

**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

17 JUNE 2013

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 17 June 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 **Permitted Development Changes** - Report of the Head of Development Control

Summary

This report outlines the changes that the Government has now made to permitted development rights such that fewer development proposals will require the submission of a full planning application.

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

6 **Validation** - Report of the Head of Development Control

Summary

This report reviews the Council's Planning Application Validation Requirements in order to bring them up to date.

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

JERRY HUTCHINSON
Chief Executive

Agenda Item No 4

Planning and Development Board

17 June 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, 15 July 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	CON/2013/0004	4	Marston Fields Farm, Kingsbury Road, Lea Marston, Sutton Coldfield, Warwickshire, Consolidation of existing planning permissions to extract underlying clay reserves and restoration to fishing ponds and associated landscaping	General
2	PAP/2013/0045	13	35 Church Walk, Atherstone, Warwickshire, Erection of new dwelling to garden area	General
3	PAP/2013/0181	29	3, Willow Walk, Arley, Change of use from open space to residential and two storey side extension	General
4	PAP/2013/0224	38	Land South Of Dairy House Farm, Spon Lane, Grendon, Outline application for the erection of up to 85 dwellings, access and associated works, all other matters reserved	General

General Development Applications

(1) Application No: CON/2013/0004

Marston Fields Farm, Kingsbury Road, Lea Marston, Sutton Coldfield, Warwickshire, B76 0DP

Consolidation of existing planning permissions to extract clay reserves with restoration to fishing ponds and associated landscaping for

Mr G Baines

Introduction

This is an application that has been submitted to the County Council as the Minerals Authority because the proposal involves the extraction of clay. It will determine the application. This Council has been consulted and invited to forward its observations as part of that process.

The Site

This is an area of just over 8 hectares of former agricultural land on the north side of the A4097 Kingsbury Road and to the west of the complex of buildings at Marston Fields Farm in Old Kingsbury Road on the edge of Marston. Existing buildings include the farm house and a storage building. Access to the farm house is through Marston whereas the storage building is accessed from the main Kingsbury Road. The appearance of the land in the application site has already been changed as a consequence of earlier permissions for fishing ponds, but these have not been completed leaving a disused and unsatisfactory visual appearance.

The closest residential property other than the farmhouse is 250 metres to the east on Old Kingsbury Road. The Marston Caravan and Camping Park is to the south east and the Lea Marston Hotel is on the opposite side of the Kingsbury Road.

Background

The Borough Council first granted permission for a fishing lake here in 2005, and further consents were granted in 2007, 2008 and 2009 for additional pools, a reed bed and a landscaping bund. Construction of the northerly ponds was completed in 2009 with construction work on the remainder commencing in early 2011. All work ceased in August of 2011 due to difficulties with the contractor and the fact that this Council was pursuing enforcement action. This was because works were taking place outside of the permitted site and because of the import of material beyond that permitted. The Environment Agency became involved too due to the potential unlicensed deposit of waste material. All work ceased. The site has remained un-restored with the pools unfinished and the excess material stored in the bunds on the site.

These permissions were essentially for the construction of a series of fishing pools and lakes. They did not involve the extraction and export of clay deposits and conditions prohibited the import of material and the export of excess soil other than to limited specified amounts.

The storage building to the south of the farm house and referred to above was originally granted permission in 1985 as an agricultural building. It currently benefits from a planning permission for a mixed B1 and B8 use.

Since 2011 the applicant has been approached by and has been in discussion with the Environment Agency. This concerns the opportunity for the site supplying local clay reserves that lie here, to assist in the completion of flood alleviation measures along the River Tame which are programmed to commence in 2013/14. As a consequence the current application has been developed in order to assist the Agency through the supply of clay and then to restore the site to a series of fishing lakes to a layout that is generally in accord with that already approved through the permissions referred to above. Because the works involve mineral extraction the application has to go to the County Council for determination.

The Proposals

The excavation of clay reserves will take place in the southern portion of the site to a depth of around 10 metres, moving from east to west. This clay would be extracted and loaded directly onto HGV's for subsequent removal off the site. A small working area is shown to the north of the extraction area on land already despoiled by previous works as described above, for emergency storage and for the parking of vehicles etc. Clay would also be used to line the subsequent pools outlined in the final restoration plan. Topsoil and subsoil would be temporarily stored to the west where existing soils are being retained. All of the clay would be exported from the site without washing or processing taking place on site. Clay reserves will remain on the site to line the lakes and existing on-site material will be used in the final restoration works. Some importation of inert waste will be needed to complete the final restoration contours of the lakes and pools – around 20,000 tonnes. Much of this is needed to “back-fill” the void created by the removal of the clay. The lakes would then fill naturally through ground water movement.

The extraction would amount to 100,000 tonnes of clay and be used directly for the River Tame flood alleviation works. It is said that this would last for twelve months as soon as the appropriate consents have been received by the Environment Agency. A further six months would then be needed to complete the restoration of the site.

The applicant considers that the average HGV movements associated with these works would amount to 2 HGV's an hour (two in and two out) during the extraction phase and 1HGV an hour in the restoration phase.

Following filling of the lakes, they will need a period to “settle” and stock would only be added when the water quality was agreed. The lakes and ponds would then be used for fishing purposes and a figure of 75 pegs has been mentioned in the application. The proposed fishing facility would be supported by a new “welfare and café “facility located to the east of the site. This would accommodate toilets, first aid room, café and a shop for the sale of angling equipment and storage space. It would lie adjacent to the existing building to the south of the farm house. Car parking for 75 spaces would also be located here and all access would be via the A4097 utilising the existing access arrangements.

Development Plan

The Warwickshire Minerals Local Plan 1995 – Saved policies M5 (The Protection of Viable Mineral Reserves) and M6 (Development Control Criteria)

The North Warwickshire Local Plan 2006 – Saved Core Policies 3 (Protection and Enhancement of Bio-Diversity) and 10 (Support for the Rural Economy) and saved policies ENV1 (Protection and Enhancement of Landscape Character), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV13 (Building Design), ENV14 (Access Design), ECON8 (Farm Diversification) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

The National Planning Policy Framework 2012 - Core Principles; Protecting Green Belt Land, Meeting the Challenge of Climate Change, Flooding and Coastal Change, Conserving and Enhancing the Natural Environment and Facilitating the Sustainable Use of Minerals

The Local Plan for Warwickshire – Submission Core Strategy February 2013: Policies

Observations

a) Introduction

This is a fresh application and the County Council will deal with it as assessing all of the relevant planning policies. However it is a material consideration that planning permissions have already been granted here and that these are extant with work having commenced. It is also a material consideration that work has ceased on the implementation of these permissions and that the site has been left with a visually unattractive appearance. It is considered that the approach to be taken here is to set out the overall objective and assess whether the current application meets that outcome. It is suggested that both this Council and the local community wish to see the site restored and that this restoration should be as close as possible to the general layout as already agreed through the grant of permissions for use as a series of fishing pools and lakes. Therefore there is a presumption that this application should be supported in principle. The matter for the Board is therefore whether the current proposal is best suited to deliver this objective and what might the impacts be from any support of the proposals as outlined.

It is proposed to run through a series of impacts and issues. However the lawful use of the land and the approved plans will underpin this discussion.

b) Green Belt

The NPPF states that mineral extraction is essential to support “sustainable economic growth” and it is thus important to have a sufficient supply. As minerals are a finite resource the NPPF states that it is important to make “best use” of them. If these resources are in the Green Belt then the NPPF says that minerals extraction is not inappropriate development provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. In this case it is considered that the impact on openness here will be temporary and that the final appearance of the site would very largely accord with that already approved under extant planning permissions. Moreover one of the purposes of retaining land in the Green Belt is to provide opportunities for outdoor sport and recreation. As a consequence there are already existing “recreational” landscapes in the Borough – eg. golf courses; playing fields, other fishing ponds and lakes and the Kingsbury Water Park. As such it is considered that the mineral extraction proposals here are appropriate development. Moreover, the fact that the extracted material is to be used locally for flood defence measures is a sustainable use of that material and that would also carry significant weight in support of the proposals.

In respect of the after-use of the site, then clearly outdoor sport and recreation are appropriate uses and given the scope of the extant planning permissions here, the restoration proposals are considered to be appropriate development. There would be little overall change to the visual appearance of the site in respect of the contouring and location and scale of the fishing and other reed beds between the approved schemes and that now proposed. As such the after use of the proposals is appropriate development.

However the NPPF in its definitions of what is and what is not appropriate development in the Green Belt makes it clear that the erection of new buildings can be appropriate development. A new building is being proposed here together with an associated car park. If a proposed building is “an appropriate facility for outdoor sport and recreation”, then it would be appropriate development if it preserves the openness of the Green Belt. The key issue therefore is whether the proposed new building is “an appropriate facility” and whether it preserves the openness of the Green Belt. The application suggests a building of 900 square metres. This would provide toilet accommodation, a café, a retail area and storage/office space for the fishing operation. There are three issues here. Firstly it is not considered that a retail area or a cafe area are essential here; secondly there is an existing building on adjoining land in the ownership of the applicant and thirdly the size of the building and its location will impact on the openness of the Green Belt. The second of these issues is not one that carries significant weight as the other building benefits from a permanent commercial planning permission and there is an existing tenant there under a long term lease. The other two however do carry weight. A smaller building would be more proportionate to the recreation use here and also have less of an impact on openness. It would also be possible with a smaller building to select a different location with less visual impact – in other words have it closer to and within the same complex as the existing buildings. As a consequence of these matters it is considered that there needs to be further reconsideration of this issue to make the full proposal acceptable in Green Belt terms.

The car parking issue is also one that needs to be considered. A large car park with space for 75 cars will impact on the openness of the Green Belt. It is accepted that with 75 fishing “pegs” on site that there needs to be a good sized car park, but the current proposal is not considered to be proportionate. A smaller car park set behind

landscaped bunds with a “overflow” area set aside would seem to better protect openness here. As such the present proposals require further consideration.

c) Potential Impacts – Extraction and Restoration

It is proposed to look firstly at the potential adverse impacts arising from the extraction and restoration proposals before looking later at the possible impacts arising from the proposed use of the site as a fishing ground.

It is not considered that there would be adverse traffic impacts arising from these proposals given the low number of HGV movements anticipated and the overall objective here or finally restoring this land to an acceptable visual appearance. Members should be aware that any enforcement action recommended in order to restore the site’s appearance back to that shown on the approved plans would involve HGV movements over a few months in any event and that is likely to be in a concentrated period. Overall it is considered that the current scheme, whilst enabling the restoration of the land over a longer period, will however have a limited traffic impact both in terms of numbers of HGV movements and secondly their environmental impact.

In visual terms there will be ongoing adverse visual impacts – not only will the site be worked again but there will be a large “pit” appearing whilst clay is being extracted. There would be activity throughout the site once again and the final restoration would mean re-visiting past work. Therefore there would be increased adverse visual impacts over the life of any consent granted – eighteen months. However this has to be balanced against the existing adverse visual impact and the knowledge that should enforcement action be taken to restore the site, then there would again be a period of adverse visual impact whilst that remedial action was completed. It is considered that despite impacts described, the overall objective of restoring the site is of sufficient weight here to warrant those impacts. In short the site needs to be restored and that will be visually intrusive whichever course is adopted to achieve the desired outcome.

It is not considered that the overall “natural” appearance of the site would be materially different to the schemes already approved. It must be remembered that the existing storage bunds on the site are unauthorised and would be removed and thus the site’s present appearance is not a good comparator when assessing the likely visual impacts. It is however clear that the proposed restoration scheme is close to that approved under extant permissions. The difference is that there is a greater area of water - around 10%.

It is not considered that the workings and extraction would have a material adverse impact on the residential amenity of local residents. There will clearly be working on the site but the main extraction works are sufficiently distanced from residential property and conditions can be attached to the grant of any planning permission in respect of working hours. As already mentioned, if the site is to be restored, either via such a scheme as now proposed or through formal enforcement action, then there will be work undertaken on the site over several months. Overall it is considered that the current proposals are acceptable given all of these issues.

The hydrological impacts of the extraction and restoration proposals will need to be assessed by the Environment Agency and it will be providing the County Council with its consultation response. This Council need only draw the County’s attention to the potential impact, if any.

d) Potential Impacts – The Proposed Use

The after use proposed here is one of the more “passive” outdoor activities and thus the potential impacts are likely to be correspondingly limited in extent. It is material that the approved plans already refer to fishing use of the finished pools and thus there is already a recognition that the impacts arising from this use are likely to be acceptable. Here however the scale of the after-use has changed. The position of “pegs” around the lakes can be conditioned to ensure that they “acknowledge” the location of neighbouring residential property and thus not materially compromise residential amenity. The distances involved however are of the order of 50 metres from the closest pond and the contouring will ensure that there are banks around that pond so “hiding” any site of visitors. The greatest potential impact on neighbouring residential occupiers will be from increased traffic movements. However these will be from the main road via the existing access arrangements and these together with the proposed location of the new car park are located even further away from existing residential property. Conditions can be imposed on any planning permission limiting the hours of fishing on the site, particularly in the summer evenings, and for the opening of the building, which should not be extended beyond those hours.

Overall therefore despite the change in scale of the existing proposals from that already approved, it is not considered that there would be likely to be material adverse impacts over and above those already deemed to be acceptable, provided that appropriate conditions are adopted.

e) Alternatives

As mentioned several times, the existing position on site is unacceptable. Planning permissions are extant for the provision of a large number of pools and lakes here together with their after-use. Those have been taken up but left uncompleted without conforming to the approved layout and with additional unauthorised deposit of waste on the site. There is a need to resolve this such that the approved plans are finally implemented. It is not considered that leaving the site unaltered so as to “restore” naturally is an option. That outcome would still be wholly visually unattractive and even after a significant amount of time would not be an “improvement”. Enforcement action can be pursued here in order to restore the land to those approved plans. However that will lead to substantial on-site work with all of its adverse traffic, environmental and visual impacts. It could however restore the site, but such action, even although backed up through Court proceedings would not guarantee full restoration. The present proposals are considered to be the better option. They offer a “benefit” to the applicant in that the extraction of the clay provides the incentive; the extraction works are related to a known scheme that is welcomed in principle and which is a sustainable use of extracted materials, it is contained within the sites of the existing permissions, it enables the restoration of the site and has limited adverse impacts. Whilst the scheme can be criticised for “extending” the life of the site; introducing new activities and “offering” an incentive in lieu of enforcement action, Members are invited to consider the overall benefits and the likely success of following alternative measures. Additionally, it is worth considering the extraction works in isolation. If the site was still an agricultural field, and the Environment Agency and the owner had combined to submit an application for clay extraction for use in local flood defence measures, it is highly likely that the County Council would have supported such a proposal. Treating the extraction proposal in isolation therefore does carry some weight here particularly when combined with the extant permissions and the likely support for those local flood defence schemes.

f) Conclusions

The current proposals are considered in principle to be the best and most viable option for finally resolving the outstanding issues on this site. That will involve issues as identified above which perhaps would not have been acceptable when consideration was first given to the original proposals here. But a pragmatic view towards managing development is very much supported by the NPPF and in the circumstances of this case, is considered to be the best way forward.

However this approach is to be tempered. Conditions are needed to control potential adverse impacts and to mitigate adverse consequences. The County Council should be requested to consider such conditions as outlined in the recommendation below.

Secondly, it is not considered that the case has been made for the size of the new building as proposed, or that its location is the preferred one to reduce its impact on the openness of the Green Belt. Additionally the scale of the car park needs to be reviewed for the same reasons.

Recommendation

That the County Council be informed that this Council has no objection to the principle of this proposal, but that the following matters should be first resolved.

- i) The size of the proposed amenity building is considered to be too large and not appropriate to the Green Belt. A smaller building located closer to existing buildings is preferred.
- ii) A smaller car park is required for the same reasons with an area set aside for "overflow".
- iii) Conditions should be attached ensuring that the clay extracted is used for the stated purpose, that the amounts are limited to that set out in the application, that time limits are imposed, and the final restoration takes place within firm time periods.
- iv) Conditions are needed to control the scale of the fishing operations; the hours of use, the location of the "pegs" and use to which any building is put. There should be no site lighting and no public address systems. All access should be via Kingsbury Road.

BACKGROUND PAPERS

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

Planning Application No: CON/2013/0004

Background Paper No	Author	Nature of Background Paper	Date
1	County Council	Letter	11/2/13
2	County Council	Letter	21/5/13

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/2013/0045

35 Church Walk, Atherstone, Warwickshire, CV9 1AJ

Erection of new dwelling to garden area for

Mr A Pratt

Introduction

The application is reported to Board following a request from the Local Member concerned about the potential impacts of the proposal.

The Site

The application site is a rear garden to the dwelling at No. 35 Church Walk which fronts Convent Lane. Residential properties are sited adjacent to the garden and to the sides of the site. The site lies wholly within the Development Boundary but is outside of the Conservation Area for Atherstone. The garden to the application site is on a sloping topography and is at a lower level than the properties in Church Walk and at a slightly higher level than the immediate neighbouring new dwellings along Convent Lane. The application site has a hectarage of approximately 0.1189.

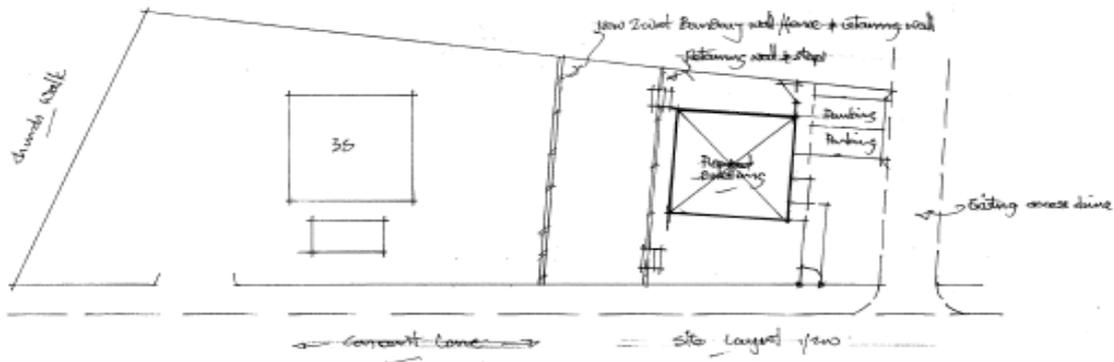


The existing arrangement to the site benefits from the main dwelling with a large rear garden. The site is shown in the images set out below:



The Proposal

The proposal seeks planning permission for the erection of a four bedroomed detached dwelling. It would be sited within the rear garden of the application site and front Convent Lane, with a side elevation facing towards the main dwelling at 35 Church Walk and its rear elevation facing the lower end of the residential garden at No. 33 Church Walk. Its other side elevation would face onto the access route that exists onto Convent Lane. The proposed site layout and dwelling is shown below.





Development Plan

North Warwickshire Local Plan 2006 (Saved Policies): Core Policy 2 (Development Distribution); Core Policy 11 (Quality of Development), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing) and TPT6 (Vehicular Parking).

Other Relevant Material Considerations

North Warwickshire Core Strategy (Submission Version February 2013) – Policies NW1 (Settlement Hierarchy), NW3 (Housing Development), NW4 (Split of Housing Numbers), NW5 (Affordable Housing), NW8 (Sustainable Development) and NW10 (Quality of Development)

National Planning Policy Framework 2012 (“NPPF”) - Achieving Sustainable Development; Deliver a wide choice of high quality homes.

New Homes Bonus would apply to this development.

Consultations

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

Environmental Health Officer – No comment

Severn Trent Water – No objection

Representations

Atherstone Town Council – No objection provided neighbours don't object

A petition of 14 signatories was submitted objecting to the proposal.

Four individual letters of objection were received from local residents and one letter of objection was received from a planning consultancy on behalf of the resident at No. 33 Church Walk. The representations made in the petition and from neighbours objections are summarised as follows:

Character

- This will blight the character Convent Lane and the rear of Church Walk compromising several of the garden spaces.
- The proposal is not in character with the rest of the properties in Convent Lane it is significantly higher and much nearer to the road than other properties.
- it would be obtrusive and would contribute to a major change in the character of the area.
- The space being dominated by parking space for cars, but no room for a garden.
- It is unlike any property on either side of the road, where the frontage is set back from the road.
- The new property would look something crammed in on a small plot at the bottom of a garden which bears no relation to anything else.

Garden grabbing

- 35 Church Walk has a small garden. Cramming a house onto smaller plot will only result in the deterioration of the environmental.
- The gardens of No. 31, 33 and 35 provide a unified open space, which gives clear views across the rear of Church Walk. This is an integral element in the landscape along the street scene.
- The Council's Core Strategy acknowledges the important contribution that garden areas make to the green infrastructure. NW13 states that throughout the borough a network of green spaces will be maintained, enhanced and created for flora, and fauna. Development proposals must demonstrate how they contribute to maintaining and enhancing green infrastructure network.
- Central Government recognises the importance of conserving and enhancing the green environment and remains concerned that the loss of private gardens can contribute to the destruction of the green network. The NPPF (para 53) asks local authorities to consider establishing policies to resist inappropriate development of residential gardens.
- Para. 48 of the NPPF says that Local Authorities may make allowance for windfall sites in their 5 year land supply.

Housing Need

- The Core Strategy accepts that historically there has been an increased focus on small windfall sites, however the Council states it is confident of meeting its five year housing target without reliance on such sites.
- The West Midlands C2 Housing Market Area – strategic Housing Market Assessment 2008, recommends that future housing development is promoted to accommodate future need/requirements in the housing market sector disproportionately dominated by detached dwellings. For North Warwickshire the assessment sets out a future requirement for 1.2% of houses to be 4 or more bedrooms, therefore large detached houses should not be promoted.
- Density – it increases the housing density on this side of Convent Lane.
- The NPPF allows Local Authorities to develop sensitive, sustainable and imaginative housing; the proposal would only succeed in angering local residents.

Design

- The design and access statement states the dwelling will be a traditional plain tile roof with facing brick walls, with standard proportions to blend in with the existing adjacent properties. This is nonsense; the two new properties on Convent Lane present a low pitched roof. It would not blend in with these adjacent properties.
- The latest plan is meant to echo the design of No. 35 having a pointed roof with no ridge and a tall looking aspect; this is an inappropriate basis for comparison.
- The latest plan is inappropriate, intrusive, unnecessary, unwanted with shoe box dimensions contorted onto a small plot.
- The proposal does not respect the building line which has been established with the recent development of No 2 and 4 Convent Lane.
- Our concern is that this development would set a precedent for allowing further development of garden areas, development of gardens like this is moving back toward high density housing.

Amenity

- Our two bathrooms are on the side of our property facing the development and our privacy when using the bathrooms will be compromised. Our garden will be overlooked.
- The height of the building and positioning of the windows on first and second floors meaning that gardens will be significantly overlooked by the new dwelling.
- Due to the orientation of the dwelling and the close proximity to the boundary of no. 33 church walk. The siting of the house would also significantly overshadow the garden of no 33, this is unsatisfactory. The latest plan is much nearer the boundary with No. 33 Church Walk and will therefore have more of an impact on light to this property.
- The main upper floor and ground floor would overlook the gardens to N. 33 and 31 Church Walk. The degree of overlooking is unacceptable. There is also overlooking with other properties including witherley road.

Access and parking

- The residents of convent lane already experience difficulty in driving from their properties if vehicles are parked on the opposite side. New cars will be parked on this side (visitors to the property) and this will make the situation worse. It will not enhance parking; there could be road safety issues.
- The revised parking area is on hard standing. It is possible that not enough width has been given for a parking space, as there is no manoeuvring width, or a turning area; this may compromise the setting of the path and the main entrance to the parking bay.
- Vehicles would have to reverse into convent lane from the new dwelling, which may be a road safety issue.
- The design and access statement says that the house will have a direct vehicle access onto a rear driveway of which apparently has a right of way. My understanding is that Nos. 31 and 33 also have access rights and as the driveway also serves No. 31 and 33 there is a serious highway safety issue.
- At present No. 35 does not have an access to this driveway as it appears to be fenced off. The application states that no new or alters access is proposed from the public highway. The applicant may have rights of way and that private legal matters such as this are not planning issues. The red line should be re-drawn to include the driveway up to the public highway and that the applicant gives notice to the beneficiaries of the right to vehicle access.

Conservation Area

- 35 church walk immediately adjoins the conservation area, and contributes the areas historic and architectural importance. The Council has a clear commitment in NW11, 'the character, quality and diversity and local distinctiveness of the natural and historic environment will be protected and enhanced. NW15, the policy for Atherstone states re-development sites will be pursued where they achieve improved historic environment in terms of maintaining local distinctiveness, respecting historic settlement morphology and retaining and enhancing the historic fabric.

Observations

The site lies within the development boundary for Atherstone and lies outside of the Conservation Area Boundary. In this location there is no objection in principle to the redevelopment of the garden land for a residential purposes. In order to achieve sustainable development then new housing is directed to this settlement being a major town within the Borough. The proposal will also contribute towards the Council's five year land supply, such that there is no policy objection to the proposal.

There are a number of key considerations – namely the principle of development as housing for the open market; the impact on neighbouring amenity, the design and appearance of the proposal on the immediate locality and highway safety/vehicular parking.

Having regard to the neighbouring plot formation, the density and relationship between the proposed site and surrounding plots, then the proposal is considered to be acceptable. There is the capacity for a dwelling to occupy this rear garden. It is noted that the density of the development is low, with only one (net) dwelling provided on 0.1189Ha. No affordable housing is provided, since the scheme does not involve an area of land greater than 0.5Ha. The counter argument is that the plot is of the capacity to provide more dwellings, although one detached dwelling is considered to be sufficient in order to have regard to neighbouring amenities. There are many examples of garden land being turned over to development opportunities.

Focus is given to the neighbour's amenity. In terms of privacy impacts, then the revised design to the dwelling has altered the arrangement to first floor windows and the roof lights, in that all first floor windows to all elevations, including roof lights, with the exception of the roof light proposed to the front elevation would be required to be obscurely glazed to a privacy level of 5. The exception of the front velux window which can be clear glazed as there would not be a direct overlooking issue to the dwellings along Convent Lane given the separation distance of approximately 21 metres. Therefore this mitigation measure would be acceptable in order that the privacy to the neighbours gardens and rooms is not affected by the proposal.

Ground floor windows to the rear and side elevation would be screened by boundary treatment and landscaping and there would be no privacy issues from ground floor windows. In any case the separation distance from ground floor windows is considered to be good at approximately 16 metres to No 33 Church Walk from their rear elevation to the building line of the proposal and at a separation distance of approximately 17 metres to No. 31 Church Walk from their building line to the proposal. The separation distance from the building line of the neighbouring occupier at No. 4 Convent Lane is approximately 11 metres and it is their side elevation that is nearest to the proposal. The separation distance from the new build to the host dwelling at 35 Church Walk is sufficient at approximately 19 metres in order that there would not result in a reduction to this neighbour's privacy or light from the proposed development.

These separation distances to neighbouring properties are sufficient in order that these neighbouring occupiers would not suffer from reduced privacy from ground floor window arrangements.

Focus is also given to impact on light. The proposal is a substantial distance from neighbouring principal windows in order that light would not be reduced by the proposed development. The proposal although would be built further forward of the building line to No. 4 Convent Lane and is within the 45-degree line rule from their front windows and would not therefore affect light to their habitable rooms.

In respect of overshadowing, the proposal would have a distance off the party boundary of the neighbouring dwelling at No. 33 Church Walk by approximately 3 metres. This separation distance from the boundary is small and a new dwelling would therefore cause overshadowing to the bottom end of the neighbouring garden spaces at Nos. 31 and 33 Church Walk, particularly when the sun's trajectory is on the east. When the sun's trajectory moves to the south (around late morning to midday) then the rear gardens to these neighbouring properties would not be overshadowed by the dwelling and therefore whilst the extent of overshadowing is greatest first thing in the morning, it is reduced during the morning when the sun moves from the east to the south.

The application dwelling itself must enjoy a good standard of amenity. The amenity space to be provided at the proposed dwelling is satisfactory. The proposed dwelling would have a side garden of 126m² (approx).

With all amenity matters assessed, the proposal is not considered to result in an unacceptable amenity impact on the neighbouring occupiers, by virtue of the separation distances involved between buildings; the mitigation measures through obscure glazing to control overlooking and to protect privacy and the direction of sunlight in respect of the orientation of dwellings.

Turning to the proposed design, the dwelling in its reduced format is an improved design from that originally submitted, with a two storey dwelling significantly reduced from an initial three-storey design. It is an acceptable transition on the street scene from the immediate neighbouring two storey dwellings. It covers a footprint of approximately 9 metres by 9 metres and a height to the ridge of approximately 9 metres. Overall the scale and design of the dwelling is considered to be acceptable and the fenestration arrangement is simplified and the incorporation of a chimney to its garden elevation and a porch to the access elevation reflects an acceptable design. It adopts a similar roof pitch, with a square hipped roof and a height that would be similar to neighbouring dwellings and provides a good match of materials which are sympathetic to the materials used on the construction of dwellings within the immediate locality and can be controlled by condition.

Site levels are also another consideration in terms of the concerns over the elevated appearance of the dwelling. The topography of the land is such that it is on a slope. The revised plan presented with the application illustrates a cross section in respect of the levels of the land and the height of the immediate neighbouring properties. No. 35 Church Walk is two metres higher than the proposal and No. 4 Convent Lane is set one metre lower. Overall the height of the dwelling is midway between the elevated position of No. 35 Church Walk and the lower aspect of No.4 Convent Lane. This matter also relates to the character of the street scene. The proposal would introduce development into a currently open rear garden at the rear of the existing house, but this rear garden is not designated open space and is not identified as such in Local Plan policy.

The outlook along Convent Lane would change. However it is considered that the physical relationship between the existing and new properties is not unreasonable and the loss of a garden space is not considered to be adverse on this area of Atherstone. The existing applicant and owner could alter the characteristics of this garden by building large outbuildings or a large residential extension to the limitations of permitted development in any case, which could equally alter the character of the surroundings.

Although the siting of the dwelling is further forward toward the highway in relation to the existing building line at Numbers 2 and 4 Convent Lane along with street scene, this

does achieve a set back from the public footway by approximately 5 metres and is not significantly out of line with the dwelling at No. 35 Church Walk, where the proposed building line at its minimum 1.5 metres further forward toward the highway, which is not considered to be an excessive breach of the building line.

A mitigating factor is for the introduction of landscaping in order to screen the development from the road frontage and from neighbours, which would introduce biodiversity. Overall, the design of the dwelling and its appearance on the street scene would not be considered to be contrary to saved design policies.

Focus too needs to be given to access arrangements. The site is accessed from Convent Lane by use of the existing access drive. The proposal is to provide two off road parking spaces and there is the capacity within the site to accommodate this. As the development results in an intensification in the use of the access, then the visibility splays should be in accordance with guidance as specified by the Highway Authorities representation. This is 45 metres in both directions. The Highway Authority has no objection to the use of the existing informal access.

The access should be not less than 3.3 metres in width for the length of the driveway and surfacing and drainage of the driveway would be reserved by condition and gates could only be hung so as to open inward.

In light of the above, the Highway Authority has no objection subject to conditions and there is not considered to be any other matters of issue, with sufficient parking spaces to serve the dwellings.

The private right of access across the drive to serve the development, given that the neighbours at No. 31 and 33 Church Walk have an access rights over this area, is not a planning consideration but is a matter of legal rights between neighbours. Although the red line plan has not included the access since the access to rear of the site already exists and the applicant could use it in any case, then the proposal would not change the access but the development is focused on the land to which the red line plan relates. On balance it is material that the Highways Authority has advised no objection and therefore the proposal would not be considered to impact upon highway safety.

In terms of controlling the proposal, then there is a need to address boundary treatments by way of condition, it will also be necessary to remove permitted development rights for extensions, outbuildings, hard standings and fences so to protect neighbouring amenity and to ensure that occupiers of the neighbouring dwellings are protected in the future.

Representations

The nature of the neighbour's comments and that of their planning agent have been considered. The quality of the application has been improved by the provision of revised plans and although the proposed dwelling is not within the Conservation Area, the design and scale of the dwelling is considered to be acceptable for a plot within the Development Boundary.

With all matters considered and subject to conditional requirements, the proposal is not considered to be adverse or in conflict with saved Development Plan Policies or in with the NPPF.

Recommendation

That the application be **Granted** subject to the following conditions:

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the revised plan received by the Local Planning Authority on 3 April 2013.

REASON

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

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

REASON

In the interests of the amenities of the area.

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

REASON

In the interests of the amenities of the area.

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

REASON

To protect the privacy of the occupiers of adjoining properties.

6. All first floor windows and velux roof lights in the north east, north west and south west elevation of the dwelling shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 5 and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass. The first floor windows and velux rooflights to the elevations explained above shall be non opening unless parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

REASON

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

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

REASON

In the interests of the amenities of the area.

8. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distances of 45.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interests of safety on the public highway.

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

REASON

In the interests of safety on the public highway.

10. Access for vehicles to the site from the public highway (Convent Lane D183) shall not be made other than at the position identified on the approved drawing, titled 'Proposed Dwelling to garden area', providing an access no less than 3.3 metres in width for the length of the drive. Gates hung within the access to the site shall be hung so as to open into the site only.

REASON

In the interests of safety on the public highway.

11. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal painting or fitting out, shall take place before the hours of 0900 nor after 1800 Monday to Friday. With no work related sonsturcton on Saturdays, Sundays or recognised public holidays.

REASON

To protect the amenities of the occupiers of nearby properties during the construction period.

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

REASON

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

13. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls/fences/hedges to be erected. The approved screen walls/fences shall be erected before the building(s)/dwelling(s) hereby approved is/are first occupied and shall subsequently be maintained. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON

In the interests of the amenities of the area.

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

REASON

In the interests of the amenities of the area.

Notes

1. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.
2. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property. For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.
3. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon

persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.
5. The Development Plan policies which are relevant to this Decision are as follows:

North Warwickshire Local Plan 2006 (Saved Policies) : Core Policy 2 - Development Distribution, ENV11 - Neighbours Amenities, ENV12 - Urban Design, ENV13 - Building Design, ENV14 - Access Design, HSG2 - Affordable Housing, TPT6 – Vehicular Parking.

Justification

The site is considered to be acceptable in principle for a development of one dwelling, with it suitably located in close proximity to town centre facilities and public transport links. The impact on character of the street scene has been weighted and it is considered that as the overall design and layout of the proposal would be acceptable in its reduced format and although would be built on garden space is not considered to be a form of backland development that would negatively harm the character of the immediate area. The garden area itself is not located within the Conservation Area and is not a designated green space and thus the harm of developing a garden here is not considered to be adverse. The impact on the neighbouring amenity is considered to just be acceptable, subject to conditions; protecting the privacy between neighbours from the development, otherwise the proposal achieves suitable separation distances so as privacy or light would not be unduly reduced by the proposal. In respect of overshadowing then the neighbours rear gardens face north east, the dwelling is also north east of the neighbours. The orientation of the proposal in relation to the direction of sunlight is not considered to cause an unacceptable level of overshadowing to garden spaces along Church Walk, the sun would be moving south at which point of the day there would be no overshadowing on these neighbouring garden spaces. There would be no impact on highway safety from the provision of off road parking and the use of the existing access drive. On balance, the proposal is therefore in accordance with saved policies Core Policy 2, HSG2, ENV6, ENV11, ENV12, ENV13, ENV14 and TPT6 of the North Warwickshire Local Plan 2006 and national guidance contained within the National Planning Policy Framework (NPPF).

BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0045

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	01.2.13
2	Mr Matthews	Representation	02.2.13
3	Mr Colloff	Representation	11.2.13
4	Case Officer	Correspondence to Agent	13.2.13
5	NWBC Environmental Health	Consultation reply	13.2.13
6	Severn Trent Water	Consultation reply	14.2.13
7	Warwickshire Museum	Consultation reply	14.2.13
8	Mr and Mrs Farmer	Representation	21.2.13
9	Atherstone Town Council	Consultation reply	21.2.13
10	Neighbours petition	Representation	27.2.13
11	Mrs Millachip	Representation	27.2.13
12	WCC Highways	Consultation reply	28.2.13
13	Mr Wassell - planning consultant	E-mail	01.3.13
14	Case Officer	Correspondence to agent	05.3.13
15	Agent	Revised Plans	18.3.13
16	Severn Trent Water	Consultation reply	20.3.13
17	Atherstone Town Council	Consultation reply	21.3.13
18	Mr Matthews	Representation	21.3.13
19	Case Officer	Correspondence to Agent	21.3.13
20	Mr Wassell	E-mail	21.3.13
21	Warwickshire Museum	Consultation reply	21.3.13
22	P. E Stanton	Representation	27.3.13
23	Mrs Millachip	Representation	27.3.13
24	Mr Wassell	Representation	27.3.13
25	Agent	Revised Plans	03.4.13
26	Warwickshire Museum	Consultation reply	04.4.13
27	Severn Trent Water	Consultation reply	05.4.13
28	Mr Wassell	Representation	07.4.13
29	WCC Highways Authority	Consultation reply	09.4.13
30	Mr Wassell	E-mail	10.4.13
31	Mrs Millachip	Representation	16.4.13
32	Atherstone Town Council	Consultation reply	18.4.13
33	Mr Wassell	E-mail representation	18.4.13
34	Case Officer	E-mail to Agent	2.5.13
35	Applicant	E-mail reply	5.5.13
36	Case Officer	E-mail to Members	16.5.13
37	Cllr Freer	E-mail reply	16.5.13

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.



(3) Application No: PAP/2013/0181

3, Willow Walk, Arley, CV7 8NY

Change of use from open space to residential and two storey side extension, for

Mr Richard Duff

Introduction

The application is brought before the Planning and Development Board as the application site covering the extension is owned by the Borough Council.

The Site

The site is the western half of a semi-detached property on the south side of Willow Walk a small cul-de-sac off Bournebrook Way in Old Arley. It overlooks green open space. Immediately to the side is an existing hard standing area, leading to a pedestrian path which links in the rear garden access routes to neighbouring properties and front access to properties on Willow Walk. This area is currently used for vehicle parking and as a pedestrian route.

The Proposal

It is proposed to provide a side two storey side extension which would be constructed on part of the hard-standing. It would be 6.6 metres long by 4.3 metres wide and be 7.3 metres to the roof ridge. The pedestrian route would be re-routed around the extension so as to maintain access. The extension would have a garage at ground floor and a bedroom with en-suite to the first floor. The extension would be set back from the frontage of the main dwelling by 0.5 metres and the roof ridge line would be 0.15 metres lower than the main dwelling roof ridge line.

The proposed plan can be viewed in Appendix A and photographic images of the site and surrounding area can be viewed at Appendix B.

Background

The Council owns the land over which the extension is proposed, and the house has been previously extended to the rear with a conservatory.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies) - ENV11 (Neighbour Amenities), ENV12 (Urban Design) and ENV13 (Building Design)

Other Relevant Material Considerations

NWBC Core Strategy Submission Version February 2013

National Planning Policy Framework 2012

Consultations

AD Housing - The site does not infringe on the village green. There was a problem with the current access and as part of the agreement to sell the land, it was agreed with the applicant that they would re-route the access at their own cost.

Representations

An objection has been received from a local resident raising the following matters:

- The land identified as "open space" is not open space. It forms the car park for houses 11, 15, 17 and 19 Willow Walk.
- As it stands, the residents of these houses are unable to park in this designated space, as the applicants park their own personal and work vehicles on it prohibiting its intended use. Car parking for 3 Willow Walk is actually located adjacent to Bourne Brook View.
- Not only this, but the development does not account for the public footpath that provides access to this car park for the residents noted above that runs adjacent to the applicants property. The plans do not show a re-routing or even any consideration for this pathway.
- Finally, this extension would not be in keeping with the other properties in the street. Its aesthetic would be altered to be radically different from those around it.

Observations

This application has generated a number of issues, and all of these will need to be addressed in the determination of this case.

a) Impact on Neighbours

The amenity assessment for the neighbouring properties is an important consideration. The proposal is not considered to impact upon the adjoining neighbouring property at 1 Willow Walk, in that the extension does not protrude to the front of rear of the main dwelling house. One first floor rear window is proposed. However this will serve an ensuite and can be conditioned to be obscurely glazed as such, thus not leading to any greater loss of amenity or privacy to the neighbouring properties.

The proposal would lead to changes to the existing footpath that currently pedestrians can walk along by the existing dwelling house. This will still be the case but it would follow a minor diversion.

A neighbouring property raised the issue that the application site was a shared parking area, and that the applicant uses it for personal and work vehicles. The use of the land is not a material planning consideration, as it is a legal issue to be addressed between the land owner and the tenants. The agent has set out that a vehicle parking space is available to the side of the extension for neighbours. The estate has vehicle parking areas and highway areas for residents to use.

Overall the proposal is not considered to result in a loss of amenity, privacy or loss of light that would result in an unacceptable impact upon the neighbouring properties. The proposal complies with saved policy ENV11 of the Local Plan 2006.

b) Design considerations

The side extension is set back from the main frontage and the roof ridge line is set lower, which is in accordance with the Council's adopted Householder Guidance 2003. As such it is wholly acceptable in the existing street scene. Moreover it is not of a scale or massing that would appear incongruous on the character of the immediate surroundings. Overall the proposal is considered to comply with the relevant parts of saved policies ENV12 and ENV13.

c) Other issues

Whilst the land is currently open, it is a hard-standing and thus does not infringe the actual green open space or diminish its openness.

Recommendation

That the application be **Granted** subject to the following conditions:

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered DPC-3WW-001PL REV A received by the Local Planning Authority on 16 April 2013.

REASON

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

3. The facing bricks and roofing tiles used shall be of the same type, texture and colour as those used on the existing building.

REASON

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

4. The first floor en suite southern facing elevation window shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity

equivalent to privacy level 4 or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.

REASON

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

5. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner.

REASON

To protect the privacy of the occupiers of adjoining properties.

6. The accommodation hereby approved shall be occupied solely in connection with, and ancillary to the main dwelling at 3 Willow Walk, Arley, and shall not be sold off, sub-let or used as a separate unit of accommodation.

REASON

To prevent unauthorised use of the property.

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.

2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.

3. The applicant is reminded that the land will have to be purchased off North Warwickshire Borough Council before building work can start. The revised foopath should be completed as soon as possible after building work starts.

4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

5. The Development Plan policies which are relevant to this Decision are as follows:

North Warwickshire Local Plan 2006 (Saved Policies):
ENV11 - Neighbour Amenities; ENV12 - Urban Design; ENV13 - Building Design

Other Relevant Material Considerations
NWBC Core Strategy Submission Version February 2013

Government Advice:
National Planning Policy Framework 2012

Supplementary Planning Guidance: SPG - A Guide for the Design of Householder Developments - Adopted September 2003

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

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

7. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

Justification

The proposal is for a two storey side extension and change of use of land. The design, scale and appearance of the proposal is considered to be an acceptable development. The land is under the ownership of the Council, and is not defined as infringing upon the green space. The neighbour's amenity in terms of loss of light or privacy is not considered to be affected by the proposal. The proposal is acceptable within the streetscene. The proposal is considered to comply with ENV11, ENV12 and ENV13 of the saved policies from the North Warwickshire Local Plan 2006, to the adopted Householder SPG 2003, and to the NPPF 2012.

BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0181

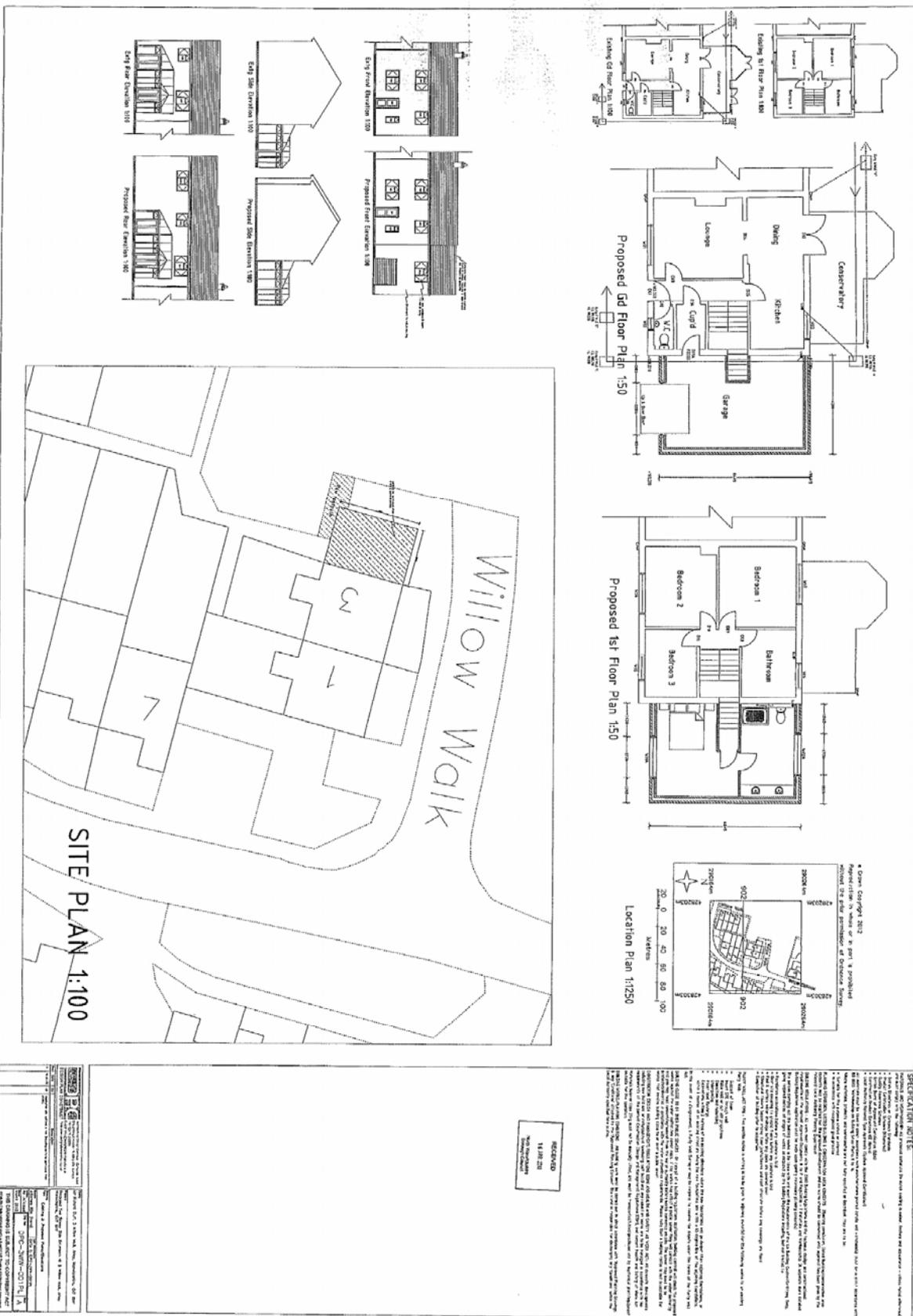
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	23/4/13
2	Case Officer	Email to NWBC Landscape Manager	7/5/13
3	NWBC Landscape Manager	Email to case officer	13/5/13
4	NWBC Housing	Email to Case officer	13/5/13
5	Neighbour – 17 Willow Walk – objection	Email via website	17/5/13
6	Case officer	Letter to agent	20/5/13
7	Agent	Email to case officer	21/5/13

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.

120.8m





Appendix 2 – Photographs of the site



General Development Applications

(4) Application No: PAP/2013/0224

Land South Of Dairy House Farm, Spon Lane, Grendon,

Outline application for the erection of up to 85 dwellings, access and associated works, all other matters reserved, for

- Kler Group Ltd

Introduction

This item is referred to the Board at this time for information as it is a major planning application comprising a departure from the Development Plan. It will be reported to the Board for determination at a later date.

This report describes the site and the proposals as well as highlighting the relevant parts of the Development Plan. The main planning issues are also identified.

The Site

This is a rectangular area of agricultural land to the rear of frontage residential property on the north side of the A5 Watling Street, and to the rear of a similar frontage of residential property on the east side of Spon Lane. The site extends northwards to the edge of the access track leading from Spon Lane to Dairy House Farm. It has an area of 3.4 hectares and is generally level throughout. There is a frontage to the far northern end of Spon Lane. There is open countryside to the north and east.

The site is illustrated at Appendix A.

The Proposals

This is an outline planning application seeking permission in principle for up to 85 dwellings. The only detailed matter which the applicant has requested be agreed at this stage is for the access arrangements.

There is an illustrative outline of how the 85 units might be set out on the site – see Appendix B – but Members are reminded that is only indicative of a possible layout. This gives an overall gross density of around 25 houses per hectare. The access arrangements would be for a single point of access off the far northern end of Spon Lane with consequential highway works within the existing highway to re-align the junction and highway width in this area. These are also illustrated at Appendix B.

The only other matter dealt with in a little more detail is the proposed solution for surface water run-off. The proposals include drainage to a separate area of land north of the access drive to the present farmstead and this being used for a balancing pond to provide water storage areas.

Supporting Documents

The applicant has submitted a number of supporting documents as background evidence to support his case. These are outlined below together with a brief summary of their conclusions. It must be remembered that these assessments are those of the applicant. They will be forwarded to the various statutory Agencies to establish whether their conclusions are verified.

Archaeological Assessment – This report follows a geo-physical survey over the site. This found two areas of probable archaeological interest likely to be post-medieval field boundaries. There were also a larger number of possible areas of interest which might have an archaeological interest.

Noise and Air Quality Assessment – In respect of noise then the report identifies traffic noise from the existing network as the predominant feature. It concludes that acceptable levels of noise can be achieved for the new dwellings with appropriate external and internal insulation measures. Those most in need to these measures would be the ones that might face onto Spon Lane at the far north of the site.

It is concluded that even with traffic generated by the new development there would be no significant change to air quality experienced by existing or prospective occupiers of houses, as it would remain below national guidelines for concerns to be raised.

Arboricultural Assessment – A tree survey has been undertaken which assesses the quality of each tree. These are concentrated in the north western part of the site within the site boundaries, in adjoining gardens or along the farm drive. 18 trees and two groups were surveyed and of these 8 were considered to be of high or moderate quality. The conclusion from the assessment is that a proposed layout here for up to 85 dwellings would be able to incorporate all of the existing individual trees around the boundary of the site without impacting on their root systems. Specific decisions however would have to be made on two trees. The first is an Ash at the southern end of the site which has structural defects and could only be retained with remedial work which would reduce its overall value, but with the alternative of replacing it. The second is an oak in the Spon Lane road frontage which should be retained but will require specific layout and remedial measures if this is to be the case.

Ecological Assessment – The overall conclusion is that the site, being intensively ploughed arable land with small areas of poor semi-improved grassland does not provide significant cover or habitat diversity. The re-development of the site would have no significant impact on the local ecological resource. Surrounding hedgerows and trees however should be retained and bio-diversity should be enhanced throughout the new development with enhancements including the planting of native species in the new development; the inclusion of bat and bird boxes and additional hedgerow planting.

Landscape and Visual Assessment – This concludes that the site lacks features of landscape value but that existing hedgerows should be retained and enhanced. New planting would maximise the development's landscape value and soften views of a residential edge. The site has a restricted "visual envelope" and views of the site would be restricted to properties immediately backing onto the site. There would be limited impacts as a consequence. There would also be limited impacts when longer views are considered into the site from elsewhere.

Flood Risk Assessment – As there is known flooding in the area and the issue of an increased risk of flooding as a consequence of this development will be a material consideration, the full Executive Summary of this Assessment is attached at Appendix C. This concludes that there are technical solutions to reduce the risk of flooding on the

site and so as not to exacerbate the existing situation over a wider area. These solutions involve minimum internal floor levels; over-sizing the sewer network, introducing a balancing pond to the north of the farm drive and filter drains at the rear of properties fronting Spon Lane and along the eastern boundary of the site.

Traffic Assessment – This concludes that the existing junctions onto Spon Lane from the site can accommodate the additional traffic flows with modification. This essentially involves giving priority to access into the site with the existing road lengths becoming minor arms to this re-alignment – see Appendix D. The existing 30mph limits in Spon Lane would also be extended to include the whole of the proposed re-alignment together with the section of Spon Lane from the roundabout to the site access. The Assessment concludes that the A5 roundabout is operating over capacity at present and will continue to do so. However the assessment suggests that the peak flows from this development would add, on average, only an increase of 1.35% in the total traffic using that roundabout at peak hours and is thus negligible. The site is considered to be close to bus services operating along the A5. In order to improve pedestrian access to these, footpaths are to be provided along the re-aligned Spon Lane at the access into the site. Additionally attention has been focussed on the existing crossing arrangements over the A5. It is proposed to rationalise these so as to make pedestrian and cycle crossing safer. This would be achieved by replacing the existing arrangements with a toucan crossing closer to the roundabout – see Appendix E. The existing bus-stop arrangements have also been examined. It is proposed to undertake reviews of the bus-stop layouts on both sides of the A5 carriageway, but at present it is considered that the most likely area for rearrangement will be that on the northern side of the road. A Section 106 Agreement would be entered into to provide the funding for all of the works described above.

Design and Access Statement – This Statement outlines how the indicative layout shown in Appendix B has been arrived at by looking at the context and setting of the site and how it is considered to be in keeping with and an enhancement of the local character of the area.

Statement of Community Involvement – This is not a separate document but is included as a section within the Planning Statement. Its conclusions should be identified. A local exhibition was organised at Grendon Methodist Church in March this year. 63 “feedback” forms were completed. These show that the main objections were to the principle of the development; flood risks and drainage, traffic impacts and the impacts on existing services.

Affordable Housing – Again there is no separate document relating to this matter but there is reference in the Planning Statement to this provision. This states that a provision of up to 40% - up to 34 - of the proposed dwellings as affordable housing can be included in a Section 106 Agreement.

Planning Statement - This brings together all of the conclusions arising from the above supporting technical documentation and puts the planning case for support of the application. Development Plan policies are identified together with reference to the emerging Core Strategy which will replace that Plan and to the National Planning Policy Framework 2012 (“NPPF”). The supporting arguments put forward are:

- i) Grendon and Baddesley Ensor are identified as being suitable for an additional 180 houses up to 2028. The Council’s preferred sites for this

- provision do include part of the application site. This site is therefore sustainable development in a sustainable location.
- ii) The Council does not have a five year supply of housing land together with an additional 10% which is presently deliverable.
 - iii) The NPPF calls for an immediate increase in housing development in these circumstances. This site is currently available and can be delivered.
 - iv) The development will provide 40% affordable housing on site.
 - v) There are no adverse impacts that can not be mitigated either through planning condition; the layout and design of the development or through a Section 106 Agreement.

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), 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 Material Planning Considerations

The National Planning Policy Framework 2012 (“NPPF”) – Achieving Sustainable Development; Core Planning Principles, Delivering a wide Choice of High Quality Homes and Conserving and Enhancing the Natural 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 (Baddesley Ensor and Grendon) – Site GRE4.

New Homes Bonus – Development of this site will attract New Homes Bonus

Observations

This application has been submitted in direct response to emerging Development Plan policy and to the NPPF. Clearly the proposal does not accord with the current Development Plan – the 2006 Local Plan – but Members need to be aware that the weight to be given to that in respect of future housing requirements must now be limited. The main issue here will be to establish the principle of the development. This will require an assessment of the weight to be given to the emerging Core Strategy as submitted to the Secretary of State and the Council’s consultation paper on Preferred Options for Site Allocations in light of the NPPF’s guiding principles. This balance will

also be affected by the outcome of the forthcoming meetings with the Inspector dealing with the Examination into the draft Core Strategy.

There will be three key matters to be dealt with in the assessment identified above - the position in respect of the five year supply of housing land together with an appropriate "buffer"; whether this proposal is sustainable development in terms of its location, and relationship with the existing built form and its impacts on the community's services and facilities, and thirdly whether it would deliver any other additional benefits which might not otherwise arise.

There are two key impacts which need to be explored in some depth with the advice and guidance of the respective Agencies involved. These are the risks of exacerbating flooding in the area and the traffic impact on the local highway network particularly the A5 Watling Street. The Environment Agency and Highways Agency consultation responses to the proposals will carry significant weight.

The applicant is proposing a Section 106 Agreement with several clauses – the provision of 40% affordable housing and for provisions to improve pedestrian crossings and bus stop layouts on the A5. These will be material to the decision.

The application will be referred to the Board for determination in due course once the consultation period has lapsed and when the applicant has considered whether he wishes to make any revisions as a consequence. Other matters may also need to be clarified. In the interim it is suggested that Members would benefit from a site visit such that they can view the whole site and its surroundings.

Recommendation

That the Board visit the site prior to the determination of this application.

BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0224

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	29/4/13

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.





RECEIVED
 - 9 MAY 2013
 North Warwickshire
 Borough Council

- Site boundary (3.24ha)
- Additional land required for drainage (0.45ha)



Grendon		
SITE BOUNDARY		
24.04.2013	T. Collins	<small>node</small> <small>North Warwickshire Borough Council</small> <small>Planning Department</small> <small>01927 54000</small>
CERPL2013GRE001	2	



- Site boundary (5.24ha)
- Additional land required for drainage (0.45ha)
- Houses / garages: 84 dwellings
- Landscape (0.36ha)
- Gardens
- Principal movement route
- Shared surface
- Pavement / driveway parking
- Retained trees
- Proposed trees
- Drainage pond (0.21ha)



GRENDON	
ILLUSTRATIVE MASTERPLAN	
28.04.2013	1:1,000
CERPL/2013/GRE/003	10

node
 CONSULTING ARCHITECTS
 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000

5. MITIGATION MEASURES

Raising Floor Levels/Land Raising

The existing site is elevated sufficiently above the nearest Main River watercourses, as such, lies within Flood Zone 1 of the Environment Agency Flood Map (version 2.8.2). However, there are two local watercourse located either side of Spon Lane which appear to back up from the Penmire Brook during extreme or prolonged rainfall events.

The Environment Agency flood zone maps show Penmire Brook and the local watercourses flooding up to the western edge of Spon Lane which generally lies at a level of 72.3mOD in line with the site.

It is therefore recommended that the internal ground floor levels of all the dwellings within the site are elevated 600mm above the adjacent flood level of 72.3mOD, hence a level of 72.9mOD.

Emergency Access & Egress

As the development is residential, it is considered that dry access and egress from the development site will be essential during extreme flood events.

It is considered that the proposed development is located outside of the 1 in 1,000 year extreme flood envelope and will be a safe area during flood events.

The entrance to the site off Spon Lane lies at a level of approximately 72.6mOD and is unlikely to be inundated from either local sources or Penmire Brook. Spon Lane continues to rise as you travel south from the site towards the A5 where ground levels are approximately 80mOD.

As such, dry access and egress will be available at all times onto Spon Lane and then the A5.

Control of Runoff

Consideration has been given to the hierarchy for surface water disposal which recommends the SUDs approach which includes infiltration as the first tier. Site investigation confirms that infiltration drainage is not a practical solution for the site.

However, other SUDs techniques can be used within the site and they have been considered. The second tier is to discharge to a watercourse. The existing site is considered to be 100% permeable. Following the proposed development the impermeable area will be increased to approximately 55% of the total site area. It is considered that the site currently discharges runoff via a combination of infiltration, evaporation and overland flow to the local watercourses located to the north west of the site.

Using Source Control software developed by Microdrainage the required attenuation has been calculated for the 1 in 100 year plus climate change (30%) event. The site will discharge into the local watercourse at a peak discharge rate equal to or less than the current Greenfield runoff rate for the site. A connection point from the

adjacent residential development off Spon Lane (0.39 hectares) is proposed which also includes over sizing the sewer network to accommodate flows. The attenuation sizes have been tabulated below in Table 5-1.

Table 5-1: Attenuation sizes for 1 in 100 year plus (30%) climate change event

Storage Area	Approx Volume (m ³)
Balance Pond	1500m ² x 1.035m deep = 1553m ³

The balancing pond will be used to accommodate the storage during 1 in 1 year, 30 year, 100 year and 100 year +CC storms (worse case scenario).

The proposal is to provide a hydro-brake to restrict flows from the site. The hydro-brake will reduce the runoff from the development site during higher return periods, hence, there will be a significant reduction in runoff and as such the development will provide significant betterment in terms of runoff being passed forward from the site into the receiving local watercourse.

It is recommended that during the detailed phase of the development the following items are considered.

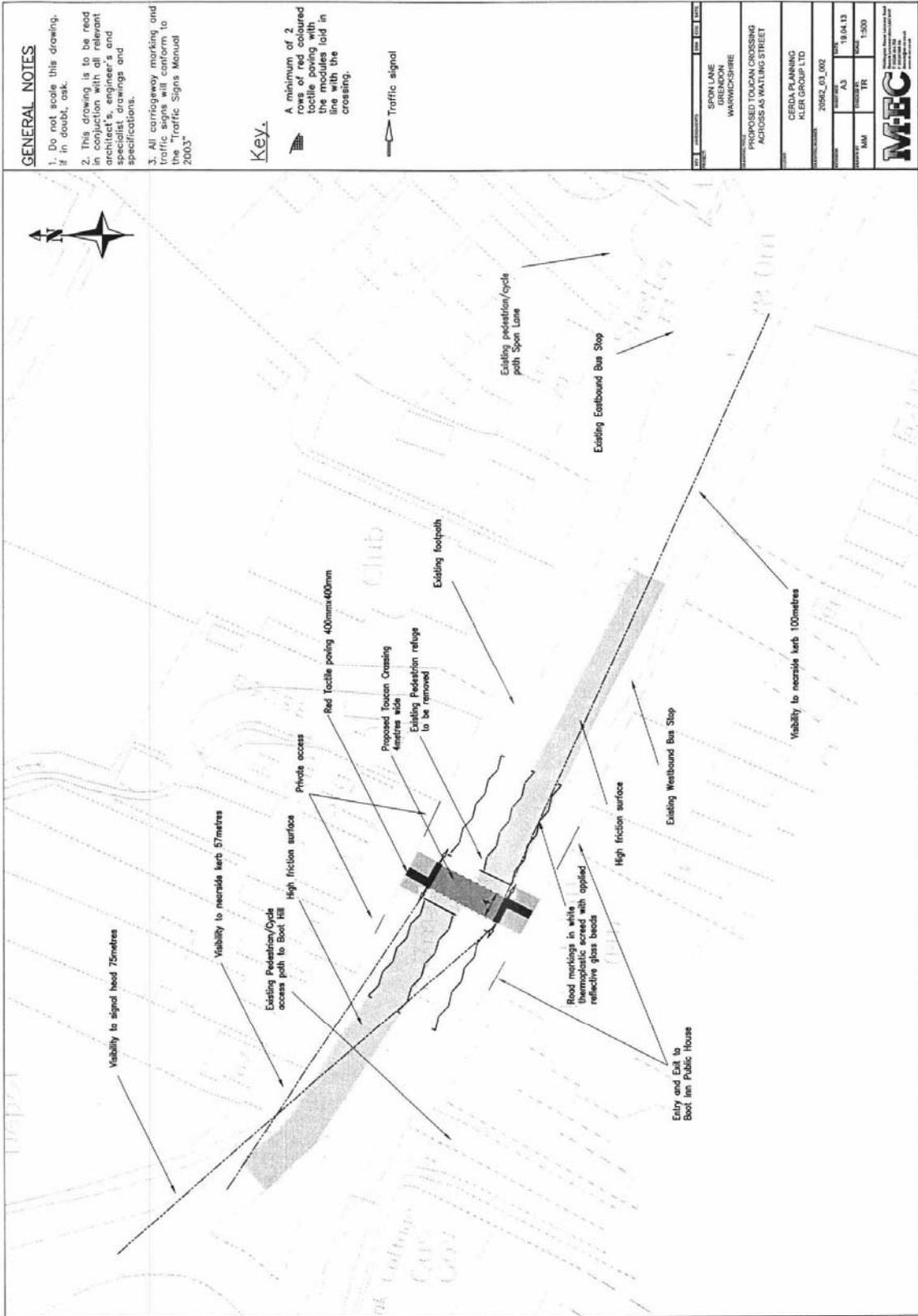
- The proposed surface water drainage system should be modelled using Micro Drainage WinDes or similar. The model should be used to analyse the possibility that the design for surface water may fail or becomes blocked and as such should design a backup plan. Overland floodwater should be routed away from vulnerable areas. Acceptable depths and rates of flow are contained in EA and Defra document FD2320/TR2 "Flood Risk Assessment Guidance for New Development Phase 2".
- The maintenance and adoption regimes for all elements of the development should be considered for the lifetime of the development.
- Consenting will be required from the Water Authority for any connections/outfalls into the surface water sewer system.

Others

It is considered that overland flows currently impact on the existing Spon Lane area and in order to remove this mechanism Filter drains are to be added to the rear of Spon Lane properties and to the eastern boundary of the site to capture overland flows and divert to local watercourse to the north of the site.

6. CONCLUSION

It is concluded that the proposed development lies within flood zone 1, being low risk and the current drainage feasibility study utilises sustainable drainage techniques where practically possible. It is considered that the proposed development will provide betterment to the adjacent residential area off Spon Lane as the proposal will reduce overland flows from the existing site significantly. Furthermore, a positive surface water outfall will be provided from Spon Lane which will also include attenuation.

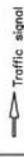


GENERAL NOTES

1. Do not scale this drawing. If in doubt, ask.
2. This drawing is to be read in conjunction with all relevant architect's, engineer's and specialist drawings and specifications.
3. All carriageway marking and traffic signs will conform to the "Traffic Signs Manual 2003".

Key.

A minimum of 2 metres of tactile paving with the modules laid in line with the crossing.



Traffic signal

PROJECT NO.	20962_01_002
DATE	18.04.13
SCALE	1:500
CLIENT	CECUM PLANNING KLER GROUP LTD
DESIGNER	MFC
CHECKED BY	
DATE	
PROJECT	SPORN LANE GRENNOON WARWICKSHIRE
DESCRIPTION	PROPOSED TACTICON CROSSING ACROSS AS WATLING STREET



Agenda Item No 5

Planning and Development Board

17 June 2013

Report of the Head of Development Control

Permitted Development Changes

1 Summary

- 1.1 This report outlines the changes that the Government has now made to permitted development rights such that fewer development proposals will require the submission of a full planning application.

Recommendation to the Board

- a That the report be noted; and**
- b That additional meetings of the Board are called if required, in order to meet the timetables set out in the new legislation.**

2 Background

- 2.1 Members will recall previous reports outlining the consultation that the Government has recently carried in connection with reducing the need to submit planning applications for certain development proposals in order to stimulate economic growth. In particular Members will be aware of the concern expressed nationally about the more controversial of these changes – that to do with residential extensions, which caused further changes as draft legislation passed through Parliament. The Government has considered the consultation responses and has responded by passing new legislation relaxing permitted development rights across a broad range of development activity.
- 2.2 This report sets out those changes which came into effect on 30 May 2013 and will last for a three year period.
- 2.3 There are procedural requirements which the Council will need to agree to as a consequence of these changes. This will be described below.

3 Household Extensions

- 3.1 This introduces a “prior approval” scheme for single storey rear household extensions up until 30 May 2016. The limits are 8 metres for a detached house and 6 metres in all other cases, with the height limit being four metres in all cases. It is important to point out that in order to qualify for these new

rights, the extension should also, along with the existing house and any other buildings, still not cover more than 50% of the curtilage of the house.

3.2 If a development proposal falls into the new category of permitted development, it first has to undergo a “prior approval” process. This will involve:

- the owner providing a written description and plan of the proposal to the Council.
- The Council notifying owners and occupiers of “adjoining” premises giving them 21 days to make representations.
- If an objection is thus received, the prior approval of the Council is then required as to the impact of the proposal on the “amenity of any adjoining premises”.
- If no decision is made by the Council at the expiry of 42 days from receipt of the initial notification, then the development proceeds by default.
- The development must be completed by 30 May 2016 and the onus is on the developer to notify the Council of that completion.

3.3 The impact of these changes will need to be kept under review as there is no fee attached to the initial notification; the completion date will need to be monitored, the notification is only to “adjoining premises” not to Parish Councils etc, and there is an exact time period defined.

4 Commercial Extensions

4.1 This will enable business premises to extend by a greater amount without the need for a planning application during the next three years. The limits allow a 50% increase or 250 square metres of extension whichever is the lesser in the case of industrial buildings and 50% or 100 square metres in the case of offices. These latter limits would also apply for shops and professional offices subject to a two metre clearance at site boundaries adjoining residential property.

5 Broadband Development

5.1 Prior Approval procedures are withdrawn for a period of five years in respect of equipment and plant in connection with fixed line broadband services even in Conservation Areas.

6 Changes of Use – Offices

6.1 Members will recall that this involves the change of use of office uses to residential use without the need for a full planning application. Local Planning Authorities were invited to apply for exemption if they considered that the proposal would have adverse economic impacts. The Government has granted 33 exemptions, mostly in the Greater London area. Outside of these exempted areas changes of use of offices to residential use becomes permitted development subject to a prior approval process, with a few exceptions – e.g. if it is a Listed Building. Details of the proposals will be sent

to the Local Planning Authority and it then is limited to look only at highway impacts, contamination and flooding risks. If there are adverse impacts it can refuse. The Authority has 56 days in which to reach a decision otherwise the development proceeds by default if no decision has been reached.

7 Changes of Use – Industrial Uses

- 7.1 Changes of use between the various B (Commercial) Use Classes are extended such that planning applications are now not needed where the change involves less than 500 square metres of floor area rather than 235 square metres as at present.

8 Changes of Use – Schools

- 8.1 This enables the change of use of a range of existing buildings in the B1 (Business), C1 (Hotels), C2 (Residential Institutions), C2A (Secure Residential Institutions), D1 (Non-Residential Institutions) and D2 (Assembly and Leisure) Use Classes to a state funded school without the need to submit a full planning application, but subject to a prior approval process. The Local Planning Authority is limited to look only at highway and noise impacts as well as contamination risks under this procedure. The Authority has 56 days in which to determine whether prior approval is necessary.

9 Changes of Use – Agricultural Buildings

- 9.1 This enables agricultural buildings and any land associated within its curtilage to be used for a “flexible” use within the following range of Use Classes; A1 (Retail), A2 (Financial and Professional Services), A3 (Restaurants), B1 (Business), B8 (Storage or Distribution), C1 (Hotels) or D2 (Assembly and Leisure) uses. There are conditions to this change. Amongst others the existing building has to have been used agriculturally; it has to be no larger than 500 square metres in floor area and it should not be a listed building. This again is subject to a 56 day prior approval process in which the Authority can only consider highway, noise, flooding and contaminates land issues.

10 Changes of Use – High Street Uses

- 10.1 This will enable a change of use of a building and any land within its curtilage with an existing lawful use as a A1 (Shop), A2 (Financial and Professional Services), A3 (Restaurant), A4 (Drinking Establishment), A5 (Hot food Takeaway), B1 (Business), D1 (Non-Residential Institution) or D2 (Assembly and Leisure) to a “flexible” use falling within the A1, A2, A3 or B1 Use Classes for a period of two years. There are conditions such that this would not apply to premises greater than 150 square metres in floor area or if it is Listed Building.

11 Procedures

- 11.1 Members will already be aware that many of the changes introduced at the end of May rely on prior approval measures. These already exist for some

agricultural buildings and telecommunication developments. The time tables are critical as prior approval is deemed to exist if no decision is made by the Council within the defined periods. In some cases these will not fit in with scheduled Board meetings. It is therefore possible that additional meetings will have to be called. Additionally where, under the present adopted Scheme of Delegation, local Members are notified, it is increasingly important that requests for referral to the Board are done quickly and that the referral reasons relate to those impacts identified above, as these are the only ones under these changes which can be considered.

12 Report Implications

12.1 Financial and Value for Money Implications

12.1.1 The Government has made it clear that there will be no fee attached to the new householder extension procedures, but there has been no indication as to the position for the other prior approval procedures. The overall impact of these changes will involve additional work particularly if matters need to be referred to the Board.

12.2 Environment and Sustainability Implications

12.2.1 The changes do retain the need to consider adverse impacts of development proposals but these are tightly defined and there is a possibility that environmental and visual harm will result from these proposals.

12.3 Links to the Council's Priorities

12.3.1 Safeguarding the rural character of the Borough may well be compromised by some developments going ahead under these changes. Additionally there will be a call on resources without a corresponding income.

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

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

Background Paper No	Author	Nature of Background Paper	Date
1	DCLG	Statutory Instrument 2013/1011	7/5/13

Agenda Item No 6

Planning and Development Board

17 June 2013

**Report of the
Head of Development Control**

Validation

1 Summary

- 1.1 This report reviews the Council's Planning Application Validation Requirements in order to bring them up to date.

Recommendation to the Board

That the Council's Planning Application Validation Requirements document be republished with the alterations set out in this report.

2 Background

- 2.1 The Council is required to set out its own local requirements for the documentation and supporting evidence that it requires to be submitted with planning applications. This is in addition to the requirements that are set by Government which will apply nationally.
- 2.2 As Members are aware the Government has been introducing more flexibility into the planning system in order to reduce "red tape" and to increase the speed of decision making. One area that has drawn its attention is the Local Requirements Document outlining the additional information to be submitted with applications over and above the mandatory national requirements. The Government requires Local Planning Authorities to review their Local Requirements on a regular basis. The Council's current document was last amended in December 2010 and thus needs to be reviewed.

3 Observations

- 3.1 Changes to the Local Requirements document come about through external change such as changes in Legislation and Government Planning policy and internally as a consequence of each Local Planning Authority's changing circumstances. These will be looked at in turn.
- 3.2 The first legislative change since December 2010 has been the relaxation of what "detail" is needed to be submitted with outline planning applications. It used to be that details were required on the scale of the proposal, its access arrangements and appearance. Now the requirement is just for access arrangements. This change will require a straight forward procedural alteration to the Local Requirements Document.

- 3.3 The second legislative change has been the widening of prior approval applications following the relaxation of permitted development rights at the end of May. That legislation sets out the national requirements for the information required under each of the new prior approval applications and should therefore be transposed into the Local Requirements document without change. The Council can not require additional information above this.
- 3.4 The major change in Government Planning Policy is the introduction of the National Planning Policy Framework in 2012 which replaced Planning Policy Guidance Notes and Statements. As a consequence all references in the current Local Requirements document to PPG's and to PPS's needs to be replaced with reference to the NPPF. This is a straight forward procedural alteration.
- 3.5 Any changes resulting internally would be related in the main to additional information required by our own Planning Policy. This is clearly undergoing change presently, but as the Core Strategy is not yet adopted, it is considered appropriate that the planning policy references in the Local Requirements document should remain those of the current Development Plan. This will need further review once the Core Strategy is adopted.
- 3.6 The other change that could come about internally is whether any changes are needed as a consequence of experience over the last two years or so using the 2010 document. It is not considered that this is necessary as the document has served its purpose well.
- 3.7 As a consequence of all of these matters, it is recommended that the following changes are made:
- i) Alterations as a direct result of changed legislation since December 2010, and
 - ii) Replacement of all references to PPG's and PPS's with references to the NPPF.
- 3.8 As these changes are wholly factual it is not considered necessary to undertake external consultation.
- 3.9 In view of the likelihood of local planning policy changing soon, it is considered that the Local Requirements document should be reviewed at the earliest opportunity following adoption of the Core Strategy.

4 Report Implications

4.1 Finance and Value for Money Implications

4.1.1 The submission of supporting documentation and evidence which is proportionate to the type of development proposal being considered can improve the speed and consistency of decision making

4.2 Legal and Human Rights Implications

4.2.1 The recommendation brings the Council's Planning Application Validation Requirements in line with recent legislative and national policy changes.

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