

## **Agenda Item No 4**

### **Planning and Development Board**

**15 August 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](http://www.northwarks.gov.uk)

- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 12 September 2011 at 6.30pm in the Council Chamber at the Council House.

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## **General Development Applications**

### **(1) Application No PAP/2010/0236**

**The Vero Works, 36 Station Street, Atherstone**

**Redevelopment of the Vero Works and part of the Vero and Everitt Factory, comprising retirement dwellings, retail units and a restaurant, for**

**D F Davies Sipp and Freshspace**

#### **Introduction**

The report presented to the Planning and Development Board on 18 January 2011 outlined the proposal for a mixed use scheme at the Vero Works. The report also highlighted the potential planning issues to be considered when determining this application. The report was written ahead of any consultation responses received from statutory consultees or interested parties. The report recommended that a Member Site Visit should take place in order to look at the interior of the site. This occurred on 26 February 2011. The application is now reported back to the Board for determination. The application is accompanied by a draft Section 106 Agreement.

The January report is attached at Appendix A for convenience.

#### **Consultations**

**Warwickshire Wildlife Trust** – It is possible that bats could be using the buildings outlined for development. They are a protected species and therefore information is provided on the licenses that will be necessary to undertake work near to their roosting areas.

**Warwickshire Police** – No objections to this application and they welcome the opportunity of working with the applicant to ensure that the site is a safe environment for the residents and users of the shops and restaurant.

**Council's Heritage Officer** – In general this is a very welcome scheme which potentially represents significant investment in Atherstone that will not only save a non-designated heritage asset (the former Willday Hat Factory) of great local significance to the town which is at risk, but also bring life and activity back to this neglected part of the Conservation Area. He considers that the scheme is sensitive to the need to preserve the magnificent long 18<sup>th</sup> century courtyard elevations as well as much of its existing fabric. He considers that the alterations proposed that may negatively affect the heritage significance, are limited and justifiable.

Conditions are recommended to reserve the approval of detailed items.

Amended plans have been submitted showing revised materials to be used on the lift shaft following on from some of the detail of the Heritage Officer's observations. The new lift core is now to be clad with timber boarding and the roof is to be in metal standing with glazed apertures to the centre of the elevation. The Heritage Officer has verbally agreed that these amendments are more suitable than the original scheme submitted.

**Council's Valuation Officer** – He agrees that this proposal cannot support any contribution for affordable housing and if affordable housing was included it would have a serious detrimental effect on the scheme. He agrees that the overall viability of the scheme is very risky especially in the present uncertain economic situation. In light of the calculations provided, he agrees that to request any further financial contributions could result in the scheme not taking place.

**Severn Trent Water Ltd** – No objection subject to a drainage condition.

**The Environmental Health Officer** – He states that there are a few anomalies with the Noise Report which need to be addressed and that a ground contamination survey is required in view of the historical commercial uses of the site.

Further information has been supplied in response to his comments on the noise report. He says that this shows that the proposed dwellings would be exposed to noise on particular facades, but that it also provides adequate mitigation methods to minimise any potential disturbance. He therefore has no objection to the proposal and requests conditions covering acoustic double glazing with a minimum rating of Rw; ventilation to Units 8-12, 19 and 22-26 shall be provided by mechanical means, with a boost facility to negate the need to open windows, and the exact specification of the types of double glazing and mechanical ventilation to be approved.

**County Highway Authority** – The County Council **OBJECTS** to the scheme for the following reasons:

- the Transport Assessment justifies that significant amounts of traffic pass the site each day;
- the lack of off street parking proposed is a concern as only 7 spaces are shown when 23 residential units are proposed;
- the majority of public car parks in Atherstone are already full and many are short-stay only and so would not cater for this residential use;
- the existing access proposed to be used is restricted in width and could not accommodate two vehicles passing each other;
- visibility is restricted due to the width of the footway being below standard and therefore the required 2.4 metre setback cannot be attained;
- the proposal to narrow the carriageway to allow the footpath to be extended in width will reduce the width of this bus route which is already below the required width of 6.1 metres;
- access for the secondary entrance/fire escape would appear not to be in the control of the applicant along with vehicular access for deliveries;
- Issues with internal car parking layout and pedestrian routes through the site.

Following this objection, the applicant supplied further information, and the Highway Authority has responded to its receipt as follows:

#### Use of Existing Access

The Highway Authority had raised concerns about the use of this existing access. It is agreed that in all probability, there has been some level of historic use associated with the access, and that the site itself has provided car parking space. However the additional information that has been received is too vague for it to withdraw its objection.

### *Lack of parking*

The Highway Authority had raised concerns about the general lack of parking provision for the development. The proposal is to use the existing car parks to make up for the shortfall of parking. Discussions with the Highway Authority reveal that there will be a substantial shortfall and as such further spaces will need to be provided and maintained in the public car park opposite. A commuted sum of £10000 has already been offered by the developer towards the maintenance of these public car parks in addition to the £25000 being offered for the contribution towards public open space in Atherstone.

### *Existing footway*

The principals of the revisions as indicated on drawing 2087-SK-02 have generally been accepted by the Highway Authority subject to a Stage1-2 Road Safety Audit.

### *Servicing Arrangements*

The Highway Authority Engineer has verbally agreed that there is scope to provide a lay-by facility off the access serving the Aldi supermarket. However, from the additional information received it would appear that no rights of vehicular access over the access to Aldi were retained when the area was sold for redevelopment. Clearly to access the service area as proposed, and for vehicles to turn so as to re-enter the public highway in a forward gear, rights of access over the Aldi access would be necessary and the Highway Authority would need assurance by way of an agreement/easement with the adjacent landowners that this could be attained. Thus, evidence is required that Aldi will enter into such an agreement to allow rights of access for vehicles to use such a service area.

The Highway Authority also made observations with respect to the emergency access and refuse servicing. The guidance for fire appliances is that they should be able to access within 45.0 metres of the furthest unit.

With regards to refuse collection, 25.0 metres is the distance over which refuse operators will walk from the vehicle to bins/bin storage areas and so any bin storage areas need to consider this.

The Highway Authority generally agree that the parking layout is acceptable based on the details submitted (Dig 2087-SK-03 & 04) however, the first parking space on the left hand-side of the access (block of 3 bays) would create conflict with pedestrian using the proposed pedestrian access between the two units. Additionally the pedestrian access would not appear to meet DDA requirements.

To prevent vehicles accessing the whole of the site, bollards are required to be installed outside the reception area.

Based on the above the Highway Authority concludes that there are issues that remain to be satisfactorily addressed before it can remove its objection.

**Warwickshire Museum** – It recommends that a condition is imposed requiring no development to take place until a programme of archaeological work has been submitted and approved by the Local Planning Authority.

**Warwickshire Fire and Rescue** – It has no objections to the scheme and recommends the imposition of a condition requiring a scheme for the provision of adequate water supplies and fire hydrants for fire fighting purposes to be submitted for approval.

## **Representations**

**Councillor Dirveiks** – As local Ward Member she welcomes the scheme to develop the old Vero factory and requests that a history display space is set aside in the scheme in order to display some of the equipment the factory would have used.

**Atherstone Town Council** – No objections to this application. However, it would wish for the Section 106 Agreement to include the provision of two benches to be provided on the green space in front of the public car park; a pedestrian crossing on the raised area by the car park, the chimneys re-pointed, and signage around the town to stop HGV vehicles taking a route through the town.

Further comments were received following the response from the Highway Authority – the Town Council would like to recommend that more parking should be found on site.

**Atherstone Civic Society** – This scheme includes buildings that date back to the later part of the 18<sup>th</sup> Century. They are pleased that a sensitive scheme is proposed for their retention and conversion has come forward. They have no objections to the proposal. It will also provide homes for the elderly in the centre of the town and trust that the car parking provision will be sufficient in view of the elderly persons in sheltered accommodation being unlikely to own cars themselves.

## **Observations**

As stated in the report to the Board on 18 January 2011, Saved Local Plan Policy ECON6 relates to the redevelopment of this general area of Station Street which includes the former hat factory the subject of this planning application. The principle of this policy is to stress the importance of this prominent brown field site and its allocation for a mixed use development site that needs to deliver environmental improvements and revitalise this part of the town.

The report to the January's Board highlighted the initial key issues emerging from the proposed scheme. Following the statutory consultation period, no additional issues have emerged over and above those already identified. Therefore, this report will now address each of these issues in light of the consultation responses received.

### **a) Design**

The Council's Heritage Officer generally welcomes this scheme which he considers potentially represents significant investment in Atherstone that will not only save a non-designated heritage asset (the former Willday Hat Factory) of great local significance to the town which is at risk, but also bring life and activity back to this neglected part of the Conservation Area. With regards to the redevelopment scheme proposed he considers that it is sensitive to the need to preserve the magnificent long 18<sup>th</sup> century courtyard elevations as well as much of its existing fabric. He considers that the alterations proposed which might negatively affect this heritage significance are limited but justifiable. Atherstone Civic Society also agrees that the scheme proposed is sensitive to this historic building and has no objections.

With regards to the new elements of the proposal, the Heritage Officer did have concerns regarding the design and materials of the lift tower but now welcomes the amended plans which show the lift core to be clad with timber boarding and the roof to be in metal with glazed apertures to the centre of the elevation. In view of the limited footpath width outside the proposed entrance to the restaurant, the applicant has agreed to a condition requiring the doorway to be relocated to the elevation fronting the Aldi car park and full details are to be submitted at a later stage. This is a full planning application and so details can be required to be submitted as part of appropriately worded conditions.

Based on the above it is considered that the redevelopment scheme by sympathetically using the external fabric of the building will enhance the character, appearance and setting of Atherstone Conservation Area as well as retain the historic fabric of this former hat factory which dates in part to the later part of the 18<sup>th</sup> century. Such a scheme is considered to comply with Saved Policies ECON6 and ENV15 of the North Warwickshire Local Plan 2006.

## **b) Highway and Parking Issues**

The Highway Authority has objected to the proposal on a number of grounds. One of these is the use of the existing vehicular access onto Station Street. Whilst it accepts that historically this access has been used to service the building and accommodate parked cars during its use as a B2 factory, it considers that the scale of that use is still too vague, for it to be a fall-back consideration of any weight. The applicant's Highway Consultants have drawn up a scheme to increase the width of the footpath in the vicinity of the access by altering the carriageway as detailed in Drawing Number 2087-SK-02. This increase in footway will not only benefit pedestrians but will also improve the visibility splays from the access onto Station Street. The Highway Authority has accepted that this new arrangement will be of benefit in principle.

The existing and lawful uses of this building and the fact that this vehicular access is an existing access are material considerations of weight. It is accepted that the use of this access historically would have been low, however, it has and is still capable of being used for vehicles to service and park in this area of the site. The proposal is for only seven cars to park in this area and use this vehicular access. Such a level of use is low. The alternatives would be to either - 1) increase the width and height of the vehicular access which would destroy the historic fabric of the building, or 2) - close the access to any vehicular traffic. It is considered that some level of parking and vehicular drop-off point is required for this site to function as due to the age of the residents involved, there will be a need for a drop-off facility for emergency services and other transportation services. Amended plan ref: 2451-007 Rev C includes three bollards that will prevent further parking within the site. On balance, despite the Highway objection to the use of this existing access it is considered that a combination of the improvements to visibility splays through widening the footpath, limiting the number of vehicles that can park within this area, providing a dedicated turning area and the height restriction of the existing access, will all improve the safety of this existing access. Conditions can be imposed to ensure that these restrictions are implemented. However, there are clearly consequences if this position is accepted – namely that there could be an increase in the demand for the public car parks in Atherstone.

The Highway Authority also objects to the lack of car parking provided by this scheme. As stated above, it is not possible to safely provide additional car parking on the site. The application is accompanied by a Transportation Statement which

looks at the existing uses in the building and compares their parking requirements with the proposed uses. The Highway Authority clearly recognises the parking issues in Atherstone with regards to the general lack of long-stay car parking in the town. There is a public long-stay car park opposite the site, however, this is usually full. The applicant's Transportation Statement argues that some of the drivers who use this public car park are using the existing uses of the building which will be removed once the site is developed. The only present users of the building are the gymnasium which is likely to remain in some part of the building as the application does include a D2 Use. It is accepted that in line with Government advice in its PPG13 document, this part of Atherstone is accessible to a variety of modes of travel being within walking distance of the bus station, the train station and a taxi rank. The site plan shows covered areas for cycles and mobility buggies. The residents of the retirement complex are less likely to own a car compared to a younger occupier. It is also accepted that the car park opposite the site does have some spaces which are not clearly defined and so the applicant has agreed to a one-off payment of £10000 towards the maintenance of this and other public car parks in the town centre. As stressed in Saved Policy TPT6 (Vehicle Parking) and PPG13, on-site parking provision in connection with development proposals will be required not to exceed maximum standards. On balance, although the car parking provided is very low, it is considered that in this town centre location with other modes of travel being accommodated along with the commuted sum put forward to ensure that the whole of the public car park opposite can be used, this parking provision can be supported.

Finally, the Highway Authority has objected to the servicing arrangements proposed. Amended plan ref: 2451-007 Rev C does include a delivery drop-off lay-by which is under the ownership of the applicant. There is currently an emergency right of way across Aldi's access road for the occupiers of this building. This will mean that the emergency services will be able to access the entire development site. However, the Highway Authority is concerned that no rights of access over the access to Aldi were retained when the area was sold for redevelopment. As such although a servicing lay-by can be provided, it cannot be used. The applicants are currently in discussion with Aldi with regard to vehicular access over their land in order to use this service lay-by. However, they do not wish for the determination process to be delayed whilst these discussions take place. The level of servicing for the proposed restaurant, A1 and D2 uses will be low. A condition can be imposed to ensure that full details of this delivery drop-off lay-by are provided, including its capability of being used, prior to the restaurant use being implemented can be imposed to cover this objection.

As stated previously, emergency vehicles can access the front and side of the building. Warwickshire Fire and Rescue has requested that a fire hydrant be placed within the site. Amended plan ref: 2451-007 Rev C shows such a fire hydrant to the rear of the site to overcome this concern.

### **c) Lack of Affordable Housing Proposed**

An Economic Viability Statement has been submitted with the application. The Council's Valuation Officer agrees that the economic viability of the scheme cannot support any contributions for affordable housing. He considers that if affordable housing was to be included on site then this would have a serious detrimental effect to the scheme and so a financial contribution may be the alternative. Nevertheless, the whole scheme is very risky in this present uncertain economic situation.

Under Saved Policy HSG2 in the North Warwickshire Local Plan, there is a requirement for a minimum of 40% of the housing provided to be affordable housing. The advice from the Council's Valuation Officer is clear in that to request any amount

of affordable housing for this scheme will jeopardise the whole of this redevelopment scheme.

#### **d) Proposed Mixture of Uses and Issues of Noise and Odours**

Saved Policy ECON6 requires a mixed pattern of land uses that will sustain and enhance the vitality and viability of the town centre. On the street frontage with Station Street, the scheme proposes an A3 Use, two A1 Uses and two D2 Uses. On the remainder of the site, 23 retirement residential units are proposed along with two D2 (Assembly and Leisure) Units. This will ensure a good mixture of uses for this part of the town centre. Saved Policy ENV9 states that places of residence, employment or other noise-sensitive uses will not be permitted if the occupants would experience significant noise disturbance. Following the receipt of a Noise Report, the Environmental Health Officer concludes that the report demonstrates that there will be exposure to noise. However the results of the assessment show that the proposed dwellings will be exposed to noise on particular facades, and that adequate mitigation measures to minimise any potential disturbance can be provided. Conditions are recommended to ensure that the present nightclub use is removed from the site; that glazing is to a certain standard, and that the D2 Use and A3 Use are not permitted to play amplified music. Further details are also requested to demonstrate the mitigation measures to be provided for the D2 Use so that it will not impact on the adjoining residential units. Based on these conditions, the Environmental Health Officer confirms that there are no objections to the proposed mixture of uses.

#### **e) Lack of on-site public open space**

Due to the size of the site, only a small courtyard can be accommodated to serve as a seating area for the occupiers of the site. The site is within walking distance of public open space in the town. The applicants have proposed to contribute £25000 towards the maintenance of this existing public open space. It is considered that this amount is sufficient for this redevelopment scheme and will enable the Council to work with the Town Council with the aim of implementing their recommendations for enhancing the town centre.

### **Conclusions**

Saved Policies ECON6 and ENV15 require a mixed use development scheme in this location which enhances the character, appearance and setting of Atherstone's Conservation Area as well as retaining the historic fabric of the existing buildings. The consultation responses received reinforce the view that this is a prominent site in Atherstone's Town Centre and as such its re-use is vital to sustain the economic vitality and viability of this part of town.

Nevertheless, the Highway Authority has objected to this redevelopment scheme from a highway safety point of view. Mitigation measures have been put forward by the applicants to address some of the highway concerns but these are not sufficient to remove the objection all together. Due to the constraints of the existing building, a scheme cannot be designed to address all of the concerns raised by the Highways Authority. Members will therefore need to balance this objection against the benefits of bringing this redundant building back into use.

The design and mixture of uses is acceptable subject to conditions. There is concern about the lack of affordable housing being provided, however, the Council's Valuation Officer's advice is clear in that to ask for a financial contribution will

jeopardise the viability of this scheme. The majority of the building is unoccupied and is gradually deteriorating. A considerable amount of grant money has already been paid from the Conservation Area Partnership Scheme (CAPs) towards renovating the exterior of this building. The Heritage Officer has stated that in order to preserve this building it is imperative that work commences shortly on a redevelopment scheme.

It is therefore recommended that on balance, Members approve this redevelopment scheme subject to the signing of a Section 106 Agreement and subject to conditions being imposed. If Members are minded to approve, subject to the draft heads of an Agreement as set out below, then it is requested that the exact wording of conditions be delegated for later approval by the Chair, Vice Chair and lead spokesperson of the opposition.

### **Recommendation**

That subject to the signing of a Section 106 Agreement with the following terms:

£25000 as a contribution towards improvement and/or enhancement of existing off-site Public Open Space provision in Atherstone and £10000 as a contribution towards the maintenance of the public car parks in Atherstone,

then planning permission be approved subject to the conditions with the following general wording, but that the exact wording be delegated to officers in consultation with the Chair and Vice-Chair of the Board together with the Opposition Planning spokesperson.

### **Conditions**

- 1) Three year time condition
- 2) Approved Plans
- 3) Age restriction on those occupying residential units to 55+

### **Noise/odour conditions**

- 4) Prior to any residential unit being occupied, all of the existing nightclub use on the site shall cease and anything associated with such use shall be removed from the building
- 5) Restriction of restaurant to A3 Use only and no amplified music and regulated entertainment whatsoever.
- 6) Restriction on D2 Use to areas shown on plan only and full details of sound insulation measures to units 5, 14 and 15 to mitigate any noise emissions from the D2 use.
- 7) No amplified music from the D2 use
- 8) Limit floor areas for the A3, A1 and D2 Uses to those specified in the planning application
- 9) Full details of extraction unit to be provided for the kitchen serving the restaurant use

10) All windows to habitable rooms on the western side of the development shall be fitted with acoustic double glazing with a minimum rating of Rw 38dB. All other windows to habitable rooms shall be fitted with double glazing with a minimum rating of Rw 33dB.

11) Ventilation to Units 8-12, 19 and 22-26 shall be provided by mechanical means, with a boost facility to negate the need to open windows.

12) The exact specification of the types of double glazing and mechanical ventilation shall be provided to the local authority for approval prior to development.

**Design conditions covering:**

13) The proposed entrance to the restaurant being relocated to the elevation fronting the Aldi car park and full details are to be submitted prior to any works taking place;

14) Schedule of windows

15) No windows shall be replaced other than those shown on the approved elevation drawings without details first being submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented.

16) Full details of external vents and flues

17) Full details of roof lights to be provided

18) Full details of external materials including ground surfaces

19) Full details of external joinery elevations to a minimum of 1:20 sections at 1:2

20) Full details of lift tower, access decks and railings to be submitted

21) Full details of signage/fascias to be provided

22) Full details of the restoration of the freestanding chimney located in the centre of the site including details of repointing and removal of vegetation.

23) Drainage condition for the disposal of surface water and foul sewage

24) Programme of archaeological work to be agreed

25) Scheme for the provision of adequate water supply and fire hydrants

26) Details of the history display area to be provided in the A3 use prior to its occupation

27) Ground Contamination Survey required

Highway Conditions to be agreed with the Highway Authority

Note on Bats Roosting

## BACKGROUND PAPERS

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

### Planning Application No: PAP/2010/0236

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans	Validated 18/11/10
2		Press Notice – Atherstone Herald	25/11/10
3	Councillor Dirveiks	E-mail	25/11/10
4	Atherstone Town Council	Consultation response	1/12/10
5	Warwickshire Wildlife Trust	Consultation response	8/12/10
6	S Wilkinson	Board report	18/1/11
7	J Brown	Letter to Agent	18/1/11
8	Agent	E-mail	14/1/11
9	Agent	Letter	3/12/10
10	Warwickshire Police	E-mail	4/1/11
11	Heritage Officer	Consultation response	20/12/10
12	Council's Valuation Officer	Consultation response	24/12/10
13	Severn Trent Water	Consultation response	9/12/10
14	Agent	Letter	24/1/11
15	Planning Archaeologist	Consultation response	24/1/11
16	Warwickshire Fire and Rescue	Consultation response	28/1/11
17	Highways Authority	Consultation response	24/1/11
18	Agent	Letter	27/5/11
19	Highways Authority	E-mail	27/5/11
20	S Wilkinson	Letter	15/7/11
21	S Wilkinson	Letter	13/1/11
22	Agent	E-mail	29/6/11
23	Highways Authority	E-mail	12/7/11
24	Applicant's Highway Engineers	Letter	14/2/11
25	Environmental Health Officer	Consultation response	10/12/10
26	Highways Authority	Consultation response	24/1/11
27	Environmental Health Officer	E-mail	27/7/11
28	Agent	Letter	22/7/11

*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.*



FAP/2010/0236

Vero Works, 36 Station Street, Atherstone

**Redevelopment of site, encompassing the Victor Works and the remains of the Vero and Everitt Factory, for conversion to retirement dwellings, retail units and for a restaurant for**

**Mr D Davies**

### **Introduction**

The receipt of this application is reported to the Board in view of its significance to the town, such that Members can understand the proposal and the issues involved prior to its determination at a later meeting. Additionally, it is accompanied by a Section 106 Agreement.

### **The Site**

The site comprises an area of some 0.17 hectares and is made up of a number of former factory buildings fronting onto Station Street and the Aldi Supermarket's car park. The buildings are arranged around a central courtyard area. The site lies within the town centre boundary for Atherstone and the majority of the site is within Atherstone's Conservation Area. None of the buildings in question are categorised as Listed Buildings.

The buildings comprise a collection of two and three storey structures of which many have not been occupied since the 1980s. The buildings that are occupied are the large rectangular building at the west which is being used as a gym and a dance studio, and the first floor of the building to the east which is being used as a nightclub. There is presently vehicular and pedestrian access into the site from Station Street via gated accesses.

### **The Proposals**

The application relates to the submission of a full application for a mixed use development scheme comprising of:

- 23 retirement residential units being a mixture of one-bed units (11) and two-bed units (13);
- 1 one-bed visitor residential unit;
- vehicular and pedestrian access into the courtyard which will provide an amenity and landscaped space along with 7 car parking spaces and a secure storage area for 35 bicycles and mobility buggies;
- two ground floor retail units along Station Street totalling some 83 square metres of gross internal floor area;
- a ground floor restaurant fronting onto Station Street totalling some 288 square metres of gross internal floor area; and,
- two first floor units under Use Class D2 (Assembly and Leisure).

The proposed scheme seeks to retain the existing fabric of the building. The overall footprint of the building works will not exceed that of the existing footprint. The development will be accessed via the existing vehicular access on Station Street. The proposal includes increasing the footway along Station Street as it passes the site from 1.0 metres wide at its narrowest point and 1.9 metres wide at its widest to a minimum width of 2 metres. This will result in the vehicle carriageway being reduced in width from just over 6.0 metres to 5.5 metres.

The proposal includes a new lift to be constructed in the internal courtyard whose core will be constructed from brickwork masonry. The roof is proposed to be built in a metal standing stem with glazed apertures to the centre. New bridge walkways are proposed to be constructed out of this lift core. The former factory chimney stack is shown to be retained and restored.

The planning application is accompanied by a Section 106 Agreement relating to a sum (proposed to be £25000) as a contribution towards off- site Public Open Space.

Also accompanying the planning application forms and plans are:

- A Design and Access Statement;
- A Report on the Estimate of Construction Costs;
- A Report on the conclusions of a Structural Inspection of the Buildings;
- A Transportation Statement;
- An Economic Viability Statement; and,
- A Report on Existing Noise Climate.

#### **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – ENV9 – Air Quality; ENV10 (Energy Generation and Energy Conservation; ENV11 (Neighbour Amenities), ENV1 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation, Enhancement and Interpretation), ENV16 (Listed Buildings), ECON5 (Facilities relating to the Settlement Hierarchy), ECON6 (Site at Station Street including Former Hat Factory, Atherstone) and TPT3 (Access and Sustainable Travel and Transport); HSG2 Affordable Housing.

#### **Other Material Considerations**

Government Policy and Guidance - PPS3 (Housing), PPG13 (Transport), PPS5 (Planning for the Historic Environment) and PPG24 (Planning and Noise)

#### **Observations**

Saved Policy ECON6 relates to the redevelopment of this site at Station Street which includes the former hat factory. The policy stresses the importance of this prominent brownfield site at an important entrance to Atherstone. Part of the site has already been developed to accommodate the Aldi Foodstore and its car park. Within the policies' justification it states that the Council wishes to see a mixed-use development on the site that will deliver environmental improvements and revitalise this part of the town. Any development is thus expected to be of the highest architectural standard

and be appropriately related in scale and form to the adjoining Conservation Area and Listed Buildings. The justification further goes on to state that in determining any application on the site primary consideration will be given to securing a development of enduring quality rather than responding to short-term expediency.

The proposed redevelopment scheme highlights the following key issues which need to be addressed:

- 1) That the design of the proposed redevelopment scheme proposed needs to enhance the character, appearance and setting of Atherstone's Conservation Area, as well as retain the historic fabric of the buildings in accordance with Saved Policies ENV15 and ECON6. The amount of new buildings required by the scheme is minimal. The most prominent new building proposed is the lift tower located in the central courtyard and further details will be required on the design of this structure. The application is accompanied by a Design and Access Statement and a Report on the conclusions of a Structural Inspection of the Buildings
- 2) That the proposed redevelopment scheme does not impact on the highway safety of road and pedestrian users along Station Street. The proposal involves the use of the existing pedestrian and vehicular access into the site. It is also proposed to increase the footpath along this part of Station Street whilst reducing the width of the carriageway. Saved Policies ENV14 and TPT3 stress the importance of ensuring that the vehicular access to the site is safe and demonstrates that priority is given to pedestrians, cyclists and those using public transport. The application is accompanied by a Transportation Statement.
- 3) That the proposed redevelopment scheme which only seeks to provide seven car parking spaces within the site will not cause highway issues with pressure for off-street parking and the need to load and unload delivery vehicles for the retail/restaurant uses proposed. The application is accompanied by a Transportation Statement.
- 4) That the proposed redevelopment scheme does not include any provision for affordable housing. Saved Policy HSG2 states that in Atherstone an element of affordable housing will be sought in all developments that provide for 15 or more dwellings. This scheme proposes 23 residential units as well as 1 visitor unit and so there is requirement for 9 of these units to be affordable units. The application is accompanied by an Economic Viability Statement.
- 5) That the proposed mixture of uses with residential units proposed above an A3 (Food and Drink) Use as well as residential units proposed in this part of town, is the correct mixture of uses when considering the requirements of Saved Policy ENV9. Saved Policy ENV9 states that places of residence, employment or other noise-sensitive uses will not be permitted if the occupants would experience significant noise disturbance. The application is accompanied by a Report on Existing Noise Climate.

- 6) That the proposal to make a contribution (£25000) towards off-site public open space is sufficient for the redevelopment scheme proposed. The application is accompanied by an Economic Viability Statement.

**Recommendation**

That a Member site visit be arranged prior to the application being reported back to the Planning and Development Board. This recommendation is made in view of there being no public access into the internal courtyard of the site or into the buildings involved.

## **(2) Application No PAP/2011/0122**

**Victor Valet Limited, Kingsbury Road, Curdworth, Warwickshire**

**Display of advertisement consent, for Mr Christian Humpherson**

### **Introduction**

The application is reported to the Board at officer's discretion given the history of the site and prior refusal of advertisement consent for signs.

### **The Site**

This site is on the southern side of the main A4097 road out of Birmingham heading towards the M42 motorway. It is close to the crossroads junction with the Coleshill Road and Wishaw Lane in Curdworth opposite the White Horse Public House. It has a substantial open grass frontage with a building towards the rear, beyond which are residential properties.

### **The Proposal**

This is for the erection of non-illuminated sign measuring 1.5m high by 1.4m wide mounted on pole, base of sign will be 4.5m above ground level. The sign will be erected within site at the boundary with the public highway verge.

### **Background**

The site is a former petrol station. Planning permission was granted for change of use to a vehicle car wash on 05/12/2006. This was subsequently implemented and the site is currently used for washing & valeting of cars and lorries. The petrol station displayed a totem pole sign, for which advertisement consent was granted in 1974, this was located within the public highway verge and has now been removed.

Two previous applications seeking advertisement consent for the display of a pole mounted sign in connection with the current use on the were refused in 2009; the proposed signs were considered to have an adverse visual impact detrimental to amenity.

### **Development Plan**

North Warwickshire Local Plan 2006 (Saved Policies) : ENV2 – Green Belt, ENV11 – Neighbour Amenities; ENV13 – Building Design and ENV14 – Access Design.

### **Other Relevant Material Considerations**

Planning Policy Guidance Note 2 Green Belts  
Town and Country Planning (Control of Advertisement) Regulations 2007, as amended.

## **Consultations**

Warwickshire County Council as Highway Authority - No objection to the sign.

## **Representations**

Curdworth Parish Council – Objection as the sign is out of keeping with the area because of its size.

A letter of objection has been received from a local resident referring to its size being out of keeping with the area.

## **Observations**

The current application proposes a non-illuminated sign that will comprise solely of the logo of the company, Victor Valet. This logo would be a cut out shape of a cartoon character, a man, holding a water jet hose. The sign will measure a 1.5m high by 1.4m wide and will be mounted on a steel pole. The base of the sign will be 4.5m above ground level. This has been reduced in size from the original proposed sign which measured 2m high by 2m wide through the submission of an amended plan.

The sign will be erected within the boundary of the wash facility and will thus be set back some distance from the edge of the public highway carriageway.

The applicants believe there is a need for a sign to provide early notification of the location of the wash site for vehicles which need to turn across oncoming traffic to enter the site. The applicants would prefer to erect a sign with the verge of the public highway; but the consent of the Highway Authority has been withheld, and hence this proposal to locate it further back into the site.

The height of the sign is determined by the need to provide sufficient clearance for taller vehicles using the wash facility and for it to be visible above mature trees which line the approaches on Kingsbury Rd.

The approach to the site along Kingsbury Rd from the east is characterised by a row of mature deciduous trees with extensive canopies. These mitigate the visual impact of the sign as they mask any views of the site until a point is reached some 50m distant from the eastern most access to the site.

The approach to the site along Kingsbury Rd from the west is characterised by mature trees and hedgerows which mitigate the visual impact of the sign. The sign may be visible from a distance of around 100m from the western most access to the site, however it would be viewed against a backdrop of the canopies of the taller trees lining the eastern approach on Kingsbury Rd which will further mitigate the visual impact.

The rear boundary of the application site with Glebe Close is also characterised by semi-mature trees. These are of sufficient height to restrict views of the proposed sign from street level.

In considering applications for Advertisement Consent, the Regulations require the Local Planning Authority to only consider the sign's impact on amenity and highway safety.

The Warwickshire County Council Highway Authority has no highway objection, and so that leaves the amenity impact.

The application site is on the edge of the settlement of Curdworth and the sign itself is in that part of the site that is within the Green Belt. National planning guidance, set out in Planning Policy Guidance Note Number 2, requires that the visual amenities of the Green Belt should not be injured by development within or that is conspicuous from the Green Belt by virtue of siting, materials or design.

The sign now proposed is significantly smaller than any earlier proposal and would be mounted at a lower height than any sign proposed within the previous applications. The reduction in size and height serves to increase the effect of the mature trees in restricting views of the sign. Overall the visual impact of the sign is considered to differ significantly from the visual impact of the signs for which consent was refused. The impact of the sign now proposed, by virtue of its size, design and position, is not considered to be unduly harmful to the visual amenity of the Green Belt or the immediate locality and will not have an adverse impact on highway safety. It is also worth noting that the former use did have a number of signs including totem signs, and that as a commercial operation is run from the site that there is a reasonable requirement for it advertise its business.

### **Recommendation**

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

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

#### **REASON**

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

2. No advertisement shall be sited or displayed so as to -  
(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);  
(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or  
(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

#### **REASON**

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

#### **REASON**

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

#### REASON

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

#### REASON

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

6. The advertisement display hereby approved shall be permanently discontinued either on the cessation of the vehicle wash use on the site or on the vacation of the site by the current operating company Victor Valet Ltd, whichever is the sooner. The sign and support structures shall be removed from the site within three months of the date of the cessation of the vehicle wash use on the site or of the date of vacation of the site by Victor Valet Ltd, whichever is the sooner.

#### REASON

In the interests of amenity.

#### **Justification**

The sign now proposed is significantly smaller and will be mounted at a lower height than signs proposed within previous applications. The reduction in the size and in the height at which it is to be mounted serves to increase the effect of the mature trees in restricting views of the sign. Overall the visual impact of the sign is considered to differ significantly from the visual impact of the signs for which consent was refused. The impact of the sign now proposed, by virtue of its size, design and position, is not considered to be unduly harmful to the visual amenity of the green belt or the immediate locality and will not have an adverse impact on highway safety.

## BACKGROUND PAPERS

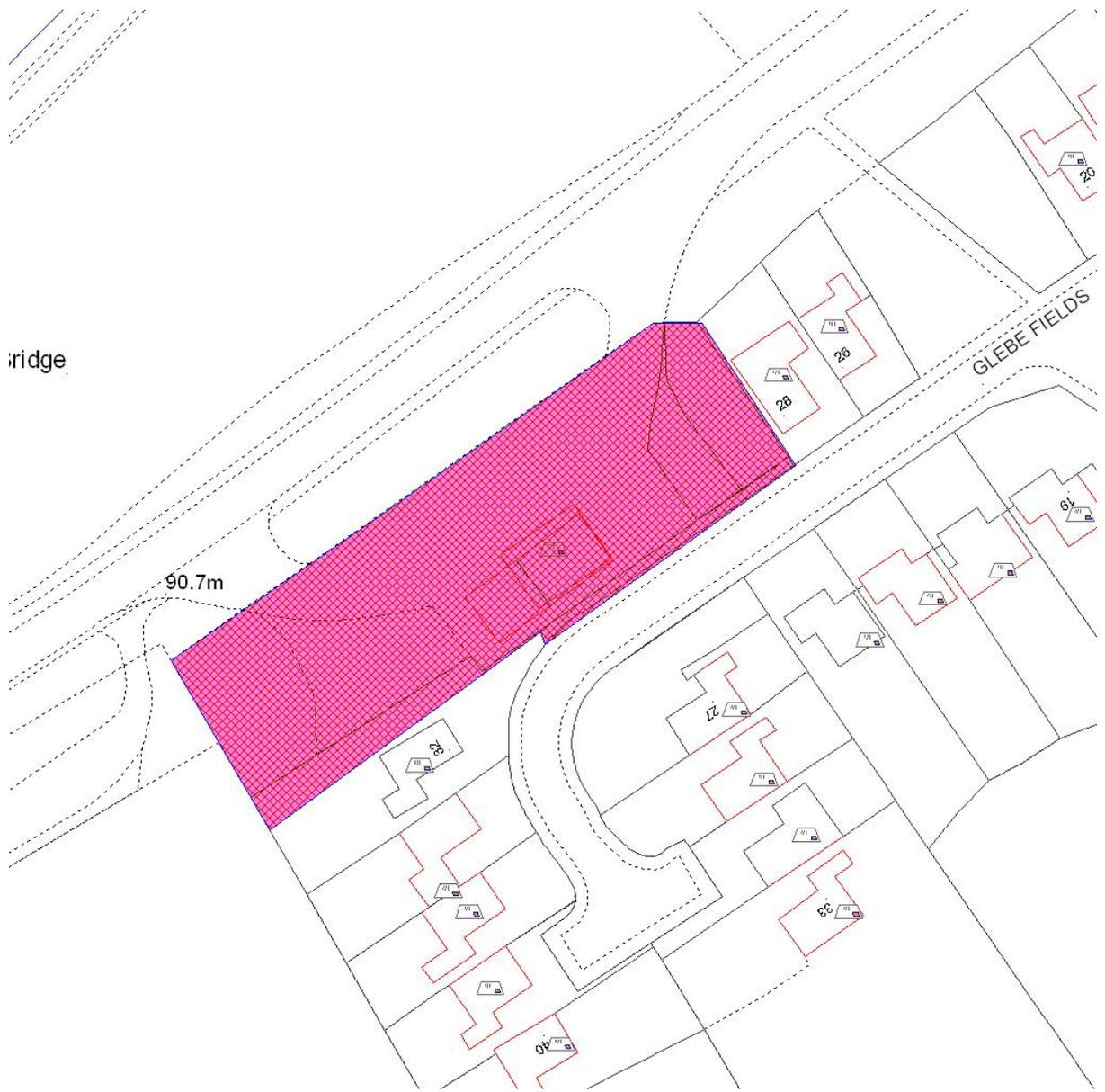
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

**Planning Application No: PAP/2011/0122**

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans	11/3/2011 & 30/6/2011
2	WCC Highways	Consultation	
3	Curdworth PC	Consultation	13/4/2011 & 15/7/2011
4	Dixon	Representation	28/3/2011

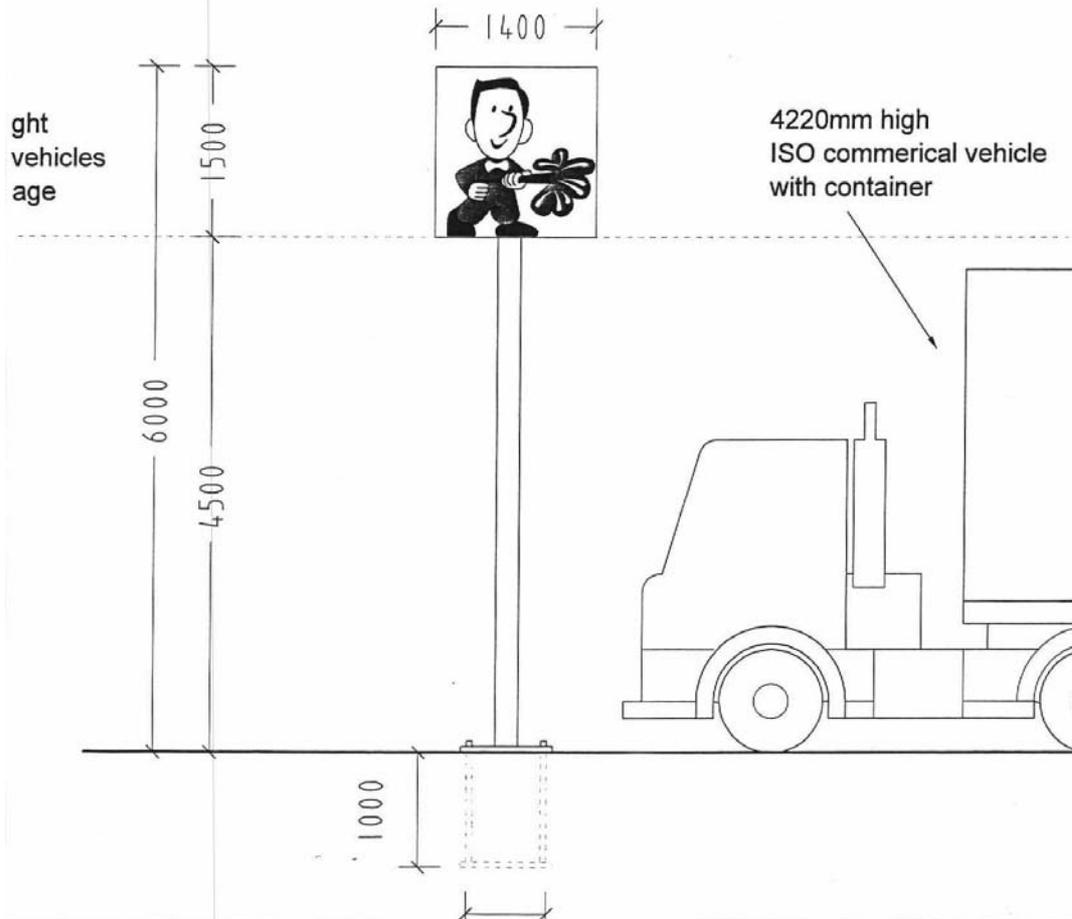
*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*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.*



2011 / 0122

Elevation of Free Standing Signage  
Scale 1:50



### **(3) Application No PAP/2011/0256**

#### **3 The Green Austrey Atherstone**

##### **First floor bedroom and en-suite extension, for Mr J Walsh**

##### **Introduction**

The application is reported to the Planning and Development Board at the request of Local Members who have concerns about the issues involved.

##### **The Site**

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

Number 3 faces north, as do numbers 1 and 2. However the two more modern houses at numbers 1 and 2 stand forward of the front elevation of number 3. In the case of number 2 there is around a 4.5 metre difference. This means that its original rear elevation is around 1.5 metres behind the front elevation of number 3. The application property has been extended. Apart from a conservatory to the west, there are extensions to the east which almost abut the boundary with number 2. These are made up of two parts – a single storey extension in front of a two storey extension at the rear.

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

The side elevation to number 2 is about one metre from this fence. This house has been extended such that it has a single storey rear extension extending back some three metres from the original rear house elevation. This has a low pitch tiled roof. The extension provides a number of rooms. At the eastern end – that closest to number 3 – there is lounge extension. There is a small high level obscurely glazed window in the side elevation here. There is also another much larger window in the rear elevation serving this lounge extension.

A more detailed plan illustrating these features is at Appendix B, and a series of photographs at Appendix C show the two existing extensions at Number 3, and the situation at number 2.

## **The Proposals**

In short the proposal is to add a first floor extension above the single storey front dining room extension described above. It would extend up from the existing side and front elevations and be capped with a two pitched roof leading to the provision of a valley between it and the existing two storey rear extension which would not be altered. Its height would be slightly lower than that ridge.

The new side elevation would contain one additional window. This would be to an en-suite at first floor. It is proposed to be obscure glazed but would have an opening top light. Additionally, an extra window would be added to the existing side gable of the existing two storey rear extension. This is because an existing window to the en-suite here would be lost if the new extension is constructed. This too would be obscurely glazed.

An existing bedroom window at the rear of number 3 is also to be enlarged from 0.6 metres in width to 0.8 metres. This would face towards Rothay.

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

## **Background**

Number 3 also has two rooms within a previous loft conversion. However access to these is not via a useable staircase and it would be difficult to use the loft space as functional habitable rooms.

## **Development Plan**

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

## **Other Relevant Material Considerations**

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

## **Representations**

Austrey Parish Council – The Parish Council indicates that it feels unable to make a recommendation.

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

- Inaccuracy of plans - The plans are considered to be incorrect. They show Number 3 as only having two bedrooms, whereas there is a third where the "study" is marked and the two attic bedrooms in the loft conversion are not shown. This would make a five bedroom house. The site location plan boundary is wrong. (This however has now been addressed following receipt of a revised plan).

- Privacy - The east side elevation of the extension has two windows at first floor level that will overlook the rear garden at Number 1 where the occupiers currently enjoy “total privacy”. This extension compromises privacy and overlooks the garden. The side elevation at Number 3 would come right up to the boundary fence at Number 2. Number 2 is already very close to this boundary. The two new first floor windows would directly overlook the rear garden and into the rear bedroom. Even although these would be obscure glazed, because these will be opening windows in compliance with fire regulations, there is still the potential for overlooking and loss of privacy.
- Design and appearance - The existing property has been sympathetically extended, has character and is within keeping of the surrounding properties. This application changes the character of the cottage to a “modern box”. It changes the vernacular of the lane. The current side elevation of Number 3 already creates an oppressive and overbearing aspect. This is mitigated by the existing single storey extension. A further two storey extension would be adverse to the character of the environment at the rear of Number 2, and would totally enclose the garden. It would have a negative aesthetic impact for the occupiers of Number 2, presenting them with a bulky, continuous and overbearing brick wall along much of the side of their garden. Number 3 has already undergone substantial extension with a loss of its rural charm.
- Parking and Safety - During construction there will be considerable disruption due to parking. The un-adopted lane becomes a public footpath and is a thorough fare to the church; it is used by villagers and children for access, (running from the local shop, the pub and the church). Currently when the applicant has visitors they park in The Green as there is no room on the applicant’s property. The existing cul-de-sac is already subject to traffic and parking congestion, in addition emergency vehicles would not have easy access to properties further up the lane. If the parking and vehicular access at Number 3 is not sufficient for vehicle turning, and given the number of people who could be potentially accommodated as a result of the proposed extension - it will lead to 5/6bedrooms, to accommodate 9 people - this might put pressure on parking and lead to safety hazards for pedestrians, exacerbating existing problems.
- Daylight and sunlight – This is already impaired on the south westerly aspect of Number 2 due to the substantial extension at the application property. The existing single storey extension at Number 3 gives a critical opening which permits afternoon and evening sunshine to the rear of the property and garden. The proposed two storey extension will close off this gap and complete the full overshadowing over this side. It will affect the use and enjoyment of the rear garden, but will also block the provision of natural light into the rear living room, as this room has west facing windows to provide afternoon and evening sunlight. The extension will fully and directly block this light from the south-west to a living room, rear bedroom and garden.
- Noise – The utility room at Number 3 is directly underneath the bathroom at Rothay. It is not insulated against noise transference. Any increase in occupancy is likely to affect the amenity by increased noise in this room.

- Water supply and Party Wall Act – The proposal includes an en-suite. Number 3 shares its water supply with Rothay. There is a single water pipe that runs under Rothay from Church Lane and then continues to Number 3. The extension would mean a need for access. Should permission be granted the occupier at Rothay would require the applicant make a written request for permission to access should he wish to carry out external works. There is no objection to the size of the window being increased.

## **Observations**

The application site is within the development boundary defined for Austrey by the Development Plan and thus there is no objection in principle to further extensions at the property. The main issues raised here are the amenity impact of the extension on neighbouring occupiers and the appearance of the extension. It is considered that the main impact of the extension would be on the neighbouring occupier at Number 2.

It is therefore considered appropriate to run through the representations that have been received.

Firstly it is necessary to look at the proposal in terms of the overall design and appearance. The property is an older cottage and displays many of the features that one would expect in Warwickshire traditional architecture. However, the property has been much altered and extended. It is not a Listed Building and neither is it within a Conservation Area. It also is adjacent to more modern housing and within an area where there is a variety of house type and appearance. The proposed works however would add significantly to the overall mass of the building and they would be to the front. As a consequence they will alter the balance and appearance of the property. The issue is whether this is sufficient in itself to refuse planning permission. It is thus necessary to examine the other issues raised before concluding on this one.

The issue concerning the potential loss of privacy revolves around the two new windows at first floor level – one in the proposed extension and the second being in the existing extension. These are to be obscurely glazed as they would serve en-suites. The top light would be an opening light but these would be small and at a high level. Additionally, within any residential area there is inevitably a degree of overlooking with adjacent rear gardens. In this case, the degree of over looking is not considered to be so material to warrant a refusal.

The potential loss of light however is of more concern. It is not considered that the proposals would materially affect either Rothay or number 1 The Green in this respect. It is the possible impact on the immediately adjoining property at number 2 which is the main concern. This is to the east of the proposed works around 1 to 1.5 metres of the actual building line. Number 2 has also been extended with a rear single storey extension. It is first proposed to look at the potential affect on light entering the existing rooms of number 2. There are no existing openings in the side gable of number 2 which faces the proposed extension. There is however a small high level obscure glazed window in the side of the rear extension. The light entering this window is already affected by the existing extension and the proposed would materially affect the degree of natural light entering the room from this window because of the height of the proposed works and their proximity. However this is mitigated to some degree by the facts that the window is already small; it already has obscure glazing and that it is not the main opening to that room. The room benefits

from light entering from its rear window. It is considered that it is unlikely that this rear window would be affected by the proposed works because of the location of that window in relation to the proposed extension. There is a rear first floor bedroom window above, in the original rear elevation of number 2. Light entering this window is already affected by the existing extension. This would be worsened by the proposed extension as it is located "behind" those works. So in conclusion on this issue, there would be a loss of light into the rear ground floor room of the neighbouring property at number 2 as well as one of the rear bedrooms.

It is now necessary to look at the potential loss of light into the garden at number 2. This garden is to the east of the proposed works, and thus it is the afternoon and evening periods that are more relevant here. It is evident that the existing two storey side extension to the application site already casts a shadow during the afternoon and evening over part of the garden. Therefore there is already overshadowing. The issue is whether this would be made worse. The proposed works are at the front of number 3 and the existing extension and house are very close to the common boundary. As a consequence the proposed extension would not necessarily exacerbate overshadowing to the neighbour's rear garden because the additional shadow would predominantly be cast over the number 2's existing single storey rear extension rather than directly over the garden. There will be an impact, but it is not considered that alone it constitutes a reason for refusal.

Whilst the foregoing suggests on balance that the proposed works might be acceptable, consideration has not yet been given to perhaps the main concern here – that is the amenity impact of a far greater bulk or mass of built form immediately adjacent to number 2. The existing side gable extension at number 3 is significantly large and immediately abuts the property boundary. The additional works will reduce further any remaining feeling of openness. This loss would be perceived elsewhere in the rear garden because of the cumulative mass and perhaps more importantly, the proximity of the total built form. This has the side effects referred to above – the overall character of the application property is affected; the loss of natural light into the small side window at Number 2, the loss of some light into a rear bedroom, and the potential additional overshadowing of this same property. In other words the proposed extension would be overpowering and over dominant, materially affecting the residential amenity of the occupiers of number 2.

Other matters raised by the representations need to be looked at to see if they too would have any additional effects.

In respect of the parking issue, then the proposed extension would not necessarily itself increase the need for additional vehicles. However if there is increased traffic, then there is ample space at number 3 for increased car parking spaces to be provided thus reducing the likelihood of increased cars parking in the cul-de-sac. Construction traffic would be a short term inconvenience, which would occur with any building work undertaken at any of the houses in The Green if their occupiers wished to extend. It is not considered that potential increased noise from a greater number of occupants is relevant to the planning issues surrounding the extension. There is no change of use proposed. More importantly, this could be the subject of other legislation if necessary.

On the matter relating to the Party Wall Act then these arrangements need to be settled outside of consideration of the planning issues involved in this case. In respect to the inaccuracy of plans then revised plans have addressed the concerns raised by neighbours, albeit that plans do not show the layout of the roof space. The key issue here for the Board is the external impact of the proposed works, not the accuracy of the internal room arrangements. In respect of water supply then the utilities arrangements here are not a material planning consideration, again needing resolution privately between the parties.

As a consequence of this, it is considered that the proposed works would have an adverse impact on the residential amenity that any occupier of number 2 might reasonably expect to enjoy. That comes about due the scale of the proposal; the existing extensions and importantly the proximity of the works to number 2.

### **Recommendation**

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

1) It is considered that the extension will have overbearing impact on the residential amenity that the occupiers of the adjoining property could reasonably be expected to enjoy. This is because of the size and mass of the proposed works; the cumulative impact when the existing extension at the premises is taken into account, and the proximity of the proposed works and the existing extension to the neighbouring property's rear rooms and rear garden. The extension results in a dominant development that reduces openness and increases the sense of enclosure at the rear of number 2; impacts on the degree of natural light entering rear rooms at number 2 and increases the likelihood of overshadowing of that property's rear garden. The proposal therefore does not accord with saved Policy ENV11 of the North Warwickshire Local Plan 2006.

## BACKGROUND PAPERS

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

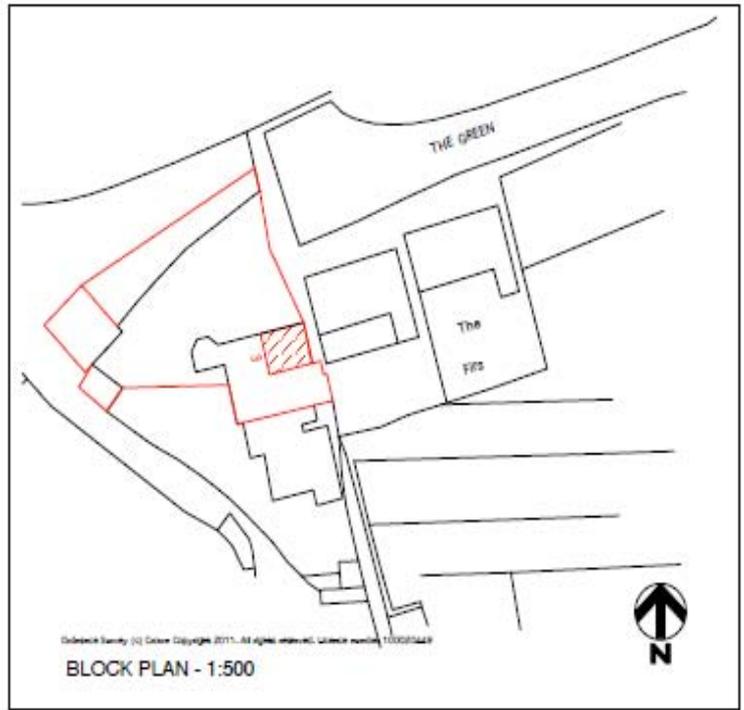
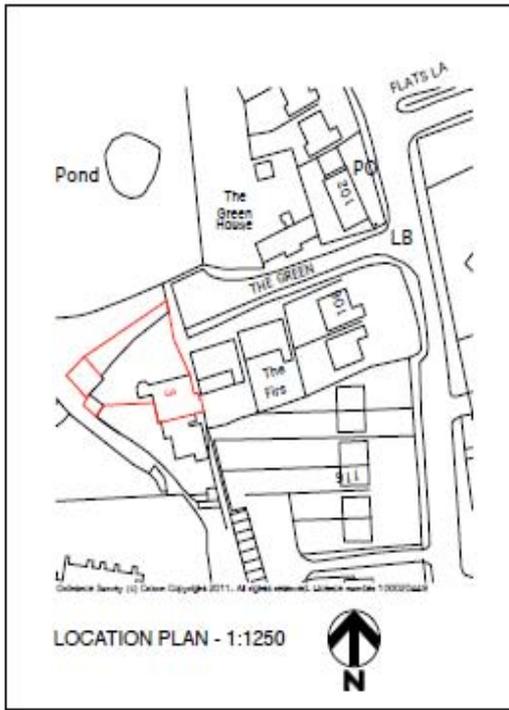
### Planning Application No: PAP/2011/0256

Background Paper No	Author	Nature of Background Paper	Date
1	Mr & Mrs Cooke	Letter of representation	4 June 2011
2	Austrey Parish Council	E-mail of representation	13 June 2011
3	Mr Fish	E-mail and letter of representation	13 June 2011
4	Case Officer	Letter to Agent	23 June 2011
5	Applicant	Letter in response to representations received	23 June 2011
6	Mr & Mrs McEvoy	E-mail of representation	24 June 2011
7	Applicant	E-mail in response to representations received	26 June 2011
8	Case Officer	E-mail information on progress of application	5 July 2011
9	Case Officer	E-mail to Mr Fish on consultation of revised site location plan	5 July 2011
10	Mr Fish	E-mail indicating error on revised site location plan	6 July 2011
11	Applicant	E-mail in response to representations received	6 July 2011
12	Case Officer	E-mail to agent requesting revision to site location plan	7 July 2011
13	Agent	E-mail revised site location plan	7 July 2011
14	Case Officer	E-mail to Mr Fish on correct version of site location plan	7 July 2011
15	Mr Fish	E-mail to indicate site location plan is correct	7 July 2011
16	Councillor Humphries	E-mail response from applicant to representations received	7 July 2011
16	Case Officer	E-mail to agent and applicant informing them of officers observations	8 July 2011
17	Case Officer	E-mail Officers observations to Local Members and Chair and Vice Chair of the P & D Board	8 July 2011
18	Councillor May	E-mail notification - due to controversy is ok for the recommendation to be considered by Planning & Development Board	11 July 2011
19	Councillor Humphries	Application to go to Planning & Development Board?	12 July 2011
20	Case Officer	E-mail response for material planning reasons to take application to P & D Board	12 July 2011
21	Councillor Humphries	E-mail request for application to go to Planning & Development Board	13 July 2011

22	Mr & Mrs McEvoy	E-mail to confirm that original representation still relevant	14 July 2011
23	Mr Fish	E-mail to revise initial representation which removes issue relating to boundary line only.	17 July 2011

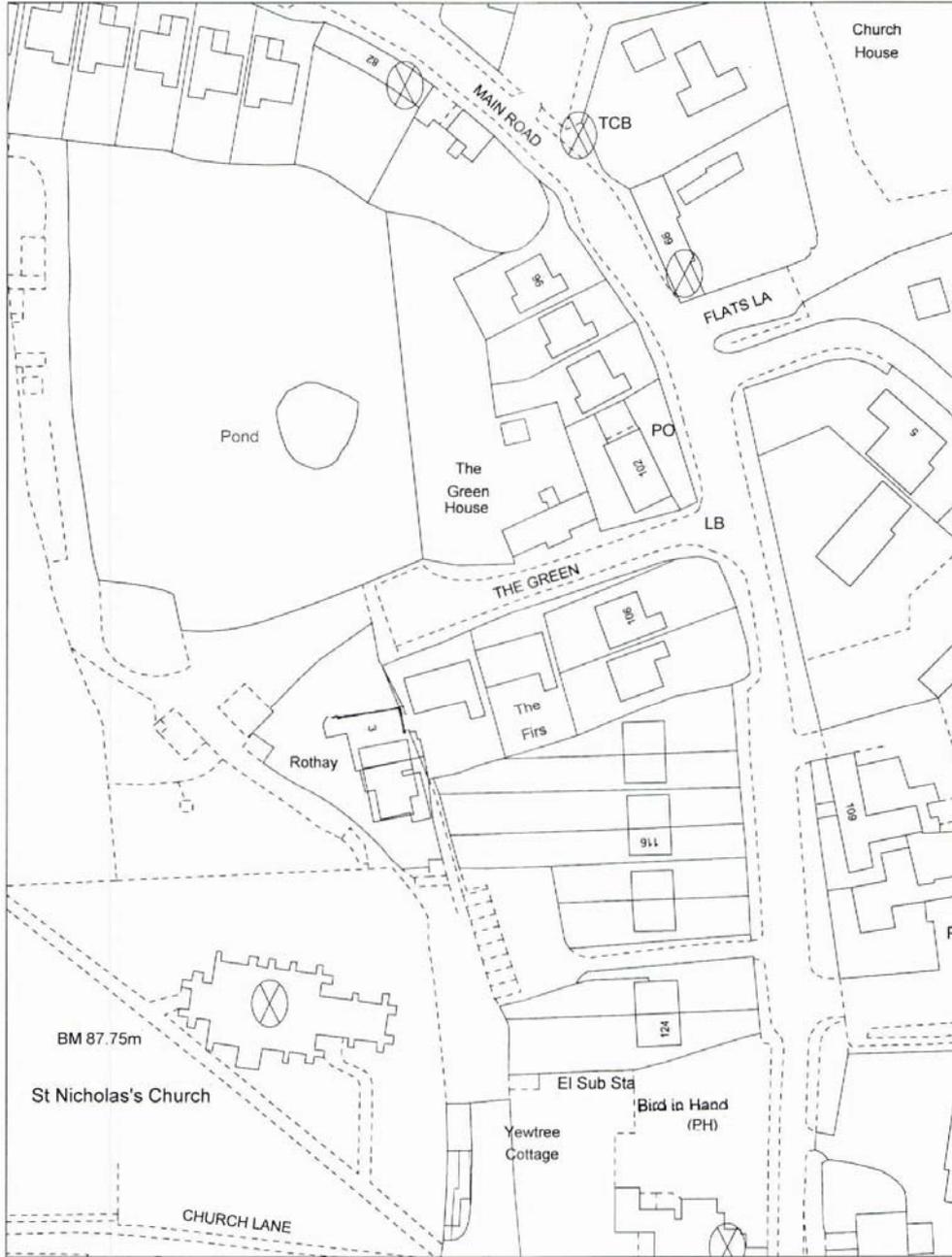
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# Map Title

Appendix A



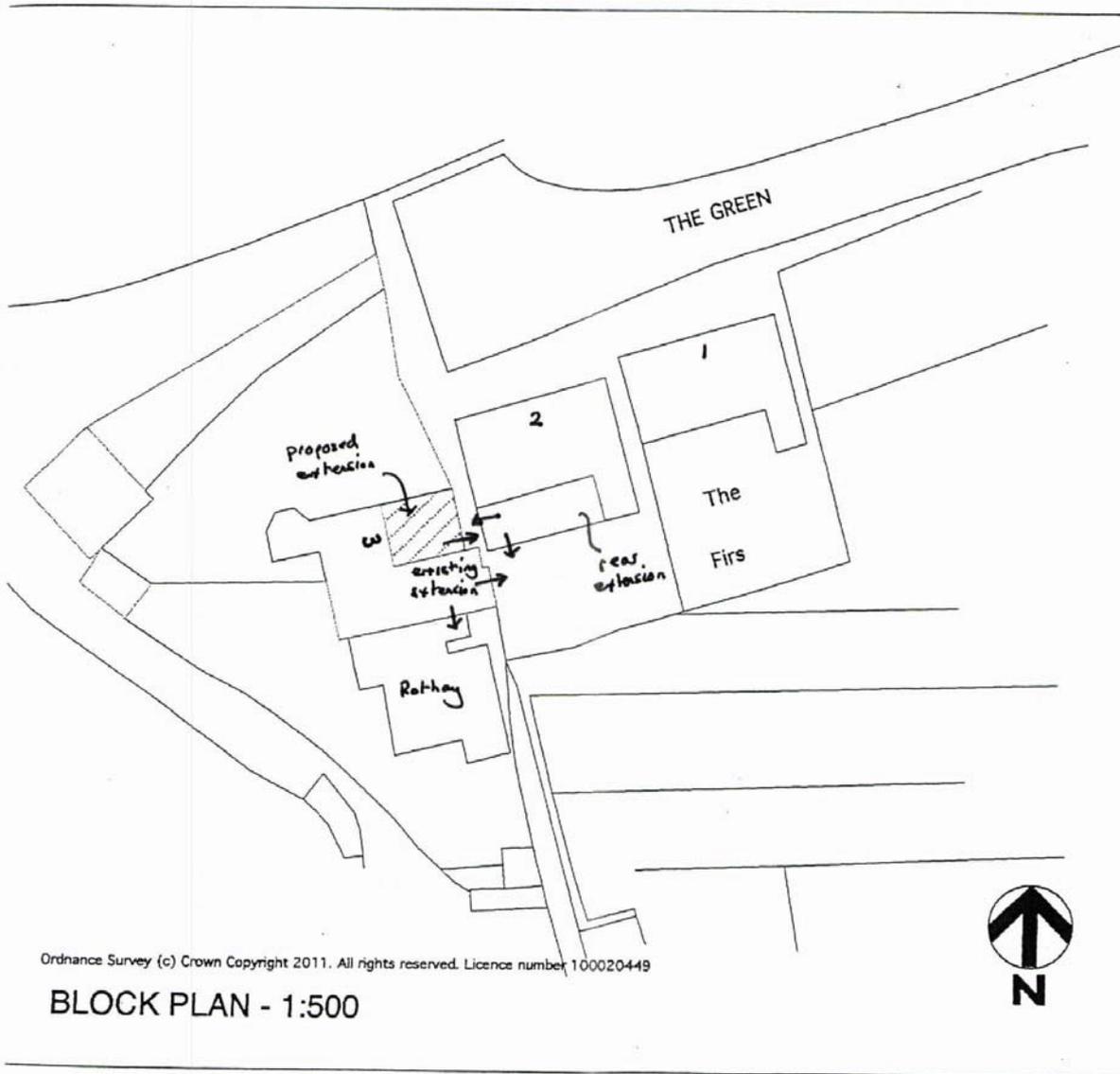
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Existing front elevation at No. 3 The Green





Existing side elevation at No. 3 The Green from the perspective of No. 2 The Green



Obscure glazed side window from inside neighbours lounge extension at No. 2 The Green



Side elevation of No. 3 The Green from perspective of neighbours garden at No. 1 The Green



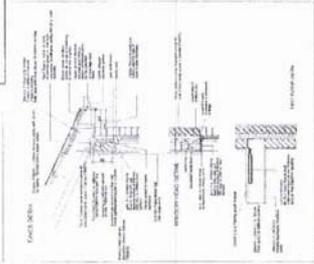
Side elevation at No. 3 The Green and rear single storey extension at No. 2 The Green



Gap between neighbouring properties at No. 2 and No. 3 The Green

2011.0256

PROPOSED PLANS AND ELEVATIONS:



**GENERAL NOTES:**

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL RESIDENTIAL CODE AND THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE.
2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL PLANNING DEPARTMENT.
3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL PLANNING DEPARTMENT.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL PLANNING DEPARTMENT.
5. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL PLANNING DEPARTMENT.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL PLANNING DEPARTMENT.
7. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL PLANNING DEPARTMENT.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL PLANNING DEPARTMENT.
9. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL PLANNING DEPARTMENT.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL PLANNING DEPARTMENT.

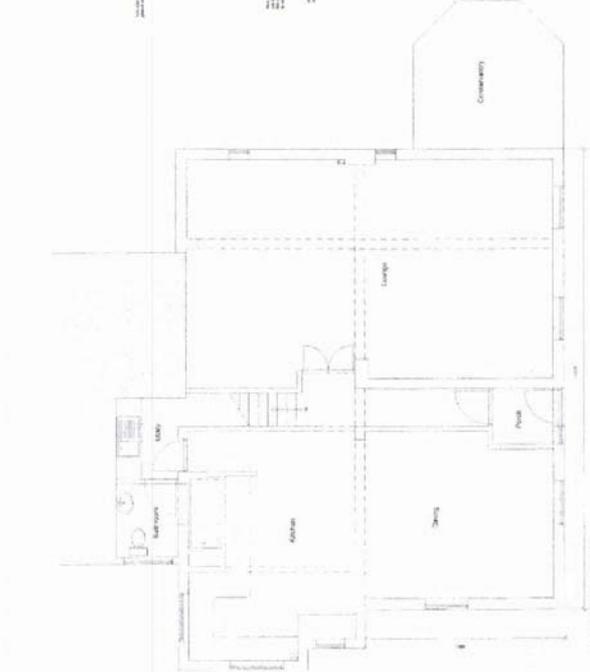
APPLICANT'S SIGNATURE	DATE
APPLICANT'S NAME	DATE
PLANNING DEPARTMENT	DATE
PERMITS	DATE

ALL INFORMATION ON THIS PERMIT IS SUBJECT TO THE LOCAL PLANNING DEPARTMENT'S POLICIES AND PROCEDURES. THE PERMITTEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL PLANNING DEPARTMENT. THE PERMITTEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL PLANNING DEPARTMENT. THE PERMITTEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL PLANNING DEPARTMENT.

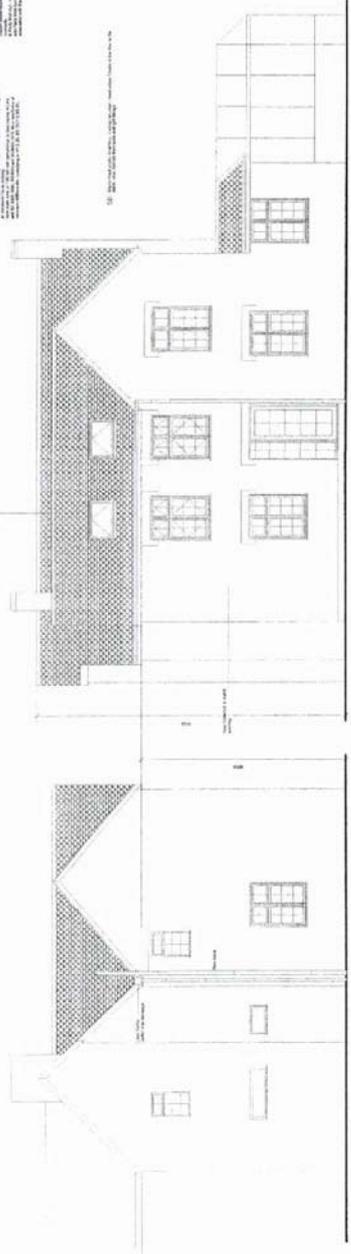


**FIRST FLOOR PLAN**

Architectural notes and specifications for the first floor plan, including room dimensions and material callouts.



GROUND FLOOR PLAN



FRONT ELEVATION

SIDE ELEVATION

#### **(4) Application No PAP/2011/0270**

**19 Edward Road, Water Orton**

**Change of use from A1 to a mixed use (A1) and hot food pizza delivery service with a kitchen extension for**

**Mr Naveed Malik - Malik Convenience Store**

#### **Introduction**

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

#### **The Site**

The building is an existing convenience shop, contained within an existing housing estate which is to the east of the centre of Water Orton. The shop has car parking to the front and is surrounded by residential dwelling houses. To the side is an access to a garage block.

#### **The Proposal**

This is to change the use from an A1 retail use to a mixed use comprising A1 and a hot food pizza delivery service with an associated kitchen extension. The proposal would not increase the footprint of the building, and would use an existing room to the rear of the building to install the pizza equipment. The pizza business would be delivery only. To the rear of the building an external duct and vertical flue are proposed so to deal with smells and odours, the overall height of which would be approximately 7.1 metres.

#### **Background**

The building was constructed at the same time as the estate in which it is sited, and there are no previous planning applications relating to the premises.

#### **Development Plan**

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

#### **Other Relevant Material Considerations**

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

#### **Consultations**

Environmental Health Officer –No objection subject to final details of the flue being agreed.

## Representations

Objections have been received from 9 local addresses. The matters raised include:

- The plans provided are not accurate.
- Will the existing customer parking be road marked to improve safe parking?
- Are there any restrictions on customer parking away from the commercial premises?
- Will the pizza delivery car parking interfere with free vehicular access to the garages?
- The application forms are misleading as they are in 2 different formats.
- The development is likely to increase vehicular/motorcycle traffic movements in a residential area in which young children and elderly people reside. Parking facilities are already overloaded in the area on occasions.
- The development is likely to increase noise nuisance in an area in which elderly people reside, due to the increase in the use of the shop and from the making of the pizzas'.
- The development of commercial regular cooking facilities is likely to cause an odour smell nuisance. The kitchen area is surrounded by residential properties.
- The development of food take away is likely to cause a littering nuisance. Opportunity for people to go into the shop and order pizza and eat outside
- The application form implies an extra 30 minutes opening time from the current closing time of 22:00 hours to 22:30 hours, which will extend the nuisance time.
- Although the current tenants of the shop appear in control of the current situation around the shop, there were problems with disturbances from public/customers around the shop under previous tenants of which the police are aware. The proposed development could contribute to an increase in anti-social behaviour in this vicinity.
- Problem with the drainage in the area.
- Potential for new illuminated lighting.
- The change of use implies an intent to attract additional business which in turn implies additional customers, some of which may be from outside of the estate and vicinity, which will result in additional disturbance to the residential area.
- Is this application setting a precedent for change of use by other premises in the residential area?

- The landlord is North Warwickshire Borough Council and in the letter of the 4 May 2011, permission to this change of use has been given subject to certain conditions. It is unlikely that all these conditions will be met.
- The site should remain as an A1Type Development, Shop (Convenience store) only.
- There are sufficient fast food delivery services in and around the village and surrounding area, and the proposal will impact upon the area.
- The proposal will devalue the neighbouring residential properties.
- The proposed use is not within keeping of the residential area.
- No details of the soak away have been provided as part of the application, and given the geology of the area the water table is high.
- The visual amenity of the flue and works are industrial in design.

142 letters of support have also been received. Of these 99 were from addresses in the immediate neighbourhood, with the remainder from other properties within Water Orton as well as from addresses in Gilson, Shustoke, Coleshill, Castle Bromwich and Birmingham.

### **Observations**

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

The shop is at the junction of George Road and Edward Road. The existing shop is surrounded by residential properties, and has an existing closing time of 10pm. Selected photographs of the application site can be viewed at Appendix 1.

The proposal will lead to an existing rear room being converted in order to prepare pizzas, with an external extract flue and vertical pipe to the rear of the building, as shown in Appendix 2. The internal extract fan would be above the oven and fryer, which would then go via external ducting to this vertical flue. The height of the flue is controlled by Environmental Regulations which state that the top of the flue must be at least 1 metre above existing windows on the building, and as the building has first floor accommodation, the flue has to exceed the roof eaves height to comply. The height of the flue above ground level is 7.1 metres. The ridge line here is some 9 metres. The ducting and flue are proposed to control the noise and odour produced, with the odour going into the extract hood inside the building and a silencer outside for the noise of the fan. The duct outside is proposed to have anti-vibration mounts and flexible coupling so to reduce noise nuisance to neighbouring properties. As part of the ducting a carbon box system would be used to reduce odour. When considering these proposals against saved planning policy ENV9, it is considered that the proposal is acceptable given that the Environmental Health Officers have raised no objections.

The design of the rear ducting and flue is industrial in nature and due to the regulations the height is defined. However it is to the rear of the building and this will significantly reduce the visual impact upon the street scene. The applicant has set out a revised siting for the flue which is satisfactory in attempting to minimise its impact.

The pizza business as proposed would be delivery only and would not involve customers coming to the shop to collect their orders. The Borough Council is the landlord of the shop and as landlord has agreed the introduction of the pizza service as part of the shop services subject to the criteria as set out in Appendix 3. One of these is to obtain planning permission. This is the letter referred to by one of the objectors.

The operating hours proposed for the pizza delivery service are from 1000 until 2230, whereas the existing shop closes at 2200. It is considered that consistent hours would help all parties here and be of overall environmental benefit.

The issues raised by the representations relate to the actual operation of the pizza delivery service; the parking and highway impacts, its impact upon the neighbouring properties, the opening hours, and other issues as referred to above.

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

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

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

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

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

One of the main objections from the neighbouring properties is that the pizza delivery service would lead to an increase in vehicle numbers as customers would treat it as a "take-away", increased littering and an increase in anti-social behaviour. It is considered that given the proposal is for delivery only; no additional littering would be likely. More importantly the building is already a shop, which is open for a number of hours each day and which closes at 2200. It could attract numbers of car born customers regardless of whether the pizza service is introduced or not. Indeed a Tesco Express or similar could operate here without the need for any planning application and this could lead to significant car born custom. This is a significant "fall-back" position. The front of the shop has space for up to five vehicles and this is not proposed to be affected. The concern is clearly the likelihood of this becoming a takeaway service. This is not considered to be a reason for refusal – firstly the existing use itself could attract significant car born traffic particularly if its nature changed; secondly the use of planning conditions can be imposed and thirdly, the property is owned by the Borough Council. It is therefore considered that the matters raised by the representations could not be transferred into planning reasons for refusal.

Another matter was raised by an objector - the drainage of the area. The proposed use would not materially affect existing drainage and it is considered that if there are existing drainage problems here then these are best dealt with by the Councils Housing team. The proposal itself is not considered to lead to an increased runoff into the soak away, given that no extension is proposed to the building.

In considering the other comments and objections, the application does not seek to install any signage, and this would have to be considered under a separate Advertisement application. The proposal would not lead to a precedent being set for other buildings being used for similar uses, as each case is taken on its own merits, and in this case it is material that a convenience store already exists within the residential area.

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

## Recommendation

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

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

### REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with layout plan received by the Local Planning Authority on 14th July 2011, parking plan received by the Local Planning Authority on 18th July 2011, site location plan received by the Local Planning Authority on 19th July 2011 and the ventilation system side elevation and ventilation system rear elevation received by the Local Planning Authority on 27th July 2011.

### REASON

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

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

### REASON

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

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

### REASON

To prevent disturbance to the occupiers of nearby properties.

## Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
2. You are recommended to seek independent advice on the provisions of the Party Wall etc., Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet entitled "The Party Wall etc., Act 1996" is available from Her Majesty's Stationary Office (HMSO), Bull Street, Birmingham, during normal opening hours or can be downloaded from the Communities and Local Government web site - <http://www.communities.gov.uk/publications/planningandbuilding/partywall>.
3. The Development Plan policies which are relevant to this Decision are as follows:  
North Warwickshire Local Plan 2006 (Saved Policies) : ENV11 - Neighbour Amenities, ENV12 - Urban Design, ENV14 – Access Design, ENV9 - Air Quality, ECON5 - Facilities relating to settlement hierarchy
4. Advertisement Consent is required under a separate procedure of the Town and Country Planning Act 1990. Should any advertisements, signs, name boards, or other devices to attract attention, be intended in respect of this development, the Local Planning Authority will be pleased to advise you on all associated aspects prior to the erection of any such advertisements, and provide you with application forms.

## Justification

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

## BACKGROUND PAPERS

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

### Planning Application No: PAP/2011/0270

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans	Valid 27/6/11
2	Residential properties	142 comments of support	Between 7/7/11 and 25/7/11
3	NWBC Environmental Health	Email to agent	1/7/11
4	Case Officer	Visit application site and put up site notice	4/7/11
5	Case officer	Letter to applicant	5/7/11
6	16 Edward Street	Objection	9/7/11
7	7 Edward Street	Objection	4/7/11
8	5 Hollyhurst, Watton Lane	Objection	4/7/11
9	9 Park Grove	Objection	10/7/11
10	Case officer	Letter to applicant	11/7/11
11	Applicant	Letter and plan provided	14/7/11
12	Case officer	Letter to applicant	15/7/11
13	Case officer	Email to NWBC Environmental Health	14/7/11
14	Applicant	Copy of letter from Housing	14/7/11
15	Applicant	Letter and information	18/7/11
16	Case officer	Email to applicant	18/7/11
17	NWBC Environmental Health	Email to case officer	18/7/11
18	Email to NWBC Environmental Health	Case Officer	18/7/11
19	100 George Street	Objection	19/7/11
20	17 Edward Street	Objection	19/7/11
21	NWBC Environmental Health	Email to case officer	19/7/11
22	15 Edward Road	Comments	20/7/11
23	Applicant	Email and copy of letter from NWBC Housing	19/7/11
24	16 Edward Road	Objection	24/7/11
25	Applicant	Email to case officer	27/7/11
26	Case officer	Email to applicant	28/7/11
27	Case officer	Letter/email to NWBC Housing	27/7/11
28	Case officer	Email/letter to neighbour	28/7/11
29	Applicant	Email to case officer	28/7/11

*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.*

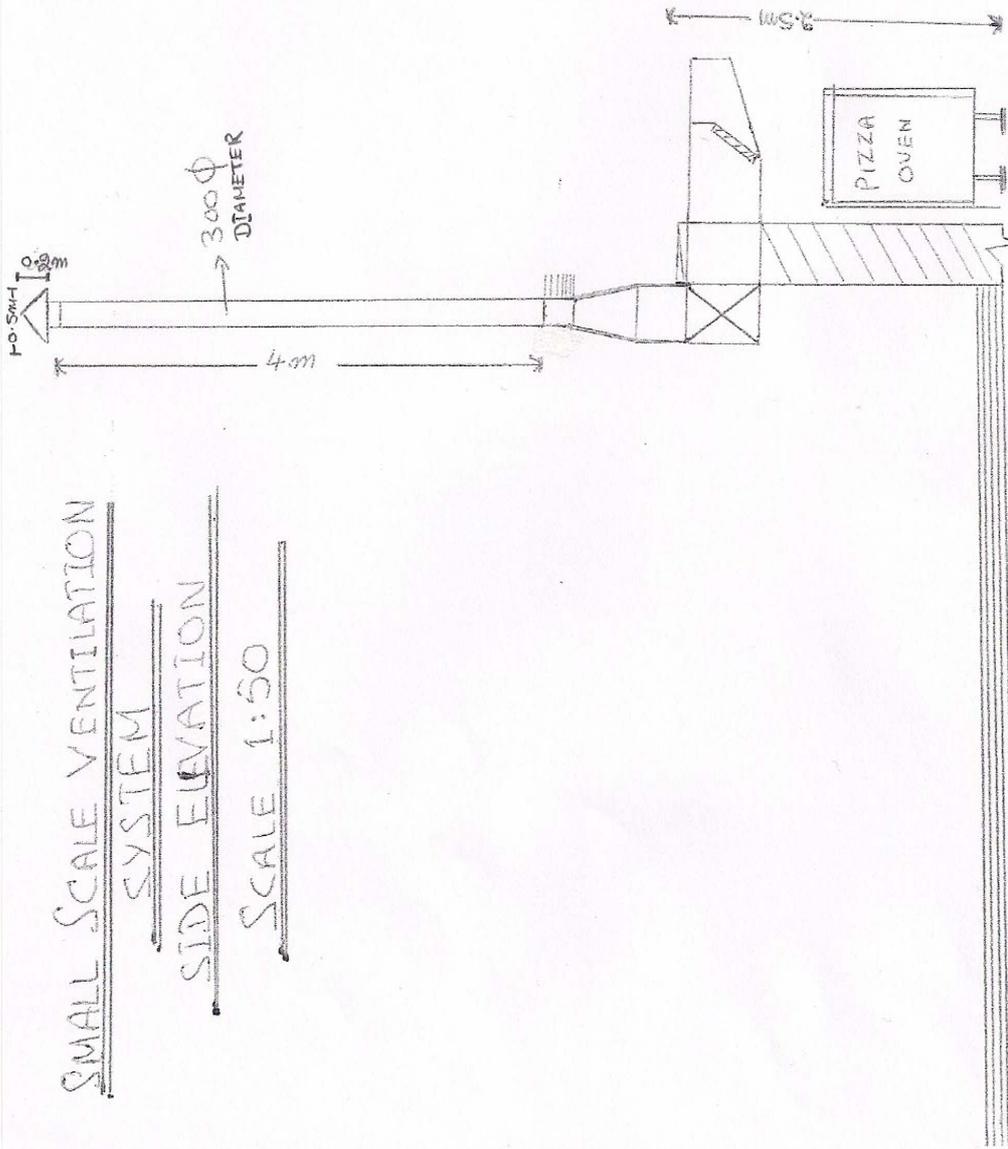
*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*



**APPENDIX 1 – SELECTED PHOTOGRAPHS OF THE SITE**



SMALL SCALE VENTILATION  
SYSTEM  
SIDE ELEVATION  
SCALE 1:50

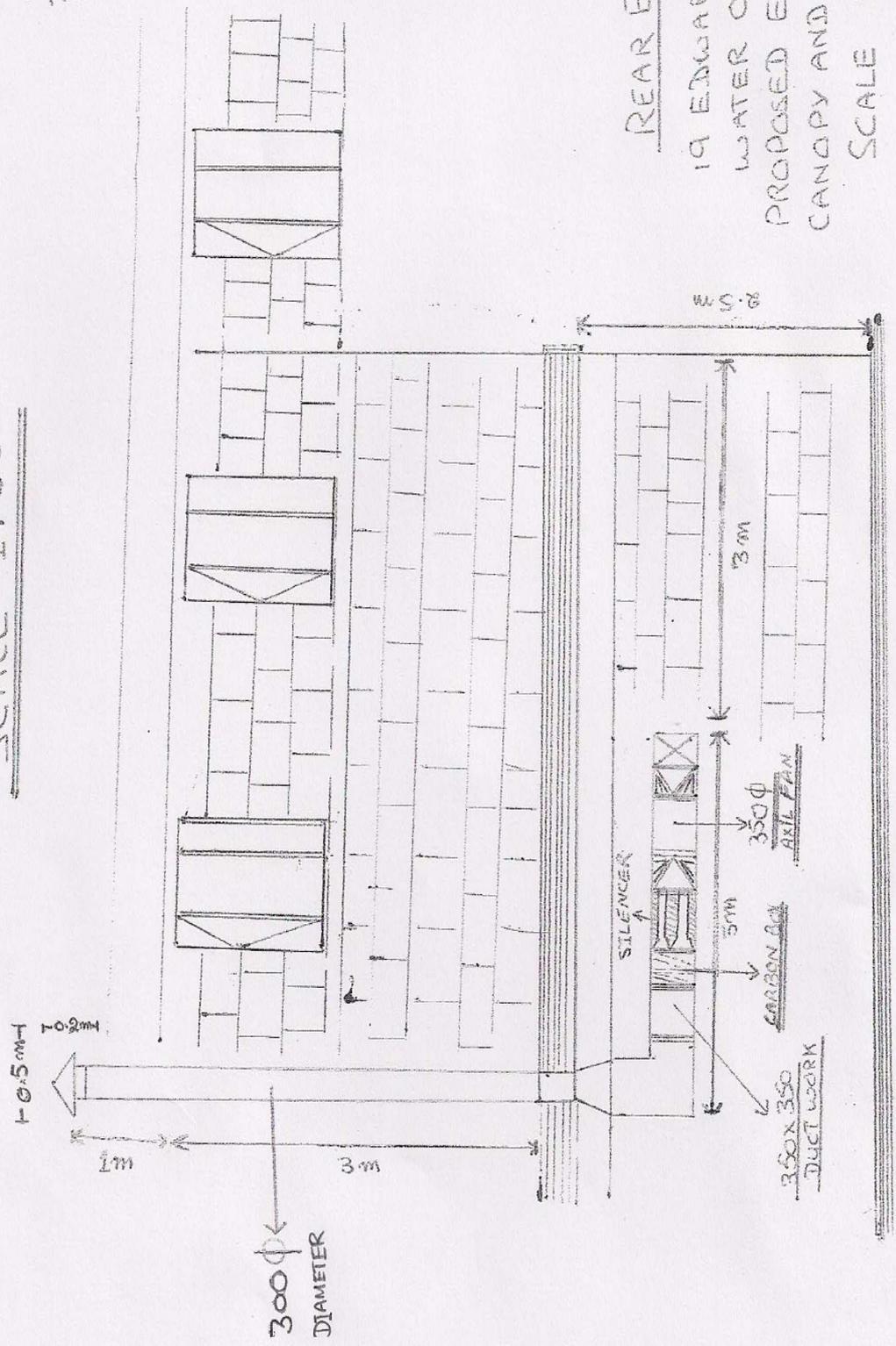


e.g.  
4m in Scale  
1:50  
is 8cm  
 $\frac{4}{50} \times 100 = 8\text{cm}$

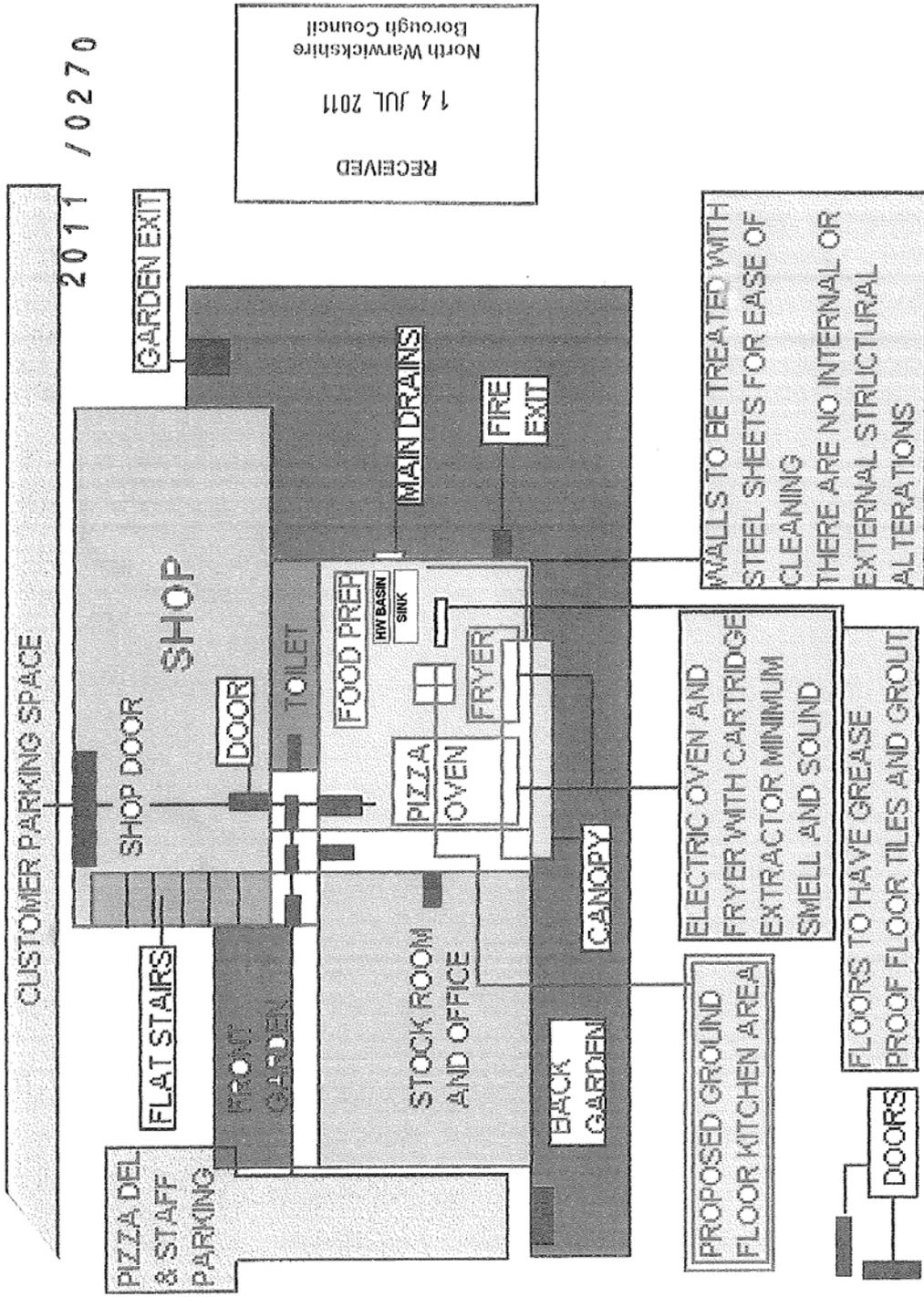
SIDE ELEVATION  
19 EDWARD ROAD  
LJATER ORTON  
PROPOSED EXTRACT CANOPY  
AND DUCT WORK  
SCALE 1:50

SMALL SCALE VENTILATION SYSTEM  
REAR ELEVATION  
SCALE 1:50

S.D.  
 4 m in Scale  
 1:50  
 is 8 cm  
 $\frac{4}{50} \times 100 = 8 \text{ cm}$



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



PROPOSED CHANGE OF USE FROM A1 TO MIXED USE A1 AND PIZZA DELIVERY SERVICE

19 EDWARD ROAD WATER ORTON BIRMINGHAM B46 1PG

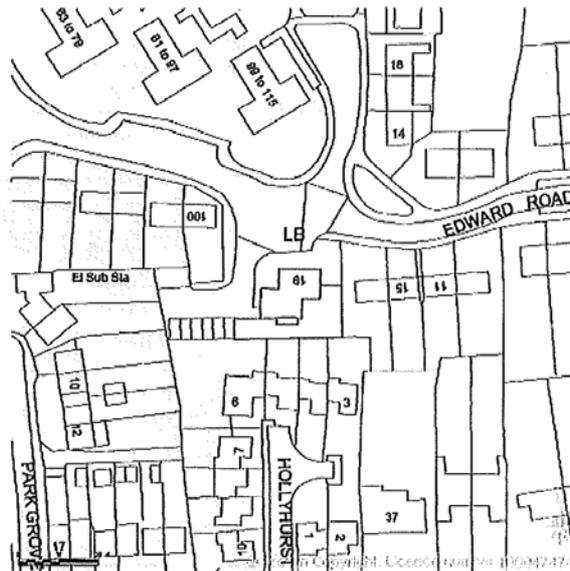
2011 / 0270

NORTH WARWICKSHIRE  
BOROUGH COUNCIL  
19 JUL 2011  
PLANNING DIVISION



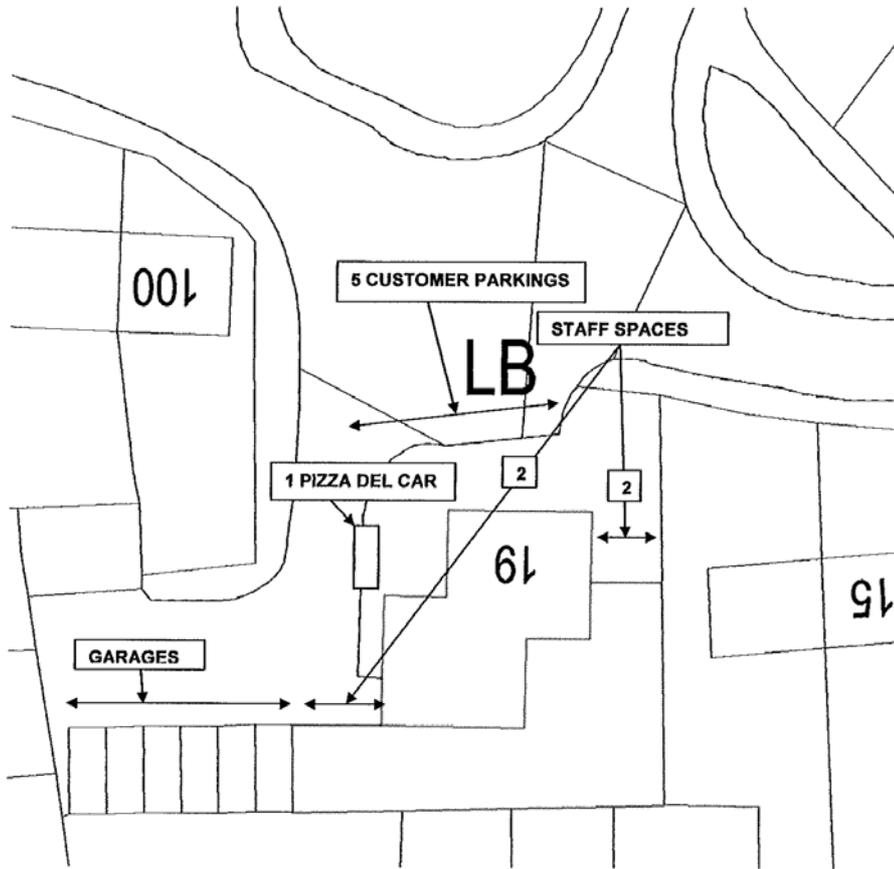
SITE LOCATION PLAN  
AREA 2 HA  
SCALE 1:1250

CENTRE COORDINATES: 418394, 291032



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[www.streetwise.net](http://www.streetwise.net)  
Licence No: 100047474  
19/07/2011 15:12

**DETAILED PARKING SKETCH PLAN**



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RECEIVED  
18 JUL 2011  
North Warwickshire  
Borough Council

## APPENDIX 3 – LETTER FROM NWBC HOUSING



North Warwickshire  
Borough Council

### North Warwickshire Borough Council

Angela Coates, BA (Hons) MCIH

Assistant Director (Housing)

The Council House

South Street

Atherstone

North Warwickshire CV9 1DE

DX : 23956 Atherstone

Switchboard : (01827) 715341

Fax : (01827) 719225

E Mail : [Angelacoates@northwarks.gov.uk](mailto:Angelacoates@northwarks.gov.uk)

Web: [www.northwarks.gov.uk](http://www.northwarks.gov.uk)

This matter is being dealt with by:

**Angela Coates**

Direct Dial: (01827) 719369

Our ref :

Date 4th May 2011

Your ref :

Mr N Malik  
32 Harrowfield Road  
Stetchford  
Birmingham  
B33 9DH

Dear Mr Malik,

19 Edward Road Water Orton Birmingham

I refer to our recent correspondence with regard to your request to provide a pizza delivery service from the shop premises you rent from the Council.

Following our meeting today I am pleased to inform you that the Council (acting as your landlord) has no objection to you providing a delivery service for pizzas as part of the shop services you provide from 19 Edward Road. I understand that it will not be a stand alone business but will be an extension of the existing shop. Permission is granted on conditions that

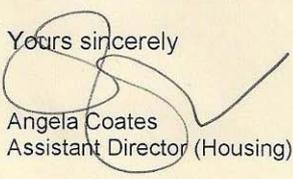
- Planning permission is given
- The delivery service is an addition to the current walk in shop
- The delivery service does not cause any nuisance or annoyance to your neighbours. If it does so the permission will be reviewed. We agreed that with this in mind the service would not extend beyond 10.30pm in the evening.

You advised me that the kitchen area you will have to create to extend your business will require cosmetic changes only and nothing structural. However you did mention a mechanical extractor. As part of granting permission it would be useful if you would write to me to state exactly what changes you will be making to provide a kitchen area at the rear of the shop.

You will need to contact the Planning Section separately with regard to any formal planning permission they need to provide.

I wish you well with your new venture.

Yours sincerely

  
Angela Coates  
Assistant Director (Housing)

Director of Resources – Chris Brewer - CPFA



## **(5) Application No: PAP/2011/0286**

**Grendon Fields Farm, Warton Lane, Grendon**

**Erection of 1 No. wind turbine and associated equipment,**

**for Mr Timothy Thirlby**

### **Introduction**

This application is reported to Board given the sensitivity of the proposal and representations received to date. This report is intended as an interim report only, as the consultation period is presently continuing and a formal assessment of the proposal underway.

### **The Site**

The proposed siting is to the rear of the farm upon a slight rise from the valley bottom, which carries the River Anker. It is open to aspects in nearly all directions, with a small wooded area to the north-west obscuring views somewhat. The surrounding land is primarily in agricultural use, with arable fields and pasture along the valley. The Coventry Canal also passes along the valley, with the West Coast Mainline and A5 beyond this. There are public footpaths and bridleways which offer aspects of the site, although these are either at some distance, or pass to the north through the farm itself.

The nearest clusters of residential properties off the farm are to the north-west, beyond the woodland, in the historic settlement of Grendon; and to the south-west in the more recent parts of Grendon (along the A5) and Baddesley Ensor – the latter of which offers elevated views across the valley towards the site. There are further isolated properties around the area, and dwellings to the north-west edge of Atherstone also have some aspects.

### **The Proposal**

It is intended to erect one 46m to tip (36m to hub) wind turbine and associated monitoring/control equipment. The turbine will primarily provide for the needs of the farm holding, which has a high demand given the livestock buildings and equestrian business, before feeding surplus electricity into the national grid.

### **Background**

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

## **Development Plan**

North Warwickshire Local Plan 2006 (Saved Policies): Core Policy 2 (Development Distribution), Core Policy 3 (Natural and Historic Environment), Core Policy 11 (Quality of Development), ENV1 (Protection and Enhancement of Natural Landscape), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV9 (Air Quality), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV16 (Listed Buildings, Non-Listed Buildings of Local Historic Value and Sites of Archaeological Importance (including Scheduled Ancient Monuments) and TPT1 (Transport Considerations In New Development).

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

## **Other Relevant Material Considerations**

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

## **Consultations**

A number of statutory consultees and qualified bodies have been approached. These include Ministry of Defence, Birmingham Airport, Coventry Airport, East Midlands Airport, Campaign for the Protection of Rural England (CPRE), Warwickshire Wildlife Trust, RSPB, NWBC Environmental Health, Grendon Parish Council and Sheepy Parish Council.

A total of 1163 notification letters were sent to properties in the surrounding area and across the border into Hinckley and Bosworth following the Case Officer establishing from where views of the proposal could be possible.

A site notice was erected at the access to the farm on 20 June 2011, which expired on 11 July 2011.

Local members of the Baddesley and Grendon, Dordon, Polesworth East and Atherstone North Wards, along with the Chair and Vice Chair of the Planning Board were notified of the application on 20 June 2011.

## **Representations**

All three airports consulted raise no objection to the proposal with the turbine sitting outside of their safeguarding zones and hidden from radar by topography. The Ministry of Defence also raise no objection, subject to condition and informatives.

Warwickshire Wildlife Trust has raised a holding objection to the proposal, commenting that the ecological work was lacking in respect of bat surveys. Since then, the applicant has commissioned further activity surveys and at the time of writing this detail is with the Trust for consideration. RSPB have provided no comment.

CPRE object to the proposal considering it to be incongruous and adding to built form in the landscape, as well as raising concern as to the risk of bat collision, disturbance to horses, and that the benefits are not proven to be so great to outweigh harm created.

The Council's Environmental Health officer has considered the noise assessment submitted. He raises no objection to the proposal, but in line with guidance requests a condition to require the shutdown and rectification of the problem if noise levels from the turbine are found to exceed 5dbA above background levels.

Both Baddesley Ensor and Grendon Parish Councils object, with common and independent issues raised. These question the scale of the proposal against the needs of the farm; the adequacy of the ecological survey, wind speed analysis and noise assessment; the visual impact; and that it could set precedent;

At the time of writing, the main consultation period has ended and a total of 21 neighbour/business representations have been received from 16 separate addresses. Whilst this represents just 0.01% of those consulted, in the majority those making representations live closest to the site. Issues raised focus on landscape and visual impacts, noise and amenity impacts, ecological impacts and the potential for setting a precedent. Further issues raised relate to interference to TV and radio signals, the need and viability of the turbine, highway safety and validity of the wind speed analysis.

### **Observations**

It is not intended to discuss the policy implications and merits of the application at this stage given the continuing work to overcome outstanding matters raised either by Warwickshire Wildlife Trust, the Case Officer or by the neighbour representations. Formal assessment of the application against Development Plan policy and material guidance, along with reference to representations made, is intended in time for presentation at the September Planning Board.

Notwithstanding this, the visual and landscape impacts can be considered at an early stage and without reference to technical reports or qualified opinion. Members should be aware of the visualisations and comparisons produced by the applicant, which are attached at Appendix A. The Board is therefore asked to consider whether a tour of the locale, visiting key vantage points, would be necessary and beneficial.

### **Recommendation**

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

## BACKGROUND PAPERS

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

### Planning Application No: PAP/2011/0286

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Supporting Documentation and Reports, Plans and Visualisations	1, 8 and 16 June, 8, 19 and 21 July 2011
2	Coventry Airport	Consultation reply	8 June 2011
3	257 Watling Street	Representation	15 June 2011
4	East Midlands Airport	Consultation reply	17 June 2011
5	Bradley Green Cottage	Representation	18 June and 11 July 2011
6	The Foalyard	Representation (x4)	20 June and 24 July 2011
7	Case Officer	Notification to Members	20 June 2011
8	Croft House	Representation	20 June 2011
9	Yew Tree Farm Cottage	Representation	21 June 2011
10	Case Officer	Email to Agent (x2)	21 June 2011
11	Agent	Email to Case Officer	21 June 2011
12	Bradley Green House	Representation (x2)	23 June and 8 July 2011
13	Brindley Twist Tafft & James Solicitors	Notification of intended Representation	23 June 2011
14	CPRE	Consultation reply	23 June 2011
15	Case Officer	Letter to Agent	24 June 2011
16	Warwickshire Wildlife Trust	Consultation reply	24 June 2011
17	Birmingham Airport	Consultation reply	27 June 2011
18	Case Officer	Email to Agent (x2)	27 June 2011
19	Agent	Email to Case Officer	27 June 2011
20	Head of Development Control	Formal EIA Screening Opinion	27 June 2011
21	Alder Mill House	Notification of intended Representation	27 June 2011
22	Robert Jennings (PO Box 1, Atherstone)	Representation	28 June 2011
23	Case Officer	Email to Robert Jennings	28 June 2011
24	Agent	Email to Case Officer	28 June 2011
25	28 Manor Close	Representation	28 June 2011
26	35 Main Street, Orton	Representation	28 June 2011
27	Applicant's Ecologist	Email to Warwickshire Wildlife Trust	28 June 2011
28	Warwickshire Wildlife Trust	Email to Applicant's Ecologist	29 June 2011
29	107 Watling Street	Email to Case Officer (x3)	29 and 30 June 2011
30	Alder Mill House/Alder Mill Business Park	Representation	30 June 2011
31	Glebe House	Representation	1 July 2011
32	Cllr Sweet	Email to Case Officer	4 July 2011
33	NWBC Environmental Health Officer	Email to Case Officer (x6)	4, 8 and 11 July 2011
34	Case Officer	Email to NWBC Environmental	4, 8 and 11

		Health Officer (x3)	July 2011
35	Agent	Email to Case Officer	6 July 2011
36	150 Watling Street	Representation	6 July 2011
37	Dukes Meadow	Representation	8 and 11 July 2011
38	1 Farm Lane	Representation	9 July 2011
39	The Orchards	Representation	11 July 2011
40	Baddesley Ensor Parish Council	Consultation reply	11 July 2011
41	Grendon Parish Council	Consultation reply	24 July 2011
42	Ministry of Defence	Consultation reply	25 July 2011
43	249a Watling Street	Representation (x2)	25 July 2011
44	5 Green Lane	Representation	25 July 2011
45	Case Officer	Email to Agent	28 July 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.*





Map 1: Location of visualisations



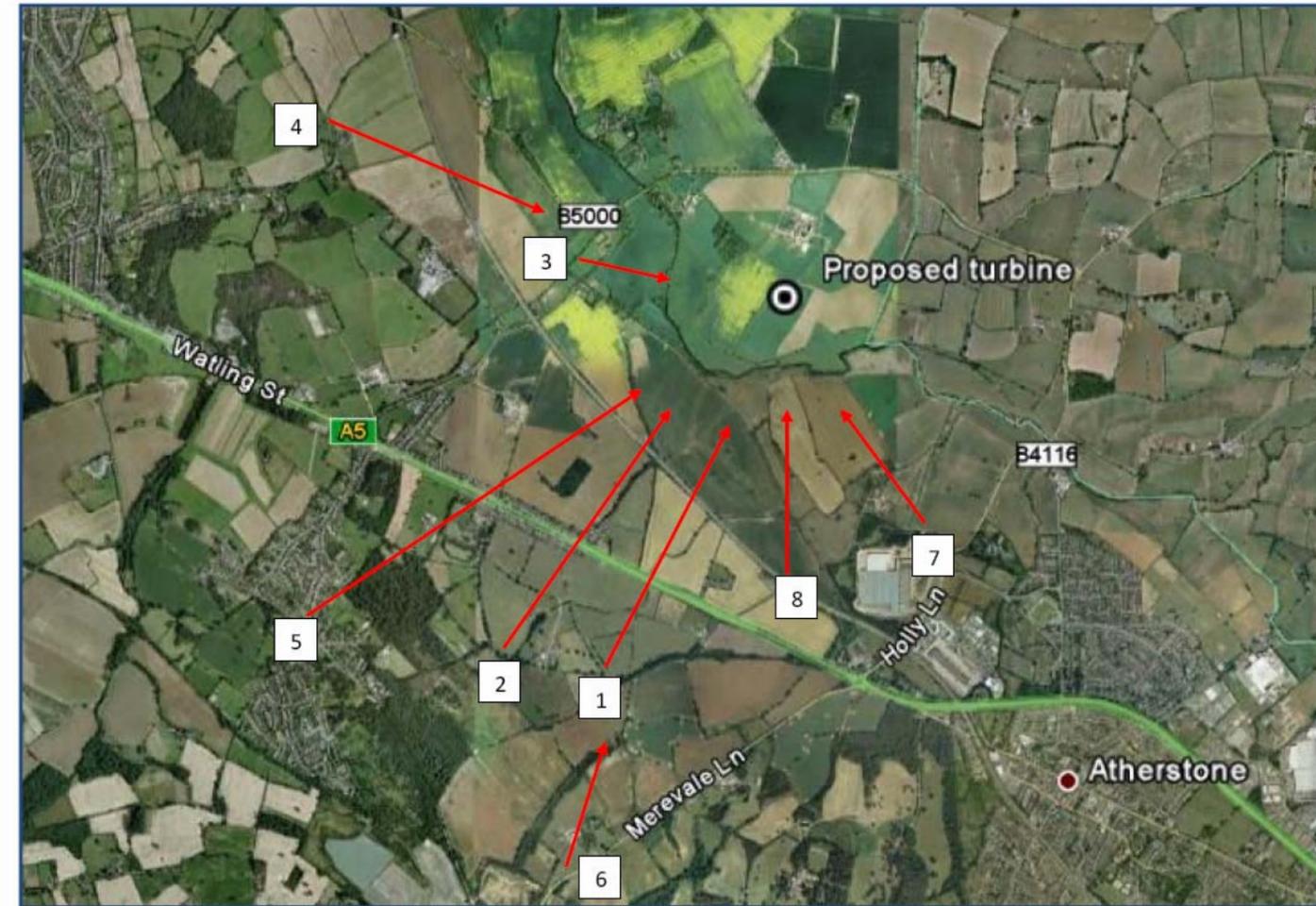
**Visualisation 1:** View of turbine from A5000 to the north of the site



**Visualisation 2:** View of turbine from Old Holly Lane to the south east of the site



**Visualisation 3:** View of turbine from B4116, Merevale – turbine cannot be seen because of existing tree cover



**Map 1:** Map showing location of view points



**View point 1:** View of turbine from the junction of Waste Lane and Folly Lane, to the east of Baddesley Ensor



**View point 2:** View of turbine from Waste Lane, to the north of Baddesley Ensor



**View point 3:** View of turbine from Spon Lane, to the north of Bradley Green.



**View point 4:** View of turbine from junction of Sandy Way Lane and St Helena Road, to the north of Dordon Hall Farm



**View point 5:** View from The Common, Baddesley Ensor



**View point 6:** View from Merevale Lane, to the south of Colliery Farm



**View point 7:** View from Whittington Lane, to the north of Aldi offices

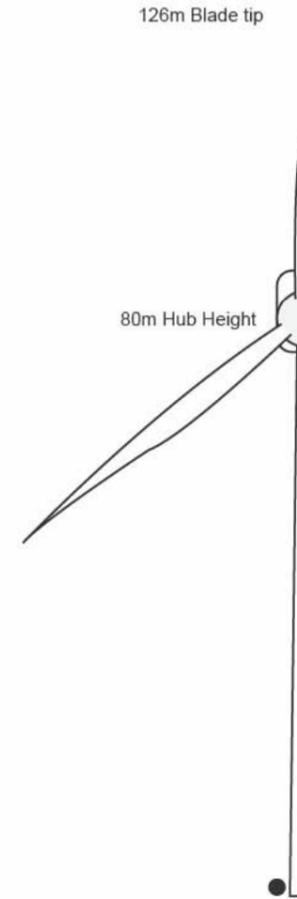
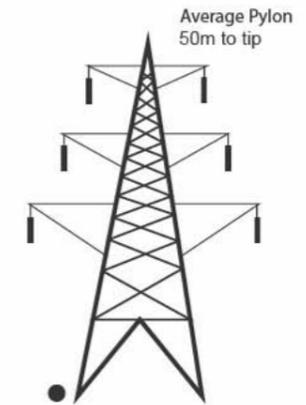


**View point 8:** View from Whittington Lane, adjacent to the bridge over the train line



**NORTH WARWICKSHIRE  
BOROUGH COUNCIL**  
**RECEIVED**  
**21-Jun-11**  
**PLANNING & DEVELOPMENT  
DIVISION**

proposed turbine  
45.5m to tip  
36.5m Hub Height



## **(6) Application No PAP/2011/0340 and PAP/2011/0342**

### **Shustoke House Barns, Coleshill Road (B4114), Shustoke**

**Planning and Listed Building applications for the change of use, alteration and extension of redundant farm buildings for use as a wedding/occasions venue, including alterations to highway access, access drive and creation of car parking for**

### **Merevale and Blyth Estates**

#### **Introduction**

This proposal is to be referred to the Board at the discretion of the Head of Development Control because of its unusual nature and the fact it involves proposals for the re-use of a significant range of Listed Buildings within the Green Belt.

In the interim Members may wish to visit the site and thus this report is brought to the Board by way of introducing the proposals.

#### **The Site**

This is a group of farm buildings and adjoining farm house located about 600 metres west of the edge of the village of Shustoke and about 200 metres south of the Coleshill Road, immediately adjacent to a large woodland, between the site and Castle Lane. The access to the building complex is either via an unmade driveway close to the woodland edge or via a long farm track leading across intervening fields to the Coleshill Road just east of its junction with Watery Lane.

Shustoke House Farm once related to Shustoke House which stood just to the east of the present application site and included a lodge and farm buildings. The House was demolished in 1947 and the former lodge, now Shustoke House farmhouse together with the range of stables and barns are the subject of the current application.

The surrounding area is wholly agricultural in character with only a few dispersed residential properties nearby.

The farm house and associated buildings are all Grade 2 Listed Buildings and date from around 1772, being a good surviving example of an early model farmstead, and have remained very largely unaltered since that time. However they no longer meet modern agricultural specifications and are currently unused, the surrounding land being farmed from nearby Hall Farm in Shustoke. The farm house is not part of the current applications as this is rented separately by the Estate. The List descriptions are included in a Heritage Statement, attached at Appendix A.

#### **The Proposals**

The proposal is to change the use of this range of buildings to a wedding venue. The prospective tenant already operates Wedding Barns in Gloucestershire, and a letter is attached at Appendix B from the operator describing the operation in more detail.

Appendix C provides a sketch of the existing buildings. The following outlines how the barns would be used:

- The West threshing barn – this would become the main entrance and reception area, with a partial first floor added.
- The North threshing barn – this would become the formal wedding ceremony space with seating for around 100 people together with the Registrar's Room.
- The proposed extension – this would be for dining and after dinner activities
- The stable building – this would be a private area for the bride, groom and families
- The Cart store – this would be used as the kitchen
- The Cow Byre and Piggery – these would be used for storage facilities.

The main access into the site would be via improvements to the unmade track leading to the field gate access at Watery Lane. This would lead up the barns with an extensively landscaped and informal car parking arrangement away from the barns sufficient for around 50 cars. Overflow car parking areas would be considered once the site was operational.

A fuller description of the works proposed to the barns and a repair schedule is attached at Appendix D. The only proposed extension would be a single storey range within the courtyard, the height and depth of which would be subordinate to the existing range but still retain the enclosing original “fold” wall as existing. The proposed elevations taking into account all of the alterations and the extension are set out at Appendix E.

A draft Travel Plan is included. This indicates that there would be in the order of 17 staff working at the site and a capacity of around 100 for guest numbers. The site is not easily accessed by foot or by public transport. The proposed use is neither one that would be likely to generate group travel. The Travel Plan therefore concentrates on reducing staff reliance on cars, and advertising the use of local taxi firms and local private car hire businesses.

The applications are accompanied by other documents not referred to above, including a Planning Statement; an Ecological Survey, a Design and Access Statement, a Transport Statement, a Flood Risk Assessment, a Phase One Ground Conditions Report together with a Preliminary Structural Report.

## **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 1 (Social and Economic Regeneration), Core Policy 2 (Development Distribution), Core Policy 3 (Natural and Historic Environment), Core Policy 11 (Quality of Development), ENV2 (Green Belt), ENV11 (Neighbour Amenities), ENV13 (Building Design), ENV14 (Access Design), ENV16 (Listed Buildings), ECON8 (Farm Diversification), ECON9 (Re-use of Rural Buildings), TPT3 (Access and Sustainable Travel) and TPT6 (Vehicle Parking)

## **Other Material Planning Considerations**

Government Planning Policy and Guidance - PPS1 (Delivering Sustainable Development), PPG2 (Green Belt), PPS4 (Planning for Sustainable Economic Growth), PPS5 (Planning and the Historic Environment), PPS9 (Bio-diversity and Geological Conservation) and PPG13 (Transport)

The Government's Statements – "Plan for Growth" (March 2011), and the "Presumption in favour of Sustainable Development" (June 2011).

## **Observations**

When Members come to determine this application, there are three main issues which will have to be addressed.

The site lies within the Green Belt, and thus there is a presumption against the grant of planning permission for inappropriate development proposals. The re-use of rural buildings however need not necessarily be inappropriate subject to a number of conditions set out in both Government guidance and Development Plan policy. The Board will need to explore these conditions in respect of the current proposals.

The site is also outside of any settlement defined by the North Warwickshire Local Plan and thus is in an unsustainable location by definition. The approach of the Local Plan is to direct uses and activities as proposed here, to the Borough's main settlements where there is already a range of transport facilities available and where existing businesses and uses could benefit directly from increased footfall or associated trade. The Board will need to consider whether there are planning considerations here that might outweigh this approach.

Moreover in this case, the proposals involve the re-use of Listed Buildings. The preferred use of such buildings is always to retain them in their original use. If this is not viable, then the proposals should have the least possible intervention or impact on the particular attributes and character of the buildings, such that the heritage significance of the building is not lost or reduced. The Board will have to determine what the heritage significance of this group of buildings is, and then explore whether the proposals would retain that significance without significant intervention.

The conclusions from these three issues will then have to be brought together in order to consider whether they individually or cumulatively could lead to support being given to the proposals or not. Other matters—such as highway, traffic and ecological issues will also need to play a role in this final assessment.

## **Recommendation**

That the Board visit the site prior to determination of these applications.

## BACKGROUND PAPERS

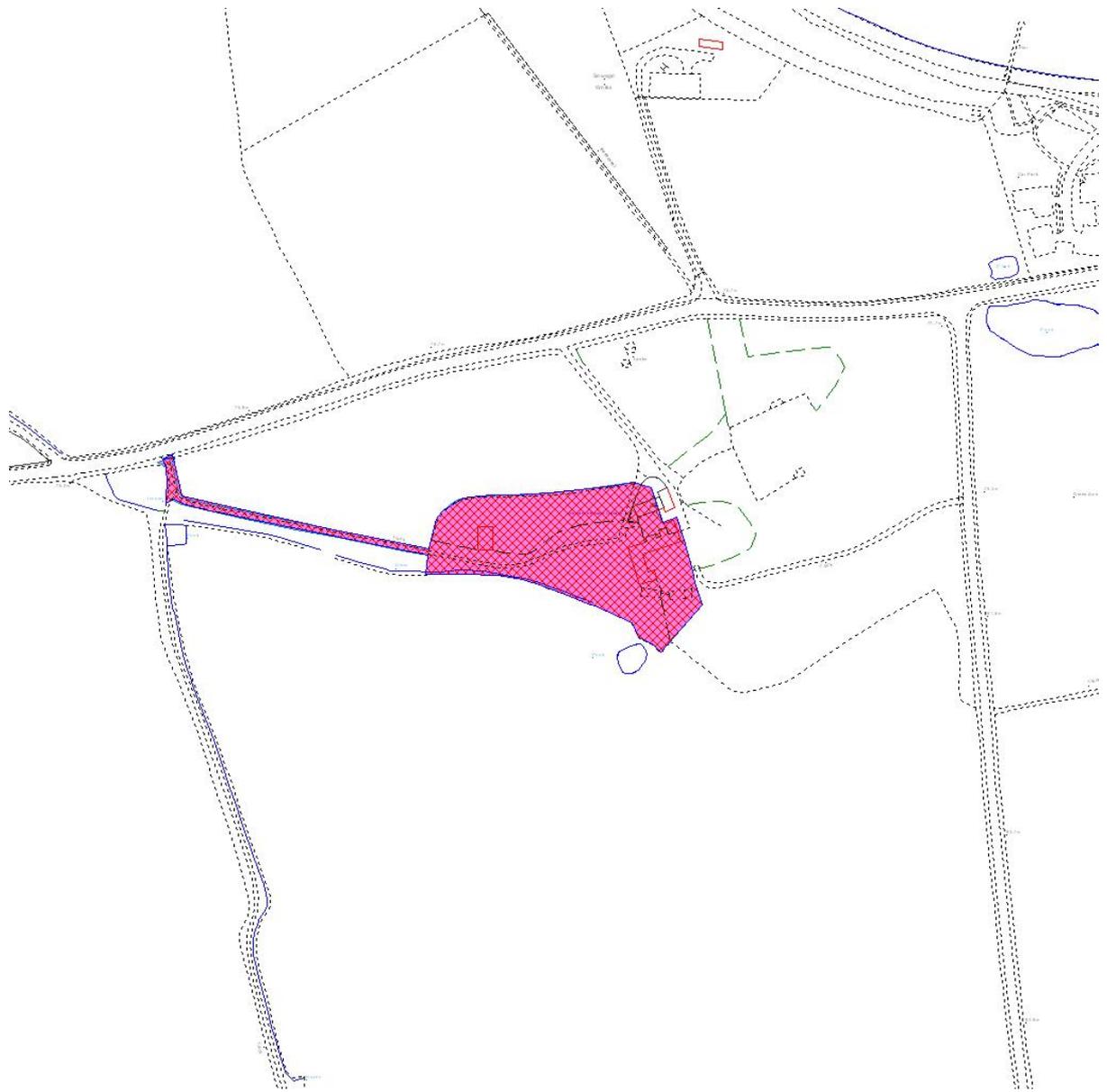
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

**Planning Application No: PAP/2011/0340 and PAP/2011/0342**

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms and Plans	28/6/11

*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.*



2011/0342

**FB Architecture Ltd**

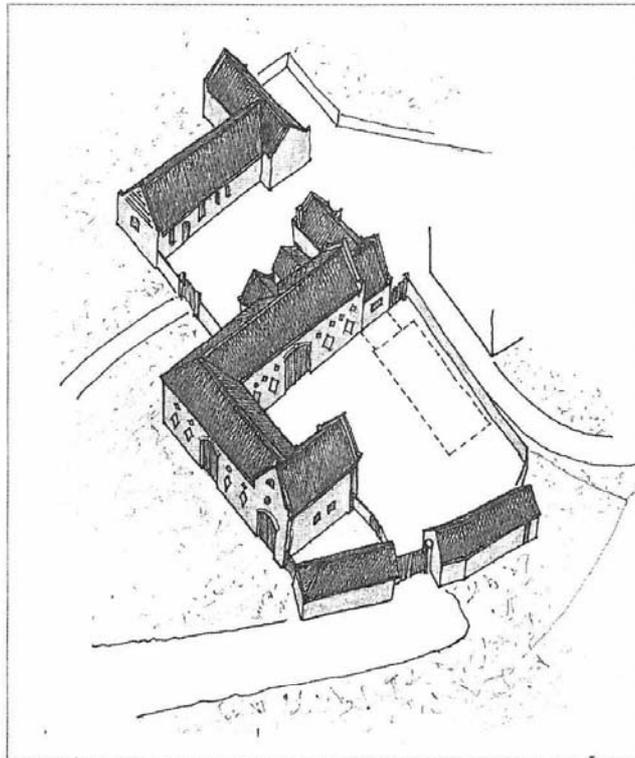
The Old Telephone Exchange, Gipsy Lane,  
Balsall Common, CV7 7FW, 01676 535 048



NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED 28-JUN-11
PLANNING & DEVELOPMENT DIVISION

**Shustock House Farm Buildings  
Shustoke, Warwickshire.**

**HERITAGE STATEMENT**



### **Introduction.**

This document has been prepared as part of the planning application and listed building consent submission for the conversion and extension of Shustoke House Farm Buildings for the use as a Wedding venue.

These buildings are generally considered as a good surviving example of a model farmstead from around 1772 at the location of Shustoke House near to Shustoke village, Warwickshire. Unfortunately Shustoke House was demolished shortly after the Second World War with the farm and ancillary buildings being retained including one part now a dwelling often referred to as Shustoke House Cottage.

The dwelling is currently tenanted and is to remain unaffected by the proposed alterations so will not form part of this application. The remaining buildings are not in use as they are no longer required for the farming of the adjacent fields and are in varying states of decay.

The owners wished to find an appropriate use for the existing redundant buildings in order to secure their future but which would not have a significant impact on them as they are aware that they are a designated historical asset all being grade II listed included on three separate listings.

As described in PPS 5 Planning for the Historic Environment. Under Policy HE6.1 this document has been prepared to describe the significance of the heritage asset affected and the contribution of their setting to that significance. We consider the level of detail gone into is proportionate to the importance of the heritage asset and is sufficient to demonstrate the potential impact of the proposal on the significance of the heritage asset.

The second report has been prepared under Policy HE6.2 to include an assessment of the impact of the proposal on the Heritage Asset and an assessment of the restoration required.

There is no evidence to suggest that there is any archaeological interest,





## **HERITAGE STATEMENT**

### **IDENTIFYING THE SIGNIFICANCE OF THE HERITAGE ASSET AND THE CONTRIBUTION OF THEIR SETTING TO THAT SIGNIFICANCE**

This is a study of the historical development of the area which brought about the construction of the original house and farm buildings in the form they are with a description and where possible the order in which each element that make up the range of buildings was added.

The farm and ancillary buildings are covered by three separate grade II listings but part of their significance is in their grouping. Although there are many such farmsteads in this part of North Warwickshire many of which are listed this group is considered to be a good example of an early model farm stead which survives relatively unaltered by the changes in agricultural demands that have affected farm buildings over the years. We believe this is likely to have occurred due to the country farm estate being only used as a country residence following the death of the gentleman farmer Edward Croxall in the 1820's

### **Shustoke and North Warwickshire.**

Shustoke House is located on the western edge of the small village and parish of Shustoke in the north part of the county of Warwickshire in the Hemlingford Hundred located on the turnpike road from Coleshill to Atherstone.

Shustoke stretches about 3.5 miles from the hamlet of Shustoke Green to the parish church on the higher ground to the east and is about 1 mile north / south. It is an ancient village mentioned in the domesday survey '*Shustoke held as 4 hides in 1086 by satus of Geoffrey de wirce*'.

It is surrounded by farm fields with a reservoir to the North formed in the 1870's by the construction of a dam across the valley.

This area of north Warwickshire has generally remained an unspoilt agricultural landscape with some rural industry and coal mining but is often over looked and over shadowed by Shakespeare's south Warwickshire. The local Market towns are Coleshill and Atherstone both of which have retained their character despite industrial expansion where as Nuneaton has expanded out of all proportion. The area did however become increasingly influenced by what has now become the West Midlands conurbation. This was a group of small country towns which expanded dramatically in the industrial revolution and beyond to the extent that they became merged into one massive built up region.

With the rise of the rural population and the rapid growth of towns particularly in the 17<sup>th</sup> and 18<sup>th</sup> century it was necessary to improve the production and supply of food beyond the local need and beyond the local market towns.

The transition of farming from the open field strips and common rights to the enclosure of larger areas into individual farms gave the opportunity for improved farming methods and experimentation which improved the harvest yield as well as increasing the wealth of the land owners. This set out the pattern of the countryside to what we generally recognize today as farmers needed to build new homes and buildings on their parcel of land especially when they were some distance from the home village. Over time the smaller holdings were swallowed up by the larger landowners who employed the un-landed locals to work on his land.

This re-structuring of the agricultural landscape increased during the latter part of the 18<sup>th</sup> century and during the first half of the 19<sup>th</sup> century created the need for and development of the farm stead. This was made possible with the high price for grain from the 1750's peaking at the Napoleonic War provided the finance to improve the farm buildings.

Large estates forming not only home farms developed as model farms but also set up outlying farmsteads for tenants to lease and wealthy smaller landowners would set themselves up with a small country house and model farmstead developed from scratch or in replacing older building groups. There was much discussion and published information on the requirements and innovations of farming of the day as well as the design and layout of the building required.

This period also coincided with the rise in popularity and relative low cost of the Warwickshire red bricks which took over from the traditional timber framing for

construction which had been the standard building material for centuries. Until then bricks like stone were an expensive luxury.

In the parish of Shustoke two families in particular had become important landowners, the Dugdale and Croxall's. They had accumulated, purchased and exchanged land to form estates and farms for themselves as well as for renting out.



#### Shustoke House and Farm

It is in this setting in the late 17<sup>th</sup> and 18<sup>th</sup> century that the Croxall family established Shustoke House and Farm. Not to be confused with Shustoke Hall which dates from about the same time Shustoke House is situated beyond the Shustoke village green area to the south of the turnpike road to Coleshill just past the left turn to Maxstoke castle.

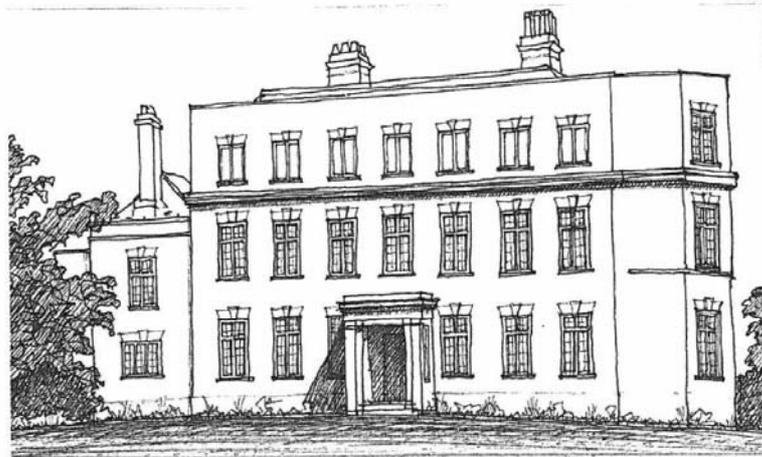
The family name of Croxall has been recorded in the village from 1567 and had effectively become squires of the village later recorded as being the second largest landowner in Shustoke with ties to estates in Aldridge as well as other areas. They were living at the 16<sup>th</sup> century old manor house on Shustoke Green when land was acquired in about 1685 with Shustoke House being constructed shortly after. The original house could be dated by a lead feature on a rainwater downpipe with the initials and date T &

KC 1696. These are the initials of Thomas and Katherine Croxall and they and their heirs owned the estate until the 1920's.

It is not clear if any farm buildings were built initially but it is likely that some were as the descendants of Thomas and Katherine Croxall's were gentleman farmers when the house was extended and later when the model farmstead was established.

In the middle of the 18<sup>th</sup> century that Thomas and Katherine's grandson Edward Croxall (senior) and his wife Eleanor effectively built a new house adjacent to the original house reducing it to a side wing. On the ordinance survey maps the original house is the square block to the east of the farm buildings with the later house further east again with a main entrance façade facing south. This is reminiscent of the nearby Blyth Hall built by Sir William Dugdale the 17<sup>th</sup> century historian which had a new main façade 1690 – 1700.

It is unfortunate that Shustoke House has not survived with the original house having been removed in the 1930's and after the new house was used as a billet during the second world war it was in such a state of disrepair that it was also demolished. We have not found any images of the original house but it can just be seen beside the new house in later photograph in the 1930's (as sketch below). This shows that the new house had an impressive brick façade with a central stone portico entrance with three sets of windows each side and one over the entrance. The upper second storey above a cornice detail is also brick with a row of smaller windows but this has possibly been altered over the years as it looks out of proportion to the overall façade in what looks like slightly different colour brickwork. It is likely that it originally looked more like Blyth Hall with the roof slope visible and three or five smaller dormer windows above a cornice eaves detail. The main windows would presumably have been sliding sash rather than the cross framed casement style indicated in the photograph giving it a 1930's look.



The House looks in good condition in the photograph although another photograph of about 1937 indicates the original house removed and a first floor window and surrounding brickwork missing.

It is believed that both Edward Croxall senior and his son Edward junior and his wife Avarilla Croxall were living at Shustoke House in the 1770's when the model farm buildings were planned and were built over the following years.

There is a reference to an Edward Croxall junior who had an apprentice Abraham Marlow for Husbandry (Farming) on 25<sup>th</sup> February 1788.

As noted earlier as wealthy landowners farming their own land and with the high price for grain from the 1750's onwards they could afford to replace their existing agricultural buildings with the most modern style of building to suit the established methods and innovations of farm buildings of the time to show off their status and maximize their efficiency and profit.

### **Farm Buildings.**

The farm buildings are set out to the west of the house with a driveway separating it from what was the original house. The original house and farm would probably have been more integrated but with the enlarging of the house to form a small but grand mansion the two would have been more separated. The drive to the house was off Castle Lane to the east with a farm track coming from the main turnpike road to the west which entered the farmstead through the brick piers and gateway to the south. There was a foot path across the field to the north which has become the current entrance drive which leads to the back of the farm buildings and also into the yard at the back of the original house.

The replacement of existing farm buildings or the creation of new model farmstead was planned in the 1770's some 20 or so years after the House was enlarged as the north barn has a keystone with a date of 1772. Sturdily built in red brickwork the farm buildings and curtain wall are set out in a courtyard to form a foldyard for animals with a coach house facing the side of the house and a separate stable and cottage building to the north. An indication of the size of the estate is the inclusion of two threshing barns with one to the North and one to the west sides of the courtyard to give shelter from colder weather with the cart / granary store on the end and the lower buildings to the south with the curtain wall to the east.

Each part of the range of buildings were designed for a particular purpose. The threshing barns store the harvest providing a floor and opposite large doors for threshing and for storing the straw. The valuable grain was stored in a first floor room over a cart store which had openings for access from inside the fold yard and to the outside but orientated to avoid direct sunlight. There is a shelter (byre) open to the fold yard for cattle the manure from which was an important part of the process to fertilize the fields. The other low building on the other side of the gateway is the range of pigsties. The stable for working horse or possibly oxen is outside of the foldyard attached to what is now the dwelling and which may have been labourers accommodation. A two storey coach house at the east end of the threshing barn faces where the house was and would not have been for farm use.

Although planned as a model farm it was not built up together as one development. The threshing barns and the granary/ cart store building has continuity with matching details particularly the brickwork and the gable parapet with its stone copings. They still appear

to have been built one after the other as the brick bonding changes and connecting internal walls appear to have been external walls. The two smaller buildings, the pigsty and cow shelter as well as the curtain wall appear to relate to the same period as the barns as they have similar brick and include elements of stone. It is likely that the coach house on the east side of the north barn and the separate stable building were built later presumably to replace older buildings as they share brick gable parapet details. This is also included on the alterations to the back of the north barn when the gabled entrance was either added or altered.

North Warwickshire has had the benefit of a mixture of building materials with clay for bricks and tiles, timber for frames and roof structure and stone for walls and roof tiles. Stone was used for complete buildings where stone was abundant or elsewhere for those who could afford it but more often it was used to define an important detail or building element. Lower status buildings would be timber framed with important buildings in brick or stone especially nearer the stone outcropped areas. As bricks became more fashionable and available they were used for new buildings often replacing older timber buildings until brick became the preferred material for all but the grandest buildings resulting in stronger more longer lasting structures.

The survival of the model farm buildings at Shustoke House is partly due to their robust materials and quality of construction but also to the fact that they have not been developed or adapted to accommodate the major agricultural changes from the mid 19<sup>th</sup> century to the present day. Unfortunately this appears to owe much to the demise of the Croxall's as a farming family in the 1830's only some 50 years after being built.

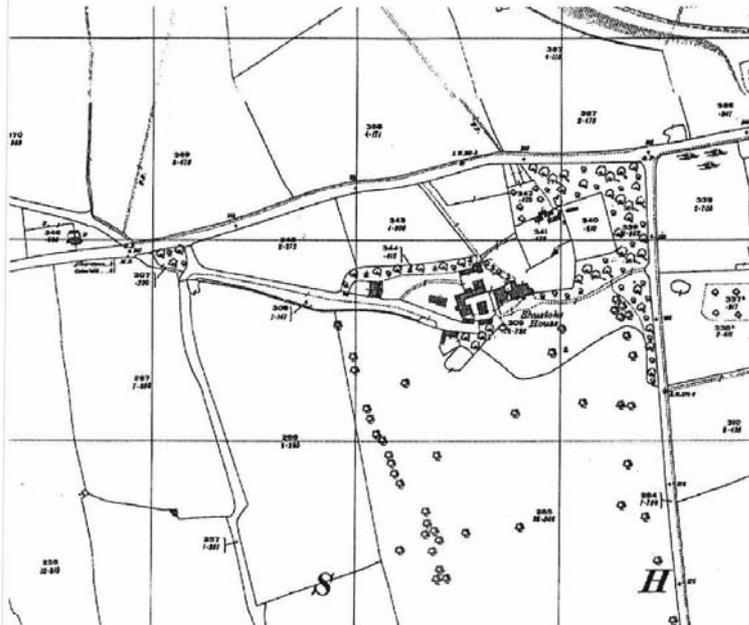
Edward Croxall (Junior) who followed on the farming from his father must have left the estate to his son also named Edward when he died in 1826. His son however died shortly after in 1827 which ended the line of Gentleman farmers leaving his widow Dorothy with no children of her own as the second largest landowner in Shustoke the extent of which can be seen on the tythe map of 1840's. The national census shows that she carried on living at Shustoke House but using it purely as a country residence looked after by her servants etc with no mention of any farmers or agricultural servants in residence on the premises or in close proximity. The farm buildings were either not in use, used as remote buildings for another estate farm or were rented out to a local farmer. The stables, cottage and coach house would have been retained for use with the main house.

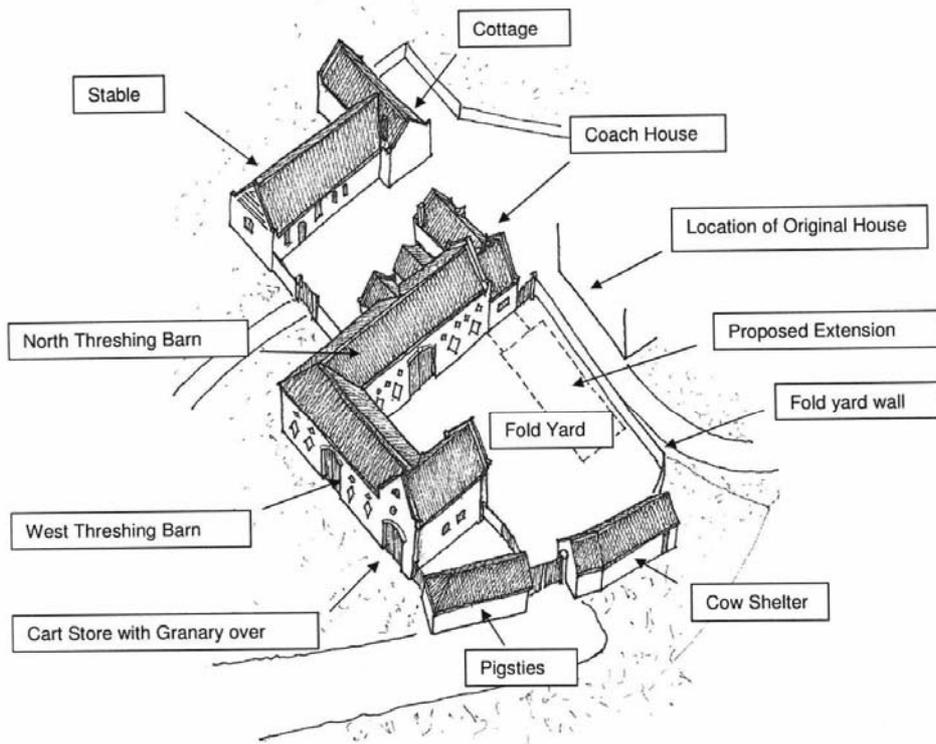
There are some alterations to indicate the farm buildings were in use by the end of the 19<sup>th</sup> century as additional buildings were added and alterations made. The use of west threshing barns changed with the introduction of a first floor at one end and the cart store openings were built up. A new building was built inside the foldyard together with a building or structure on the west face of the west barn and a Dutch barn etc to the west of the west barn but all these have since been removed. There is also a cart store building further away to the west which is still standing. Other alterations relate to the domestic use such as the extension to the coach house, the transformation of the coach house to take cars and the formation of the dwelling beside the stables.

With no children to inherit after her death Dorothy Croxall left the estate to her nephew Randall Francis Tongue, the son of her sister and brother in law who lived in Sutton Coldfield and who took the surname Croxall. Randall F T Croxall was not a farmer but

he lived at Shustoke House from the 1860's until his death in 1887 with his widow Sarah E J Croxall continuing to live there into the early years of the 20<sup>th</sup> century.

In the 1920's the estate was sold to W S Drydale a descendant of Sir William Dugdale the historian of Blyth Hall which is on the other side of the main road. The house had several tenants but it is not known if the farm buildings were let with the house or whether they were used separately. It was used as a billet during second world war so was either vacant, voluntarily used or was commandeered for war purposes as accommodation including prisoners of war. The house particularly suffered badly during this period and was in such a state after the war that it was taken down in 1947.





**SKETCH OF THE FARM BUILDINGS**

**A Description of the Farm Buildings.**

This is a description of each part of the surviving farm buildings with the exception of the Cottage which does not form part of this planning application.

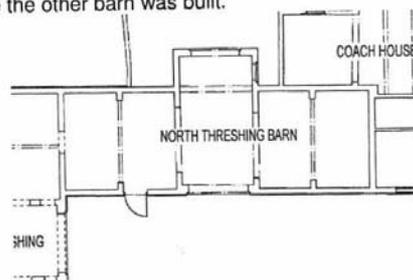


### Threshing barns.

There are two standard type threshing barns set at right angles to each other with one on the north side of the fold yard and the other to the west side. Evidence suggests that the north barn was the first to be built and was complete before the west barn was constructed.

#### The North Barn

The north barn is a standard high threshing barn with the central stone flag threshing floor with cross doors and storage on each side. Built in locally made rich red brickwork it has a three course dental corbel eaves detail typical of farm buildings and cottages of Warwickshire. The steep pitch roof has plane tiles with a parapet wall with stone capping and flattened ends. It is not known if this detail was added later or if the other end wall had a parapet before the other barn was built.



The walls each side of the threshing floor supports the roof purlins with a large central opening which goes up to form a pointed gothic arch in brickwork. These have unfortunately been widened at low level with a steel beam part the way up to allow greater access for tractors into the side bays. The large door to the fold yard is 3.5m wide but the outer door in the extended porch is only 2.83m. The storage areas are about the same size in width at 5.8m and 6.35 (east) and 6.55m (West) in length and each divided in two with brick piers and principle trusses supporting timber purlins.

The external brick walls are a brick and a half with large patterns of ventilation holes to each storage bay forming a large diamond at lower level and two smaller diamond shapes above e.g. 4 in all. A smaller door has been added at a later date into the fold yard which disrupts the left diamond pattern. It is not surprising with the thickness and number of ventilation holes that the brick coursing is very random with no clear pattern but with a leaning towards English garden bond rather than any thing else. The segmental double arch to the threshing doorway has a brick and a half arch with a sandstone key stone which is where the date 1772 is carved.

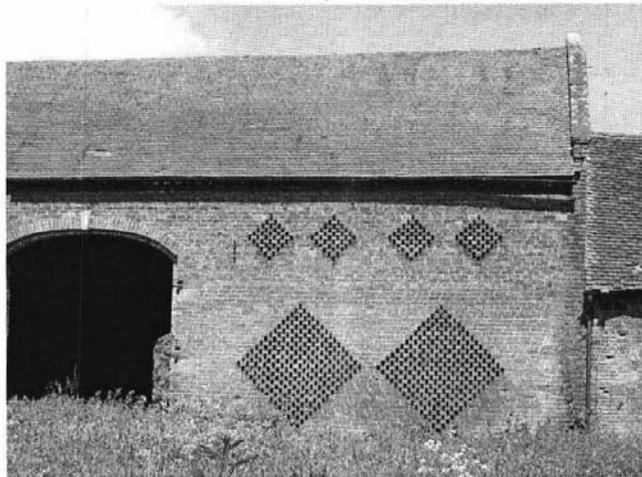
The north wall has evidence of the diamond pattern but this wall appears to have been completely rebuilt possibly when the extended porch and smaller door were built if this was not original. There is an internal arch in line with the main external wall but the arch although of the same depth and size as the outer does not have a keystone or evidence of having been the external doorway. Unfortunately the rebuild of the external wall has not been done with aesthetics in mind with a rather untidy vertical pattern of ventilation

holes. The gable over the doorway has a brick capped parapet instead of stone and has dove / pigeon holes which match with the coach house and the stable block. There is a small opening to the return wall in the porch with a very flat arch. A high level window has been inserted in the north wall above where the coach house has been extended in more recent times.

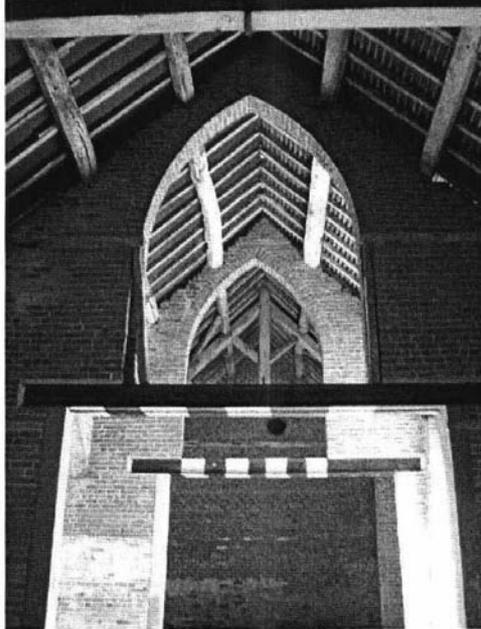
The principal rafters and cross walls support timber purlins on the angle which support timber rafters, tiles battens and plain clay tiles.

What was the end wall facing west has a high level window now blocked up and a opening at ground level seemingly broken through to access the second barn. There is a small window in the east wall which now leads to the loft over the coach house which may have been to owls hunt for rodents where hay may have been stored.

There is little disturbance to the interior of the barn to suggest other uses over the years







### The West Barn.

As has been suggested this was built after the north barn but it is so similar in style and materials that it is most likely followed fairly shortly after in terms of years but does seem to be of better quality construction either with a different team building the walls or they have developed their skills.



The size of the threshing area is identical to the other with one storage area of a similar size but the south store being only 5.4m approx a meter shorter. The threshing doorways are matching having stone key stones but no date carved in.

The exterior viewed from the fold yard is matching with the adjacent wall in the same rich red brickwork and eaves detail but has the shorter store length on view slightly obscured by external steps to the adjacent building. The ventilation holes pattern is similar to the north barn but with only one large and one small diamond pattern per bay. The outer external wall also has the ventilation hole diamond pattern but the higher smaller diamonds are flatter due to stretches being used instead of headers. This pattern has been disrupted on the right hand side as a door and window have been inserted at some point together with two timber chutes from an inserted first floor.

There is a high window on the north end wall which matches the blocked window in the now internal wall at the end of the north barn.

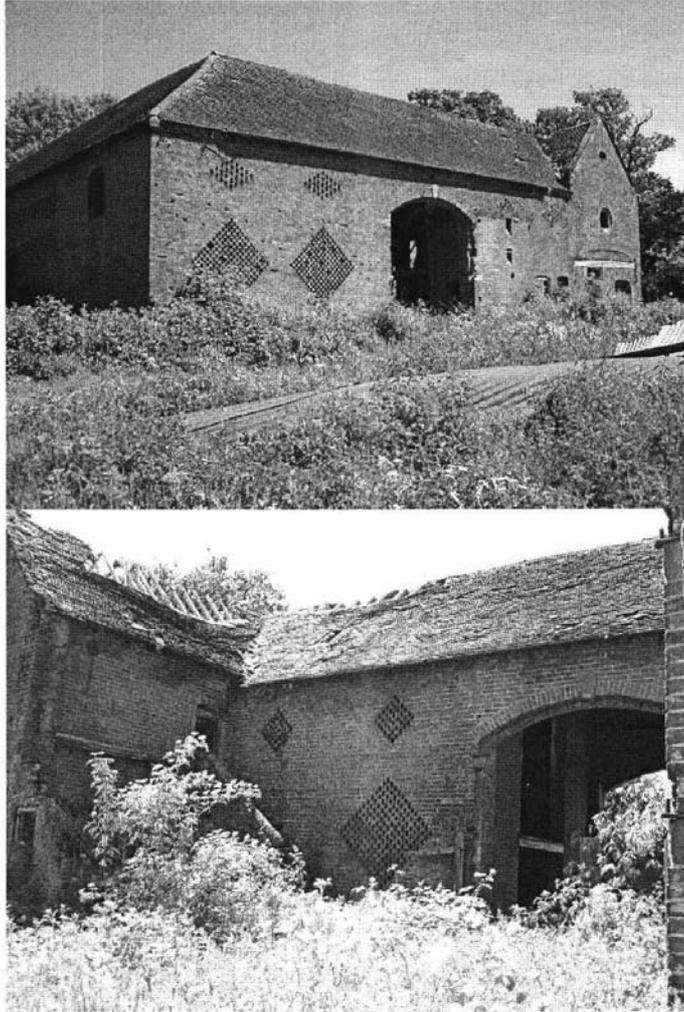
The brick coursing lines through with the north barn but the brickwork bond is different which although still very random is more leaning towards Flemish garden wall this time although there is still a header course.

The plain tiled roof links up with and matches the north barn and is formed as a hip with the purlins supported on a half principle truss spanning from the main principle truss to the end wall.

As already noted an upper floor has been added to the south store of the barn but has since been removed. Deep thin joists were cut into the outer walls indicating a later 19<sup>th</sup> century or early 20<sup>th</sup> century addition and a door and window were inserted on the ground floor as well as two chutes from a granary above. Alterations of this nature were generally used as animal shelter with a hay or grain store over.

There are matching internal walls each side of the threshing floor with high gothic style arches which in this barn have a better proportion of brickwork to support the purlins.

The south end wall may have been an outside wall for a while before the cart store and granary building was added although the brick bonding is more reminiscent of the north barn than the west barn. There are now openings in this wall at ground level and at first floor level.





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#### **Cart Store with Granary over.**

A two storey building is attached to the south end of the west barn with external steps to the first floor and arched openings for cart access from outside and inside the foldyard.



This two storey building has been added to the end of the west barn in the same bricks but uses an improved brick bond style of Flemish garden wall. The gable ends have the same parapet detail as the north barn with stone capping so it is likely to be of a similar date. It has higher eaves than the barns and brick piers on the corners. Access to the first floor is via the external brickwork steps which have a low lean-to adjacent to it presumably for pigs or chickens.

An opening has been subsequently made into the west barn on the ground floor and a doorway on the first floor level.

The first floor has timber joists supported on large timber beams on which the timber boards have had a screed added. The internal wall surface on the ground floor have been lime-washed or painted where as the first floor is natural facing brick.

The original cart openings have been filled in with brickwork and a smaller doorway with windows having been inserted later. The timber beams below the original brick arches are at the current floor level although there are no signs of the floor having been higher. The ground floor has been set out as a pigsty with pens of low brick walls, timber gates and some raised timber floors.

Side windows also seem to have been added as they are cut through the brick bonding.

The plain tiled steep pitch roof is has one purlin supported on a central king post truss. There are circular openings for moving grain and semi-circular owl holes at high level in the gables.





### Coach house.

A later addition onto the east end of the north barn the coach house faced into a yard at the back of the original house. It is constructed in a slightly smaller red brick than the barns in a more ordered Flemish bond and has a brick parapet gable detail matching with the porch to the north barn and the separate stable building. These would all have been facing into this service yard which continued behind the north barn.



The coach house consists of a coach store which has been extended, a room over and a stable with a loft over.

This room at the south end has a gable facing east with a door and two windows of which the left window has been widened and is similar to a window inserted at a later date facing into the fold yard. There is a circular opening in the gable into the loft space. It is likely that this was the stable and tack room for the family coaches when the main stable building was used for farm horses or oxen. The loft would have been a hay store with a chute to the floor below like the surviving chute in the main stable. This area has been plastered out at some point with lines to represent stone joints.

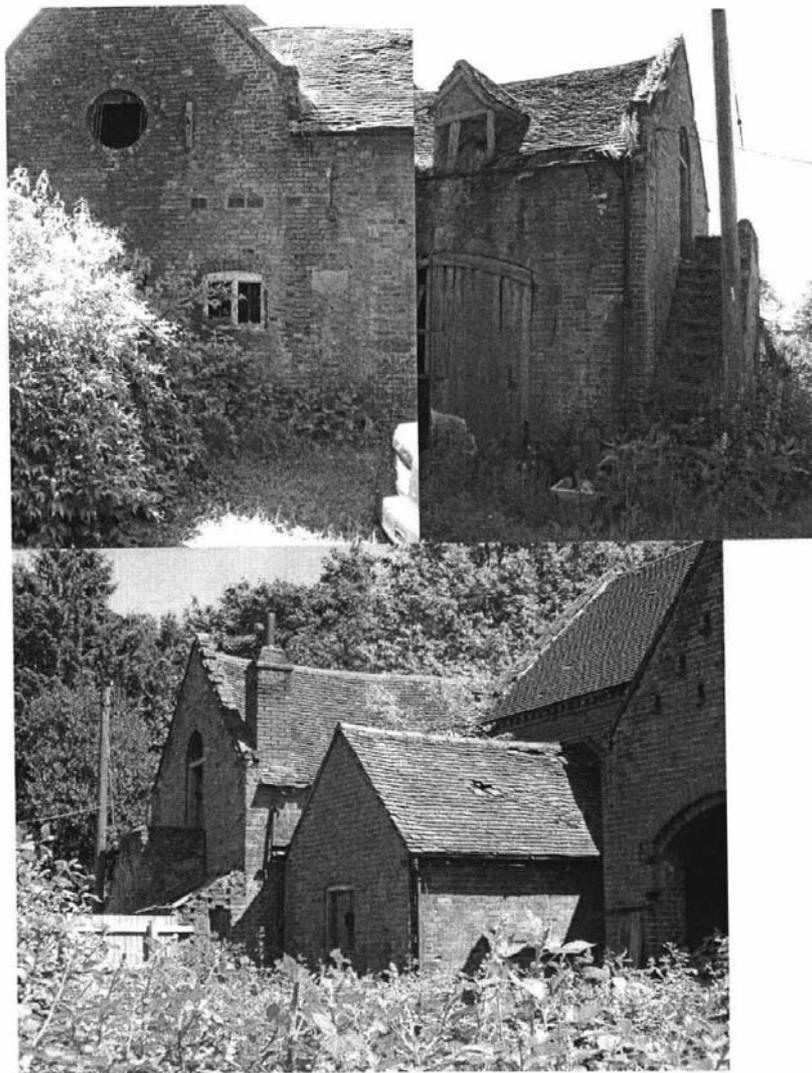
The adjacent coach and later car store has a north facing gable with an external brick and staircase with stone capping similar to the cart store and granary which leads to a timber door with a semi-circular metal fanlight giving access to the first floor accommodation. These steps look older than the adjacent wall with a vertical open joint between suggesting they were not built at the same time although it could be that these bricks have been more exposed to damp and weathering.

The opening to the coach store has been reduced. The original opening is still visible with the stone blocks for fixings but any signs of what happened over the opening has been removed by the formation of a smaller opening with the possibly retention of part of the original brick arch with a stone keystone. The eaves exposes the timber wall plate on this side and facing the fold whereas the wall on the other side has brick corbelling. There is a chimney on the far side which again looks like a later addition. There is a small timber framework dormer window with brick infill to cheeks and gable.

The inside of the coach store is painted or lime-washed brick walls and plastered ceiling with exposed timber beams spanning across parallel to the opening. The first floor has a lath and plaster finish.

At the rear of the coach store an extension has been built more recent with a slightly duller red brick and plain tiles.

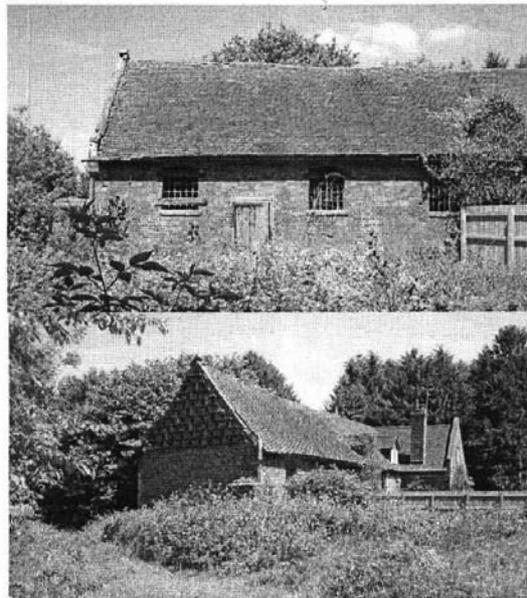
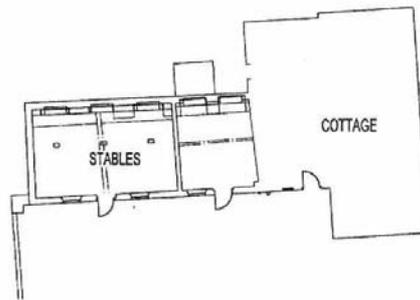




### Stables and Cottage.

The stable and cottage appear to match with the coach house design but are accredited to the 1772 date of the north barn. The gable wall has brick arches suggesting old openings above which there is a pigeon or dovecote and is finished with a brickwork parapet detail. The main stable has a central doorway with a metal window each side and the adjoining stable has one metal window.

The proximity of this building with the coach house and the formation of the yard at the back of the house suggest that it was used as stabling for domestic use but it is likely to have originally been for working farm horses.

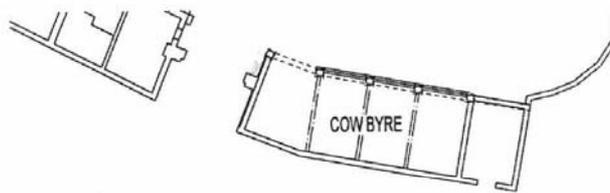


### Cattle Shelter (cattle byre.)

This building along with the adjacent pigsty forms a lower southern part of the courtyard between which was the access gateway with brick piers and stone capping still in place. The farm track from the road to the west is still visible and used to finished at this gateway.

This building is separately listed and was a shelter open into the fold yard for a small number of cattle to find cover. It has four open bays facing the yard the first on the right end being at a different angle and one bay at the other end enclosed with a door facing outwards. It has a simple gable at the gateway end and a stone capped parapet gable at the other end which used to face towards Shustoke House.

The outer walls are in red brickwork but the bays are divided at the front with sandstone stone columns with a simple stone capital detail referred to as roman Doric. Two openings have since been filled with some brickwork with some brickwork and timber gates in the other two.



There is a timber beam across the columns and a timber wall plate along the external brick walls which have signs of having been reused from older buildings. Principle trusses are positioned on the column centres with varying degrees of natural arched principle beam with curving out braces up to support the rafter element where the purlins are positioned. There are also for some reason timber principle trusses between the open area and the end room but more confusing is the one embedded in the gable wall to the gateway suggesting that this was originally open. This is further suggested by the crude brickwork detailing abutting the engaged stone column on the end.

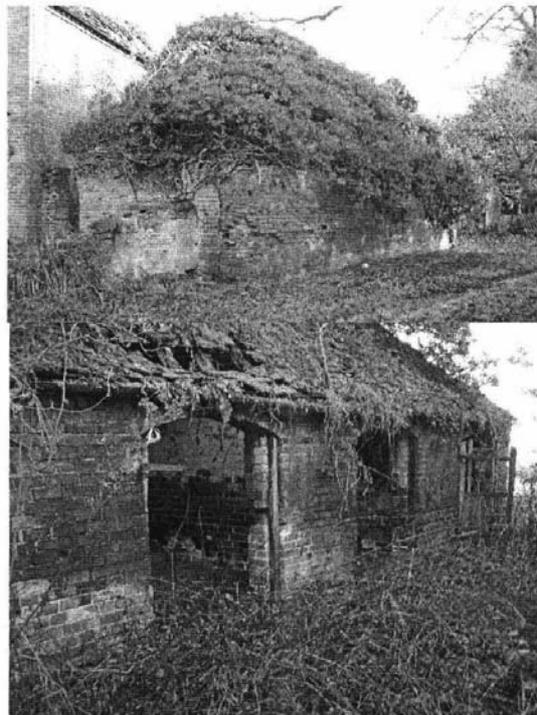
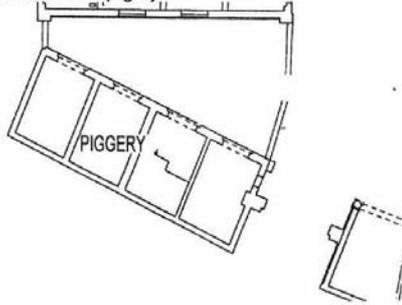






### Pigsty

This low building is hard to see as it is engulfed in vegetation but it has red brick walls and low tiled roof matching the adjacent cow shelter except that this building has a hipped roof at the other end to the gateway. It has a small opening into the foldyard and a series of four low arches facing the cart store into four individual rooms divided by brick walls suggesting the use as a pigsty.



### **Curtain Wall to Foldyard**

The foldyard enclosure is completed with the curtain wall to the east side which divided the farm from the original house. It is about 1.5m high in red brickwork with piers and is finished with a stone copping. It is likely that there was a gateway wide enough for carts to the side of the north barn leading to the back of the original house as well as a smaller gateway half way along to give access to the house.





**Appendix A: Three listing descriptions on the farm buildings.**

**Shustoke House Farmhouse and Attached Stable**

Grade II listed on 23 March 1988

Cottage with adjoining stable block. 1772. Red brick, English garden wall bond. Plain-tiled gable roof with parapet gables on kneelers and dentil eaves cornice. Ridge stack. L-plan, with north-south cottage range and east-west stable block. Cottage of one storey and attic with north gable end having a blocked oculus above C20 wood casement and opening. At ground floor, doorway in coursed and dressed sandstone surround with keyblock and stop-chamfer. Bead and quirk boarded door. East side wall has a gable dormer with leaded light and 3 ground floor windows under segmental arches.

The stable block adjoins and is contemporary and of similar materials. One storey and attic. South wall, 3 stable door openings with split doors, under segmental arches. 3 similar arches to 3 iron casements. Interior has 3 stalls for horses, but the partitions have been removed. At the west gable end is a pigeon loft with approximately 54 nesting boxes with perches. Part of the stable has been converted to domestic use. The cottage and stable are probably contemporary with the model farm range opposite on the south which is dated 1772.

Listing NGR: SP2231590772 LBS number 309081

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**Cattle Byre.** Approximately 50 Meters South Of Shustoke House Farmhouse.

Grade II listed on 23 March 1988

Cattle byre. 1772. Red brick with sandstone dressings. Plain-tiled roof with end parapet to east gable end. 4 bays forming part of the south side of the yard. Single storey. Open sided with the bays divided by Roman Doric columns of sandstone. Part of the openings have been blocked. At the west gable end is an engaged pier of the cartway entry to the yard. Interior: Through-purlin roof with inclined struts.

Listing NGR: SP2232790721 LBS No 309082  
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**Barns, Coach House And Wall.** Approximately 25 Metres South Of Shustoke House Farmhouse.

Grade II listed on 23 March 1988

Barns and coach house forming north, west and part of south sides of model group of farm buildings round a courtyard. The east side is enclosed by a red brick wall and the south by a cattle byre. The entry is from the south side. 1772 (dated panel to wall of barn on west side). Red brick of varied bonding but including Flemish and English bonds. Plain-tiled roofs with parapet gable ends except for west end where the roofs are hipped.

Threshing barn on north side of courtyard has gabled midstrey opening in north wall with pigeon loft to the gable head. Double recessed segmental arch to midstrey opening. Breathers and pitch opening in side of walls.

Threshing barn on west side is similar except that the roof is hipped. There is no midstrey. There is a dated sandstone panel above the double recessed segmental arch. Diaper pattern breathers to the walls. At south-west angle a barn, now partly used as piggery. 2 storeys with wagon opening in west gable under elliptical arch.

Adjoining the barn on the north side of the yard is a coach house. Late C18. Red brick. Plain-tiled roof. Single cell plan. One storey and attic. One gabled dormer above segmental arch to coach house doorways. Boarded doors. At gable end an external dog-leg staircase with stone treads and coping to parapet wall leads to doorway to coachmans quarters above the coach house. Within the brickwork of the staircase there is a dog kennel.

Interior: The threshing barns on the north and west sides are both of 5 bays including the wider wagon openings, which are flanked by cross walls of brick having openings in 2-centred arches. The other roof trusses are of tie-beam type with braced King-posts and 2 tiers of through-purlins.

### **Appendix B: Croxall's of Shustoke Parish**

Thomas and Katherine Croxall had Shustoke House built around 1696

Randle son of Thomas and Katherine was Christened 28 August 1662

Edward son of Randle and Elizabeth was Christened 12 December 1718

Edward son of Edward and Elleanor was Christened 13 December 1741

Edward son of Edward and Avarilla was Christened 15 August 1772

Edward married Dorothy Tonque but had no children to inherit but his sister Sidney and her brother Edward were married and their son Randell Francis Tonque inherited Shustoke House on Dorothy's death and he took the surname Croxall.

Edward and Avarilla were the only Croxall's having children in Shustoke in the 1770's.

Edward in April 1772, Avarilla in July 1773, Vincent in August 1774, Maria Anne in October 1775, Robert Scott in October 1776, Scott in 16 August 1778, Sidney in September 1783,

Edward himself was born in Shustoke on the 11<sup>th</sup> December 1741 the son of Edward and Eleanor Croxall.

In the 1861 census of Shustoke House Dorothy Croxall is noted as a widow of 77, lady and was residing with her sister Maria Whitehead unmarried at 75. The household consisted of a cook, lady's maid, head maid, coachman, under gardener and the sisters maid.

This is similar to 1851 although Dorothy is absent with the coachman in charge.  
There are a number of family members staying in 1841 and Dorothy dies before the  
1871 census.

# CRIPPS BARN HIRE

APPENDIX B

Montreal Barn,  
Barnsley, Cirencester,  
GLOS GL7 5EL  
Tel 01285 740 035  
E-mail [mh@crippsbar.com](mailto:mh@crippsbar.com)

Richard Cobb  
Chartered Town Planner  
84 Kimberley Road  
Solihull B92 8PX

1<sup>st</sup> April 2011

Dear Richard

## Proposal for a new Barn Wedding Venue at Shustoke

You have asked me to let you have some background on our business, as the proposed tenant and operator of the proposed Wedding Barns at Shustoke House Farm.

### Background

Our existing business, which is known as Cripps Barn, is based in Gloucestershire. In 1990 we converted an 18<sup>th</sup>-century Cotswold barn set in the countryside near Bibury in the Coln Valley as a farm diversification project, these types of barns having become redundant for modern agricultural purposes.

Cripps Barn, details of which appear on our website [www.crippsbarn.com](http://www.crippsbarn.com), became increasingly popular for Civil Weddings from 2000, and in 2010, because of a shortage of availability on Fridays & Saturdays; we opened Cripps at Stone Barn a few miles away in Upper Windrush. Details of that can be viewed at [www.stonebarnaldsworth.com](http://www.stonebarnaldsworth.com).

Although we do occasionally hold other kinds of parties at the venues, over 95% of our events are weddings and for those we have obtained all the necessary licences.

Both our Gloucestershire barns have an internal capacity for civil ceremonies of 120 with additional space created via a marquee or use of adjoining barn. In our present businesses the numbers of guests per wedding probably average 100, with not many over 150.

Our business to some extent draws on wedding couples from the populations of Swindon (22 miles), Cheltenham (17 miles) and Gloucester (27 miles), but many of the weddings we have are from farther afield. It is true to say that a wedding is an event for which guests will travel and will make a short break out of the trip.

## **The Wedding Barn Market**

We of course believe that we are popular at Cripps because we deliver a good service and good value for money. It is also true that the Wedding Barn business has done well over recent years with numerous successful wedding barns around the country, and 6 wedding barns in Gloucestershire within a half-hour drive of Cripps. Their business has been inherited from registry offices and created by couples increasingly looking for weddings away from home.

Whilst there are still some very successful wedding hotels, it is also worth noting several key reasons why a lot of business has moved from hotels to barns:

- Many couples now want exclusive use of the premises (not always possible in a hotel).
- Barns generally offer a more informal atmosphere.
- The configuration of space in a barn is well suited to the larger groups.
- Barns are by definition in quieter, more rustic settings.
- Barns are able to charge competitive prices because their capital base is dramatically lower than a hotel with the same guest capacity.
- In our case because we concentrate on weddings without the distractions of operating rooms or running a restaurant we have become wedding specialists and able to host several weddings a week with the intricate planning detail required.

## **Effect of Wedding Barns on the local economy**

In terms of the benefits and impact on the locality our experience provides some indicative data with respect to the Shustoke project.

We currently operate 130+ weddings a year, with steady growth as our reputation has spread. For 2011 we are ahead of our 2010 bookings compared with the same date last year, so we hope to maintain the growth despite the current economy.

Our direct turnover is around £1.2m ex VAT, and the majority of that income is transferred into the local economy through small business suppliers and staffing. At Cripps Barn, the original venue, we have 7 full time employees and provide 130 days employment to part time waiting staff of around 8 people and around 150 days to a cleaning staff of 2. We pay higher rates than local independent caterers and hotels.

In addition, the 12,000 plus guests a year who stay in local accommodation bring a larger sum: there are no solid statistics nationwide, but our experience is that guests spend two nights in local accommodation and have a dinner the night before and a lunch the following day. Assuming for simplicity that most guests come as couples, with an average price of £70 per room, and for caution's sake assuming 1.5 nights, this equates to £675k in room prices. The meals and drinks bought by guests from local businesses might be assumed to contribute another £50 per head – or £600k. Some of this goes to hotels, but much goes to pubs with rooms, B & B's and self-catering accommodation. On top of that there is substantial taxi expenditure and a certain amount of local shopping.

I have been told on many occasions that the business we pass to local pubs, B & B's and small taxi firms has made the difference between profit and loss, and this contributes to the sustainability of local infrastructure which is then available to tourism year-round.

### **The proposed scheme at Shustoke**

The Shustoke barns offer, if not the isolation of our two existing barns, a rural setting and an even more attractive set of buildings. We see various couples at Cripps Barn from the South Birmingham area who have travelled to see us because they are attracted by what we offer, having presumably inspected the competition closer to home, which is mainly hotels, but also includes two wedding barns in Worcestershire and Northamptonshire which are about an hour's drive from Shustoke. There are undoubtedly potential customers who live slightly further North who feel that in Gloucestershire we are out of reach.

Competition in the area is the Carradine Barn on the West of Birmingham in Worcestershire and Crockwell near Canons Ashby in Northamptonshire, both a good hour away. Given that people are looking to travel away from Birmingham or other towns to somewhere rustic, it makes sense to provide that facility as near home as possible and to reduce travel miles for hundreds of guests.

We have found with our second Gloucestershire venture that our existing reputation has been a significant help and we are confident that this will be the case in Shustoke. We would be operating in a hugely increased catchment area and I believe that we will be able to achieve substantially higher figures than those mentioned above in our direct turnover.

In terms of overnight accommodation we anticipate that guests from more local towns – in the 20-30 minute range, will stay 1 night not 2, but that outside this range we will see a similar short-break profile to our existing business in Gloucestershire.

We are expecting similar wedding sizes at Shustoke to those we do in Gloucestershire, and while the listed barns will provide the basic accommodation, we do need a dining area extension to enable us to have the comfortable space for the whole occasion. Any larger weddings will take place only after the business has operated for several years and with proper additional facilities.

We would guess that we would fairly quickly be producing over £2m for local small businesses and staff and that we could substantially improve on this in the longer-term.

The management of noise on the premises is a technical matter which requires adequate roof insulation and the avoidance of direct sound routes to the outside. The barns are substantial brick so provide the density to contain sound if doors are kept shut and double glazing is used. We have long since made contact with a Birmingham-based noise consultant with the express aim of preventing noise nuisance to our neighbours. Subject to consultation with the existing residents of Shustoke House Farm we will be the tenants and no one will be going to bed until the guests have gone home.

Traffic to wedding venues is perhaps below what might be expected because of car-sharing (average 3 per car) and organised coaches - when wedding parties come from a town or city, i.e. with many guests coming from one locality, there are usually coaches organised.

Mapping systems seem to direct traffic even from easterly towns such as Leicester in from the West, so the impact on Shustoke, being mostly to the South of the B4114, should be negligible. Some cars will be left overnight while guests stay locally and in any case the 20-30 or so cars that might leave after a largish wedding would be spread over a 60-90 minute period.

Apart from the fact that it is very important for a business such as ours not to be at loggerheads with the local community and so we will make strenuous efforts to maintain that, we expect our impact by the nature of the business to be overwhelmingly positive as it has been with our Gloucestershire business.

The viability of our project is critically subject to:

- Granting of a licence for Civil Ceremonies
- Granting of the appropriate alcohol and entertainment licences
- A bar closing time of 1.00 a.m.
- A music shut-off time of 1.00 a.m.
- A premises closing time of 2.00 a.m.

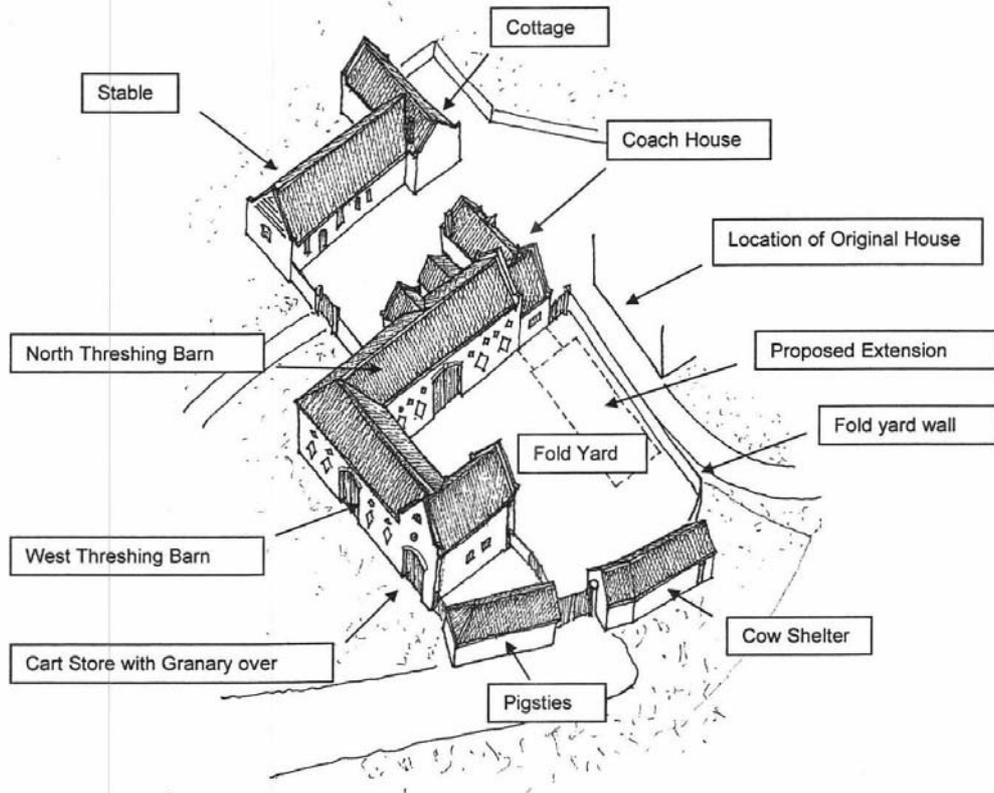
We believe that this application proposal offers a very real opportunity to retain and enhance these important historic listed barns at Shustoke as our use will preserve the buildings as true barns without sub-division of space. We intend to include some information boards in the reception area that will show the history of Shustoke House and the barns and include before and after photographs of the buildings. That will allow more of the public to appreciate the history and importance of the buildings.

We would be delighted to meet with Planning Officers or Parish Councils to discuss any aspect of our plans. We would respectfully ask to be advised of any proposed conditions so that we can respond prior to a Planning Decision.

Please come back to me if there any other queries at this time.

Yours sincerely,

Mark Henriques  
For Cripps Barn Hire



SKETCH OF SHUSTOKE HOUSE FARM BUILDINGS

**FB Architecture Ltd**

The Old Telephone Exchange, Gipsy Lane,  
Balsall Common, CV7 7FW, 01676 535 048



NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED 28-Jun-11
PLANNING & DEVELOPMENT DIVISION

**Shustock House Farm Buildings  
Shustoke, Warwickshire.****IMPACT ASSESSMENT REPORT  
Including schedule of repairs****Introduction.**

This document has been prepared as part of the planning application and listed building consent submission for the conversion and extension of Shustoke House Farm Buildings for the use as a Wedding venue.

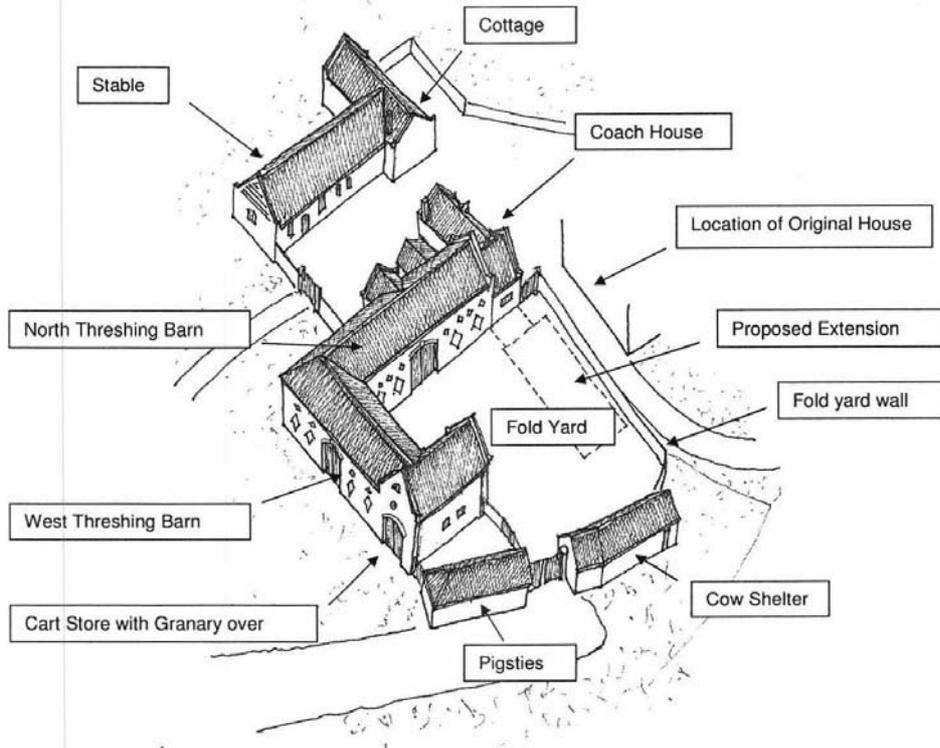
These buildings are generally considered as a good surviving example of a model farmstead from around 1772 at the location of Shustoke House near to Shustoke village, Warwickshire. Unfortunately Shustoke House was demolished shortly after the second world war with the farm and ancillary buildings being retained which includes one part now a dwelling referred to as Shustoke House Cottage. This is currently tenanted and is

to remain unaffected by the proposed alterations so will not form part of this planning application.

The remaining farm buildings are not in use and have not been for some time as they are no longer required or suitable for current farming requirements and are in varying states of decay. The surrounding fields are now part of a 3000 acre estate farmed as land in hand from Hall Farm and Moat House Farm just to the south-east of Shustoke. The land is part of the Merevale and Blythe Estates and they wished to find an appropriate use for the existing redundant buildings which would not have a significant impact on them as they are aware that they are Designated Historical Assets all being grade II listed included on three separate listings.

As described in PPS 5 Planning for the Historic Environment. Under Policy HE6.2 this document has been prepared to assess the impact of the proposal on the Heritage Asset and its setting. We consider the level of detail gone into is proportionate to the importance of the heritage asset and is sufficient to demonstrate the potential impact of the proposal on the significance of the heritage asset.





SKETCH OF SHUSTOKE HOUSE FARM BUILDINGS

## **IMPACT ASSESSMENT**

### **Impact of the proposed new use on the existing buildings including the necessary alterations and extension.**

#### **Proposed Future Use and General Proposal**

The opportunity has arisen where the farm buildings could be used as a barn wedding location offering an alternative to the hotel atmosphere and with more character than venues offering marquee accommodation.

The purpose of this type of venue is for the character of the existing buildings to show through so there is no need to do much more than tidy up and restore the existing buildings with minimal alterations and a modest extension. There will be no major construction intervention to the existing buildings as the existing volumes are suitable for the accommodation required and this type of venue does not require an insulated airtight building.

In principal the layout will be used as follows.

- The main entrance will be through the barn doorway into the west barn with access through to the yard, a reception and drinks area to the right and further reception and drinks to the left with access through to the ceremony space in the north barn.
- A first floor will be added to each side of west barn for extra reception drinks and sitting areas as well as a viewing gallery on to the ceremony area accessed via a new timber staircase with a bridge link across the threshing area. Access will then be possible through the south wall to the existing first floor over the original cart store.
- The old cart store/ granary building will be used as a kitchen and food preparation area.
- The North Barn will be the wedding ceremony space with glazed screens in the cart doorways with a doorway out towards the stable building and into the main courtyard. A new doorway will give access into the back of the coach house which will be partitioned off as a room for the bride and the registrar.
- The southern part of the coach house accommodation will be used as a foyer space providing a link between the wedding ceremony space and the new extension which will be the eating area. Also off this foyer space will be access to the northern part of the coach house which will be converted to provide toilet facilities including a fully fitted disabled toilet.

- The first floor over the coach store will be used for storage or as an administration office.
- The stable building attached to the cottage will be used as the Bride and bridesmaids preparation area.
- The cattle shelter can be used as workshop/s for wedding related business such as flower arranging and preparation, dress making and accessories, cake making and other preparation work.
- The old pigsty can be used for storage possibly of wines, beers etc and other kitchen related items or furniture.

#### **Proposed Alterations for New Use.**

The new use will require some internal alterations to the existing building particularly to give more effective access between the different areas. It will also be necessary to alter or replace existing windows and doors but there is very little alteration to the existing structural openings and fenestration.

#### **West Barn (Entrance Foyer, reception and part of ceremony viewing)**

- Cart openings filled with glazed screens with timber frames. Also outer gates fitted reminiscent of the original doors which are not in place.
- The rough opening through to the kitchen will be properly formed and a new door and frame inserted.
- A new external door is to be inserted in the existing restored timber frame. The old metal window is to be restored.
- A first floor is to be formed with timber floor joists in each storage area accessed via a new timber staircase and with a link bridge across the threshing area. The first floor doorway through to the original granary is to be altered and to have double doors.
- An opening is to be formed in the wall between the two barns to the same width as the piers of the adjacent piers. This will be at ground and first floor in order to see the wedding ceremony at both levels. A low archway can be formed across the opening at first floor level but not to match the existing pointed arches.
- The existing floor will need to be levelled but where possible the original floor slabs and bricks should be re-used.
- Ventilation holes to have a transparent cover.

#### **North Barn (Wedding Ceremony space)**

- Refer to the opening formed from the west barn described in the previous section.
- Cart openings filled with glazed screens with timber frames. Also outer gates fitted reminiscent of the original doors which are not in place.
- A new external door is to be inserted in the existing restored frame.
- The high level window is to be replaced with a new timber framed window.
- Ventilation holes to have a transparent cover.
- A new doorway is to be formed through to the more recent part of the coach house. A new opening is to be formed in the east wall through to the coach house.
- The existing floor will need to be levelled but where possible the original floor slabs and bricks should be re-used.
- A small ramp is needed between the change in level between the two barns.

#### **Cart Store and Granary. (Kitchens and drinks area over)**

- The pigsty low walls, gates and timber floors to be taken out and a new floor laid using the original bricks if they remain below the later floors.
- The two external doors are to be replaced with new timber doors within the original restored frames.
- The four windows are to be replaced with new timber windows unless it is possible to re-use the outer frame with new timber casements.
- New timber windows to be installed in the existing external openings in the gable walls.
- Kitchen fittings are to be installed including all services and flues / extracts etc.

#### **Coach House (Foyer between ceremony and dining, Toilets)**

- An opening needs to be formed for access into the new extension.
- The existing internal partition is to be removed.
- An opening is to be formed into the coach store to give access to new toilets.

- A new external timber door is to be inserted into the existing restored timber frame.
- Two windows are to be replaced with new timber framed windows unless it is possible to re-use the outer frame with new timber casements.
- A new timber window is to be installed in the existing external opening in the gable wall.
- A new partition is to divide the coach store on the line of the original external wall.
- The main coach house area is to be converted to toilets with new partitions cubicles, services and drainage including ventilation extracts. The existing cart opening is to be sealed with an insulated partition, small vertical windows and vertical boarding to resemble timber gates.
- The existing window in the later extension is to be formed into new doorway with timber door and frame.
- The floors in these areas need to be levelled using where possible the original stone flags or bricks.
- There are no alterations to the first floor over the coach house other than repair and restoration work.

**Stable Building attached to the cottage. (Bride entourage preparation area)**

- No alterations other than repair and restoration work.

**Cow Byre to the South of the fold yard. (Related workshops/ stoarge)**

- Timber windows inserted in existing openings and new external timber doors and boarding to replace existing.

**Pigsty. (Storage)**

- New timber gates etc installed in existing arches.

**New Extension. (Dining area)**

- To be constructed inside the old fold yard parallel with the existing curtain wall.
- Built to a scale that is subservient to the existing buildings particularly the red brick barns and cart store/grain store.
- Glazed conservatory between the new construction and the existing coach house.

- To be constructed using materials that match with the existing including plain roof tiles, red facing brickwork, reconstituted stone, and timber window frames plus timber boarding.

**External Works.**

- The existing building to the west is to remain.
- An informal parking area is to be formed between the existing barns and the outlying building to accommodate 50 cars and surfaced in bonded gravel. To be landscaped with earth bund screening with planting including replanting of young trees from the existing plantation partly affected by the work.
- The original farm track is to be improved to form the main access to the barns including hard surfacing and the widening at the road junction. A gate, barrier and rumble strips are to be incorporated in its length to reduce vehicle speed.
- A new drainage system will need to be laid out.
- No mature trees are to be affected by the alterations.
- There will need to be some external lighting to ensure the access is safe for people to use but this will be minimal and discrete.



## **Conservation and Restoration works.**

### **General**

The Shustoke House farm buildings have deteriorated over the years having had less and less agricultural use as the adjacent fields are farmed from nearby farms which already have sufficient buildings to accommodate their working needs. As their use has subsided they have become run down especially for buildings which would only be used near to a farm house such as the pigsty, cow shelter, the granary and the first floor of the coach house. Their condition has deteriorated due to vandalism and elements such as stone capping and gutters and down pipes being removed. They have however been sufficiently maintained to ensure that they have not become derelict or un-repairable.

The following schedule outlines the condition of each building and the work that is required in order to repair and restore the building for its new use. There will be a need for more detailed surveys of particular elements of the construction such as the effect of timber decay and infestation as well as investigating the cause of some of the damp ingress issues. The general condition and repair of such areas as external brickwork has been noted in outline but will need to be looked at more closely by a brickwork restoration specialist company in order to determine the exact extent of repair etc that is required.

Consideration is to be given as to whether the roof covering needs to be removed and re-laid with insulation included but which does not obscure the rafters and does not raise the roof finish level.

Consideration also needs to be given to the extent that existing window frames especially outer frames can be refurbished and reused. Most windows seem to have been inserted at later dates especially to the earlier buildings and are of low quality material and construction. The intension is to replace all external timber doors but within the existing restored timber frames.

Floors generally need to be taken up as they are very uneven and variable in quality. Existing bricks and stone slabs where they survive are to be carefully taken up and re-laid with new materials to match the existing where necessary. The opportunity is to be taken to include insulation and a damp proof membrane in the floor construction.

Consideration is to be given to all areas where the building fabric has become damaged due to damp ingress. Generally problems are caused by the failure of the roof construction and the gutter and down pipe system which will be resolved with the appropriate repair work and replacement. Consideration needs to be given to the repair of the gable parapets as the brickwork shows signs of continued water penetration. It is not the intention to provide a new damp proof cause to the external walls as there does not generally seem to be a rising damp problem but certain areas may need investigation to eliminate individual problems.

### **North Barn**

This seems to be in a relatively good condition with little deterioration or distress.

#### **Roof**

Generally the roof appears to be sound having been replaced in the recent past as the slope to the north now has sarking felt and the slope to the south has regular tile battening. Some isolated repairs will be required. Although they look in good order the king post trusses, purlins and wall plates need to be assessed and repaired as required. A new cast iron rainwater gutter and down pipe system is to be installed.

#### **Walls**

The walls are generally sound. There is some water damage where gutters are missing or broken as well as where the gable parapet has failed.

The walls need to be carefully cleaned after which the extent of brick and lime mortar joint repairs can be assessed.

#### **Openings**

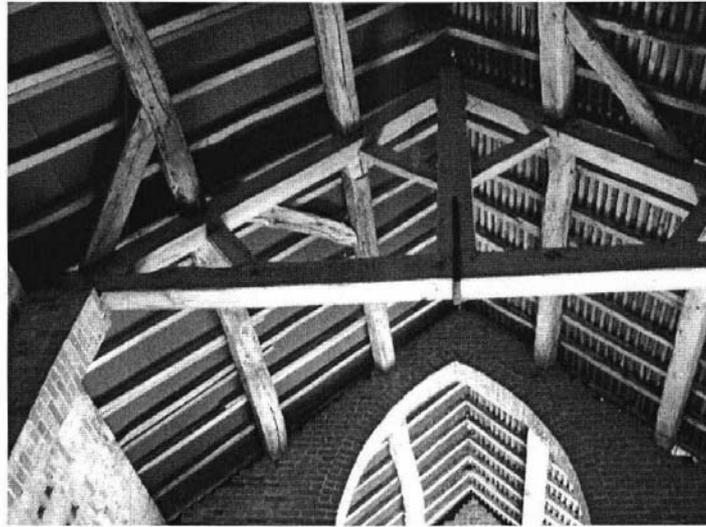
Existing windows and doors will if possible be repaired to receive new glazing.

#### **Floor**

The brick floors are to be taken up and re-laid in a level and stable condition. A damp proof course is to be considered.

The stone flags are to be cleaned and assessed if they can remain in place or whether they need to be raised and if possible re-laid.





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### West Barn

This seems to be in a relatively good condition with little deterioration or distress except for some areas of the roof and dampness to one wall.

#### Roof

Although the roof appears to be generally sound the east slope has not had the attention that the north barn and the east slope has. The tiling looks rough although generally in place with some areas of deterioration and both slopes have some areas that have disintegrated especially towards the granary. The east slope needs to be removed and replaced with new battens and reused tiles. Repairs need to be made to the west slope. Although they look in good order the king post trusses, purlins and wall plates need to be assessed and repaired as required.

A new cast iron rainwater gutter and down pipe system is to be installed.

#### Walls

The walls are generally sound. There is some water damage particularly adjacent to the granary mostly due to failed gutters and down pipes. There is extensive damp internally where the external granary steps butt up against the external wall. Once the vegetation etc has been removed it may be possible to assess what measures can be taken to provide the necessary protection.

The walls need to be carefully cleaned after which the extent of brick and lime mortar joint repairs can be assessed.

There is some damage to the internal brick piers which need to be repaired.

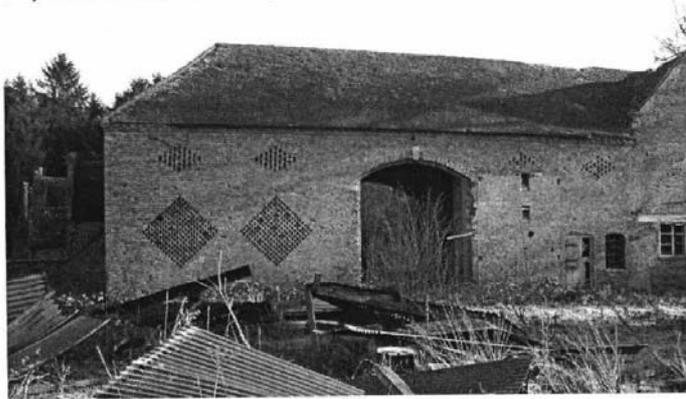
#### Openings

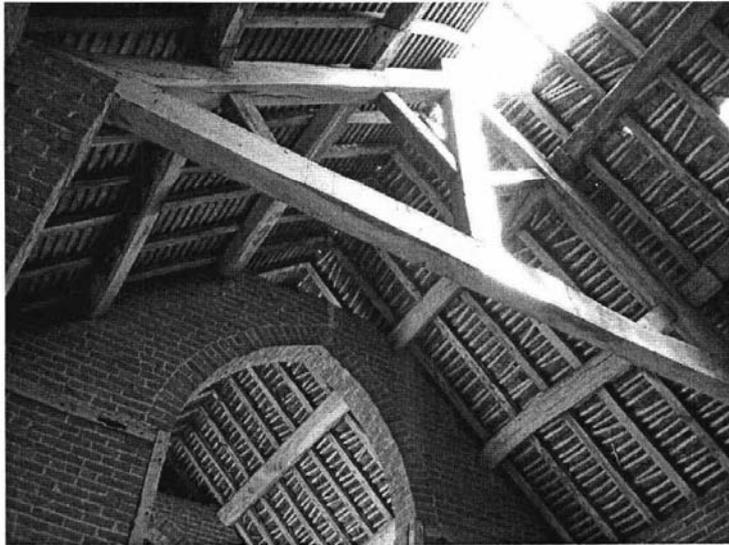
A new timber window will be inserted in the end wall opening and the existing metal window will be refurbished. A new external door will be inserted in the existing refurbished timber frame.

#### Floor

The brick floors are to be taken up and re-laid in a level and stable condition. The area of cement floor is to be assessed to see if it is stable enough to be retained or needs to be removed.

The stone flags are to be cleaned and assessed if they can remain in place or whether they need to be raised and if possible re-laid.





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#### **Cart Store / Granary.**

This building has major deterioration problems mainly due to the failure of the roof covering. Much of the roof has failed with water ingress having resulted in the failure of the first floor deck and some floor joists plus the deterioration of the remaining joists and floor beams. The external steps are in a poor condition and the adjacent lean-to has no roof.

##### **Roof**

The plain tiled roof has failed with a large proportion of tiles and battens missing and or dislodged. The remaining roof tile and battens will need to be removed and surviving tiles stacked for possible reuse.

The wall plate, rafters, purlins and central King post truss are all in place and generally ok considering that they have been exposed to the weather for some time. They need to be fully checked over and repaired as required.

##### **Walls**

The external brick walls appear to be generally sound although there have been some movement over the old archways. There is water damage due to the failure of the

rainwater gutters and down pipes as well as the parapet gables having deteriorated. Nearly all the stone capping has gone and the brickwork exposed below. A number of individual bricks have spalled and heavily weathered but not extensively.

The parapets need to be repaired including the weathering between the roof tiles and the brickwork. The external walls need to be carefully cleaned and the extent of bricks that need replacing and the extent that lime mortar needs to be repaired can be fully assessed. Internally the walls need careful cleaning and any rectification work assessed. At present the ground floor walls have a worn whitewash or paint finish which needs making good.

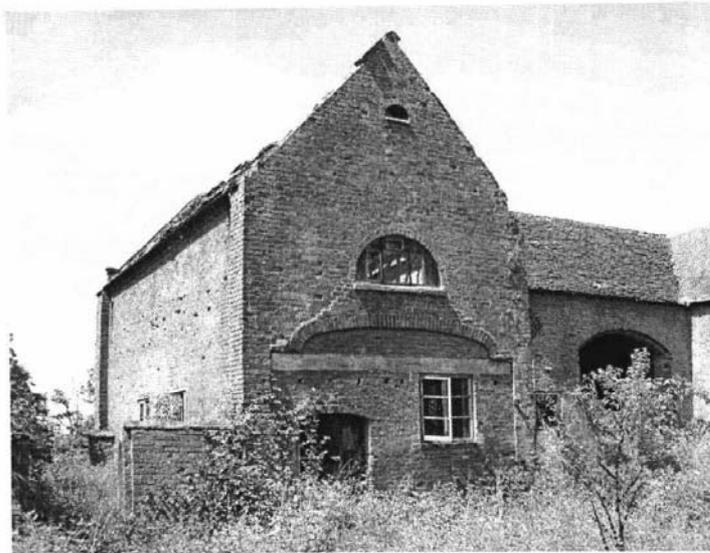
#### First floor

The first floor has major problems. The main cross beams are still in place but some floor joists are missing and the timber board and screed floor has deteriorating with some areas having fallen down. This has been exposed to the elements for some time so the floor finish needs to be removed and the extent of rot and wood worm in the floor joists and beams needs to be established and replaced or repaired accordingly.

The pigsty low walls, gates and timber floors need to be removed. The original floor is likely to need replaying with consideration being given to the inclusion of insulation and a damp proof membrane.

The windows are a later insertion and although the outer frame will be assessed to see if they can be re-paired the casements are light and flimsy so have distorted and become damaged in places so will be replaced.

The external doors will be replaced but fitted into the refurbished existing frames.





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### **Coach House**

The structure seems relatively ok but the roof covering has failed in places causing deterioration and water damage.

#### **Roof**

The tiling is rough and there are areas of distress including the dormer window and adjacent eaves which are deteriorating.

The tiling and battens need to be removed with tiles stored for possible reuse and the wall plates, purlins and rafters assessed to see if they can be repaired and how much needs to be replaced.

The ceiling in the first floor accommodation has a sloping ceiling of lathe and plaster which needs to be replaced due to its poor condition some having already been removed.

The dormer window needs to be reconstructed.

#### **Walls**

The walls are generally sound with some water damage where the guttering has failed. The brick parapet gable to facing east seems to have been made good and re-pointed but the north gable needs some attention. The walls need to be carefully cleaned after which the extent of brick and lime mortar joint repairs can be assessed. The brick steps to the external staircase need to be reconstructed as they are distressed and unstable. The wall needs cleaning but also some brick and jointing repair plus the reinstatement of the missing stone capping. The adjacent remnants of a lean-to store are to be removed. The plaster to the walls in the first floor accommodation is deteriorating so needs to be cleaned and repaired. The garage walls have a thin plaster coat or are painted which needs to be cleaned and repaired. The other ground floor rooms have a plastered finish with coursing lines marked on. This is to be cleaned and repaired.

#### Openings

The small door below the steps and first floor door, frame and fan light are to be refurbished. The garage doors are to be removed as the opening is to be filled in with a timber partition with glazing finished with external boarding to resemble doors. The door and window on the east facing elevation are to be renovated if possible and glass inserted. The circle at high level is to receive a new timber framed window.

#### First floor

It is likely that due to the condition of the roof that the floorboards have been affected by damp so their condition needs to be assessed and presumably replaced. The floor joists and floor beams will also need to be assessed and repairs made. The plaster ceiling below is extensively damaged so will need to be taken down and replaced. The ceiling in the other ground floor rooms needs repairs and decoration. The loft above needs to be assessed to see what damage needs to be rectified.

The floors will need to be taken up and re-laid where they are uneven and unstable and if they all have to be replaced insulation and a damp proof membrane could be considered.





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#### **Stable Block**

This building appears to be in relatively good condition except for the brickwork gable which has a damp ingress and a structural issue.

#### **Roof**

Although generally in better condition than other buildings some repair is necessary. It will still be necessary for the rafters, purlins and principle trusses to be assessed to see if they need repair due to rot or wood worm. The gutter and down pipes need to be checked to ensure they are stable and running smoothly.

The timber boarded ceiling and the loft space above will need to be assessed to see what repairs are needed.

#### Walls

There is a crack in the east gable where the parapet gable brickwork meets the main wall and eaves. This along with the parapet brick detail needs to be repaired.

The walls need to be carefully cleaned after which the extent of brick and lime mortar joint repairs can be assessed.

The internal walls have a thin plaster coat or painted finish which needs to be cleaned and repaired.

#### Openings

The timber door and frame will if possible be repaired.

The metal windows will also if possible be repaired.

#### Floor

The brick floor will need to be made stable and level. If it all needs to be taken up insulation and a damp proof membrane will be included.





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#### **Cattle Shelter (Byre)**

Although the walls and columns are generally sound large areas of the roof have completely failed causing water damage and deterioration of the remaining rafters and the principle trusses.

##### **Roof**

Most of the plane tiled roof has fallen in or is showing signs of distress. The remaining tiles and battens will need to be removed with surviving tiles stored for possible re-use. The remaining rafters will need to be assessed to see the extent of rot and worm damage and a replacement roof established with repaired and new matching rafters. The principle roof trusses have been exposed to the weather for some time and are showing signs of distress. Each one needs to be carefully assessed including the ones set in the walls at each end of the main open area to establish the extent of decay and their structural integrity. The wall plates also need to be assessed and repaired as required. The plain over sailing gable needs to be repaired. The ceiling to the end rooms need to be repaired/ replaced as they have extensive damage.

##### **Walls**

Generally the brick walls seem to be sound except for a crack in the east gable which needs to be stabilized and repaired. The lintel to the personnel door has failed bringing

down the brick work and roof in this location. A new lintel needs to be inserted and the brickwork rebuilt. The brick eaves detail generally needs to be re established where the distress of the roof has affected it. The parapet gable at the east end needs to be repaired with new stone capping where missing. The brickwork generally needs to be carefully cleaned after which the extent of other minor brick repairs and lime mortar repairs can be assessed.

Internally the walls were whitewashed or painted which can be carefully cleaned and a new finish added.

#### Columns

The stone columns seem to be sound but their stability and integrity needs to be checked and any repair work undertaken as required.

#### Openings

The inserted rough gates, boarding and posts are to be removed from the foldyard elevation. A new timber frame and door will be required to the outside elevation to replaced the existing.

#### Floor

Below the rubble etc it is possible to see that the floor steps towards the back. The future use will require a level floor so this needs to be taken up and a new floor laid with possible reused bricks with the consideration of including insulation and a damp proof membrane.





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### **Pigsty**

The extent of damage and repairs required for the pigsty is difficult to ascertain as the building is overwhelmed by vegetation especially over the roof and gable wall. Once this has been carefully removed an assessment will be made of what repair work is required. The walls generally seem sound except for structural failure evident at the hipped end of the building.

#### **Roof**

It is assumed that the roof covering will need to be taken off with rafters and purlins replaced or at least repaired as required.

#### **Walls**

The walls seem generally sound where they are visible with the exception of the west end which has major crack near the corner possibly where the rear wall has pulled away. The stability of this wall needs to be assessed and rectified so that the brickwork can be repaired. All brickwork needs to be carefully cleaned and the extent of minor repairs of bricks and joints can be assessed. There is some evidence that the internal walls have been whitewashed but depending on the proposed use this could be left to naturally deteriorate.

#### **Openings**

The arched openings used to have gates but only part of one remains. New gates will be installed to match the existing.

#### **Floor**

The floors are to be cleaned out and the need for a new floor assessed depending of the use required with the inclusion of a damp proof membrane to be considered if the floor is to be replaced.

Courtyard and dividing walls etc.

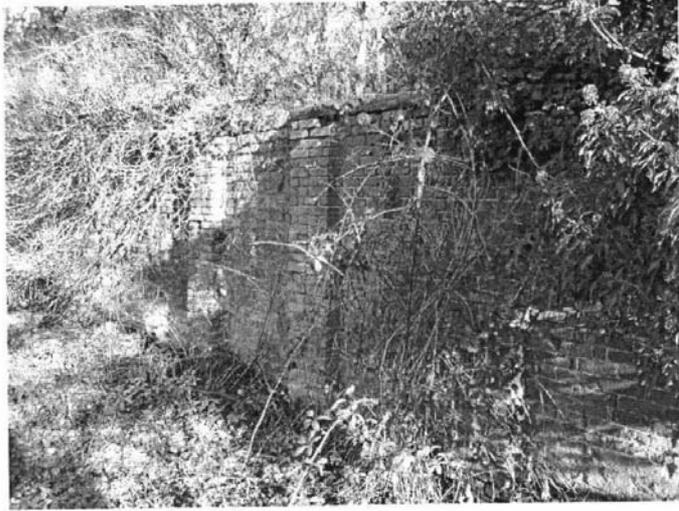
Vegetation is to be carefully removed from on and around these walls so that they can be cleaned and the full extent of any repair can be established. New gates are to be provided.



#### **Foldyard Curtain Wall**

The foldyard curtain wall needs further removal of vegetation and general cleaning down before the full extent of the required rectification work can be ascertained. Some brickwork will need the lime mortar re-pointing especially below the stone capping where the wall has been damp. The stone copings will need to be relayed in places and some pieces replaced.

A new gate is required between the pier at the corner of the yard and the coach house.





## **(7) Application No PAP/2011/0353**

### **West Midland Water Ski Centre, Tamworth Road, Kingsbury**

#### **Retention of bund and associated works,**

#### **For Parkstone Construction Ltd**

### **Introduction**

This application has been submitted to the County Council for determination, and the Borough Council has been invited to make representations along with others so as to inform that Authority's assessment of the application.

### **The Site**

The West Midlands Water Ski Centre occupies the Dosthill Lake just north of the hamlet of Cliff which itself is two kilometres north of Kingsbury. Access is gained via the Tamworth Road (the A51), a short distance east of the lake. To the west is the River Tame and to the north is the RSPB nature reserve based at Middleton Hall but which extends some way north into Staffordshire.

The lake sits in a small "bowl" with higher land to the east and particularly to the north east as it rises towards Dosthill on the edge of Tamworth about 1.5 kilometres away. To the south the land rises, less so, but sufficient to "hide" the lake from Cliff. There are very few other residential properties in the area. A couple of individual houses south of Dosthill do however overlook the lake.

The lake is effectively separated into sections to accommodate different water ski activities. The major expanse of open water is to the east (Lake C). Two other areas (Lakes A and B) are divided by two intervening bunds or "fingers" of deposited material. The area between the western edge of the lake and the River Tame is marked by a further bund which then runs around the northern shores so as to link with the other bunds as referred. The overall layout is illustrated at Appendix A.

The bund between the River and Lake A is around 16 metres above water level over most of its length – 500 metres - but this reduces at its northern end as it first meets the two other bunds and then grades down to water level at the far northern shore of the lake.

The main grouping of buildings, including the club house, is on the southern shore and these comprise a variety of different buildings, containers, sheds and compounds as well as jetties, pontoons and car parking areas. There is boat storage area to the rear (south) of these buildings. Other boats are presently stored on the narrow "neck" of land that connects the southern shore to the main bund between the River and Lake A.

Public footpaths cross the site from north to south and from east to west.

## **The Proposals**

In essence this is to retain the main bund between the River Tame and the lake, as defined by the bolder line on Appendix A.

There are three other proposals. The first is to reduce the level of the land comprising the narrow “neck” located between location of the buildings and the main bund by around 1.5 metres and to provide a hard surface over 107 metres of its length (point 3 on Appendix A). The material removed would then be re-deposited on the River Tame side of the main bund particularly at its north western end (point 4 on Appendix A). The final proposal is to re-grade and re-engineer lake’s outfall into the River at its northern end (point 2 on Appendix A). These engineering works at points 2 and 3 are to increase the frequency of inundation by flood water entering the lake from the Tame and then leaving the lake to the north.

The applicant points out that the whole bund contains 293,000 cubic metres of material which is “inert” waste – bricks, concrete, gravel and clay. It has been provided with a top soil and is now grassed over. He calculates that its removal would require some 30,000 HGV movements each way over a period of several months depending upon the location of alternative receptor sites.

The application is accompanied by a Visual and Landscape Assessment; an Ecological Assessment together with a Flood Risk Assessment.

## **Background**

In order to understand the reason for the submission of this application and its content, it is necessary to be aware of the planning background to the site.

The lake was left as a requirement of planning conditions following sand and gravel extraction, to be used for recreation purposes. The principle of a water ski centre was established following the grant of planning permission in 1998 by the Secretary of State following a “call-in” planning inquiry. In view of the developer running into funding difficulties, a revised and smaller water ski centre was granted by this Council in 2002. This was taken up and provides the basis for the current activity and operations at the lake. The principle of having two bunds in the lake was agreed at this time. Details of these bunds were subsequently approved.

This was again modified and varied in 2006. Essentially the reason for this modification was to introduce winter water skiing to the lake. Work commenced on the construction the two lake bunds in late 2006, but during 2007 it became apparent that a third bund, significantly greater in height and scale than the two approved bunds was being created in the area between the west shore of the lake and the River Tame. This operation was unauthorised in breach of planning control, and also drew the attention of the Environment Agency with regard to the unlawful deposit of waste material as well as significant concerns about the impact of the third bund on flood water defences – in effect, the new bund didn’t allow natural overflow into the lake.

The Environment Agency commenced legal action and was successful in securing the cessation of further depositing. However, this did not resolve the concerns over the future of the bund. The contractor responsible for the deposit of the waste attempted to secure a Certificate of Lawfulness in respect of the bund claiming that it was lawful through the grant of planning permission – namely through the 2006 amendment. This application was reported to Board and was refused in 2008. As a consequence the Borough Council resolved that formal Enforcement action seeking removal of the third bund was likely to be expedient. However, in considering such an outcome, it was clear that any formal requirement to remove the bund would result in significant transport, highway and environmental disruption. As an alternative, it was resolved that discussion with the contractor and the Environment Agency should be ongoing, to explore whether the bund could be retained, albeit perhaps in a modified form, such that that Agency's very real flood concerns could be substantially alleviated. If so, then that modified bund could be actually specified as a requirement in any Enforcement Notice, or the owners could pick it up through the planning process. This is what has happened, as this application is the outcome from those very extensive discussions between the Agency, the contractor who undertook the works and the County Council.

The application has been submitted to the County Council as Waste Authority. This is because the retention of the bund is the retention of deposited waste material unrelated to the planning requirements for the use of the lake. In other words the bund was not required for the implementation of the 2002 planning permission, even as amended in 2006. Rather it was a separate and discreet waste deposit operation.

### **Development Plan**

The Warwickshire Waste Local Plan 1995 to 2005 - Policy 1 (General Land Use)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV1 (Protection and Enhancement of the Natural Landscape), ENV2 (Green Belt), ENV3 (Nature Conservation), ENV6 (Land Resources), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV14 (Access Design),

### **Other Material Planning Considerations**

Government Planning Policy – PPS1 (Sustainable Development), PPG2 (Green Belts), PPS9 (Biodiversity and Geological Conservation), PPS10 (Planning for Sustainable Waste Management), PPG 13 (Transport), PPS25 (Development and Flood Risk)

Warwickshire County Council – Waste Development Framework: Core Strategy: Emerging Spatial Options Consultation (March 2011)

### **Observations**

#### **a) Introduction**

There are a number of issues arising from consideration of this proposal. The planning history is clearly a material consideration of significant weight and this is now focussed through the Council's resolution to commence enforcement action. The key issue is thus whether the content of this current application is sufficient to outweigh the expediency of continuing with that action.

There are several material considerations which will have a bearing on this. Firstly, the site is in the Green Belt. It will be necessary to determine whether this is appropriate or inappropriate development, and if the latter whether there are any “very special circumstances” of such weight that might override the presumption of refusal. The visual impact of the bund needs exploration as does whether its retention as proposed alleviates the Environment Agency’s flood risk concerns. The lake also has significant ecological value and significance primarily as an overwintering site for migrating wild fowl and other birds. The Board will recognise all of these issues as they reflect those which were examined at the time of the original applications and more latterly in the application to introduce winter water skiing at the lake and in the resolution to seek removal of the bund.

Before moving on, there are two matters which the Board needs to resolve. It is recommended first that it accepts the Environment Agency’s conclusion that the waste material deposited here is “inert” and that as a consequence it is not essential that it has to be removed as a consequence of it being a potential pollution risk to humans or indeed to wildlife. The second is that, notwithstanding this, that the removal of the whole bund would be undesirable from a highway point of view. This is the current position of the Council as it has asked officers to see if there is a “solution” to the various issues here through amendment or modification of the bund, such that that outcome could be specified in any Enforcement Notice, if indeed it became necessary to issue such a Notice. The report therefore continues on the basis that the better solution should, in short, be a modified or amended “bund”.

## **b) Green Belt**

The development under consideration here arises from the deposit of waste material – in other words an engineering operation. Government advice in its PPG2 clearly says that such operations would be inappropriate development unless they maintain the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. The Council has already taken the view that this bund is an artificial feature in the landscape which is unnatural in appearance and because of its size, scale and location is out of scale and character in this vicinity. Nothing has changed to alter this conclusion.

It is accepted that the area around Dosthill Lake, particularly to the north and west as well as to the south, is very much part of an unnatural landscape in any event due to the extensive former sand and gravel extraction and the retention of the resultant landscape as a series of pools, lakes and artificial land forms. Much of the flood plain here has this visual appearance. The applicant considers that this bund is just one of a number of such features throughout this flood plain and thus not unusual in this context. Moreover it is mainly viewed in the landscape by the general public from the surrounding road network and thus, because of the land profiles, is seen from above. All of this is accepted but does not alter the initial conclusion. There are reasons for this. This bund is large – in height and length. It is the largest such feature in the immediate area. It is out of scale, and very linear in profile. It is thus noticeable. The Board will be aware that there are a number of public footpaths crossing this area and these are very well used. Moreover there are significant numbers of visitors to the centre itself and to the RSPB reserve on the other side of the River. The applicant’s own analysis provided with the application, can not disguise the conclusion that the views from water level around and in the vicinity of the bund are adversely affected by the scale of this bund. The perception of openness is lost in short and medium length views from a number of locations in and around the lake. Additionally it is particularly visible from the higher ground to the south between Cliff and the centre. As a consequence, bearing in mind the landscape context; the

surrounding land profiles, the size and character of the bund and its visibility at water and lower ground levels, it is concluded that the bund has slight to moderate adverse visual impacts, and that as a consequence it does not maintain openness.

The second “limb” of the appropriateness test for engineering operations in the Green Belt was that they would not conflict with the purposes of including land in the Green Belt. There are five purposes set out in PPG2 - to check “unrestricted sprawl” of large built up areas; to prevent towns merging together, to safeguard countryside from encroachment, to preserve the setting of historic towns and to assist in urban regeneration. It is considered that the retention of this bund does not conflict with any of these purposes.

It is thus considered that the bund in its present form is inappropriate development in the Green Belt, in that it has an adverse impact on the openness of that Green Belt, but that this, whilst significant, is not of overriding weight as the bund does not conflict with the purposes of land being in the Green Belt.

### **c) Flood Risk**

The flood alleviation proposals within this application have been worked up with the active involvement of the Environment Agency. It is accepted that provided the Agency does not lodge an objection, or require further modification through its response to the County Council, that these will be acceptable and thus improve the situation to a material degree. The two alterations described above have no real visual or other impact and are thus considered to be neutral in terms of their affect on the openness of the area. Overall, these alleviation works are a benefit of the application that should carry substantial weight.

### **d) Ecology**

The ornithological interest in this site has always been substantive, and has shaped the original planning permission as well as subsequent amendments. In short, this is because the lake has been used as an over-wintering area for migrating wildfowl. The key to this has been the open expanse of the actual lake itself, within an area of several other lakes, pools and of course the River itself. The initial planning permission only permitted summer water skiing as a consequence. The later proposals to introduce winter water ski activity thus raised major concerns. Following extensive consultation with the appropriate ornithological bodies, it was agreed that because the lake could already be sub-divided by the bunds approved in 2002, that limited winter skiing could take place towards the western side of the lake, leaving the greater expanse of water to the east free to fulfil the over-wintering role. The third bund along the River Tame bank was never approved. The issue is thus whether its retention will have an adverse impact of the lake as an over-wintering location for migrating wildfowl.

It is not considered that the applicant has submitted the evidence to draw such a conclusion. Crucially there does not appear to be an analysis of bird counts on a species by species basis over time, with the necessary assessment of any emerging patterns or an assessment of these on the significance of each species. Moreover it appears that the emphasis of the work undertaken was to look at the potential impact of the bund on the reserves on the western side of the River not on the lake itself. An overall impact analysis is thus not fully available. At the present time therefore it is considered that the ecological impacts of retaining the bund as it presently exists have not been fully assessed.

### **e) Highway Implications**

As indicated above, it is agreed that the removal of the bund would have significant adverse traffic, highway and environmental impacts, to the extent that it should be avoided if it all possible. Hence the need to find a solution that can be accepted by other interests. The following section brings these matters together.

### **f) Mitigation Measures**

The Environment Agency has been fully involved in the measures proposed in this application to reduce the worse flooding impacts arising from the retention of the bund. As these will have little impact on the visual or ornithological interests here, they can be supported.

The applicant accepts that there is presently slight to moderate adverse visual impacts but considers that these are not so significant to lead to a refusal largely because they can be mitigated through additional planting. It is important to say that this does not mean extensive woodland planting as the presence of a large number of trees will reduce the perceived openness of the water surface by migrating wildfowl; act as new habitats for other species that could harm nesting birds, and provide “perches” for raptors during the over wintering period. The landscaping proposed is thus for appropriate low level shrubs and other species at lower levels around the bund, that are naturally self-regenerating requiring little ongoing maintenance. This would be very similar to the vegetation that is now seen in the RSPB reserve on the western side of the River. This new landscaping is welcomed and necessary, but it still does not address the crucial issue that the present bund is too high and too linear. The top of the bund has to remain open and free from pedestrian access for ornithological reasons, but this can still be achieved with varying heights, and some flattening. It is accepted that due to the proximity of the bund to the River that re-profiling along its western bottom edge would be difficult, but the eastern shore would provide an opportunity to enable the edge of the bund to be sculpted to form smaller coves or inlets along the shore with varying depths of water, thus providing different habitats. The applicant should be reminded that this bund is unauthorised and that there is a Council resolution to issue a Notice to have it removed or modified in such a way as to mitigate its adverse visual impact. The current proposals do not achieve sufficient satisfactory mitigation for the Council to re-consider its position.

It is not considered that the case has been made via the evidence currently submitted that the retention of the bund has not had an adverse impact on the over-wintering habits of significant numbers of wildfowl. Until the County Council has been satisfied on this issue, it is not considered that any support should be given to the current proposal to retain the bund as it is. The County should be consulting the RSPB, the West Midlands Bird Club, its own ecologist and principally the British Trust for Ornithology all of whom have been heavily involved before in this site. If these agencies are satisfied then the matter is resolved. If not, it is necessary to see what amendments are needed to be made to the bund in order to achieve their agreement. In such a scenario of course, the other planning considerations come into play – particularly if the bund has to be lowered by a significant degree.

## **g) Conclusions**

This application is a County matter because it deals with the deposit of waste material. This report has not focussed or centred on waste planning policies because the application is to retain the deposit of waste at this site; because the highway impact of its removal would be significantly adverse, and because the nature of the waste material is inert. It was thus considered more relevant to concentrate on the planning considerations arising from the retention of the bund in its present form. In this respect it is considered that the issue of whether or not this is an appropriate location in principle for the deposit of this waste material is not necessarily the main issue. The Council's position is that in its present form it is not appropriate development in the Green Belt, but that with modification it may be, providing that it does not have significant adverse impacts on the openness of the Green Belt hereabouts; on the flood water capability of the area, and the ornithological value of the lake. The present proposals however only achieve satisfactory conclusion on one of these impacts – the flood alleviation measures.

The County Council should be advised accordingly.

## **Recommendation**

That the County Council be informed that,

“This Council's position is that the retention of the bund in its present form is unacceptable in that it is inappropriate development in the Green Belt, and that there are no very special circumstances of such weight to warrant overriding the presumption of refusal. This is because it is considered that the bund has an adverse visual impact on the openness of the Green Belt hereabouts; that it is adversely affecting the flood water capability of the lake, and that it has not been shown that it is having no adverse impact on the ornithological value of the lake. The current proposals only satisfy the Council in respect of one of these impacts – namely the proposed flood capacity measures. The remaining impacts are not sufficiently addressed for the Council to conclude that the retention of the bund would have no adverse impacts. As such it is still not considered that the very special circumstances have been shown to warrant overriding the presumption of refusal to this inappropriate development in the Green Belt. The County Council is thus requested to require the re-profiling of the bund to the extent that it has no adverse impact on the openness of the Green Belt, and that it satisfies itself through the appropriate consultation process, that there is no adverse impact on the lake's ornithological value”.

## BACKGROUND PAPERS

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

### Planning Application No: PAP/2011/0353

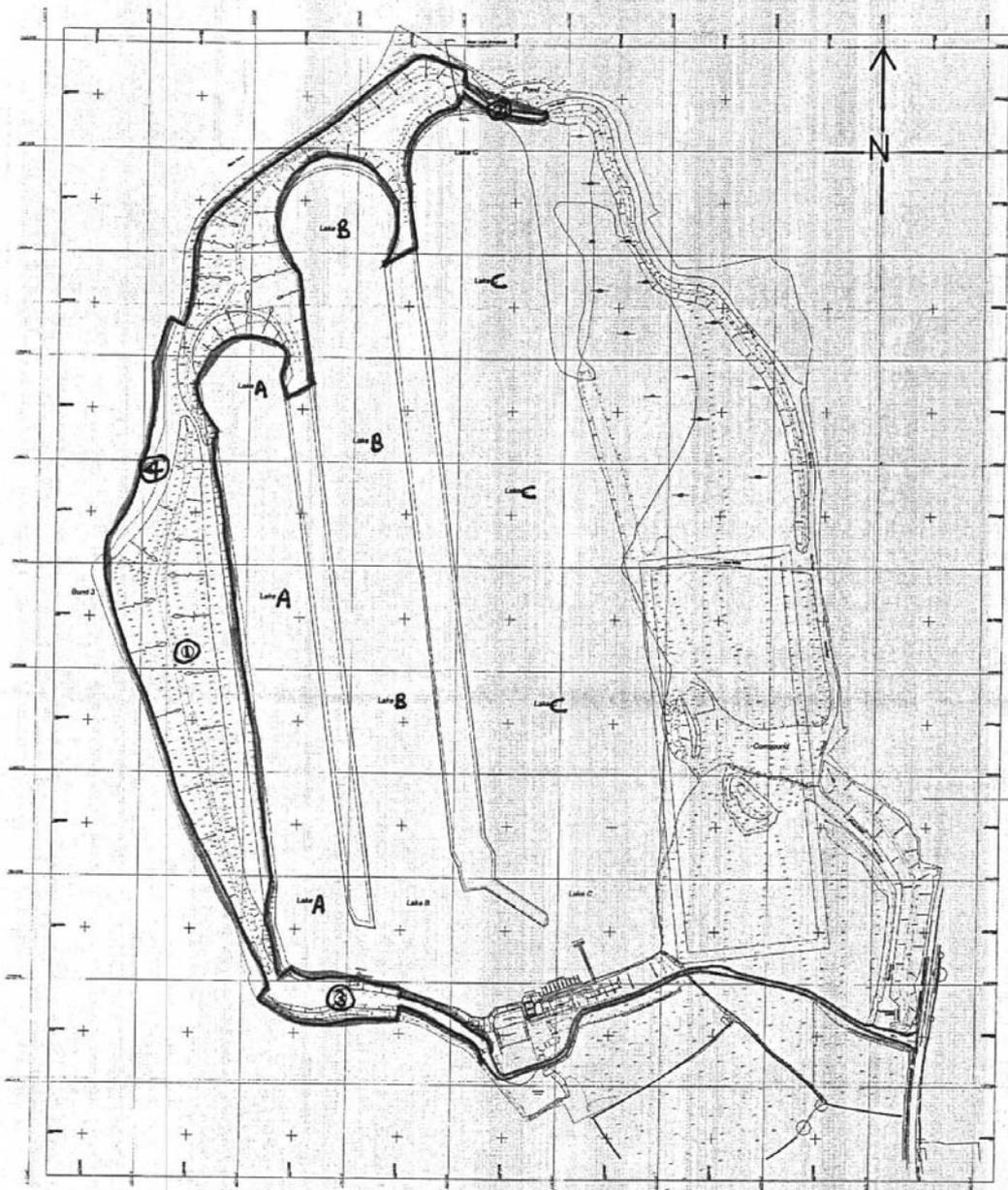
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans	4/7/11

*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

MBF 11C0013



— Site boundary

CLIENT:  
PARKSTONE  
CONSTRUCTION LTD

PROJECT:  
DOSTHILL LAKES,  
TAMWORTH

TITLE:  
APPLICATION SITE  
BOUNDARY

DATE: 02.06.11

SCALE: 1:1250@A0

REF: PARQ2001/001

TURLEYASSOCIATES

## **(8) Application No PAP/2011/0370**

**Land Off Lower House Lane Lower House Lane Baddesley Ensor**

**Variation of condition no:- 3 of planning permission NWB/10CC045 to extend the timescales for submission of a traffic management scheme, for**

**Warwickshire County Council**

### **Introduction**

The Council has been invited to comment on this application by the County Council as part of the consultation process it is undertaking. It is reported to Board in light of the Board's interest in the original proposals for this development.

### **The Site**

This is on the west side of Lower House Lane within the area of Phase 2 of the Birch Coppice Distribution Park and in the vicinity of the former Lower House Farm.

### **Background to the Proposal**

Members will recall that the County Council granted planning permission here for a Household Waste Recycling Centre and a Waste Transfer Station in October 2010. That permission was subject to many conditions. One of these – condition 3 – requires the submission of a traffic management scheme to be approved by the Highway Authority. This scheme is to include measures for proposed speed restrictions; associated works and signage. The condition requires receipt of the scheme within six months of the date of the permission – by April 2011. The County Council is seeking further time – until October 2011.

### **Development Plan**

Saved Policy from the North Warwickshire Local Plan 2006 – ENV14 (Access Design)

### **Observations**

There is no objection to this proposed variation. Work on preparing the site for this development to a very great extent is governed by the Birch Coppice Phase 2 ground works and infrastructure provision so the project has been slightly delayed already as a consequence. Additionally whilst the traffic management scheme is currently being designed and prepared, it has not yet been formally submitted. The time period proposed is reasonable given these circumstances.

### **Recommendation**

That the Council does not object

## BACKGROUND PAPERS

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

### Planning Application No: PAP/2011/0370

Background Paper No	Author	Nature of Background Paper	Date
1	Warwickshire County Council	Letter	7/7/11

*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.*