

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

For the information of other Members of the Council

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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

19 DECEMBER 2011

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 19 December 2011 at 6.30 pm.

AGENDA

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

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

- 4 **Minutes of the Meetings of the Board held on 17 October and 14 November 2011** – copies herewith to be agreed as a correct record and signed by the Chairman.

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

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

Summary

Town and Country Planning Act 1990 – applications presented for determination

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

- 6 **Community Infrastructure Levy (CIL) Consultation** - Report of the Assistant Chief Executive and Solicitor to the Council

Summary

This report considers the consultation on amendments to the regulations relating to Community Infrastructure Levy (CIL).

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

PART C – EXEMPT INFORMATION (GOLD PAPERS)

- 7 **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.

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

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

JERRY HUTCHINSON
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

17 October 2011

Present: Councillor Sweet in the Chair.

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

An apology for absence was received from Councillor Phillips (Councillor Lewis as substitute).

41 **Declarations of Personal or Prejudicial Interests**

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

Councillor Holland declared a personal and prejudicial interest in Minute No 44 Planning Applications (Application No 2011/0381 – 62 Coleshill Road, Water Orton) left the meeting and took no part in the discussion or voting thereon.

Councillor Simpson declared a personal and prejudicial interest in Minute No 44 Planning Applications (Application No 2011/0384 – Croft Barn, Bentley Lane, Maxstoke) left the meeting and took no part in the discussion or voting thereon.

Councillor Lea declared a personal and prejudicial interest in Minute No 44 Planning Applications (Application No 2011/0434 – The White House, Middleton Lane, Middleton) left the meeting and took no part in the discussion or voting thereon.

Councillor Sherratt declared a personal and prejudicial interest in Minute No 44 Planning Applications (Application No 2011/0492 – 120 Coleshill Road, Coleshill) left the meeting and took no part in the discussion or voting thereon.

42 **Minutes**

The minutes of the meetings of the Board held on 18 July, 15 August and 12 September 2011, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

[Councillor Winter in the Chair]

43 **Waste Development Framework**

The Assistant Chief Executive and Solicitor to the Council reported on Warwickshire County Council's Waste Development Framework - Core Strategy - Preferred Option and Policies consultation document (September 2011) and the Board was asked to agree a suggested response.

Resolved:

That, together with the issues raised at the meeting, including the need to emphasise (in relation to the to the preferred option and draft core strategy policies) that waste management facilities should be located and delivered on existing and proposed industrial estates in preference to new green field sites or sites in residential areas and also actively to encourage the re-use/recycling of waste tyres (through appropriate processing) rather than simply disposal, the comments given in Appendix A to the report of the Assistant Chief Executive and Solicitor to the Council be sent to Warwickshire County Council as the Borough Council's response to the consultation.

[Councillor Sweet in the Chair]

44 **Planning Applications**

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

Resolved:

- a **That in respect of The Willows Hotel, 145 Watling Street, Grendon**
 - i) **Applicaton No 2010/0049 – application to discharge conditions 3, 5 and 7 be refused for the reasons set out in the report of the Head of Development Control and the application to discharge condition 8 be granted;**
 - ii) **Application No 2010/0422 be refused for the reasons set out in the report of the Head of Development Control; and**
 - iii) **The Solicitor to the Council be authorised to issue Breach of Conditions Notices in respect of conditions**

5 and 7 of planning permission 2008/0269 dated 9 April 2009.

- b** That consideration of Application No 2011/0202 (Land adjacent to 204 Coventry Road, Coleshill) be deferred for a site visit;
- c** That consideration of Application No 2011/0286 (Grendon Fields Farm, Warton Lane, Grendon) be deferred;
- d** That consideration of Applications No 2011/0300 and 2011/0313 (Nethersole Centre, High Street, Polesworth) be deferred for a site visit;
- e** That Application No 2011/0371 (Land Off (adj to 44 Coleshill Road) Church Lane, Curdworth) be approved subject to the conditions specified in the report of the Head of Development Control;
- f** That Application No 2011/0381 (62 Coleshill Road, Water Orton) be approved subject to the condition specified in the report of the Head of Development Control;
- g** That Application No 2011/0384 (Croft Barn, Bentley Lane, Maxstoke) be refused for the reasons set out in the report and the Assistant Chief Executive and Solicitor to the Council be authorised to issue an enforcement notice requiring the removal of the wooden hut and reinstatement of the land accordingly;
- h** That the report in respect of Application No 2011/0420 (Caldecote Hall Industrial Estate, Caldecote) be noted and the Head of Development Control be asked to refer the design issues raised at the meeting to the Applicant;
- i** That consideration of Applications No 2011/0434 and 2011/0440 (The White House, Middleton Lane, Middleton) be deferred to enable the applicant to carry out works in accordance with an agreed schedule and timetable. That if the said works are not concluded to the satisfaction of the Council, the Assistant Chief Executive and Solicitor to the Council be authorised to issue an enforcement notice in the terms set out in the report;
- j** That Application No 2011/0460 (Betteridge Barn, Dingle Lane, Nether Whitacre) be refused for the following reasons
 - 1. The proposal is considered to be inappropriate development within the Green Belt, harmful to the openness of it by way of associated vehicles, activity and

ancillary works to facilitate the use. It is not considered that very special circumstances have been demonstrated to outweigh this harm. The proposal is therefore contrary to saved policy ENV2 of the North Warwickshire Local Plan 2006 and national Planning Policy Guidance Note Number 2.

2. The ancillary works to create an adequate access along with sufficient parking and turning space will bring forward an urbanising effect in a distinctly rural location. Vehicles associated with the use would further compound this effect. The proposal is therefore contrary to saved policy ENV12 of the North Warwickshire Local Plan 2006.
3. The site is in an unsustainable location with no direct access to the rural distributor road network, nor is it served by a range of transport methods, in a wholly rural location. The proposal is therefore contrary to saved Core Policy 2 and saved policy ECON9 of the North Warwickshire Local Plan 2006.

- k That the report in respect of Applications No 2011/0481, 2011/0504 and 2011/0505 (Beech House, 19 Market Street, Atherstone) be noted;
- l That in respect of Application No 2011/0492 (120 Coventry Road, Coleshill) it is not considered that an Order should be made in this instance and thus the tree can be removed; and
- m That Application No 2011/0187 (Ivy House, Taverners Lane, Atherstone) be approved subject to the conditions specified in the report of the Head of Development Control.

45 **Exclusion of the Public and Press**

Resolved:

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

46 **Nuneaton and North Warwickshire Building Control Partnership**

The Head of Development Control reported that the contract between the two Authorities setting up the Building Control Partnership expired in mid-October and the Board was asked to agree a suggested course of action.

Resolved:

That the Council requests a four year extension of this Partnership.

47 **Authority to Seek an Injunction Highfield Lane, Corley**

Under Section 100B(4)(b) of the Local Government Act 1972, the Chairman had agreed to the consideration of this report in view of the urgent need to seek authority for legal action to be taken.

The Head of Development Control sought authority from the Board to seek an Injunction under Section 187B of the Town and Country Planning Act 1990 in order to restrain apprehended breaches of planning control in respect of the residential development of land at Highfield Lane in Corley.

Resolved:

That the Assistant Chief Executive and Solicitor to the Council be authorised to seek an Injunction from the Court under Section 187B of the Town and Country Planning Act 1990 in order to restrain apprehended breaches of planning control, namely the change of use of the land from agriculture to use as a residential caravan site; as a base for a business use and engineering works to construct an access road and associated hard standings on land at Highfield Lane, Corley.

R Sweet
Chairman

**Planning and Development Board
17 October 2011
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
5/86	2011/0371	Parish Council	Representation	6/10/11
5/116	2011/0434	Applicant Applicant	Comments Comments	6/10/11 13/10/11
5/130	2011/0460	Mr & Mrs Starkey	Objection	11/10/11
5/156	2011/0492	Representation	Coleshill Civic Society	12/10/11
5/163	2011/0187	N Mitchell	Representation	3/10/11

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

14 November 2011

Present: Councillor Sweet in the Chair.

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

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

48 **Declarations of Personal or Prejudicial Interests**

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

49 **Budgetary Control Report 2011/2012 Period Ended 31 October 2011**

The Assistant Director (Finance and Human Resources) reported on the revenue expenditure and income for the period from 1 April 2011 to 31 October 2011. The 2011/12 budget and the actual position for the period, compared with the estimate at that date were detailed, together with an estimate of the out-turn position for services reporting to the Board.

Resolved:

- a That the report be noted; and**

Recommendation to the Executive Board

- b That Executive Board be requested to approve a supplementary estimate for £124,000 to cover the reduction in Planning income and additional costs on Building Control.**

50 **Planning Applications**

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

Resolved:

- a That in respect of Application No 2011/0259 (MIRA Technology Park Ltd.)**

A) The Council is minded to support the principal application for the MIRA redevelopment and extension proposals at its site off the Watling Street, subject to conditions as recommended by the three Highway Authorities together with those recommended by other Statutory consultees. In addition, it would request that HBBC attaches the following two conditions if that Council is also minded to support the proposal:

- i) “No development shall take place until a scheme and measures for targeting and utilising people from the administrative Borough Council areas of Hinckley and Bosworth, Nuneaton and Bedworth and North Warwickshire, for construction and post-construction training and employment opportunities arising from the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The scheme and measures shall be implemented in accordance with the approved details”**

Reason: To ensure that the benefits of the development to the local area can be maximised to accord with Planning Policy Statement 4.

- ii) No development shall commence on site until such time as a Green Travel Plan to promote sustainable transport modes of travel to the site from the surrounding area, including Hinckley and Bosworth, Nuneaton and Bedworth and North Warwickshire has been submitted to and approved in writing by the Local Planning Authority. Before the first use of the development hereby approved, the plan shall be fully implemented in accordance with the approved details”.**

Reason: To reduce the dependency on car travel to and from the site, in the interests of sustainability and highway safety in accordance with the Development Plan and Government Planning Guidance.

B) That, subject to the grant of planning permission for the principal application submitted to the Hinckley and Bosworth Borough Council under reference 11/00360/OUT, then in respect of planning application PA2011/0259, submitted to this Authority, planning

permission be granted subject to the following conditions:

- iii) Standard Three year condition
- iv) Standard Plan numbers condition – the site location plan received on 27 May 2011, and plan numbers 10/014-A/2E; 10/014-A/2D-R1, 10/014-A/2C-R2, 10/014-A/2B-R1, 10/014-A/2A-R2, and MIRA/A5/JCT-RDGT-R3 all received on 16 September 2011.

[Speakers: Ruth Bickley, Andy Macdonald]

- b That in respect of Application No 2009/0175 (Chapel House, Dunns Lane, Dordon)
 - i) That subject to a favourable outcome from procedures to secure the repositioning the traffic calming measure on Dunns Lane, and subject to a Section 106 Agreement which secures the provision of contributions to off-site open space/play provisions as set out in the report of the Head of Development Control, planning permission be granted subject to conditions addressing the matters set out in the report.
 - ii) That in the event that the matters in recommendation i) are satisfied, the determination of the application be delegated to the Head of Development Control.

[Speaker: Mr W T Whitmore]

- c That in respect of Application No 2011/0202 (Land adjacent to 204 Coventry Road, Coleshill) condition number 2 of planning permission 2006/0724 be varied so as to accommodate the dimensions and appearance of the house as set out in Appendix C to the report of the Head of Development Control, and that any other conditions be varied accordingly as a consequence.

[Speakers: John Rodway, Ian Rose]

- d That Application No Application 2011/0286 (Grendon Fields Farm, Warton Lane, Grendon) be approved subject to the conditions specified in the report of the Head of Development Control;

[Speakers: Colin James, Mark Chamberlain]

- e** That Applications No 2011/0300 and 2011/0313 (Nethersole Centre High Street Polesworth Tamworth) be approved subject to the conditions set out in Appendix A to the report of the Head of Development Control, but varied so as to approve the additional detail as set out in the report, and that the wording of those variations be delegated to the Head of Development Control;
- f** That the report of the Head of Development Control in respect of nine planning applications for various proposals at the Heart of England, Old Hall Farm, Meriden Road, Fillongley be noted;
- g** That in respect of Application No 2011/0420 (Caldecote Hall Industrial Estate, Caldecote Hall Drive, Caldecote)
- i)** the Board is minded to support this application subject to:
- the amendments as described in the report in respect of the re-design of plots 3 and 4;
 - that no adverse observations are received from the Highway Authority to those amendments;
 - that no new representations are received as a consequence of the ongoing re-consultation; and
 - that the applicant and owner enter into a Section 106 Agreement as outlined in the report.
- ii)** subject to these matters being resolved, the grant of planning permission, including the addition of conditions, be delegated to the Head of Development Control, in consultation with the Chairman and Vice Chairman of the Board and Opposition Planning Spokesperson.
- h** That in respect of Beech House 19 Market Street, Atherstone
- i** Applications No 2011/0481, 2011/0504 and 2011/0505 be refused for the reasons set out in the report of the Head of Development Control; and
- ii** That the applicant be strongly advised to explore alternative measures, both on-site and off-site, for the provision of private car parking for Beech House, and that the results of this are then submitted as evidence in any future proposals for such provision.
- i** That Applications No 2011/0507 and 2011/0511 (Old Bank House, Long Street and The Council House, South Street,

Atherstone) be approved subject to the conditions specified in the report of the Head of Development Control; and

- j That the report of the Head of Development Control in respect Application No 2011/0529 (Car Park Park Road Coleshill) be noted.**

51 Coventry Proposed Core Strategy 2011 – Coventry City Council

The Assistant Chief Executive and Solicitor to the Council sought views on the Coventry Proposed Core Strategy 2011 prepared by Coventry City Council.

Resolved:

That the observations included in the report of the Assistant Chief Executive and Solicitor to the Council be sent in response to the consultation.

52 Neighbourhood Planning Consultation

The Assistant Chief Executive and Solicitor to the Council reported that the Government was seeking views on the proposed new regulations governing a number of neighbourhood planning issues. The Board was asked to agree a suggested course of action.

Resolved:

That the response to the consultation questions outlined in Appendix B to the report of the Assistant Chief Executive and Solicitor to the Council be approved and, together with a copy of the report, be forwarded as the Borough's response to the consultation.

53 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - September 2011

The Chief Executive and the Deputy Chief Executive reported on the performance and achievement against the Corporate Plan and Performance Indicator targets relevant to the Board for April to September 2011.

Resolved:

That the report be noted.

54 Exclusion of the Public and Press

Resolved:

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

55 Breaches of Planning Control

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

Resolved:

a That in respect of Land at Oak Lea, Sandy Lane, Over Whitacre

- i the Solicitor to the Council be authorised to issue an Enforcement Notice relating to the unauthorised change of use of the land for the siting of a residential mobile home;**
- ii the Notice to require the cessation of the use of the land for the siting of a residential mobile home through the removal of the mobile home from the site and the restoration of the land to its previous condition by removing the associated septic tank and hardstanding; and**
- iii the compliance period be twelve months.**

b That in respect of the site at Cedar House, Kingsbury

- i the Solicitor to the Council be authorised to issue two Enforcement Notices: firstly relating to the erection of a steel framed and clad building; and the secondly in relation to the storage of portable buildings and containers;**
- ii the owner/occupier being required to demolish and/or remove the steel framed and clad building from the site; and to cease the use of the site or the storage of portable buildings and containers and to remove them from the land; and**
- iii the compliance period be three months in respect of both notices.**

R Sweet
Chairman

**Planning and Development Board
14 November 2011
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
5/5	2011/0259	Head of Development Control	Note	12/11/11
5/174	2009/0175	Mr Whitmore	Objection	11/11/11
5/312	2011/0507	Atherstone Town Council	Representation	3/11/11
	2011/0511	Atherstone Civic Society	Representation	7/11/11
		Atherstone Town Council	Representation	3/11/11

Agenda Item No 5

Planning and Development Board

19 December 2011

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, 16 January 2012 at 6.30pm in the Council Chamber at the Council House.

Information relating to public speaking at Planning and Development Board meetings can be found on the following link

www.northwarks.gov.uk/downloads/file/4037/public_speaking_at_planning_and_development_board

If you wish to speak at a meeting of the Planning and Development Board, you may either:

- e-mail democraticservices@northwarks.gov.uk
- ring on telephone number (01827) 719222.
- 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/2011/0529	4	Car Park Park Road Coleshill Variation of conditions nos. 4, 5 and 6 of planning permission ref: PAP/2009/0154 relating to approved plans, access arrangements and general layout and configuration. Removal of conditions 11 and 12 of planning permission PAP/2009/0154 relating to service yard enclosed roof and service yard noise insulation; in respect of Outline - Erection of a Retail (A1) food store with associated parking, servicing and access - Seeking to discharge the reserved matters for access and layout	General
2	PAP/2011/0520	72	37 High Street Coleshill Erection of a pre-fabricated timber shed	General
3	PAP/2011/0583	84	Unit 16d Carlyon Road Atherstone Change of use from industrial to leisure	General
4	PAP/2011/0623	91	Granada Service Station Tamworth Motorway Services Area Green Lane Dordon Erection of a single 67 metre tall, 330kw wind turbine and associated infrastructure	General
5	PAP/2011/0619	104	White House Farm Devitts Green Lane Arley Erection of one 34m high, 50kw wind turbine	General

General Development Applications

(1) Application No PAP/2011/0529

Car Park Park Road Coleshill

Variation of conditions nos. 4, 5 and 6 of planning permission ref: PAP/2009/0154 relating to approved plans, access arrangements and general layout and configuration. Removal of conditions 11 and 12 of planning permission PAP/2009/0154 relating to service yard enclosed roof and service yard noise insulation; in respect of Outline - Erection of a Retail (A1) food store with associated parking, servicing and access - Seeking to discharge the reserved matters for access and layout, for W M Morrison Supermarkets PLC

Introduction

The receipt of this application was reported to the Board at its last meeting. That report described the site and the proposed amendments to the existing planning permission; outlined the background to the case and identified the relevant policies of the Development Plan as well as other material planning considerations that might affect the determination. That report is attached in full at Appendix A.

A further minor amendment has been made in respect the proposed access as a consequence of the County Council's comments. This will be described below.

Consultations

Warwickshire County Council as Highway Authority – The County has no objection to the proposed amendments subject to conditions. The full response is attached at Appendix B. The Council requests that a pedestrian barrier be constructed at the access and this has now been included in the amended plan referred to above. It can be seen from the response that the reduction in the number of new access points onto the Birmingham Road is supported and that the geometry of the new combined access is acceptable to the Highway Authority.

Environmental Health Officer – The amendments are a significant improvement on the previous scheme. The revised layout should dramatically reduce any noise impact on the adjacent residential property, and there is thus no objection. Conditions restricting delivery hours should remain in place.

Representations

Coleshill Town Council – The Town Council is concerned about lorries manoeuvring in the pedestrian area; accessing and exiting the site through the same route as the cars, and that there will be more pressure on Birmingham Road with no vehicular access onto Park Road.

Coleshill Civic Society – The Society strongly objects as too much traffic will be concentrated on Birmingham Road; that this will exacerbate existing difficulties particularly at the Green Man cross roads, there will be traffic/pedestrian conflict within the site particularly as the current crossing is used by school children, and that there could be “rat-running” by drivers wanting to avoid the road.

Curdworth Parish Council – The Council objects. There will too much concentration of traffic on the Birmingham Road and thus adversely affect traffic movements in the area. The loss of free car parking is concerning and that there should be a generous allowance for free parking in any approval given.

26 letters of Objection – The grounds of objection can be divided into those which refer to the principle of a new supermarket and those which relate to the actual amendments being proposed.

In respect of the former, then the objections relate to four main areas. Firstly the proposed supermarket itself - whether there is a need for a new supermarket in Coleshill; the impact on the viability of the High Street and other traders, the impact on the farmers market, the fact that there are other food retailers nearby, the site not being suitable or appropriate for a retail store and that if a new store is to be built it should go elsewhere. Secondly the objections refer to the loss of the car park as a public car park; the impact of this on the Leisure Centre and other businesses in the town, a reduction in spaces being provided and in their availability for longer or medium term periods, thus a loss of a valuable asset with no alternative, and potential consequential increases in on-street car parking. Thirdly, there is reference to an overall increase in traffic as a consequence of a supermarket on the local road network, exacerbating existing problems and “bottlenecks”, along with the introduction of a supermarket as a neighbour and the potential loss of amenity that that would bring. Finally several objectors ask about the wisdom of the sale of the land by the Council and question its probity.

Objections that are specific to the amendments focus on the concentration of all traffic movement onto one entrance and that this would be on the main Birmingham Road thus increasing congestion, delay and hazardous conditions, as well as making access to existing residential premises far more difficult. It is said that increased congestion would encourage local “rat runs” through nearby residential estates and increase hazards for people using the existing pedestrian crossings. The amendment also has safety consequences internal to the site with HGV, car and pedestrian movements coinciding. Additionally the plans do not show the replacement of recycling facilities. The amendment will also lead to new buildings being much closer to residential property to the east, with the resultant loss of amenity. There are also repeated objections about the “aesthetics” of having a continuous brick retaining wall around the site, and the impact on the skyline of Coleshill when approaching from the west. There is some questioning of the “geometry” of the combined access which would suggest that traffic entering the site may do so at speed; the need to safety audit internal pedestrian routes, the need to improve cycle accessibility, cycle storage facilities and to ensure there are no increased hazards at existing pedestrian crossings. Additional comments refer to the need to protect existing trees and the potential for increased anti-social behaviour.

3 letters of Representation – These request traffic calming on Birmingham Road; increased signage on the site to promote the town centre, and to offer job opportunities to local people. The Cricket Club wishes to ensure that the retailer is aware of the Club as a neighbour.

1 letter of Support – The proposal will tidy the site and bring jobs to Coleshill adding an additional service for the growing population.

Observations

a) Introduction

The application before the Board seeks to vary an existing outline planning permission. It is not a fresh application for a retail store. As a consequence the Board should focus on the proposed variations and not on the principle of whether there should be a store or not. For the avoidance of doubt, the option of re-considering the principle of the existing outline permission is only open to the Board if one or both of two circumstances arises. Given the nature of the majority of the representations that have been received, it is considered appropriate to deal with these two circumstances from the outset.

The first is if the proposed variations are of such a nature to materially change the substance of the approved development – in other words, would the proposed variations, if approved, lead to a wholly different development. It is considered that they would not. Here the proposal remains for a retail store of an equivalent size and with an equivalent layout retaining the same number of car parking spaces. The conditions to be varied do not alter the nature or scope of the permission.

The second is if Development Plan policy and/or other material planning considerations have changed so materially that they warrant re-consideration of the principle of the development. It is not considered that they have. In terms of the Development Plan then there has been no change at all. In respect of other material considerations then the previous report introduced two new matters – the Council's draft Core Strategy 2011, and the Government's draft National Planning Policy Framework (NPPF). Both of the documents are in draft form and are at the earliest stages of consultation, thus carrying some but limited weight. The overall strategic approach of the Draft Core Strategy is to support new development within sustainable locations, namely existing settlements. The variations now proposed do not conflict with this strategic objective. The draft NPPF has a presumption in favour of sustainable development. Given the recent grant of planning permission; the overall strategy set out in the draft Core Strategy, and the NPPF's focus on economic development, it is not considered that there is a conflict here with that draft NPPF.

However the NPPF does have something to say on town centres. There is a section (paragraphs 76 – 80) which states that town centres should be recognised as the "heart of their communities" and that their viability and vitality should be supported. It goes on to say however, that edge of town centre sites may be appropriate for uses and activities, if no suitable town centre site can be found. This needs to be assessed through sequential testing, and in cases where a retail development is involved, a retail impact assessment is required for proposed stores of more than 2500 square metres. It concludes by saying that decisions relating to such proposals should also assess the impact of the development on committed and planned investment in the centre and its catchment area, as well as the impact on consumer choice and trade. Members will recall that the original application was accompanied by a Retail Impact Assessment which included a sequential test. The Board report discussed this in detail as well as exploring the impacts on investment and on consumer choice. That report is attached in full within Appendix A. Moreover the floor space involved with the original proposal (1300 square metres) and that now under consideration (1700 square metres) fall below the threshold outlined above. As a consequence it is not considered that the draft NPPF introduces any new test

or approach, or alters existing tests to the degree, that there should be a re-consideration of the principle of this development.

Members are thus requested to focus their attention on the nature of the proposed amendments, and the report will now look at these in turn.

b) Access

The reason for this application to vary an existing permission stems from the proposed changes to gain access to the site. The approved scheme has service ingress into the site close to its eastern boundary from the Birmingham Road, with egress onto Park Road as a one way system. All customer access would be in and out from a new junction onto Birmingham Road. The current proposals are to combine these arrangements. Only one access would now be proposed from Birmingham Road. It would be wider than that already permitted but in the same location. Customers and service vehicles would enter and exit from here. Service vehicles would travel in front of the store, and then reverse into a new service unit on the southern side of the building, unload and return to the access at Birmingham Road. The permitted arrangements are shown at Appendix C and the current proposals are at Appendix D. Pedestrian access remains as before, from both Park Road and Birmingham Road.

Warwickshire County Council as Highway Authority has no objection to this amendment. This is a material consideration and carries significant weight. This response has been based on the County's own examination of the proposed amendments as well as consideration of the highways standards within which it operates. The County's officers confirm that the removal of the service access is considered to be highly significant, as it reduces the number of new access points onto the road, thus also reducing the number of turning movements. There will be no materially greater concentration or generation of traffic onto the Birmingham Road than the approved scheme. There will be a slight increase as service vehicles would now exit here rather than using Park Road. However, the County consider that this is outweighed by the benefit of losing the additional dedicated service access into the site, and because the service exit onto Park Road had limited visibility due to the trees in the road verge. Overall the County sees the current amendment as an improvement.

As a consequence of this, the County do not agree with some of the representations submitted – for example, that there would be a significant increase in “rat-running” through adjoining residential areas. It says that the amount of traffic on the Birmingham Road and the amount of traffic using the retail store will be materially the same as that under the approved scheme.

In response to other representations, then the geometry of the new access has been technically assessed and agreed by the Highway Authority in order to allow service vehicles to enter and leave the site. A “run-over” strip is illustrated on the plans as required by the Authority to accommodate this traffic.

Neither has the County objected to the proposed access arrangements from a safety point of view. It has asked for a pedestrian barrier alongside the access and this is shown on the amended plan, as well as conditioning a signalised pedestrian crossing on the Birmingham Road. It also points out that the safety issues within the site are the responsibility of the retail operator, but do say that the arrangements now do not materially differ from those shown on the approved plans. The pedestrian

access onto Park Road is three metres wide and this is sufficient for both cycles and pedestrians, particularly as the access quickly gives way to a wider area.

As reported above, the Highway Authority has no objection. Given that the proposed access arrangements are central to this current application, it is not considered that a refusal here could be defended given this response, which as indicated above carries significant weight.

c) Layout

The proposed access alterations discussed above have a knock-on effect in terms of the layout of the site. The provision of a separate service access at the eastern end of the site meant that the service yard/delivery area would be immediately adjacent to the residential development in Parkfield Court. Following advice from the Council's Environmental Health Officers, this yard was to be enclosed in order to reduce noise. With the change in access position, the need for a rear delivery yard disappears, and the building is now proposed to extend back towards the east. There would be no rear service yard. The Environmental Health Officers welcome this change and see it as a major improvement. This is agreed.

Moreover the provision of the Birmingham Road service access would have punctured an existing landscaping strip alongside that road. The proposed alterations no longer require the removal of this landscaping. The proposed new access is slightly wider than that already approved, but in overall terms there would be more of the existing landscaping retained under the current proposed amendments. This is considered to be an improvement over the approved plans.

There is one disadvantage to the proposed layout, and this is that service vehicles would be using the customer or public areas in which to access, manoeuvre and deliver. This is unavoidable if a combined access is to be approved. It is of weight that the Highway Authority does not object. Additionally, the conditions attached to the existing permission will remain, and Morrison's has confirmed that the Company would wish to keep these conditions in place – see conditions 11, 13 and 26 below. As a consequence it is considered that this disadvantage is mitigated such that a refusal could not be defended.

d) Car Parking

Planning permission exists for a supermarket on this car park. The issue of the impact on the use of the existing car park was thoroughly investigated and discussed at the time of the grant of that planning permission. Members are referred to Appendix A for the detail of that debate. This proposed amendment does not alter the number of car parking spaces to be provided on site – namely 105. There is therefore no change over the approved plans. Moreover the Council imposed a condition when it granted planning permission requiring a Car Parking Management Scheme to be agreed prior to commencement of development, and that 10 of the car parking spaces would be termed “long stay” spaces – condition 25 as recommended below. These matters will return to the Council when the details submitted to discharge this condition are forwarded. The applicant is aware of this condition and the need to have it discharged prior to development commencing on site. None of the amendments proposed in this current application warrant re-consideration of the parking issue, nor do they lead to the need to re-examine the wording of that condition.

e) Other Conditions

As explained in the previous report, this application seeks to vary existing conditions, but the Council has the opportunity to look at all of the conditions attached to that permission to see if they are still relevant given the proposed amendments. As referred to above that has been undertaken in respect of some of the consequences of the proposed layout changes. It is not considered that any other condition requires substantial variation as a consequence of the proposed access and layout amendments. However it is opportune to recommend minor changes to some.

f) Other Matters

The representations received cover a variety of matters other than those referred to above. In response the following observations are made:

- The retaining wall – It is agreed that this should not appear as a solid barrier. Details will be required to be submitted and agreed at a later date under recommended condition 14.
- The recycling facilities – Reference to this is recommended to be added - see condition 20 below.
- The aesthetics of the building and Coleshill's sky line – The detailed appearance of the building is reserved for later approval under recommended condition 1. Consultation will take place once proposals are received. Moreover recommended conditions 7, 8 and 10 are all applicable – these set the ground floor datum level and the maximum height of the building
- Extra cycle facilities and encouraging employee sustainable travel – recommended conditions 20 and 26 require the provision of cycle stores and the submission of a Green Travel Plan specifically including reference to these issues.
- Tree Protection – see recommended condition 16
- Anti- social behaviour – see recommended conditions 21 (lighting) and 30 (CCTV provision)

g) Conclusion

The application for the retail store on this site gave rise to significant discussion when it was reported to Board and subsequently to Council. The decision was taken recognising that there were competing planning policies and issues, but that the balance lay with the grant of a planning permission. Much of that discussion and the issues that were raised at the time has been repeated in the representations and objections received for this application to vary that permission. The decision to grant permission has already been taken and is a matter of fact. The starting point in considering the current proposed variations is that permission. These variations do not alter the scope and nature of that permission and neither has there been a material change in planning considerations or Development Plan policy to warrant a re-investigation into the nature and scope of that permission. It is argued by the applicant that the variations are in fact improvements to that permission, and as can be seen from the observations above, this is recognised by a number of different consultation responses. As such there is limited scope here for a refusal. Contemplation of a refusal should be focussed on the proposed variations themselves and as indicated it is not considered that there is evidence to go against the advice of the Highway Authority and that of the Council's own Environmental

Health Officers. Should a refusal be considered, Members are reminded that the existing permission would still be valid and could be implemented.

Recommendation

That the application be Granted subject to the following conditions:

1. This permission is granted under the provisions of Article 3(1) of the Town & Country Planning (General Development Procedure) Order 1995 on an outline approval, and the further approval of the Local Planning Authority shall be required with respect to the undermentioned matters hereby reserved before any development is commenced:-

- I. Layout
- II. Drainage
- III. Appearance

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

2. In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of all reserved matters.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development hereby approved shall not be carried out otherwise than in accordance with the site location plan received by the Local Planning Authority on 10 October 2011; and the plan numbered 11236/PA01A received by the Local Planning Authority on 29 November 2011.

REASON

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

5. For the avoidance of doubt, this permission approves the access arrangements and locations as shown on plan number 11236/PA01A.

REASON

So as to secure safe and efficient access to the site for all users.

6. For the avoidance of doubt, this permission approves the general layout and configuration as shown on plan number 11236/PA01A.

REASON

In the interests of securing a development that meets the requirements of the Development Plan.

7. The floor level of the building hereby approved shall be set at 97.00 metres above OS datum unless otherwise agreed in writing by the Local Planning Authority.

REASON

In the interests of the visual amenities of the area so as to reduce the impact of the building on the town's skyline and the adjoining Conservation Area.

8. The maximum height of the building hereby approved shall be 7.7 metres above the ground level set out in condition (7) unless otherwise agreed in writing by the Local Planning Authority.

REASON

In order to reduce the visual impact of the building given its setting adjoining a Conservation Area and on a main approach to the town.

9. The building hereby approved shall be constructed to a BREEAM "Very Good" standard, together with achieving an overall carbon saving as required by the Building Regulations at the time of construction, unless otherwise agreed in writing by the Local Planning Authority.

REASON

In order to ensure that the building is energy efficient.

10. A variety of different facing materials shall be used in designing the appearance of the building hereby approved.

REASON

In order to articulate its setting and location adjoining a Conservation Area, an open recreation park and on a main approach into the town.

11. The maximum number of service vehicles leaving the service yard egress onto Park Road shall not exceed ten in any 24 hour period.

REASON

In the interests of highway safety given the reduced visibility at this junction.

12. The retail opening hours of the building hereby approved shall be limited from 0700 hours to 2200 hours on weekdays and Saturdays and from 1000 hours to 1600 hours on Sundays.

REASON

In order to protect the residential amenity of adjoining occupiers of residential property.

13. No service vehicles shall enter the site, or deliveries be made to the site other than between 0700 hours and 1900 hours on weekdays; between 0700 hours and 1300 hours on Saturdays, and between 0900 and 1600 hours on Sundays.

REASON

In order to protect the residential amenity of adjoining occupiers of residential property.

14. No work whatsoever shall commence on site until such time as full details of the design and appearance of the retaining wall to be constructed around the site have first been submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be implemented.

REASON

In the interests of reducing the visual impact of this feature given the prominent setting of the site.

15. No work shall commence onsite until full details of all of the new landscaping to be planted on the site, including all existing plant, tree and vegetation to be retained, has first been submitted to and approved in writing by the Local Planning Authority. The detail shall include the number and species of all new plants, shrubs and trees, their planting density, and the medium in which they are to be planted. The detail shall include all new earth mounding and contouring together with levels.

REASON

In the interests of the visual amenities of the area; to enhance the Development and to introduce greater bio-diversity to the site.

16. No work shall commence on site until such time as the measures to be taken to protect the root systems of all trees and vegetation to be retained on the site have first been agreed in writing by the Local Planning Authority. Only the approved measures shall be used, and these shall be installed prior to any work commencing on site. The measures shall remain in place until their removal has been agreed by the Authority.

REASON

In order to protect the longevity of significant existing trees and vegetation given their substantial visual impact.

17. No development whatsoever shall commence on site until such time as full details of the measures to dispose of foul and surface water arising from the whole of the site have first been submitted to and approved in writing by

the Local Planning Authority. The detail shall include means to store surface water on site so as to reduce runoff, and to harvest rain water for re-use. Only the approved measures shall then be implemented. They shall be maintained in working condition at all times.

REASON

In the interests of reducing the risk of pollution and flooding, and so as to provide a more sustainable drainage system particularly to enhance re-use of surface water.

18. No development shall commence on site until such time as a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has first been submitted to and approved in writing by the Local Planning Authority. The premises shall not be brought in to use until such time as the approved measures have been implemented in full.

REASON

In the interests of fire safety.

19. No development shall commence on site until such time as details of all surface and external materials to be used have first been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used on site.

REASON

In the interests of the visual amenities of the area in order to ensure that the appearance of the building and its environs are in keeping with its setting, thus resulting in a building of quality.

20. No development shall commence on site until such time as full details of all screen walls and fences; car parking barriers, trolley parks and any other street furniture to be installed has first been submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be implemented on site.

REASON

In the interests of the visual amenities of the site and its setting.

21. No development shall commence on site until such time as full details of all of the external lighting to be provided on the site, whether attached to the building or free standing in the main car park or service yard, has first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented.

REASON

In order to reduce the risk of light pollution so as to protect the residential amenity of adjoining occupiers; to enhance the design of the building and its setting, and to ensure that any lighting does not detract from the appearance of the adjoining Conservation Area.

22. No development shall commence on site, until such time as details of any tannoy or public address systems to be used on site, have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be installed.

REASON

In order to reduce the potential for nuisance to adjoining occupiers.

23. No development shall commence on site until such time details for all new refrigeration and air conditioning units and/or plant to be installed have first been submitted to and approved by the Local Planning Authority in writing. Only the approved measures shall then be installed, and these shall be kept in good working condition at all times.

REASON

In order to reduce the potential for noise nuisance and to ensure that this plant does not detract from the appearance of the building.

24. No work whatsoever shall commence on site until such time as fully detailed and scaled drawings of all of the access details have first been submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be implemented on site. The detail to be submitted shall include details of the kerbed radius turnouts; the impact on any drain within the highway, and details of how all existing access points to the highway, not included in the approved measures, will be permanently closed and the highway reinstated.

REASON

In the interests of highway safety.

25. No development whatsoever shall commence on site until such time as a car park management plan has been submitted to and approved in writing by the Local Planning Authority. This Plan shall describe how the car park is to be made available to the general public and how the use of the car park is to be managed, together with the provision of 10 long stay car parking spaces. The approved plan shall remain in operation at all times unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure that the car park is made available to the general public as well as to customers.

26. No occupation of the building for trading purposes shall commence, until the occupier has submitted a Green Travel Plan to the Local Planning Authority, and that Plan has been agreed in writing. This Plan shall specify targets for the proportion of employees and visitors to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use on non-renewable fuels; together with setting out measures designed to achieve those targets with timescales, and arrangements for their monitoring, review and continuous improvement. This Plan shall particularly apply to employees of the site.

REASON

In the interests of reducing use of the private car thus enhancing sustainable modes of travel.

27. No occupation of the building for trading purposes shall commence, until the existing pedestrian crossing facility in Birmingham Road has been upgraded to a signalised crossing in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be installed.

REASON

In the interests of highway safety for all users.

28. No occupation of the building for trading purposes shall commence, until such time as all of the access arrangements and details shown on the approved plan, and as approved under the conditions attached to this Notice have first been installed to the satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety.

29. No occupation of the building for trading purposes shall commence until such time as the car park as shown on the approved plan has been implemented in full and is fully available for use in accordance with the car park management plan referred to in these conditions.

REASON

In the interests of highway safety.

30. No occupation of the building for trading purposes shall commence until such time as details of a CCTV scheme covering the whole of the site has first been submitted to; approved in writing by the Local Planning Authority, and installed in accordance with the approved detail.

REASON

In order to reduce the risk of crime and disorder.

Notes

1. The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): Core Policies 1 (Social and Economic Regeneration), 2 (Development Distribution), 5 (Development in Towns and Villages), 6 (Local Services and Facilities), 11 (Quality of Development), and Policies ENV5 (Open Space), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation), ECON5 (Facilities Relating to the Settlement Hierarchy), TPT1 (Transport Considerations), TPT3 (Access and Sustainable Travel) and TPT6 (Vehicle Parking); Warwickshire Structure Plan - 1996 - 2011 (Saved Policies): Policy TC2 (Hierarchy of Town Centre); Regional Spatial Strategy 2008: Policies PA11 (Network of Town and City Centres), PA13 (Out of Centre Retail Development), PA14 (Economic Development and the Rural Economy), RR3 (Market Towns), RR4 (Rural Services), UR3 (Enhancing the role of City, Town and District Centres).
2. Conditions number 5, 24, 27 and 28 require works to be carried out within the limits of the public highway. Before commencing such works the developer(s) must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an agreement should be made to the Development Group, Warwickshire County Council, Planning and Transport Department, Shire Hall, Warwick, CV34 4SX. At least 12 weeks should be allowed for the completion of the agreement[s] and technical approval procedures.

Justification

This permission follows an application to vary and to remove conditions attached to the grant of planning permission 2009/0154 dated 18 November 2009 for the erection of a retail store. The proposals affect the location of access arrangements together with consequential layout alterations. The conditions affected relate to these amendments. None of the proposals go to the heart of the permission - the development remains for a retail store of no materially greater size and in generally the same location as approved. The number of car parking spaces remains unaltered. As a consequence it is not considered that the proposed variations lead to a materially different development than that already approved. There have neither been any alterations to the relevant parts of the Development Plan since the 2009 decision, nor has Government guidance materially altered. There has been no objection received from the Highway Authority. The Council's Environmental Health Officers consider that the amended layout will have substantially less impact on the amenity of adjoining residential occupiers than the 2009 approval. Some representations received relate to the matter of the principle of the grant of permission. These are not given weight due to the circumstances set out above. Those that relate solely to the proposed amendments can be addressed within conditions or are considered to carry less weight than the responses and observations from the Highway Authority. The proposals thus accord with saved policies ENV11, 12, 13, 14 and 15, together with saved policies TPT1, 3 and 6 of the North Warwickshire Local Plan 2006.

BACKGROUND PAPERS

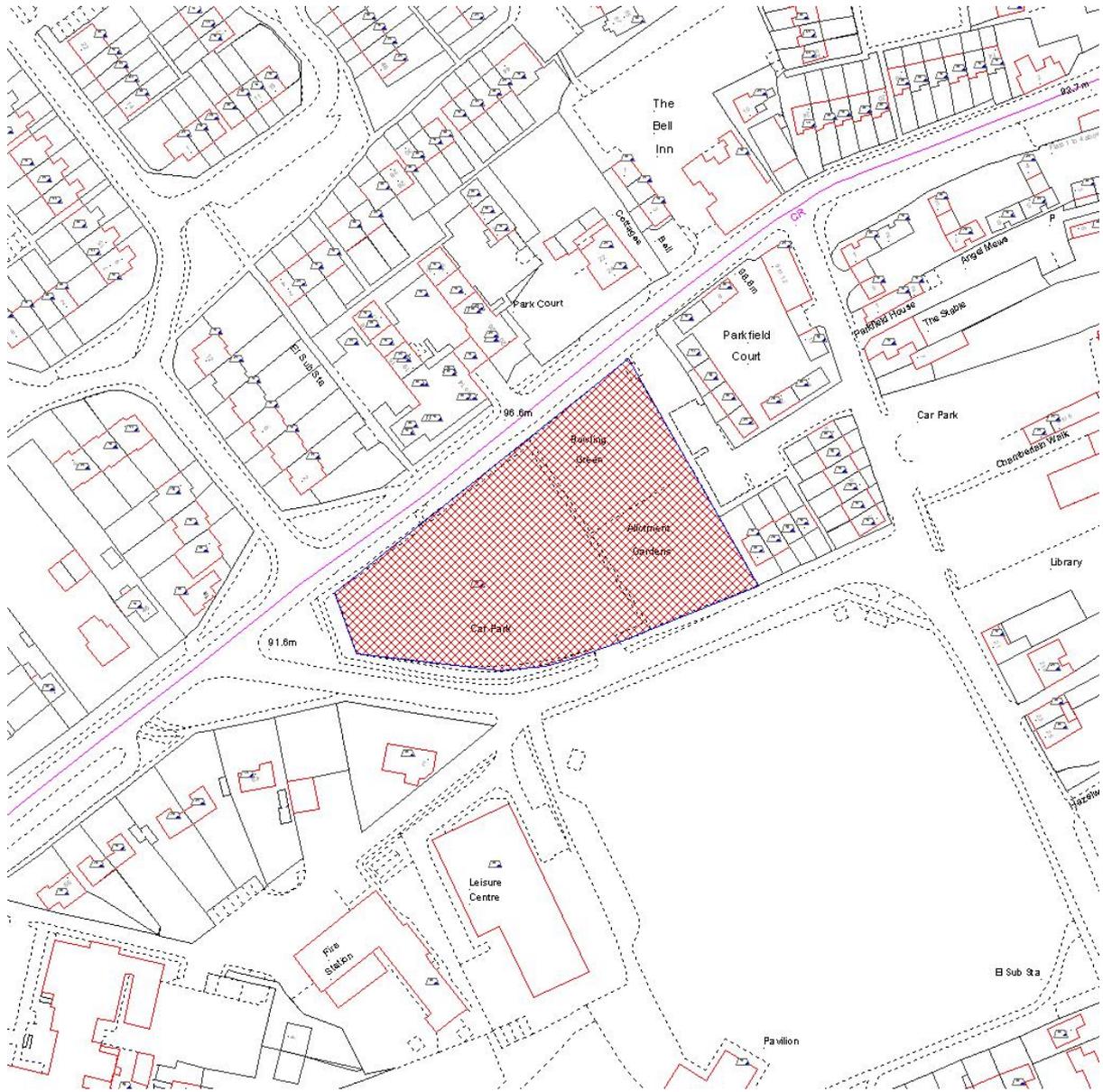
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2011/0529

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans	10/11/11
2	Coleshill Town Council	Representations	23/11/11
3	Curdworth Parish Council	Objection	21/11/11
4	Coleshill Civic Society	Objection	11/11/11
5	F Briscoe	Objection	7/11/11
6	B Nicholson	Objection	6/11/11
7	M Groll	Objection	11/11/11
8	R Smith	Objection	10/11/11
9	Anon	Objection	10/11/11
10	D Axe	Representation	7/11/11
11	A and K Sandford	Representation	2/11/11
12	R Murray	Objection	10/11/11
13	J Setaro	Objection	7/11/11
14	G Pace	Objection	5/11/11
15	M Booth	Objection	3/11/11
16	A Trefine	Objection	1/11/11
17	J Wilkins	Objection	29/10/11
18	H Sharp	Objection	31/10/11
19	J Whipps	Objection	31/10/11
20	Coleshill Cricket Club	Representation	25/10/11
21	B Farrell	Objection	19/10/11
22	S Jennings	Objection	24/10/11
23	Mr and Mrs Spencer	Objection	24/10/11
24	R Farr	Objection	17/10/11
25	E Spencer	Objection	17/10/11
26	Mr Dunn	Objection	17/10/11
27	E Maynard	Objection	17/10/11
28	H Wolfe	Objection	18/10/11
29	P Brown	Objection	25/10/11
30	J Sandever	Objection	21/10/11
31	S Dixon	Support	21/10/11
32	R Sneyd	Objection	20/10/11
33	C Armstrong	Objection	22/10/11
34	D Lewis	Objection	22/10/11
35	Environmental Health Officer	Consultation	3/11/11
36	Warwickshire County Council	Consultation	25/11/11
37	Agents	Amended Plan	29/11/11
38	Head of Development Control	Letter	2/12/11

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/2011/0529

Car Park Park Road Coleshill

Variation of conditions nos. 4, 5 and 6 of planning permission ref: PAP/2009/0154 relating to approved plans, access arrangements and general layout and configuration. Removal of conditions 11 and 12 of planning permission PAP/2009/0154 relating to service yard enclosed roof and service yard noise insulation; in respect of Outline - Erection of a Retail (A1) food store with associated parking, servicing and access - Seeking to discharge the reserved matters for access and layout, for W M Morrison Supermarkets PLC

Introduction

This application is reported to Board for information at this time. The planning application which led to this outline planning permission resulted in a significant number of representations being submitted and to the involvement of all Members. The matter will once again be referred to Board for determination at a later meeting.

The Site

This is a tri-angular shaped area of land, 0.61 hectares in extent, bounded on two sides by roads, Birmingham Road and Park Road, and to the east by residential development at Parkfield Court. The land presently comprises a car park, together with the land to the east that was used as allotments and as a bowling green, but is now overgrown and disused. The site tapers to the south west where the two roads have a junction.

The land to the south is occupied by the Coleshill Memorial Park with its playing fields and pitches. Further to the west are the Coleshill Leisure Centre, the Warwickshire Fire Services depot and the Coleshill Police Station. To the north there is residential development comprising a residential estate off Colemeadow Road and a recently completed block of apartments (Park Court).

The existing car park is accessed from Park Road. Apart from the road junction to the west, Birmingham Road has a junction with Colemeadow Road to the north of the site. There is also a pedestrian crossing close by. Pedestrian access to the car park is from both Park Road and the Birmingham Road. This has a roundabout junction with the main Coleshill by-pass (A446), 150 metres to the west, and a cross roads junction with the High Street, 200 metres to the east.

The existing car park is bounded by a mature hedgerow along the Birmingham Road, and this extends to the east, along the boundary with the former bowling green. The eastern boundary with Parkfield Court is heavily landscaped. The Park Road boundary is open. There are several large mature trees around the car park boundary within the surrounding grass verges.

The car park presently accommodates 110 spaces plus 8 disabled spaces and recycling containers and bins at its eastern end.

The Proposal

The proposals are seeking to vary an existing outline planning permission.

Appendix A is a copy of the approved plan and the plan now proposed is at Appendix B.

The overall layout and configuration of the proposal remains similar to the approved plan. The main variation relates to the proposed access arrangements. The approved scheme has a customer access onto Birmingham Road with a separate service access further to the east also off this road. Service vehicles would egress the site onto Park Road using a one-way route. Pedestrian access would be both from Park Road and the Birmingham Road. The proposed access arrangements now are to have just the one access off Birmingham Road for both customers and service vehicles. Service vehicles would enter and use a service delivery area at the front of the premises before exiting the same way. This is shown on Appendix B.

This variation has three consequences. Firstly the whole building would be moved further “back” into the site, that is, to the east towards the residential buildings at Parkfield Court. This is because there would now be no need for a rear service yard or its enclosure. Secondly, the existing hedgerows and landscaping along the Birmingham Road would remain as they are, as there would be no need to provide the separate service access. The third consequence is that this varied layout enables a slightly larger building to be provided. The approved scheme had a building of 1394 square metres in gross floor area, with 1000 square metres set aside for retail use. The current proposal is for 1700 square metres in total with 1080 square metres for retail use. It is said that the increase in non-retail area is due to the applicant’s requirements for needing larger storage areas for fresh produce.

There is no variation proposed to the number of car parking spaces to be provided. This remains as the approved plan – namely 105 spaces.

Background

Proposals to build a small retail store on this site gave rise to significant objection. The overriding concern was the perceived loss of the town’s car parking provision. Other issues related to the potential impact on the town’s existing traders; the town’s vitality and viability, access arrangements and the service arrangements involving an enclosed service yard. The Council considered and debated all of these issues and granted an outline planning permission in 2009.

A copy of the determination report prepared for the Board at that time is attached at Appendix C. It outlines the issues involved and in particular, it provides a thorough analysis of all of the material considerations relevant to the case.

A copy of the planning permission is attached at Appendix D. It is heavily conditioned. The conditions, the subject of the current variation application are numbers:

- 4 – This relates to specific plan numbers which are now proposed to be changed.
- 5– This identifies specific access arrangements which are now proposed to be changed.

6 – This identifies the specific general layout arrangements which are now proposed to be changed.

11 – This relates to the service yard, requiring it to be enclosed. The service provisions as now proposed would not involve a covered service yard and hence it is proposed to remove this condition.

12 – Similarly here, the noise attenuation controls for the enclosed service yard covered by this condition would no longer be required under the current proposal.

Development Plan

Regional Spatial Strategy 2004 – Policies PA11 (Network of Town and City Centres), PA13 (Out of Centre Retail Development), PA14 (Economic Development and the Rural Economy), RR3 (Market Towns), RR4 (Rural Services), UR3 (Enhancing the Role of City, Town and District Centres).

Warwickshire Structure Plan 1996 – 2011 – Policy TC2 (Hierarchy of Town Centres)

North Warwickshire Local Plan 2006 – Core Policies 1 (Social and Economic Regeneration), 2 (Development Distribution), 5 (Development in Towns and Villages), 6 (Local Services and Facilities), 11 (Quality of Development), and Policies ENV5 (Open Space), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV (Access Design). ENV15 (Heritage and Conservation), ECON5 (Facilities Relating to the Settlement Hierarchy), TPT1 (Transport Considerations), TPT3 (Access and Suitable Travel) and TPT6 (Vehicle Parking)

Other Material Considerations

Regional Spatial Strategy (Phase Two Draft Revisions) 2007 – Policies PA11, PA12B (Non Strategic Centres), PA13, PA14, RR3, and RR4.

Government Guidance – Planning Policy Statement Number 1 (Delivering Sustainable Development), PPS4 (Planning for Sustainable Economic Growth), PPS5 (Planning and the Historic Environment), PPG13 (Transport) and PPG 17(Planning for Open Space, Sport and Recreation), and PPG24 (Planning and Noise).

Secretary of State's Statements on the future of Regional Spatial Strategies

The Government's draft National Planning Policy Framework (NPPF)

The Council's Draft Core Strategy 2011 – Policies NW1 (Settlement Hierarchy); NW4 (Sustainable Development), NW5 (Quality of Development), NW9 (Economic Regeneration)

Observations

This application seeks to vary an existing outline planning permission.

Members are advised that the option of re-considering the principle of that outline planning permission is only open to them if one or both of two circumstances arises. The first is if the proposed variations are of such a nature as to materially affect the nature of the proposed development. In other words – would the development be substantially different as a result of the variations, or do the variations go to the "heart" of the development? The second is if Development Plan policy and/or

material planning considerations have changed so materially that they warrant a re-consideration of the principle of the development. These two circumstances will be explored in the report which will be prepared for the determination of the current application.

Members are also advised that the Board will be able to review all of the existing conditions attached to the current permission. However conditions should only be varied as a direct consequence of the nature of the proposed variations. The later determination report will examine the remaining conditions with this in mind.

Turning to the actual proposed variations, then it is clear that the critical issue is whether or not the Highway Authority will support the revised access arrangements. Other issues really follow on from this outcome.

Dependant upon consultation responses, a determination report is likely to be brought to the Board's December meeting.

Recommendation

That the report be noted at this time

BACKGROUND PAPERS

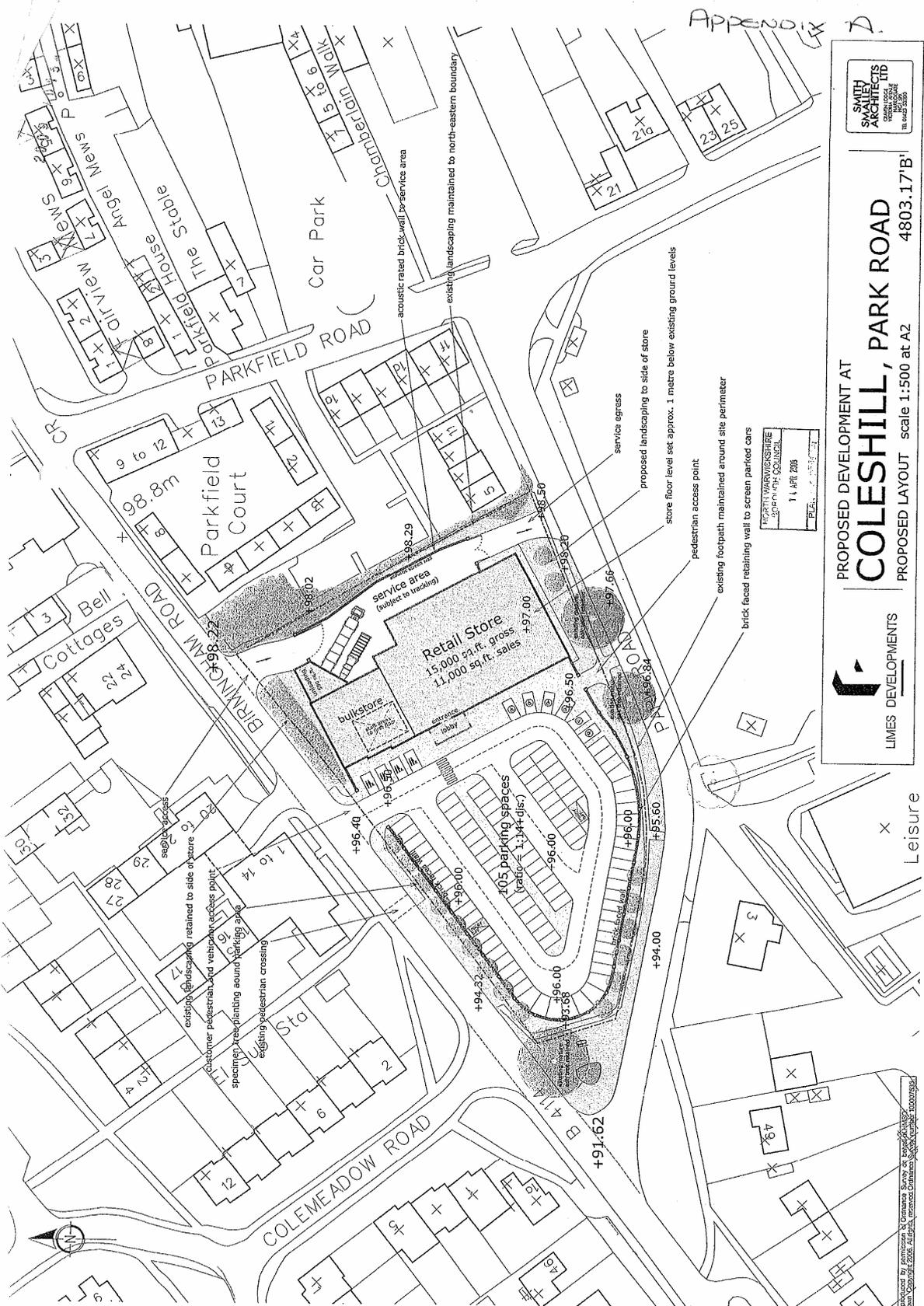
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2011/0529

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans	10/10/11

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.



NORTH WARWICKSHIRE
 LOCAL AUTHORITY
 14 APR 2018
 REF: 18/0155/1

SMITH
 SMALLER
 ARCHITECTS
 110, 112, 114
 THE OLD BANK
 BRISTOL, AVON
 BS1 1JG

PROPOSED DEVELOPMENT AT
COLESHILL, PARK ROAD
 PROPOSED LAYOUT scale 1:500 at A2 4803.17'B'1

LIMES DEVELOPMENTS

Drawn by: [Name] & Checked by: [Name]
 Date: [Date]
 Project: [Project Name]

2011 / 0529

NOTES:
 1. This plan is based on Ordnance Survey data and is not intended to be used for any other purpose.
 2. The site is shown in red on the site plan.
 3. The site is shown in red on the site plan.
 4. All Rights Reserved.

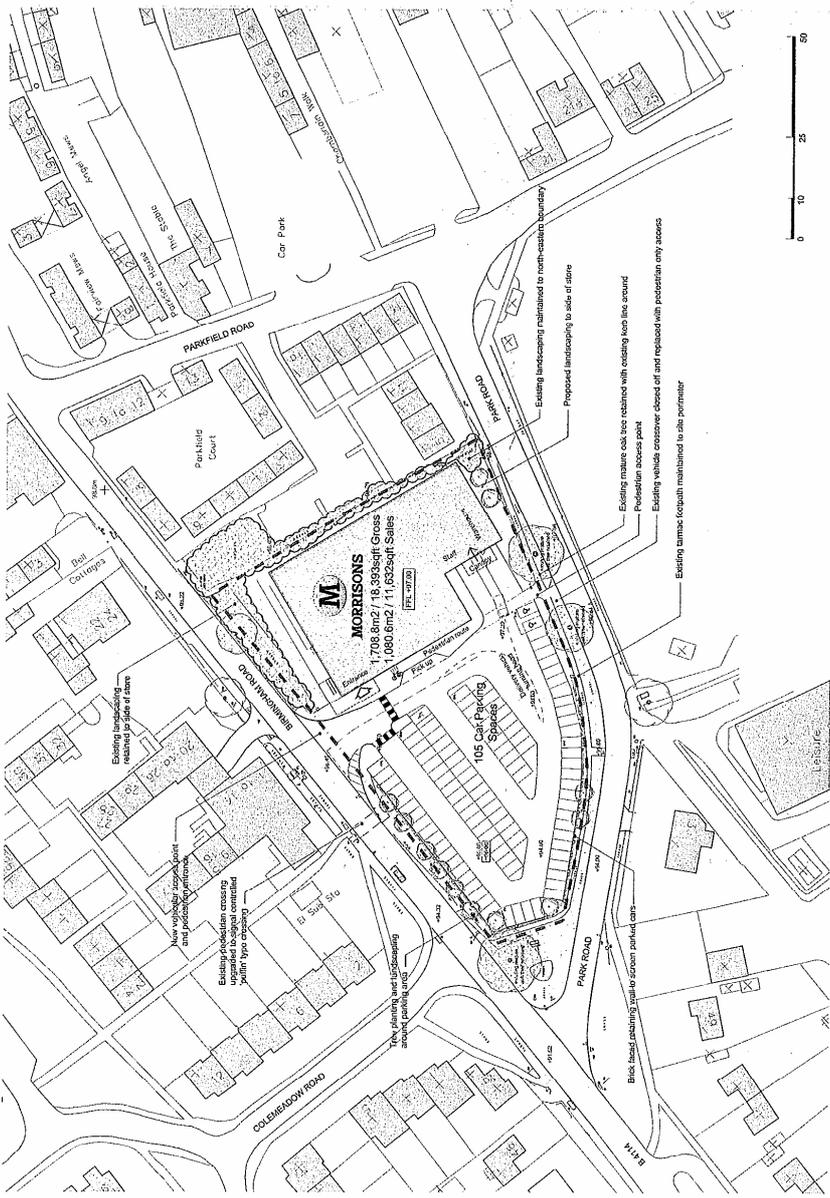
Legend:

- Planning Application line
Site area approx. 4,155sqm / 0.92 Ha / 1.52 Acres
- Existing trees retained
(see per survey)
- Existing landscape retained
(see per survey)
- New tree planting / landscaping
- Existing level
(refer to site survey for full details)
- Proposed level

Schedule of Accommodation

Foodstore:
 1,708.8m² / 18,383sqft Gross
 1,680.6m² / 18,183sqft Sales

Parking:
 Total 105 Spaces



RECEIVED 18 OCT 2011 North Warwickshire Borough Council		Client DAVIS WEATHERS PARTNERSHIP CHARTERS SUBJECTS	Project Wm Morrison Supermarkets plc Proposed New Foodstore Park Road COLEBROOK
Drawn	Checked	Scale	Rev.
11236 / PA01			

Outline application for the erection of a Retail (A1) food store with associated parking, servicing and access – seeking to discharge the reserved matters for access and layout for

Limes Developments Ltd

Introduction

The receipt of this application was reported to the May Board, and it resolved to visit the site prior to consideration of the proposal. That visit has now taken place. Additionally it identified the main issues that it would need to consider in making its recommendation to Council on the planning merits of this application. These will now be addressed in this report.

For the convenience of Members the last report is attached at Appendix A. It is not proposed to repeat matters included in that report.

Procedures

a) General

It is considered important that the Board is aware of a number of procedural matters prior to its consideration of the application.

Firstly, the application is not one that is to be referred to the Secretary of State just because the Council owns part of the site. The requirements for referral where Local Authorities have an interest in a development proposal are covered by the Town and Country General Regulations 1988. Legal advice has been taken and it is agreed that this not an application that falls under the referral procedures. The matter however is to be referred to the Council for determination, rather than being decided by this Board because the proposal is a departure from the Development Plan.

However, the application, whilst it departs from the Development Plan in respect of Policies ECON5 and ENV5, as identified in the previous report, it is not one that has to be referred to the Secretary of State, if the Council is minded to support the proposal. This is because the proposal does not fall within the criteria set out for referral cases under the Town and Country Planning (Consultation) (England) Direction of 2009.

Thirdly, the application does not fall under the criteria for applications that are Regionally Significant as defined by the West Midlands Regional Assembly. The application is thus not one that is to be referred to that Assembly.

Fourthly, the application could be considered to be an “Urban Development Project” under the section 10(b) of Schedule 2 of the Town and Country Planning (Environmental Assessment) (England and Wales) Regulations 1999. For the avoidance of doubt the application has been treated as such. It is considered however that an Environmental Statement is not required. This is because it is considered that the proposal would not lead to significant environmental impacts. The reasons for this conclusion are set out in Appendix B. Additionally, the proposal

is not a Regionally Significant Application, and neither is it one that falls under the 2009 Direction referred to above.

Finally, since the application was submitted, and the previous report made, the Local Plan expired in July. The policies that were identified in that earlier report and as referred to in Appendix A are now, nevertheless, all “saved” policies of that Plan.

b) The Application

Members will be aware that this is an outline planning application. As such the remit of the Board is to establish whether in principle, the use as proposed – a food retail store - is appropriate on its planning merits at this site. The applicant has requested that the layout be considered as part of the application; the size of the building and its access arrangements. All other matters, including design, appearance, landscaping and drainage would be left, if the application is approved, for the later submission of details covering these matters. As will become apparent from the report, representations have been received that relate to both matters of principle and detail. There will be reference to the details in this report, but Members are requested to deal with the application in principle at this stage.

c) Emerging Government Guidance

In the last report, mention was made in the section dealing with “other material planning considerations”, that Government advice in its PPS6 was under review. A further review, material to this application has now been published, that relating to revisions to PPG4, “Industrial and Commercial Development and Small Firms”. The report below will include a section that brings together all of this guidance so as to provide Members with the relevant framework in which to consider the application.

Additional Application Documentation

The last report itemised an amount of supplementary documentation submitted by the applicant in support of the application. That has been added to as the application has progressed, particularly in response to officer’s requests for further information as well as responding to matters raised by consultations and representations received. Attached at Appendix C is an additional letter from the agents dealing with the application.

Further documentation received relates to a number of matters:

- The service yard. The applicant has agreed that in order to meet the recommendations of both his consultant’s report and those of the Environmental Health Officer, the service yard should be enclosed, and that conditions should be attached to control noise emissions. A revised plan has been submitted illustrating this addition – see Appendix D.
- Access arrangements. The applicant has had extensive discussions with the Warwickshire County Council as Highway Authority. This has not resulted in amended plans, other than a minor re-alignment of the service egress to improve visibility, and the alteration of the present zebra crossing to a signalised crossing. This is shown on the amended plan referred to above at Appendix E.
- Car Park Survey. There was criticism that the survey undertaken by the applicant, the findings of which were submitted with the planning application, did not include observations taken on weekdays (surveys were undertaken on

a Friday but comments were received concerning higher car park usage on other weekdays) when the car park was said to be busier than the survey days. Additional survey work has now been completed.

Consultations

Severn Trent Water Ltd – No objection subject to conditions.

Warwickshire Wildlife Trust – The overall conclusion is that the proposal will not have a significant effect on the integrity of local bio-diversity. However it does have a number of comments – it is satisfied that the applicant's tree survey is sound and that the trees to be retained are those of greatest value; that new landscaping should include native species so as to enhance the site's biodiversity, all trees to be retained should have their roots protected, a replacement hedgerow is required along the western boundary either replacing or being adjacent to the retaining wall, and all removal of vegetation should be outside of the bird breeding season.

County Forestry Officer - Agrees with the applicant's tree report in respect of its conclusions and does not object to the removal of the trees and hedgerows as identified. There is concern however in respect of Tree Number One, the large oak tree off Park Road, which could have its roots affected by the built development. This matter was raised with the applicant, and the revised plan at Appendix E, shows a slight amendment to the location of the building. This would reduce the amount that the building would encroach into the recommended protection area to 4%. This is not considered to represent a threat to that tree.

Sport England – Initially objected to the proposals as the loss of the open space has not been justified or replaced. This was taken up with Sport England, and a revised response was received, withdrawing the original objection. The report below provides more detail in this respect.

Solihull Metropolitan Borough Council - No objections

Warwickshire County Council as Highway Authority – Originally the County could not support the proposed access arrangements. The main concerns were the access onto the Birmingham Road and secondly the visibility at the service egress onto Park Road. Further analysis and safety audits have led to the Authority to resolve not to object, subject to a number of conditions. This is examined in more detail within the report below.

Environmental Health Manager – The initial reaction was to understand why an acoustic wall has been included rather than having the service yard fully enclosed, as recommended by the applicant's own consultant. Operating and service delivery hours also needed to be conditioned. The applicant has taken these matters on board and now agrees to an enclosed service yard together with the conditions as suggested. This is explained more fully below.

Council's Conservation and Heritage Officer – The proposals demonstrate that a building of the size shown with the attendant car parking requirement can be satisfactorily accommodated on the site without detriment to the setting of the adjoining Conservation Area or Listed Building.

The Assistant Director (Streetscape) - Supports the proposal, confirming that the car parking survey reflects his understanding of the use of the car park; that Leisure

Centre staff currently use the car park, and that other public car parks in the town centre are underused.

Warwickshire Fire Services Authority – No objection subject to a standard condition requiring the adequate provision of fire fighting facilities.

Warwickshire Police – Expresses concern that a reduction in car parking numbers, or introducing a charge after two hours, will displace parking to other areas in the town, leading to illegal parking and obstruction in the surrounding streets, and from a business point of view would lead to drivers avoiding the town. It is also considered that the proposal, involving larger numbers of customers, would have the potential to increase crime and disorder, as evidenced with the existing supermarkets in the town. The operator will need to look at measures to address this matter, including the use of CCTV.

The Council's Retail Consultant – The full letter is attached at Appendix F. This concludes that notwithstanding some concerns about methodology, there is a quantitative and qualitative need for this scale of floor space, and that given the limited convenience goods provision in the town and catchment area, residents have little alternative but to travel to do their main food shopping. The new store would provide consumer choice, and reduce the need to travel. The scale is not inconsistent with the role and function of the town, and that any impact on existing traders would be insignificant. The site appears to be a good "edge of centre" location. Overall they conclude that the proposal meets the tests of PPS6.

The letter does draw attention to a number of issues and the applicant was given the opportunity to respond. This is at Appendix G, and was forwarded to the consultant. His further response is at Appendix H.

Representations

Coleshill Town Council – Makes the following observations; the application does not meet the requirements of Policy ECON5, and the loss of the Open Space under Policy ENV5 has not been properly assessed, as it has knowledge of a waiting list for allotments; it quotes a minute from the Borough Council's Resources Board that says that car parking on site should continue to provide public car parking, and that a proposed supermarket should serve to increase overall car parking in the town. It points out that the application suggests a two hour limitation, and that 105 spaces are to be provided against the current 110. It considers that the car park survey was "shallow", and that the two hour limit will not satisfy at least a quarter of current users. The Council believes that the conclusions from the pre-application consultation as reported in the applicant's documentation show that the proposal is not widely supported in the town; that traffic impacts will be adverse at the Park Road junction and at the High Street cross roads. It continues by saying that an archaeological survey is needed; the wall is not in keeping, vehicle reversing beepers should be prevented and the two hour limit is insufficient time for people to visit the store and the town.

Coleshill Civic Society- Strongly objects to the proposal. It is not considered that the proposal will benefit the town by way of retail regeneration, because it is not big enough to prevent residents from shopping at large supermarkets outside of the town, but will be sufficient in size to act as a magnet to draw shoppers away from the High Street; erode the valuable existing car park that supports a wide range of community interests as well as providing convenient long stay provision, the

appearance is uninspiring, detracting from the approach to the town, spoiling the feeling of openness, and the wall will provide a “hard edge” out of character. No design brief has been prepared; the applicant’s pre-application exhibition was inadequate, and the proposals underestimate the traffic and highway problems that presently exist and will be exacerbated by the proposals, and the noise will impact on local residents.

Water Orton Parish Council – Objection because the proposal would be of detriment to existing Coleshill shops; reduce public car parking, change the nature and character of the town, and lead to illegal parking.

Curdworth Parish Council – Objection because the application would take away free long term car parking for Curdworth residents; it would deter new users from using the Leisure Centre, and conflict with policy to encourage use of such leisure facilities, there would be significant traffic increases on Birmingham Road, there is no mention of traffic calming measures, and the wall is intrusive out of character with the town.

At the time of preparing this report five letters of support have been received. These include comments such as:

- It will bring more people into the town, rather than take people out to do their shopping.
- What choice does Coleshill High Street offer now, and what is here is more expensive.
- It will bring jobs
- It will reduce the requirement to travel out of town reducing the impact on the environment of these journeys.
- We need our own supermarket here in Coleshill
- The plans look good.
- The plans show a 100% improvement on the present eyesore in this area
- The shop keepers might object, but this is what is needed in Coleshill
- It will provide competition driving down prices in the High Street
- There are empty shops in the town and too many takeaways.

At the time of preparing this report, 82 letters of objection had been received, including one from the MP. The great majority of these cover the matters raised in the pre-application consultation work, which was undertaken by the applicant, and recorded in the previous report. They can mainly be divided up into the following matters:

- Respondents are unconvinced that there is a need for a new supermarket, because their needs are already met in the town itself, or by the larger stores that are close by; that it would adversely affect existing traders, particularly Somerfield and Tesco, and thus lead to a further reduction in the vitality of the town centre.
- The level of car parking is reduced. The existing car park is often at capacity used by shoppers and visitors to the Leisure Centre as well as employees of the town’s businesses who use it as a long term car park. It is also used by visitors to the town, for people attending functions in the town and by visiting coaches. The proposals for a two hour limit would materially affect use of this

facility leading to car parking requirements on existing surrounding roads that are already congested. There is no alternative long stay car parking provision.

- The proposal will generate traffic that will all have to use an already heavily used Birmingham Road, where there are junctions in close proximity to the site, and a significant zebra crossing. There are already well known capacity problems at the High Street cross roads. There are often queues on the surrounding roads at peak times now. Delivery vehicles would add to these concerns. The proposed access is thus inadequate and dangerous.
- Respondents consider that the design leaves a lot to be desired in that the building is not in keeping, being modern and unsympathetic, not in character with the town, and that it does not provide a satisfactory image when entering the town, and doesn't reflect the openness of the existing site. In particular the surrounding retaining wall has been mentioned as being unattractive. The provision of either a large acoustic wall, or an enclosed service yard, would exacerbate all of these criticisms.
- The location of the service yard would introduce unacceptable noise, light and pollution, particularly to the residents in the Park Court building, that abuts the eastern boundary. Long opening hours would add to these problems.
- Consultation on the proposals has been inadequate.

Additional matters include:

- The recycling facilities have not been replaced
- There is criticism of the car parking survey undertaken by the applicant- insufficient days and people surveyed.
- This will change the nature of Coleshill – not increasing the attractiveness of the town; reflecting its Georgian character, its market town status and not encourage visitors to stop.
- Adverse impact on the trees around the site
- The wall will attract graffiti, and anti social behaviour
- The decision should be taken on planning merits alone.

Development Plan Update

As Members are aware, the North Warwickshire Local Plan 2006, expired on 4 July this year. The Secretary of State has issued a Direction which confirms that all of those Plan's policies referred to in Appendix "A" have been saved.

Other Material Planning Considerations

a) Government Guidance

It was reported above that Government guidance in respect of retail development proposals is presently undergoing change. It is necessary to outline the current situation.

Planning Guidance is presently set out in PPS6, which deals with Town Centres. It was published in 2005, and sets out the Government's objectives in respect of planning for town centres. The key objective is to promote and to enhance existing centres. In respect of market towns, these should be the main service centres in rural areas, providing a range of facilities, services and shops at a scale appropriate to the needs and size of their catchment areas. Development Plan policy reflects this objective through saved policy ECON5 of the Local Plan. This defines a Town Centre for Coleshill, and a primary shopping core within that centre. Its overall thrust

is to require new “town centre” developments to be located in this centre. As a consequence of PPS6, planning proposals for new retail development outside of this defined centre, such as the current proposal, have to undergo a series of five tests if they are to be supported exceptionally. These tests include the need for the development; that the development is of an appropriate scale, that there are no other more central sites available, that there are no unacceptable impacts on existing centres, and that the location is accessible.

In July 2008, the Government published proposed changes to PPS6. Whilst retaining the overall objective of the “town centre first” approach, it was proposed to adapt the objective such that planning for town centres should more readily encompass support for current and prospective town centre investment, and that planning for town centres should promote competition, consumer choice, retail diversity and should not unduly constrain the market. As a consequence there was a shift in emphasis in respect of how certain planning applications should be dealt with. The proposals remove the requirement for an applicant to demonstrate “need” for a proposal, which is in an edge of centre location and not in accordance with an up to date Development Plan. This is therefore directly relevant to the current proposal. The impact test referred to above is however strengthened as a consequence, and would now include a broader focus on social, economic and environmental impacts as well as just the impact on existing retail trade within the town centre. The sequential or “other sites” test remains. Hence the tests are reduced from five to two – a sequential test, and an impact assessment.

In May this year, the Government published revisions to its PPG4, which will eventually combine a number of other Planning Guidance Notes as well as incorporating the revisions to PPS6 as set out above. The aim is for it to include Government policy for economic development in general. The draft revisions reflect the approach towards new town centre development as set out in the July 2008 PPS6 publication. In particular, the requirements for the two tests referred to above are set out in some detail.

As a consequence of all of this, current Development Plan policy reflects 2005 PPS6 guidance. That is now out of date given the 2008 and 2009 publications referred to. As Members are aware, development proposals have to be determined in accordance with the Development Plan, unless material planning considerations indicate otherwise. These two publications are material considerations in the determination of this application, and should be given weight, particularly as the Local Plan policies are now “saved”, and the replacement for the Local Plan has not yet reached a material stage.

For the avoidance of doubt, the applicant chose to submit supporting documentation in respect of all five tests under the 2005 PPS6, and has thus included evidence in respect of the “needs” test, as well as that for the sequential test, and the impact assessment.

b) Council Resolutions

On 5 May 2009, the Council’s Executive Board resolved that the receipt from any sale of the car park in Park Road, would be ring fenced for a replacement indoor leisure facility in Coleshill, subject to the future preparation and acceptance of the required feasibility studies and business plans. This resolution is a material planning consideration in respect of this current application, because the Council would in any

event, be seeking mitigation measures from the applicant for the loss of open space arising from this proposal.

In July 2008, the Council's Resources Board resolved that any sale of the car park in Park Road, would be accompanied by an Agreement that retained public car parking provision at the site. This is a material planning consideration in respect of this current application, because the retention of public car parking space is an issue raised in the consultation process associated with the determination of this application.

The Approach to be taken

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material planning considerations indicate otherwise. It is therefore proposed to first look at the "fit" of the application with Development Plan policy, and particularly the two most relevant saved policies of the Local Plan – ECON 5 and ENV5. It was noted in the previous report (Appendix A) that it did not. As a consequence it will be necessary to establish how closely it might meet those policies, and then to identify whether there are any material planning considerations, that either individually or cumulatively, are of such significance to outweigh these policies.

It will then be necessary to address the issues identified in the previous report, and those raised throughout the consultation process, to see how the application fares in respect of what the Development Plan says about them.

Members are once again reminded that this is as an application for outline planning permission. The determination rests on whether, in principle, the proposal for a supermarket of this size, with the layout and access arrangements as proposed, is appropriate for this site in Coleshill.

Saved Policy ENV5 – Green Space

The former bowling green and allotments that comprise the eastern third of the application site, are shown as being a "Green Space" in the Local Plan. Saved policy ENV5, says that, "Development resulting in the loss of open space which has been shown to be needed to meet the open space, sports and recreational needs of the Borough following the process of need assessment, audit and setting of local standards in accordance with paragraphs 1-9 of PPG17, will not be permitted". As the work identified in the Policy under PPG17 has been completed, the "fit" of the proposal with the policy will depend wholly upon the conclusions of that work.

These indicate that in Coleshill, "there is a sufficient supply of open space across the area. There is an undersupply of children's and young people's provision, natural greenspace, and a small under supply of allotments". (see Appendix D). The strategic priorities for open space are also set out this Appendix. It can be seen that these do not include reference to this site, or to retention of its uses. Notably, one of the priorities is to development management plans for the town's two parks – including the Memorial Park opposite the application site. With such conclusions, it is not considered as a matter of principle, or of strategic priority, that the application should be refused on the basis of saved policy ENV5.

That being said, the PPG17 conclusions say that there is a small under supply of allotments in the town, and the Town Council say that it has evidence of demand for allotments. Given the conclusion that the Memorial Park needs enhancement, and notwithstanding that the Borough Council has resolved to direct receipts from any sale of the application site towards a new indoor leisure facility in the town, it is considered that there is an opportunity to explore the loss of the present facility through this process.

It is notable that Sport England has removed its original objection to the application proposal in light of the PPG17 conclusions and the Council's resolution on future leisure provision in the town. Additionally, it is noteworthy that there have been no objections received relating to the issues raised by saved policy ENV5.

Saved Policy ECON5 -The Principle of a Supermarket

a) Introduction

In respect of new shopping proposals in Coleshill, this Policy states that, "Proposals for additional shopping floor space will only be permitted if they are located within the town centre boundary identified on the Proposals Map, and are less than 1000square metres. " This proposal is not located within the defined town centre for Coleshill, however the nett retail floor space proposed is 1000 square metres. As such the proposal does not wholly "fit" the Development Plan. The issues are therefore to see how large the gap is with the saved policy, and whether there are other material planning considerations that are of such weight that would overcome that gap.

It is not considered that this gap is insuperable, because there are other material planning considerations that need to be examined, and these could be of sufficient weight to overcome that gap. There are four main reasons for this.

- Firstly, the Local Plan now only has "saved" policies, which are to be replaced with the Core Strategy. However there is as yet no Preferred Option and thus no plan-led consideration of weight to guide the Council based on up to date evidence of retail demand, need and impact. In this respect the Local Plan is out of date, not in respect of the size of the current proposal, but in respect of its location.
- Secondly, there is new Guidance set out in the proposed revisions to PPS6 (2008) and to PPG4 (2009). These have to be given weight in the absence of an up to date plan-led alternative to the Local Plan, as the present Local Plan was based on PPS6 2005 advice. These more recent documents need to be taken into account as part of the determination process.
- Thirdly, this guidance provides the criteria against which the Council should consider proposals that do not "fit" the Development Plan, in particular where the proposal is for an "edge of centre" location, as is the case here. These criteria are therefore of material weight in the determination of this application, and they need to be explored.
- Fourthly, the applicant has provided evidence to support his claim that the proposal meets these criteria, and those conclusions have been supported by the independent Consultant asked by the Council to appraise it on the applicant's own assessments.

As a consequence it is intended firstly to look at the size or scale of the proposal, and then to look more closely at the issues surrounding its location, before turning to

examine its potential impact, and then to conclude by visiting the representations made by the objectors relating to the “need” for the proposal.

b) The Scale of the Proposal

It is not considered that there are strong enough grounds to sustain an objection based on the size or scale of the food store proposed.

- Firstly, the proposal accords with the scale set out in the saved Local Plan policy.
- Secondly that policy was adopted based on evidence arising from the Health Check undertaken on behalf Advantage West Midlands through its Market Town Initiative. The proposal itself aligns with that evidence.
- As a consequence the proposal would meet the advice in PPS6 (2005) in respect of new development having to be appropriate to the role and purpose of a Market Town.
- Finally, there is nothing in the independent appraisal undertaken on behalf of the Council, to suggest that this scale of development is inappropriate in that it would be inconsistent with the role and function of Coleshill town centre; that it would prejudice the hierarchy of centres already established in the Local Plan, neither, given present day evidence, that circumstances have changed so materially since the Health Check was undertaken, to warrant re-consideration of that view.

c) The Location of the Proposal

The applicant has assumed that this site is “edge-of-centre” for the purposes of his retail assessment. This is agreed, given the definition within PPS6 (2005) which defines such sites as being well connected to, and within easy walking distance from the primary shopping area. The independent consultant also agrees.

It was indicated above, both under the 2005 PPS6 guidance and the more recent revisions of 2008, that, if a proposal was submitted for an “edge-of-centre” site then the applicant would need to undertake a sequential test. In other words to show, with evidence, that there was little likelihood of a site becoming available within the defined town centre for an equivalent development to that proposed. In this case the applicant has identified four potential sites within the defined centre. These are illustrated in Appendix I. Before looking at these, it is important to outline six general factors that will apply to all searches for a site within the centre capable of accommodating a retail store of around 1000 square metres. Firstly, the whole centre is within a Conservation Area, given the character and appearance of that Area, it is considered that those attributes could not readily accommodate a built form of that size, without some adverse impact. Secondly there are a significant number of Listed Buildings that front the High Street. It is considered that, not only might their setting be affected, but importantly, they would not readily convert to modern retailing requirements. Thirdly, it is considered that demolitions would be likely in order to accommodate a High Street frontage site, or any site of a size sufficient to accommodate a 1000 square metre building. Fourthly, given the multiple land ownerships in the centre, land assembly would be likely to involve several parties, and the resultant site area might not readily accommodate the built form of retail store. Fifthly, no area was identified in the Local Plan as suitable or appropriate for such a development, unlike in Atherstone where land was allocated for a mixed use development clearly including retail uses, ie- the Aldi site. Finally, no planning application has been submitted for a new retail store in the town centre within a

considerable time, nor have there been pre-application enquiries concerning such development, suggesting that these factors may well be having an impact. As a consequence of all of these factors, it is acknowledged that any search within Coleshill town centre will be limited and difficult.

As far as the four sites identified by the applicant are concerned, then the following assessments are made.

- Site A – the car park at the rear of Church Hill and High Street. This is a public car park, which would be lost if it was to be developed; it is a small site with a narrow access arrangements for service vehicles, and changing levels. If it was to be viable as a store, the site would need to be enlarged, leading to conservation issues and problems of land assembly.
- Site B – the car parks at the rear of the Swan Hotel and Somerfields off Park Road. A development here would again result in the loss of car parking to the public and to other private facilities. Whilst service access would follow existing patterns, the combined site would be too small for a store of the size proposed. Additionally there would be Conservation impacts as well, given the grain of the existing historic built form, and the generally high ground levels impacting on to an historic skyline.
- Site C – This is private car parking at the rear of the Post Office and neighbouring occupiers. This would be lost through any redevelopment scheme. Service access would be difficult and from High Street. It would be difficult to accommodate a retail store within the historic built form and demolitions would be likely.
- Site D – This is the bowling green off Parkfield Road. This is very small and confined in area. Redevelopment would have an impact on the amenities of surrounding occupiers, and there would be the loss of the open space with its recreation facility.

The applicant concludes that none of these four sites is either suitable, available or viable given the matters mentioned above and the more general factors referred to earlier. This is not surprising given the existing built form and layout of the centre with its multiple ownerships and historic fabric. It is also difficult in the absence of an area identified in the Local Plan, or through the development industry itself over the past few years, to suggest that there are other sites that the applicant has omitted to explore as part of his case. This overall conclusion is also supported by the independent consultant who was asked to appraise the applicant's sequential approach.

d) Retail Impact

An assessment of impact is required for all retail developments proposed in "edge-of-centre" locations. This is a requirement under both the current 2005 PPS6 and its more recent proposed variations. These set out a checklist of six tests.

The first is whether the development would put at risk the spatial planning strategy of the area. It is considered that, because of its small size, the proposal would be unlikely to adversely affect the role of other shopping centres in the vicinity, or upset the hierarchy of service centres set out in the Local Plan for the Borough as a whole. It is noteworthy that the Solihull Metropolitan Borough Council does not object, and the independent consultant comes to the same conclusion. It is also considered that weight should be given to the argument that the proposal would enhance the role of

Coleshill as a Market Town within that hierarchy, by “clawing back” trade that is presently being expended outside of the town, and indeed the Borough.

The second is the likely impact on future public and private sector investment needed to safeguard the vitality and viability of the centre. The application represents the first major new private investment into the town for some time. It could be expected that there would be further investment as a consequence if the store was successful because it would increase expenditure in the town; retain expenditure that might otherwise be made outside of the town, and provide opportunity for other businesses and traders. The consultant concludes that the proposed store would be unlikely to prevent, unduly delay or hold back new investment in the town. Because of the lack of investment in recent years, weight should be given to the opportunity that this proposal represents. Continuing lack of investment could lead to a lowering of the status of Coleshill within the hierarchy of service centres within the Borough.

The third relates to the likely impact of the proposal on existing trade and turnover and thus the vitality and viability of the town centre. This is the one matter that is mentioned by practically all of the representations made by the public, and the one that figured highly in the pre-consultation work undertaken by the applicant. This is all together understandable and to be expected. The applicant’s response to this test is two-fold. Firstly, they say that existing traders only capture some 30% of the potential expenditure available in Coleshill’s catchment for convenience goods, the remainder going outside. This merits expansion in order to reduce travel, and to enhance an existing centre. Secondly, they say, the new store would provide a greater variety of choice, not yet available in the town within the existing much smaller food stores, and thus reduce the need to travel out of Coleshill. In essence they say that the proposal will enhance, not reduce the viability of Coleshill as a local service centre. It has to be acknowledged that there is merit in these arguments. There are two considerations here. Firstly, the representations that have been received from objectors to the proposal nevertheless state that the authors regularly “shop out of town”. The consultant too believes that there would be a “sizeable claw back” of expenditure that is presently going to the larger food stores outside of the catchment, and that the levels of claw back would be unlikely to impact on those stores because of their considerable size. Hence, that expenditure coming back into the town is material, and would benefit the town as a whole. Secondly, the consultant considers that the applicant’s assessment of there being a 10% impact of trade diverting from the existing two food stores in the town, Tesco and Somerfield, to the new store is “broadly realistic”, and that such a diversion would not be fatal to those stores. This is based on the fact that those stores are trading well; that they perform a “top up” shopping role rather than a “main” shop role, and would continue to do so, and that increased competition in the town would lead to greater choice, variety and price differentials. There is good anecdotal evidence too from Atherstone that existing supermarkets are still trading strongly, after the addition of the Aldi store within the town.

The fourth relates to any possible change in the role of services provided within the town centre. Both the applicant and the consultant agree that the new store would not reduce the range of services already in the town –eg banks and building societies; travel agents, opticians, pharmacists etc.

The fifth relates to the likely impact on the number of vacant properties in the primary shopping area should a proposed development on the edge of centre go ahead. The applicant takes the view that increased expenditure and trade in the town would remove the likelihood of increased vacancies. The consultant agrees, particularly as

the site is close to the town centre; has good pedestrian accessibility to the town and from surrounding residential areas, such that more residents would be likely to shop locally, and that there would be a higher incidence of “linked” trips.

The sixth and final one, relates to whether the proposal would change the role of the centre in the economic and social life of the community. The applicant clearly thinks not, as would be expected. The consultant however also agrees. Again this “test” reflects quite a significant number of the representations received on the proposal from the public. In essence that the proposal would seriously impact on the “small market town” of Coleshill, and result in empty shops and the loss of services. There is one significant consideration to bear in mind in assessing this test. Coleshill’s town centre is already seeing the loss of retail outlets. Objectors themselves readily refer to the number of takeaways, offices and other service outlets. This trend is likely to continue if there is no investment, and if the larger stores in the neighbouring conurbation continue to attract large volumes of trade. It is generally agreed that such a trend should not continue. The proposal therefore does represent an opportunity, particularly as there is presently a significant movement of shoppers travelling outside Coleshill.

e) The Question of Need

It was pointed out earlier that the most recent 2008 Government advice is that applicants no longer have to provide evidence of need with their application for retail stores, where they are located on edge-of-centre sites. Nevertheless evidence has been submitted in this case, and as such it is pertinent to examine this, given that practically all of the objections received say that there is “no need” for this proposal. It is thus proposed to look through the case that is put forward by the applicant.

Two tests are undertaken by the applicant – looking at both quantitative and qualitative need. The first identifies whether there is likely to be sufficient expenditure in Coleshill’s catchment area, to support existing stores as well as the proposed supermarket. The second looks at the type of existing store within Coleshill, in order to assess whether there is a case for widening choice and variety within the town. The applicant’s appraisal supports their case under both of these tests.

The two tests are those that are advocated under the 2005 PPS6, and are thus relevant and material.

In respect of the former, then the Council’s independent consultant supports the conclusion that there is a quantitative need for the amount of floor space being sought. This depends on two assumptions made by the applicant. The first is that the catchment area for Coleshill has been appropriately identified. In this respect, officers agree that the catchment area has been reasonably defined, in that it is not too widely or tightly drawn around Coleshill. It is also noteworthy that none of those objecting to the proposal have indicated that the catchment area has been inappropriately drawn. Furthermore the Solihull MBC did not raise the matter, and neither did any of the other supermarket chains, whether or not represented in Coleshill. The second assumption is that expenditure levels in the catchment are relatively high. The independent consultant has examined this in more depth, but confirms that there still is capacity in this catchment for additional floorspace, even if expenditure patterns fluctuate. The quantitative need is thus substantiated. No evidence has been submitted to rebut this conclusion.

In respect of the second test, then the consultant accepts the points made by the applicant, in that the two existing stores would continue to trade. If one of these operators moved into the new store, then the consultant confirms that a discount chain could well move into the vacant store, again without overall detriment to the town. Members will know from evidence in Atherstone, that both Somerfield and the Co-oP operate here together with the Aldi group. Again there is no evidence submitted by objectors to rebut the applicant's argument, nor the conclusions arising from the consultant's report.

f) Conclusion

Members are invited to return to the matter of principle – is a food retail store of the size proposed appropriate for Coleshill and if so, is this an appropriate location? The evidence from the independent work undertaken on behalf of the Council suggests that it is, on both counts. Development Plan policy in respect of retail developments now carries less weight than it did when the Local Plan was adopted, due to new national guidance, and there is little in the way of counter evidence submitted by objectors to rebut these conclusions. It is considered telling that no representations whatsoever have been received from other retail operators, whether represented in Coleshill or not, and also that the Coleshill Business Action Group, which represents traders in the town has made no comment at all on the proposal. As a consequence it is considered that the proposal can be supported in principle.

It is now necessary to examine other issues to see if they are of sufficient weight either on their own, or cumulatively, to warrant re-consideration of this conclusion.

Highway Considerations

The proposed main access points from the site are onto Birmingham Road. This would be expected with such a proposal. However, there has been concern expressed by the local community and others, about actual local factors that affect traffic on this main road, and how the generation of additional turning movements into and out of the site would exacerbate those concerns. These factors are the presence of other road junctions close by (Park Road and Lawnsdale Close); the existing pedestrian crossing between one of these and the proposed new customer access, the short distance of these features from the A446 roundabout, the existing capacity of the Green Man crossroads at peak hours leading to tail backs along the Birmingham Road, the incline up from those cross roads that leads to drivers accelerating, the limited visibility at the crest in relation to the location of the service access, the pedestrian accessibility of the area, and the general speed of traffic. The County Council as Highway Authority shared these concerns, as its first consultation response was not supportive. An additional concern of the Authority was the available visibility to drivers on Park Road because of HGV drivers leaving the site through the proposed service egress here. The visibility is reduced because that access is to the left of two mature oak trees in the road verge.

As a consequence of these issues, the County Council has undertaken much detailed analysis of the site and surrounding road conditions. That work has involved safety audits of the proposed access points, applying potential traffic generation levels. These audits are undertaken to an agreed national specification. As a consequence and subject to conditions, the County Council now raises no objection to the proposal. Those conditions will require the upgrading of the zebra crossing to a signalised crossing, together with a limitation on the number of service vehicles using the site.

It is not considered that a refusal based on the access arrangements can be substantiated in these circumstances. The County Council as Highway Authority has undertaken extensive analysis of the proposals; examined all of the applicant's traffic predictions and impacts on the existing road network and its capacity, applied safety audits to the proposed access arrangements and has considered other potential solutions. In view of this, a refusal based on highway matters, whether capacity or safety led, would be difficult to defend in an appeal situation.

The Car Parking Issue

a) Introduction

Whilst the objection letters include a variety of different issues, it is the impact of the proposal on car parking provision, which is the one common theme throughout. It was also the issue that was almost universally identified through the applicant's own pre-application consultation work. The issue breaks down into matters concerning the overall numerical loss in provision and how the car park as proposed would be managed such that it continues to provide space for the general public as well as for customers to the proposed retail store, without leading to on street car parking elsewhere in the vicinity. It currently has 118 spaces including 8 disabled spaces, and provides both long and short stay parking, free to the public. The proposal is for a 105 space car park including 6 disabled spaces. It would remain as a free facility but have a two hour maximum stay period. The two changes - the reduction in spaces and the introduction of a two hour stay - thus need to be explored further to establish whether the proposal could sustain an objection.

b) Existing Use

Survey work has been undertaken by the applicant in order to establish how the car park is currently used.

- This concluded that the car park was never full over the survey period of a Friday, Saturday and a Sunday, with the maximum accumulation being around 70% for only one particular hour period. The applicant was requested to repeat the work on weekdays too, as the community was aware that the car park was used more heavily during the week. Indeed, this work showed a higher maximum figure of 85 % for a one hour period on a Wednesday.
- Figures on the length of stay show that on average around 85% of vehicles stayed for two hours or less. This was common for weekends as well as during the week.
- When asked about the purpose for their visit, on average around half indicated that access to shops and services in the town was the main purpose, with 25% stating access to the Leisure Centre. These figures were reversed on Sundays. Longer term parking patterns reflected the figures identified above.
- In terms of frequency of use, then less than 15% of users frequented the park daily, with the greatest proportion using it two or three times in a week (30%).

Different uses of the car park have been identified - visitors to the Church and other premises for occasional parking such as for weddings and other functions etc; as a drop off point for coaches etc, with people leaving cars here whilst travelling on with a coach party, and as a temporary stop for the re-cycling facilities here.

This evidence shows that the car park presently has a material amount of additional capacity, and that it is very largely used for short term parking. As such there is no immediate evidence on which to automatically base an objection. It is thus necessary to explore the issue further.

c) Impacts

It is proposed to look firstly at the issue of numbers. Firstly, even with a reduced overall provision, there would still be spare capacity for some shoppers, based on current use patterns. Additionally, the impact of the store, including peak periods, would be reduced because a proportion of shoppers would already be using this car park in any event to visit the town for other visits, turnover of spaces would be more regular, and additional capacity created, as the two hour period would reduce longer term car parking, the store would attract pedestrian shoppers because of its location close to residential areas, and a requirement for a Green Travel Plan would reduce staff car parking requirements. Finally, in terms of actual numbers for a retail outlet of the proposed size, then the car park provides space that meets the Council's parking requirement as set out in the Local Plan.

As a consequence it is considered that there is limited scope here to provide evidence to support a refusal based on insufficient space being available for the store.

However the loss of the opportunity to use this car park for longer term car parking also needs to be considered, in that the proposal would displace some existing users. It is considered that there are factors here too, that reduce the significance of the impacts that would arise. Firstly, the scale of long term parking is small, some 15% of all users, hence the displacement would not be substantial. Secondly, that impact is further reduced because those long term visitors are known to include Leisure Centre staff who could park at that site, but choose to park on this car park. Additionally, other public car parks in the town centre – at Church Hill and off Parkfield Road, do have capacity, and could accommodate displaced cars, particularly if the parking management changed to enable longer term parking. Furthermore the space at Coleshill Parkway could be better promoted as a longer term car park for the town – particularly for employees/commuters as well as for the coach/bus collection drop-off situations as referred to above.

As a consequence it is again considered that there are factors that limit support for an objection based on adverse impacts arising from displacement of cars from this car park.

d) Conclusion

There is real concern from the local community on this issue, but it is important for the Board, in considering this proposal to consider whether there is clear evidence to support a refusal here, or whether the issue is a "perceived" one. As always there will be a mixture of both in the assessment that has to be made. Material weight has to be given to the conclusions from the survey work, because they outline the current scale and nature of the existing pattern of use. They do not suggest that a refusal could be automatically substantiated. As a consequence, the scale of the impact of the proposed store is much lessened. That position is given added weight through the factors set out above in looking at numbers, and in looking at the consequences of displacement. As a consequence there is no recommendation of refusal based on adverse car parking issues.

Design Matters

This is an outline application and the applicant has requested that it be determined as such, with only access and layout being considered at this stage. This is because the actual operator of the food store is not yet known and the design and appearance of the new building would be for the operator to propose. Hence the sketch plans included with this application are for illustrative purposes only. They do show however, how a building might appear on the site. The role of the Council here therefore is to say how, if a planning permission is to be granted, it would condition that permission in terms of the design and appearance of the new building that it would like to see. In other words it sets the parameters or controls under which the final operator's architects will have to work.

The sketch plans are welcome. They show that a building of the size proposed could be achieved on this site with low impact in terms of height, mass and built form. The building can be set down such that it doesn't overpower the residential properties to the rear, or dominate the skyline when one approaches from the west. It can be articulated such that it has different form and appearance, rather than looking like a uniform rectangular "shed", and it can introduce the use of light modern materials so as to reduce its visual impact, and reflect its edge-of-centre location. The overall approach is supported by the Council's Conservation Officer. He sees it as potentially a good example of urban design that does not detract from the historic centre of Coleshill, nor diminish the local character of the town. So in terms of conditions, it is proposed to control the ground floor level in respect of OS datum levels; the overall height, and the need to differentiate between the store and office elements of the proposal. All materials, including surfacing would be reserved for later determination. The same would apply to future lighting proposals. Future advertisements and display panels will, by legislation, have to be the subject of further applications.

One feature of the design has drawn a lot of adverse criticism, and that is the impact of the retaining wall around the western half of the site. It is agreed that the current illustrations should not become the final outcome. As a consequence, a condition will require that the final design of this feature is placed under future control.

Amenity Considerations

The proposed layout involves splitting customer and service traffic, with different arrangements for each. As a consequence the layout brings the service/delivery yard to the eastern end of the site, closest to existing residential property. Additionally, any air conditioning and refrigeration plant would also be on this side of the proposed new building. The potential for nuisance and disturbance to existing residential property is thus greatest on this part of the site.

The applicant's own consultants prepared an assessment that identified the potential for disturbance and looked at a number of mitigation measures to reduce that likelihood. The overall recommendation was for a covered/enclosed service area. The original plans as submitted, for some reason, did not follow this recommendation. The Council's Environmental Health Officers fully support the findings of the report and required the yard to be enclosed. The applicant has now agreed to this change, and an amended sketch plan has been submitted. Moreover the incorporation of this feature should be included as a condition in any grant of planning permission. In doing so the applicant and Environmental Health Officers

have also agreed noise control conditions should the application be granted planning permission. Delivery times can likewise be controlled by condition. This agreement is significant, and provides the necessary comfort in order to remove a potential refusal reason for the overall assessment of the scheme.

Including this covered area will clearly affect the appearance of the building, but the sketch plan as submitted illustrates a possible curving roof form similar to that on the main building and not of such a height to warrant other amenity matters having to be considered. Members are again reminded that the application is in outline, and the appearance and design of the building are not the subject of this application, as referred to in the previous section.

Other Matters

There are two other main issues that have been raised by the community – the need to retain the significant oak trees along Park Road, and the adequacy of the drainage systems. Members are asked to remember that this is an outline application, and consequently detail can be made subject to later approval through conditions. However it is important to ensure that neither of these two matters would prejudice any grant of planning permission.

On the former, then the applicant has prepared a full tree report that has been verified by the County Council's Forester in respect of the both the survey findings and the conclusions about impacts. All are agreed that the Park Road oak trees have to be retained and the applicants have now slightly amended the plan so that the building works are re-aligned so as to further reduce them impacting on the root protection areas of the trees. It is now estimated that about 4% of the area to the closest tree would be affected. This is not considered to be material or fatal to the longevity of that tree. Conditions can be recommended in respect of tree protection measures.

In respect of the drainage recommendations then the foul water would drain to a connection at Lawnsdale Close, because it is the most practicable; the one that causes least disruption, possibly the one at lowest cost and the one that is easiest to implement. Other solutions have been explored – one to Parkfield Road would require a pumping station, and the one to the A446 roundabout would require significant disruption. No objections have been received from the appropriate agencies. Surface water drainage would be via a sustainable system on site that would regulate discharge, and as such would enable the opportunity for a system to be implemented that actually improves existing run-off conditions from the car park. Whether this is achieved by oversized pipes; storage chambers or swales can be left for later determination.

Neither of these two issues are considered to warrant refusal of the proposal.

Overall Conclusion

It is not considered necessary to run through the conclusions from this report, as they clearly point to a recommendation that the proposal should be supported in principle. The application has introduced the possibility of change, not only for visitors to an existing car park, but also one that has implications on the town as a small market town. Not all change is good, and there is always a perception that any change will have adverse impacts. These perceptions have been challenged in this report, to the extent that the Board may wish to view this application as an

opportunity for the town, rather than as a threat. In doing so they will be moving towards looking at the management of new development in making better and more sustainable communities within the Borough.

Recommendation

That the Board recommends to Council that it supports the grant of planning permission for this application, subject to the following conditions:

a) General

i) Three Standard Outline conditions reserving details of landscaping; drainage and appearance for later approval.

iv) Plan numbers: 4803/01 of 14/4/09 and 4803/17F of 2/10/09.

v) For the avoidance of doubt, this permission approves the access arrangements and locations as shown on plan number 4803/17F.

Reason: So as to secure safe and efficient access to the site for all users

vi) For the avoidance of doubt, this permission approves the general layout and configuration as shown on plan number 4803/17F.

Reason: In the interests of securing a development that meets the requirements of the Development Plan

b) Site Controls

vii) The floor level of the building hereby approved shall be set at 97.00 metres above OS datum unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of the visual amenities of the area so as to reduce the impact of the building on the town's skyline and the adjoining Conservation Area.

viii) The maximum height of the building hereby approved shall be 7.7 metres above the ground level set out in condition (vii) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to reduce the visual impact of the building given its setting adjoining a Conservation Area and on a main approach to the town.

ix) The building hereby approved shall be constructed to a BREEAM "Very Good" standard, together with achieving an overall carbon saving as required by the Building Regulations at the time of construction, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the building is energy efficient.

x) A variety of different facing materials shall be used in designing the

appearance of the building hereby approved.

Reason: In order to articulate its setting and location adjoining a Conservation Area, an open recreation park and on a main approach into the town.

- xi) The service yard hereby approved shall be constructed as an enclosed roofed space.

Reason: In the interests of reducing the potential for noise nuisance arising from use of this area, given the proximity of residential properties.

- xii) The service yard hereby approved shall be constructed so as to provide sound insulation against internally generated noise of not less than 50dB through the walls; Rw 25dB through the roof and Rw 30dB through the doors.

Reason: In the interests of reducing the potential for noise nuisance arising from use of this area, given its proximity to residential properties.

- xiii) The maximum number of service vehicles leaving the service yard egress onto Park Road shall not exceed ten in any 24 hour period.

Reason: In the interests of highway safety given the reduced visibility at this junction.

- xiv) The retail opening hours of the building hereby approved shall be limited from 0700 hours to 2200 hours on weekdays and Saturdays and from 1000 hours to 1600 hours on Sundays.

Reason: In order to protect the residential amenity of adjoining occupiers of residential property.

- xv) No service vehicles shall enter the site, or deliveries be made to the site other than between 0700 hours and 1900 hours on weekdays; between 0700 hours and 1300 hours on Saturdays, and between 0900 and 1600 hours on Sundays.

Reason: In order to protect the residential amenity of adjoining occupiers of residential property.

- c) Pre-Commencement

- xvi) No work whatsoever shall commence on site until such time as full details of the design and appearance of the retaining wall to be constructed around the site have first been submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be implemented.

Reason: In the interests of reducing the visual impact of this feature given the prominent setting of the site.

- xvii) No work shall commence onsite until full details of all of the new landscaping to be planted on the site, including all existing plant, tree and vegetation to be retained, has first been submitted to and approved in writing by the Local Planning Authority. The detail shall include the number and species of all new plants, shrubs and trees, their planting density, and the medium in which they are to be planted. The detail shall include all new earth mounding and contouring together with levels.

Reason: in the interests of the visual amenities of the area; to enhance the Development and to introduce greater bio-diversity to the site.

- xviii) No work shall commence on site until such time as the measures to be taken to protect the root systems of all trees and vegetation to be retained on the site have first been agreed in writing by the Local Planning Authority. Only the approved measures shall be used, and these shall be installed prior to any work commencing on site. The measures shall remain in place until their removal has been agreed by the Authority

Reason: In order to protect the longevity of significant existing trees and vegetation given their substantial visual impact.

- xix) No development whatsoever shall commence on site until such time as full details of the measures to dispose of foul and surface water arising from the whole of the site have first been submitted to and approved in writing by the Local Planning Authority. The detail shall include means to store surface water on site so as to reduce runoff, and to harvest rain water for re-use. Only the approved measures shall then be implemented. They shall be maintained in working condition at all times.

Reason: In the interests of reducing the risk of pollution and flooding, and so as to provide a more sustainable drainage system particularly to enhance re-use of surface water.

- xx) No development shall commence on site until such time as a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has first been submitted to and approved in writing by the Local Planning Authority. The premises shall not be brought in to use until such time as the approved measures have been implemented in full.

Reason: In the interests of fire safety

- xxi) No development shall commence on site until such time as details of all surface and external materials to be used have first been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used on site.

Reason: In the interests of the visual amenities of the area in order to ensure that the appearance of the building and its environs are in keeping with its setting, thus resulting in a building of quality.

- xxii) No development shall commence on site until such time as full details of all screen walls and fences; car parking barriers, trolley parks and any

other street furniture to be installed has first been submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be implemented on site.

Reason: In the interests of the visual amenities of the site and its setting.

- xxiii) No development shall commence on site until such time as full details of all of the external lighting to be provided on the site, whether attached to the building or free standing in the main car park or service yard, has first been submitted to or approved in writing by the Local Planning Authority. Only the approved details shall then be implemented.

Reason: In order to reduce the risk of light pollution so as to protect the residential amenity of adjoining occupiers; to enhance the design of the building and its setting, and to ensure that any lighting does not detract from the appearance of the adjoining Conservation Area.

- xxiv) No development shall commence on site, until such time as details of any tannoy or public address systems to be used on site, have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be installed.

Reason: In order to reduce the potential for nuisance to adjoining occupiers.

- xxv) No development shall commence on site until such time details for all new refrigeration and air conditioning units and/or plant to be installed have first been submitted to and approved by the Local Planning Authority in writing. Only the approved measures shall then be installed, and these shall be kept in good working condition at all times.

Reason: In order to reduce the potential for noise nuisance and to ensure that this plant does not detract from the appearance of the building.

- xxvi) No work whatsoever shall commence on site until such time as fully detailed and scaled drawings of all of this access details have first been submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be implemented on site. The detail to be submitted shall include details of the kerbed radius turnouts; the impact on any drain within the highway, and details of how all existing access points to the highway, not included in the approved measures, will be permanently closed and the highway reinstated.

Reason: In the interests of highway safety.

- xxvii) No development whatsoever shall commence on site until such time as a car park management plan has been submitted to and approved in writing by the Local Planning Authority. This Plan shall describe how the car park is to be made available to the general public and how the use of the car park is to be managed.

Reason: To ensure that the car park is made available to the general public as well as to customers.

c) Pre- Occupation

- xxviii) No occupation of the building for trading purposes shall commence, until the occupier has submitted a Green Travel Plan to the Local Planning Authority, and that Plan has been agreed in writing. This Plan shall specify targets for the proportion of employees and visitors to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use on non-renewable fuels; together with setting out measures designed to achieve those targets with timescales, and arrangements for their monitoring, review and continuous improvement. This Plan shall particularly apply to employees of the site.

Reason: In the interests of reducing use of the private car thus enhancing sustainable modes of travel.

- xxix) No occupation of the building for trading purposes shall commence, until the existing pedestrian crossing facility in Birmingham Road has been upgraded to a signalised crossing in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be installed.

Reason: In the interests of highway safety for all users.

- xxx) No occupation of the building for trading purposes shall commence, until such time as all of the access arrangements and details shown on the approved plan, and as approved under the conditions attached to this Notice have first been installed to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety

- xxxii) No occupation of the building for trading purposes shall commence until such time as the car park as shown on the approved plan has been implemented in full and is fully available for use in accordance with the car park management plan referred to in these conditions.

Reason: In the interests of highway safety.

- xxxiii) No occupation of the building for trading purposes shall commence until such time as details of a CCTV scheme covering the whole of the site has first been submitted to; approved in writing by the Local Planning Authority, and installed in accordance with the approved detail.

Reason: In order to reduce the risk of crime and disorder.

Notes:

- i) Policies – as outlined in Appendix A
- ii) Some conditions require works to be carried out within the limits of the highway. Continue with standard note.

Justification:

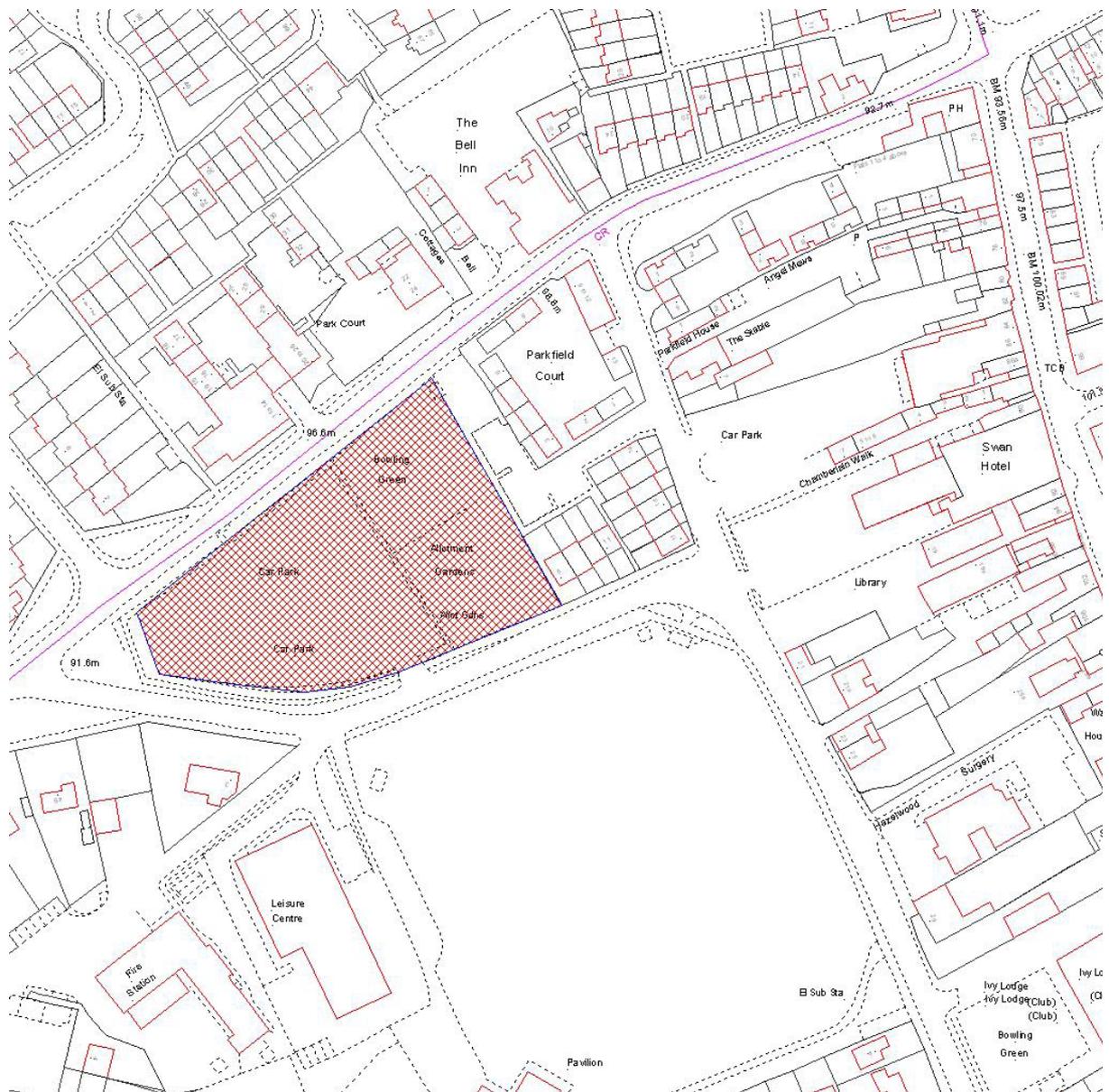
Whilst the proposal departs from the Development Plan, it is considered that there are planning considerations of such weight that override any harm that might be done to that Plan. In respect of the loss of open space, it is a material consideration that the Council has ring fenced the receipt of the capital receipt from this land to improvements to recreation provision in Coleshill. Sport England does not object as a consequence. In respect of the location of this retail store outside of the town's designated centre, then the store is of a size commensurate with Development Plan policy and it does accord with current Government policy and advice. Such policy and advice has changed since the Development Plan was adopted and it is now considered that it carries more weight than that Plan in respect of retail proposals. The proposal has been independently checked to explore whether it does accord with this current advice, and whether the applicant's evidence base and his retail argument are robustly based. It was found to be. Having examined all of the relevant tests for new retail development, including that of need; sequential testing and retail impact, it is considered that, in principle, the proposal is appropriate for Coleshill, and appropriate for this site. The Highway Authority following considerable additional analysis does not object to the access arrangements, and it has been shown that amenity and design considerations would not cause material impacts that warrant objection. Conditions particularly in respect of amenity matters are recommended. The loss of some car parking capacity and the addition of time periods are not considered to be fatal to the scheme given survey work that shows the car park is presently not used to capacity and that the main use is as a short term parking facility. Other options exist for those that park long term on this car park. In all of the circumstances, it is considered on balance that this is an appropriate development for this site, and that it can be implemented without adverse impacts.

Background Papers

Note of Meeting 16/2/09
Application 14 April 2009
Mr Tweed Support 24/4/09
Mrs Connell Objection 24/4/09
Mr C Witter Objection 25/4/09
P Stacey Objection 25/4/09
K Perry Objection 25/4/09
Mrs Timms Objection 27/4/09
Mr and Mrs Chainey Representation 27/4/09
Mr Downes Objection 27/4/09
M Booth Objection 27/4/09
G Potter Objection 25/4/09
H Biggerstaff Objection 28/4/09
L Deakin Objection 30/4/09
M Coy Objection 30/4/09
B Allt Objection 29/4/09
T McConville Representation 27/4/09
Sport England Objection 27/4/09
P Rafferty Objection 6/5/09
M Groll Representation 6/5/09
L Setaro Objection 6/5/09
Anonymous Objection 7/5/09
K Sheppard Objection 6/5/09
Solihull Metropolitan Borough Council No Objection 7/5/09
B Farrell Objection 1/5/09
H Sharp Objection 1/5/09
D Axe Representation 3/5/09
Head of DC Letter 6/5/09
Head of DC Letter 7/5/09
J Barlow Objection 8/5/09
Mr Smith Objection 3/5/09
B Haste Objection 10/5/09
J Mills Objection 8/5/09
L Mallinson Objection 9/5/09
Anonymous Objection 9/5/09
D Billings Objection 9/5/09
P Smith Objection 10/5/09
D Tromans Objection 8/5/09
E Bailey Objection 11/5/09
Mr and Mrs Jones Objection 8/5/09
Severn Trent Water Consultation 8/5/09
Head of DC Letter 11/5/09
R Stuart Objection 8/5/09
P Lines Objection 8/5/09
C Claridge Support 11/5/09
J Rogers Objection 11/5/09
S Moore Objection 11/5/09
T Waters Objection 12/5/09
G Spencer Objection 11/5/09
I Cox Objection 11/5/09
M and N Sherwood Objection 12/5/09
V Sheedy Objection 13/5/09

B Smith Objection 12/5/09
D Clark Objection 12/5/09
M Lowe Objection 12/5/09
T Rees Support 14/5/09
Fire Services Authority Consultation 12/5/09
J Wood Objection 14/5/09
Head of DC Letter 14/5/09
M Richards Objection 14/5/09
P Twigge Objection 13/5/09
L Hatch Objection 14/5/09
G Egan Objection 15/5/09
G Jones Objection 13/5/09
R Smith Objection 18/5/09
V Whipps Objection 18/5/09
K and H Brunt Objection 15/5/09
S and P Nixon Objection 14/5/09
J Frame Objection 15/5/09
J Akhurst Objection 15/5/09
T Coates Objection 13/5/09
D Carter Objection 18/5/09
Curdworth Parish Council Objection 18/5/09
L Whitburn Objection 17/5/09
D Upton Objection 14/5/09
R Smith Objection 15/5/09
B Starkey Representation 16/5/09
J Bakker Objection 15/5/09
S Polak Objection 18/5/09
P Whitburn Objection 18/5/09
S Martin Objection 19/5/09
A and T Clark Objection 18/5/09
R Murray Objection 17/5/09
M Childs Objection 15/5/09
A Trefine Objection 7/5/09
A Jackson Objection 17/5/09
W Sheppard Objection 16/5/09
G Meer Objection 18/5/09
T and H Goodfellow Objection 15/5/09
P Cutler Support 17/5/09
J Reilly Objection 19/5/09
H Scott Objection 19/5/09
Coleshill Town Council Representations 19/5/09
Coleshill Civic Society Objection 18/5/09
Environmental Health Manager Consultation 13/5/09
Agents Letters 13/5/09
County Forestry Officer Consultation 11/5/09
Head of DC Letters 19/5/09
D Rogers Objection 19/5/09
J Hoyle Objection 20/5/09
B Taylor Objection 19/5/09
P Danks Objection 14/5/09
S Spencer Objection 20/5/09
D Pudge Objection 19/5/09
B Gill Objection 19/5/09
R and S Jones Objection 20/5/09

R Jones Objection 25/5/09
V Ward Objection 20/5/09
Mike O'Brien MP Objection 2/6/09
Head of DC Letters 8/6/09
Sport England Consultation 27/4/09
Sport England Consultation 15/5/09
DTZ Consultation 12/6/09
L Butler Objection 25/9/09
Warwickshire Police Consultation 20/5/09
Community Protection Officer Consultation 27/5/09
DTZ Consultation 4/6/09
WCC Highways Consultation 18/6/09
Applicant e-mails 23/6/09
AD Streetscape emails 23/6/09
Applicant e-mails 24/6/09
Applicant e-mails 1/7/09
Applicant e-mail 6/7/09
Agents Letter 19/8/09
Head of DC Letter 20/8/09
WCC Highways e-mail 26/8/09
WCC Highways e-mail 1/6/09
Head of DC Letter 5/6/09
Applicant Letter 12/8/09
Head of DC Letter 13/8/09
Head of DC Letter 21/8/09
Applicant's emails 23/9/09
Agents letter 25/9/09
Applicants emails 29/9/09
EHO emails 30/9/09
Applicant's emails 30/9/09
Applicants emails 2/10/09
Applicant's emails 5/10/09
DTZ email 5/10/09



**Report of the
Head of Development Control**

**Planning and Development Board
18 May 2009**

**Proposed Supermarket
Park Road – Coleshill**

Summary

The report records receipt of an outline planning application for a supermarket on land off Park Road in Coleshill. It describes the proposal and identifies the main issues involved that Members will need to consider when it determines the application at a later meeting.

Recommendation to the Board

- a) **That the Board notes the report and identifies any further issues that it considers should be investigated, and**
- b) **That a Board site visit be arranged prior to it making a recommendation to Council.**

Introduction

Members will be aware of the Council's decision to consider the disposal of its land at Park Road, Coleshill, for a potential supermarket. The outcome of that decision is the current outline planning application. This report records receipt of that application; describes the proposal, sets out the relevant Development Plan policies and Government Guidance that will set the framework for its determination, together with identifying the main planning issues involved.

Because the application involves land, currently owned by the Borough Council, the final determination of the application will rest with the Council.

Prior to making a recommendation, it is considered that a visit should be made to the site.

Members will also recall that the applicant gave a short presentation to the Board on 16 February 2009, outlining the main features of the proposal – see Appendix A for a note of that meeting. Since then the applicant has delivered a similar presentation to the Coleshill Town Council, and has carried out a pre-application exhibition in Coleshill so that residents could view the draft scheme in advance of the formal submission.

The Site

A tri-angular shaped area of land, 0.61 hectares in extent, bounded on two sides by roads, Birmingham Road and Park Road, and to the east by residential development at Parkfield Court. The land presently comprises a car park, together with the land to the east that was used as allotments and as a bowling green, but is now overgrown and

disused. The site tapers to the south west where the two roads have a junction. There is a fall in levels between the eastern end and the south western tip of some 4 metres.

The land to the south is occupied by the Coleshill Memorial Park with its playing fields and pitches. Further to the west are the Coleshill Leisure Centre, the Warwickshire Fire Services depot and the Coleshill Police Station. To the north there is residential development comprising a residential estate of Colemeadow Road, and a recently completed block of apartments (Park Court).

The existing car park is accessed from Park Road. Apart from the road junction to the west, Birmingham Road has a junction with Colemeadow Road to the north of the site. There is also a zebra crossing close by. Pedestrian access to the car park is from both Park Road and the Birmingham Road. Birmingham Road has a roundabout junction with the main Coleshill By-pass (the A446), 150 metres to the west, and a cross roads junction with High Street, 200 metres to the east.

The existing car park is bounded by a mature hedgerow along the Birmingham Road, and this extends to the east, along the boundary with the former bowling green. The eastern boundary with Parkfield Court is heavily landscaped. The Park Road boundary is open. There are several large mature trees around the car park boundary within the surrounding grass verges.

The car park presently accommodates 110 spaces, plus 8 disabled spaces, together with recycling containers and bins at its eastern end.

The site is shown in its setting by the plan at Appendix B.

The Proposal

This is an outline application, but which provides a significant amount of detail. The applicant is seeking permission in principle for this use at this site, and seeks to establish the basic parameters as to how the site will accommodate this use. Hence, the applicant expects a decision on a building of this size in floorspace; the general layout as illustrated, and with the access arrangements as shown. All other matters would be reserved for later approval - eg final building design, materials, landscaping and drainage. However in the event of a planning permission being granted, the Council may impose conditions governing matters that it considers should be controlled, provided that these are appropriate to the proposed development.

The application has been submitted in this form because the final occupier of the proposed premises is not yet known. Once confirmed, the occupier may well wish to introduce his own "brand" into the design of the building.

The proposed layout shows a single building towards the eastern end of the site, essentially sited over the former open land, with the car park to its front, mainly covering where it is now. Servicing would be from its rear at the far eastern end. Customer access would be off the Birmingham Road. Service access would be designed such that delivery vehicles would enter from the Birmingham Road but exit onto Park Road. Four deliveries a day are anticipated. Pedestrian access would be via

the two roads. 105 car parking spaces are to be provided, with 6 reserved as disabled parking spaces.

The building would be “lowered” into the site at the eastern end of the site, and the western end “filled” so as to reduce the impact of the new building and also to introduce a lesser fall in levels across the site. This means that a retaining wall would have to be provided around the external boundary of the whole car park.

The individual trees bounding the site would be retained, as would some of the hedgerow along Birmingham Road. However that close to Parkfield Court would be removed. A five metre “acoustic” wall is planned for the eastern boundary where it abuts Parkfield Court.

The building would comprise a total of 1394 square metres in total floorspace. This would be divided up into a 1000 square metre retail area, with the balance being office and administration space set over two floors, and an enclosed unloading and storage bay. The general configuration is to have the retail element close to Park Road, with the office segment on the Birmingham Road frontage.

Opening hours are not yet known, being dependant on the final occupier.

The car park would remain available to non-customers with a two hour limit being introduced during opening hours. There would be no parking charge. The car park would not accommodate staff spaces.

Plans attached at Appendices C to G illustrate these proposals.

Supporting Documentation

There have been a number of documents submitted with this application. These are identified below, together with a summary of their content.

- i) **Pre-Development Tree Survey.** This makes recommendations in order to protect the existing boundary trees, and identifies management works to those trees. A group of Sycamore and Ash along the Birmingham Road boundary are recommended for removal. The main building will impinge within the recommended Root Protection Area of trees in Park Road.
- ii) **Drainage Strategy.** This recommends that foul water be discharged via new infrastructure to connect to the existing system at Lawnsdale Close. In respect of surface water, then on site storage is recommended in order to reduce discharge into existing infrastructure at the junction of Park Road and Birmingham Road.
- iii) **Acoustics Report.** This recommends that there is unlikely to be increased road traffic noise arising from the proposal, but that attenuation measures, involving enclosure of the service yard are recommended, in order to reduce impact on local residents from this area of the site.
- iv) **Transport Assessment.** This concludes that the customer access point will operate efficiently, below its design capacity, without significant queues; that the impact will be minimal on the Colemeadow Road junction, marginal at the Park Road junction, and whilst the northern arm of the

roundabout junction with the Stonebridge Road is near capacity, there will be no significant impact on the Stonebridge Road roundabout. The report concludes that the High Street cross roads is at capacity, but that with or without the proposed development, the situation here will continue to deteriorate. The proposal would not accelerate that projection. HGV impact is considered to be minimal. The site is said to have good pedestrian access and the availability of public transport is good. In respect of car parking, the report includes findings from survey work involving the purpose for drivers using the car park; numbers, the length of stay and the frequency of use. The report concludes that because of the conclusions from this survey work, the proposed car park, although offering less car parking spaces than existing, will be sufficient to cater for the new development and other non-retail trips. A car park management strategy is needed in order to manage the car park, and a two hour limit is recommended. A Green Travel Plan is outlined such as to reduce employee trips to the site by car.

- v) **Design and Access Statement.** This shows how the design has been “lowered” into the site so as not to make it prominent against the town’s skyline, and to reduce its impact as a large building with a large car parking area.
- vi) **Retail Impact Assessment.** This undertakes a full retail analysis of the proposal within the context of the town and its hinterland following the guidance and criteria set out in Government Advice in PPS6. These relate to the need for the development; the scale of the proposal, the location of the proposal vis-a-vis the town centre, the impacts on the town centre and the accessibility of the site. It concludes that there is a good complement of service uses, and a reasonable representation of comparison goods retailers in the town. There is some deficiency, it continues, in the provision of convenience goods which the proposed store would address. Existing convenience stores are said to be trading strongly and primarily perform a “top up” shopping role. The new store would, it is said not compromise these stores or their role. It continues by saying that there is capacity within the area for a store of this size. It concludes that the store would have a beneficial impact by reducing shopping trips being made out of town. As the site is not within the town centre, the report includes an analysis of alternative sites.
- vii) **Statement of Community Involvement.** This expands on the description included in the Introduction above. It particularly focuses on the observations received from the public at the pre-application exhibition held at the Leisure Centre over the period 2 to 4 April. This shows that 186 written responses were received from visitors to the exhibition. The main issues revolved around the need for the supermarket; car parking issues, highway safety and the design of the building.

Development Plan

Regional Spatial Strategy 2004 – Policies PA11 (Network of Town and City Centres), PA13 (Out of Centre Retail Development), PA14 (Economic Development and the

Rural Economy), RR3 (Market Towns), RR4 (Rural Services), UR3 (Enhancing the role of City, Town and District Centres)

Warwickshire Structure Plan 1996-2011 – Policy TC2 (Hierarchy of Town Centres)

North Warwickshire Local Plan 2004 – Core Policies 1 (Social and Economic Regeneration), 2 (Development Distribution), 5 (Development in Towns and Villages), 6 (Local Services and Facilities), 11 (Quality of Development), and Policies ENV5 (Open Space), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation), ECON5 (Facilities Relating to the Settlement Hierarchy), TPT1 (Transport Considerations), TPT3 (Access and Sustainable Travel) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

Regional Spatial Strategy (Phase Two Draft Revision) 2007 – Policies PA11 (The Network of Town and City Centres), PA12B (Non Strategic Centres), PA13 (Out of Centre Retail Development), PA14 (Economic Development and the Rural Economy), RR3 (Market Towns), RR4 (Rural Services)

Government Guidance – Planning Policy Statement Number 1 (Delivering Sustainable Development) 2005, Planning Policy Statement Number 6 (Planning for Town Centres) 2005, Proposed Changes to PPS6 2008, Planning Guidance Note Number 13 (Transport), Planning Policy Guidance Note Number 15 (Planning and the Historic Environment), Planning Policy Guidance Note Number 17 (Planning for Open Space, Sport and Recreation).

Observations

a) The Central Issue

The determination of the application must be made in accordance with the Development Plan, unless material considerations indicate otherwise. The proposal does not accord with Policy ECON5 of the North Warwickshire Local Plan 2004, because the location of the site is not within Coleshill's town centre as defined by that Plan. As such it neither accords with the general thrust of Government Advice as set out in PPS6. The central issue in the determination will be whether there are material considerations that are of such weight to warrant a grant of planning permission, notwithstanding the conflict with ECON5 and the general approach set out in PPS6. In examining this issue, the Board will have to explore the criteria set out in PPS6 in respect of new retail proposals, and particularly where they involve "edge of centre" locations, such as this.

b) Open Space

The proposal is sited on land identified in the Local Plan as being Open Space. The loss of this space would be contrary to Policy ENV5 of the Local Plan. The Board will need to explore whether there are planning circumstances of such weight as to

warrant the proposal being treated exceptionally to this Policy. In particular the guidance given in PPG17 will be significant.

b) Impacts

Regardless of any conclusions reached on the central issue, the Board will need to identify the potential impacts of the proposal, and assess whether these are harmful. The main impacts will be.

- The access arrangements and the likely traffic generation arising from the proposal, given the nature, capacity and use of the surrounding highway network.
- The adequacy of the car parking provision bearing in mind that the site is an existing car park.
- The design of the layout, and the general approach taken in respect of the appearance of the buildings, bearing in mind the location of the site on a main entrance into the town; the change in levels over the site, and its impact on the character and appearance of the adjoining Conservation Area.
- The adequacy of the drainage arrangements.
- The impact on the health of the surrounding trees.
- The impact of the proposal on the residential amenities of adjoining occupiers, particularly those whose property adjoins the site at Parkfield Court.

Background Papers

Application 14/4/09



**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 Outline

Application Ref : PAP/2009/0154

Chris Quinsee
Roger Tym & Partners
3 Muesum Square
Leicester
LE1 6UF

Site Address

Car Park Park Road Coleshill B46 3LA

Description of Development

Outline - Erection of a Retail (A1) food store with associated parking, servicing and access - Seeking to discharge the reserved matters for access and layout

Applicant

Limes Developments Ltd

Your planning application was valid on 21 April 2009. It has now been considered by the Council. I can inform you that:

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

1. This permission is granted under the provisions of Article 3(1) of the Town & Country Planning (General Development Procedure) Order 1995 on an outline approval, and the further approval of the Local Planning Authority shall be required with respect to the undermentioned matters hereby reserved before any development is commenced:-
 - i. Landscaping
 - ii. Drainage
 - iii. Appearance

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

2. In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission.

Authorised Officer 

Date 18 November 2009

Page 1 of 9



REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of all reserved matters.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 4803/01 received by the Local Planning Authority on 14 April 2009 and the plan numbered 4803/17F received by the Local Planning Authority on 2 October 2009.

REASON

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

5. For the avoidance of doubt, this permission approves the access arrangements and locations as shown on plan number 4803/17F.

REASON

So as to secure safe and efficient access to the site for all users.

6. For the avoidance of doubt, this permission approves the general layout and configuration as shown on plan number 4803/17F.

REASON

In the interests of securing a development that meets the requirements of the Development Plan.

7. The floor level of the building hereby approved shall be set at 97.00 metres above OS datum unless otherwise agreed in writing by the Local Planning Authority.

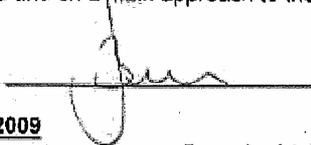
REASON

In the interests of the visual amenities of the area so as to reduce the impact of the building on the town's skyline and the adjoining Conservation Area.

8. The maximum height of the building hereby approved shall be 7.7 metres above the ground level set out in condition (7) unless otherwise agreed in writing by the Local Planning Authority.

REASON

In order to reduce the visual impact of the building given its setting adjoining a Conservation Area and on a main approach to the town.

Authorised Officer 

Date 18 November 2009

9. The building hereby approved shall be constructed to a BREEAM "Very Good" standard, together with achieving an overall carbon saving as required by the Building Regulations at the time of construction, unless otherwise agreed in writing by the Local Planning Authority.

REASON

In order to ensure that the building is energy efficient.

10. A variety of different facing materials shall be used in designing the appearance of the building hereby approved.

REASON

In order to articulate its setting and location adjoining a Conservation Area, an open recreation park and on a main approach into the town.

11. The service yard hereby approved shall be constructed as an enclosed roofed space.

REASON

In the interests of reducing the potential for noise nuisance arising from use of this area, given the proximity of residential properties.

12. The service yard hereby approved shall be constructed so as to provide sound insulation against internally generated noise of not less than 50dB through the walls; Rw 25dB through the roof and Rw 30dB through the doors.

REASON

In the interests of reducing the potential for noise nuisance arising from use of this area, given its proximity to residential properties.

13. The maximum number of service vehicles leaving the service yard egress onto Park Road shall not exceed ten in any 24 hour period.

REASON

In the interests of highway safety given the reduced visibility at this junction.

14. The retail opening hours of the building hereby approved shall be limited from 0700 hours to 2200 hours on weekdays and Saturdays and from 1000 hours to 1600 hours on Sundays.

REASON

In order to protect the residential amenity of adjoining occupiers of residential property.

15. No service vehicles shall enter the site, or deliveries be made to the site other than between 0700 hours and 1900 hours on weekdays; between 0700 hours and 1300 hours on Saturdays, and between 0900 and 1600 hours on Sundays.

Authorised Officer _____

Date 18 November 2009

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REASON

In order to protect the residential amenity of adjoining occupiers of residential property.

16. No work whatsoever shall commence on site until such time as full details of the design and appearance of the retaining wall to be constructed around the site have first been submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be implemented.

REASON

In the interests of reducing the visual impact of this feature given the prominent setting of the site.

17. No work shall commence onsite until full details of all of the new landscaping to be planted on the site, including all existing plant, tree and vegetation to be retained, has first been submitted to and approved in writing by the Local Planning Authority. The detail shall include the number and species of all new plants, shrubs and trees, their planting density, and the medium in which they are to be planted. The detail shall include all new earth mounding and contouring together with levels.

REASON

In the interests of the visual amenities of the area; to enhance the Development and to introduce greater bio-diversity to the site.

18. No work shall commence on site until such time as the measures to be taken to protect the root systems of all trees and vegetation to be retained on the site have first been agreed in writing by the Local Planning Authority. Only the approved measures shall be used, and these shall be installed prior to any work commencing on site. The measures shall remain in place until their removal has been agreed by the Authority.

REASON

In order to protect the longevity of significant existing trees and vegetation given their substantial visual impact.

19. No development whatsoever shall commence on site until such time as full details of the measures to dispose of foul and surface water arising from the whole of the site have first been submitted to and approved in writing by the Local Planning Authority. The detail shall include means to store surface water on site so as to reduce runoff, and to harvest rain water for re-use. Only the approved measures shall then be implemented. They shall be maintained in working condition at all times.

REASON

In the interests of reducing the risk of pollution and flooding, and so as to provide a more sustainable drainage system particularly to enhance re-use of surface water.

Authorised Officer _____

Date 18 November 2009

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PAP/2009/0154

20. No development shall commence on site until such time as a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has first been submitted to and approved in writing by the Local Planning Authority. The premises shall not be brought in to use until such time as the approved measures have been implemented in full.

REASON

In the interests of fire safety.

21. No development shall commence on site until such time as details of all surface and external materials to be used have first been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used on site.

REASON

In the interests of the visual amenities of the area in order to ensure that the appearance of the building and its environs are in keeping with its setting, thus resulting in a building of quality.

22. No development shall commence on site until such time as full details of all screen walls and fences; car parking barriers, trolley parks and any other street furniture to be installed has first been submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be implemented on site.

REASON

In the interests of the visual amenities of the site and its setting.

23. No development shall commence on site until such time as full details of all of the external lighting to be provided on the site, whether attached to the building or free standing in the main car park or service yard, has first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented.

REASON

In order to reduce the risk of light pollution so as to protect the residential amenity of adjoining occupiers; to enhance the design of the building and its setting, and to ensure that any lighting does not detract from the appearance of the adjoining Conservation Area.

24. No development shall commence on site, until such time as details of any tannoy or public address systems to be used on site, have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be installed.

REASON

In order to reduce the potential for nuisance to adjoining occupiers.

Authorised Officer _____

Date 18 November 2009

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25. No development shall commence on site until such time details for all new refrigeration and air conditioning units and/or plant to be installed have first been submitted to and approved by the Local Planning Authority in writing. Only the approved measures shall then be installed, and these shall be kept in good working condition at all times.

REASON

In order to reduce the potential for noise nuisance and to ensure that this plant does not detract from the appearance of the building.

26. No work whatsoever shall commence on site until such time as fully detailed and scaled drawings of all of the access details have first been submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be implemented on site. The detail to be submitted shall include details of the kerbed radius turnouts, the impact on any drain within the highway, and details of how all existing access points to the highway, not included in the approved measures, will be permanently closed and the highway reinstated.

REASON

In the interests of highway safety.

27. No development whatsoever shall commence on site until such time as a car park management plan has been submitted to and approved in writing by the Local Planning Authority. This Plan shall describe how the car park is to be made available to the general public and how the use of the car park is to be managed, together with the provision of 10 long stay car parking spaces. The approved plan shall remain in operation at all times unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure that the car park is made available to the general public as well as to customers.

28. No occupation of the building for trading purposes shall commence, until the occupier has submitted a Green Travel Plan to the Local Planning Authority, and that Plan has been agreed in writing. This Plan shall specify targets for the proportion of employees and visitors to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels, together with setting out measures designed to achieve those targets with timescales, and arrangements for their monitoring, review and continuous improvement. This Plan shall particularly apply to employees of the site.

REASON

In the interests of reducing use of the private car thus enhancing sustainable modes of travel.

29. No occupation of the building for trading purposes shall commence, until the existing pedestrian crossing facility in Birmingham Road has been upgraded to a signalised crossing in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be installed.

Authorised Officer _____

Date 18 November 2009

Page 6 of 9

REASON

In the interests of highway safety for all users.

30. No occupation of the building for trading purposes shall commence, until such time as all of the access arrangements and details shown on the approved plan, and as approved under the conditions attached to this Notice have first been installed to the satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety.

31. No occupation of the building for trading purposes shall commence until such time as the car park as shown on the approved plan has been implemented in full and is fully available for use in accordance with the car park management plan referred to in these conditions.

REASON

In the interests of highway safety.

32. No occupation of the building for trading purposes shall commence until such time as details of a CCTV scheme covering the whole of the site has first been submitted to; approved in writing by the Local Planning Authority, and installed in accordance with the approved detail.

REASON

In order to reduce the risk of crime and disorder.

INFORMATIVES

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

North Warwickshire Local Plan 2004 (Saved Policies):

Core Policies 1 (Social and Economic Regeneration), 2 (Development Distribution), 5 (Development in Towns and Villages), 6 (Local Services and Facilities), 11 (Quality of Development), and Policies ENV5 (Open Space), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation), ECON5 (Facilities Relating to the Settlement Hierarchy), TPT1 (Transport Considerations), TPT3 (Access and Sustainable Travel) and TPT6 (Vehicle Parking).

Warwickshire Structure Plan - 1996 - 2011 (Saved Policies):

Policy TC2 (Hierarchy of Town Centre).

Regional Spatial Strategy 2004:

Policies PA11 (Network of Town and City Centres), PA13 (Out of Centre Retail Development), PA14 (Economic Development and the Rural Economy), RR3 (Market Towns), RR4 (Rural Services), UR3 (Enhancing the role of City, Town and District Centres).

Authorised Officer 

Date 18 November 2009

2. Condition number 5, 19, 26, 29 and 30 require works to be carried out within the limits of the public highway. Before commencing such works the developer(s) must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an agreement should be made to the Development Group, Warwickshire County Council, Planning and Transport Department, Shire Hall, Warwick, CV34 4SX. At least 12 weeks should be allowed for the completion of the agreement(s) and technical approval procedures.

REASONED JUSTIFICATION

Whilst the proposal departs from the Development Plan, it is considered that there are planning considerations of such weight that override any harm that might be done to that Plan. In respect of the loss of open space, it is a material consideration that the Council has ring fenced the receipt of the capital receipt from this land to improvements to recreation provision in Coleshill. Sport England does not object as a consequence. In respect of the location of this retail store outside of the town's designated centre, then the store is of a size commensurate with Development Plan policy and it does accord with current Government policy and advice. Such policy and advice has changed since the Development Plan was adopted and it is now considered that it carries more weight than that Plan in respect of retail proposals. The proposal has been independently checked to explore whether it does accord with this current advice, and whether the applicant's evidence base and his retail argument are robustly based. It was found to be. Having examined all of the relevant tests for new retail development, including that of need; sequential testing and retail impact, it is considered that, in principle, the proposal is appropriate for Coleshill, and appropriate for this site. The Highway Authority following considerable additional analysis does not object to the access arrangements, and it has been shown that amenity and design considerations would not cause material impacts that warrant objection. Conditions particularly in respect of amenity matters are recommended. The loss of some car parking capacity and the addition of time periods are not considered to be fatal to the scheme given survey work that shows the car park is presently not used to capacity and that the main use is as a short term parking facility. Other options exist for those that park long term on this car park. In all of the circumstances, it is considered on balance that this is an appropriate development for this site, and that it can be implemented without adverse impacts.

APPEALS TO THE SECRETARY OF STATE

- (1) If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you can appeal to the Department for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.
- (2) If you want to appeal against your local planning authority's decision, then you must do so within 6 months of the date of this notice.
- (3) Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, or online at www.planning-inspectorate.gov.uk and www.planningportal.gov.uk/pca.
- (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.

Authorised Officer _____

Date 18 November 2009

Page 8 of 9

direct line (01926) 412362
fax (01926) 412641
minicom (01926) 476817
email Neilbenison@warwickshire.gov.uk
your ref
my ref NW110529
your letter rec'd
date 25/11/2011

Mr J Brown
Head of Planning
NORTH WARWICKSHIRE BOROUGH COUNCIL
P O Box 6, The Council House
South Street
Atherstone CV9 1BG



Environment and Economy
PO Box 43
Shire Hall
Warwick
CV34 4SX

DX 723360 WARWICK 5

www.warwickshire.gov.uk

Dear Mr Brown

Application Ref: PAP/2011/0529

Location: Car Park Park Road, Coleshill, B46 3LA

Proposal: Amended description: Variation of conditions nos. 4, 5 and 6 of planning permission ref: PAP/2009/0154 relating to approved plans, access arrangements and general layout and configuration. Removal of conditions 11 and 12 of planning permission PAP/2009/0154 relating to service yard enclosed roof and service yard noise insulation; in respect of Outline - Erection of a Retail (A1) food store with associated parking, servicing and access - Seeking to discharge the reserved matters for access and layout

The Highway Authority have assessed the new layout and revised TA submitted by the applicants. Widening the main access point allows service vehicles to enter the highway safely without affecting traffic travelling on the opposite side of the road. As no pedestrians cross the access the widening is acceptable without having to provide any island or refuge.

This arrangement allows the removal of the in/out access arrangement for servicing and the need for having any access egress on Park Road. This reduction is supported by the Highway Authority as the number of accidents along a transport corridor is directly proportional to the number of accesses upon it. The single access point does not adversely affect the capacity of the Birmingham Road.

The principle of the servicing and customer vehicles using the same access is acceptable in terms of operation and safety.

Therefore:

The Highway Authority's response to your consultation in regard to the above application which was received by the Council on 17/10/11, is one of NO OBJECTION, subject to the following condition(s): /

*Working for
Warwickshire*

1. The access points to be built in accordance with drawing no. 11236-PA-01
2. A pedestrian safety barrier to be installed at the access as indicated on sketch M11069-A-SK002
3. The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain within the limits of the public highway.
4. The development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access has been closed and the kerb, footway and verge has been reinstated in accordance with the standard specification of the Highway Authority.
5. The existing pedestrian facilities to be upgraded to a signalised crossing as indicated on drawing number 11236-PA-01.
6. The applicant shall submit a Green Travel Plan to promote sustainable transport choices to the site, the measures proposed to be carried out within the plan to be approved by the Planning Authority in writing, in consultation with the County Council as Highway Authority. The measures (and any variations) so approved shall continue to be implemented in full at all time. The plan shall:
 - (i) specify targets for the proportion of employees and visitors traveling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;
 - (ii) set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;

Notes:

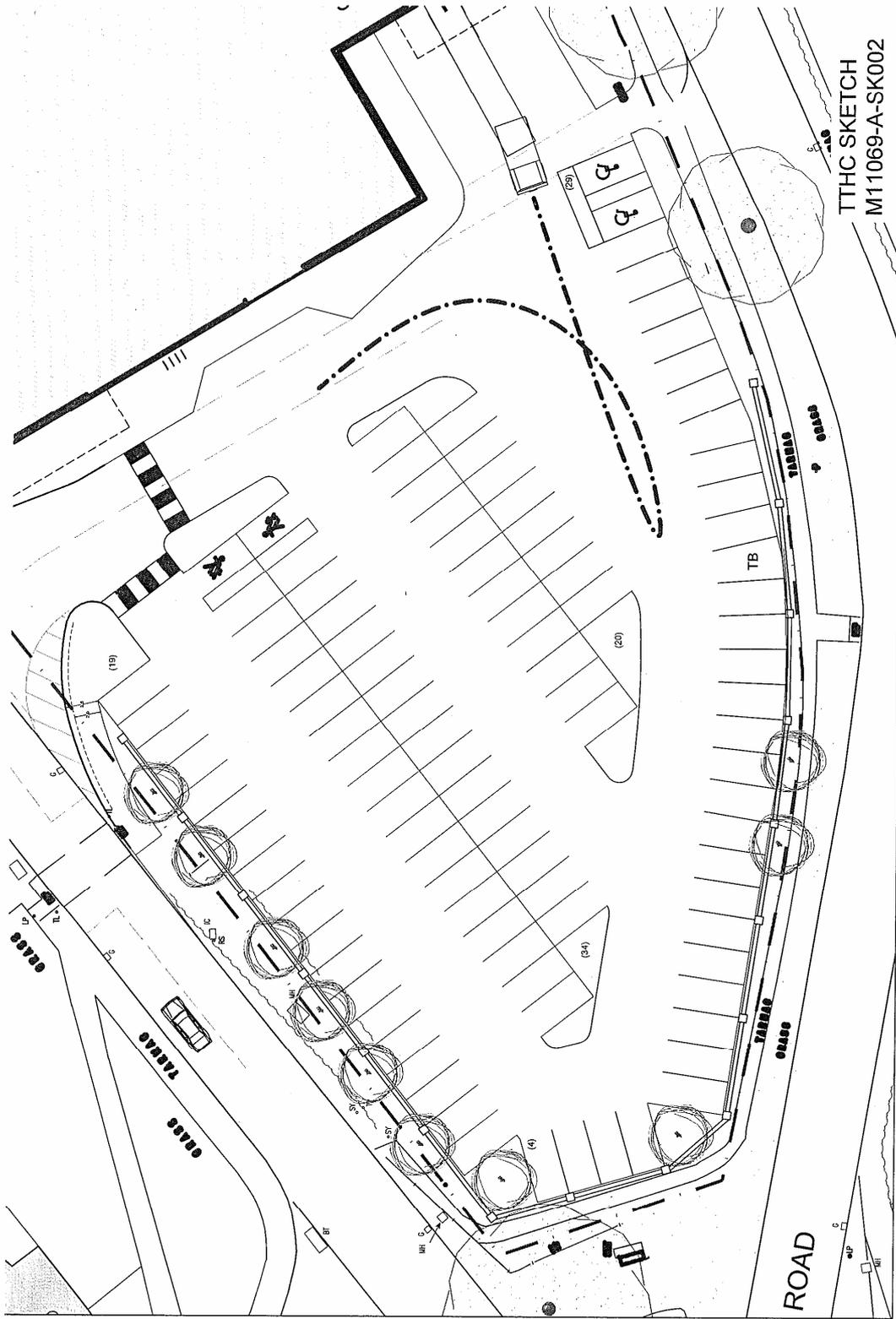
Condition numbers 1-5 require works to be carried out within the limits of the public highway. The applicants must enter into a Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. Applicants should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should *not* be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278. An application to enter into a Section 278 Highway Works Agreement should be made to the Development Group, Warwickshire County Council, Environment and Economy Directorate, Shire Hall, Warwick, CV34 4SX. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicants must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months notice will be required.

Condition 6 requires the applicants to produce a Green Travel Plan. As the number of employees are going to be under 50 we are happy for the GTP to be secured by condition rather than via a Section 106 Agreement.

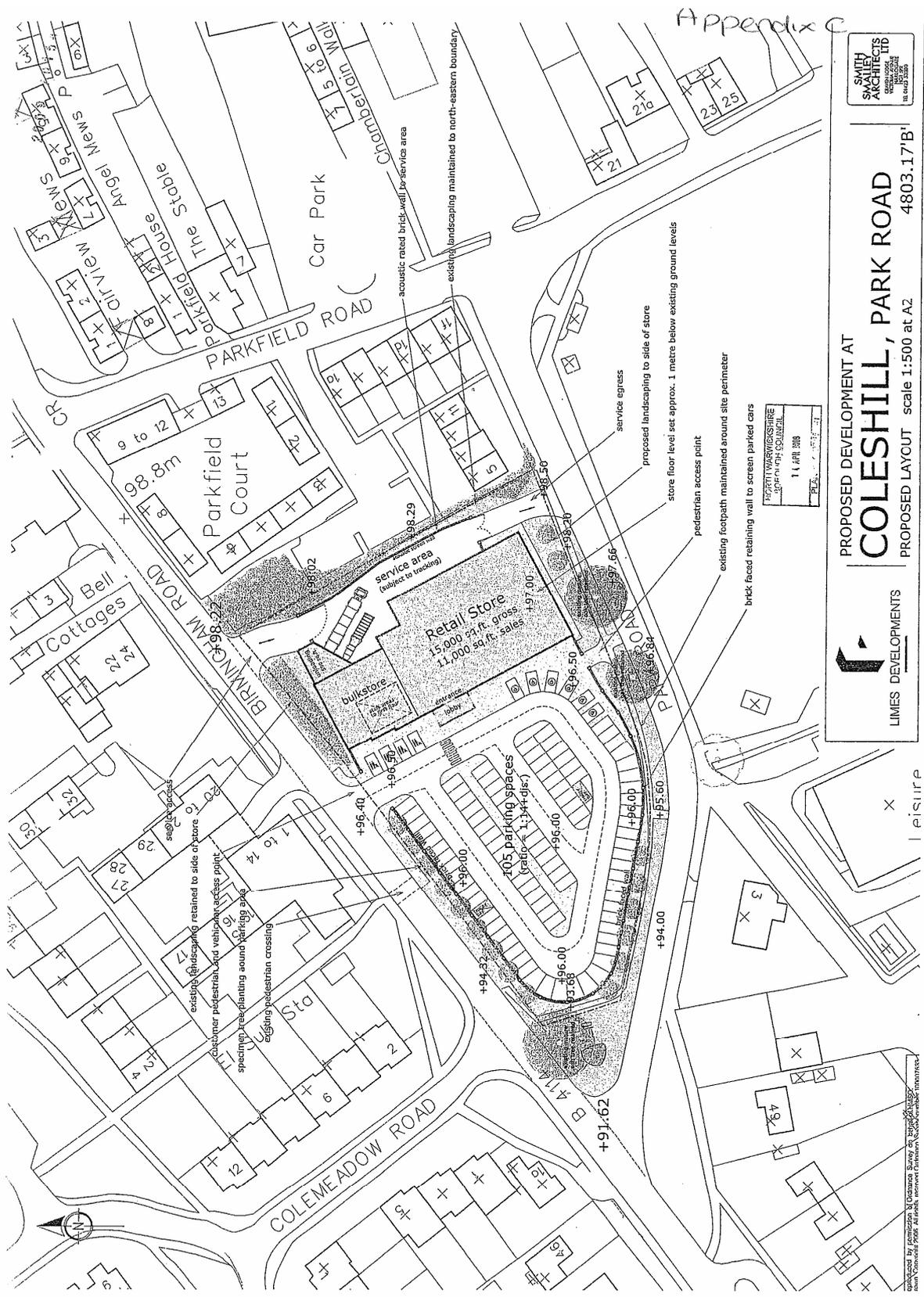
Yours sincerely,

Neil Benison MICE
Development Group

CC Councillor Mr P Fowler, County Councillor - Coleshill, for information only



TTHC SKETCH
M11069-A-SK002



SMITH
SMALLEY
ARCHITECTS
REGISTERED ARCHITECTS
18, WOODS ROAD
BIRMINGHAM, B15 2EJ

PROPOSED DEVELOPMENT AT
COLESHILL, PARK ROAD
PROPOSED LAYOUT scale 1:500 at A2 4803.17'B'

LIMES DEVELOPMENTS

MARTIN WARWICKS
COUNCIL
11 APR 2008

produced by Tomazeta J. O'Connell Survey and Engineering Ltd
100, Cannon Road, Birmingham, B15 2EJ

General Development Applications

(2) Application No PAP/2011/0520

37 High Street, Coleshill

Erection of a pre-fabricated timber shed for

Mr Peter Bartlett

Introduction

The application is reported to the Planning and Development Board following a request from a Local Member concerned about the potential impact of the proposal.

The Site

The main building is a frontage commercial premises, with a side car park within its rear garden, together with mature landscaping, situated on the east side of the High Street, north of the Birmingham Road cross roads. It is a Grade 2 Listed Building. The frontage building lies within the Conservation Area, whilst most of its rear garden is not. The site is bounded by residential properties to the rear and to either side by a telephone exchange and petrol filling station. The shed is proposed to be sited at the rear of the site in the north eastern corner, not within the Conservation itself.

A series of photographs of the site and the rear garden are at Appendix 2.

The dimensions of the proposed shed are outlined below. Numbers 42 and 44 St Pauls Crescent back onto the site. They have small rear gardens such that their rear elevations are approximately six metres from the common boundary fence. There is also a conservatory at the back of number 42. The fence is approximately 1.8 metres tall. The garden levels of the two properties in St Paul's Crescent are at a slightly higher level than that of the garden where the shed is proposed. The photographs illustrate the situation.

The Proposal

The proposal is for a timber shed at the bottom of the garden which would replace a previous shed that has recently been removed. The new shed would measure 5.9 metres long by 2.9 metres wide and be 1.8 metres high to its eaves and 2.5 metres to its ridge. It would be set off the rear boundary to the properties on St Paul's Crescent by 3 metres. The relevant plans can be viewed in Appendix 1. The shed would be painted green and be of timber construction with a felt roof.

The shed is to store equipment and signs relating to the business use of 37 High Street, which is a financial advice practice. Typical items to be stored would thus include office tables, chairs, filing cabinets, signs, and items related to the commercial activities of the business. A smaller shed originally stood on the same site and this too was used to store similar items.

Background

The main building is Grade 2 Listed, being one of the oldest in Coleshill constructed in brick with timber framing. It lies within the Conservation Area whereas the site of the shed does not. In 2003 planning permission was granted for the change of use of the property to a commercial use from residential, and this included the addition of the car parking area. Planning permission was refused for a two bedroom dwelling within the rear garden area to the property in 2007.

Members should be aware that there are no permitted development rights for curtilage buildings here because the premises are commercial in use and because the curtilage is that of a Listed Building. Hence there is no “fall-back” position.

Some vegetation has been removed to create space for the proposed shed. But this part of the site is not within the Conservation Area, nor was it otherwise protected, and thus there has been no breach of planning control in its removal.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006 - ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV15 (Heritage Conservation), ENV16 (Listed Buildings)

Other Relevant Material Considerations

Government Advice - PPS5 (Planning and the Historic Environment) together with the Draft National Planning Policy Framework 2011

Consultations

Heritage Officer – No objection

Representations

Letters of objection have been received from five residents, to which two back onto the site, one is able to view the site, one is within St Paul's Crescent and one property, which was 48 St Peters Close, in Water Orton to which no address exists. The following matters are raised:

- Is it a shed or a store?
- There are possibly covenants affecting the land
- It should not become a garage
- It is too big
- It will be visible to nearby residents
- It is too close to the common boundaries
- It will reduce light and lead to a sense of enclosure to neighbouring properties.
- It detracts from the heritage value of the site.
- It does not integrate well with the environment and is not well-related to the garden
- It will further erode the garden

The Coleshill and District Civic Society objects on the grounds that:

- The heritage value of this property is being eroded, and this degrades that value even further.
- The shed is too big for the rear garden
- It is not a like for like replacement
- It could be used for purposes that give rise to nuisance and pollution
- It will adversely affect neighbours
- The paving slabs have already been placed on site

Observations

There is no objection in principle to this development and as suggested from the representations received, the determination rests on a number of detailed matters. These revolve around several planning considerations. Firstly however it is necessary to point out that matters to do with private covenants attached to deeds are not planning considerations, and that the laying of the slabs on the ground as at present, is not unauthorised development. Additionally the fact that the application is not a “like-for-like” replacement is of no weight as the Board will have to determine the case on the actual submission itself. It is clear from the application that the proposal is for a wooden shed to be used as a storage facility.

It is proposed to first address the heritage issue. The site of the shed is within the curtilage of a Listed Building and thus the Board is asked to consider whether the proposal affects the architectural or historic significance and character of that building. Here the building is one of the oldest in Coleshill and its significance in the context of the current application is that it still retains an open rear garden within a town centre location. The proposal is not considered to materially harm that significance. This is because there was an outbuilding here originally; the site is well located within a rear corner of the curtilage, the site is in a commercial use and thus will take on a different character had it been in residential use and it is surrounded by very modern 20th Century development. It is of weight that the Heritage Office has not objected. In other words there is little material difference to the openness of the rear garden as a consequence of this proposal than if the original building had been retained or replaced with one of the same size. The site of the shed is not within the Conservation Area, but given its proximity, it is not considered that the character and appearance of that Area is materially affected by this proposal. The impact is considered to be neutral.

It is next proposed to turn to the potential impact on the residential amenity of neighbouring occupiers. As can be seen from the plans the shed would be to the rear of two of the properties in St Paul’s Crescent with another two close by. It is the occupiers of two of the four houses who have objected. Whilst it is recognised that the rear gardens here are small, it is not considered that there is sufficiently so material an adverse impact here to warrant refusal. This is because the shed would be to the west of the rear gardens; its height is 2.5 metres just above that of the intervening fence, the ground level is slightly lower, and the nature of the surrounding uses – the petrol filling station. It should also be remembered that the rear garden of the application property is overlooked by those same occupiers. The other matter whilst looking at this consideration is the potential use of the shed. It is considered that much of the concern is around speculation as to whether the building

would be used for other purposes – e.g. as a garage or a workshop. This can be resolved through the use an appropriately worded condition.

It is not considered that the design of the shed is all together out of keeping with a rear garden environment. It is noteworthy that some the adjoining houses have sheds in their gardens too.

It is considered that in respect of all of these matters, there is no reason for refusal here which could be defended at appeal.

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 1 (elevation and layout plan); plan numbered 2 (site plan); and the site location plan received by the Local Planning Authority on 5th October 2011.

REASON

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

3. The walls and doors of the store shed shall constructed from timber and painted forest green and maintained in that condition at all times. The roof shall be felt and maintained as such at all times.

REASON

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

4. The store shed shall only contain equipment, office furniture and signs which are ancillary and related to the operation of the business and the personnel from 37 High Street, Coleshill. The store shed shall not be used for any other purpose whatsoever.

REASON

To protect the amenities of nearby residential property.

5. The use of the shed shall only be during normal working hours of the commercial premises of 37 High Street, Coleshill.

REASON

To protect the amenities of nearby residential property.

6. 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.

Notes

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

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

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

North Warwickshire Local Plan 2006 (Saved Policies):
ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV15 (Heritage Conservation), ENV16 (Listed Buildings, non-listed buildings of local historic value and sites of archaeological importance).

Justification

The proposal for a new storage shed is to replace a smaller previous shed. The structure will be timber and painted green. The use of the store shed is ancillary to the main commercial property and is to store equipment related to it. It is sited outside the Coleshill Conservation Area and it is considered on balance that it will not affect its character or appearance. It is considered that the store shed will not affect the townscape or historic architecture, which in turn will not detract from the character, appearance or historic value of the Listed Building, in whose curtilage it is sited. The design, size and scale is considered to be acceptable and would not be

unacceptable when viewed from the street scene. The proposal is not considered to affect the amenity or privacy of the nearby neighbouring properties to an unacceptable degree. The proposal complies with the relevant saved policies of the Development Plan – namely ENV11, ENV12, ENV13, ENV15 and ENV16 together with national planning guidance.

BACKGROUND PAPERS

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

Planning Application No: PAP/2011/0520

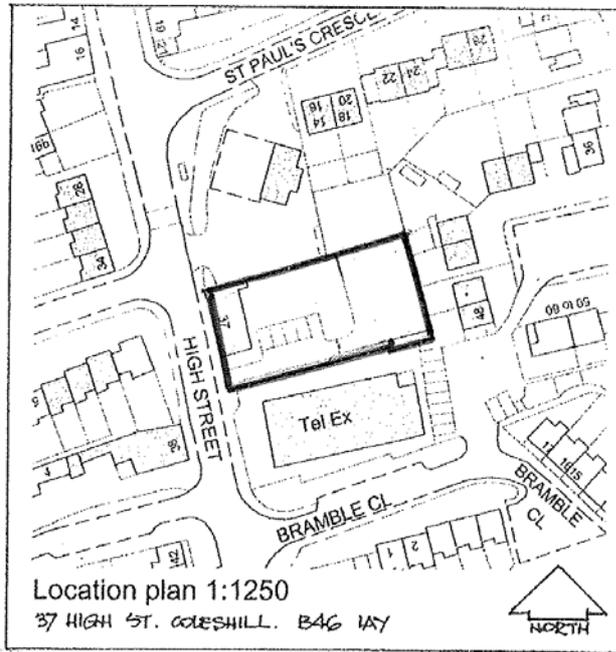
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans	5/10/11
2	Case officer	Email to agent	17/10/11
3	Case officer	Application site visit	17/10/11
4	Case officer	Email to agent	18/1/11
5	Case officer	File note of meeting with neighbours to rear of the site at St Paul's Crescent	18/10/11
6	Applicant	Letter from applicant	19/10/11
7	Case officer	Email to agent	21/10/11
8	Case officer	Email to agent	26/10/11
9	Case officer	File note having spoken to neighbouring property	25/10/11
10	Case officer	File note having spoken to applicant	31/10/11
11	Applicant	Email to case officer	31/10/11
12	Coleshill and District Civic Society	Representation	1/11/11
13	Case officer	Email to Coleshill and District Society	3/11/11
14	Agent	Revised application forms	3/11/11
15	Agent	Letter to case officer	3/11/11
16	Case officer	Letter to neighbour	4/11/11
17	Neighbour 46 St Paul's Crescent	Representation	8/11/11
18	Neighbour 46 St Paul's Crescent	Representation	8/11/11
19	Neighbour 44 St Paul's Crescent	Representation	8/11/11
20	Neighbour 47 St Paul's Crescent	Representation	8/11/11
21	Neighbour 48 St. Peters Close, Coleshill	Representation	8/11/11
22	Case officer	Letter to neighbour	9/11/11
23	Case officer	Letter to agent	9/11/11
24	NWBC Heritage Conservation Officer	Verbal representation	9/11/11
25	Neighbour 16 St Paul's Crescent	Representation	11/11/11
26	Neighbour 16 St Paul's Crescent	Representation	11/11/11
28	Case officer	Email to applicant and agent	15/11/11
29	Applicant	Letter to case officer	15/11/11
30	Neighbour	Further representation	21/11/11

31	Coleshill and District Civic Society	Further Representation	21/11/11
32	Case officer	Email report to Local Councillors and char and vice char of the P & D Board	18/11/11
33	Cllr Sherratt	Requested application is taken to the P & D Board	24/11/11
34	Agent	Letter to case officer	18/11/11
35	Case officer	Email to agent and applicant	28/11/11
36			
37			

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.

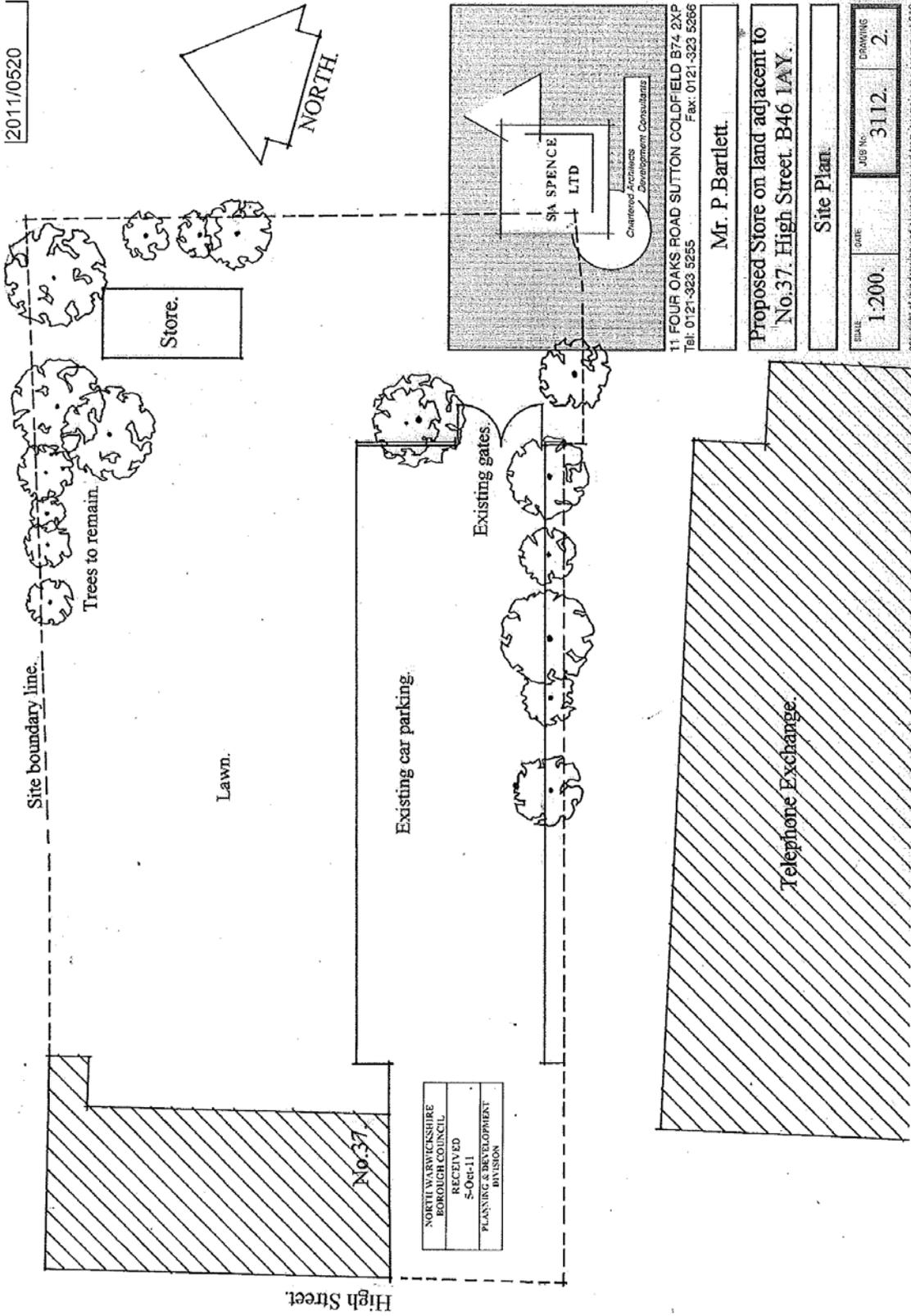
2011/0520



NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
5-Oct-11
PLANNING & DEVELOPMENT
DIVISION

Location plan 1:1250
37 HIGH ST. COLESHILL. BAG WAY

2011/0520



NORTH AVONCORSHIRE
BOROUGH COUNCIL
RECEIVED
5-Oct-11
PLANNING & DEVELOPMENT
DIVISION

SJA SPENCE
LTD
Chartered Architects
Development Consultants

11 FOUR OAKS ROAD SUTTON COLDFIELD B74 2XP
Tel: 0121-323 5255 Fax: 0121-323 5266

Mr. P. Bartlett.

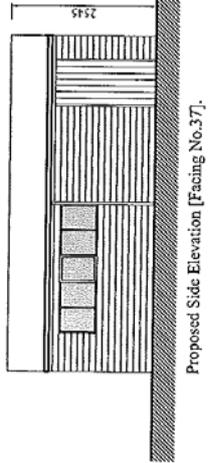
Proposed Store on land adjacent to
No. 37, High Street, B46 1AY.

Site Plan.

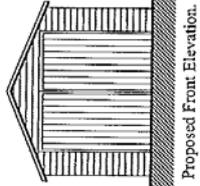
SCALE	DATE	JOB No.	DRAWING
1:200.		3112.	2.

Notwithstanding to this drawing and all other documents, the property of SJA.

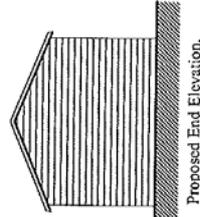
2011/0520



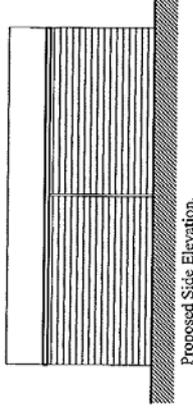
Proposed Side Elevation [Facing No.37].



Proposed Front Elevation.

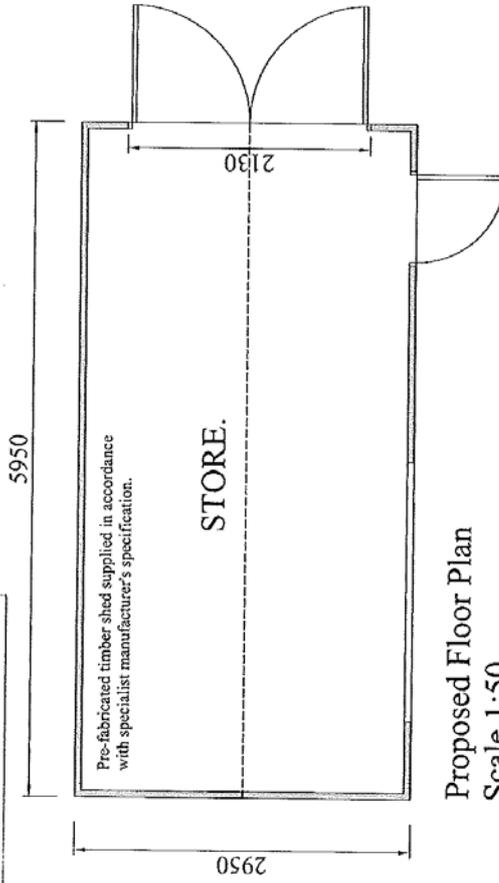


Proposed End Elevation.

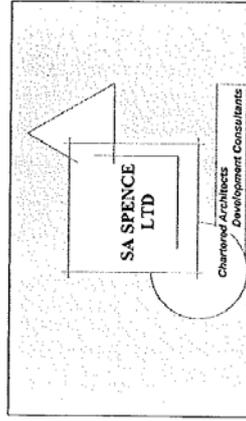


Proposed Side Elevation.

NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED 5-Oct-11
PLANNING & DEVELOPMENT DIVISION



Proposed Floor Plan
Scale 1:50.



11, FOUR OAKS ROAD SUTTON COLDFIELD B74 2XP
Tel: 0121-323 5255 Fax: 0121-323 5266

Mr. P. Bartlett.

Proposed storage shed
on land adjacent to
37 High Street. B46 1AY

SCALE	DATE	JOB No.	DRAWING
1:100. & 1:50.		3112.	1.

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Appendix 2 - Photographs



17/10/2011 16:57

View from inside the site with rear of No.42 St Paul's Crescent visible



17/10/2011 17:06

View of the site from High Street, Coleshill



View looking from the rear of 37 High Street, Coleshill towards the siting of the store shed in the left hand side with St Paul's Crescent beyond.



View of the application site as viewed from the rear garden of No.44 St Paul's Crescent.

General Development Applications

(3) Application No: PAP/2011/0583

Unit 16d, Carlyon Road Industrial Estate, Carlyon Road, Atherstone

Change of use from industrial to leisure

for Mr Evan Ross, North Warwickshire Borough Council

Introduction

This application is reported to Planning and Development Board as the Council owns the premises concerned.

The Site

The premises is one of eight similar small industrial units arranged as two terraces of four overlooking a common access, delivery and turning area on the south side of Carlyon Road. It is wholly within an industrial estate setting. The unit is small, around 170 square metres in floor area with a small office at the front, and large shutter doors to aid HGV access. Parking is available in front of the unit for around four or five spaces. There is no footpath access within the common access, delivery and turning area, although there is a footpath along Carlyon Road which is served by regular bus services.

The Proposal

It is proposed to use the premises for an indoor skate and urban activities project in order to offer and encourage positive diversionary activities for young persons within the community. The aim of directing youngsters into a recreational activity helps to improve self-discipline and behaviour, as well as fitness and health objectives.

At its fullest, it would be run in the late afternoon and early evening during the week, and throughout the afternoons at weekends; with the weekday use extended across the whole afternoon during the summer holidays. As it is intended to phase in the regularity of opening, it is envisaged to cater for around 60 persons per week initially with this rising to 200 per week once developed. No external changes are proposed.

Background

Consent was granted on Unit 16c, adjoining the application site, in early 2010. This was for use as a boxing club. However it is clear from discussions with the Community Development Officer that this project will not be coming forward and that unit was not suitable. That consent expires in March 2012 having been a temporary permission only.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies): ECON3 (Protection of Existing Employment Sites and Buildings within Development Boundaries), ECON5 (Facilities relating to the Settlement Hierarchy), COM1 (New Community Facilities),

ENV11 (Neighbour Amenities), ENV14 (Access Design), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

Other Relevant Material Considerations

Government Advice: Draft National Planning Policy Framework (NPPF)

The Sustainable Community Plan and Place Survey

Consultations

Warwickshire County Council Highway Authority object on the grounds of inadequate parking provision, and that pedestrian access is unsuitable with lack of a suitable footway into the site leading up to Unit 16d and it also being unlit.

The Environmental Health Officer offers no representation.

Atherstone Town Council does not object to the proposal but request that the pedestrian route across the A5 (via the footbridge) is cleared and improved.

Representations

No further representations have been received.

Observations

The Sustainable Community Plan and Place Survey points to facilities for young people being a priority in North Warwickshire; with the population generally saying that there is a perceived fear of crime and an increase in anti-social behaviour, as well as an objective to get young people more active. This proposal would assist in achieving the goals which have arising from these documents. The unit is also somewhat run down and in need of repair, and has been un-let for some time.

The two key planning policy issues here are that the change of use would lead to the loss of an industrial/employment site, and that the site is outside of the centre of the town and thus in a less suitable location. A third issue focuses on highway safety implications.

a) Loss of an industrial/employment site

This is acknowledged, but there are other circumstances which are considered to mitigate against a refusal. The unit has been vacant for some time and is in need of repair. The use would provide or sustain employment opportunities even though these would not be 'industrial' jobs, and the unit could easily revert back to an industrial unit without major intervention. Additionally the ongoing economic climate suggests that the prospect of finding a new and immediate tenant is low, thus leaving the unit vacant for an indefinite amount of time. The draft NPPF also lends support to the proposal.

b) Location of the proposal

The second issue is acknowledged but again there are mitigating factors. The site is accessible by foot and by bus from within the town, and this type of use is traditionally not viewed as a town centre use. Whilst less suitable, the use is

no means unsustainable in this respect. The comments from Atherstone Town Council are noted, and whilst not appropriate to include a requirement for lighting by condition or legal agreement given the uncertainty as to the cost and possibility of doing so; a request has been submitted to the relevant parties to ensure the path is cleared.

c) Highway Safety

The objection from the Highway Authority is understood. The main use would be at the end of the school/working day, and with emphasis towards the weekends. The supporting statement suggests the use will not operate beyond 9pm, and conditions can control the hours of use in any case. As such, the use will generally peak outside of normal working hours for the surrounding units, with parking spaces at the adjacent Unit 16c available. Significant traffic numbers are not expected and the site can be conditioned for a temporary period in which the safety concerns can be monitored. With the ability to restrict the holding of competitions and events, it is not considered this would be jeopardised. It is considered that the potential benefits of the project outweigh the objection.

Above all, and in response to both planning policy issues, it is considered that there are other material considerations here that are significant. The priorities arising from the Sustainable Community Plan and the Place Survey do have a spatial consequence; and without projects such as this are unlikely to be addressed. As a consequence they are given more weight than the planning policy position, particularly as the unit is available and can meet the community need. Moreover the use can be conditioned such that any permission granted is for a temporary period only. If in the future, there is a need to make the unit available for industrial purposes, then it could revert. Additionally, given the current recession, it is considered better to use the premises, rather than to leave it vacant, and prone to further vandalism. The use provides a reasonable way of ensuring occupation of the building and delivering social regeneration, albeit in a minor way.

RECOMMENDATION

That the application be GRANTED subject to the following conditions:

1. The use hereby permitted shall cease on or before 31 December 2014, and the premises shall then be vacated.

REASON

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

2. No skating, DJ or youth competitions or galas shall take place at the premises without the express written consent of the Local Planning Authority.

REASON

In the interests of limiting potential parking problems so as to protect safety on the public highway and within the site.

3. The premises shall not be used for the use hereby permitted other than between 1200 and 2100 hours weekdays, and 1200 and 1800 hours on Saturdays and Sundays.

REASON

In the interests of reducing parking and in the interests of highway safety.

4. No development shall commence until a scheme for providing a footway into the site and crossing areas for pedestrians to reach Unit 16d has been submitted to and approved in writing by the Local Planning Authority. The premises shall not be used for the use hereby permitted until the approved scheme has been implemented in full and it shall be subsequently maintained thereafter.

REASON

In the interests of highway safety.

Notes

1. The following Development Plan policies are relevant to this decision: North Warwickshire Local Plan 2006 (Saved Policies): ECON3 (Protection of Existing Employment Sites and Buildings within Development Boundaries), ECON5 (Facilities relating to the Settlement Hierarchy), COM1 (New Community Facilities), ENV11 (Neighbour Amenities), ENV14 (Access Design), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

Justification

Whilst there is conflict with planning policy and the Highway Authority object to the proposal, there is considered to be sufficient evidence from the Sustainable Community Plan and the Place Survey to outweigh such policy given the benefits of the proposed use in achieving the priorities and outcomes of those two plans. The vacancy of the unit and its need for some repair also lends weight to the proposal, in that it is more preferable to have an occupied unit than it remain vacant. The use is considered to have limited environmental impact; the unit can easily revert to industrial use without significant intervention; and a temporary period of consent can allow sufficient time to monitor parking and accessibility concerns as well as prevent the permanent loss of an industrial unit where it may be called upon in the future. This wider spatial view of the proposal thus outweighs saved policies ECON3, ECON5 and ENV14 of the North Warwickshire Local Plan 2006, whilst there is considered to be support from or no conflict with saved policies COM1, ENV11 and TPT3 of the Local Plan 2006.

BACKGROUND PAPERS

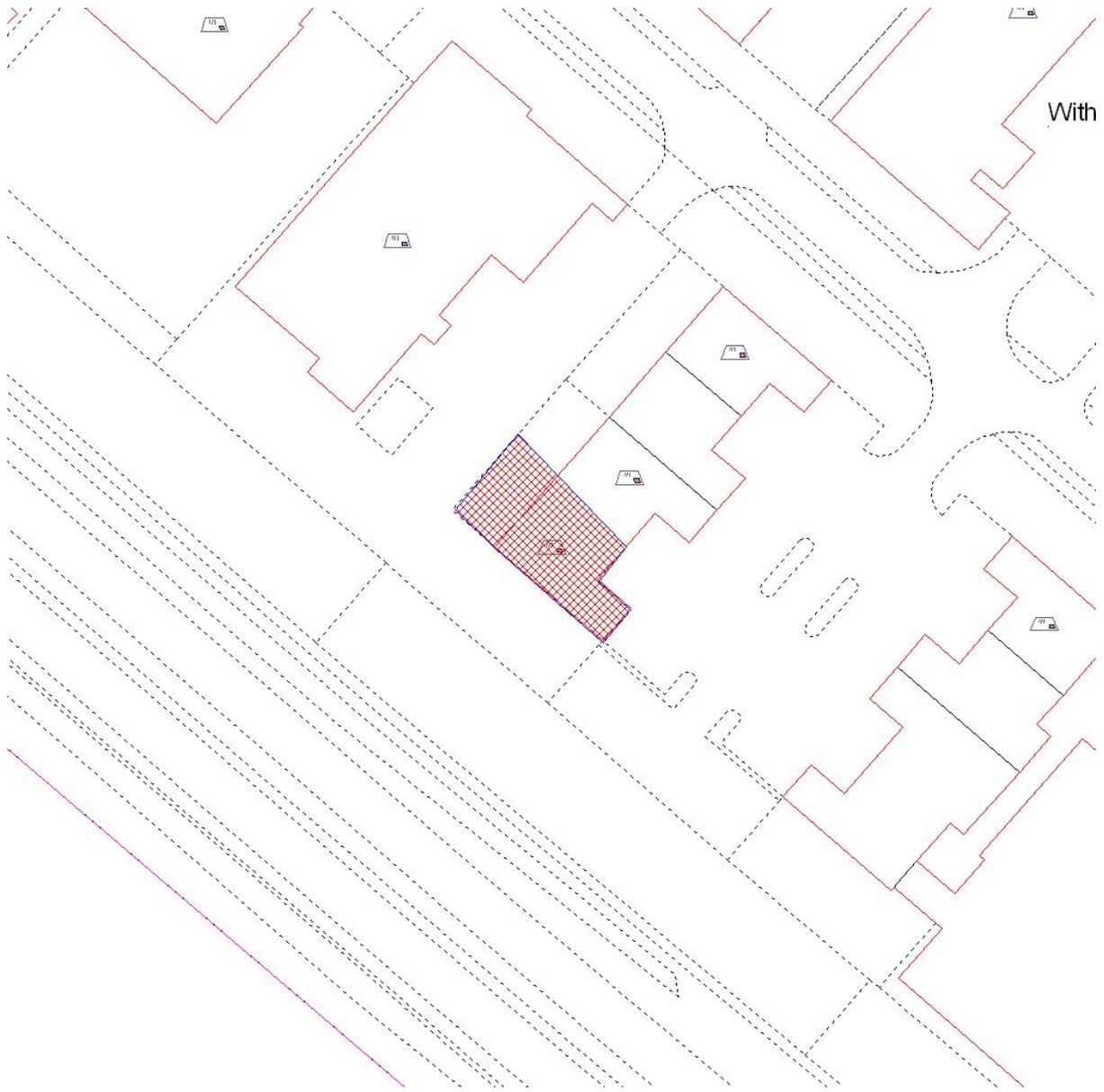
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2011/0583

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans	08/11/2011
2	Atherstone Town Council	Representation	21/11/2011
3	Case Officer	Email to WCC Footpaths	01/12/2011
4	WCC Footpaths	Email to Case Officer	02/12/2011
5	WCC Highways	Representation	05/12/2011

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

(4) Application No: PAP/2011/0623

Junction 10 Service Station, Tamworth Motorway Services Area, Green Lane, Dordon

Erection of a single 67 metre tall, 330kw wind turbine and associated infrastructure, for Mr Tony Raven (Moto Hospitality Ltd)

Introduction

This application is reported to Board given the sensitivity of the proposal. This report is intended as an interim report only, as the consultation is open and a formal assessment of the proposal underway.

The Site

The proposed siting is within the M42 junction 10 service station adjacent the lorry parking area. There is substantial planting around the service station, with semi-mature to mature tree planting throughout. To the north and west lie industrial units within the Tamworth Borough, with residential development beyond these. There is further industry to the south-west beyond which is further residential development. The A5 and M42 surround the site, with relatively flat farmland to the east and south. Birch Coppice and the associated mound lie to the south-east, with Dordon to the east and Birchmoor to the north east.

The landscape in this area is generally flat meaning that long distance views of the site are quite possible. However there is obvious human influence in this area, with the industrial buildings within Tamworth and Birch Coppice have a distinct influence on the landscape character here, and the A5 and M42 having a further urbanising effect. The residential estates within Tamworth and the Dordon/Polesworth settlement further add to the human influence on this landscape.

The Proposal

It is intended to erect one 67m to tip (50m to hub) wind turbine and associated monitoring/control equipment. The turbine will primarily provide for the needs of the service station before feeding surplus electricity into the national grid.

Background

The proposal was assessed in respect of the Environmental Impact Assessment (EIA) Regulations 1999 in August 2011. Whilst the proposal is classed as development under paragraph 3(i) of Schedule 2 to the Regulations, it has been concluded that due to the lesser scale of this wind turbine (compared to full scale wind farms); a lack of statutory and local constraints in respect of ecology, heritage, aviation and land designations, the presence of adequate statements and information to address noise and ecological concerns, and the proximity to the strategic road network; that the development is not considered to be EIA development such that the submission of an Environmental Statement is not required.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies): Core Policy 2 (Development Distribution), Core Policy 3 (Natural and Historic Environment), Core Policy 11 (Quality of Development), ENV1 (Protection and Enhancement of Natural Landscape), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV9 (Air Quality), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design) and TPT1 (Transport Considerations In New Development).

West Midlands Regional Spatial Strategy (Phase 1 Revisions January 2008): POLICY EN1 (Energy Generation).

Other Relevant Material Considerations

Government Advice: PPS22 (Renewable Energy), Planning for Renewable Energy – A Companion Guide to PPS22, Overarching National Policy Statement for Energy (EN-1), National Policy Statement for Renewable Energy Infrastructure (EN-3), The Assessment and Rating of Noise from Wind Farms (ETSU-R-97: September 1996), and the draft National Planning Policy Framework (NPPF).

Consultations

A number of statutory consultees and qualified bodies have been approached. These include Ministry of Defence, Birmingham Airport, Coventry Airport, Campaign for the Protection of Rural England (CPRE), Warwickshire Wildlife Trust, RSPB, Warwickshire County Council Highway Authority, the Highways Agency, NWBC Environmental Health, Tamworth Borough Council, Dordon Parish Council, Polesworth Parish Council and Baddesley Ensor Parish Council.

At the time of writing, various site notices are to be erected in the area including within Tamworth. In addition notification letters are to be sent to properties in the immediate area that will likely have direct sight of the proposal.

Local members of the Dordon, Polesworth West and Baddesley and Grendon Wards, along with the Chair and Vice Chair of the Planning Board were notified of the application on 5 December 2011.

Representations

At the time of writing, none have been received.

Observations

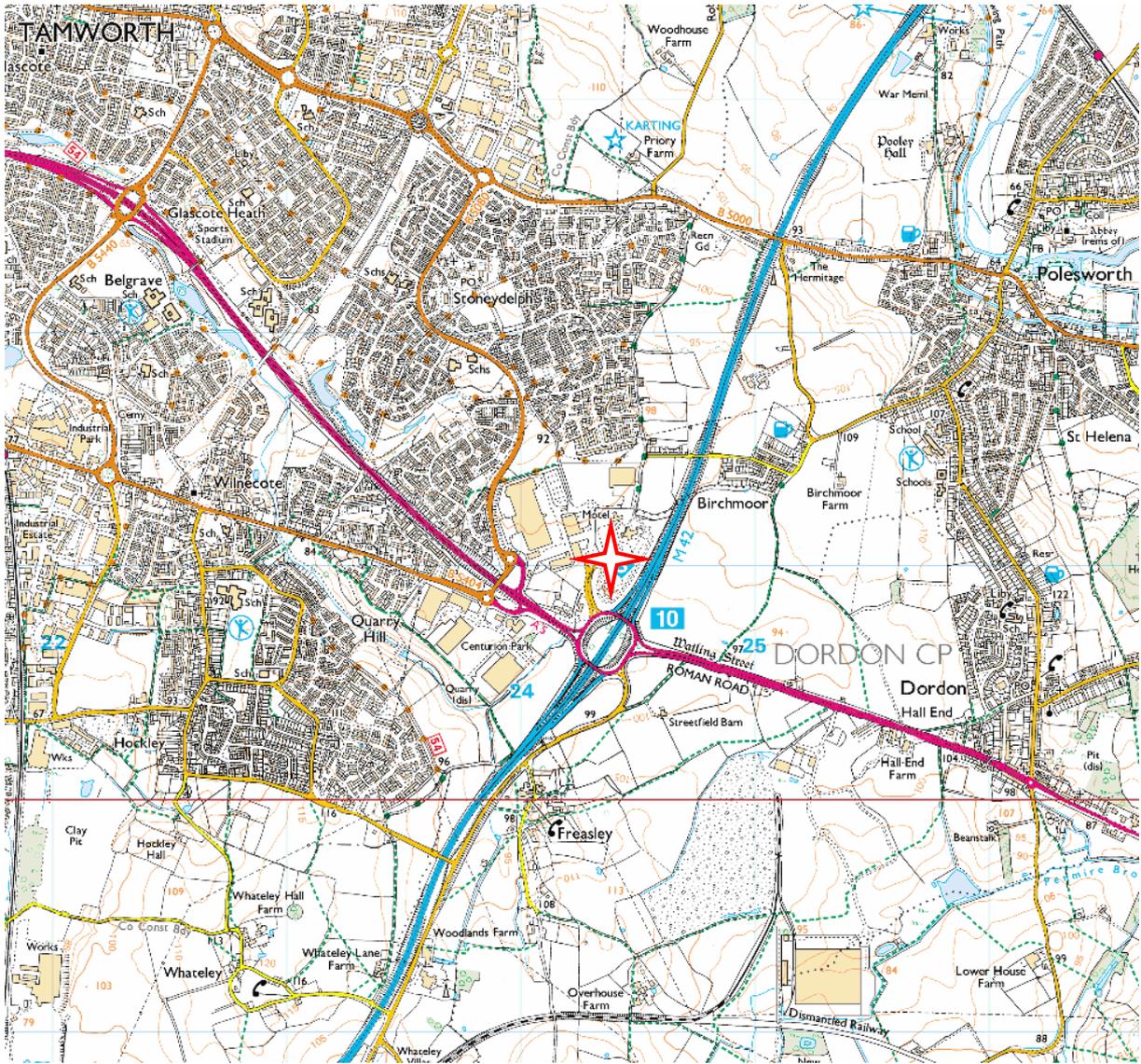
It is not intended to discuss the policy implications and merits of the application at this stage given the consultation period is open. Indeed, at the time of writing officers are waiting for consultation replies from statutory and technical consultees to inform the principle of development. Formal assessment of the application against Development Plan policy and material guidance, along with reference to representations made, is intended in time for presentation at the January or February Planning Board.

Notwithstanding this, the visual and landscape impacts can be considered at an early stage and without reference to technical reports or qualified opinion. Members

should be aware of the zone of theoretical visibility and the visualisations produced by the applicant, which are attached at Appendix A. A detailed Planning Statement is also provided, and Members who are particularly interested in this item are encouraged to obtain a copy. The Board is therefore asked to consider whether a tour of the locale, visiting key vantage points, would be necessary and beneficial.

Recommendation

That the above report is noted, and the Board undertake a site visit prior to determination of this application. Members who are particularly interested in this item are encouraged to obtain a copy of the detailed Planning Statement from the Case Officer.



BACKGROUND PAPERS

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

Planning Application No: PAP/2011/0619

Background Paper No	Author	Nature of Background Paper	Date
1	Case Officer	Screening Opinion	1/8/2011
2	The Applicant or Agent	Application Forms and Plans	1/12/2011
3	Case Officer	Email to Councillors	5/12/2011

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.

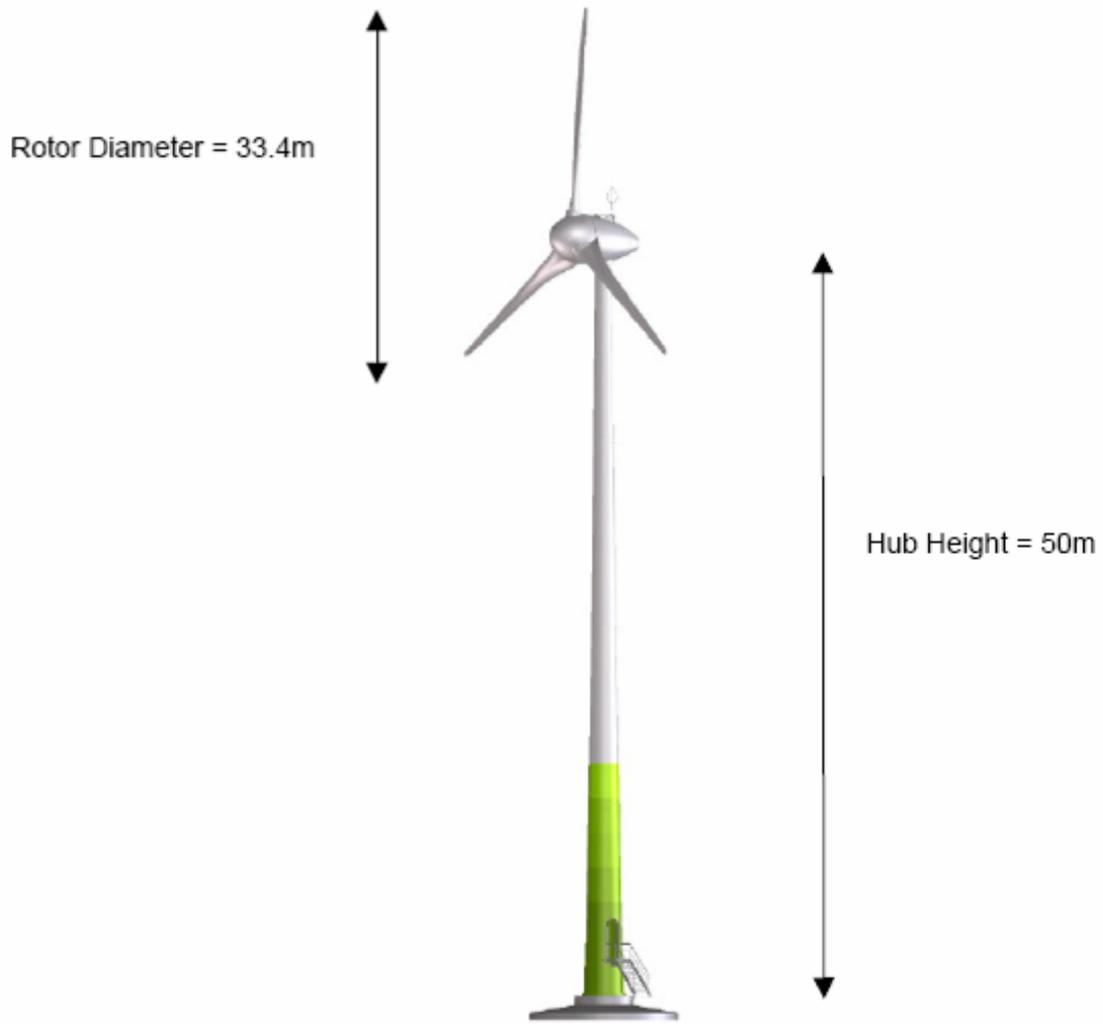


Figure 1: Enercon E33 330kW

1. Dimensions of proposed turbine

Zone of Theoretical Visibility: 5km Radius Exclusions Added; Half of Tower Visibility

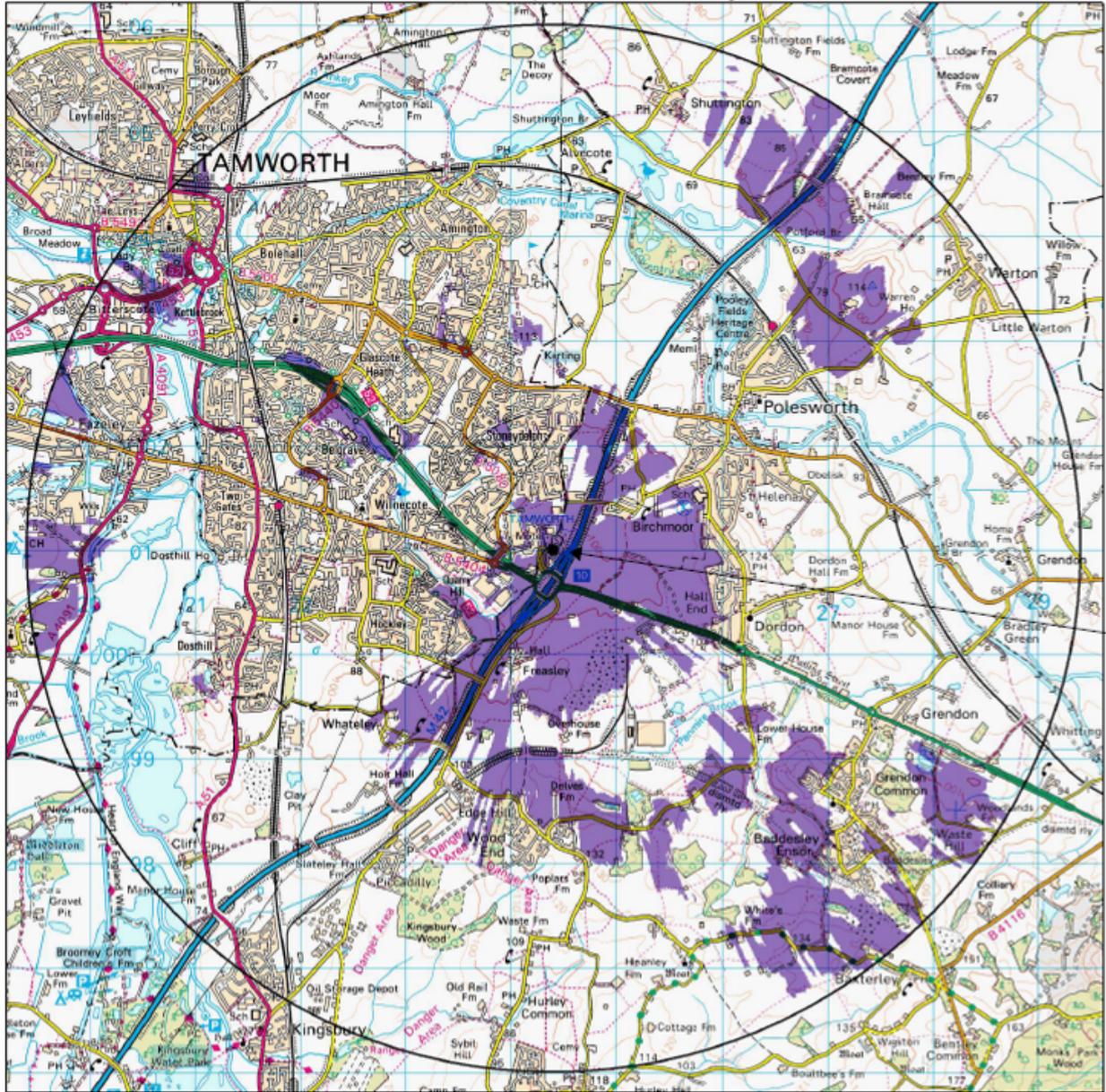
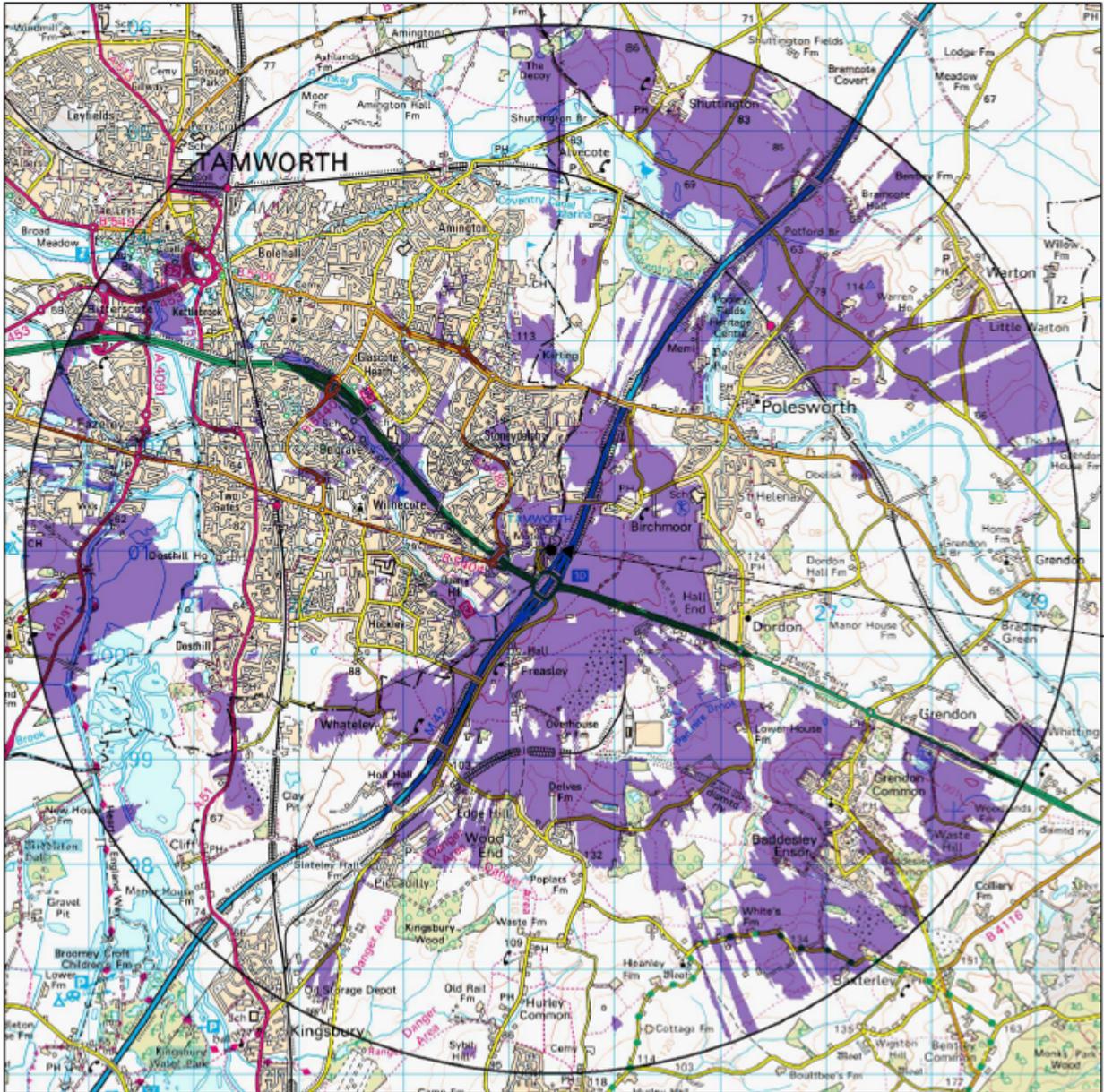


Figure D1: 5km Exclusions Added ZTV Map Showing Visibility of Top Half of Turbine Tower

2. Zone of theoretical visibility (5km radius projected from terrain mapping)

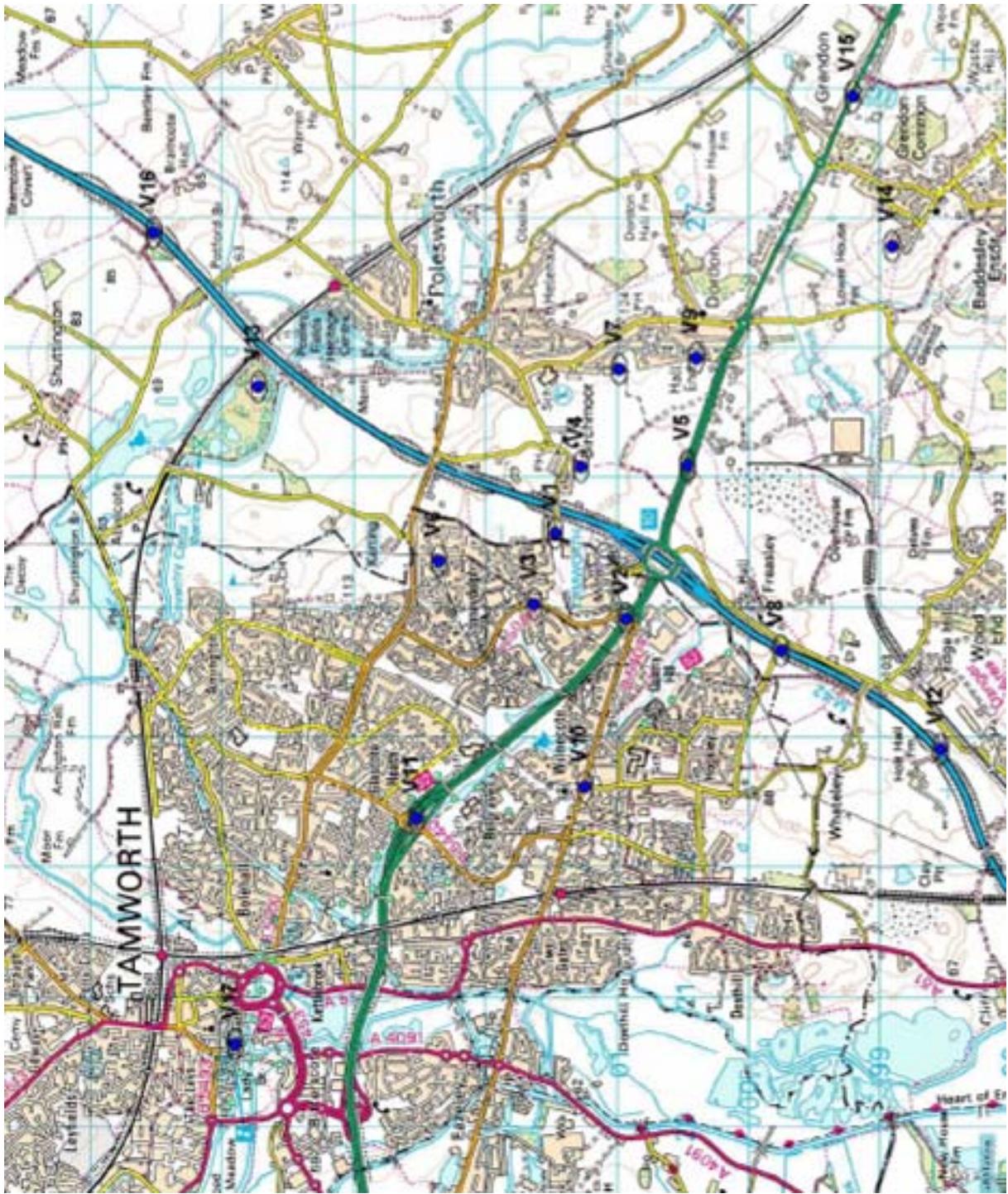
Half of the tower, hub and blades visible

Zone of Theoretical Visibility: 5km Radius Exclusions Added; Nacelle Visibility



3. Zone of theoretical visibility (5km radius projected from terrain mapping)

Hub and above visible



4. Photomontage Viewpoint Locations



	<p>Location: V2 B5404 bridge over A5 Grid reference: 423908, 300928 View direction: 100° Included angle: 51° Altitude: 95m Distance to turbine: 485m Height of camera: 8m Viewing distance: 41cm Date: 1st September 2011 Time: 10:24</p>	<p>Comments: Taken from the B5404 bridge over the A5. In order to show the turbine's position in relation to the A5 dual carriageway, two photographs have been stitched together for this photomontage. The included angle and viewing distance are therefore different to the other photomontages in this document. Users of the A5 are unlikely to have a clear view of the turbine at road level.</p>
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	<p>Location: V4 Top of bridleway leading from Cockspur Street Grid reference: 425079, 301274 View direction: 252° Included angle: 41° Altitude: 104m Distance to turbine: 739m Height of camera: 2m Viewing distance: 50cm Date: 1st September 2011 Time: 09:21</p>	<p>Comments: Taken from the bridleway to the south of Cockspur Street in Birchmoor, at the first point at which trees do not obscure the view. The turbine is clearly visible from this location. Trees and hedges on the south perimeter of Birchmoor will decrease the visual impact of the turbine in places.</p>
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	<p>Location: V5 A5 Watling Street Grid reference: 425091, 300468 View direction: 302° Included angle: 41° Altitude: 100m Distance to turbine: 898m Height of camera: 2m Viewing distance: 50cm Date: 31st August 2011 Time: 15:44</p>	<p>Comments: Taken from the site of the A5 approximately 600m from Junction 10 of the M42. The turbine is clearly visible at this location. As can be seen there are locations along this stretch of road where the turbine will be screened by intermittent vegetation.</p>
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	<p>Location: V6 Chiltern Road/Mendip Way, Stonydolph Grid reference: 424353, 302359 View direction: 182° Included angle: 41° Altitude: 104m Distance to turbine: 1337m Height of camera: 2m Viewing distance: 50cm Date: 31st August 2011 Time: 16:45</p>	<p>Comments: Taken from the top of Mendip Way where it joins Chiltern Road, one of the roads identified by the ZTV calculation where the turbine is visible. The view of the turbine will be obscured from large parts of this area by houses, as is apparent in this photomontage. However, from some houses there will be a clear view to the turbine.</p>
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	<p>Location: V8 Overwoods Road bridge over M42 Grid reference: 423669, 299755 View direction: 28° Included angle: 41° Altitude: 99m Distance to turbine: 1454m Height of camera: 8m Viewing distance: 50cm Date: 31st August 2011 Time: 14:13</p>	<p>Comments: Taken from Overwoods Road as it bridges the M42 to the south of the site. From 1.5km away, this photomontage represents the view from the M42 as it approaches Tamworth Service Area from the south. The turbine is clearly visible to approaching traffic.</p>
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	<p>Location: V9 Ash Lea, off Kitwood Avenue, Dordon Grid reference: 425915, 300399 View direction: 291° Included angle: 41° Altitude: 109m Distance to turbine: 1652m Height of camera: 2m Viewing distance: 50cm Date: 1st September 2011 Time: 08:56</p>	<p>Comments: Due to fencing it was not possible to get a clear view from Ash Lea itself, so this photomontage was taken from the field to the west where the turbine can be clearly seen.</p>
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	<p>Location: V13 Top of Pooley Hill Country Park mound Grid reference: 425697, 303727 View direction: 208° Included angle: 41° Altitude: 71m Distance to turbine: 3006m Height of camera: 22m Viewing distance: 50cm Date: 31st August 2011 Time: 17:15</p>	<p>Comments: Taken from the top of the man made mound in Pooley Hill Country Park. Since this mound is not included in the Ordnance Survey datum, a camera height of 22m was used to account for its height and give an accurate view of the turbine. The height of the mound was obtained from Google Earth Pro.</p> <p>The turbine is visible in the centre of the image and appears to be of a similar height to the communications mast on Hermitage Lane.</p>
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	<p>Location: V14 Edge of St Nicholas Estate, Baddesley Ensor Grid reference: 426776, 298909 View direction: 305° Included angle: 41° Altitude: 125m Distance to turbine: 3191m Height of camera: 2m Viewing distance: 50cm Date: 31st August 2011 Time: 15:19</p>	<p>Comments: Taken from the footpath leading west from Manor Close on the St Nicholas Estate in Baddesley Ensor.</p> <p>The turbine is visible on the right side of the image over a group of trees. The visual impact of the turbine is given in comparison to the Birch Coppice Business Park.</p> <p>Much of the St Nicholas Estate is surrounded by trees which will create a visual barrier to the turbine.</p>
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Location: V15 A5 in Grendon

Grid reference: 427932, 299213
View direction: 296°
Included angle: 41°
Altitude: 84m
Distance to turbine: 3982m
Height of camera: 2m
Viewing distance: 50cm
Date: 31st August 2011
Time: 15:08

Comments:

Taken from the A5 in Grendon.

The turbine is visible in the centre of the image on the horizon. To aid the viewer the turbine has been circled in red.

General Development Applications

(5) Application No: PAP/2011/0619

White House Farm, Devitts Green Lane, Arley

Erection of one 34m high, 50kw wind turbine,

for Mr William Varnam c/o Fisher German

Introduction

This application is reported to Board given the sensitivity of the proposal. This report is intended as an interim report only, as the consultation is open and a formal assessment of the proposal underway.

The Site

The proposed siting is upon agricultural land to the north of White Gate Farm. Arley Wood, an ancient woodland, lies to the east with a fall to the north-west down to the valley floor where a small brook exists. Daw Mill Colliery lies around 1km to the south-west. To the south is Devitts Green Lane where isolated properties exist before a more structured run of dwellings to the east towards the settlement of Old Arley. Beyond this lane, the land generally falls away to the south.

The landscape in this area undulates somewhat meaning that long distance views of the site are somewhat limited. However there is little obvious human influence in this area, with the farm buildings and isolated properties generally being the limit. Trees and hedgerows are characteristic along field boundaries and road edges; although in the immediate vicinity of the site there are few hedgerows and just one tree. A footpath passes immediately adjacent to the proposed siting.

The Proposal

It is intended to erect one 34.2m to the tip wind turbine and associated monitoring/control equipment. The turbine will primarily provide for the needs of the farm holding before feeding surplus electricity into the national grid.

Background

The proposal has been assessed in respect of the Environmental Impact Assessment (EIA) Regulations 2011. Whilst the proposal is classed as development under paragraph 3(i) of Schedule 2 to the Regulations, it has been concluded that due to the lesser scale of this wind turbine (compared to full scale wind farms); the significant distance to residential receptors; a lack of statutory and local constraints in respect of ecology, heritage and aviation; and the presence of adequate statements and information to address any remaining environmental and visual concerns, that the development is not considered to be EIA development such that the submission of an Environmental Statement is not required.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies): Core Policy 2 (Development Distribution), Core Policy 3 (Natural and Historic Environment), Core Policy 11 (Quality of Development), ENV1 (Protection and Enhancement of Natural Landscape), ENV2 (Green Belt), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV9 (Air Quality), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design) and TPT1 (Transport Considerations In New Development).

West Midlands Regional Spatial Strategy (Phase 1 Revisions January 2008): POLICY EN1 (Energy Generation)

Other Relevant Material Considerations

Government Advice: PPS22 (Renewable Energy), Planning for Renewable Energy – A Companion Guide to PPS22, Overarching National Policy Statement for Energy (EN-1), National Policy Statement for Renewable Energy Infrastructure (EN-3), The Assessment and Rating of Noise from Wind Farms (ETSU-R-97: September 1996), and the draft National Planning Policy Framework (NPPF).

Consultations

A number of statutory consultees and qualified bodies have been approached. These include Ministry of Defence, Birmingham Airport, Coventry Airport, Campaign for the Protection of Rural England (CPRE), Warwickshire Wildlife Trust, RSPB, Warwickshire County Council Highway Authority, the Highways Agency, NWBC Environmental Health, Arley Parish Council and Over Whitacre Parish Council.

At the time of writing, various site notices are to be erected in the area. In addition notification letters are to be sent to properties in the immediate area that will likely have direct sight of the proposal.

Local members of the Arley and Whitacre Ward, along with the Chair and Vice Chair of the Planning Board were notified of the application on 5 December 2011.

Representations

At the time of writing, none have been received.

Observations

It is not intended to discuss the policy implications and merits of the application at this stage given the consultation period is open. Indeed, at the time of writing officers are waiting for consultation replies from statutory and technical consultees to inform the principle of development. Formal assessment of the application against Development Plan policy and material guidance, along with reference to representations made, is intended in time for presentation at the January or February Planning Board.

Notwithstanding this, the visual, landscape and Green Belt impacts can be considered at an early stage and without reference to technical reports or qualified opinion. Members should be aware of the visualisations and comparisons produced by the applicant, which are attached at Appendix A. The proposed turbine under this

application is also identical to that viewed in Lutterworth when considering an application at Grendon Fields Farm. The Board is therefore asked to consider whether a tour of the locale, visiting key vantage points, would be necessary and beneficial.

Recommendation

That the above report is noted, and the Board undertake a site visit prior to determination of this application.

BACKGROUND PAPERS

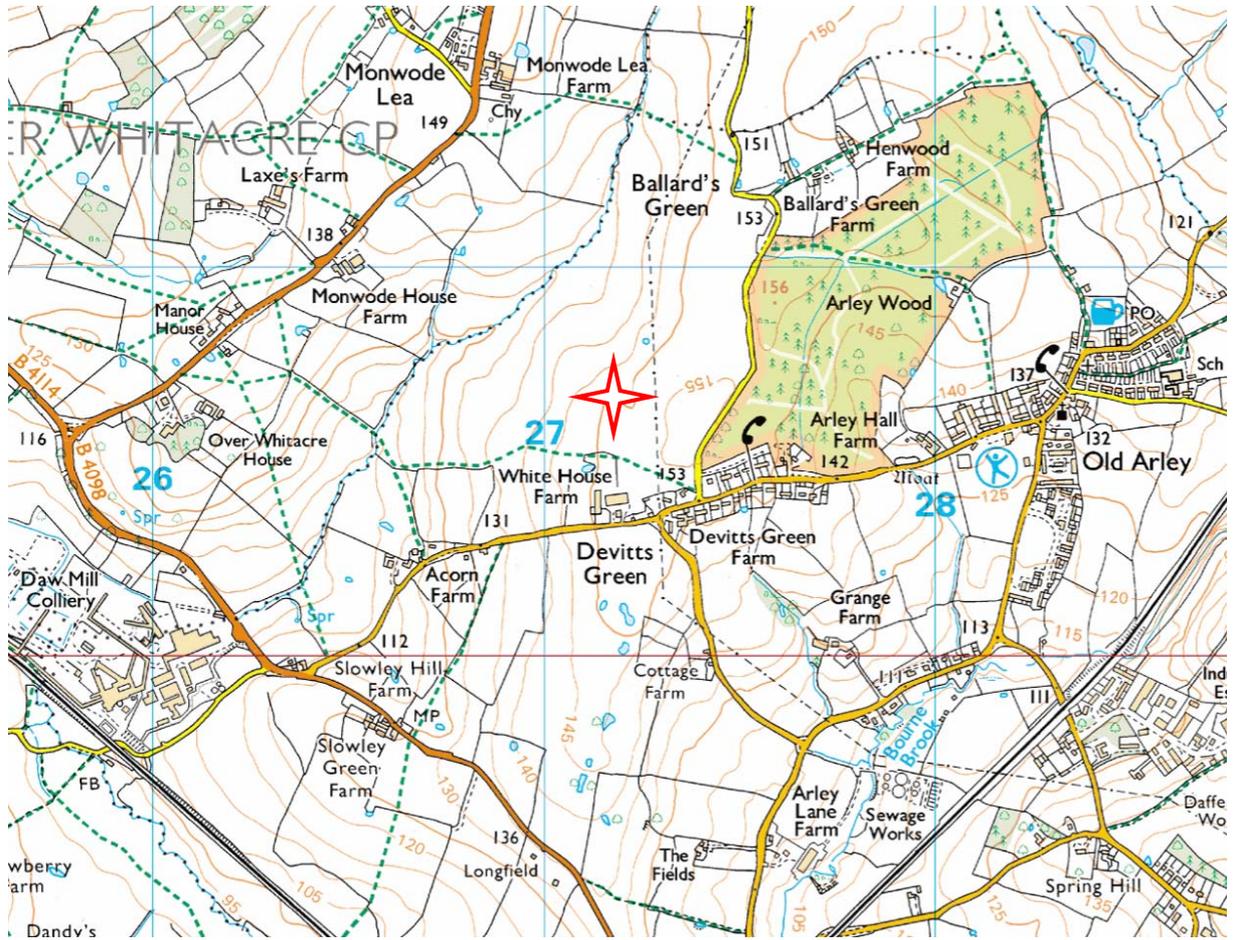
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

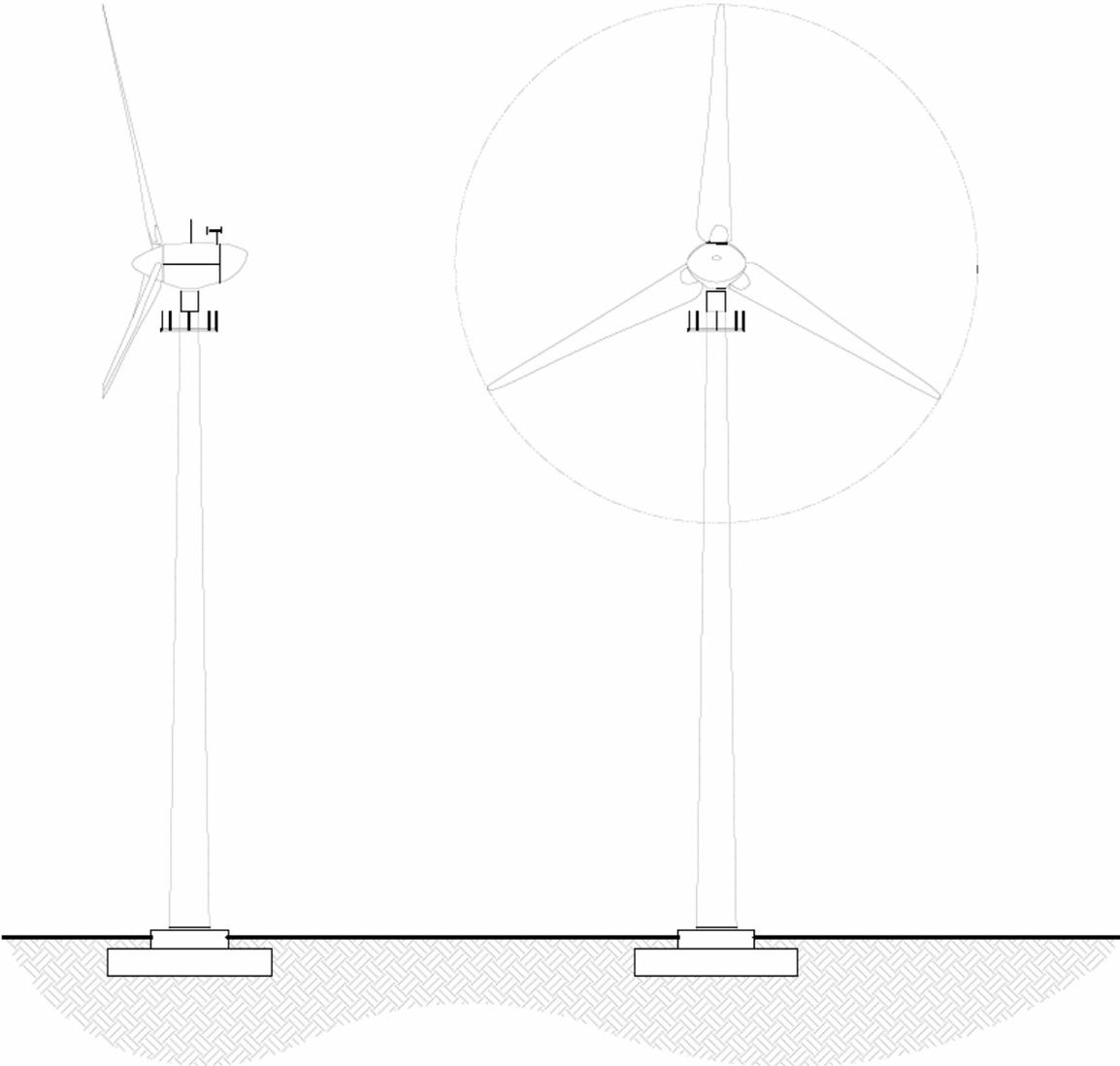
Planning Application No: PAP/2011/0619

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans	24/11/2011 and 5/12/2011
2	Case Officer	Screening Opinion	5/12/2011
3	Case Officer	Email to Councillors	5/12/2011

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.

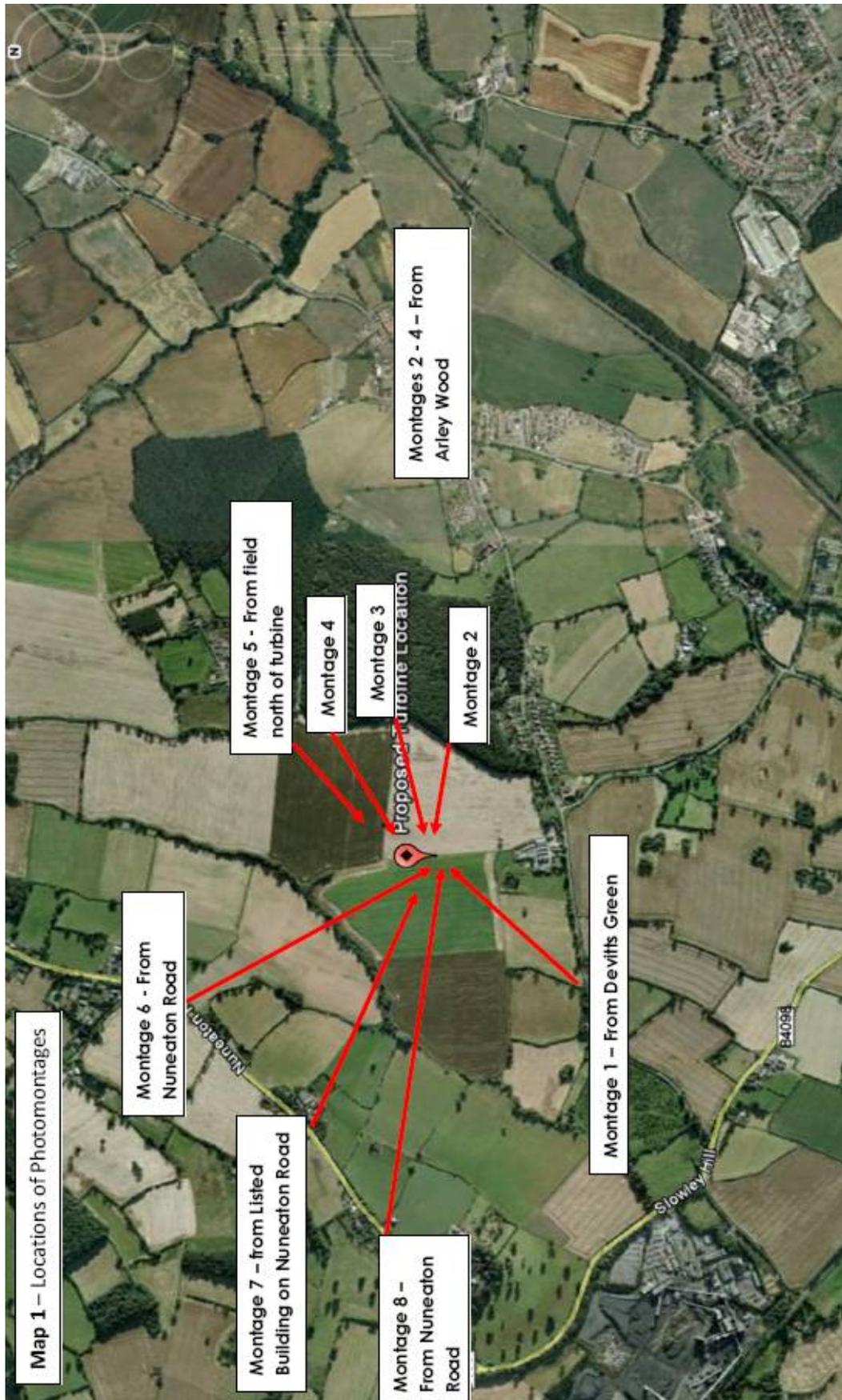
A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.





Turbine Elevation
Scale 1:200

1. Turbine elevations



2. Photomontage Locations



Montage 1



Montage 3



Montage 7



Montage 8

Agenda Item No 6

Planning and Development Board

19 December 2011

Report of the Assistant Chief Executive and Solicitor to the Council

Community Infrastructure Levy (CIL) Consultation

1 Summary

- 1.1 This report considers the consultation on amendments to the regulations relating to Community Infrastructure Levy (CIL).

Recommendation to Board

That the comments made in this report along with any additional comments from Members are sent as a response to the current consultation.

2 Consultation

- 2.1 The draft report was sent to Councillors Sweet, Simpson, Hayfield, M Stanley and Winter.

3 Introduction

- 3.1 The Government set out proposals to reform the Community Infrastructure Levy (CIL) and is consulting on the detailed implementation of these in relation to delivering neighbourhood funding and the use of CIL to provide affordable housing. The closing date for comments is 30 December 2011. Full details of the consultation proposals can be viewed at: <http://www.communities.gov.uk/publications/planningandbuilding/cilreformconsultation>

4 The Consultation

Neighbourhood funding

- 4.1 The government has set out its proposals for delivering neighbourhood funding in terms of:
- who will receive and use a proportion of CIL receipts
 - the proportion of receipts to be passed down to neighbourhoods
 - applying a per household cap on money passed to neighbourhoods
 - requirements for reporting and monitoring CIL funding
 - removing the cap on the level of administrative expenses which can be sought by the charging authority
- 4.2 The government intends to use powers in the Localism Act (Clause 103) to require charging authorities to pass a “meaningful proportion” of funds to

neighbourhoods via the relevant Parish or Town Council where the development is taking place. This requirement to pass funds to neighbourhoods will apply to all charging authorities that choose to adopt the levy. Views are sought as part of this consultation whether this is the most appropriate way of delivering neighbourhood funding and if, set nationally, what the “meaningful proportion” should be.

Using CIL funding to deliver affordable housing

- 4.3 Government is also seeking views on whether local authorities should have the flexibility to use CIL to deliver affordable housing where there is robust evidence to show that this would allow for more efficient provision of affordable housing. This will mean in addition to securing traditional onsite or offsite provision through planning obligations CIL funding could be used to provide or subsidise alternative / additional provision.

5 Observations and Comments

- 5.1 The first main concern is whether the Parish / Town Councils have the capacity to handle money received through CIL. During recent Parish Council training sessions concerns were raised by the Parishes themselves as to their own capacity to deal with additional burdens such as the Neighbourhood Planning process. Many suggested they would prefer a closer working relationship with the Borough Council.
- 5.2 The use of CIL funding should be transparent and accountable. In addition to existing requirements on charging authorities to publish the charging schedule and details of CIL income and expenditure annually authorities will also be required to publish details in the Annual Monitoring Report (AMR). It is recognised that transparency also needs to be maintained when funds are passed to Parish Councils and therefore they will be required to provide details on how the levy will be spent annually. The commitment to ensuring that the use of CIL funding is open and transparent is welcomed. However, it should be acknowledged that this may place an additional burden on the charging authority that may be required to assist Parish and Town Councils, as well as the Parish / Town Councils themselves, in developing monitoring and reporting regimes.
- 5.3 The solution to the issues identified above is that all of the funding could be directed through the charging authority and that the charging authority ensures that the local community, including the Parish Councils, are involved in identifying local infrastructure priorities for the area.
- 5.4 This leads to the second issue of making sure that funds are large enough to make a difference and that they can be made to work well in attracting match funding. A “meaningful proportion” of CIL may actually mean that there are insufficient funds to carry out projects that have a wider strategic fit or where there is a priority list of projects for the Borough as a whole. Locally, it would be more acceptable that the Borough Council consults on its 123 list of what it intends the CIL to be used on and that this gives Parish / Town Councils the opportunity to bid for part of that funding depending on projects that they have in mind. This may mean that money is spent all in one area in a particular

year but this would be counter balanced from money in future years being spent throughout the Borough.

- 5.5 In relation to the amount of funding which must be passed to the relevant Parish / Town Council the government is proposing that a minimum percentage of receipts should be specified, the level at which this should be set is open for discussion through the consultation. It is suggested that this should not be set nationally, but should be a matter determined at the local level by charging authorities according to local circumstances and identified infrastructure needs.
- 5.6 To ensure funding is distributed fairly a per household cap is proposed on the amount of money that is passed to Parish / Town Councils. This is intended to address a situation which could arise where significant funding could be generated from a major development in a sparsely populated area. Whilst the advantages of imposing a cap are acknowledged the level at which this should be set is again a matter for local consideration based on the assumed impacts of development. If an arbitrary cap is to be set it is suggested that there should be flexibility to vary this where circumstances necessitate higher percentage payments.
- 5.7 The Government has also clarified that CIL receipts can be used for the ongoing costs of providing infrastructure to provide the flexibility to target matters deemed as a priority. However, in using funds this way the Government is clear that the charging authority or Parish / Town Council will still need to demonstrate that it will be supporting development and not being used as an alternative funding source.
- 5.8 The Government has also considered what arrangements should be in place for using planning obligations alongside the CIL. It is recognised that there will still be an important role for section 106 contributions to address site specific requirements without which a development could not be granted planning permission (such as flood mitigation schemes). To avoid developers being charged twice for a piece of infrastructure charging authorities can set out on their website a 123 schedule detailing how CIL receipts will be spent allowing certain items to be provided through planning obligations. In the absence of such a list all infrastructure will be sought through the CIL where it is capable of doing so.
- 5.9 It is proposed that Parish and Town Councils should not be confined to spending in accordance with the charging authorities list or be required to produce a list. Whilst it is agreed there should be flexibility to deliver local priorities it is important that it is clearly set out what CIL will be used for at all levels. Failure to do so may result in duplication with priorities identified by the charging authority or those delivered through planning obligations. Also the transparency that is being sought on the one hand is not being carried through on the other.
- 5.10 The Government has also acknowledged the additional role for charging authorities in delivering neighbourhood funds particularly in terms of the costs of reporting and liaising with the public. It is therefore proposed that the cap on the amount of levy funding (previously 5% of annual expenditure) that

charging authorities may apply to administrative expenses is removed to provide greater flexibility for charging authorities. The removal of the cap is welcomed to give charging authorities the flexibility to successfully administer the CIL process. The level of finance utilised for administration should be subject to monitoring and review on an ongoing basis and for reasons of transparency reported as part of the AMR.

- 5.11 In allowing affordable housing to be funded through the CIL the government recognises the need for consideration of how an appropriate balance with the use of planning obligations can be sought. Under current arrangements for implementing the CIL local authorities are restricted to entering into a maximum of five separate planning obligations to contribute towards a single affordable housing project once a CIL has been introduced. The Assistant Director (Housing) supports the use of CIL generally especially on the smaller housing sites in order to develop an ongoing fund that can be used in the most appropriate manner to achieve the highest amount of affordable housing. The ability and flexibility to exclude some larger sites from the CIL process so that affordable housing can be provided on site through S106 monies is welcomed.

6 Report Implications

6.1 Finance and Value for Money Implications

- 6.1.1 The Council has discretion as to whether it charges CIL or not. A further report will be brought before members to detail the process and determined whether it wishes to pursue CIL.

6.2 Legal and Human Rights Implications

- 6.2.1 There will need to be increased scrutiny behind any obligations set out in future Section 106 Agreements in order to reduce the risk of legal challenge

6.3 Environment and Sustainability Implications

- 6.3.1 The outcome from the introduction of CIL is to provide and deliver infrastructure associated with a new development so as to mitigate and compensate for impacts arising from that development, as well as to ensure the delivery of more sustainable development.

6.4 Links to Council's Priorities

- 6.4.1 The combination of CIL and Section 106 Agreements should enable the Council to use all resources available to fund new development and to ensure that it is delivered in a sustainable way.

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

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
Community Infrastructure Levy – Detailed proposals and draft regulations for reform.	Communities and Local Government	Consultation	10 October 2011

Agenda Item No 7

Planning and Development Board

19 December 2011

**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 8

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).