

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

**(Councillors Bell, L Dirveiks, Henney,
Humphreys, Jarvis, Jenns, Jones, Lea, Morson,
Moss, Phillips, Simpson, Smitten, Sweet and
A Wright)**

For the information of other Members of the Council

This document can be made available in large print and electronic accessible formats if requested.

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

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

PLANNING AND DEVELOPMENT BOARD AGENDA

11 APRIL 2016

The Planning and Development Board will meet in The Council Chamber, The Council House, South Street, Atherstone, Warwickshire CV9 1DE on Monday 11 April 2016 at 6.30 pm.

AGENDA

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

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

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

Summary

Town and Country Planning Act 1990 – applications presented for determination

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

- 5 **High Hedge Remedial Notice Tudor Cottage, Trinity Road, Kingsbury** – Report of the Head of Development Control.

Summary

Following non-compliance with a High Hedge Remedial Notice, the Board authorised formal action in the Courts. Since then the owner has undertaken further works and the Board is now asked to consider what course it should take.

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

- 6 **Tree Preservation Order, 60 Spring Hill, Arley** – Report of the Head of Development Control.

Summary

Following the receipt of an objection to the making of this Order, the Board requested a review of the process involved and thus the matter was deferred. It is now brought back to the Board.

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

- 7 **Technical Consultation on the Implementation of Planning Changes** – Report of the Head of Development Control.

Summary

Following the publication of the Housing and Planning Bill and the subsequent consultation on the proposed consequential changes to the National Planning Policy Framework, the Government has now published a further consultation on a series of proposed substantial procedural changes. The Council is invited to respond.

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

- 8 **Corporate Plan Targets 2015/16** – Report of the Head of Development Control.

Summary

This report describes the action taken on a number of targets as set out in the 2015/16 Corporate Plan.

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

**PART C – EXEMPT INFORMATION
(GOLD PAPERS)**

- 9 **Exclusion of the Public and Press**

Recommendation:

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

- 10 **Breach of Planning Control - Hurley** – Report of the Head of Development Control.

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

- 11 **Breach of Planning Control - Coleshill** – Report of the Head of Development Control.

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

- 12 **Tree Preservation Order, Fillongley** – Report of the Head of Development Control.

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

JERRY HUTCHINSON
Chief Executive

Agenda Item No 4

Planning and Development Board

11 April 2016

Planning Applications

Report of the Head of Development Control

1 Subject

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

2 Purpose of Report

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

3 Implications

- 3.1 Should there be any implications in respect of:

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

4 Site Visits

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only

be agreed by the Board and reasons for the request for such a visit need to be given.

- 4.2 Members are reminded of the “Planning Protocol for Members and Officers dealing with Planning Matters”, in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

5 **Availability**

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

- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 16 May 2016 at 6.30pm in the Council Chamber at the Council House.

6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at: www.northwarks.gov.uk/downloads/file/4037/.

- 6.2 If you wish to speak at a meeting of the Planning and Development Board, you may either:

- e-mail democraticservices@northwarks.gov.uk;
- telephone (01827) 719222; or
- write to the Democratic Services Section, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE enclosing a completed form.

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	PAP/2015/0144	4	Hollybank Farm, No Mans Heath Lane, Austrey Outline application for the erection of five dwellings with the means of access, scale and the site layout to be determined	General
2	PAP/2015/0344	31	Beech House, Market Street, Atherstone Listed Building Consent to restore and repair the structure internally and externally in a manner that preserves the original fabric, replaces lost features and sympathetically adds modern facilities	General
	PAP/2015/0284		Post Office Yard, rear of 100 Long Street, Atherstone Conversion of ex-telephone exchange into three one bedroom dwellings	General
	PAP/2015/0375 PAP/2015/0283		Bank Gardens, rear of 94/96 Long Street, Atherstone Planning & Listed Building Applications for the erection of three dwellings	General
	PAP/2015/0285		Land rear of 108 Long Street, Atherstone Erection of two dwellings	General
3	PAP/2015/0525	72	Units 10 & 10a, Station Road, Station Road Industrial Estate, Coleshill Demolition of existing buildings and provision of new Class A1 Food Retail Store	General
4	PAP/2015/0680	85	Atherstone College, Ratcliffe Road, Atherstone Outline - Change of use of existing college to residential including conversion of existing building and erection of new block	General
5	PAP/2015/0699	98	31 Plough Hill Road, Chapel End Variation of condition no's: 4 & 12 of planning permission PAP/2011/0527 relating to revised site plan and amended design & access statement	General
6	PAP/2015/0679	109	Land North East of The Beanstalk, Gypsy Lane, Birch Coppice, Dordon	General
7	PAP/2015/0745	109	Land South of Berry House, Gypsy Lane, Dordon	General

General Development Applications

(1) Application No PAP/2015/0144

Hollybank Farm, No Mans Heath Lane, Austrey, CV9 3EW

Outline application for the erection of five dwellings with the means of access, scale and the site layout to be determined, for

Mr Andrew Keller - Keller Construction Limited

Introduction

This application was reported to Board for determination on 12 October 2015. The Board resolved to grant planning permission subject to conditions and subject to a S106 Agreement relating to the provision of an off-site contribution relating to affordable housing. The decision has not yet been issued pending resolution of a land ownership issue ahead of the signing of the S106 Agreement. In the meantime, the applicant has challenged the inclusion of one of the conditions that was proposed to be attached to the permission, a condition which sought to limit occupation of one of the dwellings to the operation of the existing farm of which the development site forms part. The application is reported back to Board to seek a resolution relating to the inclusion or deletion of the condition in question.

The Site and the Proposal

The site known as Hollybank Farm lies on the northern edge of the village on the north east side of No Mans Heath Lane. It presently houses an agricultural building and is used for the open storage of farm equipment by the current site owner, Gary Edwards. The proposal is an outline application for the erection of five dwellings with the means of access, scale and the site layout to be determined.

Background

The previous report to Board is attached as Appendix A.

The report proposed the inclusion of the condition set out below:

5. The occupation of one of the approved dwellings shall be limited to persons solely or mainly employed or last employed prior to retirement in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or the dependents of such persons including the widow or widower of such persons at the farm known as Hollybank Farm, No Mans Heath, Austrey. The unit to be designated for occupation in accordance with this condition shall be notified to the Local Planning Authority in writing prior to the occupation of any of the dwellings hereby approved.

REASON

To restrict the occupancy of the dwelling to those engaged in agriculture at the farm served by the access through this site so as to ensure the interests of highway safety.

The report advised that 'To minimise traffic generation, and to recognise the particular circumstances of the application, the Highway Authority recommends that occupation of one of the dwellings should be limited to the agricultural worker for the associated agricultural land.' Notwithstanding a conclusion that the proposed visibility splays were adequate, the Highway Authority considered that intensification of use of the access is not wholly desirable. An increase from three dwellings, with one occupied by a resident farmer (previously approved), to five dwellings was of some concern. In the knowledge that it was still the intention of the applicant that one of the proposed dwellings would be occupied by the farmer of the land which lies to the rear, the Highway Authority suggested that for reasons of the minimisation of traffic movements it would be appropriate to condition that one of the dwellings be limited to occupation by the agricultural worker for the associated agricultural land.

The applicant argues against the imposition of the condition, presenting the following argument:

It is understood that the County Highway Authority wish the Council to impose an agricultural occupancy condition on the basis that it would limit the traffic generated from the site. As with any condition, the local planning authority should consider whether the 'tests' for the imposition of a condition will be met.

The NPG states that

"Unless the permission otherwise provides, planning permission runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where granting planning permission for development that would not normally be permitted on the site could be justified on planning grounds because of who would benefit from the permission. For example, conditions limiting benefits to a particular class of people, such as new residential accommodation in the open countryside for agricultural or forestry workers, may be justified on the grounds that an applicant has successfully demonstrated an exceptional need"

The NPPF makes limited reference to agricultural worker's dwellings and simply states, at paragraph 55 that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

It should also be remembered that Circular 11/95 (The Use of Planning Conditions) remains in force, and so paragraph 102 of the circular continues to apply:

"102. Despite planning policies which impose strict controls on new residential development in the open countryside, there may be circumstances where permission is granted to allow a house to be built to accommodate an agricultural or forestry worker on a site where residential development would not normally be permitted."

This is clearly not the situation here. This is not a development in open countryside and it is a site where residential development has already been permitted; no case was made at the application stage that any of the dwellings were being justified on the basis of being an agricultural workers dwelling. It is also important to note that the Council's own Site Allocations document has specifically identified the site for a development of 5 dwellings; there is no indication that any of the dwellings should be restricted by way of an agricultural occupancy condition. It is therefore the applicant's contention that it is neither necessary nor reasonable to impose such a condition.

However, notwithstanding the above 'planning' argument against the imposition of a condition, any possible highways case for the imposition of an agricultural condition is also disputed. Gary Edwards of Edwards and Edwards makes the following points:

"The site currently has an approved planning permission (PAP2014/0296) for three residential dwellings without any restrictions. In fact the Highway Authority didn't make any such recommendations in their comments letter to the Planning Authority dated 11th July 2014. The applicant's situation hasn't changed since this application was approved.

The intention has always been for the developer to build the owners a house on the plot as part of the development. It was never intended for their house to be tied agriculturally as in this instance it is not considered justifiable. The applicant runs a gardening contractor business as his main income.

His partner works full time at an electrical contractor. The farming business has lost money every year for several years. The applicant would be willing for those accounts to be inspected by the planning officer.

The applicant's farming business is breeding rare sheep and cattle. They currently have 13 sheep and 24 cattle. The proposed barn is to replace the existing much larger barns to continue this operation. The applicant wanted to build a residential dwelling on the site to ease this operation but it isn't critical to the agricultural activity.

The access to the development only serves 5 acres of land with the proposed agricultural building. The applicant owns a further 30 acres on the opposite side of No Man's Heath which is used for grazing cattle but he is currently in the process of selling 10 acres of this land. The applicant also owns a further 38 acres at Polesworth but this has only a small amount suitable for grazing and is mainly used as a motocross circuit.

So the applicant's farming business isn't a major operation and certainly not one that could ever be viable at this scale. The proposal of a residential house on site will reduce his traffic movements as he wouldn't have to make a special trip in the morning and evening to check up on the livestock and certainly this arrangement will make life easier. Also during the busy lambing season then the number of special trips would be further reduced. However, the applicant's gardening business will continue to generate the same levels of vehicular movements as currently.

If the house and land was sold off and turned into a traditional farm then the traffic generated would actually increase. The majority of the land owned is not served directly from the access to the residential dwelling but on the opposite side of No Man's Heath and in Polesworth.

All traffic generated by this land would therefore radiate back to the access and substantially increase traffic movements. Therefore, it is considered, that an agricultural tie to the applicant's proposed dwelling could potentially actually cause an increase in traffic movements, contradictory to the Highway Authority's reason for requesting it."

Having regard to the above points the applicant considers that an agricultural occupancy condition would be neither necessary nor reasonable and therefore requests that such a condition is not imposed on the outline permission for five dwellings.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies):

NW10 - Development Considerations – 'Development should - provide for proper vehicular access, sufficient parking and manoeuvring for vehicles in accordance with adopted standards'

Other Relevant Material Considerations

National Planning Policy Framework, March 2012:

Paragraph 203 of the National Planning Policy Framework states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions"

Paragraph 206 of the National Planning Policy Framework states "Planning conditions should only be imposed where they are:

- 1.necessary;
- 2.relevant to planning and;
- 3.to the development to be permitted;
- 4.enforceable;
- 5.precise and;
- 6.reasonable in all other respects."

Planning Practice Guidance:

'It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.'

'Any proposed condition that fails to meet any of the six tests should not be used.'

'Every condition must always be justified by the local planning authority on its own planning merits on a case by case basis.'

'Unless the permission otherwise provides, planning permission runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where granting planning permission for development that would not normally be permitted on the site could be justified on planning grounds because of who would benefit from the permission. For example, conditions limiting benefits to a particular class of people, such as new residential accommodation in the open countryside for

agricultural or forestry workers may be justified on the grounds that an applicant has successfully demonstrated an exceptional need.'

'A condition used to grant planning permission solely on grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building.'

Consultation

Warwickshire County Council Highways Authority – Expresses disappointment that the farming arrangement may have initially been presented in a slightly misleading manner.

From the initial contact with the Highway Authority it has always been stated that one of the dwellings should be tied, and this was agreed at site meetings, including one on 02 September 2015.

The number of dwellings has kept on increasing and the reasoning for the development lost. It was initially advised that the farmer and his family visited the site up to 6 times per day, and even more during lambing, contrary to the new information provided. It was also advised that all the machinery (tractors, trailers, etc.) were kept at Hollybank Farm and that would not change, and that all deliveries and collections associated with the business were from Hollybank Farm. Only the movement of animals are from other locations. So, the only increase in vehicle movements will be as a result of the farmer not living on site.

The Highway Authority comments and recommended conditions were based on the information provided. Bearing in mind the new details being provided appear material and significant to the application, it queries whether the application recommendation should be reviewed and reassessed.

Observations

The main issues here are whether, in the light of additional information supplied by the applicant about the nature of the farming operation, the traffic generation implications differ such that an agricultural occupancy limitation is no longer justified, and whether, in the light of the changed understanding of the farming operation, the inclusion of the condition would now be reasonable.

The applicant is incorrect in his belief that Circular 11/95 is still in force. It is not. With the exception of Annex A (Model Conditions) it was cancelled and replaced by new planning practice guidance launched 6 March 2014.

The applicant's claim that 'nothing has changed since the unrestricted grant of planning permission for three dwellings at the site' may be true in respect of the nature of the farming operation (although the disclosed nature of the farm operation has changed) but, as a matter of fact, other material changes in circumstance are that the new application applies to a larger area of land and proposed a greater number of dwellings. Consequently, the highway proposals differ and a different set of conditions could, in principle, be justifiable.

At the time that this application was reported to Board in October it was not known that the farmer's main income was derived from running a gardening contractor business, that the majority of the land holding was distant from the application site or that the farming operation was a loss making enterprise.

It is acknowledged that the holding here is only small and that it is close to the settlement. The condition was not proposed to be attached for the purpose of expressly meeting the farming requirements of the land, it was proposed solely in an attempt to minimise the number of vehicular movements to and from the site.

The Highway Authority's initial advice in respect of this site was in relation to the development of two dwellings plus the farm use. This increased to three dwellings plus the farm use in the course of a previous planning application. Then the current application proposed 5 dwellings plus the farm use. The Highway Authority was fearful that the access was not ideal for such intensified use, but was mindful that he had been advised several times that the farm operator planned to occupy one of the dwellings. Hence, the Highway Authority suggested the inclusion of an agricultural occupancy condition, believing that if the occupation of the fifth house was tied with the operation of the farm, it would limit traffic generation and vehicular movements.

At the time the condition was recommended, the planning and highway authorities were in possession of only limited information about the nature and scale of the full farming operation. It was not known that the farm holding comprised a greater extent of land distant from the application site than that which was adjoining the application site. In the up to date knowledge that the farmer would have to 'out commute' to a greater extent than it would be necessary to 'commute to' the smaller part of the farm at No Mans Heath Lane the occupancy condition would be less defensible, as it would have negligible effect of the scale of vehicular movements, perhaps, arguably, it could even increase vehicular movements

Furthermore, it is clear that the farm operates only on a small scale basis, with limited commerciality. Though trading accounts have not been seen, it appears highly probable that the small scale nature of the farming activity alone could not support an agricultural dwelling.

The Highway Authority expressed the need for an agricultural occupancy of the fifth dwelling as a 'desirable' condition, rather than 'essential' to the balance of highway safety.

It is not considered that the difference between traffic generation by one unrestricted dwelling and traffic generated by a dwelling restricted to occupation by someone operating the adjacent farm would be so materially different that it would have a significant impact on highway safety.

Whilst there could, in principle, be legitimacy in limiting occupation of one of the dwellings to an agricultural worker to address a traffic generation and highway safety issue, the additional information about the nature of the farming operation is sufficient to justify a withdrawal of the proposed occupancy condition from the proposed planning approval. It is no longer considered that the imposition of the condition would be reasonable.

Recommendation

That the application be **Granted Subject to the Conditions** set out in the report to Board in October 2015 with the exception that Condition 5 be omitted.

BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0144

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Additional information	1 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.

Hollybank Farm, No Mans Heath Lane, Austrey, CV9 3EW

Outline application for the erection of five dwellings with the means of access, scale and the site layout to be determined, for

Mr Andrew Keller - Keller Construction Limited

Introduction

This application was reported to the Planning and Development Board in August 2015. No decision was taken at that meeting. Instead, it was deferred to allow an opportunity to consider the implications of a change in Government Policy Guidance concerning the provision of affordable housing and to enable the resolution of concerns identified by the Highway Authority.

The report to the August Board is shown as Appendix 1.

The applicant has responded with the submission of additional information in the form of an Affordable Housing Proposal. In short, the applicant proposes that affordable housing would not be constructed on the application site but instead, to meet policy requirements, there would be the payment of a sum of money which would be used to deliver affordable housing elsewhere (an off-site contribution). The applicant has also undertaken a speed survey to inform the highway design aspects of the proposal. These matters are discussed more fully below.

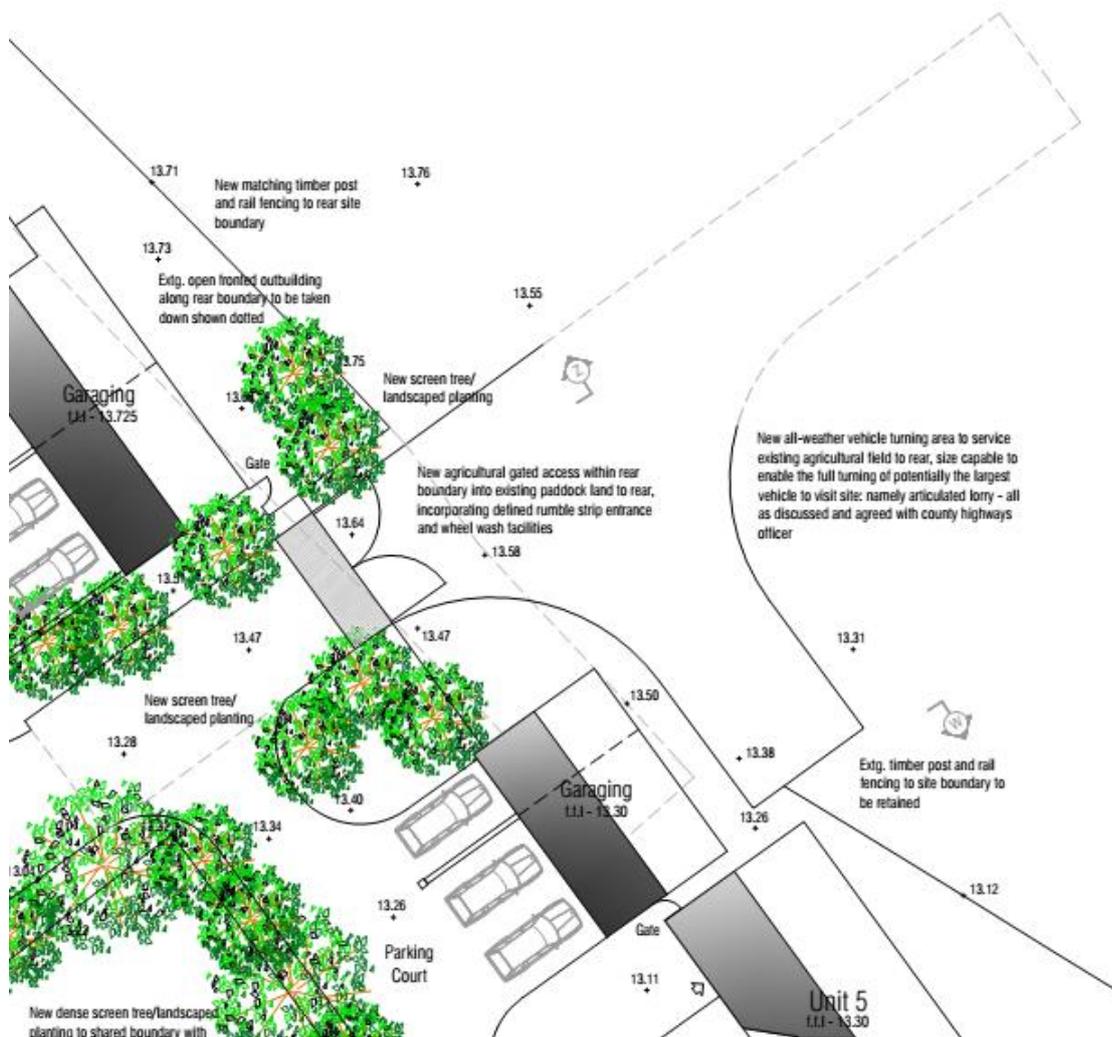
Update

Since the previous report to Board the outline planning permissions for 14 dwellings at the site known as Applegarth and the Croft and for 40 dwellings at Crisps Farm have both been issued.

The Proposal

In response to the Highways Authority concerns about the potential for conflict between the access to agricultural land to the rear of the site and the proposed housing the application has been amended to propose a turning area and wheel wash within the field, as shown below:





Representations

Those who made representations previously have been reconulted on the provisions in respect of affordable housing and amended plans showing the revised access arrangements. No further representations have been received in these respects.

The owner of the adjoining property has suggested that part of the application site is in his ownership, however, at the time of writing this report no documents have been presented to conclusively evidence the claim.

Consultations

Warwickshire County Council Highways Authority – Advises that the visibility splays will be acceptable and that the provision of a turning head for use by vehicles accessing the agricultural land to the rear will address its concerns about the potential for conflict with the residential use of the access. To minimise traffic generation, and to recognise the particular circumstances of the application, the Highway Authority recommends that occupation of one of the dwellings should be limited to the agricultural worker for the associated agricultural land. As discussed in the previous report to Board the Highway Authority concern about the lack of a

dedicated pedestrian route to the village is an enduring concern expressed by the Highway Authority.

Observations

The change in Government policy means that there is no longer a threshold below which the provision of affordable housing should not be sought and therefore the full provisions of Policy NW6 of the North Warwickshire Core Strategy (Adopted October 2014) can be applied to current proposals for the development of housing.

The payment of an off-site contribution accords with the provisions of Policy NW6 of the Core Strategy given that the development will achieve fewer than 14 units.

The proposed off-site contribution, amounting to £62,617.50, has been calculated using the methodology contained in the Council's Housing Viability Appraisal. The values attributed are a reasonable reflection of the site and the market.

The application therefore complies with government policy and the development plan in respect of the provision of affordable housing.

In respect of highway safety, the applicant has submitted a speed survey which finds that the 85th percentile speed for traffic leaving the village is 24.5 mph but that the 85th percentile speed for traffic leaving approaching the village is 35.0 mph. The Highway Authority confirms that the visibility splays that are shown will be sufficient to ensure highway safety at the prevailing speed of traffic.

Notwithstanding the conclusion about the adequacy of the visibility splays, the Highway Authority considers that intensification of use of the access is not wholly desirable. An increase from three dwellings, with one occupied by a resident farmer (previously approved) to five dwellings is of some concern. It remains the intention of the applicant that one of the proposed dwellings will be occupied by the farmer of the land which lies to the rear. The Highway Authority suggests that for reasons of the minimisation of traffic movements it would be appropriate to condition that one of the dwellings be limited to occupation by the agricultural worker for the associated agricultural land. The applicant indicates an acceptance of such a limitation. To recognise the particular circumstances of this site it is suggested that the permission be subject to an occupancy condition for one dwelling only.

Whilst the appearance of the proposed dwellings is a reserved matter this application seeks approval of the scale and layout of the built form. It is considered that the scale and layout proposed in the development can be accommodated without undue harm to occupiers of neighbouring dwellings, however, the quantity of built form is maximised. There is a prospect that, if extended, the dwellings could create conditions which would cause harm to neighbouring dwellings. It is therefore appropriate to remove permitted development rights for future extensions so that an assessment of impact can be made on a case by case basis.

There are no further material changes in circumstance since the report to Board in August that would justify a change to the recommendation that planning permission be granted subject to conditions and the observations at that time remain relevant. Members are asked to refer to the report in Appendix 1 and to note the new recommendation below.

Recommendation

That subject to the signing of a Section 106 Agreement relating to the provision of affordable housing, the application be granted subject to the following conditions:

Standard Outline Conditions

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

- (a) appearance
- (b) landscaping

REASON

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

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

REASON

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

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

REASON

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

Defining Conditions

4. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 2014.141- 004D, 2014.141- 002D and 2014.141- 003D received by the Local Planning Authority on 16 September 2015 and the drawing numbered F15121/01 received by the Local Planning Authority on 9 July 2015.

REASON

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

5. The occupation of one of the approved dwellings shall be limited to persons solely or mainly employed or last employed prior to retirement in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or the dependents of such persons including the widow or widower of such persons at the farm known as Hollybank Farm, No Mans Heath, Austrey. The unit to be designated for occupation in accordance with this condition shall be notified to the Local Planning Authority in writing prior to the occupation of any of the dwellings hereby approved.

REASON

To restrict the occupancy of the dwelling to those engaged in agriculture at the farm served by the access through this site so as to ensure the interests of highway safety.

Pre-Commencement Conditions

6. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

REASON

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

7. Prior to the commencement of development a methodology statement for the translocation of the frontage hedgerow shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the works shall be carried out in full accord with the approved methodology.

REASON

In the interests of the amenities of the area.

8. No development shall take place until a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority in consultation with the Warwickshire County Council Archaeological Information and Advice team.

REASON

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

9. No development shall take place until the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken in full and a report detailing the results of this fieldwork has been submitted to the Local Planning Authority.

REASON

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

10. Prior to any development works (with the exception of any groundworks associated with the archaeological evaluation detailed above) taking place an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the Local Planning Authority. This shall detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation detailed in condition 10 above. The programme of archaeological fieldwork and associated post-excavation analysis, report production and archive deposition detailed within the approved Archaeological Mitigation Strategy shall be undertaken in accordance with the approved detail.

REASON

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

11. 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 any of the dwellings hereby approved are first occupied and shall subsequently be maintained. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON

In the interests of the amenities of the area.

During Development

12. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations shall take place before the hours of 0700 nor after 1900 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.

REASON

To protect the amenities of nearby residential property.

13. All materials obtained from demolition shall be permanently removed from the site within twenty eight days of demolition being commenced.

REASON

In the interests of the amenities of the area.

Ongoing Conditions

14. No development whatsoever within Classes A, B, C, D and E of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 , shall commence in respect of any of the dwellings shown on the approved plans 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.

Plus conditions as deemed appropriate by the Highway Authority.

Notes:

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

Plus any notes deemed appropriate by the Highway Authority.

BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0144

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Affordable Housing Proposal	

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.



Application No: PAP/2015/0144

Hollybank Farm, No Mans Heath Lane, Austrey, CV9 3EW

Outline application for the erection of five dwellings with the means of access, scale and the site layout to be determined, for

Mr Andrew Keller - Keller Construction Limited

Introduction

This case is reported to Board at the discretion of The Head of Development Control given the Board's past interest in the housing applications in Austrey.

The Site

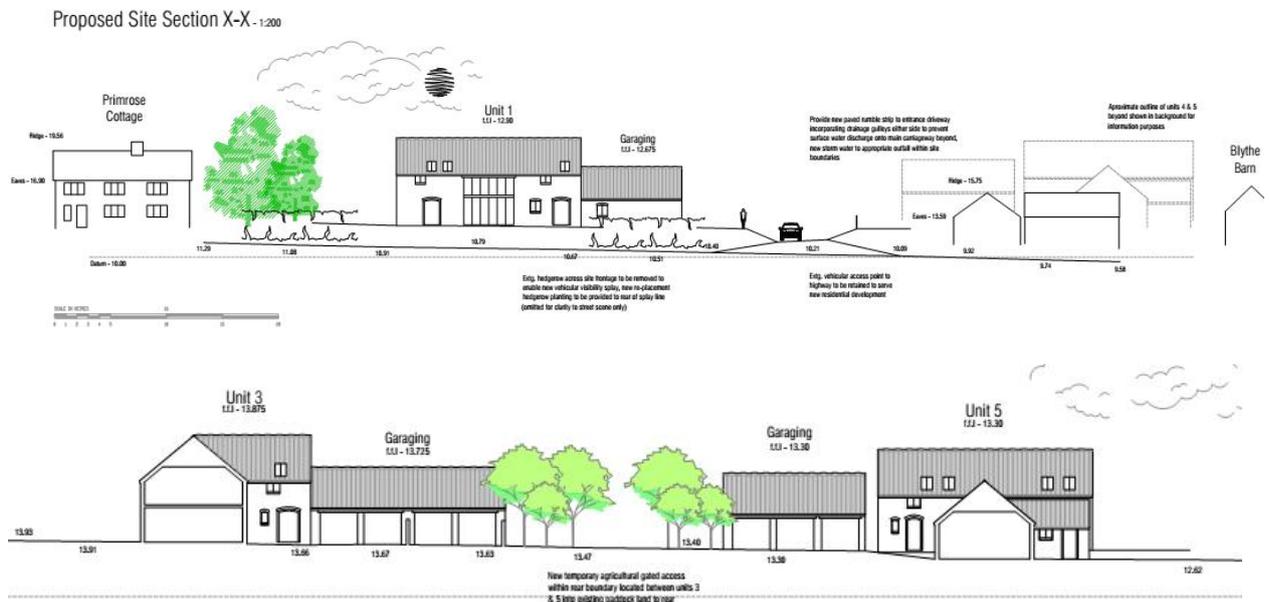


The existing agricultural building and open storage of farm equipment are shown below.

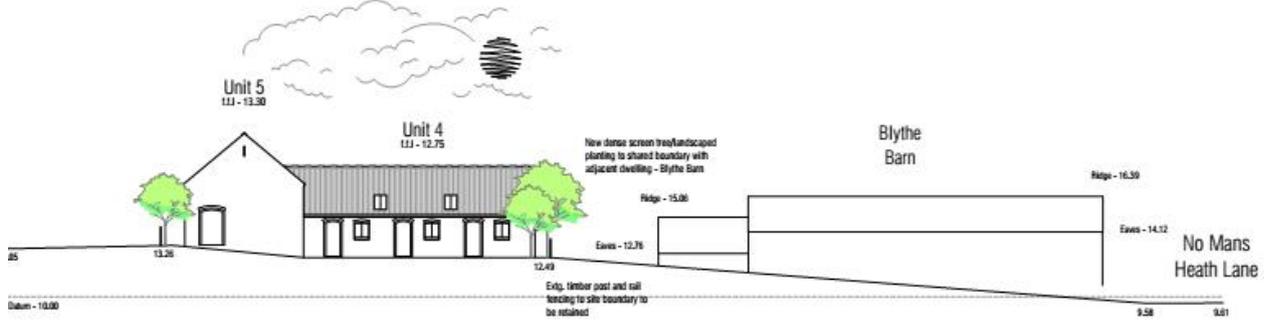


The Proposal

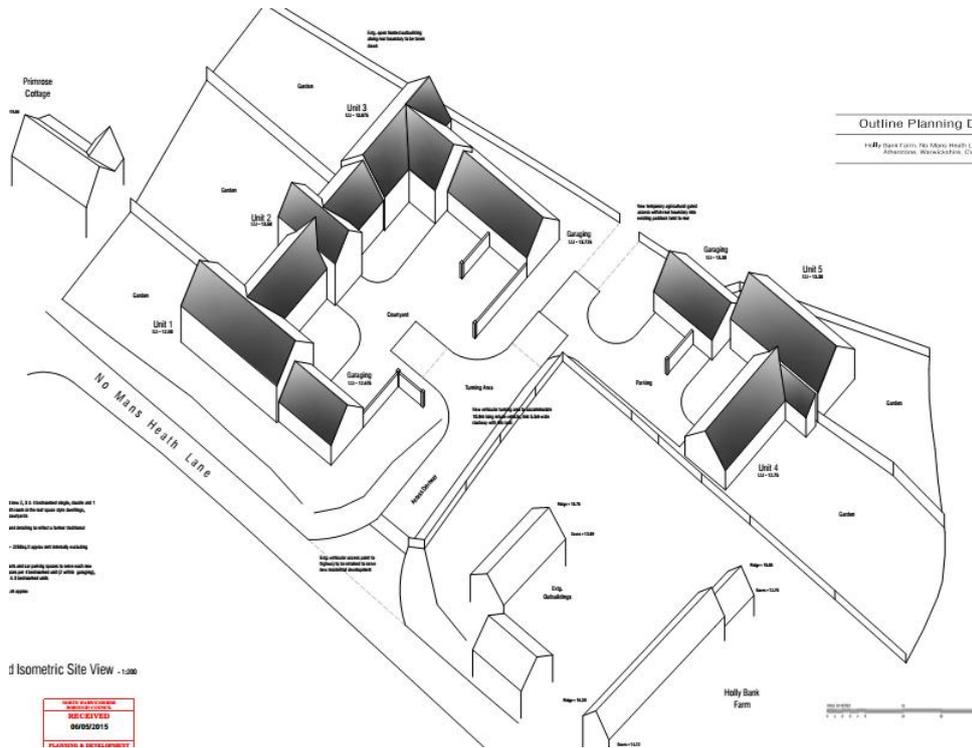
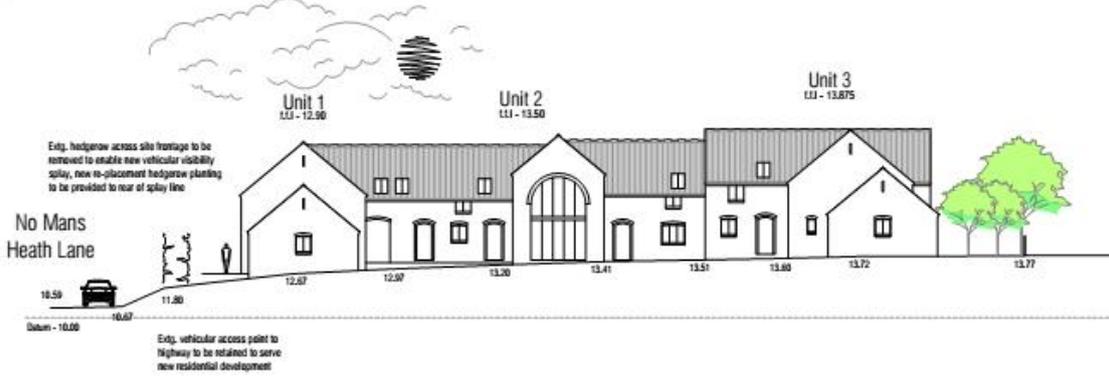
This is an outline application for the erection of five dwellings with the means of access, scale and the site layout to be determined. Appearance and landscaping would remain as reserved matters Notwithstanding this, the applicant has submitted illustrative proposals as shown below:

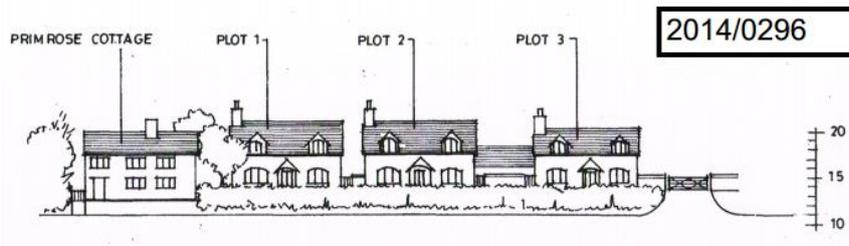


Proposed Site Section W-W - 1:200



Proposed Site Section Z-Z - 1:200





The current application has been altered in response to concerns about the impact of the layout and scale on a neighbouring dwelling.

Development Plan

The Core Strategy 2014 – Policies NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW15 (Nature Conservation) and NW22 (Infrastructure)

Saved Policies of the North Warwickshire Local Plan 2006 - Policies ENV4 (Trees); ENV8 (Water Resources), ENV10 (Energy Generation and Energy Conservation), ENV12(Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV16 (Listed Buildings, non-Listed Buildings of Local Historic Value and Sites of Archaeological Importance (including Scheduled Ancient Monuments), TPT1 (Transport Considerations in New Development) and TPT6 (Vehicle Parking)

Other Relevant Material Considerations

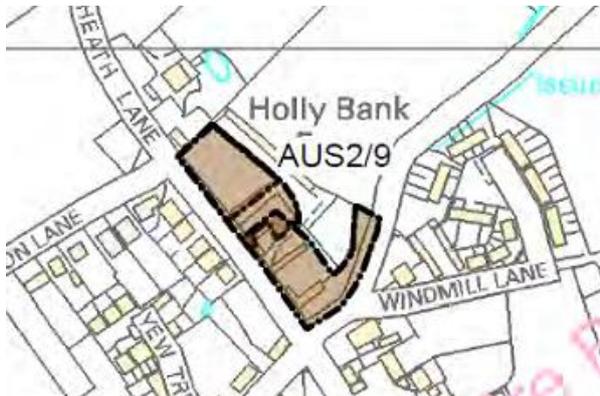
The National Planning Policy Framework – (the “NPPF”)

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

Planning Contributions (Section 106 Planning Obligations) – DCLG 2014

The Draft Pre-Submission Site Allocations Plan - June 2014

Land at Holly Bank farm is allocated in the Site Allocations Plan (SAP) with an indication that it would achieve 7 units. The area in the plan is as below and whilst more extensive, including existing premises, it partly includes and excludes parts of the current application site.



The Austrey Neighbourhood Plan.

The Austrey Parish Council has produced a consultation draft of the Neighbourhood Plan, which, amongst other things, allocates land for housing. The Plan is presently out for formal consultation but it needs to be stated that the Neighbourhood Plan is at an early stage of preparation, it carries little weight until it is voted for in a referendum and is then formally adopted. At this early stage of preparation there is some uncertainty about the final form of the Plan and whilst it is indicative of the direction of travel of the Parish it can be afforded only little weight in the consideration of the planning applications.

Consultations

Warwickshire Museum - No objection subject to conditions.

Environmental Health Officer - No Comments

Warwickshire County Council Highways Authority – Objects to the application.

Representations

The occupiers of an adjacent dwelling objected to the first scheme on the basis that their only objection was to Unit 4. They indicated that they were perfectly happy with the design and proximity of units 1, 2, 3 and 5. It is only unit 4 that affected their property, being proposed very close to their boundary and Blythes Barn itself. It would affect privacy as it would overlook and dominate due to the fact that it is on a raised bank. It would partially block out light to their premises. They indicated that if the house were built 50 yards further back or ran adjacent with unit 5 (so they were side by side) this would be a much better solution as then it would not have such a visual impact on their property. No further comments have been received in respect of the revised proposal.

Austrey Residents' Association objects because of concerns about village capacity and the cumulative effect that additional housing development would have on the rural character of the village and its community.

Observations

a) The Principle

The principle of development has recently been established through the grant of planning permission for three dwellings on the largest part of the current application site. The site has a road frontage, is situated between existing dwellings and is immediately adjacent to the identified development boundary. The additional land, upon which it is proposed to erect an additional two dwellings, forms an integral part of the parcel of land that currently contains the farm building and associated yard. Though the enlarged developable area would be marginally deeper than the approved scheme, it is generally of a scale envisaged for development in this locality in the Draft Site Allocations Plan.

The emerging Neighbourhood Plan supports the principle of three dwellings at this site.

b) Detailed Considerations – Design, Scale and Location

The proposed form of the development is altered. Rather than taking the form of front facing cottages, the current scheme seeks to give the impression that the buildings are of agricultural scale, form and character and seeks to appear as conversions of rural buildings. Subject to other considerations of affect on amenity and highway safety, this approach is considered an acceptable approach to design on a village edge site.

The grouping of the proposed buildings around a courtyard achieves an acceptable separation distance from the neighbouring dwelling at Primrose Cottage and, although the development does not wholly front No Mans Heath Lane, the elevation facing the lane can be designed so as to appear as a principle elevation and ensure that the development forms an integral part of the street scene.

The revised scheme addresses the difficulties brought about by virtue of the fact that the site is on elevated ground above No Mans Heath Lane and the existing dwelling at Blythe's Barn. It takes a staggered approach to the height of the buildings and carefully positions them at an off-set angle to ensure that the potential for over dominance and overlooking is addressed. The revised scheme has resulted in no further concerns being raised by the occupiers of the nearest adjacent dwellings. No concerns have been identified in respect of the altered approach to design.

Notwithstanding this, the plans are presented for the approval of scale and layout only at this stage, they remain only illustrative in terms of appearance.

The developable area is contained within an existing established boundary and will not intrude into open countryside.

Landscape and Ecology

The site does not contain any known protected species. The application proposes the relocation of the existing frontage hedge to improve visibility from the site access, as the previous scheme did. The previous approach was to translocate the existing hedgerow and a methodology statement was submitted accordingly. There would be an expectation that, if approved, this scheme would be required to take the same approach. In the longer term there would be no significant adverse impact on the character or appearance of the street scene.

c) Affordable Housing

The previous scheme achieved an off-site contribution towards the provision of affordable housing, however, since the grant of that permission the Department of Communities and Local Government (DCLG) updated Guidance (28 November 2014) introduced the use of lower thresholds for affordable housing contributions. Proposals for ten or fewer dwellings now fall below the threshold for the provision of affordable housing either on-site or off-site.

d) The Proposed Replacement Agricultural Building

The current scheme proposes to maintain access through the site to the field at the rear for its continuing agricultural use. This is necessary or else the field would become land locked. The previous scheme was in two parts, the proposed dwelling and a replacement agricultural building. This application is for the dwellings alone and a stand alone application will need to be made if it is still proposed to erect a new agricultural building.

The applicant advises that one of the proposed dwellings will be occupied by the farmer of the land.

e) Highways

The main issue of contention with the proposal for five dwellings is that the Highways Authority objects it for a number of reasons, as follows:

1. The proposed access is not considered suitable for an intensification of use.
2. It has not been demonstrated that suitable visibility splays can be achieved from the vehicular access to the site.
3. The proposed turning area is not considered suitable for the purpose intended.
4. Pedestrian access to the site is not considered suitable.

The Highway Authority indicates that the access is still not wide enough for a tractor to pass a car within the site and it has not been demonstrated that the available southern visibility splay is within the control of the applicant or suitable for the approach speeds of vehicles. Swept path analyses have been submitted showing a refuse vehicle turning around on site, which appears acceptable, and a tractor and trailer entering and exiting the site. The turning area for the tractor and trailer has not been shown, but due to the design of the vehicle combination should be able to turn around in any field. But, the surface a tractor can turn around on is different to a HGV. Wagon-and-drag style HGV's are commonly used on farms. The Highway Authority considers that a turning area suitable for this type of vehicle should be

provided. Finally, it expresses concern that a pedestrian route from the site to the village does not appear possible.

The applicant and the Highway Authority have an ongoing dialogue concerning these matters and it is hoped that the concerns can be addressed with some small further revisions to the proposals and shared understanding of the site conditions and the nature of the proposal. There is however one exception and that relates to the inability to dedicate a pedestrian route from the site to the village.

When planning permission was sought for three dwellings at this site the Highway Authority did not raise any objection and did not raise concern about the absence of a dedicated pedestrian route from the site to the village along No Mans Heath Lane.

The highway width does not extend sufficient distance beyond the carriageway to allow opportunity to form a footway, even if the developer was prepared to fund its construction.

In deciding whether there is sufficient reason to refuse the current application on the basis of the absence of a footway, the Board should be mindful that this application is not about whether new residential development should be allowed in this location at all, it is about whether it is acceptable to increase the number of dwellings by an additional two. This is a matter of balancing potential harm to highway safety against the other merits of the scheme, including the additional supply of housing and the beneficial use of a part of the land that would otherwise have no other productive use and could fall into a state of neglect. The Board too should also be mindful that there are a significant number of existing dwellings fronting No Mans Heath that have managed the pedestrian route to the village centre and no accidents are known to have been recorded as a result. On balance, it is considered that this matter is wholly beyond the control of the applicant and that the risk to highway and pedestrian safety is not of sufficient magnitude to outweigh the beneficial aspects of the proposed development.

Member will see, from the recommendation below that support for the application proposal would be on the basis that the remaining highway reasons for objection can be overcome with the agreement of the Highway Authority.

f) Other Matters

The County Archaeologist advises that the proposed development lies within an area of archaeological potential, within the possible extent of the medieval settlement at Austrey (Warwickshire Historic Environment Record MWA 9490). There is a potential for the proposed development to disturb archaeological deposits, including structural remains and boundary features, associated with the occupation of this area from the medieval period onwards. She does not wish to object to the principle of development, but does consider that some archaeological work should be required if consent is forthcoming and recommends a condition. She envisages this work taking a phased approach, the first element of which would need to take place in advance of any development on the site and would take the form of evaluative fieldwork.

The Austrey Residents' Association expressed concern about the cumulative impact of additional dwellings in the village. It would be difficult to present a convincing case to show that the addition of two units at this location would render the development

unsustainable in the context of harming village character, rural community or increased strain on village services.

Recommendation

1. That the Council is minded to support the application, subject to the resolution of the objection from the Highway Authority and subject to conditions addressing the matters set out below.
2. That the determination of the application be delegated to the Head of Development Control in conjunction with the Chair and Vice-Chair and the two local Ward Members.
 - Standard outline conditions
 - Specified Plans
 - Submission, agreement and implementation of a scheme for the translocation of the existing frontage hedgerow.
 - Submission, agreement and implementation of a scheme for foul and surface water drainage.
 - Submission, agreement and implementation of a boundary treatment scheme.
 - A limitation on the hours of construction works given the proximity of the site to existing dwellings.
 - The implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
 - Conditions as deemed appropriate by the Highway Authority.

BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0144

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	6/3/15 6/5/15 9/7/15
2	Austrey Residents' Association	Representation	24/3/15
3	B Barrett & Z Edwards	Representation	27/3/15
4	Planning Archaeologist, Warwickshire Museum	Consultation Response	23/3/15
5	Environmental Health Officer	Consultation Response	17/3/15 13/3/15
6	Warwickshire County Council Highways Authority	Consultation Response	31/3/15 11/5/15 23/7/15

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.

(2) Application No PAP/2015/0344

Beech House, 19 Market Street, Atherstone

Listed Building Consent to restore and repair the structure internally and externally in a manner that preserves the original fabric, replaces lost features and sympathetically adds modern facilities

Application No PAP/2015/0284

**Post Office Yard, rear of 100 Long Street, Atherstone
Conversion of ex-telephone exchange into three one bedroom dwellings**

Application No's PAP/2015/0375 and PAP/2015/0283

**Bank Gardens, rear of 94/96 Long Street, Atherstone
Planning and Listed Building Applications for the erection of three dwellings**

Application No PAP/2015/0285

**Land rear of 108 Long Street, Atherstone
Erection of two dwellings, for**

Arragon Construction Ltd

Introduction

The receipt of these applications was referred to the August Board meeting last year. Since that time, there have been no changes to the actual proposals but the applicant has supplied some additional information and as a consequence the various consultation bodies have been re-consulted. The matter is thus soon to be brought back to the Board for determination.

Members will be aware that there have been several planning and listed building applications submitted in respect of these properties in Atherstone such that there is a lengthy planning history associated with them. In short these applications have not been successful and there have been repeated proposals in order to try and overcome earlier refusals. The last "set" of applications was withdrawn at the end of 2014. The applications described above have been submitted in order to overcome the recommendations of refusal made in respect of those last proposals.

These applications will be dealt with together as a "package". This is because the applicant is saying that the cost of repair and restoration to Beech House as proposed is unviable without the additional new development. That new development thus "enables" the restoration.

For convenience Appendix A illustrates the location of all of the sites referred to above. It also identifies the Listed Buildings that are referred to in this report. The whole of the area covered by the plan is within the town's Conservation Area.

Members have recently referred proposals at The Angel Public House, also in the Market Square at Atherstone, to a small group of Members in order for them to explore some of the detail of the proposals at that site together with the applicant. There has been a successful outcome to that involvement and permissions have now been issued. During that process it was suggested that a similar arrangement might like to be considered here with the Beech House proposals. In this case however, because of the significance of the whole package of proposals, it is envisaged that that group would look at the proposals in more detail and then report back to the Board for a determination.

Members are therefore asked to consider the recommendation below.

If this is agreed, it is also worthwhile both to that group and to the whole Board, to set out the proposals in some detail as a preliminary step and the remainder of this report will now do so.

Background

Beech House has remained vacant for over ten years. It was last used as a single dwelling house. The current applicant acquired it and his first proposal to change its use to office accommodation was refused, with this decision being upheld at appeal in 2005.

In recent years there have been applications submitted individually for the other sites mentioned in the “header” to this report. They have all been refused planning permission and appeals have been dismissed. Copies of the decision letters are attached at Appendices B to D.

More recently the applicant’s attention has focussed on Beech House itself as in short, it was losing value due to the economic downturn. An application to provide a vehicular access into the rear garden off North Street was submitted in order to make it more “attractive”, but this was refused due to the adverse heritage impact of breaching the garden wall and having cars parked in the rear garden. More recently an application was submitted in 2010 to convert the house into three apartments including a rear extension to provide a new stairwell to access the upper floors. This was accompanied by other applications as a “package”. It was argued that these other developments would enable the works to Beech House. These other applications were equivalent to the ones now submitted. However all of the applications were withdrawn in late 2014 having been recommended for refusal. It was considered that the harm to Beech House as a consequence of the proposed sub-division was too great in itself to warrant any support.

The current package of applications has been submitted as a consequence of this withdrawal.

The Differences

There are a number of differences between those withdrawn proposals and the current submissions. These are:

- Retention of Beech House as a single dwelling house with no internal subdivision or external extension and its rear walled garden retained intact.

- Conversion of the former telephone exchange into three rather than two one bedroom dwellings. The former proposals included garage space for the use of Beech House with a new pedestrian access through the rear wall into the garden.
- Two of the new dwellings in Old Bank Gardens to be constructed in a single range rather than as two detached houses.

Beech House

a) Introduction

Beech House at 19 Market Street is a Grade 2 star Listed Building fronting the Market Square in the centre of Atherstone. It is also on the register of buildings “At Risk” prepared by Historic England. It is a three storey town house constructed in 1708. It has a basement and a walled rear garden but no vehicular access. It lies within a street frontage of similarly proportioned buildings facing the square. These accommodate a variety of uses – restaurants, public houses, shops and offices with some residential uses in the upper floors. There is a substantial copper beech tree in the rear garden which is protected by a Tree Preservation Order. The premises have been vacant for over ten years.

A more detailed description of the building is contained in a Historic Building analysis submitted with the application. This is available on the application website or copies can be obtained from the office if Members wish to see this document. It describes a significant and prominent 18th Century town house with substantive contemporaneous internal and external architectural features.

The site is wholly within the Atherstone Conservation Area. Other listed buildings within the Market Street frontage are numbers 9, 11, 13, 15, 17 and the adjoining public house at 21. All of these are Grade 2 Listed Buildings.

b) The Proposals

In short it is proposed to repair and restore the building such that it remains as a single dwelling house. The rear walled garden would remain intact with no proposed rear vehicular access or car parking provision.

A full description of the proposed works is attached at Appendix E.

The Former Telephone Exchange

a) Introduction

This is a single storey brick and slate roof building dating from the 1930's. It measures 6.5 metres by 16.5 metres in footprint and is at right angles to North Street. It has a ridge height of 6 metres. It is located immediately at the rear of the walled garden to Beech House. Between it and North Street are two recently constructed houses that front North Street. The land falls away to Long Street and this lower level land provides access and parking for residential property in Long Street and to its immediate rear. The building fronts this access – some 4.5 metres wide. Opposite are the single storey offices of the Town Council.

The building is not listed, but the site is within the Atherstone Conservation Area.

b) The Proposals

It is proposed to convert this building into three residential units. The conversion works would entail removing the existing roof structure and replacing it to the same eaves and ridge height and pitch in order to provide the first floor accommodation.

Each of the three residential units would accommodate a single bedroom in the roof space. This will require three small two-light dormers for the bedrooms and three small roof lights over the stairwells in the front (east facing) elevation as well as three roof lights for the bathrooms in the rear elevation facing the rear of Beech House. The front elevation would be redesigned so as to accommodate door and window openings.

No car parking is proposed

Plans at Appendices F and G illustrate the proposals

Old Bank Gardens

a) Introduction

This is a walled garden at the rear of numbers 94/96 Long Street. These properties are presently occupied by Lloyd's Bank and a café. They are three storey buildings within the northern frontage of Long Street and are listed as Grade 2 buildings. They both have rear ranges extending back from their respective Long Street frontages. Number 96 (the Bank) has a two storey range to its rear, but this falls short of reaching the rear boundary of the premises beyond which is the application site. To the rear of number 94 (the café) is a longer two storey range and this extends back to the application site boundary. The walled Old Bank Garden to the rear has a stepped pedestrian access through to the Beech House garden. Adjoining this walled garden and to the east is the former telephone exchange building. Vehicular access is obtained from North Street to a parking and access yard at the rear of numbers 98 and 100 Long Street for a small number of cottages and residential conversions of these frontage properties. At the rear of 98 Long Street there is one small one and a half storey rear range giving way to a more recent two storey range. At the rear of 100 is a wide large single storey range. There are one and a half storey cottages tucked in behind this. Numbers 98, 100, 102 and 108 Long Street are all Grade 2 Listed Buildings. The ground level of the Long Street properties is at a lower level than that of North Street and hence the land rises in a series of different levels towards North Street. The overall height difference is about 1.3 metres.

The site is wholly within the Atherstone Conservation Area.

b) The Proposals

In short this is to construct three cottages within the rear walled garden. One, a two bedroom property would adjoin the end of the existing range at the rear of the Bank. It would measure 5.5 by 8 metres and be 7.4 metres to its ridge. It would be single aspect facing west with only roof lights in its eastern elevation. Its northern gable would also provide fenestration at both ground and first floor levels. The other two,

again both with two bedrooms would be constructed as one range extending back from the café at Bakers Croft. The closest to the existing would measure 9.5 by 4.8 metres and be 7.1 metres to its ridge. It would have openings in its east facing elevation as well as its southern facing elevation. The third cottage would adjoin this. It would measure 9.6 by 4.8 metres and be 7.2 metres to its ridgeline. It would have openings in its east and north facing elevations.

The cottages would be accessed on foot from the yard to the east at the rear of the Post Office which has access onto North Street passing the former telephone exchange building. This will necessitate breaching the garden wall with a new opening – there would be no gate or door. The whole wall would also be lowered to be one metre high- it is presently 2.3 metres tall. The former walled garden would become a shared garden/amenity space for the residents. The applicant has indicated that it would also be available to the public. The existing gated and stepped access into the rear garden of Beech House would be closed off.

No car parking is proposed. The parking spaces shown on the plans in the adjoining yard are for existing users of accommodation at the rear of the Post Office.

The site is wholly within the Atherstone Conservation Area

The proposals are illustrated at Appendices H and I.

108 Long Street

a) Introduction

This is a three storey listed building that fronts Long Street close to its junction with Ratcliffe Street. It lies between the buildings presently occupied by TNT and the former WCC offices. It has rear ranges extending back into a long rear yard. A more recent residential block – containing two units - sits at the immediate rear of the premises beyond which is the rear yard from where vehicular access is gained from North Street. The offices of the Town Council are immediately adjacent to this rear access. The car park to the WCC offices is located between the site and Ratcliffe Road. The main building at 108 has a shop at the ground floor frontage with Long Street and its upper floors together with the recent block are now in residential use – 9 apartments. The site slopes down from North Street to the more recent block at the rear of Long Street – a drop of around 1.3 metres.

The site is wholly within the Atherstone Conservation Area

b) The Proposals

Two new dwellings are proposed – one would be two storey and accommodate two bedrooms, such that it adjoins the recent block and have a height of 6.6 metres to its ridge, being 0.8 metres less than that new block. A smaller single storey one bedroom bungalow would then be added. This would have a ridge height of 4.3 metres. The width of the proposal would match that of the new block – 5.3 metres – but reduce to 3.7 with the smaller single storey unit at the rear. The total length of the proposal is 26.5 metres back from the recently constructed block. The larger of the two proposed buildings would have three first floor openings facing east towards Ratcliffe Street- obscurely glazed as they would be to landings and bathrooms –

whereas the bungalow would be wholly single aspect facing west. The remainder of the rear yard would provide amenity space; a refuse collection area and pedestrian access. Gates would be sited across the access with keys only available to the tenants. The ground levels of the proposals would have the same level as that of the recent block and thus “sit” in the existing sloping ground here. There is a rear wall along the eastern boundary with the WCC offices. The boundary on the western side is presently an open meshed fence. This is owned by TNT and there is a listed building consent to reconstruct a wall here – the original form of boundary treatment.

No car parking provision is to be made.

The proposals are illustrated at Appendices J and K.

Summary of the Combined Proposals

Beech House would be repaired and restored such that it could be used as now, as a single dwelling house. The combined proposals add up to eight new dwellings. This is through the construction of five new dwellings – at 108 and in the Bank Gardens – together with three new dwellings created through conversion of the former telephone exchange building. These would comprise four one bedroom units and four two bedroom units. No new car parking is proposed.

No affordable housing is proposed or an off-site contribution in lieu.

The Proposed “Package”

The applicant is saying that the cost of the repairs and restoration of Beech House is such that it would still not create a property with sufficient value to sell on the open market. Additional development is thus required to “enable” value to be created in order to cover the cost of the deficit arising from the Beech House situation.

In support of this package, the applicant has submitted a Development Cost Appraisal supported by a costed Schedule of Works. The market value of Beech House in its existing state is said to be at the lower end of the range £100 to £150K. Its potential market value if approved and repaired is said to be around £400k to £425k and the potential cost of the schedule of repairs is £360k. The applicant continues by saying that when interest charges; contingencies and a developer’s profit are added into the appraisal, it shows a potential deficit on the Beech House proposal of up to £175k. This would thus amount in his calculation to the “conservation deficit”.

The applicant’s appraisal then adds in the costs of undertaking the “enabling” development and the return from that in the form of the market values created. If the site costs of the land for the enabling development are removed from this given that the land is owned by the applicant, the overall appraisal suggests that there is still likely to be a deficit of around £50k. However because of the variables involved – particularly the range of values referred to above and the assumed level of profit in the appraisal, the applicant considers that the proposals do show that this amount of enabling development is the minimum necessary to overcome the conservation deficit.

Observations

The current proposal for Beech House represents a major and significant change in approach and this has to be welcomed. This has two significant consequences. Firstly, it means that there is likely not to be an adverse heritage impact on Beech House and that as a consequence, the principle of the proposals here should be supported. It therefore follows that the probability of there being a “conservation deficit” in order satisfy that support certainly now comes into consideration. Secondly this places a different complexion on the other applications, as the probability of other development to “enable” that deficit to be eliminated, is now a very likely outcome. In other words this package of proposals changes the Council’s approach to determination.

Given this change in approach and as indicated in the introduction to this report, it seems appropriate to engage with the applicant in order to explore the proposals further. In particular this should revolve around the repairs to Beech House itself and to the design and appearance of the enabling development. In respect of the former, it is necessary to ensure that these do not adversely impact on the heritage value of the special architectural and historic fabric of the property. In respect of the second then it is necessary to ensure in particular that this does preserve the character and appearance of the Conservation Area.

Recommendation

The Council welcomes the change in approach in respect of these proposals and thus wishes to engage with the applicant in order to further discuss the repairs to Beech House and the design and appearance of the enabling development. To this end it is recommended that the Council’s two Design Champions and two local Members meet with the applicant and report back to the Board when appropriate such that Board can then determine the applications.

BACKGROUND PAPERS

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

Planning Application No's: PAP/2015/0344, PAP/2015/0284, PAP/2015/0375, PAP/2015/0283, PAP/2015/0285

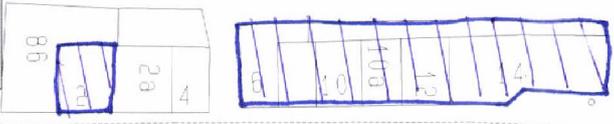
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Applications	31/7/15

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.

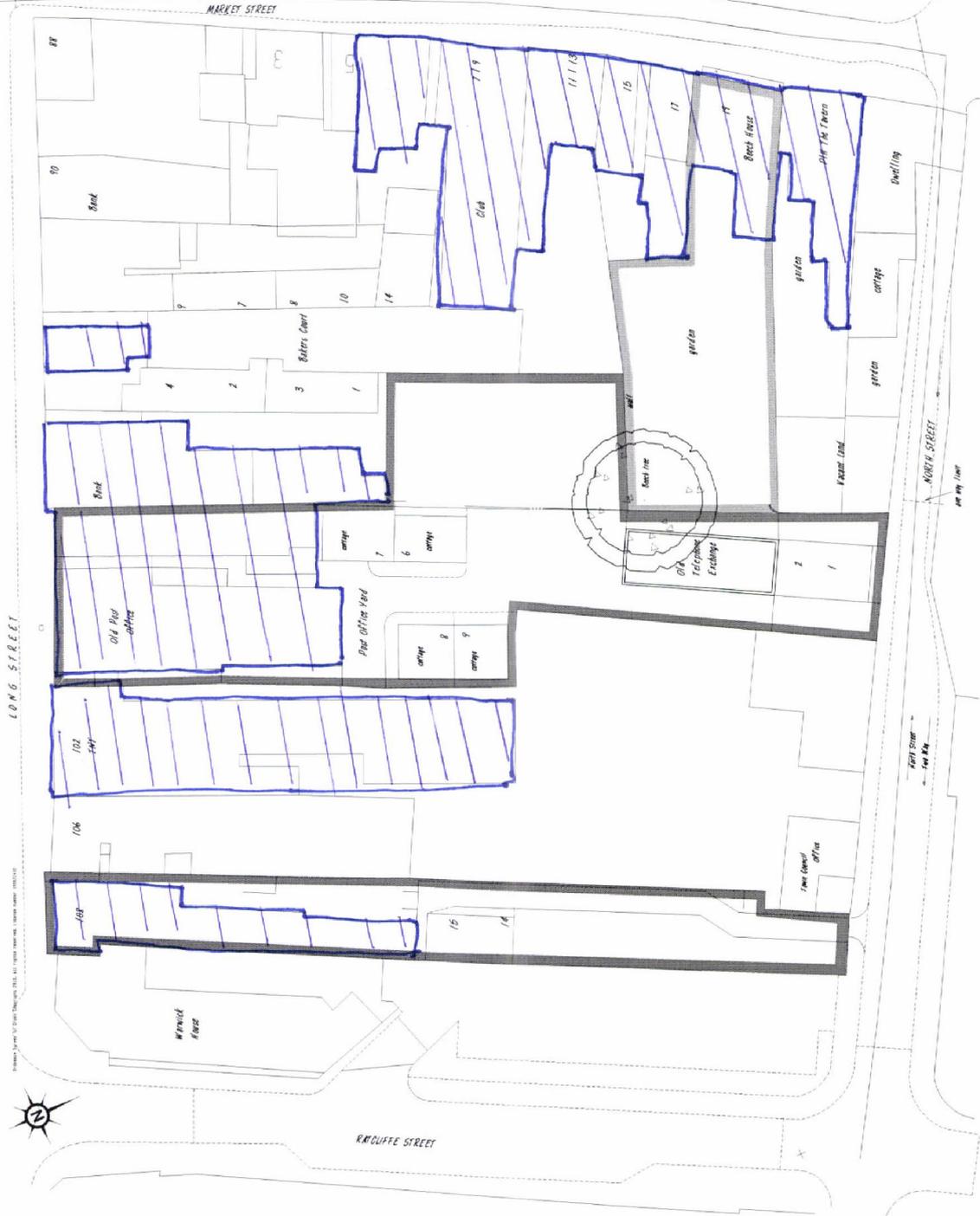
APPENDIX A

PAP/2015/0344



RECEIVED
31/07/2015
PLANNING & DEVELOPMENT
DEPARTMENT

74-048
Airpax Construction Ltd
Land Between North Street & South Street
Brock House
Aberdeen
Scale 1:200
74-048 B





Appeal Decision

Site visit made on 20 January 2009

by Elizabeth Hill BSc(Hons), BPhil, MRTPI

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

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Decision date:
11 February 2009

Appeal Ref: APP/R3705/A/08/2079002

Land to the rear of 98 Long Street, Atherstone, Warks, CV9 1AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Arragon Properties Ltd against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2007/0597, dated 14 September 2007, was refused by notice dated 28 March 2008.
- The development proposed is 3 No. 2 bed 2 storey terraced houses within an existing walled garden with shared communal garden. New access gateway through garden wall.

Decision

1. I dismiss the appeal.

Main issues

2. I consider the main issues to be the effect of the proposed development on:
 - 1) the character and appearance of the area, which lies in Atherstone Conservation Area;
 - 2) the setting of the listed buildings at 11-19 Market Street and 98 Long Street; and,
 - 3) the living conditions of future occupiers, in terms of daylight and outlook.

Reasons

Character and appearance

3. The proposed development would take place to the rear of the bank premises at 98 Long Street, which is the main street of Atherstone. The town preserves its traditional market town character and the urban grain of this part of the town reflects the burgage plots off Long Street and Market Street. The site, which mainly comprises a walled garden area, forms part of an open area where the burgage plots from Market Street and Long Street meet.
4. The draft Conservation Area Appraisal Document, which although has not been adopted, has been the subject of public consultation, identifies the site as partly within the backlands and partly within the market place areas of the town. The area around the site is characterised by a mix of back extensions, a few buildings along North Street and open space within the burgage plots. The importance of the retained gardens is set out in paragraph 5.2.22 of the

Appraisal document, although it is unclear whether this site is specifically included within the area mentioned in the text.

5. The evidence submitted by the Civic Society shows that the site might at one time have abutted or was part of a $\frac{1}{4}$ burgage plot which was a garden and orchard with a barn and stable, although earlier documents also mention a hovel. Submissions say that these buildings were unlikely to have been substantial structures and, by 1888, the Ordnance Survey map shows the site as almost totally open, in common with other space to the rear of properties on this part of Long Street. It is not disputed that there has been change in this area over time but the changes put forward by the appellants are not subtle but would result in long-term development in a currently open area. Although comprising largely unused gardens now, these open areas are important in maintaining the locally distinctive urban form of the central area of the town.
6. There has been more recent development to the rear of some of the properties on Long Street, for example at Bakers Court. However, these developments have been in the areas closest to the buildings on Long Street and have not impinged significantly into the more open area beyond. The proposed development would extend the existing terrace in Bakers Court further to the rear, well beyond the development in Old Post Office Yard and into the open area behind.
7. The proposed development would be gabled, in common with the rear of many of the buildings on Market Street. However, the proposed terrace would not be linear, which is a characteristic of the development into the yards to the rear of Long Street, but would incorporate dominant front wings. The ridge would be at a similar level to that of Bakers Court but it might have been expected that it would have dropped again further away from the main buildings on Long Street, breaking up the run of development to the rear. The trees on the site would be retained as part of the development but, in winter, the upper parts of the proposed development would be seen as an incongruous addition to the area in glimpsed views through them from Radcliffe Street.
8. The density of the development, on previously-developed land in a sustainable location, would be in accordance with the guidance in Planning Policy Statement 3: Housing. However, this would not outweigh the adverse effects of the proposed development, which would neither conserve nor enhance the character and appearance of Atherstone Conservation Area and would be contrary to paragraph 4.14 of Planning Policy Guidance Note 15: Planning and the Historic Environment (PPG15).
9. As such, I conclude that the proposed development would be harmful to the character and appearance of the area, which lies in Atherstone Conservation Area, and would be contrary to the provisions of Policies ENV12, ENV13 and ENV15 of the adopted North Warwickshire Local Plan (LP) and PPG15.

Listed buildings

10. There are important groups of listed buildings on Market Street, especially numbers 11-19. Their backs, which face onto the site, retain many of their historic features, including gables, and their imposing nature suggests that they were designed to be seen from this direction. The site used to form part of the curtilage of the listed building at 98 Long Street, one of the larger

properties on this street, and subsequently was the garden to the II* listed property at Beech House, Market Street. Paragraph 2.16 of PPG15 requires regard to be had to the desirability of preserving the setting of listed buildings and paragraph 2.16 makes reference to the grouping of the buildings and the quality of the spaces between them.

11. The gardens areas form part of the open setting to the rear of the listed buildings. The proposed development would obscure views of parts of the listed buildings from Ratcliffe Street, especially in winter when the trees were not in leaf. Despite the Council's photograph 3 being taken closer to the proposal than the listed buildings on Market Street, the development would still intrude into views of the garden areas from them. The end of the burgage plot, which is likely to have been at the boundary of the site with Beech House, would still be discernible but the orientation of the development with its communal garden area to the front would confuse the legibility of the historic land use of the area. The loss of the former garden area to 98 Long Street would diminish the original spacious surroundings to this large bank building/house and its relationship to the adjacent buildings and open space.
12. Accordingly, I conclude that the proposed development would be harmful to the setting of the listed buildings at 11-19 Market Street and 98 Long Street, contrary to Policy ENV16 of the LP and PPG15.

Living conditions

13. The proposed dwellings would have only a single aspect to the front and would be enclosed from this direction by the walled garden. The outlook to the front would be of a high wall in close proximity with shade from the mature trees in the summer. The screen walls which would be needed for privacy would reduce the outlook further. The window sizes are small in comparison with overall room sizes and some of the windows would be recessed behind the front wings to the dwellings, limiting the amount of light further. There would be patio doors to the ground floor front rooms and juliet balconies to the first floor windows but in both cases the windows would be relatively narrow and would not increase the light to any significant degree. Such dwellings might well be marketable but this does not necessarily mean that they would provide satisfactory living conditions for their occupiers, since their daylight and outlook would be restricted.
14. I conclude that the proposed development would be harmful to the living conditions of future occupiers, in terms of daylight and outlook, contrary to Policy ENV11 of the LP.

Conclusions

15. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

E A Hill

INSPECTOR



Appeal Decision

Site visit made on 13 September 2010

by **Graham C Cundale BA(Hons) MSc**
MRTPI MIEEM

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
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Decision date:
1 October 2010

Appeal Ref: APP/R3705/A/10/2123414

Bank Gardens, rear of 94/96 Long Street, Atherstone CV9 1AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Arragon Properties against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2009/0183, dated 27 April 2009, was refused by notice dated 29 October 2009.
- The development proposed is two 2-bed 2-storey cottages.

Decision

1. I dismiss the appeal.

Procedural matters

2. A representative from the Council did not attend my site visit. However, having been granted access by the appellant I was able to carry out my inspection satisfactorily on an unaccompanied basis.
3. My references to 98 Long Street take account of the Council's observation that the list description is incorrectly addressed as No 96. The validity of that observation makes no difference to my conclusions. Nor does the accuracy or otherwise of the above-stated site address, which is based on the application form.

Main issues

4. The main issues in the appeal are as follows.
 - (1) The effects on the character or appearance of the Atherstone Conservation Area and the settings of Listed Buildings at 98 Long Street and 11-19 Market Street.
 - (2) The effect on highway safety.

Reasons

Character and appearance

5. The appeal site comprises an overgrown garden area to the rear of bank premises on Long Street, the main street of Atherstone, a market town with an important medieval legacy. From what I saw and from evidence supplied by the Council I am satisfied that the site forms one of the important and rare green spaces that contribute to the amenity of the Conservation Area. By

virtue of its openness, the site helps to illustrate the town's past socio-economic development. The urban grain hereabouts comprises long burgage plots extending back from historic buildings fronting Long Street and Market Street, including gardens of houses formerly occupied by the wealthy inhabitants of the town. The site lies where the backs of plots on both streets meet.

6. The appellant contends that there were formerly cottages on the site. I find this to be unsubstantiated and insufficient to justify such a significant reduction of the important open quality of the site. The scheme involves the construction of two cottages, parking and turning areas, with a drive and a pedestrian access-way to be taken separately through an existing boundary wall to link with a shared drive in the Post Office Yard. That there has been development within the burgage plots in the past is not in my view a compelling reason for it to continue. By extending development well beyond the existing terrace at Bakers Court and into a notable area of garden land the scheme would harm the amenity, historic interest and legibility of the Conservation Area. Moreover, the development would be visible from public vantage points, for example on Ratcliffe Street.
7. The Council maintains that building two more houses within the historic curtilage of 98 Long Street would result in the loss, not only of the garden, but also of the sense that the Listed Building forms part of a plot of land whose length is probably a survival from the original burgage plot of the medieval period. The form and intensity of the proposed development makes it more akin to the 18th and 19th century 'yards' of Atherstone, associated with industry and worker housing. I find good grounds for this view. It supports my conclusion that the scheme would detract from the interest, distinctiveness and amenity of this area associated as it is with the former gardens and houses for the town's wealthy. Notwithstanding that the site is now part of the grounds of Beech House and walled off from the bank premises, I conclude that the proposed development would not preserve the setting of the Listed Building at No 98.
8. I also consider that it would fail to preserve the settings of Listed Buildings at 11-19 Market Street. Rear elevations of those buildings are impressive and interesting for their visual amenity and architectural interest. In views from the south east, including Ratcliffe Street, they would be partly obscured by the proposed two-storey development, particularly at times when the intervening trees do not have their leaves. Furthermore, I find that the open quality of the area to the rear of the Market Street properties complements the status of these buildings and contributes to their setting, regardless of the present property boundaries. The appeal scheme would reduce this open quality.
9. I conclude that the appeal scheme would neither preserve nor enhance the character or appearance of the Conservation Area, and that it would fail to preserve the settings of Listed Buildings at 98 Long Street and 11-19 Market Street. It is not in accordance with policies ENV16(2) or ENV15(2) of the North Warwickshire Local Plan (2006). In failing to respect or harmonise with its surroundings, or to "positively integrate into" those surroundings, the scheme also conflicts with policies ENV12 and ENV13, as well as core policy 11.

10. The proposal before me takes the form of two separate cottages rather than the 3-dwelling terrace that was the subject of a previous proposal dismissed on appeal in February 2009 (ref. APP/R3705/A/08/2079002). Nevertheless I believe my conclusions are consistent with that appeal decision, which I treat as a material consideration.

Road safety

11. The scheme makes provision for parking and turning vehicles on the site and I consider that planning conditions would be capable of making such arrangements acceptable in safety terms. However, I also believe that the proposed dwellings would be likely to cause a material increase in the traffic using the shared drive leading to the entrance on to North Street. At this entrance I saw that there is poor visibility for motor traffic crossing the footway and joining the highway. In my judgment, and taking into account the objection of the county highway authority, the resulting additional use would not be in the interests of the safety of both those users and the pedestrians and drivers on North Street. Bearing in mind the extent of the land in the appellant's control I am not satisfied that the degree of hazard here could be sufficiently reduced by means of improvements that could be secured by planning conditions.
12. I conclude that the scheme would be prejudicial to road safety. Without a safe vehicular access to the site the scheme conflicts with Local Plan policy ENV14.

Conclusion

13. I have taken into account all the other matters raised in the written representations, including the alterations to PPS3, but find nothing to alter the balance of my overall conclusion that the appeal scheme is contrary to the development plan and would cause unacceptable harm.

G C Cundale

Inspector

<p>RECEIVED 29 SEP 2010</p> <p>THE PLANNING INSPECTORATE GIAETH GYALLUNIO</p> <p>North Warwickshire Borough Council</p>	<h2 style="text-align: center;">Appeal Decision</h2> <p style="text-align: center;">Site visit made on 13 September 2010</p> <p style="text-align: center;">by Graham C Cundale BA(Hons) MSc MRTPI MIEEM</p> <p style="text-align: center;">an Inspector appointed by the Secretary of State for Communities and Local Government</p>	<p>The Planning Inspectorate 4/11 Eagle Wing Temple Quay House 2 The Square Temple Quay Bristol BS1 6PN</p> <p>☎ 0117 372 6372 email: enquiries@pins.gsi.gov.uk</p> <p>Decision date: 27 September 2010</p>
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Appeal Ref: APP/R3705/A/10/2123411
Post Office Yard, North Street, Atherstone CV9 1AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Arragon Properties against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2009/0187, dated 20 April 2009, was refused by notice dated 13 October 2009.
- The development proposed is the conversion of an ex-telephone exchange to 3 one-bed dwellings.

Decision

1. I dismiss the appeal.

Preliminary matter

2. As the correct address of the appeal building is not clear to me, the address given above is taken from the application and includes the post code from the appeal form.

Main issues

3. I consider that the main issues in the appeal are as follows.
 - (1) Whether or not the occupiers of the proposed dwellings would enjoy a satisfactory standard of amenities in accordance with policy ENV11 of the North Warwickshire Local Plan (2006).
 - (2) Whether or not the appeal scheme would preserve or enhance the character or appearance of the Atherstone Conservation Area and would preserve the setting of the Listed Building at Beech House.

Reasons

Amenities

4. A large copper beech tree overhangs the appeal building and I saw that, when in leaf, it casts a considerable shade, especially over the rear of the building. Light to the rear windows, which would serve kitchens and dining rooms, is also restricted by a high boundary wall facing those windows over about a metre or two. Windows at the front of the proposed terrace face a high wall on the other side of the adjoining access drive. Despite the open arrangement of internal living space, I judge that the above-mentioned rooms would have a poor standard of natural light and a very poor outlook. Upstairs rooms would

benefit from dormers and rooflights but I accept the likelihood that occupiers would be apprehensive, perceiving a threat of falling branches. The quality of living conditions would also be limited by vehicles and activity on the drive at the front of the terrace and the lack of private outdoor amenity space for the occupiers.

5. To some extent these shortcomings could be addressed by removing overhanging branches, as suggested in the appellant's arboricultural report. But in my assessment this would involve removing a substantial portion of the tree, which would cause unacceptable harm to the character and appearance of the locality, as explained below. I can conceive of no conditions that would overcome my concern about these matters. I conclude that the prospective occupiers would not enjoy a satisfactory standard of residential amenities and, therefore, that the scheme is not in accordance with policy ENV11 of the Local Plan. It does not support the Plan's objective to secure development of a high quality.

Character and appearance

6. I find that the above-mentioned beech tree is an important, well-formed and attractive feature that contributes very positively to the mature character and appearance of the Conservation Area. It is protected by a Tree Preservation Order. The appellant's tree survey describes the tree as an excellent example of the species. I saw that it enhances the setting of Beech House, a Grade II* Listed Building, in the garden of which it grows. I have no reason to doubt that it also has historical interest, as explained by the Atherstone Civic Society.
7. Were the proposed development to be permitted I consider that considerable works to the tree would be needed in the interests of the occupiers' residential amenities. The appellant's arboricultural assessment itself proposes that the branches be pruned where they overhang the building. In my judgment the amount of work necessary would be such as to harm the appearance of the tree, if not its health and life expectancy. Moreover, the residential use of the premises would be most likely to result in irresistible pressure to remove or limit the size of the tree, despite its protected status.
8. For these reasons I conclude that the appeal scheme would not preserve or enhance the character or appearance of the Atherstone Conservation Area and would not preserve the setting of the Listed Building at Beech House. It is contrary to Local Plan policy ENV15 and in my view it would undermine the purpose of the Tree Preservation Order and policy ENV4. It is not in accordance with core policy 3, which requires the protection or enhancement of landscape and townscape character; or with core policy 11, which requires such proposals to respect or enhance their surroundings. I appreciate that the scheme would have some planning benefits, but these would fall far short of outweighing the harm I have identified.

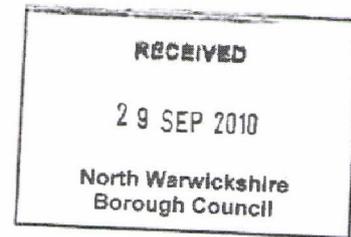
Other matters and overall conclusion

9. In view of its town centre location, no parking provision is made for the appeal scheme. As observed by the county highway authority, a cycle storage facility would be required, and vehicular access would be expected for the purpose of picking up, dropping off, and loading / unloading. The access drive would be narrowed to accommodate what appears to be a walkway at the front of the

appeal building. In view of the other development in the vicinity, the limited space, and the use of the drive and adjacent parking area by other users, I find that more evidence is required to determine whether the requirements of the scheme could be met without affecting traffic movements to an extent that reduces safety. This adds to my concern about the scheme, although my findings on the two main issues are alone sufficient to account for my overall conclusion that the scheme is harmful and contrary to the development plan. I have considered all the other matters raised in the written representations but find nothing to outweigh this harm. Consequently the appeal is dismissed.



Inspector





Appeal Decision

Site visit made on 9 January 2012

by **Alan M Wood MSc FRICS**

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

Decision date: 24 January 2012

Appeal Ref: APP/R3705/A/11/2157984

Land at North Street, Rear of 108 Long Street, Atherstone, CV9 1AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Arragon Properties against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2010/0315, dated 21 June 2010, was refused by notice dated 24 May 2011.
 - The development proposed is two new dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form indicates a development of three dwellings but the proposal was changed to two dwellings during the application process. For the avoidance of doubt, the plans upon which this decision has been made are: 010B, 011B, 012/B and 1/1250 Location Plan.

Application for costs

3. An application for costs was made by Arragon Properties against North Warwickshire Borough Council. This application is the subject of a separate Decision.

Main Issues

4. The effect of the proposed development on the character and appearance of the surrounding area and whether the proposal would preserve or enhance the character or appearance of the Atherstone Conservation Area.

Reasons

5. The Council published its draft Atherstone Conservation Area Appraisal document (ACAA) in 2006. The ACAA has yet to be adopted but has been the subject of public consultation and so I accord it some weight. Figure 4 of the document identifies the appeal site to be within the 'Back Lands' character area. Plan 1 (Ordnance Survey 1902) indicates that a significant proportion of the 'Back Lands' between Ratcliffe Street and Market Street/Place were in the form of generously sized rear gardens serving the properties facing onto Long Street. This included the rear garden of No 108, one of a number of medieval

burgage plots within the historic core of the town, and this garden incorporated a large part of the appeal site.

6. Although these open spaces have been compromised to some degree by subsequent development, open areas are still evident within the 'Back Lands' in this part of the Conservation Area. In this regard, I concur with the Inspector's comments in relation to an appeal¹ at 98 Long Street where she asserted that the open areas are important in maintaining the locally distinctive urban form of the central area of the town. The appeal site remains as open land and is currently in the form of a car park which was required by conditions attached to the permission when the rear of the retail unit to No 108 was established as apartments. A subsequent appeal decision² however removed the need for the provision of car parking relating to the development. I observed that the site materially contributes to the open setting at the junction of North Street and Ratcliffe Street.
7. The appeal proposal, which indicates a development of two attached dwellings extending from the rear elevation of the apartments, was preceded by a number of proposals to develop the plot in a similar manner with a terrace of three dwellings. These were resisted by the Council because of their height, length and scale. The proposed development would be reduced in size in comparison to the previous proposals. However, from my observations, the introduction of the proposed dwellings, because of their length and overall scale, would, in my judgement, still unacceptably detract from the openness of this 'Back Lands' site and its wider setting.
8. Planning Policy Statement 5: *Planning for the Historic Environment* (PPS5) promotes the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. It also requires decision makers to treat favourably proposals which preserve those elements of the setting of heritage assets (e.g. Conservation Areas) that make a positive contribution to the significance of the asset. In this case the openness of this area of 'The Back Lands' would be unacceptably eroded thereby harming the local distinctiveness of the surrounding area and the setting of the Conservation Area.
9. The proposed dwellings would also significantly obstruct the views across the site, particularly from Ratcliffe Street, to the rear facades of Nos 11 and 13 Market Street, both Grade II Listed Buildings. The Inspector, in a recent appeal decision³ relating to Nos 94/96 Long Street, referred to these rear elevations as being impressive and interesting for their visual amenity and architectural interest. From my observations, I agree with him. The proposal would therefore further harm the setting of this part of the Conservation Area. Where harm has been identified, PPS5 requires that it be weighed against the benefits of the development. In this case there are no significant benefits which would outweigh the harm.
10. Consequently the proposed dwellings would fail to preserve the elements of its setting which make a positive contribution to the Conservation Area. The proposal would therefore fail to preserve or enhance the character or

¹ APP/R3705/A/08/2079002

² APP/R3705/A/08/2079008

³ APP/R3705/A/10/2123414

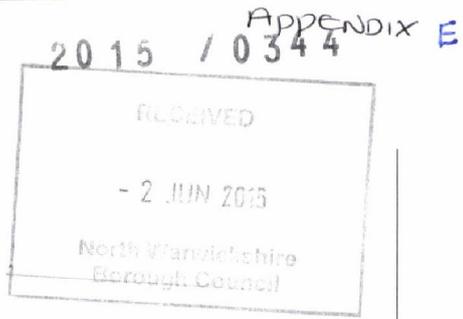
appearance of the Conservation Area and would harm the character and appearance of the surrounding area.

Conclusion

11. Accordingly, I find that the proposed development would conflict with PPS5, and Policy ENV15 of the North Warwickshire Local Plan (2006) which requires that new development should not have a harmful effect on the character, appearance or setting of a Conservation Area and should harmonise with its setting.
12. Having taken full account of all of the matters before me, for the reasons given above, the appeal does not succeed.



Inspector



22nd April 2015

BEECH HOUSE

SCHEDULE OF WORKS

This schedule has been prepared following a detailed inspection of the premises noting the present condition and identifying, aside from obvious repair, the preventative maintenance and refurbishment that can be carried out now to ensure the longevity of the building.

Somewhat obviously, the majority of the higher cost items are concerned with exterior repair and refurbishment together with comprehensive damp prevention measures and the provision of modern utility installations.

Aside from the necessity to provide modern utilities however, the repair and refurbishment seeks to replace like for like and, in many cases, actually strives to reinstate certain original features that have been lost in recent decades.

All areas are to be fully photographed and recorded prior to commencement of works.

LOWER GROUND

See General Notes – Damp Eradication and Prevention

Kitchen

- 1 Lift and relay ceramic tiled floor after removal and replacement of perished substructure with appropriate flooring with waterproof membrane. Replace existing ceramic tiles wherever possible and use reclaimed tiles to replace any areas that are broken or unsalvageable.
- 2 Refurbish original door, frame and glazed top lights together with door furniture and over door shelf. **(See General Note – Internal Joinery)**
- 3 Remove remaining wall panel and set aside for reinstallation. Hack off existing perished lime based plasterwork and replace with traditional type material to existing specification.
- 4 Remove and replace lath and plaster ceiling ensuring that existing ceiling height is maintained
- 5 Repair/replace 2 No. windows (these are not original) to the present specification. **(See General Note – Internal Joinery)**
- 6 Refurbish hooks and beam above windows.
- 7 Clean and refurbish fireplace and associated flue and mantel shelf.
- 8 Clean and clear alcove flue associated with absent baking oven.
- 9 Refurbish narrow spit rack cupboard

COST

Sub Total £4,100.00

Cool Store

- 1 Refurbish/ repair door and frame and re-hang door.
- 2 Take up and relay ceramic tiled floor after removal and replacement of perished substructure with appropriate flooring incorporating waterproof membrane. Replace existing ceramic tiles wherever possible and use reclaimed tiles to replace any areas that are broken or unsalvageable.
- 3 Repair/refurbish 1 No. window to the present original specification.
- 4 Remove and replace lath and plaster ceiling ensuring that existing ceiling height is maintained. Refurbish and reinstall meat hooks.
- 5 Repair and refurbish 2 No. meat lockers and associated interior and exterior shelving to original specification.

Sub Total £1,450.00

Larder

- 1 Refurbish/repair door frame and construct new door to replace the missing original.
- 2 Take up and relay brick and screed floor after removal and replacement of perished substructure with appropriate flooring incorporating waterproof membrane. Replace existing bricks wherever possible and use reclaimed brick to replace any areas that are broken or unsalvageable.
- 3 Clean off and repair lime-washed brick walls replacing any damaged bricks with reclaimed materials.
- 4 Refurbish/repair exposed ceiling beams and joists (**See General Note – Floors and Ceilings – Structural Timbers**)

Sub Total £1,450.00

Beverage Cellar

- 1 Refurbish/repair door frame and construct new door to replace the missing original. Also refurbish/repair horizontal board and stud partitioning adjacent to doorway.
- 2 Take up and relay screed floor after removal and replacement of perished substructure with appropriate flooring incorporating waterproof membrane.
- 3 Clean off and repair lime-washed brick walls replacing any damaged bricks with reclaimed materials.
- 4 Refurbish/repair exposed ceiling beams and joists (**See General Note – Floors and Ceilings – Structural Timbers**)

Sub Total £1,300.00

Lower Ground Floor Hallway

- 1 Refurbish/repair stud framed and boarded partition
- 2 Remove and replace asbestos ceiling ensuring that existing ceiling height is maintained
- 3 Take up and relay ceramic tiled floor after removal and replacement of perished substructure with appropriate flooring incorporating waterproof membrane.

Sub Total £1,150.00

Scullery

- 1 Refurbish/repair brick steps to upper floor replacing any damaged bricks with reclaimed materials
- 2 Refurbish/ repair door and frame and re-hang door.
- 3 Take up and relay the brick and ceramic tiled floor after removal and replacement of perished substructure with appropriate flooring incorporating waterproof membrane. Replace any damaged bricks or tiles with reclaimed materials.
- 4 Repair/refurbish 1 No. window to the present original specification.
- 5 Refurbish/repair exposed ceiling beams and joists (**See General Note – Floors and Ceilings – Structural Timbers**) also remove and replace lath and plaster ceiling ensuring that existing ceiling height is maintained.
- 6 Remove existing stone sink and supports prior to floor reinstatement, repair/refurbish as required and reinstate in the same location upon completion of the work.
- 7 Refurbish/repair redundant internal light share window between scullery and lower ground floor hallway to original specification.

Sub Total £3,500.00

GROUND FLOOR

Entrance Hallway

- 1 Refurbish/repair internal faces of the entrance door joinery and over fanlight together with the adjacent sash window (**See General Note – Internal Joinery**)

- 2 Refurbish/repair paneling, architraves, skirting and dado (**See General Note – Internal Joinery**)
- 3 Refurbish/repair and refinish oak floorboards (**See General Notes – Internal Joinery and Floors and Ceilings – Structural Timbers**)
- 4 Refurbish/repair/ refinish corner fireplace including hearth and firebox and clean flue and chimney
- 5 Refurbish/repair Reception Room door frame and door and associated fittings (**See General Note – Internal Joinery**)
- 6 Repair/replace plaster wall finishes as required (**See General Note – Internal Wall and ceiling finishes**)

Sub Total £3,100.00

Front Reception Room

- 1 Carefully remove and set aside wall paneling and associated skirting, dado and bolection moulding.
- 2 Hack off and replace damaged, addled or damp affected sub panel render/plasterwork to walls and ceilings and replacing the same to traditional specification (**See General Notes – Damp Eradication and Prevention, Floors & Ceilings – Structural Timbers and Remedial Wall and Ceiling Finishes**)
- 3 Refurbish/repair open fronted cabinets (**See General Notes – Joinery Internal**)
- 4 Repair/refurbish 2 No. windows to the present original specification (**See General Note – Internal Joinery**)
- 5 Refurbish/repair/ refinish corner fireplace including hearth and firebox and clean flue and chimney
- 6 Refurbish/repair and refinish oak floorboards (**See General Notes – Internal Joinery and Floors and Ceilings – Structural Timbers**)

Sub Total £5,450.00

Inner Staircase Hallway

- 1 Refurbish/repair paneling, hallway side of dining room door, architraves, skirting, dado and cupboards flanking the approach to the kitchen (**See General Note – Internal Joinery**)
- 2 Refurbish/repair and refinish oak floorboards (**See General Notes – Internal Joinery and Floors and Ceilings – Structural Timbers**)

3 Remove existing louvred door to former servant's stairwell and recreate staircase using traditional methods to replicate the removed original.

4 Repair/refurbish 1 No. window to the present original specification.

Sub Total £4,500.00

Kitchen

1. Replace 20th C door with new door manufactured to original period specification

2. Repair/refurbish 1 No. window to the present original specification (**See General Note – Internal Joinery**)

3. Strip out existing fittings and hack off and replace damaged, addled or damp affected render/plasterwork to walls and ceilings and replacing the same to traditional specification (**See General Notes – Damp Eradication and Prevention, Floors & Ceilings – Structural Timbers and Remedial Wall and Ceiling Finishes**)

4. Remove existing floor covering and refurbish/repair and refinish floorboards (**See General Notes – Internal Joinery and Floors and Ceilings – Structural Timbers**)

5 Replace floor covering with ceramic tile to period specification and style

7 Install modern fitted kitchen with heritage style units, fixtures and fittings

Sub Total £20,200.00

Rear Vestibule

1. Replace 20th C rear exit door with new door manufactured to original period specification

2. Repair/refurbish 1 No. window to the present original specification.

3. Refurbish/repair serving hatch (**See General Notes – Joinery**) **Internal**

Sub Total £1,250.00

Dining Room

1. Refurbish/repair rear side of Dining Room door frame and door and associated fittings (**See General Note – Internal Joinery**)

2 Hack off and replace damaged, addled or damp affected render/plasterwork to walls and ceilings and replacing the same to traditional specification (**See General Notes – Damp Eradication and Prevention, Floors & Ceilings – Structural Timbers and Remedial Wall and Ceiling Finishes**)

- 3 Remove existing floor covering and refurbish/repair and refinish floorboards
(See General Notes – Internal Joinery and Floors and Ceilings – Structural Timbers)
- 4 Repair/refurbish 1 No. window and 1 No. glazed door to the present original specification (See General Note – Internal Joinery)
- 5 Refurbish/repair/ refinish fireplace including hearth and firebox and clean flue and chimney

Sub Total £4,800.00

Staircase Stairwell & Half Landings to all Floors

1. Remove and set aside the wall paneling and mouldings reinstating on completion of stairwell and staircase remedial works.
2. Hack off and replace damaged, addled or damp affected render/plasterwork to walls and soffits replacing the same to traditional specification (See General Notes – Damp Eradication and Prevention, Floors & Ceilings – Structural Timbers and Remedial Wall and Ceiling Finishes)
3. Remove existing floor covering and refurbish/repair and refinish floorboards (See General Notes – Internal Joinery and Floors and Ceilings – Structural Timbers)
4. Repair/refurbish entire string, balusters, handrails and bearers (See General Notes – Internal Joinery and Floors and Ceilings – Structural Timbers)
5. Repair/refurbish 1 No. window to the present original specification (See General Note – Internal Joinery)
6. Refurbish/repair stairwell/landing side of door frames and doors (10 No.) and associated fittings giving access to first and second floor rooms (See General Note – Internal Joinery)

Sub Total £9,400.00

FIRST FLOOR

Front Bedroom

- 1 Remove existing floor covering and refurbish/repair and refinish floorboards
(See General Notes – Internal Joinery and Floors and Ceilings – Structural Timbers)
- 2 Repair/refurbish 2 No. window to the present original specification (See General Note – Internal Joinery)
- 3 Refurbish/repair room side of door frame and door and associated fittings
(See General Note – Internal Joinery)
- 4 Refurbish/repair/ refinish corner fireplace including hearth and firebox and clean flue and chimney

- 5 Hack off and replace damaged, addled or damp affected render/plasterwork to walls and ceilings and replacing the same to traditional specification (**See General Notes – Damp Eradication and Prevention, Floors & Ceilings – Structural Timbers and Remedial Wall and Ceiling Finishes**)

Sub Total £2,550.00

Front Reception Room

- 1 Carefully remove and set aside wall paneling and associated skirting, dado and bolection moulding.
- 2 Hack off and replace damaged, addled or damp affected render/plasterwork to walls and ceilings and replacing the same to traditional specification (**See General Notes – Damp Eradication and Prevention, Floors & Ceilings – Structural Timbers and Remedial Wall and Ceiling Finishes**)
- 3 Refurbish/repair room side of door frame and door and associated fittings (**See General Note – Internal Joinery**)
- 4 Remove existing floor covering and refurbish/repair and refinish floorboards (**See General Notes – Internal Joinery and Floors and Ceilings – Structural Timbers**)
- 5 Repair/refurbish 3 No. windows to the present original specification (**See General Note – Internal Joinery**)
- 6 Refurbish/repair/ refinish fireplace including hearth and firebox and clean flue and chimney
- 8 Refurbish/repair and refit all wall paneling, skirting, dado and mouldings including the cupboard

Sub Total £7,250.00

Bathroom

- 1 Repair/refurbish 1 No. window and lightshare to the present original specification (**See General Note – Internal Joinery**)
- 2 Hack off and replace damaged, addled or damp affected render/plasterwork to walls and ceilings and replacing the same to traditional specification (**See General Notes – Damp Eradication and Prevention, Floors & Ceilings – Structural Timbers and Remedial Wall and Ceiling Finishes**)
- 3 Remove and replace existing bathroom fittings replacing the same with an appropriate period style suite with commensurate floor covering and wall tiling
- 4 Reaffix service bell to wall after completion of works
- 5 Remove 1960's door furniture and replace with period style or reclaimed fittings

Sub Total £1,225.00

Lavatory

- 1 Repair/refurbish 1 No. window and lightshare to the present original specification (**See General Note – Internal Joinery**)
- 2 Hack off and replace damaged, addled or damp affected render/plasterwork to walls and ceilings and replacing the same to traditional specification (**See General Notes – Damp Eradication and Prevention, Floors & Ceilings – Structural Timbers and Remedial Wall and Ceiling Finishes**)
- 3 Remove and replace existing bathroom fittings replacing the same with an appropriate period style suite with commensurate floor covering and wall tiling
- 4 Remove 1960's door and replace with period style or reclaimed door to match door patterns of adjacent rooms

Sub Total £875.00

Rear Bedroom

- 1 Refurbish/repair room side of door frame and door and associated fittings (**See General Note – Internal Joinery**)
- 2 Hack off and replace damaged, addled or damp affected render/plasterwork to walls and ceilings and replacing the same to traditional specification (**See General Notes – Damp Eradication and Prevention, Floors & Ceilings – Structural Timbers and Remedial Wall and Ceiling Finishes**)
- 3 Remove existing floor covering and refurbish/repair and refinish floorboards (**See General Notes – Internal Joinery and Floors and Ceilings – Structural Timbers**)
- 4 Repair/refurbish 1 No. window and fanlight to the present original specification (**See General Note – Internal Joinery**)

Sub Total £2,400.00

SECOND FLOOR

Front Bedroom

- 1 Refurbish/repair room side of door frames and doors and associated fittings (**See General Note – Internal Joinery**)
- 2 Hack off and replace damaged, addled or damp affected render/plasterwork to walls and ceilings and replacing the same to traditional specification (**See General Notes – Damp Eradication and Prevention, Floors & Ceilings – Structural Timbers and Remedial Wall and Ceiling Finishes**)

3 Remove existing floor covering and refurbish/repair and refinish floorboards
(See General Notes – Internal Joinery and Floors and Ceilings –
Structural Timbers)

4 Repair/refurbish 1 No. window to the present original specification (See
General Note – Internal Joinery)

Sub Total £1,700.00

Front Bedroom

1 Refurbish/repair room side of door frames and doors and associated fittings
(See General Note – Internal Joinery)

2 Hack off and replace damaged, addled or damp affected render/plasterwork
to walls and ceilings and replacing the same to traditional specification (See
General Notes – Damp Eradication and Prevention, Floors & Ceilings –
Structural Timbers and Remedial Wall and Ceiling Finishes)

3 Remove existing floor covering and refurbish/repair and refinish floorboards
(See General Notes – Internal Joinery and Floors and Ceilings –
Structural Timbers)

4 Repair/refurbish 1 No. window to the present original specification (See
General Note – Internal Joinery)

Sub Total £1,700.00

Rear Bedroom

1 Refurbish/repair room side of door frames and doors and associated fittings
(See General Note – Internal Joinery)

2 Hack off and replace damaged, addled or damp affected render/plasterwork
to walls and ceilings and replacing the same to traditional specification (See
General Notes – Damp Eradication and Prevention, Floors & Ceilings –
Structural Timbers and Remedial Wall and Ceiling Finishes)

3 Remove existing floor covering and refurbish/repair and refinish floorboards
(See General Notes – Internal Joinery and Floors and Ceilings –
Structural Timbers)

4 Repair/refurbish 1 No. window to the present original specification (See
General Note – Internal Joinery)

Sub Total £1,700.00

Bathroom

1 Refurbish/repair room side of door frames and doors and associated fittings
(See General Note – Internal Joinery)

2. Repair/refurbish 1 No. window to the present original specification (**See General Note – Internal Joinery**)
3. Hack off and replace damaged, addled or damp affected render/plasterwork to walls and ceilings and replacing the same to traditional specification (**See General Notes – Damp Eradication and Prevention, Floors & Ceilings – Structural Timbers and Remedial Wall and Ceiling Finishes**)
4. Remove and replace existing bathroom fittings replacing the same with an appropriate period style suite with commensurate floor covering and wall tiling.

Sub Total £850.00

EXTERIOR

Elevations

1. Clean off all elevations and chimney stacks carefully removing paintwork from stone dressings, banded rustication, columns, modillions, string and keystones.
2. Rake out any perished pointing to the cleaned brickwork and cut out any individually failed or friable bricks replacing with handmade or reclaimed equivalent. Re-point where necessary with traditional mortar.
3. Repair any areas of friable or failing stone to banded rustication, columns, strings and keystones together with the stone lower floor elevation facing material.
4. Clean off and restore low frontage wall, railings and gate ensuring that metal surfaces are thoroughly cleaned and corrosion inhibited prior to eventual redecoration

Sub Total £26,750.00

External Joinery & Rainwater Goods

1. Overhaul the exterior surfaces of all existing windows and doors to the present original specification (**See General Note - External Joinery**)
2. Remove, and thoroughly overhaul all rainwater goods including gutters hopper heads and downspouts ensuring that metals surfaces are thoroughly cleaned and corrosion inhibited prior to eventual decoration.

Sub Total £5,400.00

Main Roof Structure

1. As a contingency allow for the repair of 50% of the rafters, ridge boards and purlins.
2. Carefully strip the roof tile covering and clean and set aside all existing tiles on end at ground floor level discarding any that exhibit cracks or delamination

along their length sourcing replacement similar reclaimed or new equivalent clay tiles.

3. Remove all battens and renew with new battens and counter battens on Tyvek or similar underlay. Refit roof tiles with new Code 5 rolled lead corner cappings to hips, dormers and chimney stacks.

Sub Total £41,750.00

Redecoration

1. All previously decorated surfaces are to be prepared, made stable and redecorated, as original

Sub Total £17,800.00

GENERAL NOTES

Internal Joinery

Overhaul and repair and/or replace all internal joinery to its original specification. In the case of doors and cupboards these shall be adjusted and lubricated as necessary to achieve a good fit in both the open and closed positions and ensure free movement in relation to fixed surrounds. Broken, distorted or poorly fitting catches, hinges and other furniture shall be repaired or replaced to match the original pattern.

Where windows require removal to facilitate repair then overhaul the internal faces of windows will be included as part of **External Joinery**. Where windows do not require removal then repairs will extent so as to provide a fully operational and weather tight window. All mechanisms, hinges and catches etc are to be lubricated and replaced as necessary to achieve a good fit in both open and closed positions and ensure free movement in relation to fixed surrounds.

Paneling, architraves, skirting, dado railing and some staircase components will be required to be removed as part of the process of removal and replacement of defective plaster and render. Removal should be carefully carried out marking the position of each component to ensure accurate replacement. Whilst not in situ, all components are to be cleaned, refurbished/refinished with any rot affected areas cut out and replaced with material to match the original pattern.

Where floor boarding is not required to be removed as part of repairs necessary under the category of **Floors and Ceilings – Structural Timbers** then overhaul will involve the lifting and relaying of any uneven and warped boards ensuring that they reinstated to their original locations so far as practicable. Any rot or beetle infestation affected timbers will be replaced with suitable reclaimed boards of similar material and dimensions. Where margins were intended to be exposed, i.e. to the periphery of the main rooms, those areas will be traditionally re-stained and polished on completion of refurbishment.

External Joinery

Overhaul and repair and/or replace all external joinery including front main, side servants and rear entrance doorways cutting out any areas of rot affected timber and replacing the same using traditional methods. Broken, distorted or poorly fitting catches, hinges and other furniture shall be repaired or replaced to match the original pattern.

Overhaul all windows to include repairing the window sashes, frame and cill to provide a fully operational and weather tight window. All balances, weights, pulleys, mechanisms, hinges, catches, keeps, cords and chain to be adjusted, lubricated and replaced as necessary to achieve good fit in both open and closed positions and ensure free movement in relation to fixed surrounds. Where sections of sash box, window frame, cill member, sash/casement frame, parting beads and stops are rotten, damaged or missing, if in situ or off site repairs to the damaged elements are not possible then wholly or partially replace sections to match existing and to provide a permanent repair for the lifetime of the window.

Damp Eradication & Prevention

Damp eradication will be implemented following the removal of damp affected areas of plaster and render and will centre predominately upon the lower floor basement and the flanking join at the roof verge between the adjacent premises at number 17 and the Market Tavern.

The sub ground level basement will benefit from a tanking method of preventing penetrating and rising damp to be applied whilst the surface finishes of the wall are removed. A similar technique will be employed at the junction of the adjoining roof verges.

A traditional damp proof course will be applied above ground level to eliminate the possibility of rising damp.

All damp prevention work will be carried out according to the recommendations of a specialist contractor.

Sub Total £26,750.00

Floors & Ceilings – Structural Timbers

A full examination of the structural timbers that provide the necessary support to the floors and ceilings will be required as part of the refurbishment, particularly where such timbers are primary supported by walls presently affected by damp.

The timbers present are largely reclaimed from earlier structures and contingency should allow for 25% replacement/repair for defects including rot, beetle infestation and shakes.

On completion of any remedial work and prior to the reinstallation/replacement of any floor or ceiling finishes, all timbers are to be treated to prevent any further rot or beetle infestation.

Sub Total £19,300.00

Remedial Wall & Ceiling Finishes

The internal wall and ceiling finishes consist of traditional plasterwork, large areas of which have suffered from the effects of damp and the deleterious effect of age.

All wall and ceiling finishes are to be inspected and replaced/repared as required using equivalent materials to the original specification.

Contingency should allow for 85% replacement of the wall and ceiling finishes. The investigation and repair of structural timbers to the floors and ceiling is likely to necessitate the removal of all ceiling finishes and it is certain that all basement and ground floor walls will require total replacement.

Sub Total £59,290.00

Electrical Installation

The present electrical installation is unsafe. The replacement installation will include a new sub main from the providers supply feeding a distribution board located within the basement.

The installation will follow the requirements of the 17th Edition Electrical Wiring Regulations except when to follow such regulations will cause damage to existing paneling or joinery.

In such locations, all gangs switches and cabling will be surface mounted at positions likely to cause minimum disturbance.

Sub Total £25,750.00

Central Heating and Domestic Plumbing

The extant plumbing system is scant and inadequate and there is no form of central heating.

The refurbishment will require a modern plumbing installation (Building Regulation Part L & J) combined with a gas fired central heating system with radiators to all principle rooms. Pipe-work will be minimally intrusive as will the radiator mounting system.

This section also includes provision for the replacement and installation of the two bathroom suites and associated fittings required.

Sub Total £22,650.00

Drainage

The existing mains drainage combines surface and foul does not comply with present regulations. Although no changes are proposed to the surfaces of the rear garden area that would require greater surface water attenuation it is probable that the existing drainage system is at the end of its useful life.

The new drainage system will separate foul and surface water and connect to the main drain in accordance with current regulations.

Sub Total £6,750.00

Health & Safety Plan

Preparation of a Construction Phase Health & Safety Plan to incorporate method statements and risk assessments for each phase of work

Sub Total £2,500.00

Scaffolding

Provision of hire scaffolding for 30 weeks at £650.00 per week

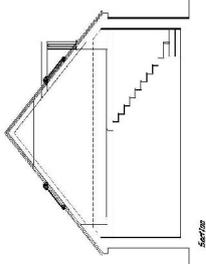
Sub Total £19,500.00

Total Cost of Works

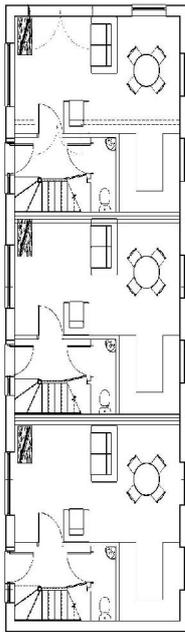
£356,090.00

PAP/201/03/2004

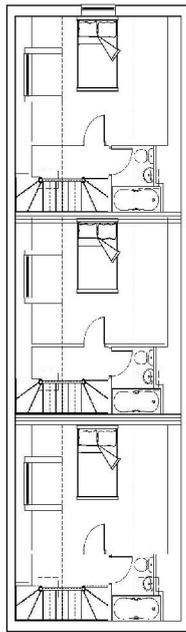
24.1.37
 Design Submission 02
 Application for Part 5/6
 Approval
 of Telephone Exchange
 Scales 1:50
 As Proposed



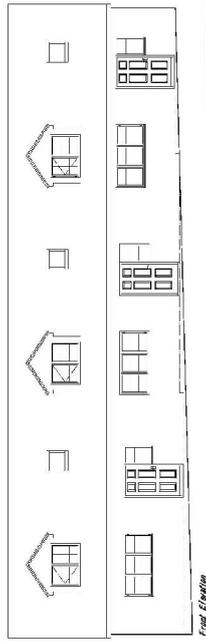
Section



Ground Floor Plan

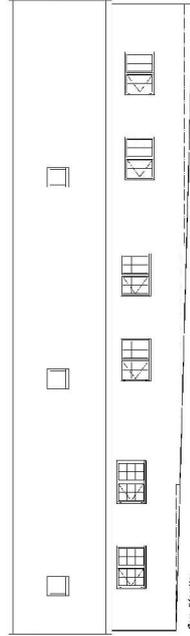


First Floor Plan

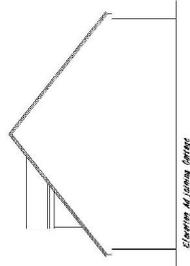


Front Elevation

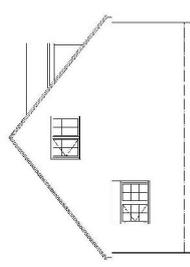
PROFESSIONAL SEAL
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 311/07/2015
 PLANNING & BUILDING DEPARTMENT
 DUNDEE



Rear Elevation

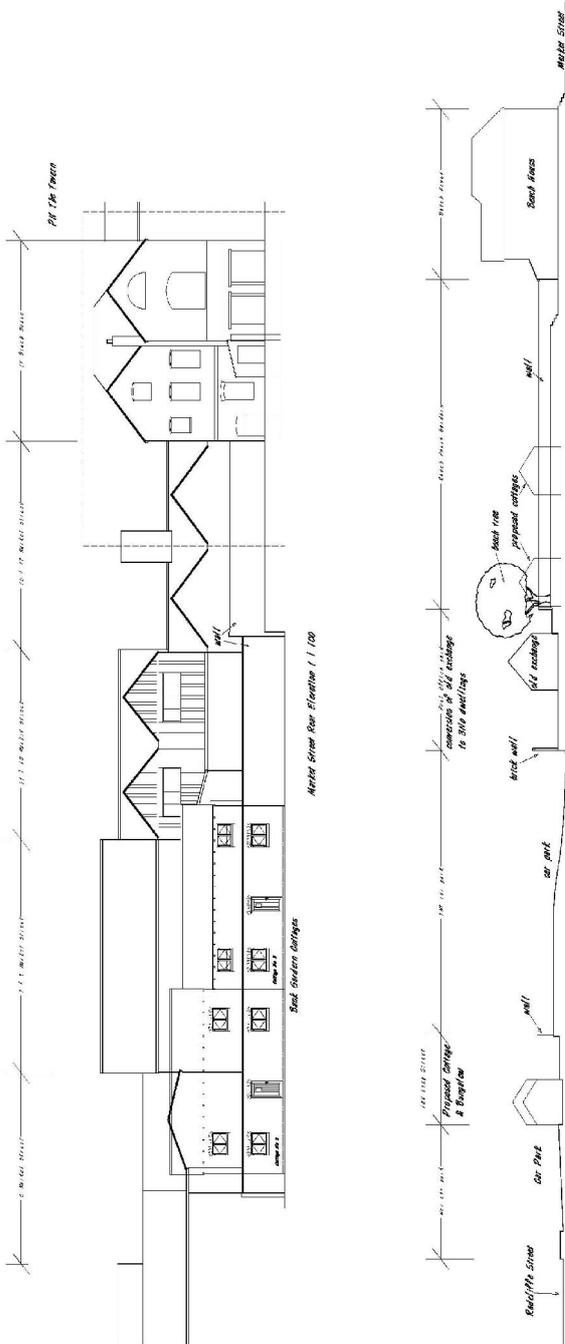


Elevation Adj. to Jam. Garage



Elevation Facing Long Street

PLAN VIEW

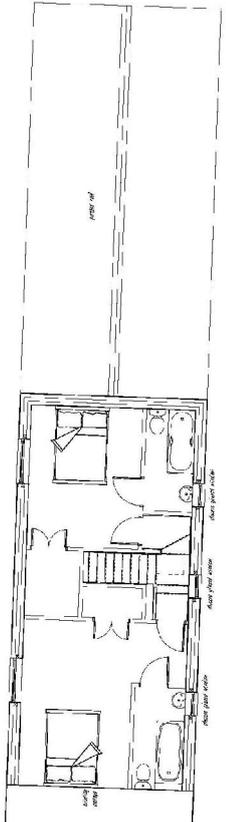
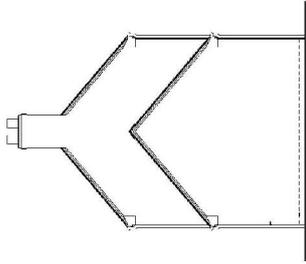


PROPOSED CONSTRUCTION
 SHALL BE IN ACCORDANCE WITH
 THE CITY OF LOS ANGELES
 PLANNING & DEVELOPMENT DEPARTMENT

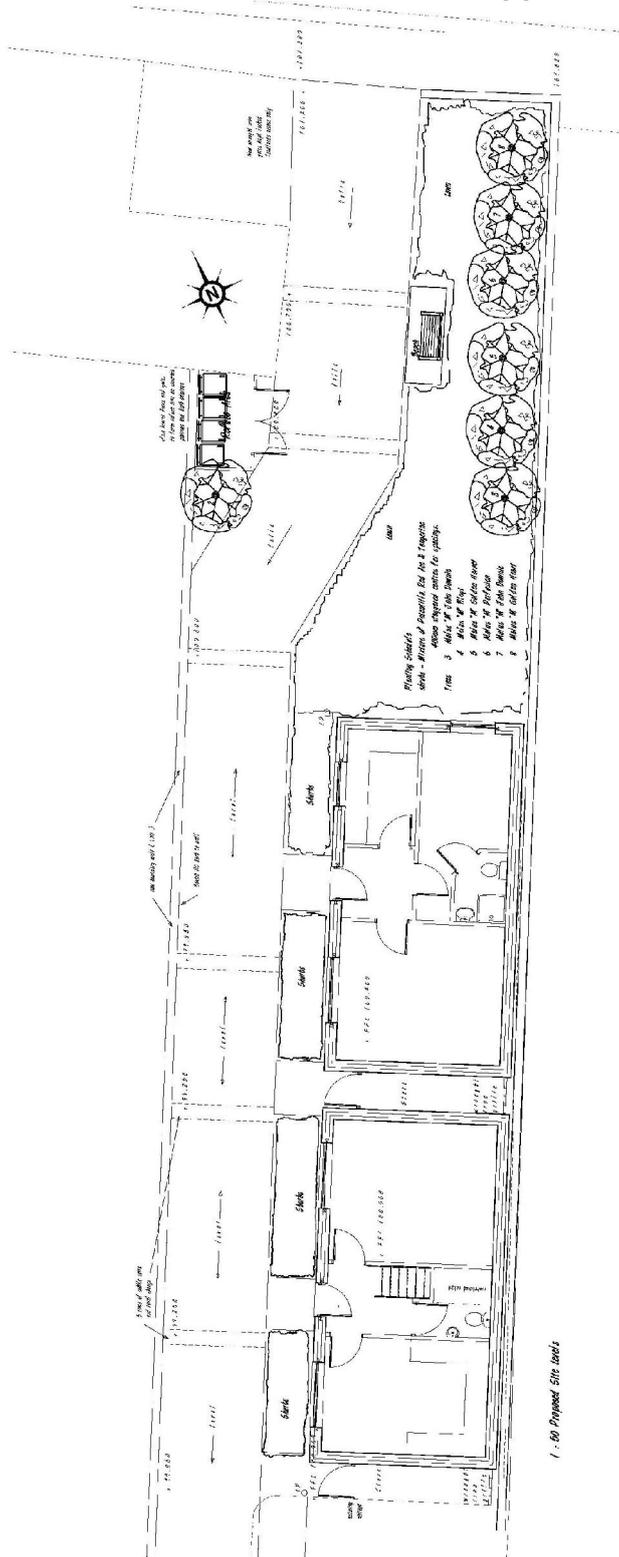
74-144
 Arroyo Construction Ltd
 1000 Wilshire Blvd
 Suite 1000
 Los Angeles, CA 90017
 Elevation & Section
 Scale: 1" = 100' H. / 300'

741-21
 SITE LAYOUT AND PLANS
 Arroyo Construction Ltd
 Rear of 108 Long Street
 Auckland
 Scale: 1 : 50

PANORAMIC

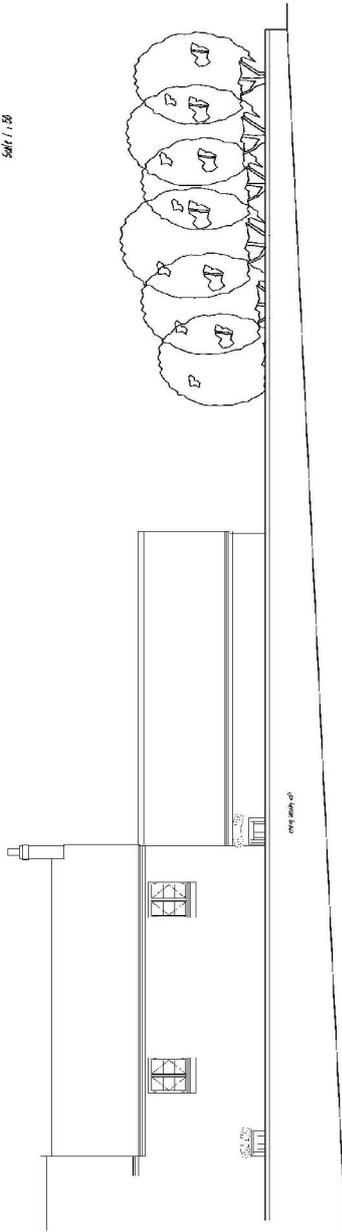


APPROVED
 31/07/2015
 PLANNING & DEVELOPMENT
 DIVISION



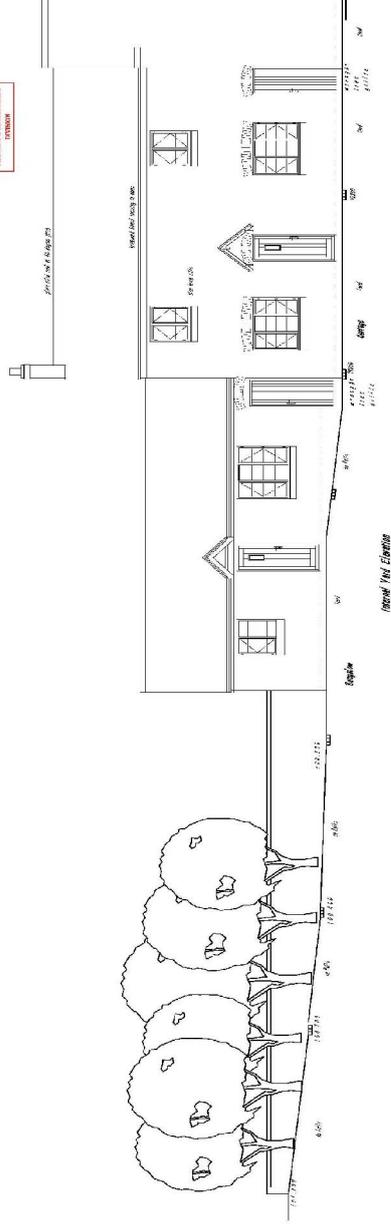
PAPERWORK

74-12
Angelo Construction LLC
Zone of 100 Day Street
Albany
Elevation
Sheet 1 of 50



Front's Street Elevation

RECEIVED
3/10/2015
PLANNING & DEVELOPMENT
DIVISION



Rear's Back Elevation

(3) Application No: PAP/2015/0525

Units 10 and 10a, Station Road, Station Road Industrial Estate, Coleshill, B46 1HT

Demolition of existing buildings and provision of Food Retail store (Use Class A1) for

Aldi Stores Limited

Introduction

This application is referred to the Board at the discretion of the Assistant Chief Executive due to the significance of the development proposed

The Site

The application site is an area of some 0.60 hectares and is located on the eastern side of Station Road, opposite the junction with Rose Road. It is within the designated Station Road industrial area. The site is bounded to the north by open grassland, with the River Cole to the east of the site, and to the south by adjacent industrial units. The site includes two industrial buildings with a service yard to the rear and an existing vehicular access from Station Road. The site was last occupied by Woodhill Transport Ltd and has been unoccupied since being vacated in 2014.

The Proposal

It is proposed to demolish the existing two industrial units and then erect a new food retail store building for Aldi with a gross external floor area of 1735m². This includes a goods storage area with a single loading bay and a gross sales area of 1140m².

The new building would be some 54 metres in length and 36 metres wide and 5.46 metres tall. External materials would comprise self-coloured render; low level charcoal coloured brickwork, anthracite coloured curtain wall cladding and a glazed entrance canopy and entrance lobby. The western elevation would have a large glazed shopfront and canopy providing a focus to the main entrance. This would also provide a covered, lit area for the trolley store and cycle parking area. The roof is used to accommodate 200 photo-voltaic solar panels so to increase the energy efficiency of the building.

The store building would be set back within the site, close to the eastern boundary and an external car park to the front would provide parking for 87 vehicles including 6 accessible spaces; 6 parent and child spaces and a rack for 8 cycles. The loading bay is to be located at the southern side of the store below the store floor level. This will allow stock to be unloaded from the back of the vehicle directly into the warehouse at the same level so to minimise vehicle movements and noise. Vehicle access would be in the same position as the existing access but with alterations so as to improve the access arrangement. A signalised pedestrian crossing would be provided to Station Road in front of the site.

The store would open during Aldi's usual opening hours which are between 08:00 and 22:00 hours on Mondays to Saturdays and 10:00 hours and 16:00 hours on Sundays. Deliveries may occur outside of these hours.

Landscaping and planting will be provided to the northern, eastern and southern boundaries around the new store building and to the frontage with Station Road. Existing trees close to the boundary within the grassland area to the north are shown to be retained. The existing tree within the public highway verge to Station Road will have to be removed to achieve the required visibility at the proposed vehicle access.

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW9 (Employment), NW10 (Development Considerations), NW11, (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW17 (Economic Regeneration), NW20 (Services and Facilities) and NW22 (Infrastructure)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV12 (Urban Design); ENV13 (Building Design), ENV14 (Access Design), ECON3 (Protection of Existing Employment Sites), TPT1 (Transport Considerations), TPT3 (Access and Sustainable Travel) and TPT6 (Vehicle Parking).

Other Relevant Material Considerations

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

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

Consultations

Warwickshire County Council as Highway Authority – It has no objection subject to conditions to provide safe access by all modes of transport.

Warwickshire County Council as Local Lead Flood Authority – There is no objection subject to conditions to secure sustainable drainage for development

Environmental Health Officer – There is no objection subject to the further site ground investigation recommended within the Phase 1 risk assessment submitted and if deliveries are to occur outside store opening hours, the submission of a Delivery Management plan.

Representations

Coleshill and District Civic Society – The Society has no objection, but request consideration be given to noise ‘out of hours’ and traffic ‘rat running’ through residential areas.

Representations from seven people object to the proposal citing concerns over inappropriate location close to a residential area; increased vehicular traffic, particularly during the evening giving rise to noise, pollution and congestion, inadequate pedestrian pavements on Station Road, vermin infestation, flooding,

duplication of goods offered in town centre supermarkets and adverse impact on small shops.

A further four people raise similar concerns, not directly objecting to the proposal but requesting that consideration be given to measures to mitigate impacts such as improved pedestrian links; low level lighting and securing of the site when closed.

Representations from 138 people have been received supporting the proposal reasons citing the benefit of provision close to the residential area and for workers on the industrial estate; reduction in the distance travelled and the number of vehicle trips for shopping to Coleshill town centre, more local competition, lower prices, additional local employment opportunities and the re-development of the vacant site.

Observations

Policy concerns significant to the determination of this application are the loss of the employment land and the net economic impact of the proposal which will regenerate this previously developed site but has potential impacts for the existing local shopping centres. The impact on the highway network and matters specific to the site and the built development will also need to be considered.

a) Employment land and Economic Impact.

Policies within the Development Plan encourage the re-development of previously developed land but also seek to protect existing industrial sites. This proposal involves both, thus a balance must be struck between these conflicting objectives. Policy NW9 of the Core Strategy seeks to protect industrial sites but makes allowance for sites that are no longer demonstrably commercially viable. Saved Policy ECON 3 allows for loss of industrial sites where there would be no negative impact on the range or quality of employment sites available in the settlement.

The proposal involves the re-development of a previously developed site within a designated industrial area. The site was previously used as a transport depot and was in use for 24 hours. The proposal will thus involve a loss of an industrial site. This is however a relatively small site and one where neither the existing buildings nor the location are now ideally suited to modern commercial transport use. The buildings are also dated and the proximity to residential properties is unsuited to a continuing 24 hour operation. The site has now been unoccupied for some time. Other similar older industrial sites and also more modern premises are currently available within the Station Road industrial area. The policy exceptions are considered to be applicable here and the loss of the relatively small area of industrial land is not considered to be overly significant.

The proposal will regenerate this existing employment site and will broaden the employment base in the locality; improve employment choice and opportunities for local people in accord with Core Strategy policy NW17. It is anticipated that the store would involve around 100 construction operatives during the construction phase and create up to 40 new jobs within the store. It is possible that a significant proportion of jobs, up to 35, could be filled by local people as Aldi operates a local area recruitment policy. The site will thus continue to provide employment albeit within a retail use rather than the haulage use.

A sequential assessment appropriate to the proposed use was also undertaken as the proposal involves a use more often found in a town centre, than in an 'out of centre' location. This concludes that there were no identifiable suitable sites that could accommodate the proposed development within or on the edge of Coleshill or Water Orton.

A retail vitality and viability assessment and a retail impact assessment have also been undertaken to assess the impact of the proposed development on Coleshill town centre and the Water Orton local shopping area. The vitality and viability assessment concludes that both Coleshill and Water Orton centres are generally performing relatively well and are meeting their roles within the Borough's retail hierarchy.

The retail impact assessment considers the economic implications of the proposed development. This adopts a conventional step-by-step, trade draw methodology to assess impact. This uses available published data, updated where possible to estimate store turnover and supporting catchment area expenditure together with a series of judgements relating to the proportion of turnover estimated to be diverted from existing centres and stores. The study methodology reflects that advocated in by the Government in its NPPG.

This identifies the following maximum assessed impacts on turnover: a reduction of 6.8% in Coleshill town centre increasing to 7.1% in relation to Tesco Express and of 5.5% for the Water Orton local centre. This assessment relates to the convenience goods sector only. The impacts for total turnover (convenience and comparison goods combined) will be substantially lower. Although trade could be diverted from existing centres, the extent of these impacts would be relatively low. These impacts are assessed as being not 'significantly adverse', which is the test established in the NPPF. On the other side, the proposal will increase competition and choice for shoppers.

The proposal is thus not considered to pose a significant adverse effect for the vitality and viability of Coleshill town centre or the Water Orton local centre or to be a threat to investment on the basis of the impact and expenditure analysis undertaken. The proposal is thus considered to be in accord with the guidance set out in the NPPF.

Taken overall, the economic effect is considered likely to be more positive than negative and the proposal is considered to be generally in accord with Core Strategy policies NW9 and NW17 and saved policy ECON3.

b) Environmental Considerations

A Phase 1 Environmental assessment of the site is submitted and this recommends further investigation should be undertaken prior to development in respect of further potential contamination. The Environmental Health Officer agrees with this approach.

Further investigation into possible flooding issues has been undertaken. The site is within Flood Zone 3. A Flood Risk Assessment is thus submitted even although the proposed use in one of those defined as being in a less vulnerable category. The Assessment shows that the development can be achieved in a sustainable manner with an overall reduction of flood risk to the site and surrounding area. This has been considered by the Local Lead Flood Authority and it has no objection subject to the

inclusion of conditions to ensure the risk to flooding is not increased and water quality is protected.

The proposed development will be close to residential properties. An environmental noise and plant impact assessment has been provided and this concludes there would be no significant adverse impact due to noise. The Environmental Health Officer accepts this finding, but recommends that should deliveries occur outside of normal store opening hours, then a delivery management plan is required to ensure that any adverse impact can be mitigated. This can be secured by a condition.

c) Highway Matters

A Transport Assessment is submitted and this has been assessed by the Highway Authority. The vehicle trip rates and distribution are considered to be reasonable although there would be an overall increase in traffic on the network, no major issues are highlighted. This includes any impact on the bridge river crossing connecting Lichfield Road to High Street. Available survey data and traffic surveys carried out on site indicate the proposed development should not give rise to a significant increase in vehicle movements over the bridge. The Highway Authority also consider that the existing arrangement contribute to slowing vehicle speeds in the area, such that there is a positive effect for highway safety.

The proposed parking arrangement is considered to make appropriate provision for the development.

The design of vehicle access into the site is acceptable. However to achieve the recommend visibility at the access, an existing oak tree within the extent of the highway will have to be felled. The County Forester would wish to retain the tree. Alternative access arrangements seeking to retain the tree have been explored however it has not been possible to arrive at a solution without creating significant adverse impacts for other aspects of the development or compromising other highway measures such as the proposed signalised crossing point. Ultimately the removal of the tree and if required, the planting of a replacement, in this case will be a matter for the County Council to resolve.

Further details have been submitted in response to the Highway Authority's concerns about pedestrian links to the site and a number of measures to improve the pedestrian routes to the site are proposed. The majority of pedestrians are likely to use the western side of Station Road and a signalised crossing point is proposed to the front of the site. Improvements to the footpath provision on the east side of Station Road will facilitate safer access especially to the nearby bus stop and the existing zebra crossing on Lichfield Road will be upgraded to a signalised crossing. These measures will be secured through conditions to require provision prior to occupation and will be provided through agreements made under provisions within the Highways Acts.

A Travel Plan is submitted. This includes measures to encourage staff trips to the site by modes of transport other than by car and identifies responsibilities for implementation, monitoring and review. This is considered to be appropriate to the scale and character of the proposed development.

The Highway Authority has no objection to the proposed development subject to the inclusion of the recommended conditions. The proposed development is thus considered to accord with Core Strategy policy NW10 and saved policies ENV14, TPT1, TPT3 and TPT6.

d) Layout and Design

Aldi's design philosophy has been revised in recent years and building design is now more flexible and seeks to achieve compromise between corporate identity; trading profile, the desire to create stimulating modern buildings and the need for good environmental design and location. The design of the building proposed for this site will enhance the industrial location and the various elements are well related to each other and to the immediate setting. The scale and height of the proposed building integrate with the surroundings and the appearance, produced by the mix of materials, dark brick work plinth, natural rendered upper walls and glazed elements although not particularly locally distinctive relates well to the industrial setting. The flat roof design will mean the roof mounted solar photo-voltaic panels will not be visible from the ground level. The design also incorporates the principles of "Secured by Design".

Positioning of the building to the rear of the site enables the more interesting front elevation of the building to face Station Road and for landscaping to the car park area to enhance the street scene.

The design incorporates a number of features to ensure a high standard of energy efficiency and responsible energy use including environmentally friendly, energy efficient freezers and lighting. A heat recovery system from the freezer condensers will provide almost the entire store heating provision from wasted machinery heat.

The canopy shelter and dock leveller loading bay is designed to facilitate unloading of products from vehicles without the use of forklift trucks, cages or scissor lifts thus minimising external activities. The back of the vehicle is at building floor level and the driver will unload a specific store delivery on pre-selected pallets directly into the dedicated warehouse area. Deliveries are often timed to be just prior to the store opening.

The proposed development subject to the recommended conditions is considered to accord with Core Policies NW10, NW11 and NW12.

The proposed landscaping and planting scheme will soften the site boundaries particularly to Station Road and increase bio-diversity on the site. A management plan is submitted to ensure the scheme is maintained.

External lighting will be provided to the car park area. This will comprise led asymmetric shielded 'LED' luminaries mounted on 6 metre tall columns. A lighting intensity plot confirms that light will be confined to the area to be illuminated. The lights will operate only when ambient light levels fall and lights will be switched off 30 minutes after the store closing time.

A construction and environmental management plan will be required for the construction phase of the development to ensure appropriate environmental protection is in place and that activities do not give rise to disturbance at inappropriate times.

In summary, the proposal will not result in any overall significant adverse economic impact, no impact for flooding, the ground environment or the local highway network or amenity that could not be addressed through the recommended conditions. Proposed highway improvements in the vicinity of the proposed store will improve the highway network for pedestrians. The proposed development will enhance the appearance of this part of the industrial estate. The building will be energy efficient and the external area treatments will improve bio-diversity. The proposal is considered to generally accord with the relevant Development Plan policies identified notwithstanding the loss of a small amount of existing industrial land. The recommendation is thus to grant planning permission.

Recommendation

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

1. Standard Three Year Condition
2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered B14A137-P001, B14A137-P003, B14A137-P004, B14A137-P006, B14A137-P200, B14A137-P201, B14A137-P203, B14A137-P300, B14A137-P001 & 2522/P01, the Landscape Management Plan, MJA-P105-4055-B and the External Lighting Report Specification received by the Local Planning Authority on 17/8/2015 and the plan numbered 15052-010/D received by the Local Planning Authority on 5/2/2016.

REASON

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

3. No deliveries or collections from the site shall be made outside of normal store opening hours and not before 0700 hours or after 2200 hours on any day Mondays to Saturday inclusive or before 1000 hours or after 1600 hours on Sundays unless a Delivery Management plan has been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interest of amenity.

4. No development shall commence until such time as a Construction Method and Management Statement (CMMS) appropriate to the phase of the development to be implemented has been submitted to and approved in writing by the Local Planning Authority. This shall include details of how the site will be laid out during the construction period; the likely number of vehicular movements, the parking provision, the arrangements for deliveries, for the minimisation and removal of site waste, the hours of working, the measures to minimise extraneous deposits from vehicles accessing the site on the surrounding highway network, the location of site compounds, storage facilities and of any site lighting to be provided during the construction phase; the measures to be implemented to protect ecological features to be retained

protected species or nesting bird. The plan must identify the period during which it shall have effect, the means by which it will be monitored and reviewed, the person responsible for the handling of complaints and their include contact details. The approved CMMS shall be implemented at all times.

REASON

In the interest of amenity and to minimise the impact on the environment

5. No development, including site clearance, shall commence until measures to protect existing trees or hedgerows within the site or adjacent to the boundaries have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full and maintained throughout the construction of the development.

REASON

To ensure trees to be retained are not harmed during construction in the interest of amenity.

5. No development shall commence until such time as a Construction Method and Management Statement (CMMS) appropriate to the phase of the development to be implemented has been submitted to and approved in writing by the Local Planning Authority. This shall include details of how the site will be laid out during the construction period; the likely number of vehicular movements, the parking provision, the arrangements for deliveries, for the minimisation and removal of site waste, for the working and phasing of the ground works; the hours of working, the measures to minimise extraneous deposits from vehicles accessing the site on the surrounding highway network, the location of site compounds, storage facilities and of any site lighting to be provided during the construction phase. The plan shall identify the period during which it shall have effect, the means by which it will be monitored and reviewed, the person responsible for the handling of complaints and their contact details. The approved CMMS shall be implemented at all times throughout the relevant period.

REASON

In the interest of amenity and to minimise the impact on the environment

7. No development, including site clearance, shall commence until measures to protect existing trees or hedgerows within the site or adjacent to the boundaries have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full and maintained throughout the construction of the development.

REASON

To ensure trees to be retained are not harmed during construction in the interest of amenity.

8. A site investigation shall be carried out in accordance with the recommendations of the Phase I risk assessment submitted. The results of the investigation together with, where necessary, details of remedial measures proposed together with a validation plan for the proposed remediation shall be submitted to and be approved in writing by the Local Planning Authority prior to the completion of groundworks and in advance of the construction of any part of any buildings on site. Within three months of the completion of the remediation at the site, a validation report that details the compliance with the validation plan and remedial objectives shall be submitted to the Local Planning Authority.

REASON

In the interest of reducing the risks from contamination and of pollution.

9. The approved planting and landscaping scheme shall be implemented within six calendar months of the date of the first occupation of the development hereby approved and shall be maintained in accordance with the details set out in the submitted Landscape Management Plan. In the event of any tree or plant failing to become established within five years thereafter, each individual tree or plant shall be replaced within the first available planting season.

REASON

In the interest of amenity.

10. The store opening hours shall be only between 0800 and 2200 hours on Mondays to Saturdays and between 1000 and 1600 hours on Sundays.

REASON

In the interest of amenity.

11. The external lighting provided to the car parking area shall not be illuminated thirty minutes before the store opening time or thirty minutes after the store closing time.

REASON

In the interests of amenity.

12. Access for vehicles and pedestrians to the site from the public highway (Station Road D538) shall not be made other than at the positions identified on the approved drawing number 15052-010 Rev D. The access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.

REASON

In the interest of safety on the public highway network

13. No development shall commence until full details of the surfacing, drainage and levels of the access, car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Council. The unit shall not be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

REASON

In the interest of safety on the public highway network

14. The development shall not be commenced 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 56.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interest of safety on the public highway network

15. The development shall not be occupied until the signalised pedestrian crossing and associated public highway improvement works fronting the site have been laid out and constructed within the public highway in accordance with the approved drawing number 15052-010 Rev D and the standard specification of the Highway Authority.

REASON

In the interest of safety on the public highway network

16. Notwithstanding the plans submitted the development shall not be occupied until the existing zebra crossing on Lichfield Road has been upgraded to a signalised pedestrian crossing and associated public highway improvement works have been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.

REASON

In the interest of safety on the public highway network

17. Notwithstanding the plans submitted the development shall not be occupied until a footway extension on the eastern side of Station Road has been laid out and constructed between CMG House (Thomas Betts) and the proposed bus stop to the north of the application site within the public highway in accordance with the standard specification of the Highway Authority.

REASON

In the interest of safety on the public highway network

18. The development shall not be commenced until a turning area has been provided within the site so as to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear.

REASON

In the interest of safety on the public highway network

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

REASON

In the interest of safety on the public highway network.

20. No deliveries or collections from the site of associated with the construction of the proposed development shall occur during the peak periods on the highway network between 08:00 – 09:00 and 17:00 – 18:00 hours each day

REASON

In the interests of safety on the public highway network.

21. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Undertaken infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is a viable means of managing the surface water run-off from the site.
- Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697, C687 and the National SuDS Standards.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the Greenfield run off rates for the site as recommended in Section 4.20 of the approved Flood Risk Assessment
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return

periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

For the avoidance of doubt the drainage details shown on approved plan B14A137-P203 are not hereby approved.

REASON

To avoid the increased risk of flooding; to improve and protect water quality and to ensure the future maintenance of the sustainable drainage structures.

22. The steel cage refrigeration enclosure shown on approved plan B14A137-P201 shall not be constructed until details of the materials to be used have been submitted to an approved in writing by the Local Planning Authority.

BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0525

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	17/8/2015 13/11/2015 21/12/2015 & 5/2/2016
2	WCC Highway Authority	Consultation	9/3/2016 & 15/3/2016
3	WCC Lead Flood Authority	Consultation	12/10/2015
4	NWBC EHO	Consultation	11/9/2015, 16/9/2015 14/10/2015
5	EJ & DG Bright	Representation	11/9/2015
6	G Bird	Representation	2/9/2015
7	P Smith	Representation	29/8/2015
8	N Smith	Representation	16/9/2015
9	M Ware	Representation	5/9/2015
10	F Barber	Representation	26/8/2015
11	S Barber	Representation	26/8/2015
12	J O'Neill	Representation	6/9/2015
13	A Nurser	Representation	2/9/2015
14	B Nurser	Representation	2/9/2015
15	J Brewster	Representation	1/9/2015
16	C Lawrence	Representation	19/9/2015 & 26/2/2015
17	V Fisher	Representation	11/1/2016
18	S Cooper	Representation	30/9/2015
19	T Axe	Representation	1/9/2015
20	L Baudet	Representation	26/8/2015
21	C Claridge	Representation	25/8/2015
22	132 people postcard	Representation	Sept & October 2015

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 is an item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents.

(4) Application No: PAP/2015/0680

Atherstone College, Ratcliffe Road, Atherstone, CV9 1LF

Outline - Change of use of existing college to residential including conversion of existing building and erection of new block for

North Warwickshire & Hinckley College

Introduction

The application is reported to Board at the discretion of the Assistant Chief Executive give the issues involved.

The Site

The existing building at the site is a relatively modern, two storey structure (see image below) situated on the south side of Ratcliffe Street, 50 metres north east of its junction with Long Street. The site includes a car park and some amenity space.

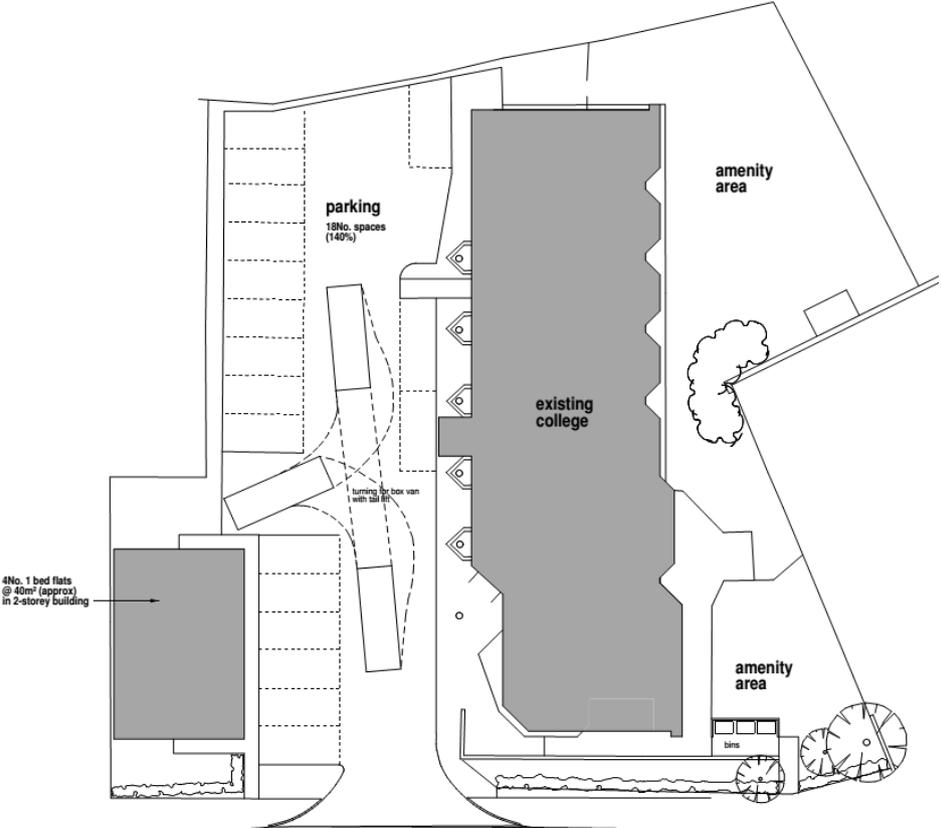


It is situated adjacent to a Youth and Community Centre and a doctors surgery. Residential development lies on the opposite side of Ratcliffe Road and to the rear of the site.

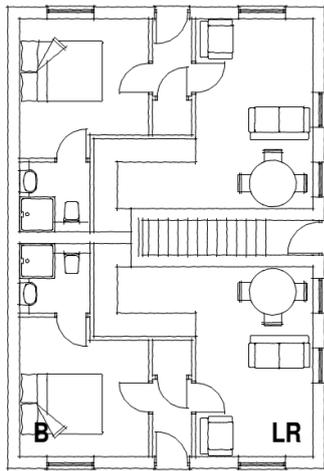
The Proposal

The application seeks outline planning permission for the conversion of the existing college building to residential flats and the erection of a residential new block. The application form indicates that the development would comprise 13 units of accommodation, 4 of which would be one bed units and the remainder of which would be two bedroom units. The application seeks approval of access arrangements and layout and reserves the appearance, landscaping and scale to a reserved matters application.

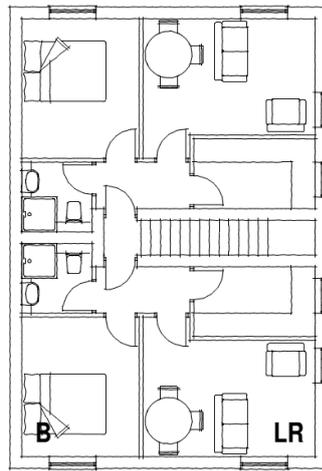
The new block would comprise 4 one bedroom flats over two storeys. The proposed site layout is as shown below.



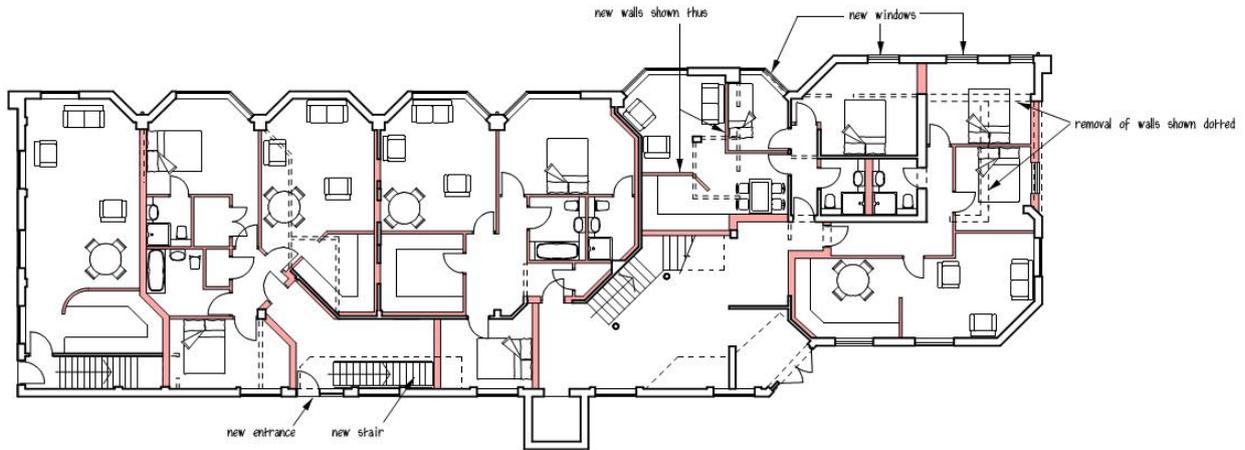
Illustrative layouts of the proposed accommodation are set out below:



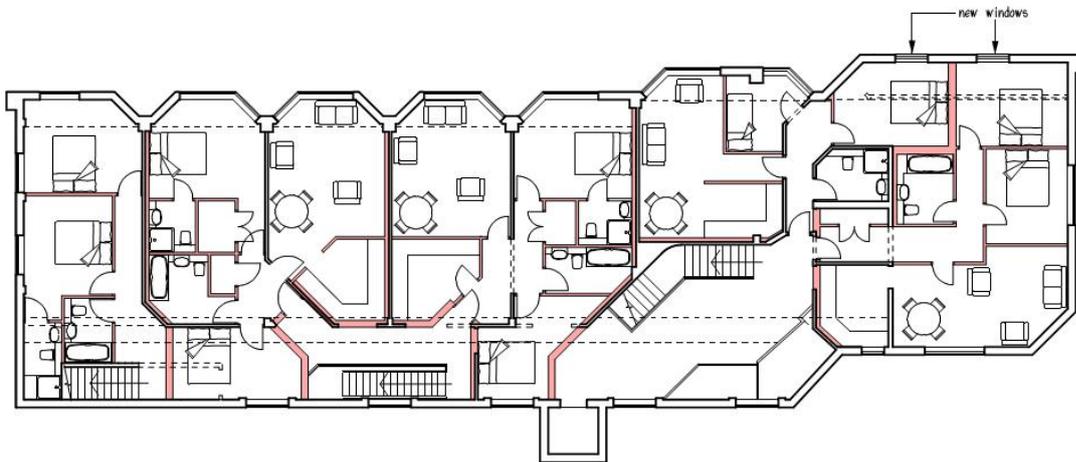
ground floor



first floor



ground floor plan



first floor plan

The new block would be positioned to the left hand side of the access, adjacent to the boundary with the doctor's surgery car park, at the position shown in the photograph below.



Background

The application is accompanied by a Planning Viability Report on the loss of the building from social and community use ('Local Services and Community Facilities Statement'). Key facts and conclusions drawn by the applicant in this report are set out below:

Key Facts presented by the Applicant:

- The property was used from the date of construction some 20 years ago as an educational use facility and is therefore classed as D1 use. It was primarily used for 19+ adult learning but latterly also for 16-18 year old education.
- In total the area of the property previously occupied by North Warwickshire and Hinckley College (NHWC) for educational use is 834sq.m (8977sq.ft).
- The property is currently vacant but the main services to the building have remained and it is centrally heated by a gas fired boiler to a wet heating system.
- The Group Director, Facilities and Estates of the NHWC that estimate of running costs excluding decorating years is in excess of £50,000 per annum.
- The college indicates that the day to day running costs and regular maintenance and renewals have proved to be prohibitive and beyond its means given the current take up for courses and income derived from letting the space.
- From inspection, the building appears in a very good state of repair with no noted areas that will require significant expenditure in the near future save for a regular schedule of maintenance and redecoration.
- In the last financial year before the college relocated they had on average only 40 visitors per week, with only enough take up to run 2 groups a week. The property at its height was at full capacity having 176 visitors on a daily basis. The dramatic decline in number has in part due to cuts in government funding over the last 10 years of 43% which has caused greatly reduced demand for adult education. From 2013 the utilisation figures for the property have not been above 7% with government guidance having a lowest figure of 30%. Due to this the college concluded that it is not a viable site.
- The majority of learners came from outside of Atherstone in order to attend the course(s) that had been at Atherstone. There are only c.10% of students (379) out of a total student numbers of c.3000 that give a CV9 address as their permanent residence.
- The report considers alternative community uses for a GP surgery, a dentist, a children's day nursery and a school or other education only. It considers these to be the most obvious alternative social and community uses.
- To use the building as a GP surgery would incur refurbishment/remodelling costs, estimated to be circa £1,000/m² and therefore equating to .£800,000/900,000.
- There are 2 GP practices within 0.2 miles of the subject property which serve 19,000 patients. There are a further 6 practices in the surrounding area (up to 3.5miles) serving just over 25,500 patients.
- There are 2 practices within 0.3 miles of the subject property and a further 4 dental practices within 5 miles.

- A Needs Assessment for Primary Care Dental Services in Warwickshire Improving Access to NHS Dentistry did not give recommendations for any further Dental practices in Atherstone (Note - date of report not given).
- Within a 3 mile radius, there are at least 7 nurseries providing 275 places, which includes Willow Nursery/Atherstone Early Years Centre (0.1 miles), Ashleigh Nursery School (0.4 miles), Bradley Green and Banana Moon Nurseries (circa 2 miles). The applicant is not aware of any formula to assist in calculating whether supply and demand are in balance in respect of childcare provision.
- Commercial nurseries were specifically targeted in the marketing of the property and did not provide an offer either to purchase or lease the property.
- A review of the Government website in respect of schools shows that there are 5 secondary schools in the Borough. The Infrastructure Delivery Plan 2014 states that the 'Borough has an adequate supply of primary, infant and junior schools'.
- A comprehensive marketing campaign was carried out.

Conclusions Drawn by the Applicant:

- The size of the property limits the audience of occupiers.
- Alternative college facilities located in Nuneaton and Hinckley are all easily accessible from Atherstone by public and private transport.
- The majority of students came from outside CV9 and thus there would therefore be no significant loss to the Atherstone community.
- Within 5 miles of the subject property there are 6 sixth-form centres/colleges the local community can access. There is no substantial evidence that the local community will be unable to access education facilities.
- All alternative uses would incur reconfiguration costs and significant investment would be required.
- The area is not an 'under doctored area'
- There are a large number of nurseries in the area and those in the immediate area appear of sufficient capacity to be sustainable.
- The layout would not work well for a children's nursery given staffing ratio requirements and would require significant investment to meet Ofsted requirements.
- Car parking and congestion would be an issue for such an extensive nursery or for a school.
- Other uses have not been considered, such as petrol stations, blue light services and sports facilities, given these would be wholly unsuitable for the property, site and surrounding area.
- The existing supply of other services, investment required to the property, compliance and registration with regulatory authorities, fit out costs, lack of external space and potential traffic/parking concerns combine to mean the property is not suitable for other community uses.

Development Plan

The Core Strategy 2014 - (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW18 (Atherstone), NW20 (Services and Facilities) and NW22 (Infrastructure)

Other Relevant Material Considerations

National Planning Policy Framework 2012 - (the "NPPF").

Local Finance Considerations: - The New Homes Bonus applies.

Consultations

Environmental Health Officer – No comments to make

Warwickshire County Council as Lead Local Flood Authority – No objection.

The Council's Housing Strategy and Development Officer – Identifies a need for affordable housing and points out that the site is in one of the Borough's biggest areas of housing need.

Warwickshire County Council Infrastructure Delivery Manager – Confirms that no departments have expressed an interest in any possible community use of the building, including the Education Authority. It cannot therefore foresee a potential alternative uses for the site/premises, or identify an unmet current or future need.

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

Contracts and Projects Manager, Primary Care, Midlands and East Region/West Midlands, NHS England - In view of the anticipated housing development, as described in the local plan, a health interest in this site needs be declared. This would allow the current GP surgery to expand to cope with the increase in population in that area.

Director of Partnerships and Engagement, Warwickshire North Clinical Commissioning Group - Indicates that it will raise this matter through the CCG internal governance but that at this time it cannot make any decisions or response that implies or makes any commitment to any capital or revenue funding at this stage. However its draft estates strategy and direction of travel for out of hospital care in community settings and its draft primary care sustainability plan recognises the need for primary care to be responsive to demographic growth and new housing developments and it will be discussing this internally as part of its primary care and estates developments . It also recognises the important role for primary care in North Warwickshire and for rural communities. Therefore whilst it concurs with the Primary Care Contracts and Projects Manager's, response in principal, it advises that it cannot make any commitments in respect to financial implications and it will need raise this through its governance and Primary Care Joint Commissioning Committee going forward.

Representations

Councillor Jarvis - Indicates an awareness that the adjacent doctor's surgery would like to expand but is constrained by the current size of its site. It advises that the practice has made approaches to other neighbouring land owners in the recent past about the prospect of buying additional land, but has been unable to secure any so far. Atherstone is a location that is expected to accommodate a large volume of housebuilding in the near future and the Council is aware that improvements to health facilities will be a requirement. It is suggested that this site represents an opportunity to address the matter.

Atherstone Town Council - No objection to this application, but seeks a section 106 Agreement to address increasing parking at the adjoining doctor's surgery.

Partners of Atherstone Surgery – They indicate that they see the development at the Atherstone College as an opportunity to improve the practice service. The recent increase in the number of housing developments within the area has resulted in an increase in the practice list size. The Partners understand there are potential further large developments planned and anticipate that practice list size will go up by a further 2,000 patients in the near future. They indicate that they are currently operating close to capacity and limited car parking is a hurdle for future expansion. To respond to the needs of planned new housing the practice is looking to employ further partners and this will require extra rooms, the restricted parking will hamper such expansion. In the history of Atherstone Surgery it has never had to consider the very difficult decision to close its lists, however it is currently near this point. The Partners request co-operation between the Surgery, the Developers and the Council to release some of the existing college land, in order to enable the surgery to increase its parking and permit development to satisfy the health provision needs. The Practice invites members to visit the surgery so that they can see the constraints.

Patient Participation Group – The Group indicates its unanimous support for the letter sent to the Council from the Partners of The Atherstone Surgery.

Two residents from Ratcliffe Road have written raising the following matters:

- The additional traffic will be a hazard, particularly given the proximity of the surgery, nursery and fire station.
- Construction traffic will be unsafe and noisy.
- The use would lead to problems with car parking.
- Additional traffic would adversely affect the character of the neighbourhood.
-

Observations

The site lies within the development boundary identified for Atherstone. It is in a very sustainable central location close to the town centre with all of the services on offer in Atherstone, including good public transport road and rail links. It is a desirable location for both its current community use and for the proposed residential use.

However, there are two principal aspects to this application. The first is whether the building should be lost from its present community based use and assuming it is established that the building can be lost from such use, the second is whether the site is suitable for residential use comprising a conversion and a new build unit.

a) The Loss of Land and a Building from Community Use

The NPPF identifies that sustainable development should provide for accessible local services that reflect the community's needs and support its health, social and cultural well-being. It sets out that, as a core planning principle, planning authorities should take account of and support local strategies to improve health, social and cultural wellbeing for all and deliver sufficient community and cultural facilities and services to meet local needs. To promote healthy communities it guards against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

The Council's adopted Core Strategy takes the same stance. Policy NW10 identifies that development should maintain and improve the provision of accessible local and community services, unless it can be demonstrated that they are no longer needed by the community they serve; not needed for any other community use, or that the facility is being relocated and improved to meet the needs of the new, existing and future community. Policy NW20 indicates that proposals that would have a detrimental impact on the viability and vitality of town centres will not be permitted and that the loss of existing services or facilities which contribute to the functioning of a settlement will only be supported where the facility is replaced elsewhere or it is proven that its loss would harm the vitality of the settlement.

The application proposes the total loss of the building from its current use, or any other alternative community use, followed by the redevelopment of the site with housing. The case for this is made by the applicant in a 'Local Services and Community Facilities Statement' document. The statement offers information about the site and the building and gives the applicant's assessment of the need for alternative community uses of the building, including his assessment of the need for provision of some health services, albeit limited only to general practitioner and dental services.

The claims made by the applicant have been explored.

The County Council identifies no continuing need for the building to remain in community use, including no continuing need for it to remain in use for education purposes.

No interested parties who wish to use the building for ongoing community purposes have been identified either through the marketing of the property for sale/lease or as a result of the publication of this application for consultative purposes.

The main interest expressed in the use of the site for community purposes is for use for the provision of health facilities. This takes the form of an interest in part of the land for car parking for use in association with the adjoining doctors surgery, but also, an 'in principle' interest from the Primary Care and Clinical Commissioning Groups of the Health Authority in light of the need to accommodate needs that will likely arise from the future growth of the settlement.

Given that Atherstone is a location that is expected to accommodate a large volume of housebuilding in the near future, it is fully expected that improved health facilities will be a necessity in due course. Given that Atherstone is the main town in the Borough, and that it is beyond the Green Belt, a substantial part of housing need will be likely to be met in the Atherstone/Mancetter area. A planning application is currently submitted which proposes 620 new dwellings in Atherstone. Furthermore, the anticipated requirement to allocate land to meet the shortfall in housing land from neighbouring authorities is likely to result in an upwards lift in the scale of housing land allocated in North Warwickshire.

The applicant advises that Dr Samir Purnell-Mullick of the adjoining surgery confirmed that the practice has no current plans to further expand as 3 partner doctors are nearing retirement, and due to the fact that only recently they have extended to provide a new pharmacy. The applicant acknowledges that the doctor confirmed that they would be interested in some additional parking but he advises that the doctor confirmed that he would not wish to buy the land necessary. The applicant, reasonably, should not be expected to dispose of land to the adjacent surgery on such a free of charge basis.

The Health Authority has been asked to consider whether there is any potential need for, or prospect of, a multi-purpose facility incorporating a variety of medical services, either on the college site as a stand-alone development or as part of a larger redevelopment with the adjacent doctor's surgery site. If a potential alternative use for the site/premises, or identify an unmet current or future need could be foreseen, the Health Authority has been asked to offer an estimate of the timeframes involved in the delivery of such.

Whilst it is regrettable that it has taken some time to establish the Health Authority's position, in the best interests of the forward planning of the town, it is considered that it is important that a definitive position is established ahead of reaching a decision on this application. Once this site is lost to redevelopment it would be a challenge to find a comparably central site for ongoing and future health provisions. Only when consultees advise of a more definitive position will it be possible to assess the likely or potential fit of the application premises with current and anticipated need for medical services in the settlement of Atherstone, and make an assessment of whether there are reasonable prospects of the delivery of the alternative use. Given the key importance of this matter it is proposed that a definitive decision on this application is deferred at this stage to explore this issue further.

b) Change of Use to Residential

Notwithstanding the consideration of the possibility of continuing use for community purposes, it is necessary to consider whether the proposed change of use is appropriate in the event that a continuing community use is not established.

As stated above, the site is in a main settlement and in a sustainable location within that settlement, and thus there is no objection in principle to redevelopment for residential purposes.

The site is in a mixed commercial, community and residential area. It is not considered that any near neighbouring uses would cause harm to the amenity of future occupiers of the site or that future occupiers of the site would adversely affect

the amenity or operation of the adjacent uses. This is with one potential exception. The neighbouring Youth and Community Centre contains an outdoor 'play' space used by youths in the day and evenings (see photograph below). There is some potential for noise and disturbance to potential residents. The site boundary contains planting which presently forms a good screen for privacy and for some noise reduction. It would be desirable to retain this. There is however, a suggestion on the illustrative layouts that new windows would be proposed to be formed in the elevation of the existing building closest to the community centre. It would be precautionary to require the use of acoustic glazing in any new window openings. This could be secured by condition.



The site contains adequate car parking for the proposed number of dwellings given the location of the site close to the town centre. It would achieve 18 spaces for 13 dwellings. It is not considered that the proposed development would result in on street car parking difficulties. The use is unlikely to lead to any greater pedestrian safety issues than the current lawful use of the site as a college. The Highway Authority offers no objection following a demonstration that large service vehicles can safely access the site and turn within it.

Though in outline, the erection of a new building is proposed. The building would contain four relatively small one bedroom flats. It is considered that a building at the location shown could be accommodated without detriment to the street scene. The development in this vicinity is predominantly two storey. It would be appropriate to limit the scale of the new build unit to this height by condition.

The application is accompanied with a calculation for an off-site affordable housing contribution. The value attributed to the units has been justified by a comparison to the existing market. This can now be secured through a Section 106 Agreement to accord with the requirements of Policy NW6 of the Core Strategy.

Conclusion

Without a more definitive response from the Health Authorities and in particular, the Clinical Commissioning Group, it is presently not possible to make a reliable assessment of whether there are reasonable prospects for the delivery of alternative medical/health use. The consultee has identified an intention to take the matter to a

Primary Care Joint Commissioning Committee. It is proposed to await the findings of this committee before making a final recommendation on this application. However, in the event that it is established there is no reasonable prospect for the delivery of alternative medical/health use, members are invited to give the applicant the greater certainty that the Council is minded to support the alternative residential use.

Recommendation

That, subject to the clarification of the consultation response from the NHS Clinical Commissioning Group and confirmation that there is no reasonable prospect of it securing the site for community health purposes, the Council is minded to support the application, subject to a Section 106 Agreement relating to the provision of off-site affordable housing and subject to conditions covering the following matters:

- Standard Outline Conditions
- Specified approved plans
- The new block shall contain no more than 4 units of accommodation and shall be no more than two storeys in height.
- Acoustic glazing shall be used in the event of the insertion of any new window openings in the converted building.
- Renewable energy generation and energy efficiency measures shall be incorporated in order to meet the requirements of the North Warwickshire Core Strategy Adopted October 2014 Policy NW11.
- Conditions recommended by the Highway Authority in respect of access and parking.
- The submission, approval and implementation of a landscaping scheme, including a scheme for the retention and protection of existing trees and shrubs.

BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0680

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	4 11 15 18 12 15 24 2 16 2 3 16
2	Environmental Health Officer	Consultation Response	5 1 16
3	Warwickshire County Council Highways Authority	Consultation Response	8 1 16 10 3 16
4	Forward Planning Manager	Consultation Response	19 1 16
5	Warwickshire County Council Infrastructure Delivery Manager	Consultation Response	1 2 16
6	Primary Care, Midlands & East Region/West Midlands, NHS England	Consultation Response	24 3 16
7	Clinical Commissioning Group	Consultation Response	25 3 15
8	Cllr Jarvis	Representation	3 1 16
9	S Conroy	Representation	5 1 16
10	Mr & Mrs Heap	Representation	8 1 16
11	Atherstone Town Council	Representation	21 1 16
12	Partners of Atherstone Surgery	Representation	27 1 16
13	Patient Participation Group	Representation	1 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.

(5) Application No PAP/2015/0699

31 Plough Hill Road, Chapel End

Variation of conditions 4 and 12 of planning permission PAP/2011/0527 relating to revised site plan and amended design and access statement for

The Executors of Mrs Hilda Morris

Introduction

This application is referred to the Board for determination as it involves the variation of a scheme which the Board has previously been involved with.

The Site

This is an area of disused land at the rear of 31 Plough Hill Road, a detached house fronting that road just south of its junction with the Coleshill Road on its western side. There is other residential property surrounding the site. The junction with Alders Lane is opposite the site and the junctions with Waggstaff Drive and Fletchers Drift are a little further to the south.

A location plan is at Appendix A.

Members should be aware that part of the frontage of the site is within the Nuneaton and Bedworth Borough Council area and this is also shown on Appendix A. A similar application to that being reported here, has also been submitted to that Council.

Background

Planning applications for the erection of 12 dwellings here were submitted to both Councils in 2011. The Nuneaton and Bedworth Council refused planning permission for that part of the application in its area on highway grounds. Because the access objected too by Nuneaton also provided access to that part of the site in North Warwickshire, the application submitted to this Council remained undetermined as an appeal was lodged into that refusal. That appeal was allowed and planning permission was therefore granted for the section of land in Nuneaton – in other words the access arrangements to the whole larger site. As a consequence in October 2013, a detailed planning permission was granted by this Council for that land within its area. This is the consent referenced PAP/2011/0527 as mentioned in the current application.

That planning permission involved the closure of the existing Fletchers Drift access onto the Coleshill Road. This would be achieved by the erection of one detached house. All vehicular access to the properties in Fletchers Drift and to the other new eleven dwellings would be then be from a new access onto Plough Hill Road on the site of the demolished 31 Plough Hill Road. The new houses would comprise six detached properties at the rear and a row of five terraced properties facing Plough Hill Road.

A copy of the approved layout is at Appendix B

Due to land ownership issues, the implementation of this permission is unlikely to proceed and thus the current application has been submitted to vary that permission.

The Proposals

Because of land ownership issues, that part of the application site involving Fletchers Drift is proposed to be omitted. As a consequence there is now proposed to be no closure of the Fletchers Drift access onto Plough Hill Road and thus no detached house. All vehicular access to existing properties in Fletchers Drift would remain unchanged as existing.

This means that the remaining permitted development would gain access from the new junction onto Plough Hill Road. However discussions between the applicant and the Highway Authority have reviewed this junction in light of the additional traffic now likely to use Plough Hill Road as a consequence of new planning permissions granted by the Nuneaton and Bedworth Council further towards Galley Common. A Road Safety Audit has thus been undertaken. Its conclusions have been translated into an amended access arrangement. This takes the access further north increasing the separation distance from number 39 Plough Hill Road. It also has resulted in the loss of a further dwelling on the frontage to Plough Hill Road. This arrangement does not affect the layout of the proposed development at the rear.

As a consequence of these proposed variations, the current proposal is now for ten dwellings, not twelve as originally permitted and for them all to be accessed off a new junction with Plough Hill Road. 23 car parking spaces are proposed.

The application thus seeks to vary the plans so as to accommodate these changes through the submission of amended plans.

The proposed amended layout is at Appendix C.

Representations

Four letters of objection have been received. The issues raised relate to:

- Traffic and highway impacts with excessive traffic and on-street car parking on Plough Hill Road
- Increased traffic from recent planning permissions
- Impact on local services and facilities
- Roads would surround number 39 thus impacting on residential amenity

Ansley Parish Council – No objection

Consultations

Warwickshire County Council as Highway Authority – Originally raised an objection requesting that a Road Safety Audit be undertaken. Following its receipt and amended plans it is understood that the objection will be withdrawn subject to conditions.

Environmental Health Officer – No objections

The Coal Authority – No objection subject to a standard condition

Warwickshire Museum - No objection

Severn Trent Water Ltd – No objection

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); ENV13 (Building Design) and ENV14 (Access Design)

Other Material Planning Considerations

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

Observations

There have been significant changes in the material considerations affecting this proposal since the Board last considered this proposal – the publication of the NPPF and the adoption of the Core Strategy. However these changes would only re-enforce the principle of the grant of the planning permission in 2013. The development is sustainable development within a defined development boundary of a settlement where growth is required and close to services and facilities. The permission too is now included within the Council’s five year housing supply. As such it is considered that there would have to be substantial harm caused by the amendments if this application is to be considered for refusal.

The bulk of the 2013 approval in terms of layout and design remains exactly as before. However numbers are now to be reduced from 12 to 10 and the access arrangement onto Plough Hill Road has been slightly re-located in agreement with the Highway Authority. Members will be very aware of the main thrust of the objections received particularly in light of recent additional permissions granted between here and Galley Common. The Highway Authority is fully aware of these matters and on the evidence of a Road Safety Audit undertaken to an agreed technical specification, has not raised an objection. There will be some benefit from this in that the number of units is to be reduced and the location of the access has been moved. In view of the past appeal decision; the subsequent grant of planning permission and the support of the Highway Authority it is considered that a reason for refusal here on highway grounds could not be recommended.

There was concern raised at the time of the original application in respect of the proximity of the new access road to the existing property at number 39 Plough Hill Road. Nevertheless a planning permission was granted. Whilst the current proposals take that access further away from that property, there would only be a limited benefit. Additionally the existing arrangement at Fletchers Drift on the other side would remain and thus the property would as the objector points out, be surrounded by roads. The property already experiences traffic impacts on Plough Hill Road and Fletchers Drift, so the issue is whether the increased traffic from the new road would materially add to that impact. Members are reminded that there is a planning permission for this land and that there is no objection in principle to its development in overall planning policy terms as set out above. It has to be accessed and the present location of the new junction is that supported by the Highway Authority. As a consequence and on balance taking all of these matters into account, it is considered that the current proposals can be supported.

The adoption of the Core Strategy introduces a different approach to the provision of affordable housing. Eight of the ten houses are within North Warwickshire. Hence policy NW6 of the Core Strategy will require on-site provision of two houses or an off-site contribution in lieu. The applicant proposes on-site provision through the inclusion of an appropriately worded condition. Given that this is an outline application and the costs of the development have yet to be calculated, it is considered that this is a reasonable approach. The land will be marketed with the benefit of this varied consent, if agreed by the Board, and the prospective purchaser would be aware of the affordable provision through the condition.

Recommendation

That subject to there being no objection from the Highway Authority, planning permission be **GRANTED** subject to the following conditions and any others requested by that Authority:

- 1 Details of the landscaping of the site (hereinafter called the “reserved matter”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

REASON

In the interests of the visual amenities of the area.

- 2 Application for approval of the reserved matter shall be made to the local planning authority not later than three years from the date of this permission.

REASON

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

- 3 The development hereby permitted shall begin not later than two years from the date of approval of the reserved matter

REASON

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

- 4 Standard Plan Numbers condition – plan number 7113/02C received on 17/3/16.
- 5 No development shall commence on site until a scheme for the provision of two of the houses hereby approved to be affordable houses as defined by the National Planning Policy Framework 2012 has first been submitted to and approved in writing by the Local Planning Authority. These houses shall be affordable in perpetuity and shall be occupied by people in the locality which is to be defined in the scheme to be submitted.

REASON

In order to accord with Development Plan policy.

- 6 None of the houses shown as being marked plots 1 to 6 inclusive on the approved plan shall be occupied until the two affordable houses to be provided under condition (v) have first been fully constructed and made available to the written satisfaction of the Local Planning Authority

REASON

In order to accord with Development Plan policy.

- 7 No development shall take place until full details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used on site.

REASON

In the interests of the visual amenities of the area

- 8 Notwithstanding condition 4, no development shall take place until details of the boundary treatments, including that adjacent to number 39 Plough Hill Road have first been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved treatments and no house shall be occupied until the approved treatments have been fully completed.

REASON

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

- 9 No development shall begin on site until drainage works including surface water drainage and foul sewers and drainage of all areas of hardstanding have been carried out in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. None of the dwellings hereby permitted shall be occupied until all of the approved drainage works have been fully implemented to the written satisfaction of the Authority.

REASON

In order to reduce the risks of flooding and pollution

- 10 No development shall commence on site until a scheme for the provision of adequate water supplies and fire hydrants necessary for fire fighting purposes have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until this provision has been fully made in accordance with the approved details.

REASON

In the interests of public safety.

- 11 The development hereby permitted shall not commence until full details of the site levels and finished floor levels of all properties have first been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

REASON

In the interests of the visual amenities of the area.

- 12 No development shall commence on site until the tree protection measures set out in the Tree Survey entitled "Tree Survey, Land adjacent to Fletchers Drift Lane, Nuneaton, CV10 0RJ" are in place in relation to the retained trees as shown on plan number 7113/02c. The protection measures shall remain in place throughout the demolition and construction phases of development.

REASON

In the interests of the visual amenities of the area.

- 13 No development shall take place until the whole site has been the subject of a detailed investigation and recording of contamination and risks to the development; its future use and surrounding environment. This shall be submitted to the Local Planning Authority and it shall contain written recommendations for the remediation of any contaminated areas of the site and protective measures to be incorporated into the dwellings.

REASON

In the interests of reducing the risk of pollution

- 14 No construction work shall commence on site until there has been written approval by the Local Planning Authority of remedial and protective measures as outlined in condition (13). The remediation works shall then be carried out in accordance with that approval.

REASON

In the interests of reducing the risk of pollution.

- 15 No construction work shall commence until a validation report has been submitted to the Local Planning Authority and approved in writing confirming that the remediation measures approved under condition (14) have been full completed.

REASON

In the interests of reducing the risk of pollution.

- 16 No house hereby approved shall be occupied until such time as any protective measures as approved under condition (13) have been fully implemented to the written satisfaction of the Local Planning Authority.

REASON

In order to reduce the risk of pollution.

Notes:

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through consideration of amended plans in order to address the planning issues arising from the application.

BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0699

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	16/11/15
2	Ansley Parish Council	Representation	18/11/15
3	Mrs Johnson	Objection	19/11/15
4	Head of DC	Letter	23/11/15
5	Mr & Mrs O'Rourke	Objection	26/11/15
6	The Coal Authority	Consultation	7/12/15
7	WCC Highways	Consultation	8/12/15
8	Mr Maskell	Objection	9/12/15
9	Agent	Letter	18/12/15
10	Warwickshire Museum	Consultation	23/12/15
11	Head of DC	Letter	5/1/16
12	Agent	Email	13/1/16
13	Severn Trent Water Ltd	Consultation	29/1/16
14	Mr Cook	Objection	29/1/16
15	Agent	Email	16/2/16
16	Agent	Email	17/3/16

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 A



a) Application No PAP/2015/0679

Land North East of The Beanstalk, Gypsy Lane, Birch Coppice Distribution Park, Dordon

Erection of an industrial/warehouse unit (Use Classes B1c/B2/B8) with ancillary offices and plant, associated infrastructure including service yard, access, parking, landscaping and associated works for

IM Properties Development Ltd

b) Application No PAP/2015/0745

Land South of Berry House, Gypsy Lane, Dordon

Residential development (14 houses) with an improved access and new road for

Mr and Mrs Kerrigan

Introduction

These two applications are to be reported together because they are on adjoining sites south of the Watling Street in Dordon. Whilst each application will need to be determined separately on their own merits, there may well be impacts arising from them which will affect the other. Members will thus have to be aware of the relationship between the two development proposals.

At the time of writing this report, there are outstanding responses needed from the County Council as Highway Authority. It is understood that these will be received prior to the date of the meeting. In order therefore to allow for this, the full written report on the cases will be circulated later, as soon as is possible.

Agenda Item No 5

Planning and Development Board

11 April 2016

**Report of the
Head of Development Control**

**High Hedge Remedial Notice
Tudor Cottage, Trinity Road,
Kingsbury**

1 Summary

- 1.1 Following non-compliance with a High Hedge Remedial Notice, the Board authorised formal action in the Courts. Since then the owner has undertaken further works and the Board is now asked to consider what course it should take.

Recommendation to the Board

That the Council considers that it is not in the public interest to pursue this matter for the reasons set out in this report.

2 Background

- 2.1 The Council issued a High Hedge Remedial Notice in early 2015 in respect of three lengths of hedge surrounding the rear garden of Tudor Cottage in Trinity Road, Kingsbury. The Notice is attached at Appendix 1, which also includes a plan identifying the lengths of hedge involved.
- 2.2 There was partial compliance with the Notice with some reduction in the height of the length between points B and C on the plan but with no works to the other two. This was referred to the Board at its February meeting and it resolved that the Solicitor to the Council be authorised to take legal action through the Magistrates' Court in view of the non-compliance.
- 2.3 Following that resolution, the owner of the property did undertake further work and the site was inspected shortly afterwards. This revealed that the length of hedgerow between A and B on the plan had been reduced to 4 metres in height, thus complying with the Notice requirement; that the length of hedge between B and C on the plan had been reduced to 2.8 metres, 0.3 metres above the requirement, and that the hedge between C and D on the plan had been reduced to 7 metres, complying with the Notice requirement. In conclusion therefore the Notice has been complied with apart from the length between B and C which was found to be 0.3 metres too tall.

- 2.4 The matter is referred back to the Board for it to consider its previous resolution to prosecute the owner.

Both the owner of Tudor Cottage and the occupier of 2a Sycamore Avenue have been invited to address the meeting.

3 **Representations**

- 3.1 Number 2a Sycamore Avenue backs onto the site and is affected by the length of hedgerow between B and C – see the plan. The owner has made representations to the Council requesting that the prosecution continues as there is a factual non-compliance with the Notice. Alternatively if this course is not followed, that the Council itself enter the property and reduce the hedge along its length to the required height of 2.5 metres. The letter is attached as Appendix 2.

4 **Observations**

- 4.1 It is considered that it is not in the public interest to continue with a prosecution here. There are three reasons for this conclusion.
- 4.2 Firstly, the Notice requires initial compliance to a height of 2.5 metres, but there is an ongoing requirement that the hedge shall not exceed 3 metres. Hence even if the hedge were reduced by the further 0.3 metres, it can grow to 3 metres thereafter. In other words there is no benefit in that reduction. Secondly, the difference of 0.3 metres is unlikely to have an adverse or material impact on the residential amenity of the rear elevation or rear garden at 2a Sycamore Avenue. This view is supported by the fact that this length of hedge can be allowed to grow to 3 metres under the terms of the Notice. Finally, the Notice has to be read as a whole. There has been full compliance on two sides and almost full compliance on the third. The Notice thus has had the required effect in that the three sections of hedgerow have been significantly reduced.
- 4.3 The Council does have the power to enter the land and undertake the Notice requirements itself. The costs incurred are recovered from the owner or through a charge against the property. However there is no obligation to do take direct action. The Council thus has to exercise its discretion and that is best answered by looking at the question of whether such action is proportionate to the case. Here as indicated above, if it is not considered that prosecution should follow, direct action would be disproportionate.
- 4.4 Members should be aware that the Remedial Notice can remain in force and should the on-going requirements not be met, the possibility of formal action will again need to be considered.

5 **Recommendation**

5.1 That no further action be taken for the reasons set out in this report.

6 Report Implications

6.1 Finance and Value for Money Implications

6.1.1 There will be no implications should the Board resolve not to prosecute. If it does, then the costs would come from existing budgets and if successful there may costs applicable. However if direct action is taken there will be an additional cost which can be reclaimed from the owner of the property.

6.2 Legal and Human Rights Implications

6.2.1 The occupier of the premises affected by the Notice can defend any action in the Courts. The neighbour can proceed to complain to the Local Government Ombudsman should he wish to further his representation if the Council resolves not to prosecute.

6.3 Environment and Sustainability Implications

6.3.1 There are no material impacts here on the wider environment or immediate setting.

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

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

Background Paper No	Author	Nature of Background Paper	Date

I certify that this is a true copy of the original, which has been seen by me
 Jane Ryan, Principal Solicitor, NWBC, The Council Hq
 South St, Alkington, CV9 1DE 16/2/15

REMEDIAL NOTICE

To be sent to the complainant and every owner and occupier of the land where the hedge is situated.

**IMPORTANT – THIS NOTICE AFFECTS THE PROPERTY AT TUDOR COTTAGE,
 TRINITY ROAD, KINGSBURY**

ANTI-SOCIAL BEHAVIOUR ACT 2003

REMEDIAL NOTICE

ISSUED BY: NORTH WARWICKSHIRE BOROUGH COUNCIL

1. THE NOTICE

This Notice is issued by the Council under section 69 of the Anti-Social Behaviour Act 2003 pursuant to a complaint about a high hedge situated at Tudor Cottage, Trinity Road, Kingsbury. The Council has decided that the hedge in question is adversely affecting the reasonable enjoyment of the property at 2A Sycamore Road, Kingsbury and that action should be taken in relation to the hedge with a view to remedying the adverse effect and preventing its recurrence.

2. THE HEDGE TO WHICH THE NOTICE RELATES

The hedge in the rear garden of Tudor Cottage, Trinity Road, Kingsbury and marked red between points A, B, C & D on the attached plan. The hedge consists of Lawson Cypress with Leylandii trees in a continuous length with no gaps between each.

3. WHAT ACTION MUST BE TAKEN IN RELATION TO THE HEDGE

Initial Action

The Council requires the following steps to be taken in relation to the hedge before the end of the period specified in paragraph 4 below:

- (i) That the hedge between points A & B be cut to a maximum of 4 metres in height from the existing ground levels at Tudor Cottage, Trinity Road, Kingsbury (The Property).
- (ii) That the hedge between points B & C be cut to a maximum of 2.5 metres in height from the existing ground levels at The Property.
- (iii) That the hedge between points C & D be cut to a maximum of 7 metres in height from the existing ground levels at The Property.

Preventative Action

- (i) Following the reduction in the height of the hedge between points A & B as specified at 3(i) above, the hedge shall thereafter be maintained below a maximum height of 4.5 metres from the existing ground levels at The Property;
- (ii) Following the reduction in the height of the hedge between points B & C as specified at 3(ii) above, the hedge shall thereafter be maintained below a maximum height of 3 metres from the existing ground levels at The Property;

- (iii) Following the reduction in the height of the hedge between points C & D as specified at 3(iii) above, the hedge shall thereafter be maintained below a maximum height of 8 metres from the existing ground levels at The Property;

Informatives

All works should be carried out in accordance with good arboricultural practice/BS 3998: 'Recommendations for Tree Work.'

It is recommended that skilled contractors be employed to carry out this specialist work. For a list of approved contractors to carry out works on trees and hedges, see the Arboricultural Association's website at www.trees.org.uk.

In taking the action specified in this Notice, special care should be taken not to disturb wild animals that are protected by the Wildlife and Countryside Act 1981. This includes birds and bats that nest or roost in trees.

4. TIME FOR COMPLIANCE

- (i) Within 6 months of the date specified in paragraph 5 of this Notice the hedge shall be reduced to the heights specified at 3 (i), (ii), & (iii) above.

5. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 17th March 2015

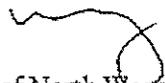
6. FAILURE TO COMPLY WITH THE NOTICE

Failure by any person who, at the relevant time, is an owner or occupier of the land where the portion of the hedge specified in paragraph 2 above is situated:

- a) to take action in accordance with steps (i) (ii) & (iii) – Initial Action specified in paragraph 3 above within the period specified in paragraph 4; or,
b) to take action in accordance with steps (i) (ii) & (iii) – Preventative Action also specified in paragraph 3 above by any time stated there;

may result in prosecution in the Magistrates Court with a fine of up to £1,000. The Council also has power, in these circumstances, to enter the land where the hedge is situated and carry out the specified works. The Council may use these powers whether or not a prosecution is brought. The costs of such works will be recovered from the owner or occupier of the land.

Dated: 16th February 2015

Signed: 

on behalf of North Warwickshire Borough Council

RIGHT OF APPEAL

The complainant and everyone who is an owner or occupier of the land where the hedge is situated, that is Mr John Simpson and Vassilis Alexandrou, Amdroulla Alexandrou, Georgios Alexandrou, Chelsea Smith, can appeal to the Planning Inspectorate against the issue of the remedial notice. Further information is in the leaflet 'High hedges: appealing against the Council's decision,' a copy of which is enclosed. An appeal must be submitted to the

Planning Inspectorate, on their official form, within 28 days from the date of this letter. The form is available on the Planning Inspectorate website at www.planning-inspectorate.gov.uk or from:

High Hedges Appeals Team
Planning Inspectorate
Room 3/25 Hawk Wing
Temple Quay House
2 The Square
Temple Quay
Bristol. BS1 6PN
Telephone: 0303 444 5584
e-mail: environment.appeals@pins.gsi.pins.gsi.gov.uk

An appeal can be made on any one or more of the following grounds:

- that the action specified in the remedial notice falls short of what is needed to remedy the adverse effect of the hedge or to prevent it recurring;
- that, contrary to the decision of the Council, the hedge in question is not adversely affecting the complainant's reasonable enjoyment of their property;
- that the action specified in the remedial notice exceeds what is reasonably necessary or appropriate to remedy the adverse effect of the hedge or to prevent it recurring; or
- that not enough time has been allowed to carry out the works set out in the notice.

Map Title

EC/VI



Bridgehav

Southerrest

Tudor Cottage

Evergreen House

Yewtree House

Orchard House

Hilton House

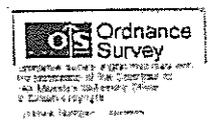
76.2m

76.2m

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SCALE 1:500

Tel +44 (0)1438 747885
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Mr. J. Brown
Head of Development Control Service
North Warwickshire Borough Council
The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

14th March 2016

Dear Mr. Brown

High Hedge Complaint
Tudor Cottage, Trinity Road, Kingsbury

I refer to your letter dated 3rd March 2016 concerning the above.

Before I explain the basis of my complaint my wife and I wish to thank the Council for their assistance in this matter. We are certain that the hedges would not have been cut without this intervention, and we appreciate that the Notice issued included adjacent high hedges which did not form part of our original application.

My complaint is based on the following.

There is no alternative appeal procedure available which would to my mind be more appropriate.

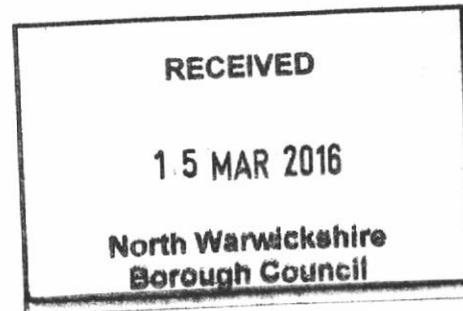
The Remedial Notice was not complied with within the six months specified ending 17th September 2015,

About three months ago the hedge (section B to C) along our boundary was cut to a height of about 10 ft. rather than the 2.5 metres (8ft.) required under the Notice. The other sections mentioned in the Notice were not cut. I informed Mr. Gittins of this at the time however you do not mention it in your letter.

About three weeks ago the hedge (section C to D) was cut to 7 metres to comply with the Notice, hedge (section A to B) was cut to about 5.5 metres rather than the 4 metres required under the Notice, and the hedge (section B to C) was cut to 2.8 metres rather than the 2.5 metres required under the Notice.

A day or so later the hedge (section A to B) was cut to 4 metres to comply with the Notice but the crucial hedge, the subject of my original application, was left at 2.8 metres. Mr. Gittins informed me that my neighbor blamed the Contractor for this saying that he thought it was near enough and that he would not make any further cuts.

The Contractor was no doubt instructed by my neighbor regarding the work required on the three occasions mentioned above however at no time did the work comply with the Notice. Indeed it is difficult to imagine that any Contractor would be unable to



measure 2.5 metres from the ground and would make such fundamental and obvious errors. The hedge that was cut to 2.8 metres rather than 2.5 metres, that is 9 ft. rather than 8 ft. in old money, can hardly be regarded as a trivial mistake, and the extra reduction in height would make a significant additional improvement to the garden. I am aware that the Regulations governing this matter provide generally for reductions in height of not less than 2 metres and I had hoped that the Council would have directed a height (section B to C) lower than 2.5 to 3 metres . I am keen therefore that the Notice should be fully complied with.

I can understand that substantial requirements of the notice have been met, albeit tortuously, and the Council's Planning and Development Board may agree with you that it may not be in the public interest to pursue full compliance through the Courts. No doubt, however, it remains the Council's wish that the Notice is complied with in its entirety. It would seem reasonable therefore to continue the current strategy not only as it appears to be having the desired effect but also because my neighbour has not actually refused compliance with the Notice rather implicating the Contractor.

I am presuming that your reference to public interest relates to the disproportionate cost to the Council of Court action at this time for little gain, and not to the more reasonable cost of other approaches available to the Council. If this is the case, in addition to the option of continuing the present strategy may I suggest that the Board might consider the most cost effective alternative afforded under the Regulations, that is unless the outstanding work is carried out by a certain date Council operatives will enter the property and cut the hedge, and that my neighbour will be charged the Council's costs accordingly. The Board may agree this to be appropriate in view of the circumstances which I have mentioned above. The facts speak for themselves.

The current situation is that to comply with the Notice the hedge (section B to C), crucially the subject of my original complaint, and comprising 8 trees, each 9ft. high with trunks about 6 ins. in diameter, need to be reduced to 8ft. in height. This could be done by a Contractor at little cost to my neighbour and potentially at no cost to the Borough Council.

I await the decision of the Planning and Development Board.

Yours sincerely



John Simpson

Mr. J R Simpson
2A Sycamore Road
Kingsbury
Tamworth
B78 2JE

Agenda Item No 6

Planning and Development Board

11 April 2016

**Report of the
Head of Development Control**

**Tree Preservation Order
60 Spring Hill
Arley**

1 Summary

- 1.1 Following the receipt of an objection to the making of this Order, the Board requested a review of the process involved and thus the matter was deferred. It is now brought back to the Board.

Recommendation to the Board

That the Tree Preservation Order made in respect of 1 Turkey Oak, 6 English Oaks and a group of 8 Scots Pine trees, at the above address be confirmed without modification.

2 Background

- 2.1 The Council's Tree Officer was consulted following receipt of an application for felling of trees protected by a Tree Preservation Order on 8 October 2015 at this property. The application was subsequently revised to one of maintenance works only, in accordance with the Arboriculturalist report submitted with the application. The proposed maintenance works were approved on 15 December 2015.
- 2.2 At the time of the Tree Officer's initial inspection it was identified that many of the trees were incorrectly plotted on the existing Tree Preservation Order 713.002/4, dated 11/11/1988. It was therefore agreed that the trees should be accurately plotted using GIS mapping and that a new Tree Evaluation Method for Preservation Order (TEMPO), be undertaken to re-assess the trees. The TEMPO identified that a number of Scots Pines on the site were now also worthy of protection.
- 2.3 A report was presented to the Board in December 2015 that a Tree Preservation Order be made, in respect of 1 Turkey Oak, 6 English Oaks and a group of 8 Scots Pine trees, and that any representations received be referred to the Board for it to consider whether to make the Order permanent. The Order was made on 7 January 2016 and was served on 12 January 2016. It applies in provisional form until 7 July 2016.
- 2.4 The required minimum period for representations by interested parties in respect of this Tree Preservation Order expired on the 15th February 2016.

One representation was received from the owner of the site on the 2nd February 2016.

3 Observations

- 3.1 The Council's Solicitor is satisfied that the Council has complied with the legislative requirements with regards to notifying adjoining owners/occupiers.
- 3.2 One representation has been received from the owner in response to the Council making the Tree Preservation Order. The concerns were that the Scots Pines numbered T10, T11, T12, T13, T14 and T15 had been included in this Order, as their inclusion would result in additional cost for maintenance of the trees on the site and adjacent to the site. The owner is also concerned that the Tree Officer did not make him aware that the additional group of Scots Pine trees was being considered for inclusion in the Tree Preservation Order at the time of the inspection.
- 3.3 This representation was referred to the Council's Tree Officer who has provided a response. It was advised that the trees numbered T10, T11, T12, T13, T14 and T15 are to be included in the Tree Preservation Order (TPO) as it is considered to be expedient in the interest of amenity to protect them. This is because the amenity assessment of the trees identifies them as worthy of protection along with the other trees on site. With regards to extra finances, the planning authority cannot require maintenance work to be done to a tree just because it is protected. However, the authority can encourage good tree management and offer arboricultural advice which will help to inform tree owners of their responsibilities and options. He concludes that it is always good practice to review a TPO in order to make sure it is still fit for purpose.
- 3.4 The owner of the site considers that the County Tree Officer behaved in an "underhand way" when the Scots Pines were considered for inclusion on the updated report. The previous tree preservation order had been identified as being out of date, and it was therefore necessary to update the tree protection order on the site. In updating the tree preservation order, it is reasonable and proper that all trees on the site be considered. The owner was co-operative in the updating of the tree protection order, as he considered that the order should be re-considered given that the original order was dated 1988 and is therefore 28 years old. The condition of the trees that are subject to the existing tree preservation order has also been considered in 2001, 2002 and 2005 when applications were made for works to the protected trees. The applicant has unsuccessfully applied for one or more of the protected trees to be felled in 2001, 2005 and 2015.
- 3.5 The Tree Officer is under no obligation to let the owner know that an Order might be considered. He advises the Local Authority on the merits of the making an Order and it is up to that Authority to make a decision, not the Tree Officer. It is also common practice to deal with these reports in the confidential section of the Agenda and for emergency Orders to be made because there is always the risk that trees might be felled.

4 Report Implications

4.1 Legal and Human Rights Implications

- 4.1.1 The owners of the land have been given the opportunity to make representations to the Council before the Order is confirmed as being permanent. Following a response from the owners of the land they are aware that a tree preservation order is recommended by the tree officer to be permanent.
- 4.1.2 The trees to be protected exhibit significant amenity value for both the present and the future given the prominent location on the edge of the rural village of Arley within the Green Belt.

The Contact Officer for this report is Christina Fortune (719481)

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date
Memo	NWBC Principal Solicitor	Copy of representation received	25 Jan. 2016
Email	NWBC Tree Officer	Instruction of response to representations author	15 Feb. 2016

Agenda Item No 7

Planning and Development Board

11 April 2016

**Report of the
Head of Development Control**

**Technical Consultation on the
Implementation of Planning
Changes**

1 Summary

- 1.1 Following the publication of the Housing and Planning Bill and the subsequent consultation on the proposed consequential changes to the National Planning Policy Framework, the Government has now published a further consultation on a series of proposed substantial procedural changes. The Council is invited to respond.

Recommendation to the Board

That the Council responds to the consultation paper as set out in the report together with any other matters raised by the Board.

2 Background

- 2.1 Following the publication of the Housing and Planning Bill last year, the Government issued a consultation paper on its proposed consequential changes to the National Planning Policy Framework – (the “NPPF”). These were referred to the Board at its January meeting. The Government has now issued a second consultation paper which provides far more of the details behind the major changes proposed in the Bill. These changes are substantial, not merely technical alterations to procedures
- 2.2 It is proposed to run through each of the sections of the consultation in turn first setting out the proposals and then providing a commentary. The full document can be viewed on the DCLG website.

3 Planning Fees

- 3.1 Members will know that these are set nationally and that the last increase was back in 2012. There was also the intention at that time to enable Local Planning Authorities to set their own fees. The intention now is to radically reform fees, but only where there is an associated improvement in service.

A national fee increase is being proposed – on an annual basis in line with inflation – but only where it is linked to performance. Hence that fee increase would only apply to those Planning Authorities that perform “well”. That

measure is open for consideration. Alternatives are set out in the paper. The first would be that the fee increases would not apply, if an Authority's handling of major applications did not meet specified targets. The second would be that the increases would not apply to the "bottom" 25% of Authorities on the speed and quality targets that are already in place. The Government wishes to introduce the increases as soon as possible, even if that means that currently "under-performing" Authorities are not able to benefit immediately. They could only charge the increased fee, once they met the agreed targets. If these proposals are followed through then "local fee setting" would not be introduced.

- 3.2 However some "local" flexibility might be allowed. Options include paying extra for a "fast track service", or the provision of applicants going to "alternative providers" – see below. Before introducing any local system, the Government will require consultation with the local business community and Local Enterprise Partnerships.
- 3.3 This is all about rewarding "good" Authorities – in the Government's eyes this is speedy decisions and unnecessary appeals. It is important to North Warwickshire that we benefit from any fee increase – particularly given our prospective growth agenda for the Borough. At present we are not vulnerable in terms of us not meeting either of the alternative proposed measures for "good performance" as set out above. However this can easily change if whichever measure that is adopted, is made "tighter" by raising the target thresholds. A watchful eye therefore has to be kept on performance across the whole range of planning applications. This means that we have to fully utilise the adopted Scheme of Delegation; extend requests for applicants to voluntarily extend time periods, reduce the likelihood of deferrals at Board and specifically to not extend consultation periods unless absolutely necessary.

4 Permission in Principle

- 4.1 The current Bill is proposing a new "permission in principle" application route for obtaining planning permission. In short this would only apply to allocated sites in Local Plans; sites in brownfield registers and for minor sites on application to the Authority. In effect it would replace outline applications in these instances. A subsequent Technical Details Consent would be needed for these sites, thus replacing the existing "reserved matters" planning applications. In terms of the allocated sites then this would not apply retrospectively, but only to sites in newly adopted Plans and the allocations too must contain "prescribed particulars" for the site. This is because the permission in principle would not contain planning conditions. These "particulars" could then not be re-negotiated in the subsequent detailed stages. Section 106 Obligations; CIL calculations and planning conditions would only be introduced at this "technical" stage. Confusingly, the "permission in principle" application need not apply to all allocated sites and Authorities would have to distinguish between these and those which would still be the subject of normal outline applications. Existing outline and

reserved matters applications and procedures would be available for all other developments and sites.

- 4.2 As indicated above “minor sites” too might come under this new approach.
- 4.3 It is recommended that there be public and statutory consultation on these “permission in principle” applications, but importantly that there would be no mandatory public consultation on the subsequent Technical Details applications. This would be left to the discretion of each Authority.
- 4.4 All applications for “permission in principle” and the “Technical Details Consent” would be subject to determination periods of five weeks and ten weeks respectively.
- 4.5 Whilst it is understood that decisions should be made swiftly and that certainty is important to the development industry, these proposals have the probability to introduce confusion and to exclude full local involvement. The proposals add two further types of application to an already “reformed” system and there again is little clarity as to how procedures would change apart from there being a much shortened determination period. The proposals are also inconsistent, as a “permission in principle” application would not relate to all site allocations, just some. We would also have a situation where these consents would not have any conditions, but running parallel with the existing outline planning application, where there are defining conditions. The Technical Consent Application is considered to be very difficult to consider in operation. Having statutory consultations and Section 106 matters left to this stage will introduce delay. It is all very well saying that a site has permission in principle for say housing, but as Members know the detail of that development is very much the concern of the statutory consultees and the local community. Limiting consultation at this stage and introducing tighter targets will have significant local issues.
- 4.6 The tighter determination periods too will impact on the Council’s ability to benefit from the planned increase in fees. Hasty or immediate decision making on substantial planning proposals is not considered to be in the interests of the Local Planning Authority.

5 Brownfield Registers

- 5.1 The Government has already expressed a commitment to have brownfield land brought back into use as soon as possible. It thus requires 90% of all suitable brownfield land to have residential planning permission by 2020. Brownfield Registers will provide the identification of these sites and it sees that the “permission in principle” approach as explained above will then apply. However the “prescribed particulars” will not apply. Local Development Orders will be seen as the quickest alternative mechanism for the grant of planning permission rather than rely on the normal application process. The content of the Registers would be the subject of consultation.

- 5.2 Again this proposal introduces a new set of procedures and considerations. We all agree that brown field sites should be developed as a priority and that proposals should be delivered, but the proposals here again add confusion and potentially limit the opportunity for local communities to comment and to assist in the management of new development on these sites.

6 Small Sites Register

- 6.1 In addition, the Government is proposing that Authorities also keep a Small Sites Register for self-builds and custom house building – for developments of between one and four dwellings.
- 6.2 The preparation of the register may not be that onerous but again a different planning system would apply for prospective applicants on these sites than the present application arrangements

7 Neighbourhood Planning

- 7.1 The Government wishes to speed up the whole process for Neighbourhood Planning. Presently where designation is now sought, the Authority has eight weeks in which to decide to designate. The proposal is that the Authority can no longer intervene if the designation sought is for the whole of the Parish, or, if there is no decision within the eight weeks, for a different area. In respect of the decision to set up a Referendum, then present practice varies from between four or five weeks from receipt of the Examiner's Report to three months. The Government proposes a period of five weeks with the Referendum following in the next ten weeks. There are exceptions but the general approach is to proceed quickly.
- 7.2 This is clearly a measure to speed up the neighbourhood plan system; to reduce the Authority's ability to intervene so that these Plans can in effect have greater weight in the planning process at an earlier stage. This should not affect the Borough Council other than to add pressure to the current administration of the process.

8 Local Plans

- 8.1 The Government has explicitly announced in the Planning and Housing Bill that it will intervene if Authorities do not have adopted Local Plans by 2017. That intervention would be where there is under-delivery in areas of "high housing pressure"; where least progress has been made – e.g. progress against an adopted Local Development Scheme, where plans are not up to date and where intervention will have the greatest impact in accelerating plan production.

The Borough Council is well-placed in respect of potential Government intervention. We have an adopted Core Strategy and recently a new Local Development Scheme has been agreed to forward our move towards updating and expanding that Core Strategy to take account of the growth agenda. There is no definition in the consultation paper as to what constitutes

a “high housing pressure” area, but the size of the housing growth being proposed by our Metropolitan neighbours suggests that we may be. It is thus very important that the Council meets the timetable as set out in its new Local Development Scheme. Slippage here may attract attention.

9 Planning Performance

9.1 The Government already publishes targets for the speed of decision making and the quality of those decisions. Failure to perform can result in “designation” and those Authorities affected, having their planning decisions taken by the Planning Inspectorate, if an applicant wishes to do so. The Government is proposing to widen the scope of the targets so as to include the speed of decision on non-major applications. All targets are however to be revised:

- For major developments – 50% decided within 13 weeks and 10% of decisions on applications overturned at appeal.
- For non-major developments – 60 to 70% within eight weeks and 10-20% of decisions overturned at appeal.

9.2 As indicated above it was stated that we are not presently vulnerable when these new targets are introduced. However it will always be necessary to consider how we can “perform”, so as not to allow us to fall below these levels. This does mean that all levels of decision making need to be constantly under review.

10 Alternative Providers

10.1 The Government wishes to test competition between Authorities in the processing of planning applications. It specifically draws a parallel with Building Control where approved inspectors compete with Local Authorities. The Government thus is proposing a pilot scheme in specified geographic areas and for a limited period. The proposal is to introduce competition so as to break their monopoly on the processing of planning applications. Thus in these pilot schemes, applicants could apply either to the Local Planning Authority for the area, or to an “approved provider”. That provider would process the application as an Authority would do and then make a recommendation to the Authority who would then determine the application. That recommendation would be made by the provider, not an Authority officer. The decision would however have to be made within two weeks of the receipt of the recommendation. The details show that an “approved provider” could be another Local Planning Authority or “a person who is considered to have the expertise to manage the processing of a planning application”. The scope of the proposals are presently left open – whether to introduce competition just for major applications or for all types of application. It would be for the Authority and the “approved provider” to set their own fees in the test areas. The fee would then be paid either to the Authority dealing with the application or the alternative provider. The proposals require a free flow of information between the Authority and the alternative provider if the latter is handling the application.

10.2 These are clearly the most controversial of all of the proposals in the consultation paper. Planning professional groups and Local Government organisations are responding to point out the benefits of the current arrangements in terms of local planning, personal, community and political knowledge and understanding that it holds – the “localism” card - as well as the dangers that competition can bring, particularly to the smaller Planning Authorities. Members may wish to comment on this particular proposal

11 **Financial Considerations**

11.1 The Government considers that the potential financial benefits of planning proposals are not always made public during the decision making process. The proposal is thus to place a statutory duty on Authorities to ensure that planning reports explicitly set out the financial benefits that are likely to accrue as a consequence of an approval – e.g. sums under the Community Infrastructure Levy and grants from central Government such as the New Homes Bonus. The proposals go further by suggesting that Council tax revenue; Business rates revenue and Section 106 payments should also be made explicit and that these are taken into account in the decision making process. In other words they might outweigh any planning objections.

11.3 There is some discomfort here as the planning system to date has always been objective in its decision making because it is plan-led. This proposal would remove that objectivity and perhaps increase the risks for mistrust and the likelihood of challenge against any decision.

12 **Section 106 Dispute Resolution**

12.1 Whilst it is accepted that 106 Agreements are important, the Government considers that they do cause delay in the determination of applications and thus increase costs all round. The proposal is thus to set up a body on behalf of the Secretary of State to provide a binding report setting out appropriate terms for Agreements where there is dispute between the parties. The trigger for referral would be from either party but would have to be before expiry of the statutory eight or thirteen week determination period. The Government is seeking advice on the scope of referral – either just for major applications or for other types of application. There would likely be a fee to be paid for this service. Target resolution periods of four weeks are suggested.

12.2 Speeding up the process of negotiating Agreements is welcomed in principle but this proposal would set up another tier of decision making; provide almost a default referral because of the short period of time to trigger referral and restrict local decision making. Perhaps any referral system should be the case when both parties agree to take that course and if the Agreement is the only area of disagreement between them – in other words there is a resolution of grant a permission but its completion is being held up through protracted Section 106 discussion.

13 **Permitted Development Rights**

- 13.1 The Government is committed to open at least 500 new state-funded free schools by 2020. Current permitted development rights are thus to be expanded not only in terms of the range of buildings that can be used but also the length of time that they can take advantage of this benefit
- 13.2 This particular form of development has not yet been seen in the Borough and is probably only likely to give rise to a very small number of cases.

14 Statutory Consultations

- 14.1 At present the Statutory consultees have to provide a substantive response in 21 days to applications referred to them by Planning Authorities. Experience shows that many consultees request additional information on which to make that response, thus extending the 21 day return period. The Government wants to reduce any extension to 14 days.
- 14.2 Whilst the thrust of this proposal is seen as a positive move, there are real practical difficulties here. The Council is heavily dependent on these Statutory consultees – mainly the County Council for highway and flooding advice. There are known serious capacity problems here at present and there are consequential delays in getting responses. This proposal will increase pressure on the consultees and that might result in there being less referrals as consultees only ask to comment on major proposals and greater use of standard conditions. This is not welcome as it is very often the details and the technical details of the proposal that cause real local concern in terms of impacts – even with minor development proposals. This is particularly the case where growth is proposed and its impact is felt on a rural infrastructure.

15 Report Implications

15.1 Finance and Value for Money Implications

- 15.1.1 There is a real incentive to the Council to ensure good performance so as to benefit from annual planning fee increases. This is because with the scale of potential growth in the Borough those fees are going to be substantial.
- 15.1.2 There would be a serious challenge to the Council if the pilot schemes for alternative providers involves this Council in terms of the financial, planning and administrative way in which we would approach such a change in approach. Lessons can be learnt from the present Building Control Partnership and the operation of the Local Land Charges service.
- 15.1.3 The explicit recognition of financial benefits arising for development proposals will involve further explanation from financial colleagues in the planning system and the reporting of applications to the Board.

15.2 Sustainability and Environmental Implications

15.2.1 With the Core Strategy in place and provided progress is made in line with the Local Development, there should be no adverse implications as these proposals affect procedure rather than policy. The one concern is where financial implications might be given extra weight in a case where the planning issues are finely balanced.

15.3 Legal and Human Rights Implications

15.3.1 There is concern that the continuing approach of speeding the process reduces the involvement of the local community and places too much emphasis on performance as opposed to the actual outcome.

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

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

Background Paper No	Author	Nature of Background Paper	Date
1	DCLG	Consultation	Feb 2016

Agenda Item No 8

Planning and Development Board

11 April 2016

Report of the Head of Development Control

Corporate Plan Targets 2015/16

1 Summary

- 1.1 This report describes the action taken on a number of targets as set out in the 2015/16 Corporate Plan.

Recommendation to the Board

That the Board notes the report and be invited to make any observations.

2 Background

- 2.1 There are on-going targets set out in the current Corporate Plan which require monitoring at the end of March 2016. The most convenient approach to do so is through this annual report on how each is progressing.
- 2.2 Members will be aware of the substantial change in the planning environment in which they are now determining applications. Forthcoming proposals as reported to the Board during the year will further affect this. The Council's "planning" priorities as set out in the Corporate Plan are thus increasingly under pressure.

3 Development Management

- 3.1 The first target is to "manage development so as to deliver the priorities of the Councils Corporate Plan and its Sustainable Community Strategy". Members will know that the approach here is to show that the service can manage development proposals such that they are best placed in the best possible position to benefit from the granting of planning permission, rather than just being refused. This is very much the service adding value to submitted development proposals such that they are better able to achieve the Council's priorities and objectives. This can be achieved in a number of ways – engagement in pre-application discussion, pre-application public consultation, resolving technical details with other Agencies through negotiation and discussion, seeking amendments to plans and the use of planning conditions and Section 106 Agreements. Members are familiar with all of these activities. That being said, Members should always remember that decisions to refuse planning permission should always continue to be taken where there is clear

and strong evidence to support them, either where there is significant and demonstrable harm, or because they clearly do not accord with the Development Plan.

- 3.2 Members will know that they regularly receive presentations given by developers themselves on their potential proposals in North Warwickshire. There have also been a number of local exhibitions such that local communities can become involved in pre-application discussion – e.g. housing proposals at Fillongley and Nether Whitacre. Members have also undertaken several site visits – e.g. Solar Farm sites at Merevale and Dordon; housing sites at Nether Whitacre, the recent visits to Arley and Haunton for poultry units and the visit to JLR at Solihull. Members have influenced development through the use of planning conditions and the terms of Section 106 Agreements. The Design Champions are often active in requesting changes to submitted schemes – for example recent meetings on housing schemes and local Members looking at the detail of proposals for The Angel in Atherstone.
- 3.3 Whilst much of the above active involvement positively assists in the management of development proposals, there are other examples of the Board refusing planning permission where there is harm to the Council's priorities and objectives – a different form of development management. Examples include refusals of wind turbines and solar farms where there would be adverse landscape impacts; refusals of unsuitable development in Conservation Areas such as in Atherstone, where there would be significant impacts on the openness of the Green Belt such as at Daw Mill and where new housing development might harm rural character such as at Ansley.
- 3.4 It is also worth noting that the establishment of Local Liaison Groups to manage any on-going concerns following new development is a further contribution to the on-going management of development – e.g. the Heart of England and JLR at Baxterley.
- 3.5 As far as the Corporate Plan and Sustainable Community Strategy are concerned then the Board is bringing employment opportunities to the Borough through the grant of permissions – e.g. at the St Modwen development west of the M42; the implementation of Phase 3 at Birch Coppice and further developments on the remaining vacant plots at Hams Hall. The Board is active in attempting to secure a wider range of jobs through negotiation and a move away from the more speculative type of open planning permissions. Alternative uses on established industrial estates and promoting employment provision as a benefit in the service sector are also increasingly being seen as positive outcomes – e.g. employment opportunities at the care homes in Mancetter and Dordon for example. Where possible the use of Section 106 Agreements is used to promote and enable skills training opportunities for the benefit of local people – e.g. on Birch Coppice and at the St Modwen's site.
- 3.6 The Council has seen a marked upturn in housing proposals during the year with a steadily increasing housing supply. Importantly there is still affordable housing being approved – e.g. at Dordon and Corley recently - but

opportunities are becoming increasingly limited, either confined to the Council's own land or to the larger development sites. Off-site contributions are material but these too are becoming limited to just the larger sites. There has also been an innovative measure adopted – the Council acquiring new houses at Polesworth to manage itself rather than through on-site provision through a preferred provider.

- 3.7 The Council's Health and Well-Being objectives are being met directly through the provision of cycle and pedestrian routes for journeys to work via Section 106 Agreements and by contributions that can be used directly to enhance the Council's existing open space provision. The provision of open space within new developments and measures to maintain that space are increasingly being sought – e.g. at Spon Lane in Grendon and at St Helena in Polesworth. An interesting development has arisen with the Agreement associated with the solar farm at Merevale, where the community will benefit from environmental and community projects within the parish
- 3.8 The Council is fast moving into a period which will see significant new development. As such the management of development takes on a strategic or spatial level as it is important that the Council "shapes" and manages that development rather than just re-acts to it. The Council thus has the opportunity at the outset, to set out the "master-planning" issues for that development. This will shape layout; infrastructure provision and connectivity to existing developments. As such the Council's priorities and objectives can take on a clear spatial dimension which will then be applied in subsequent planning decisions. Members will become increasingly involved in this process over the next few years as we begin to lay out a vision for how to manage the forthcoming growth.
- 3.9 Members will have recently received reports on the Government's proposals to change the National Planning Framework in order to accommodate a growth agenda. The Council is in a good position to ensure that this challenge is met on our own terms through the work being done presently to update the Core Strategy and through the existing development management processes taking place on a day to day basis in the handing of planning applications.

4 Protecting the Green Belt

- 4.1 The target is to ensure that only appropriate development is permitted in the Green Belt. Decisions throughout the year have respected this – notably at Daw Mill – but there have been many other smaller cases. As indicated above, the Green Belt itself is under pressure from the Government's own proposed changes – particularly in giving greater flexibility on changes of use of buildings within the Green Belt as well as widening the very definition of what might be "appropriate" or not – e.g. starter homes. Additionally the growth agenda for North Warwickshire has given rise to the Council commissioning a Green Belt review. Therefore the challenge is to meet these external pressures. Decision making is thus going to become more difficult as the final assessment in many cases will be in the weight given to a variety of different issues. Reports that are brought to the Board are explicit in

explaining the process that the Planning Board should adopt in these cases and they outline the weights that are to be given to all of the planning considerations before making an assessment of their balance. This provides the Board with an explicit process which it should follow in all such cases. The outcome of the forthcoming review of the Core Strategy will be informed by the Green Belt review. Once adopted, that new Core Strategy – the new Local Plan for North Warwickshire – will carry substantial weight.

5 Design Champions

- 5.1 The two Members elected to assist in promoting good design are regularly involved in a number of cases, usually at their own request and changes that they request often go un-noticed or un-mentioned. However recently they have been involved in some shape or form with the Bloor Homes proposals at Atherstone; housing proposals in Nether Whitacre and Ansley together with meetings with architects and officers on proposals in Atherstone. It is very often the detail of the design that can make the difference between a good development and an average one. This has very much been the objective of the two Champions throughout the year.

6 Transport Links

- 6.1 Section 106 agreements are regularly used to promote bespoke transport arrangements so as to enable access to new employment opportunities – eg notably at Birch Coppice; the MIRA redevelopment in Hinckley and St Modwen's to the west of the M42.

7 Report Implications

7.1 Financial and Value for Money Implications

- 7.1.1 These actions in meeting the Corporate Plan targets all come from within existing budgets and the outcomes are very often a consequence of developer contributions as highlighted in the report.

7.2 Legal and Human Rights Implications

- 7.2.1 The decisions on planning applications and an assessment of the weights to be given to competing policies are made explicit in Board reports such that these decisions are transparent and proportionate. A legal challenge is thus unlikely. Refusals of planning permission can of course be appealed

7.3 Environment and Sustainability Implications

- 7.3.1 The Board works pro-actively with applicants to secure developments that improve the social, economic and environmental conditions of the area. That may on occasion lead to a refusal of planning permission

7.4 Links to Council Priorities

7.4.1 These actions all help to deliver the Council priorities relating to the environment, economic development and access to facilities. The Core Strategy and its forthcoming update are absolutely essential in ensuring that these priorities are delivered in a co-ordinated and managed way.

The Contact Officer for this report is Jeff Brown (719210).

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date

Agenda Item No 9

Planning and Development Board

11 April 2016

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

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

Agenda Item No 10

Breach of Planning Control - Hurley - Report of the Head of Development Control

Paragraph 6 – by reason of the need to consider the legal implications

Agenda Item No 11

Breach of Planning Control - Coleshill - Report of the Head of Development Control

Paragraph 6 – by reason of the need to consider appropriate legal action

Agenda Item No 12

Tree Preservation Order - Fillongley - Report of the Head of Development Control.

Paragraph 6 – by reason of the need to consider appropriate legal action

The Contact Officer for this report is David Harris (719222).