

## **Agenda Item No 6**

### **Planning and Development Board**

**17 December 2012**

### **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, 14 January 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/2012/0020	5	<p><b>Gun Hill Infant School, Gun Hill, Arley, Coventry, Warwickshire,</b> Demolition of part of an existing school building, renovation of existing wing and construction of A1 storey school building with associated external works, access and car parking</p>	General
2	<p>PAP/2010/0462 and PAP/2011/0014</p> <p>PAP/2012/0514</p> <p>PAP/2012/0515 and PAP/2012/0521</p> <p>PAP/2012/0517</p>	19	<p><b>Beech House, 19 Market Street, Atherstone,</b> Conversion of property into 3 no: dwellings including associated rear extension and access to rear garden, formation of parking and garden areas</p> <p><b>The Former Telephone Exchange, North Street, Atherstone</b> Conversion into two cottages together with one new garage.</p> <p><b>Land at Old Bank Gardens, the rear of 94, 96 and 98 Long Street, Atherstone</b> Erection of three cottages</p> <p><b>Land at the rear of 108 Long Street, Atherstone</b> Erection of two cottages</p>	General
3	PAP/2011/0527	71	<p><b>31, Plough Hill Road, Chapel End,</b> Outline (only landscaping reserved): Residential development of six detached 5-bed houses with detached garage to plot 1, a terrace of three 2-bed houses and two 2-bed apartments, and one 3-bed detached dormer bungalow with integral garage; along with associated external works, formation of a new access off Plough Hill Road, and closure of Fletchers Drift Lane with formation of single dwelling access to serve the dormer bungalow</p>	General

4	PAP/2012/0220	78	<b>Plot 6 (b) &amp; Plot 10 (b), Faraday Avenue, Hams Hall National Distribution Park, Coleshill,</b> Use of land as a freight container storage and distribution yard.	General
5	PAP/2012/0248	91	<b>Land to the North of, Common Lane, Corley,</b> Certificate of lawfulness application for existing uses of A1 - retail sale of wooden goods, B2 - general industry, B8 - storage	General
6	PAP/2012/0301	98	<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
7	PAP/2012/0348	123	<b>Whitacre Garden Centre, Tamworth Road, Nether Whitacre, Coleshill, Warwickshire,</b> Demolition of existing garden centre, and erection of 33 dwellings with associated parking and landscaping	General
8	PAP/2012/0433 and PAP/2012/0432	145	<b>Blackgreaves Farm, Blackgreaves Lane, Lea Marston,</b> Listed Building Consent for extensions and alterations to provide kitchen, utility, orangery, main entrance gates, pedestrian gate & railings, replacement windows and log store. Demolition of rear corridor and part of outbuilding	General
9	PAP/2012/0470	157	<b>Land to the rear of 58-82, St Georges Road, Atherstone,</b> Erection of 9 bungalows	General
10	PAP/2012/0483	165	<b>Marriott Forest of Arden Hotel and Country Club, Maxstoke Lane, Meriden,</b> Non illuminated No.2 fascia signage	General
11	PAP/2012/0498	174	<b>Land rear of 70 to 78, New Street, Dordon,</b> Part demolition of 72 New Street and construction of 8 two-bed terrace houses and 3 three-bed terrace houses with associated access, turning area and parking	General
12	PAP/2012/0530	192	<b>St Marys Church, Friars Gate, Atherstone, Warwickshire,</b> Works to trees protected by a tree preservation order	General

## **General Development Applications**

### **(1) Application No: CON/2012/0020**

**Gun Hill Infant School, Gun Hill, Arley, Coventry, Warwickshire, CV7 8HB**

**Demolition of part of an existing school building, renovation of existing wing and construction of A1 storey school building with associated external works, access and car parking, for**

**- Warwickshire County Council**

### **Introduction**

This is an application which the County Council has made under Regulation 3 of the 1992 Regulations. This means that it will determine the application. The Borough Council has been invited to submit representations to the County to aid that determination.

### **Background**

There are currently two schools in Arley - Gun Hill Infant School for children aged 3 to 7 in New Arley, and the Herbert Fowler Junior School for children aged 7 to 11 years old in Old Arley. Early in 2010, the County Council began consultation regarding a proposal to close both schools and replace them with a new "all-through" Primary School. The community was consulted and there was support for this principle to be followed through. However, the overriding view was that any new School should be located in New Arley, and that temporary or transitional arrangements should be avoided. As a consequence, the County Council began a search for such a single site. Under the Schools Reorganisation Regulations the County published its intention to form a new single storey Community Primary School on the Gun Hill Infant school site. No objections were received to the statutory notices under that publication. This application therefore follows on from that position.

The existing schools have places for 135 pupils at Gun Hill and 180 at Herbert Fowler. The new School would have space to match the existing combined capacity of 315 pupils, thus "future-proofing" the School as current rolls are well below this figure.

Appendix A illustrates the location of the two existing schools

At both Gun Hill and Herbert Fowler, the existing school buildings are within the respective development boundaries as defined by the North Warwickshire Local 2006. Their playing fields and recreation areas are both in the Green Belt.

### **The Site**

The existing Infant School is a 1920's building on the south side of Gun Hill opposite a line of terrace houses. It is at the far west of a site which also includes a large recreation ground accommodating both play equipment and a football pitch. St Michael's Church lies beyond, whereas to the west is a small parade of shops. There is open land to the south. The land is level.

## **The Proposals**

It is proposed to demolish much of the existing school, leaving only the frontage “wing” which would continue to accommodate the existing Nursery. A new single storey school would be constructed on the recreation ground to the west. This would take an “L” shaped built form with the shortest line fronting Gun Hill. It would be set back from that road in order to provide vehicular access and make car parking provision.

The existing school will continue to function until the new school is complete, and after this, the existing school buildings will be demolished apart from the Nursery, and the recreation facilities provided in order to compensate for the loss of the playing field.

The site of the demolished school buildings would be redeveloped for recreation purposes including a football field/running track and a hard surfaced, fenced recreation area. These, particularly the football field, are to be made available for community use. The existing vehicular access from Gun Hill to the present School and part of the existing car park - up to 12 spaces - would be retained so as to provide a small car parking area for staff and for this recreation area. The land on the other side of the new school building towards the Church would be used as outdoor classrooms.

There would be new pedestrian access gates to the school and the nursery.

New vehicular access to the school would be in the form of an “in-and-out” arrangement off Gun Hill in front of the new School. This would act as a drop-off and collection point as well as providing car parking for visitors – 26 spaces. It would also double as a service access.

There would be no flood lighting of the recreation areas

Appendix B illustrates the location of the proposed school in relation to the existing buildings, and Appendix C is a full site plan of the proposal showing the retention of the Nursery and the proposed access arrangements. Appendix D illustrates the proposed design of the new building.

Appendix E superimposes the Green Belt boundary on the proposed site plan.

## **Supporting Documentation**

In coming to this proposal, the County has looked at a number of alternatives but these have all been dismissed. Supplementary documentation has been submitted outlining this process.

The first option was to extend and refurbish the existing school buildings in order to accommodate pupils from Herbert Fowler. This would require considerable work and not result in a fully flexible or accessible education environment. Additionally it would not be as energy efficient as a complete new building. The County however agree that in pursuing the new school option that there will be a small reduction in the playing field area from that which presently exists.

The second was to look at extending the existing Herbert Fowler premises where there is space but this was dismissed as it had the same issues with creating flexible and accessible teaching space; not being very energy efficient and the site being considered to be more remote from the majority of families who live in New Arley. Moreover, the parental consultation showed a clear preference for a new school in New Arley.

The site of the former Working Men's Club in Spring Hill was also looked at but this was too small for a combined school; it had falling ground levels towards the rear, and as the site was between the existing school sites, the majority of all parents would have to reorganise travel to school.

A further option was to use existing land on the Colliers Way estate, demolishing an existing industrial building. This was dismissed as the majority of parents would have to re-organise their travel to school arrangements and because it was not considered suitable or acceptable to have a Junior School accessed through and adjoining an industrial estate.

In respect of planning policy issues, the County Council points out that options one and two above – extending and refurbishing just one of the two existing schools – would still result in new development taking place in the Green Belt, because of the “tightly” drawn Green Belt boundary. Option Three is wholly within the Green Belt. Only the fourth option would not involve Green Belt land.

The County Council has dismissed all of these four options in favour of the current proposal to build a new school on Green Belt land at the existing Gun Hill site. It has dismissed alternative solutions on this site itself because it does not wish to provide temporary or transitory arrangements. This means that it has not followed an option of re-building on the actual site of the demolished school, thus retaining a substantial amount of that new building within the development boundary and outside of the Green Belt.

The County Council has provided an explanatory note expanding on these issues – including reference to the proposed access arrangements and to the selected design of the building. This is attached at Appendix F.

## **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 1 (Economic and Social Regeneration) and Core Policy 2 (Development Distribution) together with policies ENV2 (Green Belt), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), COM2 (New Community Facilities), TPT1 (Transport Assessment), TPT 3 (Sustainable Transport) and TPT6 (Vehicle Parking)

## **Other Material Planning Considerations**

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

The Council's Proposed Submission Core Strategy 2012

## **Observations**

### **a) Introduction**

As a matter of fact, the development proposal is for a new building in the Green Belt. It is inappropriate development within the Green Belt because the proposal does not fall within any of the NPPF definitions for appropriate development where new buildings are involved. It is agreed that the new building is being treated as a replacement building for the Gun Hill School, but that replacement is in fact being proposed as a new building in

the Green Belt. As such the presumption is that planning permission should be refused. However the County Council education department is putting forward a number of planning considerations which it considers cumulatively add up to the very special circumstances needed to override that presumption and thus are of sufficient weight to outweigh the harm done to the Green Belt by virtue of the inappropriate development. These are described above and in Appendix E.

It is proposed firstly to determine what the level of harm is to the Green Belt here if this application is approved by the County Council and then secondly to explore the material considerations put forward to see if they do amount to the very special circumstances of such weight to override that harm. Finally, the Board will need to look at the highway impact as well as the design and appearance of the new building and its access arrangements.

## **b) The Green Belt**

It is considered that there would be substantial harm to the Green Belt as a consequence of this proposal. Firstly the openness of this area would be lost. This is because the new building would take up practically the whole of the land between the existing School and the Church. All access arrangements, car parks and service areas would in this frontage too. With existing Nursery building being retained, there would in effect be a continuous built frontage. This impact would be substantial, because it closes the existing sizeable open gap between the existing school and the Church. Secondly as a consequence, the development would materially impact on two of the very purposes of including land within a Green Belt – that is to safeguard countryside and to prevent the coalescence of built development. This is particularly harmful here because to the size of present open gap that would be lost. It is therefore considered that the level of harm here is substantial and thus that the considerations put forward by the County need to be of particularly significant weight if they are to override the presumption of refusal.

The two considerations put forward are the education need for an all-through primary school and secondly the space requirements for such a school. Each of these needs further discussion.

It is agreed that the education argument is of substantial weight here. Both schools are old and lack the flexibility to provide the full education curriculum expected and within accommodation that can enhance and challenge pupils. Both Schools need improvements and refurbishments which will continue over time. Both are energy inefficient and costly to maintain. Moreover both have falling numbers. The Education officers at the County consider that a new all-through Primary school would provide the most cost efficient and education proficient solution in the short and medium term, whilst also future-proofing the longer term education of the community's children. The fact that the community consultation undertaken by Warwickshire supports this principle reflects the substantial weight that should be given to this consideration. Moreover, that consultation supports the location of any new School within New Arley. This conclusion can be given extra weight because the greatest population lives in New Arley and thus in terms of travel to and from school it would be a more sustainable location - not only would there be less disturbance to travel patterns but the younger age groups would not be the ones undertaking different travel arrangements. As a consequence of these matters it is concluded that this consideration is material and that it can be given substantial weight.

The second consideration is the space required for a new all-through School. It is agreed that a new school should have in-built capacity and that it should be constructed to provide flexible space and be energy efficient. For these reasons it is agreed that option three of the alternative sites identified above is too small. It is also agreed that a new school adjoining an industrial estate is not suitable. The County Council does not provide any further alternatives. It is accepted that there are no other realistic options. The space required would be large and within the built up area of New Arley, and thus it is agreed that no suitable other sites exist. This brings us therefore to the existing Gun Hill site. As indicated above, it is agreed that refurbishment and extension is not the best option here from an educational; energy or operational point of view. However it is not considered that sufficient attention has been paid to the option of rebuilding the School on the site of the demolished building. This would retain the bulk of the built form within the same area. That is to say within the development boundary. It is accepted that there would be some intrusion into the open gap to the west in order to accommodate the space required, but this significantly, would be far less than that now proposed with the complete new school proposed in that gap. In other words the impact on the Green Belt would be substantially less.

This is considered to be a major weakness, and needs further consideration. The County Council puts forward several arguments in support of its proposal. The first of these is that there should be no temporary or transitional arrangements whilst the new school is provided. This argument carries some weight but not significant weight. Temporary arrangements for the Gun Hill School could be provided on the open space for the period of the demolition and construction and Herbert Fowler pupils could remain in New Arley during that time. This would not be materially disruptive to present education or to travel arrangements. It would result in temporary built form in the Green Belt, but the eventual restoration of that Green Belt. The County's response to this is that it has already undertaken Statutory consultation on this option and that was wholly supportive of the current proposals. It says that to undertake further Statutory consultation would result in delay, be costly and unlikely to alter the general view of parents that no disruption – even the use of temporary classrooms at Gun Hill – is the critical factor. This is considered to be weak defence in planning terms, as the reason for the current proposal is wholly an operational reason, which can not result in a reversal. It is not considered that an operational reason such as this should outweigh the permanent harm done to the Green Belt here particularly when there is a realistic alternative option. The Education officers are keen to see education continuity, the future-proofing of their new school and as little disruption to the community as possible. From the planning perspective the proposal does not have continuity with planning policy and does not future proof the Green Belt. Members will be aware that the two most important attributes of the Green Belt are its openness and its permanence. Both would be lost here. As a consequence, given that there is an alternative here that would not materially harm the Green Belt, the County's argument carries little weight. Moreover as Local Planning Authority's, both the Borough and the County Council do need to be consistent in their approach to decisions – nowhere more so than with the Green Belt.

Secondly, it is suggested that the amount of open space on the site after completion will approximately equate with the existing. This fails completely to understand the purposes of the Green Belt. It may very well be the case that arithmetically there is an equivalent amount of open space being retained, but it is the impact on the openness of the Green Belt and the impact on the purposes of including land within the Green Belt that are of far more significance here. These factors are fundamental to the Green Belt and as recorded above, this proposal permanently undermines them. This argument therefore carries no weight.

The County also argues that the cost of the alternative option would be of the order of £500k to £1 million greater than that proposed. Given the current strictures of public spending it considers that this should carry significant weight. There is some weight to be given to this argument. However this particular argument and the cost to the Green Belt, has not figured in any of the consultation work undertaken by the County Council. As such the whole picture has not been relayed to the community.

In coming to a conclusion therefore on the critical planning issue it can be seen that the harm to the Green Belt here is substantial if not fatal. The education argument advanced to override this position is substantial and heavily weighs in favour of the proposal. It is agreed therefore that the preferred location for a new school should be at Gun Hill. However the current proposal is not considered to be the one that adequately balances that conclusion with space requirements and the impact on the Green Belt. There is an alternative which would have far less of an impact on Green Belt policy albeit at a greater cost. Because of the substantial harm done to the Green Belt here it is considered that this Council should therefore lodge a holding objection until the County Council has thoroughly explored that alternative option as part of its evidence base – even if that results in delay and further consultation.

### **c) Other Matters**

The County's Highway engineers will be advising the Council on the highway impact of this proposal. A larger school premises is to be constructed in an already heavily trafficked and congested area with high levels of on-street car parking and nearby junctions. The proposals do look to assist in improving the existing situation and to cater for some of the issues which will arise if the school opens here. However it is considered that they do appear to be inadequate in that the main access arrangements will be used as a drop-off and collection point; for visitor car parking, for service deliveries and for coaches. At this stage therefore this Council should raise this as a concern. It is accepted that discussions have been on-going with the County's highway engineers and the final decision on this matter will rest with the advice that they offer.

The design and appearance of the new school is considered to be of little merit. It is agreed that the built form should be kept as low as possible, but there seems to be little recognition of local character or distinctiveness, and simply to "borrow" a design from another Authority's area lacks initiative and any innovative flare. At this stage therefore this Council should raise this as an issue.

Other matters are not considered at this time as the County Council itself should satisfy itself that they are taken account of. This Council should be focussing on the major issues as raised above.

### **Recommendation**

That 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.

## BACKGROUND PAPERS

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

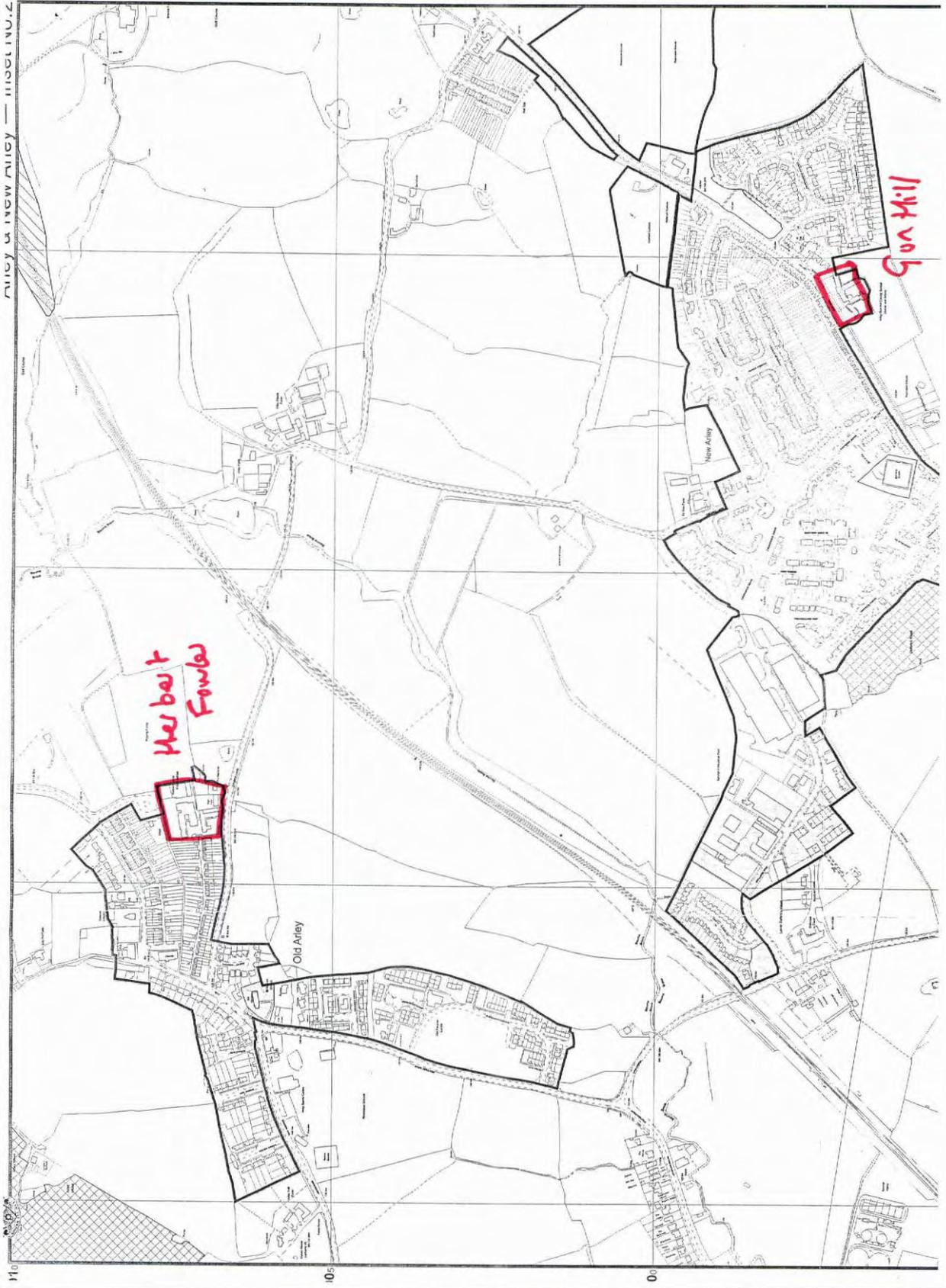
Planning Application No: CON/2012/0020

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	Warwickshire County Council	Consultation Letter	1/11/12

*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

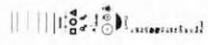


Appendix B

5114579 - A / 0001

ATKINS

- NOTES
1. DO NOT SCALE FROM THIS DRAWING
  2. ALL DIMENSIONS ARE IN METRES UNLESS STATED OTHERWISE
  3. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE RELEVANT SPECIFICATION AND ALL RELEVANT ARCHITECTURAL, ELECTRICAL, MECHANICAL AND STRUCTURAL DRAWINGS.



NO.	DESCRIPTION	DATE	BY	CHECKED
1	Issue for Information	14/01/19		
2	Issue for Information	14/01/19		
3	Issue for Information	14/01/19		
4	Issue for Information	14/01/19		
5	Issue for Information	14/01/19		

WILMOTT DESIGN CONSTRUCTION

ATKINS

keynes

ARLEY PRIMARY SCHOOL

SITE LOCATION PLAN

NO.	DATE	DESCRIPTION	BY	CHECKED
1	14/01/19	Issue for Information		
2	14/01/19	Issue for Information		
3	14/01/19	Issue for Information		
4	14/01/19	Issue for Information		
5	14/01/19	Issue for Information		

5114579 / A / 0001





Approved

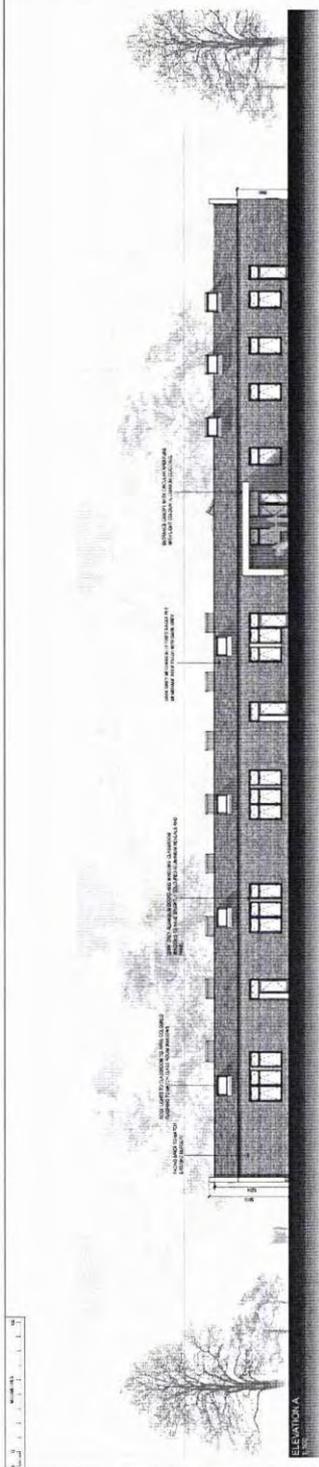
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NOTES

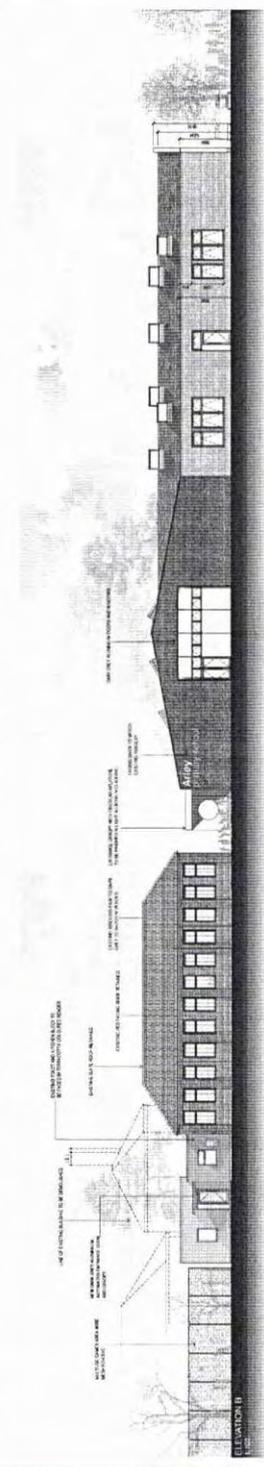
1. OWNER SHALL PROVIDE THE DRAWING.
2. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
3. THE DRAWING IS FOR INFORMATION ONLY AND DOES NOT REPRESENT A CONTRACT. ANY CONTRACT SHALL BE BASED ON THE ARCHITECTURAL, STRUCTURAL, MECHANICAL, ELECTRICAL, PLUMBING, AND SPECIALTIES DRAWINGS.



PROJECT NO.	5114573 / A
DATE	10/09/06
PROJECT NAME	KEYNES PRIMARY SCHOOL
CLIENT	KEYNES PRIMARY SCHOOL
ARCHITECT	ATKINS
STRUCTURAL ENGINEER	
Mechanical Engineer	
Electrical Engineer	
Plumbing Engineer	
Specialties Engineer	
Scale	1:100
Sheet No.	5114573 / A
Total Sheets	10



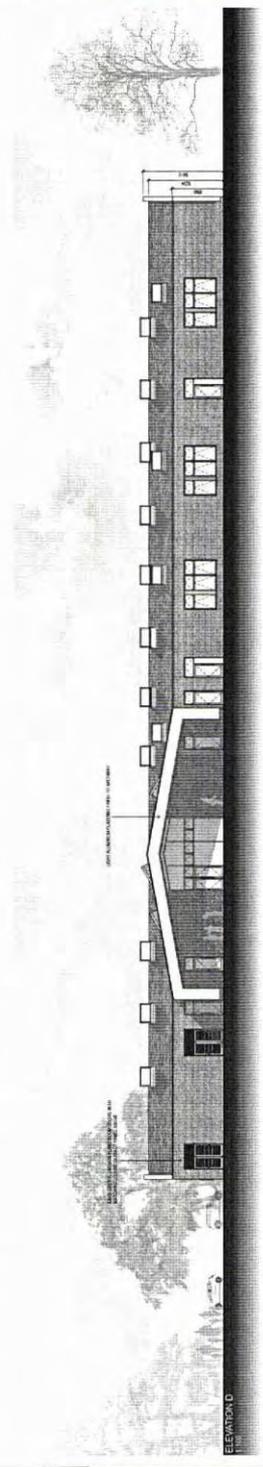
ELEVATION A



ELEVATION B



ELEVATION C



ELEVATION D



It is our belief that the development of the new primary school in Arley will provide an excellent opportunity to develop continuity of learning, extended services and community facilities on one site. Pupils will experience improvements in continuity in relation to the curriculum, teaching and learning policy, assessment, personal and social development and behaviour policy, maximising the potential for effective progression and development of learning.

The amalgamation of the two schools seeks to sustain the good features of both schools, but to most effectively enable pupils in Key Stage 2 to continue to improve their rate of progress during the 'junior' years so that pupils' standards, overall, by the age of 11, can continue to improve.

The community have been strongly opposed to any temporary re-location of children and this is the reason why Warwickshire County Council Learning and Achievement issued statutory consultation on the proposal for the 2 existing school buildings to remain operational until the new building is complete. Any deviation away from keeping the children on the existing sites would require us to re-consult on the revised proposal. This would be time-consuming and costly as well as being unpopular with the local community. In the face of public opposition there is a strong possibility that the proposal would not be supported by the Warwickshire Cabinet and that the provision of a new school in Arley would not happen.

Keeping the existing Gun Hill Infant School premises open until completion of the new build does limit where we are able to locate the new school within the site. Consideration has been given to the possibility of demolishing the existing Gun Hill Infant school premises and providing a temporary accommodation solution to enable the new school to be built on the existing footprint. However, there are a number of concerns. This would cause huge disruption for children currently attending Gun Hill Infant School and would involve them having to move twice in a relatively short period of time. It would also add a year of teaching in a less than perfect environment. One of the major reasons for us looking at developing a primary school is the removal of transition and increased continuity, temporary relocation would not support this. Cost also has to be considered and we believe that such an option would add at least a further £0.5 - £1m to the capital costs. Capital is extremely limited and it is likely that such an additional demand on the budget could render the project unachievable financially. This would be lost money – highly un-sustainable.

Discussions have taken place with a number of interested stakeholders and we are delighted to have the full support of the Parish Council. This has come after a number of meetings and changes to the proposed site layout. Parking provision and the site of the fenced hard standing play area were both discussed in great detail and adaptations made to ensure that the community were happy with the final drawings.

There has been extensive liaison with Highways and a meeting took place outside Gun Hill Infant School at the end of the school day to consider current issues and ways that the new development could mitigate these. The site plan submitted for planning permission is in line with the comments and recommendations made by Tony Burrows from Highways. We have also commissioned a Safety Audit, as requested by Tony, and again the Site Plan incorporates these findings e.g. widening of the footpath between certain points. It should be added that the attached proposal is against the recommendations from Highways, as it loads the existing car park, thus adding conflict with the shop.

Sunesis Keynes is a system build product with limited (cost valued) options. We have added in the brickwork façade to best match the surrounding area, and the

single ply membrane is in a grey that is similar to the slate roof. The building is low level. A major recommendation of the Sebastian James review into capital expenditure was that future school developments should follow system builds wherever possible as these represent a more cost effective and timely response to the need for additional school places.

**(2) Application No's: PAP/2010/0462, PAP/2011/0014, PAP/2012/0514, PAP/2012/0515, PAP/2012/0521 and PAP/2012/0517**

- i) PAP/2010/0462 and PAP/2011/0014  
Beech House, Market Street, Atherstone**

**Planning Application and Listed Building Applications for the proposed conversion into three dwellings including an associated rear extension and access to rear garden**

- ii) PAP/2012/0514  
The Former Telephone Exchange, North Street, Atherstone**

**Planning Application for the conversion into two cottages together with one new garage**

- iii) PAP/2012/ 0515 and PAP/2012/0521  
Land at Old Bank Gardens the rear of 94, 96 and 98 Long Street, Atherstone**

**Planning and Listed Building Applications for the erection of three cottages**

- iv) PAP2012/0517  
Land at the rear of 108 Long Street, Atherstone**

**Planning Application for the erection of two cottages**

### **All for Arragon Properties**

#### **Introduction**

Members will be aware that there are outstanding planning and Listed Building applications for the conversion of Beech House in Market Street into three dwellings. A site visit was undertaken a little while ago. Since then, permission has been refused for the creation of a new access from North Street into the rear garden of Beech House, leaving the premises, as now, without private vehicular access or garaging. Given this, together with the lack of movement in the sale of the property as a single house and the cost of repairs and refurbishment, the applicants have had to re-consider their proposals for the future of the property. The outcome of this is that they have now put together a "package" of development proposals which they say is designed to "enable" the repair, refurbishment and re-use of Beech House as three residential units. This has resulted in the submission of the new applications as referred to above for 108 Long Street, Old Bank Gardens and the former telephone exchange.

These applications will be dealt with together and the purpose of this report is to introduce them to the Board and to outline the main issues which will need to be considered when they are brought back to the Board for determination.

The report below will describe the proposals for each of the properties the subject of the package of applications starting with Beech House itself. It will then outline the evidence and arguments that the applicant is putting forward to support the overall package that is to be considered. Development Plan policies and other material considerations will then be identified. These will include past planning decisions. Finally, an outline of the key issues will be set out.

For convenience, Appendix A illustrates the location of all the application sites referred to above.

## **Beech House**

### **a) Introduction**

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

A more detailed description of the building is contained in a Historic Building Analysis submitted with the application by the applicant. This is available on the application website or copies can be obtained from officers if Members wish to see this document. It describes a significant and prominent 18<sup>th</sup> Century townhouse with substantive contemporaneous internal and external architectural features.

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

### **b) The Proposals**

In short it is proposed to convert the building from a single dwelling house into three separate dwellings involving the construction of a rear extension to accommodate a new stair well to provide access to the upper floors, together with some internal sub-division to accommodate the three separate units.

The first of these dwellings would be located in the lower ground floor of Beech House. This would comprise a one bed room unit with access from the existing cellar steps and door at the rear of the house, and which would be incorporated into the new rear extension. These would be reached via the arched alley to the right hand side of Beech House when viewed from its front. There would be little by way of internal alteration proposed here as existing spaces would be re-used. One existing door opening would be closed and the room proposed for the bathroom would have a raised timber floor added. These proposals are illustrated at Appendix B.

The second dwelling would have its “living” accommodation within the existing rooms at ground floor level. Access would be via the existing front door onto Market Street, and there would no alterations apart from closing up two windows in the rear elevation in order to provide the new external extension/stair well. The existing stair would then lead up to the first floor where two bedrooms and a bathroom would be provided. These would take up the left hand side of the first floor as viewed from the front. The existing spaces would be re-used but one would be sub-divided with a new stud partition wall to provide the bathroom, and the existing first floor cross corridor would be closed off in order to accommodate the separation of this unit from the third as described below. The existing stair would then be used to gain access to a third bedroom with an en-suite on the second floor. This would be provided at the rear of that floor within an existing space which would require sub-division by a further stud wall partition to accommodate the en-suite facility. A partition would be added at the turn at the top of the stair so as to provide separation from the third unit as described below. These proposals for the second unit can be seen at Appendices B and C.

The third unit would have its access from the ground floor within the new rear extension. This would lead to a new stair well within that extension leading to “living” accommodation within the right hand side of the divided first floor. A small bathroom would be provided here within the new rear extension. Existing spaces in the main building would be re-used but the kitchen would be provided by means of sub-division of one of these. The new stair would then lead up to the second floor where existing spaces would accommodate two bedrooms at the front of the divided floor, and the top of the new stairwell would then accommodate a further bathroom. These proposals are shown on Appendix C.

The new rear extension would fit into a corner of the existing rear elevation. Its width would be narrower than the existing gable at the rear, and its ridge would be lower. Its rear elevation would be fenestrated. It is best seen in Appendix D which illustrates both the existing and proposed rear elevations.

At the rear, the garden would remain, but the plans show a central division into two plots with a two metre boundary fence. A pedestrian access would be opened through the rear garden wall in the form of a new door, so as to provide access to a two car garage which would be formed within the central part of the former telephone exchange building. This is the subject of a separate application as referred to above at (ii) above. This part of that building would be extended back to join that rear wall in order to accommodate the depth required for cars to be garaged here. Appendix E illustrates the layout. This parking provision would provide two spaces for one of the three proposed units.

## **The Former Telephone Exchange**

### **a) Introduction**

This is a single storey brick and slate roof building – 6.5 metres by 16.5 metres in footprint - which is at right angles to North Street. It has a ridge height of 6.5 metres. It is located immediately at the rear of the walled garden to Beech House. Between it and North Street are two recently constructed houses that front North Street. The land falls away to Long Street and this lower level land provides access and parking for residential property in Long Street and to its immediate rear. The building fronts this

access – some 4.5 metres wide. Opposite are the single storey offices of the Town Council.

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

## **b) The Proposals**

It is proposed to convert this building into two residential units which would be located at either end. The central portion would be converted and extended at the rear to provide a two car garage for one of the units proposed for Beech House as described above. The conversion works would entail removing the existing roof structure and replacing it to the same height and pitch in order to provide the first floor accommodation.

Each of the two residential units would accommodate a single bedroom in the roof space. This would require the addition of two small two-light dormers and two roof lights (above the stair wells) into the east facing roof slope. There would be two roof light openings in the rear elevation – that facing west and towards the rear garden wall of Beech House – for the bathrooms. The front would be completely re-designed so as to provide openings for the two units.

The central portion would have a wider opening provided so as to accommodate a double garage door. The rear of this section of the building is proposed for extension in order to accommodate the depth for a parked car. This would entail a new gable being added with a height of 5 metres so as to join the rear garden wall to Beech House. A rear door would then lead straight into the Beech House garden. The additional depth to provide this garage would be two metres.

No car parking is proposed.

Appendices F and G illustrate these proposals.

## **Old Bank Gardens**

### **a) Introduction**

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

This site is wholly within the Atherstone Conservation Area.

## **b) The Proposals**

In short this is to construct three cottages within this rear walled garden. One, a two bedroom property, would adjoin the end of the existing range at the rear of the Bank. It would measure 5.5 by 8.5 metres and be 7.1 metres to its ridge. It would be single aspect facing west with only roof lights in its eastern elevation. Its northern gable would also provide fenestration at both ground and first floor levels. The other two, again both with two bedrooms, would each measure 5 by 10 metres and be 7 metres tall. One of these two would abut the end of the existing range at the rear of Bakers Croft, but the second would be detached situated 5 metres to the north of the other cottage.

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

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

The applicant has submitted a statement explaining his arguments as to why the proposed development here would not cause significant harm to the appearance and character of the Conservation Area hereabouts. The reasons for this are that by opening the garden up to both private and public use there would be the opportunity for greater and wider appreciation of the buildings that surround the site – particularly the rear elevations of the listed buildings fronting Market Street. It therefore would become a public amenity space which is said to be a feature still lacking in Atherstone town centre. If left, the garden would become inaccessible and thus overgrown and unused – thus harming the appearance of the Conservation Area.

Appendices H and I illustrate the proposals.

## **108 Long Street**

### **a) Introduction**

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

The site is also wholly within the Atherstone Conservation Area.

## **b) The Proposals**

Two new dwellings are proposed – one would be two storey and accommodate two bedrooms, such that it adjoins the recent block and have a height ridge of 6.6 metres, being 0.8 metres less than that new block. A smaller single storey one bedroom bungalow would then be added. This would have a ridge height of 4.3 metres. The width of the proposal would match that of the new block – 5.3 metres – but reduce to 3.7 with the smaller single storey unit at the rear. The total length of the proposal is 26.5 metres back from the recently constructed block. The larger of the two proposed buildings would have three first floor openings facing east towards Ratcliffe Street – obscurely glazed as they would be to landings and bathrooms - whereas the bungalow would be wholly single aspect facing west. The remainder of the rear yard would provide amenity space; refuse collection area and pedestrian access. Gates would be sited across the access with keys only available to the landlord. The ground levels of the proposals would have the same level as that of the recent block and thus “sit” in the sloping ground here. There is a rear wall along the eastern boundary with the WCC offices. The boundary on the western side is presently an open mesh fence. This is owned by TNT and there is an extant consent to reconstruct a wall here - the original form of boundary treatment.

No car parking provision is to be made.

The applicant argues that the design is sympathetic to the Conservation Area in that it reflects the principle of the traditional rear range with descending ridge heights. Moreover it would enhance the area by reducing the poor visual impact of the rear elevations to existing Long Street frontages.

The proposals are illustrated in Appendices J and K.

## **Summary of the Combined Proposals**

The combined proposals add up to ten new dwellings. This is through the construction of five new dwellings – at 108 and in the Bank Gardens – together with five new dwellings created through conversion – Beech House and the Former Exchange building. These would comprise 2 three bedroom units; 4 two bed units and 4 single bed units. In total two additional car parking spaces are proposed – the two for one of the Beech House units. No new vehicular access would be created and the Old Bank Gardens area would be made publicly accessible at times for pedestrians.

## **The Proposed “Package”**

In short, the applicant argues that the cost of repair and refurbishment of Beech House is substantial, and because of the lack of interest in its disposal as a single dwelling house, it has to be subdivided in order to create that interest and to achieve the kind of values that are needed in order to finance the necessary repairs and refurbishment. It is argued that the internal proposals to divide Beech House are sensitive to its status and that they could be “reversed”. The extension is said to have insubstantial impact on the historic and architectural merit of the building. As such the proposals, taken as a whole, would cause the minimum amount of intervention but provide the “best” viable and only realistic opportunity to bring the building back into a habitable condition with an appropriate use.

In this case, however the applicant is saying that even with these proposals for Beech House the financial appraisal will still not “stack up” due to the repair and refurbishment costs. As such there remains a deficit. In order to take this up, other development is required in order to create “value” which can then be added into the overall appraisal. In other words, the new development “enables” the Beech House proposals. As a consequence the applicant has submitted the “package” as summarised above and outlined in a little more detail earlier in this report.

In support of this package the applicant has provided a costed schedule of works, a financial appraisal, and a statement which refers to English Heritage’s Best Practice Guide to enabling development. These are attached at Appendices L, M and N.

The applicant says that due to the size of the premises; its location next to a public house in a commercial area, with no private car parking or vehicular access, and there being repairs necessary, that there is no future beneficial use as a single dwelling. He says that he can provide marketing evidence to support the lack of interest as such. Moreover he says that there have been firm refusals by the Council in the past to consider an alternative use. As such, he considers that Beech House is in a “precarious” position. He suggests that any amount of maintenance carried out by him would “merely maintain its condition, whilst it remains in redundancy”. He quotes the NPPF’s definition of conservation as, “managing change to a heritage asset in a way that sustains and enhances its significance”. Additionally he quotes English Heritage – “We understand that sometimes the best chance of survival comes from adapting historic buildings to economically viable new uses”. He concludes that the time has now come for this to be the case in respect of Beech House, and therefore that this opportunity should be taken.

He then runs through the criteria set out in English Heritage’s Policy Guide to Enabling Development and concludes that the current proposals accord with them.

The applicant has also submitted the draft Heads for a Section 106 Agreement in order to provide the “links” between the various elements of this package. These are attached at Appendix O.

## **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policies 1 (Social and Economic Regeneration), 2 (Development Distribution), 3 (Natural and Historic Environment), 8 (Affordable Housing), 11 (Quality of Development), ENV4 (Trees and Hedgerows), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage and Conservation), ENV16 (Listed Buildings), HSG 2 (Affordable Housing) and TPT6 (Vehicle Parking)

## **Other Material Planning Considerations**

### **a) The National Planning Policy Framework (NPPF) 2012**

Section 12 of the NPPF is particularly relevant as it deals with “Conserving and Enhancing the Historic Environment”.

## **b) The Proposed Submission Core Strategy – November 2012**

Draft policy NW1 includes Atherstone as a Category One settlement and draft Policy NW4 sets a housing requirement for an additional 600 houses in the town or adjoining the town during the plan period up to 2028. Draft policy NW11 states that the quality of the historic environment is to be protected and enhanced and wherever possible, a sustainable reuse of the historic building will be sought.

## **c) The draft Site Allocations DPD – Preferred Locations**

None of the sites covered by these applications are shown as preferred locations in this draft DPD which is about to go out for consultation.

## **d) English Heritage Policy Statement on Enabling Development – 1999, and the Conservation of Heritage Assets and its guidance on Enabling Development and the Conservation of Significant Assets – 2008.**

The Policy Statement advocates a presumption against enabling development unless it meets specified criteria – the most important of which was that the benefits should clearly outweigh the dis-benefits. The 2008 Document provides detailed practical guidance about each of seven identified criteria.

## **e) Recent Relevant Appeal Decisions**

There are recent appeal decisions in respect of each of the three sites included in the current “package” of planning applications described above. In January 2012 an appeal was dismissed for the same development as now proposed at the rear of 108 Long Street on the grounds that that proposal would have a harmful effect on the character and appearance of the Conservation Area – see Appendix P.

In October 2010 an appeal was dismissed for the conversion of the former telephone exchange into three dwellings on the grounds that the development would not preserve or enhance the character and appearance of the Conservation Area and not preserve the setting of Beech House. Additionally there was concern about the standard of residential amenity for future occupiers and traffic concerns – see Appendix Q.

In September 2010 appeals were dismissed for the construction of two cottages within Old Bank Gardens on the grounds that the scheme would not preserve nor enhance the character or appearance of the Conservation Area or the setting of nearby Listed Buildings, and because there were traffic concerns – see Appendix R.

## **f) The New Homes Bonus**

The Council would benefit from this Bonus as a consequence of the approval of any of the dwellings being proposed here in this package of applications

## **Observations**

There are a significant number of issues with this package of applications and Members will be familiar with many of them from previous applications and also similar “enabling” applications elsewhere in the Borough.

The prime reason for the applications is the future of Beech House. Members will have to establish what the significance is of this heritage asset and what historic and architectural attributes contribute to that significance. This will take account of its status as a Grade 2 star Listed Building as well as its location within the town's Conservation Area. The Board will then have to determine the level of harm, if any, on that significance, as a direct consequence of the current proposals.

The greater the level of harm, the greater the level of justification is needed to support those proposals. So if there is harm, the Board will need to examine the justification behind the proposals. Here that will necessitate examination of the condition of the building; attempts that have been made to market the premises as it is now – a single dwelling house, attempts that have been made to secure alternative funding for repairs, attempts made to dispose of the building to a Trust or other Agency who would repair and retain it as it is, and assessment of other options – different uses or different proposals (for example division into two).

A full financial appraisal is necessary in order to establish the size of any deficit in respect of undertaking repairs to retain the existing building as it is, and for any intervention works that might be proposed as here.

Enabling development is development that would normally be refused planning permission because it does not accord with the Development Plan, but that might be warranted exceptionally, in order to enable the greater public benefit of restoring and re-using a heritage asset in an appropriate way. In this case, the other proposals have all been refused permission and appeals have been dismissed. As such the applicant argues that they should now be treated exceptionally to the Development Plan as they can now be considered not in isolation, but as part of the proposal to restore Beech House.

The Board will need to explore the reasons for those previous refusals because they too are related to “damage” to heritage assets. The issue becomes whether that damage is still too great an exception to bear, notwithstanding the potential greater public interest in restoring and re-using Beech House.

Members will also have to address the usual considerations of access, parking provision and impact on neighbouring residential amenity.

These matters will all be the subject of an extended determination report which will be referred to the Board in due course following receipt of all of the usual consultation responses and representations from other parties.

## **Recommendation**

That the receipt of all of these applications be noted at the present time

## BACKGROUND PAPERS

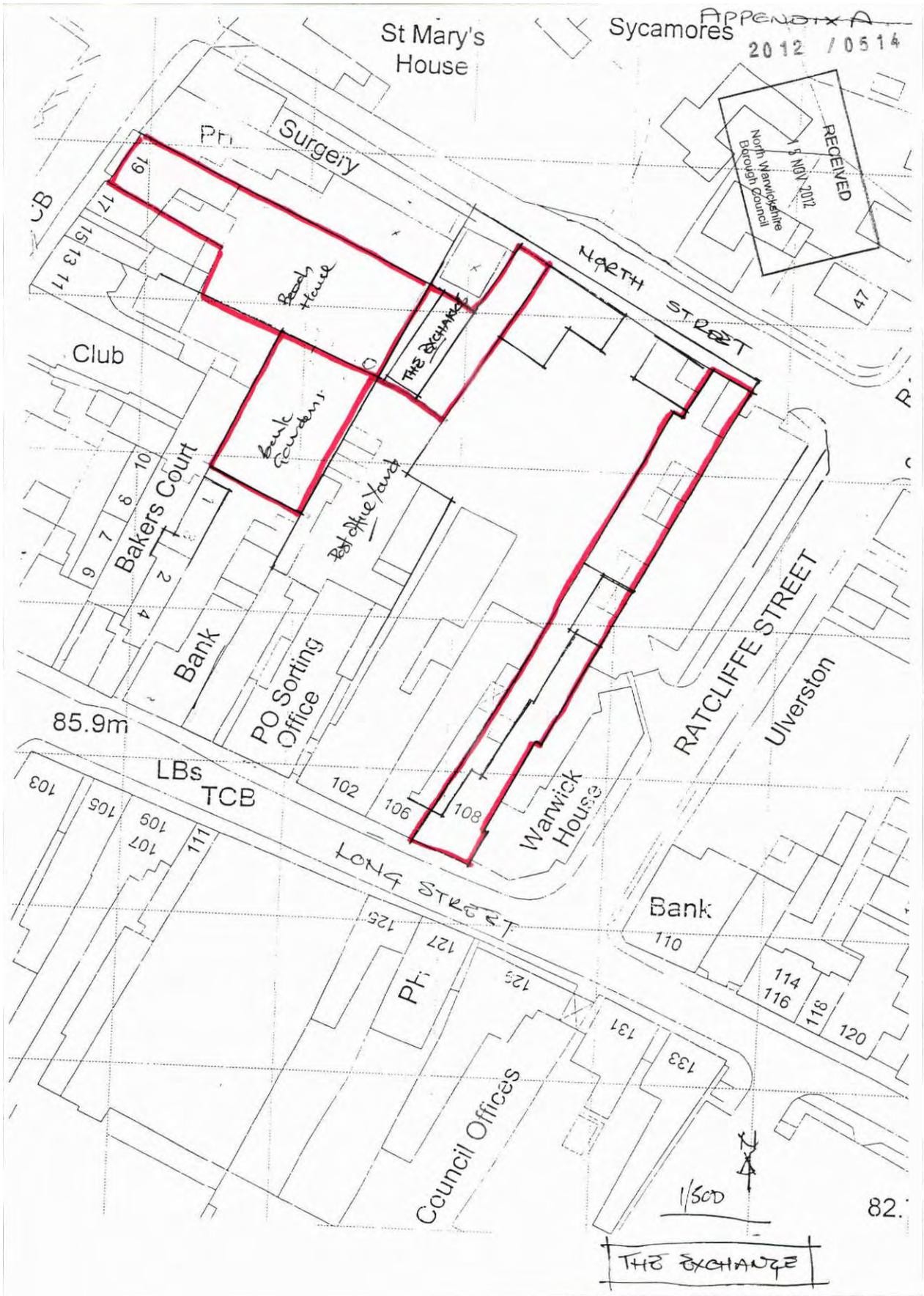
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No's: PAP/2010/0462, PAP/2011/0014, PAP/2012/0514, PAP/2012/0514, PAP/2012/0515, PAP/2012/0521 and PAP/2012/0517

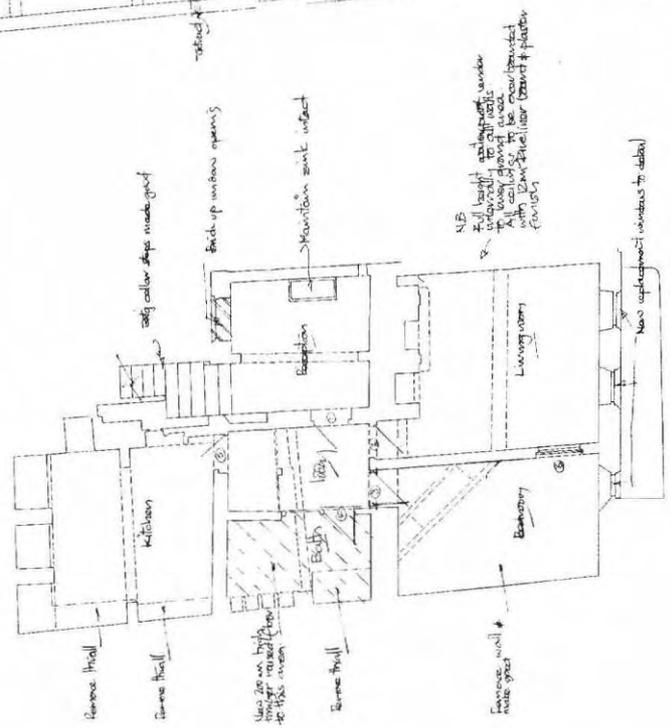
<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	22/10/12

*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.*

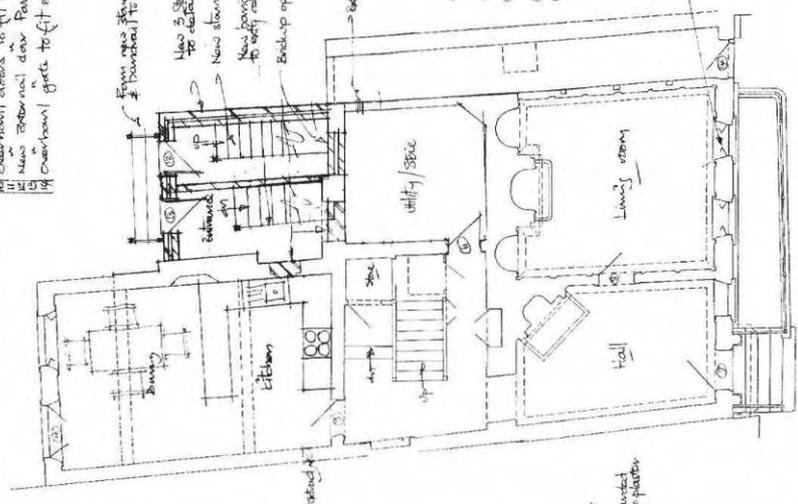


- Item schedule**
1. Overhaul door/frame + furniture as existing
  2. Overhaul door/frame + furniture as existing
  3. Overhaul door/frame + furniture as existing
  4. Overhaul door/frame + furniture as existing
  5. Overhaul door/frame + furniture as existing
  6. Overhaul door/frame + furniture as existing



LOWER GROUND PLAN

- Item schedule**
7. Repair hinges + rebuying door off lock + furniture
  8. Rebuying door to fit opening
  9. Overhaul door to fit opening
  10. New external door finished design to match existing
  11. Overhaul door to fit opening
  12. Overhaul door to fit opening
  13. Overhaul door to fit opening
  14. Overhaul door to fit opening



GROUND FLOOR PLAN

- General Notes**
1. All work to be done on floor covered only after
  2. All work to be done on floor covered only after
  3. All work to be done on floor covered only after
  4. All work to be done on floor covered only after
  5. All work to be done on floor covered only after
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  20. All work to be done on floor covered only after

**HILTON ARCHITECTURAL**

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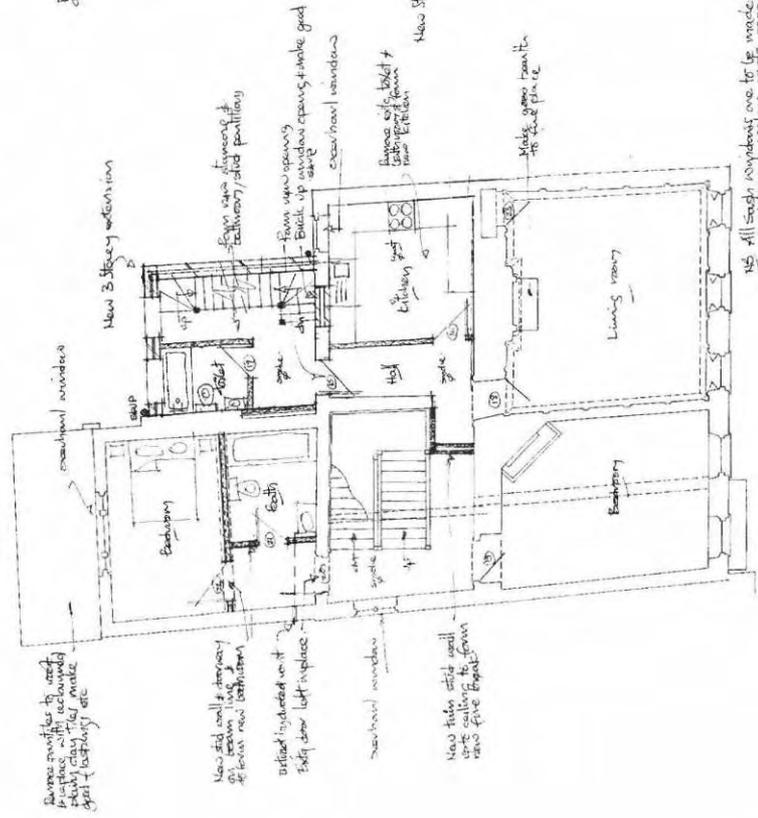
**APPENDIX B**

Beach House  
 Project Street  
 Proposed Subdivision # 1000000000  
 Forum 3ND  
 Dwell wings  
 003 - 1/30

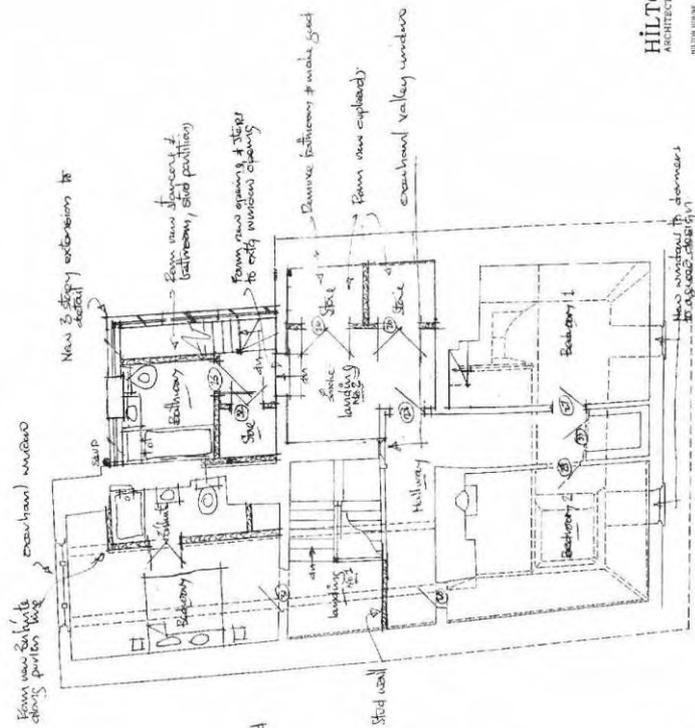
DAVA 10/18  
 3rd floor  
 Layout / lower ground + grounds floor

- Per Schedule 16: New 30mm thick door frame / design to match existing  
 17 New parallel door frame / design to match existing  
 18 Overhead door to fit opening  
 19 Overhead door to fit opening  
 20 New parallel door frame / design to match existing  
 21 Overhead door to fit opening  
 22 Overhead door to fit opening  
 23 By door closed / overhead frame standard size

- Per Schedule 16: New 30mm thick door frame / design to match existing  
 17 New parallel door frame / design to match existing  
 18 Overhead door to fit opening  
 19 Overhead door to fit opening  
 20 New parallel door frame / design to match existing  
 21 Overhead door to fit opening  
 22 Overhead door to fit opening  
 23 By door closed / overhead frame standard size



First Floor Plan

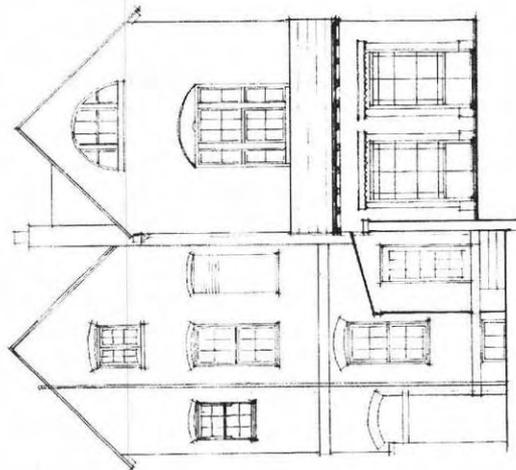


Attic Floor

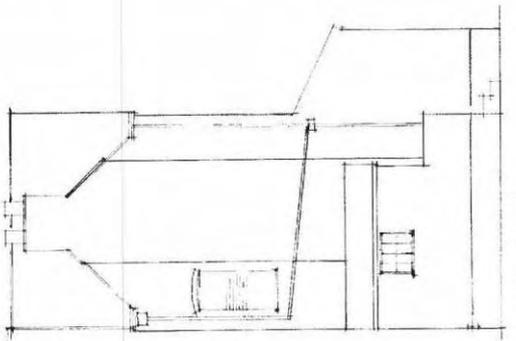
APPENDIX C



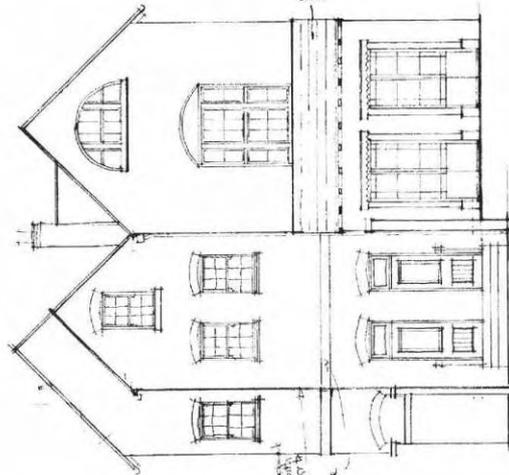
Project Name: Atkinson  
 Project Location: Atkinson  
 Project No: 340  
 Revision: A 1/10  
 Date: 1/30  
 Drawn by: First & Office



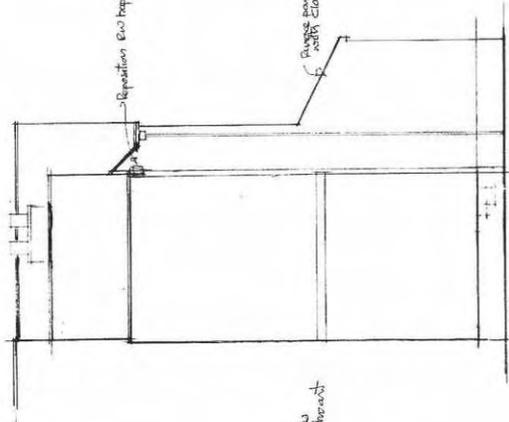
Existing - Rear Elevation



Existing - Side Elevation



Proposed - Rear Elevation



APPENDIX D

PROJECT NO.	11021
DATE	11/12/11
SCALE	1/8" = 1'-0"

**HILTON**  
ARCHITECTURAL

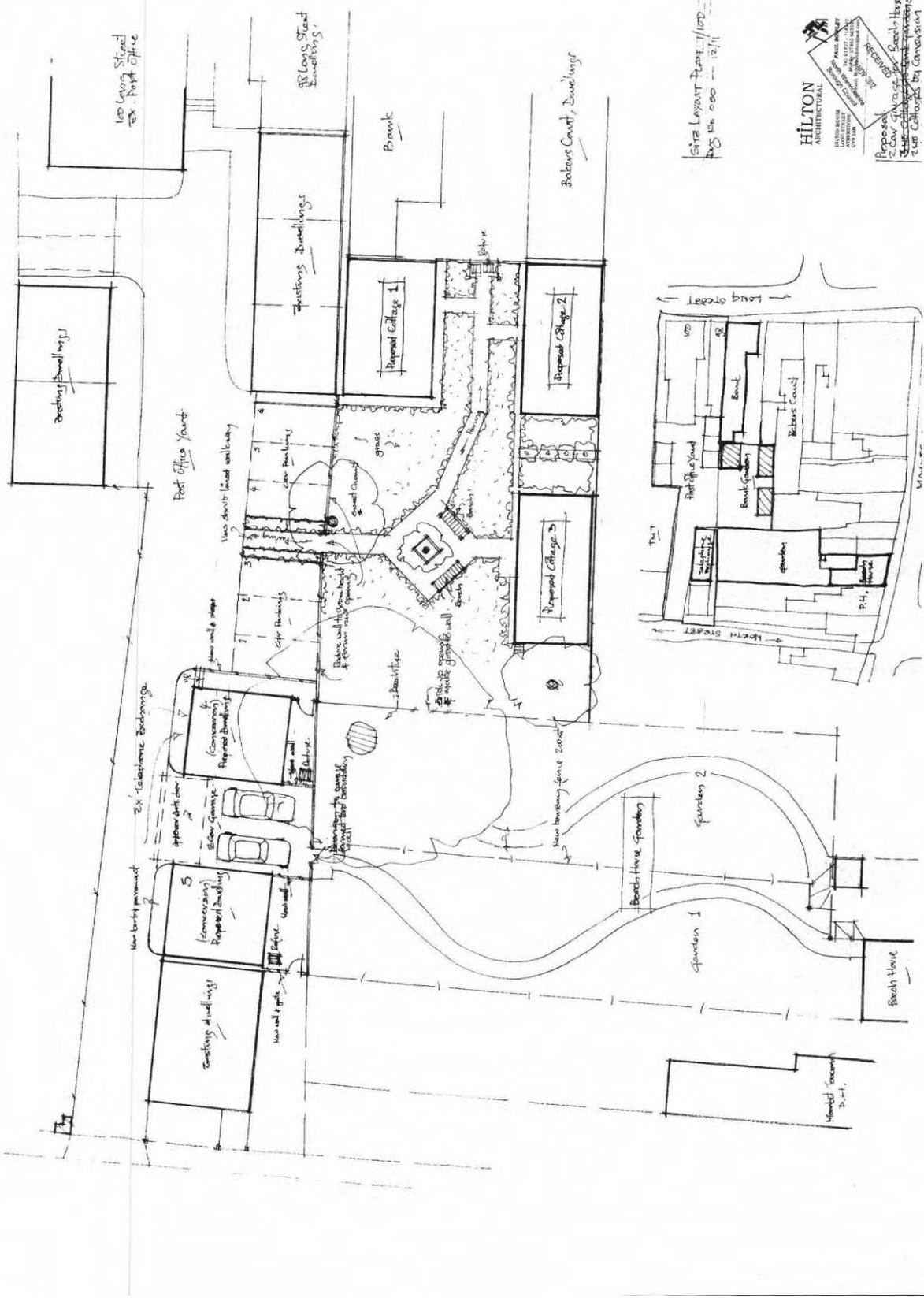
**PAUL HOPKIN**  
ARCHITECT

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SUITE 100  
DENVER, CO 80202

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FAX: 303.733.1101  
WWW.HILTONARCHITECT.COM

Avrigan Properties  
Beach House  
13 Market Street  
Existing & Proposed Elevations  
Hilton - 02014  
1/30  
10/10

APPENDIX III

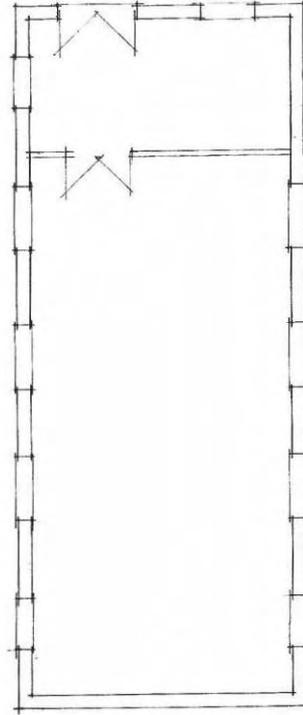


Site Layout Plan 1/100  
 25/05/00

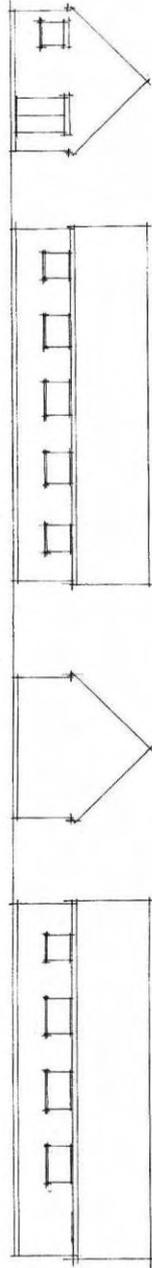
**HILTON**  
 ARCHITECTURAL

PROPOSED DEVELOPMENT  
 100 LONG STREET  
 98 LONG STREET  
 BABERS COURT, DUNELM

Proposed Development  
 100 Long Street  
 98 Long Street  
 Babers Court, Dunelm  
 25/05/00



Floor



Elevation

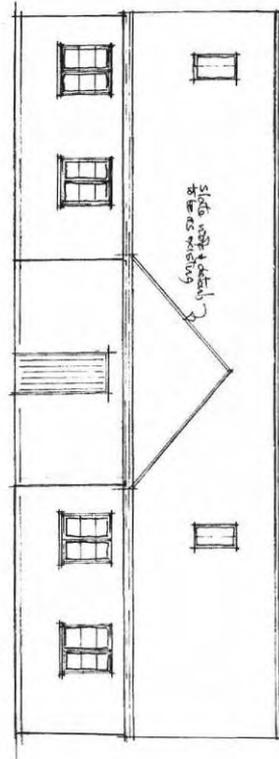
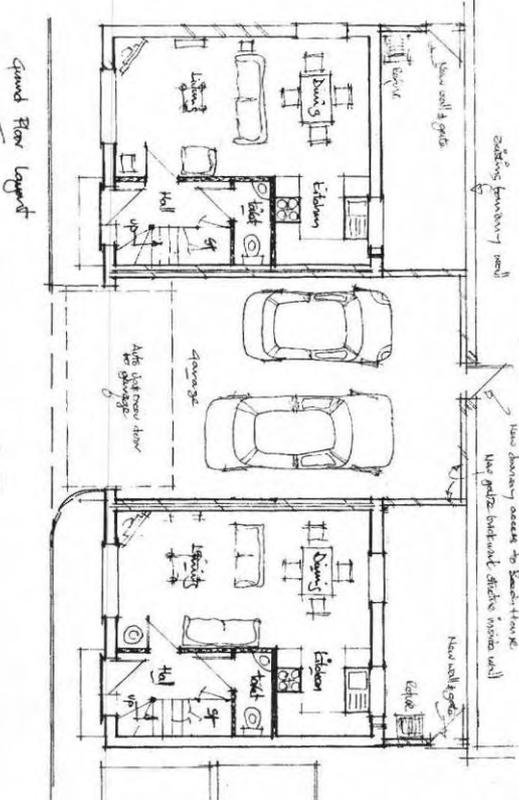
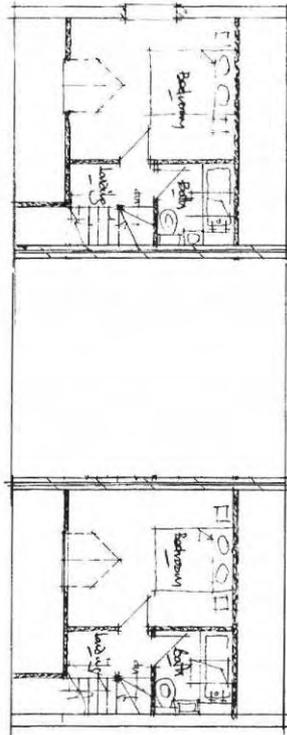
RECEIVED  
22 OCT 2012  
Helen Wray/Kathleen  
Dunne/Kennedy  
Congress

HILTON  
MANAGEMENT



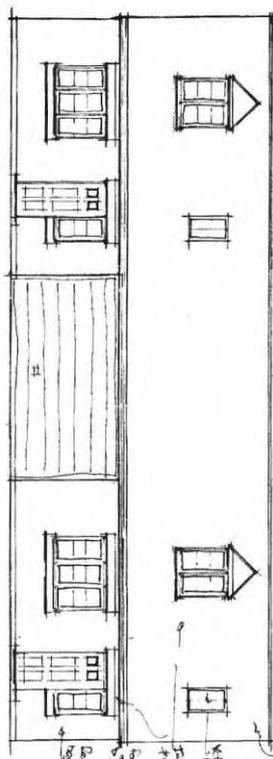
1415 G ST. N.W.  
WASHINGTON, DC 20004  
TEL: 202.245.2000  
FAX: 202.245.2000  
WWW.HILTON.COM

Hyman, Ripstein  
& Telephone Architects  
1st floor office suite  
4th floor office  
Existing details  
Hilfory 082.150 1/100 4/09

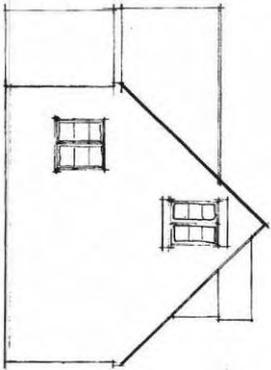


Rear Elevation

Slide roof updated as existing



Front Elevation



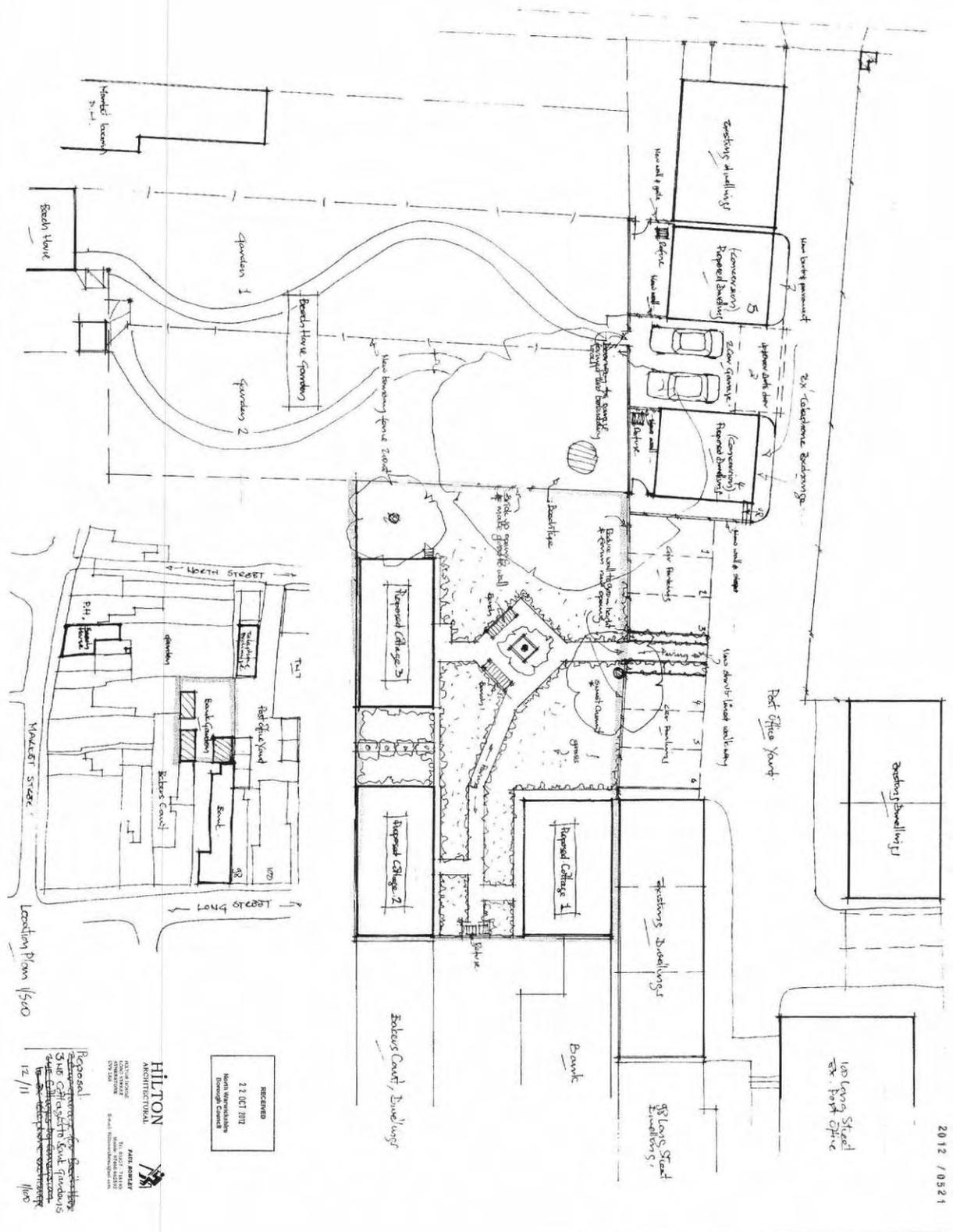
Gable Elevation

RECEIVED  
22 OCT 2018  
North Robertson  
Planning Services

**HILTON**  
ARCHITECTURAL  
PAUL ROBERTS  
HILTON ARCHITECTS  
101-1127 - 12400  
NORTH ROBERTSON  
STREET, VANCOUVER  
BC V6E 2M7

Approved Approval  
Consent to the Building & Garages  
to be as existing  
11/2/11

APPENDIX H.

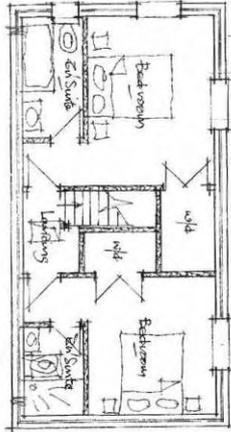


**RECEIVED**  
 21 OCT 2012  
 North Yorkshire Planning  
 Through Council

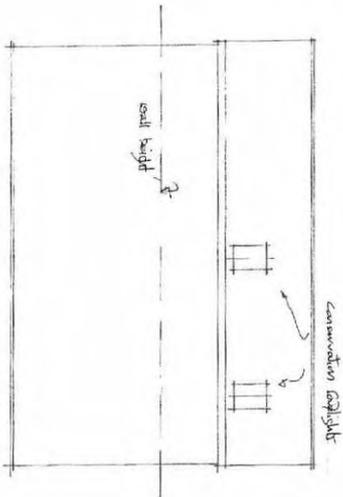
2012 / 08 21

**HILTON**  
 ARCHITECTURAL  
 100 Kings Street  
 Leeds LS1 1JQ  
 Tel: 0113 275 1111  
 Fax: 0113 275 1112  
 Email: hilton@hiltonarchitectural.co.uk  
 www.hiltonarchitectural.co.uk

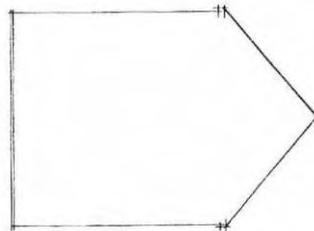
Proposed  
 3 use Office, South East Gardens  
 12 / 11  
 1/00



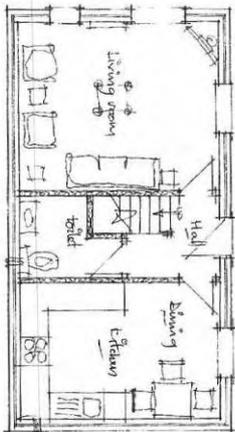
First Floor Plan



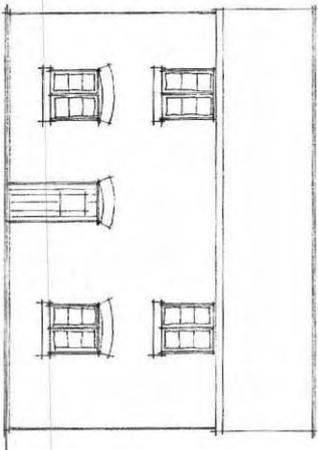
Exterior wall elevation



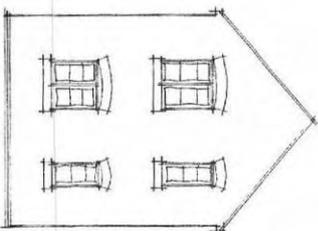
Gable elevation



Ground Floor Plan



Front elevation



Side elevation

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27 OCT 2012  
North Vancouver  
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**HILTON**  
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www.hiltonarchitectural.com

Approved  
County Council - N/S  
Regional Council - N/S  
1/50





29/8/2012

**BEECH HOUSE****SCHEDULE OF WORKS****PROPOSED CONVERSION TO FORM 3 NO DWELLINGS****Description of Works****LOWER GROUND****Kitchen**

- |   |   | COST              |
|---|---|-------------------|
| 1 | Remove thralls and make good  |                   |
| 2 | Ceiling joists to be repaired as necessary, splice new ends as required. Install rockwool insulation to voids and form new fire liner ceiling and plaster finish. |                   |
| 3 | All walls to have full height waterproof render, with dry line/plasterboard and skim finish.  |                   |
| 4 | Floors to be cleaned and new water proof membrane laid (pvc) with new battened floating timber floor and taurus skirting and architraves throughout.              |                   |
| 5 | Install new 100mm and 60ltr/sec extract ducted to external air.   |                   |
| 6 | Works to door and frame as schedule.  | <b>£10,500.00</b> |

**Bathroom**

- |   |   |                  |
|---|---|------------------|
| 1 | Remove screed and make good floor.  |                  |
| 2 | Remove new timber stud work and framing to former landing.                                |                  |
| 3 | Remove brick thrall and make good.  |                  |
| 4 | Floors to be cleaned and new suspended timber floor installed to specification.           |                  |
| 5 | Wall treatment to specification.  |                  |
| 6 | New fire liner boards to ceiling skim plaster finish. Rockwool insulation to joist voids. |                  |
| 7 | Works to doorway (4) as schedule.   | <b>£4,750.00</b> |

**Lobby**

- |   |                                  |  |
|---|----------------------------------|--|
| 1 | Works to floor as specification. |  |
| 2 | Works to walls as specification. |  |

- |   |                                |                  |
|---|--------------------------------|------------------|
| 3 | Remove studwork and make good. |                  |
| 4 | Overboard and skim ceiling.    | <b>£3,000.00</b> |

**Reception**

- |   |   |                  |
|---|---|------------------|
| 1 | Remove window and brick up opening and make good. |                  |
| 2 | Remove heating system and make good.              |                  |
| 3 | Remove stone sink and set aside.                  |                  |
| 4 | New raised floor to specification.                |                  |
| 5 | Works to walls as specification.                  |                  |
| 6 | Overboard and skim ceiling.                       |                  |
| 7 | Refix stone sink and make good.                   |                  |
| 8 | Works to doorway (1) as schedule.                 | <b>£4,800.00</b> |

**Bedroom**

- |   |   |                  |
|---|---|------------------|
| 1 | Remove timber wall after taking record of details and make good.    |                  |
| 2 | Repair hearth brickwork support to ceiling level                    |                  |
| 3 | New raised floor to specification.                                  |                  |
| 4 | Works to walls as specification.                                    |                  |
| 5 | New fire liner ceiling board and skim, Rockwool insulation to voids |                  |
| 6 | Works to doorways (3) and (6) as schedule.                          |                  |
| 7 | New Replacement window to detail.                                   | <b>£9,250.00</b> |

**Living Room**

- |   |   |  |
|---|---|--|
| 1 | Works to walls as specification.  |  |
| 2 | New raised floors to specification.   |  |
| 3 | New replacement windows to detail.  |  |
| 4 | Works to doorway (2) to schedule.   |  |
| 5 | Remove lath and plaster ceiling, treat all timber work and make good as necessary. Rockwool insulation between joists, fire liner board and skim as ceilings. |  |
| 6 | Make good as existing cupboard adjacent fire place.   |  |

- 7 Overhaul fire place structure and surround and make good as necessary and as original. £9,750.00

**GROUND FLOOR**

- 1 Demolish lean-to rear entrance enclosure and clear away.  
2 Construct new stair/entrance tower complete and as detailed.  
3 Works to all doorways as schedule.  
4 Works to all windows as specified. £55,500.00

**Kitchen/Diner**

- 1 Remove modern brickwork fire surround and board over fire place and make good.  
2 Overhaul all skirting boards refix as necessary.  
3 Brick up and make good service hatch.  
4 Refix loose floor boarding.  
5 Supply and install new 60ltr/sec extract to external wall. £2,250.00

**Stairwell**

- 1 Repair/make good loose treads to staircase.  
2 Overhaul wall cupboard and doors.  
3 Make good plaster work to stair soffit. £1,750.00

**Utility/Store**

- 1 Remove all fixtures and fittings.  
2 Remove Aga and pipe work and make good.  
3 Remove all wall tiling.  
4 Remove windows and brick up opening.  
5 Brick up opening to lobby.  
6 Overboard and skim all walls & ceilings  
7 Install new 60ltr/sec wall extract unit.  
8 Make good all floor finishes. £4,500.00

**Hall**

- 1 Works to doorway as schedule.
- 2 Works to window as specification.
- 3 Refix loose floor boards. **£1,750.00**

**Living Room**

- 1 Works to doorway as schedule.
- 2 Works to windows as specification.
- 3 Refix loose floorboards. **£2,500.00**

**FIRST FLOOR**

- 1 Construct new rear wing as detailed.

**Rear Bath and Bedroom**

- 1 Remove fixtures and fittings and make good.
- 2 Remove fixtures and fittings and make good.
- 3 Overboard and skim ceiling.
- 4 Install new stud walls and doorways to form new layout.
- 5 Install new ducted 60ltr/sec extract to bathroom.
- 6 Overhaul window as specification.
- 7 Install new skirtings to new walls to match existing/overhaul existing.
- 8 Overhaul doorway (20) as schedule. **£4,000.00**

**Landing**

- 1 Plaster repairs to stair soffit and make good.
- 2 Overhaul window to specification.
- 3 Make good loose treads to staircase.
- 4 Form new twin stud wall adjacent staircase as shown to specification as fire/sound break., party wall **£1,000.00**

**Hall/kitchen**

- 1 Remove all fixtures, fittings and stud walls and make good.
- 2 Remove window and brick up opening.

- 3 Form new doorway (15) as schedule to access new extension.
- 4 Form new stud partition ½ hour F/R and doorway (16) as schedule.
- 5 Overboard and skim ceiling.
- 6 All walls to be dry lined plaster board and skim.
- 7 Install new 60ltr/sec extract to external wall.
- 8 Install new kitchen complete. **£5,300.00**

**Bedroom**

- 1 Overhaul doorway (19) as schedule.
- 2 Works to sash windows as specification.
- 3 Decorations to specification. **£1,450.00**

**Living Room**

- 1 Remove fireplace hearth supports and replace and reform as original.
- 2 Overhaul doorways (18) and (23) as specification.
- 3 Overhaul windows as specification.
- 4 Refix and make good all loose floor boards.
- 5 Decoration to specification. **£2,700.00**

**ATTIC**

- 1 Construct new rear wing as details.

**Rear Bedroom**

- 1 Remove all fixtures and fittings and make good.
- 2 Overboard and skim all ceilings and wall areas.
- 3 Overhaul window to specification.
- 4 Overhaul doorway (31) as schedule.
- 5 Form new stud walls to provide en"suite area and install fitting.
- 6 Overhaul skirtings throughout. **£5,500.00**

**Landing No 1**

- 1 Make good plasterwork to ceiling and walls.

2 Install new stud partition 1 hour F/R to specification. £1,000.00

**Landing No 2**

1 Overboard and skim to walls and ceilings.

2 Form new access to new rear extension.

3 Form new stud walls to store cupboard areas.

4 Overhaul doorway No (28) as schedule. £2,300.00

**Bedroom No 1**

1 Overboard and skim to walls and ceilings.

2 Overhaul doorway (27) as schedule.

3 Install new sash window to detail to dorma. £1,250.00

**Bedroom No 2**

1 Overboard and skim to walls and ceilings.

2 Overhaul doorways (29) and (30) as schedule.

3 Install new sash window to detail to dorma. £1,750.00

**Hallway**

1 Overboard and skim to walls and ceilings.

2 Make good uneven and loose floor boards.

3 Overhaul valley window and make good flashings.

4 Overhaul doorway (33) as schedule. £2,000.00

**GENERAL WORKS**

1 All areas to be altered or items removed are to be fully photographed and recorded prior to commencement of works.

2 The whole existing tiled roof area is to be stripped, and tiles set aside, all battens removed. All rafters and timbers checked and repaired as necessary and refixed. New breathable membrane to be installed plus new tannalised battens. All existing tiles are to be reused on the front and side elevations with any make up of replacement tiles used on the rear elevation. New Code 4 lead flashings throughout to all areas. Reuse existing rainwater goods after overhaul, any new required are to be as existing, cast iron. Roof areas are to include the ground floor – dining room lean-to roof, but re.roofed using reclaimed rosemary tiles

3 **Brickwork** All porous and decayed bricks are to be cut out and replaced with like bricks.

- 4 **Pointing** All porous and missing pointing is to be replaced with like mortar.

£60,000.00

**SERVICES**

**Electrics**

- 1 Full rewire to electrical system to Part P Regulations.  
2 New plumbing and gas heating system throughout to building regulations Parts L and J.

£40,000.00

**Sash Windows – Overhaul**

- 1 All existing sash windows are to be disassembled and overhauled.  
2 All sash cords are to be replaced and screwed access panels maintained for future maintenance.  
3 All existing glass is to be preserved with new putty works as necessary.  
4 Any repair or replacement of joinery is to be done as a direct copy of the original and with agreement of the S/O.  
5 All windows are to be left fully operational after decoration.

**New Sash Windows**

- 1 All new windows are to be as details agreed with the LA and SO and are to reflect the original design used throughout.

**Joinery Overhaul Doorways**

- 1 Overhaul of doorways etc indicates that the item is suffering from wear and tear and that works are required to restore the item to its original quality as far as possible and to be fit for that purpose  
2 Replace broken dropped hinges as original.  
3 Repair/replace broken locks and keeps as original.  
4 Plane or add timber to make door fit opening all as original.  
5 Replace decayed timber to door or frame, all as original.

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

£10,000.00

TOTAL COST OF WORK

£248,550.00

## Development Cost Appraisal

**Beech House, Market Street, Atherstone and associated Enabling Development  
at the Bank Land, Telephone Exchange and rear of 108 Long Street.**

**Site Costs – Beech House**

Market Value in existing condition	300,000.00
Costs incidental to acquisition	
SDLT	9,372.00
Professional Charges	787.50
<b>TOTAL</b>	<b>310,159.00</b>

**Site Costs – Bank Land**

Market Value in existing condition (book value)	50,000.00
Costs incidental to acquisition	
SDLT (absorbed in Beech House)	00,000.00
Professional Charges (as above)	000.00
<b>TOTAL</b>	<b>50,000.00</b>

**Site Costs – Telephone Exchange**

Market Value in existing condition (book value)	50,000.00
Costs incidental to acquisition	
SDLT	2,000.00
Professional Charges	600.00
<b>TOTAL</b>	<b>52,600.00</b>

**Site Costs – 108 Long Street**

Market Value in existing condition (book value)	50,000.00
Costs incidental to acquisition	
SDLT	2,000.00
Professional Charges	600.00
<b>TOTAL</b>	<b>52,600.00</b>

<b>TOTAL SITE COSTS</b>	<b>465,359.00</b>
-------------------------	-------------------

**Design & Construction Costs**

Survey Costs	2,000.00
Construction Costs	
Conversion and Repair Beech House	250,000.00
New Build – Bank Land	150,000.00
New Build – 108 Long Street	100,000.00
Conversion – Telephone Exchange	80,000.00
Architects Fees	10,000.00
Contingency @5%	29,600.00
<b>TOTAL DESIGN &amp; CONSTRUCTION</b>	<b>621,600.00</b>

**Statutory & Other Charges**

Planning & Building Control Fees	20,000.00
Legal Cost – 106 Agreement	2,500.00
<b>TOTAL STATUTORY &amp; OTHER CHARGES</b>	<b>22,500.00</b>

**Interest****Interest – Beech House**

Site cost & Fees average 3% pa 2003-2012	83,742.00
Construction and Fees 3% pa 2013-2014	7,500.00
Statutory & Other Charges 3% pa 2013-2014	675.00

**Interest – Bank Land**

Site cost & Fees average 3% pa 2003-2012	13,500.00
Construction Costs 3% pa 2013-2014	4,500.00

**Interest – Telephone Exchange**

Site cost and Fees average 3% pa 2002-2012	15,000.00
Construction Costs average 3% 2013-2014	2,400.00

**Interest – 108 Long Street**

Site cost and Fees average 3% 2002-2012	15,000.00
Construction Costs average 3% 2013-2014	3,000.00

<b>TOTAL OF INTEREST</b>	<b>145,317.00</b>
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**Developers Profit**

Calculated at 20% on all costs.

£1,254,776@20%	250,955.00
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<b>TOTAL DEVELOPERS PROFIT</b>	<b>250,955.00</b>
--------------------------------	-------------------

<b>TOTAL OVERALL COSTS</b>	<b>1,505,731.00</b>
----------------------------	---------------------

**COMPLETED MARKET VALUE**

Beech House 1	148,500.00
Beech House 2	147,000.00
Beech House Basement	71,000.00
Bank Land 1	79,000.00
Bank Land 2	79,000.00
Bank Land 3	79,000.00
Telephone Exchange 1	74,900.00
Telephone Exchange 2	74,900.00
Telephone Exchange Garage	9,900.00
108 House	84,900.00
108 Bungalow	84,900.00

<b>TOTAL COMPLETED MARKET VALUE</b>	<b>933,000.00</b>
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<b>TOTAL COSTS</b>	<b>1,505,731.00</b>
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<b>COMPLETED VALUE OF SCHEME</b>	<b>(933,000.00)</b>
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<b>DEFICIT</b>	<b>(572,731.00)</b>
----------------	---------------------

# SEL LTD

Surveyors and Estate Agents

12 MARKET STREET, ATHERSTONE, WARWICKSHIRE, CV9 1ET  
TEL:(01827) 711 900      FAX:(01827) 711 444  
www.sel-it.co.uk



Arragon Properties Ltd  
14 Market Street  
Atherstone  
Warwickshire  
CV9 1ET

For the attention of Mr J Bennett

20th September 2012

Dear Mr Bennett

**Re:- Beech House and surrounding proposals**

Further to our previous correspondence we would advise that the values of the property/land in their existing condition are as follows:-

Beech House .....£300,000

The following with the benefit of the various planning permissions

Bank Land .....£49,000

Telephone Exchange development site .....£51,000

108 Long St development site .....£49,500

These figures are based on the current market and take account of the locations

We trust that this clarifies the situation.

Yours faithfully

A. Oliver-Jones  
Managing Director

# SEL LTD

Surveyors and Estate Agents

12 MARKET STREET, ATHERSTONE, WARWICKSHIRE, CV9 1ET  
TEL: (01827) 711 900      www.sel-it.co.uk      FAX: (01827) 711 444



Arragon Properties Ltd  
14 Market Street  
Atherstone  
Warwickshire  
CV9 1ET

For the attention of Mr J Bennett

20th September 2012

Dear Mr Bennett

**Re:- Beech House and surrounding proposals**

Having analysed the proposed layouts we would advise that based on the current local market you could anticipate the following values:-

Beech House unit 1 803sqft .....	£148,500
Beech House unit 2 795sqft .....	£147,000
Beech House Basement 611sqft .....	£ 71,000

Bank Land Unit 1 670 sq ft.....	£79,000
Bank Land Unit 2 670 sq ft.....	£79,000
Bank Land Unit 3 670 sq ft.....	£79,000

Telephone Exch Unit 1 650 sq ft.....	£74,900
Telephone Exch Unit 2 650 sq ft.....	£74,900
Telephone Exch Garage Unit.120 sq ft.....	£ 9,900

108 Long St House 720 sq ft.....	£ 84,900
108 Long St Bungalow 720 sq ft.....	£ 84,900

These figures are based on the usual quality of finish and take account of the location.

We trust that this clarifies the situation.

Yours faithfully

*A Oliver-Jones*

A. Oliver-Jones  
Managing Director

## PLANNING STATEMENT

Beech House, Market Street, Atherstone, Warwickshire

### Statement Coverage and Content

The Statement is prepared in response to the request for criteria to support the attached Planning Application for Subdivision and associated Enabling Development at, and nearby to, Beech House, Market Street, Atherstone, Warwickshire.

The required criteria are in several forms and are defined in a set of pre application advisory notes provided by the Senior Planning Officer. These notes also set out a range of required Submission Documents which include evidence in support of the proposal, background information, an appraisal of the proposal itself and justification and appraisal of the Enabling Development element of the proposal.

The Senior Planning Officer requires that the justification for Enabling Development is presented with reference to definition and description from the English Heritage **Policy Statement - Enabling Development and the Conservation of Heritage Assets (Second Edition)** and with further reference to the **National Planning and Policy Framework**.

Both the EH Policy Statement and the NPPF are cited in detail in this statement with reference to stated definitions where required.

### Background & History

The detailed proposals for Beech House have been made known to the Planning Committee by pre-application presentation and a subsequent site visit.

The application history for Beech House has also been clearly outlined to the Planning Committee and, in particular, the firm refusal to all proposals for an alternative use despite the establishment of facts that, due to the sheer size, commercial location and enormous future financial implications in a single owner-occupier scenario, it has no future beneficial use as a single dwelling.

The view taken so far by English Heritage is that any proposal to change Beech House from a single dwelling would be harmful to its value as a Heritage Asset.

This has left Beech House in a precarious position.

Whilst any amount of maintenance can be carried out to Beech House by the Developer, this in itself will not make it any more viable as a single dwelling. It will merely maintain its condition whilst it remains in redundancy.

Marketing to Demonstrate Redundancy, as more fully described below, provides supportive proof for the fact that it is redundant as a single dwelling.

To maintain the stance that, at whatever cost, the building should remain as a single dwelling is to deprive Beech House of the basic comfort of Conservation.

The definition of Conservation (for Heritage Policy) within the NPPF is as follows: -

**'Conservation (for heritage policy):** The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance'

The key part of this definition is that of 'managing change' to Beech House, a change that will ensure that it once again enjoys full, sustainable and productive use for the foreseeable future.

Below are two statements taken from the website of English Heritage: -

'English Heritage works with owners and developers to give historic buildings a future. We understand that sometimes their best chance of survival comes from adapting them to economically viable new uses.'

'Imagining how tired and neglected historic buildings can be brought back to life can sometimes be a challenge. It is also too easy to be put off by an imagined minefield of bureaucratic obstacles to converting listed buildings to viable new uses.'

If the facts relating to the redundancy of Beech House as a single dwelling can be acknowledged then these two statements clearly give huge encouragement to the proposal, the first in recognising that change (as in this instance) ensures survival through productive use and, second, that the process of managing such change should be straightforward.

#### **The Proposal**

Accordingly, this proposal has been carefully measured against the requirements contained within the English Heritage Policy Statement and it is considered that viewed against those requirements, the proposal offers a sensible solution to returning Beech House to beneficial use. The enabling development component of this proposal does not provide sufficient margin to take it out of deficit upon completion as defined in the EH Policy Statement. This presents a significant loss to the Developer as evidenced by the attached Development Appraisal. However, the Developer cannot presently avail itself of any additional development in relation to this proposal. Comfort in the short term has to come from being secure in the knowledge that Beech House can again positively thrive under this proposal.

#### **English Heritage and its Policy Statement**

It should be acknowledged that English Heritage has not been able to suggest any viable alternative to the present redundancy suffered by Beech House.

Despite several follow ups, both the Senior Planning Officer and the applicant are still awaiting a response from English Heritage.

Their Policy Statement relating to Enabling Development is a lengthy document at around ninety pages, over half of which relate directly to the proposal concerned.

The applicant is appreciative of the burden it places upon the Planning Committee in requesting the Members to study the Policy Statement but firmly believes that the Members should come to their

own decision as to the weight and validity of the proposal measured against the criteria contained within the Policy Statement.

As the Senior Planning Officer has made it clear to the Developer that its Planning Statement will be referred to English Heritage for their comment, the applicant has understandable concern that English Heritage will again disregard the facts and will make unfavourable recommendation. That the Members have scrutiny of the facts presented in this statement, rather than relying only on the Officers Report, will ensure that this does not prevail.

To minimise the burden upon the Committee, and to avoid a full repetition of the Policy Statement, the directions below to the relevant parts of the Policy Statement are given by reference to headings, numbered sections/sub-sections and pages numbers with a brief applicant response to the parts concerned. As follows:-

**Heading – Policy – Page 5.**

The proposal fully meets items A to G

**A. It will not materially harm the heritage values of the place or its setting...**

There is no evidence to prove that the proposal will materially harm the heritage values of the place or its setting. Indeed the Enabling Development to the nearby Bank land and the former telephone exchange will positively enhance the general vicinity and have a positive impact to the rear aspects of both Beech House and the nearby timbered elevations of 11-13 Market Street by opening up the area, allowing public view of these important buildings and providing an area of public open space. The works required to Beech House are internally minimal and externally can only have impact to the rear elevation where the proposed stairwell is constructed. As the construction would be in keeping with the design and using period materials it is difficult to see how this could impact in the negative. In fact, a person who is unfamiliar with the present view of the rear elevation of Beech House would have difficulty in identifying the stairwell extension as a later addition.

**B. It avoids detrimental fragmentation of management of the place...**

The management of the three units that result from the proposal would be held under the present freehold title with individual leasehold titles being granted if the units were to be sold at some future date. This will ensure that each of the leaseholders would have a covenanted responsibility for the maintenance and upkeep of those parts of the building considered to be 'common' such as main walls and roof. A regular service charge and annual contribution to a sinking fund will ensure that general periodic maintenance is achieved and that significant future expenditure is made possible.

**C. It will secure the long term future of the place and, where applicable, its continued use for a sympathetic purpose...**

The proposal obviously satisfies this requirement.

**D. It is necessary to resolve problems arising from the inherent needs of the place rather than the circumstances of the present owner or the purchase price paid...**

The problems do indeed arise from the inherent needs of the place. The inherent need of Beech House is that it be returned to viable use from its present redundant state. As has been previously outlined here, expenditure in maintaining Beech House to any standard will not in itself ensure that it is returned to use as a single dwelling. There is simply no demand for it as such. The required subdivision results in manageable units that are able to attract demand from the current market.

In its current form (as a single dwelling) Beech House purports to present as a prestigious, high value residence but possesses location and maintenance drawbacks that are seen as intolerable accompaniments, i.e. the location in a commercial environment with a public house and offices adjoining either side and the aforementioned prohibitive maintenance burden. These factors are clearly identified within the attached report on marketing.

The subdivision naturally places the resultant smaller units in a different market with less exacting expectations from potential occupiers, lesser individual maintenance cost/burden, consequent increase in market demand and a corresponding immediate return to full and productive use.

**E. Sufficient subsidy is not available from any other source...**

Enquiries have been made with Advantage West Midlands, English Heritage and the Landmark Trust. A response in the negative has been received from the Landmark Trust and we understand that AWM are no longer providing any grant assistance towards the maintenance and repair of listed buildings.

Their past involvement with grant assistance of this nature in Atherstone in 2009 was in conjunction with English Heritage. At this time, Beech House should have been of prime interest to the scheme as laid down but was inexplicably overlooked. No satisfactory explanation has been given for this significant oversight.

Reference to the English Heritage webpage for Grants for Historic Buildings, Monuments and Designed Landscapes indicates: -

'These are mainly offered for urgent repairs or other work required within two years to prevent loss or damage to important architectural, archaeological or landscape features'

In the event, subsidy for urgent repairs is not required. As stated, it is intended that the Enabling Development would fund a programme of conservation conversion and subdivision to enable a return to use.

**F. It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place and that its form minimises harm to other public interests...**

The amount of development is not sufficient to leave the proposal without a significant deficit. However, it is the maximum development that the Developer considers it can actually do now given the site opportunities.

The form of the development, three cottages to the bank land, two cottages and garaging to the former telephone exchange and two cottages to the rear of 108 Long Street, does not harm any public interest and no evidence has been offered to prove that such harm would occur.

The development to the rear of 108 is supported by the Senior Planning Officer. It 'tidies' the appearance of the presently stark appearance to the rear of 108 and, as has been proven, does not detract from any views of the rear of 11-13 Market Street, any such view being obscured by the reinstatement of the wall between 108 and the adjoining premises. The reinstatement of this wall by the owner of the adjoining premises, TNT, was approved by NWBC's Planning Department in February 2011 and effectively blocks any view of the rear of 11-13 from any point in Ratcliffe Street. Despite these points of fact, the past refusal of planning consent for development to the rear of 108 was largely reasoned and justified by this loss of view.

The development to the bank land does, as previously outlined, enhance this presently inaccessible area and provide vista to the rear of both Beech House and 11-13 Market Street to the benefit of both of these buildings. It is particularly important in the case of 11-13 Market Street as, in also providing an important element of public open space within the townscape, it once more allows a public view of the rear of this building which would otherwise be lost when, as outlined above, TNT's boundary wall has been completed.

The development of the telephone exchange brings an existing structure back into productive use and provides an element of garaging which may be used to enhance the desirability of the units within the proposed subdivision of Beech House.

**G. The public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies...**

How the enabling development can breach public policies cannot be imagined.

Aside from the obvious benefit to Beech House, the enabling development also enhances the streetscape (108), brings life to a sadly redundant building (the telephone exchange) and aesthetically develops a landlocked and unattractive pocket of land (bank land) with benefits to the setting of at least two listed buildings and the provision of amenity space to the public good.

In isolation, any of the proposals could be considered sensible and worthwhile. As part of a greater scheme, they serve to protect and revive an important listed building whilst greatly improving its setting by complimenting both its character and that of its surroundings.

**Heading – Summary**

**Section 4 – Page 8.**

The Building will have a positive value on completion of the conversion and will undoubtedly return to beneficial use.

As previously stated, the market has been tested in accordance with the later part of this Section, the supporting material is attached.

**Heading – The Concept of Enabling Development**

**Section 1.1.3 to 1.15 – Page 10**

Three key points are stated by English Heritage in their policy in addition to the already outlined statements to their website:-

**'That survival of significant places occurs because they are capable of beneficial use'**

**'Built extensions to historic buildings ARE acceptable as is a change of use'** (even if contrary to policy)

**'Sites providing enabling benefit do not have to be in close proximity'** This may include that part of the proposal to the rear of 108 Long Street.

#### **Section 1.2.2 – Page 11**

Aware of the issues faced by Beech House the Planning Authority failed to adopt a supplementary Planning Document when it was clear that problems would arise over the continued redundancy of the building.

#### **Heading – Roles and Responsibilities**

#### **Section 2.4.1 – Page 14**

The Developer has previously commissioned all necessary expert advice and carried out an adequate assessment of the place which is provided as part of the application. It should be acknowledged that English Heritage has been in possession of these expert reports and assessments for some considerable time. Seemingly this has not enabled them to apply critical judgment to this or earlier proposals.

The Developer has assiduously explored a full range of alternative development strategies as evidenced by the planning application history.

#### **Heading – Understanding the place and identifying options**

#### **Sections 4.3.2 to 4.3.5 – Page 22**

The Developer has sensitively and appropriately judged the optimum viable use from wide ranging options with the prescribed degree of realism and a genuine interest to see the place returned to beneficial use.

The Developer can prove redundancy in the place's present form from the detailed and lengthy marketing. However, English Heritage has never been able to offer proof that the place is viable as a single dwelling and has a beneficial use as such.

However disprovable their opinion may be they have considered it sufficient to meet the requirements of PPG15 and have accordingly 'judged' that use as a single dwelling is the best use and passed this on to the planning process where, despite no proof being offered, it has in the past been taken at face value and important opportunities to revive Beech House from redundancy were lost.

To the Developers knowledge, no criteria or burden of proof has ever been applied by the Planning Authority to the advices and opinions of EH and consequently, decisions upon past proposals have unfortunately not been based on the facts.

This is a serious failure that is proving to be the bar to the place returning to beneficial use.

#### **Section 4.3.9 – Page 23**

The Long Term Management of the place will be achieved, as outlined above, by means of an appropriate management company, levy of service charge, sinking fund and an active managing committee.

As previously stated, these requirements will be achieved by means of leasehold covenant for any future sale. In the shorter term it is proposed to retain the place in its entirety thus removing the need for immediate management solutions. The longer term solution can be prepared from the start and remain in dormancy until such leasehold interests may be sold.

#### **Section 4.7.1 – Page 26**

The need for market testing as described in this section has been completely observed. Marketing has been continuous and has been adapted to offer the premises with parking/ garaging although this failed to make any difference to the appeal of the property. The results have not however been acknowledged by English Heritage although it was carried out and recorded at their behest.

#### **Heading – Understanding the Figures**

#### **Section 5 – Pages 33-48**

A Development Appraisal has been prepared in accordance with the guidelines contained within Appendix 2 – Page 66. This Appraisal shows a considerable deficit but, as earlier outlined within this statement, the Developer cannot presently identify any further enabling development that could be proposed in order to close the deficit.

It is assumed that the required draft Section 106 Agreement will be prepared by the Planning Authority.

#### **Conclusion**

It is hoped that the contents of this statement meet the information required by English Heritages Policy Statement, NPPF and the requirements of the Senior Planning Officer.

Certain of the requirements of the latter are presented separately to this statement but, in themselves, are little more than requirements of the planning process and will have no real impact upon a judgment of the essence of this proposal.

That judgment will lie in the observation of the facts as presented within this statement and will reach the obvious conclusion.

That Beech House has, and can have, no future as a single dwelling. That the enabling development not only ensures a productive return to viability for Beech House for all time but, in itself, comprises sensible and balanced development that enhances this part of the conservation area and presents no negative impact whatsoever.

Beech House and its surroundings have an optimistic future in this proposal. To lose such an opportunity would be to entirely dismiss its importance both as a listed building and to its contribution to the townscape of Atherstone.

The conclusion of this statement would not be complete without strong reference to the policy set by the NPPF as regards Economic Growth.

The following extract from the NPPF needs no explanation: -

## Delivering sustainable development

### 1. Building a strong, competitive economy

18. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

The proposals outlined in this statement not only create ten new dwellings but create a significant economic welfare asset by **the assurance of continued work for over twenty local construction employees over a period of not less than two years.**

As any concerns or questions over Heritage issues have been answered by this Statement the Applicant believes that the NPPF's aim to support economic growth is framed entirely towards proposals such as this and consequently that full approval of the proposal is the only means by which the NPPF's policy for economic growth can have been seen to be observed.

Having regard to all of the facts and the established directive policy examined within this Planning Statement, the Applicant respectfully requests that the Planning Committee lends the proposal its full support and accordingly grants the required consents.

31<sup>st</sup> August 2012.

**Heads of Agreement**

Relating to Section 106 Agreement – ‘The Agreement’ as defined under the Town & Country Planning Act 1990 for securing the objective of enabling development at premises – ‘The Premises’ known as:

**Rear of 108 Long Street, Rear of 96 Long Street and Former Telephone Exchange Building to the rear of 100 Long Street.**

**Parties to the Agreement**

North Warwickshire Borough Council – ‘The Council’

Arragon Construction – ‘The Developer’

**Benefiting Asset**

Beech House, 19 Market Street, Atherstone, Warwickshire.

**Terms Agreed**

That The Premises do collectively form part of The Agreement and that The Developer holds the Freehold Title to The Premises.

That the development of The Premises is considered to be enabling development conditional upon repair and improvement being carried out to the Benefiting Asset and that such repair and improvement will be carried out in full accordance with the Schedule of Works prepared for the Benefiting Asset and any conditions imposed by the planning consent granted.

By means of an obligation as defined in The Agreement and by condition of the planning consent, the enabling development of The Premises and the repair and improvement of the Benefiting Asset shall be concurrent and all work to the Benefiting Asset shall be completed simultaneous to or earlier than the completion of the enabling development.

That, within the term of The Agreement, disposal of interest in the whole or any part of The Premises or the Benefiting Asset will not release The Developer from any obligation defined in the Agreement once the enabling development has commenced to The Premises.

By means of obligation as defined in the Agreement that no disposal of part of the Benefiting Asset may occur without the creation of a Leasehold Title to that part of the Benefiting Asset to be sold together with the formation of an appropriate Managing Company that shall seek to collect monies by way of service charges and sinking fund from the holders of the derived Leasehold Titles, in accordance with

attendant covenants for the purpose of the future maintenance, repair and improvement of the Benefiting Asset.

That the specific performance of obligations placed upon The Developer is assured by means of a Performance Bond in a mutually agreed sum save that the Bond will be discharged upon completion of the scheduled works to the Benefiting Asset and future performance as regards the obligation to create derived title and Managing arrangements shall be ensured only by means of enduring condition to the planning consent granted for the Benefiting Asset.



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## Appeal Decision

Site visit made on 9 January 2012

by **Alan M Wood MSc FRICS**

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

Decision date: 24 January 2012

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

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

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

### Decision

1. The appeal is dismissed.

### Procedural Matter

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

### Application for costs

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

### Main Issues

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

### Reasons

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

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

6. Although these open spaces have been compromised to some degree by subsequent development, open areas are still evident within the 'Back Lands' in this part of the Conservation Area. In this regard, I concur with the Inspector's comments in relation to an appeal<sup>1</sup> at 98 Long Street where she asserted that the open areas are important in maintaining the locally distinctive urban form of the central area of the town. The appeal site remains as open land and is currently in the form of a car park which was required by conditions attached to the permission when the rear of the retail unit to No 108 was established as apartments. A subsequent appeal decision<sup>2</sup> however removed the need for the provision of car parking relating to the development. I observed that the site materially contributes to the open setting at the junction of North Street and Ratcliffe Street.
7. The appeal proposal, which indicates a development of two attached dwellings extending from the rear elevation of the apartments, was preceded by a number of proposals to develop the plot in a similar manner with a terrace of three dwellings. These were resisted by the Council because of their height, length and scale. The proposed development would be reduced in size in comparison to the previous proposals. However, from my observations, the introduction of the proposed dwellings, because of their length and overall scale, would, in my judgement, still unacceptably detract from the openness of this 'Back Lands' site and its wider setting.
8. Planning Policy Statement 5: *Planning for the Historic Environment* (PPS5) promotes the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. It also requires decision makers to treat favourably proposals which preserve those elements of the setting of heritage assets (e.g. Conservation Areas) that make a positive contribution to the significance of the asset. In this case the openness of this area of 'The Back Lands' would be unacceptably eroded thereby harming the local distinctiveness of the surrounding area and the setting of the Conservation Area.
9. The proposed dwellings would also significantly obstruct the views across the site, particularly from Ratcliffe Street, to the rear facades of Nos 11 and 13 Market Street, both Grade II Listed Buildings. The Inspector, in a recent appeal decision<sup>3</sup> relating to Nos 94/96 Long Street, referred to these rear elevations as being impressive and interesting for their visual amenity and architectural interest. From my observations, I agree with him. The proposal would therefore further harm the setting of this part of the Conservation Area. Where harm has been identified, PPS5 requires that it be weighed against the benefits of the development. In this case there are no significant benefits which would outweigh the harm.
10. Consequently the proposed dwellings would fail to preserve the elements of its setting which make a positive contribution to the Conservation Area. The proposal would therefore fail to preserve or enhance the character or

<sup>1</sup> APP/R3705/A/08/2079002

<sup>2</sup> APP/R3705/A/08/2079008

<sup>3</sup> APP/R3705/A/10/2123414

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

**Conclusion**

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

*Alan M Wood*

Inspector



## Appeal Decision

Site visit made on 13 September 2010

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

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

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Decision date:  
1 October 2010

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

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

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

### Decision

#### 1. I dismiss the appeal.

#### Procedural matters

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

#### Main issues

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

#### Reasons

##### *Character and appearance*

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

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

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

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

*Road safety*

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

*Conclusion*

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

*G C Cundale*

Inspector

RECEIVED

28 SEP 2010

North Warwickshire  
Borough Council

## Appeal Decision

Site visit made on 13 September 2010

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

an Inspector appointed by the Secretary of State  
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Decision date:  
27 September 2010

**Appeal Ref: APP/R3705/A/10/2123411**  
**Post Office Yard, North Street, Atherstone CV9 1AP**

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

### Decision

1. **I dismiss the appeal.**

### Preliminary matter

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

### Main issues

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

### Reasons

#### Amenities

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

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

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

*Character and appearance*

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

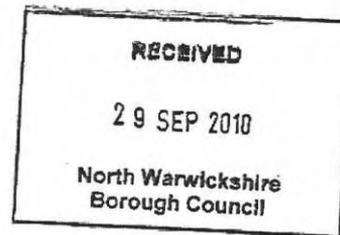
*Other matters and overall conclusion*

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

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

*G C Cundale*

Inspector



**(3) Application No: PAP/2011/0527**

**31 Plough Hill Road, Chapel End, CV10 0PJ**

**Outline (only landscaping reserved): Residential development of six detached 5-bed houses with detached garage to plot 1, a terrace of three 2-bed houses and two 2-bed apartments, and one 3-bed detached dormer bungalow with integral garage; along with associated external works, formation of a new access off Plough Hill Road, and closure of Fletchers Drift Lane with formation of single dwelling access to serve the dormer bungalow, for**

**The Executors of Mrs Hilda Morris**

**Introduction**

This application is reported to Board at the discretion of the Head of Development Control.

**Background**

Members will be familiar with this application and site following a resolution at the October meeting to grant permission subject to conditions, provided that Nuneaton and Bedworth Borough Council (NBBC) approved their “half” of application within their administrative area (see Appendix A). The grant of permission was delegated back to the Head of Development Control. Members also queried whether further parking provision could be found within the site to help alleviate exist parking problems on Plough Hill Road. The report and recommended conditions are at page 7/71 of the October agenda.

**Changes in circumstances**

Since the above resolution, NBBC has refused their part of application. This was on the grounds of highway safety. Members are reminded that the Highway Authority had no objection to the proposal and instead recommended conditions. This same opinion was given to NBBC by the Highway Authority. In light of this refusal the existing resolution cannot be actioned by the Head of Development Control.

It is important to outline that North Warwickshire is charged with determining planning applications within its own administrative boundaries and is not “bound” by similar planning decisions by adjacent or other authorities. Indeed there are examples elsewhere in the country where cross-boundary applications have been approved by one authority and refused by the other. It is appreciated however that it is in best practice to co-operate with other authorities, and the NPPF encourages such working. This is what occurred previously by letting NBBC reach a decision without the “pressure” of an approval by this Council.

There are now various options open to both the Council and the applicant. The applicant has a right of non-determination against this Council as the statutory period for determination has passed. They also have a right of appeal against NBBC’s refusal. With this in mind, the choices for Members are threefold: (1) grant permission subject to conditions as previously resolved; (2) refuse planning permission; or (3) leave the application undetermined and wait to see whether the applicant exercises their right of appeal against NBBC’s refusal.

There are problems with all of these options however:

- (1) This would place a “pressure” on NBBC in defence of any appeal lodged against their refusal, or indeed a re-submission of the proposal to NBBC. It could also leave the Council liable to a “Purchase Notice” being served under Section 137 of the Act should an appeal against NBBC fail, as this Council would then have granted an un-implementable permission (i.e. it has no access).
- (2) This would give the applicant a right of appeal against this Council when it has previously found the development to be acceptable subject to conditions. Again Members are reminded that there is no highway objection to the proposal. This would significantly raise the risk of an Award of Costs against the Council for unreasonable behaviour at any appeal;
- (3) This leaves the applicant with a right of appeal against non-determination when it has previously found the development to be acceptable subject to conditions. Again this could raise the risk of an Award of Costs.

Ultimately it is preferable to avoid being drawn into any appeals relating to the wider site when a resolution to grant permission has been given. It is important to protect the Council from the risk of a Purchase Notice as this would be a very significant cost, detrimental to the Council budgets. In light of this, options (1) and (2) are not recommended.

In terms of option (3) the applicant has agreed with officers that this is a reasonable way forward and they will not appeal against this Council’s non-determination of the application. They do propose to appeal the NBBC refusal. Should that appeal be successful, then the Council can exercise the existing resolution to grant permission subject to conditions. If the appeal is dismissed, the matter would need to be referred back to the Board to re-consider the Council’s position.

### **Other matters**

Members will also recall objectors’ concerns regarding parking and a wall adjacent to number 39. Further amended plans have since been received providing 2 more visitor spaces and the differences are shown at Appendix B. This additional provision adds to the 4 visitor spaces previously proposed to aid in alleviating parking along Plough Hill Road. The applicant has also amended the drawings to extend the boundary treatment adjacent to number 39 further along their garden whilst retaining the 1.8 metres height proposed. The change to conditions 4, 6 and 18 below (underlined) help to reflect these changes and secure the future use of the development in these respects.

## Recommendation

That if an appeal is lodged against NBBC's refusal and that appeal succeeds, the application be Granted Subject to Conditions as outlined in the October Planning Board agenda and below, 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.

4. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered 452-2011-201, 452-2011-202, 452-2011-203, 452-2011-204, 452-2011-205, 452-2011-206 and 452-2011-210 received by the Local Planning Authority on 17 October 2011; the plans numbered 452-2011-207A, 452-2011-208A, 452-2011-209A, 452-2011-211A and 452-2011-02A received by the Local Planning Authority on 19 July 2012; and the plan numbered 452-2011-200C received by the Local Planning Authority on 25 October 2012.

### REASON

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

6. The parking spaces and garages hereby approved shall not be used for any purpose other than the parking of vehicles, with the 6 visitor spaces alongside the access road made available for residents of the development and the wider public.

### REASON

To ensure adequate on-site parking provision for the approved dwellings and to discourage parking on the adjoining highway in the interests of local amenity and highway safety.

18. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls/fences to be erected. Such details shall include elevational details for the retaining wall adjacent to number 39 Plough Hill Road and the wall fronting plots 7-11. The approved screen walls/fences shall be erected before the use hereby approved is commenced and shall subsequently be maintained as such.

### REASON

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

## BACKGROUND PAPERS

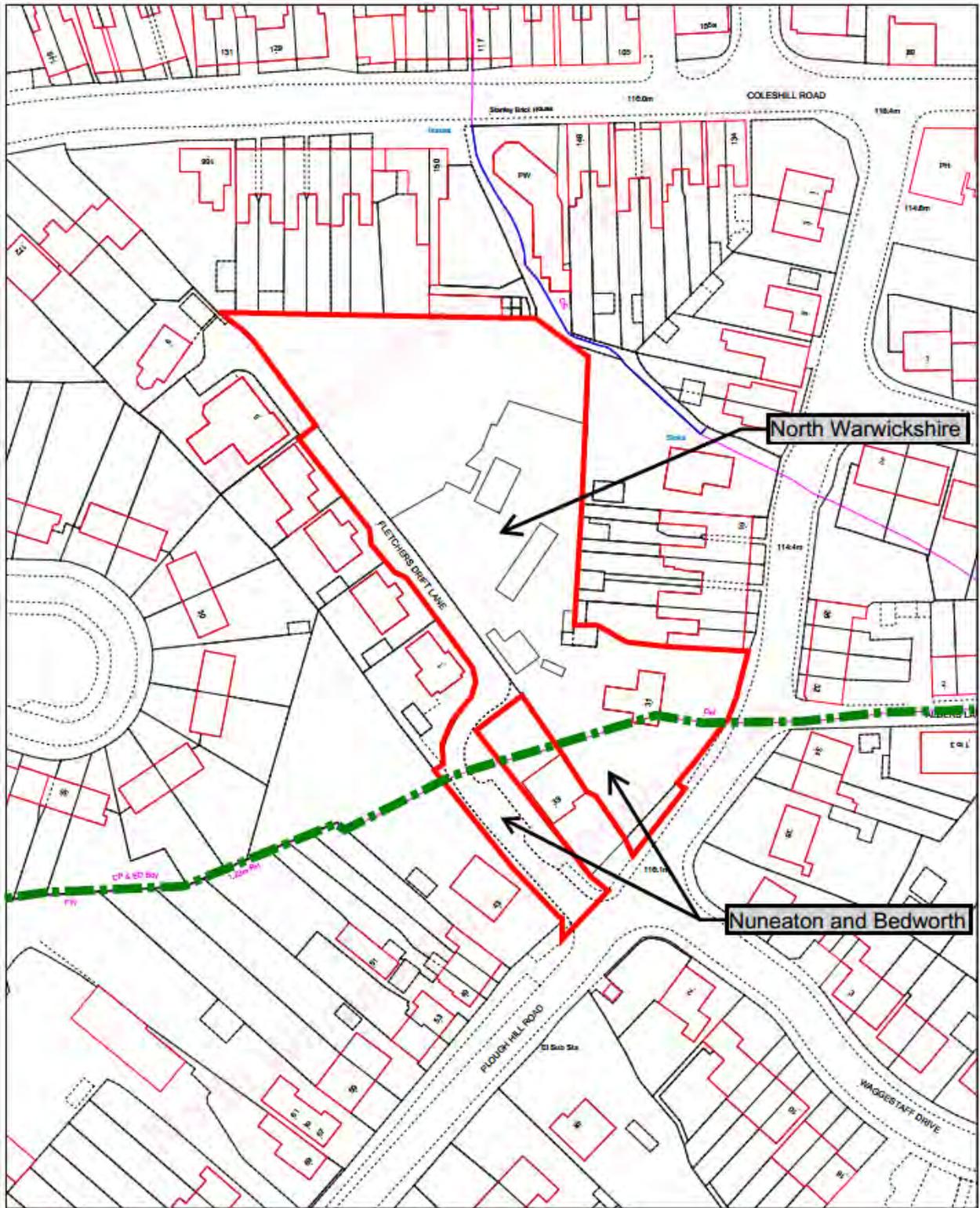
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2011/0527

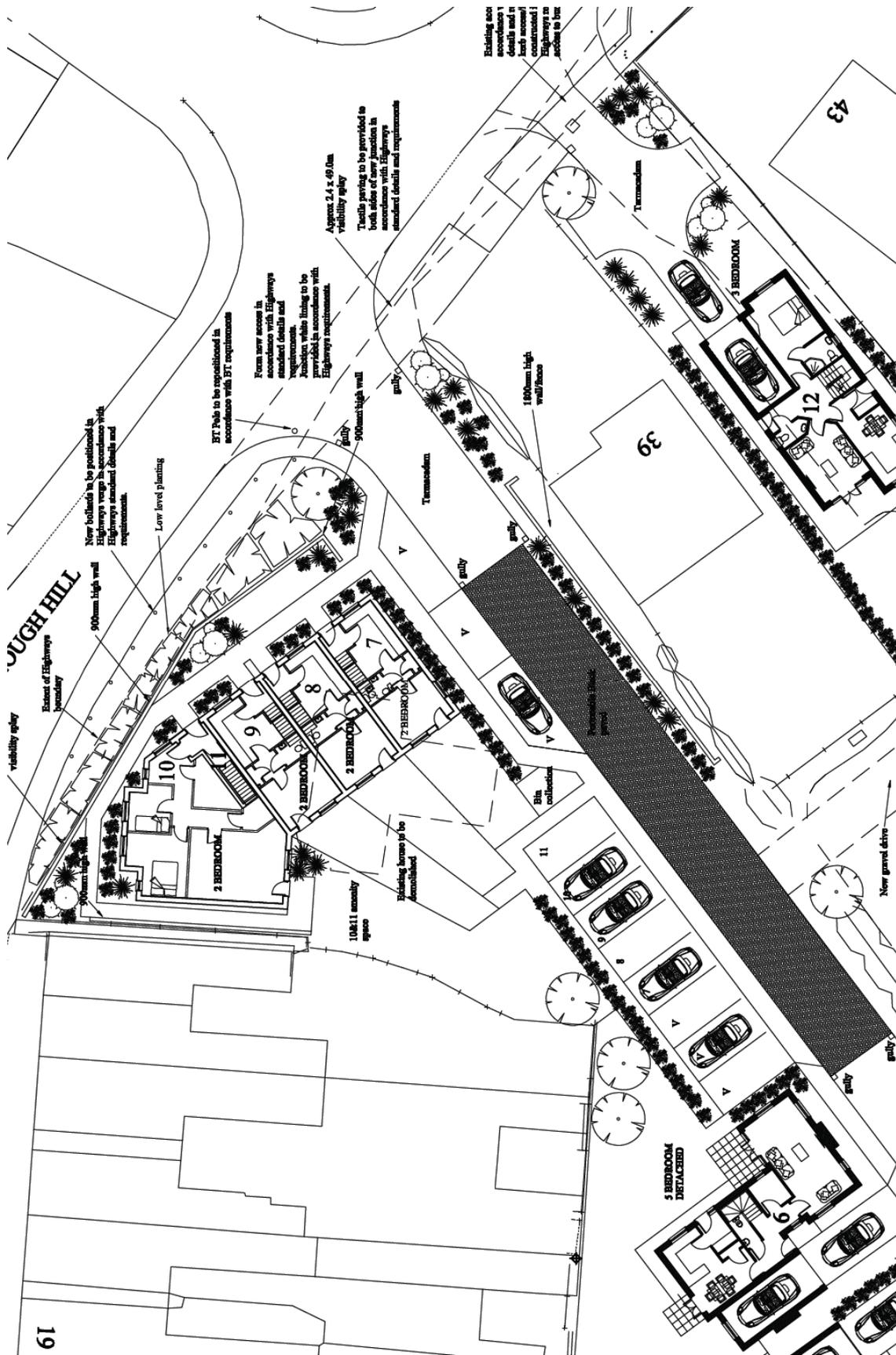
<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
80	Case Officer	Email to Agent	18/10/2012
81	Agent	Amended plan	25/10/2012
82	Head of Development Control	Letter to Agent	20/11/2012
83	Agent	Email to Case Officer	05/12/2012

*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.*







Site layout – as revised

**(4) Application No: PAP/2012/0220**

**Plot 6(b) and Plot 10(a), Faraday Avenue, Hams Hall National Distribution Park, Coleshill, B46 1AL.**

**Use of land for freight container storage and distribution depot**

**for Maritime Transport Limited**

**Introduction**

This is a significant application referred to the Board at the discretion of the Head of Development Control. The application was deferred at the November meeting of the Board, for a members site visit, this took place on 24/11/2012.

**Additional information**

Further information has been received from the applicant in the form of a letter. This is attached as Appendix A. This provides additional details on the nature of the business operated by Maritime Transport Ltd and current levels of employment, also on the number, type and the timing of jobs that will be created through the development of the new facility and confirms that recruitment would be local, thus jobs would be available to local people. This identifies that some 70 people are currently employed in Maritime's operation at Coleshill, this anticipated to grow to 245 after 5 years and to 455 after 10 years. The majority of these jobs will be drivers. Office based and security jobs will rise from the 10 current employees to 35 after 5 years and 65 after 10 years.

This also confirms that additional landscaping will be incorporated within the site layout; landscaped areas fronting Faraday Avenue will have a depth of at least 10 metres, similar to adjacent developments, and landscaped areas fronting the spur road, will have a depth of at least 5 metres.

The agents have indicated an amended site layout plan is to be submitted to show a revised layout that incorporates the additional landscaping and to show the locations in which containers will be stored in stacks and the position of the two office buildings is to be submitted to reflect requirements set out in the recommended conditions. This has not yet been received and will thus be made available as an addendum to the report.

Notwithstanding whether or not an amended site layout plan is received in time for consideration by the Board; the recommended conditions require that a site layout is submitted and approved prior to commencement of any development permitted on the site. A satisfactory site layout will need to comply with the recommended conditions which define the scope of the permission, including the total number of containers to be stored and the height to which they can be stacked, limit the area in which buildings and containers can be sited and to require appropriate landscaped areas and details of the planting.

## **The Site**

The application site comprises two areas on the south side of Faraday Avenue separated by an access spur road leading to two existing warehouse developments. These areas are the undeveloped parts of two original larger plots, Plot 6 and Plot 10, within the Hams Hall Distribution Park. The site layout plan submitted identifies the undeveloped part of Plot 10 as Site A and the undeveloped part of Plot 6 as Site B.

This site is within the centre of the existing Hams Hall Estate surrounded by large warehouse/storage buildings.

## **The Proposal**

The proposal is to develop the land as a freight container storage and distribution depot with the erection of two ancillary office buildings, three small gatehouse buildings, the formation of hard standings for loading, unloading and storage of freight containers and for lorry and car parking. The erection of perimeter fencing and lighting and improvements to existing vehicle accesses are also included.

The proposed development will allow for the storage of up to 600 containers within the two sites. This can be achieved with containers close stacked in 4 separate bays each bay no more than eight containers long, 4 containers wide and no more than 5 containers high. The overall height of the stacks will be 15 metres. A site layout plan submitted shows three such container stacks within Site A and one stack within Site B. Container stacks are proposed close to buildings on adjacent plots to reduce the visual impact of the stacked containers. Only a relatively small area of each the site will be covered with stacked containers. The majority of the area within each site is given over to lorry parking bays; 111 lorry bays within Site A and 136 bays within Site B.

Vehicle access will be from existing vehicle access points to the spur access road, leading to Faraday Avenue. There are two access points to Site A, and one to Site B with entry controlled at each access by a gatehouse and barrier.

Two separate office buildings, one within each site, located to the front of the site facing Faraday Avenue are proposed. These will be of modular construction, and each will comprise 11 attached two-storey bays, covered with a double pitched roof. Each office building will be 32.5 m long by 9.95m wide and will provide 634 m<sup>2</sup> of floor space. 107 car parking spaces will be provided adjacent to each office building. Each site will also include lorry washing and refuelling areas.

## **Background**

Plot 6 - Planning permission was granted for two warehouse buildings on Plot 6 in 1999. As only one of these buildings was built, the planning permission remains extant and the second warehouse building permitted on the undeveloped part of Plot 6 could be completed. A further planning permission was granted in 2006 for a similar sized warehouse building (10,200 m<sup>2</sup>) on this undeveloped part of Plot 6. This permission was not implemented and has now expired.

Plot 10 - Planning permission was granted in 2009 for a warehouse building (13,387m<sup>2</sup>) within the undeveloped part of Plot 10. This permission will expire on 22/5/2013 so it can therefore still be implemented.

These extant planning permissions are material considerations.

## **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006: Core Policy 2 (Development Distribution) and policies ENV6 (Land Resources), ENV11 (Neighbour Amenities), ENV13 (Building Design), ENV14 (Access Design), ECON1 (Industrial Estates), TPT1 (Transport Considerations), TPT2 (Traffic Management), TPT3 (Access and Sustainable Transport), TPT5 (Promoting Sustainable Freight Movements) and TPT6 (Vehicle Parking).

West Midlands Regional Spatial Strategy: Policy T10 (Freight)

## **Other Relevant Material Considerations**

Government Advice: National Planning Policy Framework 2012.

## **Consultations**

Severn Trent Water – No objection.

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

## **Representations**

Coleshill and District Civic Society – Objection. They cite concern over adverse visual impact due to the height of stacked containers; unacceptable additional HGV traffic on Faraday Avenue and the A446, together with light pollution arising from the high level of illumination that will be required on the site.

One Coleshill resident expresses support for the additional employment created, but is concerned over resulting additional HGV movements on local roads. He also advocates a direct link from Hams Hall to the M6 Motorway, and welcomes the introduction of “colour into the drab vista presented by the existing grey and white sheds”.

## **Observations**

The proposal essentially seeks to develop overflow and expansion space to store freight containers close to the existing rail freight terminal on the estate. The applicants believe that this increased capacity will enable the capacity already within the railway network to be realised through the additional movement of freight by rail. The dual rail sidings at the existing freight terminal can accommodate additional freight trains and recent developments in locomotive technology will also significantly increase the number of containers that can be moved in each freight train.

The site will operate 24 hours and 7 days per week. Containers arriving by rail will be moved from the rail freight terminal to the proposed storage site to facilitate their onward distribution by road. Containers arriving by road will also be stored on the site pending onward movement by rail.

Maritime Transport Ltd currently employs 50 people in the existing freight terminal. The proposed expansion could create up to an additional 450 jobs, of which 40 would be office based. The remainder would be mainly associated with the movement of containers e.g. lorry drivers. It is also suggested that the expansion would result in secondary ancillary employment in local support services e.g. vehicle maintenance.

The proposal would create a facility to store up to 600 containers within the two separate sites. The site layout plan submitted indicates this number of containers could be satisfactorily accommodated without giving rise to undue adverse amenity impacts. A condition to limit the overall number of containers stored on the site at any one time to no more than 600 is however recommended.

The proposed use will result in vehicle traffic, both cars and HGV's, accessing the Hams Hall site. It will also generate HGV movements between the existing rail freight terminal and the application site. The impact of this is however estimated to be small. A Transport Statement and subsequent additional details have been submitted. These indicate the proposed storage facility would generate on average 29 vehicle trips per hour over the busiest period. This is estimated to be fewer or equivalent to the vehicle movements that would likely to be generated by the warehouse developments which could be constructed on the sites. Movements between the existing freight terminal and the application site are estimated to be some 17 two-way trips per hour during the busiest hour, which is estimated to be 13:30 hrs to 14:40 hrs, outside the typical morning and evening highway network peak hours. The Highway Authority is satisfied that the development would not have an adverse impact on the local highway network as capacity was built into that network at the time of the initial Hams Hall development and because the access is directly onto the primary road network. The Highway Authority has recommended conditions to ensure safe vehicle access is provided. Subject to these conditions and to secure the development of a Travel Plan to promote the use of sustainable modes of transport to the site, the proposed development will accord with the relevant saved transport policies of the North Warwickshire Local Plan 2006.

The impact of the proposed development would not be dissimilar from the impact of the warehouse developments for which planning permission is extant. The proposed use will result in less built floor space and will thus have a more open appearance, although parking bays for HGV / lorries will take up the majority of the open area within both sites and will be a significant to the overall appearance of the site. The container stacks will present a less homogenous appearance than warehouse buildings constructed in traditional cladding, containers are painted in different colours and the mix will vary over time. The proposed office modular office buildings would provide a building frontage to Faraday Avenue and the visual impact will be mitigated by the landscaping proposed along the boundary with that road. Overall the appearance of the proposed development would not be too much out of keeping with the existing character of this commercial area.

The site is within an area not only designated for storage and distribution uses within the current planning permission for Hams Hall, but one that is also designated for industrial uses by the Development Plan. As such there is no objection in principle to the proposal. The applicants anticipate that 65% of containers will be moved using the rail freight terminal facility; the close proximity to the existing Coleshill Inter-modal Freight Terminal is thus a material consideration. In providing additional storage capacity close to the rail freight terminal, the proposal will increase capacity for the movement of freight by rail. This accords with the Development Plan and the National Planning Policy Framework 2012 also promotes development of facilities that will

encourage use of sustainable modes of transport, and particularly refers to “exploiting opportunities for the use of sustainable transport modes for the movement of goods”. In addition to the increased rail freight capacity, the required Travel Plan to promote sustainable modes of transport to the site will enhance the sustainability of the proposed development. Members will note that condition number 6 limits the use of the site to a freight container storage and distribution use to promote a sustainable development that will maximise use of the sustainable mode of freight transport offered by the Rail Freight Terminal.

A site layout plan which shows the different elements of the development is submitted and elevations are provided for the proposed office buildings. The site layout however could be improved. The area of landscaping proposed to Faraday Avenue is not as wide as landscaped areas provided elsewhere on adjacent plots, and as a result the proposed office buildings are closer to the road than other buildings. The container stacking areas extend close to Faraday Avenue, particularly the area within Site B; these elements will thus be prominent in views along the road. The agent has confirmed that the layout could be revised to address these matters and provide a satisfactory layout that would meet requirements of Development Plan policies. This can be achieved through a conditions to require the submission and approval of a revised site layout and landscaping and planting scheme prior to commencement of any development, (conditions 7 & 8) together with conditions to preclude development that is too close to Faraday Avenue, (condition 3) and to limit the overall number of containers, (condition 4), and the height to which containers can be stacked containers to 15 metres, effectively no more than five containers high, (condition 5), and to require a minimum width for landscaping and planting to be provided to areas adjoining Faraday Rd and the spur road.

Lighting will be required for the operation of the terminal during hours of darkness. Although some details are provided, further details are required to ensure the lighting scheme will not cause an adverse impact. This can be addressed by a condition to require the submission and prior approval of the proposed lighting scheme. Similarly the submission and approval of details of any tannoy or other sound amplification equipment and of noise attenuation measures such as with respect vehicle reversing audible warning devices can also be required by condition.

Ground investigations of the site undertaken for previous planning applications revealed potential ‘hot spots’ of contamination within the area of Plot 6 and elevated levels of some pollutants within the area of plot 10. These matters have been resolved through remedial works and these have been verified. The only outstanding concern is to ensure that appropriate measures to prevent the ingress of gas from the ground, are incorporated within the design of any building to be erected on the site. This can be ensured by a condition.

## Recommendation

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

### Conditions to define the permission:

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 site red line plan received by the Local Planning Authority on 16/4/2012.

#### REASON

To ensure the development is carried out in accordance with the approved plan.

3. No buildings shall be erected on a part of the site that is within 20 metres of the site boundary to Faraday Avenue and no containers shall be stored on any part of the site that is within 30 metres of the site boundary to Faraday Avenue.

#### REASON

To ensure the layout that will not result in adverse impacts in the interests of amenity.

4. No more than 600 containers shall be stored on the site at one time. Containers shall be stored only in the locations so designated on the site layout plan required to be submitted by Condition 3.

#### REASON

In the interests of the visual amenities of the area.

5. No container shall be stored on the site, either in a stack of containers or otherwise, where the height of the top of the container exceeds 15 metres above ground level.

#### REASON

In the interests of the visual amenities of the area.

6. The development hereby approved shall not be used for any purpose, including any other purpose within Class B8 of the Town and Country Planning (Use Classes) Order 1987, (as amended), or in any statutory instrument revoking and re-enacting that Order with or without modification, other than for freight container storage and distribution and shall maximise the opportunity for sustainable transport provided by the Coleshill Inter-Model Rail Freight Terminal.

REASON

To limit the use of the site in the interest of sustainable development.

**Conditions requiring compliance before development commences:**

7. No development, including the use hereby approved, shall commence until a site layout plan showing all details of the site layout has been submitted to and approved in writing by the Local Planning Authority. This shall include the positions and dimensions of the vehicle accesses, vehicle circulation and parking arrangements, the areas where containers will be stored and the positions and dimensions of office buildings, gatehouses and other buildings or structures to be erected.

REASON

To ensure the layout that will not result in adverse impacts in the interests of amenity and highway safety.

8. No development, including the use hereby approved, shall be commenced until a landscaping scheme and planting schedule have been submitted to and approved in writing by the Local Planning Authority. The minimum depth for the areas to be landscaped shall be 10 metres for areas adjoining Faraday Avenue and 5 metres for areas adjoining the spur road.

REASON

In the interests of the visual amenities of the area.

9. No works to construct any building on the site shall be commenced before details of all building facing and roofing materials; surfacing materials and screen wall, boundary wall or fencing materials to be used have been submitted to and approved by the Local Planning Authority in writing. The approved materials only shall then be used.

REASON

In the interests of the visual amenities of the area.

10. No works to construct any building on the site shall be commenced until details of the measures to be provided to prevent the ingress of gas into to the buildings from the ground have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall then be implemented in full.

REASON

To ensure the risk of ground gas ingress is minimised.

11. The use hereby approved shall not be commenced until a noise impact assessment has been submitted to and approved in writing by the Local Planning Authority. This shall assess the operational activities associated with the use hereby approved to identify the potential of adverse impact arising from noise and shall include measures to mitigate any significant adverse impact identified.

REASON

In the interest of amenity

**Conditions requiring compliance prior to occupation:**

12. The development shall not be occupied until the public highway has been improved so as to reinstate the radius turnouts at the junction of the cul-de-sac access spur road with Faraday Avenue in accordance with a scheme approved in writing by the Local Planning Authority.

REASON

In the interests of safety on the public highway.

13. The accesses to the site for heavy goods vehicles shall not be used unless a bell mouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.

REASON

In the interests of safety on the public highway.

14. The development hereby approved shall not be occupied until a Travel Plan, to promote the use of sustainable modes of transport to travel to the site and which sets out the measures proposed to be carried out within the plan, has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full at all times.

The Travel Plan shall:

(i) specify targets for the proportion of employees and visitors travelling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;

(ii) set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;

(iii) identify a senior manager of the business using the site with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development.

REASON

In the interests of promoting sustainable development.

**Other conditions:**

15. The vehicle or other accesses to the sites shall not be constructed in such a manner as to reduce the effective capacity of any drain within the limits of the public highway.

REASON

In the interests of safety on the public highway.

16. All planting, seeding or turfing comprised in the approved landscaping details required by condition 8 shall be carried out in the first planting or seeding season following the commencement of the development; 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 species and size.

REASON

In the interests of the amenity

17. No external lighting shall be placed or erected on the site until details of the lighting scheme, including hours of operation, have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed, operated and maintained in accordance with the approved scheme.

REASON

In the interests of the amenity.

18. No sound amplification equipment shall be placed or erected on the site without details first having been submitted to, and approved in writing, by the Local Planning Authority.

REASON

In the interests of the amenities of the area.

**Reasoned Justification**

The site is within an area designated for storage and distribution uses and is close to the existing rail freight terminal. The proposal is considered to accord with saved Core Policy 2 and saved Policy ECON1 of the North Warwickshire Local Plan 2006. The proposal will increase capacity for the movement of freight by rail. This is a material consideration. This is in accord with saved policy TPT5 of the North Warwickshire Local Plan 2006 and Policy T10 of the adopted West Midlands Regional Spatial Strategy. The National Planning Policy Framework 2012 also promotes development of facilities that will encourage use of sustainable modes of transport. The close proximity of the site to the existing rail freight terminal is thus a significant consideration in this case.

The Highway Authority is satisfied the development would not have an adverse impact on the local highway network and subject to the conditions to ensure safe vehicle access is provided and the implementation of a Travel Plan to promote the use of sustainable modes of transport to the site, the proposed development will accord with saved policies ENV14, TPT1, TPT2 and TPT3 of the North Warwickshire Local Plan 2006.

The proposed development would not be out of keeping with the overall character of this commercial area. The impact of the development is not too dissimilar to the impact of the warehouse developments for which planning permission is extant. Details of the development submitted are not considered to fully accord with saved policies ENV6, ENV11, ENV12 and ENV13 of the North Warwickshire Local Plan 2006, however these matters can be and are addressed through conditions and subject to compliance with requirements of the attached conditions, a satisfactory development would be achieved.

## BACKGROUND PAPERS

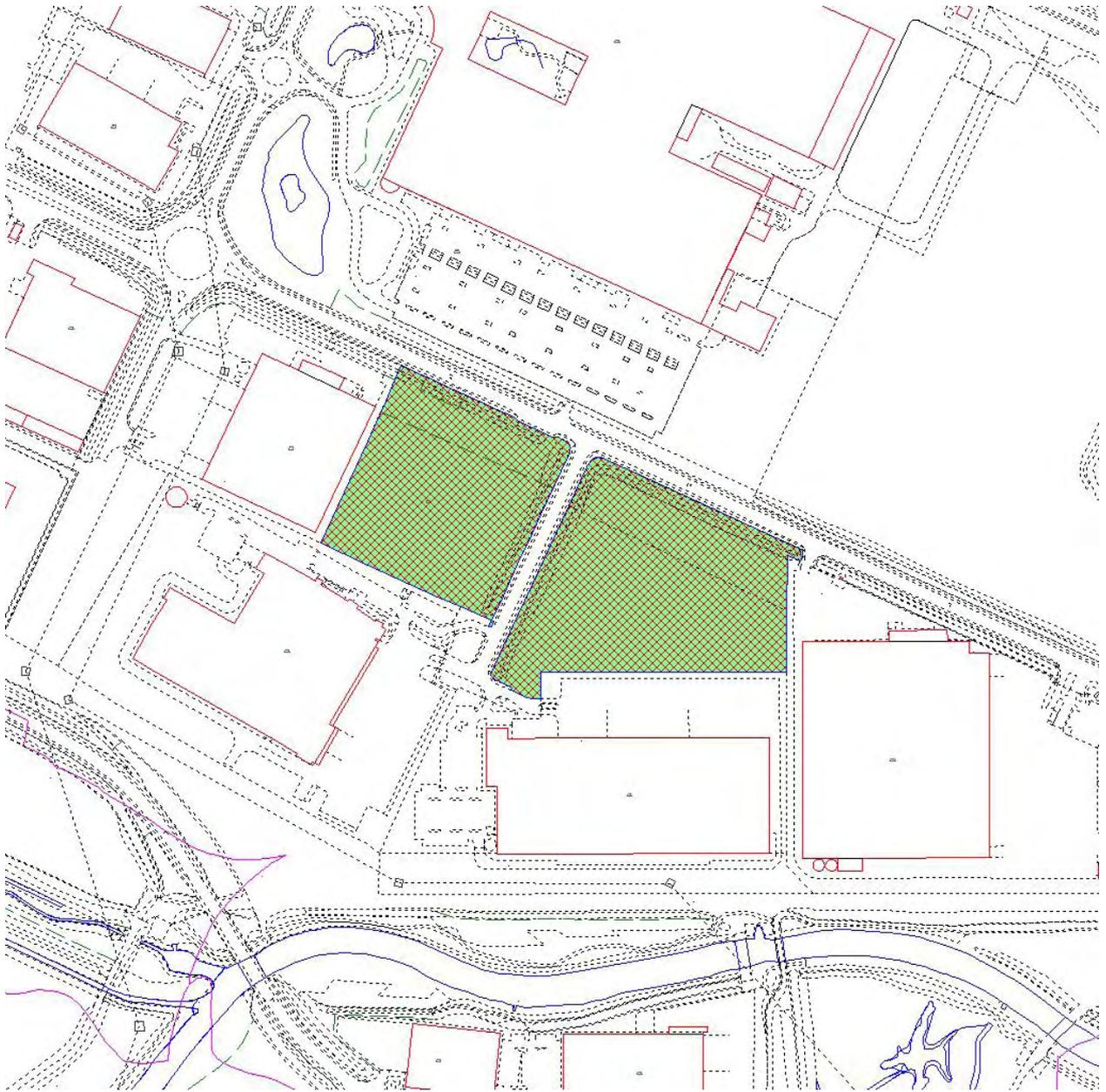
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2012/0220

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	16/4/2012 25/5/2012 22/8/2012 8/10/2012 4/12/2012 5/12/2012
2	ST Water	Consultation	8/6/2012
3	WCC Highways	Consultation	29/6/2012 & 29/10/2012
4	D Axe	Representation	5/6/2006
5	Coleshill & District Civic Society	Consultation	6/7/2012

*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.*



# Appendix A



Denis Winterbottom  
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North Warwickshire District Council  
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Our ref: KW/110655  
Your ref: PAP/2012/0220

04 December 2012

Dear Denis

## PROPOSED DISTRIBUTION OPERATION FOR MARITIME TRANSPORT LIMITED, FARADAY AVENUE, HAMS HALL

I write on behalf of our client Maritime Transport Ltd, in response to the discussions held at our recent meeting on 27 November held at your offices.

At the meeting you stated that members sought further clarification on the nature of my clients business, and the amount of employment the application will generate. Maritime Transport Limited is one of the most successful logistics companies within the UK, employing in excess of 1,000 employees nationwide, with a turnover of £120 million. The company operates from 11 locations throughout the country, including key locations such as Felixstowe, Liverpool, Southampton, South Shields, Tilbury and Thamesport supporting the economy of the area and employing local people in each of the respective depots. The company has a blue-chip customer portfolio including major containers shipping lines, freight forwarders, logistics companies, distributors and retailers. As you are aware Maritime currently operates a transfer depot in the rail freight terminal at Hams Hall, which is now at absolute capacity.

At present Maritime employs approximately 70 members of staff (drivers and administrative staff). The application proposal will increase the total number of staff to 455, of which 52 will be office based. The table below identifies the existing number of employees and the proposed amount of jobs to be created at Hams Hall within the next ten years:

Job Title	Current Employee Numbers	Years 1-5	Years 6 - 10	Shift Pattern
Office Based Staff	8	28	52	24 Hour Cover
Security Staff	2	7	13	24 Hour Cover
Yard Workers	0	0	0	06.00 mon – 14.00 Sat Cover
Drivers	70	245	455	Varying Hours

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## BNP PARIBAS REAL ESTATE

As discussed at our meeting, I confirm that Maritime propose to employ a locally based workforce, and support the immediate economy of the region.

Furthermore, as discussed at the meeting we propose that condition 8 to be reworded as follows:

"the development hereby approved shall not be used for any purpose including any other purpose in Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any statutory instrument revoking and re-enacting that Order with or without modification other than for the storage, transport and distribution of cargo, maximising the advantage of the proximity of Coleshill Inter Model Rail Freight Terminal".

In terms of the revised site layout plan, this will be submitted to you by the end of this week and can confirm that we respect the members suggestion and will ensure that the landscaping observes the 10 metre depth on the Faraday Avenue boundary and 5 metre depth on the Spur Road boundary Furthermore as discussed at our meeting, I look forward to receiving clarification that there are no outstanding issues relating to site contamination.

Please do not hesitate to contact me if you require any further information and I look forward to receiving confirmation that planning application PAP/2012/0220 is being presented to planning committee at the meeting to be held on 17 December.

Yours sincerely

A handwritten signature in black ink, appearing to read "K. Williams".

Kiran Williams

**(5) Application No: PAP/2012/0248**

**Land to the North of, Common Lane, Corley, CV7 8AQ**

**Certificate of lawfulness application for existing uses of A1 - retail sale of wooden goods, B2 - general industry, B8 - storage, for**

**- C W Young (Wholesale) Ltd**

**Introduction**

This application is reported to the Board in light of its site being included in a larger area of land affected by extant Enforcement Notices.

**The Site**

The application site is part of a much larger rectangular area on the north side of Common Lane to the east of Corley Moor. The M6 Motorway is just to the north. The actual application site is the behind the road frontage on the right hand side of a central access track which extends through the site.

**Background**

As Members are aware, applications for Certificate of Lawfulness are not planning applications. The applicant here is claiming that the area of land depicted in his application has been continuously used for the purposes set out in his application over the last ten years – that is from 30 May 2002. As such he is claiming that those uses are therefore lawful and immune from enforcement action. He has submitted evidence supporting his claim. The Council has to consider this evidence along with other evidence that it may itself hold, and determine whether, on the balance of probability, the whole evidence supports the claim. The test for the Council is whether the evidence supports the claim, “on the balance of probability”, not on the stricter test of the evidence showing “beyond reasonable doubt” that the claim is verified.

Development Plan policy and any assessment of the impacts of the uses claimed in the application are not relevant to the determination of this application. That rests wholly on the strength of the evidence concerning continuous use.

The area of the application site however is contained within the scope of extant Enforcement Notices which relate to an unlawful builders merchants use operating from the Notice land requiring, amongst other things, the cessation of that use and the removal of building materials, plant equipment.

**The Proposal**

This is an application seeking a Certificate of Lawfulness for A1, B2 and B8 uses. More particularly, the A1 use sought is for the sale of wooden goods; the B2 use is for the manufacture of wooden goods and the storage use is for the storage of wooden goods, un-worked timber and forklift trucks.

The extent of the area sought is shown at Appendix A.

The applicant has submitted three Affidavits to support the claim of lawfulness.

The first is from Mrs Young, a Company Director of the business presently operating from the land and who has personal knowledge of the site from 1965 to the present. Much of the content of the affidavit records activity before 2002. However this does describe the presence of a timber shed business and refers to a saw mill and timber storage, cutting, pickling and assembly on the application site. It identifies a larger operation than that which has continued until now, but refers to named individuals who ran a wood working and joinery business from the application site, and concludes that the uses have been continuous.

The second is from one of those named individuals. He says that he owns his own joinery business and that it occupies part of the application site. He has been on this site since 1977 and used the land for the cutting of timber and the storage of timber.

The third is from the “book keeper” of the builder’s merchants business. She confirms the evidence of the joiner above.

## **Representations**

Corley Parish Council – It refers to potential options for the future of the site as it does not understand the reason for the application given the lengthy planning history and the extant Enforcement Notices affecting the land. On further clarification it says that it can not dispute the 10 year claim.

One further representation refers to the visual state of the site requesting that the current Notices are enacted on promptly.

## **Observations**

There are several issues with the evidence that has been submitted which point to the probability test outlined above, not being passed.

The first is that the application is for three uses – A1, B2 and B8. However the evidence suggests that the dominant use being sought here is that of the manufacture of wooden products, a B2 use, and that the sale and storage of goods and products is ancillary to this use, not separate discreet uses. The applicant has been asked to clarify this and to confirm whether the interpretation of the use is as suggested above. There has been no response.

The second is that the evidence does not differentiate adequately as to the scale and scope of the B2 use together with its ancillary uses, as opposed to uses that are covered by the extant Notices - for instance to what extent is the sale and storage of wooden goods covered by the Notices? Members will understand that the import and subsequent storage of wood for the manufacture of wooden sheds or windows for example and the subsequent storage of those products are ancillary uses to the main manufacturing use. However if timber is brought onto the site and then stored there, for the purposes of the unauthorised builders merchants use, then that is a different use – and one covered by the extant Notices. That would make it unlawful. The application is not precise enough in its evidence to distinguish between the two uses. Again this point has been made to the applicant and there has been no reply.

Thirdly, and following on from this, there is doubt as to the geographic extent of the use sought – assuming it is a B2 one – and the other unauthorised uses described above. It is acknowledged that there are unlikely to be discreet areas for either use, but the submitted evidence makes no attempt to try and distinguish between the two, and therefore the extent of the site on the application is doubted in that it may be too large – i. e. it includes land used for the unlawful use. Again the applicant has not responded to this issue.

As a consequence of these matters and with no response or reply from the applicant over several months and with several reminders, the questions raised above still remain unanswered and the application lacks the precision necessary to come to a decision based on the “probability” test. It is acknowledged by officers, as confirmed by the Parish Council and indeed the submitted evidence that there may well have been a B2 use on part of the site for the manufacture of wooden products, but without the particular details and issues as referred to above being resolved, the doubts remain over the application description and the site over which the Certificate is sought. The key issue here is that the application detail and the evidence needed has not paid sufficient attention to the requirements of the extant Enforcement Notices. As such the application can not be supported.

Notwithstanding two previous successful prosecutions, compliance with the requirements of the extant Enforcement Notices affecting the land north of Common Lane here, remain to be carried out. As such it is considered necessary to once again pursue legal action in the Courts. The applicant has been made aware of this possibility throughout the course of dealing with the above Certificate application. Moreover such action can be taken irrespective of the outcome of that application or indeed any appeal proceedings that might ensue.

### **Recommendation**

- a) That 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.
- b) That 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.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2012/0248

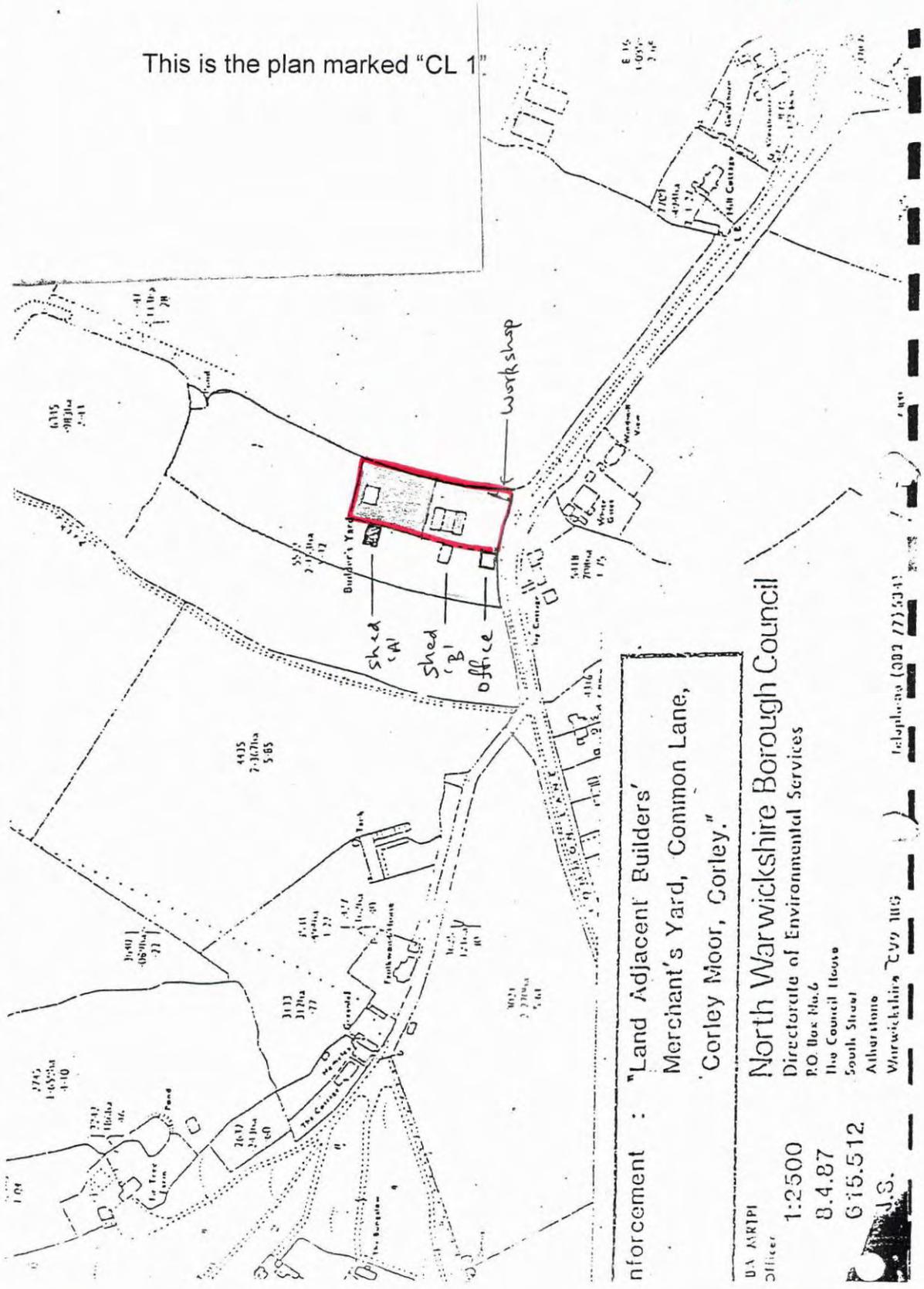
<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	30/5/12
2	Head of Development Control	Letter	6/6/12
3	Corley Parish Council	Representation	11/6/12
4	Head of Development Council	Letter	12/6/12
5	J Macdonald	Representation	12/6/12
6	Corley Parish Council	Representation	18/6/12
7	Head of Development Control	Letter	27/6/12
8	Head of Development Control	Letter	13/7/12
9	Head of Development Control	Letter	30/7/12
10	Head of Development Control	Letter	8/11/12

*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.*



This is the plan marked "CL 1"



enforcement : "Land Adjacent Builders'  
 Merchant's Yard, Common Lane,  
 Corley Moor, Corley."

North Warwickshire Borough Council  
 Directorate of Environmental Services  
 P.O. Box No. 6  
 The Council House  
 South Street  
 Altherstone  
 Warwickshire CV9 1UG Telephone (082 773534)

DA MRTP  
 Officer  
 1:2500  
 8.4.87  
 615.512  
 U.S.

**(6) 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 given the level of interest generated and there being a Section 106 agreement linked to the application.

**The Site**

The existing karting track and proposed land for the extension lies outside of any settlement boundary, but close to the edge of Tamworth. It is orientated on a north-west to south-east axis, with a hill slope to the north-east. A footpath crosses the site, and this is further expanded upon later in this report. The Tamworth golf course and an industrial estate lie to the west; further open land and residential properties of the Stonydelph estate lie to the south beyond the B5000. There is farmland to the north and Robeys Lane to the east. The nearest residential dwelling to the track itself, apart from Priory Farm, is some 210 metres to the south. There is peripheral vegetation and trees which lie between the site and these features, and the B5000 carries a heavily vegetated bund along the southern side for some of the Stonydelph estate. There is also a 1.5 metre bund which runs along the south-west edge of the existing track. The site and its context are set out at Appendix A.

**The Proposal**

It is proposed to extend the existing karting track to the north-west of the existing track as well as providing an extended pit land and relocated holding area to the north-eastern side. In addition a 2 metre high bund is to be created to the south-western edge of the existing and proposed track. These proposals are shown at Appendix B.

**Background**

Planning permission was originally granted on a temporary basis for a buggy track in 1991, with a further temporary permission in 1994 for the operation of a karting circuit and use of a building to facilitate this. This permission was accompanied by conditions and a Section 106 agreement to limit the use of the track. A further permission in 1994 allowed for the erection of lighting at the circuit at its use until 10pm each day. That permission expired in March 1999. A two-storey extension to the club room was granted in 1995, and in 1996 a variation to the 1994 permission allowed for use of mini-motorbikes as well as karts.

In 1999 permanent consent for the karting track and use of adjacent buildings was granted. This carried a new schedule of conditions and a fresh Section 106 agreement ("the 1999 Section 106"), attached at Appendices C and D. These limit the use of track to certain hours, only karts and mini-motorbikes, the number of karts or mini-motorbikes to be run at any one time, and that the vehicles were fitted with silencers and the karts

limited to a certain engine size. The 1999 Section 106 was modified in 2010 to allow for the use of a slightly different engine in the karts (Appendix E), whilst permission was granted in 2011 to increase in the number of karts/mini-motorbikes from 6 to 12 (Appendix F).

Environmental Health officers – particularly the Tamworth Environmental Health officer – have been involved with this site in respect of noise complaints from the nearest residents on the Stonydelph estate in Tamworth. Despite complaints over a number of years, a statutory nuisance has never been proven.

This application has been re-registered following a material change to the site area in light of a conflict with the public footpath. Residents and technical consultees have been reconsulted and at the time of writing the consultation period is still open. Any further representations will be reported verbally at the meeting.

## **Development Plan**

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).

## **Other Relevant Material Considerations**

North Warwickshire Core Strategy (Pre-submission Document November 2012): NW1 (Settlement Hierarchy) and NW8 (Sustainable Development).

Government Advice: National Planning Policy Framework

## **Consultations**

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 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. As a result, 19 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. All 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.

Following a material change in the application site, the application was re-registered on 14 November. All those previously consulted and having made individual representations were re-consulted and that period of consultation remains open at the time of writing. At the time of writing, some objectors have written to re-assert their concerns.

## **Observations**

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. Beyond this there are concerns as to the impact on the public footpath as well as visual amenity and highway 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.

The 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. This point is highlighted to Members and will become important in assessing the likely impacts.

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.

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 before crossing and standing in a gateway 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. 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, it 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.

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 other vehicles and use of 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 points have been referred to the applicant for their clarification, although it is quite possible that there is no breach of planning control on some or all of these matters. Members will be updated in due course.

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, 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, officers acknowledge that where issues are focussed around noise Members may wish to visit the site and see the use in operation prior to reaching a decision. The recommendation below thus reflects this. However it should be borne in mind that the biggest and most material controls over noise breakout will remain unchanged – that which is imposed by the amended planning permission and 1999 Section 106. The “amount” of noise which can emanate from the existing or proposed track is a fixed value, and existing controls can be carried forward. There is also a potential material improvement being advanced here – that is the moving of the holding area, the increase in the length and height of the bund, and potentially a reduction in the hours of operation which is being pursued by officers.

#### **(b) Other matters**

In light of the above discussion and recommendation below, it is not intended to discuss those matters in this report. Members will be able to appreciate the likely visual impacts during a site visit, and attention can also be drawn to the existing footpath. A later report will expand upon these considerations.

#### **Recommendation**

- A. That 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.
- B. That 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.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2012/0301

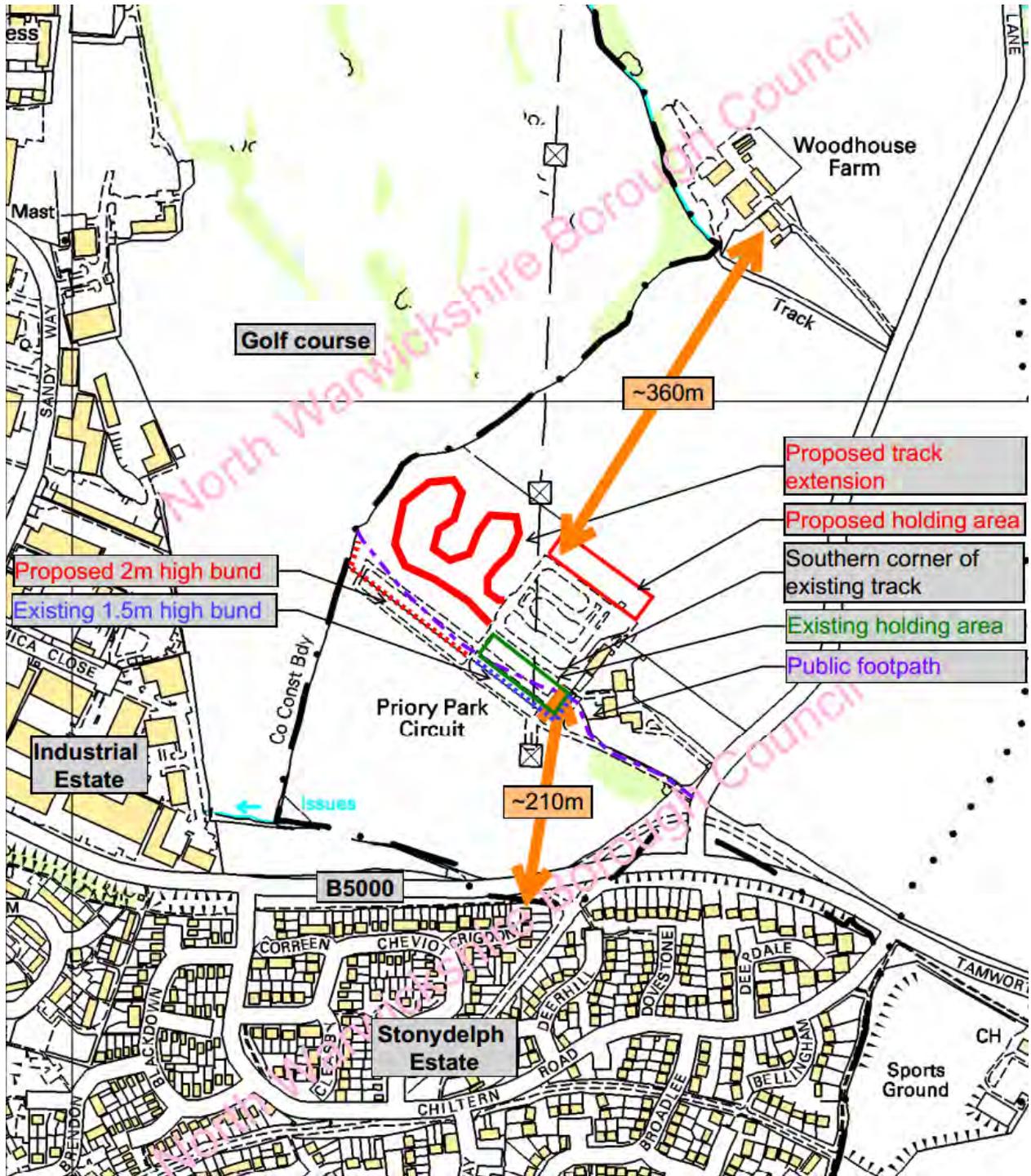
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	15/06/2012
2	Environmental Health Officer	Consultation reply	31/07/2012
3	Mr & Mrs Worrall	Representation	05/08/2012
4	Mrs D C Davis	Representation	06/08/2012
5	Tamworth Borough Council Planning Officer	Email to Case Officer	06/08/2012
6	Case Officer	Email to Tamworth Borough Council Planning Officer	06/08/2012
7	D Broadhurst	Representation	08/08/2012
8	Mr & Mrs R E Goddard	Representation	08/08/2012
9	Lisa Clarke	Representation	08/08/2012
10	Sandra Shaw	Representation	08/08/2012
11	Ms Harrison	Representation	09/08/2012
12	M & L Tanner	Representation	09/08/2012
13	Mr & Mrs P Franks	Representation	10/08/2012
14	Gary Cottrell	Petition	12/08/2012
15	Mr S Marshall	Representation	13/08/2012
16	Miss Louise Parker	Representation	14/08/2012
17	H Jones	Representation	14/08/2012
18	Simon Redican	Representation	14/08/2012
19	Mr Thompson	Representation	14/08/2012
20	P J Powell	Representation	15/08/2012
21	Neil Box	Representation	15/08/2012
22	<Name illegible> 16 Cheviot	Representation	16/08/2012
23	Patrick Doheny	Representation	17/08/2012
24	Christopher Pincher MP	Representation	17/08/2012
25	H Jones	Representation	20/08/2012
26	Janette Madge	Representation	20/08/2012
27	Ryan Hancocks	Representation	20/08/2012
28	Gary Cottrell o/b/o 85 residents	Round Robin letters	21/08/2012 23/08/2012
29	Tamworth Borough Council Environmental Health Officer	Consultation reply	07/09/2012
30	County Footpaths Officer	Consultation reply	10/09/2012
31	Case Officer	Letter to agent	10/09/2012
32	James & Carol Beauchamp	Representation	10/09/2012
33	Tamworth Borough Council	Consultation reply	19/09/2012
34	Case Officer	Site visit notes	23/09/2012
35	County Footpaths Officer	Consultation reply	27/09/2012
36	Case Officer	Letter to agent	11/10/2012
37	Case Officer	Email to agent	31/10/2012
38	Councillor Margaret Clarke (Stonydelph Ward)	Representation	13/11/2012

Application re-registered at this point

39	The Applicant or Agent	Plans and Statement(s)	14/11/2012
40	Neil Box	Reconsultation Representation	20/11/2012
41	Michael Franks	Reconsultation Representation	20/11/2012
42	Agent	Letter to Case Officer	28/11/2012
43	Mrs S L McAvoy	Reconsultation Representation	29/11/2012
44	Case Officer	Letter to Agent	30/11/2012
45	C L Beauchamp	Reconsultation Representation	04/12/2012
46	County Footpaths Officer	Reconsultation reply	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.*



Location plan and context

THIS DRAWING SUPERCEDES ANY PREVIOUS BLOCK/SITE PLAN AS PROPOSED.

# PROPOSED BLOCK/SITE PLAN

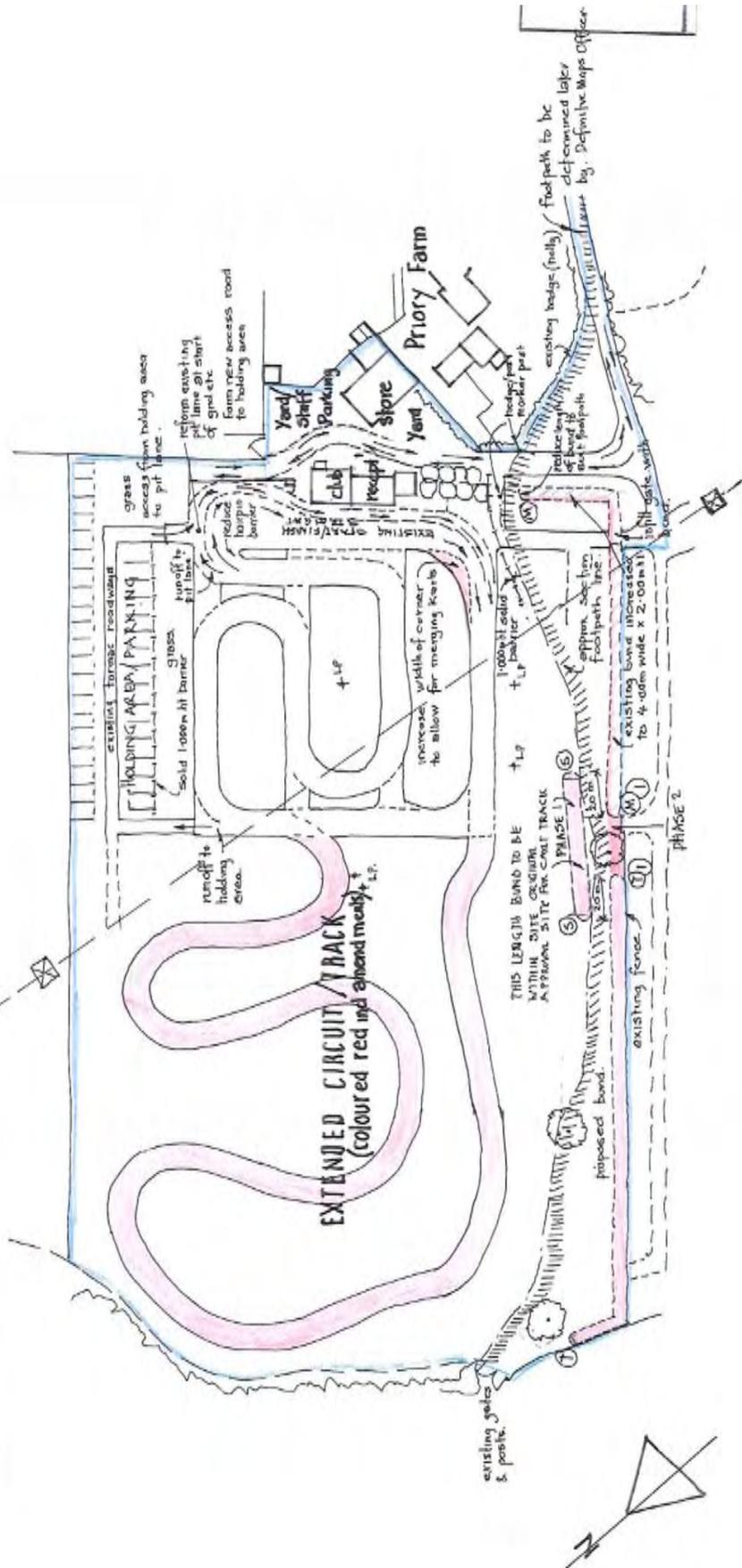
## REVISED

See footpath notes on existing.

Scale: 1:1250

Date: November 12 2012

Dwg: 280512/ 21



SKD  
63054

Dated 16<sup>th</sup> April 1999

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

and

**(1) BERTRAM JOHN HODGETTS**

**(2) MICHAEL STEVEN HODGETTS**

**(3) AGRICULTURAL MORTGAGE CORPORATION**

**PLANNING OBLIGATION BY DEED OF AGREEMENT**

**Under Section 106 of the  
Town and Country Planning Act 1990  
Relating to the Change of Use of  
Land and Buildings to the Operation of  
an Outdoor Karting Circuit at  
Priory Farm, Robeys Lane,  
Alvecote, Shuttington**

THIS DEED OF AGREEMENT is made the 16<sup>th</sup> day of April one thousand nine hundred and ninety nine

BETWEEN

- 1 NORTH WARWICKSHIRE BOROUGH COUNCIL of The Council House, South Street, Atehrstone, North Warwickshire, CV9 1BD and
- 2 BERTRAM JOHN HODGETTS AND MICHAEL STEVEN HODGETTS of Priory Farm, Robeys Lane, Alvecote, Tamworth, Staffordshire, B78 1AR and Woodhouse Farm, Robeys Lane, Alvecote, Tamworth, Staffordshire ("the Developers") and
- 3 AGRICULTURAL MORTGAGE CORPORATION PLC whose registered office address is AMC House, Chantry Street, Andover, Hants SP10 1DD ("the Mortgagee")

WHEREAS

- 1.1 On 13 October 1998 the Planning Authority resolved that providing the Developers were prepared to enter into a Planning Obligation under Section 106 of the Act to ensure that noise and disturbance from the Karting Track and Karting Operations are properly controlled and regulated the Planning Application would be granted subject to conditions.
- 1.2 This Deed creates a planning obligation for the purpose of Section 106 of the Act to the intent that it shall bind the Land and shall be enforceable by the Council against the Developers and the persons deriving title to the Land under them.
- 1.3 Bertram John Hodgetts and Michael Steven Hodgetts have an interest in the land sufficient to enable them to enter into the obligations contained in this Deed.
- 1.4 The Mortgagee hereby enters into this Deed and acknowledges that subject as herein provided the premises shall be bound by the restrictions and obligations contained in this Deed.
- 1.5 The Council is the local planning authority for the purposes of the Act for the Land.
- 1.6 The Developers have agreed to give the undertakings set out in this document.

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2 DEFINITIONS

The Act	means the Town and Country Planning Act 1990.
The Blue Land	means other land owned by the Developers at Priory Farm, Robeys Lane, Alvecote, Tamworth, Staffordshire and shown edged in blue on the plan attached hereto.
The Developers	means Bertram John Hodgetts of Priory Farm, Alvecote, Tamworth, Staffordshire, B78 1AR and Michael Steven Hodgetts of Woodhouse Farm, Robeys Lane, Alvecote, Tamworth, Staffordshire.
Karting Operations	means the driving (whether for racing, practice or tuition), maintenance (including testing and revving of engines) or fuelling of karts, briefing of drivers, marshalling of races, and all other activities incidental thereto.
Karting Track	means the kart racing circuit on the Property.
The Planning Application	means application No 0676/98 lodged with the Planning Authority, being a detailed application for the change of use of land and buildings at the Property to use for the operation on a permanent basis of an outdoor karting circuit.
The Planning Authority	means North Warwickshire Borough Council of the Council House, South Street, Atherstone, Warwickshire, CV9 1BD.
The Property	means the land and property at Priory Farm, Robeys Lane, Alvecote, Shuttington, shown edged in red on the plan attended.

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NOW THIS DEED WITNESSETH AS FOLLOWS:-

1 The Developers hereby undertake:-

- (i) no vehicles other than karts fitted with unmodified Honda GX200 6.5 horsepower 4 stroke engines fitted with proprietary silencers, or mini motorbikes fitted with proprietary silencers or such other engines as may be approved in writing by the Planning Authority, shall be driven or otherwise used on the Karting Track.
- (ii) No kart or mini motorbike shall be operated on the karting track unless it conforms to the noise level requirements stipulated by the Royal Automobile Club Motor Sports Association (RAC MSA) or their successor regulatory organisation.
- (iii) not to use the Property or the Blue Land for any purpose (other than agriculture) at any time when Karting Operations are taking place on the Property.

EXECUTED as a Deed this 16<sup>th</sup> day of April 1999

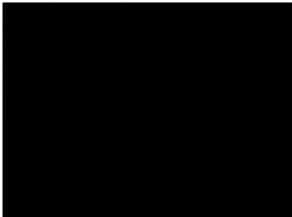
SIGNED as a Deed by the  
said BERTRAM JOHN HODGETTS  
in the presence of:

)  
)  
)



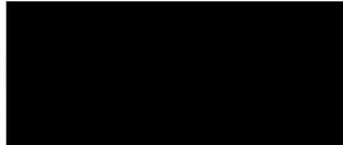
SIGNED as a Deed by the  
said MICHAEL STEVEN HODGETTS  
in the presence of:

)  
)  
)



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SIGNED and DELIVERED as a Deed )  
by Marcus Henry Bowes Carr )  
as Attorney and for The Agricultural )  
Mortgage Corporation Plc in the presence )  
of )



955747

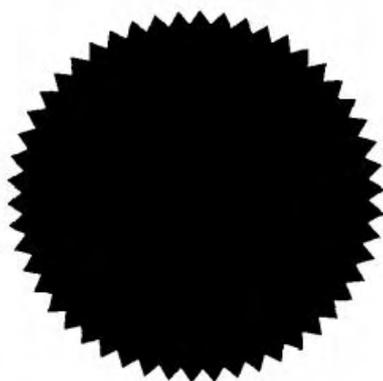
ANN ENTWISTLE  
AMC House  
Chantry Street  
Andover  
Hampshire SP10 1DD

THE COMMON SEAL OF NORTH )  
WARWICKSHIRE BOROUGH COUNCIL )  
was hereunto affixed in the )  
presence of: )



Designated Officer

N. W. B. C.  
SEAL  
REGISTER  
No 3792





**North Warwickshire  
Borough Council**

Planning Division  
The Council House  
South Street  
Atherstone  
Warwickshire  
CV9 1BD

# DECISION <sup>R</sup>

**PLANNING PERMISSION  
WITH CONDITIONS**

Page 1

TO: B J HODGETTS  
OF: PRIORY FARM  
STONEYDELPH  
TAMWORTH  
B78 1AR

The Town and Country Planning Acts

The Town and Country Planning General Development Orders

-----  
Application Number: PSHUXX/0676/98/FAP

Development: RENEWAL OF PERMISSION FOR  
USE OF LAND AND BUILDINGS AS  
OUTDOOR KARTING CIRCUIT  
XXX

For: B J HODGETTS

At: PRIORY FARM  
ROBEYS LANE  
SHUTTINGTON  
XXX

-----  
Deposited with the Council on 12th May 1998  
The Borough Council, having considered the application for permission  
to carry out the above development, **HEREBY GIVE YOU NOTICE** that  
**PERMISSION is GRANTED**, subject to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of five years from the date of this permission.  
Reason:  
To comply with S.91 of the Town & Country Planning Act 1990.
- (2) No more than six karts shall be operated on the 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.  
Reason:  
In the interests of the amenities of the area.
- (3) 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.

DATE: 28th April 1999

AUTHORISED OFFICER OF THE COUNCIL DB. Atkin .....

Please take note of all continuation pages.

Borough Planning Officer  
David Atkin BA FRTP





**North Warwickshire  
Borough Council**

Planning Division  
The Council House  
South Street  
Atherstone  
Warwickshire  
CV9 1BD

# DECISION

**PLANNING PERMISSION  
WITH CONDITIONS**

Page 2

Application Number:  
PSHUXX/0676/98/FAP

**CONDITIONS CONTINUED:**

- (4) No karting activities, ancillary operations shall take place between 2100 and 0930 hours on Mondays to Fridays, between 2100 and 1030 hours on Saturdays and 2100 and 1030 hours on Mondays, and on Public Holidays or Bank Holidays.  
**Reason:**  
To prevent disturbance to the occupiers of nearby properties.
- (5) Before the commencement of the development, a landscaping scheme shall be submitted to the District Planning Authority for approval.  
**Reason:**  
In the interests of the amenities of the area.
- (6) The scheme referred to in Condition No. (5) shall be implemented within six calendar months of the date of occupation of the premises for business purposes, and in the event of any tree or plant failing to become established within five years thereafter, each individual tree or plant shall be replaced within the next available planting season to the satisfaction of the District Planning Authority.  
**Reason:**  
In the interests of the amenities of the area.
- (7) No lighting, tannoy or audible warning systems shall be installed at the site unless previously submitted to and approved by the District Planning Authority.  
**Reason:**  
In the interests of the amenities of the area.
- (8) Within three months of the granting of planning consent the vehicular access to the site from the C8 Robeys Lane shall be widened to 6.0 metres for a distance of 15.0 metres into the site, as measured from the near edge of the public highway carriageway.  
**Reason:**  
In the interests of road safety.

AUTHORISED OFFICER OF THE COUNCIL

*DS. Atkin*

Borough Planning Officer  
David Atkin BA FRTP





**North Warwickshire  
Borough Council**

Planning Division  
The Council House  
South Street  
Atherstone  
Warwickshire  
CV9 1BD

# DECISION

**PLANNING PERMISSION  
WITH CONDITIONS**

Page 3

Application Number:  
PSHUXX/0676/98/FAP

**CONDITIONS CONTINUED:**

- (9) Within three months of the granting of planning consent an advance warning sign relating to the proximity of the site access (details of which to be approved in writing by the District Planning Authority) is to be erected within the land edged in blue on the plan dated 12 May 1998 accompanying this planning application at or about a point 90.0 metres from the vehicular access to the site.  
**Reason:**  
In the interests of road safety.
- (10) Within three months of the granting of planning consent the vehicular access shall be regulated and resurfaced with a macadam bound material to the approval of the District Planning Authority for a distance of 15.0 metres into the site, as measured from the near edge of the public highway carriageway.  
**Reason:**  
In the interests of road safety.
- (11) Within three months of the granting of planning consent the verge crossing shall be laid out and constructed to the standard specification of the Highway Authority.  
**Reason:**  
In the interests of road safety.
- (12) 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:**  
In the interests of the amenities of the area.

DATE: 28th April 1999

AUTHORISED OFFICER OF THE COUNCIL

*DBA*  
.....

Borough Planning Officer  
David Atkin BA FRTP



DATED 9<sup>th</sup> day of March 2010

NORTH WARWICKSHIRE BOROUGH COUNCIL

-and-

BERTRAM JOHN HODGETTS

-and-

STEVEN TERRY

**DEED OF VARIATION**

**SUPPLEMENTAL TO AN AGREEMENT**

**(UNDER SECTION 106 TOWN AND COUNTRY PLANNING ACT 1990)  
DATED 16 APRIL 1999**

**RELATING TO**

---

**PRIORY FARM, ROBEYS LANE, ALVECOTE, SHUTTINGTON  
NORTH WARWICKSHIRE**

---

THIS DEED of VARIATION is made the 4<sup>th</sup> day of March Two Thousand and Ten  
BETWEEN:-

- (1) NORTH WARWICKSHIRE BOROUGH COUNCIL of The Council House, South Street, Atherstone, Warwickshire CV9 1DE ("the Council")
- (2) BERTRAM JOHN HODGETTS of Priory Farm, Robeys Lane, Alvecote, Shuttington, North Warwickshire
- (3) STEVEN TERRY of 60 Hayfield Hill, Cannock Wood, Rugeley, WS15 4RS

SUPPLEMENTAL TO An Agreement dated the 16<sup>th</sup> April 1999 and made between the first two parties hereto ("the Principal Agreement")

**RECITALS**

A The Council is the Local Planning Authority for the administrative area in which the Land (as defined in Recital B below) is situate

B Bertram John Hodgetts ("the Owner") is the Owner, and Steven Terry ("the Leaseholder") has a Leaseholder interest in part, of the land situate at Priory Farm, Robeys Lane, Alvecote, Shuttington, North Warwickshire and shown edged Red on the Plan annexed hereto (marked Plan 1) (hereinafter called "the Land")

C The Principal Agreement was entered into in contemplation of the issue by the Council of a planning permission for use of the Land as an outdoor karting track

D The Owner and the Leaseholder wish to carry out the planning permission in manner that requires the Principal Agreement to be varied.

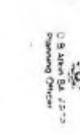
**NOW THEREFORE THIS AGREEMENT WITNESSES that**

- 1 Clause 1 (i) of the Principal Agreement shall be varied from that contained with the Principal Agreement:

Scale 1:2500

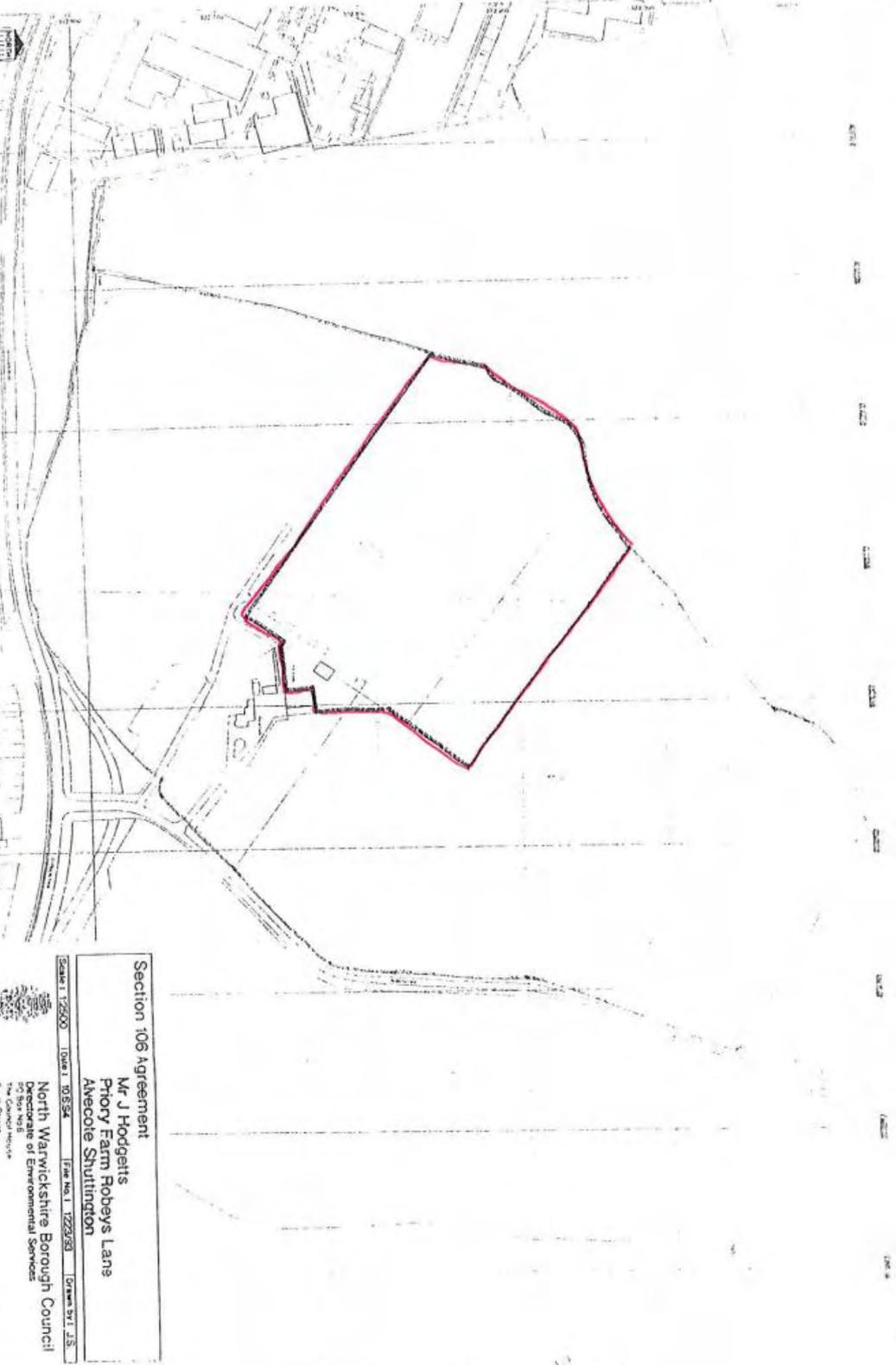


100 meters



0 B. Allen B.A. J.P.S.  
Planning Officer

North Warwickshire Borough Council  
Department of Environmental Services  
The Old Mill House  
Salem Street  
Atherstone CV47 9HQ  
Warwickshire CV47 9HQ



Section 106 Agreement  
Mr J Hodgetts  
Priory Farm Robeys Lane  
Aweole Shurlington

Scale 1:2500 | Date 1.10.04 | File No. 1. 722/38 | Drawn by J.S.

1 (i) No vehicles other than karts fitted with unmodified Honda GX 200 6.5 horsepower four stroke engines fitted with proprietary silencers, or mini-motorbikes fitted with proprietary silencers or such other engines as may be approved in writing by the Planning Authority, shall be driven or otherwise used on the Karting Track

to the following clause:

1 (i) No vehicles other than karts fitted with unmodified Honda GX 270cc 9 horsepower four stroke engines fitted with proprietary silencers, or mini-motorbikes fitted with proprietary silencers or such other engines as may be approved in writing by the Planning Authority, shall be driven or otherwise used on the Karting Track

**2 IT IS HEREBY AGREED AND DECLARED** as follows:

- 2.1 that all other provisions of the Principal Agreement shall continue in effect
- 2.2 that this Deed of Variation is entered into in pursuant to the Provisions of Section 106 of the Town and Country Planning Act 1990

IN WITNESS WHEREOF the Parties have executed this Deed

THE COMMON SEAL of NORTH )  
WARWICKSHIRE BOROUGH COUNCIL )  
was hereunto affixed in the presence of: )

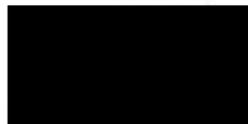


DESIGNATED OFFICER  
Duly Authorised Officer .....



N. W. B. C.  
SEAL  
REGISTER  
No 51411

SIGNED as a DEED )  
by BERTRAM JOHN HODGETTS )  
in the presence of: )



CHRISTOPHER DAVID PRICE  
TOWN CROFT  
MAIN ROAD  
ANSLOW  
BURTON-ON-TRENT  
STAFFS



3

SIGNED as a DEED  
by STEVEN TERRY  
in the presence of:

)  
)



62 HAYFIELD HILL  
CANNOCK WOOD  
RUGELEY  
STAFFS WS15 4RS



North Warwickshire  
Borough Council

Mr David Paveley  
Tamworth Karting  
Priory Park  
Robeys Lane  
Alvecote  
Tamworth  
Staffs  
B78 1AR

**Jeff Brown** BA Dip TP MRTPI  
**Head of Development Control Service**  
The Council House  
South Street  
Atherstone  
Warwickshire  
CV9 1DE

Telephone: (01827) 715341  
Fax: (01827) 719225  
E Mail: [PlanningControl@NorthWarks.gov.uk](mailto:PlanningControl@NorthWarks.gov.uk)  
Website: [www.northwarks.gov.uk](http://www.northwarks.gov.uk)

Date: 26 October 2011

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

## DECISION NOTICE

Application to Vary Conditions/Non-compliance with  
Conditions

**Application Ref: PAP/2011/0258**

### Site Address

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

Grid Ref: Easting 424507  
Northing 302711

### Description of Development

Variation of condition no: 2 of planning permission FAP/1998/4955 (PSHUXX/0676/98/FAP) relating to  
number of karts in use, to increase from 6 to 12, in respect of use of land and buildings as outdoor karting  
circuit

### Applicant

Mr David Paveley - Tamworth Karting

Your planning application was valid on 31 August 2011. It has now been considered by the Council. I can  
inform you that:

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

1. No more than twelve karts shall be operated on the 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.

#### REASON

To protect the amenities of nearby residential property.

2. 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.

Authorised Officer: \_\_\_\_\_

Date:

26 October 2011

3. No karting activities, ancillary operations shall take place between 2100 and 0930 hours on Mondays to Fridays, between 2100 and 1030 hours on Saturdays and 2100 and 1030 hours on Mondays, and on Public Holidays or Bank Holidays.

REASON

To prevent disturbance to the occupiers of nearby properties.

4. No lighting, tannoy or audible warning systems shall be installed at the site unless previously submitted to and approved by the Local Planning Authority.

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.

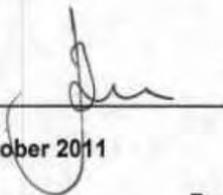
INFORMATIVES

1. This permission has the effect of replacing planning permission ref: PSHUXX/0676/98/FAP. You are advised to ensure you are familiar with all the conditions contained herein, some of which will have been transferred from the former permission.
2. The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): ENV11 (Neighbour Amenities).

REASONED JUSTIFICATION

The proposal is not considered to cause a significant increase in noise emissions above background noise levels at the nearest residential receptors, and consequently is not considered to be detrimental to neighbouring amenity. As such, the proposal is in accordance with saved policy ENV11 of the North Warwickshire Local Plan 2006 and national policies as set out in Planning Policy Statement 23. Other matters relating to the use of the site and buildings for karting purposes remain unchanged since the 1999 consent. There are no material considerations that indicate against the proposal.

Authorised Officer: \_\_\_\_\_



Date:

26 October 2011

**APPEALS TO THE SECRETARY OF STATE**

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

**PURCHASE NOTICES**

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

**NOTES**

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

Authorised Officer: \_\_\_\_\_

Date:

26 October 2011

Page 3 of 3

**(7) Application No: PAP/2012/0348**

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

**Demolition of existing garden centre, and erection of 27 dwellings with associated parking and landscaping, for**

**- Crescent Trustees**

**Introduction**

This application is referred to the Board as it involves a departure from the Development Plan and because it is accompanied by a Section 106 Agreement. Receipt of the application was referred to the August meeting of the Board and the report for that meeting is attached at Appendix A for information.

Since that time there have been a number of changes to the proposal. Additionally the preparation of the draft Core Strategy and the draft Site Allocations DPD have progressed. The present report will firstly outline these changes

Members are referred to the last report at Appendix A for a description of the site and its associated buildings together with an outline of the relevant policies of the Development Plan. Appendix B illustrates the immediate setting and the existing building cover.

The revised plans are currently out to re-consultation and any representations received will be reported verbally at the meeting.

**Changes to the Proposal**

**a) Layout and Design**

The application is now for 27 dwellings rather than the original 33 – seventeen are proposed with four bedrooms; nine with three and one with two bedrooms.

The proposed layout is broadly similar to the original submission with the majority of the built development around the southern and western boundaries leaving the frontage to the main road largely open. It is illustrated at Appendix C. The three main changes are firstly that there is now a single line of development in the south-east “indent” lining up with the same building line as the existing neighbouring houses immediately to the east. Secondly, the line of development to the west has been brought forward so as to remove two garage blocks that stood “forward” of the original layout, and finally, the great majority of the parking and garaging provision is now at the rear of the housing making it far less visible. This leads to the provision of three garage/parking courts, with 54 spaces - 200% provision.

The overall appearance of the housing has altered through the introduction of a far simpler design attempting to reflect the rural setting rather than the more “urban” feel of the original submission – see Appendices D, E and F as examples.

There is no change to the proposed access position or to the proposed mounding and landscaping in front of the houses between them and the road.

## **b) Other Changes**

The previous report – Appendix A - indicated that the original submission was to provide 30% of the houses as “affordable” housing through a series of different tenures on the site. It is now proposed that all of the houses on site would be open market houses, but a contribution of £253,000 is included as an off-site contribution in lieu of any on-site provision. This would form the basis of a revised Section 106 Agreement.

## **c) Additional Documentation**

Following receipt of the application, the Environment Agency required a Flood Risk Assessment to be undertaken and this is now submitted. It does not propose measures that affect the proposed layout and design of the amended proposals.

The original report submitted with the application looking into the future potential of the site for employment purposes has been supplemented with additional evidence sought by officers. This re-affirms the original report’s conclusions.

## **d) Additional Information**

The applicant has indicated that the garden centre site is to close at the end of the year and Members may have seen the signs of this on site when passing and in the local press.

## **Update of the Material Planning Considerations**

Since the last report, the Council’s Draft Core Strategy has progressed to the point where a Submission Strategy has been agreed by the Council and this is presently in its final consultation period. Consideration of objections will take place in the New Year with a view to submission in the spring. Policy NW1 identifies a settlement hierarchy. Nether Whitacre is not included. Whitacre Heath is and new development is to be limited to that identified in the Strategy. In the case of Whitacre Heath, policy NW4 identifies a requirement for 20 dwellings.

The Council has now approved its preferred locations to meet the requirements set out in the draft Core Strategy. The draft Site Allocations DPD identifies three sites in Whitacre Heath to meet the requirement for 20 new dwellings. It will be going out to consultation at the beginning of February.

A report is to be taken to the next LDF Committee on 18 December which concludes that the Council now has well in excess of a five year housing supply.

## **Consultations**

Warwickshire County Council as Highway Authority – No objection subject to standard conditions. It does however request a contribution of £15000 to be paid in order to provide vehicle activated signs on the main road, through a Section 106 Agreement.

Severn Trent Water Ltd – No objection subject to standard conditions.

Environment Agency – The site lies in Flood Zone 1 which has a low probability of flooding. However the scale of the proposal may present risks of flooding if surface water run-off is not managed. A Flood Risk Assessment is thus essential. This has now been provided and forwarded to the Agency. Its further comments are awaited.

Fire Services Authority – No objection subject to its standard condition.

Environmental Health Officer – No objection subject to standard conditions.

The Council's Valuation Officer – The conclusions of the supporting documentation in respect of the future potential of the site for commercial use are agreed. The report is detailed and all aspects of commercial use have been investigated. It does appear that uses other than residential are unlikely to be viable. The officer's observations on the financial appraisal underlying the current proposed Section 106 affordable housing contribution are awaited.

### **Representations on the Original Submission**

Nether Whitacre Parish Council – The Council writes to say that it “agrees in principle to the application as do local residents in the main”. It concludes that redevelopment for a residential use is the “lesser of two evils” when the alternative might be a commercial redevelopment. Nevertheless the scale of the development will be intrusive and contrary to the intention of the Green Belt. Traffic considerations should include safety measures between the Gate public house and the site entrance because of the number of accidents and traffic speeds.

Coleshill Civic Society – There is a perception that this is over-development with an urban feel, inappropriate to the green belt setting. The appearance lacks distinctive character.

Eight letters have been received – including two from addresses outside of Nether Whitacre. Of those six from local residents there are four who object and the other two raise a number of concerns. One of the two from outside of the locality requests information on affordable housing provision and the second supports the application.

The objectors refer to the following matters:

- exacerbation of existing road and traffic problems – speeding cars and increased traffic
- this is inappropriate development in the Green Belt and should be refused.
- It is an unsustainable location with few services/facilities and poor access
- Impact on the openness of the Green Belt
- Impact on the residential amenity of neighbouring property, particularly those adjoining the site.
- This is the wrong site for affordable housing
- Loss of local employment opportunities

Those expressing concern refer to:

- have the owners marketed the site as a garden centre?
- Local services are insufficient
- The site does flood and more information is needed on this.
- Too many houses are proposed
- It is out of keeping

- Existing trees should remain on the site

That expressing no objection refers to:

- there is a growing need for housing

Representations received on the amended plans will be reported verbally at the meeting.

## **Observations**

### **a) Introduction**

The determination of this application has to be assessed as to whether it accords with the Development Plan or not, unless other material planning considerations indicate otherwise. In this case, it is those other considerations that are going to give rise to much of the argument in this report. This is wholly because of the impact of the publication of the National Planning Policy Framework (“NPPF”) and particularly in what it has to say about the Green Belt. This report will thus start with the crucial issue – is this appropriate development in the Green Belt? The answer to that question will then direct much of the later argument.

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

The site is in the Green Belt as defined by the 2006 Local Plan. Saved Policy ENV2 of that Plan states guidance set out in the Government’s Planning Policy Guidance Note Number 2 (PPG2) will apply to new development proposals in the Green Belt. However PPG2 has now been replaced by the NPPF and that must take precedence. It carries full and overriding weight. Members will appreciate that there is a presumption of refusal for “inappropriate” development in the Green Belt, and thus a presumption of approval for “appropriate” development. The NPPF now provides the definitions of what is appropriate or not. The construction of new buildings is inappropriate as a consequence. However the NPPF outlines six exceptions to this. The relevant one to this case is,

“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”.

Hence if a development proposal falls into the exception above, it is appropriate development in the Green Belt. The reason for including this quote in full is to draw Member’s attention to the fact that it does not distinguish between uses. It just refers to “redevelopment”.

Dealing with the current proposal therefore, it is agreed that it is for the complete redevelopment of previously developed land regardless of whether that land is in use or not. Hence the proposal is well on the way to being “appropriate” development. However there are two conditions to this initial conclusion. These are whether the proposal has any greater impact on the openness of the Green Belt than the existing, and whether it has any greater impact on the purpose of including it within the Green Belt than the existing.

These two conditions need to be explored.

There is no definition of “openness” in the NPPF. It is generally taken to mean the “absence of development”. However in this case we are not starting with “open” land devoid of any development or structure. Therefore there have to be meaningful measures against which we can assess whether the proposal has a worse or greater impact on openness than the existing development. Members are familiar with one of these - the quantitative one, namely the comparison of footprints and volumes. In this case the total footprint of all of the existing buildings is around 3000 square metres, with the proposal amounting to 2900 square metres. The comparative volume figures are around 13700 cubic metres and 10000 cubic metres. It has to be noted that the NPPF definition above excludes “temporary buildings” and thus the applicant’s calculations have been amended in round terms to take this into account. Nevertheless, there is around 25% less built volume being proposed on the site than exists presently. As such openness is likely to be enhanced. However there should also be a qualitative assessment. In other words do the layout and the general disposition of the proposed built form reduce the perception of openness on the site? The existing layout has the majority of its built form forward on the site – particularly prominent is the main sales building in the north-west. The proposed layout is set much further back into the site and the north-west corner has less built form. Additionally there is no overall increase in the height of the proposed buildings over the existing, and the large surface car parks at the front of the site would be removed. On the other hand however it is significant that new development would be introduced into the presently open area adjoining the residential development to the east – i.e. next to Cherry Trees and Gable End Cottage, and that the proposal appears as a continuous line of development. In other words the qualitative assessment is not as clear cut as the quantitative one, because the proposal takes a different form to that existing and the impacts are different. On balance, it is considered that when these two measures are put together, the impact on openness is slightly worse with the proposed development, and at best it is neutral. This is because of the “infill” of the presently open area at the east of the site.

The second condition refers to the purposes of including land within the Green Belt. This is a more difficult condition to assess as the site being considered is already developed and in use. Hence this is not a comparison between an open field and the proposed development. There are five purposes for including land within the Green Belt. The first is to restrict “sprawl” of large built-up areas. This does not apply here because of the distance of the site from such areas. The second also does not apply – the prevention of the merger of neighbouring towns. The third however may seem to be of automatic relevance – safeguarding the countryside from encroachment. But this site is not countryside and is already developed. There is no greater impact on this purpose with the built development proposed. The fourth does not apply – the preservation of the setting of historic towns. The final purpose is that land can serve a Green Belt function if it assists urban regeneration by encouraging the recycling of derelict and other urban land. This is not applicable here as this proposal would not prevent urban land from being recycled. As a consequence of this analysis it is concluded that in this case the condition set out in the NPPF is satisfied.

Putting these two conclusions together, it is considered that the decision as to whether this proposal is appropriate or not appropriate, is finely balanced. Whilst recognising that there is some harm to openness, this is not substantial and there are other issues pulling in the opposite direction. A rounded view has to be taken. It is concluded therefore that when the two conditions are taken together that the proposal has Green Belt impacts that are at best “neutral”, and at worse of limited harm.

For the purposes of the rest of the report it is taken that the development is inappropriate development – in other words adopting the “worst case scenario”. This therefore leads to the assessment of other material planning considerations and whether they carry the weight sufficient to override the limited harm caused by the inappropriateness of the proposal.

## **b) Commercial Redevelopment**

One of the issues raised by the representations and one that needs to be explored in any event as a material consideration is the potential loss of employment land. There are three aspects to this issue.

The first is that the site is to become vacant in early 2013. This is public knowledge and a material consideration. The owners indicated at the time of submission that this would be the case. The reason is said to be a commercial one in that the existing operation is no longer viable. They quote the vacation of the Water World business even after rent free periods and the loss of the motor home business. However they have submitted evidence to show that the concern here was running into difficulties during the past five years, prior to the closure of these ancillary uses. The core business was thus giving rise to concern. It is said that the location of the business was not ideal with customers having to travel some distance; that the customer base was largely local, that the site could not compete with the larger national garden centre chains and the range of their products, and that Green Belt restrictions made investment in substantial new building uncertain. The applicant has also provided evidence to show that marketing of the site as a garden centre prior to submission resulted in little interest. Overall this evidence is of material weight in the consideration of this particular issue.

Secondly, the applicant submitted a report which looked at the future potential for the employment/commercial redevelopment of the site. That report looked at the situation locally as well as further afield and took advice from a number of Agencies dealing with the sale and leasing of employment land as well as taking soundings on the state of the economy and likely prospects for an up-turn. Evidence is provided on the suitability of the site for a range of employment uses – from B2 general industrial to those within the B1 office and R and D use classes. The summary of this report is attached at Appendix G. Supplementary evidence was requested on whether the report’s conclusions were “structural” or just a short term issue with the conclusions remaining even in a better economic situation. The response confirmed that this site would be an unlikely preferred employment site even in better times. Evidence of other existing employment sites in rural areas becoming vacant and remaining so was also sought. Examples were provided which confirm lack of commercial interest but stronger residential interest. Finally additional information was sought as to whether there was any “bespoke” business or use that would be likely to take an interest in a site such as this. The response indicated that this was unlikely because of occupiers seeking more established employment areas with better access, facilities and a better supply of labour. Together this provides a substantial evidence base and concludes that there is little immediate or even medium term prospect of this site being redeveloped for commercial use. This again is of material weight in the consideration of this particular issue.

A third issue would be whether the local community and in particular the local residents would prefer a commercial redevelopment. Clearly any scheme involving HGV movements would be inappropriate but even B1 uses can involve significant traffic generation and the likelihood of some environmental impacts. The general consensus is probably that a residential use is preferable. However there is no survey undertaken to measure this and it is based on representations received and comments made at the time of the applicant's pre-application community consultation, which were submitted at the time of submission. It should therefore be given limited weight in the determination of this application.

The evidence submitted in respect of this issue has to be given significant weight. There is little reasonable prospect of the site being redeveloped for commercial/employment use and virtually no prospect of it re-opening as a garden centre. In these circumstances the site will remain disused into the immediate and short term. This is not in itself a reason for the grant of planning permission, but Member's attention is once again directed to the content of the NPPF. This introduces a significant new direction. In the section on building a strong and competitive economy, it concludes by stating that, "Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose". It is considered that this position should apply to the case in hand.

### **c) The Settlement Hierarchy**

As reported above, consideration of the Green Belt issue does not revolve around any consideration of the use which a redevelopment scheme is proposing. It solely revolves around the built form and its impact. It is now necessary to look at the proposal as a residential development. The site is clearly not located within a defined settlement boundary; the proposal is for a significant number of houses and no affordable provision is to be made on the site. As such it fails to accord with the Development Plan. Indeed, the identification of a settlement hierarchy and the delivery of new housing requirements proportionate to a settlement's position within it are continued into the draft Core Strategy. It is the Council's approach to sustainable development. Therefore it is considered that the emerging Core Strategy is consistent with the planning principles of the NPPF and should thus carry weight. As a consequence this current proposal is unsustainable development.

There are several matters to further explore within this issue.

Firstly, there is the matter of whether a planning permission here would be premature to the adoption of the Core Strategy in that it would upset the overall spatial strategy that is being advocated within draft documents. It is considered not, but whilst the size of the development is not "strategic" when compared to the overall housing requirement during the plan period, it is significant in terms of the local area – the Whitacres and Shustoke – and the housing requirements sought here by the draft Core Strategy. This carries some weight.

Secondly, Nether Whitacre has little in the way of community facilities or services. Whitacre Heath has a wider range of such facilities and thus a degree of new housing is proposed by the Core Strategy, for which suggested preferred locations are now identified. There are no public transport connections to this settlement from the site. This adds weight to the discord with Development Plan policy. On the other hand, the

additional housing here would also sustain those facilities in Whitacre Heath to some degree, including the School at Shustoke. This more general support of services though development in one village within a local cluster of settlements is advanced by the NPPF. However on balance, it is considered that this is not of sufficient weight to favour the application.

Thirdly, there is the matter of the five year land supply. The NPPF requires a five year supply of “deliverable” sites together with an additional 5% “to ensure choice and competition in the market for land”. With recent planning permissions in Atherstone and Arley and the publication of the draft Preferred Site Allocations DPD, officers are now confident that supply in excess of five year is available. The evidence and background to support this conclusion is to be reported the Council’s next LDF Committee on 18 December. This position carries significant weight.

Fourthly, there is no affordable housing provision on the site because both housing and planning officers consider that it is not a suitable location for such housing – no public transport and no nearby facilities. The provision of an off-site contribution would in this case be more meaningful as it could be directed to local need and to the best local location. This approach has been taken elsewhere in the Borough – notably at Shawbury – and flexibility of approach is advocated by the NPPF. As such this weighs for the proposal. However, the contribution is offered in lieu of a 30% on-site provision. Policy requires a minimum of 40%. There does not appear presently to be a justification of the 30% in terms of financial appraisals. Moreover the contribution itself will need to be justified. Members will recall in the Shawbury situation referred to above, a similar value of contribution was agreed but with a development of fifteen houses. These doubts weigh significantly against the proposal.

These four matters have now all to be weighed cumulatively against the initial conclusion of the proposal being for an unsustainable development. It is considered that they add weight to that conclusion and that as a consequence the departure from the existing and emerging Development Plan remains of substantial weight.

#### **d) Design and Appearance**

Notwithstanding the issue to with “openness” as recorded above in respect of the “infilling” of the land at the east of the site, there is not considered to be an issue in general terms with the proposed layout or appearance of this development. It is set well back into the site and two storey in height. There will be mounding and landscaping forward of the housing. As indicated earlier the design is now far simpler reflecting a rural location. The amended scheme has less of an impact on the existing residential properties to the east as there is now a common building line. Separation distances to existing houses to the south are satisfactory and it should be remembered that the existing site is used heavily by the visiting public and thus there is likely to be less intrusion with the proposed scheme.

#### **e) Other Matters**

As reported earlier, there are no technical objections to the proposal. The Environment Agency’s final observations are however still awaited.

Many of the representations received refer to highway matters. It is significant that the Highway Authority does not object. The re-use of the existing access as the sole vehicular access is seen by the Highway Authority to be appropriate and indeed the best arrangement given the scale of the proposed development. It also recognises that

the traffic generation arising from the site is likely to be far less than that arising from the current lawful use, but that the peak movements from a residential scheme are likely to be different than the peak periods from a garden centre use. The representations received refer to the accident record close to the site. It is not suggested that these are a direct result of the garden centre, but to the general speed of traffic using the road. The Highway Authority agrees that speeds can and often exceed the 30mph limit here and thus there is an existing issue which would continue whether or not this proposal is permitted. In order to attempt to reduce the likelihood of continuing accidents it requests larger than normal visibility splays at the access together with the provision of a traffic management measure through the introduction of "vehicle activated signs" on the main road. The former can be achieved and could be conditioned through the grant of any planning permission. In respect of the second matter the issue is whether the request is directly related to the development itself or to the mitigation of an existing situation. The Highway Authority itself recognises that the traffic generation arising from the proposal is likely to be less than with the existing use and thus the request should not automatically be considered to be an essential requirement. However because the peak periods of movement are going to be different and that they will coincide with peak traffic movements on the road, it is considered that there is a case here to supplement the provision of wider visibility splays with such signs in the best interests of traffic safety. This can be dealt with through the Section 106 Agreement.

## **f) Conclusions**

This will start from the position, as outlined at the end of section (a) above – that is that this is inappropriate development but that the harm is limited. It is considered that the consideration to do with the potential of the site for future employment is of significant weight and would on balance outweigh the limited harm done to the Green Belt. However the consideration to do with this being a residential development and thus also one to be assessed against the settlement hierarchy, carries substantial weight. As a consequence it is considered that this would outweigh the conclusion reached above. The application should therefore be recommended for refusal.

However, Members may take the view that the impact on the Green Belt issue is neutral. In that circumstance the employment consideration would add weight in support of the application. However, again, the residential use and the settlement hierarchy would still carry substantial weight and on balance it is considered should outweigh that support, thus leading again to a potential refusal.

Both scenarios therefore suggest refusal. The recommendation below follows this approach, but significantly it indicates that officers are minded to refuse at this stage.

There are several reasons for this:

- the observations are still awaited from the Environment Agency
- the applicant should be given the opportunity to evidence the 30% figure for the off-site contribution as opposed to one of 40%
- the observations from the Council's Housing and Valuation Officers are still awaited in that respect
- the applicant will not have had the opportunity to comment on the changing circumstances to do with the emerging Core Strategy and the most up to date land supply situation
- there has been an open working relationship with the applicant from submission and this should continue in light of these outstanding matters.

If this recommendation is agreed, then discussions can continue, particularly when the clarification on the affordable housing contribution is provided and the formal observations are received from the appropriate officers. Additionally, it provides a further opportunity to explore how the limited impact on the openness of the Green Belt might be lessened further.

### **Recommendation**

That the Board is minded to refuse planning permission for the reasons outlined in this report, but instructs officers to continue discussion on the matters identified in its conclusion, with the applicant.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2012/0348

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	12/7/12
2	Head of Development Control	Letter	23/7/12
3	Environmental Health Officer	Consultation	25/7/12
4	Mr Simmons	Representation	27/7/12
5	Severn Trent Water Ltd	Consultation	30/7/12
6	Environmental Agency	Consultation	31/7/12
7	Fire Services Authority	Consultation	2/8/12
8	Mr & Mrs Naylor	Objection	3/8/12
9	Mr Turner	Objection	6/8/12
10	Mr Axe	Representation	10/8/12
11	Head of Development Control	Letter	13/8/12
12	Mr Edwards	Representation	10/8/12
13	Nether Whitacre Parish Council	Representation	13/8/12
14	Mr Hughes	Representation	13/8/12
15	Warwickshire County Council	Consultation	14/8/12
16	Tyler-Parkes Planning	Objection	17/8/12
17	J Ellis	Objection	21/8/12
18	Coleshill Civic Society	Objection	11/9/12
19	Valuation Officer	Consultation	13/9/12
20	Head of Development Control	E-mail	9/10/12
21	Applicant	E-mail	15/10/12
22	Agent	Amended plans	3/12/12
23	Agent	Letter	5/12/12

*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.*



**PAP2012/0348**

**Whitacre Garden Centre, Tamworth Road, Nether Whitacre**

**Demolition of the existing garden centre and the erection of 33 dwellings with associated parking and landscaping for**

**Crescent Trustees**

### **Introduction**

This application has recently been submitted. At this time it is reported to the Board for information, but it will be referred back to the Board for determination as the proposal represents a departure from the Development Plan and because it is accompanied by a Section 106 Agreement.

### **The Site**

The application site is the whole of the existing garden centre on the south side of the Tamworth Road close to the village of Nether Whitacre. It comprises 1.67 hectares and presently has two access points onto the Tamworth Road which forms the northern boundary to the site. To the west the boundary is Reddings Lane and to the south and east there is farmland and a number of individual residential properties. These boundaries are hedgerows with individual trees. The whole area is in the countryside with a rural outlook and appearance.

A large proportion of the site is covered by buildings – there are five main ones in use by the garden centre amounting to a footprint of 2965 square metres. These are predominantly modern brick structures with glazed panels and covered in corrugated sheeting. There are also a number of “secondary” buildings such as mobile offices, containers and sheds which together amount to a footprint of 3150 square metres. The area of hard-standing for car parking extends to 6238 square metres in area – Appendix A illustrates the location of these various elements.

The main building on the site has a height of 6 metres and the smaller buildings average around 3 to 4 metres in height.

A location plan is attached at Appendix B, which illustrates the surrounding residential properties. The proposed site layout is at Appendix C. The front elevations of the proposed dwellings are shown at Appendices D and E, with the garage blocks with some of proposed accommodation over them at Appendix F.

### **The Proposals**

The complete demolition of all of the buildings is proposed and the site would then be re-developed completely by the construction of 33 new dwellings. These would be arranged around two blocks which effectively create one two and one three-sided courtyards. In overall terms they would all look north to the road frontage. They are however set well back from that road. A range of dwellings is proposed – single

storey, two and two and a half storey. The maximum height would be 9 metres for one dwelling in one of the blocks and 8 metres in the other. The total footprint of the proposed houses is 2629 square metres. The mix of house types would include 14 four bedroom houses; 9 three bedroom houses, 4 two bedroom bungalows, and 6 two bedroom flats. 60 car parking spaces are proposed in a mix of car ports, garages and shared parking courts. The existing main access off the Tamworth Road is to be retained as the single access into the site.

The proposal includes a 30% provision of affordable dwellings – that is 10 in number. These would be split throughout the site and comprise 4 three bed houses; 4 two bed bungalows and four two bedroom flats. Five of these would be for affordable rent; 1 for shared ownership and 4 as low-cost or discounted market houses. They would meet HCA requirements with the intention of transferring the rented and shared ownership houses to a Registered Provider. It is proposed that the low cost market houses would be sold at 70% of market value with restrictive covenants requiring later sales at the same % discount in perpetuity. All of the ten affordable units are proposed for completion and to be ready for occupation before 75% of the market dwellings are completed. A Section 106 Agreement is proposed to secure delivery of the ten affordable units.

The application is accompanied by supporting documentation. This includes a Planning Statement, including the outcome of pre-application consultation carried out by the applicant; a Design and Access Statement, a Habitat Survey, an Arboricultural and Tree Condition Survey, a Transport Assessment, a report on the potential of the site for employment purposes, together with a Development (Financial) Appraisal and report of the provision of affordable housing on the site.

#### **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 2 (Development Distribution), 3 (Natural and Historic Environment), 8 (Affordable Housing), 11 (Quality of Development) and 12 (Implementation) together with policies ENV2 (Green Belt), ENV7 (Development of Existing Employment Land Outside of Development Boundaries), ENV10 (Energy Generation and Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing) and TPT6 (Vehicle Parking)

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

The National Planning Policy Framework 2012 – Delivering a Wide Choice of High Quality Homes; Supporting a Prosperous Rural Economy, Requiring Good Design, Protecting Green Belt Land.

#### **Observations**

The applicant is arguing that the application is appropriate development in the Green Belt in that it comprises the complete redevelopment of a previously developed site which would have no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. It is said it thus accords with paragraph 89 of the NPPF.

The Board will need to explore this claim. In so doing it will need to consider three other principal planning policies. One of these is that the site's location is outside of any defined development boundary and thus beyond the settlement hierarchy outlined by the Development Plan. The issue is thus whether this is a sustainable location for a residential development of this size. Secondly, it will need to establish whether the affordable provision is adequate; matched to local housing need and capable of delivery. The Development Plan requires 100% affordable provision in such a location as this. The issue is thus whether the proposed provision can be justified on the evidence provided against this Plan requirement. Notwithstanding these two matters, and particularly whether or not the site is in a sustainable location, the Board will thirdly need to examine whether or not there is any scope for retaining the site as a viable garden centre either as it is or with new investment from a prospective purchaser in the same business. This would need to be expanded to see if there is sufficient weight of evidence available to consider whether the site could be redeveloped for other employment purposes, and particularly for other purposes either wholly or in part, involving uses that could be appropriate in the Green Belt.

Another significant issue will be the design and appearance of the proposed housing given its rural location – in other words does its' built form and appearance accord with the local character and distinctiveness of the area.

#### **Recommendation**

That the receipt of this application be noted at the present time, and that it be referred back to the Board for determination.

#### **Background Papers**

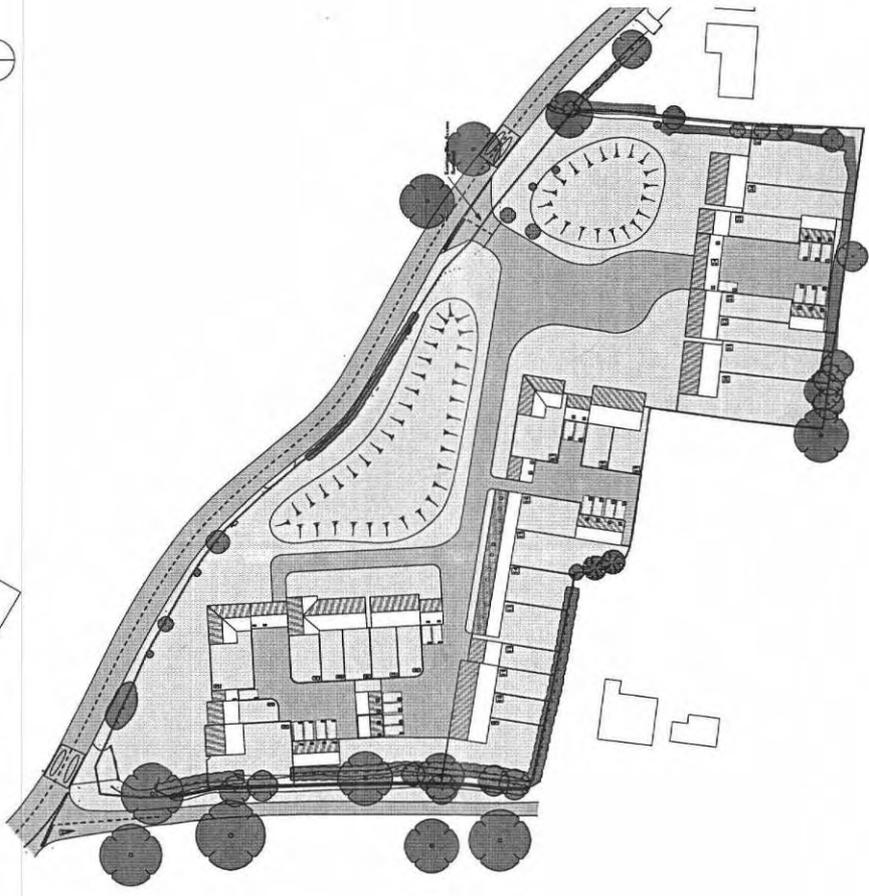
Application 12/7/12



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CLIENT: **Greenleaf Trustees**  
 JOB TITLE: **Whitlock Garden Centre, Nether Whitlock**  
 DRAWING TITLE: **Proposed Site Plan**  
 DRAWING NO.: **C1408/100**

SCALE @ A1: **1:500**  
 DATE: **Nov 2012**  
 DRAWN: **JM**  
 CHECKED: **JH**

**Proposed Site Plan**

27 WOOD STREET, COVENTRY, CV1 3BA TEL: (024) 7627 400 FAX: (024) 7628 404 Email: info@idpmidlands.com Web: www.idpmidlands.com  
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NOTES:-

**Elevation D**

**Elevation E**

REVISIONS

**FOR COMMENT**

**idp MIDLANDS**  
ARCHITECTS

CLIENT: **Concrete Towers**  
JOB TITLE: **Wilson Street Centre, Water Millbank**  
DRAWING TITLE: **Proposed Elevations - Sheet 3**  
DRAWING NO.: **C1087/212**

SCALE: **B3**  
DATE: **Nov 2012**  
DRAWN: **PH**  
CHECKED: **PH**

**Key Plan**

**Proposed Elevations - Sheet 3**

MIDLANDS - 27 SPON STREET, COVENTRY, CV1 3BA TEL: (024) 7637 600 FAX: (024) 7637 024  
E-mail: [info@idpmidlands.com](mailto:info@idpmidlands.com) Web: [www.idpmidlands.com](http://www.idpmidlands.com)

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NOTES:-

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**Key Plan**

**Proposed Elevations - Sheet 2**

HOLLANDS - 27 SPON STREET, COVENTRY, CV1 3BA TEL: (024) 76327 600 FAX: (024) 76326 624

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**ARCHITECTURE REDEFINED**

**idp MIDLANDS**  
ARCHITECTS

CLIENT: Coventry Trustees  
JOB TITLE: Midland Student Centre, Spones Walk  
DRAWING NO: C1008 / 211

SCALE @ A3: 1:200  
DATE: 02/04/2012  
DRAWN BY: P  
CHECKED BY: P

**idp MIDLANDS ARCHITECTS**

**FOR COMMENT**

REVISIONS

CLIENT: Coventry Trustee  
JOB TITLE: Welfare Student Centre, Silesley Welfare  
DRAWN BY: C1008/210

SCALE @ A3: 1:200  
DATE: Nov 2012  
DRAWN BY: [initials]  
CHECKED: [initials]

DO NOT SCALE  
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ARCHITECT INSPECTED OF ANY UNDESIRABLE  
POINTS TO COMMENCEMENT

NOTES:-

**Elevation A**

**Elevation B**

**Key Plan**

**Proposed Elevations - Sheet 1**

MIDLANDS - 27 SPON STREET, COVENTRY, CV1 3BA TEL: (024) 76327 600 FAX: (024) 76320 424  
E-mail: info@idpmidlands.com Web: www.idpmidlands.com

ARCHITECTURE | URBAN DESIGN | MASTERPLANNING | INTERIOR DESIGN | CDM CO-ORDINATION | PROJECT MANAGEMENT | VISUALISATION

ARCHITECTURE REDEFINED

### Suitability and Attractiveness of Nether Whitacre Garden Centre for Employment Uses

The following paragraphs summarise our analysis of the potential of the site to attract employment uses, considering offices, research and development, and industrial/distribution.

- **Wider Market Conditions** - There has been a significant downturn in the economy and hence employment property markets in recent years. This has significantly impacted on the development viability of employment accommodation across the office, research and development, industrial/distribution sectors. For this reason, there is very little (if any) speculative development currently being undertaken to date, even in prime and established employment areas where the market for such uses is established. The site is not in an established industrial location; hence will not attract developers to undertake employment development (or give their lenders sufficient confidence to fund such development).
- **Un-established Location** - The site is not in an established employment location and hence will be of limited, if any, interest to office, research and development, and industrial/distribution occupiers, all of which prefer more well established locations, with better access to the motorway network, with access to a readily available workforce.
- **Access Restrictions** - Access is a key constraint to the site. Industrial/distribution occupiers seek sites with good access to 'A' roads and the Midlands Motorway network. Access to the site is convoluted, via the B4908 Coventry to Tamworth Road, and country lanes. This will also significantly reduce the attractiveness of the site as a potential office location, given that out of centre offices occupiers require good connections to 'A' roads and the Motorway Network (such as the established locations in the M42 Corridor).
- **Site Size and Configuration** - The site provides a gross area of approximately 1.72 hectares (4.25 acres). Accordingly, it is too small to meet the requirements of larger industrial/distribution occupiers who typically require premises of 10,000 sq m (100,000 sq ft or over). These occupiers require a minimum 'developable' site area of over 5 acres.
- **Availability of Employment Accommodation in surrounding locations** - Industrial/distribution and office occupiers requiring smaller premises have a wealth of





accommodation from which they can choose in better located areas with greater accessibility to established employment areas. These include the employment areas found in nearby settlements such as Coleshill, Tamworth, Nuneaton and Coventry, which provide a wealth of industrial/distribution and office accommodation which is regarded as a much better location than the subject site (as shown in the attached Focus Spreadsheet).

- **Lack of Amenities** - The village of Nether Whitacre provides little, if any, amenities. This will, in particular, deter potential office and research and development occupiers, where other retail/leisure facilities in the surrounding area are regarded as an advantage.
- **Unsustainable Location** - The site is not in a sustainable location for office and research and development occupiers, given the convoluted access to the Midlands motorway network approximately 2 km (4 miles) to the west via local 'B' roads and single track country lanes. In addition, there is no local train station to counter the limited accessibility by road. This will be a key driver in many occupiers' office requirements, given that occupiers are now increasingly seeking office locations within sustainable transport arrangements to assist in their sustainability/Corporate Social Responsibility (CSR) objectives.
- **Not an established Research and Development Location** - There is no connection to an existing research and development occupier, facility, or academic institution. This will severely reduce the attractiveness of the site to attract research and development occupiers. In addition, our review highlights that there are a range of well-equipped research and development locations in the surrounding region which are better placed to attract such occupiers. These include the floor space available at UWSIP and the emerging MIRA Technology Park which will provide a significant amount of space and is in the development pipeline.
- **Soft Market Testing Exercise** - The limited response received from the occupiers contacted is not encouraging. This indicates that the site is unlikely to be of interest to them to fulfil any of their future property requirements for all types of employment floor space.

#### Summary

In light of the above and drawing on the significant expertise of our in-house office and industrial agency surveyors, we do not believe that this site is an appropriate location for employment uses such as offices, research and development, or industrial/offices. Hence, we strongly advise against incorporating such uses into any master plan proposals brought forward for the site.

## **(8) Applications No: PAP/2012/0432 and 0433**

**Blackgreaves Farm, Blackgreaves Lane, Lea Marston, B76 0DA**

**Planning and Listed Building applications for extensions and alterations to provide kitchen, utility, orangery, main entrance gates, pedestrian gates, railings, replacement windows and log store. Demolition of rear corridor and part of outbuilding, all for**

**Mr G Breedon**

### **Introduction**

These applications are reported to the Board in view of the objections received and the unauthorised works that have taken place on a Listed Building.

### **The Site**

Blackgreaves Farm is a Grade II Listed Farmhouse built in the late 18<sup>th</sup> Century of red brick with a plain tile roof. The building fronts on to Blackgreaves Lane and alongside a range of residential barn conversions. The site is located within the West Midlands Green Belt.

### **The Proposal**

The works proposed include the demolition of a later addition to the rear of the building which forms a corridor and the demolition of part of an outbuilding and its chimney. A single storey glazed extension would be located to the rear of the building and would infill the existing L-shaped plan. A single storey brick and tile extension would be constructed to link the existing outbuilding with the main house to form a kitchen/utility room.

A new doorway between the snug and the lounge are proposed.

An existing log store has been removed and the proposal is to replace this with a new one. Amended plans submitted also include the erection of railings along the street frontage with Blackgreaves Lane supported by brick piers and 1.5 metre high double timber gates across the access.

### **Background**

The Council has previously employed a Conservation Architect to look at the fabric of the building. The Conservation Architect's (Richard Oxley) Report can be found on the planning file for PAP/2011/0036 granted approval on 11 November 2011. In light of Richard Oxley's report this previous application was amended with several of the original proposals such as dry lining the walls, insulating parts of the building and installing secondary glazing being deleted. Other proposals such as replacing some of the windows and the proposed replacement of the fireplaces were also to be subject to later applications.

The following alterations were approved under Listed Building consent ref: PAP/2011/0036: repairs to the building, replacement of five windows, formation of three en-suites, remedial works to main chimneys, removal of one chimney, plaster repairs to walls and ceilings, limited external works and Damp Proof Course treatment.

A planning application and Listed Building application submitted in 2011 for the erection of a double garage with a link to the main house, the insertion of a third storey, the erection of a porch, the erection of an orangery and link to an outbuilding and replacement windows was withdrawn due to objections received from the Council's Heritage Officer and Planning Officers. This current proposal represents a scaled down version of these original plans.

## **Development Plan**

North Warwickshire Local Plan 2006 (Saved Policies):

ENV2 (Green Belt)  
ENV12 (Building Design)  
ENV16 (Listed Buildings)

Other relevant material considerations

Government Advice - National Planning Policy Framework

NWBC Core Strategy Draft Submission Version September 2012

## **Consultations**

Council's Heritage Officer – objects to the proposal. The Heritage Statement submitted fails to describe the heritage significance of the heritage asset affected which is contrary to the NPPF at paragraph. 128 and misunderstands the listed building at a very basic level. It ascribes a mid-late 19<sup>th</sup> Century date for the principal range contradicting the statutory list description and it states that the rear service range is a cottage pre-dating 1762 when the evidence of the building itself clearly shows it was built at the same time as the principal range in the later 18<sup>th</sup> century. He considers that this lack of understanding of the building is reflected in the lack of sensitivity of proposals which detract from the significance of the listed building for the following reasons:

- The proposal to infill the open courtyard confuses and disguises the historic L shaped plan-form of the original building creating a large square block of accommodation at ground floor level. The area of flat roof and reconfigured pitched roofs also blur and meld the distinct, simple and separately articulated forms of service range, the lean-to extensions, and the detached laundry. This replaces a series of small scale structures with a block of larger structures.
- A flat roofed extension with its lantern is an incongruous and alien addition to the traditional building. It will have a single membrane covering of modern materials and poor appearance that is not appropriate on a listed building and risks damaging brickwork through cutting into the original dentil course of the façade.

- An 'orangery' is a structure that would be found on grander, larger buildings not on a vernacular service range and rear elevation to a farmhouse. However, the incongruous and poorly designed rear (west) elevation with its timber fascia, patio doors, double glazed windows and flat roof is more reminiscent of a 1960s poor quality domestic extension than an orangery.
- The proposal to change the roof-form of the lean-to on the main house from a single pitch to a double pitched roof of narrower span will necessarily entail the provision of an area of undesirable flat roof if accommodation is not to be lost. The external envelope of this structure would be almost the same as the laundry so that the latter's identity as a detached out-building would be difficult to discern. Also objects to the demolition of the chimney on the gable end of the listed building.
- Two new openings are proposed – one into the dining room which would have an adverse impact on the character of this room and one between the lounge and snug to which further details are required.
- The application is confusing as to the type of windows to be installed and which windows are to be replaced.
- The entrance piers and industrial looking metal gates are considered inappropriately urban in character for a rural setting.
- Unauthorised works have taken place at the site namely: Comprehensive repointing of the exterior of the Listed Building; Blue brick entrance 'feature' with lanterns constructed to the front elevation; Removal of the roof and walls to the rear lean-to; The partial demolition and remodelling of a rear outbuilding using or reusing unsuitable windows; and, a Log Store has been built off a boundary wall without planning permission.

Based on the above the Heritage Officer concludes that the original proposals put forward would cause harm to the significance of the listed building. There are no public benefits arising from the proposals to mitigate or justify the harm. They are therefore contrary to NPPF policy and Saved Policy ENV16 of the Local Plan and should therefore be refused.

Amended plans have been submitted and the Heritage Officer's comments are awaited.

## **Representations**

Lea Marston Parish Council – object to the proposals as they are concerned that in view of the Listed status of the building, whether the alterations are in keeping with this listing. They are also concerned that the developments are being undertaken with the view for a change of use to hotel accommodation.

The neighbours have been consulted but no comments have been received.

## **Observations**

The proposal relates to an extension and works to a Grade II Listed Building. Saved Policy ENV16 in the NWLP 2006 states that there will be a presumption in favour of preserving Listed Buildings in the Borough. The Policy further goes on to state that development that would detract from the character, appearance or historic value of a Listed Building (including any building within its curtilage) in terms of historic form and layout or its setting, will not be permitted.

In accordance with the requirements of the NPPF, a Heritage Statement has been submitted with the application. This statement describes the building as originally being a cottage pre-dating 1762 with the principle range of this building built around this cottage in the mid-late 19<sup>th</sup> Century. These dates were supported by the Conservation Architect, Richard Oxley, who was previously employed by the Council to look at this building. However, such dates are contrary to the listing for Blackgreaves Farm and to the findings of the Council's Heritage Officer which both state that the building is a late 18<sup>th</sup> Century L-shaped farmhouse with a principal front range of three-storeys and a contemporary two-storey rear service range. The Heritage Officer does agree that the roof of the two-storey rear service range does incorporate reused members of an earlier timber-framed building, however, he does not agree that any other form of this cottage still remains on site.

The NPPF at paragraph 128 states that the planning authority should require the applicant to describe the heritage significance of any heritage assets affected – including any contribution made by the setting using appropriate expertise where necessary. Clearly, there is a difference of opinion between experts as to the dating of the building which Members will need to take into account when determining these applications. It is recommended that unless further evidence to the contrary is produced by the owners of the building then the original listing of the building remains the accurate piece of information. This listing clearly states:

“Blackgreaves Farm is a farmhouse built in the late 18<sup>th</sup> Century of red brick with a plain tile roof.”

As such, the Heritage Statement submitted does not relate to this listing and as such should be given limited weight. As the background section details, two previous applications submitted in 2011 proposed a range of extensions, dormers and alterations to the building which were not supported by the Heritage Officer or Planning Officers and so were subsequently withdrawn. Following discussions on site and in meetings, the proposals the subject of these current applications have been significantly scaled down from the original scheme and through amended plans have been reduced even further.

As stated in Saved Policy ENV16 there is a presumption in favour of preserving Listed Buildings in the Borough. Over the last two years a significant amount of finance has been spent bringing this Listed Building into full habitable occupation. These proposals are to allow a family sized kitchen and utility room to be provided on this large farmhouse and for covered access into the range at the rear. The amended plans show that the glazed link has been designed to appear as a modern feature of the building and being fully glazed and set back from the rear elevation should ensure that it is not a prominent feature on this listed building. Indeed, such a simply designed glazed structure does not attempt to integrate into the fabric of this historic building but appears as a later addition that can easily be taken down at a later date. However, for the present time this glazed area will provide useful residential accommodation.

It is not considered that the demolition work will have a detrimental impact on the fabric of the Listed Building as the majority are later additions. The chimney attached to the laundry building is also believed to be a later addition. The footings of the areas to be demolished will also remain on the flooring of this glazed link so that the refurbishment works can be read at a later date.

The single storey brick and tile building which will link the detached laundry house with the main building has been designed such that it is a subservient structure that can be read as a later addition without trying to compete with the original buildings. It is not considered that this extension which replaces a previous extension will have a detrimental impact on the setting or fabric of the Listed Building.

The log store replaces a previous storage building and being built off the existing boundary wall it utilises the buildings on the site. The garden room also utilises a previous underused building. The window details on the front elevation have already been agreed under the application submitted in 2011. It is considered that provided these windows are used for the remainder of the building then there are no objections. Amended plans are being sought from the agent to confirm that this is the case.

Planning conditions can be imposed on any consents granted to ensure that only the materials previously agreed with the Heritage Officer in 2012 can be used on this building. They can also clarify the extent of the planning consent.

Amended plans have been submitted for the gates and boundary treatment showing 1.5 metre high timber oak gates that are more in character with this farmhouse setting and 1.2 metre high estate metal railings. The feature brickwork that has already been installed to the front of the building is to be removed along with the lanterns. The four floodlights lighting the building are to remain.

With regards to the amended plans received, brick piers with stone cappings are shown which are not deemed to be appropriate and so Members are requested to consider the imposition of a planning condition seeking their replacement with metal posts.

The site does lie within the Green Belt where there is a presumption against disproportionate additions to dwellinghouses. The only previous extension to have been constructed on this building since 1948 was a walk-in bay and a lean-to extension. The lean-to extension has been removed. This single-storey extension proposed is not considered to be disproportionate and is well below the 30% rule of thumb volume figure as laid out in the Council's SPG and Saved Policy ENV13. As such, the scheme will not have a detrimental impact on the openness of the Green Belt in this location.

With regards to the objection received from the Parish Council, these applications are for householder consent for the building to be used as per its existing use as a dwellinghouse. Part of the building still remains occupied as a residential property even whilst these renovation works are being carried out. The applicant has stated that due to the cost of the refurbishment then two of the bedrooms have been rented out on short term lets to clay pigeon shooting parties. However, the property remains a residential dwellinghouse.

Saved Policy ENV16 requires that there is a presumption in favour of preserving Listed Buildings in the Borough. There are two objections to the scheme put forward from the Heritage Officer and Lea Marston Parish Council. Amended plans have been submitted in an attempt to address these objections. On balance, it is considered that these demolition works and their replacement with two single storey rear extensions along with replacement windows and boundary treatment and gates are reasonably necessary in order to bring this underused Listed Building back in to full habitable occupation. As such it is recommended that they are supported subject to conditions.

## **B) Unauthorised Works to a Listed Building**

Whilst the Case Officer and Heritage Officer were visiting the site they noted that works had commenced on site without the benefit of Listed Building consent. Such works were as follows:

- Comprehensive re-pointing of the exterior of the Listed Building with the exception of the front elevation. This is in breach of the Listed Building Consent ref: PAP/2011/0036 and the approved Schedule of Works and Drawings ref: 9037.36A, 37A, 38A and 39A all approved on 11 November 2011. The majority of this re-pointing was unnecessary as the majority of the original Georgian pointing, though weathered, was sound. The re-pointing is much less fine and power tools appear to have been used to cut out the original sound mortar to the detriment of the character and appearance of the building.
- Blue brick entrance 'feature' with lanterns constructed to the front elevation.
- Removal of the roof and walls to the rear lean-to.
- The partial demolition and remodelling of a rear outbuilding using or reusing unsuitable windows.
- A Log Store has been built off a boundary wall without planning permission.

The owner of the building has been interviewed about the above works and has admitted to authorising the above work. He outlined his reasons for undertaking such works. He believed that as he had the verbal approval from the Heritage Officer to the mortar mix and to the methods that were being used, that he could continue. This was particularly as once work commenced on the patching as approved, the actual situation was more extensive and in some cases, hand tools could not be used. Thus rather than leave a patchwork of new re-pointing, the full elevations were treated. In other words he took a pragmatic view. He argues that "patching" these elevations would have had to take place over a lengthy period in any event and that the building would always therefore have had to take on such an appearance. By doing all of the work together the matter has now been permanently resolved. In any event he says that the mortar will weather.

As Members are aware, Listed Buildings are protected by legislation contained in the Planning (Listed Building and Conservation Areas) Act 1990. It is a criminal offence to alter the character or appearance of a listed building without Listed Building Consent under Section 9 of the Planning (Listed Building and Conservation Areas) Act 1990. A person who is guilty of such an offence will be:

- liable on conviction to imprisonment not exceeding 3 months or a fine not exceeding the statutory maximum or both.
- liable on conviction to imprisonment for a term not exceeding 12 months or a fine or both.

Two notes were added to Listed Building consent ref: PAP/2011/0036 detailing the above offences and so the applicant was fully aware of the criminal offences they appear to have committed.

All of the unauthorised works are criminal offences by fact. However, Members need to weigh whether the offences are so severe that they warrant the public interest being pursued in court proceedings against the owner. This report recommends that the demolition works already commenced on site are regularised. It also recommends that the log store is approved. This leaves the comprehensive repointing which does not have a Listed Building approval.

Listed Building consent ref: PAP/2011/0036 approved the patching up and replacement of isolated brickwork on all elevations. The frontage has been repointed in accordance with the approved plans. All of the repointing has been undertaken in the approved white lime mortar mix. However, instead of patching up the repointing on the other three elevations (similar to the Garden Wall in the Council House garden), the owner has repointed the majority of these elevations. There is also evidence of the use of hand tools in isolated cases. The owner claims that he had verbal approval for such works from the Council's Heritage Officer during a site inspection which took place in April 2012. The Heritage Officer states that such a verbal approval was not given and anyway, such an amendment to the Listed Building Consent ref: PAP/2011/0036 would require another application to be submitted and approved as this work would not be in accordance with the approved drawings. However he does conclude that the main issue here from his point of view is that the complete re-pointing of these elevations was unnecessary and the regular "patching" of them was the preferred course.

Being lime mortar, whilst the repointing looks very prominent at the moment, this will weather in with time and will ensure that the brickwork is watertight. For the point of comparison, the consent granted here was for the patching up of areas similar to that which has occurred in the Council's own garden wall here at its own offices. Members can take a view as to whether this might look unsightly until it also weathers in, and then consider whether this approach would be preferred on the application dwelling.

Based on the above it is considered that a case could be brought against the owner for this comprehensive re-pointing. However, in this case, this is not considered to be a proportionate response when considering the purpose behind the work; the alternative of there being a continuing patchwork of re-pointing taking place over a number of years and the particular historic and architectural attributes of the building. In light of this it is recommended that Members authorise the Solicitor to the Council 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 they appear to have committed. The Solicitor should also keep 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.

## Recommendation

A) That planning permission and Listed Building Consent 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory purchase Act 2004, and to prevent an accumulation of unimplemented consents.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered, 9037.103, 9037.200A, 9037.102C all received by the Local Planning Authority on 30 November 2012, the site location plan received by the Local Planning Authority on 29 August 2012, the Design and Access Statement and Schedule of Works and plans numbered 9037-104F, 9037-102D, 9037-110C, 9037101B and 9037-201A all received by the Local Planning Authority on 6 December 2012.

### REASON

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

3. Only the materials approved under application ref: DOC/2011/0085 on 15 December 2011 shall be used on this Listed Building and no other materials whatsoever.

### REASON

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

4. Only Pilkington Spacia glazing to a maximum thickness of 6 mm or single glazing shall be used in the replacement windows hereby approved.

### REASON

In the interests of preserving the historic value of this Listed Building.

5. For the avoidance of doubt, this application does not approve any proposals to dry-line and insulate the walls, to install a new Central Heating Boiler, to install Secondary Glazing, to retain the decorative paved area to the front elevation or to replace any of the fireplaces.

### REASON

In the interests of ensuring that any works to the building are carefully considered and respect the historic interests of this Listed Building.

6. Although Drawing No: 9037.102c received on 30 November 2012 shows the inclusion of six brick piers with stone cappings, only the piers adjacent to the pedestrian gate and vehicular gate are approved under this consent, i.e. four brick piers.

## REASON

In the interests of preserving the rural setting of this Grade II Listed Farmhouse.

B) That 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. The Solicitor 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.

## Notes

1. The developer is advised that if works are carried out without strict compliance with the above conditions, approved plans and details, an offence will have been committed under the Planning (Listed Buildings and Conservation Areas) Act 1990 rendering both the building owner, their agent and the person carrying out such works liable to prosecution. In cases of doubt you should contact the Local Planning Authority for further advice prior to the commencement of works.
2. You are reminded that Listed Buildings are protected by legislation contained in the Planning (Listed Building and Conservation Areas) Act 1990. It is a criminal offence to alter the character or appearance of a Listed Building without Listed Building Consent under Section 9 of the Planning (Listed Building and Conservation Areas) Act 1990. A person who is guilty of an offence will be liable on conviction to imprisonment not exceeding 3 months or a fine not exceeding the statutory maximum or both or liable on conviction to imprisonment for a term not exceeding 12 months or a fine or both.
3. There may be bats present at the property that would be disturbed by the proposed development. You are advised that bats are deemed to be European Protected species. Should bats be found during the carrying out of the approved works, you should stop work immediately and seek further advice from the Ecology Section of Museum Field Services, The Butts, Warwick, CV34 4SS (Contact Ecological Services on 01926 418060).
4. The Development Plan policies which are relevant to this Decision are as follows:  
  
North Warwickshire Local Plan 2006 (Saved Policies) : ENV2, ENV12, ENV16  
  
Other Material Considerations : National Planning Policy Framework

5. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions and seeking to resolve planning objections and issues by suggesting amendments to improve the quality of the proposal at meetings held at the request of the Local Planning Authority. 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.

## **Justification**

Saved Policy ENV16 in the North Warwickshire Local Plan 2006 requires the presumption in favour of preserving Listed Buildings in the Borough. This application includes proposals to renovate, repair and extend a Grade II Listed Building in order to bring the whole building back in to a residential use. An amended scheme has been submitted which attempts to simplify the glazed structure proposed so that it does not compete with the original building. The brick and tile has also been designed to be subservient to the main building. Amendments have been made to the boundary treatment and to the entrance footpath into the building. It is considered that on balance, the proposals will not have a detrimental impact on the fabric of the Listed Building. As such the proposals can be supported as being in general accordance with the Saved Policies in the North Warwickshire Local Plan 2006 and to Government advice by way of the NPPF.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2012/0433

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	29/8/12
2	Agent	Listed Building forms and drawings	29/8/12
3	North Warwickshire Borough Council	Press Notice	18/10/12
4	Heritage Officer	Objection	26/10/12
5	Lea Marston Parish Council	Objection	7/11/12
6	Applicant	Letter	22/11/12
7	Agent	Amended plans	30/11/12

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

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



**(9) Application No: PAP/2012/0470**

**Land to the Rear of 58-82 St. George's Road, Atherstone**

**Erection of nine bungalows for**

**Waterloo Housing Association**

**Introduction**

This application is reported to the Board because the Council is the land owner.

**The Site**

This is a large rectangular site completely surrounded by existing housing in St. George's Road and Mythe View whose rear gardens back onto the land. It used to accommodate a garage court for 27 garages and amenity grass land. It has a vehicular access onto St. George's Road, but this is now gated and locked. The original pedestrian access from St. George's Road is now closed off. The surrounding housing is two-storey in height comprising semi-detached property with some longer blocks. The facing materials are mixed – brickwork and render.

**The Proposal**

It is proposed to redevelop the site with nine bungalows utilising the existing access. All would have two bedrooms with one unit being designed specifically for wheel chair use. All would pick up the general appearance of the surrounding housing with a mix of brickwork, render and concrete roofing tiles.

The site layout shows six pairs of semi-detached bungalows backing onto the rear gardens of numbers 37 to 65 Mythe View, together with a row of three bungalows at the far western end of the site. Existing silver birch and cherry trees bordering the site would be retained in rear gardens, and there would be twelve new trees planted. All vehicular and pedestrian access would be through the existing retained vehicular access onto St George's Road. There are 18 parking spaces provided for the nine dwellings.

The application is accompanied by a Design and Access Statement. An Ecologist's report indicates that the existing site has little value but recommends that the landscaping scheme can be used to improve that situation. A ground conditions report concludes that there are no issues but recommends that clean top soil is imported.

The bungalows would be constructed to Code Level 4 of the Sustainable Homes Guide.

The road is not proposed for adoption – remaining as a private road.

## **Development Plan**

Saved Policies of the North Warwickshire Local Plan – Core Policies 2 (Development Distribution) and 8 (Affordable Housing) together with policies ENV5 (Open Space), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing) and TPT6 (Vehicle Parking).

## **Other Material Planning Considerations**

The National Planning Policy Framework 2012

The New Homes Bonus

## **Consultations**

Warwickshire County Council as Highway Authority – No objection provided the road remains as a private road.

Warwickshire Fire and Rescue – No objection subject to its standard condition

Warwickshire Police – No objection

Severn Trent Water Ltd – No objection

Environment Agency – No comments received

Environmental Health Officer – No objection in principle subject to further survey work

Warwickshire Museum – No objection

## **Representations**

Atherstone Town Council – No objection

One letter has been received from a local resident who says he speaks on behalf of several others. The main concern is the access arrangement. He considers that this is not wide enough to enable refuse and emergency vehicles to enter the site and thus they would have to reverse. As a consequence his house, which effectively abuts the access, would be put at risk. Also because the site is for bungalows occupied by the elderly, the narrow access is a risk.

## **Observations**

The site is within the development boundary for Atherstone as defined by the Local Plan, and as such there is no objection in principle to the residential redevelopment of this land particularly as Atherstone is a sustainable location in terms of accessibility and its range of services.

The proposal involves the loss of garage spaces, but these blocks have been little used over the past years and have been the subject of anti-social behaviour. Both of these factors have led to the closure of the site for this purpose.

The application also involves the loss of amenity space and thus a community facility. However the site is not safeguarded as such in the Local Plan, and following the completion of the Council's Green Space Strategy has been found to be surplus to requirements and thus available for disposal as already agreed by the Council. The close proximity of the Royal Meadow Drive recreation area and its recent new play areas support this decision.

As a consequence it is not considered that the loss of either the garages or the open space will adversely affect the continuing provision of these facilities throughout this part of the estate so as to warrant a presumption in favour of their retention.

The proposal is well designed and its appearance is in-keeping. Because of the setting of the site and its shape, there is unlikely to be a different layout and the provision of bungalows helps considerably in reducing any privacy and amenity issues. The fact that the proposal is for bungalows, matching the local housing needs of Atherstone is particularly welcome and is a substantial material consideration. This also helps in being able to accept the below standard access into the site as traffic will be far less than for family housing. Two parking spaces for each unit too will help reduce the potential for congestion in that access from on-street parking.

It is recognised that the access width is not ideal. However as a consequence of further discussions with the applicant and the Highway Authority, this has now been widened to 4.8 metres. The standard width should be 5 metres. Additionally the applicant has shown that using tracking diagrams a refuse and emergency vehicle can enter and turn within the site. The scheme is for bungalows and traffic generation will be low. Traffic calming measures are to be introduced into the access way. As a consequence it is considered that overall, the balance lies with the grant of planning permission in that there is a greater public benefit in providing this type of housing rather than leaving the site unused as it is. A possible reduction in the number of bungalows here would not completely overcome the concerns expressed by the local resident. It is considered that this is the best option for the redevelopment of this site. However because of the proximity of the house to the access, further details of how this property might be protected need to be submitted, and this can be done by condition.

## **Recommendation**

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

- i) Standard Three Year condition
- ii) Standard Plan Number condition – plan numbers 11003/1A, 5A, 6A, 7A, 8A and 9 all received on 20/9/12, together with plan number 11003/4A received on 20/11/12.

## **Pre-Commencement Conditions**

- iii) No development shall commence on site until a full schedule of the facing materials to be used has first been submitted to and approved in writing by the Local Planning Authority. This shall include facing brickwork, roofing tiles and the colour of render. Only the approved materials shall then be used on site.

- iv) REASON

In the interests of the visual amenities of the area

- v) No development shall commence on site until such time as a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has first been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of public safety from fire and the protection of fire fighters

- vi) No development shall commence on site until such time as full drainage plans for the disposal of surface water and foul sewage have first been submitted to and approved in writing by the Local Planning Authority. Only the approved plans shall then be implemented on site.

REASON

In order to reduce the risks from pollution and flooding.

- vii) No development shall commence on site until such time as the results of the ground gas monitoring of the site have first been collated and submitted to the Local Planning Authority. The results shall be accompanied by recommendations for any mitigation measures commensurate with the results, including recommendations for no such measures. No work shall commence on site until such time as such measures or the absence of such measure, has first been agreed in writing by the Local Planning Authority. Only the approved measures shall then be installed.

REASON

In order to reduce the risk of pollution.

- viii) No development shall commence on site until such time as details of the measures to be installed along the south east boundary of the access road adjoining number 80 St George's Road have first been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of public safety

### **Pre-Occupation Conditions**

- ix) There shall be no occupation of any of the bungalows hereby approved until such time as the fire fighting measures approved under condition (iv) above have first been fully installed to the written satisfaction of the Local Planning Authority.

#### **REASON**

In the interests of public safety.

- x) There shall be no occupation of any of the bungalows hereby approved until such time all of the drainage plans as approved under condition (v) above have been fully installed to the satisfaction in writing of the Local Planning Authority.

#### **REASON**

To reduce the risks of pollution and flooding.

- xi) There shall be no occupation of any of the bungalows hereby approved until such time as any measures as agreed under condition (vi) above have first been fully installed to the written satisfaction of the Local Planning Authority.

#### **REASON**

To reduce the risk of pollution.

- xii) There shall be no occupation of any of the bungalows hereby approved until such time as the measures approved under condition (vii) above have first been fully installed to the satisfaction in writing of the Local Planning Authority.

#### **REASON**

In the interests of public safety.

### **Other Conditions**

- xiii) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended or as may be subsequently amended, no development within Classes A, B and C of Part A of Schedule 2 to that Order shall commence on site.

#### **REASON**

In the interests of the residential amenity of occupiers and their neighbours.

## **Notes**

The Development Plan policies relevant to this decision are saved Core Policies 2 and 8, together with saved policies ENV5, ENV11, ENV12, ENV13, ENV14 and TPT6 of the North Warwickshire Local Plan 2006

## **Justification**

The site is within the development boundary for Atherstone, a town with a sustainable location and a full range of services. The loss of the former garages and the amenity space is not considered to be material given the lack of demand for the garages and the enhancement and improvement of nearby recreation space. The provision of bungalows matches local housing needs. The overall layout and appearance is satisfactory and in-keeping. There are no objections from the Highway or drainage agencies, and there is little adverse amenity impact on neighbouring occupiers. The Local Planning Authority has worked positively with the applicant through pre-application discussions in order to overcome any planning issues arising in connection with this proposal. As such, the proposal accords with saved Core Policies 2 and 8 together with saved policies ENV5, ENV11, ENV12, ENV13, ENV14 and TPT6 of the North Warwickshire Local Plan 2006 and the planning principles of 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/2012/0470

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	20/9/12
2	Environmental Health Officer	Consultation	27/9/12
3	Warwickshire Fire and Rescue	Consultation	27/9/12
4	Warwickshire Museum	Consultation	28/9/12
5	Severn Trent Water	Consultation	28/9/12
6	Warwickshire Police	Consultation	5/10/12
7	Warwickshire County Council	Consultation	19/10/12
8	Atherstone Town Council	Representation	18/10/12
9	Mr Gisbourne	Objection	17/10/12
10	Head of Development Control	Letter	22/10/12
11	Agent	E-mail	26/10/12
12	Warwickshire County Council	E-mail	5/11/12
13	Agent	E-mail	5/11/12
14	Warwickshire County Council	E-mail	5/11/12
15	Agent	E-mail	16/11/12
16	Agent	Revised Plan	20/11/12
17	Head of Development Control	Letter	20/11/12

*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.*



**(10) Application No: PAP/2012/0483**

**Marriott Forest Of Arden Hotel And Country Club, Maxstoke Lane, CV7 7HR**

**Two Non-illuminated fascia signs for**

**Marriott International**

**Introduction**

The application is referred to the Board at the request of a Local Member who considers that there will be no adverse impacts here.

**The Site**

The site operates as a hotel and country club and is located south of Maxstoke village centre and lies along Maxstoke Lane. The site is wholly within the Green Belt. The signs are located to the entrance of the site which serves a long drive to the hotel and country club complex. The site entrance and drive are located within the boundary of the Packington Estate, which is included in English Heritage's Register of Parks and Gardens of Special Historic Interest. The site entrance and wider context of the site are illustrated at Appendices A and B.

**The Proposal**

The application is retrospective in that two non-illuminated freestanding advertisement panels are in situ at the site entrance following their installation in the summer of 2012. The arrangement to the signage is at Appendix C.

The panels are finished in a silver/grey which is slightly reflective in a satin finish, on both panels is a small face panel in dark grey which advertises the name of the hotel and its house logo. The signs have a height of 3.355 metres and a width of 2.130 metres with a depth of 400mm.

The main entrance is partially flanked by brick entrance walls with landscaping to the frontage of the walls and wide glass verges either side of the entrance. Photographs of the signs in situ are at Appendix D.

**Background**

The hotel is an international chain and thus an element of signage is required on entrance to the site as a form of advertising the site to passing trade and to provide visitors with a visual aid to identify the entrance to the site.

The former advertisement signage was consented for two small illuminated signs to the entrance back in 1989 and consisted of painted back boards on a wooden mounted frame, illuminated by floodlights. Therefore the principle of signage in this location is not objectionable provided it is of a scale and finish that is appropriate to its setting.

The signage presently in situ has replaced the previous signs. During the course of the application advice was given by the case officer on the reduction to the size of the signage, with consideration to the materials and the colour scheme used. No revisions were received and the retention of the signage is the applicants preferred option.

## **Development Plan**

North Warwickshire Local Plan 2006 (Saved Policies) - ENV2 (Green Belt), ENV11 (Neighbour Amenities), ENV15 (Heritage Conservation, Enhancement and Interpretation).

## **Other Relevant Material Considerations**

The National Planning Policy Framework – 2012

## **Consultations**

Warwickshire County Council as Highway Authority – No objection.

## **Representations**

The Parish Council – The Council objects to the two non-illuminated signs at the entrance to the Marriott Forest of Arden Hotel as they are not really in keeping with either the specific location or the Green Belt generally. They should be integral to the wall, which would have been more acceptable.

## **Observations**

Where signs are permitted in rural areas they tend to be traditionally painted and un-illuminated or inconspicuous in order to remain in keeping with the landscape. Whilst the principle of signage has already been previously established at the entrance of this site, it is noted that the retrospective scheme is considerably different in terms of the scale and material finish of the signs.

The justification for the retention of the signage as indicated by the applicant's agent is that the signs are key to strengthening the brand name and promoting the Marriot business, particularly in these economically difficult times. The agent considers that the openness of the Green Belt would not be reduced given that signage is located in an area delineated by the ornamental entrance walls and formal landscaping; there is no greater impact on the openness of the Green Belt and no impact on the Packington Estate given that the entrance is well screened, the signage is not visible from the Estate. Based on this reasoning the agent considers there is no policy conflict with the relevant paragraphs of the NPPF para. 132 relating to Conserving the Historic Environment and para. 67 relating to Advertisements, with and no conflict to saved Development Plan Policy ENV15.

The nature of the agent's justification is understood and in order to assess the appropriateness of this application, it is necessary to consider the proposal under the advice of the Advertisement Regulations. The Regulations require decisions be made only in the interests of amenity and, where applicable, public safety, rather than commercial need. Although these are economically difficult times, it is the amenity and public safety considerations, rather than commercial ones, that must be given most weight in deciding the outcome of this application.

On the matter relating to public safety, then it is evident that there would be no public safety issues in respect of the location or the scale or design of the signage. This is because the signs are at a suitable distance from the public highway and do not obstruct the highway or cause reduced visibility for drivers or pedestrians. The signs are not illuminated and therefore do not cause a glare on highway users or light pollution. The scheme does not therefore warrant a refusal on these grounds.

Turning to amenity issues, the sites surroundings are predominantly characterised by woodlands, open fields, isolated dwellings, the hotel and country club and the Packington Estate which is a registered park and garden. In terms of the visual amenity of the immediate area where the signs are located then these are set against a backdrop of grassed verges and woodland and are located within the boundary of the Registered Park and Garden.

The signs, whilst not illuminated, are considered to be very urban and therefore very alien in character and by virtue of their size, appear out of scale with the general arrangement to the site entrance. This is because the signs are elevated above the existing feature entrance wall and the signs stand out as an obtrusive feature in stark contrast to its rural setting.

Paragraph 67 of the NPPF advises that *poorly placed advertisements can have a negative appearance of the natural environment and control of outdoor advertisements should be efficient, effective and simple*. The signs are not considered to fit within their rural surroundings since the landscape character of the area is defined by its natural environment and the signs are not *simple* but conspicuous by virtue of their scale.

From the perspective of the historical context of the area, given the significance of the registered park and garden, then the signs are considered to affect the character of the area given their urban appearance. Saved policy ENV15 of the North Warwickshire Local Plan, 2006, advises '*Development within or adjoining sites included in English Heritage's Register of Park and Gardens of special historic interest will not be permitted if it adversely affects the character or setting of the area*'.

This saved policy is not in conflict with paragraph 132 of the NPPF which advises *substantial harm to or loss of designated heritage assets of the highest significance, notably....registered parks and gardens...should be wholly exceptional*. It is considered that the signage scheme is not exceptional to outweigh the harm on the setting of the Park and Garden.

In considering harm on the Green Belt, then Paragraph 81 advises that *Local Planning Authorities should plan positively to enhance the beneficial use of the Green Belt, looking for opportunities to retain and enhance landscapes and visual amenity*. In terms of the impact on the Green Belt, then it is the size of the adverts which have an adverse scale and thus appear injurious and do not therefore enhance the immediate landscape, the character of the Park and Garden or that of the visual amenity. The signs appear intrusive on the frontage to the site within rural surroundings.

## **Recommendation**

**a)** That the application be **REFUSED** for the following reason:

1. The signs are inappropriate to this rural location by virtue of their scale and are incongruous features which are injurious to the character and setting of the rural area and to the historic significance of the park and garden hereabouts. As such the signs are detrimental to the interests of the visual amenity and contrary to saved Development Plan Policies ENV2 and ENV15 of the North Warwickshire Local Plan 2006 and to the relevant advice given in the National Planning Policy Framework.

**b)** That in the event of the refusal as recommended, then enforcement proceedings are commenced with a view to removing the unauthorised signs.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2012/0483

Background Paper No	Author	Nature of Background Paper	Date
1	The Agent	Application Forms, Plans and Statement(s)	26.9.12
2	Parish Council	Representation	5.10.12
3	WCC Highways Authority	Representation	17.10.12
4	Case Officer to Agent	Correspondence	22.10.12
5	Agent to Case Officer	E-mail	29.10.12
6	Agent to Case Officer	E-mail	8.11.12
7	Case Officer to Agent	E-mail and correspondence	13.11.12
8	Agent to Case Officer	E-mail – supporting statement	19.11.12
9	Case Officer to Members	E-mail - observations	20.11.12
10	Cllr Hayfield	E-mail	20.11.12
11	Cllr Sweet	E-mail	20.11.12
12	Case Officer to Member	E-mail	23.11.12
	Cllr Hayfield	E-mail	
13	Case Officer to Agent	E-mail – notification of recommendation, P & D Board	23.11.12
14	Agent to Case Officer	E-mail	26.11.12

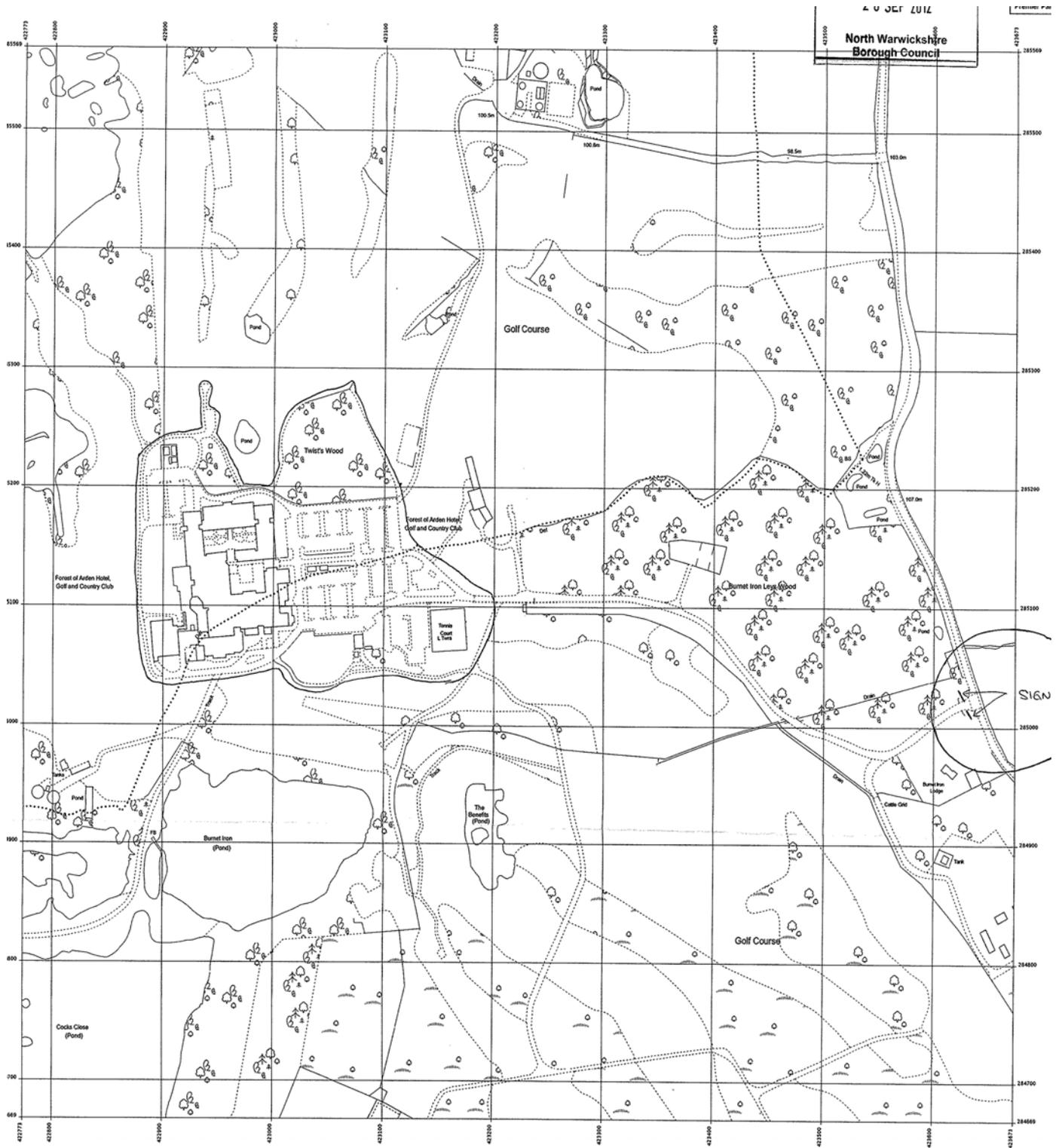
*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*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.*

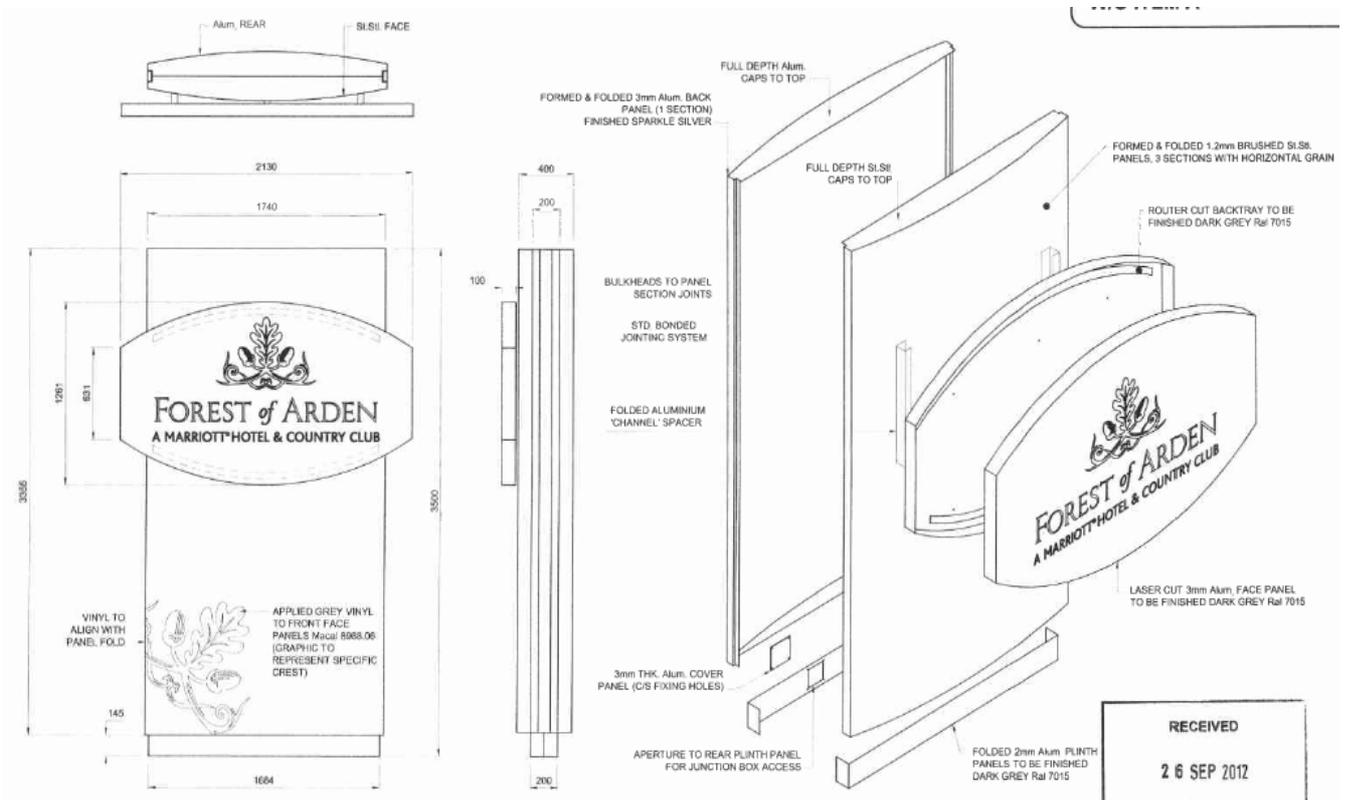
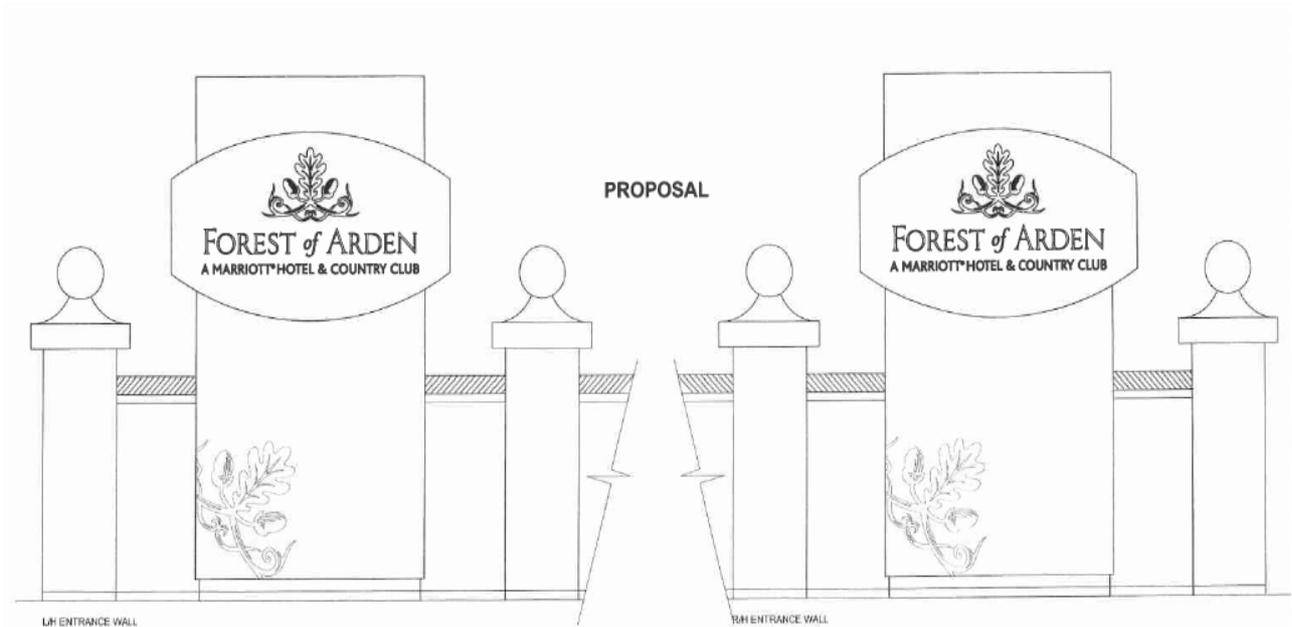
Appendix A



Appendix B



Appendix C





**(11) Application No: PAP/2012/0498**

**Land rear of 70 to 78 New Street, Dordon,**

**Part demolition of 72 New Street and construction of 8 two-bed terrace houses and 3 three-bed terrace houses with associated access, turning area and parking, for**

**Mr Julian Coles - Tamworth Co-Operative Society Limited**

**Introduction**

This application is reported to Board at the discretion of the Head of Development Control and following a site visit by Members.

**The Site**

The site lies behind properties on New Street and Long Street, Dordon, and the land is presently associated with the Co-Op fronting New Street. The site is relatively flat with a fall from north to south. An existing track to the side of the Co-Op provides access to New Street, and this access is also used by some of the dwellings on New Street. The land is overgrown at the present time and has been beyond any meaningful use for some time now. It is bounded by a mixture of fencing and walling, with just the one noticeable tree to the eastern side. Gardens leading up to this fencing are quite long but narrow to reflect the predominant terraced housing pattern along both New Street and Long Street. There are exceptions to this pattern to the northern boundary with a relatively recent bungalow and two further dwellings erected in the past 12 months to the rear of the Browns Lane shops.

New Street and Long Street are characterised by on street parking, with Long Street carrying parking restrictions to one side. The Co-Op is presently with a turning and loading area for HGVs such that they are forced to park on the highway to the front of the Co-Op during deliveries. Number 72 itself is an extended terraced property, and the Co-Op is a converted run of terraced properties with extensions to the rear.

**The Proposal**

It is proposed to partly demolish number 72 to provide sufficient width for an access road into the site. 8 two-bedroom terraced properties and 3 three-bedroom dwellings are to be erected in the main part of the site, with ancillary parking, amenity and turning space; and a new loading yard with parking spaces provided to the rear of the Co-Op. Further parking will be provided to number 72. The plans at Appendix A better show the proposed layout and elevations.

**Background**

Permission was granted in 1991 for an extension to the Co-Op along with the erection of lock up garages and the use of land as allotments. This permission is considered to define the permitted uses for the site, although it is clear that the permission has not been implemented fully so to confirm the lawful use is for parking and allotments.

This application is the latest in a number of residential development proposals. An application in 2003 for 11 dwellings with similar demolition and access works was withdrawn. A further application for 12 dwellings was refused in 2007 on the basis that it had not been demonstrated the land was surplus to open space needs.

Since then pre-application discussions have looked to address any residual matters and an open space audit for the Borough has been completed. Members will recall this application was presented to Board in November to encourage a site visit.

### **Development Plan**

North Warwickshire Local Plan 2006 (Saved Policies): Core Policy 2 (Development Distribution), HSG2 (Affordable Housing), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV10 (Energy Generation and 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 September 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 NW12 (Nature Conservation).

Government Advice: National Planning Policy Framework (NPPF).

Supplementary Planning Guidance: A Guide to the Design of Householder Developments (2003).

Local Finance Considerations: New Homes Bonus (NHB).

### **Consultations**

The Highway Authority initially raised objection on the grounds that it had not been demonstrated that the development could be serviced by refuse vehicles and other similar HGVs; as well as concern that the existing rear access to some dwellings appeared to have been closed off potentially adding to pressure for parking provision. Further non-objectionable points were raised also. Amended plans have been received re-instating the rear access to dwellings as well as addressing the majority of non-objectionable points. A tracking exercise has also been undertaken which appears to show that refuse vehicles and similar HGVs can enter and leave the site in a forward gear. The Highway Authority raise concern that this does not account for parked vehicles on New Street. Hence at the time of writing, whilst discussion below explains the recommendation, officers are still exploring whether other solutions to this matter are possible.

Warwickshire Fire and Rescue Service raise no objection subject to a condition for the provision of water supplies/fire hydrants.

The County Museum (Archaeology) raises no objection.

The Coal Authority raises no objection and advises the inclusion of a standard note.

The Environmental Health officer notes the proximity of the development to three former landfills leading to elevated levels of carbon dioxide and as such recommend a site investigation and remediation/mitigation measures (if necessary) prior to development commencing.

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

The Warwickshire Police Crime Prevention Design Advisor raises no objection to the proposals.

Dordon Parish Council raises concern over the volume of traffic that will need to use New Street, the visibility from the access, and whether sewers can accommodate the new dwellings. They also question if there is to be any benefit for the Parish through a Section 106 agreement and that eco lighting is required on site.

## **Representations**

Neighbours were consulted on 16 October 2012, with a site notice erected on 26 October 2012. Amended plans were received in late November and early December, and at the time of writing these are presently subject to re-consultation. Any further responses from neighbours and other interested parties will be reported verbally to the Board.

7 objections have been received from 6 separate addresses, along with 2 letters of comment.

All the objections raise concern that New Street has limited parking availability and congestion problems, and occupiers of and visitors to the proposed development may need to use New Street for parking causing further congestion; and that delivery lorries to the Co-Op presently cause an obstruction. Some objectors suggest that the land is put to parking/garages instead, whilst one raises concern over a loss of privacy. The immediate neighbour to plot 1 (at Oasis) raises objection on the grounds of overlooking and overshadowing, and the potential impact on them considering the installation of solar panels.

The neutral representations ask that access to the rear of their property is unobstructed at all times, whilst one raises concern in respect of the part demolition of number 72, asking that they be kept informed of timings and manner of such works. They also raise concern as to disturbance during the course of works across the whole development

## **Observations**

As noted in the November report, the site lies within the settlement boundary for Dordon and the threshold for affordable housing provision here is not reached. The principle of housing for the open market is thus acceptable. The main considerations focus on highway and parking impacts; living standards and neighbouring amenity, design and character, the change in circumstances since the 2007 refusal; before any other matters.

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

The existing situation on New Street is noted, with buses regularly using the route also. The lack of a delivery space for the Co-Op adds to the congestion experienced – sometimes of significant detriment. However it is important to remember that this application cannot be used to address an existing shortcoming – it is whether the impacts from the development proposed can be satisfactorily accommodated without causing unacceptable harm to the existing scenario.

The Highway Authority does not raise an issue with capacity on New Street. In terms of the overall number of dwellings which utilise New Street, the existing Co-Op and the general use of this route as a thoroughfare as an alternative to Long Street and as a bus route means that an additional 11 dwellings is not considered to constitute a material change in circumstances. The intensification of the access is a material change however, as this will now serve the rear of some dwellings, the additional housing and the new car park/delivery area to the Co-Op. The key here is whether the access is wide enough to safely accommodate traffic entering and leaving at the same time, and whether visibility from the access is acceptable. The Highway Authority raises no objection to these matters with the exception of whether service vehicles can be satisfactorily accommodated. This issue is expanded on below. Pedestrian access and turning space within the site is suitable.

The access is designed to accommodate the largest anticipated HGV to access the site on a regular basis – that is a refuse wagon. Fire vehicles and other delivery vehicles are shorter than the largest refuse wagon used by North Warwickshire. Hence if it were to be assumed that New Street were kept clear of parked vehicles, the swept path of the largest HGV would be comfortably accommodated within the carriageway. The Highway Authority's concern is that in reality, this is not the case, with cars parked opposite the proposed access and to both sides of it – something which already occurs around the present access. This prevents HGVs making the turn in one manoeuvre. For it to be achieved from the centre of the carriageway there would have to be no parked vehicles for roughly one or two car lengths north and south of the bellmouth. Officers have looked at whether double yellow lines could be provided. The Highway Authority advises that there is not a significant safety issue which demands them, and any formal application to achieve such restrictions would be open to consultation and without any certainty of implementation. In this light, a planning condition is not recommended.

Consideration therefore falls back to the likelihood of there being an issue and whether it is in fact reasonable to refuse on the basis of a matter which is largely outside of the applicant's control – even with amendments to the scheme. Observations conclude that during the day, parking is transient immediately outside the Co-Op. However there are still vehicles parked outside the dwellings, although passing places are often where residents are at work. During peak times there are less passing places to a point where most evenings/early mornings all parking opportunities are exhausted. Members are encouraged to note this context in the frame of refuse collections occurring anytime from 7am to mid-afternoon, and just once or twice a week (depending on the bin collected). The above context suggests that there may well not be an issue with parking preventing the HGV manoeuvres, with a reasonable chance that collections will occur outside of peak hours and at a time where sufficient space exists either side of the access.

There remains a degree of possible conflict if collections do occur during peak hours. In such circumstances a refuse wagon may not be able to access the site. The alternative solution is normally to provide a bin collection point. There is sufficient space to do this at the rear of number 72; however this position means that residents would have to move bins more than the recommended distance of 25 metres. This provides a “catch 22” situation for the applicant – both a bin collection point and the proposed access arrangement fail to meet highway guidelines. Members will wish to consider that amendments are highly unlikely to ever resolve this issue, and thus whether they wish to see this site left undeveloped. In reaching a balance, regard has been had to the above discussion about the *likelihood* of there actually being a problem; as well as residents’ desire to have their refuse collected over the inconvenience of having to move it further than normal to the collection point. For elderly occupants, the existing allowances for “from the door” collections still exist. It is thus recommended that both the access provisions for an HGV and a collection point be provided as a compromise. Should access be obstructed, there is still a fallback in terms that refuse can still be collected in this particular instance. The same balance applies to construction vehicles, with only a limited number of HGVs necessary over a relatively short period of time. In addition the timing of works and deliveries can be conditioned.

Furthermore there is a material benefit under this proposal. That is the creation of a car park and delivery area to the rear of the Co-Op. As noted delivery vehicles must presently park on New Street and can cause an obstruction as well as loss of parking for cars. Whilst the access would reduce the number of on street spaces for 2 or 3 cars; 7 spaces are provided in return. One of these spaces is dedicated to the occupier(s) of number 72, whilst the remainder are for customers and staff of the Co-Op. This can be secured by condition for the life of the development and provides considerable weight in favour. Parking provision for the 11 dwellings is in line with adopted standards and as the majority of dwellings are two-bedroomed, there is scope for only 1 of the 2 spaces allocated to these dwellings to be regularly used. It is therefore unlikely that the proposed dwellings will need to rely on roadside or off-site parking.

In light of the above, it is considered that the only unresolved matter on the Highway Authority’s objection is outweighed by the compromise on refuse collections and the material benefits of the service yard and additional parking.

#### **(b) Living standards and neighbouring amenity**

The Environmental Health officer notes the proximity to two landfills which are known to pose a risk, and a further quarry void which potentially poses a risk. Monitoring in the vicinity demonstrates elevated levels of carbon dioxide such that there may be a requirement to provide special protection measures or more on this site. As such a site investigation is considered necessary, with remediation and/or mitigation to follow if found to be necessary. A condition can secure this so to ensure the living conditions for occupiers of the development is acceptable. There is also no concern as to the internal living and external amenity standards for each of the proposed dwellings. The provision of the footway adjacent to number 72 also provides sufficient “buffer” between vehicles and this exposed elevation.

Turning to the impact on existing dwellings, there is considerable distance between habitable windows on the proposed to the terraces along New Street and Long Street – some 40 metres or so each way. This is acceptable. The main focus turns to the three isolated dwellings to the north of the site, to the rear of the Browns Lane shops and flats. The two recently completed dwellings are no considered to privacy or overshadowing effects due to no habitable windows facing north from plot 1, and sufficient distance to avoid shading. The change in levels between those dwellings and plot 1 will be considerable also.

The impact on Oasis also requires particular attention, with that property being a bungalow. It is noted that the “ribbon” of properties proposed generally lines up with Oasis so that the proposed houses do not project forward or rear of the bungalow. With no habitable windows to the side of plot 1 and views over their amenity space only possible at acute angles from first floor, there is not considered to be a privacy issue. In terms of shading, there will be a greater impact here as plot 1 will provided a two storey hipped end. However the whole plot will be set down by around 1.2 metres, with a further 2 metre boundary treatment above. This means just 1.8 metres of the main “bulk” of the dwelling has a shading effect before the hip of the roof draws the built form away from Oasis. Whilst shading will occur to some degree due to the southern orientation, the key is whether it is unacceptable. The side facing windows on Oasis are to non-habitable rooms, so they cannot be protected. The other consideration is whether external amenity space is unacceptably overshadowed and whether diffuse light to their rear bedroom or lounge is substantially reduced. Given Oasis is orientated east to west, it already provides considerable shading to the rear garden and lounge in the latter part of the day. The hipped roof to plot 1 is not considered to materially change this situation, with reasonable opportunity for unobstructed light passage over it.

In terms of the impacts from the construction phase of the development, given the proximity of a large number of residences to the site and the routes to and from it, a condition can appropriately control the hours of construction and associated deliveries. As mentioned above, this will also help to guide vehicle movements to a time where there is a lower opportunity for conflict.

### **(c) Design and character**

The existing development along New Street, Long Street and Browns Lane is mostly “frontage” development with long narrow gardens to the rear. These gardens often carry brick built outhouses to reflect the Victorian terraces and a number of boundary treatments in close proximity give a “built up” feeling to the area. The Browns Lane shops and flats above provide quite a notable urban influence over the site; and the presence of existing back land development (Oasis and the two other dwellings) and garages to this northern end of the site, along with the terraces providing a more or less constant “wall” of built form to the New Street and Long Street thoroughfares, mean that the harm arising from allowing non-frontage development here is limited. Indeed the inability to view the site from Long Street and only via the access from New Street means that the same built up character is echoed within the site.

This land is not garden land although given the last known use it cannot be regarded as “brownfield”, the recent changes in national planning policy under the NPPF strengthens the Council’s ability to decide each such proposal on its merits. Many existing cul-de-sac developments have evolved through similar proposals. This development carries a reasonable number of dwellings to present its own character, and there is sufficient room to provide a sufficiently wide access and further parking/delivery space. There is a strong argument to say that this development “holds its own” without causing harm to the character of the area. This is a sustainable location for housing and contributes to the rolling 5 year housing supply. There will also be New Homes Bonus generated by the development. Without unacceptable overlooking, overshadowing or highway impacts, the site is considered to comfortably hold the density of dwellings proposed.

In terms of the scale, height and detailing of the dwellings, these are considered to draw in the features exhibited by the terraced dwellings in the vicinity, yet provide sufficient contemporary influence so to set a new chapter in design evolution for the area. Subject to appropriate conditions, there is no objection here.

#### **(d) Change in circumstances since 2007**

The 2007 application was refused on the basis of the loss of an area of open space. Whilst not designated within the Local Plan, it was regarded that the use was available for allotments by way of a previous permission. Since then it has been established that despite use of some of the land for a short period for the growing of Christmas trees, the allotments use was never implemented and as such there was and is no “public” use of the land. With the land having been left to become overgrown in the last 5 years or so, there is clearly no intention by any party to use the land in such a fashion such that its loss can be sustained. There is not considered to be a material impact on biodiversity by way of its loss either.

#### **(e) Other matters**

Severn Trent Water raises no objection to existing capacity and requests a condition to address drainage proposals. The proposal triggers the requirement for a 10% reduction in energy consumption such that a condition will be added here as the site does not pose any particular constraints which could preclude this.

The suggestion for Section 106 gain by the Parish Council is noted, but Members will be aware Section 106 can only be exercised where it is necessary for the impacts or control of this development to be made acceptable. There is nothing which suggests this is the case here.

### **Recommendation**

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

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

#### **REASON**

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 9156.06 received by the Local Planning Authority on 9 October 2012 in so far as the location plan only; the plan numbered 9156.07C received by the Local Planning Authority on 5 December 2012, the plans numbered 9156.10a, 9156.11a and 9156.12B received by the Local Planning Authority on 3 December 2012; and the plan numbered 7177.450A received by the Local Planning Authority on 26 November 2012.

#### REASON

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

3. No development whatsoever within Classes A, B, C and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995, as amended, shall commence on site.

#### REASON

To protect the amenities of nearby residential property and the occupiers of the development hereby permitted.

4. The parking spaces hereby approved shall not be used for any purpose other than the parking of cars; with the spaces to the rear of the Co-Op (with the exception of the dedicated space for number 72 New Street) made permanently available to users of the Co-Op, residents of New Street and visitors to the proposed development.

#### REASON

To ensure adequate on-site parking provision for the approved development and to discourage parking on the adjoining highway in the interests of local amenity and highway safety.

5. The service area to the rear of the convenience store shall be made available at all times for the loading/unloading of delivery vehicles associated with the use of those premises.

#### REASON

In the interests of safety on the public highway by way of encouraging deliveries occur at the rear of the store.

6. The turning areas to enable vehicles to leave and re-enter the public highway in a forward gear shall be maintained and kept free of obstructions at all times.

#### REASON

In the interests of safety on the public highway.

7. No demolition and construction works shall occur other than between 0800 and 1800 hours on weekdays, and 0800 and 1300 hours on Saturdays, with no demolition or construction works on Sundays or recognised public holidays. There shall be no deliveries of construction equipment or materials other than between 0900 and 1700 hours on weekdays, and 0900 and 1300 hours on Saturdays, with no deliveries on Sundays or recognised public holidays.

#### REASON

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

8. No works whatsoever shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by suitably qualified and experienced persons, shall be based on a Phase I Assessment carried out for the site in accordance with the British Standard for the investigation of potentially contaminated land, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health;
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - adjoining land;
  - groundwaters and surface waters;
  - ecological systems; and
  - archaeological sites and ancient monuments.

#### REASON

To ensure that risks from land contamination to the proposed end users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. In the event that significant contamination is identified as a result of the site investigation under condition 8, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be implemented in accordance with the approved timetable of works and site management procedures. A validation plan shall also be agreed with the Local Planning Authority in writing in order to demonstrate the effectiveness of the remediation.

#### REASON

To ensure that risks from land contamination to the proposed end users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. No development shall take place until details of the facing bricks, render, roofing tiles and surfacing materials to be used have been submitted to and approved by the Local Planning Authority in writing. The approved materials shall then be used.

#### REASON

In the interests of the amenities of the area.

11. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of walls/fences to be erected. This shall include details of the retaining wall adjacent to plot 1. The approved screen walls/fences shall be erected before the dwellings hereby approved are first occupied and shall subsequently be maintained.

#### REASON

In the interests of the amenities of the area.

12. No development shall take place until details of a scheme to reduce residual energy requirements within the dwellings by at least 10% has been submitted to and approved by the Local Planning Authority in writing. The approved details shall then be implemented accordingly.

#### REASON

In order to ensure that energy demands arising from the lighting, heating and use of the dwellings are met on site as far as possible.

13. No development shall take place until a scheme for the construction of the foul and surface water drainage system 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.

14. No development shall take place until a landscaping scheme has been submitted to the Local Planning Authority for approval. 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

In the interests of the amenities of the area.

15. No development shall take place until details of a bin collection point to the north side of the access road with level access for wheeled refuse and recycling bins has been submitted to and approved in writing by the Local Planning Authority. The bin collection point shall be provided in accordance the approved details prior to first occupation of any of the dwellings hereby approved.

REASON

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

16. No development shall take place until details of the construction, surfacing (including footway crossovers), drainage, gates and lighting of the access, bellmouth, service yard, turning and parking areas have been submitted to and approved in writing by the Local Planning Authority, based on the site layout hereby approved and accompanied with a phasing plan to show the what standard works will be completed prior to development commencing and prior to first occupation of the dwellings hereby approved. The access, bellmouth, service yard, turning and parking areas shall be provided in accordance the approved details and phasing plan, with all works completed to their final standard prior to first occupation of any of the dwellings hereby approved.

REASON

In the interests of safety on the public highway and ensuring appropriate access for construction vehicles.

17. Within three months of the completion of measures identified in the approved remediation scheme under condition 8 (if necessary), a validation report (that demonstrates the effectiveness of the remediation carried out and reports departures from the remediation plan and their effect on the overall remediation) must be submitted to the Local Planning Authority.

## REASON

To ensure that risks from land contamination to the proposed end users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

## 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), HSG2 (Affordable Housing), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV10 (Energy Generation and 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).
2. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. It should also be noted that this site may lie within an area where a current licence exists for underground coal mining. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).
3. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from [www.ukradon.org](http://www.ukradon.org) if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property. For further information and advice on radon please contact the Health Protection Agency at [www.hpa.org.uk](http://www.hpa.org.uk). Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.

4. Condition number 14 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant. The Area Team at Coleshill may be contacted by telephone: (01926) 412515. 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.
5. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway; or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
6. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning objections and issues, and suggesting amendments to improve the quality of the proposal, 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.

## **Justification**

The proposal is subject to a sustained objection from the Highway Authority on the grounds that it has not been demonstrated that access for HGVs is possible, in that parked vehicles on New Street may prevent refuse and construction wagons from accessing the development. However the likelihood of conflict is considered to be limited given the frequency of refuse collections, the limited number of construction vehicles and deliveries over a relatively short period of time and the ability to control such vehicles by condition, and the material benefit offered by the creation of a service yard and parking to the rear of the Co-Op. These issues are material considerations sufficient in favour of the proposal to outweigh conflict with saved policy ENV14 of the North Warwickshire Local Plan 2006. Elsewhere the principle of market housing on this site is acceptable in this location, with the land otherwise remaining unused and derelict. The impacts on neighbouring amenity are considered acceptable, whilst living standards for occupiers of the development are also appropriate. The overall design of the proposal is acceptable in terms of local character and the scale, height and appearance of the dwellings. The proposal is thus in accordance with saved policies Core Policy 2, HSG2, ENV3, ENV4, ENV6, ENV8, ENV10, ENV11, ENV12, ENV13, TPT1, TPT3 and TPT6 of the North Warwickshire Local Plan 2006, adopted supplementary planning guidance 'A Guide

for the Design of Householder Developments (2003)' and national policies as set out in the National Planning Policy Framework. There are no material considerations that indicate against the proposal.

## BACKGROUND PAPERS

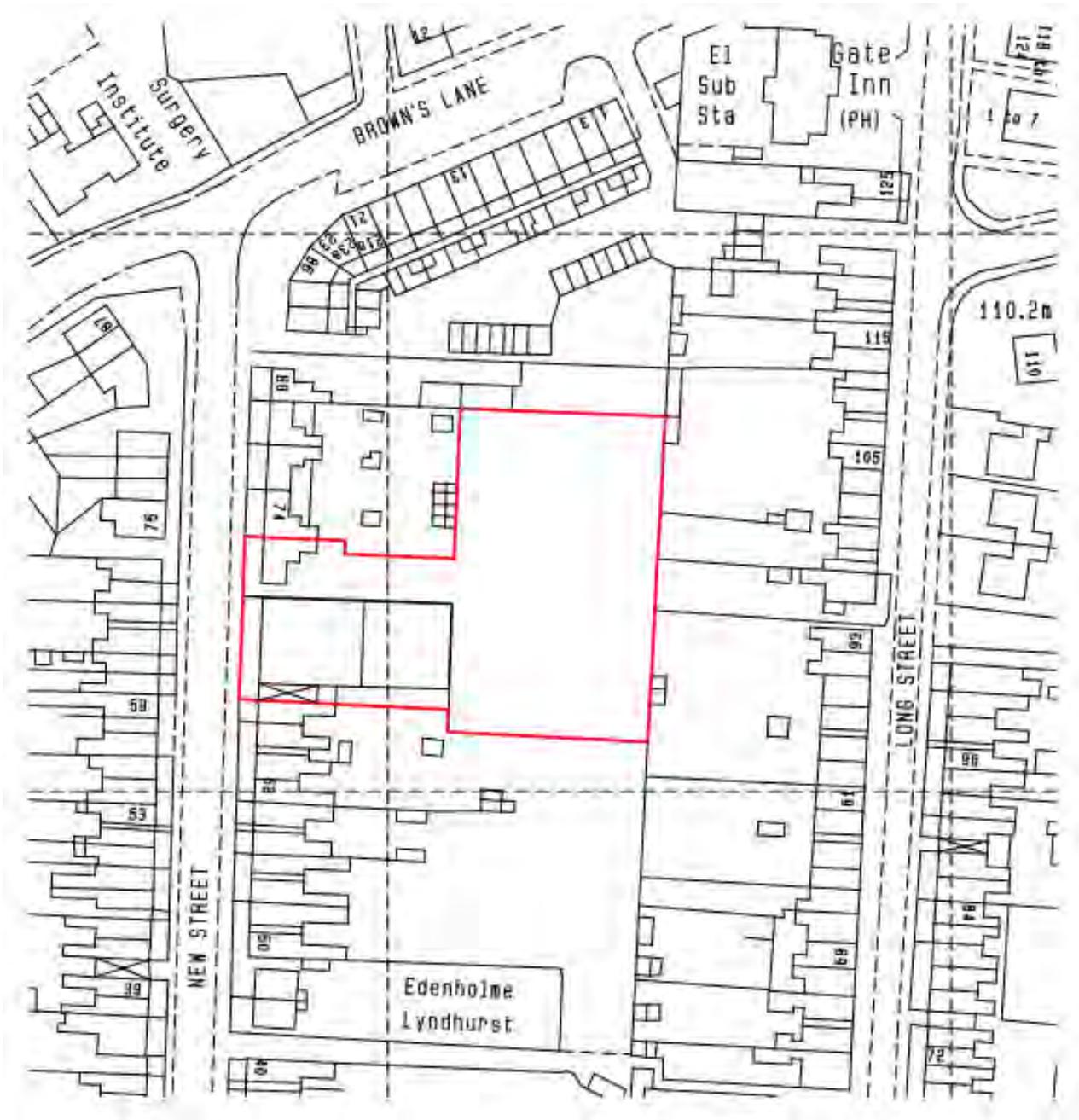
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2012/0498

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	09/10/2012
2	County Museum (Archaeology)	Consultation reply	17/10/2012
3	Warwickshire Fire and Rescue Service	Consultation reply	18/10/2012
4	Warwickshire Police Crime Prevention Design Advisor	Consultation reply	18/10/2012
5	Severn Trent Water	Consultation reply	22/10/2012
6	Mr & Mrs C S Grant	Representation	22/10/2012
7	Mrs Jennifer Hughes	Representation	23/10/2012
8	Edward Raymond Hughes	Representation	23/10/2012
9	Environmental Health Officer	Consultation reply	24/10/2012
10	Coal Authority	Consultation reply	26/10/2012
11	Mr Martyn Fretwell	Representation	26/10/2012
12	Deborah Tomlinson	Representation	26/10/2012
13	Robin Boucher	Representation	30/10/2012
14	Owen Carvalho	Representation	04/11/2012
15	Victoria Bull	Representation	05/11/2012
16	Lydia Walton	Representation	06/11/2012
17	County Highway Authority	Consultation reply	08/11/2012
18	Dordon Parish Council	Consultation reply	20/11/2012
19	Head of Development Control	Member's site visit notes	24/11/2012
20	Agent	Email to Case Officer	26/11/2012
21	Severn Trent Water	Reconsultation reply	30/11/2012
22	Case Officer	Email to Agent	30/11/2012
23	Deborah Tomlinson	Reconsultation representation	03/12/2012
24	Agent	Email to Case Officer	03/12/2012
25	Case Officer	Email to Agent	03/12/2012
26	Agent	Email to Case Officer	05/12/2012

*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.*







**(12) Application No: PAP/2012/0530**

**St Marys Church, Friars Gate, Atherstone, Warwickshire, CV9 1EZ**

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

**Miss Alethea Wilson - North Warwickshire Borough Council**

### **Introduction**

The application is reported to the Board as the Council is the owner of the trees concerned.

### **The Site**

The site comprises of St Mary's Church which stands at the northern end of the Market Place and dominates the street scene. The site is within the Conservation Area and the trees earmarked for works are covered by a Tree Preservation Order. To the grassed frontage of the Church are several trees which front the public highway. The trees earmarked for works under this application are the Silver Birch, located on the immediate left to the pedestrian entrance to the Church; the Maple Tree located to the right of the entrance, and in a linear formation are a Cherry tree and a further Maple tree.

There are a number of other trees that stand within the Church grounds that are not earmarked for works under this application.

The general arrangement of the site and the trees earmarked for works is shown at Appendices A and B. (Please note in Appendix B the Maple trees have been wrongly listed as Sycamore trees).

### **The Proposal**

The proposal for works to the Silver Birch tree (T8) is for a crown lift to give a 5 metre clearance over the footpath and the highway.

The proposal for works to the Cherry tree (T10) is to crown lift to give a 3.5 metre clearance all round.

The works to Maple (T9) is to tip back to give a clear view along Sheepy Road.

The works to Maple (T11) is to crown lift to give a 6 metre clearance all round.

The justification for the works is to facilitate the view for the town centre CCTV system but also to ensure that the footpath/highway is not obstructed, should there be any potential for falling branches over the footway. Photographs of the present condition of the trees are available at Appendix C.

## Development Plan

North Warwickshire Local Plan 2006 (Saved Policies) - ENV4 (Trees and Hedgerows) and ENV15 (Heritage Conservation, Enhancement and Interpretation).

## Consultations

Warwickshire County Council Forestry Officer – Works are necessary to remove obstruction to the highway and to improve sight lines for CCTV cameras. Consent is recommended.

Atherstone Town Council – It was resolved there was no objection to this application, if outside of the nesting season. Please note there are Christmas lights permanently positioned in some of the trees.

## Observations

The application is made on behalf of the Council by its Landscape Officer. The professional opinion is therefore of significant weight. The proposed works are felt to ensure the footpath is not obstructed by the trees and to ensure clear sight lines for CCTV surveillance. In view of the comments made at the last meeting in respect of trees and CCTV coverage, it should be stressed that these proposals seek only minor works to the trees and would not compromise their overall health, appearance or amenity value.

The trees are located within the Conservation Area and given the trees will be retained and managed appropriately, then it is not considered that the works would cause any adverse harm on the appearance or character of the Conservation Area.

## Recommendation

That Consent be **GRANTED** subject to the following conditions:

1. The works hereby consented are to crown lift the Silver birch to give a 5 metre clearance over the footpath; to crown lift the Cherry tree to give a 3.5 metre clearance all round, to crown lift the Maple (T11) to give 6 metres clearance all round and to tip back the Maple (T9) to give a clear view along Sheepy Road.

## REASON

To ensure the works to the trees are minimal in order that the amenity afforded by trees is continued into the future.

2. The works hereby approved as set out below shall consist only of those detailed in this consent and shall be carried out in accordance with British Standard BS 3998 "Recommendations for Tree work" and all up to date arboricultural best practice. The consent for this particular work is valid for 2 years from the date of consent.

#### REASON

To ensure the work is carried out to accepted arboricultural practices to the long term well being of the trees.

#### Notes

1. The applicant is advised that to comply with the condition relating to the standard of works to trees, the work should be carried out in accordance with British Standard 3998 "Recommendations for Tree Work".
2. The applicant is reminded of the protection afforded to nesting birds. Works to trees shall be carried out outside of bird nesting season, which is typically March through to September.
3. The Development Plan policies which are relevant to this Decision are as follows  
-  
North Warwickshire Local Plan 2006 (Saved Policies) ENV4 - Trees and Hedgerows and ENV15 - Heritage Conservation, Enhancement and Interpretation.

#### Justification

The proposal for works to trees is considered to be acceptable as the works will enable the trees to remain in good form and health. The management of these trees is not only required to improve CCTV sightlines but also to reduce obstruction to the footway. It is considered that works to the trees are justified given they will be retained in the public realm and will continue to have an amenity benefit along the street scene, without causing harm on the character or setting of the Conservation Area. The proposal is therefore in accordance with the saved Development Plan Policies ENV4 and ENV15 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/2012/0530

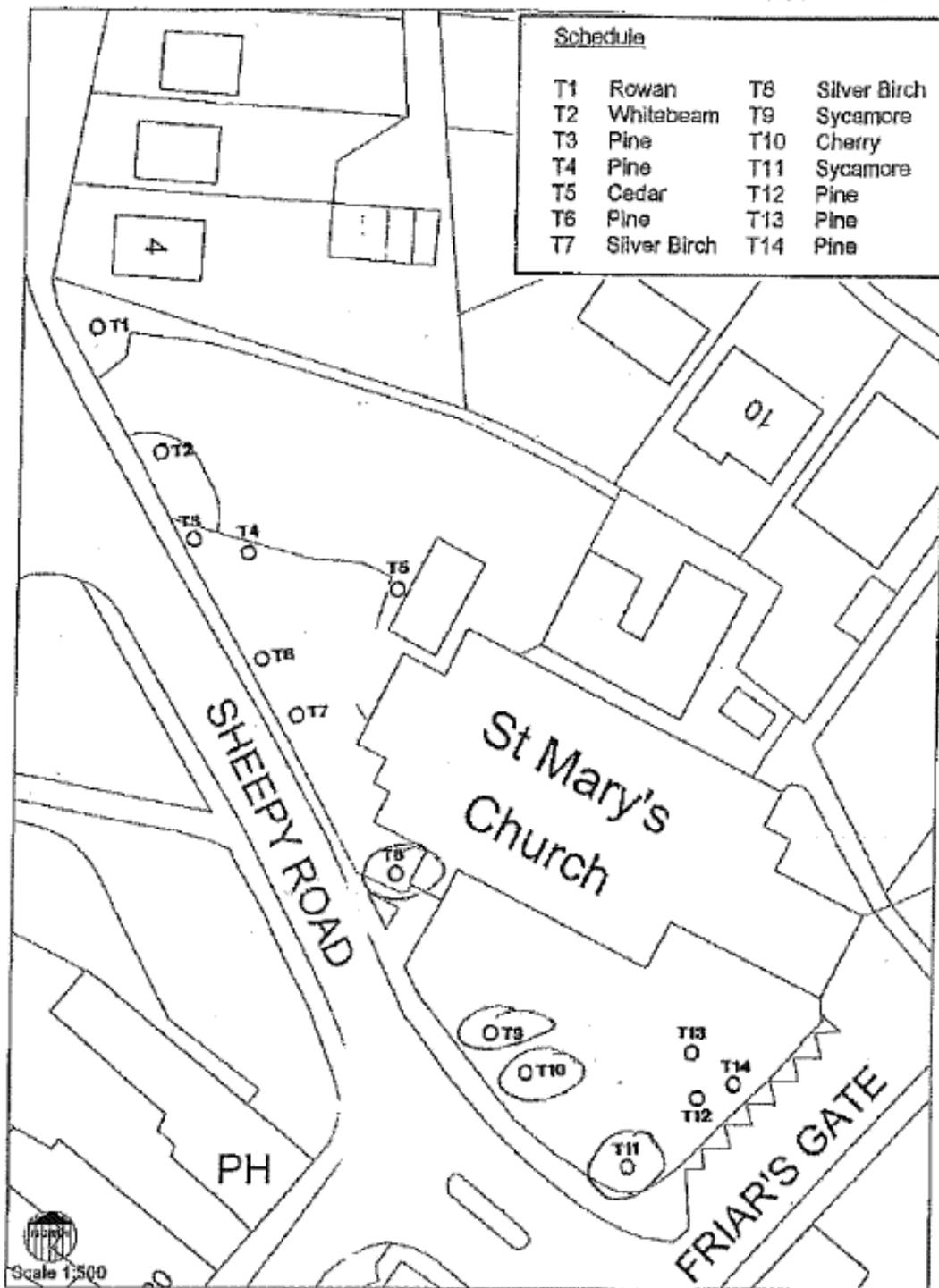
<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant	Application Forms, Plans and Statement(s)	30.10.12
2	WCC County Forestry Officer	Consultation response	22.11.12
3	Atherstone Town Council	Consultation response	22.11.12

*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





St. Mary's Church, Atherstone

○ - works proposed to these trees.

Appendix C



