

(4)

a) Application No: PAP/2016/0011

Southfields Farm, Packington Lane, Coleshill, B46 3EJ

Erection of a polytunnel (retropective), alterations to two existing farm buildings to form a toilet block and a small animal shelter and use of field OS no. 4580 for educational visits and care farm project in connection with the agricultural use

b) Application No: PAP/2016/0029

Southfields Farm, Packington Lane, Coleshill, B46 3EJ

Change of Use of three former agricultural buildings, one for commercial metal fabrication and welding use, one for motor vehicle repairs and one for the storage of repackaging of palletised goods

Both for Mr John Plumb - Southfields Farm Ltd

Introduction

These applications are referred to Board because of Member requests concerned about the potential impacts arising from the proposals.

Whilst there are two different applications reported here they relate to the same address and thus they are included in this one report. Each will need to be determined on its own merits but the impact of each on the other will need to be assessed as will the cumulative impacts.

The Site

Southfields Farm is at the southern end of Coleshill, a few hundred metres to the east of Packington Lane close to its junction with the main Coventry Road. There is a residential frontage to these two roads and the Coleshill School and Leisure Centre are further to the south. The single access into the farm is bounded by high hedgerows and is only partly made-up. The farm itself currently comprises 120 hectares of land rented from the Wingfield Digby Estate and the Father Hudson's Society. Following the cessation of dairy farming in 2004, the farming enterprise currently involves mostly arable crops and sheep grazing. Conservation under the Environmental Stewardship Scheme is also undertaken. There is a range of both traditional and modern buildings here as well as the main farmhouse. Some of these are used for non-agricultural purposes - four separate commercial uses include an inert waste haulage business, an office use, a metal fabrication business and a motor vehicle repair business. In addition school education visits have been made since 2006.

The general location is illustrated at Appendix A.

Background

There are historic permissions that permitted other uses within former agricultural buildings at the farm. A planning permission was granted in 2001 for the use of a redundant former cattle building to be used by a haulage contractor. This however expired in 2002. A subsequent planning permission granted by the Warwickshire County Council, the planning authority responsible for waste disposal matters, permitted this haulage business to continue to operate as a waste recycling use from the same premises. This permission was also time limited and has now expired. The recycling waste business however is continuing to operate from the site and thus is now an unauthorised use. The County Council is pursuing enforcement action as the responsible planning authority.

Planning permission was granted in 2006 for the use of another former cattle building for storage for a market trading business. This was restricted by a condition to be for the benefit of John Plumb. A further permission granted in 2008 allowed equestrian use within a number of identified fields. A permission in 2009 allowed the use of a former farm building for office use within use class B1 (a). Two other uses also operate from the site - a metal fabrication business and a motor vehicle repairer. Each use operates from a single former agricultural building. These two uses are not authorised by a planning permission. As the market trading business is not operated by John Plumb it does not comply with the restriction imposed. The current application seeks to regularise the position with respect to the unauthorised uses on the site.

The Proposals

a) The Care Farm Project

This application seeks to authorise a Care Farm project involving education visits to the farm particularly for disabled groups. It covers the change of use of an identified area of land to a mixed education/agricultural use; the retention of a poly-tunnel and the use of three existing buildings to form a small animal shelter and toilet provision. It is suggested that this would generate around 14 cars; two or three mini-buses and one school bus/coach a week mostly in the summer months.

The applicant states that these visits commenced in 2006 and have steadily increased from around twelve a year to 80. Most are from primary schools with a focus on disabled groups. The area to be used would be subdivided into paddocks for different animals with moveable shelters.

The application has been amended since its submission through the withdrawal of a new "geo-dome" building that was to be used as a class-room.

The improvement works to the access as recommended by the Highway Authority if a planning permission is to be granted, have already been carried out.

The attached plan at Appendix B shows the area for mixed use at "A" and the associated buildings at "B, E and F". Building J is to be used as the meeting/class room replacing the proposed geo-dome building.

b) Representations Received

Five representations have been received. The concerns relate to the following matters of principle:

- The proposals are inappropriate development in the Green Belt
- No very special circumstances apply
- No evidence is submitted to demonstrate that there is an unmet need for the education facility
- Insufficient information is submitted to show how the proposals aid farm diversification or that it will add viability
- No evidence is submitted that the buildings are capable of re-use

Matters of detail raised relate to:

- Additional traffic
- The “dust clouds” arising from unsurfaced internal farm tracks
- An assertion that the information submitted is misleading
- Concerns about the health and safety of visitors given the mix of uses
- Concerns about the disposal of foul water
- This is a retrospective application
- The poly-tunnel is an “eyesore”

Some representations received include personal comments that are of no weight at all in the determination of this application.

Coleshill Town Council has no objection welcoming the use.

c) Consultation Responses

Warwickshire County Council as Highway Authority – No objection subject to conditions requiring the widening of the access track to 5 metres for the first 20 metres of its length off Packington Lane, together with its hard surfacing over that length. These works have already been carried out.

Warwickshire County Council Rights of Way – No objection

Warwickshire Museum – No comments received

Warwickshire Fire Services Authority – No objection subject to a standard condition about water supplies

Environmental Health Officer – No comments to make

The Proposals

a) The Change of Use of Buildings

This application seeks to regularise the two unauthorised uses at the site, namely the motor vehicle repairer and the metal/welding fabrication business. Additionally it is proposed to vary the condition for the market trader such that Mr Plumb's name is removed. They have all been present on the site for several years.

Traffic generation from all three uses is said to amount to around 20 cars; 10 vans and 2 lorries a week.

The buildings concerned are shown as "D" for the repairs; "G" for the welding and "H" for the storage" at Appendix B.

Building B is a former brick built barn. It is used by a single mechanic undertaking car repairs with only one vehicle being worked on at a time given the size of the building – 8.5 by 5 metres. It is said that this use has been present for some twenty years.

Building G is a former steel portal cattle building used for metal fabrication both on and off-site through use of a van. A lot of the business is to repair and maintain agricultural plant, vehicles and equipment used on the farm. It measures 18 by 10.5 metres.

Building H is a former cattle building now used for the storage by a market trader. The building is used to store palletted items, often discount and end-of-line products prior to re-distribution to markets. Items are delivered by an HGV with goods being unloaded and stored and then take off-site when required. This building measures 31 by 23 metres.

b) Representations Received

Six representations have been received referring to the following matters:

- Additional traffic
- The "dust clouds" arising from the unsurfaced farm tracks
- The commercial uses are inappropriate at a farm location
- The information submitted is mis-leading
- There are health and safety concerns about the mix of uses
- Concerns about the disposal of foul water
- There is insufficient information about the value of this to farm diversification

Some representations received include personal comments that are of no weight at all in the determination of this application.

c) Consultation Responses

Warwickshire County Council as Highway Authority – No objection subject to the conditions referred to above. These works have been completed.

Warwickshire County Council Rights of Way – No objection

Warwickshire Museum – No Comments

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW9 (Employment), NW10 (Development Considerations), NW12 (Quality of Development) and NW17 (Economic Regeneration)

Saved Policies of the North Warwickshire Local Plan 2006 - Core Policy (Agriculture and the Rural Economy); ECON8 (Farm Diversification), ECON9 (Re- Use of Rural Buildings), ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations), TPT2 (Traffic Management) and TPT3 Access and Sustainable Transport).

Other Relevant Material Considerations

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

National Planning Practice Guidance 2014

Observations

a) General Comments

The farm buildings and land the subject of these two applications are in the Green Belt. It is necessary to establish whether the proposals are appropriate or not appropriate development in the Green Belt. To this end the definitions in the NPPF will be used. In general terms however the erection of new buildings is not appropriate whereas the re-use of buildings is appropriate. Each application will be assessed and then it will be necessary to see, in the case of any inappropriate development, if there are considerations of such weight to override the presumption of refusal. Harm arising from inappropriate development and other harm will both need to be evaluated. The cumulative impacts will need to be included in this evaluation.

b) The Care Farm Project

Changes of use of land within the Green Belt are not appropriate developments and hence this proposed mixed use is “de facto” harmful and thus carries a presumption of refusal. The actual level of harm on the openness of the Green Belt here however is considered to be minimal. This is because the actual area of land involved is small and within a complex and range of other buildings and where there is other agricultural and non-agricultural activity. The associated buildings too are those that would generally be expected to be seen at such a location. There is neither considered to be any adverse impact on the purposes of including land within the Green Belt given that the use is materially associated with agriculture. Members will also be aware that the change of use of existing buildings is not necessarily inappropriate development in the Green Belt subject to there being no worse impact on the openness of the Green Belt than the former use and that the proposals do not conflict with the purposes of including land within it. Moreover agricultural buildings are appropriate developments in any event. As a consequence of all of these matters, it is considered that the harm caused to the openness of the Green Belt is minimal.

In terms of potential other harm as opposed to Green Belt harm then the installation of new toilets will be the subject of conditions under the Building Regulations. The additional traffic is a factor but the Highway Authority has not objected. The scale of the operation here can also be controlled by conditions. In respect of the other matters

raised by the representors then the use and management of the farm roads and tracks in the farmstead area will be a matter for the farm owner, tenant and business operators to manage. The proposed layout however does reduce the risk of conflict between the different users. Other health and safety issues concerning the welfare of animals and the supervision of children are matters that are covered by other relevant legislation. Members will be aware that these are not planning considerations. Each School will have to undertake its own "risk" assessment before attending the site and there are the general Health and Safety Regulations governing visitor attractions which the owner/tenant will need to comply with. From a planning perspective the use is appropriate. There is neither any planning nor other policy requirement to demonstrate the need for the care farm facility or to justify educational visits. The point is that the use is considered to be appropriate meeting several planning objectives and is similar to other uses elsewhere in the Borough. Overall therefore it is not considered that there is material "other harm" caused by this proposal.

It is thus necessary now to consider whether there are any planning considerations of such weight here to warrant them amounting to "very special circumstances". These considerations are that the NPPF requires beneficial use to be made of the Green Belt such as improving access, providing opportunities for outdoor activity; that the use is wholly dependent on agricultural activity, that the proposal aids farm diversification and that it supports the local rural economy. Given that the actual level of Green Belt harm here is minimal and that the potential for other harm is also limited, it is considered that these considerations are of sufficient weight to support this proposal.

c) The Other Uses

Members will be aware that the NPPF states that the re-use of buildings in the Green Belt need not necessarily be inappropriate development provided that the buildings are of permanent and substantial construction; that the openness of the Green Belt is preserved and that there is no conflict with the purposes of including land within the Green Belt.

In this case all three buildings are sound, satisfying the condition of the NPPF. There is neither considered to be any material impact on the openness of the Green Belt here as they are already established within an existing complex of buildings and in a farm yard. Vehicle activity, stored and parked equipment and movements are all to be expected in such a setting. Given the small scale nature of the proposed uses it is not considered that there would be any adverse impact on openness here. Similarly there would be no conflict with the purposes of including land within the Green Belt. For these reasons it is considered that this proposal is appropriate development in the Green Belt.

This conclusion carries weight as it also supports both national and local planning policies encouraging farm diversification and small rural businesses. These uses are small in scale and even cumulatively they do not give rise to substantial traffic movements. The Highway Authority has not objected considering that the access is adequate and safe. The Environmental Health Officer neither has raised an objection because of likely noise or other pollution impacts. Members will be aware of similar uses in farm buildings throughout the Borough and it is not considered that this proposal gives rise to any significant adverse material impact.

It is considered that much of the concern here about traffic impacts is down to the unauthorised waste business as that generates more HGV traffic than the proposed uses outlined here. As referred to earlier this is the responsibility of the County Council and the recommendation below requests that enforcement action be expedited.

Concerns have been expressed about the mix of uses here. This is understood, but the Board is asked to remember that these uses can be supported in planning terms; that other more relevant legislation covers health and safety issues and the operators and owners have responsibilities themselves.

Recommendations

a) PAP/2016/0011 – The Care Farm

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 Location plan, Proposed Elevation plans 1A, 1B and 2A received by the Local Planning Authority on 06/1/2016 and the Site and Block plan received by the Local Planning Authority on 29/3/2016. For the avoidance of doubt the application site comprises the buildings and area identified on the site and block plan received on 29/3/2016.

REASON

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

3. There shall be no operation of the use hereby approved other than between 0900 and 1700 hours on Mondays to Fridays inclusive, in any one week.

REASON

In the interests of highway safety and the amenity of the area.

4. The works undertaken at the existing vehicular access to the site – namely its widening to 5.0 metres for a distance of 20 metres into the access as measured from the near edge of the public highway carriageway, together with its hard surfacing over that same length - shall be maintained at all times that the use hereby approved is in operation.

REASON

In the interest of safety on the public highway.

5. Alterations proposed to buildings shall be carried out using materials similar to those of the existing building.

REASON

In the interest of amenity.

Notes

1. The Local Planning Authority has met the requirements of the NPPF in this case by addressing the planning issues arising from the application.
2. Attention is drawn to Sections 149, 151, 163 and 184 of the Highways Act 1980; the New Roads and Street Works Act 1991, the Traffic Management Act 2004 and all relevant codes of practice. Advice on these sections can be obtained from the Warwickshire County Council.
3. Attention is drawn to the relevant legislation covering health and safety matters affecting visitor attractions as well as contacts with animals.

b) PAP/2016/0029 – The Other Uses

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 Location plan received by the Local Planning Authority on 06/1/2016 and the Site and Block plan received by the Local Planning Authority on 29/3/2016. For the avoidance of doubt the application site comprises the buildings and area identified on the site and block plan received on 29/3/2016.

REASON

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

3. The works undertaken at the access to the site – namely its widening to five metres for a distance of 20 metres into the access as measured from the near edge of the public highway carriageway, together with its hard surfacing over that same length – shall be maintained at all times that the uses hereby approved are in business use.

REASON

In the interest of safety on the public highway.

4. The use hereby approved shall enure solely for the benefit of R Frankel trading as R F Motors and for no other persons or bodies whomsoever, and specifically not for the benefit of the building identified as Building D on the approved site block plan at Southfields Farm and shall be discontinued on or before the vacation of the property by the person and business named above.

REASON

Planning permission is granted solely in recognition of the particular circumstances of the beneficiaries.

5. The use hereby approved shall enure solely for the benefit of Gary Jones trading as Jones Fabrications and for no other persons or bodies whomsoever, and specifically not for the benefit of the building identified as Building G on the approved site block plan at Southfields Farm and shall be discontinued on or before the vacation of the property by the person and business named above.

REASON

Planning permission is granted solely in recognition of the particular circumstances of the beneficiaries.

6. The use hereby approved shall enure solely for the benefit of Clive Matthew, a sole trader, and for no other persons or bodies whomsoever, and specifically not for the benefit of the building identified as Building H on the approved site block plan at Southfields Farm and shall be discontinued on or before the vacation of the property by the person and business named above.

REASON

Planning permission is granted solely in recognition of the particular circumstances of the beneficiaries.

Notes

1. The Local Planning Authority has met the requirements of the NPPF in this case by addressing the planning issues arising.
2. Attention is drawn to Sections 149, 151, 163 and 184 of the Highways Act 1980; the New Roads and Street Works Act 1991, the Traffic Management Act 2004 and all relevant Codes of Practice. Further advice can be sought from the Warwickshire County Council.
3. Attention is drawn to the relevant legislation covering health and safety matters affecting visitor attractions as well as contacts with animals.

c) Other Matters

That the Warwickshire County Council be requested to expedite enforcement action against the unauthorised waste operations being undertaken at the site.

BACKGROUND PAPERS

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

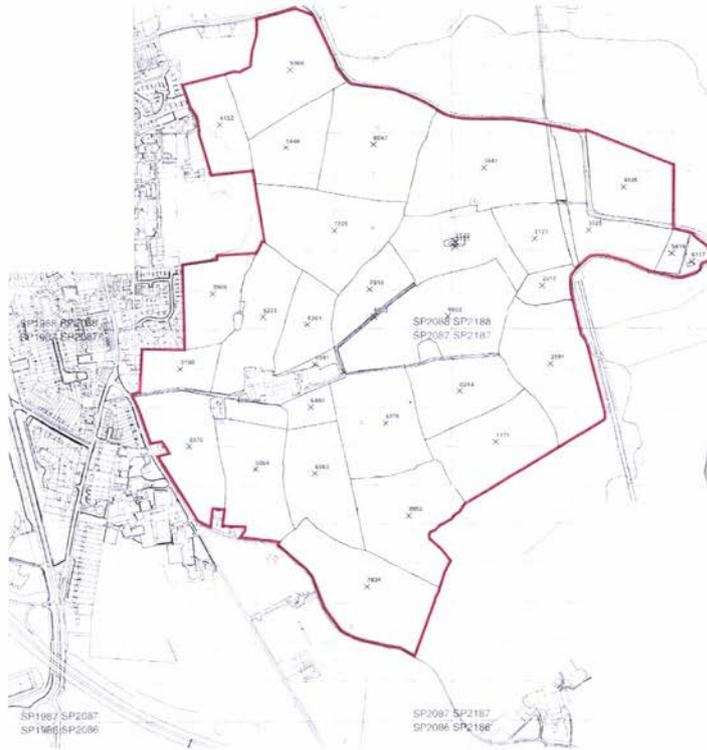
Planning Application No: PAP/2016/0011 and PAP/2016/0029

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	6/1/16, 14/1/16 15/1/16 22/2/16 24/3/16 27/4/16
2	WCC Highways	Consultation	11/2/2016
3	WCC Rights of way	Consultation	9/3/2016
4	WCC Archaeology	Consultation	8/2/2016
6	Coleshill TC	Consultation	4/2/2016
7	Fisher German	Representation	23/2/2016
8	G Perry	Representation	10/2/2016
9	P Griffin	Representation	10/2/2016
10	G James	Representation	11/2/2016
11	CD Harris	Representation	11/2/2016
12	G Stevenson	Representation	5/4/2016
13	Warwickshire Fire and Rescue	Consultation	9/3/2016

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.

Southfields Farm
Site Plan
Scale: 1:7500



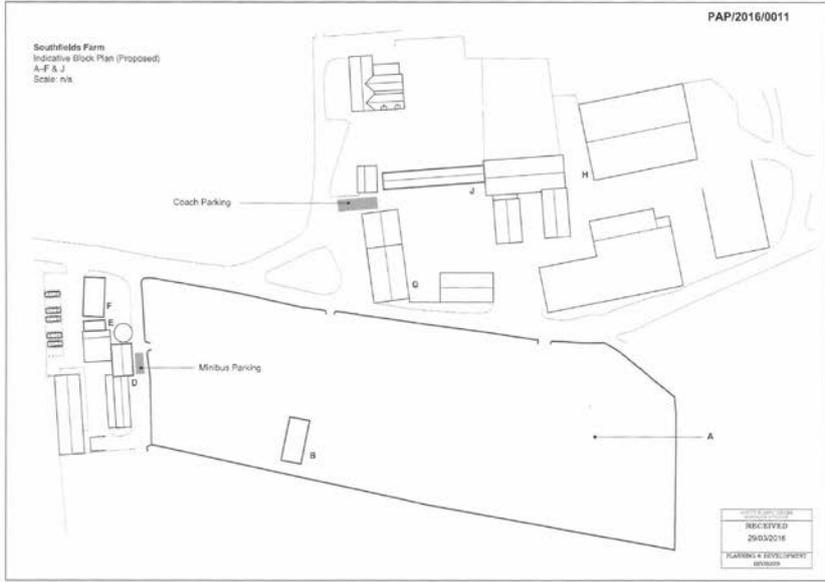
rpa
Rural Land Register (RLR) Map
Scale: 1:7500
RLR/000008
Map 2 of 2

Legend

RLR Parcel Boundary
RLR Parcel Boundary (with SP Number)

Parcel No.	Area (sq. m)	Area (sq. ft)	Area (acres)	Area (hectares)	Area (morgans)	Area (roods)	Area (square rods)	Area (square chains)	Area (square furloms)	Area (square miles)
1	1000	10764	0.25	0.0025	0.0037	0.0050	0.0070	0.0090	0.0110	0.000004
2	2000	21528	0.50	0.0050	0.0074	0.0100	0.0140	0.0180	0.0220	0.000008
3	3000	32292	0.75	0.0075	0.0111	0.0150	0.0210	0.0270	0.0330	0.000012
4	4000	43056	1.00	0.0100	0.0148	0.0200	0.0280	0.0360	0.0440	0.000016
5	5000	53820	1.25	0.0125	0.0186	0.0250	0.0350	0.0450	0.0550	0.000020
6	6000	64584	1.50	0.0150	0.0225	0.0300	0.0420	0.0540	0.0660	0.000024
7	7000	75348	1.75	0.0175	0.0263	0.0350	0.0480	0.0610	0.0740	0.000028
8	8000	86112	2.00	0.0200	0.0302	0.0400	0.0540	0.0690	0.0840	0.000032
9	9000	96876	2.25	0.0225	0.0340	0.0450	0.0600	0.0760	0.0920	0.000036
10	10000	107640	2.50	0.0250	0.0379	0.0500	0.0660	0.0830	0.1000	0.000040

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(5) Application No: PAP/2016/0025

19 Willow Walk, Old Arley, CV7 8NY

Change of use of land to residential, for

Mr John Ramplin

Introduction

The application is brought before the Planning and Development Board as the land owner is the Council.

The Site

This is a residential area, with dwellings surrounding the application site. To the front of Willow Walk is an open space area. The site is a parcel of grass land with a footpath to the side.

The Proposal

This application is for a change of use from open space to residential garden curtilage land. The land will be surrounded by a 6 foot timber fence with concrete posts and a gate to the front. The land is owned by the Council, and is due to be sold to the applicant. The relevant plans can be viewed in Appendix A and photographs of the site can be viewed in Appendix B.

Background

The applicant has been in discussions with relevant departments in the Council to purchase the land.

Development Plan

North Warwickshire Core Strategy 2014 - NW10 (Development Considerations)

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

Other Relevant Material Considerations

National Planning Policy Framework 2012

Representations

None have been received

Observations

The site lies between the boundary fence and the footpath on Willow Walk and the issues related to the application will be considered below.

a) Amenity

The site lies within a residential area and the use of the land for residential with a boundary fence is not considered to lead to harm upon the area. The height of the fence would be similar to the existing boundary fence to the application site and is considered to be acceptable.

The proposal is not considered to result in a loss of amenity, privacy or loss of light that would result in unacceptable loss of amenity and privacy in the area. The proposal complies with the Core Strategy.

b) Design

The design and siting of the fence and gate are considered to be acceptable, given the context of the area, which can be viewed in Appendix B.

c) Vehicle and transport considerations

The proposal would not lead to a reduction in vehicle parking within the area given the site is currently grass land next to the applicant's wall. The footpath leading to the residential area will not be affected.

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 site block plan received by the Local Planning Authority on 29 February 2016, the site plan received by the Local Planning Authority on 2 March 2016, and the site location plan received by the Local Planning Authority on 4 March 2016.

REASON

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

3. The hereby approved garden land shall not be used for any purpose other than for residential curtilage use as covered by Use Class C3 of the Use Classes Order 1987 as amended.

REASON

In the interests of the amenities of the area.

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet 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 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.
4. 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. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority. Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com
5. The applicant is reminded that the Council owns the land until a sale is agreed, and you should c

6. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.

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

BACKGROUND PAPERS

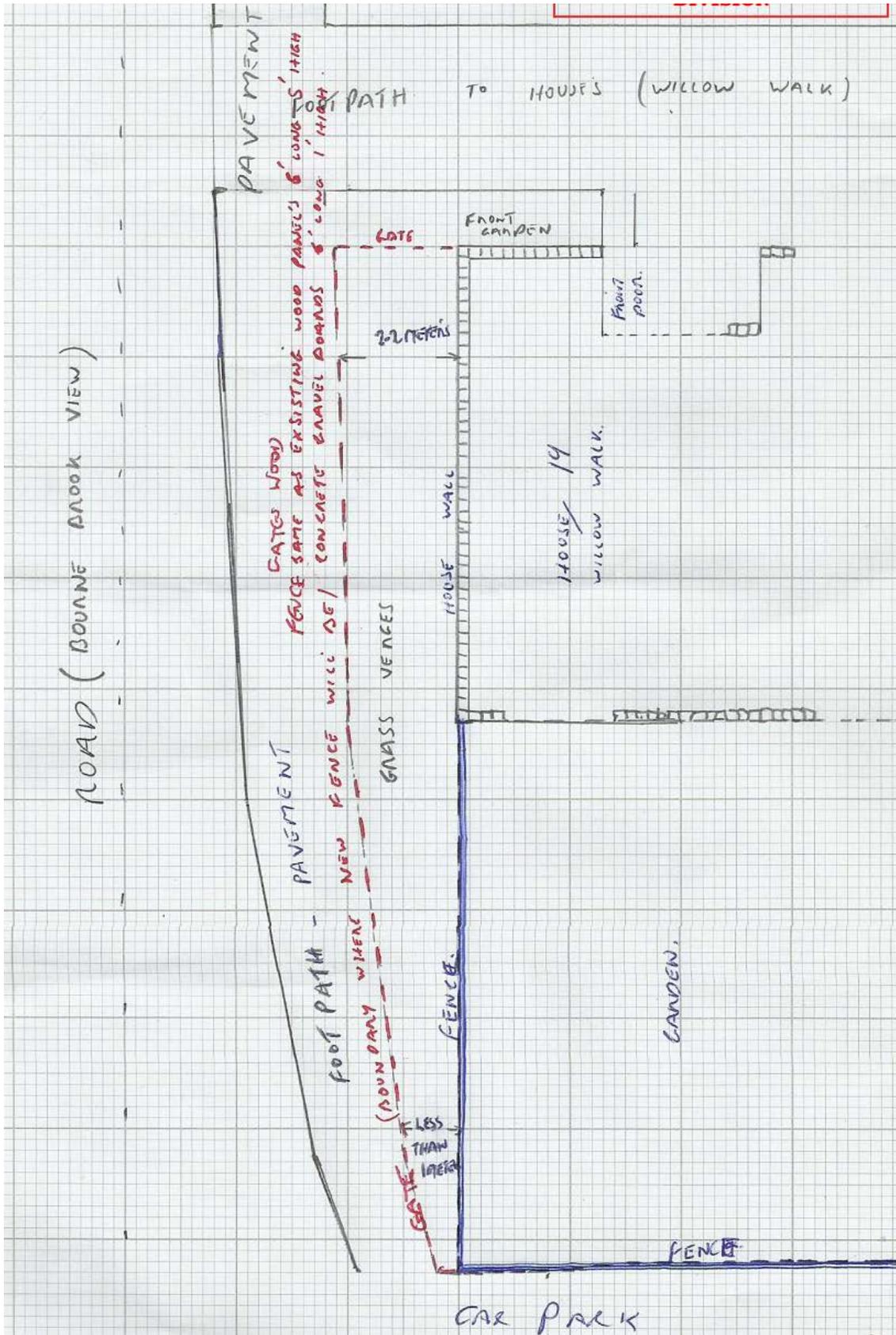
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

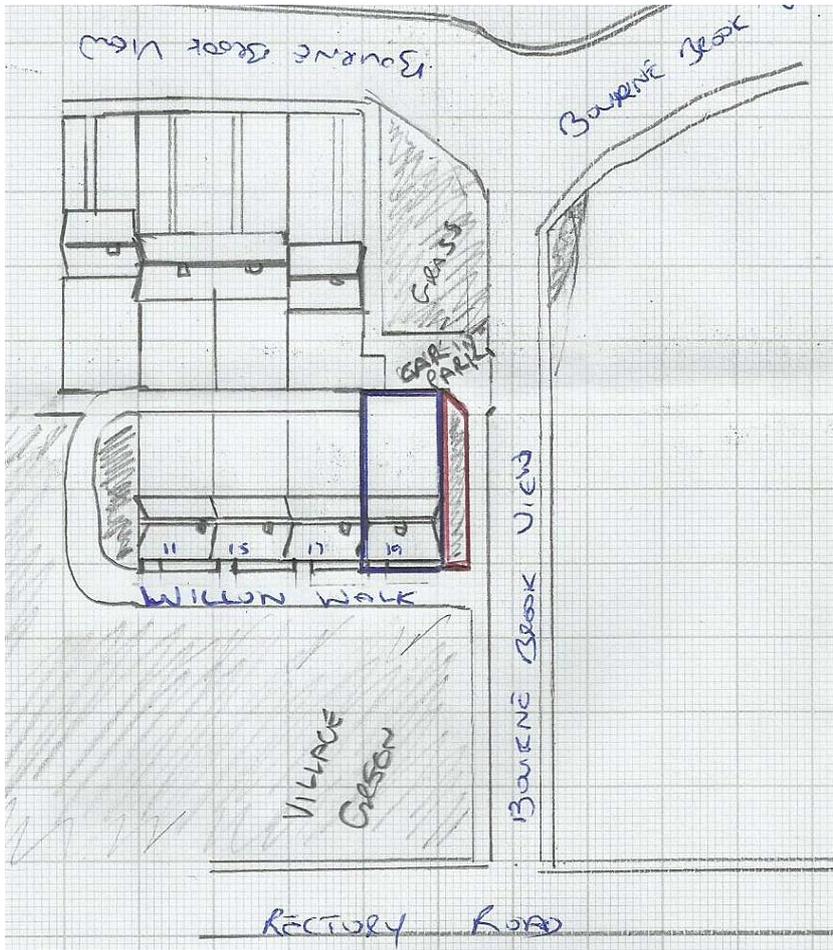
Planning Application No: PAP/2016/0025

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	13/01/216
2	Case officer	On hold email to applicant	15/01/2016
3	NWBC Housing	Email to case officer	22/2/16
4	Case officer / applicant	Emails to make the application valid	29/2/16 – 2/3/16
5	Case officer	Application valid date	2/3/16
6	Case officer	Email to applicant	3/3/16
7	Applicant	Email to case officer	4/3/16
8	NWBC Housing	No objection consultation response	4/3/16

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 B - Photos



(6) Application No: PAP/2016/0042

35, Church Walk, Atherstone, CV9 1AJ

Erection of 2 no: 1 bedroom dormer bungalows with associated parking, for

Mr Daniel Swift

Introduction

The application is reported to the Board following concerns raised by Local Members about potential impacts.

The Site

The application site is located on the northern half of the rear garden of the existing detached dwelling at number 35. It is wholly within a residential area with frontage houses in Convent Lane and Church Walk. This section of the garden is at a lower level than the existing house and is accessed by a separate private track from Church Walk which also provides vehicular access to other properties. It is illustrated below.



The Proposal

The proposal is for the erection of two, one-bedroomed bungalows with associated parking for two vehicles between the two dwellings. The design of the scheme has been revised during the application process from two three-bedroomed dwellings down to two one-bedroomed dormer bungalows. All vehicular access would be from the track. The layout is illustrated at Appendix A and the design of the dwellings to plot 1 and plot 2 is illustrated at Appendix B.

An off-site affordable housing contribution of £9000 is offered

Background

The recent site history pertains to a four-bedroomed detached dwelling approved in 2013. This is an extant permission and can be implemented until 16 June 2016. This previous application was reported to Board and the principle of development at the site was accepted. The fall-back position here is thus that a single detached dwelling with four bedrooms has been agreed in principle. The site originally formed part of the residential garden at the rear of 35 Church Walk until it was sold off and subdivided to form the present application site.

Consultations

Warwickshire County Council as Highway Authority – Commenting on the revised plans there is no objection. This is because the number of bedrooms in each dwelling has been reduced from three to one; the parking spaces have been set back further into the site to prevent conflict around the access, the parking spaces are now longer and wider to accommodate the swept path of vehicles. Additionally the vehicle movements associated with one four bedroom dwelling, which the Highway Authority did not object to, and two one bedroom dwellings is not considered to be significant. As a consequence of all of these factors, the risk of conflicting vehicle movements around the access is unlikely to differ significantly from that already considered as acceptable. However there is space on site, between the two parking spaces for one additional space and this opportunity should be taken via a planning condition.

Environmental Health Officer - No comments to make

Warwickshire Museum – No objection

Representations

Atherstone Town Council - It objects due to over-intensification of the plot causing access/egress concerns, and suggests that only one dwelling should be built with its own access onto Convent Lane.

Atherstone Civic Society – The change to bungalows does reduce the mass of the development but it is still considered to be too intensive.

Objections have been received from immediate neighbouring occupiers to the development referring to:

- The increased likelihood on on-street parking because of lack of on-site provision
- The road is not wide enough and there is little space to turn – potentially encouraging reversing movements.
- Limited visibility onto the road
- The proposed first floor rear windows of both units directly overlook the rear garden and patio of Nos. 33, 31 and 35 Church Walk and the front window of plot 2 will also directly overlook the rear garden of No. 4 Convent Lane.
- There will be overshadowing of gardens
- There will be loss of views
- Over development of the site – half of the site developed with little amenity space
- The building line will be changed
- The design is out of keeping – it is garden grabbing

- It will affect the character of the area

One letter of support has been received from a resident in the Witherley Road.

The Development Plan

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

Saved Policies of the North Warwickshire Local Plan 2006 – ENV12 (Urban Design) and ENV13 (Building Design)

Other Material Planning Considerations

The National Planning Policy Framework 2012 – (NPPF)

Observations

The main consideration is the impact of the development on the amenity of the surroundings and the safety on the public highway.

a) Principle of development

The site lies wholly within the development boundary as defined by the Development Plan. Moreover Policy NW5 of the Core Strategy identifies a hierarchy of settlements and directs most new development to those with the greatest number of services. Atherstone with Mancetter is a Category 1 settlement and has an allocation of around 600 houses in the plan period. The proposal would therefore, albeit as a small contribution, assist in achieving the number required for the settlement. This is therefore a sustainable development carrying a presumption of approval. The proposal meets the requirements of policy NW6 in that a contribution for the provision of off-site affordable housing will be provided by way of legal agreement upon commencement of the dwellings.

The NPPF is key material consideration. This means that, as set out in paragraph 14, permission should be granted here unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The site is of an acceptable capacity to support two, albeit small, new units of accommodation in the form of low scale dormer bungalows and associated parking with amenity space in the form of gardens for each dwelling. It is considered that the principle of the development can be supported given that a much larger single detached dwelling was previously approved on this parcel of land.

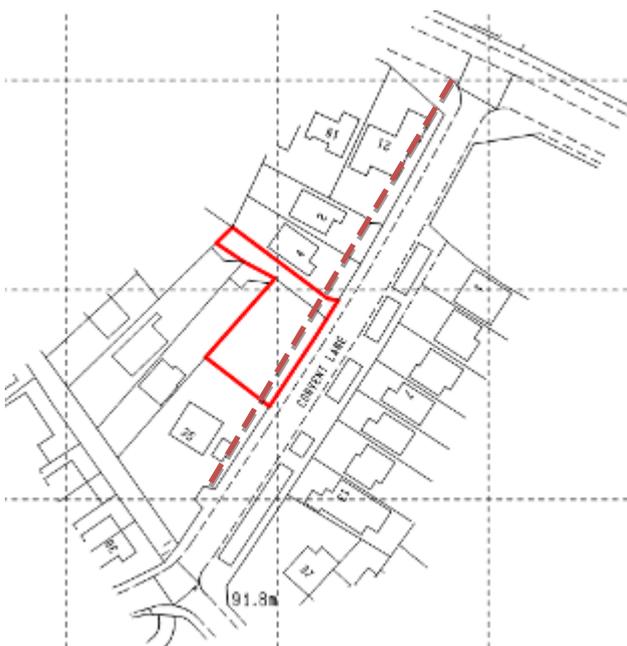
The issue here is the likely difference of adverse impacts arising from the one large dwelling previously approved, with the two small scale proposed dwellings. The density of the proposed development is below the target of 30 dwellings per hectare and the general grain of development and the nearby plot ratios shows that it is possible to allow for two homes on the rear garden area. This is the case further along Church Walk at Nos. 29 and 27 Church Walk for example. There are semi-detached properties in the

area. The site is in a sustainable location and therefore the principle of providing housing would be acceptable.

b) Detailed Considerations – Design, Scale and Location

The land is contained by an existing established boundary fencing and hedgerow which abuts the party boundaries to the immediate neighbouring dwellings. The immediate neighbouring dwellings are full height houses compared with the proposed low scale dwellings. The two proposed dwellings are virtually identical, measuring 7 metres each in width across the frontage and 7.5 metres in length and with an eaves height of 2.8 metres and a ridge height of 6.2 metres. A small feature porch is proposed. The design of the dormer bungalows are illustrated at Appendix B. The size of the dwellings is considered to be proportionate to the plot and there would be sufficient rear garden space totalling just over 70m² for each dwelling. This amenity space is suitable for a one bedroomed property. The front area to the dwelling would comprise parking space totalling a length of 7 metres for each parking space with additional front garden capacity to provide a further parking space. The design of the dwellings is low in scale and therefore they are not considered to be an over dominant form of development on the immediate surroundings. Photographs of the site with views from the street scene are at Appendix C with the site levels along the street scene illustrated at appendix D.

In terms of the building lines and the neighbouring houses along Convent Lane being set back from the street scene, then comparison can be made to other buildings on the north side of Convent Lane. On the corner at 21 Witherley Road a detached dwelling has a side building line that virtually meets the party boundary with Convent Lane and therefore projects further forward towards the highway compared with Nos. 2 and 4 Convent Lane. An existing garage at the side of No. 35 Church Walk has a building line that also projects further forward towards the highway than the host dwelling. As a consequence there is a staggered building line here, such that the introduction of the new dwellings would not provide a new building line. The projection of the building line from No. 21 Witherley Road to the garage at No. 35 Church Walk is illustrated as a dashed line below:



Whilst the proposal represents the development of a currently open former rear garden at the rear of 35 Church Walk, it would introduce built development where currently there is none. A standard brick and tile construction would not be unduly out of place or intrusive when considering the existing relatively new buildings on the corner of Convent Lane with Witherley Road. It would be appropriate to remove permitted development rights to retain control over the scale of any extensions to ensure that the new dwellings remain in harmony with their immediate setting and wider surroundings.

The outlook from Convent Lane would change but it is not considered that the physical relationship between the existing and new properties is unreasonable and the loss of a garden space is not considered to be adverse on this area of Atherstone. The site is not located within the Conservation Area but lies some 30 metres north east of the its boundary with Church Walk.

The development can also be screened by the introduction of landscaping along the boundary to neighbouring gardens and Convent Lane or by retention of the existing hedgerow and retaining feature wall and fencing. On balance and with all design matters considered the proposal is not considered to be contrary to this saved design policies ENV12 and ENV13 of the North Warwickshire Local Plan or to policies NW12 and NW14 of the Core Strategy.

c) Amenity

There are neighbouring properties surrounding the application site.

In respect of numbers 35, 33 and 31 Church Walk, the revised design to the dwellings has altered the arrangement to first floor windows, in that the rear dormer windows on the dwellings (south-west elevation) serve a bathroom and therefore the finish to the dormer window would be required by planning condition to be obscurely glazed to a privacy level of 4 or 5. In this respect there would be no privacy issues relating to overlooking from first floor rear windows towards the immediate neighbouring dwellings at Nos. 35, 33 or 31 Church Walk.

Ground floor rear windows in the development would be screened by existing and proposed boundary treatment, the height at which would not be visible to neighbouring ground floor windows at the properties 35, 33 and 31 Church Walk and the proximity of the proposal would not result in direct overlooking with a separation distance of approximately 20 metres to No. 35; 18 metres to No. 33 and 20 metres at an oblique angle towards No. 31 Church Walk.

In terms of impact on daylight from the proposed development then the separation distances to the immediate neighbours along Church Walk are sufficient in order that these neighbouring occupiers would not suffer from reduced daylight to their rear habitable rooms, particularly with the drop in site levels. The difference in site levels is illustrated at Appendix D.

Overshadowing to the neighbouring gardens at Nos. 35, 33 and 31 Church Walk would be towards the lower end of these neighbour's gardens when the sun is in the east. By the time of day when the sun's trajectory moves to the south (around late morning to midday) then the rear gardens to these neighbouring properties would not be overshadowed by the development and therefore whilst the extent of overshadowing is greatest first thing in the morning, it is reduced during the morning when the sun moves

from the east to the south. The effects of overshadowing are not considered to be excessive particularly as these neighbouring gardens face north-east and the orientation of the development is north east from these neighbouring occupiers.

In respect of numbers 4 and 2 Convent Lane then the first floor front windows to the proposed development are dormer windows which serve a bedroom facing north east and therefore face towards the flank wall to No. 4 Convent Lane with a separation distance of approximately 12 metres. Whilst there are two first floor side windows on the flank wall to neighbouring property at No. 4 Convent Lane, these serve an en-suite and a bathroom, as such the condition of the first floor side windows to this neighbours property are obscurely glazed. The ground floor side window and door to the neighbours flank elevation serve a utility room and WC, these rooms are also not principle rooms and therefore the front dormer windows proposed would not be considered to affect privacy to the side windows serving non habitable rooms at No. 4 Convent Lane.

Ground floor windows to the front elevation of the proposed development would face onto the flank wall of No. 4 Convent Lane and therefore the location of the windows does not cause an overlooking impact or privacy issue given the assessment of the neighbouring windows at No. 4 Convent Lane made above.

The view towards the neighbours rear garden at No. 4 Convent Lane would be at an oblique angle and at a 15 metre separation distance; the effect of overlooking towards rear garden space from the front dormer is no different as to the effects of overlooking between existing rear gardens when considering the relationship at No. 2 and No. 4 Convent Lane, as there is an element of overlooking towards all rear gardens with the existing arrangement to dwellings. There is direct overlooking towards the front gardens of Nos, 2 and 4 Convent Lane from the development, though front gardens are not private amenity spaces in any case.

Daylight levels may be reduced from the south west trajectory to the non-principle rooms at No. 4 Convent lane however loss of light is not considered material to non-habitable rooms. This neighbour's front windows that face Convent Lane in proximity to the angle of the development are not affected by the 45-degree line rule and therefore no overshadowing or loss of light would occur to this neighbours front habitable rooms facing onto Convent Lane.

The effects of overshadowing on Nos 4 and 2 Convent Lane would be minimal and only occur to the front garden space when the sun is in the south-west, in any case the separation distance from a low height building would not be considered to cause an unacceptable level of overshadowing.

There is no overlooking toward rooms or effects on light to rooms at No. 2 Convent Lane which is considerably further from the development by approximately 22 metres and is screened from the development by No. 4 Convent Lane.

No other neighbouring properties at Church Walk would be affected by overshadowing loss of light or loss of privacy from the siting of the development, given the separation distances to other neighbouring dwellings at Church Walk. The amenity to neighbouring properties along Convent Lane is not considered to be affected by the development in that the separation distance is some 20 metres to front principle elevations from the development.

On balance and with all amenity matters considered, the proposal is not considered to result in an unacceptable amenity impact on the neighbouring occupiers, by virtue of the separation distances between buildings, the mitigation measures through obscure glazing to control overlooking and the orientation of the development which is not considered to adversely cause overshadowing. The balance is that the proposal is not considered to be contrary to the requirements of policy NW10 of the Core Strategy.

d) Highway safety

The site is accessed from Convent Lane by use of the existing access drive, which benefits from an existing dropped kerb access onto Convent Lane. The Highways Authority has no objection subject to conditions with sufficient parking spaces to serve the dwellings, which should provide no further intensification than that of the single four bedroomed dwelling previously approved.

The neighbours at No. 31 and 33 Church Walk have an access right over the drive to be shared by the development. The applicant claims they own the drive and the neighbours also claim ownership over it. This access issue is not a planning consideration as it is a civil matter between neighbours, but the proposal does allow for vehicles associated with the development to have designated parking spaces clear of the access drive.

Summary

The proposal would create two dwellings on land within the development boundary remembering that one dwelling can already be erected. The net difference is therefore two smaller dormer bungalows with a similar amount of amenity space and capacity for parking as could be achieved by the previous approval for one detached dwelling. With all matters considered, the proposal for two small scale dormer bungalows is considered to be acceptable with regards to policy considerations.

Recommendation

That subject to completion of the Section 106 Agreement as set out in this report, planning permission be **GRANTED** subject to the following considerations.

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 revised plan 9337.02 Rev C received by the Local Planning Authority on 23 March 2016.

REASON

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

3. The development hereby approved shall be carried out in accordance with the site levels detailed on the approved plan required by Condition 2.

REASON

In the interests of the amenities of the area.

4. No development whatsoever within Class A, B, C, D, E and F of Part 1 and Class A of Part 2, of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995, as amended, shall commence on site without details having been submitted to and approved by the Local Planning Authority.

REASON

In the interests of the amenities of the area.

5. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner, unless details have been submitted to, and approved by the Local Planning Authority.

REASON

To protect the privacy of the occupiers of adjoining properties.

6. The first floor windows dormer windows to the roof slope facing the south west elevation of the dwelling shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 5 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.

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

REASON

In the interests of the amenities of the area.

8. The floor layout of the development hereby approved shall remain as per the requirements of Condition 2.

REASON

To define the limitations of the consent in the interests of parking and amenity.

9. Access for vehicles to the site from the public highway (Convent Lane D183) shall not be made other than at the position identified on the approved drawing providing an access no less than 3.3 metres in width for the length of the drive. No gates shall be hung within the access to the site so as to open within 7.0 metres of the near edge of the public highway carriageway.

REASON

In the interests of Highway Safety

10. Notwithstanding the plans submitted no development shall commence until full details of the surfacing, drainage and levels of the car parking and manoeuvring areas, including the provision of a visitor parking space, 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. 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. No further hardstanding fronting the dwellings should be permitted post implementation to prevent moving parking closer to the vehicular access to the site.

REASON

In the interests of Highway Safety

11. 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 45.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interests of Highway Safety

12. 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 and to clean the public highway of such material.

REASON

In the interests of Highway Safety

13. 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 Highway Safety

14. Before the development commences a scheme for the construction of the foul and surface water drainage system shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON

To prevent pollution of the water environment and to minimise the risk of flooding on or off the site.

15. 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 building(s)/dwelling(s) hereby approved is/are first occupied and shall subsequently be maintained.

REASON

In the interests of the amenities of the area.

16. Before the commencement of the development, a landscaping scheme shall be submitted to the Local Planning Authority for approval. The approved scheme shall be implemented accordingly prior to occupation of the dwelling hereby approved. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. In the event of any tree or plant failing to become established within five years from the date of planting, or being removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

REASON

In the interests of the amenities of the area.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0042

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	21.1.16
2	Agent	Supporting documents	15.2.16
3	Town Council	Representation	18.2.16
4	A Southcombe	Representation	20.2.16
5	NWBC Environmental Health	Consultation reply	23.2.16
6	Atherstone Civic Society	Consultation reply	24.2.16
7	WCC Museum	Consultation reply	3.3.16
8	WCC Highways	Consultation reply	9.3.16
9	Astill Planning	Representation	9.3.16
10	Mr and Mrs Godderidge	Representation	9.3.16
11	Case Officer	E-mail	9.3.16
12	Agent	Revised plan	17.3.16
13	Case Officer	E-mail	21.3.16
14	Agent	Revised plan	23.3.16
15	Case Officer	E-mail	23.3.16
16	Astill Planning	Representation	31.3.16
17	Mr Lawton and Mrs Millachip	Representation	31.3.16
18	WCC Highways	Consultation reply	7.4.16
19	Case Officer	E-mail	7.4.16
20	Agent	Supporting documents	13.4.16
21	Case Officer	E-mail	25.4.16
22	D Matthews	Representation	28.4.16

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

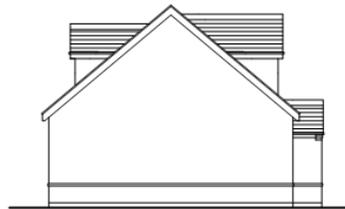
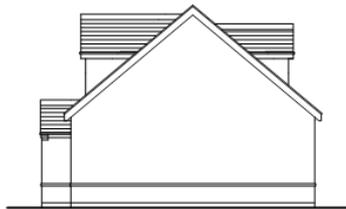


Plot 1.



Plot 1.

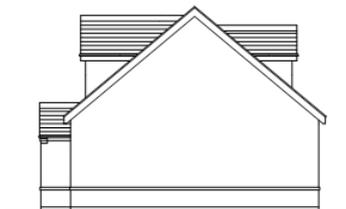
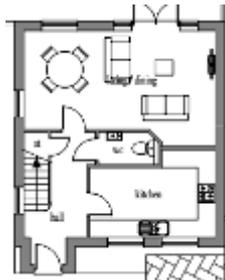
FIRST FLOOR PLAN



Plot 1 layout and elevations



Plot 2.



Plot 2 layout and elevations

Appendix C

The street view and section plan is illustrated below, showing the scale of the new build compared with the heights of the existing dwellings along the street scene.

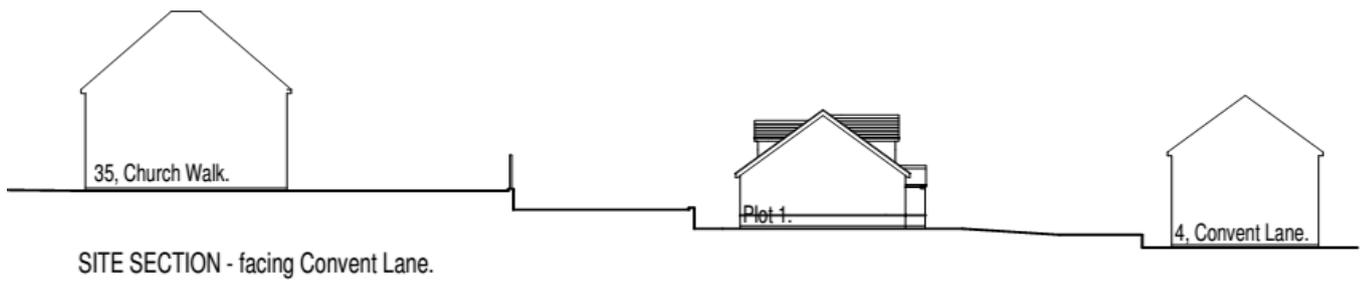


View of site from street scene



Site vehicular access and shared drive with neighbours

Appendix D



(7) Application No: PAP/2016/0091

**Moor Farm Stables, Wall Hill Road, Corley
Retention of an indoor equestrian indoor practice arena**

Application No: PAP/2016/0119

**Moor Farm Stables, Wall Hill Road, Corley
Retention of temporary access put in place during the construction of an indoor equestrian practice arena**

both for Mrs L White

Introduction

At the February Board meeting, a report was presented to the Board describing the planning application to retain an equestrian indoor practice arena at these established stables. It was resolved that the Board visit the site prior to a determination of that case. This was because the building on site and proposed to be retained was unauthorised. Some of the main issues in that determination would be an assessment of the visual and landscape impact of the building and also how it impacts on the openness of the Green Belt. A visit was thus considered to be appropriate.

Shortly afterwards, a second application was received to retain and to improve an access onto Wall Hill Road that had been in use as a temporary access for the construction of the indoor arena. It is considered entirely appropriate and necessary for these two applications to be dealt with together.

Members have now visited the site and they inspected both the unauthorised building and the access proposed for retention. A note of this is attached at Appendix A.

It is not proposed to attach the previous report because it is more appropriate to provide a comprehensive outline of both applications following receipt of the second "access" application.

The Site

Moor Farm is located on the north side of Wall Hill Road just to the west of Corley Moor. The farm consists of the listed farmhouse together with a collection of former farm buildings and stables which are now fully in equestrian use. They are set a little way back from the road. The surrounding area has a number of dispersed residential and other farm buildings and Red Lion Public House is to the south-west. Oak Tree Farm together with a couple of small cottages known as Pillar Box Cottages are on the opposite side of the road.

The site of the subject building is between 11 and 15 metres from Wall Hill Road running on its northern side, parallel with it and located to the west of an existing outdoor menage. There is a roadside hedgerow here. Access to the building is obtained from the main access into the premises off the road to the east. However there is an unauthorised temporary access from Wall Hill Road into the site at its far western end.

There are a number of public footpaths running around the edge of the land to the north of the site – the M294, 295 and 296. The M6 Motorway is around 400 metres to the north.

A plan illustrating the general location and the footpaths is at Appendix B.

Background

The holding here is an established riding and equestrian centre which is used by a range of different groups and individuals connected to established riding clubs, members of the public, corporate business, local schools, disability groups and with Council schemes notably the Coventry City Council and its Corley School nearby. There is also some livery activity. The applicant has set this out in more detail at Appendix C.

In late 2014 planning permission was granted for an indoor practice area. The approved plans show a building measuring 65 by 21 metres and 6 metres to its ridge. This was to be located immediately west of the existing outdoor arena and to be sunk into the ground at its eastern end and be some 20 metres from Wall Hill Road. The materials approved were vertical stained timber boards for the walls and grey plastic steel roof sheeting. Additional car parking areas were also approved but all vehicular access was to remain as at present.

It became apparent that the approved plans were not followed and that the building erected is larger than that approved.

The Proposals

The applicant has elected to submit this retrospective application in order to seek remedy of the breach of planning control for both the building and the access, by seeking retrospective planning permissions

a) The Building

The location of the building as built is the same as the approved scheme as are the materials used. However its size varies from the approval in that:

- The footprint of the building has increased by 63 square metres. It measures 68 by 21 metres and this increase is due to a 3 metre extension in length at its western end
- The roof pitch is at 15 degrees as opposed to the 11 degrees as approved
- It has not been sunk into the ground. The approved plan showed this to be as much as 1.5 metres at its eastern end with some filling at the western end. With no “cut” here the whole building is 3 metres taller.

A plan at Appendix D illustrates the location of the building and sections are provided at Appendix E. The differences are shown on these plans.

The building has been further modified since the submission of the application:

- The windows in the four elevations have been removed such that there are now solid walls

- Additional roof lights have been added as a consequence in order to gain daylight
- Security lighting – two lamps – have been provided either side of the main entrance – the northern elevation

Additionally there has been extra landscaping provided around the buildings – young trees along its northern side and holly and hawthorn bushes between it and the roadside elevation.

Apart from submitting the background at Appendix C, the applicant has submitted a Visual and Landscape Assessment. This describes the landscape character of the area using the North Warwickshire Landscape Assessment. The site is in the “Church End to Corley – Arden Hills and Valleys” area, which is characterised by “an elevated farmed landscape with rounded hills, steep scarps and small incised valleys. This landform combined with extensive hilltop woodlands and tree cover creates an intricate and small scale character, punctuated by numerous scattered farms and hamlets”. It also refers to urban elements such as the M6 Motorway and lines of pylons. The report describes the building as being positioned amongst farmland with field hedges, woodland thickets, isolated spinneys and disparate residential and business premises. The ground levels slope upwards to the south and are lower towards the motorway. The site itself is largely enclosed which restricts views into the site. The report considers the effects of the building on the landscape character and visual amenity in respect of its public visibility. It concludes that it is within a working stables environment which comprises a number of buildings used in the running of a rural business. The building is in-keeping and positioned so as to be part of the cluster of structures on the site. It is also behind a strong hedgerow. The assessment concludes that there is thus a low level of change to the overall character of the local landscape. In respect of visual amenity then visibility from the public’s perspective is considered to be low. The view from the nearest houses will be the most significant but the former view here was also affected by the roadside hedgerows and trees. Views from the surrounding public footpaths are mixed, but closer views would treat the building as part of a wider cluster and in distant views the building would not appear as being incongruous in an agricultural landscape. The impact in terms of public visibility is considered to be low. The assessment also concludes that there would be low impact on the setting of the nearby heritage assets – Moor Farm and the Windmill.

The applicant has also submitted a Planning Statement which assesses the application against both National and local planning policy. This considers that the main issue here is the impact of the new building on the openness of the Green Belt; its impact on landscape character and visual amenity.

The statement also says that, “the demolition of the arena would sadly force the closure of the business as the applicant has borrowed a significant amount in order to construct it and would be unable to raise further funds to rebuild it to the consented specifications”. It is said that demolition and rebuilding such that the building complied with the approved plans would cost some £190k. This position is supported by the applicant’s accountants who have written to confirm this. They have also confirmed that leaving the building at the same ground level and the same length but reducing the roof height would cost £120k – i.e. no ground works. The cost of retaining the building as built but reducing its length to that permitted would be at a cost of £50k.

b) The Access

The access the subject of the second application is located onto Wall Hill Road a little to the west of the residential properties known as Post Box Cottages. It is thus at the far western end of the indoor arena building. It is of temporary construction at present and shows the removal of the established hedge line and trees on either side in order to engineer the access.

The proposal is to retain the site of the access but to make it permanent. This would thus be 5 metres wide with a hard surface extending 20 metres into the site and with a gradient of no greater than 7%. Gates would be located 15 metres back from the carriageway. Visibility plays of 2.4 by 103 metres to the west and 2.4 by 112 metres to the east are proposed. This would require the removal of some undergrowth and self-set saplings but not existing trees.

The access was first opened up during the construction of the indoor arena and was thus a temporary measure. It is now proposed to retain it for the use of horse-boxes and heavier vehicles using the stables and arena. It is proposed to be improved as described above. It is said that such an arrangement would mean less traffic accessing the site by the existing access opposite the Red Lion Public House. Additionally by giving the heavier vehicles a dedicated access, there would be an improvement on site because these vehicles would then be removed from the public areas in and around the existing stables and the new arena building, accessed now by the established access, thus improving on-site safety.

A plan illustrating the general location of the access in relation to the site as a whole is at Appendix F. The proposed access arrangements are at Appendix G.

A highway assessment and road safety audit accompanies the application which refers to speed surveys undertaken on the road and which forms the basis of the proposed visibility splays.

The applicant has also provided some information on traffic generation levels before the indoor arena was constructed throughout a year and also projections for the forthcoming year. This is attached at Appendix H.

This show that before the building was here, traffic movements peaked at weekends – up to 120 vehicles a day compared with 30 during the week - and that there was more day-time activity during the summer and that it extended into the evenings (2000 hours). Prospective traffic movements would increase throughout the whole year – the building allowing greater use (up to 60 midweek but still around 120 at weekends) and with more days having extended hours.

At present there is car parking provision at the main access into the site and some staff car parking close to the new building. All horse boxes and heavier vehicles presently use the main access.

Representations

a) The Building

Twenty nine letters of support have been received at the time of preparing this report. They refer to the following matters:

- The building is a valuable asset extending greater use of the site throughout the year
- The stables are highly effective and supportive in teaching and accommodating the disabled and those with social, emotional and behavioural problems
- The facility is one of national standard and of high quality
- The stables are an asset to the community
- It gives business and employment opportunities to local concerns and people.
- All weather facilities can lead to fewer horses on the roads in winter months.
- Some residents living in Green End can see the building but it causes no concerns

Five letters of objection have been received referring to the following matters:

- The completed construction bears no resemblance to the approved plans which were “set into the ground”
- The building is too high and its impact is no longer minor but substantial
- Other uses and events appear to be taking place here
- The light from indoors can be seen as far away as Green End
- Lighting is intrusive
- It is far too close to residential property and can be clearly seen through the road side vegetation.
- It is an intrusion of privacy.
- Too much traffic is being generated by this development

The Fillongley Parish Council objects. The letter is attached in full at Appendix I. In summary on the following grounds:

- The PC did not object to the original application.
- The building now has windows and lights which impacts on amenity
- The continued use does not rely on a building of this size. The business could have operated using the approved building.
- The unauthorised access position needs addressing too
- The site is being used for other non-equestrian uses
- The high building can be seen from afar particularly from the north – its lights too
- New planting will not be effective in the winter
- The building “dwarfs” nearby houses

The Corley Parish Council objects. Its letter is at Appendix J. In summary it refers to the following ground:

- The building is not in accordance with the approved plans. This is “totally unacceptable” and the application should be “rejected immediately and enforcement action initiated so that the building conforms to the planning consent”.

b) The Access

Three letters of objection have been received referring to the following matters:

- Again this is unapproved development
- Loss of roadside vegetation
- Poor visibility with high traffic speeds on the road
- There is no pavement here
- The road is too narrow for horse boxes
- Visual impact on the countryside
- The adverse impact on residential amenity

A further letter received expresses concerns about road safety

Fillongley Parish Council objects. The letter is at Appendix K. It refers to the following grounds:

- The access is in an unsuitable location
- There is loss to neighbour’s amenity
- There is loss of hedgerow and thus bio-diversity
- Adverse visual impact

Corley Parish Council objects – see Appendix L. The following grounds are mentioned:

- The Parish Council requires the Council to refuse the retrospective application and apply appropriate enforcement action.

Consultations

a) The Building

Environmental Health Officer – No objection to the retention of the building.

Warwickshire County Council Flooding Authority – No objection

b) The Access

Warwickshire County Council as Highway Authority – The County has indicated that it has no objection subject to conditions and consideration of a Road Safety Audit. The Audit has been submitted, but the final response from the County Council is still awaited.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW3 (Green Belt), NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment) 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), ENV16 (Listed Buildings) and ECON7 (Agricultural and Equestrian Buildings)

Other Material Planning Considerations

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

The National Planning Practice Guidance 2014 – (the “NPPG”)

North Warwickshire Landscape Character Assessment

Observations – Introduction

Members are reminded from the outset that simply because the two developments described here – the building and the access – are unauthorised does not automatically mean that they have to be refused planning permission. Planning legislation says that that these two developments are not presently illegal and thus gives the opportunity to the owner to remedy the “breaches” of planning control. In this case the applicant has elected to submit retrospective planning applications and this approach is fully in line with legislation. In other words Members of the Board should consider the proposals afresh and determine them as if they were new applications for the developments. The frustration of the local community as reflected in the objections of the two Parish Councils is well understood, but Members are advised most strongly that “automatic refusal” carries no weight in the determination of the applications.

There is one other introductory matter here. Clearly the two applications should be looked at together, but Members are advised that different conclusions can be reached on either case.

It is proposed to deal with the case of the building first.

Observations – The Building

a) The Green Belt – Appropriate or Not Appropriate Development

The site is in the Green Belt. As a consequence, the NPPF states that new buildings constructed herein are not appropriate developments and are thus by definition harmful to the Green Belt. Proposals for new buildings therefore carry the presumption of refusal because of that harm. However as Members are aware, the NPPF does identify a number of exceptions to this overall approach and it is necessary first to establish whether the building here would fall into one of these. The one most relevant to this case is that buildings are appropriate development, if they are for “appropriate provision for outdoor recreation and sport”. There are conditions attached to this exception

however - the buildings should preserve the openness of the Green Belt and not conflict with the purposes of including land within the Green Belt.

The building here is for an indoor equestrian arena to be used in connection with an established riding stable. It is thus in a strong position to benefit from this exception. This initial conclusion is given added weight by several factors: the equestrian use of the holding here is lawful and well established; there is already a significant amount of equestrian outdoor activity here and this is substantially recreational in scope, the increased height of the building doesn't take it out of the scope of this exception, the Council has approved other such buildings in the Green Belt in the Borough and both local Parish Councils accepted the principle of such a building in the Green Belt at the time of the original application. As a consequence of all of these matters it is concluded that the building is thus likely to satisfy this exception. The issue therefore arises as to whether it meets the terms of the two conditions.

Taking the second one first then there are five purposes set out in the NPPF for including land within the Green Belt. The proposal here would not conflict with the first of these – checking the unrestricted sprawl of large built-up areas as this is not an application for urban extension or growth; It would neither conflict with the second – preventing the merger of neighbouring towns as there are no such neighbours here. There is potentially an issue with the third – safeguarding the countryside from encroachment. This may carry some weight but there are three matters that count against that weight being any more than minor. The first is that a similar building has already been approved here; secondly this a building to be used in association with a use and activity that substantially requires a rural location and thirdly the countryside here is not being “encroached” by infilling or surrounding development, it already is developed here through the established equestrian use. The fourth purpose – preserving the special character of historic towns – doesn't apply here. Equally, neither does the last one – prejudicing urban regeneration. As a consequence therefore it is considered overall that there is no material conflict with these five purposes.

Turning now to the first of the conditions, the key is whether the building now proposed “preserves the openness of the Green Belt”. There is no definition of “openness” in the NPPF, but it is generally accepted that it means a feeling of spaciousness resulting from the absence of development. In this case there would be an impact on openness because of the building's size. It is its height that causes this impact. This is because it sits on higher ground; it is particularly noticeable from Wall Hill Road, and from existing neighbouring residential property and is visible from some distance when viewed from the north and the nearby public footpaths. The building therefore does not “preserve” openness because the perception of open space in the immediate and surrounding area is lessened.

As a consequence of this, the condition cannot be satisfied and thus the development does not meet the definition of the relevant exception. It is not appropriate development in the Green Belt.

b) Green Belt – The Level of Harm

As Members are aware a finding that a proposal is not appropriate development means that the development is “de facto” harmful. Members will also be aware that in such circumstances they also have to address the issue of the degree of “actual” Green Belt harm – in other words how bad is the harmful impact on the openness in this case. It is considered that the level of harm here is moderate. It is not limited harm because of the

building's visibility from public vantage points over a wide area and because it has "presence" in its immediate setting. On the other hand it is not a significant level of harm because of several mitigating factors - when viewed from the north there is a substantial tree/woodland back drop; the existing frontage hedgerow and trees are substantial, thick and deep with evergreen planting (holly), the building is close to existing structures and it is constructed of materials that are appropriate to the setting and which will "age" naturally and finally because of the fall-back position that the existing consent could still be implemented. As a consequence of all of these considerations it is considered that the actual level of Green Belt harm is moderate.

c) Other Harm

Members will know that when a development is not appropriate in the Green Belt, the onus is on the applicant to forward those material planning considerations which he considers amount to the very special circumstances necessary to outweigh the level of harm that might be caused. The NPPF makes it quite clear that this balancing exercise also has to take into account any other non-Green Belt harm that might be caused by a development – e.g. adverse highway or drainage impacts. These have to be added to the Green Belt harm on the "harm" side of the balance. This combined harm is then balanced against the weight given to the applicant's planning considerations. It is necessary now therefore to address whether or not there is any other harm caused by the proposed building.

It is not considered that there is a drainage or flooding issue here and neither is there any ecological or archaeology issue that causes harm. The main ones to assess are visual impact; highway considerations and amenity impacts. It will be necessary too to assess heritage impacts.

It is agreed that the building has a limited impact on the character of the landscape. The overall description of that character as set out in the North Warwickshire Landscape Assessment is not altered in any material way by this development. This is because of the relatively small scale of the development in the much wider landscape setting; its appearance and the materials used, that other similar agricultural buildings could be built here under permitted development and they would not out of place in a rural setting.

There is however a visual impact. This is considered to be a low impact in the wider setting. The building is within a cluster of other buildings and it benefits from substantial surrounding woodland, tree cover and hedgerows which filter more distant views. Its appearance is not out of keeping in a rural area and agricultural buildings of this nature are to be expected. Additional tree planting along the northern side will further mitigate any impact. Visual impact from closer in however is more significant because of the building's height and particularly because it is on higher ground. This impact is a moderate impact. Road users only get limited and glimpsed views and these are substantially mitigated by established tree and shrub cover which will be supplemented by new holly and hawthorn planting. However there is an adverse impact on the immediate neighbouring cottages. These have windows facing the building and open garden land on both sides of the cottages. The visual impact however is focussed on the windows and the garden to the east as this is where the building will be most visible. It too will stretch over some length. This is not ideal and marks a noticeable difference between that approved and that constructed. Consequently the level of harm is considered to be moderate rather than limited. It is no greater because the cottages and their gardens stand at a higher level than the road; the existing tree and hedgerow

cover contains a lot of an evergreen variety – holly – and it is substantial. It also has been supplemented by new holly and hawthorn planting which will over time fill the gaps and result in better all year round cover.

The impact on residential amenity covers several matters. It is appropriate that this issue focus first on Pillar Box Cottages and Oak Tree Farm. In respect of the cottages then it is not considered that there is an issue here arising from potential noise or other form of pollution. The main concern is whether the building is so dominant that it causes harm to the residential amenity of occupiers of the cottages. It does not overshadow these properties as the building is to the north of the cottages, but it is the physical presence that is the issue here. For the reasons indicated earlier, it is considered that there is moderate visual harm caused because of the height and length of the building and thus this would affect residential amenity. This harm should reduce over time as the new planting establishes itself and the materials used in the construction weather but that will still not be sufficient to lessen the harm caused by its presence. The overall impact on Oak Tree Farm is much less because that property sits further back and behind a larger and more established thicket of trees.

As mentioned earlier the impact on residential amenity of property further afield is limited. This is because of separation distances and the significant intervening effect of trees, woodland and the topography of the area.

There is mention in the objections to lighting. The building enables use in the evenings particularly in the winter months and thus there is a need for internal lighting. All windows in all elevations have now been removed but additional roof lights have been added to gain as much natural light as possible. This means that in the evenings that light reflects upwards. This should not materially affect residential amenity. That is not to say that it cannot be seen but the issue is how adverse is that. Given that the use of the building can be conditioned so as to close at a specified time – the applicant suggests 2000 hours – and the facts that there are other lights visible in and around the setting and that if this was an agricultural building it could well also be lit, it is not considered that there is a material adverse impact here.

In terms of highways then the building itself did not give rise to an objection from the highway authority when the original application was submitted. It is considered that the actual changes to the building as now built are unlikely to directly give rise to a significant increase in traffic. At the time of that original application conditions were attached relating to the provision of an overflow car parking area and limitation of the building's use to just equestrian use so as to limit further intensification. These conditions can be repeated here if a planning permission is forthcoming.

The building is close to the Listed farm house. The Council has a statutory duty to ensure that the special architectural and historic character of this asset is preserved. The significance of this asset is that it remains as an historic farmhouse within an agricultural setting and with a range of agricultural buildings around it. The actual character of the asset is not affected by the current proposal but its setting may be. It is however considered that because of the separation distance and the intervening existing buildings that there is no material impact on the overall setting of the farmhouse and its curtilage. There is a further Listed building – the Windmill – to the south-east but this is considered sufficiently distant as not to be affected by the proposal. As such there is not considered to be any adverse heritage harm here.

In conclusion therefore it is considered that there is moderate visual and amenity harm.

As a consequence this has now to be added to the moderate Green Belt harm already set out above on the “harm” side of the balance that the Board has to assess. It is now necessary to understand the matters that will be on the other side of this balance.

d) The Applicant’s Planning Considerations

The applicant has put forward several planning considerations which are considered all to be relevant to the case and are thus material in the Board’s final assessment. The first is that the building provides an opportunity for the business to promote outdoor sport and recreation which is considered by the NPPF to be one of the beneficial uses of including land within the Green Belt. The applicant argues that this building will enhance and widen an existing business thus leading to increased opportunities and participation promoting outdoor recreation activity. This would align too with the NPPF in promoting healthy communities. Secondly it will maintain and support the longer term viability of long established rural business that has a track record of offering wider community benefits than just limiting itself to livery and to a riding school. The applicant points to the letters of support and particularly to those organisations that directly use the premises for these wider benefits. This therefore would align in the applicant’s view with the NPPF in supporting a prosperous rural economy. Thirdly the applicant points out that there are two fall-back positions here. Agricultural buildings of this appearance and design can be permitted development not requiring the submission of a planning application and secondly the original consent here can still be taken up.

e) Very Special Circumstances

Members should now complete the final assessment of this case by balancing the total weight of harm caused, against the weight that they would attribute to the applicant’s case.

In order to guide members it is considered that the first two of the applicant’s planning considerations put forward, carry more weight than the third. Weight has to be afforded to the combination of these two considerations. This is because firstly they accord with the NPPF and with the Development Plan and secondly because they did carry this weight when the original application was being considered. This weight has to remain the same as the arguments have not altered, but the issue will now be whether this is sufficient to outweigh the harm caused by the new building being proposed rather than the original.

It is considered that it does not. This is because, according to the NPPF, the most important attributes of the Green Belt are its permanence and its openness. These will be compromised here because of the lack of preservation of openness and the other moderate harm caused. That does not however say that the importance of the use of the building in connection with an established and rural business should be ignored. It is just considered that in the planning balance the importance of retaining the attributes of the Green Belt carries more weight. For there to be the very special circumstances to outweigh the harm caused, the NPPF says that they have to “clearly” outweigh the total level of harm caused. Here it is considered that the balance is not that “clear”. As a consequence in these circumstances the probability of a refusal of planning permission is raised.

f) The Expediency of Enforcement Action

Before making such a recommendation, Members should consider the issues involved.

The Board will know that the decision to commence formal enforcement action rests on whether it considers that it is “expedient” to do so. This is the test that is set out in planning legislation.

In making such an assessment Members should consider the following three matters. The conclusion above was that the circumstances put forward by the applicant do not “clearly” outweigh the harm caused. Members firstly therefore should assess just how much of a gap there is between those circumstances and the harm. There is a gap here, but it is considered that it is not a significant gap. The reason for this is that the decision to grant planning permission here previously not only recognised these same circumstances as put forward by the applicant, but also found that they were of sufficient weight to outweigh the far more limited harm caused by that building. With the current application the gap is larger than that with the approved building. Importantly therefore this does suggest that a building can be constructed here if a means can be found to close this gap.

Secondly, Members should say what form any enforcement action should take. There are two courses available – either a breach of conditions notice in that the building has not been erected in accordance with the condition attached to the planning permission identifying the approved plan numbers, or a full enforcement notice. In the circumstances here it is considered that the building as now erected is materially different to that approved under the earlier consent. This is a matter of fact and degree – as set out earlier in this report – and is not considered to be negotiable. As a consequence, officers would advise that a full enforcement notice is issued if action is to be agreed. This means that that Notice has to set out the requirements necessary to remedy the breach of planning control. Here that would mean demolition of the building and reinstatement of the land to the situation prior to its erection.

Thirdly Members should assess the impact of any enforcement action on the applicant. This is a requirement of Government guidance and cannot be ignored. Members should therefore fully appreciate that such a requirement would have a serious financial and commercial impact on the applicant and the business. It may also impact on the level of support for and patronage of the business. Whatever the situation about the building, it is not considered that this should be the outcome of planning enforcement action. In this case it is not the business that is in breach of planning control but the building. The business could continue without the building. However here, there is another material planning consideration of substantial weight – the 2014 planning permission for an indoor arena. Members will know that enforcement action can require “lesser measures” in order to remove a breach or to mitigate its worst impacts such that it becomes acceptable. It is recommended here that “lesser measures” is an approach that should be assessed as it will take into account the earlier consent. This would also align with the view that the “gap” between the applicant’s argument and the harm caused referred to earlier in this section is capable of being closed.

From everything discussed earlier in this report Members will understand that the harmful impact here of the present building is not necessarily its extended length, but its height. It is this which causes the Green Belt and non-Green belt harm. Lesser measures in any Notice could require reducing the height of the building to its approved height. In other words this would result in a six metre tall building as measured from the

existing ground level – an overall reduction throughout the whole length of the existing building by 1.5 metres. It is accepted that this would not involve earthworks such that the building would not be cut into the ground as approved, but it would lessen the two harmful impacts identified above – visual and residential amenity. Members should still understand that this requirement would have a significant financial and commercial impact on the business. In the proposals section above the applicants accountants have indicated that the cost of such a measure would be £120k and that at this additional cost it might be fatal to the business. The counter-argument here is that the applicant did not stick to the approved plans and the responsibility of that decision rests there and not with the Council.

In bringing these matters together therefore it is considered that if the Board resolves to refuse planning permission to retain the building as it does not consider that the considerations put forward by the applicant amount to the very special circumstances necessary to clearly outweigh the total harm caused, then it should consider the expediency of the issue of a full Enforcement Notice requiring lesser measures, as outlined above, rather than complete demolition.

This is the course of action that will be recommended below. However it is considered that it would be prudent for the Board to better understand the consequences of the lesser measures as outlined on the business and on the overall social, recreational and other benefits that are obtained from continuation of this local rural enterprise business.

Observations – The Access

a) Green Belt – Appropriate or Not Appropriate Development

The access improvements here are “engineering” operations in planning terms and these too are subject to consideration under Green Belt policy. In this respect the NPPF says that such operations are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.

It is not considered that the access proposals here do conflict with any of the five purposes of including land within the Green Belt as set out above. Again the only purpose which might be affected is whether this access proposal conflicts with safeguarding the countryside from encroachment. Again this is not considered to be materially prejudiced because the overall level of encroachment, if any, is exceptionally local. There is neither considered to be an adverse impact on openness. Indeed it could be argued that this proposal is just a “surface” development thus it doesn’t affect openness and that it could be said to increase openness by opening up a thick section of roadside tree and shrub planting.

As a consequence it is considered that the proposal is appropriate development in the Green Belt

b) Harm

Green Belt harm would thus not apply in this case. Indeed the objections received here are mainly to do with highway issues rather than to this particular policy issue. However it is first appropriate to assess whether there would be visual harm arising from this proposal.

It is considered that there would be. A significant section of mature roadside planting has been removed from a lengthy established line of tree cover and as such cover is common on both sides of the road here, the “gap” is pronounced. The consequence of the grant of a planning permission here would be to not only retain the gap but to have it further constructed to an engineered solution. It would not integrate at all well into the natural landscape. Because of its size and these engineering works, the harm would be permanent and significant. It is accepted that it is not generally visible from the public’s perspective because of the existing nature of the road with its roadside and other trees, thickets and woodland in the overall area and road users would generally not see it until they were close. However there would be a visual impact on the occupiers of the neighbouring residential property as that is directly opposite and the gap is clearly visible. The harm caused is considered to be significant.

The main issue arising from the objectors is the highway impact. The concerns relate to the lack of vision for larger vehicles when emerging from the access onto a narrow road where traffic speeds are high. In order to address these concerns a Road Safety Audit was undertaken and advice sought from the Warwickshire County Council as the statutory highway authority. Subject to conditions its initial view is one of no objection. As Members are aware the response from a statutory agency carries substantial weight and this should be respected. On their visit Members particularly looked at the access; its vision splays and witnessed passing traffic. They noted particularly that the vision splays advised by the Highway Authority could be achieved without further recourse to tree removal. With an anticipated no objection from the Highway Authority there is little opportunity here for a refusal on highway grounds.

The issue here therefore is whether the visual harm outweighs any highway or access benefit that might arise in maintaining the access. There is considered to be some highway benefit here. All vehicular access into the stables presently is via the single access onto Wall Hill Road opposite the Red Lion Public House. This is busy as Members saw on their visit as it leads directly to the main car park. It also is the access for horse boxes and larger vehicles. The space here is limited for turning such vehicles.

There is thus considered to be a highway benefit in having a second access dedicated for these larger vehicles. However the counter argument is that this is an established business that has been operating with the single access for many years. There has been no call for a new access during that period. Moreover there is ample parking and turning space on-site on the northern side of the present building as Members saw on their visit. It may be concluded that there is an on-site solution here in having new and properly laid out parking and turning areas within the site alongside better traffic control. Given this context it is not considered that the retention of the second access is essential in highway terms either to the overriding benefit to all highway users or to the business itself.

Balancing the issues here would be to conclude that the suggested highway benefit does not outweigh the visual harm caused.

In these circumstances the possibility of enforcement action therefore has to be considered. In this case that would be a full enforcement notice requiring closure of the access and re-instatement to an agreed schedule or works so as to re-create the existing hedgerow cover. It is not considered that there is a case here for “lesser measures”. The issue would be the specification for the re-instatement.

In assessing the impact of this requirement then clearly there will be a financial and commercial impact on the applicant and the business. This would not only be in respect of the works to the access but there would be consequential costs to install and on-site traffic management arrangements. However in respect of these it can be argued that these might have been forthcoming in any event even without the introduction of the second access.

It is suggested again here that if this overall approach is agreed that it would be prudent to better understand the impacts of the recommended Notice requirements on the business here.

Concluding Remarks

The recommendations to the Board are set out below and follow the conclusions reached above.

Members are reminded that the determination of both applications should not give any weight to the applications being submitted retrospectively and that different decisions can be made on both.

However if it is considered that there is a possibility of two refusals and the issue of two Notices, it is recommended that the Board should assess the cumulative impact of even lesser measures on the continuing operations of the business. This is important.

Government guidance requires an assessment to be made of the impacts of enforcement action on any established lawful business and it is strongly supportive of small rural businesses. It is also considered that the Board would wish to see the business continue – the issues being with the access and the building, not the business.

There is in this case too, the presence of an outstanding planning permission. In these circumstances it is suggested that representatives of the Board should meet with the applicant in order to better understand these impacts and then report back to the Board.

In terms of completeness, Members are advised that if the Board is minded to support the application for retention of the building then the matter will need to be referred to the Secretary of State under the 2009 Direction, it being for not appropriate development in the Green Belt of a floor space greater than 1000 square metres.

Recommendations

a) PAP/2016/0091 – The Building

1. The Board is minded to refuse planning permission for the retention of the building as it considers that it is not appropriate development in the Green Belt because it adversely impacts on the openness of the Green Belt and has adverse visual and residential amenity impacts. The considerations put forward by the applicant are not considered to amount to the very special circumstances necessary to clearly outweigh the level of harm caused. The proposal therefore does not accord with Policies NW3, NW10, NW12 and NW13 of the Core Strategy 2014.

2. As a consequence the Board considers that it is expedient to issue an Enforcement Notice requiring the reduction in height of the whole building by 1.5 metres and that the compliance period for this be six months.

b) PAP/2016/0119 – The Access

1. The Board is minded to refuse planning permission for the retention and improvement of the access because it is considered that its adverse visual impact outweighs any highway benefit that might be gained. The proposal does not therefore accord with policies NW10, NW12 and NW13 of the Core Strategy 2014
2. As a consequence the Board considers that it is expedient to issue an Enforcement Notice requiring the closure of the existing access on a permanent basis and the re-instatement of the hedgerow and planting to an agreed schedule with a compliance period of three months in which to close the access and twelve months to re-instatement of the agreed planting scheme

c) Other Matters

1. That the applicant be informed of these recommendations and be invited to meet representatives of the Board with a view to discussing the requirements of the two draft Notices as set out above such that the Board can better understand the impact of these on the business and that
2. those representatives then report back to the Board for it then to make its determinations.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0091

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	11/2/16
2	Shaftesbury Extended Learning Centre	Support	10/2/16
3	A McCusker	Support	10/2/16
4	M Chatwin	Support	2/2/16
5	C Slade	Support	15/2/16
6	F Bubb	Support	11/2/16
7	T Concannon	Support	4/2/16
8	Association of British Riding Schools	Support	15/2/16
9	D Smith	Support	15/2/16
10	J Winfield	Support	12/2/16
11	T Chambers	Support	12/2/16
12	Coventry City Council	Support	12/2/16
13	G Muntoni	Support	12/2/16
14	R Downes	Support	11/2/16
15	Corley Centre	Support	10/2/16
16	S Hunter	Support	
17	S Craig	Support	16/2/16
18	D Green	Support	8/3/16
19	K Lawrence	Support	31/3/16
20	H Cameron	Support	2/4/16
21	M Chatwin	Support	31/3/16
22	B McLernon	Support	1/4/16
23	S Barratt	Support	2/4/16
24	J Malatesta	Support	11/4/16
25	B & J Kay	Support	31/3/16
26	B Murphy	Support	
27	Mr & Mrs Barter	Support	6/4/16
28	E Fischer	Support	
29	M Wain	Support	8/4/16
30	A Charley	Support	22/4/16
31	Case Officer	Letter	16/2/16
32	Agent	E-mail	16/2/16
33	Mr & Mrs Hooke	Objection	29/2/16
34	D Park	Objection	25/3/16
35	D Park	Objection	26/3/16
36	D & J Park	Objection	7/3/16
37	Corley Parish Council	Objection	4/3/16
38	Fillongley Parish Council	Objection	8/3/16
39	Mr & Mrs McHugh	Objection	3/3/16

40	Case Officer	Letter	7/3/16
41	Agent	E-mail	8/3/16
42	Case Officer	Letter	8/3/16
43	Agent	E-mail	11/3/16
44	Environmental Health Officer	Consultation	11/3/16
45	Case Officer	Letter	14/3/16
46	Agent	E-mail	15/3/16
47	Agent	E-mail	18/3/16
48	Agent	E-mail	29/3/16
49	J Hooke	Objection	31/3/16

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.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0119

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	11/3/16
2	Warwickshire County Council	Consultation	6/4/16
3	Mr & Mrs Goulding	Objection	29/3/16
4	Mr Hooke	Objection	31/3/16
5	Fillongley Parish Council	Objection	26/3/16
6	Corley Parish Council	Objection	25/3/16
7	D & J Park	Objection	25/3/16
8	J MacDonald	Representation	

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/2015/0091 and 0119

Moor Farm Stables, Wall Hill Road, Corley

Site Visit – Sat 9th April 2016

Present:

Councillors Hall, Henney, Lea, Simpson and Smitten

L White and A Large for the applicant and

J Brown (NWBC)

1. Members met in the main car park at 1030
2. From here they were shown the existing house and stables together with the general buildings used at the site.
3. Members walked through the site past the existing menage and the adjoining paddocks
4. The new building was seen and its location and appearance noted.
5. Plans were looked at which showed the scale of the approved building against that as built. An explanation was also given about the "cutting and filling" that had taken place as opposed to the approved situation.
6. Members noted the removal of the windows in the elevations and the tree planting alongside the north elevation.
7. Members were shown the general setting of the site and the M6 Motorway was pointed out as well as the location of the houses on the horizon on the Green End Road. The line of the public footpaths was pointed out on the plans as well as over the land between the site and the motorway.
8. At the far western end of the site Members were shown the temporary access arrangements which were proposed to be improved and become permanent. The gates were noted
9. Members looked at the visibility splays on either side of the access and noted the position in respect of existing trees and vegetation.
10. Members then walked up Wall Hill Road back to the main access. Along this length of road they noted the existing trees and shrubs on the application side of the road. Whilst outside Pillar Box Cottages they noted the position of the windows in the gable facing the road as well as the open garden land on both sides of the cottages. They stood inside the vehicular access to the cottages and Oak Tree Farm in order to view the building.
11. Members returned to the main entrance noting visibility here and the proceeded to walk between the roadside elevation of the building and edge of the site in order to see the additional planting that had been provided – holly and hawthorn.
12. Members left the site around 1120.

2014/0533

PAP2100091

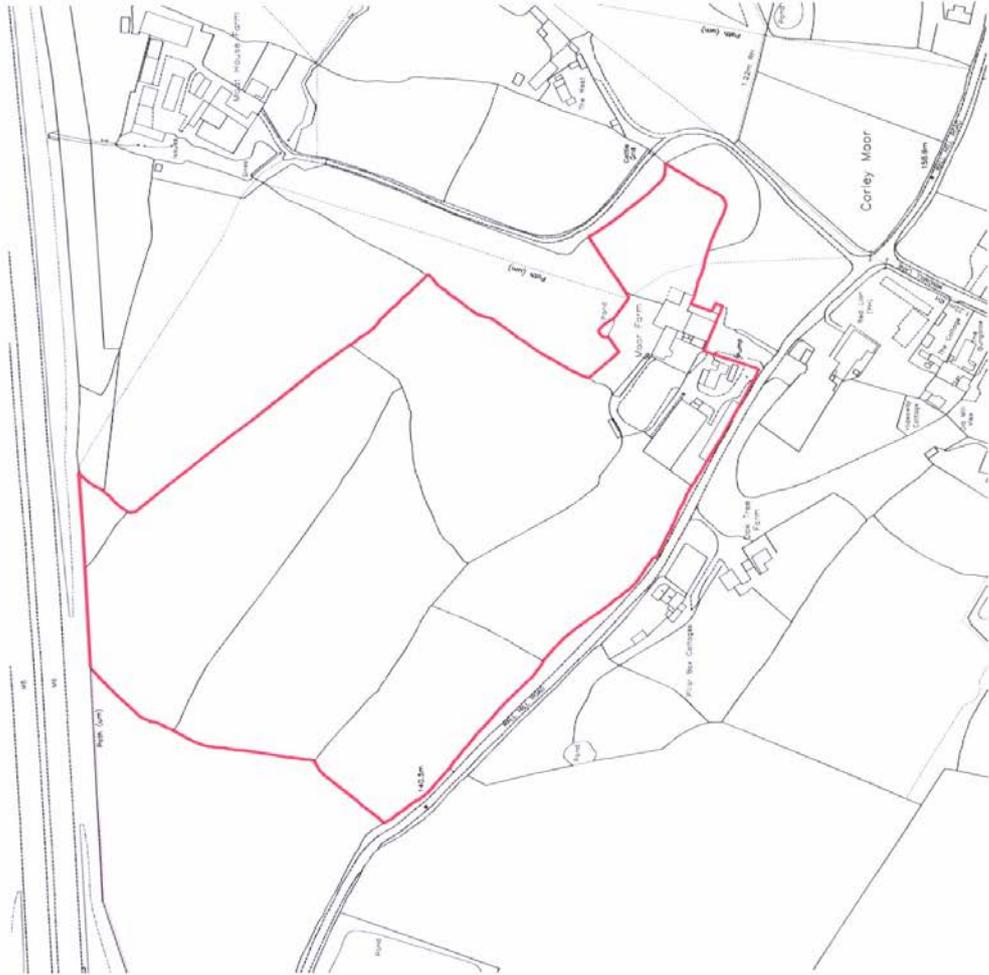
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RECEIVED
11/02/2016
PLANNING & DEVELOPMENT
SECTION

TO: THE COUNCIL
FROM: THE COUNCIL
DATE: 11/02/2016
BY: [Signature]

TO: THE COUNCIL
FROM: THE COUNCIL
DATE: 11/02/2016
BY: [Signature]



APPENDIX B



PLANNING & DEVELOPMENT SECTION

MOOR FARM STABLES
WALL HILL ROAD
CORLEY MOOR
WARRICKSHIRE
CV7 8AP

LOCATION PLAN
1:25000
28.08.13
711.06

This application is therefore being submitted retrospectively to regularize the new building. The building forms part of the established riding school that operates at the site, as well as being used in conjunction with local schools and council schemes, including the Corley Centre, a secondary special school for students with complex social and communication difficulties.

The property is located 66 meters away from Moor Farm House which is a grade II listed building accessed off the main access off Wall Hill Road, opposite the Red Lion public house. There is a temporary access located to the north east which was used in the construction process. A separate application is to be submitted for this access to be retained as a drop off and delivery entrance only.

3.0 Social and Economic Context

The proposal helps to support an existing rural enterprise as detailed below by the applicant:

Business growth

The new facility has been in use every day and some evenings with on average 275 clients per week, starting at 8am and some evenings until 9pm, and through all the wet and bad weather. With the provision of the facility of an "indoor" arena, a new client base has already increased by 29%, the existing clients remain riding throughout all weather and riding and other sports can take place in winter evenings. Due to our location our catchment is surrounding villages, Coventry, Nuneaton, Solihull and Birmingham.

Generating Employment

Due to this increase we have employed new staff, an Event Manager Emma Fischer is employed to develop the business, organise the hiring, advertise, find new clients etc. Emma is also running a training programme for us. Jo Winfield is working as a professional advisor who I employ to assist with increasing participation and strive to keep moving forward with the business.

We have taken on one full time yard worker. We are also interviewing for two more coaches at present with the extra riding surface and 60 horses and ponies the business needs more coaches and yard staff.

An all year round facility

Cancellations are now minimal, i.e. the snowy Sunday 17th January 2016 we only had 5 cancellations which were illness etc, in the past on bad weather days we have had 90% cancellations. We work in conjunction with the Riding for the Disabled Association as a centre supplying riding for disabled riders, disabled schools include Corley Centre for autistic children, Baginton School, Keresley Centre for behavioural needs and the Three Spires School. Health and Safety for our disabled riding groups is paramount, these groups and individuals need indoor facilities as they get too cold and wet outside riding, especially our very young "jockeys" who are wheelchair bound, since the bad weather with cold, wind and wet we haven't had any cancellations from our disabled groups.

Working with local schools and universities

We have two full days a week with children and young people from Coventry City Council schools and Warwickshire schools for Work Related Learning Services. The 14 to 16 year olds have been training on a NVQ level 1 Horse Riding and Care Course and NVQ level 1 Small Animal Course with us every Wednesday and Thursday to gain qualifications, the arena has meant they can train every week during all weathers, learning to ride, jump, gymkhana games on horsesback etc, also dog training, dog agility. The courses prevent young people becoming NEETS, they are committed, enthusiastic, have a passion for the animals and we are proud that we have 100% progression into further education after the courses, often going onto Warwickshire Agricultural College for level 2. At present I am organising the supply of training for a cluster of schools from the Rugby Area Behaviour Partnership Coordinator – East Warwickshire, working together with Ashlawn School, Bilton School, Harris CofE Academy, Lawrence Sheriff School, Rugby High School and The Avon Valley school and Performing Arts College based at Harris Church of England Academy.

As well as maintaining our existing riders, we also work to increase participation and introduce new people to the sport of horse riding, we promote the BEF campaign - HOOFF which is funded by Sport England to encourage more adults and children to take up riding and works extensively with disabled adults and children and children from disadvantaged areas. We work with CSW Sports to provide riding for groups of young people, i.e. Coventry and Warwickshire Young Carers. At present CSW Sport with HOOFF and ourselves are developing a programme at present, for an "interschools" competition held here on 27th June for Coventry, Solihull and Warwickshire school, we do not have to cancel if wet.

Warwick University train with us, 6 groups a week, ranging from beginners i.e. many Chinese students learning new skills, more competent riders training for competitions, competing in the inter-Uni comps, we held a very successful competition for the whole day in December and have another one booked for February for Warwick Uni,

Birmingham Uni, Coventry Uni and Worcester Uni. The Warwick Uni are planning on holding a charity event at Moor Farm and use the indoor arena.

I am setting up a programme in partnership NWBC Community Development Team to target local NWBC families, the 9 week programmes are targeting "Health, Exercise and Fitness" tackling "obesity" for 2 evenings a week. One evening is "Horses Riding and Horse Care Fun and Fitness" using horses to exercise and get fitter, with talks each week on health issues such as correct and healthy eating, delivered by the NWBC Community Development Team plus exercise with horses. The second programme will be delivered by the NWBC Team by using the venue for "Fun and Fitness for the Family", i.e. using bouncy castle, tug of war competitions, space hopper racing etc with talks on healthy living, eating etc.

Children from Rugby schools are attending for behavioural therapy with us, horses are used for therapy with amazing results, the children have one day a week off school on the course, Laura Bindley is the Area Behaviour Partnership Coordinator – East Warwickshire working together with Ashlawn School, Bilton School, Harris CofE Academy, Lawrence Sheriff School, Rugby High School and The Avon Valley school and Performing Arts College, based at Harris Church of England Academy, Harris Drive, Rugby.

We are working with our member bodies on "Equine Assisted Internships" – incorporating animal health and education, and plan to expand and offer more courses, we already do this educational work i.e. with school children – i.e. planning your budget for animal feed, for instance oats and barley and the importance of good quality food for exercise and health, weighing quantities, being reliable and caring and taking responsibility for an animal. We are planning more courses for disadvantaged and disengaged young people, for families, for GP referral schemes.

Training

As a professional and approved training centre for vocational and career training, a huge amount of interest has been generated from our awarding bodies to utilise the facilities. We have the only facility in the local area and we are close to The British Equestrian Federation offices at Stoneleigh. We offer UKCC level 1,2 and UKCC Level 3 to train coaches to this very high level. BHS First Aid Training is booked to train coaches and gain First Aid qualifications for our sports. We put on BEF HOOF team training and management meetings here, booked Nov 14th 2015. The Pony Club hired facilities and booked the venue February 2016 to deliver a UKCC Level 3 course, the booking was made due to our new facilities, the training can be booked during winter months as it can go ahead in all weathers now.

Geography

Our catchment area is excellent, being located in the catchment for Coventry, Nuneaton and Birmingham, near the motorway network, Birmingham airport, and our equestrian awarding bodies are in Meriden and Stoneleigh. We are very accessible with an easy network. We have recently run a training day for the British Horse Society inspectors, some flew into Birmingham airport.

Other uses

Other sports have hired the facility in the wet weather and evenings, i.e. Balsall and Berkswell Rugby Club training and dog agility training. Petanque (Boules) are using the facilities for their clubs to play on and hold competitions, the surface suits their game, and it is an excellent activity for older generations to be involved in.

Riding clubs and Jaguar Landrover

Jaguar Landrover have a scheme called ELS where employees use vouchers to keep fit and learn a new skill, we have a popular interest from employees, some ride with us after work on Thursday evenings and can carry on during the winter evenings.

Pony Club children members ranging from 4yrs to 25yrs learn how to look after horses and ponies and learn to ride, average of 30 children every Saturday from 2pm – 4pm, the numbers have been consistent throughout the winter as normally they would drop off by half. The Atherstone and North Warwickshire Pony Clubs are hiring the indoor school for training sessions on a regular basis.

I have offered the Riding for the Disabled Association to use our indoor arena for their training free of charge, due to the fact the RDA is a charity which we support.

25 adults members are in our Moor Farm Adult Riding Club, a new venture we have just launched as the club will be using the indoor arena on Wednesday evenings, all through the year.

The Young Equestrians Club is set up specifically for the teenagers, this targets girls who drop out of sports at this age, 25 young people in the club.

We have recently been used as a veterinary training facility, vets are riding with us and have used the horses for career development.

Wider economic benefits

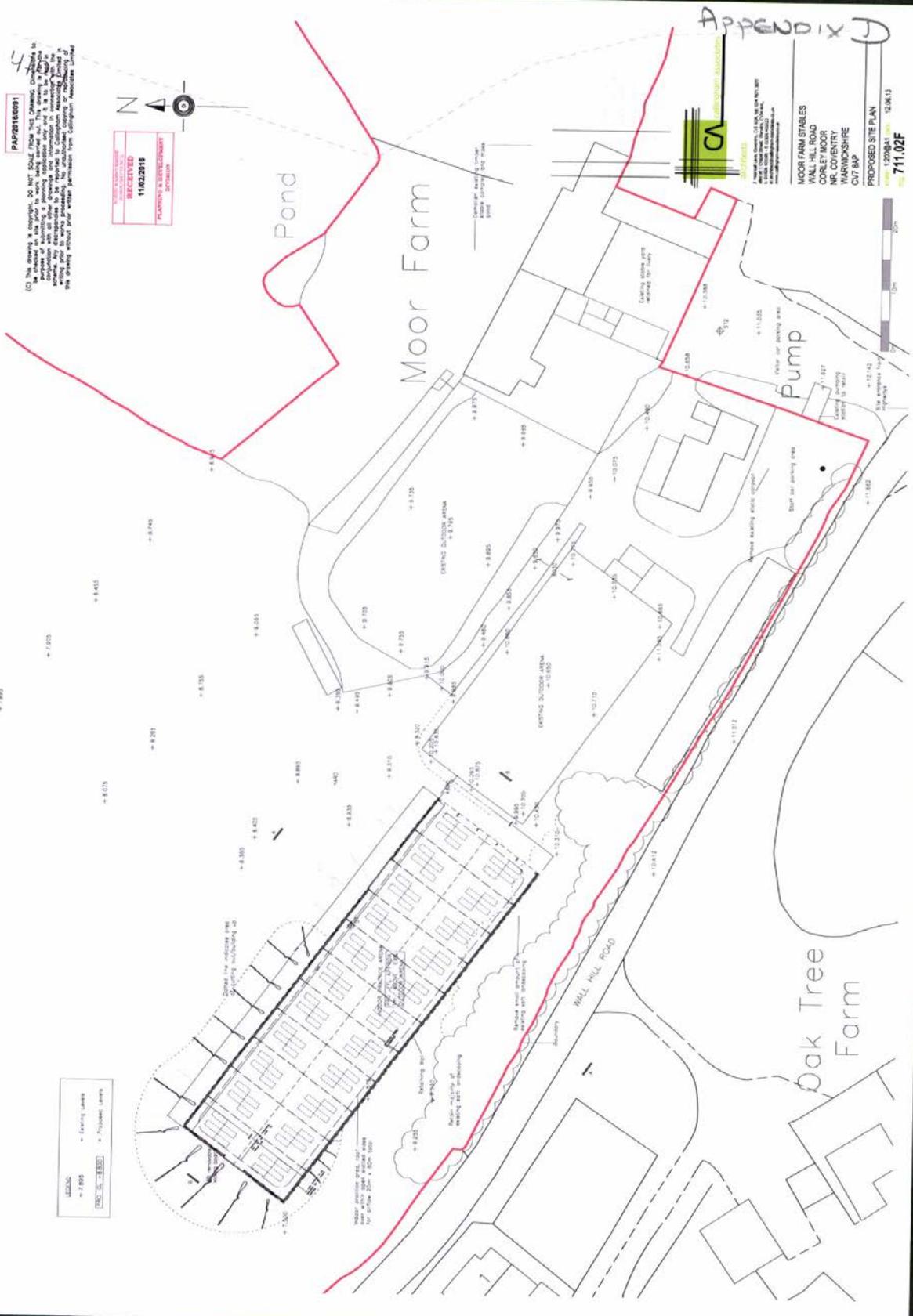
A lot of clients visiting the arena then go the local public house 'The Red Lion' at Corley Moor. The facility has therefore helped to increase their general footfall.

PAP20180091
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PLANNING PERMISSION
 11/02/2016
 PLANNING PERMISSION



LEGEND
 - Existing Levels
 - Proposed Levels

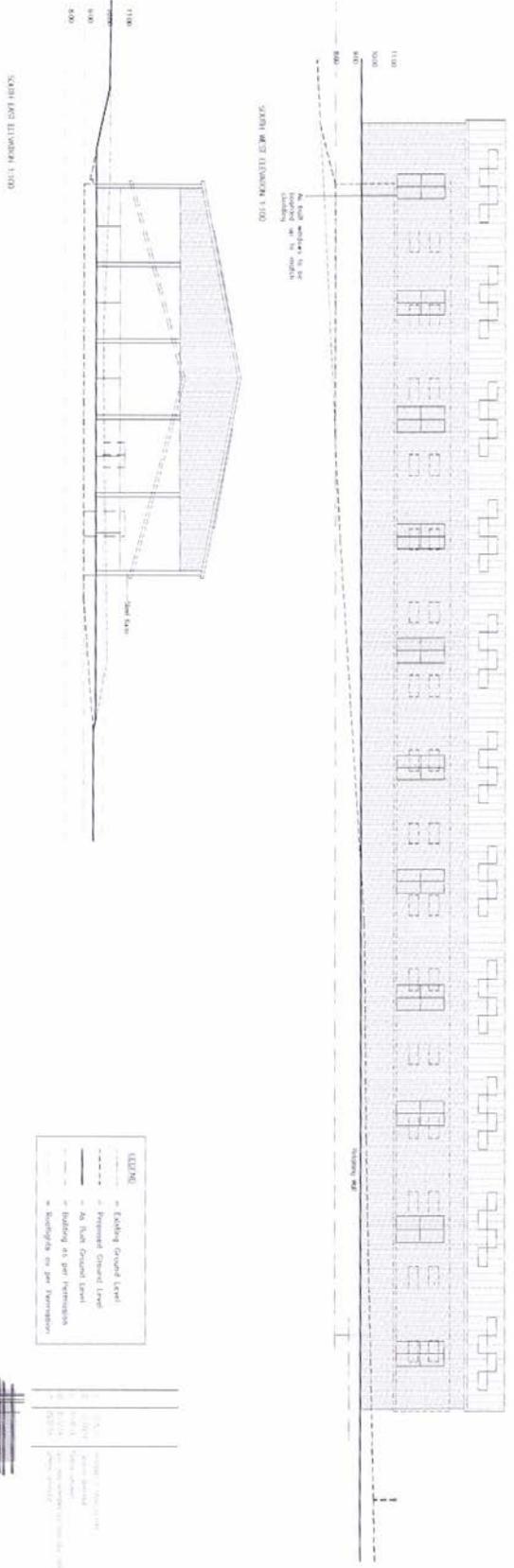
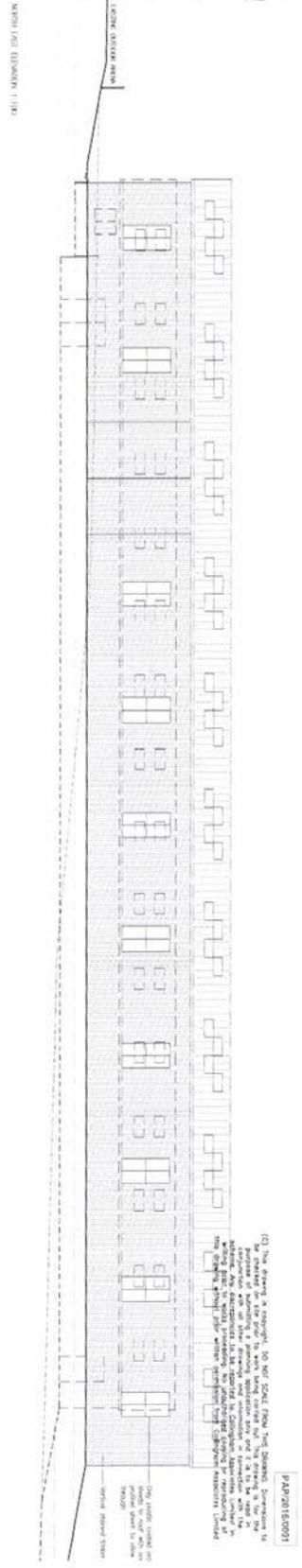


Appendix J

MOOR FARM STABLES
 WALL HILL ROAD
 CORLEY MOOR
 WILKINS COVENTRY
 WILKINS COVENTRY
 CIVIL MAP
 PROPOSED SITE PLAN
 12/08/14 12.06.13
 711,02F



APPENDIX E



LEGEND

- Existing Ground Level
- Proposed Ground Level
- As Noted Ground Level
- Building as per Permitted
- Building as per Variation

MOORE ARCHITECTS
11000 170th Avenue
WILLOW BROOK, IL 60090
TEL: 708.564.1100
FAX: 708.564.1101
WWW.MOOREARCHITECTS.COM

PROPOSED ELEVATIONS
DATE: 02/13/13
BY: JMK/JS

Prior to Indoor Arena being built

	Opening Times	Deliveries	Staff Cars	Private Cars	Mini Buses	Total Vehicles
Spring						
Monday	Closed	0	2	0	0	2
Tuesday	9am - 4pm	2	5	20	2	29
Wednesday	9am - 4pm	2	5	20	2	29
Thursday	9am - 4pm	2	5	20	2	29
Friday	9am - 4pm	2	5	20	2	29
Saturday	9am - 4pm	0	8	106	0	114
Sunday	9am - 4pm	0	8	96	0	104
Summer						
Monday	Closed	0	2	0	0	2
Tuesday	9am - 8pm	2	5	32	2	41
Wednesday	9am - 4pm	2	5	20	2	29
Thursday	9am - 8pm	2	5	32	2	41
Friday	9am - 4pm	2	5	20	2	29
Saturday	9am - 4pm	0	8	106	0	114
Sunday	9am - 4pm	0	8	96	0	104
Autumn						
Monday	Closed	0	2	0	0	2
Tuesday	9am - 4pm	2	5	20	2	29
Wednesday	9am - 4pm	2	5	20	2	29
Thursday	9am - 4pm	2	5	20	2	29
Friday	9am - 4pm	2	5	20	2	29
Saturday	9am - 4pm	0	8	106	0	114
Sunday	9am - 4pm	0	8	96	0	104
Winter						
Monday	Closed	0	2	0	0	2
Tuesday	9am - 3pm	2	5	16	2	25
Wednesday	9am - 3pm	2	5	16	2	25
Thursday	9am - 3pm	2	5	16	2	25
Friday	9am - 3pm	2	5	16	2	25
Saturday	9am - 3pm	0	8	84	0	92
Sunday	9am - 3pm	0	8	76	0	84

Vehicle movements following construction of indoor arena

	Opening Times	Deliveries	Staff Cars	Private Cars	Mini Buses	Total Vehicles
Spring						
Monday	9am - 4pm	0	5	16	0	21
Tuesday	9am - 8pm	2	5	40	2	49
Wednesday	9am - 8pm	2	5	40	2	49

Thursday	9am - 8pm	2	5	40	2	49
Friday	9am - 4pm	2	5	16	2	25
Saturday	9am - 4pm	0	8	106	0	114
Sunday	9am - 4pm	0	8	96	0	104

Summer

Monday	9am - 4pm	0	5	16	0	21
Tuesday	9am - 8pm	2	5	52	2	61
Wednesday	9am - 8pm	2	5	52	2	61
Thursday	9am - 8pm	2	5	52	2	61
Friday	9am - 4pm	2	5	16	2	25
Saturday	9am - 4pm	0	8	106	0	114
Sunday	9am - 4pm	0	8	96	0	104

Autumn

Monday	9am - 4pm	0	2	16	0	18
Tuesday	9am - 8pm	2	5	40	2	49
Wednesday	9am - 8pm	2	5	40	2	49
Thursday	9am - 8pm	2	5	40	2	49
Friday	9am - 4pm	2	5	16	2	25
Saturday	9am - 4pm	0	8	106	0	114
Sunday	9am - 4pm	0	8	96	0	104

Winter

Monday	9am - 3pm	0	2	0	0	2
Tuesday	9am - 8pm	2	5	32	2	41
Wednesday	9am - 8pm	2	5	32	2	41
Thursday	9am - 8pm	2	5	32	2	41
Friday	9am - 3pm	2	5	16	2	25
Saturday	9am - 3pm	0	8	84	0	92
Sunday	9am - 3pm	0	8	76	0	84

* In addition with the use of the indoor arena, there are on average five times a week where the indoor arena is hired out for private use. This includes the vehicle movement of a horse box 5 times a week.

FILLONGLEY PARISH COUNCIL



Clerk to the Council: Mrs Heather Badham, The Crooked Stile, St Mary's Road,
Fillongley, Warwickshire, CV7 8EY
Telephone 01676 549193 fillongleypc@indigoriver.co.uk

Jeff Brown
Senior Planning Officer
NWBC

By email

8th March 2016

Dear Jeff

PAP/2016/0091

Fillongley Parish Council must record strong OBJECTIONS to this application.

FPC did not object to the original application to build the indoor menage though the Council had reservations with regard to the size and inevitable impact on nearby residents. Research showed that the original application (and consequent permission) is a standard size for an indoor menage. The applicant had, in various ways in the original application, sought to minimise impact of the building to the openness of the Green Belt and with consideration for neighbouring properties.

Since the incorrect erection of the existing building, the Parish Council have received numerous complaints.

The original plan had less roof lights and only roof lights. The windows that are currently in the building are a useful indicator of where the roof line SHOULD have been BUT also are further destroying the quality of life for nearby residents with light spilling into their properties morning, evening and night. Not only does this reduce their amenity further (contrary to ENV11), but also affects the openness of the Green Belt in which this is situated (contrary to ENV1 and ENV2).

The additional extension is not required and should not be permitted as it has additional impact on the neighbouring properties further reducing their amenity.

The Council do not object to the riding stables enhancing and expanding its horse riding business by offering more facilities for disabled riding, use in inclement weather, etc. The increase in use of facilities by various groups as stated in the applicants Supporting Statement is impressive. What should be remembered is that **none of that requires the building to be**

as it has been built. The results would have been the same for the business if the building had been constructed within the original permission.

It would appear that there are no Conditioned hours of opening and it is currently in use from 8am -9pm. The light spill from both internal and external lighting together with the use of the unauthorised additional access, make this intolerable. It is noted that this application does not deal with the unauthorised access.

From applicants Supporting Statement - *"In respect of the determination of this application, the access arrangements have not changed following the consented application where highways raised no objection.A temporary access has been built to service the construction of the as built arena and this is to be the subject."* This is not true; a further access has been constructed which looks anything but temporary, and has not been applied for, or consulted on by anybody. FPC can only assume that the statement regarding Highways consent refers to the use of the original access to the stables.

A glance at the original application does not show any additional access

As the applicant has now been required to make a new application, it has become apparent from the Supporting Statement that there is now also a **change of use**. The menage is now being used for dog training/agility, "Fun & Fitness for the family" (with bouncy castle, tug of war, space hopper racing etc), rugby club training, petanque games and competitions. FPC understand that this is outside of existing permissions. FPC would urge that this cease as, without doubt, it extends the opening times and therefore the light pollution, noise pollution and additional traffic. All of the above uses generate more noise than horse riding. All of the above again reduces the residents Amenity further and sets a precedent for all types of activities sandwiching the residents between this and the Heart of England site.

The Landscape and Visual Impact Survey is misleading in its findings, clearly aimed at showing that there is little impact. This should be easily concluded with a site visit. If you do this, you will see how close it is to the neighbouring properties (not mentioned how close these are), thereby reducing their Amenity contrary to ENV 11. Members will see how close it is to the Heritage Asset (contrary to ENV 16), and a visit to Green End Lane (near Mount House) will also show a clear view of it. 11.4 stating a medium effect shows that the report writer did not go to Green End Road or the properties along there which all have a clear and imposing view of the building and which would undoubtedly alter the effect to "high". If you realise the building should have been the height of the unpermitted windows,(which are still visible from Green End Road) it clearly shows the gravity of error.

The Landscape and Visual Impact Survey (LVIS) also describes landscape mitigation (9.0). The hedge would have served to mitigate during summer months but not now it has been severely cut back with many sections removed by the applicant. In winter months there is very very little screening at all. The building is also notably higher than the hedge!

LVIS 11.7 Stating that the building is "not out of scale with adjacent buildings" is incredulous. The adjacent properties of Pillar Box Cottages and Oak Tree Farm are dwarfed

by the building. The current building is contrary to Policy ENV 13; the new building does not positively integrate into its surrounds (as it may have done had it been built to the original specification).

LVIS Section 13 "Viewpoints" is all extremely biased towards the applicant and in the opinion of the Council and petitioners is inaccurate. A site visit will enable the Board to see for themselves. Please ensure that not only do the Board view from Wall Hill Road, Corley Moor and the immediate environs, that the Board have the opportunity to view from Green End Road.

We understand that this has happened by an "oversight during the construction phase" and have sympathy with everyone involved, as this has impacted the applicant as well as the neighbours, and also other Parishioners much further away who have this huge building easily visible from their properties. However, the Parish Council would respectfully suggest that the cost of correcting the mistake is not a planning matter; perhaps, as the construction company have clearly not complied with the permission, and presumably the instruction, the applicant should be seeking them to correct the mistakes rather than wishing to impose this building on the Parishioners. This would not close the business as, if stated, this was not the fault of the applicant then all costs would be paid by the construction company or their insurers. It is no reason to devalue the lives and properties of the neighbours. It is surely against the neighbours Human Rights to impose this on them?

Fillongley Parish Council would urge you to **reject this application** and begin enforcement proceedings as soon as is practicable to restore the residents amenity and faith in NWBC.

Yours sincerely

H Badham

Mrs Heather Badham
Clerk to Fillongley Parish Council

Corley Parish Council

Clerk: Mrs. E. O'Toole
Mobile: 07789 263384
E-mail: corleyparishcouncil@yahoo.co.uk

102 Shorncliffe Road
Coundon
Coventry
CV6 1GP

Date: 4th March 2016

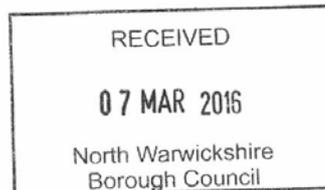
**RE: PAP/2016/0091: MOOR FARM STABLES, WALL HILL ROAD, CORLEY
LARGESCALE MAJOR APPLICATION – RETAIN EQUESTRIAN INDOOR PRACTICE ARENA**

Corley Parish Council (CPC) has reviewed the situation, regarding this development and have the following observations:

- ❖ We understand that the subject will be discussed at the Planning Board meeting, on Monday 7th March 2016.
- ❖ What has been constructed, is vastly different; to what was approved and is absolutely unacceptable.
- ❖ What is the point of obtaining planning consent, if it is then totally disregarded!??
- ❖ It now appears that the applicant has submitted a retrospective planning application; in the hope of gaining approval for what has been built. This is totally unacceptable, should be rejected immediately and enforcement action initiated, so the building conforms to the planning consent given.

Any other action, would make a complete mockery of the planning process!!

Corley Parish Council



FILLONGLEY PARISH COUNCIL



Clerk to the Council: Mrs Heather Badham, The Crooked Stile, St Mary's Road,
Fillongley, Warwickshire, CV7 8EY
Telephone 01676 549193 fillongleypc@indigoriver.co.uk

Jeff Brown
Senior Planning Officer
NWBC

By email

26th March 2016

Dear Jeff

PAP/2016/0119

Fillongley Parish Council must record strong OBJECTIONS to this application.

There are numerous reasons why the PC must object to this retrospective application. It must be stated that had this been submitted before any works had taken place, or had been requested as part of the ORIGINAL planning application for the recently built menage, the PC would have the same view.

WCC Highways are a Statutory Consultee; assuming that they person responsible does a site visit and not a "desk top" search, the Council are convinced that they would come to the same conclusion. The lane is unsuitable to add an entrance at this juncture, particularly if, as noted, the applicant increases trade and were to hold events where numerous horseboxes could be using the turning, causing traffic to back up and indeed causing additional hazards on this twisting narrow lane.

The insertion of the junction also causes neighbours significant further loss of amenity contrary to ENV 11.

The hedgerow that was along this lane adds to the bio-diversity connectivity and the loss of it will reduce the habitat and wildlife "corridors" that have been used. The PC would request that these hedgerows are reinstated immediately. The suggestion to remove further sections of hedgerows will exacerbate this issue and should be stopped immediately.

Furthermore removal of the hedgerows change the appearance of this historic lane in the Green Belt.

It is for all of these reasons that FPC OBJECT to this application and ask that the Board refuse the application.

Yours sincerely

H Badham

Heather Badham

Clerk to Fillongley Parish Council

Corley Parish Council

Clerk: Mrs. E. O'Toole
Mobile: 07789 263384
E-mail: corleyparishcouncil@yahoo.co.uk

102 Shorncliffe Road
Coundon
Coventry
CV6 1GP

Date: Friday 25th March 2016

RE: PAP/2016/0119 MOOR FARM STABLES, WALL HILL ROAD, CORLEY

RETENTION OF TEMPORARY ACCESS RE. EQUESTRIAN INDOOR PRACTICE ARENA.

Corley Parish Council has studied this planning application and is of the opinion, that this planning application cannot be viewed in isolation; to the main retrospective planning application for the ménage.

This building has evidently been built, immensely larger, to that which was approved (with no objections from CPC, to the initial planning application) and to describe the outcome as an 'oversight'; verges on the ridiculous.

CPC has registered strong objections to the retrospective application for the ménage and would similarly object to this access - described as temporary, but we all know the outcome of that statement!!

Planning is there to be used, to approve genuine applications; not to act as a buffer to let unauthorised activity to stand.

CPC requires NWBC to refuse both retro applications and apply appropriate enforcement action immediately.

Corley Parish Council

(8) Application No: PAP/2016/0097

51 Pear Tree Avenue, Kingsbury, B78 2LQ

Change of use from public land to private enclosed garden, for

Mr Neil Carr

Introduction

The application is brought before the Planning and Development Board as the land owner is the Council.

The Site

This is a residential area with a small number of commercial properties to the west on the main road. The site is a parcel of grass land with a footpath to the side leading to dwelling houses and flats as illustrated on the plan.

The Proposal

This application is for a change of use from open space to residential garden curtilage land. The land will be surrounded by a 6 foot timber fence with concrete posts. A three foot fence will be sited to the front part of the site, following the pedestrian paths. The land is owned by the Council, and is due to be sold to the applicant. The relevant plans can be viewed in Appendix A and photographs of the site can be viewed in Appendix B.

Background

The applicant has been in discussions with relevant department in the Council to purchase the land.

Development Plan

North Warwickshire Core Strategy 2014 - NW10 (Development Considerations) and NW12 (Quality of Development)

Saved polices of the North Warwickshire Local Plan 2006 – ENV 12 (Urban Design) and ENV13 (Building Design)

Other Relevant Material Considerations

The National Planning Policy Framework 2012 (NPPF)

Representations

No representations have been received.

Observations

The site lies next to the boundary wall of the applicant, and the issues related to the application will be considered below.

a) Amenity

The site lies within a residential area and the use of the land for residential with a boundary fence is not considered to lead to harm upon the area. The height of the fence would be similar to the existing boundary wall to the application site and the lower front fence is considered to be acceptable.

The proposal is not considered to result in a loss of amenity, privacy or loss of light that would result in unacceptable loss of amenity and privacy in the area. The proposal complies with the Core Strategy.

b) Design

The design and siting of the fence is considered to be acceptable, given the context of the area, which can be viewed in Appendix B.

c) Vehicle and transport considerations

The proposal would not lead to a reduction in vehicle parking within the area given the site is currently grass land next to the applicant's wall. The footpath leading to the residential area will not be affected.

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.

3. The development hereby approved shall not be carried out otherwise than in accordance with site location plan and site plan received by the Local Planning Authority on 15 February 2016 and the fence plan received by the Local Planning Authority on 22 February 2016.

REASON

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

3. The hereby approved garden land shall not be used for any purpose other than for residential curtilage use as covered by Use Class C3 of the Use Classes Order 1987 as amended.

REASON

In the interests of the amenities of the area.

Notes

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

Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

5. The applicant is reminded that the Council owns the land until a sale is agreed, and you should contact the relevant Council department to complete the sale and transfer of land.

BACKGROUND PAPERS

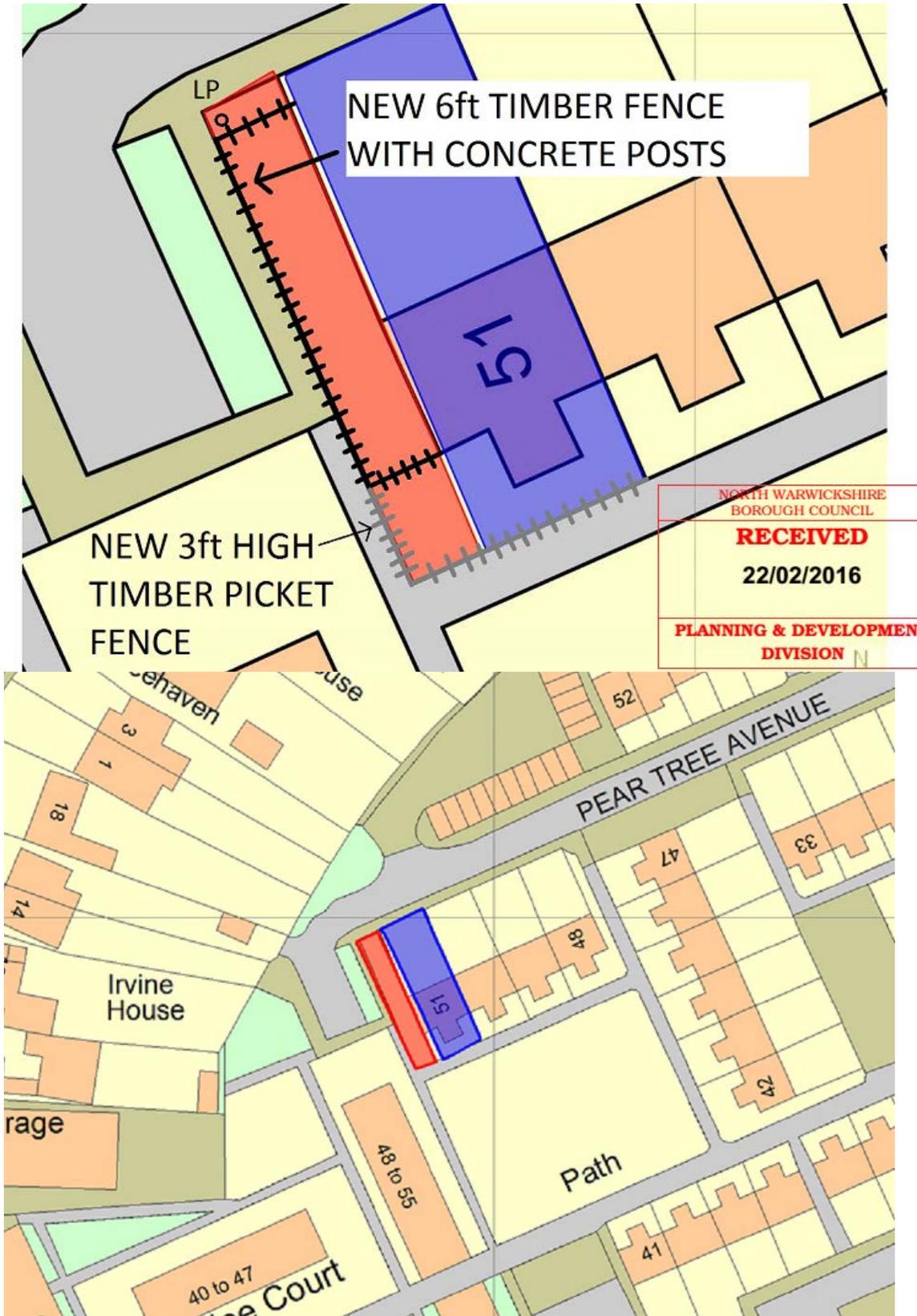
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2016/0097

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	15/2/16
2	Case officer	Email to applicant	16/2/16
3	Case officer	Application valid	22/2/16
4	Internal Council Teams	E-mails related to site	16/2/16 – 22/2/16
5	NWBC Housing	Support of application	24/2/16

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 B – Site photos



(9) Application No: PAP/2016/0122

Willprint, Keys Hill, Baddesley Ensor, CV9 2DF

Change of use from commercial use to mixed use/live work unit, for

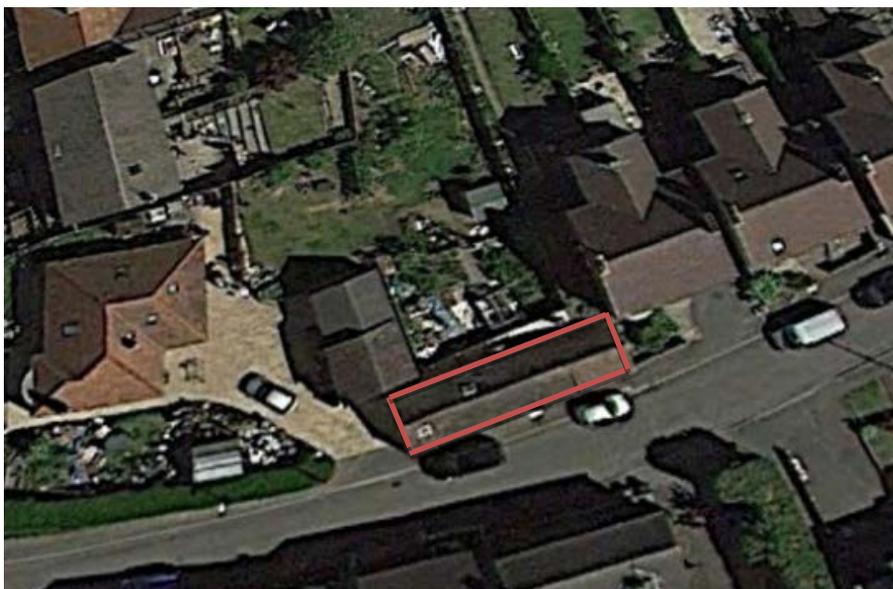
Mr M Underhill - MAU Construction

Introduction

The application is reported to the Board at the request of the Local Member who is concerned about traffic impacts.

The Site

The site is located within the settlement of Baddesley Ensor and within the main centre of the village comprising traditional buildings and commercial/community uses. The context of the site and its relationship with surrounding buildings is illustrated in Appendix A and the existing appearance of the building and immediate vicinity is illustrated in the photographs and aerial view below:



The Proposal

It is proposed to change the use of the building from its existing commercial use to a mixed use/live work unit. This involves intervention to the internal space of the building to bring it into a state fit for habitation associated with both the 'live' and 'work' elements. Internal changes are therefore regulated under Building Control. External alterations include the insertion of a ground floor window to the office element of the building facing Keys Hill, the introduction of a rear roof light and the regularisation of the forward facing roof light. Vents appear to pre-exist to the elevations, these can be associated with boiler installation or bathroom installations, though no soil pipe is proposed. Overall the condition of the elevations means that the building cannot be further extended.

The use of the building retains a commercial element, which is the pre-existing use, whilst introducing limited living accommodation suitable for single person occupancy associated with the work element of the scheme.

The works for the conversion have commenced and there is an occupant residing in the 'live' element of the building, therefore the application is now retrospective.

Background

Live/work units are units of living accommodation, which are specifically designed to accommodate work facilities for those residing therein. They are normally a product of the conversion of existing non-residential buildings. The building known as "Will Print" has always been in economic use and was originally in situ as a building in one form or another by the late 1880's according to historical mapping. More recently it has been in use as an office/printing room, but has been in commercial use for more than 30 years. The building pre-dates some of the neighbouring buildings in the area and is therefore necessary to be retained for the benefit of the street scene.

Development Plan

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

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW9 (Employment), NW10 (Development Considerations), NW12 (Quality of Development) and NW20 (Services and Facilities)

Other Relevant Material Considerations

The National Planning Policy Framework 2012 – (the "NPPF")

Consultations

Warwickshire County Council as Highway Authority – No objection

Environmental Health Officer – No objection

Representations

Objections from neighbours on the following reasons:

Vehicles and parking –

- The addition of more vehicles parking in the road has caused problems since the applicant has been living in the converted property. This problem did not arise during business hours from 9.00 till 5.00.
- This development can add an extra 4 cars with vehicles parked on the hill causing obstruction.
- It is difficult to drive down the hill if cars have parked both sides.
- Poor visibility on junction when pulling onto New Street.
- Insufficient parking space will adversely affect the amenity of surrounding properties
- Driving to the property for short stays shall be a problem with customers parking in front of the drive.
- New developments in this area and not enough parking facilities are causing an unacceptable increase in on street parking.

Boundary and land ownership –

- The boundary of the proposed dwelling is the brick wall of the building there is not one square centimetre of land with this dwelling.
- Wheelie bins will have to be kept inside what is already a small living area. The only alternative being to leave them on the narrow public pavement or highway.
- The development for living accommodation door opens immediately onto the public path has no land to it for small things like hanging out washing or sitting outside.

Neighbours Amenity –

- The Proposed new window to be inserted into the front elevation of building looks directly into my sitting room window this will adversely affect my privacy.
- If the current obscure glass in the other windows and doors in this elevation were to be replaced with clear glass it would adversely affect privacy in rooms.
- The single story building has a roof sky light at the rear overlooks my property taking away my privacy and should be obscured and for the same to apply to the supposed kitchen window, it should open inward to clean it without going onto my property.
- The use of the property as dual purpose introduces a diverse element the use is likely to result in noise, disturbance and nuisance of neighbour's residential amenity.
- The property has no outdoor space or garden
- Both front doors open straight onto the public foot path.
- There is an extractor fan in the wall that goes directly onto my property. I would like to see it moved if it emits gas water or anything else onto someone else's property.
- What is to stop the property being separated from the office use and sold off separately?

Observations

The main consideration is whether the re-use of the building from a commercial use to a mixed use – a live-work unit - is acceptable on the amenity of the nearby area, or whether there are any adverse policy considerations in respect of the use.

a) The principle of re-use

The unit exists as a commercial use and the proposed re-use of the building will retain a commercial element to the building being an office use within Class B1. The 'live' element of the building is presently being occupied and the 'work' element is being refurbished. The use does not result in the loss of employment. Policy NW20 of the Core Strategy advises that '*the loss of existing services or facilities which contributes to the functioning of the settlement will only be supported where the facility is replaced elsewhere*'. In this case the proposed use complies with this policy as it retains the economic use of the building.

Baddesley is a Category 3a settlement which is a Local Service Centre where '*development will be permitted on or adjacent to development boundaries that is considered to be appropriate to its place in the settlement hierarchy*'. Therefore the change of use is acceptable in this settlement without the loss of an economic facility.

Closer scrutiny of the exact nature of the 'work' element suggests that it is not substantially more than an activity that could reasonably be undertaken at a home without a material change of use, comprising the use of an office for the administration of a business. No staff, other than the home/site owner would work at the premises. It is a relatively equal split in floor space for live/work use between C3 and B1, which limited accommodation in the roof.

In terms of the 'live' element to the building then residential conversions from existing uses are commonplace particularly with the recent flexibilities provided by new permitted development rights. In any case mixed uses are favourable and the building lends itself to a partial residential conversion capable of supporting accommodation for one occupant associated with the commercial use of the building.

The building comprises a living room and kitchen on the ground floor and a bedroom and bathroom on the first floor. The office use relates to two rooms with a store. There would be no policy restrictions in respect of the 'live' element. Though the site does not have an amenity space in terms of access to a garden nor parking spaces, the use of the 'live' element would be the same as a flat without the use of parking space or a garden and without a wheelie bin for example. There is just sufficient capacity within the building for living accommodation for a single person.

The NPPF does advocate a flexible approach to the re-use of buildings, as well as recognising there can be benefits in allowing both accommodation and employment needs to occur side by side. It is thus concluded that the development is sustainable development under the NPPF and therefore can be supported in principle.

b) Design and sustainable development

The design of the works is appropriate. They maintain the exterior appearance of the building and only involve internal conversion with the addition of a window to serve the office space and a roof light. In terms of the provision of vents then these are existing prior to the application submission. It is understood that these have been assessed by Building Control as being acceptable as they are located on the rear and side elevation of the building, though potentially in the air space of the neighbouring land/property owners. Permitted development rights would be removed for alterations to the roof in order that the design of the building would not be further altered. The elevations and floor layout are available at Appendix B.

c) Amenity

The amenity of the development must be considered and whilst the scheme incorporates an additional window and a roof light it is considered that within the street scene there are many examples of windows facing adjacent neighbouring windows. In this case the separation distance to the neighbours adjacent to the site at No. 14/12 Keys Hill is measured at approximately 9-metres. This is close, though it is a reasonable separation distance, so as not to impact of the amenity of the neighbour at No. 14 Keys Hill. The condition of the existing front windows are obscurely glazed which would be required to be retained as such. Details of the finish to the windows can be reserved by condition. It is possible that the introduction of a ground floor window can be obscurely glazed in order to protect the privacy of the commercial element.

In terms of the rear roof light, then this peers out onto a blank elevation of the rear outbuilding beyond the application site and does not look toward the neighbours amenity at 'the Bungalow'. In any case the separation distances are sufficient at 18 metres and with an oblique view for there not to be adverse impacts. In any case all rear windows here have an element of overlooking towards rear garden spaces. The proposal would not be considered contrary to policy NW10 of the Core Strategy.

In this case there is no garden accessible to the occupant or outdoor space. However this type of living arrangement would not be unlike a flat for example, which has no outdoor amenity space or provision for a bin. In terms of refuse collection then there would be no requirement for a commercial bin or garden waste bin given the limited capacity of the proposed use.

d) Highways

There is not considered to be a highway safety issue given that the unit has a lawful commercial use. As such an element of parking is always going to be expected with the same use. The Highway Authority has not objection. The commercial and residential use would result in on-street parking which would be the case if a continued commercial use operated from the building. That use would not be considered to generate parking for more than 1 or 2 vehicles which is considered to be acceptable by the Highway Authority. The alternative live/work' unit is not considered to result in any intensification beyond this.

e) Affordable Housing

Policy NW6 of the Core Strategy requires affordable housing provision. This is a suitable location for affordable housing, though the management of it within a commercial space could lead to amenity issues. It is not therefore possible to provide affordable housing on site. In terms of assessing an off-site contribution then the applicant has provided a financial appraisal of the cost of conversion to indicate no potential for any off-site financial contribution in lieu. The proposal is not therefore contrary to policy NW6 as the evidence is provided that an affordable housing contribution cannot be achieved.

f) The Representations

In response to the neighbours' concerns then the fall-back position is that an alternative commercial use could come forward and generate more traffic than the former use or that of the proposed use, without any planning control. In this case there is no highway objection and this material to the outcome of the application.

In terms of the application site being landlocked to all sides, then it is agreed that there is no amenity space, but this is often the case with commercial buildings and with flats. In terms of refuse collection then wheelie bin could not be stored on the pathway, but bin bags/recycling would be put out on refuse collection day. In terms of other lack of amenity such as washing and sitting outside then this not a "fatal" consideration as residential development is often approved in these circumstances.

Amenity concerns affecting neighbouring properties in terms of windows would not be considered to be exacerbated beyond existing window arrangements and the condition of windows can be dealt with by condition. In any case the rear roof light would not be considered to be at an angle or position where direct overlooking towards the neighbours bungalow or garden would occur. In terms of the existing siting of extractor fans then these are likely to be in the air space of neighbouring properties but this then becomes a civil matter. Pre-existing extractor fans would not be removed and it is advised that the extraction vents have been passed by Building Control as being acceptable.

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 approved plans.

REASON

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

2. For the avoidance of doubt, this permission is for conversion of the existing building known as "Will Print" as indicated on the approved plans, along with the insertion of windows in the positions shown and the blocking up of existing openings where necessary. It specifically does not grant permission for demolition and reconstruction of the building.

REASON

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

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

REASON

In the interests of the amenities of the area.

4. The occupation of the residential accommodation shall be limited to a person solely or mainly employed or last employed in a business occupying the linked office within the building.

REASON

In the interests of limiting the consent and in the interests of the special circumstances of the use.

5. The residential accommodation hereby approved shall be occupied solely in connection with the use of the workshop areas identified on the approved plans, and shall not be sold off, sub-let or used as a separate unit of accommodation.

REASON

To prevent unauthorised use of the building.

6. The workshop areas hereby approved shall be used solely in connection with the residential accommodation identified on the approved plans, and shall not be sold off, sub-let or used as a separate unit of accommodation.

REASON

To prevent unauthorised use of the building.

7. The floor space split of residential accommodation and workshop areas shall be maintained as that shown on the approved plans, with the use of each space strictly falling under residential or employment uses as the case may be.

REASON

To prevent unauthorised use of the property.

8. All new windows and existing windows shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 3 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

In the interests of the amenity of the area.

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work. 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>.
2. The developer is reminded that the Control of Pollution Act 1974 restricts the carrying out of construction activities that are likely to cause nuisance or disturbance to others to be limited to the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays, with no working of this type permitted on Sundays or Bank Holidays. The Control of Pollution Act 1974 is enforced by Environmental Health.
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. 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. 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. 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

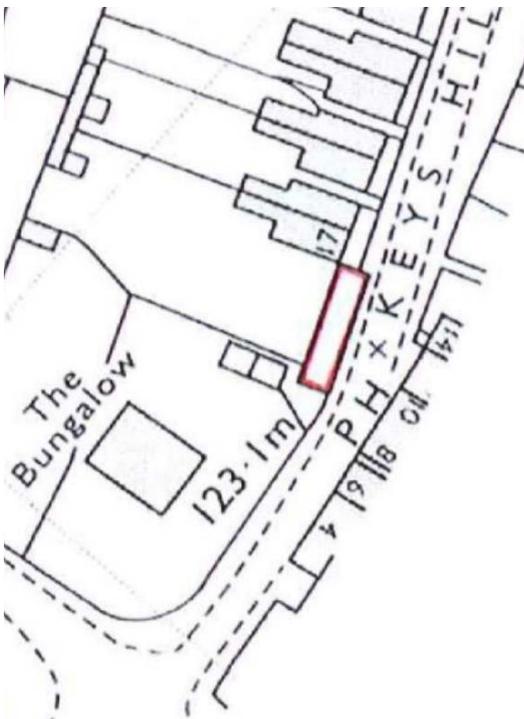
Planning Application No: PAP/2016/0122

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	25/2/16
2	D Stevens		11.3.16
3	NWBC Environmental Health		14.3.16
4	L Jones		14.3.16
5	Agent		16.3.16
6	WCC Highways		21.3.16
7	N Young		22.3.16
8	K Guild		22.3.16
9	Officer		8.4.16
10	Agent		18.4.16
11	D Stevens		26.4.16
12	Case Officer		27.4.16
13	K Guild		27.4.16
14	Case Officer		28.4.16
15	N Young		29.4.16

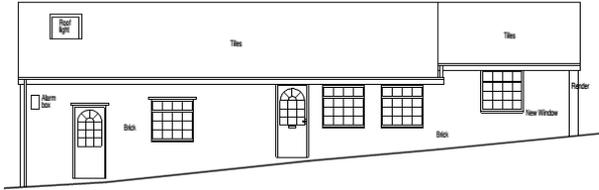
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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.

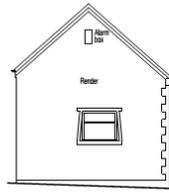
Appendix A



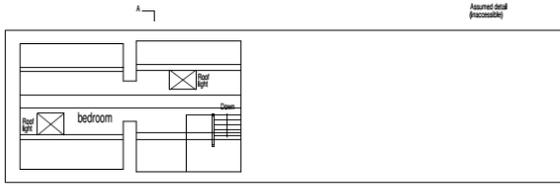
Appendix B



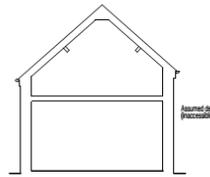
FRONT ELEVATION (south) 1.100



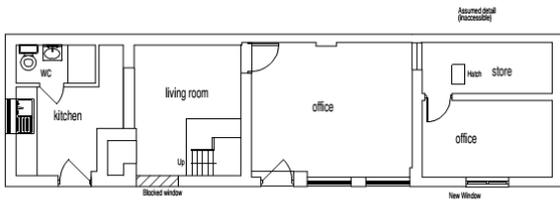
SIDE ELEVATION (west) 1.100



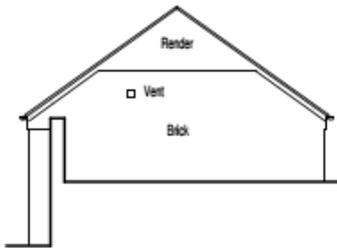
FIRST FLOOR PLAN 1.100



SECTION A-A 1.100



GROUND FLOOR PLAN 1.100



(10) Application No: PAP/2016/0199

Land to the rear of 145, Coleshill Road, Hartshill, CV10 0PG

Erection of 76 residential dwellings with proposed new vehicular access, landscaping and other associated infrastructure works, for

Westleigh Partnerships Ltd

Introduction

The receipt of this application is reported to the Board in view of its significance to the settlements of Hartshill and Ansley Common, such that Members can understand the proposal and the issues involved prior to its determination at a later meeting. Consultations and notifications are underway and responses will be reported to the Board in due course when the application is reported for determination. These consultations include local residents as well as the usual range of Agencies and infrastructure providers.

The application is also reported to Board for determination because one of the land owners is a Borough Councillor.

A recommendation is also made for Members to undertake an accompanied site visit as the majority of the site is not accessible to the public.

The Site

The site comprises some 1.73 hectares of green-field land to the north of Coleshill Road. The site is mainly woodland at the peripheries with overgrown grassland within the remainder of the site. The Bar Pool Brook bounds the site to the north with the residential development known as the Bridleways lying to the north of the Brook. To the east and south of the site are established fence lines which delineate the residential gardens of the properties along the Coleshill Road. To the west of the site lies the former railway embankment/line which is largely overgrown and is set some 2 metres above the remainder of the site. There is a gradual slope towards the brook to the eastern parameters of the application site of one metre and along the length from the front of the site to the far north a level change of approximately two metres. There is also approximately one metre difference between the street level and the front of the site along Coleshill Road, although at the access point the site is level with the adjoining highway.

There is a vehicular access onto Coleshill Road alongside number 145.

The site adjoins the development boundary for Hartshill and Ansley Common and is within a safe walking distance of the local shops, post office, GP surgery and schools. There is a bus stop within 140 metres of the site along Coleshill Road where the number 41 bus service provides access to Nuneaton and the surrounding villages at a frequency of one service per hour.

The larger outline site is illustrated at Appendix A.

The Proposal

The proposal relates to a full planning application for the erection of 76 dwelling houses accessed from one single vehicular access onto Coleshill Road. A mixture of one storey and two storey units are proposed ranging from two-bedroomed flats and two-bedroomed bungalows to two, three and four-bedroomed houses. The proposal is for 40% of these units to be affordable housing.

A small area of open space is shown alongside the Bar Pool Brook. Landscaping is shown within the site and on its periphery. Levels on site vary with the former railway embankment which runs along the western boundary being elevated above the site. It is proposed to remove the former railway embankment and distribute the material across the site lifting levels in the lower areas along the northern and eastern boundaries. It is stated that lifting the levels in these areas will reduce the risk of flooding from the Bar Pool Brook which was highlighted on the Environment Agency surface water and reservoir flood mapping.

The plans submitted assume that boundary retaining will be required to a maximum retained height of one metre along the western boundary which includes the gardens in Ansley Common, to a maximum retained height of 450mm along the northern boundary with the gardens in Coleshill Road, and, boundary retaining alongside the boundary with property number 145 Coleshill Road.

A substantial amount of supporting documentation has been submitted with this application which includes:

- Planning Statement
- Design and Access Statement
- Arboricultural Implications Study
- Preliminary Ecological Appraisal
- Phase 1 Site Appraisal
- Flood Risk Assessment
- Section 106 Draft Heads of Terms
- Engineering Layout Drawing
- Landscape Proposal Plans
- Topographical Survey

The following Draft Heads of Terms are submitted:

- 40% affordable housing provision which equates to 30 affordable dwellings on site, with the full break down of the affordable housing to be provided on site as follows:

Dwelling Type	Shared Ownership	Rented
1 bed	0	6
2 bed	5	11
3 bed	2	4
4 bed	0	2

- Other possible financial contributions that may be required by statutory consultees towards:

Education
 Health Services
 Public Open Space
 Biodiversity Off-setting
 Public Transport

Development Plan

North Warwickshire's Core Strategy Adopted October 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW9 (Employment), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW16 (Green Infrastructure) and NW22 (Infrastructure).

Saved Policies of the North Warwickshire Local Plan 2006 - ENV4 (Trees and Hedgerows); ENV6 (Land Resources), ENV8 (Water Resources), ENV11 (Neighbour Amenity), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

Other Material Planning Considerations

National Planning Policy Framework 2012 (NPPF)

The Council's Draft Pre-Submission Site Allocations Plan 2014

Observations

The site lies outside of the Development Boundary for Hartshill and Ansley Common. Policy NW2 in North Warwickshire's Core Strategy states that residential development for local service centres such as Hartshill and Ansley Common will be considered where sites adjoin the development boundary. The site has been identified as a preferred housing allocation for Hartshill/Ansley Common in the Council's emerging Local Plan Site Allocations Plan

The proposed development of this green field site highlights the following key issues which will need to be addressed:

- 1) **Sustainability** - That the sustainability of the site is assessed to ensure that residential development is appropriate for this site and that such a development scheme will be easily assimilated into the neighbouring settlements of Hartshill and Ansley Common.
- 2) **Infrastructure** - That the existing infrastructure is able to accommodate this level of development in this location. In particular, there is an issue that the proposed development scheme may impact on the highway safety of road and pedestrian users along Coleshill Road and with the junction onto Plough Hill Road. The proposal involves the creation of an upgraded vehicular access onto Coleshill

Road. Policy NW10 and Saved Policies ENV14 and TPT3 stress the importance of ensuring that the vehicular access to the site is safe and the need to demonstrate that priority is given to pedestrians, cyclists and those using public transport.

- 3) **Potential Wildlife Site** - The proposal involves the loss of a green field site and a large amount of vegetation. The proposed development will require the removal of much of the site's grassland and woodland areas, including the felling of several mature trees. The trees along the eastern boundary of the site are protected by a Tree Preservation Order. The site has also been designated as a potential wildlife site and Policy NW15 (Nature Conservation) states that Sites of Local Importance for Nature Conservation will only be permitted where the benefits of the development outweigh the nature conservation value of the site and the contribution it makes to the Borough's ecological network.
- 4) **Surface Water Drainage Issues** – The site includes a brook where there have been local reports of flooding along its length. A Flood Risk Assessment has been submitted with the application. The proposal is to raise the ground levels alongside the Bar Pool Brook.
- 5) **Topography** – The former railway embankment/line is set some 2 metres above the remainder of the site. There is a gradual slope towards the brook to the eastern part of the application site of one metre and along the length from the front of the site to the far north a level change of approximately two metres. There is also approximately one metre difference between the street level and the front of the site along Coleshill Road. It is proposed to remove the former railway embankment and distribute the material across the site lifting levels in the lower areas along the northern and eastern boundaries. These alterations in levels on the site need to be assessed to ensure that the development scheme does not have a detrimental impact on the surroundings area. The Drainage Authorities will also have comments on the raising of the land adjoining the Bar Pool Brook.
- 6) **Ground Contamination** – The site lies within an area of previous coal mining. As such, the stability of the land will need to be assessed. There is also the potential for the land to be contaminated from previous uses. A Phase 1 Site Appraisal has been submitted investigating the former uses of the land.
- 7) **Residential Amenity** - The proposed development scheme has the potential to impact on the residential amenity of neighbouring properties by virtue of overlooking, loss of privacy and disturbance due to traffic. Policy NW10 seeks to ensure that development proposals avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, fumes or other pollution.
- 8) **Affordable Housing** - The proposed development scheme does include an affordable housing provision of 40% of the dwelling houses as required under Policy NW6 (Affordable Housing Provision). The provision includes rented housing as well as shared ownership. The mix of housing types and tenures will need to be agreed with the Housing Officer.

Recommendation

That the application be noted and that Members agree to undertake a site visit.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0199

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant's Agent	Application Forms, Plans and Statements	8/4/2016

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.



Revised	PAP/2016/0199	Date
C	Entrance road amended	PK 22.10.2013
D	Revised rev. arrangements for No. 145 access. Site added	PK 07.03.2014
E	Assessment and pumping station added, road revised to improve access, layout revised to suit	RF 21.05.2015
F	Layout updated, plots reduced from 78 to 75 plots	MP 25.06.2015
D	Layout updated to suit site, plots increased from 75 to 78 plots. Schedule updated by current footprint	MP 09.09.2015
H	Layout updated to suit clients comments, plots increased from 78 to 85 plots	MP 22.09.2015
J	Flats relocated, parking revised & plots reduced from 78 to 75 plots	MS 08.10.2015
K	Car parking to plots 32-35 amended	TT 03.11.2015
L	E units revised and relocated	MS 11.12.2015
M	Units 28, 33 & 71-76 revised, turning heads revised	MS 04.02.2016
N	House type names amended (D1 to J, O2 to H), Plots 36-42 and 49-58 amended. Site plan amended in line with WPL comments, pumping station amended, road width increased to 5.0m, turning head in front of plot no. 39 amended	MP 18.02.2016
D	Pumping station, turning head amended to WPL comments, plots 53-58 amended	MP 18.02.2016
F	Pumping station, footpaths amended to WPL comments, layout amended to provide 2.4m2 Am pedestrian visibility, A1 A2 house types, reduce collection areas added, graphic amendments	MP 25.02.2016
H	Minor layout amendments	MP 03.03.2016
S	Layout amended to Pageau comments	MP 14.03.2016
T	Site Boundary amended, visibility screens added	MP 29.03.2016



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Project	Colehill Road (Hatchell)	RECEIVED 11/04/2016
Client	Westleigh	PLANNING & DEVELOPMENT DIVISION
Sheet title	Site Layout	
Ref.	40010 001T	
Scale	1:500 @ A2	
Date	28.08.2013	
Drawn	MP	Checked RAV

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