/0580 and PAP/2010/0585

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Applicants Agent	Planning Application Forms and Plans	
2	Atherstone Civic Society	Representation	25 March 10
3	Atherstone Civic Society	Representation	
4	Atherstone Town Council	Representations	25 March 10
5	Heritage and Conservation Officer		
6	Environmental Health Officer	Consultation Reply	26 March 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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#### **(4) Application No PAP/2010/0184**

**Application to vary Condition 3 of planning permission 2005/5059, to remove reference to the name of Mr V McCullagh, but to retain the restriction for Sovereign Exhibitions Ltd**

**For Sovereign Exhibitions Ltd**

#### **Introduction**

The application is reported to the Board in light of the interest that it took in the determination of the original application containing the condition the subject of this current proposal.

#### **The Site**

Wood Corner Farm was a farm holding, but now amounts to an area of 2.6 hectares comprising commercial buildings totalling around 4000 square metres in floor area. It is on the north side of Green End Road, about a kilometre west of its junction with the B4102 Meriden to Fillongley Road. There are residential properties either side of the site. The area around is wholly agricultural in character and appearance.

#### **Background**

The site and the existing buildings became established in the late 1980's as a significant potato processing and packing plant through the grant of a number of planning permissions which were added to in 2001 with a substantive redevelopment scheme involving new hard standings, a new access onto the Lane and landscaping. Significant HGV movement was involved with the use – controlled by condition and a Section 106 Agreement. This use ceased in the early 2000's and the site was sold to the current applicant.

In 2005, permission was granted for the change of use of the whole premises from potato packing to a use involved with a company involved in exhibition stands. This involves a workshop to put together the stands (25% of the area) with the remainder being used for the storage of stands and display material. Planning permission was granted in late 2005.

The reasons for the permission are outlined on the Notice of Decision. This states that,

“The proposal will improve the visual appearance within the Green Belt thus enhancing openness, and reduce the impact of the existing built development. There will be a significantly reduced number of HGV's travelling the unsuitable narrow approach roads to access this site with concomitant reductions in highway damage and improvements to highway safety. The reduction in vehicular traffic and in the hours of operation of the site will lessen the disturbance experienced by local residents and improve the amenity of the local properties. Restriction to the named occupiers proposed will secure these improvements. Overall the benefits that will arise from the proposal for the Green Belt, for the local environment and for local residents, are substantial, and in this instance, given the particular circumstances of the applicant, and the lawful use of the site, are considered to outweigh policy concerns over the sustainability of the location for the particular use proposed”. In

essence the proposed use was considered all round to be a “better” use than continuation of the fall back situation of the lawful use. Conditions were attached to the consent to reflect this conclusion.

Condition 3 is an occupancy restriction limiting the use to “Mr V McCullagh trading as Sovereign Exhibitions Ltd”. The reason for the condition was to recognise the particular circumstances of the beneficiaries - in other words, a consent restricted to the particular use operated by the Company.

### **The Proposal**

The current application seeks to vary this condition by removal of the individuals’ actual name, but to retain the restriction solely to the Company. The applicant’s reason for this follows from advice received from his Insurance Company. It considers that the permission is too “personal” to the individual, and should be restricted to the legal entity of the Company alone.

### **Development Plan**

The North Warwickshire Local Plan 2006 – Saved Policies ENV7 and ECON9.

### **Other Material Planning Considerations**

Planning Policy Guidance Note Number 2 – Green Belts; Planning Policy Statement Number 4 – Planning for Sustainable Economic Growth

Circular 11/1995 – The Use of Conditions in Planning Permissions

### **Representations**

A letter of objection has been received from a local resident. He considers that the plan attached to the application includes land not owned by the applicant; that the reason given is not a planning reason, that any loss of restriction by varying the condition would lead to greater and wider uses on the site, that the amenity of his residential property would thus be affected and that there are already breaches of this and other conditions attached to the 2005 permission.

The Fillongley Parish Council has written indicating that it has no objection.

### **Observations**

The 2005 permission here was granted on the basis of the particular benefits that it would bring in comparison to the previous occupier and indeed on any future occupier using the site under the fall back position of the lawful use. It was seen as a positive move, and hence the reasons for that decision were reflected through the conditions attached to the permission. The restricted occupation condition was thus essential to the grant of that permission. There was no appeal against the condition.

There have been no material changes in the planning circumstances since the grant of that permission. Green Belt policy remains the same, and the relevant North Warwickshire Local Plan policies have been saved. The new PPS4 has however been published since 2005, but this supports economic development in rural areas, perhaps where new commercial development might not normally be acceptable in sustainability terms, provided that there are no adverse impacts on matters of

acknowledged importance. Here, there has been little if any complaints received as a consequence of the new owner and occupier moving into the premises, and there has been a noticeable reduction in HGV movements arising from the site. As a consequence there are no material changes in circumstances to warrant a complete reconsideration of the present use continuing at the site. The key issue is thus whether the proposed variation to the condition would weaken the justification for the condition or indeed the permission itself.

It is considered that it would not, as crucially; the Company name is still retained. In other words the permission is still restricted to the user that has brought the benefit. It remains a personal, but Company restriction, and significantly, retains the sui generis use. Whilst the reason for the variation is not a planning reason, the removal of the named individual would not materially weaken the scope or nature of the permission, and importantly retains control over the use, which is the whole crux of the issue. Significantly, the Parish Council, who were very concerned about the former use on this site, and indeed who took a very close interest in the 2005 application, have written offering no objection.

The matters raised by the objector need to be considered. The plan submitted with this application is identical to that approved under the 2005 permission, and as land ownership is not a material planning consideration in this application, the matter is considered to carry no weight. The objector has made a number of allegations in the past indicating in his view that the current condition had been breached – i.e. other Companies were occupying the premises, and that the applicant was also involved with other Companies unrelated to Sovereign Exhibitions. These were investigated and at the time found to carry little weight as the use of the premises remained that for which permission had been granted. The condition does not prevent the applicant from being involved in other business ventures. The allegations made at the time of this application will be investigated again, and there are procedures in place to follow through any breaches should they be identified.

The history of occupation here has inevitably raised the profile of this site over the years and therefore it is important to look at this current proposal in that light. However it is not considered that the variation weakens the Council's ability to control occupation to the use approved, and that there is no planning reason to refuse the application. Government advice in Circular 11/1995 would support the variation.

## **Recommendation**

That Condition 3 of planning permission 2005/5095 dated 6 December 2005, be **varied** so as to read,

“3. The use hereby approved shall enure solely for the benefit of Sovereign Exhibitions Ltd and for no other Company whomsoever, and specifically not for the building known as Wood Corner Farm, and shall on or before vacation of the property by Sovereign Exhibitions Ltd, be discontinued “.

Reason: Planning permission is granted solely in recognition of the particular circumstances of the beneficiary.

This permission is still subject to all of the remaining conditions attached to permission 2005/5059 dated 6 December 2005.

Policies; As above

Justification:

There are no material changes in the planning circumstances surrounding the continued use of these premises. Conditions were attached to the grant of the 2005 permission to reflect the particular individual circumstances surrounding the occupation of these premises. The variation now agreed to, does not weaken that position or place the justification for the grant of the original permission at risk. The use of the premises remains restricted to that originally approved.

## BACKGROUND PAPERS

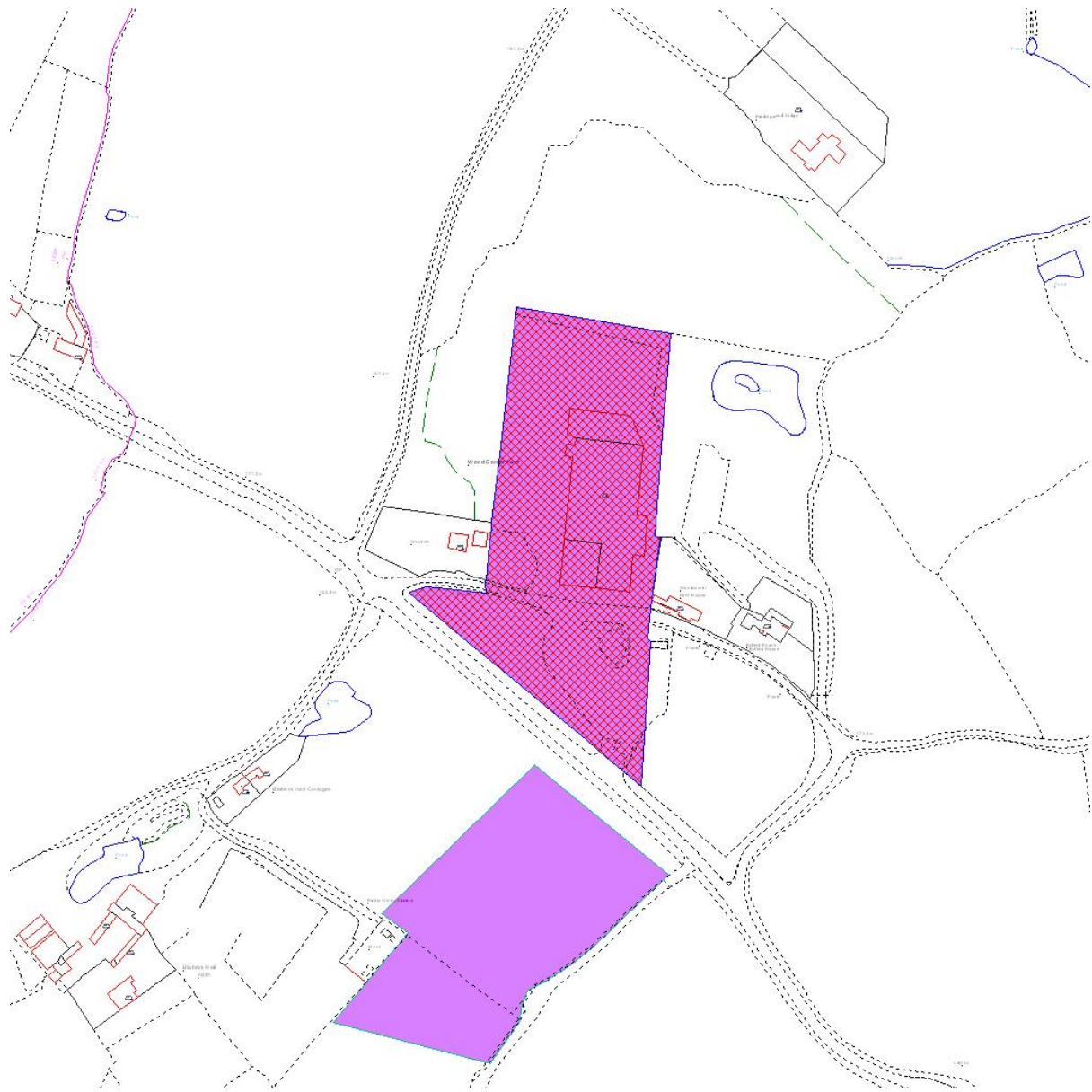
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

### Planning Application No: PAP/2010/0184

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Applicants Agent	Planning Application Forms and Plans	19/4/10
2	Mr Maycock	Objection	26/4/10
3	Head of Development Control	Letter	26/4/10
4	Mr Maycock	Letter	26/4/10
5	Head of Development Control	Letter	27/4/10
6	Head of Development Control	Letter	5/5/10
7	Head of Development Control	Letter	17/5/10
8	Fillongley Parish Council	Representation	24/5/10
9	Mr Maycock	Objection	23/5/10
10	Head of Development Control	E-mail	26/5/10
11	The Applicant	E-mail	27/5/10
12			

*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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**(5) Application No: PAP/2010/0248**

**The Depot, Sheepy Road, Atherstone, Warwickshire**

**Erection of a 10metre CCTV camera column and to move the existing CCTV camera to the top of the column, for**

**North Warwickshire Borough Council**

**Introduction**

The application is brought before the Planning and Development Board, as it was submitted by North Warwickshire Borough Council. Consultations are due to expire after the Board meeting has taken place, and therefore authority is sought to approve the application under delegate powers, once the consultation date has expired, and subject to any responses received.

**The Site**

This lies to the north of the town centre of Atherstone. The position of the proposal is within the existing Borough Council Depot site on Sheepy Road. The location of the proposal can be seen in Appendices 1 and 2. Across the road is the Atherstone Police Station, with residential properties to the west, south and east. To the north of the site is the A5, with residential properties beyond.

**The Proposal**

The erection of a 10metre CCTV camera column (see Appendix 3) and to move the existing CCTV camera to the top of the column, which is currently sited on the Depot building.

The primary reasons for a 10 metre high camera are to provide an extensive as possible view of the cemetery grounds to be able to monitor anti-social behaviour that is regularly taking place there i.e. youths riding bikes and playing among headstones, dog fouling etc; and also to provide views along Sheepy Road in both directions as far as possible within the camera's technical ability.

The current position and height of the CCTV camera does not allow for monitoring of the cemetery grounds and its field of vision along Sheepy Road is extremely limited, as it was originally installed to only assist with depot security.

**Development Plan**

Saved policies of the North Warwickshire Local Plan 2006 - ENV11 – Neighbour Amenities; ENV12 – Urban Design, and ENV1 - Overall Rural Character

**Representations**

NWBC Housing – ask that consideration be given to the potential impact upon nearby residents in Friary Road.

## Observations

There is currently a network of CCTV cameras around Atherstone, one of which is sited at the application location. The height of this existing CCTV camera is approximately 7 metres above ground level and it is attached to the existing depot building. The new location and height will improve the monitoring of the area.

The height of the CCTV camera column could lead to an impact upon the amenity and privacy of the nearby neighbouring properties. The nearest dwelling is 16 Sheepy Road, which is approximately 12 metres away from the CCTV column, however the proposed location is forward of the dwelling, and further away from the rear garden, in comparison to the existing CCTV camera. Therefore the increase in height would not result in a more unacceptable loss of privacy or amenity. The dwellings at the rear of the depot are approximately between 50 and 70metres away and are not considered to have an unacceptable loss of privacy or amenity. The nearest dwelling opposite, which is 2 Croft Road, is approximately 20metres from the CCTV column, and whilst this dwelling does have first floor side windows and rear/side garden, it is considered that on balance that there is unlikely to be an unacceptable loss of privacy or amenity. The other neighbouring building opposite the site is the Atherstone Police Station. The CCTV camera is approximately 100metres away from the four storey flats on Friary Road, however the scheme is not considered to result in any loss of privacy or amenity to the occupiers.

Also when considering the amenity of the neighbouring properties, there is already existing CCTV camera at the depot. The CCTV Scheme has a very high standard of governance in this respect, as published in the Scheme's Code of Practice, which is a public document. There is also extremely stringent legislation concerning the protection individuals' privacy (Data Protection Act 1998, Human Rights Act 2004, Regulation of Investigatory Powers Act (RIPA) 2000, and Sexual Offences Act 2003), which governs the scope of the Scheme and the behaviour of staff operating cameras. It is indeed a criminal offence punishable by imprisonment if a camera operator is found to have acted inappropriately.

As well, as the legislative safeguards, all staff are Security Industry authority trained and licensed, and if there are any particularly sensitive areas that are within a camera's field of view an electronic "privacy zone" is inserted to mask the specific area on the operators monitor screen with a black box to ensure that a camera view does not inadvertently include images that could be considered to be an invasion of privacy.

If the height of the CCTV camera was reduced, it would reduce the distance from the camera that can be viewed when using the zoom facility, which will reduce the ability to successfully identify vehicle types, their number plates, people of interest etc at a distance.

The design of the column is similar to others around Atherstone and is considered to be acceptable.

On balance it is considered that the application can be supported subject to conditions.

## Recommendation

That, subject to no representations being received referring to matters not included in this report, the application be **Granted** planning permission under delegated powers 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 site location plan (appendix 2); 1:500 site plan (appendix 1) and CCTV column pole details (appendix 5) received by the Local Planning Authority on 14th May 2010.

### REASON

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

### Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
2. You are recommended to seek independent advice on the provisions of the Party Wall etc., Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet entitled "The Party Wall etc., Act 1996" is available from Her Majesty's Stationary Office (HMSO), Bull Street, Birmingham, during normal opening hours or can be downloaded from the Communities and Local Government web site - <http://www.communities.gov.uk/publications/planningandbuilding/partywall>.
3. The Development Plan policies which are relevant to this Decision are as follows:  
North Warwickshire Local Plan 2006 (Saved Policies) : ENV11 - Neighbour Amenities, ENV12 - Urban Design

4. The use of the CCTV camera should be read in conjunction with the legislation concerning the protection individuals' privacy (Data Protection Act 1998, Human Rights Act 2004, Regulation of Investigatory Powers Act (RIPA) 2000, and Sexual Offences Act 2003), which governs the scope of the Scheme and the behaviour of staff operating cameras. It is indeed a criminal offence punishable by imprisonment if a camera operator is found to have acted inappropriately.

### **Justification**

The application for a new CCTV camera column, which will replace the existing camera on the depot building, is considered to be of an appropriate design. The camera will be higher than the existing camera, however it will offer improved visibility in the area. The siting could lead to issues with regards to privacy and amenity being affected, however this situation already exists with the existing camera, and there are guidelines and legislation in place to protect the privacy of the nearby neighbouring properties. The CCTV camera is therefore considered not to result in a loss of privacy or amenity to the neighbouring properties, which would lead to an unacceptable adverse impact and comply with ENV11 of the Local Plan 2006 as saved.

## BACKGROUND PAPERS

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

### Planning Application No: PAP/2010/0248

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Applicants Agent	Planning Application Forms and Plans	14/5/10
2	Development Control	Wrote to neighbouring properties.	20/5/10
3	NWBC Housing	email	25/5/10
4	Development Control – Ian Griffin	Meeting and email with applicant of NWBC	26/5/10
5	Applicant	Email from applicant at NWBC	26/5/10
6	Development Control – Ian Griffin	Email to applicant	26/5/10
7	Applicant	Email to Ian Griffin	28/5/10
8	Development Control – Ian Griffin	Telephone call to applicant	2/6/10
9	Development Control – Ian Griffin	Spoke to M Abbott of NWBC Housing	2/6/10

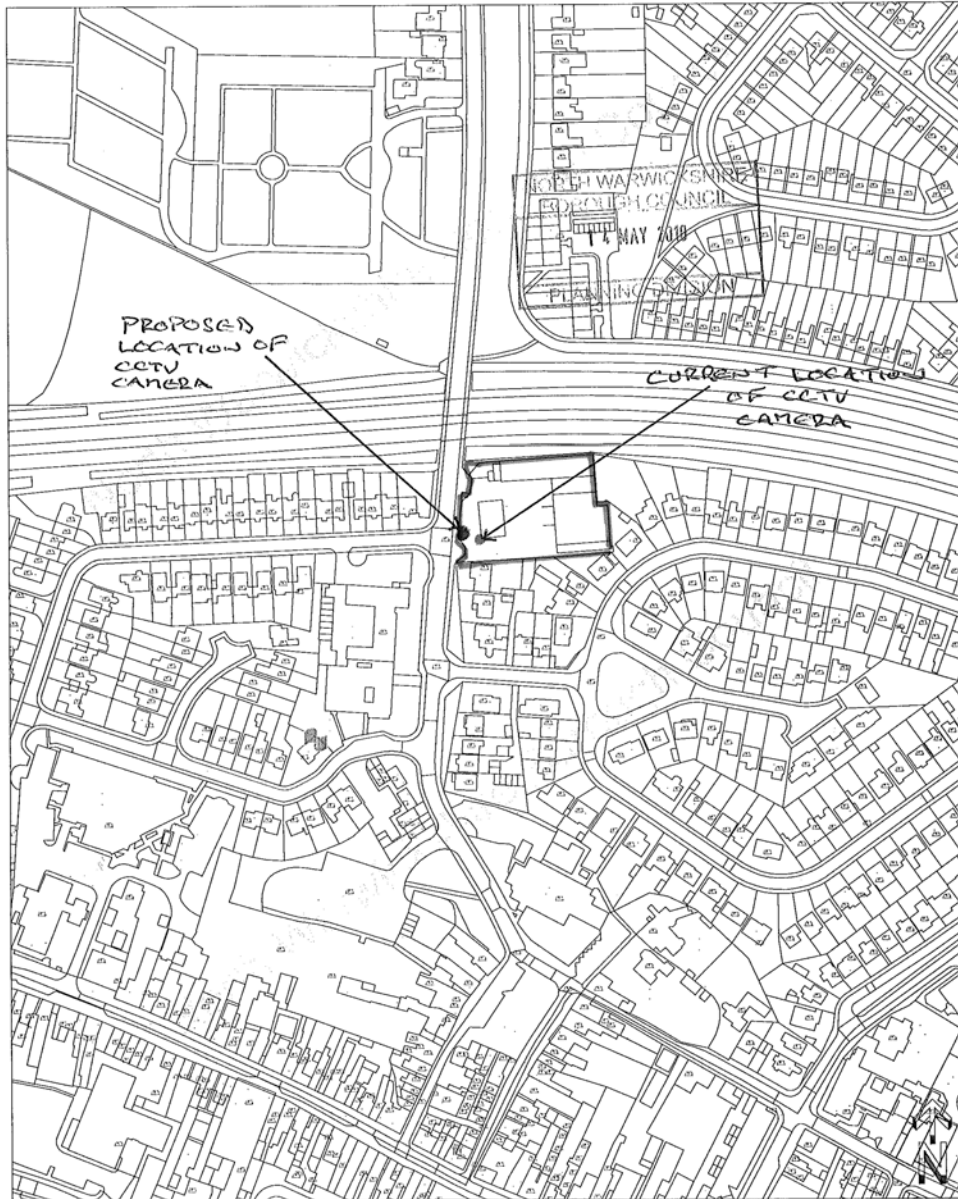
*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*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.*



APPENDIX 2010 / 0248  
ORIGINAL

### NWBC Depot Sheepy Road Atherstone



Date: 04/05/10  
Scale: 1:2500

No further copies may be made



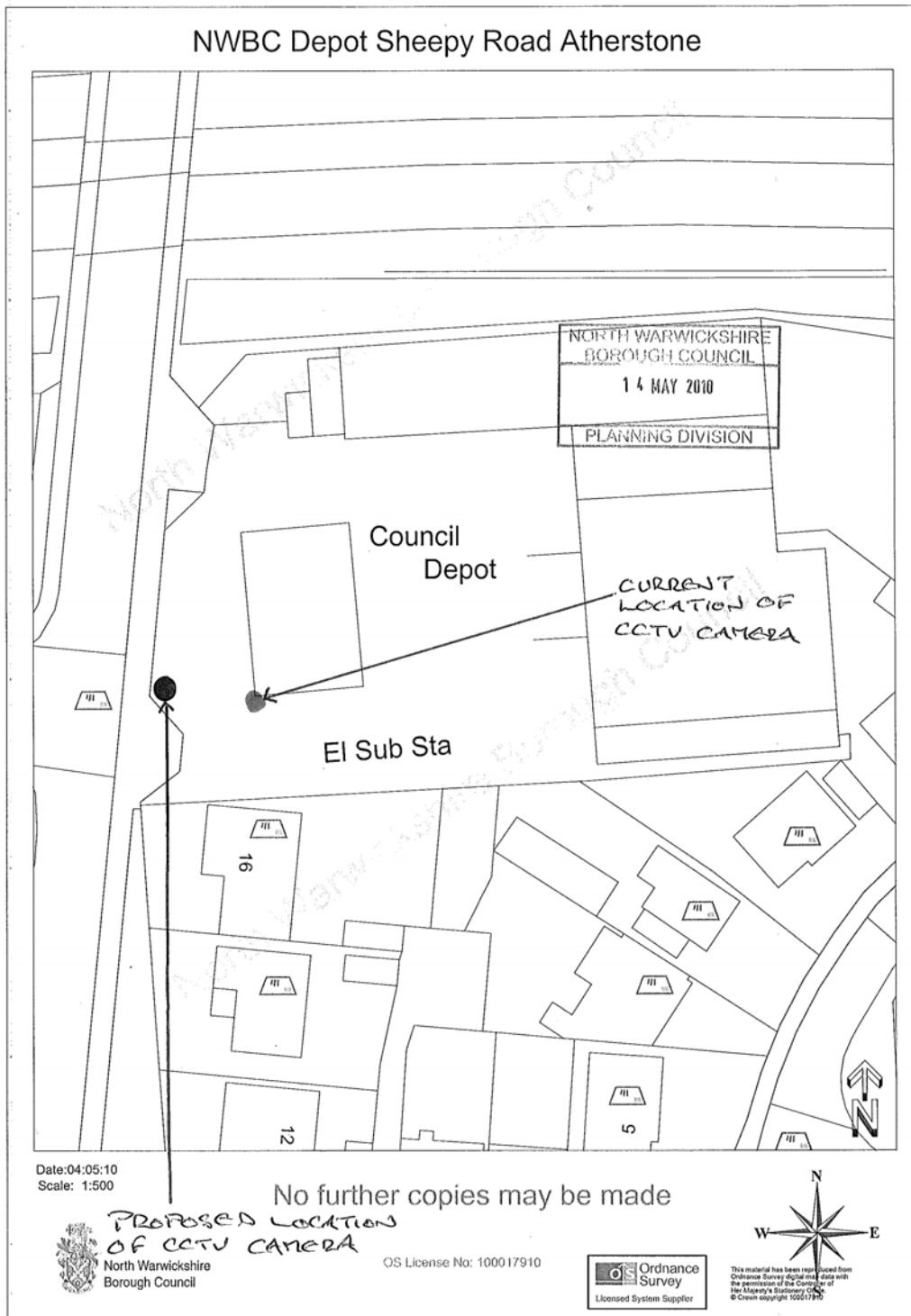
North Warwickshire  
Borough Council

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APPENDIX 12010 / 0243  
original

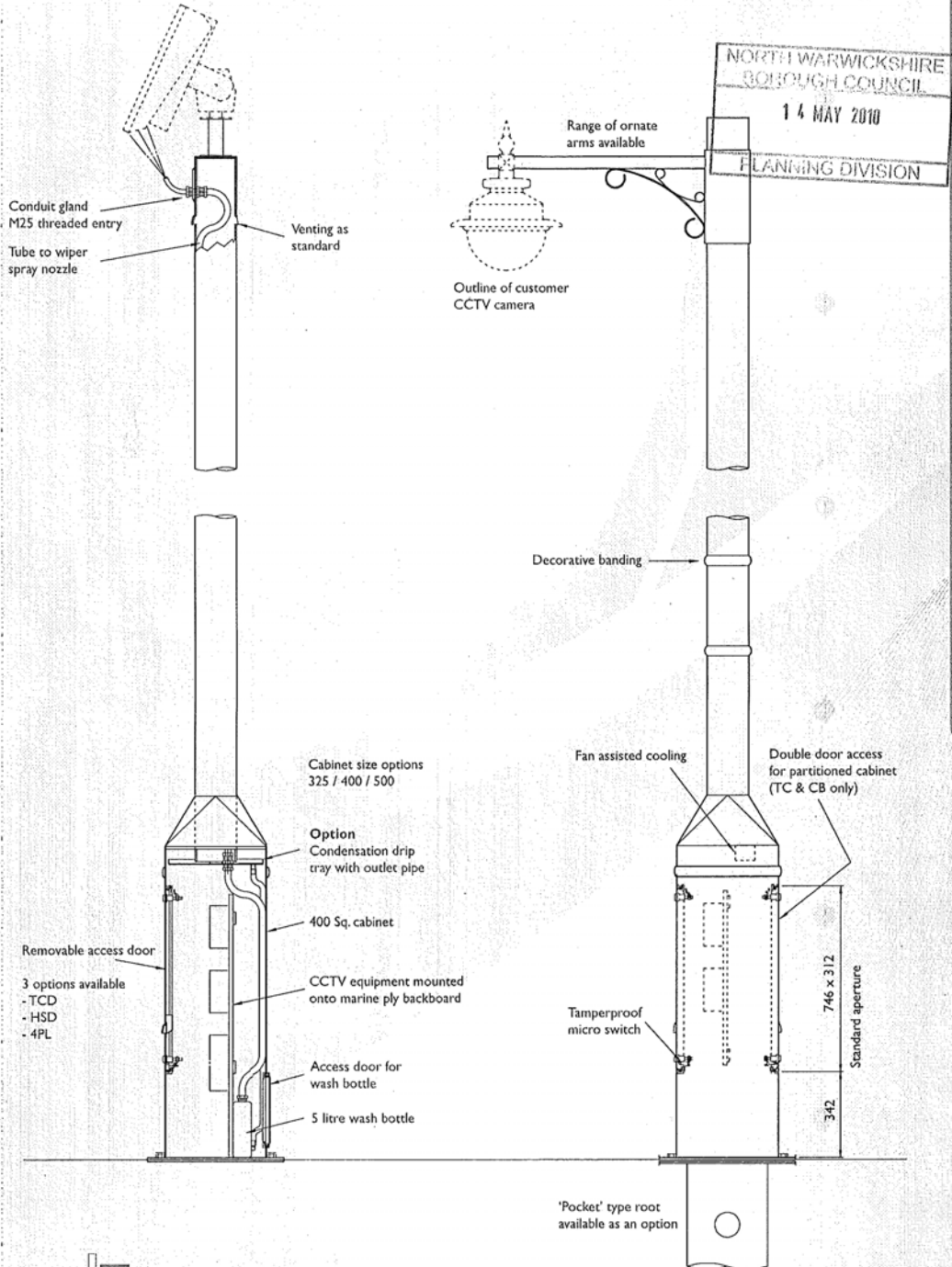




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APPENDIX 4 – Photographs of the site.



## **(6) Application No: PAP/2010/0260**

### **Garage Site, Eastlang Road, Fillongley**

**Variation of condition no: 2 of PAP/2009/0409 to allow amended site layout and change from two pair semi detached dwellings to four terraced dwellings in order to accommodate existing oak tree and sewer diversion, for Angela Coates, North Warwickshire Borough Council**

#### **Introduction**

This application is being reported to Board due to the Council's ownership of the land concerned.

#### **The Site**

The site lies at the end of Eastlang Road where presently 15 Council owned garages exist. This road also provides vehicular access. Other than the garages, the majority of the site is hard standing, with a public footpath bordering the north of the site. To the east, open countryside exists, with existing residential properties to other boundaries. The surrounding properties exhibit a range of 1960s and 1970s housing. There is no planting on the site, although there is a significant oak tree immediately adjacent.

#### **The Proposal**

To allow the implementation of amended plans which changes the housing layout from two pairs of semi-detached dwellings to four terraced dwellings in order to accommodate the existing oak tree on the neighbouring property and the necessary sewer diversion. This in turn affects the parking configuration such that amendments are required here too.

#### **Background**

Permission for 4 affordable dwellings on this site was granted in October 2009 (Appendix A). A non-material amendment to this scheme was granted in April to accommodate the sewer diversion (Appendix B). However, due to concern over the impact on the neighbouring oak tree, the opportunity has been taken to seek amendments to accommodate both the oak tree and sewer diversion accordingly.

#### **Development Plan**

Saved policies of the North Warwickshire Local Plan 2006: ENV4 (Trees and Hedgerows), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design) and TPT6 (Vehicle Parking)

## **Consultations**

WCC Highways – informal discussions to date indicate support for the amended scheme.

NWBC's Tree Officer – informal discussions to date indicate support for the amended scheme.

NWBC's Environmental Health – anticipated that comments will be in line with those on the original application.

Severn Trent Water – anticipated that comments will be in line with those on the original application, requiring conditions.

## **Representations**

At the time of writing, these amendments are open for consultation. Any comments received will be communicated verbally at Planning Board. The application is reported on the basis that should no adverse comments or objections be received following this meeting, that Board resolve to determine it be determined under delegated authority at the end of the consultation period in consultation with the Chairman. Should adverse comments or objections be received that raise matters not already considered by the Board, the application will be presented to Board again in July.

## **Observations**

The principle of developing the site for housing is established by way of planning permission PAP/2009/0409. The proposal to amend the footprint and parking configuration is considered in relation to neighbouring amenity, design, and parking and turning room.

The movement of the footprint is not considered to harm to privacy to those existing properties on Church Lane, with openings at an equivalent distance to that before. The movement towards the neighbouring property at the north is not felt to bring about unacceptable overshadowing. The appearance, scale, height and detailing of the dwellings remains largely the same as before, with the exception that the two pairs of semi-detached properties now sit as one stepped block of four terraced houses. Further detail on energy generation measures and storage provision within the garden areas is also provided and considered appropriate. However, removal of permitted development rights is now necessary to protect the sewer easement.

8 spaces are still provided to directly serve the new dwellings, conforming to the Council's maximum standard. The amended layout still allows turning and manoeuvring space for vehicles to leave and enter the highway in a forward gear, according to County Highway objectives.

The proposal moves the footprint of the dwellings further away from the oak tree to the south, and the proposed foundations will further help to ensure the long term health of this significant tree. The Council's tree officer has been heavily involved in the detail of this amendment prior to submission, such that no objection is expected. In addition, as the developer is North Warwickshire Borough Council, there is no reason to expect that good arboricultural practice will not be applied.

## Recommendation

That the application be Granted Subject to Conditions

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

### REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered L(90) 04E, L(2-) 133.1A, L(2-) 134.1A, L(2-) 131.1A and L(2-) 103.1B received by the Local Planning Authority on 25 May 2010.

### REASON

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

3. No development shall be commenced before details of the facing materials and roof tiles to be used have been submitted to and approved by the Local Planning Authority in writing. The approved materials shall then be used.

### REASON

In the interests of the amenities of the area.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls/fences/hedges to be erected. The approved screen walls/fences shall be erected before the dwellings hereby approved are first occupied and shall subsequently be maintained. 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.

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

### REASON

To prevent pollution of the water environment and to minimise the risk of flooding.

6. No development or site works whatsoever shall commence on site until details of measures for the protection of retained and neighbouring trees have been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the area.

7. Before the commencement of the development, a landscaping scheme shall be submitted to the Local Planning Authority for approval.

REASON

In the interests of the amenities of the area.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON

In the interests of the amenities of the area.

9. No development shall take place on site until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately-owned, domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

REASON

To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal public, nature conservation or historical significance.

10. The development shall not be commenced until a turning area has been provided within the site so as to enable the largest vehicle anticipated on site to leave and re-enter the public highway in a forward gear.

REASON

In the interests of safety on the public highway.

11. The construction of a new lay-by within the public highway as illustrated on the approved drawings shall not be commenced until detailed plans have been submitted and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

REASON

In the interests of safety on the public highway.

12. Before development commences, criteria for a watching brief for contamination, shall be agreed in writing with the Local Planning Authority. This shall be set out to ensure that any contamination found at any time when carrying out the approved development must be reported in writing immediately to the Local Planning Authority. Where contamination is found and remediation is considered as necessary by the local authority, a remediation scheme must be prepared containing an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', and is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

#### REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with saved policy ENV6 of the adopted Local Plan 2006].

13. No development whatsoever within Classes A & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995, as amended, shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.

#### REASON

In the interests of the amenities of the area and maintaining access to the public sewer crossing the site.

#### Notes

5. The applicant is encouraged to incorporate and utilise higher than minimum requirements for efficiency measures and incorporate appropriate on-site renewable energy technologies to further off-set the carbon footprint of the development. Planning consent may be required for the installation of some on-site renewables, and the Local Planning Authority will be pleased to advise you on all associated aspects prior to the erection of any such technologies, and provide you with application forms.
6. Public footpath number M349 passes close to the site. Care should be taken, particularly during construction works, to ensure that this route is kept open at all times.
7. Condition number 11 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that

the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant. The Area Team at Coleshill may be contacted by telephone: (01926) 412515.

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

8. The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): ENV4 (Trees and Hedgerows), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design) and TPT6 (Vehicle Parking).

#### Justification

The amended proposal is considered to maintain the innovative and high design quality without detriment to surrounding character, nor neighbouring amenity. The parking and turning provision for the site is adequate, and the public realm will be enhanced through ensuring the retention of significant planting and complimenting it appropriately. The proposal is therefore in accordance with saved policies ENV4, ENV11, ENV12, ENV13, ENV14 and TPT6 of the North Warwickshire Local Plan 2006.



## BACKGROUND PAPERS

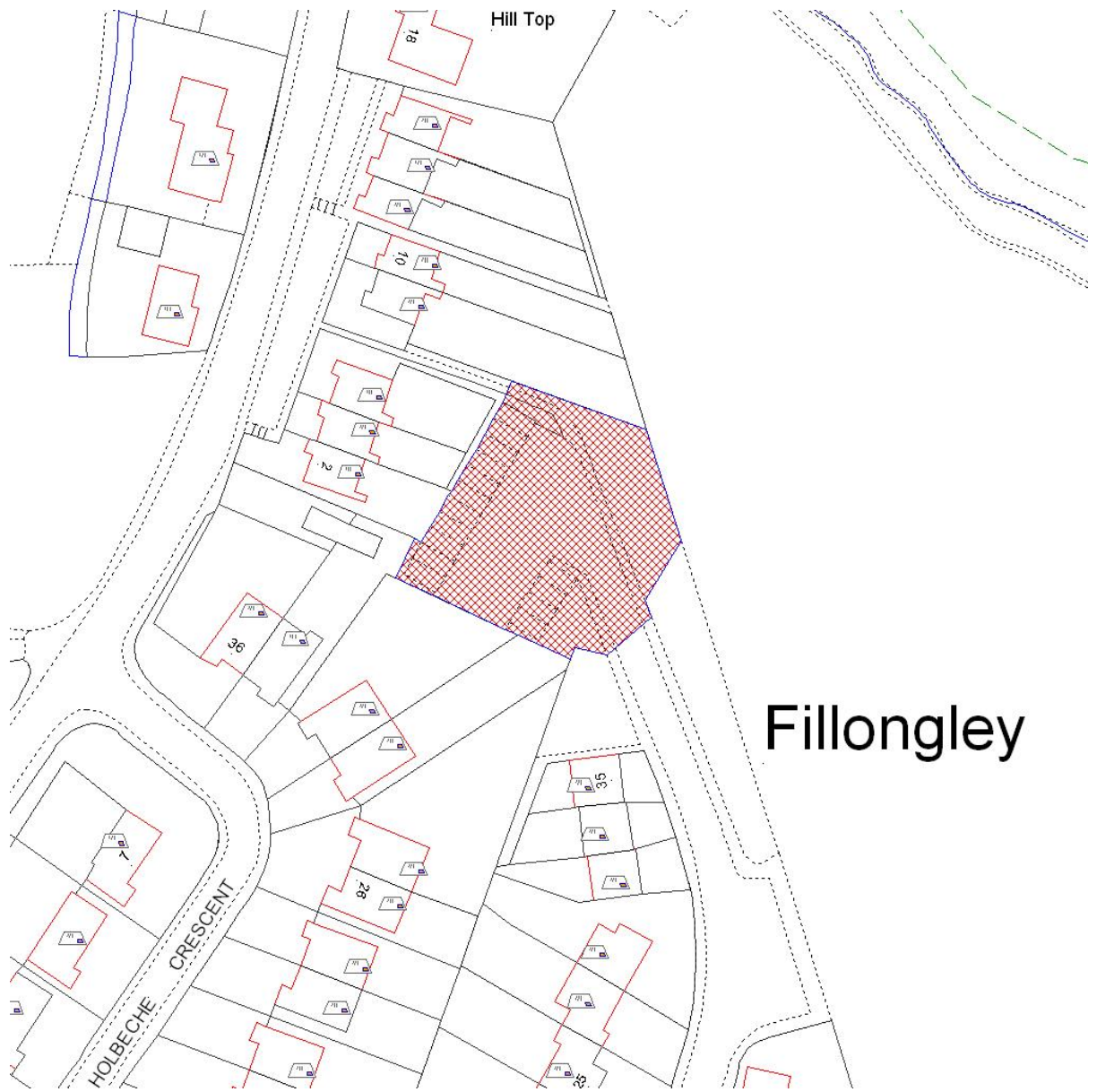
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

**Planning Application No: PAP/2010/0260**

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Applicants Agent	Planning Application Forms and Plans	25/5/2010

*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.*



Fillongley

**() Application No: PAP/2009/0409**

**Garage Site, Eastlang Road, Fillongley**

**The erection of 4 family houses to replace 15 existing garages, for Angela Coates (Housing) of North Warwickshire Borough Council**

**Introduction**

This application is being reported to Board due to the Council's ownership of the land concerned.

**The Site**

The site lies at the end of Eastlang Road where presently 15 Council owned garages exist. This road also provides vehicular access. Other than the garages, the majority of the site is hard standing, with a public footpath bordering the north of the site. To the east, open countryside exists, with existing residential properties to other boundaries. The surrounding properties exhibit a range of 1960s and 1970s housing. There is no planting on the site, although there is a significant oak tree immediately adjacent. There is an existing access via this land to the rear of 32 Holbeche Crescent, granted through annual leases.

**The Proposal**

It is proposed to demolish the existing garages and erect 4 family houses to compliment the Council's affordable housing stock. There will be additional planting around the site to soften the transition from the countryside to the urban environment, with additional parking to help offset the loss of existing provision.

**Background**

The site lies within the Fillongley development boundary as defined by the North Warwickshire Local Plan 2006. The main considerations relate to the impact on neighbouring and visual amenity, and sustainable transport provision and parking.

**Development Plan**

Saved policies of the North Warwickshire Local Plan 2006: CORE POLICY 2 (Development Distribution), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG4 (Densities), TPT1 (Transport Considerations In New Development), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking)

**Other Relevant Material Considerations**

Supplementary Planning Guidance: Affordable Housing SPD (Adopted June 2008)

## **Representations**

A number of neighbour representations have been received. Generally, these query the impact that the removal of the garages will have on nearby on-street parking, on site parking provision (since increased through amended plans) and transport links to the site, loss of privacy, as well as highlighting the presence of the adjacent oak tree. One representation challenges the need, the density, perpetuity of affordable provision and sustainability of the development, as well as querying turning space for refuse vehicles and requesting removal of permitted development rights.

## **Consultations**

NWBC Streetscape – no objection subject to conditions

Fillongley Parish Council has registered strong objections, including the site does not fall within a strategic designation, there is not an identified need for the housing, that the housing does not appear to be affordable family homes for local people, and shared concerns over on-street parking.

WCC Highways – no objection subject to the inclusion of conditions and informatives.

At the time of writing, comments from Environmental Health are anticipated. Any comments made will be communicated verbally at Planning Board.

## **Observations**

The principle of developing the site for housing is established through its inclusion within the Fillongley development boundary. Due to the settlement category, any new housing must be affordable and only permitted where a need has been identified. The Council's Affordable Housing SPD supports this need, with a particular need in Fillongley for family houses. The provision of 4 houses gives a density of 43.8 dwellings per hectare, well above the minimum requirement, but without compromising the pattern of development in the area.

Concern has been raised over the loss of garages, and the resultant exacerbation of on-street parking. However, it must be considered that the site is not a publicly available parking provision; the use of the garages is permitted via leases only, and the Council reserves the right to withdraw this provision at any time – no different than if the land was privately owned. The provision of 8 spaces to serve the new dwellings accords to the maximum standards, and an additional 3 lay-by spaces is considered to assist towards alleviating pressure on neighbouring roads. There are both vehicular and pedestrian accesses to the site, allowing use of sustainable transport methods, with frequent bus services to Coventry, Coleshill and Nuneaton, and further services to Meriden and Bedworth.

Neighbouring amenity is not harmed by the proposals, with no significant overlooking or overshadowing to existing dwellings, and the design exhibits a contemporary design to not only bring forward the surrounding characteristics, but to also bring about an exemplar design of appropriate scale and mass. Proposed materials and detailing positively enhances the overall design. The development is also considered to demonstrate the opportunity to minimise the impact on the environment with the design making use of passive solar gain, whilst also meeting level 4 of the Code for Sustainable Homes, which reduces regulated CO<sub>2</sub> emissions by at least 44%.

Boundary treatments and additional landscaping can be controlled by way of conditions. Consideration is given to the neighbouring oak tree, but it is considered that subject to condition, it will not be threatened by the development. A ground investigation has not raised any concern over land contamination, and subject to a condition to control discharge rates from the site, drainage is also acceptable.

## **Recommendation**

That the application be Granted Subject to Conditions

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

### **REASON**

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered NWBC.ERF\_PS Rev A, NWBC.ERF\_HTA Rev A, NWBC.ERF\_HTC Rev A and NWBC.ERF\_SS Rev A received by the Local Planning Authority on 22 September 2009.

### **REASON**

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

3. No development shall be commenced before details of the facing materials and roof tiles to be used have been submitted to and approved by the Local Planning Authority in writing. The approved materials shall then be used.

### **REASON**

In the interests of the amenities of the area.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls/fences/hedges to be erected. The approved screen walls/fences shall be erected before the dwellings hereby approved are first occupied and shall subsequently be maintained. 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.

5. Before the development commences a scheme for the construction of the surface and foul water drainage system shall be submitted to and approved in writing by the Local Planning Authority. Where possible

sustainable means of surface water drainage shall be used. The development shall be carried out in accordance with the approved details.

#### REASON

To prevent pollution of the water environment and to minimise the risk of flooding.

6. No development or site works whatsoever shall commence on site until details of measures for the protection of retained and neighbouring trees have been submitted to and approved in writing by the Local Planning Authority.

#### REASON

In the interests of the amenities of the area.

7. Before the commencement of the development, a landscaping scheme shall be submitted to the Local Planning Authority for approval.

#### REASON

In the interests of the amenities of the area.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

#### REASON

In the interests of the amenities of the area.

9. No development shall take place on site until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately-owned, domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

#### REASON

To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal public, nature conservation or historical significance.

10. The development shall not be commenced until a turning area has been provided within the site so as to enable the largest vehicle anticipated on site to leave and re-enter the public highway in a forward gear.

#### REASON

In the interests of safety on the public highway.

11. The construction of a new lay-by within the public highway as illustrated on the approved drawings shall not be commenced until detailed plans have been submitted and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

#### REASON

In the interests of safety on the public highway.

12. Before development commences, criteria for a watching brief for contamination, shall be agreed in writing with the Local Planning Authority. This shall be set out to ensure that any contamination found at any time when carrying out the approved development must be reported in writing immediately to the Local Planning Authority. Where contamination is found and remediation is considered as necessary by the local authority, a remediation scheme must be prepared containing an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', and is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

#### REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with saved policy ENV6 of the adopted Local Plan 2006].

#### Notes

9. The applicant is encouraged to incorporate and utilise higher than minimum requirements for efficiency measures and incorporate appropriate on-site renewable energy technologies to further off-set the carbon footprint of the development. Planning consent may be required for the installation of some on-site renewables, and the Local Planning Authority will be pleased to advise you on all associated aspects prior to the erection of any such technologies, and provide you with application forms.
10. Public footpath number M349 passes close to the site. Care should be taken, particularly during construction works, to ensure that this route is kept open at all times.
11. Condition number 11 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in

relation to the construction of the works will be recoverable from the applicant. The Area Team at Coleshill may be contacted by telephone: (01926) 412515.

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

12. The parking that will be provided by the new lay-by cannot be exclusive to the proposed new development as it is to be constructed within the extents of the public highway. Accordingly it will be available to all.
13. 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), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG4 (Densities), TPT1 (Transport Considerations In New Development), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

#### Justification

The proposal is considered to be of innovative and high design quality without detriment to surrounding character, nor neighbouring amenity. There is no concern over land contamination, and drainage provision can be controlled through condition. The parking provision for the site is adequate, with sustainable transport links within easy reach. The sustainability credentials of the development are enhanced further through compliance with level 4 of the Code for Sustainable Homes. Furthermore, subject to conditions, the public realm will be enhanced through retention of and complimenting existing planting. The proposal is therefore in accordance with saved policies CORE POLICY 2, ENV4, ENV6, ENV8, ENV10, ENV11, ENV12, ENV13, ENV14, HSG2, HSG4, TPT1, TPT3 and TPT6 of the North Warwickshire Local Plan 2006. In response to the objections received, it is considered that the provision of affordable housing outweighs the concerns raised given the comments made above.



## **General Development Applications**

( ) Application No: MIA/2010/0007

### **Garage Site, Eastlang Road, Fillongley**

**Non-material amendment to PAP/2009/0409 dated 20 October 2009 for repositioning of the 4 houses within the site to be parallel to the rear boundary and reconfiguration of car parking spaces within the site incorporating space for turning, for Angela Coates (Housing) of North Warwickshire Borough Council.**

### **Introduction**

This application is being reported to Board due to the Council's ownership of the land concerned.

### **The Site**

The site lies at the end of Eastlang Road where presently 15 Council owned garages exist. This road also provides vehicular access. Other than the garages, the majority of the site is hard standing, with a public footpath bordering the north of the site. To the east, open countryside exists, with existing residential properties to other boundaries. The surrounding properties exhibit a range of 1960s and 1970s housing. There is no planting on the site, although there is a significant oak tree immediately adjacent. The annual lease to grant access via this land to the rear of 32 Holbeche Crescent expires on 9 May 2010.

### **Background**

The site lies within the Fillongley development boundary as defined by the North Warwickshire Local Plan 2006. The principle of development was granted at Planning Board in October 2009, with that Agenda attached at Appendix A. The main consideration therefore relates solely to whether the proposed amendment would have an unacceptable impact on neighbouring and visual amenity, and parking provision.

### **The Proposal**

It is proposed to slightly reposition the houses so as to site them parallel with the rear boundary in order to allow for the necessary sewer diversion and associated easement around the dwellings. This in turn affects the parking configuration such that amendments are required here too.

### **Development Plan**

Saved policies of the North Warwickshire Local Plan 2006: ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV14 (Access Design) and TPT6 (Vehicle Parking).

### **Representations**

At the time of writing, these amendments are open for consultation. Fillongley Parish Council have been advised that any comments should relate this amendment, and

not to the principle of development. Any comments made will be communicated verbally at Planning Board.

## **Consultations**

NWBC's Tree Officer – seeks further detail regarding the construction methods for the dwellings as part of ongoing negotiations to address the impact on the neighbouring oak tree.

County Highways – no comment at the time of writing.

## **Observations**

The principle of developing the site for housing is established by way of planning permission PAP/2009/0409. The proposal to amend the footprint and parking configuration is considered in relation to neighbouring amenity, design and parking and turning room.

The slight movement of the footprint would actually move the majority of openings further from any existing properties on Church Lane. The southern-most dwelling would move only 0.5m closer, which is considered not to cause harm to neighbouring amenity. The appearance, scale, height and detailing of the dwellings remains the same, with the amended footprint acceptable.

8 spaces are still provided to directly serve the new dwellings, whilst the additional 3 lay-by spaces are also maintained. The amended layout still allows turning and manoeuvring space for vehicles to leave and enter the highway in a forward gear, which is the normal objective of County Highways.

Further consideration is given to the Council's Tree Officer comments. It is not considered that the amendment can be refused on this request, especially where the principle of development has already been granted. In addition, as the developer is North Warwickshire Borough Council, there is no reason to expect that good practice will not be applied.

## **Recommendation**

That the amendment be Granted, and the relevant condition now read:

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered NWBC.ERF\_HTA Rev A, NWBC.ERF\_HTC Rev A and NWBC.ERF\_SS Rev A received by the Local Planning Authority on 22 September 2009, and the plan numbered 52005 SK 02 received by the Local Planning Authority on 19 April 2010.

### **REASON**

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

All other conditions on decision notice PAP/2009/0409 will continue to apply.

## **Agenda Item No 7**

### **Planning and Development Board**

**14 June 2010**

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

#### **The Powers Delegated to the Director of Community and Environment**

### **1 Summary**

- 1.1 The report seeks the Board's approval to recommend to the Executive Board that the powers delegated to the Director of Community and Environment be instead delegated to the Assistant Chief Executive and Solicitor to the Council and the Head of Development Control.

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

- a That the powers detailed in the Appendix be delegated to the Assistant Chief Executive and Solicitor to the Council and Head of Development Control: and**
- b That all references to the Director of Community and Environment in the Scheme of Delegation in respect of the determination of planning applications to be replaced with a reference to the Assistant Chief Executive and Solicitor to the Council.**

### **2 Report**

- 2.1 Members will be aware that the Director of Community and Environment is retiring with effect from the end of June. As a consequence a temporary restructure of the Council's Management Team has been approved and one element of this is to move the Development Control section to the Assistant Chief Executive and Solicitor to the Council's division.
- 2.2 As a result it suggested that most of the powers currently delegated by this Board to the Director need to be delegated instead to the Assistant Chief Executive and Solicitor to the Council save for two powers relating to comments on Licensing and Gambling applications. These comments are made to the Licensing Authority, which is also with the Assistant Chief Executive and Solicitor to the Council's division. In effect therefore these comments would be made by the Assistant Chief Executive and Solicitor to the Council to the same person. It makes sense therefore to delegate those powers to the Head of Development Control.

- 2.3 One delegated power concerns the Scheme of Delegation in respect of the Determination of Planning Applications. This is not reproduced in this report as it is proposed only to move those delegated powers to the Assistant Chief Executive and Solicitor to the Council.
- 2.4 Members will recall that when the Executive Board recently considered updates to the Constitution is resolved that officers should carry out a section by section review. This report does not prejudice that resolution but is an interim measure to ensure the powers continue to be operative.
- ... 2.5 Full details of the delegated powers are contained in the Appendix.

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

**Powers to be delegated to the Assistant Chief Executive and Solicitor to the Council**

(a) Determination of classes of planning applications defined in the Scheme of Delegation dated June 2008 – **(Copy attached at Appendix B)**

(b) Applications for determination under Section 64 of the Town and Country Planning Act 1990.

(c) Determinations whether “County Matters” are involved in planning applications under Schedule 1 of the Town and Country Planning Act 1990.

(d) Consultations, at his discretion, with neighbours on planning applications received.

(e) Decisions under the Building Regulations 2000 and the Building Act 1984 (including taking appropriate action in respect of dangerous buildings and structures under Section 29 of the Local Government (Miscellaneous Provisions) Act, 1982 to mitigate danger).

(f) Authority to forward to Warwickshire County Council written observations on:

(i) Applications submitted for consultation purposes by that Council under the Town and Country Planning General Regulations 1992;

(ii) Minerals applications;

(iii) Waste Disposal applications

Subject in all three cases to the proposal being assessed as a “minor” matter by the Assistant Chief Executive and Solicitor to the Council and the Chairman and Ward Member(s) agreeing that the matter is a “minor” one and there is no dissent from the proposed observations of the Assistant Chief Executive and Solicitor to the Council.

NB An application shall be brought before the Board for consideration where there is a disagreement on the proposed observations; where there is known public interest in the proposal; or at the discretion of the Assistant Chief Executive and Solicitor to the Council

(g) Authority to make directions under Articles 4 and 5 of the Town and Country Planning General Permitted Development Order 1995 to prevent the holding of markets where there are planning grounds for doing so (this action is to be taken in conjunction with the Chairman of the Board and the Local Ward Members).

(h) Authority to determine which planning applications should be publicised by newspaper or other advertisement, unless prescribed by legislation.

(i) Power to issue Planning Contravention Notices.

(j) Authority to pursue cases of alleged breaches of advertisement control.

(k) Authority to determine whether to require an Environmental Impact Assessment Statement in respect of planning matters under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. (This power is to be exercised in consultation with Local Ward Members on individual cases, with the inclusion of the Chairman and Vice-Chairman of the Board in appropriate cases).

(l) The submission of objections to the West Midlands Traffic Commissioner against applications under the Public Service Vehicles (Road Service Licences and Express Services) Regulations, 1980, subject to the objection being reported to the next available meeting.

(m) The submission of objections to the West Midlands Traffic Commissioner against applications affecting bus services, after consultation with the Ward Members affected.

(n) Notification to the party concerned of flyposting offences under the Town and Country Planning Act 1990. (This power is to be exercised on receipt of a complaint from a Member of the Council).

(o) Power, in emergency circumstances, to make and serve Tree Preservation Orders, Building Preservation Notices and Stop Notices, in consultation with the Chairman of the Board.

(p) Authority to reject High Hedges applications on the grounds of being frivolous or vexatious, or as insufficient attempts made to resolve without the involvement of the local authority.

(q) Authority, subject to consultation with the Local Ward Members, to either reject or uphold a High Hedges complaint once it has been registered and to issue any remedial notice.

### **Powers to be delegated to the Head of Development Control**

(a) Authority to make representations on behalf of the Local Planning Authority in respect of Applications made pursuant to the Licensing Act 2003

(b) Authority to make representations on behalf of the Local Planning Authority in respect of Applications made pursuant to the Gambling Act 2005.

## **Agenda Item No 8**

### **Planning and Development Board**

**14 June 2010**

#### **Report of the Chief Executive and the Director of Resources**

#### **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April 2009 – March 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 2009 to March 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 end of year position with the achievement of the Corporate Plan and Performance Indicator targets for 2009/10. The report updates the progress achieved shown in Quarterly reports to each Board during 2009/10.

### **4 Progress achieved during 2009/10**

- 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 March 2009/10 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  
Green – target achieved.

## 5 Performance Indicators

- 5.1 The figures for the national and local performance indicators are subject to review by internal and external audit and should be considered as draft figures at this stage.

## 6 Overall Performance

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

### Corporate Plan

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

### Performance Indicators

Status	Year End Number	Percentage
Green	2	67%
Red	1	33%
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 have been specified by the Secretary of State for Communities and Local Government as part of a new performance framework for local government as set out in the local Government White Paper Strong and Prosperous Communities.

### 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

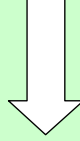


Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

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

## Corporate Plan

Ref	Start Date	Action	Board	Lead Officer	Reporting Officer	Theme	Sub-Theme	Update	Traffic Light	Direction
30	Apr-09	Increase Section 106 contributions for Open Space provision and off site landscaping through the adoption of the Open Space Planning Document in Summer 2009	Planning and Development	DCE/ACESC	Forward Planning Manager	Countryside & Heritage		Work on a final SPD is not being progressed at current time due to work on Core strategy.	Red	↓
31	Apr-09	To apply the Enforcement Policy as amended	Planning and Development	DCE	Head of Development Control	Countryside & Heritage		Annual Performance reported to P and D in Aug 2009. Policy working well.	Green	↔
38	Apr-09	Using the planning system to protect our best old buildings and ensure that new build design is in keeping with the character of the area, including continue to Implement the Partnership Schemes in Conservation Areas for Atherstone	Planning and Development	DCE/ACESC	Forward Planning Manager	Countryside & Heritage		Work is continuing on the scheme. All work must be completed by end of November and claimed by the end of December 2009. Staffing issues have impact on other work but delivery of this project still on target.	Green	↔
41	Apr-09	Maintaining a three-year cycle for the Civic Award Scheme by holding an event in 2012	Planning and Development	DCE	Director of Community & Environment	Countryside & Heritage		Work will be carried out during 2011 for this.	N/a	

Performance Indicators

PI Ref	Description	Division	Section	Year End Target	2008/9 Year End	National Best Quartile	SPARSE Best Quartile	Performance	Traffic Light Red/Amber/ Green	Direction	Comments	Suggested reporting interval	Board	2010/11 Target
NI 157a	Processing of planning applications as measured against targets for major application types	Development Control	Development Control	65	86.67%			64.71%	Green		Serious issues have arisen on some applications which have taken time to resolve. Additionally Senior Officers have been undertaking duties on the Core Strategy thus diverting them from application caseload.	Q	Planning and Development Board	65%
NI 157b	Processing of planning applications as measured against targets for minor application types	Development Control	Development Control	85	82.91%			84.52%	Green			Q	Planning and Development Board	85%
NI 157c	Processing of planning applications as measured against targets for other application types	Development Control	Development Control	95	90.96%			92.48%	Red			Q	Planning and Development Board	95%