

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

**For the information of other Members of the Council**

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

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

## **PLANNING AND DEVELOPMENT BOARD AGENDA**

**11 MARCH 2013**

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 11 March 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**

- 4 **Minutes of the Planning and Development Board** held on 17 December 2012, 14 January and 11 February 2013, copies herewith, to be approved as a correct record and signed by the Chairman.

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

- 5 **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)

- 6 **Corporate Plan Targets 2012/13** – Report of the Head of Development Control

**Summary**

This report describes progress on a number of targets as set out in the 2012/13 Corporate Plan.

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

- 7 **Practice Note for Handling Amendments to Planning Proposals** – Report of the Head of Development Control

**Summary**

This report proposes revisions to the Council's Practice Note for Handling Amendments to Planning Proposals. The reasons for these revisions and a summary of the amendments are set out in full below.

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

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

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

**Recommendation:**

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

9 **Breaches of Planning Control** – Report of the Head of Development Control

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

JERRY HUTCHINSON  
Chief Executive

## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

17 December 2012

Present: Councillor Sweet in the Chair.

Councillors Butcher, L Dirveiks, Humphreys, Lea, May, Morson, B Moss, Phillips, Sherratt, A Stanley, Turley and Wykes

Apologies for absence were received from Councillors Barber, Watkins (substitute Councillor Wykes) and Winter (substitute Councillor Morson).

Councillor Hayfield was also in attendance and with the consent of the Chairman spoke on a number of planning applications under consideration.

#### 47 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillors Lea, B Moss and Sweet declared an interest in Minute No 50 - Planning Applications (Application No 2012/0020 (Gun Hill Infant School, Gun Hill, Arley, Coventry, Warwickshire, CV7 8HB) by reason of being Members of the County Council's Regulatory Committee and took no part in the discussion or voting thereon. In addition Councillor Sweet vacated the Chair for the consideration of this item.

#### 48 **Minutes**

The minutes of the meetings of the Board held on 15 October and 12 November 2012, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

#### 49 **Budgetary Control Report 2012/2013 Period Ended 30 November 2012**

The Assistant Director (Finance and Human Resources) reported on the revenue expenditure and income for the period from 1 April 2012 to 30 November 2012. The 2012/2013 budget and the actual position for the period, compared with the estimate at that date were detailed, together with an estimate of the out-turn position for services reporting to the Board.

#### **Resolved:**

**That the report be noted.**

## 50 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board. Details of correspondence received since the publication of the agenda is attached as a schedule to these minutes.

**Resolved:**

**[Councillor Phillips in the Chair]**

- a **That in respect of Application No 2012/0020 (Gun Hill Infant School, Gun Hill, Arley, Coventry, Warwickshire, CV7 8HB) the Borough Council submits a holding objection to the County Council on the grounds that whilst it does not object in principle to the new School being constructed at Gun Hill, it does consider that alternative options for that new School have not been thoroughly explored with the community, in view of the substantial harm done to the Green Belt under the current proposals. Moreover the Council is concerned about the traffic and highway impacts which appear to be under-estimated, and is also very disappointed with the design and appearance of the proposed building as it lacks any recognition of local character;**

**[Councillor Sweet in the Chair]**

- b **That the receipt of Applications No 2010/0462 and 2011/0014 (Beech House, Market Street, Atherstone); Application No 2012/0514 (The Former Telephone Exchange, North Street, Atherstone); Applications No 2012/0515 and 012/0521(Land at Old Bank Gardens the rear of 94, 96 and 98 Long Street, Atherstone) and Application No 2012/0517 (Land at the rear of 108 Long Street, Atherstone) be noted;**
- c **That in respect of Application No 2011/0527 (31 Plough Hill Road, Chapel End, CV10 0PJ) if an appeal is lodged against Nuneaton and Bedworth Borough Council's refusal and that appeal succeeds, the application be granted subject to conditions as outlined in the October Planning Board agenda and the agenda for this meeting, with authority delegated to the Head of Development Control; but that if an appeal is not lodged or an appeal fails, the application be referred back to the Board with a fresh recommendation based on the circumstances pertaining at that time;**
- d **That Application No 2012/0220 (Plot 6(b) and Plot 10(a), Faraday Avenue, Hams Hall National Distribution Park, Coleshill, B46 1AL) be approved subject to the conditions set out in the report of the Head of Development Control;**

**[Speaker Simon Smart]**

- e That in respect of Application No 2012/0248 (Land to the North of, Common Lane, Corley, CV7 8AQ)**
  - i The Certificate of Lawfulness not be granted on the grounds that on the balance of probability the application has not shown that the use sought and the area sought are sufficiently distinguished from the requirements of extant Enforcement Notices relating to similar uses covering the same land; and**
  - ii Authority be given to the Solicitor to the Council to commence further legal proceedings under Section 179 of the 1990 Town and Country Planning Act, in order to uphold the requirements of the extant Enforcement Notices in respect of the ongoing illegal use of the land.**
  
- f That in respect of Application No 2012/0301 (Priory Farm Karting Circuit, Priory Farm, Robeys Lane, Alvecote, B78 1AR)**
  - i The application be deferred for a site visit so to enable Members to appreciate the scope of the proposal in respect of the current limits on the use, as well as view other features and the wider surroundings; and**
  - ii The Environmental Health officer be invited to attend a future meeting when this application is determined so as to enable any specific queries from Members to be answered.**
  
- g That consideration of Application No 2012/0348 (Whitacre Garden Centre, Tamworth Road, Nether Whitacre, Coleshill, Warwickshire, B46 2DP) be deferred and the Head of Development Control instructed to continue discussions with the applicant on the matters identified in the conclusion to his report;**

**[Speakers Paul Southern and Donna Savage]**

- h That Applications No 2012/0432 and 0433 (Blackgreaves Farm, Blackgreaves Lane, Lea Marston, B76 0DA) be approved subject to the conditions set out in the report of the Head of Development Control;**
  
- i That in respect of Applications No 2012/0432 and 0433 (Blackgreaves Farm, Blackgreaves Lane, Lea Marston, B76 0DA) the Solicitor to the Council be authorised to write to the**

owner of the building explaining the requirements of Section 9 of the Planning (Listed Building and Conservation Areas) Act 1990 and the offences that appear to have been committed. That the Solicitor to the Council also keeps a record of these offences on a file under the applicant's name and should any further offences be recorded by this applicant against Listed Buildings in the Borough, then the Council reserves the right to re-open this case;

- j That Application No 2012/0470 (Land to the Rear of 58-82 St. George's Road, Atherstone) be approved subject to the following additional condition:

“ xiv) No work shall commence on site until such time as details of the street lighting to be installed have first been submitted to and approved in writing by the Local Planning Authority. Only the approved lighting shall then be installed.”

[Speaker Robert Gisbourne]

- k That Application No 2012/0483 (Marriott Forest Of Arden Hotel And Country Club, Maxstoke Lane, CV7 7HR) be refused for the reasons set out in the report of the Head of Development Control and that enforcement proceedings are commenced with a view to removing the unauthorised signs;

[Speaker Eamon Thompson]

- l That Application No 2012/0498 (Land rear of 70 to 78 New Street, Dordon) be approved subject to the conditions set out in the report of the Head of Development Control; and
- m That Application No 2012/0530 (St Marys Church, Friars Gate, Atherstone, Warwickshire, CV9 1EZ) be approved subject to the conditions set out in the report of the Head of Development Control.

## 51 Public Speaking at Planning and Development Board

The Head of Development Control reported that the Board had experienced public speaking at its meetings during the past year and was asked whether it wished to continue with the procedure following the trial period.

**Resolved:**

- a That the Planning and Development Board considers that the opportunity to speak at its Board meetings has been successful; and

**Recommendation to the Executive Board:**

- b That the procedure be made permanent without any changes to the current practice.**

**52 Government Consultations – Appeal Procedures and Extending Permitted Development Rights**

The Head of Development Control reported that the Government had published two consultations, seeking representations. One reviewed the planning appeal process with the aim of speeding up decisions and the second proposed extending householder and other permitted development rights for a period of three years. The Board was asked to endorse a suggested response.

**Resolved:**

**That the Council agrees with the recommendations in respect of planning appeal procedures but strongly objects to those relating to extending permitted development rights as it considers that they would have adverse permanent impacts that would outweigh any temporary benefit from their introduction.**

**53 HS2 – Property Compensation and Safeguarded Area**

The Board was invited to comment on the consultation by the Secretary of State on the Property Compensation and the Safeguarding area.

**Resolved:**

**That the Assistant Chief Executive and Solicitor to the Council prepares a final response in consultation with the Leader, Leader of the Opposition, Chairman of Planning & Development Board and Opposition Spokesperson, HS2 spokesperson and Opposition HS2 spokesperson to meet the consultation deadline**

R Sweet  
Chairman

**Planning and Development Board  
17 December 2012  
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
6/5	2012/0020	Arley Parish Council	Support	14/12/12
6/78	2012/0220	Agent	Amended plan	14/12/12
6/123	2012/0348	Tyler Parkes	Objection	14/12/12
		Coleshill Civic Society	Representation	7/12/12
		Nether Whitacre Parish Council	Representation	14/12/12
		J Naylor	Objection	12/12/12
		A Hughes	Objection	14/12/12
		M Wildash	Representation	16/12/12
6/145	2012/0432	Coleshill Civic Society	Representation	13/12/12
		Heritage Officer	Objection	7/12/12

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**MINUTES OF THE  
PLANNING AND DEVELOPMENT BOARD**

**14 January 2013**

Present: Councillor Sweet in the Chair.

Councillors Barber, Butcher, L Dirveiks, Humphreys, Lea, May, B Moss, Phillips, Sherratt, Simpson, A Stanley, Turley, Watkins and Winter

**54 Disclosable Pecuniary and Non-Pecuniary Interests**

None were declared at the meeting.

**55 Corporate Plan 2013/14**

The Chief Executive presented the updated Corporate Plan for 2013/14. The Board's approval was sought to those parts of the Corporate Plan for which the Board was responsible. Members were also asked to agree the 2013/14 Service Plans for Development Control and Forward Planning.

**Recommended to the Executive Board:**

- a That those Corporate Plan Targets as set out in Appendix A to the report for which the Planning and Development Board is responsible be agreed; and**

**Resolved:**

- b That the Service Plans for Development Control and Forward Planning as set out in Appendix B to the report be agreed.**

**56 General Fund Fees and Charges 2013/14**

The Board was asked to consider the fees and charges for 2012/13 and the proposed fees and charges for 2013/14.

**Resolved:**

**That the schedule of fees and charges for 2013/14 as set out in the report, be accepted.**

**57 General Fund Revenue Estimates 2013/14**

The Deputy Chief Executive detailed the revised budget for 2012/13 and an estimate of expenditure for 2013/14, together with forward commitments for 2014/15, 2015/16 and 2016/17.

**Resolved:**

- a That the revised budgets for 2012/13 be accepted; and
- b That, the Estimates of Expenditure for 2013/14, as submitted in the report of the Deputy Chief Executive be accepted, and included in the budget to be brought before the meeting of the Executive Board on 12 February 2013.

58 **Capital Programme 2013/14 to 2015/16**

The Assistant Director (Finance and Human Resources) reported on a proposal for a scheme to be included within the Council's capital programme over the next three years and the Board was asked to agree a suggested course of action.

**Resolved:**

**That the inclusion of the new scheme identified in the report of the Assistant Director (Finance and Human Resources) within the Council's provisional three year programme be supported.**

59 **Works to Trees in a Conservation Area – Abbey Green Park Polesworth**

The Assistant Director (Leisure and Community Development) reported on proposals for works to trees within Abbey Green Park, Polesworth. Polesworth Parish Council had written giving its wholehearted support for the proposals. The Board was asked to agree a suggested course of action.

**Resolved:**

**That the proposed works to be undertaken to trees within Abbey Green Park, Polesworth be noted.**

60 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board. Details of correspondence received since the publication of the agenda is attached as a schedule to these minutes.

**Resolved:**

- a That Application No 2012/0532 (Grimscote Manor, Lichfield Road, Coleshill, Warwickshire, B46 1LH) be approved subject to the conditions specified in the report of the Head of Development Control;

- b That in respect of Grimscote Manor, Lichfield Road, Coleshill, Officers be asked to write to the Highway Authority in order to clarify access arrangements to the site; and**
- c That consideration of Application No 2012/0546 (Marston Farm Hotel, Dog Lane, Bodymoor Heath, Warwickshire, B76 9JD) be deferred for a site visit.**

**61 Planning Performance and the Planning Guarantee**

The Head of Development Control reported that the Government had published a consultation paper providing more detail about how it proposed to further speed up the planning process and Members were invited to endorse a suggested response.

**Resolved:**

**That the suggested response set out in the report of the Head of Development Control be endorsed.**

R Sweet  
Chairman

**Planning and Development Board  
14 January 2013  
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
9	2012/0532	WCC Highways	No objection	04/01/13
9	2012/0532	EHO	No objection	03/01/13

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**MINUTES OF THE  
PLANNING AND DEVELOPMENT BOARD**

**11 February 2013**

Present: Councillor Sweet in the Chair.

Councillors Barber, Butcher, L Dirveiks, Hayfield, Humphreys, May, B Moss, Phillips, Sherratt, A Stanley, Turley, Winter and Wykes

Apologies for absence were received from Councillors Lea (substitute Councillor Wykes), Simpson and Watkins (substitute Councillor Hayfield).

**62 Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Hayfield declared a non-pecuniary interest in Minute No. 63 Planning Applications (Application No 2012/0448 (Wagstaff Farm, Shawbury Lane, Shustoke, Coleshill, Warwickshire, B46 2SG) and took no part in discussion or voting thereon.

**63 Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board. Details of correspondence received since the publication of the agenda is attached as a schedule to these minutes.

**Resolved:**

- a **That provided the applicant first completes a revised Section 106 legal agreement or Deed of Modification to reflect the current application, with the Heads of Terms of the latter framed around the existing agreement and delegated to the Head of Development Control, Application No 2012/0301 (Priory Farm Karting Circuit, Priory Farm, Robeys Lane, Alvecote, B78 1AR) be approved subject to the conditions specified in the reports;**

**[Speakers: Councillor Clarke and James Beauchamp]**

- b **That provided a Section 106 Agreement is signed in respect of the £50k contribution as set out in the report of the Head of Development Control, Application No 2012/0347 (Birch Coppice Business Park Phase 3, Land at Hall Farm and The Beanstalk, Gypsy Lane, Birch Coppice Business Park, Dordon), be approved subject to the amendment of conditions 4 and 20 in the report to read as follows;**

**“4. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered 902/30/A 11-78-08, 12371/102 and 12371/SK11A received by the Local Planning Authority on 10/7/2012. For the avoidance of doubt the details relevant to the layout of buildings shown plan number 12371/102 are not hereby approved;**

**“20. Each building constructed pursuant to this permission shall achieve the prevailing required standard in terms of energy efficiency at the time of its design and construction. The minimum standard shall be to deliver an Energy Performance Certificate “A-rated” building or similar”.**

- c That providing the applicant first signs a Section 106 Agreement relating to the matters as outlined in the report of the Head of Development Control and subject to the satisfactory resolution of the outstanding matter concerning the proper archaeological investigation of the site, then the Council be “minded to support” the application, and that provided that there are no material implications on the detailed matters raised in the report as a consequence of archaeological investigations, Application No 2012/0350 (Birch Coppice Business Park Phase 3, Land at Hall End Farm and The Beanstalk, Gypsy Lane, Dordon) be approved subject to the amendment of conditions 4, 6 and 20 in the report to read as follows;**

**“4. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered 902/31/A, 11/78/07, 12371/103 and 12371/SK11A received by the Local Planning Authority on 10/7/2012.**

**6. The use of the site shall be limited to those uses falling within Use Classes B1(C), B2 or B8 of the T&CP Use Classes Order 1987, as amended. The gross floor space of all buildings erected on the site shall not exceed 99,695 square metres of gross floor space.**

**20. Each building constructed pursuant to this permission shall achieve the prevailing required standard in terms of energy efficiency at the time of its design and construction. The minimum standard shall be to deliver an Energy Performance Certificate “A-rated” building or similar” and**

**That in consultation with the Chairman, Vice Chairman and Opposition spokesperson the Head of Development Control be given delegated powers to work with the applicant to explore the use of conditions as a means of resolving the outstanding archaeological issue.**

- d That providing the applicant first signs a Section 106 Agreement containing the contributions as set out in the report of the Head of Development Control, Application No 2012/0348 (Whitacre Garden Centre, Tamworth Road, Nether Whitacre, Coleshill, Warwickshire, B46 2DP) be approved subject to the conditions specified in the report;

[Speaker Paul Southern]

- e That Application No 2012/0448 (Wagstaff Farm, Shawbury Lane, Shustoke, Coleshill, Warwickshire, B46 2SG) be refused for the reasons set out in the report of the Head of Development Control;

[Speaker Ben Henry]

- f That in respect of Wagstaff Farm, Shawbury Lane, Shustoke, Coleshill, Warwickshire, B46 2SG, the Assistant Chief Executive and Solicitor to the Council be authorised to serve an enforcement notice requiring the demolition of the building and removal of hardstanding to the rear of the building within 3 months, along with disposal of materials obtained from its demolition in a lawful manner;

- g That providing the applicant first signs a Section 106 Agreement as set out in the report of the Head of Development Control, Application No 2012/0602 (The Paddocks, Austrey Road, Warton, Warwickshire, B79 0HW) be approved subject to the conditions specified in the report; and

- h That on the proviso that the Environment Agency withdraw its objection, Application No: PAP/2012/0621 (Unit 8a, Innage Park, Abeles Way, Holly Lane Industrial Estate, Atherstone, CV9 2QX) be approved subject to the conditions specified in the report of the Head of Development Control.

#### 64 External Review of Government Planning Practice Guidance

The Head of Development Control reported that Lord Taylor had undertaken a review of current Government Planning guidance and the Board was informed of the conclusions of his review.

**Resolved:**

**That the overall conclusions of the Taylor report be noted.**

65 **Changes of Use Permitted Development Rights**

The Head of Development Control reported on the Government's response to recent consultations on extending permitted development rights for proposed changes of use.

**Resolved:**

**That the changes are noted, but that no application is made for exemption as indicated in the report of the Head of Development Control.**

66 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April – December 2012**

The Board was informed of progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April 2012 – December 2012.

**Resolved:**

**That the report be noted.**

R Sweet  
Chairman

## Planning and Development Board

### 11 February 2013 Additional Background Papers

Agenda Item	Application Number	Author	Nature	Date
4/5	2012/0301	G Cottrell	Objection	7/2/13
4/40	2012/0347 and 2012/350	Head of Development Control	Addendum	11/2/13
4/98	2012/0348	Nether Whitacre Parish Council  Martyn Bramwich Associates  Mr Edwards  Warwickshire Council Council	Representation  Representation  Representation  Consultation	4/2/13  7/2/13  4/2/13  11/2/13
4/181	2012/0621	Warwickshire County Council Highways  Environment Agency	Consultation  Consultation	1/2/13  5/2/13

## **Agenda Item No 5**

### **Planning and Development Board**

**11 March 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](http://www.northwarks.gov.uk).
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 15 April 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/](http://www.northwarks.gov.uk/downloads/file/4037/).
- 6.2 If you wish to speak at a meeting of the Planning and Development Board, you may either:
- e-mail [democraticservices@northwarks.gov.uk](mailto:democraticservices@northwarks.gov.uk);
  - telephone (01827) 719222; or
  - write to the Democratic Services Section, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE enclosing a completed form.

## Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	CON/2013/0002	4	<b>De Mulder And Sons Ltd, Mancetter Road, Hartshill, Warwickshire,</b> Proposed new bulk meal store, trailer parking area & associated service yard	General
2	PAP/2012/0301	10	<b>Priory Farm Karting Circuit, Priory Farm, Robeys Lane, Alvecote,</b> Extension to existing track, relocation of holding area and creation of 2m high bund	General
3	PAP/2012/0394	23	<b>Fillongley Social Club, Ousterne Lane, Fillongley, Coventry, Warwickshire,</b> Erection of No.1 dwelling on part of Fillongley Social Club's site	General
4	PAP/2012/0550	52	<b>Arley Working Mens Club, Spring Hill, Arley,</b> Demolition of the existing Arley Working Mens Club building and the redevelopment of 16 no. 1 and 2 bedroom bungalows with associated highways, landscaping and other external works	General
5	PAP/2012/0598	76	<b>Land at, Lister Road, Atherstone, Warwickshire,</b> Redevelopment of the site comprising of 24 dwellings, including affordable housing; along with local amenities, shops and associated works	General
6	PAP/2012/0610	97	<b>The Coleshill School, Coventry Road, Coleshill, Warwickshire,</b> New sports centre building with car parking space, landscaping and boundary fencing	General
7	PAP/2013/0050	105	<b>Car Park, Park Road, Coleshill,</b> Variation of condition 13 of planning permission ref: PAP/2011/0529 relating to delivery hours for the site to be operationally viable; in respect of erection of a retail (A1) food store with associated parking, servicing and access	General
8	PAP/2013/0059	111	<b>Dafferns Wood, St Michaels Close, New Arley, Warwickshire,</b> Works to trees protected by a tree preservation order	General

## **General Development Applications**

### **(1) Application No: CON/2013/0002**

#### **Proposed new bulk meal store, trailer parking and associated service yard for**

#### **De Mulder and Sons Ltd**

### **Introduction**

This planning application has been submitted to the County Council for determination, and the Borough Council has been invited to submit any observations to assist in the County's assessment of the application.

### **The Site**

The existing De Mulder premises are on the south side of the Mancetter Road to the north of Hartshill and just south of the main west coast railway line. The existing premises extend back from the road to the canal. It comprises a series of buildings and structures set mainly at the rear of the site but which cover a substantial part of the holding. There is open land to the north-west and on the other side of Grange Lane which forms the eastern boundary of the site. The application site for the current application is to the east of the existing complex of buildings.

### **The Proposal**

This is for a new bulk meal storage building, rectangular in shape measuring 54 by 40 metres and 6.5 metres tall. It would have a curved roof and be clad in gray and light green metal with a brick plinth wall. This would be located on the east side of the main access road into the site. A parking area is proposed for HGV's in front of the building.

The building's location is shown at Appendix A and the elevations are at Appendix B.

### **Background**

As members will know from previous reports, a major investment programme is currently in progress at the site. It aims to improve efficiency by replacing and upgrading processes such to expand on the variety of products produced. These are mainly tallow and bone meal and different grades of product are now being produced through new plant and machinery already in place. Members will recall the recent applications for a new tallow farm as well as extensions to the existing main production building.

As part of this overall programme this new store is being proposed. At present the bone meal produced is "exported" to another site in Leeds for storage. The new store will thus remove this "journey" with the product being delivered directly to customers from the site. It will also allow for the blending and bagging of the meal on site in order to specifically meet customer orders.

Vehicles would access the building via one of three sectional doors such that they would only be open for access. As such all activities – blending, bagging and loading would take place inside the building.

In view of concerns expressed by this Council in the past, the applicant has provided an estimation of vehicle movements. He estimates that the total HGV movements to and from the site arising from the existing activity and that arising from the current proposal would be in the order of 22,000 a year – that is around 60 a day or 6 an hour.

In 2005, the County Council granted planning permission for a substantial new enterprise at these premises – an Integrated Renewable Energy Facility which focussed on a biomass energy facility. This would have taken up all of the land to the east of the present complex of buildings up to Grange Lane. That permission was taken up with the implementation of significant earth moving and landscaping which is evident today and which is beginning now to mature. The permission included large new buildings, plant and structures. The applicant has indicated that that scheme may not now proceed and therefore the current proposal is in part a replacement. The proposed building would be on the same footprint on the building permitted in 2005 but amount to around 33% of its footprint.

### **Development Plan**

Saved policies of the North Warwickshire Local Plan 2006 – Core Policy 2 (Development Distribution), ENV11 (Neighbour Amenity), ENV13 (Building Design), ENV14 (Access Design), TPT6 (Vehicle Parking)

### **Other Material Planning Considerations**

The National Planning Policy Framework

### **Observations**

There is no objection in principle to this application for two reasons. The proposed building is wholly associated with the lawful use of the land and secondly this part of the site already has an extant fall-back position for a significant new building.

As such the Council's focus is to ensure that any impacts arising from its development are kept to the minimum. In this case the building's design and appearance are similar to other commercial buildings; similar to the buildings already approved on this part of the site and in any event it is in-keeping with the existing character of the premises. Its height is lower than that already approved. There are no production activities proposed for the building and thus there should be no impacts arising from the omission of odours, and as all activities would take place inside, the potential for noise emissions is limited.

The one concern is HGV movement. However even without this building, there would still be HGV movements in and out of the site with existing production continuing and expanding. Moreover the 2005 planning permission would have increased the HGV movements permissible at the site and this current proposal would fall below that increase. As such it is not considered that there is scope here for an objection.

### **Recommendation**

That the County Council be informed that this Council does not object to the proposal

## BACKGROUND PAPERS

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

Planning Application No: CON/2013/0002

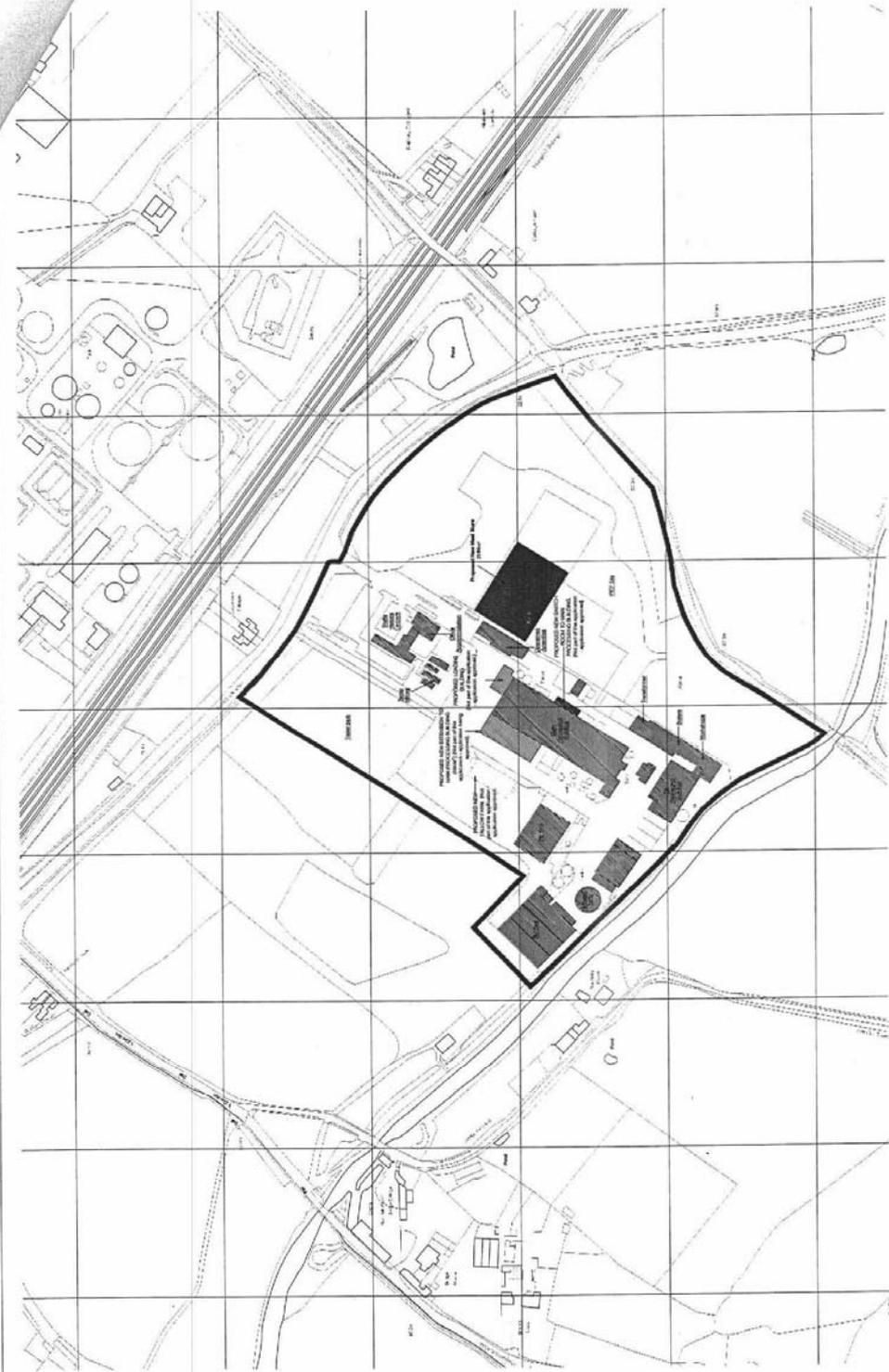
<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	Warwickshire County Council	Consultation	30/01/2013

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

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

Appendix A

This drawing is the property of the Applicant and is not to be used for any other purpose without the written consent of the Applicant.



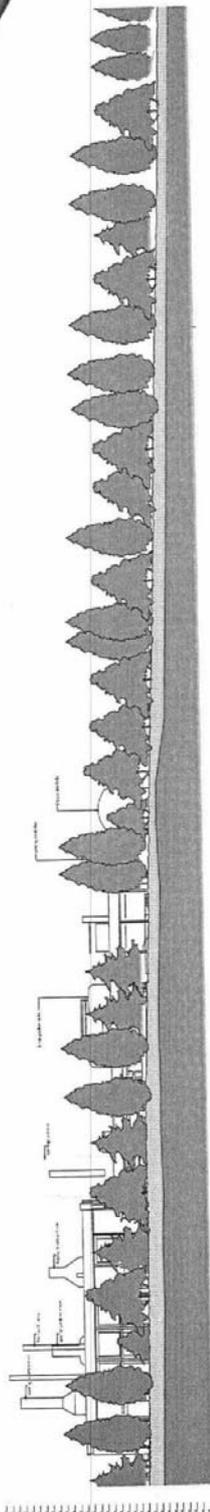
PLANNING ISSUE

Year	1:1250	Date	02/04/12
Drawn By	MMS	Checked By	JON
Drawn No.	12-110-06B		Sheet No.
Drawn Date			A1

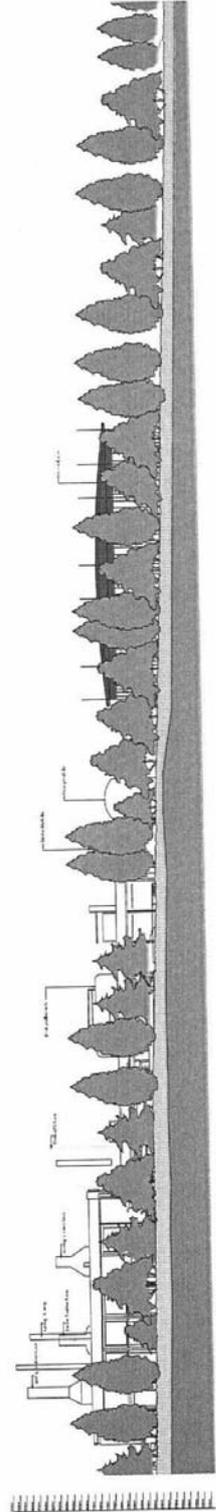
**John Hill Associates LTD**  
 21 GARDNER ROAD, S. DORSETTING, UTAH 84124  
 Tel: 801-223-1100  
 Fax: 801-223-1101

**De Mulder and Sons Ltd**  
 Hardhill  
 Proposed Meal Store- Location Plan

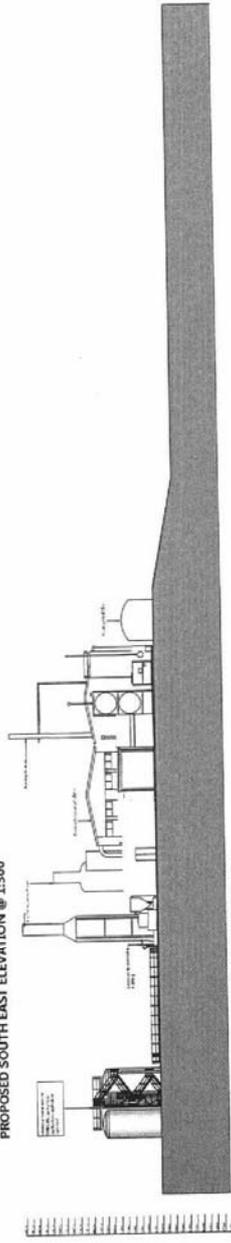
Sheet No.	100	101	102
Sheet Title	100	101	102



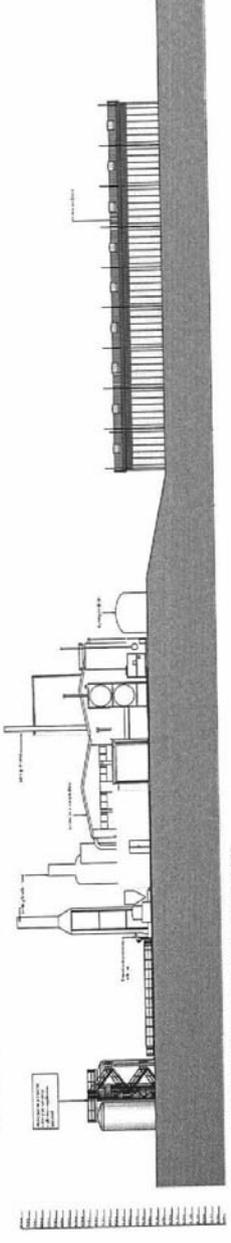
EXISTING SOUTH EAST ELEVATION @ 1:300



PROPOSED SOUTH EAST ELEVATION @ 1:300



EXISTING SOUTH WEST ELEVATION @ 1:300



PROPOSED SOUTH WEST ELEVATION @ 1:300

Approved

PLANNING ISSUE

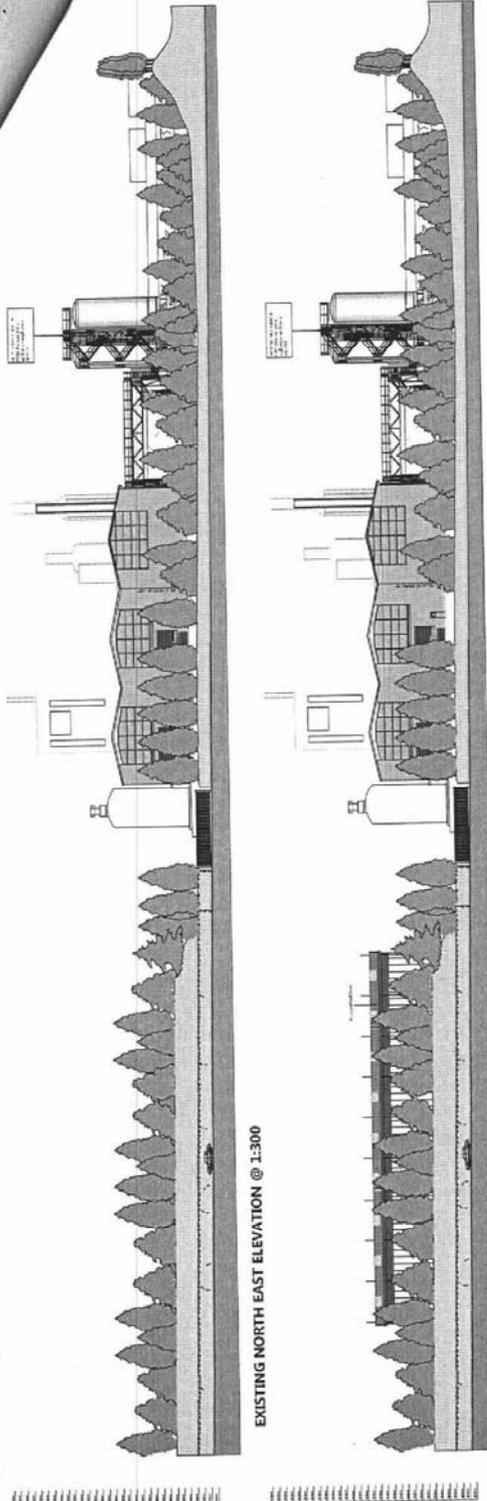
Scale	1:300	Date	OCT 2015
Drawn by	LEM	Checked by	JDH
Project No.	12/110/15A		

**John Hill ASSOCIATES LTD**  
 Architects & Planning Consultants  
 11, The Quadrant, London, W1R 0AS  
 Tel: 020 7463 4000 Fax: 020 7463 4001  
 www.johnhill.co.uk

**PROPOSED MEAL STORE**  
 FOR THE NEW MEAL STORES LTD  
 HARTSHILL

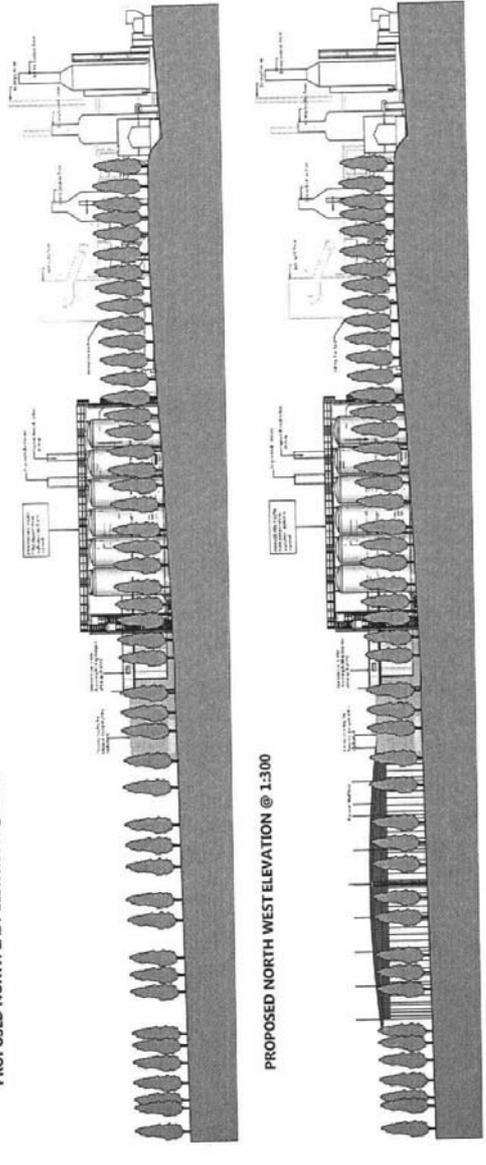
Author	DR	Checked	DR
Drawn	DR	Checked	DR
Scale	1:300	Date	12/11/15

PROPOSED SITE ELEVATIONS (1 OF 2)



EXISTING NORTH EAST ELEVATION @ 1:300

PROPOSED NORTH EAST ELEVATION @ 1:300



PROPOSED NORTH WEST ELEVATION @ 1:300

PROPOSED NORTH WEST ELEVATION @ 1:300

<p>Project / Title: PROPOSED MEAL STORE FOR DC MULDER &amp; SONS LTD HARTSHILL</p> <p>Client: DC MULDER &amp; SONS LTD</p> <p>Location: HARTSHILL</p> <p>Scale: 1:300</p> <p>Date: OCT 2012</p> <p>Author: JON</p>		<p>Sheet No: 12/110/16A</p> <p>Scale: 1:300</p> <p>Date: OCT 2012</p>
<p>Project / Title: NEW MEAL STORE EXTENSION PROPOSED SITE ELEVATIONS (2 OF 2)</p> <p>Client: DC MULDER &amp; SONS LTD</p> <p>Location: HARTSHILL</p> <p>Scale: 1:300</p> <p>Date: OCT 2012</p>		<p>Sheet No: 12/110/16A</p> <p>Scale: 1:300</p> <p>Date: OCT 2012</p>
<p>John Hill Associates Ltd          An approved and registered architectural practice          200, Victoria Road          Birmingham, B37 7YU          Tel: 0121 717 1100 Fax: 0121 717 1101          www.johnhill.co.uk</p>		

**(2) Application No: PAP/2012/0301**

**Priory Farm Karting Circuit, Priory Farm, Robeys Lane, Alvecote, B78 1AR**

**Extension to existing track, relocation of holding area and creation of 2m high bund, for**

**Tamworth Karting Centre**

**Introduction**

This item is reported to Members in light of the Board having originally determined the application.

**Background**

Since the Board resolved to grant permission subject to conditions and the completion of a Section 106 legal agreement, the applicant has highlighted a difficulty with one of the conditions attached to the recommendation at the February meeting. That report is attached at Appendix A (although reference should be made to the February Agenda for any Appendices to that report). The difficulty centres on the imposition of condition 6 and the hours of operation during the week. Alternatives have been discussed with the applicant and this is outlined more fully below.

**Development Plan**

Relevant policies are set out in the report at Appendix A.

**Other Relevant Material Considerations**

Other than those set out in the report at Appendix A, specific consideration here is given to Circular 11/95 which guides the use of conditions on planning permissions.

**Consultations and Representations**

In light of there being a potential change to the proposed conditions previously seen by third parties, a brief re-consultation (on this matter only) has been undertaken. Any representations will be reported verbally to the Board.

**Observations**

In preparing the report for the February Agenda, the applicant's agent was approached to see whether the applicant would be willing to reduce the hours of operation in a bid to be proactive and recognise the residents' concerns over noise. The applicant confirmed that some change could be accommodated, but it transpires that the proposed changes, as eventually set out in condition 6, were not seen by the applicant until after the February meeting due to a break down in communication.

As it stands, the Board has resolved to grant permission subject to the following hours of operation:

Monday to Friday	Saturday	Sunday and Bank Holidays
0930 to 1900	1030 to 1900	1030 to 1800

The current lawful situation is for the following hours of operation:

Monday to Friday	Saturday	Sunday and Bank Holidays
0930 to 2100	1030 to 2100	1030 to 2100

Members are reminded that should any permission here not be implemented, that the applicant may continue to lawfully operate during these hours. They would also be entitled to a right of appeal against any conditions attached to a decision, a matter which is touched upon again below.

The applicant has analysed their business records and established the periods of peak demand. Mondays through Thursdays most turn up after work or school, around 6pm. When accounting for preparation and safety briefing time, a 7pm finish would be unworkable. It is for this reason the existing 9pm finish time is still desired. On Fridays and Saturdays the applicant is willing finish at 8.30pm. More important however is the concession to reduce the hours of operation on Sunday to 10.30am to 4.30pm – a reduction from the present lawful use by 4½ hours. The revised proposed hours would thus be:

Monday to Thursday	Friday and Saturday	Sunday and Bank Holidays
0930 to 2100	1030 to 2030	1030 to 1630

The reduced hours on Sunday are considered significant. The applicant acknowledges that the quietest time for traffic on the B5000 is Sunday afternoon/evening. The concession here affords a considerable “break” from any noise for nearby residents. Indeed most of the limited complaints to the Tamworth Environmental Health officer are focussed around Sunday use. The changes to Fridays and Saturdays are also of merit. Members are reminded of the discussion pertaining to noise set out in the previous report, as well as the site visit undertaken. This established that noise is not a significant concern. In the context of there being very little noise impact on neighbours – an impact which cannot be substantiated as a formal nuisance in any case, and the proposed changes to the track and holding areas; it is considered that the proposed revisions to condition 6 should be supported – particularly in the light of guidance under Circular 11/95 (i.e. the condition must be necessary and reasonable) and the opportunity to appeal against unfavourable conditions.

## **Recommendation**

That condition 6 of the proposed decision notice read:

6. No karts or mini-motorbikes shall be operated (in accordance with the definition under condition 3) other than between 0930 and 2100 hours Mondays to Thursdays, 1030 and 2030 Fridays and Saturdays, and 1030 and 1630 Sundays and Bank Holidays.

### **REASON**

To prevent disturbance to the occupiers of nearby properties.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2012/0301

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
51	The Applicant	Email to Case Officer	13/02/2013
52	The Applicant	Email to Case Officer	18/02/2013

*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.*

**(1) Application No: PAP/2012/0301****Priory Farm Karting Circuit, Priory Farm, Robeys Lane, Alvecote, B78 1AR****Extension to existing track, relocation of holding area and creation of 2m high bund, for****Tamworth Karting Centre****Introduction**

This application is reported to Board following deferral of the item in December for a site visit; in recognition of the level of interest generated and there being a Section 106 agreement required.

The site and proposal descriptions, along with relevant background and policy considerations are outlined in the December report, attached at Appendix 1.

**Consultations**

The County Footpaths team acknowledge the changes made to the original plans so to avoid conflict with the public footpath (T95), and welcome general safety improvements which will also arise from the proposal. They therefore have no objection subject to the inclusion of informatives.

The Environmental Health Officer (EHO) notes that the Tamworth EHO would be better placed to comment on the application given any residents affected by the existing use would need to lodge complaints with them instead.

Tamworth Borough Council has liaised with their EHO and raises no objection to the amended proposal given the existing restrictions already in place at the track.

Shuttington Parish Council has not provided a response.

**Representations**

Site notices were erected in 5 different locations on the closest estate roads of the Stonydelph estate. Following the provision of addresses from Tamworth Borough Council, the closest residents on the same estate were consulted directly. 20 individual objections have been received, with a further 4 letters of concern but specifying a neutral opinion. A petition outlining 66 signatories against the proposal has also been received. 85 copies of a round robin letter raising objection have also been signed by individuals living on the estate. The MP for Tamworth has also written to confirm the concerns of a particular constituent, and the local Ward Member for Stonydelph has written to object. Collectively these representations raise the following concerns:

- That the extension will increase the level of noise already created by the track;
- There will be an increase in fumes arising from the use;
- The inclusion of a pit lane to the south-western edge could worsen the existing situation;
- That it will change the “status” of the track in a national setting, and the resulting impact on amenity and highway capacity;
- That existing footpaths are affected;

- That the need for additional safety marshals is not fully explained; and
- The impact on local wildlife

One objection notes that if the existing bank were increased in height and planted that they would have no objection any longer. A neutral representation reflects this approach suggesting acoustic fencing, whilst another suggests undertaking a noise assessment of the current usage to offer a comparison. Another objection suggests the hours of operation should be restricted. A number of objections allude to breaches of existing controls and conditions on the use of the track. Some objections also cite the effect on property value, but Members will be aware this is not a material planning consideration.

Amendments were also subject to reconsultation, and some objectors have written to re-assert their concerns.

## **Observations**

As noted in the December report, the principle of this development is accepted as such a use would be wholly inappropriate within a settlement boundary potentially very close to residences. This site already carries an existing karting track and supporting facilities such that the extension needs to be adjacent to it. It is clear that the main concern for residents is the noise impact of the proposal, and the impact on the public footpath, visual amenity and highway impacts are also relevant. Following the site visit, Members will have a greater appreciation of such impacts.

### **(a) Noise and neighbouring amenity**

The existing situation at the site is material here. This proposal cannot change the lawful status of the track and the ability to use it for up to 12 karts of certain engine types or mini-motorbikes (both subject to carrying silencers); nor can it alter the lawful hours of use which cover 0930 to 2100 hours Mondays to Fridays, and 1030 to 2100 hours at weekends and on Bank Holidays. In addition whilst the 1994 permission for lighting restricted its use to no later than 2200 hours daily, it did not specify the earliest time they could be used and, more importantly, as the lighting now remains on site and in use more than 10 years after the expiry of the 1994 permission, the presence and use of these lights is now without restriction. These factors offer a material “baseline” against which to assess the impacts of the development now proposed.

That development is solely an extension to the track. The applicant does not wish to vary the controls imposed on the use of the track and is happy for these to be carried through onto the extension. A fresh Section 106 agreement to incorporate the existing controls and extend them to the proposal is being prepared as part of this application. This point is highlighted to Members and will become important in assessing the likely impacts below. Indeed the applicant has also indicated a willingness to reduce the hours of operation, and this is reflected in the conditions below.

The Environmental Health officers for this Council and for Tamworth have been consulted on this proposal. Due to the manner in which Environmental Health legislation operates, any complaints regarding noise arising from the track must be dealt with by the Tamworth officer. It is material that no complaints have resulted in the finding of a statutory noise nuisance. It is also material that the number of complaints is relatively limited given the 20 years in which a track of some sort has been upon the land (over 15 years since it was a formal karting track). Furthermore

the acceptance of a Deed of Modification to the 1999 Section 106 to allow the number of karts to increase from 6 to 12 is a clear indication that the noise impacts have long been acceptable from an Environmental Health point of view. Ultimately the Tamworth officer notes that the B5000 and regular traffic upon, the distance between the track and residences, the existing and proposed bund, orientation of the track meaning a greater distance between the extended track and residences, and the nearby industrial estate all provide a context that noise disturbance from the proposal will be limited to a certain degree and other noise influences will “mask” the impacts somewhat. In short this is *not* a remotely rural site without any other physical features to aid noise diffusion. In the context of an already limited number of karts and existing controls on engine types, it is consequent that neither Environmental Health officer raises an objection to the proposal. This is a material factor in establishing whether a refusal could be sustained under local or national planning policy.

Notwithstanding this, further efforts have been made by the Case Officer to appreciate the actual impacts. An unannounced site visit was made on a Sunday in September following residents advising of which days brought about the “worst” noise impacts. Conditions were overcast with a reasonable east to west breeze, with rain towards the end of the visit. The officer began by standing on the estate side of the B5000 at the end of the cycle lane through the estate before crossing and standing in a field gate way onto the field to the south of the track. In both positions noise from traffic on the B5000 was more apparent, and even when karts could be heard from the gateway passing cars on the B5000 masked this noise which only tended to occur when karts turned the corner nearest the B5000. The noise observed was also of a “distant” nature. Whilst weather conditions could alter to carry noise towards residences, it must be equally noted that prevailing wind conditions would generally carry noise away from residences. The visit then proceeded into the site and to the aforementioned corner where noise levels were considerably higher for two reasons – (1) the use of the track at this point, and (2) the “holding area” for karts waiting to race. In terms of the latter some karts were sat with engines running and some revving whilst drivers/owners “tuned” the engine. Despite the upper allowance of 12 karts, only a maximum 8 were raced during any one of the races observed although a few were waiting with engines running. It was also noted that in-between races, traffic on the B5000 could be heard. Whilst this site visit represents just a “snap shot” in time, in accords with previous experience of this site and the Environmental Health officers’ observations. The visit concluded with a walk around the northern roads on the Stonydelph estate as well as along the B5000 footway which is separated from the carriageway by a 2 metre high vegetated bund for much of its length. Here it was not possible to hear the karting activities.

A number of objectors raise comment that existing controls are being breached. These include earlier use of the track than permitted, use of the track by unpermitted vehicles and use of adjacent land for car boots. There is also some uncertainty as to how the operators are verifying that karts brought onto the site for use (which is allowed under the consent) meet the requirements of the Section 106 agreement. These were referred to the applicant for their clarification. In response they highlight that he only took control of the site in November 2010 so they have not been able to clarify on any historical matters. However they confirm that all new karts are checked to Motor Sports Association (MSA) requirements. They also state that since taking control of the site, they have employed a former Environmental Health officer and undertake regular checks on noise levels. The use of the adjacent land for car boots is permitted when karting activities are not taking place, and this appears to be the case. Any other potential breaches identified appear to be isolated and not material

to the effect of the controls imposed, such that they are not considered of sufficient weight to demonstrate that permission here would not be adhered to appropriately.

Turning to the specifics of this proposal and the applicants' approach to addressing concerns during the course of the application, there are key points which must be noted. Following the identification of a conflict with the public footpath (see below), the holding area is to be moved to the opposite side of the track (the north-east side). This will effectively eradicate noise impacts from the holding area with land being beyond a brow of the hill upon which the existing track lies. Noise breakout towards Stonydelph will thus be confined to that from the track and the extension. In helping to address this element of noise the existing 1.5 metre high bund along the south-west edge will be increased to 2 metres and extended at this height to reflect noise from the track extension. The applicant has also acknowledged that planting upon this bund could further help to diffuse noise.

In drawing all of the above considerations together, it is considered that the biggest and most material control over noise breakout remains unchanged – that is that imposed by the existing planning permission and 1999 Section 106 (both as amended). As noted these controls will be carried through to conditions and a fresh Section 106. The extension to the track does nothing to alter the “amount” of noise which can emanate from the existing or proposed track, and these controls can be carried forward. There is also a material improvement advanced by the applicant here – that is the moving of the holding area and the increase in the length and height of the bund. Indeed the offer to reduce hours of operation is again a very material factor, and a very much welcomed concession. This is considered to demonstrate a proactive and reasonable approach to achieving “good” planning and better relations with neighbours. It is for the above reasons that a refusal cannot be sustained.

### **(b) The public footpath**

It became apparent during consultation on the originally submitted scheme that public footpath T95 crosses the site. This was queried by the landowner as he was of the opinion that the route had been extinguished when the continuation of that footpath within the confines of Staffordshire had been diverted towards the B5000 at the point the golf course was permitted. Indeed the route is not shown on the 1998 Definitive Map. However it transpires this was a drafting error, with the previous Definitive Map from 1991 (after the creation of the golf course) showing the route. The County Footpaths officer confirms they hold no records of a formal diversion or extinguishment of the route. As such the route remains a material planning consideration, although the exact position of it remains a matter to be confirmed in detail by the Footpaths officer.

The original scheme conflicted with this route, with the bunding and the existing holding area obstructing the legal route for ramblers. The applicant faced two options – (1) retain the original scheme and seek to divert or extinguish the footpath as part of the application, or (2) “design around the problem”. The latter option has been chosen simply due to the likely significant delay in establishing a diversion or extinguishment Order as well as the uncertainty of even obtaining such an Order. This thus allows this application to be determined and the landowner can seek to address this matter at a later date without the time constraints imposed by a planning application. The revised scheme addresses these conflicts by removing any obstructions and safety risks. The holding area is completely moved with a new crash barrier erected on the southern corner (which may also help with reducing

noise breakout). The bund is designed so avoid this route with a small section proposed in a phased approach so to allow for either the existing or a diverted/extinguished route without compromising the noise deflection aims. Consequently there is not considered to be an obstruction of public access across the land.

### **(c) Visual amenity and landscape character**

The proposal will lead to the creation for further hardstanding within open countryside as well as 2 metre high bunding. The impact of the hardstanding will be limited to surface level only and reflect existing hard surfaces around the site. The bunding will reflect that already existing and is not considered to be sufficiently intrusive to warrant refusal here – especially when it can be landscaped through condition. The phasing of the bunding is also acceptable with the visual impacts of either option indifferent. In terms of visual amenity and landscape character the impacts are considered acceptable.

### **(d) Highway capacity**

Residents raise concern that the extension to the track will “elevate the status” of the track to a wider group of motorsport follows and participants. This may be the case to some degree as the track would be more attractive, especially for corporate bookings. However reference must be made to the existing controls on the use of the track. These prevent “off circuit” or competition racing with other clubs or organisations. This precludes the track from being used for race meetings as part of a larger “season” of meetings. As such by extending the existing controls, it would not be possible to elevate the status of the track to a point where major race meets would give rise to unacceptable highway impacts through creation of queues to the site. Indeed so far it seems that such congestion has only been caused by car boots on the adjacent land.

In summarising all the above considerations, given the existing and sustained controls the noise impacts are not considered to worsen under these proposals; whilst the proposed changes to the holding area and hours of operation, and the bunding are considered to materially improve the existing situation, whilst impacts on the public footpath, visual amenity and landscape character and highway safety are all considered acceptable or sustain the status quo.

### **Recommendation**

That the application be **GRANTED** subject to the following conditions and the completion of a revised Section 106 legal agreement or Deed of Modification to reflect the current application, with the Heads of Terms of the latter framed around the existing agreement and delegated to the Head of Development Control:

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 block/site plan numbered 280512/21 and spoil bank (bund) calculations and cross sections received by the Local Planning Authority on 14 November 2012; and the cross section drawing received by the Local Planning Authority on 15 June 2012.

REASON

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

3. No more than twelve karts shall be operated on the wider site at any one time. For this purpose, "operated" shall include racing, running generally on the circuit, and the running of engines whilst stationary, irrespective of whether the karts are on the circuit, in the pits or whilst undergoing repair; and the "wider site" includes all the land encompassed by the blue line on the approved plan.

REASON

To protect the amenities of nearby residential property.

4. No "off circuit" nor competition racing with other clubs or organisations shall take place at any time.

REASON

In the interests of the amenities of the area.

5. No kart or mini motorbike shall be operated on the track or the site unless it conforms with the noise level requirements stipulated by the Royal Automotive Club Motorsports Association or their replacement organisation.

REASON

To protect the amenities of nearby residential property.

6. No karts or mini-motorbikes shall be operated (in accordance with the definition under condition 3) other than between 0930 and 1900 hours Monday to Friday, and 1030 and 1900 Saturdays, and 1030 and 1800 Sundays and Bank Holidays.

REASON

To prevent disturbance to the occupiers of nearby properties.

7. The existing floodlights shall not be used except in accordance with the hours of operation specified in condition 6, and not more than 30 minutes before or after these times.

REASON

In the interests of the amenities of the area.

8. No further lighting or tannoys shall be placed or erected on the site.

REASON

In the interests of the amenities of the area.

9. Prior to development commencing, a management plan shall be submitted which outlines a working practice to regularly oversee, monitor, record and implement the controls set out under this permission and within the associated Section 106 agreement. The approved plan shall be implemented accordingly and records arising from its implementation be made available to the Local Planning Authority at all reasonable hours.

REASON

To enable appropriate control and monitoring of the use hereby approved.

10. Prior to development commencing, a landscaping scheme for the existing and proposed bunds shall be submitted to the Local Planning Authority for approval. The approved scheme 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; and 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.

**Notes**

1. 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), ENV1 (Landscape Character), ENV9 (Air Quality), ENV11 (Neighbour Amenities), ENV12 (Urban Design) and ENV14 (Access Design).
2. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning objections and issues, suggesting amendments to improve the quality of the proposal, and meetings and negotiations. 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.
3. This Decision Notice must be read in conjunction with a Planning Obligation completed under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended). You are advised to satisfy yourself that you have all the relevant documentation.
4. Public footpath T95 must remain open and available for public use at all times, so must not be obstructed by vehicles or by materials during any construction

works. If it is necessary to close public footpath T95 for any length of time during construction then a Traffic Regulation Order will be required. Warwickshire County Council's Rights of Way team should be contacted well in advance to arrange this. Any disturbance or alteration to the surface of public footpath T95 requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any gate or other structure on the public footpath.

### **Justification**

The proposal is not considered to intensify the existing noise breakout from the site, with appropriate controls possible to regulate the use and there being a material improvement offered here. The impacts on the public footpath, visual amenity, landscape character and highway safety are also considered acceptable. The proposal is therefore in accordance with saved policies Core Policy 2, ENV1, ENV9, ENV11, ENV12 and ENV14 of the North Warwickshire Local Plan 2006, and national policies as set out in the National Planning Policy Framework.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2012/0301

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
46	County Footpaths Officer	Reconsultation reply	06/12/2012
47	Tamworth Borough Council	Reconsultation reply	06/12/2012
48	Applicant	Email to Case Officer	11/12/2012
49	County Footpaths Officer	Emails to Case Officer	18/12/2012
50	Alan Henderson	Representation	06/12/2012

*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/2012/0394**

**Fillongley Social Club, Ousterne Lane, Fillongley, Coventry, Warwickshire, CV7 8EU**

**Erection of No.1 dwelling on part of Fillongley Social Club's site, for**

**Fillongley Social Club**

Local Finance Considerations: New Homes Bonus (NHB), Community Infrastructure Levy (CIL).

**Introduction**

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

**The Site**

This is a small rectangular area of land of some 0.02 hectares located at the far eastern side of the Social Club's site opposite the junction with Bourne Brook Close, at the rear of residential properties which front onto the Coventry Road. It is presently used as a car parking area for and as part of the vehicular access in and out arrangement for the Club. The flat roofed Social Club building is immediately to the west as is the Club's main car park. The clubs' premises are open to the road with wide grass verges. There are residential properties on the opposite side of Ousterne Lane and also within Bourne Brook Close.

There are a variety of styles of housing in the area – modern twentieth century properties in Bourne Brook Close, as well more traditional cottages and detached houses with some modern development in Ousterne Lane itself. The Social Club is a large flat roofed structure and there is a telephone exchange also in Ousterne Lane to the west. Older properties front the Coventry Road – Alpha House, Church Heights and the former Bull and Butcher Public House. Alpha House backs onto the site. This is a Grade 2 17<sup>th</sup> and 18<sup>th</sup> Century Listed house with rendered rear gables and some timber framing. The former Bull and Butcher property is also a grade 2 Listed Building dating from the late 16<sup>th</sup> Century. On the opposite side of Coventry Road stands the Parish Church.

Ousterne Lane is a narrow lane which slopes down to its junction with the Coventry Road.

Two sides of the site – to the east and to the north – are marked by red brick walls about 1.8 metres tall. The other boundaries are open. The eastern most of these is 6 to 7 metres from the closest rear elevation – one of the rear gables – of Alpha House. There are first and ground floor windows within its rear elevation and a small lawn being to a kitchen a lounge and bedrooms. The ground level of Alpha House is lower than the application site.

The site lies centrally within the Fillongley Conservation Area.

The plan at Appendix A illustrates the general layout as described above.

## The Proposal

A new dwelling would be erected on the site with two car parking spaces provided on the front. This would remove this vehicular access into the club, but the other main and much wider access would remain for both ingress and egress to the Club, its' main car park and for deliveries. A smaller pedestrian access would however be provided. The two boundary brick walls would remain but a smaller wall would be added along the western boundary demarcating the Club premises from that of the proposed house.

The proposal is for a two storey brick and tile gabled ended house with featured wooden cladding. It would be 6 metres to its ridge with that running parallel to the road. A small front gable is added to provide circulation space. This gable would extend to eaves height and have a very shallow roof pitch. A rear extension is added by a further rear gable of the same height as the main ridge but not extending over the full width of the rear elevation. The building would stand proud of the existing Club's front elevation by some 5 metres. Its east elevation would be between some 8 and 10 metres from the rear elevations of the residential property fronting the Coventry Road. This eastern elevation would contain a small WC window and a lounge window at ground level, with no openings at first floor.

The proposed site layout is shown at Appendix B and the elevations are at Appendix C.

Appendix D shows cross sections centred on the site including the relationship with Alpha House and the Social Club. For comparison purposes, the ridge height of the Club closest to the site is 4.23 metres; the ridge of the proposed house is 6 metres and the height of the Alpha House's highest ridge is 7.15 metres. Appendix E is a photomontage with the outline of the proposal added to a number of views from Ousterne Lane.

The plans described above and illustrated in the appendices are re-submissions. Original plans submitted with the application showed a more modern style timber building. This drew objections from many local residents and the applicant reviewed his approach towards the design, by amending the appearance to that described above. He considers that this is now more traditional, so as to be in-keeping with the Conservation Area.

The applicant has set out that the changes:

- show a closer reflection of the existing vernacular of the local context, with the
- elevations more closely reflecting the adjoining listed building – the timber features - and the more
- traditional gable ends.
- There is a reduction of the main ridge by 305mm and the entrance ridge by 710mm.
- The footprint has been reduced to improve views of the Coventry Road buildings when travelling down Ousterne Lane.
- Traditional materials are to be used and there is
- improved privacy.

In response to some of the representations received, the applicant has submitted a Sunlight Impact Assessment which is said to show that there will be no adverse loss of light to the adjoining properties of Alpha House and Church Heights. Additionally, he has submitted a letter responding to the objections received – see Appendices F and G.

## **Changed Circumstances**

The original submission was accompanied by a Planning Statement setting out the reason behind the submission. In short, this was to enable a capital receipt for the Club so that it could carry out major repairs and refurbishments to the existing club house. There had been little maintenance since the construction of the building in 1972, and such works would allow the Club to offer a wider variety of facilities, making it more attractive and thus improve its financial situation. The Club considered that a cash injection was needed and thus the proposal should be seen as an “enabling” development.

Since the date of that original application, the Council has completed the consultation on its Proposed Submission Core Strategy and this is to be submitted very shortly. In addition, it has just commenced consultation on its Preferred Options for Site Allocations. This includes the identification of land in Fillongley in order to meet that settlement’s housing requirement of an additional 30 dwellings as set out in the Core Strategy. The whole of the Social Club site is shown as a Preferred Option, with a potential for providing 12 houses towards the target of 30. The current application site is included within the identified site.

In responding to this situation, the applicant has said that the application should be treated as a “stand alone planning application and the operational and financial activities of the club should not be considered in relation to this application. Any possible future application the club may consider for the remainder of the Club’s site will be the subject of a separate application and should not prejudice this submission”. In other words it should be dealt with as any other application would be for a new “infill” plot in Fillongley.

## **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 2 (Development Distribution) and policies ENV8 (Water Resources), ENV10 (Energy Generation and Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV15 (Conservation), ENV16 (Listed Buildings), HSG 2 (Affordable Housing) and TPT6 (Vehicle Parking)

## **Other Material Planning Considerations**

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

The Core Strategy Proposed Submission – November 2012

The Site Allocations Plan - Preferred Options : February 2013

Fillongley Conservation Area Designation Report 1970

## **Consultations**

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

Severn Trent Water Ltd – No objection subject to a standard condition

Environmental Health Officer – There have been sporadic complaints concerning noise emanating from the Club but these have not constituted a nuisance. It is recommended that a condition is imposed requiring insulation details to be agreed.

Warwickshire Museum – No objection subject to a standard condition

Heritage and Conservation Officer – Because of the recent absence of the Heritage Officer, it is only possible to report his observations on the original proposal.

He does however set out the heritage interest in the locality of the site before identifying three criteria by which to assess any proposal. The heritage interest lies along Coventry Road in the form of the Grade 2 Listed Buildings and the Parish Church with its prominent large square tower as a skyline feature. The interest in the lower part of Ousterne Lane behind Alpha House is low with the Social Club making a negative contribution. The three main considerations are the impact of a proposal on views along Ousterne Lane; the impact on the setting of Alpha House and the appropriateness of design to the conservation area.

On the first matter then the rear elevations of the frontage properties and the church tower combine to positively contribute to the character and appearance of the conservation area. The importance of the views along Ousterne Lane of these features is low to medium in that they are locally valued and the importance will vary depending on different vantage points. Looking at the original proposals then Alpha House would partially be obscured in southward views from Ousterne Lane by the proposal, but the Church tower would still be visible. There would therefore be some harm to the character and appearance of the conservation area because of the loss of view of the varied roofscape and timber framing in one of the rear gables of Alpha House. This however would be low level in that it erodes the understanding and appreciation of the heritage assets in the views only to a minor extent.

The principal heritage concern here is the second matter – the impact on the setting of the Listed Building – Alpha House. He considered that the original proposal here “was on the very limit of what is acceptable” but was sufficiently distanced from the boundary wall and low in height so as not to seem overbearing in views of the heritage asset, particularly from the vicinity of the junction of Ousterne Lane with Bourne Brook Close. In terms of the third criterion – then he concluded that the design and appearance, although understandably “new” and “controversial” would not necessarily be inappropriate.

In overall terms, in respect of the original plans, he concluded that there would be harm here to heritage assets but that would be less than substantial. Accordingly the NPPF requires that this needs to be balanced against the public benefits arising from the development. He concludes that if there are such benefits, then that would tip the balance for support.

## **Representations**

Fillongley Parish Council – The Council is pleased that the plans have been amended, but maintains an objection due to the loss of privacy at Church Heights; the noise emanating from the Club, the inappropriate massing on the site and existing rain water drainage is under capacity so sustainable drainage will be required.

At the time of preparing this report eight letters of objection have been received in respect of the amended plans. Matters raised do include questions concerning the applicant's "enabling" argument which was outlined above. But as reported above he has now asked that this is no longer part of his case. As a consequence these matters will not be referred to below. The other matters raised include:

- The proposed building obscures the view of two listed buildings – Alpha House and the Church - contrary to Local Plan policies and to emerging policy.
- The proposed house is not an "affordable dwelling" and is thus not in accord with Local Plan policy.
- The proposed building does not respect its surroundings and is thus not in accord with Local Plan policies.
- The proposed building would result in loss of residential amenity through loss of light and shading to adjoining property.
- The proposed building would also have a poor standard of amenity – small rear garden with tall boundary walls and no windows in its western boundary
- The car parking on site would be displaced elsewhere
- The changes to the original plans do not overcome the objection in principle – it is still out of keeping.
- There is potentially an increased traffic hazard with cars reversing onto Ousterne Lane
- What will happen to the levels on site?
- What will happen to the telegraph pole and rainwater drain?

## **Observations**

### **a) Introduction**

There are several issues that need to be considered in the determination of this application. The starting point is to say that as the site is within the development boundary defined for Fillongley by the Local Plan, then there is no objection in principle to a new dwelling here and such a development would be appropriate. It is not considered that this position is altered through the transition from that Local Plan to the Core Strategy. This is because in this period the NPPF carries weight and that supports new housing within existing settlements and because the emerging Core Strategy would not alter the development boundary for Fillongley; it actually promotes new housing within that boundary and early preferred options include the application site as part of an overall larger site, as being a suitable for housing. As such it is considered that the presumption here is to support the current application. It is necessary to explore whether there are any planning considerations of such weight to override this presumption.

As Members will have noted above, the applicant has requested that his proposal be treated on its merits as a simple "infill" proposal for land within Fillongley, and not as an "enabling" application to assist the Social Club. This will be respected.

### **b) Affordable Housing**

The Local Plan requires all new housing within the settlement boundary here to be for "affordable" provision. The current proposal does not accord with this. The applicant has been requested to provide the case as to why this should not be an affordable dwelling and has responded by saying that the reduction in value would reduce the receipt going to the Club, thus jeopardising the possibility and quality of any future development over

the wider site. It is said not to be in a position to fund that development and any potential loss of value would risk the overall redevelopment. The same response is given to a request for an off-site contribution in lieu of an affordable dwelling, but no evidence has been submitted to show that such a contribution could not be paid.

Members will be aware that the emerging Core Strategy is moving towards an overall Borough wide target for affordable housing provision and that the approach to its provision will be far more flexible in line with the NPPF and recent changes in legislation regarding Section 106 Agreements. Moreover, housing officers advise that it would be extremely unlikely that any Partner Organisation would consider taking on a single dwelling here and that the preference would be to seek affordable provision on the wider preferred location site. This is reasonable and proportionate, but of course the application itself still has to be dealt with. The applicant has specifically requested that the case be dealt with as a single application like any other “infill” proposal. As such the lack of evidence to refuse to even consider an off-site contribution in this case is material and weighs against the application.

### **c) Heritage Impact**

As reported above, the Council’s Heritage Officer has not been able to comment on the revised scheme. However he did consider that the original scheme was very finely balanced and that support really depended on whether the public benefits outweighed the harm done to the heritage assets here. It is for the Board to establish what those benefits might be and the weight to be attached to them.

The revised scheme has to be considered against the three criteria or measures set out by the Heritage Officer. The first of these is the impact of the proposals on the views of the heritage assets in Coventry Road as seen from Ousterne Lane. The greatest impact here are the views from the lower end of Ousterne Lane as that road slopes down to the site. From its far end the rear elevations of the Coventry Road properties are not visible. It is only in the vicinity of the Club and the Bourne Brook Close junction, that these become visible. Notwithstanding the changes to the size of the proposed dwelling, it would still obscure those views. This would not be complete but partial. Significantly however it is the timber framed gable that would be “lost” from sight as well as the varied roof-line. It is agreed there is harm here to the character and appearance of the Conservation Area heritage assets as a consequence of the current proposal, but that is low level.

The second is the impact of the proposal on the setting of the Listed Building – Alpha House. The rear of this property is quite constrained being at a noticeably lower level than the Club. The Club is close but its flat roof does reduce its prominence. The proposed building, although smaller and lower than the original, would come forward of the Club, and reduce openness here both horizontally and vertically when viewed from Alpha House. The Heritage Officer took account of the distances from Alpha House and the height of the previous proposal and considered that on balance it was “just on the limits” of what could be accepted as having no material impact on the setting of Alpha House. In other words it was very finely balanced. Notwithstanding the smaller sized house now being considered, it is not accepted that there would be no material impact. It is considered that there is, because of the loss of openness involved; the proximity of the development to the actual rear elevation of Alpha House, that property’s lower levels and the “solid” appearance of the new building which would materially stand above the rear of that property. As such it is considered that there is harm to the setting of the Listed Building and that that is “moderate” harm.

The third criterion is the design of the proposal and its appropriateness to the Conservation Area. The revisions now being considered are more in keeping with the materials and built form seen elsewhere in the Conservation Area – bricks, tiles and timber. There is already a variety of different house types in the vicinity and as a consequence there is no overall theme or feature that runs through the appearance of these buildings. The shape of the site does constrain what is possible, but overall the design and appearance is not considered to be “alien” or inappropriate.

Bringing these matters to a conclusion it is considered that the current proposal would have low level harm in removing views of heritage assets within the Conservation Area; have moderate harm to the setting of Alpha House - a grade 2 Listed Building, but that its design and appearance are appropriate to the Conservation Area. As a consequence the overall conclusion is that there would be harm here to heritage assets, but that that harm would not be substantial.

In these circumstances, the NPPF requires the Local Planning Authority to weigh this harm against any public benefits that might accrue from the development. This will be explored later, once other planning considerations are first assessed.

#### **d) Amenity**

As far as the potential impact is concerned on the residential amenity of neighbouring property, then the most affected one is Alpha House. Clearly if permitted, new development would arise where there is none now, and thus there would be an impact. The issue is how significant could that be. The rear elevation of Alpha House is quite long and made up of a number of gables. The proposed building would not extend along the whole length of the rear – it would be around 60%. The proposed dwelling is 6 metres to its ridge. The side elevation facing Alpha House would have no first floor windows or openings but would have a small WC window and a lounge window at ground floor. These would be below the level of the existing boundary wall between the two properties. There would however be a small patio/amenity area at the rear of the new house and this would be used. There is therefore the potential for noise and disturbance. However it has to be recognised that the Club is already there and thus there is likely to be noise and disturbance at present. The most noticeable impact however would be the “presence” of the building - a six metre tall building some 8 to 10 metres from the existing rear gables. This would be to the south-west of Alpha House. There is already a small rear garden here, which is shaded by the boundary wall and is at a lower level. The applicant has provided a sun light analysis, but the conclusions he reaches are not accepted. There would be increased shading to the small rear garden and to the rear gable of Alpha House in the summer, but particularly during the autumn and winter. Even allowing for the boundary wall and the Social Club as existing, this is considered to be a material loss of light, directly attributable to the proposed house by virtue of its location, size and proximity. Taking all of these matters into account it is considered that there would be a material impact on the residential amenities of the residents of Alpha House.

The neighbouring property to the north of Alpha House is Church Heights. There is a small rear garden to this property and there is a rear first floor bedroom window. The impact on that rear garden in terms of additional shading would be less than at Alpha House because it is already affected by the Social Club's presence and the boundary wall between the two properties. However the rear elevation of the proposed house would be three metres from the boundary with Church Heights and its first floor window would be around 10 to 11 metres from the bedroom window. Whilst the windows would be at angle to each other reducing the risk of direct window to window contact, the one in the proposed dwelling would directly overlook the neighbour's rear garden. In all of these circumstances it is considered that there would also be a material impact on the residential amenity of Church Heights.

In respect of the amenity that the new occupiers of the new dwelling itself might enjoy, then it is agreed that the amenity space is small and constrained. It too would be shaded more than often. This is a matter for prospective occupiers to consider, but given the impact on existing occupiers it does add to the overall concern about the residential amenity that existing and future occupiers might reasonably be expected to enjoy.

#### **e) Highways and Parking**

There is no objection from the Highway Authority. The conditions it recommends are "standard" in that they support the access dimensions and layout. The parking provision meets the Local Plan standards and the dimensions are satisfactory. In the absence of any objection from the Highway Authority, a refusal based on an increased or unsatisfactory risk of traffic and highway impacts would be difficult to sustain.

#### **f) Conclusion**

There is no objection in principle to this proposal being for an "infill" plot within the defined settlement boundary of a Local Service Centre where new housing is being advanced. However the site of the proposal is within the Conservation Area and adjoins Listed Buildings. It was concluded above that there would be harm to these heritage assets, but that this would be less than substantial harm. As a consequence it is necessary to establish whether there are any public benefits of such weight arising from the proposal that would outweigh this harm. It is considered that there are none. The property is not for an affordable dwelling and neither is there an "off-site" contribution offered in lieu and the proposal would have a material adverse impact on the residential amenity of adjoining occupiers. It could be argued that the provision of the dwelling adds to the housing supply in Fillongley and is on a preferred location for new housing. It is agreed that the development of this part of the preferred site would not prejudice the eventual redevelopment of that larger site, but it would still leave the harmful impacts described above – on heritage assets and residential amenity. Given that the Council is in the process of identifying sites in Fillongley and the applicant's land is identified for housing, it is considered that the proper approach here should be to reach an overall housing scheme that lessens all impacts, and thus to some extent this proposal is premature.

## Recommendation

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

- i) The proposal would lead to moderate harm to local heritage assets – namely the loss of views of the rear elevations of the Coventry Road frontages within the Conservation Area and the impact on the setting of an adjoining Grade 2 Listed Building. It is not considered that there are public benefits to the community arising from this proposal that outweigh this harm – it is not for an affordable home and it is not essential to the provision of housing in the settlement. As such the proposal does not accord with saved policies ENV15 and ENV16 of the North Warwickshire Local Plan 2006 and the requirements of the National Planning Policy Framework 2012.
- ii) The proposal would have a material impact on the residential amenity that occupiers of neighbouring occupiers might reasonably be expected to enjoy as well as those of the future occupiers of the house. The proposal would have a significant visual and prominent impact on Alpha House as well as reducing light due to its size, its location and its proximity bearing in mind the small rear garden of that property and its lower ground levels. The proposal would also directly overlook the rear garden of Church Heights due to its size and proximity to that property. The proposed rear garden to the property is small and would be in shade for much of the day. As such this harm would not accord with the requirements of saved policy ENV11 of the North Warwickshire Local Plan 2006 and the requirements of the National Planning Policy Framework 2012.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2012/0394

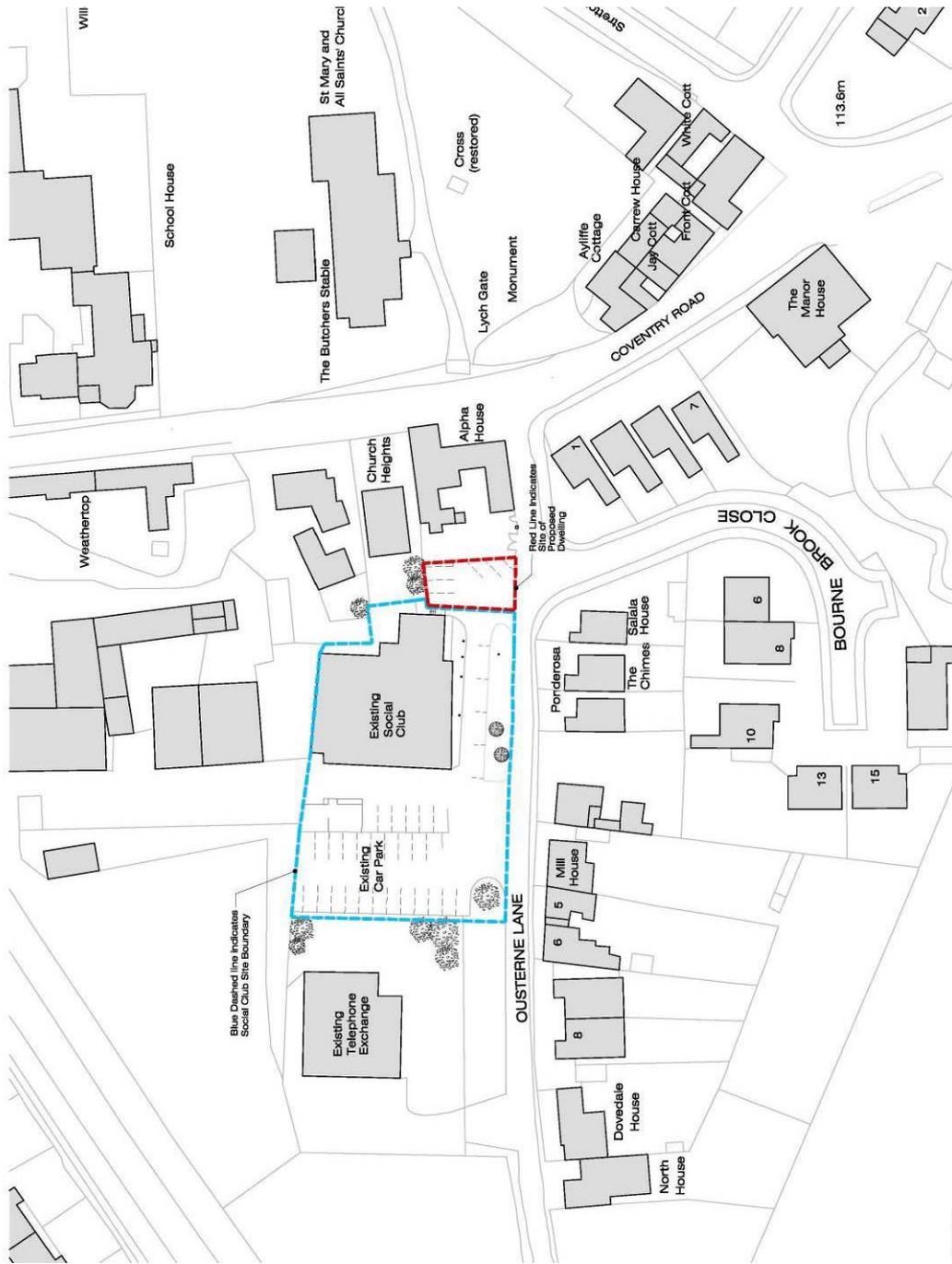
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	2/8/12
2	I Campbell	Objection	14/78/12
3	D Fennell	Objection	20/8/12
4	C Moore	Objection	16/8/12
5	L Gill	Objection	15/8/12
6	M Fennell	Objection	15/8/12
7	I Campbell	Objection	21/8/12
8	Environmental Health Officer	Consultation	24/8/12
9	Applicant	E-mail	20/8/12
10		Letter	21/8/12
11	Heritage Officer	Consultation	23/8/12
12	E and M Jones	Objection	22/8/12
13	W Campbell	Objection	24/8/12
14	A Whitehall	Objection	24/8/12
15	Fillongley Parish Council	Objection	27/8/12
16	D and C McCloy	Objection	27/8/12
17	D Birch	Objection	27/8/12
18	D Thompson	Objection	29/8/12
19	WCC Highways	Consultation	6/9/12
20	Severn Trent Water Ltd	Consultation	5/9/12
21	Warwickshire Museum	Consultation	4/10/12
22	Applicant	Letter	14/1/13
23	Applicant	Letter	21/1/13
24	Applicant	E-mail	24/1/13
25	WCC Highways	Consultation	28/1/13
26	Severn Trent Water Ltd	Consultation	25/1/13
27	Warwickshire Museum	Consultation	25/1/13
28	Applicant	E-mail	25/1/13
29	D Thompson	Objection	7/2/13
30	D and C McCloy	Objection	3/2/13
31	W Campbell	Objection	7/2/13
32	Lyndale House	Objection	5/2/13
33	Mr and Mrs Tyas	Objection	4/2/13
34	I Campbell	Objection	4/2/13
35	E and M Jones	Objection	31/1/13
36	L Moore	Objection	26/1/13
37	Applicant	E-mail	13/2/13
38	Applicant	Letter	18/2/13
39	Applicant	Solar Study	18/2/13
40	Fillongley Parish Council	Objection	25/2/13

41	Applicant	Solar Study update	25/2/13
42	W and I Campbell	Objection	26/2/13
43	E and M Jones	Objection	26/2/13

*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.*



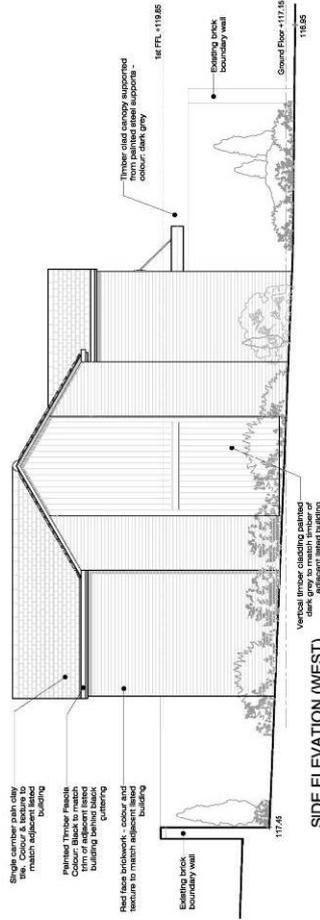


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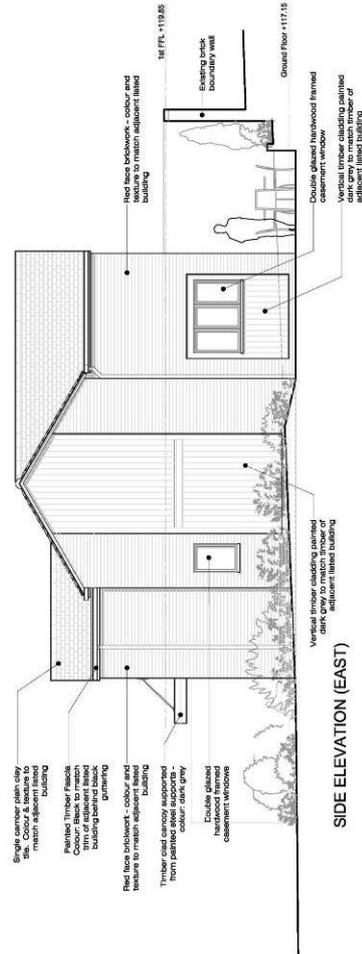
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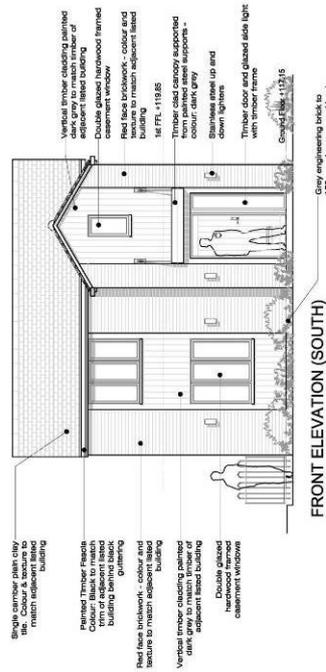
PROPOSED SITE PLAN SCALE 1:200



SIDE ELEVATION (WEST)



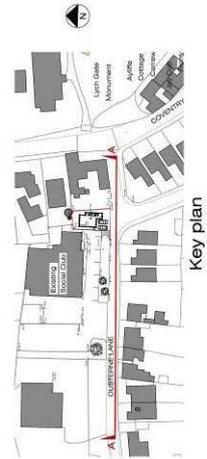
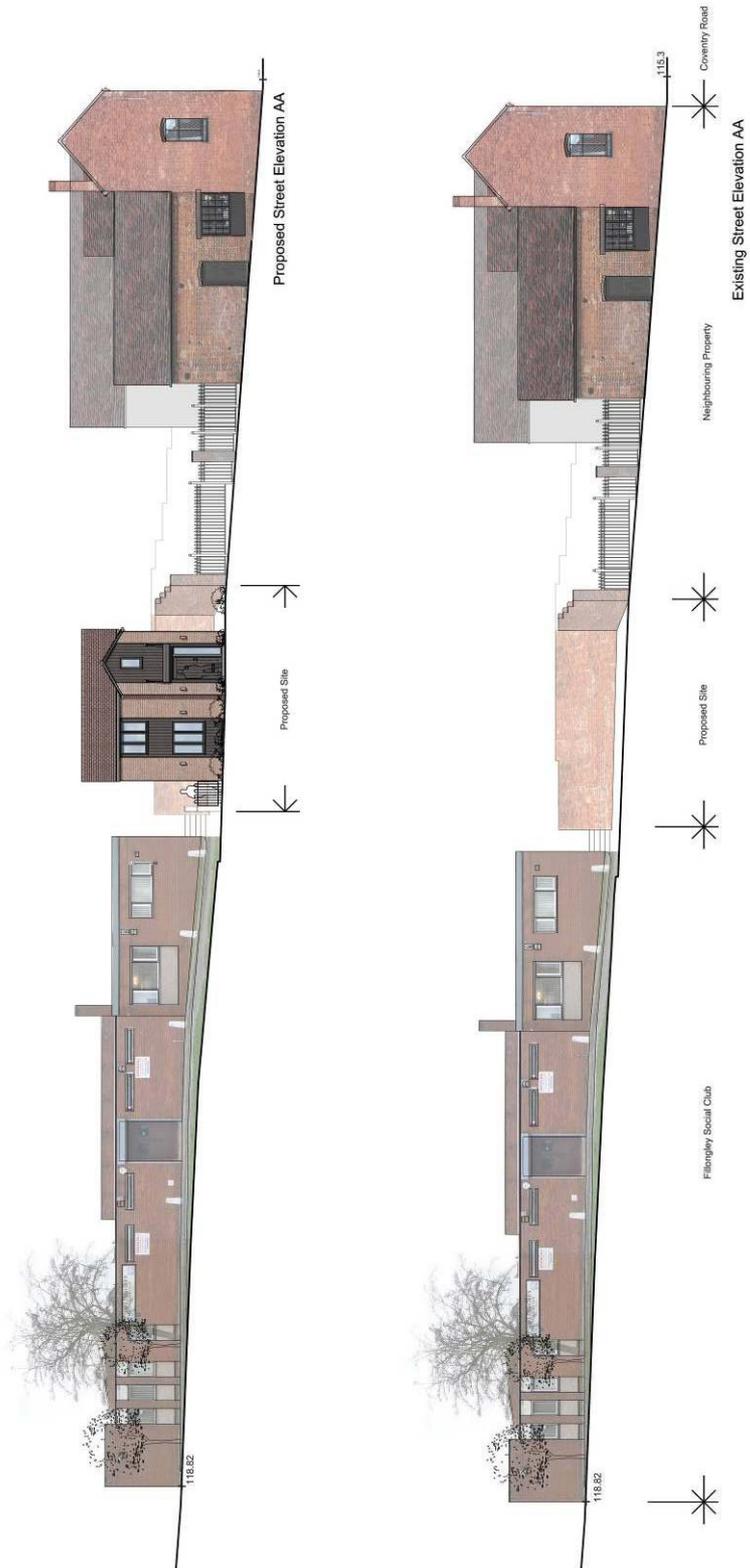
SIDE ELEVATION (EAST)



FRONT ELEVATION (SOUTH)



REAR ELEVATION (NORTH)





**VIEW 1**  
 SHOWING EXISTING VIEW OF ST. MARY AND ALL SAINTS CHURCH OVER THE TOP OF THE PROPOSED DWELLING. TAKEN FROM HIGHEST POINT TRAVELLING EAST DOWN CLUSTERNE LANE



**VIEW 2**  
 THE EXISTING VIEW OF ST. MARY AND ALL SAINTS CHURCH OVER THE TOP OF PROPOSED DWELLING REMAINS AS CONTINUING EAST DOWN CLUSTERNE LANE.



**VIEW 3**  
 THE EXISTING VIEW OF ST. MARY AND ALL SAINTS CHURCH OVER THE TOP OF PROPOSED DWELLING REMAINS AS CONTINUING EAST DOWN CLUSTERNE LANE.



**VIEW 6**

REV	DATE	REVISIONS FOLLOWING LA COMMENTS	NO
A	20.01.13		10

**leisure concepts**

the trading estate  
 common lane  
 telephone: +44 (0)1823 81444  
 email: admin@leisureconcepts.co.uk

client:  
 Fillongley Social Club

project:  
 FILLONGLEY COTTAGE PROPOSALS

title:  
 STREET VIEWS

scale:  
 NTS

date:  
 16.08.12

drawn by:  
 NM

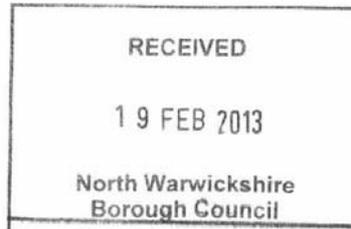
drawing no:  
 1549.08 A

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Our Ref: 1549/6.2.DN/JB/18-02-13

18<sup>th</sup> February 2013

Mr Jeff Brown  
 Head of Development Control  
 The Council House  
 South Street  
 Atherstone  
 Warwickshire  
 CV9 1DE



Dear Jeff,

**Response to Public Consultation - Ref: PAP/2012/0394**

Thank you for forwarding the responses to our revised planning submission.

A number of objections attempt to support subjective views stating the development is contrary to a number planning policies. We argue that with the recent change in policy '*designated as preferred site for residential development within Fillongley*, and the revised cottage design which will harmonise and enrich Fillongley, this application is in compliance with all current policies and should be supported.

We have reviewed the letters and we note a number of coordinated and recurring themes, some of which related to the previous proposals and have been addressed in the most recent traditional cottage submission.

Never-the-less we have re-addressed the points raised and respond as follows:-

**1. Height of the Cottage**

A number of comments have been raised regarding the height of the proposed Cottage to which we respond as follows:-

- The height and roof design of this two story Cottage property has been carefully considered, with reduced ceilings and a roofline pulled down into the first floor ceiling space to create a cottage like character and reflect the local context. The building cannot physically be reduced in height any further.
- Our elevation drawing 1549.08.05D clearly illustrates the height of the Cottage and the roofline, despite being on a sloping site, is still notably lower than the adjacent 3 storey Alpha House and adjacent properties, including the newer housing on the opposite side of the Ousterne Lane, which we argue are far more imposing and out of character. (See attached photo 'Fillongley Social Club 12.jpg').
- In response to the comments regarding a bungalow on this site, we argue that a bungalow on this site would be inappropriate and completely out of character, with no examples of bungalows near the site.

Leisure Concepts The Trading Estate Common Lane Kenilworth Warwickshire CV8 2EL

Tel: 01926 851454 Fax: 01926 851776 Email: [admin@leisureconcepts.co.uk](mailto:admin@leisureconcepts.co.uk) Website: [www.leisureconcepts.co.uk](http://www.leisureconcepts.co.uk)

Leisure Concepts Ltd Registered in England 3058746 Leisure Concepts Design Ltd Registered in England 4271956

## 2. Views of Listed Buildings

With regards to the concerns over loss of views to the rear and private elevations of the Coventry Road buildings, we respond as follows: -

- Our Street Views drawing 1549.08.A demonstrates there is minimal loss of views to the rear of the Coventry Road properties and the Church from various locations down Ousterne Lane. The proposed Cottage has been pulled back from the street as far as possible to mitigate loss of views, and loss of amenity. This is a view supported by the conservation officer's report (i.e. 'It erodes the understanding of the heritage to a minor extent')
- At present the view of the private rear elevation of the properties and the Church tower is set to a foreground of unsightly damaged tarmac. We argue our proposals considerably enhance and frame the view of the existing properties along Ousterne Lane.

## 3. Character of Development

The design of the proposed cottage has been considered to reflect the proportions, fenestration and scale of the adjacent buildings and the wider context of Fillongley.

- It is proposed that minimal pallet of materials for this predominantly brick cottage will match that of the adjacent Alpha House and other the adjacent buildings.
  1. Bricks to match existing
  2. Roof Tiles to match Existing
  3. Timber Areas Colour to match existing (simply described as grey for clarity, refer to photo 'Existing Character 03.jpg')
- As with Alpha House, areas of timber have been incorporated into the design to provide articulation and scale and make architectural reference back to the timber feature elements and trims of the Alpha House (timber panelled window bays, timber arch top doors, timber garage doors etc). It is proposed that the proposed areas of timber on the Cottage are painted to match that of Alpha House, and have been described as a generic 'Grey' on our drawings for clarity.
- The architectural language and design of the cottage has been considered to carefully respond to, and reflect that of the existing architecture of Fillongley and is very much in keeping with the traditional elements of Fillongley (rather than the out of character block residential developments with their UPVC windows, and oversized UPVC conservatories to the rear)
- The arrangement of the plot is constant with the rural grain of Fillongley, that being a village that has grown organically over 100's of years. Its relationship with the adjacent buildings is a traditional relationship that is evident throughout Fillongley and many other organically grown rural villages of

## 4. Addressing the Potential Noise From the Social Club

A number of concerns were raised over noise levels. To address these concerns we have sought advice from Dean Walters from North Warwickshire Environmental Health who has confirmed the following discussion and agreements:-

- Any complaints that have previously related to Fillongley Social Club have been sporadic, relating to one off events such as 21<sup>st</sup> birthday parties and the like, and therefore do not constitute a nuisance.

- A noise survey is not necessary in light of the above.
- The sheltered sun garden to the rear of the property is enclosed behind a wall which would therefore be adequately protected, and the hours of use of the garden would be unlikely to clash with the use of the club.
- Any potential noise risk could be controlled through building insulation; suitably insulated glazing and ventilation which has been confirmed can be dealt with under a condition.
- The purpose of this proposed cottage is to finance the design and development of the Fillongley Social club land for further residential use (as part of a separate planning application) and therefore the land is subject to redevelopment and should not be considered.

**5. First Floor Windows**

Careful consideration has gone into the positioning of the first floor windows to ensure that there is no overlooking of neighbouring properties. Windows from bedroom two do not face directly onto any buildings and typical setbacks are achieved. The proposals also give consideration to any possible future development of the Social Club's site and allow for the full potential of future development as supported by the Local Authority.

**6. Setting Out of the Proposed Cottage**

Concerns have been raised about the location of the brick wall marking the property line between Alpha House and the proposed cottage. We can confirm that the cottage has been set out from the corner of the social club and that the wall is shown accurately on our drawings. Please note that the wall is drawn obliquely on our elevation because it is angled in relation to the positioning of the proposed cottage.

**7. Steward's Vehicle Parking**

One comment raised concern over the location of the Steward's parking location. We confirm that the steward's parking space will be in full view at the front of the site and will not increase the potential for theft of the Steward's car. We argue that the occupation of the proposed Cottage will improve security along and Ousterne Lane through natural casual surveillance.

**8. Highways and Parking Concerns**

The Highways Authority has been consulted a number of times and have met on site to ensure that all issues of highway safety have been addressed. Comments have been taken on board and the Highways Authority supports the proposals and confirmed the following:-

- Parking spaces have suitable dimensions
- The Highways Authority have stated the proposals will offer a betterment to the existing access condition, due to reduced access to the exiting site entrance due to its design and a reduction of its use.
- Parking location has natural surveillance and is in accordance with 'secured by design'.
- Visibility splays have been approved by the Highway Authority.
- A pedestrian only access is to be adjacent to the proposed cottage to improve safety.

**9. Sunlight Model**

We note that concerns have been raised regarding loss of sunlight to neighbouring buildings. In order to satisfy concerns raised, we have commissioned a sunpath study which is attached. The study covers relevant solstice, equinox, and summer periods over a sensible selection of timeframe captures throughout various times of the day, which provide an overview of the shadow effect of the cottage throughout the year.

As you will see from the study, contrary to the objections received, Alpha House is virtually unaffected by overshadowing from the proposed cottage, with some minor partial shadow to the large garden only during late afternoon (however a significant proportion of this shadow is exiting due to the existing 2m high wall). The study demonstrates there is minimal effect on Alpha House or adjacent properties, in part because the cottage is so far away from the neighbouring buildings. We argue all neighbouring properties will continue to enjoy excellent amenity of their properties and their gardens.

We note that a letter that you have forwarded incorrectly describes the ridge height as 6.2m. As you are aware, our latest proposals have reduced the height of the cottage with the ridge over the entrance being 5.355m and the main ridge of the cottage being 5.75m.

The sunlight studies have also demonstrated the new cottage will have a protected traditional walled sun garden, which will provide adequate levels of both sun and shelter throughout the year.

**10. Reference Made to the Social Need for Fillongley Social Club**

Any reference to the role of Fillongley Social Club is no longer relevant to the application due to the recent changes in policy which has identified the site as a preferred option for new housing. The residential use is appropriate and supported by the Local Authority.

**11. Affordable Housing**

A number of concerns refer to a lack of affordable housing in Fillongley, and the proposed 2 bedroom cottage will not be strictly considered as affordable housing. We would like to re-confirm the following

- A single cottage would not be taken up by any housing association, and therefore cannot be offered as affordable housing
- This site has now been designated as preferred site for residential development within Fillongley
- The full market value of the cottage will be required to generate the required funds to allow the Fillongley Social Club to finance the design and development proposals for the rest of the site (which will be handled as a separate planning application), which will obviously have to include an element of affordable housing.

**12. Social Club Finances and land values**

We would state that requests for information about the clubs financial status are irrelevant in relation to this standalone application, however proof of the clubs shortfall have already been submitted to the club as proof of their financial status.

**13. Telegraph Pole**

The telegraph pole is outside the development area, and is owned by Statutory authorities. There are no proposals to relocate this, and has been omitted from the visual for clarity of our proposals.

**14. Land Levels**

Comments suggesting we have omitted land levels from the application are unfounded. Land levels have been included on our drawings, and the elevations clearly indicate the cottage sits on a sloping site. It should be pointed out that despite the rise in level across the site; the roof line sits well below that of the adjacent properties on both sides of the road.

**15. Trees**

Our drawings correctly indicate the size of trees to the neighbouring properties, and can be compared to the existing site photos as seen in the objection letter from Alpha House.

The cottage will not sit with the canopies of any trees, and tree roots will not be affected.

**16. Rainwater Drainage**

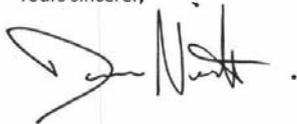
All site drainage will of course be subject to proper conditions and appropriate building regulation requirements. The cottage proposal will not only have a roof rainwater disposal solution, the site plan will replace the existing tarmac surface with permeable surfaces such as grass, landscaping and brickwork drive, thus considerably reducing rainwater runoff from the site.

**Conclusion:-**

Further to the above clarifications, we believe we have addressed all the outstanding issues, and proposed a scheme that sits with planning policy. This revised proposal for a single cottage provides a well-designed development that is in keeping with the character and history of Fillongley; one that will enhance the street and local area. Whilst this development is a standalone application, its long term objective is to provide the Fillongley Social Club the financial standing to finance the design and development of the rest of the site for residential use, which will contain an element of affordable housing. This will of course be subject to a separate planning application

We trust that you can accept the above responses with a view to supporting this submission for approval.

Yours sincerely



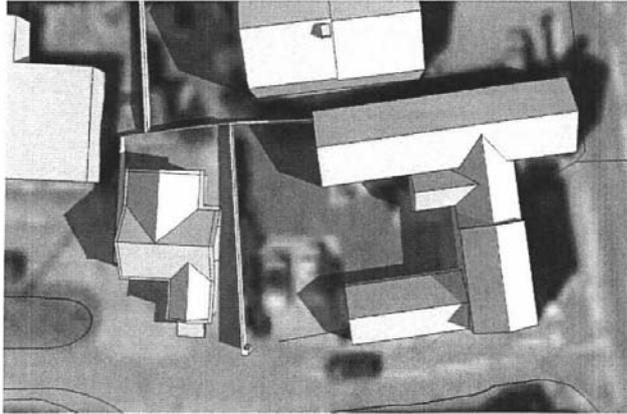
**Darren Newitt**  
Head of Architecture  
Associate Director

**SOLAR STUDY  
FOR PROPOSED DWELLING AT  
FILLONGLEY SOCIAL CLUB SITE**

Commissioned by Leisure Concepts  
February 2013

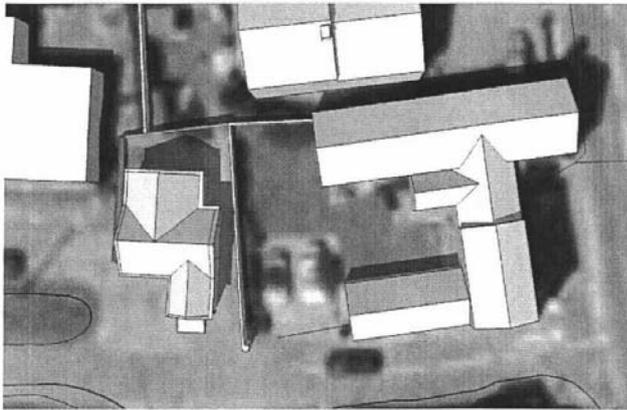
This study has been commissioned to indicate the affect of the proposed new dwelling at the fillongley social club site on the surrounding context with regards to solar shading. Extracts are at key point throughout the year to show the summer and winter solatice when the sun takes the highest and lowest path through the sky and at the spring and autum equinox.

Rev A    25<sup>th</sup> February 2013    Extent of existing shadow highlighted



- Alpha House:  
No additional shadow
- Church Heights:  
No additional shadow

Time:09:00 - 21 JUNE



- Alpha House:  
No additional shadow
- Church Heights:  
No additional shadow

Time:13:00 - 21 JUNE

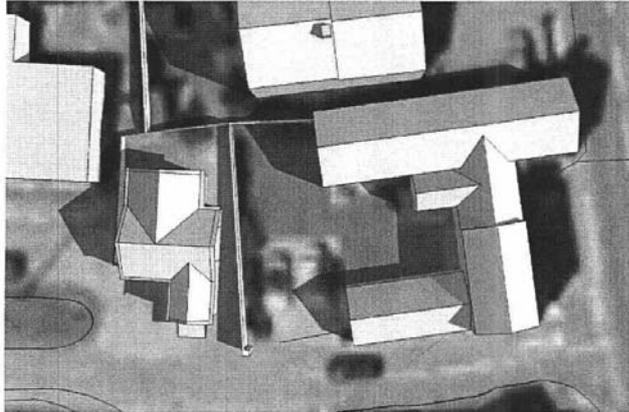


- Alpha House:  
Partial afternoon shadow in addition to shadow from existing wall
- Church Heights:  
No additional shadow

Time:16:00 - 21 JUNE

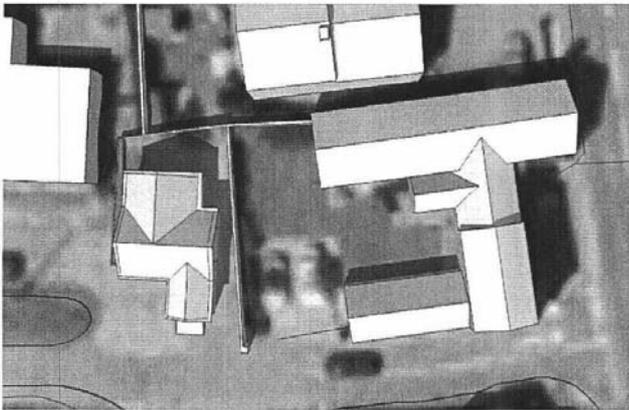
**Summer Solstice Summary**

- Alpha House virtually unaffected with full sun throughout the morning and little affect in afternoon
- Majority of amenity area receiving afternoon sun in all surrounding properties
- Majority of shadow area throughout afternoon are due to the existing boundary walls (as indicated)



- Alpha House:  
No additional shadow
- Church Heights:  
No additional shadow

Time:09:00 -21 JULY



- Alpha House:  
No additional shadow
- Church Heights:  
No additional shadow

Time:13:00 - 21 JULY

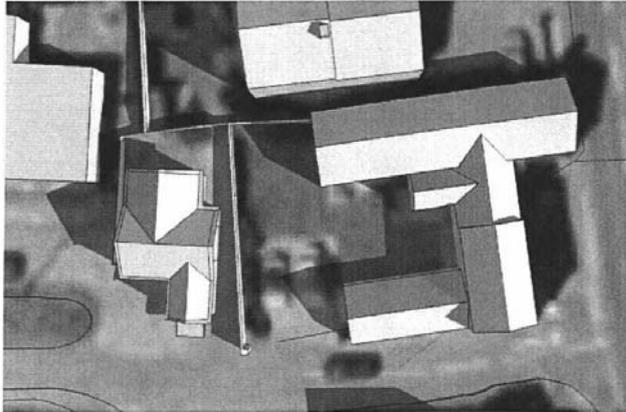


- Alpha House:  
Partial afternoon shadow in addition to shadow from existing wall
- Church Heights:  
Shadow from existing wall

Time:16:00 - 21 JULY

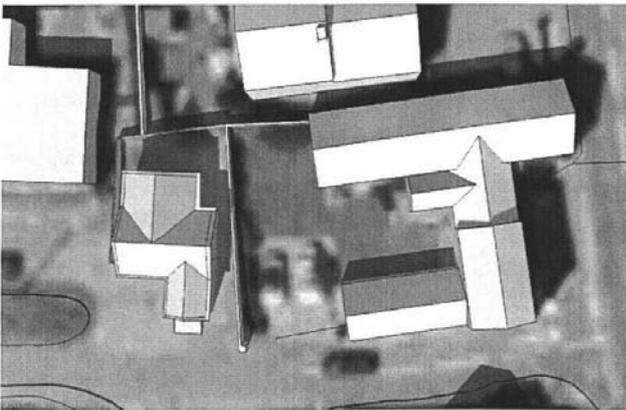
**Summer Solstice Summary**

- Alpha House virtually unaffected with full sun throughout the morning and little affect in afternoon
- Majority of amenity area receiving afternoon sun in all surrounding properties
- Majority of shadow area throughout afternoon are due to the existing boundary walls (as indicated)



- Alpha House:  
No additional shadow
- Church Heights:  
No additional shadow

Time:09:00 -21 AUGUST



- Alpha House:  
No additional shadow
- Church Heights:  
No additional shadow

Time:13:00 -21 AUGUST

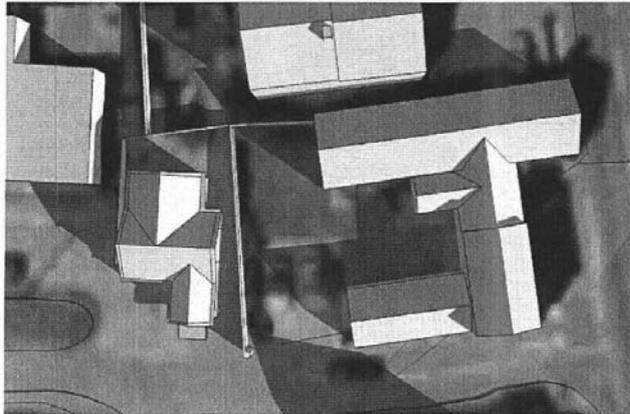


- Alpha House:  
Partial afternoon shadow in addition to shadow from existing wall
- Church Heights:  
Shadow from existing wall

Time:16:00 -21 AUGUST

**Summer Solstice Summary**

- Alpha House virtually unaffected with full sun throughout the morning and little affect in afternoon
- Majority of amenity area receiving afternoon sun in all surrounding properties
- Majority of shadow area throughout afternoon are due to the existing boundary walls (as indicated)



- Alpha House:  
No additional shadow
- Church Heights:  
No additional shadow

Time:09:00 - 21 OCTOBER



- Alpha House:  
No additional shadow
- Church Heights:  
Partial afternoon shadow in addition to shadow from existing wall

Time:13:00 - 21 OCTOBER



- Alpha House:  
Partial afternoon shadow in addition to shadow from existing wall
- Church Heights:  
Shadow from existing wall

Time:16:00 - 21 OCTOBER

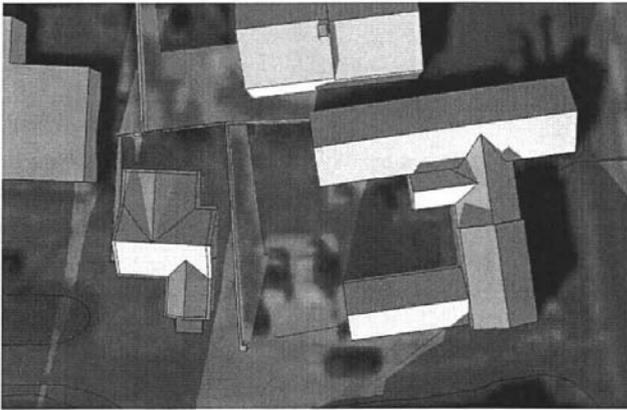
**Autumn Equinox Summary**

- Alpha House gains full sun throughout the morning
- Alpha House exposed to afternoon sun with part of amenity area shaded in later afternoon/evening
- Majority of shadow area throughout afternoon are due to the existing boundary walls (as indicated)



- Alpha House:  
No additional shadow
- Church Heights:  
No additional shadow

Time:09:00 -21 DECEMBER



- Alpha House:  
No additional shadow
- Church Heights:  
Partial afternoon shadow in addition to shadow from existing wall

Time:13:00 - 21 DECEMBER

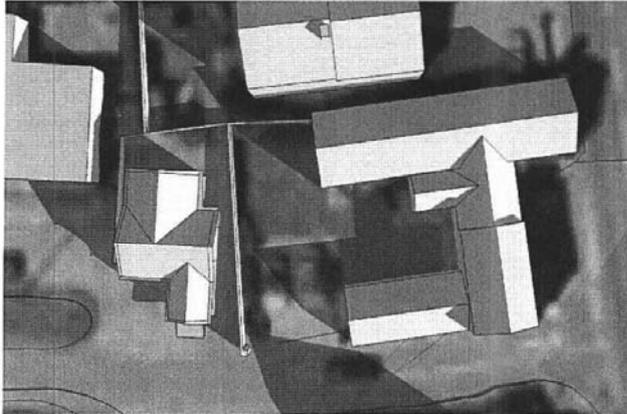


- Alpha House:  
No additional shadow
- Church Heights:  
No additional shadow

Time:15:00 - 21 DECEMBER

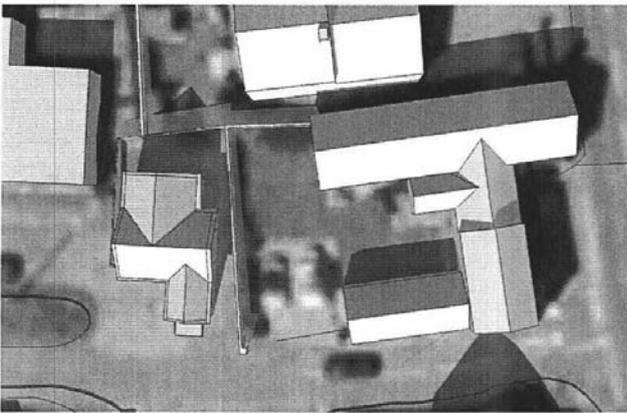
**Winter Solstice Summary**

- No shadowing effect in winter months due to low sun and angle
- Neighbouring gardens receive good levels of light despite low winter sun
- Sun sets before angle of sun can affect shadows on neighbouring properties



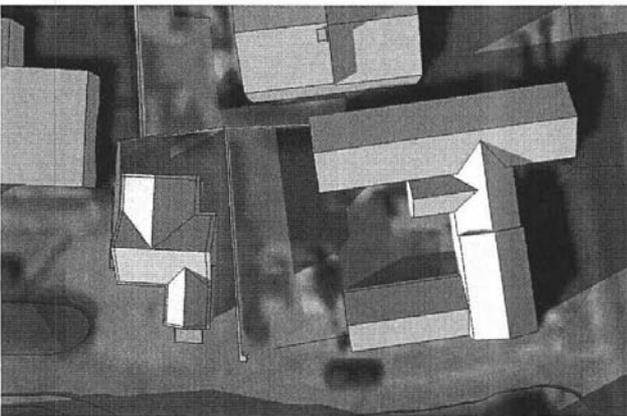
- Alpha House:  
No additional shadow
- Church Heights:  
No additional shadow

Time:09:00 - 21 MARCH



- Alpha House:  
No additional shadow
- Church Heights:  
Partial afternoon shadow in addition to shadow from existing wall

Time:13:00 - 21 MARCH



- Alpha House:  
Partial afternoon shadow in addition to shadow from existing wall
- Church Heights:  
Shadow from existing wall

Time:16:00 - 21 MARCH

**Spring Equinox Summary**

- Neighbouring properties gain full sun throughout the morning
- Alpha House exposed to afternoon sun with part of amenity area shaded in later afternoon/evening
- Majority of shadow area throughout afternoon are due to the existing boundary walls (as indicated)

**(4) Application No: PAP/2012/0550**

**Arley Working Mens Club, Spring Hill, Arley, CV7 8FE**

**Demolition of the existing Arley Working Mens Club building and the redevelopment of 16 no. 1 and 2 bedroom bungalows with associated highways, landscaping and other external works, for**

**Cassidy Group**

**The Site**

This is a rectangular plot on the south side of Spring Hill in New Arley. There is a frontage of detached houses to the west but there is open countryside to the east and to the rear. There is also existing residential development on the opposite side of the road. The land slopes a little from its road frontage towards the rear – a drop of around two metres. There are no trees or boundary hedgerows but there is an electricity line crossing the site.

The site is presently occupied by the former Working Men's Club which is now unused and falling into disrepair. This sits towards the western boundary and there is extensive former car parking areas throughout the rest of the site. Access is directly onto Spring Hill. The club building comprises some 1000 square metres of footprint and includes a residence being the former Club Steward's house. The main ridge of the club building is 9 to 10 metres tall.

Appendix A illustrates the site.

**The Proposal**

It is proposed to demolish the buildings on site and redevelop it as a residential cul-de-sac comprising sixteen 1 and 2 bedroom bungalows. They would face a central access drive from Spring Hill and 32 car parking spaces are proposed. All of the bungalows are proposed to be for socially rented accommodation.

The bungalows would be constructed in brick and tile with some rendered panels. The slope of the site has enabled the bungalows to run down to the lowest part of the site. In order to emphasise the open land beyond the site, the applicant would slightly lower the ground levels at the head of the cul-de-sac and reduce the roof pitches of those bungalows across the end of the cul-de-sac head.

The layout is shown at Appendix B; cross sections through the site are at Appendix C and Appendix D provides an example to the elevations proposed.

The layout and cross sections shown in these Appendices are slightly different from the ones originally submitted with the application. The County Council, as Highway Authority objected to those plans and requested amendments. The applicant submitted revised plans in late January 2013 and re-consultation has taken place. The plans illustrated in the Appendices are those revised plans.

The application is accompanied by a number of documents.

A Ground Contamination report identifies potential sources of contamination from the boiler house and fuel storage tanks.

A Bat Survey found bat roosts in the main hall of the building. As such, demolition works could only continue under the terms of a Licence granted by Natural England. It would require detailed method statements and measures to be employed in the new development for replacement roosts through mitigation measures.

An Ecological Assessment concludes that the existing site has low ecological value. As such the report recommends that the opportunity is taken to enhance that value through measures in the new development – particularly through the scope and nature of new landscaping features. This has been taken into account in the current proposals and they would result in enhanced bio-diversity.

A Public Consultation Report provides details of the applicant's consultation undertaken by way of an exhibition in October 2012. It concluded that there was substantial support for the scheme from those who responded to the questionnaire and that any affordable housing should be for local people.

A Planning Statement outlines the applicant's case for the proposal gaining consent referring to the existing permission on the site; the results of a further housing needs survey and the evidence from financial appraisals relating to the viability of the existing permitted development.

A Financial Appraisal has been submitted. In short this concludes that the implementation of the existing permission would not be viable and thus unable to deliver the affordable units permitted. The current proposal however would do so.

A Housing Need Survey was undertaken with advice from the Council's Housing Officer during September 2012. All residential properties in Old and New Arley were leafleted. This is said to show a need for affordable bungalows, reflected later in the consultation exhibition.

## **Background**

An outline planning permission was granted in March 2012, for the redevelopment of this site through the construction of ten bungalows – eight of which were to be "affordable". Conditions required all of the new dwellings to be bungalows.

As reported above, the original plans submitted have been amended to take account of the Highway Authority's comments. Re-consultation has taken place on those revised plans. The representations section below will reflect this situation.

## **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – Saved Core Policy 2 (Development Distribution) and saved policies ENV2 (Green Belt), ENV6 (Land Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG3 (Housing outside Development Boundaries), TPT6 (Vehicle Parking)

## **Other Material Planning Considerations**

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

The Proposed Submission Draft Core Strategy – December 2012

The New Homes Bonus

## **Consultations**

County Council as Highway Authority – There was an objection to the originally submitted plans from the Highway Authority. This was based on the geometry of the layout and in particular the size of the turning area at the cul-de-sac head. The applicant responded with revised plans and the Highway Authority now has no objection subject to a series of standard conditions.

Severn Trent Water Ltd – No objection subject to a standard condition

Environmental Health Officer – No objection subject to standard conditions to identify the scale of the contamination found in the first survey work and the agreement of proportionate remediation measures

Housing Officer – Supports the proposals in full as they follow on from two Housing Needs Surveys and would deliver affordable housing in the area in the form of bungalows which have been shown to be needed – see Appendix E.

Warwickshire Police Architectural Liaison Officer – He has been involved in the design and has no objection. He will be involved in later stages too.

Warwickshire Museum – No objection, subject to a standard condition requiring pre-development investigative work.

Warwickshire County Council – It seeks a contribution of £1536 towards its library services.

## **Representations**

Letters were received from local residents in response to the originally submitted plans. A number of matters were raised. The first ones relate to issues of principle:

- the development is not in keeping with the existing road frontages
- too many dwellings are proposed
- Does this accord with Core Strategy housing requirements?
- they are too “cramped”
- increased traffic coming onto Spring Hill which is already very busy and has seen a number of accidents.
- Insufficient services and facilities in the village
- both surface and foul water drainage measures needs to be agreed to prevent flooding and pollution which is getting worse.

A number of detailed points are also raised:

- the recommendations from the ecology report need to be undertaken
- is there sufficient parking so as to prevent this on Spring Hill?
- Is there space at the rear of the dwellings for bins?
- The interface distances are too narrow
- The gardens are small
- Can the wheelchair plots be accessed properly?
- The frontage is not in keeping.
- What boundary treatments will be required especially to open land beyond?
- Who will manage the green areas?

Re-consultation on the amended plans has taken place – which in essence only relate to the geometry of the layout - and has resulted in objections which repeat the issues itemised above.

## **Observations**

### **a) Introduction**

The site is in the Green Belt, and as Members are aware, the first assessment that has to be made is whether the proposed development is “appropriate” or “inappropriate” development using the definitions within the NPPF. The resolution of this then establishes whether there is a presumption of refusal or approval, and this will direct the remainder of the determination as far as the principle of the development is concerned. It will then be necessary to identify and “weigh” any material planning considerations. If the presumption is to refuse, then those considerations must either individually or cumulatively be of such weight to amount to “very special circumstances” and this then overrides that presumption. If the presumption is to approve then those circumstances again should be of such weight to override that presumption. The detailed issues raised by the objectors will need to be explored but only after these matters of principle are resolved.

### **b) Green Belt - Introduction**

The NPPF provides definitions of what development is appropriate or not within the Green Belt. In this case the matter is not straight forward as the proposal falls to be assessed against two of these definitions. The construction of new buildings in the Green Belt is inappropriate development. However there are exceptions to this.

The first is where the proposal is for,

“limited infilling or the partial or complete redevelopment of previously developed sites (brown field land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”.

The second is where the proposal is for,

“limited affordable housing for local community needs under policies set out in the Local Plan”.

Each of these two definitions needs to be explored further

Members can see immediately that the current proposal is for local affordable housing and that the proposal involves the complete redevelopment of a brown field site. As such the initial indications would lead to the conclusion that the proposal might well be appropriate development. Indeed that was the outcome of the previous planning application on the site and ten bungalows were permitted.

In looking at the current application therefore, it is material that a “starting point” has already been agreed by the Council. In other words a development of ten bungalows here is appropriate development. It is therefore proposed to look at each of these two exceptions in more detail to see if the differences between the approved scheme and the current proposal need to be re-assessed, using the criteria set out in the respective definitions described above.

### **c) Green Belt - Redevelopment**

Looking firstly at the “redevelopment” exception then the key matter is to see what difference the increase from ten to sixteen bungalows has on that definition. The increase in numbers is not in itself a reason to alter the conclusion. It has to be considered against the NPPF. The first key criterion is whether the sixteen has a greater impact on the openness of the Green Belt than the existing development. There are generally two measures used to assist in this assessment – a quantitative and a qualitative one. The first compares footprints and volumes and the second looks at the disposition of the existing and the proposed buildings and layout. In terms of footprint the existing buildings amount to 1000 square metres; that approved in 2012 was 750 square metres and the current proposal is for 928 square metres. The latter figure is a reduction of around 7% under the existing footprint. In volume terms, the figures are 2689 cubic metres for the existing; 600 for the 2012 approval and 856 cubic metres for the proposed. The latter figure is a reduction of 32% under the existing volume. As a consequence therefore there is still less building on the site with the proposal than the existing, but more than that approved. In quantitative terms therefore there is still increased openness over the existing. However the qualitative measure is equally important. The issue is whether there is a perceived increase in openness due to the layout and the disposition of the bungalows. It is considered in this case that there is not. The increase in number from 10 to 16 increases density and this does impact on openness – the gaps between the bungalows are smaller and narrower; there are smaller gardens and the whole site is developed. The increased density therefore gives the perception of a more “built-up” site than the approval for the ten units. It is understood that there are other counter arguments here – the existing building is large in height and mass; the car park could accommodate up to 150 cars and the proposed layout has lowered ground levels and reduced pitches. However it is the overall perception in qualitative terms that the current proposal does have a greater adverse impact on openness than the approved scheme. This conclusion is also considered to outweigh the quantitative benefit of there still being less built form on the site than existing. Given this conclusion it is necessary to identify the level of “harm” on the openness of the Green Belt. Here it considered that that harm is limited, because of the type and nature of the proposal – bungalows; the fact that the site adjoins and is opposite to other built development, that permission has already been granted for ten, and the quantitative benefit of there being less built form on the site.

The second criterion to explore is whether the increase from ten to sixteen has any greater impact on the purposes of including land in the Green Belt than the existing. The NPPF identifies five such purposes. The first is to, “check the unrestricted sprawl of large built up areas.” This does not apply here because of the distance of the site from such areas. The second doesn’t apply either - “to prevent neighbouring towns merging into one another”. The third is, “to assist in safeguarding the countryside from encroachment”. However this site is not countryside – it is brown field land. The fourth is to preserve the setting of historic towns. This again is not applicable. The final one is to assist in urban regeneration by encouraging the recycling of derelict land”. This is not applicable here as this proposal would not prevent urban redevelopment. As a consequence therefore the increase from ten to sixteen does not have a greater impact on the purposes of including land within the Green Belt than the existing development. This carries weight for the proposal.

As a consequence of re-assessment of the current scheme against the “redevelopment” definition, it is considered that the proposal is inappropriate development because of the limited harm caused by there being a greater adverse impact on the openness of the Green Belt than the approved scheme.

#### **d) Green Belt – Affordable Housing**

The second “exception” is when a development proposal is “for limited affordable housing for local community needs set out in the Local Plan”. In this case the relevant policy is HSG2 of the Local Plan. It is clear from this that Rural Exceptions Sites, adjacent to existing villages, can be supported in the Green Belt provided that the need is evidenced. Indeed this was one of the main reasons that supported the approval for the ten bungalows. The same argument would apply now to the revised scheme as the site is definitely adjacent to the village. This is however provided that the increase in numbers can be evidenced and that it can still be described as “limited”.

The 2011 Survey was undertaken by the Warwickshire Rural Community Council and concluded that there was a need for ten “affordable bungalows”. The accompanying anecdotal evidence suggested that many residents wished to “down size” to smaller accommodation. The 2012 Survey was undertaken by the applicant but with full support in terms of its content and scope from the Council’s Housing Officers. Additionally in order to ensure that all residents and their local representatives were aware of the survey, posters were displayed at stores, public houses and community halls advertising the survey and the consultation event. There were also meetings specifically with older people. Housing officers collated the returns from the survey and fully support the cumulative conclusions arising from both surveys, that there is a need for affordable bungalows in the locality and that this in turn is reflected in the number now being proposed. It needs stressing that the most recent survey was undertaken to identify the specific requirement for older persons bungalows – unlike the more generic survey undertaken previously. This is why the Housing Officers support the cumulative results from both surveys. Given such support it is considered that the current proposal does meet the generality of the definition set out above, in respect of “appropriate” development in the Green Belt. The definition is however conditional upon the need being “limited”. It is considered that this is the case here. The scale of the proposal aligns with the identified need; the number of units proposed is a small % increase in the total number of dwellings in the two Arleys, it is wholly within the housing target identified by the Submission Core Strategy for 90 new dwellings in the Arleys and the proposal is for single storey bungalows.

As such it is considered that the current proposal does accord with the affordable housing definition for “appropriate” development in the Green Belt.

### **e) Green Belt - Conclusion**

The matters discussed above now need to be brought together.

The current proposal doesn't fully meet the redevelopment definition in that whilst it is in accord with the “purposes” criterion, it would not accord with the openness criterion having a greater adverse impact on openness than the approved scheme. It would thus be inappropriate development. However the degree of harm as a consequence of its inappropriateness is considered to be limited. On the other hand, the proposal does accord with the definition for “affordable housing” exception, thus making it “appropriate” development. Members can therefore immediately begin to see the “balance” that they will have to assess. The key issue is whether the harm done to the openness of the Green Belt is outweighed by the provision of sixteen affordable bungalows.

### **d) Emerging Policy**

Before looking at other planning considerations to see how they might assist in coming to a conclusion on this assessment, it is necessary to see if the position set out above is altered because of the NPPF's housing policies and the Council's own emerging policy. In terms of the NPPF's housing policy then paragraph 47 requires Local Planning Authorities to, “boost housing supply for market and affordable housing”, and in paragraph 49, planning applications should be “considered in the context of the presumption in favour of sustainable development”. In rural areas paragraph 54 requires Authorities to be “responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing”. In other words the NPPF's housing policies support this proposal in principle.

The Council's Submission Core Strategy aligns with the NPPF. Policy NW1 states that “affordable housing outside of development boundaries will only be permitted where there is a proven local need; it is small in scale and is located adjacent to a village”. The last criterion is fully met here as a matter of fact, and it has been argued above that the other two criteria here are also fulfilled. Moreover the site already benefits from a planning permission for its residential redevelopment.

There may be concern that “too many” affordable houses are being proposed and constructed in Old and New Arley. There are two responses to this concern – firstly the need is there and secondly, the houses recently permitted and constructed in the two settlements are in fact evenly split with 46 affordable and 49 market dwellings. It is not considered that there is a reason for refusal here and certainly not one that is linked to planning policy.

As a consequence there are no new issues raised and emerging planning policy would fully support the proposal. This would add weight in the final assessment for the grant of planning permission.

## **e) Other Planning Considerations**

The Highway Authority has no objection to the increase in the number of units being proposed from that already granted; the geometry and location of the access or to the internal layout. Additionally parking provision at 200% is greater than that required by the Council's own standards.

There are no matters arising from the consultation responses from the technical consultations that can not be overcome through the use of conditions – ie. drainage, archaeology and ecology.

This then brings the Board to the matters made in the representations submitted by local residents. Some of the issues raised – particularly those relating to policy considerations – have been dealt with above and are again to be considered within the key “balance” that has to be made by the Board when it determines the case. At this time it is necessary to respond to some of the more detailed comments. The overall thrust of those representations is that too many units are being proposed leading to a poor residential environment for the occupiers and a development that is out-of-keeping with its surroundings.

The first point to look at is how the proposal addresses the frontage. The existing houses here on both sides of the road, have their main elevations facing that road. It is suggested that the proposed scheme does not do so having the principal elevations facing the cul-de-sac. This is the case, but significantly, the side elevations facing Spring Hill are heavily fenestrated and detailed, such that they appear as frontages. The roofscapes also add this perception. Additionally the immediately adjoining house to the west is in fact a bungalow with a much higher ridge, and the building line aligns with the existing frontage. The proposed frontage is not therefore bland or without interest – see Appendix C. There is no weight here for a refusal.

The second point is that the development is a cul-de-sac rather than a complete frontage. However the previous approval would have involved a cul-de-sac too of similar scale and appearance. There is no reason for refusal here either in terms of the proposed layout.

The third point is that the layout has too much new building here. There are several elements to this issue. The first is that the development is wholly of low level bungalows – 5.5 and 6 metres to their ridges. They are set back from the frontage and are lowered into the ground as the cul-de-sac falls away to the south, such that there will be views through and over the cul-de-sac – see Appendix C. Moreover the footprint of the existing Club building takes up 25% of the site area, and the proposed total footprint takes up 23%, an equivalent amount. The area under tarmac/hard standing at present is 68% of the site and would be 30% under the proposal. The point to make in response to this criticism is that the perception is indeed that the proposal has more built development than the existing, but it is in fact an equivalent amount and then that is spread more evenly throughout the whole site. The issue is whether that has any adverse impacts. It does have an impact on the openness as more of the existing land that is presently open, would be built on, but the issue becomes how much harm does that actually cause bearing in mind the previous approval here? As set out above it is considered that it has only limited harm.

The next point is allied to the third – that the proposal is too “cramped”. The size of new bungalows recently permitted in the Council’s own bungalow developments is 60 square metres for a two person bungalow. That proposed here is for 57 square metres. This is not a material reduction. However it is agreed that the density proposed here is greater than that recently approved on similar schemes at Water Orton and in Atherstone. However Members will know that in itself is not a reason for refusal. The issue is one of establishing whether there are any adverse impacts as a consequence of increasing density. The loss of perceived openness has already been identified as an impact. Are there others? The housing design, appearance and density of development in the locality varies significantly, and the present building on the site carries an adverse visual impact. The layout has been designed to slope down the site and roof pitches at the end have been deliberately reduced. Moreover the distances between the proposed units and the adjoining residential property are greater than those between existing houses fronting Spring Hill. It is therefore difficult to actually identify a specific material adverse impact arising from the increased density.

The next matter is to respond to some of the very detailed design and appearance issues raised. Firstly there is the issue about the quality of the green space being proposed. Members will appreciate that there is very little in the way of green space on the site at present. That will change significantly with the proposal. Moreover there is a reasonable mix of open public communal space and private space, being proposed and this reflects that which Members have already seen at similar schemes in the Borough. The open communal space will be managed by a Housing Association, one of the Council’s preferred partners.

The internal design and room arrangement is not a planning matter, but in order to respond to some criticisms then the houses will be constructed to Code Level 3 for Sustainable Homes and meet minimum HQI standards as well as the CAT1 Elderly Standard. Again these standards align with the Council’s own developments elsewhere in the Borough. It is agreed that not all of the units would be to wheelchair standard. However this not a reason for refusal – there is still room for “buggy charging” points for instance; all of the units will meet the current Building Regulations in respect of access requirements, have hard surfaces leading to their rear and have space for bins. Moreover the applicant will be providing a tactile crossing across Spring Hill to the bus stop. In all these respects it is not considered that there is a planning refusal here.

In all of these circumstances it is not considered that there is one matter here or indeed cumulatively, that would specifically lead to a reason for refusal. It is accepted that there is an increased density and that will lead to some of the detailed issues raised by some residents – smaller gardens, more car parking, the bungalows being closer together - but that in itself is not a reason for refusal. The only material adverse impact is the perceived impact on openness as already identified.

#### **f) Financial Considerations**

The significant issue here is that this proposal is “deliverable” as funding is available to the partner Housing Association to undertake the scheme. Members will be aware that since the introduction of the Localism Act, financial considerations have become a material planning consideration in the determination of planning applications and the Planning Act was altered so as to include this matter. In this case, this consideration carries significant weight given the Government’s planning policy of promoting housing growth when it is known that it can be delivered.

## **g) Conclusion**

This therefore brings the matter back to the central issue – is the harm to the openness of the Green Belt here outweighed by the greater community benefit of providing affordable bungalows? For all of the reasons outlined in this report it is considered that it is not. The harm is limited, not substantial, and thus the “hurdle” to overcome is not as great as if that harm was significant. It is a matter for the Board to assess this balance and to decide, with planning policy reasons, if it considers that the outcome should be different.

## **Recommendation**

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

### **Standard Conditions**

- i) Standard Three Year Condition
- ii) Standard Plan Numbers – Location plan received on 12/11/12 and plan numbers 6635/12B, 13B, 14B, 15B, 16B, 17B, 18B and 19B received on 22/1/13; plan number 6635/20H received on 26/1/13 and plan number 6635/21C received on 31/1/13.

### **Overall Controlling Condition**

- iii) No work whatsoever shall commence on site until a scheme for the provision of sixteen affordable bungalows has been submitted to and approved in writing by the Local Planning Authority. This provision shall meet the definition of affordable housing as set out in the saved policies of the North Warwickshire Local Plan 2006. The scheme shall include the type and tenure of these bungalows; the arrangements for the transfer of the bungalows to an affordable housing provider, the arrangements to ensure that each is affordable for both first and subsequent occupiers, and the occupancy criteria to be used for determining the identity of occupiers for the bungalows and the means by which such criteria will be enforced.

#### **REASON**

In the interests of securing affordable housing provision on the site so as to meet the Development Plan and NPPF requirements for a Rural Exceptions Site.

### **Pre-Development Conditions**

- iv) No development shall commence on site until such time as a ground investigation and risk assessment has been completed in accordance with a scheme to assess the nature and extent of contamination in, on or under the site. The scope of the scheme shall be agreed in writing by the Local Planning Authority prior to the investigation taking place.

#### **REASON**

In the interests of reducing the risks from contamination.

- v) The report of the findings of the investigation undertaken in response to condition (iv) shall include a survey of the scale and nature of contamination at the site and the risk assessment must include assessment of the potential and actual harm to human health, property, controlled water, protected habitats and sites of historic importance. The report shall also include recommendations for remedial measures proportionate to the contamination discovered. A remediation statement shall be submitted to the Local Planning Authority setting out these measures. No work shall commence on these measures until they have first been agreed, varied or added to by the Local Planning Authority in writing.

REASON

In the interests of reducing the risks of contamination.

- vi) Following completion of measures as may be agreed under condition (v), a Verification Report shall be submitted to the Authority evidencing the full completion of the measures. No work shall commence on the development hereby approved until this Report has been agreed in writing by the Local Planning Authority.

REASON

In the interests of reducing the risks of contamination.

- vii) No development shall commence on site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of establishing the potential archaeological value of the site.

- viii) No development, including the demolition of any building, shall commence on site until the applicant or their agents, or successors in title, has undertaken a bat survey to establish the presence of bats in the buildings to be demolished. The survey shall include recommended mitigation measures appropriate to the findings of that report. The survey shall be submitted to the Local Planning Authority and the measures agreed in writing prior to any works commencing, including demolition.

REASON

In the interests of protecting the ecology of the site

- ix) Demolition of the existing buildings shall only commence once any mitigation measures agreed under condition (viii) have first been fully implemented to the satisfaction in writing of the Local Planning Authority.

REASON

In the interests of protecting the ecology of the site.

- x) No development shall commence on site until such time as full details of the means of disposal of both foul and surface water from the whole of the site have first been submitted to and approved in writing. Only the approved measures shall then be implemented on site.

REASON

To reduce the risk of flooding and pollution.

- xi) No development shall commence on site until such time as details of the following have first been submitted to and approved in writing by the Local Planning Authority:
- a) All facing materials
  - b) All roofing materials
  - c) All surface material
  - d) All boundary treatments
- Only the approved measures shall then be implemented on the site.

REASON

In the interests of the visual amenities of the area.

- xii) No development shall commence on site until such time as measures have been agreed in writing to prevent/minimise the spread of extraneous material onto the public highway during construction. The approved measures shall be in place at the commencement of development and remain so until such time as the development is complete.

REASON

In the interests of safety on the public highway.

- xiii) No development shall commence on site until such time as full details of the landscaping scheme to be undertaken on the site has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the measures are to be maintained and how the bio-diversity of the site can be maximised. Only the approved scheme shall then be implemented in full on the site.

REASON

In the interests of the visual amenities of the area.

## Pre-Occupancy Conditions

- xiv) No bungalow hereby approved shall be occupied until such time as all of the remediation measures that may be required by condition (v) and the validation report required by condition(vi) have all been completed and agreed in writing by the Local Planning Authority

### REASON

In the interests of reducing the risk of contamination

- xv) No bungalow hereby approved shall be occupied until such time as the archaeological programme as agreed under condition (vii) above has been completed to the written satisfaction of the Local Planning Authority.

### REASON

In the interests of establishing the archaeological importance of the site.

- xvi) No bungalow hereby approved shall be occupied until such time as all mitigation measures agreed under condition (viii) above have been fully implemented to the written satisfaction of the Local Planning Authority.

### REASON

In the interests of the ecology of the site.

- xvii) No bungalow hereby approved shall be occupied until the whole of the access arrangements, visibility splays, road layout, car parking and manoeuvring areas and the footway extension as shown on the approved plan numbered 6635/20H have been completed in full to the written satisfaction of the Local Planning Authority.

### REASON

In the interests of highway safety

- xviii) No bungalow hereby approved shall be occupied until such time as all parts of the existing accesses within the public highway not included within the approved access arrangements, have been permanently closed and the kerb, footway and verge have all been re-instated to the written satisfaction of the Local Planning Authority.

### REASON

In the interests of traffic safety

## **On-Going Conditions**

- xix) No structure, tree or shrub shall be erected, planted or retained within 2.4 metres of the public highway.

### **REASON**

In the interests of traffic safety.

- xx) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended or as be amended in the future no development within Classes A, B, C, D and E of Part 1 to Schedule 2 shall be constructed on or at any of the bungalows hereby approved.

### **REASON**

In the interests of the visual amenities of the area.

## **Notes**

- i) The Development Plan policies relevant to this decision are saved Core Policy 2, and saved policies ENV2, ENV6, ENV11, ENV12, ENV13, ENV14, HSG2, HSG3 and TPT6 of the North Warwickshire Local Plan 2006.
- ii) Attention is drawn to Section 163 of the Highways Act 1980.
- iii) Attention is also drawn for the need for an Agreement under Section 38 of the Highways Act 1980, and the requirements of the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice.
- iv) Attention is drawn to the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2004.
- v) Attention is drawn to the Conservation and Species Regulations 2010 and the need to obtain a Licence from Natural England in respect of mitigation procedures for bats, and the Bat Survey Guidelines 2012 for further bat surveys.
- vi) Standard Radon Gas advice
- vii) Standard UK Coal Standing Advice
- viii) The Local Planning Authority has worked positively and pro-actively with the applicant through pre-application discussion; the resolution of consultation responses and through amended design and layout in order to overcome planning issues arising from this application and thus meet the requirements of the NPPF 2012.

## **Justification**

The proposal is a brown-field site in the Green Belt adjacent to the development boundary of New Arley which is a Local Service Centre as defined by the Development Plan. It benefits from an outline planning permission for ten bungalows, eight of which would be affordable. In respect of the redevelopment criterion in the NPPF, the development is inappropriate development in the Green Belt in that there is an adverse impact on openness but that impact is limited due to the existence of the extant permission. In respect of the community housing needs criterion in the NPPF, the development is appropriate development backed by the cumulative results of two recent and relevant housing studies and the support of housing officers. There are no highway, drainage or ecological impacts that can not be overcome by condition. The proposed layout is acceptable in terms of the standard of design, layout and amenity afforded to future occupiers as well as to the residential amenity of neighbouring property. The applicant has confirmed that funding is available for the development and the numbers proposed are in accord with emerging housing requirements for the settlement. It is considered that on balance, the limited additional harm to the openness of the Green Belt over and above that already accepted through the recent grant of outline permission, is outweighed by the provision of community housing matching a local need and which can be delivered. The relevant Development Plan policies are saved Core Policy 2, and saved policies ENV2, ENV6, ENV11, ENV12, ENV13, ENV14, HSG2, HSG3 and TPT6 of the North Warwickshire Local Plan. The proposal also receives support from 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/2012/0550

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	12/11/12
2	Applicant	E-mail	28/11/12
3	Warwickshire Police	Consultation	5/12/12
4	Severn Trent Water Ltd	Consultation	5/12/12
5	K Stain	Objection	7/12/12
6	C Stain	Objection	10/12/12
7	Environmental Health Officer	Consultation	21/12/12
8	WCC Highways	Consultation	28/12/12
9	Warwickshire Museum	Consultation	28/12/12
10	Mr & Mrs Gibson	Objection	12/12/12
11	D Sykes	Objection	28/12/12
12	R Ellis	Objection	2/1/13
13	A Ellis	Objection	2/1/13
14	WCC Library	Consultation	7/1/13
15	Mr Harris	Objection	10/1/13
16	Mr & Mrs Hall	Objection	18/1/13
17	T Gettings	Objection	18/1/13
18	WCC Highways	Consultation	31/1/13
19	Applicant	E-mail	1/2/13
20	Severn Trent Water Ltd	Consultation	4/2/13
21	Warwickshire Police	Consultation	5/2/13
22	K Stain	Objection	7/2/13
23	A Ellis	Objection	9/2/13
24	Environment Agency	Consultation	11/3/13
25	Housing Officer	Consultation	11/2/13
26	Applicant	E-mail	11/2/13
27	Environmental Health Officer	Consultation	12/2/13
28	D Sykes	Objection	12/2/13
29	R Ellis	Objection	15/2/13
30	Applicant	Document	16/2/13
31	Coventry City Council	Consultation	19/2/13

*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.*



2012/0550

APPENDIX A

NOTES

- 1) This drawing MUST NOT BE SCALED.
- 2) ANY DIMENSIONS GIVEN ON THIS DRAWING ARE TO BE TAKEN FROM THE DIMENSIONS OF THE DRAWING.
- 3) The area bounded shows the proposed assumed legal boundaries.



Revisions:	
<input type="checkbox"/> APPROVAL	<input type="checkbox"/> INFORMATION
<input type="checkbox"/> PRELIMINARY	<input type="checkbox"/> FOR CONSTRUCTION
Project: PROPOSED RESIDENTIAL DEVELOPMENT, FORMERLY WOODING MANS CLIVE, SPRING HILL, AUSTON	
Client: GOSBOR GROUP	
Drawing Title: SITE LOCATION PLAN	
Drawing By: A.J.L.	Checked By: P.J.T.
Date: 26-10-12	Scale: 1:250@A3
Drawing Number: 6655 / 22	Revision:

NORTH WARWICKSHIRE  
BOROUGH COUNCIL  
RECEIVED  
12-Nov-12  
PLANNING & DEVELOPMENT  
DIVISION

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**NOTES**

1. GENERAL CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
2. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
3. ALL MATERIALS AND WORKMANSHIP TO BE TO THE SATISFACTION OF THE ARCHITECT.
4. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

Prepared by: [Name] Date: 24-10-12  
 For: [Name] Design number: [Number]

**REVISIONS**

No.	Description	Date
1	ISSUED FOR PERMIT	24-10-12

**PROJECT INFORMATION**

Project: [Name]  
 Client: [Name]  
 Address: [Address]  
 Plot: [Plot Number]

**DESIGNER INFORMATION**

Architect: [Name]  
 Address: [Address]  
 Phone: [Phone Number]  
 Email: [Email Address]

**CLIENT INFORMATION**

Client: [Name]  
 Address: [Address]  
 Phone: [Phone Number]  
 Email: [Email Address]

**PROJECT INFORMATION**

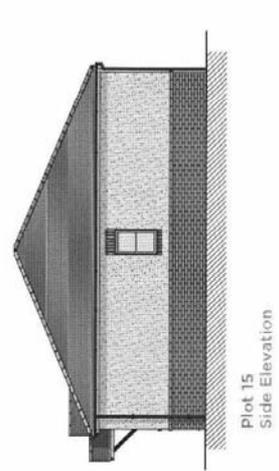
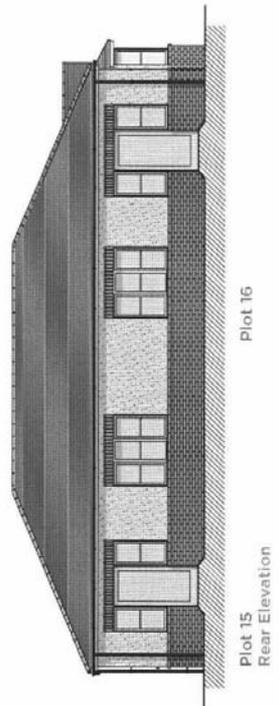
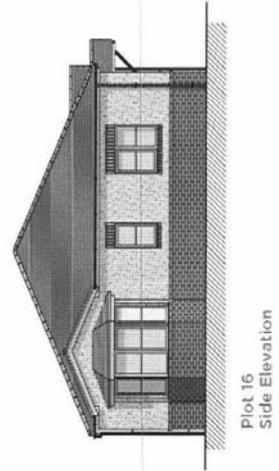
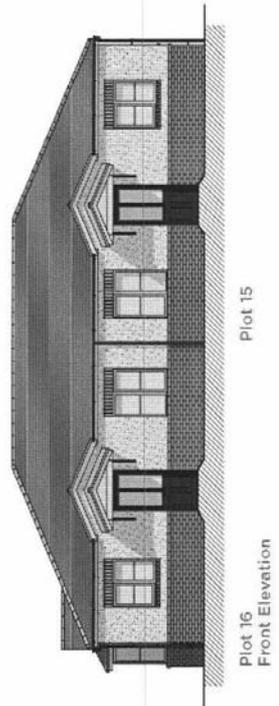
Project: [Name]  
 Client: [Name]  
 Address: [Address]  
 Plot: [Plot Number]

**DESIGNER INFORMATION**

Architect: [Name]  
 Address: [Address]  
 Phone: [Phone Number]  
 Email: [Email Address]

**CLIENT INFORMATION**

Client: [Name]  
 Address: [Address]  
 Phone: [Phone Number]  
 Email: [Email Address]



## Report for the Heads of Planning

Arley Working Mens Club, Spring Hill,  
Arley

## 1 Summary

This report has been done to verify that the housing numbers collated in connection with the above site are robust and credible.

**Recommendation**

**That the numbers are accepted and that the development is approved on that basis.**

## 3 Report

- In October 2012, Cassidy Group in conjunction with North Warwickshire Borough Council delivered a housing survey based on bungalows to ascertain the need for the site known as Arley Working Men's Club.
- On Thursday 11<sup>th</sup> October 2012, a consultation event was held at Arley and St Michaels Community Centre in regards to showing the community proposed plans for the area with Cassidy Group and North Warwickshire Borough Council heading the consultation.
- On the whole, the event was very well attended and we had 41 forms completed in regards to the development and they were broken down as follows:
  - ✓ There were 28 returns stating that they needed bungalow accommodation.
  - ✓ 24 of the returns were from the village of Arley.
  - ✓ 4 were from out of the area, but with a family connection to the area.
  - ✓ 20 of the 28 returns also disclosed that they had some form of disability that would benefit from ground floor accommodation.
  - ✓ 11 returns stated that they did not need a bungalow, but that they felt that bungalows were needed within the area.
  - ✓ 2 returns were against bungalows or any form of affordable housing.
- Having been involved in the process from the start as the Housing Strategy and Development Officer, I am happy that this survey as well as the Housing Needs Survey conducted by myself which showed a need at

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that time for 10 bungalows is robust and credible and that it more than supports the need for 16 bungalows within this site.

**4 Report Implications**

**Finance and Value for Money Implications**

This site has been around for a few years now and has been difficult to get off the ground. We are now in a position where we have a Housing Association that is interested on taking the development of 16 bungalows for the area with the grant funding that they have received from the Homes and Communities Agency. However, we need to get this agreed by the Committee in order to go forward as the grant has to be drawn down by the end of March and if this is not possible, then we can find ourselves in the position where this site will again become undevelopable with no guarantee of further funding coming in 2015.

**Links to Council's Priorities**

To provide affordable housing in the right places.

The Contact Officer for this report is Paul Roberts (01827 719459).

**Background Papers**

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

Background Paper No	Author	Nature of Background Paper	Date

**(5) Application No: PAP/2012/0598**

**Land at Lister Road, Atherstone, Warwickshire,**

**Redevelopment of the site comprising of 24 dwellings, including affordable housing; along with local amenities, shops and associated works, for**

**Mrs Jenny Crowther (Waterloo Housing Group)**

**Introduction**

This application is reported to Board in light of the land being owned by both the Borough and County Councils.

**The Site**

The site lies within the Atherstone settlement boundary, a short distance north-east of the A5 and part of the residential estate framed by Sheepy Road and Ratcliffe Road. It forms an L-shape and presently consists of a 1960s three-storey building set at the centre of the site, away from the street edge, with a “square” to the front facing Lister Road. To the rear of the building is an area of informal open space carrying some trees, framed by York Avenue and Nightingale Close. There is a similar area of open space to the south-east end of the site.

The building carries retail units to the ground floor with flats above. There is a block of garages to the immediate south-east of this building, with further parking and access to the rear. York Avenue runs down the side of this building, with Nightingale Close running along the north-east edge of the site. There is 1960s terraced housing surrounding the site facing either onto the aforementioned open spaces or onto the highway. Some of this housing is of flat roof design, with a mix of render and brick for materials, but throughout the style is one of a 1960s housing estate. Bracebridge Court, a three-storey block of flats, also lies to the south. The site and surrounding environs is shown at Appendix A with photos at Appendix B.

**The Proposal**

It is proposed to demolish the existing shops and flats, along with associated garage block; and close off an existing access to Lister Road. A new mixed retail and residential block will be erected forward of the existing fronting Lister Road and the corner with York Avenue, with a ribbon of two-storey dwellings through the centre of the site adjacent to an internal access road. This access road will link onto a central courtyard placed upon the northern element of the open space and be surrounded by elderly persons bungalows. A further run of two-storey dwellings will frame the south-eastern end of the shopping facade, facing out onto the southern element of open space of which some is lost to a new access and parking. Plans are at Appendix C.

Whilst 6 flats will be lost, 24 dwellings will be provided as a mix of bungalows, flats, and two-bed and three-bed dwellings, giving a net gain of 18 dwellings. This will consist of 20 units for socially rented purposes; and 4 for intermediate (shared-ownership) housing. The level of retail space will remain more or less constant, although the number of units will decrease. Inevitably there will be an increase in parking spaces.

The proposal will also need to be constructed in a phased approach so to minimise disruption to shop owners and occupants of the flats above. It is thus intended to erect the retail/residential block first before works focus to the remainder of the development.

## **Background**

This application follows negotiations between the Council's Housing department and Waterloo Housing Group, as well as liaison with planning, highway, crime prevention and other officers.

## **Development Plan**

North Warwickshire Local Plan 2006 (Saved Policies): Core Policy 1 (Social and Economic Regeneration), Core Policy 2 (Development Distribution), Core Policy 6 (Local Services and Facilities), Core Policy 8 (Affordable Housing), Core Policy 11 (Quality of Development), Core Policy 12 (Implementation), ECON3 (Protection of Existing Employment Sites within Development Boundaries), HSG2 (Affordable Housing), HSG4 (Densities), ENV4 (Trees and Hedgerows), ENV5 (Open Space), ENV6 (Land Resources), ENV8 (Water Resources), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations in New Development), TPT2 (Traffic Management and Travel Safety), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

## **Other Relevant Material Considerations**

North Warwickshire Core Strategy (Pre-submission Document November 2012): NW1 (Settlement Hierarchy), NW3 (Housing Development), NW4 (Split of Housing between Settlements), NW5 (Affordable Housing), NW8 (Sustainable Development), NW9 (Renewable Energy and Energy Efficiency), NW10 (Quality of Development) and NW15 (Atherstone).

Supplementary Planning Guidance: A Guide to the Design of Householder Developments (2003), A Guide for Shopfront Design (2003) and A Guide for the Design of Lighting Schemes (2003).

Government Advice: National Planning Policy Framework (NPPF).

Local Finance Considerations: New Homes Bonus (NHB)

## **Consultations**

The County Highway Authority initially lodged an objection noting that some of the land involved was under their ownership and Notice had not been served upon them accordingly; as well as raising concern over proposed parking bays and features within the public highway, access and turning space dimensions, visibility to the new access and access suitability for larger vehicles such as refuse wagons and service vans. Following amendments the majority of issues have been addressed, and whilst they still hold concerns regarding the level of parking provided for the retail units; they raise no objection subject to conditions.

The Warwickshire Crime Prevention Design Advisor raises no objection subject to conditions, noting his involvement with pre-application discussions in shaping the proposal now before Members.

The County Library Service has made a request for a financial contribution of £2,731, whilst the County Education Service has confirmed it will not be seeking one.

The Environmental Health officer raises no objection.

Atherstone Town Council raises no objection.

Atherstone Civic Society welcomes the proposal noting it will provide much needed affordable and elderly housing, and an enhancement to the area.

Severn Trent Water raises no objection subject to a condition requiring drainage details.

## **Representations**

Neighbours were initially notified on 7 January 2013 with a press notice published on 10 January and a site notice erected on 30 January. Following the receipt of amended plans, re-consultation took place on 19 February 2013.

Two objections from residents have been received, one of whom resides immediately adjacent to the proposal. The concerns focus on the loss of open space affecting the character of the area; the number of properties proposed resulting in a “cramming” of development here; there being a greater number of vehicles on the estate arising from the development; loss of existing parking to some properties; and an adverse effect on existing residents.

## **Observations**

This is a significant redevelopment of an existing residential and retail site within Atherstone, offering a noticeable improvement in housing range and tenure, and retail floor space; as well improvement of the built form. There is strategic support in principle from both saved policies of the Local Plan, emerging policies under the submitted Core Strategy and Site Allocations Plan, recently opened to consultation. The site is sustainably located close to existing transport links and within walking distance of the town centre. Services will be provided on site. Indeed considerable weight is afforded by the fact the housing element proposed is 100% affordable, well above that required in this settlement. That is not to say there are matters which need consideration, and some conflict which will require balancing in order to reach a recommendation. The areas of focus are thus on highway safety, loss of open space, neighbouring amenity, design and visual amenity.

### **(a) Highway safety and parking**

The Highway Authority initially raised objection on various points as outlined above. These have largely been addressed subject to conditions, with the exception of parking provision.

The number of *residential* parking spaces provided is considered to accord with adopted guidance, with it noted that those properties presently utilising the garage block being provided with spaces within the development. There is however a shortfall in spaces for the retail units. 11 should be provided, but only 4 are proposed due to the limited space available. Whilst a considerable shortfall, there are a number of factors which are considered to outweigh this. Firstly this is a local service centre (LSC) which provides for the estate. Observations indicate that many

customers arrive on foot. Secondly the status of this as a LSC means that vehicular trips are more likely to the town centre as opposed to this site. Thirdly employees of the retail units are likely to reside on the surrounding estate, and hence most will likely arrive by foot. Fourthly the number of spaces required is not necessarily a true reflection of the actual parking demand, with the retail unit likely to only require 3 members of staff at any one time, and the chip-shop and hairdressers attracting 2 at any one time. When considering the “opposite” opening hours of the hairdressers and chip-shop, there may only be a real demand for 5 to 6 spaces – and the above factors will lessen this demand further. Finally the public are highly unlikely to use parking to the rear of the retail units due to the need to commute around to the front of the building, with it more convenient for customers to continue their existing practice of parking on Lister Road – a generally lightly trafficked road.

The Highway Authority still has concern that during inclement weather or the hours of darkness that customers may choose to use private vehicles and park on the adjacent highway. Nevertheless they recognise that the patterns of use would be as existing, so there is not likely to be a significant change on the current state of play. It is for this reason that they do not raise objection. Hence whilst a shortfall is identified, it is not considered to be so detrimental to warrant refusal.

Consideration is also given to shared access routes into the development. It will be important to ensure these are well defined so to ensure safety for both pedestrians and vehicles in the same domain. The improvements brought about by this proposal will also make the site more accessible for elderly and disabled users by way of eliminating stepped arrangements in front of the retail units and ensuring level footpaths and thresholds to the proposed houses and bungalows.

#### **(b) Loss of open space**

There is conflict with policy here. Both the existing Local Plan and emerging Site Allocations Plan designate the two green areas as open space. This is defined as informal open space in the North Warwickshire Green Space Strategy 2008 – 2018; of which there is a sufficient supply within Atherstone. Furthermore the loss of open space is not total here, with the southern element largely remaining. This can be further strengthened through additional planting and improvements. This limited loss is thus in line with both local and national policy.

#### **(c) Neighbouring amenity**

The position of the proposed dwellings and the heights of one or two storeys are not considered to cause undue overlooking on existing or between the proposed properties. Although the retail units will cause shading to the rear of plots 10 to 13 during the winter months; this is not considered to be so great to be unacceptable.

The proximity of the retail units, including a fish and chip shop which falls under the A3 takeaway Use Class, has also been considered. There are already flats above such uses and this proposal will be subject to current standards of noise insulation through Building Regulations requirements. It is considered there will be a net improvement here. The proximity of other proposed dwellings is also not considered to be of concern, with rear access to the retail units not providing a link to the shop front for customers.

#### **(d) Design, including crime prevention, drainage arrangements and energy consumption**

The scheme is largely designed to reflect the existing character of the estate, with the houses reflecting the 1960s terraced runs. That is not to say they are of substandard quality, as they carry contemporary elements to exhibit a quality development; as do the bungalows and the retail/residential block (which itself provides a significant focus and dramatic improvement on the current situation). The density of development is not considered to be out of kilter with the surrounding area and thus is felt to be appropriate. A range of materials are used to add a contemporary feel, and surfacing materials – particularly those on the internal access and courtyard – will be of elevated quality to define a shared surface for vehicles and pedestrians. The indicative signage and shop front design is considered acceptable, although a further application(s) will be necessary for this signage.

The whole scheme has been designed in liaison with the Crime Prevention Design Advisor. The existing site acts as a rat run for anti-social behaviour, and the closure of this connection is welcomed; as are many other improvements. Severn Trent Water raise no objection to the foul and surface water drainage of the site, but the County Drainage officer notes the need to ensure surface water run off is maintained at current discharge rates – particularly when a larger surface area will be impermeable.

The proposal also triggers the need for renewable energy under local policy. The scheme will already be constructed to a higher standard of the Code for Sustainable Homes (CfSH) due to it being a social housing provider who is developing the site. If developed after a forthcoming uplift in standards, it would be a development achieving Level 5 of the CfSH. This is acknowledged. The Code does not address unregulated emissions however – that is those arising from the use of appliances in the home. This is where local policy comes in, and as the Council should be setting the benchmark for others it is considered appropriate to seek a reduction in unregulated emissions unless otherwise unviable.

#### **(e) Visual amenity**

A number of semi-mature trees around the open space will be lost to facilitate the erection of the bungalows. Whilst one is potentially worthy of protection, the wider benefits of this scheme are recognised, and compensatory planting can be secured by condition.

Finally consideration is given to the request from the County Library Service for a financial contribution. Members will be aware that North Warwickshire has no Community Infrastructure Levy charging schedule such that there is no set amount per property. Financial contributions must be therefore sought through Section 106 and thus on the basis that this particular development would otherwise have unacceptable impacts. There are tests set out in the NPPF for this. The request is unsubstantiated – officers have asked the County Library Service to demonstrate why a contribution is necessary to make the development acceptable, how it directly arises from the proposal, and whether it is reasonably related to the scale and kind of the development (i.e. is it based on net additional dwellings and does it account for different housing sizes and types?). No response has been received. When applying the NPPF tests it is not considered there are sound grounds upon which to seek such a contribution such that it is recommended this request be disregarded.

## **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 following plans:

- 00619\_S\_000 Rev P01 (Site Location Plan), received 7 December 2012;
- 00619\_S\_003 Rev P01 (Proposed Demolition Plan), received 7 December 2012;
- 00619\_S\_004 Rev P06 (Proposed Site Plan), received 25 February 2013;
- 00619\_300 Rev P01 (Plots 1-9 Floor Plans), received 7 December 2012;
- 00619\_301 Rev D02 (Plots 1-9 Roof Plans), received 7 December 2012;
- 00619\_320 Rev P01 (Plots 1-9 Elevations 1-5), received 7 December 2012;
- 00619\_320 Rev P01 (Plots 1-9 Elevations 6-8), received 7 December 2012;
- 00619\_400 Rev P01 (Retail/Residential Block Floor Plans), received 7 December 2012;
- 00619\_400 Rev P01 (Retail/Residential Block Roof Plans), received 7 December 2012;
- 00619\_420 Rev P01 (Retail/Residential Block Elevations), received 7 December 2012;
- 00619\_100 Rev P03 (Plots 10-13 Floor Plans & Elevations), received 25 February 2013;

- 00619\_200\_B Rev P03 (Plots 14-16 Floor Plans & Elevations), received 18 February 2013;
- 00619\_200\_A Rev P01 (Plots 17-20 Floor Plans & Elevations), received 7 December 2012;
- 00619\_BIN STORE Rev P01 (Bin Store Plans & Elevations), received 18 February 2013
- 00619\_500 Rev P01 (Proposed Materials), received 7 December 2012; and
- 00619\_S\_013 Rev P01 (Bin Store Plans & Elevations), received 27 February 2013.

#### REASON

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

3. No demolition works shall commence until details of a phasing plan to ensure minimum disruption to existing residents and traders, as well as ensuring safe access and sufficient parking, turning and storage areas at all times, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

#### REASON

To protect the amenities of residential and commercial property both on the site and in the immediate vicinity, and in the interests of highway safety.

4. No development shall commence until a scheme for the construction of the foul and surface water drainage system (ensuring surface water is recycled and/or discharged and attenuated at a Greenfield rate) has been submitted to and approved in writing 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.

5. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. 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; and 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

To provide sufficient compensatory planting and in the interests of the amenities of the area.

6. No development shall commence until details of the facing bricks, roofing tiles, render, timber cladding, chimneys, and surfacing materials (for public and private areas, footways and accesses) 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.

7. No development shall commence until details indicating the positions, design, materials and type of screen walls/fences to be erected have been submitted to and approved in writing by the Local Planning Authority. Such details shall include elevational details of screen walls to public areas, positions of lockable gates to rear gardens and the side of the retail units, and vehicular preventative fencing to open space areas. The approved details shall be erected/installed before the use hereby approved is commenced and shall subsequently be maintained.

REASON

In the interests of the amenities of the area and security of the properties concerned.

8. No development shall commence until details of a lighting scheme to public and shared access areas has been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be erected/installed before the use hereby approved is commenced and shall subsequently be maintained.

REASON

In the interests of the amenities of the area, as well as safety and security of property and persons on the development.

9. No development shall commence until details of measures to reduce unregulated energy consumption by at least 10% has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed before the use hereby approved is commenced and shall subsequently be maintained.

REASON

In the interests of reducing the consumption of fossil fuels and centralised energy sources.

10. No development shall commence until details of surfacing of the access with a sealed material for a distance of 12 metres (for the York Avenue access) and 7.5 metres (for the Lister Road access), as measured from the near edge of the public highway, has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority). The accesses to the site for vehicles associated with occupation/use of the development shall not be used until they have been surfaced in accordance with the approved details.

REASON

In the interests of safety on the public highway.

11. No development shall commence until details of measures to be taken to prevent spoil/mud being deposited on the public highway from vehicles leaving the site during the construction works have been submitted to and approved in writing by the Local Planning Authority. Such measures shall be fully installed before the development commences and shall be retained for the duration of the construction period in order that no vehicle shall leave the site unless it has been cleaned sufficiently to prevent mud/spoil being deposited onto the highway.

REASON

In the interests of safety on the public highway.

12. No development shall commence until details of a scheme for the installation of bollards to the front of the retail units has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority). The bollards shall be installed prior to the first use of the retail units hereby approved and shall be subsequently maintained.

REASON

In the interests of safety on the public highway.

13. The development shall not be occupied until respective turning areas for vehicles associated with that occupation have been provided within the site so as to enable vehicles to leave and re-enter the public highway in a forward gear.

REASON

In the interests of safety on the public highway.

14. The development shall not be occupied until all parts of the existing access within the public highway (Lister Road) not included in the permitted means of access has been closed and the kerb and footway line has been reinstated in accordance with the standard specification of the Highway Authority.

REASON

In the interests of safety on the public highway.

15. Access for vehicles to the site from the public highway (Lister Road [D160] and York Avenue [D163]) shall not be made other than at the position identified on the approved drawing number 00619\_S\_004 Rev P06. The gradient of these accesses for vehicles to the site shall not be steeper than 1 in 10 for a distance of 12 metres (for the York Avenue access) and 7.5 metres (for the Lister Road access), as measured from the near edge of the public highway.

## REASON

In the interests of safety on the public highway.

## Notes

- 1 In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning objections and issues, suggesting amendments to improve the quality of the proposal, meetings and negotiations and 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.
- 2 The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): Core Policy 1 (Social and Economic Regeneration), Core Policy 2 (Development Distribution), Core Policy 6 (Local Services and Facilities), Core Policy 8 (Affordable Housing), Core Policy 11 (Quality of Development), Core Policy 12 (Implementation), ECON3 (Protection of Existing Employment Sites within Development Boundaries), HSG2 (Affordable Housing), HSG4 (Densities), ENV4 (Trees and Hedgerows), ENV5 (Open Space), ENV6 (Land Resources), ENV8 (Water Resources), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations in New Development), TPT2 (Traffic Management and Travel Safety), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking)
- 3 Advertisement Consent is required under a separate procedure of the Town and Country Planning Act 1990. Should any advertisements, signs, name boards, or other devices to attract attention, be intended in respect of this development, the Local Planning Authority will be pleased to advise you on all associated aspects prior to the erection of any such advertisements, and provide you with application forms.
- 4 You are advised of the proximity to the adjacent electricity substation and the need for relevant consent from the operator to alter or affect their property. You are also advised to ensure that adequate access is afforded to this substation at all times during construction works.
- 5 The New Roads and Street Works Act 1991 requires the owners of services and plant located within the highway to serve notice before they are permitted to execute works within the limits of the public highway to provide or connect utility services for the benefit of any permitted development. The planning permission hereby granted does not give consent for such excavations to be made and developers should note that a period of up to three calendar months notice is required for major service works within the highway.

- 6 The above conditions require works to be carried out within the limits of the public highway. The applicant / developer must enter into a Minor Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant/developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278. An application to enter into a Section 278 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.
- 7 In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.
- 8 The development for which planning permission is hereby permitted requires that part of the public highway be stopped-up by a Statutory Order made under Section 247 of the Town and Country Planning 1990. This permission does not authorise the stopping-up of the highway concerned or guarantee that it will be done. Before the development is commenced the applicant/developer must apply to the Department for Transport, National Transport Casework Team, Citygate, Gallowgate, Newcastle upon Tyne NE1 4WH, for an Order to be made.
- 9 The applicant/developer will be required to defray all the County Council's administration, legal, design, technical approval, safety audit, inspection of works costs, etc; whenever applicable in respect of any applications to enter into Highway Works Agreement, or for the issue of licences or similar actions. The County Council will not be held liable for any delays in the execution of any works carried out under the provisions of any Highway Works Agreement or issue of any licence which may be incurred as a result of the applicant's/developer's failure to make an application for such an agreement/licence sufficiently in advance of the works requiring to be executed or for any delays which may be incurred as a result of service or plant alterations required by the public utility companies.
- 10 The applicant/developer is encouraged to contribute £50 per dwelling for sustainable welcome packs and to help promote sustainable travel in the local area.

## **Justification**

The proposal is considered to bring about a positive and attractive redevelopment of the existing site, providing much needed affordable housing, improved retail facilities and an overall visual improvement to the area. The loss of open space is considered to be absorbed by way of a sufficient supply of informal open space in the settlement, whilst a shortfall in customer parking for the retail units is not considered to materially differ from the existing situation. Overall design, security and energy consumption impacts are considered acceptable subject to condition, and there is not considered to be a detrimental effect on neighbouring amenity. As such the proposal is considered to be in accordance with saved policies Core Policy 1, Core Policy 2, Core Policy 6, Core Policy 8, Core Policy 11, Core Policy 12, ECON3, HSG2, HSG4, ENV4 , ENV5, ENV6, ENV8, ENV10, ENV11, ENV12, ENV13, ENV14, TPT1, TPT2 and TPT6 of the North Warwickshire Local Plan 2006, adopted supplementary planning guidance 'A Guide to the Design of Householder Developments' (2003), 'A Guide for Shopfront Design' (2003) and 'A Guide for the Design of Lighting Schemes' (2003), and national policies as set out in the National Planning Policy Framework.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2012/0598

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	07/12/2012 02/01/2012 13/02/2013 18/02/2013 25/02/2013
2	Environmental Health Officer	Consultation reply	08/01/2013
3	Severn Trent Water	Consultation reply	11/01/2013
4	County Highway Authority	Consultation reply	14/01/2013
5	Warwickshire Crime Prevention Design Advisor	Representation	15/01/2013
6	County Library Service	Representation	15/01/2013
7	Case Officer	Email to Agent	15/01/2013
8	Case Officer	Email to County Library Service	15/01/2013
9	Atherstone Civic Society	Consultation reply	14/01/2013
10	M Hardman and S Hardman	Representation	21/01/2013
11	B J Horton	Representation	23/01/2013
12	Atherstone Town Council	Consultation reply	24/01/2013
13	Cllr Simpson	Representation	25/01/2013
14	County Library Service	Representation	28/01/2013
15	Agent	Email to Case Officer	13/02/2013
16	Case Officer	Email to Agent	16/02/2013
17	Agent	Email to Case Officer	18/02/2013
18	County Drainage Consultant	Representation	19/02/2013
19	Case Officer	Re-registration Letter	19/02/2013
20	Warwickshire Crime Prevention Design Advisor	Re-consultation reply	20/02/2013
21	County Museum (Archaeology)	Consultation reply	21/02/2013
22	County Highway Authority	Email to Agent	25/02/2013
23	County Highway Authority	Re-consultation reply	25/02/2013

*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.*

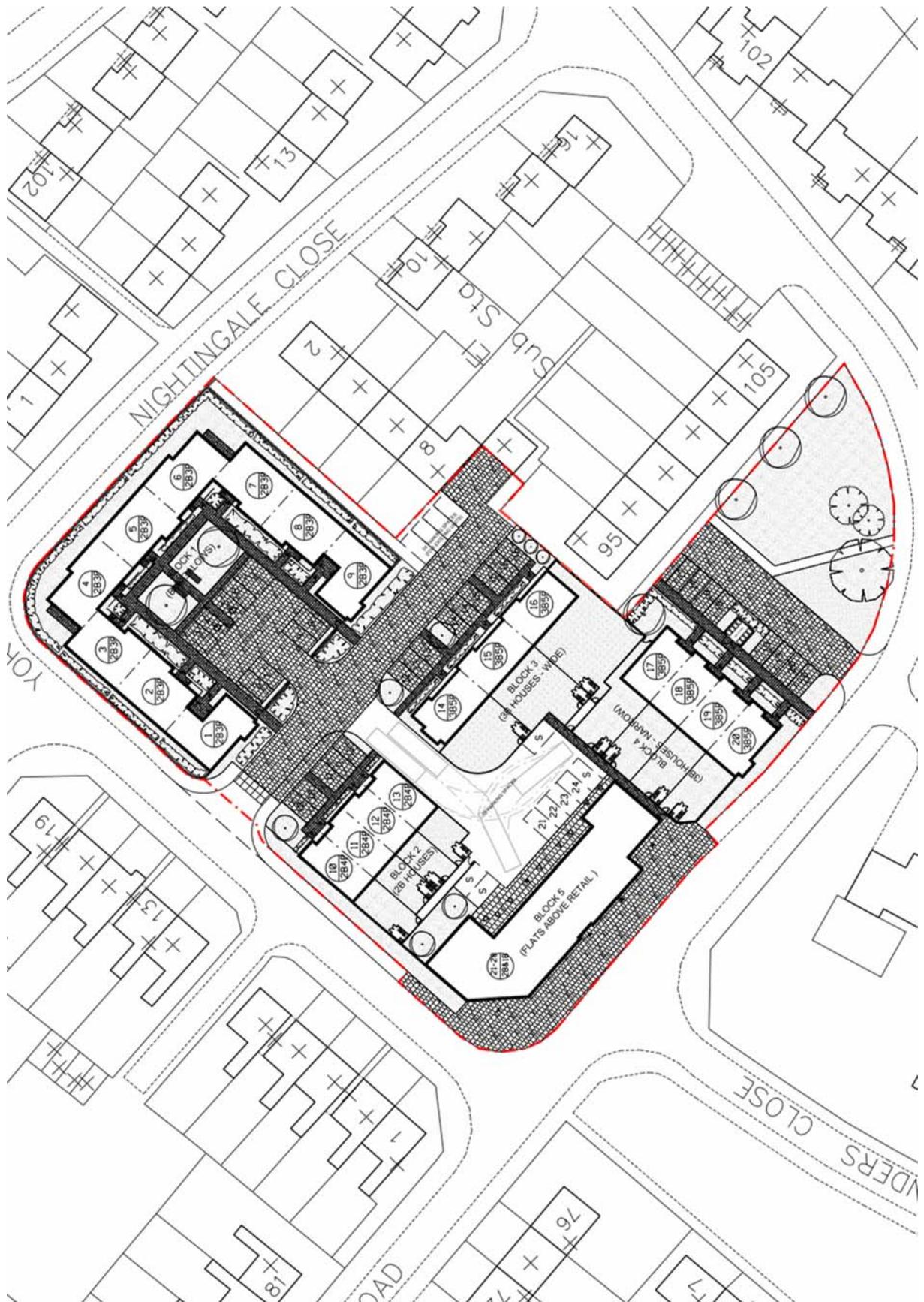
*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*

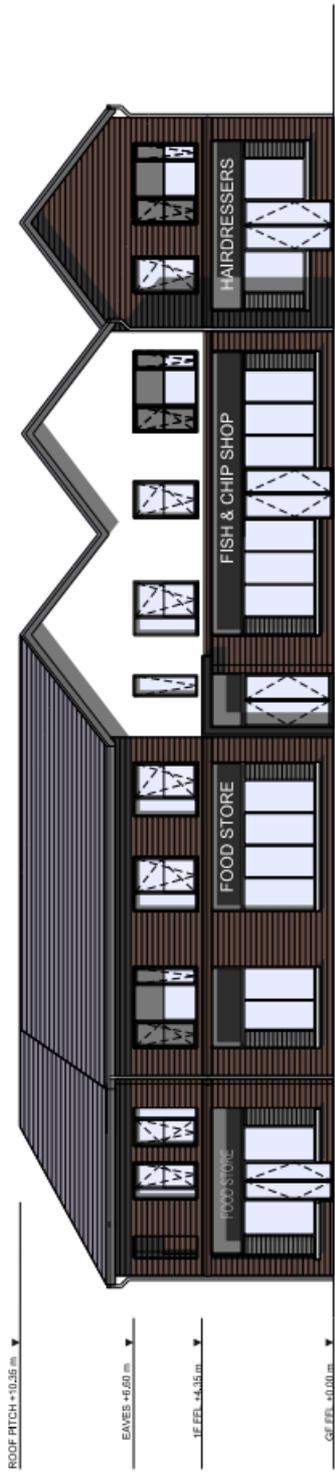




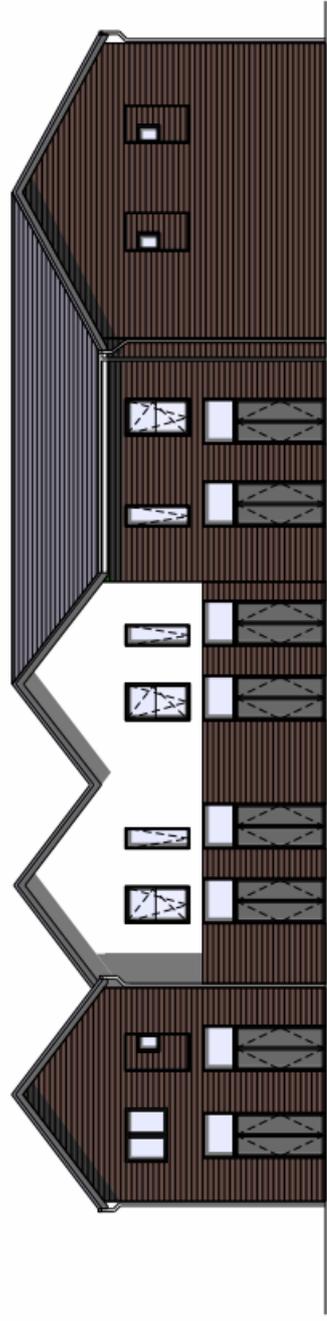




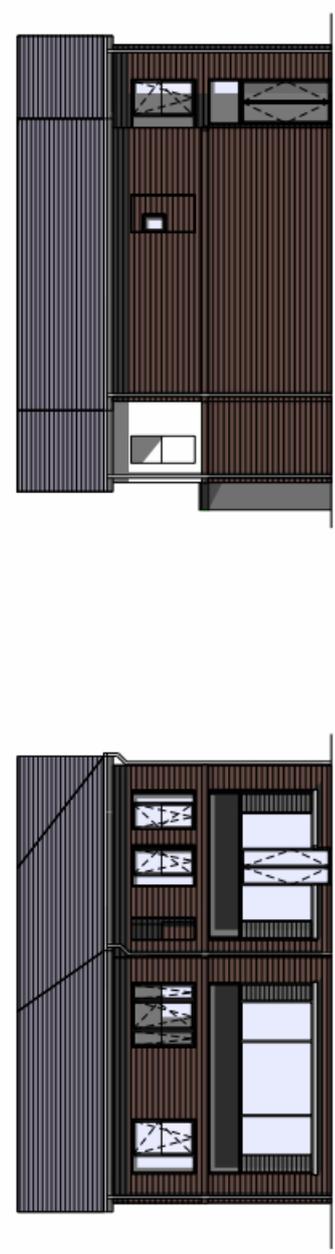


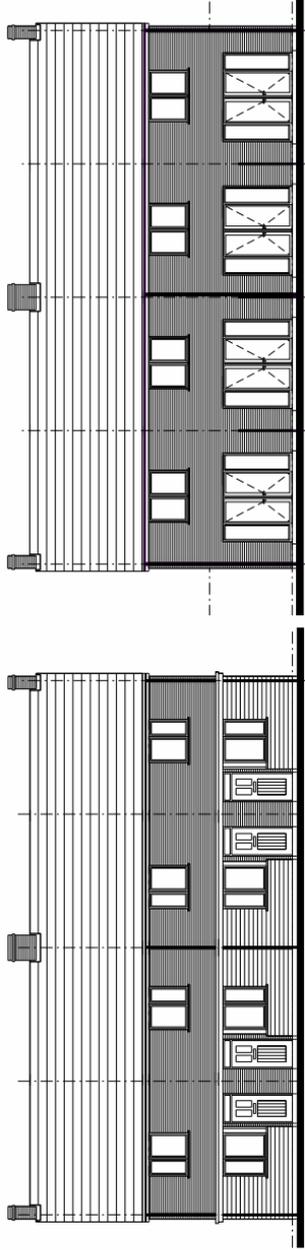


RETAIL WITH FLATS ABOVE\_FRONT ELEVATION



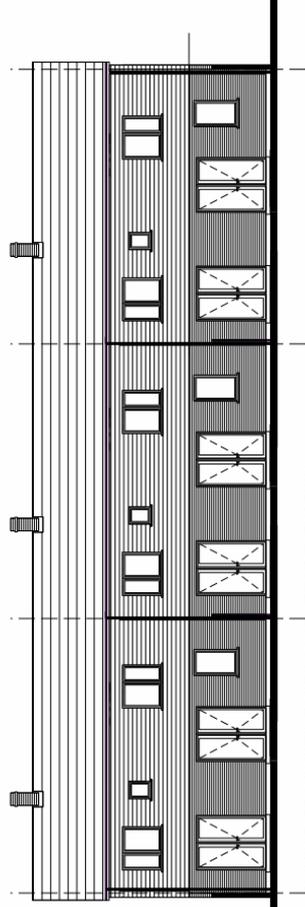
RETAIL WITH FLATS ABOVE\_BACK ELEVATION



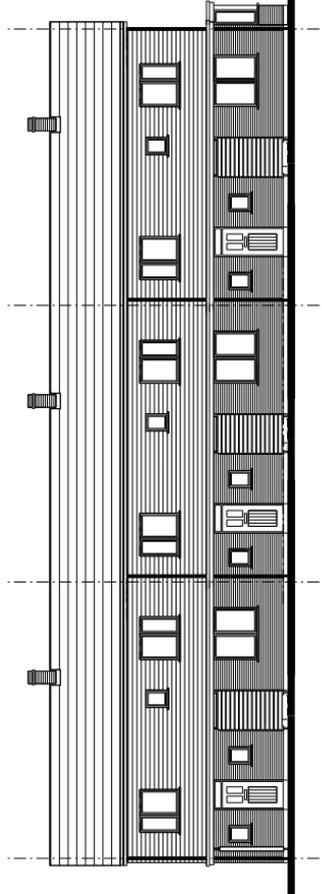


BLOCK 2 (2B HOUSES\_PLOTS 10-13)\_REAR ELEVATION

BLOCK 2 (2B HOUSES\_PLOTS 10-13)\_FRONT ELEVATION



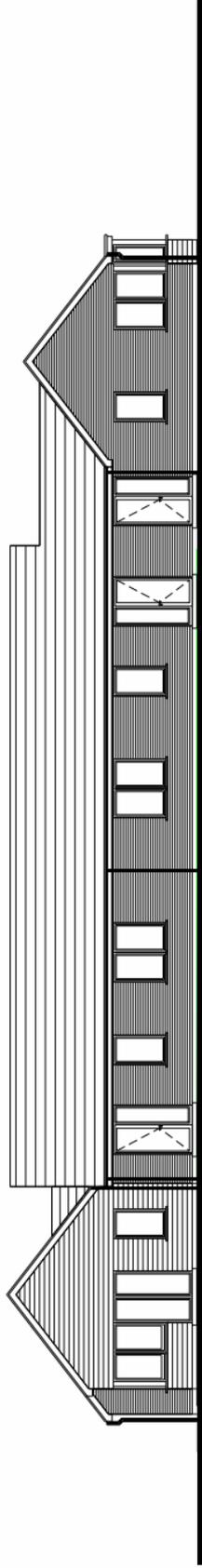
BLOCK 3 (3B HOUSES\_PLOTS 14-16)\_REAR ELEVATION



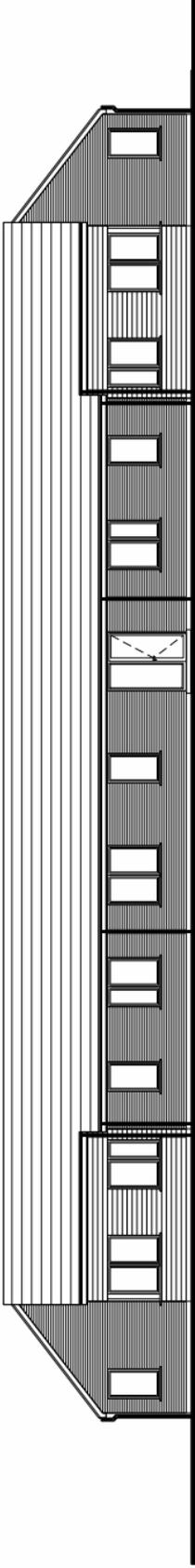
BLOCK 3 (3B HOUSES\_PLOTS 14-16)\_FRONT ELEVATION



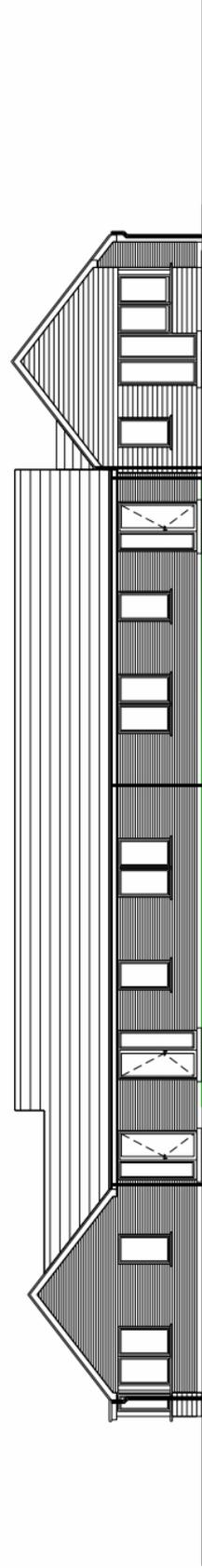
(2B3P BUNGALOWS\_PLOTS 01-09)  
ELEVATION\_01



ELEVATION\_3



ELEVATION\_4



ELEVATION\_5

**(6) Application No: PAP/2012/0610**

**The Coleshill School, Coventry Road, Coleshill, Warwickshire, B46 3EX**

**New sports centre building with car parking space, landscaping and boundary fencing, for**

**Mr Simon Powell - North Warwickshire Borough Council**

**Introduction**

This application is reported to Board in light of the Council being the applicant.

**The Site**

The site lies to the southern edge of Coleshill, to the eastern side of the school site with Packington Lane forming the eastern boundary. The school site is surrounded by residential properties to the west which front onto Coventry Road. To the north of the site is Woodlands Primary School, and to the south is a single bungalow and St. Edwards Primary School, along with playing fields. Beyond Packington Lane is open countryside. The site is currently occupied by tennis courts and a covered swimming pool, which is to be demolished as part of the works. The site is shown at Appendix A.

**The Proposal**

The disused swimming pool will be demolished, whilst the existing sports hall and changing block, which link to the arts block will be demolished, leaving the arts block standing alone. The new sports hall and changing facilities will be replaced within the new sports centre building, with squash courts, a gym and dance studio also provided within. Car parking space, landscaping and boundary fencing will also be provided. Plans and elevations are shown at Appendix B.

**Background**

The school itself has evolved during the course of the late 60s and the 70s, with further extensions and alterations from the mid-1990s onwards. This proposal arises from pre-application discussions involving the school and leisure and planning officers.

**Development Plan**

North Warwickshire Local Plan 2006 (Saved Policies): Core Policy 1 (Social and Economic Regeneration), Core Policy 2 (Development Distribution), COM1 (New Community Facilities), COM2 (Protection of Land and Buildings used for Existing Community Facilities in the Main Towns and Market Towns), COM3 (Safeguarding Educational Establishments), ENV8 (Water Resources), ENV9 (Air Quality), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations in New Development), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

## **Other Relevant Material Considerations**

North Warwickshire Core Strategy (Pre-submission Document November 2012): NW1 (Settlement Hierarchy), NW8 (Sustainable Development), NW9 (Renewable Energy and Energy Efficiency), NW10 (Quality of Development) and NW17 (Services and Facilities).

Government Advice: National Planning Policy Framework (NPPF).

## **Consultations**

Sport England, the Environment Agency, the County Highway Authority, the County Museum (Archaeology), the Environmental Health officer, Severn Trent Water, the Coleshill Town Council and Coleshill Civic Society have all been consulted. Their responses will be reported at a future meeting.

## **Representations**

Neighbours were consulted on 31 January 2013, and press and site notices also published. Representations will be reported at a future meeting.

## **Observations**

The principle of this development is considered acceptable with the site lying within the settlement boundary for Coleshill. The proposal will replace the existing Coleshill Leisure Centre on Park Road, with the facilities also providing as upgraded sports and changing facilities for the school. There is direct policy support for this proposal, but there are also a number of matters which require consideration. These relate to highway safety impacts and parking provision; impact on neighbouring amenity; design and character; and the sustainability of the proposal.

This report is intended as an interim report only as Members are encouraged to consider the design of the proposal. At the time of writing the Design Champions have offered comments which have been discussed at length with the applicant. This has established that many of the elevational features, such as the translucent windows to the western elevation and high level windows and doors on the eastern elevation, are functional and arise out of the internal layout of the proposal. Notwithstanding, amendments are being pursued to improve the more public elevations, and if these are available by the time of the meeting they will be presented to Members accordingly.

The recommendation below therefore accommodates the above discussion, especially as Members may also wish to consider the wider setting for this proposal and other matters such as parking provision.

## **Recommendation**

That the Board visit the site prior to the application being presented for determination at a future meeting.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2012/0610

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	13/12/2012 25/12/2012

*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.*











View 1. Community Entrance



View 2. Elevation facing car parking



View 3. Aerial view of building



View 4. View of building facing Packington Lane



View 5. View of building facing car parking



View 6. View of school entrance

**(7) Application No: PAP/2013/0050**

**Car Park, Park Road, Coleshill, B46 3LA**

**Variation of condition 13 of planning permission ref: PAP/2011/0529 relating to delivery hours for the site to be operationally viable; in respect of erection of a retail (A1) food store with associated parking, servicing and access, for**

**- W M Morrison Supermarkets PLC**

**Introduction**

This application is reported to the Board at the discretion of the Head of Development Control given that the previous request to vary this condition was dealt with by the Board.

**The Site**

This is the newly opened supermarket at the junction of Park Road and Birmingham Road in Coleshill. The site is triangular with these two roads forming two sides and a block of residential development neighbouring the third. There is residential development opposite the main entrance to the site off the Birmingham Road and also close to its rear at Park Road. This is illustrated on the site plan at Appendix A.

**Background**

The planning permission imposed a number of operational conditions and one of these controls the hours of delivery vehicles. This requires there to be no deliveries to the store other than between 0700 to 1900 hours on weekdays; 0700 to 1300 hours on Saturdays and 0900 to 1600 hours on Sundays. The reason for the condition was to protect the residential amenity of neighbouring occupiers.

Morrison's submitted an application during the summer of 2012 to seek a variation of the condition such as to have 24 hour deliveries to the site. That application was accompanied by a noise assessment and an explanation as to why the hours should be more flexible than those permitted. That application was refused on the grounds that 24 hourly deliveries would be likely to cause adverse impacts because of the proximity of residential property to the site and the cumulative impact of all of the associated activity with such deliveries at anti-social hours.

This current application is therefore a re-submission. Morrison's have taken on board the concerns expressed locally and by the Council and are thus now proposing a wider "slot" for deliveries but not for the full 24 hour period as originally requested.

**The Proposals**

It is proposed that delivery hours should be from:

0600 to 2200 on Mondays to Fridays inclusive;  
0600 to 2100 on Saturday, and from  
0700 to 1900 on Sundays.

The applicant states that the reasons for the application to vary is to ensure that fresh produce is delivered and stocked for opening hours thus avoiding the need to have more concentrated deliveries whilst the car park is in use by customers.

The application is accompanied by a revised noise assessment report based on the current hours sought. Its scope has been agreed in conjunction with the Council's Environmental Health Officers. Survey information was particularly sought for the period 0600 to 0700 as it was considered that this was the most "sensitive" time of the hours now proposed. Because the store is now operational, the survey was also able to monitor actual deliveries taking place. This work included noise assessments of the various activities – shutter doors opening, off-loading and HGV manoeuvring both at source and from the closest residential property. The applicant's conclusion is that the results fall within the thresholds agreed with the Environmental Health Officers on what is an acceptable level of noise of this time.

## **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – ENV11 (Neighbour Amenities)

## **Other Material Planning Considerations**

The National Planning Policy Framework ("the Framework")

## **Consultations**

Environmental Health Officer – No objection subject to conditions. At the time of the last application no objection was raised subject to there being a maximum noise threshold. He adds that the additional assessment work undertaken shows that this can be adhered to even with the current proposed hours. The assessment does however highlight the noise generated by a "scissor lift" which is the concern of the objector. This has been brought to his attention by the resident already. The issue can be resolved with the introduction of a hydraulic restrictor and he will be recommending this to Morrison's. It is however worthy of a condition to be attached to any variation condition. He asks for a noise management plan as previously and concludes that the proposed hours should be the subject of a temporary twelve month period in order to monitor the situation and to see the impact of the additional hours during the summer months when no noise testing has yet been undertaken.

## **Representations**

Coleshill Town Council – Considers that all deliveries should be not before 0700 as per the existing Tesco store in the town.

Three letters have been received. One is from local residents who explain their actual experience of unloading operations at the site. They particularly refer to one piece of equipment and the "loud banging" that occurs at this time. As they live in the nearest property, they are directly affected and do not wish to have this impact brought forward to 0600.

A second letter requests information about the traffic noise associated with the deliveries and the routes taken by delivery vehicles. It says that the noise assessment deals exclusively with the actual loading operations and not associated traffic noise.

The final letter repeats the views expressed by the Town Council.

## **Observations**

Following the refusal to vary this condition a few months ago, the store has become operational, and therefore this has had two benefits for this revised application. The first is that noise assessments could measure the operations actually taking place and thus provide robust evidence. Secondly, the store has been able to see what its delivery pattern has actually been, including over the busy Christmas period, and it is clear from this that full 24 hour accessibility was not actually needed. As a consequence it is considered that this is now a much more proportionate response by Morrison's.

The Environmental Health Officer recommends a temporary permission in order to monitor the times throughout different seasons as no assessments have been yet made during the summer months, and to see the impact of the conditions he recommends. This is both a reasonable and proportionate response and one that will be followed in the recommendation below.

Traffic movements are not controlled by conditions attached to the original permission here, and the fact remains that the site is bounded on two sides by roads and thus unrestricted traffic movements. All access is from the main one and this is where delivery vehicles enter and leave the site. This road is already heavily trafficked and the increase in its use as a consequence of deliveries to the store is considered not to be material. The concern about routes has been passed on to the applicant and the author of the letter has been provided with a contact at Morrison's should he wish to pursue the matter further.

## **Recommendation**

That condition 13 of planning permission 2011/0529 dated 20 December 2011 be **VARIED** so as to read:

"13A. No service vehicles shall enter the site, or deliveries be made to the site other than between 0600 and 2200 hours on Mondays to Fridays inclusive; between 0600 and 2100 hours on Saturdays and between 0700 to 1900 hours on Sundays.

Reason: In the interests of the residential amenity of surrounding residential property.

13B. Within one month of the date of this permission, the applicant shall submit a noise management plan to the Local Planning Authority to include measures for the minimisation of noise arising from the hours hereby permitted. This plan shall include the installation of a hydraulic restrictor for the scissor-lift levelling plates. This plan shall particularly include measures in respect of the period between 0600 and 0800 on any day.

Reason: In the interests of the residential amenity of surrounding residential property.

13C. Following the written approval of the plan referred to above in Condition 13B, any noise arising from deliveries shall not be greater than 40dB LAeq and 55dB LAm<sub>ax</sub> when measured at one metre from the façade of any residential property surrounding the site. If at anytime these thresholds are exceeded there shall be no deliveries to the site.

Reason: In the interests of the residential amenity of surrounding residential property.

13D. The hours set out in Condition 13A and the controls set out in Conditions 13B, C and D shall only be permitted until 31 March 2014. After this date the delivery hours to this site shall revert to 0700 to 1900 hours on weekdays; 0700 to 1300 hours on Saturdays and 0900 to 1600 hours on Sundays.

Reason: In order to provide a full twelve month monitoring period in the view of the proximity of residential property to the site so as to protect residential amenity. “

### **Notes**

- i) The Development Plan policy relevant to this decision is saved Policy ENV11 of the North Warwickshire Local Plan 2006
- ii) In coming to this decision the Local Planning Authority has worked positively with the applicant through continuing discussion in order to overcome the issues arising from the case and thus meet the requirements of the NPPF.

### **Justification**

Evidence has been submitted and verified to show that noise disturbance would be unlikely subject to conditions. Given that there are residential properties adjoining the site it is considered that a monitoring period is required in order to “test” these arrangements and throughout a whole year as the ambient noise environment will alter depending on climatic conditions. In all of these circumstances the proposal would accord with saved policy ENV11 of the North Warwickshire Local Plan 2006.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0050

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	31/1/2013
2	Coleshill Town Council	Objection	7/2/2013
3	Mr & Mrs Gascoigne	Objection	25/2/2013
4	M Groll	Representation	22/2/2013
5	H Taylor	Representation	27/2/2013
6	Environmental Health Officer	Consultation	27/2/2013

*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.*



**(8) Application No: PAP/2013/0059**

**Dafferns Wood, St Michaels Close, New Arley, Warwickshire,**

**Works to trees protected by a tree preservation order, for**

**North Warwickshire Borough Council**

**Introduction**

This application is reported to the Board as the Borough Council both land owner and applicant in the case.

**The Site**

Daffern's Wood is an area of woodland to the west of Morgan's Close and north of Fourfield's Way in New Arley. The majority is categorised as Ancient Woodland and is a Local Nature Reserve. It has a mixed canopy over storey of ash and oak, principally in its eastern section, sycamore in its centre and with an area of alder to the south west. The under storey is principally hazel with some holly and natural regeneration of birch, sycamore, ash and oak.

The woodland became the subject of a Woodland Tree Preservation Order in 1983 at the time of the construction of the housing estates that are now to its south and east.

**The Proposals**

The Warwickshire Wildlife Trust in partnership with the Borough Council has prepared a medium term management plan for woodland up 2022. This will in general terms, propose woodland restoration work as well as remedial works to some of the trees bearing in mind the proximity of some residential properties that back onto the woodland, and the fact that the woodland has public access.

A full Management Action Plan is attached at Appendix A, which also includes a plan illustrating the location within the woodland of the proposed works. These can be summarised as coppicing small groups of over mature hazel stools so as to rejuvenate the crop; the gradual removal of mature sycamores and regenerated sycamore to favour more locally native timber species and the removal of holly from overshadowing adjoining residential properties.

Remedial works are proposed mainly to individual trees that are closest to the eastern boundary – where the rear gardens of the properties in Morgan's Close back onto the woodland. The works proposed include the removal of deadwood and ivy as well as cutting back overhanging branches and the annual monitoring of a number of trees. In total eight trees are recommended for removal during the next five years – five ash trees, a silver birch, and two rowans.

**Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – ENV1 (Protection and Enhancement of the Natural Landscape), ENV3 (Nature Conservation), 4 (Trees and Hedgerows) and ENV11 (Neighbour Amenity)

## **Other Material Planning Considerations**

The National Planning Policy Framework 2012

### **Representations**

No representations had been received at the time of preparing this report. Members will be advised at the meeting should anything be received.

### **Observations**

This woodland has been managed by the Borough Council for a little while now and these latest proposals have been drawn up in conjunction with the local Wildlife Trust in order to programme a ten year action plan. This will be in the overall interests of the woodland not only as a public amenity but also as a nature conservation asset. The Programme will sustain and enhance its community value. Also by submitting the proposals together, the whole picture can be seen and it also removes the need to submit individual applications for each of the works. It does not prevent later individual applications from being submitted as and when if circumstances change.

### **Recommendation**

That Consent be **GRANTED** for the remedial and management proposals as set out in the Woodland and Tree Report for Daffern's Wood dated January 2013.

### **Notes**

- i) Attention is drawn to the requirements and safeguards of the Wildlife and Countryside Act 1981, The Countryside and Rights of Way Act 2000 and the EC Habitat Directive 1992 and in respect of statutory protection to birds and other protected species that may inhabit trees – particularly bats.
- ii) All off ground work and sectional felling should be done by a qualified tree surgeon and working to BS3998:2010.
- iii) The relevant Development Plan policies to this decision are saved policies ENV1, ENV3, ENV4 and ENV11 of the North Warwickshire Local Plan 2006.

### **Justification**

These proposals are for active woodland management as well as enhancing biodiversity and have been professionally drawn up. Overall there will be enhanced public amenity through sustaining the community value of the woodland and protecting public access as well the amenity of adjoining residential occupiers.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0059

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	7/2/2013

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

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



Appendix A.



North Warwickshire  
Borough Council



## Woodland and Tree Report

### Daffern's Wood New Arley

NORTH WARWICKSHIRE  
BOROUGH COUNCIL

RECEIVED

7-Feb-13

PLANNING & DEVELOPMENT  
DIVISION

Prepared for:

North Warwickshire Borough Council

January 2013

Written by:	Reviewed by:	Date:
Paul Billin B.Sc.(Hons.) For., M.I.C. For	Arthur Amos Arthur Amos Associates	Issued 30.1.2013

Prepared for

**North Warwickshire Borough Council**

By

**Arthur Amos Associates**

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**Landscape  
Institute**  
Registered practice

## Summary

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### *PURPOSE OF THIS DOCUMENT*

This report was commissioned to enable TPO consent to be obtained for;

- Woodland restoration work, as proposed by Warwickshire Wildlife Trust, to be undertaken
- Remedial works to be carried out following a Tree Safety Inspection to consider:-
  - ❖ Safety and abatement of nuisance on trees adjoining neighbouring properties, but particularly those in Morgan Close, Fourfields Way and St Michael's Close
  - ❖ Management of trees within the woodland which has public access.

The purpose of the Tree Safety Report is to offer guidance on the management of trees that have the potential to impact members of the public. In doing so, it provides the landowner with a defensible risk management system that shows:

- A clear audit trail
- A tree risk assessment
- A clear management system to detail what action will be taken to reduce the risk and remove the hazard.

The general principles of the tree risk survey have been defined by the National Tree Safety Guidelines document 'Common Sense Risk Management for Trees' (2011).

### *EXECUTIVE SUMMARY*

The woodland was inspected and a review concluded that the woodland restoration work as proposed by Warwickshire Wildlife Trust will allow effective management of the woodland and begin the restoration of the woodland according to sound woodland management techniques.

The full appraisal of the tree safety inspection is found in Appendix 2. A total of 18No trees were identified as requiring remedial work or annual monitoring. One tree was identified to be felled within 3 months, two trees were identified to be felled within 6 months, one within 24 months and four within 5 years.

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## 1 WOODLAND RESTORATION

### Woodland Description

The main block of woodland in Daffern's Wood is categorised as Ancient Woodland (ASNW) (see Map in Appendix 1).

The overstorey is a mixed canopy of birch with ash and oak principally in the eastern end, sycamore in the middle section and to the west and an area of alder in the south western corner of the woodland.

The understorey is principally hazel, with some holly, and natural regeneration of birch, sycamore, ash and oak.

### Management Proposals

The Warwickshire Wildlife Trust has developed a schedule of Woodland Restoration Work to be carried out from 2012 to 2022. This is shown in detail in Appendix 1 and these work proposals can be summarised as follows:

- Coppicing of small groups of over mature hazel stool;
- Cutting back holly where it overhangs the boundary fence;
- Felling of 40-50 year sycamores;
- Removal of sycamore saplings of 3 - 20 years on one side of brook and in groups throughout the woodland in small groups;
- Re-pollarding of 2No sycamores;
- Lopping or felling of mature sycamores in several groups to prevent shading and seeding - 80 year old trees at the rate of 2 trees/year/group;
- Retention and monitoring of Elm tree, medium age; to be coppiced only if it starts to show signs of die back from Dutch Elm disease beetle impact.

### Review of Management

The inspection of the woodland, and the review of these proposals by the author, concludes that the following objectives will be achieved by the proposed work:

- Rejuvenation of over mature hazel stools;
- Gradual removal of mature sycamore and regenerated sycamore to favour locally native timber species;
- Removal of larger holly from over shadowing adjoining residential properties.

The work as proposed will allow effective management of the woodland and begin the restoration of the woodland according to sound woodland management techniques.

In the short to medium term, consideration may be required to afford protection from rabbit and deer browsing to favoured natural regeneration and to hazel coppice re-growth.

#### **Action Required**

The schedule and map of Woodland Restoration and Work, as detailed in Appendix 1, should be included in, and submitted to, the Forestry Commission in an Application for a Licence to Fell Growing Trees, including details of the TPO. This will give permission to fell trees

(see details on <http://www.forestry.gov.uk/pdf/fccs321.pdf> )

In the longer term, it is suggested that, in addition to WWT recommendations, the following areas of management are included in a long term management plan.

- Enrichment with oak by planting or fencing off small enclosures to exclude pests, people and dogs, ground scarification to allow natural regeneration of direct tree seeding. Planting could be carried out as a local project using acorns collected from the wood;
- Opening up the mature and over mature overstorey of birch and ash by selective felling to allow planting of oak or natural regeneration of birch, ash and oak; for example, the removal of T2964 (Ash) would create a significant sky light window;
- Management of the area of even-aged alder in the south western corner of the woodland; such as gradually opening up using selective felling to allow natural regeneration, or group felling;
- Layering or planting of hazel to increase the density of the understorey.

## **2 TREE SAFETY REPORT**

This report should be read in conjunction with the attached tree safety schedule in Appendix 3. A detailed record of the survey with full recommendations and priority for action can be seen in Appendix 2.

### **Site Description**

A walk-through survey was carried out which included trees along the main paths within the public access areas, as shown on the Daffern's Wood boundary Map in Appendix 4, and trees adjoining garden boundaries to the north and east.

### **Tree Inspection**

The survey was undertaken using the Visual Tree Assessment (VTA) devised by Mattheck and Breloer (1994). It was carried out entirely from ground level and involved a visual assessment of the crown conditions as well as the base and stem of the trees. The trees were inspected (where possible) from two sides and in most cases from walking around the entire tree.

No invasive tools were used during the course of this inspection. If further investigation is deemed necessary that will require the use of either invasive or non-invasive tools, or a climbed inspection, this will be noted in the Schedule. Where necessary probe, rubber mallet or binoculars were used as additional tools to assist in the assessment of identified defects in the trees.

Only trees that require attention have been recorded in this survey. This may involve noting trees that need remedial works for safety or trees that need regular assessment and inspections. It is however noted that all trees are inherently dangerous in any given situation and the exclusion of any tree from this survey does not mean it is "safe".

### **Tree locations**

All trees noted in the schedule were identified using a numbered aluminium tree tag which cross references to the tree plan in Appendix 3. The location of the trees on the plan is approximate only.

### 3 ARBORICULTURAL HAZARD ASSESSMENT

In order for risk to exist, there needs to be a hazard. A hazard is defined as something that has the potential to cause harm. In relation to trees, any part of a tree that could fail has the potential to be a hazard. Therefore, all trees are potentially hazardous.

Risk is defined as the potential of something happening. In the case of trees, the danger is not that a tree is hazardous, but the likelihood that the hazard will cause damage. The greater the likelihood, the higher the risk. This likelihood has to be balanced in relation to the potential consequence of the hazard failing.

Risk assessment is an assessment of the balance in the relationship between the likelihood of a hazard event occurring, and the potential consequence of that failure. An event with a high likelihood of failure, but a low potential consequence can be defined as low risk. An event with a high likelihood of failure and a high potential consequence can be defined as high risk.

A detailed record of the survey with full recommendations and time line for action can be seen in the attached Schedule of Trees.

#### **The Trees**

The trees were principally ash, oak and birch, with rowan and sycamore.

#### **Appraisal of the trees**

The full appraisal of trees is found in Appendix 2, and summarised below

A total of 18No trees were identified as requiring remedial work or annual monitoring.

One rowan tree was identified to be felled within 3 months (T2966).

Two trees were identified to be felled within 6 months (T2960 and T2966), and two trees or groups require cutting or removal of deadwood (G2967 and T2955).

One trees was identified to be felled within 24 months (T2961).

Four trees were identified requiring felling within 5 years, to allow for future work programming. (T2956, T2957, T2959 and T2964)

Three trees were identified as requiring ivy to be cut at the base to allow future re-inspection. It is further recommended that ivy should be cut at the base on all trees adjacent to boundaries and on all mature trees as part of planned annual maintenance.

## 4 ADMINISTRATIVE INFORMATION

### Instruction

Instruction was received North Warwickshire Borough Council to carry out a survey of the trees at Daffern's Wood.

The report was to include:

- A schedule of the relevant trees to include basic data and condition assessment
- An appraisal of the risks that these trees may pose to members of the public on publically accessible areas and along boundaries with neighbouring properties.
- Recommendations for remedial actions where required and a time frame for these works.

This inspection and report has been carried out in line with the guidance provided in the National Tree Safety Group recommendations, *Common Sense Risk Management for Trees*.

### Provided Documents / Records

A 1:2,500 scale map was provided showing the woodland boundaries.

### Site Survey

#### 4.1.1 Qualifications and Experience

The tree surveyor and principal author of this report is

- Paul J Billin; B.Sc. (Hons.) For., M.I.C.For., Lantra's Professional Tree Surveyors qualification; and with over thirty years experience of woodland management and tree safety inspections.

#### 4.1.2 Details of Site Visit

The inspection was carried out on 29th December 2012

The weather conditions were bright with good visibility.

### Technical References

The tree risk assessment and recommendations for remedial action are based on the following technical references:

- Lonsdale, D (2001) Principles of Tree Hazard Assessment. HMSO

- Mattheck, C., & Breloer, H. (2001) *The body language of trees*. HMSO
- Strouts, R. G. & Winter, T. G. (2000) *Diagnosis of ill-health in trees*. HMSO
- British Standards Institute (2010) *BS3998: Tree Works - Recommendations*. BSI, London
- The National Tree Safety Group (2011) *Common Sense Risk Management of Trees*. Forestry Commission, Edinburgh

### **Caveats and Limitations**

The inspection was carried out with the canopies in various stages of autumnal leaf cover. It was not possible to undertake a full inspection of the tops of the trees in some cases. Where necessary this was noted in the report and a recommendation for further inspection made.

It was not possible to access the base of some trees for inspection due to either the thickness of shrub around the base or due to ivy. This was noted in the report and remedial action to alleviate this problem recommended.

The inspection was undertaken from ground level; no climbed inspections took place.

No advanced decay detection equipment was used during this survey.

The report is for the sole use of the client and its reproduction or use by anyone else is forbidden unless written consent is given by the author.

This is an arboricultural report and as such no comments were made relating to buildings, engineering or soil.

This is a preliminary arboricultural health and safety survey of trees which were identified as exhibiting structural or physiological defects.

Trees are growing dynamic structures. Whilst reasonable effort has been made to detect defects within the trees inspected, no guarantee can be given as to the absolute safety or otherwise of any individual tree. No tree is ever absolutely safe due to the unpredictable laws and forces of nature. As a result of this, natural failure of intact trees will occur; extreme climatic conditions can cause damage to even apparently healthy trees.

Trees are living organisms whose health, condition and structure can change quickly and without warning. Therefore, the contents of this report are valid for a period of one year from the date of this survey. As such, it would be prudent for the trees discussed in this report to be inspected by a competent person on an annual basis.

On undertaking the recommended works, the arborist/tree surgeon must without delay report any defects that become apparent while climbing or working on the tree/s in question. Those defects must be reported immediately to the relevant manager or landowner to enable the appropriate remedial action.

## **Wildlife and Statutory information**

### **4.1.3 Disturbance to Wildlife**

The Wildlife and Countryside Act 1981 (amended by the Countryside and Right of Way Act 2000) provides statutory protection to birds and other protected species that may inhabit trees.

It is essential to check for nesting birds, bat roosts, badgers and hibernating animals such as hedgehogs under trees before pruning or removing trees as negligent disturbance is an offence under the EC Habitat Directive 1992 and CROW Act 2000.

In general, autumn tree work, in September, October and November is least disruptive to bats and birds.

### **4.1.4 Bats**

All bats are protected under the Wildlife and Countryside Act (Schedule 5). They are also included in Schedule 2 of the Conservation (Natural Habitats, &c) Regulations 1994, and The Countryside and Right of Way (CROW) Act 2000. The Acts and Regulations include provisions making it illegal to:

- Deliberately kill, injure or capture (take) bats.
- Deliberately disturb bats (whether in a roost or not)
- Damage, destroy or obstruct access to bat roosts

A bat roost is interpreted as “any structure or place which is used for shelter or protection”, whether or not bats are present at the time. If proposed work is likely to destroy or disturb bats or their roosts the appropriate Statutory Nature Conservation Organisation (SNCO - in this case Natural England) MUST be notified and allowed a reasonable time to advise on whether the proposed work should be carried out and, if so, the method to be used.

There were no possible location of bat roosts noted in the schedule of trees.

## **Conservation Area / Tree Preservation Orders**

There is a Tree Preservation Orders (TPO) in force on trees within this site.

The woodland is not located within a conservation area.

Any contractor employed to undertake the remedial works recommended in the schedule should carry out their own checks to satisfy themselves that there are no statutory requirements that need to be fulfilled prior to works commencing.

## **Contractors**

### **4.1.5 Work specification**

Off ground works - All off ground tree work and sectional felling should be done by a tree surgeon with the required certificates of competence, including aerial chainsaw use and rescue (NPTC CS30, 32, 37, 38, 39, 40, and 41) and working to BS3998:2010.

#### **4.1.6 Insurance**

The contractor employed for these works should be able to present current certificates of insurance for employers liability and for public liability insurance which is recommended to be at a minimum of £5 million.

## 5 SIGN-OFF AND RE-INSPECTION

The findings and recommendations contained within this report are limited to those trees listed in the tree survey schedule and, assuming its recommendations are observed, the report is valid for a period of twelve months from the date of survey.

It is recommended that the woodland and boundary trees are professionally re-inspected at a regular interval reflecting the different levels of risk:

- Adjacent to roads – inspection every 12 months
- Adjacent to public rights of way and permissive access – inspection every 24 months

Details within this report are considered to be correct at the time of writing but changes may be required if circumstances on the site change or more information becomes available.

Signed



Date: 30<sup>th</sup> January 2013

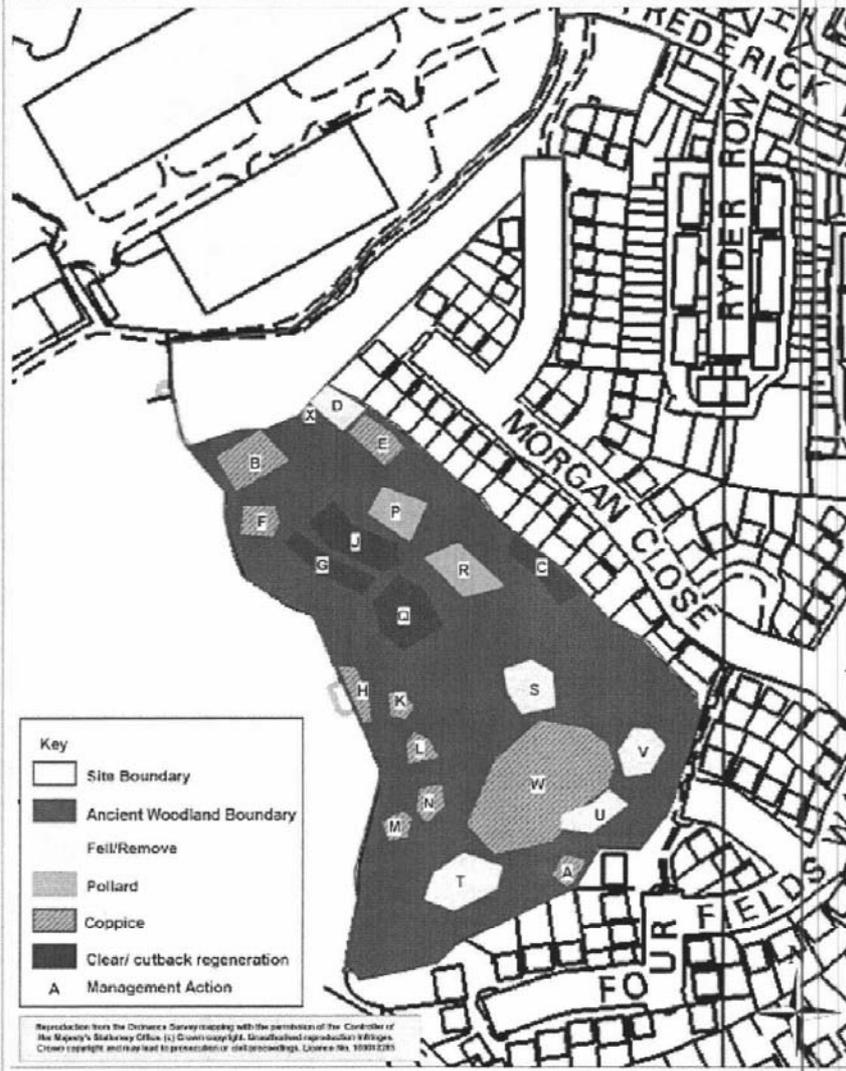
## **6 APPENDICES**

**Appendix 1 – Schedule and Map of Woodland Restoration and Work 2012 – 2022 proposed by Warwickshire Wildlife Trust.**

AREA	OPERATIONAL WORK	YEAR OF OPERATIONS													
		2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22				
A	Coppice over mature hazel stool, 15-20 stems, 3 metre stems	✓													
B	Rejuvenate over mature hazel coppice stools, 3 stools/year of 4- 8 stem/stool, 2-3 metre stems	✓	✓	✓	✓	✓	✓	✓	✓						Continue coppicing from year 2022/23
C	Cut back holly where overhanging boundary fence; coppice 3 stems along boundary/year	✓	✓	✓					✓	✓	✓				
D	Fell South west side of 40-50 year sycamores, 3 trees per year					✓	✓				✓	✓			
E	Rejuvenate over mature hazel coppice stools, 3 stools of 3-6 stems, 2-3 metre stems	✓			✓			✓							
F	Rejuvenate over mature hazel coppice stools, 2- 3 stools of 3-6 stems, 2-3 metre stems			✓	✓			✓	✓						
G	Remove sycamore saplings of 3 - 20 years on one side of brook					✓	✓	✓					✓		
H	Rejuvenate over mature hazel coppice stools, 1-2 stools of 3-8 stems, 2-3 metre stems beside brook/pool area	✓	✓	✓	✓										
J	Remove sycamore saplings of 3 - 20 years across area			✓	✓	✓						✓			
K	Rejuvenate over mature hazel coppice stools, 3 stools of 3-8 stems, 2-3 metre stems	✓													
L	Rejuvenate over mature hazel coppice stools, 3 stools of 3-8 stems, 2-3 metre stems		✓												
M	Rejuvenate over mature hazel coppice stools, 3 stools of 3-8 stems, 2-3 metre stems	✓													
N	Rejuvenate over mature hazel coppice stools, 3 stools of 3-8 stems, 2-3 metre stems			✓											
P	Re pollard 1 sycamore, 5-8 stems, 2-4 metre stems		✓		✓										
Q	Remove sycamore saplings of 3 - 20 years across area	✓	✓	✓						✓			✓		
R	Re pollard 1 sycamore, 5-8 stems, 2-4 metre stems	✓		✓								✓			
S	Lop or fell mature sycamores to prevent shading and seeding, 80 year old trees, 2 trees/year	✓	✓				✓								
T	Fell 30-40 year old sycamores to prevent shading and seeding, 2 trees/year	✓	✓	✓									✓		
U	Fell 30-40 year old sycamores to prevent shading and seeding, 2 trees/year			✓	✓	✓	✓	✓							
V	Fell 30-40 year old sycamores to prevent shading and seeding, 2 trees/year	✓		✓		✓				✓			✓		
W	Rejuvenate over mature hazel coppice stools, 3 stools of 3-8 stems, 3-4 metre stems	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓		
X	Elm tree, medium age, retain and check condition; coppice only if signs of die back from beetle impact.													✓	

# Daffern's Wood

## Woodland Restoration Work 2012 - 2022

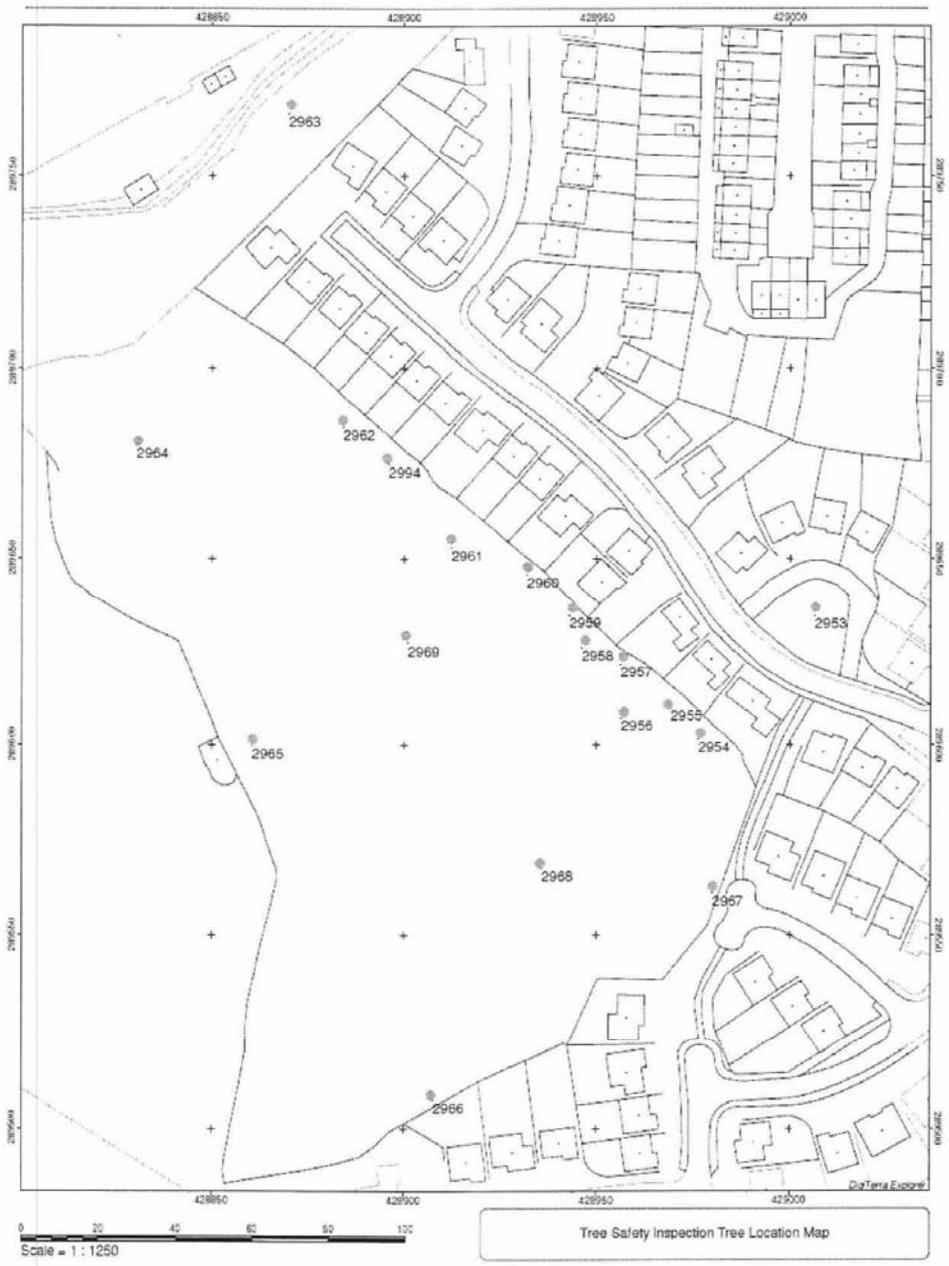


**Appendix 2 - Tree Safety Inspection Schedule of work**

Tag No.	Species	Type	DBH Class (cm)	Ht Class (m)	Age Class	Target		Condition	Likelihood "of falling or fail"	Severity	Risk Rating	Recommendation	Work Priority	Easting	Northing
						Type	Proximity (m)								
2953	<i>Quercus robur</i> <i>Pedunculata oak</i>	Single stem	>100	21-25	Mature	Public open space	<1	Good condition. Large, full crown. Signs of recent and old limb removal with good wound exclusion. Minor hazard beam, West 9/0m	1	2	2	Monitor annually	ANNUAL	429006.5	289634.4
2954	Silver birch <i>Betula pendula</i>	Co-dominant stems	41-60	21-25	O/mat	Residential	2-5	Good condition. Ivy partially obscuring stems.	1	2	2	Cut Ivy at base to allow re-inspection; within 12 months	LDW	428976.2	289601.4
2955	Ash <i>Fraxinus excelsior</i>	Single stem	61-80	21-25	Mature	Residential	6-10	Good condition. Deadwood <125mm NE over garden. Ivy partially obscuring stem and main limbs	2	2	4	Remove deadwood; within 6 months	MODERATE	428969.0	289609.8
2956	Ash <i>Fraxinus excelsior</i>	Single stem	61-80	21-25	Mature	Residential	11-15	Fair condition. Dieback evident in crown. Deadwood <15mm above brackets of <i>Daldinia concentrica</i> (NE 9.0m)	1	2	2	Felt within 5 years	VERY LOW	428956.2	289607.2
2957	Ash <i>Fraxinus excelsior</i>	Co-dominant stems	41-60	21-25	O/mat	Residential	6-10	Fair condition. Co-dominant stems (4He) from coppice stool; decay in stool, cavity in base of NE stem	2	2	4	Felt northern 2 stems within 5 years	VERY LOW	428956.1	289621.6
2958	Ash <i>Fraxinus excelsior</i>	Single stem	41-60	6-10	O/mat	Public open space	<1	Poor. Cavity in main stem; 1.2 - 2.7m. Previously pollarded at 4m	1	1	1	Monitor annually	ANNUAL	428946.0	289626.1
2959	Ash <i>Fraxinus excelsior</i>	Single stem	61-80	21-25	O/mat	Residential	2-5	Good condition. Tall tree with lollipop crown Ivy partially obscuring stems.	1	3	3	Monitor annually. Cut Ivy at base to allow re-inspection; within 12 months	LOW	428942.8	289634.6
2960	Silver birch <i>Betula pendula</i>	Single stem	21-40	11-15	Dead	Residential	2-5	Dead stem covered in Ivy	3	2	6	Felt within 5 years	VERY LOW	428931.8	289645.7
2961	Sycamore <i>Acer pseudoplatanus</i>	Single stem	41-60	16-20	O/mat	Residential	6-10	Very poor, crown 70-80% dead. Dead top, bark missing on south side of stem, dead cambium.	3	2	6	Felt within 24 months	VERY LOW	428912.2	289652.9
2994 (oval)	<i>Quercus robur</i> <i>Pedunculata oak</i>	Single stem	41-60	16-20	Mature	Residential	6-10	Fair condition. Poor crown shape. All co-dominant stems from union at 6-3m	2	2	4	Monitor annually	ANNUAL	428895.9	289674.9

Tag No.	Species	Type	DBH Class (cm)	Ht Class (m)	Age Class	Target		Condition	Likelihood of falling or fall*	Severity Rating	Risk Rating	Recommendation	Work Priority	Easting	Northing
						Type	Proximity (m)								
2962	<i>Quercus robur</i> <i>Pedunculatae oak</i>	Co-dominant stems	41-60	26-30	Mature	Residential	6-10	Good condition. Co-dominant stems (5ha) from coppice stool. Northern 2 stems leaning over gardens. Union shows no visual defect.	1	2	2	Monitor annually. No action required due to any visual defect, but felling may be required due to nuisance	ANNUAL	428884.1	289584.5
2963	<i>Quercus robur</i> <i>Pedunculatae oak</i>	Single stem	61-80	16-20	O/mat	Public open space	<1	Fair condition. Bark missing on 30% circumference from ground to top of stem; good side columnar occlusion. Minor deadwood <70mm	1	2	2	Monitor annually	ANNUAL	428869.9	289765.9
2964	Ash <i>Fraxinus excelsior</i>	Co-dominant stems	81-10	21-25	O/mat	Public open space	<1	Good condition, full crown. Co-dominant stems are conjoined from 0.4 - 2.7m with self-grafting and included bark; point of possible failure	2	2	4	Fell within 5 years	VERY LOW	428830.4	289679.7
2965	Ash <i>Fraxinus excelsior</i>	Natural Totem	81-100	<6	Mature	Public open space	<1	Top failed and fallen out, hung up in neighbouring hazel	1	1	1	Cut up tops which are hung up; within 12 months	LOW	428860.4	289599.7
2966	Rowan <i>Sorbus aucuparia</i>	Single stem	21-40	11-15	Dead	Residential	2-5	Dead, fallen, hanging over garden fence.	1	1	1	Fell within 3 months	HI (3)	428907.5	289507.4
2967	Silver birch, Holly <i>Betula pendula</i> , <i>Ilex aquifolium</i>	Group	<20 & 21-40	6-10	Mild	Residential & carpark	2-5	Birch and holly overhanging fence and car turning area	1	1	1	Cut back overhanging branches back to inside woodland boundary; within 6 months	MODERATE	428979.9	289561.2
2968	<i>Quercus robur</i> <i>Pedunculatae oak</i>	Single	>100	26-30	Veteran	Public open space	<1	Good condition for age and species. Full crown, very minor deadwood ~25mm	1	2	2	Monitor annually. No action required due to any visual defect	ANNUAL	428935.6	289567.7
2969	Rowan <i>Sorbus aucuparia</i>	Single	41-60	21-25	Mature	Public open space	<1	Fair condition. Co-dominant stems from union at 2.3m with Mattheck ears with decay, included bark, vertical crack below union on west side	2	1	2	Fell within 6 months	MODERATE	428900.9	289627.3

**6.3 Appendix 3 - Tree Safety Inspection Tree Location Map**



6.4 Appendix 4 – Daffern's Wood Ownership Boundary – TPO area shown in blue (not to scale)



## **Agenda Item No 6**

### **Planning and Development Board**

**11 March 2013**

**Report of the  
Head of Development Control**

**Corporate Plan Targets  
2012/13**

#### **1 Summary**

- 1.1 This report describes progress on a number of targets as set out in the 2012/13 Corporate Plan.

#### **Recommendation to the Board**

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

#### **2 Background**

- 2.1 There are four on-going targets set out in the current Corporate Plan which require monitoring by the end of March 2013. The most convenient approach to do so is through this annual report on how each has been progressing.

#### **3 Development Management**

- 3.1 The first such target is to “manage new development proposals such that they deliver the priorities of the Council’s Corporate Plan and its Sustainable Community Strategy”. Members will know from previous reports and indeed from current Government policy announcements that the approach towards new development proposals is how best to manage them, such that planning permissions can potentially be granted, rather than just to refuse. This is very much a matter of how the service can add value to submitted development proposals such that they better achieve the Council’s priorities and objectives. There are many ways of achieving this – engagement in pre-application meetings; pre-application public consultation, resolving technical issues with other agencies prior to submission, seeking amendments once an application has been submitted and through the use of planning conditions and Section 106 Agreements. Members will be familiar with all of these processes. That being said, Members should always remember that decisions to refuse planning permission should always continue to be taken where there is clear evidence to support them in that adverse impacts would arise from a new development.

In order to illustrate how this has occurred in practice, then the following examples will be familiar with Members from the cases referred to them

during the last year. In respect of pre-application meetings, then Members themselves have received presentations from applicants in respect of prospective proposals at The Belfry, the Father Hudson's land in Coleshill, Beech House in Atherstone, the Phase 3 applications at Birch Coppice, the Mancetter Extra-Care facility, Piper's Lane in Ansley, Whitacre Garden Centre and the Redrow's site in Atherstone. Members have had an early input into these cases in order to better shape a proposal so as to meet the Council's own priorities through these pre-application discussions. Members have also taken an active interest in "adding value" through the use of the Design Champions in seeking amendments to design and layout and also by requiring contributions through Section 106 Agreements particularly so as to assist in achieving Council priorities.

- 3.2 The target however is not about process. It is about meeting the Council's priorities. The examples below show the service is delivering on these.
- 3.3 The employment priority is to bring more jobs to North Warwickshire. This was a material consideration in the determination of the Phase 2 extension to Birch Coppice and very recently in its support in principle for Phase 3. It also played a part in the approval of an extension at the BMW works at Hams Hall; the redevelopment of the Headlam premises in Gorse Lane, Coleshill and in the Council's support for the MIRA Technology Park.
- 3.4 A further priority is to protect and improve the Borough's heritage and countryside. This is being achieved through ensuring new development is in-keeping with its surroundings – eg. the Council's own housing schemes in Atherstone, Hurley, Arley and Water Orton; is of a high design quality – eg. using the Design Guides for householder developments and the redevelopment scheme at Caldecote, is "heritage" led where appropriate – eg. at the Victor and Britannia Works in Atherstone, as well as seeking Conservation Area Appraisals through a Section 106 at Caldecote, and that refusals are used where there are clear adverse impacts. Enforcement action is often allied to these instances – for example at Heart Park.
- 3.5 The Housing priority is to provide more affordable housing. This is being achieved through the grant of planning permission for the Council's own housing particularly in Atherstone; the application of Development Plan policy seeking 40% on-site affordable provision, for example at Arley, or off-site contributions in lieu, such as in Atherstone and Whitacre.
- 3.6 The Health and Well-Being priority includes the encouragement of leisure facilities. This is being achieved through the provision of cycle and pedestrian links at Birch Coppice and using Section 106 contributions to fund the Green Spaces Strategy programme – e.g. at Polesworth, Dordon and Arley .
- 3.7 The Community Strategy priority of raising aspirations and skills is being achieved through the use of Section 106 contributions at Birch Coppice to commission links and connections between existing agencies and new tenants in order to target local people for new skills training and employment opportunities.

## **4 Protecting the Green Belt**

- 4.1 The target under this objective is to ensure that only appropriate development is permitted in the Green Belt; that development is focussed on the main settlements and that our best buildings are protected. These are the underlying principles of the Local Plan, and they are to be taken forward in the new Core Strategy both in describing the spatial portrait of the Borough and in the draft suite of policies that have been advanced.
- 4.2 Our approach to the Green Belt accords with national policy. Members will be aware however that with the introduction of the National Planning Policy Framework last March, there are now new guidelines. This is leading to difficulties over interpretation of some of the guidance, and already Members have had to consider one or two difficult cases. Whilst the additional documents that will accompany the new Core Strategy will help in this regard, there will still be an interim period. Some of the recent difficulties have revolved around the definition of terms such as “disproportionate” and “not materially larger”, as well as the re-drafting of the approach towards the redevelopment of previously developed land. On the other hand, the appeal record has been good, with Inspectors giving significant weight to Green Belt policy. The most significant recent case is that relating to Heart Park where greater weight was given to this than to economic development arguments. Members too will recall a number of cases where extensions and new buildings have been reduced in scale and size in order to better align with the NPPF definitions.
- 4.3 The settlement hierarchy sets out the approach towards new development and the bulk of new proposals are determined with this underlying principle or on land adjacent to settlements as is now being considered through the NPPF and the emerging Core Strategy. New housing outside of settlements remains confined to that essential to a rural business or to local affordable housing needs.
- 4.4 The protection of heritage assets remains a key objective and there has been substantial Member involvement in current cases – Beech House; Father Hudsons in Coleshill and the Victor Works here in Atherstone. Individual cases have also included Blackgreaves Farm and the repairs to the garden wall at the Council’s offices. Appeal decisions too have upheld the Council’s position particularly in Atherstone.

## **5 Design Champions**

- 5.1 The two Members elected to assist in promoting good design have been regularly involved in a number of cases either through invitation or at their own request. These normally relate to housing schemes where the general approach is to add details and character such that the overall design takes on more local distinctiveness. Features such as fenestration; chimneys and porch design, although minor in detail, can enhance “bland” appearance without too much additional cost.

## **6 Transport Links**

- 6.1 Members will be aware that Section 106 contributions from the Birch Coppice development had been used to promote a bespoke transport arrangement so as to enable workers to access employment there. This has now been replaced through the use of continuing contributions diverted to the re-routing of scheduled bus services through the estate and with timetables that reflect the shift patterns of the tenants here – particularly those of Ocado. These new routes commenced in January and a review of patronage will be needed soon. The recent support for the Phase 3 extension of the estate also was subject to additional contributions to help sustain this service into the future. New occupiers at Birch will be requested to contribute too through these Agreements. The extension of clear dedicated cycle routes through the estate too will link up with the perimeter highway network. The Council's support for the new MIRA Technology Park, whilst outside the Borough, was also conditioned such that similar public transport services were extended over a wider geographic area.
- 6.2 Much of what is being achieved at Birch Coppice is due to the significant "mass" of development already there and its substantial expansion. It is far more difficult to promote links to individual premises when occupiers elsewhere come in for new extensions or redevelopment proposals. The use of individual Green Travel Plans then becomes more important and these are conditioned in many of the larger planning permissions that are granted.

## **7 Report Implications**

### **7.1 Financial and Value for Money Implications**

- 7.1.1 These actions have all been able to take place within existing budgets and through developer contributions.

### **7.2 Equalities and Human Rights Implications**

- 7.2.1 The decisions on planning applications and an assessment of the weights to be given to competing policies are made explicit in Board reports such that those decisions are taken in a transparent, reasonable and proportionate manner.

### **7.3 Links to Council Priorities**

- 7.3.1 These actions all help to deliver Council priorities relating to the environment; economic development and access to facilities.

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

## **Agenda Item No 7**

### **Planning and Development Board**

**11 March 2013**

#### **Report of the Head of Development Control**

#### **Practice Note for Handling Amendments to Planning Proposals**

### **1. Summary**

- 1.1. This report proposes revisions to the Council's Practice Note for Handling Amendments to Planning Proposals. The reasons for these revisions and a summary of the amendments are set out in full below.

#### **Recommendation to the Board**

**That the revisions to the Council's Practice Note for Handling Amendments to Planning Proposals be formally adopted.**

### **2. Consultation**

- 2.1. This note relates to best practice, and how the Council will apply legislative requirements and Government guidance. There is no obligation to create such guidance, and thus no consultation requirements.
- 2.2. Notwithstanding this, a draft version of the note was circulated to the Chairman and Vice Chairman of the Planning Board in October 2010, as well as their equivalent counterparts on the opposition.

### **3. Report**

- 3.1. The Council has an existing Practice Note for handling amendments, and this was last revised in November 2009. Since then changes have been made to planning legislation which place amendments under differing categories and consequently, different determination processes. In addition the Government are clear in their current and recent guidance<sup>1</sup> and the National Planning Policy Framework that a more proactive and positive approach to new and amended planning proposals should be taken.
- 3.2. At the same time the Growth and Infrastructure Bill is proposing a set of measures to temporarily remove planning powers from Local Authorities where they are considered to be underperforming. In establishing whether an authority is underperforming, it is proposed to have regard to the speed of determination as well as appeal success record.

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<sup>1</sup> [www.communities.gov.uk/publications/planningandbuilding/greaterflexibilityguidance](http://www.communities.gov.uk/publications/planningandbuilding/greaterflexibilityguidance)

3.3. In addition to the above, the Council is tasked to deal with householder, minor and other applications within 8 weeks, and major applications within 13 weeks. Applications accompanied by an Environmental Impact Statement carry a 16 week timeframe.

3.4. Consequently the revised Practice Note looks to formally reflect current legislation and guidance, as well as practice within the Development Control section; so to (1) ensure the manner in which amendments will be handled is clear to all parties; (2) ensure that consultation is proportionate and does not create unnecessary financial burden to the Council; (3) ensure that the quality of development is enhanced; and (4) enable the Council to demonstrate it has still been positive and proactive where it has needed to determine an application promptly.

3.5. The changes are summarised thus:

3.5.1. an overall restructure of the Practice Note to set out the Council's approach both prior to and after determination of an application;

3.5.2. clear definition of how amendments will be "classified" and consequently dealt with;

3.5.3. removal of the need to re-consult on amendments which only address technical matters on undetermined planning applications;

3.5.4. removal of the need to re-consult on non-material minor amendments;

3.5.5. introduction of a "cut off" period for provision of amendments, allowing the application to be determined on the basis of the most recent set of plans;

3.5.6. the ability to "re-register" applications where the amendments are notably different from that which was submitted. This will enable the determination period to be "reset"; and

... 3.5.7. introduction of a quick reference flowchart, enclosed at Appendix A of the Practice Note itself, appended to this report.

3.6. The changes proposed at 3.5.1 and 3.5.2 are intended to improve communication between applicants/agents and the Council, and ensure that reasons behind officer decisions are clear.

3.7. The change at 3.5.3 is proposed as such amendments would not cause prejudice to any interested party (e.g. an objector). Such changes would be limited to those not affecting the appearance or outward effects of the development.

3.8. The proposal at 3.5.4 arises from the fact that no consultation is required and the applicant is instead required to notify any affected landowners or tenants of the land subject of the application. The very nature of the description of this type of amendment means that it should have no material impact on third parties. In the context of the resources necessary to undertake consultation where the outcome so far has always been one of approval<sup>2</sup>; it is not considered proportionate to continue consulting on these amendments.

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<sup>2</sup> As of 15 February 2013, 74 non-material minor amendments applications have been received. 70 have been granted, two withdrawn without a decision, and two are pending a decision.

Notwithstanding this, discretion will be exercised and Case Officers are at liberty to consult if they wish.

3.9. The changes at 3.5.5 and 3.5.6 will also be exercised with discretion. It may still be appropriate to continue beyond the cut off given or even the statutory determination period and await amendments; or to continue with the original determination period.

3.10. A full draft of the Council's revised Best Practice Note for Handling Amendments to Planning Proposals can be found at Appendix 1.

#### **4. Report Implications**

##### **4.1. Finance and Value for Money Implications**

4.1.1. The changes will reduce the level of consultation undertaken which will free up staff time and reduce postage costs.

##### **4.2. Legal and Human Rights Implications**

4.2.1. The recommendation brings the Council's Best Practice Note for Handling Amendments in line with recent legislative and guidance changes.

##### **4.3. Risk Management Implications**

4.3.1. Changes will ensure that applicants are clear how their application (and thus investment) will be dealt with. The changes will also ensure that the Council has a degree of control over determining applications promptly, so to reduce the risk of special measures being imposed.

##### **4.4. Links to Council's Priorities**

4.4.1. The recommendation aligns with the following priorities:

- Enhancing community involvement and access to services
- Protecting and improving our environment
- Defending and improving our countryside and rural heritage
- Making best use of our resources through achieving a balanced budget and developing our workforce.

The Contact Officer for this report is Chris Nash (719481).

**North Warwickshire  
Borough Council**



**Practice Note  
for  
Handling Amendments to  
Planning Proposals**

**March 2013**

## **1. INTRODUCTION**

- 1.1. There is often change and alteration to development proposals as they progress from initial thoughts and ideas, onto the drawing board, and then through the planning process to approval and implementation. It is considered good practice to consider changes and alterations, where possible, prior to determination of an application in order to minimise repeat applications and subsequent consultations.
- 1.2. Amendments are sought before determination, after determination, and sometimes during the implementation of a scheme. Amendments also vary in their type, meaning that procedures for each amendment are dependent on the circumstances of the amendment sought. These procedures should be explicit and accountable. The Council has therefore prepared this Note on how it will deal with amendments under planning legislation. It deals with alterations and changes both after the submission of an application and following determination of it.
- 1.3. Above all this Note points to and emphasises the importance of the good practice of all applicants in seeking advice and guidance before an application is submitted. These negotiations can identify practical problems, as well as key issues that need to be addressed. Advice and guidance on raising the quality of a submission can also be given. However they are not pre-determinations. The Council offers Supplementary Planning Guidance (SPGs) and general guidance on the Development Control pages of its website at [www.northwarks.gov.uk/planning](http://www.northwarks.gov.uk/planning). It also offers a written pre-application enquiry service, and has a separate Note on Pre-application Meetings<sup>1</sup>, also available on its website.
- 1.4. The revisions made to this Note update that set out in the November 2009 document, responding to changes in legislation and the need to balance best practice against the financial and time pressures on the Council.
- 1.5. This Note should be seen as one of several Practice Notes that the Development Control Service has introduced in order to improve service delivery. A full list is available on the Development Control pages at [www.northwarks.gov.uk/planning](http://www.northwarks.gov.uk/planning).

## **2. OUR APPROACH TOWARDS AMENDMENTS**

- 2.1. For the purposes of this Note an amendment is defined as “an alteration or a change to a submitted, or previously approved, development proposal”. Where amendments are made prior to determination, the procedure is for the Council to define. However, following amendments to the Town and Country Planning Act 1990 on 1st October 2009, amendments following the approval of a development proposal are dealt with in a more formal manner. As such they are to be dealt with in the mainstream planning process, incorporated into recognised practice, and will not be treated differently.

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<sup>1</sup> [www.northwarks.gov.uk/downloads/file/3543/practice\\_note\\_for\\_pre-application\\_planning\\_meetings](http://www.northwarks.gov.uk/downloads/file/3543/practice_note_for_pre-application_planning_meetings)

2.2. The following terms are used throughout this Note in the interests of clarity:

- **Appropriate target date** – the Council is tasked to deal with householder, minor and other applications within 8 weeks, and major applications within 13 weeks. Prior notifications have varying timescales, but are generally to be determined within 4 to 6 weeks, whilst applications accompanied by an Environmental Impact Statement carry a 16 week timeframe. Whilst non-material minor amendments should be dealt with within 4 weeks; minor amendments and applications to extend the time limit of a planning permission should be dealt with within 8, 13 or 16 weeks depending on the determination period for the original application.
- **Pre-determination amendment** – where the proposed amendment is sought during the course of an application (i.e. prior to the appropriate target date for determination). This is explained more fully in Section 3.
- **Major amendment** – where the proposed amendment fundamentally changes the nature of the development proposed. This is explained more fully in Sections 3 and 4.
- **Material minor amendment** – where the proposed amendment is considered to be a ‘material’ change to the development proposed and brings forward impacts which need full reconsideration. This is explained more fully in Section 4.
- **Non-material minor amendment** – where the proposed amendment is not considered to be a ‘material’ change to the development proposed, and its effect has little or no consequential impact on amenity, highway safety or other planning considerations. This is explained more fully in Section 4.
- **Extension of the timeframe allowed for implementation** – where a permitted development has not yet been implemented and further time is sought to enable the implementation to occur without having to re-submit a full application. This is explained more fully in Section 5.

2.3. It should be noted that whilst the above terms broadly outline the main groups of amendment, minor variations to a proposal can be significant in their own right, depending upon the context. The Council’s approach will thus vary, depending on the significance of the amendment sought and when it is sought. In the first instance a decision will need to be made as to whether or not the amendment is a significant alteration or a minor amendment, and in the case of the latter whether it has material impacts. This decision will rest with the Council – more particularly the Case Officers – and where necessary reasons for this decision will be given.

2.4. There are three prime concerns:

- The first is the need for re-consultation. People need to be kept informed of changes that are made.
- Secondly, so long as an application remains undetermined, the Council will be seeking to make a determination within the appropriate target date. Notwithstanding that, amendments can and do lead to delay.

- Thirdly, amendments can make real differences, raising the quality of the final development, and be a valuable stage in the progress of a proposal.
- 2.5. The practice that follows places an onus on all parties in the process – the applicant or agent, the Council through its Case Officers, and those making representations. A visual representation of the Council's approach is at Annex A.

### **3. PRE-DETERMINATION AMENDMENTS**

- 3.1. Most amendments arise either from the consultation and notification procedure, or from the Case Officer's assessment of the proposal. It is one of their objectives to raise the quality and minimise the impacts of all development proposals whenever possible. Whatever the source, it is likely that the request to amend will come from the Case Officer.

#### **Minor Variations**

- 3.2. In the majority of cases, these amendments are minor variations to the originally submitted proposal. They may affect one or more aspects of a particular proposal, but do not alter the nature of the proposal itself. These variations usually lead to a need for a different set of plans to those originally published for consultation. As such those originally notified may wish to add further comments, or they may want to know what changes have been made as a result of their involvement. The most important procedural matter with minor variations is thus re-consultation. Whilst an applicant may feel frustrated about a further round of consultation, the involvement of interested parties in the determination process is critical to a sound and fair decision.

- 3.3. In the case of minor variations, the Case Officer will:

3.3.1. On requesting an amendment from the applicant explain the reasons for this, and provide them with a time period in which to submit further plans – normally no later than 14 days prior to the appropriate target date.

3.3.2. Once these plans have been received, re-notify all those originally consulted and any other parties that might now be affected by the amendment. The time period allowed for a response will normally be 14 days, although this may need to be reduced.

3.3.3. Deal with the responses received under the Council's Scheme of Delegation.

3.3.4. If the new plans address a technical matter which does not have any effect on the appearance or outward effects of the development (such as reducing the extent of the red line on the site location plan or correcting a drafting error), then no re-consultation will take place unless it is regarded as necessary to do so.

3.3.5. If the applicant does not provide new plans within the time requested, a final reminder will be sent along with a final cut-off time, pointing out that after its expiration a determination will be made without consideration of the new plans. This is to ensure the Council can maintain the balance between prompt determination and best practice.

#### **Major Variations**

3.4. A fresh application may be required for a major variation. There will be a strong presumption to require a fresh application if the proposal, as amended, is notably different from that which was submitted, as a matter of fact and degree. This decision will be made by the Case Officer based upon the following questions:

- Has the application site, as defined by the red line on the site location plan, changed?
- Is the original proposal enlarged in any manner?
- Does the nature, scope or character of the proposal change in a material way?
- Does the impact of the proposal on the locality change in a material way?

Their decision shall be recorded on the application file.

3.5. If the Case Officer decides that the change requested constitutes a major variation, the applicant will be asked to do either of the following:

3.5.1. Withdraw the current application and resubmit – this will be the case if there are other outstanding matters which need addressing (such as an objection from a statutory or technical consultee). This will ‘close’ the current application and any resubmission will be treated afresh.

3.5.2. Provide an amended application form and plans, and supporting documents where necessary. The Case Officer will specify a time period in which to submit these amendments – normally no later than 14 days prior to the appropriate target date. The application will more than often be ‘re-registered’ when amendments are received, under the same reference number, and with the appropriate target date adjusted to count from the date of re-registration.

3.6. The Case Officer will:

3.6.1. In the case of withdrawn applications, notify all those who have made a representation *and* requested notification of the decision that no further action will be taken. Any resubmission is then treated in the normal manner.

3.6.2. In the case of ‘re-registered’ applications, notify all those originally consulted and any other parties that might now be affected by the amendment, offering the appropriate period for making further representations and noting that existing representations will be carried forward where relevant.

3.6.3. Deal with the responses received under the Council’s Scheme of Delegation.

3.7. If the applicant does not withdraw the application or provide an amended application, then the Case Officer will consider the possibility of recommending a refusal. The applicant can also consider making an appeal against non-determination if this option is available to them.

3.8. In this way the Case Officer will attempt to balance the applicant’s wish to get a plan approved as quickly as possible; ensure that interested parties in the community can be kept informed of progress and participate in that process; ensure that any decision is sound; and look towards the Government and Council’s targets of achieving prompt determination.

- 3.9. Notification of the decision taken will be only be sent to those who make representations *and* request notification of that decision on a proposal.

#### **4. POST-DETERMINATION AMENDMENTS**

- 4.1. Experience shows that alterations are more likely to be put forward following the grant of a planning permission. This is usually because that permission has been “sold on” and a new applicant has different ideas, or because an applicant has had to reassess the viability of the proposal or comply with Building Regulations.
- 4.2. There are three manners of amendments applicable at this stage. These are ‘non-material minor amendments’, ‘material minor amendments’ and ‘major amendments’. Guidance is provided by the Department of Communities and Local Government on this topic<sup>2</sup>, and the following text sets out the Council’s approach.

##### **Non-material Minor Amendments**

- 4.3. This procedure was introduced under Section 96A of the Town and Country Planning Act on 1<sup>st</sup> October 2009. This allows for amendments to a proposal which, as a matter of fact and degree, are not considered to bring about material impacts (such as insertion of an obscurely glazed window or a minor design change). This decision will be made by the Case Officer and their decision shall be recorded on the application file.
- 4.4. A Section 96A application can only be pursued in certain circumstances. Only a person who has an interest in the land to which the non-material amendment relates, or someone else acting on their behalf, can apply (e.g. a freeholder, a holder of a lease of over seven years, or a mortgagee).
- 4.5. Where the amendment is considered material, an application under Section 73 of the 1990 Act will be needed. The applicant will be notified of such a requirement within 14 days of receipt. For this, see the procedure set out in section 4.9 of this Note.
- 4.6. Due to the very nature of non-material minor amendments, it is considered that in order to qualify for this procedure, the effects of the amendment are considered to have no material impact on interested parties. Hence the Council will not seek to re-consult on such amendments, particularly when a decision must be made within 4 weeks.
- 4.7. Notwithstanding the above, anyone who owns or has a right to the land affected must be notified by the applicant; and the Case Officer may consider it prudent to re-consult some or all interested parties. This decision will lie with the Case Officer and they will:
- 4.7.1. Inform those interested parties of the amendment, and a time period in which to respond, normally 14 days.
  - 4.7.2. Deal with the responses received under the Council’s Scheme of Delegation.
- 4.8. The Case Officer will then look to determine the application accordingly, attaching new conditions or varying/removing existing conditions where it is considered necessary. In light of both the variations being considered non-material, the applicant then has the option of implementing either the original permission or the amended permission.

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<sup>2</sup> [www.communities.gov.uk/publications/planningandbuilding/greaterflexibilityguidance](http://www.communities.gov.uk/publications/planningandbuilding/greaterflexibilityguidance)

## Material Minor Amendments

- 4.9. Most decision notices carry a condition outlining the approved plans relating to the development. Section 73 of the Town and Country Planning Act allows for variation or non-compliance with conditions, and this does not exclude “plan” conditions. The Material Minor Amendment procedure thus allows for a substitution of plans, either in full or in part.
- 4.10. However this can take time, particularly if work is in progress on site. A balance has to be struck, and the Case Officer will make an assessment as to whether or not the amendment can be treated as a non-material amendment under the provisions of paragraph 4.1 above, or whether it is material. In the latter instance, a Section 73 application will be required. This practice provides a balanced and pragmatic approach to the situation on the ground, whilst extending safeguards to those who have made representations.
- 4.11. Such amendments must relate to the development originally permitted. There will be a strong presumption to require a fresh application if the proposal, as amended, is notably different from that which was submitted, as a matter of fact and degree. This decision will be made by the Case Officer based upon the following questions:
- Has the application site, as defined by the red line on the site location plan, increased or extended beyond the original limits?
  - Has the original consent expired without implementation?
  - Does the nature, scope or character of the proposal change in a material way (i.e. is the development still accurately described by the original permission)?
- 4.12. This decision will be made by the Case Officer and their decision shall be recorded on the application file.
- 4.13. Where the amendment is beyond the scope of a Section 73 application, a fresh application will be needed. The applicant will be notified of such a requirement within 14 days of receipt. For this see the procedure set out in section 4.21 of this Note. In cases where the development is already underway, the application will have to be retrospective. Indeed if a fresh application is not received the Council will look at the possibility of dealing with the case as unauthorised development, for which the Council has a policy<sup>3</sup>.
- 4.14. On the rare occasion that no “plan” condition is attached to the original permission, it is first necessary to apply for non-material minor amendment under Section 96A (see 4.1 above) so to allow a new condition to be attached<sup>4</sup>. Following that, and assuming an approval, then a material minor amendment can be pursued.
- 4.15. A material minor-amendment cannot be made concurrently with an application to extend the time limits for implementing a planning permission (see section 5 below). If sequential applications are to be made, the extension should be applied for first, as a successful amendment application would result in a new permission which would not have been extant on 1 October 2010 and which therefore could not be extended.

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<sup>3</sup> [www.northwarks.gov.uk/downloads/file/3544/](http://www.northwarks.gov.uk/downloads/file/3544/)

<sup>4</sup> Note: this cannot be pursued in the case of Conservation Area and Listed Building Consents.

4.16. Where a material minor-amendment application is being considered, the Case Officer will:

4.16.1. Notify all those who were consulted on the original application, and any other parties that might now be affected by the amendment, offering the appropriate period for making representations.

4.16.2. Deal with the responses received under the Council's Scheme of Delegation.

4.17. It may be the case that material minor-amendments, following consultation, require further amendment. Section 3 of this Note will be relevant in such circumstances.

4.18. The Case Officer will look to determine the application accordingly, attaching new conditions or varying/removing existing conditions where it is considered necessary. Where approved, the effect is the issue of a fresh grant of permission. A decision notice describing the new permission will be issued, setting out all the conditions pertaining to it. However the time limit for implementation will be the latest date allowed by the original permission.

4.19. Notification of the decision taken will be only be sent to those who make representations *and* request notification of that decision on a proposal.

#### **Listed Buildings and Conservation Areas (Material minor amendments only)**

4.20. Amendments sought to Listed Building applications or applications for Conservation Area Consent will be treated in the same way. However in these cases, the determination will focus much more on detail. The impact of even small amendments on the character of a building or area can be critical. The 1990 Listed Buildings and Conservation Areas Act places a duty on Local Planning Authorities to have "special regard" to the architectural and historic character of Listed Buildings, and to the preservation and enhancement of the character and appearance of Conservation Areas. Expert advice will always be sought by the Case Officer before a conclusion is reached on amendments in these cases. It is to be expected that fresh applications will be far more likely in these cases.

## Major Amendments

- 4.21. Where an amendment is considered to be beyond the scope of Section 73 or Section 96A of the Act, then a fresh application will be required. This decision will be made by the Case Officer based upon the questions set out at 4.11. That judgement will be made within 14 days of the receipt of the amendment, and an explanation given why a fresh application is needed.

## 5. EXTENSIONS TO TIME LIMITS FOR IMPLEMENTING PLANNING PERMISSIONS

- 5.1. Planning permissions are generally granted subject to a condition requiring that it is implemented within 3 years. This is to prevent the “banking” of permissions in order to ensure the planning system continues to continuously deliver housing and employment premises. However the economic downturn has meant that many developments are being placed on hold – sometimes indefinitely. As unimplemented planning permissions expire beyond a set time limit, generally 3 years, the ability to implement the permission once finance is available can fall away. The Town and Country Planning (Development Management Procedure) Order 2010 allows for the implementation period on planning permissions, listed building consents and conservation area consents to be extended.
- 5.2. There are specific criteria which must be fulfilled in order to be eligible to exercise this allowance:
- 5.2.1. Was the existing permission extant on 1 October 2010<sup>5</sup>? If not, an extension to the time limit cannot be pursued.
  - 5.2.2. Has the development already begun? If so, the permission is no longer extant and an extension to the time limit cannot be pursued. The only exception is where the application was submitted in outline and implemented in phases, and one or more of the phases has begun. Under these circumstances, the procedures apply as long as the development was permitted to be implemented in phases when the outline permission was originally granted.
  - 5.2.3. If applying to extend the time limit on an existing listed building or conservation area consent, is it associated with a planning permission which you are also applying to extend? If not, then you cannot apply to replace the listed building or conservation area consent.
- 5.3. An application to extend the time limits for implementing a planning permission cannot be made concurrently with a material minor-amendment. If sequential applications are to be made, the extension should be applied for first, as a successful amendment application would result in a new permission which would not have been extant on 1 October 2010 and which therefore could not be extended.
- 5.4. When making the application, alongside the mandatory requirements the Council may seek updated reports, information and drawings where the circumstances have altered since the time of the original application. Applicants are encouraged to seek advice from officers prior to submitting an application.
- 5.5. Where an application to seek an extension to the time limit is being considered, the procedure is quite similar to a material minor amendment. The Case Officer will:

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<sup>5</sup> The date specified in the legislation ([www.legislation.gov.uk/ukxi/2012/2274/pdfs/ukxi\\_20122274\\_en.pdf](http://www.legislation.gov.uk/ukxi/2012/2274/pdfs/ukxi_20122274_en.pdf)) at the time of preparing this Note. This date may alter depending on whether subsequent amendments are made to legislation.

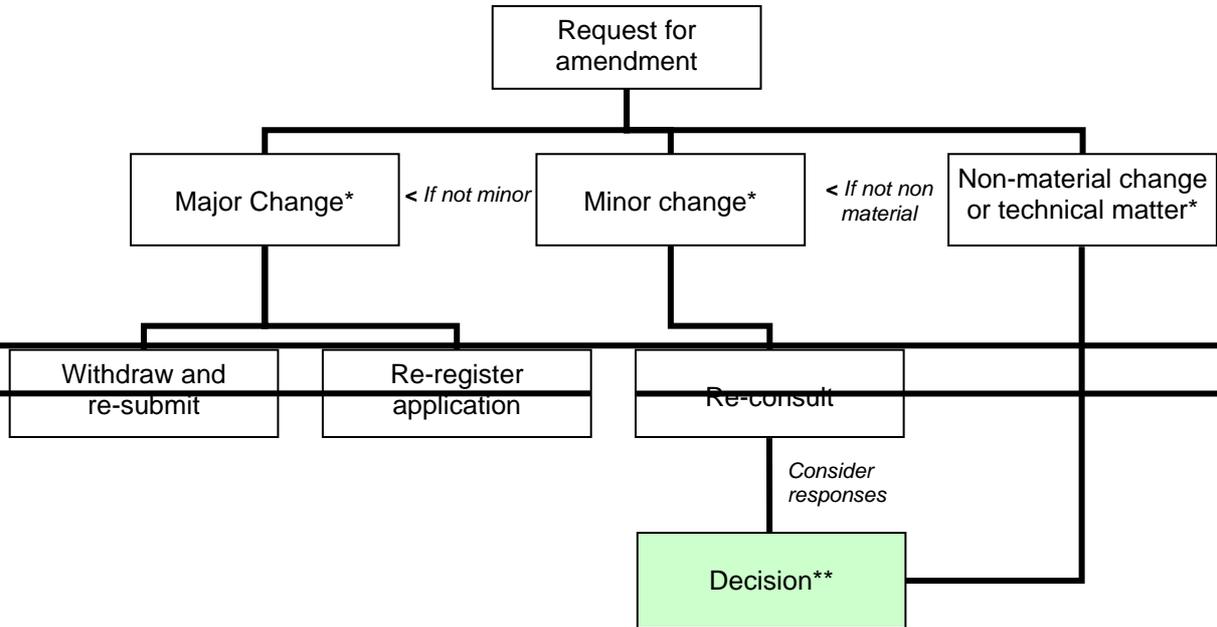
- 5.5.1. Notify all those who were consulted on the original application, and any other parties that might now be affected, offering the appropriate period for making representations.
- 5.5.2. Deal with the responses received under the Council's Scheme of Delegation.
- 5.6. The Case Officer will look to determine the application accordingly, having regard to whether circumstances have materially changed since the original grant of permission (e.g. other development had occurred adjacent to the site, or planning policy has changed).
- 5.7. They will attach new conditions or vary/remove existing conditions where it is considered appropriate (e.g. a pre-commencement condition has already been addressed). Where approved, the effect is the issue of a fresh grant of permission. A decision notice describing the new permission will be issued, setting out all the conditions pertaining to it.
- 5.8. Notification of the decision taken will be only be sent to those who make representations *and* request notification of that decision on a proposal.
- 5.9. This allowance does not apply to prior notifications where the time limits for implementation are set out in the General Permitted Development Order 1995 (as amended).

## **6. PERFORMANCE AND MONITORING**

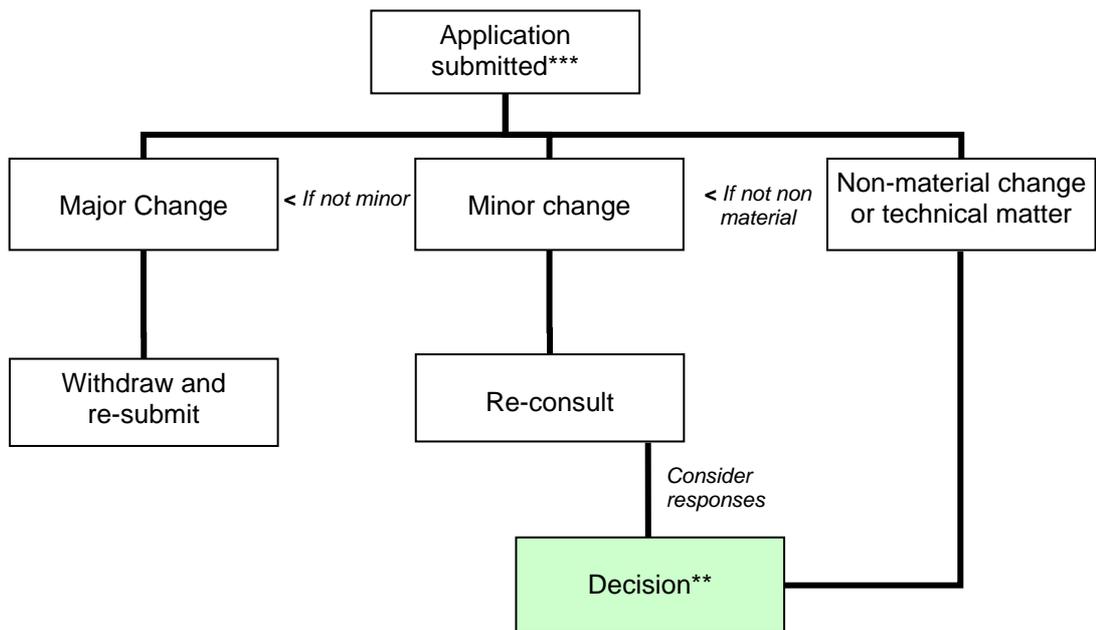
- 6.1. This Note makes explicit the Council's procedures for dealing with amendments, which should reduce delay, whilst ensuring that involvement is not compromised. It is one of several publications that together should improve the effectiveness of service delivery. In the case of this particular Note, we would wish to ensure that:
  - 6.1.1. the assessment of all amendments as to whether or not they are "significant alterations" within 14 working days of their receipt;
  - 6.1.2. the determination of non-material minor amendments within 28 days of their receipt, and material minor amendments and applications to extend time limits within 8 weeks of their receipt;
  - 6.1.3. the potential reduction in time from the date of a request for amended plans to their receipt; and
  - 6.1.4. relevant interested parties as defined and required by this Note have been re-notified.
- 6.2. This Note carries quality control measures to the amendment process:
  - 6.2.1. evidence as to whether or not a non-material, material or significant alteration is involved is placed on the file;
  - 6.2.2. evidence of requests for amendments on undetermined applications is placed on the file;
  - 6.2.3. evidence of re-notification on the receipt of amendments is placed on the file; and

- 6.2.4. in cases where amendments are requested and the appropriate target date of determination has been reached without receipt of amendments or sufficient time for their consideration; a signed assessment of the proposal is placed on the file.
- 6.3. The Council has a formal Compliments and Complaints Procedure. Should someone wish to compliment or complain about the Council's handling of an application and, in particular, with how it has dealt with an amendment, then the proper course of action will be first to write formally to the Head of Development Control. Forms and a note on procedures are available.
- 6.4. This Practice Note will be reviewed in March 2016 or sooner if required.

**PRE-DETERMINATION**



**POST-DETERMINATION**



**Please note:** for both pre and post determination amendments, the decision as to whether an amendment is major, minor or non-material lies with the Council

\* Generally to be received no later than 14 days prior to the appropriate target date

\*\* Target period for determination on non-material amendments is 4 weeks, whilst other amendments are subject to an 8, 13 or 16 week period, depending on whether the application is classified as Major or EIA development.

\*\*\* On applications for an extension to the time limit for implementation, these are treated as per the 'Minor change' route with the target period for determination set at 8, 13 or 16 weeks depending on whether the original application was classified as Major or EIA development.

**Agenda Item No 8**

**Planning and Development Board**

**11 March 2013**

**Report of the  
Chief Executive**

**Exclusion of the Public and Press**

**Recommendation to the Board**

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

**Agenda Item No 9**

**Breaches of Planning Control - Report of the Head of Development Control.**

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

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