

**To: The Deputy Leader and Members of the Planning and Development Board  
Councillors Simpson, Bell, T Clews, Dirveiks, Gosling, Hancocks, Hayfield, D Humphreys, Jarvis, Jordan, Morson, Moss, Parsons, H Phillips, Reilly and Rose.**

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

For general enquiries please contact the Democratic Services Team on 01827 719237 via e-mail – [democraticservices@northwarks.gov.uk](mailto:democraticservices@northwarks.gov.uk)

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

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

## **PLANNING AND DEVELOPMENT BOARD AGENDA**

**3 OCTOBER 2022**

The Planning and Development Board will meet on Monday, 3 October 2022 at 6.30pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

The meeting can also be viewed on the Council's YouTube channel at [NorthWarks - YouTube](#).

### **AGENDA**

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests**

## **REGISTERING TO SPEAK AT THE MEETING**

Anyone wishing to speak at the meeting, in respect of a Planning Application, must register their intention to do so by 1pm on the day of the meeting, either by email to [democraticservices@northwarks.gov.uk](mailto:democraticservices@northwarks.gov.uk) or by telephoning 01827 719221 or 719237.

Once registered to speak, the person asking the question has the option to either:

- (a) attend the meeting in person at the Council Chamber; or
- (b) attend remotely via Teams.

If attending in person, precautions will be in place in the Council Chamber to protect those who are present however this will limit the number of people who can be accommodated so it may be more convenient to attend remotely.

If attending remotely an invitation will be sent to join the Teams video conferencing for this meeting. Those registered to speak should join the meeting via Teams or dial the telephone number (provided on their invitation) when joining the meeting and whilst waiting they will be able to hear what is being said at the meeting. They will also be able to view the meeting using the YouTube link provided (if so, they may need to mute the sound on YouTube when they speak on the phone to prevent feedback). The Chairman of the Board will invite a registered speaker to begin once the application they are registered for is being considered.

- 4 **Minutes of the meeting of the Board held on 7 September 2022** – copy herewith, to be approved and signed by the Chairman.

## **ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)**

- 5 **Lichfield District Local Plan 2040 Submission Plan Consultation**–  
Report of the Chief Executive

Summary

This report informs Members of the consultation on the Lichfield District Local Plan 2040 Submission Plan, covering the Plan period 2018 to 2040. Any comments raised at Board will be forwarded for inclusion along with the Council's initial response.

The Contact Officer for this report is Mike Dittman (719499).

## 6 **Planning Applications** - Report of the Head of Development Control

### **Summary**

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

**6a Application No's: CON/2022/0023, 0024 and 0025 - Packington Lane Landfill Site, Packington Lane, Coleshill, CV7 7HN**

Variation of Condition 1 of NWB/18CM013 to allow the continued operation of existing green waste composting operation until August 2026

Variation of Condition 1 of NWB/18CM011 to allow the continued operation of the existing wood shredding facility until August 2026

Variation of Condition 1 of NWB/18CM012 to allow the continued operation of existing green waste composting operation until August 2026

**6b Application No: PAP/2021/0687 - 89-91 Main Road, Austrey, Atherstone, Warwickshire, CV9 3EG**

Variation of condition no: 4 of planning permission PAUSAV/0602/96/FAP (PAP/1996/3856) dated 14/08/1996 relating to use of swimming pool for limited community use for private lessons

**6c Application No: PAP/2022/0462 - The Office, Public House, Church Road, Warton, Tamworth, B79 0JN**

Variation of condition no: 6 of planning permission PAP/2022/0241 dated 2/8/2022 relating to noise mitigation measures

**6d Application No: MIA/2022/0022 - Coleshill Manor Campus, South Drive, Coleshill, B46 1DL**

Non-material amendment to application PAP/2019/0496 dated 11/08/2020 for amendments to the building area, form and materials

**6e Application No: PAP/2021/0428 - 4 Square Lane, Corley, CV7 8AX**

Erection of agricultural building to be used for storage of agricultural machinery and hay

**6f Application No: PAP/2022/0247 - The Elms, Austrey Road,  
Warton, Tamworth, B79 0HG**

Variation of condition no: 2, 3 and 4 of planning permission  
PAP/2020/0410 dated 17/03/2022 relating to revisions to finished  
floor levels, house types (Plots 1, 2-5, 6-7), plot 6-7 two storey,  
Construction Management Plan and Site Investigation report

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

STEVE MAXEY  
Chief Executive

## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

7 September 2022

Present: Councillor Simpson in the Chair

Councillors Bell, T Clews, Dirveiks, Gosling, Jarvis, D Humphreys, Jarvis, Jordan, Morson, H Phillips and Rose.

Apologies for absence were received from Councillors Hancocks, Hayfield (Substitute D Clews), Moss, Parsons and Reilly (Substitute M Humphreys).

#### 32 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillors D Clews, T Clews, Jarvis and Jordan declared a non-pecuniary interest in minute no 34(c) PAP/2022/0332 (The Old Mortuary, North Street, Atherstone, CV9 1JN) and Councillors D Clews and T Clews also declared a non-pecuniary interest in minute no 34(g) PAP/2022/0401 and 0402 (Britannia Works, Coleshill Road, Atherstone) none of whom took part in any discussion or voting thereon.

#### 33 **Minutes**

The minutes of the meeting of the Planning and Development Board held on 1 August 2022, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

#### 34 **Planning Applications**

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

##### **Resolved:**

- a
  - i) **That the Borough Council draws attention to the matters raised in the report of the Head of Development Control regarding Application No CON/2022/0019 (Land to the West of the A452 and East of the HS2 Station) and any others that the Board may wish to include; and**
  - ii) **That the Head of Development Control be requested to contact Solihull Metropolitan Borough Council seeking a meeting between Members of both Authorities in order to discuss the potential impacts of the proposals on North Warwickshire.**

- b That Application No PAP/2022/0309 (Old Saltleians Rugby Football Club, Coleshill Road, Water Orton) be granted, subject to the conditions set out in the report of the Head of Development Control;**
- c That Application No PAP/2022/0332 (The Old Mortuary, North Street, Atherstone, CV9 1JN) be granted, subject to the conditions set out in the report of the Head of Development Control;**
- d That Application No PAP/2022/0369 (Drayton Court, The Green, Hartshill) be granted, subject to the conditions set out in the report of the Head of Development Control;**
- e That Application No PAP/2022/0113 (Water Orton Cricket Club, Coleshill Road, Water Orton) be granted, subject to the conditions set out in the report of the Head of Development Control;**
- f**
  - i) That Application No PAP/2021/0687 (89-91 Main Road, Austrey, Atherstone) be refused for the following reason:  
  
“The proposal is not considered to accord with Policy LP29 (9) of the North Warwickshire Local Plan 2021, in view of the material increase in vehicular movements caused by the greater amount of vehicles passing directly by neighbouring property, thus causing adverse impacts on the residential amenity of occupiers by virtue of increased levels of disturbance, noise and inconvenience” and**
  - ii) that the Board requests a report to be brought to the next meeting of the Planning and Development Board in order to consider the expediency of enforcement action;**

**[Heather Hadley, Paul Chadwick and Teresa Hames]**

**and**

- g That Application No’s PAP/2022/0401 and 0402 (Britannia Works, Coleshill Road, Atherstone) be granted, subject to no objections being received that cannot be overcome by condition and subject to the conditions set out in the report of the Head of Development Control, together with additional conditions referring to electric charging points, bin storage and secure cycle storage.**

**[Speakers Allan Whyman and Alistair Sheehan]**

35 **Appeal Update**

The Head of Development Control brought Members up to date on recent appeal decisions.

**Resolved:**

**That the report be noted.**

36 **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.**

37 **Tree Preservation Order – Dog Inn, Marsh Lane, Water Orton**

The Head of Development Control sought confirmation of the action taken in the issue of an emergency Tree Preservation Order as set out in his report.

**Resolved by Chairman:**

**That the Chairman of the Board determined that there were special reasons which made the report urgent, namely the likelihood that works could be undertaken to the tree concerned in the very near future; and**

**Resolved by the Board:**

**a That the action taken in the issue of an emergency Tree Preservation Order for the protection of a eucalyptus tree located at Dog Inn, Marsh Lane, Water Orton for the reasons set out in the report of the Head of Development Control be confirmed; and**

**b That the minutes of this part of the meeting are made public once the Order was made and served since legislation required the Order to be available to the public.**

38 **The Chairman of the Board determined that, by reason of special circumstances, namely recent delays and inconsistencies in obtaining responses from certain statutory consultees to Planning Applications, this matter should be considered at the meeting as a matter of urgency. The Board resolved that it was in the public interest that this item should also be considered in the absence of the public since it was necessary to refer to specific applications which have the effect of identifying individuals whose cases were**

impacted and, may also include the provision of legal advice on the issue.

The Chairman reported orally to members that he was concerned that in response to several recent applications, statutory consultees have changed their position in relation to the proposal concerned without clear explanation for doing so, meaning that the Board was presented with differing information and placed in the disagreeable and difficult position of having to determine which response most closely illustrates the likely impact of that proposal. He added that this also affected applicants and objectors and may undermine decisions made by the Board in the event of an appeal against a refusal to grant permission or a condition, or any other challenge.

In response the Head of Development Control explained that he had worked with the Chief Executive to implement ongoing meetings between planning officers and officers employed by the consultees concerned, including regular surgeries to allow timely discussion of ongoing applications, allowing any potential issues to be identified and addressed in order to advise the Board clearly.

The Board noted the Chairman's concerns and expressed their shared concern on the issue and welcomed the approach set out by the Head of Development Control. The Board agreed that this approach should be monitored and a report presented to members to feedback its effectiveness and report any concerns.

Councillor Simpson  
Chairman

**Agenda Item No 5**

**Planning Board**

**3 October 2022**

**Report of the Chief Executive**

**Lichfield District Local Plan 2040  
Submission Plan Consultation**

**1 Summary**

- 1.1 This report informs Members of the consultation on the Lichfield District Local Plan 2040 Submission Plan, covering the Plan period 2018 to 2040. Any comments raised at Board will be forwarded for inclusion along with the Council's initial response.

**Recommendation to Board**

- a That Members take note of the consultation on Lichfield District Local Plan 2040 Submission Plan consultation; and**
- b To note any observations raised and forward any comments Members may have in response to the consultation.**

**2 Consultation**

- 2.1 The Borough Council welcome the Lichfield District Local Plan 2040 Submission Plan consultation. Lichfield District Council is in the final stages of preparing a new local plan for the Borough up to 2040 and is currently consulting on the version of the plan that it proposes to submit to the Planning Inspectorate for examination. The consultation period runs from 12<sup>th</sup> August 2022 to 12<sup>th</sup> November 2022.

**3 Observations**

- 3.1 The Local Plan will make provision for 9,727 dwellings between 2018 and 2040. This equates to an annual requirement of 321 dwelling each year between 2018 and 2040 which is the district's local housing need (LHN) as established by the standard approach to calculating LHN. From April 2027 the annual requirement will increase to 526 dwellings each year until 2040. This consists of 7,062 to meet the local housing need and 2,665 homes towards meeting the unmet housing needs arising from the Greater Birmingham and Black Country housing market area (GBBCHMA).The allocation and delivery of this housing is supported, although any additional efforts to address the GBBHMA unmet needs would be encouraged.

- 3.2 Members should note that no specific housing allocations have been proposed for sites adjoining North Warwickshire Borough Council and it is considered there are no specific issues or implications arising as a result of the Local Plan 2040, notwithstanding the comment in relation addressing unmet needs within the sub-region and GBBHMA.
- 3.3 One further area that may be relevant to consider is around Gypsy and Traveller needs. Lichfield along with Tamworth, was a partner authority of the joint Gypsy and Traveller Accommodation Assessment in November 2019, which identified a need for seven residential pitches within Lichfield district, four of which should be delivered by 2024. The Local Plan 2040 consultation notes that a Gypsy and Traveller Paper in 2016 in support of the previous local plan which considered the potential supply of sites to meet gypsy and traveller needs within the district. This study concluded that there were insufficient deliverable sites at that stage to meet identified needs. Since the time of this study no further sites for potential gypsy and traveller accommodation have been promoted or identified through the plan-making process.
- 3.4 The Borough Council note the lack of identified sites and provision within the Local Plan 2040 consultation (notwithstanding the Gypsy & traveller site allocation at Mile Oak from saved Policy GT1 in the previous Local Plan, reflecting an existing site), although the provision of a criteria-based policy, Local policy H3: Accommodation for gypsies and travellers, is welcomed and supported. The Borough Council would advise and encourage the District Council to consider including the potential for Gypsy and Traveller site allocations as part of the Local Plan and/or make clear provision through a proposed Site Allocations DPD or similar, particularly in light of the need to provide a minimum of 4 pitches by 2024.
- 3.5 The Borough Council welcome and support Local Plan Strategic policy 13 (SP13): Employment and economic growth, which seeks to allocate approximately 85 hectares of land for employment uses, reflecting the HEDNA identified needs for 48.3 ha of B8 and the Employment Land Availability Assessment. The Employment Land Availability Assessment demonstrates that there is a considerable supply of sites currently available to assist in meeting the employment land requirements for the district and that there is significant further capacity for employment land within the district's existing urban and employment areas and a committed supply of sites. The policy aims to target employment land growth towards and within the existing employment areas and allocated employment sites as shown on the local plan policies map.
- 3.6 There are no identified employment, housing or logistics sites allocated or identified for areas adjoining North Warwickshire Borough area beyond those already existing and identified in Fazeley, Mile Oak & Bonehill, which are not considered to have any significant adverse impacts on North Warwickshire Borough. Nevertheless, the Borough are concerned the issue of wider regional and national strategic employment needs may not be adequately addressed in the Local Plan 2040 and would encourage the inclusion of a strategic policy, either separate from or as an integral part of the Strategic policy 13, to address

these wider needs as was included in the recent North Warwickshire Local Plan adopted in September 2021, following examination of the Issue at the local plan hearings.

- 3.7 There are no further specific comments raised beyond minor corrections to table 6 references made in the Local Plan text paragraph 8.6 (which should refer to table 7), but it is noted that Tamworth Borough have raised some queries regarding “*the lack of highways evidence to support the proposed housing allocation at Fazeley, Mile Oak and Bonehill*” and the lack “*of a mechanism that would allow for financial obligations to provide appropriate mitigation for any impact on Tamworth infrastructure arising from development on or near the border*” in their previous Cabinet report on the Local Plan. Officers do not consider that, due to the location of the site allocation, it will not have a direct impact on this Borough. For this reason we are not seeking to raise an objection on this matter.

#### **4 In Summary**

- 4.1 Note that this Council is in general support of the Lichfield District Local Plan 2040 Submission Plan, note the housing proposed to address meeting the unmet housing needs arising from the Greater Birmingham and Black Country housing market area but would encourage and support further efforts to address this unmet need.
- 4.2 Similarly to note the need for the Local Plan 2040 to address the wider regional and national strategic employment needs within the Strategic Policy SP13 or include a separate stand-alone policy in the Local Plan.
- 4.3 To note the need to include and consider Gypsy and Traveller site needs particularly in relation to potential cross border issues and issues along the A5 corridor.
- 4.4 To note any further comments and observations Members may make towards the on Lichfield District Local Plan 2040 Submission Plan consultation.

#### **5 Report Implications**

##### **5.1 Environment and Sustainability Implications**

- 5.1.1 The Lichfield District Local Plan 2040 Submission Plan consultation has a separate sustainability appraisal, climate change, health and equalities impacts assessments and technical reports included as part of the consultation process.

##### **5.2 Financial Implications**

- 5.2.1 There are no financial implications arising from this consultation.

##### **5.3 Risk Management Implications**

- 5.3.1 No specific risk management implications

## 5.4 Legal Implications

5.4.1 As members will be aware, local planning authorities have a statutory duty to cooperate with one another in relation to various activities, including the preparation of local plan documents. Performance of this duty must include constructive engagement when preparing development plan documents and other local development documents in relation to strategic matters, which includes use of land which would have a significant impact on at least two planning areas. Lichfield's consultation exercise and this Council's response will form part of the discharge of that duty in relation to their proposed Local Plan.

## Other Report Implications

5.5.1 No further implications are considered to arise.

The Contact Officer for this report is Mike Dittman (719499).

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>
Lichfield District Local Plan 2040 Submission Plan consultation document – weblink - <a href="https://www.lichfielddc.gov.uk/downloads/file/1928/local-plan-2040-publication-document">https://www.lichfielddc.gov.uk/downloads/file/1928/local-plan-2040-publication-document</a>	Lichfield District Council	Local Plan Regulation 19 Consultation	

**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, 31 October 2022

at 6.30pm in the Council Chamber

## 6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at:  
[https://www.northwarks.gov.uk/info/20117/meetings\\_and\\_minutes/1275/speaking\\_and\\_questions\\_at\\_meetings/3](https://www.northwarks.gov.uk/info/20117/meetings_and_minutes/1275/speaking_and_questions_at_meetings/3).

## Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
6/a	CON/2022/0023  CON/2022/0024  CON/2022/0025	1	<p><b>Packington Lane Landfill Site, Packington Lane, Coleshill, CV7 7HN</b></p> <p>Variation of Condition 1 of NWB/18CM012 to allow the continued operation of existing green waste composting operation until August 2026</p> <p>Variation of Condition 1 of NWB/18CM011 to allow the continued operation of the existing wood shredding facility until August 2026</p> <p>Variation of Condition 1 of NWB/18CM013 to allow the continued operation of existing green waste composting operation until August 2026</p>	General
6/b	PAP/2021/0687	4	<p><b>89 -91 Main Road, Austrey</b></p> <p>Variation of condition no: 4 of planning permission PAUSAV/0602/96/FAP (PAP/1996/3856) dated 14/08/1996 relating to use of swimming pool for limited community use for private lessons</p>	General
6/c	PAP/2022/0462	38	<p><b>The Office Public House, Church Road, Warton</b></p> <p>Variation of Condition 6 of PAP/2022/0241 dated 2/8/22 relating to noise mitigation measures</p>	
6/d	MIA/2022/0022	60	<p><b>Coleshill Manor Campus, South Drive, Coleshill</b></p> <p>Mon-material amendment to PAP/2019/0496 dated 11/8/20 for amendments to the building area, form and materials</p>	

6/e	PAP/2021/0428	66	<b>4 Square Lane, Corley</b>  Erection of agricultural building to be used for storage of agricultural machinery and hay	
6/f	PAP/2021/0247	75	<b>The Elms, Austrey Road, Warton</b>  Variation of condition no: 2, 3 and 4 of planning permission PAP/2020/0410 dated 17/03/2022 relating to revisions to finished floor levels, house types (Plots 1, 2-5, 6-7), plot 6-7 two storey, Construction Management Plan and Site Investigation report.	

## **General Development Applications**

**(6/a) Application No's: CON/2022/0023, 0024 and 0025**

**Packington Lane Landfill Site, Packington Lane, Coleshill, CV7 7HN**

**Variation of Condition 1 of NWB/18CM013 to allow the continued operation of existing green waste composting operation until August 2026**

**Variation of Condition 1 of NWB/18CM011 to allow the continued operation of the existing wood shredding facility until August 2026**

**Variation of Condition 1 of NWB/18CM012 to allow the continued operation of existing green waste composting operation until August 2026**

**all for**

**Suez Recycling and Recovery UK**

### **Introduction**

These applications have been submitted to the Warwickshire County Council as the Waste Planning Authority which has in turn invited the Borough Council for its representations so as to assist in its determination of the cases.

### **The Sites and Background**

The Packington Landfill site is located south of the M6 Motorway between the A446, the A452 and Packington Lane.

This was a former sand and gravel extraction site with the void being landfilled and then the levels being significantly raised above the surrounding area. Final capping and restoration are now nearing completion.

Once landfilling and land raising were completed, three planning permissions were granted by the County Council for recycling activities on the sites of the compounds used for the landfill. They have all been previously renewed. Two are for composting facilities first granted in 2002 and 2008 with the third being for a wood shredding facility also permitted in 2008. All of these permissions expire in 2023 and all have site restoration conditions attached.

Access to all three sites is from the A446.

The three permissions relate to three sites as shown on Appendix A – marked by the reference numbers to correspond to the header to this report.

### **The Proposals**

As indicated above, the proposals are to further extend the three permissions until August 2026. All other conditions on the original permissions would remain – e.g., site restoration

## **Development Plan**

The Warwickshire Waste Core Strategy 2013-2028 – Policies CS1 (Waste Management Capacity); CS4 (Small Scale Waste Sites), CS5 (Reuse, Recycling and Composting), DM1 (The Natural and Built Development), DM2 (Health, Economic and Amenity Impacts), DM6 (Flood Risk and Water Management) and DM8 (Reinstatement and Restoration)

The North Warwickshire Local Plan 2021 – LP3 (Green Belt); LP14 (Landscape) and LP29 (Development Considerations)

## **Other Material Planning Considerations**

The National Planning Policy Framework

National Planning Practice Guidance

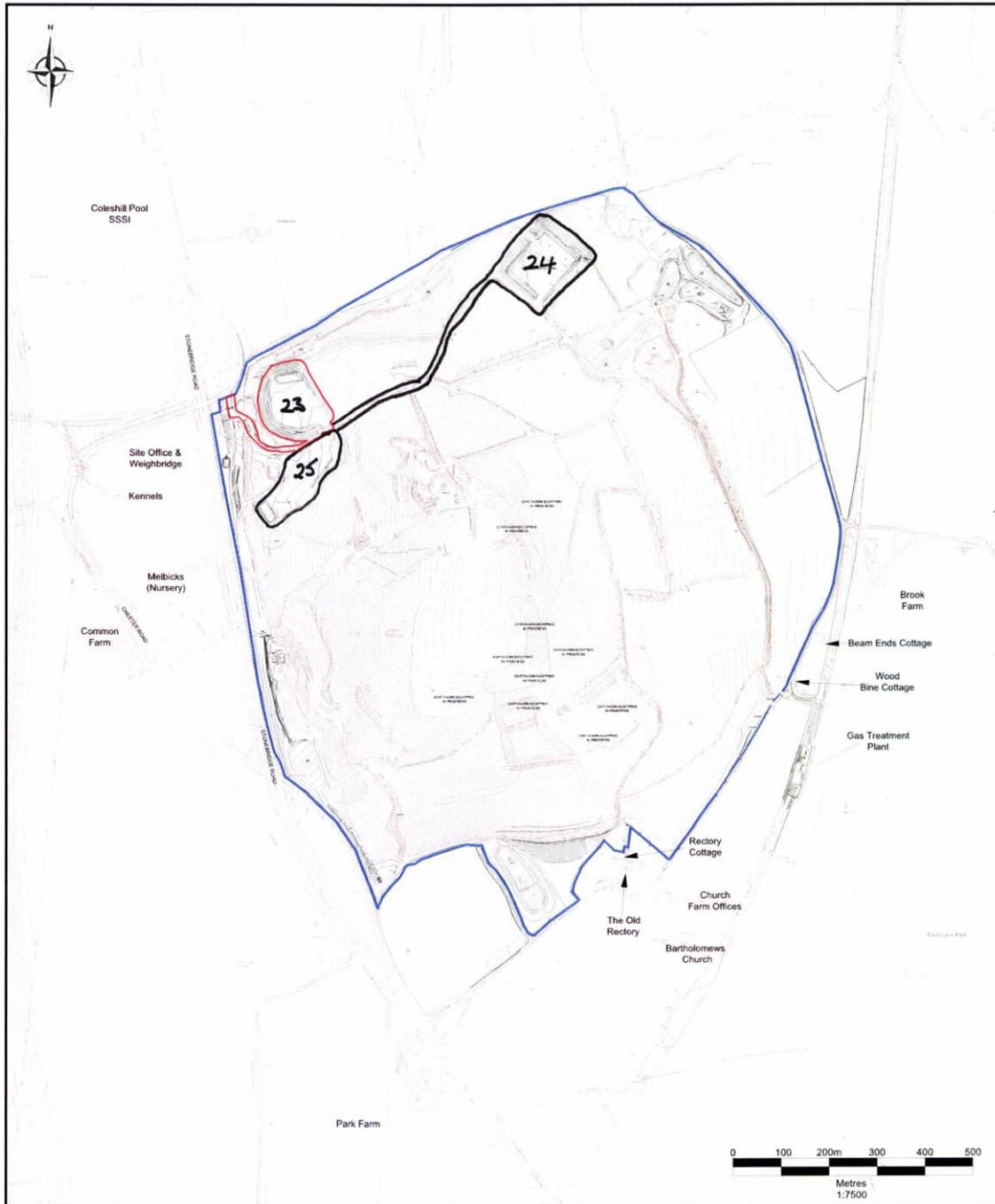
National Planning Policy for Waste

## **Observations**

The Borough Council has not previously objected to the extension of these permissions subject to them being time limited to the completion of the restoration of the much larger landfill site, and that the County Council be asked to assess the opportunities for the recreational use of the completed site.

## **Recommendation**

That no objections be raised to the three applications subject to the matters raised above.



**Notes**

1. Reproduced from the Ordnance Survey Map with the permission of the Controller of Her Majesty's Stationary Office, Crown Copyright, Licence Number 100004910.

— Land Under SITa's Control  
 — Application Boundary

	Title Packington Landfill Site Compost Facility 1	Scale 1:7500 @ A3	Date April 2018	Drawn by RB	No. subject	Date
	Site Location Plan	Project Ref Lp4-COM1-0418-01	Checked by NK	No. subject	Date	

## **General Development Applications**

**(6/b) Application No: PAP/2021/0687**

**89-91 Main Road, Austrey, Atherstone, Warwickshire, CV9 3EG**

**Variation of condition no: 4 of planning permission PAUSAV/0602/96/FAP (PAP/1996/3856) dated 14/08/1996 relating to use of swimming pool for limited community use for private lessons, for**

**Mr & Mrs Hames**

### **Introduction**

Members will recall that planning permission was refused for this proposal at the Board's last meeting. A copy of the agenda item is attached at Appendix A and a copy of the Notice is at Appendix B.

Having refused planning permission, the Board asked to receive a report on the expediency of enforcement action given that the unauthorised use is being continued.

### **Background**

As Members are aware, any continuing use of the pool for public swimming lessons is unauthorised, following the refusal. However, it is not illegal.

The applicant has the option of ceasing the use voluntarily, or he can lodge an appeal with the Secretary of State via the Planning Inspectorate. He has six months in which to make that appeal – that period expires on 8<sup>th</sup> March 2023. The Board will be updated in this regard at its meeting.

Given an unauthorised use is continuing the Council has several courses of action available.

The unauthorised development originated as a Breach of a Planning Condition attached to a planning permission from 1996. A breach has been established and a Breach of Conditions Notice could be served. This would require the persons with an interest in the land to comply with the terms of the Planning Permission within a specific period. Failure to comply becomes a criminal offence and the Council can pursue the matter through the Courts if it has the evidence available to show non-compliance with the Breach of Conditions Notice. This is the usual approach to follow in breaches of planning conditions. However, in this case the owners submitted a planning application to address the breach. That resulted in a refusal. The owners now have the right of appeal against that refusal. A Breach of Conditions Notice does not prevent the submission of an appeal, but importantly it is highly likely that the Courts would hold any judgement in abeyance, until the planning appeal process had reached a conclusion. If the appeal is allowed, that is likely to have the effect of the Notice serving no purpose. Secondly the Court is more than likely to enable the owners to have that opportunity to follow that planning process.

The Council could serve a Stop Notice. This would require immediate cessation of the use and it would need to be accompanied by an Enforcement Notice to the same effect. If, following an appeal against the Enforcement Notice, planning permission is granted, the applicant has the right to claim compensation due to any adverse impacts caused by the requirements of the Stop Notice.

The Council could serve a Temporary Stop Notice which requires cessation of the use for a period of 28 days after which the Council can serve an Enforcement Notice.

An Enforcement Notice is the final option. This would require the cessation of the unauthorised use and set out the time period for compliance. There is the opportunity to lodge an appeal against the Notice – within 28 days of it taking effect. If there is no appeal or an appeal is dismissed, then the Notice becomes extant (subject to any variations consequent to the appeal) and any continuing breach would be a criminal offence. If the appeal is allowed, the Notice is quashed and a planning permission granted.

### **Observations**

The approach finally selected should reflect where we are in the planning process and also take account of the reason for the refusal of planning permission. That reason is the adverse impact on the residential amenity of neighbouring occupiers as a consequence of increased use of the access. Members will be aware that in any planning appeal, this reason is “arguable” and thus a Planning Inspector may not agree with the Council. The appeal being allowed is a likelihood that the Board needs to bear in mind.

It is considered that the issue of a Breach of Conditions Notice is not appropriate for the reasons set out above. A full Stop Notice should only be used where there are substantial harms and the planning case is also of substantial weight. It also carries significant risks if the associated Enforcement Notice is quashed. A Temporary Stop Notice is not appropriate here given that the Council has taken a planning position on the case.

An Enforcement Notice is thus the preferred approach.

In respect of an Enforcement Notice, the Board should be aware that:

- It can only be served if the Council considers it “expedient” to do so.
- It will need to set out what the owner is required to do in order to comply, and
- it will set out a time period for that compliance.
- The Notice requirements may describe “lesser measures” in order to comply – here that could identify a lesser “community” use than that refused.

In this case the refusal of permission for a retrospective application indicates that it is highly likely that it is expedient to follow through with the service of an Enforcement Notice. However, the Board will need to assess whether there are material planning considerations which might temper that position, such that the case is dealt with through the usual planning appeal process.

As indicated above, a planning appeal has to be lodged within six months of the date of a refusal during which time the unauthorised use may continue. The appeal decision

may be two or three months after the appeal is heard. The adverse impacts of the use – as identified by the refusal – may thus also continue for that period. The service of a Notice would expedite the appeal process because as indicated above, that appeal has to be lodged within 28 days of the Notice taking effect. On the assumption that one of the grounds of appeal would be that planning permission should be granted, the planning merits of the case would be considered earlier. On the other hand, the Council has recognised that there are benefits associated with the unauthorised use as identified in the reports. These are the benefits from giving swimming lessons to young children and to those who might have disabilities giving rise to special needs.

In order to resolve these matters, it is recommended that a Notice is served requiring cessation of the community use of the pool and that the reason for that, is the adverse impact arising from non-compliance with North Warwickshire Local Plan Policy LP29(9) as quoted on the refusal – adverse impacts on the residential amenity of neighbouring occupiers. Given the benefits identified above and as it is understood that lessons are booked up until mid-October, it is recommended that the compliance period should be the end of October 2022.

The Notice would require complete cessation of the community use in order to reflect the fact that that is the refused development. However, Members could look to the Notice defining “lesser measures”. In this case that would be to proscribe a level of community use, which in its view would reduce the impact to an acceptable level. This however is difficult to assess and particularly for the Council to provide “evidence” as to why it defines a particular maximum level of use, as opposed to any other figure. It is recommended that in view of the evidence heard at the last Board meeting that led to the refusal, the requirement should be for complete cessation.

There are no financial implications for the Council if the recommendation as outlined below is agreed. The costs of preparing the Notice and reacting to any appeal process are taken from existing budgets.

Members should be aware that the lessons here are given in part to sections of the community with disabilities giving rise to special needs and the action recommended here might result in the loss of this facility. However, the “adverse impacts” occur because of the level of use, and they are not attributable to any particular community group. Members may wish to review the recommendation below in light of this matter.

### **Recommendation**

That authority is given to the Head of Legal Services to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 in respect of the unauthorised use of the swimming pool at 89/91 Main Road, Austrey for community use in breach of Condition 4 of planning permission FAP/1996/3856 dated 14/8/1996, for the reasons outlined in this report and that the compliance period be 31 October 2022.

# APPENDIX A

## **General Development Applications**

**(5/f) Application No: PAP/2021/0687**

**89-91 Main Road, Austrey, Atherstone**

**Variation of condition number 4 of PAUSAV/0602/96/FAP (PAP/1996/3856) dated 14/8/1996 relating to use of swimming pool for limited community use for private lessons for**

**Mr and Mrs Hames**

### **Introduction**

This item is referred to the Board following a second deferral at its July meeting. The first deferral was to see if there was scope to reduce the community use from that originally sought and the second was to enable Members to visit the site and to meet the applicant.

The previous report is at Appendix A and thus contains the "reductions" referred to above.

A note of the site visit is at Appendix B and the meeting is recorded at Appendix C.

### **Background**

Members will recall that the central matter here is the impact of increased use of the access onto Main Road via Flats Lane as a consequence of the introduction of the private lessons. The Highway Authority objected, and this position was retained even with the reduced level of use as outlined in Appendix A. The reason for its position is the sub-standard visibility to the north (right) when exiting from the Lane, particularly because there would be increased use of the access.

Members will recall a recent appeal decision whereby planning permission was granted for the conversion of an outbuilding to a two-bedroom bungalow using this same access. The Inspector acknowledged the sub-standard visibility, but accepted evidence that speeds on Main Road were generally lower than the 30mph speed limit and that traffic generation from the bungalow would not be material. As such, the sub-standard visibility did not lead to a refusal for the traffic likely to be generated by that proposal.

As can be seen from the note of the site visit, Members were able to look at the existing access arrangements. Members also looked to see what visibility could be achieved from the access at various distances back from the road in view of the physical characteristics of the access – the corner of the third-party property, the footpath and the curve in the road.

At the meeting both the applicant and the County explained their positions. Because of the continued difference of view, a further joint visit was to be undertaken so as to agree the actual physical dimensions on site. It was agreed that the Highway Authority would then provide a further response in time for this Board meeting.

5f/103

6b/7

### **Updated Position**

Following the further site meeting, the physical measurements at the site were agreed as matters of fact. A plan was subsequently submitted – see Appendix D. As a consequence, the Highway Authority has revised its position and its updated response is at Appendix E. It no longer objects subject to conditions.

### **Observations**

The updated Highway Authority response is a material change in circumstance and as highway concerns have always been the central issue here, it will carry substantial weight. This is because it is based on agreed factual measurements, the evidence from a recent appeal which dealt with the same issue and the reduction in use as is now proposed.

The recommendation below has therefore changed from the previous reports. Members are advised that continuation with a recommendation of refusal based on a highway reason could only have been made if there was technical evidence of equal weight to rebut the current Highway Authority position.

At the last meeting, a speaker referred to heritage issues which he did not consider had been fully considered in the written reports. There is however reference to this in the initial May Board report. For the avoidance of doubt this issue will be dealt with again. The Council is under a Statutory Duty to have regard to the desirability of preserving the setting of Listed Buildings and of any features of special architectural or historic interest which they possess. Here, the relevant heritage assets are the Grade 2 Baptist Church; the Grade 2 number 87 (the Limes), the Grade 2 Homestead and the Grade 2 Farthings. The proposals have no direct impact on the fabric of any of these buildings and the main consideration is thus the potential impact on their settings. The three houses front Main Road, and it is not considered that their settings are materially affected by the proposed use because of separation distances and the levels of existing traffic using the Road. However, in the case of the Church, there will be greater activity associated with the proposed use – traffic travelling along the track; the parking required and a general increase in activity. This will have an impact on the ambience of its setting, but this will be at its rear and not on a regular basis. As such it is considered that the impact will be less than substantial. This however still carries significant weight and has to be balanced against any public benefits of the proposal. Throughout the course of this application, there has been as recognition of the benefits arising from the proposal in the provision of swimming lessons. In light of the updated highway response, it is considered that these benefits do outweigh the less than substantial heritage harm caused.

### **Recommendation**

That planning permission be granted subject to the following conditions

1. Standard Plan numbers condition – plans numbered 3892.13; 3892.14 and 3892.15 received by the Local Planning Authority on 13/6/1996; plan number

5f/104

6b/8

3892.16 received on 12/8/1996 and plan number DWG/02RevA received on 23/8/22.

2. The swimming pool hereby approved shall only be used for purposes incidental to the enjoyment of the dwelling house known as Charity House, 89 Main Road, Austrey together with its limited community use for private lessons during the days and hours as set out in the Schedule attached to this Notice.  
Reason: In the interests of highway safety
3. Within one month of the date of this permission, the visibility splay as shown on the approved plan referenced DWG/02RevA shall be provided. No structure, tree or shrub shall be erected, planted or retained within the splays and they shall be retained as such at all times.  
Reason: In the interests of highway safety
4. Within one month of the date of this permission, full details and specifications for improvements to the access track between the applicant's garden and its junction with Flats Lane, shall be submitted to the Local Planning Authority. The works once approved in writing shall be implemented in full within three months of the date of that approval and shall be maintained as such at all times.  
Reason: In the interests of highway safety.

**Informatives:**

- a) The Local Planning Authority has met the requirements of the NPPF in this case through engagement with the applicant and the Highway Authority in order to arrive at an amended scheme that could be supported.
- b) Standard Party Wall Act Informatives

**Schedule:**

<b>Mondays</b>	1000 to 1400 hours (each lesson to last 30 minutes) 1630 to 1800 hours (each lesson to last 45 minutes)
<b>Wednesdays</b>	1000 to 1215 hours (each lesson to last 45 minutes) 1300 to 1400 hours (each lesson to last 30 minutes)
<b>Fridays</b>	1000 to 1400 hours (each lesson to last 30 minutes)

**General Development Applications**

**(5/c) Application No: PAP/2021/0687**

**89-91 Main Road, Austrey, Atherstone, Warwickshire, CV9 3EG**

**Variation of condition no: 4 of planning permission PAUSAV/0602/96/FAP (PAP/1996/3856) dated 14/08/1996 relating to use of swimming pool for limited community use for private lessons, for**

**Mr & Mrs Hames**

**Introduction**

This application was referred to the May Board meeting, but a determination was deferred in order to invite the applicant to consider reducing the use of the pool and to consider an alternative access.

The applicant has proposed a reduction but wishes to retain the use of the access as originally proposed. This report brings matters up to date. A copy of the previous report is attached at Appendix A.

**Amended Proposal**

The applicant has taken up the invitation to reduce the proposed use and the amended hours are shown below, compared with that originally proposed.

Amended Hours	Original Hours
Mondays 1000 to 1400 (4 cars per 30 mins – so 32 over the period) 40 cars)	1000 to 1430 (4 cars per 30 mins –
Mondays 1630 to 1800 (lessons extended to 45 mins) 30 mins) (1 car every 45 mins – so 2 cars over the period) period)	1630 – 1800 (lessons of (4 cars over the
Wednesday 1000 – 1215 (lessons of 30 mins) (1 car every 45 mins – so 3 cars over the period) period)	1000 – 1230 (5 cars over the
Wednesday 1300 – 1400 (4 cars per 30 mins – so 8 over the period) 12 cars)	1300 – 1430 (4 cars per 30 mins –
No Wednesday evening period mins lessons with 6 in each) (no cars)	1600 to 1900 (30 (36 cars over the
period)	

Fridays 1000 to 1400  
(4 cars per 30 mins – so 32 over the period)  
period)

(1000 to 1430)  
(40 cars over the

#### MAXIMUM USE

154 car movements in the week  
movements in the week

272 car

The amended proposal was forwarded to the County Council and it maintains its objection based on there being a greater and significant increase in use of the access onto Austrey Lane which the Highway Authority consider is sub-standard and not capable of improvement – see Appendix B.

#### Observations

As reported to the May Board, the use here was one that officers consider could be supported in principle, but it was the scale of the this that led to the main issue – extra traffic using the access off Flats Lane onto the Austrey Road. The Highway Authority is maintaining its objection, notwithstanding the amended, reduced scale of the use now being considered. It considers that the greater use of the access is still not acceptable.

The applicant disagrees. He argues that the 2021 appeal decision – copied into the Appendix to this report - established that the access was acceptable for the existing use plus the additional traffic arising from a two-bedroom bungalow, because the normal dimensions for the north-western vision splay could be relaxed given the local road conditions, a speed survey and the imposition of a condition requiring improvements at the junction and to widen the access track to three metres. He says that that condition and widening can be applied to the current proposal. Additionally, he argues that the County Council has not given sufficient weight to the fact that the proposal has reduced and that the use proposed would be staggered or spread over three days in the week and that too, it would be limited to a few hours on each of those days. The traffic would in his view be “absorbed” into existing traffic flows.

It is not considered that the impact of additional traffic on the capacity of the local highway network is the issue here. It is whether the increased use of this access would be acceptable in road safety terms given that there is sub-standard vision to the north-west. This situation was found to be acceptable for the appeal proposal, but the issue is whether it is also acceptable for the additional use as set out above in the amended proposal. The increase in movements over the appeal proposal is considered to be material – up to 150 additional movements a week - but the impact of that increase is mitigated by its limitation to certain days and hours. However, at those times there would be a material impact and it is that which causes the Highway Authority to maintain its objection.

As such, that Authority considers that the impact does not accord with the terms of the NPPF and thus by association, the content of Policy LP29 (6) of the Local Plan.

5f/107

6b/11

Substantial weight is thus given to this, and it is thus the case that that outweighs the benefits of the proposal.

This therefore leads to a recommendation of refusal.

The Board, if it resolves to refuse planning permission will need to consider the expediency of enforcement action. That would require cessation of the “mixed community use for private swimming lessons” and reversion to the terms of the original permission – a personal use under condition 4 of PAP/1996/3856. As a consequence, the community benefits of the use would be lost. The Board could consider “lesser” measures, whereby the Notice itself would apply conditions upon the maximum levels of use. However, that “threshold” is unknown, and it is for the applicant to show to the Highway Authority’s satisfaction that a lesser figure can be acceptable.

There will clearly be an impact here in the loss of this facility and the benefits that it brings. There will also be a financial impact on the owner and on the instructors who take the lessons. These impacts will need to be considered in the planning balance assessment which the Board undertakes in its determination of the application. It is considered that the highway objection is justified in this case because of the intensification of use proposed of the substandard access.

A compliance period of three months is appropriate in order that there is proper management of the reduction in bookings over a reasonable time.

### **Recommendation**

a) That planning permission be **REFUSED** for the following reason:

“It is considered that the greater use to be made of access arrangements onto Main Road through this proposal is substantial and that such an intensification of use is unacceptable given the physical characteristics of that access – width and visibility. This is of such a degree that there are highway safety concerns and as such the proposal does not accord with Policy LP29 (6) of the North Warwickshire Local Plan 2021 nor paragraph 111 of the National Planning Policy Framework 2021”

b) That authority is given not the Head of Legal Services to issue an Enforcement Notice under Section 172 (a) of the Town and Country Planning Act 1990 for the reasons set out in the recommendation (a) above; that the requirements of that Notice are “the mixed community use for private swimming lessons of the pool” shall cease, and its use shall revert to that set out in Condition 4 of planning permission PAP/1996/3856) with a compliance period of three months.

Notes:

i) The Local Planning Authority has met the requirements of the NPPF in this case through engagement with the applicant in order to see particularly if the

5f/108

6b/12

objection from the Highway Authority could be overcome so as to result in a positive outcome. That has not been possible and thus a decision has been made that accords with the Development Plan.

## APPENDIX A

### General Development Applications

(5/a) Application No: PAP/2021/0687

89-91 Main Road, Austrey, Atherstone, Warwickshire, CV9 3EG

Variation of condition no: 4 of planning permission PAUSAV/0602/96/FAP (PAP/1996/3856) dated 14/08/1996 relating to use of swimming pool for limited community use for private lessons, for

Mr & Mrs Hames

### Introduction

This application is referred to the Board because the outcome may require an assessment of the expediency of taking formal enforcement action.

### The Site

This is a large detached residential property on the north side of Main Road set between another residential property to the west and the Austrey Baptist Church to the east. There is residential property and the village shop on the opposite side of the road.

The property has a large rear curtilage with a number of outbuildings. It has also been extended.

A location plan is attached at Appendix A.

### The Proposal

Planning permission was granted in 1996 for alterations and extensions to include the re-design of a swimming pool and conservatory. This permission was taken up and the approved works completed. The permission was subject to conditions, one of which, number 4, says that:

"The swimming pool hereby approved shall not be used for any purpose other than for purposes incidental to the enjoyment of the dwelling house known as Charity House, 89 Main Road, Austrey as such."

The reason for the condition was, "in order to prevent any unauthorised use of the property".

The current application seeks to vary this condition so as to read:

"The swimming pool shall be used for the incidental enjoyment of Charity House and limited mixed community use for private swimming lessons by appointment only, during the hours of:

Monday: 1000 to 1430 and 1630 to 1800 hours  
Wednesday: 1000 to 1430 and 1600 to 1900 hours  
Friday: 1000 to 1400 hours"

5a/1

5f/109

6b/13

The application arises as a consequence of a breach of the approved condition 4. Officers are satisfied that they had sufficient evidence to conclude that there had been a breach, resulting in the unauthorised use of the pool. The owner has acknowledged the breach and elected to submit this application to vary the condition in order to remedy that breach. Members are reminded that this course of action is enabled through planning legislation.

The applicant has indicated that the lessons cover children supported by a guardian in the pool guided by a swimming instructor on the side of the pool. This is done in groups rather than on an individual basis and with 5 or 6 sessions a day. The capacity of the pool is said to limit the usage to no more than groups of five. There is a swimming instructor present. Parking is to the rear of the house on an existing grassed area close to the pool. It is intended to pave this with grasscrete. It is said that there is space for eleven cars to account for a change over between lessons. One wheelchair accessible bay is to be included.

Vehicular access to the parking area for visitors is via a single lane track that emerges onto an agricultural access, known as Flats Lane, which in turn exits onto Main Road, between number 99 Main Road and 5 Kirtland Close.

#### **Other Material Background Information**

Members will recall that planning permission was granted on appeal in September 2021 for the conversion of an outbuilding at the rear of the main house for residential use. That permission included vehicular access via the same track referred to above and via the same stretch of Flats Lane onto Main Road.

A copy of this decision is at Appendix B and note should be taken of condition 3 which requires improvements to the access onto Main Road – i.e.:

“Development shall not take place until full details and specifications for the approved improvements to the access have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works have been carried out in accordance with the approved details. The access shall thereafter be retained as approved”.

It is understood that the works to the outbuilding may have taken place and that occupation may have occurred in breach of this condition as no details have been submitted for discharge.

The location of the outbuilding the subject of this decision has been added to Appendix A.

Austrey Baptist Church and 87 Main Road are both Grade 2 Listed Buildings.

5a/2

5f/110

6b/14

### **Consultations**

Warwickshire County Council as Highway Authority – It has remained concerned since the application was submitted because of the intensification of use of the access onto Main Road. The issue is the substandard visibility to the north from this access. The Authority is mindful of the appeal decision but is of the view that the proposed use under this application will intensify its use. Additionally, it cannot see how improvements can be made. The last response is at Appendix C.

### **Representations**

Austrey Parish Council – Whilst acknowledging the need for children to learn to swim, it has serious concerns for the following reasons summarised from its letter – attached at Appendix D.

- The breach here started in the summer of 2021 when there was a noticeable increase in traffic using Flats Lane. This is unsuitable for increased usage because of its surface, visibility and emergence opposite the very well used shop. The established access into the site in front of number 89 should be used.
- The use is not "limited" as evidenced from internet usage - 27 lessons are advertised per week. Moreover, usage is wider than the "community" with people travelling from much further afield than the village.

Eight letters of objection have been received from local residents repeating the matters raised by the Parish Council.

Eight letters of support have been received from users of the pool.

### **Development Plan**

The North Warwickshire Local Plan 2021 – LP1(Sustainable Development); LP2 (Settlement Hierarchy), LP15 (Historic Environment), LP21(Services and Facilities) and LP29 (Development Considerations)

Austrey Neighbourhood Plan 2017 – AP3 (Views); AP8 (5-Minute Walkable Neighbourhood)

### **Other Material Planning Considerations**

The National Planning Policy Framework – (the "NPPF")

The National Planning Practice Guidance – (the "NPPG")

### **Observations**

The site is within the village Development Boundary as defined by Policy LP2 of the Local Plan and thus the principle of the use of the pool for more than personal use is acknowledged, as services and facilities are to be supported within such a boundary. The issues with the case are thus to look at the potential impacts of the proposed variation in use.

5a/3

5f/111

6b/15

The site is close to two Listed Buildings. The Council is under a Statutory Duty to have special regard to the desirability of preserving their settings and any features of special architectural or historic interest which they possess. The proposal has no direct impact on the fabric of either of the two heritage assets. However, because of their proximity – particularly that of the Church - it is the impact on their settings that is more important here. The proposal relates to the use of an existing building and thus their settings would not necessarily be affected as opposed to the erection of a new building.

However, the greater activity associated with the proposed use – traffic travelling along the track; the parking required and the general increase in activity will change the ambience of the setting of the Church. This however is considered to be at the lower end of less than substantial, but nevertheless that will still carry significant weight in the final planning balance.

None of the representations received focus on adverse impacts on neighbouring residential amenity. The curtilage of the site is large and thus impacts will be limited. However, there be a very limited impact because of increased traffic alongside the neighbouring house to the south as this adjoins the access onto Main Road.

The main matter here is the adequacy of the access onto Main Road to cater for increased usage.

The starting point is that there is an approval for some increased usage due to the appeal decision subject to some improvements being undertaken. Details of those improvements have not been submitted but they would include widening of the access track as this was marked on one of the plans approved at appeal. The inspector in coming to her decision considered that, "traffic flow and speed in the locality of the access is slowed by on-road parking by customers of the post office/shop on the opposite side of Main Road and by the frequent turning of vehicles in the road." She continues by saying that she "observed these conditions" and concluded that "these factors lead to an overall reduction in traffic speeds in the area" – see Paragraphs 8 and 9 of Appendix B. She came to the conclusion that the traffic generation from the proposed two bedroomed dwelling would not be material in terms of increased vehicle movements. She therefore was prepared to agree to the access being used, despite its sub-standard visibility to the north.

The applicant asks the Board to focus on the Inspector's findings and reasoning – in other words lower traffic speeds in the vicinity of the access enable more use of the access despite the sub-standard visibility, provided that the improvements are completed.

The Highway Authority is saying that the proposal will increase traffic using this access – 5/6 sessions a day with 4/5 people visiting suggests a minimum of 40 movements a day. This is considered not to be safe even given the lower traffic speeds. Additionally, third party parking in Flats Lane can reduce the available width here, thus adding to the concern.

Policy LP29 (6) of the Local Plan requires "safe and suitable access to a site for all users". The NPPF says that " development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

5a/4

5f/112

6b/16

The Inspector's decision and the reasoning behind it are considered to be material, but that should not lead to the conclusion that the access is acceptable for all traffic movements using the access. That may well be the case, but the applicant has provided no traffic assessment and no evidence to support his view that the increased use would not lead to adverse road safety impacts with the current physical arrangements at the access. Such evidence would need to take on board that improvements to the northern visibility are not possible because of third party land and physical "pinch-points".

It is considered that the applicant has not proven to the satisfaction of either the Highway Authority or officers that the proposal will satisfy both Local Plan Policy LP29 and the relevant paragraph of the NPPF. However before considering a possible refusal, the Board should make a judgement as to whether the benefits of the proposed use would outweigh this potential refusal.

There is merit in the provision of swimming lessons and this carries weight. However, the benefit should not be open-ended. There are clear highway issues here as well as the less than substantial harm to the setting of the heritage asset. The intensity of use could be restricted by conditions such that the weight to be given to the benefit would outweigh these harms. The applicant considers that the hours and numbers as proposed would form the basis of such conditions. That however, in the view of the Highway Authority and officers is too great a use. It would need to be less, but the applicant has offered no reduction, or the evidence to support the proposed or a lesser usage. Moreover, whilst conditions are appropriate, they would have to satisfy Planning Guidance. As such the enforceability of such conditions is considered not to be straight forward without quite sustained monitoring. For all of these reasons it is considered that as presently proposed, the benefits do not outweigh the harms.

As such a recommendation of refusal is to be considered.

That as Members are aware, will lead to an assessment having to be made on the expediency of enforcement action. Given the strength of the highway concern it is considered that it would be. The requirements of that Notice would be to revert to incidental use as per the original condition. However, that would mean the loss of the benefit which does carry weight. Lesser measures are an option here, but they are unable to be defined without the relevant highway evidence, or the possibility of use of an alternative access – that at the main house.

A recommendation is set out below which may thus be more proportionate in all of the circumstances here.

#### **Recommendations**

- a) That the applicant be advised that the Council is minded to refuse planning permission for the reasons given in this report and that as a consequence it is considered that it is expedient to issue an Enforcement Notice requiring reversion of the use of the pool to that defined by the original condition number 4.
- b) That the applicant be invited to review the proposal through reducing the use of the pool and to consider an alternative means of access.

5a/5

5f/113

6b/17

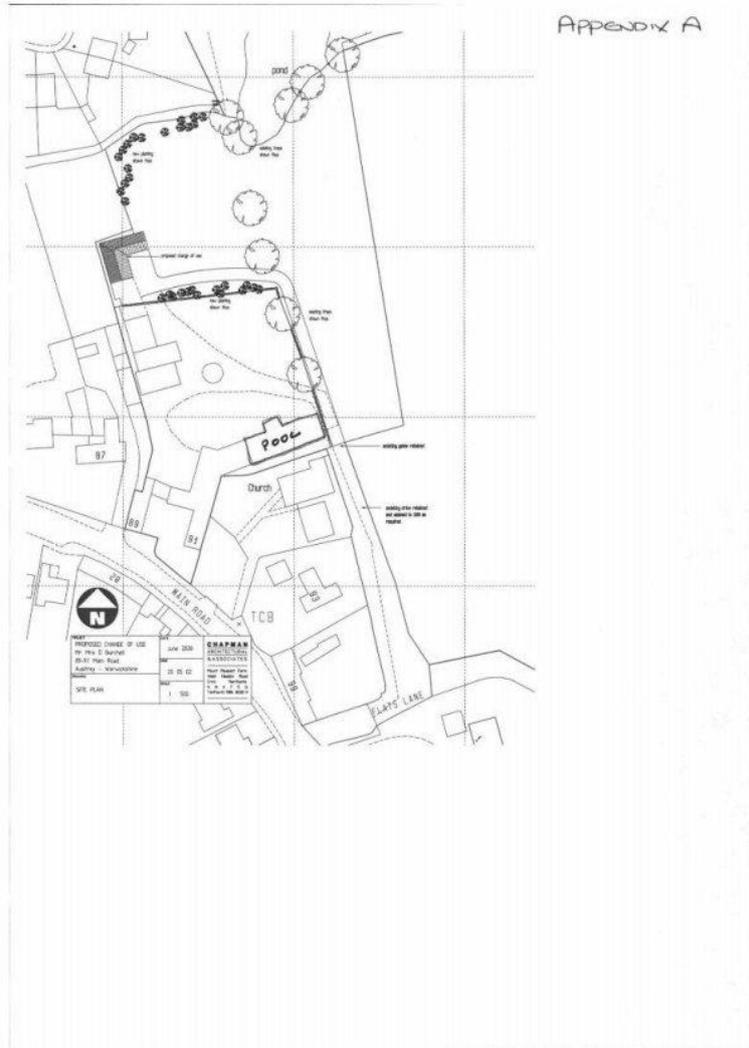
- c) That in doing so, the applicant be advised that it is essential to provide satisfactory technical evidence to show to the Council's satisfaction that that reduced use is acceptable in highway terms.
- d) That the applicant provides robust evidence to show that the improvements to the access as agreed by the 2021 appeal decision have been completed in full, to the written satisfaction of the Local Planning Authority.
- e) That the Board be notified of progress on these matters.

5a/6

5f/114

6b/18

Appendix A



5a/7

5f/115

6b/19

## Appeal Decision

Site visit made on 22 April 2021

by **Elaine Benson BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 September 2021

Appeal Ref: **APP/R3705/W/21/3267144**

**89-91 Main Road, Austrey CV9 3EG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Mr Darren Burchell against North Warwickshire Borough Council.
- The application Ref PAP/2020/0303, is dated 18 June 2020.
- The development proposed is conversion of outbuilding to dwelling.

### Decision

1. The appeal is allowed and planning permission is granted for conversion of outbuilding to dwelling at 91 Main Road, Austrey CV9 3EG in accordance with the terms of the application, Ref PAP/2020/0303, dated 18 June 2020, subject to the conditions on the attached Schedule.

### Preliminary Matters

2. The Council confirms that had it had the opportunity to determine the planning application, it would have been refused on highway safety grounds.
3. Since the submission of the appeal, the revised National Planning Policy Framework (the Framework) has been published. Since there is no change to national policy and guidance in relation to the matters at issue in this appeal, the comments of the main parties on the Framework have not been sought.

### Main Issue

4. The Council raises no objections to the principle or most details of the proposed development. Having regard to all of the evidence, including the status of the relevant development plan policies as confirmed by the Council, there are no reasons to disagree. The main issue in this appeal therefore is the effect of the proposed development on highway safety.

### Reasons

5. It is proposed to convert a building comprising a garage and workshop to a dwelling. It is one of a number of outbuildings at the rear of No 89-90 Main Rd, a substantial dwelling in extensive grounds.
6. The appeal building would be served by an existing access which is used by the appellant to reach the rear of their property. The access leads from the appeal site onto Flats Lane before joining Main Rd. Flats Lane also provides access to the garage belonging to the neighbouring property (No 99) which opens onto it. The lane is also used by agricultural vehicles accessing the fields to the rear. A public footpath runs alongside the lane.

<https://www.gov.uk/planning-inspectorate>

5a/8

5f/116

6b/20

7. At issue in this appeal is whether there would be a safe and suitable access to the site at the junction of Flats Lane and Main Rd. The Highway Authority considers it to be substandard due to the limited visibility at the junction of these 2 roads. The required standard of 2.4m x 43m can be achieved to the south. However, to the north visibility is restricted by planting and the building line. It is noted that this standard can be reduced in situations where there are low traffic speeds.
8. Main Rd is the principal route through the village, with streetlights and housing on both sides. The speed limit is 30mph and there are no parking restrictions. There are multiple lay-bys for parking along the length of the road, including directly opposite the site access, and most properties have off street parking. Notwithstanding the pandemic's effect on the number of traffic movements, the submitted road speed data establishes traffic speeds along Main Rd as below the 30mph limit. Moreover, as confirmed by local residents, traffic flow and speed in the locality of the access is slowed by the on-road parking by customers of the post office/shop on the opposite side of Main Rd and by the frequent turning of vehicles in the road. I also observed these conditions and it appears to me that these factors lead to an overall reduction in traffic speeds in the area.
9. Furthermore, in terms of the potential intensification of the use of the access, it is necessary to consider its existing use, including by agricultural vehicles. I am not convinced by the evidence that the number of vehicle movements associated with the occupation of a 2 bedroomed dwelling would have a material effect on the access onto Main Rd such as to harm highway safety. Pedestrians crossing the road at this junction would be aware of the potential for vehicle movements at this point, particularly as the access is already there. In my experience this situation would be little different to many accesses in village and rural locations. Furthermore, the access track would be widened to a uniform 3m along its length which would give additional space for users of the public right of way.
10. In accordance with the aims of the Framework and on the basis of the site-specific considerations, I conclude that the appeal proposal would not lead to an unacceptable impact on highway safety and there would be no severe residual cumulative impacts on the road network. Accordingly, the proposal would comply with the requirements of Core Strategy Policy NW10 (6) which requires proper access to development sites; Policy LP31 of the Submitted Local Plan which continues this approach, and the Proposed Modification MM74 to Policy LP31.

*Other Matters*

11. I have had special regard to the desirability of preserving the settings and any features of special architectural or historic interest which the nearby listed buildings Austrey Baptist Church and 87 Main Rd possess. I concur with the Council that due to the distance between the appeal site and the listed buildings and the presence of intervening buildings there would be no harm to, or loss of, the significance of these designated heritage assets or their settings.
12. There would be minimal alterations to the appearance of the appeal building and new windows would be screened by boundary fencing. There would be no overlooking of adjoining properties or any other harm to the living conditions of neighbouring occupiers.

13. In respect of concerns about potential flood risk in the area resulting from the proposal, the proposal is for a conversion and not new-build development and any surface water would be disposed of by soakaway. Notwithstanding the concerns of the Austrey Parish Council about incidents of flooding and flood damage nearby, there is no convincing evidence that there would be an increased flood risk here. In this regard I share the Council's view.

**Conditions**

14. A condition is necessary which sets out the approved drawing for the avoidance of doubt and in the interest of proper planning. In the interests of visual amenity and highway and pedestrian safety, details and specifications for the approved improvements to the access are required to be submitted to and approved in writing by the local planning authority for approval and thereafter retained.

15. The Council suggested a condition restricting the construction of outbuildings under Class E of the General Permitted Development Order. The Framework and the Planning Practice Guidance indicate that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In this specific case the resulting dwellinghouse would have a large garden area, the site is close to the village boundary and it is bounded by a public footpath and nearby fields. There is therefore the potential for buildings otherwise permitted under Class E to harm visual amenities. In this regard I have also considered the Austrey Neighbourhood Plan Policies AP2 and AP3 which among other things seek to retain access to surrounding fields and to protect important views. Accordingly, for these reasons the suggested condition has been imposed.

16. The installation of an electric vehicle charging point is required by condition in the interests of sustainability. A further condition was suggested requiring the submission of a Construction Management Plan. However, as the proposal is for the conversion of a small-scale existing building which is likely to require fewer construction material deliveries and personnel than a new build development, and because the access to the site already exists, I consider that such a condition would be unreasonable and unduly onerous.

**Conclusion**

17. I have had regard to all other matters raised, including objections to the proposal from the Parish Council and neighbouring occupiers, but none affect my conclusions. For the reasons set out above the appeal should be allowed subject to the imposed conditions.

*Elaine Benson*

INSPECTOR

5a/10

5f/118

6b/22

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20 05 02 and 20 05 04.
- 3) Development shall not take place until full details and specifications for the approved improvements to the access have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the works have been carried out in accordance with the approved details. The access shall thereafter be retained as approved.
- 4) Notwithstanding the provisions of Class E of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings or structures incidental to the enjoyment of a dwellinghouse shall be constructed.
- 5) Prior to the first occupation of the approved development, an electric vehicle charging point shall be installed and maintained in full working order at all times.

5a/11

5f/119

6b/23



**Jeff Brown**

**From:** Chris Lancett <chrislancett@warwickshire.gov.uk>  
**Sent:** 22 April 2022 16:35  
**To:** plot64@talktalk.net  
**Cc:** Christina Fortune; 'Pete Hames'; Jeff Brown  
**Subject:** Re: Planning Application PAP/2021/0687: Charity House, 89-91 Main Road, Austrey

OFFICIAL

Afternoon All,

Apologies for the late response, got caught up on another application.

The Highway Authority still has concerns with the proposals. The main concern of the Highway Authority relates to the sub-standard visibility to the north of the access, and it is not considered that the inspectors previous condition covers the visibility.

The Inspectors decision gave significant weight to the level of traffic generation from the development, and they considered that a 2-bed dwelling would not result in a significant increase such that the development would result in a detriment to highway safety. The Appeal decision outlines that the inspector acknowledged the sub-standard visibility however considered that the dwelling would not intensify the use of the access significantly. The condition imposed by the inspector requires details of the access improvements previously proposed i.e. resurfacing/widening of the access track to the rear rather than the visibility splays.

The condition being used in this instance would not overcome the concerns of the Highway Authority.

A commercial use is now being proposed which would result in more movements. From the previous details there could be 5 or 6 sessions a day all with 4 people attending. So, there could be a minimum of 40 movements a day on opening days just from people attending.

This would be a significant increase in movements through a sub-standard access which is considered to be detrimental to highway safety.

As outline in my previous emails the measurements do not appear to be correct on the drawings so the required splay does not appear achievable, significant alterations may be required to the kerb line which would not be supported.

It should also be noted that it is unclear if the required width of the access could be provided. As outlined by local residents and as seen on the Highway Authority's last site visit vehicles were parked within Flats Lane (assumed to be No.99) reducing the available width. If the occupiers of No.99 either own that area of Flats Lane or have access rights to park there, how would the width be maintained to allow 2-way flow?

Regards,  
Chris

**Chris Lancett GradCIHT**  
Development Management Engineer  
Planning Delivery  
Communities  
Warwickshire County Council

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1

5a/13

5f/121

6b/25

APPENDIX D

**From:** Heather Hadley  
**Sent:** 27 January 2022 15:28  
**To:** planappconsult  
**Cc:** Heather Swan; Helen Simpson; jacqui@ austrey.co.uk; sam; Tristan Fraser; Tony Treadwell; Lynsey Treadwell  
**Subject:** Planning Application PAP/2021/0687

Dear Christina Fortune,

**Ref - Planning Application PAP/2021/0687 - 89-91 Main Road, Austrey**

I write on behalf of Austrey Parish Council to register our concerns regarding the application to change the swimming pool from residential use to commercial use. Whilst we are keen for children to learn to swim we have serious concerns with this application for the following reasons:-

**Highways/ Traffic**

The applicant has been breaching the planning restriction on the swimming pool by providing swimming lessons since summer 21. We are aware of this because of the very noticeable and concerning increased traffic around the track known as 'Flats Lane'. The area known as Flats lane is actually a muddy track providing an occasional entrance to the land at the rear of Charity House. It is in no way sufficient for regular vehicular usage and is a track regularly used by people out for a walk in the village. A previous application to build a new home using this entrance was rejected only 2 years ago citing 'highways' as one of the reasons for rejection.

The mud track turns out opposite the village shop and Postoffice. This is constantly a busy area with cars parking up outside the shop, and has become increasingly busy with the number of new homes built in our village over the past 5 years. The track also turns out right next to Kirtland Close and opposite The Green. Visibility is not good especially with the potential for traffic coming from several angles. It is simply not safe to be using on a regular basis and it's current continued use is causing many residents distress. There is also a concern that further usage will create mud that will encroach on the roadway outside the shop.

If the usage of the pool is for 'limited use' as stated in the application there should be no reason why the main house entrance could not be used and the 'small number of visitors' park on the driveway. The pool is attached to the main house after all so this would make complete sense. There should be absolutely no reason why Flats Lane should be used for this purpose other than convenience for the owner of Charity House to the detriment and danger of the residents of Austrey. Cars attending for swimming lessons should also not be parked up along the road outside Charity House as this also has the potential for accidents restricting the visibility of cars manoeuvring outside the shop and around Kirtland Close and The Green.

Basically, we feel very strongly that the area is not safe or suitable for the increase in traffic this business enterprise is already generating and could continue generating in future.

**Volume of Usage**

5a/14

5f/122

6b/26

The applicant states in their application that the swimming pool will have 'limited community use for private lessons'.

We are already well aware of the usage as the applicant has now been providing lessons for a number of months and is advertising on the Internet. We can confirm in our opinion the usage should not be classed as 'limited'.

There are currently 27 lessons advertised per week of 30 minutes. This is not 'limited usage' but more in line with the number of lessons a town leisure centre would be offering. I doubt very much North Warwickshire Borough council would pass planning for a leisure centre right in the middle of Austrey village. The applicant also states the lessons are for the 'local community'. We already know from the sheer level of traffic people are not arriving on foot and are probably travelling in from other villages. Those travelling from other villages already have the option of swimming facilities in other areas such as Tamworth, Atherstone and Hinckley. This is not just one or two lessons per week but a business operation on a large scale and is totally inappropriate for its setting.

We hope you will give our comments serious consideration. We are happy to meet up with you explain and discuss the traffic concerns if required.

Yours sincerely,

Heather Hadley  
Parish Councillor  
Austrey Parish Council

5a/15

5f/123

6b/27

APPENDIX B

Your ref: PAP/2021/0687  
My ref: 210687



Communities

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Mr J Brown BA Dip TP MRTPI  
Head of Development Control Service  
The Council House  
South Street  
Atherstone  
CV9 1DE

**FAO: Christina Fortune**

21<sup>st</sup> June 2022

**PROPOSAL: Variation of condition no: 4 of planning permission  
PAUSAV/0602/96/FAP (PAP/1996/3856)  
LOCATION: 89-91 Main Road, Austrey, Atherstone**

Warwickshire County Council, hereby known as the 'Highway Authority', has undertaken a full assessment, of the planning application, at the request of North Warwickshire Borough Council in its capacity as the Local Planning Authority.

Since the initial response the Highway Authority has had multiple discussions/emails etc between the applicant/agent and LPA to discuss the potential affects of various proposed sessions. The most recent proposal is to have the following sessions:

*Monday Mothers & baby 10-2pm only - losing 30 minutes compared to current.  
4 cars per 30 mins.*

*Monday 4:30 - 6pm family swim specific to disabled instruction where needed - making the lessons 45 minutes (compared to current 30 mins).  
1 car every 45 mins.*

*Wednesday plus size ladies with access / mobility needs 10-12.30  
1 car every 45mins*

*Wednesday mother & baby 1-2pm only - losing 30 minutes compared to current  
4 cars every 30 mins*

*No Wednesday evening (losing 3 hours)*

*Friday 10-2pm as before  
4 cars every 30 mins*

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*Working for  
Warwickshire*

5f/124

6b/28

The Highway Authority still has concerns with the proposed use as the existing access is considered to be sub-standard.

Guidance suggests that accesses onto roads with a speed limit of 30mph should be provided with visibility splays with an 'x' distance of 2.4 metres by 'y' distances of 43 metres. In this instance the access is located on the outside of a bend so an additional splay is required at a tangent to the kerbline to ensure other vehicles/highway users would be visible over the entire length of the 'y' distance. It is this additional splay that cannot be achieved due to the location of the existing building line of No.99. A plan has been provided to show the splay would be achievable from an 'x' distance of 2 metres however the Highway Authority does not consider that this location would be suitable for such an 'x' distance to be used. In order for a 2 metre 'x' distance to be considered guidance suggests the area should be both low-speed and very lightly-trafficked.

The agent considers that the previous appeal decision on the site (conversion of workshop into dwelling) outlines that the inspector considered the existing access to be 'safe' and that an 'x' distance of 2 metres would be acceptable.

It is not considered by the Highway Authority that the inspector found the access 'safe' nor did they agree that a reduced 'x' distance would be acceptable. The inspector's decision came down to the whether or not the development would be an intensified use of the access. The inspector stated - *'I am not convinced by the evidence that the number of vehicle movements associated with the occupation of a 2 bedroomed dwelling would have a material effect on the access onto Main Rd such as to harm highway safety.'*

On receipt of the previous speed survey advice was taken from both WCCs Transport Planning and Road Safety team to determine whether the location would quantify as a slow speed and very lightly trafficked area. The advice given from both was that this area was not considered to be either so a 2 metre 'x' distance should not be supported.

The Highway Authority had concerns with a 2-bed dwelling so would not support any commercial use on-site. Although lessons are not proposed every day the development would still result in a significant intensification of use.

Based on the above session times/amounts the development could result in a total of 154 two-way movements per week, with 68 on Monday, 22 on Wednesdays and 64 on Fridays. This level of trip generation is considered to be significant so as to have a severe impact on highway safety through the intensification of a sub-standard access.

It is also unclear if the numbers are robust. The Monday evening and Wednesday morning sessions are shown as 1 vehicle per 45 minutes, and these sessions are stated as Family Swim and plus size ladies with access/mobility needs respectively. Would these sessions therefore be 1:1 sessions with only a single family permitted or a single person allowed per session?

It is also unclear what could change in the future. Should the re-worded condition not be specific to the types of sessions proposed the Wednesday evening sessions could

OFFICIAL

5f/125

6b/29

potentially be converted into mother and baby sessions for example potentially producing further vehicular trips.

Based on the appraisal of the development proposals and the supporting information in the planning application the Highway Authority submits a response of **OBJECTION**, for the following reasons;

1. It has not been shown that the variation of condition would not result in a significant increase in vehicular movements using a sub-standard access.
2. It has not been shown that the required visibility splays would be achievable.

Yours sincerely

*Chris Lancett*

Chris Lancett  
Development Group

**\*\*FOR INFORMATION ONLY\*\***  
COUNCILLOR HUMPHREYS – POLESWORTH

OFFICIAL

5f/126

6b/30

## Appendix B

### PAP/2021/0687 – 89/91 Main Road, Austrey

#### Site Visit - 5 August 2022 at 14:30

Present: Cllrs H Phillips, D Reilly and M Simpson together with S Cheshire (on behalf of the applicant) and J Brown

1. Members met at the junction of Flats Lane with Main Road
2. They were shown the characteristics of the location – the footpath, the curve in the road, the lay-by opposite, the corner of the third-party property, the width of the Flats Lane and the parking arrangements for that third party property.
3. The “x” distance for a visibility splay was measured – with a distance of both 2.4 and 2.3 metres. Members then looked at the visibility to the right at these distances. The measurements were taken from both the rear of the highway carriageway and from a likely “running-lane”.
4. The corner of the property was noted, as was bush.
5. Whilst here, Members witnessed the traffic using Main Road which included cars, a tractor and a cyclist.
6. Members then walked up the proposed access from the junction to the gate at the rear of the pool in order to look at its characteristics – its width and surfacing. At the gate Members also saw the location of the Pool. On the return to Main Road, Members saw the agricultural access that leads to the fields behind the residential property here.
7. The visit concluded at around 14:50.

5f/127

6b/31

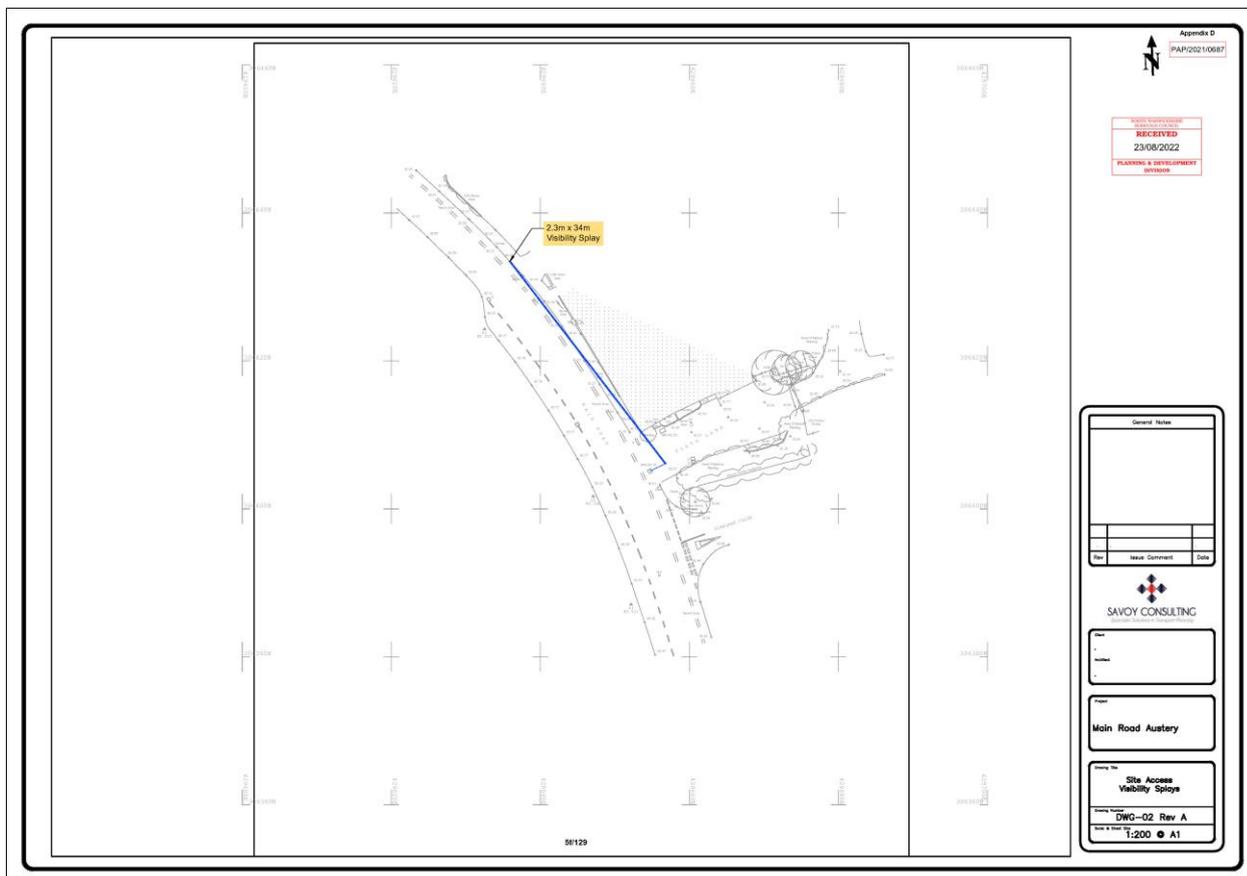
## Appendix C

### **PAP/2021/0687 – 89/91 Main Road, Austrey**

#### **Meeting – 12 August 2022 at 14:00 in the Council House**

Present: Cllrs D Humphries and H Phillips, Mr and Mrs Hames (the applicants), S Cheshire (their agent), C Lancett (WCC Highways) and J Brown.

1. The background to the meeting was explained based on the two deferrals by the Planning Board and an outline of the site visit was provided.
2. At that time Members had witnessed the right-hand visibility with dimensions of 2.3 and 2.4 metres back from both the edge of the carriageway and the "running-lane".
3. WCC explained the basis of its continued objection – the substandard visibility to the right given the proposed increased use (as reduced by the latest amendment) over and above that already committed.
4. The applicants explained the evidence that had already been provided on traffic speeds with an 85<sup>th</sup> percentile figure of 27mph and the evidence from a topographic survey which illustrated that suitable visibility could be provided.
5. There was some discussion on the merits of having staggered hours and movements not during peak hours.
6. As a consequence of the continued difference between WCC and the applicant, both parties agreed to attend the site immediately following the meeting in order to agree dimensions on the ground.
7. WCC was asked to provide a further response based on the agreed dimensions and to base that response on the latest proposed schedule of activity as set out in the last Board report.
8. WCC confirmed that the vegetation at the corner of 99 Main Road was in the highway and that WCC could remove it.
9. Planning conditions could be used to approve only this schedule if that was to be the case.
10. All parties were informed that a determination should now be made on the 7 September 2022 – the next Board meeting.



Your ref: PAP/2021/0687  
My ref: 210687



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Mr J Brown BA Dip TP MRTPI  
Head of Development Control Service  
The Council House  
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Atherstone  
CV9 1DE

**FAO: Christina Fortune/ Jeff Brown**

23<sup>rd</sup> August 2022

**PROPOSAL: Variation of condition no: 4 of planning permission  
PAUSAV/0602/96/FAP (PAP/1996/3856)**

**LOCATION: 89-91 Main Road, Austrey, Atherstone**

Warwickshire County Council, hereby known as the 'Highway Authority', has undertaken a full assessment, of the planning application, at the request of North Warwickshire Borough Council in its capacity as the Local Planning Authority.

Since the initial response the Highway Authority has had multiple discussions, meetings and site visits between the applicant/agent and LPA to discuss the potential affects of various proposed sessions. The most recent proposal is to have the following sessions:

*Monday Mothers & baby 10-2pm only  
4 cars per 30 mins.*

*Monday 4:30 - 6pm family swim specific to disabled instruction where needed - making the lessons 45 minutes.  
1 car every 45 mins.*

*Wednesday plus size ladies with access / mobility needs 10-12.30  
1 car every 45mins*

*Wednesday mother & baby 1-2pm only  
4 cars every 30 mins*

*Friday 10-2pm as before  
4 cars every 30 mins*

Based on the above session times/amounts the development could result in a total of 154 two-way movements per week, with 68 on Monday, 22 on Wednesdays and 64 on Fridays.

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5f/130

*Working for  
Warwickshire*

The development would therefore result in an intensified use of the existing access, which is currently sub-standard. Improvements are proposed to the access (in accordance with the previous appeal decision) and a plan has now been provided to show that the required visibility splay could be achieved in accordance with that agreed during the various site visits. Whilst the additional tangent to the kerb line cannot be achieved it is noted that the splay is roughly 0.38 metres from the kerb line, this could be considered as acceptable as road users (cars, cyclists etc) should still be visible over the full extent of the visibility splay as they should be travelling away from the kerb line.

Based on the appraisal of the development proposals and the supporting information in the planning application the Highway Authority submits a response of **no objection**, subject to the following conditions:

1. Within 1 month of the date noted on the decision notice the visibility splay as shown on drawing number DWG-02 Rev A shall be provided. 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 and the splay shall thereafter be retained during the approved use of the site.
2. Within 1 month of the date on the decision notice, full details and specifications for the approved improvements to the access shall be submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details and the access shall thereafter be retained as approved.

Yours sincerely

*Chris Lancett*

Chris Lancett  
Development Group

**\*\*FOR INFORMATION ONLY\*\***  
**COUNCILLOR HUMPHREYS – POLESWORTH**



# North Warwickshire Borough Council

Simon Cheshire  
Simon Cheshire Planning Ltd  
34 Stanley Road  
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**Jeff Brown** BA Dip TP MRTPI  
**Head of Development Control Service**  
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E Mail: [PlanningControl@NorthWarks.gov.uk](mailto:PlanningControl@NorthWarks.gov.uk)  
Website: [www.northwarks.gov.uk](http://www.northwarks.gov.uk)

Date: 08 September 2022

The Town & Country Planning Acts  
The Town and Country Planning (Listed Buildings and  
Conservation Areas) Act 1990  
The Town & Country Planning (General Development)  
Orders  
The Town and Country Planning (Control of  
Advertisements) Regulations 1992 (as amended)

APPENDIX B

## DECISION NOTICE

Application to Vary Conditions/Non-compliance with  
Conditions

**Application Ref: PAP/2021/0687**

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<b>Site Address</b>	<b>Grid Ref:</b>
89-91 Main Road, Austrey, Atherstone, Warwickshire, CV9 3EG	Easting 429626.41 Northing 306492.25

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**Description of Development**  
Variation of condition no: 4 of planning permission PAUSAV/0602/96/FAP (PAP/1996/3856) dated  
14/08/1996 relating to use of swimming pool for limited community use for private lessons

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**Applicant**  
Mr & Mrs Hames

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Your planning application was valid on 21 December 2021. It has now been considered by the Council. I can inform you that:

Planning permission is **REFUSED** for the following reason(s):

1. The proposal is not considered to accord with Policy LP29 (9) of the North Warwickshire Local Plan 2021, in view of the material increase in vehicular movements caused by the greater amount of vehicles passing directly by neighbouring property, thus causing adverse impacts on the residential amenity of occupiers by virtue of increased levels of disturbance, noise and inconvenience.

### INFORMATIVES

1. Notwithstanding this refusal, the Local Planning Authority has worked with the applicant in a positive and proactive manner through providing the opportunity to overcome objections. However despite such efforts, the planning objections and issues have not been satisfactorily addressed/the suggested amendments have not been supplied. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.



**Authorised Officer:** \_\_\_\_\_  
**Date:** 8 September 2022

**APPEALS TO THE SECRETARY OF STATE**

- (1) If you are aggrieved by the decision of the Local Planning Authority, you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- (2) As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- (3) Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.  
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- (4) The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (5) The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- (6) The Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.
- (7) If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

**NOTES**

- 1. This decision is for the purposes of the Town and Country Planning Act only. It is not a decision under Building Regulations or any other statutory provision. Separate applications may be required.
- 2. A report has been prepared that details more fully the matters that have been taken into account when reaching this decision. You can view a copy on the Council's web site via the Planning Application Search pages <http://www.northwarks.gov.uk/planning>. It will be described as 'Decision Notice and Application File'. Alternatively, you can view it by calling into the Council's Reception during normal opening hours (up to date details of the Council's opening hours can be found on our web site <http://www.northwarks.gov.uk/contact>).
- 3. Plans and information accompanying this decision notice can be viewed online at our website <http://www.northwarks.gov.uk/planning>.

Authorised Officer: \_\_\_\_\_  
 Date: 8 September 2022

## **General Development Applications**

**(6/c) Application No: PAP/2022/0462**

**The Office, Public House, Church Road, Warton, Tamworth, B79 0JN**

**Variation of condition no: 6 of planning permission PAP/2022/0241 dated 2/8/2022 relating to noise mitigation measures, for**

**Mr A Marven**

### **Introduction**

This application is referred to the Board as the Council owns the land and the Board determined the previous application.

A copy of that report is attached at Appendix A and the Notice is at Appendix B.

### **Background**

The permission referred to above was for the change of use of a small area of land to become an extended public house seating area for the neighbouring Office Public House.

### **The Proposals**

The permission included three conditions relating to noise. Condition 3 related to the hours of use and this replicates the current premises licence controlling the use of the existing beer garden. Condition 8 required no recorded or live music to be played on the site and Condition 6 defined a schedule of mitigation measures that would be required in order to reduce noise impacts on surrounding residential development.

The practicality of implementing one of these measures has been questioned following site visits with relevant officers. The measure concerned is the lowering of the site. The considerations which led to these visits were the difficulty in ensuring suitable disabled access if the site was lowered and that the lowering of levels would adversely affect the foundations of surrounding brick boundary walls and lead to drainage issues. As a consequence, the applicant has submitted a revised Noise Impact Assessment based on retention of existing levels and this has led to a revised schedule of mitigation measures. The revised Impact Assessment shows that a net increase of 0.32 metres to the existing boundary screening heights is sufficient to off-set the lowering of the ground level. The opportunity is also taken to specify the construction of the screening fences. These are outlined in Appendix C.

### **Representations**

The expiry of the consultation period is on 10 October. Any representations received will be reported verbally to the Board.

## **Consultations**

As above

## **Development Plan**

The North Warwickshire Local Plan 2021 – LP29(Development Considerations) and LP30 (Built Form)

## **Other Material Planning Considerations**

The National Planning Policy Framework

Noise Policy Statement for England 2010

National Planning Practice Guidance

Institute of Acoustics Good Practice Guide on the Control of Noise from Pubs and Clubs 2003

Noise Council Code of Practice

## **Observations**

This application seeks to vary a condition affecting noise mitigation measures. Substantial weight is thus attached to the revised Noise Impact Assessment which shows that the condition is capable of variation in order to achieve sufficient mitigation if the ground level is not lowered. Given the technical evidence to support the variation and the previous grant of planning permission, it is considered that the revised schedule would satisfy Local Plan policy.

## **Recommendation**

That, subject to the receipt of no objections, planning permission be Granted after 10 October 2022, subject to all of the conditions and informatives attached to the previous consent as set out in Appendix B, together with the following variation to condition 6:

“6. The development hereby approved shall not be used for business purposes by the Office Public House until the following matters have all been fully implemented with reference to the attached plan, to the written satisfaction of the Local Planning Authority:

- a) Boundary/acoustic fencing marked (b) on the attached plan shall be implemented within the proposed development to a minimum height of 3 metres from the finished ground level. The screening shall have a minimum surface mass of 10kg/cubic metre and shall be maintained as such throughout the lifetime of the development.
- b) Boundary/acoustic screening marked (c) on the attached plan shall be implemented to a minimum height of 1.5 metres within the upper beer garden. The screen shall extend from the boundary of 3 Trinity Close for a minimum distance of 7 metres towards the stair leading from the lower to the upper beer garden but should not obstruct the stairs. The screening shall have a minimum

surface mass of 10kg/cubic metre and shall be maintained as such throughout the lifetime of the development.

- c) Boundary/acoustic screening marked (d) on the attached plan shall be implemented to a minimum height of 1.5 metres within the lower beer garden. The screen shall extend from the boundary marked (e) on the plan, for a minimum distance of 10.8 metres towards the southern façade of The Office Public House but should not obstruct the rear access of the premises. The screening shall have a minimum surface mass of 10kg/cubic metre and shall be maintained as such throughout the lifetime of the development.
- d) A ramp to accommodate disability access shall be installed within the proposed development - marked (e) on the plan) - to provide safe access to the car park.
- e) Notwithstanding the plan numbers set out in Condition 2, the tables within the application site shall be permanently fixed to the ground such that they are oriented towards the north/north-west.

For the avoidance of doubt, details of the location of acoustic screening are provided on the plan attached to this Notice.

## REASON

In the interests of reducing the risk of noise emissions from the site.”

## **General Development Applications**

**(5/c) Application No: PAP/2022/0241**

**The Office, Church Road, Warton, B79 0JN**

**Change of use of land to become public house seating area, with pergola structure for covered seating. also containing drainage and raised garden beds, for**

**Mr Marven**

### **Introduction**

This application is referred to the Board as the land is owned by the Council.

### **The Site**

This is a small rectangular piece of land – 14 by 5 metres - adjoining the former Boot Inn, now known as The Office, immediately at the rear of a couple of newly constructed houses off the Hatters Close cul-de-sac. It extends from the rear of 29 Hatters Close to the rear of 3 Trinity Close and is at a much lower level than the small rear garden of the Trinity Close property. It is at much the same level as the small rear garden to number 28 and 29 Hatters Close because of the fall in the land from north to south.

The adjoining land at The Office comprises its car park towards the southern end of the site and terraced seating areas towards the north. The site is effectively at car park level.

It is shown at Appendix A.

### **Background**

The Hatters Close redevelopment, built on Council owned land has recently been completed and is now fully occupied. The land the subject of this current application was included in that scheme to be retained for planting. It lies between The Office and a communal parking area for Hatters Close residents. It remains in the Council's ownership. It was at a higher level than that of The Office car park and was an overgrown and untidy piece of land. However, its retaining wall alongside the car park was leaning towards the car park and had to be removed for safety reasons. That exercise inevitably required the removal of much of the land behind it because of the resulting unsupported root structures of the overgrown foliage here and the lowering of its level to that of the car park. It presently has a bare earth base and the sides are presently supported as part of those "making good" works.

The Office premises are used for licensable activity including the sale of alcohol and regulated entertainment. This includes the playing of recorded music and live music at various times. These licensable activities are time limited by the Licence – two live music events per month starting at around 2100 hours. Windows and doors are closed to prevent noise breakout. There is also live music within the existing beer garden four times year – 1600 to 1900 hours typically at weekends.

5C/68

The existing beer garden is open from 1600 to 2100 during Monday to Thursday and from 1200 to 2100 on the remaining days. The maximum capacity of this area is 140 people, but the licensee says that on average it is used by around 40 people.

### **The Proposals**

The proposals are to provide a use for this area as an extended beer garden to The Office. A retaining wall would be added around three sides and the existing ground level retained. Raised garden beds would be added to the northern and southern boundaries. The car park side would be partially fenced so as to separate it from the car park but be open at its northern end so as to allow customer access via the existing beer garden.

The difference in height between the site's ground level and the top of the fence at the rear of the Trinity Close houses is 3.84 metres – and 2.2 metres between ground levels. The difference between the site's ground level and the top of the fence at the rear of the Hatters Close properties is 2 metres as is the ground level difference.

The proposals are shown at Appendix B.

### **Representations**

The occupiers of property in Hatters Close have objected because they say that they are already experiencing noise disturbance from The Office particularly at weekends and this would be made worse because of the proximity of the proposed extended beer garden.

### **Consultations**

Environmental Health Officer – Whilst there are no records of noise complaints in the last few years there is concern about the extension coming closer to residential property. A noise assessment is required before advice can be given.

### **Consultant's Report**

As a consequence of the above request by the Environmental Health Officer and the receipt of the objection, a Noise Impact Assessment was commissioned. This specifically monitored existing noise conditions from the rear garden of the objector's property in Hatters Close.

It concluded that proposed "mitigation measures will effectively reduce existing levels of noise at the most affected residential property. This is consistent with planning policy and noise guidance to improve health and quality of life. I do not consider noise, when placed in the context of noise and planning guidance, a reason for refusal".

The full concluding chapter of the Assessment including the recommended mitigation measures are at Appendix C.

## **Development Plan**

The North Warwickshire Local Plan 2021 – LP29 (Development Considerations) and LP30 (Built Form)

## **Other Material Planning Considerations**

The National Planning Policy Framework – (the "NPPF") with particular reference to para 187

Noise Policy Statement for England 2010

National Planning Practice Guidance

Institute of Acoustics Good Practice Guide on the Control of Noise from Pubs and Clubs 2003

Noise Council Code of Practice

## **Observations**

There is no objection in principle to an extension of licensed premises within the development boundary of a settlement. The central issue is whether that extension would be likely, in the terms of Local Plan Policy LP29 (9), "to avoid and address unacceptable impacts upon neighbouring amenities through ..... noise" – amongst other things.

In this regard there are concerns because of residential property adjoining an existing beer garden and the activities already licensed at the premises. Whilst there have been no noise complaints received, that is insufficient to assume that the proposed extension to the existing arrangements would not give rise to future issues. Indeed, an objection to the proposal has been received and the Environmental Health Officer has expressed some caution.

To this end, the submission of an up to date and relevant Impact Assessment is welcomed. This was undertaken by appropriately qualified professionals and the methodology used complies with the necessary guidance. The monitoring of the existing situation was also undertaken with specific reference to the address of the objector in this case, being directly adjacent to the site. The conclusions from this Assessment are thus to be given substantial weight. In overall terms these say that noise should not be the subject of a refusal reason, providing suitable mitigation measures as recommended are undertaken.

It is necessary to look through the recommended mitigation measures in order to establish whether these themselves can be implemented through a grant of planning permission, or if one or other of the measures would be likely to cause any other adverse noise impacts.

5C/70

6c/43

Four of the recommended measures relate to screen walls and fences around the application site as well as within the existing upper beer garden. These are reasonable in amenity terms as the ground level of the site is already well below the level of the land to the north and this would not exceed the height of the existing fence. To the south, the existing garden fence is 2 metres tall and the new wall here would rise above this by 0.7 metres. There would thus be some degree of shading in that rear garden. The recommendations for the existing beer garden are understandable as they would provide an additional series of "barriers". They are all on land owned by The Office. These matters can be conditioned. The orientation of the seating is more problematic as a planning condition, but it is achievable if that seating is fixed to the ground.

There are a couple of other matters to consider.

Firstly, whilst not a case that directly involves the "agent of change" principle set out in para 187 of the NPPF, that paragraph contains a useful "test". In other words, can suitable mitigation be introduced so as not to give rise to unreasonable restrictions on an established business. It is considered that in this case, those measures are suitable as they not only are recommended to reduce impacts for the neighbours, they also have taken account of the existing activities that can be carried out at The Office under its lawful planning use and its Licence to sell alcohol and provide live music. It is understood that the proprietor has no objection to the mitigation measures. It is certainly in his best interests to do so.

This is because of the second issue. The Licence here can be reviewed and if residents have evidence of a breach of the Licence, they can refer their evidence to the Council for potential involvement of the Licensing Committee.

### **Recommendation**

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

1. Standard Three year condition
2. Standard plan numbers – the site plan received on 5/5/22 and the existing and proposed plans received on 12/5/22.
3. The development hereby approved shall not be used for commercial purposes other than between 1600 and 2100 hours on Mondays to Thursdays inclusive, and between 1200 and 2100 hours on Fridays, Saturdays and Sundays.

### **REASON**

In the interests of protecting the residential amenity of neighbouring occupiers.

5C/71

6c/44

4. No development shall commence on the development hereby permitted until such time as details of the facing brick work and timber fencing to be used have all been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be used on site

REASON

In the interests of the visual amenities of the area.

5. No development shall commence on the development hereby permitted until such time as details of the landscaping to be implemented have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be used on site

REASON

In the interests of the visual amenities of the area.

6. The development hereby approved shall not be brought into business use until all of the following matters have been fully completed to the written satisfaction of the Local Planning Authority.

- a) The whole of the site has been lowered by 0.5 metres below the existing ground level of the lower beer garden.
- b) The brick wall around the site has a height of 2.7 metres as measured from the sites' ground level following its lowering as required above.
- c) New screen fences to a height of 1.5 metres have been erected within the upper beer garden
- d) A new screen fence to a height of 1.5 metres has been erected along the western boundary of the site and the lower beer garden
- e) A new screen fence to a height of 1.5 metres has been erected along the western boundary of the site extending around to the south-west boundary of the lower beer garden
- f) The seating within the application site has been permanently fixed to the ground such that it oriented towards the north /north-west

For the avoidance of doubt the location of the wall and fences set out above is illustrated on the plan attached to this Notice.

REASON

In the interests of reducing the risk of noise emissions from the site.

7. No lighting whatsoever shall be erected, placed or connected to the application site unless details have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

REASON

In the interests of protecting the residential amenity of neighbouring occupiers

8. There shall be no live music event or activity take place on the application site, nor any recorded music be relayed to the site at any-time.

REASON

In the interests of protecting the residential amenity of neighbouring occupiers.

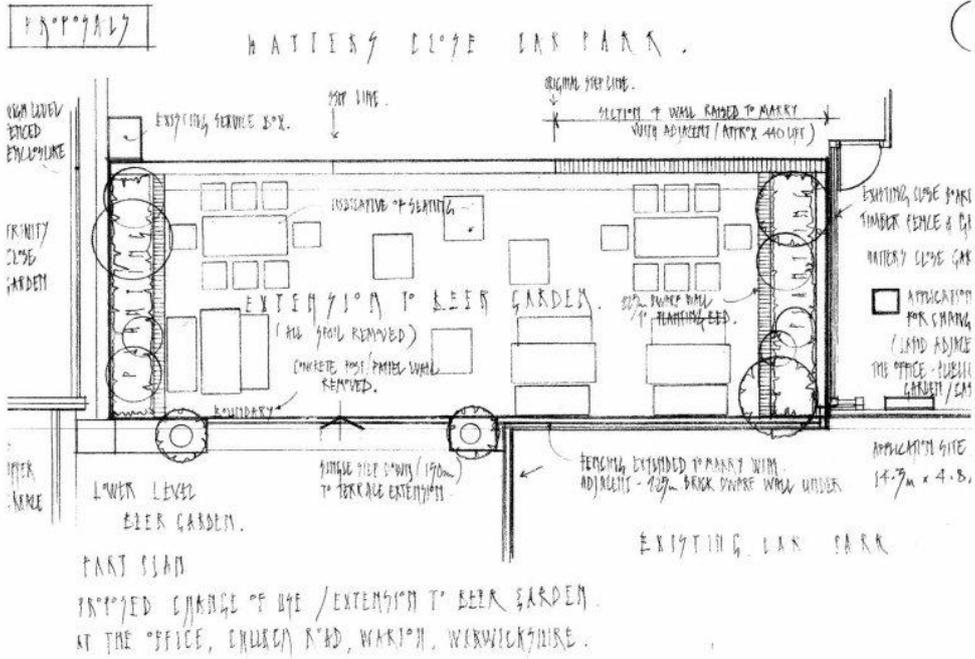
Informatives:

1. The Local Planning Authority has met the requirement of the NPPF in this case through undertaking technical assessments in order to ensure that a positive outcome can be achieved taking into account the residential amenity of neighbouring occupiers.
2. The Party Wall Act standard notes.

5C/73

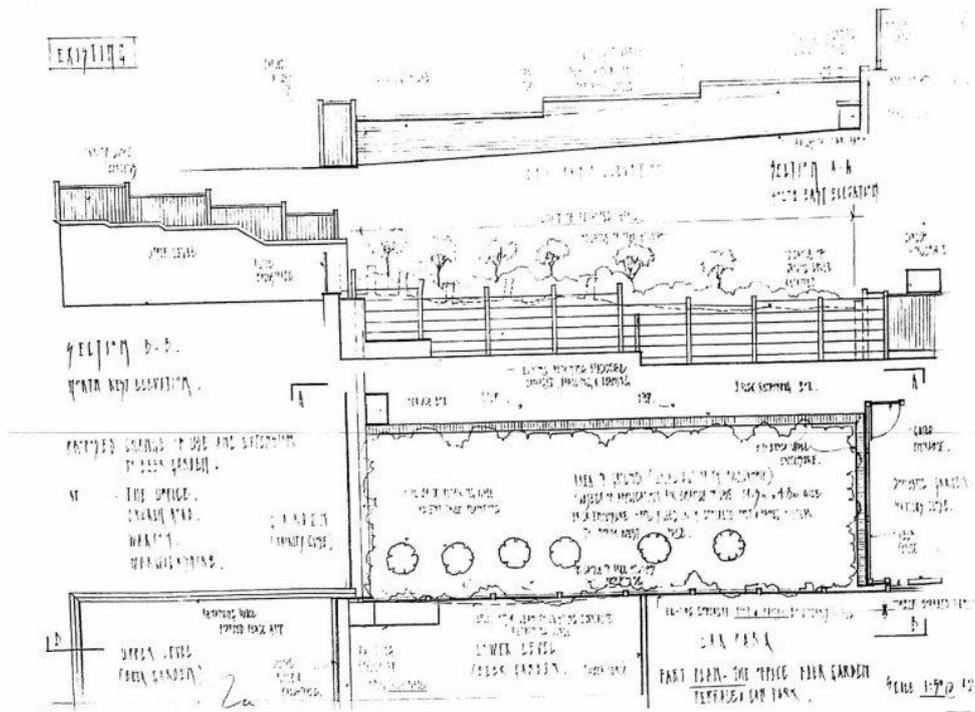
6c/46





5C/75

6c/48



5C/76

6c/49

## 8.0 Conclusions and recommendations

- 8.1 BAC were commissioned by NWBC independently assess proposals for the use of a currently disused area of land to form an extension to an existing beer garden. The proposed use seeks to increase the area of the beer garden which is currently split into two main areas; the upper and lower beer garden.
- 8.2 The proposed development is located close to existing residential gardens recently developed/redeveloped on Trinity Close and Hatters Close. Noise from beer gardens can be problematic due to the character of noise (voices) and context (time of occurrence, regularity during evenings and weekends etc). Noise from people contains acoustic features with the potential to attract attention and potentially increase annoyance to the listener, especially when received in a home environment.
- 8.3 The character of noise from the existing beer garden including raised voices are expected and congruent sounds within the immediate locale. The LPA granted planning permission for the redevelopment and development of land immediately adjacent The Office for residential use. This indicates the LPA consider existing levels of noise emanating from The Office to be acceptable.
- 8.4 Noise monitoring was undertaken during a weekend to determine typical noise levels from use of the beer garden during a live outdoor music event. The events occur four times per year typically between 4pm and 7pm. Comparison with the NC COP was considered a useful aide to assess levels of noise from the live music event. The noise monitoring shows a guideline derived through the application of the NC COP (52dB LAeq,15min) was met by 2 to 6dB.
- 8.5 The noise monitoring shows typical worst case average sound levels measured within the garden of 29 Hatters Close of around 46dB to 51dB LAeq,15min. Peaks of noise from raised voices and laughing were typically measured between 55dB and 60dB up to typical worst-case levels of 65dB to 71dB.
- 8.6 With no additional mitigation, modelling of the proposed development shows increases of average noise levels of 3dB at 29 Hatters Close (54dB LAeq,15min). This indicates an increase in noise that could be considered indicative of significant adverse and/or adverse effects on the nearest noise sensitive receptors.
- 8.7 The proposed development does not seek to introduce a new source of noise within the neighbourhood as noise from the beer garden is already present within the acoustic environment. Assuming a worst case, noise from the proposed development could change the acoustic character of the area by increasing average noise levels

by 3dB and maximum event noise by 6dB to the point coping mechanisms may be necessary. For example, consistent with a perception of either present and disruptive noise equivalent to a significant observed adverse effect or present and intrusive equivalent to adverse effects from noise. The PPG on noise advises noise impact that is disruptive should be avoided and noise that is intrusive should be mitigated and reduced to a minimum. The appropriate planning response is to avoid significant adverse effects and mitigate and reduce to a minimum adverse effects from noise.

- 8.8 In summary, to meet the appropriate planning response, BAC recommend the following mitigation measures are implemented within the existing and proposed development site:
- Increase height of wall around proposed development to 2.7m
  - Install new screen/fence within upper beer garden (1.5m)
  - Install new screen/fence along western boundary of new development and lower beer garden (1.5m)
  - Install new 1.5m (5 foot) fence along western boundary of new development extending around to the south western boundary of the lower beer garden
  - Reduce floor level of proposed development by 0.5m relative to the ground level of the lower beer garden
  - Orientate seating to encourage speech to be directed towards the north / north west
  - Explore potential for solid construction of pergola walls and roof (or heavy/absorptive drapes to dampen sound and reduce reflections) (optional)
- 8.9 The focus of the mitigation is to provide a complete breakage of the line of acoustic sight from patrons seated within the beer garden to the closest dwellings to the south.
- 8.10 Post implementation of mitigation, the predicted noise levels for average noise are reduced by 6dB to 48dB LAeq,15min. This represents a noticeable reduction in noise and also reduces noise from the existing upper and lower beer gardens by 3dB. Post implementation of mitigation, the predicted maximum event noise levels from the proposed development are 66dB LAeq,125ms. This is 6dB lower than existing maximum event noise within the closest residential garden which represents a noticeable improvement.

- 8.11 The assessment considers uncertainty, but this does not alter the conclusions of the assessment. I do not consider noise, when judged in the context of existing levels of noise from the existing beer garden, acceptance of existing levels of noise by the LPA through the granting of planning permission for adjacent residential uses and application of planning guidance, a reason for refusal.
- 8.12 The proposed development and implementation of mitigation measures both within the proposed development and existing site (beer garden) is considered consistent with the requirements of national planning and noise policy and guidance. The implementation of screening minimises any impact that could be considered to cause adverse effects on health and quality of life and any impact that could be considered to cause significant adverse effects on health and quality of life has been avoided. The proposed development promotes improvements in health and quality of life by reducing 'average' noise levels by 3dB and maximum event noise by 6dB.
- 8.13 The level of noise impact from the proposed development, post implementation of mitigation, is considered suitable providing planning gain through the reduction of average and maximum event noise from people within the beer garden.



North Warwickshire  
Borough Council

Mr Andrew Marven  
The Office At Warton Ltd  
The Office  
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Warton  
B79 0JN

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E Mail: [PlanningControl@NorthWarks.gov.uk](mailto:PlanningControl@NorthWarks.gov.uk)  
Website: [www.northwarks.gov.uk](http://www.northwarks.gov.uk)

Date: 02 August 2022

The Town & Country Planning Acts  
The Town and Country Planning (Listed Buildings and  
Conservation Areas) Act 1990  
The Town & Country Planning (General Development)  
Orders  
The Town and Country Planning (Control of  
Advertisements) Regulations 1992 (as amended)

## DECISION NOTICE

Full Planning Application

Application Ref: **PAP/2022/0241**

### Site Address

The Office, Church Road, Warton, B79 0JN

Grid Ref: Easting 428282.43  
Northing 303645.05

### Description of Development

Change of use of land to become public house seating area, with pergola structure for covered seating, also containing drainage and raised garden beds

### Applicant

Mr Andrew Marven The Office At Warton Ltd

Your planning application was valid on 6 May 2022. It has now been considered by the Council. I can inform you that:

Planning permission is **GRANTED** subject to the following conditions:

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

#### REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the Site Plan received by the Local Planning Authority on 5 May 2022 and the Existing and Proposed Plans received on 12 May 2022.

#### REASON

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

Authorised Officer: \_\_\_\_\_

Date: 2 August 2022

3. The development hereby approved shall not be used for commercial purposes other than between 1600 and 2100 hours on Mondays to Thursdays inclusive and between 1200 and 2100 hours on Fridays, Saturdays and Sundays.

REASON

In the interests of protecting the residential amenity of neighbouring occupiers.

4. No development shall commence on the development hereby permitted until such time as details of the facing brick work and timber fencing to be used have all been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be used on site.

REASON

In the interests of the visual amenities of the area.

5. No development shall commence on the development hereby permitted until such time as details of the landscaping to be implemented have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be used on site.

REASON

In the interests of the visual amenities of the area.

6. The development hereby approved shall not be brought into business use until all of the following matters have been fully completed to the written satisfaction of the Local Planning Authority.

- a) The whole of the site has been lowered by 0.5 metres below the existing ground level of the lower beer garden.
- b) The brick wall around the site has a height of 2.7 metres as measured from the sites' ground level following its lowering as required above.
- c) New screen fences to a height of 1.5 metres have been erected within the upper beer garden.
- d) A new screen fence to a height of 1.5 metres has been erected along the western boundary of the site and the lower beer garden.
- e) A new screen fence to a height of 1.5 metres has been erected along the western boundary of the site extending around to the south-west boundary of the lower beer garden.
- f) Notwithstanding the plan numbers set out in Condition 2, the tables within the application site, have been permanently fixed to the ground such that they are oriented towards the north/north-west.

For the avoidance of doubt the location of the wall and fences set out above is illustrated on the plan attached to this Notice.

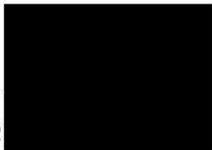
REASON

In the interests of reducing the risk of noise emissions from the site.

7. No lighting whatsoever shall be erected, placed or connected to the application site unless details have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

Authorised Officer: \_\_\_\_\_

Date: 2 August 2022



REASON

In the interests of protecting the residential amenity of neighbouring occupiers.

- 8. There shall be no live music event or activity take place on the application site, nor any recorded music be relayed to the site at any-time.

REASON

In the interests of protecting the residential amenity of neighbouring occupiers.

**INFORMATIVES**

- 1. The Local Planning Authority has met the requirement of the National Planning Policy Framework in this case through undertaking technical assessments in order to ensure that a positive outcome can be achieved taking into account the residential amenity of neighbouring occupiers.
- 2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>

**APPEALS TO THE SECRETARY OF STATE**

- 1. If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you can appeal to the Department for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.
- 2. If you want to appeal against your local planning authority's decision, then you must do so within 6 months of the date of this notice.
- 3. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, or online at [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk) and [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).
- 4. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- 5. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- 6. The Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

**PURCHASE NOTICES**

- 1. If either the Local Planning Authority or the Department for Communities and Local Government grants permission to develop land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

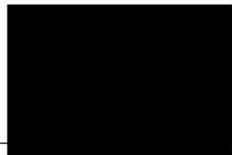
**Authorised Officer:** \_\_\_\_\_   
**Date:** 2 August 2022 

2. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

**NOTES**

1. This decision is for the purposes of the Town and Country Planning Act only. It is not a decision under Building Regulations or any other statutory provision. Separate applications may be required.
2. A report has been prepared that details more fully the matters that have been taken into account when reaching this decision. You can view a copy on the Council's web site via the Planning Application Search pages <http://www.northwarks.gov.uk/planning>. It will be described as 'Decision Notice and Application File'. Alternatively, you can view it by calling into the Council's Reception during normal opening hours (up to date details of the Council's opening hours can be found on our web site <http://www.northwarks.gov.uk/contact>).
3. Plans and information accompanying this decision notice can be viewed online at our website <http://www.northwarks.gov.uk/planning>. Please refer to the conditions on this decision notice for details of those plans and information approved.

Authorised Officer: \_\_\_\_\_



Date:

2 August 2022



## 1.21 Conclusion and recommendations

- 1.22 BAC were commissioned by NWBC HD to undertake a noise impact assessment of a proposed development at The Office Public House, Warton. An NIA provided several recommendations to mitigate and reduce to a minimum any adverse effects from noise post development.
- 1.23 Several mitigation measures including the lowering of the proposed development ground floor level and installation of a 1.5m screen along the western boundary of the proposed development were considered impractical. The reasons vary from practicality to ensuring suitable access for disabled patrons and visitors.
- 1.24 The changes have been suggested primarily as the entire area of the proposed development cannot be lowered due to the detrimental effect to the foundations of the brick boundary wall and associated drainage problems. The noise modelling shows a net increase of 0.32m to the existing boundary screening heights (decision notice plan 'b') is sufficient to offset the reduction ground level proposed within the BAC NIA.
- 1.25 It is understood a variation application will be submitted based on the proposed changes to the mitigation measures specified within condition 6 a) to e). Once considered by the LPA, this effectively means a new permission will be granted. BAC recommends the following condition wording for use or adaptation by the LPA:
- 1.26 6. The development hereby approved shall not be used for business purposes by The Office Public House until the following matters have been implemented within the proposed development to the satisfaction of the Local Planning Authority and confirmation that the mitigation measures have been incorporated into the proposed development shall be received and approved in writing with reference to the plan located within this notice:
- a) Boundary/acoustic screening marked 'b' within the attached plan shall be implemented within the proposed development site to a minimum height of 3m from the finished ground level. The screening shall have a minimum surface mass of 10kg/m<sup>2</sup> and be maintained throughout the lifetime of the development.

- b) Boundary/acoustic screening marked 'c' shall be implemented to a minimum height of 1.5m within the upper beer garden. The screen shall extend from the boundary of 3 Trinity Close a minimum distance of 7m towards the stairs leading from the lower to upper beer garden but should not obstruct the stairs. The screening shall have a minimum surface mass of 10kg/m<sup>2</sup> and be maintained throughout the lifetime of the development.
- c) Boundary/acoustic screening marked 'd' shall be implemented to a minimum height of 1.5m within the lower beer garden. The screen shall extend from the boundary marked 'e' for a minimum distance of 10.8m towards the southern façade of The Office Public House but should not obstruct the rear access to the premises. The screening shall have a minimum surface mass of 10kg/m<sup>2</sup> and be maintained throughout the lifetime of the development.
- d) A ramp to accommodate disability access shall be installed within the proposed development (marked 'e') to provide safe access to the car park.
- e) Where possible, the seating and table within the proposed development site shall originate patrons to encourage speech in a northerly/north westerly direction.

For the avoidance of doubt, details of the location of acoustic screening are provided within the plan attached to this Decision Notice.

#### REASON

In the interests of reducing the risk of noise emissions from the site.

## **General Development Applications**

**(6/d) Application No: MIA/2022/0022**

**Coleshill Manor Campus, South Drive, Coleshill, B46 1DL**

**Non-material amendment to application PAP/2019/0496 dated 11/08/2020 for amendments to the building area, form and materials for**

### **Emerge Surf**

#### **Introduction**

This report is brought to the Board for information as the request of the Chairman.

Members will recall the grant of planning permission in 2020 for the surfing centre at Coleshill Manor to the west of Coleshill, close to the M6 Motorway. Work is now underway on providing the access road.

That consent included a building at the northern end of the new lagoon which would take the form of an “arc” with a mono-pitch roof. It also included a number of ancillary functional buildings in order to operate the surfing waves within the lagoon.

Plans of the main buildings as approved are at Appendix A.

#### **The Non-Material Amendments**

The applicant has recently sought amendments to these approved buildings. These were not considered to be material changes and were thus dealt with under delegated powers with the Notice due to be issued before the date of this Board meeting. As a consequence of the significance of the development to the Borough in business and tourism terms, the Chairman and the Opposition Spokesperson have viewed the proposals before determination, both prior to and after the submission of the application. They fully support them. This report is thus brought to the Board for information.

The main building is to remain as an “arc” built form with the same mono-pitched roof and to the same maximum height. The main differences are:

- To divide the building into two rather than have a continuous roof with a new glazed flat roof link such that on arrival, visitors can see the lagoon through the new link;
- The overall floor area would be slightly less than that approved
- A colonnade would be added to the lagoon side of the building so as to provide circulation space externally rather than internally.
- Removal of the “watch tower” with the facility being incorporated into the main building.
- A change to the materials such that they would be a dark coloured timber with larch wood details and a grey aluminium roof together with some sedum roof covering.

- The functional buildings would be slightly larger than those approved, but would be “softened” in terms of the built form
- Solar panels are to be included.

Plans illustrating these amendments are at Appendix B

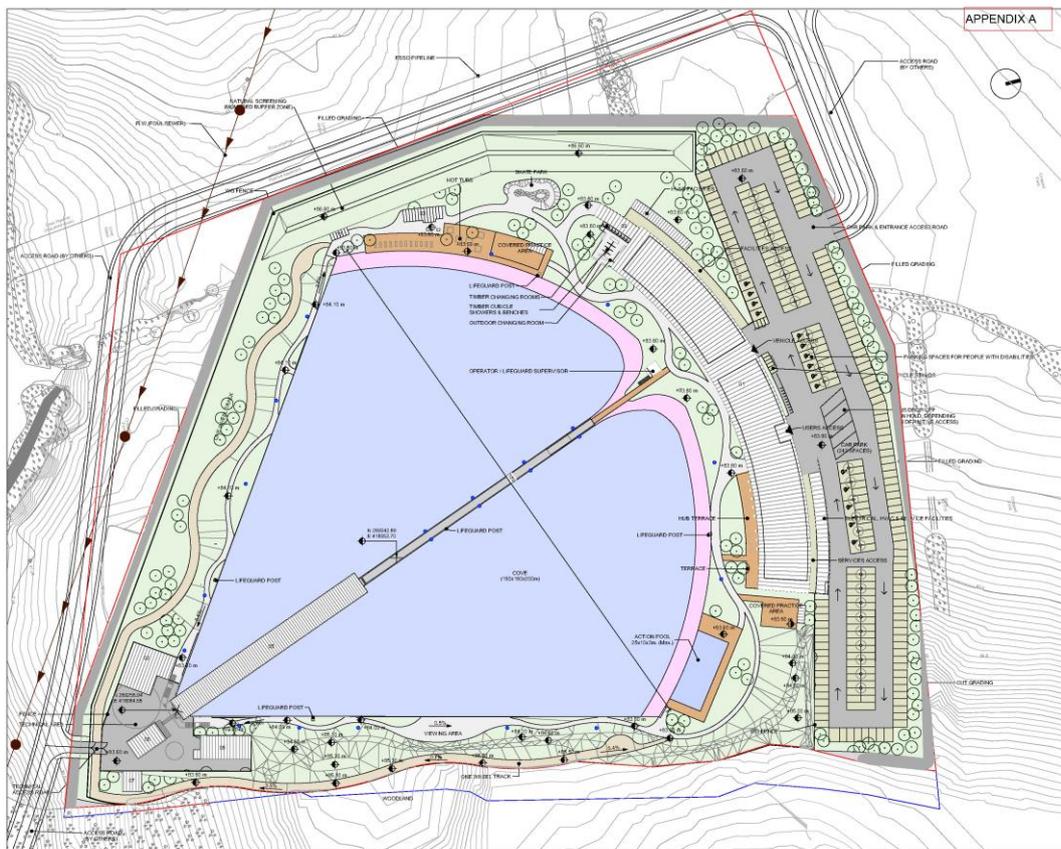
### **Observations**

Overall, there is a minor increase in floor area of less than 1%, but with no increases in height there was considered to be no discernible impact on the openness of the Green Belt hereabouts.

In terms of the built form, this remains effectively the same, but the key difference is in the use of new materials and the increased amount of glazing. Overall, these amendments lead to an enhancement over the approved scheme and officers were very comfortable in supporting them. Member involvement in this process has also been significant.

### **Recommendation**

That the report be noted.



APPENDIX A

PAP2019/048

- LEGEND**
- REINFORCED CONCRETE FLOOR
  - TIMBER DECK
  - SOFT LANDSCAPE
  - GRASSBETONE
  - BRICK PAVEMENT
  - RESIN BOUNDING GRANULES
  - ASPHALT FOR ROADS OR TECHNICAL AREAS
  - BUILT AREA
  - LAND BOUNDARY
  - LIGHTING POST
- BUILDINGS**
- 01. MAIN BUILDING
  - 02. WASHROOMS BUILDING
  - 03. CAFE
- EQUIPMENT AND MACHINERY**
- 06. WASHING ROOM
  - 07. CHANGING
  - 07. TRANSFORMER ROOM
  - 08. WATER TREATMENT PLANT
  - 09. 10 FT PUMP ROOM AND WAREHOUSE
  - 10. ONE WAY TRACK RECEPTION & STORAGE

**NOTES**

\* ALL DIMENSIONS ARE IN METERS UNLESS STATED OTHERWISE

**CLIENT**

**emerge** S U R F

**DESIGNER**

**WAVE GARDEN** →

**SENER**

**PROJECT**

BR WAVE GARDEN BIRMINGHAM

**SITE**

BIRMINGHAM (U.K.)

**SCALE**

AS INDICATED

REV	DESCRIPTION	DATE
01	ISSUED FOR PERMIT	08/07/2020
02	ISSUED FOR PERMIT	08/07/2020
03	ISSUED FOR PERMIT	08/07/2020

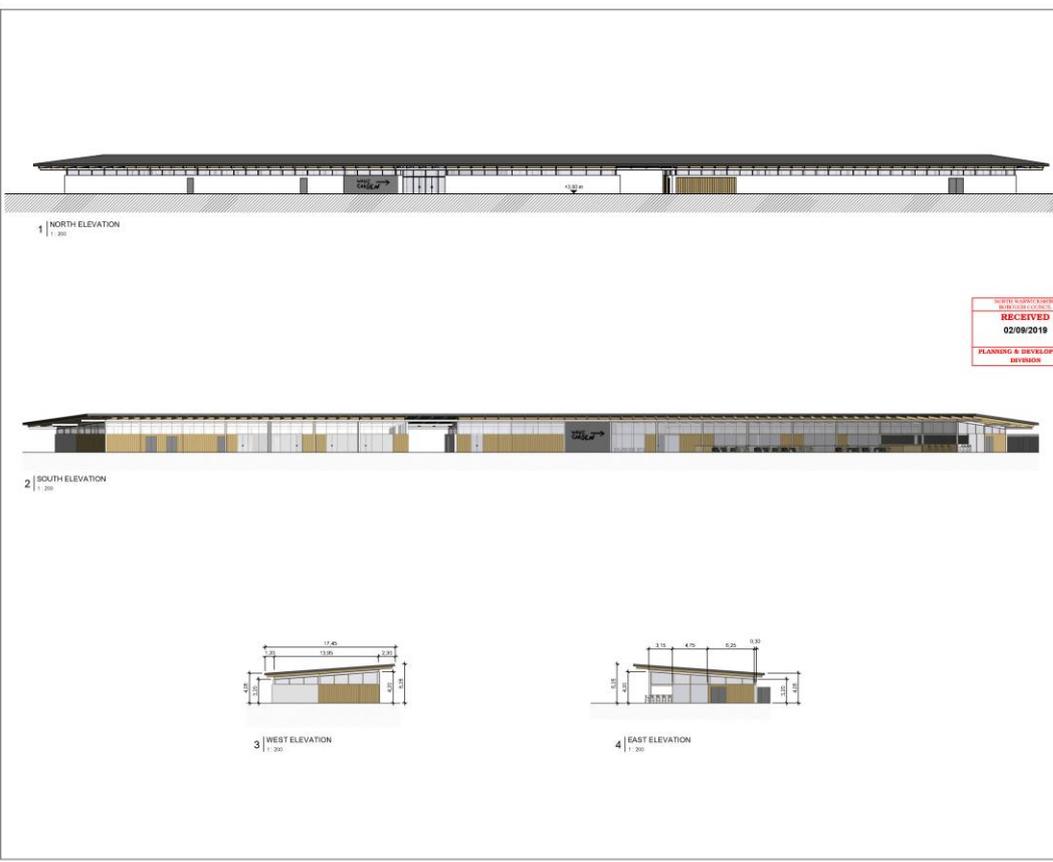
**ARCHITECTURE**

SENER ARCHITECTURE

**MASTERPLAN**

**SHEET NUMBER**

BR-2019-RAC-0100



- LEGEND**
- GLAZING MATERIALS**
- LOW IR MIRROR WHITE ANTI-REFLECT WARM LOW EMISSION GLASS
  - LOW IR MIRROR CLEAR WARM LOW EMISSION GLASS
  - LOW IR MIRROR CLEAR WARM LOW EMISSION GLASS
  - LOW IR MIRROR CLEAR WARM LOW EMISSION GLASS
  - LOW IR MIRROR CLEAR WARM LOW EMISSION GLASS
  - LOW IR MIRROR CLEAR WARM LOW EMISSION GLASS
- ROOF**
- BRICKS COLOURED SHEET METAL ROOF
- STRUCTURE**
- UNPAINTED STEEL PROFILES
  - UNPAINTED TIMBER PROFILES
- DOORS**
- GLAZED STEEL DOOR
  - GLASS DOORS
  - TIMBER SLATS DOOR

RECEIVED  
02/09/2019  
PLANNING & DEVELOPMENT  
BIRMINGHAM

**NOTES**

\* ALL DIMENSIONS ARE IN METERS UNLESS STATED OTHERWISE

**CLIENT**

**emerge** S U R F

**DESIGNER**

**WAVE GARDEN** →

**SENER**

**PROJECT**

BR WAVE GARDEN BIRMINGHAM

**SITE**

Birmingham (U.K.)

**SCALE**

AS INDICATED

REV	DESCRIPTION	DATE
01	ISSUED FOR PERMIT	02/09/2019
02	ISSUED FOR PERMIT	02/09/2019
03	ISSUED FOR PERMIT	02/09/2019

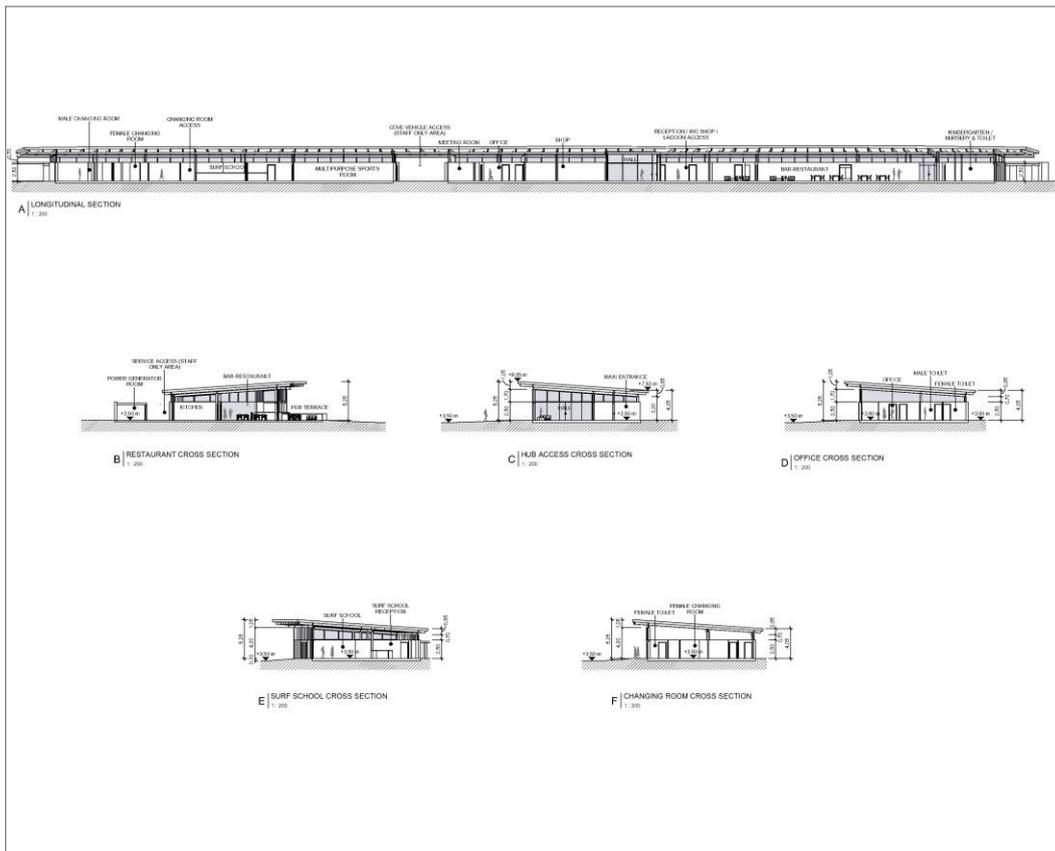
**ARCHITECTURE**

SENER ARCHITECTURE

**ELEVATIONS**

**SHEET NUMBER**

BR-2019-RAC-0100



LOGNO:

DATE RECEIVED: 02/06/2019  
PLANNING & DEVELOPMENT DIVISION

UNITS:  
ALL DIMENSIONS ARE IN METERS UNLESS STATED OTHERWISE

CLIENT:  
emerge

DESIGNER:  
WAVE GARDEN  
SENER

PROJECT:  
RIP WAVE GARDEN BIRMINGHAM

SITE:  
Birmingham (U.K.)

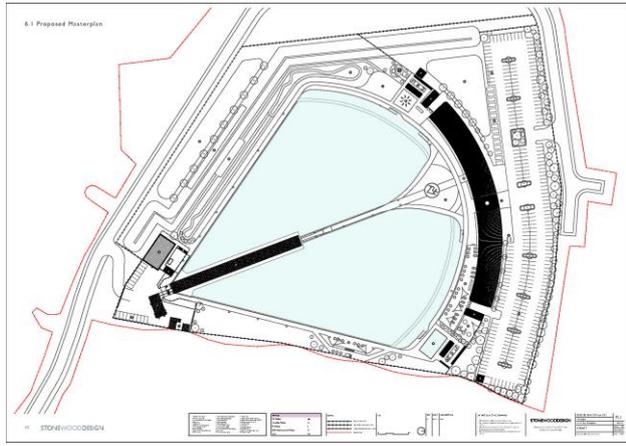
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REV	DESCRIPTION	DATE
01	FOR PERIOD	02/06/19
02	FOR PERIOD	02/06/19
03	FOR PERIOD	02/06/19

DESIGNED BY: J.O.G. DRAWN BY: E.K.  
CHECKED BY: P.G.G. APPROVED BY: M.G.B.

DISCIPLINE:  
ARCHITECTURE  
HUB BUILDING  
SECTIONS

DRAWING NUMBER:  
BR-216-GRAND-0740



7.0 Proposed Elevations - North Elevation



7.1 Proposed Elevations - South Elevation



7.3 Proposed Elevations - East Elevation



STONEWOOD DESIGN

STONEWOOD DESIGN

7.3 Proposed Elevations - West Elevation



STONEWOOD DESIGN

STONEWOOD DESIGN



The holding is in mixed agricultural/equestrian use and contains a large u-shaped stable block (permitted under application PAP/2014/0119), a menage (PAP/2014/0480), a mobile field shelter and a timber-clad shipping container. The field shelter and shipping container do not have planning permission, although the field shelter, a moveable structure, may not need permission.

This is a largely rural, countryside setting save for a loose scattering of residential development along Square Lane and a small concentration of properties centred around the junction of Tamworth Road and Highfield Lane. Open land extends beyond the site to the north and east, and public footpath M345 bisects the site adjacent to its main entrance.

## The Proposal

Planning permission is sought for the erection of agricultural building used for the storage of agricultural machinery and hay, located to the south of the menage. The building measures 9.15m by 7.5m and stands 3.05m high to the eaves and 4.5m high to the apex of a shallow pitched gabled roof. Walls comprise timber boarding laid under an insulated, brown coloured metal roof.

Currently, the existing stable block lies unused, and no livestock or machinery is present at the site. The applicant asserts that when consent is granted, four donkeys and a handful of sheep will be purchased. Donkeys are to be housed in the stable block and machinery is to be brought onto land once a building is available for safe, secure storage.

The list of machinery to be purchased is as follows:

A Compact Tractor, Gator, Flail mower, Harrow, Roller and Trailer.

## Background

Planning <a href="#">PAP/2014/0119</a>	FAPG 23-06-14	4 Square Lane Corley Warwickshire	Erection of building for livestock, equestrian with associated building uses and mixed use of site as agricultural and equestrian
Planning <a href="#">PAP/2014/0165</a>	NTD 15-04-14	4 Square Lane Corley Coventry Warwickshire	Erection of building for livestock, equestrian with associated building uses and mixed use of site as agricultural and equestrian
Planning <a href="#">PAP/2014/0480</a>	FAPG 15-10-14	4 Square Lane Corley	Creation of a menage as a change of use from agricultural land

## **Development Plan**

North Warwickshire Local Plan 2021 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP14 (Landscape), LP16 (Natural Environment), LP29 (Development Considerations), LP30 (Built Form) and LP32 (New Agricultural, Forestry and Equestrian Buildings)

Fillongley Neighbourhood Plan 2018-2034 - FNP01 (Built Environment) and FNP02 (Natural Environment)

## **Other Relevant Material Considerations**

National Planning Policy Framework 2021 – (the “NPPF”)

National Planning Practice Guidance - (the “NPPG”)

## **Consultations**

Warwickshire Fire Service – It requires the inclusion of an advisory note drawing the applicant’s attention to the need for the development to comply with Approved Document B, Volume 2, Requirement B5 – Access and Facilities for the Fire Service

NWBC’s Environmental Health Officer – There is a comment that if animals are to be housed in the building, noise concerns can be negated by fixed glazing on the building’s southern elevation. A set of conditions is also recommended, should planning permission be granted.

Agricultural Consultant – The response was dated 16/3/21. This concluded that, based on 4.14ha of land, a building of approximately one-third of the size originally proposed (133.58m<sup>2</sup>) would be justified. This equates to 44.53m<sup>2</sup>. No objection was raised to the principle of a new building.

## **Representations**

19 letters of objection have been received across the consultation periods from 7 properties, citing the following concerns:

- Building is too close to residential property (other locations on the holding should be considered).
- Housing livestock could give rise to environmental health-related issues – noise, smells, disturbance etc., particularly noise from donkeys
- Other buildings on site could be used for storage
- Grazing livestock and horses are not an accurate reflection of land usage by the owner. The land has been used for haymaking in this and each previous year
- The previous planning officer deemed a single building to be more appropriate than a range as suggested here
- There is no large equipment or animals at the site so no need for the building
- Building is not large enough for machinery or hay storage
- Building not fit for its intended purpose – why is lighting through windows required?

- Hay yield from the site will not give rise to the need for the size of the building proposed.
- Hay yield suggested by applicant is questionable given the suggested livestock grazing and limited activity to date.
- There is already a haybarn within the stable block.
- Rotational grazing will be required, reducing the land available to grow hay.
- What is the applicants experience of animal care, are licenses required, who is going to use the machinery?
- Does the shipping container on-site have planning permission?

#### Representations in respect of the latest proposals

- Still no justification for the additional structure
- Building location will give rise to smell and fumes
- Storage of hay and machinery is a fire risk
- New building is a blot on the landscape
- Why are windows required
- No activity has taken place on the site in the last year, except two weeks of grazing by sheep not owned by the applicant
- Building is too close to residential property
- Drainage is inadequate

Corley Parish Council objects to the application, commenting that two large buildings exist at the site already allocated for the use of storage, and the stable block is unused. They further that the site has a personal use restriction and therefore any additional storage space is not required.

Fillongley Parish Council raise no objection.

#### **Observations**

This application will be determined in accordance with the aforementioned development plan policies, unless material considerations indicate otherwise, pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

##### **a) Principle of Development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that for all decisions made under the 'Planning Act's' the determination must be in accordance with the development plan in force, unless material considerations indicate otherwise. North Warwickshire's development plan comprises the recently adopted North Warwickshire Local Plan (2021) – (the "NWLP") - and the Fillongley Neighbourhood Plan 2018.

##### **i) Settlement Hierarchy**

North Warwickshire Local Plan (NWLP) policy LP2 sets out a settlement hierarchy for the Borough, through which new development will distributed. LP2 does not afford policy support for new agricultural buildings in category 5 locations; however, policy LP34 does (discussed in more detail later on in this report) and provides specific policy guidance for such buildings.

## **ii) Green Belt policy**

The application site falls within the Green Belt. NWLP Policy LP3 sets out the Council's objective of protecting Green Belt land within the Borough, affirming that inappropriate development is harmful by definition, and should not be approved except in situations where very special circumstances are considered to exist.

The NPPF provides further Green Belt guidance, defining the construction of new buildings as inappropriate development, save for a closed list of exceptions set out within paragraphs 149 and 150. Paragraph 149(a) deems buildings for agriculture and forestry as appropriate development. Accordingly, the proposals draw support in principle under paragraph 149(a) of the NPPF.

### **b) Agricultural Building policy – LP32**

NWLP policy LP32 (New Agricultural, Forestry and Equestrian Buildings) provides support for new agricultural buildings in all locations, subject to compliance with a series of 'tests'.

#### Reasonably necessary in scale, construction and design for the efficient and viable long-term operation of the holding

Lengthy discussions have taken place between the Council and the applicant, and advice has been received from an agricultural consultant. Due to these negotiations, the proposal has been revised with the building size reduced from 133.59m<sup>2</sup> to 68.6m<sup>2</sup>. Furthermore, initially, it was proposed to also house sheep and donkeys alongside the hay and machinery. The applicant has now indicated that no livestock will be housed within the building, which could be conditioned. Additionally, the application site has been increased from 4.13 hectares to 6.53 hectares, incorporating a further field owned by the applicant along Square Lane.

Council officers sought advice from an agricultural consultant on the earlier proposals with the consultant indicating that a building of approximately 44.5m<sup>2</sup> would be justified based on 2ha of the land being used for haymaking. As the application site has been increased to 6.53ha and around 4.4ha will be used for hay-making, the hay yield will be greater and thus a building of around 70m<sup>2</sup> could be considered justified here. The building proposed measures 68.6m<sup>2</sup>. In principle, therefore, officers consider that the new agricultural building is reasonably necessary in scale and construction for the long-term operation of the holding. Design matters are discussed in the subsequent sections.

#### Availability of other buildings

The applicant states that the existing stable block will be used to house donkeys once purchased and that the stable block is not suited for hay storage given the limited ventilation. The applicant also advances that the building's doors are too small for machinery and cannot be modified without harming the structure of the building.

The unconsented, clad storage building along the boundary of the site is allegedly used to store fencing materials which are used on the land, together with wheelbarrows and implements (fork, broom, shovel etc.) that are used in the stables. The applicant sets out that the doorway of the container is not sufficiently large for machinery and would not have any ventilation for the storage of hay.

Despite the absence of general activity at the site and under utilisation of the stable block and shipping container, neither appear well-suited to house either hay or machinery.

### Siting and Materials

The overall design is deemed suitable with ventilation for the hay storage provided at eaves level with a 2.7m high door allowing for the storage and manoeuvring of small agricultural machinery. The material selection and colour are appropriate, reflecting the general appearance of the stables and shipping container.

With respect to siting, the building would occupy an area of hardstanding to the south of the menage, close to the shipping container and stable block. Clustering of built form is recommended under policy LP32 to minimise visual intrusion and that is demonstrated here. In addition, the densely vegetated roadside boundary (shown below) largely conceals the structure from views along Square Lane. Lighting, shadowing, and general outlook implications for nearby residential property would not be unacceptable considering the limited scale and height of the building (4.5m) and the screening available. Positioning a standalone building elsewhere within the site, in potentially a more exposed location, would represent a much greater landscape intrusion.



Fig 02. Aerial Imagery of the application site, illustrating the existing buildings on site, the dense roadside boundary to the northern side of Square Lane and properties to its southern side

### Residential Amenity

Notwithstanding neighbour concerns, NWBC's environmental health officer offers no objection to housing livestock within the building, subject to fixed or no openings on the building's southern elevation. The applicant has since revised the proposals, and livestock would not be housed in the building. This is an existing mixed (agricultural and

equestrian) holding and, therefore, any agricultural activity, including the introduction of donkeys and sheep, is lawful and would not require planning permission. Animal licensing provisions sit outside of the planning system, and public health concerns are addressable under Environmental Health related legislation.

### **c) Other matters**

Fire Risk - Warwickshire Fire and Rescue commented on the earlier proposals, simply requiring the inclusion of an advisory note drawing the applicant's attention to the need for the development to comply with Approved Document B, Volume 2, Requirement B5 – Access and Facilities for the Fire Service.

In general, the planning system is not tasked with assessing, inspecting, or approving fire safety, which is primarily the responsibility of building control and, planning does not have powers to assess the fire safety of building materials or most elements of building design.

Future use of the building – Speculation over future uses is not a material planning consideration. The justification and design of the building has been discussed earlier in this report.

Drainage – there is no evidence to suggest that drainage from the small building, or the site in general, would have a detrimental impact on the local drainage and highway networks, nor residential property.

Unlawful buildings – The planning authority will investigate the allegedly unlawful buildings on the site as a separate matter.

### **Recommendation**

That planning permission be GRANTED subject to the following conditions:

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

#### **REASON**

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the Location Plan (101A), the Location Plan (100B), the Proposed Site Plan (150E), and the Proposed Plans and Elevations (250H), all received by the Local Planning Authority on 28 July 2022.

#### **REASON**

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended, or any order revoking and re-enacting that Order with or without modification, the building shall be used for the storage of machinery and hay in connection with the farming of the agricultural land within the mixed agricultural and equestrian unit only.

#### REASON

In the interests of the amenities of the area and to prevent unauthorised use of the building.

#### Notes

1. Wildlife and Countryside Act 1981 - Birds. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.
2. The applicant is encouraged to ensure that any demolition, construction works, and deliveries do not cause nuisance to neighbouring properties and their occupiers. It is recommended that works are restricted to between 0730 and 1800 hours on weekdays, and 0800 and 1300 hours on Saturdays, with no demolition, construction works and deliveries on Sundays or recognised public holidays.
3. The applicant's attention is drawn to the need to comply with Approved Document B, Volume 2, Requirement B5 – Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc regarding this can be found at;  
[www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning](http://www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning)
4. Public footpath number M345 passes close to the site. Care should be taken, particularly during construction works, to ensure that this route is kept open at all times.
5. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues, suggesting amendments to improve the quality of the proposal and through regular dialogue. As such, it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2021/0428

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	15/07/2021 to 28/08/2022
2	Third Parties	Representations	04/08/2021 to 08/09/2022
3	Agricultural Advisor	Consultation Response	16/03/2021
4	WCC Fire and Rescue	Consultation Response	15/09/2021
5	NWBC Environmental Health	Consultation Response	10/11/2021
6	Corley Parish Council	Representation	08/08/2022
7	Fillongley Parish Council	Representation	22/08/2022

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

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

## **General Development Applications**

**(6/f) Application No: PAP/2022/0247**

**The Elms, Austrey Road, Warton, Tamworth, B79 0HG**

**Variation of condition no: 2, 3 and 4 of planning permission PAP/2020/0410 dated 17/03/2022 relating to revisions to finished floor levels, house types (Plots 1, 2-5, 6-7), plot 6-7 two storey, Construction Management Plan and Site Investigation report for**

**Charles Anthony Estates Ltd.**

### **1. Introduction**

1.1 The application is referred to the Board at the request of local Members concerned about the impacts arising from the proposed variation.

### **2. The Site**

2.1 The site of the application extends to some 0.4 hectares and is located at the northern extent of the Warton on land to the rear of the property known as The Elms. The site was previously occupied by a brick stable building, a small timber stable and a large metal framed agricultural building, an area of hardstanding and caravan storage. The uses on the site included caravan storage which had been on the site since 2006 and the livery use has been on the site for over 30 years. A location plan is shown in Appendix A and it indicates the sites' position within the village.

2.2 The agricultural building was only partly used in part for agricultural purposes. This has now been demolished and another building erected on Bentley Farm in Austrey Road which is a large farmyard with a number of existing agricultural buildings and livery stables. The equine buildings have been erected further south of the current development along Gravel Lane.

2.3 In 2018 outline planning permission was granted for 9 dwellings under reference PAP/2018/0321. Subsequently, a full planning permission was granted for 9 dwellings PAP/2020/0410 earlier this year. This planning permission has been implemented and is currently being carried out at present.

2.4 The site is adjacent to the Elms Farmhouse which is an imposing Georgian house situated on the corner of Austrey Road and Gravel Lane. North-east of the site there are three barns which have been converted. These form a 'U' shape and were granted planning permission in 1995. These are predominantly one and half storeys high.

### **3. The Proposals**

3.1 The proposal is for a change to the original planning permission granted earlier this year. The proposal includes variations to condition numbers 2, 3 and 4 of planning permission PAP/2020/0410 dated 17/03/2022 relating to revisions to finished floor levels and changes to the house types (Plots 1, 2-5, 6-7). As works have commenced details

have also been submitted in respect of a number of details including a construction management plan, site investigation details, landscaping, surface water and materials.

3.2 The original footprint of the scheme is not proposed to be altered on the current application. The layout of the scheme has been designed with 6 properties around a courtyard development to the rear of Austrey Road, with 3 properties fronting Gravel Lane, including two dwellings designed for 'farm workers' (plots 8 and 9) and one as the main 'farmhouse' (plot 1).

Originally, the scheme included a mix of properties with 2 bungalows and 7 two storey dwellings with some including rooms in the roof-space. This layout is indicated in Appendix B.

3.3 The proposed alterations to the scheme include the following changes:

- On plot 1, a void window in the rear elevation has been increased in size to make the elevation more symmetrical.
- On plots 2-5, which overlook the fields to the south, the height of the dwellings has been increased by 0.3 metres to allow for more headroom within the units. Externally, corbelling has been provided. The finished floor levels of the land have been reduced 0.3m to compensate for this increase.
- On plot 5, the first-floor windows have been repositioned from the rear elevation to the side and an additional window on the ground floor is shown in the kitchen shown on Appendix C.
- On plots 6 and 7, these units were originally indicated as being bungalows (Appendix D). These are now proposed to be 2 storey dwellings, but on the same footprint as the original approval (Appendix E).

3.4 The Board is reminded that the determination here should only consider the amendments to the approved scheme, not the principle of the development.

#### **4. Development Plan**

4.1 North Warwickshire Local Plan 2021 - LP1(Sustainable Development); LP2 (Settlement Hierarchy), LP5 (Amount of Development), LP7 (Housing Development), LP8 (Windfall Allowance), LP9(Affordable Housing Provision), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP29 (Development Considerations), LP30(Built Form), LP34 (Car Parking), LP33 (Water Management) and LP35 (Renewable energy and energy efficiency)

#### **5. Other Relevant Material Considerations**

National Planning Policy Framework 2021 – (the “NPPF”)

National Planning Policy Guidance – (the “NPPG”)

Supplementary Planning Guidance: - The Council's SPG – A Guide for the Design of Householder Developments – Adopted September 2003.

Air Quality & Planning Guidance - September 2019

## **6. Representations**

6.1 Three letters of objection have been received from surrounding properties referring to:

- Concerns in terms of overlooking into garden areas
- Privacy implications of the amended plans
- Limited distance involved in respect of the proposal.
- Oppressive sense of enclosure created by the development.
- Can the design be amended to include rooflights and 1 ½ storey rather than overlooking windows
- Impact on existing Juliet balcony

## **7. Consultations**

7.1 Warwickshire County Council as Highway Authority – No objection to the principle of the development but have commented on the submitted details in respect of the construction management.

7.2 Environmental Health Officer – No comments to make

## **8. Observations**

### **Principle**

8.1 The principle of development of this residential development is supported following the approval of the outline application previously and the full application earlier this year. However, there is still the need to look at the amended details in respect of the impact on the visual amenities of the area and the adjacent residential properties.

### **Quality of design**

8.2 Consideration of the changes from a design point of view is material here. The changes outlined earlier raise the height of a number of the properties, however the land levels will also be reduced to lower the prominence of plots 2-5 which are on the most exposed southern boundary of the site.

8.3 The most significant alterations are those to plots 6 and 7 which are being changed from single storey to two storey properties. The bungalows were two bedroomed bungalows. The proposal will alter this to three bedroomed properties increasing the height from 5.3m to the ridge to 7.3m - so a 2 metre increase in height. Visually the surrounding existing development is a mixture of two storey and one and a half storey development. The concept of the original scheme was to imitate a farmyard conversion echoing a farmhouse, workers dwellings and some barn conversions. Plots 6 and 7 are on the northern boundary contiguous with the existing settlement. It is not considered that visually the alterations to two storey dwellings will undermine the design concept. The changes would not be visually dominant from the highway and would echo the other properties.

8.4 Further to this the land drops southwards from Austrey Road down towards Gravel Lane such that the ridge level of the Elms is 89.42m AOD and numbers 85, 87 and 89 are 87.3m AOD. The adjacent plots 5, 6 and 7 will have a ridge height of 86 AOD, 1 metre lower than that of the lowest existing adjacent property. The development will not have a significant visual impact.

### **Amenity of neighbouring properties and future occupiers**

8.5 The Local Plan requires development to comply with Supplementary Planning Guidance

and in turn this allows for consideration of national guidance. Policy LP29 ensures that new developments will minimise or mitigate environmental impacts for the benefit of existing and prospective occupants of neighbouring land. Such impacts may include loss of light, privacy or security or unacceptable noise, pollution, flooding or sense of enclosure. This provides guidance on the way buildings should relate to each other and the impact of this on levels of acceptable amenity for both existing and future occupiers. Paragraph 130 of the NPPF is also relevant and sets out the need for planning to deliver a high standard of amenity for all existing and future users of buildings.

8.6 The main impact in this respect is the impact on numbers 85, 87 and 89 Austrey Road created by the changes from a single storey property to a two-storey property of plots 6 and 7. This is clearly indicated by Appendix D (Approved plans and elevations) and Appendix E (Proposed plans and elevations). The position of the plots is the same as originally approved this year, with the plots being between 10 and 11 metres from the rear boundary of the boundary. The boundary treatment is a 1.8m high boundary wall.

8.7 As indicated already, there is a difference in height between the finished floor levels of the existing dwellings and the proposed dwellings. However, as indicated previously the drop in levels and finished floor levels means that the impact on the existing residential properties is reduced due to the lower floor levels of the plots compared to the existing higher ground level. The ridge height of plots 6 and 7 will be 1 metre less than the ridge level of those at 85, 87 and 89 Austrey Road.

8.8 Most importantly with any impact on neighbouring properties, it is the distance involved between existing and proposed residential properties that is material. It is usually expected that a distance of between 21-23 metres is required between habitable windows on rear elevations. As can be shown by Appendix F the distances from the plot to existing neighbouring properties is around 30 metres. Due to the projection/position/distance of the proposal from neighbouring properties there is unlikely to be a significant impact on the reasonable amenities of any of the adjacent residents through overbearing and loss of privacy.

8.9 In respect of the changes to plot 5, the main impact is to 85 Main Road. However as can be seen from the proposed alterations to this plot (Appendix C), the amount of rear facing windows overlooking existing dwellings are reduced. It is therefore considered that the amendments would not adversely affect the neighbouring properties and the two storey 'L' shaped design of plot 5 is more than sufficient in distance to the usually expected 21 metres distance.

8.10 The impact on the adjacent Elms housing site is a consideration, which has now been determined. The nearest dwellings are around 17 metres from the rear of plot 7. The side elevation to plot 2 has windows, with the ground floor protected by boundary fencing. The first floor window is to be obscurely glazed, so to protect amenity, and this is shown on the proposed plan

8.11 The applicants have provided a response to the representations after being asked to consider an amended scheme to reduce privacy implications, these comments are as follows:

*“Plots 6 and 7 were previously approved as bungalows, the proposal to enlarge them into 2 storey units was initially discussed back in April 2022 and an application shortly followed.*

*I have reviewed the suggestions with my client, and it is our view that the proposals do not breach any overlooking issues. This has been reviewed against the A Guide for the Design of Householder Developments (2003) That can be found on the council’s website.*

*In respect to the new proposals, Plots 6 and 7 are designed to be no higher in ridge height or window height openings than the approved plot 5, and plot 7 and 9. The distance from the proposed rear façade to the nearest dwelling off Austrey road as being roughly 32 meters. The distance from the proposed rear façade to the nearest dwelling of the Elms is approximately 27m. The approved distance from the rear façade of plot 5 to the nearest dwelling off Austrey road as being roughly 31 meters. Therefore, the proposals are in no way anymore detrimental to the currently approved scheme, if anything the off-stand distances to the Austrey Road properties are better.*

*There is a recently approved and developed scheme within the village off Barn End Road where all plots typically have 21m back to back distances upon reviewing the scheme. Whilst on the same scheme there are properties on Red Marl Way that back onto existing houses on have a back-to-back distance from new to existing of 25 metres.*

*I have reviewed the Design of Householder development document and no specific dimension is referenced for a back-to-back distance to reduce overlooking. Typically, most developments tend to work off 21m back to back as an acceptable distance to minimise any overlooking. Section 2.16 states that neighbouring occupiers are entitled to a reasonable level of privacy. As the proposals are greater than approved on plot 5, and significantly greater than the Barn End Road scheme this would prove our scheme offers a significant level of consideration to the neighbours privacy. Due to the distance from the properties, no loss of sunlight would be evident also and the 45-degree sightline rule has also not been broken.*

*When designing the scheme, we have considered the overlooking of the development on neighbouring properties. Smaller windows to the first floors have been used to reduce the amount of visibility in and out of windows in the bedrooms. We also feel that the 2 storey units finish off the courtyard to a much more aesthetically pleasing standard and have a more convincing courtyard approach than previously. I feel the asymmetrical roof would be a detriment to the architectural quality of the development, whilst all the other roofs are equal in width and angles, but also this gable end is evident when*

*driving into the development and would dilute the barn courtyard feel. In addition, the use of Velux roof lights to habitable rooms and even bathrooms can cause significant concerns for means of escape under the building regulations.”*

8.12 Based on the submitted scheme and the response from the applicant, it would be difficult to substantiate a reason for refusal of the proposal alterations to the approved scheme. Overall, this proposal would provide a satisfactory level of amenity for existing and future occupants. The application is considered to comply with North Warwickshire Local Plan Policy LP29 as well as the NPPF, which aims to ensure that development has a ‘high standard of amenity for existing and future users,’.

## **Conclusion**

8.13 The amendments to the residential development are considered acceptable subject to conditions. Given that there is no significant and demonstrable harm likely to be caused, the presumption outlined within the report can be translated into a recommendation of approval. Accordingly, the development complies to Policies within the recently adopted Local Plan, in the absence of any other material considerations, the application is recommended for approval

## **Recommendation**

That planning permission be Granted subject to the following conditions:

1. The development hereby approved shall not be carried out otherwise than in accordance with the submitted details, ARWT\_100\_Planning Layout P05, ARWT - House type Portfolio Rev DAR-01 AR-02 Plots 1, 2, 3 5, 6 and 7, ARWT - 400 Location plan, ARWT - 800 Streetscene Finished floor level ARWT 100 Rev A

REASON: For avoidance of doubt.

2. The development hereby approved shall not be carried out other than in accordance with the Weinberger athena blend (plots 1, 8, 9) BEA baronial and athena blend mix (plot 2-7) and marley edge mere duo tiles, including window set back AR-10. The approved details shall thereafter be implemented.

REASON:

In the interests of visual amenities of the building.

## **Pre-commencement conditions**

3. Notwithstanding the submitted details no development, including construction, shall commence on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the planning authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of highway safety and residential amenity.

4. No works other than demolition shall take place until a preliminary assessment for contaminated land has been undertaken. If the assessment identifies potential contamination a further detailed investigation shall be carried out and details of remediation measures shall be provided where necessary. All works shall be carried out by a competent person and agreed in writing by the Local Planning Authority prior to commencement of development.

REASON

To ensure that any previous use does not impact on the future residential properties

5. In the event that contamination is found under condition 4, at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

REASON

To ensure that any previous use does not impact on the future residential properties.

6. Where remediation works have been carried out in pursuance with the preceding two conditions, a post remediation verification report shall be submitted in writing to and approved by the Local Planning Authority before the development is first occupied.

REASON

To ensure that any previous use does not impact on the future residential properties.

**No development above ground floor level**

7. The development shall be carried out in accordance the greenstar 4000 combi installation boilers and the wallbox pulsar charging points. Prior to first occupation the electric charging points and boilers shall be installed in accordance with the approved details

REASON: To achieve sustainable development by reducing emissions in line with Local and National Policy and as set out in the adopted 2019 Air Quality Planning Guidance.

8. No development above ground floor level shall commence until drainage plans for the disposal of surface water and foul sewage, including fire hydrants and surface water attenuation have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

REASON

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution. In the interests of Public Safety from fire and the protection of Emergency Fire Fighters.

9.No development above ground floor level shall commence until a landscaping scheme based on DWG EML CAE 1198 01 has been submitted and approved in writing by the local planning authority taking into the recommendation of the biodiversity impact calculation report dated November 2021. This shall include a management and monitoring plan (to include for the provision and maintenance of the biodiversity offsetting measures in perpetuity). Prior to first occupation any dwelling the approved landscaping scheme shall be carried out or the next planting season in accordance with the approved details.

#### REASON

In the interests of the amenities of the area. In order to safeguard protected and/or priority species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts; and in order to secure an overall biodiversity gain.

10. No development above slab levels shall commence until full details of the provision of the accesses, car parking, manoeuvring and service areas, including surfacing and drainage have been submitted to and approved in writing by the Council. No dwelling shall be occupied until the areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.

#### REASON

In the interest of highway safety.

11. No development above ground floor shall commence until full details of the surfacing, drainage and levels of the car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Council. No dwelling shall be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles.

#### REASON

In the interest of highway safety.

#### **Prior to first occupation**

12. No dwelling shall be occupied until the boundary treatment has been provided in accordance with the approved details on the planning layout ARWT-100-P04A and finished floor levels.

#### REASON

In the interests of amenity and the protection of the character and appearance of the area

14. No dwelling shall be occupied until the bird and bat boxes/bricks have been provided in accordance with the approved details on the planning layout ARWT-100-P05

REASON

In the interests of the amenities of the area. In order to safeguard protected and/or priority species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts; and in order to secure an overall biodiversity gain.

15. No dwelling shall be occupied until the shared access to the site for vehicles (bellmouth) has been laid out and constructed within the public highway in accordance with the approved plans and the specification of the Highway Authority.

REASON

In the interest of highway safety.

16. Plots 8 and 9 shall not be occupied until the public highway footway / verge crossings have been laid out and constructed in accordance with the specification of the Highway Authority.

REASON

In the interest of highway safety.

17. No dwelling shall be occupied until Gravel Lane has been improved fronting the site in accordance with the approved drawings and the specification of the Highway Authority to provide a footway connection between the site and Austrey Road no less than 1.5 metres in width, provide a carriageway no less than 5.5metres in width, removal of the yellow barrier and provide vehicular and pedestrian accesses as shown.

REASON

In the interest of highway safety.

18. The development 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 25.0 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 interest of highway safety.

19. The development shall not be occupied until intervisibility splays have been provided to the vehicular accesses to the site, as measured from the near edge of the

public highway footway with 'x' distances of 2.4 metres and 'y' distances of 2.4 metres to the near edge of the public highway footway. 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 footway.

**REASON**

In the interest of highway safety.

**On-going**

20. Notwithstanding the provisions of Classes AA, A, B of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), no roof alterations or extensions 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 preserving the visual amenities of the area, neighbouring properties, and in accordance with policy LP29 and LP30 of the adopted North Warwickshire Local Plan.

NORTH WAIRKIRSHIRE  
BOROUGH COUNCIL  
**APPROVED**  
17/03/2022  
UNDER THE PROVISIONS OF  
THE TOWN & COUNTRY PLANNING ACTS  
**SUBJECT TO CONDITIONS  
OF NOTICE**



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NORTH WAIRKIRSHIRE  
BOROUGH COUNCIL  
**RECEIVED**  
31/07/2020  
**PLANNING & DEVELOPMENT  
DIVISION**

**CHARLES ANTHONY  
ESTATES**

Project  
Austrey Road, Warton

Drawing Title  
Location Plan

Project Code	Drawing No	Rev	Drawing Scale
ARWT	400	-	1:1250 @ A3



Access 7/8 19/04/20  
2/8 19/04/20  
See contract with the site agent for the full details of the access agreement.  
Access 1/2 19/04/20  
See contract with the site agent for the full details of the access agreement.

APPENDIX B

- Building Footprint
- Building To be Refurbished
- Building To be Reinforced
- Building to be demolished
- Green Wall (20m) - 1.8m High
- Green Fence (20m) - 1.8m High Close Boarded
- 1.1M Gates for Parking
- Vehicular Driveway or Plot
- 800 x 1000 Block paving
- 1.8m High Timber Post
- 8m Concrete Posts
- BCP
- Proposed Site Boundary
- Bird Box - 200mm
- Bird Box - 300mm
- 1.1M x 1.1M x 1.1M

**IMPORTANT NOTES**

This is the construction of work. The contractor shall not be held responsible for any errors or omissions. Accuracy and detail shall be verified by the contractor. Any changes to the design shall be approved and submitted for approval.

The contractor will be responsible for making all to those contracts that may be affected by the proposed and proposed work. Any changes to the design shall be approved and submitted for approval.

Please refer to all contracts and drawings for further details.

All BCP to be finished.

For all Landmarks, please refer to the contract drawing number: 0700/00/01

For all work to be done, please refer to the contract drawing by: 0700/00/01

All measurements taken from Topo Survey: 0700/00/01

PD: Checked against block paving for: 07/03/2022

**CHARLES ANTHONY  
ESTATES**

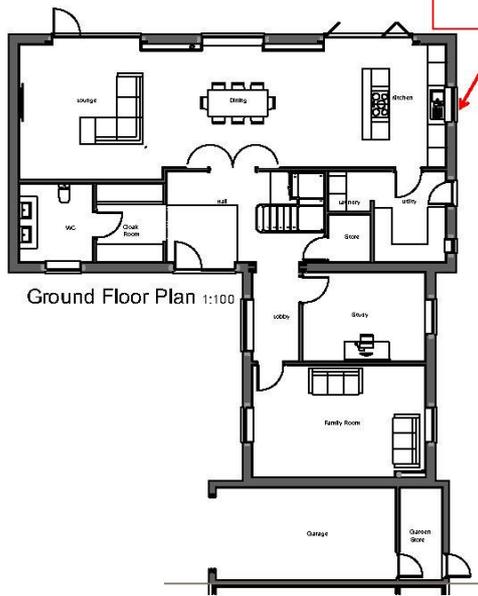
Project  
Austrey Road,  
Warton, Tamworth

Drawing Title  
Planning Layout

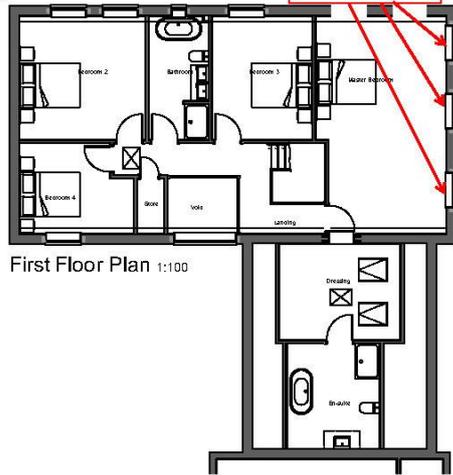
Project Code	Drawing No	Rev	Drawing Scale
ARWT	100	P05	1:500 @ A3

# APPENDIX C

PAP/2022/0247



New window on ground floor in side elevation



Windows previously in this elevation. Now shown on the side elevation

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24/05/2022  
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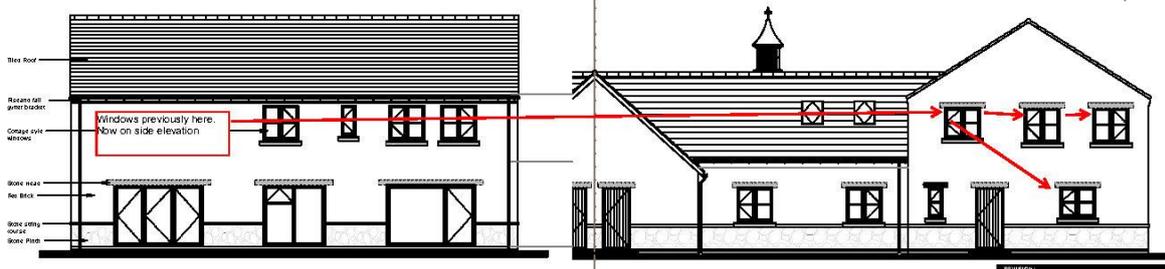
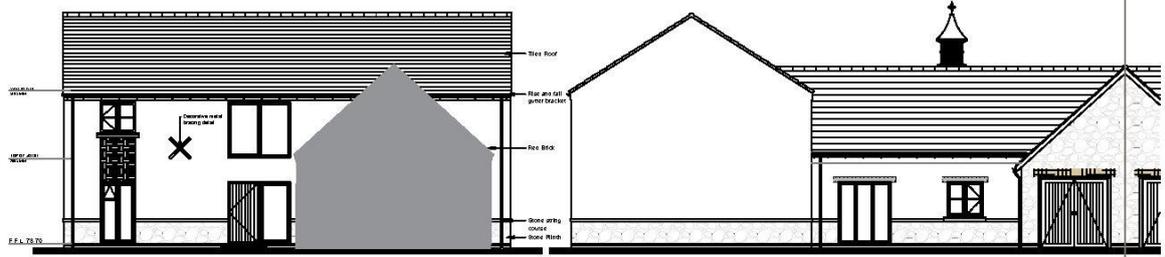
REVISION:

**FOUR COUNTIES ARCHITECTS**

CLIENT: TOM REMWICK  
PROJECT ADDRESS:  
AUSTREY ROAD,  
WARTON,  
TAMWORTH

DATE: MAY 2022 DATE: SEE DWG 043  
DRAWING TITLE: PROPOSED PLAN  
DRAWING NUMBER: AR - 01

### Plot 5 Proposed Plans 1:100



Windows previously here. Now on side elevation

REVISION:

**FOUR COUNTIES ARCHITECTS**

CLIENT: TOM REMWICK  
PROJECT ADDRESS:  
AUSTREY ROAD,  
WARTON,  
TAMWORTH

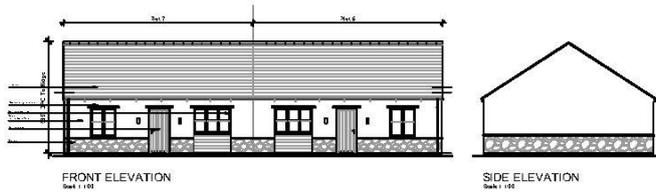
DATE: MAY 2022 DATE: SEE DWG 043  
DRAWING TITLE: PROPOSED ELEVATIONS  
DRAWING NUMBER: AR - 02

### Plot 5 Proposed Elevations 1:100

APPENDIX D

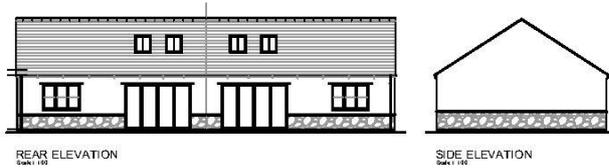
PAP/2020/0410

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10/11/2021  
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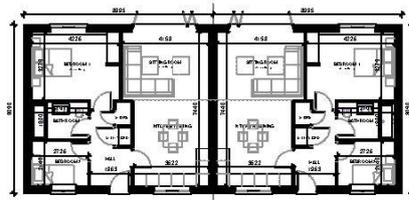
FRONT ELEVATION  
Scale 1:100

SIDE ELEVATION  
Scale 1:100



REAR ELEVATION  
Scale 1:100

SIDE ELEVATION  
Scale 1:100



GROUND FLOOR PLAN  
Scale 1:100  
Plot 5/7 688 sqft

NOT TO SCALE  
This is a preliminary drawing, for information only. It is not to be used for construction purposes without the approval of the relevant authorities. The client is responsible for ensuring that the drawing is accurate and up-to-date. The architect is not responsible for any errors or omissions in the drawing.

**CHARLES ANTHONY**  
ESTATES

Plot 5/7  
Alstrey Road, Warton

Drawn by  
Ross 657 Beverabs & Floor Plans

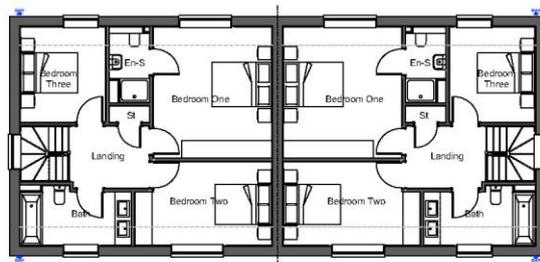
Approved: [Signature] Date: [Date]  
ARW: N/A Date: 11/08/21

@4Counties Architects

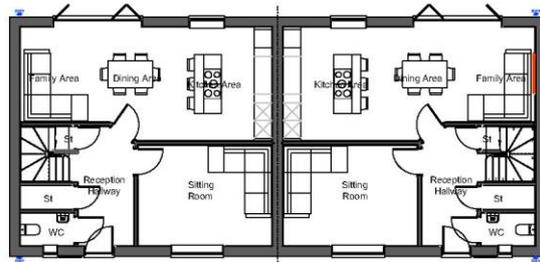
Plot 6/7 Planning Details 1:100

APPENDIX E

PAP/2022/0247



First Floor Plan 1:100



Ground Floor Plan 1:100  
Plots 6/7 - 1350sq ft

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BOROUGH COUNCIL  
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24/05/2022  
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DIVISION

REVISIONS



CLIENT: TOM RENWICK  
PROJECT ADDRESS:  
ALSTREY ROAD,  
WARTON,  
TAMWORTH

DATE: FEB 2022 DATE: SEE CWS @ AS  
DRAWING TITLE: PROPOSED PLANS  
DRAWING NUMBER: AR - 01

