

**(8) Application No: PAP/2016/0485**

**21 Stewart Court, Coventry Road, Coleshill, B46 3BB**

**Retrospective application for retention of dual pitch gable roof and rendered finish of the building (heritage cream) and insertion of obscure glazing to two first floor gable elevation windows, for**

**I Jamison - Stewarts Plumbing & Heating Limited**

**Introduction**

This application was reported to the Board's October meeting when it was resolved that planning permission be refused. However it became apparent immediately following the meeting that there may have been a misunderstanding about the case and with the advice of the Council's Solicitor and agreement of the Chairman, the Notice was not issued. This would enable the Board to re-consider the case with the benefit of clarification.

**Background**

In short, Members will recall that Conservation Area Consent was allowed at appeal in 2012 for the demolition of these premises. However the Consent was not taken up and the buildings remained onsite. In 2015 a new owner undertook unauthorised building works to the existing buildings at these premises. A retrospective planning application was submitted to retain those works, but this was refused planning permission. An appeal was lodged but dismissed. Notwithstanding this, no changes were made to remedy the breach of planning control. The Council considered it to be expedient to issue an Enforcement Notice. This was served and it set out a list of requirements. An appeal has now been lodged against this Notice. However in order to resolve the matter without the need to complete the appeal, the owner has submitted a further application to undertake works that in his view respond to the Notice requirements, but not fully. It is this application which is the subject of this report.

The previous report is attached for convenience at Appendix A.

The site lies inside the Coleshill Conservation Area but the building is not a Listed Building.

A photograph of the original building is at Appendix B.

A photograph of the present position is at Appendix C

An impression of the position as proposed in this application is at Appendix D.

The Enforcement Notice is at Appendix E.

## **Observations**

### **a) Introduction**

It is not proposed to replicate the content of the previous report copied at Appendix A but Members are requested to ensure that it is treated as part of their overall assessment. It is proposed to concentrate on clarification of the key matters.

The existing situation is shown at Appendix C. The change from the situation in Appendix B to that in Appendix C is unauthorised and not supported at appeal. An Enforcement Notice was thus served to remedy the breach. The requirements of this Notice provide the starting point for consideration of the current proposals:

- The first requirement requires a “reduction in the eaves height and the construction of a dual pitched gable roof, with the gable in the side elevations to the northern half and front portion of the building, as indicated between points A, B, C and D on the attached and annotated photograph, to match the eaves height and roof slope of the neighbouring property at 23 Coventry Road using small clay roof tiles that best match those used on the existing roof of number 23”.

The misunderstanding referred to in the introduction to this report relates to this first requirement – namely the construction of the pitched roof. Members did not have the annotated photograph in their papers with Appendix A and thus may not have picked up on the matter that this requirement refers to only part of the building.

This is defined on the photograph attached to the Notice and this is now contained within Appendix E. In short this requires the construction of a dual pitched roof on the northern, front part of the premises and to lower the eaves height of that section of the building to match that of the premises at 23 Coventry Road. These requirements therefore do NOT affect the whole premises, only those identified on the notated photograph. There may well have been a misunderstanding here during the Board’s last consideration of the case. The enforcement notice does NOT require two pitched roofs at the northern end of the building – only one.

- The second requires one colour of render for the whole building (heritage cream).
- The third requires the installation of obscure glazing in two specific window openings – again shown on the photograph.

### **b) The current Proposal**

The applicant has submitted his application offering a different solution to the unauthorised works. These are illustrated at Appendices D and F. The Board’s attention is drawn to the following table which outlines each requirement and the response in the current application. The proposal additionally makes a further change as identified below.

Notice Requirement	Proposed Response
A dual pitched gable roof on the northern front portion of the building	Satisfied
Clay tile to be used	Satisfied
Eaves reduction of this part of the building to match number 23	Not satisfied – a parapet added instead
Render the whole building in one colour	No satisfied – two colours proposed
Install Obscure glazing	Satisfied
Additional change	Stone vertical divide on front elevation

The applicant makes the following points about the content of the proposal:

- The reduction in eaves height would be a substantial cost and not lead to operational space at first floor
- The parapet is a solution to help split up the horizontal emphasis of the building by visually re-creating the appearance of two buildings. This detail is characteristic elsewhere in the town.
- The two colours of render assist in visually dividing the building into two parts.
- The introduction of the stone vertical “divide” reinforces this division.
- The original building here had a substantial flat roof

### c) Comments

As mentioned in the previous report, the starting point here is the requirements of the Notice. Those have now been clarified in this report and made explicit by including the annotated photograph accompanying the Notice. It can be seen therefore that the current proposals in the application fully satisfy that requirement. The main element not complied with is the lowering of the eaves. However a quite reasonable and appropriate alternative is put forward – the parapet and the vertical division of the frontage so as to create the appearance of two buildings. Indeed it may be considered that this might be an improvement over the Notice requirements which would have retained one render colour and no attempt to divide the frontage into two.

Given this clarification it is considered that the current application can be supported.

### Recommendation

- i) That planning permission be **GRANTED** subject to the conditions as set out in Appendix A.
- ii) That the Enforcement Notice be withdrawn subject to there being confirmation in writing by the appellant that there would be no claim for costs against the Council for doing so.

**( ) Application No: PAP/2016/0485**

**21 Stewart Court, Coventry Road, Coleshill, B46 3BB**

**Retrospective application for retention of dual pitch gable roof and rendered finish of the building (heritage cream) and insertion of obscure glazing to two first floor gable elevation windows, for**

**I Jamison - Stewarts Plumbing & Heating Limited**

## **Introduction**

The application is reported to Board at it is a part retrospective application with proposed changes to the elevation, following the service of an enforcement notice given unauthorised changes have occurred to the building.

## **The Site**

The site is within the settlement boundary identified for Coleshill and is within the High Street, Coleshill, Conservation Area. The site is located on the junction of Coventry Road with Wingfield Road. There is a mixture of two and three storey development in the immediate area and to the south of Coventry Road. To the north of Coventry Road the buildings are traditional and follow the grain of development which is carried through from the High Street. The majority of buildings are in brick whilst there are examples of rendered buildings along Coventry Road and High Street, Coleshill. The context of the site can be seen at Appendix A.

## **The Proposal**

This is a retrospective application for retention of a dual pitch gable roof with a rendered finish for the building (heritage cream) and the insertion of obscure glazing to two first floor gable elevation windows,

## **Background**

The application site comprises former office/workshop premises at 21 Coventry Rd. The site is 0.102 ha and the existing commercial buildings have a floorspace of 670 m<sup>2</sup> over two floors. Old maps show the site was originally a large dwelling although a workshop / office use appears to have been established prior to 1948. The current office use was established by a planning permission granted in 1985.

Planning permission was refused in 2012 for Conservation Area Consent and planning permission to demolish the building at 21 Coventry Road. However this was subsequently allowed at appeal. This appeal permission has now lapsed and so it is not possible to implement the appeal scheme.

An application in 2015 sought to re-introduce the commercial use of the building for offices, which was acceptable in principle. However, the physical changes to the building were substantial and not at all in character with the form of the pre-existing building. The application was refused in October 2015. However, following the refusal of planning permission, an appeal was lodged but this was dismissed. A copy of the appeal decision is at Appendix D. Notwithstanding this, the unauthorised changes were

carried out and an Enforcement Notice was issued. The enforcement notice requires the following:

- Reduce the eaves height and construct a dual pitched gable roof with the gable in the side elevations, to the northern half and front portion of the building, to match the eaves height and roof slope of the neighbouring property at No. 23 Coventry Road, using small clay roof tiles that best match those used on the existing roof of No. 23 Coventry Road.
- Render the front and side elevations of the building in a heritage cream render
- Install obscure glazing to the new first floor windows on the northern side elevation of the rear portion of the building.

The time for compliance would be six months from the appeal decision.

A further appeal has been lodged against this Notice. The appellant has offered an appeal under ground (a) – that planning permission should be granted for what is alleged in the notice; ground (f) – that steps required to comply with the requirements of the notice are excessive and lesser steps would overcome the objections; and ground (g) that the time taken to comply with both notices is too short.

Additionally this current application has been submitted offering a proposal which is seen by the applicant as a satisfactory solution. The appeal process has been deliberately postponed whilst the Council consider this current application.

The current proposal seeks to regularise the works carried out on the building and make further improvements to the design of the building. Therefore the proposal is part retrospective and follows a remodelling of the front and side elevations of the building including raising of a parapet, changes to fenestration and render coating to all external walls. This application also includes the addition of a pitched roof clad in clay tiles with a rendered gable above a part of the building. A montage of the proposed scheme would have the visual appearance proposed below:





Prior to the work documented above, the street façade represented two distinct buildings. To the north a building with a pitched clay tile roof and relatively low eaves clad in red brick slips. To the south a flat roofed parapeted building in similar form to that seen today albeit clad in red brick slips. Both buildings had been heavily altered but reflected the general character of the area sufficiently that they did not generate a negative visual impact upon the conservation area. Photographs of the previous appearance of the building are at Appendix B.

### **Development Plan**

The North Warwickshire Core Strategy (October 2014 - NW1 (Sustainable Development); NW10 (Development Considerations), NW12 (Quality of Development), NW14 (Historic Environment) and NW17 (Economic Regeneration)

Saved policies of the North Warwickshire Local Plan 2006 - ENV12 (Urban Design); ENV13 Building Design) and ENV15 (Heritage and Conservation)

### **Other Relevant Material Considerations**

The National Planning Policy Framework - (the "NPPF")  
The Coleshill Conservation Area Designation Report

### **Consultations**

The Council's Heritage Consultant has made a number of comments.

Render - The original brick slips were not particularly in keeping with the historic character of the area. There are a number of examples of render along Coventry Road including numbers 9, 25, 27, 29, 31, 33, 37 and the public houses to the north. Red brick would be preferable but if a balance can be maintained within the street scene there is no reason in this case why render cannot form part of the materials palette. However the use of a single render colour along the façade (as is seen at present) has created the appearance of a prominent linear building. This visual impact is out of keeping with the character of the area which is aligned to much smaller divided frontages. The impact is also magnified due to the building's location at the head of Wingfield Road. The submitted plans and photomontage suggest the use of two render colours, cream and mid grey to break up the façade to appear as two buildings.

Window openings - The form and detail of the window openings including the masonry sills, vertical/portrait apertures and window frames recessed back from the surface is subtle but of considerable assistance in providing integrity and assimilation with the historic character of the area. In many ways these details make a positive difference between a development that is acceptable or incongruous. It is however disappointing that the windows are of UPVC not painted timber and furthermore if they do not actually appear to be vertical sliding sashes and instead appear to be top opening faux sashes. This design lacks integrity and is discouraged in historically sensitive areas. The chosen colour of the windows is not considered to be contentious.

Roof - The form, location and finish of the roof slopes as proposed is acceptable and will serve to break up the uncharacteristic linear appearance of the building at present.

Conclusion - It is regrettable that some traditional or historic detailing was lost during remodelling such as the elaborate brick chimney. This was, however beyond the control of the local planning authority. The appearance of current and proposed building has changed. I have reached a conclusion that the appearance of the proposed building would not have an adverse impact upon the character or appearance of the conservation area. To be more accurate it would have no negative impact that would be sufficiently demonstrable to reasonably defend a refusal of permission. There is also some public benefit to be weighed in the balance in ensuring the future viability of the building for employment uses.

## **Representations**

Coleshill Town Council – It was noted that an appeal is in process on the original application that was rejected. The Council continues to recommend refusal of this retrospective application and requests that the original roof style be reinstated.

Comments have been received from a neighbour referring to the following matters:

1) There are solar panels on the roof with a holding frame for them erected. Because the Stewarts building has an unobstructed view into our own property, it follows that at certain times of day and of the year, these solar panels reflect bright sunlight in through our back windows, as there is no obstruction at the rear of their building or yard to stop this. If these could be angled or positioned differently to avoid this happening that would be good.

2) We believe their application consisted of frosted glass for their rear windows. Because these look directly into our property, anyone in those rooms can see directly into our property through the currently plain glass. Again, because of this unobstructed view directly to our property, we believe this should be looked at.

3) There is no need to change the colour of the rendering to Heritage cream, or for the erection of a roof over part of the building. The building has been completely transformed for the better; it is a vast improvement; and the appearance as it currently stands fits in with the other rendered offices and houses on the High Street/Coventry Road and other areas of Coleshill. Due to the amount of time being spent on this application, it is a shame that the planners attention could not be turned to the appearance of other buildings instead, i.e. trying to do something about the old library which is in a prominent position on the High Street; is going to rack and ruin; I have spoken to many people in Coleshill and the majority have the same opinion.



The form and detail of the window openings are considered to be acceptable however painted timber sash windows would have been preferred. The resulting colour of the window finish is not considered to be contentious however. It is not required to change the condition of the windows in terms of installing timber framed sash windows.

Changes to the rear elevations of the building and flat roof for photovoltaic panels are not directly visible from views in and out of the Conservation Area, thus there is no design objection to the rear treatment of the building or the alterations made to the roof, however the impact on the neighbours amenity is discussed below.

Saved policies ENV12 and ENV13 require developments to harmonise with their immediate settings, to positively integrate into the wider surroundings and to respect local distinctiveness. The proposed works would be considered in keeping with the character and distinctiveness of the Conservation Area and therefore would accord with policy NW12 of the Core Strategy and ENV15 of the North Warwickshire Local Plan, 2006.

#### **b) Amenity**

The site is bounded by both residential and commercial properties; the impact of the alterations on the existing residential properties is not considered to be significant in causing a reduction on the amenity around matters relating to light. The treatment to the rear elevations of the building is not visible from views in and out of the Conservation Area and are retained in their revised condition, that is white render and flat roof.

However, where additional or new openings have been made to the elevations this has resulted in privacy related issues to the immediate neighbour to the rear of the site. It is understood that rear windows in the building directly face towards No. 4 The Colesleys. The context of the neighbouring property with the application building is illustrated at appendix E.

It is important to recognise that windows had already existed in the rear elevations on the building. The same number of openings has been provided within the revised elevations to the rear. There is a separation distance of approximately 14 metres at an obscure angle from the nearest first floor window on the southern/rear elevation of the building to that of the rear windows in this neighbours dwelling. This separation distance would just be sufficient in order that no direct loss of privacy would result between the use and the immediate neighbour. There is also an intervening public footway and high conifers and hedgerow which offer screening between the neighbouring dwelling and the rear arrangement to the building at the application site. However it would be advantageous if the nearest two windows in the proximity of 4 The Colesleys were obscurely glazed.

It is necessary for new windows to the first floor side elevation of the building overlooking 19 Coventry Road to be obscure glazed by way of film installed on the glass. There is a short separation distant between the application site to No. 19 Coventry Road of approximately 6 metres with direct overlooking towards this neighbours rear garden area by new windows. Obscure glass or applied film to existing glass would be conditioned.

The introduction of solar panels is an acceptable form of renewable energy on the building and it is acceptable in principle to introduce renewables within the settings of Heritage Assets. However the installation of the solar panels has resulted in such angle that it is affecting the amenity of the neighbour in terms of reflect bright sunlight in through back windows to the nearest neighbouring property at 4 The Colesleys. It is therefore required that the solar panels are angled or re-positioned so as to avoid glare on the neighbouring property. Otherwise no other amenity issues have resulted following the part retrospective works and the scheme with mitigation measures would comply with policy NW10 of the Core Strategy.

In overall terms therefore given the planning background here, it is considered that the appearance of the proposed building would not have an adverse impact upon the character or appearance of the Conservation Area. There is also some public benefit to be weighed in the balance in ensuring the future viability of the building for employment uses.

## **Recommendation**

(A) That the application be **GRANTED** subject to the following conditions:

1. The proposed alterations to the building as detailed in the plans and photomontage approved by Condition 2 shall be completed within 12 calendar months from the date of this decision notice to the written satisfaction of the Local Planning Authority.

### **REASON**

To prevent an unimplemented planning permission in the interests of the character and appearance of the Conservation Area.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered 26415/106D, 26415/107B, 26415/108B and the 1:1250 site location plan and the photo montage received by the Local Planning Authority on 19 August 2016.

### **REASON**

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

3. The three first floor windows on the north facing elevation serving three directors offices (to the flat roof/rear range of the building) and the two first floor windows in the south facing elevation nearest to the return with the east facing elevation serving the rear general office (to the flat roof/rear range of the building) 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 through the use of obscure glass within the window structure or by the use of film applied to clear glass and shall be maintained in that condition at all times.

REASON

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

4. The new works shall be carried out in small clay tiles in dark grey to the pitched roof and part cream render and part mid grey render to the north and west elevations of the building and the installation of cornice as per the arrangement specified by Condition 2.

REASON

In the interests of the amenities of the area.

5. The Solar PV equipment installed on the flat roof of the building shall be angled so as not to cause glare to the satisfaction of the Local Planning Authority and any Solar PV equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

REASON

In the interests of the long term amenities of the area.

(B) That the Enforcement Notice be withdrawn subject to there being confirmation in writing by the appellant that there would be no claim for costs against the Council for doing so.

## BACKGROUND PAPERS

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

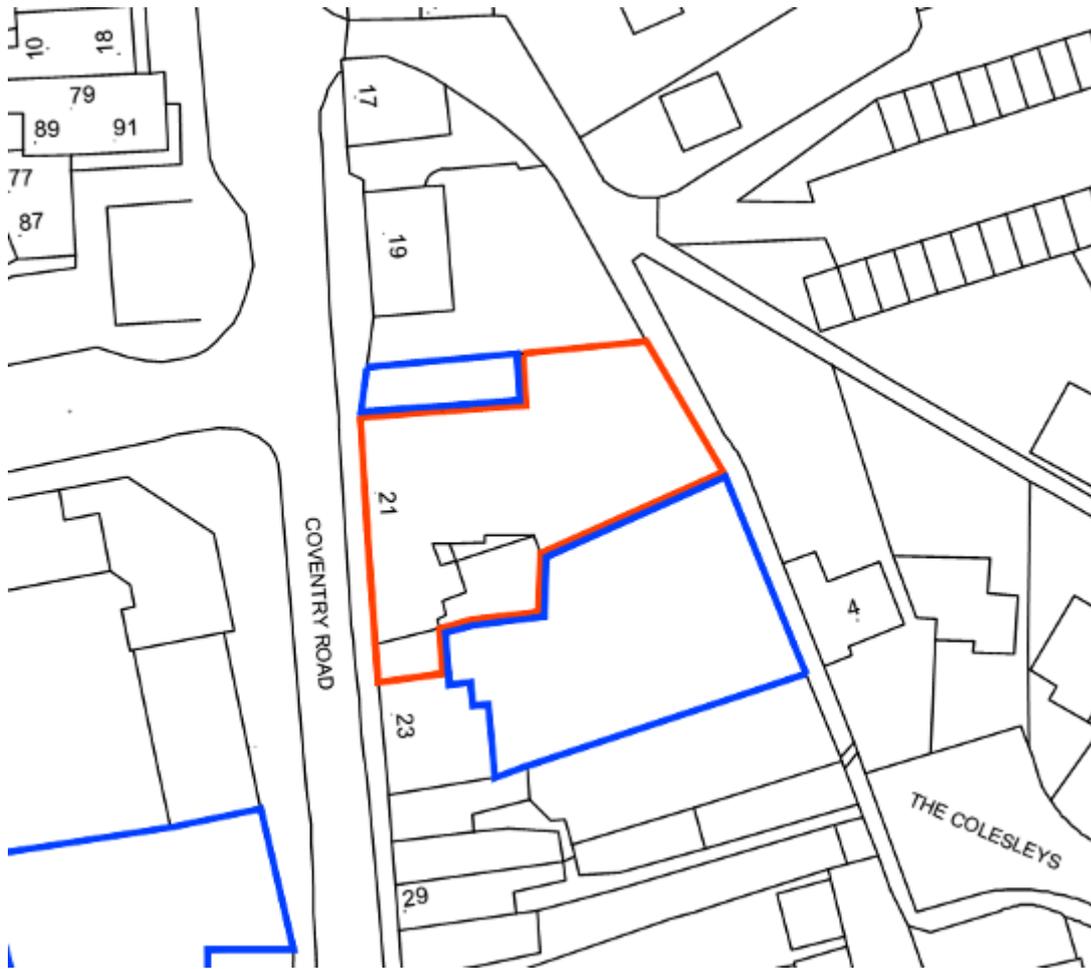
Planning Application No: PAP/2016/0485

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	19.8.16
2	Coleshill Town Council	Consultation reply	5.9.16
3	Agent to Case Officer		17.9.16
4	Agent to Case Officer		19.9.16
5	Mr Lyons	Representation	20.9.16
6	Ms Goodfellow	Representation	22.9.16
7	Agent to Case Officer	e-mail	26.9.16
8	Agent to Case Officer	e-mail	26.9.16
9	Agent to Case Officer	e-mail	26.9.16
10	Agent to Case Officer	e-mail	26.9.16
11	Heritage Consultant	Consultation reply	26.9.16
12	Case Officer to Agent	e-mail	26.9.16

*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



## Appendix B

The arrangement to the pre-existing building is illustrated in the photographs below:





Appendix C



## Appendix D



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# Appeal Decision

Site visit made on 9 February 2016

**by J C Clarke BSc BTP MRTPI**

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

**Decision date: 2 March 2016**

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**Appeal Ref: APP/R3705/W/15/3138952**  
**21 Coventry Road, Coleshill, Warwickshire, B46 3BB**

- 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 I Jamison (Stewarts Plumbing & Heating) against the decision of North Warwickshire Borough Council.
  - The application Ref PAP/2015/0485, dated 28 July 2015, was refused by notice dated 29 October 2015.
  - The development proposed is described as "Remove existing pitched roof and build up walls. Remove existing asbestos roof and install new solar panels. Provide new windows to front elevation along with external insulation and render".
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. My decision uses the description of development given on the application form, but with the word "panels" inserted in line 2 for clarity. The proposed works were in progress at the time of my site visit. This has not altered my consideration of the appeal which is based on the submitted details. Whilst the works completed to date include some variations compared to the submitted plans, for example in relation to window detailing, these differences do not affect the outcome of the appeal.

### Main Issue

3. The main issue is whether or not the proposed development would preserve or enhance the character or appearance of the High Street, Coleshill Conservation Area.

### Reasons

4. As required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the High Street, Coleshill Conservation Area. Paragraph 132 of the National Planning Policy Framework (the "Framework") requires that great weight be given to the conservation of designated heritage assets such as Conservation Areas.
  5. The High Street, Coleshill Conservation Area covers the commercial centre of Coleshill and has a broadly linear form along High Street and Coventry Road.
-

The appeal property is prominently visible on a main road approach into the heart of the Conservation Area. Whilst most buildings across Coventry Road to the west of the appeal site are outside the Conservation Area, the appeal premises and a line of small cottages immediately to the south are within its southern end. These cottages play an important role in defining the character of this end of the Conservation Area. Properties close to the appeal site are in a mix of residential and commercial uses.

6. A variety of building styles and materials are present in the Conservation Area. The older buildings typically have narrow frontages and pitched tiled roofs with varied ridge heights, and red brick walls although some have been rendered or painted. Most buildings date from the 18<sup>th</sup> century or later and the area has an interesting and varied built form.
7. The appeal building itself, by virtue of its long frontage, horizontal emphasis, and industrial form contrasts with the style and smaller scale of many of the buildings in the nearby parts of the Conservation Area.
8. The submitted details show that before the works subject to appeal were started the front of the appeal building was split into two main sections. One section extended along just over half of this frontage and appeared flat roofed with a parapet whilst the remaining shorter section had a pitched roof. The eaves line of the pitched roof section was lower than the front of the parapet section. The overall effect was to break up the form of the building in a way which helped it to integrate with this part of the Conservation Area.
9. The development subject to appeal has removed the pitched roof referred to above and a further pitched roof section behind this. Furthermore the height of the wall in front of the previous pitched roof section has been increased to line up with the adjacent parapet. The appearance of a flat roof now extends at the same level across the whole frontage. As a result, the building has a substantially more monolithic scale and form which fails to integrate with the more punctuated and varied style of most buildings nearby or in the Conservation Area as a whole.
10. The proposals also include the rendering of the front wall. Whilst some buildings, including some of the cottages to the south of the appeal premises, are faced in this way, due to the length and height of the appeal building the proposal would substantially alter the balance between render and red brick in this part of the Conservation Area. The proposal also includes replacement of timber framed windows and doors with powder coated aluminium frames.
11. Due to a combination of its design, massing, horizontal emphasis, materials used and prominent position the appeal proposal would cause substantial harm to the character and appearance of the High Street, Coleshill Conservation Area.
12. Under paragraph 133 of the Framework, development which would cause substantial harm to a Conservation Area should, in cases such as this where the bullet points in this paragraph do not apply, be refused unless the proposal would bring substantial public benefits that would outweigh such harm.
13. The proposal would enable solar panels to be installed in an unobtrusive way on the enlarged flat roof and insulation to be installed to the front wall. However, the evidence does not estimate the amount of solar electricity

generating capacity that would result from the appeal proposal that could not have been appropriately achieved in other ways, or the savings of energy or carbon emissions that would result from the installation of the insulation. Even if such evidence had been provided it is not clear that the resultant public benefit would have been sufficient to outweigh the harm that would be caused to the Conservation Area by the appeal proposal.

14. Whilst the appellant has stated that the rendering of the frontage is necessary to replace "slip" style facing bricks, some of which had fallen off, it is not clear from the submitted evidence that all practicable alternative ways to address this issue have been considered. In any event the rendering of the frontage does not constitute the totality of the harm that would be caused by the proposal.
15. Whilst the appeal proposal would also help bring the appeal building back into long term use, it is not clear that it forms the only way in which this could be done.
16. In summary, whilst the proposal offers material benefits these are insufficient to outweigh the substantial harm that it would cause to the character and appearance of the High Street, Coleshill Conservation Area. The proposal therefore conflicts with the provisions of Saved Policies ENV12, ENV13 and ENV15 of the North Warwickshire Local Plan 2006, Policies NW10 and NW14 of the North Warwickshire Local Plan Core Strategy 2014 and the Framework related to design and conservation.

#### **Other Matters**

17. Although relevant permissions exist to demolish the appeal building and redevelop the site, I understand that this would be with a sympathetic housing proposal which would preserve or enhance the character and appearance of the Conservation Area.
18. Although the appellant states that certain matters were agreed with Council officers this point does not outweigh my findings which are based on my reasoning set out above.

#### **Conclusion**

19. As the proposal would cause substantial harm to the character and appearance of the High Street, Coleshill Conservation Area which would not be outweighed by its public benefits, I dismiss the appeal.

*Jonathan Clarke*

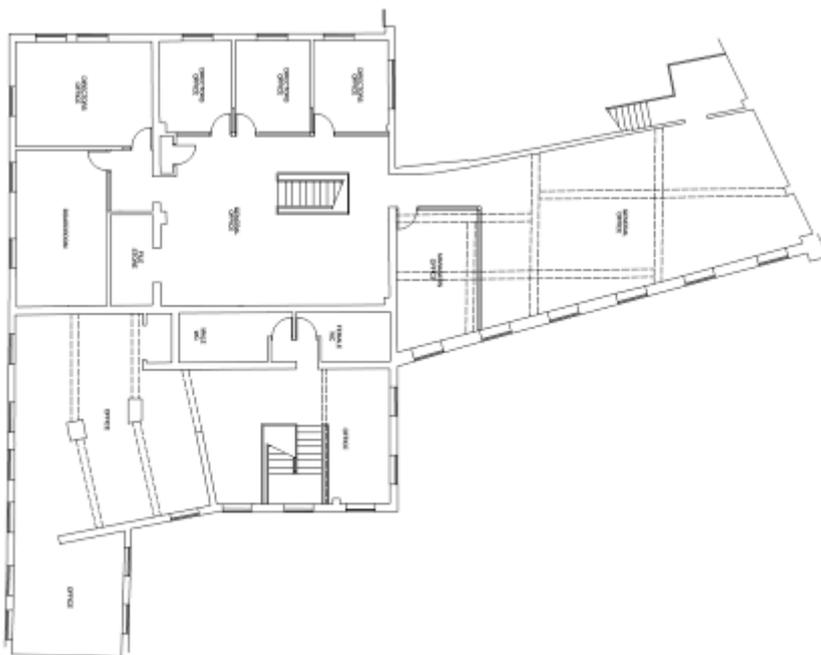
INSPECTOR

## Appendix E



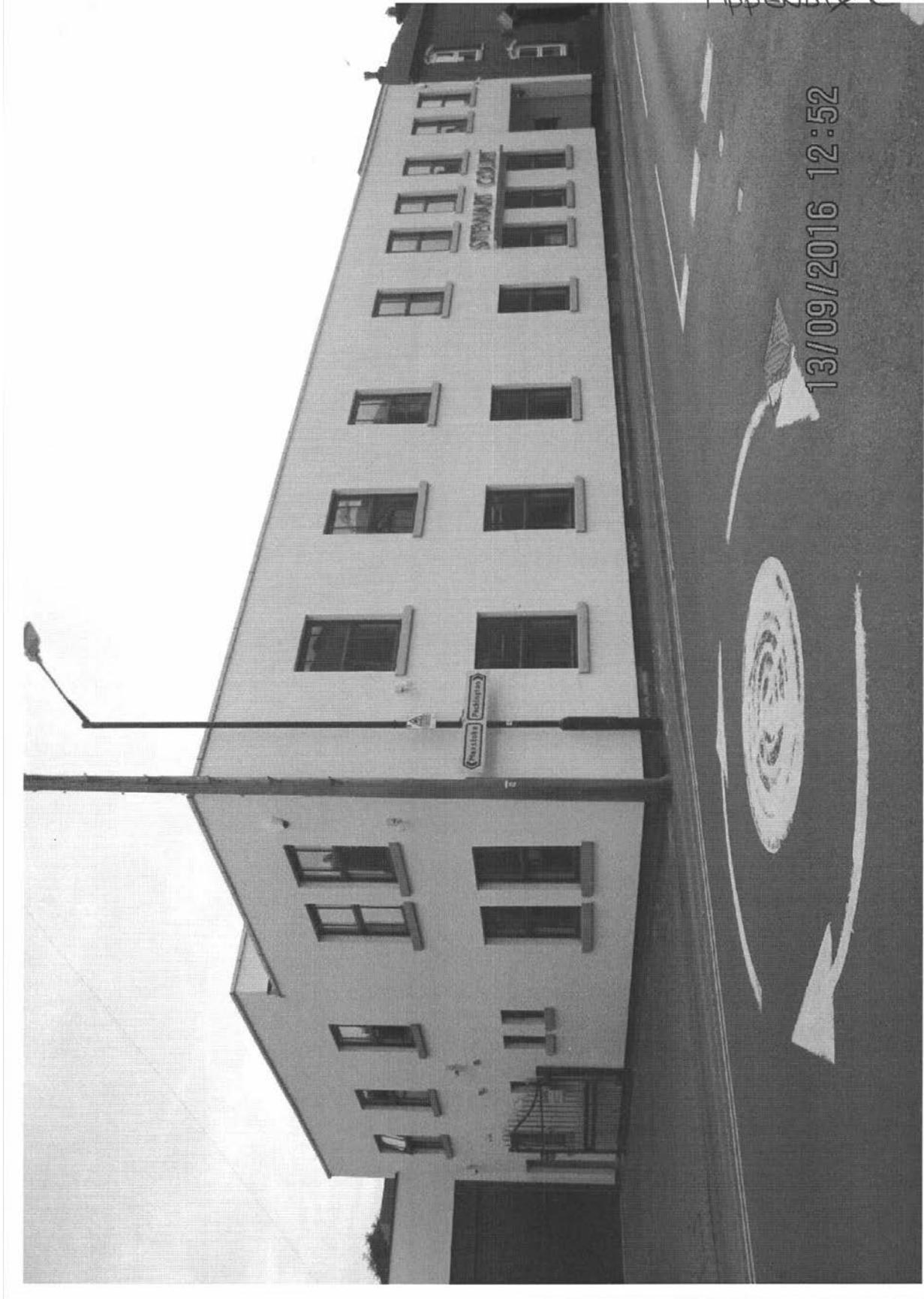
Previous condition of the windows to the rear range of the building above. The separation distance is approximately 14 metres at an oblique angle from the nearest rear window to No. 4 The Colesleys shown by the red arrow.

The proposed elevation has one additional first floor opening on the southern elevation as shown by the first floor plan of the building below showing the window arrangements on the first floor of the building.





Appendix C



13/09/2016 12:52



PAVING SQUARE

I certify that this is a true copy of the original which has been seen by me.

APPENDIX E.  
Anne Ryan  
Principal Solicitor  
North Warwickshire  
Borough Council  
The Council House  
South St  
Atherstone  
North Warwickshire  
CV9 1DE

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT, 1990

## ENFORCEMENT NOTICE

Issued by: NORTH WARWICKSHIRE BOROUGH COUNCIL

27/5/16

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.
2. THE LAND AFFECTED  
  
Land at 21 Coventry Road, Coleshill, Warwickshire, B46 3BB  
  
[shown edged red on the attached plan]
3. THE BREACH OF PLANNING CONTROL ALLEGED  
  
Unauthorised building works comprising the alteration of the roof, eaves and the insertion of new window openings to the existing building.
4. REASONS FOR ISSUING THIS NOTICE
  - i. It appears to the Council that the above breach of planning control has occurred within the last four years.
  - ii. The alteration of the pitched elements of the original roof from a pitched to a flat roof, which now extends at the same level across the whole frontage, is substantially more monolithic in scale and form, and fails to integrate with the more punctuated and varied style of most of the buildings nearby, or in the Conservation Area as a whole and that the development conflicts with the provisions of Saved Policies ENV12, ENV13 and ENV15 of the North Warwickshire Local Plan 2006, Policies NW10 and NW14 of the North Warwickshire Local Plan Core Strategy 2014.
5. WHAT YOU ARE REQUIRED TO DO
  - i. Reduce the eaves height and construct a dual pitched gable roof, with the gable in the side elevations, to the northern half and front portion of the building, as indicated between points A,B,C & D on the attached and annotated photograph, to match the eaves height and roof slope of the neighbouring property at no. 23 Coventry Road, using small clay roof tiles that best match those used on the existing roof of no. 23 Coventry Road;
  - ii. Render the front and side elevations of the building in a heritage cream render;
  - iii. Install obscure glazing to the new, first floor windows on the northern side elevation of the rear portion of the building as also indicated on an attached, annotated photograph.

6. TIME FOR COMPLIANCE

Six months from when this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 9<sup>th</sup> July 2016 unless an appeal is made against it beforehand.

Dated: 27<sup>th</sup> May 2016

Signed .....

Designation *Assistant Chief Executive & Solicitor to the Council*  
The Council's authorised officer

Address to which all communications should be sent:-

The Solicitor to the Council  
North Warwickshire Borough Council  
The Council House  
South Street  
Atherstone  
Warwickshire  
CV9 1DE

**YOUR RIGHT OF APPEAL**

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Planning Casework Service area of the Planning Portal ([www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)); or
- by getting enforcement appeal forms by phoning the Planning Inspectorate on 0117 372 6372 or by emailing them at: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

You **MUST** make sure that the Inspectorate receive your appeal before the effective date on the enforcement notice.

**WHAT HAPPENS IF YOU DO NOT APPEAL**

If you do not appeal against this enforcement notice, it will take effect on 9<sup>th</sup> July 2016, and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

This Notice has been served on the following:

Ian Steward Jamison, Brenda Olive Jamison, Samuel Ian Jamison and Nicola Samantha Jamison  
all of 81 Alderbrook Road, Solihull, B91 1NS

The Company Secretary, Stewarts Plumbing and Heating Limited, Stewart House, Elmdon Road,  
Birmingham, B27 6LJ

The Royal Bank of Scotland PLC (Scot. Co. Regn. No SC90312) of Credit Documentation  
Department, PO Box 502, 42 High Street, Sheffield, S1 2YW



Scale 1:1250



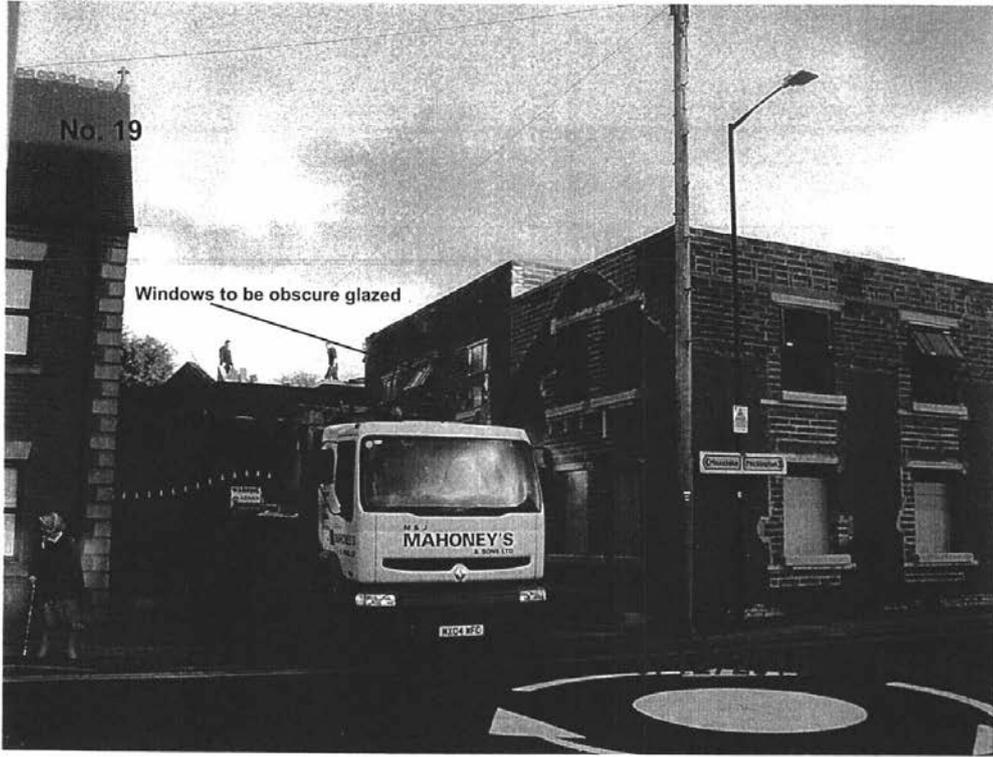
Stalling Court  
 Norton Road  
 Stevenage  
 Herts SG1 2JY  
 UK

**Enforcement: Land at 21 Coventry Road  
 Coleshill  
 Warwickshire  
 B46 3BB**

Tel: +44 (0)1438 747006  
 Fax: +44 (0)1438 747007  
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**(9) Application No: PAP/2016/0659 and PAP/2016/0660**

**St Andrews Home, 37 Blythe Road, Coleshill, B46 1AF**

**Planning and Listed Building Applications for the re-instatement of St Andrews to a single dwelling with a residential annex and the construction of ten two bedroom dwellings comprising a building replacing the original coach house as two dwellings and eight dormer bungalows with associated parking and landscaping and a new access point off Chestnut Grove for**

**The Father Hudson's Society**

**Introduction**

This application is reported to the Board for determination at the discretion of the Head of Development Control. This however is an introductory report which will describe the site; outline the proposals and identify the relevant Development Plan background.

The recommendation is that the Board visits the site prior to determination.

**The Site**

This comprises just under a half hectare of land on the north side of Blythe Road to the east of the town centre. It is essentially made up of two sections. The front half lies behind a heavily landscaped road frontage which is marked by a brick wall. Several of these trees are protected by Order. The House sits behind, with an area of car parking space and it has its own access onto the road. The rear half is divided from the front by an obvious bank which runs the whole width of the site. This lower half is best described as a paddock and runs down to the northern boundary. There is a gated access in the far north-eastern corner linking to the cul-de-sac head of Chestnut Grove.

The site is surrounded by other traditional two storey residential property. That on the western boundary however is a three storey terrace with a blank gable facing the site.

The site is not in nor does it adjoin the Coleshill Conservation Area but the boundary is close by. The site is on higher ground with extensive open views to the north

The site's location is illustrated in Appendix A.

St Andrews House is a Grade 2 Listed Building dating from around 1820, built in the Regency style thus exhibiting both internal and external design characteristics of that period. There is a service/servants quarters extension and there used to be a detached coach house to the west. It was occupied as a single dwelling by different owners up until 1949 when the Fathers Hudson's Society acquired it for use as a boys home as an annex to the Society's main campus at the southern end of the town. This use ended in the 1980's when the building was converted to self-contained flats occupied by other of the Society's residents. It has however been vacant since 2013.

## The Proposals

It is proposed to return the main house to a single dwelling with six bedrooms and to convert the servant's quarters to a residential annex associated with the main house. Very little in the way of change is involved internally apart from the removal of the partitioning that was installed when the Society converted it to apartments. External alterations are minor comprising new windows. All access would be from the existing Blythe Road access and six car parking spaces are proposed.

Appendix B illustrates the internal layout as proposed and Appendices C and D illustrate the external changes.

The remainder of the proposals involve the erection of ten additional two storey dormer bungalows. Two of these would be semi-detached and would be located roughly in the location of the former coach house to the west of the main building and would be 7 metres to their ridge. Materials would be a mixture of render; facing brickwork and cement fibre slate roofing tiles. The front elevation replicates coach doors. Four car parking spaces are to be provided. The remaining eight bungalows would be in two blocks - one of five and the other of three - comprising linked dormer units set around a communal area on the lower ground to the north with its own parking area providing 12 spaces. They would be 7 metres to their ridge and use the same materials as before. Vehicular access to these eight bungalows would be from the gate onto Chestnut Grove. The existing break in slope would remain across the site marked by an iron field railing set onto a brick retaining wall.

No affordable housing is being proposed either on-site or by way of an off-site contribution as the applicant considers that as there are ten new units being proposed, the development comprises a small development thus exempt from such provision following recent case-law.

The overall site layout is illustrated at Appendix E and illustrations of the new dwellings are at F and G.

Supporting documentation includes the following reports.

An Ecology Study concludes that the site as a whole has poor bio-diversity but that the tree frontage and perimeter hedgerows provide some ecological value. Further surveys are needed to establish the presence of bats in the trees.

A Day Time Bat survey suggests that the construction of the present House would preclude the presence of bats and that there were no signs of bat roosts in the trees.

A Transport Assessment concludes that the development would not cause adverse highway impacts that would amount to "severe", so as in the terms of the NPPF to warrant refusal.

A Preliminary Drainage Assessment recommends that sustainable drainage arrangements on site would ensue that surface water was contained and that discharge would not be greater than green field run-off.

A Tree Survey describes the trees and hedgerows around the perimeter of the site. The most significant are those along the Blythe Road frontage comprising a mature Cedar, acacia, maple, holly and sycamore. The Survey shows that all of these are worthy of retention as are others along this frontage. Some management is needed and those trees to be removed are those of poor quality and in poor condition. The works in and around the house would not affect the trees to be retained provided appropriate root protection measures are introduced. The remainder of the site would be enhanced through new planting.

A Design and Access Statement explains the setting of the site and how the design, layout and appearance of the new buildings have been arrived at.

A Heritage Impact Assessment has been submitted and this describes the history of the site and provides a detailed architectural description of each of the rooms. The report confirms that there were service quarters in the south west corner of the site. The House stood in grounds that extended parallel to the road extending further to the east with its access further to the east – hence explaining why the main front elevation of the house now faces away from the road. The land to the north of the application site was an orchard but was physically distinct and separate from the House and its gardens. Much of the orchard has now been developed but the remainder of the site is now the paddock land as seen today. However the Report makes it clear that historically there was no connection between the House and the land – it only becoming linked probably when the Society acquired the site and the remaining orchard land. The Assessment concludes that the works to the House itself are not harmful and actually enhance the heritage significance by bringing the property back into use as a single dwelling – the preferred use. In respect of the new range to the south west then this would not significantly affect the setting of the house and also enable a re-instatement of the historic built form. The bungalow development to the north however will impact on the setting of the Listed Building. But the assessment points out that the setting has already been “severely compromised” with original gardens to the House lost and redeveloped such that the linear form running parallel to the road has been lost; the former orchard and gardens being historically distinct and physically separated and because the north elevation of the House is in fact not the principal elevation. The impact of the development on the present setting is thus limited. In terms of the impact on the Conservation Area then again harm is considered to be limited.

A Planning Statement brings all of these matters together arguing that there should be no objection in principle because of the sites location inside the town’s development boundary and it being sustainable development. With no harm arising from highway, ecological or drainage impacts the main consideration revolves around heritage impacts. The Statement draws on the Heritage Assessment to conclude that any impacts would be outweighed by the greater public benefit in bringing the house back into its preferred and original use as a single dwelling.

The applicant also draws attention to a public exhibition which was held in September.

## **Development Plan**

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development) and NW14 (Historic Environment)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV12 (urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Conservation), ENV16 (Listed Buildings) and TPT6 (Vehicle Parking)

### **Other Material Planning Considerations**

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

The National Planning Practice Guidance 2014

The Coleshill Conservation Area Designation Report 1969

### **Observations**

The site is wholly inside the development boundary for Coleshill as defined by the Core Strategy and thus there is no objection in principle here. The town is allocated for a minimum of 275 new dwellings in the plan period and the emerging Local Plan does not alter the significance of the town as a location for new housing. The development is thus sustainable development and the presumption is therefore one of support unless material planning considerations indicate otherwise.

Members will be aware that such considerations revolve around looking at the impact of the proposals on a range of matters. The next report will explore these – highway, drainage, arboricultural and ecological impacts. The effect on the residential amenity of the adjoining householders will also need to be examined. However as Members are aware from this report it is likely that the two most significant issues that they should look at are the impact on the heritage assets (the Listed Building and the Conservation Area) as well the quality of the design and appearance of the proposed new dwellings.

In this regard the recommendation below is that the Board visits the site in order to better understand its setting prior to making a determination.

### **Recommendation**

That the Board visits the site

## BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0659

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	21/11/16

*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**



NORTH WARRICKSHIRE BOROUGH COUNCIL  
**RECEIVED**  
 21/11/2016  
 PLANNING & DEVELOPMENT DIVISION

**KEY**

- Application Site
- Existing Buildings
- Existing Trees: refer to Tree Survey plans

Rev. No. Rev. Date Rev. By Rev. Date  
 Scale: as shown Size: @A3  
 Date: 18.04.16 Status: PL  
 Drawn: MN Checked: DH  
 Job No: 686 Desg/Rev: 01  
 Title: EXISTING SITE Location/Layout Plans  
 Project: St Andrew's House Coalhill  
 Client: Father Hudson Society



EXISTING SITE Location Plan (Scale 1:1250)

EXISTING SITE Layout Plan (Scale 1:500)

**APPENDIX B**



0 1 2m 5m

Rev. No. Rev. Date Rev. By Rev. Date  
 Scale: 1:100 Size: @A3  
 Date: 27.11.15 Status: PL  
 Drawn: PC Checked: DH  
 Job No: 686 Desg/Rev: 04 Rev E  
 Title: PROPOSED St Andrew's House Ground and First Floor Plans  
 Project: St Andrew's House Coalhill  
 Client: Father Hudson Society

**RECEIVED**  
 21/11/2016  
 PLANNING & DEVELOPMENT DIVISION

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South Elevation



West Elevation

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25/11/2016  
PLANNING & ENVIRONMENT  
SECTION

0 10 20

No.	Rev.	Date	By
1	1	11/11/2016	...
2	1	11/11/2016	...
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9	1	11/11/2016	...
10	1	11/11/2016	...

PROJECT: ...  
DRAWN BY: ...  
CHECKED BY: ...  
DATE: ...



North Elevation



East Elevation

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25/11/2016  
PLANNING & ENVIRONMENT  
SECTION

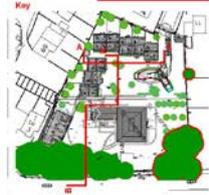
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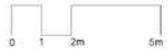
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DRAWN BY: ...  
CHECKED BY: ...  
DATE: ...



APPENDIX G



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21/11/2016  
PLANNING & DEVELOPMENT  
DIVISION



Rev.	Date	By	Desc.
Scale:	1:100	Size:	A3
Date:	26.04.19	Status:	PL
Drawn:	NG	Checked:	DH
Job No:	666	Draw/Rev:	1/1
Title:	PROPOSED Context Sections		
Project:	St Andrew's House Coleshill		
Client:	Father Hudson Society		

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**(10) Application No: PRE/2016/0245**

**Hall End Business Park, Watling Street, Dordon, B78 1SZ**

**Application under Section 257 of the Planning Act to divert public footpaths AE49 and AE57 for**

**David Hodgetts**

**Introduction**

As can be seen from the description above this is not a planning application. Members will be aware that most diversions of public footpaths are sanctioned by the County Council as the Local Highway Authority. In some cases however diversion can be ordered by the Local Planning Authority. This is usually the case if the grant of a planning permission involves such a diversion. This is the case here.

**The Site**

The Hall End Business Park is currently being developed to the south of the Watling Street just to the east of the Birch Coppice estate. Planning permission were granted for the redevelopment scheme in April 2014 and the details of the first phase were approved earlier this year.

The site extends south from the A5 and involves the re-working of the levels to provide three development plateaux. The approved layout is shown at Appendix A.

There are two public footpaths affected by this development. At the time of consideration of the planning application, the Board did not consider that there would be material harm to these footpaths as reasonable alternative routes were available. The County Council did not object just pointing out that the paths needed to be diverted formally.

The Path AE57 runs south from the A5. It meets the highway here just the east of the existing Hall End Farm site and immediately to the west of the playing field. It continues in a southern direction for about 250 metres. It then turns south-west for about 140 metres before branching into two. The AE57 continues in a south westerly direction into the Birch coppice estate. The other continues southwards now taking the number AE49, again running into the Birch Coppice estate.

The lines of these two new routes are shown at Appendix B.

**The Proposal**

The proposed diversions really affect their routes at the southern end of the new development. Rather than having the routes running through the development plateaux here, they are proposed to be diverted around their perimeters – the AE57 along the northern boundary of plot 3 and the AE49 around its southern edge.

The proposed lines are also illustrated at Appendix B.

## **Consultations**

The Trail Riders Fellowship – No objection.

Warwickshire County Council (Public Rights of Way) – No objection

Open Spaces Society – No objection

Byways and Bridleways Trust – No objection

British Horse Society – No objection

Ramblers Association – No objection

Cycling UK – No comments received

Dordon Parish Council – No comments received.

## **Observations**

It is considered that it is necessary to divert these two paths in order to enable development to be carried out in accordance with planning permission PAP/2013/0272 and dated 11 April 2014.

The diversions proposed are considered to be reasonable in respect of their routes in them not being too long or too complicated such that users of the two paths are not significantly inconvenienced. They also do not interfere with the re-development of the site or the activities and uses permitted.

It is noteworthy that no objections have been received from those Agencies and Bodies with a direct interest in the two paths.

In these circumstances it is considered that a Public Path Order can be made under Section 257 of the 1990 Town and country Planning Act.

If this is agreed by the Board, then an Order can be made and time is then given for a period of formal consultation. At the end of this formal period of consultation, the Order is forwarded to the Secretary of State for confirmation. If there are no objections this then becomes an unopposed Order. If objections are received, he can call a Public Inquiry to assist in 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. Upon expiry, the Order then be referred to the Secretary of State if it is an opposed Order.
- b) Members will be advised of the outcome of that referral and the matter brought back to the Board for final confirmation or otherwise.

## BACKGROUND PAPERS

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

Planning Application No: PRE/2016/0245

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	17/10/2016
2	Trail Riders Fellowship	Consultation	10/11/16
3	British Horse Society	Consultation	8/11/16
4	WCC Highways	Consultation	8/11/16
5	Ramblers Association	Consultation	3/11/16
6	Open Spaces Society	Consultation	3/11/16
7	WCC (Public Rights of Way)	Consultation	2/11/16
8	Byways and Bridleways Trust	Consultation	3/11/16

*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.*

