

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

For the information of other Members of the Council

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

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

PLANNING AND DEVELOPMENT BOARD AGENDA

16 JULY 2012

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 16 July 2012 at 6.30 pm.

AGENDA

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Declarations of Personal or Prejudicial Interests.**
(Any personal interests arising from the membership of Warwickshire County Council of Councillors Lea, May, B Moss and Sweet and membership of the various Town/Parish Councils

of Councillors Barber (Ansley), Butcher (Polesworth), B Moss (Kingsbury), Phillips (Kingsbury) and Winter (Dordon) are deemed to be declared at this meeting.

- 4 **Minutes of the Meetings of the Board held on 19 March, 16 April, 21 May and 18 June 2012** – copies herewith to be agreed as a correct record and signed by the Chairman.

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

- 5 **Budgetary Control Report 2012/2013 Period Ended 30 June 2012**
- Report of the Assistant Director (Finance and Human Resources)

Summary

The report covers revenue expenditure and income for the period from 1 April 2012 to 30 June 2012. The 2012/2013 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

The Contact Officer for this report is Nigel Lane (719371).

- 6 **Planning Applications** – Report of the Head of Development Control.

Summary

Town and Country Planning Act 1990 – applications presented for determination

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

- 7 **Annual Performance Report 2011/12** – Report of the Head of Development Control.

Summary

The report outlines the performance of the Development Control service over the year 2011/12 comparing it with previous years.

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

- 8 **Tamworth Local Plan – Pre-submission Consultation and additional documents** - Report of the Assistant Chief Executive and Solicitor to the Council

Summary

This report relates to the consultation on the Tamworth Local Plan – Pre-submission Consultation and Tamworth Town Centre: Supplementary Planning Document Consultation.

The Contact Officer for this report is Dorothy Barratt (719250).

- 9 **Reform of Heritage Legislation** – Report of the Head of Development Control.

Summary

The report briefly describes the changes being proposed by Government to legislation affecting heritage assets.

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

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

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

Recommendation:

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

- 11 **Breaches of Planning Control** – Report of the Head of Development Control

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

JERRY HUTCHINSON
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

19 March 2012

Present: Councillor Sweet in the Chair.

Councillors Barber, Butcher, L Dirveiks, Holland. Humphreys, Lea, B Moss, Phillips, Sherratt, Simpson, A Stanley, Turley, Winter and Wykes

Councillors Fox, Lewis, May, Moore and Payne were also in attendance.

72 **Declarations of Personal or Prejudicial Interests**

Personal interests arising from the membership of Warwickshire County Council of Councillors Lea, B Moss and Sweet and membership of the various Town/Parish Councils of Councillors Barber (Ansley), Butcher (Polesworth), B Moss (Kingsbury), Phillips (Kingsbury) and Winter (Dordon) were deemed to be declared at this meeting.

Councillor Sherratt declared a personal and prejudicial interest in Minute No 74 Planning Applications (Application No 2011/0565 Laxes Farm, Nuneaton Road, Over Whitacre, B46 2NL) and took no part in the discussion or voting thereon.

Councillors Lea, B Moss and Sweet declared a personal interest in Minute No 74 Planning Applications (Consultations by Warwickshire County Council relating to Middleton Hall Quarry, Bodymoor Heath Lane, Middleton and consultation by Warwickshire County Council relating to Faraday Avenue, Hams Hall) by reason of being Members of Warwickshire County Council. In addition Councillor Sweet vacated the Chair for the consideration of these items.

73 **Minutes**

The minutes of the meetings of the Board held on 19 December 2011, 16 January and 13 February 2012, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

74 **Planning Applications**

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

Resolved:

- a** That consideration of Application No 2012/0070 (Land adjacent to Austrey House Farm, Orton Lane, Austrey, CV9 3NR) be deferred for a site visit;

[Speakers Damian Gallagher and Paul Smith]

- b** That Application No 2011/0623 (Junction 10 Service Station, Tamworth Motorway Services, Green Lane, Dordon) be refused for the following reason

“It is considered that the development does not meet the requirements of saved policies ENV12 and ENV13 of the North Warwickshire Local Plan 2006 in that it does not positively integrate into its surroundings or harmonise with both the immediate setting and wider surrounds. This is by virtue of its size and scale relative to the surrounding development and to its visibility over a wide geographic area. In short it does not present a visually attractive development.”

[Speakers Councillor Daniel Cooke, Judy Vero and Kevin Caveney]

- c** That the report in respect of Application No 2012/0016 (Car Park, Park Road, Coleshill, Birmingham, B46 3LA) be noted;

- d** That provided the applicant first enters in to a Section 106 Agreement in respect of the issues set out in the report, Application No 2010/0622 (Brook House, Warton Lane, Grendon, Atherstone, CV9 3DT) be approved subject to the conditions set out in the report of the Head of Development Control;

- e** That consideration of Application No 2011/0565 (Laxes Farm, Nuneaton Road, Over Whitacre, B46 2NL) be deferred;

[Speakers Richard Hancocks and Judy Vero]

- f** That Application No 2011/0634 (The Common, Baddesley Ensor, Warwickshire) be approved subject to the conditions set out in the report of the Head of Development Control;

[Speaker Martyn Barrett]

g That Application No 2011/0646 (Land rear of 17 to 21, Queensway, Hurley) be approved subject to the conditions set out in the report of the Head of Development Control;

h That Application No 2011/0670 (Ash End Farm, Middleton Lane, Middleton, Tamworth) be approved subject to conditions to be agreed by the Head of Development Control in consultation with the Chairman, Vice Chairman, Opposition Spokesperson and the Local Ward Member;

[Speaker David Stentiford]

i That Application No 2012/0008 (Arley Working Mens Club, Spring Hill, Arley, CV7 8EF) be approved subject to the conditions set out in the report of the Head of Development Control;

[Speaker Richard Ellis]

j That Application No 2012/0020 (Car Park, Park Road, Coleshill) be approved as set out in the report of the Head of Development Control;

k That Application No: PAP/2012/0051 (Bretts Hall Recreation Ground, Bretts Hall Estate, Ansley Common, CV10 0PQ) be approved subject to the conditions set out in the report of the Head of Development Control;

l That the report of the Head of Development Control in respect of Applications No 2012/0078 and 2012/0084 (Land at South Street, Rear of Atherstone Garage, Atherstone, CV9 1DR) be noted;

m That in respect of Application No 2012/0087 (Rear of 73, Coleshill Road, Water Orton, B46 1QF) a certificate under Section 191 of the 1990 Act be granted as described in the report of the Head of Development Control. That the three informatives set out below be included

i) This Certificate does not grant or establish any private right of access over public footpath M38 between the site and the Coleshill Road;

ii) Enquires concerning private rights of access in this respect are matters to be dealt with by the Land Registry, not the Borough Council; and

- iii) Enquires concerning the ownership of land connected with the works covered by this Certificate are to be resolved privately and not through the Borough Council.

[Speaker Daryl Burgess]

[Councillor Winter in the Chair]

- n That in response to the consultations by Warwickshire County Council relating to Middleton Hall Quarry, Bodymoor Heath Lane, Middleton
 - i) the Council has no objection to the construction waste recycling facility given the extant lawful use at the quarry site, subject to the extinguishment of the current permission; an end date of 2022 or the completion of the land fill operation whichever is the sooner and the imposition of conditions to reduce adverse environmental impacts; and
 - ii) the Council objects to the wood recycling facility for the reasons given in the report of the Head of Development Control namely that it represents the addition of new development unrelated to the restoration of the site and is inappropriate within the Green Belt.
- o That in response to the consultation by Warwickshire County Council relating to Faraday Avenue, Hams Hall, the Council objects to this application on the grounds as set out in the report of the Head of Development Control namely that it considers greater weight should be given to the objective of retaining this land within the Green Belt than that of dealing with the recycling of this particular waste stream, and on the grounds of potential noise and dust pollution; and

[Councillor Sweet in the Chair]

- p That Application No 2011/0657 (Land at Old Farm Road, Mancetter) be approved subject to the conditions set out in the report of the Head of Development Control.

75 A5 Strategy 2011 – 2026 Adoption

The Assistant Chief Executive and Solicitor to the Council sought agreement to the adoption of the A5 Strategy covering the A5 from the A449 Gailey (Staffordshire) to the A45 Weedon (Northamptonshire) passing through the Borough.

Resolved:

That the Strategy and accompanying Action Plan, attached as an Appendix to the report of the Assistant Chief Executive and Solicitor to the Council, be adopted as a formal evidence base to underpin and inform the development of Local Development Frameworks and Local Transport Plans and Policy, to inform negotiations with developments and to support any potential bids for infrastructure funding.

76 Exclusion of the Public and Press

Resolved:

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

77 Breaches of Planning Control

The Head of Development Control reported on three alleged breaches of planning control and the Board was asked to agree suggested courses of action.

Resolved:

- a That in respect of land to the rear of Whitegate Farm, Quarry Lane, Mancetter, the Solicitor to the Council be authorised to take appropriate legal action in response to the non-compliance with two extant Enforcement Notices as set out in the report of the Head of Development Control;**
- b That in respect of land to the rear of 92 Coleshill Road, Hartshill, the Solicitor to the Council be authorised to issue an Enforcement Notice relating to the change of use of the land for the storage of heavy goods vehicles, vehicle trailers, plant and containers and that the compliance period be three months; and**
- c That in respect of land at Manor House Farm, Coleshill Road, Ansley, the Solicitor to the Council be authorised to take appropriate legal action in response to the non-compliance with an extant Enforcement Notice as set out in the report of the Head of Development Control.**

R Sweet
Chairman

Planning and Development Board

19 March 2012

Additional Background Papers

Agenda Item	Application Number	Author	Nature	Date
5 (9)	2012/0020	Warwickshire Police	Consultation	19.3.12
5 (9)	2012/0020	Severn Trent Water Limited	Consultation	12.3.12
5 (9)	2012/0020	Fire Services Authority	Consultation	12.3.12
5(13)	2012/0087	Mr Paton	Objection	09.3.12
5(13)	2012/0087	Dan Byles M.P.	Letter	18.3.12
5(13)	2012/0087	R Gurney	Representative	17.3.12
5(16)	2011/0057	Mancetter Parish Council	Support	25.1.12
5 (4)	2011/0623	Agent	Email	12.3.12
5 (4)	2011/0623	Agent	Email	16.3.12
5 (4)	2011/0623	K Usher	Email	14.3.12

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

16 April 2012

Present: Councillor Sweet in the Chair.

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

Apologies for absence were received from Councillors Holland, Sherratt and Simpson.

Councillors Fox, May and Moore were also in attendance.

78 **Declarations of Personal or Prejudicial Interests**

Personal interests arising from the membership of Warwickshire County Council of Councillors Lea, B Moss and Sweet and membership of the various Town/Parish Councils of Councillors Barber (Ansley), Butcher (Polesworth), B Moss (Kingsbury), Phillips (Kingsbury) and Winter (Dordon) were deemed to be declared at this meeting.

Councillors Lea, B Moss and Sweet declared a personal interest in Minute No 79(h) (Consultation by Warwickshire County Council - Radbrook Workshop, Highfield Lane, Corley Ash, Corley) by reason of being County Councillors. Councillor Sweet vacated the Chair for this item.

79 **Planning Applications**

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

Resolved:

- a **That Application No 2012/0070 (Land adjacent to Austrey House Farm, Orton Lane, Austrey, CV9 3NR) be refused for the following reasons:-**

“i) The proposal fails to protect or enhance the intrinsic qualities of the existing landscape in the immediate and wider vicinity of the site. The structure would appear incongruous in this landscape which is generally devoid of prominent and contemporary urban influences, and which offers wide, unobstructed panoramas from the escarpment towards the south and west. The mitigation offered by way of the temporary period and design proposed is not considered sufficient

to outweigh the harm brought about. The proposal is thus contrary to saved policy ENV1 of the North Warwickshire Local Plan 2006, plus 5th core planning principle of the NPPF (paragraph 17); and

- ii) The proposal fails to harmonise with the immediate setting and wider surroundings given it would appear as an alien urban feature in an isolated rural position. The proposal is thus contrary to saved policy ENV12 of the North Warwickshire Local Plan 2006.”

[Speakers Damian Gallagher and Stuart Barber]

- b That consideration of Application No 2011/0565 (Laxes Farm, Nuneaton Road, Over Whitacre, B46 2NL) be deferred for a site visit.

[Speakers Rita Poulson and David Hickie]

- c That in respect of Application No 2012/0016 (Car Park, Park Road, Coleshill, Birmingham, B46 3LA) the Car Parking Management Scheme as submitted on 27 February 2012 be approved in discharge of Condition 25 of planning permission 2011/0529 dated 20 December 2011.
- d That provided the applicant first enters into an agreement under Section 106 of the Town and Country Planning Act 1990 in respect of the issues set out in the report of the Head of Development Control, Application No 2011/0666 (Brookfield Bungalow, 8 Cottage Lane, Nether Whitacre, B46 2EL) be approved subject to the conditions specified in his report; and to an additional condition:

“No development whatsoever within Class A, B and 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 unless details have first been submitted to and approved in writing by the Local Planning Authority.”
- e That in respect of Application No 2012/0124 (Land at Birmingham Road, Coleshill) a Tree Preservation Order is not required for the reasons set out in the report of the Head of Development Control.

- f That Application No 2012/0131 (The Day Centre, Rowland Court, Arley) be approved subject to the following additional condition:

“The pharmacy use hereby approved shall be limited solely to the area of the building as shown on the approved plan and for the avoidance of doubt shall be limited to such use including the sale of pharmaceutical products.”

- g That Application No 2012/0158 (Village Hall, The Green, Shustoke, B46 2AR) be approved subject to the following additional conditions:

“i) The retail use hereby approved shall be limited solely to the area of the building as shown on the approved plan; and

ii) Any gates, existing or in the future, that are at the entrance to the site shall be left open during the opening hours of the shop.”

[Speaker Gordon Etheridge]

[Councillor Winter in the Chair]

- h That the report of the Head of Development Control in respect of the consultation by Warwickshire County Council relating to Radbrook Workshop, Highfield Lane, Corley Ash, Corley be noted.

[Councillor Sweet in the Chair]

80 **Section 106 Monitoring Report**

The Head of Development Control provided the latest review of outstanding Section 106 Agreements in regard to financial contributions.

Resolved:

That the report be noted.

81 **The National Planning Policy Framework**

The Head of Development Control reported that the Government had now published its National Planning Policy Framework along with its Planning Policy for Traveller Sites which both came into effect on 27 March. The documents replaced all previously published Planning Policy Guidance and Statements.

Resolved:

That the report be noted.

82 Exclusion of the Public and Press

Resolved:

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

83 Breaches of Planning Control

The Head of Development Control reported on an alleged breach of planning control and the Board was asked to agree a suggested course of action.

Resolved:

That in respect of Bogs Farm, Stonebridge Road, Coleshill, it is not expedient to take enforcement action in relation to the removal of a length of hedgerow and that the interested parties are informed accordingly.

R Sweet
Chairman

Planning and Development Board
16 April 2012
Additional Background Papers

Agenda Item	Application Number	Author	Nature	Date
4/1	PAP/2012/0070	David Hunt	Representation on reconsultation	02/04/2012
		Head of Development Control	Letter to MP Dan Byles	03/04/2012
		Mr M Abbott	Representation on reconsultation	04/04/2012
		David Studd	Representation on reconsultation	05/04/2012
		David Lodge	Representation on reconsultation	05/04/2012
		Newton Regis, Seckington & No Man's Heath Parish Council	Representation on reconsultation	05/04/2012
		Mr & Mrs N Dix	Representation on reconsultation	09/04/2012
		Ivan Ould o/b/o Twycross Residents	Comments	10/04/2012
		SSWAT Co-ordinator	Email to Case Officer	12/04/2012
		Applicant	Email to Case Officer	12/04/2012
		Case Officer	Email to SSWAT Co-ordinator	12/04/2012
		Mr Peter Ghent	Representation on reconsultation	12/04/2012
		Mrs Elizabeth Ghent	Representation on reconsultation	12/04/2012
		Liz Goodman	Representation	12/04/2012
		Sarah Bullivant	Representation on reconsultation	12/04/2012
		Gareth Reed	Representation	12/04/2012
		Mrs Linda Buckingham	Representation on reconsultation	13/04/2012
		Mary Ould	Representation on reconsultation	13/04/2012
		MP Dan Byles	Letter to Head of Development Control	13/04/2012
		Head of Development Control	Notes of Site Visit/Tour	14/04/2012
Charles Richardson	Representation on reconsultation	15/04/2012		
Graham Roberts	Representation on reconsultation	16/04/2012		
Ivan Ould o/b/o Twycross Residents	Comments	16/04/2012		

This brings the total number of objections to 228 from 206 separate addresses. These cite objections and concerns already outlined. The 13 representations received in respect of the reconsultation reassert their previous opinions and comments.

Agenda Item	Application Number	Author	Nature	Date
4/3	DOC/2112/0016	P Eagles	Objection	8/4/12
4/6	PAP/2012/0131	R Duff	Objection	8/4/12
		H Duff	Objection	8/4/12
4/7	PAP/2012/0158	Mr & Mrs Hague-Morgan	Representation	11/4/12
		Warwickshire County Council	Consultation	13/4/12
		D Howell	Representation	13/4/12

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

21 May 2012

Present: Councillor Sweet in the Chair.

Councillors Barber, Butcher, L Dirveiks, Lea, May, Moore, Phillips, Sherratt, Simpson, A Stanley, Turley, Watkins, Winter and Wykes

Apologies for absence were received from Councillors Humphreys (substitute Councillor Wykes) and B Moss (substitute Councillor Moore).

Councillor Fox was also in attendance.

1 **Declarations of Personal or Prejudicial Interests**

Personal interests arising from the membership of Warwickshire County Council of Councillors May, Lea and Sweet and membership of the various Town/Parish Councils of Councillors Barber (Ansley), Butcher (Polesworth), Moore (Baddesley Ensor), Phillips (Kingsbury) and Winter (Dordon) were deemed to be declared at this meeting.

Councillor Sherratt declared a personal and prejudicial interest in Minute No 2 Planning Applications (Application No 2011/0565 Laxes Farm, Nuneaton Road, Over Whitacre, B46 2NL) and took no part in the discussion or voting thereon.

Councillor Turley declared a personal and prejudicial interest in Minute No 2 Planning Applications (Application No 2012/0208 - Miners Welfare Centre, Ransome Road, Arley, Warwickshire) and took no part in the discussion or voting thereon.

Councillors May, Lea and Sweet declared a personal interest in Minute No 2 (Consultation by Warwickshire County Council relating to De Mulder and Sons Ltd, Mancetter Road, Hartshill) by reason of being County Councillors. Councillor Sweet vacated the Chair for this item.

2 **Planning Applications**

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

Resolved:

- a **That in respect of Application No 2011/0565 (Laxes Farm, Nuneaton Road, Over Whitacre, B46 2NL)**

i planning permission be granted subject to the amendment of condition 6 and additional conditions 16 and 17 as follows

“6. No construction traffic or lorries shall access the site and no material shall be imported or exported from the site unless measures are in place to minimise the deposit of extraneous material onto the public highway by wheels of vehicles accessing the site in accordance with details submitted to and approved in writing by the Local Planning Authority. The details shall include arrangements for sweeping the public highway and the washing of HGV wheels before leaving the site. The agreed measures shall be implemented and maintained in good working order at all times.

16. The use hereby permitted shall not be brought into operation for business purposes until such time as all excess material not involved in the construction of the pool as set out in the approved plans has been fully removed from the site.

17. If the use hereby permitted has not commenced within six months of the date of completion of the pool as shown on the approved plans, the pool shall be drained and all waste materials removed from the site, and then the land reinstated to its former agricultural use and land contours, all in accordance with a scheme that shall first have been submitted to and agreed in writing by the Local Planning Authority.”

ii officers explore the possibility of including a policy in the forthcoming Development Management Development Plan Document outlining the criteria by which applications for new fishing pools will be considered, including the cumulative impacts of these proposals.

[Speakers Philip Mason and David Hickie]

b That provided the applicant first signs a Deed of Modification for the Section 106 Agreement as set out in the report of the Head of Development Control, Application No 2012/0003 (Timber Tops, Mill Lane, Fillongley) be approved subject to the conditions specified in the report;

- c That Application No 2012/0094 (3 The Green, Austrey) be approved subject to the conditions specified in the report of the Head of Development Control;

[Speakers Martin Cooke and Jonathan Walsh]

- d That Application No 2012/0095 (12 Grange Road, Hartshill, Nuneaton) be approved subject to the conditions specified in the report of the Head of Development Control;

[Speaker John Craddock]

- e That Application No 2012/0164 (Grimscote Manor, Lichfield Road, Coleshill, Warwickshire) be approved subject to the following additional condition

“4. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995, as amended or as may be amended in the future, no further additional building operations shall commence on site unless full details have first been submitted to and approved in writing by the Local Planning Authority.”

[Speaker Rod Furnell]

- f That the report in respect of Application No 2012/0208 (Miners Welfare Centre, Ransome Road, Arley, Warwickshire) be noted;

- g That prior to the determination of Application No 2012/0212 (Cow Lees Care Home, Astley Lane, Astley) a site visit be undertaken; and

[Councillor Winter in the Chair]

- h That the report in respect of the consultation by Warwickshire County Council relating to De Mulder and Sons Ltd, Mancetter Road, Hartshill be noted at the present time.

[Councillor Sweet in the Chair]

3 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April – March 2012

The Chief Executive and the Deputy Chief Executive informed Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April 2011 to March 2012.

Resolved:

That the report be noted.

4 Exclusion of the Public and Press

Resolved:

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

5 Breaches of Planning Control

The Head of Development Control reported on an alleged breach of planning control and the Board was asked to agree a suggested course of action.

Resolved:

That in respect of land adjacent 20 Mickle Meadow, Water Orton, the Solicitor to the Council be authorised to issue an Enforcement Notice relating to the unauthorised change of use of land to residential garden, together with the erection of a 2.4 metre high fence to the boundary of the enclosed land.

R Sweet
Chairman

**Planning and Development Board
21 May 2012
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
4/1	2011/0565	CPRE	Objection	21/5/12
		Mr Hancocks	Objection	19/5/12
		Board site visit		19/5/12
		R Poulson	Objection	21/5/12
4/5	2012/0164	H Prince	Objection	18/5/12

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

18 June 2012

Present: Councillor Sweet in the Chair.

Councillors Barber, Butcher, L Dirveiks, Humphreys, Lewis, May, Phillips, Sherratt, Simpson, A Stanley, Turley, Watkins, Winter and Wykes

Apologies for absence were received from Councillors Lea (Councillor Wykes substitute) and B Moss (Councillor Lewis substitute).

Councillors Fox and Moore were also in attendance.

6 **Declarations of Personal or Prejudicial Interests**

Personal interests arising from the membership of Warwickshire County Council of Councillors May and Sweet and membership of the various Town/Parish Councils of Councillors Barber (Ansley), Butcher (Polesworth), Lewis (Kingsbury), Phillips (Kingsbury) and Winter (Dordon) were deemed to be declared at this meeting.

Councillor Turley declared a personal and prejudicial interest in Minute No 8 Planning Applications (Application No 2012/0208 - Miners Welfare Centre, Ransome Road, Arley, Warwickshire) left the meeting and took no part in the discussion or voting thereon.

Councillor Sweet declared a personal interest in Minute No 7 - Waste Development Framework - Core Strategy – Publication Document (Regulation 27) consultation (March 2012) and Minute No 8 Planning Applications (Consultations by Warwickshire County Council relating to Faraday Avenue, Hams Hall and De Mulder and Sons Ltd, Mancetter Road, Hartshill) by reason of being a County Councillor. Councillor Sweet vacated the Chair for these items.

[Councillor Winter in the Chair]

7 **Waste Development Framework - Core Strategy – Publication Document (Regulation 27) consultation (March 2012)**

The Assistant Chief Executive and Solicitor to the Council reported on Warwickshire County Council's Waste Development Framework - Core Strategy - Publication Document (Regulation 27) consultation (March 2012) and Members were asked to agree a suggested course of action.

Resolved:

That the response set out in Appendix A to the report of the Assistant Chief Executive and Solicitor to the Council, be sent to Warwickshire County Council as the Borough Council's response to the consultation.

[Councillor Sweet in the Chair]

8 Planning Applications

The Head of Development Control submitted a report for the consideration of the Board. A supplementary report in respect of Application No 2012/0208 (Miners Welfare Centre, Ransome Road, Arley, Warwickshire) was circulated at the meeting. Details of correspondence received since the publication of the agenda is attached as a schedule to these minutes.

Resolved:

- a That Application No 2012/0169 (Land south of, Orton Road, Warton) be approved subject to the conditions specified in the report of the Head of Development Control and to the following additional condition**

“15 Not more than two “events” shall be held at the site in any one calendar year. For the avoidance of doubt, an event means the use of the site by people outside the membership of the beneficiary Club as defined in condition 2 above.”

[Speakers Alan Grimley and Jonathan Walker]

- b That provided the applicant first enters into a Section 106 Agreement in respect of a £10000 contribution towards off-site landscape/recreation improvements in the locality of the site, Application No 2012/0208 (Miners Welfare Centre, Ransome Road, Arley, Warwickshire) be approved subject to the amendment of the conditions relating to plan numbers and saved policies and the inclusion of four additional conditions as specified in the supplementary report of the Head of Development Control. In addition a note be added referring to a possible voluntary contribution to the County Council for Vehicle Activated Signs along Spring Hill;**

[Speaker Sheena Baird and James Cassidy]

[Councillor Winter in the Chair]

- c **That in respect of the consultation by Warwickshire County Council (Faraday Avenue, Hams Hall)**
 - i **The Borough Council maintains its' planning objection to this proposal. The additional planning information is considered to be flawed for the reasons given in the report of the Head of Development Control and the proposal does not accord with the NPPF, or with the Council's emerging planning policy; and**
 - ii **The Borough Council maintains its objection in respect of potential noise and dust pollution raised by the Environmental Health Officer.**

- d **That in respect of the consultation by Warwickshire County Council (De Mulder and Sons Ltd, Mancetter Road, Hartshill) the Council does not object in principle to this development subject to it firstly securing a substantial landscaping scheme for the site in order to mitigate adverse visual impacts, secondly it is satisfied that there would be no adverse noise or odour pollution arising from the development and thirdly consideration of traffic movements in and around the site.**

[Councillor Sweet in the Chair]

9 Planning Fees 2011-12

The Head of Development Control reported on the current position in respect of the receipt of planning fee income.

Resolved:

That the report be noted.

10 Exclusion of the Public and Press

Resolved:

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

11 Breaches of Planning Control

The Head of Development Control reported on two alleged breaches of planning control and the Board was asked to agree suggested courses of action.

Resolved:

- a That in respect of the White House, Middleton Lane, Middleton, the Solicitor to the Council be authorised to take appropriate legal action in response to the non-compliance with an extant Enforcement Notice that requires:**
 - i. Cease the use of the land and buildings for the storage of plant; equipment; machine parts; containers/lorry bodies; skips; builders materials; scaffold; and aggregate/soil; and**
 - ii. Demolish and remove the builder's compound comprising scaffold racking.**

- b That in respect of Brooklands, Nuneaton Road, Mancetter the Solicitor to the Council be authorised to issue an Enforcement Notice relating to the unauthorised change of use of land for the storage of containers, building materials, caravans and trailers.**

R Sweet
Chairman

**Planning and Development Board
18 June 2012
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
4/4	2012/0169	Mr Grimley	Objection	
4/19	2012/0208	Warwickshire County Council	Consultation	13/6/12
		Arley Parish Council	Objection	14/6/12
		Arley Parish Council	Objection withdrawn	17/6/12
4/41	Hams Hall Consultation	Environmental Health Officer	Consultation	12/6/12

Agenda Item No 5

Planning and Development Board

16 July 2012

**Report of the Assistant Director
(Finance and Human Resources)**

**Budgetary Control Report 2012/2013
Period Ended 30 June 2012**

1 Summary

- 1.1 The report covers revenue expenditure and income for the period from 1 April 2012 to 30 June 2012. The 2012/2013 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

Recommendation to the Board

That the report be noted and that the Board requests any further information it feels would assist it in monitoring the budgets under the Board's control.

2 Report

2.1 Introduction

- 2.1.1 Under the Best Value Accounting Code of Practice (BVACOP), services should be charged with the total cost of providing the service, which not only includes costs and income directly incurred, but also support costs relating to such areas as finance, office accommodation, telephone costs and IT services. The figures contained within this report are calculated on this basis.

3 Services Remaining Within Resources Board

3.1 Overall Position

- 3.1.1 Net controllable expenditure for those services that report to the Planning and Development Board as at 30 June 2012 is £114,750 compared with a profiled budgetary position of £161,649; an under spend of £46,899 for the period. Appendix A to this report provides details of the profiled and actual position for each service reporting to this Board, together with the variance for the period. Where possible, the year-to-date budget figures have been calculated with some allowance for seasonal variations, in order to give a better comparison with actual figures. Reasons for the variations are given, where appropriate, in more detail below.

...

3.2 **Planning Control**

- 3.2.1 Income is currently ahead of forecast by £26,360, mainly due to one large planning application which has been received for £20,365. Planning income will continue to be monitored closely. In addition there is an under spend on Professional Fees, Advertising, Promotion and Publicity.

3.3 **Local Land Charges**

- 3.3.1 A reduction in the number of searches to date compared to the profile has resulted in income falling £4,350 below profile.

4 **Performance Indicators**

- 4.1 In addition to the financial information provided to this Board, when the budgets were set in February, performance indicators were included as a means of putting the financial position into context. These are shown at Appendix B.

- 4.2 The number of applications received is lower than profiled, due to a slight downturn in applications being handled. As such, the net cost per application is comparable to the profile which reflects the fact that while we are handling fewer applications, there have a couple of 'large' applications.

- 4.3 Similarly, the gross and net costs of land charges are higher per search as a lower number of searches have been completed than profiled.

5 **Risks to the Budget**

- 5.1 The key risks to the budgetary position of the Council from services under the control of this Board are:

- The need to hold Public Inquiries into Planning Developments. Inquiries can cost the Council around £20,000 each.
- Reductions in income relating to planning applications.
- Risk to the mix of Local Land Charge applications not bringing in the expected level of fee income.

6 **Estimated Out-turn**

- 6.1 Members have requested that Budgetary Control Reports provide details on the likely out-turn position for each of the services reporting to this Board. The anticipated out-turn for this Board for 2012/2013 is £608,830, the same as the approved budget.

- 6.2 The figures provided above are based on information available at this time of the year and are the best available estimates for this board, and may change

as the financial year progresses. Members will be updated in future reports of any further changes to the forecast out turn.

7 Building Control

- 7.1 Figures provided by the Building Control Partnership for this Council's share of the costs up to 31 May 2012 indicate a favourable variance. However it is early in the financial year, and the current under spend is not expected to continue to the end of the year.
- 7.2 The approved budget provision for Building Control is £58,570, which will be sufficient to cover the full year costs estimated by the Partnership. We will continue to monitor this over the course of the year.

8 Report Implications

8.1 Finance and Value for Money Implications

- 8.1.1 The Council's budgeted contribution to General Fund balances for the 2012/2013 financial year is £453,408. Income and Expenditure will continue to be closely managed and any issues that arise will be reported to this Board for comment.

8.2 Environment and Sustainability Implications

- 8.2.1 The Council has to ensure that it adopts and implements robust and comprehensive budgetary monitoring and control, to ensure not only the availability of services within the current financial year, but in future years.

The Contact Officer for this report is Nigel Lane (719371).

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date

APPENDIX A

North Warwickshire Borough Council

Planning and Development Board

Budgetary Control Report 2012/2013 as at 30 June 2012

Description	Approved Budget 2012/2013	Profiled Budget June 2012	Actual June 2012	Variance	Comments
Planning Control	469,900	112,585	82,542	(30,043)	See Comment 3.2
Building Control Non fee-earning	76,620	34,542	13,048	(21,494)	See Comment 7.1
Conservation and Built Heritage	51,590	15,628	15,677	49	
Local Land Charges	(2,270)	(4,985)	(640)	4,345	See Comment 3.3
Street Naming & Numbering	12,990	3,879	4,123	244	
	608,830	161,649	114,750	(46,899)	

Key Performance Indicators for Budgets Reporting to the Planning and Development Board

	Budgeted Performance	Profiled Budgeted Performance	Actual Performance to Date
Planning Control			
No of Planning Applications	740	185	142
Gross cost per Application	£971.58	£966.68	£1,233.45
Net cost per Application	£635.00	£608.57	£581.28
Local Land Charges			
No of Searches	1,010	253	222
Gross cost per Search	£54.60	£42.76	£48.61
Net cost per Search	-£2.25	-£19.74	-£2.88
Caseload per Officer			
All applications	137	34.3	28.0

Agenda Item No 6

Planning and Development Board

16 July 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.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 13 August 2012 at 6.30pm in the Council Chamber at the Council House.

6 **Public Speaking**

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

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	PAP/2012/0058	4	8, Oak Drive, Hartshill, Detached garage to front of property and removal/replacement of oak tree.	General
2	PAP/2012/0152	23	3 The Edge, Dunns Lane, Dordon, Tamworth, Ground floor extension and alterations.	General
3	PAP/2012/0198	40	47 Fairfields Hill, Polesworth, Tamworth, Warwickshire, Variation of condition no. 2 of planning permission ref: PAP/2011/0577 relating to approved plans in respect of erection of new detached dwelling	General
4	PAP/2012/0219	74	Unit 34, Innage Park, Abeles Way, Holly Lane Industrial Estate, Atherstone, Change of use from industrial to leisure and recreation	General
5	PAP/2012/0223	81	Annfield, Hoggrills End Lane, Nether Whitacre, Coleshill, Warwickshire, The installation of a 48kw peak ground mounted solar photovoltaic array, comprising 3 banks of 68 solar panels	General
6	PAP/2012/0243	90	30, Margaret Road, Atherstone, Single storey side garage extension	General
7	PAP/2012/0283	101	19 Edward Road, Water Orton, Warwickshire, Retain mixed use A1 and hot food pizza delivery service on permanent basis	General
8	CON/2012/0004	116	Land at Hogs Hill, Off Main Road & Syerscote Lane, Haunton, Tamworth, Erection of two 75m high, 500kw wind turbines with associated facilities and works	General
9	CON/2012/0006	122	Urban Extension, West of Barwell 2500 houses, employment provision, sports pitches, new community hub, local health care facility and retail units	General

(1) Application No: PAP/2012/0058

8 Oak Drive, Hartshill

Detached garage to front of property and removal and replacement of Oak Tree, for

Mr A Price

Introduction

This application is reported to the Board at the request of a Local Member because the tree is covered by an Order.

The Site

No. 8 Oak Drive is a detached dwelling and is sited at the end of a cul-de-sac on a large residential development in Hartshill. The cul-de-sac comprises five detached dwellings of different designs, there being no uniform building line or design along the street scene. The front elevation of the main building faces south east and the application site is on a generous plot with a large front garden.

The characteristic of the estate is defined by the existing landscape qualities and there are many trees in and around the estate that are protected by Preservation Orders. The application site has a semi-mature Oak sited within its front garden, which is covered by a TPO. The front garden is on a gradual sloping topography with the dwelling sited on higher ground and the garden sloping down towards the turning head located at the end of the cul-de-sac.

The general layout and setting is illustrated at Appendix A.

There are photographs at Appendix D to show the arrangement to the dwelling and front garden.

The Proposal

The proposal is for a detached double garage to be sited within the front garden of the application site, which is angled for access onto the existing drive. The garage arrangement would have a pitched roof and would be of a brick and tile construction. The garage would measure 5 by 5 metres and would not be more than 2.2 metres to the eaves or 3.2 metres in height to the ridge of the roof.

The application site presently benefits from an integral garage within the host dwelling. This would be converted into residential accommodation. Members will be aware that such work does not require planning permission. The scheme also includes a rear single storey extension off the original rear building line of the dwelling. This can also be erected under permitted development limitations. Appendix B illustrates in general terms the proposals as described and at Appendix C there is a copy of the actual revised plans for the garage.

The revision to the siting of the garage impacts on the applicants own amenity given the garage would be sited in close proximity to their front window, with a minimum distance of 2 metres, increasing to 4 metres from the building line of the host dwelling.

Background

The application has undergone many revisions during the application process, with each scheme attempting to retain the semi-mature oak within the front garden. The garage was initially to be a pre-fabricated construction as it was requested by the County Forestry Officer that there be a “no-dig” solution for the garage’s foundations. There were difficulties in achieving this and neighbours raised objection. That application was subsequently withdrawn.

This application is therefore re-submission. In the interim it also became clear that some trees in the locality were causing issues of subsidence. These claims have now been verified by the County Forestry Officer.

The advice on the proposal therefore altered again, with the County Forestry Officer advising the removal of the semi-mature oak tree and its replacement with another oak tree but in an alternative location, which would then remove any risk of potential future subsidence to the application dwelling.

The revised plan has also met initial Highway concerns such that there is now no objection subject to conditions.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies): ENV4 – Trees and Hedgerows, ENV11 – Neighbour Amenities, ENV12 – Urban Design, ENV13 – Building Design

Other Relevant Material Considerations

Government Advice: National Planning Policy Framework National Planning Policy Framework – Requiring good design

Supplementary Planning Guidance: A Guide for the Design of Householder Development, September, 2003.

Representations

Objections have been received from the neighbours at numbers 2, 4, 6 and 1 Oak Drive and these should also be read in conjunction with the objection raised to the previous application. The objections cover:

Design and built form

- The original intention of the development was to keep an uncluttered approach to the overall scheme. Garages were constructed generally as an integral part of the main structure of the dwellings, and where they were constructed as independent structures they were set back from the general front line of the dwellings and clear of obvious sight lines.
- The clean lines of the buildings versus the landscape of the gardens and pleasant aesthetics will be broken and immediate surrounds would be completely nullified should this detached garage progress.

- The materials is a poor choice, given the aesthetics of the development, a double garage will be a poor compliment to the aesthetics.
- The only minor alteration made to the actual structure is to alter from a rendered block work to a brick face solution. This in no way answers the matters of general aesthetics and architectural language of the development that was so sympathetically and professionally thought out and delivered by Bloor homes.
- The application is confusing. The application form refers to the garage, however information is presented for a garage; a boundary wall, the change of use from a garage to a room in the existing property, and a major extension to the rear of the property.

Boundary wall

- This is totally out of character for the development and goes entirely against the architectural language of the development which is for free open lines of landscape features to the fronts of properties with the only walling being relatively low retaining structures to deal with the level differences across the site.
- The deeds to the estate make it clear that with the exception of adopted footways and driveway crossings that no permanent structures are allowed within 1.6 metres of the kerb face.

Tree covered by TPO

- Despite the garage appearing to be slightly smaller and slightly further forward from the oak tree, it is still highly unlikely that whatever foundation solution is adopted, the tree root system will be severely disrupted due to the structure still being within the canopy and the levels of the ground.
- The slope of the land is likely to mean the roots at the structure position are shallower and hence they will be severely disrupted by the excavations required to construct the toe beam of the raft type foundation adopted. This is likely to cause permanent damage to the tree which is subject of a preservation order.
- The tree protection measures shown are fine for the main structure but do not give adequate protection to the major root system. The oak tree was an integral part of this development and forms an important feature and helps make this stand out from other housing developments in the area and sits well with the plot can only destroy the aesthetics of the natural landscape blending in with the built environment
- The development will put the tree in danger of severe and permanent damage, no matter what the foundation regime deployed. There will be extensive excavation within the canopy of the tree which will cause damage.

Summary

There are 5 main reasons on which we base our combined objection:

- Destroying the original architectural language of the development
- Destroying the aesthetic of the lines that were carefully planned by the original developers in conjunction with planners
- The extremely poor choice in material pallet when compared to the rest of the development
- Damage to the aesthetics of the natural landscape and the way it reads with the built environment
- The damage that will inevitably be caused to the semi mature oak tree

- The application should be rejected due to the comments made under the previous application, the comments in this application and because the application appears to be an attempt to proffer plans for the future in the hope of setting a precedent of not getting objections for that work. The applicant should submit an application that is clear in its intentions and the content of work to be carried out.

Consultations

WCC County Forestry Officer – He previously had reservations about the foundations, in terms of their impact on the roots of the tree. Following a site meeting his updated response is as follows:

“Mr Price has submitted a number of applications to construct a detached garage at the front of his property. On each occasion he has sought to retain the Oak tree that is growing approximately four metres from the front of his property. This tree is the subject of a Tree Preservation Order. Consent has not been granted due to objections from both Highways and local residents. I have also raised concerns about the arboricultural implications of this development which have not yet been addressed by the applicant’s architect.

To this end a site visit was arranged with the applicant the planning case officer and myself to discuss the possibility of removing the Oak tree and re-locating the proposed garage.

I consider that this option may provide a solution to past objections and would recommend it on the following grounds:

- The present oak tree is considered to be only of moderate value due to its past treatment and physiological condition.
- Since Mr Price’s first application, similarly aged Oak Trees have been cited as causing subsidence to properties close to Mr Price’s property (7 Mulberry Way for instance). This has required protected trees to be pruned or removed in order to remove risk of further damage.
- Replanting a substitute tree of good form would improve the visual amenity and provide limited screening to the applicants proposed garage.
- It would remove the risk of damage to the applicant’s property from subsidence, either direct or indirect due to the close proximity of the tree.
- Establishing a new tree in the location indicated on the site meeting would provide a permanent feature that could last for centuries.

Conditions:

- Tree T1 - Oak to be replaced in the first planting season following removal (Oct 2012-March 2013 if removed this season).
- Tree stock to be Selected Standard tree size (10-12cm container grown) English Oak (*Quercus robur*).
- Planting stock to meet specifications for a Selected Standard tree as set out in BS 3936:1992 Nursery Stock, and/or specifications set out in the Horticultural Trades Association ‘Handling and Establishing landscape Plants’.
- Planting position to be in accordance with BS 5837: 2005 Trees in Relation to Construction, Table 3.

- Tree planting to be in accordance with BS 4043: 1989 Transplanting Root-Balled Trees, and/or the Horticultural Trades Association 'Handling and Establishing Landscape Plants'
- The new tree will be covered by the existing Tree Preservation Order TPO “

Warwickshire County Council as Highway Authority – The Highway Authority originally objected to the proposals because of concerns about the proximity of the garage to Oak Drive. However with the re-location of the garage and the proposal for a replacement tree in another location, the objection has been withdrawn subject to standard conditions.

Observations

The application site is within the Development Boundary defined for Hartshill by the Development Plan and thus there is no objection in principle to outbuildings at the property. All other alterations or extension such as the conversion of the existing garage to accommodation and the rear single storey extension do not require the submission of any planning application as these elements already benefit from planning permission by virtue of permitted development rights.

The main issue raised here is whether the proposal for the detached garage and consequently the removal of the oak tree is adverse on the character and appearance of the locality.

It is considered that the main impact of the garage would be on the neighbouring occupiers at Numbers 1 and 6 Oak Drive, as the nearest neighbours to the application site. The other neighbours in the cul-de-sac would be able to see the results of the development on their approach and these neighbours are sited at Numbers 2 and 4. Other nearby neighbours would have views of the proposal from their front windows in Mulberry Drive as well as rear windows of properties facing Mulberry Drive. There would be widespread impact by virtue of the application site being in a cul-de-sac location.

The nature of the neighbour's combined representation is understood as there is a concern in respect of the erection of a detached garage further forward of the building and the impact on the oak tree.

On the matter relating to the built form of the garage in relation to the quality of the architectural appearance of the estate, then it is considered that the building lines and uncluttered appearance of the estate is sympathetic to the built form as a whole, but there are other examples of other detached garages located in front of their host dwellings on this estate and these are evidenced at numbers 8, 10 and 14 Elm Way, 10 Ash Drive, 46 Moor Road and 16 Hawthorn Way. The siting of the garage in its revised format has been set back to sit further away from neighbours sight lines and the re-planting oak tree will assist in reducing the appearance of the garage.

The building line along Oak Drive is staggered in that the neighbouring properties at numbers 2 and 4 are sited further forward than numbers 6 and 8. As a consequence there are no specific building lines given the varied topography of the estate, which has determined the way dwellings fit within the existing levels. The landscapes of gardens are pleasant features on this estate, the application site will be able to retain a good proportion of the front garden and the re-siting of the tree will be in a more visible location.

On the matter relating to poor materials and aesthetics, then the revision to the garage ensures that it would no longer be a pre-fabricated structure but would be a brick and tile construction, to match the host dwelling and therefore blending in with the existing built form. The use of materials can be conditioned.

On the matter relating to the other alterations and extensions, then these do not require any form of planning application and could be undertaken without reference to the Council. The boundary wall has been removed from the current scheme.

The oak tree is an important feature in terms of its amenity and it does sit well on the plot and the neighbours' concerns relating to the tree are understood. However during the course of the application, advice has been sought from the County Forestry Officer, a qualified arboriculturalist, who has more recently advised on the removal and the replacement of the tree given the issues that have been experienced locally with the potential for subsidence from trees given their close proximity to extensions and dwellings. The expert advice therefore sees an overall long term benefit in the removal of the existing oak tree in favour of a replacement oak tree.

The replacement tree is proposed to be located in a position where it would be directly visible from the street scene and to a specification that must be agreed by condition. In order to protect the future of this tree then a root protection barrier would need to be incorporated into the foundations of the garage to ensure the root spread does not then extend into the garage and that it is sited at a sufficient distance from the highway at a location agreed with the County Forestry Officer. No other representations have been received from the neighbours in respect of the removal and replacement of an oak tree.

The initial objection raised from the Highways Authority has been resolved and the location of the garage is not considered to impact upon highway safety and relevant highway conditions can be added to any permission.

The garage is required to be constructed with a gas protection membrane as advised by Environmental Health.

With all matters considered the impact of the garage and the loss of the semi-mature oak tree on the character and appearance of the area has been weighted. The proposal for a detached garage located within the front garden of the application site and at the end of a cul-de-sac is not considered to be adverse on the street scene, when considering there are many examples of garages along the street scene that are sited within the frontage of host dwellings. The removal of the oak tree will appear directly noticeable on the amenity of the locality, but this is mitigated by a replacement oak tree from a good tree stock. The proposal is considered to be minimal in its effects on the locality and the impact on the design along the street scene is not considered to be adverse given that a sufficient set back is achieved to the garage where there would no amenity issues on the siting of the garage from the neighbours perspective. The replacement tree is acceptable given it mitigates the loss of the oak tree and is supported by the County Forestry Officer. On balance the proposal is not considered to be incongruous along the street scene to warrant a refusal of this application and is not considered to be in conflict with policy advice.

Recommendation

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the elevation and floor plan numbered DJD/1148 received by the Local Planning Authority on 3 February 2012 and the revised garage plan DJD/1148 Rev. 3, and the revised block plan DJD/1148 Rev. 3 and the revised site location plan received by the Local Planning Authority on 25 May 2012.

REASON

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

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

REASON

In the interests of the amenities of the area.

4. The replacement tree shall be from a planting stock to meet the specifications for a Selected Standard tree size (10-12cm container grown) English Oak (*Quercus robur*).

REASON

To ensure the amenity afforded by trees is continued into the future.

5. The replacement Oak tree shall be replaced in the first planting season following removal (Oct 2012-March 2013 if removed this season). Should the tree, within a period of 5 years from the date of planting die, be removed or become seriously damaged or diseased shall be replaced in the next planting season with another of same size and species.

REASON

To ensure the amenity afforded by trees is continued into the future.

6. The new tree will be covered by the existing Tree Preservation Order.

REASON

To ensure the replacement tree is protected.

7. The work to fell the existing tree shall be carried out by a competent Tree Surgeon.

REASON

To ensure the work is carried out to accepted arboricultural practices to the long term well being of the tree(s).

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

REASON

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

9. No structure, tree or shrub shall be erected, planted or retained within 2.4 metres of the public highway carriageway.

REASON

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

Notes

1. Condition 4 requires the Planting stock to meet specifications for a Selected Standard tree as set out in BS 3936:1992 Nursery Stock, and/or specifications set out in the Horticultural Trades Association 'Handling and Establishing landscape Plants'.
2. Condition 2 requires the tree to be located at a sufficient distance from the boundary and the kerb edge. The Planting position must be in accordance with BS 5837: 2005 Trees in Relation to Construction, Table 3.
3. Condition 5 requires a replacement tree to be planted in the next planting season. Tree planting to be in accordance with BS 4043: 1989 Transplanting Root-Balled Trees, and/or the Horticultural Trades Association 'Handling and Establishing Landscape Plants'

4. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property. For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.
5. 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.
6. North Warwickshire Local Plan 2006 (Saved Policies): ENV4 - Trees and Hedgerows, ENV11 - Neighbours Amenities, ENV12 - Urban Design, ENV13 - Building Design, SPG: A Guide for the Design of Housholder Development, September, 2003.

Justification

The revised proposal for a detached double garage and the removal of a tree covered by Tree Preservation Order is considered to be acceptable by virtue that the re-siting of the garage reduces the impact along the street scene and a replacement tree will be planted in a location which will benefit the street scene. On balance the revised proposal is not considered to impact upon the amenity of the neighbouring occupiers in terms of causing a loss of privacy or a loss of light and the impact of the garage on the street scene is not considered to be adverse given it is sited at the end of the cul-de-sac and given there are similar examples of garages that sit further forward of the building line to the host dwelling on the estate. There are no highway, design or amenity considerations that would conflict with the relevant saved Development Plan Policies ENV4, ENV11, ENV12 and ENV13 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

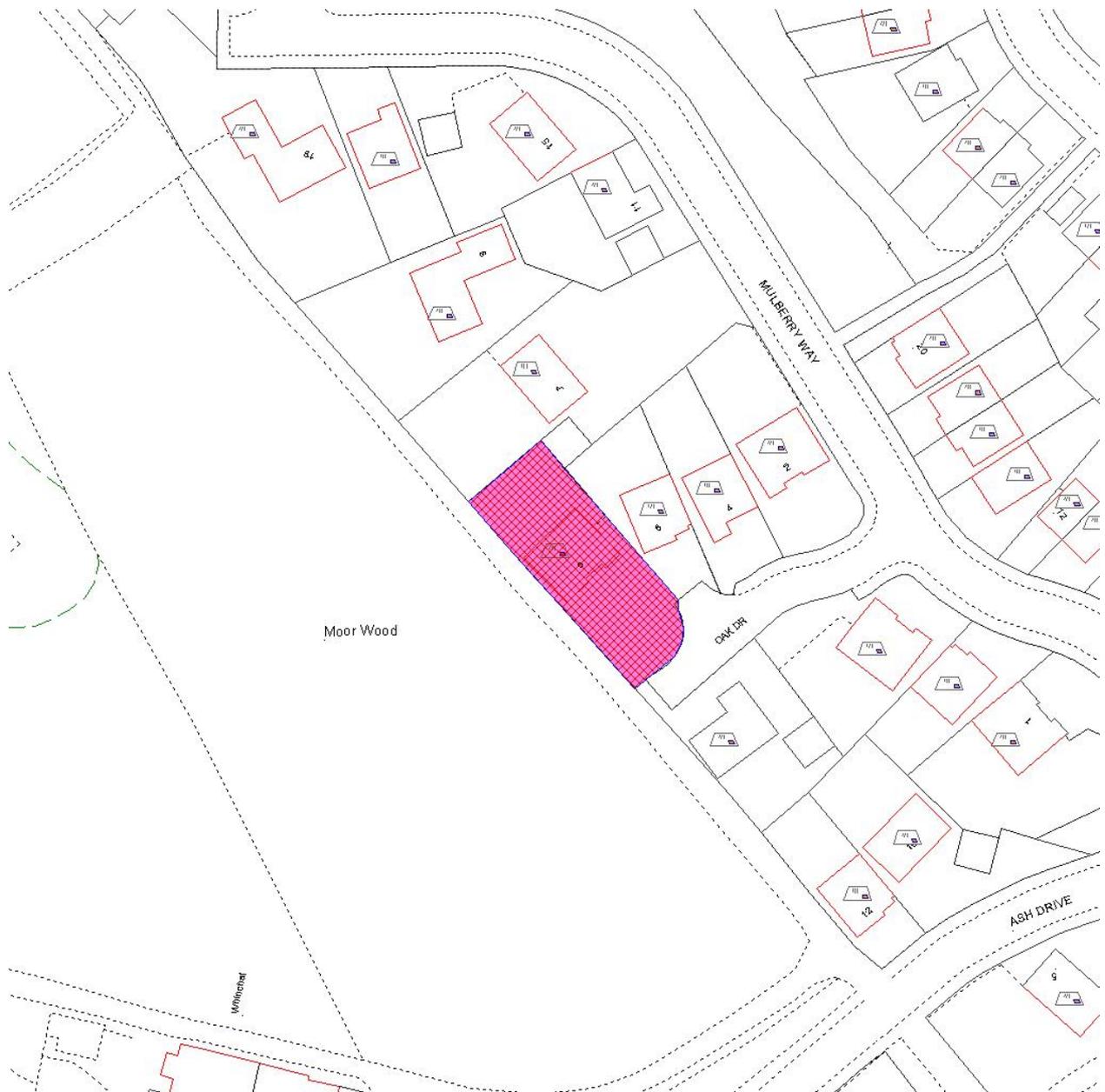
Planning Application No: PAP/2012/0058

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant	Application Forms, Plans and Statement(s)	
2	Case Officer to Agent	Correspondence Requesting addition information	16.2.12
3	County Forestry Officer to Case Officer	E-mail copy of representation	1.3.12
4	Applicant to Case officer	e-mail confirmation on size of garage	8.3.12
5	Applicant to Case Officer	E-mail informing changes to application	9.3.12
6	Mr R Charman	E-mail copy of combined neighbour objection	11.3.12
7	Case Officer to applicant	E-mail request for information	12.3.12
8	Case Officer to Applicant	E-mail copy of neighbours representation	12.3.12
9	Applicant to Case Officer	E-mail copy of revised plans	13.3.12
10	Case Officer to Applicant	E-mail update on application progress	22.3.12
11	Applicant to Case Officer	E-mail request for a site meeting	26.3.12
12	Agent to Case Officer	E-mail copy of revised plans	28.3.12
13	Agent to Case Officer	E-mail copy of revised plans	29.3.12
14	Environmental Health to Case Officer	E-mail representation	29.3.12
15	County Forestry Officer to Case Officer	E-mail of representation	10.4.12
16	Case Officer to Applicant	E-mail County Forestry Officer's response	11.4.12
17	Agent to Case Officer	E-mail revised plans	13.4.12
18	Case Officer to Applicant	E-mail to update applicant on application	
19	Applicant to Case Officer	E-mail to provide a tree survey	16.4.12
20	Case Officer to Highways Engineer	E-mail to advise on removal of boundary wall	19.4.12

21	Highways to Case Officer	E-mail representation	24.4.12
22	Case Officer to Applicant	E-mail Highway Engineers response	27.4.12
23	Case Officer to Applicant	Correspondence on representations	27.4.12
24	Case Officer to Applicant	E-mail to confirm site meeting with County Forestry Officer	1.5.12
25	Environmental Health to Case Officer	E-mail response	3.5.12
26	Forestry Officer to Case Officer	E-mail copy of representation	14.5.12
27	Case Officer	Correspondence to agent requesting revised plans	14.5.12
28	Case officer to applicant and agent	E-mail to advise on requirements of revised plans	15.3.12
29	Agent to case officer	E-mail with revised plans	25.5.12
30	Case Officer to Agent	E-mail request for change to revised plan	25.5.12
31	Agent to Case Officer	E-mail with revised plan	30.5.12
32	Case Officer to applicant	E-mail to confirm plans are received	31.5.12
33	Applicant to case officer	E-mail to confirm plan are received	31.5.12
34	Highways Authority to Case Officer	E-mail copy of representation	13.6.12
35	Case officer to applicant	E-mail notification of Highways representation and status of application	13.6.12
36	Case Officer to Members	E-mail officers observations	20.6.12
37	Councillor Wykes to Case Officer	E-mail request for application to be reported to Board	22.6.12
38	Case Officer to Applicant and objectors	Correspondence informing parties of Board meeting	22.6.12
39	Forestry Officer to Case Officer	E-mail confirmation of conditions	26.6.12

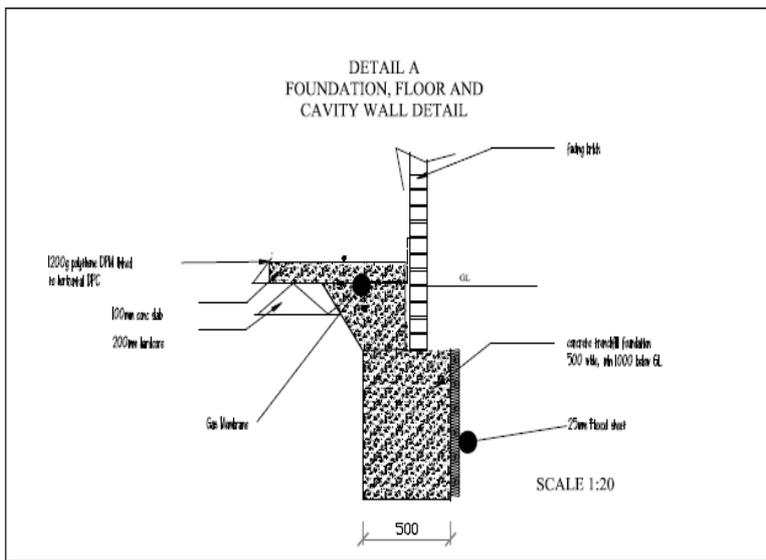
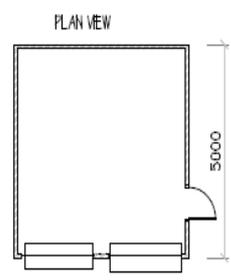
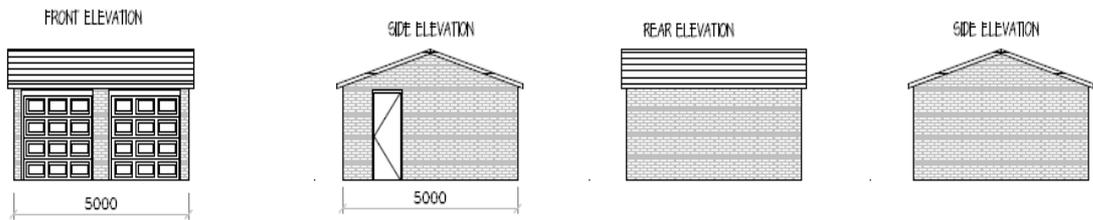
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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.



2012/0058

NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
25-May-12
PLANNING & DEVELOPMENT
DIVISION



PROJECT: DETACHED GARAGE	CLIENT: A PRICE	ADDRESS: 17-18 OAK DRIVE HARTHILL NUNEATON CV10 0XF TEL 07737 701505	SCALE: 1:100	DWG NO.: DJD/1148	REVISION DATE: 3 09/03/2011	SHEET NO.: A5
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DRAWN BY: **DJ BUILDING DESIGN** DAVID JONES

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Appendix C



Appendix D



(2) Application No: PAP/2012/0152

3 The Edge, Dunns Lane, Dordon, Tamworth, B78 1RY

Ground floor extension and alterations, for

Mr T Boardman

Introduction

This application is reported to the Board at the request of a Local Member concerned about the possible impact on the neighbour's amenity and design issues.

The Site

Number 3 is a detached dwelling, sited on a new build estate comprising 8 detached dwellings of different designs. One is a bungalow and the remainder are two storey dwellings, some with one and a half storey proportions.

The application site lies towards the end of the cul-de-sac, which is accessed off Dunns Lane. It is a private gated and un-adopted road for use only by the residents.

The front elevation of No. 3 faces west and the building line to the dwelling has an L shaped formation. The front elevation of the main dwelling runs adjacent to the public footway with only a minimum set back of approximately 2 metres and the double garage is set further back from the front elevation of the main dwelling by 5.2 metres.

There is a gap between the side elevation of the garage within the application site and the side elevation of the neighbour's garage at No. 4. The rear elevation of the application dwelling faces east. The size of the rear garden is limited and is on a sloping topography.

The general layout and setting is illustrated at Appendix A.

There is a series of photographs at Appendix C to show the existing arrangement of the dwelling.

The Proposal

The proposal is to increase the footprint of the garage by 1 metre in projection from the existing building line to its front elevation. The existing garage measures 5.8 by 6.5 and is 2.3 metres in height to the eaves and 5.5 metres to the ridge. The proposal is for a 5.8 by 7.5 metre footprint with the height to the ridge remaining the same.

The extension would involve the removal of the garage door and its replacement with one window to the ground floor to serve the conversion to ancillary accommodation. The internal arrangement of the garage is proposed to be converted to a games room and a utility room. A rear boot room will be added onto the garage which is effectively a small scale porch and this is sited within the applicants own garden.

The loss of a garage space means that the existing drive which already provides two parking spaces would continue to be used for parking.

Appendix B illustrates in general terms the proposals as described.

Background

The development of this small estate gained outline consent in 2006 and reserved matters in 2007. The permitted development rights were removed under Classes A, B and C of the General Permitted Development Order and therefore any extensions to this dwelling are subject to the need to submit a planning application. There are no existing extensions within the site, albeit there is a rear timber store behind the existing garage. There are no restrictions recorded on the permission, relating to the internal conversion of the garages to accommodation. None of the neighbouring dwellings in this cul-de-sac appear to have been extended.

The site benefits from a previous planning permission under application ref: PAP/2011/0573, for the conversion of the garage to the ground floor and a first floor extension to the garage roof to provide a first floor bedroom with dormer windows. The size and design of this previous permission was considerably reduced in order that the proportions of this permission were not oversized. The increase in the footprint of the garage was eventually removed from this scheme, given that the garage was proposed to be extended into the roof and given the scheme would have resulted in an over development of the site, had the footprint and roof extension been both included. This permission was not taken up.

The current application is thus a revision to that permission in that the first floor extension has now been dropped in lieu of the forward projection. Members will be aware that the conversion of the existing garage to ancillary accommodation does not require planning permission and can be carried out solely under the requirements of Building Regulations.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006: ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design) and ENV14 (Access Design)

Other Relevant Material Considerations

Government Advice: National Planning Policy Framework National Planning Policy Framework – Requiring good design

Supplementary Planning Guidance: A Guide for the Design of Householder Development, September, 2003.

Representations

Dordon Parish Council – No representation has been received from the Parish Council

Representation from the neighbour at 4 The Edge on several grounds:

Design

- The properties at the Edge are all different but of a unique and unusual design.
- The present and established layout of the properties provides continuity and flow to the built form, as intended by the designers; consequently the development presents a coherent street scene and one which maintains residential amenity and enjoyment to the properties. No. 3 is presented in an L shape with the garage purposefully set back so that it correlates and responds to the positioning of the adjoining property (No. 4) in a manner which is not overly dominant nor visually intrusive.
- Any proposals to extend the garage further forward of its present position and established building line would create an overly dominant feature to extend that it would be detrimental to our residential amenity and enjoyment of our property and would also detract from the established character of the development as a whole. The previous application and revision were subsequently made on the basis that this was not supported by the Planning Officer; we would expect these conditions to be upheld in this instance.
- Mr Boardman's application to add a tiled sloping roof on the ground floor extension outside the original footprint will be completely out of character and have an extremely detrimental effect on the complete street scene making No. 3 look totally different to the other 7 properties.
- Our house, No. 4, sits in the very corner of the development which slopes down considerably making our property significantly lower in height to the rear of the houses. Mr Boardman's application to come further forward of the original footprint coupled with the first floor extension will make our property appear to be dwarfed in the corner of the development.

Parking and occupancy of dwellings

- Parking is very limited on all of the properties on the development with our property being the worst effected.
- Our house is L shaped with parking for 2 x maximum vehicles.
- Being in the corner of the development this means we almost have a hemmed in effect if cars are parked at No. 3 and No. 5 (this is without additional cars when we or the neighbours have visitors) This will be completely exacerbated by Mr Boardman's application to come forward by 1 metre of the original footprint to the house and with no garage and growing families this is never going to improve.
- As you can see from the original plans there is a shaded area that has joint access for driving and reversing on our drives. Although I know Mr Boardman has taken into consideration the turning curve, I wonder what size of car he has based this on? The practicalities are very different.
- We already have to drive over part of our garden to reverse round cars parked at No. 3 and No. 5. Our biggest concern would be the application to come forward of the original footprint.

- At present No. 5 is a four bedroomed home with one adult couple residing, so is at present very under occupied. We have difficulty reversing off our drive if only one car is not pulled forward enough when parked at No. 5's drive which would be exacerbated even further by No. 3's application to come forward of the original footprint.
- We cannot understand if Mr Boardman wishes to increase the original footprint of this property on the ground floor why he doesn't do so via the back so as not to encroach on his neighbours and detract from the overall street scene.

Precedent

- The precedent that would be set by the approval of the amended planning application. Present or future occupiers of No. 5 may also decide to convert their garages to downstairs accommodation and come 1 metre forward of the original footprint.
- This would then push cars back by up to two metres combined with No. 3 cars forward 2 metres with average size family car parked (average 4.6m) on drive would completely block our access to our drive and garages.
- The extension would exacerbate existing parking problems in that the property would be no longer served with a garage and the building line is moving further forward of its position, it would lead to vehicles encroaching upon what is already a restricted and tight shared access point, particularly in relation to our corner plot, thus affecting our access, we feel the application should be refused.

Observations

The application site is within the Development Boundary defined for Dordon by the Development Plan and thus there is no objection in principle to further extensions at the property.

The main issues raised here are whether the increase in the footprint of the garage by a one metre extension that is further forward of the existing building line to the garage, is adverse on the amenity of the neighbours in terms of their parking and access arrangement and whether the overall design of the extension is adverse on the street scene.

It is considered that the main amenity impact of the front extension would be on the neighbouring occupier at No. 4 The Edge. There would be little or no impact on No. 5 and no impact on any other neighbouring dwellings at The Edge.

There is no impact on the street scene or on the neighbour's amenity for a rear boot room. The garage conversion does not require planning permission and it can be converted without further extension in any case, subject to Building Regulations.

The nature of the neighbour's representation is understood and the neighbour has supplied photographs in support of their objection, these are illustrated at Appendix D. It is appropriate to consider the nature of their representation

In terms of the overall design and appearance, then the property is a modern new build, the properties along The Edge benefit from different designs. The matter concerning the design of the extension revolves around the present design of the estate and the impact of the extension on the character of the street scene.

In respect of design considerations, then the new extension is small in scale in relation to the size of the property and given that the revised plans only now show the ground floor extension and not the alterations to the first floor of the garage, then the overall impact of the development is substantially reduced. The proposal no longer presents a scale or massing that is adverse, being limited only to a ground floor extension, such that the impact on the street scene is considerably negated.

The only visible difference on the street scene is a front extension with the continued sloping roof of the garage and the conversion of the garage with a front window instead of a garage door. The loss of a garage is not adverse, given that a garage conversion can go ahead without the requirement for planning permission. The proposal would not be considered to impact upon the character of the street scene at ground floor level.

The design still achieves a significant set back of approximately 4 metres from the front building line of the host dwelling and a set back of 5 metres from the edge of the drive.

The neighbours main concern revolves around the potential impact of bringing an extension off the garage by 1 metre in projection which could then result the applicant's vehicles being parked further back in their drive, potentially by up to two metres, exacerbating parking problems or causing an obstruction to vehicles manoeuvring out of, or accessing the drive and garage at No. 4 The Edge.

On the matter of parking then the arrangement to the dwellings at Nos. 3, 4 and 5 The Edge is that they share an access drive onto the highway. This arrangement is shown as shaded on the layout plan at Appendix F. Each dwelling benefits from a double garage with a drive way for 2 parking spaces, effectively each dwelling benefits from 4 parking spaces. Although not all parties use their garage space for parking, therefore the loss of a garage space would not be considered adverse.

Having consulted the Highways Authority, then as the proposal does not involve a new access, nor are there no highway implications on Dunns Lane and as the estate road is not adopted, then there is no highway interest in the site. However, it is advised that the arrangement should achieve the standards for the length of residential drives and width of accesses and that the access arrangement should not obstruct or conflict any provisions or covenants in the deeds to the properties that benefit from this shared drive.

In respect of parking considerations then a residential drive should ideally achieve a length of 5.5 metres where a vehicle is parked in front of a garage door, as the application proposal no longer involves a garage door, then the length of a drive can be reduced to 5 metres. These measurements have been considered and the length of drive within the application site, for a vehicle to be parked in front of the extension, just achieves the required length of 5 metres, without obstruction over the shared access arrangement. This arrangement is illustrated on the plan at Appendix G, which shows the off road parking length can be achieved without encroachment on the shared access.

The drive and parking layout in reality may be different on plan and the photographs in Appendix E, shows a 6.3 metre length to the end of the vehicle, which takes into account the 1 metre projection of the extension, the 5 metre length of the drive and an excess of 0.3 of a metre, this vehicle is parked well within the shared access arrangement with no obstruction to the neighbours access at No. 4 The Edge. There is also a further excess of 0.5 of a metre to the end of the measuring tape.

The width of the access still needs to be maintained at 2.5 metres, and this is achieved.

With these matters considered, the parking arrangement would not appear to be made worse by the 1-metre extension, as the applicants could park to the maximum length of their drive in any case without the extension being in situ. The length of the car is not a consideration in determining the length of the drive way and the standards are advised at 5 metres.

In respect that the neighbours feel they may be hemmed in by the proposal and the impact on parking, then this situation is more likely to materialise from the parking arrangements at No. 5 The Edge, as this neighbouring property is at the front of No. 4 The Edge and effectively vehicles at No. 4 back onto the drive at No. 5, when reversing out of their drive. The application site itself would not be considered to impact upon the parking or access issues experienced at No. 5 The Edge.

On the matter relating to the potential for increased future occupancy of these dwellings, then if the occupancy of No. 5 The Edge increased in the future then this may lead to increased parking needs, as would be the case at any of the dwellings in this location. The proposed front extension would not be considered to exacerbate this since the applicants would still be able to park within the parameters of their drive and the removal of the first floor extension from the scheme would not then increase the capacity of the application site.

If growing families should introduce a third vehicle then there is the capacity to these dwellings at The Edge, for vehicles to be parked in a garage, otherwise on-street parking would be inevitable, provided that driveways were not blocked.

On the matter relating to precedent, then if any of the other dwellings should decide to convert their garage to accommodation then this can be done so without the requirement for a planning application. If other dwellings were to extend with a similar extension, then each application site would be assessed on its own merits and the impact on the locality duly assessed.

On the matter relating to the revisions to the previous application, then revisions were sought to reduce the dominance of the previous scheme, which not only sought to increase the footprint of the garage but also significantly raised the height of the garage roof to form first floor accommodation. The previous scheme was significantly reduced and the ground floor extensions removed to reduce the massing of the previous arrangement. However, the revised plan presented with this application no longer includes the first floor extension and the dominance and scale of the scheme is reduced with no further increase in occupancy.

With all matters considered the proposal for a front extension to the garage to facilitate the garage conversion is not considered to be adverse when the parking capacity on the applicants drive can achieve two off road parking spaces without compromising the shared access drive. The fall back position is that the garage can be converted to residential accommodation in any case and that vehicles can be parked to the maximum length of their drive, which cannot be controlled by the Council. Therefore the impact of the extension is considered to be minimal in its effects on the amenity, and the impact on the design along the street scene is not considered to be adverse given that a sufficient set back is achieved and single storey additions are considerably inconspicuous. The proposal would not be considered to adversely affect the parking

and access arrangement to No. 4 The Edge beyond what might reasonably be experiencing presently.

Recommendation

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the proposed revised plans numbered 564/02 sk3 received by the Local Planning Authority on 29 May 2012 and the 1:1250 site location plan received by the Local Planning Authority on 15 March 2012.

REASON

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

3. The new works shall be carried out with facing brick and roofing tiles to match the existing building.

REASON

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

4. The conversion of the garage hereby approved shall not be used for any purpose other than for purposes incidental to the enjoyment of the dwelling known as 3 The Edge, Dunns Lane, Dordon and shall not be used as a separate form of accommodation.

REASON

To prevent unauthorised use of the property.

5. Gas protection measures shall be incorporated into the foundations of the extensions hereby approved and shall be across the entire reinforced floor slab and across cavity wall and the floor shall be passively ventilated. Details shall be agreed in advance of construction.

REASON

As a precautionary measure In view of the proximity of the former opencast site (known as the Orchard).

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.
3. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval. 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. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. 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
4. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property. For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.

5. The permission does not override covenants recorded on the deeds to properties and the applicant is reminded that there should be no obstruction to the shared access enjoyed by the application site and the neighbouring properties.

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

North Warwickshire Local Plan 2006 (Saved Policies) : ENV11 - Neighbours Amenities, ENV12 - Urban Design, ENV13 - Building Design, ENV14 – Access Design, SPG: A Guide for the Design of Householder Development, September, 2003.

Justification

The proposal for a front ground floor extension to the garage and a small rear boot room is not considered to result in an over development of the site or an adverse design on the appearance and character of the host dwelling, given that these additions are limited to single storey in height. The front extension on the street scene is not considered to result in an incongruous addition and the only difference in design will be the addition of a window and the removal of a garage door, with the continuation of the roof slope to the garage that incorporates the ground floor extension. The matters relating to the impact of the extension on the parking provision within the site and the effects this may have on the access drive, has been weighed. It is considered that the impact of the 1 metre projection of the extension is not adverse given a sufficient length of driveway can be achieved without encroachment onto the shared drive. With all matters considered the proposal is not adverse on the residents amenity beyond what they might reasonably expect to enjoy and the proposal in its revised format and is not therefore considered to be contrary to the saved Development Plan Policies ENV11, ENV12, ENV13 or ENV14 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/2012/0152

Background Paper No	Author	Nature of Background Paper	Date
1	Agent	Application Forms, Plans and Statement(s)	15.3.1 2
2	Mr & Mrs Bickford	Correspondence of objection & photograph	16.4.1 2
3	Case Officer	Correspondence to agent	19.4.1 2
4	Applicant	E-mail request for letters of representation	3.5.12
5	Case Officer	Email reply with a copy of representation	4.5.12
6	Case Officer	Correspondence to the applicant	8.5.12
7	Applicant	E-mail reply to nature of representation	9.5.12
8	Case Officer	E-mail reply to applicant	9.5.12
9	Applicant	E-mail reply to Case Officer	9.5.12
10	Case Officer	E-mail reply to applicant suggesting revised plans	10.5.1 2
11	Applicant	E-mail reply to Case Officer informing of intention to submit revised plans	10.5.1 2
12	Mr & Mrs Bickford	Correspondence of further objection	14.5.1 2
13	Agent	E-mail attachment with revised plans	29.5.1 2
14	Case Officer	e-mail to agent confirming details on plan	18.6.1 2
15	Case Officer	E-mail Officers observations to Members	18.6.1 2
16	Councillor Winter	E-mail request for observations to be reported to Planning and Development Board	18.6.1 2
17	Case Officer	E-mail to Councillor	21.6.1 2
18	Councillor Winter	E-mail to confirm reasons to take application to Board	
19	Agent	Confirmation of correct plan	22.6.1 2
20	Case Officer	Notification to all parties on Planning and Development Board meeting	22.6.1 2

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



2012/0162

2012/0162

ARCHITECTURAL DESIGN CONSULTANCY LIMITED

ARCHITECTS AND PLANNING CONSULTANTS
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WWW.ADC-UK.COM

Mr and Mrs Boardman

**Proposed alterations and extensions to Plot 3 The Edge
Dunfermline
Dumfries**

Proposed plots and elevations	
PLAN	AREA
SECTION	DATE
NO.	DATE
564/4/3	

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NORTH ABERDEENSHIRE COUNCIL

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29-MAR-12

PLANNING DEVELOPMENT DIVISION

Appendix C



Appendix D



Appendix E



Appendix F





(3) Application No: PAP/2012/0198

47 Fairfields Hill, Polesworth, Tamworth, Warwickshire, B78 1HG

Variation of condition no. 2 of planning permission ref: PAP/2011/0577 relating to approved plans in respect of erection of new detached dwelling

for Mr M Rubensaat

Introduction

This application is reported to Board at the discretion of the Head of Development Control given the original application was determined by Members. That report is enclosed at Appendix A.

The Site

The application site lies on the south-east side of Fairfields Hill, a steeply sloping road from south-west to north-east, down towards Polesworth. It sits lower than number 49, but higher than number 45. The site itself is generally flat to the front and immediately to the rear before steeply sloping up to the back of the property. There was a single bungalow occupying the site with access onto Fairfields Hill and driveway to the side. This bungalow carried a room in the hipped roof space with dormers looking out to the front and rear. The ridge was generally level with the eaves at number 49, and its overall appearance was relatively simple with a white render and clay plain tiles. Photos of that existing bungalow and its setting are attached at Appendix B.

Since the original application, that bungalow has been demolished and works begun under the original permission. Photos of the replacement dwelling shortly after construction began are attached at Appendix C.

The Proposal

It is intended to substitute the originally approved plans for a revised set accommodating some deviations from that approval. These include:

- Amended positioning within the plot, along with revisions to more accurately reflect the positions of the immediate neighbours;
- An increase in depth of the dwelling and change in roof pitch to accommodate this additional depth;
- A revised rear single storey 'bay' projection to the lounge; and
- The inclusion of a shutter door to the garage, change to the front door style, and name block on the front elevation.

Plans at Appendix D show the changes more fully.

The remaining elements of the proposal remain the same as before, with rooms in the roof space; a temporary area of hard standing along with a caravan during the course of the works, and a retaining wall and ramp access to the rear half of the plot.

Background

This application is retrospective with the majority of the dwelling largely complete at the time of writing. The application has arisen following a complaint shortly after works commenced identifying that works were not in accordance with the approved plans and conditions. The applicant responded with two applications, one to address the deviations and another to discharge pre-commencement conditions.

The latter is being 'held' with the agreement of the applicant pending the outcome of this application given the plans accompanying it reflect the scheme for which permission is now sought.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies) Core Policy 2 (Development

North Warwickshire Local Plan 2006 (Saved Policies): Core Policy 2 (Development Distribution), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design) and TPT6 (Vehicle Parking).

Other Relevant Material Considerations

National Planning Policy Framework (NPPF)

Supplementary Planning Guidance: A Guide for the Design of Householder Developments (2003).

Consultations

The Environmental Health Officer raises no objection. It is noted that a desk study with the original application overcame any objections.

The Highway Authority Officer raises no objection to the proposed amendments, subject to the same conditions previously attached.

Severn Trent Water raises no objection subject to an informative noting the presence of a public sewer within the site.

Warwickshire Museum (Archaeology) and Polesworth Parish Council have not provided responses.

Representations

Neighbour letters were sent on 4 May 2012, and a site notice erected on 8 May 2012. Re-consultation letters were sent on 4 July 2012, with comments invited by 16 July 2012. Any further responses in respect of the re-consultation will be reported to the Board at the meeting.

- 49 Fairfields Hill – letter of objection highlighting that the depth of the property has increased, the footprint has moved closer to the highway, the ridge height has increased, the car port has increased in width, and that the pitch of the roof has swallowed to accommodate these changes. It is also considered that

inaccuracies with the original plans now mean these changes place the proposal 2m forward of its approved position relative to their property. It is considered these changes place the proposal out of step with the building line formed by numbers 49 and 45; that the car port is out of step with number 49's; that the increase in ridge height 'reverses' improvements made to the initial (superseded) design of the approved scheme.

In light of concerns from this objector following the last application, their objection letter is enclosed at Appendix G for Members' benefit.

Dan Byles MP has also written on behalf of the above objector, commenting that his constituent believes that the original plans should have been followed and not changed before consent is gained, as well as noting their concern that the carport may encroach onto his constituent's property.

Observations

Members will be aware that planning legislation allows for retrospective applications under Section 73A of the 1990 Act. In addition, Section 73 can be exercised at the same time allowing the applicant to submit amended plans and seek to resolve the matter in this fashion. This has been relayed to the local MP as well as the fact that land ownership matters are not for the Board to consider.

This assessment relates to amended plans received following correspondence with the applicant's agent highlighting an error noted upon a site visit. A summary of differences between original and proposed measurements is enclosed at Appendix E utilising the referencing annotations at Appendix D.

a) Neighbouring amenity

The amendments seek to slightly alter the type of openings to the lounge projection at the rear. These changes are not considered to change the previous stance on overlooking and privacy. The applicant has verbally hinted at the potential to have the roof lights in the rear roof plane as clear glazing. The sills in the main roof space sit at just 1.25m clear of floor level. Whilst the roof light in the car port serves an en-suite, the use of the main room could lead to undesirable overlooking onto neighbouring amenity space, especially given the slope on Fairfields Hill. In this respect the previously attached condition is still considered necessary. There is thus not considered to be a privacy issue arising from the proposal.

In considering overshadowing, it is noted that the depth of the main section to the original proposal has increased by 0.75m. The depth of the car port remains the same (8.1m) although the width is proposed to increase by 15 centimetres. This element has not yet been built. The footprint has moved towards the highway by 0.4m. At the same time, the amendments now accurately show the position of the neighbouring dwellings and width of the plot – narrower than previously shown. Furthermore, observations on site reveal the depth of number 49's car port is some 0.4m less than previously shown, and the length of fence between that car port and their garage is 0.45m less. These errors have been corrected on the amended drawings.

The net effect of the above changes on number 45 is considered acceptable. The net effect on number 49 is threefold: (1) the car port elevation now sits closer to number 49; and (2) the front elevation to the car port sits more proud of number 49's, whilst (3) the rear elevation of the car port now projects less than before (although the main section of the dwelling projects back by 1.75m compared to 1m previously. Reference to Appendices D and E is useful here.

Members will recall the combined view from number 49 (accounting for number 49's car port and boundary fence) at Appendix F. An updated version is now also enclosed, showing the resulting effect. It is considered that whilst the car port will be closer to number 49, the effective reduction in depth improves the situation compared to that originally approved. It is acknowledged that the main building is now deeper by 0.75m. However the rear elevation is in the same position as before, and whilst 1.5m closer it is not considered to have an *unacceptable* [emphasis] on overshadowing, particularly when the 45 degree rule under the Council's Design Guidance is clear in stating it applies to *rear facing* windows only. In fact, BRE guidance confirms that the 45 degree rule should be applied in a vertical and horizontal manner in any case. In light of the above, the loss of light to number 49 will be greatly improved by the new position of the car port, and the additional depth of the main section and increased proximity is not considered to offset this improvement – particularly when number 49 itself blocks direct sunlight to the affected windows.

Turning to the first floor front windows to number 49's car port, the relative change in position of the proposal is noted. There is a marginal breach of the 45 degree rule *on a horizontal plane* [emphasis]. Members should however note (a) the design of the car port roof; (b) how these windows at number 49 sit well above the eaves of the car port due to the change in levels and design of that car port; and (c) the orientation of number 49 and the fact that these windows are already overshadowed by the host property. Furthermore the above comments regarding updated guidance on the 45 degree rule add weight here.

In light of the above, it is considered that there is not an unacceptable impact from overshadowing on neighbouring properties, and in fact there is a material improvement to the effect on the windows of main concern. It is also considered that had the original proposal been presented in this fashion, the same conclusion would have been reached for the reasons outlined above.

b) Design

Broadly speaking, there is little in the way of change to the design. The increase in depth of the main section is not considered to materially affect the previous opinion on scale and mass. The inclusion of a name stone and changes to the front door and single storey projection to the lounge are not of concern. The inclusion of a shutter door to the garage is less favourable, but it must be noted that any dwelling with normal permitted development rights could achieve this. Subject to a condition limiting the colour of the shutter, any concerns are mitigated for.

The objection comments that the revised footprint makes the proposal overly prominent when compared to the general 'run' of dwellings down the hill. It is acknowledged that it does sit forward of the "building line" formed by numbers 45 and 49. It is also acknowledged that there was initial objection to the original proposal on this basis. However that initial objection was never sustained through to the final assessment on the basis that the harm arising was not sufficient to warrant refusal. In any case the updated layout plan and Appendix F shows that the proposal will still be considerably 'hidden' behind number 49 when viewed from further up Fairfields Hill, on a very similar basis to the original approval. The situation has not considered to have materially changed to warrant a refusal here.

c) Other matters, including gas migration and land stability risks, drainage, access and parking, and the caravan

The situation has not altered from the previous assessment. The Environmental Health Officer, Severn Trent Water and the County Highway Authority still have no objections, subject to the same conditions as before where appropriate. Matters regarding permitted development rights and disturbance from the construction phase remain as before and conditions carried forward.

The principle of the caravan remaining remains unchanged such that it, along with the hard standing, will be required following completion of the proposal.

Recommendation:

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

1. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered FFH2/01/02 Rev D, FFH2/01/03 Rev D, FFH2/01/04 Rev C and FFH2/01/05 Rev D received by the Local Planning Authority on 3 July 2012.

REASON

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

2. The mobile home shall only provide accommodation for the occupants of 47 Fairfields Hill displaced by demolition of the existing and construction of the replacement dwelling hereby approved, and be removed from the site (along with associated hardstanding) within one month of the replacement dwelling being available for occupation.

REASON

In recognition of the particular circumstances of the beneficiaries, and to ensure that the use does not become permanently established on the site.

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

REASON

In the interests of preventing overshadowing and overlooking of neighbouring properties, ensuring appropriate design, and to minimise the risk of flooding to neighbouring properties and in the wider area.

4. Roof lights in the rear plane of the roof slope shall be obscure glazed and non-opening, unless in emergencies.

REASON

In order to prevent overlooking of primary amenity space to neighbouring properties.

5. The roller shutter door hereby approved shall be coloured to match the window and door frames of the dwelling. Any replacement shutter door shall be subject to the same control.

REASON

In the interests of the amenities of the area.

6. The dwelling shall be constructed using a Marley Eternit Hawkins Fired Sienna roof tile and an Ibstock Warwickshire Olde English facing brick, and the screen/retaining wall finished using the same brick.

REASON

In the interests of the amenities of the area.

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

REASON

In the interests of safety on the public highway.

8. The development shall not be occupied until the northern visibility splay has been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with a 'x' distance of 2.4 metres and a 'y' distance of 51.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.3 metres above the level of the public highway carriageway.

REASON

In the interests of safety on the public highway.

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

REASON

In the interests of safety on the public highway.

10. Before the occupation of the dwellinghouse, a hard and soft landscaping scheme shall be submitted to the Local Planning Authority for approval. This scheme shall also detail the restoration of the area presently laid to hardstanding for the siting of the mobile home.

REASON

In the interests of the amenities of the area.

11. 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.

Notes

1. The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design) and TPT6 (Vehicle Parking).

2. Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have a statutory protection by virtue of the Water Industry Act 1991 (as amended by the Water Act 2003) and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.
3. 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.
4. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property. For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.
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. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.

Justification

The proposed amendments are not considered to materially alter the previous assessment as to impact on neighbouring amenity and design considerations, with the changes actually considered to improve the impact on an immediate neighbour to that originally consented. The proposal remains acceptable in principle, with highway impacts, gas migration and land stability, drainage impacts appropriately controlled. Whilst it is still noted that elements of the overall design differ from the general pattern observed in the immediate vicinity, they are not considered sufficiently material or noticeable to warrant refusal. The proposal is therefore in accordance with saved policies ENV4, ENV6, ENV8, ENV11, ENV12, ENV13, ENV14 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

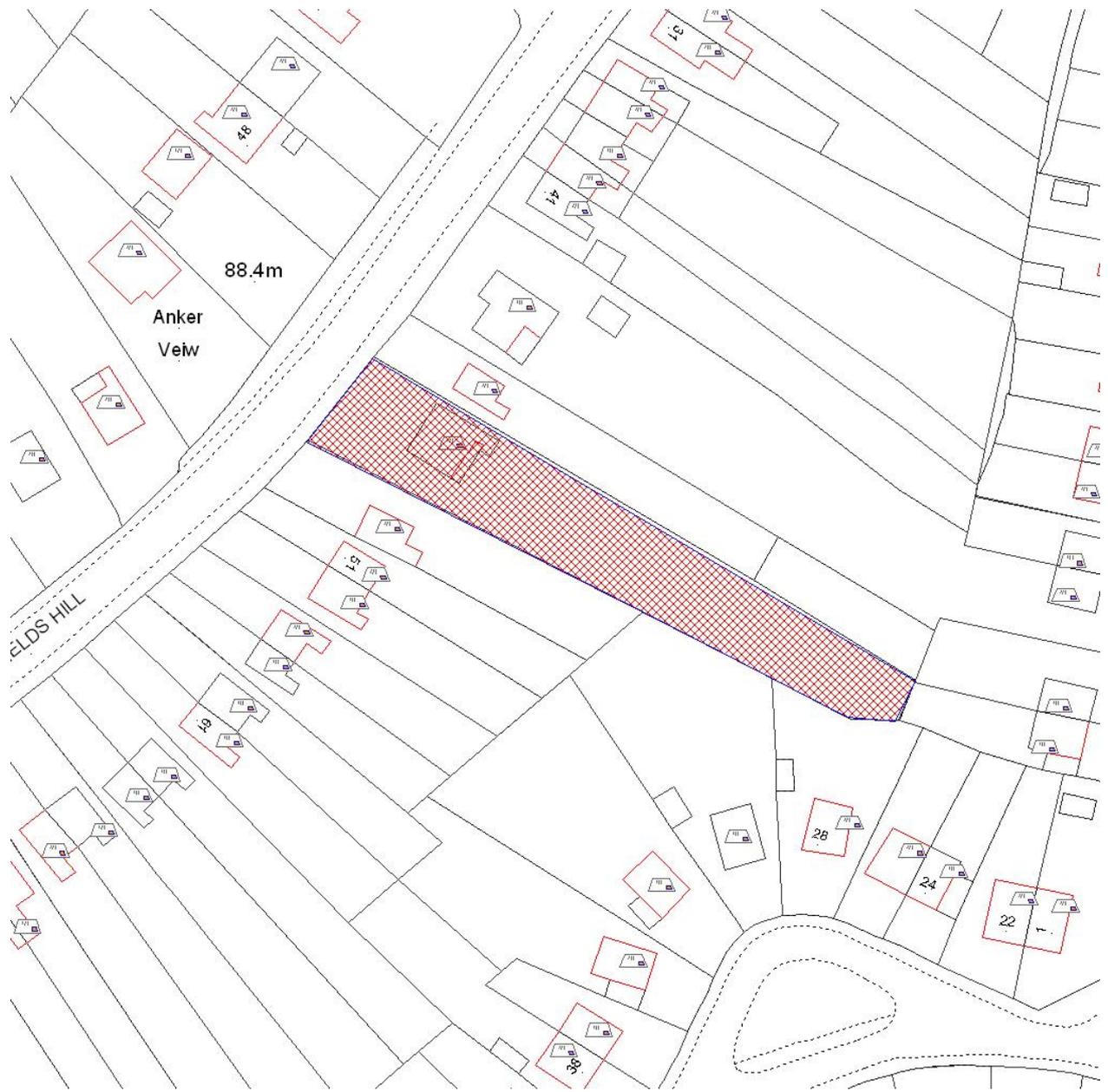
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2012/0198

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans	10/04/2012 02/07/2012
2	Environmental Health Officer	Consultation reply	04/05/2012
3	Highway Authority Officer	Consultation reply	15/05/2012
4	Severn Trent Water	Consultation reply	16/05/2012
5	Applicant	Brick details	21/05/2012
6	Humphreys & Co o/b/o Mr & Mrs Clemons	Representation	28/05/2012
7	Dan Byles MP	Letter to Planning Officer	30/05/2012
8	Case Officer	Letter to Dan Byles MP	01/06/2012
9	Case Officer	Email to Agent	28/06/2012

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.



(4) Application No: PAP/2011/0577**47 Fairfields Hill, Polesworth****Erection of new detached dwelling****for Mr M Rubensaat****Introduction**

This application is reported to Board following a request from a local Ward member because of concerns of the potential impact on neighbouring amenity.

The Site

The application site lies on the south-east side of Fairfields Hill, a steeply sloping road from south-west to north-east, down towards Polesworth. It sits lower than number 49, but higher than number 45. The site itself is generally flat to the front and immediately to the rear before steeply sloping up to the back of the property. There is a single bungalow occupying the site with access onto Fairfields Hill and driveway to the side. This bungalow carries a room in the hipped roof space with dormers looking out to the front and rear. The ridge is generally level with the eaves at number 49, and its overall appearance is relatively simple with a white render and clay plain tiles. Photos of the existing bungalow and its setting are attached at Appendix A.

The Proposal

It is intended to replace the existing bungalow on site with a single dwelling house. Both the existing and proposed have rooms in the roof space. The proposal also includes the creation of a temporary area of hardstanding at the rear with the temporary siting of a caravan upon it during the course of the works, with a retaining wall and ramp access to the rear half of the plot. Plans at Appendix B show this more fully.

Background

The property has been vacant for a number of years, with a near neighbour quoting this being since 1996. Some of the engineering works to the rear have commenced, with the static caravan already placed here.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies) – Core Policy 2 (Development Distribution), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design) and TPT6 (Vehicle Parking).

Other Relevant Material Considerations

Supplementary Planning Guidance: A Guide for the Design of Householder Developments (2003).

Consultations

Environmental Health Officer – lodged an initial objection on the grounds that a desk study and preliminary risk assessment should be supplied to explore the risks from shallow coal workings, gas migration and radon gas. This has been overcome through the provision of such reports.

Highway Authority – initially lodged no objection subject to conditions in respect of access and parking construction and visibility splays, but following amendments to include the static caravan objection was raised given the potential for intensification of the site. Following clarification, this objection has now been lifted and the initial conditions apply.

Warwickshire Museum (Archaeology) – no response received.

Severn Trent Water – no objection subject to an informative noting the presence of a public sewer within the site.

Representations

Neighbour letters were sent on 25 November 2011, and a site notice placed on 14 December 2011. Re-consultation letters were sent on 22 December 2011 and 16 January 2012, with comments invited by 23 January 2011. Councillors were also invited to choose the manner of determination on 16 January 2012.

- 9 Dordon Road – letter of support stating it will remove some dilapidated buildings and has required improvement for some time.
- 49 Fairfields Hill – letter of objection on the grounds of the scale and mass being too great; the roof style being out of sync with the neighbouring properties on this side of the road; imitation sash windows being out of keeping; a projecting gable and dormer being out of keeping; overlooking and privacy concerns to neighbouring dwellings and amenity space; overshadowing of habitable windows from the proposal; need to re-direct a public sewer; and fear that the applicant will operate his business from the site. These objections have been repeated in response to both re-consultation letters, as well as questioning the accuracy of the amended drawings supplied.
- 43 Fairfields Hill – objection on the grounds that the scale of the rear of the proposal is dominant and will overshadow their property. These objections have been repeated in response to the recent re-consultation letter.
- 17 St Edithas Road – raise concerns that permission here could allow others with large gardens to building extra dwellings.
- 52 Fairfields Hill – letter of support stating it will greatly improved the site and not impair other properties.
- Seven ‘Round Robin’ letters prepared by the applicant and signed by 46, 48, 50, 51, 52, 66, 68 Fairfields Hill – support the proposal on the grounds that it will be an improvement to the existing site

- 45 Fairfield's Hill (prepared by same representative of objection for 49 Fairfield's Hill) – letter of objection on the grounds of the scale and mass being too great, dwarfing their property; the roof style being out of sync with the neighbouring properties on this side of the road; imitation sash windows being out of keeping; a projecting gable and dormer being out of keeping; overlooking and privacy concerns to neighbouring dwellings and amenity space; overshadowing of a non-habitable window from the proposal; need to re-direct a public sewer; and fear that the applicant will operate his business from the site. A further letter prepared by applicant withdraws these objections, but then a further letter prepared by the initial writer reasserts the original objections.

Observations

This assessment relates to amended plans received following correspondence with the applicant's agent highlighting particular concerns in respect of amenity and design.

a) Neighbouring amenity

The proposal introduces a number of new windows to the front and rear. Roof lights are also proposed to the rear roof plane. No first or second floor side facing windows to habitable rooms are proposed. The consideration is thus whether there would be *unacceptable* privacy impacts on neighbouring properties, particularly considering the drop in levels across numbers 49, 47 and 45. To the front there is not considered to be an issue, with publically accessible land and views across front gardens. To the rear, the building does not breach the 45 degree rule (under the Council's Design Guidance) from rear facing windows at numbers 49 or 45, and they face straight down the garden. A neighbour believes there is a breach, but the Guidance is clear in stating *rear facing* windows only.

The views to the rear amenity space of number 49 are obstructed by a garage at this property, and whilst considerably higher than the gardens at number 45 and 43, extreme acute views would be necessary to view their primary amenity space (patio space, etc). Windows in roof spaces are to be placed with a sill height of 1.25 metres from the finished floor level. Whilst this does not prevent views to the rear, the rooms they serve are not designated for living or sleeping, such that these windows can be conditioned to be obscure glazed and non-opening to mitigate any overlooking of neighbouring amenity space. There is thus not considered to be a privacy issue arising from the proposal.

In considering overshadowing, the orientation with the sun means any noticeable impacts would be towards numbers 45 and 43. However a site visit to number 43, around midday and close to the winter solstice, demonstrated that the sun was still clearly visible above amenity space at number 47 and 49. A shadowing effect on these properties already exists from the natural slope of Fairfield's Hill and number 49, and the proposal will have little effect on the existing situation. During the summer the sun will generally be overhead until late evening, when the existing bungalow at the application site and number 45 already cause shadowing to primary amenity space. The side facing windows at number 45 serve non-habitable rooms and the Council's Guidance is clear in the fact that these cannot be protected.

In light of the above, the loss of light to number 49 will be in respect of diffuse light only. Here, an existing garage close to rear and side facing ground floor windows already reduces natural light; with it noted that internal illumination was on during the officer's site visit. There is also a 1.8 metre boundary treatment between numbers 49 and 47. Whilst the car port element of the proposal would be within 4.6 metres of a side facing habitable window, this window is one of two serving the same room which also has a rear facing window, and the proposal is stepped down by 1.6 metres, with it carrying dropped eaves and a hipped roof. Appendix B shows the calculated effect accounting for the 'blocking' effect of number 49 itself and boundary treatments. Daylight will pass over the roof such that the net effect is not considered to be unacceptable. Hence in considering all the potential impacts it is considered a refusal could not be sustained on grounds of overshadowing.

Other amenity impacts, such as noise, dust and fumes, are not considered to be permanent or material during the course of construction to raise concern.

b) Design

There were three concerns arising with the original proposal and first revisions. These related to firstly, the depth and mass of the property which resulted in the use of unsuitable design solutions to mitigate the impact; secondly, the roof design; and thirdly, the introduction of features alien to the street scene. These were considered to degrade the quality of the development and the manner in which it harmonised with the immediate setting. However revised plans have been submitted in order to address these concerns. These are considered more fully as follows:

1. The depth of the property at ground floor is not of issue here. The proposal to carry the first floor to the same depth previously had knock on effects which caused conflict with policy – namely the need to decrease the pitch to enable a suitable roofing solution whilst ensuring the ridge height was not excessive.

The context of the proposal is important. It will sit (without exception) amongst a run of hipped detached and semi-detached houses (see Appendix C). A further hipped bungalow ends this run to the north-east and a pair of gable end semi-detached houses ends the run to the south-west. However, this run is clearly prominent in the street scene, especially on travelling down the hill away from the junction of Dordon Road, Fairfields Hill and Birchmoor Road. The close proximity of each of these dwellings, means that aspects of any side gables are very limited; hence hipped roof spaces provide an "openness" in lieu of physical separation and carry importance.

Earlier plans retained a gable end to the property. Although Dutch hips were proposed in the first revision, this did not go far enough to enable the property to be 'read' as a hipped property. The current plans do now achieve this, with the majority of the second floor ends now hipped. The residual gable elements simply give the appearance of dropped eaves, and are not considered so material to warrant refusal. The same is said in respect of the side projection given it sits against the ground and first floor. A condition would ensure that later roof alterations do not undermine this principle.

2. The first floor depth of the main section is 10 metres. The need to provide a roof to this previously resulted in an excessive ridge line some 0.4 to 1.1 metres higher than the 'common line' drawn between the ridges at number 49 and 45 (even with a lower pitch of 30 degrees instead of 35 degrees seen along this run of properties). This height coupled with gables (as discussed at (1)) and differing roof pitch previously meant that this side elevation appeared prominent and out of sync in the street scene upon travelling down the hill.

The current plans respond by increasing the pitch to 32.5 degrees whilst sitting the whole proposal down into the ground by 0.3 metres and reducing internal floor to ceiling heights by a total of 0.3 metres. The net effect is that the ridge height is now only 0.25 metres higher than the aforementioned 'common line' between ridges. In considering whether this additional height and differing pitch is sufficiently material to warrant refusal, it is not considered so. The difference in height is marginal in the context of the proposal and will go unnoticed, whilst the 2.5 degree difference in pitch will also go unnoticed.

3. Further concern arose from the inclusion of a projecting gable to the front elevation. This was initially considered to be alien to hipped properties in the immediate setting and compound the issues around prominence already discussed at (2), with the depth resulting in a noticeable roof void.

The further revisions do not remove or alter this projecting gable, such that consideration focuses on whether it is materially harmful to the street scene contrary to policy. On balance, the inclusion of a central gable feature assists in breaking up what would be a wide and plain elevation, and whilst alien to the *immediate* setting, it draws upon design found in the *wider* setting. The resulting roof void from the proposed depth has been considered further, and it is not considered to be sufficiently prominent to warrant refusal alone. Addition of a further porch could undermine this view however, such that conditional control should be exercised here. Given this is the only remaining element of concern, a refusal of the whole proposal cannot be sustained here.

The width of the property is considered by some neighbours to be too great, with built form close to the boundaries. However, this is reflected elsewhere along Fairfields Hill. This is not considered to be a reason for refusal. There is no objection to the dormer window above the car port, nor to the detailing around openings and eaves. The proposed materials suggested by letter dated 27 November are also considered appropriate and can be conditioned; as can finishes to retaining walls, hard standings, landscaping and boundary treatments.

c) Gas migration and land stability risks

The Environmental Health Officer initially raised objection to the proposal given the lack of a suitable desk study and preliminary risk assessment to explore the risks from shallow coal workings, gas migration and radon gas. However the applicant has now provided appropriate coal mining and radon gas reports to satisfy the Environmental Health officer.

d) Drainage

An existing sewer connection already exists here, and it is proposed to utilise this. Potential for surface water run off to neighbours can be appropriately mitigated by way of a suitable condition in respect of hard surfaces. Severn Trent Water raises no objection in principle, even though a public sewer crosses the site and will be straddled by the car port, but request an informative that diversion may be necessary. A neighbour raises concern as to how this will affect them, but it is not a planning matter.

e) Access and parking

The County Highway Authority raises no objection to the proposal, subject to conditions in respect of access and parking construction and visibility splays. There is considered sufficient space in principle to accommodate a number of private vehicles at the site, and the applicant intends to add a garage under permitted development rights at a later date. There is no concern in respect of disabled access to the property.

f) Caravan and hardstanding

It is noted that this provides the potential for creation of a separate unit of accommodation. The principle of this is clearly unacceptable from a Highway Authority point of view, but it would also raise amenity issues to number 45. However it is intended to only use this as temporary accommodation whilst works are undertaken on site, and it will be removed (along with the hardstanding) following completion of the proposal. Officers have drawn the applicant's attention to the car port not being wide enough to remove it as a single unit, but this is not of the Council's concern. Overall, this is considered acceptable subject to suitable conditions to require this removal in a timely manner and suitable restoration.

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 plans numbered FFH2/01/02 Rev B, FFH2/01/03 Rev B, FFH2/01/04 Rev B and FFH2/01/05 Rev B received by the Local Planning Authority on 16 January 2012. For the avoidance of doubt, the house shall not be positioned in accordance with drawing FFH2/01/00 Rev B received by the Local Planning Authority on 22 December 2011.

REASON

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

3. The mobile home shall only provide accommodation for the occupants of 47 Fairfields Hill displaced by demolition of the existing and construction of the replacement dwelling hereby approved, and be removed from the site (along with associated hardstanding) within one month of the replacement dwelling being available for occupation.

REASON

In recognition of the particular circumstances of the beneficiaries, and to ensure that the use does not become permanently established on the site.

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

REASON

In the interests of preventing overshadowing and overlooking of neighbouring properties, ensuring appropriate design, and to minimise the risk of flooding to neighbouring properties and in the wider area.

5. Roof lights in the rear plane of the roof slope shall be obscure glazed and non-opening, unless in emergencies.

REASON

In order to prevent overlooking of primary amenity space to neighbouring properties.

6. No development shall be commenced before details of the roofing tiles and surfacing materials, as well as screen/retaining wall facing bricks to be used have been submitted to and approved by the Local Planning Authority in writing. The approved materials along with a Ibstock Birtley Olde English facing brick on the dwelling shall then be used.

REASON

In the interests of the amenities of the area.

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

REASON

In the interests of safety on the public highway.

8. The development shall not be occupied until the northern visibility splay has been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with a 'x' distance of 2.4 metres and a 'y' distance of 51.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.3 metres above the level of the public highway carriageway.

REASON

In the interests of safety on the public highway.

9. The development shall not be commenced until a turning area has been provided within the site so as to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear.

REASON

In the interests of safety on the public highway.

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

REASON

In the interests of safety on the public highway.

11. Before the commencement of the development, a hard and soft landscaping scheme shall be submitted to the Local Planning Authority for approval. This scheme shall also detail the restoration of the area presently laid to hardstanding for the siting of the mobile home.

REASON

In the interests of the amenities of the area.

12. 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.

Notes

1. The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design) and TPT6 (Vehicle Parking).
2. Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have a statutory protection by virtue of the Water Industry Act 1991 (as amended by the Water Act 2003) and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.
3. 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.
4. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property. For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.

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

Justification

The proposal is acceptable in principle, with a single dwelling already present on site in what is a sustainable location. There is not considered to be a detrimental impact on neighbouring amenity arising from overlooking or overshadowing, subject to conditions; and highway impacts, gas migration and land stability, and drainage impacts are appropriately controlled. Whilst it is noted that elements of the overall design differ from the general pattern observed in the immediate vicinity, they are not considered sufficiently material or noticeable to warrant refusal. The proposal is therefore in accordance with saved policies ENV4, ENV6, ENV8, ENV11, ENV12, ENV13, ENV14 and TPT6 of the North Warwickshire Local Plan 2006 and adopted supplementary planning guidance 'A Guide for the Design of Householder Developments (2003)'. There are no material considerations that indicate against the proposal.

APPENDIX B – prior to demolition of bungalow





APPENDIX C – shortly after commencement of construction



APPENDIX D – Approved and proposed drawings



Street scene – approved under PAP/2011/0577



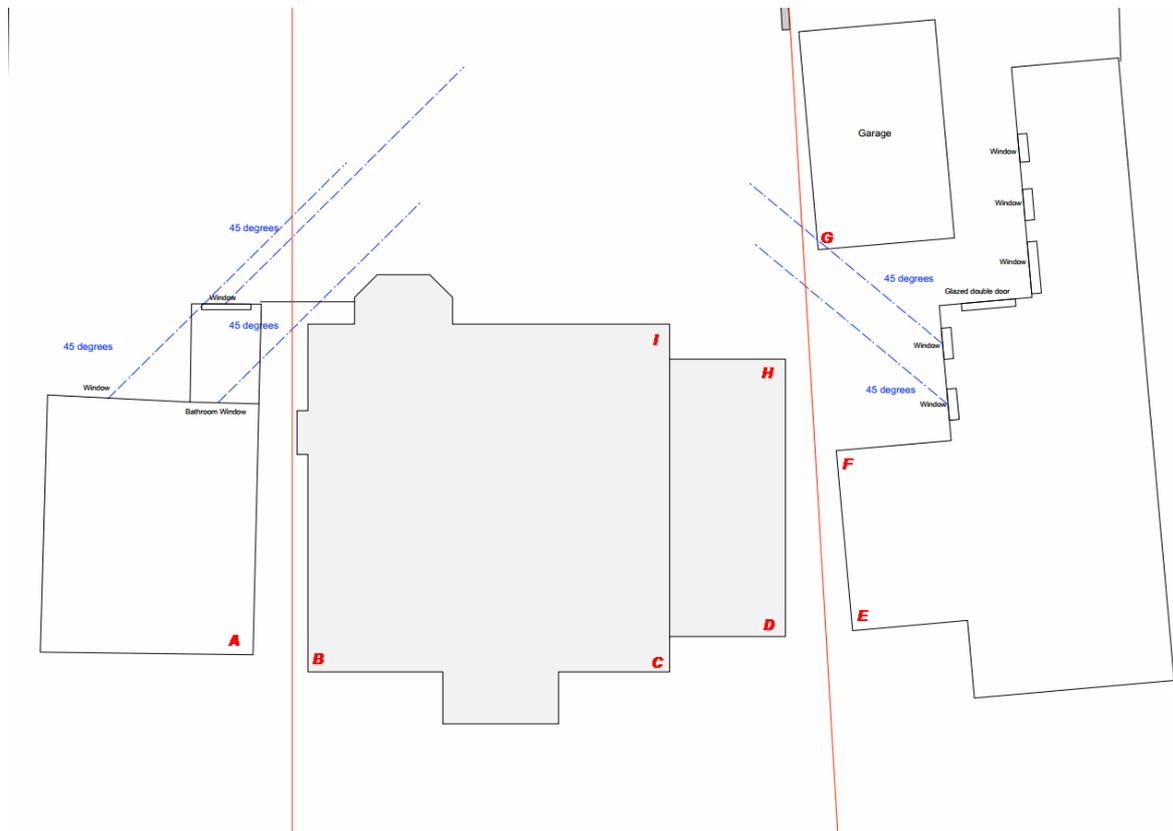
Street scene – now proposed



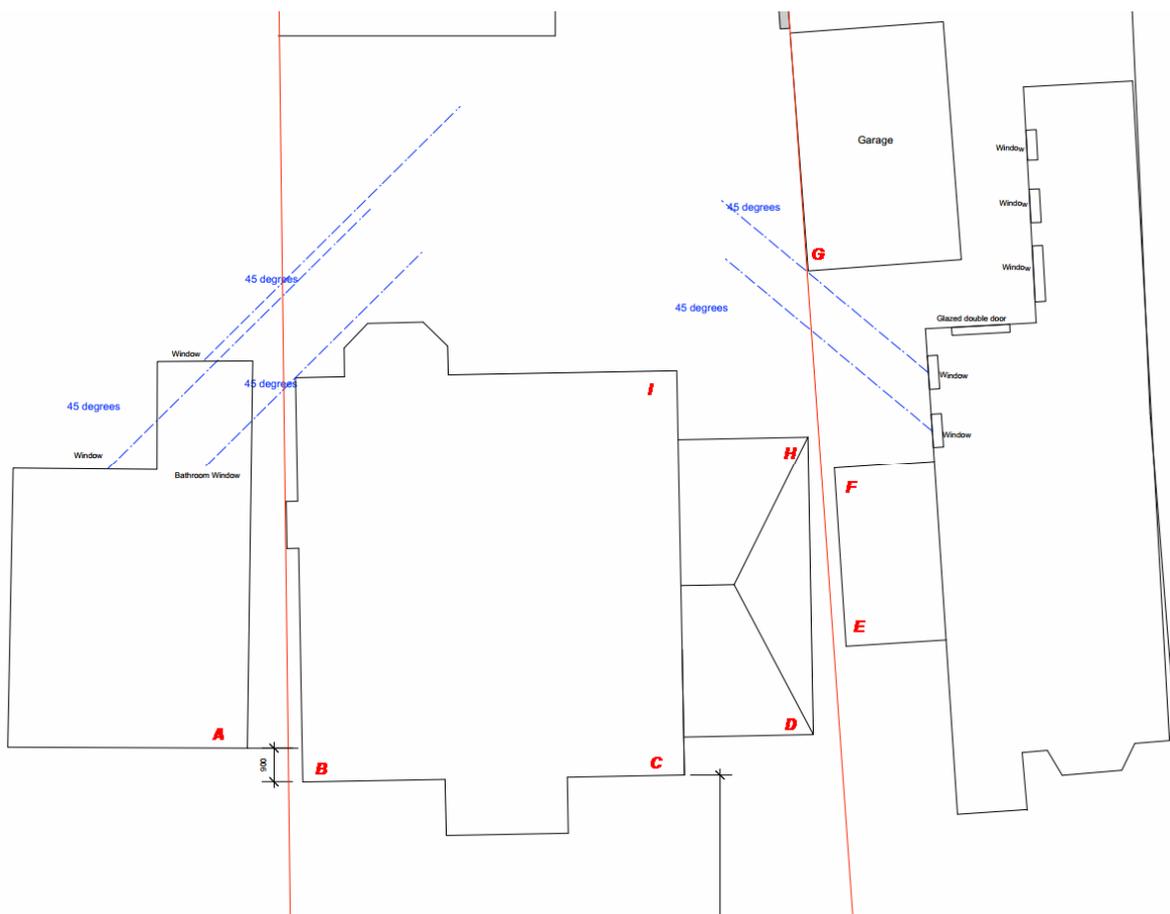
Elevations – approved under PAP/2011/0577



Elevations – now proposed



Layout – approved under PAP/2011/0577



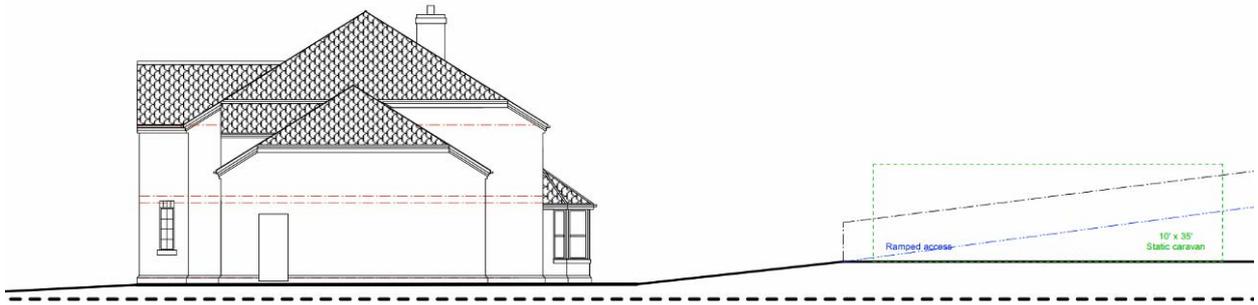
Layout – now proposed

APPENDIX E – changes in dimensions

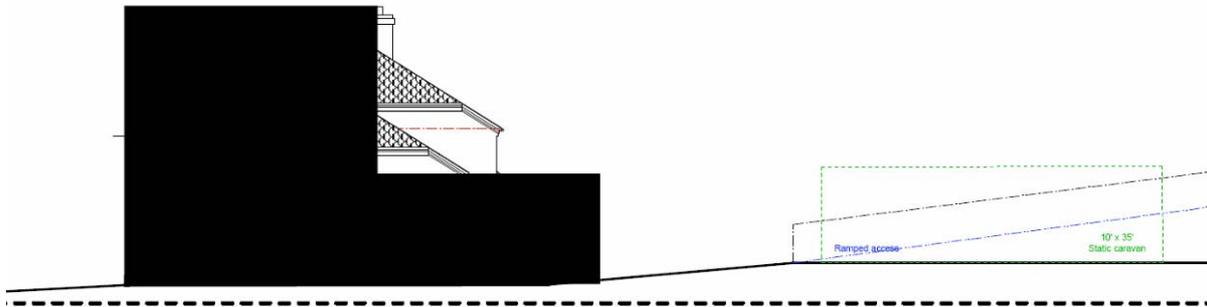
All measurements taken from digital versions of plans to avoid errors arising from printing and manual measurement, and also verified on site.

	PAP/2011/057 7	PAP/2012/019 8	Difference
Main section ridge	8.2m	8.45m	▲ 0.25m
Car port ridge	6.1m	6.1m	-
Main eaves	4.7m	4.7m	-
Car port eaves	3.25m	3.25m	-
Forward projecting element ridge	6.8m	6.8m	-
Main section depth (C to I)	10.1m	10.85m	▲ 0.75m
Main bulk width (B to C)	10.2m	10.2m	-
Car port depth (D to H)	8.1m	8.1m	-
Car port width (C to D)	3.3m	3.45m	▲ 0.15m
Distance between #47 car port and #49 car port (Proposal to F)	1.45m	0.25m	▲ 1.2m
Plot width (on a plane with E)	15.9m	14.2m	▲ 1.7m
Distance forward of #45 (A to B)	0.5m	0.9m	▲ 0.4m
Distance along boundary with #49 to rear of car port (point F to H)	2.6m	0.85m	▼ 1.75m
Distance along boundary with #49 to rear of main section (point F to I)	3.6m	2.7m	▼ 0.9m
Distance forward of #45 car port (E to on a plane with C)	1.2m	3.35m	▲ 2.15m
Roof pitch (front to back)	32.7°	32.55°	▼ 0.15°
Roof pitch (Dutch hips)	45°	45°	-

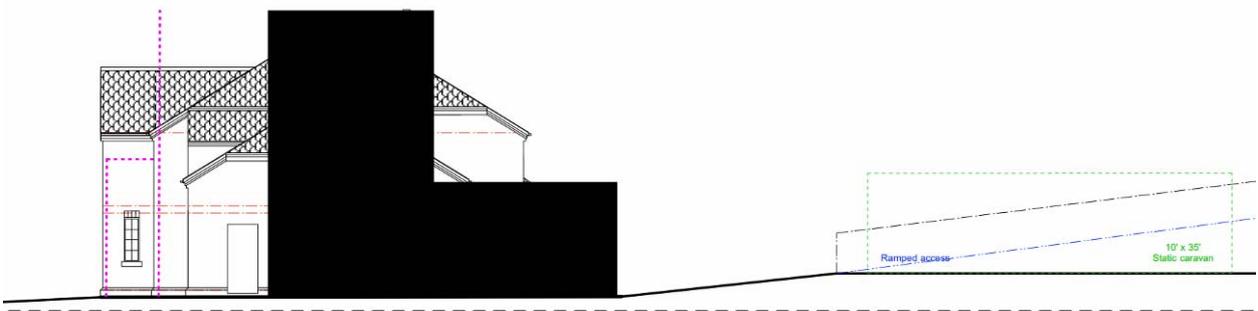
APPENDIX F – changes in dimensions



View from number 49



Approved view from number 49 when accounting for current built form and 1.8m fence at number 49 (i.e. that visible from side facing windows)



Proposed view from number 49 when accounting for current built form and 1.8m fence at number 49 (i.e. that visible from side facing windows). Front section shown in relation to the number 49's car port, and with front elevation of number 49 and its porch shown by pink dotted lines



**Humphreys
& Co. SOLICITORS**

Our Ref: B/NH/9127/1
Your Ref: PAP/2012/0198

Date: 25 May 2012

Attention Chris Nash
Development Control Service
North Warwickshire Borough Council
The Council House
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Warwickshire
CV9 1DE

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Dear Sirs

Application ref: PAP/2012/0198

Variation of condition no. 2 of planning permission ref: PAP/2011/0577 relating to approved plans in respect of erection of new detached dwelling

At: 47 Fairfield Hill, Polesworth, Tamworth, Warwickshire, B78 1HG

1. We are instructed by Mr and Mrs B Clemons of 49 Fairfield Hill, Polesworth, Tamworth, B78 1HG which neighbours the application site.
2. We have been instructed to review the above application and make representations to North Warwickshire Borough Council on our clients' behalf in **objection** thereto.
3. We begin by outlining the background to this application, before setting out our clients' reasons for objecting to the application and we then offer our conclusions.

Background

4. The application is made under S73 of the Town and Country Planning Act 1990 and seeks, in effect, to amend condition 2 of planning permission PAP/2011/0577 dated 14 February 2012 (the "**Original Permission**") to substitute revised drawings including elevations, a street scene drawing, location plan, floor plans and a site layout plan.
5. This application is a partially retrospective application seeking to obtain consent for derogations from the approved plans under the Original Permission.

Partners:
R.A. Humphreys
P.L.I.B. Siddons
P.L.G. Montgomery
S.M. Burbidge

Associates:
P.A. Lipman
I.C. Adams*
Prof. R.E. Annand
D.P. Morris

*non-solicitor

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Solicitors Regulation
Authority

6. This application was made at the request of NWBC officer John Fudger following a visit to the site he made on 28 March 2012.

Proposed changes as compared to the Original Permission

7. The application proposes several detailing changes including alterations to the single storey rear bay, changes to the front door and the addition of a garage door.
8. More significant, however, are the proposed alterations to the size, height and location of the property as compared to the approved plans. Our clients believe that the application proposal is different to the approved plans under the Original Permission in the following ways:
- (1) increasing the 2-storey depth of the property by 1 metre as compared with the improved plans, (the approved plans show a depth of 9800mm, our clients measure the depth as a minimum of 10800mm),
 - (2) repositioning the property within the site so that it is 1 metre forward (to the west) of the approved location (measured at the projecting gable front),
 - (3) in light of the inaccurate proposed site plan and section drawings approved in the Original Permission the impact of the repositioning of the property is that it projects 450mm forward of the approved position relative to No.45 Fairfields Hill and 2000mm forward of its approved position relative to 49 Fairfields Hill, (this is caused by the combination of the building being moved forward and rotated slightly)
 - (4) increase above the approved ridge height of approximately 500mm leading to the ridge height being 750mm above the notional 'common line' between the roof ridges of No.45 and No.49,
 - (5) decrease in the roof pitch consequential upon the 1m increase in 2-storey depth from a pitch of 33.147° to 30.6507° together with an increase in the pitch of the hipped end gables to between 40° and 45° (our clients calculated these changes based on site observation and the use of auto CAD design to work out the actual angle of the pitch – see Annex E),
 - (6) increase in the width of the car port by 200mm.
9. Some of these changes are shown in the proposed drawings but others were only apparent to our clients through their taking of measurements on site.

The significance of these changes

(1) The repositioning of the proposed dwelling forward of the approved location under the Original Permission

10. The application property sits in a run of houses which climb Fairfields Hill. That run of houses was described as follows in the officer's report to the Planning Board on the Original Permission:

“this run is clearly prominent in the street scene especially on travelling down the hill away from the junction of Dordon Road, Fairfields Hill and Birchmoor Road”

11. The run of existing properties reflect the curve of the road by the front elevation of each property being either level with or slightly set back from that of its neighbour as you move down the hill.
12. In order to respect this existing street scene the approved plans under the Original Permission ensured that the approved dwelling would be set back slightly from the front elevation of No.49 and set only slightly forward of No.45.
13. In contrast to those approved plans this application seeks to locate the property 2m forward relative to Number 49 and 0.45m forward relative to Number 45 as compared to the approved position. The result is that the property is out of step with the existing building line and this, coupled with its increased ridge height, causes it to be a disruptive and over dominant element in the street scene.
14. The repositioning of the dwelling proposed in the application plans also means that the proposed garage is 2m forward of its location under the Original Permission resulting in it now being considerably out of line with the car port of No.49.
15. The consequences of these changes can be seen in the images at Annex A where the new dwelling can be seen as sitting significantly forward of the existing buildings in the run.
16. We submit that the application is, in these respects, clearly contrary to Local Plan policy ENV12's requirement that development proposals should *“harmonise with both the immediate setting and wider surroundings to present a visually attractive environment”*.
17. It should also be noted that in order to avoid these negative consequences of the building being set too far forward in the street scene the case officer for the Original Permission asked the applicant to reduce the forward projection of the building (see the correspondence in relation to the Original Permission at Annex D).

(2) Increases in the height and depth of the dwelling as compared to the Original Permission

18. Our clients' measurements show that the depth of the dwelling has increased from approved depth of 9800mm in the Original Permission to 10800mm. In addition our clients measure that the height of the ridge line has increased by 500mm on the approved scheme. The increase in depth has led to a shallower roofline with a pitch reduced from 33 degrees to 30 degrees (as shown in the diagram at Annex E).
19. These changes are not accurately reflected in the proposed drawings submitted in this application and **we would therefore request, on behalf of our clients, that the Council carefully checks the accuracy of the submitted drawings in**

comparison to the built form of the building and asks the applicant to submit drawings which accurately reflect what has been built.

20. Through the changes in depth and roof line the built form reverts back to being close to the dimensions proposed in the plans originally submitted as part of the application for the Original Permission (those original plans were superseded by the revised approved plans). In a draft officer's report dated 11 January 2011 on those original plans (enclosed as Annex C) the following comments were made:

"The first floor depth of the main section of the proposal is 10 metres. The need to provide a roof to this thus results in a high ridge line. Even when a lower roof pitch has been used (30 degrees instead of 35 degrees), this is 0.4 to 1.1 metres higher (0.75 metres on average) than the 'common line' drawn between the ridges at number 49 and 45"

...

"In summary, the proposed depth leads to an excessive ridge height which is not adequately mitigated through a lower roof pitch, which in itself is out of sync with neighbouring dwellings"

21. These comments are also confirmed in the email from the case officer to members of the Plans Board at Annex C. The officer suggested changes to the applicant to overcome these issues (see the correspondence at Annex D). In the final officer's report on the Original Permission the officer described how, in his view, these issues had been overcome in the revised drawings as follows:

"The current plans respond by increasing the pitch to 32.5 degrees whilst sitting the whole proposal down into the ground by 0.3 metres and reducing internal floor to ceiling heights by a total of 0.3 metres. The net effect is that the ridge height is now only 0.25 metres higher than the aforementioned 'common line' between ridges. In considering whether this additional height and differing pitch is sufficiently material to warrant refusal, it is considered not so".

22. In our submission the increase in roof ridge height, which results in the roof ridge being 750mm higher than the notional common line between the roof ridges of No.45 and No.49 and the decrease in roof pitch have reversed these improvements to the original scheme.
23. The increase in roof ridge height and decrease in roof pitch leads to a dwelling that is (to use the officer's words) 'out of sync' with its neighbours and which is contrary to Local Plan policy ENV13's requirement that new buildings should only be permitted where: *"The scale, massing, height and appearance of the proposal positively integrates into its surroundings"*.
24. On behalf of our clients we ask the Council to adopt a consistent approach and to refuse to retrospectively confer consent upon aspects of a scheme which, when originally proposed as part of the 2011 application, were considered by officers to be unacceptable and contrary to policy.

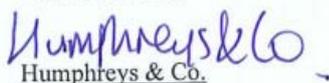
Other points

25. The applicant's supporting planning statement acknowledges inaccuracies in the approved site plan under the Original Permission. That inaccurate site plan considerably misrepresented the relationship between the proposed dwelling and its neighbours, a point our client made on several occasions in commenting on that application. The inaccuracies also call into question whether the Original Permission is sufficiently certain as regards the location of the building as to be capable of implementation.

Conclusions

26. Our clients' concern is that the repositioning of the dwelling leads to the property failing to integrate properly into and being over prominent in the street scene.
27. In relation to the ridge height and depth, our clients are concerned that the applicant, having been asked by officers to reduce the size and massing of the proposal from the plans originally submitted in 2011 has disregarded the approved drawings under the Original Permission and has built to the original intended depth, location and massing. The consequences are an excessive ridge height relative to the common line and a roof pitch which fails to reflect the form of neighbouring properties.
28. For these reasons, on behalf of our clients, we invite the Council to **REFUSE** to grant planning permission pursuant to this application.
29. In the event that this application is referred to be dealt with by the Council's planning committee, we would ask to be notified of the proposed committee date in order that our clients might attend or be represented at that meeting.
30. Thank you for your attention to this matter.

Yours faithfully


Humphreys & Co.

Attachments

- Annex A: Images of the build (May 2012)
Annex B: Email Chris Nash to members of the NWBC planning board 11.01.2012
Annex C: Draft officer's report on application PAP/2011/0577 11.01.2012
Annex D: Email from Mr C Nash to the applicant's agent 11.01.2012
Annex E: Drawing showing decreases in roof pitch

cc by email: planningcontrol@northwarks.gov.uk (with attachments)

(4) Application No: PAP/2012/0219

Unit 34, Innage Park, Abeles Way, Holly Lane Industrial Estate, Atherstone, CV9 2QZ

Change of use from industrial to leisure and recreation, for

Mrs Georgina Langhor - Atherstone Amateur Boxing Club

Introduction

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

The Site

This is one of 39 similar small industrial units arranged in two blocks with central parking and turning courtyards. Each is accessed from Abeles Way. To the south-west is the TNT distribution centre, and there are further industrial units surrounding the site. It is recognised as an industrial estate. The unit is small at approximately 100 square metres in floor area, with a large shutter door to the front elevation as well as a conventional pedestrian access. Three parking spaces in front of the unit are available. The unit is shown at Appendix A.

A footway leads into the site from Abeles Way, although the last 25 metres or so will be across the turning and parking area. A footpath on the eastern end of Abeles Way links under the A5 and to Atherstone.

The Proposal

It is intended to use the premises as a venue for Atherstone Amateur Boxing Club. The club intends to relocate from Atherstone football ground under these proposals and continue to encourage youth participation in the sport.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies): ECON1 (Industrial Sites), ECON3 (Protection of Existing Employment Sites and Buildings within Development Boundaries), ECON5 (Facilities Relating to the Settlement Hierarchy), COM1 (New Community Facilities), ENV9 (Air Quality), ENV14 (Access Design) and TPT6 (Vehicle Parking).

Other Relevant Material Considerations

Government Advice: National Planning Policy Framework (NPPF)

The Sustainable Community Plan and Place Survey

Consultations

The Highway Authority Officer raised an initial objection citing concern as to the proposed opening hours and the resulting effect on parking capacity and potential vehicle/pedestrian conflict. However the applicant has clarified the matter such that the objection has been lifted subject to the use remaining limited to those hours.

The Environmental Health Officer and Atherstone Town Council raise no objection.

Representations

No representations from neighbouring units or other parties have been received.

Observations

There are two key planning issues here. Firstly the policy matter in that a change of use would lead to the loss of an industrial/employment site, and that the site is outside of the centre of the town. Secondly there is focus on access and highway safety matters.

(a) Loss of an industrial unit and sustainability

The loss of an industrial/employment site is acknowledged, but there are other circumstances that mitigate against a refusal. The unit is presently vacant alongside a number of units in this block of 24, with most of these having been un-let for some considerable time; the use would provide or sustain community and/or employment opportunities; and the unit could easily revert back to an industrial unit without major intervention. Additionally the double dip recession and vacancy rates within Innage Park alone suggests that the prospect of finding a new and immediate tenant is low, thus leaving the unit vacant for many more months or even years.

Whilst the site lies out of the town centre, there are again mitigating factors. The site is accessible by foot and cycle from within the town, and this type of use is traditionally not viewed as a town centre use. Indeed no other suitable premises are known of within the Town Centre. The NPPF also lends considerable weight to the re-use of vacant premises where it is sustainable and the impacts of the proposed use are acceptable – this is considered to be the case here.

The priorities arising from the Community Plan and the Place Survey do have a spatial consequence, and without projects such as this, are unlikely to be addressed. As a consequence they are given more weight than the planning policy position, particularly as the unit is available and can meet the community need. Moreover the use can be conditioned such that any permission granted is for a temporary period only. If in the future there is a need to make the unit available for industrial purposes, then it could revert. It is considered better all round to use the premises, rather than to leave it vacant. Furthermore a similar unimplemented and now expired consent at Carlyon Road was supported by the Police, Schools and the Youth Justice Intervention Scheme as a project with the aim of directing youngsters into a recreational activity and to improve self-discipline and behaviour. The use provides a reasonable way of occupying the building and commencing some social regeneration.

(b) Access and Highway Safety

The cautious approach of the Highway Authority is understood. However the main use would be in the evenings and particularly at weekends. The Highway Authority is satisfied that the operation of the business is thus unlikely to be detrimental to highway safety. In addition the use will not generate significant traffic numbers, there is ample shared parking across the units, and the site can be conditioned for a temporary period in which impacts can be monitored.

Recommendation

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

1. The use hereby permitted shall cease on or before 17 July 2014, and the premises shall then be vacated.

REASON

In order to monitor the effects of the use on parking and access conditions, and so as not to permanently loose a unit from employment use, thus protecting Development Plan Policy.

2. The use hereby approved shall not be used for any purpose, including any other purpose in Class D2 of the Town and Country Planning (Use Classes) Order 1987, (as amended), or in any statutory instrument revoking and re-enacting that Order with or without modification other than as a boxing club.

REASON

In the interests of highway and pedestrian safety and in order to enable proper assessment of the likely impacts of other sports and leisure uses.

3. The premises shall not be used in conjunction with the hereby approved use other than between 1800 and 2200 hours Monday to Friday, 1400 to 2200 hours on Saturdays, and on Sundays and public holidays.

REASON

In the interests of highway and pedestrian safety.

Notes

1. The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): ECON1 (Industrial Sites), ECON3 (Protection of Existing Employment Sites and Buildings within Development Boundaries), ECON5 (Facilities Relating to the Settlement Hierarchy), COM1 (New Community Facilities), ENV9 (Air Quality), ENV14 (Access Design) and TPT6 (Vehicle Parking).

Justification

It is considered that the benefits of the proposed use in achieving wider strategic priorities and outcomes outweigh any policy conflict in respect of protection of employment land and location. The fact that the unit has been vacant for some time, that it is better to have the unit occupied in amenity and environmental terms than remain vacant, that the use would have limited environmental impact, that the unit can easily revert to industrial use without significant intervention, and that the use can be conditioned to a temporary period so as to monitor the impacts and return it to an economic use if necessary; all add further weight to the proposal. The wider spatial view of the proposal thus outweighs the control required by Development Plan Policy.

BACKGROUND PAPERS

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

Planning Application No: PAP/2012/0219

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	23/04/2012
2	Atherstone Town Council	Consultation reply	03/05/2012
3	Environmental Health Officer	Consultation reply	16/05/2012
4	Highway Authority Officer	Consultation reply	16/05/2012
5	Applicant	Email to Case Officer	28/05/2012
6	Highway Authority Officer	Email to Case Officer	14/06/2012
7	Applicant	Email to Case Officer	26/06/2012
8	Highway Authority Officer	Revised Consultation reply	04/07/2012

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.





(5) Application No: PAP/2012/0223

Annfield, Hoggrills End Lane, Nether Whitacre, Coleshill, Warwickshire, B46 2DE

Retention of a 48kw peak ground mounted solar photovoltaic array, comprising 3 banks of 68 solar panels for

Mr and Mrs James Jones

Introduction

This application is reported to Board following requests from both local Ward Members in view of the likely visual impact.

The Site

Annfield is situated on Hoggrills End Lane in Nether Whitacre. The property comprises a residential dwelling located some 250 metres north of Shustoke Reservoir and the Birmingham to Leicester railway line on its northern shore. A paddock, sub-divided into three relatively equally portions, lies between the dwelling and the railway line. Further agricultural land lies immediately to the west and east, with the further residential properties of Homelands (to the immediate north-east) and Lansdown House (to the north-west across the farmland).

The site slopes north to south, down towards the railway line and a brook which runs just beyond it. It is bordered by mature and dense hedgerows and woodland to the south and east. There is also a similarly mature hedgerow to the west of the adjacent western field. A public footpath passes through this field, from the lane down to the railway line, before crossing it and joining one of the two arms of Centenary Way which passes around the reservoir. This is better shown at Appendices A and B.

The Proposal

It is intended to retain three 34 metre double rows of solar photovoltaic panels, set 6 metres apart, within a paddock to the south of Annfield. This will serve for the electricity needs of the dwelling before surplus is fed back into the national grid.

Background

This application is retrospective following officers noting that the scheme, which was discussed at pre-application stage, had been implemented without the relevant permission. Members will recall a site visit undertaken on 3 July in respect of this application, to better inform them of the context and surroundings prior to making a determination.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies): ENV1 (Protection and Enhancement of Natural Landscape), ENV2 (Green Belt), ENV10 (Energy Generation and Energy Conservation) and ENV12 (Urban Design).

Other Relevant Material Considerations

Government Advice: National Planning Policy Framework (NPPF)

Consultations

Network Rail – No objection subject to a note being added to any planning permission.

Birmingham Airport – No response provided

Representations

Nether Whitacre Parish Council – No response received at the time of preparing this report.

Whilst the immediate neighbour was consulted directly and a site notice also erected, no responses have been received.

Observations

The main focus of this application centres around the visual impact of the proposal, both in terms of impact on openness of the Green Belt and landscape character.

(a) Green Belt

This proposal is inappropriate development in principle given its nature, and thus considered harmful to the openness of the Green Belt. It is thus for the applicant to demonstrate the very special circumstances which outweigh this harm.

The NPPF brings forward a material change in national policy approach to renewable energy schemes in the Green Belt. Whereas PPG2 previously made no exemption for such proposals, paragraph 91 states *“elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”*. Members’ attention is drawn to the final sentence of this paragraph, which clearly highlights that the wider benefits can be used to outweigh harm to openness.

The purposes of Green Belt as set out in the NPPF seek to control urban sprawl and assist in safeguarding the countryside from encroachment. Whilst representing encroachment, it is of a different nature to that normally considered (i.e. it is not residential or commercial buildings). Such arrays do require open areas in order to eliminate shading issues which can have a profound effect on their effectiveness. There is thus some argument that this development requires such a rural location.

The form of the proposed development is also materially different to other renewable energy schemes which Members will have recently considered, such as anaerobic digestion buildings or wind turbines. Those schemes have much greater height and thus become far more prominent within the Green Belt, extending the “range” of the harm which it brings about. This proposal is different. Whilst utilising a greater surface area, the contextual impact to the viewer is generally considered to be less – with it normally falling against the backdrop of undulations in terrain, and existing hedgerows, trees and buildings of similar or greater height.

This particular site benefits from such features. Public aspects are quite limited. Aspects from the north are obstructed by existing hedgerows, trees and Annfield itself. The fall of the land towards the railway also means that the southern banks of arrays are far less obvious. Aspects from the south and east are generally impossible. The nearest 'leg' of the Centenary Way is sited at a slightly lower level, beyond the railway line and through mature and dense vegetation; and the nearest footpath to the east is 300 metres distant and beyond two mature, tall hedgerows. The only clear aspect is from the footpath in the field to the immediate west, where an acute or side on view of the underside of the array, or an acute view of the panels, is possible. Further passing glimpses of the array are possible through/above the tree line when viewed from the other leg of the Centenary Way or the sailing club to the south shore of the reservoir. In brief this location is quite inconspicuous when compared to other areas within the Green Belt and the wider panoramas around this site, and thus fails to instil a feeling of "prominence". It thus leads to the conclusion that the range of harm brought about is limited.

Saved policy ENV10 of the Local Plan gives support to the proposal subject to it not having an unacceptable impact on the environment. With the degree of harm considered to be limited, there is considered to be general compliance with this policy. The emerging Core Strategy states climate change is a key priority and the Council is committed to reducing the carbon footprint of the Borough as a whole. The Government also remains committed to renewable energy installations, including PV arrays by maintaining the Feed in Tariff payments.

The proposal will provide a reasonable contribution to renewable energy generation in the Borough and wider area – catering for the annual demands of around 8-10 dwellings in addition to Annfield when considering average consumption requirements¹. Whilst this may not be considered to be so great to afford sufficient weight here, regard is again had to the NPPF which states local authorities should "*recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions...*" (paragraph 98). Indeed the array will also reduce the need for the development of smaller and sporadic sites elsewhere in the Borough – potentially also within the Green Belt.

Hence when combining the policy support for the proposal, the limited harm identified and the particular characteristics of this site, and the wider benefits, it is considered the very special circumstances exist to outweigh the harm to openness brought about.

(b) Landscape character and visual amenity

Much of the above discussion extends to these considerations. With the site being well screened from medium to long distance views, the visual impact is generally limited to the adjoining field. In this context the impact on landscape character is not considered to be sufficiently great to alter the existing perception of an area of "*small hamlets, scattered properties and farmsteads, set within many small hedged fields with numerous small copses, scattered and hedgerow trees*". Views out from the footpath still maintain this overall feeling.

¹ www.carbonindependent.org/sources_home_energy.htm

It is acknowledged that the proposal is generally alien to the rural setting, and thus fails to harmonise with its surroundings. However regard is had to the earliest observation in that such proposals require open areas, such as this one, as well as the temporary nature of the scheme and that it is fully reversible. More importantly, regard is had to paragraph 98 of the NPPF as previously quoted – this is considered to afford significant weight in the face of conflict with saved policy ENV12.

In summary, this particular proposal is considered to benefit from the necessary justification to allow its retention. Members should bear in mind that this does not set a precedent for other applications, with each considered on its own merits and it clear in this case that the site's location and screening provides significant support. In the context of the NPPF's continued and strengthened support towards renewable technologies, the Borough is not "immune" to such proposals, and any concerns as to the Council's "local approach" to such schemes is best directed to the preparation of the Core Strategy and supporting Development Management Policies DPD where particular emphasis can be placed upon accounting for and mitigating (where possible) the visual effects of such proposals.

RECOMMENDATION

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

1. The development hereby approved shall not be carried out otherwise than in accordance with the site location plan and drawing numbers 65.13.089.03 and 65.13.089.04 received by the Local Planning Authority on 24 May 2011, and set out in accordance with the location plan contained within the Listed Building Statement received by the Local Planning Authority on 21 June 2011.

REASON

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

2. Solar PV equipment and associated supports no longer needed for microgeneration shall be removed as soon as reasonably practicable, with the land restored to its former condition within 3 months of that date.

REASON

In the interests of the long term amenities of the area and openness of the Green Belt.

Notes

1. The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): ENV1 (Protection and Enhancement of Natural Landscape), ENV2 (Green Belt), ENV10 (Energy Generation and Energy Conservation) and ENV12 (Urban Design).

Justification

Whilst the proposal is considered to be inappropriate development within the Green Belt in principle, the local and national policy support for renewable energy generation; the limited harm identified in respect of “openness” and the particular characteristics of this site all contribute to demonstrating very special circumstances exist to outweigh the harm to openness brought about. In addition, with the site being well screened, the visual impact is limited such that the impact is not considered to negatively weigh on landscape character, nor be sufficiently great to warrant refusal on design terms. The proposal is thus considered to be in accordance with saved policies ENV1, ENV2, ENV10 and ENV12 of the North Warwickshire Local Plan 2006, 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/2012/0223

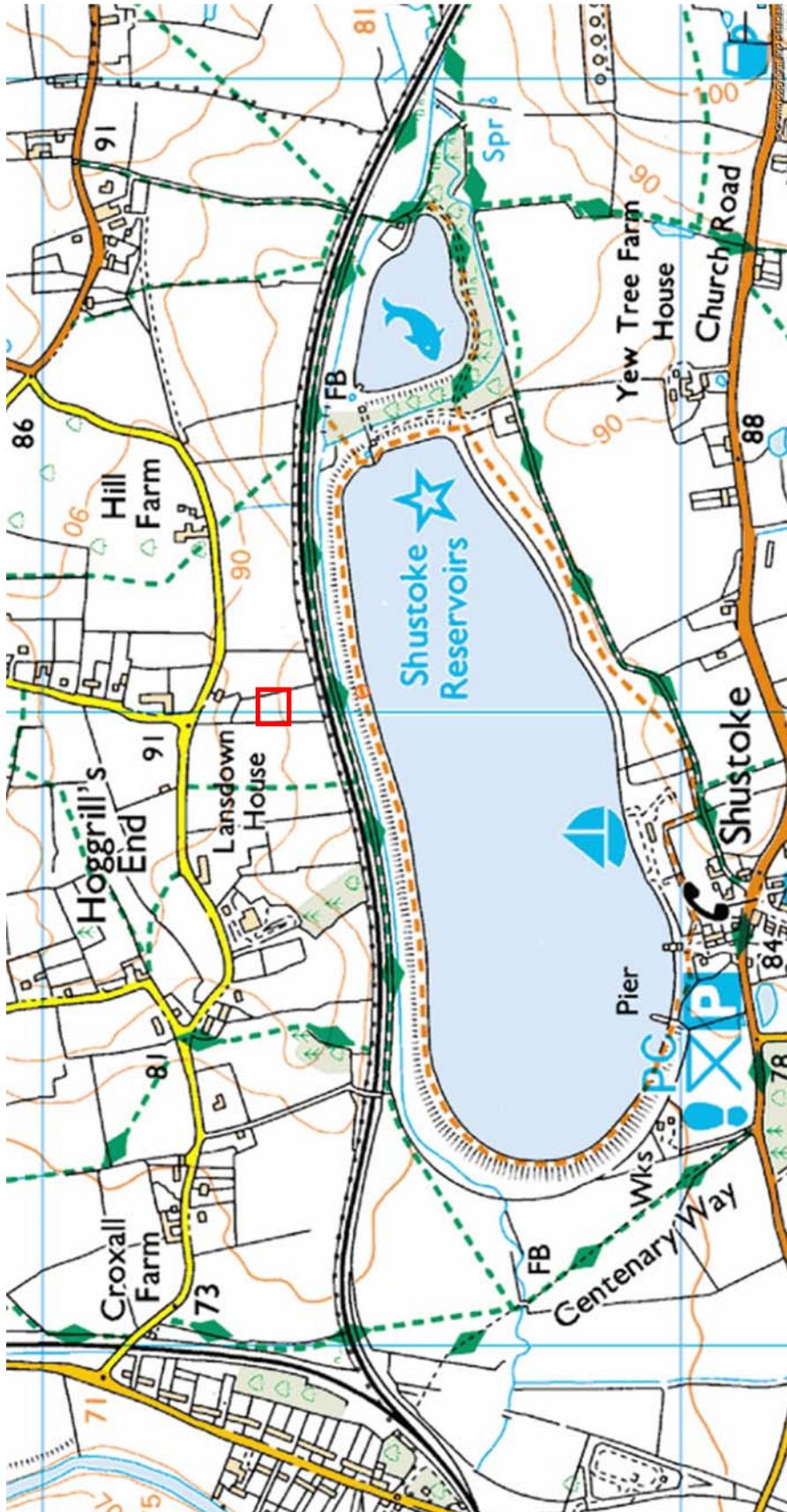
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	24/04/2012
2	Nether Whitacre Parish Council	Email to Case Officer	09/05/2012
3	Network Rail	Consultation reply	21/05/2012
4	Cllr Simpson	Emails to Case Officer	08/06/2012
5	Cllr Lea	Email to Case Officer	10/06/2012
6	Agent	Email to Case Officer	13/06/2012

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.

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Shustoke Reservoir



(#)



(6) Application No: PAP/2012/0243

30 Margaret Road, Atherstone, CV9 1EF

Single storey side garage extension, for

Mr R Richardson

Introduction

This application is reported to Board following requests from both local Ward Members, raising concern over the potential use of the proposal.

The Site

The site holds a semi-detached bungalow of simple form with a hipped roof and small gable projection to the rear corner. There is presently a detached flat roofed garage and store/workshop to the rear corner of the site, adjacent to the railway and trees along Woodview Road. The access is onto Woodview Road. Appendix A shows the existing setting.

The bungalow is of a plain red/orange brick, with concrete interlocking tiles to the roof. The garage is a single garage with a projecting element to the rear side. An existing hardstanding exists to facilitate access to and parking within/adjacent to it.

The Proposal

It is intended to extend the existing bungalow to the side, provided a single storey garage and DIY workshop extension. The extension is stepped and provides a larger and smaller elements, with the hipped bungalow roof reflected across the extension. Appendix B shows this in more detail.

Background

This application follows the refusal of permission for a detached double garage and DIY workspace to the rear corner of the site, which would have replaced the existing single flat roof garage and workspace. That decision is being appealed at the time of this report.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies): CORE POLICY 11 (Quality of Development), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design) and ENV14 (Access Design).

Other Relevant Material Considerations

Supplementary Planning Guidance: A Guide for the Design of Householder Developments (2003)

Government Guidance: National Planning Policy Framework (NPPF)

Consultations

Warwickshire County Council - It raised an initial objection, but this was overcome in principle by revisions, although conditions are still requested.

Environmental Health Officer - He raises no objection, but notes the proximity of the railway in respect of fumes/dust during construction.

Representations

Atherstone Town Council raises no objection subject to a condition controlling the workshop element.

Four letters of objection or concern have been received. These focus around the height of the boundary wall and fence proposed in that it would exceed a limitation placed upon the estate in the 1960s and not be in keeping; the future possible use of the extension for business purposes; that obscure glazing is not required; that there is not an adequate turning circle; that the hipped roof would be out of sync with flat roof garages in the area; and that two caravans being stored at the site lead to on-street parking

Two of the objections comment that a decision should not be made on this proposal until the appeal decision is made.

Observations

Members will be aware that to defer determination until the appeal decision is made would only be justified in exceptional circumstances (e.g. where the impact of both developments occurring together would be unacceptable). Indeed the planning system allows for the submission of further applications whilst an appeal is being heard. In this case, the circumstances are not considered to be exceptional, with both developments potentially catered for within the curtilage of the dwelling and without harm to neighbouring amenity. A decision to defer on this basis could be seen as unreasonable behaviour and thus the objections cannot be sustained.

The focus thus turns to neighbouring amenity impacts, design and highway safety.

(a) Neighbouring amenity

There is not considered to be an amenity conflict here. The construction of the proposal will have minimal impact on neighbours, with the finished extension not causing overlooking or overshadowing. The use of obscure glazing is not considered inappropriate, particularly when the space those windows serve will be for incidental residential purposes (such as storage and so forth).

Local Ward Members raise concern as to the potential use of the DIY workspace element. There are a number of key matters which must be noted here. The existing garage has a side projection which currently serves as a DIY workshop. There is no condition on that preventing business or commercial use, although Members will be aware that depending on the extent of such a use, as a matter of fact and degree a change of use could occur thus constituting the need for planning permission in any

case. Indeed, any part of the existing bungalow could be put to a DIY workspace use as long as it remains incidental to the primary use as a dwellinghouse.

Given the proposed condition to control the workshop element, ensuring commercial activity does not occur, there is considered to be an improvement on the current circumstances. As noted any breach of that condition, or material change of use of the existing garage if this proposal is not implemented, could be pursued by enforcement officers. There is considered to be sufficient control here.

(b) Design

Saved policy ENV12 states *"Development will only be permitted if... all the elements of the proposal... harmonise with both the immediate setting and wider surroundings to present a visually attractive environment"*, whilst ENV13 states *"extensions or alterations to existing buildings will only be permitted where the scale, massing, height and appearance of the proposal positively integrates into its surroundings..."*. The above mentioned SPG sets out relevant design objectives.

The scale and mass of the extension is considered to be proportionate with the original dwelling. The roof style matches the existing hipped roof and despite objections suggesting a flat roof is more appropriate, the hipped roof is considered to reflect good design – as echoed in the SPG. The extensions are not considered to “enclose” the street scene in this vicinity, especially when considering the style and extend of extensions at number 28. There is no objection to the fencing design as this is not out of place in a residential setting. There is thus no concern regarding design.

(c) Highway safety

Vehicular access is to remain as existing. However the Highway Authority initially raised concern over the distance between the (existing) access gates and the carriageway – approximately 2.2m. This does not allow a vehicle to wait off the carriageway whilst the gates are operated. However Woodview Road is a cul-de-sac with less than 10 houses, and observations indicate relatively few movements. The Highway Authority thus concludes the risk of vehicle conflict around the access is minimal.

There is presently a low wall with an open design to the footway edge. Even though the access is only 3.5 metres wide, drivers and pedestrians would still be inter-visible. With the footway ending at this access, the chance of pedestrian conflict is presently low. However the proposed bow topped fence could obstruct visibility. The Highways Officer notes the highest point of the bow fence is 1.5m from the footway level. Given that the footpath ends at this access and the “middle ground” proposed in terms of height, there is considered to be a low risk of pedestrians being “hidden” behind this fencing.

The surfacing has not been agreed at this stage, and the Highways Officer seeks detail by condition. Even though a soakaway has been proposed, the soil type may not be suitable, and the focus is to prevent water flowing onto the highway. Given the domestic nature of the proposal, instead of requiring prior submission of further details, a restrictive condition, framed around permitted development allowances for hard standings, can overcome these concerns.

Officer observations and neighbour objections note that caravans are/have been parked at the site. If placed upon the hardstanding, this would obstruct necessary turning space. A condition can resolve this however. The same condition can also ensure that the turning space does not become used for parking of multiple vehicles (one can be parked to the western corner without detriment to turning ability). Thought is also given to the conversion of the garage for general living accommodation which would displace a vehicle. However the current situation is no different, with the existing garage uncontrolled as to its vehicle/incidental use.

Finally the drawings indicate the removal of the existing garage with the extension providing for the same level of parking provision. It is noted that the access and turning space overlaps this existing garage, and thus in order to negate the potential for access and manoeuvring difficulties, potentially to the detriment of highway safety, a condition to require its removal shall be added.

Other matters

The objection regarding any limitation placed on the estate in the 1960s does not prevent the grant of permission now, especially if it is a non-planning control (i.e. a covenant). The above discussion concludes that the impacts are acceptable.

Recommendation

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered MH-2010-4905-03C received by the Local Planning Authority on 4 May 2012 and the plan numbered MH-2010-4905-02D received by the Local Planning Authority on 12 June 2012.

REASON

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

3. The "DIY hobby area" hereby approved shall not be used for any purpose other than for purposes incidental to the enjoyment of the dwelling known as 30 Margaret Road as such, and specifically not for commercial purposes.

REASON

To prevent unauthorised use of the property in order to protect the amenity of nearby residential dwellings.

4. The turning area hereby permitted shall be permanently retained and kept sufficiently clear at all times so as to enable cars and vans to leave and re-enter the public highway in a forward gear.

REASON

In the interests of safety on the public highway.

5. The new works shall be carried out with brick and tiles to match the existing building.

REASON

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

6. The turning area hereby permitted shall be surfaced in a bound material and laid out so to ensure that all water flows to a permeable area within the site, or should ground conditions be proven to be unsuitable for a soakaway or equivalent, to the existing surface water drainage system within the site.

REASON

In the interests of safety on the public highway and sustainable drainage of the development.

7. The existing garage shall be demolished within 1 month of the extension hereby approved being first brought into use. All materials obtained from demolition shall be permanently removed from the site within 1 month of demolition being commenced.

REASON

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

Notes

2. The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): CORE POLICY 11 (Quality of Development), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design) and ENV14 (Access Design).
3. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway; or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
4. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new

property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.

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

5. The applicant should be aware of the proximity of the development and any demolition works to the West Coast Mainline in respect of fumes and dust.

Justification

The proposal is considered to be of appropriate design and appearance, and without detriment to neighbouring amenity or highway safety, subject to conditions. The proposal is thus considered to be in accordance with saved policies CORE POLICY 11, ENV11, ENV12, ENV13 and ENV14 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/2012/0243

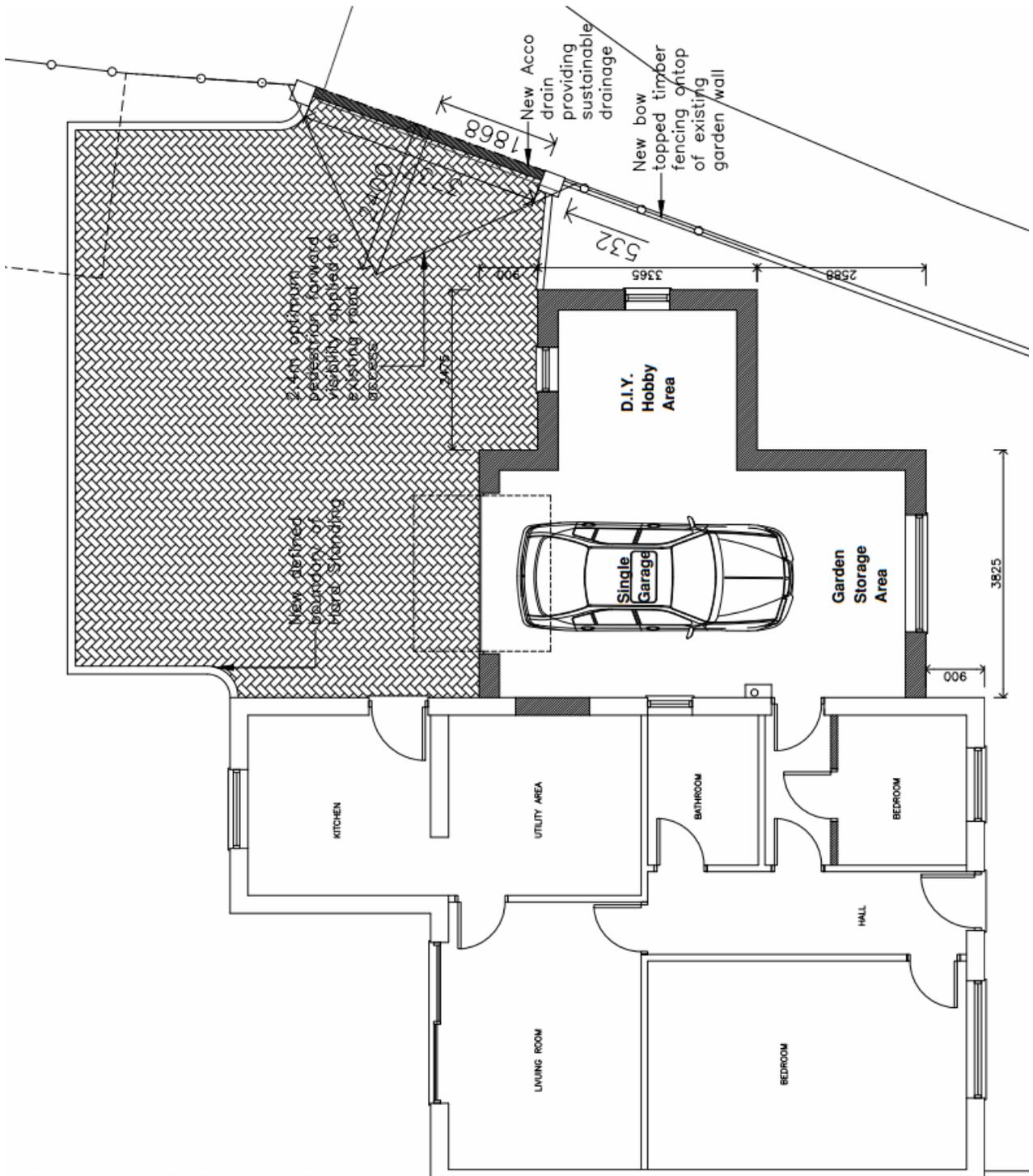
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	04/05/2012 12/06/2012
2	Environmental Health Officer	Consultation reply	10/05/2012
3	County Highways Officer	Consultation reply	28/05/2012
4	R Orton & M Deeming	Representation	28/05/2012
5	Atherstone Town Council	Consultation reply	28/05/2012
6	Agent	Email to Highways Officer	30/05/2012
7	Mr G Beale	Representation	31/05/2012
8	Mr M Allsopp	Representation	31/05/2012
9	Mr M J Blount	Representation	08/06/2012
10	County Highway Officer	Reconsultation reply	12/06/2012
11	Agent	Emails to Case Officer	12/06/2012 13/06/2012 14/06/2012
12	Case Officer	Emails to Agent	12/06/2012 13/06/2012 14/06/2012
13	Agent	Email to Case Officer	18/06/2012
14	Atherstone Town Council	Reconsultation reply	25/06/2012
15	Case Officer	Email to Agent	26/06/2012
16	Case Officer	Referral under Scheme of Delegation	26/06/2012
17	Cllr Sweet	Response under Scheme of Delegation	26/06/2012
18	Cllr Freer	Response under Scheme of Delegation	29/06/2012
19	Cllr Davis	Response under Scheme of Delegation	01/07/2012

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.









Proposed Front Elevation
SCALE 1:50

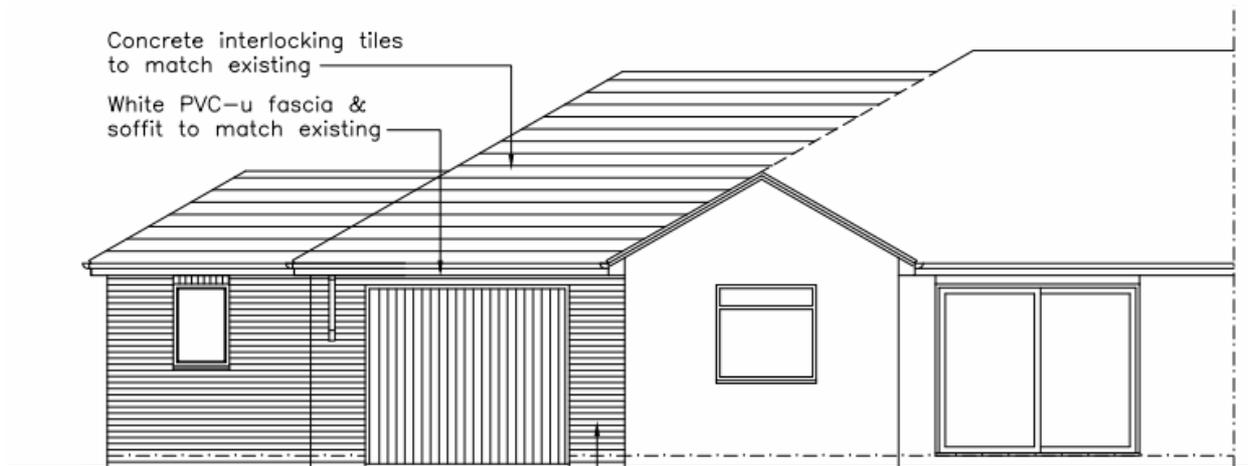
Window to be obscure
glazed White PVC-u
frames to match existing

25mm projecting corbel
detail brickwork to be
Hanson 'Atherstone Red'.



Proposed Side Elevation
SCALE 1:50

Window to be obscure
glazed White PVC-u
frames to match existing



Concrete interlocking tiles
to match existing

White PVC-u fascia &
soffit to match existing

Proposed Rear Elevation
SCALE 1:50

Brickwork to match
colour & texture
of existing

(7) Application No: PAP/2012/0283

19 Edward Road, Water Orton, Warwickshire, B46 1PG

Retain mixed use A1 and hot food pizza delivery service on permanent basis, for

Mr Naveed Malik - Life Style Express/Pizza Village

Introduction

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

The Site

The building is an existing convenience shop, which was granted temporary planning permission in 2011 to be used as a shop together with a pizza delivery service. It is sited within an existing housing estate which is to the east of the centre of Water Orton. The shop has car parking to the front and is surrounded by residential dwelling houses. To the side is an access to a garage block.

The Proposal

This is to retain the change the use from an A1 retail use to a mixed use comprising A1 and a hot food pizza delivery service with an associated kitchen extension. The proposal would not increase the footprint of the building, as it uses an existing room to the rear of the building to install the pizza equipment. The pizza business would be delivery only. To the rear of the building an external duct and vertical flue are to be retained so to deal with smells and odours, the overall height of which would be approximately 7 metres. Plans of the proposal can be viewed in Appendix 1. Photographs of the site, can be viewed in Appendix 2.

Background

The building was constructed at the same time as the surrounding estate. In 2011 (2011/0270), planning permission was granted for a one year temporary use of the building for mixed use as A1 retail with a pizza delivery service until 30 September 2012. A rear ducting system has been installed in order to remove odours from the pizza element of the premises. .

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006 - ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV14 (Access Design), ENV9 (Air Quality) and ECON5 (Facilities relating to settlement hierarchy)

Other Relevant Material Considerations

Supplementary Planning Guidance: Water Orton Design Statement – Adopted February 2003

National Planning Policy Framework (NPPF): 2012.

Consultations

Environmental Health Officer – awaiting comments

Warwickshire County Council Highways – No objection

Representations

A petition has been received from 202 people supporting the proposal as well as 86 emails of support. The addresses of these supporters are from people living in the immediate neighbourhood, with the remainder from other properties within Water Orton as well as from addresses in Gilson, Coleshill and Birmingham.

Observations

It is important to note that the site already contains an existing convenience shop and that this is sited within a residential area. The nearest other shop or takeaway is either in Coleshill or in the parade of shops close to the centre of Water Orton.

The existing mixed use has run since it was approved in August 2011, and no complaints have been received in respect of opening hours, noise or smell.

The shop is at the junction of George Road and Edward Road. The existing shop is surrounded by residential properties, and has an existing closing time of 10pm. Photographs of the application site can be viewed at Appendix 2.

The proposal to retain the use will lead to an existing rear room being used in order to prepare pizzas, with an external extract flue and vertical pipe to the rear of the building, as shown in Appendices 1 and 2. When considering these proposals against saved planning policy ENV9, it is considered that the proposal is acceptable given that the Environmental Health Officers raised no objections to the original application and there have been no complaints since the business became operational.

The pizza business is to be retained as delivery only and would not involve customers coming to the shop to collect their orders. The Borough Council is the landlord of the shop and as landlord has agreed the introduction of the pizza service as part of the shop services subject to the criteria as set out in Appendix 3. The operating hours proposed for the pizza delivery service are from 1000 until 2200, which matches the existing shop which closes at 2200. It is considered that consistent hours would help all parties here and be of overall environmental benefit.

It is considered that as the main use of the ground floor would still function as a shop to serve local residents, and that as the pizza delivery service would be part of the ground floor to the rear of the shop, that the introduction of the new use is appropriate in principle. When considering planning policy ECON5, new A4 and A5 uses are normally directed to town centres. However in this case, there is a material factor in that there is an existing lawful use for the premises here as a convenience store with all of its attendant comings and goings and the longer than usual opening hours. There are a number of existing take away premises in Water Orton, but competition between different occupiers is not a planning matter. The cumulative impact of having a number of takeaways sited together might well justify a refusal if it can be shown that a further such use would exacerbate existing adverse impacts arising directly from such uses.

This is not the case here, as the other takeaways in Water Orton and the nearby settlement of Coleshill are some distance from the application site.

The site does lie within an existing residential area, and it is understood that there were issues related to the previous tenants. However the Borough Council owns the property and as landlord could terminate the use or indeed the tenancy if considered appropriate, notwithstanding the planning situation.

The impact of noise, amenity and impact upon the neighbouring properties is an important consideration. Members are reminded that the lawful use of the building is as a shop and therefore the number of vehicles that turn up cannot be controlled or assumed at any part of the day. There is existing car parking to the front of the shop for customers with two spaces to the side for the staff and one space proposed to the side of the building close to the entrance to the garages for the pizza delivery vehicle. This is considered adequate for the existing use and indeed for the continued mixed use.

To the rear of the site are residential properties in Hollyhurst, and the nearest dwelling is approximately 15 metres from the existing flue. To the side, the nearest property in Edward Road is also about 15 metres away. On the other side of the shop, the nearest property in George Road is some 28 metres distant from the flue. Given these distances, the boundary vegetation and controls on the noise and smell leaving the proposed pizza use through the Environmental Health regime, it is considered that there is unlikely to be a significant impact upon amenity.

Above the shop is a flat, and the occupier's residential amenity has to be considered. The flue is sited away from the nearest window and 1 metre higher than the existing first floor windows. Given the noise and odour control of the proposal and given that the ground floor is an existing shop, the proposal is considered to be acceptable in this case.

It is considered that given the proposal is for delivery only; no additional littering would be likely. More importantly the building is already a shop, which is open for a number of hours each day and which closes at 2200. It could attract numbers of car born customers regardless of whether the pizza service is introduced or not. Indeed a Tesco Express or similar could operate here without the need for any planning application and this could lead to significant car born custom. This is a significant "fall-back" position. The front of the shop has space for up to five vehicles and this is not proposed to be affected. Any concern that the premises would become a takeaway service, is not considered to be a reason for refusal – firstly the existing use itself could attract significant car born traffic particularly if its nature changed; secondly the use of planning conditions can be imposed and thirdly, the property is owned by the Borough Council.

The proposal is considered to be in accordance with the National Planning Policy Framework 2012.

The application is thus recommended for approval, but subject to conditions. These in particular would relate to control over the use; the opening hours, and that the store building is only used for storage.

Recommendation

That the application be **Granted** subject to Conditions for the following reasons:

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 detailed car park layout plan; site location plan; ventilation system side elevation plan; block plan; ventilation system rear elevation plan; and proposed ground floor layout plan received by the Local Planning Authority on 7 June 2012.

REASON

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

3. This permission relates solely to the introduction of a new use to these premises for the delivery of pizzas and specifically not for a pizza "take-away" use.

REASON

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

4. There shall be no pizza delivery service operated from these premises between 2200 hours and 1000 hours on any day.

REASON

To prevent disturbance to the occupiers of nearby properties.

Notes

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

2. You are recommended to seek independent advice on the provisions of the Party Wall etc., Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet entitled "The Party Wall etc., Act 1996" is available from Her Majesty's Stationary Office (HMSO), Bull Street, Birmingham, during normal opening hours or can be downloaded from the Communities and Local Government web site - <http://www.communities.gov.uk/publications/planningandbuilding/partywall>.

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

North Warwickshire Local Plan 2006 (Saved Policies): ENV11 - Neighbour Amenities , ENV12 - Urban Design, ENV9 - Air Quality, ECON5 - Facilities relating to settlement hierarchy

SPG - Water Orton - Adopted February 2003

4. Advertisement Consent is required under a separate procedure of the Town and Country Planning Act 1990. Should any advertisements, signs, name boards, or other devices to attract attention, be intended in respect of this development, the Local Planning Authority will be pleased to advise you on all associated aspects prior to the erection of any such advertisements, and provide you with application forms.

Justification

The site is within a residential area but benefits from a lawful use within Use Class A1 (shop). It is not considered that the impacts arising from the mixed use A1 and pizza delivery service so materially different from those arising from the continuation of that lawful use so to warrant refusal. The mixed use has been in use for a number of months following a 2011 temporary consent. Conditions are proposed covering hours and the use of the pizza delivery service. The proposal is considered not to result in a loss of privacy, light or amenity to the neighbouring properties, which would lead to an unacceptable adverse impact. The rear ducting and flue to extract is considered to be appropriate, given the noise and odour reduction measures contained within it, so to result in no external impacts upon the neighbouring properties. The proposal thus accords with saved policies ECON5, ENV9, ENV11, ENV12 and ENV14 of the North Warwickshire Local Plan 2006, and to the NPPF 2012.

BACKGROUND PAPERS

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

Planning Application No: PAP/2012/0283

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	7/6/12
2	Applicant	Petition – 202 names - support	19/6/12
3	Various residents	86 website comments of support	11/6/12 – 14/6/12
4	WCC Highway	Consultation response – no objection	26/6/12

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 1 – Plans

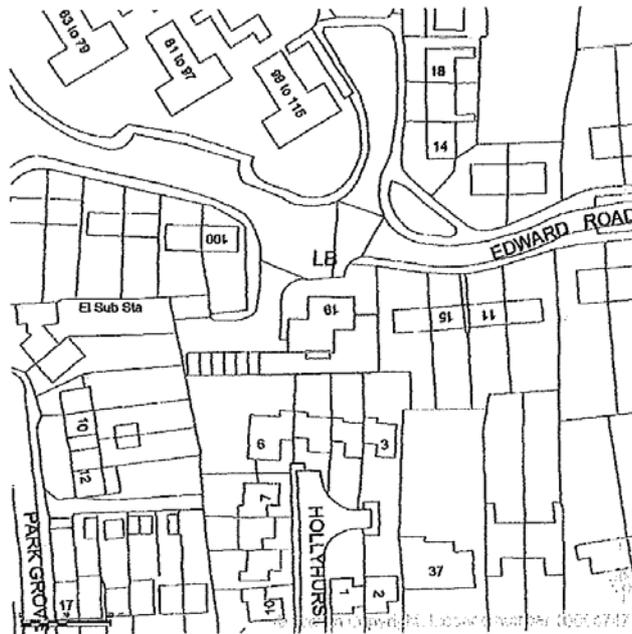
NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED 7-Jun-12
PLANNING & DEVELOPMENT DIVISION

2012/0283



SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250

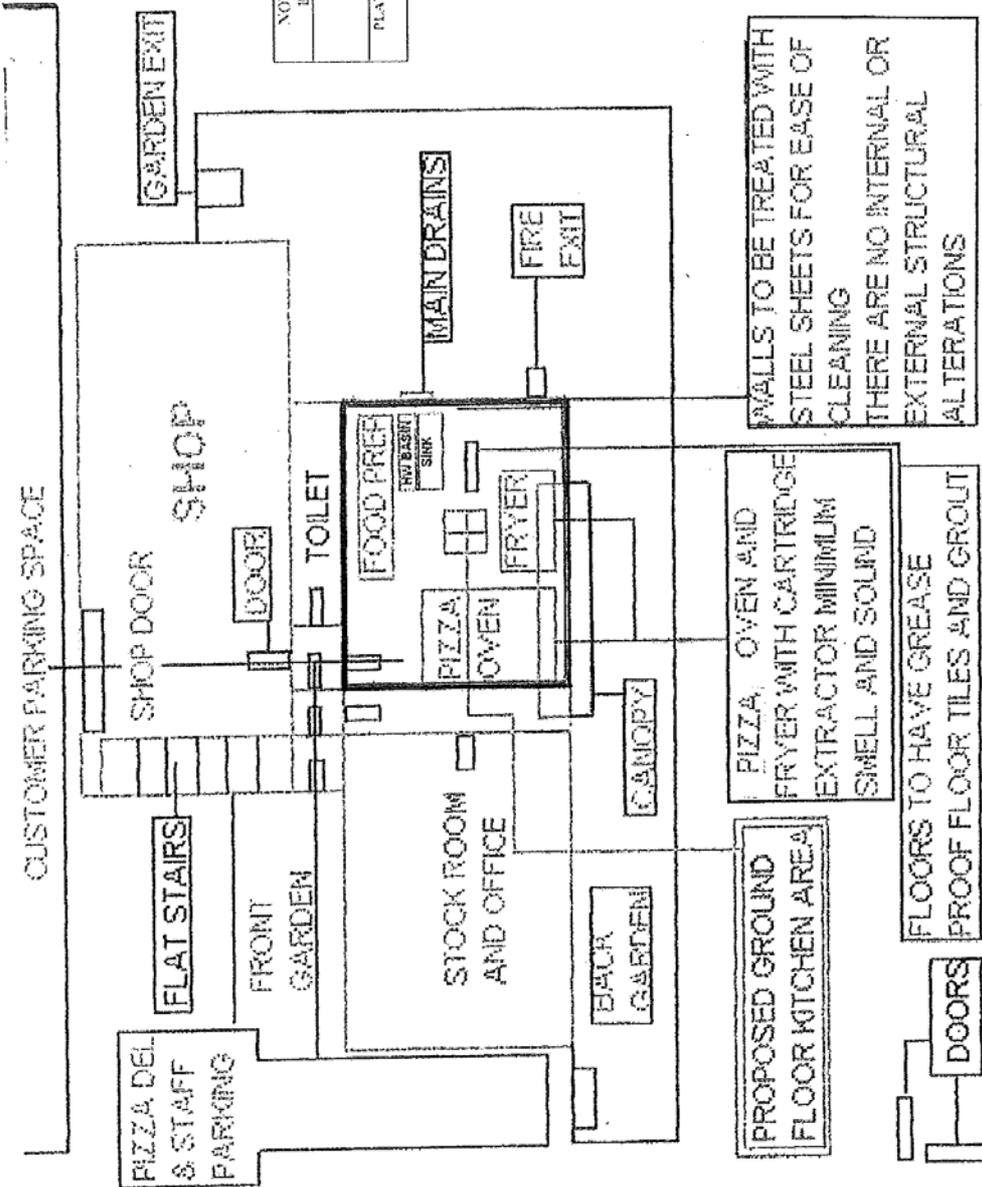
CENTRE COORDINATES: 418394, 291032



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2012/0283

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7-JUN-12
PLANNING & DEVELOPMENT DIVISION



WALLS TO BE TREATED WITH
STEEL SHEETS FOR EASE OF
CLEANING
THERE ARE NO INTERNAL OR
EXTERNAL STRUCTURAL
ALTERATIONS

PIZZA OVEN AND
FRYER WITH CARTRIDGE
EXTRACTOR MINIMUM
SMELL AND SOUND

FLOORS TO HAVE GREASE
PROOF FLOOR TILES AND GROUT

PROPOSED GROUND
FLOOR KITCHEN AREA

DOORS

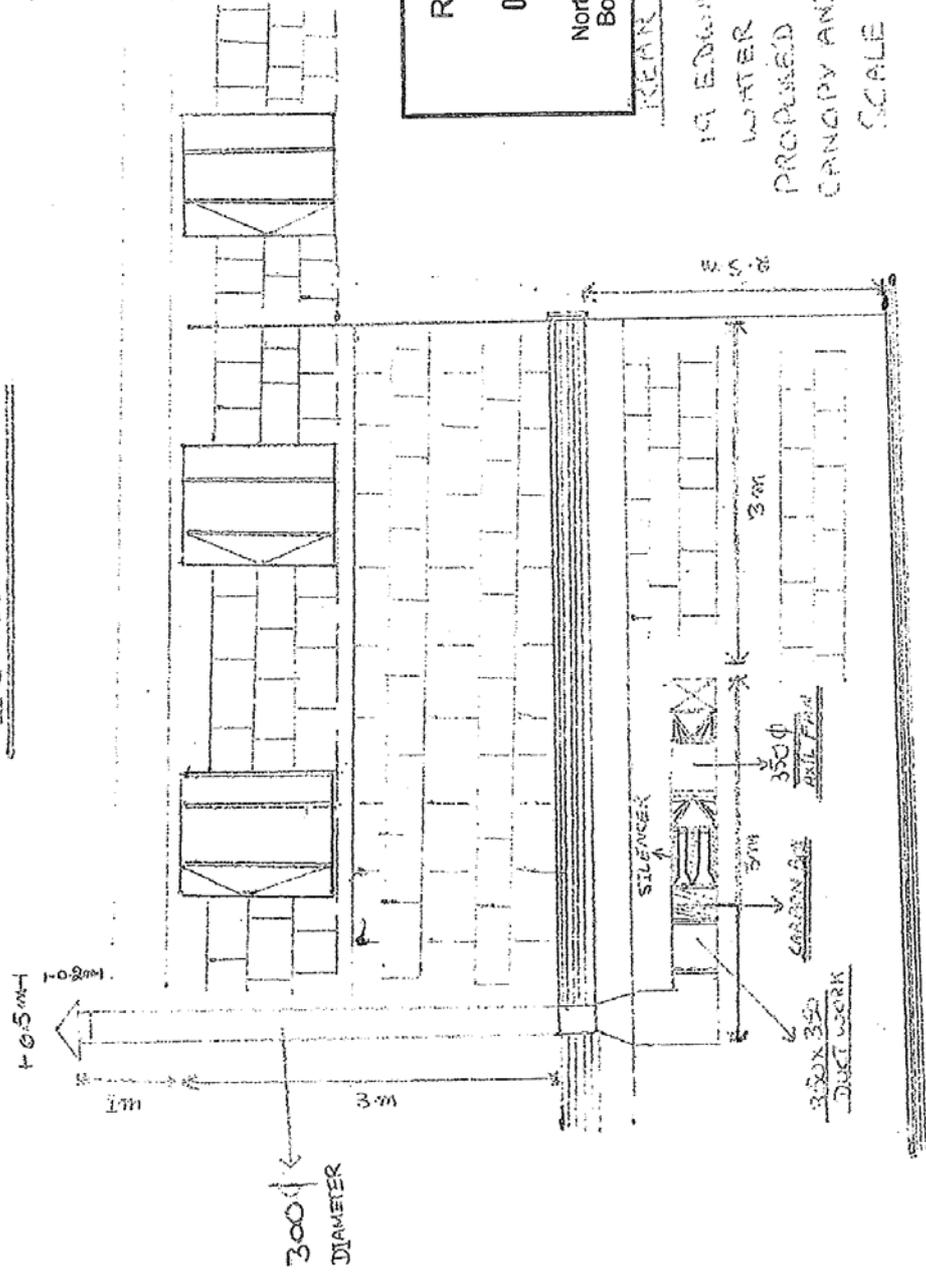
RETAIN OF MIX USE A1 AND PIZZA DELIVERY SERVICE ON
PERMANENT BASE

19 EDWAR ROAD WATER ORTON BIRMINGHAM B46 1PG

2012 / 0283

5.7m
4 m 1m Scale
1:50
15 8 cm
4 m 10cm = 8 cm
50

SMALL SCALE VENTILATION SYSTEM
REAR ELEVATION
SCALE 1:50



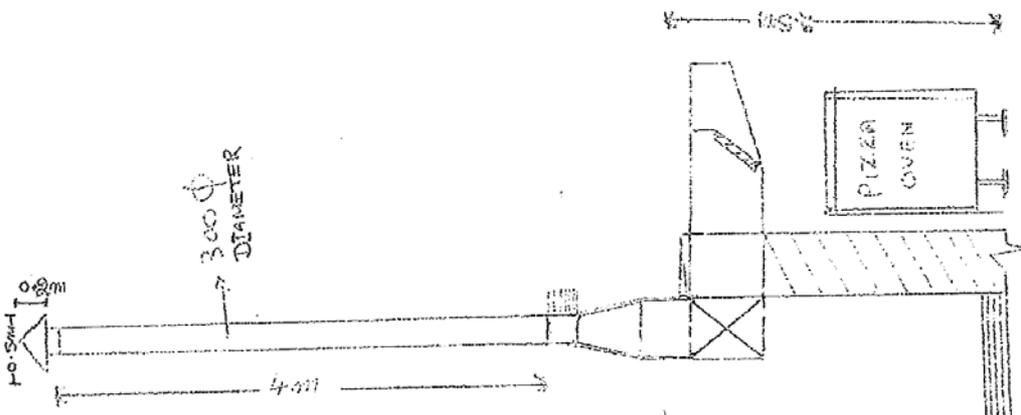
RECEIVED
07 JUN 2012
North Warwickshire
Borough Council

REAR ELEVATION

19 EDWARD ROAD
WATER ORTON
PROPOSED EXTRACT
CANOPY AND DUCT WORK
SCALE 1:50

2012/0283

6.5m
4.0m 10.0m Scale
1:50
1.9 8' 0" cm
4.7 15' 0" cm
5.0



SMALL SCALE VENTILATION
SYSTEM
SIDE ELEVATION
SCALE 1:50

NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED 7-Jun-12
PLANNING & DEVELOPMENT DIVISION

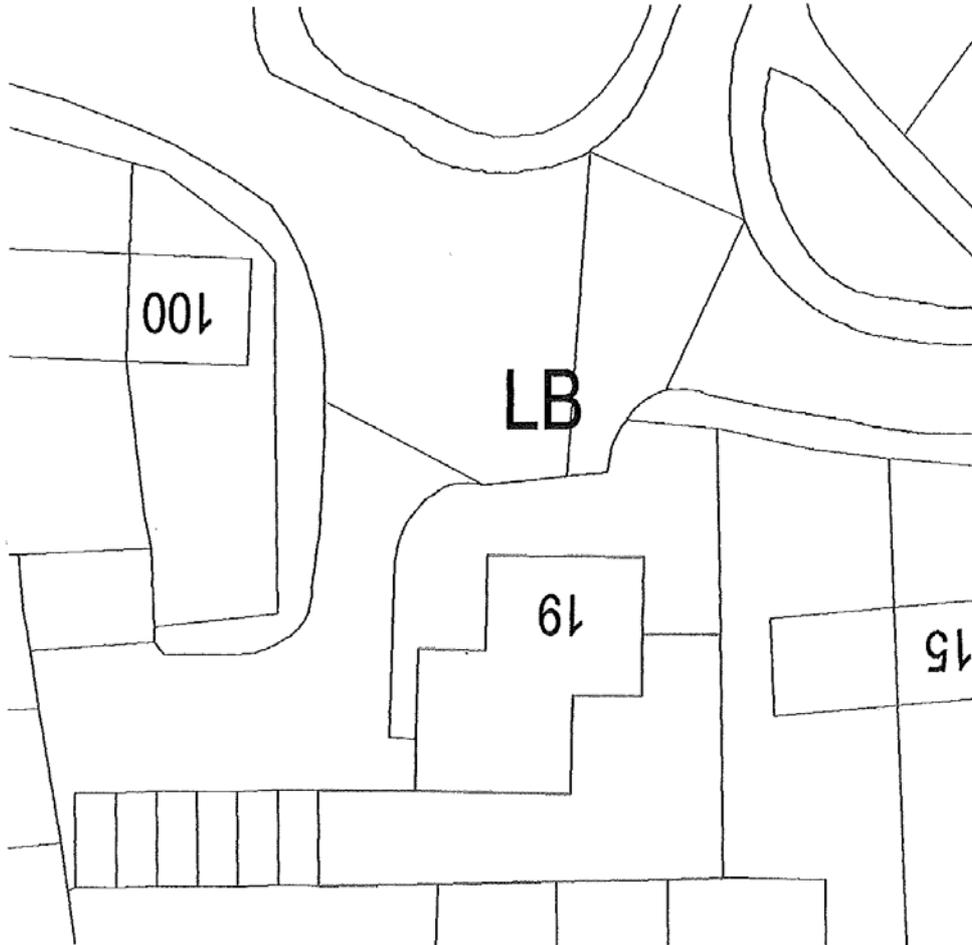
SIDE ELEVATION...
19 EDWARD ROAD
LANSING COVENTRY
PROPOSED EXTRACT CANOPY
AND DUCT WORK
SCALE 1:50

2012/0283



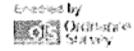
BLOCK PLAN
AREA 90m x 90m
SCALE 1:500

CENTRE COORDINATES: 418391, 291031

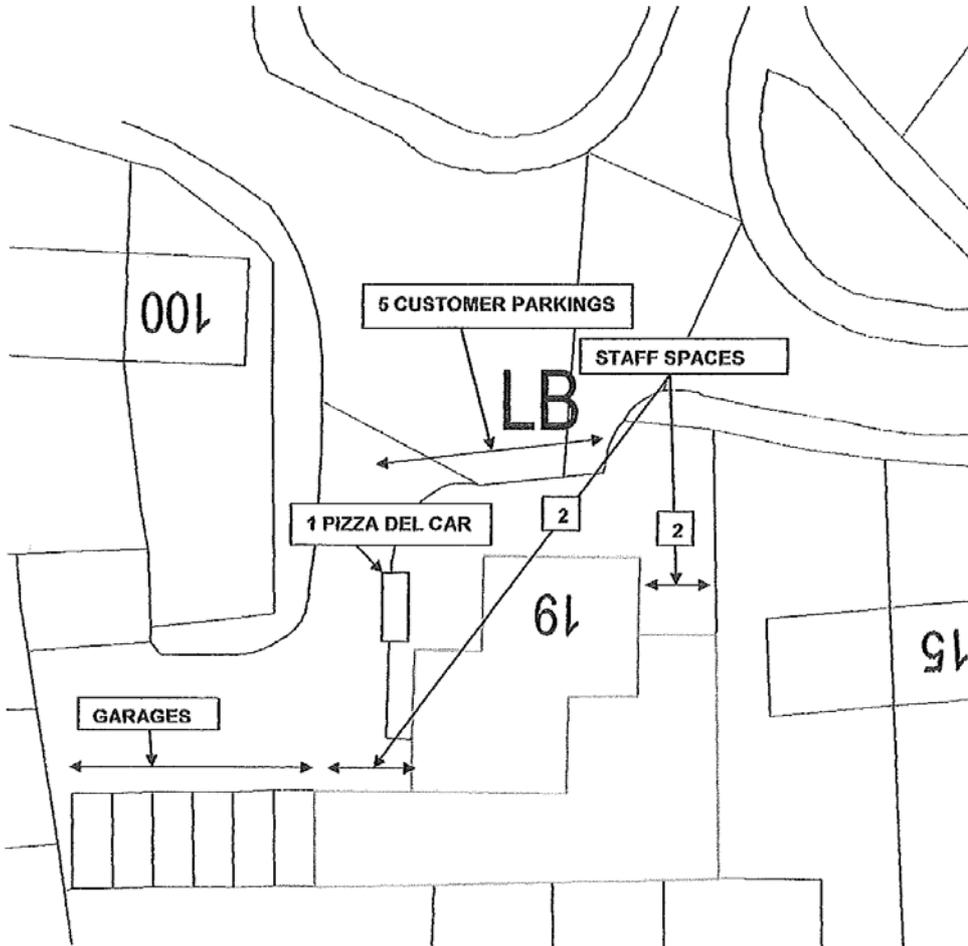


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PLANNING & DEVELOPMENT DIVISION



DETAILED PARKING SKETCH PLAN



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Appendix 2 – Photographs of the site.



Appendix 3 – Letter from North Warwickshire Borough Council to the applicant / shop owner in August 2011.

2012 / 0283



North Warwickshire
Borough Council

Mr N Malik
19 Edward Road
Water Orton
Birmingham
B46 1PG

Steve Maxey BA (Hons) Dip LG Solicitor
Assistant Chief Executive
and Solicitor to the Council
The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

Switchboard : (01827) 715341
Fax : (01827) 719225
E Mail :
Website : www.northwaricks.gov.uk
This matter is being dealt with by
: Mr A Brough
Direct Dial : (01827) 719218
Your ref :
Our ref : AB/JHB
Date : 18 August 2011

Dear Mr Malik

Amendment to Lease – 19 Edward Road, Water Orton

As you are aware, it has been agreed that you will be allowed to conduct the business of a pizza delivery service from the above premises.

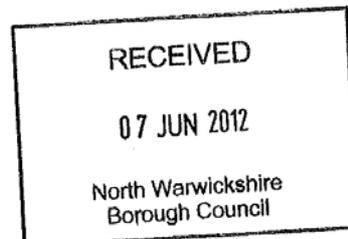
I therefore formally write to confirm that Clause 2 (32) of your Lease dated 13 April 2010 shall now be amended to read: "To use and occupy the demised premises for the purposes of a general store and off licence and pizza delivery service only and for no other purposes whatsoever without the consent of the Council's Chief Executive such consent not to be unreasonably withheld or delayed".

I am required to inform you, that the granting of this additional use, is subject to the understanding that the delivery service is an addition to the current uses of the shop, and shall not replace them, and that the delivery service does not cause any nuisance or annoyance to your neighbours and will not extend past the hours of 10:30 pm.

Please attach a copy of this letter to your existing Lease, in witness of the agreed change between the parties.

Yours sincerely

Assistant Chief Executive
and Solicitor to the Council



Chief Executive: Jerry Hutchinson LLB MBA Solicitor



(8) CON/2012/0004: Consultation by Lichfield District Council

Land at Hogs Hill, off Main Road and Syerscote Lane, Haunton, Tamworth

Erection of two 500Kw wind turbines with associated facilities and works for

Prowind (UK) Ltd

Introduction

The Council has been invited to comment on this application as it is a neighbouring authority. The matter has been reported to Board at the discretion of the Head of Development Control, in light of continued interest in wind turbine and wind farm development both within the Borough and close to it.

The Site

The application site is located to the north of Tamworth, more or less due west from No Mans Heath and north-west of Newton Regis and Seckington. This is better shown at Appendix A. The two turbines will be located some 3 to 4km outside of North Warwickshire.

The Proposal

It is proposed to erect two 75m to hub, 101.5m to blade tip, high wind turbines along with associated equipment for a period of 25 years.

Development Plan

The North Warwickshire Local Plan 2006 is not relevant here, as the site lies within another district's administrative boundary, as well as being outside of Warwickshire and the West Midlands.

Other Material Planning Considerations

The National Planning Policy Framework (NPPF)

Consultations

As this authority is not the determining authority – only a consultee – no further consultations have been made.

Observations

It is understood that officers at Lichfield District Council, in assessing this application, have consulted the necessary authorities such as the Ministry of Defence, Environmental authorities and so forth. As such, it is not proposed to discuss technical considerations further as those consultees will raise any conflicts and comments.

It is however acknowledged that this scheme represents a further potential wind turbine/wind farm site in or close to the northern half of the Borough. Members have raised concern as to the pace at which such applications are being made, but this is not considered a planning reason upon which to raise objection or comment. The visual impact however can be.

The land to the north-west of Seckington and Newton Regis, and to the west of No Mans Heath, rises in the order of 20–30m before falling gradually towards the site. However this is over a distance of 3–4km, and a number of photomontages provided with the application show that at this distance it is extremely difficult to identify the turbines amongst trees, woodland and other visual obstructions in the field of vision. The photomontage for Seckington demonstrates this (Appendix B). As such it is not considered there is an adverse impact on the visual amenity or landscape character of North Warwickshire. It is thus not recommended that Lichfield District Council has regard to the North Warwickshire Landscape Character Assessment 2010.

Notwithstanding the above, there is real potential for the proposal to be seen as part of a number of turbines and wind farms in this area in the coming years, should planning permission be granted for a number of schemes presently at screening, scoping or pre-application stage. These include potential wind farms for eight 125m turbines at Austrey/Orton-on-the-Hill and eight 125m turbines north of No Mans Heath; and a further 70m turbine south-west of No Mans Heath, before the M42. Added to this is the potential for the recently refused turbine at junction 10 of the M42 to be allowed at appeal. Whilst these are all *potential* schemes and thus not material considerations at this stage, the situation may change prior to Lichfield District Council, or any appeal Inspector should it be refused and appealed, determines the application. As such it is recommended that Lichfield District Council gives attention to cumulative impact should considerable time pass before a determination is made, and they are aware of the aforementioned potential schemes.

Finally, it is noted that the routing plan for construction passes along the B5493 through No Mans Heath before turning along Clifton Road (Appendix C). This turn involves the removal of a road sign to complete the manoeuvre for transportation of sections of the turbine. The relevant authority to make a decision on highway safety matters is the County Council, and it is recommended that the Council's response ensures they have been consulted. In terms of effect on neighbouring amenity, the passage of vehicles here is not considered to cause unacceptable disturbance to residents, with the B5493 already forming part of the Rural Distributor Road Network in the Borough.

Recommendation

- (1) The Council raises no objection to the proposal, recommending that the application be determined in accordance with Lichfield District Council's Development Plan and with regard to the NPPF and any other material considerations.
- (2) The Council draws attention to the potential for two wind farms within 8km of the site, as well as two further turbines at No Mans Heath and junction 10 of the M42, and that regard should be had to the status of these proposals prior to determination in order to properly consider cumulative impacts.
- (3) The Council draws attention to the fact that the routing for construction traffic involves roads under the jurisdiction of Warwickshire County Council, and that they be consulted on the application (if they have not already been).

BACKGROUND PAPERS

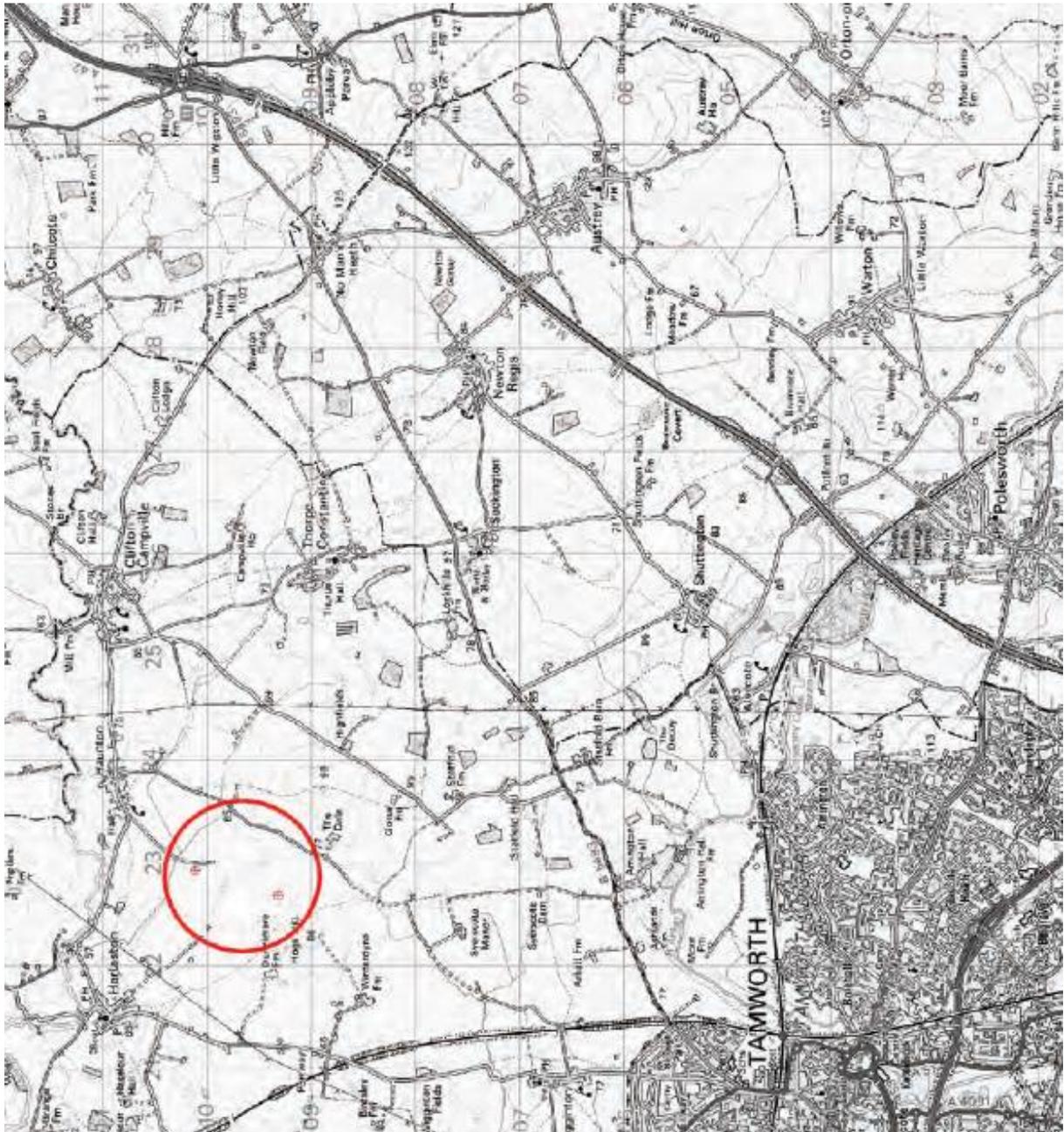
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: CON/2012/0004

Background Paper No	Author	Nature of Background Paper	Date
1	The Consulting Authority	Consultation letter	25/06/2012

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.

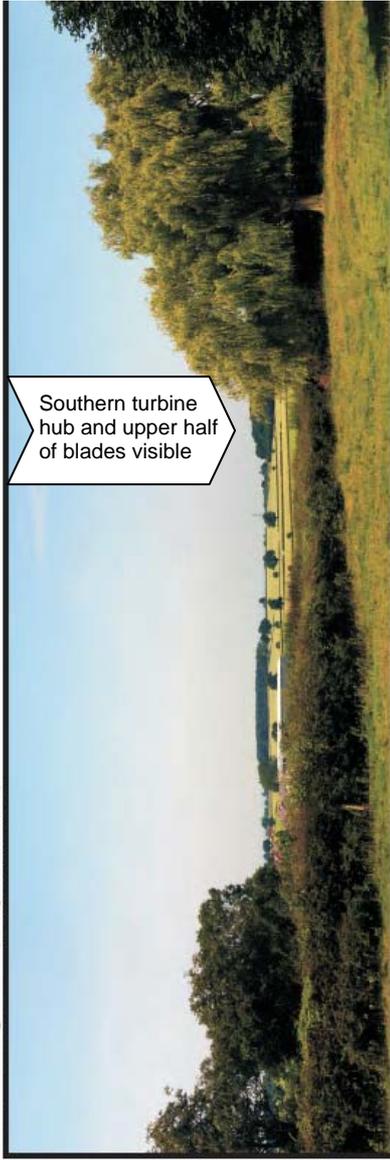


Existing View (90 degrees field of view)



Viewpoint Location Map as produced from the 4

Photomontage View (90 degrees field of view)



Southern turbine hub and upper half of blades visible

Viewpoint Location Map (Scale: 1km square)



Hogs Hill Wind Energy Project

Viewpoint Grid Ref. SK 25859 07565

Blade Diameter: 54m

Hub Height: 75m

Distance to Turbine: 3.63km

Camera Elevation Above Ground: 1.7m

Camera: Canon EOS 5D

Focal Length: 50mm

This photomontage (90 degrees field of view) should be viewed at approximately 255mm when printed at A3.



Continue on B5493 for approx. 2.5km to junction with Clifton Road in No Mans Heath At junction turn right onto Clifton Road.

Caution

- The road sign on the splitter island will require to be removed in order for the loaded EWT generator to navigate this junction
- Manual steering will not avoid the road sign.

5.5m diameter Generator on a 13.8m Trailer

Swept path indicates trailer utilising MANUAL steering

Grid Ref. SK 28864 08946

- Area within green outline will be oversailed by trailer bed and projections
- Area within magenta outline will be oversailed by load and projections
- Area within red outline will be swept by tractor and trailer axles
- Hatched area within red outline to be levelled and prepared to accept axle loadings

Direction of view

	COLLETT & SONS LIMITED Victoria Terminal TEL: +44(0)8456 255288 Albert Road FAX: +44(0)8456 255244 Halifax, HX2 0DF WEB: www.collett.co.uk	DRAWN M.HELLMELL TITLE DATE 02/11/2011 MAPPING SCALE 1:500 SIZE A3 FINCH POINT IDENTIFIED BY	OS DATA <small>As-built</small> CUSTOMER COLLETT SITE	PROJWIND Dwg. NO 20516E-1000.0 HOGS HILL REV NO N/A
	JUNCTION OF B5493 AND CLIFTON ROAD			

Figure 7a

(9) CON/2012/0006: Consultation by Hinckley and Bosworth Borough Council

Outline application for an Urban Extension to the West of Barwell involving 2500 houses; employment provision, sports pitches, new community hub, local health care facility and retail units all for

Ainscough Strategic Land Ltd/Barwood Development Securities Ltd/Barwood Strategic Land LLP and Taylor Wimpey Ltd

Introduction

As can be seen from the application description this application is for a substantial development extending the existing settlement of Barwell to the west. Barwell is to the north of Hinckley. The proposals include a variety of land uses together with highway connections and alterations.

Observations

The application documents, which provide a substantial amount of background information and an Environmental Statement, can all be seen on the Hinckley and Bosworth web site. It is not intended to go into any greater detail than that described above for the purposes of this report given that the proposals are some distance away from North Warwickshire and will have little impact on our planning policies. Moreover the proposal follows on from that Authority's Core Strategy.

Of concern however is the impact that the development will once again put onto the A5. It is acknowledged that the traffic generated by the development will be substantial and that much of it will be dissipated throughout the local road networks. However there will be an increase of traffic on the A5 as a consequence. The proposal itself as indicated above has been known about for some time and has been "fed" into the work being undertaken by the A5 Strategy. It would therefore seem appropriate for this Council to again draw attention to the capacity of the A5 in its response to this application proposal.

Recommendation

That the Hinckley and Bosworth Borough Council be informed that this Council has no objection in principle to the development but requests that the Highway Agency be consulted because of the recognised capacity issue of the A5, and that this issue be again referred to the A5 Strategy Group.

BACKGROUND PAPERS

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

Planning Application No: CON/2012/0006

Background Paper No	Author	Nature of Background Paper	Date
1	The Consulting Authority	Consultation Letter	21/6/2012

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.

Agenda Item No 7

Planning and Development Board

16 July 2012

Report of the Head of Development Control

Annual Performance Report 2011/12

1 Summary

- 1.1 The report outlines the performance of the Development Control service over the year 2011/12 comparing it with previous years.

Recommendation to the Board

That the report be noted.

2 Observations

- 2.1 As with previous reports the performance of the service is divided into the handling of planning applications and the enforcement work that is undertaken.

...

- 2.2 Table One attached to this report sets out the year's performance for the handling of planning applications. As can be seen the number of applications submitted was almost equivalent to last year but above previous years. This is due to different types of application that are now needed such as DOCS (the discharge of conditions) and MIA's (minor amendments). If these are removed from the total number of applications received, then that total almost exactly reverts back to the 2009/10 levels. So for four years now there has been no substantial increase in "development" applications, reflecting the current economic situation. More applications have however been refused permission than recently. However, importantly and significantly, the number of appeals lodged against refusals actually fell. It is also satisfying to see that during that year, no appeals were allowed. The performance against the indicators for the speed of determination of applications was reported to a previous meeting. This reflects a conscious "culture" change in the move away from a "target driven" process to one where decisions are made in a timely way in agreement with the applicant. The reduction in applications determined under delegated powers reflects the increase in applications dealt with by the Board as evidenced by the increased agendas over the past months. Fee income was reported to the last meeting, but again it needs to be pointed out that a material percentage of applications carry no fee – 10% in the last year – and secondly, that whilst around 30% of the case load is householder applications, they only bring in 12% of the fee income.

Table Two deals with the Enforcement part of the service. As can be seen, there is a significant amount of work being undertaken. Case load has increased; fee income from applications initiated by investigatory work increased, and the number of notices issued and Court action remains about the same. Notwithstanding the increased workload, the investigation time periods have not been affected. Of note too is the substantial effort that is put into seeking voluntary remedies – either through the submission of retrospective and Certificate applications or through voluntary action. This remains the overall objective – with formal action only being necessary where it is appropriate and proportionate. Members will know that this action often relates to high profile cases which reach the wider media. Members will also be aware that there is a substantial expectation from local communities that the Council should take immediate and forthright action in almost every case. The statistics point to our performance, but inevitably there will be frustration about delay. Changes to legislation are occurring and more have been suggested – but without a major change in primary legislation saying that unauthorised development is illegal, this issue will always remain one that causes difficulties.

3 Report Implications

3.1 Financial and Value for Money Implications

3.1.1 Planning fees have increased substantially recently and this looks to be a sustained trend over the next few months. Fees arising from the enforcement side of the service are contributing significantly to overall income.

3.2 Human Rights and Legal Implications

3.2.1 The right to appeal and to defend are critical defences in the enforcement process, and thus procedures and process inevitably will take time. Human rights issues are referred to where necessary in the determination of planning applications.

3.3 Environment and Sustainability Implications

3.3.1 The National Planning Policy Framework supports and encourages appropriate and proportionate action in order to manage development and to safeguard the planning principles as outlined in the NPPF. Enforcement action is one way in which the strategic policies of the Development Plan can be progressed. The service as a whole has the Development Plan at its centre and this strongly supports protection of the environment and sustainable development.

3.4 Links to the Council's Priorities

3.4.1 Enforcement action is often linked to the need to safeguard countryside and the environment which are Council priorities. All planning applications are determined in accord with the Development Plan which again reflects these overall priorities.

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

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date

PLANNING CONTROL SERVICE IMPROVEMENT PLAN – MONITORING REPORT

TABLE ONE: HANDLING APPLICATIONS

Measure	Year 2007/2008	Year 2008/2009	Year 2009/2010	Year 2010/2011	Year 2011/2012
Processing Applications					
A) Total number of applications received divided as follows:	761	666	674	787	788
• Change of use	5.51%	7.51%	6.23%	8.00%	7%
• Householder	44.54%	38.14%	34.12%	22.4%	29%
• Major developments	2.89%	3.61%	3.26%	2.9%	3%
• Minor developments	27.59%	28.98%	30.42%	23.9%	26%
• Others	19.45%	21.77%	14.84%	17.8%	21%
• Docs			10.29%	12.2%	11%
• MIAS			0.74%	3.5%	3%
B) Total number of Decisions	760	674	644	720	762
C) % of all applications granted permission	76.97%	76.70%	82.14%	73.47%	69.4%
D) % of all applications determined in eight weeks (BVPI)	73.68%	85%	88%	87%	75%
• majors in 13 weeks	84.21%	86%	64%	47%	50%
• minors in 8 weeks	88.77%	83%	85%	86%	72%
• others in 8 weeks	93.99%	91%	88%	88%	79%
E) % of all householder applications determined in eight weeks	97.04%	91.63%	95.02%	92.5%	83.41%
F) % of all applications determined in under delegated powers (BVPI)	94%	95%	93%	94%	90%

PLANNING CONTROL SERVICE IMPROVEMENT PLAN – MONITORING REPORT

TABLE ONE: HANDLING APPLICATIONS (Cont'd)

Measure	Year 2007/2008	Year 2008/2009	Year 2009/2010	Year 2010/2011	Year 2011/2012
Appeals					
G) Number of Appeals lodged	25	16	15	30	17
H) % of Appeals allowed	15.38	22.73%	42.80%	24%	0%
Fees and Costs					
I) Fee income from all applications	£384,024	£304,388	£247,200	£262,215	£286,609
J) % of all applications that are non-fee earning.	10.91%	10.81%	7.8%	8.13%	10.53%
K) % of fees that come from householder applications.	5.87%	9.50%	14.23%	14.9%	12.30%

PLANNING CONTROL SERVICE IMPROVEMENT PLAN – MONITORING REPORT

TABLE TWO: BREACHES OF PLANNING AND ENFORCEMENT

Measure	Year 2007/2008	Year 2008/2009	Year 2009/2010	Year 2010/2011	Year 2011/2012
Reports of Alleged Breaches					
A) Number of notifications	209	249	236	218	282
B) %Where a breach identified	45%	71%	66%	63%	61%
C) Average working days from notification to site visit	5	5	11	7	7
D) Average working days from notification to assessment	7	7	13	10	9
E) % of assessments in 21 days	85	86	62	78	76
F) Once a breach is established – mode of resolution (%)					
• Retrospective planning application or certificate application	50	48	25	33	41
• Voluntarily removed	33	34	52	40	35
• Not expedient to take action	3	4	4	5	3
• Enforcement action authorised	12	14	14	14	12
• Other action, e.g. injunctions	0	0	5	0	4
• outstanding			0	8	5

PLANNING CONTROL SERVICE IMPROVEMENT PLAN – MONITORING REPORT

TABLE TWO: BREACHES OF PLANNING AND ENFORCEMENT (Cont'd)

Measure	Year 2007/2008	Year 2008/2009	Year 2009/2010	Year 2010/2011	Year 2011/12
Reports of Alleged Breaches					
G) %of notifications resolved, or where no breach identified in twelve weeks	74%	91%	69%	84	70
H) Fee income from retrospective applications	£ 9040	£ 7555	£ 6050	£ 7175	£ 14250
I) Number of Enforcement Notice Appeals lodged (not necessarily relating to Notices served this year).	3	9	10	9	8
J) Number of cases where Court Action authorised (not necessarily relating to cases reported this year).	4	2	1	4	4

Agenda Item No 8

Planning and Development Board

16 July 2012

Report of the Assistant Chief Executive and Solicitor to the Council

Tamworth Local Plan – Pre- submission Consultation and additional documents

1 Summary

- 1.1 This report relates to the consultation on the Tamworth Local Plan – Pre-submission Consultation and Tamworth Town Centre: Supplementary Planning Document Consultation.

Recommendation to Board

- a That a representation be made on the Tamworth Local Plan for a change on the basis it is not justified and does not follow the duty to co-operate;
- b That if the above change is made the Borough Council gives support to the Tamworth Local Plan; and
- b That support be given to the Tamworth Town Centre: Supplementary Planning Document.

2 Consultation

- 2.1 A copy of the report has been forwarded to Councillors Sweet, Winter, Simpson, M Stanley and Hayfield.

3 Local Plan

- 3.1 The Tamworth Local Plan (previously referred to as the Core Strategy) moves to the final stages of production and is out for a six week consultation between 8 June and 20 July 2012.

- 3.2 At this stage the consultation relates to the formal six week Pre-Submission Publication period. This is an opportunity to comment only on the soundness of the Local Plan. Soundness is the basis of the Local Development Framework (LDF) system and is defined as meaning that a plan must be justified, effective and consistent with national policy. It must also satisfy the legal procedural requirements for its production and conform to the 'duty to co-operate' requirements. Meeting these requirements will be the Planning Inspector's main consideration when examining the Local Plan.

4. **Tamworth Town Centre: Supplementary Planning Document Consultation**

- 4.1 Tamworth Borough Council is currently preparing a Tamworth Town Centre Supplementary Planning Document (SPD). This will guide development in the town centre over the next 10 to 15 years, setting out the most appropriate options for redevelopment of key sites within the town centre along with design principles and standards. They have produced a consultation leaflet (Appendix A) which outlines a number of key issues for the SPD to address whilst identifying a number of development sites and town centre gateways. The consultation runs from Friday 22 June to 20 July

5 **Observations**

- 5.1 As members are aware this Council has agreed a Memorandum of Understanding with Tamworth BC and Lichfield DC in order to accommodate some of Tamworth's housing needs up to 2028 and this is reflected in our Draft pre-submission Core Strategy. All of the caveats within this Memorandum of Understanding have now been included within the latest version of their Local Plan. This is further supported by their Key Diagram which does not show any land within North Warwickshire for development.

- 5.2 However there are phases in the document relating to other uses potentially being catered for outside of their current administrative boundaries. This is particularly the case for employment where they indicate the site adjacent to junction 10 of the M42 coming forward for employment and catering for their needs whilst the site lies within North Warwickshire. One must assume that this is an oversight due to all of the discussions with leading members where only housing land was identified as being an issue for the current Plan. The point that requires attention is:

Appendix 1: Key Sites and desired outcomes - EM4. The reference to expansion for this site should be removed

- 5.3 Regrettably until this correction is made to the Plan this Borough Council must object to the Pre-Submission Core Strategy based on the basis that this requirement is unjustified and that the duty to co-operate has not been followed.

- 5.4 In relation to the Town Centre SPD, the Borough Council is keen to see where Tamworth will pursue housing developments. It is pleasing to see that the Tamworth is looking to use sites within the town centre for a range of uses. However more use could be made of mixed use sites so as to incorporate additional housing in to these schemes. This will of course maximise the number of houses that Tamworth will provide for its own needs but also help to create a vibrant town centre.

The Contact Officer for this report is Dorothy Barratt (719250).

What is this consultation about?

Evidence to date including the outcomes of previous consultation has identified a future strategy for the town centre to make a positive impact on existing and new residents, visitors and businesses. This includes:

- Supporting the town centre's economy by improving its retail and leisure offer, making the most of its tourism and cultural facilities and providing sufficient employment opportunities
- Delivering a sustainable community including a mix of house types and tenures
- Ensuring a high quality natural and built environment exploiting Tamworth's existing green space, riverside and key landmarks
- Improving linkages with surrounding communities and other destinations

For Tamworth's town centre to flourish, new developments are needed that will attract shoppers, draw visitors into the town centre and attract inward investment. As such, any new development in the town centre should be of the highest design, construction and resource efficiency standards and compliment Tamworth's unique character and setting.



These are the key development opportunity sites and potential uses identified to date:

- ① Upper Gungate - potential for office development
- ② Spinning School Lane - potential for housing
- ③ Bus Depot - potential for eco-housing, offices, hotel
- ④ Assembly Rooms car park (Cultural Quarter) - potential for cultural and tourism uses with associated public realm improvements
- ⑤ Middle Entry - potential for retail-led redevelopment
- ⑥ Castle Holloway Car Park - potential for leisure use
- ⑦ Ankerside Centre (rear) - potential for leisure use
- ⑧ Jewson Site - potential for office use
- ⑨ Gungate Precinct - potential for retail development

Improvements to key town centre gateways have been identified including:

- ① Upper Gungate
- ② Railway Station
- ③ Lichfield Street
- ④ Bolebridge Street
- ⑤ Castle Grounds

The map overleaf provides further detail on how development of these sites may take place. The numbers for each site correspond with those on the map.

To complement new developments and gateway opportunities, a number of town centre-wide issues have been identified which require addressing. These include:



Links

Better links to the surrounding areas including Ventura Park, Snowdome, Railway Station



Public Realm

Improvement of the public realm - street furniture, lighting, green spaces, paving



Readability

Improvement of signposting and strengthening of key views and vistas



Offer

Improvement of culture, tourism, leisure and the evening and night economy



Vibrant and Safe

Enrich the town centre life by activities, residents and natural surveillance



Assets

Making the most of the assets like the castle, river, church and complement them with new assets

Have your say!

Q1. What are your views on the development opportunities and gateway sites?

Q2. Are these the correct issues to be addressed?

Yes No

If not, why and what else should be included?

Q3. Do you have any other comments on the future of the town centre?

Do you want to be involved in future consultation? Yes No

If yes, please specify your contact details:

What happens next?

Your comments will be used to influence the development of the Tamworth Town Centre Supplementary Planning Document (SPD). This will provide more detailed planning guidance on policies contained within The Tamworth Local Plan to guide future town centre development. The next stage will be the production of a draft SPD which will be available for consultation in Autumn 2012.

This leaflet, along with further information about the SPD and The Tamworth Local Plan is available on the council's website:

www.tamworth.gov.uk/planning/local_development_framework.aspx

The leaflet can be completed and submitted electronically. Otherwise, please complete this leaflet and drop it into the reception of Marmion House or post to the address below by Friday 20th July 2012.

Contact us

Telephone: 01827 709 279, 384 or 278

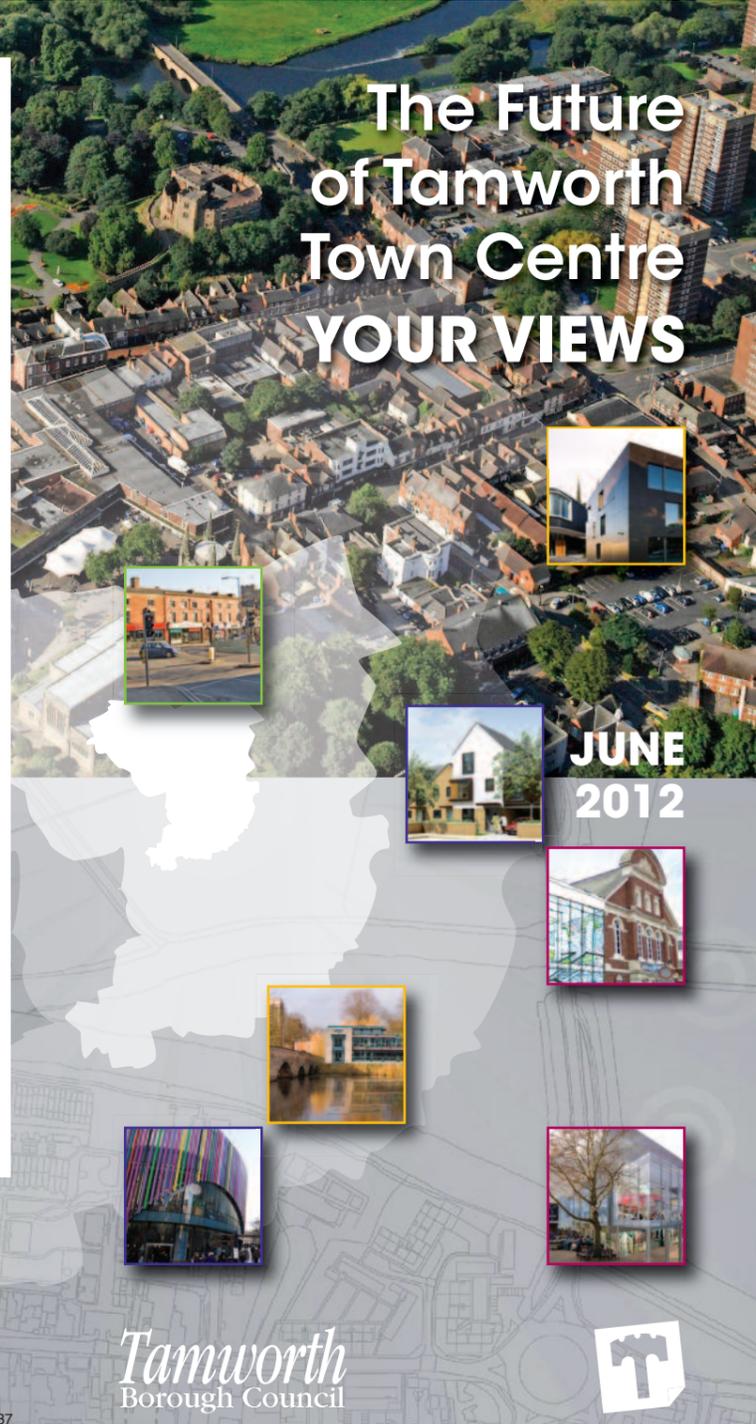
Email: developmentplan@tamworth.gov.uk

Post: Development Plan Team
Strategic Planning and Development Services,
Tamworth Borough Council,
Marmion House,
Lichfield Street, Tamworth,
Staffordshire. B79 7BZ

Accessibility: If you require this document in another format or language please contact us. Details above.

The Future of Tamworth Town Centre

YOUR VIEWS



JUNE 2012

TAMWORTH Town Centre Development Opportunities



Agenda Item No 9

Planning and Development Board

16 July 2012

Report of the Head of Development Control

Reform of Heritage Legislation

1 Summary

- 1.1 The report briefly describes the changes being proposed by Government to legislation affecting heritage assets.

Recommendation to the Board

That the report be noted.

2 Observations

- 2.1 Over recent years, the reform of the planning legislation in respect of heritage matters has been put forward. It originally was suggested in 2007, and has now emerged in a draft Parliamentary Bill – the Enterprise and Regulatory Reform Bill. It appears in this Bill as part of the present Government's aim to reduce regulation and "red tape". The actual clauses, if they receive Assent, will amend the Planning Acts.
- 2.2 The Bill proposes firstly to remove the current separate system of seeking Conservation Area Consent for the demolition of certain buildings in Conservation Areas. Instead, the Local Planning Authority can consider such applications for demolition within the planning application process. This would either be in applications for the redevelopment of a site or applications just for demolition as appropriate. There are accompanying clauses relating to enforcement action should demolitions occur without permission with no time restrictions on that possible action. This proposal has been suggested now on several occasions and it is seen largely as a rationalisation of current legislation rather than as a weakening of legislation. In this respect it has the support of both planning and heritage officers.
- 2.3 Secondly the Bill addresses one of the areas of uncertainty that surrounds the extent of a Listed Building. The current legislation states that, a listed building includes, "any object or structure fixed to the building or within the curtilage of the building, which although not fixed to the building, forms part of the land and has done so since before 1 July 1948". Extensive case-law has built up because the definition refers to "any" object or structure, as owners and developers have argued that even wholly inappropriate objects require listed building consent for removal or alteration. The Bill recommends that owners and developers can first request the Local Planning Authority to confirm that specified objects or structures need not be included within the definition. Although this is welcomed it is considered that there will still be the debate

about the significance of the object and there may well be an initial increase in work as officers are requested to survey listed buildings by owners so as to define what is listed and what is not.

- 2.4 Thirdly, Certificates of Immunity can be sought under present legislation which essentially gives a legal guarantee that a building will not be listed for five years. At present these can only be applied for at the time of a planning application. The Bill proposes that they can be sought at any time. Whilst this may appear to give the owner/developer more freedom, it does not prejudice the ability of the Authority, or indeed any other party, to seek to “list” buildings when appropriate.
- 2.5 Finally the Bill provides that an Authority can enter into a Heritage Partnership Agreement with an owner to establish a management system for a building. For example the HPA would define the specification for repairs and maintenance and what works to what parts of a building may not require consent, thus avoiding the need to submit applications. In effect it is a form of Development Order.
- 2.6 English Heritage has welcomed all of these proposals.

3 Report Implications

3.1 Links to Council Priorities

- 3.1.1 The changes support the Council’s priority of safeguarding the Borough’s heritage and character as they simply alter procedure without removing the focus on important heritage considerations.

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

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date

Agenda Item No 10

Planning and Development Board

4 July 2012

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

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

Agenda Item No 11

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

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

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