

**To: The Deputy Leader and Members of the Planning and Development Board
(Councillors Simpson, Bowden, L Dirveiks, Fox, 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

18 JANUARY 2010

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 18 January 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 Fox (Shustoke), B Moss (Kingsbury), Sherratt (Coleshill) and M Stanley (Polesworth) are deemed to be declared at this meeting.)

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

- 4 **Corporate Plan 2010/11** – Report of the Chief Executive.

Summary

The Corporate Plan is updated on an annual basis. The purpose of this report is to seek the Board's approval to those parts of the Corporate Plan for which it is responsible and to agree the 2010/11 Service Plan for the Development Control Division.

The Contact Officer for this report is Jerry Hutchinson (719200).

- 5 **General Fund Fees and Charges 2010/11** – Report of the Head of Development Control

Summary

The report covers the fees and charges for 2009/10 and the proposed fees and charges for 2010/11.

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

- 6 **General Fund Revenue Estimates 2010/11** – Report of Director of Resources.

Summary

This report covers the revised budget for 2009/10 and an estimate of expenditure for 2010/11, together with forward commitments for 2011/12 and 2012/13.

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

- 7 **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).

PART C - EXEMPT INFORMATION (GOLD PAPERS)

8 Exclusion of the Public and Press

Recommendation:

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

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

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

JERRY HUTCHINSON
Chief Executive

Agenda Item No 4

Planning and Development Board

18 January 2010

Report of the Chief Executive

Corporate Plan 2010 - 11

1 Summary

- 1.1 The Corporate Plan is updated on an annual basis. The purpose of this report is to seek the Board's approval to those parts of the Corporate Plan for which it is responsible and to agree the 2010-11 Service Plan for the Development Control Division.

Recommendation to the Executive Board

- a That those parts of the Corporate Plan as set out in Appendix A to the report for which the Planning and Development Board is responsible be agreed; and**

Recommendation to the Board

- b That the Service Plan as set out in Appendix B to the report be agreed.**

2 Consultation

2.1 Portfolio Holder, Shadow Portfolio Holder and Ward Members

- 2.1.1 Discussions relating to issues contained within the Appendices have taken place at Portfolio Groups.

3 Report

- 3.1 Corporate Plan and Divisional Service Plans for 2009-10 were agreed in the January/February cycle of meetings last year and adopted by Full Council in February 2009 at the same time as the 2009-10 Budget.
- 3.2 In 2006 the Council produced a new style of Corporate Plan more closely aligned to the North Warwickshire Sustainable Community Strategy and incorporating a long term Vision.
- 3.3 Members will be aware that the Sustainable Community Strategy has recently been reviewed and now has three key themes. Public Agencies in the County have also agreed a Warwickshire Sustainable Communities Strategy. Consequently, a number of revisions have been made to the format for the Corporate Plan.

3.4 The Plan shows:

- Progress over the previous 12 months.
- Objectives and targets for 2010-11.
- Clear links as to how the achievement of the Council's priorities will assist in the delivery of the objectives contained in the North Warwickshire Sustainable Community Strategy, the County Sustainable Community Strategy and Warwickshire's Local Area Agreement Targets.
- Key milestones for the future.

3.5 Appendix A sets out proposals for those aspects of the Corporate Plan which fall within the remit of the Planning and Development Board. Proposals for the 2010/11 Corporate Plan reflect discussions which have taken place at Portfolio Groups in appropriate cases. Members are requested to recommend to the Executive Board that the relevant parts of Appendix A are agreed.

3.6 It is also important, however, that Members are aware of and agree the significant amount of work carried out within the Divisions to provide services to local people. This information appears in a single document for each Division, the Divisional Service Plan, which is the key management tool for ensuring that services deliver their annual work programme.

3.7 The Service Plan for the Development Control Division comprises Appendix B to this report, as most of this programme relates to work carried out for this Board.

3.8 Where there are any budget implications for another Board arising out of this work programme, those implications will be drawn to the attention of the relevant Board in the Budget report going to this cycle of meetings. Similarly, any budgetary implications for this Board from Divisional Plans being reported to other Boards are dealt with in the Budget Report also on this agenda.

3.9 Once the Corporate Plan and Divisional Service Plans have been agreed, the reporting procedures for monitoring performance will be as for last year, ie:-

- Monthly reports are considered by Management Team;
- A traffic light warning indicator is used:-
 - Red – target not likely to be achieved.
 - Amber – target currently behind schedule and requires remedial action in order to be achieved.
 - Green – target currently on schedule to be achieved;
- Progress reports to each Board meeting, and
- Overview and Scrutiny Boards to monitor the performance of indicators and targets where the traffic light is amber and red.

4 **Report Implications**

4.1 **Finance and Value for Money Implications**

4.1.1 Where possible, targets and indicators for 2010-11 will be achieved from within existing Board resources. Details of any additional funding are included in the right hand column of the table in Schedule A and in the Budget report and will be in appropriate cases, the subject of reports to the Board.

4.2 **Human Resources Implications**

4.2.1 Any Human Resources implications resulting from the proposals in the Schedule will be the subject of further reports to the Board.

4.3 **Risk Management Implications**

4.3.1 The main risk is ensuring that the Council prioritises its resources to enable it to deliver its priorities. The performance monitoring arrangements set out above provide the mechanism to ensure that remedial action can be taken to review progress and ensure that priority outcomes are delivered.

4.4 **Links to Council's Priorities**

4.4.1 These are set out in the Appendices.

The Contact Officer for this report is Jerry Hutchinson (719200).

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 |
|----------------------------|---------------|-----------------------------------|-------------|
| | | | |

HOUSING

The Council will work to achieve our priority of improving housing in the Borough by delivering more affordable housing and achieving the Decent Homes Standard for our own stock by

| It did this in 2009/10 by:- | It intends to take further action in 2010/11 by:- | Its targets for future years are:- | Local Strategy Priority and Target | County Strategy Key Outcome and Target | Board/ Portfolio Holder/ Lead Officer | Additional Training/Financial Implications |
|--|--|--|------------------------------------|--|---|--|
| Progressing work on the development of the Core Strategy to ensure the continued provision of affordable housing, assisted by the Housing Market Assessment. | Publicising the Core Strategy by October 2010 and submitting it formally to the Secretary of State | Adoption and implementation of the Core Strategy | All | 7.1, 7.2 | Executive Board/ Planning Board/ Housing Portfolio/LDF Advisory Panel ACESC DCE | |

COUNTRYSIDE & HERITAGE

The Council will work to achieve our priority of DEFENDING AND IMPROVING OUR COUNTRYSIDE AND RURAL HERITAGE by

| It did this in 2009/10 by:- | It intends to take further action in 2010/11 by:- | Its targets for future years are:- | Local Strategy Priority and Target | County Strategy Key Outcome and Target | Board/ Portfolio Holder/ Lead Officer | Additional Training/Financial Implications |
|---|---|--|--|--|--|---|
| i) Developing Council policies to defend the openness and character of the Countryside through a planning process applied equally and fairly to all, including:- | Publicising the Core Strategy by October 2010 and submitting it formally to the Secretary of State To move towards the management of development rather than on its control where appropriate. | Adoption and implementation of the Core Strategy To evaluate the progress towards development management. | Developing healthier communities Delivering healthier communities | 7.1 7.1 | Executive Board/Planning & Development Board/LDF Advisory Panel Countryside & Heritage Portfolio/LDF Advisory Panel DCE ACESC | Member training required on development management |
| a) Publishing a draft Core Strategy as part of the Local Development Framework (LDF) by Autumn 2009. | Publicising the Core Strategy by October 2010 and submitting it formally to the Secretary of State | Adoption and implementation of the Core Strategy | Developing healthier communities | 7.1 | Executive Board / Countryside & Heritage Portfolio / LDF Advisory Panel DCE ACESC | |
| b) Ensuring that strategic housing proposals are contained in Core Strategy. | Publicising the Core Strategy by October 2010 and submitting it formally to the Secretary of State | Adoption and implementation of the Core Strategy | Developing healthier communities | 7.1,7.2 | Executive Board / Countryside & Heritage Portfolio / LDF Advisory Panel DCE ACESC | |
| c) 1) Incorporating land use implications into Core Strategy and 2) Investigating with partners to implement the recommendations of the Strategic Flood Risk Assessment report | Publicising the Core Strategy by October 2010 and submitting it formally to the Secretary of State | Adoption and implementation of the Core Strategy | Developing healthier communities | 7.1 | Executive Board/Planning & Development Board Countryside & Heritage Portfolio/LDF Advisory Panel | Further risk assessment and project work may be required. |

COUNTRYSIDE & HERITAGE continued

| It did this in 2009/10 by:- | It intends to take further action in 2010/11 by:- | Its targets for future years are:- | Local Strategy Priority and Target | County Strategy Key Outcome and Target | Board/ Portfolio Holder/ Lead Officer | Additional Training/Financial Implications |
|---|--|--|------------------------------------|--|---|--|
| ii) To respond to Phase Three of the Regional Spatial Strategy by seeking to protect the Borough's rural character by September 2009. | Publicising the Core Strategy by October 2010 and submitting it formally to the Secretary of State | Adoption and implementation of the Core Strategy | Developing healthier communities | 7.1 | Executive Board/ Countryside & Heritage Portfolio/LDF Advisory Panel DCE ACESC | |
| iii) a) Only promoting 'appropriate development' within the Green Belt, unless there were 'very special' circumstances. | Publicising the Core Strategy by October 2010 and submitting it formally to the Secretary of State | Adoption and implementation of the Core Strategy | Developing healthier communities | 7.1 | Executive Board/Countryside & Heritage Portfolio / LDF Advisory Panel DCE ACESC | |
| b) Safeguarding open countryside through the focus of development within main settlements. | Publicising the Core Strategy by October 2010 and submitting it formally to the Secretary of State | Adoption and implementation of the Core Strategy | Developing healthier communities | 7.1 | Planning & Development Board/ Countryside & Heritage Portfolio/ DCE | |

COUNTRYSIDE & HERITAGE continued

| It did this in 2009/10 by:- | It intends to take further action in 2010/11 by:- | Its targets for future years are:- | Local Strategy Priority and Target | County Strategy Key Outcome and Target | Board/ Portfolio Holder/ Lead Officer | Additional Training/Financial Implications |
|--|---|---|------------------------------------|--|---|---|
| iv) a) Publishing draft Supplementary Planning Document dealing with Planning Agreements (Section 106) and with the new Community Infrastructure Levy by December 2009 subject to further guidance on scope of CIL and S106. | Working with partners at the sub regional level to gather information and then develop a financial plan. At the same time gather information locally and develop a robust financial plan. To keep a SPD on S106 under review. | To keep up to date and implement the financial plan. | All | All | Executive Board/ Countryside & Heritage Portfolio/ DCE | Possible monitoring and staffing implications as well as the need for member training |
| b) Increase Section 106 contributions for Open Space provision and off site landscaping through the adoption of the Open Space Planning Document in Summer 2009. | To adopt the SPD | To implement the SPD requirements. | Developing healthier communities | 7.1 | Planning & Development Board/ Countryside & Heritage Portfolio/ DCE ACESC | |
| v) To apply the Enforcement Policy as amended | To provide an annual report on the outcomes of the Enforcement Policy. | To keep policy under review in light of annual report | | 7.1 | Planning and Development Board/ Countryside & Heritage Portfolio/ DCE | |

COUNTRYSIDE & HERITAGE continued

| It did this in 2009/10 by:- | It intends to take further action in 2010/11 by:- | Its targets for future years are:- | Local Strategy Priority and Target | County Strategy Key Outcome and Target | Board/ Portfolio Holder/ Lead Officer | Additional Training/Financial Implications |
|--|---|--|---|---|--|---|
| <p>vi) 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:-</p> <p>a) Prepare design guidance and briefs as separate Supplementary Planning Document by the end of December 2009.</p> <p>b) To use the Design Champion in accordance with the agreed role</p> <p>c) Maintaining a three year cycle for the Civic Award Scheme by holding an event in 2012.</p> | <p>Publicising the Core Strategy by October 2010 and submitting it formally to the Secretary of State</p> <p>Design briefs for strategic sites in the Core Strategy and SPD on issues such as local distinctiveness and design to be prepared following the publication of the Core Strategy.</p> <p>To ensure design advice is given at pre-application stages and to introduce post development visits.</p> <p>To prepare for the event in 2012</p> | <p>Adoption and implementation of the Core Strategy</p> <p>To implement and use in the consideration of planning applications</p> <p>To review the role of the Design Champion</p> <p>To undertake the event in 2012</p> | <p>Developing healthier communities</p> <p>Delivering healthier communities</p> <p>Delivering healthier communities</p> <p>Delivering healthier communities</p> | <p>7.1</p> <p>7.1</p> <p>7.1</p> <p>7.1</p> | <p>Executive Board/Planning & Development Board Countryside & Heritage Portfolio/ DCE</p> <p>Executive Board/ Planning & Development Board Design Champion/ DCE</p> <p>Planning & Development Board/ Countryside & Heritage Portfolio/ DCE</p> | <p>Assumes continued use of Development Control staff working for the Forward Planning Team.</p> <p>Staff resource will be required</p> |

Development Control Service Service Plan 2010/11

Introduction

The service has successfully completed its first year as a separate service, and is looking to enhance service delivery over the next year.

The overall purpose of the service is to manage and deliver new development and the use of land with a view to creating sustainable communities. Our direction and vision are set out in the Council's Development Plan and its Sustainable Community Plan. As a consequence our outcomes have impacts across a number of corporate priorities. How we undertake this process is governed by a combination of statutory process and best practice. Our main activity is the determination of planning and related applications, together with the investigation of breaches of planning control. This process is governed by legislation and case law, together with performance targets set out in National Indicators.

Challenges and change still lie ahead. The North Warwickshire Local Plan is undergoing material change, and the year ahead will see the adoption of its replacement with the Core Strategy prepared under the new Local Development Framework. This will have significant change as to how we deal with proposed new developments. The emphasis will increasingly be on the management of new development and not its control. Increasingly we will be looking at how development can be delivered as a whole; how places and spaces are shaped, and how outcomes set out in the Sustainable Community Plan can be delivered. Furthermore, the Government continues to introduce new legislation to reduce the number of planning applications actually needed, and has indicated that our current National Indicators, wholly governed by speed of decision making, are to be partly replaced with indicators looking at the quality of the whole development process together with satisfaction about the timely delivery of that new development.

This Service Plan outlines the key actions in order to meet these challenges. It addresses the critical issues in the changed environment that the service finds itself in.

1. A Review of Last Year

What has gone well?

- Completion of the Planning Review without reduction in the effectiveness of the service
- Identification of significant savings to meet loss of income from planning fees and Housing and Planning Delivery Grant
- No redundancies as a consequence of loss of income and the economic downturn
- Incorporation of the Planning Technical Support staff within the new Central Services Support section
- All NI measures surpassed, leading to no abatement of Grant
- Appeal Record remains good
- No mal-administration findings or investigations by the Ombudsman
- Internal recruitment to replace a Site Investigation Officer
- Significant high profile enforcement decisions
- Professional representation at high profile Public Inquiries
- Regular Building Control Partnership reports to Board
- Increased Building Control presence during the week
- Electronic delivery continuing with some use of electronic case files; reducing paper copies for consultation with Parish/Town Councils, and wide screens introduced for all case officers
- Increased % of applications being submitted electronically – 28%
- Training Sessions completed for Members
- Member site visits increasing as well as the introduction of Member visits post-decision
- Service Training budget to be focused on climate change issues
- Service Business Continuity Measures agreed
- NI14 data complied and action plan prepared

What has not gone well?

- Overall length of time required to complete the reviews
- Frozen posts will affect capacity as upturn continues
- Move of Technical Support team to Central Support will need time to embed
- Continuing difficulty in assisting colleagues in Forward Plan due to increase in applications, and number of high profile cases that demand time and resource.
- Policy gap will widen until we have a Preferred Option and a Core Strategy
- Update Supplementary Planning Guidance taking time
- Award of Costs against the Council
- Absence of Heritage/Conservation Officer impacting on quality of decisions
- Still fall short of experience/knowledge in the service about climate change implications for new development

Staffing

- No redundancies
- CN completes Masters Course
- SO moves to team as replacement Site Investigation Officer from Internal Audit
- FW achieves Membership of the RTP1
- Senior officers staffing high profile Public Inquiries
- CN and IG complete their first Public Hearings

2. Service Plan for the Following Year

External Assessments

- National Indicators – potential introduction of new measure to address the quality of the service
- HPDG criteria still unknown for future years
- Outcomes from the Government's response to the Killian Pretty Review still to be introduced

New Legislation

- Further permitted development right changes to be introduced for non-householder developments
- Changes for publicity for planning applications to be introduced
- Planning Act 2008 changes to be introduced – particularly covering Amendments and Local Development Orders
- Introduction of the Community Infrastructure Levy (CIL)
- Climate Change requirements increasingly being introduced

New Practice or Codes

- Codes relating to new housing and energy efficiency/carbon reductions
- Increased use of Prior Approval Determinations – to be renamed Minor Development Certificates
- Extending the use of electronic case files

Value for Money/Efficiency

- Electronic service delivery to continue e.g. – case files, consultation, self assessment forms for pre-application work, greater use of the Planning Portal for general information
- Pre-application charging framework to be introduced
- Savings to follow on from publicity changes
- Fees for 2010/11 not yet known
- Introduction of regular Building Control reports to Board

Performance Indicators

- Systems in place to calculate and audit all NI's, together with corporate quarterly returns
- Annual Performance Report to Board

Use of Technology

- Wide screens introduced
- Electronic case files
- 28% of applications submitted electronically – up from 25%
- Planning web site updated
- Officers increasingly completing monitoring role on application data
- Software supplier – Northgate – to overhaul system in next couple of years
- Scanning/Printing equipment needs to be replaced in next few years

Risk Management

- Annual Moderation of Service Risks
- Risks identified on Board reports
- Business Continuity Plan completed
- Lone Worker Policy reviewed

Customer Surveys/Consultations

- Awaiting Government Consultation on new Indicator including measures for satisfaction
- NI14 Action Plan monitored
- Govmetric used and results monitored
- No formal complaints

Corporate Working

- Service leads in one of the Portfolio groups
- Close links with other services in delivery of corporate objectives – particularly affordable housing and open space provision – increasingly to be the case under Development Management
- Links to disposal of land proposals
- Links to the Accommodation Project
- Potential links to Leader projects via development management outcomes
- Very close links to the delivery of development and infrastructure – the Charging Schedule and CIL

Corporate Plan 2010/11

- Community Life – Parish Plans/Rural Services/Narrowing the Gap
- Housing – Affordable Housing provision
- Countryside and Heritage – Openness/Rural Character/Open Space/Civic Awards/Design
- Health and Wellbeing – Green Space Strategy/Young People
- Safer Communities – Design
- Use of Resources – Savings

Sustainable Community Plan 2006/9

- Children and Young People – Facilities
- Community Life (Choice and Access) – Access to facilities/Rural Transport
- Community Life (Housing) – Affordable Housing provision
- Education and Lifelong Learning – Skills and Training opportunities
- Health and Wellbeing – Open and Green Space provision
- Local Economy – Rural Business/Tourism/Employment range
- Safer Communities – Quality of Design

Vision

- Delivery of Corporate and Community Plan Objectives
- Increasingly to view service as managing new development to fulfil these objectives rather than as a regulatory service
- Making a difference/Adding Value/Narrowing the Gap

Strategies

- Delivery and focus on the Core Strategy and Sustainable Community Plan in order to meet Council priorities

Climate Change

- Core strategy to introduce policy approach
- Supplementary Planning Documents to provide guidance and practice – one case officer dedicated to this
- Training budget focused on this – including Members
- Micro – generation permitted development rights likely
- Responding to Waste Facilities applications with a spatial view rather than simply assessing its impacts

Workforce Planning Issues

- Sickness record is good
- Exceptionally stable staff
- Frozen post
- Succession Planning
- Retention of qualified and highly experienced professional staff
- Cascading of planning knowledge throughout the new Central Support team
- Skills gap identified in training plan i.e. – climate change
- Shared use of outside agricultural professional advice by Warwickshire Authorities
- Work/variety widened for officers through preparation of SPD
- Lone Worker Policy reviewed
- Planning and Admin Reviews completed – new JD's

Process and Policy

- Gap in climate change knowledge
- CIL process and practice to be a major new issue

Health and Safety

- Lone Worker Policy reviewed
- Health and Safety training undertaken – including audits

Equalities

- Equality issues covered where appropriate in Board reports – particularly on enforcement cases

Data Quality

- Written procedures for all NI's, with audit checks
- Written procedures for use of SX3 software
- Work commencing on data base quality – particularly addresses on industrial estates, and permitted development monitoring
- Officers increasingly adding monitoring information to case files
- Still need reviews of TPO and Listed Building data

Communications

- Weekly Lists of Applications
- Accessible website for live applications
- Planning pages to be reviewed and enhanced/updated – more external links
- Consideration for scanning enforcement files
- Parish Council training sessions dealing with changing context for planning
- Agents Forum continuing covering changing circumstances
- Local Requirements Document to be simplified

LAA/LSP Issues

- Affordable Housing – still to be via Section 106 Agreements and Supplementary Planning Document
- Community Infrastructure – To be developed through CIL introduction via the Core Strategy
- Links to Parish Plans for infrastructure planning and SPD on new residential developments in particular
- Aim to address Narrowing the gap and Place Survey implications through development management and CIL practice

Previous Year

- Action 1 – Planning Review completed, and savings achieved
- Action 2 – Local Land Charges. Charges reviewed and introduced – however, no longer in this service. A further review of charges is necessary following the recent Admin review
- Action 3 – Electronic Service Delivery – new screens provided; electronic consultation with Parish Councils commenced, pilot electronic case files introduced, but still issues on data quality and data base – particularly TPO's, Listed Buildings, Permitted Development Register. Website currently being enhanced to update and to provide new links (self assessment forms)
- Action 4 – Supplementary Planning Guidance. Existing SPG's currently under review (Householder to be combined with new Residential Design); new Energy SPD being drafted, Local Requirements Document currently under review, Pre-Application charging framework being prepared and Strategic Site Design Briefs to be prepared in Spring 2010. CIL/S106 guidance later in year.

3. Resource Implications

- Impact of frozen job share post
- Increase in applications may inhibit progress on SPD
- High profile cases “skew” the service as they are resource “hungry”
- Heritage/Conservation advice and guidance remains unknown
- CIL implications – collection, audit, monitoring
- Training budget to remain focused on climate change issues

**PLANNING AND DEVELOPMENT DIVISION
SUMMARY SERVICE PLAN 2010/11**

| Action | Community Plan/Corporate Priorities | Lead Officer | Start Date | End Date | Priority | Measurement of Success | Resource/Training Implications |
|--|---|-----------------------------|------------|----------|----------|--|---|
| 1) Move from Development Control to Development Management | All themes Countryside and Heritage, Housing, Community Life, Health and Wellbeing, Safer Communities | Head of Development Control | Immediate | Ongoing | 1 | <ul style="list-style-type: none"> • Increase Member's awareness and training – through ongoing Board reports/training sessions • Pre-application framework involving community and Members – introduce by April 2010 • Design briefs for Strategic sites – drafts by Summer 2010 • SPD agreed on design and local distinctiveness – drafts by Spring 2010 • Enhance/introduce links between infrastructure delivery. "Narrowing the Gap" the Place Survey and CIL/Section 106 Agreements – include in Training | <ul style="list-style-type: none"> • Training including Members • SPD prepared through prioritisation of staff • Reduction in performance but not in NI's • CIL • Skills/Knowledge gap in training budget • Introduce pre-app charges |

| | | | | | | | |
|--|---|-----------------------------|-----------|---------|---|---|---|
| | | | | | | <ul style="list-style-type: none"> Plan: adopt SPD on Affordable Housing and Open Space Provision in Spring 2010, draft SPD on 106's in Summer 2010 Post Development evaluations - Board to agree scheduled hours of the Borough | |
| 2) Focus on Carbon Zero and Sustainable Developments | Community Plan: All themes Corporate Priorities: All | Head of Development Control | Immediate | Ongoing | 1 | <ul style="list-style-type: none"> Continue with training following our main event – training plan to identify follow on from main event Extend to Members – within 2010 SPD and Best Practice guide to follow Core Strategy Policy, and to reflect Sub Regional Case Studies – Draft by Summer 2010 Evidence from decision making – assessments to be made explicit in reports | <ul style="list-style-type: none"> Training - including Members SPD prepared through prioritisation of staff Links to Corporate Approach |
| 3) Improve the Quality of Development | Community Plan: All themes Corporate Priorities: All | Head of Development Control | Immediate | Ongoing | 1 | <ul style="list-style-type: none"> SPD adopted on Residential design – draft by Spring 2010 Links to Community Plan/Narrowing the Gap/Place Survey – evidence from pre- | <ul style="list-style-type: none"> Training – including Members SPD prepared through prioritisation of staff |

| | | | | | | | |
|---|---|------------------------------------|------------------|----------------|---|--|---|
| | | | | | 1 | <ul style="list-style-type: none"> evidence from pre-application meetings and reports Use of CIL funding – within Core Strategy and Delivery Plan Pro-active enforcement role – monitoring regime for temporary consents and S106 Agreements | |
| <p>4) Improve Satisfaction with the Service</p> | <p>Community Plan: Access to service Corporate Priorities: Community Life</p> | <p>Head of Development Control</p> | <p>Immediate</p> | <p>Ongoing</p> | | <ul style="list-style-type: none"> Satisfaction surveys – await DCLG guidelines and approach NI14 evidence – review/compare results annually against action plan Gov-metric evidence – review results annually Extend electronic delivery of the service – extend electronic case files; consider widening e-consultations; extend into enforcement service, data base enhancement | <ul style="list-style-type: none"> Await new satisfaction measures from DCLG Data enhancement undertaken in house Ongoing staff training with OSS Software replacement on the horizon |

Workforce Implications of the Corporate & Divisional Plans

| Workforce Area | Long Term Objectives | Objectives 2010/11 | Action By | Performance Measure | Milestone Dates |
|------------------------------------|--|---|-------------|---|-----------------|
| Skills | <ul style="list-style-type: none"> All staff more knowledgeable Better resilience Widen range/base of knowledge/skills | <ul style="list-style-type: none"> Greater general planning knowledge in Central Support Follow up on Climate Change training Look at CIL implications Exchange skills with other Authorities | Within 2010 | <ul style="list-style-type: none"> SPD adopted on Carbon Zero Developments/Links with other Authorities on CIL and ... | |
| Jobs and Job Roles | <ul style="list-style-type: none"> Greater variety of work | <ul style="list-style-type: none"> Role out of SPD by different members of staff | Within 2010 | <ul style="list-style-type: none"> SPD published as planned Explore job satisfaction in staff appraisals | |
| Equalities | | | | | |
| Recruitment & Retention | <ul style="list-style-type: none"> Retain experienced staff Challenge staff Delegation of responsibilities Widen skills base | <ul style="list-style-type: none"> Resolve "Deputy" role and agree implications | Within 2010 | <ul style="list-style-type: none"> Resolution | |
| Learning & Development | <ul style="list-style-type: none"> Training integral to work Training focused on known gaps | <ul style="list-style-type: none"> Focused Training Plan | Within 2010 | <ul style="list-style-type: none"> Training completed Evidence of knowledge in reports | |

Workforce Implications of the Corporate & Divisional Plans

| Workforce Area | Long Term Objectives | Objectives 2009/10 | Action By | Performance Measure | Milestone Dates |
|---|---|---|------------------|--|------------------------|
| Succession & Career Planning | <ul style="list-style-type: none"> • Career paths made available • Challenging work • Increase variety | <ul style="list-style-type: none"> • Increase variety and challenge | Within 2010 | | |
| Employee Relations | | | | | |
| Health Safety & Welfare | <ul style="list-style-type: none"> • Safe office environment • Safe out of office procedures • Annual risk assessments | <ul style="list-style-type: none"> • Regular safety audits • Monitor Lone Worker Policy | Within 2010 | <ul style="list-style-type: none"> • Annual Risk Assessments • Up to date Lone Worker Policy | |
| Pay & Rewards | | | | | |
| Flexible Working | <ul style="list-style-type: none"> • More flexible working (in office and on-site) • Hot desking • Electronic case files | <ul style="list-style-type: none"> • React to Corporate Initiatives • Expand electronic case files • Expand electronic delivery to enforcement cases | | | |

Agenda Item No 7

Planning and Development Board

18 January 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

- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 15 February 2010 at 6.30pm in the Council Chamber at the Council House.

Planning Applications – Index

| Item No | Application No | Page No | Description | General / Significant |
|---------|--|---------|---|-----------------------|
| 1 | PAP/2009/0424 | 4 | Devitts Green Farm Devitts Green Lane Arley Retention of steel clad building for purpose associated with the applicant's trade as a stone mason | General |
| 2 | Consultation by the Secretary of State | 55 | Proposed New Freight connection-Nuneaton Station | |

(1) PAP 2009/0424
Devitts Green Farm, Devitts Green Lane, Arley

Retention of Building for purposes associated with the applicant's trade as a stone mason, for

Mr S Mitchell

Introduction

Determination of this application was deferred at the Board meeting in December, in view of changes that the applicant was considering to his proposals. These have now been received and thus the application is referred back to Board for determination. The report to the December Board is attached in full at Appendix A.

The current report will not repeat the descriptions of the site; the background to the case, or the relevant Development Plan policies, as there has been no change to these. It will however refer to the recently published PPS4 that will now be a material planning consideration. It will first however, concentrate on the further changes that have been made by the applicant.

Additional Changes to the Proposal

It will be recalled that the applicant, upon acquisition of the site, undertook a number of demolitions. These were illustrated as buildings 2a, 4, 5 and 6 on a plan attached to the December report – and for convenience, now attached to this report at Appendix B. An enclosure at 2b was also removed. The new building, the subject of this application is sited on 2a and 2b. The applicant is now proposing a reduction in the extent of building 3. Demolition would be across the northern end in order to enable direct vehicular access to the site of the new building. As a consequence the applicant argues that overall there is now a nett loss in the volume of buildings on the site.

Secondly, he is proposing to re-clad the new building in a facing brickwork using materials reclaimed from earlier demolitions. This, he argues, will improve the appearance of the range of buildings on the site, by making the new building more in keeping with the other brick built buildings hereabouts.

Thirdly, he is proposing to upgrade the condition of the access into the site which presently consists of undefined access points directly onto the junction of two roads.

Fourthly, the applicant is prepared to agree to extensive landscaping at the site so as to reduce the impact of any new building here. This would be particularly to the south where the new building is clearly visible.

Additional Material Planning Considerations

The Government published its Planning Policy Statement Number 4 on Sustainable Economic Growth, on 29 December 2009. This replaces its Guidance Note Numbers 4 and 6. It is thus now a new material planning consideration. In respect of the determination of planning applications for economic development in rural areas, in general, it gives more support than hitherto, to small scale economic developments in the countryside, even in areas that may be more remote, where such sites can be shown not to have adverse impacts.

Observations

The application here still remains as one for the retention of an inappropriate building in the Green Belt. It is necessary to assess whether the changes outlined above, when added to the applicant's previous arguments advancing "very special circumstances", are of such weight to alter the balance against the presumption of refusal. One of the main arguments put by the applicant was that there would be an overall reduction in buildings at the site, even with the retention of the new building, thus leading to an increase in "openness". This he now argues, is given additional weight with the further demolition work proposed. This is acknowledged, and whilst it is considered that this does not represent a substantial increase in the amount of demolition work, it does represent a material improvement on the previous position.

The proposal to re-clad the building in a facing brickwork, is a material improvement to the original submission. It would mean that the building would sit far more comfortably and naturally within the existing range of buildings, thus enhancing the overall setting. The proposed landscaping and improvements to the access, would also assist in this regard. These changes therefore do add weight.

These changes are welcome and do increase the weight to be given to the "very special circumstances". This is because they enable the Council to consider the application building itself within the context of the whole of the application site. In this regard it is agreed that there has already been, and with the changes referred to above, will continue to be, an overall environmental gain to the site. The issue is whether this is sufficient to consider a recommendation of approval. On balance, it is. Firstly, the building itself is small compared with the other buildings on site. If it is re-clad, then it will fit in very well with the existing range of buildings. Indeed if this had been a proposed agricultural building, this would have been the preferred location within this complex of buildings. Secondly there is an increase in openness as a result of the past and planned demolitions. Thirdly, there has been an overall environmental improvement to the whole site, and this will continue with the additional landscaping and access improvements, which can be conditioned. Fourthly, there have been no objections from the Highway Authority, nor from the Council's Environmental Health Officers in respect of adverse impacts arising from the use of this building. There has also been very little neighbour objection or complaint. Importantly, and the reason that does "tip the balance" here, is the new PPS4 and its general support for local and small economic development projects in rural areas, where there are little or no adverse impacts.

Recommendation

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

- i) The building hereby approved for retention shall not be used for any purpose in Class B2 of the Town and Country Planning (Use Classes) Order 1987, as amended, other than for use in connection with stone masonry.
Reason: In recognition of the particular set of very special circumstances in this case.
- ii) Standard Plan Numbers Condition –
- iii) Within six months of the date of this permission, or longer period as may be agreed in writing by the Local Planning Authority, the building to be retained shall be re-clad in facing brickwork, and noise insulation measures fully installed. Details of the brickwork and the noise insulation measures shall first have been submitted to and approved in writing by the Local Planning Authority. Only the approved brickwork and approved measures shall then be implemented.

Reason: In the interests of the visual amenities of the area hereabouts, and in order to reduce the potential for noise pollution arising from the use of the building.

- iv) Within three months of the date of this permission, the demolition of that part of the building shown depicted on the approved plans, shall have been completed, to the satisfaction in writing of the Local Planning Authority.

Reason: In order to enhance the openness of the Green Belt hereabouts.

- v) Within six months of the date of this permission, a landscaping scheme shall be submitted for approval to the Local Planning Authority. The scheme shall cover the whole of the application site as depicted on the approved plan, and shall particularly include heavy planting to the south and east of the building the subject of this application. The scheme, shall be implemented within the next planting season following written approval of the Council, and shall be implemented in full in accordance with that scheme, and any conditions that might be attached.

Reason: In the interests of the visual amenities of the area hereabouts.

- vi) Within six months of the date of this permission, or longer period as may be agreed in writing by the Local Planning Authority, the applicant shall submit details to the Council of how access arrangements to the site are to be rationalised and improved. Such arrangements as approved in writing by the Local Planning Authority shall then be installed in full within the terms of any conditions attached to that approval.

Reason: In the interest of highway safety for all users, and in order to enhance the visual amenity of the site.

Development Plan Policies: As outlined in Appendix A.

Reasoned Justification: The proposal represents inappropriate development within the Green Belt. However, the applicant has put forward very special circumstances that are of such weight as to persuade the Council to grant a planning permission. These circumstances include recent site improvements and enhancements that have significantly improved the appearance of the application site as a whole, and that will continue to do so through additional works as conditioned in the permission; the scale of past and further planned demolitions that have and will lead to an increase in the openness of the Green Belt hereabouts, the re-cladding of the building in facing brickwork in order to reduce its visual impact, and planned landscaping and improvements to the access. Of particular weight is the publication of the Government's PPS4 that lends support to small economic development projects in rural areas, where there are shown to be no adverse impacts. No objections have been received from the Highway Authority on traffic or highway grounds, and none from the Council's Environmental Health Officers on noise pollution grounds. There has been little public objection, and some support. Overall on balance, it is considered that the scheme can be supported.

- B)** That, subject to the applicant confirming that there would be no application for an award of costs, the Council withdraws the Enforcement Notice, the subject of the current appeal, and that the Planning Inspectorate be notified immediately.

BACKGROUND PAPERS

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

Planning Application No: PAP/2009/0424

| Background Paper No | Author | Nature of Background Paper | Date |
|----------------------------|---------------|-----------------------------------|-------------|
| 1 | Agents | Letter | 30/11/09 |
| 2 | Agents | E-mail | 2/12/09 |
| 3 | Agents | E-mail | 3/12/09 |
| 4 | Head of DC | Letter | 8/12/09 |
| 5 | Agents | Letter | 8/12/09 |
| 6 | Inspectorate | Letter | 9/12/09 |
| 7 | Agents | E-mail | 17/12/09 |
| 8 | Head of DC | Letter | 18/12/09 |

General Development Applications

Application No PAP/2009/0424

Devitts Green Farm Devitts Green Lane Arley

**Retention of steel clad building for purpose associated with the applicant's trade as a stone mason,
For Mr Steve Mitchell C/O Pegasus Planning Group**

Mr S Mitchell

Introduction

This application is reported to the Board in light of previous enforcement action pertaining to the building the subject of the application.

The Site

These premises are at the junction of Woodside and Devitts Green Lane, and were formerly an active farmstead, consisting of a farmhouse, and various outbuildings. The agricultural land has been sold off and the former farmyard complex divided into two ownerships. The applicant owns the farmhouse; a collection of former agricultural buildings and some surrounding land. The location plan at Appendix A, illustrates these features. The nearest residential property is "Cyprus", to the east with further properties on the other side of Devitts Green Lane.

The present buildings within the application site are shown at Appendix A. They comprise the farmhouse and its extension through a new link at A; a barn that is in the course of reconstruction at B, dilapidated former agricultural buildings now mostly without roofs at C, and the building the subject of this application at D.

The Proposal

It is proposed to retain the recently erected green steel clad building for use for the applicant's trade as a stone mason. The existing access would be used along with parking and some outside storage on the land. The building measures 15 by 8 metres and is 4 metres tall. It has been complete for about two years.

Submitted with the application are a Design and Access Statement together with an outline of the masonry business, and a note outlining future intentions at the site. These are attached at Appendix B.

Also submitted is a Noise Assessment Report that was requested in order to establish whether there was any adverse noise impact arising from the use of the building.

Background

In late 2006, after acquiring the premises, the applicant gained planning permission to extend the farmhouse into an adjoining barn through the provision of a small link. This has now been completed.

The building the subject of this application was drawn to the Council's attention in late 2007. A retrospective application to retain the building was refused in June 2008, the reason being that the development was inappropriate within the Green Belt and that no very special circumstances had been forwarded sufficient to outweigh the presumption of refusal. This refusal was not appealed, and the building remained on site. As a consequence the Board authorised the issue of an Enforcement Notice requiring the removal of the building. This

was served in August this year. An appeal has been lodged and this is due to be heard in early February 2010. At about the same time as service of the Notice, the applicant submitted this current application. He considered that at the time of the earlier application, he had not supplied the Council with a full explanation of the background to the building, nor provided the Council with the arguments to show in his view, that there were very special circumstances of sufficient weight here to warrant a grant of planning permission. Hence these were supplied with this current application and are attached at Appendix C. Further representations are attached at Appendix D.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies) – Core Policy 2 (Development Distribution), ENV2 (Green Belt), ENV9 (Air Quality), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ECON1 (Industrial Estates), ECON4 (Managed Workspace/Starter Units), TPT3 (Access and Sustainable Travel and Transport), TPT6 (Vehicle Parking)

Other Material Planning Considerations

Government Guidance: Planning Policy Guidance Note 2 (Green Belts); Planning Policy Statement Number 7 (Sustainable Development in Rural Areas)

Consultations

Highway Authority – No representations received

NWBC Environmental Health Manager – No objection having seen the conclusions of the noise assessment

Severn Trent Water – No objection

Representations

One letter of objection has been received stating that whilst the building represents no less harm to the Green Belt, a commercial use is now introduced, the use brings about concerns over noise, and the building is out of character.

One letter of support has been received, believing that the applicant's trade and the visual improvements that have been carried out at the site are an asset to the community.

Observations

a) Introduction

This building is inappropriate development in the Green Belt by definition – it being for a new industrial building. This is agreed by the applicant. Hence the presumption is that this application is refused planning permission. The applicant however argues that there are very special circumstances of such weight that they override this presumption. It is thus necessary to explore the circumstances put forward by the applicant and to assess their weight. Having done so it will be necessary as in all applications to look at the traffic, amenity, and in this case the potential noise impacts arising from the use of the building.

b) Impact on the Green Belt

The first circumstance put forward is that there is no or little impact on the Green Belt because the building is a replacement and constructed within a group of existing buildings. This is not accepted. It is considered that this development does impact on the main purposes of including land within the Green Belt – in this case, the development does not assist in safeguarding the countryside from encroachment, nor does it assist in urban

regeneration. The Development Plan for the area contains Core Policy 2 which directs new developments towards the Borough's main settlements. New industrial development is included. This is to prevent new development in unsustainable locations; to protect the rural character of the Borough, and so as to enhance the viability and vitality of those main settlements. This new building houses a B2 General Industrial use, one that by definition should not be accommodated in a residential area. Development Plan policy directs such uses to the main industrial estates. This use would be entirely appropriate on one the named estates in the Development Plan under Policy ECON1 .Furthermore, this use is not one that essentially has to be located within a rural area. There are no geographic, historic or other operational factors that mean this use has to be located in the countryside or indeed this site. Moreover there are no authorised industrial lawful uses on this site that can be said to have been taken up through this development, and certainly none that could be offered up in exchange for a lesser industrial use. In short, this is an inappropriate building in the Green Belt that has been constructed on land that has a lawful appropriate use in the Green Belt. Members will be aware that the significance of the Green Belt is that this is the only designation nationally that carries the presumption of refusal. It is considered that the factors put forward above rebut the claim by the applicant that this development has no harm on the principle of including land within the Green Belt.

c) The Size of Buildings on the Site

The applicant's second argument is that the built footprint now on site is less than when the applicant acquired the land and thus even with this new building, there has been a reduction in floor area, and if seen in context, this is an overall improvement, enhancing the openness of the Green Belt hereabouts. This is not accepted as a matter of fact.

Whilst it is agreed that buildings have been demolished by the applicant since his acquisition of the site, there are two reasons for not giving weight to the applicant's argument. Firstly, the applicant has reached his conclusion by referring to floor space lost not volume lost. This is significant. The most significant attribute of the Green Belt is its openness. Hence new development should not reduce that openness. Footprint does not create volume and thus there is very unlikely to be an adverse impact on openness as a consequence of footprint. Where there is a volumetric increase, then there is. Moreover the Development Plan policies that are designed to protect openness are defined in terms of limiting the percentage increase in new buildings – e.g. the 30% figure for householder developments. Volume is thus the preferred indicator.

Secondly, the applicant has produced his calculations that show an overall reduction in footprint from 604 square metres to 553 as a consequence of the applicant's demolitions – say an 8% reduction. It is agreed that there have been demolitions here, but the problem is that the applicant's figure includes a footprint for a "building" that officers do not accept was a building. In order not to complicate matters, Members are referred to Appendix E. This illustrates the buildings on site when acquired by the applicant. It is agreed that buildings 4, 5 and 6 have all been demolished. It is also agreed at building 2a has been demolished. The area denoted as 2b has also been removed. It is however disputed that the area 2b was a building. Officer's evidence points to this being a cattle pen or yard, and not a roofed building. That evidence includes historical maps; aerial photography, satellite photography both before and after 2006, together with OS maps. The building the subject of this application has been constructed on the site of 2a and 2b on Appendix E, so no historical evidence now remains, and this issue remains a disputed issue between the applicant and officers. The applicant as indicated above, considers that the new building has resulted in an 8% loss of footprint since acquisition. Officers are confident that, notwithstanding demolitions, and excluding the size of the disputed yard/pen and the existing residential buildings, then there would be a 7% increase in footprint and a 16% increase in volume. Using Appendix E as the reference, the volume of the new building on the site of 2a and 2b, increases volume by 16% over buildings 2a, 2c, 3, 4, 5 and 6. Consequently there has not been a material reduction in openness as defined by this measure.

d) Replacement

The applicant argues that this should be treated as a replacement building, and thus argues that as such, there is no further impact on openness than if the former building had been retained. He also suggests that by looking at Government guidance in respect of re-use of rural buildings, as well as Development Plan Policy on the same subject, the building here is generally compliant with the criteria set out therein. This is not accepted.

National guidance as reflected through Development Plan policy is that new buildings in the Green Belt are inappropriate developments, unless they fall within a select, and limited, list of cases. For instance, existing dwellings can be replaced within limitations. This is not a replacement house, and thus as a new industrial building, by definition, it remains inappropriate as it appears nowhere in that list. The applicant argues that the former buildings here may well have gained a planning permission for an employment use under Development Plan policy, and thus because the new building is of an equivalent size and in the same location, then there is little difference. This is not accepted. It can not be likened to a converted building, because it patently isn't, and as none of the former building remains, the criteria referred to by the applicant can not be fulfilled – the applicant himself removing the very buildings that might have been converted. It is, as a matter of fact, a new building. There is thus no “fall-back” as suggested by the applicant. Moreover it is a new building because it accommodates a new purpose – an industrial use. That new use is inappropriate in the Green Belt, and it replaces appropriate development in the Green Belt. As a consequence too, there is no opportunity to potentially look at “exchanging” a large inappropriate but lawful development in the Green Belt, for a lesser development that might have less impact. In short, a new industrial building has been constructed in the Green Belt.

e) Openness and Visual Amenity

The applicant argues that through demolishing buildings and improving the whole site as explained in Appendix B, and in section 4 of Appendix C, there will be a significant visual impact such that the whole area is improved. He continues that if the proposal is seen in this context, then the reasons for including land within the Green Belt are endorsed through this development. This is not accepted.

There is no doubt that the visual appearance of the site is in the course of improvement through the series of works undertaken by the applicant, or that improvements to the farmhouse and other buildings are of good quality. But these have been undertaken on the back of inappropriate development. It is the case that improvements could well have been secured by another owner, or indeed this owner too, without recourse to introducing unlawful and inappropriate development to the site. In other cases in the Borough where the Board has agreed to inappropriate development in the Green Belt, there have already been inappropriate but lawful developments present that have been “exchanged” for a lesser development; or that new development has “enabled” other beneficial and appropriate work to have been undertaken to meet Development Plan policy. Neither case applies here.

f) The Business

The applicant argues that the circumstances of his business meant that he could not have re-used existing buildings – section 4 of Appendix C. He therefore argues that the investment he has put into the site; the visual improvements made and the fact that his business is small and trading successfully, should outweigh the limited harm done of the Green Belt hereabouts. Officers would not place significant weight on this argument.

Development Plan policy and Government guidance supports the provision and encouragement of rural businesses, particularly through conversion and re-use of existing rural buildings. However it does not support new industrial buildings being built in the Green Belt. This business does not require a rural location; it is not dependant on this locality. The applicant's investment here was entirely at his own risk, and without consultation or advice from the Council. Whilst he argues that he could not afford to re-locate, he continues to undertake works at this site and is looking to acquire other buildings to the north. Moreover the business has moved several times within the past few years suggesting that it is not site specific and that it can continue to trade and provide employment. The circumstances set out in his argument above are considered to be personal circumstances, not planning circumstances, and not operational or management circumstances that tie this business to this site.

g) Other Impacts

As can be seen from the consultation section above it is considered that there are no adverse highway or noise impacts that arise from this development sufficient to warrant a refusal reason.

h) Conclusions

The applicant's case is very much that the Board should look at the site as a whole, and not just at this particular building, and give weight to the improvements undertaken over that site which have been generally regarded as welcome. As there are no adverse highway or amenity impacts arising from the use, and because the building is of a size and location that one might accept in an agricultural setting, or that could be seen as being equivalent to a converted building, the applicant considers that the harm to the Green Belt is minimal. The applicant is thus asking the Board to give weight to these outcomes, with the prospect of further improvements to the setting of the site.

There is a robust defence of Green Belt policy in response because a new industrial building has been constructed in the Green Belt, outside of any settlement boundary and contrary to the Borough's core policy on development distribution. The outcomes on site do not require the essential presence of that industrial building, and they could have been undertaken without recourse to that building. The fall back position put forward by the applicant is not accepted as the developments are not "like for like" comparisons.

The Board will be invited to support a recommendation for refusal as a matter of principle.

Before doing so the Board should however give further consideration as to whether the harm done to Green Belt policy can be mitigated through the imposition of conditions attached to a planning permission. A temporary consent would enable the applicant to continue his business whilst he finds alternative industrial premises, prior to the removal of the building. As there is a current Enforcement Notice being appealed, it is considered that the compliance period for the removal of the building will be debated through that procedure, and thus a temporary consent is not appropriate in this case. Another option is to look at the possibility of a "personal" consent, and this is an approach that the applicant would endorse. This would result in a permission that requires the removal of the building upon vacation of the site by the applicant. This is not supported as it places personal circumstances over and above planning circumstances in respect of Green Belt policy where there is a national presumption against the grant of planning permission for inappropriate development. It is not considered that the outcomes on site, as described here by the applicant, are of such significance to warrant an exceptional approach. As a consequence, it is considered that a recommendation of refusal should still stand.

If a recommendation of refusal is supported, then clearly the Board will need to look at the expediency of a further Enforcement Notice. Given that there is an appeal to be heard in

early February where the applicant is arguing that the building should be retained and planning permission be granted for his industrial use, it is not considered that it would be expedient to replicate this with a further Notice. If the present planning application is refused, then it would be logical for any appeal to be heard at the same time, at the same Hearing. If planning permission is approved, then the applicant can consider the withdrawal of his Enforcement appeal, with similar consideration by the Council in respect of the withdrawal of the Notice.

Recommendation

enable the removal of other inappropriate development in the Green Belt, it actually increases The development is inappropriate by definition within the Green Belt. In addition, the proposal brings forward an industrial use to a location that is outside of any defined settlement boundary and contrary to the Council's approach towards development distribution. It is considered that the very special circumstances put forward by the applicant are of insufficient weight to override the presumption of refusal for this inappropriate development. This is because the development has no essential operational, geographic or historic reason to be sited in a rural location; it does not the amount of built development in the Green Belt, and the scale of the improvements undertaken on the site are not of such significance to warrant agreeing to inappropriate development in the Green Belt. As such the proposal is contrary to saved Core Policy 2, and saved Policies ENV2 and ECON4 of the North Warwickshire Local Plan 2006, as well as to Government Guidance in PPG2 and PPS7.

BACKGROUND PAPERS

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

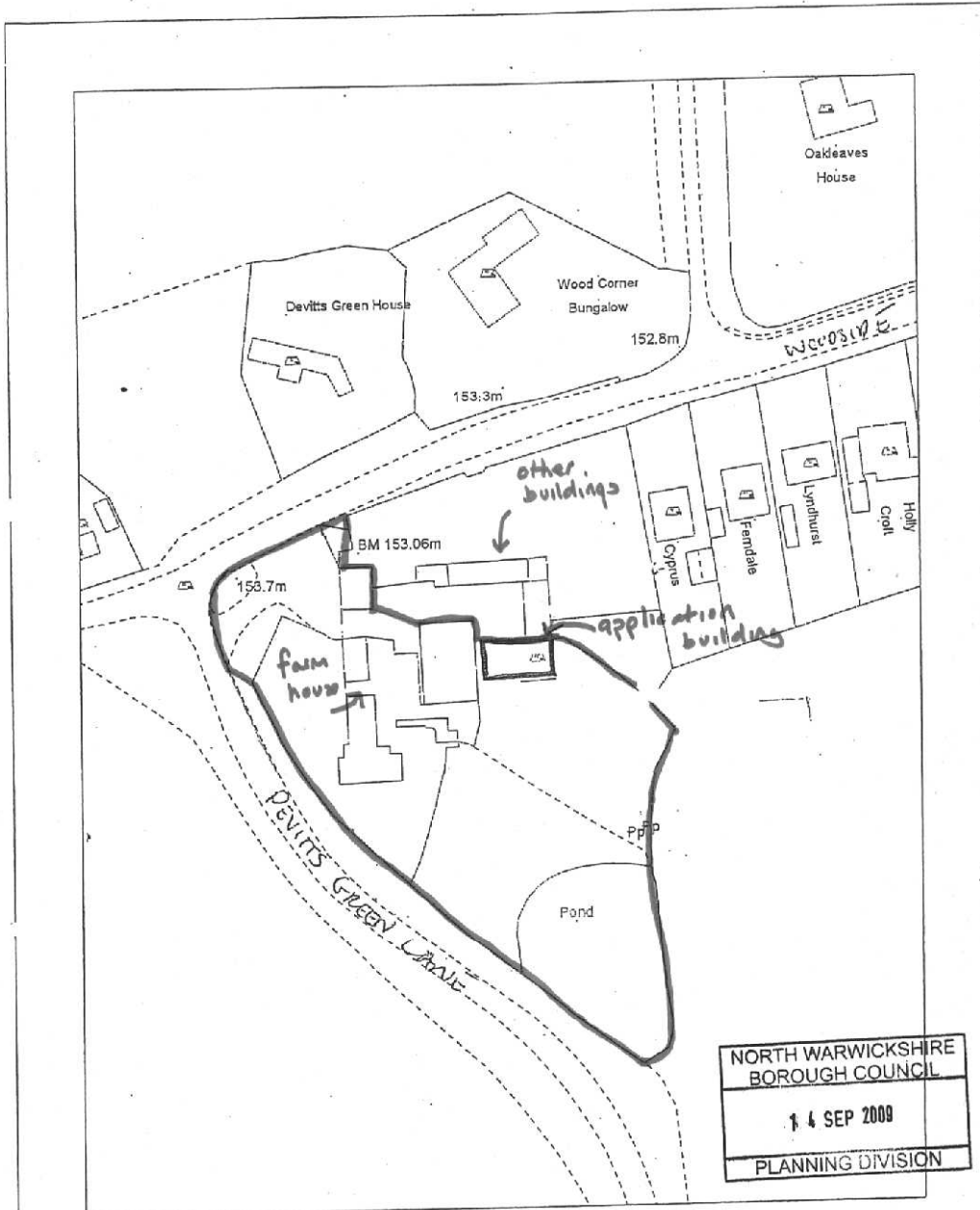
Planning Application No: PAP/2009/0424

| Background Paper No | Author | Nature of Background Paper | Date |
|----------------------------|-----------------------------------|--------------------------------------|-------------|
| 1 | The Applicant or Applicants Agent | Planning Application Forms and Plans | 17/9/09 |
| 2 | Local Resident | Support | 23/9/09 |
| 3 | Environmental Health Officer | E-mail | 29/9/09 |
| 4 | Agent | Statement | 30/9/09 |
| 5 | Environmental Health Officer | E-mail | 30/9/09 |
| 6 | Severn Trent Water | Consultation | 1/10/09 |
| 7 | Mr Wainwright | Objection | 6/10/09 |
| 8 | Case Officer | E-mail | 21/10/09 |
| 9 | Case Officer | E-mail | 22/10/09 |
| 10 | Case Officer | E-mail | 23/10/09 |
| 11 | Agent | Letter | 27/10/09 |
| 12 | Agent | Noise report | 13/11/09 |
| 13 | Environmental Health Officer | Consultation | 18/11/09 |

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.





NORTH WARWICKSHIRE
BOROUGH COUNCIL
14 SEP 2009
PLANNING DIVISION

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DESIGN AND ACCESS STATEMENT

USE

The existing steel clad building, the subject of this retrospective application, was constructed during 2006 in the position of an existing dilapidated tin clad building and is used for the cutting and forming of granite in connection with the applicant's trade as a Stone Mason. The construction of the steel clad building was undertaken as part of wide ranging improvements to Devitts Green Farm following the applicant's acquisition of the property. The steel clad building, the subject of this application is located to the south of Woodside Road and to the east of Devitts Green Lane. Within the parameters of the site the structure is located to the rear of the main residential farmhouse and the existing cow/milking shed.

The use of the steel frame building in association with the applicant's trade as a stone mason came about following the applicant's need to relocate his business and in part as a consequence of a desire from the applicant to provide a suitable building within which he could undertake some small scale stone masonry activities without disturbance to neighbours. This requirement primarily set out three criteria for the building:-

- that it incorporate acoustic attenuation in its design;
- that it have doors of sufficient height and width to accommodate access for stone;
- that the internal roof clearance be sufficient for the limited equipment required.

The existing buildings on site were unable however, to meet these criteria due to the narrow bayed multi pitch of these agricultural buildings. In addition the construction and fenestration of those buildings did not lend themselves to good quality acoustic control. Constructing a new building was therefore considered a more appropriate design solution than the refurbishment of the existing outbuilding. At the time of construction, the applicant's understanding was that the new building was a like for like replacement. Given the nature of the construction of the new building there is unlikely to be any prospect of disturbance as a consequence of noise for surrounding residential occupiers. In addition the use of the outbuilding represents a highly sustainable use as there is no need for transport to and from place of work with the applicant and his apprentice living at the main residence at Devitts Green Farm.

AMOUNT

The new steel clad building, the subject of this planning application, is an appropriate sized development for its associated use fulfilling the design criteria required for the applicant's stone masonry workshop. From the time of acquisition the applicant has removed a number of dilapidated outbuildings from the site. These have resulted in an overall reduction in the built footprint at the site and despite the construction of the new

buildings it can be demonstrated that there is a net reduction in the built footprint of development, resulting in a considerable improvement to the openness and visual amenity of the Green Belt.

LAYOUT

The new steel clad structure is located in a position formerly occupied by a building and all but enclosed by other existing structures. It sits to the rear of the site to the south of Woodside Road and to the east of Devitts Green Lane, sitting behind the main residential farmhouse and existing barns. It does not compromise the openness of the Green Belt as it represents no encroachment beyond the built confines of Devitts Green Farm.

SCALE

The new building remains in keeping with the scale of the existing buildings found at the premises. The building measures 14.8m deep and 7.9m wide and has a height of 3.9m. The new building replaces a dilapidated brick built farm structure of very similar, albeit the original building consisted of a double pitched construction, dimensions.

LANDSCAPING

Where considered appropriate additional planting can be introduced enhancing an existing landscaping at the site. A number of trees and hedgerows can be found at the site boundaries.

APPEARANCE

The removal of various dilapidated outbuildings and the ongoing improvement and restoration of other buildings on the site has resulted in considerable improvement to the appearance of the site itself as well as the openness and visual amenity of the Green Belt. In particular, the former building which occupied the position of the new steel clad building was of particularly poor appearance.

Immediately adjacent to the application site is a range of further outbuildings which are in a dilapidated state. These buildings are substantially obscured from view from the wider Green Belt by the steel clad building and were formerly obscured from view by the former brick built barn structure. Removal of any building from this position within the application site would open views of those dilapidated structures. The courtyard is also used for vehicle parking and again this is obscured from view across the Green Belt by the new steel clad building which is the subject of this application.

The building itself has been constructed from a green steel clad frame and has been carefully designed to have minimal impact on the visual character of the site and its immediate surroundings whilst also minimising the impact on the amenities of neighbouring occupiers with regards the use of the building as a stone mason's workshop. The building has been designed with blank façades with no window openings

to ensure effective acoustic attenuation. The new building also enables the activities associated with the stone masonry to operate effectively, with sufficient door width and height as well as sufficient internal roof clearance for the use of any necessary equipment. The opening to the building consists of a slide door which is sealed closed during the operation of any activities within the building.

ACCESS

Access into the site is directly off either Devitts Green Lane or Woodside Road and the new steel clad building can be accessed directly from the internal courtyard which also provides access to the main residential farmhouse as well as other outbuildings within the site. The internal arrangement of the new building consists of a large open workshop space at one level, consistent with the ground level of the remaining site.

Operation of my business

I employ 2 people that work along side my self at Devitts Green Farm, and also another person who is based at our Kenilworth based office showroom. Employee Dave Malmesbury arrives each morning by car, Barry Hughes who is a relative stays with us in the farm house monday to friday.

With regard to deliveries, I receive 1 consignment of stone every 90 days, this arrives on a 7.5 meter flat bed lorry that carries 20 tonne this drives into our gateway and is then unloaded at our leisure and out of site it normally takes 2 - 3 hours. this works out more cost effective to order in bulk and means we dont have deliveries every week, with a maximum 4 deliveries per year.

Our Kenilworth showroom is where all our retail activity takes place and is the face of my business there is no point of sale at Devitts Green Farm any advertising or website info is directed at the Kenilworth showroom, this means we don't attract customers to the farm.

We try to produce 3 jobs per week at home whether it be a marble or granite worksurface, a fireplace or monument ect, we will then be offsite installing these so traffic movements of our vehicles is very low and whilst we are out there is obviously no activity at the farm although any activity is unseen by any onlookers anyway. We generally work from 8 am till 5 pm in the workshop probably 3 days per week when we are not doing that we will either be out on an installation or working on the renovation of Devitts Green Farm some of the renovation work is done in the workshop maybe at the weekend.

The building in question is soundproofed we create no noise pollution whatsoever, this is very important to me as I am trying to create the perfect family home tranquil and picturesque I obviously opted to re-instate the tin clad building with a building of the same structure, if required to I would be prepared to bear the cost of brick cladding the shed in a handmade brick as to make it more asthetically pleasing from the one road that it is visible from, this would also create a nice looking courtyard where our entrance is to the building.

As you know the building is situated next to the old dairy which unfortunately is unsuitable for use by me as a workshop, although it could make a huge workshop in which I could fit in some other machines but I want to stay working on the scale that I am currently as life for me is hectic enough. Unfortunately the design of the roof is such that it is too low to accomodate our sheets of stone carried on the forklift truck, the doorways are too low and the valley roof design means that the building requires 6 internal pillars to support the roof making what we do pretty impossible, Consideration of raising the height of this building and altering it from a triple pitched roof design to a 45 degree pitch would totally compromise the beauty of this historic building, I am currently having re-placement trusses made for it I estimate the total cost for the roof to be somewhere in the region of £40,000 to do it right and be true to its design. This is going to have to be done as funds allow as with everthing else. (my stone business provides all of the income for the regeneration process of Devitts Green).

Future intentions

My future intentions with regards to Devitts Green Farm are simply to live here and raise my 2 young sons here with my wife, and run my stone business on the moderate scale that I currently do, and continue with my nephews training with this trade.

I wish to continue to restore the buildings and surrounding to the highest quality as I have displayed to date. I am in negotiations with the owners of the barns next to me that I didn't acquire with regard to exchanging contracts for the purchase of these. Subject to the relevant planning permission for these I would ideally look toward office use with renovation these to the same standards as everything else, office use of these I think would be appropriate and would help with the sustainability of the site. The Dairy would make an excellent building to house leisure facilities for the offices thus creating a really up market complex.

Basically to create a high quality residential environment for family life enabling home working and suitable use for these redundant buildings and the land we have, and the continuation of the stonemasonry trade that makes all this possible.

2009 / 0424



**PLANNING STATEMENT
IN SUPPORT OF AN APPLICATION
FOR THE RETENTION OF A SINGLE STOREY
STEEL CLAD BUILDING AT
DEVITTS GREEN FARM, ARLEY**

Prepared by

David Stentiford

| |
|---------------------------------------|
| NORTH WARWICKSHIRE BOROUGH COUNCIL |
| 15 SEP 2009 |
| PLANNING DIVISION |

Reference: BIR.3245

Date: August 2009

5 The Priory • Old London Road • Canwell • Sutton Coldfield • B75 5SH
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Birmingham • Bracknell • Bristol • Cambridge • Cirencester • Leeds • Nottingham

1. INTRODUCTION

- 1.1 This statement accompanies an application for planning permission for the retention of an existing steel clad building, 14.8 metres x 7.98 metres at Devitts Green Farm, Arley.
- 1.2 The building was constructed by the applicant, Steve Mitchell, in the position of an existing dilapidated tin clad building during 2008 and is used by the applicant for cutting and forming granite in connection with his trade as a stone mason.
- 1.3 The construction of the steel clad building was undertaken as a part of wide ranging improvements to Devitts Green Farm by Mr Mitchell following his acquisition of the property in December 2005.
- 1.4 This statement goes on to describe the circumstances of the site at the time the property was purchased including a full description of the various buildings and structures on the site and their condition at the time of acquisition. This statement will demonstrate the significant and important improvements undertaken to the various buildings and to the overall appearance of the site by Mr Mitchell and the resulting benefits to the visual amenity of the Green Belt.
- 1.5 The purpose of the statement is to provide evidence in support of the case for the grant of planning permission for the retention of the structure. An earlier application for planning permission for retention of the building for storage purposes was refused planning permission in June 2008. The prime reason for refusing planning permission was the absence of an exceptional circumstance justification for the retention of the building and hence a policy conflict with the provisions of ENV2 of the North Warwickshire Local Plan and PPG2.
- 1.6 This statement will explain various factors relevant to the consideration of this revised planning application including exceptional circumstances justifications. The circumstances of this application are entirely different to those which pertain to the application for the retention of a storage unit.

2. SITE DESCRIPTION

- 2.1 The application site comprises an area of approximately 1.26 acres acquired by Mr Mitchell and his family in December 2005.

-
- 2.2 The plan attached at **Appendix 1** illustrates the area of land under the applicant's current ownership which was purchased for residential use. This area also constitutes the application site which forms the subject of this application submission.
- 2.3 In June 2006 a planning application (Reference PAP/2006/0468) was submitted for the construction of a link structure allowing expansion of the main farmhouse building into an adjacent barn. This application was granted planning permission subject to conditions in October 2006, a copy of the planning permission is contained at **Appendix 2**.
- 2.4 The ownership/location plan found at **Appendix 1** shows the main farmhouse building and a number of associated outbuildings.
- 2.5 **Appendix 3** contains a larger scale drawing which has been prepared by reference to historic ordnance survey plans and photographs of the site at the time of acquisition. This plan shows the range of buildings which existed on the site prior to the commencement of substantial improvement works by Mr Mitchell. **Appendix 4** contains various photographs which corroborate the building plans contained at **Appendix 3**.
- 2.6 **Appendix 5** contains a plan of the existing site incorporating the application building and other structures. **Appendix 6** contains a calculation of the site coverage in terms of building footprints at the time of acquisition and at the time of this planning application. Reference will be made later in this statement to a net reduction in built footprint on the site.
- 2.7 The photographs contained at **Appendix 4** include an aerial photograph. The various photographs demonstrate the dilapidation of the site and reference will be made later in this statement to the effect which the dilapidation of those buildings had upon the visual amenity of the Green Belt.
- 2.8 Considerable and noticeable improvements to the site have been undertaken by Mr Mitchell over the last 3 years. The principal farmhouse building has been totally refurbished and extended into the neighbouring barn in accordance with the 2006 planning consent (PAP/2006/0468). Great care and attention has been given to the detail of the refurbishment of the work including in particular the stonework and timberwork. All stonework has been undertaken by Mr Mitchell who is a stone mason and stone for the buildings has been cut and dressed on site, much of this work having been undertaken within the steel clad building. A number of the dilapidated outbuildings have been removed including a toilet building and pig sty, as well as another building associated with a well and duck houses. There was also a building which lay adjacent to the main cow shed building and a building to the rear of the cow shed in the position now occupied by the steel clad building.

- 2.9 Other ongoing repair work is currently being undertaken on site including the restoration of the cow shed and another small building, those works comprising repairs for which planning permission is not required.
- 2.10 Other landscape improvement works including small retaining walls and planting are being undertaken, the net effect being, on completion a meaningful and substantial improvement to the appearance of Devitts Green Farm.

3. STONE MASONRY

- 3.1 Mr Mitchell began his trade as a stone mason when he recognised there was a market within the UK for this area of skilled work, with particular demand within the West Midlands area. He has for some years operated from business premises at The Arches, Spon End, Coventry, however that premises was destroyed by fire in June 2006 when Mr Mitchell suffered substantial uninsured losses of equipment. Subsequently Mr Mitchell rented new premises at Hood Lane Farm, Ansley, which was located closer to his residential premises at Devitts Green Farm, however at 12 months, planning permission was granted by North Warwickshire Borough Council for the construction of a new school development and his tenancy agreement was cancelled. The two moves necessitated by circumstances beyond his control had a considerable impact on Mr Mitchell's business.
- 3.2 As has been described above, at that time Mr Mitchell was involved in the preparation of stone materials for the refurbishment of the farm and its outbuildings on site at Devitts Green Farm. With the downturn in trade and the costs of relocation, the business could not sustain the costs of a new premises and Mr Mitchell removed all his trade equipment to the new steel clad building at Devitts Green Farm where he continued with the refurbishment of the farm buildings and continued limited stone work for external contracts.
- 3.3 To this end, the current application seeks planning permission for such use subject to conditions and the following section of this statement seeks to demonstrate that such activities would be acceptable in planning policy terms.

4. OBSERVATIONS IN SUPPORT OF THE PLANNING APPLICATION

- 4.1 There have been a number of discussions between Mr Mitchell and the Local Planning Authority in relation to activities at the site. In the course of those discussions the informal comments from Planning Officers have been centred around the provisions of Policy ENV2 of the North Warwickshire Local Plan and the provisions of Planning Policy Guidance Note 2 relating to Green

Belts. In essence the view has been expressed that the construction of a new building is inappropriate development in PPG2 terms and as such should be prohibited unless an exceptional circumstance justification which outweighed the normal presumption against inappropriate development could be demonstrated.

- 4.2 Paragraph 3.2 sets out further advice in relation to such matters;

"Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development"

- 4.3 It is necessary therefore to consider both the extent of harm by virtue of inappropriate development and the nature of exceptional circumstance justifications in order to reach a conclusion in relation to whether those exceptional circumstances outweigh other considerations.

Harm by Virtue of Inappropriateness

- 4.3 It is the applicant's submission that there is no substantive harm to the purposes or functions of the Green Belt as a consequence of inappropriate development. The main purposes including land within the Green Belt are:

- to check unrestricted sprawl of large built up areas
- to prevent coalescence
- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns and
- to assist in urban regeneration by encouraging the recycling of derelict and other urban land

- 4.4 None of these purposes are compromised by the retention of the existing building. It is located in a position formerly occupied by a building and all but enclosed by other existing structures. It does not compromise the openness of the Green Belt as it represents no encroachment beyond the existing built confines of Devitts Green Farm. The harm by virtue of inappropriateness is simply therefore a technical issue with no practical consequences.

- 4.5 There are however a number of significant and meaningful circumstances in favour of the retention of the building which represent exceptional circumstances which outweigh any technical breach as a consequence of inappropriateness.

Exceptional Circumstance Justifications

Built Footprint

- 4.6 It had been demonstrated earlier in this statement that prior to the commencement of the development to which this application relates, Devitts Green Farm incorporated a number of outbuildings which have been removed. Those buildings comprise:
- a) the toilet block/pig sty – 22.12 square metres
 - b) the range between the cow shed and main dwelling – 18.15 square metres
 - c) the well building/duck houses – 12.6 square metres
 - d) the barns to the rear of the cow shed – 137.43 square metres
- 4.7 All of those buildings have been removed and the new building constructed, the subject of this application has a footprint of 119 square metres. It is therefore clear that there has been a substantial reduction in the built footage of Devitts Green Farm as a consequence of the improvement works undertaken by the applicant.
- 4.8 It is therefore demonstrated that there is a net reduction in the built footprint of development as a consequence of the improvement works undertaken.

Openness and Visual Amenity

- 4.9 The photographs in **Appendix 4** show the state of the site at the time it was acquired by Mr Mitchell. It is evident that the removal of various dilapidated outbuildings and the ongoing improvement and restoration of other buildings on the site has resulted in a considerable improvement in the openness and visual amenity of the Green Belt.
- 4.10 In particular the former building which occupied the position of the steel clad building and the former toilet buildings were of particularly poor appearance albeit not necessarily structurally beyond repair.
- 4.11 Immediately adjacent to the application site is a range of further outbuildings which are in a dilapidated state. Those buildings are substantially obscured from view from the wider Green Belt by the steel clad building and were formerly obscured from view by the brick built barn structure. Removal of any building from this position within the application site would open views in to the courtyard area between the cow shed and adjacent derelict building resulting in views of those dilapidated structures. The courtyard is also used for vehicle parking which is currently obscured again from view across the Green Belt, the removal of the building the subject of this application would open views of the courtyard and any vehicles and equipment in that area. It is

the applicant's submission that the retention of the building has an overall improved impact upon the appearance of the Green Belt than that which would arise if it were removed.

Business Use

- 4.12 This application proposes use of the steel clad building for purposes associated with the applicant's trade as a stone mason. The circumstances through which Mr Mitchell commenced this activity have in part been described above whereby historically he has been displaced from two previous locations. The construction of the steel frame building came about in part as a consequence of those re-locations and in part as a consequence of a desire from the applicant to provide a suitable building within which he could undertake some small scale stone masonry activities without disturbance to neighbours. This requirement primarily set out three criteria for the building:
- a) that it incorporate acoustic attenuation in its design
 - b) that it have doors of sufficient height and width to accommodate access for stone and
 - c) that the internal roof clearance be sufficient for the limited equipment required
- 4.13 The existing buildings on site did not meet these criteria as they are essentially narrow bayed multi pitch agricultural buildings. The refurbishment philosophy has been to restore those buildings and the removal of the multi pitch roofs to obtain improved floor to ceiling height or formation of large gauge openings into those buildings would be alien to their architectural design. In addition the construction and fenestration of those buildings did not lend themselves to good quality acoustic control.
- 4.14 It is for these reasons that rather than refurbish the existing outbuilding which occupied the position of the steel clad building the subject of this application, a new building was constructed in its place. The applicant's understanding at the time having been that this represented a like for like replacement.
- 4.15 There has therefore been a considerable investment in the building in order that it make provision for the ongoing stone masonry use.
- 4.16 It would be the applicant's intention to utilise this structure solely in connection with the main use of the house and a condition tying any use of the building to the occupation of the site would be entirely acceptable.
- 4.17 Given the nature of the construction of the building there is unlikely to be any prospect of disturbance as a consequence of noise for surrounding residential occupiers. The applicant is however willing to offer further assurances in relation to such matters for instance by accepting

conditions in relation to hours of use and/or requirements for the acoustic doors to be closed when any mechanical work is being undertaken within the unit.

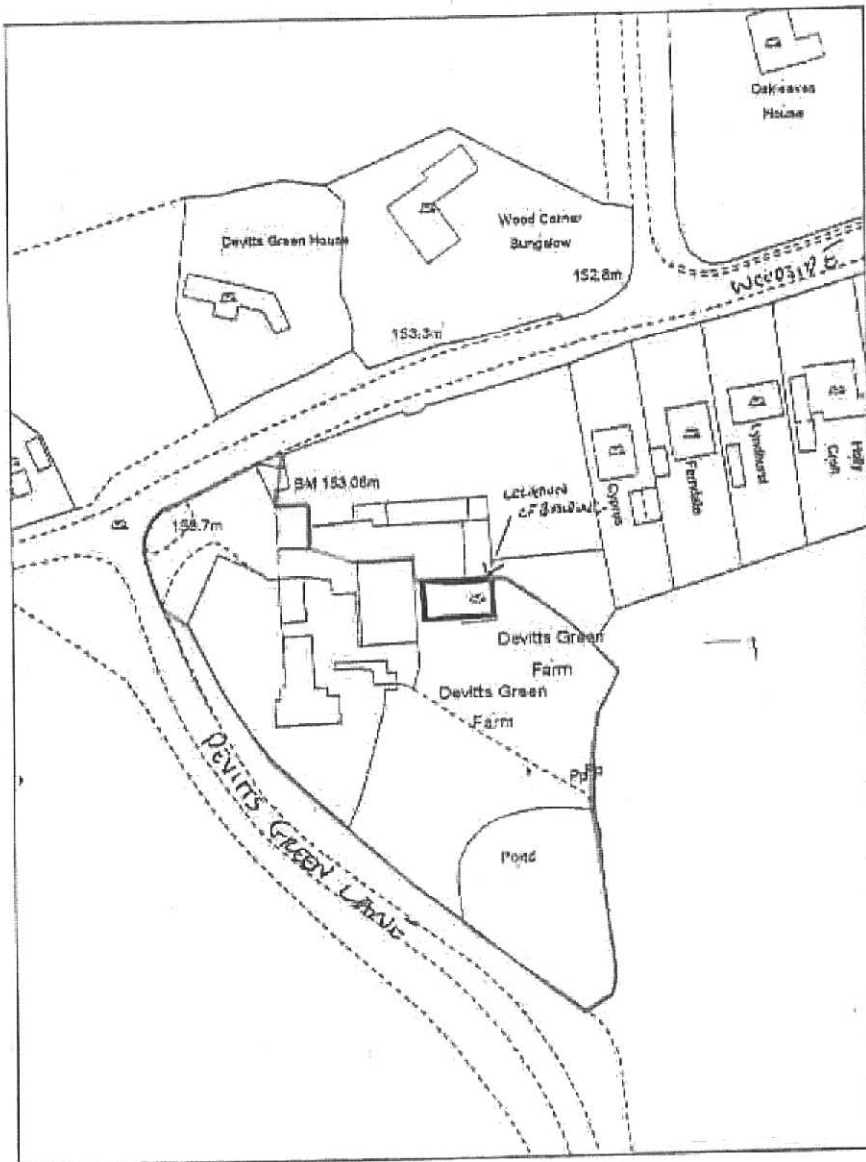
- 4.18 Mr Mitchell and his wife have two young sons. They also provide accommodation to Mr Mitchell's nephew who is working as an apprentice stone mason. The cessation of the use of the building for stone masonry purposes would have a devastating effect on the ability to continue this particular trade and to pass on the masonry skill through the family line.
- 4.19 The use of the outbuilding represents a highly sustainable use as there is no need for transport to and from place of work. The proposal is essentially a cottage-type industry which would enable the retention and indeed furtherance of a dying skill and enable it to be undertaken in a way which is not harmful to any surrounding occupiers.

5. CONCLUSIONS

- 5.1 The work undertaken by the applicant at Devitts Green Farm has resulted in a net reduction in the built footprint of outbuildings.
- 5.2 The former outbuildings were damaging to the visual amenity of the Green Belt.
- 5.3 The removal of the existing steel clad building would open up views of dilapidated building thereby causing harm to the Green Belt.
- 5.4 The retention of the building is important to the ongoing business of Mr Mitchell as a stone mason and its use can be tied to the occupation of Devitts Green Farm to ensure that there is no prospect of future use for general industrial purposes unassociated with the dwelling.
- 5.5 The works allied to the construction of the steel clad building have resulted in a net improvement in the openness and visual amenity of the Green Belt. The reduction in the built footprint and the economic consequences of the removal of the building are exceptional circumstances to be taken into consideration in the assessment of this application.
- 5.6 The only harm arising from the grant of planning permission would be a technical harm not a practical one.
- 5.7 The retention of the building would not harm the purposes and functions of the Green Belt and as has been demonstrated in fact would represent an improvement in the openness and visual amenity of the Green Belt in comparison to the circumstances which pre-existed.

-
- 5.8 These important matters are sufficient to outweigh any technical harm as a consequence of inappropriateness.
- 5.9 Furthermore the applicant is willing to accept conditions in relation to the use and indeed would be willing to make further improvements to the visual appearance of the structure for example the provision of a brick skin should the Planning Authority consider that appropriate.

APPENDIX 1



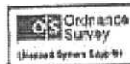
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cadcorp SIS



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This map is for reference only. It is not a substitute for a site visit. It is a product of the Ordnance Survey and is not to be used for any other purpose without the permission of the Ordnance Survey.

APPENDIX 2

**North Warwickshire
Borough Council**

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

The Town and Country Planning Acts
The Town and Country Planning (General
Development) Orders

DECISION
Full Planning Application

Application Ref : PAP/2006/0468

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

Mr Alan Pearson
R. C. I Design
156 Hawkes Mill Lane
Allesley
COVENTRY
CV5 9FN

Site Address
Devitts Green Farm, Devitts Green Lane, Arley CV7 8GF

Description of Development
Two storey side extension linked to conversion of barn into living accommodation

Applicant
Mr S Mitchell

Your planning application was valid on 31 October 2006. It has now been considered by the Council. I can inform you that:

Planning permission is GRANTED subject to the following conditions:

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

REASON

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

2. The accommodation hereby approved shall be occupied solely in connection with, and ancillary to the main dwelling at Devitts Green Farm, and shall not be sold off, sub-let or used as a separate unit of accommodation.

REASON

To prevent unauthorised use of the property.

Authorised Officer _____

Date 8 December 2006

Page 1 of 2

3. No development whatsoever within Classes A, B, C, or E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 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.

REASONED JUSTIFICATION

The proposal is in accordance with policies ENV2 and ENV13 of the North Warwickshire Local Plan 2006. There are no material considerations that indicate against the proposal.

APPEAL INFORMATION

You are reminded that, in accordance with Section 78 of the Town and Country Planning Act 1990, you can appeal against conditions attached to an approval, or against a refusal, by contacting the Planning Inspectorate, Room 3/04 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, Telephone Number 0117 3728823, Fax Number 0117 3728443. Appeal forms may also be downloaded from the Planning Inspectorates website www.planning-inspectorate.gov.uk. You have 6 months to appeal from the date of this notice.

NOTE

This decision is for the purposes of the Town and Country Planning Act only. It is not a decision under Building Regulations or any other statutory provision. Separate applications may be required.

Authorised Officer _____

Date 8 December 2006

Page 2 of 2

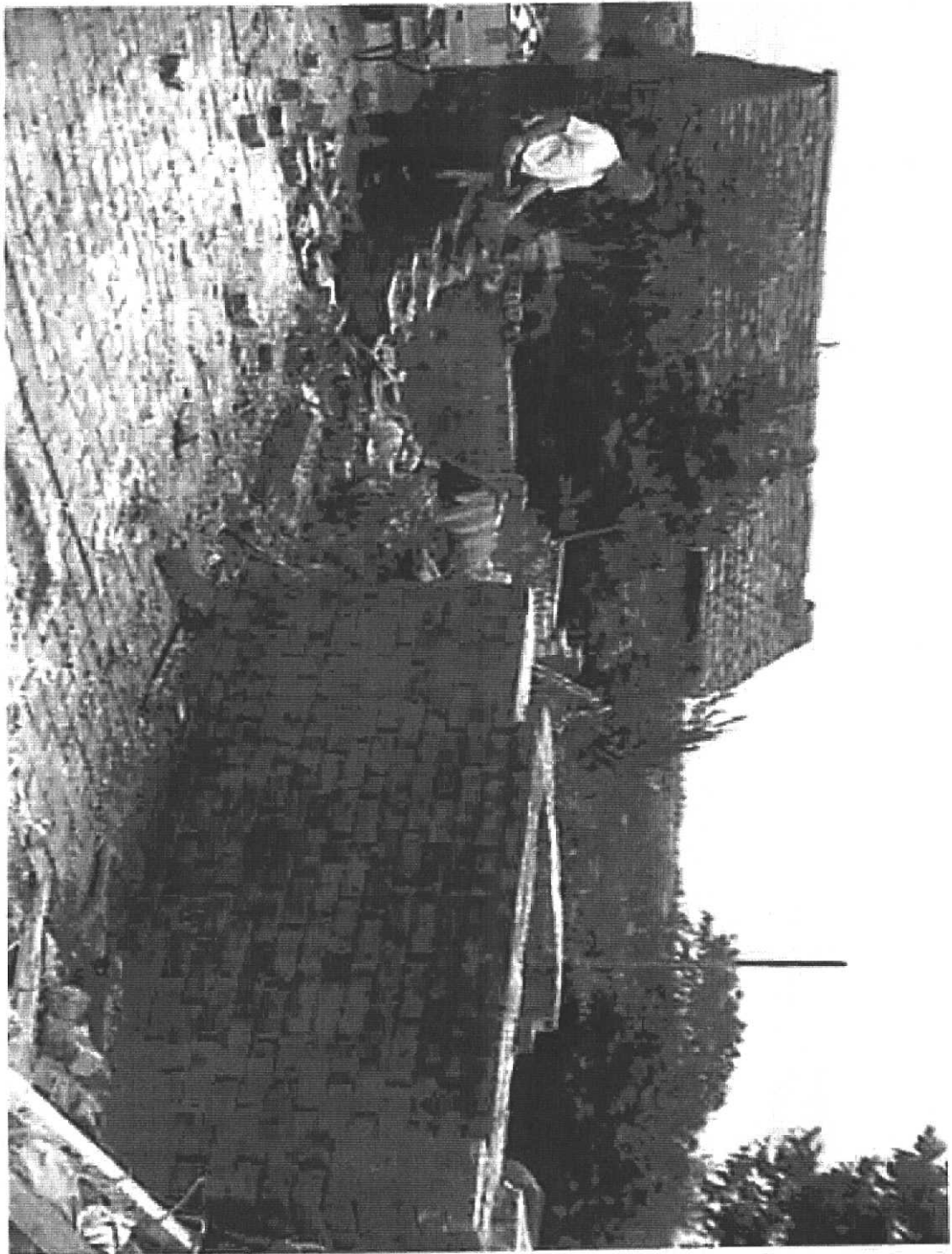


APPENDIX 3

APPENDIX 4



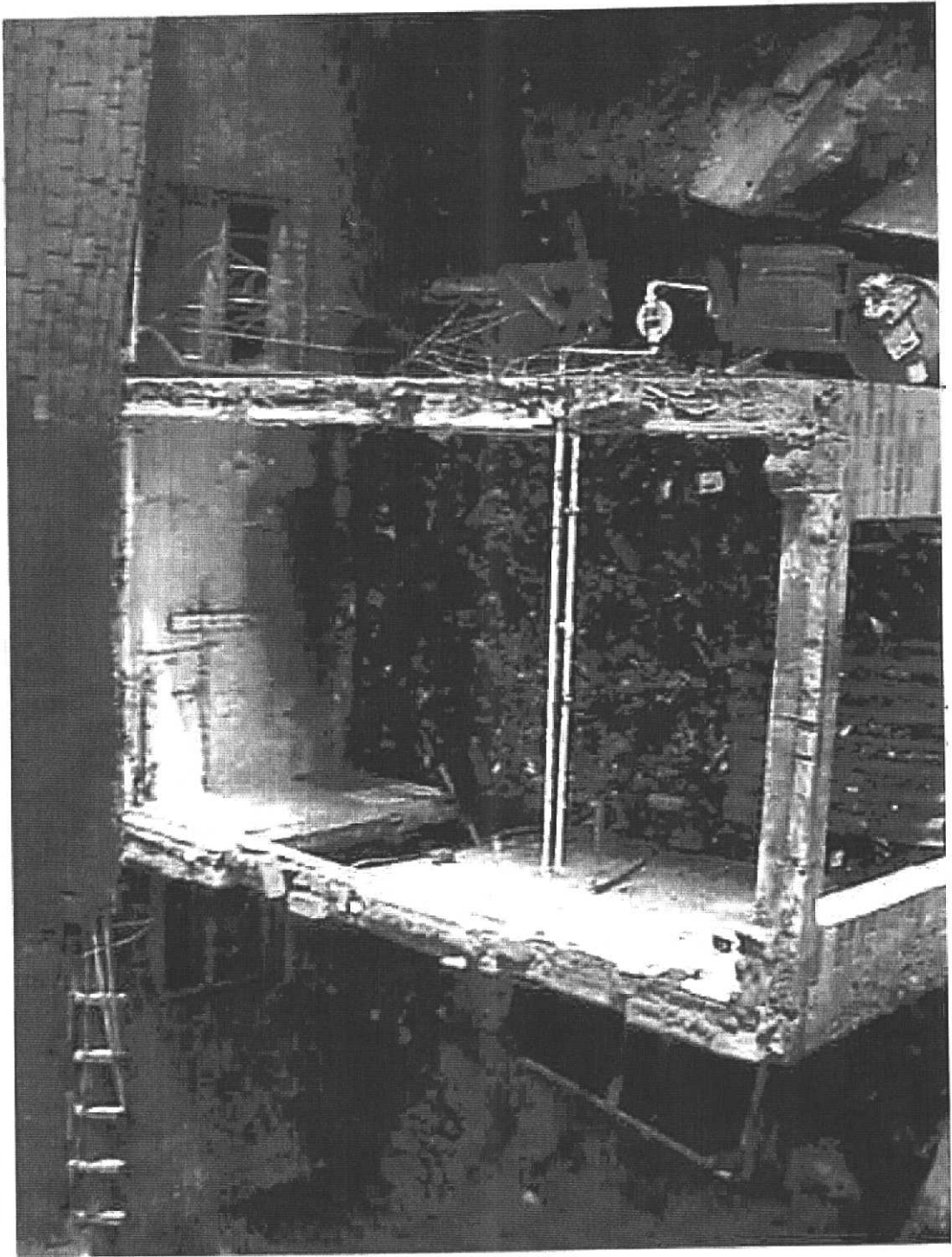












APPENDIX 6

SITE COVERAGE CALCULATIONS

DEVITTS GREEN FARM

Site coverage at time of property acquisition

| | | |
|----------------------------|--------------------------|------------------------|
| Barns | 55.44 sqm | GARAGE |
| | 137.43 sqm | TIN SHED + PEN |
| | 45.91 sqm | CONVERTED INTO F/HOUSE |
| Main residence/farmhouse | 137.32 sqm | ✓ |
| Toilet block/pig sty | 22.12 sqm | NEW PEN |
| Well building/duck houses | 12.60 sqm | NEW PEN |
| Cow/milking shed | 175.84 sqm | ✓ |
| Range attached to cow shed | 18.15 sqm | NEW PEN |
| Total site coverage | <u>604.18 sqm</u> | |

519.54m² when
REMOVE 9.2x9.2
cow/housing
PEN

Site coverage at the time of this application

| | | |
|--|--------------------------|------------|
| Barns | 55.44 sqm | NEW GARAGE |
| Cow/milking shed | 175.84 sqm | ✓ |
| Main residence | 203.59 sqm | ✓ |
| Steel clad building (subject of this application) | 118.97 sqm | |
| Total site coverage | <u>553.84 sqm</u> | |

BIR.3245

DS/09tp2308/BIR.3245

E-mail: david.stentiford@ppg-llp.co.uk

27 October 2009

Chris Nash
 Planning Control Assistant
 North Warwickshire Borough Council
 Council House
 South Street
 Atherstone
 Warwickshire
 CV9 1BG

RECEIVED

28 OCT 2009

 North Warwickshire
 Borough Council

Dear Mr Nash

Planning Application Reference: PAP/2009/0424
Devitts Green Farm

Thank you for the opportunity to respond to your initial thoughts in relation to my client's application for the above site.

I understand you are keen to invite our further comments in relation to the matter in order that this information can be made available to Members when they consider the application in due course.

I do think it would be helpful to Members to set the context of this development proposal.

Devitts Green Farm fronts onto Devitts Green Lane close to the village of Arley. When the property was acquired by the applicant Mr Mitchell it was in a poor state or repair. Since acquisition Mr Mitchell has undertaken extensive repair and refurbishment of the buildings on site which have resulted in a significant visual improvement to the appearance of the site. The main farm house building has been repaired and refurbished and linked to the neighbouring building, various minor outbuildings and structures have been removed and extensive work undertaken to improve the grounds of the property including the formation of a formal driveway and entrance to replace the previous broken surfaced entrance.

Mr Mitchell has used his own stone masonry crafts to repair and refurbish existing buildings on site to a high standard and has demonstrated an exemplary approach towards the creation of a high quality site benefiting the overall appearance of the general area.

As part of his approach towards improvements of the site a dilapidated building was removed and a building of similar proportions constructed in its place.

5 The Priory
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 Canwell
 Sutton Coldfield
 B75 5SH

T 0121 308 9570

F 0121 323 2215

Also at:
 Bracknell
 Bristol
 Cambridge
 Cirencester
 Leeds
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 Jim Tarzey

www.ppg-llp.co.uk

Mr Mitchell intends to continue improvement to the site through the continued refurbishment of buildings and hard and soft landscaping works which will undoubtedly represent a significant benefit and improvement to the overall appearance of the site within the Green Belt.

Within the scope of the improvements to Devitts Green Farm, Mr Mitchell has constructed a new building on the site of a previous structure. The purpose of which is now to accommodate home working in the form of his stone masonry business.

Provisions of PPG2 do facilitate the reuse of buildings inside a Green Belt provided:

- That use does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land within it.
- Strict control is exercised over the extension of reused buildings.
- The buildings are of permanent and substantial construction.
- The form, bulk and general design of the buildings are in keeping with their surroundings.

It is recognised that the building which has been constructed is a replacement building however in other respects it is generally in compliance with the provisions of paragraph 3.8 indeed the applicant has indicated that he is willing alter the external facing materials to the building to reflect those used within the existing farm buildings.

The use proposed for the building is an employment use connected with the residential occupation of the property which is in accordance with the provisions of the North Warwickshire Local Plan Policy Econ 9 relating to the reuse of buildings in the open countryside.

It is noted also that paragraph 3.6 of PPG2 indicates that:

“the replacement of existing dwellings need not be inappropriate providing the dwellings is not materially larger than the one it replaces”.

Again it is appreciated that the building involved here is an ancillary building within the predominately residential complex. Nevertheless it is noteworthy that in terms of the impact which the development has upon the openness and amenity of the Green Belt it is a form of building which would have been tolerable if used for residential purposes under the provisions of paragraph 3.6.

The above circumstances demonstrate that in practical terms the degree of offence to the openness and visual amenity of the Green Belt and in circumstances where the structure the subject of this planning application was either a replacement for a residential use or an alteration and extension of the former building on the site, then it would be appropriated development in the Green Belt and compliant with Green Belt policy.

It is only as a consequence of the fact that in the course of his expeditious approach towards the improvement of the site that Mr Mitchell removed the former structure on the site that the issue of inappropriate development now arises.

We believe that these are materially circumstances which the Committee would wish to take into consideration and are not reported within the current recommendations.

Turning to the draft Report I am concerned that it relies selectively on anecdotal references to the former position and use of buildings within the site using those unsubstantiated representations as a basis for considering whether there is a net increase in floorspace/volume as a consequence of Mr Mitchell's overall activity within the site.

No reference in the report is made to the calculations put forward on behalf of the applicant which are based upon an evidenced assessment of the history of the configuration of buildings on the site substantiated by reference to plans and photographic evidence.

Furthermore the report makes spurious conclusions in relation to the proportion of increase in both footprint and volume concluding erroneously that the increase in size as a consequence of the development the subject of this application amounts to 71%. No indication is given as to how that calculation is arrived at but clearly it is inaccurate and whether or not there had been a roof on the former building, it would be illogical and unreasonable to discount any volume from within that building which plainly had vertical walls enclosing internal spaces, which in terms of their affect upon the openness and visual amenity of the Green Belt had a discernable volume.

The calculations provided within the applicants submissions relate to the footprint of various structures. Information in relation to the calculation of increases to buildings within the Green Belt is contained within the Development Control Practice Manual, for example in relation to additions to dwellings, the various quoted cases all relate to area not volume. Extracts from the relevant sections of the Development Control Practice Manual are enclosed for reference.

It is therefore demonstrated that it is entirely appropriate to consider the proportion of additional development on the basis of floorspace.

Notwithstanding the above observations, the applicant is willing to make moderate reductions in the size of the existing milking shed and to reconstruct the gable elevations using existing materials to form a smaller building in order to balance any perceived threat to the openness of the Green Belt.

No reference is made in the Committee Report to other exceptional circumstances justifications put forward in favour of the application.

The use proposed would facilitate home working with the associated sustainability advantages. No meaningful assessment of the practical implications of retention of the building on the openness and visual amenity of

the Green Belt has been undertaken in the Report. In some sense the removal of the building would have a negative impact upon the visual amenity of the Green Belt as it would remove enclosure of the existing storage yard area thereby opening views of that courtyard and the associated activities taking place therein which would otherwise be enclosed as was the case with the original configuration of buildings at the site. The practical implications of the retention of the building upon the purposes and functions of the Green Belt are that the original configuration of buildings would be retained incorporating the enclosure of the yard area in a manner commensurate with that which has pre-existed. The removal of the building would have a damaging impact therefore upon the appearance of the site within the Green Belt.

The applicants Supporting Statement sets out these observations in some details together with some evidence based presentation in relation to the existing and former configuration of buildings. It is surprising that no reference is made to this information within the report which perversely makes references to anecdotal unsubstantiated submission by Third Parties.

I would be grateful if Members could be provided with the full picture in relation to the applicant's circumstances and the various exceptional circumstance justifications advanced together with a practical analysis of the implications of the development on the openness and visual amenity of the Green Belt. I would be grateful for the opportunity to review matters with you and colleagues in the light of these representations. In the meantime I confirm our exchange of correspondence in relation to the acoustic situation concerning which I am taking instructions from the applicant on which I will revert to you in due course.

Kind regards,

Yours sincerely



DAVID STENTIFORD
Partner

assessment of the merits of the appeal were based only on the current planning framework for the area and accordingly it represented an inappropriate form of development which harmed the openness of the green belt (South Derbyshire DC 16/4/03 DCS No. 29472069).

Essential/small scale facilities As noted above PPG2 states that new buildings involving essential facilities for outdoor sport and recreation, for cemeteries and other uses of land which preserve the openness of the green belt and which do not conflict with purposes of including land within it, are appropriate. Examples are quoted as small changing rooms, unobtrusive spectator accommodation, or small stables. Outdoor sports and recreation facilities are dealt with at (18.2321) and stables at (23.2321). It should be noted that at this policy exemption does not apply to facilities within residential curtilages. This was demonstrated in *Case of ex parte Windsor & Maidenhead BC 2/5/2002* where a decision was quashed by consent where an inspector had concluded that floodlights used for recreational use within the garden and for the enjoyment of its occupants were appropriate development. On remit an inspector confirmed that the development the subject of the appeal was residential in land use terms and therefore inappropriate (Windsor & Maidenhead BC 3/1/03 DCS No. 30860748). This judgment should be compared with *Houghton v SOS & Bromley LB 12/1/1995*, noted at (4.2516), where it was held that there should be no distinction between public and private facilities. However the situation in *Houghton* may be distinguished in that the site was outside the curtilage of a house, although it was proposed to incorporate it into its curtilage.

A definition of the word "essential" was considered in *Wainsfort Corporation v SOS & Another 23/11/2000*. Here an inspector had rejected a green belt boathouse on the grounds that it was desirable but not "essential". The court upheld the decision noting that "essential" imposed a high standard and the inspector had properly considered all aspects of the matter.

This is a development control topic that has engendered some conflict due to the vagueness of the terms used by PPG2, and varying interpretations have been made. Decisions often demonstrate widely different positions taken on what constitutes essential or small scale facilities.

- Stables for 23 horses were proposed for private use. An inspector noted the relevant policies in PPG2 and felt that rearing and riding horses was an outdoor sport and recreation. She felt that given the "limited scale" of the proposed stables they were appropriate development. The buildings would be read as part of the existing farm complex and there would be no harm to openness (Warrington BC 8/8/01 DCS No. 32301271).

- Ten looseboxes were proposed in the grounds of a manor house. An inspector felt that the structure was well in excess of what could reasonably be described as a small building in a PPG2 context. In so doing he referred to a 1995 appeal decision from Sevenoaks where an inspector was dealing with a proposal for four stables and a fodder store. This inspector stated that "I am firmly of the opinion that four good-sized stables plus associated accommodation would go well beyond what I would regard as small, or even modest, facilities for outdoor sport or recreation (Woking BC 14/7/01 DCS No. 34013854) and (Sevenoaks DC 14/11/95).

- Two halfway houses at an established golf course were allowed on the basis that they were necessary for the playing of sport at the course and did not harm openness. The proposed buildings were modest in scale, well designed and appropriately sited. They would have a minimal impact on the character and appearance of an attractive rolling landscape (Sevenoaks DC 24/1/96).

- The retention of ball netting at a golf course was rejected

because it was not held to be essential equipment relating to the recreational use (South Bucks DC 21/1/04 DCS No. 57150292).

- A reception building to serve a natural burial ground in a green belt area was proposed. The building extended to 84m² and would be able to accommodate about 20 people providing toilet facilities, a small catering area and caretaker's room. The appellant claimed that the space was the absolute minimum required to provide for the effective operation of the site. In the event of inclement weather, the building would provide some shelter for friends and family to gather after the committal service. In assessing whether it represented an appropriate form of development in the green belt, an inspector agreed that the site's primary use as a cemetery represented an appropriate use of green belt land. Accordingly since the building would not be larger than was reasonably necessary to fulfil this function, it also represented an appropriate form of development (East Dorset DC 14/5/03 DCS No. 31054940).

- A change of use of farmland to playing fields and sports facilities in the Surrey green belt was proposed. The scheme consisted of two football pitches, a cricket square, six tennis courts, parking for 70 cars and a pavilion. An inspector agreed that the use was an appropriate form of development in the green belt, and felt that as the pavilion contained only two changing rooms, a tiny kitchen and social area, it was genuinely needed as an essential facility for the playing of sport and recreation on the land. However the use would generate considerable activity and would introduce suburban characteristics into the countryside. There was no evidence of a need for additional facilities and since the site was poorly served by a range of means of transport, this matter together with its landscape impact, justified dismissing the appeal (Tandridge DC 8/1/03 DCS No 40668889)

Disproportionate additions to dwellings: PPG2 states in relation to the limited extension and alteration of dwellings, that disproportionate additions over and about the size of the original building are "not inappropriate". In some cases local plan policies may indicate what is "disproportionate" in terms of rule of thumb percentages, but at appeal it is normally held that each case should be considered on its merits.

The following cases are of interest.

- An extension was proposed to a green belt house. This increased the size of the house by 18.25sqm from about 81sqm. It was agreed by the council that this was not a "disproportionate" enlargement but objection was made that a policy designed to safeguard the market supply of "small dwellings" was harmed. An inspector allowed the appeal and the High Court supported this decision *Guildford BC v SOS 12/10/2001*.

- It was proposed to extend swimming pool accommodation at a green belt house in the New Forest. An inspector reasoned that the 43 sqm extension would mean that the accommodation at the property as a whole would increase to nearly 100% over the original. This was very large indeed and would be disproportionate. There were no very special circumstances justifying a breach of green belt policy. This decision was challenged in the High Court as the status of the area was to change from green belt to National Park. On redetermination a second inspector who came to the same conclusion as his predecessor i.e. that the extension seen in conjunction with other previous extensions represented a disproportionate increase harming the character of the New Forest Heritage Area soon to become a National Park. This decision was further challenged but it was ruled that the second inspector's reasoning had been reasonable and logical (New Forest DC 3/7/00 DCS No. 34594384; New Forest

2009 / 0424

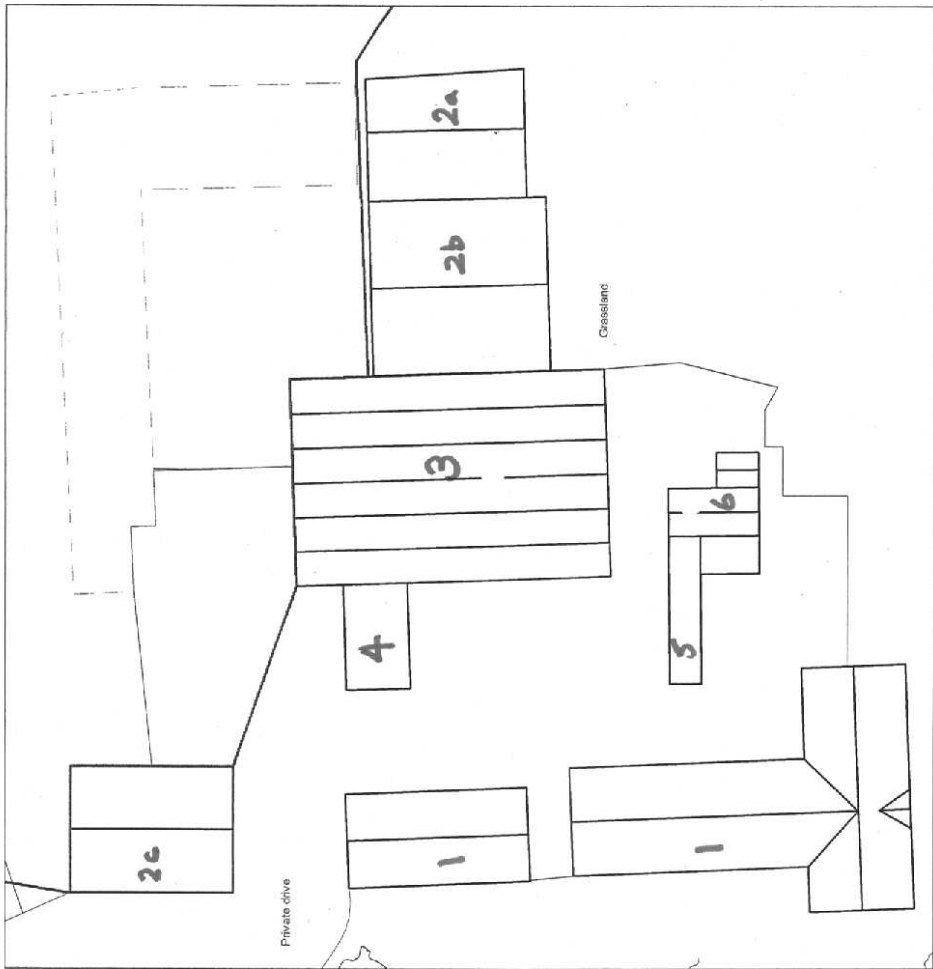
Appendix E

NORTH WARWICKSHIRE
BOROUGH COUNCIL
14 SEP 2009
PLANNING PERMISSION

Devitts Green Farm, Arley,
North Warwickshire
Historic Site Layout

Steve Mitchell
www.ppg-ib.co.uk
Team MMUK
03 Sept 2009
Scale 1:200 g/a3
Bir.3245_01-1
Pegasus
Environmental

- KEY
- Site boundary
 - 1. Main residence
 - 2. Barn
 - 3. Milking shed
 - 4. Range between cow shed and main residence
 - 5. Well building/duck houses
 - 6. Toilet block/pig sty



T 0121 308 9570 | F 0121 323 2215 | WWW.PPG-IB.CO.UK |
 Pegasus Environmental is a trading name of Pegasus Environmental Services Limited, a company registered in England and Wales, company number 0525244.
 Registered office: Pegasus Environmental Services Limited, The Mill, Church Lane, Arley, North Warwickshire, CV35 9EF.

(2) Proposed Nuneaton Rail Project Consultation by Network Rail

Proposed HGV Construction Route

Introduction

Members will recall that in September 2009, a report was brought to the Board, describing a new rail project at Nuneaton station, which would enable freight traffic coming from the East Coast ports to connect to the West Coast Main Line. This project would take place wholly within the Nuneaton area. However Members heard that the preferred route for the HGV construction traffic was to be to and from the A5 via Tuttle Hill in Nuneaton, and thence through Mancetter via the B4111. The Board recommended that the Council objected, and following its November meeting, an objection was lodged with the Department of Transport.

The objection was based on the environmental impact of a significant number of HGV movements passing through Mancetter, and also on safety grounds following an objection from the Warwickshire Police. The Council put forward an alternative route via Woodford Lane. A copy of the Council's objection is attached at Appendix A.

This report brings Members up to date following that objection.

Subsequent Events

On receipt of this objection, the Department of Transport has decided to hold a Public Inquiry to hear the Council's case. No date has yet been arranged.

Because of the support of the Police to the objection, Network Rail, undertook to arrange a round of meetings with the Warwickshire County Council, being the Highway Authority for the B4111 and for Woodford Lane; the Highways Agency, being the Authority for the A5 Trunk Road and the Warwickshire Police. These culminated in Network Rail withdrawing its preferred HGV route and substituting an alternative. This was reported to the Council in a letter dated 17 December. A copy is at Appendix B. It outlines the use of Woodford Lane as the preferred route, conditional upon left turning movements into and out of the Lane. The Police and the County Council support this alternative as set out in the letter.

The letter was immediately circulated to both local Ward Members and to Mancetter Parish Council, inviting further representations in time for this meeting. At the time of writing this report, the only response received was from Councillor Freer welcoming the changed route.

Observations

Given the objections from this Council, the Mancetter Parish Council and the Warwickshire Police to Network Rail's first preference, it was almost inevitable that an alternative would be proposed. The route now selected exactly follows advice from this Council together with that from the Parish Council. As a consequence it is recommended that the objection is withdrawn subject to the conditions set out in Network Rail's letter of 17 December. The Department of Transport has confirmed that a withdrawal of the objection would not require Council ratification. It is only an objection to a scheme under the Transport and Works Act that requires such a procedure.

Recommendation

- a That in view of Network's letter of 17 December 2009, this Council's objection to the original HGV construction route be withdrawn, and, that it now supports the alternative as described in that letter.**
- b That the Department of Transport be notified accordingly.**

BACKGROUND PAPERS

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

Background Papers

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

| Background Paper No | Author | Nature of Background Paper | Date |
|---------------------|-----------------------------|----------------------------|----------|
| 1 | Head of Development Control | Letter | 22.9.09 |
| 2 | Dept of Transport | Letter | 23.9.09 |
| 3 | Head of Development Control | Letter | 28.9.09 |
| 4 | Dept of Transport | Letter | 13.10.09 |
| 5 | Dept of Transport | Letter | 22.10.09 |
| 6 | Network Rail | Letter | 19.10.09 |
| 7 | Head of Development Control | Letter | 22.10.09 |
| 8 | Dept of Transport | Letter | 19.11.09 |
| 9 | Head of Development Control | Letter | 23.11.09 |
| 10 | Network Rail | Letter | 23.11.09 |
| 11 | Head of Development Control | Letter | 20.11.09 |
| 12 | Dept of Transport | Letter | 3.12.09 |
| 13 | Dept of Transport | Letter | 26.11.09 |
| 14 | Network Rail | Letter | 17.12.09 |
| 15 | Head of Development Control | Letter | 17.12.09 |
| 16 | Head of Development Control | e-mails | 17.12.09 |
| 17 | Councillor Freer | e-mail | 18.12.09 |

**North Warwickshire
Borough Council**

**Jeff Brown BA Dip TP MRTPI
Head of Development Control Service**

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**This matter is being dealt with by
Mr J Brown**

Direct Dial : (01827) 719310

Your ref :

Our ref : jgb 8234

Date : 22 September 2009

Secretary of State for Transport
Transport and Works Act Orders Unit
Department of Transport
9/09 Southside
105 Victoria Road
London
SW1E 6DT

Dear Sirs

**Transport and Works Act 1992
The Network Rail (Nuneaton North Chord) Order**

I refer to the above, and to the letter from Winckworth Sherwood inviting this Council to make representations. At its Planning and Development Board meeting on 21 September, it was resolved that this Council **objects** to the proposed works.

The objection relates to the proposed route for construction traffic in connection with the project – namely through the village of Mancetter to the A5. This objection is based on the detrimental impact on the amenity of the residents of Mancetter along the proposed route, arising from a 60% increase in HGV traffic over a 12 hour day for a period of three months. Moreover the Council considers that the number of HGV's involved and the frequency of their journeys would have significant safety issues, not only for all other road users, but particularly in respect of the adequacy of the Mancetter roundabout on the A5. In respect of the first matter I attach a letter from the Mancetter Parish Council, the content of which is endorsed by this Council. In respect of the second, I attach a letter from the Warwickshire Police that explains why they would not support the Mancetter route for HGV construction traffic.

The Borough Council also resolved that the Secretary of State now allows time for Network Rail to meet with the Highway Agencies concerned and the Warwickshire Police, in order to explore an HGV routing agreement using the Woodford Lane option, as supported by the Police, with the conditions outlined in their letter. It seems to this Council that that is the way forward.

Furthermore, the Borough Council considers that both it and the Mancetter Parish Council should be re-consulted formally on the outcome of the discussions referred to above, in order that both Councils can consider the withdrawal of their objections.

I look forward to acknowledgement of receipt of this objection, and confirmation that you agree to the way forward as outlined herein. A copy of this letter has been forwarded to Network Rail for its information.

Yours faithfully

Jeff Brown
Head of Development Control



Jeff Brown
Head of Development Control
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CV9 1DE

Square One
4 Travis Street
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M1 2NY
Tel:077863388620

17 December 2009

Dear Mr Brown

Re: Proposed Network Rail (Nuneaton North Chord) Order

I am writing to update you following on from the meeting between Network Rail, the Highways Agency, Warwickshire County Council and Warwickshire Police on Thursday 26 November 2009. The purpose of the meeting was for the Highways Authority to put forward its recommended route for the purpose of construction traffic for the proposed Nuneaton North Chord. Their recommendations are as follows:

1. Construction site related HGV traffic to be routed via Woodford Lane junction whilst only allowing left/in left/out manoeuvres.
2. The two roundabouts either side of Woodford Lane junction (Mancetter Island and Higham on the Hill roundabout) are to be used as turning point.
3. An attempt to manage construction site HGV movements, so that the trips are made outside the A5 peak operating periods as much as possible, should be made through a dialogue with the site operator.
4. The construction site operator should brief the drivers of corresponding HGVs with the safety and capacity reasons behind this proposal, which should be backed up with a health and safety plan that stipulates a left/in left/out only use of Woodford Lane junction with the specified turning points. Any misuse of the set plan including adopting any other turning points prior to reaching either of the stated roundabouts or use of Mancetter Island via B4111 needs to be followed up with a prompt and an adequate disciplinary procedure.

I can confirm that Network Rail supports the above points 1 and 2. Points 2 to 4 will be implemented through a robust Traffic Management Plan, which will be prepared by our contractor as one of their contractual environmental requirements. Before the plan is finalised it will be discussed and agreed with by the highway authority

and local authority. We will also keep Warwickshire Police informed of any relevant information regarding the proposed scheme.

For your information I enclose letters addressed to Network Rail from Warwickshire Police and Warwickshire County Council who both support the construction route in principle.

I understand that Planning Committee takes place on 18 January 2010 and Full Council meeting on 24th February 2010. If possible, we would like the opportunity to brief Officers and Councillors about the construction route in early January 2010 and I will contact you to discuss in more detail.

Yours sincerely

Penny Carter
Consultation Manager

Enc.

My ref: T/REB/11.8.336

Penny Carter (Consultation Manager)
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14 December 2009

Dear Penny

Nuneaton North Chord - Proposed Access Routes

I refer to the recent meeting at Coleshill Police Station and our subsequent telephone conversations.

I confirm that the recommendations submitted by A-One+ are supported in principle by Warwickshire County Council and that we fully endorse the comments from the Warwickshire Police, Road Safety Unit (PC Moore's letter dated 3 December refers) regarding appropriate control measures.

Yours sincerely

Roger Bennett
Traffic Projects Group

Copy to County Councillor Fox
 County Councillor Tooth
 Alan Mycock, County Highways
 PC Moore, Warwickshire Police

CCMS Ref No. 9938633

Road Safety Unit
Operations
Greys Mallory Traffic Base
Europa Way, Warwick, CV34 6RN

Tel 024 7648 3582 Fax 024 7648 3528
Email philip.moore@warwickshire.pnn.police.uk

Penny Carter (Consultation Manager)
Network Rail
Square One
4 Travis Street
Manchester M1 2NY

Our Ref: RSU/M/A5/2009
Your Ref:
Date: 3 December, 2009

Dear Madam,

PROPOSED ACCESS ROUTES ON THE A5 FOR NETWORK RAIL CONSTRUCTION TRAFFIC

Further to my letter, dated 16 September, 2009, which explained the views of Warwickshire Police regarding the use of various potential routes by construction traffic associated with proposed Network Rail improvements in Nuneaton, I am now submitting the following update.

Since the original response, I have been involved in discussions with representatives from Network Rail, their agents Atkins, Warwickshire County Council, the Highways Agency and Warwickshire Police which took place at Warwickshire Police Operations Base, Coleshill, on 26 November, 2009. I have also had sight of a briefing note prepared by the Area 7 Managing Agent Contractor, A-one+, who manage and maintain the relevant section of the A5 Watling Street on behalf of the Highways Agency (A5 Nuneaton Northern Chord – Technical Advice, No. 660002).

I can confirm Warwickshire Police support the recommendations submitted by A-One+ which are detailed on page 6 of their briefing note, namely:

- i) *Construction site related HGV traffic be routed via Woodford Lane junction whilst only allowing left/in left/out manoeuvres.*
- ii) *The two roundabouts either side of Woodford Lane junction (Mancetter Island and Higham on the Hill Roundabout) are to be used as turning points.*
- iii) *An attempt to manage construction site HGV movements, so that the trips are made outside the A5 peak operating periods (refer to Figure 2) as much as possible, should be made through a dialogue with the site operator.*

NWR CCMS Reference No: 9892533

Not protectively marked

- iv) *The construction site operator should brief the drivers of corresponding HGVs with the safety and capacity reasons behind this proposal, which should be backed up with a health and safety plan that stipulates a left/in left/out only use of Woodford Lane junction with the specified turning points. Any misuse of the set plan including adopting any other turning points prior to reaching either of the stated roundabouts or use of Mancetter Island via B4111 needs to be followed up with a prompt and an adequate disciplinary procedure.*

The prime consideration for Warwickshire Police remains road safety and all of those involved in the planning or implementation of these works are urged to remain focussed on this key issue to help us to protect road users from harm. It should be borne in mind that any routeing strategy will not be enforceable by Warwickshire Police resources and so Warwickshire Police encourage and support the formulation of a robust traffic management plan which identifies potential road safety risks and implements appropriate control measures that seek to assure routeing compliance and improve the awareness of other road users travelling along the various routes used by the construction traffic.

I would be grateful if you could arrange to keep me informed of any pertinent developments with regards to this safety sensitive matter. Warwickshire Police would wish to be involved in any future traffic management planning meetings and sighted on any routeing strategy proposals.

Yours faithfully,

Philip Anthony Moore LCGI MITAI MIHIE MHT MAIRSO

Road Safety Officer

Road Safety Unit

For and on behalf of the Chief Constable

E-copies to: Insp. Glen Belcher (Commander, North Warwickshire Police Sector)
PC Neal Westwood (Road Safety Unit, Warwickshire Police)
Abnormal Loads Department (Warwickshire Police)
Insp. Clifton (Operations Task Force, Warwickshire Police)
Keith Sharples (Network Occupancy Manager, Aone+, MAC Area 7)
Graham Littlechild (Route Performance Manager, Highways Agency Area 7)
Graham Broome (Assistant Route Performance Manager, Highways Agency Area 7)
Jon Lee (Area Steward North, Amey, MAC Area 9)
Elizabeth Davies (Route Performance Manager Area 9, Highways Agency)
Alan Mycock (Locality Team Leader, County Highways, WCC)
Katrina Pedlar (Team Leader, Traffic Group, WCC)
Roger Bennett (Team Leader, Warwickshire County Council)
Carolyn Burrows (Team Leader, Safety Engineering Team, WCC)
David Moss (Network Rail)

Not protectively marked