

**To: The Deputy Leader and Members of the
Planning and Development Board**

For the information of other Members of the Council

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

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

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

PLANNING AND DEVELOPMENT BOARD AGENDA

21 MAY 2012

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 21 May 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.**

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

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

Summary

Town and Country Planning Act 1990 – applications presented for determination

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

- 5 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - March 2012** - Report of the Chief Executive and the Deputy Chief Executive

Summary

This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to March 2012.

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

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

- 6 **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.

- 7 **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

Agenda Item No 4

Planning and Development Board

21 May 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, 18 June 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/2011/0565	4	Laxes Farm, Nuneaton Road, Over Whitacre, Construction of fishing pool and associated earthworks and new farm access track. Change of use from agriculture to stock fishing pool with occasional private fishing	General
2	PAP/2012/0003	50	Timber Tops, Mill Lane, Fillongley, Demolition of existing dwelling and erection of replacement dwelling	General
3	PAP/2012/0094	63	3, The Green, Austrey, Atherstone, First floor extension	General
4	PAP/2012/0095	82	12, Grange Road, Hartshill, Nuneaton, Proposed erection of a new 34 bedroom residential care home with associated car parking	General
5	PAP/2012/0164	109	Grimscote Manor, Lichfield Road, Coleshill, Warwickshire, Change of use from C3/C1(Dwelling/Hotel) to C1 (Hotel)	General
6	PAP/2012/0208	117	Miners Welfare Centre, Ransome Road, Arley, Warwickshire, Erection of 42 no. 2, 3, and 4 bedroom houses with associated access roads, parking, boundary treatments etc	General
7	PAP/2012/0212	130	Cow Lees Care Home, Astley Lane, Erection of young on set dementia unit (use C2)	General
8	Consultation by Warwickshire County Council	143	De Mulder and Sons Ltd, Mancetter Road, Hartshill Proposed new tallow farm	

General Development Applications

(1) Application No: PAP/2011/0565

Laxes Farm, Nuneaton Road, Over Whitacre, B46 2NL

Construction of fishing pool and associated earthworks and new farm access track. Change of use from agriculture to stock fishing pool with occasional private fishing, for

Mr & Mrs J Clarke

Introduction

Determination of this application was deferred at the Board's last meeting in order to enable Members to visit the site. This has now been undertaken and copies of the previous papers are attached at Appendix A.

Additional Information

Additional papers from objectors were received prior to the Board's last meeting and these are attached at Appendices B and C.

In view of the matters raised by this report, Appendix D illustrates the location of the site in respect of the surrounding footpath network; and the location of the other ponds/pools which have been referred to.

Observations

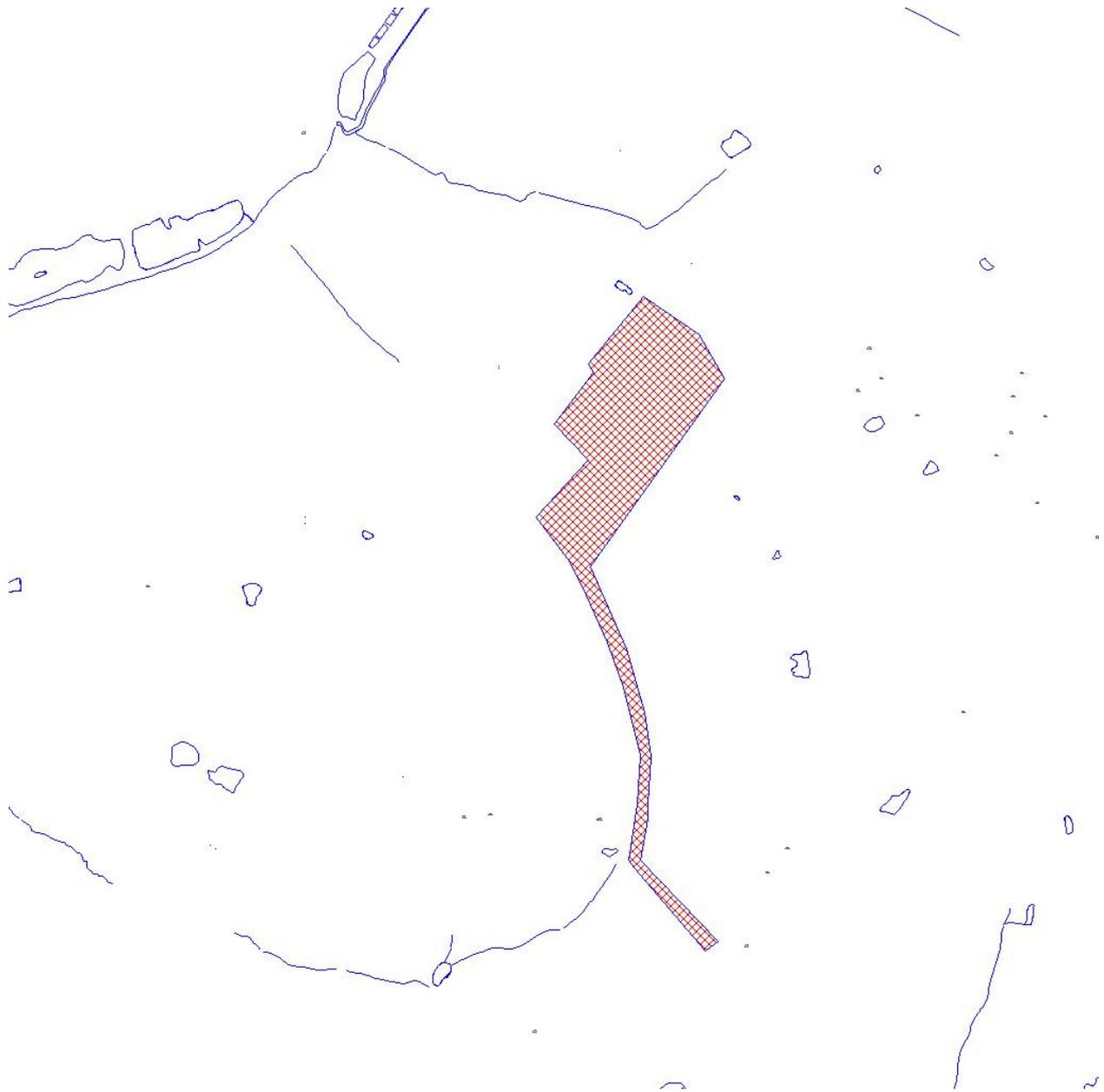
There is no need to repeat the matters already covered by the previous reports. It is worth however emphasising certain considerations.

The NPPF "supports the sustainable growth and expansion of all types of business and enterprise in rural areas". This is illustrated by reference to promoting the conversion of existing buildings, constructing well-designed new ones, allowing new land-based rural businesses to get started and helping farmers to diversify. The presumption is thus in support of this development. It is agreed that this has to be balanced against other considerations – in this case, particularly environmental considerations which here revolve around the visual impact. But this landscape is not designated as an AONB and neither is it identified by the Development Plan. Members will have seen on their visit that this site is not visible from the main road and neither from the significant footpath known as the Centenary Way mentioned in the representations. The references that these have made to other sites, which are visible from that footpath and from Monwode Lea Lane, are matters that have been and continue to be followed up separately. It is significant too that neither the Highway Authority nor the Environment Agency has objected to this application.

A further consideration which Members should be aware of is the attention being given by the Government in respect of reviewing existing legislation concerning the retention of water on farms in response to recent and future drought conditions. This pool could act as a reservoir for the agricultural needs of the holding.

Recommendation

- A)** That planning permission is granted subject to the conditions as set out in Appendix A.
- B)** That 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.



Application No: PAP/2011/0565

Laxes Farm, Nuneaton Road, Over Whitacre, B46 2NL

Construction of fishing pool and associated earthworks and new farm access track. Change of use from agriculture to stock fishing pool with occasional private fishing, for

Mr & Mrs J Clarke

Introduction

This application was referred to the March meeting but determination was deferred in order to request the applicant to consider the amount of material proposed for import and secondly to provide more information on the type of material to be imported. The applicant has responded through the submission of a further document.

The previous report is attached as Appendix A and the additional document is at Appendix B.

The Applicant's Additional Document

In short this does not propose any revisions to the scheme but it does provide further background information. It is confirmed that the project is part of a farm diversification scheme (paragraph 1.2 and paragraph 1.8) overseen by an environmental consultant and action plan (paragraphs 1.3 and 1.9). The actual location of the pool is further described (paragraph 1.4). There is also an extended section referring to the importation of material (paragraphs 1.5 to 1.7). The applicant's assessment of planning issues is at Section 2 and a short summary concludes at Section 3.

The National Planning Policy Framework

Since the date of the last meeting, the Government has published the National Planning Policy Framework (NPPF). This replaces all previously published Planning Guidance Notes and Planning Policy Statements, and thus references in the previous report to these documents now carry no weight. The NPPF is a material planning consideration of significant weight and it will be referred to within this report.

Additional Representations

The applicant's additional document was received just prior to preparing this report, but it has been circulated to local Members, the Parish Council and to those who addressed the Board at the last meeting. Further representations have been received from the CPRE and from Mr Hancocks. These are attached at Appendices C and D.

The applicant has seen a copy of these later representations and has provided a response at Appendix E. This has in turn been forwarded to the CPRE and Mr Hancocks, but in view of the time periods for preparing this report, any further representations will have to be reported verbally to the meeting.

Observations

a) Introduction

It is not proposed to repeat the matters contained in the previous report but to focus on some of the main issues. Before doing so however it is considered important to stress a number of factors which the Board should be aware of the making its decision.

- The determination of this application should be made on the basis of the proposed development, namely a fishing pool. Whether or not Members or the local community consider that this is proposed, or has come about for other reason, is not a material planning consideration. The motive of the applicant is irrelevant to the decision as is the suggestion that the proposal is just an opportunity to “dump waste materials” in the countryside, or that this is an “abusive” activity. Members will understand the consequences of such decision-making
- The quality of the imported material will be monitored by the Environment Agency through its Permit system. It has the appropriate controls and monitoring regime to enforce that system. The Council’s remit as Planning Authority does not extend into that system. It is material to the determination of the application that such controls exist and therefore the Board should derive the necessary comfort as a consequence. Members will understand the consequences of its decision-making should it consider a refusal based on doubts about the imported material.
- References to the Localism Act are misunderstood. Planning applications are determined under the terms of the Planning Act 1990 as amended. That means that determinations are to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. An objection from a neighbour or a local resident does not mean automatic refusal of any application – it just one material planning consideration. This has always been the case and the Localism Act does not alter that position.

b) Planning Policy

The proposal is not inappropriate development in the Green Belt. Members will know that engineering operations that do not affect the openness of the Green Belt are not inappropriate developments. Moreover the uses of land in the Green Belt are, amongst others, to provide opportunities for outdoor sport and recreation and to enhance bio-diversity. This proposal meets these objectives. Development Plan policy and NPPF policy supports agricultural diversification and other land-based rural businesses. It is thus worth stressing from the outset that there is thus no objection in principle to this proposal. Indeed equivalent proposals have been permitted in the neighbourhood and elsewhere in the Borough.

c) Impacts

In these circumstances, the Board’s consideration of the proposal revolves around whether there are likely to be any adverse impacts of such dis-benefit to refuse the application. It is of substantial weight that there are no objections from the Highway Authority; the Environment Agency, the Warwickshire Wildlife Trust or from Birmingham Airport. The Board is strongly advised to consider the consequences of a refusal without support from these Agencies.

It is considered that the issues that have been raised that Members should give further attention to are the visual impact of the proposed pool; the traffic impact and the cumulative impact of there being a series of similar pools in this particular valley which are accessed by the same road network.

The previous report; the supplementary documents and the background information all point to there being no significant adverse visual impact. It is accepted that there will be a change in the appearance of the landscape and thus that there will be a visual impact. The issue is whether that impact is so significantly adverse to warrant refusal. It is considered not because this impact is only in the immediate vicinity of the pool; because of the setting of the existing contours and tree cover, and because it is not substantial in scale or mass so as to result in an overall change in the character or appearance of the landscape. It follows from these reasons that there would be little impact on the openness of the area hereabouts – there would be no enclosure or sense of intrusion on open space. It is also material that other pools in this valley have been granted permission such that they too have not been considered to have had an adverse visual impact or affected the openness of the landscape.

The Highway Authority has not objected to the application and it has not done so in the past with similar proposals. This is of significant weight. From its perspective, access is onto a main distributor road with the capacity to take the HGV traffic; the permission involves the temporary use of the site and road by HGV traffic and conditions can be attached to any permission granted. It therefore retains a consistent approach to all such applications. A refusal here based on HGV movements is unlikely to be supported given such a background. Additionally, problems that may have occurred on other sites should not be assumed will occur with this proposal. This is a separate application with a different applicant and with different land ownership. Members should be very wary of transposing problems that are said to have occurred at other sites to this application as a reason for refusal. For completeness, Members can be assured that as a matter of fact, officers have investigated alleged breaches of conditions at these other sites and have found no case to take further action.

This leads to the issue of whether there is a case for refusal because of cumulative impacts. In terms of highway impacts then clearly the same highway network is to be used as in previous cases. However each of these cases is a separate and discreet case. The project commences and then finishes. At the present time there is only one unfinished project and that is several miles distant from this site. A refusal here would be difficult to defend in such circumstances. It would be necessary to show that this proposal is the “straw that breaks the camel’s back”, or that this case was so particularly different to have significantly adverse traffic impacts. Given that the scale of this proposal is very similar to others granted in the vicinity that is not considered to be the case here. The cumulative impact on the landscape is perhaps more likely to carry more weight because once the projects are completed, their visual impact remains as a permanent feature unlike that of the traffic impacts. However care must be taken. Firstly, the area here is not designated as an AONB and it is not recognised in any formally adopted Supplementary Planning Guidance. Secondly, the visual impact of this particular proposal is very limited as argued above. Thirdly, it must be shown if this is to be followed as a potential refusal, that it is this proposal which causes that cumulative loss of landscape character. It is considered that this is not the case or that the cumulative impact of previous similar projects has so materially altered the landscape hereabouts so as to erode its essential character as identified in the Warwickshire Landscape Guidelines.

c) Other Matters

The responses – Appendices C and D – to the applicant’s initial Supplement – Appendix B – cover some of the arguments relating to the matters raised above. They additionally attempt to offer alternative arrangements to the proposal. Members will be aware that it is not within its remit to redraw a planning proposal. The Board should determine the

application before it. In this case that is for a fishing pool as part of a farm diversification project that does involve the import of material. That it involves such importation is not in itself a reason for refusal as this and the previous report have explained.

d) Conclusion

Notwithstanding the fact that the applicant does not propose to revise the submitted scheme, it is still considered that the application can be supported for the reasons given in the previous report as supplemented in this report. The Board is strongly encouraged not to determine the application on the basis that the proposal is only a means of depositing waste. Whilst that perception might be understood, it should not form the basis of a determination. In order to assist Members it is recommended that an informative is included, should a planning permission be granted, as advised by the Environment Agency, informing the applicant of the need to abide by the Environment Agency's Permit system and to warn of inappropriate "waste" materials.

Members will be aware that all determinations rest on a balance or assessment of Development Plan policy and other material planning considerations. Local objections and representations are one such consideration. However they have to be assessed against Development Plan policy and the NPPF. Therein there is general support for this type of development – it is appropriate in the Green Belt, it supports outdoor recreation and leisure, it enhances bio-diversity and it supports agricultural diversification and thus the rural economy. Members need to decide whether the impacts of the proposal are so adverse as to warrant refusal given that there is no objection from any of the technical consultation responses and that there are previous approvals for this type of development in the neighbourhood. It is also considered that the prospect of a refusal based on the cumulative impact of this proposal following on from those previous permissions is limited.

Recommendation

That planning permission be granted subject to the conditions as outlined in Appendix A and subject to the additional informative as advised in the conclusion to the report above.

BACKGROUND PAPERS

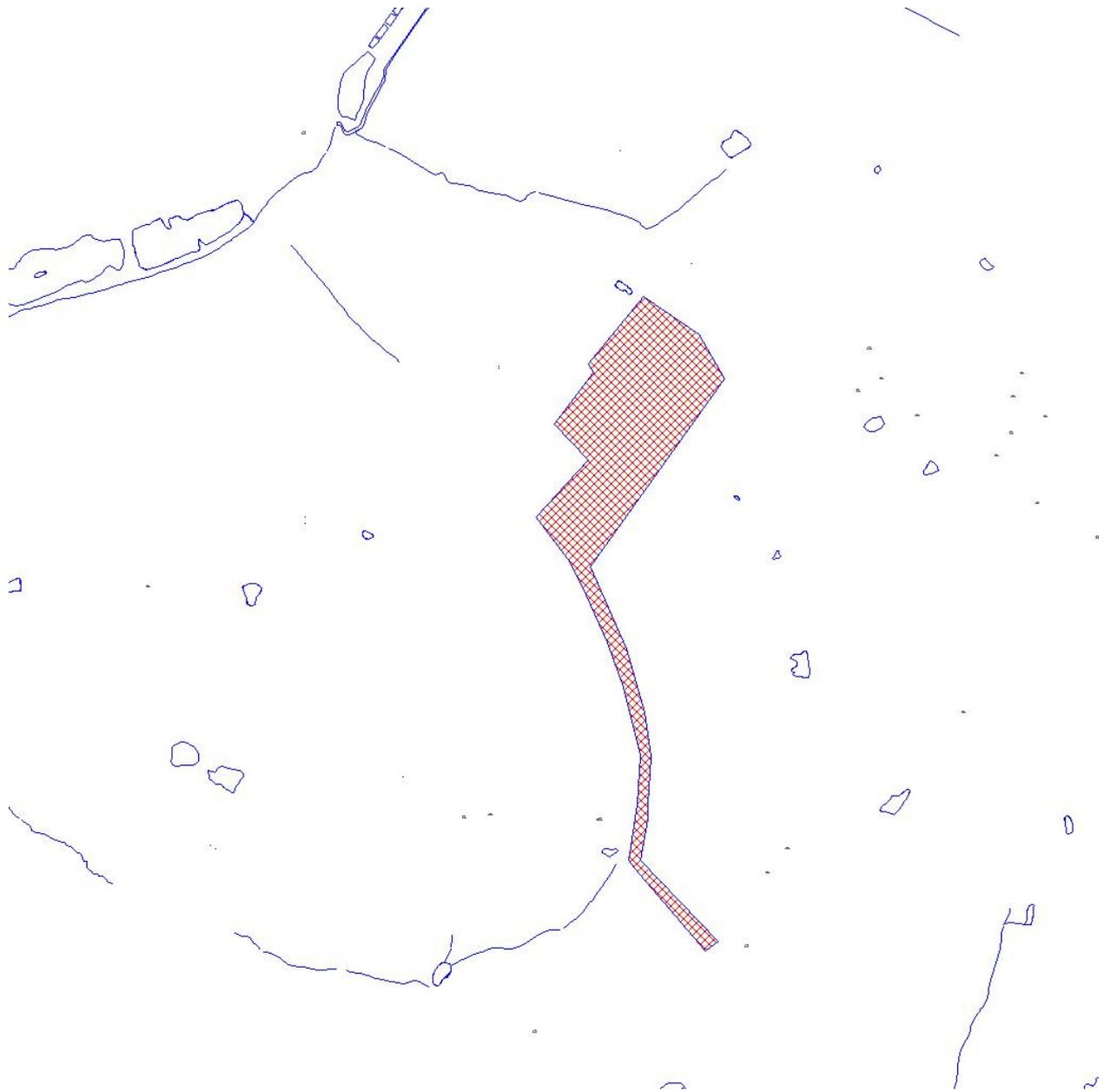
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2011/0565

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	
2	Head of Development Control	Letter	20/03/12
3	Mr Hancocks	Representation	20/03/12
4	Mr Hancocks	Representation	21/03/12
5	Applicant	Additional Document	30/03/12
6	Environment Agency	Letter	22/02/12
7	Mr Hancocks	Representation	31/03/12
8	CPRE	Representation	31/03/12
9	Applicant	Additional Document	02/04/12
10	R Poulson	Objection	03/04/12
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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.



General Development Applications

(#) Application No: PAP/2011/0565

Laxes Farm, Nuneaton Road, Over Whitacre, B46 2NL

Ground works to form a fishing pool and a new vehicle access track. Change of use of land from agriculture to fish breeding / stocking pool with occasional private fishing use for

Mr and Mrs J Clarke

Introduction

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

The Site

This covers an area of some 3.0 ha of agricultural land, forming part of Laxes Farm, and is within the West Midlands Green Belt. The site is a part of a larger field, which has previously been partly arable and partly grass pasture. The land slopes down from the south east to the north west. The sloping topography limits views from the south east and adjacent woodland limits views from the north east. Three public footpaths pass close to the site; the routes of these will not be obstructed.

The Proposal

This involves the formation of a pool with a surface area of some 2.2 ha; a reed bed with an area of 150m² and the formation of a new track to provide vehicle access to the pool.

The pool will be retained by a broad low embankment on the downslope. The maximum height of this will be 1.25m above existing ground levels and the downslope gradient will be similar to that of the surrounding land. On the upslope, banks will be graded into the surrounding land and finished levels overall will blend with existing landscape contours. The design of the pond reflects guidance to provide a good aquatic environment and to dissuade use of the site by larger birds, such as Canada geese, and to minimise the hazard to overflying aircraft. The normal water level will be 92.7m above OD, and depth is designed to vary from shallows to 2m. The pool will drain to an existing ditch via an outfall pipe and reed bed, which will be formed downslope to the west of the pool.

Vehicle access to the site is from the existing vehicle access to the B4114, Nuneaton Road, via the existing private road to Laxes Farm, which also serves Estate Cottage and Keepers Cottage.

The pool is to be used to breed coarse fish. Fish will be introduced as 'fingerlings' and raised to an average size of 2lbs before being sold to stock fisheries elsewhere. It is stated the pool will also be used for occasional club fishing by prior arrangement.

The pool will be formed by using a 'cut and fill' technique involving cutting into the existing slope. Excavated earth material will be used to construct the new earth embankment to retain the pool. Hours of working are proposed to be from 0800 hrs to 1700 hrs Monday to Friday inclusive and 0800 to 13:00 on Saturday with no working on Sundays or public holidays. The formation of the pool will require the importation of 20300 m³ of additional inert earth material to form the embankment and to provide an impermeable clay lining to the pool. A permit from the Environment Agency will be required to authorise the deposit of material on the land. The permit regime requires operators to keep records of material imported, including type, amount and the source of material and of the location within the site where it is deposited.

Construction works are programmed to take between 9 to 18 months to complete. This range reflects that work is dependent on weather and on the availability of the suitable inert materials required, as these derive mostly from development sites. Given the present climate of reduced activity in this sector, sources of suitable material are more limited. The number of lorries bringing material to the site would be a maximum of 5 per hour. If this rate was sustained, construction could be complete within 7 weeks. The actual rate is likely to be less and there are likely to be periods when no lorries visit the site. If construction was completed over 30 weeks, this would require an average of 10 lorry visits / day.

Comprehensive detail and assessment of the proposed development is submitted with the application in the following documents :-

Supporting Information - this summarises the proposed development.

Landscape and Visual Assessment - this sets out the approach and methodology of the visual assessment undertaken and concludes that once complete the overall visual impact of the development will be neutral. Whilst differing in appearance, this will be neither better nor worse than at present. Adverse visual impact will be experienced during the construction phase. This is considered to be of medium significance to walkers on nearby footpaths and medium to low significance for nearby properties with views of the site.

Protected Species Assessment – details the surveys undertaken; it found no evidence of protected species on the site or in the near vicinity; it identifies existing habitats to be retained, eg hedgerows and includes recommendations to ensure this is undertaken in accordance with environmental legislation and best practice.

Hydro-Geological Assessment and Hydrological Assessment – these show the proposed development will not result in any adverse impact on the water environment or for flooding.

Landscape and Habitat Management Plan – this details measures to be implemented to ensure the development provides a good aquatic environment; to minimise aviation bird strike hazard; to reduce the visual impact; to protect existing wildlife habitats, the planting schedule and the ongoing maintenance for planting and the pool environment.

Environmental Action Plan - the development will be undertaken in accordance with this document. This details how the development will be progressed during the design, construction and post-construction stages to ensure it is constructed and managed in

accordance with legislative requirements and best practices. It sets out objectives, procedures and practices to be followed, details resources and staff responsibilities to ensure constraints and required mitigation are fully addressed.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006: Core Policy 3 (Natural and Historic Environment), ENV1 (Protection and Enhancement of Natural Landscape), ENV2 (Green Belt), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows) ENV6 (Land Resources), ENV8 (Water Resources), ENV11 (Neighbour Amenities), (Access Design)

Other Relevant Material Considerations

Government Advice: - PPS1 (Delivering Sustainable Development), PPG2 (Green Belt), PPS4 (Planning for Sustainable Economic Growth)

The draft National Planning Policy Framework

Consultations

Birmingham International Airport – No objection subject to a condition to require measures to reduce risk to over flying aircraft from bird-strike.

Severn Trent Water – No objection.

Warwickshire County Council - Highways – No objection subject to conditions to provide a bound surface to the vehicle access and to prevent extraneous material from the site being deposited on the highway.

Warwickshire County Council - Rights of Way – No objection providing public footpaths remaining unobstructed at all times and appropriate signage is provided where the vehicle access track crosses footpaths.

Warwickshire Wildlife Trust – The proposal is likely to enhance local biodiversity due to the creation of the reed beds, the wetland areas around the pool edges and additional woodland planting. It is noted that existing features most important to biodiversity, i.e. the surrounding hedgerows and woodland, will all be retained.

Environment Agency – No objection.

Representations

Over Whitacre Parish Council – Objects, citing that the main purpose of this type of development is to provide opportunity for tipping of waste material and that the developments are irrelevant to agricultural diversification and to the improvement of the local landscape and that the construction brings considerable upheaval to the local community from high numbers of tipper lorry movements, mud on highway, and the deposition of unregulated waste.

CPRE Warwickshire – Objects, citing

- the proposed development will not protect or enhance the existing 'Ancient Arden' landscape, contrary to saved policies CP3 and ENV1;
- the cumulative damaging impact of other similar small developments often promoted as farm diversification which together have eroded character of the Ancient Arden landscape;
- the development is an opportunity for cheaper landfill, tipping will generate a stream of HGV's and require formation of new access tracks;
- the proposed pool will be larger and bear little resemblance to the small field ponds identified in the Warwickshire Landscape Guidelines as typical of 'Ancient Arden' landscape
- the site is within the Special Landscape Area designated within the former Warwickshire Structure Plan 1996-2011,
- details indicate that there are no listed buildings near the development site, however six of the buildings named in the Landscape Visual Appraisal submitted are listed buildings;
- the emerging draft Core Strategy recognises the importance of the natural and historic environment of North Warwickshire and proposes to conserve and enhance the quality, character, diversity and local distinctiveness.

Three separate representations have been received from four local residents. All object to the proposed development. Concerns identified are summarised below:-

- the fishing pool will not provide economic growth or meaningful employment;
- the proposal is unsustainable development and will result in the irretrievable loss of agricultural land
- the importation and tipping of waste material will result in intensive use of local rural roads by HGV's, these will pollute the environment and be detrimental to the quality and enjoyment of the visual and residential amenity and to businesses wholly dependant on the visual attractiveness of the landscape and amenity in this locality;
- fishing pools and similar developments should only be permitted where all minerals required are available on the site, to avoid import or export of materials;
- previous problems with drainage systems and mud deposits on the local highway;
- the need for this development , given other similar developments exist nearby;
- the proposal is essential to enable tipping of waste material on agricultural land within the green belt;
- the proposed pool will alter the character of the Arden landscape;
- increased traffic will cause inconvenience and disturbance during construction phase, vehicles exiting the site will cause traffic hazard given the national speed limit in place on this stretch of the B4114.
- The development will be visible from the Centenary Way, a recreational path, this will detract from enjoyment of the Arden landscape.

The following paragraphs have been provided by the applicant in response to the concerns raised in the representations received:-

"The stated intention is to use the proposed pool to breed and stock fish. These will be sold to other fisheries. The proposal is thus a commercial enterprise and as such it could contribute to economic growth although it will not provide any additional employment. The pool will also be used for occasional fishing.

The development is not necessarily unsustainable. The proposed fish breeding / stocking use is appropriate to a rural location and will not give rise to significant additional traffic. The importation of material will require journeys by lorry, however the removal of waste material from construction sites usually requires such a journey to a suitable disposal landfill, a reduction in the distance travelled could improve overall sustainability.

The development will result the loss of agricultural land, however this will be limited to the area of the pool, the access track and immediate surroundings, around 3ha in all, adjacent areas will be planted with trees and surrounding grass land will provide pasture.

The importation of material will require tipper lorries to visit the site during the construction phase. Actual numbers of vehicles and the duration of this phase may vary within the limits referred to previously. This will result in increased numbers of lorries and this is likely to have an impact on the local highway and on amenity. Adverse impacts arising from the construction activities will however be limited to the period of construction. Measures to mitigate adverse impacts during this phase can be required by conditions to, limit hours of operations, numbers of vehicles, minimise the deposit of material from the site on the highway and planting to reduce visual impact

The planning system has a presumption in favour of development that is in accordance with the development plan and planning guidance. The existence of other pools nearby is not per-se a valid reason to require justification of the need for another similar development. Such justification would be appropriate only if this is required by specific policy or where this is identified to be a material consideration, however evidence of the scale of the adverse impact and the resulting harm would be essential to properly assess cumulative effect.

The existing vehicle access to Laxes Farm has been altered recently to improve visibility for vehicles exiting the site. The Highway Authority do not object to the proposal subject to conditions.

The development will have a visual impact. Assessment of visual impact involves judgement. The landscape assessment submitted has been undertaken in accordance with published guidance and provides a clear statement of the approach and methodology adopted."

Observations

The proposed development is an open area use and it will preserve the openness of the green belt. No built structures are proposed. It is thus is appropriate development within the green belt and thus is in accord with saved policy ENV2.

The details submitted clarify the proposed development and consultation responses conform that it would have no adverse impact on the water environment or for flooding;

that no protected species were found on the site or in the near vicinity; the more valuable existing wildlife habitats, such as existing hedgerows will be retained and protected during construction and that the development is designed to provide a varied aquatic environment and to minimise aviation bird strike hazard. The proposal is thus in accord with saved policies ENV3, ENV4 and ENV8.

The Highway Authority has no objection to the proposed vehicle access subject to conditions to ensure a bound surface is provided together with measures to prevent deposit of extraneous material on the highway. The vehicle access is thus in accord with saved policy ENV14.

The impact on neighbouring properties and visitors on footpaths will be experienced most during the construction phase. These impacts can be mitigated through conditions to limit working hours and the numbers of lorries accessing the site per hour. The Environmental Action Plan details clearly how the development will be progressed during the design, construction and post-construction stages to ensure it is constructed and managed in accordance with legislative requirements and best practices. The objectives, procedures and practices to be followed, details of resources and staff responsibilities to ensure constraints and required mitigation are fully addressed provide a robust development framework. The proposal is thus considered to be in accord with saved policy ENV11.

Saved policy ENV6 seeks to protect best and most versatile agricultural land. The most recent agricultural land classification provides six grades of classification 1, 2, 3a, 3b, 4 and 5. Land in grades 1, 2 and 3a is considered to be best and most versatile agricultural land. The broad strategic level information available indicates this land is within grade 3, it is not however possible to identify whether it is grade 3a or 3b. Notwithstanding this, the area that would be permanently lost is relatively small, less than 3 ha. The harm resulting from the loss of this limited area is not in this instance considered to be sufficient to justify refusal of the development on this issue alone.

The most significant planning consideration is the impact of the development on the character of the existing landscape. Saved policy ENV1 requires that development that would not protect or enhance the existing landscape will not be permitted. Consideration of this impact for the proposed development is finely balanced.

The landscape character of this area is classified within the Warwickshire Landscape Guidelines as Ancient Arden; the characteristic features of which are varied undulating topography with irregular pattern of small to medium sized fields, field ponds associated with permanent pasture, hedgerows, roadside oaks and narrow winding lanes. The Guidelines seek to conserve this pastoral character and to convert less valued arable land back to permanent pasture and to retain and manage field ponds. The proposal includes elements that further this conservation management strategy with the reversion of arable land to grassland and introduction of pool and wetland areas, although these are larger than the traditional field pond.

The applicants contend the visual impact of the complete development is neutral in that although the earthworks will be a slightly alien feature, the impact is reduced through careful grading and planting. The CPRE however contend that the proposed development will not protect or enhance the existing 'Ancient Arden' landscape, and is thus contrary to saved policies CP3 and ENV1. This partly derives from a view that

there has been a cumulative effect on landscape quality, due to the impact of already implemented similar developments, often promoted as farm diversification, and outstanding planning permissions, which erode the character of the 'Ancient Arden' landscape. Assessing the significance of cumulative effect is often problematic as the effect is often perceived rather than quantified and frequently involves a judgement. It is not clear at present that the cumulative effect referred can be shown to have significantly eroded the character of the existing landscape.

The WLG were produced in 1993, since then a number of changes have occurred within the landscape as a result of farming practices, most significantly the removal of field boundaries resulting in the formation of larger fields and the erosion of the traditional field pattern identified. Aerial photography shows the application site has itself experienced this phenomenon. Given the above, the application site is now not entirely characteristic of the 'Ancient Arden' landscape identified.

The sloping topography of the site, and the proximity of the established woodland, limit views of the completed development from the wider area. The significant visual impact will be limited to views from the land closer to the site and thus will be experienced by walkers. The impact is experienced as a transitory rather than a permanent effect. Although the new pool will differ from the characteristic field ponds, being larger, it will provide diverse wet land habitat that is being lost elsewhere and the design does integrate the new pool into the existing landscape.

Given the above it considered that although the development provides limited protection or enhancement to the natural landscape as defined by the landscape character assessment, and thus is not be fully compliant with saved policy ENV1, it will not result in significant harm to the character of the existing landscape here and it will improve local biodiversity thereby enhancing the natural local environment which is in accord with saved policy CP3.

Recommendation

That the application be granted subject 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 site plan received on 09/11/2011, drawings numbers 11336PROP & 11336SEC received on 02/11/2011 & the Topographical Survey received on 23/2/2012.

REASON

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

3. No development shall commence before details of the protection measures proposed for existing trees and hedges on the site have been submitted to, and approved in writing by the Local Planning Authority. The approved measures shall then be in place prior to work commencing.

REASON

In the interests of the protecting the visual amenity of the landscape and the conservation of protected species.

4. No development shall commence until a turning area has been provided within the site so as to enable all vehicle types to leave and re-enter the public highway in a forward gear and the existing vehicle access to the B4114 Nuneaton Road has been surfaced with a bound material in accordance with details submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of safety on the public highway

5. No development shall commence until written notice has been given to the Local Planning Authority of the date the approved works will commence and a period of 14 days has elapsed since the giving of notice.

REASON

To limit the duration of the construction operation in the interest of amenity.

7. 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 the sweeping of the public highway. The agreed measures shall be implemented and maintained in good working order at all times.

REASON

In the interests of safety on the public highway.

8. Within three calendar months of completion of the works detailed within this application all site access roads other than those marked on the approved plans shall be removed and the land reinstated to its original condition.

REASON

In the interests of amenity.

9. The development shall be constructed, operated and maintained in accordance with the Environmental Action Plan Ver 1.1 received on the 23/02/12 and the Landscape & Habitat Management Plan received on 02/11/2011.

REASON

In the interests of amenity, safety, prevention of pollution and to protect ecology.

10. No waste soils, including subsoils or other fill shall be imported to the site until a scheme of sampling of imported waste material and a means of importation control has been submitted to, and agreed in writing by the Local Planning Authority. This scheme shall ensure that a written record is maintained of all of the material deposited at the site so as to identify the quantity, source and type of material. The scheme shall also ensure material deposited at the site is sampled and a written record of the sampling and the results is maintained. The written records shall be available for inspection at the site at all times.

REASON

In the interests of avoiding contamination and pollution of the ground water environment.

11. No material shall be imported, deposited or exported from the site after the expiry of a period of 18 months from the date works commenced.

REASON

In the interests of amenity.

12. No materials shall be delivered to or exported from the site; other than between 0800 hours and 1700 hours on Monday to Friday and 0800 hours and 13:00 hours on Saturday There shall be no such activity on Sundays, Bank Holidays or other public holidays.

REASON

In the interests of amenity.

13. All vehicles carrying fill material into or from the site shall be sheeted or covered at all times.

REASON

In the interests of highway safety.

14. Any facilities for the storage of oils; fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage; the compound shall be at least equivalent to the capacity of the largest tank; vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points; associated pipework; vents; gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse; land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

REASON

To prevent pollution of the water environment.

15. The development shall be carried out in accordance with the section details as shown on the approved drawing 11336 SEC. No more than 20358 m³ of material shall be imported to the site, as stated to be required in the Environmental Action Plan Ver 1.1 received on the 23/02/12. Within three months of the completion of the ground works a survey of the final ground levels on the site shall be undertaken and the results submitted in writing to the Local Planning Authority.

REASON

To ensure that the development is undertaken in accordance with the approved plans.

16. The pool hereby approved shall be used for fish breeding and stocking purposes and for private fishing use by the occupiers of Laxes Farm only. No other fishing use, including occasional use by angling clubs, shall take place until details of proposed use have been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of amenity and highway safety.

Justification

The proposed development is in line with the conservation and management strategies within the Warwickshire Landscape Guidelines; it includes features broadly characteristic of the Ancient Arden landscape which, when mature, will not have any significant adverse visual effect on the landscape. The proposal will retain existing tree

and hedgerows, will not have harmful effects for any protected species and will create new habitats that will enhance local biodiversity. The proposal will not result in the significant loss of best or most versatile agricultural land and will not have any adverse impact for existing water resources or on risk of flooding. The resulting feature will not result in any significant loss of amenity for occupiers of nearby properties; disturbance during the construction period will be time limited and will be mitigated through the measures identified in the Environmental Action Plan. The proposal is thus considered to accord with Saved Policies CP3, ENV3, ENV4, ENV6, ENV8, ENV11 and ENV14 of the North Warwickshire Local Plan 2006.

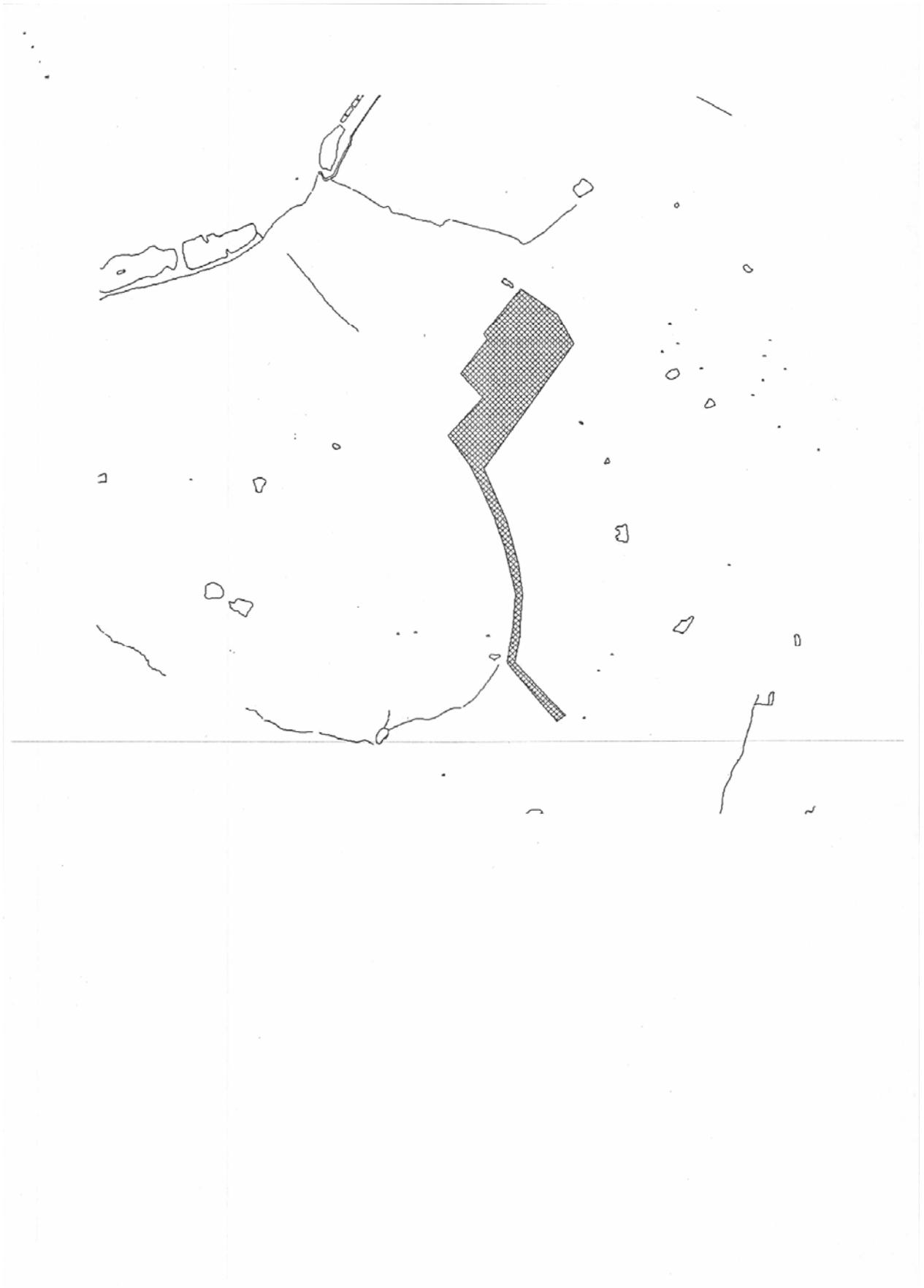
BACKGROUND PAPERS

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

Planning Application No: PAP/2011/0565

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statements	2/11/11 27/2/12
2	A Davies BIA	Consultation	6/1/12
3	C Thorley WCC	Consultation	6/12/11
4	E Bettger WCC	Consultation	12/12/11
5	P Gethins EA	Consultation	5/1/12
6	J Vero CPRE	Consultation	7/12/11
7	B Walton STW	Representation	7/12/11
8	R Hancocks	Representation	19/11/11, 21/11/11, 21/12/11 9/2/12
9	S Long	Consultation	30/12/11
10	L Chandler OWPC	Consultation	12/1/12
11	R Poulson, A Callwood	Consultation	10/2/12
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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.



Supporting Information 2
Planning Application
New Fishing Pool, Laxes Farm, Over Whitacre

29th March 20121



1. Supplementary Information and Explanations

1.1 Introduction

This additional supporting information has been prepared to clarify a number of issues raised by Councillors and members of the public at the Planning Board meeting held on Monday 19th March 2012.

1.2 Proposed Use

The applicants Mr and Mrs Clarke have farmed this land for many years and the land has been in the Clarke family for a number of generations. As farmers they have a direct interest to ensure that any changes will not adversely affect or pollute their land. This project seeks to create a sustainable farm diversification project in the form of a fish stocking pool which will complement the wider agricultural activities on the farm.

1.3 Commitment to Environmentally Sensitive Solution

It is entirely in the interests of the applicants that this fishing pool in constructed and managed in an environmentally sensitive manner.

The project will use the 'Environmental Action Plan' concept, whereby, we have identified and assessed possible issues and then provided a commitment to a series of objectives and targets (the Environmental Action Plan). This concept was developed by Dr David Hickie whilst working as Head of Environmental Impact Assessment for the Environment Agency and now is used in many countries worldwide. The Environment Action Plan ensures that potential adverse impacts are identified with agreed objectives and targets for community and environmental protection.

1.4 Location of the Pool

The application is for the creation of a fish stocking pool on the slope of a hill that is in a secluded location and is not readily visible from any public road, public footpath or any nearby residence.

The site has been selected to provide both a new farm enterprise in the form of a fish stocking pool and to help solve a problem of damp field at the bottom of a

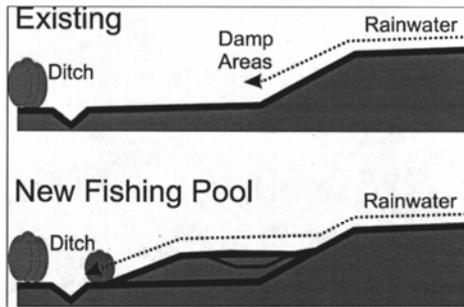
slope which does not naturally drain quickly especially in winter. The rainwater runoff from the top of the hill and slopes means that this area becomes hard to work at various times of the year. Altering the topography slightly with the importation of material will allow for both the creation of the new fish pool and the better drainage of the field with more continuous slope across the majority of this part of the field.

Figure 1: Existing view north-eastwards towards location of fishing pool



Areas of damp soil can be seen on the base of the main slope of hillside in the photograph above.

Figure 2: Diagram of Section of Hillside and Proposed Fishing Pool



1.5 Amount of Imported Material

We have explored the possibility of reducing the scale of the imported material required. A key factor in the project is actually providing a fishing pool that is large enough to be sustainable as a farm diversification project and not just another pool in the landscape. Scaling back the size of the pool reduces the fish stock capability and the additional biodiversity provide by a larger pool circumference. The applicants are, therefore, not keen to reduce the size of the pool.

A review of importation requirements for the pool has been undertaken and reconfirmed that the proposed is the minimum required for safe soil stability and visually acceptable appropriate ground moulding.

The proposed changes in the level of the land required to form the pool has been designed in a way that reflects the topography of the surrounding landscape. The banks will be graded into the surrounding land and the finished levels will carefully blend into the surrounding landscape contours.

1.6 Permitted Imported Material

Two types of material will be required to be imported. Clay material will be required to line the pool to form an impervious layer. Other material will be required to provide earthwork support and allow the topography to be carefully remoulded. This material traditionally would have been natural sub-soil which could have been either from somewhere else on the site or a nearby location. However, an alternative sustainable material that can be used is locally recycled material approved by the Environment Agency. The use of recycled materials rather than 'subsoil' allows for the conservation of natural resources and is entirely sustainable.

The exact sources and types of these permitted materials cannot be specified at this point in time, as suitable sources change quickly over time.

Once planning permission has been granted, a 'Waste Recovery' standard rules permit SR2010No7-50Kte for importation of material will be sought from the Environment Agency. In order to apply for the permit, a Waste Management Plan will be prepared which details all procedures, monitoring and recording systems to be used.

The approved permit will state what type of materials can be imported, the records that must be kept and the monitoring and management of the site. The permit lists allowable materials from the standard list of approved recycled materials. Wastes containing solely or mainly of dusts, powders or loose fibres; hazardous wastes; and wastes in liquid form will not be allowed.

The permit requires the site operator (site manager) to be trained in site management and understand how to check and monitor vehicles entering the site, and to check and record the associated waste transfer permits and other paperwork. Quarterly reports on materials accepted on the site will be provided to the Environment Agency as required by the permit.

As explained by Jeff Brown, Head of Planning at the last Planning and Development Board meeting, the Environment Agency has full jurisdiction for permitting and monitoring the importation of the required recycled materials.

1.7 Soil Conservation and Rebuilding Agricultural Soil Structure

The applicants, as farmers, are keen to ensure that the topsoil will be properly conserved and replaced to form a good agricultural soil structure once the fishing pool is in place. The topsoil will be carefully removed and stored in protected mounds no more than 2m high. The imported material will be carefully monitored to ensure no undesirable or polluted material is used, in accordance the approved Environment Agency monitoring and recording systems. The soil materials will be graded, ripped and harrowed to provide a good soil structure on completion.

1.8 Use of the Pool

The proposal is to create a fishing pool at Laxes Farm as part of a diversification proposal to be used for the breeding of course fish.

The pool will be used to breed coarse fish, initially being brought in as fingerlings and being raised to an average size of 2lbs, before being sold onto other fishing enterprises.

The removal of the fish from the pool will normally be undertaken by netting and transfer of the fish to a fish tank on a trailer which is then pulled by a 4x4 vehicle. It

is proposed to retain the access track from the farm to the fish pool to allow for such vehicles to safely access the pool site.

Figure 3: Typical Fish Tank on Trailer used for moving fish off site



available, in addition to site management staff, to address any issues raised by the Planning Authority, Environment Agency, any other agencies, neighbours and members of the public. Dr Hickie was formerly Head of Environment Impact Assessment for the Environment Agency and has wide experience of successfully delivering major infrastructure projects in an environmentally sensitive manner.

Full contact details will be provided on information boards at the entrance to the site and adjacent to footpath crossing of the access track. All residential neighbours will be informed 14 days before commencement of works and provided with contact details in the event of anyone wanting to report a problem or discuss an issue.

1.9 Commitment to be a 'Good Neighbour'

It is quite understood that some members of the public and Councillors are worried about a range of nuisances that could occur because of problems on other projects in the vicinity. This fishing pool and associated works have been designed to minimise any such nuisances and ensure that the project is delivered in an acceptable manner.

To ensure that the project will be actually delivered in such a manner, specialist environmental consultant Dr David Hickie has been commissioned (subject to planning permission) to be the Environmental Assessment Manager for this site. See submitted Environment Action Plan for details of role. He will be readily

2. Planning Issues

We concur with the officer's observations in the report to the Board held on the 19th March 2012 dated highlighting that the application is in accord with the majority of planning policies. Whilst it "is not be fully compliant with the saved policy ENV1, it will not result in significant harm to the character of the existing landscape and it will improve local biodiversity thereby enhancing the natural local environment which is accord with saved policy CP3."

North Warwickshire Borough Council has approved a number of similar fishing pool applications in the vicinity and this particular one is not significantly different in planning terms.

Nearby applications include:

PAP/2006/0620 Jersey Wood, Ansley
PAP/2008/0217 Thistley Field, Ansley
PAP/2008/0513 Manor House, Farm Fillongley
PAP/2009/0385 Manor House, Farm Ansley

Whilst we accept there have been problems with some of these projects, it should not be a material matter for consideration of this planning application that these similar projects failed to comply with their planning conditions.

If the Council chose to refuse this application, we are confident that any appeal is likely to be upheld due to the fact that:

- a) the application is in accord with all planning policies except ENV1 which is judged by officer's not to result in significant harm to the existing landscape; and,
- b) the Council have approved similar applications in the vicinity (and there has been no real change in planning policy since these approval).

3. Summary

In summary, the applicant is keen to diversify the farm operations to include a fish stocking pool.

We have explored the possibilities of reducing the amount of material required to be imported but have concluded that we cannot reduce the amount required to provide a sustainable sized fish stocking pool which allows for slopes that neatly mould into the surrounding landscape.

All materials imported onto the site will be strictly controlled by the requirements of the Environment Agency permit. There will be an experienced and trained site manager responsible for all operations and activities at all times. It is not in the interests of the applicants, Mr and Mrs Clarke - who farm this land, to allow any material which would pollute the land, surface water or groundwater, or be in any other way unsuitable.

Mr and Mrs Clarke are keen to be responsible and good neighbours. They have ensured that this project has been designed in an environmentally sensitive manner and will be delivered in an environmentally and socially responsible manner. The appointment of an Environmental Assessment Manager and delivery of Environmental Action Plan targets will help ensure that such aims are achieved.

The application accords with all North Warwickshire Borough Council Planning Policies with the exception of ENV1, however, it is judged by Council officers not to result in significant harm to the character of the existing landscape.

We hope that this additional explanation of the application will have given comfort to Councillors that this fishing pool project can now be approved.

Brown, Jeff

From: Judy Vero [judy@grendonlodge.co.uk]
Sent: 02 April 2012 13:44
To: Brown, Jeff
Cc: Rita Poulson; mark cpre; Myles Thornton
Subject: Laxes Farm

Dear Mr Brown,

Thank you for sending Supporting Information for the Laxes Farm fishing pond proposal (PAP2011/0565).

CPRE Warwickshire remains strongly opposed to this proposal, which will impact on the character and the integrity of the Ancient Arden landscape.

We see nothing in the Supporting Information which alters our view. We can understand that clay would be necessary to line the pond, but if this pond is to 'reflect the topography of the surrounding landscape' it should not be necessary to import material. Arden pools were indentations in the landscape, often where marl had been extracted, and they filled up with water naturally. They did not involve the importation of material to create banks, but were level with the pasture so that animals could use them for watering. The proposed pool would have the effect of raising the natural level of the landscape and would not be suitable for stock watering.

The Supporting Material leaves us in no doubt that Waste Management is a primary motive for the scheme. Whereas it is true that NWBC has in the past approved several of these developments, the cumulative impact is now of such harm to the landscape that it is in danger of destroying the character of Ancient Arden. The Council has strong policies in place to protect the Arden landscape, through the recently published Landscape Character Assessment which complements the Draft Core Strategy as SPG, and also through the Saved Local Plan.

At Draft Core Strategy policy NW5 the Council pledges to 'protect historic character.' At NW6 it goes further in stating that, 'The quality, character, diversity and local distinctiveness of the natural and historic environment will be conserved and enhanced. Within identified landscape character areas development will conserve, enhance and where appropriate, restore landscape character as well as promote a resilient functional landscape able to adapt the climate change. Specific landscape, geodiversity, wildlife and historic features which contribute to local character will be conserved and enhanced.'

Laxes Farm lies in an area which was shown on the 1993 WLG: Arden map as in no need of enhancement. Since then there has been a considerable loss of hedgerow which has had a harmful impact on the landscape, added to which has been the impact of the fishing ponds on neighbouring farms. Under the new Landscape Character Assessment, Laxes Farm comes within LCA7: Church End to Corley – Arden Hills and Valleys. At page 48 of this document are guidelines which have been considerably strengthened since the Warwickshire Landscape Guidelines: Arden, was written in 1993. These guidelines, soon to be SPG, recommend the, '(conservation) of the rural character by restricting changes in the use of rural land.' They also advise the '(retention and management of) field ponds in areas of permanent pasture.' This does not include the creation of new ponds by landfill. Indeed, there would be a stronger argument for the development if the pond were to be located, as the Arden ponds were, in the corner of a field and without importation of material. But such a pond would not be deep or large enough for fish farming. Therefore this development is clearly a form of agricultural diversification.

Saved Local Plan Policy ECON8 allows farm diversification, if there is 'no adverse impact on the character of

02/04/2012

the surrounding natural and historic environment.' At paragraph 28, the recently published National Planning Policy Framework promotes 'sustainable new development in rural areas.' However, the importation of material on rural roads by HGV makes this development unsustainable. The site is also in the Green Belt, and, as in the former PPG2, the NPPF at para 88, states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.' No 'very special circumstances' exist in this case. The NPPF also requires (at para 81) the '(retention) and enhancement of landscapes and visual amenity' in the Green Belt. It also states at para 109 that the planning system should protect 'valued landscapes'. This landscape, though not an AONB in planning terms, was a Special Landscape Area until the designation was abolished by WCC. It is highly valued by local people and visitors, who walk the footpaths which cross it and the longer Centenary Way. In a wider context it is valued as 'The Forest of Arden.'

CPRE believes that there are strong planning grounds on which to reject this application. If Ancient Arden is to remain an iconic element of England's cultural and natural heritage, it is important that this landscape is conserved and any new development restores rather than harms its character.

We respectfully urge the Council to refuse this application.

Judy Vero
CPRE Warwickshire
41A Smith Street
Warwick CV34 4JA
Tel: 01926 494597
office@cprewarwickshire.org.uk

02/04/2012

Brown, Jeff

From: Richard Hancocks [castlegreenbungalows-rjh@yahoo.co.uk]
Sent: 31 March 2012 13:24
To: Brown, Jeff
Cc: Secretary@atherstonecivicsociety.co.uk
Subject: Re: Laxes Farm- Applicants Supporting Info of 29th March 2012 - Response
Attachments: LAXES FARM 3.jpg

I here object, as a resident of Monwode Lea, Over Whitacre for 36 years, to Planning Application No PAP/2011/0565 and comment on the Agent's further submission on behalf of his Clients, which is dated 29th March 2012

To summarise the Agent's further submissions on behalf of his Clients.

1) Apparently, the transportation of massive amounts of construction waste materials along the same rural roads for importation into and tipping at the application site for a minimum period of eighteen months, is now needed to solve the minor problem of two damp spots in a field.

Comment. This agricultural production land has a natural slope towards an existing boundary ditch. If there are damp spots? then they could easily be drained by the installation of 100mm diameter land drainage pipe laid in conventional 'herringbone' fashion to outfall into the existing boundary ditch. This work would take a professional agricultural land drainage contractor about one day to install. There is no sensible or reasonable need for the importation and tipping of massive amounts of construction waste materials at the site, to be able to create a fish pool.

AN ALTERNATIVE DESIGN NOT REQUIRING THE IMPORTATION OR EXPORTATION OF ANY MATERIAL FROM THE SITE AND POSITIONING THE POND IN THE CLAIMED DAMP SPOT AREA, IS ATTACHED TO THIS E-MAIL

2) The access road is needed to allow vehicles to safely access the pool to move fish of site. Figure 3 shows a picture of a Typical Fish Tank Trailer of about 1 tonne capacity that is used for moving fish off site

Comment. The proposed access road is more akin to the Atherstone Bypass and I doubt the access road to Grimsby Fishing Port is larger.

Farm vehicles, trailers and equipment regularly transit farmland in due process of farming and working the land. The suggestion that a new road is needed so that a 1 tonne trailer and towing vehicle can move a few fish to and from the pond, probably no more than once a year, is farcical

3) The applicant still fails to provide a business plan or other information on which the economic viability of the proposed fish pool enterprise can be assessed.

Comment. It is considered beyond any reasonable doubt the main motivation behind these type of applications is financial profit from the abusive activity of the importation and dumping of construction waste materials in the countryside

4) The Agent representing the Applicants says that if the Council chose to refuse the application he is confident that any Appeal is likely to be upheld.

Comment. A Public Inquiry into the continuous approval of abusive importation and tipping activities on farmland in the same locality is needed.

The Local Planning Authority has a duty of care and due consideration to avoid the adverse environmental, social and economic impacts caused by the cumulative effect of the importation and tipping of massive amounts of construction waste materials on agricultural production land in the same locality. **THUS FAR, OVER THE PERIOD OF THE LAST EIGHT YEARS THE LPA HAS FAILED TO DO THAT.** The LPA has had sufficient time to evaluate the wealth of information available relating to the harm and detriment being caused by the cumulative effect of continuous abusive tipping activities in the same locality.

The Local Planning Authority may decide in reaching a decision to give different weight to social, environmental, resource or economic considerations.

02/04/2012

Where this is the case, the reasons for doing so must be explicit and the consequences of adverse environmental, social and economic impacts should be avoided, or compensated for.

Should the LPA be minded to approve this application in its existing form, or approve any other application involving the abusive activity of importing and tipping construction waste materials on farmland in the same locality, then it is wholly reasonable the Council shall be held liable and accountable for the harm and detriment so caused.

Richard Hancocks
castlegreen@btinternet.com

From: "Brown, Jeff" <JeffBrown@NorthWarks.gov.uk>
To: Richard Hancocks <castlegreenbungalows-rjh@yahoo.co.uk>; elizabeth chandler <owpc@hotmail.co.uk>; Judy Vero <Secretary@atherstonecivicsociety.co.uk>
Sent: Friday, 30 March 2012, 16:35
Subject: FW: Laxes Farm

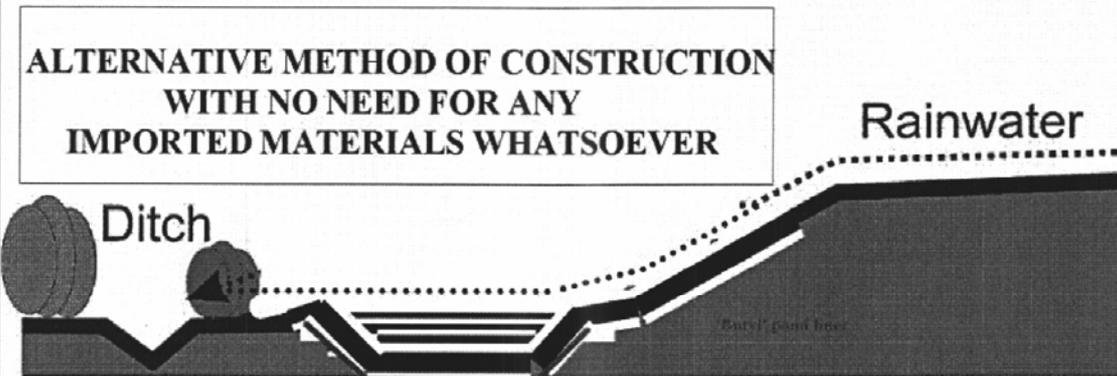
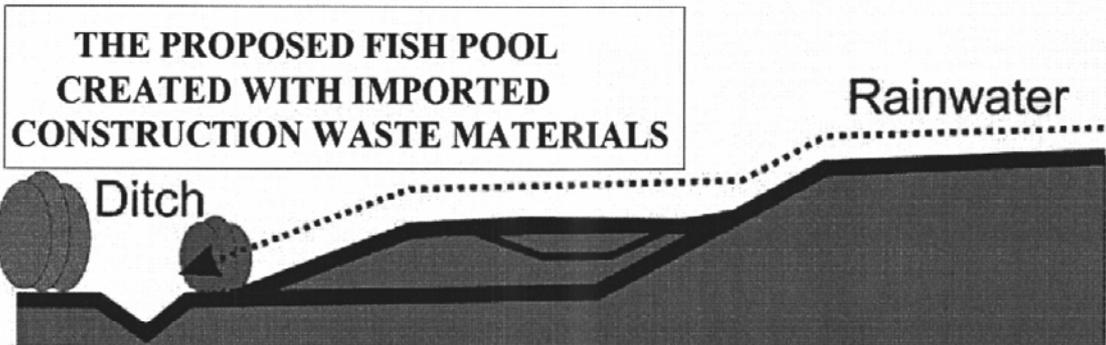
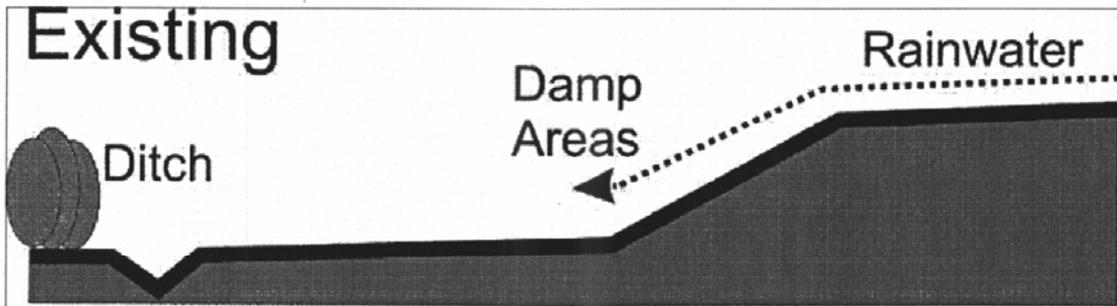
You will recall that the Planning Board deferred determination of the proposed pool at Laxes Farm, when it met on 19 March. The agent dealing with the application has taken instructions from Mr Clarke and the attached document has been received. In short, no alterations are proposed. This matter will now be referred back to the Board's next meeting on 16 April.

As the Easter period affects the deadlines for preparation of the Agenda for that meeting, the report has to be completed by noon on 3 April. Any written representations on the attached document received by then will be included in that written report otherwise they will be referred to verbally at the meeting.

I will confirm matters for speaking to the Board next week.

Jeff Brown

02/04/2012



**THE ALTERNATIVE METHOD OF CONSTRUCTION
WOULD ONLY USE THE EXISTING MINERALS ON SITE
THE POOL WOULD BE SEALED WITH A BUTYL POND LINER
NO IMPORTATION OR EXPORTATION OF MATERIALS INTO OR
OUT OF SITE WOULD BE NECESSARY, OR ANY NEW ROAD REQUIRED**

Supporting Information 3
Planning Application
New Fishing Pool, Laxes Farm, Over Whitacre

2nd April 2012



1. Response to Recent Comments

1.1 Introduction

We welcome the opportunity to respond to the comments made by Mr Hancock dated 31st March and CPRE dated 2nd April 2012 addressed to NWBC.

1.2 Rejection of Mr Hancock's suggestion that alternatives could work better

Land Drainage

Mr Hancock suggests that the drainage issue could be solved by the insertion of new land drains. However, this is not an application for a land drainage improvement scheme.

The application is for a fish stocking pool on Mr and Mrs Clarke's farm. This particular site has been selected because: it is not clearly visible to public roads, footpaths or any nearby residential property; and, the topography and opportunity for improved drainage; and allow for a 'win-win' solution.

Alternative Pool Location

Mr Hancock suggests an alternative pool location at the base of the slope. We have considered this option but have rejected it on a number of counts including: because water levels would be lower than ideal with respect to the adjacent ditch; and, the need for man-made land drainage solutions rather than a low tech natural gradient drainage solution.

The low level means that when the pool is drained for maintenance or netting, a pump would be required for a number of days to pump out the water. Such pumps are particularly irritating when run constantly for a number of days a rural location such as this and would be a significant nuisance to neighbours.

We also suggest that the idea of using approximately 5000m² of butyl liner as a substitute impervious layer is not a particularly sustainable option. The butyl liner

would require the use of natural resources and energy (quoted cost £90K to lay) rather than the use of recycled clay material from a local source.

Our proposals seek to optimise the best location and levels for the fish stocking pool. The proposal is a mix of 'cut' and 'fill', and not just the use of imported material, as suggested by some.

The typical detailed section in Figure 1 (overleaf) shows that pool has been excavated into the hillside. This section is more detailed than the simplified one shown in 'Supporting Information 2'. The excavated material and newly imported material is required to carefully grade into the surrounding topography and to support the new pools to ensure lateral stability and safety. The section was provided with the original planning application.

The total onsite excavated material for the project will be 12047m³. The final shaping of the topography and construction of the access track will require 32405m³ in total. This means that 20358m³ of imported material is required, including that for the lining the pool with an impervious clay layer. Therefore, over 37% of the required material for the project actually comes from the site itself.

1.3: Rejection of Mr Hancock's suggestion that no access track is required

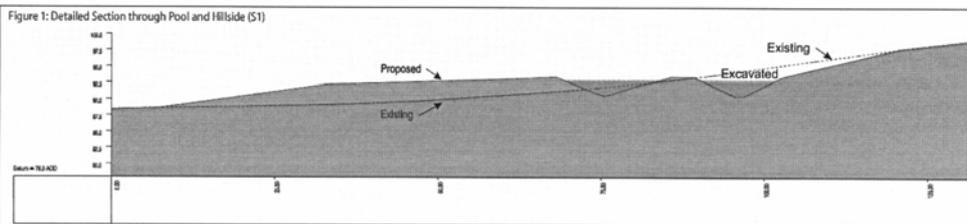
Mr Hancock suggests that an access track will not be required. We think that Mr Hancock has not considered the practicalities of safe fish transport on and off site. We are not quite sure how Mr Hancock would intend to transport a trailer with a heavy fish tank full of water over a field with a crop on it or in a ploughed state without a proper access track.

We would suggest problems would include:

- a) High fish mortality rates after being thrown around in the fish tank when going over uneven ground, with the remainder likely to have severe trauma and damage to their scales and fins; and,

b) High likelihood of severely damaged trailer.

The idea of the fish stocking pool is to receive and grow on healthy fish, and to be able to move them on elsewhere at a later date in a healthy state. A simple 3m wide typical farm access track as proposed is essential to the operation of the fish stocking pool. We are not sure how Mr Hancock concluded that the proposed track would be of the scale of Atherstone bypass.



1.5 CPRE: Comments in Email dated 2nd April 2012

The CPRE comments highlight that this farm lies in an area where the Warwickshire Landscape Guidelines (1993) suggested that there was no need for enhancement. They then note in their comments that there has been a considerable loss of features in the area. We suggest that the need for enhancement has, therefore, now changed and the provision of some beneficial features via this project will make up for some of these lost elements.

Our assessment of this North Warwickshire area of the Arden landscape type indicates that there will be no significant adverse impact on the landscape. This assessment is concurred with in the officer's report to the Board meeting on the 19th March 2012.

We are not quite sure how the CPRE came to the conclusion that the recycling of suitable inert materials is a non-sustainable activity in a case like this. The inert material proposed to be imported would very often have just gone to landfill. If it is used on this site it will replace the need for using 'natural resources', i.e. subsoil. Replacing the need to use natural resources by the use of recycled materials is seen in most quarters to be a sustainable choice.

We accept the CPRE statement that this is not a small corner pond and it is farm diversification project.

It is our contention that this application accords adequately with planning policies and, therefore, respectfully should be approved.

Brown, Jeff

From: Judy Vero [judy@grendonlodge.co.uk]
Sent: 16 April 2012 06:49
To: Brown, Jeff
Cc: Barber, Karen; Butcher, Dave; Dirveiks, Lorna; Holland, Allan; Humphreys, David; Lea, Joan; Moss, Brian; Phillips, Hayden; Sherratt, Gordon; Simpson, Mark; Stanley, Alison; Sweet, Ray; Turley, Nigel; Winter, John; Wykes, Tim; Winterbottom, Denis; Myles Thornton
Subject: Laxes Farm, Over Whitacre B46 2NL - Urgent for tonight's meeting of Planning Board
Attachments: 016 Hoar Park 3.JPG

Dear Mr Brown,

Planning Application Reference: PAP/2011/0565 - Laxes Farm, Nuneaton Road, Over Whitacre B46 2NL: construction of fishing pool and associated earthworks and new access track. Change of use of land from agriculture to stock fishing pool with occasional private fishing

Over the weekend I walked the footpaths around this site with a local farmer and I was shocked at what I saw.

At Hoar Park Farm, planning permission was granted for a fishing pool in 2005. Though the development was completed some years ago, the tipping continues (see attached image).

Next door at Lea Lane Farm (granted permission for a fishing pool in 2009) the development appears not to have begun though a large pile of earth lies to the south of the buildings. The proposed pool at Laxes Farm will be just yards away on the opposite site of the lane.

These three farms lie on the south side of the Pank Brook. Running parallel with the brook on the north side is the Centenary Way, a long-distance footpath which gives a good view of the Ancient Arden landscape. This is well used by local people and visitors. But what a sorry sight it presents to passers-by. Not only is the view marred by several piles of building material (similar to those shown in the attached image) but at Hoar Park it is further damaged by untidy development connected with the activities there.

In the new National Planning Policy Framework, we now have an opportunity to halt these damaging developments. Not only does the NPPF protect the Green Belt, but it recognises, 'the intrinsic character and beauty of the countryside' (p.5). It supports sustainable rural tourism and leisure developments with the proviso that they 'respect the character of the countryside' (p.9). But most of all, the planning system should protect and enhance 'valued landscapes'(p.25).

Ancient Arden is an iconic landscape, known universally for its association with Shakespeare. It is highly valued by local people and visitors and so is clearly protected under the planning system.

Before you make your decision on this application we would respectfully ask you to carry out a site visit; to walk along the Centenary Way or the footpaths which adjoin it in order to view the sad degradation of this important and much-loved landscape. If North Warwickshire is to have a visitor economy and to provide quiet recreation for the conurbation it is essential that its beautiful countryside is saved from further damage.

Judy Vero

16/04/2012

Campaign to Protect Rural England - Warwickshire
41A Smith Street
Warwick CV34 4JA
Tel: 01926 494597
office@cprewarwickshire.org.uk

16/04/2012



Application No: PAP/2011/0565

Laxes Farm, Nuneaton Road, Over Whitacre, B46 2NL

Due to the time limitation for Public speaking, I ask that this response be reported in full to Members of the PDB at the 16th April 2012 Meeting

(1) Statement by Planning Officer in Report to PDB 16 April 2012

'Additionally, problems that may have occurred on other sites should not be assumed will occur with this proposal. This is a separate application with a different applicant and with different land ownership. Members should be very wary of transposing problems that are said to have occurred at other sites to this application as a reason for refusal'

Response

It is not unusual for applications, involving the importation and tipping of construction waste materials on good quality farm land, to be submitted in different Applicant names. Indeed such practise is on the increase. However, usually the same 'Undertaker' sets about those activities when they are subsequently approved.

(2) Statement by Planning Officer in Report to PDB 16 April 2012

'For completeness, Members can be assured that as a matter of fact, officers have investigated alleged breaches at these other sites and have found no case to take further action'

Response

It may well be the case, that following upon the many complaints to the Development Control Department about breaches of conditions at other sites in the locality where importation and tipping activities were undertaken on good quality farm land, no further action was taken by Officers. However, for the purpose of record and actual fact, and so that Elected Members shall not be misled, it should not be suggested or implied that those complaints were unjustified. It may be likely that the complaints were not fully and properly investigated. Would the Planning Officer inform the Elected Members how many times (including the dates) the Council's Enforcement Officers actually fully investigated the complaints and fully inspected the other sites?

Continued

(3) Statement by Planning Officer in Report to PDB 16 April 2012

'The Board is strongly encouraged not to determine the application on the basis that the proposal is only a means of depositing waste. Whilst that perception might be understood, it should not form the basis of a determination. In order to assist Members it is recommended that an informative is included, should a planning permission be granted, as advised by the Environment Agency, informing the applicant of the need to abide by the Environment Agency's Permit system and to warn of inappropriate "waste" material'

Response

Members should be made aware that apparently the types and amounts of construction waste material imported and tipped at such sites is 'self-certified' by the 'Undertaker' of the works or their Agent and not by the EA, the LPA or any other Independent Authority. Over the seven year period construction waste materials were imported and tipped on good quality farmland at Hoar Park Farm, it is understood from information provided by the Environment Agency, the E.A. only inspected the site twice during that period.

(4) Statement by Planning Officer in Report to PDB 16 April 2012

'Members will be aware that all determinations rest on a balance or assessment of Development Plan policy and other material planning considerations. However they have to be assessed against Development Plan policy and the NPPF. Therein there is general support for this type of development – it is appropriate in the Green Belt'

'The proposal is not inappropriate development in the Green Belt. Members will know that engineering operations that do not affect the openness of the Green Belt are not inappropriate developments. This proposal meets these objectives. Development Plan policy and NPPF policy supports agricultural diversification and other land-based rural businesses'

Continued

Response

The Planning Officer's assessment of Planning Policy and his continual recommendations to approve this kind of abusive development activity gives rise to considerable concern. Within the 'National Planning Policy Framework' Published March 2012 'Achieving sustainable development' it is said; **"The purpose of the planning system is to contribute to the achievement of sustainable development, recognise that good quality farm land (grade 3 and above) is important for food production, that proposals for farm diversification schemes should be viable and sustainable, and to recognise that the natural landscape is intrinsic to the character and beauty of the countryside and the lives and livelihoods of the rural communities within it"**

(i) The planning proposal at the Laxes Farm site involves the importation and tipping of massive amounts of construction waste material on good quality 'grade 3' agricultural production land. A depression formed in the top of the mound of imported waste material is proposed as a fish pond.

(ii) No information has been provided with which the economic viability and sustainability of the proposed farm diversification enterprise (fish pond) can be assessed.

(iii) The cumulative impact of the continual abusive practice of importing and dumping massive amounts of construction waste material on good quality agricultural land in the same locality is detrimental and damaging to the character and beauty of the countryside and the lives and livelihoods of the communities within it

(5) Statement by Planning Officer in Report to PDB 16 April 2012

'Indeed equivalent proposals have been permitted in the neighbourhood and elsewhere in the Borough'

Response

The fact that bad planning decisions have been made in the past in relation to such like abusive tipping activities on good quality farm land, often by Planning Officers themselves under powers apparently delegated to them, bad decisions should not be cited as a precedent for making further bad decisions. Continued

(6) Statement by Planning Officer in Report to PDB 16 April 2012

References to the Localism Act are misunderstood. Planning applications are determined under the terms of the Planning Act 1990 as amended. That means that determinations are to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. An objection from a neighbour or a local resident does not mean automatic refusal of any application – it just one material planning consideration. This has always been the case and the Localism Act does not alter that position.

Response

Previous such like major planning applications involving the abusive practise of importing and tipping massive amounts of construction waste on good quality farm land in the locality, have been allowed to be approved by a Planning Officer themselves under delegated powers.

The determination of major developments that have a detrimental and damaging impact on the quality of existing visual and residential amenities and the lives and livelihoods of residents in the locality, without recourse to due democratic process, is wrong and wholly unacceptable.

For clarification the following Government statement refers;

***'It is known there are some significant flaws in the planning system
A main measure of the 'Localism Act' is to reform the planning system to make it more democratic and ensure significantly more influence is placed in the hands of local people on issues affecting their lives and livelihoods.
Planning does not give members of the public enough influence over decisions that make a big difference to their lives. Too often, power is exercised by people whose lives and livelihoods are not directly affected by the decisions they take. This often means, understandably, that people often resent what they see as decisions and plans being foisted on them'***

Continued

Response to Other Matters

Method of Construction & Flooding Risk

A depression on the top of a mound of imported construction waste material is proposed to be used as a fish pool. This is inherently unstable methodology, likely to collapse and cause flooding.

Hydrological, Environmental, Social and Economic Impact

Previously approved development for two fish pools situate at Lea Lane Farm, Monwode Lea Lane, Over Whitacre (Ref PAP/2009/0031) is presently in progress of construction. That previously approved development and the similiar proposed development at Laxes Farm are less than 200 metres distance from each other. No account whatsoever has been taken of the cumulative hydrological, environmental, social and economic impacts likely to be caused by the joint effect of both developments in close proximity to each other in this locality

Summary.

The development proposed at Laxes Farm involves the importation and tipping of massive amounts of construction waste material on good quality 'grade 3' agricultural production land. A depression formed in the top of the mound of imported waste material is proposed as a fish pond.

Conclusion

Permission for this type of abusive and detrimental activity should be refused

Reasons

The proposed development is contrary to planning guidelines set out in the 'National Planning Policy Framework'

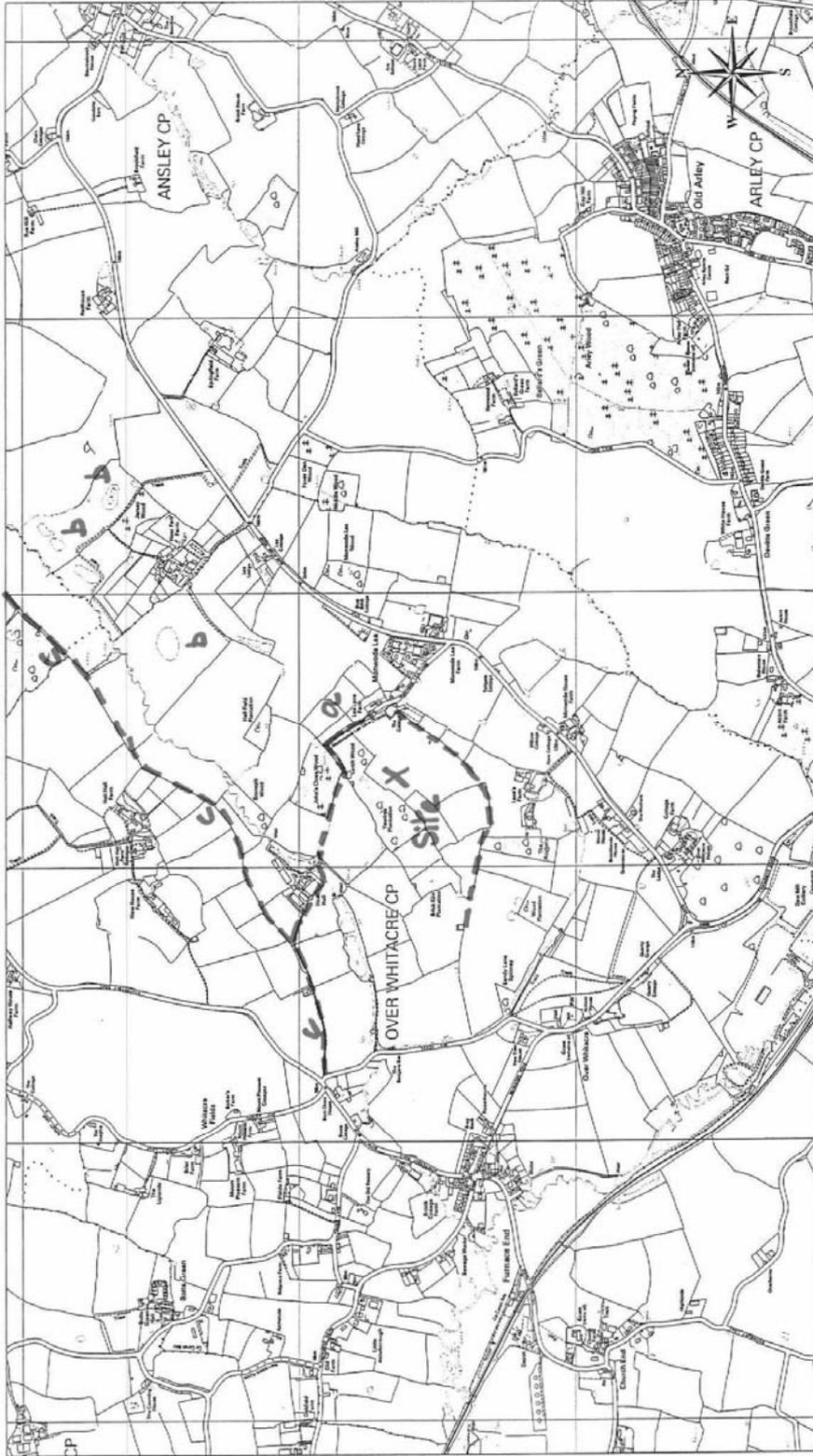
- (i) Good quality farm land is important for food production and other than in exceptional cases and for explicit and convincing reasons, should be conserved. In this location the development proposed is considered to be an inappropriate use of a natural resources and no exceptional circumstances or convincing reasons have been put forward to override the NPPF*

Continued

- (ii) Proposals for farm diversification schemes should be viable and sustainable, supporting evidence should be provided in that regard prior to determination, from an independent source*
- (iii) In recognition that the natural landscape is intrinsic to the character and beauty of the countryside and the lives and livelihoods of the rural communities within it*

Richard Hancocks

Resident of Monwode Lea, Over Whitacre for 36 years



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- site X Monwode Lea Lane pool
- a How Park Farm pools
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(2) Application No: PAP/2012/0003

Timber Tops, Mill Lane, Fillongley, CV7 8EE

Demolition of existing dwelling and erection of replacement dwelling, for

Mr Craig Gardner

Introduction

The application is reported to Board because it is accompanied by a S106 Legal Agreement.

The Site

The property is one of a few isolated properties, lying along Mill Lane and adjacent to the redevelopment of the former Skelton's Haulage yard (now known as Willow Lane).

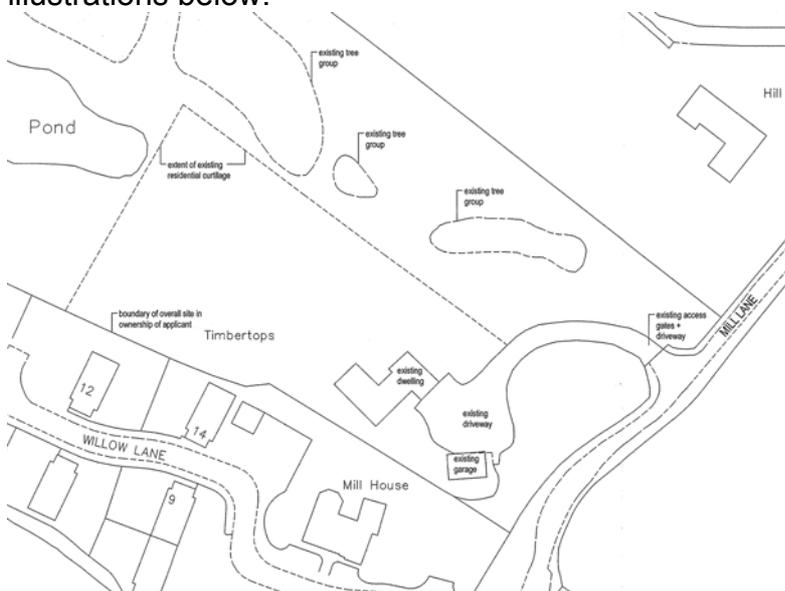
Background

Planning permission exists for the extension of the existing split level bungalow with a large two storey extension. Planning permission also exists to demolish the bungalow and replace it with a large two storey dwelling with a basement.

In recent years land to the rear of the curtilage of the bungalow has been landscaped and a pond has been formed. The last planning permission was accompanied by a S106 Agreement defining the current and future use of this land and defining the extent of the lawful residential curtilage.

The Proposal

The proposal seeks the demolition of the existing dwelling and the erection of a replacement dwelling. The proposal would seek to erect that new dwelling at a position deeper into the plot (further away from Mill Lane). The relative positions of the existing bungalow, the approved replacement and the proposed dwelling are shown in the illustrations below.



Existing Site Layout



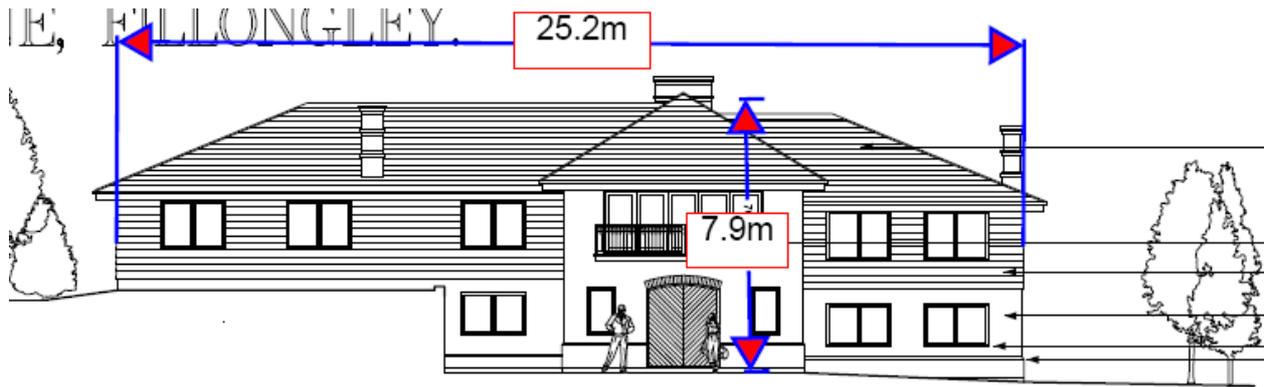
Approved Site Layout



Proposed Site Layout

The illustrations show that the new detached dwelling would be located approximately 80m back from Mill Lane (compared to the existing bungalow/approved replacement dwelling which is approximately 40m back from Mill Lane). The proposed new position of the dwelling would remain within the residential curtilage of the original dwelling.

For comparative purposes, the approved replacement dwelling and the proposed new dwelling are shown below. Both the approved replacement dwelling and the proposed new one are large properties. The proposed new dwelling would measure 29m in its front elevation, 8.1m high for the majority of its length, but with side wings increasing to a ridge height of 8.6m. The property would be 12.5m deep for the majority of its length.



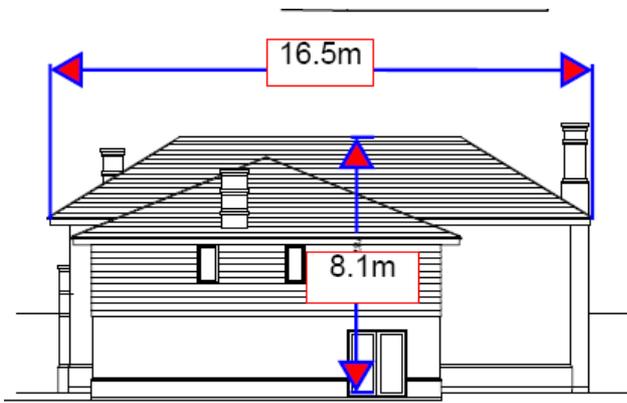
Approved Front Elevation



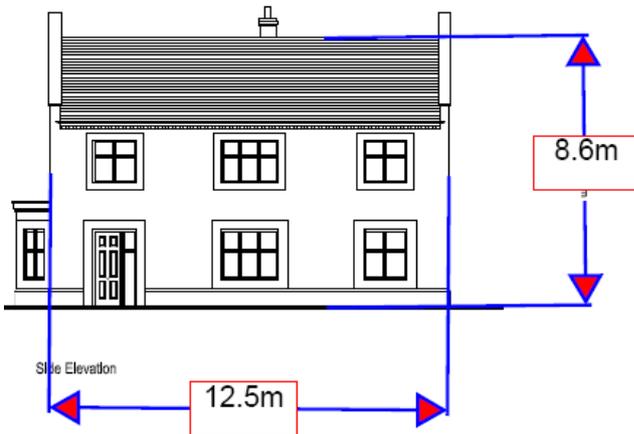
Proposed Front Elevation (showing comparative height to properties on Mill Lane)



Proposed Front Elevation (in context of ground levels and showing sunken garage)



Approved end elevation



Proposed Side Elevation



Approved Rear Elevation



Proposed rear elevation

The applicant's Design and Access Statement argues that the design responds better to the application site than either of the approved schemes, and that the approvals, which are a modern interpretation of the 1970's design, are inappropriate in this rural setting.

He argues that he has studied the wider locality and identified that the traditional pattern of development includes country houses and estates with associated farmsteads. His design concept is to treat the property as a large farmhouse of traditional design and proportioning. The house would be built in traditional materials - brick and windows with stone surrounds and a stone entrance porch. A dog tooth eaves detail with symmetrical chimneys and symmetrical gables with feature bay windows are proposed. The Design and Access Statement indicates that the design will incorporate ground source heat pumps, heat exchangers, solar panels and have high levels of thermal insulation to minimise the carbon footprint of the design.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006 - Core Policy 2 (Development Distribution), Core Policy 11 (Quality of Development), ENV2 (Green Belt), HSG3 (Housing Outside Development Boundaries), ENV11 (Neighbour Amenities) and ENV13 (Building Design)

Other Relevant Material Considerations

The National Planning Policy Framework

Paragraph 55: To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
 - be truly outstanding or innovative, helping to raise standards of design
 - more generally in rural areas;
 - reflect the highest standards in architecture;
 - significantly enhance its immediate setting; and
 - be sensitive to the defining characteristics of the local area.

Paragraph 58: Planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 60: Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 89: A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

Supplementary Planning Guidance – A Guide for the Design of Householder Developments

This Guide does not expressly relate to replacement dwellings but the approach to the extension of properties in rural areas is relevant. It indicates the following will be taken into account:

- The size of the original house, not what is there now. The original house in planning terms is that which existed on 1 July 1948, or if more recent, as originally built under a planning permission. It does not include any detached garages or outbuildings and no subsequent extensions.
- As a general rule, the volume of the extension, together with all existing extensions should not exceed 30% of the volume of the original house.
- All extensions should be subordinate to the original house. Extensions therefore should be of a design that wholly reflects that of the existing, without introducing elements that make it appear as a new dwelling.
- The Setting. If a residential property is sited within a group of other houses or buildings, then a larger extension may be permitted if the openness of the area is not adversely affected.

Local Finance Considerations: New Homes Bonus (NHB), Community Infrastructure Levy (CIL) - This is not applicable here as the replacement of one existing dwelling with another involves no net increase in the number of dwellings.

Representations

Fillongley Parish Council - No objections.

A letter of support has been received from a local resident, indicating that the proposed property is of a type and style very much in keeping with the area and will include the removal of the existing 1970's style property which is totally different to any of the surrounding buildings.

Two letters of objection have been received indicating the following:

They essentially see why the owners may wish to demolish the dwelling and site and erect a new dwelling, however, they have some reservations about the impact, design and size of the dwelling being proposed which does not seem to reflect sympathetic experience of designing a rural rebuild in a greenbelt area such as Mill Lane.

The objector takes issue with some of the factual content of the design and access statement, identifying that their property is referred to as being built in the 1960-1970's, when the original part of the house is in fact over 200 years old, and although there are some extensions from the 1970's. "The detail is referred to as misleading, as the report appears to imply that it looks out of character in the area and is not traditional. This roof is part of the original 200 year old cottage and is therefore both the oldest dwelling in the immediate location of the proposed site, and typically characteristic of the area.

The report also refers to the houses on Willow Lane being set in courtyards, which is rather creative in our opinion - it appears to try and justify a courtyard style being incorporated into the proposed new dwelling which we feel resembles a manor house or mansion rather than a farmhouse, despite the application statement referring to the design as being that of a traditional farmhouse.

In summary we feel that as the application stands in its current form, the design, external appearance, size, and proportions of the building look inappropriate to the locality. It is considerably larger than other buildings in the area, and it has a very different architectural style which will stand out in this open countryside location, dominating what is a quiet rural lane with open fields and public footpaths. The design and appearance of the proposed dwelling looks overbearing, and would reduce the open nature of this location. The proposed dwelling looks substantially larger than the previous application, and seeks to spread the form of the development even though we can entirely understand the wish to relocate the dwelling in many respects.

We would also have concern about the planting of further trees/screening shown on site plans to the North of our property as we already have a completely obscured view from our garden to the North of our property due to extensive leylandii trees planted on the existing dwelling site. We would welcome the removal of these if the site is ultimately demolished.

Another secondary concern is about the potential impact of extensive lighting and security lighting which may accompany such a significant development, and which in such a rural area/green belt area is likely to cause significant light pollution. We would welcome some reassurance about limitation to external lighting to be used within the development to be included in the design statement.”

The objector believes that the development would not be appropriate in the Green Belt and points out the new dwellings should not be materially larger than the dwellings they replace. In the case of this application the replacement dwelling is much larger than the existing building. As a consequence they believe that the development will not maintain the openness of the Green Belt.

The objector asks that the design, character, and overall size are reconsidered and that the applicant considers whether this is the right location for the type of dwelling they are proposing.

“The building would dominate the countryside and not integrate into its surroundings. The building looks more like a Manor House than a farmhouse. It is not in keeping with adjacent barn style properties at Willow Lane”.

Observations

The site lies in the Green Belt and outside of any defined development boundary. The property is one of a few isolated properties, lying along Mill Lane and adjacent to the redevelopment of the former Skelton’s Haulage yard.

Planning policy in the National Planning Policy Framework indicates that providing that it does not result in a building which is in the same use and not materially larger than the one it replaces, the replacement of a building is not inappropriate development. Policy HSG3 of the North Warwickshire Local Plan 2006 (Saved Policies) indicates that the rebuilding of existing dwellings outside development boundaries will not be permitted if the proposed dwelling would be materially larger than the dwelling that it replaces. Enlargement would be limited to 30% of the volume of the dwelling as originally permitted.

In this instance the approved extensions to the existing dwelling have permitted its enlargement by approximately 48% and the approved replacement dwelling gave consent for a replacement building which was approximately 39% larger than the original dwelling. The proposed dwelling would have a marginally greater volume than the approved replacement. The applicant argues that this is an acceptable increase in size because it is not materially larger and because it achieves a design which is more in keeping with the countryside setting.

There is no objection in principle to resiting the position of the dwelling within the existing residential curtilage providing that the new position does not impact adversely on the openness of the area or its rural character.

Though the proposed dwelling would undoubtedly be a large dwelling, so too would the approved replacement dwelling and this is a material consideration. Though the proposed new dwelling would have a slightly larger front elevation, and would not be sunk into the hillside in to the same extent as the approved replacement dwelling, it would be slightly narrower in depth, giving a dwelling of comparable volume, if a little larger. Furthermore, the setting of the dwelling further back into the site will enable the dwelling to be set behind a slight rise in the ground level and to the rear of some existing trees that would be retained. (see photo below). On balance it is considered that (with appropriate landscaping) the revised location and size of the dwelling would not have a materially greater visual impact.



15 Existing gated access to site off Mill Lane which will be retained

Though the effect of moving the dwelling back into the site is that it would require a larger extent of access drive, the dwelling is grouped adjacent to the properties erected as a result of the redevelopment of the former Skelton's Haulage Yard (Willow Lane). The new dwelling would have a ridge line which is lower than the adjacent Mill Lane property (illustrated above).

The design of the proposed dwelling is an improvement on the design of the approved extended building and approved replacement building and will incorporate renewable technologies which were not previously proposed. The building would take a more traditional form and would be more in keeping with its rural setting than either of the approved schemes.

It is not considered that the replacement dwelling would have a materially greater impact on the openness of the area. In all of the above circumstances an exception to the normal 30% limit is justified.

The property is at an elevated ground level and significant frontage landscaping would be appropriate to assist in the screening/softening of the impact of the new dwelling. This is shown on the submitted plans and can be addressed by condition.

Policy HSG3 advises that in the case of granting permissions for replacement dwellings a condition may be imposed withdrawing permitted development rights for subsequent further extension or enlargement of the replacement dwelling. This is appropriate in this instance. The replacement dwelling is large and exceeds the 30% guideline on the size above the original dwelling house. To extend this property further would be likely to result in disproportionate development compared to the original property and impact on the openness of the Green Belt. The withdrawal of permitted development rights here would protect Green Belt principles.

The proposal is to address the disposal of foul waters through the installation of a package treatment plant and to deal with surface waters through the use of a sustainable drainage system.

Given that, in the event that permission is granted for the current proposal, the previous permission would not be implemented, it is necessary to revisit the S106 Agreement that addressed the voluntary remedy of the unauthorised use of land. The applicant proposes that this application be accompanied by a Deed of Modification to the S106 Agreement which reflects the new permission.

Recommendation

That subject to the signing of a Deed of Modification for the Section 106 Agreement, as set out above, planning permission is **Granted** subject to the following conditions:

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered 1195/01/Rev A, 1195/02/RevA, 20282A-1 and 20282A-2 received by the Local Planning Authority on 3 January 2012 and the plans numbered 1195/100/RevB, 1195/102/RevA and 1195/103/RevA received by the Local Planning Authority on 9 May 2012 and the plan numbered 1195/101/RevA received by the Local Planning Authority on 10 May 2012.

REASON

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

3. No development whatsoever within Classes A, B, C, D 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 without details first having been submitted to and approved by the Local Planning Authority, in writing.

REASON

In the interests of the amenities of the area.

4. No development shall be commenced before details of the facing bricks, roofing tiles, window frames, doors, stone and external surface materials to be used have been submitted to and approved by the Local Planning Authority in writing. The approved materials shall then be used.

REASON

In the interests of the amenities of the area.

5. Prior to the commencement of development details of the proposals for the disposal or redistribution of the materials created as a result of the lowering of ground levels shall be submitted to and approved by the Local Planning Authority in writing. The approved details shall thereafter be implemented in full.

REASON

In the interests of the amenity of the area.

6. Before the commencement of the development, a landscaping scheme shall be submitted to the Local Planning Authority for approval in writing.

REASON

In the interests of the amenities of the area.

7. The scheme referred to in Condition No 6 shall be implemented within six calendar months of the date of occupation of the dwelling hereby approved for domestic purposes, unless otherwise agreed in writing by the Local Planning Authority. In the event of any tree or plant failing to become established within five years thereafter, each individual tree or plant shall be replaced within the next available planting season, to the satisfaction of the Local Planning Authority.

REASON

In the interests of the amenities of the area.

8. Within one month of first occupation of approved dwelling the existing dwelling shall be demolished in full. All resultant materials shall be removed from the site and the land restored to a landscaped finish within three months of the commencement of demolition works.

REASON

In the interests of maintaining the openness of the Green Belt, the rural character and the visual amenity of the area.

9. No development or site works whatsoever shall commence on site until details of measures for the protection of all existing tree to be retained have been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the area.

10. Prior to the commencement of development a scheme for the exterior lighting of the property shall be submitted to and approved by the Local Planning Authority in writing.

REASON

In the interests of the amenities of the area and to prevent light pollution in a countryside location.

11. Prior to the commencement of development full details of the proposed ground source heat pumps, heat exchangers, solar panels, foul water package treatment plant and sustainable surface water drainage system shall be submitted to and approved by the Local Planning Authority in writing.

REASON

In the interests of the amenity of the area, to secure a sustainable form of development and to protect the quality of the water environment hereabouts.

INFORMATIVES

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 Warwickshire County Museum advises that there may be bats present at existing residential property. Given that demolition is proposed bats may be disturbed by the approved works. You are advised that bats are deemed to be European Protected species. Should bats be found during the carrying out of the approved works, you should stop work immediately and seek further advice from the Ecology Section of Museum Field Services, The Butts, Warwick, CV34 4SS (Contact Anna Swift on 01926 418060).

4 The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): CP2, CP11, ENV2, HSG3, ENV11 and ENV13.

REASONED JUSTIFICATION

The replacement of existing buildings is not inappropriate development in the Green Belt providing that it does not result in a building which is not materially larger than the original. In this instance the proposed dwelling is not materially larger than the original dwelling plus the approved extensions that are the subject of an extant planning permission or a planning permission for a replacement dwelling. Whilst the scale and appearance of the replacement dwelling is significantly different from the existing split level bungalow, it is comparable to the approved extended property and approved replacement dwelling. The design is an improvement and will be more in keeping with the rural vernacular. The revised siting will remain within the existing residential curtilage, will be grouped adjacent to existing dwellings at Willow Lane, and, given the retention of existing trees and the proposed profile of the ground, will not be unduly more prominent than the approved dwelling. Subject to the withdrawal of permitted development rights to limit future extension or closely associated outbuildings, the development will have no materially greater impact on the openness of the Green Belt than the approved extension would have. The proposal accords with ENV2, HSG3, ENV11 and ENV13 of the North Warwickshire Local Plan 2006 (Saved Policies) together with the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2012/0003

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	3 1 12 30 4 12 9 5 12
2	Fillongley Parish Council	Representation	20 1 12
3	T Fielding	Representation	25 1 12 4 5 12
4	Mr & Mrs A Smith	Representation	31 1 12
5	D & J Craig	Representation	1 2 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.

(3) Application No PAP/2012/0094

3 The Green, Austrey

First floor bedroom and en-suite extension for

Mr J Walsh

Introduction

The application is reported to the Board for reasons of consistency, given that the previous application was itself determined by the Board.

The Site

Number 3 The Green, is one half of a pair of semi-detached dwellings, which may have originally formed three farm workers cottages. The other attached dwelling is known as "Rothay". The site is in close proximity to St Nicholas's Church and is accessed from Main Road, Austrey by a short cul-de-sac known as The Green. This leads onto an unadopted lane which runs alongside both numbers 3 The Green and Rothay and by the side of the Church and around the side to the Public House further to the south. Rothay is accessed from this lane. There are three other residential properties that face The Green and immediately to the east of the application site are two modern detached houses, numbers 1 and 2 The Green. The general layout and setting is illustrated at Appendix A and B

The front elevation of number 3 The Green faces north and the application site benefits from a conservatory to the west elevation and there are extensions to the east which almost abut the boundary with number 2. These are made up of two parts – a single storey extension in front and a two storey extension at the rear of the front extension. The proposal is to extend above the single storey flat roof extension.

The rear extension extends practically right up to the boundary with number 2. The side elevation facing number 2 is a split gable arrangement. There are two kitchen windows in this elevation – both at ground level. The extension is only half of the depth of the original house, and this provides the space for a forward single storey dining room extension. This has a "mansard" pitched roof around its two sides to hide its flat roof. It has a window in its side elevation. A 1.8 metre high metre timber fence marks the ownership boundary with number 2 and this runs between the two properties.

The side elevation to number 2 The Green is about 1 metre from this fence. This neighbouring house has been extended and benefits from a single storey rear extension extending back by approximately 3 metres from the original rear elevation. This has a low pitch tiled roof. The extension provides a number of rooms. At the eastern end – that closest to the application site – there is lounge extension. There is a small high level obscurely glazed window in the side elevation facing west. There is also another much larger window in the rear elevation serving this lounge extension, this rear window faces south.

There is a series of photographs at Appendix C show the two existing extensions at Number 3, and the situation at number 2, where there is also a super imposed photo provided from the perspective of No. 2.

The Proposal

The proposal is to add a first floor extension above the single storey front dining room extension described above. The revised arrangement to the extension, compared to that of the previous refusal, means it would be reduced by 0.8 of a metre and thus set in by this amount from the existing side elevation of the single storey extension. This reduction is the same at 0.8 of a metre to the front elevation of the single storey side extension and this set back realises a reduction to the ridge of the roof by 0.8 of a metre, this design leads to the provision of a valley roof. The reduction to the extension provides an improved design that forms more of a subservient extension, whilst removing the flat roof element of the single storey extension but retaining the tiled roof effect at single storey height.

The existing two storey rear extension which would not be altered albeit that a rear facing window would be enlarged from 0.6 metres in width to 0.8 metres. This window is not proposed to be obscurely glazed. This would face towards Rothay.

The extension includes one first floor side window to the west elevation of the application dwelling, which would serve as a second window to bedroom 2. This is because an existing window to bedroom 2 would be lost if the new extension is constructed. This window is not proposed to be obscurely glazed. The photographs of the elevations to Rothay are at Appendix D.

There would be no additional side facing windows to the east elevation of the dwelling and therefore no overlooking to Nos. 1 and 2 The Green.

Appendix E illustrates in general terms the proposals as described and is a copy of the actual plan.

Background

A recent application ref: PAP/2011/0256 was refused at this site, the previous scheme was for a substantial first floor extension which was bulky in appearance. The reasoning for refusal was as follows:

' It is considered that the extension will have an overbearing impact on the residential amenity that the occupiers of the adjoining property could reasonably be expected to enjoy, this is because of the size and mass of the proposed works; the cumulative impact when the existing extension at the premises is taken into account and the proximity of the proposed works and the existing extension to the neighbouring property's rear rooms and rear garden, the extension results in a dominant development that reduces openness and increases the sense of enclosure at the rear of number 2; impacts on the degree of natural light entering rear rooms at number 2 and increases the likelihood of overshadowing of that property's rear garden. The proposal therefore does not accord with saved Policy ENV11'.

Hence the new application seeks to address the reason for refusal – a copy of the refused plan is at Appendix F.

The application site also benefits from two rooms within a previous loft conversion. However access to these is not via a useable staircase and it would be difficult to use the loft space as functional habitable rooms.

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

National Planning Policy Framework – Requiring Good Design

The Council's Supplementary Planning Guidance - "A Guide for the Design of Householder Development" adopted in September 2003.

Representations

Austrey Parish Council – No representation has been received from the Parish Council.

Objections and representations have been received from the neighbouring occupiers at Numbers 1 and 2 The Green, as well as from the occupiers of Rothay. The nature of the issues raised can be summarised as follows:

- **Inaccuracy of plans** – The plans and drawings do not give a full and accurate picture of the situation. The rear living room of No. 2 is not shown on the sun path analysis or the main block plan in relation to the proposed extension.
- The boundary plan was accurately shown on the previous application; this has been changed to an incorrect boundary position to the west of Rothay.
- **Privacy** – Objection to a bedroom window in the west wall of bedroom 2 which directly overlooks Rothay's garden, despite the window being blocked as a result of the proposed extension, there is not a need for an additional window in the west wall of bedroom 2.
- Bedroom 3 window, this is an enlargement of the original light, I have no objection to the window being increased but would prefer it to be obscure glazed. This window is on the party wall and overlooks the roof to my property and my small back yard, to the rear of my kitchen. It overlooks the private rear gardens of Nos. 116, 118 and 120 Main Road.
- **Design and appearance** – The current side elevation at No.3 and its immediate proximity to our property already creates an oppressive and overbearing aspect. This is alleviated to some extent by the fact that the front part is single storey only. Further increase to the size and capacity of No.3 is only likely to exacerbate these problems to the detriment of the local character and environment.
- The previous extension to No.3 very much took this into account with 2 storey development permitted only at the far end of their property.
- No.3 has already been subject to very substantial extension and development over the years with a consequent loss of its rural charm and character. It was originally part of terraced farm workers' cottages but 1990s extension/ conversion extended the ground floor by some 150% and first floor by around 100%.
- There is also an attic conversion providing further rooms on a third floor which can be readily converted into bedrooms. They were used as such by the previous occupants.
- The extension adds to the miss match of add-ons.

- The proposal will add significant amount to the overall mass of the building and would be to the front. The works will further alter the balance and appearance of the property, the disjointed and incongruous appearance of the existing extensions on the street scope, further exacerbated by the set back proposal and the dropped ridge.
- It would present the neighbour at No. 2 with a bulky and overbearing brick wall along much of the side of their garden and house.
- The minimal set back of the proposal does little to mitigate the blocking enclosed effect.
- It should be noted that problems with light, massing and cumulative impact also occurred with respect to the previous planning application – which was refused for these reasons. I do not believe these problems have been resolved.
- The drawings of the proposed extension exaggerate the depth of the canopy between the ground and first floor. This gives a misleading impression that the extension is much smaller than it really is. The canopy depth is only about half a metre.
- **Parking and Safety** – There has been no further development of the surrounding infrastructure and services which have remained largely unchanged. No.3 is accessed by a narrow private road off a public road cul-de-sac already subject to traffic and parking congestion with regular turning vehicles.
- Parking congestion in the Green. This will only exacerbate problems and safety issues, emergency vehicles would not have access to other properties situated in the un-adopted lane, where No. 3 the green is situated.
- **Daylight, sunlight and overshadowing (sunpath analysis)** – This analysis attempts to show the impact of the proposed first floor extension in terms of its direct overshadowing effects. We consider this analysis to be far more telling in what it does not show and does not address than what it does.
- The times of day and year covered by the analysis do not show the detrimental effects on loss of neighbouring amenity at the most significant and critical periods.
- The sun path analysis conveniently does not cover the afternoon and evening periods between 2pm and 8pm when the garden and living room area are most likely to be in use. No 2 will suffer most from reduction in light.
- Summer months – 17.00 – 22.00 - The proposed extension will have its greatest effect on loss of light and when we are most likely to want to use the amenities affected – rear garden and living room. (from perspective of No.2)
- At 17:00 hours in December and February - when the sun is so low anyway that the extension has no further effect. At 22 June, – midsummer's day, when the sun is at its highest and therefore overshadowing at its minimum.
- What would be really pertinent would be to show the loss of all light from the proposed first floor extension to our rear living room and rear garden throughout all the summer months and particularly after 17:00 hours.
- At 8:00 and 12:00 hours. The proposed extension has no impact on direct sunlight to the side and rear of No.2. A more meaningful analysis should have been carried out throughout the summer.
- No attempt has been made to quantify the full loss of light rather than direct sun. The extension may only result in say a further 10% loss of direct sunlight in June at 17:00 hours, but if 80% is already lost through substantial enclosure then relatively that 10% is far more important. It actually amounts to 50% of the remaining sunlight.

- Further representation on additional sun path and minor revisions to the plan – drawings with further dates and times have been provided for the sun path analysis, due to excessive darkening, they are not intelligible. We can only assume that they are intended to show that the proposed extension will not make any significant difference.
- We would like to re-affirm our main point in previous correspondence concerning the analysis, that it does not suitably reflect the total loss of light and real effect on neighbouring amenity.
- The analysis still does not show the extension at the rear of our property and the extensive loss of light to the rear living room and garden, particularly during the afternoon and evening. The real effect of the extension is better shown in the photos.
- **Water Supply and Party Wall Act** – It also has a shared water supply with a neighbouring property. While not a planning consideration, since the first floor extension is in such close proximity to our property there will also be issues of access for build and maintenance with adverse consequences to our property and its use and development there.
- The main building to No. 3 the green is landlocked on two sides and partly landlocked on a third side.
- The proposed development is likely to mean additional need for regular maintenance access through No. 2 the green.

Observations

The application site is within the development boundary defined for Austrey 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 reduced design of the extension overcomes the previous grounds of refusal on loss of amenity and overbearing impact and consideration also has to be given to the design and appearance of the extension.

It is considered that the main impact of an extension would be on the neighbouring occupier at Number 2. There would be little or no impact on number 1 The Green and limited impact on Rothay, which could be resolved through obscure glazing.

It is appropriate to consider the neighbour representations:

In terms of the overall design and appearance, then whilst the property was an older cottage, it is not Listed, nor within a Conservation Area. It does retain some original features but the property has been substantially altered and extended. It is also adjacent to modern housing at Nos. 2 and 1 The Green and within the immediate area, there is a variety of house types and designs.

The proposal provides a considerable reduction to that of the previous refused scheme in that the massing of the front extension has been reduced with the set back appearance from the front and side elevations of the existing building lines and a reduced ridge height, each by 0.8 of a metre. The neighbours superimposed photograph at Appendix C shows the extent of the development from their perspective, but this is slightly exaggerated in that it does not show the reduction in the height of the extension. The overbearing impact of an extension is therefore much reduced by virtue that the first floor extension sits within the existing footprint and building lines of the host dwelling. In terms of design standards the extension can now be described as being wholly subservient to the dwelling that exists in terms of the advice on design given in the Council's Householder SPG.

The issue is whether these significant reductions are sufficient to grant planning permission. It is necessary to examine all of the other issues raised before reaching a conclusion.

The matter concerning the potential loss of privacy revolves around the one new window at first floor level to an existing extension (serving bedroom 2) and the enlargement of the rear window to bedroom 3. Neither of these windows is proposed to be obscurely glazed. The new window to bedroom 2 will be a further window to the western elevation of the dwelling, where two ground floor windows already exist as does an existing first floor window serving a small bedroom and a first floor bathroom window. All windows on this western elevation overlook both the applicant's own garden with some overlooking to the neighbour's front garden. The neighbour considers that a further first floor side window will reduce the privacy to their front garden.

It is not possible to control existing windows in this elevation, but the conditions under Class A of the Town and Country Planning (GPDO) 1995, (as amended 2008) do advise that first floor windows should be obscurely glazed, where located in a wall forming a side elevation of a dwelling house, and non – opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. It is considered that as the applicant would not have been able to install a further window in this elevation under permitted development, then if this window is to remain that it should be obscurely glazed with a top opening light.

In terms of the increase in size of the rear bedroom window, then this window already exists to this elevation and overlooks the neighbour roof at 'Rothay' with an obscure view to a small yard which is fenced off. It is considered that this window need not be obscurely glazed given it does not have any direct overlooking to the neighbours amenity space. Within any residential area there is inevitably a degree of overlooking. In the case of this window, the degree of over looking is not considered to be so material to warrant a refusal.

In respect of the parking issue, then the proposed extension would not necessarily increase the need for additional vehicles. However, if there is increased traffic, then there is ample space at number 3 for increased car parking spaces to be provided. There would be no need for increased parking within the cul-de-sac. Construction traffic would be a short term inconvenience and in the case of access for an emergency vehicle, then provided the existing footpath is not blocked by construction traffic or by the residents to number 3, then there should be safe access. There is no change of use proposed or an alteration to the existing access and therefore access issues remain as existing.

On the matter relating to the Party Wall Act, then these arrangements need to be settled outside of planning legislation.

In respect to the inaccuracy of plans, then revised plans have been submitted showing where the revisions to the fenestration are made. In terms of the inaccurate recording of the red line plan, then this has been mentioned to the applicant but has not yet been altered. It would not be possible for the Council to determine the correct boundary line since we do not hold the information on land registry. In any event the red line in planning terms, is not conclusive of land ownership disputes and this matter should not delay a decision being made. The site location plan does show the outline of the neighbour's rear single storey extension at No. 2 The Green, but this is not shown on the sun path analysis because this does not appear to have been recorded on the

system for the sun path analysis used by the architect. The neighbour's rear single storey extension at No. 2 The Green clearly does exist. The key issue here for the Board is to fully understand the relationship between the proposed works and this extension, and this is dealt with below.

In respect of water supply then the utilities arrangements are not a material planning consideration, but is a private matter to be resolved between the parties concerned.

The potential loss of light however is a matter that needs to be considered in more detail, as amenity grounds was a reason for refusal of the previous application. It is not considered that the proposals would materially affect either Rothay or number 1 The Green in this respect. It is the possible impact on the immediately adjoining property at number 2 which was the main concern of the previous application.

This neighbour's dwelling is to the east of the proposed extension around 1.8 to 2.3 metres off the actual building line. Number 2 has also been extended with a rear single storey extension. It is first proposed to look at the potential affect on light entering the existing rooms of number 2. There is a small high level obscure glazed window in the side elevation of the neighbour's rear single storey extension. The light entering this window is already affected by the existing extension and the proposed extension would materially affect the degree of natural light entering the room from this window due to the proximity of the extension, albeit set further back from the side elevation. However, this is mitigated by the fact that the window is small, it is obscurely glazed and the main rear window serving this extension is on the rear and faces south. The room substantially benefits from light entering from this rear window. It is considered that it is unlikely that this rear window would be affected by the proposed works because of the location of that window in relation to the proposed extension. This is set behind the neighbour's extension and out of direct visibility from this rear window.

There is a rear first floor bedroom window in the original rear elevation of number 2. Light entering this window is already affected by the existing extension, which breaches the 45-degree line rule. It is considered that light into this room would not be worsened, given that the proposed extension is set back off the boundary with a valley roof and that the proposed extension is set well within the 45-degree line rule. In conclusion, there would not be a loss of light into the rear ground floor room or first floor room by reason of the reduction to the proposed extension which is set within the 45-degree line rule.

It is necessary to look at the potential loss of light into the garden at number 2. The revised scheme has been submitted with a sun path analysis at Appendix G that attempts to illustrate the extent of overshadowing from the existing built form which is compared to the proposed built form.

The sun path analysis covers certain times of the day, from 8am, 12 midday, 5pm, 7pm and 9pm and certain months of the year, February, early June, mid June, late June, early August, late August and December. The findings of the analysis are that during the mornings and early afternoon there is no overshadowing or very little when the sun's trajectory is on the east and south. There is overshadowing in the afternoon and early evenings when the sun's trajectory is in the west. No sunlight would be available during the winter months after 5pm and little sun light would be available after 8 – 9pm in the summer months when it is virtually dusk. The affect of overshadowing is therefore more relevant between 2pm – 5pm in the winter months and 2pm – 8pm in the summer months.

It is evident that the existing two storey side extension to the application site already casts a shadow over the garden and the extension to No. 2 The Green during the afternoon and evening. Therefore there is already overshadowing represented by the existing building line. The issue is whether the extent of overshadowing would be made worse by the reduced design of the extension. The sun path analysis reveals that overshadowing from the reduced extension is not further exacerbated, over the existing overshadowing experienced by the existing built form within the application site.

The analysis shows there would be no further overshadowing experienced by number 2 for the majority of the year, as the overshadowing is the same from the existing and proposed built form. The only scenario whereby there would be a difference and additional overshadowing is during the mid summer months during the afternoon, where the extension would cause a marginal addition to overshadowing of the garden to No. 2 than already experienced by the neighbouring occupier. This is not however considered to be excessive difference and on balance the difference between overshadowing is negligible. Please refer to the sun path analysis in appendix G.

The neighbour's rear single storey extension at No. 2 The Green is not shown on the sun path analysis. The mapping data for the sun path programme would have been used from a source whereby the neighbour's extension may not have been mapped. In this respect if the extension were shown on the plan then it is evident the existing and proposed extension would also overshadow the neighbour's extension, but the outcome of the sun path analysis would not alter if the neighbour's extension were recorded on the plan. The analysis from the data is accurate and the information is not contrived, the darker shading on the plan shows times when the sunlight is reduced on approach to dusk.

As a consequence the proposed extension would not be considered to further exacerbate overshadowing. The evidence suggests that overshadowing would not be materially worse by the reduced design of the extension and this no longer constitutes a reason for refusal.

The amenity impact of the extension is considered to be resolved by the reduced extension, such that the massing and bulk of the extension no longer presents the domineering feature along the boundary that the previous proposal did. The existing side gable extension at number 3 is significantly large and immediately abuts the property boundary. The proposed extension is well set back, and with the valley roof design which also offers a break in the building line, then the proposed works no longer present an overbearing impact on the neighbour's amenity. This is because the cumulative impact of the extension along the boundary has been reduced by the revised scheme. The proposed extension would no longer be considered overpowering or over dominant to the occupiers of No. 2.

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 7138.02, received by the Local Planning Authority on 12 March 2012, 7138.03 received by the Local Planning Authority on 29 February 2012, 7138.04 received by the Local Planning Authority on 19 April 2012 and the site location plan received by the Local Planning Authority on 29 February 2012.

REASON

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

3. No development shall be commenced before details of the facing brick 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. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner, unless details have first been submitted to, and approved in writing by, the Local Planning Authority.

REASON

To protect the privacy of the occupiers of adjoining properties.

5. The introduction of the new window on the west elevation of the host dwelling shall be non opening, unless parts of the window that can be opened are 1.7 of a metre high above the floor in that room and glazed with obscured glass and shall be permanently maintained in that condition.

REASON

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

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 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, SPG: A Guide for the Design of Householder Development, September, 2003.

Justification

The proposal for a front extension is not considered to represent an adverse impact on the residential amenity by virtue of its reduced format given that the proximity of the extension no longer forms an overbearing impact and the extent of overshadowing is not materially worse given the sun path analysis shows that there is no greater effect on overshadowing. The proposal is not therefore considered to be contrary to the relevant saved Development Plan Policies

BACKGROUND PAPERS

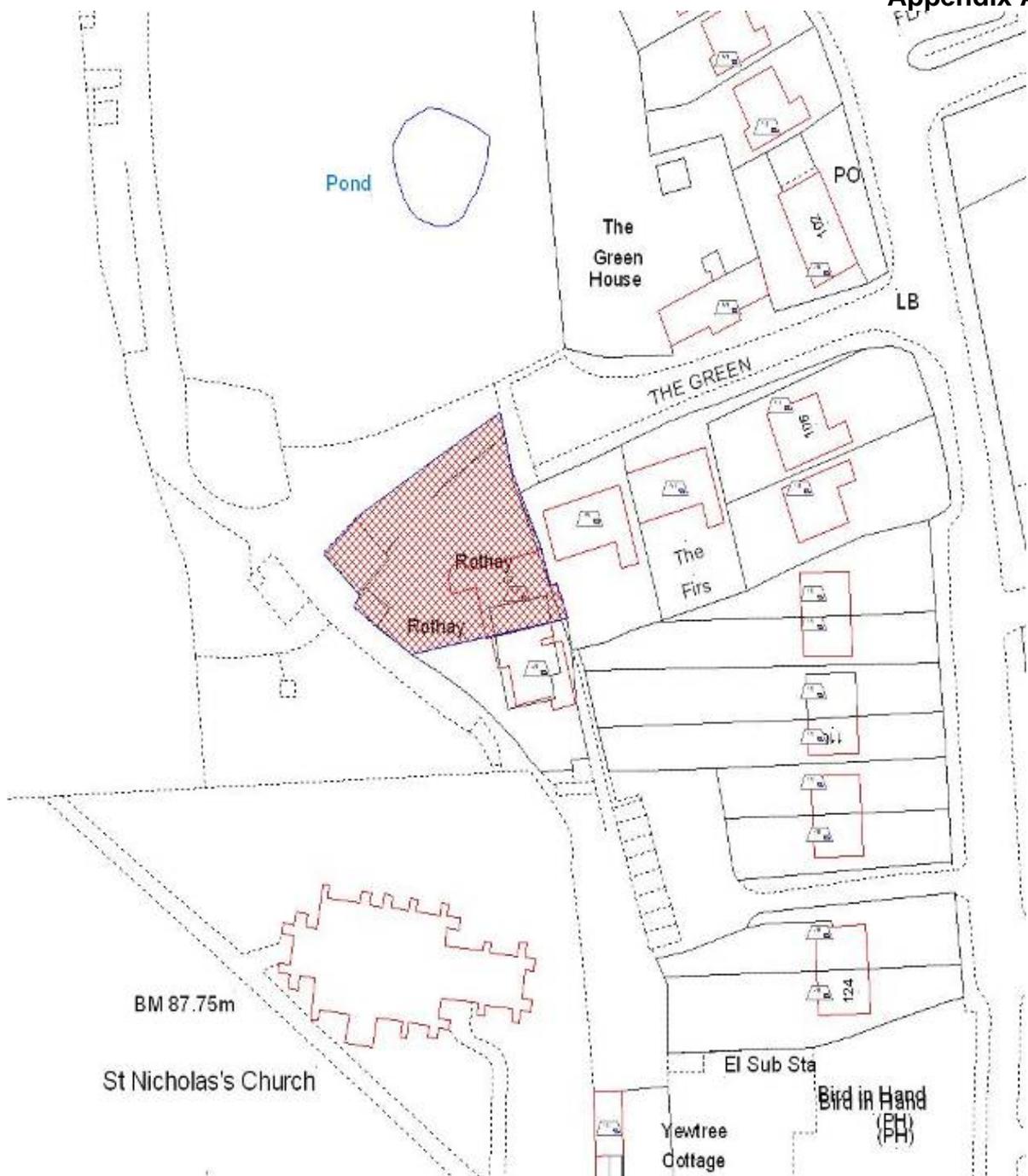
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2012/0094

Background Paper No	Author	Nature of Background Paper	Date
1	The Agent	Application Forms, Plans and Statement(s)	29/2/12
2	The Applicant	Submission of Plans	12/3/12
3	Mr & Mrs Cooke	Representation - objection	27/3/12
4	Mr & Mrs McEvoy	Representation - objection	2/4/12
5	Mr Fish	Representation - objection	5/4/12
6	The Applicant	Submission of a revised plan and a further sun path analysis and correspondence in support of application	18/4/12
7	Case Officer	Re-consultation sent out	20/4/12
8	Mr & Mrs Cooke	Representation – objection	3/5/12

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 B

3 THE GREEN, AUSTREY



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Revisions		JOB No.
		1131
No.	Description	Date



3 THE GREEN, AUSTREY
LOCATION PLAN

SCALE	DATE	BY	CHECKED
1:1250	FEB 12	RMH	TJBLP
1:500			

Appendix C

Existing extensions at No. 3 and location of the proposed extension above the flat roof.



Perspective of extension from No. 2, including a super-imposed photograph (submitted by the objector at No. 2) showing the existing flat roof against the proposed extension.



Appendix D

Photographs showing the relationship to Rothay and the introduction of new/ revised window openings to the existing elevations.

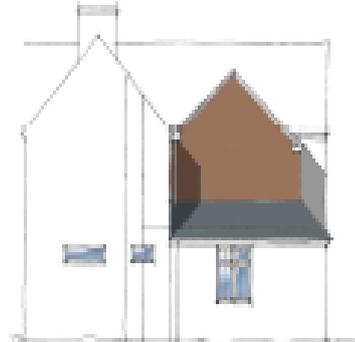


3 THE GREEN, AUSTREY

Approved
 12/11/14
 12/11/14



Front Elevation 1:50



Side Elevation 1:50



Ground Floor Plan 1:50



First Floor Plan 1:50

APPENDIX E	
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Revision	DATE
No. Description	Date
1 Section submitted for approval	09/10/14
 ARCHITECTURE & DESIGN ARCHITECTS & DESIGNERS 100 THE GREEN, AUSTREY, WIMBORNE	
100 THE GREEN, AUSTREY, WIMBORNE	
DATE	BY
1/10	NOV 14
1/11	NOV 14
ARCHITECTURE & DESIGN	

Appendix F

PROPOSED PLAN AND ELEVATIONS

PLANNING DEPARTMENT
PLANNING BOARD
RECEIVED
17 May 21
PLANNING DEPARTMENT

PLANNING DEPARTMENT
PLANNING BOARD
RECEIVED
17 May 21
PLANNING DEPARTMENT

NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL RESIDENTIAL CODE (IRC) AND THE 2018 INTERNATIONAL BUILDING CODE (IBC).
2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.
3. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.
4. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.
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9. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.
10. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.

PROJECT INFORMATION:

PROJECT NAME: [REDACTED]

PROJECT ADDRESS: [REDACTED]

PROJECT OWNER: [REDACTED]

PROJECT ARCHITECT: [REDACTED]

PROJECT DATE: [REDACTED]

PROJECT STATUS: [REDACTED]

REVISIONS:

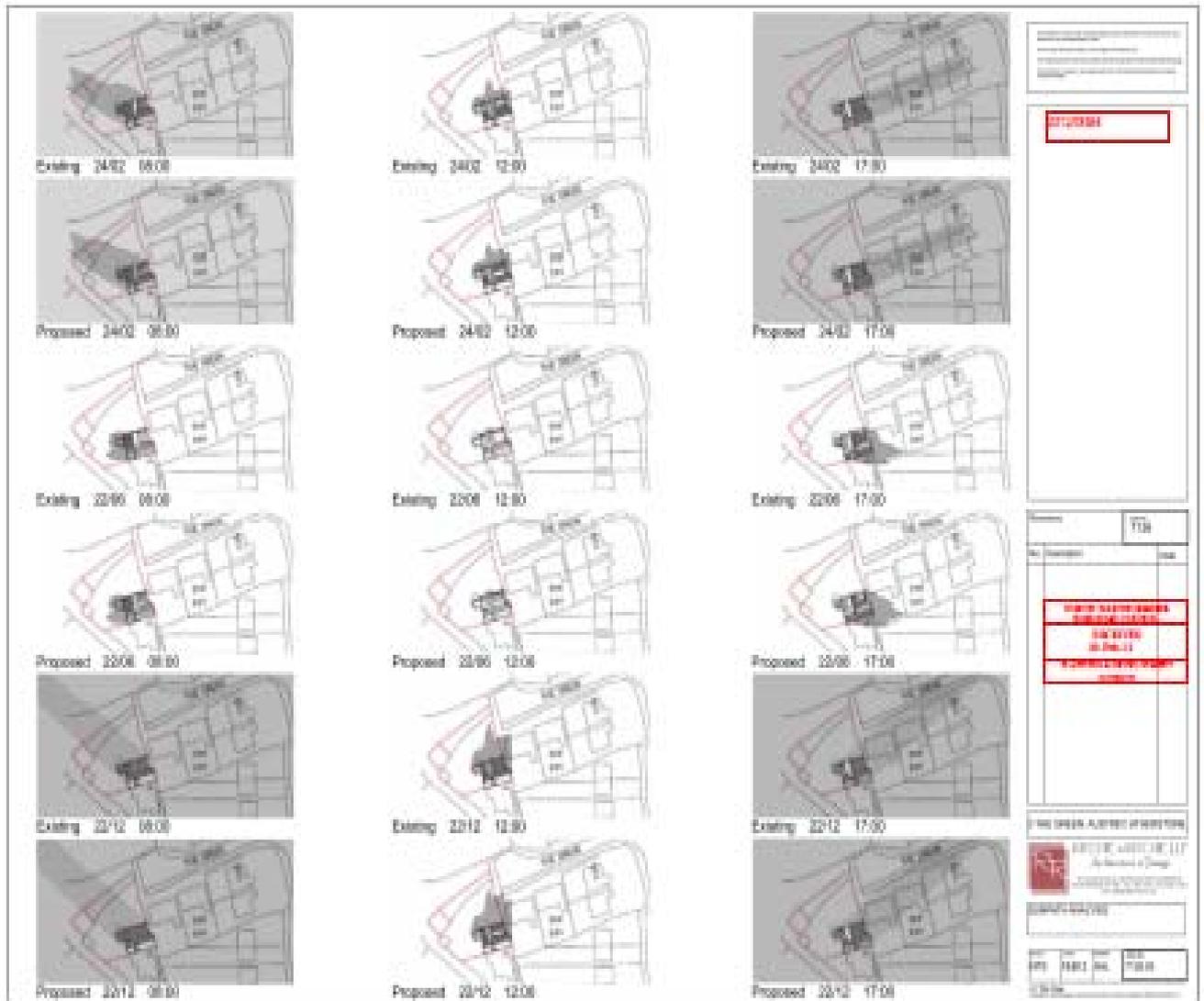
NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	17 May 21

Appendix G

Sun path analysis:

The shaded area shows the extent of existing and proposed overshadowing.

Where the plan itself is shaded in grey then this is where the sunlight is not as bright. (dawn and dusk)



(4) Application No: PAP/2012/0095

12 Grange Road, Hartshill, Nuneaton, CV10 0SS

Proposed erection of a new 34 bedroom residential care home with associated car parking, for

Linden Care Homes Ltd

Introduction

This application is reported to Planning Board following a request from a local Ward Member raising concerns over the size of the proposal.

The Site

The site lies to the south-east side of Grange Road in Hartshill. Within a development boundary, the site formerly consisted of an existing care home (formerly numbers 14 and 16) and a derelict cottage property of number 12. Both these buildings have been demolished and materials removed. The remaining land was formerly amenity space and has been largely cleared. To the rear of the site is the former Hartshill Quarry. To both sides are residential properties with amenity space. There are further residential properties across the highway, with some sitting very close to it (the Victorian terraces). There are also known landfill sites to the north, some 100m and 250m distant. The highway is relatively narrow with on-street parking apparent along the length of Grange Road. This parking extends to the green to the south-west. Access for HGVs is limited to this route only, with the alternative route to the north-east restricted by a weight and width limit.

The immediate neighbouring properties do not exhibit side facing windows, although there are forward and rear facing habitable windows to number 26, and rear facing windows to number 10. The neighbouring properties and characteristics of the street scene offer a primarily Victorian appearance on the approach to the site, with more modern style housing of differing styles beyond this. The predominant pattern is for frontage development with medium to large rear gardens.

The Proposal

It is intended to erect a 34-bed residential care home with associated facilities, as well as car parking and amenity space on the site of the former care home and number 12 Grange Road.

Background

There was formerly a care home and separate residential dwelling at this site. The care home provided 20 rooms, and the dwelling disused and in a state of disrepair.

This application follows refusal and subsequent appeal dismissal of the 2009 proposal for a 40-bed residential care home. The Inspector's decision is attached at Appendix A, and the Council's refusal at Appendix B. Since then, two separate demolition determinations have been made with demolition of 12 Grange Road and the former care home allowed. These are both attached at Appendix C. In the intervening period, some ground works have commenced although these have now ceased following an enforcement complaint.

At the time of writing, a site visit is scheduled to enable Members to view the site prior to determination.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies): HSG5 (Special Needs Accommodation), ENV3 (Nature Conservation), ENV4 (Trees & Hedgerows), ENV6 (Land Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking)

Other Relevant Material Considerations

Government Advice: National Planning Policy Framework (NPPF)

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

Local Finance Considerations: New Homes Bonus (NHB) and the Community Infrastructure Levy (CIL)

Consultations

The Environmental Health Officer comments that further details as to the foundation/membrane details are necessary, at the time of writing, but these can be required by condition such that the principle of development is acceptable. The applicant is seeking to provide the necessary details prior to determination, and Members will be advised of any further progress or additional conditions at the meeting.

The County Highway Authority lodged an initial objection on the grounds of inadequate access for refuse vehicles; the need to account for updated visibility splays for a 30mph road; and that parking provision was inadequate. Amended plans and information was provided to the Highway Authority for comment, and these have resulted in the objection being lifted, subject to the inclusion of conditions.

Hartshill Parish Council raise objection on the grounds of the proximity to number 26 Grange Road and the resulting impact upon that dwelling; and that Grange Road is already congested and this proposal will exacerbate the issues, especially when considering the number of parking spaces proposed.

The Warwickshire Police Crime Prevention Advisor raises no objection but seek that the applicant liaises with them to discuss crime prevention measures.

Severn Trent Water raises no objection subject to condition.

Warwickshire Wildlife Trust has not provided a response.

Representations

A total of 7 neighbour representations have been received; 2 in support and 5 raising objections.

- Those in support comment that the proposal is in keeping with the area and will bring forward job opportunities whilst causing little disturbance to other residents. In addition, parking facilities in the home would not impact on existing parking on the highway.
- Those objecting comment that turning space for HGVs is insufficient; parked vehicles on the highway make the use of any access difficult; the creation of a car park adjacent to residential boundaries will cause privacy issues; vehicle movements in and out of the site would affect foundations to existing dwellings; the proposed access would negatively affect existing visibility from neighbouring dwellings; vehicles would use Cottage Gardens for turning space; the scale of the proposal is out of keeping with the visual appearance of the area and neighbouring properties; the height and proximity causes overshadowing to habitable windows; the construction phase would create potential hazards and disturbance; there is a potential fire risk and pest problems from the positioning of the refuse area; the existing foul drainage is reaching capacity; and it would not serve for the local population.
- The objections also comment that works to alter levels have already taken place without permission, and the site has been cleared of all trees. A single objection requests that a Section 106 agreement be sought to compensate residents for disturbance.

Observations

The site is within a settlement boundary and has reasonable to good connections to Nuneaton and Atherstone through both private and public transport, with the site a short walk from nearby shops and services. The proposal wholly serves for special needs accommodation. From the outset there is thus support in principle for this development.

This view was supported by the Inspector on the 2009 appeal dismissal. Both the Council's refusal and his decision instead focussed on three main matters: character and appearance (design), living conditions for occupiers of the development (contaminated land and amenity standards), and the effect on living conditions of adjoining occupiers (privacy, overshadowing, noise and disturbance). However Members attention is drawn to the fact that some elements within these main matters, forming part of the Council's 2009 refusal, were not 'carried' by the Inspector in his decision. This is important in establishing the 'benchmark' upon which the Council should assess this revised scheme. The Inspector's decision is attached at Appendix A, whilst the Council's refusal is attached at Appendix C.

It is the matters raised by the Inspector which the applicant has attempted to overcome in this submission, and the following assessment addresses them in the same order before addressing highway and other matters.

(a) Character and appearance (design)

The footprint of built form is acknowledged to be quite extensive. However the design minimises the massing and scale of the proposal through a combination of reducing site levels and low height built form to the rear. The building will exist as essentially a traditional terrace block across the frontage, with a single storey L-shaped extension leading off towards the rear of the site. This in turn encloses amenity space providing for a residents courtyard. The layout and elevations are shown at Appendix D, with drawings on the 2009 refused scheme given for comparison.

Taking the terrace element first, this design follows extensive discussion with the applicant to address the issues previously highlighted. Those issues primarily centred on the stepping of the terrace, which would sit out of sync with existing terraces on Grange Road, and the individual ridges which would follow each of the steps. The inclusion of dormers, lack of chimney features, horizontal emphasis and out-of-proportion windows, were all at odds to existing terraces. Views from the south along Grange Road allowed for views of varying roof styles, window forms and positioning of walls. As a whole, the 2009 proposal did not harmonise with its surroundings.

The proposal before the Council is now considered to address these issues. The terrace appears as a single block with a common 'building line' across its forward elevation. The height emulates the existing terrace of 4 to 10 Grange Road, as well as the terraces across the highway. Windows are now vertically emphasised, with their position, dimensions and detailing again emulating the existing character of the street. Corbelling and false doors are provided in a similar paired pattern to further reflect the Victorian character, and chimneys are provided in similar fashion. For all sense and purpose, subject to appropriate choice of materials, the terrace element will appear 'as original' and part of the historic street scene along Grange Road.

Consideration is given to the staircase extension adjacent to number 26. This will provide the same ridge height by it simply being part of the terrace, but stepped back and connected to a rear gable projection. There is a marked improvement in design of this element compared to the 2009 submission, given that the forward roof plane now drops to the same eaves height as the rest. On the opposite end of the terrace a largely blank end gable exists – similar to number 10. Here the applicant provides blind windows with headers and two normal windows to the rear gable projection. As this elevation will be visible on approach from the south given the separation created by the access and parking, these features are welcome since they give 'interest' to an otherwise blank gable end.

The terrace block will extend towards the rear firstly by way of gable projections. These will be evenly placed to mimic the existing footprints formed by terraces along the road. The same feature principles on the front elevation are carried through to this elevation. This then leads onto a single storey rear 'extension', running out from the first 'pair' of terraces created. It then turns through 90 degrees to provide a 'rear range' close to the rear boundary of the site. Members attention is drawn to the fact that a level threshold is found throughout the entire development, and in order to accommodate this rear range there is significant 'cutting in' to the original ground levels. This reduces the massing impact of the proposal, and subject to suitable retaining features is not objectionable. On this rear range, a flat roof will be flanked by similar roof planes used elsewhere. A slightly uncharacteristic blank gable end

therefore serves both ends of the range. However its position at the rear of the site, and obscured from any public views to the north by number 26, means that this does not cause concern. The connecting element between the terrace and the range is wholly appropriate, and windows/doors and the conservatories to the courtyard are all acceptable.

In light of the above, and with reference to the Inspector's 'benchmark', it is considered that objections received relating to design cannot be sustained.

(b) Living conditions for occupiers of the development (contaminated land and amenity standards)

The site lies close to former landfills, and the Environmental Health officer indicated the known migration of gases under the 2009 application. As the proposal involves a sensitive end user, there is a need to demonstrate that any risk can be adequately controlled and mitigated against. An intrusive investigation has been carried out, with extended gas monitoring over a number of months. This has concluded that the risk can be managed through appropriate construction and design features such that the Environmental Health officer is now satisfied with the principle of development.

The 2009 proposal intended to provide obscure glazing to windows to some occupants' rooms in order to address overlooking conflicts. This however brought forward unacceptable amenity standards for those occupants, and the Inspector agreed in his decision. This proposal now provides each room with a clear glazed window, and without giving rise to privacy issues. There is a lounge/dining area for every 11-12 rooms, and occupiers would spend a good deal of their daytime in such communal lounges or in their rooms.

There is residual concern that the external amenity space provided is limited – namely to the courtyard with other areas providing for parking/turning. This does reflect an intensification of the use here, but it must be noted that the former care home could not continue to operate with just 20 bedrooms. Its closure in 2010 is evident of this. Even though there was proportionally more amenity space, the end user is wholly relevant here with most residents reliant on assisted support for mobility. The use of that amenity space was thus very limited, and a site visit at the time of it being in operation showed no use at all. The parking and turning areas are to be landscaped – especially so towards the front. On balance, given the above design considerations and economic focus of the NPPF, there is merit in supporting the proposal.

(c) Effect on living conditions of adjoining occupiers (privacy, overshadowing, noise and disturbance)

Consideration is given to both the impact of the built form in respect of overshadowing and privacy, noise and disturbance from day to day operations and deliveries, and the potential for noise and disturbance from the construction phase.

To the front elevation, the omission of windows in the roof space and the (increased) 22 metre separation to properties across the highway addresses any concern regarding overlooking in that direction. In considering overshadowing in that direction, it must be noted that the Inspector did not agree there was an unacceptable impact on these properties, contrary to the Council's opinion. There are no longer first or second floor windows on the side elevations, and coupled with the cutting into the land, there is little opportunity for overlooking from the building or

adjacent car park – especially when roof lights are appropriately positioned and boundary treatments will be applied.

The shading impact on the neighbouring dwellings (numbers 10 and 26) requires more specific consideration. Number 10 has rear facing windows which would be affected under the 45 degree rule. However ground floor windows are already obstructed by a boundary treatment. An affected first floor window (rear most window) serves a bathroom so cannot be protected, but the remaining window appears to serve a habitable room. The orientation of this window and the separation to the proposed building is material however. The window faces south-east. Beyond mid-morning, the gable projection of number 10 obstructs direct sunlight already. The proposal would not change this, nor would it materially reduce diffuse light to the window given a separation of over 10 metres between elevations. Number 10 has also not objected on this ground, and the Inspector raised no concern over this issue.

Number 26 objects on the grounds that the terrace block and stairwell ‘extension’ causes overshadowing. The Parish Council agrees. The difference between the 2009 proposal and that now submitted is important. The ridge on the stairwell is now a further 2.6 metres back reducing the visible ‘surface’ of gable wall immediately adjacent to number 26. This stairwell does not cause an unacceptable breach of the 45 degree rule and diffuse light is able to reach the window over the top of this element. However the footprint of the main terrace at this end of the site on both proposals has remained constant, leading to a continued breach of the 45 degree rule to the forward facing bedroom window at number 26 (the only primary habitable window which can be afforded protection). Members’ attention is drawn to the fact that this was highlighted to the Inspector under the 2009 appeal – he disagreed concluding there would not be a harmful impact. In this light, a refusal cannot be sustained on this ground. The rear range is also considered to be acceptable as it sits well below the existing fence line between the properties and only provides a small projection above this towards the rear half of number 26’s amenity space.

The potential for noise and disturbance from day to day operations remains relatively consistent for number 26 and the properties across the highway given the former care home, with projected vehicle movements not substantially greater. Notably, the Inspector did not identify any such harm in respect of noise and disturbance to these properties – only the potential for that to number 10. In this case the turning area, car park and refuse storage would abut the length of their boundary. Whilst this is a material change in circumstances for these occupiers, the Inspector again found that as these areas would be at a lower level than the garden and protected by an acoustic fence, it was not considered there would be harm by way of noise and disturbance. Whilst an acoustic fence is not detailed this time, a condition can require this. A condition can also help to limit disturbance from private vehicle by controlling visiting hours, and construction times can also be suitably controlled in the same manner.

(d) Highway safety impacts (access, parking and highway capacity)

The Highway Authority initially raised objection due to the position of the bin store away from the highway, and the absence of a suitable collection point within 25m, as well as the absence of visibility splays being demonstrated and the need for an additional parking space. They also highlighted the need to manage the removal of material from the site and noted concern over the presence of a ramp across the access to the rear of the site. These points are generally addressed by way of

amended plans and the applicant's clarification of matters. It is noted there will be intensification in respect of vehicle movements. However the Highway Authority has considered similar sites on their database and found that movements and parking does not exceed capacity of the site. The number of service vehicles will be similar to that associated with the former care home – the individual deliveries/collections will just be larger. In this light, the Highway Authority offers no objection. This is material such that a refusal cannot be sustained.

The neighbours' concerns regarding potential congestion from existing on street parking opposite the access, as well as surplus parking demand exacerbating this, are noted. However the Highway Authority raises no objection to these matters. On street parking existed at the time of the 2009 application, when the former care home was still in use, and continues now even when the former care home has been demolished. It is clear that this parking is not associated with the care home and it does not have appeared to have reduced since its closure, suggesting that the former 20 bedrooms were adequately accommodated for with far less parking provision per room. The provision of 16 spaces satisfies the Highway Authority and whilst the Council does not have maximum parking standards relating to the use proposed, neighbouring guidance suggests 1 space for every 4 rooms is appropriate. There may still remain a residual risk of HGVs struggling to manoeuvre in and out of the access due to parked cars on the highway, but this is beyond the applicants control and it would be unreasonable to refuse the application on this basis. However it is considered appropriate to control the times of construction and associated deliveries to minimise the potential for conflict.

(e) Nature conservation and biodiversity (protected species and trees)

The former buildings have been demolished and removed by way of demolition determinations (Appendix C). Both those applications were informed by bat studies to demonstrate no harm to protected species. The proximity to the quarry and former vegetation on and off site still enhance the potential for reptiles and other interest. However Warwickshire Wildlife Trust has offered no comments, and there is now unlikely to be any residual interest. Whether this was the case prior to site clearance is a matter for the County Ecologist to consider in the context of the Wildlife Act, and does not alter the view on this planning application.

All mature and semi-mature trees have been removed from the site. None of those on site in 2009 were worthy of protection, and thus were not considered to constrain development. The former yew tree along the frontage was removed well before the 2009 application and again was not protected. The proposal seeks to redress the balance somewhat by providing a line of trees to the frontage – a welcome proposal as this will help to provide a 'soft' definition between the highway and the care home. Further landscaping around the site will help to soften the impacts of the built form.

On balance, the proposal is now considered to be acceptable, with no unacceptable impacts likely to arise from the development.

Other matters

The retrospective nature of the application so far as ground works is not reason alone to refuse the application. The objections are noted, but Section 73A of the 1990 Act allows for retrospective applications, in part or in whole.

The request for a Section 106 agreement to compensate residents for disturbance cannot be supported; as such an agreement can only be used where it is necessary to ensure the impacts of the proposed development are acceptable. The above assessment clearly outlines that impact on neighbouring amenity is acceptable.

Local Finance Considerations

The New Homes Bonus and Community Infrastructure Levy/Section 106 are not relevant to this decision.

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 plans numbered 3575-site and 3575-12 received by the Local Planning Authority on 23 February 2012, the plan numbered 3575-08F received by the Local Planning Authority on 6 March 2012, and the plan numbered 3575-09r received by the Local Planning Authority on 26 April 2012.

REASON

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

3. No development shall be commenced before elevational drawings of the bin store have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented accordingly before the use hereby approved is commenced and shall subsequently be maintained.

REASON

In the interests of the amenities of the area.

4. No development shall be commenced before cross section and elevational drawings of the retaining walls, including details of the materials to be used and any planting to be incorporated, at the following points have been submitted to and approved in writing by the Local Planning Authority:

- a. The south-east boundary adjacent to the car park;
- b. The south-east boundary adjacent to the rear amenity space/ground bank;
- c. The south-west boundary adjacent to the side gable of number 10;
- d. The south-west boundary adjacent to the amenity space of number 10;

- e. The north-east boundary adjacent to the side gable of the extension to number 26;
- f. The north-east boundary adjacent to the driveway serving number 26; and
- g. The north-east boundary adjacent to the amenity space of number 10.

The approved details shall then be implemented accordingly before the use hereby approved is commenced and shall subsequently be maintained.

REASON

To protect the structural integrity of nearby property, and in the interests of the amenities of the area.

5. No development shall be commenced before details of the following materials to be used have been submitted to and approved by the Local Planning Authority in writing:

- a. Bricks, including those to be used in feature bands;
- b. Tiles;
- c. Stone headers/cills;
- d. Mock chimneys; and
- e. Mock doors (including the colour and details of header lights).

The approved materials shall then be used.

REASON

In the interests of the amenities of the area.

6. Before the commencement of the development a hard and soft landscaping scheme, including trees to frontage and details of the courtyard, shall be submitted to the Local Planning Authority for approval.

REASON

In the interests of the amenities of the area.

7. Before the commencement of the development a plan indicating the positions, design, materials and type of screen walls and fences to be erected shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include details of an acoustic fence to the boundary with number 10 and a low level/visually passive fence to the frontage. The approved screen walls/fences shall be erected before the use hereby approved is commenced and shall subsequently be maintained.

REASON

In the interests of the amenities of the area.

8. Before the commencement of the development details of the gas protection measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed and subsequently be maintained.

REASON

To ensure that risks from land contamination to the proposed end users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

REASON

In the interests of safety on the public highway.

10. 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, all in accordance with details to be approved in writing by the District Planning Authority, in consultation with the Highway Authority.

REASON

In the interests of safety on the public highway.

11. Access for vehicles to the site from the public highway (Grange Road D267) shall not be made other than at the position identified on the approved drawing, number 3575-09 Rev R, providing an access no less than 9.0 metres wide for a distance of no less than 10.0 metres, as measured from the near edge of the public highway carriageway. No gates shall be hung within the access to the site so as to open with 12.0 metres of the near edge of the public highway footway.

REASON

In the interests of safety on the public highway.

12. The access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.

REASON

In the interests of safety on the public highway.

13. The existing vehicular accesses fronting the site shall be closed off and the public highway footway reinstated to the satisfaction of the Highway Authority within 1 month of the new access being formed.

REASON

In the interests of safety on the public highway.

14. The development shall not be commenced until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distances of 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.

15. 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.

16. No demolition, construction works and deliveries associated with the construction works shall take place other than between 0830 and 1800 hours on weekdays, and 0830 and 1300 hours on Saturdays. There shall be no operations or deliveries whatsoever on Sundays, Public Holidays and Bank Holidays.

REASON

To prevent disturbance to the occupiers of nearby properties.

17. There shall be no public visiting hours other than between 0800 hours and 2000 hours Mondays to Fridays, and between 0800 and 1900 hours on Saturdays, Sundays and Bank Holidays.

REASON

To prevent disturbance to the occupiers of nearby properties.

Notes

1. The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): CORE POLICY 2 (Development Distribution), HSG5 (Special Needs Accommodation), ENV3 (Nature Conservation), ENV4 (Trees & Hedgerows), ENV6 (Land Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).
2. The applicant should note a discrepancy between plan number 3575-09r and 3575-08F in that the rooflights shown to second floor rooms at the rear are omitted on the elevational drawings. For the avoidance of doubt, the Council has considered this application on the basis that roof lights will exist in this roof slope.
3. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org 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.

Justification

The proposal is considered to be appropriate in principle, with a former care home on this site. Whilst there will be an intensification of the use by way of an increase in the number of bedrooms provided, the outward impacts arising from such a use proposed, in terms of noise and traffic movements, are lesser than a normal residential use. In addition, privacy and overshadowing impacts are considered to be acceptable - especially in the context of the benchmark set by the Inspector on a previous refusal. The design is considered to be very appropriate to this setting and harmonises extremely well with the historical character along Grange Road. Whilst there is considerable built form extending back from the frontage, this is set so to minimise its massing and thus prominence. The proposal also provides sufficient parking for the scale of the development and adequate turning space and access for all users and vehicles. It is not considered to exacerbate existing parking issues on Grange Road. Matters pertaining to gas migration from nearby contaminated land and visual improvements by way of boundary treatments and landscaping are addressed by condition. As a result, the proposal is in accordance with saved policies HSG5, ENV3, ENV4, ENV6, ENV11, ENV12, ENV13, ENV14, TPT3 and TPT6 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/2012/0095

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	18/04/2012 26/04/2012
2	Alan Thompson	Representation	15/03/2012
3	Kay Schwersenz	Representation	19/03/2012
4	Tim Schwersenz	Representation	19/03/2012
5	Agent	Email to Case Officer	20/03/2012
6	Environmental Health Officer	Consultation reply	20/03/2012
7	Agent	Email to Case Officer	21/03/2012
8	Denise Allen	Representation	22/03/2012
9	Severn Trent Water	Consultation reply	02/04/2012
10	Nigel Thompson	Representation	03/04/2012
11	Hartshill Parish Council	Consultation reply	04/04/2012
12	County Highway Authority	Consultation reply	04/04/2012
13	Mr R S Clark	Representation	04/04/2012
14	Mrs C Sharp and Mr T Sharp	Representation	04/04/2012
15	Warwickshire Police Design Advisor	Consultation reply	10/04/2012
16	Agent	Email to Case Officer	18/04/2012
17	Agent	Email to Case Officer	18/04/2012
18	Agent	Email to Case Officer	23/04/2012
19	Case Officer	Email to Agent	25/04/2012
20	Case Officer	Referral to Councillors	25/04/2012
21	Cllr Johnston	Email to Case Officer	25/04/2012
22	Denise Allen	Representation on reconsultation	28/04/2012
23	Cllr Wykes	Email to Case Officer	02/05/2012
24	Case Officer	Email to Agent	02/05/2012
25	County Highway Authority	Reconsultation reply	03/05/2012
26	Head of Development Control	Email to Councillors	03/05/2012
27	Environmental Health Officer	Email to Case Officer	03/05/2012
28	Case Officer	Email to Agent	04/05/2012

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.





Appeal Decision

Site visit made on 11 August 2010

by **Stephen Roscoe** BEng MSc CEng MICE

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.qsi.gov.uk

Decision date:
14 September 2010

Appeal Ref: APP/R3705/A/10/2127705

12 Grange Road, Hartshill, Nuneaton CV10 0SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Linden Care Homes Ltd against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2009/0402, dated 1 September 2009, was refused by notice dated 3 December 2009.
- The development proposed is the demolition of No 12, a detached residential property, and Nos 12-16, an existing residential care home, and the construction of a new 40 bedroomed residential care home with associated car parking.

Procedural Matters

1. Some buildings on the site have been partly and fully demolished, and I have considered the appeal on this basis. Prior to the above refusal, the appellant submitted amended plans to the Council. The Council did not accept these plans, as they did not overcome its objections to the proposal. The amended plans corrected a discrepancy in the application and added pedestrian facilities and an acoustic fence to the proposal. I am satisfied that no interests would be prejudiced by me considering these plans, and this I have done.
2. The Council is now satisfied that the additional pedestrian facilities would address its objection to the proposal in this regard. Bat and reptile surveys have also been undertaken following submission of the appeal, and the Council's ecologist is satisfied that these surveys address its objection to the proposal in this regard. I can see no reason to disagree with the Council's current position on these matters, and I have considered the appeal on this basis.

Application for Costs

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

Decision

4. For the reasons given below, I dismiss the appeal.

Main Issues

5. I consider the main issues in this case to be:
 - (i) whether the proposal would have a harmful effect on the character and appearance of the surrounding area;
 - (ii) whether the proposal would provide satisfactory living conditions for its future occupiers in relation to safety and outlook; and

- (iii) the effect of the proposal on the living conditions of adjoining occupiers in relation to privacy, sunlight, and noise and disturbance.

Reasons

Character and Appearance

6. The proposed front elevation would incorporate a number of steps, which would lie prominently forward of the building line at No 26 Grange Road, and individual roof ridges would follow each of the steps. Other terraces in the road generally have a common front building line, and the proposal would be out of character with the surrounding area in this regard. Similarly, the proposed dormers would be at odds with the other plain roofs in the road. Moreover, their purpose, to contain the mass of the building, would result from the size of the proposed building and would be no reason to justify their presence.
7. The building would not possess any chimney features, unlike the vast majority of other buildings in the road, including recently constructed examples. The proportions of the windows on the front elevation would also be positioned between the horizontal emphasis of windows in recent development in the road and the more vertical windows of the terraced housing. They would sit uncomfortably in this regard, reflecting neither one nor the other, and their number would accentuate this visual conflict.
8. In views from the north along Grange Road, a proposed stairwell would have a different roof arrangement to that of the remainder of the building. It would have a higher front eaves level and an individual ridge which would be shorter and lower than the others, and it would appear awkward in comparison. The upper portion of the shallow rear roof pitch would also be visible, and this would give the ridge an unbalanced appearance which would not reflect a cohesive design solution. These elements would not be well related to each other in conflict with Local Plan¹ (LP) Saved Policy ENV12.
9. In views from the south along Grange Road, the significant depth of the proposed building, in comparison to others on the road, would be apparent and accentuated by the number of windows on the side elevation. The proposal therefore would not positively integrate into its surroundings in terms of scale and massing as required by LP Saved Policy ENV13. The depth of the proposed building would also sit awkwardly and illogically with the narrow individual widths of the stepped front elevation, as they would be seen together in the same view. Moreover, the bay windows would have little relationship with surrounding forms, and they would be readily apparent in the three quarter views from the road.
10. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the surrounding area and that it would thus conflict with Local Plan Saved Policies ENV12 and ENV13.

¹ North Warwickshire Local Plan: 2006

Living Conditions for Future Occupiers

11. I will firstly consider safety. The appeal site lies within 100 and 250m of two former landfill sites which are actively gassing. Monitoring of landfill gas levels below ground has taken place within standpipes on the site on three occasions. These occasions were over a period of 15 days, with one occasion being during stable high atmospheric pressure, another during stable low pressure and the third during rising low pressure. No detectable levels of methane, carbon monoxide or hydrogen sulphide were recorded.
12. Landfill gas flow rates and routes readily change due to external circumstances such as atmospheric pressure. It is therefore important to monitor over a period of time and under various external conditions. The monitoring carried out was far less than the 24 readings in 12 months suggested in the CIRIA C665 report² for residential development with gardens or indeed the 12 readings in 12 months for flats. Moreover, no readings were carried out under falling pressure, which increases the potential for gas release. I am also concerned that the readings were taken shortly after the boreholes were sunk, leaving little time for conditions to reach an equilibrium.
13. The proposal would represent development in the vicinity of potentially contaminated land. The appellant has offered to install a gas membrane, the installation of which could be regulated by the imposition of an appropriate condition. I am not however convinced, bearing in mind the paucity of monitoring and therefore design data, that a satisfactory solution could be achieved in this regard. In view of all of the above points, I am not satisfied that it has been demonstrated to a reasonable degree of certainty that landfill gas could be controlled so as not to expose future occupiers to significant risk. The proposal would therefore conflict with LP Saved Policy ENV6.
14. I now turn to consider outlook. The appellant has suggested that the main panes of various bedroom bay windows could be fitted with obscured glazing to prevent harmful overlooking. This obscured glazing would however create an unacceptable sense of enclosure within the rooms. This would not reflect a high quality and inclusive design as sought by PPS1³.
15. It has been put to me that the occupiers of the care home would spend most of their daytime outside their private rooms. Some time would however be spent in their rooms, with occupiers being subject to the sense of enclosure that I have identified. I believe that the amount of time would depend on individual circumstances, but I am not convinced that it would be so short as to avoid unacceptable harm in this regard. Furthermore, the use of private rooms by occupiers and visitors for extended periods could not be ruled out, and this would accentuate the harm that I have identified.
16. I recognise that the side panes of the bay windows would remain clear glazed. They would however offer limited outlook from the majority of any particular room, and their presence would not outweigh the harm that I have found.
17. I therefore conclude that the proposal would not provide satisfactory living conditions for its future occupiers in relation to safety and outlook. I further

² CIRIA C665: Assessing risks posed by hazardous ground gases to buildings: 2007

³ Planning Policy Statement 1: Delivering Sustainable Development

conclude that it would thus conflict with Local Plan Saved Policy ENV6 and the guidance in PPS1.

Living Conditions of Adjoining Occupiers

18. The rear garden of No 10 Grange Road lies alongside the appeal site. From the layout of the garden, it appears to be well used over its whole length. A number of first and second floor bedroom windows of the proposed development would face the side boundary of this garden. Whilst they could be fitted with obscured glazing, they would still be readily visible from the garden. This would be likely to create a perception of being overlooked for users of the garden due to the number of windows and their orientation. This would be notwithstanding the proposed acoustic fence and the proposed difference in levels between the appeal site and the garden of No 10. This perception would result in a significant loss of amenity in conflict with LP Saved Policy ENV11.
19. A front facing first floor window of the house at No 26 Grange Road lies in close proximity to the boundary of the appeal site. The proposal would include a stairwell block which would also lie in close proximity to this boundary. I am satisfied however that the stairwell block would not harmfully increase the overshadowing of this window due to the presence of the existing building.
20. That part of the rear garden of No 10 Grange Road which lies alongside the boundary of the appeal site would be situated in close proximity to the proposed delivery vehicle and parking areas within the site. These areas would however be at a lower level than the garden and would be protected by an acoustic fence. In view of these factors, I do not consider that there would be any harmful noise and disturbance to the users of the garden.
21. Although I have not identified any harm in respect of sunlight or noise and disturbance, this would not outweigh the harm that I have found in respect of privacy. I therefore conclude that the proposal would have a harmful effect on the living conditions of adjoining occupiers in relation to privacy and that it would thus conflict with Local Plan Saved Policy ENV11.

Other Matters

22. It has been put to me that care homes need to be larger to effectively comply with the latest statutory requirements. Whilst this may be the case, it does not necessarily mean that standards of acceptability in planning terms should be relaxed, notwithstanding the benefit of the proposal to local needs. Circumstances at other care homes have also been brought to my attention, each case should however be considered on its own merits, and this I have done.

Conclusion

23. I have taken into account all other matters raised, but none carry sufficient weight to alter my opinions. I therefore conclude that the appeal should be dismissed.

Stephen Roscoe

INSPECTOR



**North Warwickshire
Borough Council**

Development Control
Council House
South Street
Atherstone
Warwickshire
CV9 1DE

The Town and Country Planning Acts
The Town and Country Planning (General
Development) Orders

DECISION
Smallscale Major

Application Ref : PAP/2009/0402

Mr John Craddock
R John Craddock Associates
Dugdale House
25/27 Dugdale Street
Nuneaton
Warks
CV11 5QJ

Site Address

12 Grange Road, Hartshill, CV10 0SS

Description of Development

Demolition of no: 12 a detached residential property and 12-16 the existing residential care home and construction of a new 40 bedroom residential care home with associated car parking

Applicant

Linden Care Homes Ltd

Your planning application was valid on 4 September 2009. It has now been considered by the Council. I can inform you that:

Planning Permission is **REFUSED** for the following reason:

1. The proposal is considered to contribute to an identified need for special needs accommodation in the Borough, and is in a sustainable location in respect of access to public transport methods. In addition, whilst parking is not ideal, it can be addressed through condition to accommodate all abilities. Nevertheless, these considerations are not considered to outweigh the underlying concerns over the principle of development and impact on character, amenity and pedestrian safety. It has not been adequately demonstrated that there is no potential risk from landfill gases to occupiers of this sensitive end use, nor has it been conclusively demonstrated that there is no potential harm to protected and vulnerable species. It is also considered that the impact on neighbouring amenity is unacceptable with loss of privacy and overshadowing, as well as disturbance through exposing residents to previously distant vehicular movements and deliveries. The amenity standards for occupiers of the care home would also be compromised through the use of obscure glazing to primary habitable windows. It is also considered that the access

Authorised Officer _____

Date 3 December 2009

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does not prioritise pedestrian access, with users forced into the vehicular domain at the access and turning area. Furthermore, the proposal does not benefit from a logical and cohesive design, with the elevations and roof profiles giving the appearance of a series of poorly planned extensions, nor does the layout, mass and scale harmonise with the immediate or wider setting, and detailing does convincingly reflecting the traditional design concept. Consequently, the proposal is contrary to saved policies ENV3, ENV6, ENV11, ENV12, ENV13 and ENV14 of the North Warwickshire Local Plan 2006.

APPEALS TO THE SECRETARY OF STATE

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

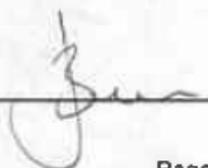
PURCHASE NOTICES

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

NOTE

A report has been prepared that details more fully the matters that have been taken into account when reaching this decision. You can view a copy on the Council's web site via the Planning Application Search pages <http://planning.northwarks.gov.uk/portal>. It will be described as either 'Application File', 'Board Report' or 'Officer's Observations'. Alternatively, you can view it by calling into the Council's Reception during normal opening hours (up to date details of the Council's opening hours can be found on our web site <http://www.northwarks.gov.uk/site/scripts/contact.php>).

Authorised Officer _____



Date 3 December 2009

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**North Warwickshire
Borough Council**

Development Control
Council House
South Street
Atherstone
Warwickshire
CV9 1DE

**The Town and Country Planning Acts
The Town and Country Planning General
Permitted Development Order 1995 (as
amended)**

DECISION
Demolition Determination

Application Ref : PAP/2010/0316

Mr John Craddock
R John Craddock Associates
Dugdale House
25/27 Dugdale Street
NUNEATON
CV11 5QJ

Site Address
12 Grange Road Hartshill CV10 0SS

Description of Development
Demolition of building

Applicant
Linden Care Homes Ltd

I refer to your application for a determination as to whether or not prior approval is needed under the above act.

I can advise you that providing the development takes place in accordance with the application made valid by the Council on 2 July 2010, the demolition may proceed on the basis of the details submitted. The applicant is advised of the need to obtain all appropriate consents prior to proceeding, particularly those that might be required under the Countryside and Wildlife Act in respect of protected species.

NOTE

1. This decision is for the purposes of the Town and Country Planning Act only. It is not a decision under Building Regulations or any other statutory provision. Separate applications may be required.
2. A report has been prepared that details more fully the matters that have been taken into account when reaching this decision. You can view a copy on the Council's web site via the Planning Application Search pages <http://planning.northwarks.gov.uk/portal>. It will be described as either 'Board Report' or 'Officer's Observations'. Alternatively, you can view it by calling into the Council's Reception between 9am and 1pm on weekdays.

Authorised Officer _____

Date 27 July 2010

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**North Warwickshire
Borough Council**

Mr D Charles
Linden Care Homes Ltd
Linden Lodge
Linden Lane
Warton
B79 0JR

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

Switchboard: (01827) 715341
Fax: (01827) 719225
E Mail: PlanningControl@NorthWarks.gov.uk
Website: www.northwarks.gov.uk

Date: 03 January 2012

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

DECISION NOTICE

Demolition Determination

Application Ref: PAP/2011/0611

Site Address

Merevale Grange Rest Home, 14-16, Grange Road, Hartshill,
Nuneaton, CV10 0SS

Grid Ref: Easting 432733.11
Northing 294629.89

Description of Development

Demolition of building

Applicant

Mr D Charles Linden Care Homes Ltd

I refer to your application for a determination as to whether or not prior approval is needed under the above act.

I can advise you that providing the development takes place in accordance with the application made valid by the Council on 9 December 2011, I do not require further details to be submitted. **The development may now proceed.**

INFORMATIVES

1. The applicant is advised of the need to obtain all appropriate consents prior to proceeding, particularly those that might be required under the Countryside and Wildlife Act in respect of protected species and under Building Regulations.

Authorised Officer: _____

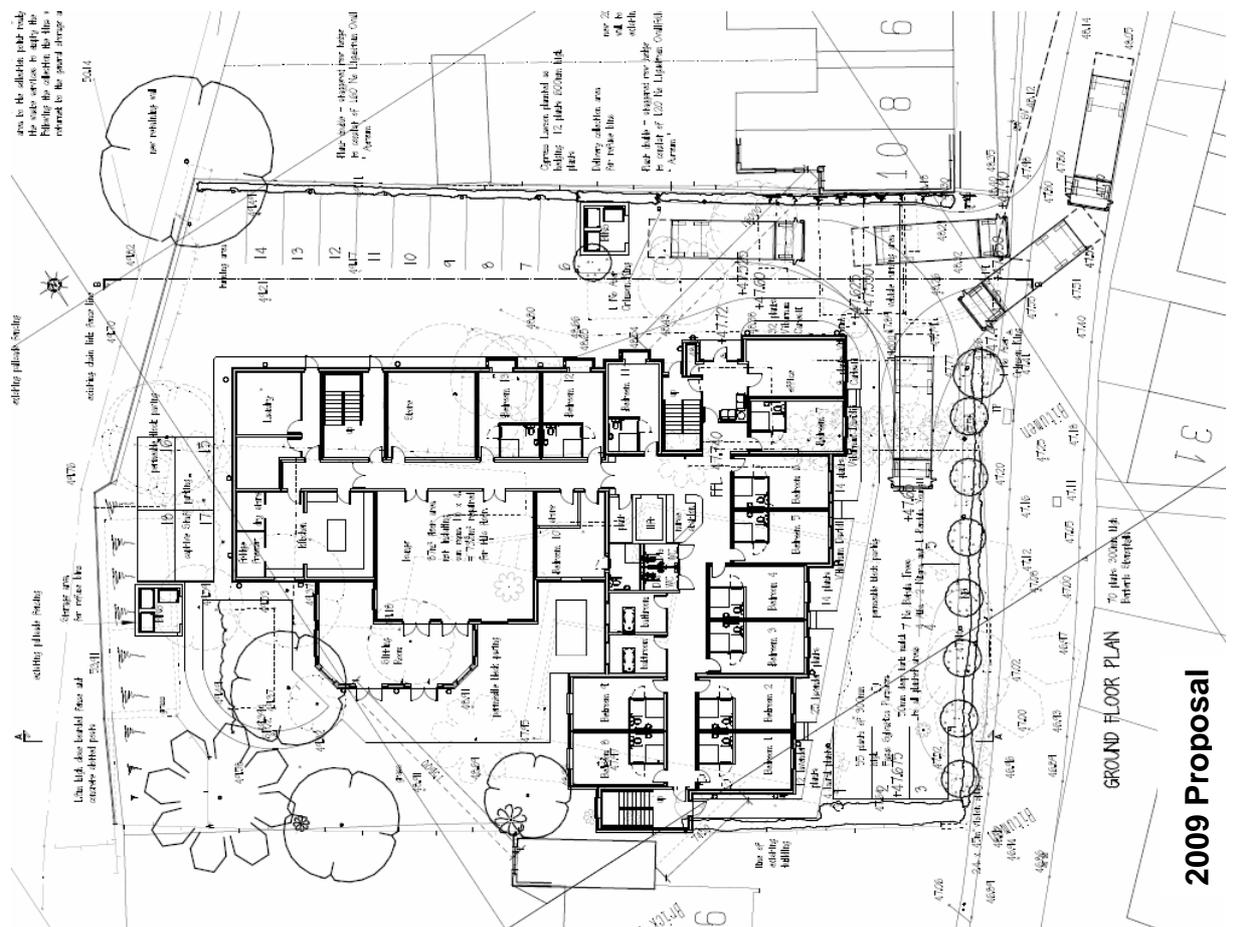
Date:

3 January 2012

Page 1 of 2



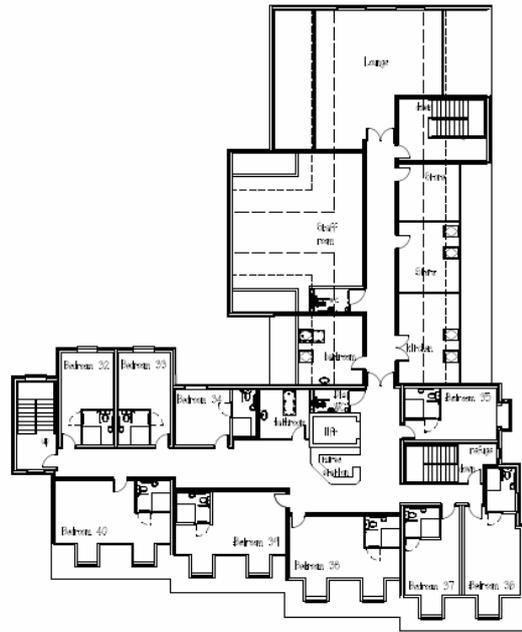
Ground Floor and Layout Plans



First and Second Floor Plans

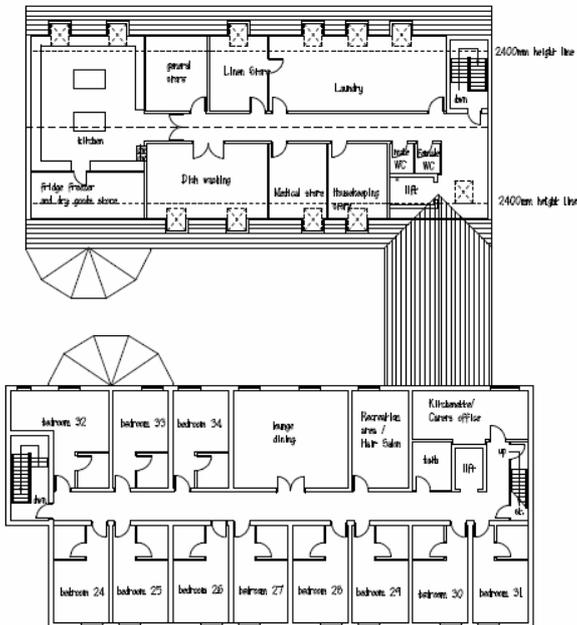


FIRST FLOOR PLAN

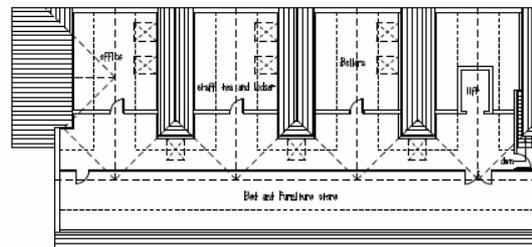


SECOND FLOOR PLAN

2009 Proposal



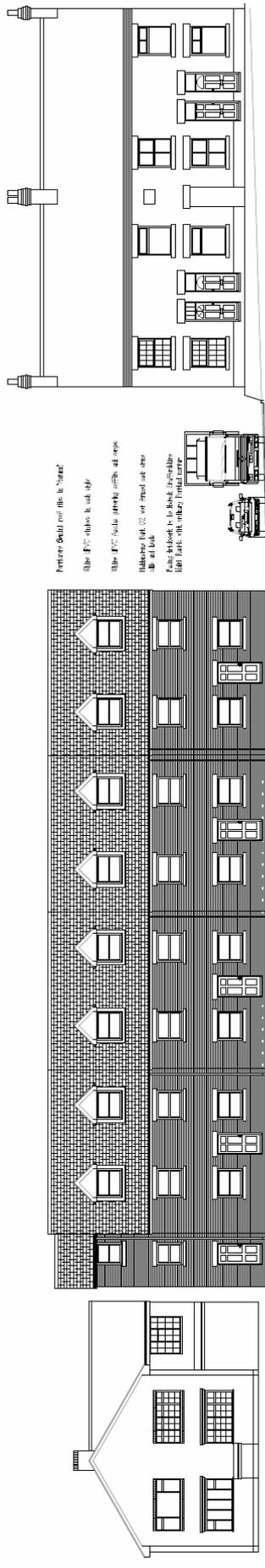
FIRST FLOOR PLAN



LOFT PLAN

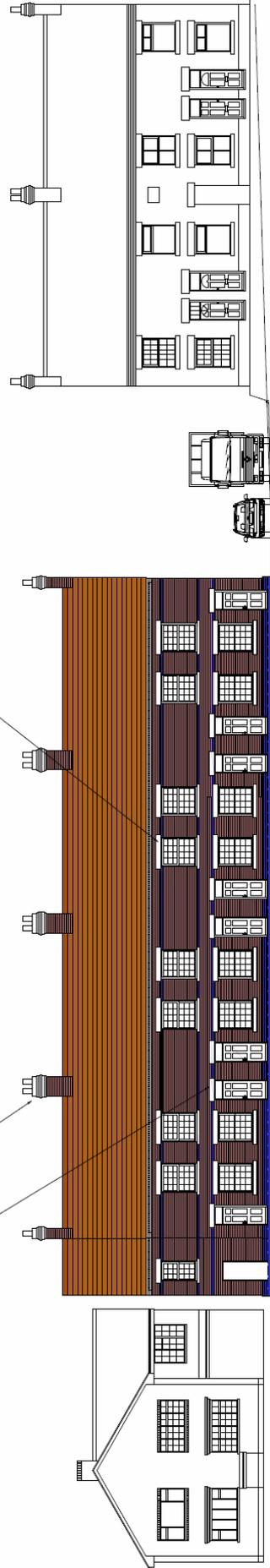
2012 Proposal

Grange Road Elevations



2009 Proposal

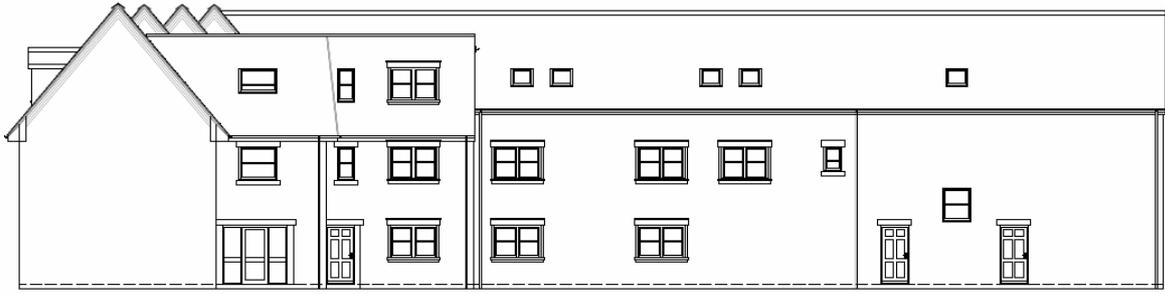
1 : 100 GRANGE ROAD HARTSHILL STREET SCENE



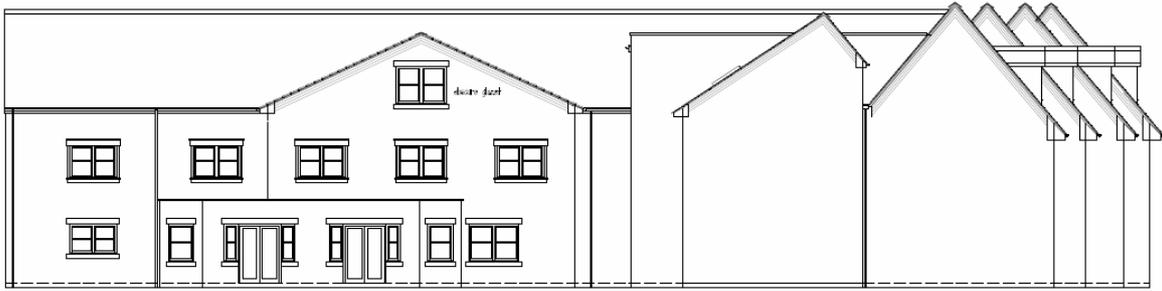
2012 Proposal

GRANGE ROAD HARTSHILL STREET SCENE

Side Elevations



1 : 100 SIDE ELEVATION VIEWED FROM 10 GRANGE ROAD



1 : 100 SIDE ELEVATION VIEWED FROM 26 GRANGE ROAD

2009 Proposal



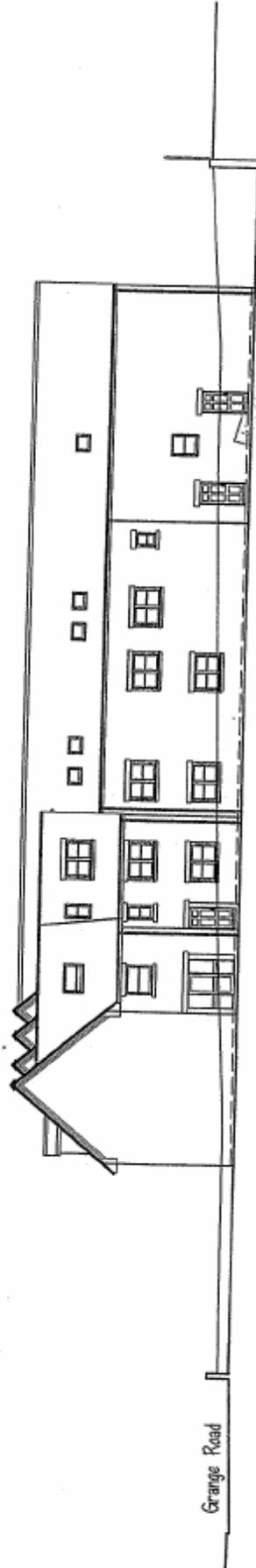
SOUTH WEST ELEVATION



NORTH EAST ELEVATION

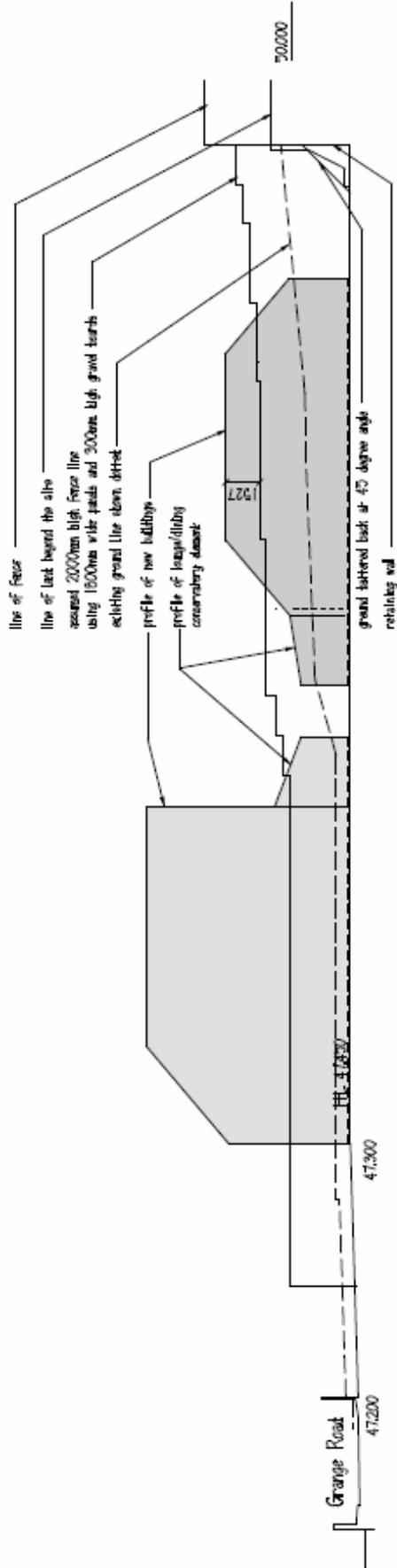
2012 Proposal

Cross Sections



Architectural Elevation through line C - C as proposed

2009 Proposal



SECTION THROUGH A-A - SHOWING PROFILE OF BUILDING

2012 Proposal

(5) Application No: PAP/2012/0164

Grimscote Manor, Lichfield Road, Coleshill, Warwickshire, B46 1LH

Change of use from C3/C1(Dwelling/Hotel) to C1 (Hotel), for

Mr Steven Cuddy - Grimscote Manor Hotel

Introduction

This application is reported to Planning Board in light of its past interest in the site.

The Site

This site is on the western edge of Coleshill, sandwiched between residential properties and the A446 Lichfield Road, a dual carriageway. The access lies to the southern corner of the site, with a driveway taking vehicles past a small paddock and the marquee up a steep rise to a parking area in front of Grimscote Manor. There is a further dwelling in the northern corner and an additional outbuilding close the recently approved marquee. Due to the marked changes in levels across the site, the guest house and residential buildings sit much higher than the marquee, which is at the foot of densely vegetated embankments to the south-east and north-east.

The Proposal

It is intended to change the remaining residential element of the original house to guest accommodation. This will result in the main building serving wholly as a hotel as opposed to a hybrid guest house/dwelling. No external changes to the building are proposed.

Background

An application to change the use of the former dwelling here into a hotel was refused in 2000. Part of this building was converted to bed and breakfast accommodation, but a retrospective application to retain this use failed in 2004. A Certificate of Lawfulness application for this accommodation also failed in 2005. Enforcement action was then taken with the issue of an Enforcement Notice. This Notice was appealed, and one of the grounds of that appeal was that the bed and breakfast accommodation was lawful. The appeal succeeded on that ground. As a consequence the Inspector made it clear that the lawful use at that time was for a mixed use – as a residential dwelling and the provision of bed and breakfast accommodation.

The conversion of an existing garage into a dwelling was approved in 2009 and that dwelling will remain separate to the proposed hotel use. The existing access onto the A446 is lawful, and recent improvements are covered by the 2011 temporary approval for the marquee.

There has been a long standing difference of view between the Council and the owners about the lawfulness of part of the existing accommodation for “functions” and “events”. The George Lewis Suite within the main building here caters for up to 60 persons for such events as weddings; conferences and social bookings. In the Council’s view, this use is not included in the lawful “mixed” use referred above, as it is an additional use over and above either residential accommodation or the provision of bed and breakfast accommodation. It is thus considered to be unauthorised at present. The owner argues that such a use is “ancillary” to the bed and breakfast provision and that such a use itself has become lawful through the passage of time. The owner was requested to resolve the “functions” issue along with the previous application to retain the marquee, but at the time declined. However the matter will now be addressed under this application.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies): Core Policy 2 (Development Distribution), ECON11 (Hotels and Guest Houses), ENV9 (Air Quality), ENV11 (Neighbour Amenities), ENV14 (Access Design), TPT1 (Transport Considerations), TPT3 (Access and Sustainable Travel) and TPT6 (Vehicle Parking).

Other Relevant Material Considerations

Government Advice: National Planning Policy Framework (NPPF).

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

Consultations

At the time of writing the period for comments to be made is still open. The following consultations/representations may thus be updated at the meeting.

Coleshill Town Council – no response received.

Representations

Neighbour notifications were sent and a site notice erected on 19 April. At the time of writing a single response has been received which highlights access and parking concerns raised under assessment of the 2011 consent, and request that the requirements under that consent are imposed.

Observations

The principle of this change of use in this location is supported as the site is within the development boundary for Coleshill as defined by the Local Plan. The development reinforces existing services and facilities, together with providing local employment opportunities within one of the Council’s main settlements. Further support is afforded by the NPPF as it will encourage economic growth. There is however other planning considerations which could be of such weight individually or cumulatively, to outweigh this support. These considerations are the impacts on neighbouring residential amenity and the access and parking arrangements.

(a) Amenity impacts

The proposed use could be expected to generate some disturbance to neighbours, and more particularly noise during social functions. However, this consideration centres on whether this would be likely to give rise to unacceptable levels of disturbance to neighbouring residential occupiers. The total number of 14 rooms would be accompanied by the recently approved marquee, the George Lewis Suite (also the restaurant) and a new small 'Guild room', before the usual breakfast, bar and supporting kitchen and laundry facilities.

There are material factors which weigh in favour of the application here. Firstly, that the guest house use has occurred for a number of years. The additional rooms would be formed by the loss of the applicant's residential accommodation. This change alone is not considered to have an impact on neighbouring amenity – particularly when the access is well away from other dwellings and it only provides 4 additional rooms. Secondly, the use of the George Lewis Suite has continued for many years without complaint over noise or traffic movements. Thirdly, that Suite is sited below the level of the swimming pool and sandwiched between that and the guest house, as well as there being a thick buffer of trees and vegetation to the site boundaries, and high ambient noise levels arising from the adjoining busy main road and nearby motorways. Fourthly, the size of the room itself also makes it unsuitable for large functions with those accommodated within the marquee. The Environmental Health Officer noted that on the application to retain that marquee, there had been no substantiated complaints received in respect of noise nuisance from its use. It was also noted that because the Suite is a brick built structure then the potential for noise breakout is likely to be less in any event.

Set against the above factors, it is unlikely that the George Lewis Suite would give rise to unacceptable levels of disturbance. There is a condition controlling the hours of use of that marquee, and that can be suitably reflected here. The marquee is only consented for a temporary period of 3 years to enable the larger element of the functions use to be assessed, and the premises licence also provides further control. The same observations above also extend to the creation of the Guild room. Its exact use is unclear, although it could provide for functions. However this is even smaller than the George Lewis Suite and on a corner facing the A446. It is again unlikely that neighbours would experience unacceptable levels of disturbance

(b) Access and parking provisions

Members' attention is drawn to the Highway Authority's opinion on the marquee application. The Highway Authority's conclusion was taken in the knowledge that the traffic generation from the site involved the use of that marquee and the lawful use of the site for two residential dwellings and for the provision of up to ten bedrooms for bed and breakfast accommodation. Its conclusion was that provided access improvements as specified take place and that sufficient parking space is provided, then there would not be a highway objection. The Highway Authority was subsequently asked to say whether it would have a different conclusion if the use of the Suite with a capacity of 60 persons was factored in to the situation. It said not. It concluded that the access improvements would be sufficient to accommodate for the Suite, and that if additional on-site car parking could be made available, then there would be no objection. This was a material change in circumstance which carried substantial weight in whether it was expedient to commence enforcement action.

Since the 2011 consent, the applicant has undertaken the necessary works to improve the access as well as providing details to demonstrate the parking requirements can be achieved within the site. The applicant has thus fulfilled his conditional requirements in this respect.

The further change now presented (i.e. the additional bedrooms and the Guild room) is not considered to materially change these circumstances. A parking space for every two bedrooms is expected under the Council's standards. This draws a need for two spaces – the same number considered necessary for the existing residential accommodation. There is thus no change in the status quo here. The Guild room is of such a size that it is unlikely to be used for a separate function at the same time functions could take place in the marquee and George Lewis Suite. It is far more likely to serve as an ancillary part of a function, such as pre-wedding drinks, or a far less 'intensive' daytime corporate function. Vehicles associated with users of the Guild room are thus likely to be equally associated with the use of another function room at the premises. There is thus not considered to be intensification in the use of the access, nor potential parking difficulties.

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 floor plans ref: GM-01 and GMP-02 received by the Local Planning Authority on 21 March 2012, and the site location plan received by the Local Planning Authority on 8 May 2012.

REASON

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

3. The George Lewis Suite and Guild room shall not be used other than between 0600 and 0000 hours on Mondays to Thursdays, between 0600 and 0100 hours Fridays and Saturdays, and between 0600 and 2330 hours on Sundays, Public Holidays and Bank Holidays.

REASON

To prevent disturbance to the occupiers of nearby properties.

Notes

The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): Core Policy 2 (Development Distribution), ECON11 (Hotels and Guest Houses), ENV9 (Air Quality), ENV11 (Neighbour Amenities), ENV14 (Access Design), TPT1 (Transport Considerations), TPT3 (Access and Sustainable Travel) and TPT6 (Vehicle Parking).

Justification

The proposal is considered to be appropriate located within a settlement boundary and represents sustainable development in principle. There is not considered to be an unacceptable impact on neighbouring amenity, nor is there considered to be harm to highway safety by way of use of the access or parking provision. The proposal is therefore in accordance with saved policies Core Policy 2, ECON11, ENV9, ENV11, ENV14, TPT1, TPT3 and TPT6 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

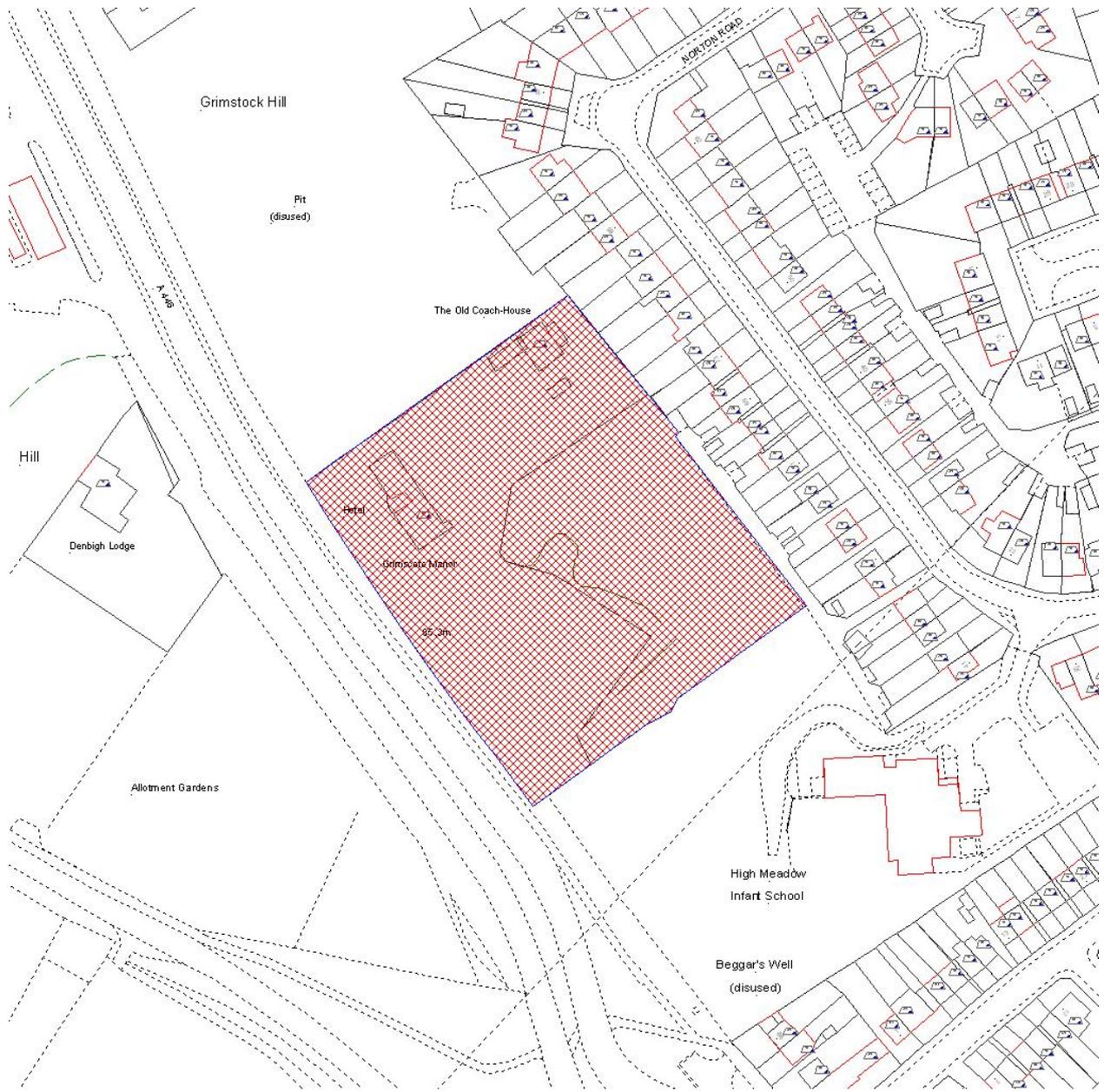
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2012/0164

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	21/03/2012 04/05/2012 08/05/2012
2	Councillor Simpson	Email to Case Officer	24/04/2012
3	Councillor Sherratt	Email to Case Officer	27/04/2012
4	M Vakil	Representation	08/05/2012

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.





(6) Application No: PAP/2012/0208

Miners Welfare Centre, Ransome Road, Arley, Warwickshire, CV7 8GZ

Erection of 42 no. 2, 3, and 4 bedroom houses with associated access roads, parking and boundary treatments etc, for

The Cassidy Group

Introduction

This application will be referred to the Board for determination because of the planning history involving a previous Section 106 Agreement. This matter is taken up within the observations section of the report. At this time however the application is reported just to introduce the case to Members.

The Site

This is a 0.92 hectare piece of land on the west side of Ransome Road just a few metres north of its junction with Gun Hill within the settlement of New Arley surrounded by residential development. It is now overgrown and vacant, but used to house the Former Miners Welfare Club together with its bowling green and tennis courts. The former building was demolished a little while ago.

The Proposals

The proposals seek the residential re-development of the site with 42 new houses comprising a mix of different sizes and designs. The general layout involves a new access onto Ransome Road leading into two cul-de-sacs with new housing either side. This is illustrated at Appendix A with samples of the appearance of the houses at Appendix B.

Whilst the current applicant owns the land and would build out the scheme if approved, it is proposed that all of the houses would be managed by a Registered Social Landlord – the Bromford Group, one of the Council’s partner RSL’s. The applicant has submitted a letter – copied at Appendix D – which outlines the approach to be taken to this provision. In short, 22 of the new houses – that is 52% - would be socially rented accommodation in perpetuity, thus meeting the Council’s own definition of “affordable” housing in its Development Plan. The remaining 20 would be shared ownership housing. As the letter in Appendix D explains, these could “staircase” out to the 100% equity for the initial occupier and then revert to open market housing afterwards. Because they are thus not available in perpetuity, they would not accord with the Council’s definition of “affordable” housing as set out in the Development Plan. For shared ownership schemes to do so, each occupier could only “staircase” out to 80% of the market value, the freehold reverting back to the RSL.

Additional supporting documentation has been submitted with the application. This includes a Design and Access Statement; a Ground Conditions Report, an Ecological Assessment and a Tree Survey.

The applicant has also undertaken pre-submission consultation with the local community. A copy of the report summarising this is attached at Appendix C. In brief 900 leaflets were distributed locally and an exhibition event was also held. 80% of the respondents supported the redevelopment of the site; that its redevelopment would reduce anti-social behaviour and that it would contribute to a wider range of housing in the area.

There is a current outstanding application lodged with the Council, by the same applicant, which seeks to remove waste material tipped at the site by the Club when it was in operation. This was to provide a general lifting of levels over the site so as to provide a football pitch on the site. Whilst this development was implemented and material brought onto the site and levelled, it never came into use for recreation purposes due to the demise of the Club. The Board will be updated as to the position on this application at the meeting.

Background

An outline planning permission was granted in 2011 for the residential development of this site with 37 houses, 15 of which (40%) were to be “affordable”.

This permission was accompanied by a Section 106 Agreement under which a contribution of £32, 868 would be made to the Council towards open space provision in the vicinity of the site.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policies 2 (Development Distribution), 8 (Affordable Housing) and 12 (Implementation) together with Policies HSG2 (Affordable Housing), HSG4 (Densities), ENV11 (Neighbour Amenity), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

New Homes Bonus

Observations

There is no objection in principle to this development. Not only is the site within the built up area of Arley, a recognised Local Service Centre, but it also benefits from an extant planning permission. The key issues are therefore to establish whether the differences between the current proposals and the terms of the recent permission can be supported or not. There are two substantive differences.

The increase in the number of houses proposed is not considered to be material – just five more houses. However it is material that the delivery of the affordable provision is different. In short, the current approval enables the provision of 15 (40%) affordable dwellings in order to meet the Council’s definition of affordable housing. The remainder – that is 22 or 60% - would be open market houses. The current proposal is for the provision of 22 (52%) affordable dwellings to meet the Council’s definition of affordable housing. The remainder - that is 20 or 48% - could become open market housing, as they would be limited to shared ownership provisions for the first occupier. If that occupier “staircases” out to 100%, then the house would come onto the open market; if not, then it would remain with the RSL as a shared ownership property. The first issue for the Board is to consider whether this new proposal carries support given the Council’s definition of “affordable” housing provision.

The second change relates to the existing Section 106 Agreement pertaining to the site. This requires a financial contribution to be paid to the Council for local open space provision. Given the change in the nature of the proposals in respect of the affordable housing provision, the Board will need to explore whether this affects the viability of the project. If this is the case, then a lower contribution might be a consequence. The applicant has been requested to address this issue. The Board will then have to “balance” the existing situation against any new one – e.g. 40% affordable housing and a £38,868 contribution, against 52% provision but a lower contribution.

Additionally the Board will need to ensure that the detail and appearance of the proposals are acceptable – e.g. access arrangements and design etc.

Recommendation

That the receipt of the application be noted at this time.

BACKGROUND PAPERS

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

Planning Application No: PAP/2012/0208

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement	17/4/12
2	Applicant	Letter	9/5/12

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.



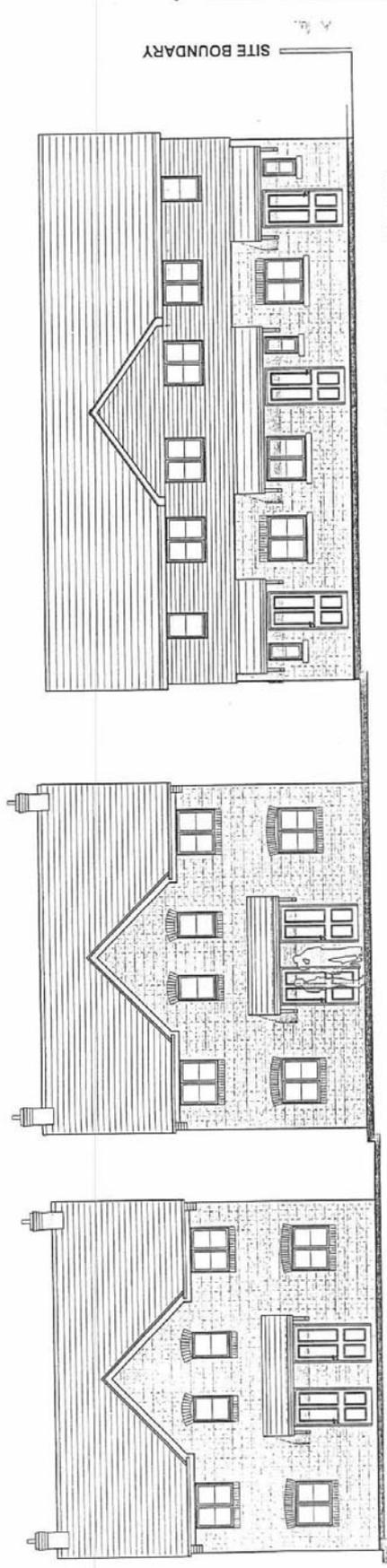
2012/0208

- Notes
- 1) This drawing MUST NOT BE SCALED.
 - 2) All dimensions are in METERS UNLESS OTHERWISE STATED.
 - 3) The area boundary shown is the site boundary as shown on the site plan.

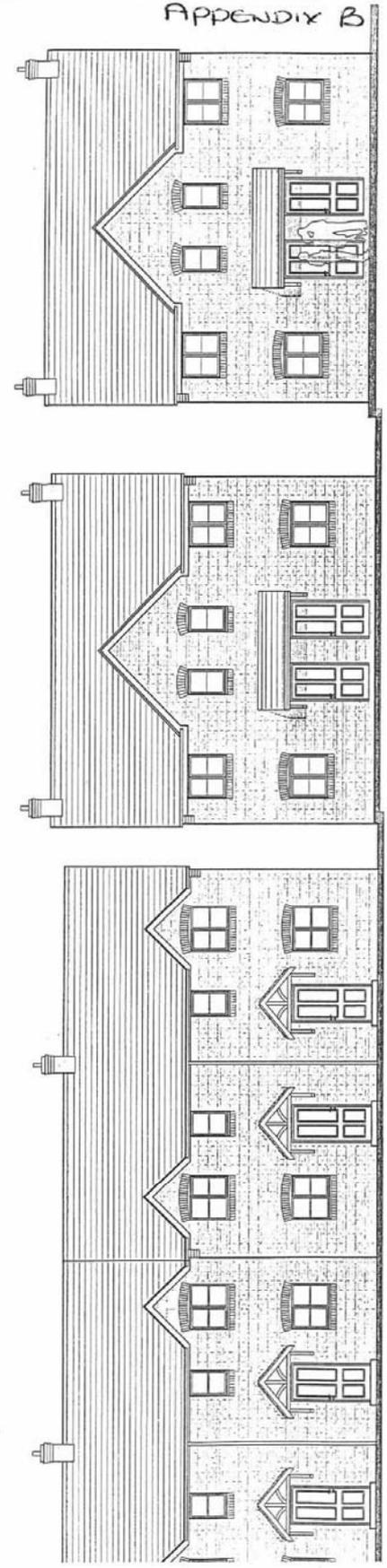


NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
17-Apr-12
PLANNING & DEVELOPMENT
DIVISION

<input type="checkbox"/> APPROVAL <input type="checkbox"/> PRELIMINARY <input checked="" type="checkbox"/> FOR CONSTRUCTION		CASSIDY GROUP FORMER HINDS WELFARE CLUB SITE 100 PARK ROAD NEW ARLEY
CHART CASSIDY GROUP		
DRAWING TITLE SITE LOCATION PLAN		
DRAWING BY A.L.		
CHECKED BY P.J.T.		
DATE 17-04-12		
SCALE 1:2500 A3		
DRAWING NUMBER 6551/22		
REVISIONS		
PROJECT ADDRESS 100 PARK ROAD NEW ARLEY LEICESTERSHIRE LE12 7JG TEL: 01530 254700 FAX: 01530 254701 WWW.GMH.CO.UK		

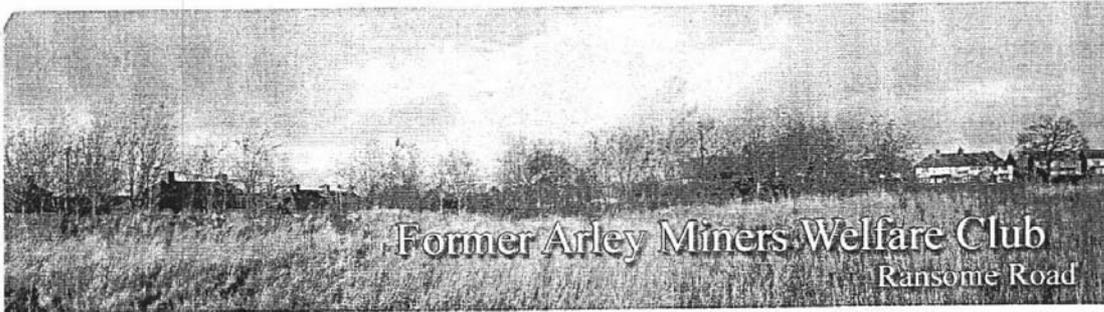


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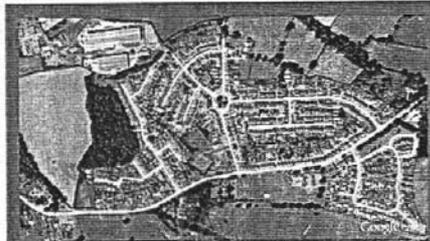
Public Consultation Event - Report

Arley & St Michael's Community Centre Gun Hill 21st March 2012 15:00 - 19:00



As part of a detailed planning application for the redevelopment of the former Arley Miners Welfare Club site, Cassidy Group staged a Public Consultation Event.

The consultation allows Cassidy Group to present their proposed designs for the new development to the public, whilst at the same time allowing for engagement with the local residents to understand their wishes and requirements so that the finished development is geared towards the needs of the Arley community.



Leaflets were delivered to properties in:

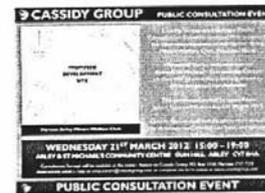
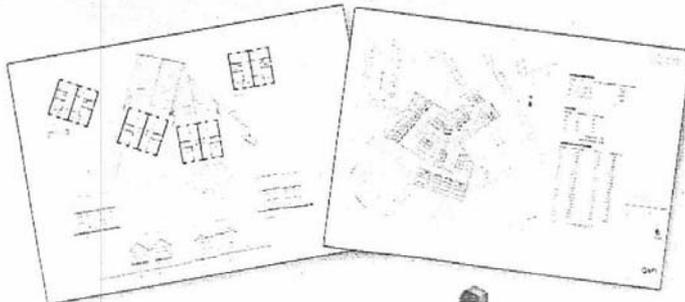
Ransome Road	Daffern Avenue	Gun Hill
Frederick Road	Ryder Row	Spring Hill
Stewart Court	Hollick Crescent	Hill Top
Morgan Close	Fir Tree Lane	Sycamore Cres
Lichfield Close	George Street	Sycamore Corner
Fourfields Way	James Street	Hawthorne Ave
Tremelling Way	Charles Street	Laurel Close

Notice of the consultation was provided to the community by way of a door-to-door leaflet drop. Over 900 leaflets featuring details of the event were posted out to homes in the vicinity of the proposed development site, with further leaflets and posters provided to local shops and community facilities for display; these included 'The Fir Tree Inn' and 'The Wagon Load of Lime' public houses, Gun Hill Stores & Post Office, Spring Hill Medical Centre and the Arley & St Michael's Community Centre. Deliveries of the notices were carried out between the 9th & 13th March, circa two weeks in advance of the consultation event.



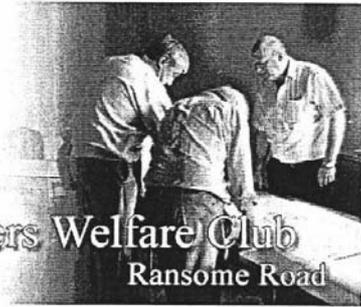
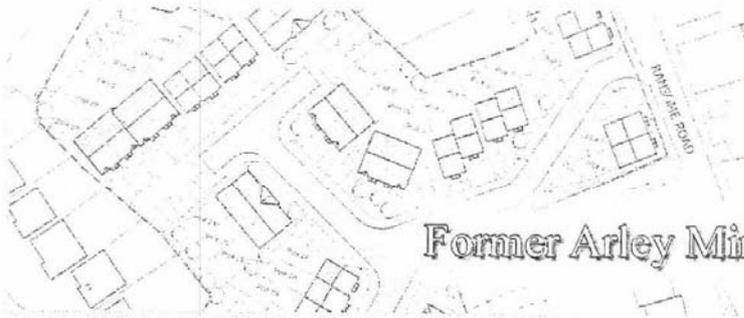
The consultation was held at the Arley & St Michael's Community Centre on Gun Hill in Arley on the afternoon of Wednesday 21st March 2012. The event was open from 15:00 until 19:30.

Representing Cassidy Group at the event were John Hannon (Development Manager) and James Cassidy (Director). Also in attendance was Paul Roberts, Housing Strategy and Development Officer for North Warwickshire Borough Council - all three were on-hand to present the development proposal and answer any of the attendees' queries.



Public Consultation Event - Report

Arley & St Michael's Community Centre Gun Hill 21st March 2012 15:00 - 19:00



Former Arley Miners Welfare Club
Ransome Road

Consultation Key Points

900

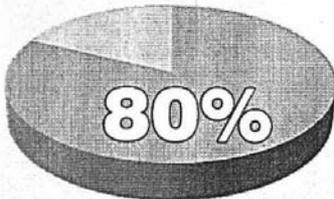
Over 900 leaflets were delivered to properties in the Arley community to notify residents of the public consultation event

67

67 visitors entered their name and address in the attendance register

53

53 visitors completed a Consultation Survey Form prepared by Cassidy Group



80% of respondents supported the redevelopment of the former Miners Welfare Club site

52% of respondents believe the derelict site has contributed to anti-social behaviour in the area



62% of respondents wanted a greater choice of housing available in the area

5 respondents registered their interest in seeing properties for over-55s or those people with physical disabilities



33%

33% of respondents knew of someone or were themselves looking for a house to rent or buy in the vicinity of Arley



House #	POST CODE	NAME	SUPPORT Y N	SUPPORT Y N	ANTI/SOCIAL Y N	CHOICE Y N	CHOICE Y N	PURCHASE Y N	PURCHASE Y N	RENT Y N	RENT Y N	Survey #	COMMENTS
			1	0	1	0	1	0	0	1	0	1	1
			1	0	1	0	0	1	0	1	0	1	2
			1	0	1	0	0	1	0	1	0	3	Don't want wheelee bin shed in case of disturbance; get mess already over garden
			1	0	1	0	1	0	0	1	0	4	Don't want wheelee bin shed at bottom of garden in case of mess, already have rubbish
			1	0	0	1	0	1	0	1	0	5	You need to include a central circle for a flower bed with seating for old people
			1	0	0	1	0	1	0	1	0	6	No consideration for people with physical disabilities
			0	1	0	1	0	1	0	1	0	7	Affordable housing is only going to lead to further anti-social issues. It increases traffic to Gun Hill, already very congested, especially at school times. And shop deficiencies. What is being done to safeguard life on Gun Hill? Especially with school merging in 18 months
			1	0	1	0	0	1	0	1	0	8	We should do it nice but monitor who moves in, keep the bad lot out.
			0	1	1	0	0	1	0	1	0	9	Do something for the kids instead of more houses for more strangers.
												10	
			1	0	0	1	0	1	0	1	0	11	Will any increase in traffic cause problems along Gun Hill from the shops to the mini island near the church where vehicles are parked
			1	0	1	0	1	0	1	0	1	12	I would like to see more housing for people over 55 as there are limited amenities for children and teenagers. Also, Stuart Court is for the elderly and I would hate for them to be having problems with big families on this new estate. CCTV for the elderly.
			1	0	1	0	1	0	0	1	0	13	Good to see something useful happening with the site.
			1	0	0	1	0	0	0	1	0	14	Not to develop as housing but as something for children of village
			0	1	0	1	0	1	0	1	0	15	Sure that better community use could be made of the land. There is a huge issue of traffic - we need 20mph limit, enforced with major traffic calming strategies. Had problems with heavy plant when building old Arley who's going to fix the cracks in my walls.
			1	0	0	1	1	0	1	0	0	16	
			1	0	1	0	1	0	1	0	0	17	
			1	0	1	0	0	0	0	1	0	18	Redevelopment of the site is a good idea but traffic is becoming a problem... some form of traffic calming is needed.
			0	1	0	1	0	1	0	1	0	19	I doubt public opinion will have much sway; it is not as if this consultation has had much publicity. What measures will be taken to mitigate disruption during construction? There had better be a fence around the development to screen us from noise and dirt. Too many houses for a small plot.
			1	0	1	0	1	0	0	1	0	20	Looking to buy 3/4 bedroom 'affordable' house!
			1	0	0	1	1	0	1	0	0	21	Maybe a couple of bungalows, plenty of families in the village to fill them. Would be better sold, rented to villagers.
			1	0	0	1	1	0	1	0	1	22	
			1	0	1	0	1	0	1	0	0	23	
			1	0	0	1	1	0	0	1	0	24	Too many properties on site. Concerned by lack of amenities water/sewage/statutory requirements. It is vital that the social demographics add to the village and not a municipal spill over.
			1	0	0	1						25	I do not believe we need more houses in the village. This was not the aim of the Miners Welfare Club. What the village needs is more recreation and entertainment for young and old to go.
			1	0	0	1						26	
			1	0	1	0	1	0	1	0	0	27	
			1	0	0	1	1	0	1	0	1	28	Confirmation of the public roads at the back of the properties, Daifern Ave - Thank you.
			1	0	1	0	0	1	0	1	0	29	The Top of Ransome Road roundabout - outlet traffic congestion
			0	1								30	Don't need more housing in the village! Don't care what they council say!
			1	0								31	My concerns are road junction at top of Ransome Road and George St / Gun Hill. Also, sewerage capacity as we suffer overflow of raw outside our house.
			1	0	0	1						32	

HOUSE #	POST CODE	NAME	SUPPORT Y	SUPPORT N	ANTISOCIAL Y	ANTISOCIAL N	CHOICE Y	CHOICE N	PURCHASE Y	PURCHASE N	RENTY Y	RENTY N	SURVEY #	COMMENTS
			0	1	1	0	1	0	1	0	1	0	33	No greenspace in redevelopment, this needs addressing. Loss of greenspace (bowling green) no money to compensate. Suggest closure of Stuart Court entrance (2 access roads on to Ransome Rd. much) have single access road.
			1	0	1	0	1	0	0	1	1	0	34	Please consider Section 106 monies for Arley Community Centre.
			1	0	1	0	1	0	1	0	1	0	35	
			1	0	1	0	1	0	1	0	1	0	36	
			1	0	0	1	1	0	1	0	0	0	37	
			1	0	1	0	0	1	0	1	0	1	38	We are concerned with the loss of privacy at the side of 25 Lichfield Close. Would welcome trees at the side and bottom of the garden
			1	0	1	0	1	0	1	0	1	0	39	
			1	0	1	0	1	0	1	0	1	0	40	
			1	0	0	1	0	1	0	1	0	1	41	
			1	0	1	0	1	0	0	1	0	1	42	I feel that the land available is not sufficient to build 42 new homes on it. They are too crammed together and need to show greater variation in design. However, I am concerned about the extra traffic the site would incur - the lack of parking spaces and / or garages. Spring & Gun Hill are already congested.
			1	0			1	0	1	0	1	0	43	The services (i.e. water supply, drainage foul & storm, electrical) are concerns as at present we have difficulties now. Also traffic impact, the fact that there are no renewable energy plans for the households or electrical power points for VEMs.
			1	0	1	0	0	1	0	1	0	1	44	We fully support the proposal to develop the site at the back of our property in Lichfield Close. Lighting on site not to impose on adjoining properties; i.e. not shine on back gardens.
			1	0	1	0	0	1	0	1	0	1	45	
			0	1	0	1			0	1	0	1	46	Would prefer not to have houses but a club to replace the old one. The village will no longer be a village with so many extra homes.
									0	1	0	1	47	I wish to be kept informed on the situation with the access road behind Daffern Avenue. This is of concern to me as I own my home and thus I am concerned that any sale or changes in ownership may affect my property. I have no comment about the development itself. I want Cassidy to confirm that this consultation will be ongoing and I want to be notified.
			1	0	0	1	1	0	0	1	0	1	48	Agree with development in principle - taking in to consideration residents who have bought their own property and invested & their property backing on to a development and should better the village - too many properties on the site. I am upset the trees will be destroyed. There is a lot of wildlife and children play in those trees, my own sons included. I am also concerned how close the development is to my fence and garden. I have worked within housing associations and know the problems they 'can't' bring. I moved here from a city - quieter, more rural and the garden was peaceful. I hope any development will improve the area and social demographic.
			1	0	0	1	1	0	0	1	0	1	49	More Bungalows.
			0	1	0	1	0	1	0	1	0	1	50	I think you should not build housing estates in here as it's pathetic. Instead build something useful for the kids (younger generation) as they have nothing to do, e.g. sports centre or a new improved park.
			0	1	0	1	0	1	0	1	0	1	51	I don't agree with this, I think it's a "cock of shit", instead build something else that the younger generation can use e.g. sports centre, etc, to keep them out of trouble or to keep them occupied, instead of having more kids.
			1	0	1	0	1	0	1	0	1	0	52	I would like to see more over 55 age group housing. I am also worried about more youth coming in to the village and anti social behaviour.
			1	0	0	1	1	0	0	1	0	1	53	SUMMARY: Don't like survey question format... in favour of housing but have difficulty imagining 42... traffic issues near shops... parking for visitors?... Core strategy says New&old Arley need 60 new homes, would want these to be of that number... reassurances these are for people with local connections... MONEY from sale should be ploughed back in to village by trustees... what about older people in New Arley, scope for them to downsize and re-utilise their current larger houses?



CASSIDY
GROUP

Jeff Brown
Head of Development Control Service
North Warwickshire Borough Council
Housing Services
The Council House
South Street
Atherstone
CV9 1DE

9th May 2012

Dear Jeff

We are writing to request permission for a change in the description of our planning application for the Arley Miners Welfare site in Ransome Road, New Arley (planning application reference PAP/2012/0208).

We would like to change from a 100% affordable application to a mixed tenure scheme which will see 52% affordable rented (22 units) with the remaining 48% being through shared ownership (16 units) and shared equity (4 units) products. This is still delivering more than the 60/40 split that North Warwickshire Borough Council normally requires in these circumstances and also fits in with the Housing Needs Survey for Arley which was completed in July 2011 which clearly shows that residents have a wish to get onto the home ownership ladder, but are unable to purchase on the open market.

The reason for asking for this material change is due to an issue with prospective purchasers having problems in obtaining a mortgage on the shared ownership/shared equity products if they are only able to staircase out to 80%, this can prevent the sale going through and will not enable the people that you are trying to help through the Housing Needs Survey to realise their dream of home ownership.

We are working in partnership with Bromford Group to develop this site and they do have guaranteed funding through the Homes and Communities Agency to develop this site, but the funding is dependent on being able to get the changes through in regards to being able to staircase out to 100%, which will be affordable to start with to enable residents to get on the housing ladder, but will not stay affordable in perpetuity if they staircase out as the property would be sold on the open market.



UK Head Office:

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Tel: 00 44 (0) 1576 522330 Fax: 00 44 (0) 1576 522445
Email: enquiries@cassidygroup.com Website: www.cassidygroup.com
Registration No. 44259

International Offices:

France Spain Portugal Jersey Guernsey



In the Governments Laying the Foundations – A Housing Strategy for England (November 2011) – they state that they are in support of shared ownership schemes through the Affordable Homes Programme where this is a local priority as it has the flexibility to enable households on a range of incomes to get a first foot on the housing ladder with the opportunity to increase their share over time when they can afford to do so.

This certainly appears to be a priority for the community within Arley who have expressed their wish to see shared ownership products being built in the village to give an alternative to social rent and open market.

We hope that you can give this request consideration and look forward to hearing from you.

Yours sincerely

James Cassidy
Director

(7) Application No: PAP/2012/0212

Cow Lees Care Home, Astley Lane, CV12 0NE

Erection of “Young on set dementia unit” under Class C2 of the Use Classes Order for

Mr John O'Sullivan

Introduction

This application is being reported to the Board for determination in view of it being of a significant scale to warrant referral to the Secretary of State should the Council resolve to support the proposals. This is because the size of the new floor-space being proposed exceeds the thresholds set out in a 2009 Direction in respect of inappropriate development in the Green Belt. The Board can refuse planning permission, but should it wish to support the grant of planning permission, the application would first need to be referred to the Secretary of State to see whether he wishes to “call-in” the application for his own determination following a Public Inquiry. At this time however, this report will just introduce the application and outline the main issues which will be involved when the Board comes to consider its determination.

The Site

The Cow Lees Care Home stands in around four hectares of park and woodland on the south side of Astley Lane some two kilometres east of the hamlet of Astley itself, and around a kilometre from the edge of Bedworth. It is an isolated location set in an agricultural setting. There is a former complex of agricultural buildings some 150 metres to the west but these are now in commercial use. There are however residential uses here too. To the east is a smaller cottage but not in the ownership of the applicant. The frontage to the site is heavily wooded as are other boundaries. The Home was a former large Victorian Villa which stood in its own large garden and grounds, and this is set behind the wooded frontage.

The site is illustrated at Appendix A.

The Proposals

a) Background

Cow Lees Nursing Home has operated since 1991 following the grant of planning permission in 1989 for the change of use of the former house to a Nursing Home under Class C2 of the Use Classes Order. It originally had 8 single and 10 double bedrooms. In 1998, planning permission was granted for a 24 bedroom extension to the south east of the main house. Smaller ancillary works have been permitted since 1990 – conservatories and laundry rooms for example.

b) The Proposal

Current legislation now requires that residents have single rooms with en-suite bathrooms. Internal alterations to accommodate this requirement would result in there being 14 single rooms in the original building, rather than the original 18, but the 24 in the extension would remain. Overall there would thus be a reduction in the capacity of the whole home from the current 52 residents to 38. This, it is said, would make the Home unviable. As a consequence, the applicant would have to provide a new development of 14 additional rooms to bring the total back up to the existing 52 resident capacity.

Instead of developing such an extension, the applicant wishes to widen the range of provision at the site to include a Young On-Set Dementia unit. This would comprise a separate building providing 24 new rooms, thus taking the overall capacity up to 62 residents. The new unit would cater for 30 to 64 year olds and comprise 2000 square metres of new floor space spread over two floors and including reception rooms, activity, meeting, treatment and staff rooms, a laundry and kitchen.

The new building would be located on the south east side of the site and run back into the present garden area thus creating an overall “L” shaped building. This is shown at Appendix B. The design of this new build would closely reflect the Victorian appearance of the original house – see Appendix C.

The proposal does involve the loss of twelve trees.

The existing Home employs some 77 employees and the proposal would increase this to 93.

c) Supporting Documentation

The applicant suggests that if he is to remain in business, he would have to submit an application for a 14 bedroom extension to the Nursing Home in order to comply with current care legislation. He is saying that this at minimum would amount to a floor area of around 1200 square metres which is 58% of the floor area of the new unit as proposed. As a consequence he is asking that this be treated as a “fall-back” position in that if the current application is refused, he would make such an application.

He has submitted evidence to support the change in nature of the proposed work from additional Nursing Home rooms to that of introducing a Dementia Unit to the site, and particularly for one catering for younger age-groups. This comes in the form of a Needs Assessment Report which concludes that the surrounding area has both a “qualitative” need for increasing the supply of residential care accommodation that meets current standards, and a “quantitative” shortfall in respect of the provision compared with the ageing population. A second report prepared by Warwickshire County Council and NHS Warwickshire, specifically looks at Dementia in Warwickshire. It draws attention to the increasing numbers of the elderly with dementia, but also to an increase in the younger age cohorts. A letter from the Consultant Psychiatrist at Cow Lees reports on the shortage of appropriate care homes for dementia patients and pointing out that Warwickshire presently has no accommodation specifically for those in younger age groups who suffer from dementia – the nearest specialist providers are at Milton Keynes and Peterborough. Further references are made to research material – particularly from the Alzheimer’s Society - which reflects the growing need for specialist accommodation and the importance of a quiet, preferably rural location. These documents are available to view on the case file, or on the web-site.

The application is accompanied by a Transport Statement which concludes that trip generation from the proposal would not be significant given the residential nature of the accommodation. It is suggested that overall there would be an increase of 15 to 20 vehicles a day visiting the site – a 1% increase in existing flows along Astley Lane. A Travel Plan is recommended for staff so as to reduce the use of the private car particularly through a staff mini-bus. There is an infrequent Flexi-bus Service (number 232) which runs along the Lane on a Wednesday and Friday.

A Design and Access Statement has been submitted which shows how the location and design of the proposed new building has been arrived at. Several alternative locations are shown – see Appendix D.

Additional documentation includes a Tree Survey, and a Protected Species report. The former provides a professional analysis of the trees likely to be affected by the proposals. The twelve trees proposed to be removed are seven conifers; a silver birch, a Norway Spruce, two limes and a cedar tree. The Protected Species report concludes that there is little evidence of significant populations of protected species, but makes precautionary recommendations in respect of bats and badgers, together with biodiversity enhancements.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 2 (Development Distribution) and ENV1 (Protection and Enhancement of the Natural Landscape), ENV2 (Green Belt), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV11 (Neighbour Amenities), ENV13 (Building Design), ENV14 (Access Design), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

Other Material Planning Considerations

The National Planning Policy Framework (NPPF) – Protecting Green Belt Land, Conserving the Natural and Historic Environment, Requiring Good Design and Promoting Healthy Communities

Observations

a) The Central Issues

The application site is wholly within the Green Belt. This proposal is inappropriate development in the Green Belt by definition, because it does not meet the criteria set out in the NPPF. The presumption is therefore that planning permission be refused. The applicant is putting forward a number of material planning considerations which he argues together amount to the “very special circumstances” necessary to outweigh this presumption. This will be the central issue that the Board has to consider. Moreover it will also need to come to a decision on whether the proposed development has any impact on the openness of the Green Belt.

Moreover the site is in a wholly rural location, well outside of any defined Main Town or Local Service Centre. New services and facilities are directed towards such locations in order to retain and enhance their viability and vitality for the benefit of all residents and visitors. Here however a major new service is proposed outside of any settlement and in a location which is considered to be “unsustainable”, given the lack of other facilities and particularly the lack different transport modes to reach the site. Members will need to decide if an exception can be made.

b) Other Matters

Clearly the Board will also have to consider a number of other matters – the adequacy of the access arrangements; the impacts on the nature conservation and ecology value of the site, the impact on the existing tree cover because of the proposed loss of some trees, together with the design and appearance of the building.

c) Site Visit

This is quite a significant proposal in terms of its scale and thus its impact on the openness of the Green Belt. In view of the application falling under the terms of the 2009 Direction it is considered appropriate that Members visit the site to assess this impact, and the recommendation is made accordingly.

Recommendation

That the Board visits the site prior to the determination of the application.

BACKGROUND PAPERS

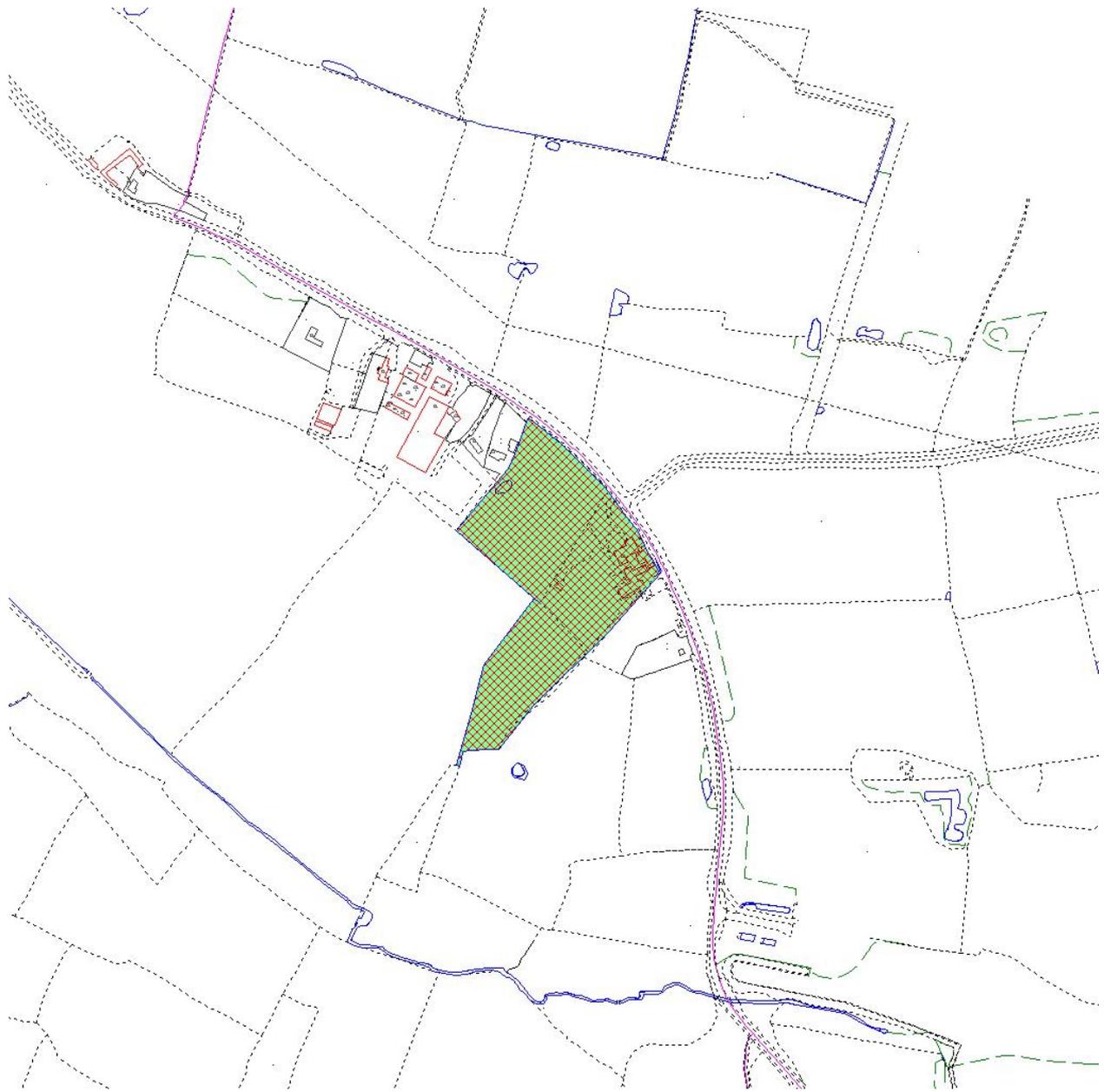
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2012/0212

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	17/4/2012

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.



2012 / 0212

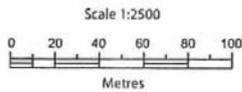


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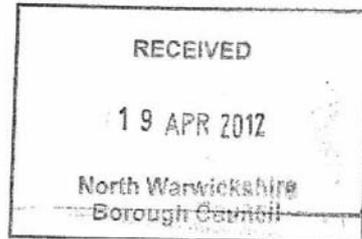
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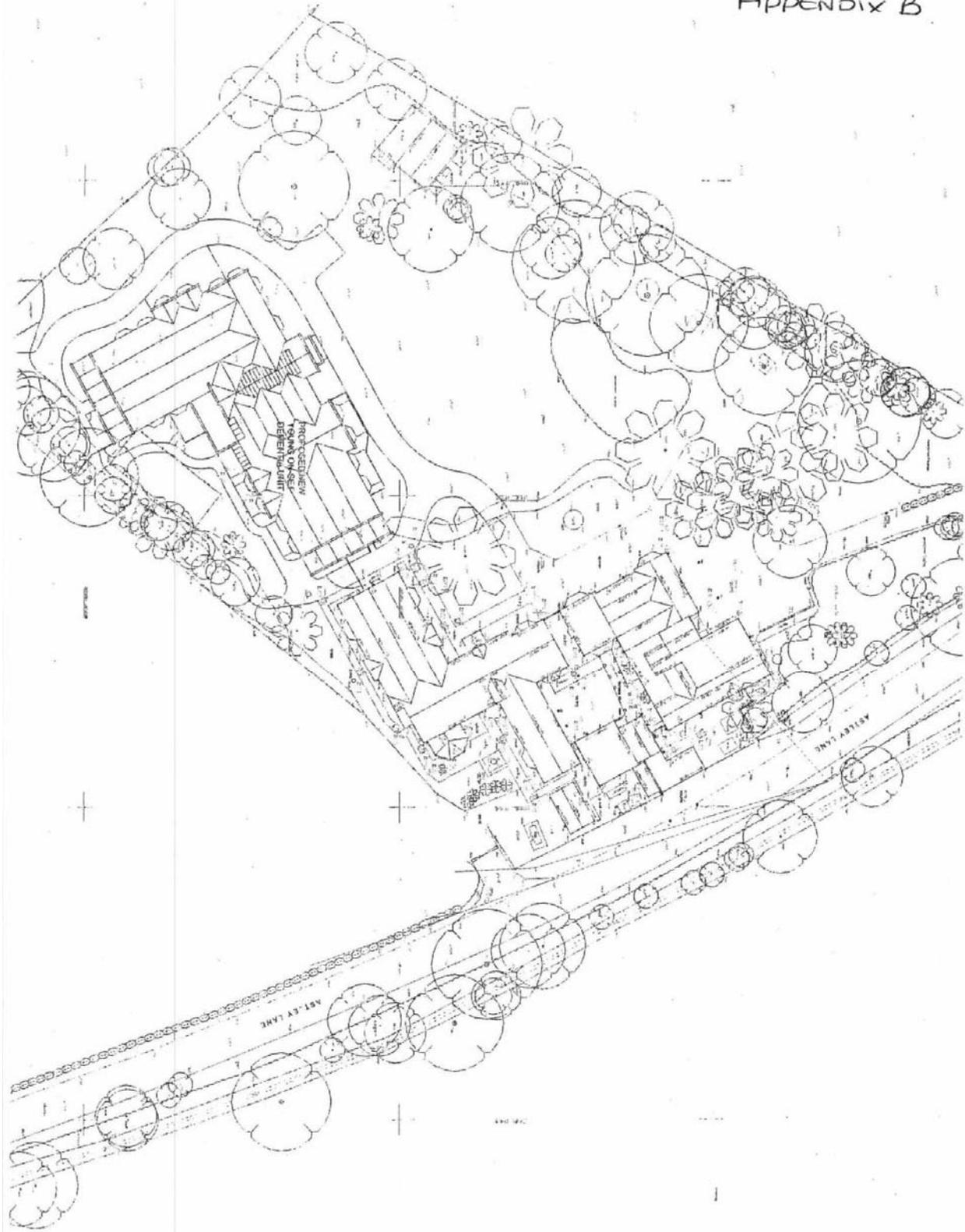
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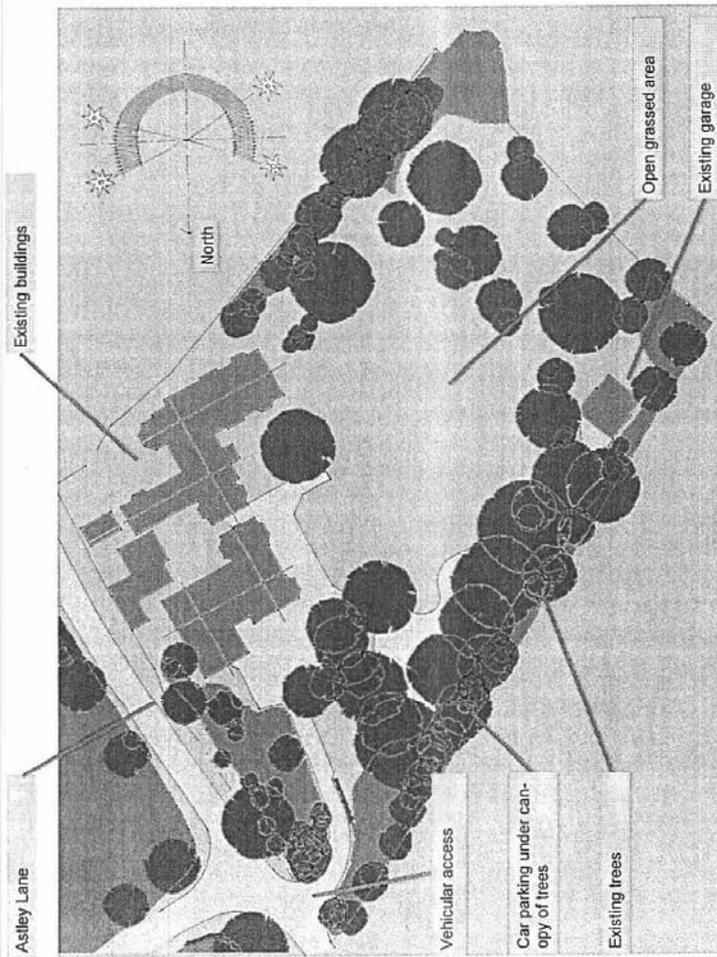


Design and Building Proposals

Existing Site

The existing nursing home is situated in the Eastern corner of the site. It is effectively the corner of an angle that extends into the open fields beyond. Immediately to the West there is a grassed open space surrounded by trees. The open space is an important communicator of the seasons and has the more practical use of a recreation space. Events regularly take place in the open space including an annual fete for the residents and their family and friends.

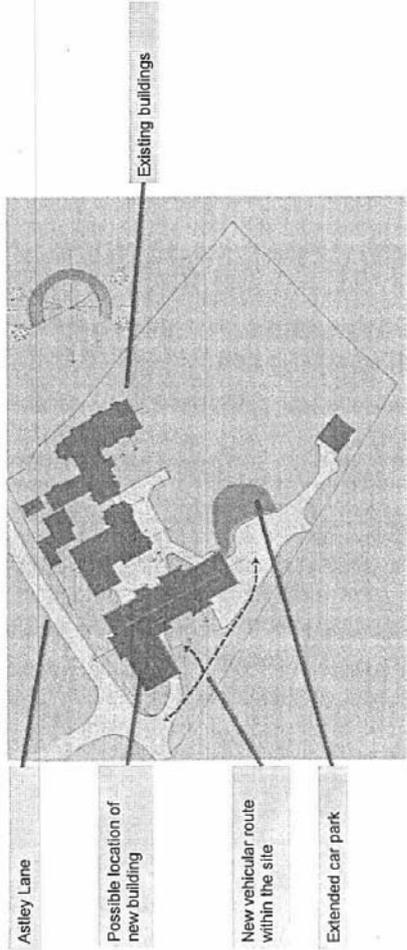
The trees form a cloak around the building, yet allow views of the open countryside beyond.



Above: Existing site plan

Design and Building Proposals

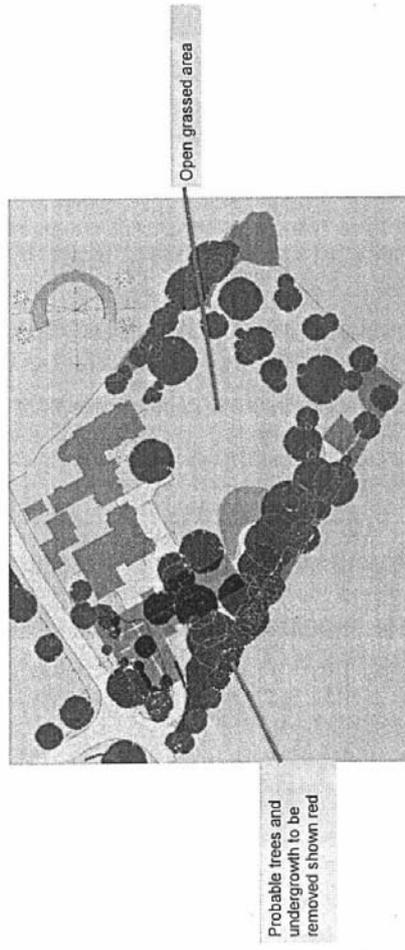
Option A



Siting of the new unit alongside the existing Cow Lees Nursing Home would reduce the expansion of development away from Astley Lane. It would require a new vehicular access into the site and an extension to the existing car park. However positioning the development in this location would have a devastating effect upon the trees that form the Northern boundary. It would also increase the prominence of, not just the new development, but also the existing buildings, on the street scene on Astley Lane and thereby increase the impact on the green belt. Locating the building in this position also limits the opportunities for interaction with the countryside. Certainly the removal of trees on the boundary would facilitate this but it is unlikely to mitigate the removal of the boundary trees based upon that premise.

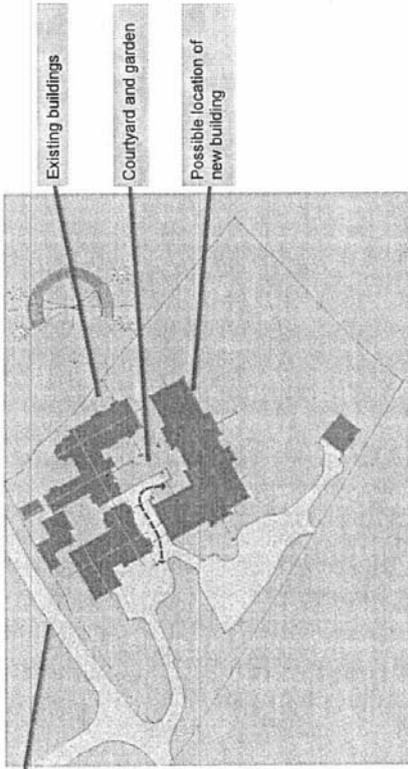
Above: Option A, plan without trees

Below: Option A, impact of development on trees



Design and Building Proposals

Astley Lane



Option B

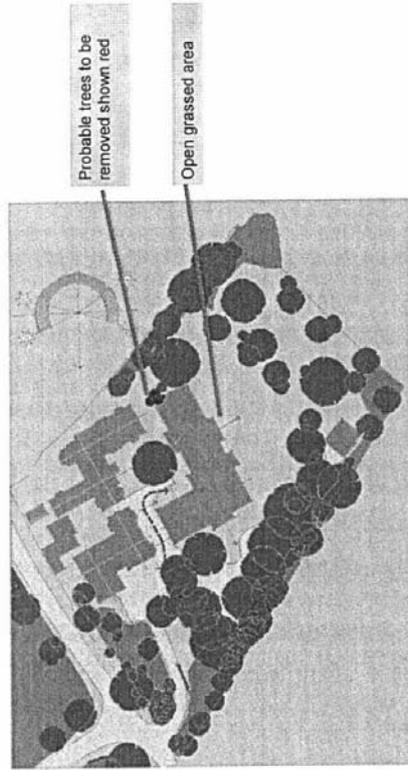
The existing building sits quite formally upon axis that are at 90 degrees to each other and this option explores the idea of placing the new development directly behind the existing buildings. The sketch shows how the new unit would almost form a courtyard with the existing buildings around an existing tree. Of the three suggested sitings for the new development, this scheme will only require the removal of five trees.

The new building however would somewhat 'eat' into the open space that the existing grassed area provides. It also fails to provide a suitable link with the countryside for many rooms and indeed takes away virtually all the views of the countryside from the existing building.

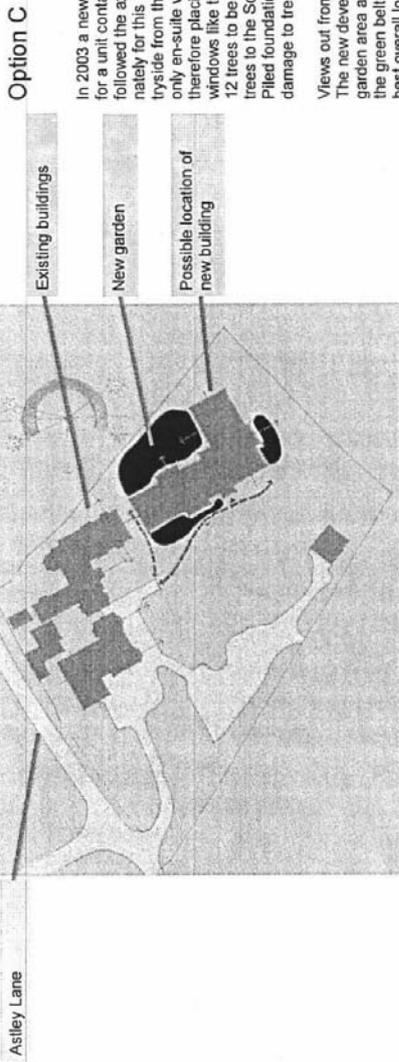
This option may limit the impact on the green belt but it would destroy the functional relationship of many of the rooms in the existing home with the countryside as well as those within the proposed development.

Above: Option B, plan without trees

Below: Option B, impact of development on trees



Design and Building Proposals

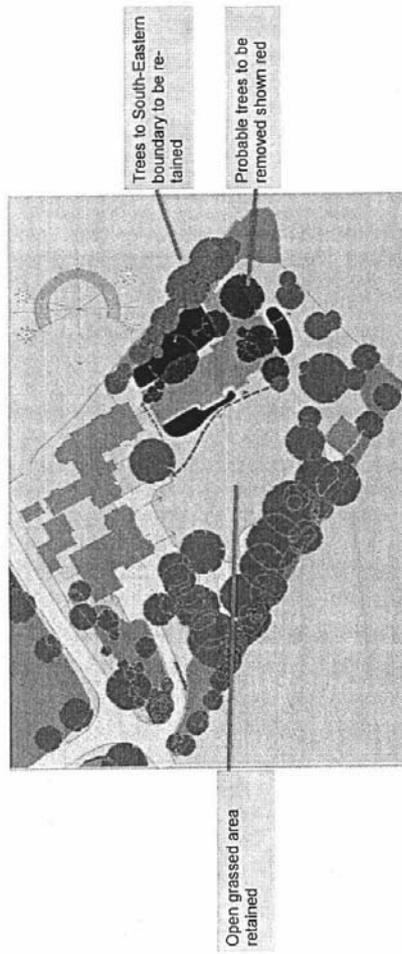


In 2003 a new building was opened to the South of Cow Lees for a unit containing 24 single bedrooms. Although the unit followed the axis of the original home it did not, perhaps fortuitously for this proposal, provide rooms with views of the countryside from the Western gabled elevation. This elevation has only en-suite windows and an emergency fire escape, and therefore placing the new unit in this position does not block any windows like the previous option. It will require approximately 12 trees to be removed within the site, but it is believed that all trees to the South-Eastern boundary will be able to be retained. Piled foundations, for example, can be used to minimise any damage to tree roots.

Views out from the existing nursing home will be maintained. The new development will directly link to the proposed shaded garden area and also to the open grassed area. The impact on the green belt will thereby be minimised, giving, we believe, the best overall locational solution for both the green belt and the residents. Option C has, therefore, been chosen as the way forward.

Above: Option C, plan without trees

Below: Option C, impact of development on trees



(8) Consultation by Warwickshire County Council

De Mulder and Sons Ltd, Mancetter Road, Hartshill

Proposed New Tallow Farm for De Mulder and Sons

Introduction

The County Council has received this application and has invited this Council to make representations as part of the consultation process. Environmental Health Officers have been consulted directly by the County Council as have the Hartshill Parish Council and local residents.

The Site

The De Mulder premises are situated on the south side of Mancetter Road a couple of hundred metres east of its junction with Clock Hill where the West Coast mainline railway crosses the road. It is in a rural area with scattered houses and farms but there are also a number of other commercial uses nearby notably around the Anchor Inn. The premises are currently authorised to process animal by-products under permissions granted by the County Council and Permits issued by the Environment Agency.

The Proposals

It is proposed to replace the existing tallow farm storage tanks adjacent to the main processing building to the other side of a service road within the current trailer park. This would be located on the west side of the current complex of buildings and plant. The location is illustrated at Appendix A.

The new storage facility would comprise twelve stainless steel tanks supported by a steel framed structure on a concrete base. Each tank would be 17 metres tall and they would be arranged in two rows of six tanks surrounded by a perimeter wall to store any spillage. This would be 1.5 metres tall but would be lower in appearance in part, because it acts also as a retaining wall. The tanks would be accessed from staircases together with an overhead service gantry for loading tallow into HGV road tankers. A new loading bay is included. A new pipe bridge will be required to accommodate the filling of the tanks from the processing building.

For comparison purposes, the application says that the tanks would be the same height as the main building on site, but lower by 10 metres than the chimney and 6 metres lower than the tower on the site. Members are referred to Appendices B and C which illustrate the layout and provide the elevations.

The applicant has provided some supporting information in respect of the reasoning behind the current proposal and this is attached at Appendix D.

Development Plan

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

Saved Policies of the Waste Local Plan for Warwickshire – Policy 1 (General Land Use)

Other Material Planning Considerations

The National Planning Policy Framework 2012

PPS10 – Planning for Sustainable Waste Management

Warwickshire Waste Development Framework (Preferred Option and Policies) – Policies CS2 (The Spatial Waste Planning Strategy), DM1 (Protection of the Natural and Built Environment), DM2 (Managing Health and Amenity Impacts), DM4 (Design of New Facilities)

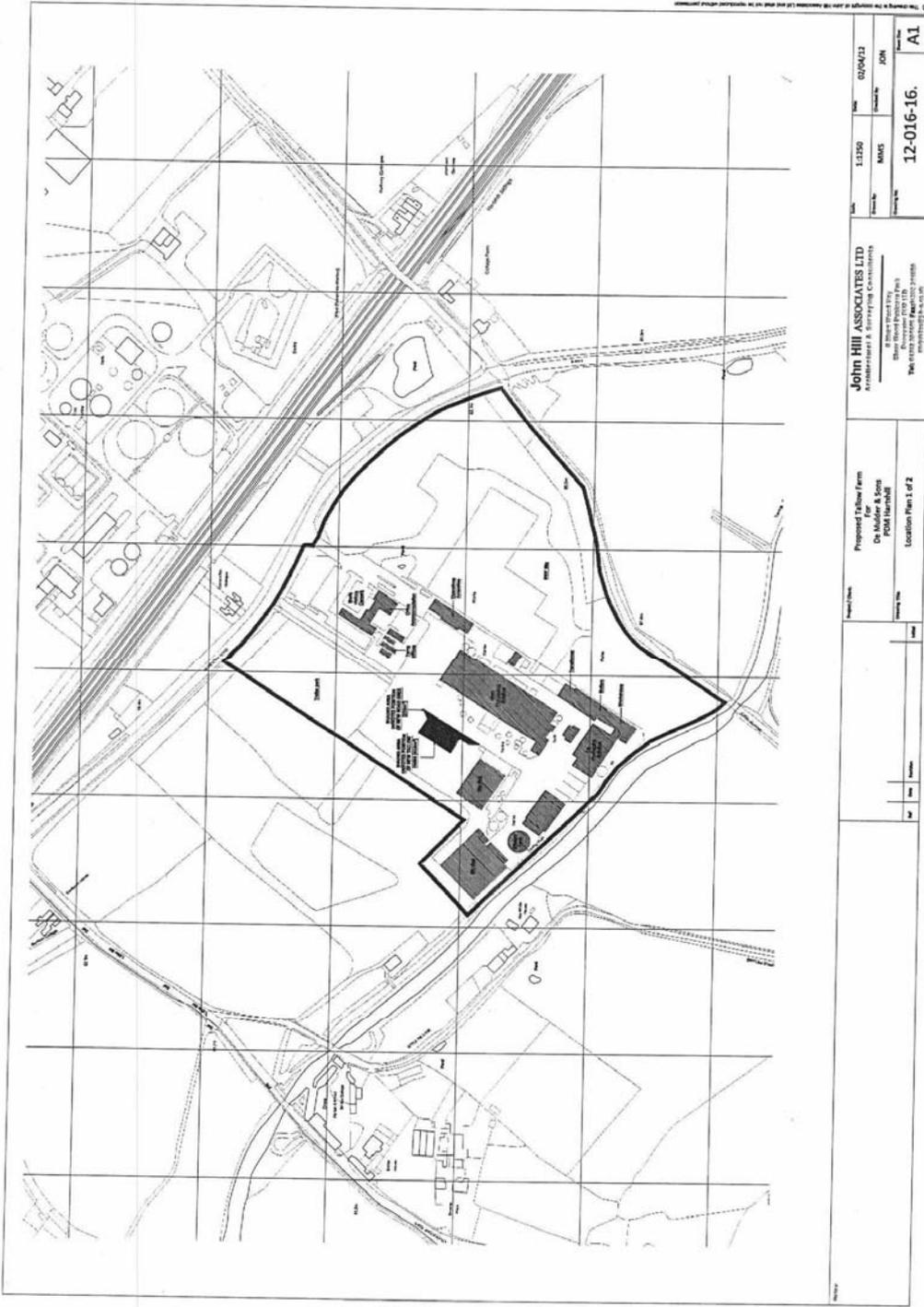
Observations

The Borough Council has only just been invited to submit its comments in respect of this application and thus officers are not yet in a position to consider the planning merits of the case. As such, this item is solely for information purposes at the present time, and a further report will be brought to the Board in due course.

Recommendation

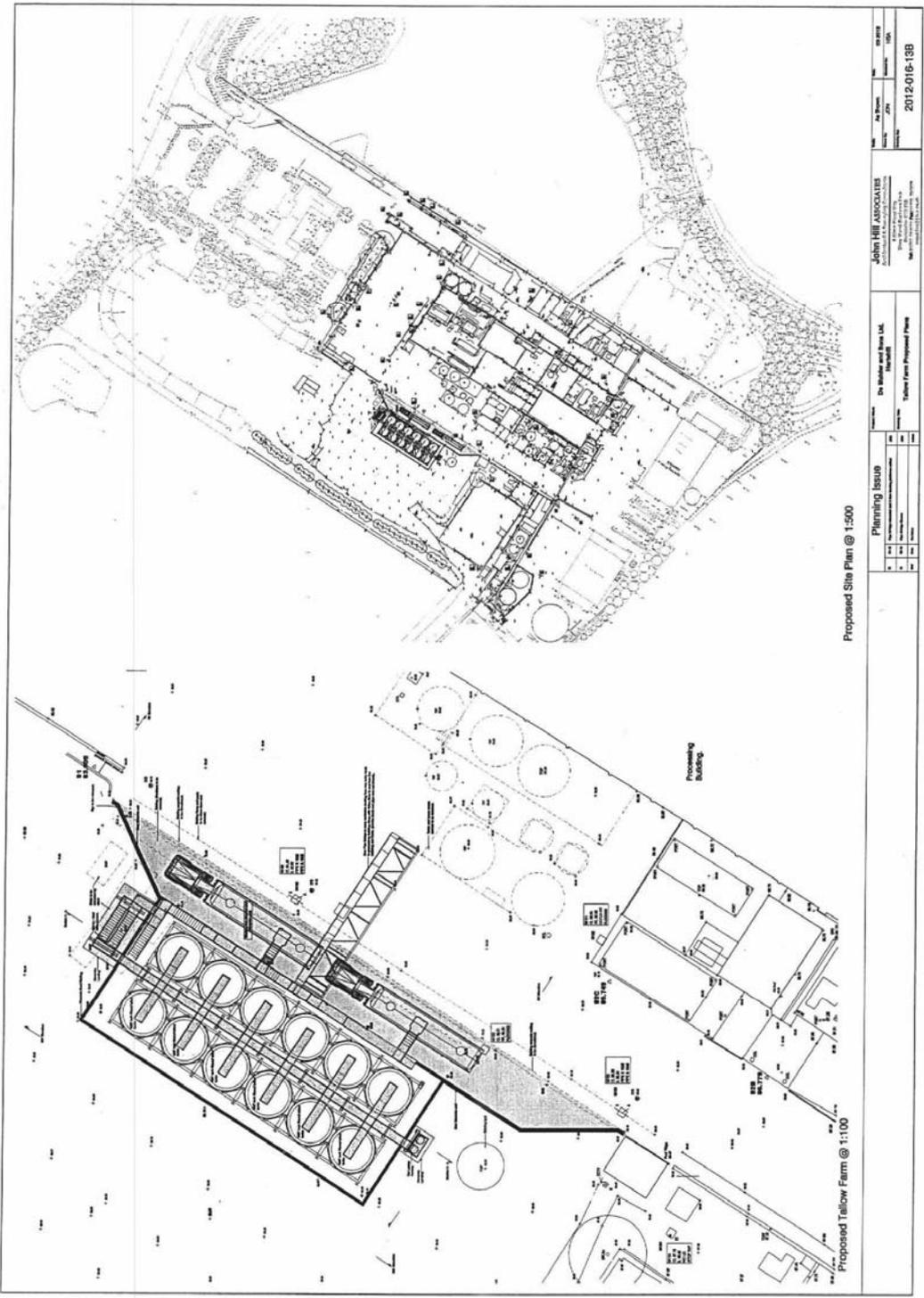
That the receipt of the application be noted at the present time

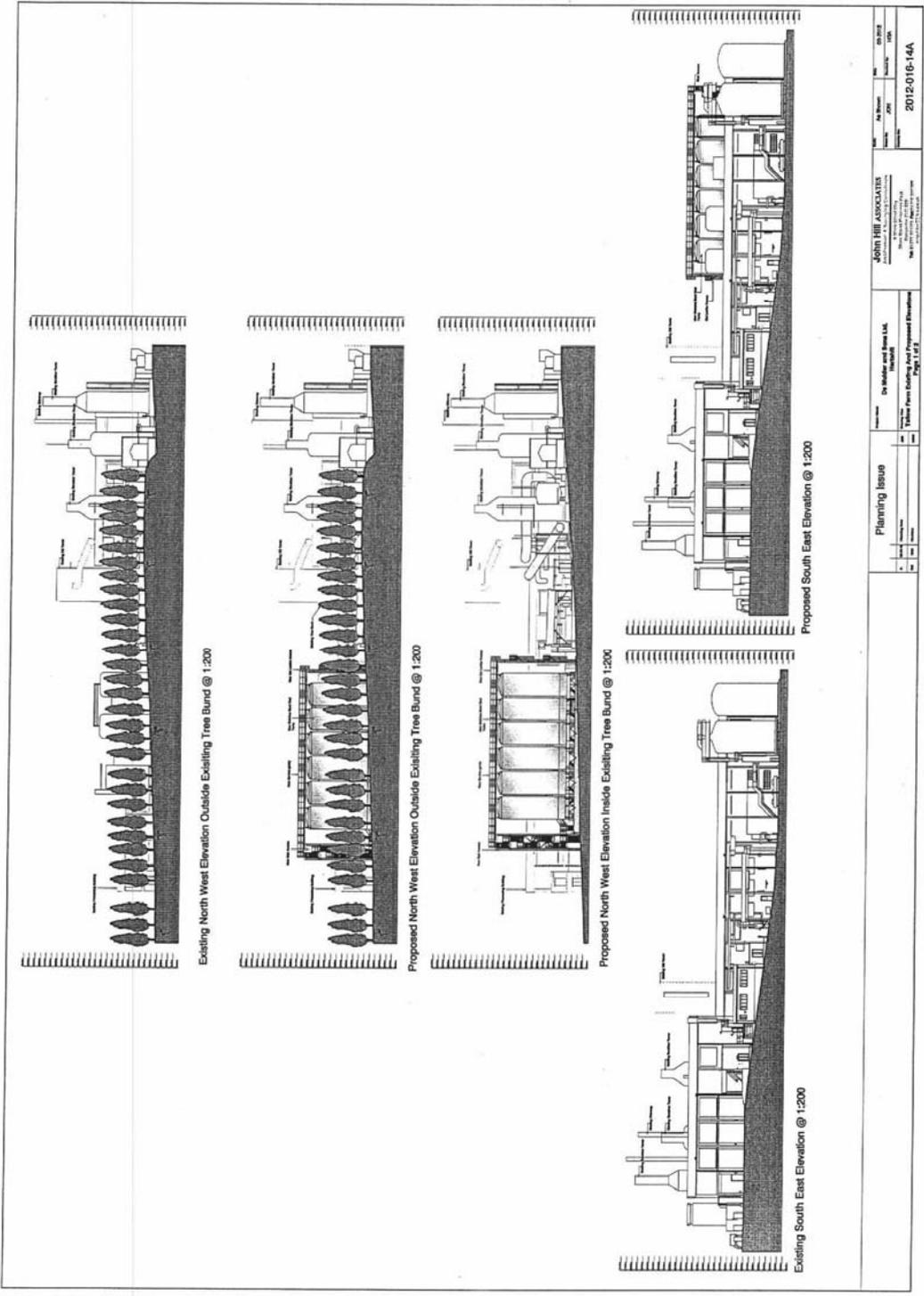
APPENDIX A



John Hill Associates Ltd ARCHITECTS & ENGINEERS CONSULTANTS 10 Stone Road, Suite 101 10 Stone Road, Suite 101, #101-102-103 Tel: (416) 291-1111 Fax: (416) 291-1112 www.jhillassociates.com		No. 11250 Name: MARKS Date: 12-016-16 Project No. A1
Proposed Warehouse Form De Mulder & Sons FCM Warehouse		Project No. Date Location: Plan 1 of 2

APPENDIX B





JOHN LEE ASSOCIATES 1000 West 10th Street Suite 100 Vancouver, BC V6H 2Y6 Tel: 604-275-1111 Fax: 604-275-1112 www.johnlee.com		No. 2012-016-14A Date: 08/08/12 Scale: 1:200
Prepared by: De Mijnders and Sons Ltd. 1000 West 10th Street Suite 100 Vancouver, BC V6H 2Y6 Tel: 604-275-1111 Fax: 604-275-1112 www.dms.com		2012-016-14A Date: 08/08/12 Scale: 1:200
Planning Issue Title: Tree Bunds and Proposed Development Project: 1000 West 10th Street Site: 1000 West 10th Street Drawing No.: 01-01		



Planning Application - De Mulder & Sons Ltd, Mancetter Road,
Hartshill, Nuneaton, Warwickshire, CV10 0TA

Supporting Information in Relation to the Proposed New Tallow Farm.

De Mulder & Sons Limited is intending to construct a new Tallow Farm which will require planning permission. This document serves to provide background information in relation to the proposals and the relevant legislation and also to provide an overview of the current development programme planned for the site.

Legislative Background Information

De Mulder & Sons Ltd is authorised to process Animal By-Products (ABPs) as defined by Regulation (EC) No 1069/2009. This regulation lays down health rules regarding animal by-products which are not intended for human consumption. It states that ABPs shall be categorised into specific categories which reflect the level of risk they pose to public and animal health.

The process of rendering (regardless of ABP category) produces two distinct finished products; meat and bone meal (MBM) and tallow. These are produced following a crushing, evaporation and separation process where the protein (MBM) and fat (tallow) are produced according to a quality specification. The outlets for these products are dependent on which category ABP has been processed to produce them. In summary these categories are as follows:

Category 1 Material

Category 1 material is comprised mainly of entire bodies and parts of animals derived from animals which are suspected of being infected with a TSE (transmissible spongiform encephalopathy) or animals which are killed in the context of TSE eradication measures. It also comprises those parts of animals which are most likely to contain the TSE agent (e.g. brain, spinal cord). Category 1 material can be defined as posing the highest risk and all meal and tallow produced from rendering this material must be disposed of by incineration.

Category 2 Material

Category 2 material is comprised mainly of animals and parts of animals which have been declared unfit for human consumption and animals that have died but have not been killed for human consumption or for disease control purposes. Category 2 material can be defined as posing a medium risk and is normally downgraded to Category 1 status and thus the products of rendering must also be disposed of by incineration. It cannot be upgraded to Category 3 status.

Category 3 Material

Category 3 material is comprised mainly of carcasses and parts of animals which are slaughtered and passed fit for human consumption but are not intended for human consumption for commercial reasons. Category 3 material can be defined as posing the lowest risk and the meal and tallow produced from rendering is primarily used for the manufacturing of petfood, biodiesel and organic fertilizers.

Recent Site Changes

Prior to autumn 2011, the plant at De Mulder & Sons processed Category 1 ABPs. Category 1 volumes have reduced over recent years and this is in part due to the significant reduction in the number of cases of BSE. European legislative changes are also being proposed which would permit the use of single species Category 3 meal for use in animal feed. These changes have



been brought about following many years of research and the overall reduction in risk resulting from the strict enforcement of rules governing animal by-products.

In order to secure the long term future of the site, the decision was taken to cease processing Category 1 material and commence Category 3 processing for the production of saleable finished products. This involved the plant undergoing a full decontamination protocol in order for Animal Health to authorise the plant as a Category 3 approved process.

In addition to the protocol other plant improvements have been implemented including new raw material hoppers and feed system and a new meal grinding plant.

Proposed New Tallow Farm

The changes described above form part of a significant development programme proposed for the site. This development programme includes new processing equipment with the aim to be able to produce two different qualities of Category 3 meal and tallow (referred to as 'high grade' and 'low grade') according to customer specification and market demand. This would be achieved within the authorised capacity of the process and preliminary discussions with the Environment Agency regarding this have taken place.

In order to be able to achieve this there is a need to install new tallow tanks to be able to separate the high grade and low grade tallow. Some of the existing tanks have reached the end of their useful life and require replacement. As part of the overall development programme, a new tallow farm is proposed which would consist of twelve 150 tonne stainless steel tanks giving an overall capacity of 1800 tonnes. These would be located on an area within the existing trailer and vehicle parking area and would allow the works to be carried out with minimal disruption to the process. This area of the site is under a long term lease agreement with North Warwickshire Borough Council and their permission to develop the land in this manner has been requested.

The tanks will be approximately 17 metres high and sit within an impermeable concrete bund wall capable of retaining a minimum of 25% of the total capacity i.e. 450 tonnes. Each individual tank will be vented via ducting to a common header which will be extracted back into the main process building thereby minimizing the risk of the release of fugitive odours.

Other Provisional Development Proposals

As stated above, it is the intention to provide two separate processing lines to produce high grade and low grade meal and tallow products within the authorised capacity of the plant. This will include an extension to the main process building to house new plant and equipment associated with the low grade line. It is also the intention that the low grade line will benefit from a thermal oxidizer for the destruction of process vapours and odour and a new boiler.

It is intended that evaporation equipment associated with the high grade line will be housed in what is referred to as the 'CG Tower'. Planning permission was granted in 2010 to increase the size of the tower in order to accommodate new equipment and provide emergency exits.

Preliminary design drawings have also been drawn up for a bulk meal store building located on the 'field' which was landscaped in 2008/9 as part of the IREF (Integrated Renewable Energy Facility) development. It is unlikely that the fluidized bed combustion plant associated with the IREF will now be installed and alternative renewable energy technologies, such as anaerobic digestion plants are being considered in conjunction with PDM Groups' majority stakeholder, Saria Bio-Industries. Any proposed changes will be discussed with the relevant authorities as appropriate. The De Mulder and Sons Liaison Committee will also be kept fully informed of any further developments.

Agenda Item No 5

Planning and Development Board

21 May 2012

Report of the Chief Executive and the Deputy Chief Executive

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

1 Summary

- 1.1 This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to March 2012.

Recommendation to the Board

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

2 Consultation

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

3 Background

- 3.1 This report shows the end of year position with the achievement of the Corporate Plan and Performance Indicator targets for 2011/12. This is the fourth report showing the progress achieved so far during 2011/12.

4 Progress achieved during 2011/12

- 4.1 Attached at Appendices A and B are reports outlining the progress achieved for all the Corporate Plan targets and the agreed local performance indicators during April to March 2011/12 for the Planning and Development Board.
- 4.2 Members will recall the use of a traffic light indicator for the monitoring of the performance achieved.

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

Green – target achieved (shown as a green star)

- 4.3 Members should note that the performance updates and reports have been prepared using a Performance Plus performance management system. The Council has obtained access to the system via an agreement with Warwickshire County Council. In terms of the Council's performance management framework the access to the system has been set up based upon our existing approach. The system calculates the traffic light indicator status for the performance indicators based upon the performance achieved compared to the target. For example the results for processing of planning applications shown for NI 157 a, b and c are all below the target level aimed for. The indicator status is therefore showing red for all the indicators in this case. The status for the Corporate Plan actions are inputted by the relevant reporting officer based upon an assessment of the progress made to date.
- 4.4 The performance plus system uses the red, amber and green status indicators and shows these using a red triangle, orange circle and green star. The direction of travel indicators are calculated by comparing the level of performance achieved and the change in performance, if any, from the previous quarter. An upward arrow is an improving position and a downward arrow is a worsening position. A level arrow is indicating a consistent level of performance.

5 Performance Indicators

- 5.1 Members will be aware that national indicators are no longer in place and have been replaced by national data returns specified by the government. A number of previous national and best value indicators have been kept as local indicators as they are considered to be useful in terms of managing the performance of our service delivery corporately.
- 5.2 The year end returns are subject to review by Internal Audit and should be considered provisional at this stage.

6 Overall Performance

- 6.1 The Corporate Plan performance report shows that 100% of the Corporate Plan targets and 0% of the performance indicator targets have been achieved. Individual comments from the relevant division have been included where appropriate. The table below shows the following status in terms of the traffic light indicator status:

Corporate Plan

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

Performance Indicators

Status	Year End Number	Percentage
Green	0	0%
Red	3	100%
Total	3	100%

7 Summary

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

8 Report Implications

8.1 Safer Communities Implications

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

8.2 Legal and Human Rights Implications

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

8.3 Environment and Sustainability Implications

8.3.1 Improvements in the performance and quality of services will contribute to improving the quality of life within the community.

8.4 Risk Management Implications

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

8.5 Equalities

8.5.1 There are indicators relating to Equality reported to other Boards.

8.6 Links to Council's Priorities

8.6.1 There are a number of targets and performance indicators included relating to local employment, environment, countryside and heritage and housing.

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

Background Papers

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

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

NWCP Planning Board 11/12							
	Action	Priority	Reporting Officer	Due Date	Update	Status	Direction
NWCP 004 11/12	To publish a draft Core Strategy for consultation with the public by October 2011 that reflects the Council's priorities	Countryside and Heritage	Barratt, Dorothy	31/03/2012	Core Strategy representations going to LDF sub-committee in April 2012 with revised Draft going in May 2012		
NWCP 012 11/12	To move towards the management of development rather than its control by looking at development proposals as an opportunity to deliver the Council's priorities and objectives, as set out in the Sustainable Community Strategy and the Corporate Plan and not just the Development Plan. To report on this approach by March 2012	Countryside and Heritage	Brown, Jeff	31/03/2012	Completed. A report went to Planning & Development Board on 13 February 2012.		
NWCP 013 11/12	Consideration of planning applications to ensure that only appropriate development is permitted in the Green Belt, that development is focused on the agreed settlement hierarchy and protects the best of our existing buildings. To report on this approach by March 2012	Countryside and Heritage	Brown, Jeff	31/03/2012	Completed. A report went to Planning & Development Board on 13 February 2012.		
NWCP 014 11/12	Continue to use the Design Champion to ensure the best achievable designs are implemented in development. To report on the role of the Design Champion by March 2012	Countryside and Heritage	Brown, Jeff	31/03/2012	Completed. A report went to Planning & Development Board on 13 February 2012.		
NWCP 051 11/12	To work with the County Council to provide training and to administer funding provided by the developers at Birch Coppice Industrial Estate to maximise opportunities for employment of local people	Local Employment	Maxey, Steve	31/03/2012	A series of procurement exercises have taken place on this. Proposals are currently being prepared through a partnership group titled North Warwickshire Works. The first will be aimed at Younger People. Bids will be evaluated on 20th April by Catherine Marks Warwickshire County Council, Cllr Sweet for NWBC and a representative from Job Centre Plus. The evaluation will be endorsed by the North Warwickshire Community Partnership task and finish group for this priority.		

NWPI Planning and Development Board 11/12

Ref	Description	Section	Priority	Year End Target	Performance	Traffic Light	Direction of Travel	Comments
@NW:NI157a	Percentage of major planning applications dealt with in a timely manner	Development Control	Countryside and Heritage	60	50			These applications involve section 106 agreements and secondly some of these applications been quite contentious.
@NW:NI157b	Percentage of minor planning applications dealt with in a timely manner	Development Control	Countryside and Heritage	85	72.19			Several of these applications have been reported to the planning board because of local interest and this has delayed determination.

@NW:NI157c	Percentage of 'other' planning applications dealt with in a timely manner	Development Control	Countryside and Heritage	95	78.72			Several of these applications have been reported to the planning board because of local interest and this has delayed determination.
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Agenda Item No 6

Planning and Development Board

21 May 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 7

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).