

## **Agenda Item No 4**

### **Planning and Development Board**

**15 June 2015**

### **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](http://www.northwarks.gov.uk).
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 13 July 2015 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/](http://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](mailto: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.

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## **General Development Applications**

**(1) Application No: PAP/2012/0556**

**2 Breeden Drive, Curdworth, Warwickshire, B76 9HJ**

**Erection of bungalow and associated works, for**

**Mr B O'Reilly**

### **Introduction**

This application is reported to the Board for determination as the discretion of the Head of Development Control.

### **The Site**

This is located on land to the east side of an existing dwelling at the corner of Breeden Drive and the Coleshill Road in the centre of Curdworth within a wholly residential area. It is presently open grass land with a small amount of landscaping but without fences.

The site is illustrated at Appendix A.

### **Background**

Planning permission was refused here in 2012 for the erection of a new house and a subsequent appeal was dismissed. A copy of the decision is at Appendix B. In short there was concern about the impacts of that proposed dwelling on the amenity of the area particularly on the adjoining property in Coleshill Road to the north.

### **The Proposals**

The present application seeks to overcome the reasons for the dismissed appeal through a proposed bungalow rather than a two storey house.

This would sit close to the gable of 2 Breeden Drive and have no dormers or roof lights in either its front or rear elevations. The applicant says that the roof too has been designed to have varying heights so as to reduce the impacts on the adjoining rear garden and rear elevation of the existing house in Coleshill Road. Two car parking spaces are proposed with access off Breeden Drive.

The height of the ridge as proposed is 6 metres and that of the refused dwelling was 8 metres. The distance from the rear elevation of the proposed bungalow to the joint boundary is 5 metres as was that of the refusal. The rear elevations too have the same length 8 metres

The original submission involved an off-site contribution towards affordable housing and this was the subject of discussion until the recent change in approach as set out by the Government in November 2014. The present submission contains no such contribution. Re-consultation has taken place because of this alteration.

A copy of the proposed layout is at Appendix A and a copy of the refused scheme with that now proposed is at Appendix C.

## **Representations**

At the time of the original submission the Curdworth Parish Council considered that sufficient detailed information was not available for it to comment on the application. There was concern about the impact on neighbouring property. No further comments have been received on the recent re-consultation.

At the time of the original submission there were three letters of objection from local residents.

The matters referred to include:

- Potential safety concerns because of the access location
- Visibility issues at the junction of Breeden Drive and Coleshill Road with any new fences.
- The detrimental impact on the openness of the area and on the adjoining house.
- The design does not reflect the local character in the area.
- Concern about construction arrangements
- Trees along the common ownership boundary are to be removed
- Overlooking

No further comments have been submitted as a consequence of the re-consultation.

## **Consultations**

Warwickshire Museum – No objection subject to a standard condition.

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

## **Development Plan**

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split of 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), ENV14 (Access Design) and TPT6 (Vehicle Parking)

## **Other Material Planning Considerations**

The National Planning Policy Framework 2012

Planning Contributions (Section 106 Planning Obligations) Nov 2014

## Observations

There is no objection in principle here as the site is within the development boundary defined for Curdworth in the Development Plan and because the Core Strategy requires a minimum of fifteen new houses in the village over the period 2014 to 2029. The development is thus sustainable development within a sustainable location. Moreover the new guidance published by the Government in late 2014 is a material planning consideration of significant weight. Hence there is no requirement here for the proposed bungalow to be affordable or for an off-site contribution to be requested in lieu. The key issues here are thus to do with the detail of the proposal and its potential impacts.

Two on-site car parking spaces are to be provided and this would meet the Council's standards. It is noticeable that the Highway Authority does not raise an objection. Neither did it with the earlier case which went to appeal. It considers that the proposed access is sufficient distance from the junction with the Coleshill Road and that there is adequate visibility at the junction even when a fence is erected. Additionally the Inspector when looking at this issue in the appeal case did not include a highway reason as one of those that led to the refusal. As a consequence standard conditions are recommended.

The proposed design is a bungalow and this would be at the end of a frontage of semi-detached and groups of connected houses with detached houses opposite. The area thus has a mixed appearance with the village hall on the other side of the road and the Beehive Public House nearby. The site is not in a Conservation Area and it is not close to any Listed Building. The last proposal was for a detached house here – Appendix C.

That was not refused on design grounds and indeed the Inspector made no reference to this in the decision letter even although the design too did not reflect the appearance of other houses in Breeden Drive. In all of these circumstances there is not considered to be a reason for refusal.

The most important issue here is the potential impact on the residential amenity of the property at the rear of the site. The appeal decision concentrated on this matter. This can be looked at in two ways. Firstly there is the potential for loss of daylight into the neighbour's rear garden. The overall footprint of the bungalow is the same as that of the refused house as its location within the site itself. The key differences are that the overall height is reduced from 8 to 6 metres and there are different roof lines such that the mass of the bungalow is less as a consequence of the change in approach. This is a material change and one that significantly reduces the risk of loss of daylight to the adjoining rear garden. Secondly there is the potential for loss of privacy as a consequence of the proposed fenestration. The amended scheme has no first floor windows and thus that immediately introduces a material difference. Indeed this perhaps now reverses the issue as it is the amenity of the future occupiers that might be affected as a consequence of over-looking from the first floor rear windows of the adjoining house. The detail of the boundary treatment here will also be important but this can be dealt with by condition. In all of these circumstances it is considered that there has been sufficient change so as to lead to a material improvement over the scheme dismissed at appeal.

## Recommendation

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

1. Standard Three year condition

### REASON

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

2. Standard plan numbers – 12069/01, 02 and 03 received on 13/11/13

### REASON

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

3. No development shall commence on site until details of all of the facing and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used.

### REASON

In the interests of the visual amenities of the area.

4. No development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

### REASON

In the interests of the potential archaeological interest in the site

5. No development shall commence on site until such time as full details of the proposed boundary treatments have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

### REASON

In the interests of the residential amenities of the area so as to protect privacy.

6. No development shall commence on site until such time as the lamp column between number 2 Breeden Drive and the proposed access has been relocated as not to be within 500mm of any vehicle access or the public highway carriageway.

REASON

In the interests of highway safety.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any other subsequent amendment, no additional opening shall be added to any roof elevation, or the approved roof design altered in any manner.

REASON

In the interests of protecting residential amenity.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any other subsequent amendment, no development in Classes A, B, C, D and E of Part 1 of Schedule 2 to that Order shall be undertaken.

REASON

In the interests of protecting residential amenity.

9. Two car parking spaces shall be retained on site at all times.

REASON

In the interests of highway safety.

10. The vehicular access to the site from Breeden Drive shall not be made within 10 metres of the Coleshill Road.

REASON

In the interests of highway safety

11. No development or landscaping shall be provided or grown at any time within a visibility splay measuring 2.4 by 25 metres on the northern side of the junction of Breeden Drive with Coleshill Road as measured from the near edge of the public highway carriageway.

REASON

In the interests of highway safety

## Notes

1. Attention is drawn to Sections 184 and 163 of the Highways Act 1980; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice. The vehicular access and removal of the lamp column will require approval from Warwickshire County Council as Highway Authority. Contact should be made with that Authority prior to any works commencing in order to gain the appropriate consents.
2. The Local Planning Authority has met the requirements of the NPPF in this case by discussing and negotiating planning issues with the applicant.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2012/0556

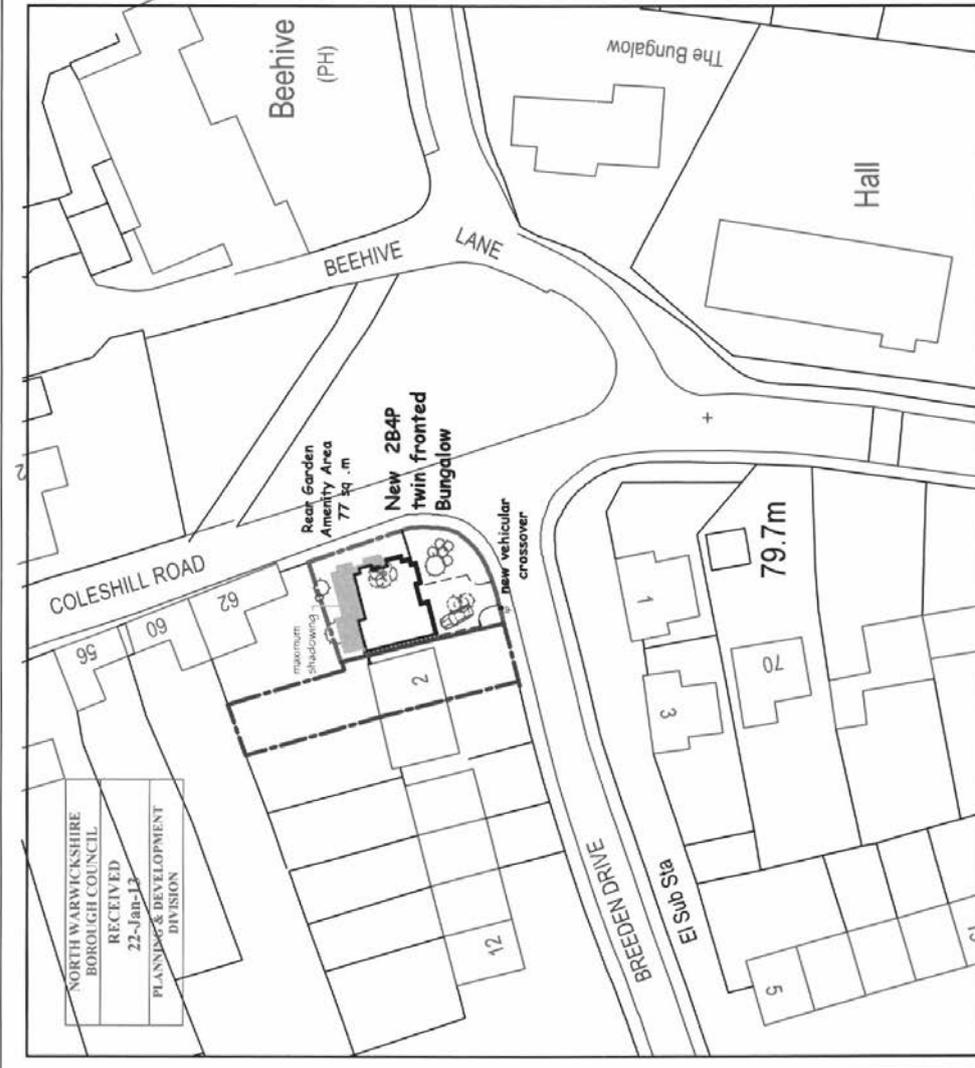
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	13/11/13
2	S Robinson	Objection	6/12/12
3	P Bryan	Objection	4/12/12
4	Curdworth Parish Council	Representation	17/12/12
5	G Pemberton	Objection	17/12/12
6	WCC Highways	Consultation	4/3/13
7	Warwickshire Museum	Consultation	28/12/12
8	Applicant	Letter	29/5/14
9	Applicant	Letter	30/4/15

*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.*



2012/0556



**1:500 Site Plan** Site Area New 274 sq m

**Proposed New Bungalow adjacent to 2 Breeden Drive Curdworth Sutton Coldfield**

Scale Bar



**C** This drawing is copyright and must not be reproduced without the prior written permission of the author. All dimensions should be taken from this drawing.



**1:1250 Location Plan**

**MATERIALS**

External surface materials, vehicular crossover and drive to be approved of the Local Planning Authority

Landscape to be approved of the Local Planning Authority



This office (including the above) is situated at 2 Breeden Drive Sutton Coldfield B67 1JG

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COMMERCIAL TOWN PLANNERS AND DEVELOPMENT CONSULTANTS  
1000 High Street Kings Hill West Sussex BN16 9JL  
Tel: 01243 87921 Fax: 01243 73027  
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**Mr B O'Reilly**

Proposed New Bungalow adjacent to 2 Breeden Drive Curdworth Sutton Coldfield

**Site & Location Plans**

12069 01 A

Planning Drawing

## Appeal Decision

Site visit made on 23 July 2012

by **Stuart Hall BA(Hons) DipTP FRTPI MCIHT**

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

Decision date: 5 September 2012

**Appeal Ref: APP/R3705/A/12/2171359**

**2 Breeden Drive, Curdworth, Warwickshire B76 9HJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr B O'Reilly against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2011/0374, dated 14 July 2011, was refused by notice dated 18 November 2011.
- The development proposed is erection of a dwelling.

### Decision

1. The appeal is dismissed.

### Main Issues

2. There are four main issues in this appeal. These are: whether the scheme should and would provide affordable housing; the effects on the living conditions of occupiers of 62 Coleshill Road, in relation to overshadowing, outlook and privacy; the effect on future occupiers of the proposed dwelling in relation to private amenity space; and the effect of the proposed access on the interests of highway safety.

### Reasons

#### *Affordable housing*

3. By virtue of saved Policies CP2 and HSG2 of the *North Warwickshire Local Plan* (LP), adopted in 2006, only affordable housing, the need for which has been identified following systematic analysis, should be allowed in Curdworth. However, the Council has since recognised that such restrictions can inhibit the long term sustainability of some smaller settlements. Accordingly, draft policy NW1 of the emerging *Core Strategy* takes a more flexible approach, and identifies a maximum requirement for 15 dwellings in the village.
4. The Council's recognition gives some substance to the appellant's submission that the LP policies are out of date, and that greater weight should attach to the draft policy. Even so, the most recent systematic analysis still suggests a need for local affordable housing. There is no evidence that other sites for affordable housing have been identified in Curdworth. Therefore, irrespective

of which policy or draft policy should take precedence, were the proposal acceptable in all other respects it would be prudent to ensure that the site could contribute to meeting that need.

5. The appellant's stated intention is that the proposed dwelling would be first occupied by a family member. However, it does not follow that such occupation would meet the definition of affordable housing now given in the recently published *National Planning Policy Framework* (NPPF). Further, the Council's reasonable requirement is that affordable status should be maintained after first occupation. Though the appellant indicates a willingness to enter an undertaking to that effect, in the absence of a duly executed planning obligation that status is not safeguarded. I conclude that the proposal is materially deficient in this respect.

*Living conditions at 62 Coleshill Road*

6. The detached two storey dwelling would occupy an open corner site at the junction of Breeden Drive and Coleshill Road. The plot's rear boundary would be common with the east-to-west aligned side boundary of No 62's short rear garden. The proposed rear elevation, 8 metres (m) long as shown on submitted drawings, would be roughly parallel with and some 5 m to the south of the common boundary. In contrast, No 1 Breeden Drive is to the north of 70 Coleshill Road's long front garden. No detailed sun path analysis has been submitted. However, in the absence of such evidence I estimate that except in high summer the hipped roofed dwelling would overshadow significant parts of No 62's rear garden during late mornings and early afternoons.
7. The proximity of the dwelling would give it a dominant presence in the outlook from No 62's garden, further adversely affecting occupiers' reasonable enjoyment of their property. Loss of privacy could be averted, in that a rear bathroom window could be obscure glazed and fixed shut below eye height and the design could be amended to omit a rear bedroom's secondary window. However, I conclude that the sum of harm in relation to overshadowing and outlook would have a materially adverse effect on the living conditions of occupiers of 62 Coleshill Road. Thereby, the scheme would conflict with those aspects of saved LP Policies ENV11, ENV12 and ENV13 that seek to protect neighbours' amenities and the quality of a site's setting and surroundings.

*Living conditions of future occupiers*

8. The proposed layout is constrained by the site's corner position, its relatively small size, and the need to minimise harm to the open character of the area around the road junction. Consequently, private amenity space would be restricted to an amount significantly below that commonly associated with three bedroom detached dwellings. Even so, no locally adopted standards of provision are brought to my attention. It is acknowledged that personal preferences as to what is considered acceptable vary widely. Therefore, I conclude that the limited amount of private amenity space would not necessarily harm the living conditions of future occupiers.

*Highway safety*

9. The local highway authority requires that the proposed vehicle access be at least 10 m from the junction with Coleshill Road, so that if the access were

obstructed a vehicle waiting to turn in to the site would not obstruct the junction. However, measurements taken at my unaccompanied site visit indicate that the site frontage is long enough to enable that requirement to be met. Even if the position of the access had to be moved slightly from that shown on the submitted drawings, adequate visibility to the right could be secured over land in the appellant's control. The need to move a street lighting column should not be an insurmountable obstacle. Therefore, I conclude that this issue does not provide substantive grounds for withholding permission.

*Other matters*

10. The sustainability of the site's location is not at issue, and regard is had to the presumption in favour of sustainable development set out in the NPPF. However, that presumption applies only where the development plan is absent, silent or out of date, and not then if any adverse impacts would significantly and demonstrably outweigh the benefits. The NPPF does not relegate the importance of good quality design and the safeguarding of living conditions. Having regard to adopted and emerging development plan policies, the potential benefits of the proposed scheme are limited by the lack of certainty regarding its affordability status.
11. Taken in isolation, the design of the dwelling would be compatible with others in Breeden Drive. However, details of its appearance do not mitigate the identified harm in respect of overshadowing and outlook. Much of the site appears to have been last used as a domestic garden within the curtilage of the appellant's adjacent home. Therefore, it is not previously developed land as now defined, and so technically it is not a windfall site. Currently, it is rendered unsightly by its overgrown and unmaintained state. Even so, it does not follow that the proposed dwelling would represent the only beneficial use for the land, or that it would enhance visual quality at the junction, where openness is the dominant feature. Whilst it is legitimate in principle to seek to make efficient use of land, this should not be at the unreasonable expense of existing living conditions.

*Overall conclusion*

12. Notwithstanding my conclusions on the third and fourth main issues, taken together with all other matters raised they do not outweigh the harm that I have concluded would be caused to the living conditions of occupiers of 62 Coleshill Road. Currently, doubts about whether any contribution would be made towards meeting local affordable housing needs weigh further against the scheme. Therefore, I further conclude that adverse impacts of the scheme would significantly and demonstrably outweigh its benefits. It follows that the appeal should not succeed.

*Stuart Hall*

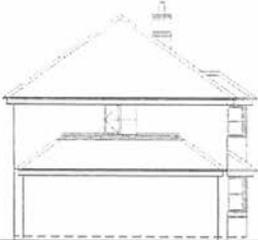
INSPECTOR



**South Elevation**



**East Elevation**



**West Elevation**



**North Elevation**

15 JUL 2011

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<b>Mr B O'Reilly</b>	
Proposed New House & Garage adjacent to 2 Breeden Drive Curdworth Sutton Coldfield	
<b>Elevations</b>	
DATE: 11/2011	SCALE: A3

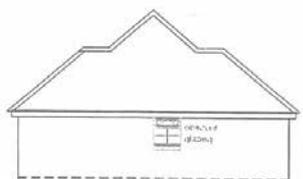
Planning Drawing 11015 03



**South Elevation**



**East Elevation**



**West Elevation**



**North Elevation**

15 JUL 2011

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<b>Mr B O'Reilly</b>	
Proposed New Bungalow adjacent to 2 Breeden Drive Curdworth Sutton Coldfield	
<b>Elevations</b>	
DATE: 11/2011	SCALE: A3

Planning Drawing 12069 03

**(2) Application No: PAP/2013/0391**

**Heart of England, Meriden Road, Fillongley, CV7 8DX**

**Erection of hotel north of (and linked to) existing conference centre; demolition of existing storage building and its adjuncts; formation of new carpark and courtyards; extensions to south and east sides of existing conference centre building, for**

**Mr Stephen Hammon - Heart of England Promotions**

**Introduction**

This application was reported to the Planning and Development Board on 9 March 2015. The Board resolved:

“That the Council indicates that it is minded to support Application No 2013/0391 (Heart of England, Meriden Road, Fillongley, CV7 8DX) and that the Application and Conditions be the subject of a further report to the Board”

**Background**

The above application was reported to the March 2015 meeting of the Planning and Development Board. The Board resolved that it was minded to support the grant of planning permission, subject to agreeing the conditions that would be attached to it. The proposed conditions would first be published and interested parties would be afforded an opportunity to comment on them.

The March 2015 Board Report is attached as Appendix 1 for reference.

If planning permission is granted it is the intention to revoke the earlier planning permissions relating to this part of the site. To enable this, the Local Planning Authority and the applicant have agreed that the current application should be considered as a full planning application rather than as an outline application. This should not have substantial effect because the only matter reserved in the outline proposal was the detail of landscaping, the application having sought approval of access, appearance, layout and scale.

For the avoidance of doubt the revocation would apply to the original planning permission for the buildings and associated land and subsequent amending applications. This will be the following permissions:

- PFILXX/1165/2000/FAP (now referenced FAP/2000/6365)
- PFILXX/0214/2002/FAP (now referenced FAP/2002/7287)
- PFILXX/1381/2002/FAP (now referenced FAP/2002/7800)
- PFILXX/0690/2005/FAP (now referenced FAP/2005/9733)

There would be no requirement to revoke the stand alone permission to use Old Hall Farm as a mixed guesthouse/C3 use (PAP/2010/0269) or the permission for office use of the converted farm building (PFILXX/1181/2000/FAP).

## Update

When first received, this application was submitted with a companion application which proposed the change of use of land within the applicant's wider land holding (Application Referenced PAP/2013/0367). The change of use application has now been withdrawn and will not be determined. It is anticipated that a new change of use application will be re-presented in the near future.

The Council recently received reports of construction works at the site. A visit to the site has established the construction of an extension to the Conference Centre (the tall white coloured structure to the left hand side of the existing conference centre building shown in the image below)



The applicant claims that the structure is temporary to accommodate a booking for a large Asian wedding. The structure however does not appear as temporary and appears to be the unauthorised partial commencement of work for which permission is sought through this application. This matter is currently under investigation.

## The Proposed Conditions and Associated Notes

This report is primarily to allow members the opportunity to consider the application proposal in the context of controlling and defining planning conditions.

Member of the public and other interested parties have been afforded an opportunity to comment on the draft conditions. The proposed conditions are set out below.

## **Standard Conditions**

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

### REASON

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

## **Defining Conditions**

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered !\*\*\*\*\*! received by the Local Planning Authority on !\*\*\*\*\*! and the plan numbered !\*\*\*\*\*! received by the Local Planning Authority on !\*\*\*\*\*!.

### REASON

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

3. The use of the buildings hereby approved within the area outlined on the attached plan (Plan 1) hatched green shall not be used for any other purpose, including any other purpose in Class D2 of the Town and Country Planning (Use Classes) Order 1987, (as amended), or in any statutory instrument revoking and re-enacting that Order with or without modification, other than for a conference centre and entertainment venue. For the avoidance of doubt, the conference centre and entertainment venue shall be defined as being for the holding of conventions, where individuals and groups gather to promote and share common interests. The use will be limited to the hosting of conferences, exhibitions, meetings, seminars, training sessions, team building, corporate family fun days, product launches and corporate entertainment. The entertainments venue shall be for the holding of social gatherings where individuals and groups gather for the purpose of entertainment or celebration. The use will be limited to the hosting of weddings, private parties, evening entertainment and annual celebrations.

### REASON

In recognition of the circumstances of the case, to prevent over intensification of use and so as to prevent the unauthorised use of the site.

4. The use of the buildings hereby approved within the area outlined on the attached plan (Plan 2) hatched blue shall not be used for any other purpose, including any other purpose in Class C1 of the Town and Country Planning (Use Classes) Order 1987, (as amended), or in any statutory instrument revoking and re-enacting that Order with or without modification, other than for a hotel. Guests at the hotel shall be solely limited to booked-in users of the conference centre and entertainment venue, or users of the authorised recreational facilities on the adjacent land holding, as defined by the planning approval referenced PAP/2007/0503. The hotel shall not be open to guests who are not booked in to use these facilities.

*(NOTE: This condition would need to be varied at a future date if a new change of use application is approved and PAP/2007/0503 is revoked)*

REASON

In recognition of the circumstances of the case, to prevent over intensification of use and so as to prevent the unauthorised use of the site.

5. The use of the buildings hereby approved within the area outlined on the attached plan (Plan 3) hatched red shall not be used for any other purpose, including any other purpose in Class A3 of the Town and Country Planning (Use Classes) Order 1987, (as amended), or in any statutory instrument revoking and re-enacting that Order with or without modification, other than for a restaurant.

REASON

In recognition of the circumstances of the case, to prevent over intensification of use and so as to prevent the unauthorised use of the site.

6. The approved uses detailed in conditions 3, 4 and 5 shall operate only as a single enterprise. It shall operate and be used as one planning unit by the applicants or their successors in title. Under no circumstances shall the applicants or their successors in title subsequently sell, let or in any way dispose of or use or permit to be used any part of the land or buildings, independently of the remainder of the overall property.

REASON

In recognition of the circumstances of the case, to prevent over intensification of use, in recognition of the rural setting of the site and to maintain a sustainable development.

**Pre-Commencement Conditions**

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

REASON

In the interests of the amenities of the area and to ensure that landscaping proposals are fully integral to the design of the site.

8. No development other than demolition shall take place until the applicant, or their agents or successors in title, has secured 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.

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 be commenced before samples of the facing bricks, facing materials, roofing tiles and surface materials for all roadways, car parks, pathways and courtyards to be used have been submitted to and approved by the Local Planning Authority in writing. Only the approved materials shall then be used.

#### REASON

In the interests of the amenities of the area and to ensure the use of appropriate materials compatible with the location and setting of the buildings.

10. No development shall be commenced before details of the joinery of all new windows and doors to be used have been submitted to and approved by the Local Planning Authority in writing. The approved joinery detail shall then be installed and maintained as such at all times thereafter.

#### REASON

To secure an appropriate design and appearance given the former farmyard setting and given the proximity to the listed building.

11. No new or replacement exterior lighting shall be installed at the site without details having first been submitted to and approved by the Local Planning Authority in writing. Only the approved lighting shall then be installed and maintained as such at all times thereafter.

#### REASON

In the interests of the amenities of the area, to recognise the rural location of the site and to minimise adverse effects from the use of illumination.

12. No development other than demolition shall be commenced before details of a scheme for the incorporation of energy generation and energy conservation measures has been submitted to and approved by the Local Planning Authority in writing. The approved measures shall then be installed and maintained as such at all times thereafter.

#### REASON

To ensure a sustainable development, to ensure that energy related provisions are fully integral to the design of the site and to meet the requirements of Policy NW11 of the North Warwickshire Core Strategy October 2014.

13. No development or site works whatsoever, shall commence on site until details of measures for the protection of existing trees to be retained (as identified in the Tree Survey by T Dunlop dated 27 08 2013 and received by the Local Planning Authority on 18 September 2013) have been submitted to and approved in writing by the Local Planning Authority. The protection measures shall make provisions for the erection of protective fencing around the trees/hedges to be retained, in accordance with B.S. 5837, at a distance corresponding with the branch spread of the tree or hedge, or half the height of the tree or hedge, whichever is greater. Within the areas fenced off the existing ground level shall be neither raised nor lowered, and no materials, temporary

buildings or surplus soil of any kind shall be placed or stored thereon. No works shall be carried out within the fenced off area unless a method statement, detailing how those works shall be undertaken, has been submitted to and approved, in writing, by the Local Planning Authority. The approved protective fencing shall thereafter be retained at all times during construction works on the site.

#### REASON

To protect the health and stability of the trees to be retained on the site in the interests of amenity and to avoid any harm to the existing landscape and ecology of the site.

14. No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be implemented only in accordance with the approved details and maintained as such at all times thereafter.

#### REASON

In the interests of the amenities of the area, to protect the amenity of occupiers of adjacent properties and to ensure that an integrated design solution.

15. Prior to the commencement of development a detailed plan of the drainage network and hydro-brake control referred to in the Flood Risk Statement shall be submitted to and approved in writing by the Local Planning Authority.

#### REASON

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

16. No development shall commence until full details of the provision of the access, car parking, manoeuvring and service areas, including surfacing, drainage and levels have been submitted to and approved in writing by the Council.

#### REASON

In the interests of safety on the public highway such measures needs to be in place before the commencement of development.

17. No development shall commence on site until details of a scheme for the storage and disposal of all refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the storage locations, provide detailed drawings of storage vessels or compounds and the methods and time limits for the collection or dispatch of waste materials. The approved scheme shall be implemented in full at all times thereafter.

#### REASON

To protect the amenities of the area and of nearby residential property and to ensure an integrated design solution.

18. Prior to the commencement of development a scheme for the inclusion of crime prevention measures to be incorporated in the development shall be submitted to and approved by the Local Planning Authority in writing.

REASON

In the interests of public safety and to ensure an integrated design solution.

**Ongoing/Post-Occupation Conditions**

19. The marquee and any other temporary structures on the site and their associated works shall be removed from the site and the adjacent land holding on (date three years from the date of the consent) or upon completion and bringing into use of the conference centre extension whichever date is the sooner. The land shall be restored to its former condition within 2 calendar months following the removal of the structure or structures. The restoration shall be in accordance with a scheme which shall first be submitted to and approved by the Local Planning Authority in writing. Thereafter, notwithstanding the provisions of Schedule 2 Part 4, Classes A and B of The Town and Country Planning (General Permitted Development) (England) Order 2015, no buildings, moveable structures, works, plant or machinery shall be sited or installed on any of the open land within the site at any time.

REASON

In recognition of the circumstances of the case, to maintain the openness of the Green Belt and in the interests of the amenities of the area.

20. The use of open land within the site shall be solely for the purpose of car parking, access, amenity space and service areas for the uses approved in conditions 3, 4 and 5 and for no other purpose whatsoever. The open land within the curtilage of the site shall expressly not be used for the storage, display or sale of anything whatsoever.

REASON

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

21. The operator of the hotel of the premises shall maintain an up to date register of the names of all occupiers of the accommodation and of their main home address, as well as the dates of their arrival and departure and the purpose of their stay in relation to the link to the conference centre and entertainment venue or use of the authorised recreational facilities on the adjacent land holding. This register shall be made available at all reasonable times to the Local Planning Authority.

REASON

In recognition of the circumstances of the case, so as to prevent the unauthorised use of the site.

22. Notwithstanding the provisions of Class A of Part 3 and Class D of Part 4 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, the use of the restaurant hereby approved shall remain for the purpose of restaurant only.

## REASON

To prevent disturbance to the occupiers of nearby properties, to prevent over intensification of use, in recognition of the rural setting of the site and to enable the effect of the development to be kept under review.

23. Notwithstanding the provisions of Class T of Part 3 and Class D of Part 4 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, the use of the hotel hereby approved shall remain for the purpose of hotel only.

## REASON

To prevent disturbance to the occupiers of nearby properties, to prevent over intensification of use, in recognition of the rural setting of the site and to enable the effect of the development to be kept under review.

24. Notwithstanding the provisions of Class D of Part 4 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, the use of the conference centre and entertainment venue hereby approved shall remain for the purpose of conference centre and entertainment venue only.

## REASON

To prevent disturbance to the occupiers of nearby properties, to prevent over intensification of use, in recognition of the rural setting of the site and to enable the effect of the development to be kept under review.

25. The hotel use hereby approved, as defined by condition 4, may operate at any time on any calendar day throughout the year.

## REASON

To define the operating provisions of this aspect of the site and in recognition that the hotel use is an overnight activity.

26. The restaurant, as defined by condition 5, shall operate only between the hours of 0800 hours to 0000 hours (midnight) on Mondays to Saturdays inclusive and between the hours of 0900 hours to 1800 hours on Sundays, Public Holidays and Bank Holidays in respect of customers who are not resident at the on-site hotel. The restaurant, as defined by condition 5, shall operate only between the hours of 0700 hours to 0000 hours (midnight) on Mondays to Saturdays inclusive and between the hours of 0800 hours to 1000 hours on Sundays, Public Holidays and Bank Holidays in respect of customers who are resident at the on-site hotel.

## REASON

To prevent disturbance to the occupiers of nearby properties, to prevent over intensification of use and in recognition of the rural setting of the site.

27. The conference centre and entertainment venue hereby approved, as defined by condition 3, shall operate only between the hours of 0800 hours to 0000 hours (midnight) on Mondays to Thursdays inclusive, between the hours of 0800 hours to 0100 hours (the following day) on Fridays and Saturdays, and between the hours of 0900 hours to 1800 hours on Sundays, Public Holidays and Bank Holidays.

#### REASON

To prevent disturbance to the occupiers of nearby properties, to prevent over intensification of use and in recognition of the rural setting of the site.

28. Exceptions to Condition 27 will be permitted on 29 October to 2 November inclusive and 18 December to 2 January inclusive each year, when the conference centre and entertainment venue hereby approved, as defined by condition 3, shall operate only between the hours of 0800 hours to 0100 hours (the following day).

#### REASON

To prevent disturbance to the occupiers of nearby properties, to prevent over intensification of use and in recognition of the rural setting of the site, whilst balancing the commercial interests of the business at exceptional seasonal times of the year.

29. Delivery or dispatch of goods and the arrival and departure of service vehicles shall not take place between the hours of 2000 hours on any day and 0700 hours the following day.

#### REASON

To protect the amenities of nearby residential property.

30. Gates to the patio area shown on the approved drawing 233/21/Sk203 shall remain closed between the hours of dusk in the afternoon or evening until 07:30 hours the following day throughout the year.

#### REASON

To protect the amenities of nearby residential property.

31. On the approved hotel building (Building 2) and the hotel extension to the existing building (Building 1) all windows and doors shall be recessed by at least 75mm.

#### REASON

To secure an appropriate design given the former farmyard setting and given the proximity to the listed building.

32. No additional opening shall be made to the buildings other than shown on the plans hereby approved, nor any approved opening altered or modified in any manner thereafter.

#### REASON

In the interests of the amenities of the area and the building concerned.

33. Visibility splays shall be provided to the vehicular access to the site fronting Meriden Road (B4102), passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distances of 160.0 metres to the near edge of the public highway carriageway. These shall be retained at all times.

#### REASON

In the interests of safety on the public highway.

34. The Wall Hill Road Access shall be for the use of staff, deliveries (not associated with the construction period) and emergency use only at all times.

#### REASON

In the interests of the amenities of the area and of occupiers of nearby residential property and in the interests of safety on the public highway.

35. The management of surface water shall be carried out in accordance with the approved Flood Risk Statement prepared by RAB, dated 25/02/2014 Ref Number: 741 and the following mitigation measure detailed within, namely, restricting the discharge from the pond to 5 l/s so that it mimics the existing regime and therefore not increase the risk of flooding on or off-site.

#### REASON

To ensure the satisfactory drainage of the site and to minimise the risk of flooding on or off the site.

36. All amplified sound shall be controlled by a noise limiting device, set at a level agreed by the local planning authority, in consultation with the Council's Environmental Health Officer. Any such device shall be wired into the mains electricity to prevent amplified music bypassing the noise controls.

#### REASON

To protect the amenities of the area and of occupiers of nearby residential property.

37. There shall be no installation of fume extraction equipment or air conditioning units without details having first been submitted to and approved by the Local Planning Authority in writing.

#### REASON

In the interests of the amenities of the area.

38. All planting, seeding or turfing comprised in the landscaping scheme referred to in Condition Number 7 shall be carried out in the first planting and seeding seasons following the occupation of the extended premises for business purposes, and 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 next available planting season to the satisfaction of the Local Planning Authority.

#### REASON

To ensure the provision, establishment and maintenance of a reasonable standard of landscape.

39. Within 6 months of the date of this permission, the developer shall prepare and submit to the Local Planning Authority for their approval a Green Travel Plan to promote sustainable transport choices to the site, the measures proposed to be carried out within the plan to be approved by the Planning Authority in writing, in consultation with the County Council as Highway Authority. The measures (and any variations) so approved shall continue to be implemented in full at all time. The plan shall:

- (i) specify targets for the proportion of employees and visitors traveling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;
- (ii) set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;
- (iii) identify a senior manager of the business using the site with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development.

#### REASON

To ensure the sustainable development of the site.

40. The overspill car parking shown on the approved plans be available until such time as the temporary marquee has been removed from the site in accordance with the provisions of Condition number 19. During this time the overspill car park shall not be utilised for in excess of 28 days in any calendar year. Following the removal of the marquee in accordance with the provisions of Condition number 19 the land shown as overspill car park shall cease to be used for the purpose of car or vehicle parking. The existing grassed surface shall not be changed at any time.

#### REASON

In the interests of the amenities of the area, in the interests of safety on the public highway and to protect the setting of the listed building.

#### **During Construction Conditions**

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

#### REASON

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

42. No services trenches shall be positioned within the root protection area of retained trees.

REASON

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

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

REASON

To protect the amenities of nearby residential property.

44. All materials obtained from the demolition or partial demolition of existing building shall be permanently removed from the site and the wider land holding within twenty eight days of demolition being commenced.

REASON

In the interests of the amenities of the area.

**Pre-Occupation Conditions**

45. The development hereby approved shall not be brought into use at any time unless and until a temporary scheme for the collection, storage and transportation of foul sewage has been implemented in full, following the submission of a detailed scheme and its approval by the Local Planning Authority in writing, or until the reedbed scheme approved under planning application reference 2013/0230 has been installed fully in accordance with the approved details and is fully operational. For the avoidance of doubt the permanent reed bed solution shall be brought into operation at the earliest practicable date.

REASON

To prevent pollution of the water environment.

46. The approved hotel and conference centre extension shall not be brought into use until the access, car parking, manoeuvring and service areas have been fully laid out in accordance with the details approved under Condition 16. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.

REASON

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

47. Unless where otherwise permitted by the provisions of the Town and Country Planning Control of Advertisements Regulations 2007, prior to the extended conference centre, restaurant or hotel opening for business there shall be submitted to, and approved in writing by the Local Planning Authority a scheme for the display of any proposed advertisements to be affixed to the land or building.

## REASON

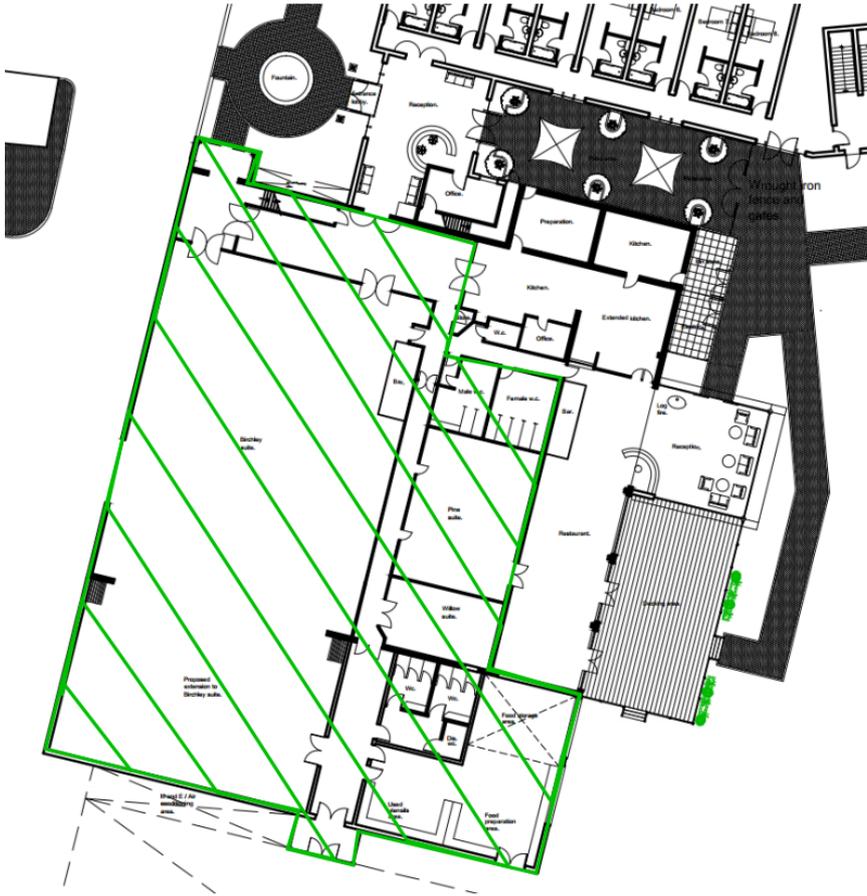
To avoid a clutter of advertisements in the interests of amenity.

## Notes

1. Public footpaths M292 and M293 cross the site on which planning permission for development is hereby permitted. It is an offence to obstruct or damage public footpaths. This permission does not authorise the interference in any way of the footpath which must be properly protected. For advice about the protection of public footpath during the construction of the development the applicant/developer should contact the County Council's Countryside Recreation Section – telephone: (01926) 413427.
2. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
3. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
4. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
5. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at [www.communities.gov.uk/publications/planningandbuilding/partywall](http://www.communities.gov.uk/publications/planningandbuilding/partywall).

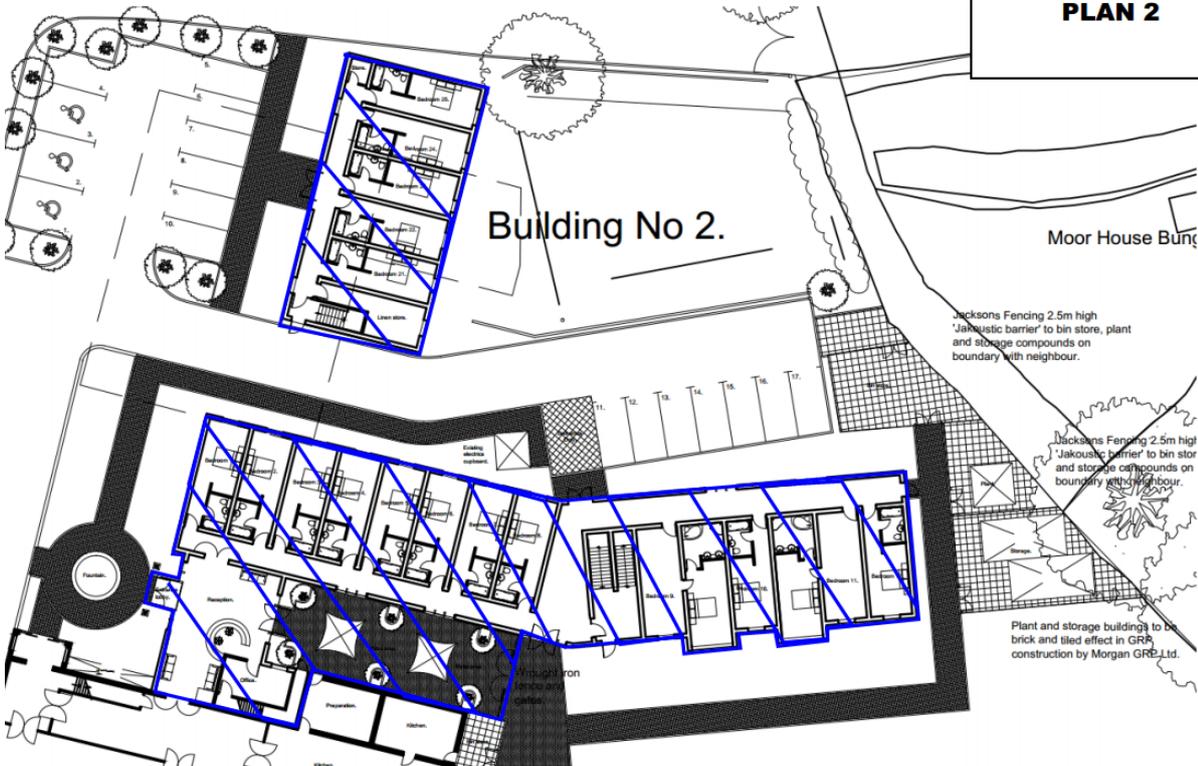
6. The proposal includes works of demolition of existing buildings. Please be advised that there may be bats present at the property that would be disturbed by the proposed development. You are advised that bats are deemed to be European Protected species. Should bats be found during the carrying out of the approved works, you should stop work immediately and seek further advice from the Ecology Section of Museum Field Services, The Butts, Warwick, CV34 4SS (Contact Ecological Services on 01926 418060).
7. In respect of Condition Number 18, the Warwickshire Police Crime Prevention Liaison Officer advises the inclusion of the following:
  - a. All ground floor glazing and vulnerable windows to meet PAS 24:2012.
  - b. All external/internal hotel doors to meet PAS 24:2012
  - c. All glazing in and adjacent to doors must include one of laminate glass to a minimum thickness of 6.8mm.
  - d. Conference rooms have the facility to be locked and have a secure cabinet so visitors can secure their IT.
  - e. All routes to hotel rooms have access control in place whether it be by electronic fob or digital access
  - f. Barrier access control onto the site that is covered by CCTV, which opens automatically on entering but requires a code or similar to leave.
  - g. CCTV be installed throughout the site especially on the car parks and entry points into the complex in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.
8. 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.
9. The applicant is advised that to comply with the condition relating to the standard of works to trees, the work should be carried out in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".
10. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

Conference Centre Extent



**PLAN 1**

Hotel Extent



**PLAN 2**

Restaurant Extent



**PLAN 3**

## Consultations

Environment Agency – advises that, for a temporary period running up to the reedbed system coming into effective operation, it will be acceptable for the continuing use of existing cesspits providing that the frequency of removal by tanker is increased accordingly. It advises that it would commit to more regular monitoring of the temporary regime to ensure effectiveness.

Crime Prevention Design Advisor, Warwickshire Police - No objection subject to conditions.

## Representations

At the time of preparing this report, one letter has been received raising the following concerns:

- I see that many of the reasons refer to the protection of the amenities and nearby residential property, however, there is no guarantee of such protection.
- Condition 34: We object strongly to the entrance from the Wall Hill Road being used for deliveries. These deliveries in vans and lorries would be passing in front of the neighbouring bungalow, disturbance to the privacy of the residents would occur especially when there is an event being held and extra equipment is required to enter and leave the site. We object strongly to this condition. We have no objection to the entrance being used for staff in cars or for emergency. I see many delivery vans and lorries using the entrance off the Meriden Road and cannot see reason why this use cannot continue to prevent disturbance to the residents of the bungalow.
- Condition 36: Our concern with the controlled noise limiting device. The close neighbours are already disturbed by noise and music from the park, which was also promised to be controlled at a certain level which was not upheld. How will this noise level be monitored in the future?
- There is nothing in writing in these conditions stating, that the applicant must comply to all the conditions, or the consequence if not.

Given the timing of consultation it is anticipated that further representations will be received. Any such representations will be reported verbally at the meeting.

A representation of Corley Parish Council is attached as Appendix 2.

In a separate communication, Corley Parish Council has written expressing serious concerns about the effects of construction and construction vehicles (in association with the construction of the reed beds). It acknowledges that temporary construction and traffic speeding concerns are a police matter, but wishes to draw the Board's attention to its view that permanent changes and development of the site i.e. the hotel; will have a significant ongoing effect on traffic movements.

## **Observations**

As set out above, this report is primarily to allow members the opportunity to consider the application in the context of controlling and defining planning conditions.

Members will be aware that the current use of this site has evolved through the grant, and subsequent revision, of various planning permissions. The use has evolved over time to take advantage of the planning permissions, including some loosely defined permissions and conditions. The applicant acknowledges that if granting planning permission for the expansion of the use it is appropriate to more clearly define the nature of the use and the controls over its operation. The revocation of the former planning permissions and the conditions set out above seek to do this. They strike a balance between the reasonable business use of the site and the protection of local residents and the environment in the context of the sites rural green belt location.

Residents express concern about the potential for non-compliance with conditions. This is understandable because the applicant has a track record of non-compliance with conditions attached to planning permissions. This however, cannot be a reason for refusing the grant of future planning applications. If the development is supportable the onus will be on the drafting of conditions which meet the six tests set out in the NPPF that 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

The key here is that conditions need to be enforceable. In order to enforce a condition the Council would need to be able to evidence a breach. Officers do not suggest that enforcement will be uncomplicated but do suggest that the conditions, as drafted are capable of being enforced.

## **Recommendation**

That, subject to their being no claim for compensation, planning permissions referenced

PFILXX/1165/2000/FAP (now referenced FAP/2000/6365)

PFILXX/0214/2002/FAP (now referenced FAP/2002/7287)

PFILXX/1381/2002/FAP (now referenced FAP/2002/7800)

PFILXX/0690/2005/FAP (now referenced FAP/2005/9733)

be revoked and that planning permission is granted subject to the conditions set out above.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0391

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	
2	Crime Prevention Design Advisor, Warwickshire Police	Consultation Reply	3 6 15
3	Corley Parish Council	Representation	2 6 15
4	Y McHugh	Representation	2 6 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.*

**(#) Application No: PAP/2013/0391**

**Heart of England, Meriden Road, Fillongley, CV7 8DX**

**Outline - erection of hotel north of (and linked to) existing Conference Centre; demolition of existing storage building and its adjuncts; re-organisation of existing parking areas and creation of new north car park and landscaped courtyards; extensions to south and east sides of existing Conference Centre building, for**

**Mr Stephen Hammon - Heart of England Promotions**

### **Introduction**

The receipt of this application was first referred to the Board in April 2014. That report recommended that the Council should be minded to refuse the submitted proposals and a full explanation was given for that approach. The Board agreed that recommendation and subsequently there were a series of meetings held with the applicant in order to explain and to clarify the Board's decision. Eventually revised proposals were submitted, and their receipt was referred to the Board at its December meeting. A copy of that report is attached as Appendix A. It described the site and the proposal, setting out the applicant's case with reference to his supporting evidence. Importantly, it set out the applicant's case as to how he had addressed the concerns of the Board which had led it to be minded to refuse the original submission. The relevant Development Plan background was also set out.

Since the December meeting there have been further minor revisions to the proposals as a direct consequence of consultation responses. This report will outline these latest alterations and summarise all of the consultations and representations received. Members should note that there has been full local consultation on these latest revisions.

It is now time to report the application to the Board for determination.

### **The Proposals in Brief**

It might be helpful at the outset to summarise the overall proposals. In short, this is to add a thirty bedroom hotel to the existing conference and events centre through redevelopment and refurbishment of existing buildings. This redevelopment includes demolition; refurbishment and extensions. The main access into the site would be retained and car parking provision extended.

For convenience the general location of the site is illustrated at Appendix B; the general layout of the proposals is at Appendix C and the elevations are at Appendix D.

## **The Revisions made since December 2014**

The changes made since the December meeting do not affect the overall proposals and have been made to address matters raised by consultation responses.

- An amended car parking layout has been received in order to address the Highway Authority's concerns about the overall provision. This now shows areas of overflow car parking to the south of the centre.
- The plans now show an acoustic fence and enclosed areas to the east of the proposals in order to reduce the potential for noise emissions close to the neighbouring bungalow which is in private ownership and occupation. These additions were requested by the Council's Environmental Health Officer.
- Gates have been added to the central portion of the proposals in order to limit the area where people might congregate in the "smokers" area thus limiting the potential for disturbance – again at the request of the Environmental Health Officers.

## **Consultations**

Warwickshire Police – No objections

The Environment Agency – The Agency originally objected to the proposal because of the absence of a Flood Risk Assessment and because the site is sensitive in terms of groundwater protection. The sewage treatment works will also require upgrading and improvement. Upon receipt of an Assessment and consideration of its content, the Agency withdrew its original objection subject to standard conditions. This was largely due to the proposals for the reed beds being agreed.

Warwickshire Museum – No objection subject to a standard condition being added to any planning permission granted requiring pre-commencement investigations.

Heritage Consultant – Originally objected on the grounds that the original submission would have an adverse impact on the setting of the adjoining listed building because of the design and appearance of the new buildings. The revised plans address his concerns and there is no longer an objection.

Environmental Health Officer – The design of the hotel and extensions should incorporate measures to reduce the emission of noise and that the impact of the proposals on the neighbouring residential property needs to be fully addressed. The revised proposals show an enclosed "break –out" area for smokers and the inclusion of an acoustic fence and enclosed areas for the refuse area are supported. If the marquee is to be retained, then its use should be conditioned so as to prevent noise emissions.

Severn Trent Water Ltd – No objection subject to a standard condition requiring full details of foul and surface water drainage to be submitted and agreed prior to work commencing.

Coventry City Council – Wishes to make no comments.

Warwickshire County Council as Highway Authority – The Authority has no objection subject to conditions requiring adequate car parking space; the Wall Hill Road access being closed, limitations on coach use and agreement for a Travel Plan. The Highway Authority's comments on the revised overflow car parking areas are awaited.

Warwickshire Rights of Way – No objection.

## **Representations**

One representation received says that the scheme is a reasonable rationalisation of the existing buildings but that a smaller hotel would be preferred.

Seven individual letters of objection were received in respect of the original submission largely referring to the view that the proposals are inappropriate in the Green Belt; too large, not needed and would have a detrimental impact on the countryside and the adjoining listed building. Other matters raised refer to the proximity of the hotel to the neighbouring residence with the consequential loss of privacy and security; disturbance already caused by existing events and visitors – particularly noise and the potential for archaeological interest. None of the authors of these letters have removed their objections upon receipt of the amended plans.

Fillongley Parish Council objects to the hotel considering it to have adverse impacts and that it is not in-keeping with the rural setting. There is also concern about drainage and the impact on the loss of amenity to local residents. The revised plans do not overcome this objection. There are continued breaches of planning control occurring at the site. Corley Parish Council objects as it considers the hotel is inappropriate development in the Green Belt and because of its potential adverse impact on the existing highway and drainage infrastructure. The revised plans do not change its view. There are continued breaches of planning control at the site.

The Fillongley Flood Group object as it considers that there would be a consequential adverse impact on flooding issues in the village.

Four letters of support have been received referring to its beneficial impact in creating local employment opportunities; sustaining local services and businesses, preventing travel to and from the site and the need for extra on-site bedroom space.

## **Development Plan**

The previous report – copied at Appendix A – outlined the relevant Development Plan policies. These have not altered since then.

## **Other Material Planning Considerations**

Similarly here the National Planning Policy Framework 2012 (the “NPPF”) remains as consideration of significant weight in the determination of this application.

## **Observations**

### **a) Introduction**

The Council had resolved that it was minded to refuse this application and three refusal reasons were drafted. The first of these considered that the proposals amounted to inappropriate development in the Green Belt and that there were not the planning considerations of such weight to warrant overriding the presumption of refusal. The second considered that there would be an adverse impact on the residential amenity of the neighbouring dwelling and thirdly the Council considered that the proposals would not sufficiently integrate into the surroundings. As reported to the Board in December 2014, revised proposals have been received together with additional supporting

documentation and that report describes them in some detail. Members are referred to Appendix A.

The Board will have to consider whether the amended plans, as further varied as set out above, and the new supporting documentation is now sufficient to overcome the three areas of concern expressed above.

#### **b) Green Belt**

The site is in the Green Belt. New buildings are considered to be inappropriate development here as defined by the NPPF and therefore there is a presumption of refusal. However as Members are aware there are exceptions to this approach and the NPPF describes these. It is thus necessary to consider whether any of these should apply to this case.

The proposals could fall into any or all of four of these exceptions. These are where the development comprises:

1. The provision of appropriate facilities for outdoor sport and recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
2. The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original buildings.
3. The replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces.
4. Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The Board's current position is that the plans as originally submitted were inappropriate development because in short, they were too large and thus had a material adverse impact on the openness of the Green Belt. They could not meet the conditions as set out in the four exceptions. It is therefore first necessary to see whether this position still remains following the receipt of amended plans, particularly as those plans now show a reduced scale of building work.

It is proposed to first explore the fourth of the exceptions set out above. This is because the overall "mix" of proposals – including extension, alteration and replacement – can be reasonably said to constitute the partial redevelopment of a previously developed site. This is because the existing buildings benefit from planning permissions granting them recreational use and the proposals themselves are all associated with these existing buildings. As such it would appear that the overall development could fall into this exception. However there are conditions included in the exception which first need to be resolved. The first of these is that the proposals should have no greater impact on the openness of the Green Belt than the existing. Members generally approach this condition by looking at the issue both quantitatively and qualitatively. In respect of the former then the proposals would result in an additional 36% in footprint and an additional 72% in volume over the existing. These are not small increases. They are material and might suggest that the first condition has not been met. However the baseline here is that the existing buildings are not small – they are large. It is thus the impact of this increase on the openness of the area which is therefore the critical assessment. This is why the qualitative assessment is important. There are several matters here which are considered to mitigate the impact of the material increase in building operations. Firstly, the proposed works will be seen together and are within the existing

complex and range of buildings. They do not result in new isolated buildings; in buildings without built linkages to the existing and nor do they introduce a disjointed or dispersed scatter of new buildings. Secondly, the works, whilst in scale and proportion with the existing, do not follow the same built form as the existing, particularly in terms of heights - being lower - and their massing – splitting the buildings up with different sizes, alignments and linkages, thus reducing adverse visual impacts. Thirdly, the design and appearance of the works is in keeping with the rural setting and attention is not drawn to them because they are not visually intrusive. Finally there is a substantial tree cover forming a back drop to the building works such that they do not appear to be on the horizon and more particularly their visibility is confined internally to the site itself. In all of these circumstances it is concluded that, notwithstanding a material increase in footprint and volume, there would only be a limited impact on the openness of the Green Belt. The second condition in the exception is that the proposed development should have no worse impact on the purposes of including land within the Green Belt than the existing. There are five purposes for the inclusion of land in the Green Belt – to check unrestricted urban sprawl; to prevent the merger of neighbouring towns, to assist in safeguarding the countryside from encroachment, to preserve the setting of historic towns and to assist in urban regeneration. It is considered that none of these is prejudiced as the site is not adjacent to built-up areas or towns; the development is not urban sprawl and the land is already previously developed land. In all of these circumstances therefore the conclusion in respect of this particular exception, is that the proposals are inappropriate development because of the overall material increase in footprint and volume, but that the harm to the openness of the Green Belt is limited because of the mitigating factors referred to above.

The second and third exceptions described above – proposed extensions and replacements - are largely the same, but there are different measures. Extensions should not be “disproportionate” over the original building, but replacements should not be “materially larger” than the ones replaced. As reported above, the overall extensions, even when demolitions are taken into account, do constitute a material increase over the existing original buildings. The issue is whether this is a “disproportionate” addition. It is considered that it is not. There are demolitions involved; the scale, massing and heights match or are lower than the existing, the extensions do not over dominate the existing buildings and neither do they visually replace them with a new range of structures. Again, even though quantitatively the increases are material, the design, setting and context of the resultant built form is in proportion to the original buildings. The replacement in this case – that is to say the demolition of the separate former agricultural building to the north with the smaller hotel block – is not materially larger and thus would be considered to be not inappropriate development. Overall therefore it is considered that in respect of these two exceptions, the proposals would not be inappropriate development.

Finally it is necessary to look at the first exception – the one relating to appropriate facilities for outdoor sport and recreation. The applicant does focus on this particular exception. This is understandable given the scope of the existing lawful use of the wider site – that is to say the “recreational” use of the buildings and the land. It is acknowledged that extensions to existing lawful facilities together with the refurbishment, enhancement and improvement of the same facilities could well be considered to be “appropriate facilities for outdoor sport and recreation”. This would apply here as the extensions would in part be used by visitors and customers participating in outdoor recreational uses; represent a reasonable refurbishment of existing facilities, facilitate the lawful uses whilst remaining ancillary and enable business expansion. However it is not the full picture as the lawful use also enables indoor recreation activity – particularly Corporate Events, Conferences and Weddings.

The exception only refers to “outdoor” sport and recreation. As a consequence, given the scale and scope of these “indoor” events and activities, the proposals could not all together be treated as falling into this exception. Any extended and refurbished premises here would thus not solely be serving “outdoor” recreation. Additionally and critically the introduction of the hotel accommodation has to be assessed. This is not small in scale - it is a material addition in terms of a new use. The applicant addresses the issue by saying that the hotel accommodation is only being provided as a consequence of the existing lawful uses and that it would not operate as an independent or self-sufficient hotel as it would not be available to members of the public who were not using or attending on-site facilities. There are several concerns here.

Firstly in planning terms, a hotel is not to be treated as a “recreation” use as it has its own use class in the Use Classes Order. Secondly, in land use terms there is no imperative for a hotel to be sited here. They are equally appropriate to urban locations. Hence they are not necessarily “appropriate” to an outdoor recreational use in general terms. Thirdly, the hotel accommodation would not only be available to visitors using the site for “outdoor” recreation. The applicant has made it clear that his wedding business would be a significant “driver” for the additional investment in providing overnight accommodation. As a consequence therefore in general terms it is considered that the hotel accommodation would not be an “appropriate facility for outdoor sport and recreation”. However it is clear that there are already significant amounts of hotel accommodation provided at several very large outdoor recreation facilities in the Borough – the Belfry; the Heart of England and at Lea Marston. These are all in the Green Belt too. Therefore it is necessary to look at the particular merits of this application. The applicant has provided supporting documentation to show the demand for on-site accommodation and the withdrawal of business because of the lack of such provision. The documentation also looks at the wedding side of the business and the call for overnight accommodation. This will carry weight to the extent that overall it is considered that it gives some weight to the applicant’s case. In drawing together the matters under this exception it is therefore considered that there is not all together a case for treating the overall proposals here as being wholly “appropriate for outdoor sport and recreation”, and thus that the terms of this first exception are not fully satisfied. The remainder of the exception outlines two conditions, but it is not proposed to run through these as they have already been covered under the three other exceptions above.

It is now time to draw together all of the above and to come to a conclusion on the Green Belt issue. The proposals would be inappropriate development unless they fall into any of the four exceptions defined by the NPPF. In this case it is reasonable to treat the application as one overall proposal rather than to attempt to look its individual components. As such the two most relevant exceptions are those related to “appropriate facilities for outdoor sport and recreation” and “the partial redevelopment of previously developed land” – the first and fourth described above. It is concluded that whilst the proposals are not appropriate development in the Green Belt as they do not fully satisfy the first and fourth of these exceptions, the overall harm to the openness of the Green Belt is limited given that they satisfy the second and third exceptions.

As Members are aware, given this conclusion it is now necessary to see whether there are material planning considerations of sufficient weight to amount to the very special circumstances necessary to override the harm done to the Green Belt in this particular case by virtue of the inappropriateness of the development. The onus is on the applicant to advance such considerations.

The applicant's case here is set out in Appendix A and in essence his case is about making the site more attractive thus maintaining the viability of the business, promoting economic and business growth whilst sustaining local employment and the local economy. These objectives he says are given significant support by the NPPF. The supporting evidence submitted by the applicant is summarised in Appendix A and it is considered that it should carry significant weight. The evidence is relevant and up to date, focussing on the nature and scope of the proposals. It is acknowledged too that the existing buildings need refurbishment and improvement as part of any on-going repairs and maintenance and that extensions are required as part of anticipated business growth and in the interests of maintaining business continuity. Moreover demolitions and replacements would be reasonably appropriate here given that the existing buildings still very much retain the functional and utilitarian appearance reflecting their previous use. All of these objectives would be supported by the Development Plan and the NPPF. The one issue is the introduction of the hotel accommodation. It is significant here that it was concluded above that together with all of the other building operations, there would only be a limited impact on the openness of the Green Belt. Given this, it is accepted that there is sufficient weight to the applicant's case – in terms of the promotion of economic development and business growth - not only to balance the limited level of this harm but to also outweigh that harm. Moreover, whilst the applicant's case is wholly an economic growth argument, it is significant that it is very site specific, focussed on this particular site and its impact locally, thus enabling the case to be treated on its own merits. In all of these circumstances it is considered that there is now a case for supporting the amended proposals in this Green Belt location.

However, the NPPF states that “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. To date this report has just considered this balance in respect of harm to the Green Belt – ie. the impact on its openness. It is now necessary to consider whether, in terms of the NPPF, there is “any other harm”. The following section will do so.

### **Other Harm**

It is considered that the main areas to explore are those which led the Council not to support the original submission – these were the overall design and appearance of the proposals and secondly, the impact on neighbouring residential amenity. There are also other areas which will need to be looked at afterwards.

There were two concerns about the appearance and design of the original submission – the failure to reflect the local character and distinctiveness of the area into the proposals, and secondly the impact of the development on the setting of the listed building, the original Old Hall farmhouse to the west of the redevelopment area.

Looking at the first of these matters then the revised proposals are significantly improved. The replacement building has replicated the appearance of a traditional barn; the hotel accommodation has been split into two different blocks with staggered frontages and different ridge lines and the function room extension has been lowered. All together these changes have improved the appearance of the proposals and in effect would beneficially alter the visitor's perception of the site.

The Council's heritage advisor also concludes that the changes outlined above and the overall reduction in footprint and volume have reduced the "mass" of the original building operations such that there is far less impact on the perception of space around the listed building such that there is no longer an issue.

As a consequence it is concluded that the revised proposals do overcome the Council's concerns and that there would not "harm" arising from this particular issue.

The second of the Council's concerns was the impact of the proposals – and in particular the location of the refuse collection area close to the curtilage of the neighbouring residential property – in private ownership and unconnected with the site. Amendments have been made as outlined earlier in this report such that the Environmental Officer no longer has an issue. As such it is concluded that this particular issue has been resolved and that it would not give rise to "harm".

It is now proposed to see if there are any other matters that could give rise to "harm" to the degree that that would result in a re-consideration of the conclusion reached at the end of the last section. There are several matters to consider here – highway, traffic and parking impacts; drainage issues and finally the whole matter of sustainability.

As can be seen from the consultation responses there are no issues from a drainage point of view and neither in respect of the adequacy of the existing vehicular access arrangements or the capacity of the local highway network. There are matters to look at arising from the parking provision and this will be dealt with later. It is first however necessary to look at the issue of sustainability.

The site is not within a settlement being in a countryside location and thus in an unsustainable location. The issue is whether this is of such weight to constitute "harm" to the degree that it would override the conclusions reached under the Green Belt issue. On balance it is considered not. This is for several reasons. The weight of the business and economic development argument submitted by the applicant is significant in that it focusses on the particular business at this site; its local service and contract connections, the employment opportunities and the overall business plan. It is agreed that sustained continuation of the business here is thus important to the local economy.

Additionally there is evidence submitted to show loss of business and potentially viability due to the lack of on-site overnight accommodation. It is also significant that visitors and patrons using the site have to travel to and from the site for overnight accommodation, thus not leading to an all-together sustainable travel situation. Retaining visitors and patrons on site would thus be beneficial not only in terms of sustainable travel but also to sustaining the on-site business. As recorded above there are already large hotels in the Green Belt in North Warwickshire in countryside locations which provide over-night accommodation for on-site activity and uses – usually golf courses. In those cases the same arguments were forwarded by the respective developers in terms of sustainability arguments. The particular situation on this site strongly suggests that similar arguments would apply here. As a consequence it is considered on balance that the location here is not of sufficient weight to override the other sustainability factors referred to in this case and thus the "harm" would not be substantial.

One of the matters raised by the objectors has been potential on-going breaches of planning control at the site with particular reference to the presence of a marquee at the site. Members will recall that there is an extant Enforcement Notice requiring the removal of a marquee from this site and that this has resulted in successful prosecution. Consequential visits to the site have confirmed that the current marquee is not in breach

of this Notice. However with the current proposals to extend the existing facilities the issue has arisen as to the future of such temporary structures. In short the accommodation they provide should be in any permanent building. The applicant has agreed to this in this current application as the extension would cater for this space. He has however asked that the marquee be allowed to remain for three years such that he can have continuity of business until such time as the extension is completed and operational. This is reasonable request and aligns with the overall economic development and business growth arguments that have been found to carry weight above. This issue can be covered through the use of planning conditions, but the time period should relate to actual physical progress on the ground and not to a preferred time period.

This then leads to the issue of parking provision. The Highway Authority was concerned that the retention of the marquee in addition to the extensions would require far more on-site car parking than had been originally been submitted. The applicant has responded to this through adding additional spaces but also through showing an area where overflow parking can be provided. This makes sense and is proportionate to the proposals. Subject to any Highway Authority comments it is considered that this is a satisfactory arrangement.

Members are aware that there is still an outstanding application relating to the recreational use of the wider site. The Council has taken the position that it is minded to refuse those proposals and the applicant is fully aware of the reasons for that approach. The objectors too have referred to this matter saying that all of the proposals should be treated together. It is considered however that the current application can be considered on its own merits. The issue of whether it is appropriate or not appropriate development is not materially influenced by the outstanding proposals as there are already permissions in place for outdoor recreational activities and because the assessment of impact on the openness of the Green Belt can be dealt with on the merits of the proposed design and appearance without reference to the other application. Consequential impacts such as highway and drainage matters are also bespoke to that application. As a consequence it is considered that the Board can deal with this application at this time

Objectors have also referred to past decisions relating to this site and in particular to the appeal decisions. Reference is made to the reasons by the appeal Inspectors for the dismissal of these appeals – notably the weight given to the Green Belt and to the impact of the appeal proposals on its openness. Members will be aware that each application is determined on its own merits and that this current application is materially different in its content to those proposals dealt with at appeal. The starting point may be the same – the site being in the Green Belt – but the assessment of whether the proposal is appropriate or not appropriate and any consequential material planning considerations arising from that assessment are different. This is why the section on the Green Belt issue here has been explored in some depth. In short the appeal decisions do not mean that there is a “ban” on all development here.

## **Conclusions**

The final paragraph above is a useful start for the summing up of this current case. The appeal decisions arose because the proposed developments were not appropriate development in the Green Belt, causing significant harm to its openness and to the rural character and setting of the site. Moreover the case put forward by the applicant promoting “very special circumstances” was not considered to be evidenced or to carry the significant amount of weight to override the very substantial harm to the Green Belt

by virtue of its inappropriateness and the other harm caused. With the current case, the proposals are still not appropriate development but they cause only limited harm to the openness of the Green Belt and they do not cause other harm. The case forwarded by the applicant is now properly evidenced and carries weight. It is also supported by both the Development Plan and the NPPF. In short therefore the balance in this case is different to that of the appeal decisions. Looking at this in a different way, Members will know that the NPPF states that for sustainable development to occur, there should be a balance between the economic, social and environmental roles that “planning” plays. In the appeal cases that balance was not satisfied with the environmental role being severely compromised. That is not the case with the current application and because the economic role has been strengthened.

### **Recommendation**

That the Council is minded to support the current application subject to conditions, the wording of which are delegated to the Authorised Officer in conjunction with the Chair, Vice Chair and local Ward Members.

## BACKGROUND PAPERS

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

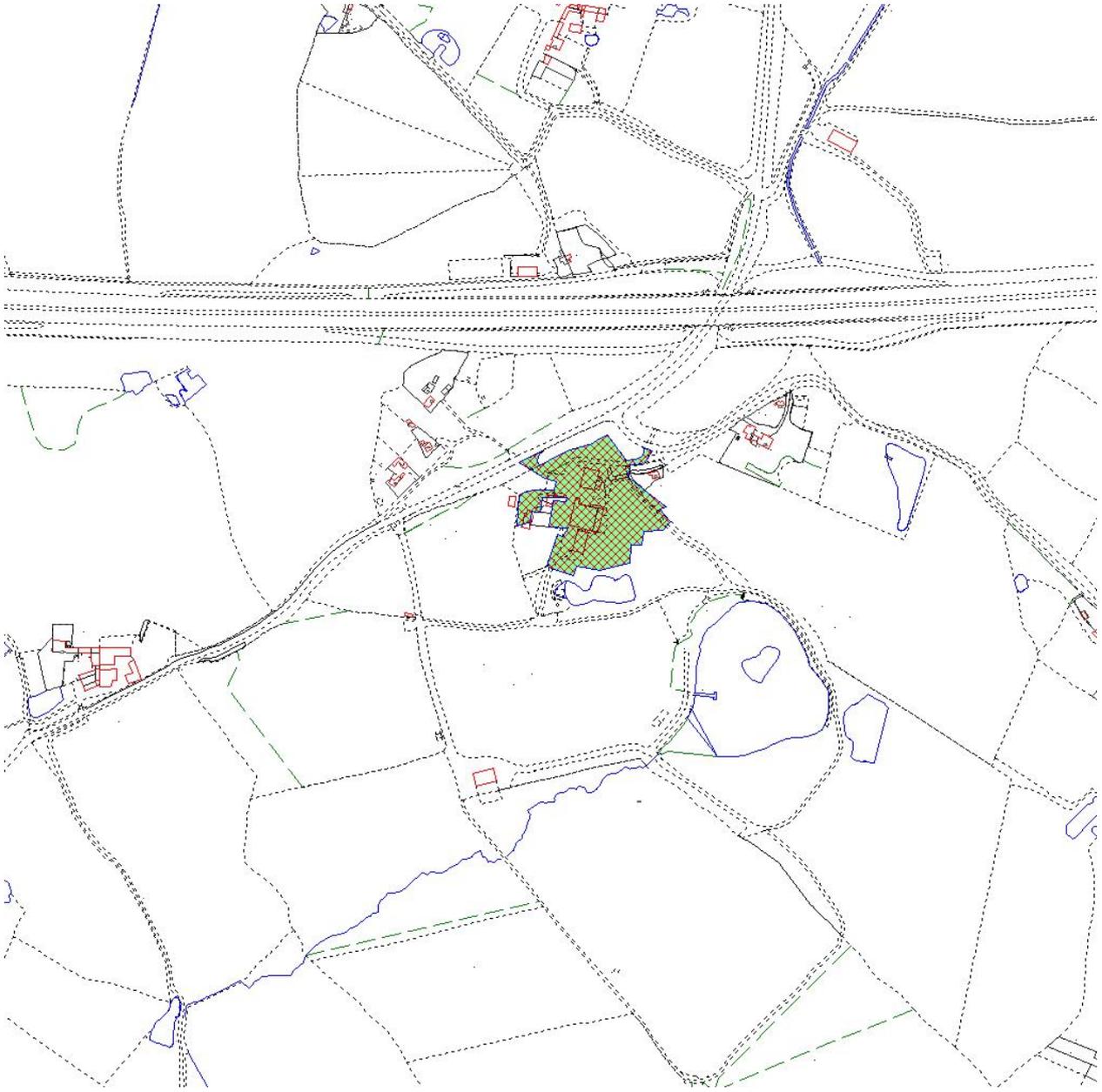
Planning Application No: PAP/2013/0391

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	7/10/13
2	Mrs Macdonald	Representation	16/10/13
3	Mrs Coyle	Objection	6/11/13
4	Mr Coyle	Objection	6/11/13
5	Warwickshire Police	Consultation	24/10/13
6	C Shipley	Objection	12/11/13
7	Mr & Mrs McHugh	Objection	13/11/13
8	Mrs Gibson and Mr Edwards	Objection	7/11/13
9	Mr Hooke	Objection	8/11/13
10	Mr and Mrs Smith	Objection	11/11/13
11	Environment Agency	Consultation	21/11/13
12	Warwickshire Museum	Consultation	21/11/13
13	Corley Parish Council	Objection	22/11/13
14	Mr and Mrs Burrin	Objection	8/11/13
15	Fillongley Parish Council	Objection	20/11/13
16	A Goudie	Support	3/12/13
17	Heritage Consultant	Consultation	12/12/13
18	Environmental Health Officer	Consultation	29/11/13
19	Severn Trent Water Ltd	Consultation	25/11/13
20	L Luciani	Support	2/12/13
21	J Cockerill	Support	2/12/13
22	A Eden	Support	2/12/13
23	Case Officer	Letter	4/12/13
24	D Taylor	Support	16/12/13
25	RAB Consultants	Flood Risk Assessment	12/11/13
26	M Hunt	Support	8/1/14
27	Coventry City council	Representation	27/11/13
28	Applicant	Letter	2/2/14
29	Old Hall Farm Cottages	Support	25/1/14
30	Applicant	Letter	2/2/14
31	Applicant	Flood Risk Assessment	27/2/14
32	Applicant	Revisions and Amended plans	3/3/14
33	Warwickshire Police	Consultation	5/3/14
34	Warwickshire Highway Authority	Consultation	20/3/13
35	Environment Agency	Consultation	20/3/14
36	Mr and Mrs Burrin	Objection	20/3/14

37	Mr Hooke	Objection	18/3/14
38	Mr and Mrs Smith	Objection	18/3/14
39	Mr and Mrs McHugh	Objection	18/3/14
40	Applicant	Supporting Documentation	3/3/14
41	Mrs Gibson and Mr Edwards	Objection	20/3/14
42	WCC Highways	Consultation	20/3/14
43	Corley Parish Council	Objection	21/3/14
44	Environment Agency	Consultation	20/3/14
45	Fillongley Flood Group	Objection	20/3/14
46	Fillongley Parish Council	Objection	21/2/14
47	Applicant	Further revised plans	22/12/14
48	WCC Rights of Way	Consultation	14/8/14
49	Fillongley Parish Council	Objection	16/1/15
50	Mr and Mrs Burrin	Objection	14/1/15
51	Mrs Gibson and Mr Edwards	Objection	14/1/15
52	J Gillian	Objection	15/1/15
53	Corley Parish Council	Objection	14/1/15
54	Mr and Mrs Coyle	Objection	13/1/15
55	C Shipley	Objection	11/1/15
56	Mr and Mrs McHugh	Objection	12/1/15
57	M McHugh	Objection	10/1/15
58	Severn Trent Water Ltd	Consultation	8/1/15
59	WCC Highways	Consultation	2/2/15
60	Environment Health Officer	Consultation	9/2/15

*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.*



**General Development Applications**

(1) Application No: PAP/2013/0391

Heart of England, Meriden Road, Fillongley, CV7 8DX

**Outline - erection of hotel north of (and linked to) existing Conference Centre; demolition of existing storage building and its adjuncts; re-organisation of existing parking areas and creation of new north car park and landscaped courtyards; extensions to south and east sides of existing Conference Centre building, for**

**Mr Stephen Hammon - Heart of England Promotions**

**Introduction**

Members will recall that three planning applications were reported to the Board in April this year. These were for proposed reed beds; a new hotel and for changes of use within the applicant's land holding. The Board resolved that it was minded to approve the reed bed proposals subject to the satisfactory outcome of a number of technical issues; but that it was minded to refuse both of the other applications. The reasons for these prospective refusals were also set out.

Since then planning permission has been granted for the new reed beds as the outstanding technical matters were agreed with both the Highway Authority and the County Council on drainage issues.

Additionally there have been a series of meetings with the applicant and his representatives in order that the Council's position could be thoroughly explained.

Revised proposals have now been submitted in respect of the proposed hotel and other building works around the existing conference centre. The applicant is now seeking formal determination of these revisions.

This report however is just for information purposes so that Members can acquaint themselves of the amended plans.

**The Site**

The Heart of England Conference and Events Centre comprises a range of former agricultural buildings which have been re-used in association with a conference centre/restaurant, recreation events business use, a lake and other land which benefit from planning permission for recreational purposes. This is located on the south side of the Meriden Road (the B4102) and Wall Hill Road just south of the M6 Motorway bridge over the B4102. This is 2.5 kilometres south of Fillongley and about a kilometre west of Corley Moor. The area is set in open countryside but there are private residential properties on both Wall Hill Road and the Meriden Road. There are three or four on Wall Hill Road the closest of which is 70 metres from the main complex of buildings and 170 metres from the lake. There are four or five other residences on the north-west side of the Meriden Road between it and the motorway. These are 100 metres from the main access and some 350 metres from the lake. There are further residential properties in Corley Moor some 700 and 800 metres to the east.

The site is accessed off Meriden Road by means of an approval dating from 2004. There is also a second access from that road. The former access to the farm is off Wall Hill Road and is now used primarily by staff.

The land slopes down from the south west to the north east with the land form of a small valley in which there is the lake. The Conference Centre overlooks the valley and the lake to the woodland beyond. Public footpaths cross this open land.

The plans for the hotel relate to the existing complex of buildings in the northern part of the land holding close to the main access and the former farm house a Grade 2 Listed Building which is used partly as a private house and also for guest house accommodation. All of the former farm buildings are now used for the centre, for storage purposes and for office accommodation.

## **Background**

There is a substantial and material planning history to this site including appeal decisions and extant Enforcement Notices. However, much of this does not impact on the current proposals described below. Members will be advised where appropriate. The existing complex of buildings benefits from a planning permission for recreation purposes granted in 2002 with kitchen extensions approved in 2003 and 2004 including its use as a public restaurant dating from 2008. In 2014 permission was granted for some re-cladding of the existing buildings. Temporary buildings and structures in the form of marquees have been added from time to time both with and without the benefit of planning permission.

When the original proposals for a hotel here were reported to the Board, it resolved that it would be minded to refuse planning permission. The Board outlined two draft refusal reasons. These in summary related to:

- The proposals amounted to inappropriate development in the Green Belt for which there were no planning considerations amounting to the very special circumstances necessary to outweigh the presumption of refusal by virtue of that inappropriateness.
- The development would adversely affect the residential of the adjacent dwelling and which would not positively integrate into its surroundings.

In order to assist the applicant the Board highlighted a number of matters which it considered needed to be addressed if the draft refusal reasons were to be re-considered. These were:

- A substantial reduction in the scale of the new building work
- A travel plan was needed
- Archaeological work would be needed
- Changes to the design
- Inclusion of energy generation and energy conservation measures and
- The removal of permitted development rights for the erection of temporary

buildings, particularly marquees.

### **The Amended Proposals**

There are several elements to the revised proposals, but in essence this is for a 30 bed room hotel.

This would be made up of two elements. The first is a two storey extension to the existing conference centre on its immediate northern side providing 16 bedrooms. There would be a single storey reception area between the main building and this new extension. The two storey extension would be 8 metres to its ridge thus sitting at the same height as the existing centre. To its east a further single storey would be added (6.8 metres to its ridge) and this would extend to the east by some 30 metres, providing 4 rooms. The extension would be brick and tile built taking on a very simple design.

The second is to demolish an existing detached storage building just to the north of the existing centre and in its place erect a detached two storey building which would provide the balance of 10 bedrooms (its ridge would be 10 metres). This too would be brick and tile but the design attempts to add a rural character incorporating a "barn" style of design.

The proposals also include a small glazed extension on the east side of the centre.

The applicant has asked to retain the existing marquee on the site to the immediate south of the centre for three years. This is because of pre-bookings for it to be used as a wedding venue and for continuity of business whilst the main construction works are undertaken on site.

Additionally the centre itself is proposed for extension – by 12 metres to the south but of the same width. As a single storey extension this would sit below the height of the main centre (8 metres) being 7 metres tall. The apex would be slightly off-set too. This extension would accommodate extra conference space as well as kitchen extensions.

Appendices A and B are plans of the proposed layout and the elevations.

The applicant has also provided detailed quantitative measures. He calculates that the overall nett increase in footprint would be 51% and the nett volume increase would be 62%. These figures take into account the demolitions proposed, but it should also be noted that they do not include the retention of the marquee for the three year period as requested. He points out that the revised proposals represent a 10% reduction in volume over the plans that were referred to the Board in April.

The changes from the original submission therefore are:

- An overall reduction in nett volume by 10%
- Reduction in heights of the centre extension and the east wing of the hotel accommodation
- A greater "splay" in the east wing away from the main centre
- A re-design of the buildings so to be more sympathetic to the rural location

## Supporting Documentation

The applicant has provided his case in response to the Green Belt issues. He refers to the NPPF which says that new buildings need not necessarily be inappropriate development if they fall within one or other of a number of exceptions. He argues that the proposals could well fall into a number of these. They are:

- the one that says extensions or alterations to a building need not necessarily be inappropriate if the works do not result in “disproportionate” additions over and above the size of the original building.
- the one that says that new buildings need not necessarily be inappropriate if they provide “appropriate facilities for outdoor sport and recreation”, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, and
- the one that says that new buildings need not necessarily be inappropriate if they are to replace a building within the same use class and the new one is “not materially larger” than the one it replaces.

He argues that the overall impact of the development on the openness of the parkland setting of the whole site is improved because of the changes that have been made, particularly through the reductions in volume and height achieved by splitting up the bulk and massing of the new buildings. He considers too that the design is much more sympathetic to the rural setting. He also argues that the impact on the setting of the Listed farmhouse is improved as a consequence.

The applicant considers that the proposals are not inappropriate development in the Green Belt as the proposed buildings would in his view meet the terms of the “exception” definitions set out above. In particular he focuses on the one where the development provides appropriate ancillary facilities related to existing permitted uses. He argues that the hotel accommodation is a series of bedrooms dependent on the Conference Centre. He says that it could not operate as an independent and self-sufficient hotel and would not be available to members of the general public who were not using the other facilities on the site or attending events.

He continues by saying that if this argument is not accepted and the development proposals are deemed to be “inappropriate”, then there are planning considerations here of such weight to amount to the “very special circumstances” necessary to outweigh the presumption of refusal by virtue of the inappropriateness. Those circumstances are based on making the centre more attractive thus maintaining the viability of the business, promoting economic and business growth and sustaining local employment and the local economy.

He has submitted supporting documentation to evidence his case. He says that the new hotel would service existing corporate clients for weddings, conferences, team building events and thus give the business the opportunity to secure additional business as event organisers do not wish to accommodate delegates off-site for events. He cites lost revenue as a consequence of no on-site bedroom accommodation – in the period September 2013 to September 2014, 22 events were lost (equating to a loss of £38k in income) and seven conferences were lost ( £105k in income). These figures are from two event booking agents but he says that the business currently works with twelve such agents. He has copied letters from companies expressing interest in the venue but declining to use it because of the lack of on-site bedroom accommodation.

In terms of weddings then he says that he has six large Asian weddings provisionally booked for 2015 on the basis of accommodation being available. The current accommodation in the former farmhouse he says is always filled for any wedding event. He hosted 39 weddings in 2013 with around 3300 guests and a large majority he says had to stay off-site.

He has provided a schedule of 37 suppliers to his business, who he says are "local". The schedule does include 12 North Warwickshire addresses – the remainder are based in Coventry; Solihull and Birmingham.

In terms of predicted revenue then he states that a 30 bed room hotel based on 40% occupancy would lead to an extra £328k in income; £492k with a 60% occupancy and £657k with a 80% occupancy. He also is saying that the average revenue generated by a wedding is £6k but the additional accommodation and extensions would raise that to £9k given increased restaurant use and the ability to promote "themed" weddings. Based on 40 weddings a year he suggests that even with an increased spend of £8k this would an additional £120k in income. He also says that the restaurant would benefit from an increase in the number of events perhaps leading to an additional £275k. Overall his business plan suggests a £1 million income in the next few years.

In terms of employment provision then he says that there are 30 existing jobs at the venue and that the approval of the hotel could add a further 30 based on an 80% take up in occupancy of the hotel.

#### **Development Plan**

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment) and NW17 (Economic Regeneration)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Building Design), ENV14 (Access Design), ENV16 (Listed Buildings), ECON 10 (Tourism), ECON11 (Hotels and Guest Houses), TPT1 (Transport Considerations); TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

#### **Other Material Planning Considerations**

The National Planning Policy Framework 2012

#### **Observations**

Re-consultation is underway on the amended plans that have been received and responses are still awaited from the key agencies. A determination report will be brought to the Board in due course and that will address the central issue as to whether these amendments are sufficient to overcome the matters which the Board raised when it set out its position in respect of the originally submitted plans

#### **Recommendation**

That the receipt of amended plans be noted at this time.

## BACKGROUND PAPERS

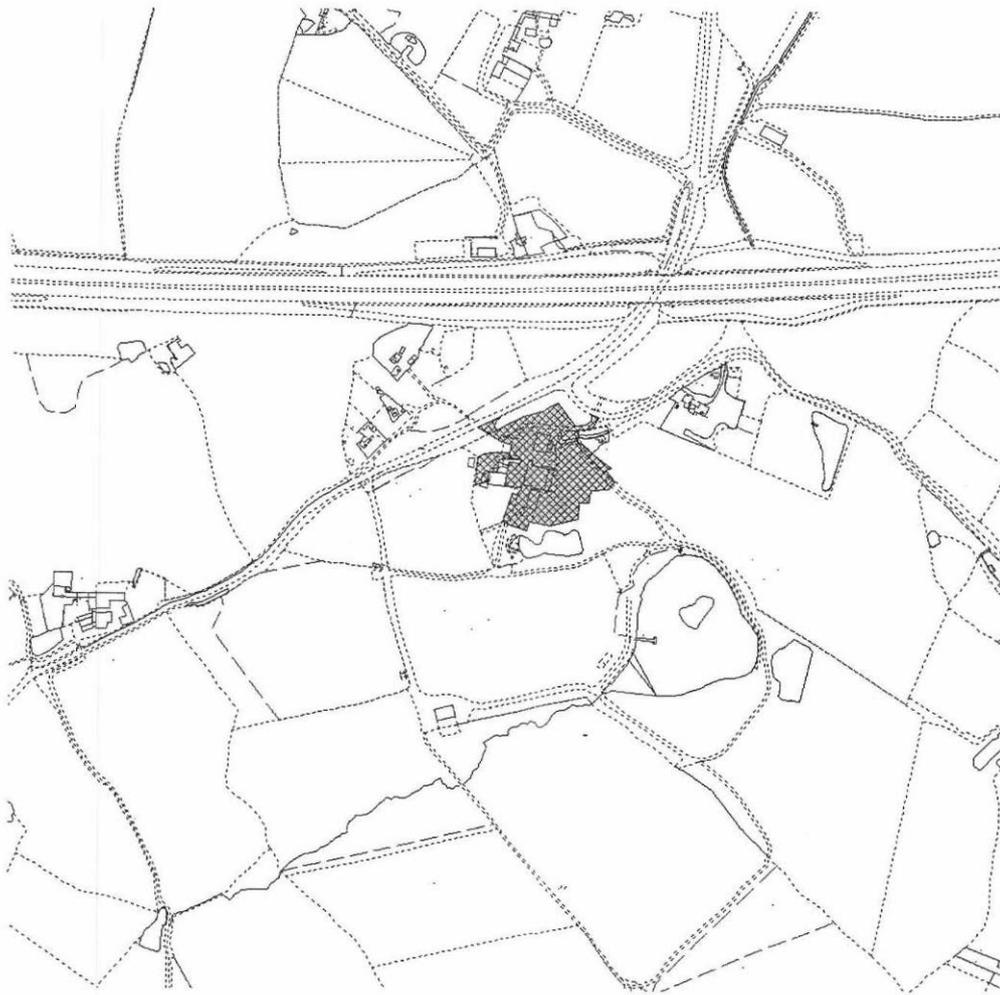
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2013/0391

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Amended plans	Nov 2014

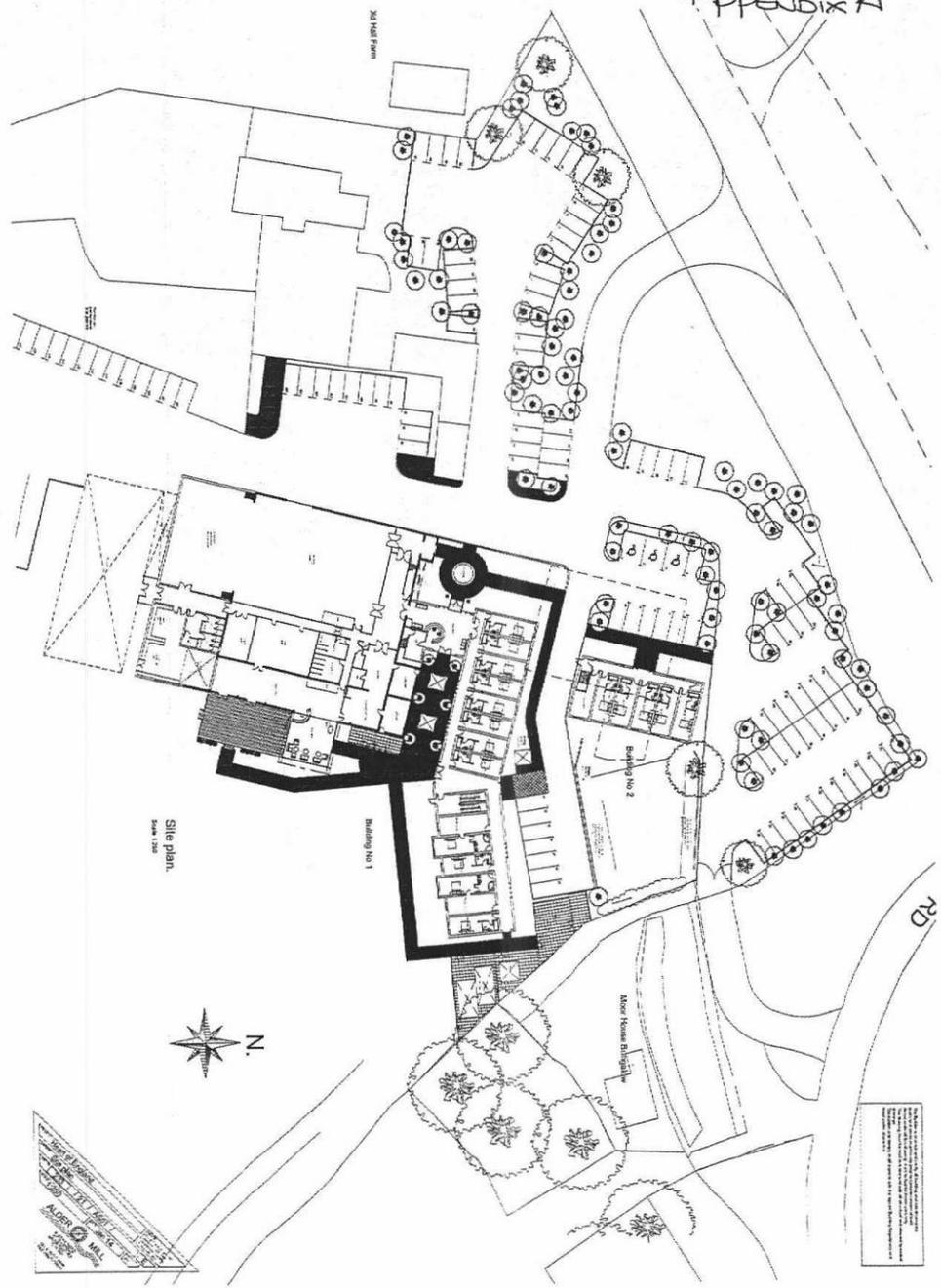
*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*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.*

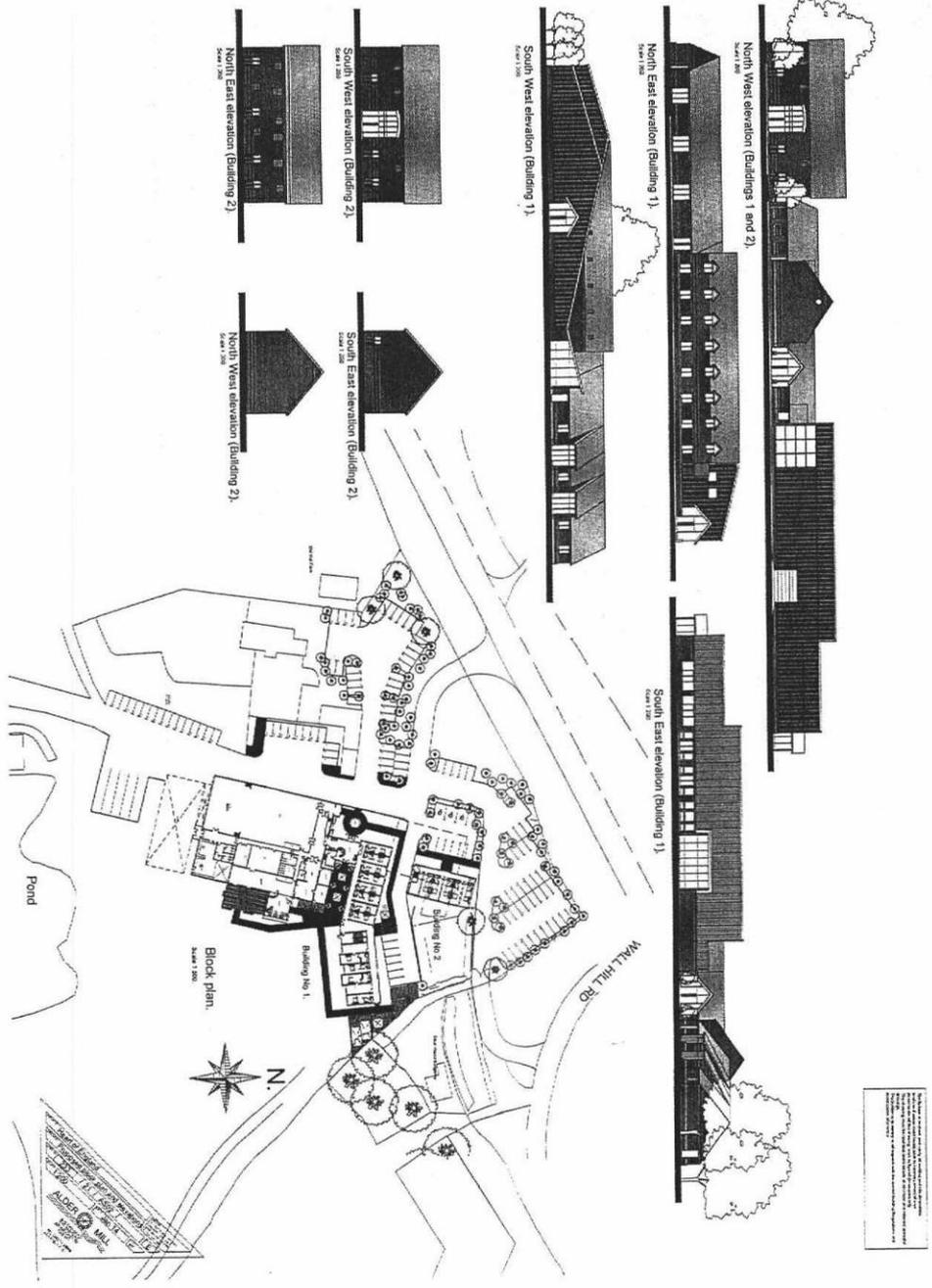


5/10

APPENDIX A

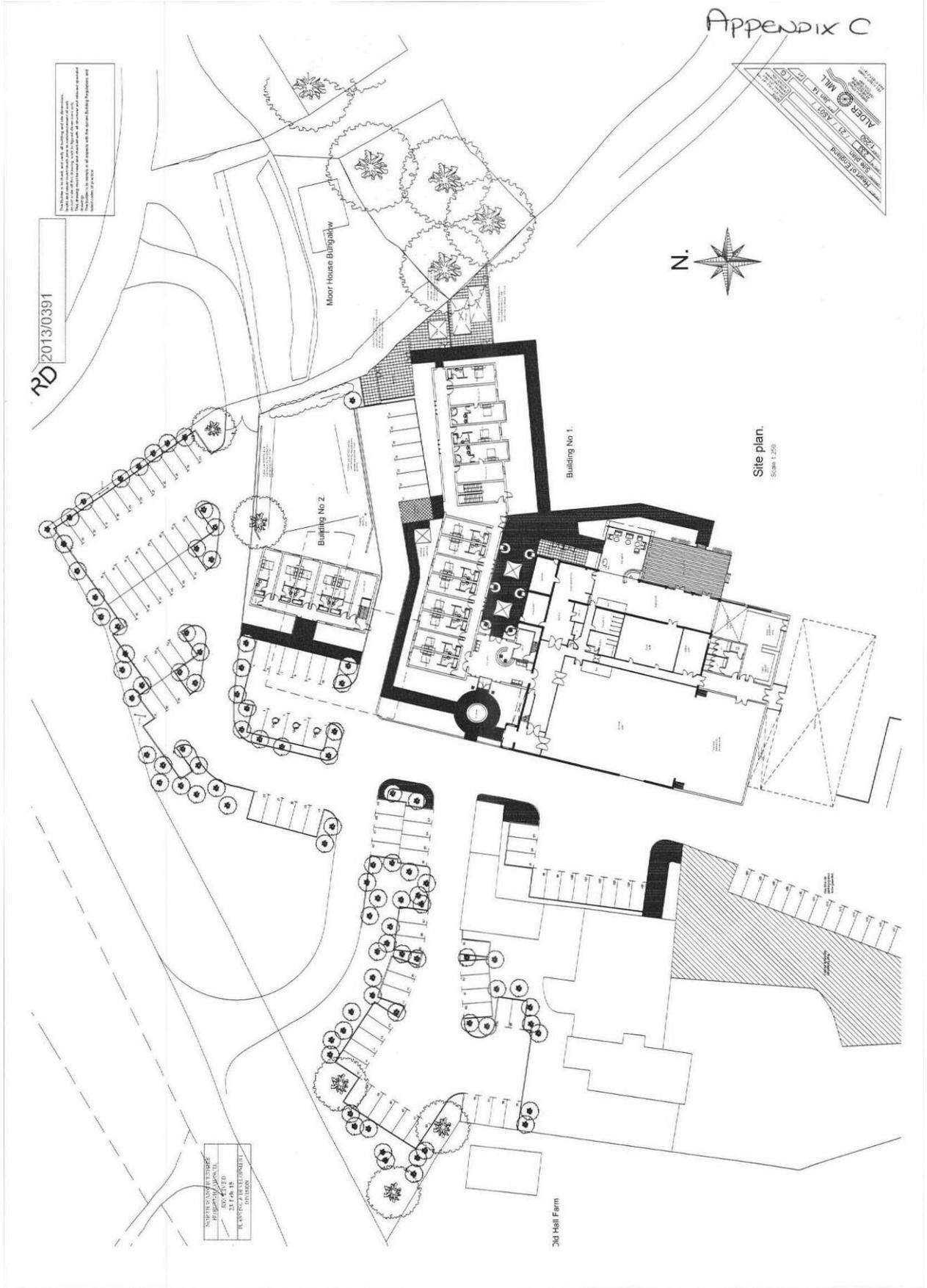


APPENDIX B



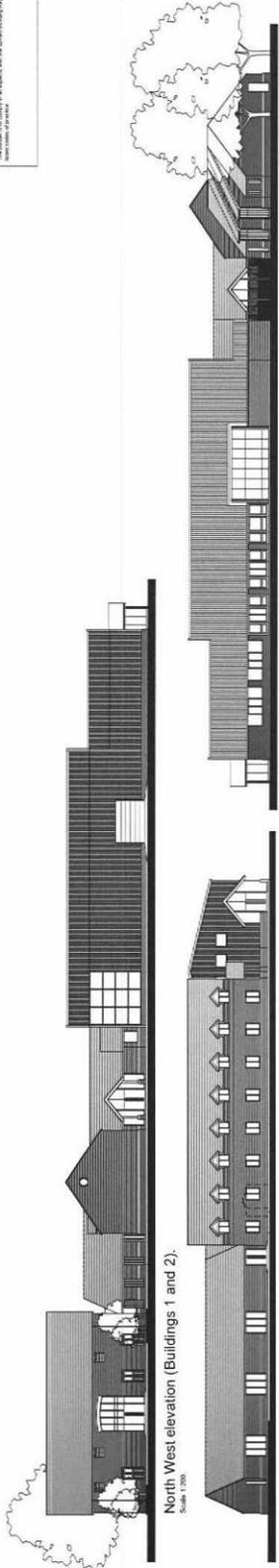


Appendix C



2013/0391

This Project is the work of the Architect and the Engineer. The Architect is responsible for the design and construction of the building. The Engineer is responsible for the design and construction of the mechanical, electrical, and plumbing systems. The Architect and the Engineer are not responsible for the design and construction of the foundation, the structural steel, or the site work. The Architect and the Engineer are not responsible for the design and construction of the landscape architecture or the interior design.

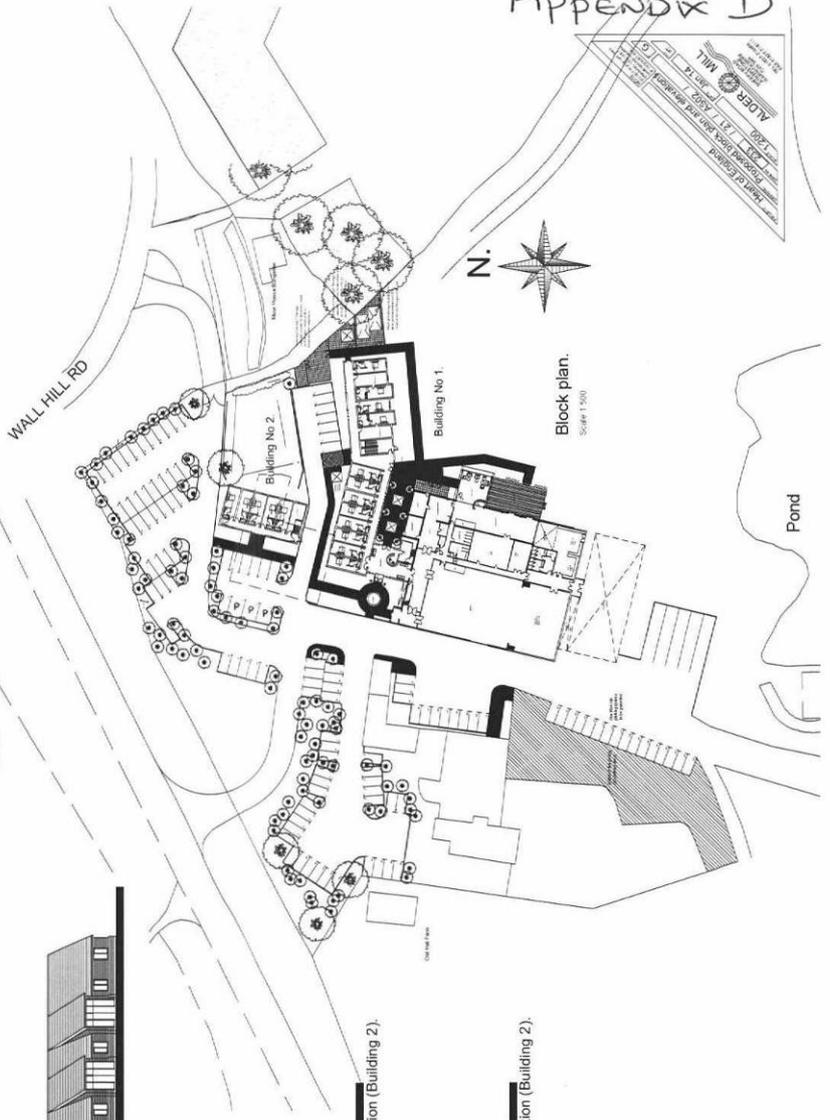


North West elevation (Buildings 1 and 2).  
Scale: 1/200

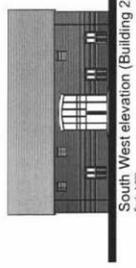
North East elevation (Building 1).  
Scale: 1/200

South West elevation (Building 1).  
Scale: 1/200

South East elevation (Building 1).  
Scale: 1/200

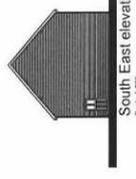


Block plan.  
Scale: 1/500



South West elevation (Building 2).  
Scale: 1/200

North East elevation (Building 2).  
Scale: 1/200



South East elevation (Building 2).  
Scale: 1/200

North West elevation (Building 2).  
Scale: 1/200

SEAL OF THE ARCHITECT  
REGISTERED  
28 FEB 15  
PLANNING DEPARTMENT  
GUYANA

APPENDIX D



# Corley Parish Council

Clerk: Mrs. E. O'Toole  
Mobile: 07789 263384  
E-mail: [corleyparishcouncil@yahoo.co.uk](mailto:corleyparishcouncil@yahoo.co.uk)

102 Shorncliffe Road  
Coundon  
Coventry  
CV6 1GP

Date: Wednesday 3<sup>rd</sup> June 2015

**RE: PAP/2013/0391 – HEART OF ENGLAND, MERIDEN ROAD, FILLONGLEY, WARWICKSHIRE**

Corley Parish Council has reviewed this application and provides the following feedback. However, before going into any detail, it is worth giving some background information; which attempts to explain and substantiate our position.

Clearly, as a Parish Council, we have a duty of care to represent; to the best of our ability, the residents of our community. Additionally, we have wherever possible, given our total support to NWBC; on the myriad of planning applications and issues connected with Heart of England. WE would also point out, that NWBC has a responsibility to local residents and their elected Parish Councils, to protect the environment.

Whilst we fully understand that this application has to be viewed on its merits, it is in our view, absolutely essential to put this within the context of what has occurred over the last few years.

We believe that this is at least, the third or fourth time, the application has been submitted. This is also set against the following:

- A number of retrospective planning applications – starting / completing developments, before going through due process,
- Failure to comply with conditions applied to various planning approvals,
- Enforcement action on a variety of developments, for failure to comply,
- Constant complaints from residents, regarding unauthorised use, noise, access etc.

We have received representations from local residents; that their lives have been made an utter misery for the last five months – this due to very heavy machinery being used constantly on site and outside the hours that should be used (early in the morning and late into the night). Whilst we appreciate that for authorised development, it is unavoidable to use machinery, to do so with absolute no regard for anyone else; is an utter disgrace. It casts in serious doubt, two fundamental points:

- ❖ The assumption that if conditions are put in place, they will be abided by – if NWBC think this will be the case, at best, they are being utterly naive and at worst, we would suggest it amounts to a dereliction of duty,
- ❖ The 'claim' from the representative of Heart of England, that mistakes have been made in the past, but it is all different now – absolutely, not the case.

NWBC have, until recently, been consistent in refusing planning permission for this hotel; on the basis, it is totally inappropriate development in the Green Belt. It was, therefore, disappointing to say the least; when a recommendation to support this development was given, by the Head of Planning at the recent Planning Board meeting. This was despite significant local opposition from residents, both Corley and Fillongley Parish Councils and one of our local Borough Councillors; who pleaded for local input and real concerns to be considered.

We had Councillors at the Planning Board meeting and they were astonished, how a small reduction in the size of the proposed hotel; could 'tip the balance' in favour of approval. This is Green Belt land and the logic put forward, was, in our view flawed; inconsistent with previous recommendations and inexplicable. The fact that a number of 'recommendations' made by planning, have recently been overturned by the Planning Board; casts some doubt on the decision process and if local input and representations are being given enough weight.

ALL our previous objections stand – with particular focus on the Green Belt issue, road safety and the lack of main sewerage – a significant point; with regard to potential flooding in Fillongley. The Parish Council have also received representations, regarding traffic delays for local residents (especially in the evenings) and we understand there have been a number of minor accidents near the site. It is abundantly clear, the local road infrastructure is unsuitable for any increase in vehicular movements, in and out of the site and it will only be a matter of time, before a more serious RTA occurs.

We will now focus on the draft conditions; which have been issued for comment.

The main question on the conditions, which needs to be asked is; are they capable of being monitored by the Borough Council and if not been complied with, capable of being effectively enforced. On evidence to date, we have grave concerns on both counts – from our experience and representations, there has been many occurrences of non-compliance and rather 'patchy and ineffective' enforcement action – this does not bode well for the future.

Rather than go through each condition, we have grouped them in categories and make some overall comments as follows:

- ❖ **Standard Conditions (1 and 2)**

No comment.

- ❖ **Defining Conditions (3, 4, 5 and 6)**

Previous experience would suggest, that these conditions are just a wish list; are likely to be ignored and in our view, most unlikely to be enforced. Throughout the last few

years, NWBC has only reacted to complaints regarding various issues, rather than being proactive. Issues, such as excessive noise, have failed to be addressed adequately, not least, because the departments involved only work normal office hours and most incidents occur outside of these hours.

❖ **Pre Commencement Conditions (7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18)**

Whilst these conditions are not unreasonable, will they be fully enforced? We continue to hear rumours and hearsay (not in any way substantiated by the Parish Council), that some work on the hotel has already commenced. There has been significant activity on the site recently (subject to a separate complaint to NWBC from the Parish Council) and as a minimum, we would request an inspection be carried out; to ascertain if there is any truth in these rumours. If there is not, we would clearly acknowledge the fact, but if there is; that would be a clear demonstration of how the conditions are worthless.

❖ **Ongoing / Post Occupation Conditions**

19. Likely not to be enforced, based on previous non-compliance, relating to this marquee.

20. Likely to be unenforceable.

21. No comment.

22. No comment.

23. No comment.

24. Unenforceable.

25. No comment.

26. Unenforceable.

27. Unenforceable.

28. Unenforceable.

29. Unenforceable.

30. Unenforceable.

31. Little regard to local residents, has been given to date; so are things likely to change in the future??!!

32. No comment.

33. No comment.

34. Unenforceable.

35. There are still concerns regarding the knock on effect, of possible flooding in Fillongley.

36. Unenforceable and on previous experience, will be totally ignored.

37. No comment.

38. No comment.

39. Unenforceable.

40. No comment.

❖ **During Construction Conditions (41, 42, 43 and 44)**

Given recent experience, these conditions will not be enforced and will be totally disregarded.

❖ **Pre-Occupation Conditions (45, 46 and 47)**

No comment.

❖ **Notes**

In the later 'Notes', we notice, it makes reference to a Bat Survey for the building to be demolished – is this not mandatory?

It states that the Local Planning Authority has worked with the applicant in a 'positive and proactive manner', to resolve planning objections and issues. It would seem most unfortunate, that this work did not include any input from local Parish Councils and residents and has done absolutely NOTHING to remove the objections and issues, related to this TOTALLY inappropriate development.

❖ **Summary**

Putting conditions on something; that is fundamentally wrong, does not make it either right or acceptable. The fact that the conditions are unlikely to be either abided by or enforced (or indeed practical to enforce, on a day to day basis), just makes the situation worse.

The Green Belt in our community is precious and once it is gone, it is gone forever. The continued development of this site; for purely commercial gain, with a total disregard for residents, is in our view, totally unacceptable.

Some recent decisions by the NWBC Planning Department, have at best, surprised us and at worst, appalled us – indeed, as stated above; a number of recommendations from the Planning Department have been overruled by the Planning Board.

The Parish Council request the Planning Board, take a pragmatic approach and reject this totally unacceptable development and conditions; which look plausible in writing, but will in reality, mean nothing. NWBC need to stand up to its responsibilities to protect the Green Belt and the local residents, who have already had their lives blighted by existing development of this site.

Corley Parish Council

**(3) Application No: PAP/2013/0452**

**Land adjacent to Castle Close, Coventry Road, Fillongley,**

**Erection of 3 no: detached houses with associated drives, for**

**Bonds Hospital Estate Charity**

**Introduction**

Planning permission was granted for the erection of three houses on this site in July last year. There was an accompanying Section 106 Agreement which involves a financial contribution of £75k being paid to the Council towards the provision of affordable housing in the Fillongley/Corley area, in lieu of such provision on site.

Solicitors acting on behalf of the applicant have approached the Council to vary the Section 106 contribution to one payment of £15 k.

The matter is referred to the Board in order to determine the Council's response.

**Changes to Material Planning Considerations**

There are three material changes of the planning considerations affecting the provision of affordable housing that are relevant to this request.

The first is the Growth and Infrastructure Act 2013. Section 7 enables the land owner or beneficiary of a planning permission to submit a case to the Local Planning Authority for the re-negotiation of an affordable housing contribution. This is not a planning application and would thus not follow familiar planning procedures. In short the "applicant" would be saying that the development as approved would not be viable with the inclusion of the additional contribution and seeks to reduce its amount or seeks to remove it all together. The Local Planning Authority's remit here is solely to assess the viability case and not to revisit the planning case. Members will know that we dealt with one such case in 2014 whereby the contribution was removed all together – i.e. the houses now under construction off New Road in Water Orton.

The second follows on from this in that policy NW6 of the Council's adopted Core Strategy recognises the viability issue referred to in the Act, by explicitly saying that, "proposals to provide less than the targets ..... should be supported by a viability appraisal to verify that the targets cannot be met".

The third factor again takes the provisions of the Act even further, in that Government Guidance issued in November 2014 sets out that there should be no requirement for any affordable housing contribution on developments of less than ten units in order to assist small businesses and building companies. Members will know that this guidance is now in practice when planning applications are determined.

**The Proposals**

The applicant is fully aware of all three of these matters. In short he is asking the Council to vary the Section 106 so as to allow a contribution of £15k. He is saying that should this not be agreed, he will submit a fresh planning application for exactly the

same development but with no offer of any contribution at all arguing that the recent November 2014 guidance means that a subsequent approval should not involve any contribution. In short he is asking the Council to voluntarily agree to the reduced contribution in lieu of no contribution at all.

### **Observations**

Whilst this might well not be viewed by Members as an appropriate way in which to determine planning matters, it must be stressed that this position has been brought about wholly as a consequence of the previous Government's approach as set out in the section above. That approach has enabled the applicant to act in this way. The Council's Solicitor has been consulted on this application and supports the above observation. The current offer needs to be assessed against the current, changed national planning guidance and not against the previous Agreement.

The Board has a choice here – agree to the reduced contribution or deal with a fresh application with no contribution offered at all. Any new planning application would have to be determined based on the fact that the 2014 planning permission exists and that the changed circumstances as outlined above would carry substantial weight in its determination. Hence on balance it is recommended that the offer be accepted.

### **Recommendation**

That the applicant be informed that the Council agrees to the variation of the Section 106.

## BACKGROUND PAPERS

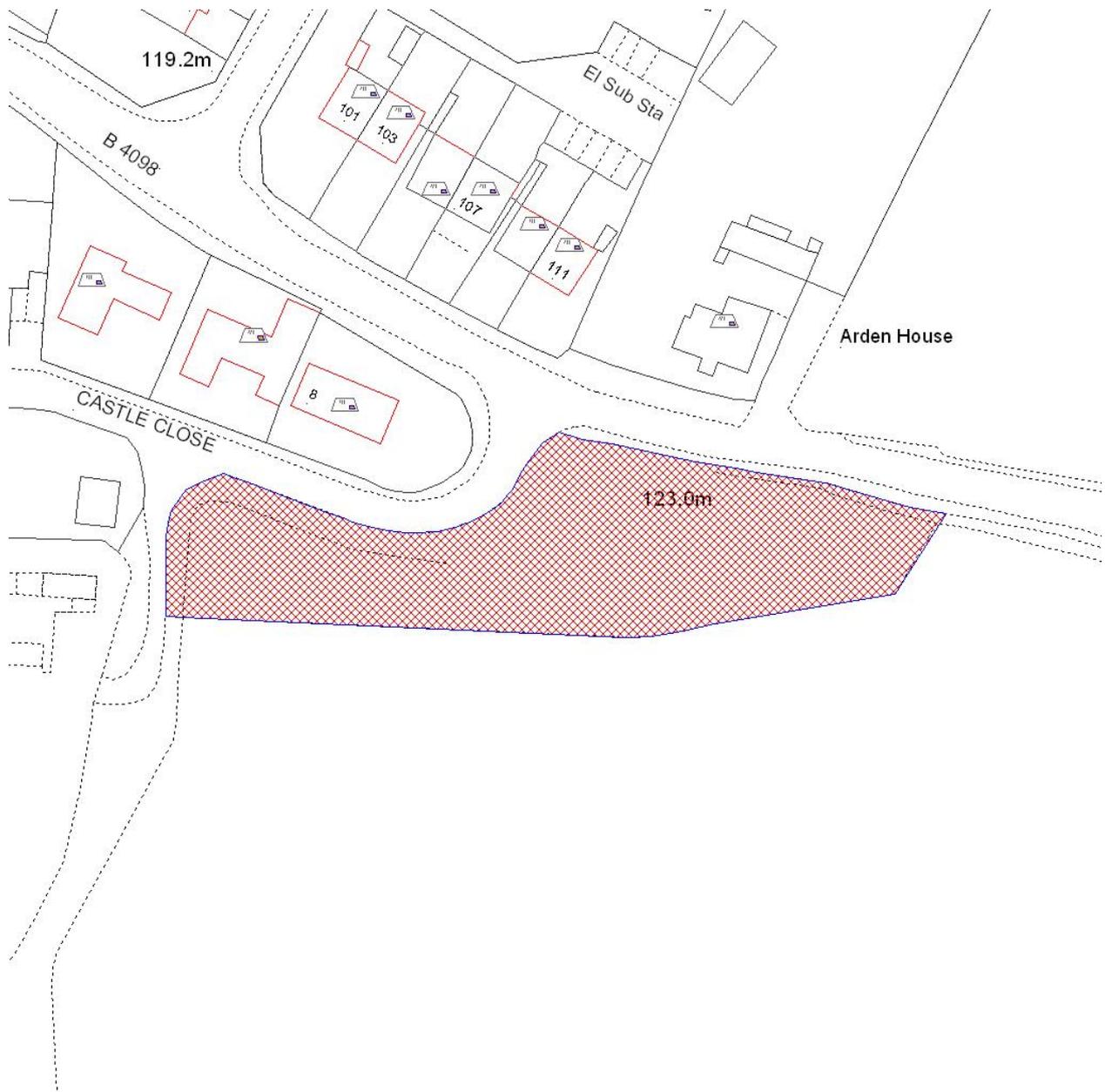
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

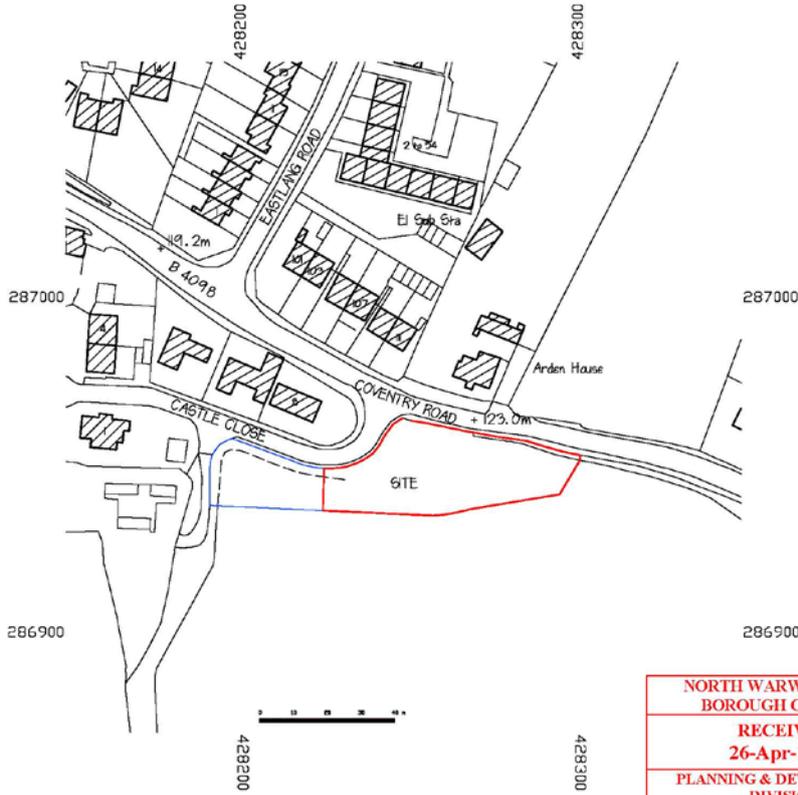
Planning Application No: PAP/2013/0452

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	Solicitor on behalf of Applicant	Letter	18/3/15

*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.*





  
**NORTH WARWICKSHIRE  
BOROUGH COUNCIL**  
**APPROVED**  
**30-Sep-14**  
UNDER THE PROVISIONS  
OF THE TOWN & COUNTRY PLANNING ACTS  
**SUBJECT TO CONDITIONS  
ON NOTICE**

  
The Old Vicarage  
38 High Street  
Warwick  
CV8 1JZ  
Tel: 024 7629822 **Duke Gaden  
Designs  
Ltd**

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**Client**  
BONDS HOSPITAL ESTATE CHARITY

---

**Job Title**  
PROPOSED RESIDENTIAL  
DEVELOPMENT  
LAND AT  
CASTLE CLOSE,  
FILLONLEY

---

**Drawing**  
SITE LOCATION PLAN

---

Drawn	11/2/10	Rev	SEPT '13
Checked	5/9/10	Approved	ASD
Issue	2/2	Date	SEP 13

**NORTH WARWICKSHIRE  
BOROUGH COUNCIL**  
**RECEIVED**  
**26-Apr-14**  
**PLANNING & DEVELOPMENT  
DIVISION**

#### **(4) Application No: PAP/2014/0100**

**The Cuckoos Rest, Whitehouse Road, Dordon, B78 1QE**

**Demolition of existing public house and construction of A1 convenience store and A2/A5 adjacent unit with associated car parking; and 3no. first floor apartments, for**

#### **Punch Taverns**

#### **Introduction**

This application was referred to the March Board meeting but a determination was deferred in order to see if outstanding highway matters could be resolved. The present position is now reported.

For convenience, the written report to that meeting is attached at Appendix A.

#### **Background**

In summary the proposals are for the redevelopment of the this site, presently occupied by a Public House, for a new retail store together with another shop unit and three flats above.

The Board heard that the redevelopment scheme would enable the Co-op at its existing premises in New Street to re-locate, thus enabling that site to be redeveloped too. That would bring some benefits in that there would be some alleviation of car parking and delivery problems arising from the use of that site.

The report at Appendix A describes the proposals; the relevant Development Plan policies as well as the responses from the various Agencies and from the local community.

The Board also heard at the meeting that the Highway Authority was still not comfortable with the access arrangements and maintained its objection. This current report brings matters up to date.

#### **Additional Information**

Members may well be aware that planning permission has now been granted for the redevelopment of the Co-op's premises in New Street, such that the re-location as outlined above is a step closer. It has also been confirmed that the other retail unit would be occupied by a Fish and Chip Shop.

The Highway Authority has now withdrawn its objection subject to the imposition of conditions relating to revised plans. These show a minor re-location of the access to so as to avoid an existing traffic calming measure in Whitehouse Road which was the main source of objection. It also has the benefit of enabling three extra car parking spaces to be provided.

The recommendation at Appendix A also requires the completion of a Section 106 Legal Undertaking that the Tamworth Cooperative Society would be the first occupier of the new store. This has not been progressed as the Society was awaiting the outcome of

the New Street application and the Board's planning decision of the current application. With the agreement of the Society an appropriately worded condition can be added to the grant of any planning permission in lieu of this Agreement.

### **Recommendation**

Given these changed circumstances it is now considered that the application can be recommended for approval subject to the following conditions:

1. Standard three year condition
2. Standard Plan numbers condition – the revised plan numbers: 150F; 152, 250C, 06J7/01043 and 450D received on 4/6/15.

### **Pre-Commencement Conditions**

3. No development shall commence on site, except for demolition works until such time as full details of the means of disposal of foul and surface water have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be implemented on site.

#### **REASON**

In the interests of reducing the risks of pollution and flooding

4. No construction work shall commence on site until such time as full details of ground gas protection measures in the design of the foundations have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be implemented on site.

#### **REASON**

In the interests of reducing the risk of pollution.

5. No construction work shall commence on site until such time as full details of the location of and technical specification of all air conditioning and refrigeration plant have first been submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be installed on site.

#### **REASON**

In the interests of reducing the risk of noise pollution

6. No external lighting whatsoever, whether attached to buildings or free standing shall be installed without details of locations and the technical lighting specifications first having been submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be installed on site.

#### **REASON**

In the interests of the amenities of the area.

7. No development shall commence on site, other than demolition works until such time as details of the bus shelter to be provided in the location shown on the approved plan have first been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the area.

**Defining Conditions**

8. First occupation of the retail unit A as shown on the approved plan shall be by the Tamworth Cooperative Society and no other retailer whomsoever.

REASON

In the interests of the particular circumstances of this case.

9. For the avoidance of doubt this permission does not include any ATM cash dispenser within any of the buildings hereby approved.

REASON

In the interests of reducing traffic generation and thus highway safety.

10. The Retail Unit marked as A on the approved plan shall only open for retail purposes between 0600 hours and 2300 hours on Mondays to Sundays inclusive.

REASON

In the interests of the amenities of the area given the proximity of residential property.

11. The retail unit marked as B on the approved plan shall only open for retail purposes between 1200 hours and 1400 hours and 1700 to 2300 hours Mondays to Sundays inclusive except that there shall be no opening whatsoever for retail purposes between 1200 and 1400 hours on Saturdays.

REASON

In the interests of the amenities of the area given the proximity of residential property.

12. There shall be no deliveries made to either of the two retail units shown on the approved plan before 0700 hours on any weekday including Saturdays; before 0800 on Sundays and Bank Holidays, or after 2000 hours on weekdays and Saturdays and after 1600 hours on Sundays.

REASON

In the interests of the amenities of the area given the proximity of residential property.

13. For the avoidance of doubt there shall be no deliveries made to either of the retail units hereby approved by any vehicle greater than 12 metres in length.

REASON

In the interests of highway safety

14. For the avoidance of doubt, no gates shall be installed across the access hereby approved.

REASON

In the interests of highway safety

15. The whole of the parking, turning and delivery areas shown on the approved plan shall be permanently retained for these purposes at all times. For the avoidance of doubt there shall be no outside storage of goods, plant, equipment or any storage containers within these designated areas.

REASON

In the interests of highway safety so as to not to lead to on-street car parking.

16. There shall be no planting whatsoever within 2.4 metres of the near edge of the public highway carriageways around the site.

REASON

In the interests of highway safety.

### **Pre-Occupation Conditions**

17. There shall be no business use made of either of the retail units hereby approved until such time as the whole of the existing vehicular access to the site has been permanently closed and the highway reinstated to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety.

### **Notes**

1. Attention is drawn to Sections 149, 151, 163 and 184 of the Highways Act 1980; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice. Contact should be made with the Warwickshire County Council in these regards.
2. The Local Planning Authority has met the requirements of the NPPF in this case through responding to the planning and highway issues arising through achieving the best balance, thus enabling sustainable development to be delivered.

3. Standard Radon Gas Note
4. Standard Coalfield Advice Note

## BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0100

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	Case Officer	Letter	10/3/15
2	Highways Authority	Consultation	8/4/15

*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/2014/0100****The Cuckoos Rest , Whitehouse Road, Dordon, B78 1QE****Demolition of existing public house and redevelopment of site with new building to provide a convenience store, three residential apartments above, separate attached retail unit, car parking area and new vehicle access to Whitehouse Road.****Applicant - Punch Taverns****Introduction**

This application is referred as this is for a significant development and a statutory consultee maintains an objection to the development.

**The Site**

The site has an area of 0.184ha and is occupied by the Cuckoos Rest. This is a prominent corner site at the junction of Whitehouse Road, Roman Way and Long Street. The site comprises of the public house building with a gross floor area of 218m<sup>2</sup>, one additional small outbuilding, outdoor garden, play area and a car park which provides 16 parking spaces. There are existing vehicle accesses to Whitehouse Road and to Roman Way. The pub building and the outbuilding are sited in the south west corner of the site, adjacent to Roman Way, with the car park providing an open frontage to Whitehouse Road. The public house is currently operated as a pub business.

The Dordon Library is immediately to the west of the site, there are existing dwelling houses to the rear of this, and No. 1 Roman Way is closest to the western boundary but does not overlook the site. A dwelling also adjoins the northern boundary and houses on the opposite side of Whitehouse Road, to the east, overlook the site.

A traffic calming scheme has been implemented on Whitehouse Road, Long Street and Roman Way and there is a raised speed table within the carriageway close to the position of proposed vehicle entrance to the development.

There is a mature tree within the site close to Whitehouse Road, this is highly visible and makes a significant contribution to local amenity.

**The Proposal**

Is to demolish the existing public house building and construct a new building for use as convenience food store, (Use Class A1), with three residential apartments on the first floor above, a separate attached single storey retail unit for use either as a shop (Use Class A1), office (Use Class A2), or hot food takeaway outlet (Use Class A5), the formation of a new vehicle access to Whitehouse Road and a car parking area with 22 parking spaces and manoeuvring/turning space for an articulated delivery vehicle. The proposed new building will have a gross floorspace of 334.6 m<sup>2</sup>, the convenience store will have a gross floor area of 263 m<sup>2</sup> and the attached hot food outlet unit will have a gross floor area of 71.6m<sup>2</sup>. The first floor flats will have floorspaces from 59 to 65 m<sup>2</sup>.

The existing vehicle accesses to Roman Way and Whitehouse Road will be closed and a new access to Whitehouse Road will be formed to provide a single vehicle access to the development.

A bus shelter is proposed to be provided within the northern tip of the site to serve the existing bus stop on Whitehouse Road. The location and details of the shelter to be erected are shown on the Proposed Outline Site plan submitted on 10/12/2014.

The proposed development has been subject to revisions since initial submission. These have included the removal of a proposed pedestrian access from Roman Way, of an external ATM cash machine, the inclusion of the acoustic boundary fence, the bus shelter and the dummy chimney, repositioning of the vehicle access and an increase in the parking provision from 19 to 22 spaces.

The applicant's agent has confirmed the intended occupier of the larger convenience store would be the Tamworth Co-operative Society (TCS) and that the smaller unit is likely to be occupied as a fish and chip shop. The TCS will relocate from their existing store on New Street, Dordon; the existing store will close and the site will be re-developed for housing. The post office within the Co-op New St store will relocate to the proposed new store. A separate planning application has been submitted by the TCS for the demolition of the existing New Street store building and the re-development of the site with four dwellinghouses.

A third party agent has submitted a representation to confirm that an agreement has been made between his client and the TCS for his client to operate a fish and chip shop business within the proposed smaller unit.

The proposed opening times for the convenience store are from 07:00 hours until 23:00 hours every day and for the smaller unit from 07:00 hours to 23:00 Monday to Saturday inclusive and from 08:00 to 23:00 on Sunday. However the agent has subsequently confirmed the fish and chip shop would not open on Saturday at 'lunch time'. This is proposed to mitigate the concern raised by the Highway Authority over the number of parking spaces as this period is identified as the time of peak demand for parking spaces.

A delivery management plan states deliveries to the convenience store would take place between 0700 to 2000 hours on Monday to Saturday, between 0800 to 1600 hours on Sunday and between 0800 to 2000 hours on public holidays. There would 5 deliveries on most days, with the exception of Sundays when there would be 2 deliveries, and one weekday when there would 6 deliveries. Deliveries would be made by a 12 metre long rigid HGV vehicle.

The proposed site layout plan, building floor plans and elevations are attached as Appendix 1.

### **Development Plan**

North Warwickshire Local Plan Core Strategy - October 2014:  
Policies - NW4, NW5, NW10, NW11, NW12, NW20, NW21.

North Warwickshire Local Plan 2006 (Saved Policies):  
ENV11, ENV12, ENV13, ENV14, ECON5; TPT1; TPT3; TPT6

### **Other Relevant Material Considerations**

National Planning Guidance : National Planning Policy Framework 2012.

### **Consultations**

**Severn Trent Water** – no objection subject to conditions to require details of proposed drainage schemes to be submitted and approved

### **NWBC Environmental Health Officer**

- a) The site is within 250 metres of a landfill site where monitoring has identified ground gas was still being generated. It is recommend that ground gas ingress protection measures are therefore incorporated in the foundations of the building or that a site investigation is undertaken to determine the need for such gas protection measures; if this is undertaken the details should then be submitted for verification.
- b) To protect the amenity of adjoining dwellings the proposed two metre high acoustic fence should extend along the entire length of the western boundary; details of the chiller compressor/condenser units proposed along western façade of the convenience store are required to assess the noise impact as it may be necessary for these to be enclosed within acoustic enclosures.
- c) the external lighting scheme should be sympathetic to neighbouring residential properties; recommend details should be submitted for prior approval.
- d) Concern that deliveries to the site at 7:00 hours that vehicles manoeuvring and parking close to the western boundary after 23:00 hours could have an adverse impact on nearby residential properties.

**Warwickshire County Council Highway Authority** – objects to the proposed development for the following reasons:-

1. The proposed location for the access is not considered suitable for the purpose intended. The proposed location conflicts with the existing traffic calming feature, the result of which could be detrimental to highway safety.
2. It has not been demonstrated that the parking provision is suitable for the purpose intended. The proposed parking could result in the reliance on parking on the public highway. On-street parking in the area is already an issue, and further parking could be considered as a hazard and affect the free flow of traffic.

3. It considers the Transport Statement (TS) submitted with the application does not demonstrate the true impact of the proposed development on the public highway network. The figures provided are based on one store smaller than that proposed surveyed on a day which is not considered at peak occupancy.

### Representations

A pro-forma letter setting out the following concerns and objecting to the development was circulated following the initial submission of the application:-

- The existing traffic problem on Whitehouse Road will be exacerbated by more vehicles trips to the site and by large delivery vehicles visiting the site.
- Additional traffic movements will have an adverse impact on nearby local school.
- The development will spoil the character of the rural village.
- There are a number of existing convenience stores within Dordon including a Co-op.
- The loss of the village pub.

Signed copies of this pro-forma letter have been received from 419 people objecting to the proposed development.

Representations have also been received from 32 individuals, these raise the following concerns:-

- 1 Scale of development inappropriate and overlarge for location
- 2 Insufficient parking provision
- 3 Adverse noise impact
- 4 Adverse impact on amenity from external lighting
- 5 Loss of amenity for neighbouring residential properties
- 6 Overlooking of residential properties
- 7 The landscaping and boundary treatments to be provided to the site
- 8 Proposed opening times too long and not suited to village location.
- 9 Late night opening will offer potential opportunity for anti-social behaviour
- 10 Adverse impact on highway safety and amenity.
- 11 Existing poor state of roads will be exacerbated by additional traffic
- 12 Adverse impact on existing local shops
- 13 Proposed takeaway is an unnecessary addition to existing outlets in Dordon
- 14 Loss of employment from pub closure
- 15 Loss of existing Coop store
- 16 Loss of post office
- 17 Proposed new store too distant for elderly residents
- 18 Houses will be devalued
- 19 Site is being used by ground nesting birds (April 2014) particularly the Little Ringed Plover a species identified within Schedule 1 of the Wildlife & Countryside Act 1981.

One representation received considered the development would enhance the area but expressed reservation this could add to the traffic congestion experienced at busy times e.g. school start and closing times, if the larger store attracted visitors from other nearby villages.

Following notification of the submission of revised details in November 2014, further representations have been received from seven people. These mainly re-iterate the previous concerns. One additional concern is about disturbance of day time sleep patterns for a local resident who works overnight and the impact on his job as an HGV driver. The potential for such disturbance to people with daily routines outside the norm is impossible to avoid. Given the character of the uses proposed within the development it is unlikely these will give rise to a significant increase in day time noise levels in this location. The most significant noise impact is from traffic on local roads and given the logarithmic scale applicable to increases in noise, the number additional vehicles likely to be attracted by the development is unlikely to raise the level of traffic noise substantially.

Points 1 to 10 above are relevant planning considerations and these are considered below. Point 11 refers to the condition of the existing roads; this is a matter for the Highway Authority. Points 12 and 13 are only relevant in so far as they relate to the impact on the range of services available within the settlement; the consideration of commercial competition concerning individual businesses is not a relevant planning matter. Point 14 concerns the loss of existing jobs, whilst there would be job losses with the closure of existing business these are likely to be more than would be offset by the new jobs created within the new businesses. Points 15 and 16 are addressed in that new store will be operated by the Co-operative and the post office within the existing store will relocate to the new store. Point 17 refers to the increased distance of the new store from the existing store, this a walking distance of around 0.5km. A regular scheduled bus service connects the two locations. With regard to points 15 and 17 there is also an existing SPAR food store on Browns Lane. Point 18 is not a relevant planning consideration. Point 19 raises concern over disturbance to nesting birds subject to provisions within the Wildlife and Countryside Act 1981. This is not of itself a planning matter. The relevant planning consideration is whether mitigation is required to offset habitat that would be lost through development; this not considered to be necessary with this application.

### **Observations**

The site is within the identified settlement boundary for Dordon. The re-development of this site is thus in accord with Policy NW2 of the Local Plan Core Strategy.

Planning matters relevant to the determination of this application are considered port below under the following topic areas:-

- The impact of the loss of the existing public house;
- The impact of the proposed new development,
- Transport and traffic impact
- The impact of the relocation of the Co-operative Store from New Street, Dordon and the cessation of the retail use on that site.

### **Existing Use**

The Cuckoos Rest is the only remaining public house within Dordon. There are however several other licensed premises within Dordon; these include the nearby Dordon Club, now open to all, the Dordon Institute Social Club and the Birch Coppice Social Club.

Several other public houses can be found within a distance of 1 mile to 1.5 miles, at Birchmoor, Polesworth and Grendon.

The closure of the Cuckoos Rest will result in the loss of this leisure facility. It is however strictly speaking a private commercial business use and not a public community facility. This loss is somewhat mitigated by the presence of the other nearby licensed premises and social clubs.

It is significant the public house is currently in use and it is also clear from the representations received that people value the pub as an asset to the community. This is however tempered by the knowledge the continued operation of the current pub business cannot be guaranteed through the planning system. The applicants, Punch Taverns, have stated that trade and barrellage of the pub has fallen considerably over recent years and that it has required financial support in terms of subsidies and rent reductions. No details of the level of this support have been provided. These commercial matters are not thus considered to be significant in the determination of this application given the building is currently in active use as a pub.

### **The Proposed Development**

The proposed new building will be sited on the southern part of the site, adjacent to the existing library building. It will have a gross floor space of 631 m<sup>2</sup>, the larger retail unit will have a gross floor space of 334m<sup>2</sup>, including a sales area of 263m<sup>2</sup> and a storage area of 133m<sup>2</sup>; the smaller unit will have a floor space of 71m<sup>2</sup>; the three two-bedroom apartments on the first floor will have floor spaces of 59m<sup>2</sup>, 60m<sup>2</sup> & 65m<sup>2</sup>.

The part two-storey, part single-storey building will have a maximum height of 9.2 metres to the roof ridge, with eaves at 6 metres; the single storey part will be 6.8 metres high to the roof ridge with eaves at 3.4 metres, this part will also have a dummy chimney, which will be 8.7 metres high, to provide a potential outlet for ventilation/fume extraction equipment.

The Design and Access statement sets out the design principles applied. The position of the new building maintains the existing form of the built development on this site and retains the open character of the northern part of the site, this area most overlooked by existing residential properties. The part two-storey, part single-storey building is designed to complement the height of the adjoining library building rising provide a feature elevation to the junction of Roman Way, Whitehouse Road and Long Street.

The new building provides a frontage to Roman Way which steps back and down in height to meet the adjoining library building, and which wraps around the corner with Whitehouse Road and continues for a short distance providing a strong elevation to the junction. The outward facing elevations include corbelled and stepped gables to the first floor and large display windows to enliven the street scene. Materials will be red brick and white render to the first floor gables these have been chosen to reflect the materials used in existing buildings nearby to retain the local character.

The first floor flats will each have a hall, combined living room and kitchen, two bedrooms and a separate bathroom. These are accessed via an internal corridor leading from the stairwell. One flat will have windows in the front elevation to Whitehouse Road and in the side elevation overlooking the car park. The other two flats will have windows to the front elevation only; these will overlook Whitehouse Road and Roman Way. The front elevations of dwellings on the opposite side of Whitehouse Road will be some 20 metres distant, this distance is sufficient to avoid any significant loss of privacy. Windows in the bedrooms of the flat facing Roman Way will overlook rear gardens of dwellings on the opposite of Roman Way; however windows in neighbouring houses on Long Street already overlook these rear gardens.

The car park/vehicle manoeuvring area will be within the northern part of the site and a single vehicle access will be provided onto Whitehouse Road. This will provide 22 parking spaces and manoeuvring/turning space for an articulated delivery vehicle.

The entrances to the retail units and the dwellings will be from within the car park. Separate entrances are provided to the convenience store, the adjoining retail unit and to the first floor flats via a stairwell. There will be no access for vehicles or pedestrians to the interior of the development from Roman Way.

Landscaping will be provided along the frontages to Roman Way and Whitehouse Road and along the western boundary to provide a buffer to adjacent residential properties. The retention of the existing mature tree will soften the appearance from Whitehouse Road. An acoustic boundary fence is proposed to the western boundary to reduce the impact of noise from vehicles manoeuvring within the car park on adjacent residential properties. This will be required to extend along the entire western boundary to the most northerly point to maximise the noise reduction effect and to protect the dwellings immediately adjacent to the north of the site.

#### **Change of Use**

The proposed development will result in a material change in the use of this site. The existing use is within Use Class A4, the proposed use is a mixed use of the site with proposed uses falling within Use Classes A1, A5 and C3. Whilst both the existing commercial leisure use as a public house and the proposed retail use involve people travelling to the site, there will be essential differences in the character of the visits, in terms of numbers of visitors, timings of visits, duration and intensity. These will be influenced by factors such as the type and attractiveness of the retail business, opening hours, ease of access, parking, the effect of other nearby facilities, e.g. schools, which can result in multi-destination journeys.

## **Transport and Traffic Impacts**

A transport statement (TS) submitted with the application provides an assessment of the traffic impact of the proposed development. This includes estimates of vehicle trips to the proposed development and the level of parking that is appropriate. These are based on details from other developments considered to be similar from within the TRICS database. The TS identifies the convenience store will produce more vehicle movements than the public house use. It contends however this is a "worst case scenario" as the comparative data used to derive the trip movements is from a store with a far higher level of passing traffic than the Dordon site.

It suggests food shopping patterns are changing and the new store would encourage local residents to change their habitual shopping patterns, to develop more sustainable travel habits leading to more sustainable food shopping behaviour.

The larger new store will provide modern accessible convenience shopping for the town, an alternative to bulk food shopping by car further afield and enable local residents to make more frequent shopping trips on foot. This could reduce shopping trips made and distances travelled by car by encouraging, trips on foot, shopping trips combined with journeys made for another purpose, and shorter car journeys through substitution of main food shopping trips to more distant larger stores.

It concludes there are "no material or overriding highway or transportation reasons" why planning permission should not be granted.

The Highway Authority however has concerns about transport assessment submitted. These include the appropriateness of the survey data used to derive estimates of the number of vehicle trips and the level of parking provision required. The Lincoln store used to derive the vehicle trip profile does not include a secondary retail use or residential units and the survey day Tuesday is not considered to reflect peak demand.

Following previous responses from the Highway Authority, revisions have been made to the proposed development. The position of the vehicle access has been moved, further away from the raised speed table on Whitehouse Road; the ATM cash point has been removed; three additional parking spaces have been provided and the opening hours for the proposed A5 unit have been revised to exclude opening on Saturday lunchtime; this period is identified as the time with most visitors to the store and thus the peak demand for parking spaces.

The Highway Authority has considered the current revised scheme but still has concerns, these are set out in full in their latest response, and a copy of this is attached as Appendix 2. The Highway Authority objects for three reasons, these are:-

1. The proposed location for the access is not considered suitable for the purpose intended. The proposed location conflicts with the existing traffic calming feature, the result of which could be detrimental to highway safety.
2. It has not been demonstrated that the parking provision is suitable for the purpose intended. The proposed parking could result in the reliance on parking on the public highway. On-street parking in the area is already an issue, and further parking could be considered as a hazard and affect the free flow of traffic.
3. It is considered that the Transport Statement (TS) submitted with the application does not demonstrate the true impact of the proposed development on the public highway network. The figures provided are based on one store smaller than that proposed surveyed on a day which is not considered at peak occupancy. .

Objection 1 raises a concern over the proximity of the proposed vehicle access to the existing traffic calming feature. The transport statement submitted considers this to be a subjective assessment from the Highway Authority; however this argument itself appears to be equally subjective as no evidence is provided. A safety audit of the proposed vehicle access arrangement could assist in resolving this matter. The agent has now undertaken to commission a safety audit in response to this concern.

With regard to objection 2 above applying the maximum car parking standards set out within the saved North Warwickshire Local Plan 2006 identifies a maximum provision of 33 parking spaces; the 23 spaces for an A1 use in the larger store unit and 5 spaces for the smaller unit; this would reduce to 3 spaces for a takeaway A5 use, and a total of 6 spaces (2 each) for the residential units. This is the maximum number of car parking spaces that should be provided; fewer spaces could be acceptable providing no significant adverse impact would arise.

The proposed car parking spaces will be shared by all three uses on the site. The mix of proposed uses is significant as peak demand from the different uses may not coincide; in this case the occupiers of the flats are likely to away during the afternoon when there are likely to be more visitors to the store, the peak for visitors to convenience stores is normally during the afternoon. This variation in demand for parking spaces could be reflected in a reduction in the maximum number of spaces. The availability of parking can have a significant impact in attracting vehicles, over provision may encourage trips from further afield; fewer spaces could encourage local people to make visits on foot.

The Highway Agency concern is that under provision will result in inappropriate parking on local roads. There are however existing waiting and loading restrictions on the junction approaches on Whitehouse Road, Long Street and Roman Way and the inward facing design of the development serves to discourage on-street parking by increasing the walking distance to the building entrances, which can only be accessed from within the car park..

Applying the saved parking standards to the existing pub (an A4 use) produces a maximum parking provision for 42 spaces. The existing public house provides only 17 parking spaces; a successful pub business could therefore also result in inappropriate on-street parking on adjacent roads and the approaches to the junction. There is existing high demand for available on-street parking on Long Street; however the proposed development should not significantly exacerbate this given the distance to the entrances to the proposed buildings.

With regard to objection 3 above, the concern over the appropriateness of the vehicle trip figures notwithstanding, the Highway Authority consider the relocation and closure of the existing New Street could mitigate potential traffic movements associated with the new store. The cessation of the retail use at existing store premises will be necessary to secure the mitigation. This the course proposed by Tamworth Co-operative Society (TCS). A current separate planning application proposes the demolition of the existing New St store and the re-development of the site with four houses, with off-street parking to the rear. This development would proceed in conjunction with the larger residential development, also proposed by the TCS for which planning permission was granted on 18/12/2012 reference PAP/2012/0498. This is for a development of eleven houses on the land between New Street and Long Street with vehicle access from New Street, this access will provide vehicle access to off-street parking to the rear of the four new houses proposed on the existing store site.

The closure of the existing store would also result in significant improvements to the traffic situation on New Street. This has a high density of older dwellinghouses with no off-street parking and experiences very high demand for on-street parking throughout the day, from residents and visitors to the existing Co-op store, which effectively reduces the width to a single carriageway. It has access to the A5 Watling Street and is used as an alternative route to Long Street which experiences similar issues with parked vehicles and reduced carriageway width. New Street is also a bus route and the existing store attracts large delivery vehicles, these larger vehicles can experience problems with the reduced width due to parked vehicles which results in temporary obstruction and congestion.

The TCS have confirmed they would enter into a legal obligation to cease the use of their existing New St store within one month of the opening of the new store. An appropriately worded agreement would effectively secure the cessation of retail use on this site.

#### **Hours of opening and delivery times**

The Environmental Health Officer has no concern over the proposed opening hours but is concerned that deliveries as early as 7000 hours in the morning could give rise to disturbance for occupiers of neighbouring residential properties. This would be resolved if deliveries do not occur before 0730 hours, this can required through a condition prescribing the hours during which deliveries can take place. There is also a concern that vehicles accessing the car park late at night could give also rise to disturbance. This can be addressed through a condition to require details to be submitted and approved of measures to control access to the car park after 2300 hours.

## **Development Plan Policy**

### **Local Plan Core Strategy**

**Policies NW4 and NW5** makes provision for new housing within Dordon, the proposal and the redevelopment of the existing store would result in seven additional dwellings.

**Policy NW 10** is relevant in that seeks to:- maintain local services unless these are no longer needed by the community; to provide safe vehicle access and sufficient parking and manoeuvring space; encourage more sustainable forms of travelling; and avoid unacceptable impacts on amenity. Whilst aspects of the proposed development comply with this policy, other elements are in conflict. The later include the loss of the public house, the concern over the vehicle access and parking provision. The former include the potential to develop more sustainable travel habits and food shopping behaviour, to reduce shopping trips made and distances travelled by car and to encourage shopping trips on foot.

**Policy NW12** requires development to demonstrate sustainable design and positively enhance the character and appearance of settlements and the environmental quality. Overall the design and appearance of the proposed building is considered to respect the local area and to make a positive contribution to the character of the settlement and to comply with this policy.

**Policy NW20** supports the loss of services or facilities only where the facility is replaced or the loss would not harm the vitality of the settlement. Although there are other licensed premises nearby the character of these is different that of the public house which with the outdoor garden and play facilities is more family oriented. The loss of the pub is thus not considered to comply fully with this policy.

**Policy NW21** seeks opportunities to secure improvements to transport through sustainable solutions and measures. The proposed development will offer the potential to develop more sustainable travel habits leading to more sustainable food shopping behaviour and to reduce shopping trips made and distances travelled by car is in accord with this policy

### **North Warwickshire Local Plan 2006 - Saved Policies**

The design and appearance of the proposed building are considered to comply with saved policies ENV12 and ENV13.

Given the Highway Authority concern over the highway safety with regard to the vehicle access, the proposal is not considered at present to be in accord with saved policies ENV14 and TPT3.

The proposal is for new development on previously developed land within a settlement. This will however replace existing commercial floorspace within the public house and the existing food store which will be lost. The proposal is thus not considered to be additional floorspace in the context of saved policy ECON5.

## **Summary**

The key planning consideration in determining this application is the balance to be struck between the adverse impact due to the loss of the existing public house to the community and the beneficial impacts of a larger convenience food store in providing modern local food shopping opportunity that could encourage more sustainable shopping and travel behaviour; the opportunity to mitigate traffic issues and congestion on New Street, and the provision of up to seven additional new dwellings. This is a fine balance.

Given the apparent level of support for the retaining the public house significant weight is attached to the loss. The larger food store will however enhance the shopping facilities within the settlement and offer the opportunity for more sustainable shopping behaviour, and the new housing will be provided. These improvements to the local accessible services within the settlement, for sustainable travel additional housing are considered to be of significant weight in the determination of this application.

The opportunity to mitigate existing traffic problems on New Street through the relocation and closure of the existing store is a significant consideration. However if the new development would generate new traffic problems on local roads, this would offset the resolution of traffic problems in New Street, and this would be consequently of less significance in the determination of this application. The Highway Authority concerns are important to this judgement.

It is recommended therefore this application is not determined until the Highway Authority concerns can be assessed in full. A safety audit of the proposed vehicle access arrangement and further details of existing traffic on local roads will assist with this. If the highway concerns can be satisfactorily resolved the officer recommendation would be to grant planning permission.

## **Conditions and S106 legal agreement**

In addition to the standard conditions concerning specific conditions to secure the requirements of statutory consultees are proposed. These will include prior submission of details of drainage details, ground gas ingress protection measures, to control access to the car park overnight, to limit to delivery times and to specify the position and extent of the acoustic boundary fence. Conditions to avoid disturbance from construction activities and prescribe hours of working will be appropriate.

A legal obligation under S106 to ensure the store is occupied only by the Tamworth Cooperative Society and to secure the cessation of the retail use at the existing New Street premises will be required to be completed prior to the grant of a planning permission.

### **Recommendation**

- a) That the Board is in principle minded to grant planning permission, subject to the resolution of the Highway Authority concerns; the inclusion of conditions as set out above and the completion of a legal agreement to secure the occupation of the convenience store by the Tamworth Cooperative Society and the cessation of the retail use at the existing store premises on New Street.
- b) In these circumstances, the application be delegated to the Authorised Officer in accordance with the approved scheme of delegation subject to prior consultation with the Chair, Vice Chair and the local ward members

## BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0100

Background Paper No	Author	Nature of Background Paper	Date
1	Sarah	Objection – email	01.04.14
2	Rebecca Jayne Guild	Objection – email	01.04.14
3	Mandy Rondel	Objection – email	01.04.14
4	Denise Badham	Objection – email	02.04.14
5	Katie Guild	Objection – email	02.04.14
6	John Watts	Objection – email	02.04.14
7	Mrs J Kind	Comments – email	04.04.14
8	Tony Duley	Objection – email	04.04.14
9	Steve Rondel	Objection – email	04.04.14
10	Martin Smith	Objection – letter	04.04.14
11	Jonathan Woodall	Objection – letter	04.04.14
12	Steven Hammond	Objection – letter	04.04.14
13	Ben Powell	Objection – letter	04.04.14
14	Emma Campbell	Objection – letter	04.04.14
15	Sam Priest	Objection – letter	04.04.14
16	Kerry Adam	Objection – letter	04.04.14
17	Lisa Sherwood	Objection – letter	04.04.14
18	Jean Jones	Objection – letter	04.04.14
19	S Davies	Objection – letter	04.04.14
20	P Dingley	Objection – letter	04.04.14
21	Samantha McCarthy	Objection – letter	04.04.14
22	James King	Objection – letter	04.04.14
23	Katie Sargent	Objection – letter	04.04.14
24	Sue Blakey	Objection – letter	04.04.14
25	Paul Groves	Objection – letter	04.04.14
26	Clifford Wilson	Objection – letter	04.04.14
27	Terry Knight	Objection – letter	04.04.14
28	T Pratt	Objection – letter	04.04.14
29	Jack Heathcott	Objection – letter	04.04.14
30	Adam Holland	Objection – letter	04.04.14
31	Bob Holland	Objection – letter	04.04.14
32	Stuart Clarke	Objection – letter	04.04.14
33	Ashley Cummins	Objection – letter	04.04.14
34	R Bassett	Objection – letter	04.04.14
35	Michelle Guild	Objection – letter	04.04.14
36	Terence Guild	Objection – letter	05.04.14
37	Dean Weston	Objection – letter	05.04.14
38	John Hutchinson	Objection – letter	05.04.14
39	D Baxter	Objection – letter	05.04.14
40	Daniel Foxy	Objection – letter	05.04.14

41	J Davis	Objection – letter	05.04.14
42	J Stanford	Objection – letter	05.04.14
43	Lee Duroe	Objection – letter	05.04.14
44	Sarah Stubbs	Objection – letter	05.04.14
45	S Sullivan	Objection – letter	05.04.14
46	Louis White	Objection – letter	05.04.14
47	Katie Weston	Objection – letter	05.04.14
48	Gary Fisher	Objection – letter	05.04.14
49	Allan Dixon	Objection – letter	05.04.14
50	Daniel Prought	Objection – letter	05.04.14
51	Gillian Riella	Objection – letter	05.04.14
52	John McCullan	Objection – letter	05.04.14
53	Cat Evans	Objection – letter	05.04.14
54	R Evans	Objection – letter	06.04.14
55	Donna Smith	Objection – letter	06.04.14
56	C A Turner	Objection – letter	06.04.14
57	K P Turner	Objection – letter	06.04.14
58	Mr P Thorne	Objection – letter	06.04.14
59	D Dingley	Objection – letter	06.04.14
60	Anna Grewcock	Objection – letter	06.04.14
61	Karl Grewcock	Objection – letter	06.04.14
62	Graham Tonks	Objection – letter	06.04.14
63	Shiralee Roberts	Objection – letter	06.04.14
64	Darren James	Objection – letter	06.04.14
65	Steven Wilson	Objection – letter	06.04.14
66	D Hayward?	Objection – letter	06.04.14
67	Damian O'Doherty	Objection – letter	06.04.14
68	Maxine friend	Objection – letter	05.04.14
69	Katie Guild	Objection – letter	06.04.14
70	Sally Lander	Objection – letter	06.04.14
71	Paul Mitchell	Objection – letter	06.04.14
72	Ricky Fox	Objection – letter	04.04.14
73	Ashley Smith	Objection – letter	04.04.14
74	Katrina Melia	Objection – letter	04.04.14
75	David Holtham	Objection – letter	04.04.14
76	Mr Ciaran Braham	Objection – letter	04.04.14
77	? Kastelik	Objection – letter	04.04.14
78	Jean Hitchman	No objection – letter	17.04.14
79	Anita Taylor	Objection – letter	13.04.14
80	Natasha Moore	Objection – email	17.04.14
81	Andy Codling	Objection – email	15.04.14
82	Harinder Duley	Objection – email	17.04.14
83	A C Chin	Objection – letter	16.04.14
84	Mrs D Parker	Objection – letter	07.04.14
85	Steven Parker	Objection – letter	07.04.14
86	Mark davies	Objection – letter	
87	Nigel Hemming	Objection – letter	07.04.14
88	Paul Genge	Objection – letter	
89	Jo Hemming	Objection – letter	07.04.14

90	Elle Robertson	Objection – letter	07.04.14
91	Craig Mallabone	Objection – letter	07.04.14
92	Matthew Blower	Objection – letter	08.04.14
93	Deborah Haywood	Objection – letter	
94	Lewis Haywood	Objection – letter	
95	B Clark	Objection – letter	08.04.14
96	Norma Scott	Objection – letter	09.04.14
97	Michael Scott	Objection – letter	
98	Geoff Hornsby	Objection – letter	09.04.14
99	T W Prue	Objection – letter	09.04.14
100	Sue Evitts	Objection – letter	10.04.14
101	Neil Webb	Objection – letter	10.04.14
102	Sam Thompson	Objection – letter	10.04.14
103	Mr and Mrs V Walton	Objection – letter	10.04.14
104	Mrs K Orton	Objection – letter	10.04.14
105	Mrs P Barrass	Objection – letter	10.04.14
106	Nicola Wood	Objection – letter	10.04.14
107	Darren Cunningham	Objection – letter	10.04.14
108	J Crabb	Objection – letter	11.04.14
109	James Fisher	Objection – letter	11.04.14
110	Nicola Fisher	Objection – letter	11.04.14
111	Adam Bradford	Objection – letter	11.04.14
112	Phil Wooster	Objection – letter	12.04.14
113	Mr K Walters	Objection – letter	12.04.14
114	Mrs V A Walters	Objection – letter	12.04.14
115	Mrs M Nolan	Objection – letter	12.04.14
116	Mr I Mobbs	Objection – letter	12.04.14
117	Mrs M S Roberts	Objection – letter	12.04.14
118	Mr and Mrs D Massey	Objection – letter	12.04.14
119	Lisa Moore	Objection – letter	12.04.14
120	Mr Patrick Nolan	Objection – letter	12.04.14
121	A Jackson	Objection – letter	12.04.14
122	Allan Brown	Objection – letter	12.04.14
123	Mrs Anne Deakin	Objection – letter	12.04.14
124	Jake Nutt	Objection – letter	12.04.14
125	Mrs D Hoverd	Objection – letter	12.04.14
126	Claire Webb	Objection – letter	12.04.14
127	Mrs L Thompson	Objection – letter	12.04.14
128	Carla Bardsley	Objection – letter	
129	L Orton	Objection – letter	11.04.14
130	Jodie Sparrow	Objection – letter	10.04.14
131	Anne Read	Objection – letter	12.04.14
132	Lisa Hart	Objection – letter	12.04.14
133	Terence Lees	Objection – letter	12.04.14
134	Alan Patterson	Objection – letter	12.04.14
135	Mrs A Reynolds	Objection – letter	12.04.14
136	Tracey Wallbank	Objection – letter	12.04.14
137	Andrew McCarthy	Objection – letter	12.04.14
138	Linda Wood	Objection – letter	12.04.14

139	Irene Bradford	Objection – letter	12.04.14
140	Robert Payne	Objection – letter	12.04.14
141	Emma Joicey	Objection – letter	12.04.14
142	Paul Joicey	Objection – letter	12.04.14
143	Neil Horbury	Objection – letter	11.04.14
144	Kim Erdogan	Objection – letter	11.04.14
145	M Kendall	Objection – letter	11.04.14
146	Lena Allbrighton	Objection – letter	11.04.14
147	Daniel Webb	Objection – letter	11.04.14
148	P Thorne	Objection – letter	11.04.14
149	Mrs and Mr K Hollis	Objection – letter	12.04.14
150	Mr and Mrs R Ebblewhite	Objection – letter	10.04.14
151	Mr P and Mrs C Clark	Objection – letter	12.04.14
152	J Archer	Objection – letter	12.04.14
153	Mr S Taylor	Objection – letter	
154	Alan Roden	Objection – letter	
155	P Lissemore	Objection – letter	12.04.14
156	Mr and Mrs Scott	Objection – letter	13.04.14
157	Lisa Peat	Objection – letter	13.04.14
158	Emma Fumagally	Objection – letter	
159	Phillip Spragg	Objection – letter	06.04.14
160	Maxine Read	Objection – letter	07.04.14
161	N Read	Objection – letter	07.04.14
162	Luke Spragg	Objection – letter	06.04.14
163	Joanne Spragg	Objection – letter	11.04.14
164	M Tennant	Objection – letter	11.04.14
165	Mrs S Lowe	Objection – letter	11.04.14
166	P Clark	Objection – letter	10.04.14
167	Alan Bartlam	Objection – letter	05.04.14
168	M Thomas	Objection – letter	
169	A Hughes	Objection – letter	05.04.14
170	Trudy Eubsan	Objection – letter	05.04.14
171	B A Kent	Objection – letter	05.04.14
172	L Kendall	Objection – letter	05.04.14
173	M Guild	Objection – letter	05.04.14
174	Nicki Mason	Objection – letter	05.04.14
175	M Themes	Objection – letter	05.04.14
176	Darren Chalfon	Objection – letter	05.04.14
177	Peter Spencer	Objection – letter	
178	A Cunniam	Objection – letter	
179	Alison Bassford	Objection – letter	05.04.14
180	Amy Millard	Objection – letter	05.04.14
181	Samantha Marshall	Objection – letter	05.04.14
182	Stacey Williams	Objection – letter	05.04.14
183	Colin Wood	Objection – letter	05.04.14
184	L Talboys	Objection – letter	05.04.14
185	S Hargreaves	Objection – letter	
186	Adam Whiston	Objection – letter	06.04.14
187	Kerry Hay	Objection – letter	06.04.14

188	N Hughes	Objection – letter	
189	Sue Ward	Objection – letter	12.04.14
190	Mr K Luckman	Objection – letter	05.04.14
191	Tim Johnson	Objection – letter	05.04.14
192	? Barden	Objection – letter	06.04.14
193	D Blakey	Objection – letter	06.04.14
194	Aaran Dingley	Objection – letter	06.04.14
195	Mr D Charles	Objection – letter	06.04.14
196	L Watson	Objection – letter	06.04.14
197	Jodie Bowes	Objection – letter	
198	Lee Deacon	Objection – letter	06.04.14
199	D Bird	Objection – letter	06.04.14
200	Karys Marshall	Objection – letter	
201	M Cawley	Objection – letter	06.04.14
202	Faye O'Donoghue	Objection – letter	
203	Denholm Price	Objection – letter	06.04.14
204	Pera O'Hare	Objection – letter	05.04.14
205	K Stait	Objection – letter	05.04.14
206	C Bradley	Objection – letter	05.04.14
207	Claire Clarke	Objection – letter	05.04.14
208	Anna Clark	Objection – letter	05.04.14
209	N J Chetwynd	Objection – letter	05.04.14
210	Leanne Lewis	Objection – letter	05.04.14
211	Shaun Darkes	Objection – letter	05.04.14
212	L Crofts	Objection – letter	05.04.14
213	M Eidukas	Objection – letter	05.04.14
214	Sarah Watson	Objection – letter	05.04.14
215	Andrea Lewis	Objection – letter	05.04.14
216	Ros Chantler	Objection – letter	05.04.14
217	L Miller	Objection – letter	05.04.14
218	Scott Haywood	Objection – letter	05.04.14
219	Mrs Brenda Tomson	Objection – letter	05.04.14
220	Ms J Hand	Objection – letter	05.04.14
221	Lucy Davis	Objection – letter	05.04.14
222	Julie Shepherd	Objection – letter	
223	Chanel Willden	Objection – letter	05.04.14
224	Lesley Lander	Objection – letter	05.04.14
225	Roy Lander	Objection – letter	05.04.14
226	Suzie Lander	Objection – letter	05.04.14
227	Mr P Kirkbride	Objection – letter	05.04.14
228	Mrs P Kirkbride	Objection – letter	05.04.14
229	Linda Tyson	Objection – letter	07.04.14
230	Vicky Smith	Objection – letter	07.04.14
231	K Hughes	Objection – letter	07.04.14
232	Paul Smith	Objection – letter	07.04.14
233	Pearl Milligan	Objection – letter	07.04.14
234	Matt Exton	Objection – letter	
235	Kerry Richardson	Objection – letter	
236	Mrs L Cart	Objection – letter	

237	Mick Wood	Objection – letter	
238	Kate Edwards	Objection – letter	05.04.14
239	D Lawrence	Objection – letter	
240	Mrs M Albrighton	Objection – letter	05.04.14
241	M Khan	Objection – letter	05.04.14
242	Donna Taylor	Objection – letter	
243	B Davies	Objection – letter	
244	Jonathan Wiliams	Objection – letter	
245	C Bates	Objection – letter	05.04.14
246	Paul Nunan	Objection – letter	05.04.14
247	A D Ison	Objection – letter	
248	S Haywood	Objection – letter	05.04.14
249	Ian Bostock	Objection – letter	05.04.14
250	Denise Buchan	Objection – letter	
251	M Dennis	Objection – letter	05.04.14
252	Mrs R Barkhouse	Objection – letter	05.04.14
253	P Nightingale	Objection – letter	05.04.14
254	Rebecca McGinlay	Objection – letter	05.04.14
255	Steven Gravestock	Objection – letter	
256	R Bailey	Objection – letter	05.04.14
257	Laura Forsyth	Objection – letter	05.04.14
258	Carlie Ward	Objection – letter	05.04.14
259	Katie Appleby	Objection – letter	05.04.14
260	Gary Greenway	Objection – letter	
261	P Spragg	Objection – letter	05.04.14
262	D Ralph	Objection – letter	
263	Mick Gallett	Objection – letter	
264	Scott Jackson	Objection – letter	
265	Allan Brown	Objection – letter	
266	Chris Ford	Objection – letter	05.04.14
267	C Taylor	Objection – letter	05.04.14
268	T Wright	Objection – letter	05.04.14
269	Julie Gibbs	Objection – letter	05.04.14
270	Ravinder Dhaliwall	Objection – letter	
271	K Narborough	Objection – letter	05.04.14
272	Shanessa Troughear	Objection – letter	05.04.14
273	L Betteridge	Objection – letter	
274	Leigh Crofts	Objection – letter	
275	Peter Barker	Objection – letter	
276	Andy Hitchings	Objection – letter	08.04.14
277	Jackie Longley	Objection – letter	08.04.14
278	Mr T Froome	Objection – letter	08.04.14
279	Stephanie Hall	Objection – letter	09.04.14
280	Toni Barber	Objection – letter	10.04.14
281	C Harbon	Objection – letter	
282	Miss S Watson	Objection – letter	
283	Sharon Bailey	Objection – letter	10.04.14
284	Deborah Foley	Objection – letter	11.04.14
285	D Orton	Objection – letter	

286	Roscoe Watkins	Objection – letter	
287	Alan and Carole Watkins	Objection – letter	
288	Louise Dawes	Objection – letter	
289	M Wood	Objection – letter	
290	Julie Wood	Objection – letter	
291	Angela Lawten	Objection – letter	
292	Anthony Melia	Objection – letter	
293	Leanne Lyons	Objection – letter	
294	Sinead Davies	Objection – letter	
295	Mick Baker	Objection – letter	
296	Susan Baker	Objection – letter	
297	Emma Patterson	Objection – letter	
298	Claire Melia	Objection – letter	
299	J Davies	Objection – letter	
300	Charlotte Bainton Ball	Objection – letter	
301	N T Boxall	Objection – letter	
302	Andrew Burgess	Objection – letter	
303	Mari Burgess	Objection – letter	
304	Chris Insull	Objection – letter	
305	M Newton	Objection – letter	
306	Betty Reid	Objection – letter	
307	Scott Walklate	Objection – letter	
308	Daniel Stevens	Objection – letter	11.04.14
309	Ada Russell	Objection – letter	
310	C Jeffs	Objection – letter	11.04.14
311	Mrs E J Mansfield	Objection – letter	15.04.14
312	Mr K I Mansfield	Objection – letter	15.04.14
313	Mr & Mrs Waplington	Objection – letter	20.04.14
314	Paul Sharratt	Objection – letter	15.04.14
315	Tracey Kendall	Objection – letter	17.04.14
316	Adrian Kendall	Objection – letter	17.04.14
317	Eamon Lowe	Objection – letter	17.04.14
318	Richard Guild	Objection – letter	17.04.14
319	Jeff Longley	Objection – letter	17.04.14
320	John Watts	Objection – letter	17.04.14
321	Donna Watts	Objection – letter	17.04.14
322	Irene Bolton	Objection – letter	17.04.14
323	N Petitt	Objection – letter	17.04.14
324	Darshan Kaur	Objection – letter	14.04.14
325	G Singh	Objection – letter	14.04.14
326	Mandeep Dully	Objection – letter	14.04.14
327	Sandeep Sohal	Objection – letter	17.04.14
328	Mandi Sohal	Objection – letter	17.04.14
329	Tony Fulford	Objection – letter	17.04.14
330	Susan Albrighton	Objection – letter	17.04.14
331	L Parkinson	Objection – letter	17.04.14
332	Michaela Smart	Objection – letter	17.04.14
333	Sophie Kenny-Levick	Objection – letter	17.04.14
334	Mrs S ?	Objection – letter	17.04.14

335	Michelle Allton	Objection – letter	17.04.14
336	Miss P Eaton	Objection – letter	17.04.14
337	Darren Scott	Objection – letter	17.04.14
338	Parminder Duley	Objection – letter	17.04.14
339	J M Webb	Objection – letter	17.04.14
340	Chris Clarke	Objection – letter	17.04.14
341	Susan Betteridge	Objection – letter	17.04.14
342	Deepali Tanden	Objection – letter	10.04.14
343	Rislin Chouhan	Objection – letter	16.04.14
344	K Chouhan	Objection – letter	16.04.14
345	M Chouhan	Objection – letter	15.04.14
346	Rakes Chouhan	Objection – letter	12.04.14
347	D Betterids	Objection – letter	17.04.14
348	Alwyn Walton	Objection – letter	17.04.14
349	Clair Mayer	Objection – letter	17.04.14
350	C McRoberts	Objection – letter	17.04.14
351	Bethany Wilks	Objection – letter	17.04.14
352	Donna Scott	Objection – letter	17.04.14
353	Chloe Campbell	Objection – letter	04.04.14
354	Alison Humphreys	Objection – letter	17.04.14
355	Lisa Grinham	Objection – letter	17.04.14
356	Irene Bolton	Objection – letter	17.04.14
357	Joanne Green	Objection – letter	16.04.14
358	F Matthews	Objection – letter	17.04.14
359	Harpawan Duley	Objection – letter	17.04.14
360	Steven Betteridge	Objection – letter	17.04.14
361	Teresa Campbell	Objection – letter	17.04.14
362	Anna Marie Baker	Objection – letter	17.04.14
363	Mrs C Smith	Objection – letter	17.04.14
364	P Casey	Objection – letter	17.04.14
365	Christine Glover	Objection – letter	17.04.14
366	Jatinder Duley	Objection – letter	17.04.14
367	J Singh	Objection – letter	17.04.14
368	K Kaur	Objection – letter	17.04.14
369	Kerrie Williams	Objection – letter	17.04.14
370	Philip Rathbone	Objection – letter	17.04.14
371	Stuart Peach	Objection – letter	17.04.14
372	Jasdip Singh	Objection – letter	13.04.14
373	Harinder Duley	Objection – letter	12.04.14
374	Jo Hemming	Objection – letter	24.04.14
375	G Coton	Objection – letter	28.04.14
376	Sean Homer	Objection – letter	17.04.14
377	Alec Pinson	Objection – letter	17.04.14
378	Katherine Cole	Objection – letter	17.04.14
379	William Wills	Objection – letter	17.04.14
380	Matilda Cooper	Objection – letter	19.04.14
381	Sonia Bradshaw	Objection – letter	19.04.14
382	Matthew Wright	Objection – letter	19.04.14
383	Chris Eldridge	Objection – letter	19.04.14

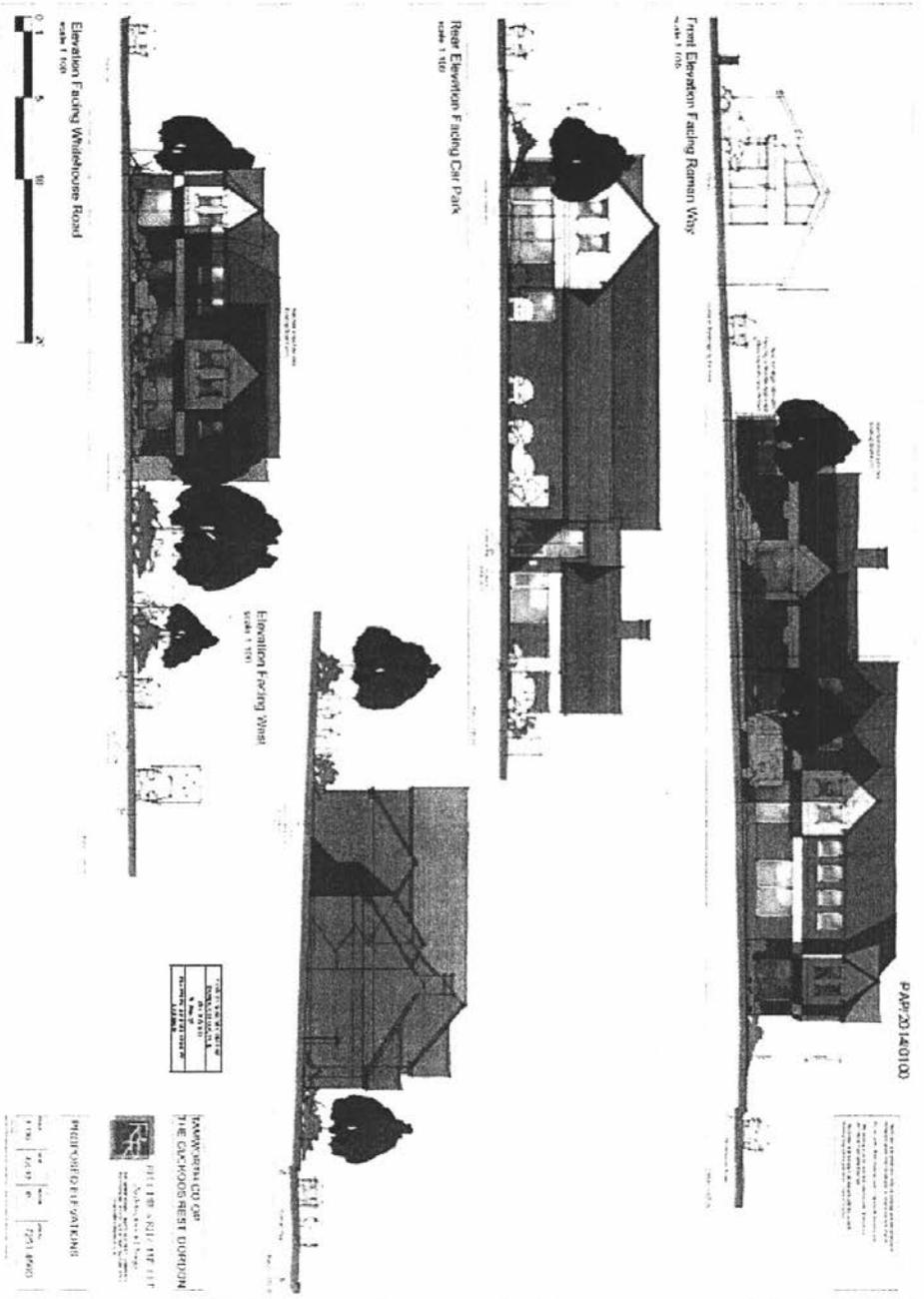
384	Corey Lees	Objection – letter	19.04.14
385	Gemma Maddax	Objection – letter	20.04.14
386	Aimee Holder	Objection – letter	20.04.14
387	S Loveridge	Objection – letter	20.04.14
388	A Loveridge	Objection – letter	20.04.14
389	Richard Hamilton	Objection – letter	20.04.14
390	Shannon	Objection – letter	20.04.14
391	Samantha Gibson	Objection – letter	20.04.14
392	Dave Spragg	Objection – letter	20.04.14
393	Lauren Hobson	Objection – letter	22.04.14
394	Cheryl Robertson	Objection – letter	22.04.14
395	Andrew Greenway	Objection – letter	22.04.14
396	Richard Hancox	Objection – letter	23.04.14
397	David Price	Objection – letter	23.04.14
398	A Richardson	Objection – letter	24.04.14
399	Stephen Yates	Objection – letter	24.04.14
400	Conor Polson	Objection – letter	25.04.14
401	Sherrie Gilbert	Objection – letter	26.04.14
402	Theresa Willden	Objection – letter	26.04.14
403	S Tyers	Objection – letter	26.04.14
404	A Ebdon	Objection – letter	26.04.14
405	Paul Nation	Objection – letter	26.04.14
406	Chris Sweet	Objection – letter	26.04.14
407	Melvyn Kettle	Objection – letter	25.04.14
408	Norma Scott	Objection – letter	26.04.14
409	Mrs S Coleman	Objection – letter	15.04.14
410	Mrs J Coleman	Objection – letter	15.04.14
411	Richard Shepherd	Objection – letter	15.04.14
412	Stephen Andisin	Objection – letter	15.04.14
413	Jordon Andisin	Objection – letter	15.04.14
414	Paul Ford	Objection – letter	13.04.14
415	Vicki Ford	Objection – letter	12.04.14
416	Mrs D Atkins	Objection – letter	26.04.14
417	Mr D Sales	Objection – letter	27.04.14
418	Steffi Radbourne	Objection – letter	27.04.14
419	Michael Duprey	Objection – email	03.05.14

*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.*

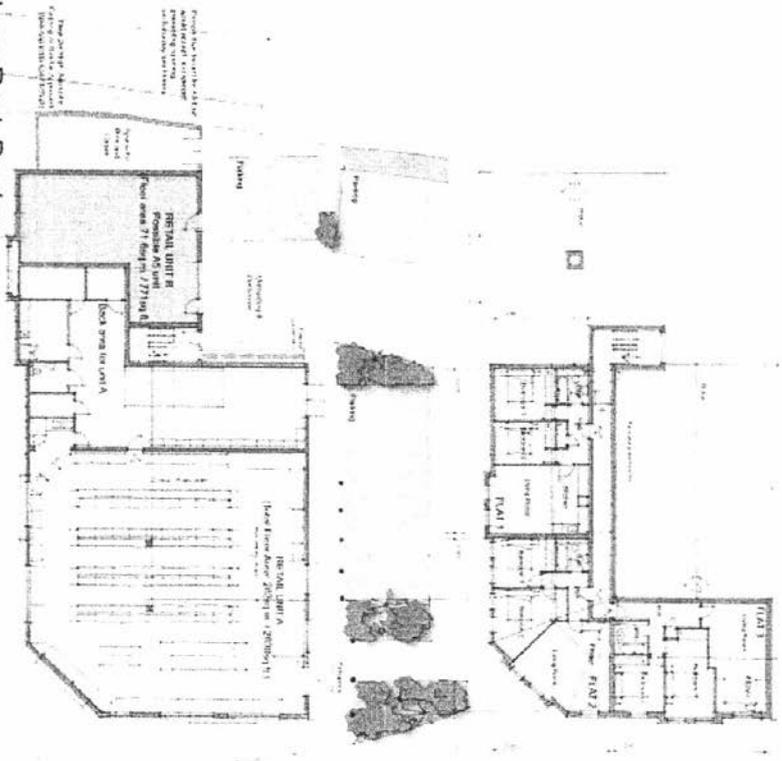
*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments*







**The Cuckoos Rest, Dordon**  
 Scale 1:100



PAPER 4/0100

THE CUCKOOS REST, DORDON  
 PROPOSED FLOOR PLANS  
 SCALE 1:100  
 DATE 10/10/10



NO.	DATE	DESCRIPTION
1	10/10/10	ISSUED FOR PERMIT

**REVISIONS**

**TAMWORTH DO CO**  
 THE CUCKOOS REST, DORDON

**MARK SHUTTLEWORTH**  
 ARCHITECT

**PROPOSED FLOOR PLANS**

SCALE 1:100  
 DATE 10/10/10

Appendix 2

Your ref: PAP/2014/0100  
My ref: 140100  
Your email received: 28 January 2015



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

FAO: Denis Winterbottom

**Economic Growth**

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Shire Hall  
Warwick  
CV34 4SX

DX 723360 WARWICK 5  
Tel: (01926) 412342  
Fax: (01926) 412641  
tonyburrows@warwickshire.gov.uk  
www.warwickshire.gov.uk

24 February 2015

Dear Mr Brown

**PROPOSAL:** Demolition of existing public house and construction of A1 convenience store and A2/A5 adjacent unit with associated car parking; and 3 no. first floor apartments  
**LOCATION:** The Cuckoos Rest, Whitehouse Road, Dordon  
**APPLICANT:** Punch Taverns

The Highway Authority had the following comments to make in regard to your consultation dated 31 March 2014:

*The proposals include closing-off all the existing vehicular accesses to the site and constructing a new access from Whitehouse Road (C7). The location of the access will front properties 6a to 8 Whitehouse Road. Fronting the proposed access is a speed reduction vertical feature. The feature is full width and will extend over the access by approximately 2 metres. This could result in the following issues:*

- i. The feature is designed to be driven over straight on and is not designed to be manoeuvred over. The torsion from a HGV turning over the feature could damage the structure, which in turn could result in highway safety issues and financial burdens from maintenance.*
- ii. The differences in levels between the carriageway, the traffic calming feature and the access can cause issues. Firstly, it can result in grounding*

*Working for  
Warwickshire*

for some vehicle types. Secondly, those with certain health conditions find the twisting motion very uncomfortable and can cause further health problems. And finally, the noise of vehicles carrying out the manoeuvre can be much louder, especially HGV's.

- iii. The proximity of the feature to the access will slow vehicles entering / egressing the site. This could be considered a further speed reduction feature, but vehicles using the access should not become an obstruction. Vehicles entering the site may have to slow down beyond what is expected and could be put at risk from being hit by following vehicles. Those entering the carriageway will need to be positioned to go over the feature correctly, and to do this may not allow drivers to get up to the speed of flowing traffic. Again, this puts vehicles at risk from being hit by following vehicles.

Included in the application are swept path analyses of vehicles likely to service the site. The longest vehicle shown accessing the site is 9.01 metres. If the site is to be serviced by North Warwickshire Borough Council then vehicles 10.8 metres in length can be expected to visit the site. If the site is to be operated by a nationwide operator, such as the Co-op, then much longer vehicles will be used to service the store. The vehicles shown do not appear to be reasonable representation of the vehicles likely to visit the site.

19 car parking spaces are proposed for the development. Calculating the requirements from the Local Plan up to 37 car parking spaces should be provided. The Highway Authority would recommend the maximum provision to prevent on-street parking. Existing on-street parking in the area restricts the flow of traffic in both directions and causes delays. There is also a safety issue with accidents attributed to waiting traffic. The proposed development should not result in further issues on the highway network.

No Transport Statement has been supplied with the application. The proposed development could significantly increase the number of vehicle movements associated with the site. The proposed A5 use could generate more vehicle movements than the existing public house, never mind the A1 use. Using TRICS the proposed A1 use could result in generating up to 11 times the existing vehicle movements associated with the site. The threshold for including a Transport Statement has been reached so should be included with the application.

An ATM is shown on the proposed elevations, but does not appear to be part of the application. The use of ATM's can result in ad-hoc parking. The proximity of the shown ATM to the highway could result in parking on the public highway, which would obstruct the flow of traffic and visibility splays. The inclusion of

the ATM would not be supported. Clarification of whether an ATM is part of this application is required.

Therefore, the Highway Authority's response to your consultation is one of **OBJECTION** for the following reasons:

1. The proposed location for the access is not considered suitable for the purpose intended. The proposed location conflicts with the existing traffic calming feature, the result of which could be detrimental to highway safety.
2. It has not been demonstrated that the site can be serviced in accordance with guidance. The vehicles used to show the turning facilities on site may not be the longest vehicles most likely to visit the site on a regular basis. It needs to be demonstrated that the longest vehicles that will service the site can leave and re-enter the public highway using a forward gear. And, the use of such vehicles should be conditioned.
3. It has not been demonstrated that the parking provision is suitable for the purpose intended. The proposed parking could result in the reliance on parking on the public highway. On-street parking in the area is already an issue and further parking could be considered as a hazard.
4. No Transport Statement (TS) has been submitted with the application. The commercial floor space is 379.5sqm so the change of use will require a TS to support the application. The proposed development will result in more vehicle movements and during peak periods; the effect of which may need to be mitigated.

The Highway Authority had the following comments to make in regard to your amended consultation dated 20 November 2014:

*Discussions between the Highway Authority and the applicant and applicant's agents have taken place since the initial consultation response, including on commenting on updated layouts. The proposed layout is now at revision F.*

*Objection Point 1:*

*The proposed bellmouth still remains fronting the traffic calming feature. As previously pointed out this could result in damage to the traffic calming feature, discomfort to those suffering with ailments, an increase in noise and over slowing of vehicles to turn in to the site. It is notable that no Stage 1/2 Road Safety Audit has been carried out to support the application.*

*Objection Point 2:*

*It has now been demonstrated that a vehicle 12 metres in length can turn around on site. The configuration of the vehicle was brought in to question by the Highway Authority. The swept path showed a HGV with 4 axles; 2 at the front and 2 at the back. This configuration is normally used by waste and bulk carrier vehicles. After a telephone conversation with the agent it was agreed that a condition could be recommended restricting the size of vehicle to 12 metres, whether it is a rigid HGV or articulated vehicle.*

*Objection Point 3:*

*The applicant is proposing to provide 21 car parking spaces. Up to 37 spaces could be recommended under the standards set out in the 2006 Adopted Local Plan. The details of successful planning application sites, which were considered similar to the application site, were submitted to the Highway Authority for comparison. None of the details included surveys carried out after the developments were complete. As a comparison the Highway Authority asked if a survey could be carried out at one of the sites; Roslington. Although this site did not have any accommodation above the retail units it did have a Co-op and a chip shop. This site appeared most likely to give a more robust indication of the potential parking required. It appears that no extra surveys will be submitted.*

*The permission is for Use Class A1. Although the application is for a convenience store, it does not mean the large supermarket chains will not take over. It is envisaged the store will be run by the Co-op, who are no small concern. In other words, just because it is a convenience store it does not mean it will not attract enough vehicles to cause a concern. It can be demonstrated in the County where the lack of off-street parking at convenience stores is causing issues. And, like the proposed development 2 of the stores are near a school. It has been seen at one site that the parking is used by parents to drop-off and collect their children. It could happen at this location too.*

*Objection Point 4:*

*The Transport Statement was submitted. One of the noticeable points of the Statement was in Section 3, Page 4. It is proposed to shut the store in High Street, Dordon and relocate to the new store. This could go some way in mitigating the potential movements associated with the new store. However, no planning application or permission has been granted for an alternative use for the old store. Confirmation was received that the client would enter in to a unilateral agreement such that the existing store will be demolished once the new store was occupied. If this is still on table, it may be worth pursuing, as long as no new store will be built there.*

No traffic surveys were done as part of submitting the Statement. Only data from TRICS was submitted. One store was chosen as a comparison, and the survey was carried out on a Tuesday, which is not considered a peak time for visitors to a store. By widening the spectrum of stores to view, the number of potential vehicle movements increases. As such, the use of one store does not appear to be a reasonable assessment of potential impact of the proposed development.

In addition, the Highway Authority picked up an issue with the survey in regard to parking accumulation. According to the survey, after 18:00, no visitor by vehicle can be there for more than 72 seconds. Is that considered a reasonable time to enter the site, park, enter the store, select product/s to buy, purchase item/s, return to vehicle and leave the site?

Other:

The ATM is still shown on the proposed elevations. ATM's can be a traffic generator in themselves. As can be witnessed at any store with them. No details of potential vehicle movements associated with the installation of an ATM have been submitted.

The proposed shop could increase vehicle movements associated with the site significantly compared to the potential movements associated with the public house. Then there will be movements associated with the A5 use (which we believe will be a chip shop), the ATM and the dwellings.

Therefore, the Highway Authority's response to your amended consultation is one of OBJECTION for the following reasons:

1. The proposed location for the access is not considered suitable for the purpose intended. The proposed location conflicts with the existing traffic calming feature, the result of which could be detrimental to highway safety.
2. It has not been demonstrated that the parking provision is suitable for the purpose intended. The proposed parking could result in the reliance on parking on the public highway. On-street parking in the area is already an issue, and further parking could be considered as a hazard and affect the free flow of traffic.
3. It is considered that the Transport Statement (TS) submitted with the application does not demonstrate the true impact of the proposed development on the public highway network. The figures provided are based on one store smaller than that proposed surveyed on a day which is not considered at peak occupancy.

The Highway Authority has the following comments to make in regard to your amended consultation dated 28 January 2015, referring to amended Proposed Site Plan; drawing number 7253.150G:

**Objection Reason 1:**

The southern radius of the proposed vehicular access to the site has been moved northwards so that the access begins where the raised traffic calming feature ends. This should prevent vehicles manoeuvring over the side of the feature, but could still result in vehicles entering the site whilst part of the vehicle is on the feature. This may be a concern to those with health issues due to the twisting and vertical alignment changes, can create extra noise from commercial vehicles and may be a maintenance issue.

No Road Safety Audit appears to accompany the application.

**Objection Reason 2:**

An extra parking space has been provided. The provision is still lower than the maximum standards, and no extra evidence appears to have been submitted to support the lower provision.

**Objection Reason 3:**

No further details of potential vehicle movements have been submitted.

According to the information provided the applicant is willing to enter into an agreement so that the use of the existing store in New Street will cease once the new store is open. However, it may not stop the store opening up with a different user.

Therefore, the Highway Authority's response to your amended consultation remains one of OBJECTION for the following reasons:

1. The proposed location for the access is not considered suitable for the purpose intended. The proposed location conflicts with the existing traffic calming feature, the result of which could be detrimental to highway safety.
2. It has not been demonstrated that the parking provision is suitable for the purpose intended. The proposed parking could result in the reliance on parking on the public highway. On-street parking in the area is already an issue, and further parking could be considered as a hazard and affect the free flow of traffic.
3. It is considered that the Transport Statement (TS) submitted with the application does not demonstrate the true impact of the proposed development on the public highway network. The figures provided are based on one store smaller than that proposed surveyed on a day which is not considered at peak occupancy.

Yours sincerely

---

Tony Burrows  
Highway Control Engineer

Copy to: Councillor Mr P Morson, - Baddesley Ensor, for information only.

**(5) Application No: PAP/2014/0275**

**17 - 19, Long Street, Atherstone,**

**Variation of Condition 2, Approved plans, attached to planning permission, ref. PAP/2009/0045 granted on 4/10/2012. Revised development includes changes to rear elevation to incorporate lift access tower and internal re-arrangement of retail/office building, for**

**Arragon Properties**

**Introduction**

This application is referred to the Board for determination at the discretion of the Head of Development Control.

**The Site**

This is the presently vacant corner parcel of land at the junction of Long Street with Station Street at the western end of Long Street opposite the Memorial Hall and facing the Co-op Supermarket's car park. It backs onto the newer Aldi Supermarket. There is three storey development next to the eastern Long Street frontage as well as on the other side of the road. The area is in mixed development best described as retail at ground level with residential above.

The site's location is illustrated at Appendix A

**Background**

Planning permission was granted in 2009 for the redevelopment of this corner site. It was later amended in 2010. The approved plans show two blocks. The first was for a mixed use development comprising a complete built frontage facing the two streets thus turning the corner on the vacant site at 17/19 Long Street. This would accommodate five retail units on the ground floor, six self-contained office units on the first floor and seven one and two bedroom apartments on the second floor. The second block was at the rear of 25 Long Street and it was for six one and two bedroom apartments. All access to both blocks would be off Station Street leading to a parking area for eleven spaces and service access.

Work has commenced and the second of the blocks referred to above is complete. The permission is therefore extant.

The approved elevations for this corner block are at Appendix B

**The Proposals**

This application seeks to vary this 2010 permission in respect of the frontage block on the vacant corner site. This is not for a different mix of uses, but to accommodate them with some amendments. There would be no alteration to the overall appearance of the block as it would retain the different ridgelines; the chimneys, the individual shop fronts and the approved fenestration. There would neither be a reduction in parking spaces.

The changes proposed involve:

- The use of the ground floor for a single retail outlet rather than the five individual units. The six office units and seven apartments on the upper floors would remain.
- The removal of several rear access points to reach the offices and flats with one central service stairwell incorporating a lift shaft. This would appear as a new rear extension with a hipped roof.
- A corresponding increase in the total height of the approved ridgelines by 1.5 metres and a widening of the block facing Station Street.

The proposed street scene is attached at Appendix C.

The applicant is also seeking non-compliance with conditions 6 and 7 of the planning permission.

Condition 6 requires details to be submitted for a number of detailed matters – e.g. verge details; brick bonds and window materials. These are now all included in plans submitted with the current application and thus the applicant is saying that if these are approved, condition 6 will be redundant.

Condition 7 requires amendments to be made to the shop frontage. These are now all included in the submitted plans. As above the applicant is seeking non-compliance with the condition should the latest plans be approved.

## **Representations**

Atherstone Town Council – The Town Council objects because of the scale of the building compared to surrounding properties and the lack of parking facilities for unloading at the retail unit.

Atherstone Civic Society - It objects to the proposed changes, because of the scale of the proposals which is out of character. It is “heavy”, “out of scale and poorly designed” with little affinity to the existing. This would result in a change of perception of visitors to the town as a small historic town and it therefore fails to meet Development Plan policy. Views will be lost across the area from Station Street.

## **Consultations**

Warwickshire Police Architectural Liaison – No comments

Warwickshire County Council as Highway Authority – No objection

## **Development Plan**

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development), NW14 (Historic Environment), NW15 (Social and Economic Regeneration), NW16 (Atherstone) and NW20 (Services and Facilities)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV12 (Urban Design); ENV14 (Access Design), ENV15 (Listed Buildings), ENV16 (Conservation) and TPT6 (Vehicle Parking).

## **Other Material Planning Considerations**

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

The Atherstone Conservation Area Designation Report 1995

The Draft Atherstone Conservation Area Appraisal 2006

## **Observations**

### **a) Introduction**

There is no objection in principle here. There is an extant planning permission for this development and the adoption of the Core Strategy since the date of that permission only re-enforces that position. The mix of uses is entirely appropriate here and the principle of a three storey built form which turns the corner is similarly one that can be repeated. There has neither been any new planning consideration introduced since the date of the permission to warrant a wholly different approach to the redevelopment of this site in principle.

The main issues are thus going to be with the proposed amendments to see if they either individually or cumulatively are acceptable given the overall position.

Firstly however it is necessary to say that the parking; refuse and access arrangements remain exactly as approved. Similarly the layout and size of the living accommodation remains as previously approved. In these circumstances and given the extant permission, these matters are outside the remit of this current application.

Secondly, it is considered that there is no overall change in the external appearance of the proposed street scene or the detailing as approved in 2010. Indeed it is also concluded that the submitted details in respect of the matters included in conditions 6 and 7 of the original approval as set out above, are acceptable and that should consent be granted for the amended plans, then there would be no need to comply with these conditions.

### **b) The Heritage Issue**

The central issue to this application is therefore the proposed increase in the height of the overall development. This translates itself into a single planning issue – namely that the Board has to assess the impact of this increase on the character and appearance of this part of the Conservation Area.

In dealing with such assessments, both the Development Plan and the NPPF require that the significance of the heritage asset involved is first described and then an assessment made as to what level of harm there might be to that significance as a consequence of the development. In this case the substantial asset is the Conservation Area. The impact on the setting of Listed Buildings in the vicinity will also need to be addressed.

The significance of the Conservation Area is that covers a substantial area of the town centre reflecting the different architectural and historic development of the town throughout many different periods. This is portrayed in the retention of substantial contemporaneous built form; layout and open spaces depicting different uses from industrial through to residential and the service sector. Architectural character and attributes from these different periods and uses remains. The significance is thus very much about the conservation of the whole town's diverse history. The western end of Long Street depicts these features – the continuous three storey Georgian street frontages; the medieval rear burgage plots and the Victorian industrial and railway industries. It also has more modern additions – the new road layout; the Co-op supermarket, the recent Aldi supermarket and the Memorial Hall. In general terms the site itself is within an area of three storey development with other large buildings close by and in a prominent location on one of the main access ways into the town.

The approved development here was considered to enhance the Conservation Area in this part of the town through redevelopment of this prominent vacant corner site with a three storey development reflecting much detail and many characteristics seen in the Conservation Area. The assessment to be made is whether the proposed height increase maintains this conclusion.

The applicant says that the reason for the increased height has been the result of there being a known prospective occupier of the whole of the ground floor retail element requiring all of the available floor space together, with an operational requirement of having a higher ceiling. Additionally the need to be DDA compliant leads to the introduction of a lift and the necessary infrastructure for the accommodation above ground floor. He argues that the present amendments do retain the overall outcomes achieved by the approved scheme.

The Board is requested to look at several different factors that need to be considered individually here as part of making an overall assessment.

Firstly, a clear expression of retail interest in the town is welcomed and if this is pursued, it is very likely that it would provide the trigger for the completion of the redevelopment of this prominent corner site, thus removing uncertainty and enabling the site to be developed. This is a consideration of significant benefit for the wider town community and one that would be supported by the Core Strategy.

Secondly, in general terms the height difference is not material as the three storey Long Street frontage would importantly turn the corner and be continued around it into Station Street and then reduce down at its most southern end. There would indeed be a difference in height at the link between the site and the adjoining property at number 21 Long Street. However this is not considered to be an adverse impact for four reasons; the ridgelines in Long Street presently are certainly not uniform and display a number of different features – some with taller gable parapets for instance, this is the end plot in the frontage and a slightly more prominent “end” building adds to the built form here, the increase in height here is not pronounced because of the link feature chimney and finally the height will not be noticeable at ground level from either side of the street or when approaching from the west.

Thirdly, the increase in height along the Station Street frontage is the matter which the Civic Society is mostly concerned. This is because central to this frontage is a larger three storey element – perceived as a separate building. It will be prominent as it will face the main western access into the town and be clearly visible to every visitor. However it is not considered that this would be a substantial adverse impact for the following reasons. Firstly, it has always been agreed that there should be a continuous

street frontage here – if that had a uniform height it would not reflect the variety of different built styles in this area and wholly lack interest. Secondly, this prominent site demands a prominent building as a focus on the entrance into the town. Thirdly there are already a number of large buildings here – the Co-op supermarket, the Memorial Hall and the old industrial building behind the Aldi supermarket. It would not be out of place here. Fourthly this part of the town is very open when compared with other locations in the heart of Long Street. With open ground to the front and to the south there is not a perception of enclosure here. There would be no reduction in openness as a result. In fact, it might give more focus to that space. Fifthly the entrance into the town from the west is still retained with its trees; its green aspect and its open space. Finally, the front elevation along this frontage would be broken by the vertical lines of this main building as it would stand slightly forward of the buildings on either side.

Fourthly, there is the introduction of the new rear hipped gable to accommodate access requirements. Notwithstanding the matters raised above, it is this element that gives the most concern. This is because the gable runs against the grain of the historic built form in Atherstone – namely the long ranges running away from Long Street. There are a number of mitigating circumstances here that reduces the level of that harm to the historic character of the town. Firstly there are other examples of this in the Conservation Area - the adjoining Aldi supermarket and the Royal Mail's sorting office. Secondly, the gable has been provided with a hipped roof. Thirdly, it will not be visible from Long Street or from the entrance into the town from the west and when viewed from Station Street itself behind the site it will be seen over the top of the Aldi roof lines. Fourthly it will cover several of the more unsightly rear elevations of Long Street. Fifthly it would not interfere with the new range at the rear of 25 Long Street referred to above and finally the site is at the end of Long Street and there is little opportunity to fully reflect an historic form on a site that is not naturally conducive to that arrangement.

It was recorded above that there are some Listed Buildings in the vicinity and it is now appropriate to assess what impact the increased height might have on the setting of those buildings. The most prominent Listed Building is the Station. Because of the distance between the two buildings and because of the intervening Co-op warehouse there is not considered to be any harm to the setting of the station as a consequence of the increased height. The group of buildings on the north side of the Watling Street numbers 2 to 10 are a collection of largely three storey structures. They overlook the Co-op car park and the new building would be close to them albeit at right angles. Nevertheless because of the open aspect it is not considered that an increase in the height of the proposed developments would materially impact on their setting by dominating their outlook or indeed by overpowering their setting.

### **c) Conclusion**

When all these matters are brought together it is considered that there would be some harm to the character and appearance of the Conservation Area. This is probably inevitable given the amendments proposed. However the Board has to assess whether this harm is so substantial as to warrant refusal. There is clearly a public benefit in conserving the significance of the character and appearance of the Conservation Area but that must be weighed against the public benefit in enabling the redevelopment of this site to be completed. For all of the reasons outlined above it is considered that the harm to the significance of the heritage assets here is limited and that the balance lies in supporting the amendments. In other words the overall character and appearance of this part of the Conservation Area would not be materially harmed by the proposed increase in height of the redevelopment scheme or the introduction of the rear gable, and neither would the setting of the nearby Listed Buildings be materially compromised.

## Recommendation

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

1. Standard Plan Numbers – plan numbers 5655/LP received on 7/5/09 and plan numbers 492/10G, 19H, 21M, 25, 24A, 23A, 22B, 20F all received on 28 May 2015. For the avoidance of doubt the details approved under application references DOC/2012/0021 dated 11/5/12 and DOC/2011/0032 dated 7/7/11 remain and only these details shall be commenced or installed on site.

### REASON

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

2. The landscaping scheme approved under condition 1 shall be implemented within six calendar months of the first occupation of the commercial buildings or dwellings. 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 next available planting season to the written satisfaction of the Local Planning Authority.

### REASON

In the interests of the amenities of the area.

3. The parking spaces hereby approved shall not be used for any purpose other than for the parking of cars.

### REASON

To ensure on-site provision thus reducing the risk of on-street car parking.

4. All exterior joinery shall be painted and not stained. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015, the exterior joinery shall not be painted other than in colours first agreed in writing by the Local Planning Authority.

### REASON

In the interests of the heritage amenities of the area.

5. The development hereby approved shall not be occupied until the fire hydrant shown on plan has first been installed to the written satisfaction of the Local Planning Authority.

### REASON

In the interests of fire safety

6. The retail unit hereby approved shall not be used for any other use other than a use within Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended.

## Notes

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case by resolving the planning issues arising from this proposal particularly looking at the impacts on the heritage assets.

## BACKGROUND PAPERS

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

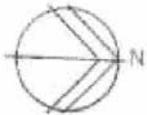
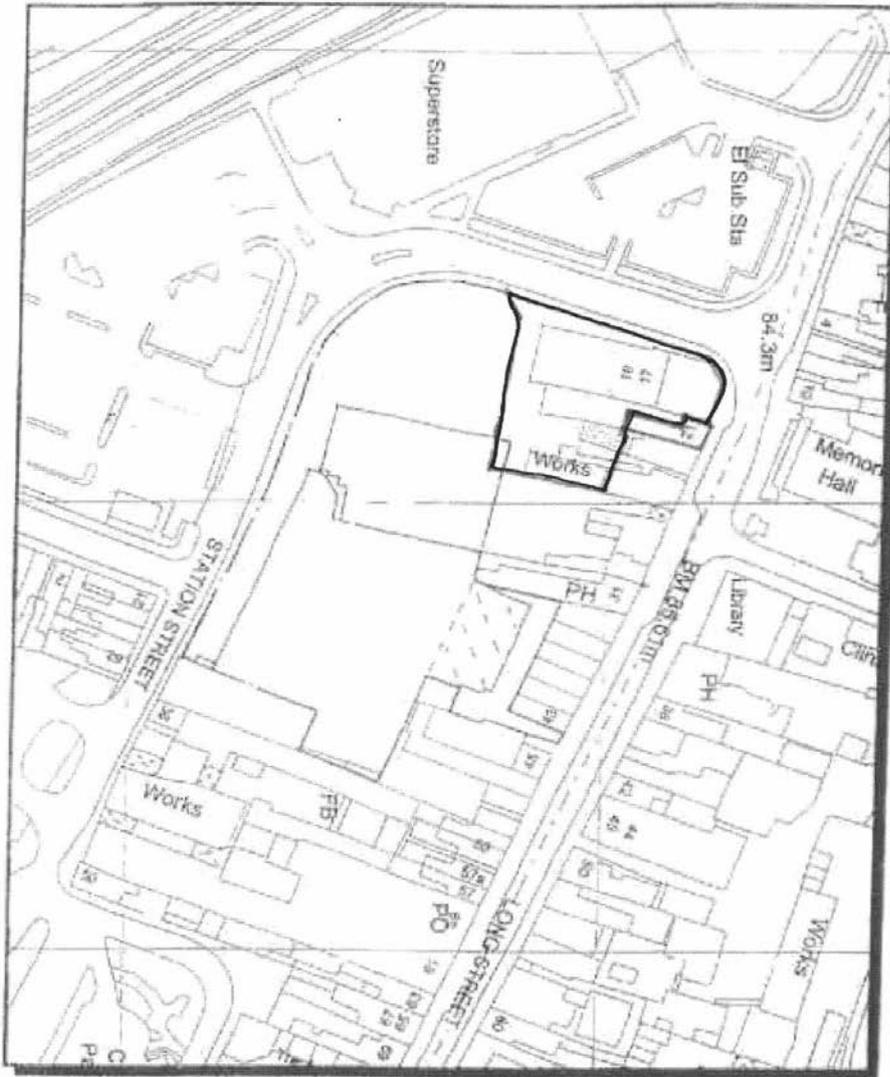
Planning Application No: PAP/2014/0275

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	6/6/14
2	Warwickshire Police	Consultation	17/6/14
3	Applicant	Letter	16/6/14
4	WCC Highways	Consultation	19/6/14
5	Atherstone Town Council	Representation	20/6/14
6	Atherstone Civic Society	Representation	1/7/14
7	Applicant	Letter	7/8/14
8	Case Officer	E-mail	17/9/14
9	WCC Highways	Consultation	16/9/14
10	Applicant	E-mail	17/9/14
11	Applicant	E-mail	25/11/14
12	Applicant	Letter	30/4/15
13	Applicant	Letter	14/5/15
14	Atherstone Town Council	Representation	22/5/15
15	Atherstone Civic Society	Representation	26/5/15

*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.*

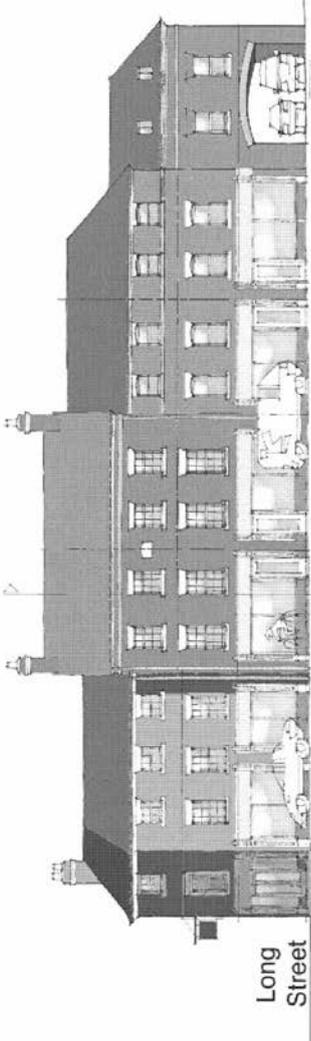
APPENDIX A  
2010 / 0226



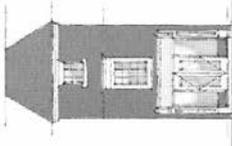
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RECEIVED  
10 MAY 2010  
North Warwickshire  
Borough Council

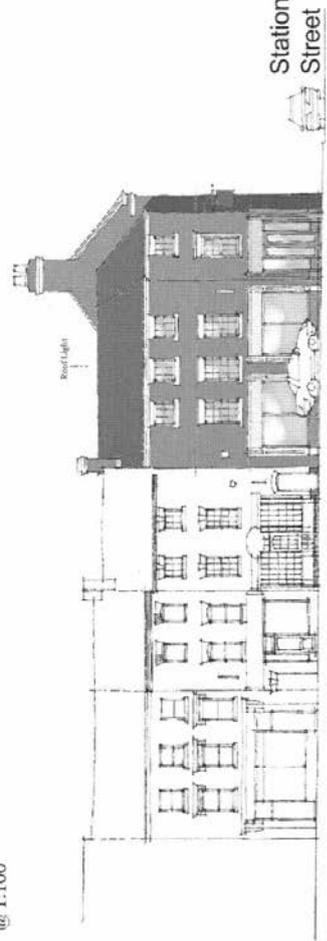
2010/0226



Front Elevation Facing Station Street @ 1:100



Corner Elevation Between Long and Station Street @ 1:100



Street Scene Elevation Facing Long Street @ 1:100

NORTH AVONCASHIRE BOROUGH COUNCIL  
 APPROVED  
 Oct 04, 2010  
 SUBJECT TO CONDITIONS  
 ON NOTICE

NORTH AVONCASHIRE BOROUGH COUNCIL  
 RECEIVED  
 17 Sep 10  
 PLANNING DEVELOPMENT DIVISION

M.G. Evans  
 HADEN RITCHIE BAILEY  
 ARCHITECTS

Proposed Mixed Development  
 17 - 19 Long Street, Atherstone

FRONT BLOCK ELEVATIONS	
1:100	North
1:100	West
1:100	East
1:100	South
1:100	5655-60

Mixed Development at 17 - 19 Long Street Atherstone

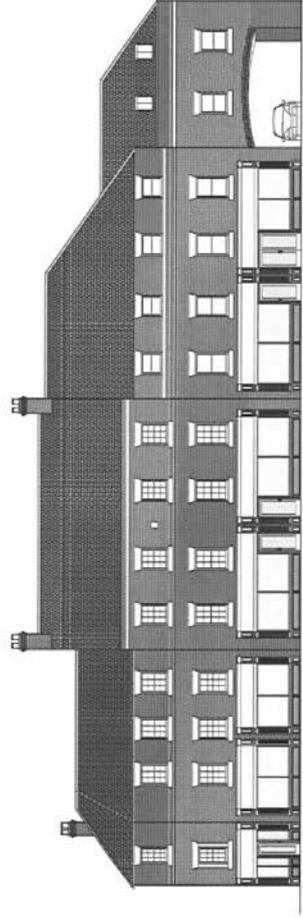
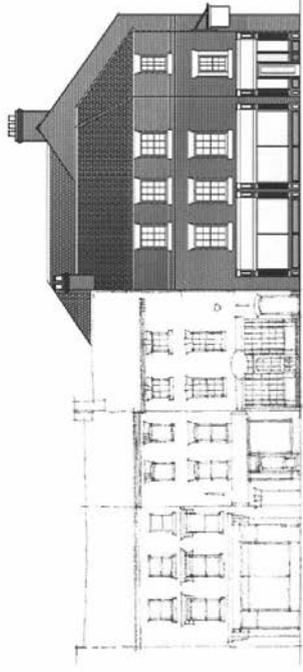
2010/0226



DATE	DESCRIPTION
01	Completed officers comments incorporated
02	
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04	
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2010/0226

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# APPENDIX C

RECEIVED  
28/05/2015  
PLANNING & DEVELOPMENT  
DEPARTMENT



Project	492-21	Revision	M
Site	1100		
Drawn by	JRT/DMT		
Client	ARRAGON PROPERTIES		
Address	ARRAGON L14 7 Greenway, Newton Warrickshire CV11 9PL Tel: 024 7636 6947		
Project Name	RESIDENTIAL DEVELOPMENT 17 - 19 LONG STREET ATHERSTONE CV9 1AY		
Drawing Title	SCHEME DRAWING		