

To: The Deputy Leader and Members of the Planning and Development Board (Councillors Sweet, Butcher, L Dirveiks, Humphreys, Lea, May, B Moss, Phillips, Sherratt, Simpson, A Stanley, Turley, Watkins, Winter and Wykes).

For the information of other Members of the Council

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

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

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

PLANNING AND DEVELOPMENT BOARD AGENDA

11 NOVEMBER 2013

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 11 November 2013 at 6.30 pm.

AGENDA

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

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

4 Planning Applications – Report of the Head of Development Control

Summary

Town and Country Planning Act 1990 – applications presented for determination

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

5 Proposed Tree Preservation Order Land at Coventry Road, Fillongley – Report of the Head of Development Control

Summary

The purpose of this report is to confirm or otherwise a Tree Preservation Order made in respect of one oak tree situated at Coventry Road, Fillongley.

The Contact Officer for this report is Erica Levy (719294)

6 Confirmation of Tree Preservation Order - Land at Mancetter Manor, The Green, Mancetter – Report of the Head of Development Control

Summary

The purpose of this report is to confirm or otherwise a Tree Preservation Order made in respect of one horse chestnut and two lime trees on land at Mancetter Manor, The Green, Mancetter.

The Contact Officer for this report is Fiona Wallace (719475)

7 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - September 2013 - Report of the Chief Executive and the Deputy Chief Executive

Summary

This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to September 2013.

The Contact Officer for this report is Robert Beggs (719238)

JERRY HUTCHINSON
Chief Executive

Agenda Item No 4

Planning and Development Board

11 November 2013

Planning Applications

Report of the Head of Development Control

1 Subject

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

2 Purpose of Report

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

3 Implications

- 3.1 Should there be any implications in respect of:

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

4 Site Visits

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

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 16 December 2013 at 6.30pm in the Council Chamber at the Council House.

6 **Public Speaking**

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

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	PAP/2013/0402 And PAP/2013/0231	4	<p>Land South of Newton Farm, Main Road, Newton Regis, Outline application for up to 19 dwellings with all matters reserved except for access.</p> <p>Land East of Fir Tree Cottage, Seckington Lane, Newton Regis, Outline application for residential development.</p>	General
2	PAP/2013/0435	33	<p>Whitacre Garden Centre, Tamworth Road, Nether Whitacre, Warwickshire, Variation of condition no:2 of planning permission ref PAP/2012/0348 relating to alterations to house type designs and site layout; in respect of demolition of existing garden centre, and erection of 25 dwellings with associated parking and landscaping</p>	General
3	PAP/2013/0449	53	<p>Land at Rowland Way, Rowland Way, Atherstone, Variation of condition no's 2, 9 & 11 of planning permission PAP/2012/0297 relating to updated plan & house types; in respect of residential development for 88 dwellings with associated areas of landscaping and open space</p>	General
4	PAP/2013/0500	62	<p>Poultry Farm, Green End Road, Green End, Fillongley, Proposed development of a 50kW wind turbine</p>	General

General Development Applications

(1) Application No: PAP/2013/0231

Land East of Fir Tree Cottage, Seckington Lane, Newton Regis,

Outline application for residential development.

Application No: PAP/2013/0402

Land South of Newton Farm, Main Road, Newton Regis, B79 0NE

Outline application for up to 19 dwellings with all matters reserved except for access.

Both for Mr T Smith - Sibson Mill Properties

Introduction

The applications are reported to the Board because they are accompanied by Section 106 legal Agreements. One of the applications proposes major development and both have resulted in the receipt of objections.

The Sites

a) PAP/2013/0231

The site lies on the northern edge of the village and is accessed from Seckington Lane. The land is presently used as private open space by the residents of neighbouring property at Newton Cottages. It is grassland containing a few young trees, some allotment style plots and a small pond. The properties known as Newton Cottages, a development of former traditional farm buildings, lie immediately to the south and would have a shared access with the proposed development site. Open countryside lies to the north beyond a post and rail fence boundary and dwellings on Seckington Lane lie to the west. Properties on Hames Lane lie further to the east.

The site is shown in the photographs below:





b) PAP/2013/402

The site comprises 1.4 hectares of grassland situated on the southern side of Main Road, at a position opposite the junction with Seckington Lane. The site is bordered by a tree and hedgerow boundary to the south and west, with open countryside beyond. A four car garage block and a modern two storey dwelling lie adjacent to the eastern boundary fronting Main Road. Main Road lies to the north, with Newton Farmhouse, a grade II listed building, lying on the opposite side of the road and an electricity sub station being on the same side as the application site. A public footpath lies within the application site parallel to its western boundary. The site contains a number of overhead electricity poles and cables. The boundary with Main Road is bordered by two sections of a blue brick wall and by post and rail fencing. The site is shown in the photographs below:



The Proposals

a)PAP/2013/0231

This is an outline application for up to 9 dwellings with all matters reserved except for access.

The application is accompanied by an illustration of how the site may be laid out to achieve 9 dwellings and the street scene drawing below is to illustrate a style and scale.



Illustrative Street Scene
scale 1:100



Access would be from Seckington Lane and would be shared with the dwellings at Newton Cottages. It is understood that this is a private drive. Parking will be accommodated within the development site.

b) PAP/2013/0402

This is an outline application for up to 19 dwellings with all matters reserved except for access. Though the site is of a sufficient size to accommodate a greater number of units, the applicant confirms that he is seeking no more than 19 dwellings. This is in recognition that the existing built form in the village is of a lower density.

The application is accompanied by an illustration of how the site may be laid out to achieve 19 dwellings and the street scene drawing below is to illustrate a style and scale.



The illustrative scheme shows a low density development incorporating two bungalows and 17 houses together with a new pond feature and landscaped area.

The scheme has been revised to show a single vehicular access off Main Road, from which all other dwellings would take access. In order to address concerns raised by the Highways Authority about inadequate visibility, the proposed access position has been revised, as shown below. The indicative site layout plan has not been revised accordingly given that all matters other than access are to be treated as reserved matters. This revision was submitted late in the consideration of the application. Local residents and the Parish Council have been re-consulted but there has been insufficient time for the receipt of responses before drafting this report. All revised or new representations will be given in a verbal report to the Board.



Development Plan

Saved policies of the North Warwickshire Local Plan 2006 – Core Policy 2 (Development Distribution), Core Policy 3 (Natural and Historic Environment), Core Policy 5 (Development in Towns and Villages), Core Policy 8 (Affordable Housing), Core Policy 12 (Implementation) and policies ENV1 (Protection and Enhancement of Natural Landscape), ENV3 (Nature Conservation), ENV4 (trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation, Enhancement and Interpretation), ENV16 (Listed Buildings, Non-Listed Buildings of Local Historic Value and Sites of Archaeological Importance), HSG2 (Affordable Housing), HSG3 (Housing Outside Development Boundaries), TPT1 (Transport Considerations), TPT2 (Traffic Management and Safety), TPT 3 (Access and Sustainable Travel) and TPT6 (Vehicle Parking)

Other Relevant Material Considerations

The National Planning Policy Framework 2012 (“NPPF”) – Achieving Sustainable Development; Core Planning Principles, Delivering a wide Choice of High Quality Homes, Conserving and Enhancing the Natural Environment and Conserving and Enhancing the Historic Environment

The Council's Submission Core Strategy – February 2013: Draft policies NW1 (Settlement Hierarchy), NW3 (Housing Development), NW4 (Split of Housing Numbers), NW5 (Affordable Housing), NW8 (Sustainable Development), NW10 (Quality of Development), NW11 (Natural and Historic Environment) and NW19 (Infrastructure)

The Council's Preferred Locations for Site Allocations Consultation – February 2013: Housing (Newton Regis) – Site NR3.

Local Development Framework Sub-Committee Agenda 23 September 2013 - Housing (Newton Regis) – Site NR3 and new site PS148.

Newton Regis Conservation Area Designation Report, July 1981.

New Homes Bonus – The development of these sites will attract New Homes Bonus.

Consultations

a) PAP/2013/0231

Environmental Health Officer – No adverse comments

Fire Authority - No objection subject to a condition requiring the provision of water supplies and fire hydrants.

Warwickshire County Highways Authority - No objection subject to standard conditions.

Warwickshire County Council Ecologist and Warwickshire Wildlife Trust – Highlight the need for a Great Crested Newt Survey.

Warwickshire County Council – Confirms that it does not require a financial contribution towards education provision as a result of the proposed development.

Warwickshire County Archaeologist – Has offered verbal confirmation that she would not object to the principle of development. Detailed consideration will be necessary to establish whether there is justification for the inclusion of a condition requiring archaeological investigation. Comments in full to be reported.

b) PAP/2013/0402

Environmental Health Officer – No adverse comments

Warwickshire County Council Library Service – Seeks a Section 106 contribution of £3,243 as a general payment towards the library service.

Environment Agency – Initially objected due to the absence of a satisfactory Flood Risk Assessment. Following the receipt of a Flood Risk Assessment the Agency offers no objection subject to conditions.

Warwickshire County Council Ecologist - No objection.

Fire Authority - No objection subject to a condition requiring the provision of water supplies and fire hydrants.

Severn Trent Water - No objection subject to conditions.

Western Power Distribution – Advises that there is existing apparatus on this site that will require significant diversionary works. Western Power Distribution points out that the works will be extensive and will involve obtaining consents from landowners of adjacent properties. This may cause delays to progressing works.

Warwickshire County Council (Education) – Confirms that it does not require a financial contribution towards education provision as a result of the proposed development.

Warwickshire County Council Footpaths Team – No objection in principle but seeks a financial contribution of £4950 towards the improvement of public rights of way within a 1.5 mile radius of the site based on increased maintenance liability resulting from increased use.

Warwickshire County Archaeologist - The proposed development lies within an area of archaeological potential. There is a potential for archaeological features associated with the medieval and later settlement at Newton Regis to survive across the application site. (Warwickshire Sites and Monuments Records number MWA 9573). There is also a potential for features pre-dating the medieval period to survive across this area. She does not wish to object to the principle of development, but considers that some further archaeological work should be required if consent is forthcoming and recommends the use of a condition.

Warwickshire County Highways Authority – No objection subject to conditions.

Representations

a) PAP/2013/0231

18 letters of objection have been received. These cover the following matters:

1. The land is outside the settlement boundary for the village and contrary to existing and emerging planning policy. The Council's emerging policy provides a clear steer on the way in which development in Newton Regis should take place.
2. The village is not a sustainable location for development as claimed. It has no shop and the post office only operates for 2 hours per week.
3. Traffic generation will increase substantially as it is impractical to live in this village without a car. Public transport is inadequate, with only limited bus travel to Tamworth. Development in Newton Regis is not sustainable because of the inadequacy of public transport and the reliance on the private motor vehicle.
4. The Strategic Land Availability Assessment is currently being reviewed and proposals for all new development within Newton Regis should be part of that process.
5. Local Plan Core Policy states that any development outside the development boundary should be limited to that requisite for agriculture, forestry, etc.
6. Priority should be given to the more sustainable re-use of previously developed land, the re-use of empty properties and the conversion of existing buildings. There is a suitable alternative site within the development boundary of the village at Manor Farm which would provide the required number of housing units currently required in the village and which is a brown field site.

7. The Thorpe estate indicates that it is committed to delivering a housing development at Manor Farm, within the development boundary, to meet the needs of Newton Regis. Manor Farm could accommodate up to 40 units. The development at Manor Farm could also be supported through the provision of an affordable housing exceptions site on the corner of Seckington Lane and Main Road to meet local needs.
8. The sewerage system is inadequate for a development this size.
9. Village surveys do not identify a need for very much additional housing.
10. An objector acknowledges that interpretations of what constitutes a 5 year housing supply can differ, but points out that the Council has recently concluded that it has a 5 year housing land supply when refusing a planning application in Grendon. He advocates that this site also be refused to avoid ad hoc, unplanned development. The development would not be in the interests of the local community and have a permanent detrimental effect.

The following additional matters are raised:

- The majority of Seckington Lane is single carriageway
- The new buildings and the density of the development would be out of keeping with existing buildings.
- Disturbance during construction.
- The use of this land brings the community together.
- The site is a wildlife haven and rich in biodiversity.
- The on site pond is used by great crested newts.
- The village does not need disconnected development on its extremities.
- The development would create visual clutter on the fringe of the rural settlement and result in loss of views for residents of existing property.
- Two storey development would be inappropriate.
- The site borders the Conservation Area and any development would adversely impact on the Conservation Area.
- The width of local roads and visibility from junctions means that an additional 18 vehicles would cause harm to highway safety.
- It would be premature and contrary to natural justice/good planning to approve this application ahead of consultation on the proposal to allocate this site for housing development.
- The proposed reduction in the size of the site allocation at Manor Farm because of heritage concerns has not been fully explored.
- If outline permission is given it should imply no acceptance of the illustrative scheme.

A representation has been received from the Chair of Newton Cottages Management Company which identifies that the residents of Newton Cottages (Nos. 1-9) are bound by a restrictive covenant in property deeds which states that they cannot object to any planning application on the land adjoining Newton Cottages. The residents do not wish to be in breach of this legal covenant and for that reason alone have chosen not to make written submissions in respect of application no. PAP/2013/0231. The Chair points out that residents' lack of response is not indicative of indifference.

Newton Regis, Seckington and No Mans Heath Parish Council opposes the application, raising concerns about the narrowness of the lane serving the site and the occurrence of previous accidents; the effect on the village Conservation Area, the limitations of the local bus service and the impracticality of being able to use buses for journeying to work and the lack of evidenced housing need in the area. The Parish Council supports the site allocation of 15 houses at Manor Farm, the redevelopment of brown field land, as opposed to the development of this Greenfield site.

b) PAP/2013/0402

18 letters of objection have been received. These repeat all of the matters numbered above, plus the following additional matters:

- Newton Regis is one of the very few unspoilt villages in North Warwickshire, a new development of 19 houses would spoil the character of the village.
- If developed at 30 dwellings per hectare this site would yield 42 dwellings, not 19.
- The proposal contains unsafe access arrangements. There have been traffic accidents in the vicinity.
- If developed in addition to the 9 dwellings proposed at Seckington Lane and the 15 at Manor Farm, this would mean an additional 43 houses in a small village, a large proportional increase.
- The development would involve the loss of an old roadside boundary wall.
- The site is a haven for wildlife with rich biodiversity.
- The proposed development of agricultural land opposite Newton Farm will adversely affect its setting and will negatively alter the impression of Newton Farm as a landmark on the edge of the settlement.
- The site borders the Conservation Area and any development would adversely impact on the Conservation Area.
- The Conservation Area should be extended into the meadow where the development is proposed.
- The illustrative layout suggests a design more akin to a village centre location not necessarily appropriate on the rural edge of the settlement.
- The report to the LDF Sub Committee (23 Oct 2013) acknowledged that this site is not required to meet the needs of the village.
- It is alleged that the developer carried out development in a manner which differed from the approved plans on another site in the village.
- Development of this site would harm the credibility of the plan making process and lack fairness and transparency.

Newton Regis, Seckington and No Mans Heath Parish Council:

- Expresses concern about the safety of the access arrangements
- Expresses concern about the number of properties proposed, highlighting that it exceeds the 15 dwellings highlighted in the Draft Core Strategy and indicating that the scale of development would adversely affect the character of the village.
- The village is poorly served by public transport and the majority of residents are therefore likely to use private cars, this would be unsustainable, and contrary to the Core Strategy.
- Two Housing Needs Surveys in the Parish (2009 and 2010) both of which concluded that there was a need for two additional dwellings but no need for affordable housing.

- Expresses concern about the impact of the sewerage system.

The Council for the Protection of Rural England objects to both application because they do not accord with development plan policy and are contrary to the draft site allocations plan.

The Chair of Newton Cottages Management Company which identifies that the residents of Newton Cottages (Nos. 1-9) similarly bound by a restrictive covenant in respect of this site and again points out that residents' lack of response is not indicative of indifference.

Observations

a) Introduction

These applications have been submitted in direct response to emerging Development Plan policy and to the National Planning Policy Framework. It is clear that the proposals do not accord with the current Development Plan – the 2006 Local Plan – in that two significant developments are being proposed outside of an existing development boundary. However, Members need to be aware that the weight to be given to that Plan in terms of future housing requirements is now very limited. It is out of date in respect of its evidence base for future housing requirements. This has already moved forward and is being addressed through current work on the Core Strategy.

GL Hearn was appointed to prepare a Joint Strategic Housing Market Assessment for Coventry, Warwick, Rugby, Nuneaton and Bedworth and North Warwickshire. An interim report has now been received for North Warwickshire and the final report will be published in November.

The findings of the interim report were presented to the Inspector dealing with the Examination into the submitted Core Strategy. In essence this reflects the general mid-point of the broad range of dwellings that are required up to 2028. Minor changes would be needed to the Core Strategy to ensure that it reflected this updated information. The Inspector regarded that the findings of the emerging Strategic Housing Market Assessment would not result in a need for significant revisions to the submitted Core Strategy. On this basis the Examination has now been programmed to commence in early January 2014.

The principle of these proposals therefore has to be considered against that emerging Core Strategy and the content of the National Planning Policy Framework 2012, not the Local Plan. It needs to be stressed at this point that the emerging Strategy has yet to be examined and is not adopted. It therefore has some weight but not full weight. The NPPF on the other hand carries full weight. Members should therefore be aware that a determination on the principle of these developments in planning policy terms rests on where the balance lies between the emerging Core Strategy and the NPPF.

b) The Principle and the Emerging Core Strategy

The submitted Core Strategy sets out the Council's approach to new housing in policy NW1. This says that it will be directed to settlements and that it will be proportionate to the position of the settlement within a defined settlement hierarchy. In the case of Newton Regis, policy NW4 proposes 15 new houses in the settlement up to 2028. The Council has now gone further in publishing its Preferred Options for allocating sites for future housing. In other words it identifies preferred sites for that 15 figure in the case of Newton Regis.

The first draft of the Preferred Options plan proposed the provision of 15 housing units in Newton Regis. All 15 units were proposed on a single site, known as Manor/Baddon's Farm, Main Road Newton Regis – Site Reference NR3. This site is within the existing village development boundary.

Following the consultation period and the receipt of representations, including a representation from English Heritage, the Council's Local Development Framework Sub-Committee of 23 September 2013 authorised a change to the site allocations for Newton Regis. It proposes a reduction in the number of units sought at Site NR3 to 6 units and the introduction of a new site, Site Reference PS148, which is the same as the site for the planning application referenced PAP/2013/0231. The allocation is consistent with the planning application and is for 9 units. The revised version of the Preferred Options Site Allocations Plan will be subject to a further public consultation exercise, commencing in early 2014. The site south of main road was considered for inclusion in the revised site allocations plan, but dismissed as being not required to meet the needs of the village.

c) The Principle and the National Planning Policy Framework

The NPPF is clearly a general document but it carries full weight. It states that where relevant policies are out of date, planning permission should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole, or specific policies in the Framework indicate the development should be restricted". As the Local Plan is out of date in respect of housing requirements, the approach has to be as set out above.

The approach of the NPPF to new housing developments is to significantly "boost" the supply of new housing. It requires Local Planning Authorities:

- To use their evidence base to ensure that their Local Plan fully meets housing needs in their area identifying key sites critical to the delivery of the housing strategy.
- To identify a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition. Where there is a record of persistent under delivery, the buffer should be increased to 20% to provide a realistic prospect of achieving the planned supply, and-achievement.
- To identify a supply of specific developable sites or broad locations for growth for 6-10 and where possible for years 11 – 15.

It is thus necessary to look at housing supply under each of three factors mentioned above.

d) Housing Supply

The first point above relates to overall housing requirements. The emerging Core Strategy has now been submitted to the Secretary of State. His Inspector is satisfied that the emerging up to date evidence on housing requirements is consistent with the Borough's overall housing requirement and its general distribution through the Borough's settlements. The Strategy identifies general directions of growth. Newton Regis is not identified as a settlement suitable for significant growth.

The second is about the five year supply. The Council has a recently declared position in respect of this measure – within the range of 5.57 and 4.87 years. This therefore suggests a possible reason for refusal. Members will be aware that the calculation of this figure can be undertaken using a number of different options – indeed six were identified in a report to Members of the LDF Sub-Committee. Throughout the country too, many planning appeals are concerned with convincing an Inspector that one particular option is sounder than another. In the Borough Council's case the range quoted above is based on the sites identified in the Local plan which are not yet built; extant planning permissions, sites under construction and yet to be completed together with sites identified in the Local Investment Plan – those with HCA involvement. It does not therefore include any allocations from the current work on the Core Strategy. The reason for that is because the NPPF requires the calculation to be based on land that is “available” and “deliverable”. The allocated land might be available because land owners have expressed a wish to see it developed, but as yet there are no firm allocations in place and it is not yet deliverable as planning permissions are not in place. Officers warned Members therefore that the figure quoted above would be open to challenge at every opportunity when a planning proposal comes forward. This is because it is not just about the actual figure. It has to be put into the context of the NPPF. Even if the figure above was agreed in this case with the applicant, and the application was refused, an Inspector would additionally be influenced by a combination of the figure and other factors as identified by the NPPF. These are:

- The Council's past record on delivery – that is actual annual housing completions
- The wording of the emerging Core Strategy, and
- Whether a particular site in question is “sustainable” in its own right.

Looking at these in turn, Officers acknowledge that net completions have been poor, such that in the last seven years they were running on average at a net figure of 88 a year. The existing Local Plan over the same seven years expected 150 a year. The situation is improving with permissions already granted this year for 140 houses (2013/14). However the emerging Core Strategy expects 173 a year. This can be argued to show that the housing market is beginning to improve and that with the emerging Core Strategy and the preferred allocations identified, we will achieve a sustained five year supply. However we are not there yet and the NPPF specifically refers to the historical record. Ours could be considered to represent “persistent under delivery” in the terms of the NPPF.

Secondly, the emerging Core Strategy says in policy NW3 that “at least” 3800 dwellings will be provided in the plan period. This is reflected in Policy NW4 which says that the housing directed to named settlements will be “minimum figures”. When the five year supply figure is put into this context, the possibility of a refusal based on housing numbers alone is further weakened.

Thirdly there is the issue of sustainability. The NPPF has no definition of “sustainable development” but it does say that the planning system should guide development to sustainable locations. The issue therefore is whether these sites are in such a location. Looking at the sites, both are extensions to an existing settlement and are not isolated sites or ones disconnected to existing development. In location terms both have road access and there is access to a limited bus service connecting to nearby main urban areas. The village has a limited number of local facilities including a local primary school, public house and community centre. The sites have no unusual constraints in terms of their development that can not be overcome through recognised technical solutions (with the possible exception of access to the land south of Main Road – see commentary below). It was argued above that the weight to be given to the emerging Core Strategy was limited due to uncertainty about housing numbers, but whatever those numbers might end up being, that Strategy does set out an overall spatial strategy for the location of that housing. It directs new housing towards a settlement hierarchy which includes Newton Regis with a limited number. Whilst there is recognition that named settlements will have to expand and in some instances extend onto green-field land if the housing requirements as set out are to be accommodated, the new preferred locations do not do so, as one site would now be within the existing built up area but the second would be a small scale extension immediately adjacent to the village, but on residential land. The Core Strategy spatial portrait describes Newton Regis as having ‘some potential to accommodate well designed small scale development’.

d) Initial Conclusions on the Principle

The Development Plan – the 2006 Local Plan – is out of date in respect of how this application is decided in principle. The Core Strategy is still emerging not having yet been examined and the preferred options for possible site allocations are at consultation/revised consultation stage. The NPPF therefore carries greater weight in these circumstances. In respect of its approach to new housing developments, it is considered that the situation in regard of overall housing numbers and locations has become clearer; the five housing supply has to be considered in the context as explained in section (c) above and that is not helpful, and in location terms, dependent on scale, these sites could be considered to be sustainable sites. The initial conclusion therefore is that there is a prospect that the development proposals could be supported.

Understandably this is a difficult situation for the Board. However this as has been said before, is brought about because of the NPPF and the current position of having an emerging replacement Local Plan rather than one that is adopted.

The remainder of this report will consider the specifics of each of the proposed schemes and the issues raised by residents to see if there are any matters which could be of such weight either singly or cumulatively to warrant overriding the initial conclusion reached above.

e) Scale and Impacts

The same planning policy applies to both of the application proposals, however each application falls to be determined as a separate entity. The development sites are not identical and the scale of the two proposals is different, both in terms of the physical size of the sites and the amount of housing proposed. It is necessary to consider the merits of each site.

For comparative purposes the two sites are shown below:



The smaller site, off Seckington Lane, is immediately adjacent to the built up area of the village. It is in close proximity to existing built form on Seckington Lane, at Newton Cottages and on Hames Lane which could be argued to wrap around it. As a result of the permission for the development of Newton Cottages the land has a lawful use as residential garden land which is used communally by the residents of the cottages. The land is relatively contained within the existing envelope of the village. It already contains paraphernalia of incidental residential use and is served by an existing access and an existing roadway. The development of this smaller parcel of land would be a more organic evolution of the built form of the village

By contrast the site south of Main Road is a substantially larger open field, which is very open and agricultural in character and appearance, notwithstanding the electrical apparatus which crosses part of it. The land is partly bounded by hedgerows and contains open views across fields to the distant motorway. The development of this larger parcel of land would read as a clear freestanding later addition bolted on to the village edge. The image below shows the character an appearance of the land.



In terms of landscape and village character, whilst it is considered that the development of the land off Seckington Lane could be accommodated without significant detriment given a well designed built form, it is considered that the development of the land south of Main Road would be of the wrong scale for the settlement and a significant intrusion into the surrounding countryside.

In terms of proposed housing numbers the two schemes also differ. The emerging Core Strategy identifies that an appropriate allocation for new housing units in Newton Regis will be 15 units. The Seckington Lane development proposes fewer units than this - 9 in total. The Main Road site however, in its own right proposes 19 units, but in conjunction with the Seckington Lane site would increase the number to 28 in total. In a settlement of approximately 165 dwellings (source: the Electoral Register for the Newton Regis Polling District), an additional 28 dwellings would result in an approximately 17% increase in the size of the settlement. If the allocated site at Manor Farm comes forward for redevelopment with housing (as the site owner indicates that it will in the near future) then that percentage increase would rise still further. An over supply of housing in this settlement would impact of the Council's objectives for the sustainable distribution of new housing, with a distorted concentration in this category 4 settlement.

The emerging Core Strategy spatial portrait describes Newton Regis as having 'some potential to accommodate well designed small scale development'. The site south of Main Road does not fit within that description. It will represent a large scale development in the context of Newton Regis, whilst the smaller 9 unit development would be more in keeping with the scale of development envisaged in emerging policy.

An objector expresses the concern that, if developed at 30 dwellings per hectare this site would yield 42 dwellings rather than 19. Whilst, if minded to grant an outline planning permission, the Council could limit the number of approved dwellings to no more than 19 dwellings, it is true that it would have supported the development of the large plot for residential purposes. If a future application were made to increase the number the Council would have to demonstrate sound reasoning to resist an increase in housing numbers.

f) Highway Matters

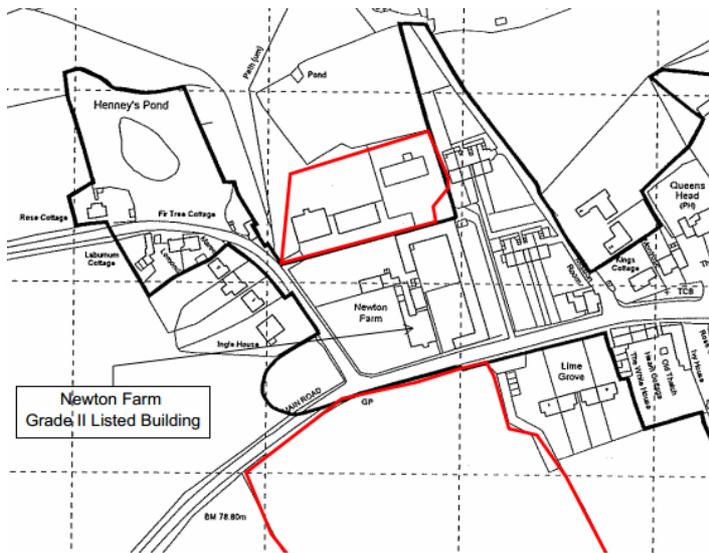
In respect of the application off Seckington Lane, the Highway Authority offers no objection subject to conditions. It is considered that access is sufficient for the proposed development with capacity on the existing network and the visibility splays would be considered acceptable. The site access would be via a shared private drive and as such the developer would need to secure agreement with other parties who have an interest in the access land. The need to obtain such agreement does not limit the ability to grant a planning permission.

In respect of the site south of Main Road, the Highway Authority objected to the first proposed position of the access because of concerns about inadequate visibility splays. The applicant has responded by proposing an alternative location. This would be at a position opposite Newton Farmhouse. The Highway Authority now offers no objection, subject to conditions.

There are therefore no technical objections to the proposed access arrangements for either of the proposed development sites.

g) Heritage Matters

Both sites lie in close proximity to the Newton Regis Conservation Area, each having a boundary which is co-existent with its edge. The Conservation Area is shown with a black line edge and the application sites are shown in red on the map below:



The site is also to the front of and to the rear of Newton Farm, a Grade II Listed Building (again shown on the map above). Newton Farm is a two storey Georgian House which has an open frontage sitting a short distance behind a low brick wall. It is a key feature upon entering the village from its western side. The principal elevation of this property faces Main Road and the application site is shown in the photograph below. The 'south of Main Road' site, directly on the opposite side of the road to this property, is also shown in the photograph below.



The revised access position would be directly opposite the listed building at Newton Farm and would necessitate the loss of an existing brick boundary wall which forms the edge to the village Conservation Area and which matches the boundary wall to the listed building on the opposite side of the road. The proposed access would be required to serve two way traffic, with pedestrian footways. The formation of a new access road at this position would inevitably result in a significant change in the character and appearance of this stretch of road, upon the entrance to the village and the setting of the Listed Building.



The change brought about from the access arrangements and the sheer size of the development site would cause harm to the character and appearance of the setting of the Conservation Area and the adjacent Listed Building.

Whilst the smaller site, off Seckington Lane, also shares a boundary with the Conservation Area, its setting is somewhat different. It is not at a key entrance to the village. It does not have the same relationship to the Listed Building, being to the rear of the farm complex and separated from it by a redevelopment of former farm buildings. It is considered that with appropriate design, a new small scale development could be accommodated without detriment to the Conservation Area or harm to heritage assets.

g) Ecological Matters

There are no statutory or non-statutory sites within the application boundaries or in close proximity to either of the proposed development sites.

In respect of the site south of Main Road, the County Ecologist confirms that the proposal would be likely to result in a very small reduction in biodiversity from the reduction in grassland (0.8%) but welcomes the suggested addition of a pond and hedgerow retention. Recommendations were offered in respect of biodiversity enhancement and a cautionary note was suggested to address the possible encounter of great crested newts but no objection was offered.

In respect of the site off Seckington Lane, one representation was received claiming the on-site presence of great crested newts. This matter was pursued by the applicant who commissioned a GCN Survey. The survey found no evidence to support the objectors' claims. It is proposed that the recommendations of the survey report, for a cautionary approach to the development, be attached as a condition to any planning permission granted. The objector was contacted with a request for information to substantiate the claim but no further correspondence was received.

h) Services and Facilities

Representations refer to the lack of facilities in Newton Regis and thus that the settlement would not be able to cope with an increased population or that more likely, future occupiers of the proposed houses would drive out of Newton Regis to use other nearby facilities. However the Core Strategy specifically identifies that Newton Regis is a suitable location for a limited amount of additional housing. The village has reasonable credentials as a sustainable small settlement.

i) Affordable Housing

The applicant has agreed to the provision of 40% of the housing units to be provided as affordable housing on both of the sites. This would amount to 4 units on the land off Seckington Lane and 8 units on the land south of Main Road.

Local residents have objected to the inclusion of affordable housing within the developments, indicating that recent local surveys have not identified a need in the village or the neighbouring settlements of No Mans Heath and Seckington.

The survey work referred to dates from 2009 and 2010. This could be said to be out of date, being more than three years old. It also runs contrary to the overwhelming need for affordable housing that has been established across the Borough as a whole in previous and more recent work. The up to date report of the Coventry and Warwickshire SHMA (September 2013) confirms evidence of an affordable housing need of 2,738 affordable homes over the 2011-31 period. In North Warwickshire the level of need for affordable housing has been found to be similar to the overall projection of household growth. The report reaffirms a very strong need for affordable housing and is suggestive that the findings of the local studies may not be reliable or robust. In any event, just because a need did not occur very locally would not be substantial justification for not seeking to meet needs arising in the wider vicinity.

In overall terms the proposal would match the requirements as identified in the Borough wide Housing Needs Survey and the provision of affordable housing can reasonably required on these sites for policy reasons. This would be a substantial benefit arising from the proposals as well as significantly assisting in the delivery of the Council's overall target of 40% affordable provision throughout the Borough. The location, house type and tenure of these 12 units would be the subject of planning conditions.

j) Other Contributions

The Education Authority has confirmed that in respect of each of the proposed developments taken individually, and in respect of the developments taken jointly, no contribution would be sought for education provisions, whether at a primary or secondary school level.

The applicant acknowledges the need to cater for the open space and recreational needs of the occupiers of any new dwellings. To this end he has submitted a Unilateral Obligation for each of the sites, proposing the payment of a contribution for the improvement of existing open space provision in the area. The sum offered accords to the criteria set out in the Council's Draft Open Spaces SPD and the purpose of the contribution accords with the need identified locally through the Green Spaces Strategy. £3170.88 is offered in respect of the 9 dwellings and £6694.08 is offered in respect of the 19 dwellings. It is considered that this would be an appropriate way to accommodate the open space requirements arising from the proposed developments.

In respect of the larger development the library service has forwarded a request for £3243 as a general payment towards the library service and Warwickshire County Council Footpaths Team has forwarded a request for a financial contribution of £4950 towards the improvement of public rights of way within a 1.5 mile radius of the site based on increased maintenance liability resulting from increased use. These contributions would be matters best, and far more appropriately, dealt with by the Community Infrastructure Levy (CIL) and at present the Council is not a charging Authority. The requests here are not of such weight here to consider a refusal of planning permission should they not be provided. They also relate to existing under-provision. As such they do not meet the legal requirements of Section 106 of the Planning Act.

m) Overall Conclusion

The NPPF establishes a presumption in favour of sustainable development. The reasoning above sets out why it is considered that the smaller of the two developments is sustainable in the context of Newton Regis and the larger development is not.

The recommendation below demonstrates that there is a balance to be achieved between meeting the housing needs of the Borough and protecting the character and appearance of the settlement of Newton Regis, ensuring that the scale of new development is appropriate and sustainable.

Recommendations

a) PAP/2013/0231

That subject to satisfactory completion of the Section 106 Undertaking as set out in this report, outline planning permission be **GRANTED**, subject to the following conditions:

Standard Conditions

- 1) Standard outline conditions
- 2) Standard outline conditions
- 3) Standard outline conditions
- 4) Standard plan numbers condition – Drawing Number 7142.100 received by the Local Planning Authority on 3 May 2013.

Overall Defining Conditions

- 5) The maximum number of dwelling units to be constructed on this site shall be 9, and none shall be more than two storeys in height.

REASON

In the interests of limiting potential adverse highway, settlement character and visual impacts.

Pre-Commencement Conditions

- 6) No work whatsoever shall commence on site, including any site preparation or clearance works, until a scheme for the provision of 4 affordable houses, as part of the development hereby approved, has been submitted to and approved in writing by the Local Planning Authority. These affordable houses shall meet the definition of affordable housing set out in the relevant saved policies of the North Warwickshire Local Plan 2006 and the National Planning Policy Framework. The scheme shall include: the type and tenure of those 4 affordable houses, the timing of their construction and its phasing in relation to the occupancy of the market houses, the arrangements to ensure that such provision is affordable for both the first and subsequent occupiers of the 4 affordable houses, and the occupancy criteria to be used for determining the identity of occupiers of the affordable houses and the means by which such occupancy criteria are to be enforced.

REASON

In the interests of securing affordable housing provision on the site so as to meet the requirements of the Development Plan; the emerging replacement and the National Planning Policy Framework.

- 7) No works whatsoever shall commence on site, including any site preparation or clearance work, until such time as 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 first submitted to and agreed in writing by the Local Planning Authority.

REASON

In the interests of understanding any archaeological interest in the site.

- 8) No work whatsoever shall commence on site, including any site preparation or clearance work, until such time as a scheme for the provision of adequate water supplies and fire hydrants necessary for fire fighting purposes has 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 public safety.

- 9) Prior to the commencement of development details of a scheme for the inclusion of suitable features for wildlife and for great crested newts habitat shall be submitted to and approved by the Local Planning Authority in writing. The approved scheme shall then be implemented in full.

REASON

To mitigate against the loss of existing habitat and to fulfil a net gain in biodiversity, as promoted by paragraph 109 of the National Planning Policy Framework.

Pre- House Construction Conditions

- 10) No work shall commence on the construction of any house hereby approved until such time as details of the facing materials and ground surface materials to be used have first all 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.

- 11) The development shall not be commenced until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distances of 43.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interests of highway safety

- 12) Prior to the commencement of development full details of a scheme to provide a footway link and pedestrian dropped kerbs on Seckington Lane in the area between the development and the access where the existing footway terminates. The details shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in full in accordance with the approved details prior to the occupation of any of the dwellings hereby approved.

REASON

In the interests of highway safety

- 13) The measures for safeguarding newts set out in Section 5 of the 'Initial Survey for Great Crested Newts' by Dr Stefan Bodnar (MCIEEM) dated October 2013 and received by the Local Planning Authority on 14 October 2013 shall be implemented in full at all times during the construction phase of the development hereby approved.

REASON

In recognition of the potential for the site to contain a protected species.

- 14) No work whatsoever shall commence on site, including any site preparation or clearance work, until such time as measures for the disposal of foul and surface water from the site have first been submitted to and approved in writing by the Local Planning Authority. The approved measures shall then be implemented in full prior to the occupation of any of the approved new dwellings.

REASON

To reduce the risk of pollution and to reduce the risk of creating or exacerbating a flooding problem.

Pre-occupation Conditions

- 15) There shall be no occupation of the 9th house as approved under this permission until such time as all of the 4 affordable houses to be provided on site under the terms of condition 6 above have first all been fully constructed and are ready for occupation.

REASON

In order to deliver the Development Plan requirements for affordable housing provision.

Plus any conditions recommended by the County Archaeologist.

Notes

- 1) The Crime Reduction and Community Safety Officer of the Warwickshire Police can offer guidance on the design and detail of the future scheme so as to minimise the risk of crime.
- 2) Attention is drawn to Section 278 of the Highways Act 1980; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 together with all relevant Codes of Practice.
- 3) The Local Planning Authority has worked positively with the applicant in this case to address planning issues arising from this development through pre-application discussion and the exchange of information following receipt of consultation responses and representations thus meeting the requirements of the National Planning Policy Framework 2012.

b) PAP/2013/0402

That outline planning permission be **REFUSED** for the following reasons:

1. The submitted Core Strategy shows how the distribution of new housing can be taken forward to 2028 in a sustainable way and in line with the planning principles of the National Planning Policy Framework 2012. The Core Strategy spatial portrait describes Newton Regis as having 'some potential to accommodate well designed small scale development'. The scale of the development proposed does not accord with this emerging Core Strategy, such that the Council considers the proposal to be unsustainable development. It is considered that the proposed development would be inappropriate in size and in this location as it would materially extend the settlement of Newton Regis onto green field land impacting on its local character and distinctiveness.
2. The proposal would harm the character and appearance of the Conservation Area and adversely impact on the setting of the listed building at Newton Farm, because it would materially alter the setting of that building and the approach into the village because of its scale; reducing openness, removing boundary walls, and introducing an engineered frontage. As such it does not accord with saved policies ENV15 and ENV16 of the North Warwickshire Local Plan 2006 and the National Planning Policy Framework 2012.

BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0231

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	3 5 13 29 7 13 13 8 13
2	H Downing	Representation	7 8 13
3	D Tallett	Representation	17 8 13
4	Newton Regis, Seckington & No Mans Heath Parish Council	Representation	29 8 13
5	Fire Authority	Representation	22 8 13
6	M Edge	Representation	31 8 13
7	J C Miles	Representation	4 9 13
8	Warwickshire County Highways Authority	Consultation Reply	4 9 13
9	G & S Hinds	Representation	5 9 13
10	R Edge	Representation	5 9 13
11	C Vincent	Representation	15 9 13
12	K Mullins	Representation	2 9 13
13	J Simpson	Representation	3 9 13
14	R Simpson	Representation	20 9 13
15	Fisher German for the Thorpe Estate	Representation	24 9 13
16	Newton Cottages Management Company Ltd	Representation	24 9 13
17	Council for the Protection of Rural England	Representation	26 9 13
18	Croft Consulting for R Simpson	Representation	26 9 13
19	M O'Brien	Representation	29 9 13
20	Warwickshire County Council (Education)	Consultation Reply	28 9 13
21	R Nye	Representation	1 10 13
22	Warwickshire Wildlife Trust	Consultation Reply	1 10 13
23	Case Officer	Letter to K Mullins	4 10 13
24	Warwickshire County Council Ecologist	Consultation Reply	11 10 13
25	Applicant	Great Crested Newt Survey	14 10 13
26	Cllr Humphreys	Email	23 10 13
27	Applicant	Unilateral Obligation	28 10 13
28	Environmental Health Officer	Consultation Reply	22 8 13
29			

Planning Application No: PAP/2013/0402

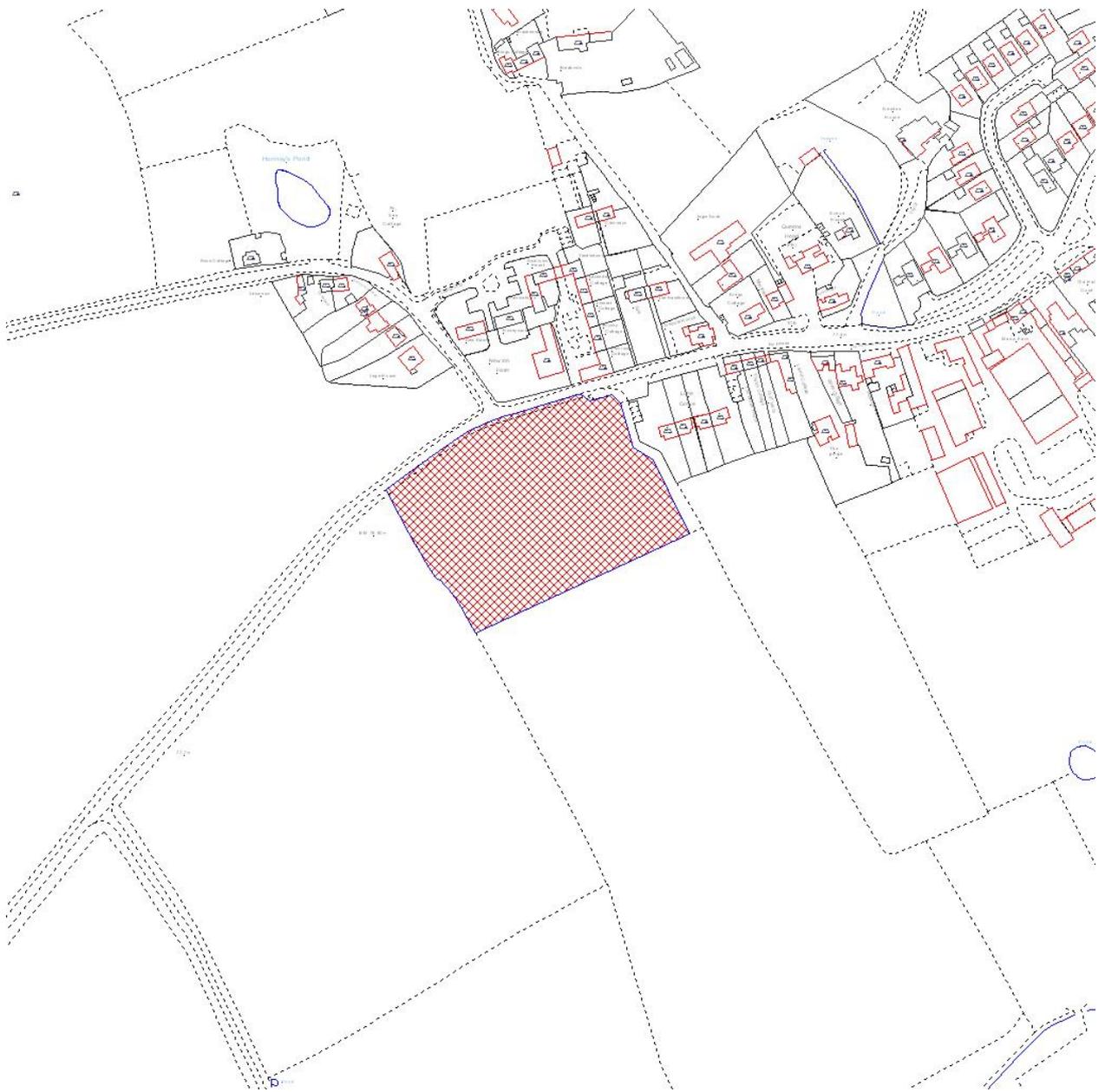
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	16 8 13 25 10 13
2	P Wilson	Representation	22 8 13
3	D Tallett	Representation	28 8 13
4	Environmental Health Officer	Consultation Reply	28 8 13
5	R Edge	Representation	3 9 13
6	Mr M Abbott	Representation	3 9 13
7	Warwickshire County Council Library Service	Representation	5 9 13
8	Environment Agency	Consultation Reply	9 9 13 23 10 13
9	Warwickshire County Council Ecologist	Consultation Reply	9 9 13
10	C Smedley	Representation	9 9 13
11	Forward Planning Officer	Consultation Reply	9 9 13
12	Newton Regis, Seckington and No Mans Heath Parish Council	Representation	9 9 13 28 10 13
13	Warwickshire County Council Ecologist	Consultation Reply	9 9 13
14	M Edge	Representation	11 9 13
15	Warwickshire County Highways Authority	Consultation Reply	13 9 13 22 10 13 29 10 13
16	S & G Hinds	Representation	12 9 13
17	Fire Authority	Consultation Reply	12 9 13
18	D Cox	Representation	12 9 13
19	Severn Trent Water	Consultation Reply	16 9 13
20	A Barton	Representation	16 9 13
21	Western Power Distribution	Consultation Reply	16 9 13
22	Warwickshire County Council (Education)	Consultation Reply	18 9 13 28 9 13
23	Fisher German for the Thorpe Estate	Representation	20 9 13 24 10 13
24	R Simpson	Representation	22 9 13
25	K Mullins	Representation	20 9 13
26	J Simpson	Representation	20 9 13
27	Footpaths Team	Consultation Reply	11 9 13
28	Council for the Protection of Rural England	Representation	26 9 13
29	Croft Consulting for R Simpson	Representation	27 9 13
30	Newton Cottages Management Company Ltd	Representation	29 9 13
31	Applicant	Flood Risk	3 10 13

		Assessment	
32	Warwickshire County Archaeologist	Consultation Reply	16 10 13
33	Applicant	Unilateral Obligation	28 10 13

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/2013/0435

Whitacre Garden Centre, Tamworth Road, Nether Whitacre, Warwickshire, B46 2DP

Variation of condition no:2 of planning permission ref PAP/2012/0348 relating to alterations to house type designs and site layout; in respect of demolition of existing garden centre, and erection of 25 dwellings with associated parking and landscaping, for

Bloor Homes Midlands And Crescent Trustees Ltd

Introduction

Planning permission was granted in April this year for the demolition of the buildings on this former garden centre site and its residential redevelopment through 25 new houses. The current application seeks to vary the house types to suit the prospective developer. The number of units remains the same and the overall site layout as agreed is not materially affected at all.

The reason for referring the case to the Board is that the application is accompanied by a Deed of Variation to the Section 106 Agreement attached to the original permission.

A copy of the April 2013 permission is attached at Appendix A.

The Site

This is an area of around 1.67 hectares on the south side of the Tamworth Road in Nether Whitacre. It used to be the site of a former garden centre. It has residential property to the south east and to the west with some houses too on the opposite side of the road. The site is in the countryside with open vistas surrounding the site.

Background

Planning permission was granted in April 2013 for the residential redevelopment of this site. It has since been cleared and the prospective developer now wishes to substitute his own house types to those originally approved. The approved layout had blocks of houses set back from the road frontage behind landscaped bunds and balancing ponds. 25 units were approved and all vehicular access was to be via an improved existing arrangement onto the Tamworth Road.

The Section 106 Agreement connected to the site deals with an off-site contribution towards affordable housing.

The Proposals

The current application seeks to vary condition 2 – the plans condition – of the April approval. The number of units remains the same at 25, as does the overall site layout with the houses set back from the main road. The disposition of these blocks remains as approved. The proposed variations include:

- the proposed dwellings are all to be detached houses and would reflect a range of rural styles rather than the approved scheme which reflected a design approach of a set of converted buildings. Some would be rendered; some have chimneys and all would be brick and tile.
- There are more garages rather than parking areas to the rear of the blocks, but there is still 200% coverage.
- The development comes closer to the adjoining property to the east known as Cherry Trees by five metres, but the building line remains as approved.
- The block including plots 3 to 7 has been lengthened by around 5 five metres bring it closer to the road frontage.

The Deed of Variation to the Section 106 solely involves a revision to the plan numbers to reflect the above alterations.

Appendix B shows the proposed layout and Appendix C is a selection of the proposed new house types.

Representations

All the neighbouring occupiers who were consulted on the original application have been consulted on the proposed amendments. Not one representation has been received including none from the Parish Council.

Comments have been received from a resident who lives well beyond the neighbourhood expressing the view that the houses should not be three storey and that affordable provision should be delivered.

Development Plan

Saved policies of the North Warwickshire Local Plan 2006 – ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design)

Other Material Planning Considerations

The National Planning Policy Framework 2012

Observations

The principle of 25 dwellings on this site has been agreed as has the general site layout. Affordable housing provision is to be dealt with via an off-site contribution through a Section 106 Agreement. This current application only deals with proposed amendments which in general relate to a substitution of house types. The remit here is thus just to look at these amendments to see if they should be refused.

It is considered not. The appearance of the proposed house types, whilst all being detached, does reflect the rural vernacular of the area in its detail picking up on a number of local characteristics – chimneys; fenestration design and brick eaves details. There is no overall reduction in massing or openness. The minor changes detailed above would be immaterial in the overall appearance of the site. There is no introduction of three storey houses.

The change to detached houses has however led to a slight lengthening of the approved blocks as set out above. This is most noticeable to the east of plot 25 which adjoins the existing neighbouring house known as Cherry Trees. The reduction amounts to five metres, but even with this proposed amendment, the gap from side gable to side gable would still be 20 metres, which is still considered to be reasonable and unlikely to result in material adverse amenity impacts. No comments have been received from the occupiers of Cherry Trees.

In all of these circumstances, the proposals can be supported.

Recommendation

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

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

REASON

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

2. Standard Plan numbers condition – plan numbers MI124/LOC/002; SL/001 and PD/001A together with plan numbers PL/01/400, 02/400, 03/412, 04/400/1, 04/400/02, 05/400, 06/400, 07/425/1, 07/425/2, 08/411/A, 09/412, 10/400, 11/400, 12/351, 13/14/350/1, 13/14/350/2, 15/351, 16/309/1, 16/309/2, 17/421/1, 17/421/2, 18/425, 19/425/1, 19/425/2, 20/20/427, 21/427, 22/206, 23/400, 24/400, 25/421/1, 25/421/2 and MI124/GAR/01/02, 03, 04 and 05 all received on 3/9/13.

REASON

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

Controlling Conditions

3. Vehicular access to the site from the public highway - the B4098 - shall not be made other than shown as on the approved plans. It shall not be less than 7.7 metres in width for a distance of 20 metres into the site as measured from the near edge of the public highway.

REASON

In the interests of highway safety.

4. The existing vehicular access points into the site other than those required as part of the approved access, shall be closed off and the public highway verge reinstated to the written satisfaction of the Local Planning Authority within one month of the new access hereby approved being formed.

REASON

In the interests of highway safety.

5. No gates shall be hung within the approved access so as to open within 20 metres of the public highway carriageway.

REASON

In the interests of highway safety.

Pre-Development Conditions

6. No development shall commence on site until such time as full details of the means of disposal of surface water arising from the whole of the application site have first been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt these details shall show how the existing means of surface water disposal is to be improved; and contain recommendations on the phasing of such measures and their longer term maintenance.

REASON

In order to reduce the risk of flooding.

7. No development shall take place until such time as a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has first been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented on site.

REASON

In the interests of public safety.

8. No development shall commence on site until such time as a preliminary investigation into potential ground contamination has been completed and submitted to the Local Planning Authority. The investigation shall be made in accordance with the appropriate British Standard and shall determine the potential for contamination on the site whether it originates on the site or not.

REASON

In the interests of reducing the risk of pollution.

9. No work shall commence on site until such time as the conclusions and recommendations arising from the investigation carried out under condition (8) have first been agreed in writing by the Local Planning Authority. In the event that these recommendations involve the need for an intrusive investigation, then the scope of such an intrusive investigation shall also be first agreed in writing by the Local Planning Authority.

REASON

In the interests of reducing the risk of pollution.

10. In the event that an intrusive investigation is agreed, then no work on the development hereby approved shall commence until such time as the conclusions and recommendations arising from that intrusive investigation, to remove or remediate any contamination originating on the site or not, have first been agreed in writing by the Local Planning Authority.

REASON

In the interests of reducing the risk of pollution.

11. Any remediation scheme agreed under condition (10) above shall also include validation details in order to verify full completion of all the agreed remediation measures. These details shall be agreed in writing as part of the discharge of condition (10).

REASON

In the interests of reducing the risk of pollution.

12. No development shall commence on site until such time as full details of the provision of the access, car parking, manoeuvring and service areas, including surfacing, drainage, levels, lighting and signage have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented.

REASON

In the interest of highway safety.

13. No development shall commence on site until such time as details to implement a footway and pedestrian dropped kerbs on Gate Lane so as to extend the existing footway past the Gate Public House to the site, have first been submitted to and approved in writing.

REASON

In the interests of highway safety and to increase pedestrian accessibility.

14. No development shall commence on site until such time as full details of all of the external surface and building materials to be used on site have first been submitted to and agreed in writing by the Local Planning Authority. These details shall include surfacing materials for the road layout, the garaging areas, the pedestrian links together with all building materials to be used for the houses and garages. Only the approved materials shall then be used on site.

REASON

In the interests of the visual amenities of the area.

15. No development shall commence on site until such time as full details of all boundary treatments have first been submitted to and approved in writing by the Local Planning Authority. These details shall include those to be proposed for all of the external site boundaries as well as those boundaries between the dwellings hereby approved. Only the approved details shall then be implemented on site.

REASON

In the interests of the visual amenities of the area.

16. No development shall commence on site until such time as full details of the extent of the earth mounding shown on the approved plan together with its levels and contours, have first been submitted to and agreed in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

REASON

In the interests of the visual amenities of the area.

17. No development shall commence on site until such time as full details of all of the landscaping including tree and shrub planting, proposed for the site 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 visual amenities of the area.

18. No development shall commence on site until such time as details of the measures to be introduced to prevent/minimise the spread of extraneous material on the public highway during the construction phase, have first been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of highway safety.

Pre-Occupation Conditions

19. None of the dwellings hereby approved shall be occupied until such time as full details of the measures to be installed for the disposal of foul sewage from the whole of the development hereby approved, have first been submitted to and approved in writing. Only the approved measures shall then be implemented on site.

REASON

In the interests of reducing the risks from pollution and flooding.

20. None of the dwellings hereby approved shall be occupied until such time as written agreement has been received in accordance with condition (9), or any remediation measures as may be agreed under condition (10) above have been fully completed and validated in accordance with condition (10) above.

REASON

In the interests of reducing the risk of pollution.

21. None of the dwellings hereby approved shall be occupied until such time as all of the drainage measures agreed under condition (6) above have first been fully completed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of reducing the risks of pollution and flooding.

22. None of the dwellings hereby approved shall be occupied until such time as the following matters have all been fully completed to the written satisfaction of the Local Planning Authority:

- a) the implementation of the details approved under conditions (12) and (13);
- b) the provision of visibility splays either side of the approved access, each measuring 2.4 by 120 metres, and
- c) the provision on site of turning and manoeuvring space to allow emergency, service and delivery vehicles to exit the site in a forward direction.

REASON

In the interests of highway safety.

23 No dwelling hereby approved shall be occupied until the details approved under condition (7) above have been fully implemented to the written satisfaction of the Local Planning Authority.

REASON

In the interests of public safety.

24. No dwelling hereby approved shall be occupied until such time as the all of the details approved under condition (15) above have first been fully implemented on site to the written satisfaction of the Local Planning Authority.

REASON

In the interests of the visual amenities of the area.

25. No dwelling hereby approved shall be occupied until such time as all of the details approved under conditions (16) and (17) above have first been fully implemented to the written satisfaction of the Local Planning Authority.

REASON

In the interests of the visual amenities of the area.

On-Going Conditions

26. The vehicular access to the site shall not be constructed so as to reduce the effective capacity of any highway drain or permit water to run off the site onto the public highway.

REASON

In the interests of highway safety.

27. No structure, tree or shrub shall be placed, erected or planted within either of the visibility splays set out in condition (22) above.

REASON

In the interests of highway safety.

28. All of the garages hereby approved shall be retained for that purpose at all times and shall not be used for any other purpose.

REASON

In the interests of the visual amenities of the area and to retain the openness of the Green Belt.

Notes

1. The Development Plan Policies relevant to this decision are Saved Core Policies 2, 3, 8, 11 and 12, together with Saved Policies ENV2, 7, 10, 11, 12, 13, 14, HSG 2 and TPT6 of the North Warwickshire Local Plan 2006.
2. Attention is drawn to Section 163 of the Highways Act 1980 in respect of condition (3) above.
3. Attention is drawn to Section 184 of the Highways Act, the Traffic Management Act 2004 and the New Roads and Street Works Act 1991 together with all relevant Codes of Practice in connection with conditions (3), (4), (12) and (13) above. Advice can be sought from the Highway Authority on 01926 4124515.
4. The Local Planning Authority has worked positively and pro-actively with the applicant in this case in order to resolve the planning issues arising from the application through pre-application discussions, the amendment of design layout and scale, and responding to consultation requirements so as to meet the requirements of the National Planning Policy Framework.

BACKGROUND PAPERS

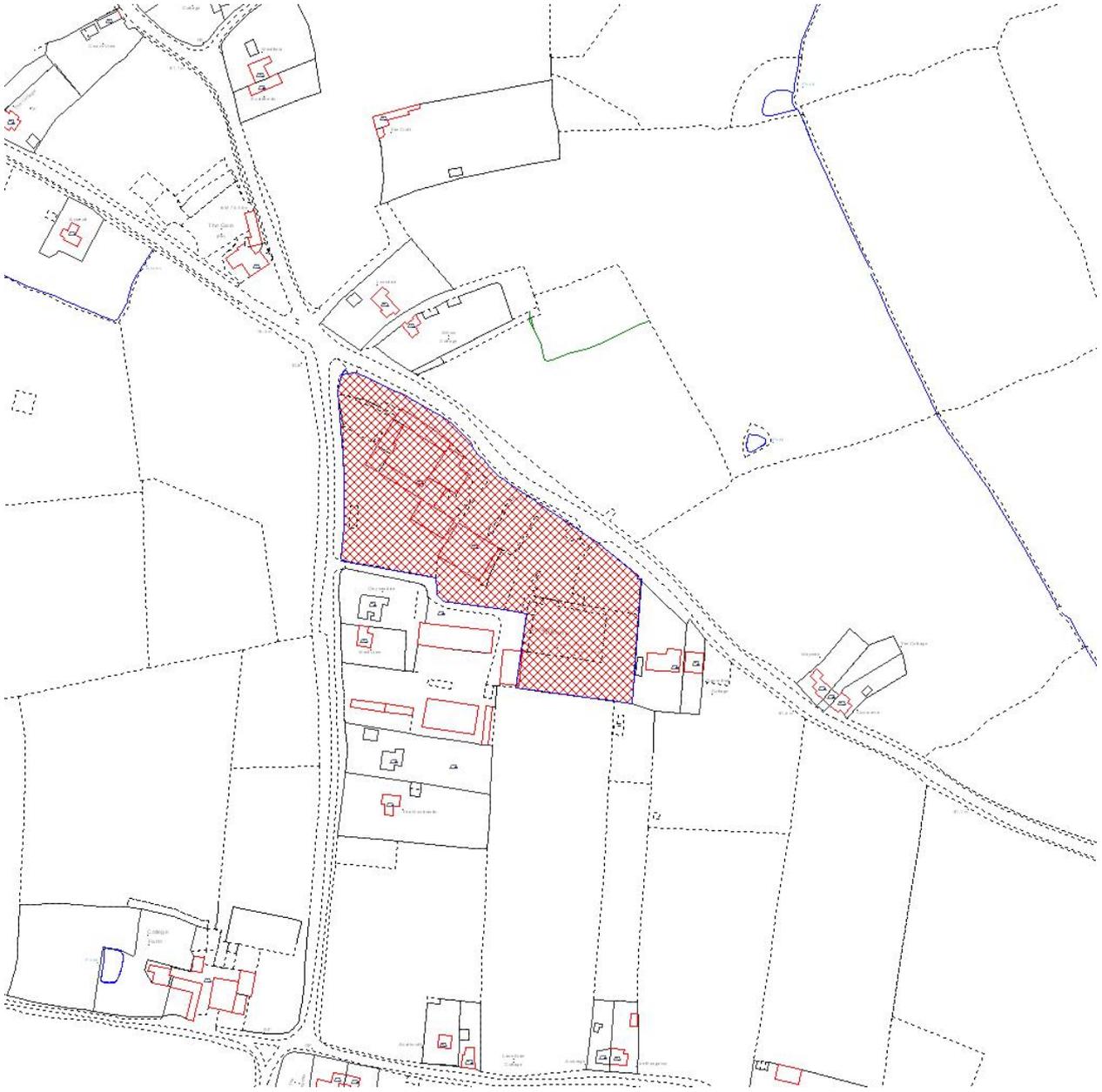
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2013/0435

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	3/9/13
2	Mr Simmons	Representation	24/9/13

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

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CV9 1DE

Telephone: (01827) 715341
Fax: (01827) 719225
E Mail: PlanningControl@NorthWarks.gov.uk
Website: www.northwarks.gov.uk
Date: 29 April 2013

The Town & Country Planning Acts
The Town and Country Planning (Listed Buildings and
Conservation Areas) Act 1990
The Town & Country Planning (General Development)
Orders
The Town and Country Planning (Control of
Advertisements) Regulations 1992 (as amended)

DECISION NOTICE

Smallscale Major - Full Planning Application

Application Ref: PAP/2012/0348

Site Address

Whitacre Garden Centre, Tamworth Road, Nether Whitacre, Coleshill,
Warwickshire, B46 2DP

Grid Ref: Easting 423196.51
Northing 292468.2

Description of Development

Demolition of existing garden centre, and erection of 25 dwellings with associated parking and landscaping

Applicant

Crescent Trustees

Your planning application was valid on 23 July 2012. It has now been considered by the Council. I can inform you that:

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the Location Plan numbered C1408/101 received by the Local Planning Authority on 14 January 2013, the plans numbered C1408/100C, 120C, 121C received by the Local Planning Authority on 29 January 2013, and the plans numbered C1408/125B, 126B, 130B, 210B, 211B, 212B, 213B, 214B, 215B, 216B received by the Local Planning Authority on 24 January 2013.

REASON

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

Authorised Officer: 

Date:

29 April 2013



Controlling Conditions

3. Vehicular access to the site from the public highway - the B4098- shall not be made other than shown as on the approved plans. It shall not be less than 7.7 metres in width for a distance of 20 metres into the site as measured from the near edge of the public highway.

REASON

In the interests of highway safety.

4. The existing vehicular access points into the site other than those required as part of the approved access, shall be closed off and the public highway verge reinstated to the written satisfaction of the Local Planning Authority within one month of the new access hereby approved being formed.

REASON

In the interests of highway safety.

5. No gates shall be hung within the approved access so as to open within 20 metres of the public highway carriageway.

REASON

In the interests of highway safety.

Pre-Development Conditions

6. No development shall commence on site until such time as full details of the means of disposal of surface water arising from the whole of the application site have first been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt these details shall show how the existing means of surface water disposal is to be improved; and contain recommendations on the phasing of such measures and their longer term maintenance.

REASON

In order to reduce the risk of flooding.

7. No development shall take place until such time as a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has first been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented on site.

REASON

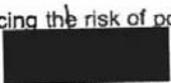
In the interests of public safety.

8. No development shall commence on site until such time as a preliminary investigation into potential ground contamination has been completed and submitted to the Local Planning Authority. The investigation shall be made in accordance with the appropriate British Standard and shall determine the potential for contamination on the site whether it originates on the site or not.

REASON

In the interests of reducing the risk of pollution.

Authorised Officer: _____



Date:

29 April 2013

9. No work shall commence on site until such time as the conclusions and recommendations arising from the investigation carried out under condition (8) have first been agreed in writing by the Local Planning Authority. In the event that these recommendations involve the need for an intrusive investigation, then the scope of such an intrusive investigation shall also be first agreed in writing by the Local Planning Authority.

REASON

In the interests of reducing the risk of pollution.

10. In the event that an intrusive investigation is agreed, then no work on the development hereby approved shall commence until such time as the conclusions and recommendations arising from that intrusive investigation, to remove or remediate any contamination originating on the site or not, have first been agreed in writing by the Local Planning Authority.

REASON

In the interests of reducing the risk of pollution.

11. Any remediation scheme agreed under condition (10) above shall also include validation details in order to verify full completion of all the agreed remediation measures. These details shall be agreed in writing as part of the discharge of condition (10).

REASON

In the interests of reducing the risk of pollution.

12. No development shall commence on site until such time as full details of the provision of the access, car parking, manoeuvring and service areas, including surfacing, drainage, levels, lighting and signage have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented.

REASON

In the interest of highway safety.

13. No development shall commence on site until such time as details to implement a footway and pedestrian dropped kerbs on Gate Lane so as to extend the existing footway past the Gate Public House to the site, have first been submitted to and approved in writing.

REASON

In the interests of highway safety and to increase pedestrian accessibility.

14. No development shall commence on site until such time as full details of all of the external surface and building materials to be used on site have first been submitted to and agreed in writing by the Local Planning Authority. These details shall include surfacing materials for the road layout, the garaging areas, the pedestrian links together with all building materials to be used for the houses and garages. Only the approved materials shall then be used on site.

REASON

In the interests of the visual amenities of the area.

Authorised Officer: 

Date:

29 April 2013

15. No development shall commence on site until such time as full details of all boundary treatments have first been submitted to and approved in writing by the Local Planning Authority. These details shall include those to be proposed for all of the external site boundaries as well as those boundaries between the dwellings hereby approved. Only the approved details shall then be implemented on site.

REASON

In the interests of the visual amenities of the area.

16. No development shall commence on site until such time as full details of the extent of the earth mounding shown on the approved plan together with its levels and contours, have first been submitted to and agreed in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

REASON

In the interests of the visual amenities of the area.

17. No development shall commence on site until such time as full details of all of the landscaping including tree and shrub planting, proposed for the site 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 visual amenities of the area.

18. No development shall commence on site until such time as details of the measures to be introduced to prevent/minimise the spread of extraneous material on the public highway during the construction phase, have first been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of highway safety.

Pre-Occupation Conditions

19. None of the dwellings hereby approved shall be occupied until such time as full details of the measures to be installed for the disposal of foul sewage from the whole of the development hereby approved, have first been submitted to and approved in writing. Only the approved measures shall then be implemented on site.

REASON

In the interests of reducing the risks from pollution and flooding.

Authorised Officer: _____



Date:

29 April 2013

20. None of the dwellings hereby approved shall be occupied until such time as written agreement has been received in accordance with condition (9), or any remediation measures as may be agreed under condition (10) above have been fully completed and validated in accordance with condition (10) above.

REASON

In the interests of reducing the risk of pollution.

21. None of the dwellings hereby approved shall be occupied until such time as all of the drainage measures agreed under condition (6) above have first been fully completed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of reducing the risks of pollution and flooding.

22. None of the dwellings hereby approved shall be occupied until such time as the following matters have all been fully completed to the written satisfaction of the Local Planning Authority:

- a) the implementation of the details approved under conditions (12) and (13);
- b) the provision of visibility splays either side of the approved access, each measuring 2.4 by 120 metres, and
- c) the provision on site of turning and manoeuvring space to allow emergency, service and delivery vehicles to exit the site in a forward direction.

REASON

In the interests of highway safety.

23. No dwelling hereby approved shall be occupied until the details approved under condition (7) above have been fully implemented to the written satisfaction of the Local Planning Authority.

REASON

In the interests of public safety.

24. No dwelling hereby approved shall be occupied until such time as the all of the details approved under condition (15) above have first been fully implemented on site to the written satisfaction of the Local Planning Authority.

REASON

In the interests of the visual amenities of the area.

25. No dwelling hereby approved shall be occupied until such time as all of the details approved under conditions (16) and (17) above have first been fully implemented to the written satisfaction of the Local Planning Authority.

REASON

In the interests of the visual amenities of the area.

Authorised Officer: _____

Date:

29 April 2013

On-Going Conditions

26. The vehicular access to the site shall not be constructed so as to reduce the effective capacity of any highway drain or permit water to run off the site onto the public highway.

REASON

In the interests of highway safety.

27. No structure, tree or shrub shall be placed, erected or planted within either of the visibility splays set out in condition (22) above.

REASON

In the interests of highway safety.

28. All of the garages hereby approved shall be retained for that purpose at all times and shall not be used for any other purpose.

REASON

In the interests of the visual amenities of the area and to retain the openness of the Green Belt.

INFORMATIVES

1. The Development Plan Policies relevant to this decision are Saved Core Policies 2, 3, 8, 11 and 12, together with Saved Policies ENV2, 7, 10, 11, 12, 13, 14, HSG 2 and TPT6 of the North Warwickshire Local Plan 2006.
2. Attention is drawn to Section 163 of the Highways Act 1980 in respect of condition (3) above.
3. Attention is drawn to Section 184 of the Highways Act, the Traffic Management Act 2004 and the New Roads and Street Works Act 1991 together with all relevant Codes of Practice in connection with conditions (3), (4), (12) and (13) above. Advice can be sought from the Highway Authority on 01926 4124515.
4. The Local Planning Authority has worked positively and pro-actively with the applicant in this case in order to resolve the planning issues arising from the application through pre-application discussions, the amendment of design layout and scale, and responding to consultation requirements so as to meet the requirements of the National Planning Policy Framework.

REASONED JUSTIFICATION

The proposal, as a consequence of significant amendment is considered to be appropriate development in the Green Belt by virtue of paragraph 89 of the National Planning Policy Framework in that it is for the complete redevelopment of previously developed land which has no greater impact on the openness of the Green Belt or the purposes for including land within the Green Belt, than the existing lawful development. The presumption is thus that planning permission be granted. Evidence has been submitted to show that there is little or no commercial interest in the site either in its lawful use or as other employment land both in the short and medium term. This adds weight to an approval given the position set out in the NPPF to promote growth and economic development rather than to safeguard employment land for a potential future occupier. Whilst the site is outside of a defined settlement and thus in an unsustainable location by virtue of the Development Plan, that Plan is being superseded by a draft Core Strategy that is supporting new housing in the nearby area and this proposal would meet that requirement.

Authorised Officer: _____

Date:

29 April 2013

There are no other matters arising from the consultations that would warrant objection or that can not be overcome through conditions. The design and layout is suitable for a rural area and does not impinge on neighbouring residential amenity in a way that is more than the existing lawful use. An accompanying Section 106 Agreement provides a proportionate off-site contribution towards affordable housing in the locality in lieu of on-site provision, together with a contribution towards highway requirements to improve safety and pedestrian access. The proposal is thus considered to accord with saved policies ENV2, 7, 10, 11, 12, 13, 14, HSG2, TPT6 and Core Policies 2, 3, 8, 11 and 12 of the North Warwickshire Local Plan 2006 together with the National Planning Policy Framework.

APPEALS TO THE SECRETARY OF STATE

1. If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you can appeal to the Department for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.
2. If you want to appeal against your local planning authority's decision, then you must do so within 6 months of the date of this notice.
3. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, or online at www.planning-inspectorate.gov.uk and www.planningportal.gov.uk/pes.
4. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
5. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
6. The Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

PURCHASE NOTICES

1. If either the Local Planning Authority or the Department for Communities and Local Government grants permission to develop land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
2. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

NOTES

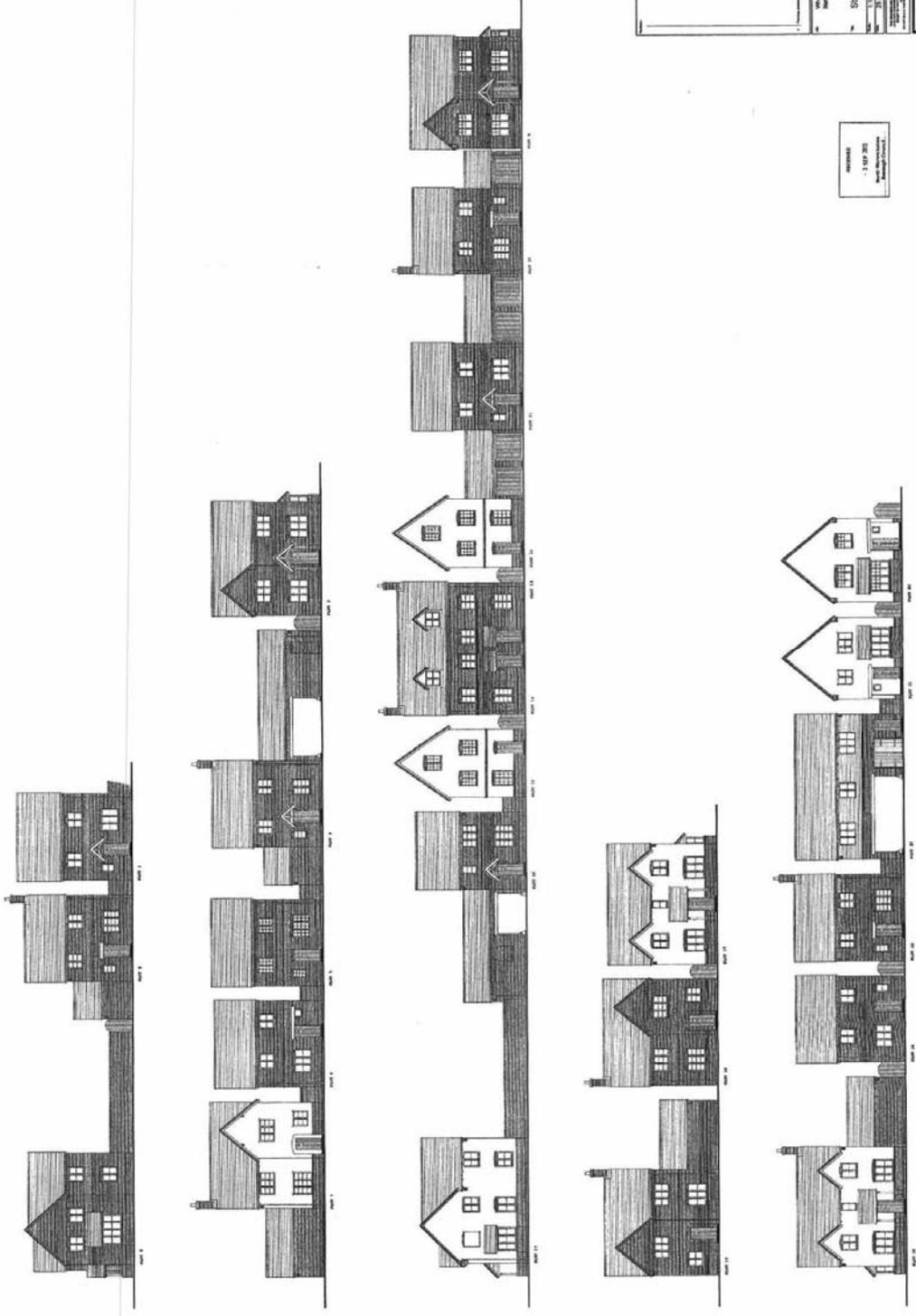
1. This decision is for the purposes of the Town and Country Planning Act only. It is not a decision under Building Regulations or any other statutory provision. Separate applications may be required.
2. A report has been prepared that details more fully the matters that have been taken into account when reaching this decision. You can view a copy on the Council's web site via the Planning Application Search pages <http://www.northwarks.gov.uk/planning>. It will be described as 'Decision Notice and Application File'. Alternatively, you can view it by calling into the Council's Reception during normal opening hours (up to date details of the Council's opening hours can be found on our web site <http://www.northwarks.gov.uk/contact>).
3. Plans and information accompanying this decision notice can be viewed online at our website <http://www.northwarks.gov.uk/planning>. Please refer to the conditions on this decision notice for details of those plans and information approved.

Authorised Officer: _____

Date:

29 April 2013

2113 / 8433
BLOOR HOMES
1100 SHEPPARD AVENUE EAST, SUITE 100
SCARBOROUGH, ONTARIO M1B 3Y9



REVISIONS
- 3 SEP 2011
Nether Whitacre

Project Name: Whitacre Garden Centre Nether Whitacre	
Sheet Name: Sheet Scapes	Scale: 1/8" = 1'-0"
Date: 20 SEP 11	Drawn: JMB
Checked: JMB	Approved: JMB
BLOOR HOMES 1100 SHEPPARD AVENUE EAST, SUITE 100 SCARBOROUGH, ONTARIO M1B 3Y9 TEL: 416-291-1111 FAX: 416-291-1112 WWW.BLOORHOMES.COM	

Whitacre Garden Centre, Nether Whitacre.

(3) Application No: PAP/2013/0449

Land at Rowland Way, Rowland Way, Atherstone, CV9 2SQ

Variation of conditions 2, 9 and 11 of planning permission ref: PAP/2012/0297 relating to a revised site layout plan showing the house types updated to “E” Series for 88 dwellings with associated areas of landscaping and open space

for Redrow Homes Midlands

Introduction

The application is reported to the Board as the application is accompanied by a Deed of Variation to a previously agreed Section 106 Agreement.

The Site

The site has an area of some 3.03 hectares of land and comprises two fields which are presently utilised as grazing land. The site is located on the edge of the Market Town of Atherstone and some 1.5 km from its town centre. The site is bounded by Rowlands Way to the south, Old Holly Lane to the west, a commercial nursery gardens to the north and a private residential estate (Fielding Close) to the east. The Innage Brook runs along this eastern boundary with Fielding Close. The boundary hedgerows will be retained. The nearest bus stop is some 350 metres away in St Georges Road.

The Proposal

Planning permission was granted on 4 September 2013 for some 2.31 hectares of land to be developed to erect 88 dwellings with associated roads and parking. This application seeks to vary conditions numbered 2, 9 and 11 attached to this consent to allow the applicant to substitute the approved house types with the “E series” version of these house types. In essence the house types previously approved remain unaltered apart from minor variations. All of the house types will have an additional brick depth around their exterior and will have a steeper roof pitch to accommodate a new roof tile. For example, The Letchworth house type has increased in height by 0.35 metres from its original approval of 8 metres to its roof pitch. The ground floor area has increased by some 1 square metre in view of the additional brick depth. The internal layout has altered. The Oxford house type has increased in height by 0.6 metres. This appears to be the highest increase in roof pitch. All of the house types will remain as two storey dwellings.

The approved materials plan is also proposed to be varied to allow Leicester Autumn Multistock facing brick to be used in lieu of the approved Weston Red Multistock brick. The roof tiles are proposed to be Russell Highland Profile in Peat Red and Slate Grey in lieu of the approved Forticrete roof tiles.

Background

A Deed of Variation to the Section 106 Agreement already signed under planning permission ref: PAP/2012/0297 has been submitted in order to update the situation should these current variations be agreed.

Development Plan

North Warwickshire Local Plan 2006 – Saved Policy ENV8 (Water Resources); Core Policy 2 – Development Distribution, HSG2 – Affordable Housing, HSG4 – Densities HSG5 – Special Needs Accommodation, ENV1 – Protection and Enhancement of Natural Landscape, ENV4 – Trees and Hedgerows, ENV8 – Water Resources, ENV10 – Energy Generation and Energy Conservation’ ENV11 – Neighbour Amenities, ENV12 – Urban Design, ENV13 – Building Design, ENV14 – Access Design, TPT1 – Transport Considerations in New Development, TPT3 – Access and Sustainable Travel and Transport and TPT6 – Vehicle Parking

Other Relevant Material Considerations

Draft Pre-Submission Core Strategy 2012 – Policies NW1 – Settlement Hierarchy, NW3 – Housing Development, NW4 – Split of Housing Between Settlements, NW5 – Affordable Housing, NW8 – Sustainable Development, NW9 – Renewable Energy and Energy Efficiency, NW10 – Quality of Development, NW11 – Natural and Historic Environment, NW12 – Nature Conservation, NW13 – Green Infrastructure, NW15 – Atherstone and NW19 – Infrastructure

North Warwickshire Borough Council Green Space Strategy

The National Planning Policy Framework

Consultations

Warwickshire Police – No objections as the applicant has incorporated some of the Police’s previous recommendations into the layout. The Police do make some suggestions about glazing and external door fittings and perimeter fencing.

Representations

Atherstone Town Council – It confirms that they have no objections to this application.

Observations

This application seeks to vary conditions 2, 9 and 11 attached to planning permission ref: PAP/2012/0297 which was issued on 4 September 2013. The variations reflect the alterations that the applicant wishes to make to their house types, namely to add an additional brick skin.

The ground floor area of each dwelling house has increased by some 1 square metre in view of an additional brick depth being added. The roof pitches have also been altered to reflect the new roof tiles to be used on these house types which are the Highland Profile Russell Tiles. The variation in overall heights to the roof pitch varies from 0.1 metres to 0.6 metres. All of the units will remain as two-storey dwelling houses.

It is not considered that the variations will have a significant impact on the plans which have already been approved for this residential development. The variations are deemed to comply with Saved Policy ENV13 (Building Design) in the North Warwickshire Local Plan 2006 along with advice in the NPPF. As such it is recommended that the variations are supported.

Recommendation

That planning permission be granted subject to the signing of the Deed of Variation to the Section 106 Agreement previously agreed for planning permission ref: PAP/2012/0297, and to the following conditions:

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

REASON

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

- 2) Approved Plans condition – Drawing No: 0000/08/02/001 Revision O received by the LPA on 9 September 2013; Site Location Plan received on 13 June 2012; 12115 Drw No: 1 Rev A and 12115 Drw No: 2 both received on 11 September 2012; 1610/08/02/040 Rev B received on 9 September 2013; GIA021100-P1A received on 13 June 2012; GIA021100-P2 received on 15 August 2012; 1610/08/02/015 Rev D received on 9 September 2013; Landscape Masterplan received on 13 June 2012; 5079-P-04 Rev A received on 13 June 2012; House Types: The Broadway (E Series), The Evesham (E Series), The Letchworth (E series), The Oxford (E series), The Shrewsbury (E series), The Warwick (E series), The Windsor (E series), The Windsor (Cnr), (E series) Single Garage Type 1, Double Garage Type 1 and Double Garage Type 2 all received on 9 September 2013; House Type: The Stour – Avon (Atherstone only) received on 21 September 2012; GIA021-004 and GIA021-005 received on 13 June 2012; Drw No: 5079-A-02 received on 13 June 2012; Drw No: 434.9/04 (Ecological Proposals Plan) received on 13 June 2012.

REASON

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

- 3) Prior to the occupation of any of the dwellings hereby approved, details of acoustic glazing and vents, and the locations of acoustic barriers shall be submitted for the prior written approval of the local planning authority. For the avoidance of doubt details submitted shall include solid acoustic timber fencing of adequate mass with no holes or air gaps in its construction along the boundary with Rowland Way and Old Holly Lane and thereafter maintained in accordance with the detail submitted.

REASON

In the interests of protecting the amenity of potential residents.

- 4) The detail contained within the reports entitled "Archaeological Evaluation Trial Trenching" dated 30 January 2013 as submitted under ref: DOC/2013/0057 shall be implemented in full on the site.

REASON

In the interests of protecting and preserving any Saxon archaeological artefacts present on the site.

- 5) Notwithstanding the detail provided in The Stour – Avon (Atherstone only) plans, prior to the occupation of plots 19 and 20, one principal double glazed window shall be provided at the first floor level on the side elevation on each of these plots which faces directly onto the shared parking area. These windows shall not be obscurely glazed at any time and shall remain in situ at all times.

REASON

To increase the level of surveillance onto this parking area.

- 6) The residential dwellings hereby approved shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 120 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interests of highway safety.

- 7) Upon the occupation of the 10th residential dwelling hereby approved, the two-metre wide footway link along Gypsy Lane has been provided to the written satisfaction of the Local Planning Authority as shown on Drawing Number GIA021100-P2 received by the Local Planning Authority on 15 August 2012.

REASON

In the interests of the safety of pedestrians using the site.

- 8) Prior to the commencement of the development, details of the measures to be used to prevent mud and debris being deposited on the highway as a result of construction traffic leaving the site (including type, method of operation and control of use) shall be submitted in writing to the Local Planning Authority for their approval in writing. Only the approved details shall then be implemented on the site.

REASON

In the interests of highway safety.

- 9) Prior to the occupation of the 23rd residential dwelling hereby approved, the gravel footpath marked "Envisaged gravel footpath" as shown on Drawing Number 0000/08/02/001 Revision O received on 9 September 2013 shall be provided for the whole of its length and made available for use at all times.

REASON

To increase the level of pedestrian access to the open space and land to the north.

- 10) Prior to the occupation of any of the residential dwellings hereby approved, the Flood Attenuation Area shall be constructed in full accordance with a Drainage Plan which shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on the site.

REASON

In view of part of the site being located within the floodplain of the Innage Brook.

- 11) For the avoidance of doubt, only the facing bricks, roofing tiles, render mix and block paving detailed in the Materials Plan No: 1610/08/02/015 Rev D received on 9 September 2013 shall be used during the construction of the residential dwellings hereby approved.

REASON

In the interests of the amenity of the area.

- 12) In accordance with the Energy Statement submitted by Redrow Homes on 11 September 2012, prior to the occupation of the 10th residential dwelling, a written report shall be submitted for approval in writing by the Local Planning Authority to demonstrate that 10% of the total energy used by the development proposal is generated on the site. Only the approved details shall then be implemented on the site.

REASON

To ensure that 10% of the energy used by this scheme is generated on site through renewable energy.

- 13) The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON

In the interests of public safety from fire and for the protection of Emergency Fire Fighters.

- 14) Prior to commencement of the development a ground condition survey of the site shall be undertaken in accordance with the desk study report accompanying the application. Subject to the findings of this report:
- a) a remediation strategy shall be reported to and agreed with the local planning authority in advance of the construction works at the site;
 - b) the remediation should be carried out in accordance with the agreed remediation strategy and validated in accordance with a validation plan previously agreed with the local planning authority in advance of construction works at the site;
 - c) a report of the validation/remediation work undertaken should be submitted to and agreed with the local planning authority prior to construction works.

REASON

In the interests of water quality and in the interests of the safety of users of the site.

Notes

- 1) Condition 2 requires that the estate roads including footways, verges and footpaths are designed and laid out in accordance with the principles set out in "Transport and Roads for Developments: The Warwickshire Guide 2001" and constructed in accordance with the Highway Authority's standard specification. The applicant/developer is advised that they should enter into a Highway Works Agreement with the Highway Authority made under Section 38 of the Highways Act 1980 for the adoption of roads.

The approval of plans for the purposes of the planning permission hereby granted does not constitute an approval of the plans under Section 38 of the Highways Act 1980.

An application to enter into a Section 38 Highway Works Agreement should be made to the Planning and Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

- 2) Condition number 7 require works to be carried out within the limits of the public highway. The applicant/developer must enter into a Minor Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant/developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278.

An application to enter into a Section 278 Highway Works Agreement should be made to the Planning and Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

- 3) In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant/developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting longer than 10 days, three months notice will be required.

- 4) The Local Planning Authority has worked with the applicant in a positive and proactive way through pre-application discussions, liaising with the applicant and their agent on all consultation responses received; meeting regularly during the determination of this planning application and engaging in discussions on the Section 106 Agreement in order to seek solutions and design changes to planning issues arising from dealing with this application.

BACKGROUND PAPERS

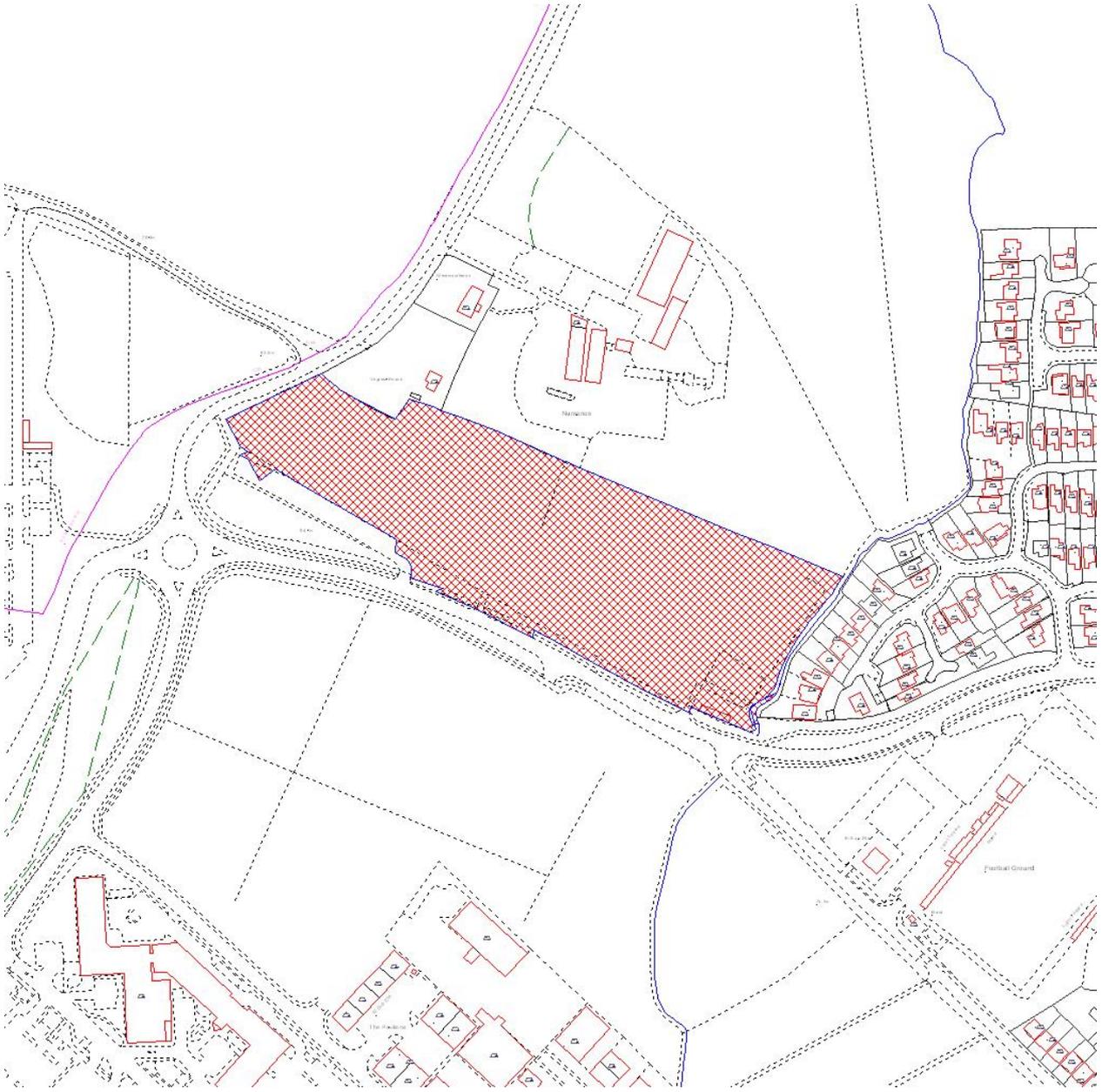
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2013/0449

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	9/9/13
2	NWBC	PressNotice	19/9/13
3	Warwickshire Police	Consultation response	1/10/13
4	Atherstone Town Council	Consultation response	4/10/13

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.



(4) Application No: PAP/2013/0500

Proposed development of a 34.5 metre tall 50kW wind turbine for

Mr J Potter

Introduction

Members will recall that at its August meeting, the Board refused planning permission for a wind turbine at this site in Fillongley. The present application is a re-submission with one amendment. The location of the turbine is the same as that refused, but the overall height is now proposed at 34.5 metres, reduced from the previous 46.3 metre tall structure.

A copy of the previous report is attached as background information at Appendix A. The recommended refusal reason therein was agreed by the Board. This clearly provides a base-line against which the Board should assess the new proposal. It is important to treat the revised application as a fresh proposal, and it should be dealt with accordingly. However a substantial amount of background information remains the same. Whilst it is not proposed to repeat that in this current report, Members should be aware of the content of that earlier report. This report will concentrate on the differences between that proposal and this.

The receipt of the application is reported at this time to the Board for information only and a full determination report will be made in due course.

Members should be aware that all households notified of the original application have again been informed of this revised application.

The Main Differences

The actual site of this current proposal is exactly the same as that of the previous case. The proposed turbine however is less tall. The refused scheme was for a turbine with an overall height of 46 metres and the current proposal would be one of a total of 34 metres. The column height would be 24 metres compared with the previous 36 metres column, and the blade length would remain the same at 9.6 metres. The ground equipment would also remain as before – a single 2 by 1 metre cabinet, 2.1 metres tall. Vehicular access for construction would be the same that is off Gorsey End Lane using an existing, but improved junction arrangement, opposite to the Sovereign Exhibitions entrance.

In terms of supporting information there are two new documents submitted. The first is an addendum to the Design and Access Statement which outlines how in the applicants' opinion, the revised proposal has overcome the refusal reason for the taller previous scheme. This is attached in full at Appendix B. This particularly addresses the impact on the openness of the Green Belt and concludes that the smaller turbine would have little such impact. The second document follows on from this, and is a landscape and visual appraisal for the smaller turbine at the same location of the previous one. The Summary and Conclusions are attached at Appendix C.

Following the refusal, the applicant undertook a consultation event in Fillongley Village Hall on 30 September. Invitations were sent to all those households which were notified of the application by the Council – some 200 addresses. Fifteen people attended the event. The issues raised were the setting of a precedent for other wind turbines; the potential noise and visual impacts as well as the applicant using alternative energy solutions as alternatives. The applicants' response to these matters is covered in the addendum referred to above and attached at Appendix B.

The Applicant has also provided revised photo-montages of the proposed lower turbine within the landscape. Three of these are attached as Appendices D to F – the ones at the junction of Gorsey Green Lane and Green End Lane; from Green End Lane and from where Gorsey Green Lane passes under the Motorway.

Development Plan

Appendix A contains a full list of policies contained in the North Warwickshire Local Plan 2006, all of which remain relevant to this revised proposal.

Other Material Planning Considerations

The content of the National Planning Policy Framework (the NPPF) remains as previously set out, as do the policies referred to in the Council's Submitted Core Strategy.

The previous report did refer to the most recent Planning Policy Guidance published by the Government on Renewable Energy Projects – "Planning Practice Guidance for Renewable and Low Carbon Energy" dated 29 July 2013. It reiterates the guidance of the NPPF in saying that all communities have a responsibility to help increase the supply of green energy, but continues by saying that this does not automatically override environmental protections and the planning concerns of local communities. It continues by saying that distances from proposed renewable energy projects of it-self does not necessarily determine whether the impact is unacceptable. Distance plays a part, but so does the local context including local factors such as topography, the local environment and near-by land uses. It also outlines a number of factors against which to assess turbine proposals.

Observations

The sole reason for refusal of the last application was that that turbine was considered to be inappropriate development in the Green Belt, having a moderate adverse impact on the openness of the Green Belt hereabouts, together with a moderate adverse impact on the character and appearance of the surrounding landscape. It was not considered that the applicant had forwarded material planning considerations of such weight to override the presumption of refusal of the application by virtue of this inappropriateness.

The current revised application is for a smaller turbine. The issue for the Board is thus to determine whether the degree of harm arising from the adverse impacts referred to above has altered, and therefore whether the material planning considerations put forward by the applicant are still sufficient to override that harm. The Board will also need to be assured that there are no other adverse impacts that might lead to a refusal here

Recommendation

That the report be noted

BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0500

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	9/10/13

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.



(9) Application No: PAP/2013/0285

Poultry Farm, Gorse Green Lane, Fillongley, CV7 8PH

Proposed development of a 50kW wind turbine, for

Mr Justin Potter - W Potter & Sons (Poultry) Ltd

Introduction

The receipt of this application was referred to the July Board meeting. That report described the proposal and outlined the Development Plan policies and other planning considerations material to the case. For convenience it is attached as Appendix A.

Since then the Board has visited the actual application site. Additionally it took the opportunity to tour around the locality such as to familiarise itself with the wider setting and the surrounding landscape character.

Additional Information

Since the July Board report was prepared the opportunity has been taken to agree a number of dimensions with the applicant. As a consequence Members are advised that regardless of the figures contained in that report, the following dimensions are those to be referred to in this case:

- distance to Jason's Green End Cottage on Gorse Green Lane – 375 metres
- distance to Blabers Hall farmhouse – 430 metres
- distance to Sovereign Exhibitions – 550 metres.
- distance to the radio mast – 440 metre
- distance to the M6 – 600 metres
- distance to the Heart of England Way – 600 metre
- distance to footpath M286 – 80 metres
- height of radio mast – 50 metres

Members may wish to know that every household within a two kilometre radius of the turbine site has been notified of the application – some 200 residences.

The applicant has provided the following additional information:

- i) Electricity costs amount to some 20% of the running costs of the farm. The turbine is proposed to reduce this to almost zero.
- ii) The turbine would generate some 200,000 kWh per year – the business would use around 65,000 kWh thus leaving a surplus to be exported to the National Grid. This, the applicant estimates, would be equivalent to electricity requirements of 34 typical homes a year.
- iii) The electricity connection will be to the meter at the poultry house off Gorse Green Lane.
- iv) The applicant states that the roofs of the sheds would not support solar panels and in any event they would not produce the energy levels required.

Consultations

WCC Highways - No objection subject to standard conditions

WCC Public Rights of Way – No objection

Birmingham Airport – No objection

MOD – No comments received at the time of preparing this report

Environmental Health Officer – No objections

Environment Agency – No comments received at the time of preparing this report.

Highways Agency – No objection subject to a condition

Representations

Sixteen letters of objection have been received. The grounds covered include:

- It will be an eyesore, a blot on the landscape when seen with the radio mast
- It is on Green Belt land
- It will create noise and be a health hazard.
- It will devalue property
- It will be of no benefit to the residents.
- The area is already being changed and losing its rural character.
- It will be an aviation hazard
- It will impact on local bird life.
- There is little evidence to show that it would benefit the business and could be "sold off".
- It will impact on the setting of Listed Buildings.
- It is too close to houses
- It will act as a precedent for others.
- Turbines are inefficient; alternatives should be considered
- The lanes are inappropriate for construction traffic

The Packington Estate has written to object to the proposal referring to the visual impact in the Green Belt; the impact on local wildlife and that it would act as a precedent.

Observations

a) The Green Belt – Inappropriate Development

The site is in the Green Belt. The North Warwickshire Local Plan 2006 ("the Local Plan") requires new development in the Green Belt to be in accordance with Government Guidance – namely its Planning Policy Guidance Note Number 2, now superseded by the National Planning Policy Framework 2012 ("the NPPF"). It is considered that a wind turbine does fall within the definition of a building under the Planning Act and thus as new buildings are inappropriate development in the Green Belt as defined by the NPPF, there is a presumption of refusal in this case. The NPPF however does include a number of exceptions to this and it is necessary to explore these. There are two areas to look at. The first will examine the definitions of the exceptions themselves and the second will look specifically at what the NPPF says about renewable energy projects in the Green Belt.

Taking the definition matter first, then the only exception that could apply here is if the building is a "building for agriculture". The applicant suggests that this is indeed the case. Clearly the turbine is to be located on an agricultural holding and would provide electricity for that farm. Thus there is some weight to his argument. However it is not considered that this should carry much weight. He is not helped by the appeal decisions of the two cases he has included in his supporting documentation where in both cases neither Inspector took this view. Also this approach was not taken by an Inspector dealing with an appeal in North Warwickshire at Arley several months ago. It is considered that the turbine is a building designed and operated in order to generate electricity – that is its purpose. There is no operational or technological reason why it should not be located elsewhere in order to provide electricity for other non-agricultural purposes. Hence there are turbines approved solely to generate power for the grid and others to power industrial concerns. Given all of this, it is concluded that the turbine should not be treated as one of the exceptions.

In that case, the building is thus one designed to produce renewable energy. The NPPF says that "elements of many renewable projects will compromise inappropriate development". This is the case here and thus it is concluded that the turbine is inappropriate development and that it does carry the presumption of refusal.

However in these circumstances the NPPF does then go on to say that "developers will need to demonstrate very special circumstances if projects are to proceed. Such circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources". The onus is thus on the applicant to identify those planning considerations, either singly or cumulatively, which would amount to the very special circumstances of such weight necessary to warrant overriding the presumption of refusal. The applicant's case will be identified below, but it is first necessary to identify the scale of the harm done to the Green Belt as a consequence of the proposal. This is because if the harm is minor or limited, then the weight of the circumstances needed to tip the balance in favour of the applicant is less than it would be if the harm is significant or substantial.

b) Green Belt – Harm

The NPPF says that the fundamental aim of Green Belts is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence. Hence the identification of harm to the Green Belt as a consequence of this proposal needs to be addressed in these terms.

It is agreed that the ground works and other surface development including the associated cabinets housing equipment would be negligible in terms of their impact on openness. The tower would be slender and the swept radius of the blades would also take up a small area of ground area. Hence it would appear that openness is not too much affected. However this quantitative approach should not be the sole measure. It is appropriate to approach the issue by establishing the existing "level" of openness and then addressing the impact of the introduction of the turbine. The location of the turbine is on sloping land running down to the M6 Motorway. That land is presently an area of open fields with surrounding woodland and hedgerows and trees bordering other highways, and is higher than land to the south, even beyond the Motorway. There are views southwards over some distance. The turbine is a tall structure some 46 metres to its blade tip. It would be seen from public footpaths from the south, and from the path that passes close by. Its blades would also be visible from roads and footpaths on the ground to the north. It would be an additional tall structure seen together with the existing radio mast. As such it is considered that the turbine would have an impact on the openness of the Green Belt hereabouts. Given that the topography here is not flat and that there is a lot of tree cover, it is concluded that this is a moderate impact on openness, rather than a significant impact.

c) Green Belt – Purposes

The NPPF defines five purposes for including land within the Green Belt. It is considered that given the wholly rural character of the area surrounding the site that the one purpose affected here is whether the development would "assist in safeguarding the countryside from encroachment". Given the conclusion reached above it is concluded that this development would not achieve this purpose.

d) Green Belt - The Degree of Harm

It is thus concluded that the degree of harm here to the Green Belt would be moderate.

e) The Applicant's Case

The applicant's case is very largely based on the NPPF's policies on renewable energy projects. He draws attention to the statements here where it says that Local Planning Authorities should "support the delivery of renewable and low carbon energy infrastructure"; adopt "proactive strategies to mitigate and adapt to climate change"; "recognise the responsibility on all communities to contribute to energy generation from renewable sources", and "not require applicants to demonstrate the overall need for low carbon energy and also recognise that even small scale projects provide a valuable contribution to cutting green house gas emissions". He also refers to Local Plan policies supporting renewable energy schemes (Policy ENV10). In this case the applicant specifically connects the application to its agricultural purpose providing a sustainable source of power for an operation that requires higher power levels because of its environmental controls. He refers to the NPPF which says that Local Planning Authorities should take "positive steps to sustainable new development in rural areas", and "promote the development and diversification of agriculture". He also refers to Local

Plan policies ECON7 and ECON8 which in general support new agricultural buildings and structures as well as farm diversification. As farming is the primary land use in Green Belts, he considers that it is important that matters that directly impact on and improve agricultural production are supported. He draws attention to recent appeal decisions which support this approach.

His second argument is that the proposal would not cause material harm to the visual amenity of the area and the openness of the Green Belt. He says that the turbine is kept away from local residents and in a location set below the brow of the higher land to the north with the turbine being contained. He agrees that the turbine would be visible but it would only have limited interruption to visibility and thus only low impact on the openness of the Green Belt. The preferred location for the turbine would have been on the higher ground to the north but he says that the present location was selected because it would have far less visual impact.

His third argument is that the turbine would have little or limited other impacts. Because of the distance of the turbine from the closest residential property, noise emissions would satisfy the recommendations set out in the latest relevant guidance; there are no national, regional or locally designated ecological sites nearby and hedgerows, trees and ponds are in excess of 50 metres, any shadow flicker would be very limited due to the distance of the nearest residential property from the site and intervening vegetation, and that in his view there are no objections from the nearby airports or from the MOD.

It is now proposed to examine these particular arguments commencing with those relating to potential impacts.

f) Landscape Impact

The proposed turbine is located in a wider area described in the Warwickshire Landscape Guidelines as being "Arden River Valleys" and the key characteristics are "river corridors", "natural alluvial floodplains, grazing meadows and hedgerows". However at local District level the site locality has slightly different characteristics being in the "Church End to Corley – Arden Hills and Valleys" designation. The key characteristics are, "a broad elevated basin with numerous rolling hills and valleys; a mixed agricultural landscape with an ancient pattern of small fields, winding lanes and dispersed isolated hamlets and farmsteads, a heavily wooded character with large woodland blocks on hill tops and former wood pastures and escarpments, the M6 and pylons are visible from southern slopes and there are long views across the Blythe valley to Birmingham". The immediate setting is open farmland comprising medium scale fields enclosed by hedgerows with many mature hedgerow trees and sunken lanes. There are larger woods to the west and the land slopes southwards with wide views. The Motorway is visible but only in part, unlike the radio mast. Other masts at Kinwalsey to the south are also visible. There are no settlements, rather a number of dispersed farms and houses scattered throughout the landscape.

The turbine will alter the rural landscape locally. It will be plainly visible from its immediate surroundings and the nearby footpaths thus having a significant impact on the appearance of the landscape. Beyond Green End Lane to the north, Gorsey Green Lane and the footpaths to the east including the Heart of England Way that impact lessens because of the topography, intervening hedgerows, trees, woods and sunken lanes. Given the radio mast here too, it is considered that the impact will be moderate. However further afield the impact lessens very quickly, again because of the topography, the intervening woods, hedgerows and sunken lanes such that that impact becomes very limited or there is no impact. It is thus considered that the turbine would be a prominent adverse feature uncharacteristic of the appearance of the landscape

here in its immediate setting, but that this lessens significantly as one moves away. Hence overall there would be moderate impact. Local Plan policy ENV1 states that development which would neither protect nor enhance the intrinsic qualities of the existing landscape as defined by Landscape Character Assessments will not be permitted. This policy reflects the content of the NPPF and thus carries full weight. As a consequence the proposal conflicts with this Local Plan policy.

g) Noise

Government guidance suggests that noise levels from wind turbines should be assessed against a Good Practice Note published by the Institute of Acoustics. This has recently been updated. It recommends an acceptable level of the noise limit to be 43dBA at night time. The applicant advises that in his case, that limit would be reached at a distance of 75 metres from the turbine. This he says takes account of varying wind speeds. As the closest residential property is over 350 metres away, he does not consider that there would be any adverse noise impact. The Council's Environmental Health Officers agree with this assessment.

h) Other Matters

Given the responses from Birmingham Airport, it is agreed that there is not a refusal reason based on these issues. Give the distances involved between the turbine and houses; the intervening nature of the topography and the advice concerning the occurrence of shadow flicker, it is agreed that there would be a very limited risk of shadow flicker becoming a material issue here. There has been no objection from any wildlife agency or from the Warwickshire Museum or other interest looking at impacts on heritage assets. As a consequence there are not impacts here that would warrant a refusal.

i) Highway Matters

All construction traffic for the turbine would use Green End Lane and all future service and maintenance traffic would use the same route. As a consequence the Highway Authority has raised no objection due to the limited construction period – seven to ten days. Standard conditions are recommended in order to improve the access.

j) Representations Received

The matters raised in the objections received from local residents are covered in the report. It is clear that the main thrust of these objections is the visual impact of the turbine in what is considered to be a wholly rural landscape. Members will be aware that personal comments on whether individual residents can see the turbine or not should not carry weight here. Neither is it reasonable for the applicant to provide photo-montages from every household that might be affected. The issue is to determine as objectively as possible, the scale of the visual impact on the character and appearance of the landscape and the openness of the Green Belt. This is the reason for the Board not only visiting the site itself but also to tour the site such that it better understands that character and appearance. It can then assess both the applicant's and officer's conclusions against that understanding. Additionally there has been some criticism of the applicant's financial evidence suggesting that there is not an overwhelming case for the turbine. Members are advised to concentrate on the approach set out in the NPPF here where it explicitly says that applicants should not be required to "demonstrate the overall need for renewable energy" and that Planning Authorities should "recognise that even small-scale projects provide a valuable contribution to cutting green house

emission". The representations in part also refer to "public" benefits and this will be addressed later in this report.

k) Recent Announcements

Members will be aware of a recent Statement made by the Secretary of State about wind turbines, indicating that new planning guidance is to be published. This happened on 29 July. It reiterates the guidance of the NPPF in saying that all communities have a responsibility to help increase the supply of green energy, but continues by saying that this does not automatically override environmental protections and the planning concerns of local communities. It continues by saying that distances from proposed renewable energy projects of it-self does not necessarily determine whether the impact of a proposal is unacceptable. Distance plays a part, but so does the local context including local factors such as topography, the local environment and near-by land uses. In respect of wind turbines then the matters raised in this report are all relevant in coming to a decision. In respect of impacts on the landscape then the new guidance refers to assessments needed on the sensitivity of the landscape; the visual resource and the magnitude of the predicted change. These matters have been dealt with above. It is considered that this new Guidance taken as a whole does not materially alter the conclusions reached above, nor should it affect the recommendation below.

l) Conclusions

This proposal is inappropriate development in the Green Belt which would have a moderate impact on its openness hereabouts and not assist in promoting the purposes of retaining land within it. There would also be moderate adverse visual impacts on the character and appearance of the surrounding rural landscape. However there are unlikely to be any other adverse environmental, ecological, heritage, aviation or highway impacts. The issue therefore comes down to balancing this inappropriateness and harmful impact against that of the applicant's central case which is supported by the need to promote renewable energy projects even in Green Belt areas.

The applicant has provided an overall figure – 20% - on how much this turbine would assist his enterprise. This is considered to be significant and would go some way to meeting the "renewable energy" objectives of the NPPF. However it is not overriding, and the additional number of residential properties that might benefit is neither significant in number – 34. It is agreed that there are few residential properties in this low density area and therefore the number of 34 would account for the majority the locality affected by the turbine. However there is no evidence provided by the applicant as to how this benefit might be translated into a direct community benefit.

The NPPF has to be taken as whole. Planning does play a key role in supporting the delivery of renewable energy and this is central to the economic, social and environmental dimensions of sustainable development. Hence planning permissions are granted for such projects. However this does not mean that renewable energy proposals themselves represent sustainable development. In this case the site is in the Green Belt and the NPPF says that its essential characteristics are its openness and its permanence such that substantial weight should be given to any harm to the Green Belt. Moreover the NPPF says that the very special circumstances required to outweigh the presumption of refusal for inappropriate development, "may" include the wider environmental benefits of renewable energy projects, not that such projects automatically override Green Belt protection. The substantial weight of the NPPF for the protection of Green Belts and the moderate harm here to the openness of the Green Belt and to the character and appearance of this area are considered to outweigh the

applicant's case for this renewable energy project. In other words going back to the conclusion in (a) above, the gap is not closed by the applicant's case.

Recommendation

That planning permission be **REFUSED** for the following reason.

"The proposal is inappropriate development in the Green Belt. It conflicts with the purposes of including land in the Green Belt and it has a moderate adverse impact on its openness. It will also have a moderate adverse impact on the character and appearance of the surrounding rural landscape. It is not considered that the benefit to the farm business nor to the delivery of renewable energy as advanced by the applicant amounts to the very special circumstances necessary to outweigh the harm done to the Green Belt by virtue of its inappropriateness. The proposal is thus contrary to saved Policies ENV1 and ENV2 of the North Warwickshire Local Plan 2006".

BACKGROUND PAPERS

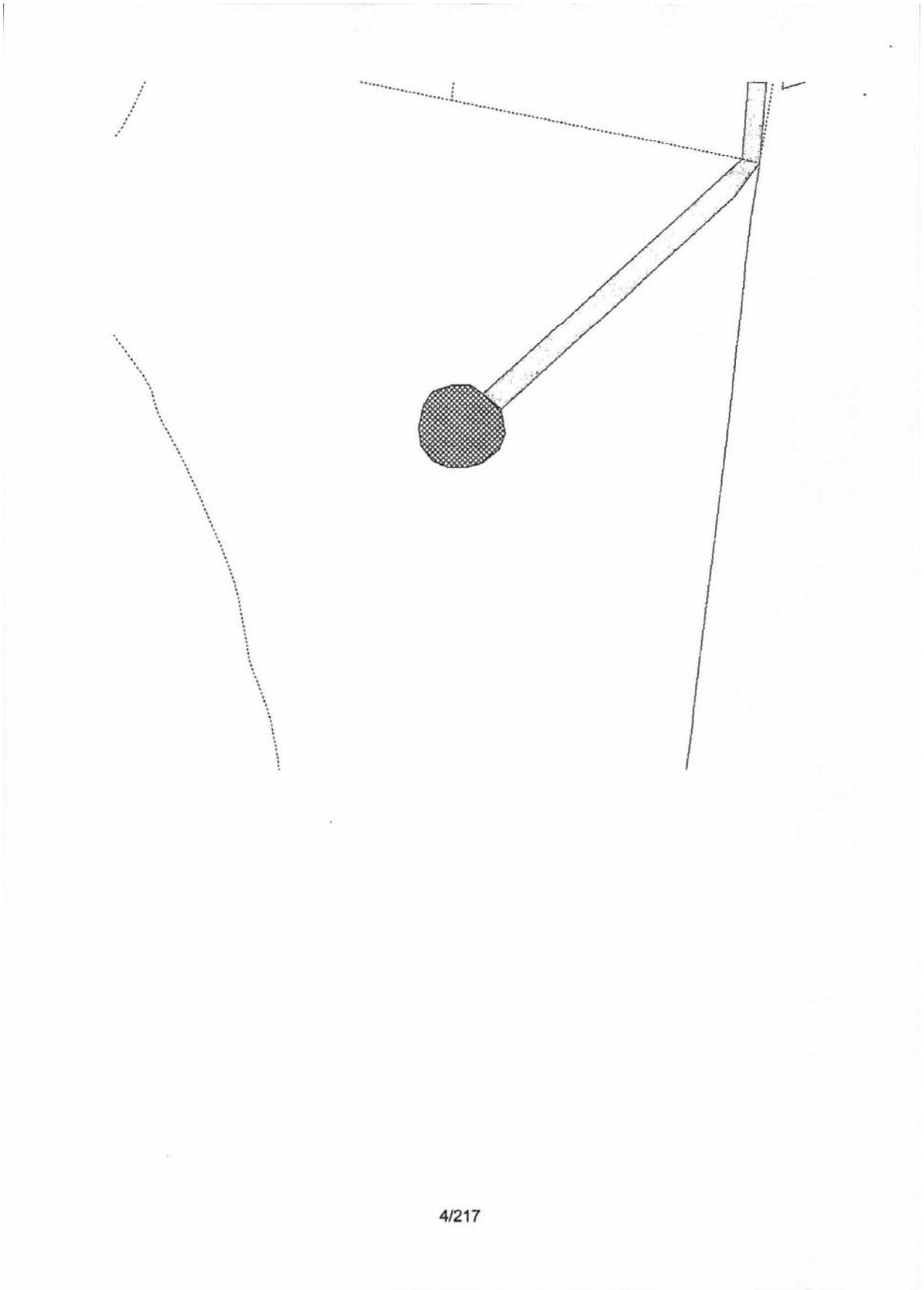
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2013/0285

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	14/6/13
2	Head of Development Control	Letter	24/6/13
3	Agents	E-mail	25/6/13
4	Agents	E-mail	3/7/13
5	WCC Highways	Consultation	3/7/13
6	WCC Footpath Team	Consultation	9/7/13
7	Agents	E-mail	9/7/13
8	Mrs Smith	Objection	9/7/13
9	Mr & Mrs Smith	Objection	9/7/13
10	Mr Pugh	Objection	9/7/13
11	Mr Bradley	Objection	6/7/13
12	Dr G Thomas	Objection	4/7/13
13	Dr F Thomas	Objection	7/7/13
14	Mr & Mrs Bacciochi	Objection	2/7/13
15	Mrs Peare	Objection	24/6/13
16	Mr Peare	Objection	26/6/13
17	Mr Arnold	Objection	22/6/13
18	Agents	E-mail	12/7/13
19	A Iddon	Objection	11/7/13
20	M Hassall	Objection	10/7/13
21	J Cole	Objection	9/7/13
22	Mr & Mrs Hayes	Objection	12/7/13
23	Birmingham Airport	Consultation	22/7/13
24	Packington Estate	Objection	23/7/13
25	Highways Agency	Consultation	23/7/13
26	Mr Garnett	Objection	23/7/13
27	Mr Adams	Objection	24/7/13

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

General Development Applications

(#) Application No: PAP/2013/0285

Poultry Farm, Gorse Green Lane, Fillongley, CV7 8PH

Proposed development of a 50kW wind turbine, for

Mr Justin Potter - W Potter & Sons (Poultry) Ltd

Introduction

This application is reported for information at this time only so that Members can have an initial view of the proposal itself; understand the reasons for the submission and be aware of the nature of the site and its surroundings. The main Development Plan policies relevant to its determination are also outlined.

The Site

The existing poultry farm here consists of two poultry sheds, a couple of hundred metres south of Green End Lane opposite the site currently occupied by Sovereign Exhibitions, and one poultry shed just to the west of Gorse Green Lane in Fillongley. Members will recall that the Sovereign Exhibitions site used to be the Potter's manufacturing site which was then re-used for the packaging of potatoes.

The site is wholly agricultural in appearance and character surrounded by farm land and field hedgerows. There are scattered individual dwellings along Green End Lane in both directions as well as a number of smaller farmsteads. Blabers Hall Farm and a cottage in Gorse Green Lane are the closest residences – about 350 metres to the north-west and east respectively. The Blabers Hall radio and telecommunications mast is 330 metres to the north-west too.

Green End Lane is classified as the D507 and is a two lane carriageway. Gorse Green Lane, the D510, is a single carriageway narrow country lane with high banks and it joins Green End Lane to the east. The main vehicular access to the poultry sheds is from either of the roads depending upon which sheds are being serviced.

The land here is relatively high here with the site just below the highest level in the vicinity. There is thus little higher ground around the site. Ground levels fall away to the south and to the south east. The M6 Motorway is about 600 metres to the south and the M286 public footpath crosses the land adjoining the site – 80 metres to the north. The Heart of England Way is 600 metres to the south-east, and there are other footpaths south of the Motorway.

The attached plan illustrates these features and covers an area roughly two kilometres around the actual site itself. Maxstoke is about 1.8 kilometres to the west.

The Proposal

It is proposed to erect a single wind turbine at this site to providing 50 kW of energy to power the poultry farm business with excess electricity going into the National Grid. The Farm covers some 12 hectares and is primarily involved in the rearing of pullet chickens which are supplied to free-range egg producers to provide their laying stock. The applicant argues that following changes in legislation which effectively de-couple subsidies from production through the implementation of a single farm payment scheme, it is necessary that farmers look at more profitable ways to maintain business. The proposal provides a sustainable opportunity for energy use at the farm thus reducing costs and sustaining the local rural economy as well as reducing green house gas emissions. The applicant says that the optimum location for a turbine to power his business would be further to the north on the higher ground, but he recognises and understands that such a location would be more visually intrusive and has therefore compromised with the current site location.

Being a poultry producer the applicant says that his business is highly dependant on the optimum environmental conditions being consistently available in the sheds – lighting, ventilation and heating. As such his current energy costs are significant and rising in line with all electricity consumers.

The turbine would be 46 metres tall from the ground to the tip of the blade. The blade itself would be 9.6 metres in radius and the hub would be 36.4 metres off the ground. It has been sited such that it is 50 metres away from any hedgerow or tree. A ground based cabinet would be necessary – 2 metres by 1 metre and 2.1 metres high.

Vehicular access for construction and maintenance would be from the existing track leading northwards to Green End Lane. Construction of the foundations would take 4 to 5 days, with installation about five weeks later taking 2 days.

Other Supporting Documentation

Three documents are included with the submission.

A Design and Access Statement outlines the basis for the application; describes the proposal and makes its own assessment of the proposal against planning policy drawing on the conclusions of other documents. Reference is made to relevant paragraphs of the National Planning Policy Framework 2012 as well as to the 2006 Local Plan. The Statement also refers to two appeal decisions allowing single turbines of equivalent size to that proposed here, located on farms and in Green Belt locations.

A Noise Assessment Report sets out current Government guidance as set out in the National Planning Policy Framework 2012 and the current Recommended Good Practice Note for Noise on Wind Farms. This suggests a noise limit at night time of 43 dBA. In this case, given the site's characteristics and the type of turbine specified, the assessment concludes that this threshold would be reached at 75 metres from the turbine. As the closest residential property is 400 metres away the report concludes that there would not be a noise issue here.

A Landscape and Visual Appraisal has been undertaken using guidelines set out by the Landscape Institute and the Institute of Environmental Management and Assessment. The base line for the assessment is that the site lies in an area which displays the key characteristics of the "Arden River Valleys" described by the Warwickshire Landscape Guidelines - ie. river corridors; natural alluvial floodplains,

4/219

grazing meadows and hedgerows. The North Warwickshire Landscape Character Assessment reflects the same type of rural characteristics but also includes the fact there are views from elevated land particularly looking east and southwards.

The Assessment describes a number of vantage or viewpoints and aims to assess the likely magnitude and significance of the proposed turbine on the particular characteristics identified above, through a number of photo-montages. These are based on locations at: Gorsey Green Lane just north of the M6 Motorway; in Packington Lane between the M6 and Maxstoke, from Green End Lane west of Blabers Hall Farm, the junction of Green End Lane and Gorsey Green Lane, from Green End Farm, and from the Kinwalsey area.

The Assessment concludes that the single turbine here would result in a low magnitude of landscape change at around 2 km distance, but that at the local level that rises to a low/medium level of change up to 1.5 km away and a minor/moderate impact at a distance of 0.5 km. The turbine would not be visible from the hamlet of Maxstoke and there would be intermittent views from Green End. The overall conclusion is that the turbine is modest and set in an undulating landscape with some tall vegetation, woodlands and trees. These elements combine to limit the landscape and visual effects of the turbine to a very local area. In other words it could be accommodated in the landscape without significant effect on the openness of the Green Belt.

For the benefit of Members, more detailed plans of the location and the turbine are at Appendices A and B, with copies of photomontages provided by the applicant at Appendix C.

Background

For comparison purposes, Members might like to know that the turbine at Grendon Fields Farm which is now up and running is also 46 metres tall from ground to blade tip and it too is designed to generate 50 kW of electricity. The turbine approved at appeal for the Dordon Services Area on the M42 is to be 67 metres from ground to the blade tip when it is constructed and that is said would generate 330kW of electricity.

The nearby radio mast at Blabers Hall is 37.5 metres tall.

In terms of neighbour consultations Members should be aware that all residential addresses with a 2 kilometre radius of the site have been notified of the application.

Development Plan

Saved policies of the North Warwickshire Local Plan 2006 – Core Policy 3 (Natural and Historic Environment), ENV1 (Landscape Conservation and Enhancement); ENV2 (Green Belt), ENV3 (Nature Conservation), ENV4 (trees and Hedgerows), ENV6 (Land Resources), ENV9 (Air Quality), ENV10 (Energy Generation and Conservation), ENV11 (Neighbour Amenity), ENV12 (Urban Design), ENV13 (Building Design) and ENV14 (Access Design)

Other Material Planning Considerations

The National Planning Policy Framework 2012 – Sustainable Development; Core Planning Policies, A Prosperous Rural Economy, Protecting Green Belt, Meeting the Challenge of Climate Change, Conserving and Enhancing the Natural Environment,

The Council's Submitted Core Strategy 2013 – Policies NW2 (Green Belt), NW8 (Sustainable Development) and NW9 (Renewable Energy and Energy Efficiency), NW10 (Quality of Development) and NW11 (Natural and Historic Environment).

Observations

Present Government planning policy on the approach to be taken to wind turbines is set out in the NPPF. However this is made up of conflicting policies. The NPPF states that the overall purpose of the planning system is to reach decisions based on a balance of performing three different roles; an economic, a social and an environmental role. These of course may “pull” in different directions. Even under the environmental role, there may be a tension between “protecting and enhancing our natural, built and historic environment”, and “using natural resources prudently” and “adapting to climate change including moving to a low carbon economy”. The twelve planning policies set out also have conflicting objectives - for instance, “protecting the Green Belt and recognising the intrinsic character of the countryside and supporting thriving rural communities within it” and “encouraging the use of renewable energy resources for example by the development of renewable energy”. The Planning Board will have to assess each of these matters and give weight to each before reaching a final assessment or balance between them.

This site is in the Green Belt and thus one of the first issues to consider is whether the proposal is appropriate or inappropriate development in the Green Belt. The NPPF provides the definitions within which this question should be answered. But even then, on the one hand this states that buildings for agricultural purposes are appropriate developments, and then on the other it says that, “elements of many renewable energy projects will compromise inappropriate development”. In the latter instance, then the onus is on the developer to demonstrate the very special circumstances if projects are to proceed. The NPPF explicitly says that such circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. The Board will have to assess these conflicting definitions. If it concludes that it is appropriate development then the presumption is one of approval unless there are material planning considerations of such weight to refuse planning permission. If it concludes that it is inappropriate development, then the applicant's very special circumstances will need to be evaluated to assess whether they might override the presumption of refusal.

A second critical planning consideration will be to evaluate the impact of the development both on landscape character locally and more widely, together with its overall visual impact. It is not appropriate to conclude that all wind turbines have adverse landscape and visual impacts and therefore should be refused planning permission. It is necessary to determine the extent of any harm, if there is any, given the surrounding context and topography. An understanding of the nature of the surrounding landscape is thus essential to the determination as to the level of visual harm.

A third and equally important consideration will be to evaluate the applicant's submitted evidence for both the economic and agricultural case that is being made. The Board will need to understand the scale of the economic case and the agricultural justification for it. It is also pertinent to see what public benefit there also might be from the development.

Finally Members will need to be satisfied that there are no adverse impacts in respect of a number of other matters – such as noise, flicker, aviation, ecology, heritage and highway matters.

4/221

In order that Members can understand and appreciate the landscape setting, as with other similar applications, it is strongly recommended that the Board does visit the site ahead of any determination of this application and that that visit includes a tour around the surrounding area in order to assess the potential visual impact of the turbine.

Recommendation

That prior to determination of this application, the Board visit the site and its surrounding area

BACKGROUND PAPERS

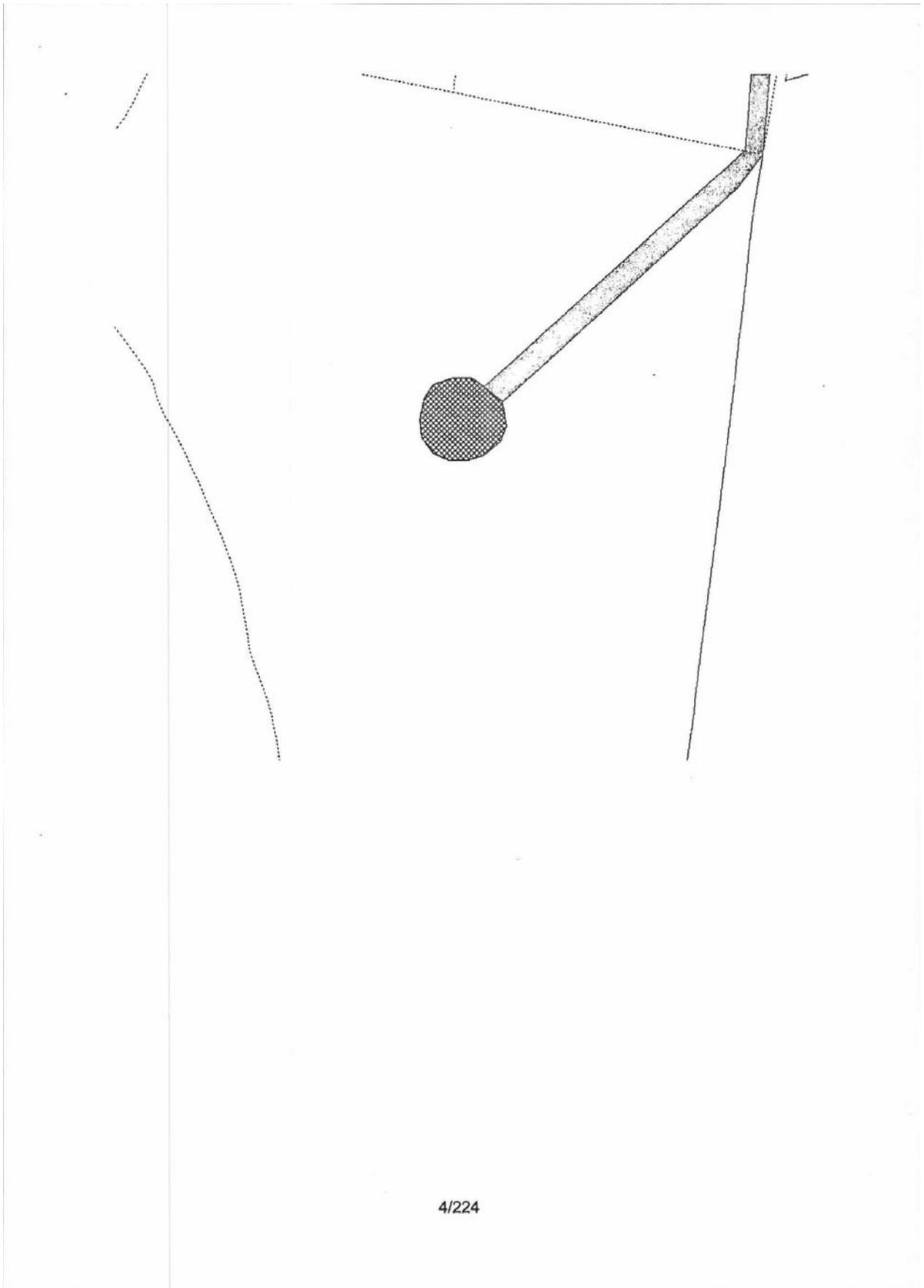
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2013/0285

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	12/6/13

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.



4/224

APPENDIX A

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 2013/0285

-  Proposed site for wind turbine
-  Photo Viewpoint
-  North Warwickshire Landscape Character Assessment
-  Blythe Valley Farmland Farmland Character Area

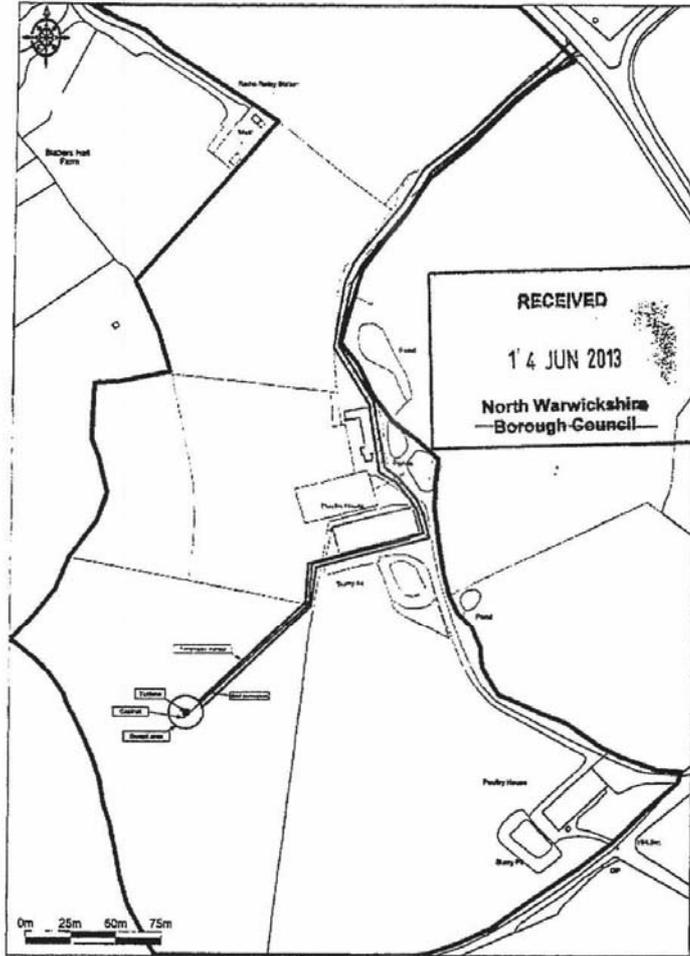
NORTH WARWICKSHIRE
 BOROUGH COUNCIL
 RECEIVED
 12-JUN-13
 PLANNING & DEVELOPMENT
 DIVISION

ipcr
 Hallmark Power Ltd.
 Green End Road, Warwickshire
 Wind Turbine
 LOCATION PLAN &
 PHOTO VIEWPOINT LOCATIONS
 1:25,000 @ A3
 11/11/13
 May 2013

Figure 1



2013 / 0285
Green End Farm. Location Plan *Appendix B*

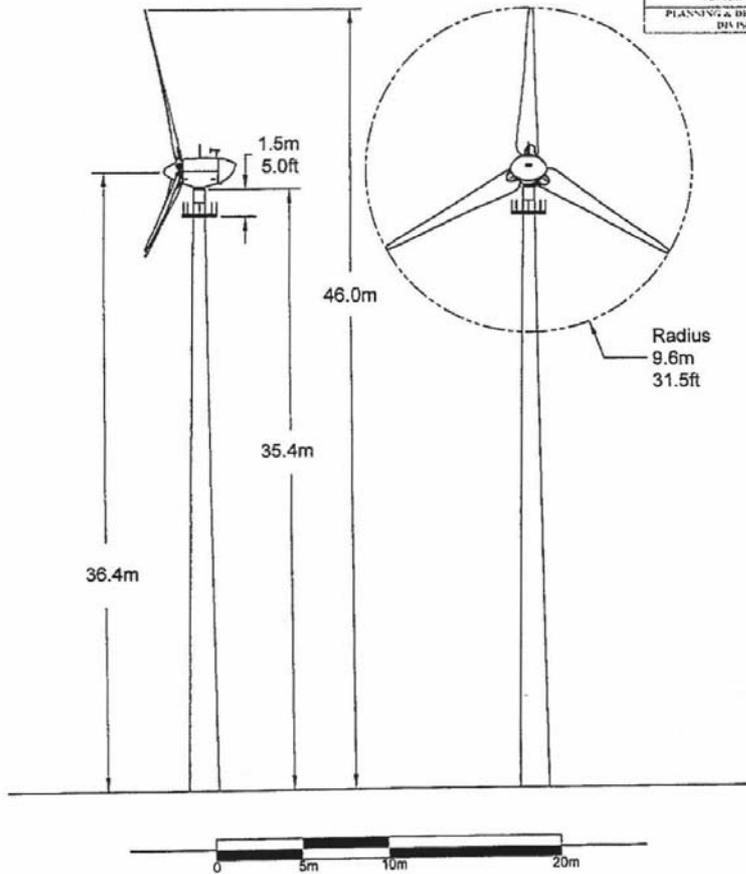


Promap

Bagshaws Ashbourne Office. Tel: 01335 342201

2013/0285

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 PLANNING & DEVELOPMENT
 DIVISION



Flange Elevation		Hub Elevation		Max Blade Elevation		Notes
ft	m	ft	m	ft	m	
77.4	23.6	80.7	24.6	112.2	34.2	EU Countries Only
97.1	29.6	100.4	30.6	131.9	40.2	North America Only
116.1	35.4	119.4	36.4	150.9	46.0	North America Only
135.8	41.4	139.1	42.4	170.6	52.0	North America Only

Note: Dimensions approximate and provided for planning purposes only. Final construction elevations are available in a permitting package on a per-tower basis.

Endurance
 wind power

E-3120 36m Scaled
 Elevation

REV	DATE	BY
A		

E-3120 - 50 kW Monopole

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Turbine



Photomontage - Location D
View south from Broadmoor Wood
Grid reference: 425094, 265912
Approximate distance to Turbine: 800m
Weather: Clear
Viewing distance: 350mm

fpci Engineering and Design Ltd, Green End Road, Widdowburn, York, YO21 2JH. Tel: 01904 612122. Fax: 01904 612123. Email: info@fpci.co.uk
Photomontage is a computer-generated image. It is not a photograph and should not be used as evidence in any legal proceedings.

Helmek Power Ltd.
Green End Road, Widdowburn
Wind Turbine

fpci

PHOTOMONTAGE D

HTS 01/13

MT/MSH

May 2013

Figure 6A

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Photomontage - Location E
Viewed from the road
with wind turbine
Grid ref: 459064, 281418
Approximate distance to turbine: 500m
Weather: Clear
Viewing distance: 350mm

FPCC Environmental and Design Ltd, 100, The Green, Bury, Greater Manchester, M9 1JL, UK. Tel: 0161 251 1111. Fax: 0161 251 1112. Email: info@fpcc.co.uk
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Hallmark Power Ltd,
Green End Road, Winkleside
Wind Turbine



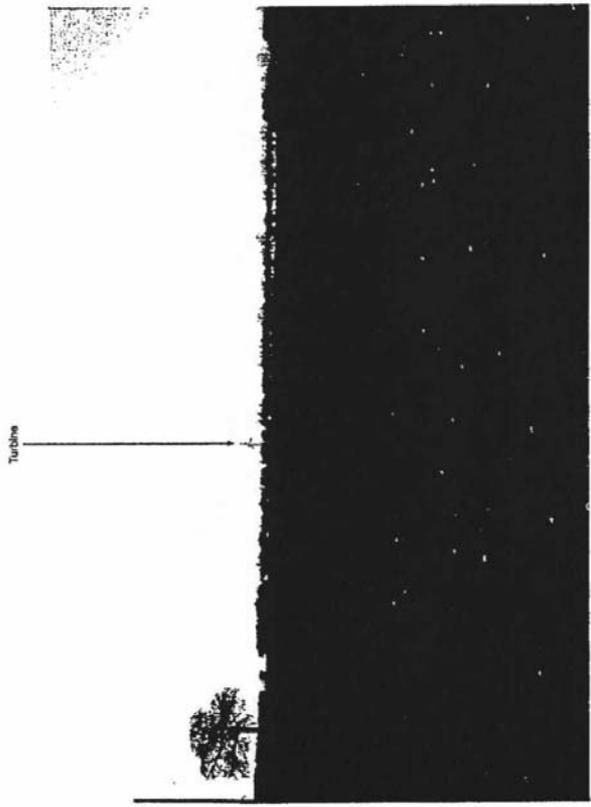
PHOTOMONTAGE E

May 2013

ATTACH: 013

Figure 7A

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Photomontage - Location F
View south west from the Heart of England Way
Grid reference: 429015, 288751
Approximate distance to Turbine: 700m
Weather: Clear
Viewing distance: 3500mm

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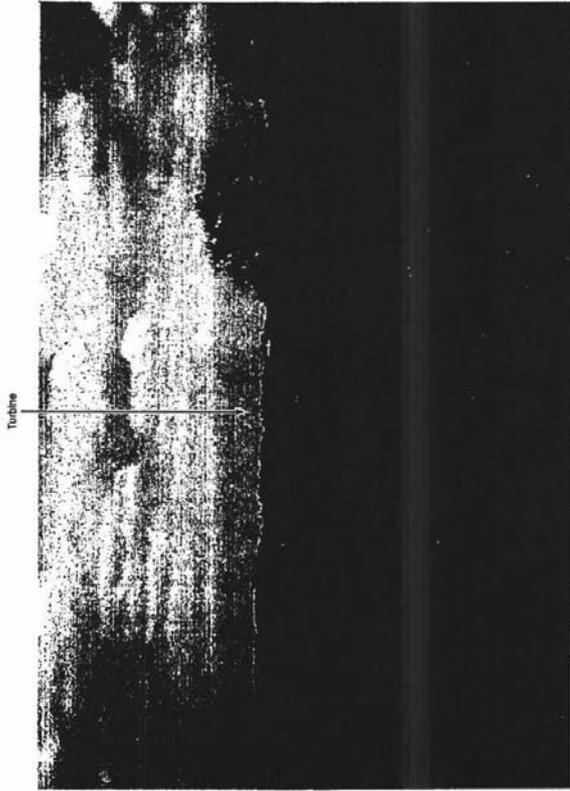
Helmholtz Power Ltd.
Green End Road, Warwickshire
Wind Turbine

fpccl PHOTOMONTAGE F

HTS @ AJ 14/1/2013 May 2013

Figure 8A

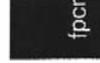
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Photomontage - Location G
View from the north of the site
Grid reference: 450702 781000
Approximate distance to Turbine: 1.2km
Weather: Clear
Viewing distance: 350mm

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Hillmark Power Ltd.
Green End Road, Waverley
Wind Turbine



HTG 030
SETBACK
May 2013

Figure 9A

ADDENDUM TO DESIGN AND ACCESS STATEMENT



NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED 9-Oct-13
PLANNING & DEVELOPMENT DIVISION

**Siting and Installation of a 50kW Wind Turbine at
Green End Poultry Farm, Gorse Green Lane, Coventry CV7 8PH**

Prepared by:

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1. INTRODUCTION

- 1.1 A planning application for a single 50kW wind turbine with a tip height of 46.3m was submitted and validated on 14th June 2013 under planning reference PAP/2013/0285. This planning application was refused at the Planning and Development Board and decision notice issued on 13th August 2013. The decision notice outlines the reason for refusal as follows:-

The proposal is inappropriate development in the Green Belt. It conflicts with the purposes of including land in the Green Belt and it has a moderate adverse impact on its openness. It will also have a moderate adverse impact on the character and appearance of the surrounding rural landscape. It is not considered that the benefit to the farm business nor to the delivery of renewable energy as advanced by the applicant amounts to very special circumstances necessary to outweigh the harm done to the Green Belt by virtue of its inappropriateness. The proposal is thus contrary to saved Policies ENV1 and ENV2 of the North Warwickshire Local Plan 2006.

- 1.2 To address the reason for refusal outlined above, the scheme has been revised to reduce the overall scale of the wind turbine from 46.3m tip height to **34.5m tip height**. Accordingly, the original application is resubmitted but with the stated amendment to the scale of the proposed wind turbine.
- 1.3 This document has been produced as an addendum to the Design and Access Statement submitted by **Bagshaws LLP** as part of the original submission documentation. Both documents should be read in conjunction with one another alongside the further information submitted during the original application.

2. REVISED SCHEME AND BACKGROUND TO RESUBMITTED APPLICATION

- 2.1 For clarification, the proposal is now for a single 50kW wind turbine with a **hub height of 24.8m and overall tip height of 34.5m**. The overall scale of the proposed wind turbine has therefore been **reduced by 11.8m** in comparison to the proposed wind turbine that was refused under planning reference PAP/2013/0285.

- 2.2 The position of the proposed wind turbine remains same at grid coordinates **E 425334 N 286266**.
- 2.3 The local planning authority determined that there was two main issues to refuse the planning application, which related to inappropriate development within the Green Belt and the impact on the character and appearance of the countryside as outlined in the decision notice. However, it was considered appropriate to consult with the local communities surrounding the proposed development as other concerns/fears (both material and non-material planning considerations to the scheme) were raised as part of the consultation process for the original application.
- 2.4 In addition, the Ministerial Statement to Parliament on 6th June 2013 by the Rt Hon Eric Pickles MP, Secretary of State for Communities and Local Government, outlined the need for greater community consultation for onshore wind developments. This requirement is mainly directed towards larger onshore wind schemes that are likely to have a greater impact on the area and local communities that surround them, however, as stated above, it was noted that the representations received from the local community during the original planning application raised some concerns about the proposal.
- 2.5 Accordingly, a consultation event at Fillongley Village Hall was organised on Monday 30th September 2013 between 5pm and 8pm to inform the community of the revised scheme, provide information to the community to alleviate any concerns and answer any questions that the community had about the revised proposal.
- 2.6 A letter was sent to the neighbouring properties that the local planning authority consulted as part of the statutory consultation process for the original application. A copy of the letter is attached to this statement at **Appendix 1**.
- 2.7 At the consultation event, photomontages of the previous proposal and the revised proposal were displayed. In addition, noise data relating to the proposed wind turbine was also available.
- 2.8 The event was attended by approximately 15 people from the villages of Green End, Maxstoke and properties within the surrounding countryside.
- 2.9 The main concerns raised by those that attended the event included:-

- Setting a precedent for other wind development within the local area
- Noise Impact
- Visual Impact
- Alternative renewable energy solutions that have not been considered

2.10 The concerns outlined above have been further addressed below alongside the reasons for refusal outlined by the local planning authority.

3. LOCATION OF PROPOSED WIND TURBINE IN THE GREEN BELT

3.1 The National Planning Policy Framework (NPPF) outlines at paragraph 91 that

When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

3.2 In this respect, the first consideration is whether the wind turbine would comprise inappropriate development. Paragraph 89 stipulates that the construction of new buildings as inappropriate in Green Belt subject to the exceptions outlined. The scheme would not fall within one of the exceptions outlined. Paragraph 90 outlines other forms of development that are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. The proposal would not fall within the other forms of development outlined. In this respect, by the proposed development not falling within any of the defined categories, it is deemed inappropriate development, which is by definition harmful to the Green Belt.

3.3 The local planning authority deemed that the proposal conflicts with the purposes of including land in the Green Belt. The Green Belt serves five purposes, including:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;

- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

3.4 The proposed development would only conflict with one purpose of the Green Belt in relation to the safeguarding of the countryside from encroachment. However, this conflict is considered to be negligible due to the extent of the footprint that would occur as a result of the proposed development. The footprint of the wind turbine foundation base would extend to a maximum of 7m². This is the only additional footprint of development as the existing access will be utilised.

3.5 The location and scale of the proposed wind turbine and the specific topography and vegetation within the surrounding area restricts the visibility of the proposed turbine and therefore also restricts its perceived encroachment on the countryside. In addition, the proposed wind turbine would be located at approximately 164m AOD and have a tip height of 34.5m. The Blabers Hall telecommunications mast, approximately 320m to the north of the proposed wind turbine, is located at approximately 171m AOD and has an overall height of 37.5m. Accordingly, although the proposed wind turbine would be seen as an additional vertical element within the surrounding countryside, it is unlikely to cause further visual encroachment than that already exerted by the telecommunications mast.

3.6 The local planning authority also deemed that there would be a moderate adverse impact on the openness of the Green Belt. As outlined at paragraph 79 of the NPPF, *'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their prominence.'* In this context, the 'openness' refers to a lack of development and not to being visually open. In this respect, the introduction of a new form of development would be limited as described in paragraph 3.4 and therefore the harm to the openness on the Green Belt would be limited.

3.7 In addition, it is also evident from the NPPF that there is **no policy or rationale** which stipulates a 'blanket ban' of wind turbine development within the Green Belt. Accordingly, like all development considered inappropriate in the Green Belt, very special circumstances will need to be demonstrated, and as outlined within paragraph 91 of the NPPF the wider environmental benefits associated with increased production of energy from renewable sources may be

deemed as such very special circumstances. Paragraph 91 of the NPPF should be given significant weight in relation to this proposal alongside the other specific merits of this proposal.

- 3.8 The Design and Access Statement submitted with the original application outlined the very special circumstances associated with the proposal, which include references to appeal decisions whereby the Inspector considered that the switch away from a source of energy which contributes to the production of greenhouse gases and climate change represented the very special circumstances required to overcome the presumption against inappropriate development in Green Belt within the particular circumstances of the case. It is considered that the harm on the Green Belt and character of the surrounding landscape associated with the proposal outlined within this application would be outweighed by the benefits of the switch away from a non-renewable energy source alongside being a farm diversification scheme that would provide an additional income stream to support the farming business.
- 3.9 One of the main short term objectives of the farming business is to become more environmentally sustainable by reducing their reliance on fossil fuels such as gas and diesel, and offset the carbon emissions made elsewhere in the business where it is not currently feasible to convert to a renewable source of energy. The long term objective of the farming business is to eventually have a negative carbon footprint.
- 3.10 The market for more environmentally responsible products is also becoming increasingly more prevalent as consumers become more aware of the environmental impacts of the food they buy. In addition, most of the major supermarkets within the UK now have specific programmes which seek to address not only their own responsibilities regarding climate change but also the sustainability of the whole of their supply chain including the farmers who grow the produce they sell.
- 3.11 If the application is approved, the wind turbine would generate a renewable form of energy that would power the ventilation units at the poultry farm and replace the current non-renewable energy system.
- 3.12 As outlined within the original planning application, the whole of W Potter & Sons (Poultry) Ltd. farming business has a requirement to increase their overall energy efficiency in line the Climate Change Levy and the following targets:-

- 9% reduction by 31st December 2014
- 11.9% reduction by 31st December 2016
- 14.9% reduction by 31st December 2018
- 17.9% reduction by 31st December 2020

3.13 If these targets are not met, the company would be fined, which will be calculated by converting the additional energy consumed (over and above the target) into tonnes of CO² emissions and a charge per tonne of CO² will be charged. In this respect, the company has undertaken steps to increase the energy efficiency of the relevant buildings across the 8 poultry farms the company owns by upgrading the buildings with better insulation, etc. The next steps are now to look at different renewable energy technology measures across the farms to reduce the amount of non-renewable energy used and subsequently reduce the amount of CO² emissions and offset the overall carbon emissions of the whole farming business.

3.14 Accordingly, it is considered that there is limited harm to the openness and one of the purposes of the Green Belt, in addition, other harm such as the impact on the character and appearance of the surrounding rural landscape has been further reduced due to the revised scale of the proposed wind turbine to an overall tip height of 34.5m. The proposed wind turbine would provide a significant contribution to the farming businesses reduction in carbon emissions and offset carbon emissions elsewhere in the business; and provide a diverse income stream to the farming business. In addition, the scale and siting of the proposed wind turbine and the particular undulating topography and tall vegetation surrounding the site limits the visual harm associated with the proposed development. These very special circumstances clearly outweigh the limited harm to the Green Belt by reason of inappropriateness, and any other harm.

4. IMPACT ON THE CHARACTER AND APPEARANCE OF THE SURROUNDING RURAL LANDSCAPE

4.1 The local planning authority also deemed that there would be a moderate adverse impact on the character and appearance of the surrounding rural landscape. To address this issue, the proposed wind turbine has been reduced by 11.8m to an overall tip height of 34.5m consequently reducing its visual impact on the surrounding rural landscape. In this respect, the proposed turbine is of a small scale nature set within an undulating landscape with some tall vegetation including woodlands and hedgerow trees. The LVIA acknowledges that these

elements combine to limit the effects of the proposed turbine to a very local area and whilst there would be some intermittent distant views, these would have a very minor effect overall.

- 4.2 The nature of the landscape surrounding the proposed wind turbine also limits the perceived visual encroachment on the countryside and therefore limits the conflict with one of the purposes of the Green Belt. This also contributes to the very special circumstances of the proposal.
- 4.3 Accordingly, the impact on the character and appearance of the surrounding rural landscape has been reduced to an acceptable level as shown by the representative photomontages appended to the LVIA.

5. SETTING A PRECEDENT FOR OTHER WIND DEVELOPMENT WITHIN THE LOCAL AREA

- 5.1 As part of evaluating and determining a planning application, 'setting a precedent' cannot be used to form the basis for a reason for refusal. The reason for this is that each planning decision must be decided on its own individual merits. If the local planning authority is minded to approve this proposed scheme it would not create a precedent for others within the local area because the local planning authority would have to consider the cumulative effect of similar development within the local area.
- 5.2 Accordingly, the local planning authority could not refuse the application on the possibility of setting a precedent particularly where there are specific merits that are particular to this scheme.

6. NOISE IMPACT

- 6.1 The noise impact was considered as part of the original planning application and the local authority's Environmental Health Officer raised no objections to the scheme due to the distances to neighbouring properties and the proximity to the M6.
- 6.2 The resident at Blabers Hall attended the consultation event and raised concerns about the distance of his property from the proposed wind turbine that was outlined within the officer's report to the planning committee. The report outlined that the proposed wind turbine would

be approximately 430m from Blabers Hall. In fact, at its nearest point, the curtilage of Blabers Hall is approximately 300m. In addition, the other nearest non-financially involved property, Jason's Green End Cottage on Gorse Green Lane, is approximately 430m.

- 6.3 The distances to the properties outline above, namely Blabers Hall and Jason's Green End Cottage, would still meet the noise limits of 35dB to 40dB for low noise environments as set out in paragraph 22 of the ETSU-R-97 guidance and as shown within the noise test report and associated noise graph submitted with the application. In this respect, paragraph 25 of the ETSU-R-97 guidance is engaged and a simplified noise condition to any forthcoming decision can be attached and offer sufficient protection to the residential amenity of nearby neighbours.

7. VISUAL IMPACT

- 7.1 The main concern that was voiced was being able to see the proposed wind turbine from properties and within the surrounding area. Generally, no one has a right to a view from their property. However, the proposal has been revised to reduce the overall scale of the wind turbine by 11.8m and therefore the associated visual impact of the proposed wind turbine is further reduced.

- 7.2 At the consultation event, residents from Maxstoke raised concerns with the associated visual impact. However, due to the intervening topography and vegetation, and scale of the proposed turbine, most residents would not be able to see the proposed turbine from Maxstoke as shown by Photomontage C, which is appended to the Landscape and Visual Impact Assessment.

8. ALTERNATIVE RENEWABLE ENERGY SOLUTIONS THAT HAVE NOT BEEN CONSIDERED

- 8.1 As outlined within the Design and Access Statement and further information supplied to the local planning authority as part of the original application, the applicant is currently looking at various renewable technologies at each farm.
- 8.2 Using solar power technology was considered for this poultry farm, but it would not be technically feasible to install enough solar panels to supply sufficient energy used at the farm.

- 8.3 A small scale wind turbine at the Green End Poultry Farm was therefore deemed the most appropriate technology that would generate a renewable form of electricity; significantly reduce and offset the overall carbon emissions of the farming business; and the most commercially viable option at this farm.

9. CONCLUSION

- 9.1 It is considered that the revised proposal for a smaller wind turbine would reduce the harm to the Green Belt and character and appearance of the surrounding countryside. The benefits of the proposal would clearly outweigh this harm and therefore the proposal complies with the Development Plan and the relevant material considerations.

NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED 9-Oct-13
PLANNING & DEVELOPMENT DIVISION

APPENDIX 1

Letter to Residents re Consultation Event

Dear resident,

Potters Poultry are proposing to install a wind turbine at the poultry farm near to Green End, Fillongley. You will be aware of the application that was submitted for the '*Proposed development of a 50kW wind turbine*' and registered under planning reference PAP/2013/0285. The turbine proposed within this application was 46.3m to the tip. This application was refused at planning committee on 13th August 2013 due to the potential impact on the openness of the Green Belt, and character and appearance of the surrounding area.

To try to reduce the impact on the character and appearance of the surrounding area and the Green Belt, we are now proposing to reduce the height of the turbine to 34.5m to tip height. This is a reduction of 11.8m in overall height. The aim is to resubmit the application for this smaller scale wind turbine in the near future.

Potters Poultry would like to invite residents to an information event about the wind turbine proposal to view and comment on the proposal before the planning application is resubmitted. Potters Poultry are keen to ensure that the comments/suggestions from the local community are taken into account and that they are reflected in the final proposal where possible.

The event will provide information on the project including visual images of how the wind turbine would look within the surrounding area. In addition, this event will give you the opportunity to discuss aspects of the proposal with representatives from Hallmark Power, who are submitting the planning application.

The consultation event will be held at **Fillongley Village Hall on Monday 30th September** from **5pm to 8pm**. If you would like to find out more about the wind turbine proposal please come to the event.

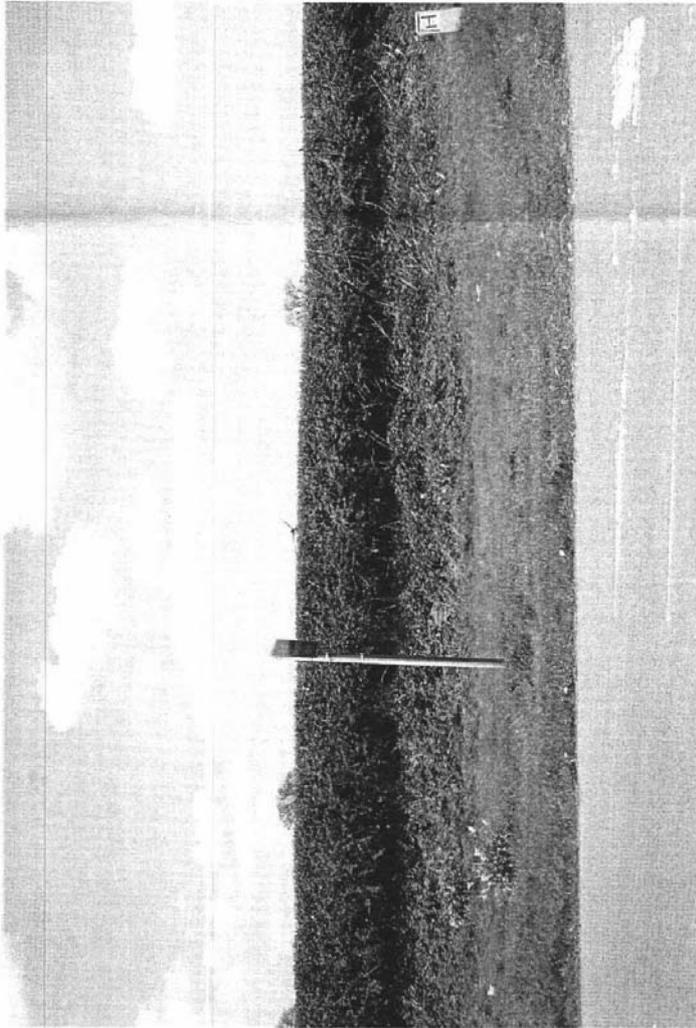
Yours sincerely,

8.0 SUMMARY AND CONCLUSIONS

- 8.1 This report has been prepared by FPCR Environment and Design Ltd. It comprises a Landscape and Visual Appraisal (LVIA) that has been undertaken by Chartered Members of the Landscape Institute. The proposal comprises a single wind turbine, 24.8m to the hub with a 9m rotor blade length, and 34.5m high overall. The turbine would be located on the land adjacent to Green End Road, Green End, Warwickshire. The LVIA considered the potential effects of the turbine upon:
- Individual landscape features and elements
 - Landscape character
 - Visual amenity and the people who view the landscape.
- 8.2 The site lies within the national Countryside Character Area 97 "Arden" described by Natural England in the Natural Character Area Profile. The site is located on the upper central part of the area. The Warwickshire Landscape Guidelines cover the country and are one of the earliest landscape character assessments. The Guidelines contain broad information on landscape character. The proposed turbine is located in an area described as "Arden River Valleys".
- 8.3 At a district level the site The North Warwickshire Landscape Assessment describes the character of the local area. The site for the turbine and the immediately surrounding area lie within the area described as LCA 8 Blythe Valley Parkland Farmland.
- 8.4 At a local level the turbine would be located within an area of farmland to the south west of Green End. The local landscape comprises medium scale agricultural fields enclosed by hedgerows with hedgerow trees. The hedgerow trees are mostly mature oak and some ash. Many of the hedgerows are relatively tall, which limit views across the local landscape. There are some large modern metal farm buildings nearby and a telecommunications mast.
- 8.5 To the west of the proposed site Daniels Wood and Quarry Wood, along with Broadmoor Wood further north provide enclosure and break up distant views. The M6 Motorway passes to the south of the proposed turbine. The motorway is visible in part, but is mostly on embankment or in cutting as it passes through the landscape. Most of the cutting or embankment slopes have been planted with trees which help to screen the motorway and reduce its impact on the local landscape. The Heart of England Way footpath extends north / south, approximately 600m east of the proposed turbine.
- 8.6 The local villages and the vegetation associated with them provide features within the landscape, though settlement is rarely prominent. A number of farms and houses are also scattered across the landscape, most with mature gardens and trees, which also helps to provide a settled character. The relatively high level of vegetation tends to limit views across the landscape.
- 8.7 During construction there would be some short term reversible adverse landscape and visual effects, resulting from the construction work, and the effects of the cranes used to install the turbines. None of these effects would be of greater significance than the effects arising through the operational phase.
- 8.8 When operational there would be a range of landscape and visual effects. At a national or county scale, the addition of a single turbine of modest size would have a negligible magnitude of landscape change across the wider Arden or Arden River Valleys areas, leading to negligible landscape effect overall on these character areas.

- 8.9 At a district scale, the turbine would have an effect on the character of the area described as "Blythe Valley Parkland Farmland" in the North Warwickshire Landscape Character Assessment. The addition of a single turbine of modest size would have a low/ negligible magnitude of landscape change across this area, leading to minor/negligible landscape effect overall on this area.
- 8.10 The turbine would inevitably have an effect on the immediately surrounding area. This is a medium scale area of arable farmland, enclosed by hedgerows and trees. The M6 is approximately 500m to the south, with a communications mast to the north. The fields are enclosed by hedgerows and trees, which limit many views across the area. The area within approximately 1.5km of the proposed site is considered to have a medium susceptibility to landscape change, and a medium landscape value. It is in reasonably good condition, with some scenic value, but no particular cultural associations or conservation interest. It does not have a particular recreational value.
- 8.11 Installation of the wind turbine would inevitably have an effect upon this landscape area as it would add a new element. Installation of the turbine would result in a low/medium magnitude of change resulting in a minor/moderate landscape effect over an area approximately 0.5km from the turbine.
- 8.12 Beyond approximately 0.5km to 1.5km from the proposed turbine, the scale of the turbine would reduce, becoming a much less significant visual element in the landscape, which because of its characteristics has a medium capacity to accommodate this type of feature. There would be a low magnitude of landscape change leading to a minor landscape effect, overall within this area.
- 8.13 The effects on visual amenity vary depending on distance from the proposed turbine and the degree of natural screening provided by the topography and vegetation. Green End is the closest settlement to the proposed turbine. Views from the village are restricted because of landform and vegetation. There would be a minor visual effect on a handful of views from the western edge village. Within the village there would be no visual effect at all. There would be no views from Maxstoke, because of the topography and woodland.
- 8.14 There are a few individual properties in closer proximity to the turbine. The local farms just outside the village such as Blabers Hall Farm could have some views, but most properties have views filtered by hedgerows and trees.
- 8.15 The turbines would be visible from very limited parts of the M6, and from the local lanes and roads. Much of the M6 is in cutting, or screened by trees, so the overall visual effects are predicted to be minor/ negligible. Green End Road passes north of the proposed site, and intermittent views south are possible. From the closest viewpoints the effects could be moderate/ minor, but for most of the road the effects would not be any greater than minor.
- 8.16 The Lane between Green End and Kinwalsey lies to the east of the proposed turbine, and is the closest public road to the turbine. The tall hedges along much of the route limit the visual effects and overall the visual effects would be no greater than minor.
- 8.17 Footpaths including the Heart of England way cross the local landscape. Views are often limited by the undulating topography and tall hedges and trees. Effects on views from these rights of way will vary between moderate/ minor and minor.
- 8.18 Overall the proposed turbine is of a modest scale and set within an undulating landscape, with some tall vegetation, including woodlands and hedgerow trees. These elements combine to limit

The drawing is the property of fpcr Environment and Design Ltd and is issued on the understanding that it is for the use of the person to whom it is issued and is not to be used, copied, reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written consent of fpcr Environment and Design Ltd.



Photomontage - Location E
View south west from Green End
Grid reference: 4259048, 286418
Approximate distance to Turbine: 500m
Weather: Clear
Viewing distance: 350mm

fpcr Environment and Design Ltd, Livingston Way, Livingston, West Lothian, EH20 9JY
01508 872777 • 01508 01008 • www.fpcr.co.uk
landscape • environmental assessment • heritage design • urban design • ecology • architecture • arboriculture
J:\000000000\0000000000\Fig 3 Photomontage View E.indd

APPENDIX F

fpcr
Hallmark Power Ltd.
Green End Road, Warwickshire
Wind Turbine
PHOTOMONTAGE E

NTS @ A3 MSTMCH September 2013

Figure 7A

Agenda Item No 5

Planning and Development Board

11 November 2013

**Report of the
Head of Development Control**

**Proposed Tree Preservation Order
Land at Coventry Road, Fillongley**

1 Summary

- 1.1 The purpose of this report is to confirm or otherwise a Tree Preservation Order made in respect of one oak tree situated at Coventry Road, Fillongley. The tree lies on the southern side of the road, at a position approximately 48 metres from its junction with Castle Close.

Recommendation to the Board

That the Tree Preservation Order be confirmed.

2 Background and Observations

- 2.1 The Council made a Tree Preservation Order (TPO) in respect of one oak tree (see Plan 1 below). The TPO, issued as an emergency order, took provisional effect from 29th July 2013. It will provisionally remain in force for six months. The owners/occupiers of the property and the adjoining owners/occupiers had until 2 September 2013 to make representations/objections.
- 2.2 A letter of objection has been received from Mr Godfrey-Payton, Clerk to the trustees of Bonds Hospital Estate Charity, who own the land on which the tree is situated. A copy of the letter of objection is attached as Appendix 2.
- 2.3 This letter argues that the TEMPO assessment undertaken by the County Forestry Officer had incorrectly ranked the importance of the tree.
- 2.4 The County Forestry Officer has commented on the grounds for objection and his response to each of the claims is given in the letter attached as Appendix 3. He stands by his original assessment, concluding that the tree continues to rank above the threshold for suitability for protection by a Tree Preservation Order.
- 2.5 There is one area where the grounds for objection are partially conceded. When completing the TEMPO assessment, the County Tree Officer was

under the mistaken impression that the site was the subject of a planning application for development and the risk to the tree was scored accordingly. It was actually the case that the site had recently been identified as an allocated site for housing development in the Council's Site Allocations Consultation – February 2013, and it is the event of this allocation that was the change in planning circumstances. The actual planning circumstances of the site were made clear in the report of the Head of Development Control when the Council confirmed by the Board in August. The TEMPO score does alter accordingly, but not to the extent that it would alter the conclusion that the tree merits a TPO.

2.6 The representation received does not alter the view that the tree exhibits a high amenity value, that it is a good specimen in terms of its physiological and structural condition, that there is no visible defect and it has good longevity, and is worthy of protection through a Tree Preservation Order in the interests of public amenity. It is recommended that the report be confirmed.

2.7 It is for the Board to decide whether or not to confirm the Order.

3 Report Implications

3.1 Financial Implications

3.1.1 The confirmation of the Order has no implications, but in certain limited circumstances, claims for compensation can be made.

3.2 Crime and Disorder Implications

3.2.1 The felling of a tree protected by an Order is an offence.

3.3 Legal and Human Rights Implications

3.3.1 There is a balance here between the importance to public amenity in retaining the trees and controlling works to them. In the future, should consent be refused for works to the trees, appeals can be lodged with the Secretary of State.

3.4 Sustainability Implications

3.4.1 The value of the trees as a living resource would be retained if the Order is confirmed.

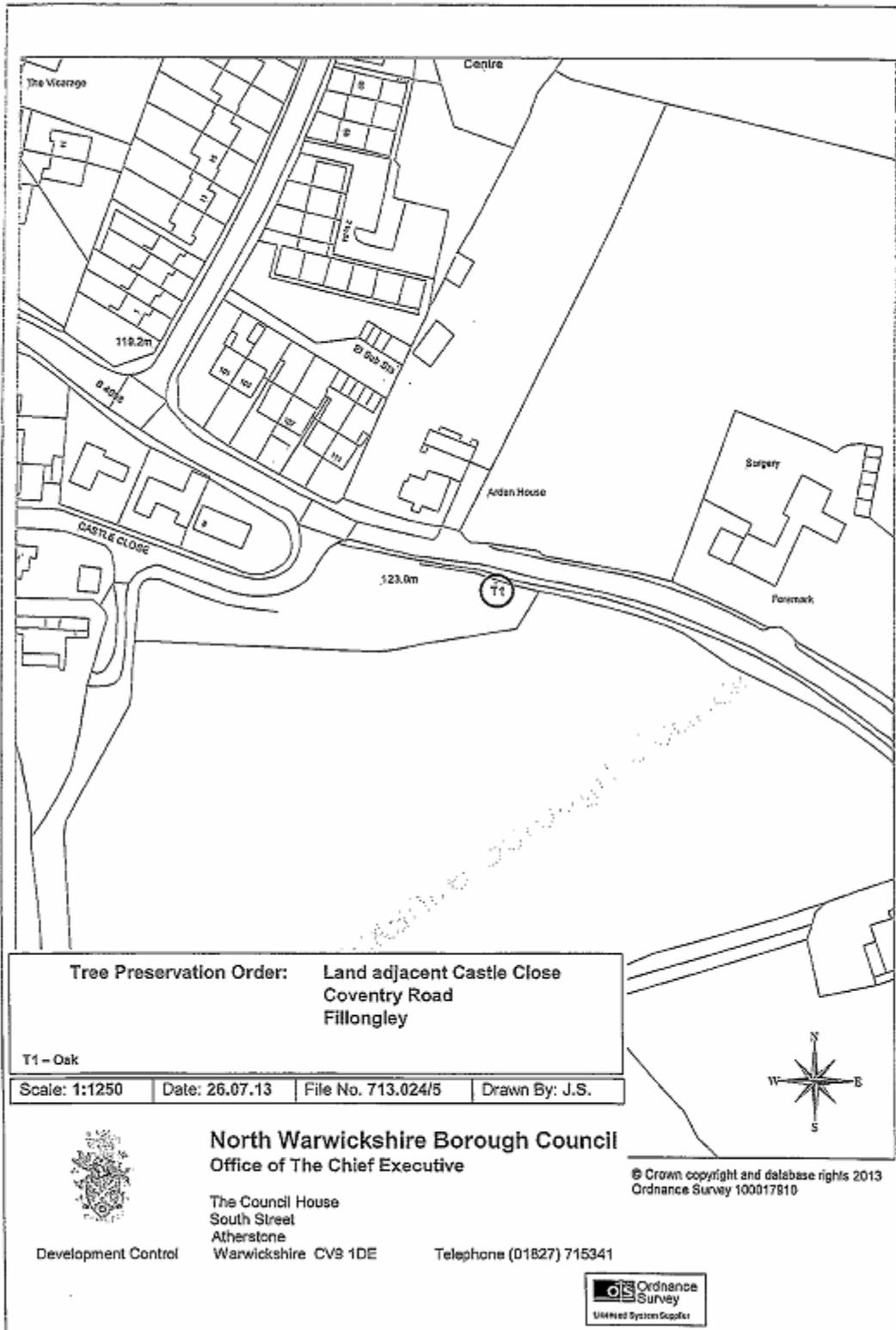
The Contact Officer for this report is Erica Levy (719294).

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date
1	North Warwickshire Borough Council	Tree Preservation Order dated 29 July 2013	29 7 13
2	Bonds Hospital Estate Charity	Letter	29 8 13
3	County Forestry Officer	Consultation Reply	24 10 13

Plan 1



APPENDIX 1

Emergency Tree Preservation Order

Planning and Development Board

12 August 2013

**Report of the
Head of Development Control**

Land at Coventry Road, Fillongley

1 Summary

- 1.1 **Location:** Land at Coventry Road, Fillongley. The tree lies immediately adjacent to Coventry Road, to the rear side of the roadside hedge. It is on the southern side of the road, at a position approximately 48 metres from its junction with Castle Close. The tree is highly visible in the street and within sight of the edge of the village's Conservation Area. It is located at the position shown on the attached OS plan (Appendix 1).

Recommendation to the Board

That the decision to issue an Emergency Tree Preservation Order be confirmed in respect of 1 Oak tree, for the reasons given in this report, and that any representations received be referred to the Board for it to consider whether to make the Order permanent.

2 Background and Statement of Reasons

- 2.1 The land upon which the tree sits has been identified in the consultation draft of the Council's Site Allocations Plan. It is referred to as site 'FIL4'. Local residents wrote to the Council requesting that consideration be given to the protection of the oak tree, as well as a small coppice of trees adjacent to Castle Close. The local residents feared that the trees would be felled in order to remove an impediment to development and to achieve the maximum possible development potential of the land. They expressed particular concern for the oak tree, believing it to be of high value and greatest impediment to the development potential of the site. They reported a belief that a local resident who has been maintaining the land was no longer required to do so and had 'had his license terminated'.
- 2.2 The County Forestry Officer was consulted and asked to undertake an assessment of whether the trees were worthy of protection by a Tree

Preservation Order. He recommended that the Oak tree should be afforded protection, but not the spinney. The rationale for his assessment is set out in the Tempo forms attached as Appendix 2.

- 2.3 The oak tree is considered to be a good specimen in terms of its physiological and structural condition; there is no visible defect and it has good longevity. The tree is large and clearly visible across a large public area, meaning that it has high amenity value and strong suitability for protection with a Tree Preservation Order.
- 2.4 Given the above, an emergency Tree Preservation Order was required and authorisation was sought from the Chairman and the Vice Chairman of the Planning and Development Board. Subsequently, the Tree Preservation Order took provisional effect from 29th July 2013 and will provisionally remain in force for six months. The owners/occupiers of the property and the adjoining owners/occupiers have been served with copies of the TPO and have until 2 September 2013 to make representations/objections.
- 2.5 A further report will be presented to the Planning and Development Board for Members to consider whether the TPO should be confirmed and made permanent.

3 Report Implications

3.1 Legal and Human Rights Implications

- 3.1.1 The owners of the land and those with an interest in it have the opportunity to make representations to the Council before any Order is confirmed.
- 3.1.2 The tree to be protected exhibits an amenity value for both the present and the future amenities of the area, given its setting and prominence within the village of Fillongley.

The Contact Officer for this report is Erica Levy (719294)

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date
1	County Forestry Officer	TEMPO Evaluation	22 July 2013
2	NWBC	Certified copy of the TPO	29 July 2013

Appendix 2

Bond's Hospital Estate Charity

FOUNDED 1506

KF 1871 5541 7GB

29/08/2013



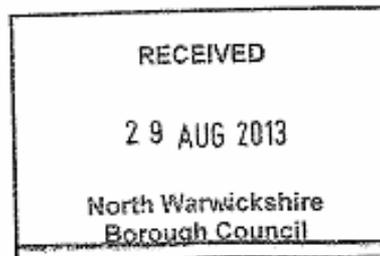
Clerk to the Feoffees
M.F.H. White M.R.I.C.S., F.A.A.V.
Telephone: Coventry 024 7622 6684
Fax: Coventry 024 7655 1651



Godfrey-Payton
Old Bablake
Hill Street
Coventry CV1 4AN

Our Ref: GP/MW
Your Ref: AR/TPO (02/13)

Ms A Ryan
Principal Solicitor
North Warwickshire Borough Council
The Council House
South Street
Atherstone
North Warwickshire
CV9 1DE



28th August 2013

By Special Delivery

Dear Ms Ryan

RE: NORTH WARWICKSHIRE BOROUGH COUNCIL (COVENTRY ROAD, FILLONGLEY) TREE PRESERVATION ORDER 2013

I am writing in my capacity as Clerk to the Feoffees of Bonds Hospital Estate Charity in response to your letter dated 29th July 2013 which enclosed a copy of the North Warwickshire Borough Council (Coventry Road, Fillongley) Tree Preservation Order 2013. On behalf of the Feoffees I would like to object to this Order concerning the Oak Tree identified on the plan enclosed.

I have obtained from Erica Levy a copy of the Survey Data Sheet & Decision Guide produced by Ken Simons on the 15th July 2013. I understand that this is the basis of evidence used by the Council in determining this Order.

This tree is in very close proximity to the Coventry Road and located within a site which is allocated for residential development within the current Local Plan. The National Tree Safety Group's 'Common Sense Risk Management of Trees' identifies that all trees are a potential hazard and conditions such as sudden branch drop in mature broadleaf trees further increases the hazard of this particular tree. However the hazard needs to be assessed against the level of risk to either people or property. The fact that this tree is located in close proximity to a very busy main road and is on a site where use is likely to intensify means that the level of risk associated by this tree is high. With this in mind I object to the score given by Mr Simmons and propose that a score of 0 should be recorded as an unsafe tree under Condition and Suitability for TPO of Part 1, Amenity Assessment.

Although this tree is in close proximity to the road increasing the public visibility I refute that this should automatically make the tree suitable for a TPO. Consideration should be given to the over bearing proximity of this tree to adjacent property and any houses as yet un built on the site allocated by the Council. I agree that trees can have a positive affect on the Landscape however it is also the case that they can be a burden to property. The assessment of suitability should consider the tree in its context. With this in mind this tree is just suitable scoring 3 under Relative Public Visibility and Suitability for TPO of Part 1, Amenity Assessment.

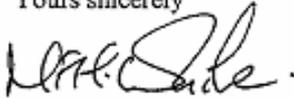
Mr Simons has identified that this tree has bat potential. The Charity has commissioned Mr D Martin BSc (Hons) CMIEEM to carry out a bat survey of the site and his conclusions stated that this tree exhibited low potential for bats and he has removed the bat box.

Following my objections to Mr Simons survey the score would total 8 and therefore there should be no Part 2 Expediency Assessment. However leaving this aside it is factually incorrect of Mr Simons to state that a planning application was in place on the 15th July 2013. This site has been within the village boundary and allocated for potential development throughout the lifetime of the current Local Plan. No planning application has been submitted on this site during that period. At the very least this tree should have been scored 1 as precautionary only.

In summary this tree should only have scored 8 points under Part 1: Amenity Assessment and therefore would not have qualified under Part 2: Expediency Assessment. The Part 3: Decision Guide states that a score between 7-10 'does not merit TPO' and therefore the Council's conclusion should be that this tree does not merit a TPO.

You will clearly see that I have specified the tree in question and have stated the reasons for objection. This letter is sent as dated by special delivery and therefore I trust you are satisfied that I have complied with regulation 6 of the Town and County Planning (Tree Preservation) (England) Regulations 2012. On reflection of this objection I hope that the Council will not give permanent status to this Order and will revoke it with immediate affect.

Yours sincerely



M F H White MRICS FAAV
Godfrey-Payton
matthew@godfrey-payton.co.uk

Encs.

Appendix 3

My ref: KS/F8D

North Warwickshire Borough Council
FAO Erica Levy
Development Control Services
Council House
South Street
Atherstone
CV9 1DE

Communities Group

Forestry Section
Unit 7
Montague Road
Warwick
CV34 5LW

Tel: (01926) 736491
Fax: (01926)413408
forestry@warwickshire.gov.uk
www.warwickshire.gov.uk

Date 24th October 2013

Dear Erica

Re: North Warwickshire Borough Council (Coventry Road, Fillongley) Tree Preservation Order 2013

With reference to the Clerk to the Feaffes of Bonds Hospital Estate Charity, letter of 28th August objecting to the confirmation of a Tree Preservation Order (T.P.O.), on an Oak tree at the above location I would reply as follows:

The Clerk takes issue with my assessment of the suitability of this tree for a T.P.O. I have set out my response to these objections in the following paragraphs and an enclosed modified Tree Evaluation Method for Preservation Orders (T.E.M.P.O.) pro forma appendix 1.

The Clerk is inferring that this tree is unsafe due to its location. He makes reference to the National Safety Groups (N.T.S.) "Common Sense Risk Management of Trees", but has taken out of context the assessment of risk. If this assessment was applied to all mature roadside Oak trees then they would all have to be removed. Such action is undesirable, unnecessary and would have a dramatic impact on the environment. I believe that the N.T.S. did not intend their document to be applied in such a way. In any event he has not provided any detailed specific evidence to support this, e.g. inspection, maintenance records and history.

Consequently, given the trees species, age and observed condition I see no reason to modify my appraisal for Part 1 Amenity Assessment a) and b).

*Forestry Section – Promoting a sustainable environment
Managing the County's tree stock and the Home Woodchipping Service*

With regard to Part c) the relative public visibility of this tree could not be more visible. It is situated against a public highway, halfway up an escarpment that rises from the village centre. This tree could hardly be less prominent.

I therefore stand by my initial assessment.

The Clerk challenges the assessment of other factors and refers to the fact that the Bat box has been removed. However, this action is insignificant with regards my scoring and assessment as I only scored the tree as having no additional or redeeming features.

The Clerk further challenges my assessment on the grounds of expediency, it is correct that my assessment was made on information given at the time, that it was on land that would be subject to a planning application. I therefore applied a score that reflected this.

In the light of the Clerks admission that no planning consent had been sought I would agree that my scoring for this criteria is incorrect.

I would agree with the Clerk that the expediency assessment should be 'precautionary only' and scoring 1.

To summarize the Clerk contests that this tree should not be the subject of a T.P.O. and that to support this the evaluation method applied by your Council has been incorrectly applied and the score for this tree should total 8 points and not 18.

He has however, in my opinion not provided any established or specific evidence to support this. He has inferred that all mature trees adjacent to the highway, as this tree is, should be generically assessed as unsafe. This would result in the tree scoring zero (0) and therefore automatically not qualifying for a T.P.O. This is patently not the case in this instance. It would in any event not preclude your Council from applying for a T.P.O. to its stump and requiring a replacement tree should it need to be removed on imminent safety grounds.

It is conceded that my original score should be reduced following a revised expediency assessment. My revised assessment would reduce my original score by 2 giving an overall total of 16. This is significantly above the threshold for the confirmation of a T.P.O.

Yours sincerely

Ken Simons
County Forestry Officer

Enc's. T.E.M.P.O. Assessment 24th October 2013 and printed Google photograph

Agenda Item No 6

Planning and Development Board

11 November 2013

**Report of the
Head of Development Control**

**Confirmation of Tree Preservation
Order - Land at Mancetter Manor
The Green, Mancetter**

1 Summary

- 1.1 The Council's Tree Officer was consulted on a Section 211 notification in respect of works on two Lime Trees and a Horse Chestnut Tree sited within the Conservation Area at Mancetter Manor, (as indicated on the plan at appendix A) the trees were identified to exhibit an amenity value, particularly with the historic landscape context of Mancetter Manor and are considered worthy of a group Tree Preservation Order.
- 1.2 A report was presented to the Board on 12 August 2013 that a Tree Preservation Order be made, in respect of two Lime and one Horse Chestnut Tree and that any representations received be referred to the Board for it to consider whether to make the Order permanent. The Order was made on 26 July 2013 and applies in provisional form until January 2014.
- 1.3 The required minimum period for representations by interested parties in respect of this Tree Preservation Order expired on 30 August 2013.

Recommendation to the Board

That the Tree Preservation Order made in respect of One Horse Chestnut and Two Lime Trees, at the above address be confirmed

2 Observations

- 2.1 The Council's solicitor is satisfied that the Council has complied with the legislative requirements with regards to notifying adjoining owners/occupiers.
- 2.2 One representation has been received from the neighbouring occupier to the application site at High Walls, Quarry Lane, Mancetter. The matters raised in the neighbours representation are that they do not agree that the trees; due to their position, offer any amenity value or benefit to the local area. They are totally surrounded by buildings,

obscuring the majority of their size from view of the local street scene. As this is the prime purpose of a TPO according to the guidance notes provided and no amenity value is evident, we strongly request this TPO is not granted.

- 2.3 This representation was referred to the County Forestry Officer and a site visit has recently been carried out. It was advised that the trees are worthy of protection, in so far as they are visible from the street scene and therefore have an amenity value. There is also the historic context of Mancetter Manor to consider and the trees make a positive contribution in terms of their landscape significance in relation to the historical setting of the Manor.
- 2.4 It was also advised that protection does not necessarily mean that works to these trees would not be permitted in the future. An application could be submitted for works relating to a 15% crown thin to these trees rather than the crown reduction.

3 Report Implications

3.1 Legal and Human Rights Implications

- 3.1.1 The agent acting on behalf of the owners of the site has been given the opportunity to make representations to the Council before the Order is confirmed as being permanent. Following a response from the neighbour and a site visit, a tree preservation order is recommended by the County Forestry Officer to be made permanent.
- 3.1.2 The trees to be protected exhibit significant landscape value in terms of the historic setting of the manor and the amenity.

The Contact Officer for this report is Fiona Wallace (719475)

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date
Memo	NWBC Principal Solicitor	Details of the provisional TPO and deadline date for confirming the TPO	26 July 2013
Memo	NWBC Principal Solicitor	Copy of representation received	13 August 2013
E-mail	Ken Simons	Details to confirm a TPO be made	22 October 2013

Appendix A



Agenda Item No 7

Planning and Development Board

11 November 2013

Report of the Chief Executive and the Deputy Chief Executive

Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - September 2013

1 Summary

- 1.1 This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to September 2013.

Recommendation to the Board

That Members consider the performance achieved and highlight any areas for further investigation.

2 Consultation

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

3 Background

- 3.1 This report shows the second quarter position with the achievement of the Corporate Plan and Performance Indicator targets for 2013/14. This is the second report showing the progress achieved so far during this year.

4 Progress achieved during 2013/14

- 4.1 Attached at Appendices A and B are reports outlining the progress achieved for all the Corporate Plan targets and the agreed local performance indicators during April to September 2013/14 for the Planning and Development Board.

- 4.2 Members will recall the use of a traffic light indicator for the monitoring of the performance achieved.

Red – target not being achieved (shown as a red triangle)

Amber – target currently behind schedule and requires remedial action to be achieved (shown as an amber circle)

Green – target currently on schedule to be achieved (shown as a green star)

5 Performance Indicators

- 5.1 The current performance indicators have been reviewed by each division and Management Team for monitoring for the 2013/14 year.

6 Overall Performance

- 6.1 The Corporate Plan performance report shows that 100% of the Corporate Plan targets and 0% of the performance indicator targets are currently on schedule to be achieved. The report shows the individual targets that have been classified as red, amber or green. Individual comments from the relevant division have been included where appropriate. The table below shows the following status in terms of the traffic light indicator status:

Corporate Plan

Status	Number	Percentage
Green	5	100%
Amber	0	0%
Red	0	0%
Total	5	100%

Performance Indicators

Status	Number	Percentage
Green	0	0%
Amber	3	100%
Red	0	0%
Total	3	100%

7 Summary

- 7.1 Members may wish to identify any areas that require further consideration where targets are not currently being achieved.

8 Report Implications

8.1 Safer Communities Implications

8.1.1 Major applications are considered by the Police Architectural Liaison Officer who is looking to ensure that Secure by Design principles are applied for new developments.

8.2 Legal and Human Rights Implications

8.2.1 The national indicators were specified by the Secretary of State for Communities and Local Government. They were replaced by a single list of data returns to Central Government from April 2011.

8.3 Environment and Sustainability Implications

8.3.1 Improvements in the performance and quality of services will contribute to improving the quality of life within the community. The action to improve employment opportunities for local residents at Birch Coppice is contributing towards the Raising aspirations, educational attainment and skills priority of the North Warwickshire Sustainable Community Strategy 2009 – 2026.

8.4 Risk Management Implications

8.4.1 Effective performance monitoring will enable the Council to minimise associated risks with the failure to achieve targets and deliver services at the required performance level.

8.5 Equality Implications

8.5.1 The action to improve employment opportunities for local residents at Birch Coppice is contributing to equality objectives and is a positive impact in terms of the protected characteristics for age through the young people employment programme.

8.6 Links to Council's Priorities

8.6.1 There are a number of targets and performance indicators included relating to bringing more jobs to North Warwickshire, protecting and improving our environment and defending and improving our countryside and rural heritage.

The Contact Officer for this report is Robert Beggs (719238).

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date
National Indicators for Local Authorities and Local Authority Partnerships	Department for Communities and Local Government	Statutory Guidance	February 2008

NWCP Planning Board 13/14

	Action	Priority	Reporting Officer	Update	Status	Direction
NWCP 012	Manage development so as to deliver the priorities on the Council's Corporate Plan and in the Sustainable Community Strategy and report by March 2014	Countryside and Heritage	Brown, Jeff	To be reported on time in March 2014	 Green	
NWCP 013	Ensure that only appropriate development is permitted in the Green Belt, that development is focused on the agreed settlement hierarchy and protects the best of our existing buildings and report by March 2014	Countryside and Heritage	Brown, Jeff	To be reported on time in March 2014	 Green	
NWCP 014	Use the Design Champions to ensure the best achievable designs are implemented and developed and report by March 2014	Countryside and Heritage	Brown, Jeff	To be reported on time in March 2014	 Green	

	Action	Priority	Reporting Officer	Update	Status	Direction
NWCP 051	To work with the County Council, Job CentrePlus and other partners to provide training and to administer funding provided by the developers at Birch Coppice Industrial Estate to maximise opportunities for employment of local people including employment engagement activity, development of work clubs and bespoke training and report by March 2014.	Local Employment	Maxey, Steve	<p>Work continues with the North Warwickshire Works partnership to maximise our residents' opportunities of accessing the employment in our Borough. In addition a number of jobs fairs linked to the closure of Daw Mill. Two events have been held in Arley and Atherstone. A further Job and Advice Fair has taken place in Coleshill because of Green Communications going into administration.</p> <p>A network of work clubs are now operating in North Warwickshire which work together to provide a comprehensive support network to the residents of the Borough in Arley, Hartshill, Dordon, Polesworth, Coleshill and Atherstone.</p> <p>A software programme 'Bright Sparks' was being rolled out to all young people Year 6 through to secondary school age in the locality. This initiative has failed to deliver key activities. WCC are looking into this issue.</p>	 Green	
NWCP 070(1)	Using opportunities through Section 106 Agreements to improve transport links to the local economy and to report on this by March 2014	Access to Services	Brown, Jeff	To be reported on time in March 2014	 Green	

NWPI Planning Board 13/14

Ref	Description	Section	Priority	Year End Target	Performance	Traffic Light	Direction of Travel	Comments
@NW:NI157a	Processing of planning applications in 13 weeks for major application types	Development Control	Countryside and Heritage	60	57.89	 Amber		This is annual figure and to date this is only a half yearly figure
@NW:NI157b	Processing of planning applications in 8 weeks for minor application types	Development Control	Countryside and Heritage	85	56.1	 Amber		This is annual figure and to date this is only a half yearly figure
@NW:NI157c	Processing of planning applications in 8 weeks for other application types	Development Control	Countryside and Heritage	95	75.29	 Amber		This is annual figure and to date this is only a half yearly figure