

**To: The Deputy Leader and Members of the Planning and Development Board**

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

The agenda and reports are available in large print if requested.

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

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

## **PLANNING AND DEVELOPMENT BOARD AGENDA**

**18 MAY 2009**

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 18 May 2009 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.**

- 4 **Minutes of the Meeting of the Board held on 16 March and 20 April 2009**  
– copies herewith, to be approved as a correct and signed by the Chairman.

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

- 5 **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).

- 6 **Infrastructure Planning Commission Consultation Paper** – Report of the Head of Development Control.

### **Summary**

The Planning Act 2008 introduces the Infrastructure Planning Commission as the determining authority for major infrastructure proposals. This consultation paper sets out what is expected of prospective applicants as part of the mandatory pre-application consultation that they will have to engage in.

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

- 7 **Emergency Tree Preservation Order 45 Rose Road Coleshill** – Report of the Head of Development Control.

### **Summary**

The Board is asked to confirm the making of an Emergency Tree Preservation Order in respect of an oak tree at this address given the circumstances as outlined in the report.

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 items of business, on the grounds that they**

**involve the likely disclosure of exempt information as defined in the Act.**

**Resolution Required.**

- 9 **Review of the Planning and Development Division – Stage 3** - Report of the Director of Community and Environment and the Head of Development Control

The Contact Officers for this report are Ann Mclauchlan (719202) and Jeff Brown (719310).

- 10 **Building Control Partnership Progress Report** – Report of the Director of Community and Environment

The Contact Officer for this report is Ann Mclauchlan (719202).

JERRY HUTCHINSON  
Chief Executive

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**MINUTES OF THE  
PLANNING AND DEVELOPMENT BOARD**

**16 March 2009**

Present: Councillor Simpson in the Chair.

Councillors Bowden, Dirveiks, Fox, Lea, Lewis, Morson, Sherratt, Swann, Sweet, Winter and Wykes.

An apology for absence was received from Councillor Jenkins.

Councillor Phillips was also in attendance.

**72     Declarations of Personal or Prejudicial Interests**

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

Councillor Winter declared a personal interest in Minute No 74 – Planning Applications (Application No 2008/0269 – The Willows Hotel, 145 Watling Street, Atherstone) by reason of a former acquaintance with the applicant.

**73     Minutes**

The minutes of the meetings of the Board held on 19 January and 16 February 2009, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

**74     Planning Applications**

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

**Resolved:**

- a     That Application No 2008/0024 (Beach Brook Market Garden, Square Lane, Corley Ash) be refused for the reasons set out in the report of the Head of Development Control and the Solicitor to the Council be authorised to commence proceedings under Section 179 of the Town and Country Planning Act 1990 in respect of the breach of the Enforcement Notice;**
- b     That subject to the amendment of condition 1 to include the recently submitted plan numbers, Application No 2008/0269 (The Willows, 145 Watling Street, Atherstone) be approved; and**
- c     That Application No 2009/0050 (The Smithy, Warton Lane, Grendon) be approved 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.**

**2 No development shall commence on site until such time as details of the facing materials to be used have first been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used on site.**

**3 The permission hereby granted shall be limited to use as a tea-room wholly ancillary to the farm shop at the site and for no other purpose whatsoever within Use Class 3A of the Town and Country Planning (Use Classes) Order 1987 as amended.**

**4 The permission hereby granted shall enure solely for the benefit of the operator of the farm shop at the premises and for no other person or persons whatsoever.**

**5 The tea-room hereby approved shall only be open for business during the hours that the farm shop is open for business.”**

#### **Reasoned Justification**

**Notwithstanding Development Plan policies, it is considered that this development will have minimal impact on the overall thrust of policies promoting sustainability that direct new development into the main settlements of the Borough, due to its size, and that it is limited to an existing farm shop enterprise. The proposal will provide local employment, and assist in retaining the viability of the existing rural business without adverse impacts.**

#### **75 Exclusion of the Public and Press**

##### **Resolved:**

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

76 **Breach of Planning Control**

The Head of Development Control reported on an alleged breach of planning control at Gold and Silver Investments, 38 Long Street, Atherstone and the Board was asked to agree a suggested course of action.

**Resolved:**

- a **That in respect of Gold and Silver Investments, 38 Long Street, Atherstone, the Solicitor to the Council be authorised to issue an Enforcement Notice in relation to three, unauthorised UPVC windows to the front of the property and at first floor level; and**
- b **That the Notice requires the removal of the unauthorised UPVC windows, together with the reinstatement of the sash windows in hardwood, or painted softwood, with 100mm reveals, and to match the original design and that the period for compliance be three months.**

77 **Progress Report on the Building Control Partnership**

The Director of Community and Environment reported verbally that further information was still awaited in respect of the Building Control Partnership. A comprehensive report on the “year end” performance would be submitted to the Board in due course.

**Resolved:**

- a **That a comprehensive report on the “year end” performance be submitted to the meeting of the Board to be held on 20 April 2009; and**
- b **That the Director of Community and Environment be asked to write to the Chief Executive of Nuneaton and Bedworth Borough Council expressing this Council’s concern at the lack financial and operational information in respect of the Partnership.**

M Simpson  
Chairman

**Planning and Development Board  
16 March 2009  
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
5/11	2008/0269	Agents	Amended Plans	16/3/09
5/20	2009/0050	Representation Consultation	Mrs Fisher Environmental Health Officer	9/3/09 16/3/09

## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

20 April 2009

Present: Councillor Lea in the Chair.

Councillors Bowden, L Dirveiks, Fox, Lewis, Sherratt, Swann, Sweet, Winter and Wykes.

Apologies for absence were received from Councillors Jenkins, Morson and Simpson.

Councillor N Dirveiks was also in attendance.

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

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

Councillors Lea and Sweet declared a personal interest in Minute No 79 Planning Applications (Application No 2009/0041 – Packington Lane Landfill Site, Packington Lane, Little Packington) by reason of being members of the County Council's Regulatory Committee and took no part in the discussion or voting thereon.

#### 79 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board. In respect of Application No 2009/0061 (Gun Hill Post Office, Gun Hill, New Arley) the Head of Development Control submitted a supplementary report. Details of correspondence received since the publication of the agenda is attached as a schedule to these minutes.

##### **Resolved:**

- a That in respect of Application No 2009/0041 (Packington Lane Landfill Site, Packington Lane, Little Packington) the Council objects to the proposal for the reasons outlined in the report of the Head of Development Control;**
- b That consideration of Application No 2009/0043 (Alvecote Marina, Robeys Lane, Alvecote) be deferred for a site visit;**
- c That Application No 2009/0061 (Gun Hill Post Office, Gun Hill, New Arley) be approved subject to the conditions set out in the supplementary report of the Head of Development Control; and**
- d That Application No 2009/0067 (The Spinney, Astley Lane, Astley) be approved subject to the condition set out in the report of the Head of Development Control.**



80 **The Killian-Pretty Review**

The Head of Development Control reported that the Government had now published its response to the Review and Members were informed of the findings.

**Resolved:**

**That the report be noted.**

81 **Countryside and Heritage Portfolio Group**

The minutes of the last meeting of the Countryside and Heritage Portfolio Group held on 18 March 2009 were received and noted.

82 **Exclusion of the Public and Press**

**Resolved:**

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

83 **Report on the Building Control Partnership**

The Director of Community and Environment reported that the progress report had been withdrawn and would be reported to the next meeting of the Board.

Chairman

**Planning and Development Board  
20 April 2009  
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
4/4	2009/0041	West Midlands Regional Assembly	Consultation	16/4/09
		Head of Development Control	Site Visit Note	18/4/09
4/22	2009/0061	Agent	Letter and Amended Plans	17/4/09

## **Agenda Item No 5**

### **Planning and Development Board**

**18 May 2009**

### **Planning Applications**

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

#### **1 Subject**

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

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

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

#### **3 Implications**

- 3.1 Should there be any implications in respect of:

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

#### **4 Site Visits**

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.
- 4.2 Members are reminded of the "Planning Protocol for Members and Officers dealing with Planning Matters", in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

#### **5 Availability**

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

- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 15 June 2009 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/2008/0523	4	<b>World Of Spa'S And Landscapes, Watling Street, Grendon</b> Display of two internally illuminated signs	General
2	PAP/2008/0613	14	<b>Land Adj Old School Court, Former garden of Cherry Tree House, The Common, Grendon</b> Erection of a block of three single garage units	General
3	PAP/2009/0043	20	<b>Alvecote Marina, Robeys Lane, Alvecote</b> Construction of a 50m x 30m extension to an existing private canal basin on vacant former industrial land with permeable surfaced perimeter access track	General
4	PAP/2009/0058	30	<b>Trevoze, Coventry Road, Kingsbury</b> Erection of No.2 three bedroom dwellings	General
5	PAP/2009/0154	38	<b>Car Park, Park Road, Coleshill</b> Outline - Erection of a Retail (A1) food store with associated parking, servicing and access - Seeking to discharge the reserved matters for access and layout	General

## General Development Applications

(1) Application No PAP/2008/0523

World Of Spa's and Landscapes, Watling Street, Grendon

Display of two internally illuminated signs  
For Mr Mark Anthony, Spas & Landscapes

### Introduction

The application is brought to the meeting following a request from the Local Member concerned about the cumulative impact of signs at this site.

### The Site

A5 Spas is sited on the A5 Watling Street, Trunk Road, just south of the Dordon roundabout. It comprises a commercial outlet for the applicant's company.

### The Proposal

Two internally illuminated signs are proposed.

a) A two post sign

This sign would be sited next to the existing northern boundary wall between the application site and the neighbouring residential site. It would be 5 metres high overall - the two posts being 3 metres high with the sign above being 2.0 metres high. The width of the sign would 1.65 metres. The wall is 3 metres tall so the sign would protrude beyond it by some 2 metres. Appendix A illustrates the proposal.

b) A single post sign

This proposed sign is on the site frontage of the site, with the post being closest to the A5, on the edge of the existing car park. The overall height would be 5 metres, with the sign some three metres off the ground. It would measure 2 by 1.45 metres. Appendix B illustrates this sign.

Each sign would contain the same information, with the same colours and dimensions for the characters:

<u>Information</u>	<u>Dimension</u>	<u>Colour</u>
SPAS	0.329metres	White
& LANDSCAPES	0.177metres	Green
HOT TUBS	0.145metres	Red
POOLS	0.145metres	Red

The signs would be made in fabricated navy blue aluminium powder coated steel. In both cases, the characters alone would be illuminated using halo lighting, so that the entire sign is not illuminated.

During the application process, the application has been amended. This was to accommodate ownership boundary lines; to reduce the size and content of the signage, as well as to take account of Highways Agency advice.

## **Background**

In 2008, permission was granted for the part change of use of use of the premises to include the manufacture of concrete garden products, and their display within a landscaped setting. In 2007, retrospective applications for advert consent were refused. There have been successful prosecutions against unauthorised signage, and this application now seeks to address the signage issue on the site, so as to provide an acceptable level of advertisement for the business.

## **Development Plan**

North Warwickshire Local Plan 2004 – Policies ENV11 (Neighbour Amenities), ENV13 (Building Design), ENV14 (Access Design) and Core Policy 11 (Quality of Design)

## **Other Relevant Material Considerations**

Government Advice - Planning Policy Guidance 19: Outdoor Advertisement Control

Supplementary Planning Guidance – A Guide for the Design of Lighting Schemes – Adopted September 2003

## **Consultations**

The Highways Agency, following receipt of amended plans that reduce the size of the originally proposed signs, their content and their location, now raise no objection subject to conditions.

## **Representations**

Dordon Parish Council considers that the proposals are too tall, and that they are not in keeping.

One letter of objection has been received from a local resident. This refers to:

- The red line being incorrectly drawn
- The illumination will be clearly visible from their house
- They will be illuminated 24 hours a day.
- The main objection is to that adjoining the wall as the sign to the front is less visible from adjacent properties but still visible to all road users, and hence there is no objection to this sign.
- The site is a mess with flags, signage and paintwork.

## **Observations**

Members will be aware that the sole issues relevant to the determination of Advertisement Applications are the impact of the proposed signs on highway safety, and the impact upon visual amenity. The application site is currently used for commercial purposes and has a lawful use. It is thus entirely reasonable that it has advertisements on the premises to announce its business. Indeed a significant amount of signage can be displayed on business forecourts and premises without the need for Advertisement Consent applications, which is a material consideration. In addition, the A5 at this point is straight, and has good visibility. There are also a significant number of residential and business access points directly onto the road in the vicinity of the site. The section of the road on which the site lies is controlled by a 40pmh speed limit, and the Highways Agency would be cognisant of all of these factors in making its response.

The two-post sign is approximately 35 metres from the adjoining residential property to the north, and 30 metres from the neighbouring residential property to the east. It is considered that the location of this sign is acceptable because it is related to an existing boundary wall feature; there is a significant number of non and illuminated advertisements in the locality because of the surrounding commercial uses including 24 hour petrol stations, the lighting proposed is static and muted, the distances involved, and the fact that the proposals have been amended. It is not considered to result in a loss of amenity to these neighbouring properties given this context.

The Highways Agency has no objections to the two post sign.

There are however issues with the frontage single post sign. The Highways Agency, consider that the sign is located within the trunk road, and have suggested it is moved or relocated, but this has not happened. Members are reminded that this is not a planning issue at all, and it is up to the Agency itself to enforce any trespass.

However under the planning permission granted for the current use there is a condition that requires all car parking, access and manoeuvring areas, to remain free from obstructions at all times. This sign would prejudice compliance with this condition, because of its size and location. Moreover this, together with the other proposed sign, would if both approved, lead to a detrimental cumulative visual impact.

The site's condition and use is being monitored on a regular basis, and should further breaches of planning control be established, then appropriate reports will be referred to the Board.

## **Recommendations**

**(A)** That sign "A", the two-post sign be **GRANTED** consent subject to the following conditions and to the amended plans;

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

### **REASON**

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

2. No advertisement shall be sited or displayed so as to -

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

### **REASON**

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007.



3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

REASON

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

REASON

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

REASON

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

6. The advertisement shall be of a static, non-rotating type and not intermittent (to avoid distraction to highway users).

REASON

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

7. This consent shall be for a limited period of five years from the date of this notice.

REASON

As required by the provisions of the Town and Country Planning (Control of Advertisements) Regulations.

8. For the avoidance of doubt this consent grants approval for the illumination of the words 'Spas & Landscapes', 'HotTubs' and 'Swimming Pools', the water element between Spas & Landscape and the line between Hot Tubs and Swimming Pools. The whole of the remainder of the sign shall be non-illuminated.

REASON

In the interests of the amenities of the area.

9. The illuminated adverts shall comply with the guidance and recommendations of the Institute of Lighting Engineers Technical Report No.5.

REASON

In the interests of safety on the public highway.

10. The proposed lighting shall not cause glare to highway users.

REASON

In the interests of safety on the public highway.

11. No lighting source (the lamp) shall be directly visible (or visible by reflection) to highway users.

REASON

In the interests of safety on the public highway.

**Notes**

The Development Plan policies which are relevant to this Decision are as follows:  
North Warwickshire Local Plan 2006 : ENV11 - Neighbour Amenities, ENV12 - Urban Design, ENV13 - Building Design, SPG - A Guide for the Design of Lighting Schemes - Adopted September 2003, CORE POLICY 11 - Quality of Development

**Reasoned Justification**

This sign is not considered to be of detriment to highway safety as far as the Highways Agency is concerned. Neither is it considered to have an adverse visual impact given its location adjoining a wall; the number and location of a significant number of surrounding illuminated and non illuminated signs, the low level lighting proposed, the distances from adjoining residential property, and the possible fall back position. This sign does therefore accords with Development Plan policy.

**(B)** That consent be **REFUSED** for the single post sign for the following reason:

Consent is refused as it is considered that two illuminated signs would have an unacceptable adverse impact upon the visual amenity and character of the area and that one illuminated sign is considered sufficient to advertise the business. Moreover the sign would be likely to prejudice the car parking and manouvering areas on the forecourt because of its size and location, thus leading to an adverse highway impact. The single post sign is considered to be contrary to Policies ENV12 and ENV14 of the North Warwickshire Local Plan 2006.

## BACKGROUND PAPERS

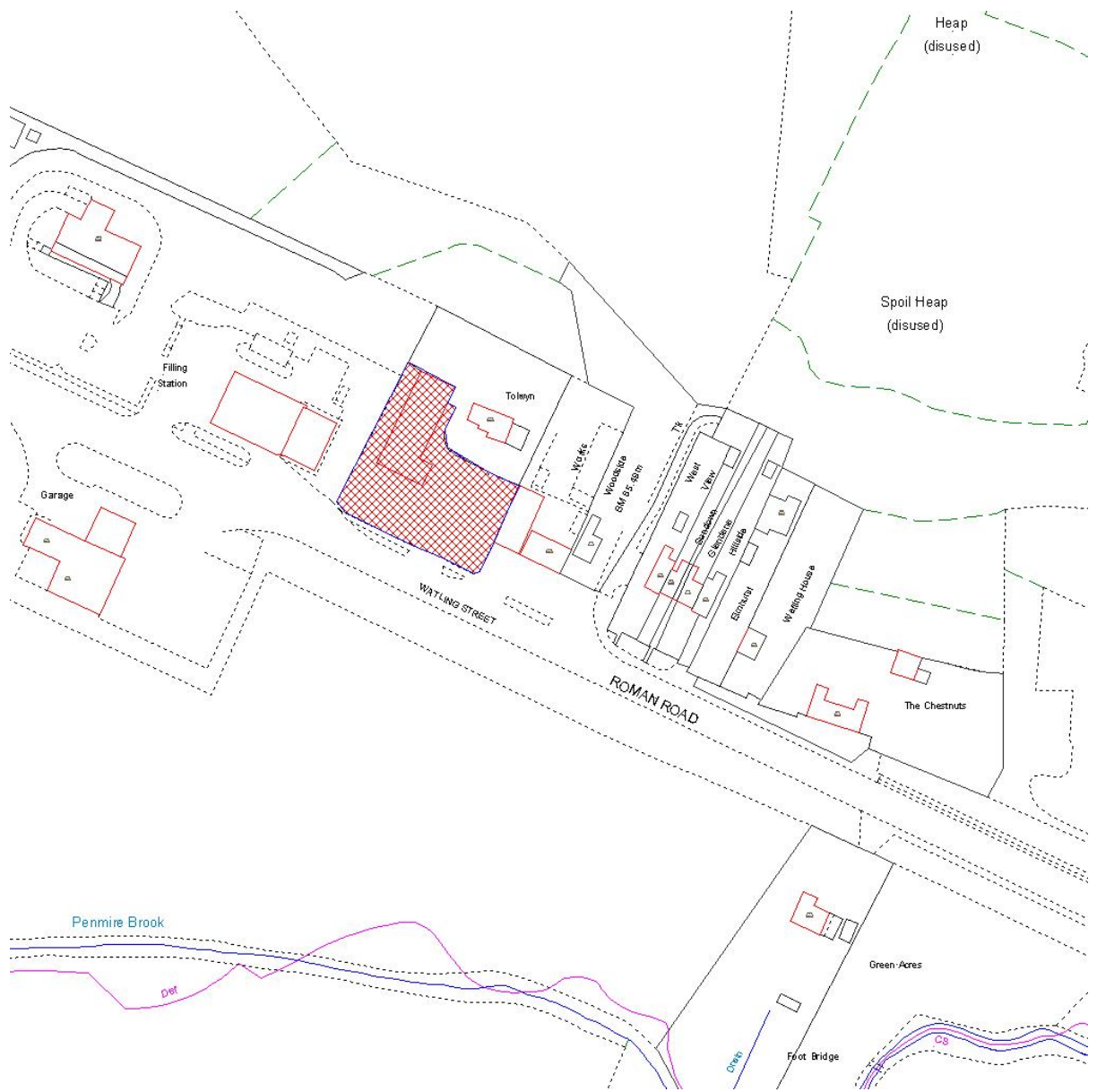
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

### Planning Application No: PAP/2008/0523

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Applicants Agent	Planning Application Forms and Plans	22/9/08
2	Ian Griffin	Application placed on Hold	7/10/08
3	Owner of Towyn	Objection	8/10/08
4	Highways Agency	Consultation Response	9/10/08
5	Ian Griffin	Letter to agent	9/10/08
6	Parish Council	Consultation Response	23/10/08
7	Ian Griffin	Letter to agent	29/10/08
8	Agent	New plans and letter	15/12/08
9	Ian Griffin	Letter to agent	18/12/08
10	Ian Griffin	Email to agent	24/12/08
11	Officers	Site meeting	12/1/09
12	Agent	Email to office	19/1/09
13	Ian Griffin	Email to Highways Agency	20/1/09
14	Ian Griffin	Email to Agent	22/1/09
15	Highways Agency	Consultation response	2/2/09
16	Agent	Revised forms and plans	6/2/09
17	Owner of Towyn	Objection	17/2/09
18	Parish Council	Comments	23/2/09
19	Ian Griffin	Response to Parish Council	23/2/09
20	Highways Agency	Email consultation response	24/2/09
21	Ian Griffin	Letter to agent	24/2/09
22	Ian Griffin	Telephone call to agent	16/3/09
23	Agent	Email	7/4/09
24	Highways Agency	Consultation Response	17/4/09
25	Ian Griffin	Email observations to Chair and Vice Chair of P& D Board and Local Ward Members	17/4/09

*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.*



APPENDIX A - Two-post sign



NORTH WARWICKSHIRE  
BOROUGH COUNCIL  
7 - APR 2008  
PLANNING DIVISION

2008 / 0523

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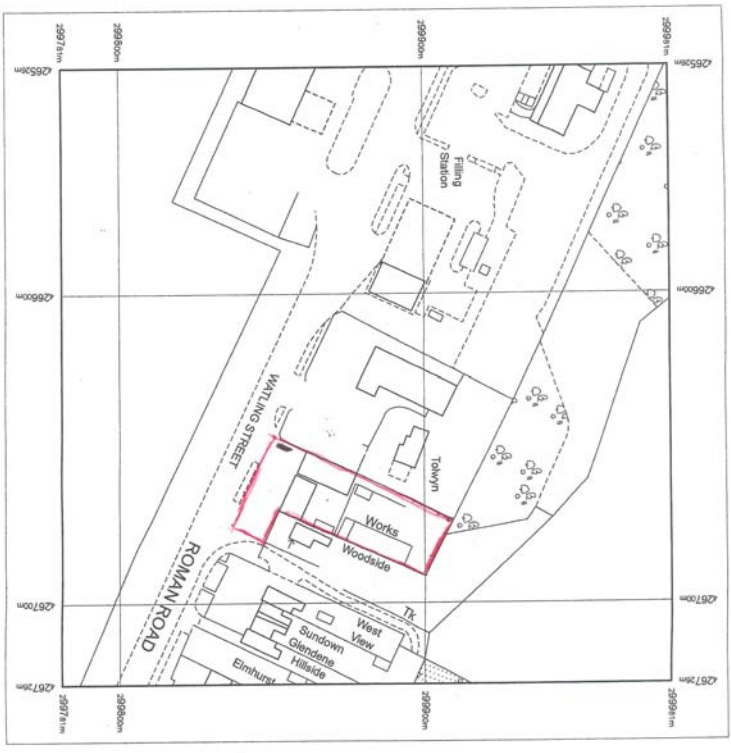
The representation of features as lines is no evidence of a property boundary.

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WALL OPTION

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SPA HOUSE
WANTLING STREET
DORRONS LEECS CV4 2PZ



Ordnance Survey

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- 6 FEB 2008  
North Warwickshire  
Borough Council

OS Stamen

APPENDIX B - Single Post Sign

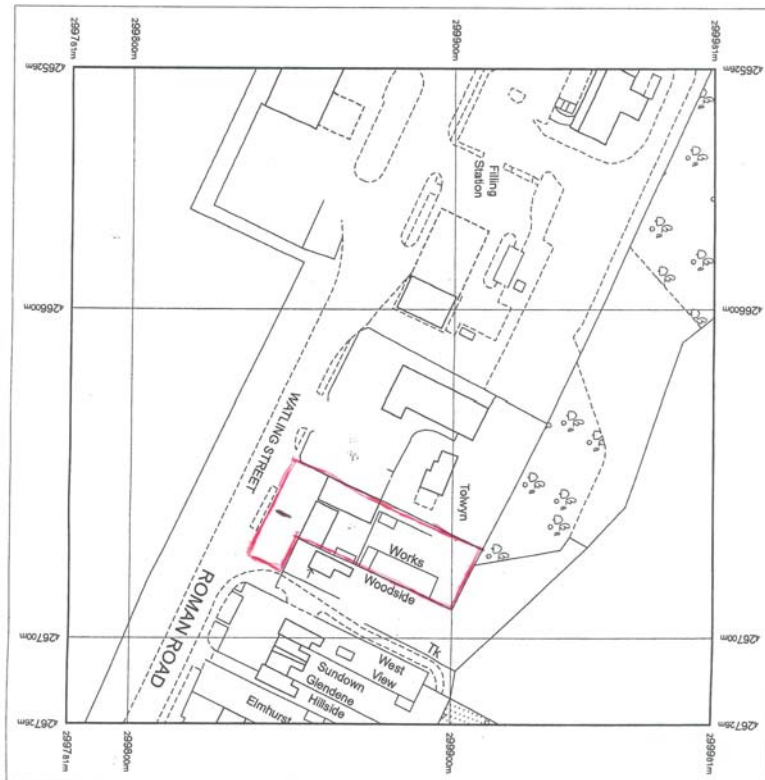


Height from ground to underside of sign panel

2980 mm

NORTH WARWICKSHIRE  
BOROUGH COUNCIL  
7 - APR 2009  
PLANNING DIVISION

2008 / 0523



FOURCOURT OPTIC



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SPA HOUSE
WATLING STREET
DORDON LEIC23 CV8 2PZ

Ordnance Survey

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- 6 FEB 2009  
North Warwickshire  
Borough Council  
OS Sitemap

# OPTIONS 2008 / 0523



**(2) Application No PAP/2008/0613**

**Land Adj Old School Court, Former garden of Cherry Tree House, The Common, Grendon**

**Erection of a block of three single garage units,  
For Praedium Developments Limited**

**Introduction**

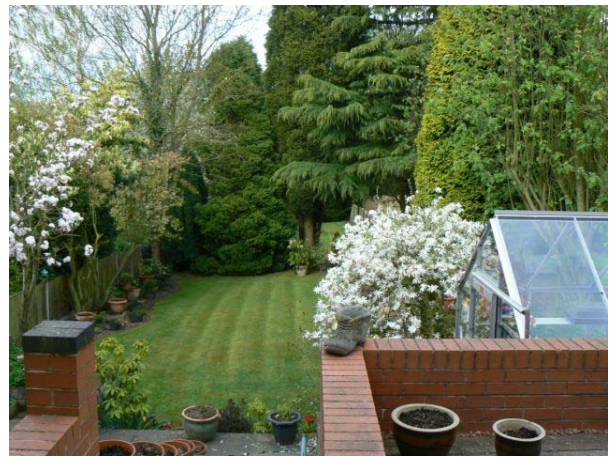
Reported to board at the request of the Local Member and in light of the planning history of the site.

**The Site**

The site was formerly the bottom part of the rear garden to Cherry Tree House. It is situated at the end of the new cul de sac formed within the Old School Court development. The land slopes downwards from the end of the new cul de sac towards properties on Oakwood Close and towards the woodland at the rear of the Oakwood Court development. The following photographs show the site from surrounding land.



View from rear of Cherry Tree House  
(new garage would be behind the  
conifer hedge and trees)



View from the rear of Fir Tree House  
(new garage would be behind the  
trees to the bottom left of the garden)

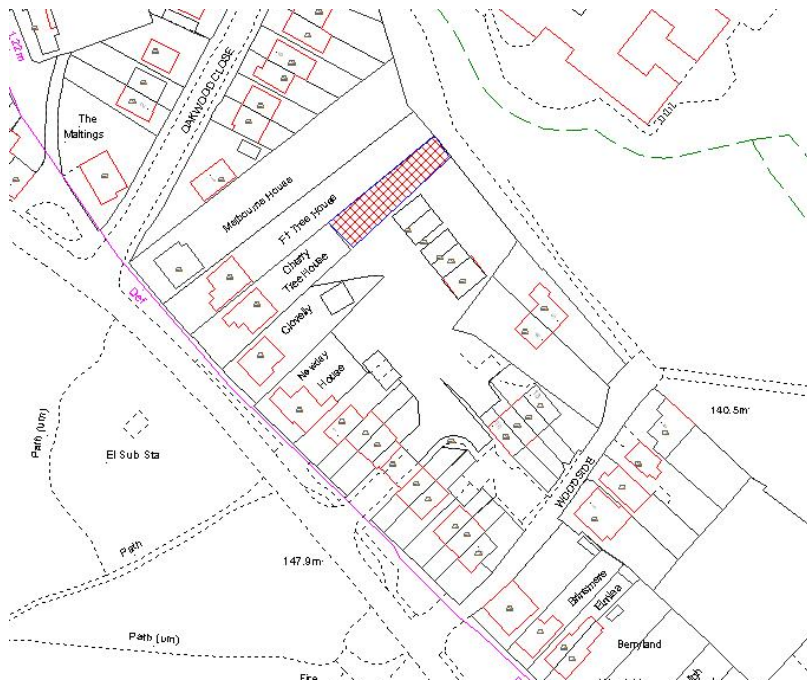


View from the bottom part of the rear  
garden of Fir Tree House



View from Old School Court looking  
towards the site of the proposed garages  
with Oakwood Close properties to the rear





## The Proposal

The erection of a block of three single garage units measuring 9m by 5.4m. Amended plans are to be submitted to show a reduced ridge height, not exceeding 5.3m height (as a consequence of reducing the pitch of the roof). The garages would serve the three closest existing properties at Old School Court.

## Background

Planning permission for the erection of three dwellings on this land and the adjacent rear part of the garden of Fir Tree House was dismissed at appeal in June 2008.

## Development Plan

North Warwickshire Local Plan 2006 : ENV11 – Neighbour Amenities, ENV13 – Building Design, ENV14 – Access Design, ENV8 – Water Resources

## Representations

Neighbours from two properties on The Common, who have back gardens which adjoin or overlook the application site, have written to object for the following reasons:

One objector believes that the garage block may be on land beyond the development boundary, that the development would be considerably higher than his garden fence such that his garden would face a large blank wall and roof, causing the garden to be in continuous shade. He refers to the previous appeal at the site that was dismissed because of concerns about the starkness, prominence and dominance of a largely plain brick faced gable facing properties on Oakwood Court.

A second objector fears that the development would result in run off from increased surface water and that the proposed soakaway may not be effective.

## Observations

The land lies within the development boundary identified for Baddesley and Grendon in the North Warwickshire Local Plan 2006. There is therefore no objection in principle to the development of this land. The main considerations will be the impact of the proposed structure on adjacent properties and design, drainage and access considerations.

The proposed garage block is considerably smaller than the dwellings that were dismissed at appeal last year (an 11 metre gable, as opposed to a structure with a maximum height to eaves of 4m). The dwellings were multi storey, whereas the proposed garage is single storey only. The proposed dwellings required the raising of ground levels and the creation of retaining walls, whilst the proposed garage can be built in such a way that it is larger in its rear elevation than its front elevation, without the need for any retaining walls. The applicant confirms that the levels between the rear of the garages and the boundary fence will be at or near to the existing ground levels. That there will be an application of top soil, the ground will be levelled, seeded and returned to lawn.

The original plans proposed a roof with a 40 degree pitch to match other garages within the same development, however, conscious of the need to minimise the overall height of the structure, revised plans have been sought to reduce the pitch of the roof to the minimum that the tiles will take (22.5 degrees). This would reduce the overall ridge height by a metre, bringing the total maximum height of the structure to 5.3m. The applicant has confirmed a willingness to make this amendment and further revised plans are anticipated shortly. The variation in roof pitch will not be out of place because the garages will be situated at the end of the cul de sac, will be set at a lower ground level and will not be particularly visible from anywhere other than in the site. Matching materials will be used.

The proposed garage would be substantial distances from neighbouring dwellings themselves. The garage block would be 25m and 27m from Cherry Tree House and Fir Tree House respectively, and screened by existing trees and hedgerows, and would be 30 m distant from the closest property on Oakwood Close. It is not considered that any loss of residential amenity would result from overlooking, overshadowing or dominance. The garage block would however be prominent from the rear parts of gardens to properties on The Common, particularly, Fir Tree House. These gardens are unusually long (60m (197 ft) or more) and the garage would be situated approximately half way down the garden (not visible from the houses because of existing planting) and would traverse only 15% of the total length of the garden. Any shade cast would be on part of the garden only. The structure would be set back from the boundary by approx 2.5m. With the negotiated reduction in the ridge height, it is not considered, in the context of a large garden, that the impact on the rear garden of Fir Tree House would be so severe that a refusal of the application could be substantiated.

Building Regulations approval will be required for the garage (having a floor area exceeding 30m<sup>2</sup>) application. Through the Building Regulations an engineered solution to drainage has been achieved for the development of the wider site. There is no reason to suggest that a soakaway solution can not also be achieved in respect of the garage. The remainder of the former garden to Cherry Tree House contains ample land in which to accommodate a soakaway. The applicant advises that his intention is to seek to connect into the existing surface water drain which is installed along the side boundary to plot 18 which drains into a large existing soakaway at the bottom of the rear garden of plot 18.

No objections have been received from residents of Oakwood Close (the residents previously most affected by development proposed at this site).

Access to the garage block will be directly from the existing cul de sac and is unlikely to result in any danger for users of the road. Though access to one of the garages would result in the loss of a car parking space it would be compensated for by the parking opportunity within the garage itself.

The proposal may be supported, subject to conditions.

**Recommendation:**

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

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

REASON

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

2. The garage building shall be built with brick to match the existing dwellings at Old School Court and shall be tiled using Russel Galloway roof tiles.

REASON

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

3. The development hereby approved shall not be carried out otherwise than in accordance with (to be confirmed<sup>\*\*\*\*\*</sup>) received by the Local Planning Authority on (to be confirmed<sup>\*\*\*\*\*</sup>).

REASON

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

4. Within one month of the commencement of use of the approved building for garaging purposes the boundary fence between the application site and Fir Tree House, The Common shall be repaired or replaced to the satisfaction of the Local Planning Authority in writing. The repair or replacement shall ensure that the boundary fence is in a sound, stable and visually presentable condition.

REASON

In the interests of the amenity of the area.

**Notes**

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

2. You are recommended to seek independent advice on the provisions of the Party Wall etc., Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet entitled "The Party Wall etc., Act 1996" is available from Her Majesty's Stationary Office (HMSO), Bull Street, Birmingham, during normal opening hours or can be downloaded from the Communities and Local Government web site - <http://www.communities.gov.uk/publications/planningandbuilding/partywall>.
3. The Development Plan policies which are relevant to this Decision are as follows:  
North Warwickshire Local Plan 2006: ENV11, ENV13, ENV14 and ENV8

### **Justification**

The site lies in the development boundary. There is no objection in principle to the development of this land. The proposal is materially different from, and less harmful than, the development refused permission at appeal in 2008. The garage would not cause harm to the amenity of any nearby dwellinghouse by virtue of overlooking, overshadowing or dominance. Though it would be prominent from the rear part of the rear garden of Fir Tree House, the design has been amended to reduce impact from height, and the degree of impact from shading, in the context of a large garden, is not so severe that the proposal could be resisted. The design and access arrangements are appropriate and the drainage arrangements can be secured by condition. The proposal conforms with the above planning policies.

## BACKGROUND PAPERS

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

**Planning Application No: PAP/2008/0613**

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Applicants Agent	Planning Application Forms, Supporting Documents and Plans	13 11 2008 and 9 2 2009
2	C R Callis	Representations	3 12 2008 and 21 4 2009
3	Case Officer	Emails to applicant	19 1 2009, 21 4 2009 & 6 5 2009
4	J & H Burton	Representation	22 4 2009
5	Applicant	Email	6 5 2009

*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.*

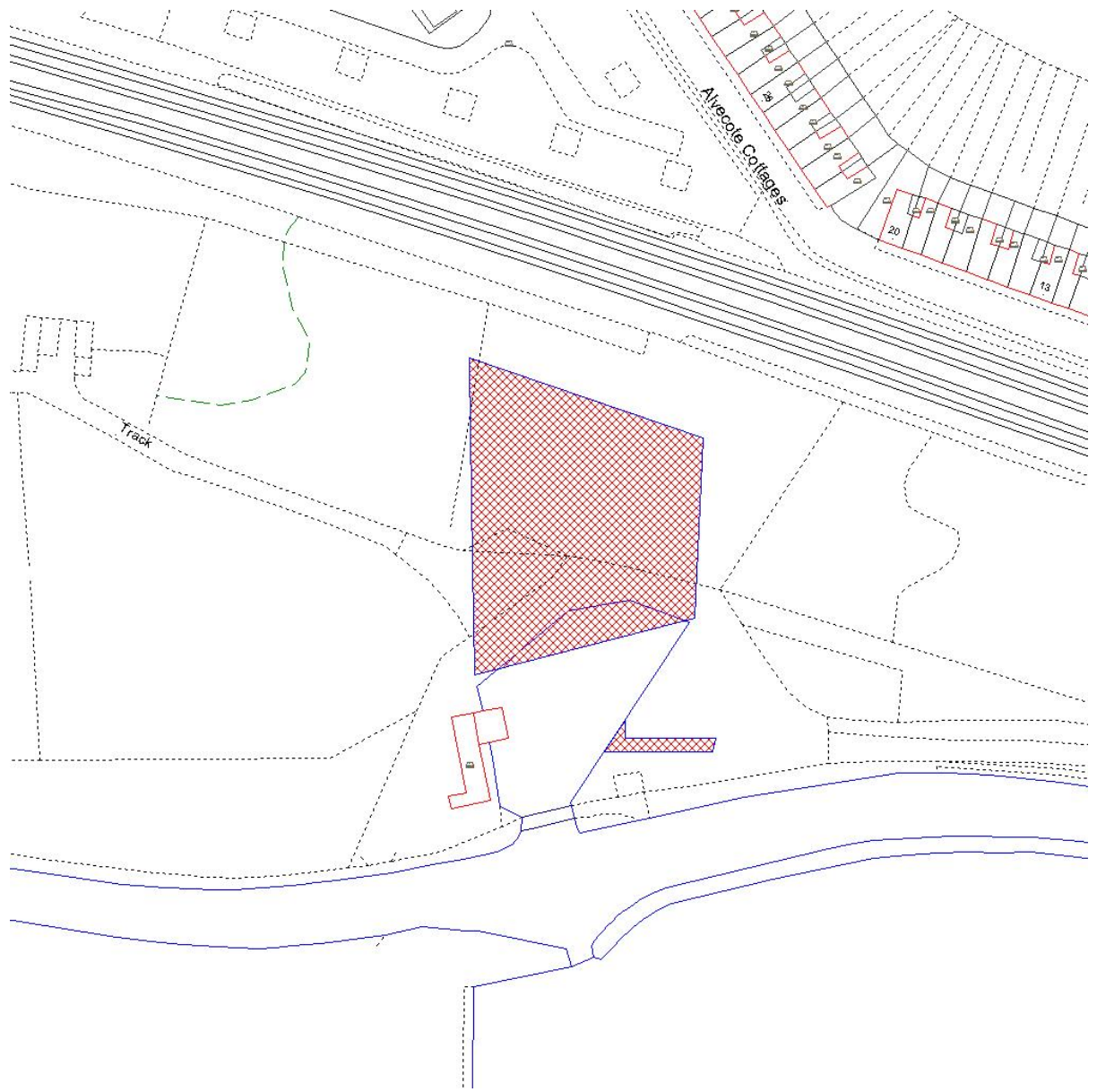
**(3) Application No PAP/2009/0043**

**Alvecote Marina Robeys Lane Alvecote**

**Construction of a 50m x 30m extension to an existing private canal basin on vacant former industrial land with permeable surfaced perimeter access track,  
For Narrowcraft Ltd**

**Introduction**

This application was reported to the last meeting of the Board, but determination was deferred so that Members could visit the site so as to better understand the context of the representations received from local residents. That visit has now been undertaken and the Board is requested to determine the case. For the benefit of the Board the previous report is attached at Appendix A. The recommendation remains as outlined in that report.



**General Development Applications**

**() Application No PAP/2009/0043**

**Alvecote Marina, Robeys Lane**

**Construction of a 50m x 30m extension to an existing private canal basin on vacant former industrial land with permeable surfaced perimeter access track, for**

**Narrowcraft Ltd**

**Introduction**

This application is reported to Board at the request of the local Members concerned about the potential impact on nearby residential property.

**The Site**

The existing basin sits west of Robeys Lane and south of the West Coast Main Railway line. It is located in open countryside next to a coal yard and opposite a large marina. This marina and the basin are split by the Coventry Canal. There is a towpath to the northern edge affording public access to the site, with a further adjacent vehicular access.

There are a number of structures, including a permanent boat house/workshop, serving the basin, and a combination of temporary storage containers, an oil tank, outbuilding and portacabin. The boat house/workshop is of a red brick and plain clay tile construction. The basin is accessed from the canal underneath a traditional arched bridge carrying the towpath. The access track also serves a cluster of buildings towards the northwest some 100m or so away. Beyond the West Coast Mainline are Alvecote Cottages, some 75 metres distant, whilst the nearest residential property in the opposite direction is some 300m to the south-east.

**The Proposal**

It is proposed to extend an existing private canal basin off the Coventry Canal in Alvecote. In addition there would be the installation of a dry dock to facilitate the existing boat house/workshop along with an adjusted access track and landscaping.

**Background**

The site should not be confused or linked with the previous marina development opposite. There was a previous consent for a dry dock and workshop on the same site which was not implemented. The main considerations relate to the visual and neighbouring impact, and the ecological and contamination issues which may arise.

**Development Plan**

North Warwickshire Local Plan 2006 - Core Policy 2 (Development Distribution) and Policies ECON10 (Tourism and Heritage Sites and Canal Corridors), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV9 (Air Quality), ENV12 (Urban Design) and ENV13 (Building Design)



## **Representations**

Warwickshire Highways - no objection

Environment Agency - no objection subject to conditions

Network Rail - no objection but list of points and potential conditions to consider

British Waterways - no objection subject to conditions

Inland Waterways Association - support the proposal

Environmental Health - no objection subject to condition

Warwickshire Wildlife Trust - no objection, but request consideration of an ecological method statement and conditions to enhance biodiversity

Natural England - no objection

Shuttington Parish Council - concerns that an adjacent development is incomplete, that the operational capacity will increase leading to further deliveries of barges via road, that ground and water levels may be altered, and concerns over disposal and re-use of spoil. They also request adequate landscaping.

## **Observations**

It is considered that the proposal requires this rural location given the scope of its use and the lack of suitable sites within urban centres. Moreover the scale, siting and design of the proposal respects the character of the area. Given that the use is predominantly for the commissioning, repair and maintenance of narrow boats as opposed to storage, the facility would not lead to significant intensification of the marina use nearby. The capacity would not lead to a significant increase in traffic on local roads, especially as this would only be occasional barges brought in by this method instead of the canal. Furthermore, it has a direct relationship to the tourism use of the canals, offering a location for the repair and maintenance of barges in order to allow the industry to thrive.

The basin extension forms a logical extension to the existing basin. The dry dock is also appropriately located. The temporary buildings are to be removed. It is felt that overall the proposal positively contributes to the public realm and enhances the visual amenity of the area.

The site is within the vicinity of a Site of Special Scientific Interest (SSSI) and potential Site of Importance for Nature Conservation (pSINC). Although it is unlikely that the development will directly impact upon these areas, there is potential for some disturbance to animal and plant habitats, including protected species. As existence of such species has not been demonstrated, a condition is felt necessary to avoid negative impacts. A section of hedgerow is also being removed which offers biodiversity potential. A further condition for substantial landscaping shall also be included, which will include tree planting to screen the development to the north.

Comments raised by the Parish Council refer to the incomplete nature of planting to the marina opposite. However, this development is separate to the marina, and can not bring about retrospective planting in this area.

Environmental Health, the Parish Council and the Environment Agency have highlighted the potential for contaminated soils in the area of the work, but this can be controlled through condition. The applicant has satisfied all parties that the risk of contamination to controlled

waters is low and that water levels will not be altered. However, British Waterways has requested an assessment be carried out to assess the risk of pollution, both short and long term, such that this risk is minimised.

It is not considered that the long term operation of the site gives cause for concern over nearby residential amenity, especially as the West Coast Mainline divides the proposal from the nearest residents. However British Waterways has requested all construction vehicles take a route adjacent to these cottages towards Shuttington Road, as the use of Robey's Lane canal bridge is not suitable. Whilst this has potential for disturbance, a restriction on the days and time these vehicles can move, and a condition for a wheel wash will mean that the short time such journeys are necessary is acceptable.

## **Recommendation**

That the application be Granted Subject to Conditions

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

### **REASON**

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered AL/02, AL/03 & AL/004 received by the Local Planning Authority on 6 February 2009.

### **REASON**

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

3. Prior the commencement of any works, a Phase 1 habitat and Protected Species survey shall be submitted to the Local Planning Authority for approval in writing. This statement shall be undertaken by a qualified ecologist and address the potential for water voles, great crested newts and other protected species and those of interest within 500m of the site. Where evidence of protected species is found, appropriate mitigation measures shall be proposed. No works shall commence until such measures have been implemented in accordance with the approved details, and agreed as such in writing by the Authority.

### **REASON**

In the interest of biodiversity and ecology, and the natural amenity of the site.

4. Before the commencement of the development, a hard and soft landscaping scheme shall be submitted to the Local Planning Authority for approval. This scheme shall include details of surfacing materials to the access track around the basin, native hedgerow to replace that removed and tree planting in accordance with the recommended species list set out by Network Rail.

#### REASON

In the interests of the amenities of the area.

5. All planting, seeding or turfing comprised in the approved details of landscaping, as required under condition 4, shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

#### REASON

In the interests of the amenities of the area.

6. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed prior to development commencing, in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be

produced, and is subject to the approval in writing of the Local Planning Authority.

#### REASON

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

7. Prior to the commencement of development, a Pollution Prevention Risk Assessment shall be submitted to, and approved in writing by the Local Planning Authority. This risk assessment shall address the potential for pollution and sediment release into the main canal during and after construction works, and following completion of the works monitoring shall be undertaken, both of which are subject to the approval in writing of the Local Planning Authority.

#### REASON

To ensure that risks from contamination to the future users of the waterway and that risks are considered, minimised and appropriately managed.

8. All vehicles involved with the construction of the development hereby approved shall enter and leave the site via a northerly route along Robeys Lane and Shuttington Road, and not in a southerly direction from or towards Glascote Road. All vehicles shall be cleaned of debris on a hard surface within the site before exiting onto the public highway.

#### REASON

To protect the Alvecote Bridge from un-due loads during construction works and in the interest of highway safety.

9. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.

#### REASON

To protect the amenities of the occupiers of nearby properties during the construction period.

10. All temporary structures shall be removed from the site before the development hereby approved is first brought into use.

#### REASON

In the interests of the amenities of the area and to prevent an unauthorised use becoming established.

#### Notes

1. The applicant is advised that to comply with the standard of works to any trees, the work should be carried out in accordance with British Standard 3998 "Recommendations for Tree Work".
1. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from [www.ukradon.org](http://www.ukradon.org) if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.

For further information and advice on radon please contact the Health Protection Agency at [www.hpa.org.uk](http://www.hpa.org.uk). Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.

2. Prior to the commencement of any works on site, the developer should contact the Outside Parties Engineer at Network Rail, who may wish to review method statements and drawings relating to the excavation and drainage/screen bunds.
3. The trees species permitted list is available from Network Rail. All trees and shrubs should be planted at least a distance greater than their predicted mature height from the boundary.
4. Should any abnormal loads be necessary to undertake the development hereby approved, the developer should liaise with the Outside Parties Engineer at Network Rail in order to ensure Network Rail assets are not damaged or compromised.
5. The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006: CORE POLICY 2, ECON10, ENV3, ENV4, ENV6, ENV8, ENV9, ENV12 & ENV13.

#### Justification

The proposal is considered to be an appropriate development in the countryside without detriment to controlled waters, ecology or neighbouring amenity and is in accordance with policies CP2, ECON10, ENV3, ENV4, ENV6, ENV8, ENV9, ENV12 and ENV13 of the North Warwickshire Local Plan 2006. There are no material considerations that indicate against the proposal.

## BACKGROUND PAPERS

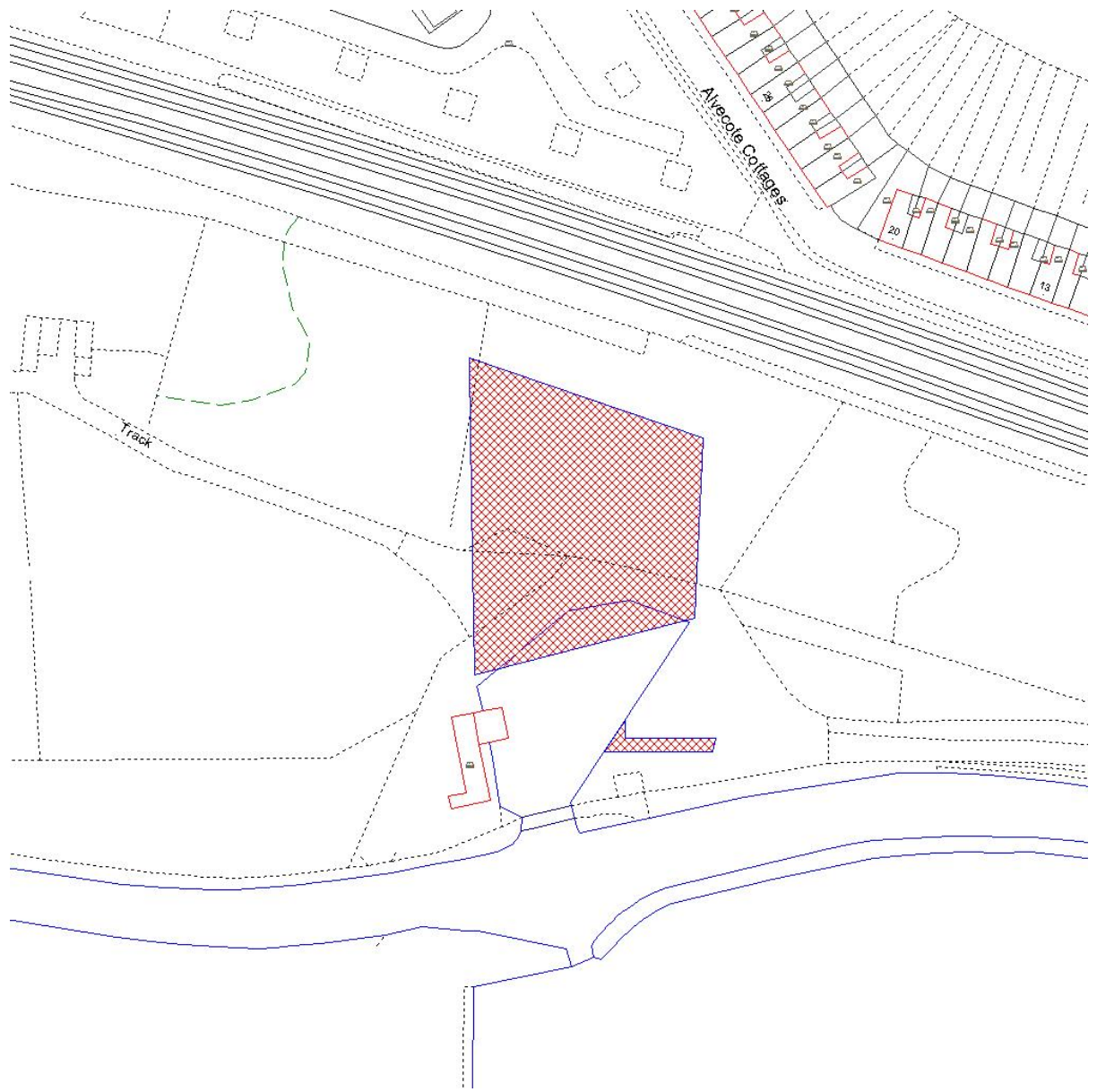
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

### Planning Application No: PAP/2009/0043

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Applicants Agent	Planning Application Forms and Plans	6/2/2009
2	Environmental Health	Consultation response	11/2/2009
3	Network Rail	Consultation response	13/2/2009
4	Shuttington & Alvecote Parish Council	Email	14/2/2009
5	Case officer	Reply to email	24/2/2009
6	Warwickshire Wildlife Trust	Consultation response	27/2/2009
7	Inland Waterways Association	Consultation response	2/3/2009
8	Warwickshire County Council Highways	Consultation response	5/3/2009
9	Environment Agency	Consultation response	6/3/2009
10	Case officer	Email to agent	9/3/2009
11	Agent	Correspondence to Environment Agency	11/3/2009
12	Shuttington & Alvecote Parish Council	Email	12/3/2009
13	Shuttington & Alvecote Parish Council	Email	13/3/2009
14	Agent	Correspondence to Environment Agency	13/3/2009
15	British Waterways	Consultation response	19/3/2009
16	Natural England	Consultation response	23/3/2009
17	Environment Agency	Consultation response	30/3/2009
18	Case officer	Email to Councillors	30/3/2009
19	Mark Simpson	Email reply	31/3/2009
20	Case officer	Email to agent	2/4/2009
21	Agent	Email reply	3/4/2009

*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.*



#### **(4) Application No: PAP/2009/0058**

**Trevose, Coventry Road, Kingsbury**

**Erection of No.2 three bedroom dwellings, for**

**IDM Developments**

#### **Introduction**

This application is reported to Board upon the request of a Ward Councillor, concerned about the impact on neighbouring residential occupiers. At the time of writing, amended plans are open for consultation and any comments received shall be reported verbally to the Board.

#### **The Site**

The site lies on the corner of the cul-de-sac arm of Coventry Road and Mill Crescent. It presently consists of a single bungalow with attached garage sat at a significantly higher level than the highway. The access is made from Coventry Road with a stepped pedestrian access to Mill Crescent. There is presently a row of mature conifers around the Mill Crescent boundary, some of which have been partially removed, and mature hedgerow to the southern and eastern boundaries. The majority of amenity space is to the front.

There are a number of properties in the immediate vicinity, all bungalows. Number 2 Mill Crescent has a side facing door/window arrangement serving a sitting room, but with a further window to the rear. There are no side facing windows to Mabeden on Coventry Road, although their rear amenity space stretches along part of the site boundary. Number 17 Brook Close also share part of eastern boundary to the site.

#### **The Proposal**

It is proposed to demolish the existing dwelling and erect 2 three-bedroom dwellings. This would be achieved by cutting into the slope of the land and providing garages below the main living space above, and extending accommodation into the roof.

#### **Background**

The main considerations relate to design and access, and the impact on neighbouring properties.

#### **Development Plan**

North Warwickshire Local Plan 2006: ENV4 (Trees and Hedgerows), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG4 (Densities), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking)



## **Consultations**

Environmental Health – no comments

Warwickshire Wildlife Trust – no objection, but note the possible presence of bats and nesting birds

Environment Agency – no comments

WCC Highways – no objection subject to conditions

Severn Trent Water – no objection subject to condition

## **Representations**

Five representations have been received from local residents. The matters raised refer to the loss of privacy; the height of the finished properties, the need for a Flood Assessment, the removal of hedgerows, the disturbance from construction work, sewer capacity and fears about the access.

## **Observations**

There is minimal impact to Mabeden, the neighbouring property to the south, with a blank side elevation to plot 1, although a south facing roof light has potential to overlook amenity space. This can be conditioned so to be as obscure glazed, and be non-opening to overcome privacy issues. The existing boundary treatment provides adequate screening at ground level to protect their amenity space. Consideration is given to number 2 Mill Crescent and the properties on Brook Close due to position of openings on plot 2, but boundary treatments also address ground floor windows. Roof lights facing this direction can be secured by condition to be obscure glazed and non-opening. A further condition can remove permitted development rights to create additional openings. It is not considered that either property will be overbearing, or overshadow the existing dwellings, as they have the same ridge height to that existing, and hipped roofs have been added so as to reduce the impact.

Further consideration is given to the level of privacy and overshadowing between the new dwellings. Opposing habitable windows are addressed through the 2 metre fence between the plots and amended plans remove a previous concern from the dormer to plot 2.

A density of 25 dwellings per hectare is achieved, which is slightly below Council standards but given the constraints of the site is appropriate. The proposal relates integrally and to the neighbouring properties. Whilst the immediate aspect to the front of each plot will confirm a two-storey construction, most aspects will reveal an appearance similar to the existing and neighbouring bungalow styles. The scale and mass, design elements such as hipped roofs, height and detailing are acceptable. Materials can be controlled through condition. The existing land levels are retained where possible, as is the hedgerow to the south and east boundaries with further planting secured by condition. The layout reduces the opportunity for crime with natural surveillance achieved and rear amenity enclosed.

The site location allows good pedestrian and cycle links into Kingsbury where regular bus services run to the wider area. Bus services also run along the Coventry Road allowing immediate access to them. Although there is no rail provision in Kingsbury, Coleshill can be reached by bus. The vehicle access positions are felt acceptable, and County Highways raise no objection subject to conditions. The present access will be reutilised, and the new access to serve plot 2 benefits from good highway visibility. Each garage allows one vehicle space, however further external parking is also available thus meeting the maximum parking standard. Whilst the design restricts access for disabled users with stair access, the constraints of the site limit the ability for ramped access.

A neighbour raised concern that there was no Flood Risk Assessment with the application. It does not fall within an identified Flood Zone and consultation with the Environment Agency confirms this with no objection.

## **Recommendation**

That the application be Granted Subject to Conditions

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

### **REASON**

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 004 received by the Local Planning Authority on 13 April 2009, plans numbered 003/A & 008/C received by the Local Planning Authority on 24 April 2009, and plans numbered 002/B, 005/A, 006/A & 007/B received by the Local Planning Authority on 28 April 2009.

### **REASON**

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

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

### **REASON**

In the interests of the amenities of the area.

4. Site levels shall not be increased above existing levels. Materials excavated in order to construct the dwellings hereby approved shall be removed from the site and disposed of lawfully.

### **REASON**

To protect the amenities of nearby residential property.

5. Before the commencement of the development, a landscaping scheme, which includes the retention of the hedgerow to the southern and eastern boundaries, shall be submitted to the Local Planning Authority for approval.

### **REASON**

In the interests of the amenities of the area.

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

REASON

In the interests of the amenities of the area.

7. There is a public sewer which crosses the site. No building shall be erected or trees planted within 3 metres of this sewer. Alternatively the applicant may apply to Severn Trent Water to divert the sewer in accordance with Section 185 of the Water Industry Act 1991 or for a Building Over or Close to a Public Sewer Agreement.

REASON

To maintain essential access for maintenance, repair, renewal, and to protect the structural integrity of the public sewerage system.

8. Notwithstanding the approved plans, no development shall commence until full details of the access, including construction, alignment, levels and drainage have been submitted to and approved in writing by the Local Planning Authority. No development shall be occupied until the access has been constructed in accordance with the approved details.

REASON

In the interests of safety on the public highway.

9. The development hereby permitted shall not be occupied until visibility splays have been provided to the vehicular accesses to the site [passing through the limits of the site fronting the public highway] with 'x' distances of 2.4 metres and 'y' distances of 30 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interests of safety on the public highway.

10. The accesses to the site shall not be constructed, reconstructed or widened in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.

REASON

In the interests of safety on the public highway.

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

#### REASON

In the interests of the amenities of the area.

12. Any windows in the roof space of the southern elevation of plot 1 and the eastern elevation of plot 2 shall be non opening (unless in an emergency) and glazed with obscured glass and shall be permanently maintained in that condition.

#### REASON

To protect the privacy of the adjoining property and to prevent overlooking.

#### Notes

- 1 Condition number 1 may require works to be carried out within the limits of the public highway. Before commencing such works the applicant must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant. The Area Team at Coleshill may be contacted by telephone: (01926) 412515.
- 2 In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.
- 3 The ecology division of Warwickshire County Museum has advised that there may be bats present at the property that would be disturbed by the proposed development. You are advised that bats are deemed to be European Protected species. Should bats be found during the carrying out of the approved works, you should stop work immediately and seek further advice from the Ecology Section of Museum Field Services, The Butts, Warwick, CV34 4SS (Contact Anna Swift on 01926 418060).
- 4 You are recommended to seek independent advice on the provisions of the Party Wall etc., Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet entitled "The Party Wall etc., Act 1996" is available from Her Majesty's Stationary Office (HMSO), Bull Street, Birmingham, during normal opening hours or can be downloaded from the Communities and Local Government web site - <http://www.communities.gov.uk/publications/planningandbuilding/partywall>.

- 5 The Development Plan policies which are relevant to this Decision are as follows - North Warwickshire Local Plan 2006: ENV4, ENV11, ENV12, ENV13, ENV14, HSG4, TPT3 and TPT6.

Justification

The proposal is considered to be of appropriate scale, design and layout without detriment to neighbouring amenity or highway safety and is in accordance with policies ENV4, ENV11, ENV12, ENV13, ENV14, HSG4, TPT3 & TPT6 of the North Warwickshire Local Plan 2006. There are no material considerations that indicate against the proposal.

## BACKGROUND PAPERS

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

### Planning Application No: PAP/2009/0058

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Applicants Agent	Planning Application Forms and Plans	13/2/09
2	Tony Jones, Anon address	Letter of comment	12/3/2009
3	Environmental Health	Consultation reply	17/3/2009
4	17 Brooke Close	Letter of comment/concern	20/3/2009
5	Warwickshire Wildlife Trust	Consultation reply	23/3/2009
6	2 Mill Crescent	Letter of objection	23/3/2009
7	16 Brook Close	Letter of objection	24/3/2009
8	Environment Agency	Consultation reply	26/3/2009
9	County Highways	Consultation reply	27/3/2009
10	83 Coventry Road	Letter of objection	28/3/2009
11	Severn Trent Water	Consultation reply	1/4/2009
12	Agent	Amended plans	23/4/2009
13	Agent	Amended plans	28/4/2009
14	Case Officer	Email to Councillors	27/4/2009
15	Councillor Moss	Email to Case Officer	28/4/2009

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

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



**(5) Application No PAP/2009/0154**

**Car Park Park Road Coleshill**

**Outline - Erection of a Retail (A1) food store with associated parking, servicing and access - Seeking to discharge the reserved matters for access and layout,  
For Limes Developments Ltd**

**Introduction**

Members will be aware of the Council's decision to consider the disposal of its land at Park Road, Coleshill, for a potential supermarket. The outcome of that decision is the current outline planning application. This report records receipt of that application; describes the proposal, sets out the relevant Development Plan policies and Government Guidance that will set the framework for its determination, together with identifying the main planning issues involved.

Because the application involves land, currently owned by the Borough Council, the final determination of the application will rest with the Council.

Prior to making a recommendation, it is considered that a visit should be made to the site.

Members will also recall that the applicant gave a short presentation to the Board on 16 February 2009, outlining the main features of the proposal – see Appendix A for a note of that meeting. Since then the applicant has delivered a similar presentation to the Coleshill Town Council, and has carried out a pre-application exhibition in Coleshill so that residents could view the draft scheme in advance of the formal submission.

**The Site**

A tri-angular shaped area of land, 0.61 hectares in extent, bounded on two sides by roads, Birmingham Road and Park Road, and to the east by residential development at Parkfield Court. The land presently comprises a car park, together with the land to the east that was used as allotments and as a bowling green, but is now overgrown and disused. The site tapers to the south west where the two roads have a junction. There is a fall in levels between the eastern end and the south western tip of some 4 metres.

The land to the south is occupied by the Coleshill Memorial Park with its playing fields and pitches. Further to the west are the Coleshill Leisure Centre, the Warwickshire Fire Services depot and the Coleshill Police Station. To the north there is residential development comprising a residential estate of Colemeadow Road, and a recently completed block of apartments (Park Court).

The existing car park is accessed from Park Road. Apart from the road junction to the west, Birmingham Road has a junction with Colemeadow Road to the north of the site. There is also a zebra crossing close by. Pedestrian access to the car park is from both Park Road and the Birmingham Road. Birmingham Road has a roundabout junction with the main Coleshill By-pass (the A446), 150 metres to the west, and a cross roads junction with High Street, 200 metres to the east.

The existing car park is bounded by a mature hedgerow along the Birmingham Road, and this extends to the east, along the boundary with the former bowling green. The eastern boundary with Parkfield Court is heavily landscaped. The Park Road boundary is open. There are several large mature trees around the car park boundary within the surrounding grass verges.

The car park presently accommodates 110 spaces, plus 8 disabled spaces, together with recycling containers and bins at its eastern end.



The site is shown in its setting by the plan at Appendix B.

## **The Proposal**

This is an outline application, but which provides a significant amount of detail. The applicant is seeking permission in principle for this use at this site, and seeks to establish the basic parameters as to how the site will accommodate this use. Hence, the applicant expects a decision on a building of this size in floorspace; the general layout as illustrated, and with the access arrangements as shown. All other matters would be reserved for later approval – e.g. final building design, materials, landscaping and drainage. However in the event of a planning permission being granted, the Council may impose conditions governing matters that it considers should be controlled, provided that these are appropriate to the proposed development.

The application has been submitted in this form because the final occupier of the proposed premises is not yet known. Once confirmed, the occupier may well wish to introduce his own “brand” into the design of the building.

The proposed layout shows a single building towards the eastern end of the site, essentially sited over the former open land, with the car park to its front, mainly covering where it is now. Servicing would be from its rear at the far eastern end. Customer access would be off the Birmingham Road. Service access would be designed such that delivery vehicles would enter from the Birmingham Road but exit onto Park Road. Four deliveries a day are anticipated. Pedestrian access would be via the two roads. 105 car parking spaces are to be provided, with 6 reserved as disabled parking spaces.

The building would be “lowered” into the site at the eastern end of the site, and the western end “filled” so as to reduce the impact of the new building and also to introduce a lesser fall in levels across the site. This means that a retaining wall would have to be provided around the external boundary of the whole car park.

The individual trees bounding the site would be retained, as would some of the hedgerow along Birmingham Road. However that close to Parkfield Court would be removed. A five metre “acoustic” wall is planned for the eastern boundary where it abuts Parkfield Court.

The building would comprise a total of 1394 square metres in total floorspace. This would be divided up into a 1000 square metre retail area, with the balance being office and administration space set over two floors, and an enclosed unloading and storage bay. The general configuration is to have the retail element close to Park Road, with the office segment on the Birmingham Road frontage.

Opening hours are not yet known, being dependant on the final occupier.

The car park would remain available to non-customers with a two hour limit being introduced during opening hours. There would no parking charge. The car park would not accommodate staff spaces.

Plans attached at Appendices C to G illustrate these proposals.

## **Supporting Documentation**

There have been a number of documents submitted with this application. These are identified below, together with a summary of their content.

- i) **Pre-Development Tree Survey.** This makes recommendations in order to protect the existing boundary trees, and identifies management works to those trees. A group of Sycamore and Ash along the Birmingham Road boundary are

- recommended for removal. The main building will impinge within the recommended Root Protection Area of trees in Park Road.
- ii) **Drainage Strategy.** This recommends that foul water be discharged via new infrastructure to connect to the existing system at Lawnsdale Close. In respect of surface water, then on site storage is recommended in order to reduce discharge into existing infrastructure at the junction of Park Road and Birmingham Road.
  - iii) **Acoustics Report.** This recommends that there is unlikely to be increased road traffic noise arising from the proposal, but that attenuation measures, involving enclosure of the service yard are recommended, in order to reduce impact on local residents from this area of the site.
  - iv) **Transport Assessment.** This concludes that the customer access point will operate efficiently, below its design capacity, without significant queues; that the impact will be minimal on the Colemeadow Road junction, marginal at the Park Road junction, and whilst the northern arm of the roundabout junction with the Stonebridge Road is near capacity, there will be no significant impact on the Stonebridge Road roundabout. The report concludes that the High Street cross roads is at capacity, but that with or without the proposed development, the situation here will continue to deteriorate. The proposal would not accelerate that projection. HGV impact is considered to be minimal. The site is said to have good pedestrian access and the availability of public transport is good. In respect of car parking, the report includes findings from survey work involving the purpose for drivers using the car park; numbers, the length of stay and the frequency of use. The report concludes that because of the conclusions from this survey work, the proposed car park, although offering less car parking spaces than existing, will be sufficient to cater for the new development and other non-retail trips. A car park management strategy is needed in order to manage the car park, and a two hour limit is recommended. A Green Travel Plan is outlined such as to reduce employee trips to the site by car.
  - v) **Design and Access Statement.** This shows how the design has been “lowered” into the site so as not to make it prominent against the town’s skyline, and to reduce its impact as a large building with a large car parking area.
  - vi) **Retail Impact Assessment.** This undertakes a full retail analysis of the proposal within the context of the town and its hinterland following the guidance and criteria set out in Government Advice in PPS6. These relate to the need for the development; the scale of the proposal, the location of the proposal vis-a-vis the town centre, the impacts on the town centre and the accessibility of the site. It concludes that there is a good complement of service uses, and a reasonable representation of comparison goods retailers in the town. There is some deficiency, it continues, in the provision of convenience goods which the proposed store would address. Existing convenience stores are said to be trading strongly and primarily perform a “top up” shopping role. The new store would, it is said not compromise these stores or their role. It continues by saying that there is capacity within the area for a store of this size. It concludes that the store would have a beneficial impact by reducing shopping trips being made out of town. As the site is not within the town centre, the report includes an analysis of alternative sites.
  - vii) **Statement of Community Involvement.** This expands on the description included in the Introduction above. It particularly focuses on the observations received from the public at the pre-application exhibition held at the Leisure Centre over the period 2 to 4 April. This shows that 186 written responses were received from visitors to the exhibition. The main issues revolved around the need for the supermarket; car parking issues, highway safety and the design of the building.

## **Development Plan**

Regional Spatial Strategy 2004 – Policies PA11 (Network of Town and City Centres), PA13 (Out of Centre Retail Development), PA14 (Economic Development and the Rural Economy), RR3 (Market Towns), RR4 (Rural Services), UR3 (Enhancing the role of City, Town and District Centres)

Warwickshire Structure Plan 1996-2011 – Policy TC2 (Hierarchy of Town Centres)

North Warwickshire Local Plan 2004 – Core Policies 1 (Social and Economic Regeneration), 2 (Development Distribution), 5 (Development in Towns and Villages), 6 (Local Services and Facilities), 11 (Quality of Development), and Policies ENV5 (Open Space), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation), ECON5 (Facilities Relating to the Settlement Hierarchy), TPT1 (Transport Considerations), TPT3 (Access and Sustainable Travel) and TPT6 (Vehicle Parking)

## **Other Material Planning Considerations**

Regional Spatial Strategy (Phase Two Draft Revision) 2007 – Policies PA11 (The Network of Town and City Centres), PA12B (Non Strategic Centres), PA13 (Out of Centre Retail Development), PA14 (Economic Development and the Rural Economy), RR3 (Market Towns), RR4 (Rural Services)

Government Guidance – Planning Policy Statement Number 1 (Delivering Sustainable Development) 2005; Planning Policy Statement Number 6 (Planning for Town Centres) 2005, Proposed Changes to PPS6 2008, Planning Guidance Note Number 13 (Transport), Planning Policy Guidance Note Number 15 (Planning and the Historic Environment), Planning Policy Guidance Note Number 17 (Planning for Open Space, Sport and Recreation).

## **Observations**

### **a) The Central Issue**

The determination of the application must be made in accordance with the Development Plan, unless material considerations indicate otherwise. The proposal does not accord with Policy ECON5 of the North Warwickshire Local Plan 2004, because the location of the site is not within Coleshill's town centre as defined by that Plan. As such it neither accords with the general thrust of Government Advice as set out in PPS6. The central issue in the determination will be whether there are material considerations that are of such weight to warrant a grant of planning permission, notwithstanding the conflict with ECON5 and the general approach set out in PPS6. In examining this issue, the Board will have to explore the criteria set out in PPS6 in respect of new retail proposals, and particularly where they involve "edge of centre" locations, such as this.

### **b) Open Space**

The proposal is sited on land identified in the Local Plan as being Open Space. The loss of this space would be contrary to Policy ENV5 of the Local Plan. The Board will need to explore whether there are planning circumstances of such weight as to warrant the proposal being treated exceptionally to this Policy. In particular the guidance given in PPG17 will be significant.

### **c) Impacts**

Regardless of any conclusions reached on the central issue, the Board will need to identify the potential impacts of the proposal, and assess whether these are harmful. The main impacts will be.

- The access arrangements and the likely traffic generation arising from the proposal, given the nature, capacity and use of the surrounding highway network.
- The adequacy of the car parking provision bearing in mind that the site is an existing car park.
- The design of the layout, and the general approach taken in respect of the appearance of the buildings, bearing in mind the location of the site on a main entrance into the town; the change in levels over the site, and its impact on the character and appearance of the adjoining Conservation Area.
- The adequacy of the drainage arrangements.
- The impact on the health of the surrounding trees.
- The impact of the proposal on the residential amenities of adjoining occupiers, particularly those whose property adjoins the site at Parkfield Court.

### **Recommendation to the Board**

- a) That the Board notes the report and identifies any further issues that it considers should be investigated, and
- b) That a Board site visit be arranged prior to it making a recommendation to Council.

## BACKGROUND PAPERS

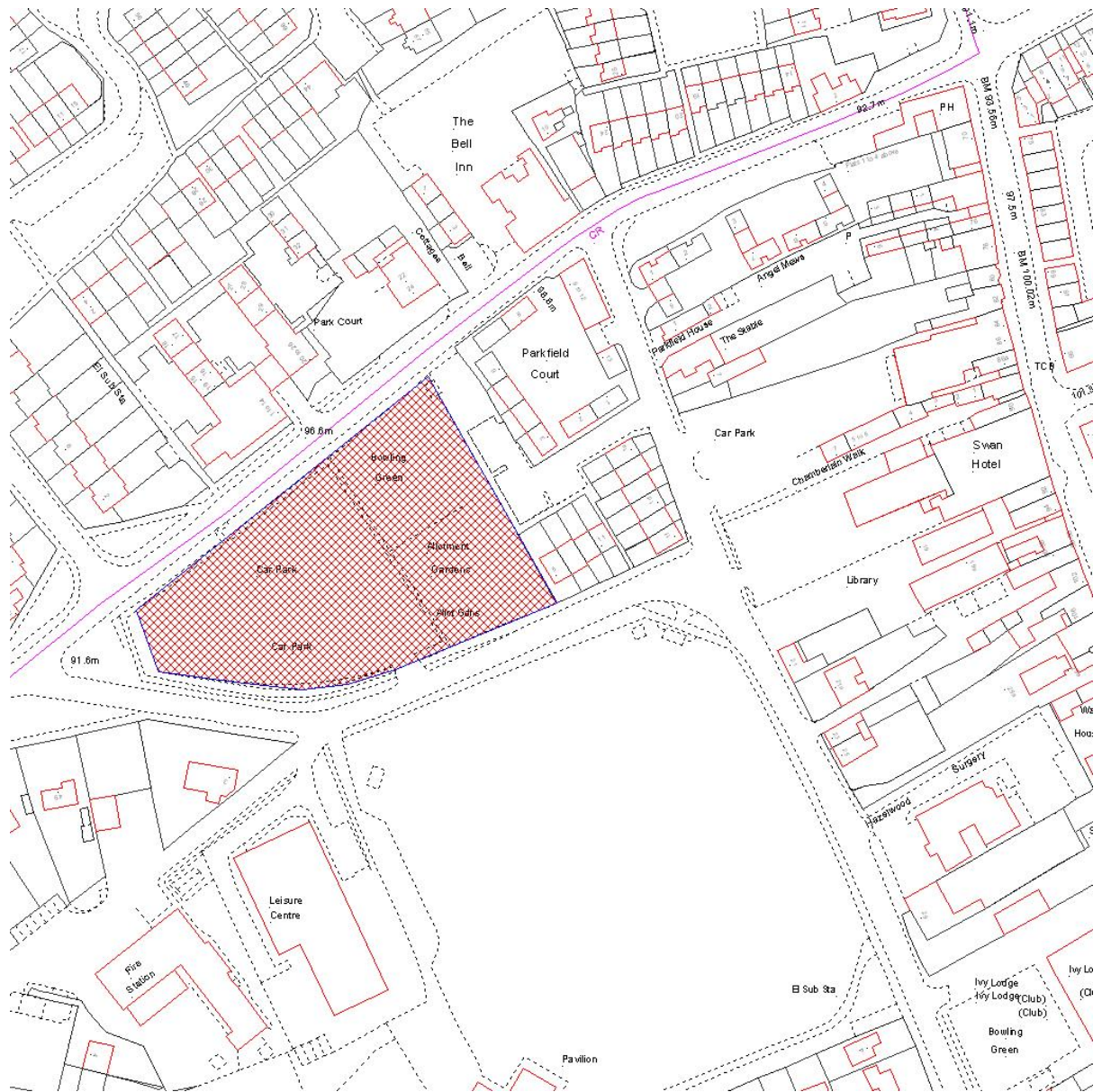
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

### Planning Application No: PAP/2009/0154

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Applicants Agent	Planning Application Forms and Plans	14/4/09
2			

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

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



**Presentation by Limes Developments Ltd to the P and D Board**  
**Proposed Coleshill Supermarket, Park Road**  
**16 Feb 2009**

**Present:**

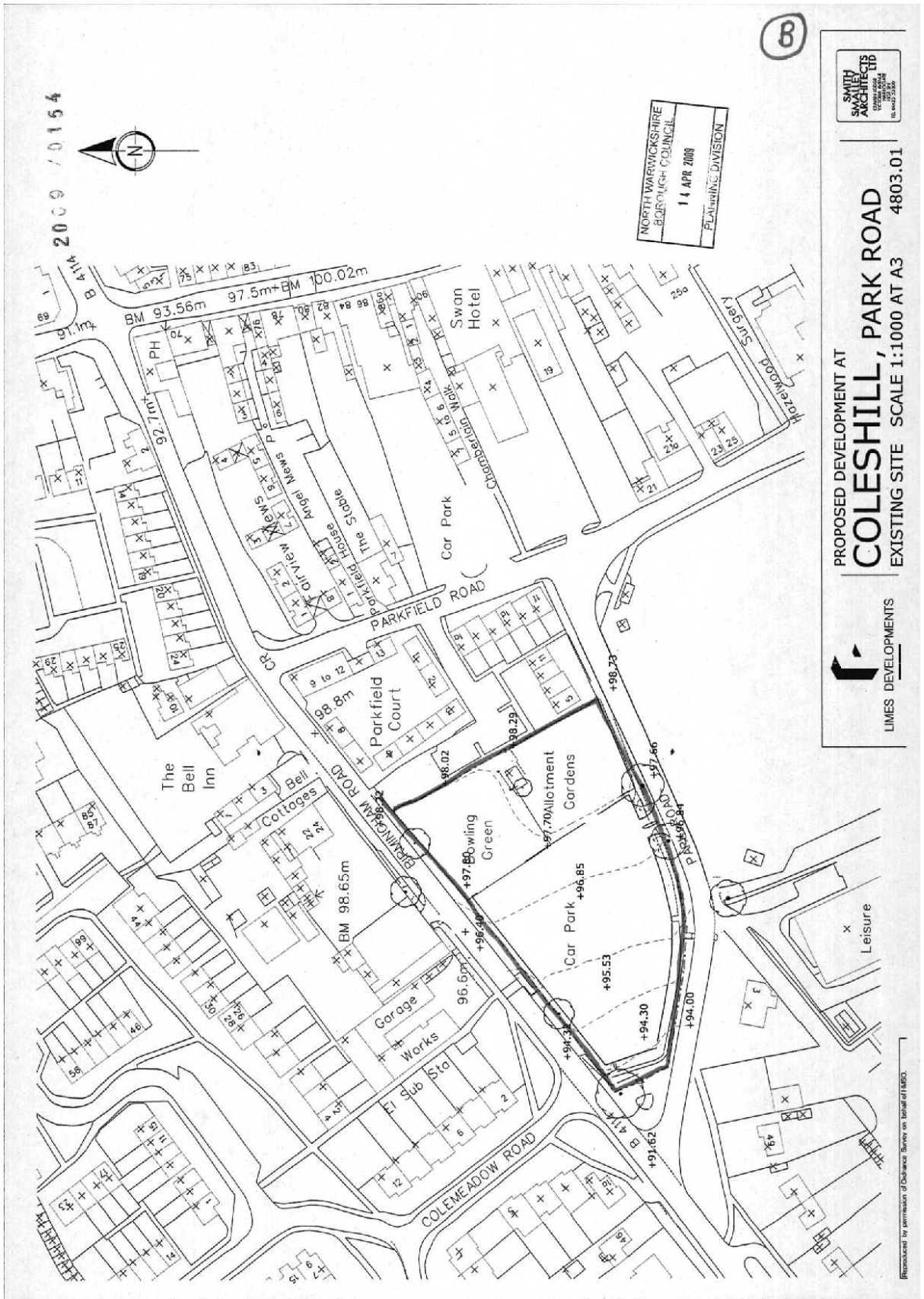
Councillors Lea, Fowler, Swan, Fox, Welby, Gordon, Moss, Smith, Philips, Lewis, Sweet, Sherratt, and Wykes. Councillor Simpson arrived later.

Messrs Whitford and Jolly - Limes Developments Ltd (Applicant)  
Chris Quinsee and Tamsin Cottle - Roger Tym Partners (Agents)

Ann McLauchlan and Jeff Brown - Officers

Apologies were received from Cllr L Dirveiks

1. Councillor Lea took the chair, and Ann McLauchlan opened the meeting by outlining the scope of the Planning Protocol to Members, reminding them that they should not pre-empt or pre-determine their position. The purpose of the meeting was to listen to the detail of the proposal, and for Members to ask questions about the proposal and/or to raise issues and concerns that needed to be investigated or followed through. The content of the meeting was agreed should remain confidential.
2. Chris Quinsee outlined the proposal with the aid of a number of plans and illustrations. The applicant considered that the land would be put to better use with the application; that the store would meet a retail need in the town, that it was well located close to the centre, that its design did not draw attention to the prominence of the location, the proximity of the residential area around, the current car park usage would be retained, and that the WCC highway people support the scheme's access arrangements.
3. Members asked questions about pre-application consultation with the public; how that would be recorded, how the proposal would affect the mature trees around the site, the impact on the Green Man crossroads, car parking numbers and management, the future of the recycling units, noise from HGV deliveries, the number and timing of those deliveries, opening times, and availability of the car park outside those hours.
4. The developers confirmed that they would be meeting the Town Council and that they would be conducting a pre-application exhibition with the comments and observations received being incorporated into a document to be submitted with the application. Many of the matters raised under 3 above would be answered in the application itself or the accompanying documentation.



(8)

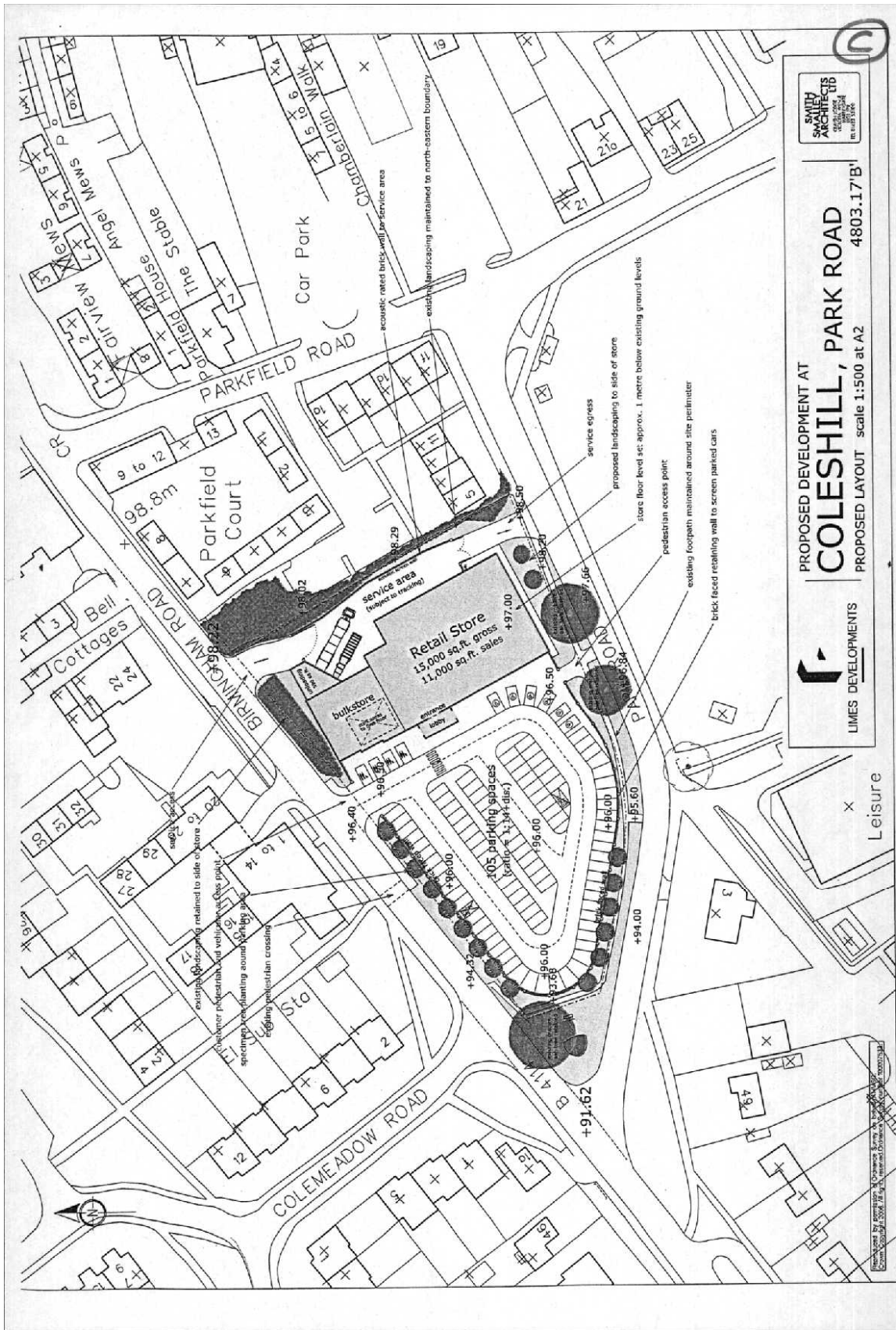
SMITH  
ARCHITECTS  
LTD  
100, COLLEGE ROAD  
BIRMINGHAM  
B15 2JG  
TEL: 0121 353 3333

PROPOSED DEVELOPMENT AT  
**COLESHILL, PARK ROAD**  
EXISTING SITE SCALE 1:1000 AT A3 4803.01

**LIMES DEVELOPMENTS**

[Reproduced by permission of Ordnance Survey on behalf of HMES.]





PROPOSED DEVELOPMENT AT  
**COLESHILL, PARK ROAD**  
 4803.17'B'

LIMES DEVELOPMENTS  
 PROPOSED LAYOUT scale 1:500 at A2



PROPOSED DEVELOPMENT AT  
**COLESHILL, PARK ROAD**  
 4803.17'B'

LIMES DEVELOPMENTS  
 PROPOSED LAYOUT scale 1:500 at A2



PROPOSED DEVELOPMENT AT  
**COLESHILL, PARK ROAD**  
 4803.17'B'

LIMES DEVELOPMENTS  
 PROPOSED LAYOUT scale 1:500 at A2



PROPOSED DEVELOPMENT AT  
**COLESHILL, PARK ROAD**  
 4803.17'B'

LIMES DEVELOPMENTS  
 PROPOSED LAYOUT scale 1:500 at A2



PROPOSED DEVELOPMENT AT  
**COLESHILL, PARK ROAD**  
 4803.17'B'

LIMES DEVELOPMENTS  
 PROPOSED LAYOUT scale 1:500 at A2

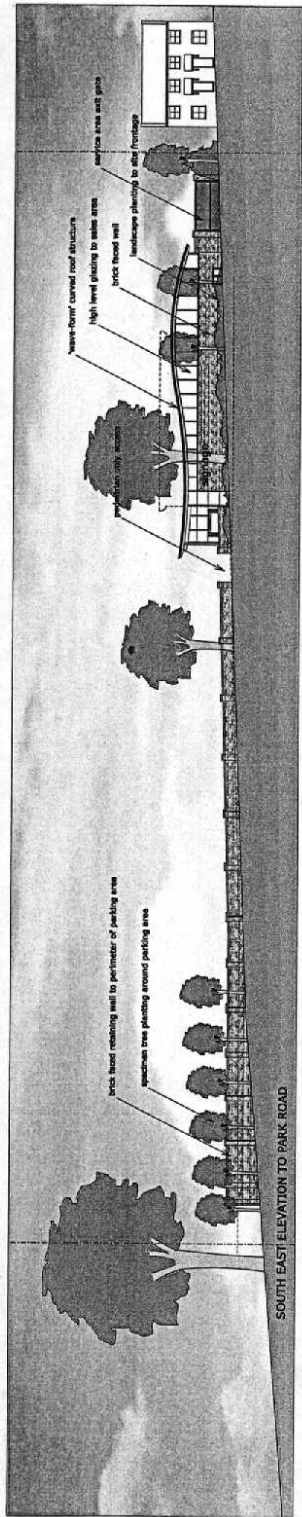


PROPOSED DEVELOPMENT AT  
**COLESHILL, PARK ROAD**  
 4803.17'B'

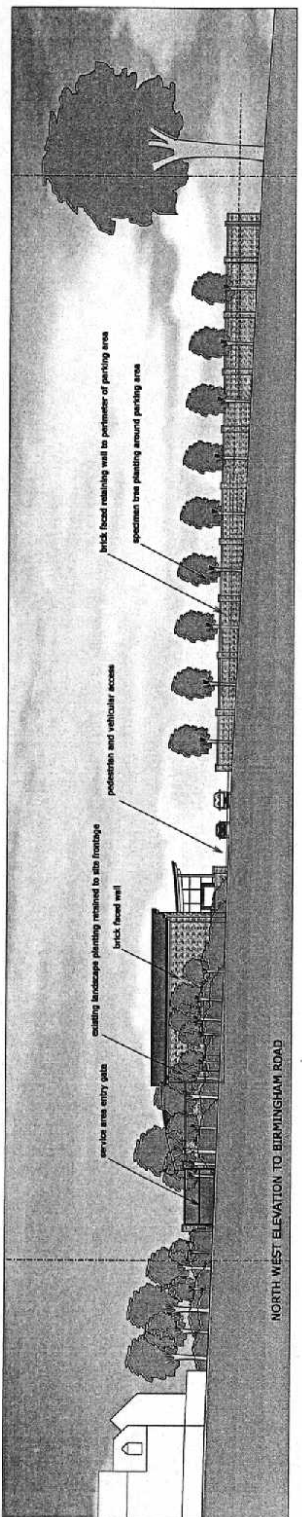
LIMES DEVELOPMENTS  
 PROPOSED LAYOUT scale 1:500 at A2



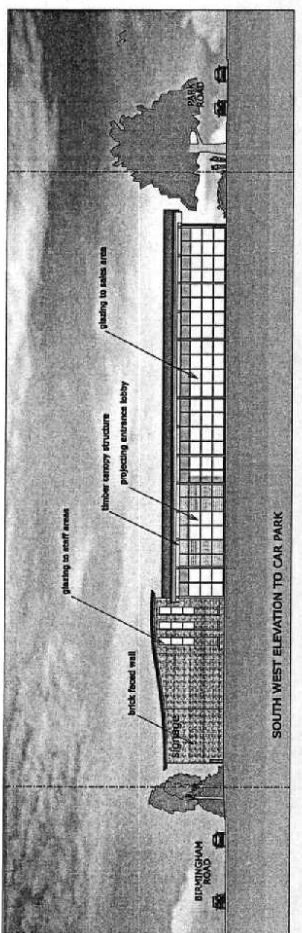
PROPOSED DEVELOPMENT AT  
**COLESHILL, PARK ROAD**  
 4803.17'B'



SOUTH EAST ELEVATION TO PARK ROAD

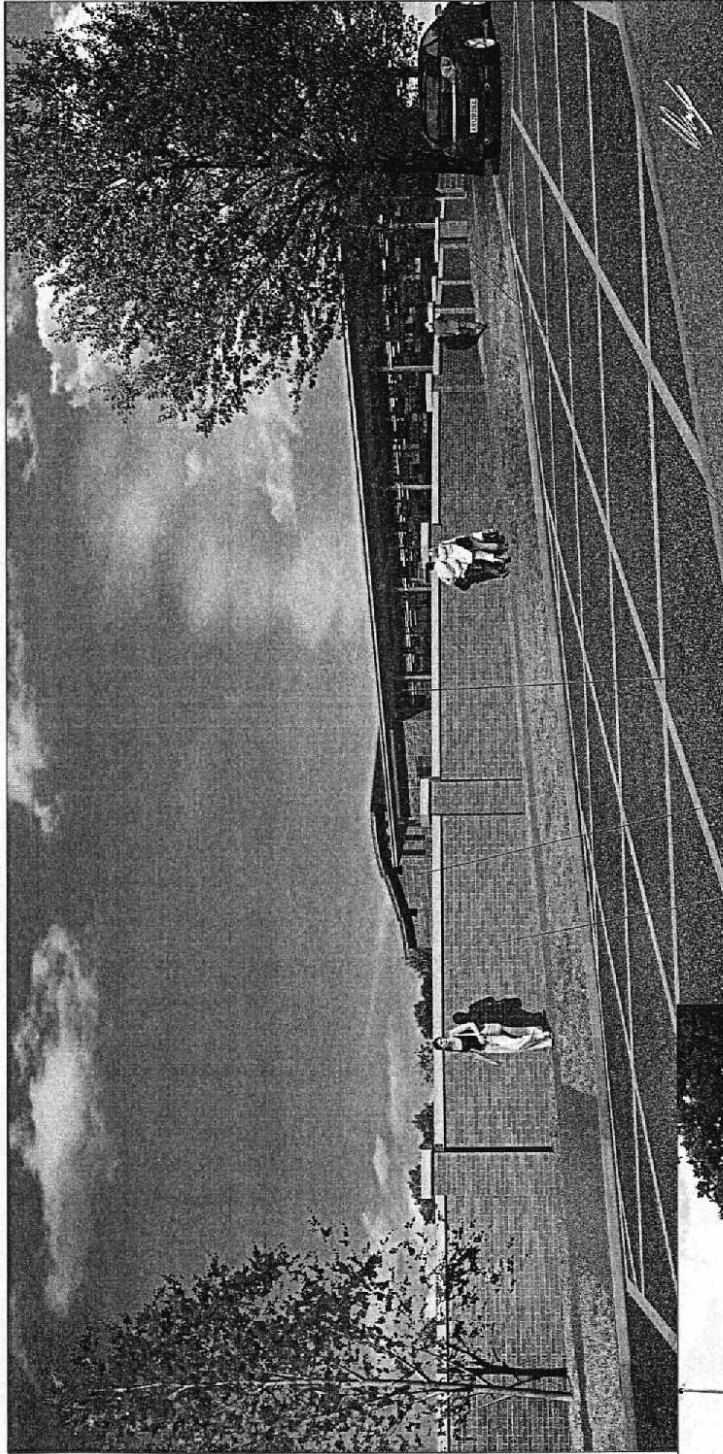


NORTH WEST ELEVATION TO BIRMINGHAM ROAD



SOUTH WEST ELEVATION TO CAR PARK

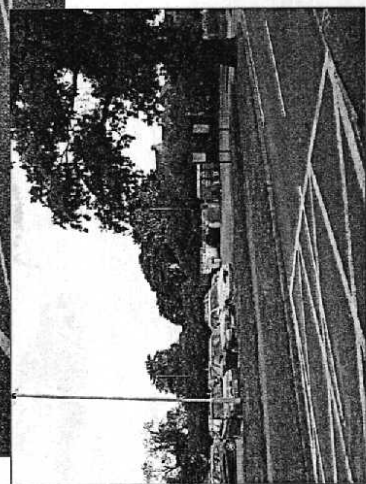

 PROPOSED DEVELOPMENT AT  
**COLESHILL, PARK ROAD**  
 PROPOSED ELEVATIONS SCALE 1:200 AT A1 4803.18'A  

**Proposed View**

- pedestrian site entrance between mature trees
- timber framed canopy and entrance lobby
- two storey brick faced element with curved roof
- new brick wall to define site frontage and screen parked cars from view

**Existing View**




 PROPOSED DEVELOPMENT AT  
**COLESHILL, PARK ROAD**  
 4803.20  
 PERSPECTIVE VIEW 1

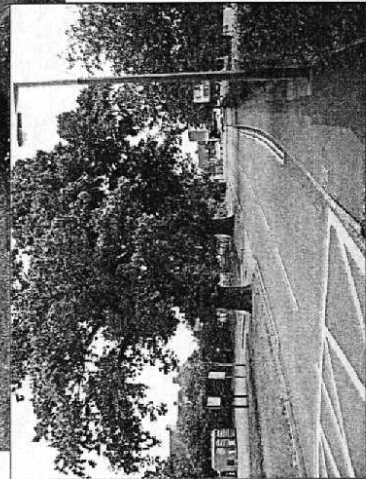


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**Proposed View**

- landscape planting to site frontage
- brick faced side elevation with curved roof
- timber framed canopy and entrance lobby
- pedestrian site entrance between mature trees

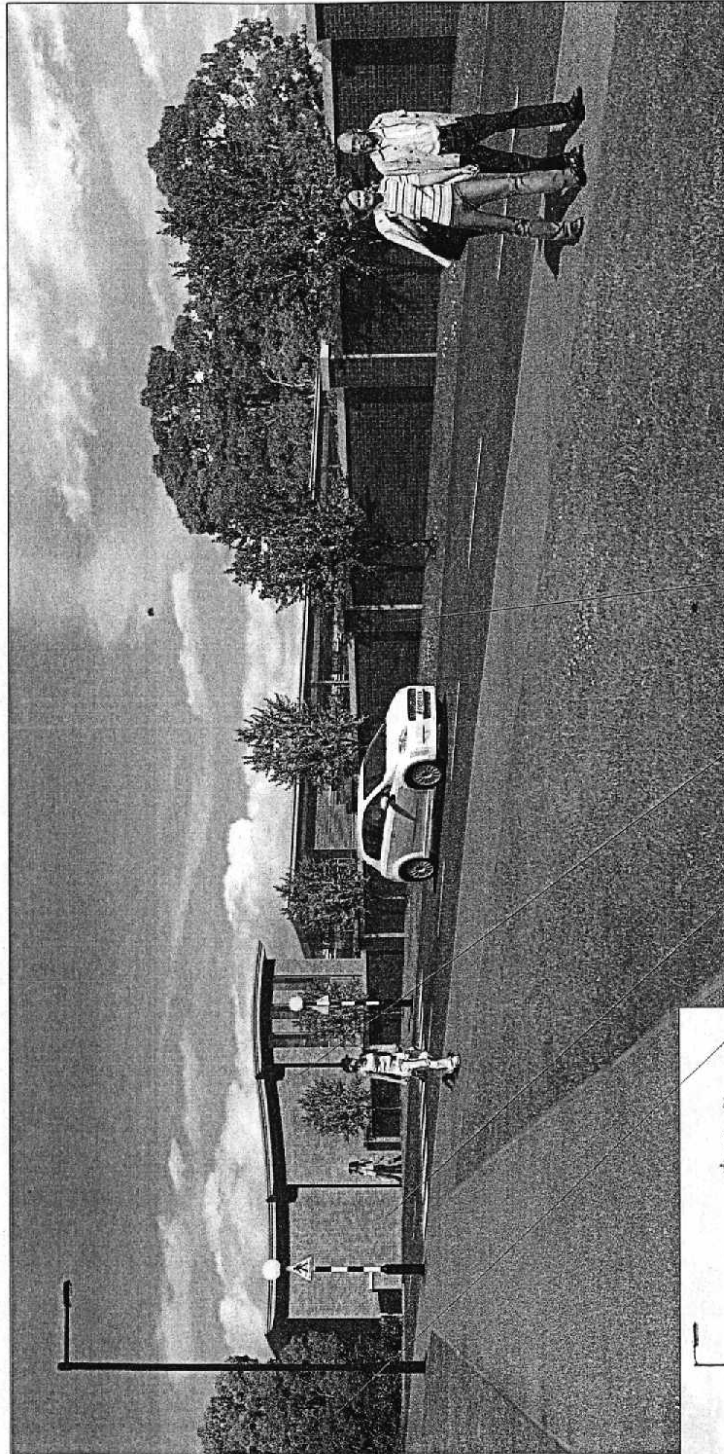


**Similar Existing View**

**F**


**PROPOSED DEVELOPMENT AT**  
**COLESHILL, PARK ROAD**  
 480.3.21  
**PERSPECTIVE VIEW 2**

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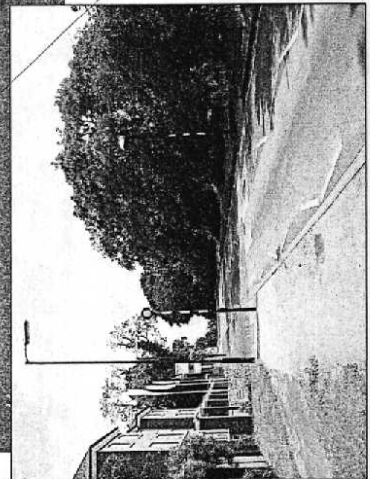
**Proposed View**

brick faced wall to screen parked cars

two-storey brick faced element

customer pedestrian and vehicular entrance

existing landscaping retained beside store



**Similar Existing View**



PROPOSED DEVELOPMENT AT  
**COLESHILL, PARK ROAD**  
 4803.22  
 PERSPECTIVE VIEW 3

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## **Agenda Item No 6**

### **Planning and Development Board**

**18 May 2009**

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

#### **Infrastructure Planning Commission Consultation Paper**

#### **1 Summary**

- 1.1 The Planning Act 2008 introduces the Infrastructure Planning Commission as the determining authority for major infrastructure proposals. This consultation paper sets out what is expected of prospective applicants as part of the mandatory pre-application consultation that they will have to engage in.

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

**That the paper be noted.**

#### **3 Background**

- 3.1 The Planning Act 2008 makes provision for the creation of the Infrastructure Planning Commission (IPC) which will take responsibility for examining applications for development consent for Nationally Significant Infrastructure Proposals, together with their determination. Members may have seen that the Government has recently appointed Sir Michael Pitt as the first IPC Chairman. Under the provisions of the Act, potential applicants involving IPC development, will have to engage in pre-application consultation with local communities, local authorities and others who would be directly affected by the proposals. Those applicants will then have to submit to the IPC, a full report on the nature and scope of that consultation, including its timeliness; how representations have been acted on, and how the proposals have been amended or mitigated to account for that consultation. The IPC has the ability to treat that consultation as a material consideration and will be able to request that further consultation is undertaken if appropriate. The Government has published a consultation paper to set out guidance for such consultation.

- 3.2 The two key principles set out in the paper are that each proposal will need its own bespoke consultation, and that the Local Authorities involved are best placed to offer advice on that consultation, given that they are best placed to know their local community. Each Authority will have the opportunity to let the IPC know about the adequacy of the pre-application work by prospective developers. Hence early contact with the Local Authorities involved is recommended.

- 3.3 The draft guidance goes on to say that consultation should be timely, not rushed, and that it has to include access to all of the relevant technical and supporting background documents. In some cases, it says that consultation may have to be ongoing dependant upon the nature of the development proposal, or the reaction from the community.

#### **4 Observations**

4.1 The new IPC regime has been introduced so as to speed up decision making for major infrastructure projects. Hence there is to be far more attention paid, and weight given to pre-application consultation and discussion. The general approach of prospective applicants seeking advice on the nature and scope of that discussion via the Local Authority is thus welcomed, as is the ability of the Authority to comment on the adequacy of the consultation to the IPC. As these development proposals will involve major projects, the two key elements to accessing the community, are ensuring that full documentation about the proposals is available, and secondly, that sufficient time is set aside for this process to be meaningful. These matters will be reflected in any contacts made by prospective applicants to this Council.

**5 Report Implications**

**5.1 Environment and Sustainability Implications**

5.1.1 Early access to local knowledge and concerns should enable prospective applicants to better understand the environmental and sustainability context and impacts of their proposals.

**5.2 Equalities Implications**

5.2.1 Contact with the community will involve ensuring that all sections of the local community have equal opportunity to be heard in the debate.

**5.3 Links to Council’s Priorities**

5.3.1 Early contact with applicants will enable the Council’s priorities of protecting its rural character and built heritage to be promoted as key determinants in the shaping of those proposals.

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

**Background Papers**

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

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
	Department of Communities and Local Government	Consultation on the Pre-Application and Application Procedures for Nationally Significant Projects	March 2009

draft



## Agenda Item No 7

### Planning and Development Board

18 May 2009

Report of the  
Head of Development Control

Emergency Tree  
Preservation Order  
45 Rose Road Coleshill

#### 1 Summary

- 1.1 The Board is asked to confirm the making of an Emergency Tree Preservation Order in respect of an oak tree at this address given the circumstances as outlined in the report.

#### 2 Recommendation to the Board

- a That in the circumstances outlined, the Emergency Tree Preservation Order at this address be confirmed; and**
- b That the matter be referred back to the Board once the consultation period has expired.**

#### 3 Background

- 3.1 In early March, local residents drew attention to works that were being carried out to a large oak tree at the rear of 45 Rose Road in Coleshill (see attached plan). It was established that the tree was not covered by an existing Tree Preservation Order, and neither was it within a Conservation Area. Hence there was no control over these works. An inspection revealed that the owners were attempting to "trim" the tree rather than to remove it, but that neighbours were increasingly concerned about the safety implications of the work, which related to the removal of large branches in an indiscriminate way. It was clear that these works were being undertaken without professional guidance, and without regard to the longer term health or appearance of the tree. Attached is a selection of photographs of the tree, and those works.

- 3.2 The issue was whether or not to make an Emergency Tree Preservation Order. Any Order can only be made, "in the interests of public amenity". This tree is large, mature and the sole survivor of the original trees that existed when the surrounding residential estate was developed. It is the sole indigenous tree in the area, and is highly visible from both public and private viewpoints. It was considered that an Order would be justified in these circumstances as an emergency measure. This would enable the tree to be professionally inspected, and advice given to the owner to remediate existing work, and how to undertake further work. Such an Order would protect the tree for six months.

- 3.3 Following agreement with the Chairman of the Board, and the local Ward Members, together with legal advice, such an Order was made on 13 March 2009, using the Chief Executive's emergency powers. The matter is now awaiting the outcome of the consultation process, and the investigation outlined above.

- 3.4 Once the time afforded by the Regulations has lapsed, the matter will be referred to the Board for it to consider whether or not to confirm the Order.

4 **Report Implications**

4.1 **Finance and Value for Money Implications**

4.1.2 None at this time.

4.2 **Environment and Sustainability Implications**

4.2.1 The action described above should protect a mature and healthy oak tree, and ensure its longevity.

4.4 **Human Rights and Legal Implications**

4.4.1 The owner has the ability to make representations to the Board concerning the future of this tree.

4.5 **Portfolio Holder, Shadow Portfolio Holder and Ward Members Consultation**

4.5.1 Local Members were consulted prior to the action taken, and all supported the making of the Emergency Order.

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

**Background Papers**

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

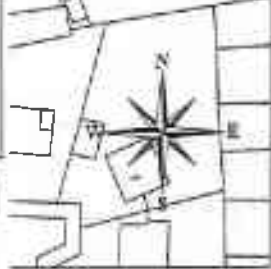
<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>



**Tree Preservation Order: 45 Rose Road  
Coleshill  
B46 1EH**

T1- Oak

Scale: 1:1250	Date: 10.03.09	File No.	Drawn By: J.S.
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