

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

**(Councillors Simpson, Reilly, Bell, Chambers, L
Dirveiks, Hayfield, Henney, Jarvis, Jenns,
Morson, Phillips, Smitten, Sweet, Symonds and
A Wright)**

For the information of other Members of the Council

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and electronic accessible formats if requested.

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

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

PLANNING AND DEVELOPMENT BOARD AGENDA

5 MARCH 2018

The Planning and Development Board will meet in
The Council Chamber, The Council House, South Street,
Atherstone, Warwickshire CV9 1DE on Monday 5 March
2018 at 6.30 pm.

AGENDA

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

- 4 **Minutes of the meetings of the Board held on 15 January and 5 February 2018** – copies herewith, to be approved as a correct record and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

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

Summary

Town and Country Planning Act 1990 – applications presented for determination

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

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

Summary

The report brings Members up to date with the Government's latest position in respect of changes to planning legislation and advice.

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

JERRY HUTCHINSON
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

15 January 2018

Present: Councillor Simpson in the Chair.

Councillors Bell, Chambers, Clews, L Dirveiks, Farrell, Hanratty, Hayfield, Jarvis, Morson, Phillips, Reilly, Smitten, Sweet and Symonds

Apologies for absence were received from Councillors Henney (substitute Councillor Farrell), Jenns (substitute Councillor Clews) and A Wright (substitute Councillor Hanratty).

47 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Farrell declared a non-pecuniary interest in Minute No 49 Planning Applications Application No 2017/0519 (Land South Of Flavel Farm Bungalow, Warton Lane, Austrey), left the meeting and took no part in the discussion or voting thereon.

Councillor L Dirveiks declared non-pecuniary interests in Minute No 49 Planning Applications Application No 2016/0430 (Land opposite Thompsons Meadow, Spon Lane, Grendon), Application No 2017/0554 (51, Long Street, Atherstone, CV9 1AZ) and Application No 2017/0561(Charity Farm, Main Road, Baxterley, CV9 2LN) left the meeting and took no part in the discussion or voting thereon.

In respect of Minute No 49 Planning Applications (Application No 2017/0496 - Copperfields, Dog Lane, Nether Whitacre), the Monitoring Officer had granted Members a dispensation to consider and determine the Application.

48 **Minutes**

The minutes of the meetings of the Board held on 9 October and 6 November 2017, copies having been previously circulated, were approved as a correct record.

49 **Planning Applications**

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

Resolved:

- a That Application No 2016/0430 (Land opposite Thompsons Meadow, Spon Lane, Grendon) be refused for the following reasons**

"The proposed development, given the number of units proposed; its associated car parking provision and its very prominent setting would not positively improve the character or appearance of this part of Grendon. The proposal is considered not to accord with Policy NW12 of the Core Strategy 2014."

[Speaker John Hill]

- b That Application No 2017/0156 (Land South of Dairy House Farm (Phase 2), Spon Lane, Grendon be approved subject to the following**

i The completion of a Section 106 Agreement to include all of the contributions set out in the report of the Head of Development Control for the purposes as outlined and the review of the condition relating to surface water drainage;

ii The inclusion in that Agreement of a financial contribution, to be agreed with the applicant and Highways England, for the provision of a signalised pedestrian crossing over the A5 in a position similarly to be agreed and that if no such provision is made within fifteen years of the date of the Agreement, the contribution be returned; and

iii The planning conditions set out in the report.

[Speakers Clare Marshall, David Cox and Michael Robson]

(The Chief Executive has subsequently received a notice signed by Councillors Morson, Sweet, Phillips, Farrell and L Dirveiks under Standing Order No 30(1)(b)(Minority Report) with regard to the decision of the Board on this matter and it is therefore referred to Council for confirmation.)

- c That Application No 2017/0333 (Old Beretun, Barnes Wood Lane, Whitacre Heath, B46 2EF) be approved subject to the conditions set out in the report of the Head of Development Control;**

d That in respect of Application No 2017/0431 (Boot Hill Methodist Church, Boot Hill, Grendon, Atherstone, Warwickshire, CV9 2EL)

i) planning permission be refused for the following reasons

"The proposal would not accord with Policy NW14 of the Core Strategy in that it would lead to the loss of a non-local heritage asset. It is not considered that sufficient evidence has been submitted to show that the case for demolition outweighs the public benefit that would arise to the community in retention and conversion of the building"; and

ii) the Chairman, Vice Chairman, Opposition Spokesman and Ward Members meet with the applicant to discuss an alternative development.

[Speakers Stephen King, David Biggs and Will Brearley]

e That Application No 2017/0465 (Clinic And Welfare Centre, Coventry Road, Kingsbury, B78 2LN) be deferred for a site visit;

[Speakers Margaret Moss and Peter Halfpenny]

f That Application No 2017/0496 (Copperfields, Dog Lane, Nether Whitacre) be approved subject to the conditions set out in the report of the Head of Development Control;

[Speaker David Watkins]

g That Application No 2017/0519 (Land South Of Flavel Farm Bungalow, Warton Lane, Austrey) be deferred for a site visit;

[Speakers Harry White and Jeremy Hurlstone]

h That Applications No 2017/0522 and 2017/0536 (White Horse Inn, 127 Long Street, Atherstone, CV9 1AB) be approved subject to the conditions set out in the report of the Head of Development Control;

[Speaker Patrick Woodcock]

i That in respect of Application No 2017/0524 (The Old School, Nuneaton Road, Ansley, CV10 0QR) be deferred to enable the applicant to discuss the potential for an agreed set of conditions and that the outcome be referred back to the Board;

[Speaker Heidi Merrall-Thorn]

- j That Application No 2017/0533 (20, Hawthorn Way, Hartshill, CV10 0XQ) be refused for the reasons set out in the report of the Head of Development Control;**

[Speaker David Mahon]

- k That Application No 2017/0548 (North Warwickshire Borough Council Flats, Long Street and Welcome Street, Atherstone) be approved subject to the conditions set out in the report of the Head of Development Control;**
- l That Application No 2017/0554 (51, Long Street, Atherstone, CV9 1AZ) be approved subject to the conditions set out in the report of the Head of Development Control;**
- m That in respect of Application No 2017/0561(Charity Farm, Main Road, Baxterley, CV9 2LN) be deferred for a revised application to be considered**

[Speaker Ann Broomfield]

- n That Application No 2017/0568 (7, Hawthorn Way, Hartshill, CV10 0XQ) be approved subject to the conditions set out in the report of the Head of Development Control;**
- o That Application No 2017/0570 (9, Hawthorn Way, Hartshill, Nuneaton, CV10 0XQ) be approved subject to the conditions set out in the report of the Head of Development Control; and**
- p That the report in respect of Application No 2017/0602 (Land 160m South Of North Warwicks Sports Ground, Tamworth Road, Polesworth) be noted and that a site visit be arranged in due course.**

50 Planning and Fire Safety

The Head of Development Control provided a summary of the different roles of a number of respective Regulatory regimes. It had been prepared as a consequence the Grenfell Tower incident.

Resolved:

That the report be deferred until the next meeting.

Mark Simpson
Chairman

**Planning and Development Board
15 January 2018
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
5/73	PAP/2017/0465	Councillor B Moss	Letter	3/1/18
5/88	PAP/2017/0496	Case Officer	E-mail	8/12/17
5/96	PAP/2017/0519	Warwickshire County Council Highways	Consultation	8/1/18
		Applicant	Speed Survey	31/12/17
		D Key	Objection	29/11/17

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

5 February 2018

Present: Councillor Simpson in the Chair.

Councillors Bell, Chambers, L Dirveiks, Hayfield, Henney, Humphreys, Jarvis, Jenns, Morson, Phillips, Smitten, Sweet, Symonds and A Wright

An apology for absence was received from Councillor Reilly (Substitute Councillor Humphreys)

Councillors Farrell and Moss were also in attendance and with the Chairman's permission Councillor Moss spoke on Minute No 55 Planning Applications (Application No 2017/0465 -Clinic and Welfare Centre, Coventry Road, Kingsbury).

51 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillors Jenns and A Wright declared a non-pecuniary interest in Minute No 55 Planning Applications (Application No 2016/0280 - Land Opposite 84 to 104, Orton Road, Warton and Application No 2018/0001 - KSD Recycled Aggregates, Lichfield Road, Curdworth, Sutton Coldfield) by virtue of being a Member of Warwickshire County Council.

Councillor Hayfield declared a non-pecuniary interest in Minute No 55 Planning Applications (Application No 2016/0280 - Land Opposite 84 to 104, Orton Road, Warton and Application No 2018/0001 - KSD Recycled Aggregates, Lichfield Road, Curdworth, Sutton Coldfield) by virtue of being a Member of the County Council's Cabinet left the meeting and took no part in the discussion or voting thereon.

Councillor Bell declared a non-pecuniary interest in Minute No 55 Planning Applications (Application No 2016/0280 - Land Opposite 84 to 104, Orton Road, Warton and Application No 2018/0001 - KSD Recycled Aggregates, Lichfield Road, Curdworth, Sutton Coldfield) by virtue of being a Member of the County Council's Regulatory Board left the meeting and took no part in the discussion or voting thereon.

Councillor L Dirveiks declared a non-pecuniary interest in Minute No 55 Planning Applications (Application No 2017/0675 – 51, Long Street, Atherstone) by virtue of being a Member of the Friends of Atherstone Heritage left the meeting and took no part in the discussion or voting thereon.

52 Corporate Plan 2018-19

The Chief Executive presented the updated Corporate Plan for 2018/19. The Board's approval was sought to those parts of the Corporate Plan for which the Board was responsible. Members were also asked to agree the 2018/19 Service Plans for the Development Control and Forward Planning Sections.

Recommended to the Executive Board:

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

Resolved:

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

53 General Fund Fees and Charges 2018/2019

The Board was asked to consider the fees and charges for 2017/18 and the proposed fees and charges for 2018/19.

Resolved:

That the schedule of fees and charges for 2018/19 as set out in the report, be accepted.

54 General Fund Revenue Estimates 2018/19

The Deputy Chief Executive detailed the revised budget for 2017/18 and an estimate of expenditure for 2018/19, together with forward commitments for 2019/20, 2020/21 and 2021/22.

Resolved:

- a That the revised budgets for 2017/18 be accepted; and**
- b That the Estimates of Expenditure for 2018/19, as submitted in the report of the Deputy Chief Executive be accepted, and included in the budget to be brought before the meeting of the Executive Board on 12 February 2018.**

55 **Planning Applications**

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

Resolved:

- a **That Application No 2017/0519 (Land South Of Flavel Farm Bungalow, Warton Lane, Austrey) be refused for the following reason**

“Policy NW8 in the Core Strategy 2014 states that sites will be permissible within a reasonable safe walking distance of a settlement development boundary. The proposed site is some 0.5km from the settlement boundary of Austrey and reached along a classified road which is unlit and does not have any footpaths or pavements. It is not considered that this provides a reasonable safe walking distance for pedestrians and in particular children and those with mobility issues. Although it is acknowledged that a bus service passes the proposed site, the nearest bus stop is some 0.77km from the site and it is not considered that such a bus service could be hailed safely from anywhere near to the proposed site. To allow such a proposal would be contrary to essential criteria contained within Policy NW8.”

[Speakers Harry White and Joseph Jones]

- b **That Application No 2016/0280 (Land Opposite 84 To 104, Orton Road, Warton, B79 0HU) be deferred in order to enable officers to look again at parking and access arrangements together with the possibility of additional contributions;**

[Speakers Andy Newton, David Williams and Ian Ritchie]

- c **That Application No 2017/0202 (Land Rear of 29 to 49, Little Warton Road, Warton) be deferred in order to enable officers to look at the possibility of providing on-site play provision as well as the possibility of additional contributions;**

[Speakers David Williams and Christopher Timothy]

- d **That in respect of Plot 1 Ocado, Phase 2, Danny Morson Way, Birch Coppice Business Park, Dordon, B78 1SE, consideration of the report dated January 2018 prepared by Resound Acoustics Ltd in Full Discharge of condition 13 of PAP/2010/0102 dated 19/8/10 be deferred for a visit to the site**

and a similar local facility operating chilled and refrigerated vehicles;

[Speakers Mark Shingler, Rob Cole, Thomas Mitchell]

e That in respect of Application No 2018/0001 (K S D Recycled Aggregates, Lichfield Road, Curdworth, Sutton Coldfield, B76 0BB), the Borough Council raises no objection for the reasons outlined in the report of the Head of Development Control but that the County Council be asked to time limit the building to that of the life of the site;

f That Application No 2017/0237 (Land Rear Of 1 To 6, Copeland Close, Warton) be deferred to allow discussions to take place with the Borough Council's Assistant Director (Housing) regarding the proposed siting and type of affordable housing within the application site particularly on plot 16;

[Speakers Lee Clinton and Janet Hodson]

g That Application No 2017/0465 (Clinic And Welfare Centre, Coventry Road, Kingsbury, B78 2LN) be deferred to allow a meeting to take place between the Applicant/Agent, Chair, Vice-Chair and Opposition Spokesperson of the Board and local Ward Members regarding the development of the site;

[Speakers Margaret Moss and Peter Halfpenny]

h That Application No 2017/0675 (51, Long Street, Atherstone, CV9 1AZ) be approved subject to the conditions set out in the report of the Head of Development Control; and

i That the report in respect of Application No 2018/0005 and 2018/0006 (Aston Villa Training Ground, Bodymoor Heath Lane, Bodymoor Heath, B78 2BB) be noted.

56 **Planning and Fire Safety**

The Head of Development Control provided a summary of the different roles of a number of respective Regulatory regimes. It had been prepared as a consequence the Grenfell Tower incident.

Resolved:

That the report be noted.

57 **Appeal Update**

The Head of Development Control provided a summary of recent appeal decisions.

Resolved:

That the report be noted.

58 The Cedars at Coton Road, Nether Whitacre

The Board was asked to confirm the action taken under emergency powers by the Chief Executive in respect of an enforcement notice at The Cedars, Coton Road, Nether Whitacre.

Resolved:

a That the emergency action taken by the Chief Executive be confirmed; and

b That Officers be requested to bring a further report to the Board outlining the planning situation at this site.

59 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April – December 2017

The Board was informed of progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to December 2017.

Resolved:

That the report be noted.

60 Daw Mill Update

The Board was asked to give consideration to a late development in respect of the Daw Mill Public Inquiry and to consider the response of the Council.

Resolved:

That the letter referred to within the report from the Head of Development Control be confirmed.

61 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 in Schedule 12A to the Act.

62 **The Ansley Appeal**

The Head of Development Control sought approval for additional resources to pay for the Council's defence of a recent refusal which had now gone to appeal.

Resolved:

That the maximum cost as set out in the report of the Head of Development Control be agreed in order to present the Council's case at this appeal.

63 **Building Control Partnership**

The Head of Development Control gave a verbal update on current situation within the Building Control Partnership.

M Simpson
Chairman

**Planning and Development Board
5 February 2018
Additional Background Papers**

Agenda	Application Number	Author	Nature	Date
7/1	PAP/2017/0519	Note	Site Visit	2/2/18
		G Ford	Objection	30/1/18
		Hurlstones	e-mail	2/2/18
		WCC	e-mail	5/2/18
		Dr Waymont	Objection	14/1/18
7/107	PAP/2017/0237	L Clinton	Objection	2/2/18
7/141	PAP/2017/0465	Note	Site Visit	3/2/18
		M Moss	Objection	2/2/18
		E Turnbull	Applicant	5/2/18
10		M McNulty	e-mail	5/2/18
11a		Gateley Plc	Letter	31/1/18
		E Stirrop	Letter	31/1/18

Agenda Item No 5

Planning and Development Board

5 March 2018

Planning Applications

Report of the Head of Development Control

1 Subject

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

2 Purpose of Report

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

3 Implications

- 3.1 Should there be any implications in respect of:

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

4 Site Visits

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

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 9 April 2018 at 6.30pm in the Council Chamber at the Council House.

6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at: www.northwarks.gov.uk/downloads/file/4037/.
- 6.2 If you wish to speak at a meeting of the Planning and Development Board, you may either:
- e-mail democraticservices@northwarks.gov.uk;
 - telephone (01827) 719222; or
 - write to the Democratic Services Section, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE enclosing a completed form.

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	PAP/2016/0280 And PAP/2017/0202	5	Land Opposite 84 To 104, Orton Road, Warton, Outline application for erection of 72 dwellings with associated access, parking and landscaping Land rear of 29 to 40 Little Warton Road, Warton Outline application for the erection of up to 56 dwelling and associated works, including a play area, the demolition of 47 Little Warton Road and details of the access	General
2	PAP/2017/0237	11	Land Rear Of 1 To 6, Copeland Close, Warton, Approval of reserved matters for the erection of 29 dwellings with associated access, parking and landscaping	General
3	PAP/2017/0335	60	Land Adjacent 1, Jean Street, Baddesley Ensor, Erection of three new three bed dwellings and creation of a new access to Jean Street, and use of access to Church Row	General
4	PAP/2017/0384	#	Land Rear of 66 To 71, Arden Forest Estate, Ridge Lane, Erection of 12 houses plus associated access and landscaping	General
5	PAP/2017/0465	93	Clinic And Welfare Centre, Coventry Road, Kingsbury, Ground floor space for two commercial units covering the following uses; shops (use class A1) and financial and professional services (use class A2), and two one bed first floor apartments (use class C3)	General
6	PAP/2017/0524	104	The Old School, Nuneaton Road, Ansley, Change of use of land to the west of property to store and sell vehicles	General
7	PAP/2017/0547	125	Corley View, Highfield Lane, Corley, Change of use of land to a Gypsy and Traveller caravan site consisting of 2 no: pitches each of which would contain 1 no: mobile home and 1 no: touring caravan and associated works	General

8	PAP/2018/0025	158	Hillcrest Boarding Kennels, Birmingham Road, Water Orton, Retrospective application for erection of holding kennels	General
9	PAP/2018/0084	173	The Council House, South Street, Atherstone, Works to fell tree in Conservation Area	General
10	PAP/2018/0085	179	St Mary And All Saints Church, Coventry Road, Fillongley, Coventry, Works to trees in Conservation Area	General
11	PRE/2018/0023	185	Land South East Of M42 Junction 10, Trinity Road, Dordon, Warwickshire, Diversion Order application to implement diversion to Public Footpath AE55, granted under planning permission PAP/2017/0339	General

General Development Applications

(1) (A) Application No: PAP/2016/0280

Land Opposite 84 To 104, Orton Road, Warton, B79 0HU

Outline application for erection of 72 dwellings with associated access, parking and landscaping, for

Mr Ian Wilson - Warwickshire County Council

(B) PAP/2017/0202

Land rear of 29 to 40 Little Warton Road, Warton

Outline application for the erection of up to 56 dwellings and associated works, including a play area, the demolition of 47 Little Warton Road and details of the access for

Walton Homes

Introduction

Members will recall that as well as being reported to the last meeting, these sites adjoin each other. Determination of both applications was deferred at that meeting for a number of planning reasons as well as for Members to better understand the arrangements to be included in the respective draft Section 106 Agreements.

The cases are referred back to the Board to report progress on these matters.

Application B

In respect of the Little Warton Road site, Members sought inclusion of a small play area on the site given the distance of the existing play area in Warton from the site. The applicant has agreed to give explicit recognition of this addition within the description of the application and this is now outlined in the header above. However this led to the matter of maintenance of that play area. The applicant has already been asked to contribute to the enhancement of facilities at Abbey Green in Polesworth and therefore that contribution should be diverted either in whole or in part to the Council if it intends to take over the on-site play area. Discussions with the relevant Division are still continuing.

Moreover the Board asked officers to investigate why no education contribution was sought for this site of up to 56 houses whereas it was on the adjacent site for 72. This matter is still being pursued with the County Council.

Application A

In respect of the Orton Road site, Members sought clarification about two matters as well as Section 106 issues.

In respect of the former then the first was connected with the new on-street car parking provision to be proposed outside of the existing properties on the other side of the road.

In particular they sought inclusion of a disabled space. The applicant responded to this with an amended plan but this was referred back to him as the disabled space was not considered to be the correct size and the parking provision appeared to block access ways to the rear of the properties. The applicant has responded by saying that no access rights exist here - access may be being obtained through practice and custom and thus it is informal. Moreover they do not have properly constructed cross-overs. Both the Highway Authority and the applicant point out that existing parking arrangements here are technically "illegal" with residents parking and thus trespassing on the opposite highway verge which also causes a safety hazard. The current proposals offer a major betterment with some regulated on-street provision and a new on-site car park specifically safeguarded for residents.

The matter of the dimension of the disabled space has been referred back to the applicant.

The second matter related to the location of the proposed site access. Officers were asked to see if an alternative could be provided further to the east. The applicant and the County Council have been engaged in the location of this access since the submission of the application and it has gone through several iterations as a consequence of highway authority guidance and advice. There are two main issues with a re-location to the east. Firstly the required vision splays would need third party land as the splays would be larger because the access would be outside of the 30mph zone. Secondly the provision of the on-street car parking provision outside the existing properties on the other side of the road and the re-alignment of the road to accommodate this, could be prejudiced because of the road engineering geometry to accommodate this provision – in short, it works with the current proposal. As a consequence it is considered when taken overall and therefore on balance, that there is a greater public benefit in that what is now being proposed as betterment over an adverse existing situation. There is however an on-going request from residents to explore a scheme where the re-alignment of the existing road extends much further into the application site thus suggesting that the "old" road becomes a cul-de-sac in front of the existing houses. This has been explored with the Highway Authority. There are detailed engineering reasons why this cannot be accommodated. In particular the appropriate highway construction standards would not be achieved at either end where the new road would "tie-in" with the existing – particularly at the western end where third party land would be required and it would lead to the re-location of the additional car parking area for existing residents. As referred to above, these matters had been raised earlier in the processing of this application and the Highway Authority has concluded that the current proposal offers the best overall highway solution. Members are reminded that the Board should take a decision on the proposals that are now in front of it. In this case there is no highway reason for refusal and both the applicant and the Highway Authority have considered alternatives prior to issuing its support for the current arrangement.

As a consequence of all of these matters it is considered that the current arrangements as proposed can be supported.

The Board also asked officers to investigate contributions from the “blue light” services in respect of this application. The Fire Services Authority has not made a request as it sees the imposition of a condition on the grant of a planning permission as its best option. Members will be familiar with this approach whereby fire-fighting provision on site through hydrants and water supply is conditioned on practically every application. The same would apply here. In respect of the Ambulance service then Members from time to time see responses from Public Health Warwickshire – usually for contributions towards the CCG’s. However Public Health Warwickshire provides a joint and coordinated response from the CCG’s, its own service and the Ambulance Service. So should an explicit requirement arise from this service it would be recognised in the consultation response from Public Health Warwickshire. There was none in this case.

As far as the Police Authority is concerned then it has says that it only responds to applications of over 100 dwellings. Hence nothing has been requested here. However as reported above, this site adjoins a second site and the combined dwelling count is 128. The Police have been asked to comment and as a consequence have responded by asking for contributions to both sites - £8501 in respect of this one and £6611 for application B.

The report above refers to the apparent situation in respect of an inconsistent approach towards requests for education contributions. The outcome of the ongoing discussions may also affect this site.

Observations

It is considered that the matters raised by the Board in requesting deferral of decisions on these two cases have been considered since the last meeting. However the education contribution situation remains outstanding as does the recreation contribution for application B. Deferral of the applications is thus again requested. However if other matters are considered to be resolved by the Board, it is important that the respective applicants be given comfort that the only outstanding matters are by way of agreeing the terms of the respective Section 106 Agreements.

Recommendations

- a) That in respect of Application A, planning permission be **GRANTED** subject to the conditions set out in the previous report and subject to the completion of a Section 106 Agreement.
- b) That in respect of Application B, planning permission be **GRANTED** subject to the conditions contained in the previous report and subject to the completion of a Section 106 Agreement.
- c) That in both cases, the terms of the respective Agreements be referred back to the Board for confirmation.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0202

Background Paper No	Author	Nature of Background Paper	Date
1	Head of Development Control	Letters	06/02/2018
2	Applicant	E-mail	07/02/2018
3	WCC Education	E-mail	07/02/2018
4	Place Partnership	Letter	19/02/2018

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.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0280

Background Paper No	Author	Nature of Background Paper	Date
1	Head of Development Control	Letters	06/02/2018
2	Applicant	E-mail	13/02/2018
3	WCC Education	E-mail	13/02/2018
4	Applicant	E-mail	16/02/2018
5	Mr Newton	E-mail	15/02/2018
6	Place Partnership	Letter	19/02/2018

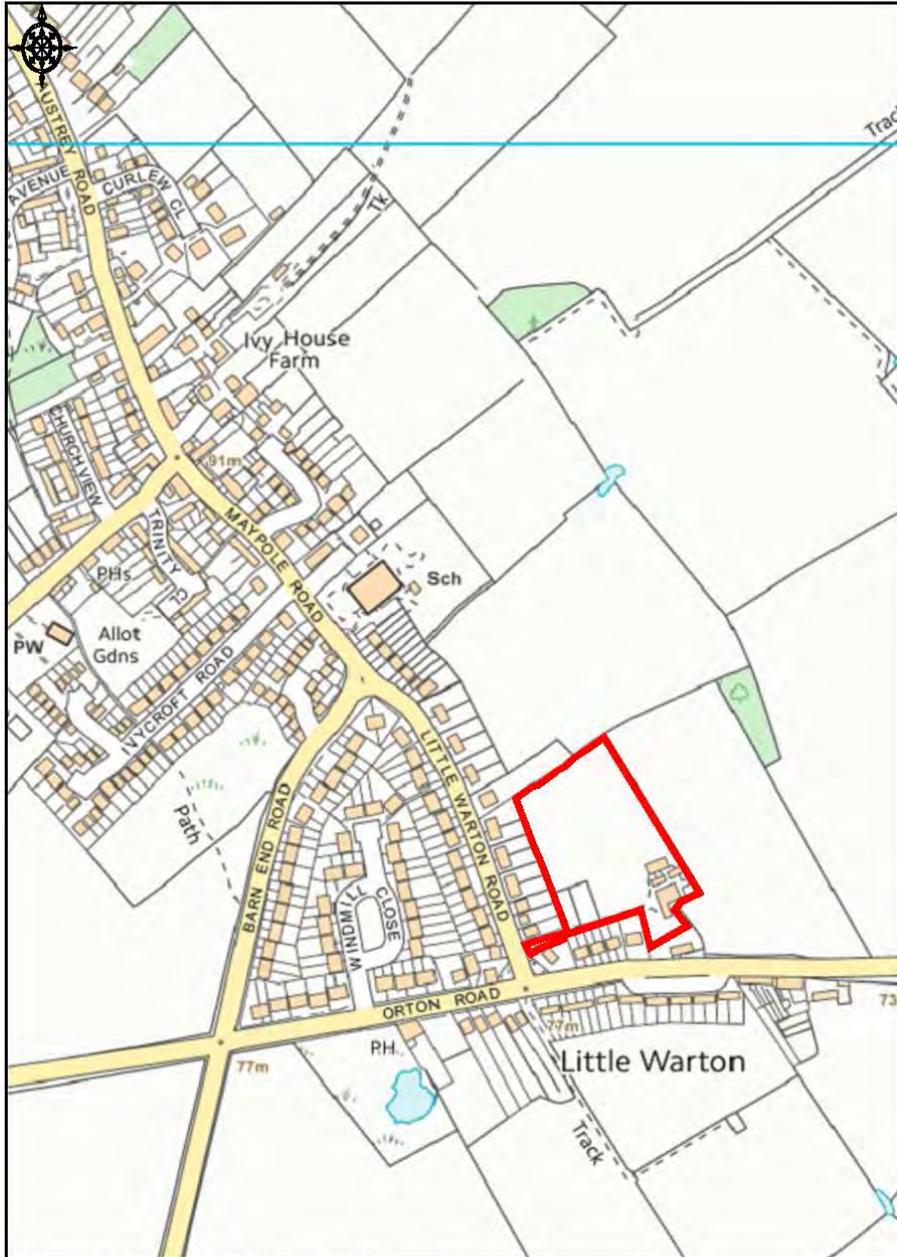
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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.





Land to the Rear of 47 Little Warton Road, Warton B79 0HR



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Drawing 4660.88 Context Plan : Scale 1.10000@A4 : April 2017

NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
24/04/2017
PLANNING & DEVELOPMENT
DIVISION

(2) Application No: PAP/2017/0237

Land Rear Of 1 To 6, Copeland Close, Warton,

Approval of reserved matters for the erection of 29 dwellings with associated access, parking and landscaping, for

Cameron Homes

Introduction

This application was reported to the February Board, but determination was deferred at that time. The Board asked officers to investigate a review of the property proposed for Plot 16 in response to objections received from neighbouring occupiers in Ivy Croft Road as well as to respond to the concerns about flooding in Ivy Croft Road.

The previous report is attached for convenience at Appendix A.

Amended Plan

As a consequence of the Board outcome, the applicant has submitted an amended plan substituting the house for a bungalow. It too would have a hipped roof. There would be a consequential adjustment to the neighbouring proposed houses, but no change to the full provision of affordable housing units.

Because of the adjustment, plot numbers have changed and the plot in which the Board took an interest is now numbered plot 15 on the plans.

The amended layout is at Appendix B; the elevation is at Appendix C and a cross section is at Appendix D.

Re-Consultation

The three occupiers in Ivy Croft Road most affected by the initial proposals on plot 16 have been re-consulted and have welcomed the change.

However there is still a concern about surface water drainage matters.

In response the applicant has provided the Statement at Appendix E. This has been forwarded to the residents and any comments will be reported verbally at the meeting.

Observations

There is no objection to the change to a bungalow and the recommendation below reflects receipt of the amended plan on the proposed conditions and in the existing Section 106 Agreement.

At the last meeting, Members heard from speakers who also referred to surface water issues - flooding in Ivy Croft Road. Members will be aware that Government advice is that it is not within the remit of developers proposing new development, to resolve existing problems. In this case however, the applicant has voluntarily responded to the resident's concerns and addressed the issue which appears to be down to a lack of maintenance. Furthermore additional engineering works are included to mitigate against recurrence. There is no objection to the proposals from the lead local flood authority which has been actively involved in the researching the existing issues and advising on a resolution. Given this background there are no grounds here for a reason for refusal.

The matter that the residents referred to should have been resolved by regular maintenance of the existing system and they may wish to refer this onto the County Council as Highway Authority.

Recommendation

That planning permission be **GRANTED** subject to appropriate changes to the conditions set out in Appendix A to reflect the receipt of the amended plan and the accompanying Section 106 Agreement.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0237

Background Paper No	Author	Nature of Background Paper	Date
1	Mr Clinton	Representation	04/03/2018
2	Applicant	E-mail	06/02/2018
3	Mr Clinton	Representation	07/02/2018
4	Applicant	E-mail	07/02/2018
5	Head of Development Control	E-mails	07/02/2018
6	Mr Reuter	Representation	12/02/2018
7	Applicant	Plans	15/02/2018
8	Mr Clinton	E-mail	16/02/2018

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

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

(6) Application No: PAP/2017/0237

Land Rear Of 1 To 6, Copeland Close, Warton,

Approval of reserved matters for the erection of 29 dwellings with associated access, parking and landscaping, for

for Cameron Homes

Introduction

The application is reported to Board in light of a local Member concerned about the impacts on neighbouring occupiers.

The Site

The site lies on the southern side of Warton, with Copeland Close and Ivycroft Road lying to the north west and north east and Barn End Road lying to the south west. The site has a partial frontage to Barn End Road and it is from Barn End Road that all site access would be achieved. The site location and proposed site layout are shown on the plan extract below.



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The Proposal

This is an approval of reserved matters application following an earlier outline permission for 29 new dwellings. The proposed accommodation will be as shown below:

Accommodation Schedule

Plot No.	Name	Type
Plot 1	Ellerdine	4 Bed Detached
Plot 2	Russdale	4 Bed Detached
Plot 3	Exeter	4 Bed Detached
Plot 4	Exeter	4 Bed Detached
Plot 5	Ellerdine	4 Bed Detached
Plot 6	Exeter	4 Bed Detached
Plot 7	Ritchie 6	2 Bed Bungalow
Plot 8	Ritchie 6	2 Bed Bungalow
Plot 9	Exeter	4 Bed Detached
Plot 10	Ellerdine	4 Bed Detached
Plot 11	Dallington	4 Bed Detached
Plot 12	Cambridge	4 Bed Detached
Plot 13	Ritchie 3	3 Bed Semi Detached
Plot 14	Ritchie 5	2 Bed Semi Detached
Plot 16	Ritchie 5	2 Bed End Terrace
Plot 17	Ritchie 5	2 Bed Terrace
Plot 18	Ritchie 5	2 Bed End Terrace
Plot 19	Bocmin	4 Bed Detached
Plot 20	Bocmin	4 Bed Detached
Plot 21	Ritchie 5	2 Bed End Terrace
Plot 22	Ritchie 5	2 Bed Terrace
Plot 23	Ritchie 5	2 Bed Terrace
Plot 24	Ritchie 3	3 Bed End Terrace
Plot 25	Bocmin	4 Bed Detached
Plot 26	Dallington	4 Bed Detached
Plot 27	Dallington	4 Bed Detached
Plot 28	Bocmin	4 Bed Detached
Plot 29	Russdale	4 Bed Detached
Plot 30	Ellerdine	4 Bed Detached

Examples of the elevational treatment of the proposed housing are shown below:



Proposed Front Elevation
Scale 1/200



Proposed Front Elevation
Scale 1/200



Proposed Front Elevation
Scale 1/200



Proposed Front Elevation
Scale 1/200



Proposed Front Elevation
Scale 1/200



Proposed Front Elevation
Scale 1/200

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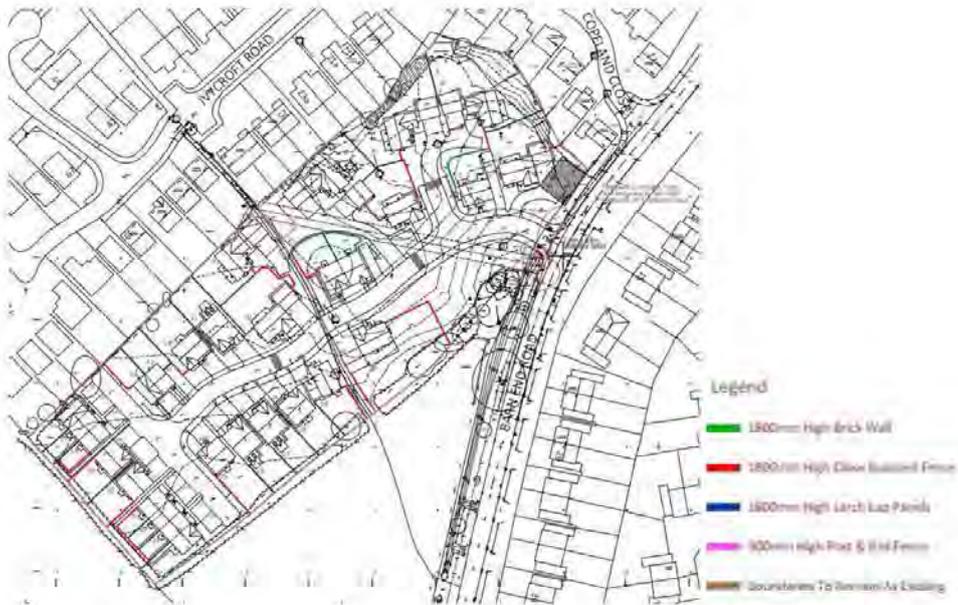


Plots 7 and 8



Plots 13 and 14

A boundary treatment plan confirms that the existing boundaries will remain unaltered, including the retention of existing boundary hedgerows. A combination of brick walls and fencing will form boundaries on the interior of the site.



A materials schedule has been supplied. The materials will be a mix of the following:

Bricks	SR - Smooth Red - Class B
	CHEL - Forterra Chelsea Red
	OAK - Forterra Oakthorpe Red
	WELL - Itstock Wellbeck Red Mixdure
	LENT - Itstock Lenton Dark Multi
Heads / Cills	Brick to heads as shown on working drawing - OAKWOOD MULTI as Contrasting Brick
	Reconstituted Stone cills as shown on working drawing
Render	All render manocouche smooth, colour ivory

Main Roof tiles	BROWN - Russells Highland Post Brown
	GREY - Russells Highland Slate Grey
Lower Roof Tiles	To match colour of main roof (concrete plain tile)
Gutters	PVCU Half Round Black

Windows	White
Doors	Black
Fascia / Barge	UPVC
Driveway finish	BP - Block Paving - Colour to be Brick Multi with Charcoal Delineation

Background

Outline planning permission was granted in April 2015 as at that time the site had been identified in part for housing development in the Site Allocations Plan (Draft Pre-Submission June 2014) as WAR 6, see extract below.



North Warwickshire
Site Allocations Plan

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The site is shown in the Emerging New Local Plan (Submission Version as agreed at Full Council 7 November 2017) as having planning permission and the land surrounding it is shown allocated for housing development – see Site H27 below. An outline planning application has recently been received which proposes 100 dwellings on H27 (bordering the south western and south eastern edges of this site). That application however is undetermined at this stage.



North Warwickshire
Draft Submission Local Plan
Executive Board October 2017

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There is a companion application to this which seeks the discharge of conditions attached to the outline planning permission. It has the reference number DOC/2017/0042 and proposes the approval of details required by condition no's: 13,14,15, 20,21,22,23,24,25 of planning permission PAP/2014/0257 dated 29/04/2015 relating to construction management statement, WSI from Warwickshire archaeology, engineers details, drainage management, tree protection plan and landscaping plan & boundary treatments plan. The matters relating to these conditions are also the subject of consideration in this report.

Development Plan

The Core Strategy (October 2014) - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW15 (Nature Conservation) and NW22 (Infrastructure)

Other Relevant Material Considerations

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

New Local Plan (Submission Version as agreed at Full Council 7 November 2017).

Consultations

Warwickshire County Council Highways Authority - No objection

Lead Local Flood Authority – No objection.

Warwickshire Wildlife Trust – No objections.

Environmental Health Officer – No objection. He concurs with the findings of the Phase II investigation.

Warwickshire Fire and Rescue - No objection subject to conditions

Warwickshire Police Design Out Crime Officer - No objection.

Rights of Way Team Warwickshire County Council – Notes that public footpath AE11 crosses the application site, as shown on the attached extract of the Definitive Map, the legal record of public rights of way. The Proposed Site Layout plan shows this public footpath accommodated along its current recorded alignment. I note that part of public footpath is proposed to be enclosed by property fences. The gap between these fences shown on the site plans appears to be adequate to accommodate the public footpath but to ensure that the public footpath does not become a narrow enclosed alleyway we would seek a condition on any consent, if granted, requiring that a gap of at least 3 metres is provided between any fences enclosing public footpath AE11. Given that the section of public footpath crossing the site would be serving the proposed residential development we would also expect the developer to improve the surface of the public footpath to bring it up to the same standard as other footways within the site, such as with a tarmac surface.

Waste and Transport Manager, North Warwickshire Borough Council – No objection. He recommends that all properties have a purpose built bin storage are capable of holding a minimum of 3 x 240 litre wheeled bins. This can be addressed in a planning condition.

Representations

Polesworth Parish Council points out that there have been a lot of drainage and flooding issues in this area of Warton. Any further development in the area needs to have extra drainage and flood alleviation measures put in place prior to building.

Ten letters of objection have been received from local residents raising the following concerns:

- The village is too small to take an additional 30 houses. It has only one shop and one school.
- Houses in Copeland Close would be looking directly at the new dwellings.
- Surrounding land has a pre-existing problem with surface water flooding at times of heavy rainfall. The proposed development will exacerbate existing problems.
- A borehole relating to Copeland Close is on the site.
- There is a belief that there is a soakaway on the application site serving neighbouring properties.
- Warton is a dispersed settlement where development proposals should be considered very carefully: infilling could ruin the character of the village while estate development would overwhelm it. One giant mass of housing which would lose the close knit feel of a village community and community spirit is very strong in Warton.
- The village has already had the required housing development as per your published and current local plan and therefore this proposed development exceeds the identified housing requirement for the village.
- The layout will impact on adjacent property in terms of loss of light. The new properties will cast a permanent shadow on neighbouring properties and gardens.
- The development will devalue homes.
- The development will adversely affect standards of living.
- The development will result in loss of view.
- The habitable rooms (bedrooms) to the rear of my property overlook the habitable rooms of plot 4 (Bedroom 1 and 4) in the proposal. This combined with the elevation of my property over plot 4 as seen in the proposed site sections page suggests that this distance be increased where there is a height differentiation which would increase the loss of privacy due to overlooking.
- The development will cause highway danger at the site access and in relation to car parking at the village primary school.
- The site is a former unlicensed tipping and was previously a landfill. Gases generated by the landfill will cause ill health and if the land is disturbed residents will be at risk.
- The ground may not be stable for building.
- The overall position of the affordable housing within the site is a disgusting example of stereotyping, the affluent houses are at the top of the development, the 3 bed are in the middle of the site and the affordable houses have been clustered in a corner and the bottom of the site. This goes completely against Good Practice to pepper-pot properties on mixed tenure developments. Systematic analysis should determine the type and number of affordable homes required. And evidence of this systematic analysis should be made available for review by all.

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- There is no need for this kind of open market housing in the village. Warton has within the last five years seen an increased supply of housing already and has enough houses and affordable housing for residents who work locally.
- The objections are supported by paragraph 64 of the National Planning Policy Framework which states that permission should be refused for a development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- Existing hedgerows should be retained.
- Urges the LPA to consider your responsibilities under the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land.
- Article 8 of the Human Rights Act states that a person has the substantive right to respect for a person's home which includes their private and family life. The location of Plot 16 directly adjacent to our rear fence with a bathroom window overlooking our garden is considered wholly inappropriate. Private and family life therefore encompasses not only the home but also the surroundings.
- Our garden currently receives light throughout the day and we have a tortoise that requires UV radiation which lives in the garden part of the year in a specially constructed, UV-penetrating, enclosure. The shadow cast by the development of Plot 16 with a ridge height of 8m from finished floor level located approximately 12 m from the rear elevation of our house would cast a shadow across our garden for the majority of the day at the best of times (i.e. in summer when the sun is at its highest) and completely during winter months depriving us of direct sunlight.
- Photographs have been supplied to illustrate shadowing cast from buildings and fences



- An invasive plant is growing on the site boundary and this needs to be addressed.
- Two residents indicate a desire to talk at Board if the application is reported.

Observations

This is an application following the grant of outline planning permission for the development of this land with up to thirty dwellings. The application seeks approval for

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the reserved matters of layout, scale, appearance and landscaping. The principle of development has therefore already been agreed and it is only the matters of detailed design and layout that are for consideration here.

a) Design and Layout and Impact on Amenity

The scheme has been designed having regard to a number of constraints at the site - it contains a former quarry area at the northern side, a public footpath and a public sewer cross it, a borehole is on the site and there are pre-existing ecology and landscape constraints. The northern side of the site therefore lends itself to a less dense layout to accommodate the ground conditions and the necessary construction methods, whilst the middle section layout needs to 'work around' the footpath and sewer and lends itself to a middle density of development and the more southerly, less constrained, side of the site lends itself to a higher density.

The proposed houses are of a pleasing design, having an appropriate mix of traditional materials, and a variety of design features, including the incorporation of chimneys, porches and gable features.

Though the scheme appears to segregate the house types there are site specific constraints that justify the layout. Some redesign has been achieved to mix the housing in the central portion of the site and the inclusion of bungalow units will create a more mixed appearance to the built form. Common design features and materials across the different house types will give visual continuity.

Occupiers of adjacent properties express concern that the development will result in loss of privacy and overshadowing of their properties, particularly residents of Ivycroft Road.

In a number of instances, the existing and proposed dwellings are separated by two rear gardens; achieving separation distances of approximately 25 metres (see illustration below). Though there will be windows to habitable rooms facing each other, this separation distance will be adequate to ensure no undue loss of privacy or overlooking. This is an arrangement commonplace in residential estates.



In other instances dwellings are proposed in positions relatively close to the rear boundaries of the gardens of properties on Ivycroft Road, commonly achieving separation distances of 13.5m – 16m. In these instances there are both differences in land levels, an omission or limitation of windows to habitable rooms in the facing elevations of the new dwellings, the setting of units at indirect angles and the hipping of roofs to lessen impact – see illustrations below. These measures will ensure that overlooking and loss of privacy should not result at unreasonable levels. Though there



Given the strong concerns expressed by the occupier of this dwelling that the proposal would have a significantly detrimental impact from overshadowing, the applicant has been requested to carry out a more in depth analysis of impact. The section drawing above enables calculations from the sunlight and daylight indicators to be carried out to consider this point. The test demonstrates that there is no significant loss of sunlight or daylight to the property. This is based upon the Building Research Establishment daylight and sunlight indicators and an extract is enclosed at Appendix 1 to this report setting out the test undertaken. In summary the section shows that there is no harmful loss of skylight to No 51; as where the defined angle is less than 25 % there is no substantial effect on skylight to the existing building. To check sunlight the same principal applies and where there is no obstruction within an angle of 25% there is no adverse impact.

In addition to the above test the architects have used modelling software to produce shading plans for both the summer and winter at 9am, 12am and 3pm.

21 June 9am



21 June 12am



21 June 3pm

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21 December 9am

21 December 12am

21 December 3pm

These show the relationship and any shadow cast from the proposed plot 16 and the existing trees in the garden to number 51 onto the rear gardens and elevations of number 51, 49 and 47 Ivy Croft Road.

Due to the relative angles and the sun's path from east to west the proposal does not impact upon the rear of the properties for the majority of the day except for at 9am on the 21st December, where if there were full sun then a shadow is cast. It is however

worth noting that this is not upon number 51s conservatory but more to the side and the neighbouring property. Any shadowing to number 51's conservatory at this time is caused by the existing trees in their garden, (this impact will however be lowered by reduced leaf cover in winter).

On this basis it is considered that the proposal is not going to have an adverse impact upon sunlight and daylight to the existing properties. The conclusion demonstrated from the sections and shadow plans is that the light levels will remain good to the rear of the existing properties as confirmed by the skylight test undertaken in line with Building Research Establishment guidelines

The occupier of number 49 Ivycroft Road identifies a particular concern about the effect of the loss of light to his rear garden. To address this, in part, the scheme has been revised to alter the roof design to a hipped roof rather than a full gable end elevation. The juxtaposition is now that there is a separation of 16.5 metres between the property and the tallest part of the nearest dwelling (illustration below). The new dwelling will not be positioned across approximately half of the width of the rear of the property. Nevertheless there will still be some overshadowing of the rear garden of a varying degree for different times of day any times of the year. In common with other adjacent dwellings, whilst there will be some shadowing of the garden that did not formerly exist it is not considered that the shadowing would be so severe that the living conditions of the occupiers would be significantly harmed to the degree that refusal of planning permission would be justified. He points in particular to the effect of loss of uv light on the welfare of a pet tortoise. Whilst it is acknowledged that there may be some diminution of optimal conditions for the keeping of the pet it is unlikely, particularly in this country, to have a devastating impact on the health and wellbeing of the pet (it is understood that supplementary artificial uv is commonly required). In any event, though a material consideration, it is a matter which is of very limited weight in the determination of the application.



It is considered that the site is of an adequate size to accommodate the proposed 29 dwellings with amenity space and off street car parking, without causing undue harm to the occupiers of adjacent properties and allowing for appropriate living conditions for the occupiers of new dwellings. The design and layout are considered acceptable.

The loss of a view and devaluation of property are not appropriate reasons to decline planning permission.

Given that the site is surrounded by existing housing it would be appropriate to control the hours of construction to protect amenity but this has been addressed by condition on the associated outline planning permission.

b) Foul and Surface Water Proposals

Local residents reported a pre-existing difficulty with surface water flooding at times of heavy rainfall and express concern that the proposed development will exacerbate existing problems. They also expressed a belief that there is a soakaway on the application site serving neighbouring properties. This matter has been the subject of considerable investigation. In consultation and discussion with the Highway Authority and the Lead Local Flood Authority, and with the consent of occupiers of adjacent property where relevant) physical works have been undertaken to identify and remedy, or at least alleviate, the current problem. The surface water drainage scheme has been designed to intercept surface waters at the site boundary (with a 0.75m deep slip trench along the boundary with Ivycroft Road) and involves the containment and slow release of surface waters from the site through an attenuation scheme.

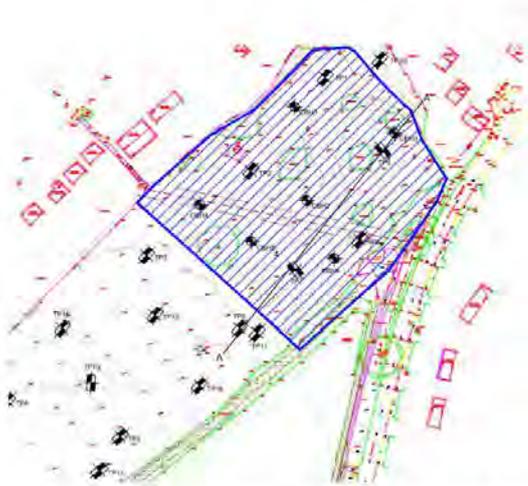
Following an investigation of the possibility of discharging surface waters to overland drainage systems, in accord with the preferable drainage hierarchy, Severn Trent and the Lead Local Flood Authority have agreed that there is no practicable solution to drainage in that manner and STW has issued consent to discharge both foul and surface waters to the existing foul sewer on Barn End Road.

There is therefore confidence that the designed attenuation and disposal scheme will cause no adverse impacts on existing drainage systems. All surface water discharge from the site is to be controlled to the existing equivalent greenfield run-off. Surface water run-off from the site is to be attenuated such that it does not exceed for 1 in 100-year storm events (plus 40% for climate change) (it is to be noted that the outline planning only required 30% for climate change; however, the developer, in consultation with the Local Lead Flood Authority (LLFA), has agreed to accommodate this recent increase).

Moreover, the investigation of existing drainage systems and the associated works are likely to have improved the pre-existing surface water drainage problem.

c) Ground Conditions

At outline stage it was acknowledged by the applicant and the Council's Environmental Health Officer that the site was a former landfill and that it would need to be investigated and remediated should contamination be found. The application is accompanied by the required Phase II report following investigation. Ground investigation suggests that properties in the northern half of the site should be constructed using pile foundations, with the southern half having strip/trench fill foundation. It is also proposed to apply gas protection to the properties constructed on the hatched area shown below.



The Environmental Health Officer was of the opinion that it would be precautionary to extend gas protection to the whole site but sought confirmation from consultants as to whether this is a necessary requirement or not. The consultants confirm that the Georisk Management; Remediation Statement and Validation Plan (Report ref: 14107/Remediation Statement; Dated: 8th December 2017) presents an appropriate remediation strategy which makes provision for the validation of imported materials for clean cover. It found that the gas membrane proposals were suitable, negating the need for further gas monitoring, and that the garden areas of plots 9, 10 and 28 located close to the margin of the area of original Made Ground will be inspected to confirm if any mixing has taken place.

There are no known or likely issues of ground stability that would not be addressed through the application of standard building regulations.

d) Highway Safety

The Highway Authority offered no objection to the proposed development and its access arrangements at the outline planning application stage. It expressed no objection concerning the scale of traffic generated or its impact in capacity terms. There has been no change in circumstances since the grant of outline planning permission that would justify a different stance now. The access is proposed in the same position and there is no objection arising from this.

e) Affordable Housing

The outline application was accompanied by a Section 106 Agreement which secured, the policy compliant, 40% of the development as affordable housing. The applicant has evidenced with a Viability Appraisal, independently verified by the District Valuer, that 40% provision would render the development unviable. Extra ordinary costs such as remedying ground conditions, contributes to the viability difficulties. In these circumstances, the Assistant Director (Housing) confirms that the following provision would be appropriate to the settlement, meeting the particular identified needs:

- Plots 13 and 14 as two rented properties
- Plots 16, 17 and 18 as three shared ownership properties

A Deed of Variation to the existing S106 Agreement has been signed to that effect. The Borough Council and/or another Registered Provider of Social Housing will be partners in the delivery of the affordable housing.

The scale of the site and the nature of the affordable housing provision does not lend itself to pepper potting. For ease of management for the registered social landlord, the three shared ownership properties logically form a terraced row and the two rented properties logically take the form of a pair of semi-detached dwellings. These homes would be indistinguishable from the remaining smaller sized units in their near vicinity.

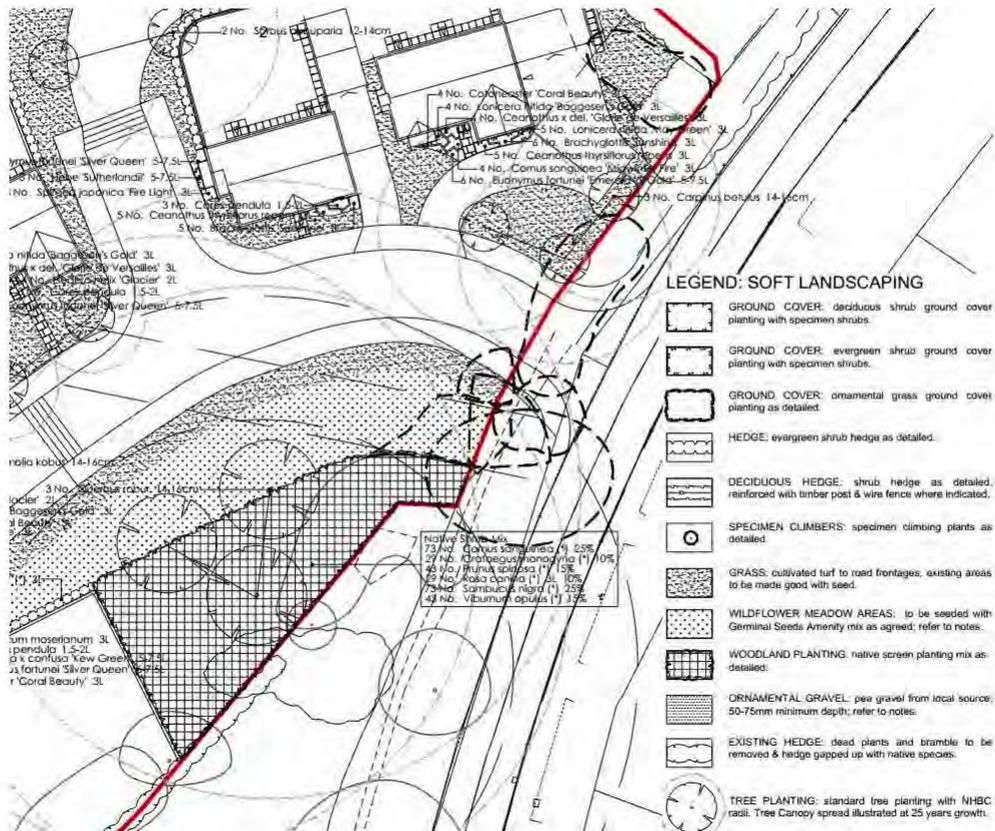
f) Other Matters

In respect of conditions necessary to control the development, many matters are already addressed by the outline permission. A copy of the outline decision is appended for reference.

Given the following it is considered appropriate to attach a condition removing permitted development for the construction of new garden buildings and extensions to dwellings:

- that the ground conditions at the site indicate a need to ensure the incorporation of appropriate protection measures in the construction of new buildings
- that the density of development is high in places and that new built form, whether by way of extension to dwellings or construction of garden buildings, could impact on the occupiers of adjacent existing and proposed dwellings
- that new built form could impact on ecology at the site

The landscaping proposals detailed in the companion Discharge of Conditions application are acceptable. A desirable open landscaped frontage to Barn End Road will assist in tying the new development into the street scene to provide attractive urban design. Though some concern has been expressed locally about the extent of hedgerow removed, a stretch of hedge has been permitted to be removed by virtue of the outline planning permission, the small additional stretch of hedge was not in good condition and will in due course be compensated for by the landscaping scheme which introduces new tree planting and a native shrub belt in the vicinity of the new access (see plan extract below).



The applicant advises that he has addressed the issue of the invasive plant.

The application may be supported.

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 plan numbered 7503_150i received by the Local Planning Authority on 24 January 2018, 16-075-05B and 16-075-06B received by the Local Planning Authority on 5 January 2018 7503_260C received by the Local Planning Authority on 20 October 2017, the plan numbered 7503_151B received by the Local Planning Authority on 24 October 2017, the plans numbered 7503_252C, 7503_253C, 7503_261C, 7503_262C, 7503_263A and 7503_269 received by the Local Planning Authority on 21 August 2017, the plans numbered 7503_250C, 7503_251C, 7503_254B, 7503_255C, 7503_256B, 7503_257B, 7503_258B, 7503_259C, 7503_265B, 7503_266B, 7503_267C and 7503_268 received by the Local Planning Authority on 4 August 2017 and the plans numbered 7503_100, 7503_264B and 7503_450B received by the Local Planning Authority on 9 May 2017.

REASON

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

2. No development whatsoever within Classes A, B, C, D and E of Part 1 of 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), shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.

REASON

In the interests of the amenities of the area.

3. The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any dwelling to the satisfaction of the Local Planning Authority.

REASON

In the interests of fire safety

4. Prior to occupation of the dwelling(s) hereby approved a bin storage facility capable of holding a minimum of 3 x 240 litre wheeled bins shall be provided within the curtilage of each dwelling. The storage facility shall remain permanently available for that purpose at all times thereafter.

REASON

To enable effective storage and disposal of household waste and in the interests of the amenity of the area.

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5. A gap of not less than 3 metres shall be provided between fences enclosing public footpath AE11 and shall be maintained at that separation distance at all times thereafter. The surface of the footpath shall be maintained as a tarmac surface at all times and shall be constructed as such prior to the occupation of any dwelling hereby approved.

REASON

In the interests of pedestrian safety and in the interests of the amenity of the area.

6. A scheme for the low level lighting of the footpath route shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling hereby approved. The approved scheme shall also be implemented prior to the occupation of any dwelling hereby approved.

REASON

In the interests of pedestrian safety and in the interests of the amenity of the area

7. The development hereby approved shall be implemented in full compliance with the provisions of the Badger Method Statement Produced by Absolute Ecology dated July 2017, as supplemented by the email from James Porter of Absolute Ecology to Philip Davey dated Tue 19 December 2017 at 14:00 hours.

REASON

In recognition of the presence of protected species.

8. The development shall take place in accord with the Remediation Method Statement by Georisk Management dated 8 December 2017 received by the Local Planning Authority on 11 December 2017.

REASON

To ensure that risks from land contamination to the proposed end users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. Within three months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

REASON

To ensure that risks from land contamination to the proposed end users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Notes

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.
Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

2. Public footpath AE11 must remain open and available for public use at all times unless closed by legal order, so must not be obstructed by parked vehicles or by materials during construction.

The applicant must make good any damage to the surface of public footpath AE11 caused during construction.

If it is necessary to temporarily close public footpath AE11 for any length of time during construction then a Traffic Regulation Order will be required. Warwickshire County Council's Rights of Way team should be contacted well in advance to arrange this.

Any disturbance or alteration to the surface of public footpath AE11 requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public footpath.

3. There may be bats present at the property that would be disturbed by the proposed development. You are advised that bats are deemed to be European Protected species. Should bats be found during the carrying out of the approved works, you should stop work immediately and seek further advice from the Ecology Section of Museum Field Services, The Butts, Warwick, CV34 4SS (Contact Ecological Services on 01926 418060).
4. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
5. 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>

6. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

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APPENDIX 1

Building Research Establishment Report

Site layout planning for daylight and sunlight: a guide to good practice

P J Littlefair, MA, PhD, CEng, MCIBSE

Building Research Establishment
Garston
Watford
WD2 7JR

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In some cases, for example with a standard house design, window positions may already be known. The vertical sky component can then be calculated at the centre of each window. In the case of a floor-to-ceiling window, such as a patio door, a point 2 m above ground on the centre line of the window may be used. Again, a vertical sky component of 27% or more indicates the potential for good daylighting. The interior daylighting of the building can then be checked easily using the method described in Appendix C.

Where space in a layout is restricted, interior daylighting may be improved in a number of ways. An obvious one is to increase window sizes. The best way to do this is to raise the window head height, because this will improve both the amount of daylight entering and its distribution within the room (Figure 5).

Improving external surface reflectances will also help. Light-coloured building materials and paving slabs on the ground may be used. However, maintenance of such surfaces should be planned to stop them



Figure 5 In Georgian streets the small spacing-to-height ratio is compensated for by tall windows. Note how window-head height increases for the lower floors which are more heavily obstructed.

discolouring. Often the benefits will not be as great as envisaged, partly because of ageing of materials and partly for geometrical reasons. An obstructed vertical building surface will receive light from less than half the sky. Even if it is light coloured its brightness can never approach that of unobstructed sky.

Finally, one important way to plan for good interior daylight is to reduce building depth (window wall to window wall). Even on a totally unobstructed site there is a limit to how deep a room can be while remaining properly daylight. The presence of obstructions may reduce this limiting depth still further. Appendix C gives details of how to calculate these limiting room depths for good daylighting.

Summary

In general, a building will retain the potential for good interior diffuse daylighting provided that on all its main faces:

(a) no obstruction, measured in a vertical section perpendicular to the main face, from a point 2 m above ground level, subtends an angle of more than 25° to the horizontal;

or

(b) if (a) is not satisfied, then all points on the main face on a line 2 m above ground level are within 4 m (measured sideways) of a point which has a vertical sky component of 27% or more.

2.2 Existing buildings

In designing a new development or extension to a building, it is important to safeguard the daylight to nearby buildings. A badly planned development may make adjoining properties and their gardens gloomy and unattractive, annoying their occupants and even, in some cases, infringing rights to light (see later in this Section). The guidelines given here are intended for use with adjoining dwellings and any existing non-domestic buildings where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops and most offices. Gardens and open spaces are dealt with in Section 3.3.

Note that numerical values given here are purely advisory. Different criteria may be used, based on the requirements for daylighting in an area viewed against other site layout constraints.

A modified form of the procedure adopted for new buildings can be used to find out whether an existing building still receives enough skylight. First, draw a section in a plane perpendicular to each affected main window wall of the existing building (Figure 6). Measure the angle to the horizontal subtended by the

In the winter heating season, solar heat gain can be a valuable resource, reducing the need for space heating. Good design can make the most of this. This aspect of sunlight provision is dealt with in Section 4; here we concentrate on the amenity aspects of sunlight.

Site layout is the most important factor affecting the duration of sunlight in buildings. It can be divided into two main issues, orientation and overshadowing.

Orientation

A south-facing window will, in general, receive most sunlight, while a north-facing one will receive it on only a handful of occasions (early morning and late evening in summer). East- and west-facing windows will receive sunlight only at certain times of the day. A dwelling with no main window wall within 90° of due south is likely to be perceived as insufficiently sunlit. This is usually an issue only for flats. Sensitive layout design of flats will ensure that each dwelling has at least one main living room which can receive a reasonable amount of sunlight. In flats and houses a sensible approach is to try to match internal room layout with window wall orientation. Where possible, living rooms should face the southern or western parts of the sky and kitchens (towards the north or east).

Overshadowing

The overall access to sunlight of a new development can be considerably enhanced if the layout of new buildings is designed with care so that they overshadow each other as little as possible (see Figure 22 in Section 4). At a simple level, access to sunlight can be improved by:

- Choosing a site on a south-facing slope, if possible, rather than a north-facing one
- Having taller buildings to the north of the site with low-rise buildings to the south, but care must be taken not to overshadow neighbouring property (Section 3.2)
- Having low-density housing (semi-detached and detached) at the southern end of a site, with terraced housing to the north
- Placing terraces on east-west roads (so that one window wall faces nearly south) with detached and semi-detached houses on north-south roads
- Opening courtyards to the southern half of the sky
- Having garages to the north of houses
- Avoiding obstructions to the south, such as protruding extensions or other buildings, where window walls face predominantly east or west
- Having low-pitched roofs on housing

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For interiors, access to sunlight can be quantified. The British Standard³ recommends that interiors where the occupants expect sunlight should receive at least one quarter of annual probable sunlight hours, including at least 3% of annual probable sunlight hours during the winter months, between 21 September and 21 March. Here 'probable sunlight hours' means the total number of hours in the year that the sun is expected to shine on unobstructed ground, allowing for average levels of cloudiness for the location in question. The sunlight availability indicator in Appendix A can be used to calculate hours of sunlight received.

At the site layout stage the positions of windows may not have been decided. It is suggested that sunlight availability be checked at points 2 m above the lowest storey level (Figure 1) on each main window wall which faces within 90° of due south. The building face as a whole should have good sunlighting potential if every point on the 2 m high reference line is within 4 m (measured sideways) of a point which meets the British Standard criterion already mentioned³ for probable sunlight hours. If the access to sunlight changes rapidly along a facade, it is worthwhile trying to site main windows, particularly of living rooms, where most sunlight is available.

If window positions are already known, the centre of each main living room window can be used for the calculation. In the case of a floor-to-ceiling window, a point 2 m above ground on the centre line of the window may be used.

It is not always necessary to do a full calculation to check sunlight potential. It can be shown that the British Standard³ criterion is met provided either of the following is true:

- The window wall faces within 90° of due south and no obstruction, measured in the section perpendicular to the window wall, subtends an angle of more than 25° to the horizontal (Figure 3 in Section 2.1). Obstructions within 90° of due north of the reference point need not count here.
- The window wall faces within 20° of due south and the reference point has a vertical sky component (Section 2.1) of 27% or more.

The British Standard³ is intended to give good access to sunlight for amenity purposes in a range of situations. However, in some circumstances the designer or planning authority may wish to choose a different target value for hours of sunlight. This is especially relevant for passive solar buildings, for which Section 4 gives guidance. If sunlight is particularly important in a building, for whatever reason, a higher target value may be chosen, although care needs to be taken to avoid overheating. Conversely, if in a particular development sunlight is deemed to be less important but still worth checking

APPENDIX 2



North Warwickshire
Borough Council

Mr Ian Ritchie
Ritchie & Ritchie LLP
The Manor House
Lichfield Street
Tamworth
B79 7QF

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

Telephone: (01827) 715341
Fax: (01827) 719225
E Mail: PlanningControl@NorthWarks.gov.uk
Website: www.northwarks.gov.uk
Date: 29 April 2015

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

Smallscale Major - Outline Planning Application

Application Ref: PAP/2014/0257

Site Address

Land Rear Of 1 To 6, Copeland Close, Warton,

Grid Ref: Easting 428341.39
Northing 303445.06

Description of Development

Outline application (access only) for the residential development

Applicant

Mr Vince Wotton

Your planning application was valid on 16 June 2014. It has now been considered by the Council. I can inform you that:

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

1. This permission is granted under the provisions of Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015 on an outline approval, and the further approval of the Local Planning Authority shall be required with respect to the under-mentioned matters hereby reserved before any development is commenced:-
 - (a) appearance
 - (b) landscaping
 - (c) layout
 - (d) scale

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

2. In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission.

Authorised Officer: 

Date: 29 April 2015

Page 1 of 8



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REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of all reserved matters.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interests of safety on the public highway.

5. Access for vehicles to the site from the public highway Barn End Road shall not be made other than at the position identified on the approved drawing number 7268/150B, at a position whereby the visibility splay requirements stated in condition 1 will be satisfied.

REASON

In the interests of safety on the public highway.

6. The development shall not be occupied until an access for vehicles has been provided to the site not less than 5 metres in width for a minimum distance of 7.5 metres, as measured from the near edge of the public highway carriageway.

REASON

In the interests of safety on the public highway.

7. The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway.

REASON

In the interests of safety on the public highway.

8. The access to the site for vehicles shall not be used until it has been provided with not less than 6 metre kerbed radiused turnouts on each side.

REASON

In the interests of safety on the public highway.

Authorised Officer: _____



Date: 29 April 2015

9. The gradient of the access for vehicles to the site shall not be steeper than 1 in 20 for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway.

REASON

In the interests of safety on the public highway.

10. The development hereby approved shall not be occupied until such time as the footway extension has been provided in accordance with details shown on the drawing no. 7268/150B.

REASON

In the interests of safety on the public highway.

11. The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.

REASON

In the interests of safety on the public highway.

12. The development shall not be occupied until the turning areas have been provided within the site so as to enable the largest vehicle likely to enter the site, to leave and re-enter the public highway in a forward gear.

REASON

In the interests of safety on the public highway.

13. The development shall not be commenced until space has been provided within the site for the parking/loading/unloading of vehicles in accordance with details to be approved in writing by the Local Planning Authority.

REASON

In the interests of safety on the public highway such space needs to be provided before the commencement of development.

14. The Applicant/Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. Prior to the commencement of the development, the details of these measures (including type, method of operation and control of use) shall be submitted in writing to the Local Planning Authority for their approval in consultation with the Highway Authority.

REASON

In the interests of safety on the public highway.

15. No development whatsoever shall commence until a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work across this site has been submitted to and approved in writing by the Local Planning Authority.

Authorised Officer: _____



Date: 29 April 2015

REASON

To ensure the recording or preservation of any items of archaeological interest and to avoid any harm to items of archaeological interest.

16. Prior to the commencement of development the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition which has been detailed in a previously the approved WSI, shall be fully undertaken and a report detailing the results of the fieldwork shall be submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure the recording or preservation of any items of archaeological interest and to avoid any harm to items of archaeological interest.

17. Prior to the commencement of development an Archaeological Mitigation Strategy document shall be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and shall incorporate proposals for post-excavation analysis, publication of results and archive deposition. Dependent upon the results of the evaluative fieldwork, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation.

REASON

To ensure the recording and preservation of any items of archaeological interest and to avoid any harm to items of archaeological interest.

18. No development shall take place until any fieldwork detailed in the approved Archaeological Mitigation Strategy document has been completed to the satisfaction of the Planning Authority in writing.

REASON

To ensure the recording and preservation of any items of archaeological interest and to avoid any harm to items of archaeological interest.

19. Within three months of the completion of development the post-excavation analysis, publication and archive deposition shall be undertaken in accordance with the approved Mitigation Strategy document.

REASON

To ensure the recording of any items of archaeological interest.

20. Prior to the commencement of development a scheme for the disposal of foul and surface waters shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall address and achieve the following matters.

- a) The rate of surface water run-off generated by the site shall be limited to discharge at no more than the existing Greenfield rate.
- b) Attenuation of surface water on site to the 1 in 100 year flood event standard plus an allowance of 30% for climate change, using SuDS.

Authorised Officer: _____



Date:

29 April 2015

- c) The preferred method of disposal for surface water run-off is through the use of at-source sustainable drainage methods such a soakaway as detailed in Approved Document Part H of the Building Regulations 2010, and BRE Digest 365 - Soakaway Design. The site porosity tests and contamination testing shall be undertaken and submitted to indicate the suitability of the ground for infiltration purposes. A Phase 2 risk assessment to confirm leachability and potential contamination of the groundwater environment for the former quarry shall be completed and results submitted.
- d) A fully labelled network drawing showing all dimensions of all elements of the proposed drainage system including any on/offline control devices and structures.
- e) Detailed network calculations that correspond to the above drawing.
- f) Modelled results for critical storms, including as a minimum 1yr, 30yr, and 100yr +30% cc events of various durations. A submerged outfall should be used for the modelling.
- g) Detailed drawings showing plan and sections of the proposed SuDs features.
- h) Evidence of overland flood flow routing in case of system failure or overtopping. This should include the hydraulic modelled flow routes with depths/velocities of the flow. the applicant shall install cut-off drain or trench soakaway or swale along all boundaries with the exception of southeast boundary.
- i) All ditches on the boundary of the site are to be cleared and be fully functional, prior to the completion of the development.

REASON

To prevent pollution of the water environment and to minimise the risk of flooding on or off the site and to ensure that an integrated design solution addresses the water environment.

21. No works shall commence on site until detailed design drawings and supportive calculations for the disposal of foul and surface water sewage have been submitted and approved by the Local Planning Authority. No sewage discharge shall be in operation until the drainage works in accordance with the approved drawings have been completed.

REASON

To prevent pollution of the water environment and to minimise the risk of flooding on or off the site and to ensure that an integrated design solution addresses the water environment.

22. No works shall commence on site until a Surface Water Maintenance Plan giving details on how the entire surface water system shall be maintained and managed after completion for the duration of the life of the development has been submitted to and approved by the Local Planning Authority in writing. The plan shall include the name of the maintenance company and a contact for who will be responsible for the site on an ongoing basis.

REASON

To prevent flooding and pollution of the water environment and to ensure that an integrated design solution addresses the water environment.

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

REASON

In the interests of the amenities of the area and to avoid any harm to the existing landscape and ecology of the site.

Authorised Officer: _____

Date:

29 April 2015

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

REASON

In the interests of the amenities of the area and to ensure that an integrated design solution addresses the incorporation of appropriate landscaping.

25. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls/fences/hedges to be erected. The approved screen walls/fences shall be erected before the dwellings hereby approved are first occupied and shall subsequently be maintained. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON

In the interests of the amenities of the area and to ensure that an integrated design solution addresses the treatment of site boundaries.

26. The approval of reserved matters referred to in condition 1 shall include drawings to show existing and proposed levels, incorporating finished floor levels, eaves and ridge heights for both the proposed development site and on neighbouring land for comparison.

REASON

In the interests of the amenities of the area.

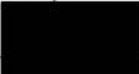
27. No work relating to the construction of the development hereby approved, including works of preparation prior to operations, shall take place other than between 7am and 6pm weekdays and 8am to 1pm on Saturdays. There shall be no working at all on Sundays or Bank Holidays.

REASON

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

INFORMATIVES

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.

Authorised Officer: 

Date: 29 April 2015

3. This Decision Notice must be read in conjunction with a Planning Obligation completed under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended). You are advised to satisfy yourself that you have all the relevant documentation.
4. There may be bats present at the property that would be disturbed by the proposed development. You are advised that bats are deemed to be European Protected species. Should bats be found during the carrying out of the approved works, you should stop work immediately and seek further advice from the Ecology Section of Museum Field Services, The Butts, Warwick, CV34 4SS (Contact Ecological Services on 01926 418060).
5. This permission does not authorise the diversion of the public footpath in the area of the application site.
6. 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/ issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

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 and 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.
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.

Authorised Officer: 

Date: 29 April 2015

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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:

29 April 2015

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BACKGROUND PAPERS

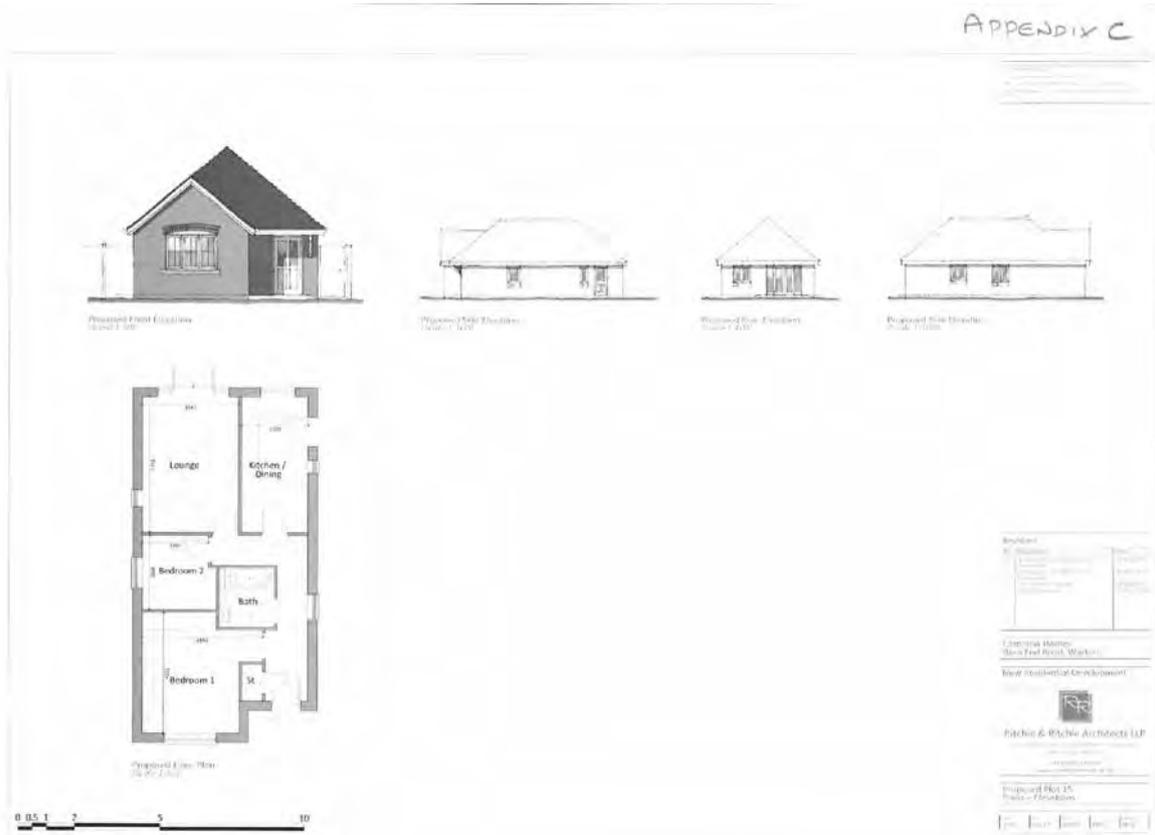
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

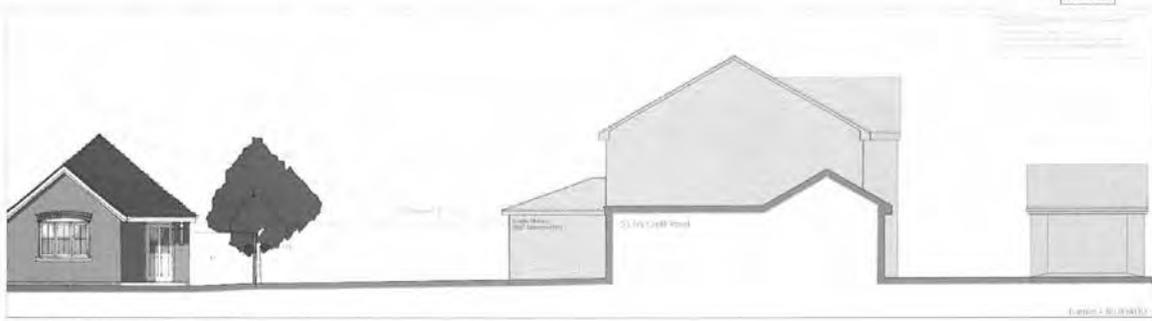
Planning Application No: PAP/2017/0237

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	Various
2	S Cutler	Representation	17/5/17
3	M Chagger	Representation	18/5/17
4	J Davies	Representation	26/5/17
5	L Clinton/Mr & Mrs Clinton	Representation	26/5/17 15/12/17
6	C Bushnell	Representation	31/5/17
7	G Andrews	Representation	1/6/17
8	R Reuter	Representation	31/5/17
9	T Weston	Representation	22/6/17
10	NWBC Streetscape	Consultation Response	15/5/17
11	Polesworth Parish Council	Consultation Response	15/5/17
12	Warks Police	Consultation Response	18/5/17
13	NWBC Housing	Consultation Response	22/5/17
14	Warwickshire Wildlife Trust	Consultation Response	19/5/17 26/5/17 7/6/17 21/12/17
15	Fire and Rescue	Consultation Response	25/5/17
16	WCC Footpaths	Consultation Response	1/6/17
17	Lead Local Flood Authority	Consultation Response	9/6/17 19/7/17 30/10/17
18	Environmental Health Officer/ Environmental Health Consultant	Consultation Response	16/6/17 20/11/17
19	Applicant and others	S106 Deed of Variation	

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.

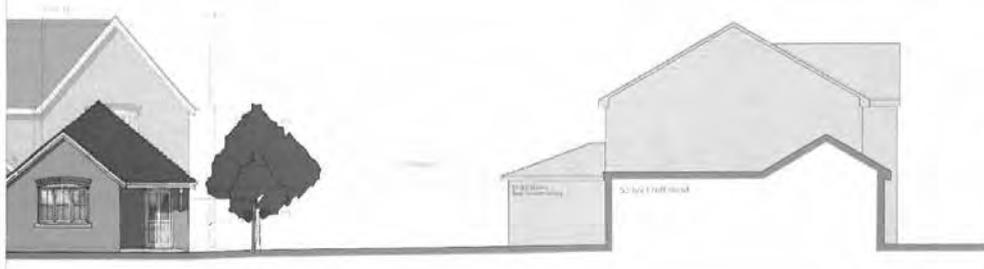
A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.





Proposed Site Section Through Plot 25 x 51.5m (2nd Road)
Scale: 1:50

Level: 0.000m



Previously Proposed Site Section Through Plot 25 x 51.5m (2nd Road)
Scale: 1:50



Client: [Redacted]
Date: [Redacted]

Carroll Street
Burlington, Vermont
Residential Development

Ritchie & Ritchie Architects LLP
140 North Main Street, Suite 200
Burlington, Vermont 05401
Tel: 802-249-1234
www.ritchieandritchie.com

Project: 2505.15 - 51.5m (2nd Road)
Site Section

Site Plan Section Elevation Detail

Cameron Homes Ltd
Proposed Development at Barn End Road, Warton

WARWICKSHIRE
COUNCIL
RECEIVED
15/02/2018
PLANNING & DEVELOPMENT
DIVISION

Introduction

This note has been prepared to address the ongoing concerns raised by residents of Ivy Croft Road relating to surface water flooding. It records the investigations that Cameron Homes have undertaken to identify the route and condition of the existing drainage network and confirms the works that Cameron Homes have undertaken to hopefully restore the system to be fully operational.

Existing Drainage Conditions

The surface water drainage infrastructure in Ivy Croft Road consists of a series of road gullies, manholes and sewers under the road. The head of the run is a manhole located in the turning head of the road outside number 45. The sewers then run in a north easterly direction to a manhole located outside number 23a before running through the gardens of 23a and 23 and terminating at a soakaway located in the rear garden of 23 Ivy Croft Road. The arrangement is shown on the plans contained in Appendix A.

Historic maps show that Ivy Croft Road was developed in three stages. The houses to the north east of the public footpath (except for the properties between number 15 and 25) were constructed first, followed by the houses to the south west of the footpath. Finally, numbers 17, 19, 21, 21a, 23 and 23a were built on the land originally left undeveloped.

There was originally a pond located where numbers 17-23a are now sited and this is shown in Appendix B. It is reasonable to assume that prior to the construction of 17-23a surface water from the road would have been discharged to this pond and would have naturally percolated into the ground. The pond appears to have been replaced by the current soakaway when numbers 17-23a were built.

During the planning application process, concern was raised by local residents and the lead local flood authority that the surface water from Ivy Croft Road discharged to a soakaway located in the proposed development site. This is not the case and the soakaway location has been proven to be in the rear garden of number 23 as identified above.

It is understood that there have been flooding concerns on Ivy Croft Road for a number of years and the drainage system was investigated and cleaned in February 2015 by ACL Highway Services Ltd on behalf of Warwickshire County Council. The survey reports from 18th and 19th February 2015 are included in Appendix C. The report from 19th February states *“Was unable to jet from the manhole at number 23a to the manhole at 21a due to high volume of water. Also, the manhole at number 21a has been covered over”* and they did not complete their investigations in not having rights of access private gardens.

It is reasonable to conclude that the "high volume of water" arose from a blockage in the system between the manhole at 23a and the outfall ie, the soakaway.

Following the concerns raised Cameron Homes attended Ivy Croft Road with a jetting and CCTV contractor on two separate occasions on 20th July and 25th August 2017. On the first visit the drainage system was traced from the head of the run ie, the manhole outside number 45 to the manhole in the highway outside 23a. It was then noted that the drainage changes direction heading towards 23 before a blockage was encountered.

This would suggest that the blockage that appears to have been encountered by Warwickshire County Councils contractor in February 2015 was never cleared.

On the second visit a manhole was located in a planting bed in the front garden on 23a was identified (referenced SMH2 on the DCB Environmental survey record – Appendix A). The pipe between this manhole and the manhole in the road outside 23a was totally blocked due to heavy silting.

Discussions with the occupier of 23a then revealed that there was a further manhole located under the fence line between 21a and 23 which was hidden beneath gravel planting boarder. The occupier also advised that the soakaway was located in the rear garden of 23 Ivy Croft Road. The positions of these were subsequently confirmed by Cameron's contractor and are recorded on the DCB Environmental survey record. A written report is also included in Appendix D.

Whilst on site on 25 August Cameron's contractor jetted and cleaned the entire drainage system from the manhole outside 23a up to and including the soakaway. This included clearing the blockage outside 23a, all of which Cameron were not obliged to do.

New Development Drainage Proposals

The drainage proposals for the new development have been approved by both Severn Trent Water and Warwickshire County Council as Lead Local Flood Authority.

Concern has been expressed regarding possible flooding of the proposed development in the southern end of the site from surface water run off from Ivy Croft Road. This is considered unlikely especially as the highway drainage in Ivy Croft Road has now been unblocked and should now be operating as designed. Nevertheless, the drainage proposals for the new development include a cut off drain along the boundary of the site with Ivy Croft Road so that any surface water flowing into the site can be intercepted, diverted around the development and back into the land drainage network. This drain will consist of a perforated pipe in a gravel trench between 450 and 600mm deep. The location of the drain is shown in Appendix E.

Conclusion

The highway drainage system in Ivy Croft Road has been proven to terminate at a soakaway in the rear garden of number 23. The system appears to have been

blocked for a number of years and this is likely to have contributed significantly to the flooding events encountered at the lower end of Ivy Croft Road. Cameron Homes have cleaned the system and have cleared the blocked drainage run. It is anticipated that the system will now operate as designed. Notwithstanding the above, the responsibility for keeping the system clear and fully operational rest with Warwickshire County Council in their capacity as Highway Authority.

The drainage proposals for the new development have been approved by both Severn Trent Water and Warwickshire County Council as Lead Local Flood Authority.

In the event of surface water run off entering the site from Ivy Croft Road the development proposals include a cut a drain to intercept and divert the flows around the development thus protecting the new houses from flood water.

Appendix A



Ireland Close, Staveley, Chesterfield S43 3PE
 Telephone: (01246) 471555 Fax: (01246) 476571
 Email: enquiries@acidisation.com www.acidisation.com

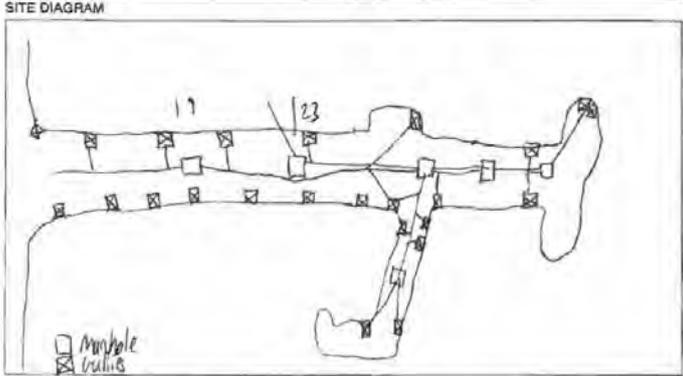
Drainage Investigation Report

DATE 18/2/15	WORKS ORDER NO. 26/35	VEHICLE REG Y526CHC	DRIVER & OPERATOR J.W. E.M.
CLIENT W.C. North	LOCATION / ADDRESS Juxta Road Feard, Warton	CONTACT NAME Steen Hatfield	

DETAILS OF WORK CARRIED OUT
 Cleared gullies and jetted to the new main system. Jetted the main systems, cleaning remaining silt out of the system. Only gullies blocked was outside of 18 which was solid full of solid plaster.

FURTHER ACTION REQUIRED New gullies to be put in in front of 23, return on 18/2/15 to complete clean and jetting.

TIME ON SITE	TIME OFF SITE
--------------	---------------



CHARGEABLE HOURS 8

SIGNED CUSTOMER _____ PRINT NAME _____



ACL Highway Services Ltd

Irland Close, Staveley, Chesterfield S43 3PE
 Telephone: (01246) 471555 Fax: (01246) 476571
 Email: enquiries@acidisation.com www.acidisation.com

Drainage Investigation Report

DATE 19/2/15	WORKS ORDER NO. 180/26155	VEHICLE REG Y506CHC	DRIVER & OPERATOR J.P.
CLIENT WCC North	LOCATION / ADDRESS Wroughton Road, Warton	CONTACT NAME P. Reed	

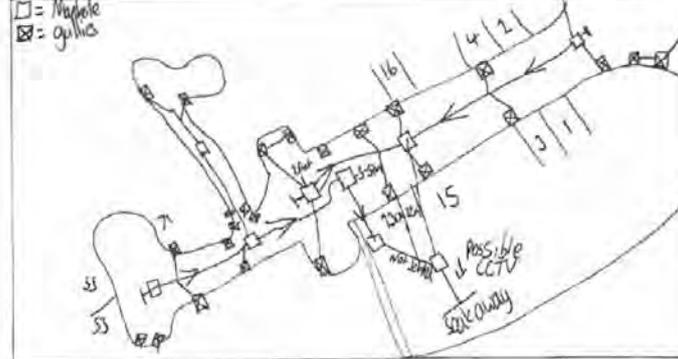
DETAILS OF WORK CARRIED OUT

Jetted and cleaned the remaining gullies and manholes which was left at the 18/2/15. The system is shown in the site diagram. Was unable to jet from the manhole at number 23a to the manhole at Number 2a due to the high volume of water. Also the manhole at number 21a has been covered over. I was unable to go any further without permission. Manhole or 21a is approx 3-5 metres deep same as the manhole on the property.

FURTHER ACTION REQUIRED Need to return to Number 22a to access property with permission needs to jet from the manhole outside of 23a. 21a & extra gullies to also be put in outside of SS to help with high volume of rain water.

TIME ON SITE	TIME OFF SITE
--------------	---------------

SITE DIAGRAM



CHARGEABLE HOURS 5

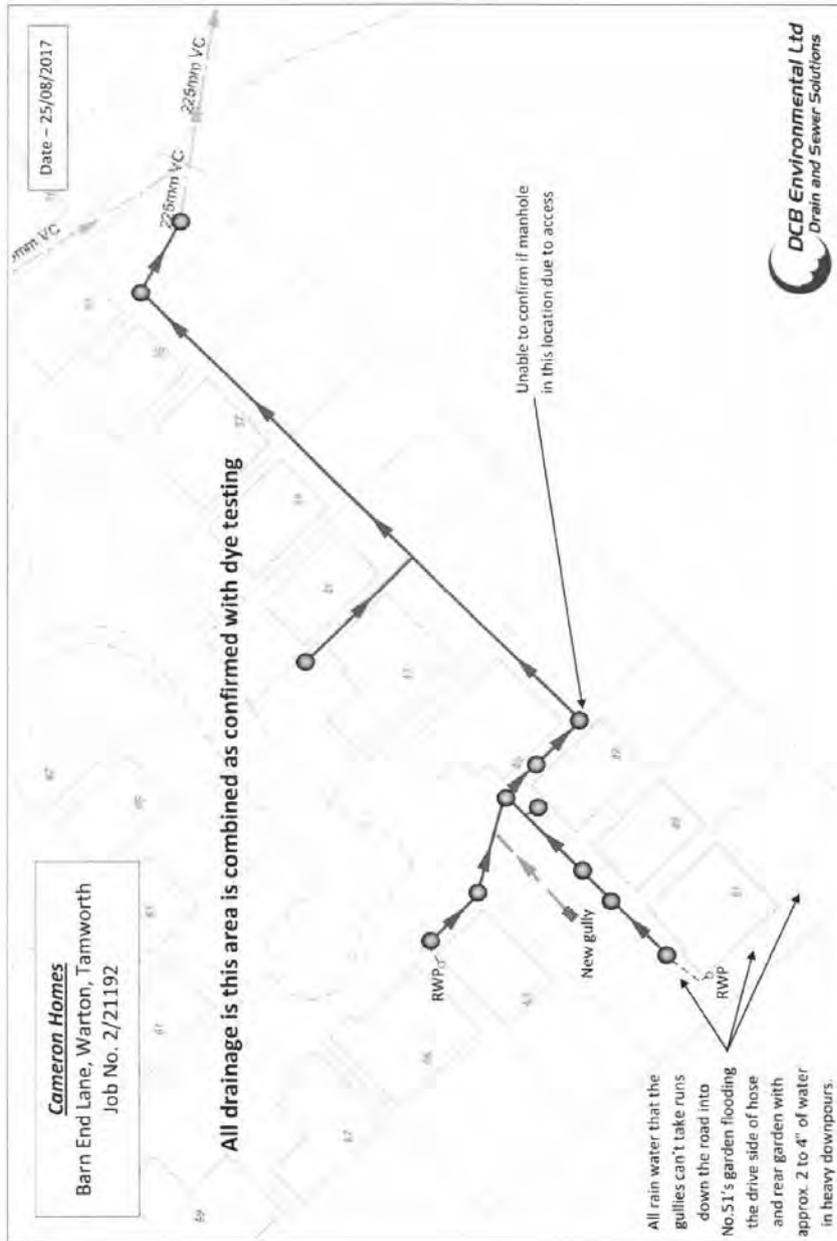
SIGNED CUSTOMER _____ PRINT NAME _____

Appendix B



Appendix C





Appendix D

Highway drain

From previous investigation[s] the head of the run is in the turning head in front of no. 53 Ivycroft Road. The main then runs in the road to a manhole – approx. location nos. 23/25 boundary line. Previous investigation aborted at this point due to heavy silting but the manhole channels appeared to be heading towards nos. 21-23a.

Jetting was undertaken on Friday [25th Aug]. Closer inspection proved that the downstream outlet did head towards nos. 21-23a and that the pipe size was 225mm [not 300mm as previously thought]

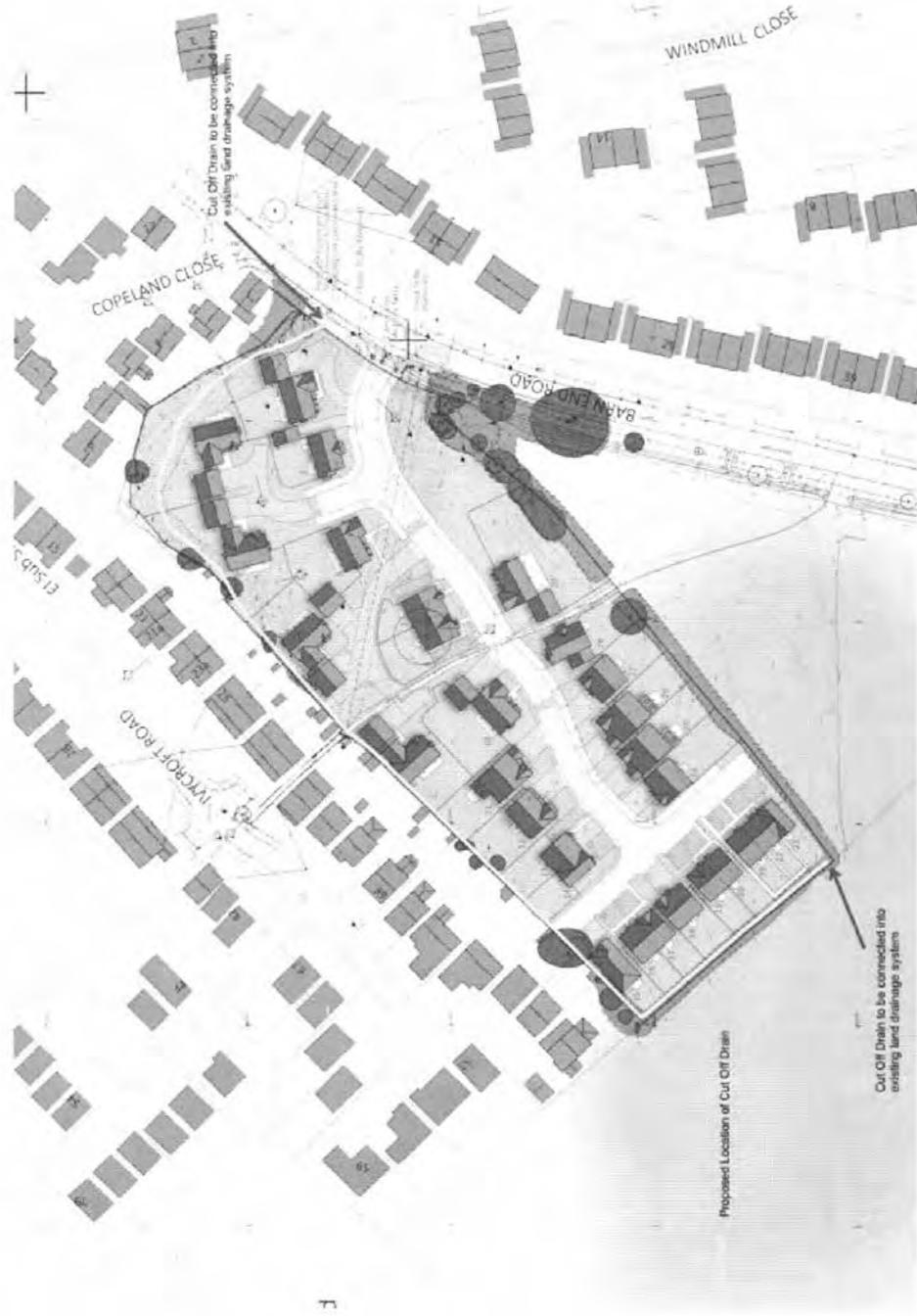
The next downstream manhole was uncovered in a planted area in the front garden of no. 23a. The pipe size REDUCED from 225mm to 150mm through this manhole.

[NB Historical maps of the area from mid 70's show a pond in this vicinity. Possibly taking the highway discharge ?]

The next downstream manhole was uncovered beneath the boundary fence between nos 21a and 23 front gardens. The channels in this chamber had lifted and blocked the downstream outlet. This chamber is a change of direction to take the run between nos. 21a and 23

The final manhole is a 1800 dia perforated ring chamber 4200mm deep in the rear garden of no.23 approx 5400mm from their rear boundary fence to the centre of the chamber

Appendix E



(3) Application No: PAP/2017/0335

Land Adjacent 1, Jean Street, Baddesley Ensor, CV9 2EA

Erection of three new three bed dwellings and creation of a new access to Jean Street and use of access to Church Row, for

Mr Morton, Mr Martin and Ms Sweet

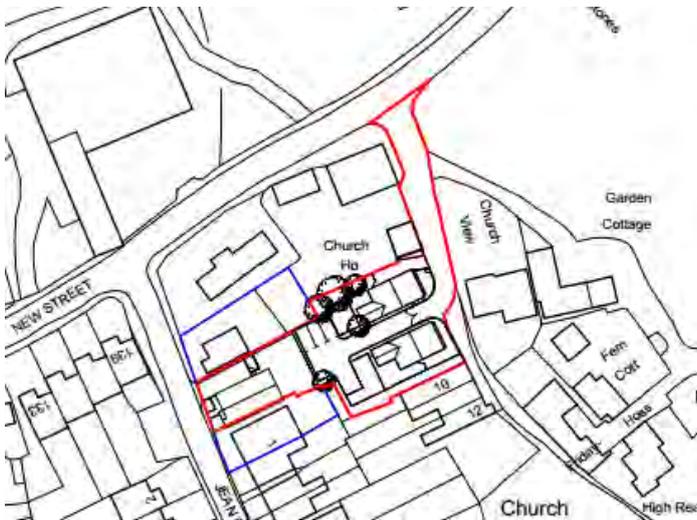
Introduction

The application has been brought to the Board for consideration at the discretion of the Head of Development Control due to the Boards interest in a previous case here.

The Site

The application site measures approximately 0.085 hectares (862m²) in area and is located within the development boundary. The area is mainly residential displaying a variety of styles, ages and plot sizes. The site itself has two frontages, one to Jean Street and the other to Church Row. The site is currently a garden to 1 Jean Street and a vacant area of land off Church Row.

Along the boundary to Church House, is a row of trees and the boundary to Jean Street is predominantly marked by hedging. To the north is a Listed Building (Church House). Baddesley Ensor has a small range of shops and local facilities with bus routes. The location of the site is below and can also be viewed in Appendix A. Photographs of the site can be viewed in Appendix B.



The Proposal

It is proposed to erect three dwellings, consisting of one three-bed bungalow and two three bed detached dwellings together with the creation of a new access to Jean Street, and use of access to Church Row.

The proposal will result in the reduction of the garden to number one Jean Street to accommodate two car parking spaces and the bungalow. The other two dwellings would be accessed off Church Row. This would lead to four off-road parking spaces serving those two dwellings. The boundary to number ten Church Row would contain a fence. Detailed plans of the dwellings can be viewed in Appendix A.

The land levels rise from Jean Street to Church Row and rise along Church Row off New Street. The street view along Church Row is shown below and also contained within Appendix A.



Elevation along Church Row.
Scale 1:100.

The access to the two dwellings off Church Row is sought to be improved as the whole vehicle access up to number 10 Church Row would be hard surfaced. The four parking spaces will be to the rear, through an access between the two dwellings. The bell-mouth of the access drive would provide an advantage in that it can also be used informally as a passing place if vehicles need to pass each other on the relatively narrow Church Row. It should be noted that there is a 20-mph speed limit on New Street around the area where the Church Row junction occurs.

Church Row itself (the carriageway) belongs to the Merevale Hall Estate. The necessary formal notice has been served on landowners. The whole of the road access up to the New Street junction has been included within the red line of the application site and thus the hard surfacing referred to above can be conditioned.

The application has set out that the occupants of the cottages at numbers 10, 11 and 12 Church Row have an old established right of way from the rear of the properties and at the side of number 10. This has been respected by leaving an adequate passageway between number 10 and the southernmost new dwelling. To demarcate the right of way, it is proposed to erect a two metre high fence at the distance of 1.524 metres away from the wall of number 10 Church Row. This will also ensure privacy for the new dwelling for people accessing the right of way.

Foul and storm drainage is to connect into the existing sewer system.

New landscaping will be proposed.

Background

In 2016, two applications were submitted. One related to the conversion of Redlands, which faces New Street, into two dwellings and the second was for the erection of one new dwelling on land accessed off Jean Street, to the rear of Redlands. The application for a new dwelling was refused, but a subsequent appeal has been allowed. The appeal decision can be viewed under Appendix C. Below are the relevant drawings



The farm (Church Farm) to the opposite side of New Street has been proposed for future residential development in the draft Submission Version of the new Local Plan

Development Plan

North Warwickshire Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11

(Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment) and NW15 (Nature Conservation)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV6 (Land Resources); ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT2 (Traffic Management and Traffic Safety), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

The National Planning Policy Framework 2012 – (the “NPPF”)

The National Planning Practice Guidance

The Draft Submission Version of the Local Plan for North Warwickshire - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP6 (Amount of Development), LP7 (Housing Development), LP8 (Windfall Allowance), LP9 (Affordable Housing Provision), LP15 (Historic Environment), LP31 (Development Considerations) and LP32 (Built Form)

Consultations

Warwickshire County Council as Highway Authority - No objection subject to conditions

Environmental Health Officer - No comments to make

Warwick Museum – No objection subject to a standard condition

Warwickshire Fire Services - No objection

Representations

Baddesley Ensor Parish Council – No response received

Objections and comments have been received from 53 properties on Church Row, Jean Street and The Common – a number are from the same addresses. A petition of 35 signatures has been received objecting to the proposal – some of the signatures also appear amongst the letters. The matters raised relate to:

- The properties of 10, 11 and 12 Church Row have existing parking problems and these will be worsened.
- There are young children who live on Church Row and it would be dangerous for it to be used as an access, let alone the disruption it will cause number 10 being right outside windows.
- Parking from builders will lead to highways issues on both Jean Street and Church Row.
- Impact on senior citizens who live opposite on Jean Street.
- Church Row improvements could lead to water flow and maintenance issues.
- Amenity, privacy and overlooking issues for neighbouring properties.
- Impact on drainage system.

Observations

a) The Principle

The proposal is for three additional dwellings within Baddesley/Grendon. Members should be aware that the site is within the development boundary, and thus the proposal does accord with the Development Plan in principle. The starting position is therefore presumption that the application will be supported as sustainable development within an appropriate location. This position is not altered as a consequence of the publication of the draft Submission Version of the new Local Plan for North Warwickshire.

The remainder of the report will consider other relevant planning considerations to see if they are of such weight to override this presumption.

b) Neighbour amenity

The dwelling is within an existing established residential area with residential dwellings to all sides of the application site, hence there is already a degree of overlooking and high density development.

The proposed Jean Street dwelling site is an existing garden and is within an existing established residential area. No. 1 Jean Street is to the side of the application site and has been extended. No.1 does have a side facing windows facing towards the side garden and towards the application site. The application will have one small ground floor WC window. The gap between the side of No.1 and the application site is around 1.5 metres. The side windows to No.1 are considered to be secondary to the rooms they serve with front and rear elevation openings. The proposed dwelling is a bungalow, with eaves being 2.2 metres and the roof ridge running west to east, thus allowing any light into the side windows. The garden to the bungalow would be partly raised, however boundary treatment can reduce overlooking and amenity. The rear garden at present is overlooked from neighbouring properties. The proposed two dwellings on Church Row would be around 20 metres away, and whilst the land levels on Jean Street are lower, the existing dwellings on Church Row lead to similar overlooking issues. It is considered on balance the proposal would not cause an adverse amenity impact on this neighbour beyond what they might reasonably expect to enjoy.

To the north of the bungalow proposed at Jean Street, is the single dwelling that has recently been approved at appeal. It would contain a small WC side facing window. It would be sited at least 4 metres away, with vehicle parking in-between. It is considered on balance the proposal would not cause an adverse amenity impact on this neighbour beyond that which they might reasonably expect to enjoy. Redlands to the north/north east of the application site is currently one dwelling. Part of the garden would adjoin the application site (car park and vehicle parking). It is considered on balance to be acceptable with regards to amenity and overlooking.

To the north west is a bungalow which is No.139 New Street, and the front of the proposed dwelling would be 13.5 metres to the side of 139. The proposal will look towards the rear access area of the bungalow. It is considered on balance that it would not cause an adverse amenity impact on this neighbour beyond what they might reasonably expect to enjoy. The bungalow along with the adjoining bungalows, are owned by the Council and the housing team have raised no objection.

To the south west is No.2 Jean Street, with a separation distance of just under 20 metres, which is greater than the separation distances between the existing dwellings on Jean Street, and thus it is considered on balance the proposal would not cause an adverse amenity impact on this neighbour beyond what they might reasonably expect to enjoy.

The main amenity impact of the scheme will be on No.10 Church Row, which is 3.8 metres away from the side of plot B. No.10 contain side principle windows to a habitable room, which is northern facing and thus only gains little direct sunlight in the evening. The siting of the new dwelling and the drop in land levels would allow a reasonable and acceptable level of amenity to the occupiers. The drawing below shows No.10 to the far left. The photo below shows three of the side windows to No.10. Side windows are proposed to the new dwelling, however the nearest are to bathrooms and can be conditioned as being obscurely glazed. The other side window serves a kitchen window and a door, but is set further off the boundary. A boundary fence is proposed, reducing any harm, as shown on the photos below.



Elevation along Church Row.
Scale 1:100.



Church House, to the north of the site, which is a listed building, is around 17 metres from the side of the nearest proposed dwelling. Church House does have rear facing windows, however given the separation distance the nearest windows can be obscurely glazed in the new dwelling. The new dwelling will be higher than Church House, however the natural land level slopes down Church Row. Below are photos looking towards Church House.



On the opposite side of Church Row to the dwellings is Church View. Images of Church Row are below for reference.



Church View has front and rear facing windows and openings. Given the existing residential siting, a number of dwellings already overlook the front and rear of Church View. The proposed two dwellings will face the side, and the separation distances are around 8 metres, however the openings will not be directly in the existing rooms. It is considered on balance the proposal would not cause an adverse amenity impact on this neighbour beyond what they might reasonably expect to enjoy Numbers 10 to 12 Church Row, have openings looking into room openings and the garden area to Church View. Below are photographs taken from the rear garden to Church View, facing towards 10-12 Church Row and the Application Site.



A condition can be added to any approval for no additional openings to the new dwellings.

The amenity of future occupiers has also to be considered. The garden areas to the dwellings are small, but acceptable. The dwellings and garden areas will be overlooked given the existing residential area and the changes to the topography of the land. The separation distances to the neighbouring properties are acceptable and therefore allow a level of amenity and privacy. The layout of the dwellings with regards to living arrangements is considered to be acceptable.

Overall the proposal is not considered to result in a material adverse loss of amenity, privacy or loss of light that would result in an unacceptable impact upon the neighbouring properties. The proposal therefore accords with the policy NW10 of the Core Strategy; with policy LP31 of the Draft Local Plan and paragraph 17 of the NPPF.

c) Highways, Parking and Sustainability.

The main objection and concern of the neighbours are the proposed access arrangements and the parking situation. It should be noted that the Highways Authority raise no objection to the scheme, subject to conditions and notes. The proposal will create 6 off road car parking spaces. The scheme meets parking standards set out in the Development Plan.

Representations have highlighted parking issues in the area. Appendix D shows photos provided by a neighbouring showing parking issues on Jean Street. The site access is likely to result in the loss of two on road parking spaces on Jean Street. An earlier separate application on an adjacent parcel of land on Jean Street was allowed at appeal (Appendix C), which will be covered later, means that this part of Jean Street will have limited on road parking availability. Jean Street is a narrow road and serves a number of properties and one additional dwelling is not considered to lead to a detrimental impact upon parking particularly as space is to be provided on site. It is considered that the existing situation for emergency vehicles will not change for one new dwelling and any construction work would have to be carried out off the highway. Representations have raised concerns over building work, but it would be for a short period, and a condition can be set out covering the construction times. The access to the site is within an existing residential area, and the site is close to local facilities. The site is near bus routes with links to the surrounding areas. The site is considered to be sustainable and thus in compliance with the NPPF and the Development Plan.

The access to the two dwellings in Church Row is off a private drive. The applicant has access rights over this and the relevant notice has been served upon the land owner. The application will lead to the improvement of Church Row. Church Row narrows and serves dwellings. Church House has a garage and Church View has a drive and garage. Numbers 10 -12 Church Row do not have any dedicated parking and had until recently, used the rear part of the application site for informal parking but this has ended. To the front of No. 10-12 Church Row, there is a limited area of space for vehicles but not enough to cater for three dwellings. The owners of Church Row have objected, but as set out earlier the applicant has a right of way to use the access and the application site is owned by them. The proposal will however lead to on-site car parking for the new houses.

The access to the site is within an existing residential area, and is close to local facilities. The site is near bus routes with links to the surrounding areas. The site is considered to be sustainable and thus in compliance with the NPPF; the 2014 Core Strategy and the emerging 2017 Local Plan. The proposal is considered to comply with the maximum parking standard as set out in the Development Plan.

d) Appeal on adjacent land on Jean Street

In 2017, the Planning Inspectorate considered an appeal, on land adjacent to the proposed site on Jean Street, for one dwelling. The Board's refusal wholly centred on parking issues and thus highway impacts.

The appeal was allowed with the Inspector making the following comments. The full decision can be viewed in Appendix C.

6. On the above basis I am satisfied that the development would not significantly contribute to parking congestion. Consequently the loss of some onstreet parking due to the development would not have an unacceptable effect on onstreet parking in the area because many households have alternatives to onstreet parking in any event, and the availability of other onstreet parking within a relatively short distance is generally not restricted.

9. I am satisfied that the onsite parking provided, the lack of local parking restrictions, the availability of onstreet parking in the general area, and the conditions required by the highway authority are material considerations that overcome any conflict with Policy NW10 (6) of the North Warwickshire Local Plan Core Strategy 2014.

This decision is considered to be material to the current application.

e) Design and siting

The main frontage to Jean Street will contain brick tile finish. The local area contains a range of dwelling materials, with Jean Street mainly being terraced dwellings. The proposal will lead to a modern design, contemporary design considering the surrounding architecture and design features. The roofs and window details are designed to reflect the area.

The two dwellings to Church Row are of a modern, contemporary design considering the surrounding architecture and design features, whilst not seeking to impact upon the Listed Building. The materials would be brick and tile. The siting is to the front of Church Row, which is similar to 10-12 Church Row and the former built form. The built form is considered to enhance the site, by removing the vacant area of land. The window proportions are acceptable.

The proposal is considered to comply with policy NW12 of the Core Strategy and to the emerging policy LP32. The building form of the development seeks to reflect the existing built form of the area, also considering the relevant part of the NPPF.

f) Heritage

The application site adjoins the southern boundary of a Listed Building. The side gable wall to the nearest new dwelling will face towards the listed building. The separation distance from the nearest dwelling to the listed building is around 17 metres. The design of the proposed dwellings off Church Row is considered to be acceptable when considering the setting and character of the listed building.

The setting and impact upon the heritage asset is a material consideration as covered by the NPPF 2012 and Development Plan policy. Policy NW14 of the Core Strategy and policy LP15 of the 2017 Draft Plan, seek to protect and enhance heritage assets. It is considered that the proposal would cause less than substantial harm to the setting of the building because of the nature of the existing surrounding relatively high density development. The prominence of the building on the corner is its most significant aspect and this would not be affected.

g) Other issues

A number of the trees along the boundary to Church House are to be removed but some are to be retained. The Councils Tree officer has requested an assessment which can be conditioned, but does not object to the removal of trees. The proposal will lead to new landscaping on the site.

Any issues raised about the sale of the land, together with boundary issues with neighbours are not material planning considerations and need to be taken up privately between the parties.

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 plans numbered 383/216/07 REV A; 383/216/06 REV B; and 383/216/10 received by the Local Planning Authority on 5 February 2018 and the plans numbered 383/216/08 REV C; and 383/0216/09 REV F received by the Local Planning Authority on 6 February 2018.

REASON

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

Pre-Commencement

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

REASON

In the interests of the amenities of the area.

4. No development shall commence until details of a landscaping scheme shall be submitted to the Local Planning Authority for approval. For the avoidance of doubt landscaping includes, boundary treatment, surfacing materials, trees and hedges.

REASON

In the interests of the amenities of the area.

5. No work relating to the construction of the development hereby approved, including works of preparation prior to operations, shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall remain in operation during the length of construction and amongst other things will cover:

- a. Deliveries and collections associated with the construction of the proposed development shall not occur during peak periods on the highway network (08:00 - 09:00 and 17:00 - 18:00 weekdays).

- b. The development hereby permitted shall not commence or continue unless measures are in place to prevent or minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material.

- c. Storage of materials.

REASON

To protect the amenities of nearby residential property.

6. No development 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 unit 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, and shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

REASON

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

7. No development shall take place until:

a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.

b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority.

c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the LPA. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

REASON

To ensure the recording of any items of archaeological interest.

8. No development shall take place on site until a Arboricultural Assessment, as covered by BS5837:2012 Trees in relation to design, demolition and construction Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be carried out as approved.

REASON

To protect the health and stability of the trees to be retained on the site in the interests of amenity.

Other conditions

9. No development whatsoever within Class A, B and C of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall not commence on site.

REASON

In the interests of the amenities of the area.

10. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner.

REASON

To protect the privacy of the occupiers of adjoining properties.

11. Any side facing windows that serve WC's or bathrooms shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 4 or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.

REASON

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

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

REASON

In the interests of the amenities of the area.

13. Access for vehicles to the site from Jean Street shall not be made other than at the position identified on the approved drawing, number 383/216/09 Rev E, and shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.

REASON

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

14. The development accessed from Church Row shall not be occupied until the bellmouth junction of Church Row with New Road has been resurfaced to the satisfaction of the Highway Authority.

REASON

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

15. The development accessed from Jean Street shall not be occupied until the existing public highway footway on the eastern side of Jean Street has been extended to serve the proposed dwelling.

REASON

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

16. The development accessed from Jean Street shall not be occupied until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.0 metres and 'y' distances of 20 metres measured to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

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

17. The development accessed from Jean Street shall not be occupied until pedestrian visibility splays have been provided to the access to the site with an 'x' distance of 2.4 metres, and 'y' distances of 2 metres, as measured 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 carriageway

REASON

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

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

REASON

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

Notes

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

2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.

3. 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, by suggesting amendments to improve the quality of the proposal negotiations. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

4. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

5. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness are going to/or being collected from the local schools.

6. Condition numbers 13, 14 and 15 require works to be carried out within the limits of the public highway. Before commencing such works the applicant/developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant/developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

7. 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.

8. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

9. With regards to condition 8, The applicant is advised that to comply with the condition relating to the standard of works to trees, the work should be carried out in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations". Also Trees are to remain upon the site in close proximity to any of the proposed dwellings it is recommended that full guidance is taken in regards to NHBC (National House Building Council) Chapter 4.2 (2); Building Near Trees to help prevent future incidents of subsidence.

10. The Police have made the following suggestions to be incorporated into the design as they will go some way to ensuring the residents do not become victims of crime or anti-social behaviour.

- Research studying the distribution of burglary in terraced housing with open rear access footpaths has shown that up to 85% of entries occurred at the back of the house. Where there is rear access to multiple rear gardens this access needs to be gated at the front of the building line and with a self-closing spring, and a snap shut lock, that needs a key to release
- All perimeter fencing should be 1.8 metre high close boarded fencing however where it backs onto open space it should be topped with 0.2 trellis, so the overall height is 2 metres in height.
- Lighting on adopted highways, footpaths, private roads and footpaths and car parks must comply with BS 5489-1:2013.
- Building sites and in particular, site offices and storage areas are becoming common targets for crimes such as theft of plant and fuel. These sites should be made as secure as possible. All plant and machinery should be stored in a secure area. Tools and equipment should be marked in such a way that they are easily identifiable to the company. Consideration should be given to the use of security patrols. Developers are now requested to inform the local Safer Neighbourhood Policing Team, which covers the area of the development that they have arrived on site and provide contact numbers of the site manager for us in the case of an emergency. A grid reference for the site should be provided. This will help to reduce the possibilities of a delayed response.

11. Warwickshire Fire and Rescue Authority ask you to consider and ensure that access to the site, during construction and once completed, is maintained free from obstructions such as parked vehicles, to allow Emergency Service vehicle access.

The development meets compliance with Approved Document B, Volume 2, Section 85 -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.oov.uUfireouidance-commercialdomesticplanning

Where compliance cannot be met, please provide details of alternative measures you intend to put in place. Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5. 18, Access for Emergency Vehicles.

For Consideration - Warwickshire Fire and Rescue Authority ask you to consider and ensure that access to the site, during construction and once completed, is maintained free from obstructions such as parked vehicles, to allow Emergency Service vehicle access. Should you require clarification of any of the foregoing or any further Fire Safety advice please do not hesitate to contact the Fire service at 01926 423231, or email: firesafety@warwickshire.gov.uk.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0335

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	28/6/2017
2	WCC Museum	Consultation response	31/7/17
3	NWBC Tree officer	Consultation response	5/12/17
4	NWBC tree officer	Consultation response	7/8/17
5	Warwickshire Police	Consultation response	6/12/17
6	WCC Fire Service	Consultation response	20/12/17
7	WCC Highways	Consultation response	22/12/17
8	NWBC Tree officer	Consultation response	16/1/18
9	WCC Fire service	Consultation response	23/1/18
10	WCC Highways	Consultation response	29/1/18
11	WCC Highways	Consultation response	31/1/18
12	E Smith	Representation objection	17/7/17
13	C Bellamy	Representation objection	17/7/17
14	P Martin	Representation objection	18/7/17
15	N Price	Representation objection	19/7/17
16	P Martin	Representation	19/7/17
17	M Carney	Representation objection	19/7/17
18	J Bird	Representation objection	24/7/17
19	E Whittle	Representation objection	24/7/17
20	A Russell	Representation objection	24/7/17
21	A Bird	Representation objection	25/7/17
22	P Martin	Representation objection	11/12/17
23	Sheppard	Representation objection	25/7/17
24	Eaton	Representation objection	28/7/17
25	D Russell	Representation objection	31/7/17
26	Jones	Representation objection	31/7/17
27	Merevale Estate	Representation objection	31/7/17
28	35 Name petition	Representation objection	1/8/17
29	E Whittle	Representation comments	1/8/17
30	K Hughes	Representation objection	2/8/17
31	M Maher	Representation objection	2/8/17
32	R Dee	Representation objection	3/8/17
33	Jackson	Representation comments	24/8/17
34	M Maher	Representation objection	11/12/17
35	M Maher	Representation objection	8/12/17
36	R Martin	Representation objection	11/12/17
37	D Russell	Representation objection	12/12/17
38	Jones	Representation objection	12/12/17
39	K Hughes	Representation objection	14/12/17
40	E Whittle	Representation objection	14/12/17

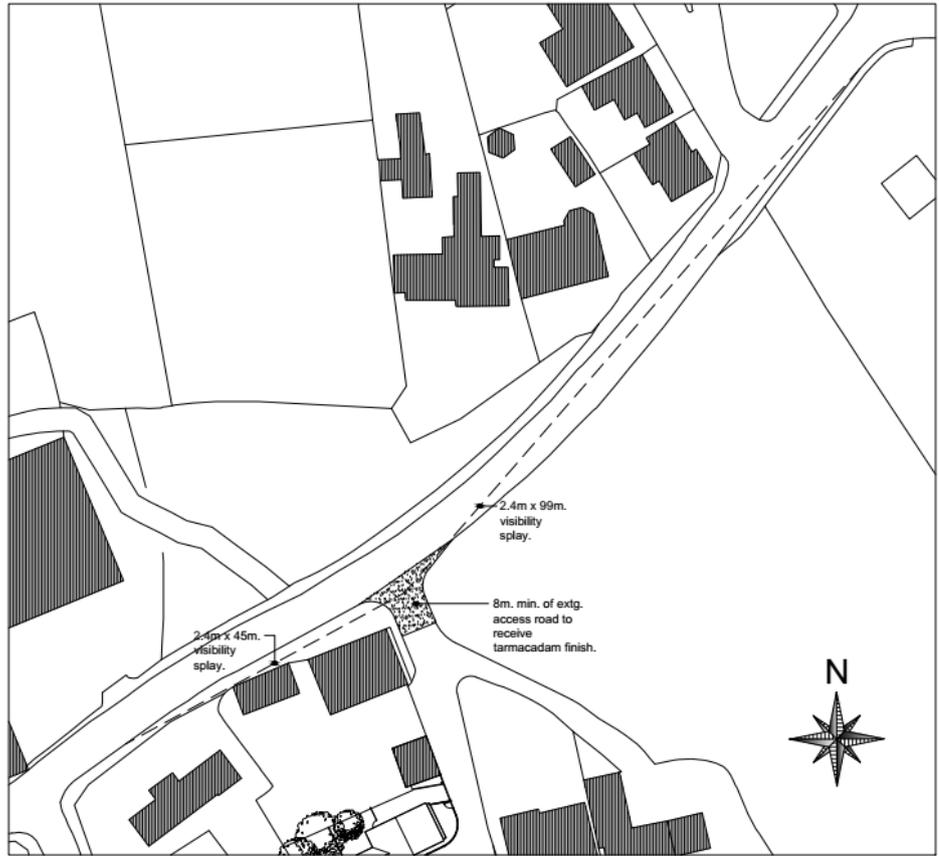
41	Eaton	Representation objection	14/12/17
42	M Carney	Representation objection	15/12/17
43	Merevale Estate	Representation objection	18/12/17
44	J Smith	Representation objection	10/1/18
45	N Price	Representation objection	12/1/18
46	G Price	Representation objection	12/1/18
47	M Maher	Representation objection	22/1/18
48	D Russell	Representation objection	22/1/18
49	R Martin	Representation objection	22/1/18
50	K Hughes	Representation objection	22/1/18
51	M Carney	Representation objection	22/1/18
52	A Russell	Representation objection	22/1/18
53	E Whittle	Representation objection	22/1/18
54	Eaton	Representation objection	22/1/18
55	M Maher	Representation objection	24/1/18
56	A Russell	Representation objection	25/1/18
57	M Carney	Representation objection	31/1/18
58	M Maher	Representation objection	1/2/18
59	A Russell	Representation objection	5/2/18
60	Eaton	Representation objection	6/2/18
61	M Carney	Representation objection	6/2/18
62	K Hughes	Representation objection	6/2/18
63	E Whittle	Representation objection	8/2/18
64	Case officer, agent and Merevale	Application correspondence	31/7/17
65	File note	Case officer meeting with agent	1/8/17
66	Agent	Email from agent	3/8/17
67	Case officer	Email to agent	8/8/17
68	Agent and Case officer	Extension of timer agreements	26/9/17 – 14/11/17
69	Case officer	File note of neighbour site meeting	4/12/17
70	Agent and case officer	Extension of time agreement	17/1/18
71	Case officer	File notes of neighbour meeting	18/1/18 and 19/1/18
72	Case officer	Emails to Forward Plans and Local Councillors	13/7/17
73	Case officer	Emails to NWBC tree officer and agent	14/7/17
74	Case officer and agent	Emails	17 and 18/7/17
75	Case officer	Email to neighbour	24/7/17
76	Case officer	Email to agent	24/7/17
77	Case officer and agent	Emails	31/7/17
78	Case officer and neighbour	Exchange of emails	3 and 4/8/17
79	Case officer	Email to agent	4/8/17
80	Case officer	Email to agent	8/8/17

81	Case officer and neighbour	Exchange of emails	11 and 12/8/17
82	Case officer and neighbour	Exchange of emails	12 - 15/8/17
83	Case officer and agent	Emails	26/9/17
84	Case officer and agent	Emails	23/10/17
85	Case officer and agent	emails	13 – 30/11/17
86	Case officer	Email to agent	4/12/17
87	Case officer	Email to neighbour	14/12/17
88	Case officer	Email to agent	15/12/17
89	Neighbour	Email to case officer	17/12/17
90	Case officer and agent	Emails	18/12/17
91	Case officer	Email to agent	2/1/18
92	Case officer and agent	Emails	8/1/18
93	Case officer and neighbour	Exchange of emails	8/1/18
94	Case officer and agent	Emails	8 – 11/1/18
95	Agent	Email to case officer	30/1/18
96	Case officer	File note	7/2/18
97	Case officer and agent	Emails	17 - 19/1/18
98	Case officer and agent	Emails	22 - 24/1/18
99	Case officer	Email to NWBC legal team	29/1/18
100	Case officer and agent	Emails	29/1/18 – 6/2/18
101	Case officer	Email to Councillors	17/1/18
102	Neighbours and Case officer	Exchange of emails including representations	7/2/18 – 12/2/18
103	E Whittle	Representation objection	7/2/18
104	D Russell	Representation objection	11/2/18
105	E Whittle	Representation objection	11/2/18
106	Case officer	Email to NWBC Solicitor	12/2/18
107	Case officer	Email WCC fire Service	12/2/18
108	WCC fire service	Email response	12/2/18
109	Neighbour	Email to case officer	12/2/18
110	R Allan	Representation objection	12/2/18
111	Case officer	Email to neighbour	15/2/18
112			
113			
114			
115			

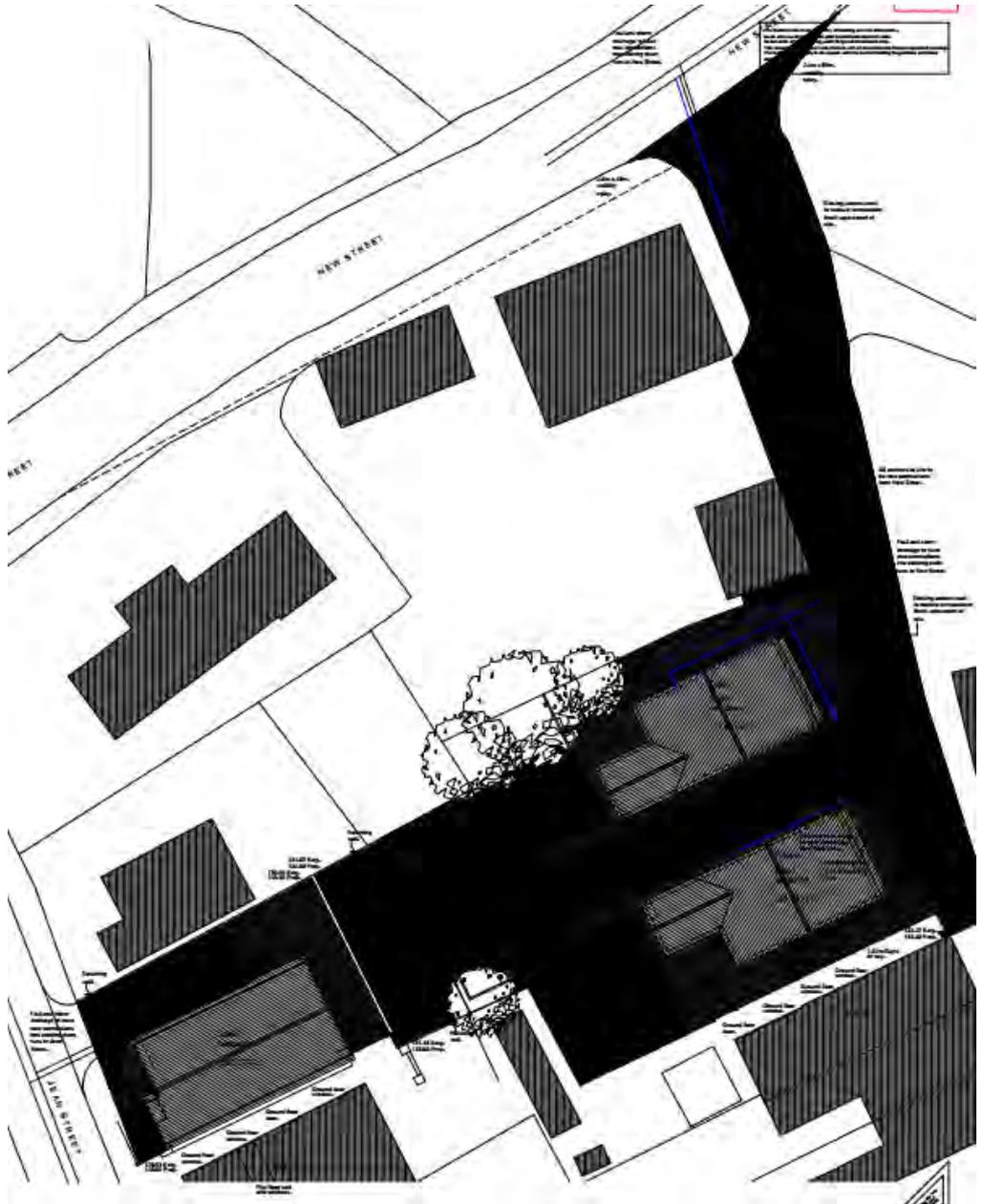
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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

Appendix A – Plans

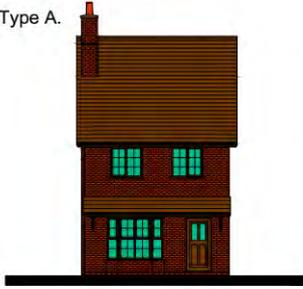


Site plan.
Scale 1:500.

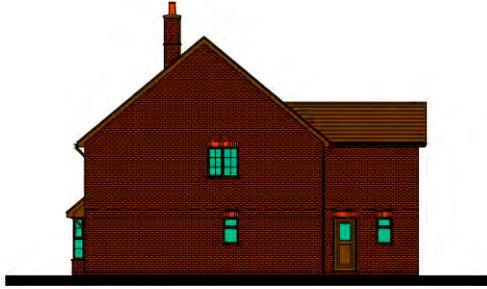


Elevation along Church Row.
Scale 1:100.

House Type A.



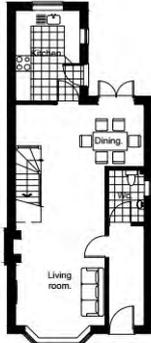
North East elevation.
Scale 1:100



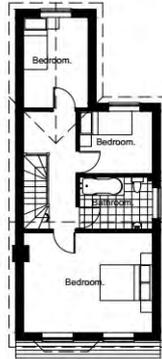
North West elevation.
Scale 1:100



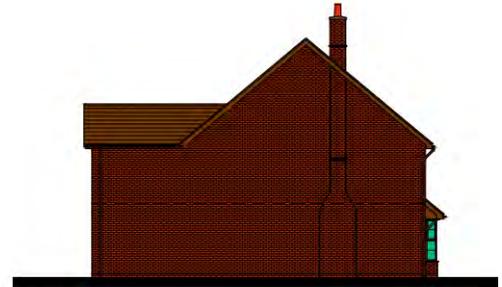
South West elevation.
Scale 1:100



Ground floor plan.
Scale 1:100

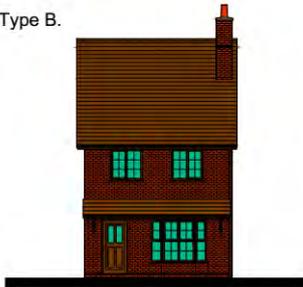


First floor plan.
Scale 1:100

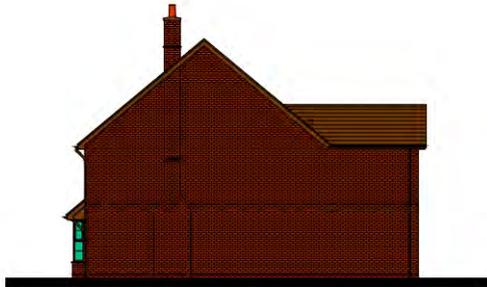


South East elevation.
Scale 1:100

House Type B.



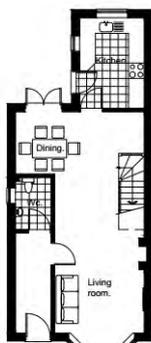
North East elevation.
Scale 1:100



North West elevation.
Scale 1:100



South West elevation.
Scale 1:100



Ground floor plan.
Scale 1:100



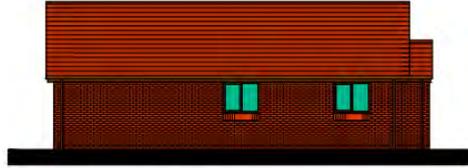
First floor plan.
Scale 1:100



South East elevation.
Scale 1:100



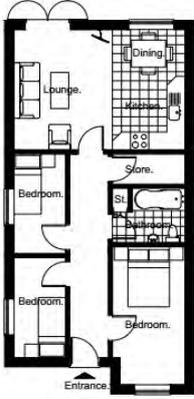
South West elevation.
Scale 1:100



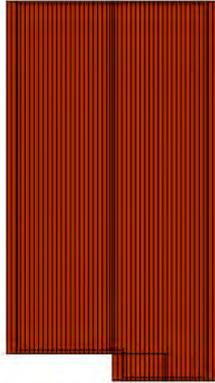
North West elevation.
Scale 1:100



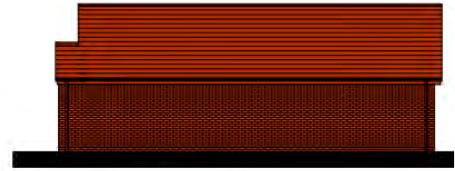
North East elevation.
Scale 1:100



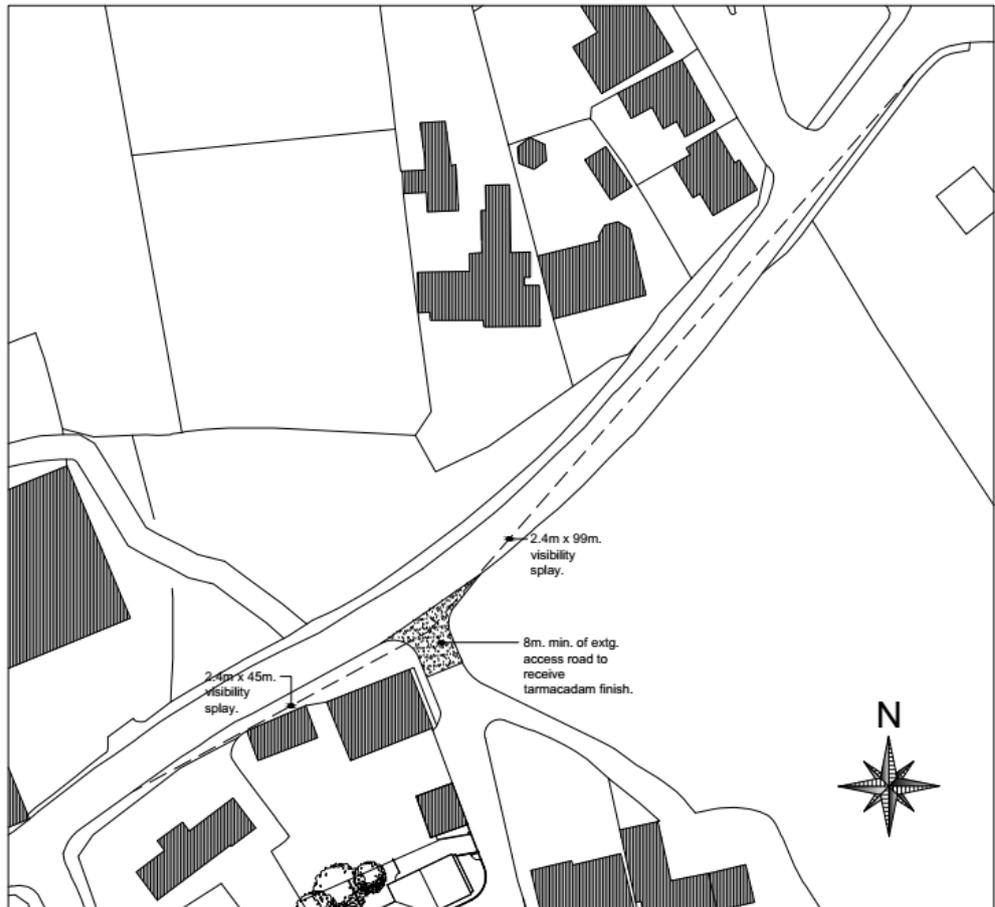
Ground floor plan.
Scale 1:100



Roof plan.
Scale 1:100



South East elevation.
Scale 1:100



Site plan.
Scale 1:500.

Appendix B – Photographs of the site and area









Appeal Decision

Site visit made on 9 October 2017

by **S Jones MA DipLP**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9th November 2017

Appeal Ref: APP/R3705/W/17/3179378

Land Adjacent to Redlands, New Street, Baddesley Ensor, Atherstone CV9 2DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gary Morton against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2016/0643, dated 15 November 2016, was refused by notice dated 16 May 2017.
 - The development proposed is erection of a three bedroom house with vehicle parking.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of a three bedroom house with vehicle parking at land adjacent to Redlands, New Street, Baddesley Ensor, Atherstone CV9 2DL in accordance with the terms of the application, Ref PAP/2016/0643, dated 15 November 2016, subject to the conditions in the attached schedule to this decision.

Preliminary Matter

2. The application form was amended to clarify that it refers to a three bedroom house under application ref PAP/2016/0643. That amendment is reflected above.

Main Issue

3. The main issue is the effect of the development on parking and highway safety in the area.

Reasons

4. The plot of land lies between the rear of Redlands, a large 1970s style detached house currently being redeveloped, and another detached house alongside the site on Jean Street, a small cul-de-sac lined with a variety of housing. A new three bedroom house would be constructed on the plot accessed off Jean Street facing towards the bungalows opposite the site.
5. There is no regular passing traffic because Jean Street is a cul-de-sac. It has pavements in part and a tarmac roadway and I do not consider it to be below a reasonable standard for this type of road. I can appreciate that because it is relatively narrow and there is no specific turning circle that there would have been concerns regarding vehicles, in particular parking congestion. However, a

single new house would not be likely to significantly impact traffic levels. At my afternoon site visit New Street which is a short distance down Jean Street and runs along in front of the bungalows was largely clear of cars, although I accept this may not reflect peak use. Furthermore, with regard to parking, in Jean Street many of the dwellings including the bungalows opposite have a parking area outside the frontage so that parking is not restricted to onstreet parking only. Some of the frontages have sufficient parking to accommodate more than one car per dwelling. There are no parking restrictions or yellow lines in Jean Street, New Street, or the immediate vicinity of streets surrounding the site. Furthermore the design and layout of the proposed three bedroom house would allow space for two vehicles alongside the development, meaning that the onstreet demand would be unlikely to increase significantly if at all as a result of the development.

6. On the above basis I am satisfied that the development would not significantly contribute to parking congestion. Consequently the loss of some onstreet parking due to the development would not have an unacceptable effect on onstreet parking in the area because many households have alternatives to onstreet parking in any event, and the availability of other onstreet parking within a relatively short distance is generally not restricted.
7. The onsite parking would also allow for vehicles from the site to reverse out and face forwards when leaving Jean Street and exiting onto the through road at New Street where there is two way passing traffic. This is similar to arrangements for many existing households in Jean Street and would not exacerbate that situation. Conflict with emergency vehicles was raised as a concern, however there was little evidence before me to substantiate that. Given the offstreet parking provision at the development it would be unlikely to make access for emergency vehicles more difficult than at present.
8. Although the proposed development might not completely accord with the preferred highway standards for new development in general because of the existing constraints in Jean Street, there were no objections from the local Highway Authority, subject to suitable conditions being imposed, including visibility splays.
9. I am satisfied that the onsite parking provided, the lack of local parking restrictions, the availability of onstreet parking in the general area, and the conditions required by the highway authority are material considerations that overcome any conflict with Policy NW10 (6) of the North Warwickshire Local Plan Core Strategy 2014.

Conditions and Conclusion

10. The Council proposed a number of conditions which I have considered against the advice contained in the Planning Practice Guidance. I have made some minor amendments in the interest of clarity and enforceability. I consider that the condition restricting permitted development rights would not be necessary because the circumstances in this case are not exceptional enough to justify its imposition in accordance with the Guidance.
11. Conditions have been imposed about commencement and approved plans in the interests of certainty. Further conditions have been imposed to ensure a satisfactory standard of development in terms of materials, boundary treatments, landscaping, obscure glazing, and control of openings to protect

the character and appearance of the area and the living conditions of neighbouring residents. The site has a listed building nearby so a condition regarding the possibility of archaeological remains is necessary to ensure recording should anything be uncovered.

12. A condition securing a Construction Management Plan and conditions about hours of working and removal of debris are necessary to ensure there are no significant adverse impacts on the living conditions of nearby residents or the highway during any part of the development. Conditions regarding parking areas, visibility splays and location of access are necessary to ensure highway safety and its longterm efficacy.
13. For the reasons given above I conclude that the appeal should be allowed and planning permission granted subject to these conditions.

S Jones

INSPECTOR

APP/R3705/W/17/3179378

Land adj to Redlands, New Street, Baddesley Ensor, Atherstone CV9 2DL

Schedule of Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.
2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 375/216/02 REV E received by the Local Planning Authority on 14 March 2017.
3. No development shall be commenced before details of the facing bricks, roofing tiles, external render, external materials and surfacing materials to be used have been submitted to and approved by the Local Planning Authority in writing, and development shall be carried out in accordance with the approved details.
4. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner.
5. The ground floor WC window and the first floor bathroom windows shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 4 or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.
6. Before occupation of the dwellinghouses a landscaping scheme shall be submitted to the Local Planning Authority for approval. The scheme shall include boundary treatments.

7. All planting, seeding or turfing comprised in the approved details of landscaping as covered by condition 6 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and the landscaping scheme agreed under condition 6 shall be permanently retained thereafter.
8. No work relating to the construction of the development hereby approved, including works of preparation prior to operations, shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall remain in operation during the length of construction and amongst other things will cover:
 - a. Deliveries and collections associated with the construction of the proposed development shall not occur during peak periods on the highway network (08:00 - 09:00 and 17:00 - 18:00 weekdays).
 - b. The development hereby permitted shall not commence or continue unless measures are in place to prevent or minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material.
9. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal fitting out, shall take place before 0700 nor after 1900 Monday to Friday, or before 0800 nor after 1300 Saturdays or at all on Sundays or recognised public holidays
10. All materials obtained from demolition shall be permanently removed from the site within twenty eight days of demolition being commenced.
11. No development 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. The development shall not 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, and shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.
12. Access for vehicles to the site from the public highway shall not be made other than at the positions identified on the approved drawing, number 375/216/02 Rev E, and shall not be used unless public highway footway crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority.
13. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.0 metres and 'y' distances of 24.0 metres looking left and 19 metres looking right 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.

14. The development shall not be occupied until pedestrian visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres, and 'y' distances of 2 metres, as measured 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 carriageway

15. No development shall take place until:

- a) A written scheme of investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the local planning authority.
- b) The programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork shall be submitted to the local planning authority.
- c) An Archaeological Mitigation Strategy (AMS) document (including the WSI) has been submitted to and approved in writing by the local planning authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.
- d) The development and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the AMS shall be undertaken in accordance with the approved AMS.

Appendix D – Photos from neighbour in Jean Street



(4) Application No: PAP/2017/0384

Land Rear of 66 To 71, Arden Forest Estate, Ridge Lane,

Erection of 12 houses plus associated access and landscaping, for

Waterloo Housing Association

Introduction

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

The Site

Ridge Lane is a small settlement to the south of Atherstone and west of Nuneaton. The site comprises of a field with a gated entrance that is bordered by hedgerows and trees, which separates the site from the adjacent residential development (Arden Forest Estate) and surrounding agricultural land.

Arden Forest Estate is a development of local authority houses and flats constructed in 1976, some 300 yards from the junction of Ridge Lane and Birchley Heath Road. Opposite the application site are semi-detached houses which are part brick and part rendered with hipped roofs, whilst to the west the properties are more traditional terraced cottages.

The village has a convenience store approximately 150 m from the site located opposite the Methodist church and community centre and a public house 300 m away. The site is not within a conservation area and is not in a flood risk area. The site area is 0.42 Hectares.

The site is mainly level and largely consists of semi-improved grassland. There is a small pond within the site and trees and hedges along the site boundaries, notably to the frontage with Ridge Lane. There is also a footpath just outside the western boundary that serves the rear of houses on the Arden Forest Estate. In the south west corner of the site lies an electricity sub-station with overhead power lines crossing the site.

Appendix A illustrates the location.

The Proposal

The application proposes to construct six pairs of semi-detached houses for shared ownership with a new access into the site.

The application has been submitted by Waterloo Housing Association in conjunction with the Council's Housing Officer to meet an identified housing need in the area. The application proposes that plots will be located to avoid conflict with existing overhead power cables and will also seek to ensure no power lines will cross private rear gardens.

The application is accompanied by two supporting documents. The first is a Ground Investigation Report which concludes that in view of the low levels of priority contaminants within the soils and the lack of pollution linkages, no remedial works will be required. The second is a Phase 1 Ecological Assessment recommending a number of mitigation measures to safeguard the habitats of reptiles, badgers and Bats within the vicinity.

A Design and Access Statement has also been submitted with the application and describes how the design concept, proposed layout and access arrangements were achieved.

The proposal would be the subject of a Section 106 Agreement with the following draft heads of terms: • 100% of the houses being in shared ownership; £17,412.84 towards enhancements to Public Open Space and a contribution of £6,918.00 from the George Elliot NHS Trust towards future patient care.

Background

The proposals have been amended since originally submitted and the latest plans were recently sent out for re-consultation. These sought to address objections that were received and to minimise potential highway concerns. There has also been some reconfiguration of the number of parking spaces for the twelve properties to ensure there is ease of access for bin collection to all plots. A copy of the latest layout plan is at Appendix B and proposed street elevations are attached at Appendix C.

Representations

Mancetter Parish Council raised the following concerns;

- The entrance is not ideal for the proposed development
- Public Consultation highlighted a preference for bungalows

Four letters of objection have been received from residents on the Arden Forest Estate referring to the following matters:

- Increased traffic congestion on Ridge Lane
- The proposed houses are sited too close to Numbers 66 and 67
- Loss of hedging to the rear of the Arden Forest Estate
- Trees could be damaged as a result of the development
- No details of boundary treatments

Consultations

Warwickshire County Council as Flood Authority – It asked for more information and on its receipt has no objection subject to conditions.

Warwickshire County Council as Highway Authority – It lodged an objection due to the proposed geometry of the layout. The amended plans responded to this and the final comments from the County are awaited.

Warwickshire Wildlife Trust – No objection

Environmental Health Officer – No objection

Warwick Museum – No objection

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW6 (Affordable Housing), NW10 (Development Considerations), NW12 (Quality of Development) and NW20 (Services and Facilities)

Saved Policies of the North Warwickshire Local Plan (NWLP) 2006 – ENV6 (Land Resources): ENV12 (Urban Design), ENV13 (Building Design) and ENV14 (Access Design)

Other Material Planning Considerations

The National Planning Policy Framework 2012 – (the “NPPF”)

The National Planning Practice Guidance 2014

The Draft Submission Version of the North Warwickshire Local Plan 2017

Observations

a) Principle of Development

This application has been the subject of a public consultation exercise with the local community in addition to the being a collaboration between Waterloo Housing Association and the Councils housing service. It proposes a scheme comprising 100% affordable housing for shared ownership.

The site here is outside of a defined development boundary but Policy NW2 of the Core Strategy states that development for affordable housing outside of development boundaries will be permitted where there is a proven local need.

There is no objection in principle to this proposal as a whole, because that need has been evidenced by the full involvement of the Council’s housing service. This carries significant benefit to the local and wider community, particularly as it is sited in a sustainable location and has the benefit of increasing housing supply, thus assisting with the Council’s five year housing supply.

b) Highway Impacts

The Highway Authority objected to the original proposals with respect to some parking arrangements; to some of the gradients and also the inability of refuse vehicles to access/exit the site from the left without actually encroaching upon the kerb. It was also noted that vehicles were parking opposite the proposed entrance causing concern for future road users if the development were to be approved. In addition the Highway Authority advised that the proposed layout did not allow a refuse vehicle to wait in the access to the site and therefore allow another vehicle to enter the site and vice versa.

The application has now been amended largely in line with these comments. At the time of writing this report formal comments on those amendments had yet to be received.

However it is important to note that the County has not objected in principle. Members will be aware that the NPPF advises that a highway refusal reason should only be considered if the impacts are severe. That is not the case here.

It is also worth noting that refuse vehicles will likely attend the site weekly. To attach a condition requiring such vehicles to enter/exit the site from a particular direction (as per highway recommendation) so as not to mount the kerb, would be contrary to guidance on the use of planning conditions as given by Paragraph 206 of the NPPF and is considered largely unenforceable when assessed against the relevant tests.

Officer's views are therefore that the proposed development is considered to be acceptable on highways grounds.

c) Residential Amenity/Design/Landscape

With respect to residential amenity, the site lies on the northern side of Ridge Lane. Plots 1-4 of the proposed development will back onto the back gardens of properties 66 -71 Arden Forest Estate. The distance between these properties will be approximately 12 metres however it is considered sufficient distance so as not to cause overlooking or loss of amenity to existing residents on the estate. Furthermore the windows on Plots 1-4 have been carefully designed so as to ensure that only bathroom/w.c. windows will face the properties on Arden Estate therefore minimising any potential amenity issues.

It can be seen from the drawings that the semi-detached properties reflect a more traditional appearance in line with surrounding residential properties. The properties are a suitable distance from the dwellings situated immediately west, on the Arden Forest Estate. The development therefore is considered to be acceptable in terms of design and impact upon residential amenity. The proposal is small in scale and is located in a sustainable location just outside the settlement boundary of the village.

With respect to landscaping, then the proposals will ensure that the development is suitably enhanced with a soft landscaping scheme.

d) Ecology

An Ecology Report concludes that the site is dominated by habitats of negligible nature conservation interest but that those of the highest interest are to be retained. There are no statutory or non-statutory nature conservation designations affecting the site. In terms of species, the site is considered to be of low importance for bats, badgers and water voles and of negligible importance to reptiles, great crested newts and other invertebrates. Mitigation measures and biodiversity enhancements will be important to raise the ecological value of the whole site.

e) Trees

A tree survey has been submitted with the application. The layout has been designed so as to take account of existing trees and hedgerows on the site. It is proposed that three trees are to be felled in order to facilitate development of the access. These trees are not the subject of any Orders. Although their removal is regrettable, provided suitable replacements are provided officers raise no objection to their removal.

f) Other Matters

There are no other matters that would cause adverse harm and the details submitted are acceptable subject to final clearance through conditions. There has been some concern expressed about the long term future of parking in the area however it is considered that this proposal represents the best outcome for the site and the village in general.

g) Developer Contributions

In relation to the above then the contributions referred to above are considered to meet the appropriate statutory requirements.

h) Conclusions

There is a presumption to approve sustainable development without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

There is no objection in principle to this proposal as a whole and it carries significant benefits. It is located in a sustainable location and has the benefit of increasing housing supply in that respect. The scheme is considered to be appropriate in scale and density to the area.

There was reference in the representations for a preference for bungalows on the site, the evidence from the local housing need was for the type of housing now proposed.

Members will have to assess whether there is any harm caused that is sufficient to outweigh these benefits in a final planning balance. In this respect there is no harm other than the less than substantial harm caused to the highway network which is not considered to be severe enough to warrant an objection in principle from the County Council. The County's final comments will be reported to the meeting if they are received.

Recommendation

That subject to the completion of a Section 106 Agreement as set out herein; to the final comments of the highway authority and the following conditions, planning permission be **GRANTED**

1. Standard Three year condition
2. Standard plan numbers condition – Site Location Plan, Elevational Plans and Plot Plans 14030 6B, 7B, 8B, 9B, 10B, 11B, 12B 13B and 14B received 18/07/2017 and Revised Plan numbers 14030/2F (1-4 Plot) and 4A and revised landscape drawing ADL196B received on 12/02/2018.

3. No work shall commence on site until details of a landscaping scheme for the site shall first have been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented on site.

REASON

In the interests of the visual and residential amenities of the area.

4. None of the twelve units hereby approved shall be occupied until the whole of the access and car parking arrangements as shown on the approved plan have first been fully completed to the written satisfaction of the Local Planning Authority. The car parking provision shall remain permanently for this use alone.

REASON

In the interests of highway and traffic safety

5. No work shall commence on the site until detailed surface and foul water drainage schemes based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development have been submitted to and approved in writing by the Local Planning Authority. Only the approved schemes shall then be implemented on site.

REASON

In the interests of reducing the risks of flooding and pollution

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended or as may be subsequently amended, no development within Classes A, B and C of Part 1 of Schedule 2 to that Order shall commence on site.

REASON

In order to protect the residential amenity of surrounding occupiers.

7. No development shall commence on site until a Construction Management Plan has first been submitted to and approved in writing by the Local Planning Authority. This shall include proposed hours of working; deliveries to the site and the measures to secure the minimisation of debris being deposited on the public roads and dust suppression measures. The construction shall then proceed at all times in accordance with the approved Plan.

REASON

In order to protect the residential amenity of surrounding occupiers.

Notes

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through the issue of a positive decision and resolving a number of planning impacts through amended plans.
2. Attention is drawn to Section 278 of the Highways Act 1980; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice. Advice can be obtained from Warwickshire County Council as Highway Authority.
3. In respect of condition (5) above the schemes shall be submitted with evidence of infiltration testing in accordance with BRE 365 guidance; design in accordance with CIRIA C753, discharge rates by all rainfall events up to and including the 100year plus 40% critical storm limited to the QBAR runoff rates for all return periods, design of all details (plans, network details and calculations) and outfall arrangements. Evidence from STW concerning acceptance of foul water discharge, allowances for exceedance flow and overland flow routing as well as provision of a maintenance plan for the entire surface water and foul water systems for the life time of the development
4. Standard UK Coal Standing Advice.

APPENDIX A



APPENDIX B

PAP/2017/038



APPENDIX C



View From Ridge Lane



View To Plots 3 and 4



BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0384

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	18/07/2017
2	E Thomas	Objection	26/7/2017
3	WWT	Consultation	27/07/2017
4	Mancetter PC	Representation	08/08/2017
5	Environmental Health Officer	Consultation	03/08/2017
6	WCC Highways	Consultation	14/08/2017
7	WCC Flooding	Consultation	08/08/2017
8	Case Officer	Letter	16/08/2017
9	C Murray	Objection	07/08/2017
10	K Powell	Objection	07/08/2017
11	E Buck	Objection	09/08/2017
12	J Mawson	Representation	18/08/2017
13	NHS Trust	Consultation	28/09/2017
14	Applicant	Amended Plans	12/02/2018

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

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

(5) Application No: PAP/2017/0465

Clinic And Welfare Centre, Coventry Road, Kingsbury, B78 2LN

Ground floor space for two commercial units covering the following uses; shops (use class A1) and financial and professional services (use class A2), and two one bed first floor apartments (use class C3), for

Mrs Estelle Turnbull

Introduction

Members will recall that this application has been the subject of a site visit and at the last meeting the Board deferred a determination in order to enable local Members to meet with the applicant in order to better understand the development. That meeting has taken place and the application is brought back to the Board.

For convenience the last report is attached at Appendix A; the note of the visit is at Appendix B and a note of the recent meeting is at Appendix C.

Additional Information

As can be seen from the meeting note, Members were concerned about deliveries and parking arrangements. In respect of the former the applicant pointed out that these would be by van or by car, and in respect of the latter then he again referred to the photographs of the car parks that had been submitted taken at various parts of the day over several days and as well as the counts taken over similar periods. There was also some discussion about the construction arrangements.

Observations

The matters raised at the meeting can be covered through amended or new conditions and these are set out in the recommendation below. Delivery hours and construction hours are already included in the previously recommended conditions.

Recommendation

That planning permission be **GRANTED** subject to the recommended conditions set out in Appendix A but with the following amendments:

- a) Vary condition 5 so as to require a construction management plan but to explicitly identify the gardens of the yet uncompleted plots 4, 5 and 6 to the south as the area for the site compound.
- b) To add a condition requiring all deliveries to the retail units being made by LGV's or by car.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0465

Background Paper No	Author	Nature of Background Paper	Date
1		Note of Meeting	16/2/18

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

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

(7) Application No: PAP/2017/0465

Clinic And Welfare Centre, Coventry Road, Kingsbury, B78 2LN

Ground floor space for two commercial units covering the following uses; shops (use class A1) and financial and professional services (use class A2), and two one bed first floor apartments (use class C3), for

Mrs Estelle Turnbull

Introduction

This application was referred to the Board's January meeting but determination was deferred in order to enable Members to visit the site. That has now occurred and a note of that visit will be circulated at the meeting.

A copy of the previous report is at Appendix A for convenience.

Additional Information

As Members are aware, Councillor Moss requested that his observations be made known to the Board and these were circulated after publication of the January agenda. It is copied here at Appendix B.

Recommendation

That the recommendation set out in Appendix A be agreed

(3) Application No: PAP/2017/0465

Clinic And Welfare Centre, Coventry Road, Kingsbury, B78 2LN

Ground floor space for two commercial units covering the following uses; shops (use class A1) and financial and professional services (use class A2), and two one bed first floor apartments (use class C3), for

Mrs Estelle Turnbull

Introduction

The application has been brought to the Board, following a request from a local Member with concerns over car parking.

The Site

This is an area of land adjacent to Tamworth Road, and next to Jubilee Court, which contains a row of shops with residential uses above. The site is surrounded by a mix of commercial properties and residential properties and is sited within the centre of Kingsbury.

The previous use of the site was a health centre which has now relocated. The site has nearby access to public transport and a range of services and facilities. A parade of shops lies to the east, with a nearby large car park and the Kingsbury Community and Youth Centre to the east. To the south of the site the area is essentially of a residential nature. To the south east is a further public car park off Pear Tree Avenue.

The general location is shown at Appendix A

The Proposal

This would provided ground floor space for two commercial units covering the following two uses,shops (use class A1) and financial and professional services (use class A2) with two one bed first floor apartments at first floor. The main openings are to the front elevation with one first floor side and rear facing window.

The building is sited on land to north of a former clinic building, which has been demolished and housing is currently being built. The pedestrian access to the building would be taken off the existing paving path. Materials are proposed to be brick, render and tiles. No parking is provided within the scheme, but the area does contain parking areas. The plans below show the location and layout. In Appendix B full plans can be viewed and there are photographs at Appendix C.



PROPOSED SIDE ELEVATION

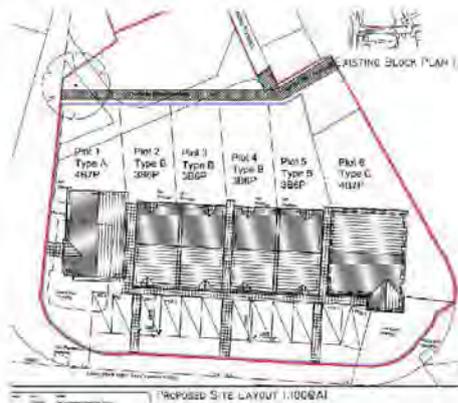


PROPOSED SIDE ELEVATION



Background

The application was a former health centre uses of the building. In 2016, the building was granted consent to be demolished and in 2017 consent was given for 6 dwellings on the land to the south of the application site. The site plan is below for information of the 6 dwellings.



Development Plan

North Warwickshire Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development) and NW20 (Services and Facilities)

Saved Policies of the North Warwickshire Local Plan 2006 - Core Policy 2 (Development Distribution) and policies ENV6 (Land Resources); ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT2 (Traffic Management and Traffic Safety); (TPT3 (Access and Sustainable Travel and Transport), TPT6 (Vehicle Parking), ECON5 (Facilities related to Settlement Hierarchy) and ECON12 (Services relating to category 3 and 4 settlements)

Other Relevant Material Considerations

The National Planning Policy Framework 2012

The Draft Submission Version of the Local Plan for North Warwickshire 2017

Consultations

Environmental Health Officer – No objection but recommends conditions covering construction hours.

Warwickshire County Council as Highway Authority - No objection subject to conditions.

Representations

Two letters have been received referring to the following matters:

- Shortage of parking spaces in the area, which will be made worse when the 6 houses to the south of the application site are finished.
- If proposal leads to a café or restaurant then this could impact upon existing parking problems, which have become worse in recent years in the area.
- The proposal will lead to parking pressures in the area.
- Should be private parking for the site.

Kingsbury Parish Council has raised the following comments:

- Kingsbury Parish Council wishes to confirm concerns regarding delivery/parking access to the proposed shops and to the first floor apartments.
- A major concern is where the delivery drivers would park when delivering stock to the shop, as there are double yellow lines on the main road and the car park at the rear caters for car spaces only. The nearest car spaces to the shop, in the car park, are two disabled spaces, and Councillors would not like to lose either of these. The layout of the car park to the rear is such that a lorry pulling into here would block access into and out of the car park while it was unloading.

Observations

There are several components to this case. In summary as explained below there is no objection in principle to the uses proposed here and the main issues are going to revolve around detailed considerations.

a) Housing

The proposal for two additional dwellings within the development boundary for Kingsbury clearly accords with the Development Plan. Whilst the site is not an identified site there is no objection in principle to what is an infill and windfall site. The scheme does not require any affordable housing as it is below the threshold.

b) The Commercial Uses

It should be made clear that the application as submitted has been altered such that the "commercial" units now only include retail and office uses. These again are entirely acceptable within the centre of Kingsbury where there are similar uses and within a settlement of the status of the settlement in the settlement hierarchy. If permission is granted the Notice will specifically not refer to other uses

c) Neighbour Amenity

The site is on the edge of a residential area and contains a mix of commercial and residential uses. The site is adjacent to the main road that runs through Kingsbury and is visible from the public realm. The proposal is around 20 metres from the new dwellings being built to the rear, which would not result in unacceptable loss of amenity or privacy. To the east side of the site is a row of shops with dwellings above. It is considered on balance the proposal would not cause any additional or material adverse amenity impact on these neighbours, beyond what they presently experience.

The occupiers of the apartments could be affected by the uses below, however conditions can cover opening hours and under separate building regulations, insulation requirements would need to be met. The situation of retail/commercial with residential above is not unique in North Warwickshire, and also provides mixed use living which is encouraged.

To the west of the site is a public house and pedestrian crossing, with dwellings beyond. The development is not considered to harm these buildings. The users of the footpaths surrounding the site are not considered to be harmed. The existing rear footpath is proposed to be revised in its location, thus maintaining a link from the rear of the shops to the front of the shops and to the pedestrian cross over the main Tamworth/Coventry Road.

d) Design and Appearance

The proposed design is in keeping with the surrounding area and general appearance of the street scene. There has been no reference to this issue in dealing with the proposal.

e) Parking

This is the main concern. It is material that the Highway Authority has not objected to the proposal. The County Council considers that visitors travelling to the site by vehicle can make use of the existing parking in the vicinity of the site. There is a public carpark at the rear which serves a community building, shops and residential units. On the opposite side of Pear Tree Avenue, there is also a public car park with time restrictions and to the front is a layby, with short term day time parking restrictions and overnight allowances for vehicles. The site is on a bus route with links to nearby larger settlements.

It is considered that given the existing shops and commercial area, the proposal would not result in a material and thus unacceptable increased level of vehicle movements. Members will be aware of the guidance set out in the National Planning Policy Framework which recommends that refusals should only be contemplated if highway

impacts are "severe". This is not the case here. Moreover the uses now proposed are not those which lead to significant traffic generation – e.g. a takeaway or café use. They are more likely to involve longer term car parking – e.g. office use. Delivery arrangements would be similar to the existing shops in Jubilee Court and given the small floor-space of the units, the number and type of delivery's expected to be small.

f) Other issues

The footpath route has been considered by the approved proposal for the six dwellings at the rear of the site. A neighbour raised concerns that a café or restaurant use would lead to parking issues in the area, however these uses are no longer part of the scheme. The proposed use can be conditioned, and if alternative uses are proposed a formal application would be required and would be considered on its own merits.

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 plans numbered T346 (BR) 200 REV C received by the Local Planning Authority on 24 October 2017.

REASON

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

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

REASON

In the interests of the amenities of the area.

4. Before the occupation of the development, a landscaping scheme shall be submitted to the Local Planning Authority for approval. There shall be no occupation of the development hereby approved, until a landscaping scheme has been submitted to the Local Planning Authority, and approved in writing. The scheme shall particularly address the areas around Plots 1 and 6 on the approved plan.

REASON

In the interests of the amenities of the area.

5. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall remain in operation during the length of construction.

REASON

In the interests of the amenities of the area.

6. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage 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.

7. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner.

REASON

To protect the privacy of the occupiers of adjoining properties.

8. Any bathroom windows shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 4 or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.

REASON

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

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

REASON

In the interests of the amenities of the area.

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

REASON

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

11. The footpath as covered by condition 14 of PAP/2016/0572 shall be kept open at times during construction and after construction, so to allow pedestrian access between Tamworth Road to Jubilee Court.

REASON

In the interests of the amenities of the area.

12. Notwithstanding the plans submitted no off-street parking provision shall be provided within the application site.

REASON

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

13. The development hereby permitted shall not commence or continue unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material.

REASON

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

14. Deliveries and collections associated with the construction of the proposed development shall not occur during peak periods on the highway network (08:00 - 09:00 and 17:00 - 18:00) or during periods when children are going to/or being collected from the local schools.

REASON

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

15. The A1 Shop use or A2 Financial and Professional Services on the ground floor shall only be open to the general public between 08:00 and 18:00 hours Monday to Sunday.

REASON

To prevent disturbance to the occupiers of nearby properties.

16. The development hereby permitted shall not commence or continue unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material.

REASON

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

Notes

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

2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publication/planningandbuilding/partywall

3. 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 and by suggesting amendments to improve the quality of the proposal, along with negotiations. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

4. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

5. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

6. The applicant is advised that to comply with the condition relating to the standard of works to trees, the work should be carried out in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".

7. 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.

8. Advertisement Consent is required under a separate procedure of the Town and Country Planning Act 1990. Should any advertisements, signs, name boards, or other devices to attract attention, be intended in respect of this development, the Local Planning Authority will be pleased to advise you on all associated aspects prior to the erection of any such advertisements, and provide you with application forms.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0465

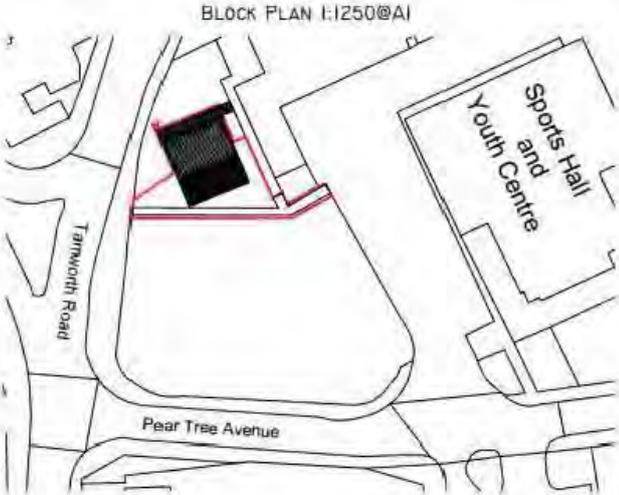
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	22/08/2017
2	NWBC Environmental Health	Consultation response	12/09/2017
3	WCC Highways	Consultation response	20/09/2017
4	Kingsbury Parish Council	Consultation response	21/09/2017
5	Councillor Moss	Application comments	30/10/2017
6	Kingsbury Parish Council	Consultation response	02/11/2017
7	Neighbour – Jubilee Court	Representation	21/09/2017
8	Neighbour – Jubilee Court	Representation	03/11/2017
9	Case officer	Email to Kingsbury Councillors	11/09/2017
10	Case officer and Kingsbury Councillors	Exchanges of emails	11/09/17 - 13/09/17
11	Case officer	Email to agent	20/09/2017
12	Case officer	Email to Councillor Moss	20/09/2017
13	Case officer	Email to agent	21/09/2017
14	Case officer and agent	Exchange of emails	21/09/2017
15	Case officer and agent	Exchange of emails	24/10/17 – 25/10/17
16	Case officer	Email to Kingsbury Councillors	24/10/2017
17	Case officer	Email to Forward plans officer	24/10/2017
18	Case officer	Email to Councillor Moss	30/10/2017
19	Case officer and agent	Exchange of emails	30/10/17 – 31/10/17
20	Case officer	Email to Councillor Moss	01/11/2017
21	Case officer	Email to agent	02/11/2017
22	Kingsbury Councillors	Emails	08/11/2017
23	Case officer and agent	Exchange of emails	08/11/2017
24	Case officer	Email to Kingsbury Councillors	08/11/2017
25	Case officer	Email to WCC Highways	10/11/2017
26	Case officer and agent	Exchange of emails	14/11/2017
27	Case officer	Email to Kingsbury Councillors	15/11/2017
28	Case officer and agent	Exchange of emails	22/11/2017

29	Agent	Extension of time email	25/10/2017
30	Agent	Extension of time email	14/11/2017
31	Case officer	File note	10/11/2017
32	Case officer	Councillor consultation emails	17/11/17 – 20/11/17
33	Case officer	Extension of time email to agent	24/11/2017
34	WCC Highways	Consultation response	24/11/2017

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

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

Appendix A – Location Plan

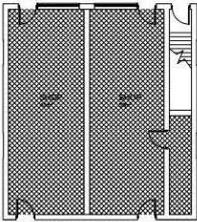


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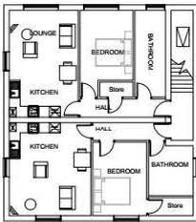
7/153

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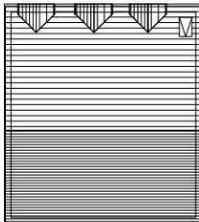
Appendix B - Plans



PROPOSED GROUND FLOOR



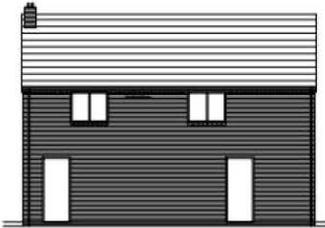
PROPOSED FIRST FLOOR



PROPOSED ROOF PLAN



PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED SIDE ELEVATION

Appendix C – Photos



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PAP/2017/0465 Former Kingsbury Clinic – Local member observations



The officer's report photograph shows the Pear Tree Car Park at between 9-00 a.m. and 10-00 p.m. when most customers for the shops and other facilities will not have arrived. I took this photo at 14-21 on 23rd December when all 46 spaces were occupied. I am strongly of the opinion that County Highways did not do enough due diligence when submitting their observations such as the fact that the car park is subject to an off-street parking order. There is a difference between people who might visit the car parks for shopping and the community centre / sports hall. These may occupy a parking space for between, say 20 minutes and two hours. However residents of the proposed dwellings who have no private parking space attached to their dwellings may park for many hours on end and may exceed the requirements of the off-street parking order. At first the case officer told me that the County asserted that the upper car park belonged to them and could put it to whatever use they wished. I checked and found that the car park belonged to NWBC. There are other potential development sites in the area. Are we to permit them all to dispense with dedicated parking spaces and merely park in a nearby car park? (We only have two such parks in the whole of Kingsbury.) For the first time in many years all the shops which belong to NWBC are occupied and seem to be performing well. If customers arrive by car and can find no parking space then they can easily drive on to Dosthill and Tamworth. This could have a deleterious effect on the local traders as well as the hairdresser and dentist etc. I would hope that officers would go back to the Highways Officer seeking answers to the above observations and also delay determination of the application until members have undertaken a site visit.

Cllr Brian P. Moss, member for Kingsbury Ward.

PAP/2017/0465

Former Clinic Site, Kingsbury

Members Site Visit – Saturday 3 February 2018 at 1130

Present: Councillors Chambers, Jenns, Phillips and Moss together with J Brown

1. Members met at the Coventry Road frontage and viewed the plans. The site of the development was pointed out together with the location of the footpath and the nature of the surrounding developments.
2. The existing lay-by on the road was noted.
3. Members then walked down to the junction with Pear Tree Avenue and along in front of the new houses under construction.
4. They then looked at the larger car park on the south side and the smaller car park on its northern side extending to the rear of the existing shops. The use of both car parks was also noted.
5. Members concluded the visit by walking the footpath through to the front of the site.
6. The visit concluded at 1150.

PAP/2017/0465

Former Clinic and Health Centre, Kingsbury

Meeting – 17 Feb 2018 at 1000 in the Council Offices

Present: Councillors Jenns, Moss, Simpson and Sweet

Mr and Mrs Turnbull (the applicants) and Mr Halfpenny and Mr Fleetwood acting on their behalf

I Griffin and J Brown

1. The applicant outlined the small scale of the proposals and pointed out that evidence had been provided to show that there was capacity in both car parks at various times of the day. Moreover there had been no objections from the Highway Authority or from planning officers. Reference was also made to Government policy.
2. Members raised two concerns: parking and deliveries.
3. The applicant pointed out that deliveries would be either by van or car because of the small floor space of the shops involved and that these deliveries would probably be irregular through the day and infrequent. They would not be parked on site all day.
4. In respect of parking then the applicant pointed out that the application was not for an A5 use and if this was to be considered it would need to be the subject of a fresh application. The site was well located and some people would walk to the site particularly as there were other shops here. The parking evidence showed that there were spaces available. Members pointed to other nearby premises and therefore the car parks were always under pressure.
5. The flats would be "let" and it was highly likely that some occupiers would not want a car as happens elsewhere in other settlements in the Borough.
6. In respect of construction the applicant indicated that the site compound would be in the rear gardens of the yet to be completed houses to the south. Build out would take around eight weeks.
7. Members indicated that the case would need to be referred back to the Board probably on 5 March.
8. The meeting closed at around 1045

(6) Application No: PAP/2017/0524

The Old School, Nuneaton Road, Ansley, CV10 0QR

Change of use of land to the west of property to store and sell vehicles, for

Mr Gary Thorn

Introduction

This application was reported to the Planning and Development Board at its meeting in January 2018 when the Board deferred the application in order to ask officers to look at possible conditions with the applicant, to overcome the issues with the scheme.

Discussions with the applicant to agree conditions have now taken place and the matter is referred back to the Board for determination. The previous report is attached at Appendix A and the recommended conditions are attached at Appendix B.

It is not proposed to include matters already referred to in the earlier report again, but it should be treated as an integral part of the overall consideration of this application.

Observations

The key issue with the proposed use is the departure in the principle of the proposal development from the development plan. During the planning application process discussions had been undertaken to try and agree a set of conditions so as to restrict the business use operating at the site to one of low intensity. These could not be agreed and as such the item was recommended for refusal.

Officers have again engaged with the applicant following the decision of the Board, but there is still disagreement in regard to possible conditions for the business operation at the site. Members may recall that the land used in association with that use, would be to store vehicles which are advertised for sale on websites. The recommended conditions thus seek to restrict a low-intensity use at the site. They can be viewed at Appendix B.

Members will see that that these recommend a maximum of 20 vehicles stored at the site and restrictive weekly hours. There is still a disagreement from the Applicant with regards to Conditions 3 (hours of operation) and 5 (limitation of vehicle numbers).

Concerns were raised during the discussions with the applicant during the application stage that the proposed use would include additional operations at the site - for example repair work to vehicles being delivered for sale. This has been clarified and conditions 2 and 7 reflect this – (limitation to a defined car sales business (A1 Use Class) and for no other uses)

The storage of vehicles on the land in question is currently to the western boundary of the site within the former playground. Conditions 1 and 6 control where within the site the vehicles in association with the business would be situated.

Condition 8 would control the level of lighting across the site to prevent additional lighting harming the rural character and to prevent unauthorised use out of the hours specified, particularly within the winter months.

Officers have also considered the amenity of future owners of the Old School. A recommendation in condition 4 would tie the use of the land to the applicant – the owner of the Old School. Given that the business relates to vehicle sales only, which can be removed easily from the site, it is considered that this appropriate and can be easily remedied.

As indicated above the applicant does not agree with condition 5 wishing to see a greater number of vehicles here – up to 30 – and with condition 3 wishing to see the inclusion of weekends and Bank holidays. It is considered that give the objective of seeking a low level intensity of use here in open countywide that the recommended conditions represent the best balance between all interests.

Recommendation

That planning permission be **GRANTED** subject to the conditions set out in Appendix B.

(9) Application No: PAP/2017/0524

The Old School, Nuneaton Road, Ansley, CV10 0QR

Change of use of land to the west of property to store and sell vehicles, for

Mr Gary Thorn

Introduction

This application follows an enforcement complaint and for this reason the matter is reported to the Board for determination.

The Site



Site Location



Aerial Imagery of Site Context

- The site lies within open countryside. Green Belt lies adjacent across the main Nuneaton road to the south boundary of the application site.

- The application site lies outside of a defined development boundary as identified within the North Warwickshire Local Plan, 2006 (as saved) and Core Strategy, 2014.
- The surrounding context is characterised by a small hamlet with a few dwellings and agricultural buildings. Immediately to the east is Manor Farm, containing buildings and open pasture.
- To the front across the road, are further farm buildings.
- Also to the opposite side of the road are dwellings and the Grade II* St. Lawrence Church.
- The main dwelling is prominent within the streetscape.
- The application site comprises a dwelling and was the former location for a school. The change of use to the dwelling was granted in 2015 under planning reference PAP/2015/0650.
- The application site relates to site area of 0.8 hectares including the rear field (former playing field) north of the access to the site.
- Vehicle access is off Nuneaton Road to the east of the site, which is a main road (B4114), and opposite B4112 which goes to Ansley, Arley, Nuneaton and beyond.
- The topography of the site is flat, however the frontage is set higher than the road.
- The south boundary is characterised by a wall and fence with pedestrian access to the footpath.
- The north of the site contains a grass area which was the former grassed playground.

Site visit photos from Enforcement Visit dated 10 August 2017 and Officers Site Visit dated 14 November 2017 can be seen in Appendix A.

The Proposals

- The planning application seeks the retention of the change of use of land to the west of property to store and sell vehicles (Class A1 Use). The application is submitted following an enforcement complaint.
- The land used in association with the proposed business use, would be used to store vehicles which are advertised on websites.
- All vehicles are viewed by appointment only and they would sell cars, vans and larger vans up to 3.5t.
- The application does not seek for any signage advertising the business.
- The majority of appointments are booked between 8.00am and 5.00pm.
- The majority of vehicles to the site are delivered via trade plates or through a recovery vehicle, under 3.5 ton.
- Projection of sales per week is around 2-3 vehicles, with each vehicles attracting on average 2 viewings before a sale is made.



Background

Relevant Planning Site History

CASE REFERENCE	DEVELOPMENT DESCRIPTION	DECISION
PAP/2015/0650	Change of use from school to dwelling house	Granted 19/11/2015
PAP/2010/0413	Partial repair and rebuilding of existing boundary wall	Granted 08/09/2010

Representations

Ansley Parish Council – The Council has no objection, subject to appropriate conditions. It made the following comments:

“The Parish Council initially had some concerns about the volume of traffic that a business might generate at this location which may be dangerous due to the bend and high speed of traffic. However, we are led to believe by the applicant that this is a very small family business and it is unlikely that they will sell more than 50 cars a year.

The decision of the Council is therefore that whilst we have no objection to the principle of the business, if you are minded to support the application we would like to see some sort of condition to restrict the number of vehicles stored and sold to prevent it becoming a large business and inappropriate use of the greenbelt.”

Consultations

Environmental Health Officer – No Objection.

Warwickshire County Council as Highway Authority – No objection subject to conditions.

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW10 (Development Considerations), NW12 (Quality of Development) and NW14 (Historic Environment)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV14 (Access Design); ECON5 (Facilities relating to Settlement Hierarchy) and TPT6 (Vehicle Parking)

Other Relevant Material Considerations

The National Planning Policy Framework 2012 – (the “NPPF”)

Observations

Taking into account planning policy and other material planning considerations, the key consideration in the determination of this application would be the principle of the development and Highways implications.

a) Principle of development

This application is assessed in light of the current development plan. The principle of the proposal would be assessed under Policies NW2 and NW10 of the Core Strategy, 2014. The site lies within an open countryside location outside of a defined development boundary or a Category 5 settlement for the purpose of Policy NW2 of the Core Strategy 2014. Policy NW2 states that development in settlements outside a defined development boundary will be limited to that necessary for agriculture, forestry or other uses that can be shown to require a rural location. Under Saved Policy ECON5 development for additional shopping, entertainment and leisure floor space will not be permitted within these areas. The Policy states within Paragraph 5.39 that within the countryside the creation of new shops or food and drink premises etc. is not sustainable and therefore will not be permitted.

Section 3 of the NPPF sets out guidance for supporting a prosperous rural economy. Paragraph 28 of the NPPF states that, *“planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:*

- *Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- *Promote the development and diversification of agricultural and other land-based rural businesses;*
- *Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside*
- *Promote the retention and development of local services and community facilities in villages, such as local shops, meeting places...*”

Policy NW2 states that development in settlements without a development boundary will be limited to that necessary for agriculture, forestry or other uses that can be shown to require a rural location. This is echoed within Paragraph 28 of the NPPF. The proposed business does not fall within any of the mentioned development types.

The neighbouring uses within this context relate to agriculture which is supported through the Development Plan. It is not considered that the car sales business (A1 Use) would be a compatible use within this rural location. Therefore the retention of the retrospective change of use of the land for the storage and sale of vehicles would not accord with Policy NW2 of the Core Strategy, 2014.

Paragraph 28 of the NPPF aims to support the sustainable expansion of all types of businesses in rural areas. However Policy NW10 of the Core Strategy, 2014 states that development should meet the needs of residents and businesses without compromising the ability of future generations to enjoy. Point 1 recommends that development should be targeted using brownfield land in appropriate locations reflecting the settlement hierarchy.

The application is accompanied by a statement from the applicant Mr. Thorn, stating that the vehicles at the site are sold by appointment only. The vehicles are advertised on websites and viewers would view the vehicles by appointment to the site organised through the applicant.

During a site visit by officers dated 14 November 2017, officers noted that there were approx.15-20 vehicles at the site. The applicant stated that a number of vehicles to the east of the site to the rear boundary were private vehicles associated with members of the household. During an Enforcement Site Visit dated 8 August 2017 it was noted that between 20 – 30 vehicles were at the site including scrap cars, two removal trucks and a hydraulic ramp.

b) Impact on Visual Amenity

The storage of vehicles on the land in question is currently to the western boundary of the site within the former playground. The ground is elevated from the road, however a tall wall and fencing partially blocks views into the site from public vantage points along Nuneaton Road. Limited views are obtained into the site from west looking east into the site from the neighbouring property at Manor Farm. Furthermore there would be limited views into the site from the east looking west given the topography and the main dwelling itself; The Old School House.

Currently there is no formal signage advertising with reference to the car sales business at the site or along the main Nuneaton Road. The access to the site is from the main Nuneaton Road from the west of the application site. The land in question where the cars are stored is approximately 10m in distance of the front door of the existing dwelling at the site. With regards to the impact of the proposal on the future amenity of the occupants of the dwelling at the site, any recommendation for approval of the scheme would condition the proposal to the owner of the Old School to prevent the impact on the amenity of future occupants of the site.

Whilst officers have sought to potentially restrict by condition a low-intensity use at the site, additional information following discussion with the Applicant and received in writing dated 15 and 18 December 2017, suggests that in fact the business aspired by the Applicant would exceed a low-key type of business at the site. This would not be considered acceptable in weight of the material planning considerations concerned.

Officers do not consider that the proposal would give rise to an unacceptable impact on the neighbouring amenity at Manor Farm. However it is considered that the views of the vehicles stored at the site, on balance, would have a detrimental impact on the rural character of the area. As such the proposal would be contrary to NW10 of the Core Strategy, 2014.

c) Highways Implications

County Highway Officers have been consulted on the scheme and have responded with detailed feedback - Appendix B.

The existing access to the site for vehicles is considered suitable by Highways Officers for commercial use, able to provide two-way traffic flows and to accommodate single-vehicle transporters or towed car trailers and the ability to turn around within the site to exit front facing.

There are no alterations to the access proposed within this application.



Access from Nuneaton Road to West of Application Site

Highway officers note the visibility splay looking right from the access to the site did not accord with guidance. The applicant has rectified this visibility issue by cutting back vegetation. Highway officers re-visited the site and the splay now measures 61m. Highway officers have taken into consideration the recommended visibility splay and gradient of the carriageway fronting the site and suggests a splay of 80m should be provided given the speed limit of 40mph. They note that the splay is considered significantly below the distance recommended.

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It is noted that the use of the application site was once a school which is considered to have generated significantly more vehicular movements per day than the current use at the site. Given that the proposed use would be by appointment only and the proposed use may generate approx. 4 additional vehicle movements per day, Highway officers regard the traffic generation from the use as not significant.

Highway officers have no objection to the scheme based on the supporting statement and subject to a personal restriction for the site should officers recommend the proposal for approval. The statement that accompanies the application does not state a maximum number of vehicles sought.

Based on the above, further information from the Applicant stated that the business would sell a number of cars and vans that would not exceed 3.5 tonnes. In a suggested condition for a recommendation for approval of the scheme, the Applicant stated that the restricted number of vehicles (20 no. max) and opening times would not be suitable. Officers consider that the business aspired by the Applicant is a development type that could not be accommodated. Officers are not satisfied that the continued use of the land in question would not give rise to unacceptable harm on the safety of users of the local highway. The proposal would therefore be contrary with Saved Policy ENV14 of the Local Plan, 2006.

d) Other Matters

There would be no impact to the Grade II* St. Lawrence Church situated on the opposite side of the Nuneaton Road located less than 50m to the south east. It is therefore considered that the proposal would accord with Policy NW12 and NW14 of Core Strategy, 2014.

e) Conclusions

In light of these observations, having considered the relevant planning policies and all other material considerations, it is considered that the proposed development is unacceptable on its planning merits and that the impact on the environment would far outweigh the benefit of supporting the scheme. The proposal is contrary to Policy NW1, NW2, NW10 and NW12 of the Core Strategy, 2014 and Saved Policy ENV14 of the Local Plan, 2006. This application is retrospective following an enforcement complaint; therefore if Board Members are minded to support this recommendation for the application, an enforcement report would need to be brought before Board Members for future determination.

f) Enforcement

Given the recommendation, the Board will also have to consider whether it is expedient or not to authorise enforcement action. This would require the removal of the vehicles stored within the residential curtilage of the dwelling at the site. The compliance period should be six months.

There will be no cost to the applicant here to remove the storage of the vehicles from the area indicated. However it is acknowledged that new premises would be required for the business to continue to operate. The owner has the right of appeal against both a refusal and the issue of any Notice.

Recommendation

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

The siting of the use lies outside of a development boundary defined by the Development Plan it being outside any named settlement and thus within Category 5 for the purposes of NW2 of the Core Strategy, 2014. The proposed business use for the sale of vehicles is not considered to be compatible with the rural uses in the surrounding context and is contrary to Saved Policy ECON5 of the North Warwickshire Local Plan, 2006 and to policies NW2 (Settlement Hierarchy) NW10; (Development Considerations) and NW12 (Quality of Development) of the Core Strategy, 2014.

- b) That authority also be granted to the Assistant Chief Executive and Solicitor to the Council to issue an enforcement notice requiring the removal of the vehicles associated within the business use from the site subject to a compliance period of six months.

Notes

Notwithstanding this refusal, the Local Planning Authority has worked with the applicant in a positive and proactive manner. However the planning issues at this site cannot be satisfactorily addressed. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

Appendix A – Site Photos
Enforcement Visit dated 10 August 2017





Case Officer Site Visit dated 14 November 2017





Site Visit Photographs

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Appendix B –WCC Highways Comments

Your ref: PAP/2017/0524
My ref: 170524
Your letter received: 06 November 2017



Mr J Brown BA Dip TP MRTPI
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23 November 2017

Dear Mr Brown

LOCATION: The Old School, Nuneaton Road, Ansley
PROPOSAL: Change of use of land to the west of property to store and sell vehicles
APPLICANT: Mr Gary Thorn

The Highway Authority has the following comments to make in regard to your consultation dated 02 November 2017:

The existing access to the site for vehicles is considered suitable for commercial use, able to provide two way traffic flows and to accommodate single vehicle transporters or towed car trailers.

However, the visibility splay looking right from the vehicular access to the site does not appear to accord with guidance. When the site was first visited the splay measured on site was approximately 55 metres, as measured from a setback of 2.4 metres from the near edge of the public highway carriageway. The applicant was present during the site visit and agreed to cut back the vegetation to see if the splay could be improved. The hedge was cut back and the site was visited again. The splay now measures approximately 61 metres. Mr Thorn was present when the splay was re-measured. The speed limit fronting the site is 40mph, so visibility splays of 120 metres are recommended. Taking into account the gradient of the carriageway fronting the site, a splay of 80 metres should be provided if vehicles are approaching the site at 40mph. As such the splay is still considered significantly below the distance recommended.

The site was once a school, which used to generate significantly more vehicle movements per day than the current use of the site. Unfortunately the assessment has

*Working for
Warwickshire*

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to be based on the current use class of the site, which is understood to be C3. In mitigation, Mr Thorn stated that his business was not a significant traffic generator, and that all visits to the site are by appointment only. The planning authority could verify this if required based on his sales performance. However, using the figures Mr Thorn provided the proposed use may generate 4 vehicle movements per day. That should not be considered significant.

But, the issue is, if the site is given the use class, rather than the current user, another user may come in and generate significantly more vehicle movements, which then may have a significant impact on the public highway network.

Speaking to Mr Thorn, he would prefer the site to get the use class change without restrictive conditions, but the Highway Authority should only support the application if the operation is run by the occupants of the school house (Mr & Mrs Thorn) running the car sales business as described in the supporting statement. The car sales should not be run by people living off-site nor have employees.

Therefore, the Highway Authority's response to your consultation is one of no objection subject to the following condition:

1. The sale and storage of vehicles from the site shall be carried out in accordance with the submitted statement, and shall be operated by Mr & Mrs Thorn living at the School House within the blue lined outline. If the site is vacated by Mr & Mrs Thorn the site shall return to Use Class C3.

Yours sincerely

Tony Burrows
Highway Control Engineer

Copy to; Councillor Mrs M Bell, - Hartshill & Mancetter, for information only.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0524

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant	Application Form	26/09/2017
2	The Applicant	OS Plan	1/11/2017
3	The Applicant	Covering Letter	1/11/2017
4	Planning Officer	Draft conditions	14/12/2017
5	The Applicant	Correspondence	18/12/2017

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

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

Appendix B - Recommendation

That the application be **Granted Subject to Conditions:**

1. The development hereby approved shall be carried out in accordance with the Site Location Plan and details contained within the supporting statement both received by the Local Planning Authority on 1st November 2017.

REASON

For the avoidance of doubt what it permitted.

2. The use of the land hereby permitted shall be solely for car sales and car storage and shall not be used for any purpose, including any other purpose in Class A1 of the Schedule to The Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification

REASON

Other uses within that Use Class may not be acceptable to the Local Planning Authority in this location having regard to the character and amenities of the area.

3. Vehicle sales shall only take place between 0830 to 2000 hours on Mondays to Fridays; between 0830 to 1800 hours on Saturdays and shall not take place at any time on Sundays, Bank Holidays, Good Friday or Christmas Day.

REASON

To prevent unreasonable disturbance to the occupiers of nearby residential properties.

4. The use of the land hereby permitted shall be carried on only by Mr. Gary Thorn of The Old School and for no other persons whomsoever. When the premises and The Old School House ceases to be occupied by Mr. Gary Thorn, the use hereby permitted shall cease and all materials and equipment brought on to the site in connection with the use shall be removed.

REASON

The use is only justified in light of the special circumstances of the case.

5. No more than 20 vehicles shall be displayed on site for sale at any one time and this shall be restricted to vehicles only, with no caravans; vehicles over 3.5 tonnes or other commercial vehicles being displayed or advertised for sale from the land.

REASON

To ensure the sales are restricted to cars only, to prevent harm being caused to the amenity of the area and to allow for an appropriate turning point for car delivery vehicles within the site to exit safely from the site.

6. For the avoidance of doubt, there should be no storage of cars in association with the use hereby permitted other than on land shown on the coloured area as defined on the Block Plan received by the Local Planning Authority on 1st November 2017.

REASON

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

7. There shall be no repair, body spraying, manufacturing or maintenance of any vehicle stored on the site in connection with the vehicle sales use hereby permitted.

REASON

For the avoidance of doubt as to what is permitted.

8. No external floodlighting shall be erected or installed to light the land without the prior granting of planning permission by the Local Planning Authority.

REASON

In order to protect the amenities of this rural area.

Notes

1. The Applicant is advised that this permission is in respect of a change of use of the land in question only and any external alterations or advertisement signage will require a separate planning permission.
2. 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 issues and by quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 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/2017/0524

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant	Application Form	26/09/2017
2	The Applicant	OS Plan	1/11/2017
3	The Applicant	Covering Letter	1/11/2017
4	Planning Officer	Draft conditions	14/12/2017
5	The Applicant	Correspondence	18/12/2017
6	The Applicant	E-mail	20/12/2017
7	Case Officer	E-mail	23/01/2018
8	Case Officer	Post-Meeting notes	02/02/2018

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

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

(7) Application No: PAP/2017/0547

Corley View, Highfield Lane, Corley, CV7 8BJ

Change of use of land to a Gypsy and Traveller caravan site consisting of 2 no: pitches each of which would contain 1 no: mobile home and 1 no: touring caravan and associated works, for

Mr & Mrs I & S Doherty

Introduction

This application is reported to the Board for determination as a similar application was dealt with by the Board last June.

The Site

This is a plot of land some 0.3 hectares in size located on the southern side of Highfield Lane between the lane and the M6 Motorway to the south. It is around 400 metres west of the lane's junction with Bennetts Road North and 800 metres east of its junction with Coventry Road. There are scattered residential properties along Highfield Lane including Radbrook Farm opposite the site.

There is a large domed corrugated steel Nissen building on the site measuring 60 by 120 square metres together with two mobile homes currently used by the applicant's family and an area of hard standing. Vehicular access is provided directly onto Highfield Lane.

A general location plan is at Appendix A.

Background

The site was originally used for the storage of plant, machinery and materials associated with the construction of the M6 Motorway. In 2002 planning permission was granted for its use for storage purposes and this consent was taken up. The site became vacant in the late 2000's. At a meeting of the Warwickshire County Council's Small Holdings Panel in 2009, it was agreed to use the site for a traveller family currently resident on the Griff site in Bedworth. The family moved to the site shortly afterwards and planning permission was granted by the County Council in 2012 for the temporary use of the land as a gypsy and traveller site comprising two pitches. That permission has now expired.

A planning application was refused planning permission in 2016 (ref: PAP/2016/0026) for the change of use of this land to use as a gypsy and traveller site consisting of two pitches each containing one mobile home and one touring caravan.

A further application was submitted under reference PAP/2017/0236 for the change of use of the land from storage and distribution (B8 use) to use as a gypsy and traveller caravan site consisting of two pitches each containing one mobile home and one touring caravan and associated works. This was refused permission in June 2017. An appeal has been lodged against this refusal, but its progress is being held in abeyance by the

Planning Inspectorate in order that this current planning application can be considered by the Council.

In the interim the families therefore continue to occupy the site without the benefit of a planning permission.

The site is owned by Warwickshire County Council.

Following the June 2017 refusal there are two new material planning considerations:

- This proposal includes the retention of the Nissen building on site, and
- There is reference to a September 2017 County Court Judgement which is referred to below.

The Proposals

It is proposed to change the use of the site to a residential caravan site for the occupation of gypsy and travellers. Two pitches are proposed each comprising a mobile home and a touring caravan. The existing access arrangements are to be used.

The proposed layout of the site is illustrated at Appendix B.

The applicant has provided a Design and Access Statement to accompany the application and this is attached at Appendix C. In summary the Statement makes the following points:

- The applicant families satisfy the Government's definition of a Gypsy and Traveller for the purposes of planning matters.
- The families have been living at the site since 2009 and until recently benefitted from a temporary and personal planning permission submitted and granted by the County Council.
- A condition – number 4 – of that 2012 consent required the demolition of the Nissen building within three months of the date of the permission. However no action has been taken by any party, including the County Council as land owner and applicant, in this regard. The building thus remains on site.
- A further condition – number 2 – outlined the temporary circumstances of the permission. Following the death of the family's son in 2013, the permission ceased to have effect.
- The land owner is no longer consenting to the demolition of the Nissen building and thus the current application includes its retention.
- The applicant draws attention to a Court Judgement of 4 September 2017 in which it states that there are no suitable, available alternative sites for the family to relocate to.
 - The Statement draws attention to the lack of allocations for gypsy and traveller sites in the Core Strategy but recognises that Policy NW8 is a criteria based policy for use when sites come forward.
 - The applicant considers that the proposal satisfies the criteria set out in this Policy.

- The Statement agrees that the proposal is for inappropriate development in the Green Belt.
- As a consequence the Statement continues by saying that as policy NW8 is satisfied, planning permission should be granted if “very special circumstances” exist.
- The applicant considers that the following material planning considerations clearly outweigh the harm caused by inappropriateness such they amount to those very special circumstances:
 - i) The national, regional and local need for further gypsy and traveller sites.
 - ii) The unavailability of suitable alternative sites
 - iii) The families personal circumstances – their status and their health and educational needs
 - iv) Deficiencies in the Development Plan for provision in the Borough
 - v) The consequences of a refusal
 - vi) The proposal is in the best interests of the children
 - vii) Human Rights considerations
 - viii) The land here is previously developed land
- In order to clarify the point about the “best interests of the children”, the applicant has agreed to the following being made known:

“Issac and Lisa Doherty both suffer with depression and have done so for some time following the death of their son. This fresh threat of eviction has already taken its toll on the entire family. Rebecca Doherty also suffers with depression and anxiety. She has been finding it difficult to cope during the Court proceedings. Steven Doherty’s health has also been deteriorating over the past few years. He suffers with severe lower back pain and sciatica. He has had various scans on his back and may require surgery. He is under the Coventry Musculoskeletal Service at the Coventry Healthcare Centre in Coventry. I was instructed that some days he was in so much pain that he couldn’t even get of bed. Steven and Rebecca Doherty have eight children. Issac and Lisa Doherty have four children. Their eldest is engaged to be married”.

Consultations

Environmental Health Officer – No objection

Warwickshire County Council as Highway Authority – No objection subject to conditions

Representations

Corley Parish Council - It objects to the proposal. The full letter is attached at Appendix D. In summary the following points are made:

- There have been two recent refusals – nothing has changed
- There has been no change in circumstance
- The occupation is still unauthorised

- The County Council as land owner has taken legal action to end this unauthorised use
- The site is in the Green Belt.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW7 (Gypsy and Travellers), NW8 (Gypsy and Travellers Sites), NW10 (Development Considerations), NW12 (Quality of Development) and NW13 (Natural Environment)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV9 (Air Quality) and TPT3 (Access and Sustainable Travel and Transport)

Other Material Planning Considerations

The National Planning Policy Framework 2012 – (the “NPPF”)

National Planning Practice Guidance

Planning Policy for Traveller Sites 2015 – (the “PPTS”)

The Caravan sites (Control of Development) Act 1960
The Caravan Sites Act 1968

Definition of Caravan (Amendment) England Order 2006

The Draft Submission Version of the Local Plan for North Warwickshire 2017 – LP2 (Settlement Hierarchy); LP3 (Green Belt), LP10 (Gypsy and Travellers) and LP31 (Development Considerations)

Observations

a) Appropriate or Not Appropriate Development in the Green Belt

Policy NW3 of the Core Strategy defines the extent of the Green Belt within North Warwickshire and should be read in conjunction with the NPPF. The site is in the Green Belt. Applications for the change of use of land within the Green Belt are defined as being inappropriate development in the Green Belt and thus harmful to the Green Belt. They therefore carry a presumption of refusal. The NPPF states that substantial weight should be given to any harm to the Green Belt. Moreover, the Government’s PPTS says that “inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development”. The applicant also agrees that the proposal is for inappropriate development because of these matters.

Members will be aware that the construction of new buildings in the Green Belt is also not appropriate development in the Green Belt under the definitions in the NPPF. There are exceptions to this - one being where the new buildings arise as a consequence of the partial or complete re- development of previously developed land. This exception does not apply here as the proposal is for the change of use of land. Moreover,

Members are reminded that provided the mobile homes and touring caravans as described in the application, meet the definition of a caravan in the appropriate legislation, then they are not buildings and thus the requirements of this exception are not satisfied.

The proposal is thus for development that is not appropriate in the Green Belt and is thus by definition harmful to the Green Belt.

b) Actual Green Belt Harm

In addition to definitional harm to the Green Belt, Members have to assess the degree of actual harm to the Green Belt. The most important attributes of the Green Belt are their permanence and their openness. Taking the second of these first, then “openness” in the context of the Green Belt is generally taken to mean the absence of development. This proposal adds development to the site. This is because of the two mobile homes; the two touring caravans, fencing, the use of hardstanding for the parking of vehicles and the normal residential characteristics of residential occupation. This would be in addition to the retention of the Nissen building. As a consequence it is considered by fact and by degree, that there would be an adverse impact on the openness of the Green Belt hereabouts. However the level of harm is considered to be limited. The reasons for this assessment are two-fold. Firstly, in terms of the nature of the surrounding landscape, its topography and its appearance, then this is one of an agricultural character exhibiting small pasture fields, boundary hedgerows and trees with some residential and agricultural built development set in a fairly flat setting, but with the prominent presence of the Motorway. The proposed use would not alter this general overview. This is because that intervention would be small given the size of the site, the human scale of the mobile homes, caravans and associated characteristics and the fact that the site is somewhat self-contained. Secondly openness can have a “visual” aspect. Here that aspect is limited to the local level. The site is somewhat self-contained and really only visible from the Lane. There are no public footpaths nearby or ones that overlook the site. The Nissen building still remains at the dominant feature.

The second attribute of the Green Belt is its permanence. The 2002 consent here was for the B8 use of the Nissen building. This was taken up and therefore the permission became extant. It is now no longer occupied for this purpose, but that use could recommence under the 2002 consent without reference to the Council. Its use however would be restricted by planning conditions which prohibit outside storage and/or use. Nevertheless there would still be some presence on the open parts of the site as a consequence of the lawful use - comings and goings and parked vehicles and cars. The point to be made is that this site is not necessarily one that will remain permanently open – that is, free from development.

When taken as a whole therefore, it is concluded that the overall degree of actual harm to the Green Belt is limited.

Prior to undertaking the final planning balance here, Members will also have to assess the level of other harm caused by the proposal in order to fully establish the full “harm” side of that balance. It is now proposed to do so by reference to two sets of Development Plan policies – those which might be considered to be development management policies and those that have a spatial element. These will be taken in this order.

c) Other Harm – Policy NW10 and NW12 of the Core Strategy 2014

Members will see from the consultation section above that the County Council as Highway Authority does not object; that the Fire Services Authority has no objection subject to conditions and that the Environmental Health Officer has no objection. As in the previous case last year, he considers that the level of air quality falls below the objective levels that would make occupation here a reason for refusal. In terms of noise, then the retention of the Nissen building will help reduce noise from the Motorway as will the planting and fencing proposed. Details of that fencing should be agreed but this can be done by planning condition.

There is not considered to be any harm to heritage assets or to ecological matters.

Drainage issues can be resolved through details being dealt with by planning condition.

There is no material adverse impact on the residential amenity of neighbouring occupiers.

There will be some adverse impact on the character and appearance of the area by virtue of the introduction of new development as outlined above. The proposal would thus not satisfy policy NW12 of the Core Strategy which requires development to “positively improve” the environmental quality of an area. However as explained above the degree of this impact would be limited.

Members are reminded that the 2016 and 2017 refusals here do not relate to matters referred to above and thus they should not now be expected to do so.

However Members should still consider the proposals against other matters set out in the Development Plan – namely Policies NW1 and NW2 on sustainable development and settlement hierarchy together with Policies NW7 and NW8 which specifically apply in this case. These will be considered next.

d) Other Harm – Policies NW2, NW7 and NW8 of the Core Strategy 2014.

Policy NW2 describes the overall approach towards the location and scale of new development within the Borough. The spatial policy adopted is to direct growth to existing settlements in proportion to their place in a defined settlement hierarchy. In this case, the site is not within any of the named settlements within that hierarchy. In such circumstances policy NW2 states that development will be limited to that necessary for agriculture, forestry or other use that can be shown to require a rural location. Members are referred to the PPTS which indicate that in some circumstances, a Gypsy and Traveller site may require a rural location. As a consequence this proposal could accord with NW2.

In order to assist on this, policy NW8 gives guidance on how this would apply in the Borough. It sets out a list of criteria against which to assess them. The policy says that sites will be permissible inside, adjoining or within a reasonable safe walking distance of a settlement development boundary outside of the Green Belt. Looking at the various factors referred to here, then the site is in the Green Belt and not within or adjoining a named settlement development boundary. As such this proposal is as a matter of fact, not in accord with Policy NW8. Fillongley is the closest named settlement and the site is over two kilometres from its centre. The village has a primary school, public houses and a shop, but no health services. There is limited bus access. The nearest bus stop to

the site for Fillongley is 800 metres to the west at the junction of Highfield Lane and the Coventry Road. The overall distance into Fillongley by foot is not considered to be reasonable by virtue of its length and the gradients particularly for smaller children. However much of the route is passable using pavements and it is mostly lit. Corley is in fact the nearest settlement, but this is not a named settlement. It is 1.50 kilometres from the site and it has a primary school but no health services. It too is on the same bus route as Fillongley. Pedestrian access is considered not to be reasonable because of its distance but again it does have pavements and it is partly lit. So in respect of the matter of “a reasonable safe walking distance”, it is considered that the distances are not reasonable, but that they are safe. Hence in overall terms the proposal does not accord with Policy NW8.

Policy NW7 sets out a requirement for 9 residential and 5 transit gypsy and traveller pitches in the Borough between 2011 and 2028. No such sites are allocated in the Strategy. However sites are coming forward and as a consequence of recent decisions, planning permissions have been granted for six residential pitches since 2011. As a consequence the requirement of this policy is being met and the proposed two pitches here would contribute towards meeting the three remaining to be found under policy NW7.

In consideration therefore of all of these matters, it is considered that the application would not accord with policies NW2 and NW8 of the Core Strategy. The degree of harm caused to these policies is considered to be significant, as NW2 is the core spatial policy of the Development Plan and the site is not suitable as a gypsy and traveller site under Policy NW8.

e) Overall Level of Harm

In overall terms therefore it is considered that the proposal would cause substantial harm to the Green Belt by virtue of it being inappropriate development, but that the actual level of Green Belt harm is limited. There is other significant harm in respect of the impact on the spatial planning policies of the Development Plan; the site not meeting the requirements of the criteria based policy for such sites, but there is limited harm in respect of its impact on the appearance and character of the area.

f) The Applicant’s Planning Considerations

It has been acknowledged throughout the planning history of this site in respect of its residential use, that the applicant families satisfy the accepted definition of being Gypsy and Travellers. As such the traditional way of life of the families is to be accorded weight under the Public Sector Equality Duty contained in the Equality Act of 2010. Full weight is thus given to this consideration

The applicant’s considerations can be grouped under a series of four main issues.

Firstly, the applicant refers to a shortage of gypsy and traveller sites generally and locally as well as saying that the Development Plan does not allocate any such sites. It is true that there are no allocations, but there are sites being granted planning permissions and this proposal would assist in the overall Development Plan target being met. This consideration would thus carry no weight.

Secondly, the site is said to be previously developed land by virtue of its historic use and the 2002 permission. Government policy promotes the use of such land and within the Green Belt the NPPF explicitly identifies that the partial or complete redevelopment

of such land can be appropriate development. Moreover the PPTS requires Local Planning Authorities to “attach weight to the effective use of previously developed land” when considering planning applications for traveller sites. It is agreed that the site here is previously developed land, but this application is for a change of use and the exception referred to in the NPPF relates to building operations. As such the argument cannot carry full weight. However it still carries moderate weight, because the change of use would involve previously developed land and that is to be given weight under the PPTS.

Thirdly, the applicant refers to the September 2017 Court Hearing which concluded that this extended family has no suitable available alternatives to this site. This will carry substantial weight because it is a formal objective assessment which is recent and relevant. Moreover it was made after the last June 2017 refusal and hence introduces a new material planning consideration. In essence, the applicant is saying that a refusal could lead to the extended family becoming “homeless”.

Fourthly, there are the personal circumstances of this extended family and in particular the interests of the children. Article 8 of the European Convention on Human Rights as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home. Furthermore the Courts have held that the best interests of children shall be a primary consideration in all decisions concerning children, including planning decisions. The PPTS explicitly says that, “subject to the best interests of the child”, personal circumstances are unlikely to clearly outweigh harm to the Green Belt, so as to establish very special circumstances. Hence children’s interests carry full weight.

In conclusion therefore the applicant’s case in respect of the provision of pitches is considered to carry no weight; that the consideration in respect of the nature of the site being previously developed land carries moderate weight, but that the particular circumstances of the applicant families and their situation carries substantial weight.

g) The Planning Balance

Members are therefore invited to assess the final planning balance here by weighing the cumulative harm against the considerations put forward by the applicant. For that balance to weigh in favour of the applicant, those considerations have to “clearly” outweigh the harm caused. In these circumstances it is considered that they do. This in essence is because the substantial weight attributed to the family circumstances and the Court Order does, together with the moderate weight given to the use of previously developed land, clearly outweigh the actual limited Green Belt harm here. The harm caused to the spatial policies of the Development Plan can be mitigated through the grant of a temporary planning permission. A temporary consent here would also enable time to be given to the families to search for an alternative site and recognise the location in the Green Belt by not establishing a permanent site.

Recommendation

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

1. The planning permission hereby granted shall enure solely for the benefit of the applicant and for no other person or persons whomsoever, and shall expire on the vacation of the site by the applicant, or on 31 March 2020 whichever date is the sooner.

REASON

In recognition of the very special circumstances relating to this application and its location in the Green Belt.

2. Standard Plan numbers condition –plan numbers TDA/2352/01 and 03 both received on 30/11/17
3. The landscaping details as shown on the approved plan shall be fully completed to the written satisfaction of the Local Planning Authority by the 31 December 2018

REASON

In the interests of the visual amenities of the area

4. Notwithstanding the detail shown on the approved plan, any gate or gates hung within the vehicular access to the site shall not hung so as to open within 15 metres of the near edge of the public highway carriageway.

REASON

In the interests of highway safety

5. The vehicular access to the site shall be surfaced and drained for a distance of ten metres into the site as measured from the near edge of the public highway carriageway, in accordance with details to be submitted to the Local Planning Authority within one month of the date of this permission. Only the approved details shall then be implemented on site within three months of the date of their approval

REASON

In the interests of highway safety

Notes

1. The Local Planning Authority has met the requirements of the NPPF in this case through engagement with the applicant in order to address the issues arising from the proposal.
2. The applicant is advised to ensure that the hedgerow fronting the site is maintained such that it does not overhang the highway.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0547

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	5/10/2017
2	Corley Parish Council	Objection	01/02/2018
3	WCC Highways	Consultation	09/02/2018
4	Environmental Health Officer	Consultation	09/02/2018

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.

Corley Parish Council

Clerk: Mrs. E. Grainger-Smith
Mobile: 07792186671
E-mail: corleyparishcouncil@yahoo.co.uk

30 Holbeche Crescent
Fillongley
Coventry
CV7 8ES

Date: 1st February 2018

PAP/2017/0547 Corley View Highfield Lane

The Parish Council is dismayed, astonished and frankly outraged at this latest attempt to transform our Green Belt agricultural land into a use it was never intended for – not now or in the future.

It seems incomprehensible that after two previous refused applications yet another identical (as far as we can see) application is before us. In our view absolutely nothing has changed which by any stretch of the imagination makes what was previously refused warrant any other decision but refusal.

We have therefore attached below our previous responses as all our grounds for viewing this as TOTALLY unacceptable are still pertinent.

We request and require NWBC and WCC (as owners of the land) to immediately refuse this application - any other outcome would be utterly wrong and be an affront to the long suffering residents of Corley.

PAP/2017/0236 – Corley View, Highfield Lane, Corley

Corley Parish Council have reviewed the above application which from our perspective is identical to the application submitted during 2016 reference PAP/2016/0026.

The original application (0026) was rejected by NWBC and WCC.

It is therefore with a degree of astonishment that we are faced with this totally unacceptable application again. It is our understanding that –

- The applicant did not appeal against the original decision to reject.
- No planning policies, guidelines or other relevant procedures have changed which would in any way change the circumstances and decision process which would alter the outcome of the review of this application.
- The land is still occupied (as we understand) by the applicant on an unauthorised basis and the land owner will clearly object to this application.

IT IS THEREFORE THE PARISH COUNCIL'S POSITION TO SIMPLY REPEAT OUR PREVIOUS OBJECTIONS AND REQUEST AND REQUIRED BOTH NWBC AND WCC TO REJECT THIS APPLICATION.

Reference the above planning application Corley Parish Council (CPC) wish to lodge strong objections to this totally unacceptable application.

As way of background CPC has, over a protracted period of time, tried to get this unauthorised occupation resolved. This has included numerous meeting, discussions and emails with Warwickshire County Council (the land owner), with our MP, with the police and with irate residents who are understandably most unhappy with the situation.

It should also be put on record that the Parish Council, out of total respect for grieving parents, suspended these efforts following the tragic death of one of the applicant's children. We totally respected the need for time to come to terms with this tragic loss. However the time has come for the situation to be resolved and the unauthorised occupation of the land to come to an end.

The applicants have occupied this land in an unauthorised manner for a considerable period of time despite continual efforts to resolve the situation. CPC have been informed (we understand this to be correct) that Warwickshire County Council have taken successful legal action in an attempt to end this unauthorised use of the land.

Our rationale for objecting includes the following.

- The applicants do not own the land – it is owned by WCC. We would hope and expect that WCC would not countenance selling the land to the applicant and in that way give any credibility to this application
- The location of the site is within the Green Belt and all around is in use for agriculture
- The classification of use is in our minds misleading – the building on there was first erected in connection with the motorway and there has been no use for many years. Residents have noted lights being on in the building during the unauthorised occupation of the land – it is unclear to CPC what use has been made of the building by the applicant
- We are aware that local farmers would welcome the land being returned to its most appropriate use – agriculture
- To allow a planning application to be successful following an extended period of unauthorised occupation would be morally unacceptable

At one point those occupying the site excavated the public footpath (for what reason is unclear) and left it in an unrepaired state. CPC alerted WCC Highways and they confirmed this was done unlawfully. Residents continue to approach CPC asking when this unlawful occupation will be terminated. Suspect you can imagine how astonished they were when such a ludicrous application became public!

Based on the above we request that NWBC reject this application and work with WCC to ensure the land is returned to its proper use. We do understand that WCC intend to object to this application adding further weight to its total unacceptability.

Corley Parish Council.

(8) Application No: PAP/2018/0025

Hillcrest Boarding Kennels, Birmingham Road, Water Orton, B46 1TG

Retrospective application for erection of holding kennels, for

Hillcrest Boarding Kennels

Introduction

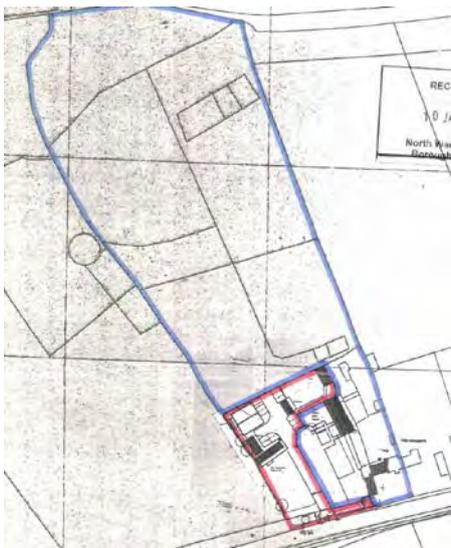
This application is reported to the Planning and Development Board at the request of a Local Member concerned about local impacts.

The Site

The existing site lies on the northern side of the Birmingham Road (B4118) leading west out of Water Orton. The whole application site is within the limits of North Warwickshire Borough Council however to the west lies the boundary between land in control by Birmingham City Council. The application site lies outside of the defined development boundary as identified within the North Warwickshire Core Strategy, 2014 and Local Plan, 2006 (as saved). The site lies wholly within Green Belt.

The site is accessed from the main road with fencing erected along the boundary with the highway. The access rises away from the road. A mature hedgerow and trees characterise the western boundary with fencing to the northern boundary beyond which is further open land owned by the applicant.

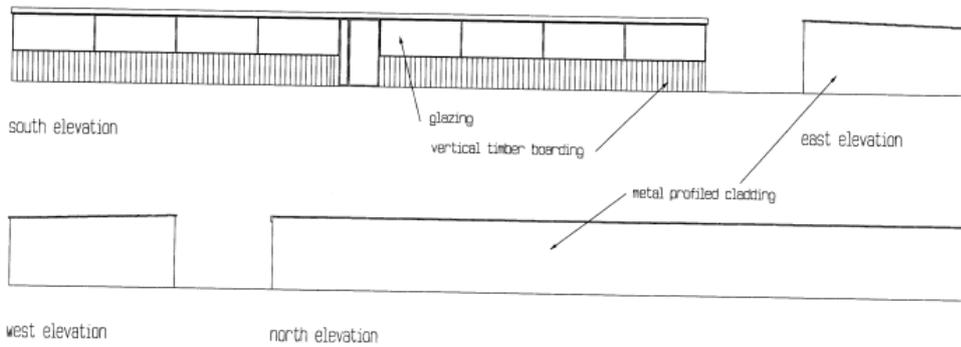
The site is used currently as a cattery and boarding kennels. The dwelling at the site, known as Hillcrest, is sited to the south-east of the site facing onto the Birmingham Road and is a semi-detached dwelling. The adjoining neighbouring property is known as Hill Crescent.



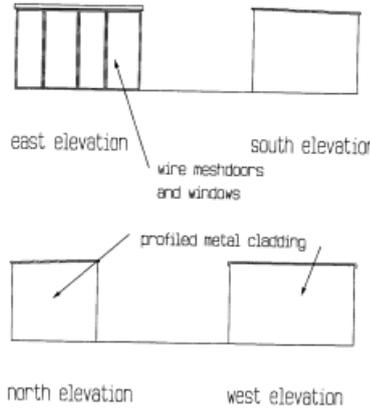
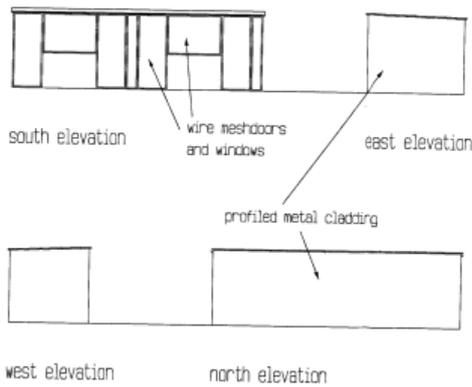
Site Location Plan



Aerial Photograph of Surrounding Context



BLOCK A



BLOCK B

BLOCK C

Elevations

The applicant points out that this is not “new” accommodation increasing the number of dogs kennelled at the site. It is ancillary space for owners to leave their dogs whilst those other kennels are being cleaned and prepared, or for dogs awaiting collection. In other words they “hold” dogs for temporary short periods either before or after kennelling in the existing approved buildings.

Background

The site has been formerly used as an agricultural small holding with equestrian uses together with surrounding land, also within the applicant’s control. There are a number of buildings dotted around the site. In 2011, planning permission was granted for the equestrian use, along with the stables; a farrier’s forge, commercial kennels, livery and hard-standings (PAP/2011/0071) – see Appendix B. This provided for a maximum of 40 kennels across the site. In 2013 planning permission was granted for the erection for poly-tunnels (PAP/2012/0568). Planning permission was also approved under reference PAP/2015/0334, for kennels and a cattery use at the site. Due to the location of these kennels and the cattery the actual number of kennels at the site was reduced to 30.

Representations

Water Orton Parish Council – No comments received

Third Party Representations – One objection has been received. The objection is summarised as follows:

- Unacceptable impact on my business and tiredness by the kennel noise;
- Unable to use the garden and can hear dogs through double glazing and external wall cladding
- The dogs bark throughout the day and night and is worse in summer when open windows
- The impact of our clients who come the farm for therapeutic is affected.
- Holding kennels are closer to our home than the current housing and face the direction of the neighbour concerned.
- The pens face each other a known catalyst for increased barking.
- As with the entire kennel compound vermin (fox and rats) easily gain entry to the facility and this area, once again being a catalyst for barking.
- The holding kennels have no soundproofing or sound reducing qualities- in fact like much of the kennel compound steel sheeting has been used that would amplify rather than dampen sounds.
- The application states no operating times for the holding kennels- duration of dogs staying in the holding kennels and numbers being housed.
- No compensation has been offered from this business for their impact, triple glazing and air conditioning to allow windows to remain closed without loss of comfort would help mitigate impact.
- I refer you to the sessions of monitoring that the North Warwickshire Environmental health team have undertaken at my property.

Consultations

Environmental Health Officer - No objection subject to conditions as set out below:

“The environmental health department has received a number of noise complaints about barking from the kennels in recent years. As a result should permission be granted then the holding kennels may need to be more substantial/enclosed i.e. mesh fencing replaced with solid material and insulating the kennels to reduce the noise and minimise any potential disturbance. I would also recommend that these are only used as holding kennels to prevent them being used for daytime and night-time boarding. It may also be beneficial to limit the numbers of holding kennels used at any one time”.

Development Plan

North Warwickshire Core Strategy (October 2014) - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW10 (Development Considerations) and NW12 (Quality of Development)

Saved Policies of the North Warwickshire Local Plan 2006 - ECON5 – (Facilities relating to the settlement hierarchy); ENV12 (Urban Design) and ENV13 (Building Design)

Other Relevant Material Considerations

National Planning Policy Framework 2012 - (the “NPPF”)

National Planning Policy Guidance 2014

Observations

Taking into account planning policy and other material planning considerations, the key considerations in the determination of the application would be the principle of the additional building within the site; the impact on the Green Belt and the impact on neighbouring amenity.

a) Principle

The principle of the boarding kennels at the site has been established under planning permissions.

The principle of the proposal should be assessed under Policies NW2 and NW10 of the Core Strategy, 2014. The site lies within an open countryside location outside a development boundary or a Category 5 settlement for the purpose of Policy NW2 of the Core Strategy 2014. Policy NW2 states that development in settlements without a development boundary will be limited to that necessary for agriculture, forestry or other uses that can be shown to require a rural location.

Policy ECON5 says that proposals for additional shopping facilities, amongst other uses, outside of development boundaries will not be permitted because such locations are unsustainable. This is emphasised through Core Policy 2, where new development is directed towards settlements, and limited to that requisite for agricultural, forestry or other uses requiring a rural location, outside of defined development boundaries.

The thrust of this approach is to ensure that developments do not develop or grow within unsustainable locations thus promoting the viability and vitality of existing settlements with their existing services and facilities.

In respect of this matter, the principle of the kennels (amongst other uses at the site) has already been established. The use is one which is not appropriate in residential areas and within the built up defined development areas and as such would require a rural location. This is the position with many other kennels throughout the Borough.

It is noted that there is no increase in the number of boarding kennels here. The additional block is required to assist in the maintenance and cleaning, required during the use. There would be no additional dogs staying for periods at the site. As such it is considered that the principle is already established and the proposal does not materially alter that position.

b) Green Belt

The addition of the holding kennel block is considered to be inappropriate development because it relates to the construction of new buildings. There is thus harm to the Green Belt here, however the actual degree of Green Belt harm to the openness and permanence of the Green Belt and to the purposes of including land within it, is considered to be minor. This is because the buildings are small; within a contained site that already has a significant number of similar other buildings within it and visually there is no additional adverse impact.

In terms of other harm, then in respect of their design and scale the block is low level to a height of 2.2metres to flat roof height. They are commensurate in scale with the other buildings across the site. All the elements of the building are well related to both the immediate setting and the wider surroundings. As such it is considered that the proposal would accord with saved policies ENV12 and ENV13 of the Local Plan, 2006 and Policy NW12 of the Core Strategy, 2014.

The main concern in terms of “other harm” is the impact from potential noise disturbance on residential amenity – particularly that of the neighbouring property as set out in the representations above.

In respect of the use of the site here for kennels, then Environmental Health Officers confirm that there have been a number of noise complaints from the occupiers of the neighbouring property and that further concerns have been made with regards to this application.

Environmental Health Officers point out that building is located at the rear of the site with a number of intervening buildings between it and the neighbouring house together with saying that the noise environment already is one in which the motorway is dominant. Moreover the actual use of the building is to allow the movement of dogs in order to clean vacated kennels and/or await pick up. As such the proposal would not result in additional dogs kennelled at the site. A condition would be relevant here to limit the maximum number of dogs kennelled at the site to that of the 2015 consent – namely 30. With regards to the open fronted nature of the holding kennels, then the Environmental Health Officer recommends that a more substantial material is required for the building, together with its enclosure and insulation to reduce the potential for disturbance. A condition for these measures to be undertaken within a set period would be the way forward. Members are reminded that conditions should always be considered to be the preferred way forward in order to mitigate potential adverse impacts and that a refusal should only be considered if the residual impacts after such mitigation would still be unacceptable. The advice from the Environmental Health Officer is that this is not the situation here. As such the proposal would accord with the relevant policies of the Development Plan and the NPPF with those recommended conditions.

In respect of the “harm” side of the planning balance here then there is minor actual Green Belt harm and limited other harm.

The considerations on the other side of the balance are significant – the application accords with the lawful use of the site; it is an ancillary use to that approved and not a new use or an intensification of that lawful use. It is considered that these matters do outweigh the limited harm caused.

c) *Other Matters*

It is recognised that the objector raises concerns here about noise and that the Environmental Health Officers are aware of the previous complaints. Members are reminded that the determination here rests not on whether there is noise emitted from the existing site, but whether the use of the additional building would cause a material increase in noise emissions over and above that which is experienced through the operation of the lawful use. This is not the advice that is being given by the Environmental Health Officers, subject to conditions. If consideration is to be given to a refusal here, then Members need to be satisfied that they have the technical noise

evidence available to show that the use now proposed would materially and adversely alter the noise environment.

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 Site Location Plan Reference 1172-02 and Site Plan and Elevation plans Reference 1307:01 Rev A received by the Local Planning Authority on 10th January 2018, Block Plan received by the Local Authority on 15th February 2018 and noise insulation details received by the Local Authority on 16th February 2018.

REASON

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

2. Within one month of the date of this permission, the holding kennels hereby approved, shall be insulated in line with the details of the noise mitigation measures received by the Local Authority dated 16.02.2018 in order to reduce the potential impacts from noise.

REASON

In the interests of reducing the risk of noise pollution.

3. The holding kennels labelled Block A, B and C shall remain solely ancillary to the kennelling use approved at the site under planning reference PAP/2015/0334 for the purpose of holding kennels and for no other purposes whatsoever. The holding kennels shall not be used for day or night time boarding.

REASON

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

4. The holding kennels hereby permitted shall not receive or allow collection of animals other than between 0700 and 1900 hours Mondays to Fridays, and 0800 and 1200 hours on Saturdays, Sundays, Public Holidays and Bank Holidays.

REASON

To prevent disturbance to the occupiers of nearby properties.

5. Not more than 30 dogs in connection with the Kennels business at the site shall be kept at the premises at any time.

REASON

To prevent disturbance to the occupiers of nearby properties.

Notes

1. 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 suggesting amendments to improve the quality of the proposal . As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 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/2018/0025

Background Paper No	Author	Nature of Background Paper	Date
1	The Agent	Application Forms, Plans and Statement(s)	10.01.2018
2	Mr. Wootton	Representation	4.02.2018
3	NWBC Environmental Health	Consultation Response	6.02.2018
4	Case Officer	E-mail	12.02.2018
5	Agent	E-mail and detail plan	15.02.2018
6	Case Officer	E-mail	15.02.2018
7	Agent	E-mail and noise insulation detail	16.02.2018
8	Case Officer	E-mail	16.02.2018
9	Agent	E-mail	16.02.2018
10	NWBC Environmental Health	Re-consultation Response	19.02.2018

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

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

Appendix A – Site Photographs



Appendix B – Decision Notice planning reference PAP/2011/0071 granted 21st April 2011



**North Warwickshire
Borough Council**

F B Architecture Limited
The Old Telephone Exchange
Gipsy Lane
Balsall Common
CV7 7FW

**Jeff Brown BA Dip TP MRTPI
Head of Development Control Service**
The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

Switchboard: (01827) 715341
Fax: (01827) 719225
E Mail: PlanningControl@NorthWarks.gov.uk
Website: www.northwarks.gov.uk

Date: 21 April 2011

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/2011/0071

Site Address

Hillcrest Farm, Birmingham Road, Water Orton, B46 1TG

Grid Ref:

Easting 416720.08
Northing 290961.17

Description of Development

Retention of farriers forge, stable, hay barn, office with teaching room kitchen and toilets, extension to kennels building, willow screen fencing and powered timber gates to road frontage, and a reduced amount of hardstanding; together with change of use of stable for livery, and private kennels to include commercial kennels, with farrier, livery and kennel businesses to operate from the office and welfare facilities

Applicant

R H Farrier Services

Your planning application was valid on 11 February 2011. It has now been considered by the Council. I can inform you that:

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

1. The uses hereby approved not yet commenced must be begun not later than the expiration of three years from the date of this permission.

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 1042-10A received by the Local Planning Authority on 5 April 2011.

REASON

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

Authorised Officer

Date:



3. The portakabin hereby approved shall not be laid out otherwise than in accordance with the plan numbered 1042-14 received by the Local Planning Authority on 4 April 2011, with the toilets, kitchen, office and teaching room remaining solely ancillary to the livery, kennelling and farrier uses hereby permitted, and specifically not for residential purposes whatsoever. The portakabin shall not be replaced without the prior written approval of the Local Planning Authority.

REASON

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

4. Within 3 months of the date of this decision, the portakabin shall be clad in timber and permanently maintained as such.

REASON

In the interests of the amenities of the area.

5. The occupation of the existing dwelling known as Hillcrest, Birmingham Road shall be limited to persons solely or mainly employed or last employed prior to retirement in managing the dog boarding/kennelling business hereby permitted, or the dependents of such persons including the widow or widower of such persons.

REASON

To prevent disturbance to the occupiers of nearby properties.

6. The kennel business shall receive or allow collection of animals other than between 0700 and 1900 hours Mondays to Fridays, and 0800 and 1200 hours on Saturdays, Sundays, Public Holidays and Bank Holidays.

REASON

To prevent disturbance to the occupiers of nearby properties.

7. There shall be no burning of stable waste on the site whatsoever.

REASON

To protect the amenities of nearby residential property.

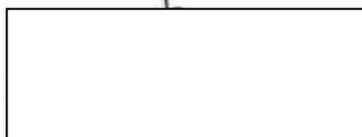
8. Surplus hardstanding on site, not permitted for retention by way of the approved plan, shall be removed and the land reinstated to its former condition within 3 months of the date of this decision.

REASON

In the interests of the amenities of the area.

9. Visibility splays shall be provided and maintained to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distances of 70.0 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 0.9 metres above the level of the public highway carriageway.

Authorised Officer:



Date:

REASON

In the interests of safety on the public highway.

10. Within 3 months of the date of this decision, the existing vehicular access to the site shall be widened so as to provide an access of not less than 5.0 metres, for a distance of 15.0 metres as measured from the near edge of the public highway carriageway. and surfaced with a bound material for a distance of 12.0 metres, as measured from the near edge of the public highway carriageway.

REASON

In the interests of safety on the public highway.

11. Within 3 months of the date of this decision, the vehicular verge crossing shall be extended, laid out and constructed in accordance with the standard specification of the Highway Authority.

REASON

In the interests of safety on the public highway.

12. Gates erected at the entrance to the site for vehicles shall not be hung so as to open to within 12.0 metres of the near edge of the public highway carriageway.

REASON

In the interests of safety on the public highway.

13. Within 3 months of the date of this decision, details of the provision of the access drainage and levels shall be submitted to and approved in writing by the Council. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

REASON

In the interests of safety on the public highway.

14. Within 3 months of the date of this decision, the car parking and manoeuvring areas shall be laid out and are available for use in accordance with the approved plan, and such areas shall be permanently retained for the parking and manoeuvring of vehicles.

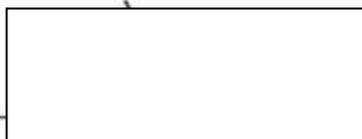
REASON

In the interests of safety on the public highway.

INFORMATIVES

1. The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): ENV2 (Green Belt), ECON9 (Re-use of Rural Buildings), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV9 (Air Quality) and ENV11 (Neighbour Amenities).

Authorised Officer: _____



Date:

21 April 2011

2. It is possible that formerly agricultural land to the north of the residential properties known as Hillcrest and Hill Crescent has been fenced off and added to amenity space for these properties. To use this land for residential purposes constitutes a material change of use for which planning permission is required. You are advised to contact the Planning Department if this has occurred to ascertain what action should be taken.
3. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
4. Condition numbers 10 and 11 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

REASONED JUSTIFICATION

The proposal is considered to consist of appropriate development and uses within the Green Belt, with special circumstances demonstrated to retain unauthorised elements which conflict with Green Belt policy. In addition, the re-use of the buildings is appropriate, with suitable transport links and end uses. Visual amenity and highway safety is not considered to suffer harm, subject to conditions, and the impact on neighbouring amenity is considered acceptable subject to appropriate controls. The proposal is therefore in accordance with saved policies ENV2, ECON9, ENV12, ENV13, ENV14, ENV9 and ENV11 of the North Warwickshire Local Plan 2006 and national policies as set out in Planning Policy Guidance Notes 2. There are no material considerations that indicate against the proposal.

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 and www.planningportal.gov.uk/pca.

Authorised Officer:

Date:

21 April 2011

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.
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://planning.northwarks.gov.uk/portal>. 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/site/scripts/contact.php>).
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:

21 April 2011

(9) Application No: PAP/2018/0084

The Council House, South Street, Atherstone, CV9 1DE

Works to fell tree in Conservation Area, for

North Warwickshire Borough Council

Introduction

The application is reported to the Board as the land on which the tree is sited is owned by the Borough Council.

The Site

This is the rear garden of Old Bank House adjoining the Council Offices.

The tree concerned is a Robinia located close to the rear of Old Bank House next to the footpath through the garden – see Appendix A. It is also close to a rear car park of an adjoining property.

The Proposal

It is proposed to fell the tree.

The tree is a mature specimen that has recently had a significant amount of deadwood removed. The tree exhibits a pronounced lean.

Whilst the works to remove the deadwood were being undertaken under the supervision of the Council's tree officer it was noted that the tree was seen to "move" rather than to "flex". As a consequence further investigation took place of the root plate and it was confirmed that the western half was compromised with partial failure, thus giving rise to the movement. This situation is expected to deteriorate. As the tree is close to a path that is heavily used by the public and in part overhangs the adjoining car park, there is a strong case here for removal.

The supporting documentation for the application is attached at Appendix B.

The tree is not protected by Order but is in the Atherstone Conservation Area

Development Plan

The Core Strategy 2014 – NW10 (Development Considerations) and NW14 (Historic Environment)

Other Material Planning Considerations

The National Planning Policy Framework 2012

The Atherstone Conservation Area Designation Report

Observations

This tree – one of two Robinias – within the Old Bank House Garden is a significant asset in the public realm. It is however exhibiting signs of decline and that could give rise to public safety issues in such a heavily used space as well as to damage to adjoining property. In essence it is better to address this problem now rather than later.

Given the condition of the tree, an Order is not recommended. As such the proposal to fell is supported.

However it is important given the location and the significance of the tree, that a suitable replacement be planted.

Recommendation

That the removal of the tree is agreed and that a suitable replacement tree be replanted in the garden.

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0084

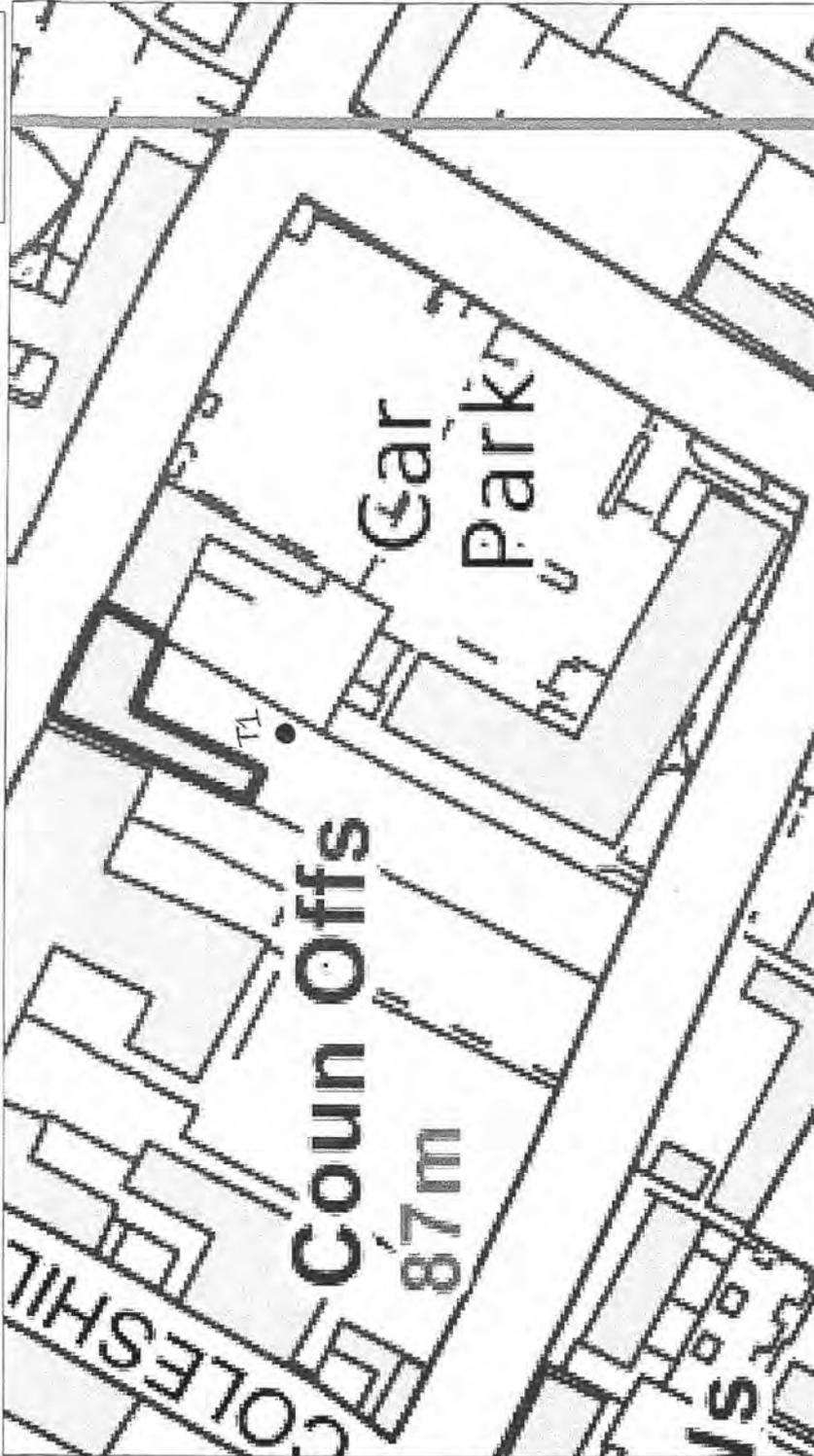
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	5/02/2018

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.

PAP/2018/0084

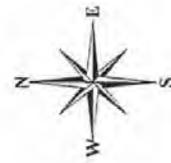
Robinia NWBC Offices



ofis Ordnance Survey
 Licensed Ordnance Survey
 The national geospatial information
 authority for Great Britain and
 Northern Ireland. Ordnance Survey
 is a trading name of the Ordnance
 Survey, a government body.
 Ordnance Survey is a registered
 trademark of Ordnance Survey
 Limited.

RECEIVED
 05/02/2018
 PLANNING & DEVELOPMENT
 DIVISION

T1 Robinia



Cadcorp[®]
 Swirling Court
 Norton Road
 Hemel Hempstead
 Herts SG5 2JY
 UK
 Tel: +44 (0)1438 747990
 Fax: +44 (0)1438 747991
 Email: info@cadcorp.com

ARBORICULTURAL APPRAISAL /INSPECTION/TREE REPORT

- **NWBC Ref No :** NWBC Trees 5.2.18
- **Site Address:** The Council House, NWBC, South Street, Atherstone, CV9 1DE
- **Prepared by :** Andrew Watkins
- **Prepared for :** Planning Notification
- **Date of Inspection :** 13/01/2018
- **Date of Report :** 05/02/2018

**Works applied for:**

- Works to tree within a Conservation Area.
- T1 Robinia. Fell.

Observations:

- The tree within this report is located upon the grounds of North Warwickshire Borough Council (NWBC). This building and associated area is within the Atherstone Conservation Area. This application follows the un-scheduled inspection of the tree by the North Warwickshire Borough Council Tree Officer (the author of this report).
- **T1. Robinia.** This specimen is seen to be mature in age class. The canopy of the tree has recently required the removal of a medium to high amount of deadwood, these works were undertaken to remove the hazard of deadwood that may have dropped without warning. The tree exhibits a pronounced lean towards the east of the immediate vicinity.

At the time of the removal of the deadwood an aerial inspection was undertaken under the direction of the author of this report; the tree was seen to move at ground level rather than "flexing" as would normally be expected following the movement of the climber at specific locations within the structure of the tree. Further investigation has confirmed that the western portion of the root plate of the tree is compromised with partial failure considered to be the reasoning for the movement of the tree (1).

The tree is in close proximity to a designated footpath (NWBC grounds) and car park (privately owned). These areas are expected to experience a medium to high amount of pedestrian traffic throughout the working day. The car park area is again expected to experience frequent use and can be accessed at all times (the Council gardens are subject to restricted access after the working day and at weekends). The tree is devoid of fungal infection and the remainder of the tree seen to be structurally sound at the time of the inspection. There are currently two trees of this genus and species in the Council Gardens, these trees are an important feature within the garden area and their foliage is quite distinctive when compared with other trees in this location. The second Robinia tree has also been inspected via the aerial method with no defects found or reported.

Andrew Watkins *Tech Cert (Arbor A) Cert Arb (RFS) Green Spaces Officer (Trees)*

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The removal of T1 is recommended and the works requested are a precautionary measure to prevent damage or injury.

The Council has the opportunity to deny the removal of the T1 by the placement of a Tree Preservation Order (TPO). It is felt that at this time given the condition of the tree it would not be expedient to place such an Order.

- It must be noted that in relation to the Occupiers Liability Act of both 1957 and 1984 (2) an occupier with control over premises (which can be gardens and woodland) is liable to take such care that is "reasonable" to see that either the visitor (under the 1957 part of the Act) or trespasser (under the 1984 part of the Act) will be reasonably safe. A higher standard of care is owed to a visitor than for a trespasser and a higher standard still is required for a child compared with an adult. The removal of T1 is deemed to be a reasonable response to the hazard.
- **Recommendations:**
- Facilitate the removal of T1 after Notification period has expired.
- **Modifications (if any):**
- None

Appendices

References

1. Diagnosis of ill-health in trees. R.G. Strouts and T.G. Winter
2. The Occupiers Liability Act (1957 and 1984).

Andrew Watkins Tech Cert (Arbor A) Cert Arb (RFS) Green Spaces Officer (Trees)

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(10) Application No: PAP/2018/0085

St Mary And All Saints Church, Coventry Road, Fillongley, Coventry, CV7 8ET

Works to trees in Conservation Area, for

North Warwickshire Borough Council

Introduction

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

The Site

This is the church yard to the south side of the Church in the centre of Fillongley and affects two Corsican pine trees.

A site plan is at Appendix A

The Proposals

It is proposed to remove the lowest bough on the eastern side of the canopy of both trees.

The trees are both mature specimens but not with uniform canopies and the lowest boughs are giving rise to concern because of the proximity of the road and the stress caused by movement given the ground conditions.

A technical note providing evidence to support the application is attached at Appendix B.

The trees are not protected by way of an Order but are within the Fillongley Conservation Area.

Development Plan

The Core Strategy 2014 – NW10 (Development Considerations) and NW14 (Historic Environment)

Other Material Planning Considerations

The National Planning Policy Framework 2012

The Fillongley Conservation Area Designation Report

Observations

The trees are important features within the area and they are distinctive given that they are of a different species to those more commonly found in the Area. They do therefore have public amenity value and the proposed works would represent best practice is securing their longevity as well as limiting liability given their location.

Recommendation

That the works as proposed be agreed.

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0085

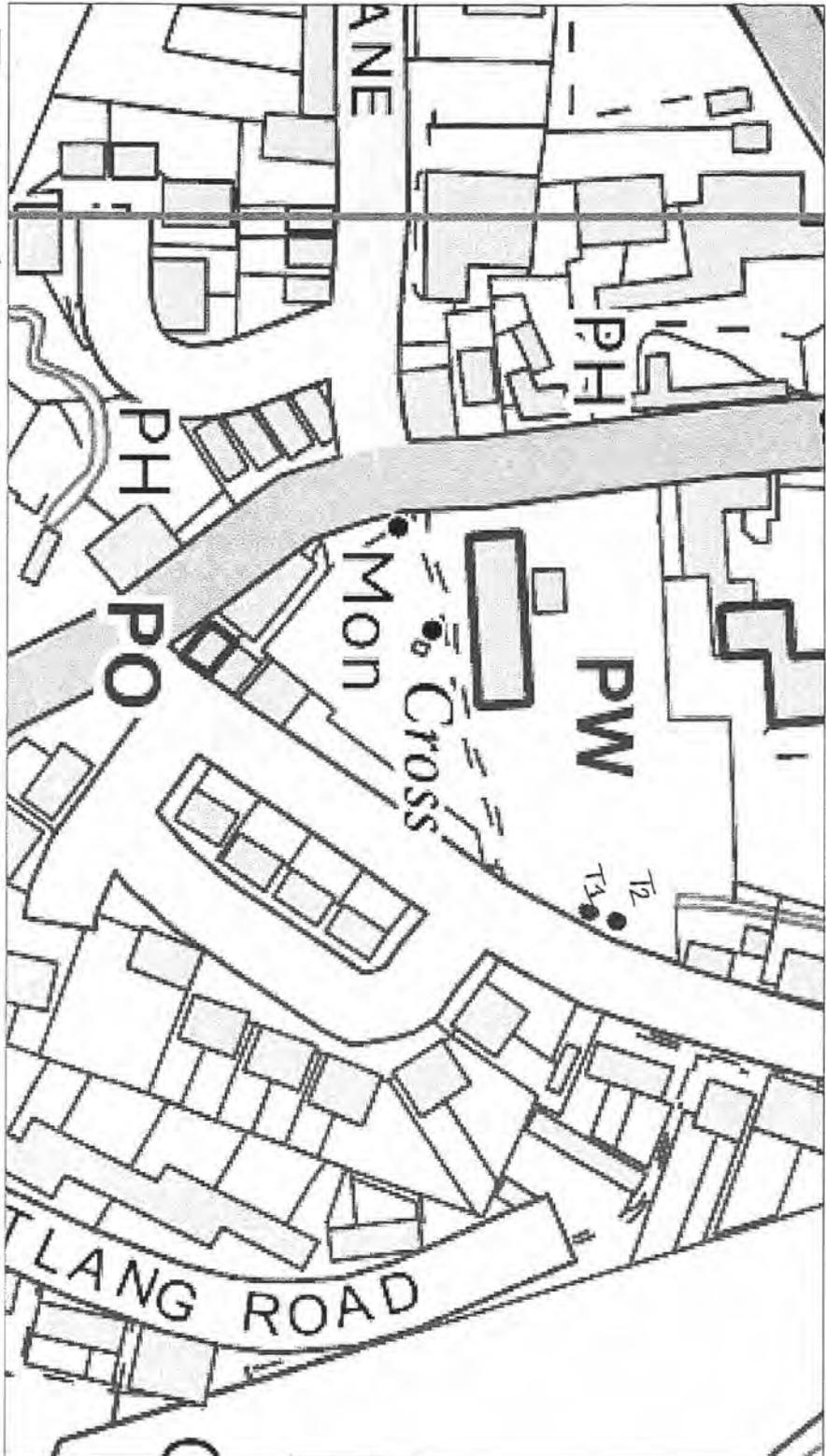
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	6/2/2018

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.

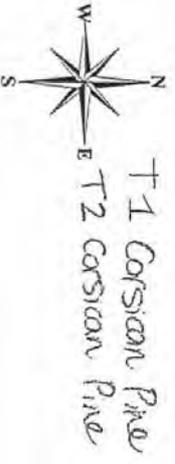
Saint Mary and All Saints Church, Church Lane, Fillongley

PAP/2018/0085



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 06/02/2018
 PLANNING & DEVELOPMENT
 DIVISION



ARBORICULTURAL APPRAISAL /INSPECTION/TREE REPORT

- **NWBC Ref No :** NWBC Trees 5.2.18
- **Site Address:** Saint Mary and All Saints Church, Church Lane, Fillongley.
- **Prepared by :** Andrew Watkins
- **Prepared for :** Planning Notification
- **Date of Inspection :** 18/01/2018
- **Date of Report :** 05/02/2018

**Works applied for:**

- Works to trees within a Conservation Area.
- T1 Corsican Pine. Remove lowest bough to the East of the canopy.
- T2 Corsican Pine. Remove lowest bough to the East of the canopy.

Observations:

- The trees within this report are located upon the grounds of Saint Mary and All Saints Church, Church Lane, Fillongley. This building and associated area is within the Fillongley Conservation Area. This application follows the un-scheduled inspection of the trees by the North Warwickshire Borough Council Tree Officer (the author of this report) following a recent root plate failure of a tree in the immediate vicinity.
- **T1 & T2. Corsican Pine.** These specimens are seen to be mature in age class. The canopies of the trees are not uniform and the lowest boughs give cause for concern in regards to both their placement over the highway and the stress their Lever Action (L) causes to the trees in this location given the ground conditions noted further in this report.

It must be noted that the ground conditions in this location are less than ideal given the existence of an underground Culvert, the ground is considered too wet to accept burials in this location. The trees do remove a certain amount of water from this location throughout the seasons given their evergreen nature and their removal would not be advised. The trees both exhibit a bias of canopy towards the East of the immediate vicinity. The trees are devoid of fungal fruiting bodies. It can also be noted that following inspection the root plates of both trees are seen to be structurally sound with no evidence of heave indicated at the time of the inspection.

The trees are in close proximity to a designated footpath and highway with regular use by parents and children of a nearby school experienced through-out the normal day. Vehicular traffic also uses this highway to service the properties in this location and to also by-pass a local notorious bottle neck junction.

Andrew Watkins Tech Cert (Arbor A) Cert Arb (RFS) Green Spaces Officer (Trees)

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These trees are an important feature within the area and their foliage is quite distinctive when compared with other trees in this location. Given the ownership of the trees (LPA) unauthorised works will not be undertaken, as such, it is felt that the trees do not require further protection by way of Tree Preservation Orders.

- It must be noted that in relation to the Occupiers Liability Act of both 1957 and 1984 (2) an occupier with control over premises (which can be gardens and woodland) is liable to take such care that is "reasonable" to see that either the visitor (under the 1957 part of the Act) or trespasser (under the 1984 part of the Act) will be reasonably safe. A higher standard of care is owed to a visitor than for a trespasser and a higher standard still is required for a child compared with an adult. The works to both T1 and T2 are deemed to be a reasonable response to the hazard previously noted in regards to the stresses posed upon the root plates.
- **Recommendations:**
- Facilitate the works within the Notification after Notification period has expired.

- **Modifications (if any):**

- None

Appendices

References

1. Diagnosis of ill-health in trees. R.G. Strouts and T.G. Winter
2. The Occupiers Liability Act (1957 and 1984).

Andrew Watkins Tech Cert (Arbor A) Cert Arb (RFS) Green Spaces Officer (Trees)

North Warwickshire Borough Council Tel: 01827 719212 Mob: 07875700111

(11) Application No: PRE/2018/0023

Land south east of M42 Junction 10, Trinity Road, Dordon

Application under Section 257 of the Planning Act to divert public footpath AE55 for

Acorus Rural Property Services Ltd

Introduction

This is not a planning application. Members will be aware that most diversions of public footpaths are sanctioned by the County Council as Highway Authority. In some cases however diversions can be agreed by the Local Planning Authority. This is the case if the grant of a planning permission would require such a diversion, as is the case here.

The Site

This is the land on the south east quadrant of Junction 10 of the M42 Motorway between the motorway and the former colliery tip at Birch Coppice. It is bounded to the north by the A5 and Freasley is to the south.

Background

Members will be familiar with this site as that of the St Modwen development allowed at appeal in 2016. At that time, the Council and the Secretary of State were aware that there was a public footpath crossing the site – the AE55. Whilst a material planning consideration in the appeal decision it was not considered that its diversion would be of such weight to warrant refusal of the proposal. A reasonable alternative route was likely to be accommodated within the layout.

The details of the first phase of that development have now been approved and the line of a potential diversion has become much clearer - hence the submission of this application.

The Proposals

The current line of the AE55 is shown on the plan at Appendix A.

It runs south from the A5, a little to the east of Junction 9, towards Trinity Road and then south-westwards towards Freasley.

The proposal involves a minor diversion of this route in the vicinity of Trinity Road where a new road access is to be provided. The line of the diversion is also shown on Appendix A.

Consultations

British Horse Society – No response received

Byways and Bridleways Trust – No response received

Cycling UK – No response received

Ramblers Association - No objection

Warwickshire County Council (Rights of Way) – No objection in principle

Dordon Parish Council – No response received

Observations

It is considered that it is necessary to divert this section of path in order to enable development to be carried out in accordance with planning permissions APP/R3705/W/15/3136495 and PAP/2017/0339.

The diversion is considered to be reasonable in respect of its route in that it is not too long or too complicated such that users would be significantly inconvenienced. It neither interferes with the proposed development. In fact it is considered that it provides a safer route given the position of new road access points agreed under the two planning permissions.

It is noteworthy that there has been little in the way of reaction to the initial informal consultation.

In these circumstances it is considered that a Public Path Order can be made under Section 257 of the Town and Country Planning Act 1990. If this is agreed by the Board, then the Order can be given a period of formal consultation. At the end of this period the Order is forwarded to the Secretary of State for consideration. If there are no objections this becomes an Unopposed Order. If objections are received he can call a Public Inquiry to assist him making a decision on that Opposed Order.

Recommendation

- a) That a Public Path Order be made as described in this report and that it then be the subject of a period of consultation. If there are no objections received, or modifications required, then the Order be referred to the Secretary of State as an Unopposed Order.
- b) If objections are received or there are representations received that warrant modifications, then the matter be referred back to the Board for consideration.

BACKGROUND PAPERS

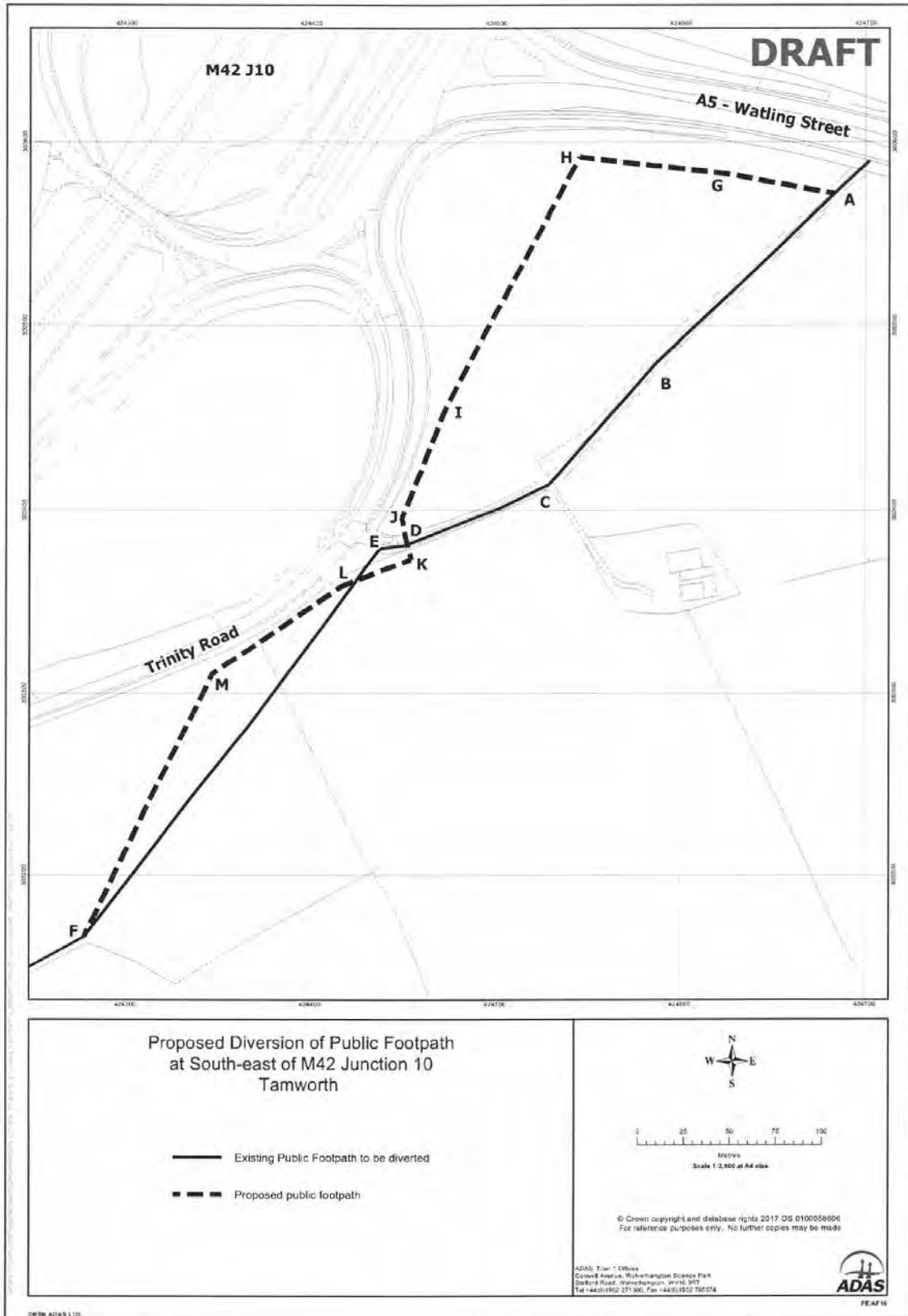
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PRE/2018/0023

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Form	30/1/2018

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.



Agenda Item No 6

Planning and Development Board

5 March 2018

Report of the Head of Development Control

Planning Legislation Update

1 Summary

- 1.1 The report brings Members up to date with the Government's latest position in respect of changes to planning legislation and advice.

Recommendation to the Board

That the report be noted.

2 Background

- 2.1 The Board has been advised of changes to the planning considerations affecting the determination of planning applications. The Government has recently released a progress report and two of the most significant items are referred to below.

a) The National Planning Policy Framework

The Framework (the NPPF) is to be revised in order to reflect recent planning reform measures as well as case-law. A draft revision is due before Easter and Local Planning Authorities will be invited to comment. It is anticipated that it will be less open to different interpretations.

b) Pre-commencement Conditions

Members may recall that the Government is seeking greater involvement by applicants in the drawing up of pre-commencement conditions in respect of anticipated planning permissions, rather than having them "imposed" by an Authority. This approach is to be strengthened, in that the imposition of pre-commencement conditions on a grant of planning permission is prohibited, unless the applicant agrees to these conditions in writing. How this might work in practice is now the subject of a consultation paper.

The preferred arrangement is that the Authority discusses and agrees pre-commencement conditions as soon as the Authority is aware that one is likely, and thus they would all be agreed during the processing of the application and not left until the end of the process. If there is no written agreement from the applicant then the Authority can in effect issue a draft Notice and formally give the applicant a set time – usually ten days - in which

to respond. The applicant can seek alternative conditions; not agree at all or not respond. The Authority then can grant without the disputed condition, renegotiate the condition, or issue a refusal.

The Authority's "draft" Notice would have to set out the wording of the condition and the full reason for its inclusion. The applicant in his response has to give a "substantive" reply.

Current practice here is that pre-commencement conditions are discussed and agreed wherever possible at an early stage so they usually do not come as a surprise, and this is much the preferred approach. However there are a couple of practice points which need to be mentioned:

- This type of condition is very often one that is requested by a statutory consultee – the Highway Authority; the Flood Authority or the Warwick Museum. Applicants often dispute the need for them and there is likely therefore to be an ongoing discussion on the justification for these conditions. Case officers will need to come to a balanced and fair resolution as to whether they are actually needed or not. A refusal of planning permission, based on an applicant's decision that the condition is unnecessary will, if appealed, almost certainly lead to a claim for an award of costs against the Authority.
- Members should also be aware that if they propose to add pre-commencement conditions or to alter recommended pre-commencement conditions at a Board meeting, then they too need to be the subject of this ten day "notice". The same would apply to a case where the Board resolves to grant a planning permission subject to such conditions, contrary to a recommendation of refusal.

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

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date
1	MHCLG	Letter	30.01.2018