

Agenda Item No 5

Planning and Development Board

14 November 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, 19 December 2011 at 6.30pm in the Council Chamber at the Council House.

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	PAP/2011/0259	5	MIRA Technology Park Ltd Watling Street Development of business/technology campus comprising replacement MIRA headquarters, office, research and manufacturing facilities, hotel and local facilities including retail/cafe/restaurant, indoor and outdoor leisure, ancillary energy generation plant/equipment, internal access roads, car parking, landscaping drainage and associated works and creation of new improvement access points, widening of A5, associated earth works and landscaping	General
2	PAP/2009/0175	174	Chapel House Dunns Lane Dordon Erection of 9 dwellings, including access, car parking and associated landscaping	General
3	PAP/2011/0202	188	Land Adj 204 Coventry Road Coleshill Variation of condition no:2 of planning permission PAP/2006/0724 relating to elevational, floor plans and roof height	General
4	PAP/2011/0286	209	Grendon Fields Farm Warton Lane Grendon Erection of 1 No. wind turbine and associated equipment	General
5	PAP/2011/0300 and PAP/2011/0313	228	Nethersole Centre High Street Polesworth Tamworth Residential conversion to 4 units & creation of associated parking	General
6	9 applications	260	Heart Of England Old Hall Farm Meriden Road Fillongley Outline application for a new three storey hotel and function room building, comprising 608.3 sq.m of hotel floorspace, 195.3 sq.m of office floorspace and 487.6 sq.m of D2 (Assembly and Leisure) floorspace and the erection of new glazed link to existing conference centre, seeking the approval of access, appearance, layout and scale,	General

			with landscaping remaining as a reserved matter	
7	PAP/2011/0420	264	Caldecote Hall Industrial Estate Caldecote Hall Drive Caldecote NUNEATON Mixed use development to Caldecote Hall Estate Works, consisting of: 1. Extension & remodelling of existing offices, 2. Change of use from workshop to residential, 3. 3 no. new dwellings	General
8	PAP/2011/0481 PAP/2011/0504 PAP/2011/0505	288	Beech House 19 Market Street Atherstone Change of use of land for residential use as car parking	General
9	PAP/2011/0507 PAP/2011/0511	312	Old Bank House Long Street Atherstone Listed Building Consent for internal alterations to the second floor offices, together with associated works	General
10	PAP/2011/0529	328	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

(7) Application No PAP/2011/0420

Caldecote Hall Industrial Estate, Caldecote Hall Drive, Caldecote

Mixed use development to Caldecote Hall Estate Works, consisting of: 1. Extension & remodelling of existing offices, 2. Change of use from workshop to residential, 3. 3 no. new dwellings, for

Caldecote Court Ltd

Introduction

The receipt of this application was reported to the Board's last meeting and for convenience that report is attached at Appendix A. This describes the site; the proposal itself, the background to the proposal, and it identifies the relevant policies of the Development Plan as well as highlighting other material planning considerations. The application is referred back to the Board in order to outline progress and to recommend a way forward.

Amendments

Since the last meeting, amendments have been submitted for the design of the proposed residential plots 3 and 4. Members will recall that the submitted designs were very contemporary. The revised plans now show a design very similar to that already shown for the new house on plot 2, which itself is a more modern interpretation of the approach taken to the conversions. For convenience the amended plans are at Appendix B. They are in exactly the same location as originally submitted and their foot prints are equivalent too – see Appendix C.

Amendments have also been submitted in respect of improvements to be made to the access arrangements for the drive into the site from Caldecote Lane. In short the access has been widened at its junction. This change was as a direct consequence to the comments received from the Highway Authority.

Re-consultation has taken place with the local community on these amendments, and is still ongoing.

Consultations

Warwickshire County Council as Highway Authority – Originally submitted an objection due to the lack of adequate visibility at the junction of the drive onto Caldecote Lane, and to the car parking provision, considering it was not sufficient. Amended plans have been submitted as a consequence of this objection and these are with the Authority presently for further comments. The situation will be updated verbally at the meeting.

Environment Agency – No objections

Environmental Health Officer – Requests that a ground contamination survey is undertaken prior to work commencing.

WCC Forestry Officer – The trees to be felled are all self-set sycamores and he accepts that they can be removed without damaging the main individual tree specimens in the area which would then have a far better opportunity to grow to their full potential. The surrounding tree cover will thus be enhanced in the longer term.

The Council's Valuation Officer – Having seen the financial appraisal he agrees that the scheme is only just viable with four houses, and that any provision of or contribution towards affordable housing, would immediately make the scheme unviable.

The Heritage Officer – Supports the principle of establishing a Conservation Area for the Estate as a whole.

Representations

Three representations have been received from local residents. All three refer to increased traffic arising from the development and to the adequacy of the access itself from Caldecote Lane.

Observations

The key issue here was identified in the previous report – Appendix A. This was that Caldecote is not identified as a Local Service Centre within the Development Plan and thus new housing would not normally be supported. Moreover any new housing here should be “affordable” matching local housing needs. The issue is therefore whether there are material planning considerations of such weight as to warrant overriding the approach towards new development as set out in the Development Plan. It is considered that there are.

The starting point here is the 2009 planning permission for the redevelopment of the former workshop buildings at this site within their existing lawful use. That scheme involved both conversion of existing buildings together with some new build, for B1 office and light industrial uses. It is a material consideration. Evidence has been submitted, supported by the Council's own valuation officer that such a scheme is not viable in today's economic situation. Demand for such space is limited, and there is little likelihood of funding becoming available in this situation. Alternatives need to be considered if the existing workshop complex is to be renovated and refurbished to the high standard of design and quality expected through the recent 2009 consent. The only realistic alternative is to introduce residential use into the scheme in order to create value. Because of the Development Plan background, it is considered to be important that there is a balance between uses – in other words the amount of residential development included is the minimum necessary to make an overall redevelopment scheme viable. Additionally, the introduction of residential use would be more likely to be supported if conversion took place rather than new build, in order to retain the overall character and appearance of the workshop complex. With these parameters, the current scheme is considered to provide the balance between uses, and between conversion and new build. Crucially the Council's Valuation

Officer agrees that four residential units is the minimum necessary, and a large proportion of floor space in the proposal is existing space that is re-used rather than new floor space created through new buildings. The proposals as submitted are therefore a reasonable and proportionate response to the problem.

The second consideration is that the provision of affordable housing within the scheme is not practicable. Housing Officers agree that there is little if no immediate housing need within Caldecote. Moreover given the lack of facilities and services then the settlement would not be a preferred location for such housing in any event. The financial appraisal submitted with the application shows that the scheme would not be viable with an off-site contribution in lieu of on-site provision. This is confirmed through the Council's Valuation Officer. As a consequence there is sufficient evidence to support the scheme without such provision.

The third consideration is that the Board has supported the high standard of design and quality adopted by the owners to its development proposals through its decisions on recent applications. If this is to be continued then the matter of viability becomes a material consideration of weight. In other words the standard of design quality and finish comes at a cost. This current application will maintain that high standard already set.

The fourth consideration involves impacts. The existing lawful uses generate traffic including commercial vehicles. The 2009 permission too would have involved an equivalent traffic generation, but mainly of lighter traffic. The current scheme with its mixed uses, incorporating only around half of the floor space as commercial use, would lead to the lowest traffic generation of these three scenarios. As a consequence traffic and highway impacts are reduced. Even with reduced numbers, the concern has been the adequacy of the available visibility at the junction of the drive with Caldecote Lane. The revised drawings reflect the further discussions between the highway authority and the applicant. In effect, the widening of the access drive would allow a shallower kerbed radius turn out here, thus enabling far better vision in an easterly direction towards the A444. This re-arrangement is acceptable subject to highway approval, as it would have no worse highway impact than the 2009 approval. The second impact here is the retention of the high standard of design, and the enhancement of the Estate's character and appearance. The conversions are in keeping and follow designs already approved under the 2009 approval. The new build now, through the amended plans, whilst of a modern design, is in keeping with the overall character of this part of the Estate. It is a contemporary take on the existing built form and appearance. As such the proposals are not considered to have an adverse visual impact. The third impact is that on the residential amenities of the adjoining residential uses. It is not considered that there would be an adverse impact as there is more likely to be less intrusion given that the commercial use space has been halved from the 2009 permission, and that there is now a residential environment introduced. The final impact that needs to be considered is that of the loss of trees. There will be a loss of trees from the area particularly around plots 3 and 4. However as explained by the Forestry Officer these are all self-set sycamores which are inherently weak. Their removal would open up some the area and enable the important individual trees to be retained for a far longer period of time. The overall management of the woodland boundary here would thus be improved in the longer term. As a consequence, despite a short term

impact because of their immediate loss, the overall position in the medium and longer term would be improved management of the woodland here. There would be no long term adverse impact. Additional appropriate landscaping can be conditioned if a planning permission is granted. Overall therefore, there are not considered to be adverse impacts which either on their own or cumulatively, would lead to a potential refusal.

The fifth consideration is the inclusion of a Section 106 Agreement. This is not yet signed but the applicant has agreed in principle to making a contribution of £10k to the Council in order that a Conservation Area Appraisal could be commissioned for the whole of the Caldecote Estate with a view to designation at a later date. Once received the Council would seek quotes for that work which would be undertake the appraisal, the consultation and the necessary administrative work leading to designation. It is agreed however that the timing of this contribution need not be immediate as the immediate focus is to get the development underway. It is therefore recommended that the contribution be paid on first occupation of either of the houses on plots 2, 3 or 4.

Recommendation

A) That the Board is minded to support this application subject to:

- the amendments as described in this 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 this report.

B) That 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 of the Board, and Opposition Planning Spokesperson.

BACKGROUND PAPERS

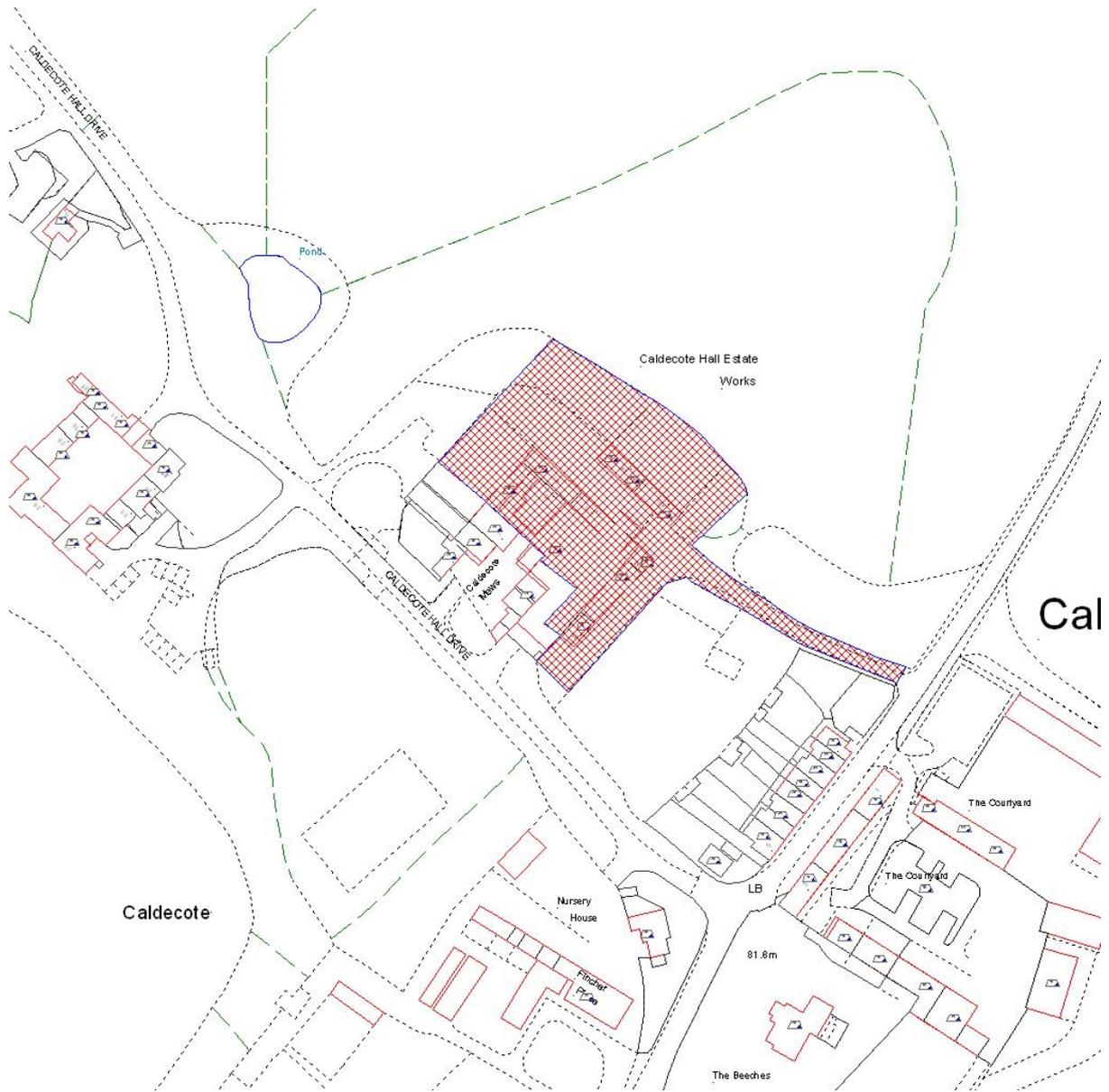
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2011/0420

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans	12/8/11
2	Environmental Health Officer	Consultation	20/9/11
3	Environmental Health Officer	Consultation	25/9/11
4	Environment Agency	Consultation	26/9/11
5	Valuation Officer	Consultation	22/9/11
6	Mr Vine	Representation	5/10/11
7	Mr Williams	Representation	2/10/11
8	Mr & Mrs Williams	Representation	7/10/11
9	WCC Highways	Consultation	7/10/11
10	Agent	Amended plans	28/10/11

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.



APPENDIX A

General Development Applications

(i) Application No PAP/2011/0420

Caldecote Hall Industrial Estate, Caldecote

Mixed Use development to Caldecote Hall Estate Works, consisting of extension and remodelling of existing offices; change of use of workshop to dwelling and three new dwellings for

Caldecote Court Ltd

Introduction

This application is reported to the Board in view of Member's past interest in new developments here and because of the innovative and wholly contemporary design of two of the new dwellings. A Section 106 Agreement could also potentially be involved.

At this stage, the report is for information only, noting the receipt of the application. A determination report will follow shortly.

The Site

The Caldecote Estate Works are located immediately adjacent to Caldecote Village, accessed via a private track from Caldecote Road which itself runs east towards Weddington Lane, the A444, about 500 metres away. The buildings form a cohesive group of mainly two storey ranges with the majority positioned around a central courtyard. They each carry different characteristics with varying heights and mass, but are all constructed from traditional and modern materials.

Around the northern edges of the site and adjacent to the access is a group of significant trees along with substantial vegetation. There is a collection of terraced properties to the south with further detached residences some 35 metres to the south west.

The buildings presently are used for a variety of light and general industrial, storage and distribution, and sui generis uses across the site. These are established and not regulated by any overall planning consent.

Background

Members visited this group of buildings in 2009, prior to considering a redevelopment proposal. These had originally been the workshops and general storage outbuildings for the Caldecote Estate when it was much larger and managed as a landed Estate. Subsequently, since around the late 1960's onwards, the buildings have become used for a variety of small business uses as described

above. They have been repaired and “patched”, but basically remain in their original form.

In 2009 planning permission was granted for the redevelopment of this whole complex of buildings for B1 light industrial and office uses. The approved scheme involved retention and renovation of many of the buildings, some demolition and also some new build. Overall the floor space of the existing buildings was increased by 25%. The new build was very largely connected to and designed to integrate with the existing in a series of inter-connected ranges. Car parking provision and general access arrangements were also much improved. There was little if any disturbance to the surrounding tree belt.

Since then, because of the prevailing economic conditions, the owners have said that there has been no demand for the type of floor space permitted and subsequently there has been little in the way of developer or funding interest in progressing the proposal. The owners have therefore revised their approach and have submitted this application which effectively exchanges some of the business floor space for residential use.

The Proposals

a) Overall Description

A mixed use development is now proposed. In general terms, the existing buildings to be retained for B1 office use are the ranges close to the detached houses on the south west of the site. There would be demolition here too in order to enable car parking provision. One half of the existing ranges on the east side of the central drive would be retained and converted to a residential use, and the second half would be demolished and replaced by a new house following the same built form and line. That part of the site at the northern end, where parking was to be provided for the 2009 scheme would now accommodate two new houses. There would be some encroachment into the wooded area, but trees identified for removal are all self-set sycamores. Appendix A illustrates the existing layout, and Appendix B that now proposed. In total the floor space now proposed would be double that of the existing floor space, and be 75% more than that permitted in 2009.

The office space would be provided in eight units as a result of the conversion and extension of the existing ranges, and be accommodated through a variety of single and two storey developments, retaining many of the existing openings. These would look inwards towards a new central court to be used for car parking – 17 spaces are shown here. A general impression of the appearance of these units is at Appendix C.

The first residential unit is a conversion of a retained building on the east side of the central drive. This is to be converted and extended into a four bed room house. The extension is necessary in order to achieve a reasonable amount of accommodation given the overall small floor area, the low roof height and the unusually high window cills. As a consequence in order to retain the traditional appearance as a workshop, the front elevation is largely retained with the extension being to the rear and via a new front gable to match the gables seen on the existing ranges on the other side of

the drive. The rear elevation however has a wholly modern appearance. This is illustrated at Appendix D.

The second unit is a new two storey four bedroom unit on the site of a demolished building but on the same building line and footprint as the original. It is modern in appearance taking on a number of rectangular features and re-expressing the gable feature – see Appendix E.

The final two units are wholly contemporary in appearance and in built form, one taking on a split rectangular form and the second picking up on the curved estate wall to its rear by introducing curved elevations. These are illustrated at Appendix F and G.

In order to appreciate the cumulative impact of these various elements, the applicant has provided a set of computer generated schematics and these are attached at Appendix H.

b) The Rationale behind the Proposals

The application is accompanied by a Design and Access Statement, a Tree Report and a Planning Statement.

In essence the applicant is saying that notwithstanding the 2009 permission, the prevailing market conditions and the unwillingness of the financial institutions to lend, has meant that that scheme has no reasonable prospect of being implemented. An alternative proposal has been prepared, and one that introduces “higher value” through the proposed residential use. It is argued that the continuation of the current uses is not generating sufficient income to maintain the buildings and because of their nature, there is very little scope for increasing income. As a consequence, if the buildings are to be retained and viable uses found, then new investment will be needed that generates a financial return. The applicant argues that the introduction of residential uses generates the value to provide that return.

c) The Section 106 Agreement

For some time, and consequent upon a number of recent planning applications in Caldecote, Members have been expressing their support for the improvements and enhancements being made to the Estate as a whole. In particular attention has been focussed on the renovation of the Hall, the former stable block and the estate workshops, all set within their parkland setting. Care has been taken when supporting proposals here, to retain the character and appearance of this locality. It is considered that this could be taken a step forward, and it has been suggested to the applicant, that there is scope here for the designation of a Conservation Area.

This opportunity could perhaps be taken forward through a Section 106 Agreement whereby the applicant agrees to finance the commission a Conservation Appraisal of the estate with a view to a potential designation report. This has been put to the applicant and his response is awaited.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policies 1 (Social and Economic Regeneration); 2 (Development Distribution), 3 (Natural and Historic Environment), 11 (Quality of Development) and policies ENV1 (Protection and enhancement of the natural landscape), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV7 (Development of Existing Employment Land), ENV10 (Energy Generation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ECON9 (Re-use of Rural Buildings), TPT 1 (Transport Considerations), TPT6 (Vehicle Parking).

Other Material Planning Considerations

Government Planning Policy – PPS1 (Delivering Sustainable Development), PPS4 (Planning for Sustainable Economic Development), PPS9 (Bio-diversity and Geological Conservation) and PPG13 (Transport)

Ministerial Statement of March 2011 – The Presumption in favour of Sustainable Development.

Draft National Planning Policy Framework – August 2011

Observations

Members will appreciate that Caldecote is not defined as a Local Service Centre by the North Warwickshire Local Plan 2006, and is thus not a settlement where new housing would normally be supported. All new housing here should be “affordable” housing, matching local housing needs. The current proposal is thus a departure from Development Policy. The key issue with the application is thus to identify whether there are material planning considerations of such weight as to warrant overriding the approach towards new residential development as set out in the Development Plan. The determination report will consider this issue with the benefit of representations and consultation responses to the application from the local community and the technical agencies involved.

Recommendation

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

BACKGROUND PAPERS

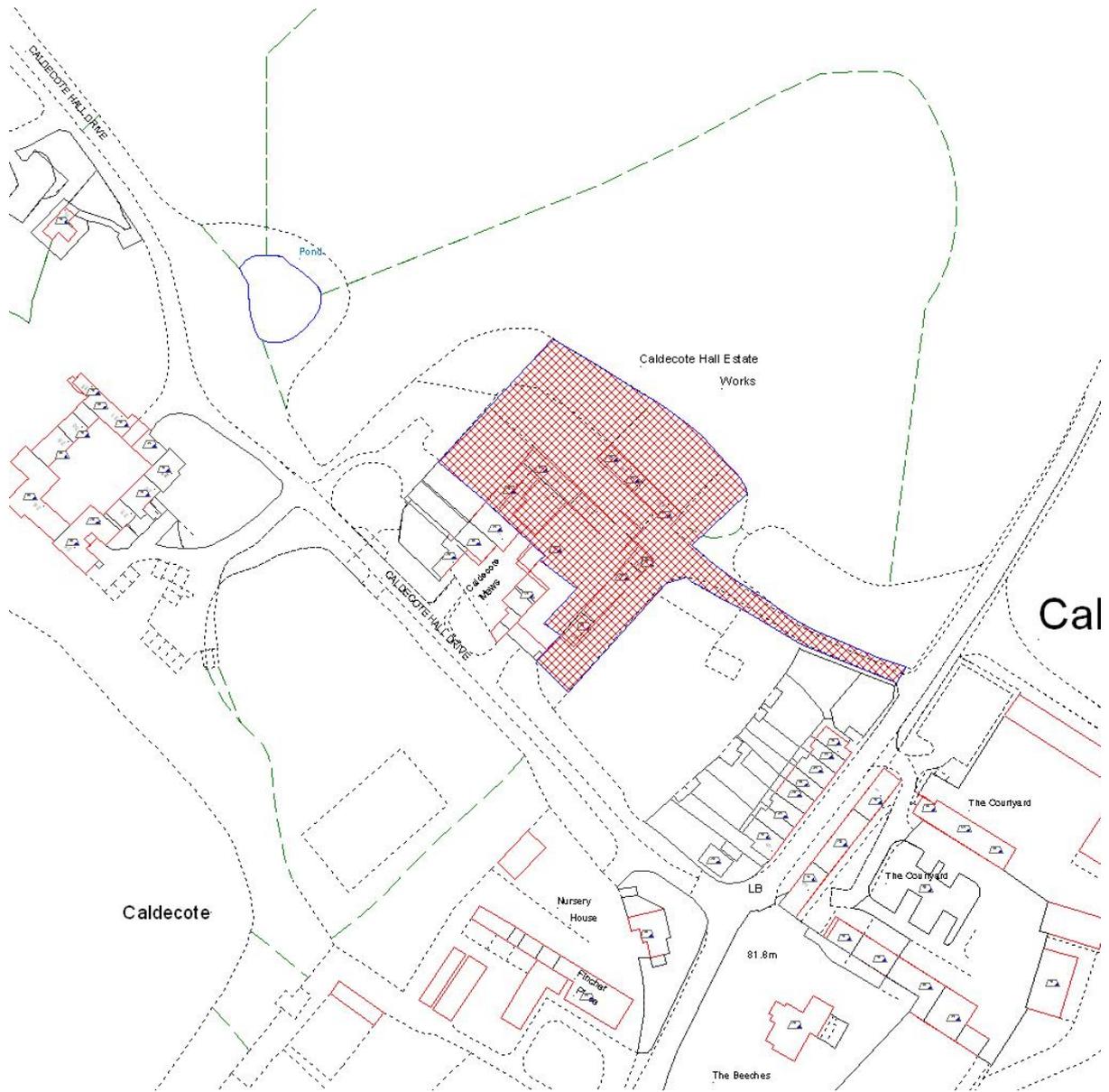
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2011/0420

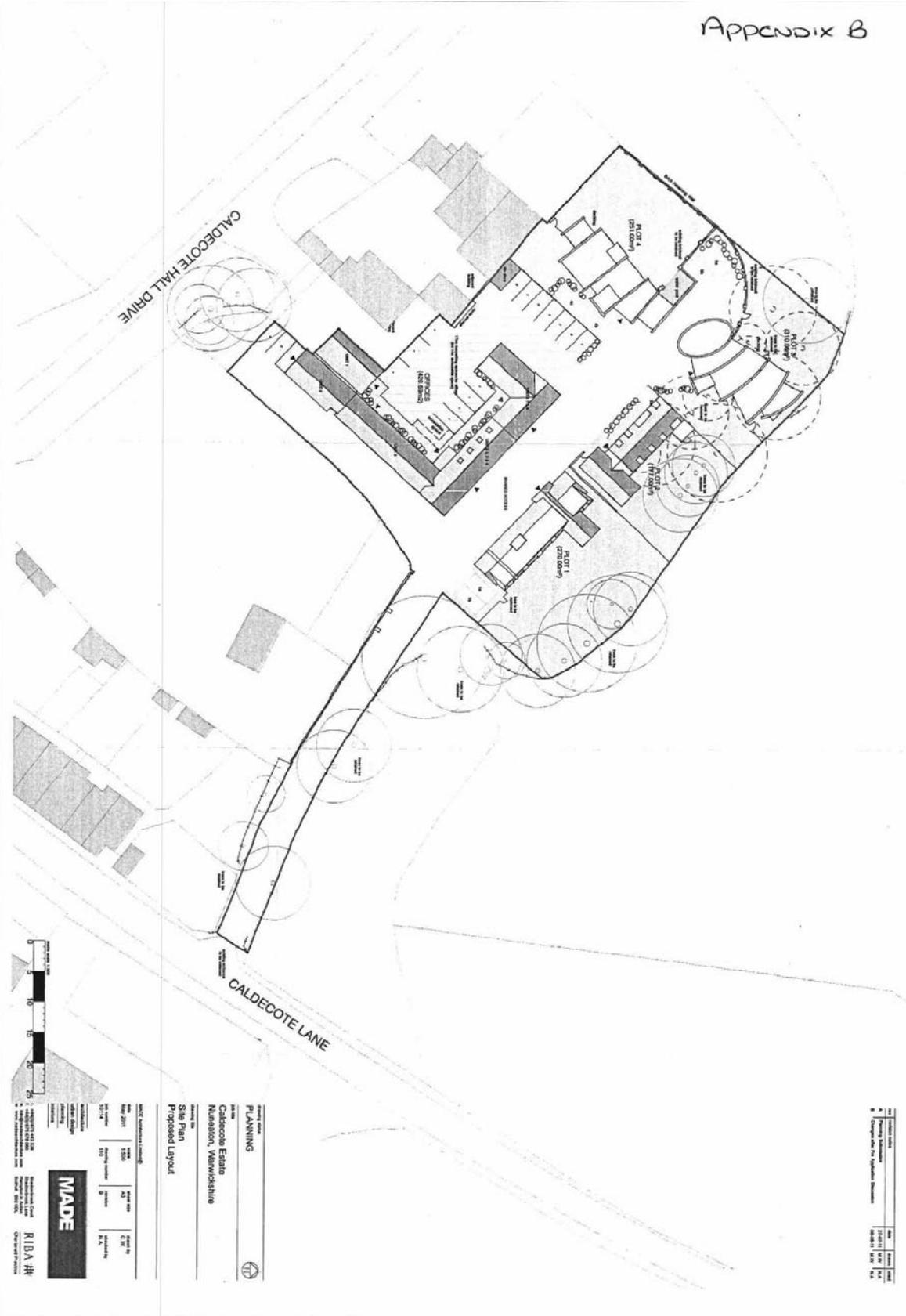
Background Paper No	Author	Nature of Background Paper	Date
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Appendix B



NO.	DESCRIPTION	DATE	BY
1	Prepared for Submission	15/03/2011	MADE
2	Revised	15/03/2011	MADE

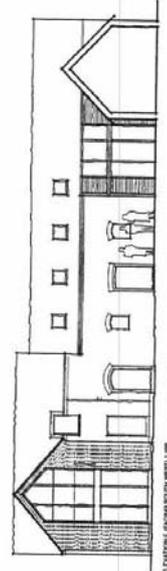


PLANNING
 Caldecote Estate
 Nunston, Warwickshire
 Site Plan
 Proposed Layout

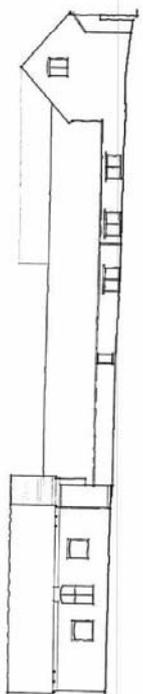
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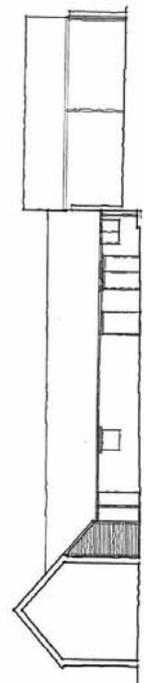
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18/01/11	2	Issue for Information
18/01/11	3	Issue for Information



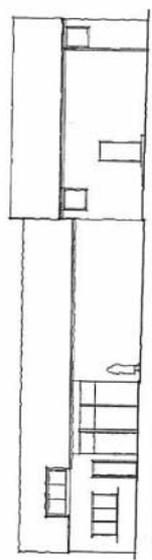
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ELEVATION B (FACED EAST) 1:50



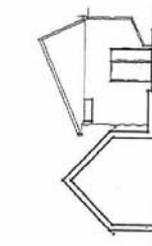
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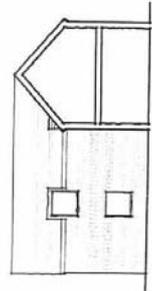
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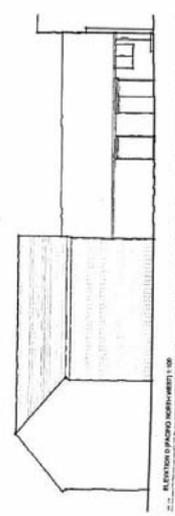
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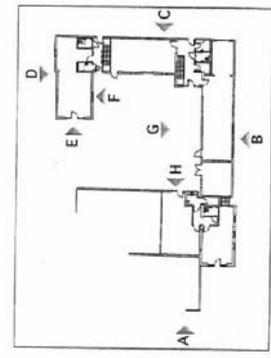
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ELEVATION F (FACED EAST) 1:50



ELEVATION G (FACED NORTH WEST) 1:50



Appendix C

PLANNING

Caldecote Estate
Nuneaton, Warwickshire

Office
Proposed Elevations

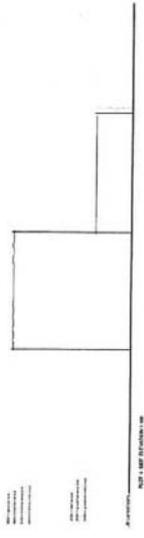
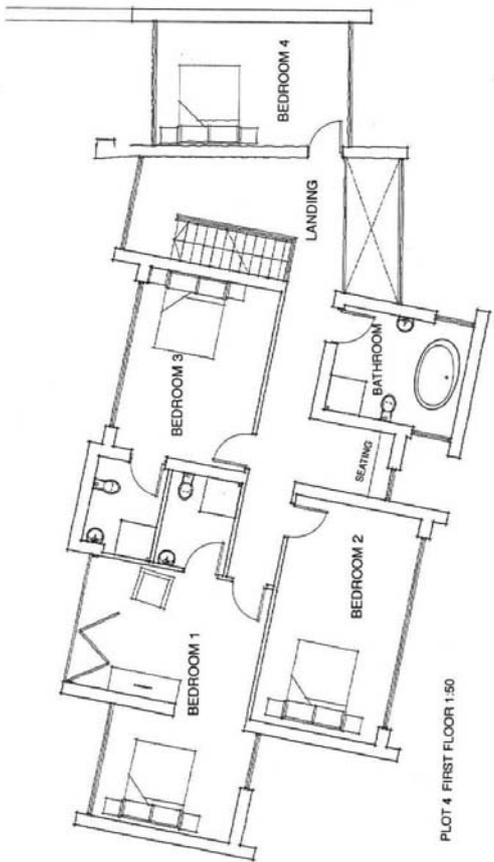
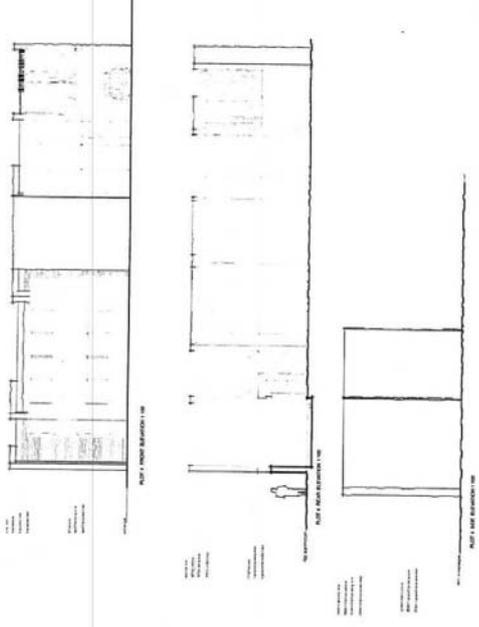
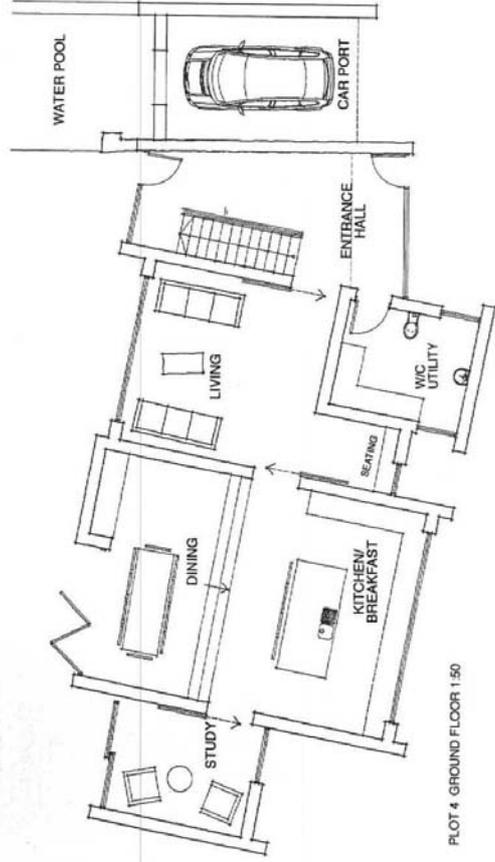
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APPENDIX F

PLANNING

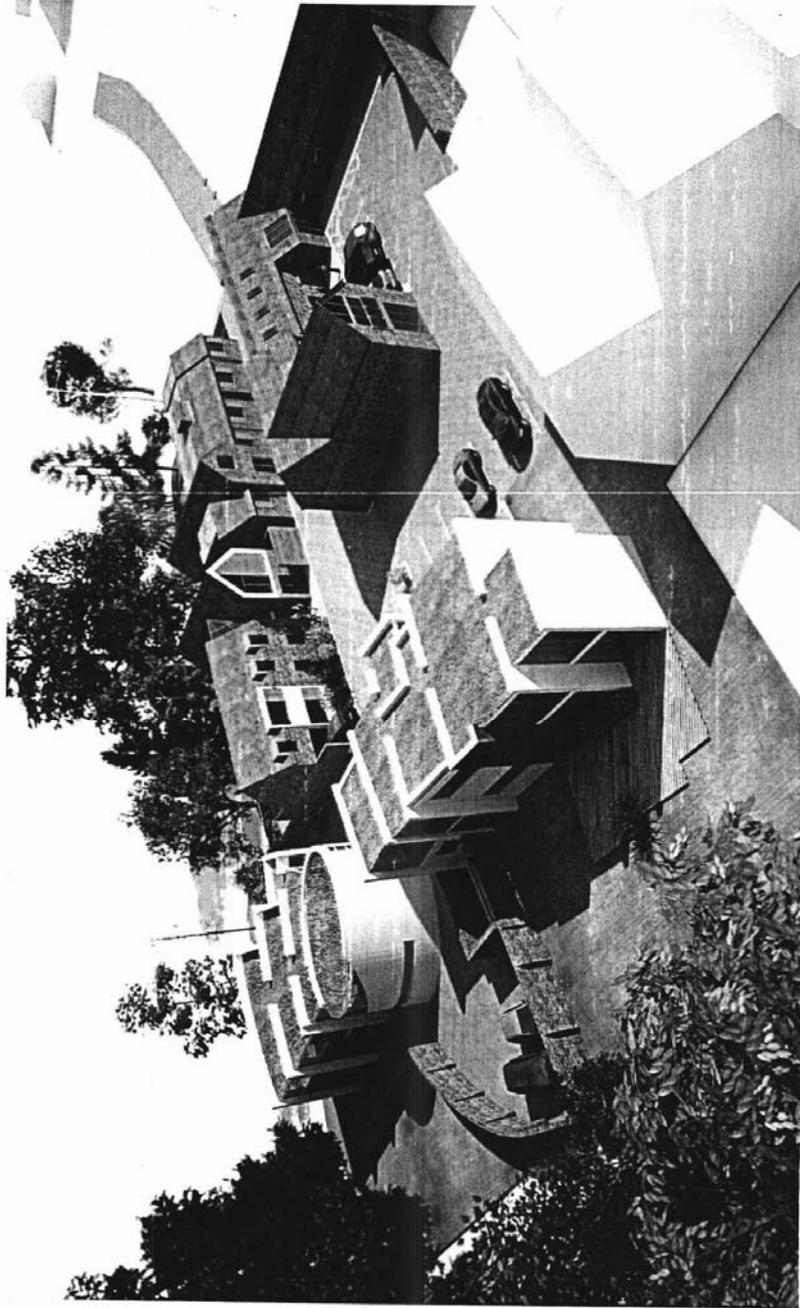
Caldecote Estate
Nuneaton, Warwickshire

Plot 4
Proposed Elevations and Floor Plans

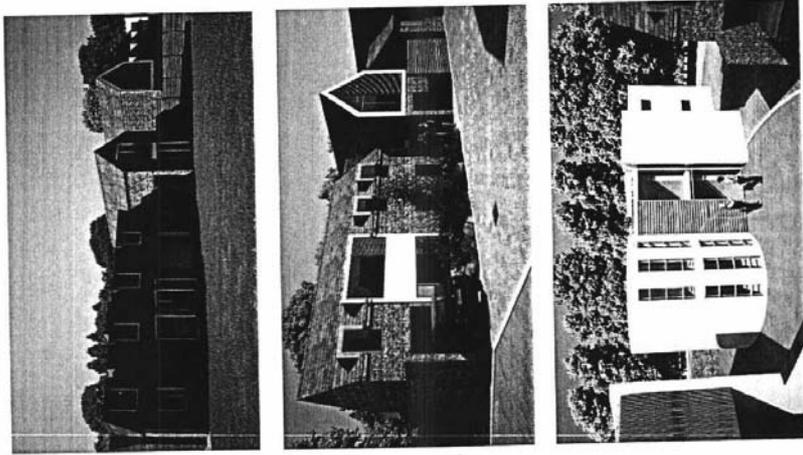
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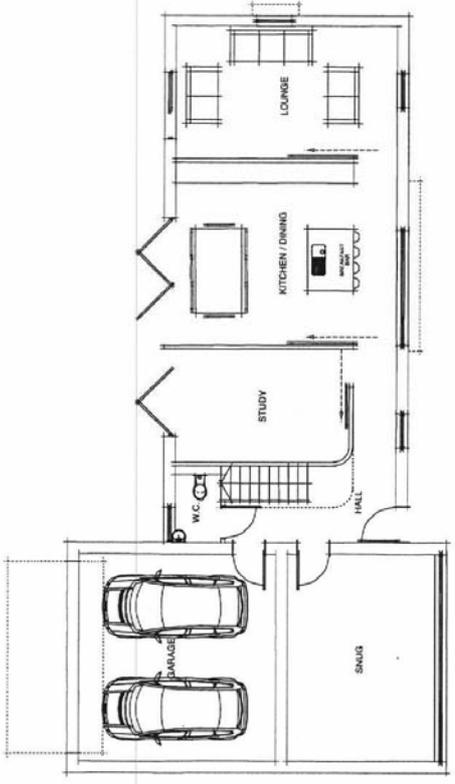
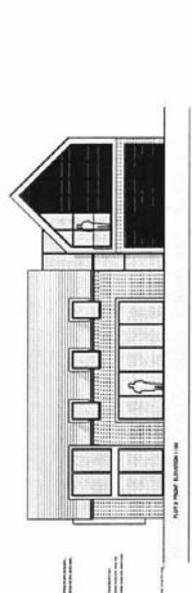
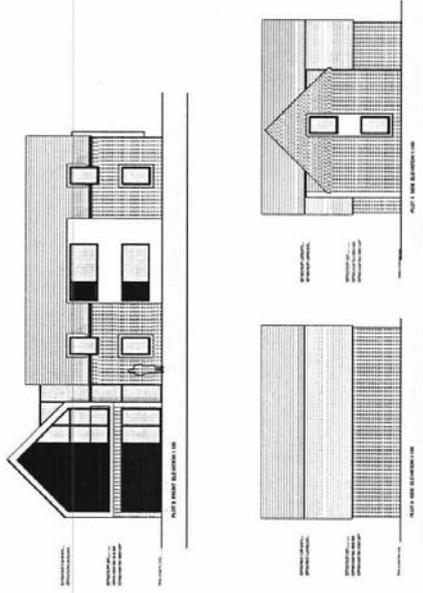
Visuals



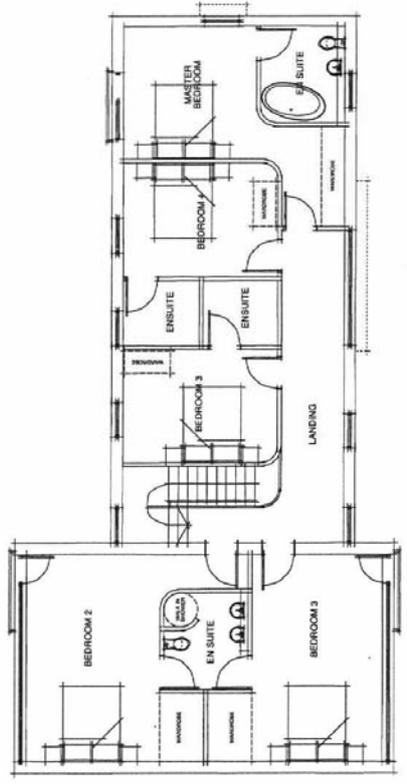
Visuals

APPENDIX B

1. Planning Permission	2018/0110
2. Building Regulations	2018/0110
3. Listed Building Consent	2018/0110
4. Conservation Area	2018/0110
5. Other Planning or Property Matters	2018/0110



PLOT 3 GROUND FLOOR PLAN 1:50



PLOT 3 FIRST FLOOR PLAN 1:50

PLANNING

Caldecote Estate
Nuneaton, Warwickshire

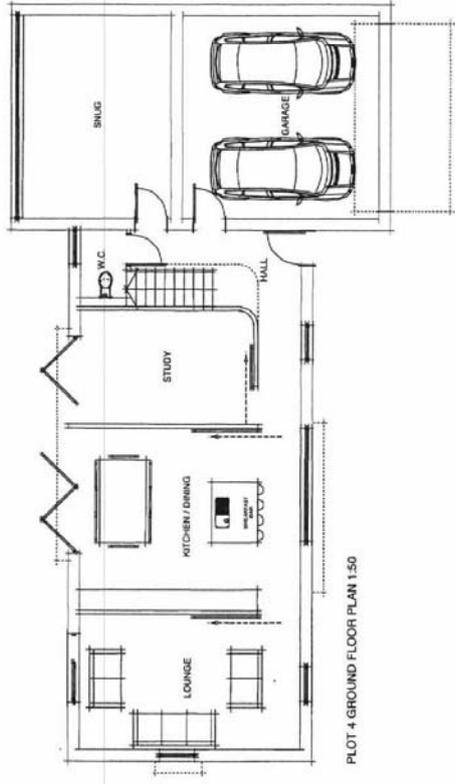
Plot 3
Proposed Elevations and Floor Plans

MADE

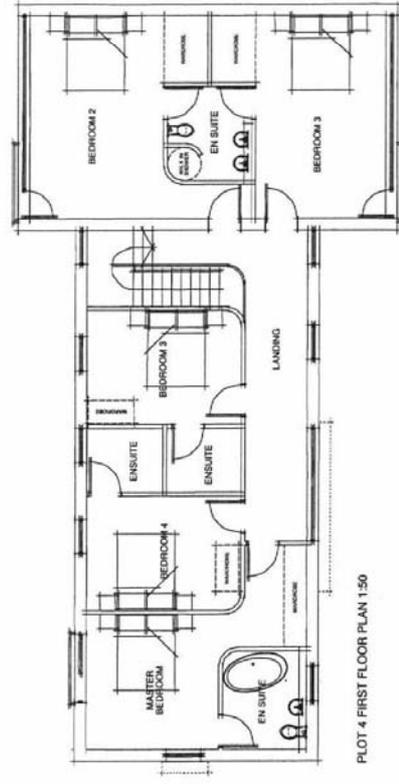
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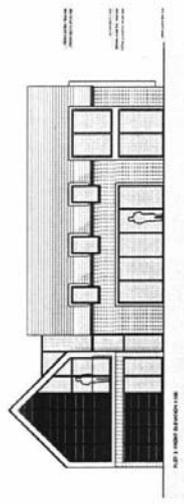
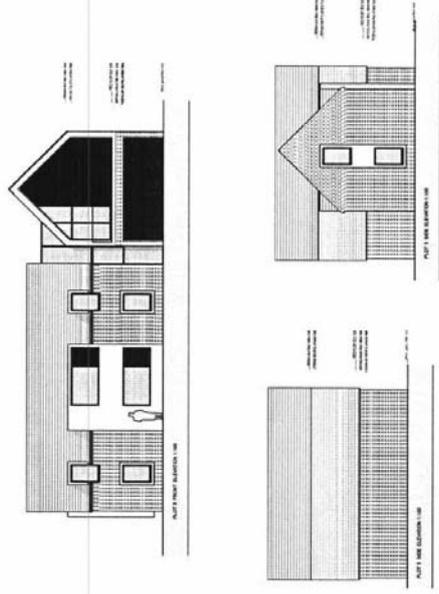
Project Name	Plot 4
Client	Caldecote Estate
Location	Caldecote Estate, Warwickshire
Date	18.11.14
Scale	1:100
Drawn by	W. J. H. H.
Checked by	W. J. H. H.
Project Manager	W. J. H. H.



PLOT 4 GROUND FLOOR PLAN 1:50



PLOT 4 FIRST FLOOR PLAN 1:50



PLANNING
 Caldecote Estate
 Nuneaton, Warwickshire

Plot 4
 Proposed Elevations and Floor Plans

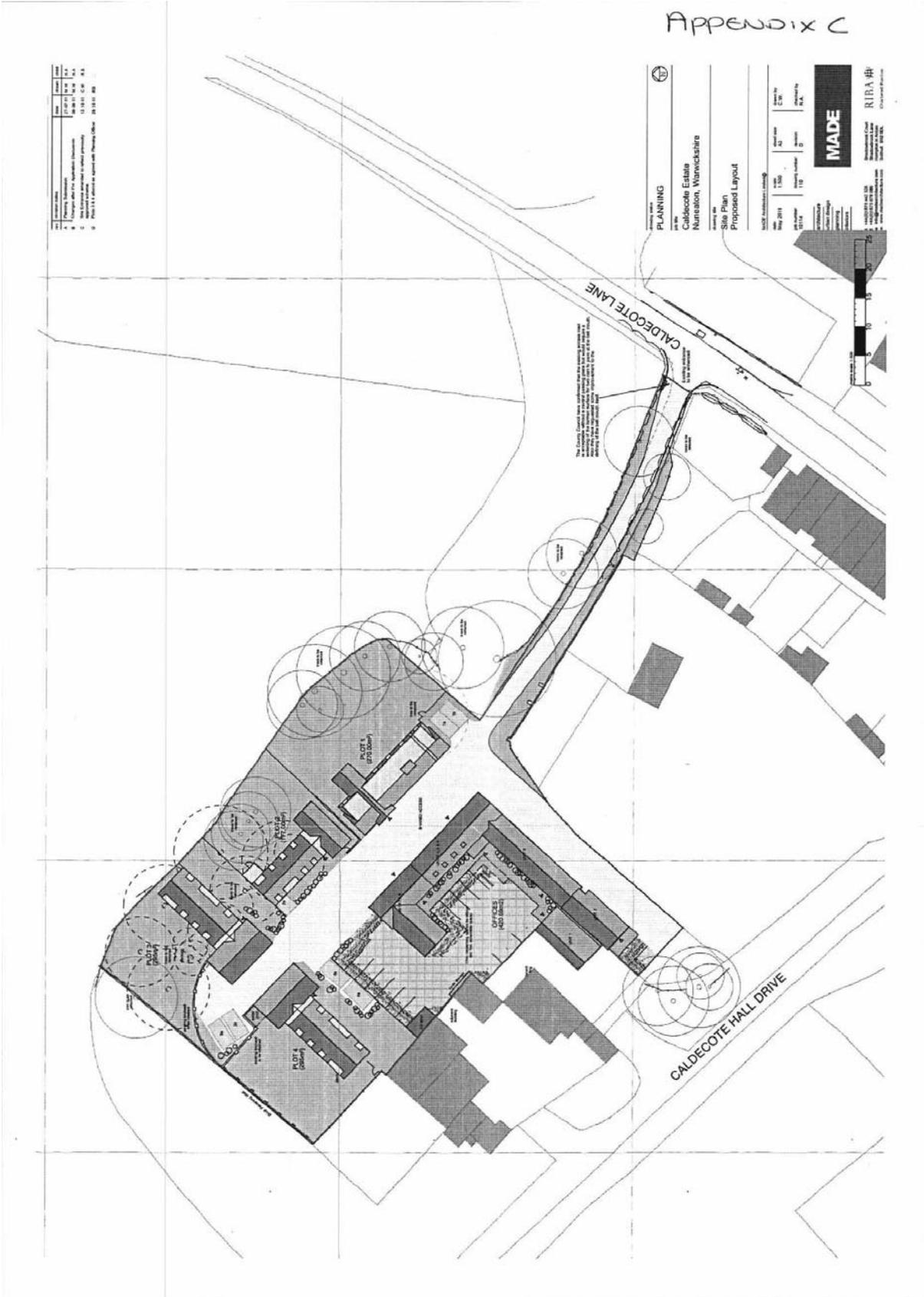
18.11.14
 W. J. H. H.

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RIBA #



Appendix C



(8) Application No's PAP/2011/0481, PAP/2011/0504 and PAP/2011/0505

Beech House 19 Market Street, Atherstone

Planning Application, Listed Building Application and Conservation Area Consent Application for the creation of a car parking area and associated engineering operations at the rear of Beech House involving the part demolition of a garden wall, the erection of new gates, fence and a new vehicular access to North Street, all for

Arragon Properties

Introduction

The receipt of these applications was reported to the Board's last meeting. That report is reproduced here at Appendix A, and Members are referred thereto for a description of the site; the proposal, the relevant Development Plan policies, and Government Planning Policy.

Consultations

Warwickshire County Council as Highway Authority – Objection on the grounds that visibility is limited at the new access even although this is a one way street; the gates are not wide enough, the turning head for the car parking area is too small and because there is a lamp column in the way.

These matters have been explored further with the Highway Authority. The lamp column could be moved and apparently the additional land required for efficient working of the turning area is quite small. The dimensions of the gate opening have been measured on site and found to be around 2.4 metres. Additionally, there was a previous consent on adjacent land for a new access to serve a parking area for the Market Street frontage property and this involved a reduced vision splay. These matters will be referred to later in this report.

English Heritage – English Heritage welcomes the desire to provide parking which is hoped would enhance the marketability of the building. However the proposals involve the removal of a substantial section of the garden wall which appears to be an 18th Century boundary wall associated with the house. Questions are then asked as to whether the parking could be provided in any other manner. The recommendation is that provided the scheme can be modified to minimise the demolition of the boundary wall, the provision of parking at the rear of the garden would be welcomed.

Heritage Officer – Government planning policy makes it clear that proposals affecting heritage assets should preserve those elements that make a positive contribution to, or better reveal the significance of the asset. When applications do not do this, any harm should be weighed against the wider benefits of the application. The greater the negative impact on the significance, the greater the benefits that will be needed to justify approval. The garden at Beech House plays a key role in sustaining the domestic character of the house and forms the most appropriate surroundings from which to view and appreciate its rear elevations. It is one of the rare surviving green spaces in the Conservation Area whose importance has been underlined through recent appeal decisions. The proposed car parking would substantially detract from the relationship between the house and its garden, significantly eroding the present tranquillity and seclusion of the enclosed garden. There would be loss of historic fabric through the formation of the access.

It is acknowledged that it is desirable to provide car parking near Beech House in order to enhance its marketability. However it is also important not to lose sight of the fact that the overriding reason for this, from the heritage point of view, is not to increase marketability per se, but in order to enable it to be sold, repaired and maintained as a single dwelling house. Parking proposals should be considered as part of any application for the property itself and not be dealt with separately.

Warwickshire Forestry Officer – Provided that the proposed works are conditioned so as to follow those set out in the supporting documentation, and that they are carried out as such, there should be no adverse effect on the tree.

Representations

Atherstone Town Council – Supports the highway objection.

Atherstone Civic Society – Believes that the key to finding a purchaser for Beech House is the provision of on-site car parking. However such a development would impact on the Grade 2 star building and its setting. Alternatives need to be explored as some compromise must be found so as to make every effort to secure the repair and future residential use of the building.

Observations

a) Introduction

Beech House is a Grade 2 star Listed Building. It is thus of national importance. Additionally it is arguably the most important historic building in the town, and is located within the most significant part of the town's Conservation Area. Consideration and assessment of any development proposals involving the property will therefore need care and attention. In making this assessment, the Council has a statutory duty to "have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses", and has to pay "special attention to the desirability of preserving and enhancing the character and appearance of the Conservation Area". These duties are reflected both in Development Plan policy and in Government Planning Policy.

As explained in Government Policy as set out in its PPS5, it is first necessary to establish the significance of the building and its location such that this can provide the basis for consideration of these current proposals. Following this, the report will assess the impact of the proposals on that significance. These could be positive, neutral, harmful or substantially harmful. If either of the latter, then the issue becomes whether there is an overriding public benefit that outweighs that harm. Government policy is clear that the greater the harm, and the more significant the asset, then the more substantive that that benefit must be. The report will make a recommendation based on this balance.

b) Beech House

As referred to in the previous report, the starting point here is to understand the significance of the heritage asset the subject of these applications. Beech House is a prominent 18th Century townhouse with a large walled rear garden that faces the Market Place and is close by other Listed Buildings in the town's Conservation Area. It retains not only its original plan form, but also a significant proportion of eighteenth and nineteenth Century architectural features both inside and out. The walled garden too is intact and is a rare survival within a central commercial area. It is one of the finest and most intact buildings of its type because of its completeness and integrity of its historic and architectural interest. This is enhanced by its location within the most significant part of the town's Conservation Area, and its prominence in the street scene hereabouts as well as the townscape of the Market Place. In particular, the rear of the Market Street and Long Street properties in this part of the town's Conservation Area is marked by a degree of openness not found elsewhere in the Conservation Area reflecting its different historic background and character. Beech House thus enhances both the character and appearance of this part of the Conservation Area, both in its outlook over the Market Place and in the retention of its original walled rear garden.

Additionally, there is a large Copper Beech Tree within the rear garden. It is protected by a Tree Preservation Order and has substantial public amenity value, not only in itself, but because it enhances the character and appearance of the Conservation Area, and because of its historic association with Queen Victoria's Diamond Jubilee.

c) The Proposals

The significance of the heritage asset here is one of an 18th Century single townhouse which remains intact, together with its walled rear garden. The garden is thus an intrinsic part of the domestic architectural and historic character of the property. Any proposals that move away from this description will detract from this significance by definition. So as a matter of principle, the current proposals are at an immediate disadvantage in that they do not preserve the significance of that asset.

There are several reasons for this. First and foremost is the breaching and subsequent loss of a substantial section of the original garden wall. Not only is this of a significant length (six metres), but it also will remain open. Secondly, there will be cars parking and turning in the rear garden, thus removing its residential ambience, character and appearance; reducing its historic integrity as an enclosed garden, and diminishing the value of the whole property as an intact single dwelling house. Thirdly, there will be a different surface on a significant part of that garden. The highway authority response suggests that to make the car parking “work”, even a greater area would be needed. This adversely affects the character and appearance of the garden, and thus the setting of Beech House itself. Fourthly, the proposed access arrangement would result in a wooden fence alongside the proposed access and a wooden gate at its end. This is not considered to be in keeping as it would be unattractive and add to the sense of enclosure. Fifthly, the introduction of cars, parking and turning areas as well as different surfaces and engineering works affects the whole character and appearance of this part of the Conservation Area – described above as being open and unusually retaining its rear historic open garden spaces. As a consequence of all of these reasons it is considered that the proposals here would give rise to substantial harm to the heritage assets affected.

d) The Benefits

Members will be aware of the current owners’ attempts to convert Beech House through sub-division. One of the main issues in that debate was that he was arguing that the property would not “sell” as a single dwelling house and that one reason was the lack of private, secure parking space. This application seeks to secure that space such that the property could be re-marketed with that benefit, if the appropriate consents are in place. The applicant is thus saying that the public benefit here is to assist in the eventual refurbishment and use of the currently vacant Listed Building. In other words there is greater benefit to be gained, and that is worth accepting the residual harm arising from the current proposals.

This argument in principle carries some sympathy with both English Heritage and the Civic Society. It is considered that the provision of car parking for Beech House is a matter that needs resolution, as its outcome is likely to have a material impact on the assessment of any future proposals for the property. As such, it is agreed that it needs resolution. However this current proposal is not the solution. It has just too much of an adverse impact, with too much intervention into the setting of the Listed Building and the character and appearance of the Conservation Area. Other options that might have lesser impacts have not been assessed.

The scope for other options however is limited given the comments from Warwickshire County Council, and that the applicant has not shown the land between the north garden wall and North Street as being in his control. A separate vehicular access might therefore not be achievable for these reasons. That leaves access via existing arrangements on land that is shown on the application plans as being within the applicant's control – via the existing North Street access adjoining the former telephone exchange building. This needs to be properly explored before any proposals along the lines of the current proposals could carry any weight as the “only” solution here. Even then, it may still be considered that the provision of any car parking on-site is not acceptable. However, all of these options do need exploring if the future of Beech House is to be resolved.

e) Other Matters

The Highway Authority object to the current proposals and this is supported given the conditions on site and the character of North Street at the proposed access. However, relocation of the access and/or bringing additional land into the applicant's control to enable provision of a visibility splay are options that are open to the applicant to explore if he wishes to remove the objection. It appears that other highway concerns could be overcome. Given the conclusion set out above, these options do need to be thoroughly explored. At the present time, these will however involve land shown not to be within the applicant's control, and hence time will be needed to see if the matter can be resolved.

The Forestry Officer has indicated that the proposals would not affect the longevity of the protected tree.

Members will know from previous site inspections that the line of the proposed access here is “hard up” against the side of newly constructed houses. This is not good from an amenity point of view. Whilst access into the site would not be substantial, it nevertheless could take place at anti-social hours and would involve the opening and closing of gates.

f) Conclusion

These proposals are recommended for refusal given the position as set out above. However it is strongly recommended that the applicant explore every alternative to providing car parking for Beech House, whether that be on-site or not, and that the results of this be used as evidence to justify any future proposals that might be submitted.

Recommendation

a) PAP 2011/0505 – Conservation Area Consent for Demolition of part of a garden wall.

That Consent be **REFUSED** for the following reason:

“The garden wall to Beech House is an intrinsic attribute of this Grade 2 star Listed property, adding substantially to the character and appearance of this part of the Atherstone Conservation Area. This is particularly marked by the preservation of original rear open garden spaces enclosed by walls. The proposal to demolish part of the wall would cause substantial harm to that character and appearance because of the length of wall to be removed; its visibility to the public and the nature of the design of its replacement. The proposal does not accord with saved policy ENV15 of the North Warwickshire Local Plan 2006 and to Government Planning Policy as set out in its PPS5”.

b) PAP/2011/0504 – Listed Building Consent for provision of car park and the demolition of part of a garden wall and the erection of wooden gates

That Listed Building Consent be **REFUSED** for the following reason:

“Beech House is a Grade 2 star Listed Building. It is an 18th Century single townhouse which remains intact, not only in its original plan form, but in the retention of a significant proportion of eighteenth and nineteenth Century architectural features both inside and out, together with its rear walled garden. This is a rare survival within a central commercial area. The proposals would cause substantial harm to this asset because of the scale of the breach in the garden wall; providing different surfaces within the rear garden, providing inappropriate alternative means of enclosure and by introducing cars into an area whose ambience reflects the residential significance of the property. It is not considered that the public benefit of introducing private car parking provision for the property outweighs this harm. This is because no evidence has been submitted to show how such provision could be made through alternative measures, either on-site or off-site, such that the benefit might be gained but through less harmful proposals. The application does not therefore accord with saved Policy ENV16 of the North Warwickshire Local Plan 2006, together with Government Planning Policy in its PPS5”.

c) PAP/2011/0481 – Planning Application for the provision of an access and drive

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

- i) Visibility from the proposed access is severely limited and falls well below acceptable limits and thus is likely to give rise to highway and public safety issues. Moreover the width of the access is limited and again could give rise to highway safety issues. As a consequence the proposals do not accord with saved Policy ENV14 of the North Warwickshire Local Plan 2006 and Government Planning Guidance in its PPG13.
 - ii) The proposed access would abut residential property. It is considered that this would give rise to unacceptable amenity conditions for the occupiers of that property as a consequence of passing traffic and the opening and closing of gates. As such the proposals do not accord with saved policy ENV11 of the North Warwickshire Local Plan 2006.
 - iii) The proposals involve the provision of fencing which is not considered to be in keeping with the character and appearance of the Conservation Area and because of the sense of enclosure that it brings. The proposals do not therefore accord with saved Policies ENV12 and ENV15 of the North Warwickshire Local Plan 2006.
- d)** 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.

BACKGROUND PAPERS

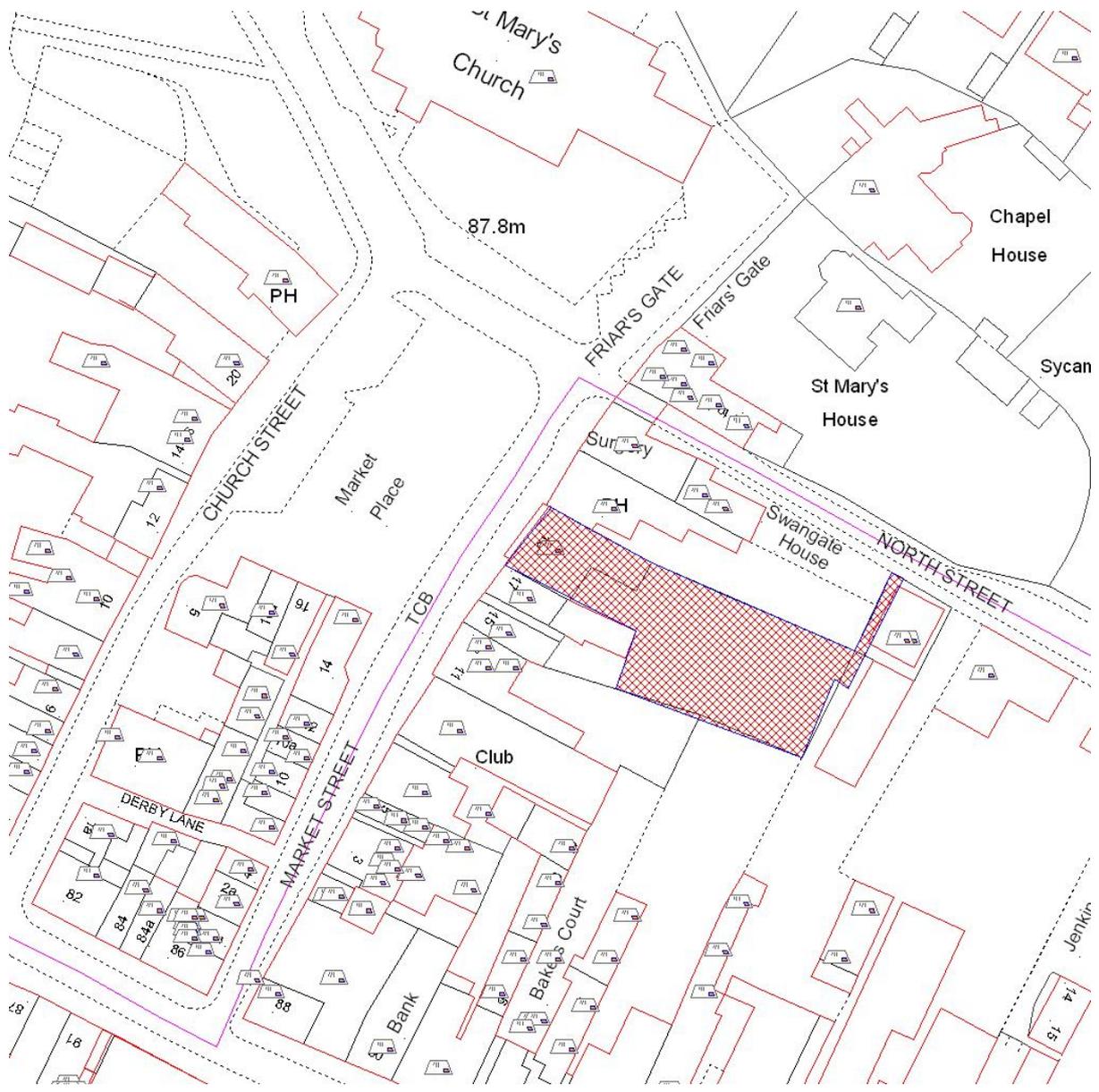
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No's: PAP/2011/0481–PAP/2011/0504 and PAP/2011/0505

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans	28/9/11
2	Highway Authority	Consultation	10/10/11
3	WCC Forestry Officer	Consultation	25/10/11
4	Atherstone Town Council	Representation	21/10/11
5	Atherstone Civic Society	Representation	24/10/11
6	English Heritage	Consultation	13/10/11
7	Warwickshire County Council	Further comments	1/11/11
8	Heritage Officer	Consultation	1/11/11

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/2011/0481, 0504 and 0505

Beech House, 19 Market Street, Atherstone

Planning Application, Listed Building Application and Conservation Area Consent Application for the creation of a car parking area and associated engineering operations at the rear of Beech House involving the part demolition of a garden wall, the erection of new gates, fence and a new vehicular access to North Street, all for

Arragon Properties

Introduction

These proposals have just been received and are reported for information only at this time. In view of the significance of Beech House and Member's previous interest in the site, these applications will be referred to the Board for determination in due course. Whilst there are three applications, they all relate to one proposal as described above, and for convenience this will be described as such in these reports. However each will have to be decided separately and on its own terms at the time of determination.

The Site

Beech House is at number 19 Market Street facing the Market Square. It is a Grade 2 star Listed Building being a three storey town house constructed in 1708. It has a basement and walled rear garden but no vehicular access. It lies within a frontage of similarly proportioned buildings facing the square. These accommodate a variety of uses – restaurants, public houses, shops and offices, some with residential accommodation at the upper storeys. There is a substantial Copper Beech Tree within the walled garden which is protected by a Tree Preservation Order. The premises, previously in residential use, have been vacant for several years.

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

The rear garden is walled and at a slightly higher level than the house. It backs onto a presently vacant building – the former telephone exchange. Immediately next to this is a new residential building. To its north between it and North Street is some presently disused land. There is a further rear garden to the south.

The Proposals

It is proposed to provide a car parking area in the rear half of the garden to Beech House. This would provide two spaces together with a turning area. It would be gravel surfaced with timber “curbs” and a with a permeable fabric underlay beneath the gravel. The very rear existing garden wall would be demolished over 6 metres of its length at the northern end. New gates would be added to close the gap from the existing corner here to the rear of the former exchange building. These would be constructed in vertical oak panels. A new dropped curb would be provided onto North Street in order to gain vehicular access. This short drive would immediately about the side of the new house here and its other side would be marked by a new timber fence.

These matters are illustrated on the plans at Appendix A.

The application is accompanied by an Arboricultural Statement assessing the impact of the introduction of the car park and its construction on the protected Copper Beech tree, together with a Conservation Area Statement. The former is attached at Appendix B and the latter at Appendix C.

It can be seen from Appendix C that the applicant is saying that the property has been vacant for many years. Notwithstanding marketing, it is said that there has been no “serious enquiries from potential purchasers”. It is considered that the lack of any private vehicular access and car parking area “militates” against its sale. Hence the current proposals are submitted to seek these works with a view to re-advertising the property with their benefit. It is said that the works would have no or little impact of the significance of the heritage assets involved.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006 – ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Conservation), ENV16 (Listed Buildings) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

Government Policy – PPS5 (Planning for the Historic Environment) and the draft National Planning Policy Framework (NPPF) August 2011.

Observations

The key issues in dealing with these applications will follow a particular sequence. Firstly it will be necessary to establish the significance of the heritage assets with which the proposals are dealing with – namely the character and appearance of this part of the town’s Conservation Area, and the particular historic and architectural characteristics and attributes of the Grade 2 star Listed Building. Secondly, it will be necessary to assess what harm if any, there might be to this significance if these proposals went ahead. Thirdly, it will be necessary to outline what benefits and

advantages there might be in supporting the proposals, perhaps with the addition of measures which could mitigate against any harm that might be identified. Finally there is a need to balance the dis-benefit of any harm, against any public benefit or advantage that might accrue from the proposals. It is this final balancing exercise that is crucial. Another way of looking at this is to assess whether the proposals are a reasonable and proportionate approach to the reasons that have given rise to the submission of the proposals.

Recommendation

That the applications be noted at the present time.

BACKGROUND PAPERS

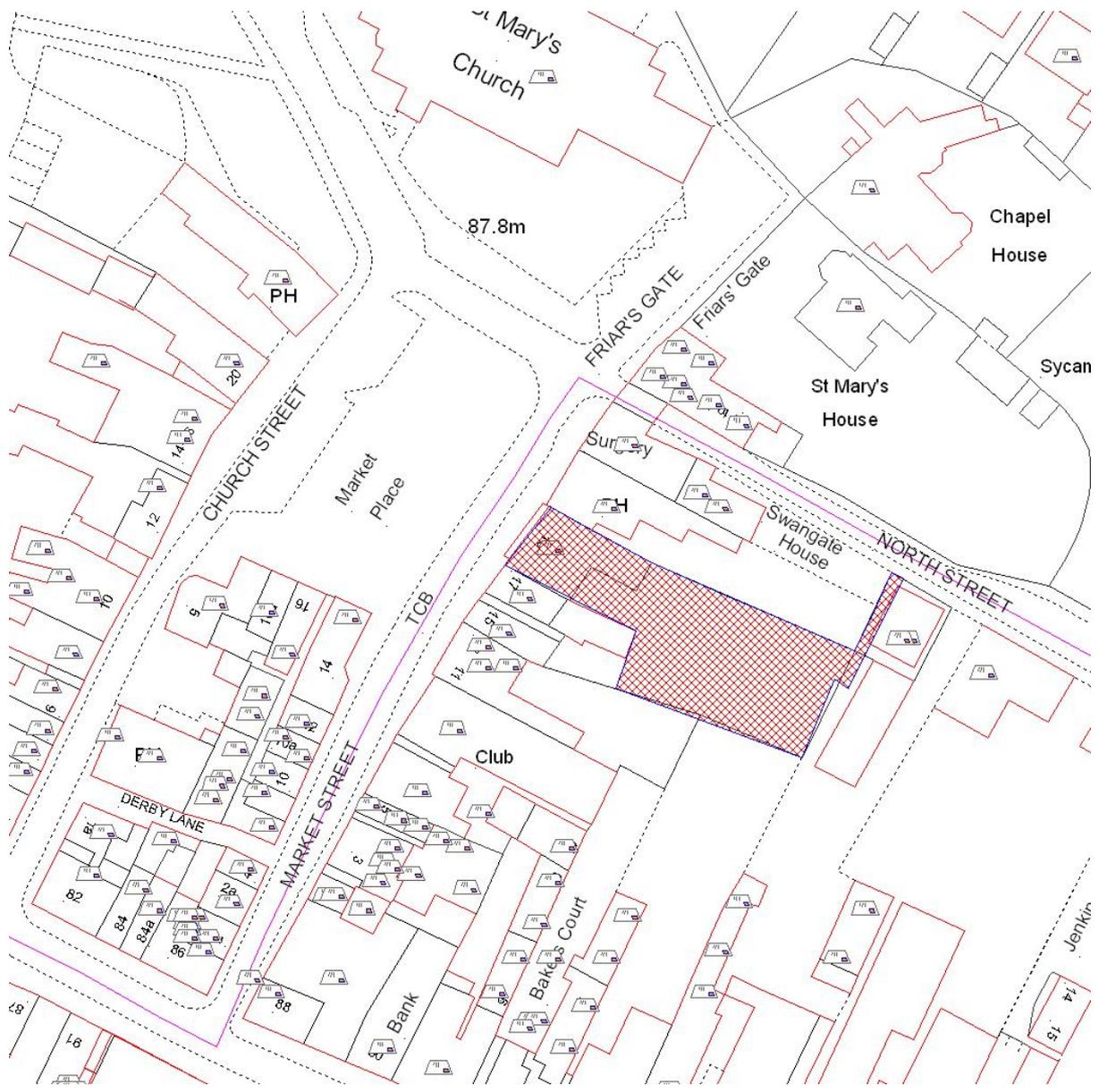
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

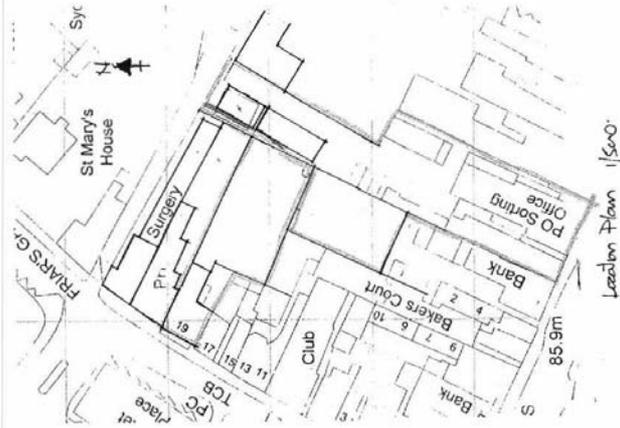
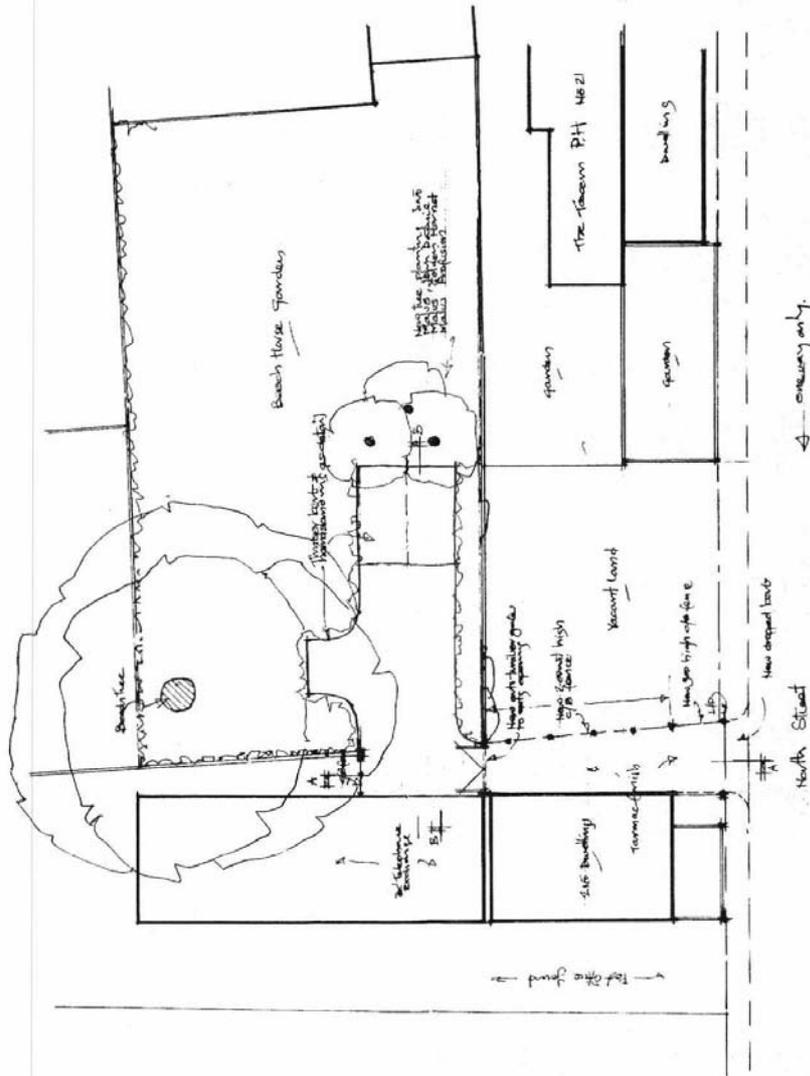
Planning Application No: PAP/2011/0481

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans	29/9/11

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.





Location Plan 1/500

Appendix D



HILTON
ARCHITECTURAL

INCORPORATED
100, 102 & 104
CORN STREET
GLoucester
GL1 2ER

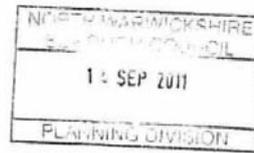
PLANNING
CONSULTANTS

Aviation Reporting
to Market Street
South Gloucester
Proposed Access to garden for
TOWERING AREA
SOS No 0201



APPENDIX B

2011 / 0481



**ARBORICULTURAL
METHOD STATEMENT**

**PROPOSED PARKING PROVISION
TO THE REAR OF BEECH HOUSE
19 MARKET STREET
ATHERSTONE**

Prepared for:

**Arragon Properties
16a Market Place
Atherstone
Warwickshire
CV9 1EX**

Prepared by
M J Boddy F Arbor A FICFor CEnv

5th September 2011

1.0 Introduction

- 1.1 This method statement relates to the proposal to create a new access into the rear garden of Beech House and construct parking bays for two vehicles, with an associated turning head. Its purpose is to minimise any potential adverse impact of the proposals on the large Copper beech tree growing within the garden.
- 1.2 The recommendations contained in this document relate to the proposal illustrated on the drawings 001 - 'Access to Garden for Parking Area' and 002 - 'Vehicle Access Details', prepared by the project architect, Mr P Bowley of Hilton Architectural.
- 1.3 The proposal involves the removal of a 5.5 metre length of the existing boundary wall to create a new entrance into the north-eastern corner of the rear garden. The parking bays will be set back from this, adjacent to the north-eastern boundary, with a 3 metre wide turning head between, projecting towards the tree. Vehicular access will be provided by a new driveway to be constructed off the south-western side of North Street.

2.0 The Tree

- 2.1 The Copper beech is approximately 16 metres tall and has a broad, spreading crown extending 11 metres to the north, 10 metres to the south, 10.5 metres to the west and approximately 10 metres to the east. The trunk diameter at 1.5 metres is 1040 millimetres and the root protection area for a tree of this size, derived from Table 2 of British Standard 5837:2005 - Trees in Relation to Construction, is 490 square metres, which equates to a circle with a radius of 12.5 metres.
- 2.2 In addition to being situated within the Atherstone Conservation Area, the Copper beech is specifically protected by the North Warwickshire Borough Council Tree Preservation Order ref: 713.004/7.

3.0 Preparatory Arboricultural Works

- 3.1 Prior to the construction works commencing, minor pruning will be required to increase the clearance beneath the canopy to approximately 3 metres, to provide access for both pedestrians and vehicles. This pruning should be restricted to the selective removal of secondary and tertiary growth.
- 3.2 The pruning works should be undertaken by an appropriately qualified and experience tree surgeon, working in accordance with the British Standard BS3998 (2010) Tree work - Recommendations and other relevant current arboricultural best practice guidance.

3.3 Whilst it is anticipated that these pruning works will form part of the planning application, it should be confirmed with the Borough Council that a separate TPO consent application is not required.

4.0 Driveway Construction Specification

4.1 The proposed access and parking bays encroach into the root protection area of the protected Copper beech, with the turning head extending to within 6 metres of the centre of the tree's trunk. Accordingly, the use of conventional construction techniques would be inappropriate and a specialist 'no-dig' specification is proposed within the garden area, utilising 100mm depth *CellWeb* three dimensional cellular confinement system, as illustrated at 5.6 overleaf.

4.2 The *CellWeb* is formed of welded polyethylene strips, which together create a three dimensional network of interconnecting cells. A high degree of interaction is developed between the infill and the cell walls, increasing the stiffness of the system. The use of the cellular confinement system reduces the bearing pressure on the underlying soil by stabilising aggregate surfaces against rutting under wheel loads. Layers of geotextile fabric laid both above and below the *CellWeb* separate the infill from the existing ground surface and the gravel topping.

5.0 Installation Procedure

5.1 Prior to construction commencing, the existing ground vegetation and associated humus layer should be manually removed, and the young beech and Goat willow trees growing adjacent to the north-eastern boundary wall carefully grubbed out with a low ground pressure tracked excavator working from outside the radial root protection area.

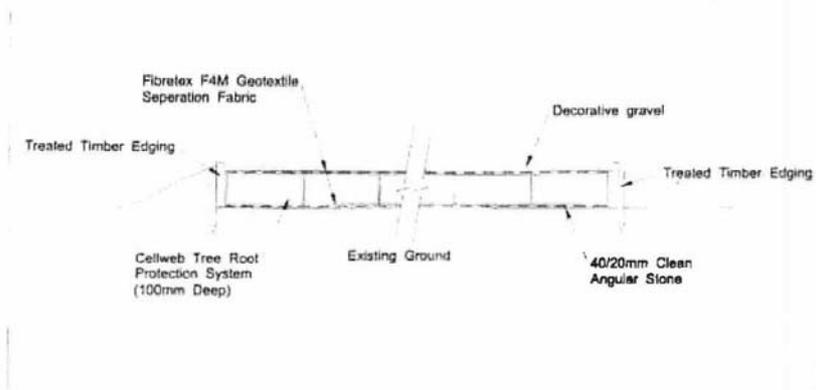
5.2 Any significant hollows should be filled with sharp sand and a non-woven geotextile separation/filtration layer (Treetex T300) then be laid over the prepared ground, with the dry joints overlapped by 300mm.

5.3 The *CellWeb* should then be expanded and anchored open, prior to being infilled with the no fines 40/20mm angular stone. A treated timber edging secured with wooden pegs will be required on either side to confine the *CellWeb* and gravel surface.

5.4 The cells should be filled working forwards, initially from outside the area of special construction. A second geotextile separation/filtration layer should be placed over the infilled *CellWeb* sections prior to the final gravel surface being spread to the required depth.

5.5 If required, the new construction can be integrated into the adjacent landform by battering friable soil parallel to the edging boards, as shown in the *CellWeb* section drawing at 5.6 overleaf, although this should be restricted to the minimum width feasible.

5.6 Cellweb Section Drawing



<p>Geosynthetics Ltd Farming Road, High Wycombe, Bucks HP12 3JF Tel: 01494 471111 Fax: 01494 471112</p>	<p>Cellweb Section - Tree Root Protection c/w Gravel Surface</p>	<p>ISSUED BY: JCB DATE: 1/10/11 ISSUED AS: 3003 REVISION: 1/10/11 JOB NO: 103-CW-G-100</p>
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6.0 Tree Protection Measures

- 6.1 Following completion of the preparatory pruning but prior to the construction works commencing, protective fencing should be erected to exclude access from the unaffected area beneath the tree's canopy. The fencing should comprise 2 metre tall welded mesh panels, mounted on rubber or concrete feet and connected using anti-tamper couplers. The panels should be wired to securely driven stakes or lamp irons, to provide extra support and prevent the fence being easily moved.

M J Boddy F Arbor A FICFor CEnv

5th September 2011

2011 / 0481

APPENDIX C

HILTON 
ARCHITECTURAL

Hilton House
Long Street
Atherstone
CV9 1AH
Tel/Fax: 01827 718140
Mobile: 07860 662592
E-mail: Hiltonarchitect@aol.com

14 September 2011

North Warwickshire Borough Council
Planning Department
Council House
South Street
Atherstone

DESIGN AND ACCESS STATEMENT
Beech House – Vehicle Access
19 Market Street Atherstone CV9 1ET

History

Beech House has never had a vehicle parking area. Considering that it is the most prominent house in Atherstone the lack of parking hinders the future use of this property.

Proposal

It is proposed to form a new vehicle access into the rear garden area.

The present Arragon owned properties to North Street have a piece of land adjacent to them large enough to give access to the rear garden of Beech House all roughly on the same level. The access will be gated at the Beech House boundary wall position.

Design

The proposed access will be tarmac finished with a 2.00mt high close boarded fence to the boundary.

New timber gates will provide security to the rear garden.

Parking Area

Once inside the garden area, all surfaces will be water permeable with no requirement for controlled drainage, all in accordance with the details shown.

Lighting

A suitable street lamp already gives this area adequate levels of lighting.

Paul Bowley

2011 / 0481

RECEIVED

28 SEP 2011

North Warwickshire
Borough Council

Beech House , Vehicle Access

Conservation Area and Listed Building Statements

Background to the application (planning history)

Beech House was acquired by Arragon Properties in 2004. Throughout the past 6 years a number of schemes have been put forward to secure a future for this important historic building. During that time 2 applications for planning permission have been refused, and in a planning inquiry the Inspectorate supported the objections of the local authority to the scheme then proposed. Throughout this time the building has been on the market, and to date there have been no serious enquiries from potential purchasers.

The property market is generally slack, and numerous buildings elsewhere in the town are awaiting commercial tenants. The sometimes noisy market-place location of Beech House, next to a public house. The absence of on-site parking is a major factor which militate against the premises being taken up. On-site parking would be a pre-requisite for any viable scheme, and access to the rear of the premises remains essential, having the further advantage that this would relieve pressure on parking in and around the market place. This is a particular issue on Market days when convenient street parking would not be available to occupiers of Beech House.

. An agreed solution to secure a viable future for this building is required in order to ensure that it can be brought back into use as soon as possible. It is the applicant's firm belief that the submitted scheme will have virtually no impact upon the setting of this or adjoining listed buildings.

The significance of the heritage assets affected

In compliance with Planning Policy Statement 5, Policy HE6.1, this application is accompanied by a Conservation Area Assessment

Conservation Area Statement: the significance of the east side of Market Street

Archaeology

The east side of Market Street owes its character to the application made to Henry III by the Norman Bec Abbey in 1246 to hold a market and fair at Atherstone. Tenement plots were then established around the market place, setting the pattern for all of the properties in the general vicinity. The surviving plots around Beech House reflect a pattern of land-holdings that has persisted with little change since the 13th century. Subdivisions and alterations of tenements have not removed the essential grain of the urban plots. Thus the site occupied by Beech House, particularly as it remains defined by the brick walls on each side of the back garden, has not substantially changed since timber-framed buildings of medieval or early post-medieval date occupied its street frontage.

Rear access for vehicles

The vehicular rear access that is proposed, will not alter the size or plan-form of the plot of ground on which Beech House stands. The removal of the section of wall to achieve this access will not be visible but from inside the garden. The materials used will be natural products, and

the tree planting proposed will give a soft screening to the standing vehicles. The sense of enclosure of the garden will be retained, including the overall proportions of the medieval tenement plot. The small alteration to the character of this garden is deemed to be justified on the grounds that it will make access to the premises more viable for occupancy, as appropriate to the use.

Standing buildings

Beech House is in the best of a group of buildings on the east side of the market place, at the heart of the Conservation Area and crucial to its general character. The buildings stand cheek by jowl, forming a continuous street elevation that now includes a wide variety of architectural styles. The special character of the buildings along this side of the market place has already been described at length by Bob Meeson in his *Gazetteer* (jointly with Mr M Trye).¹ This, the most authoritative account of the buildings in the immediate vicinity of Beech House, is abstracted here with the consent of the author.

Standing between Swan House and Beech House, 21 Market Street - Market Tavern – now has a Georgian 3-bay brick frontage, but this is a rebuilt façade hiding a much-altered timber-framed building that was originally jettied to the street. It is unclear on the visible evidence whether 15 and 17 Market Street, to the south of Beech House, were originally one property or two. The two halves, both originally timber-framed, are divided by a pair of substantial brick back-to-back chimneys, both of which are probably 17th-century. However, in number 15 (Howkins and Harrison), the evidence survives for another jettied front elevation. Yet again, the handsome 3-bay, 3-storey brick façade of 11-13 Market Street also hides evidence of a former jetty. The oldest of these formerly jettied properties may potentially be late 15th- or 16th-century, whilst the plausibly double-jettied and close-studded Nos 11-13 might have been one of the later timber-framed buildings to be constructed overlooking the market square. These building can best be characterized as retaining fabric of numerous periods resulting from numerous piecemeal alterations.

Beech House, described in more detail, was constructed in 1708. It marks a break from the norm represented by the buildings described above in so far that rather than adapting an existing building to a new use, the client instructed his builder to demolish that what stood on the plot and rebuild from scratch. Its placement, set back behind iron railings, and the elevation of its ground floor over a part-basement, mark it out as a significant departure from Atherstone's late medieval norm, reflecting both a new age of architecture and the perceived status of its owner. This might have been the start of a trend, represented by 23/25 Market Street (Swan House), originally a later 18th-century inn, subsequently altered in the Georgian and Victorian/Edwardian periods. The front elevation of Swan House now includes three stuccoed bays to the right of an enormous arch, cut through the building to form North Street in 1795-7.

Assessment of the impact of the proposed works

The significant contribution of the front elevation of the statutorily listed grade II* Beech House to the historic and architectural character of the market place at the core of the conservation area is fully appreciated by Arragon Properties and their agents. The property is of pivotal visual

¹ R Meeson and M Trye, 'Gazetteer' in N Alcock and M Hughes *Atherstone: a pleasantly placed town* (2008), 196 ff.

significance to the group of listed buildings on the east side of Market Street, being flanked on both sides by a range of other listed historic properties of various dates and styles.

The proposals set out in the accompanying design , will not have a deleterious impact upon either the street elevation of Beech House or upon the setting of the adjoining buildings.

.....

2011 / 0481

HILTON 
ARCHITECTURAL

14 September 2011

North Warwickshire Borough Council
Planning Department
Council House
South Street
Atherstone

Hilton House
Long Street
Atherstone
CV9 1AH
Tel/Fax: 01827 718140
Mobile: 07860 662592
E-mail: Hiltonarchitect@aol.com

LISTED BUILDING & CONSERVATION AREA STATEMENT

Beech House – Vehicle Access
19 Market Street Atherstone CV9 1ET
Vehicle Access to Rear Garden

History

Beech House is a Grade II* Domestic property and possibly the most important one in Atherstone yet does not have any car parking or garage facility and has to rely on street parking.

Proposal

It is proposed to form a vehicle access from North Street to the rear of the garden area. This will require the demolition of part of the rear garden wall, some 6.00mts in length, about a third of its overall length. The rear of the garden is, at present, overgrown and this part of the wall can only be viewed from inside the garden.

The removal of the wall will give valuable vehicle access via a gated driveway to North Street.

The formation of the parking area will be using soft landscaping with loose stone surfaces to allow for land drainage and using timber kerbing to lawn and planted areas.

The introduction of additional tree planting will screen the vehicles from the house view.

Impact

The ability to provide off street car parking to this important property will make it more available and attractive to its future users and will trigger off the refurbishment of the dwelling and grounds. Therefore, these works can only improve the dwelling and its future occupants.

Conclusion

Car parking has been identified as a key issue in this property remaining vacant – this provision is private and secure, not visible to anyone but the occupant and will provide the required parking for two vehicles. The open space of the garden will remain and the Beech Tree will be unaffected.

Paul Bowley

General Development Applications

(9) Application No's PAP/2011/0507 and PAP/2011/0511

Old Bank House, Long Street and The Council House, South Street, Atherstone

Listed Building Consent for internal alterations to the second floor offices, together with associated works (2011/0507) at Old Bank House, and the Construction of a concrete base and installation of a temporary storage shed and bicycle stores, together with secure fencing and gate at The Council House (2011/0511), both for

Drivers Jonas Deloitte

Introduction

The applications are brought before the Board, given both sites are under the ownership of the Borough Council.

The consultation period for these applications expires on 16 November just after the date of this meeting.

The Site

Old Bank House contains the Council offices and has its main frontage facing onto Long Street, being a prominent building within the street scene. A pedestrian passageway to the side of the building allows access into a rear garden area, and to the main Council House beyond. The building and garden area are important within Atherstone and provide an important link between South Street and Long Street.

Both application sites fall within the Atherstone Conservation Area. Old Bank House is a Grade II Listed Building, and is surrounded by a variety of commercial and retail properties.

The Proposals

PAP 2011/0507

The second floor at Old Bank House is to be used for the Warwickshire Police Authority, providing a Safer Neighbourhood Office. The office will provide a local base for the Police to work from within the Local Community. The use of the floor is not intended to be used by the general public. The second floor is currently unoccupied and accessed off a communal hall and stairway. The proposal will involve reconfiguring the existing internal layout to provide dedicated office accommodation, with shower and changing facilities for staff, as shown in Appendix A. The proposal will use like for like materials, and be sympathetic to the existing fixtures and fittings.

PAP 2011/0511

A secure compound containing a storage shed, bicycle store with fencing and gates, is related to the proposed use by the Police of the second floor offices in Old Bank House, and will provide an area to house their equipment and materials. The compound would be sited behind an existing wall which forms the existing landscaped gardens, and would be adjacent to the existing electrical sub station. The site is to the rear of the existing Council House and can be accessed via an existing path down the side of the Council House from South Street or by the existing Council Car Park.

The compound would contain a concrete base, with metal palisade fencing, 1.75 metres high, which is a continuation of an existing palisade fence. Access to the compound will be in the form of an extended paved walkway. The storage shed would be 2.2 metres long, 2.2 metres long and 2.1 metres high to the roof ridge. The two bicycle stores are 1.8 metres wide, 1.2 metres long and 1.2 metres high.

The proposed compound area is a vacant area of grass between walls and fencing and is within an area to which public pedestrian access is not allowed.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006: ENV11(Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation), ENV16 (Listed Buildings)

Other Relevant Material Considerations

Government Advice:

The draft National Planning Policy Framework 2011, and Planning Policy Statement Number 5: Planning and Historic Environment

Consultations

Heritage Officer:

In respect of Old Bank House – This property has been the subject of significant repair and refurbishment in the late 20th century and there is little of historic and architectural interest surviving at second floor level. The partition will not have a materially detrimental impact on special interest nor will the other minor internal changes. I therefore have no objection to listed building consent for them.

In respect the Council House - It would be preferred if the location of the storage unit and bike lockers could be swapped so that the lower building would be nearer to the wall in order to reduce the visual impact of the taller storage unit from views from the public footpath. I understand the applicant has been asked not to fix the security fencing into the wall and it would also be preferred if the railings could be painted black. The lockers should also be finished a dark recessive colour - preferably dark

green. With these amendments I would not object to a temporary planning consent of say three years.

Observations

(a) 2011/0507

The proposal to use the second floor of Old Bank House for Police use is not considered to be a material change of use. The works are considered to be acceptable and not lead to changes which would harm the Listed Heritage asset. The proposed layout plan can be viewed at Appendix A, and selected photos can be viewed in Appendix B. The proposal is internal to the building, and therefore is not considered to have a harmful effect on the character, appearance or setting of a Conservation Area.

Given that the works are internal to the building and not visible from the exterior, it is considered that the proposal is not considered to impact upon any neighbouring properties, concerning loss of amenity, privacy or loss of light.

(b) 2011/0511

The proposal for the compound, containing a storage shed and bike store with a gate and fence, will be visible from the public realm. However given it would be sited close to a similar building and surrounded on two sides by brick walls, it is considered on balance to be acceptable. The green colour of the buildings will help to reduce the impact, as will the fact that the higher storage shed is to be sited away from the existing public path that runs through the garden area between the Council House and Old Bank House. Photographs of the site can be viewed in Appendix C.

Following the consultation response of the Councils Heritage Officer, the siting of the storage and shed and bike store has been swapped, so to reduce the visual impact from the garden footpath. A condition is proposed for the fencing and gates to be painted black and for the storage shed and bicycle store to be painted green. A temporary three year period is also considered to be reasonable.

The proposal is for a temporary period and is related to the use of the second floor of Old Bank House by Warwickshire Police to provide storage space. The metal fence and gate is proposed to be set off the boundary wall to garden area, so not to lead to harm to the structure.

The proposal is sited within the Atherstone Conservation Area and on balance given its siting, is not considered to have a harmful effect on the character, appearance or setting. Neither is it considered that the works would detract from the character, appearance and historic value of the Listed Building.

The proposal is not considered to impact upon any neighbouring properties, concerning loss of amenity, privacy or loss of light.

Recommendations

That, subject to the conditions as set out below and to no objections being received prior to the expiry of the consultation period, both applications be supported, and that authority to issue the permissions is delegated to officers.

A) PAP/2011/0507 - Listed Building Consent for internal alterations to the second floor offices, together with associated works

That the application be Granted Subject to Conditions subject to the following conditions:

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

REASON

To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory purchase Act 2004, and to prevent an accumulation of unimplemented consents.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered C-0184873-02 and C-0184873-03 received by the Local Planning Authority on 29th September 2011.

REASON

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

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

ENV14 - Access Design

ENV15 - Heritage Conservation

ENV16 - Listed Buildings, non-listed buildings of local historic value and sites of archaeological importance.

Government Advice:

Draft National Planning Policy Framework 2011

Planning Policy Statement 5: Planning and Historic Environment

Justification

The proposal is for Listed Building Consent for internal works to the second floor offices. The works which include a new partition wall and minor internal changes are not considered to detract from the character, appearance or historic value of a Listed Building, and will enhance and preserve the building. The proposal balance will not affect the character, appearance or setting of a Conservation Area, given the works are internal. The proposal is not considered to affect the amenity or privacy of the nearby neighbouring properties to result in an unacceptable scheme. The proposal complies with the relevant planning policies and guidance.

BACKGROUND PAPERS

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

Planning Application No: PAP/2011/0507

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans	29/09/2011
2	Case Officer	Spoke to agent	19/10/2011
3	Councils' Heritage Conservation Officer	Consultation response	26/10/2011
4	Case officer	Email to agent	27/10/2011
5	Agent	Email to case officer	27/10/2011
6	Case Officer	Email to agent	28/10/2011

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.

B) 2011/0511 - Construction of a concrete base and installation of temporary storage shed and bicycle stores, together with secure fencing and gate

1. The development hereby approved shall be discontinued on or before 1 December 2014, and the land made good.

REASON

To ensure that the use does not become permanently established on the site.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered C-1084873 - 05 received by the Local Planning Authority on 14th October 2011 and the plan numbered C-0184873 - 04 received by the Local Planning Authority on 30th September 2011 – **Plan numbers and dates to be revised following revised plans being submitted.**

REASON

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

3. The palisade security fence shall be painted black and maintained in that colour at all times.

REASON

In the interests of the amenities of the area.

4. The storage building and bike locker shall be painted green, and thereafter maintained to such an approved colour at all times.

REASON

In the interests of the amenities of the area.

5. The use of the storage shed and cycle store shall only be used by the Warwickshire Police Authority and by no other person or agency whatsoever.

REASON

In the interests of the amenities of the area.

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

ENV14 - Access Design

ENV15 - Heritage Conservation

ENV16 - Listed Buildings, non-listed buildings of local historic value and sites of archaeological importance.

Government Advice:

Draft National Planning Policy Framework 2011

Planning Policy Statement 5: Planning and Historic Environment

4. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. It should also be noted that this site may lie within an area where a current licence exists for underground coal mining. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

5. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.

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

Justification

The storage shed, bike store with fencing and gate, is for a temporary period. The proposal balance will not affect the character, appearance or setting of a Conservation Area. The proposal is not considered to detract from the character, appearance or historic value of nearby Listed Buildings. The design of the works is considered to be acceptable. The proposal is not considered to affect the amenity or privacy of the nearby neighbouring properties to result in an unacceptable scheme. The proposal complies with the relevant planning policies and guidance.

BACKGROUND PAPERS

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

Planning Application No: PAP/2011/0511

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans	14/10/2011
2	Councils' Heritage Conservation Officer	Consultation response	26/10/2011
3	Case officer	Letter and email agent	27/10/2011
4	Agent	Email to case officer	27/10/2011
5	Case officer	Email to agent	28/10/2011

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.



Appendix B – Photos of second floor of Old Bank House



Appendix B – Photos of Storage shed and bicycle store siting







(10) 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

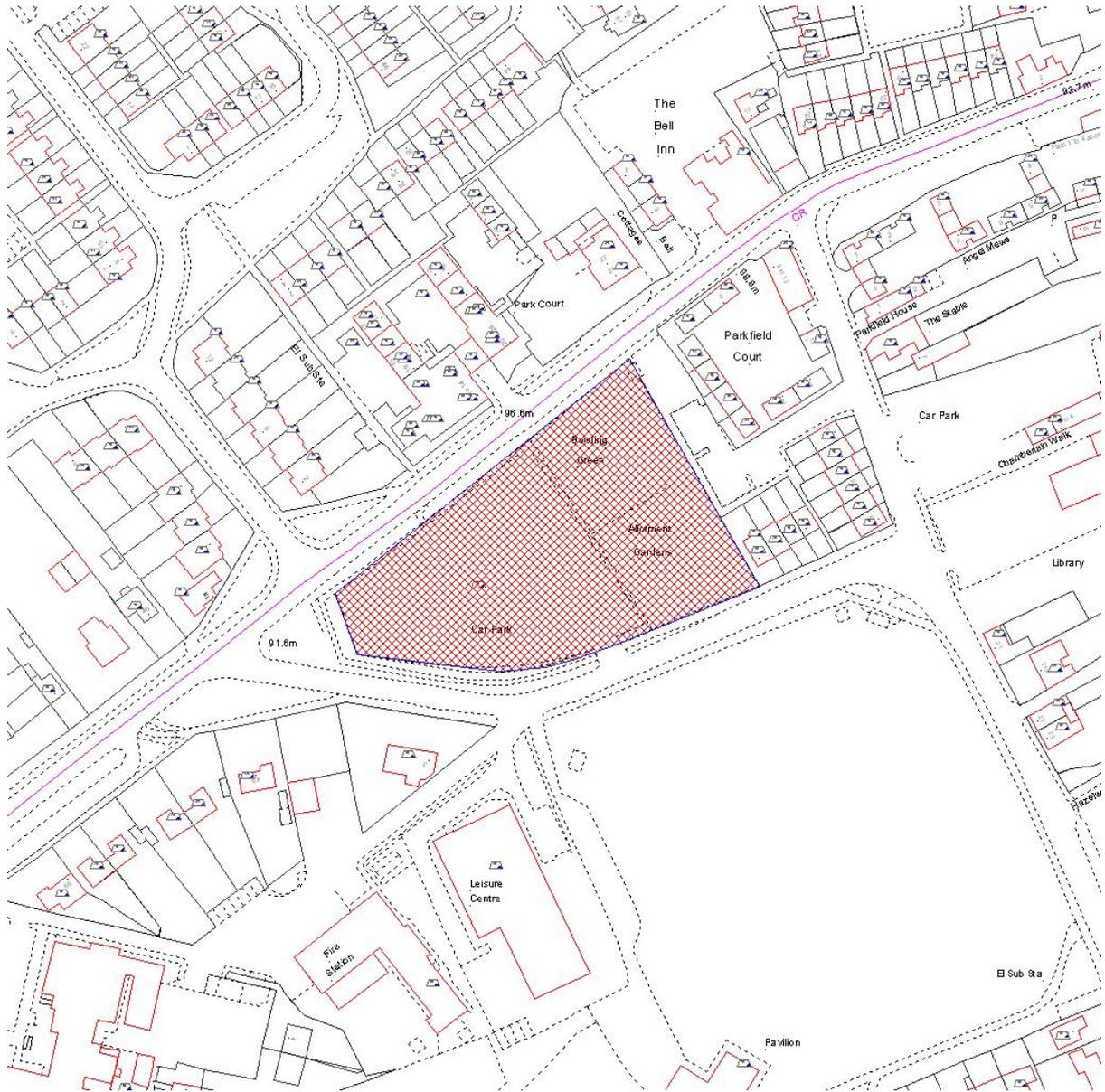
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

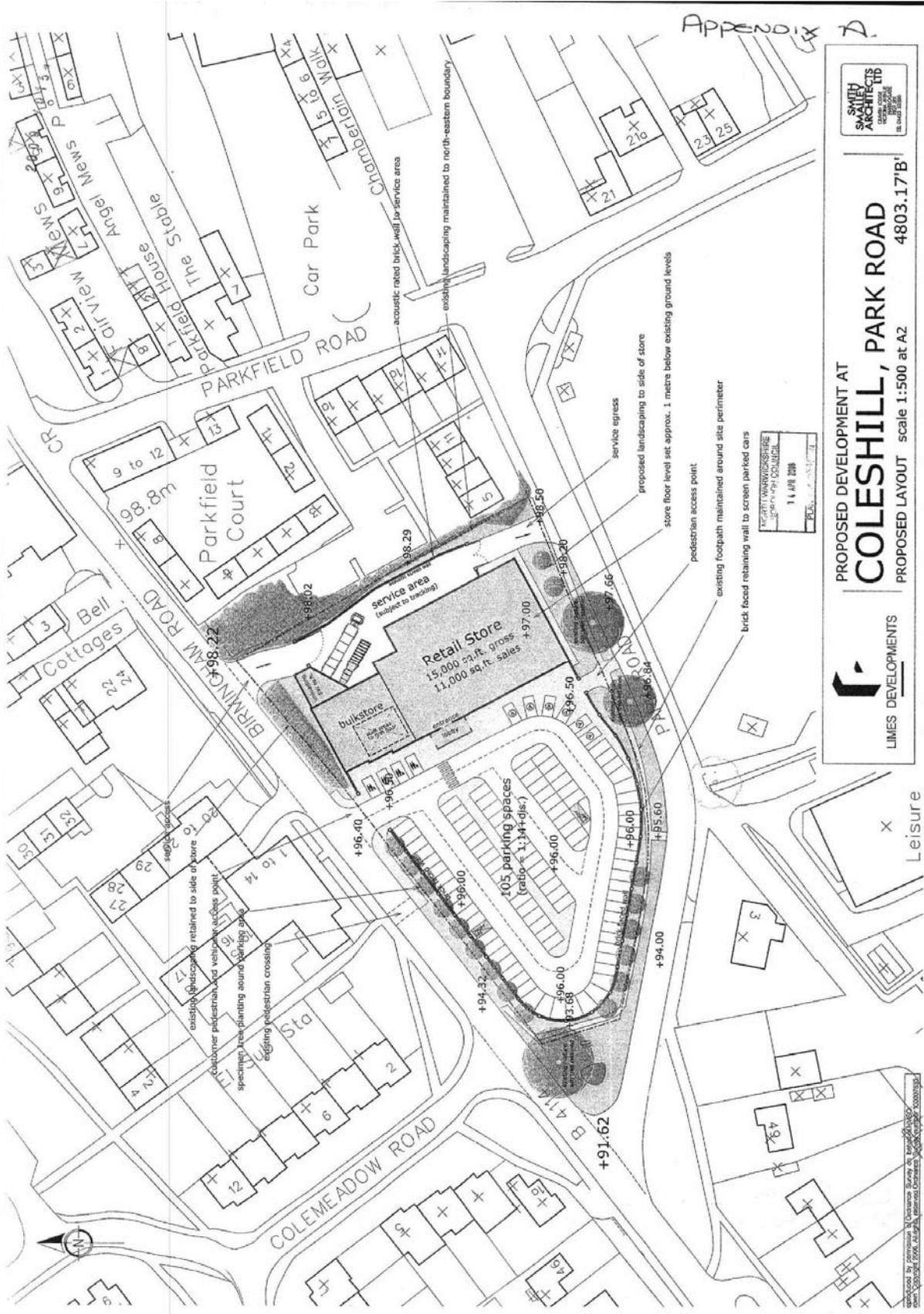
Planning Application No: PAP/2011/0529

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.





Appendix A



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



WARRICK WARWICKSHIRE
 LOCAL AUTHORITY COUNCIL
 11 APR 2018
 PLS... ..

Approved by Warwick Council Planning Committee on 11 April 2018
 Planning Application No: 18/0100/01
 Planning Officer: [Name]

NOTES
 Plans based on Ordnance Survey maps and other information. The applicant is advised to check the accuracy of the information provided and to verify the correct boundaries with the appropriate authorities. Do not scale.
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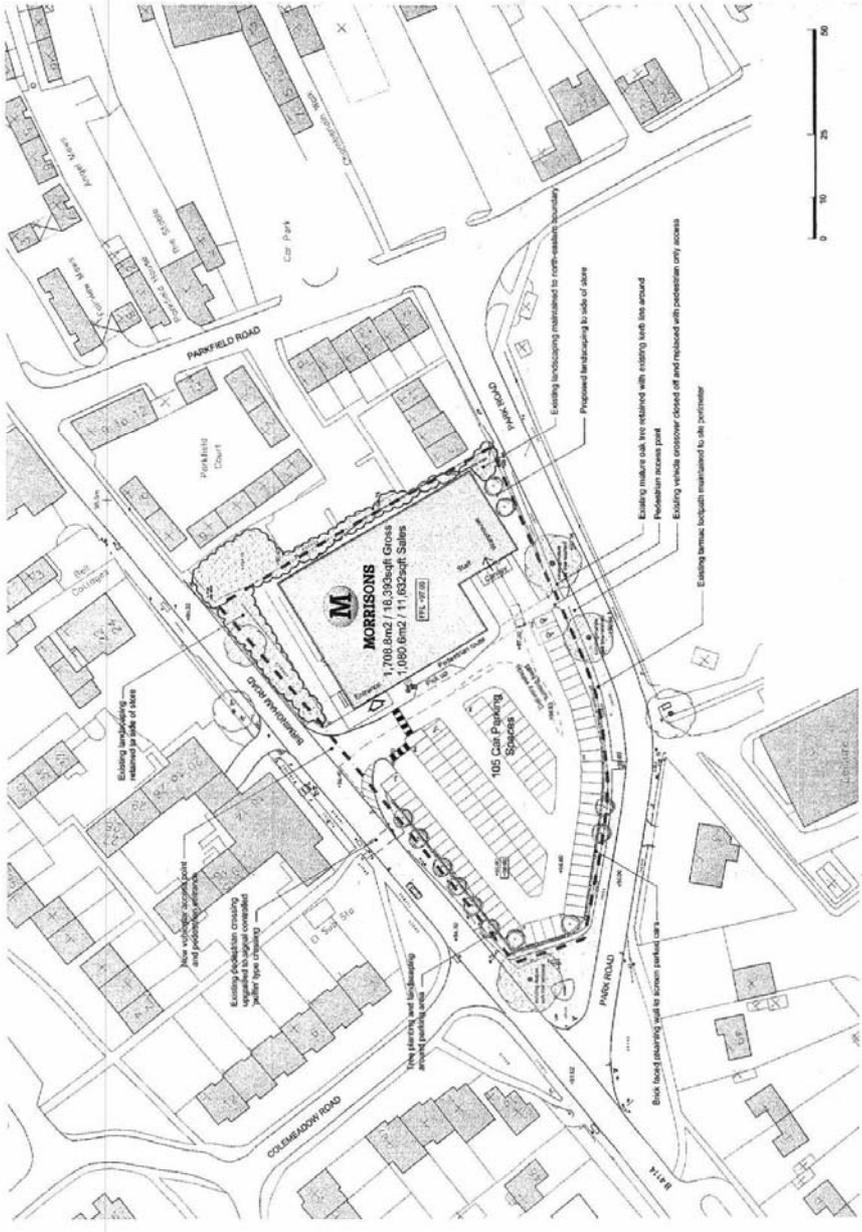
Legend:

- Planning Application line**
 Site area approx. 6,153sqm net / 9,627sqm / 1.52 Acres
- Existing trees retained**
 (as per survey)
- Existing landscape retained**
 (as per survey)
- New tree planting / landscaping**
- Existing level**
 (refer to site survey for full details)
- Proposed level**

Schedule of Accommodation

Foodstore:
 1,708.6m² / 18,393sqft Gross
 1,080.6m² / 11,632sqft Sales

Parking:
 Total 105 Spaces



RECEIVED
 18 OCT 2011
 North Yorkshire
 Borough Council

Client: DAVIS WEATHERILL PARTNERSHIP	Client: Wm Morrison Supermarkets plc
Project: Proposed New Foodstore Park Road COLESHILL	Project: Proposed New Foodstore Park Road COLESHILL
Site: Proposed Site Layout	Site: Proposed Site Layout
Drawn by: 11236 / PA01	Drawn by: 11236 / PA01

APPENDIX B

Sig Rev.

PA 2009/0154
Car Park, Park Road, Coleshill, B46 3LA

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 in 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 develop 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 Colcshill 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 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

- xxxi) 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.

- xxxii) 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:

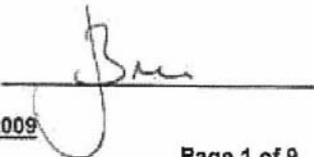
Planning permission is **GRANTED** subject to the following conditions:

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

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.

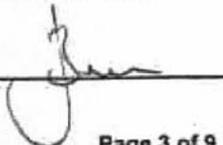
14. The retail opening hours of the building hereby approved shall be limited from 0700 hours to 2200 hours on weekdays and Saturdays and from 1000 hours to 1600 hours on Sundays.

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

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 13 November 2009

Page 4 of 9

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.

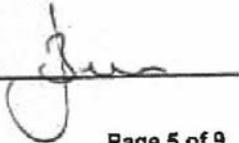
24. No development shall commence on site, until such time as details of any tannoy or public address systems to be used on site, have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be installed.

REASON

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

Authorised Officer _____

Date 18 November 2009


Page 5 of 9

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

Page 7 of 9

PAP/2009/0154

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/pcs.
- (4) The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (5) The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Authorised Officer _____

Date 18 November 2009

Page 8 of 9

