

To: The Deputy Leader and Members of the Planning and Development Board (Councillors Simpson, Bowden, Davis, L Dirveiks, Jenkins, Lea, Morson, B Moss, Sherratt, M Stanley, Swann, Sweet, Winter and Wykes)

For the information of other Members of the Council

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

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

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

PLANNING AND DEVELOPMENT BOARD AGENDA

14 FEBRUARY 2011

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 14 February 2011 at 6.30 pm.

AGENDA

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Declarations of Personal or Prejudicial Interests.**
(Any personal interests arising from the membership of Warwickshire County Council of Councillors Lea, B Moss and Sweet and membership of the various Town/Parish Councils of Councillors Davis (Atherstone), B Moss (Kingsbury), Sherratt (Coleshill) and M Stanley (Polesworth) are deemed to be declared at this meeting.)

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

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

Summary

Town and Country Planning Act 1990 – applications presented for determination

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

- 5 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - December 2010** - Report of the Chief Executive and the Deputy Chief Executive

Summary

This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to December 2010.

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

- 6 **National Planning Guidance – Revised PPG13 (Transport)** - Report of the Head of Development Control.

Summary

At the beginning of this year the Government published a revised version of its Planning Guidance Note on Transport matters. This report outlines the main changes made.

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

- 7 **Proposals for the Expansion of the Daventry International Rail Freight Terminal – Consultation** - Report of the Head of Development Control.

Summary

The Council has been invited to comment at a preliminary stage about proposals to significantly expand the Rail Freight Terminal at Daventry

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

- 8 **Network Rail Proposals – Atherstone Station** - Report of the Head of Development Control.

Summary

The report describes Network Rail's proposals for a new car park at Atherstone Station, which have recently been made public.

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

- 9 **Tree Preservation Order - Atherstone Magistrate's Court** - Report of the Head of Development Control.

Summary

Officers were requested to report on the possibility of making a Tree Preservation Order on a further tree at this site.

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

PART C – EXEMPT INFORMATION (GOLD PAPERS)

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

Recommendation:

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

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

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

JERRY HUTCHINSON
Chief Executive

Agenda Item No 4

Planning and Development Board

14 February 2011

Planning Applications

Report of the Head of Development Control

1 Subject

- 1.1 Town and Country Planning Act 1990 – applications presented for determination.

2 Purpose of Report

- 2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.
- 2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.
- 2.3 The proposals presented for decision are set out in the index at the front of the attached report.
- 2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications. .

3 Implications

- 3.1 Should there be any implications in respect of:

Finance; Crime and Disorder; Sustainability; Human Rights Act; or other relevant legislation, associated with a particular application then that issue will be covered either in the body of the report, or if raised at the meeting, in discussion.

4 Site Visits

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.

4.2 Members are reminded of the “Planning Protocol for Members and Officers dealing with Planning Matters”, in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

5 **Availability**

5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site www.northwarks.gov.uk

5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 14 March 2011 at 6.30pm in the Council Chamber at the Council House.

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	PAP/2010/0315	4	108 Long Street Atherstone Erection of 2 no dwellings	General
2	PAP/2010/0374	17	Atherstone Police Station & Magistrates Court Sheepy Road Atherstone Outline application for the erection of a residential development comprising 14 dwellings; associated internal access road, rear parking, and minor alterations to the existing access arrangement (all matters reserved)	General
3	PAP/2010/0375	74	Rear Garden of 124 Coventry Road Coleshill Outline application with all matters reserved - Erection of new two storey 3 bed dwelling	General
4	PAP/2010/0462	115	Beech House 19 Market Street Atherstone Conversion of property into 3 no: dwellings including associated rear extension and access to rear garden, formation of parking and garden areas	General
5	PAP/2010/0498	156	Land at Stiper's Hill, Polesworth Kisses Barn Lane Warton Warwickshire Change of use of land from agriculture to recreational use of sphereing for a total of 70 days in a calendar year, and retention of track	General
6	PAP/2010/0546	168	Land south of Orton Road Warton Change of use of land from agricultural to recreational, for the use of model aircraft flying	General
7	PAP/2010/0577	178	71 The Arcade Long Street Atherstone Change of use from office to health and fitness suite	General
8	PAP/2010/0584	184	The Club Spice 45 Ltd Club Spice A45 Birmingham Road Meriden Change of use from restaurant to private members club	General
9	PAP/2010/0592	193	The Sportsmans Arms Perryman Drive Piccadilly Demolition of public house and re-development consisting of 19 no: 2/3 bedroom dwellings with associated car parking	General

General Development Applications

(1) Application No: PAP/2010/0315

108 Long Street, Atherstone

Erection of two Dwellings for Arragon Properties

Introduction

This application is reported to the Board at the discretion of the Head of Development Control given that the Board may wish to review the balance of issues involved.

The Site

The site is to the rear of 108 Long Street and is actually accessed off North Street. To the west are the Town Council offices and the car park and rear of the TNT offices. To the east is the car park and offices of Warwick House. The nearest dwellings are in Ratcliffe Street to the east around 26 metres distant and in North Street around 40 metres away. The site is more particularly illustrated on the plan attached to this report. The site is within the centre of Atherstone and is wholly urban in context.

The site is within the Atherstone Conservation Area and number 108 is a Grade 2 Listed Building.

The site is currently used as car parking for apartments arising from the conversion of number 108 itself, together with the addition of a new rear residential block.

The Proposal

It is proposed through the submission of amended plans to erect two dwellings as a range to the rear of number 108, extending from the recently completed new block referred to above back into the existing car park. The original submission showed the erection of three dwellings extending further back into the rear of number 108. The plans now before the Board are illustrated at Appendices A and B.

The proposed built form is a narrow range of building extending back from the rear of a recent new block. The ridge height of that block is reflected in that of the first of the new dwellings, and then the ridge height is reduced over the second of the proposed units, reducing further to a single storey at the far end of the range. The heights are 7.4 metres; 6.6 metres and 4.3 metres respectively. The width of the proposal matches that of the recent new block – 5.3 metres – but narrows to 3.7 metres with the single storey element. Both of the proposed dwellings would accommodate two bedrooms. No car parking provision is proposed on the site, either for the new dwellings or for the loss of the existing car parking provision. There is a vehicular access to North Street for access for maintenance purposes and gates here would be locked, with the keys only available to the landlord. A small amenity area and the refuse store would be located at the North Street end of the site.

The west facing elevation of the proposed range - the “inside” elevation – shows cottage style detail, with traditional fenestration, doors, porches and dentil course brick detail. However in order to accommodate the lower ridge of the second unit, the eaves level is punctuated by two small dormer window openings. The east facing elevation – that facing Ratcliffe Street and thus the public’s view of the proposal – includes first floor windows to one unit and three roof lights to the lower second unit. Each unit has a ground floor storage area and this is highlighted by wrought iron screen infill panels which are also seen on this elevation.

Existing ground levels rise from Long Street through to North Street – a rise of 1.3 metres from the existing new block to the road level in North Street. However, the finished ground floor level of the proposed units remains the same throughout, and equivalent to that of the existing new block.

Changes from the Original Submission

As indicated above, the plans now before the Board are amended from those originally submitted. These alterations have been material and the applicant’s case in arguing for support for the current plans, stems from the scope of the alterations made. It is thus considered important that the Board is aware of those changes.

The original submission was for three dwellings and the plans are attached at Appendices C and D. These show a linear range extending back into the site from the rear of the new block. The first two units have ridge lines equivalent to that new block but there are two “gaps” introduced – one between the new block and the first unit and the second between the first and second new unit. The third unit is attached at the rear but with a lower ridge height, concluding with a small single storey extension. The elevations are simple traditional cottage style designs. There is no car parking provision.

The significant changes between the original submission and the amended plans now before the Board are thus:

- a reduction from three to two units
- a linear built form extending 26.5 metres back from the recently constructed new block into the site, rather than 31.5 metres as originally submitted
- the loss of the “gaps” between the units
- a more marked reduction in ridge heights over the proposed range
- the introduction of two dormers
- the introduction of roof lights
- more amenity space

These matters will be referred to below in the Observations section of this report

Background

The planning history is material to this current planning application, and it is necessary to outline this in summary bringing out those matters of direct relevance to the current proposals.

In 2004, planning permission was granted for the conversion of number 108 Long Street into nine apartments together with the erection of two new apartments within a separate new block at the immediate rear of number 108. This permission includes conditions. One condition says that the open land at the rear of number 108 shall be set aside and laid out as a car parking area for the new units, and that this car parking area once provided shall be available at all times. A further condition specified the width of the access arrangements onto North Street. This permission has been taken up, and the car parking provision made as referred to the site description above.

In 2008, an application was submitted to remove the condition relating to the car parking provision and for the specified access details. That application was refused. However an appeal was successful in 2009, and the conditions were materially varied by the Planning Inspector handling that appeal. The condition relating to car parking provision removed the requirement to provide any car park, but required provision solely for bicycle spaces, and the condition relating to the access specification was varied to allow a narrower access, on the basis that it would not be used by cars.

The current application is the third submitted for the construction of new dwellings on this land. Two, both involving three units have been withdrawn, and the current one as indicated above has been amended from three to two units.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 2 (Development Distribution), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation), TPT6 (Vehicle Parking)

Other Material Planning Considerations

Government Policy – PPS1 (Delivering Sustainable Development), PPS 5 (Planning and the Historic Environment), PPG13 (Transport)

Supplementary Planning Guidance – A Guide for Householder Developments (2003), Atherstone Draft Conservation Area Appraisal 2006.

Consultations

Highway Authority – The County Council has removed its original objection following it being notified of the 2009 appeal decision. It considers that, nevertheless, there remains a risk of increased on-street car parking arising from the loss of the existing car parking provision.

Warwickshire Museum – No objection subject to a condition requiring an archaeological investigation of the site prior to construction work commencing.

Environmental Health Officer – No objection subject to a condition requiring a ground conditions survey prior to work commencing on site.

The Heritage and Conservation Officer – He objected to the original submission involving the proposed three units and maintains that objection, despite the alteration in the plans to two units. He acknowledges that changes have been made, but considers that they do not address his fundamental concerns about the intrusive height, length and bulk of the proposed rear range; the loss of openness, incongruity with the historic pattern of development, and the loss of views to the rear elevations of Listed Buildings fronting Market Street. He concludes therefore that even the amended plans represent inappropriate development of the rear burgage plot to number 108 Long Street to the detriment of the setting of Listed Buildings in the vicinity, and the character and appearance of the Conservation Area.

He refers to the draft Conservation Area appraisal which identifies this part of the rear of Long Street as having historically a more open character than other parts, with views over existing garden plots stretching from Market Street to Ratcliffe Street. This has resulted in the views of the Listed Buildings in Market Street from Ratcliffe Street together with the retention of rare rear gardens. Whilst there has been a reduction in the length of the proposed rear range now being considered, he still considers it to be too long and too tall, thus blocking significant public views and reducing the very distinctive and presently preserved historic openness of this part of the town. In support of this conclusion, he refers to two recent appeal decisions affecting proposals to erect new dwellings on some of the existing rear gardens between the current application site and the rear of the Market Street properties. Both appeals were dismissed with the Inspector highlighting the particular openness of this part of the town and the resultant views of the rear of the properties in Market Street.

Representations

Atherstone Town Council – The Council is now “happy” with this application as it considers that the amended scheme is less intensive and intrusive than that originally submitted and to which the Council had submitted an objection.

Atherstone Civic Society – The amended plans show an improvement on the original design with a welcome reduction to two dwellings. There is a slight decrease in the overall footprint which is also welcome. The overall appearance of the units is better but there is an objection to the inclusion of roof lights which have a negative impact on the appearance of the Conservation Area. However there is still concern about the loss of car parking.

An objection has been received from TNT. It considers that the proposed ground levels may adversely affect the foundations, and thus the stability of the boundary wall between numbers 102 and 108.

Observations

a) The Heritage Issue

There is no objection in principle to this proposal and because of its scale, it is below the thresholds that trigger the inclusion of affordable housing within the proposals. However, this principle is materially tempered here by the site’s location within the Conservation Area and in the vicinity of a number of Listed Buildings. As such, these considerations will have material impacts on the outcome of this application. The Board will have to assess whether the amended plans preserve or enhance the

character and appearance of the Conservation Area, and also secondly, whether they adversely impact on the setting of a number of Listed Buildings in the vicinity.

The starting point should be to establish what the character and appearance of this part of the Conservation Area actually is. This is clearly set out in the Council's draft Atherstone Conservation Area Appraisal. It is apparent from this, that this part of that Area has historically been more open in appearance than elsewhere in the Area. This is evidenced by historic mapping and the fact that today there are surviving rear gardens in the area and that there are open views across these to the Market Street properties. This compares with other parts of the Area where the rear of frontage properties is highly and intensively built up – e.g. the long rear ranges in South Street and Station Street. As such, the issue is thus whether this character and appearance would be preserved or enhanced by the proposed development. Notwithstanding the submission of amended plans, the Conservation Officer considers that it would not for a number of reasons. He considers that the overall length of the proposed rear range, when combined with the height of the proposed ridgelines and particularly the length of the range with the higher ridge would “enclose” this part of the Conservation Area reducing its openness. Additionally there would be a change in its character by the introduction of a “long” finger of development extending to the rear of frontage properties, and with consequential loss of public views across a significant area to the rear of the Market Street properties. It is this loss of view that then adversely affects the setting of those Listed Buildings. As such, he is strongly of the view that the character and appearance of this part of the Conservation Area would be adversely affected through these negative impacts. The recent appeal decisions referred to also would add weight to this conclusion.

The applicant's case here is that there has been a significant reduction in the built form with the submission of amended plans in that they have reduced the overall footprint; the length of the overall rear extension and have introduced further steps in the ridgeline. As such, he considers that he has lessened the worse affects of the original submission, and thus afforded sufficient mitigation against the impacts as identified by the Conservation Officer, such that the overall character and appearance of this part of the Conservation Area is retained.

It is acknowledged that the amended plans are a material improvement on those originally submitted. The issue is whether the Board considers that they have gone far enough in order to preserve and enhance the character and appearance of this part of the Conservation Area as described above. In essence this focuses down to the scale of the proposed rear extension – its length and mass. Whilst there has been a 33% reduction in the number of units, there has not been an equivalent reduction in the overall footprint - just 19% - or in the length of the proposed built form - just 17%. This is because the opportunity has been taken to enlarge the accommodation. Notwithstanding the reduction in ridge heights, the overall character of the proposed extension remains as a long rear range which encloses the openness of the area; still leading to a loss of view, and thus not in keeping with the particular character and appearance of this part of the Conservation Area. The applicant has been asked to consider a further reduction in the overall footprint and length of the rear extension but has declined arguing that in his view the current plans sufficiently address the concerns. Additionally he argues that two smaller units here would make the development unviable.

The referral of this item to the Board is due to officer's recognising that there has been a material change made by the applicant to his submission in responding to the heritage issue here. The Conservation Officer's views are soundly based and carry significant weight, but it is recognised that Members may consider that the amendments made, whilst not sufficient to mitigate against the worse impacts of the original submission, do offer a reasonable attempt to do so, and as such the overall character and appearance of the Conservation Area is retained. It is considered that the balance here lies with the over arching statutory duty of the Authority to "preserve and enhance the character and appearance of the Conservation Area". In other words there should be a positive impact or gain to the Area as a consequence of the development. The current proposals would thus still be recommended for refusal as they fail to do this. However, given the alterations already made, it is considered that there is merit in inviting the applicant to consider the submission of further plans illustrating a further reduction in the length and footprint of this rear extension.

b) The Parking Issue

Whilst there has been concern raised about the loss of the existing car parking provision here, without any compensatory provision and with no further provision for the two new units now being proposed, the 2009 appeal decision effectively removes this as an issue. In short, there is no longer a requirement for on site car parking provision here, and any refusal based on a contrary view would be difficult to defend.

c) Design Issues

Notwithstanding the main issue about the built form of the amended plans, there are two matters arising from the proposed design of the two units – the dormers and the roof lights. The introduction of the dormers is a direct consequence of the reduction in height of the roof ridgeline on the second unit. If the built form is to be supported then this would be an integral consequence. If not, then dormer windows are not common in the rear ranges of buildings in Atherstone's Conservation Area. The roof lights too are unfortunate given that they are on the "public" face of the proposal.

d) Residential Amenity

As described above, the closest neighbouring residential properties are some distance away, and there is thus unlikely to be any adverse impact on the occupiers of these properties. It is also material that no representations have been received from them.

e) The Wall

There used to be a boundary wall between the TNT site and the application site. This was partially removed because of stability problems and replaced with chain link fencing. TNT has recently submitted an application to rebuild the whole wall. This will be determined separately. If approved, then it should remove the concern expressed by TNT to the current application. If not, then it is likely that amended plans would overcome any potential refusal. As a consequence it is not considered that TNT's representation on the current application carries sufficient weight to result in a refusal.

e) Conclusion

Given the substantive issue raised in this report, and the duty on Members to consider whether the proposals preserve or enhance the character and appearance of this part of the Conservation Area, it is considered that Members of the Board should take the opportunity to look at this site in order to assess that impact themselves. The recommendation thus leads with this suggestion, but given that officers would recommend refusal of the currently amended scheme, it is also considered worthwhile to see if further amendments might be likely to be forthcoming in order to overcome officer's continuing concerns.

Recommendation

- a)** That determination of this application be deferred in order that a site visit can be arranged, and that
- b)** Prior to referring the case back to Board, the applicant be invited to consider further amendments to the proposal involving a further reduction in the overall footprint and length of the proposed extension.

BACKGROUND PAPERS

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

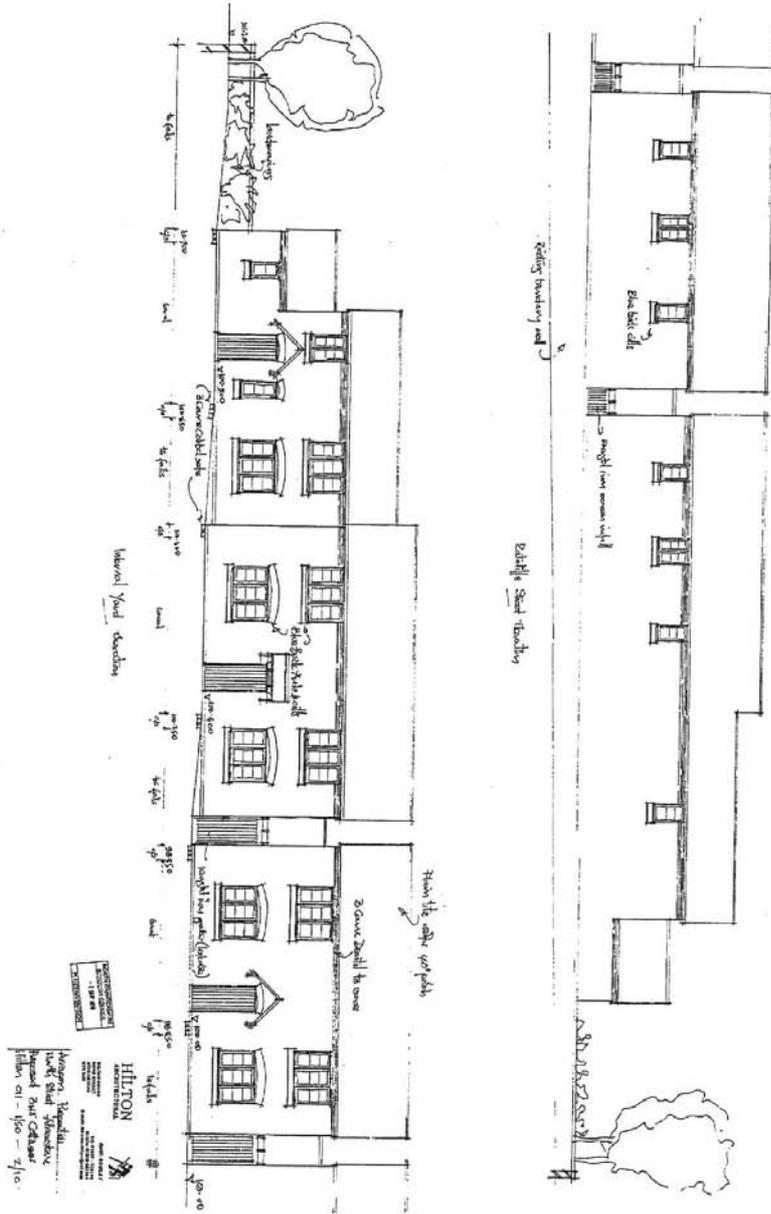
Planning Application No: PAP/2010/0315

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans and application vlain	3/9/10
2	Atherstone Town Council	Consultation response	20/9/10
3	Atherstone Civic Society	Consultation response	21/9/10
4	Central Networks	Consultation response	24/9/10
5	E-on	Consultation response	24/9/10
6	NWBC Environmental Health	Consultation response	4/10/10
7	WCC Museum	Consultation response	4/10/10
8	NWBC Heritage Conservation Officer	Consultation response	4/10/10
9	WCC Highways	Consultation Response	04/10/10
10	Head of Development Control	Letter to Agent	7/10/10
11	NWBC	Email to Planning	8/10/10
12	Case Officer	Email to agent	20/10/10
13	Agent	Email to case officer	22/10/10
14	Case Officer	Email to agent	22/10/10
15	Case Officer	Email to NWBC Environmental Health	25/10/10
16	NWBC Environmental Health	Email to case officer	26/10/10
17	WCC Highways	Email to case officer	3/11/10
18	Case officer	Email to agent	3/11/10
19	Case officer	File note	8/11/10
20	Agent	Revised plans	7/12/10
21	Atherstone Civic Society	Consultation response	20/12/10
22	Atherstone Town Council	Consultation response	20/12/10
23	TNT 102 Long Street	Objection	20/12/10
24	NWBC Heritage Conservation Officer	Consultation response	22/12/10
25	Head of Development Control	Email to agent	6/1/11
26	Agent	Email to Head of Development Control	7/1/11
27	Head of Development Control	Email to agent	7/1/11

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.





HILTON
 ARCHITECTS
 100, Market Street
 Auckland, New Zealand
 Phone: +64 9 308 9000
 Fax: +64 9 308 9001
 Email: info@hiltonarchitects.co.nz
 www.hiltonarchitects.co.nz

(2) Application No PAP/2010/0374

Atherstone Police Station and Magistrates Court, Sheepy Road, Atherstone

**Outline application for the erection of a residential development comprising 14 dwellings; associated internal access road, rear parking, and minor alterations to the existing access arrangement (all matters reserved),
For Warwickshire Police Authority/Warwickshire County Council**

Introduction

This application was reported to Board for information in August 2010. The August 2010 report is attached as Appendix A for completeness. It is now reported for determination.

The Site

This occupies an area of 0.48 hectares on the west side of Sheepy Road. It is bounded to the north and south by Croft Road which runs as a loop off Sheepy Road. It is set wholly in a residential area just to the north of the town centre (some 50 metres or so). It is presently occupied by the town's Police Station and former Magistrates Court complex and includes car parks and garages. There is a ten metre wide belt of grassland which contains a number of trees fronting Sheepy Road, together with a scattering of other trees around the site. The more important trees at the site are now protected by a Tree Preservation Order.

The Proposal

To demolish all of the existing buildings and replace them with a residential scheme of up to 14 dwellings accessed off the existing access from Croft Road at the north end of the site. This would provide a gross density of 29.1 dwellings per hectare.

The application is made in outline, with all matters reserved.

All of the accompanying plans illustrating layout and typical appearance are thus not to be considered, but they do suggest what a built development could look like if an approval is granted. The detail will be for the prospective purchaser to resolve as the current applicant is proposing to dispose of the site with the benefit of an outline planning permission.

The applicant has suggested two draft heads of agreement that would be suitable for a Section 106 Agreement. These are:

- i) to provide a financial contribution of £25,102 to the Council in order to improve/enhance open space provision within Atherstone, and
- ii) to "endeavour to provide a Police service as part of the proposed combined multi- agency Public Service Centre in Atherstone. If this can not be secured then the Police Authority will commit to providing a facility within an alternative location".

The supporting documentation which accompanied the application was set out in the August 2010 report.

Background

The Magistrates Court closed in December 2004 as a result of the re-organisation and consolidation of justice services within Warwickshire. Court services are now provided within the Warwickshire Justice Centre in Nuneaton. There is no longer public access to the former Court building in Atherstone.

The Police Station is currently operational but it is the Police Authority's stated intention to close the building for operational purposes in May 2011. The decision to close the building is related to the need to modernise and improve the facility and the prohibitive cost of those works. The buildings date from the mid-1960's.

The Police Authority has confirmed that it intends to relocate police services elsewhere to an alternative location in Atherstone. The Police Authority propose that the police station functions will be accommodated in a multi-agency facility, and that the same operational services and local policing will be provided as now, but at a new location. The new policing model on how it will deliver protection within Warwickshire and how it may be contacted is attached as Appendix B

To examine whether it is a realistic prospect that the building, or any element of the building, could be retained for community use, Warwickshire County Council supplied additional information, including a summary of a Quantity Surveyors costing for the task of converting the Court element of the building to a stand alone building with an estimate of annual revenue costs. This costing information is attached as Appendix C.

Development Plan

Saved Policies from the North Warwickshire Local Plan 2006 – Core Policy 1 (Social and Economic Regeneration), CP2 (Development Distribution), CP8 (Affordable Housing) and Policies ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV10 (Energy Generation and Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG4 (Densities), COM2 (Protection of Land and Buildings used for Existing Community Facilities in the Main Towns), TPT 6 (Vehicle Parking).

Other Material Planning Considerations

Government Policy – PPS1 (Delivering Sustainable Development); PPS3 (Housing), PPS5 (Planning and the Historic Environment), PPS9 (Biodiversity and Geological Conservation), PPG 13 (Transport), PPS17 (Planning for Open Space, Sport and Recreation), PPS23 (Planning and Pollution Control) and PPS25 (Development and Flood Risk)

Consultations

Warwickshire County Archaeologist - This planning application is accompanied by an archaeological appraisal (Ove Arup & Partners Ltd, 2010. Redevelopment of the Police Station & Magistrates Courts, Sheepy Road, Atherstone. Archaeological Technical Appraisal) which concludes that there is a potential for archaeological deposits to survive across the site. Any such deposits are likely to be disturbed by the proposed development. The County Archaeologist indicates that whilst he does not wish to object to the principle of development, he considers that some further

archaeological work should be required if consent is forthcoming and recommends that a condition such as the following should be attached to any consent as follows:

“No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.”

Warwickshire County Council Highways Authority - No objection.

Warwickshire Fire and Rescue - No objection subject to the inclusion of a condition requiring the submission and implementation of a scheme for the provision of adequate water supplies and fire hydrants.

Severn Trent Water - No objection subject to conditions

Warwickshire Police Crime Prevention Officer - No objection.

Warwickshire Wildlife Trust – Makes the following comments:

A further bat survey in the year prior to demolition will be required. Bats irregularly vary their roosting patterns and places. Therefore, although bats were absent at the times of surveying, it does not necessarily mean they never use the site. Repetition of the survey will give a more informed conclusion about the usage of the site by bats and if usage has changed in the mean-time. A suitably qualified ecologist should present at demolition. Bat boxes should be erected on newly developed buildings to replace the loss of any potential bat roosting habitat.

Further notes are recommended in respect of retaining and enhancing the nature conservation value of the site because of the existing trees and grassed areas.

The Council’s Tree Officer – Advised that a Tree Preservation Order would be appropriate for some of the trees at the site and that this should not prejudice the development of the site.

Building for Life Assessor – It is noted that this application is for outline planning permission with all matters reserved. However, the scheme generally performs well in overall character, with the criteria for environment and community, streets, parking and pedestrianisation scoring well. Far more comprehensive assessments can be made should planning permission be granted and full details are then submitted. The final scheme could have a prospect of securing a high standard.

Representations

The Atherstone Town Council has written objecting to the proposal. Its letters of 12 August and 28 September 2010 are reproduced in full in Appendix D.

The Atherstone Civic Society has written objecting to the proposal. Its letters of 16 August and 20 September 2010 are reproduced in full in Appendix E.

Atherstone Town Council produced a questionnaire containing 4 questions. An example of this questionnaire and the covering letter that it used when distributing it are attached as Appendix F.

36 copies of the completed questionnaire have been received, with some of the questionnaire returns being accompanied by fuller letters of explanation.

The questionnaires have been completed by both individuals and by the following organisations:

Warwickshire Federation of Women's Institutes
Atherstone Pensioners Convention
Atherstone Art Circle
Atherstone Allotment Association
Atherstone Rotary Club
Atherstone Theatre Workshop
Atherstone Dramatic Society
Atherstone Bridge Club
Countryside Amblers
Age Well keep Fit
Friends of Atherstone Cemetery
Atherstone Choral Society
Age Concern
Dickens Night Committee
Summer in the Square Committee
North Warks CAB
Atherstone Cage Bird Society
North Warks Volunteer Centre
Happy Faces Pre-school
Circles Network @ Atherstone

The answers to the questions within the questionnaires generally endorse the Town Councils desire to retain the Magistrates Court for community use, although the responses are mixed. Many of the organisations only meet infrequently and express limited need or no interest using the building themselves. Indeed, some of the organisations indicate that they have no objection to the demolition of the building.

A further 18 letters have been received from individuals and from North Warks Gateway Club together with The Friends of Atherstone Heritage, expressing the following:

In respect of the loss of the existing buildings:

1. The Atherstone Town Council should be given the opportunity unopposed to buy the building for its own use and for use by community groups. The Town Council's current premises are cramped and inappropriate.
2. The building should remain and be used for many purposes by the local community.
3. Objectors wishing to see the retention of the existing building urge that the opinion of local people should be listened to.
4. The buildings are too good to be demolished.
5. The police station should remain where it is.

6. One objector suggests that the Magistrates Court building could be reused as a ladies and gents outfitters and the Police Station could be a cinema.
7. The Friends of Atherstone Heritage indicate that the cost of commercial renting has priced them out of a permanent home. They indicate that if the Magistrates Court became a community building it would seek to use the foyer for display purposes and they may use a meeting room for talks.
8. The North Warwickshire Arts Group would have partnered the Town Council in a scheme to reuse the Magistrates Court a few years ago, however, it has now invested in its own premises. It would nevertheless still be interested in having display space for paintings and sculptures.
9. Rooms which are inexpensive to hire are needed by a local charitable organisation.

In respect of the proposed residential use:

1. I am concerned about vehicular access from these houses onto Sheepy Road and Croft Road. 11 of these houses appear to be closer to the main road than present buildings onto Sheepy Road. At the moment vehicular vision from that part of Croft Road (mini island) into Sheepy Road is poor and drivers in the main completely ignore the Give Way sign on the main road. The proximity of the buildings and gardens already on the right impair good vision for drivers attempting to pull out into Sheepy Road. The inclusion of buildings closer to the road is going to reduce visibility even more. When attempting to pull out of my street correctly I have been subject to a number of near misses as a result of having to pull out to get a clear view of traffic in both directions and other drivers ignoring the give way sign feeling they have a right of way into the town. The addition of these extra buildings is going to cause even more danger to residents attempting to leave that part of Croft Road. There should be at least some conditions that plots 10, 11 & 12 preventing these front gardens from planting any trees fences or other construction blocking the view to the left from Croft Road.
2. The word approximately is used for the number of houses to be built – this should be a definite number. There should be no more than 14 units.
3. The term 'All matters Reserved' is used - does this mean that the whole plan could be altered after outline permission is granted?
4. It would be preferable for a Tree Preservation Order to be issued on all the trees being retained. This would ensure that the landscaping is 'softened' and the trees are not pulled down at a later date by tenants.
5. The height of the proposed houses as on the computer generated plan seem to be considerably higher than the existing houses in Croft Road and the bungalows opposite in Sheepy Road.
6. Reliance on car parking within garages would cause difficulties because people rarely use garages for parking.
7. Car parking provision is inadequate.

8. Housing will impact on residential amenity of occupiers on adjacent houses more so than the current non-residential uses because of continual use, loss of privacy, overlooking and loss of light.
9. Extra cars will bring pollution.
10. The loss of well established trees will adversely affect the character of the landscape and the environment.
11. There have been problems with the mains sewer and surface water in the past. Discharges from new properties into existing systems would exacerbate the problems.
12. The new dwellings, being taller, would overlook gardens and harm privacy. There is an objection to the inclusion of two and a half storey properties.

Observations

a) Introduction

This site is within the development boundary of Atherstone as defined by the Local Plan, and as this is a residential redevelopment scheme, there is no objection in principle to the development. The Issues Report in August 2010 highlighted that there are three substantive issues surrounding this application that could be of sufficient weight individually or together, to override the general presumption here that planning permission should be granted. These are:

- a) The loss of land and buildings that are identified as a community facility within the Development Plan.
- b) No provision of affordable housing, and
- c) The proposed draft Section 106 Agreement.

The report will look at each of these in turn, before assessing the proposal against other considerations specific to the proposed residential re-use (highway, design, amenity, archaeological, drainage matters etc)

b) The loss of land and buildings that are identified as a community facility within the Development Plan

Policy COM2 (Protecting Community Facilities) of the North Warwickshire Local Plan 2006, indicates that, "development that would lead to the loss of land or buildings used, or last used, for the provision of community services and facilities will not be permitted in the Main Towns of Atherstone/Mancetter and Polesworth/Dordon, or in the Green Belt Market Town of Coleshill, unless:

- (i) The land and buildings are unsuitable in terms of their siting, design, layout and/or construction for continued use for the provision of community facilities and services; and
- (ii) There is no realistic alternative community use to which they can be put."

It is therefore necessary to assess the proposal against this policy. This will be in terms of:

- a) An examination of the applicant's assessment of community need and the community's response to this assessment
- b) The suitability of the land/buildings for ongoing community use
- c) Whether there is a realistic alternative community use to which they can be put.

The Applicant's Assessment of Community Need

The explanatory text to Policy COM2 explains that its intent is to ensure that land and buildings used for the provision of community facilities (rather than the use itself) will be maintained in the most accessible locations within a settlement. It is expected that an audit will indicate the nature and extent of community needs in the area, the suitability of the land and/or buildings concerned for such purposes, and whether provision to meet these in whole or part on the site would be physically or economically viable, or could be made so with identified sources of funding support. It indicates that the involvement of the local community and its representatives should be actively sought.

The applicant has submitted such an Assessment, undertaken by consultants on their behalf. The Assessment considers needs arising in the education, health, sport and recreation/open space, libraries and arts, emergency services and community building/space sectors and concludes that the land and buildings are unsuitable for continued use for the existing services on site and that there is no realistic alternative community use. A Summary of Findings of this Assessment is attached at Appendix G.

The Assessment is reasonable in its scope and the robustness of its approach, utilising secondary sources of data and involving direct contact with service providers where secondary data is unavailable. The exercise identified a large number of community groups from the County Council compiled Community Database.

There has been criticism of the thoroughness of the applicant's Assessment by the Atherstone Town Council. The Town Council has highlighted organisations that were not identified in the consultation exercise. Though the Assessment may not have included approaches to each and every community group, it is considered that this could not have been reasonably expected.

The Town Council's exercise of identifying and circulating a questionnaire to omitted Community Groups has however extended the Assessment exercise to the level which, taken in a combined manner, can be held to amount to a very full picture of community need.

In terms of the town's need for an ongoing police functions there is a continuing need for policing. The applicant has declared a commitment to ensuring that the current functions of the Police Station will continue to be delivered in the town. Until recently there was no tangible proposal for specific replacement premises, however, the Borough Council has now approved a proposal to rent office space to the Safer Neighbourhoods Team in its own Old Bank House offices. This is in addition to an agreement for Borough Council staff to deal with Police front office enquiries through the One Stop Shop reception at the Council House. These commitments can now

be taken as material considerations in the determination of the planning application. This development, together with the applicant's willingness to enter into a Section 106 Agreement committing to securing premises in the town for ongoing delivery of police services, leads to the conclusion that the Police Station element of the site may be released from community use because there is a realistic prospect of replacement provision.

It is not considered that there is any reasonable case for arguing for the retention of the existing Court function of the building. The Court Service transferred to the Nuneaton Justice Centre some years ago. It would be wholly unrealistic to retain the building for the protection of court services for the Atherstone/North Warwickshire community when the service has been reasonably relocated to a nearby main Warwickshire town.

The Suitability of the Land/Buildings for Ongoing Community Use

The building is dated and would require extensive modernisation and refurbishment if it were to have a continuing use. The building is not compliant for DDA access, it carries heavy running costs and is not a sustainable building in that it is not compliant with Part L of the Building Regulations, it comprises cellular offices which are not adaptable, it has a backlog of repairs including repairs to the roof (estimated to be £543,600 over the next 5 to 6 years), it requires a boiler replacement, window replacement and the replacement of the electrical system and the building contains a substantial amount of asbestos.

In the knowledge that the Town Council seek only the Magistrates Court element of the site, the applicant has submitted Quantity Surveyor backed costings to show that the separation of the two buildings would not be simple and would come at a cost of between £789,000 and £900,000 depending on the type of community end use. This cost is elevated because the police and Magistrates Court buildings presently share joint systems and the main plant is presently in the Police Station element. For example, they have joint heating and fire alarm systems.

Is there a realistic alternative community use to which they can be put?

No individual, or collective group, of community organisations have shown that there is a realistic alternative community use. Despite the Town Council and other Community groups expressing interest in the Magistrates Court element of the site, no business case has been advanced to show that these aspirations could be realised in practice. Though the Town Council's objectives carry merit they have not been followed through to show they are financially practicably, either as an initial project or as a viable ongoing venture.

Much of the interest expressed by community groups is intangible or limited, being for occasional ad hoc hire or for low value display space. Much of the aspiration appears to be for low cost rental space, adding to the uncertainty of whether a viable community space venture could be achieved.

The Town Council's offer to buy the building to date has been rejected on the grounds that the offer was unrealistically low. The applicant points out that, as accountable public bodies they have fiduciary duties to obtain best value for the public purse. The offer made in 2006 by the Town Council was only 20% of other offers.

In 2005 when the Town Council was first looking to purchase this site, it set out basic ideas about what could form the basis of a business plan. This indicated that it was looking towards accommodating the towns Arts Centre, a Tourist Information Office, the Registrar's Office, a policing function, a museum and the library. It would consequently be looking to Warwickshire County Council, North Warwickshire Borough Council and the Police Authority for funding. Given the advent of the Comprehensive Spending Review and the general contraction in funding sources for public bodies and the support for voluntary organisations, much of the anticipated funding sources were from other public bodies, and these can no longer be relied upon. Furthermore, circumstances have moved on and many of the anticipated partners have made alternative arrangements (i.e. the Registrar is now based at The Council House, there is agreement for police functions to be delivered out of North Warwickshire Borough Council offices and The Arts Centre has its own premises).

Given that it would not be unreasonable to expect a higher purchase price for the site than that previously offered by the Town Council, the high capital costs of separating and refurbishing the Magistrates Court and the uncertainty of the viability of the use of the building by other community groups, it is not considered that there is any demonstrated realistic prospect of an alternative use for the building, or part of the building.

The application of Policy COM2 – Changing Circumstances

As discussed above, there have been material changes in public policy and the funding of public bodies since the advent of Policy COM2 in the 2006 Local Plan. The restrictions on public spending brought about by changed economic circumstances and current government policy, mean that public and community bodies are encouraged to find new, more value for money, ways of delivering community needs. There is greater emphasis on sharing resources, including the sharing of premises and shared commissioning. This results in a general contraction in the need for a proliferation of community premises. This is a material change of circumstances and the application of Policy COM2 is therefore open to question, arguably being afforded less weight.

It is also worth briefly considering the consequence of the creation of a new facility for existing community groups who presently use other premises in the town for their meetings and functions. The loss of business could place the viability of other premises in some jeopardy.

Given the above circumstances it is not considered that the proposal could be resisted on the grounds that it would result in the loss of community land and buildings.

c) Affordable Housing

Policy HSG2 of the North Warwickshire Local Plan 2006 sets a threshold, beyond which the provision of 40% affordable housing will be required - 15 or more dwellings or involving sites of 0.5 hectares or more irrespective of the number of dwellings.

The site area is below the threshold for affordable housing.

The number of units is proposed to be limited to 14. The applicant argues that this is to ensure that a visually pleasing development, of a density appropriate to its setting, is achieved. It is argued that an increase in the number of units would not enable key design concepts to be achieved, i.e. the maintenance of set back from the road frontage and protection of trees, the protection of the amenity of neighbouring dwellings and the maintenance of an appropriate scale compared to neighbouring bungalows and small scale two storey dwellings.

Whilst there is some merit in this argument, it is likely that it would be possible to marginally increase the number of units whilst still meeting the design objectives. Given that the site does not exceed the 0.5ha threshold there is no mechanism for insisting that the number of units increase to 'trip' the affordable housing threshold. If, however, when the site goes to the market, a prospective developer achieves an acceptable scheme in design terms which caters for in excess of 14 units the affordable housing requirement would be pursued.

d) The Draft Section 106 Agreement

The planning application was accompanied by a draft Section 106 Agreement with two draft heads of agreement. Firstly, a financial contribution of £25,102 to the Council to enhance open space provision in Atherstone, and secondly, a commitment to "endeavour to provide a Police service as part of the proposed combined multi- agency Public Service Centre in Atherstone. The draft proposed that if this can not be secured then the Police Authority will commit to providing a facility within an alternative location".

The Police Authority has now indicated that it will continue to be providing a facility within an alternative location in Atherstone. Front Office Services will be delivered via Warwickshire Direct Partnership at North Warwickshire Borough Council offices and Safer Neighbourhood Teams will be deployed from within Atherstone – potentially Old Bank House - subject to agreement of heads of terms.

This recent development in the securing of alternative premises for the policing function will need to be translated into a reworded Section 106 clause, but it is considered that the commitment by this Council to offer office space and joint working is sufficient to offer a reasonable prospect of maintaining the provision of policing in Atherstone and that the Section 106 terms will be appropriate.

The development proposes no on-site provision for open space. The proposed monetary contribution for off site measures is necessary and appropriate to a new development of 14 family dwellings in this locality and accords with the requirements of Policy ENV5 of the North Warwickshire Local Plan 2006 (Saved Policies)

e) Residential Redevelopment

The scheme is an outline application, with all matters reserved. Notwithstanding this, illustrative layouts and scale drawings have been presented showing how the site development could be achieved. It is considered that, subject to changes to accommodate the retention of trees covered by the Tree Preservation Order, the design concepts employed would achieve an appropriate development. Prospective purchasers would be advised to take the illustrative scheme as a guide to the development principles that the Local Planning Authority would wish to see in any reserved matters application.

No objections in principle have been received from any consultees in respect of highway, archaeological or drainage matters. It is believed that the residential reuse of this site can be achieved without detriment to the occupiers of neighbouring residential property.

The principle of residential use may be supported.

Recommendation

That, subject to the completion of the Section 106 Agreement as described in the report above, the application be **GRANTED** subject to the following conditions:

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

REASON

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

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

REASON

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

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

REASON

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

4. No development shall commence on site until an archaeological investigation of the site has been carried out in accordance with a specification submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure the recording of any items of archaeological interest.

5. The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON

In the interests of fire safety

6. Prior to the commencement of development a method statement for the control of demolition of the existing buildings and the disposal of the resultant materials shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall address hours of working, dust suppression measures, the method of handling and disposing of asbestos and a time frame for the clearance of resultant materials from the site.

REASON

In the interests of the amenity of the area and in the interests of health and safety.

7. Before the development commences a scheme for the construction of the foul and surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON

To prevent pollution of the water environment.

8. Prior to the commencement of development a bat survey shall be carried out and the finding shall be submitted to the Local Planning Authority in writing. Measures to protect any bats found shall be submitted to the Local Planning Authority for approval and shall then be implemented in full.

REASON

In the interests of protecting a protected species.

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 ecology division of Warwickshire County Museum has advised that there may be bats present at the property that would be disturbed by the proposed development. You are advised that bats are deemed to be European Protected species. Should bats be found during the carrying out of the approved works, you should stop work immediately and seek further advice from the Ecology Section of Museum Field Services, The Butts, Warwick, CV34 4SS (Contact Anna Swift on 01926 418060).
4. The Development Plan policies which are relevant to this Decision are as follows:
Saved Policies from the North Warwickshire Local Plan 2006 - Core Policy 1 (Social and Economic Regeneration), CP2 (Development Distribution), CP8 (Affordable Housing) and Policies ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV10 (Energy Generation and Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG4 (Densities), COM2 (Protection of Land and Buildings used for Existing Community Facilities in the Main Towns), TPT 6 (Vehicle Parking).

Justification

This site is within the development boundary of Atherstone as defined by the Local Plan, there is no objection in principle to residential development. Given the relocation of the Courts to Nuneaton, the provisions for the replacement of the policing functions, the poor condition of the existing buildings, the lack of realistic alternative community use and the change of circumstance in public and voluntary sector funding and operation it is not considered that the proposal could be resisted on the grounds that it would result in the loss of community land and buildings under Policy COM2. The proposal is below the threshold for the provision of affordable housing and provision for off site open space improvement is catered for through the proposed S106 Agreement. The development can be accommodated without harm to amenity or highway safety. The application therefore meets the requirements of the above Development Plan Policy and may be supported.

BACKGROUND PAPERS

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

Planning Application No: **PAP/2010/0374**

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Applicants Agent	Planning Application Forms, Plans and Supporting Documents	16 7 10
2	Warwickshire Wildlife Trust	Consultation Reply	2 8 10
3	Tree Officer	Consultation Reply	2 8 10
4	Case Officer	Planning and Development Board Report	Aug 10
5	Agent	Email	13 8 10
6	Warwickshire County Council Highways Authority	Consultation Reply	10 8 10
7	Crime Prevention Officer	Consultation Reply	19 8 10
8	Severn Trent Water	Consultation Reply	18 8 10
9	Case Officer	Letter to agent	16 8 10
10	Building for Life Assessor	Consultation Reply	24 8 10
11	Case Officer	Email to agent	27 8 10
12	Fire Authority	Consultation Reply	1 9 10
13	Agent	Letter	6 9 10
14	Council's Valuer	Consultation Reply	23 9 10
15	Case Officer	Letter to agent	5 10 10
16	Case Officer	Note of meeting	11 10 10
17	Warwickshire County Council	Letter & QS Report	17 12 10
18	Facilities Manager	Consultation Reply	21 12 10
19	Police Authority	Email	2 2 11
20	Atherstone Town Council	Representation	12 8 10
21	Atherstone Town Council	Representation	28 9 10
22	Atherstone Civic Society	Email to Warks Police	9 4 10
23	Atherstone Civic Society	Representation	16 8 10
24	Atherstone Civic Society	Representation	20 9 10
25	R Hayes	Representation	2 8 10
26	J Shilton	Representation	10 8 10
27	D Smith	Representation	15 8 10
28	N Wood	Representation	15 8 10
29	Mr & Mrs A Butler	Representation	15 8 10
30	C Lodge	Representation	17 8 10
31	Mr & Mrs Brierley	Representation	16 8 10
32	J Shilton	Representation	14 8 10
33	A Macchi	Representation	20 9 10
34	M Wilkins	Representation	20 9 10
35	D Moody	Representation	29 9 10
36	A Rose	Representation	27 9 10
37	S Smalley	Representation	11 10 10
38	G Smalley	Representation	8 10 10
39	North Warwickshire Arts	Representation	23 10 10
40	G Goodridge	Representation	2 11 10

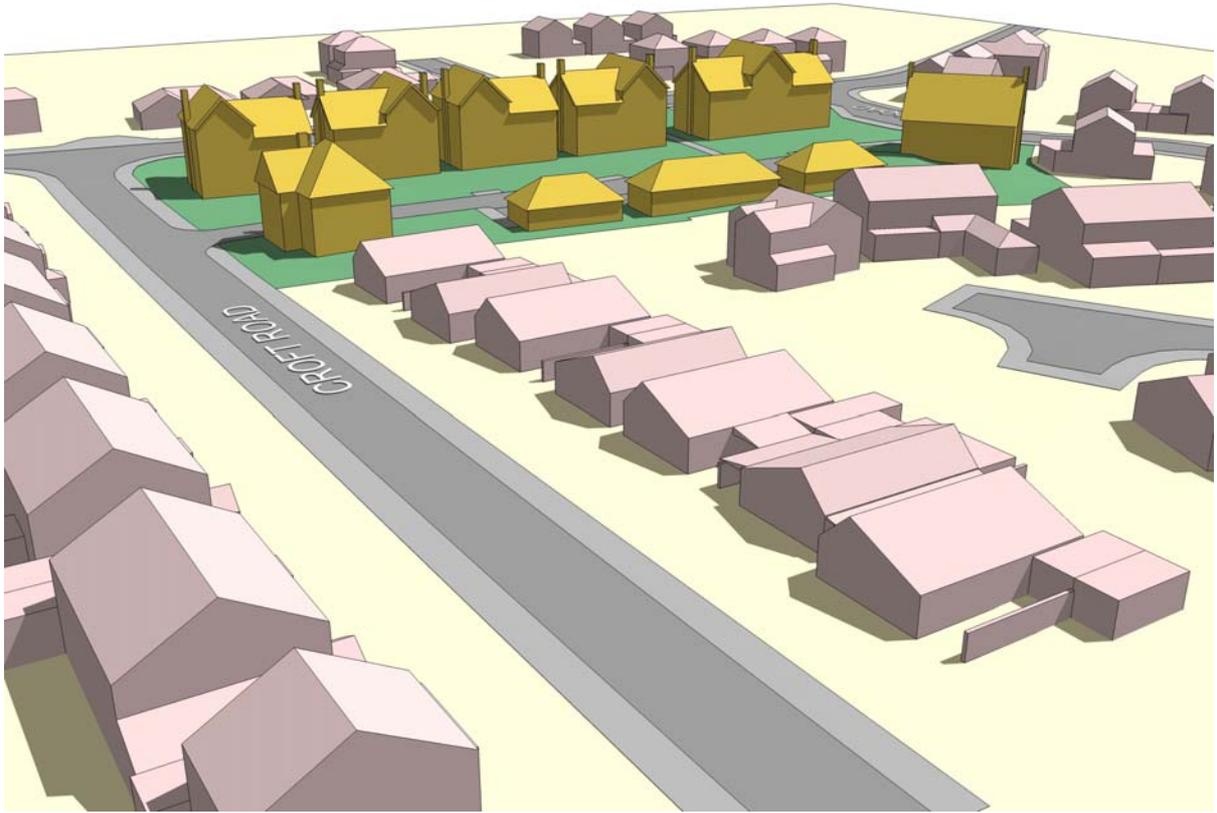
41	P Klucis	Questionnaire and Letter	27 10 10
42	Friends of Atherstone Heritage	Representation	23 10 10
43	M Bullock	Representation	27 1 11
44	Atherstone Town Council	Covering letter for	9 9 10
45	Atherstone Town Council	Letter	2 11 10
46	Atherstone Bridge Club	Questionnaire and Letter	21 9 10
47	Dickens Night Committee	Questionnaire	24 9 10
48	Summer in the Square Committee	Questionnaire	24 9 10
49	Citizen's Advice Bureau	Questionnaire and Letter	28 9 10
50	Atherstone Cage Bird Society	Questionnaire	23 9 10
51	Atherstone Bridge Club	Questionnaire and Letter	20 9 10
52	Countryside Amblers	Questionnaire and Letter	21 9 10
53	Happy Faces Pre-school	Questionnaire	21 9 10
54	Circles Network@ Atherstone	Questionnaire	21 9 10
55	Age Well Keep Fit	Questionnaire	24 9 10
56	Friends of Atherstone Cemetery	Questionnaire	23 9 10
57	Atherstone Choral Society	Questionnaire	21 9 10
58	Age Concern	Questionnaire	21 9 10
59	Volunteers Centre	Questionnaire and Letter	24 9 10
60	Atherstone Dramatic Society	Questionnaire	30 9 10
61	Atherstone Theatre Workshop	Questionnaire	30 9 10
62	Atherstone Rotary Club	Questionnaire	30 9 10
63	F Archer	Questionnaire	22 10 10
64	S Johnston	Questionnaire	22 10 10
65	Warks Federation of Women's Institutes	Questionnaire	2 11 10
66	Atherstone Pensioner's Convention	Questionnaire	2 11 10
67	N Warks older Peoples Forum	Questionnaire	2 11 10
68	H Carse	Questionnaire	2 11 10
69	K Harper	Questionnaire	24 11 10
70	Atherstone Art Circle	Questionnaire	22 11 10
71	M Pearce	Questionnaire	24 11 10
72	B Pearce	Questionnaire	24 11 10
73	J Fisher	Questionnaire	24 11 10
74	Atherstone Allotment Assoc	Questionnaire and Letter	2 11 10
75	R Bradley	Questionnaire	2 11 10
76	L Hall	Questionnaire	2 11 10
77	M Swan	Questionnaire	2 11 10
78	M Swan	Questionnaire	2 11 10

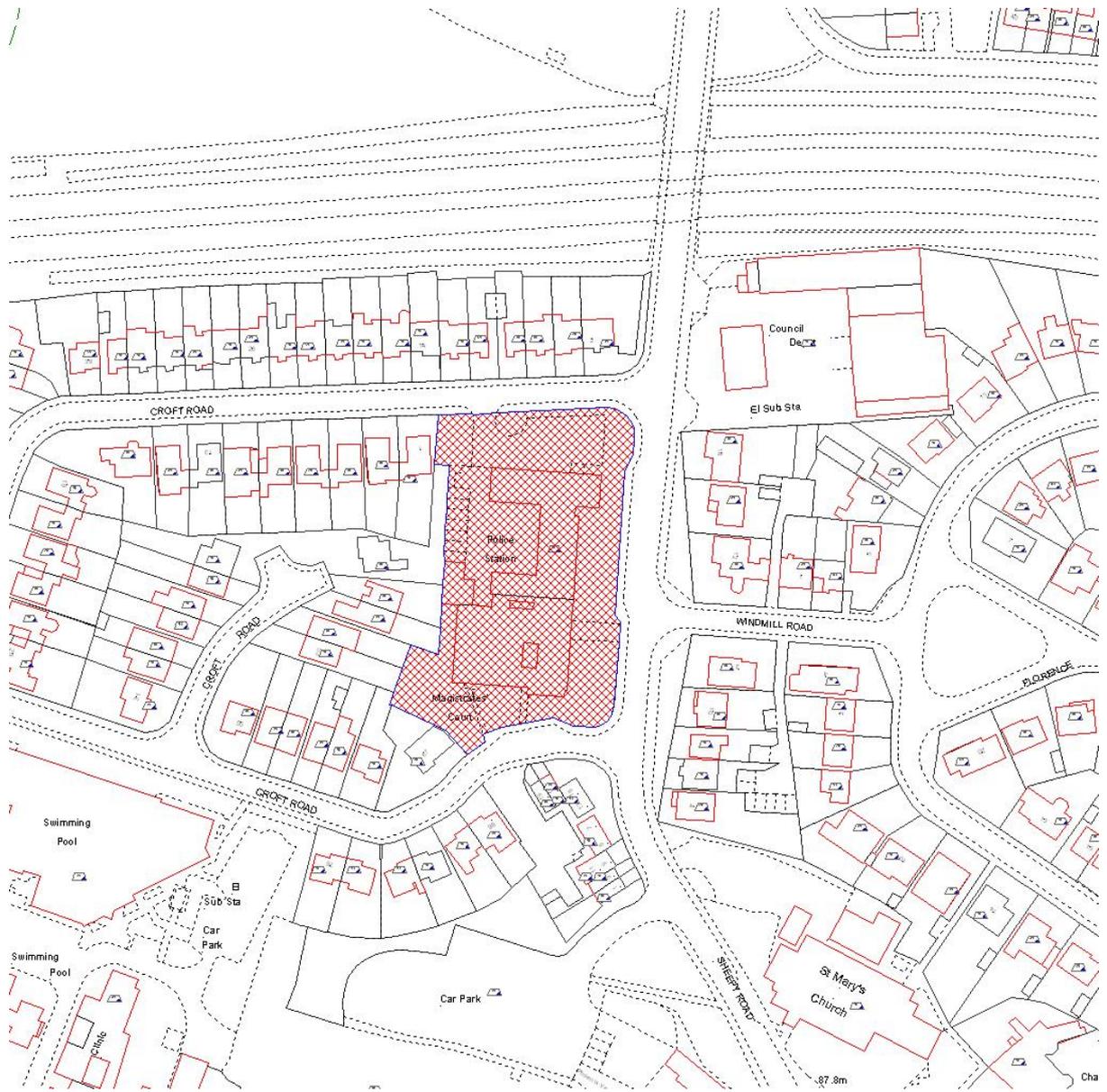
79	H Theaker	Questionnaire	12 11 10
80	K Reynolds	Questionnaire and Letter	24 11 10
81	E Burden	Questionnaire and Letter	26 10 10

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

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







APPENDIX A

General Development Applications

() Application No PAP/2010/0374

Atherstone Police Station and Magistrates Court, Sheepy Road, Atherstone

Outline application for the erection of a residential development comprising approximately 14 dwellings; associated internal access road, rear parking, and minor alterations to the existing access arrangement (all matters reserved),
For Warwickshire Police Authority/Warwickshire County Council

Introduction

This application has recently been received. It is not presented for determination at this time, but this report will outline the proposals; the relevant Development Plan policies, and identify the main issues that will be involved in its determination at a later date. It is also accompanied by the general heads of agreement that would be contained within a Section 106 Agreement.

The Site

This occupies an area of 0.48 hectares on the west side of Sheepy Road. It is bounded to the north and south by Croft Road which runs as a loop off Sheepy Road. It is set wholly in a residential area just to the north of the town centre (some 50 metres or so). It is presently occupied by the town's Police Station and former Magistrates Court complex and includes car parks and garages. There is a ten metre wide belt of grassland which contains a number of trees fronting Sheepy Road, together with a scattering of other trees around the site. This frontage belt is contained within the application site. It is more particularly shown on the plan at Appendix A.

Background

The Magistrates Court closed in December 2004 as a result of the re-organisation and consolidation of justice services within Warwickshire. Court services are now provided within the Warwickshire Justice Centre in Nuneaton. There is no longer public access to the former Court building in Atherstone.

The Police Station is currently operational. However there is a need to modernise and improve the facility. The building together with the Magistrates Court dates from the mid-1960's. The Police Authority intends to relocate police services elsewhere in its entirety to an alternative location in Atherstone. The Police Authority propose that the police station will form part of a combined multi-agency Public Service Centre, and that the same operational services and local policing will be provided as now, but at this new location.

The Proposal

This would involve the demolition of all of the existing buildings and their replacement with a residential scheme of up to 14 dwellings accessed off the existing access from Croft Road at the north end of the site. This would provide a

gross density of 29.1 dwellings per hectare. Some improvements would be needed to this access – mainly widening.

The application is made in outline, with only the access to be included as part of the proposal. All of the accompanying plans illustrating layout and typical appearance are thus not to be considered, but they do suggest what a built development could look like if an approval is granted. This is replicated at Appendix B. This detail will be for the prospective purchaser to resolve as the current applicant is proposing to dispose of the site with the benefit of an outline planning permission.

The applicant has suggested two draft heads of agreement that would be suitable for a Section 106 Agreement. These are:

- i) to provide a financial contribution of £25,102 to the Council in order to improve/enhance open space provision within Atherstone, and
- ii) to "endeavour to provide a Police service as part of the proposed combined multi- agency Public Service Centre in Atherstone. If this can not be secured then the Police Authority will commit to providing a facility within an alternative location".

The application is accompanied by a significant amount of supporting documentation. This includes:

- i) A Planning Statement – This provides the background to the proposal, as well as providing the applicant's case for the grant of planning permission.
- ii) A Design and Access Statement – This describes the setting and context of the site, and describes how a residential redevelopment scheme might be designed so as to be in keeping with the local character and appearance of this part of the town.
- iii) A bat survey – This found little evidence of bats on the site. However it recommends that a further survey is undertaken in the year prior to demolition such that remedial measures can be taken in the final design of the proposals. Landscaping measures can also assist in providing foraging habitat and roosting structures.
- iv) A habitat survey – This finds that the existing site is of low ecological value, and thus the details of any final scheme should be designed so as to enhance the range and scope of habitats available.
- v) A Ground Conditions and Contamination Risk Survey – This concludes that there is very limited potential for contamination on the site, or as a result of migrating contamination from off site sources. It is still recommended however that an initial ground investigation is undertaken prior to redevelopment, such that risks, including ground conditions, can be identified and remediation measures agreed that are proportionate to the findings of that investigation.
- vi) An Archaeological Appraisal – This finds that there are no recorded heritage assets on site. However as the site is just north of the recorded

- medieval settlement of Atherstone, it is considered that a watching brief is agreed for the construction period.
- vii) A Drainage Statement – This concludes that in principle, the scheme would not adversely affect on site, neighbouring or downstream developments and their flood risk. Clearly, design of the final proposals including surface water attenuation measures, will need to ensure that this conclusion remains.
 - viii) A Tree Survey – The site contains a number of trees, particularly along the Sheepy Road frontage. Four trees – two limes, an ash and a silver birch together with two conifers would be removed if the present illustrative layout were approved. Two other silver birches should also be removed on arboricultural grounds alone. The retained trees can be adequately protected by tree protection measures and new planting can enhance the development.
 - ix) A Statement of Community Engagement – This outlines and describes the pre-application consultation work undertaken by the applicant with the community, culminating in a public consultation event during March 2010. The Statement concludes that there was, "reasonable general support from local residents", and that the application "responds to the views expressed wherever possible".
 - x) A Local Services and Community Facilities Statement – This report was requested because of the potential loss of the town's Police Station and the loss of buildings that did hold the former Magistrate's Court but which could be potentially re-occupied for community use. In particular it is the applicant's response to saved Policy COM2 of the North Warwickshire Local Plan 2006. This Statement is considered by the applicant to be critical to an understanding of perhaps the main issue involved with this proposal. As a consequence, and notwithstanding its length, it is copied in full at Appendix C. It concludes that, "the land and buildings are unsuitable for continued use by the existing services on site and that there is no realistic alternative community use from a need, requirements, site suitability and funding perspective for the land and buildings on site".

Development Plan

Saved Policies from the North Warwickshire Local Plan 2006 – Core Policy 1 (Social and Economic Regeneration), CP2 (Development Distribution), CP8 (Affordable Housing) and Policies ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV10 (Energy Generation and Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG4 (Densities), COM2 (Protection of Land and Buildings used for Existing Community Facilities in the Main Towns), TPT 6 (Vehicle Parking).

Other Material Planning Considerations

Government Policy – PPS1 (Delivering Sustainable Development); PPS3 (Housing), PPS5 (Planning and the Historic Environment), PPS9 (Biodiversity and Geological Conservation), PPG 13 (Transport), PPS17 (Planning for Open Space, Sport and Recreation), PPS23 (Planning and Pollution Control) and PPS25 (Development and Flood Risk)

Other North Warwickshire Documents – The Affordable Housing Supplementary Planning Document, and the draft Open Space Supplementary Planning Document.

Observations

This site is within the development boundary of Atherstone as defined by the Local Plan, and as this is a residential redevelopment scheme, there is no objection in principle to the development. Members will clearly need to be satisfied on a number of technical issues before an application such as this can be supported, and the responses from the statutory consultations will assist them here – e.g. drainage and traffic considerations as well as ecology and archaeology interests. However there are three substantive issues surrounding this application that could be of sufficient weight individually or together, to override the general presumption here that planning permission should be granted. They are:

- a) The loss of land and buildings that are identified as a community facility within the Development Plan.
- b) No provision of affordable housing, and
- c) the proposed draft Section 106 Agreement.

These issues will be explored in more depth in the determination report.

Recommendation

That at the present time, this report be noted.

BACKGROUND PAPERS

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

Planning Application No: PAP/2010/0374

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Applicants Agent	Planning Application Forms and Plans	16/7/10

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.

HOW WE DELIVER PROTECTION

Warwickshire Police has dedicated teams to:



Tackle the problems and the people that cause you harm

Your local Safer Neighbourhood Team will work with you and local partners to identify and solve issues of concern in your community and tackle people who cause the most harm.



Patrol locally and respond to your incident

Officers will provide visible patrols, focusing on areas of the county most affected by crime and disorder. We will respond to incidents according to the risk of harm.



Investigate your crime

We will carry out a professional investigation to identify those responsible. You will have an identified person to carry out the whole of your investigation.



Provide you with best value

We will ensure that our services deliver the best value for you.

To find out more visit www.warwickshire.police.uk



RIGHT SERVICE, FIRST TIME

How you can contact us

EMERGENCY

If there is a crime in progress or life is at risk we will attend as quickly as is safely possible. **Call 999 or 112** (the European emergency number).

PRIORITY

If the matter is urgent or a local policing priority, but not an emergency, we will be with you as soon as possible, usually within 60 minutes. **Call 01926 415000.**

BY APPOINTMENT

If your call does not require an emergency or priority response we will make an appointment to see you at a police station or location to suit you, usually on the same or next working day. **Call 01926 415000.**

ADVICE AND INFORMATION

If we do not send someone to you, we will provide advice and information. If we are not responsible for providing the service you need we'll direct you to the organisation that is. **Call 01926 415000.**

When you need to meet us face to face, there are a number of places throughout the county where you can go. Visit www.warwickshire.police.uk/contactingthepolice for details of locations and times.

Our Safer Neighbourhood Teams are located throughout the county and their contact details, including information about when and where you can meet them can be found at www.safer-neighbourhoods.co.uk.

APPENDIX C

Your ref: jgb 8586 2010/0374
My ref: UPRN 2029

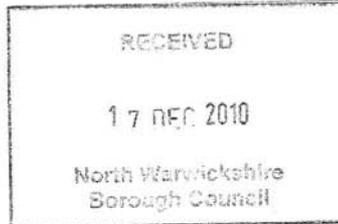


Warwickshire
County Council

Resources

Mr J Brown
Head of Development Control Service
North Warwickshire Borough Council
The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

Ian Dawson
Development - Estates Group
PO Box 46, Shire Hall
Warwick
CV34 4RP
Tel: 01926 412368
Fax: 01926 736367
iandawson@warwickshire.gov.uk
www.warwickshire.gov.uk



14 December 2010

Dear Sir

OUTLINE PLANNING APPLICATION – POLICE STATION / FORMER MAGISTRATES COURT SITE SHEEPY ROAD ATHERSTONE

We met in October to discuss the outline planning application for residential development of the above mentioned site. Your Council has received representations from Atherstone Town Council and various community organisations opposed to redevelopment of the former Magistrates Court and wishing to retain the building for community use. You asked that the County Council provide an indication of the costs for retaining the former Magistrates Court as a stand alone self contained building community use.

The former Magistrates Court (owned by the County Council) is integral with the Police Station (owned by Warwickshire Police Authority). Services such as heating, hot water etc. are shared by both properties with the main plant being located within the Police Station. There is a party wall with interconnection between the Magistrates Court and Police Station at three separate locations. Retaining the Magistrates Court as a stand alone building involves provision of new services for the retained building together with works to the structure to separate the two properties and create a smaller self contained building.

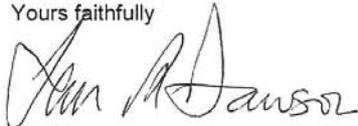
Our Quantity Surveyor has notionally costed the work envisaged and an Executive Summary of his report is attached. As you can see the cost of separating the Magistrates Court from the Police Station to provide a self contained stand alone building and converting to community use is estimated at between £789,000 and £910,000 (depending on the type of use envisaged).

Note that in addition to the capital cost for the initial building works the Executive Summary includes an indication of the likely annual revenue costs (maintenance, utilities, rates etc.) for operating the premises as a community facility. The annual running costs should be an important factor in determining whether community use of this building is sustainable.

*Working for
Warwickshire*

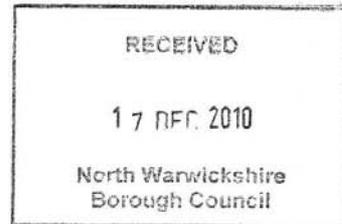
I trust that this information will enable you to consider the representations made by the Town Council / Community Groups and to submit our application to the Planning Committee for determination.

Yours faithfully



Ian Dawson
Senior Estates Surveyor

Enc. Copy of QS Executive Report



Atherstone Former Magistrates Courts; Appraisal for Potential 'Community Use'
QS Notional Cost Model; prepared by WCC; EXECUTIVE REPORT

17 DEC 2010

North Warwickshire
Borough Council

EXECUTIVE REPORT

Task	Assess the cost of refurbishing the former courts buildings for community use.
'Additional Context'/Potential 'Project Brief' Requirements	<p>Letter from Jeff Brown (NWBC, Head of Development Control Services) to Arup, dated 5/10/10 (<i>Copyright respected</i>)</p> <p>Letter from Graham Day (Atherstone Town Council Town Clerk) to Jeff Brown (NWBC Head of Dev Control Services), dated 28/9/10 (<i>Copyright respected</i>)</p>
Capital Related Cost Model	<p>QS Scenario 1 (<i>Not costed in this report</i>) Assume FMC Redeveloped 'As One' With the WPA</p> <p>QS Scenario 2 Assume FMC Is Physically Split From WPA Within this scenario, QS notional sub-scenarios exist ...-</p> <p>2A; Civic Use By Atherstone Town Council, plus Community support use</p> <p>2B; Community (i.e. Non WCC) Training & Education Use</p> <p>2C; Community (i.e. Non WCC) Tourism/Information Use</p> <p>2D; Community (i.e. Non WCC) Museum Gallery Use</p> <p>QS Scenario 3 (<i>Not costed in this report</i>) Demolish the FMC Building</p>
'Capital CM' Structure	<p>(i) Separating the FMC Building From the WPA Building (<i>This is costed within this document</i>)</p> <p>(ii) Redevelop the FMC Building (Only); Using the above alternative notional QS scenarios A, B, C & D (<i>This is costed within this document</i>)</p> <p>(iii) Demolish the WPA Building (<i>This is not costed within this document, as these works/costs will be the responsibility of WPA not WCC</i>)</p>
Life Cycle Related Cost Model	'Notional Running Cost Model', 'Current Cash' datum costs shown only
Prepared for and issued to	Steve Smith Head of Development Service, For WCC
Prepared for	The sole use that is stated - any errors and omissions are excluded - nothing in this document comprises an offer
QS Understanding and Commentary On The 'Former Magistrates Courts Building'	<p><i>The following sections are detailed in the original report, but are not needlessly reproduced here in this 'Executive Summary.'</i></p> <p>Information Available; Client / Brief Related; Building Configuration/Layout; Building Age and Condition; SWOT Analysis; Asset v Liability?; Generic Matters; Caveats/Exclusions</p>

Atherstone Former Magistrates Courts; Appraisal for Potential 'Community Use'
QS Notional Cost Model; prepared by WCC; EXECUTIVE REPORT

Life Cycle Cost Related 'Cost Model' *The following sections are detailed in the original report, but are not needlessly reproduced here in this 'Executive Summary.'*
Information Available; Modus Operandi

Capital Sum Related

QS Scenario 2A

Atherstone Town Council 'Civic Use + Community Use
£ 811,000 (Excl VAT and all exclusions in the original report)
(Represents an 'all-in' development cost of £ 1,194/m² GFA)

QS Scenario 2B

Community (i.e. Non WCC) Training & Education Use
£ 793,000 (Excl VAT and all exclusions in the original report)
(Represents an 'all-in' development cost of £ 1,168/m² GFA)

QS Scenario 2C

Community (i.e. Non WCC) Tourism/Information Use
£ 789,000 (Excl VAT and all exclusions in the original report)
(Represents an 'all-in' development cost of £ 1,162/m² GFA)

QS Scenario 2D:

Community (i.e. Non WCC) Museum Gallery Use
£ 910,000 (Excl VAT and all exclusions in the original report)
(Represents an 'all-in' development cost of £ 1,340/m² GFA)

Exclusions and caveats, as noted elsewhere apply to the above

Life Cycle Cost / Running Cost

Running/Operational Life Cycle Notional Cost Model

All costs @ current cost datum (i.e. *not NPV basis*)

- Year 1 (i.e. Occupational Year 1)	82,800
- Year 2	84,400
- Year 3	83,600
- Year 4	84,400
- Year 5	86,500
- Year 6	90,400
- Year 7	82,800
- Year 8	84,400
- Year 9	83,600
- Year 10	111,100
- Year 11	82,800
- Year 12	93,700
- Year 13	82,800
- Year 14	84,400
- Year 15	91,000
- Year 16	86,600
- Year 17	82,800
- Year 18	90,400
- Year 19	82,800
- Year 20	136,400
- Notional 20 Year total	1,787,400

Exclusions and caveats, as noted elsewhere apply to the above

Note

Other sections are detailed in the original report, but are not needlessly reproduced here in this 'Executive Summary.'

Atherstone Former Magistrates Courts; Appraisal for Potential 'Community Use'
QS Notional Cost Model; prepared by WCC; EXECUTIVE REPORT

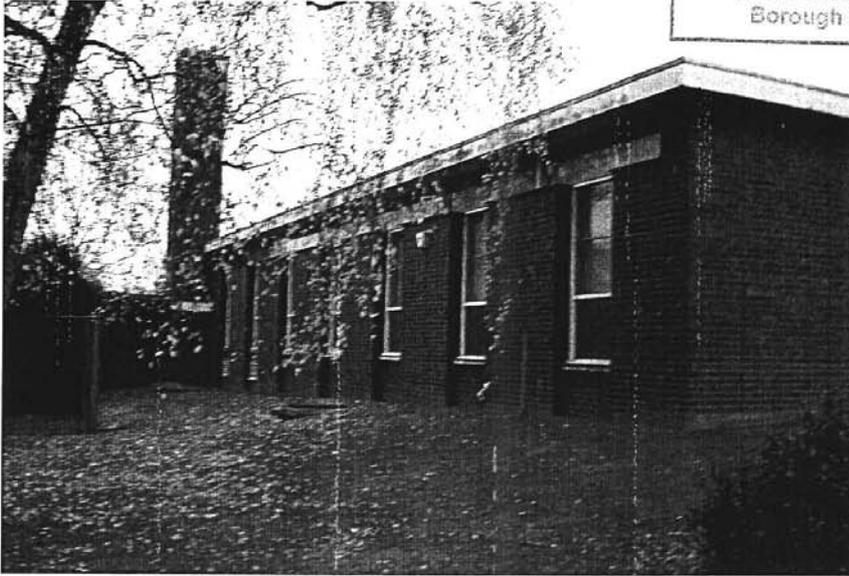
RECEIVED

17 DEC 2010

North Warwickshire
Borough Council

Appendix A; Indicative QS Photographs

Rear Elevation, As Existing; Showing change in external levels ...



Side Elevation, As Existing; Showing green margin to back of pavement (no fencing)

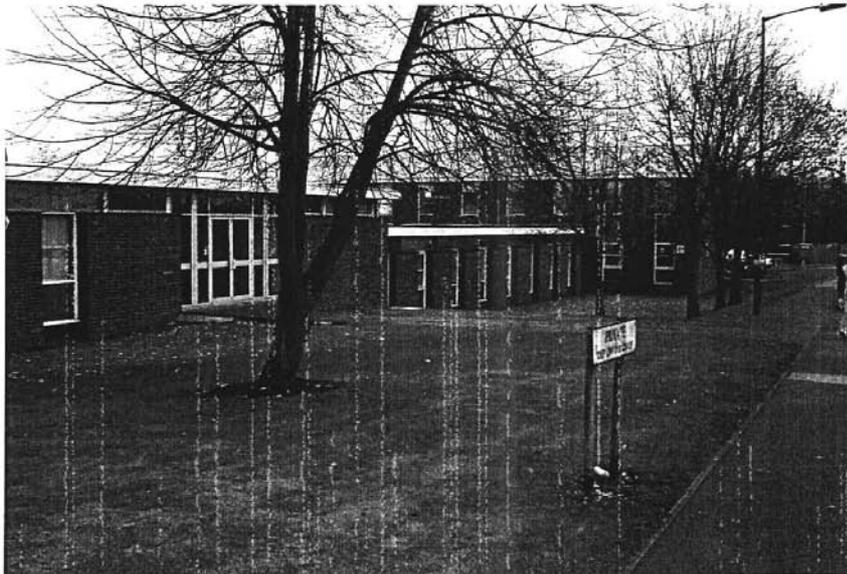


Atherstone Former Magistrates Courts; Appraisal for Potential 'Community Use'
QS Notional Cost Model; prepared by WCC; EXECUTIVE REPORT

Front Elevation, As Existing; Looking along to adjacent Police Station and significant level change



Front Elevation, As Existing; Showing main entrance and external green margin



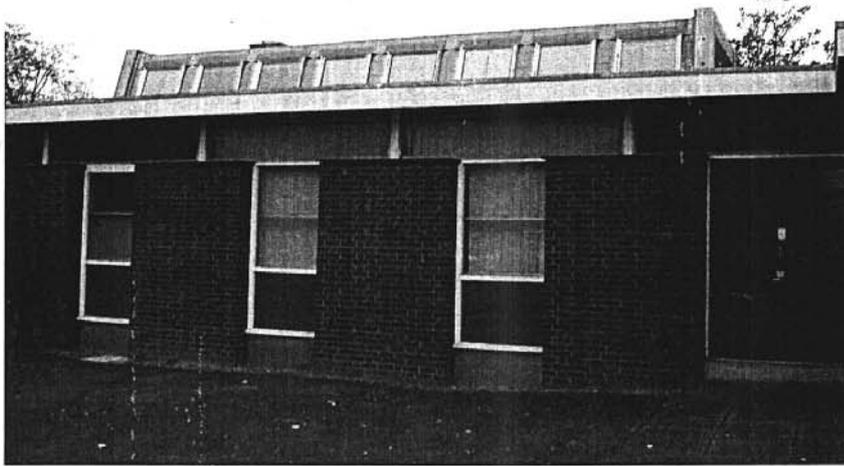
RECEIVED

WARWICKSHIRE COUNTY COUNCIL
DEVELOPMENT SERVICE; DESIGN & CONSTRUCTION GROUP

17 DEC 2010 STATUS
Issue

North Warwickshire
Atherstone Former Magistrates Courts; Appraisal for Potential Community Use'
QS Notional Cost Model; prepared by WCC; EXECUTIVE REPORT

Side Elevation (Partial), As Existing; Showing 'Court 1 & 2' raised roof and sloping elevation

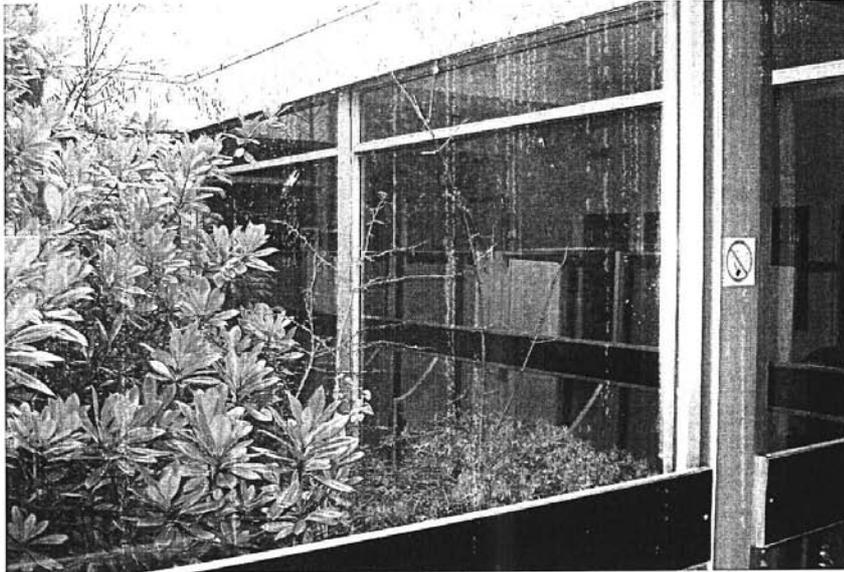


Side Elevation (Partial), As Existing; Showing typical external elevation and details

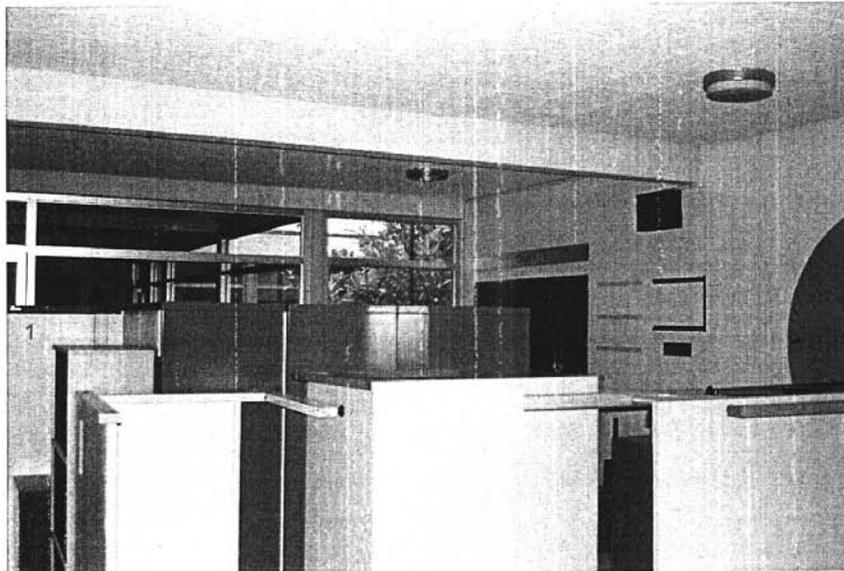


Atherstone Former Magistrates Courts; Appraisal for Potential 'Community Use'
QS Notional Cost Model; prepared by WCC; EXECUTIVE REPORT

Internal Courtyard; Showing typical 'internal elevation' glazing and detail

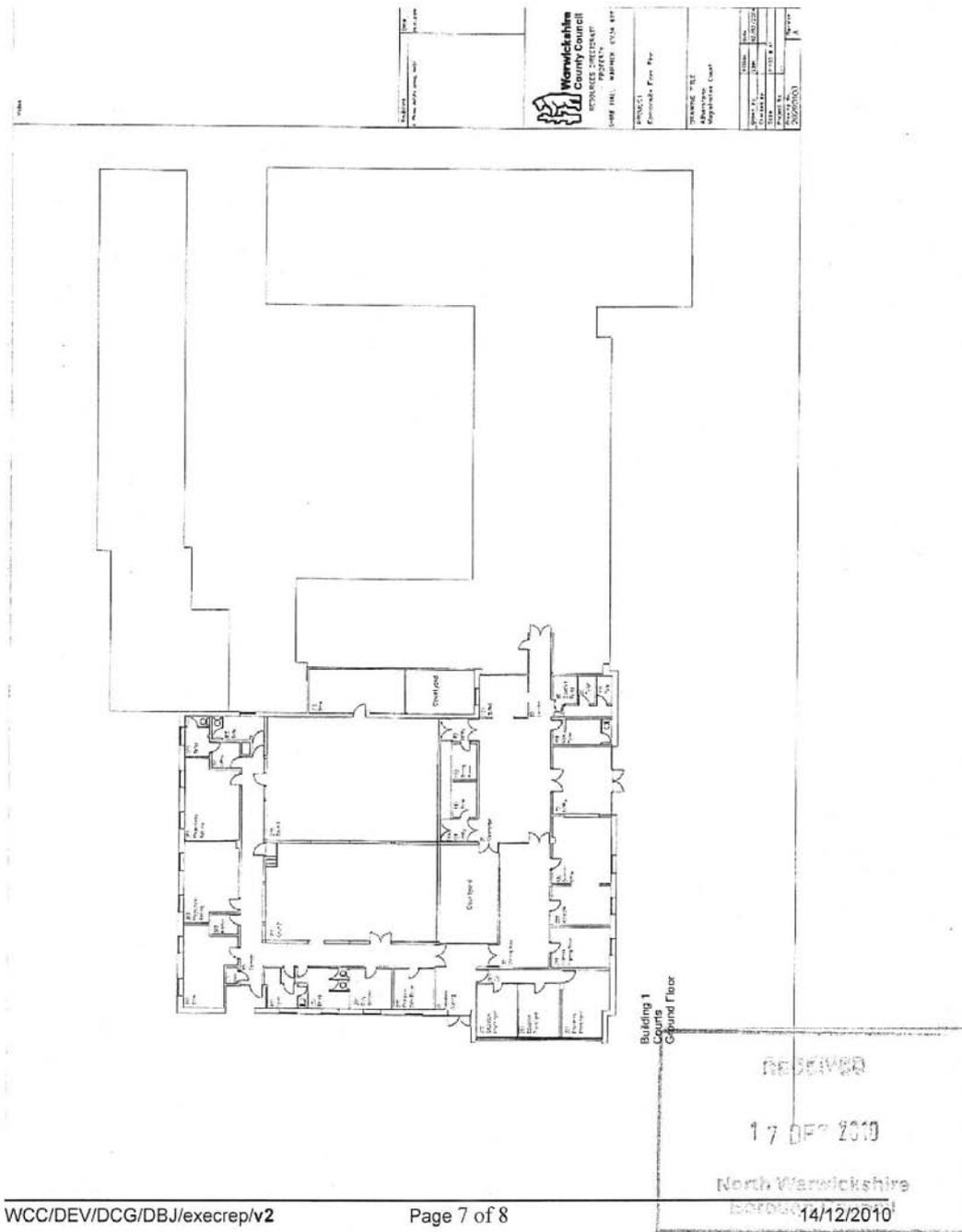


Typical Internal View; Showing main lobby and current temporary storage



Atherstone Former Magistrates Courts; Appraisal for Potential 'Community Use'
QS Notional Cost Model; prepared by WCC; EXECUTIVE REPORT

Appendix B; WCC 'Composite Floor Plan'; As Existing (*Indicative only*)



Atherstone Former Magistrates Courts; Appraisal for Potential 'Community Use'
QS Notional Cost Model; prepared by WCC; EXECUTIVE REPORT

Appendix C; Extract of 'Estimate Summary' For Various QS Scenario's

Ref	Element	QS Scenario 2A; Civic Use By Total		QS Scenario 2B; Community (i.e. Total		QS Scenario 2C; Community (i.e. Total		QS Scenario 2D; Community (i.e. Total	
		£	%	£	%	£	%	£	%
8.0	Estimate Summary								
8.1	Development Costs								
	Sub Total C	654,116	80.62	660,113	83.22	654,116	83.13	698,587	76.80
8.2	Temporary/Migration Costs								
	Sub Total D	5,750	0.71	5,750	0.72	5,750	0.73	5,750	0.63
8.3	Furniture & Fitting Out Costs								
	Sub Total E	67,450	8.31	44,109	5.56	44,109	5.61	116,041	12.76
	Possible Additional Project								
8.4	Costs								
	Sub Total F	37,500	4.62	37,500	4.73	37,500	4.77	37,500	4.12
8.5	Site/Land Costs								
	Sub Total G2		0.00		0.00		0.00		0.00
8.6	Financing								
	Sub Total H	8,176	1.01	8,251	1.04	8,176	1.04	8,732	0.96
8.7	Risk & WCC Contingencies								
	Sub Total I	19,264	2.37	18,831	2.37	18,681	2.37	21,591	2.37
8.8	Adjustments for Inflation								
	Sub Total J	19,120	2.36	18,687	2.36	18,537	2.36	21,447	2.36
	TOTAL (Excluding VAT)	811,377	100.00	793,241	100.00	785,853	100.00	909,649	100.00
	This Development Appraisal currently excludes Any WCC/Others Developers Profit (notional) Any future income stream generated (notional or otherwise) Any other 'shared use' or collaboration with other public bodies, other than that envisaged and stated Any grants or other possible external funding contributions								

(End of this document)



APPENDIX D

Atherstone Town Council

PO Box 2000, Atherstone, Warwickshire, CV9 1YN.

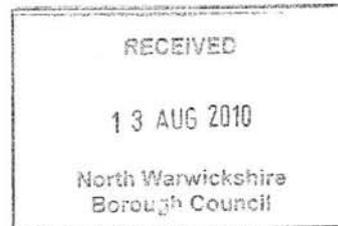
Tel: 01827-720 829 Fax: 01827-720 829.

www.atherstone-tc.gov.uk/

Email: clerk@atherstone-tc.gov.uk

12th August 2010

Erica Levy
North Warwickshire Borough Council
Development Control
Council House
South Street
Atherstone
Warks
CV9 1DE



Dear Erica,

FORMER MAGISTRATES COURT & POLICE STATION, ATHERSTONE

The Town Council wishes to state their objections to the outline planning application PAP/2010/0374, for the erection of a residential development on the site of the Magistrates Court / Police Station in Sheepy Road, Atherstone.

1. The provisions expressed in 6.12 of the local plan have not been considered.
2. The local plan provides that all community buildings remain so in line with paragraph 6.14 of the local plan dealing with community needs.
3. The local plan encourages sharing of facilities in line with paragraph 6.15 of the local plan dealing with community needs.
4. COM 2 of the local plan dealing with protection of community facilities.
5. The provisions of paragraph 6.20 of the local plan dealing with protection of community buildings.
6. The provisions of paragraph 6.22 of the local plan dealing with consultations on community facilities.



Furthermore the Town Council believe that the consultants and representatives of the Property Services Department, of Warwickshire Police, have ignored all representations by the Town Council, over a number of years in establishing an obvious need for a larger community building, such as the Magistrates Court, in this central area of Atherstone, served by adequate parking.

As a Quality council ready to take on more responsibility in line with new government initiatives we are conscious of this need.

The Town Council offices are too small to accommodate all local voluntary groups, public attendees at council meetings, and community requests for permanent meeting rooms together with facilities for storage of records.

These and many other groups, are understandably not known to the consultants but a meeting offered by the Town Council but dismissed by the consultants would have enlightened all.

Instead these groups are forced to use public houses or homes of members as meeting areas which are neither conducive to efficient or confidential debate. This was the justification already supplied but ignored by all bodies involved in making a decision on the future of the Magistrates Court which are enclosed herewith.

The use of the Magistrates Court by the Town Council would enable existing and future community organizations to flourish enjoying a permanently guaranteed venue for meetings and activities.

We also believe that the financial benefits of the contribution of the Town Council in the purchase of the Magistrates Court, to Warwickshire Police would enable all necessary improvements to be made to the existing Police Station and allow the police to continue to operate from there, efficiently serving the public of North Warwickshire. This to our mind has not been considered by the property services.

The sale of the Town Council's present office would guarantee that the Town Council, with significant cash reserves, were able to purchase and develop this property for the benefit of the community.

Please find enclosures in support of our position and objection.

Yours sincerely,
(on behalf of Atherstone Town Council)

Graham Day
Town Clerk





Atherstone Town Council

PO Box 2000, Atherstone, Warwickshire, CV9 1YN.

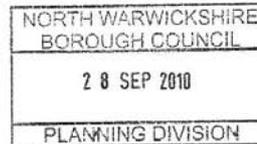
Tel: 01827-720 829 Fax: 01827-720 829.

www.atherstone-tc.gov.uk/

Email: clerk@atherstone-tc.gov.uk

28th. September 2010

Jeff Brown
North Warwickshire Borough Council
Development Control
Council House
South Street
Atherstone
Warks
CV9 1DE



FORMER MAGISTRATES COURT & POLICE STATION, ATHERSTONE

Dear Jeff,

FORMER MAGISTRATES COURT & POLICE STATION, ATHERSTONE

We acknowledge the explanations with regard to ARUPS engagement in this case but we believe that there is now a separation between the Police Station and the Magistrates Court which has not been fully addressed. Whilst it is given that residential development is acceptable, the provisions of the saved local plan with regard to alternative community use must take precedence.

We cannot comprehend that ARUP regard the methodology in a case that is designed to warrant the demolition of 2 community buildings as being adequate. ARUPS pre-application consultations with the officers, to our minds, should not have been limited to the directory used.

There are many groups contributing to the wellbeing of our town that do not appear on this directory. An organization put in charge of public consultation should have regarded this directory as a starting point and not the definitive satisfaction of a process, if the public interest is to be served. To seek to put the onus on the officers of NWBC for this singular approach gives no credit to such a responsible firm as ARUP.

Further issues were raised in the consultation event by local people and Town Councillors but have not been addressed or included in the assessment. In fact at the consultation event, when issues regarding relocation were muted, they were dismissed as irrelevant.



Sections 88 and 89 of the parish Plan also show some dissatisfaction with publicity surrounding planning issues;

88. Is sufficient publicity given to planning applications affecting the town?
1,574 replies

56% do not think there is sufficient publicity given.

89. Are you satisfied with the way the planning system is implemented? 1,527 replies

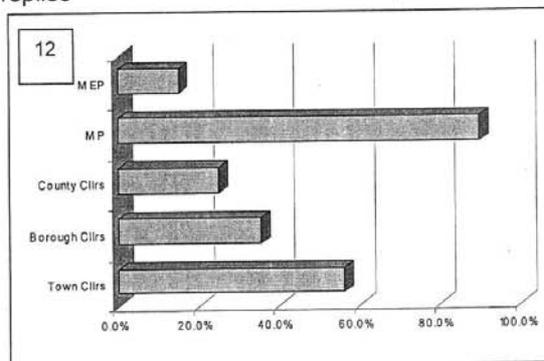
33% are dissatisfied and 21% satisfied.

We acknowledge that contact was made with the Town Council but this was merely to confirm existing employments and facilities. The approach made, could in no way be construed as any kind of consultation. You should be aware that a meeting was requested at the time of this briefest of telephone calls but the possibility was dismissed by ARUP's representative.

The Parish Plan indicates that Town Councillors are better known to residents than any other tier of government save that of the MP in parliament.

Sections 84 and 85 of the Parish Plan states;

84. Do you know who your council / government representatives are? 1,054 replies



85. Do you feel your elected representatives are sufficiently aware of local concerns and feelings? 1,343 replies

People feel that Town Councillors are the most aware, and County Councillors are least aware.

Despite comments by ARUP to NWBC, on what a meeting could achieve, had a meeting taken place, ample proof of recent and ongoing requests for meeting space and clerical assistance, from many diverse groups, would have been evidenced. Sections 19 and 20 of the Parish Plan corroborates this view.

19. Running a business 97 replies

97 people run their own business, 68% of which are based in the town.

20. Which advice on aspect of running a business would you find useful 695 replies

Many more people answered this than actually run businesses now. There may therefore be people who would like to work for themselves but need more information and support. The need for advice was evenly distributed.



QUALITY
PARISH &
TOWN
COUNCIL
SCHEME

The building could also be offered for training and education uses as covered by sections 40,41 and 42 of the Parish Plan.

40. What training / classes do you attend in Atherstone? 131 replies
49 people attend computer training. 46 people attended other classes, namely

- Digital photography
- Yoga/fitness
- Theatre workshop/music/dance classes
- Family research
- First aid
- Hockey
- Crafts

41. If classes were provided what would you want 527 replies

The most popular classes would be gardening, followed by photography, languages, cookery, music / instruments, and car maintenance.

There was a variety of 'other' responses, but the most popular was art classes

42. If you have not attended classes what were the reasons 1,141 replies
42% haven't attended any classes as they weren't interested. 28% found the times inconvenient, 19% found them too expensive, and the classes weren't appropriate to 18% of people. There were only two 'other' responses – ill health and limited range

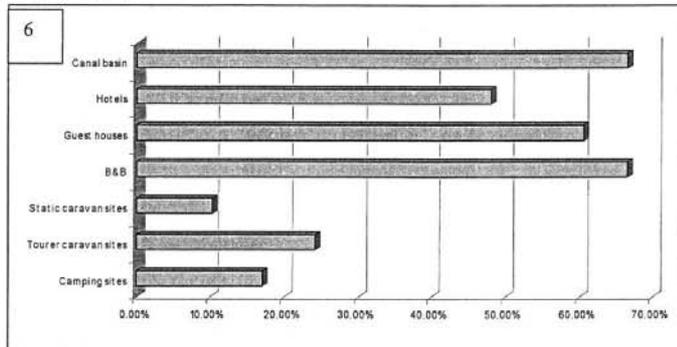
This building could also be the focal point for tourism and information, together with an extra public toilet provision as evidenced by sections 22, 23, 77, 87, 95 and 99 of the Parish plan. It is our conviction that further proof of existing community requirements will come forward in the form of objections to demolition in the future.

22. Should more overnight tourists be encouraged? 1,636 replies

Only 8% didn't agree with this, with 65% being in support.

23. If tourists are encouraged, what should be developed? 1,127 replies

These responses show what types of tourist accommodation residents would like to see.



QUALITY
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SCHEME

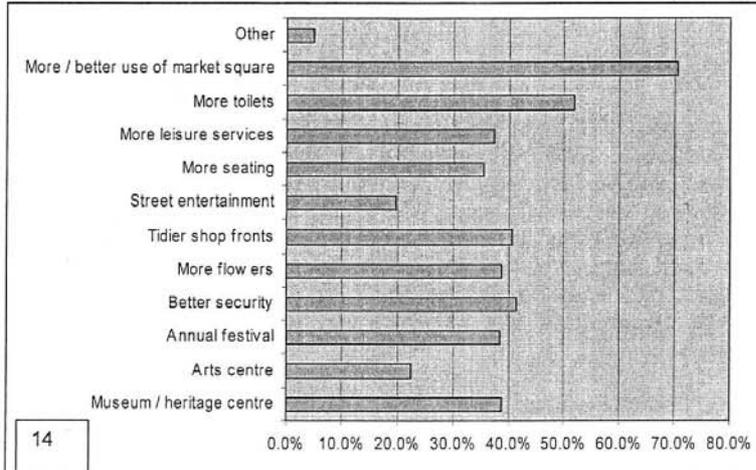
77. Does Atherstone need.. 1,101 replies

67% want a local information point, and 58% think a tourist information point is needed. 41% would like a town map and a third want more notice boards and brown tourist signs.

87. Rate the public toilets 1,442 replies

The toilets rated poor across every issue, the worst being the number available

95. Which of the following would improve Atherstone? 1,510 replies



99. How would you like Atherstone to develop? 1,512 replies

67% want Atherstone to develop as a working community and 46% want it to develop as a tourist centre.

The Town Council would also want to develop the building as an Information and Communication centre, for the town, and an internet access for members of the public, sections 73,74 and 77 show the desire for this;

73. Where do you usually get information about Atherstone events? 1,556 replies.

The majority of people find out by word of mouth, in the local paper, and the free paper. Only 6% use the internet and 11% feel they have difficulty accessing information.

74. Do you read... 1,522 replies

51% read every issue of the Atherstone Herald, but 43% never read the Leader (the Herald's 'offspring'). 38% read every issue of Grapevine and 28% every issue of Atherstone-Z.

77. Does Atherstone need.. 1,101 replies

67% want a local information point, and 58% think a tourist information point is needed. 41% would like a town map and a third want more notice boards and brown tourist signs.

These considerations show that the purpose of the facilities statement to provide an up to date assessment of the need for alternative community use of buildings is basically flawed.

If the case of the supposed consultation with the Town Council is typical, then it is not surprising that the replies from community groups took the form of statements of present meeting conditions and nothing of any shortfall in requirements with regards to access, convenience, costs and suitability, as opportunity was not sought or offered by the representative.

It would seem that no regard has been made about the need for community buildings, this is evident from the lack of knowledge of the limitations under which events at the Memorial Hall and the White Hart take place.

These limitations are emphasized by the dissatisfaction with provisions of museums and galleries recorded in the Warwickshire Partnership Place survey of 2009/2010. Surely any responsible organization acting for a publicly funded body should have regard to the betterment of the functions of community bodies, which in their own way provide a valuable contribution to public satisfaction and order.

ARUP's belief that there is no economical alternative use for the Magistrates Court comes as a result of their use of out of date data and failure to consult thoroughly enough in the community that will be most likely to use it.

We believe that our recently revised offer to purchase the Magistrates court alone is a considerable improvement on the offer quoted in ARUP's letter, this would still leave the police station available for redevelopment.

Our original offer will inevitably fall short of residential property development prices, should those prices be based on private commercial housing. This cannot be the reason to dismiss the Town Councils requirement for use as unrealistic. However should a provision for affordable housing be included in the eventual planning application, as has been suggested in the planning meeting discussions, the residential market value will be seriously reduced. In any event our offer will be based on our assessment of the value of the Magistrates Court as, what we believe it to be, a community building.

Managed by the Town Council, realistic hire or rental charges may offer better value to public organizations, and thereby the public purse, by moving to the Magistrates Court from high rent premises that many presently use.

With regard to the relocation of the Police Station to NWBC, of course WPA is well placed to assess suitability of alternative locations. Our view is based on present police activity and traffic management in the town. Bringing the present parking requirement of the police, the PCT and the library into this area of town, which has a high density of housing and shops, which have to be serviced with large lorry deliveries will risk a hindrance and probable blockage to quick response under blue lights, which we believe is the function of our present police station.

In fact this area is surrounded by all the danger spots identified in section 38 of the Parish Plan.

38. Are there any major danger spots on the roads in Atherstone? 1,636 replies.

1049 people believe there are danger spots in the town.

The main areas identified as hazards are

- Mini roundabouts
- Parking on double yellow lines



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- Several road junctions
- Witherley Road by the school
- Sheepy Road
- Coleshill Road – parking and visibility at junctions
-

It is not good enough to claim that consultation should concern only the planning application on the Police and Magistrates Court sites, the possible development has consequential concerns for the whole town and North Warwickshire.

Police vehicles and private cars of the proposed users of NWBC offices would necessitate the loss of one of the towns well used car parks and disabled bays, probably Woolpack Way.

This would seriously denigrate the economy of the town by withdrawing the convenience parking for shoppers providing vital footfall in the town shops. Sections 33,34,35 and 36 highlight present public concerns;

33. Do you have problems parking in the town? 1,202 replies

Just over a third never have a problem, however, 47% occasionally have problems and 18% often find parking a problem.

34. Are there enough disabled parking bays in the town? 1,465 replies

26% don't believe there are enough and 31% believe there are. Analysis is needed as to whether those people who don't think there are enough are those with disabilities.

35. Multi storey car park 1,570 replies

84% would not like to have a multi storey car park in the town.

36. Paid parking 1,472 replies

83% would not be prepared to pay to park in Atherstone.

Both these possible eventualities would in our view be a disaster. The fact that the Police know their future requirements but choose not to tell the public, will not, and should not, stop the Town Council voicing strong concern, on behalf of the public. No-one has told us why the Police Station is so unsuitable or how much the cost would be to make it suitable, or what saving would be made by the integration at the NWBC offices.

We as a Town Council, or as members of the public, will probably have no further say in the relocation as it will be presented to us as a "fait accompli" without the need for planning permission for change of use of the council offices.

This comes as a particular disappointment to our Council as we enjoy a major input into law and order in our town with the provision of CCTV cameras and monitoring to assist the police, who we regard as partners along with NWBC who hold the monitoring contract. Assessment of the impact on the response by the Police to the CCTV operators has not been addressed. Sections 52 and 56 of the Parish Plan relate to existing concerns;

52. What do you think of the police coverage of Atherstone? 1,754 replies

60% think coverage is poor, 29% think it is reasonable.

56. What measures are needed? 1,621 replies



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SCHEME

80% believe that a greater police presence is needed. 67% feel that more activities for young people would help, and 53% would like wider CCTV coverage. 49% believe that more consultation is needed between local people and the police.

In our view it is not possible for you to draw any other possible conclusion that our and other's comments do nothing other than to highlight the shortcomings in the consultation.

Turn the database on its head and instead of recording where people meet ask if they would like a readily available alternative, in a central location in town, as a hub, used by other organizations, sharing copying and clerical resources and see what the results are.

With the media reports of an increase in judicial workloads necessitating the employment of all sorts of buildings throughout the country to be used as temporary Magistrates Courts the retention as a community building of Atherstone Magistrates Court would be a welcome substitute for the Justice building in Nuneaton should the need arise.

Yours sincerely,
(on behalf of Atherstone Town Council)

Graham Day
Town Clerk



Please find included copies of responses received to date from community organisations, and a copy of the Parish Plan. More copies of the Plan can be supplied on request.



APPENDIX E

Allen, Jeanette

From: Judy Vero [Secretary@atherstonecivicsociety.co.uk]
Sent: 16 August 2010 10:17
To: planappconsult
Cc: Levy, Erica
Subject: Atherstone Police Station Sheepy Road Atherstone

For the attention of Erica Levy

PAP/2010/0374: Atherstone Police Station, Sheepy Road, Atherstone – Outline application for the erection of a residential development comprising approximately 14 dwellings; associated internal access road, rear parking, and minor alterations to the existing access arrangement (all matters reserved.)

Thank you for your consultation of 29 July 2010. Atherstone Civic Society objects to this proposal for the following reasons:

The potential for the future community use of the existing Magistrate's Court and office buildings has not been fully explored, and the proposal by Atherstone Town Council to purchase the building for a much-needed Town Council chamber and offices has been dismissed. At Alcester a similar building has been successfully converted into a museum and district council offices with town council chamber above. This model would fit Atherstone very well and fulfil a number of needs in the local community.

- It is indefensible to demolish a building which has a ready and urgent community use. Furthermore an assessment needs to be made of the sustainability of demolishing the building, taking account of its embodied energy and the energy costs of redeveloping the site. Atherstone Town Council has achieved Quality Status and needs a base which is suited to its increasingly important role in the local community. This falls within the Government's localism agenda, which gives greater power to local communities. It is unsustainable and absurd that the Town Council can be searching for a new base whilst one that would suit it admirably is demolished.

Arup's Statement on Local Services and Community Facilities is misleading as it concentrates mainly on the services which WCC provides, education, health, libraries, arts and emergency services. Community Space/Buildings, comes at the end of the list almost as an afterthought:

It is deemed that there is an adequate supply of existing community buildings/space in which community groups or services can operate. Furthermore, there is no evidence which suggests that there is committed or planned investment in place for the purchasing at market value of the magistrate's court and police station site, which would establish a realistic alternative community use on the site.

The applicant maintains that the Town Council, in wishing to purchase the site, did not offer the full market value. However, the site accommodated a community building in public ownership and was purchased and developed using taxpayers' money. In planning terms, according to the Saved North Warwickshire Local Plan, the site is in community use. We are certain that its valuation as a community building has not been established. There is a recent precedent in Atherstone when a redundant public building, the Owen Street Arts Centre, was sold by North Warwickshire Borough

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ons

Council to a community group for its valuation as a community building. The Magistrates Court/Police Station is very much a public building and should be sold to the community on a similar basis. The Town Council would keep it in public ownership for the public good.

The applicants have misinterpreted Policy COM 2 of the Saved Local Plan. Paragraph (i) states quite clearly that development that would lead to the loss of land for community use will only be permitted if:

- (i) *The land and buildings are unsuitable in terms of their siting, design, layout and/or construction for continued use for the provision of community services; and*
- (ii) *There is no realistic alternative community use to which they can be put.*

The Magistrates Court was built in the 1960s and is a good example of a public building of the time. It was built around a small open space planted with a magnolia tree which is still in situ (a similar tree was planted at the identical building in Alcester). The building has a number of public art installations, which well reflect the time at which it was built, not too long after Coventry Cathedral, which was filled with striking pieces of devotional modern art.

The building is thus well worth preserving as an intact example of 1960s architecture with its detail and public art. As a court room it is admirably suited to be the Town Council chamber and such use would preserve it as an item of local heritage. Its siting, design and layout are ideal for this purpose and the building would need very little alteration to fit this use and provide a number of offices and meeting rooms for the Town Council and other organisations.

Returning to Arup's Statement on **Local Services and Community Facilities**, at 9.1 mention is made of Atherstone Town Council's current office at the Old Mortuary in North Street. However, no mention is made of the woefully inadequate space that this provides and the fact that no meeting of more than 20 persons can be accommodated comfortably. In fact, it is the reason why no community groups currently meet there (9.2). There is just not the space. Under the Government's plans for a 'Big Society' there is no prospect of the Old Mortuary being suitable to meet the increased demands that will be made of its space as the Town Council assumes more responsibility. It is thus extremely important that the Town Council is given an opportunity to purchase the Magistrate's Court to give it a base appropriate for its new role.

We must take issue with 9.2 of the Statement. As a local amenity society which occasionally needs to hire a room for an event, we have been in the position of having to resort to the meeting room of a public house because there was no meeting space available anywhere else in the town. This is not an unusual occurrence as the town is blessed with a large number of active community groups fighting for few meeting spaces. Trinity Church, where we most usually meet, is heavily booked and as many as three different groups can be meeting there at one time.

There is no proven need for these houses as a major development is already proceeding on an adjacent site. The abandoned RSS prescribed no significant housing for North Warwickshire and, indeed, in Atherstone at least 100 dwelling units of a variety of sizes and tenure are currently under construction or conversion in the town centre. Furthermore, this site is not designated for housing in the Saved Local Plan. Under the Atherstone Parish Plan, of 2009, 59% of respondents felt that 'no more housing was needed in Atherstone.'

Perhaps our strongest concern is that the plans for the re-location of the police station are not in the public domain. Surely if the authorities wish to deprive the public of a valued community building the very least they can do is be honest with the community and publish full information on the new

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site. This site is said to be in the town centre, and (as rumoured) in the Borough Council offices. It will have an impact on the local community whether by loss of car parking, increase in traffic and noise, or hours of opening, or many other factors. It is only right that the authorities should come clean on their intentions. Too much is kept out of the public domain and presented as a fait accompli when it is too late to have an impact on the outcome.

Under the Government's Big Society, decisions are to be made from the 'bottom up' and not the 'top down'. This is something that appears not to have yet registered with the authorities.

The Planning Green Paper (Page 1, para 6) requires that, 'Communities should be given the greatest opportunity to have their say and the greatest possible degree of local control.', page one which advocates the 'greatest possible degree of local control.' Under the Government's 'Open Source Planning' local people are 'able to specify what kind of development and use of land they want to see in their area.' (p.2, para 1).

In view of the Government's plans for a 'bottom up' approach to local government, it would be both premature and short-sighted to sell off the Magistrate's Court and Police Station for a residential development which is not needed. The buildings are worthy of being preserved as part of local heritage and would provide an ideal base for Atherstone Town Council. There is no other site in the town centre suitable for that purpose.

We urge the Council to refuse this application.

Judy Vero
Hon. Secretary
Atherstone Civic Society
Tel.: 01827 712250
Email: Secretary@atherstonecivicsociety.co.uk

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16/08/2010

Brown, Jeff

From: Judy Vero [Secretary@atherstonecivicsociety.co.uk]
Sent: 20 September 2010 12:37
To: Brown, Jeff
Subject: RE: Magistrates Court

Dear Jeff,

Thank you for your message of 15 September 2010 sending us Arup's response to the objections. Our comments are as follows:

The argument here is very clear. Atherstone Town Council is a properly constituted public body which is well able to determine its own needs and its own finances. It does not have to justify its position as a viable community organisation any more than WCC or WPA has to. If ATC wishes to occupy the Magistrates' Court it should be transferred to it on a valuation set by the District Valuer as a community building. There is, in our view, no other matter to be discussed as there is a continuing community use for the Magistrates' Court part of the site.

Therefore, although it is clear that there are local community organisations in need of accommodation and able to pay a rent for it, this is not relevant to this proposal. All Arup's discussion of the Inspector's Report on COM2 is in fact irrelevant.

As the Town Council requires only the Magistrates' Court, the former Police Station can be looked at separately. If no public community use can be found for it, or no non-public community body comes forward, then change of use can be considered and the building sold for residential development, so enabling the Police to finance their relocation.

Arup's letter of 31 August.

1. Policy COM 2. It is not the approach to the community assessment which is at fault, but the execution of it.
2. Why should the Town Council be registered on the Warwickshire Community Information Database? They are a public authority and are no more likely to be listed there than WCC or NWBC. The Town Council's present offices are not used by any other body because there is no spare accommodation and the Town Council are there every weekday.

How does Arup know that groups wishing for accommodation are not able to provide a 'realistic alternative community use'? Such 'top-down' heavy-handed arrogance towards the grassroots is at odds with the Government's 'Big Society' localism agenda. Community groups will have to be equipped to meet this new challenge and this increase in their status.

We would agree that the Age Concern building now offers meeting space for groups. However, the fact remains that Atherstone Town Council needs a dedicated building that reflects its role as a public authority with a variety of responsibilities.

Arup's phrase, '... Town Council clearly hold an aspiration for the use of the building... ' (paragraph 4 of page 3) is patronising and belittling. It demonstrates very clearly that Warwickshire County Council does not rate the Town Council as a properly-constituted and autonomous public authority, answerable, like itself, to the electorate.

3. This fails to accept that the Magistrates' Court is a community facility and therefore its

20/09/2010

market price must reflect that. Warwickshire County Council should not be in the business of selling off public assets for which there is a need, no matter how desperately they wish to replenish their own coffers. The Borough Council's Development Control officers are right to point out that 'best value for the site in monetary terms is not a planning consideration.' The Town Council offered a 'realistic price' which would ensure a sustainable future for the building and a benefit for the local community. Residential development for market housing would not do this, especially as the site is just a stone's throw from a large market housing site currently under construction.

Paragraph 1 of page 4 suggests desperation on the part of the Warwickshire County Council and Warwickshire Police Authority. But, if they accept an offer from the Town Council, the Police Station site will still be available to finance the relocation of the Police.

In paragraph 2 Arup quotes the Inspector's Report, which says quite clearly that, 'the relevant considerations are whether the land and buildings are inherently suitable for a continuing community use, and whether or not there is an economic alternative community use to which they can be put.' The answer to both parts of this question is 'Yes.' As a public body the Town Council is well able to finance the purchase and running of the building and so there is no further argument. As the Inspector says changes of community use and the reasons for them are not planning matters.

The planners are only involved in this case because of the proposed change of use and the fact that the application is a Departure because the site is not allocated for residential development under the Saved Local Plan.

However, there are other arguments to support the retention of the Magistrates' Court. It is not sustainable to demolish a perfectly good and serviceable building which was constructed and appointed to a high standard. It would cost the Town Council many times the value of the site to buy land and build something similar elsewhere. They will certainly need a larger building in the future. The Old Mortuary cannot provide the accommodation that will be required when the Town Council takes on more duties

The last paragraph of Section 3 is completely misguided. We have demonstrated clearly that there is an 'economic alternative community use' for the Magistrates' Court at least. Arup and its clients have no grounds upon which to deny this. It is wrong and arrogant to suggest that the planning process be dispensed with. Such an attitude suggests that Warwickshire Police Authority is behaving like the most avid property developer, and ignoring the public interest.

4. If Warwickshire Police Authority can satisfy the planners that there is no alternative public or private community use for the Police Station, then we see no reason why other uses for the land cannot be considered.
5. Draft Heads of Agreement for a Section106 Agreement are premature. Not only because the sale of the land to a private developer would not meet Saved Local Plan Policy COM2, but also because plans for the relocation of the Police Station are not in the public domain. We find this reprehensible and another example of the arrogance of Warwickshire County Council and Warwickshire Police Authority. Throughout Warwickshire, the Police are already using space in other public buildings, such as libraries and council offices, so there is no reason why this cannot happen in Atherstone. However, in the interests of transparency it is time that the options were made public, for this is a matter of high public interest.

Ironically, in taking issue with Atherstone Town Council (page 5 para1) Warwickshire Police Authority are accusing the Town Council of an attitude it is, itself, guilty of. Of course the Police can assess their own requirements, as can the Town Council.

20/09/2010

6. Certainly the public consultation should have sought views on the relocation of the Police Station and indeed, it was one of the topics discussed by visitors to Arup's exhibition at the Police Station earlier this year. PPS1, para 43, requires that community involvement in planning should 'tell communities about emerging policies and proposals in good time.' The sooner that Warwickshire Police Authority, Warwickshire County Council and North Warwickshire Borough Council take the public into its confidence about the proposed move, the better.
7. What right has Arup, Warwickshire County Council or Warwickshire Police Authority to state that 'an aspiration for the use of the site by the Town Council . . . cannot be considered as a realistic alternative community use of the land and there is no demonstrable need or demand, based on an up to date assessment of community facilities, for the use proposed by the Town Council.' This remark, levelled at a properly constituted public body is disgraceful, and should be withdrawn. It highlights the contempt in which the Applicants hold the Town Council.

Yours sincerely,

Judy

Judy Vero
Hon. Secretary
Atherstone Civic Society
Tel.: 01827 712250
Email: Secretary@atherstonecivicsociety.co.uk

From: Brown, Jeff [mailto:JeffBrown@NorthWarks.gov.uk]
Sent: 15 September 2010 16:00
To: clerk@atherstone-tc.gov.uk; Judy Vero
Cc: Freer, Lorraine; Dirveiks, Lorna; Dirveiks, Neil; Pickard, Derek; Davis, Martin; Forwood, Anne; Simpson, Mark (IHG)
Subject: FW: Magistrates Court

Dear All

Further to a number of representations received from you to the proposed residential redevelopment of this site, I wrote to the applicant's agents providing copies and summaries of the comments that you have submitted. In response I have had these two letters. I would now welcome any further observations that you might have, before I take matters forward.

Many thank

Jeff Brown

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20/09/2010



APPENDIX F

Atherstone Town Council

PO Box 2000, Atherstone, Warwickshire, CV9 1YN.

Tel: 01827-720 829 Fax: 01827-720 829.

www.atherstone-tc.gov.uk/

Email: clerk@atherstone-tc.gov.uk

9th September 2010

Dear colleague,

FORMER MAGISTRATES COURT, ATHERSTONE

Atherstone Town Council originally submitted a bid for the purchase of the freehold of the site and buildings of the former Magistrates Court and Police Station, Sheepy Road, Atherstone, in September 2006.

The Town Council has now restated its position of wishing to purchase the former Magistrates Court, for use as Council offices and meeting rooms, and provision of the building also for use by local community groups.

The Town Council bid is based on the need for provision of community space in Atherstone, and is contacting your group to assess your support and current requirements.

To assist the Town Council in preparing a sustainable plan for the use of this building for the Council and the community we would appreciate you completing the attached pro-forma with your current and future needs.

IT HAS BEEN ESTABLISHED THAT ANY OBJECTIONS TO THE DEMOLITION OF THE MAGISTRATES COURT BY LOCAL RESIDENTS AND GROUPS CAN STILL BE TAKEN INTO ACCOUNT IN THE PLANNING PROCESS BY NWBC, TO ENSURE THE RETENTION OF THIS FACILITY FOR USE BY GROUPS LIKE YOURSELVES IN THE TOWN, AND TO ENABLE US TO ACT ON YOUR BEHALF, YOU NEED TO SUBMIT A LETTER OF OBJECTION FROM YOUR GROUP TO MR JEFF BROWN, PLANNING DEPARTEMENT, NWBC WITH THE UTMOST URGENCY. THIS OBJECTION COULD BE SUPPORTED BY A COPY OF THE COMPLETED PRO-FORMA.

We would appreciate a copy of any objection you make and a copy of the pro-forma which will enable us to formulate a sustainable usage plan for this building.



The Town Council believes that the recent 'consultation' by ARUP is not a true representation of the requirement for community buildings in Atherstone, and is contacting your group in order to produce their own report.

Yours sincerely,
Graham Day
Town Clerk



201010374

18 OCT 2010

ATHERSTONE MAGISTRATES COURT

Name of Community Group... WARWICKSHIRE FEDERATION OF WOMEN'S INSTITUTES

1	Have you ever been approached by ARUP for information regarding current and future usage of your facilities?	NO
2	How many hours and how much space do you need each week?	NEED IS MONTHLY NOT WEEKLY FOR LARGER GROUPS. CLASSES DAY EVENTS EVENING MEETINGS
3	What other facilities do you require?	KITCHEN PARKING
4	Are these needs currently met in your current location?	NOT LARGE ENOUGH SPACES
5	What additional needs do you have for the future?	POSSIBLE VENUE FOR LARGER EVENTS
6	Do you object to the demolition of the Magistrates Court and so deny the town of much needed community facilities?	YES STRONGLY.
7	Any other comments e.g. did you sign the original petition?	

NORTH WARWICKSHIRE BOROUGH COUNCIL
02 NOV 2010
PLANNING DIVISION

Please attached any additional information

Signed..... Sue Mottam Date 12/10/10

For and on behalf of... Warwickshire Federation of Women's Institutes

01983

APPENDIX G

Summary of Findings

The table below provides a summary of the findings of the community assessment.

Sector	Findings	User Input
Education		
Early Years	Sufficient existing supply. No demand for further services.	Not Required
Primary	Sufficient existing supply. No demand for further services.	Not Required
Secondary	Sufficient existing supply. No demand for further services.	Not Required
Further Education	Atherstone College has no plans for the relocation, redevelopment or extension of services in Atherstone.	Confirmed
Health		
Doctors / Clinics	Atherstone has an above standard supply of GP's per head of population. Existing surgeries have expressed the ability to accept new patients now and into the future. Therefore, existing provision and demand for further services is assessed to be adequate. Warwickshire PCT has validated the findings of this assessment.	Confirmed
Dentists	Atherstone has an above standard supply of dentists per head of population. Existing dental practices are also able to accept new NHS patients. Therefore, existing provision and demand for further services is assessed to be adequate. Warwickshire PCT has validated the findings of this assessment.	Confirmed
Open Space, Sport and Recreation		
Parks and Gardens	Development of an urban/destination park has been identified as a key priority. It is considered that the magistrate's court and police station site is unsuitable for accommodation of this priority.	Confirmed
Natural/ Informal/ Amenity Open Space	Provision of natural/informal/amenity open space is deemed adequate. No key priorities have been identified for the expansion of this type of facility	Confirmed
Allotments	There is an above standard provision of allotments in Atherstone. Therefore, no priorities have been identified for the expansion of this type of facility.	Confirmed
Outdoor Sport Facilities	The provision of a synthetic turf pitch is identified as a key priority for Atherstone. This key priority is now being delivered at the Queen Elizabeth School	Confirmed
Indoor Sports Facilities	Although there is no shortfall in provision of sports hall through application of the standard in the OSA, the Atherstone Parish Plan has identified the need for a Sports Hall in Atherstone. However it has been confirmed that there are no short or medium terms plans or related funding in place for the delivery of an indoor sports hall and the current strategy of NWBC is to work with local schools to increase provision of indoor sport facilities in Atherstone.	Confirmed
Play Space	Development of a major family play facility is identified as a key priority. This key priority has been delivered through the	Confirmed

Sector	Findings	User Input
	installation of facilities at the Royal Meadow Drive and Mancetter REC playing pitches.	
Libraries and Arts		
Libraries	WCC Library and Information Services Department has confirmed that there is no planned or committed investment in place or any aspirations which would require the movement of the facility to the police station and magistrate's court site. In addition, it was identified that the aspiration of the Atherstone Library is to remain within a central location in the town as can be seen currently with its location at Long Street.	Confirmed
Arts Facilities	Owen Street Community Art Centre partnership has purchased the Arts Centre in Atherstone, and is looking to expand and improve the facility. This allows for the deliver of the community based needs identified in the 2002 Arts Facilities Audit. The 2002 Audit findings for any additional facilities for professional performance events have not been delivered. However, there is still the ability to meet this need through the redevelopment or extension of the existing Memorial Hall, as recommended in Audit.	Confirmed
Emergency Services		
Fire	There is no requirement for additional fire service facilities in the town of Atherstone.	
Ambulance	There is no requirement for ambulance service facilities in the town of Atherstone.	
Community Space/Buildings	It is deemed that there is an adequate supply of existing community buildings/space in which community groups or services can operate. Furthermore, there is no evidence which suggests that there is committed or planned investment in place for the purchasing at market value of the magistrate's court and police station site, which would establish a realistic alternative community use on the site.	Confirmed [88% Response Rate]

The Local Services and Community Facilities statement establishes that the land and buildings at the magistrate's court and police station site are unsuitable for continued use for the existing services on site and that there is no realistic alternative community use from a need, requirements, site suitability and funding perspective for the land and buildings on site.

(3) Application No PAP/2010/0375

Rear Garden of 124 Coventry Road Coleshill

Outline application with all matters reserved - Erection of new two storey 3 bed dwelling, for Mr David Stephenson

Introduction

This application is referred to the Board for determination at the discretion of the Head of Development Control in light of the issues raised by several of the objections.

The Site

The site is the rear garden of number 124 Coventry Road at the southern end of the town. Number 124 is the northern most of a line of terrace properties which front the western side of Coventry Road. To the north are two detached residential properties. Beyond number 120 is Springfields, a residential access road which serves an estate beyond. Some 75 metres from its junction is Southfields Close, a residential cul-de-sac which runs due south parallel to the Coventry Road at the end of their gardens. There is turning space at its end. This road presently serves 13 houses – a row of nine detached houses on its western frontage; two semi-detached houses on its eastern side close to the junction with Springfields and a further two at its end at the rear of numbers 150 and 152 Coventry Road.

The application site is the rear most section of the rear garden to number 124 immediately to the south of number 122 Coventry Road and number 3 Southfields Close. It extends some 30 metres back from Southfields Close and is 6 metres wide. To the south are the rear gardens of the other terraced properties fronting Coventry Road.

The whole area is residential in character and the general context of the site as described above is illustrated on the plan attached at Appendix A.

The site itself lies in the Coleshill, Coventry Road Conservation Area. The Area boundary runs along Southfields Close, excluding the western side of the cul-de-sac and numbers 1 and 3 Southfields Close. The Area's boundary is shown on Appendix A.

Southfields Close is an adopted highway. Its carriageway measures 5.5 metres in width at the application site boundary. On its western edge is a pavement measuring approximately 2.0 metres in width and this extends from Springfields to the end of the cul-de-sac. On the eastern side, a similar pavement of approximately 2.0 metres in width, extends from Springfields to the southern end of the curtilage to number 3 Southfields Close. Continuing southwards on this side of the Close, the garden of number 124 comes right up to the edge of the carriageway, as do other rear gardens. The other rear gardens are slightly shorter from number 138 southwards, such that there is a small grass verge between the edge of the carriageway and the rear garden fences.

The land between the residential properties fronting the western side of the Close and the road are open front gardens with car parking hard standings. Numbers 2 and

4 Southfields Close have semi-detached garages fronting the Close with their associated car park hard-standings giving access to the Close. These garages are directly opposite the application site.

The application site abuts the Close by way of a set of gates which are at the back of a dropped kerb, together with a wooden fence. The boundary fence between the application site and number 3 extends right to the carriageway edge. The rear boundaries of number 126 and beyond are marked by existing vegetation and then a wooden fence. A wooden fence at number 3 runs along the common boundary with the application site – both to the front and rear. Within that part of the rear garden forming the application site, there are a number of trees – these comprise three holly trees; a damson tree, two apple trees, a pear tree and a small hazel. There is also a beech tree within the front garden of number 3 Southfields Close, close to the application site boundary.

The whole area is generally flat without any significant ground level changes.

The Proposal

This is an outline application seeking the Council's support in principle for the erection of a two storey three bedroom house on the application site. Access would be off Southfields Close immediately south of number 3. The property would have its own rear garden, and that part of the existing garden to number 124 closest to that house would remain as its rear garden.

The applicant has submitted an illustration as to how such a house might be accommodated on the site. This is to be treated as illustrative material and is not to be determined as part of this application. Nevertheless it is a material consideration of some weight as it provides a useful and reasonable understanding of what might be constructed on the site should an outline permission be granted. It illustrates a house with its ridge running parallel to the Close; with a building line matching that of number 3, and with two car parking spaces in front of the house.

The applicant proposes to remove all of the trees identified as being within the application site as described above.

The application was submitted accompanied by a Design and Access Statement. An arboricultural report was submitted at a later date.

For the benefit of Members, the illustrations are attached to this report.

Background

Planning permission for the two houses immediately to the north of the application site and for the two houses opposite the application site was granted in 1973. Permission for the other houses on the other side of the Close was granted in 1976, with permission for the two more recent houses at the end of the Close being granted in 2005.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 2 (Development Distribution), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage), HSG4 (Densities), TPT6 (Vehicle Parking)

Other Material Planning Considerations

Government Planning Policy – PPS3 (Housing), PPS5 (Planning and the Historic Environment), PPG13 (Transport)
Council Guidance – Supplementary Planning Guidance “A Design for the Design of Householder Developments” 2003

Consultations

County Highway Authority – The County Council was asked to review its original consultation response of no objection, following receipt of a number of highway and traffic representations received from local residents, and particularly to comment on those matters. The County Council continues to raise no objection as a consequence of the additional comments made, subject to conditions and notes. For completeness, the letters from that Council are attached at Appendix B.

The Council’s Heritage and Conservation Officer – His comments are as follows:

“The special interest of the Coventry Road Coleshill Conservation Area resides primarily in the buildings and spaces that line both sides of the main road together with the buildings associated with the former Father Hudsons Homes site. It is essentially a linear Area and interest is largely apprehended from the road itself. Southfields Close, lying behind Coventry Road, has no special architectural or historic interest and is only included in the Area for the purposes of defining a logical west boundary to the Area. This happens to include the long rear gardens to the Coventry Road properties but these in themselves do not contribute significantly to the special interest of the Coventry Road corridor, though as open spaces they clearly have some general amenity value, but no inherent special interest. Therefore, given that Southfields Close and the gardens themselves have no special interest, I do not see that a two storey house along the frontage to the east side of the Close, is objectionable from a conservation area point of view.”

The Council’s Tree Officer – He requested receipt of the arboricultural report from the applicant and has visited the site to inspect the trees. He says that the loss of the small fruit trees on the site is not significant in terms of loss of public amenity, particularly as replacement planting can be conditioned. He continues as follows:

“The report has identified that the beech tree within the front garden of number 3 Southfields Close is the most significant tree. The proposed dwelling is located outside of its root protection area but the access is not. This access drive would need to be constructed on a “no dig” solution and should be installed prior to any on site works commencing. The remainder of the trees can all be removed. Standard conditions should be attached to the grant of any permission relating to measures to safeguard the beech tree; to satisfactory felling methods and to replacement planting.”

EON Central Network – No objection

Health and Safety Executive – The Executive was requested to comment on works that were being undertaken on the application site in the form of holes being dug. It responded by saying that as this work was being undertaken by the homeowner, the Executive was not in a position to pursue the matter. The works were privately undertaken as a private DIY type task and thus not enforceable as a work activity enforceable under its remit.

Representations

Coleshill Town Council – The Council asks the Borough Council to refer to concerns expressed by the local residents, namely road safety issues (the Close is considered to be too narrow); the loss of privacy, and the fact that the turning area at the end of the Close is already used for parking, and thus if more traffic is generated the existing situation will worsen.

Coleshill Civic Society – The Society objects to the application. It is not opposed to infill per-se and it appreciates that the site is inside the development boundary for Coleshill, however it considers that this site is inappropriate for back garden development and would not wish to see any more houses built with access onto the Close resulting in “unbalancing” this quiet residential area; danger from increased traffic and a perception of over development. The Society thinks that given the houses already permitted at the end of the Close, a further consent here might lead to the ultimate building up of the Close. Overlooking issues need to be “planned out” should permission be granted”.

Letters of objection have been received from thirty five local occupiers resident in Southfields Close, Springfields and Coventry Road. These letters together, contain a significant number of issues, which are set out below. Each section is prefaced with a short officer summary of the particular issue, and then followed by a number of bullet points, outlining the individual comments made by residents to “evidence” their concerns.

1. Traffic

It is considered that Southfields Close is too narrow to accommodate additional traffic, particularly coupled with the fact that there is extensive on–street car parking, with most drivers having to reverse onto the Close. There have already been accidents as a consequence. Emergency and Delivery vehicles have difficulty too. The parking spaces proposed are inadequate.

- Parking and reversing on Southfields Close is extremely difficult at best (and at times dangerous). With a further property and visitors, this will only add to this problem. The proposed parking for two vehicles is directly opposite No.4 Southfields Drive, with the potential for serious accidents. Southfields Close is very narrow as it is. Access to emergency vehicles is questionable at best - another property will only make this more difficult with extra on road parking (visitors etc).
- Parking is not adequate for a three bedroom dwelling. The width of the road is narrow, and would impact upon the dwelling opposite. Vehicles turning into the proposed plot or emerging from it would also have problems turning, due to other cars being parked on the road.

- Southfields Close is often congested by cars and vans to the front of 12 Southfields Close. Following recent building of houses in the road and since house numbers 19 and 21 Southfields Close were built in 2006. There are now an additional 9 cars in the road, plus my works flat back wagon. The additional cars are parked at the turning point at the top end of Southfields Close and off the road.
- The land between house numbers 3 and 19 Southfields Close, has a road which is not that wide. If a further dwelling was built, there could possibly be large vans or other large vehicles that can not be parked off the road, leading to parking problems.
- When family members visit properties on Southfields Close, this can lead to a further 3 cars parked in the road, for each dwelling. The road is not wide enough and, this situation has happened on previous occasions, and this is the case reported by 12, 21, 19 and 6 Southfields Close.
- Southfields Close is a narrow road, with access to and egress from being dangerous. There have been bumps in Southfields Close, and children knocked off bikes.
- Originally it was understood that objections were made to the Highways Department. When an application was made for a dropped kerb from the rear of number No. 124 onto Southfields Close, all properties on that part of the Coventry Road already have vehicular access from Coventry Road. The Highways Agency chose to ignore this. There are a number of safety issues for vehicles coming onto Southfields Close from that side of the cul-de-sac, but the Highways Dept were unwilling to reconsider their decision, even though there was no consultation.
- The Road Safety Team of the Highways Authority have taken photographs of Southfields Close and measured the length and width of the junction of Southfields Close/Springfield's at the point in the Close where the proposed planning application, new access car driveway would be. The member of Highways staff on the site visit admitted on site that is a "D class road" and she has no experience working on D class roads. Any new development would be opposite the three existing car driveways between property number 2 and 10 Southfields Close and the garage driveway of property address 1a Springfield's.
- Southfields Close is a very narrow cul-de-sac. It was designed to have houses down one side only, and as a result the road is very narrow with a turning circle at the end. The turning circle has been lost because NWBC approval was given for the construction of two new houses (19 and 21). The turning circle has effectively become a car park for the occupiers of the new properties.
- Properties 19 and 21 Southfields Close were built where the road is widest in Southfields Close and they also have a turning area. Planning permission was granted by NWBC Development Planning Board on those grounds alone that the road has a turnaround point and is wider at the far end of Southfields Close.
- Design and Access Statement – The statement relies upon the development of 19 and 21 Southfields. The houses have led to more traffic being generated.

- If vehicles are parked opposite 4 Southfields Close, as they sometimes are, it is impossible to get off the drive.
- The proposed development also includes a drive which exits onto Southfields Close, the gates on the property are set back approx. 1 metre from the kerb edge. If the proposal is granted this would mean the loss or lowering of fencing to the side of the property at 126 Coventry Road, (to allow exiting traffic to view the roadway) This would allow easy access into the neighbouring properties garden and lead to a security issue.
- There are 6 foot garden panels on the adjacent gardens (both sides) which stretch down to the road. There are also shrubs planted there. Any vehicles coming onto Southfields Close would not be seen until they actually got onto the road. This would be dangerous both for them and for other users of the Close. There has been an accident when a car was reversing off the driveway of number 3 Southfields Close and reversed into one which was driving down the Close. The accident was caused because of the limited visibility with other cars being parked on the roadside. This situation will surely deteriorate when further vehicles are present. I notice that the application states that there will be room for two vehicles on the driveway of the new property. It is not believed that 2 vehicles will fit on the plot and even if they do, any visitors will have to park on the roadside. This will block the road, as there is insufficient space for cars to be parked on both sides of the road, and the occupiers of numbers 2-18 already park outside their own houses, if they own more than one vehicle or have visitors. It is not believed that if the Emergency services were required, that they would have the necessary access to the Close.
- The majority of building and construction work could be accessed from Coventry Road via a side access to the application site.
- The entrance to Southfields Close is not within the minimum width legal requirements of National Highways legislation, to have 4 or 5 car drive way accesses on opposite sides of the road to each other.
- Cars coming from Springfield's into Southfields Close sometimes travel quite fast and it is another accident spot if the proposed outline planning application at 124 Coventry Road is passed. All car drivers' view is immediately obstructed, to their left hand side when entering Southfields Close at the point of properties numbered 1 and 3 Southfields Close. This is because cars are traveling between 20 to 27 mph.
- How many car accidents have occurred in Southfields Close? It may be helpful if that information is available to Highways.
- When leaving the car driveway of Southfields Close the residents have to reverse out backwards onto the highway. They can not drive forward because they are unable to drive out forward in one maneuver onto the highway "Southfields Close" due to cars parked in Southfields Close. Any proposed new development opposite numbers, Southfields Close would create more traffic in Southfields Close making the car traffic situation dangerous.

- The emergency services need access to all of Southfields Close and by allowing the development of further properties in Southfields Close, for example fire engines would have difficulty. Also NWBC Council waste bin Lorries on Mondays and Thursdays and other delivery services.
- Road safety concerns in Southfields Close, if further houses are constructed.

2. Loss of Privacy and Amenity

The new house would overlook the rear private areas of existing dwellings as well as those opposite.

- The proposed dwelling will lead to the nearby properties on Southfields Close to be severely overlooked. The existing view gives an open environment opposite, and we would never have bought the dwelling on Southfields Close if this type of development were possible. The dwelling will lead to a extreme loss of privacy. The very nature of the higher elevation opposite means the new property would look directly down into the lounge and master bedroom of the dwelling No.4 Southfields Close and is the most severely overlooked.
- Southfields Close has always been a quiet cul-de-sac. With the proposal of this, or any subsequent new builds, it is going to severely impact on the noise and environment. But more importantly the safety of the existing residents in this road.
- We do not accept that loss of view or property value should not be a planning consideration. We would like to invite anyone from the board into our house opposite to see just how badly this proposed property will impact on the view, and privacy and subsequently, by very nature - property price. Should this proposal be passed, and will be actively seeking compensation for the same.
- The neighbouring property of 126 Coventry Road has a summerhouse at the bottom the garden, with a decked area which is used by the family to sit and relax, dine and socialise. This is located at approx one metre from my garden boundary where it meets with Southfields Close. The view and privacy would be compromised by a house built within 5 metres of this said summerhouse.
- The proposal will lead to a loss of privacy and overlooking to the rear gardens to Coventry Road. There is concern over the distance between the dwelling and the existing dwellings on Coventry Road.
- The rear of the proposed dwelling would look onto our patio area and we would lose any privacy.
- The proposal will result in loss of light to the rear gardens of Coventry Road, and could bring back to back houses.
- The proposed side window would look into a bathroom of a neighbouring property and would remove privacy.

3. Privately Owned Land

There is a “ransom strip” of land running along the east side of the Close. Development over and access across this is thought to be “illegal”

- Three feet of the land in Southfields Close, land adjacent to the kerb is privately owned by a builder. It may not be highways land, or belonging to the rear gardens of properties 124 to 144 Coventry Road. A solicitor is writing to the owners of the land known as Ransom Land facing properties numbers 2 to 14 Southfields Close.
- A neighbouring property owner of 38 years has always understood that access from the bottom of the gardens has never been allowed because the strip of land at the bottom of the gardens is owned by a third party who will not sell the strip of land or give access to the said properties, therefore garages could not be built at the bottom of the gardens because of no access, but now we find that the owner of '124' has access and has dropped the kerb to suit.

4. Sale of The Land

There are covenants attached to the sale of the application site to the current owner, restricting its development.

- The property address 124 Coventry Road Coleshill, was sold to the present owner in June 2009. There was a clause written into the sale of the property by the previous owners when it transferred to the present owner Mr David Stephenson in July 2009.
- The previous owner has not been contacted by the present owner Mr David Stephenson regarding this present outline planning application to build a three bedroom house in the rear garden of 124 Coventry Road. The action is an act of illegality and procedure impropriety.

5. Drainage

Existing surface water disposal problems in the highway would be exacerbated if extra development is permitted. The existing drainage infrastructure can not cope now.

- The present drainage in Southfields Close can not cope with further Developments. NWBC / Highways will need to consider this information. Previously there have been problems with the drainage due to having three days of constant rain and water collecting in Southfields Close. Since the development of 19 and 21 Southfields Close the drains have been blocked at property numbers 1, through to number 18.
- The proposed development intends to use a soakaway pit for surface water, leading to concerns with the effect of the volume of water would have on garden and plants, to the neighbouring property of No.126 Coventry Road. Risk of flooding – There is a risk of flooding due to the higher level than existing dwellings, with rain water going onto the existing road and gardens.

- The building would add to any flooding because the garden which contains a very old apple orchard does soak up large amounts of rainwater.
- The drains on the rear drive way between 136 – 138 Coventry Road can not cope with weight of vehicles passing over them.

6. Back Land Development

It is thought that “garden grabbing” and “back-land development” was now not allowed.

- Does the proposal comply with the Government policy on back land garden development? Windfall/infill development – The proposal is not part of the long term plan for the area.
- Garden Grabbing – Gardens are not classed as brownfield sites and is contrary to the new Governments statement from Minister of State for Decentralisation and Planning Policy, Mr Greg Clark, who stated *‘For years the wishes of local people have been ignored as the character of neighbourhoods and gardens have been destroyed, robbing communities of vital green space’*.
- The Government has set out advice for garden land houses not to be encouraged.
- Concerns that as the site is within the Conservation Area, and although two other properties have been built in rear gardens, although at the other end of the terrace row, they have the benefit of being built on a substantial area of land. The proposal is at 124 Coventry Road is a small house in a small area, and consider that there should not go backwards in developing land, shoehorning houses into every available plot at the detriment to the enjoyment of gardens and privacy.
- It is the understanding that the new government had indicated a change in policy in relation to developments being built in gardens. If that is the case, why is this application even being considered? Apart from loss of privacy and safety issues, it also seems to go against the policies expressed by our new Government - whose instructions have not yet been translated into local Action Plans.

7. Trees and Landscape

The loss of trees will have an adverse bio-diversity impact

- The cutting down of trees on the property has reduced the habitat for birds and other local wild life.
- Understand that a large beech tree will also have to be removed.
- There is concern that the proposal will lead to loss or works to the Beech Tree to the front of No.3 Southfields Close, which would be close to any constructed dwelling. If permission was forthcoming on this application, a full tree survey would be required to understand the impact of roots and trees within the Conservation area.

8. The Housing Market

There are already plenty of houses for sale in Coleshill

9. Health and Safety Issues

There are concerns about some “digging” that had been going on at the site.

- Health and safety issues with regard to a hole being dug in the applicants rear garden.

10. Other Plots in Southfields Close

Development if allowed should be comprehensive to enable the widening of the Close.

- Highways had said that if one developer bought all the garden on Coventry Road, this could lead to the road being widened. If four or five different people build all the way down the road (another two properties have sold off the land) - is the net result not the same? - the widening of the road wouldn't be applicable then ? It doesn't make sense and needs consideration by planning.

11. Precedence

The proposal could lead to more houses along the Close

- The proposal could lead to a precedent being set along the road.
- Would not like to see any further houses built by individual developers, rather than one building developer, building houses all at the same time.
- 4 rear gardens have been sold, with access off Southfields Close, and if built individually it could take 7 -10 years, leading to an impact upon Southfields Close.

12. Bats

Bats live in the rear gardens here and fly over these gardens.

- There are bats living in the gardens of the rear of properties of Coventry Road and bats have been seen in the evening flying in the gardens around Southfields Close and Coventry Road.

13. Construction

All construction traffic should be via Coventry Road and not via the Close.

- The use of the access to the rear of Coventry Road, being used by builders and building materials, and that the side of the application dwelling can be used materials to be delivered.

Observations

a) Introduction

This application has generated a significant number of issues, and all of these will need to be addressed in the determination of this case. This report will first look at matters of principle before exploring the more detailed issues raised by the representations.

It is first important to stress to Members that this is an outline planning application, not a detailed one. The determination thus rests on whether the principle of one house with its access onto Southfields Close is appropriate at this site. Notwithstanding this, there are three points that need to be made from the outset. Firstly, indicative plans have been submitted to illustrate how such a house might be accommodated here. Whilst not part of the application, they are material and do carry weight, because they do inform the Board as to what the outcome on the site might reasonably look like if it is developed in line with this outline application. Secondly, if the application is granted an outline permission, it is open to Members to attach conditions controlling elements of the development so as to possibly reduce or mitigate any adverse impacts that they might see arising, or to provide the framework for the later detailed submission – as a form of development brief. Finally of course, it is open to the Board to conclude that the potential impacts arising from the development are of such weight that they might individually or cumulatively outweigh any support in principle.

b) Principle

The application site lies within the Development Boundary of Coleshill as defined by the Development Plan, and as such there is no objection in principle to this development proposal. Many other houses have recently been constructed in Coleshill because they have been located inside the built up area of the town and an approval here would be expected. Moreover the development proposal falls well below the thresholds for the provision of affordable housing in the town, and as such, a single “market” house here is supported. There is thus a presumption that planning permission will be granted.

Given this position, there are potentially four planning policy matters that need to be considered to see if they are of sufficient weight to override the presumption in favour of the grant of planning permission. The first of these relates to the fact that the site is within a Conservation Area. The Council’s statutory duty in this respect is to consider whether the proposal “preserves or enhances the character and appearance of the Conservation Area”. The Conservation Officer advises that the site’s development would have little, if any, adverse impact on the special character and appearance of the Area as a whole, or indeed this part of the Area. This conclusion is agreed. The second relates to the density issue. The existing gross density of the housing in this area – taken to be the rectangle including the whole of Southfields Close, that part of Springfields to the north and the frontage to Coventry Road from number 120 to 152 – is 32 dwellings per hectare. The construction of a single house on the application site would increase that to 33 dwellings per hectare. This is considered not to be a material increase, and it also reflects the general density guideline of 30 per hectare as set out in the Development Plan. The third matter relates to the “openness” issue. In short, does this development reduce the

openness of the area hereabouts in a material way? It is considered not, as the site is narrow; the resultant house would be small, it would adjoin existing development with an equivalent building line, there would be little impact on the adjoining road frontage and the main tree would remain. The final matter relates to the recent change to the definition of “brown field” land as made by the Government. This excludes garden land from the definition, but as has previously been reported to the Board, it does not “outlaw” or prevent the development of such garden land. It does however lead to a situation where each application has to be considered on its own merits. This means that each Local Planning Authority will have to consider whether the development of a particular piece of garden land would be so out of keeping with the distinctive character, setting and context of the area in which it sits, to warrant refusal. This is not the case here for all of the reasons set out above in this paragraph. As a consequence of consideration of these particular planning policy matters, it is concluded that the principle of support for this application remains.

c) Traffic and Parking

This appears to be the most significant issue affecting local residents, and it is a consideration that could lead to it being given such weight as to warrant refusal notwithstanding the principle of support. For that to occur, the Board would have to have evidence that the additional house would have such a materially adverse impact on the existing traffic and parking situation, to warrant it not being permitted.

It is material that the Highway Authority has not objected to this application. Its initial response was one of no objection and it has reviewed this position in light of the matters that local residents have raised throughout the consultation period. It maintains that position of no objection to the proposal.

It is thus necessary for the Board to consider that position of “no objection” by exploring all of the matters raised by the residents. Firstly the carriageway here is 5.5 metres wide. This meets the standard width set out in and required by the County Council’s Design Guide for a D-class residential road to be adopted. The Design Guide states that such a class D road could accommodate up to 50 dwellings. There are fourteen presently, and the application proposal will increase that to fifteen. Given this situation, it is not considered that a refusal on the grounds of the Close being too narrow could be substantiated. Secondly, each of the existing houses on the Close has off-street parking provision for two cars – either with a garage and a single space on a front hard-standing or through two spaces on a front hard-standing. The proposed house could be conditioned to have equivalent provision. Thirdly, the parking requirement for a three bedroom house in this location as set out in the Development Plan is two spaces. This is the provision shown on the illustrative plans and this too can be conditioned in the event of an approval. Fourthly, the Highway Authority could not require the widening of the Close as a requirement of this one application given what it considers to be an immaterial increase in traffic generation within the Close as a consequence of just the one dwelling, and secondly that the land needed for that widening is not within the applicant’s ownership. The County Council has confirmed that if one application was received for the residential development of all of the remaining rear gardens to the Coventry Road properties, then the widening of the Close could be a matter to be looked at. Fifthly, it could be possible to draw attention to the possibility of extending the present pavement outside numbers 1 and 3 Southfield Close be extended across the application site. Sixthly, the location of the proposed access is opposite existing access arrangements. There is an argument that this would lead to a possible conflict when occupiers wish to access their respective drives and property – particularly difficult it

is said when vehicles are reversing. The issue to consider here is whether this situation would be such a hazard as to warrant refusal. It is considered not because actual access into and out of these properties would not be on a regular or frequent basis; the low levels and frequency of passing traffic, the local knowledge of the occupiers, and the fact that this kind of situation of access opposite access, is commonplace throughout the Borough. There is thus nothing particularly unusual here to be significant enough to warrant a refusal. The Highways Authority has confirmed that there has been no record of any accidents on Southfields Close or Springfields within the last five years. It has confirmed that there has been one reported injury on the Coventry Road at approximately 120 metres from the junction with Springfields in the last 5 years. This is not to say that minor collisions may not have happened or that they are not likely to do so in the future, but it does not provide the evidence on which to base a refusal. Given all of the several matters raised by the residents in their representations, it is considered that the County Council's consultation response should carry significant weight.

Residents have drawn attention to the existing dropped kerb across the rear of the application site to the Close. This work would not have required a planning application to have been submitted as the road here is below the threshold of classification for such an application. It is thus authorised from a planning perspective. The consent of the Highway Authority is however required to install such a dropped kerb. That consent has been obtained and thus that dropped kerb is lawful. Members should be advised that a dropped kerb can be constructed here with the County's consent, whether or not it is associated with a new house; the presence of the kerb is not a material consideration in the determination of this application.

d) Amenity Issues

The impact of the proposed dwelling on the residential amenities of surrounding occupiers needs to be considered by the Board. The application here is in outline and thus the illustrations provided need not necessarily be the final detailed design of any house, if one is eventually permitted. However they do provide a reasonable basis on which to assess likely impact, and the main elements that could give rise to amenity issues are now considered.

Firstly, the separation distance between any new house and the existing house at number 4 opposite the site is a material consideration. The illustrative plans scale a distance of 23 metres. The distance between the rear of the new house and the rear of existing properties in Coventry Road would be around 27 metres according to the illustrations. Members will be aware from previous reports that separation distances of this order are commonplace throughout the Borough, and that the Board itself has permitted development with such distances.

As this is an outline application the Board should take a general view as to whether a new house here would be likely to lead to loss of amenity for its neighbours. It is considered not, as this is already a residential area with a degree of overlooking of both rear and front gardens. Moreover the size and position of the application site are likely to result in a property with a similar building line to its neighbours and to a property of similar dimensions. These are matters which can be conditioned, such that potential future adverse impacts can be reduced. An assessment of the actual impact on overlooking; loss of privacy and overshadowing can only be made if a detailed application is submitted, as this would show proposed new openings. However using the illustrations as an example, it is not considered that there would

be a material increase in loss of amenity. These show typical rear first floor bedroom windows and a door at ground level in the side elevation along with a bathroom window. The glazing in such a window could be conditioned to be obscure glazing. The rear gardens and elevations to property in Coventry Road are already overlooked as is the garden to number 3 Southfields Close. An additional two rear windows would not constitute a substantive deterioration in present amenity levels. As indicated before the separation distance between any new house and the number 4 Southfields Close is considered to be sufficient to mitigate against any loss of amenity.

As such, it is not considered that there is anything here that is so unusual that there is a case for refusal on the likely adverse impacts on the amenity of local occupiers. Planning conditions can be added to any permission in order to protect this position.

e) Trees

The applicant has provided a report on the trees within the application site and on adjoining land. This has been verified by the Council's own Tree Officer. There are several fruit trees and a small hazel that would be removed if this dwelling was to be constructed. The loss of these trees is not considered to be material for several reasons. Firstly, fruit trees are generally excluded from the Tree Regulations in terms of the making of Orders; these particular trees are not of public amenity value being within a private rear garden and thus not worthy of an Order, and thirdly because appropriate replacement planting can be provided in mitigation on land within the applicant's control. They do have some ecological value but not significant or unusual. Replacement planting can replace this. They do have some general amenity value in "softening" the street scene, but this is not considered to be an overriding asset given the overall residential character of the context and the existing vegetation further to the south.

The most significant matter under this issue is the beech tree on the adjoining land. Both the applicant and the Council's Tree Officer agree that it is possible to construct a new dwelling on the application site without prejudicing the longevity and health of this beech tree. Appropriate conditions can thus protect that tree.

f) Drainage

The proposal is for surface water from this proposed house to drain to soak-aways. These can be located in the front or rear gardens, or indeed in both. Details of such works can be conditioned and will be dependant upon a porosity test. If that test fails, then alternative storage measures would be required to be constructed on site so as to limit the discharge of surface water. This again can be conditioned and dealt with at the detailed stage. Surface water from the site should not drain to the highway as the public sewer in the Close is not a combined sewer, and hence this detail will need to be included in that detail if submitted. There is no technical reason here for a refusal.

g) Bats

It is accepted that the site may well be crossed by bats in their flights, and that they might forage from the trees in the rear gardens in this area. It is considered that the most appropriate way in which to deal with this issue is to require a bat survey which could advise on whether there are actually bat roosts on the site itself. If so, then the advice of Natural England should be sought. This could result in any planning permission being unable to be implemented. The more likely outcome is that bat “roosts” might have to be fitted to any new dwelling.

h) Covenants and Ransom Strips

Members are aware that the protection of private rights or covenants attached to land are not planning considerations and should be given no weight in the determination of planning applications. These are civil matters which should be dealt with privately. Land owners and developers will need to secure several consents or permissions prior to implementing a planning permission. For instance an approval under the Building Regulations is usually required and if the building is Listed, then a separate Consent is required. A Licence may also be needed if the use of the premises includes an activity or use which requires that separate Licence. Similarly the developer should ensure that he has the appropriate rights if private access ways are involved. He should also ensure that he does not contravene any covenants attached to land. It is his responsibility to undertake this check – not for the Local Planning Authority to enforce that covenant. In this case it appears that there might be a “ransom” strip along the Close, and that there might be a covenant attached to the land from its sale to the current owner. The Planning Authority’s remit is solely to assess the planning merits of the application. A planning permission can be granted on this basis, but if the developer has not obtained all the other relevant consents etc, that permission will remain unimplemented.

i) Other Planning Issues

The fact that there are other houses on the market at the present time in Coleshill is accepted. However the Council has to ensure that it has a five year supply of land available and that new housing is constructed in appropriate settlements such that green field land is not lost. This additional house would thus assist in meeting the overall planning objectives of the Council as outlined in its Development Plan.

The property prices of the neighbouring dwellings are not a material planning consideration, when considering new planning applications for new dwellings.

The application is for a single house. If further applications are submitted for development in the rear of the other gardens of Coventry Road, that permission would be material. It does not automatically set a precedent as the planning circumstances in the Close would have been materially altered.

j) Construction

There is nothing unusual about this site to warrant conditioning particular construction operations. It is accepted that is in a residential area but the great majority of construction work in the Borough is carried out in such circumstances. There will be some inconvenience and disruption through the construction period but this would only be for a temporary period, and if other residents had to undertake works to extend their property for instance, they too would expect access directly to their land. An alternative construction access has been suggested off Coventry Road, but this is very narrow and would bring inconvenience and disruption to the adjoining residents too. On balance, use of the Close is considered to be the preferred access. A note will be attached to the grant of any permission drawing attention to the Code of Conduct drawn up by the Health and Safety Executive.

k) Other Matters

The referral of matters to the Health and Safety Executive concerning the unsafe digging of "holes" on the site is of no weight in the determination of the planning merits of this case.

There has been concern from some residents that letters from the County Council Highway's Officers have not been signed or been on headed paper. Residents will have seen e-mailed copies of such letters. As can be seen from the Appendices, the complete letters have been received, and these have been made available to residents.

Recommendation

That planning permission be **Granted** subject to the following conditions:

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

REASON

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

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

REASON

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

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

REASON

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

4. The development hereby approved shall not be carried out otherwise than in accordance with the site location plan received by the Local Planning Authority on 21st July 2010.

REASON

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

5. For the avoidance of doubt this permission is for the erection of one two-storey dwelling. The height of the dwelling shall not exceed 7.7 metres to its ridgeline, and this will run parallel with Southfields Close. There shall be no dormer window or velux roof light openings in the front or rear roofplanes.

REASON

In the interests of the amenities of the area.

6. No development whatsoever within Classes A, B, C, D and E of Part A, of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995, as amended in 2008, or as shall be subsequently amended, shall commence on site without details first having been submitted to and approved by the Local Planning Authority in writing.

REASON

In the interests of the amenities of the area.

7. For the avoidance of doubt there shall be no windows in any of the side elevations.

REASON

To protect the privacy of the occupiers of adjoining properties.

8. The access shall not be used unless it has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.

REASON

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

9. The gradient of the access to the site shall not be steeper than 1:12 at any point for a distance of 6.0 metres as measured from the near edge of the public highway carriageway.

REASON

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

10. The development shall not be occupied until visibility splays have been provided to the site, passing through the limits of the site fronting the public highway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.60 metres above the level of the public highway carriageway.

REASON

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

11. The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.

REASON

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

12. No development shall take place until a site investigation of the nature and extent of any contamination has been carried out in accordance with a methodology (based on a Phase I assessment for the application site) which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any unacceptable contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, which shall be in the form of a Phase II intrusive investigation maybe required. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any unacceptable contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with saved policy ENV6 of the North warwickshire Local Plan 2006].

13. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any approved tree works shall be carried out in accordance with British Standard 3998. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, including any building, plant material or debris, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. In this condition 'retained tree' means an existing tree, which is to be retained in accordance with the approved plans and particulars.

REASON

In order to secure the satisfactory development of the application site.

14. Where the approved plans and particulars indicate that specialized construction work is to take place within the Root Protected Area (RPA) of any retained trees, hedgerows or shrubs, prior to the commencement of any development works, an Arboricultural Method Statement (AMS) detailing how any approved construction works will be carried out shall be submitted and agreed in writing by the Local Planning Authority. This must be implemented prior to any onsite works being undertaken. The AMS shall include details on when and how the works will take place and be managed (including installation of hard surfacing, foundations, utilities etc) and how the trees, hedges and shrubs will be adequately protected during such a process. The AMS must also include a schedule for arboricultural supervision for before, during and post construction to ensure the approved scheme does not have an adverse effect on retained trees, hedges or shrubs.

REASON

In order to secure the satisfactory development of the application site.

15. If, within a period of two years from the completion of the development any of the trees or shrubs retained or planted in accordance with conditions, or any tree or shrub planted as a replacement for any of those trees or shrubs is cut down, felled, uprooted, removed or destroyed or dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, then
 - (a) the Local Planning Authority shall be notified as soon as is reasonably practicable; and
 - (b) another tree or shrub of the same species and size shall be planted at the same location, at a time agreed in writing with the Local Planning Authority, unless the Local Planning Authority agrees in writing to dispense with or vary this requirement.

REASON

In order to secure the satisfactory development of the application site.

16. All new hard surfaces shall either be constructed using permeable surface materials or shall make provisions for surface water run-off to be directed to a permeable, or porous area within the curtilage of the site.

REASON

In the interests of the prevention of flooding and to ensure the sustainable disposal of surface waters.

17. No development shall take place whatsoever until a bat survey of the area, including any trees within the site shall be undertaken and the findings submitted to the Local Planning Authority in writing. In the event that evidence of occupation by bats is found; details of protective measures shall be submitted to and approved by the Local Planning Authority in writing. The dwelling hereby approved shall not be occupied until any approved protective measures have been implemented in full.

REASON

In recognition of the legislative protection afforded to bats.

Notes

5. It should be noted that the site is in close proximity to a Central Networks network. You should contact the Aim Bureau Services at Toll End Road, Tipton, DY4 0HH to obtain copies of the mains records. There may be a charge for this service. For new developments, diversions and ground works you can contact Central Networks: CAT Team, Toll End Road, Tipton, DY4 0HN. For information regarding the safety of working around that networks please contact the cable safe team on 08000150 927.
6. 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.

7. 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>.
8. The Town and Country Planning (General Permitted Development) Order 1995, as amended in October 2008, introduces controls relating to the hard surfacing of front gardens to ensure that surface water run off is directed to permeable or porous locations (Schedule 2, Part 1, Class F). If you propose to create a new hard surface or replace an existing hard surface in the front garden to a dwelling house you are advised to refer to the guidance document found on the government web site www.communities.gov.uk ,entitled 'Guidance on the permeable surfacing of front gardens' and seek advice about the need for planning permission if you are in doubt. Under the changes to the Householder permitted Development rule of 2008, hardstanding to the front of dwelling should be permeable, otherwise hardstanding of more than 5 square metres will require planning permission.
9. The Development Plan policies which are relevant to this Decision are as follows:

North Warwickshire Local Plan 2006 (Saved Policies):

ENV11 - Neighbour Amenities
ENV12 - Urban Design
ENV13 - Building Design
ENV14 - Access Design
ENV15 - Heritage Conservation
ENV8 - Water Resources

ECON3 - Protection of existing employment sites and buildings within development boundaries
ECON5 - Facilities relating the settlement hierarchy
SPG - A Guide for the Design of Householder Developments - Adopted September 2003
HSG2 - Affordable Housing
HSG4 - Densities
TPT3 - Access and sustainable travel and transport
TPT6 - Vehicle Parking
SPG - A Guide for the Design of Householder Developments - Adopted September 2003

10. The applicant/land owner, should be aware that the trees are within the Coleshill Conservation Area, and any trees within the site which are not covered by this outline application are subject to the notification Conservation Area Consent regime in order to allow the Local Planning Authority six weeks to determine any works to the trees before work is undertaken.
11. Condition number 8 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515.
12. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.
13. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
14. It is suggested that the existing footway could be extended along the frontage of the proposed development site, within with the reserved matters application.
15. The ecology division of Warwickshire County Museum has advised that there may be bats present at the property that would be disturbed by the proposed development. You are advised that bats are deemed to be European Protected species. Should bats be found during the carrying out of the approved works, you should stop work immediately and seek further advice from the Ecology Section of Museum Field Services, The Butts, Warwick, CV34 4SS (Contact Anna Swift on 01926 418060).

16. The applicant/site owner, should consider conditions 13 - 15 with regards to the works on the trees within the rear garden of 124 Coventry Road, Coleshill.

Justification

The site is within the Coleshill development boundary as defined by the Development Plan, and thus the principle of a new dwelling is considered to be acceptable. The proposal is for an outline application, with all matters reserved which would have to be considered in a future application. The Highways Authority has no objections to the proposed access off Southfields Close. The proposal will not give rise to any unreasonable increase in traffic congestion, with parking proposed within the site and the existing access being used. A report submitted has shown that the tree on the neighbour's land is outside the area of influence and relevant tree conditions are proposed.

The site is within the Coleshill Conservation area and is considered to in general lead to works that will not have a harmful effect on its character or appearance. It is considered that the principle of a dwelling in the location would not result in a scheme that would result in an unacceptable impact upon the neighbouring properties subject to further details being provided for full consideration.

The proposal is considered to comply with the relevant saved policies of the North Warwickshire Local Plan 2006 and to National Planning Statements. There are no material considerations of sufficient weight which indicate against the proposal.

BACKGROUND PAPERS

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

Planning Application No: PAP/2010/0375

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Applicants Agent	Planning Application Forms and Plans	21/7/10
2	Neighbour 4 Southfields Close	Objection – consultation response	14/8/10
3	Case Officer	Email to NWBC Tree Officer	17/8/10
4	DC Senior Planning officer	Email to Mr Kemp of 3 Southfields Close	17/8/10
5	Case Officer	Meeting with neighbours	17/8/10
6	Case Officer	Site visit notes	18/8/10
7	Case Officer	Email to NWBC Tree officer	18/8/10
8	Neighbour 130 Coventry Road	Objection – consultation response	18/8/10
9	Neighbour 126 Coventry Road	Objection – consultation response	18/8/10
10	E-On	Consultation response	19/8/10
11	Neighbour 128 Coventry Road	Comment – consultation response	20/8/10
12	Case officer	Email to owner 3 Southfields Close	24/8/10
13	NWBC Tree Officer	Consultation response	24/8/10
14	Case Officer	Letter to 126 Coventry Road	24/8/10
15	Case Officer	Letter to agent	23/8/10
16	Neighbour 3 Southfields Close	Email to case officer	
17	Case Officer	Email to owner 3 Southfields Close	24/8/10
18	Neighbour 3 Southfields Close	Email to case officer	24/8/10
19	Case Officer	Letter and email to agent	24/8/10
20	Case Officer	Email to owner of 4 Southfields Close	26/8/10
21	Neighbour 12 Southfields Close	Objection – consultation response	26/8/10
22	Neighbour 10 Southfields Close	Concerns – consultation response	25/8/10
23	NWBC Heritage Conservation Officer	Consultation response	26/8/10
24	Neighbour 12 Southfields Close	Objection – consultation response	27/8/10
25	Coleshill and District Civic Society	Objection – consultation response	27/8/10
26	Case Officer	Letter to agent	1/9/10
27	Case Officer	Email to agent	1/9/10
28	Neighbour 134 Coventry Road	Objection – consultation response	1/9/10
29	WCC Highways	Consultation response	1/9/10
30	Mr Garner	Comments	31/8/10

31	Neighbour 14 Southfields Close	Objection – consultation response	29/8/10
32	Neighbour 18 Southfields Close	Objection – consultation response	31/8/10
33	Case officer	Email to neighbour	1/9/10
34	Case officer	Letter to agent	1/9/10
35	case officer	Email to agent	1/9/10
36	Neighbour 12 Southfields Close	Objection – consultation response	4/9/10
37	Case officer	File note	6/9/10
38	Case officer	file note	6/9/10
39	Case officer	File note	8/9/10
40	Mr Barry	Fax to NWBC	8/9/10
41	Case officer	Email to WCC Highways	9/9/10
42	Duty officer	Copy of email to neighbour	10/9/10
43	Email from Mr Barry	Works on site	8/9/10
44	Email from NWBC Environmental Health	Covering works on site	9/9/10
45	Health and Safety Executive	Works on site response	10/9/10
46	Email from WCC Highways	Responding to email	10/9/10
47	Applicant	Providing information	13/9/10
48	Coleshill Town Council	Consultation response – concerns	13/9/10
49	John Barry	Email from George Christopher Miles IIb	22/9/10
50	Neighbour 1A Springfields	Objection – consultation response	6/9/10
51	Email from Mr Barry	Forwarded email	24/9/10
52	Email from Mr Barry	Copy of email	1/10/10
53	Email from Mr Barry	Objection and comments	4/10/10
54	Email from Mr Barry	Objection	7/10/10
55	Email from Mr Barry	Forwarded email from Dan Byles MP	7/10/10
56	Head of Development Control	Email to Councillors	7/10/10
57	Head of Development Control	Email to Mr Barry	7/10/10
58	Case officer	File note	7/10/10
59	Case Officer	File Note	15/10/10
60	Email from Mr Barry	Objections	16/10/10
61	Email from Mr Barry	Objections	18/10/10
62	Chief Executive to NWBC	Email to DC manager and NWNC Solicitor	17/10/10
63	Case Officer	Email to Highways	20/10/10
64	Case officer	Email to agent	20/10/10
65	Highways	Email to case officer	20/10/10
66	Email from Mr Barry	Details of email from Dan Byles MP	22/10/10
67	WCC Highways	Consultation response by email	26/10/10
68	Case Officer	Email response to Mr Kemp of 3 Southfields Close	27/10/10
69	Marlow Consulting Ltd	Tree Survey	27/10/10
70	Email from Mr A Frank-Steier	Asking to be informed on any future applications on the site	27/10/10

71	NWBC Tree Officer	Tree report response	16/11/10
72	Development Control Manager	Forwarded email from Cllr Fowler	4/11/10
73	Case officer	Email to agent	8/11/10
74	Planning Agent	Response to objection and comments	17/11/10
75	NWBC Planning Control	Consultation to relevant parties	19/11/10
76	Applicant	Written comments	18/11/10
77	Case Officer	Email to Councillors	19/11/10
78	Case Officer	File note following telephone call	23/11/10
79	Case officer	Letter to residents on Southfields Close	23/11/10
80	Fax from Mr Barry	Amended plans response	24/11/10
81	Case Officer	Letter to residents of Southfields Close	24/11/10
82	Coleshill and District Civic Society	Consultstion response	28/11/10
83	Case officer	Letter to residents on Southfields Close	29/11/10
84	Neighbour 4 Southfields Close	Comments	29/11/10
85	Email from Mr Barry	Requesting information	29/11/10
86	Email from Mr Barry	Requesting information	30/11/10
87	Case officer	Email to WCC Highways	2/12/10
88	WVV Highways	Email response	3/12/10
89	Neighbour – 8 Southfields Close	Comments	4/12/10
90	Neighbour – 1 Southfields Close	Objection email	4/12/10
91	Neighbour – 16 Southfields Close	Objection email	4/12/10
92	Case Officer	Letter and email to agent	6/12/10
93	Case officer	Letter to residents on Southfields Close	6/12/10
94	Head of Development Control	Letter to owner 21 Southfields Close	5/12/10
95	Case officer	File note	7/12/10
96	Case officer	Email to S Trickett of MP Dan Byles officer	14/12/10
97	Case officer	Email to Mr Garner	14/12/10
98	Mr Garner	Email to case officer	14/12/10
99	Case officer	Letter and email to Mr Barry	14/12/10
100	Email from Mr Barry	Response to case officer	14/12/10
101	Email from Mr Barry	Response to case officer	15/12/10
102	Case Officer	Email to Mr Barry	15/12/10
103	Email from Mr Barry	Comments	15/12/10
104	Email from Mr Barry	Comments	15/12/10
105	Email from Mr Barry	Comments	16/12/10
106	Case officer	Email to Mr Barry	16/12/10
107	Email from Mr Barry	Comments	16/12/10
108	Email from Mr Barry	Comments	16/12/10
109	Email from Mr Barry	Comments	16/12/10
110	Email from Mr Barry	Comments	16/12/10
111	Case Officer	Email to Mr Barry	16/12/10
112	Email from Mr Barry	Response to email	16/12/10

113	Neighbour – 6 Southfields Close	Objection	16/12/10
114	Neighbour – 19 Southfields Close	Objection	16/12/10
115	Neighbour – 21 Southfields Close	Objection	16/12/10
116	Neighbour – 12 Southfields Close	Objection	16/12/10
117	Neighbour – 122 Coventry Road	Objection	16/12/10
118	Email from Mr Barry	Comments	17/12/10
119	Email from Mr Barry	Comments	18/12/10
120	Email from WCC highways,	Copy of letter sent to Mr Barry	20/12/10
121	Case officer	Email to Agent	20/12/10
122	Agent	Covering letter and providing Certificate B	20/12/10
123	Email from Mr Barry	Comments	20/12/10
124	Email from Mr Barry	Comments	20/12/10
125	WCC Highways	Copy of letter	21/12/10
126	Agent	Email to case officer	21/12/10
127	Email from Mr Barry	Email to NWBC	21/12/10
128	Email from Mr Barry	Email to NWBC	22/12/10
129	Email from Mr Barry	Email to NWBC	22/12/10
130	Case Officer	Email to Mr Barry	22/12/10
131	Case Officer	Letter to residents	22/12/10
132	Email from WCC Highways	Copies of consultations	22/12/10
133	Case Officer	Email to Mr Barry	23/12/10
134	Email from Mr Barry	2 emails of the same request	23/12/10
135	Neighbour – 122 Coventry Road	Response of comments	31/12/10
136	Neighbour – 128 Coventry Road	Objection	31/12/10
137	Neighbours 3, 8 and 12 Southfields	Objection	4/1/11
138	Email from Mr Barry	Email to NWBC	31/12/10
139	Email from Mr Barry	Email to NWBC	4/1/11
140	Head of Development Control	Email to Mr Barry	5/1/11
141	Head of Development Control	Email to Planning and Development Board	5/1/11
142	Email from Mr Barry (Clare Lucas on behalf of residents)	Email to NWBC	5/1/11
143	Case officer	Email from Mr Barry (Clare Lucas on behalf of residents)	5/1/11
144	Objection	Public access comments	14/1/11
145	Objection	Public access comments	14/1/11
146	Objection	Public access comments	14/1/11
147	Objection	Public access comments	17/1/11
148	Objection	Public access comments	17/1/11
149	Objection	Public access comments	17/1/11
150	WCC Highways	Email response	18/1/11
151	WCC Highways	Email response	19/1/11
152	Objection	Public access comments	20/1/11
154	Objection	Public access comments	20/1/11
155	Email from Mr Barry	Comments	21/1/11

156	Email from Mr Barry	Comments	21/1/11
157	Case officer	Email to Mr Barry	21/1/11
158	Email from Mr Barry	Email to case officer	24/1/11
159	Case officer	Email to Mr Barry	24/1/11
160	Email from Mr Barry	Email to case officer	24/1/11
161	Case officer	Email to Mr Barry	24/1/11
162	Objection	Public access comments	22/1/11
163	Objection	Public access comments	22/1/11
164	Objection	Public access comments	25/1/11
165	Objection	Public access comments	25/1/11
166	Case officer	Email to NWBC Environmental Health	24/1/11
167	NWBC Environmental Health	Email response	26/1/11
168	Objection	Public access comments	24/1/11
169	Objection	Public access comments	24/1/11
170	Objection	Public access comments	24/1/11
171	Objection	Public access comments	24/1/11

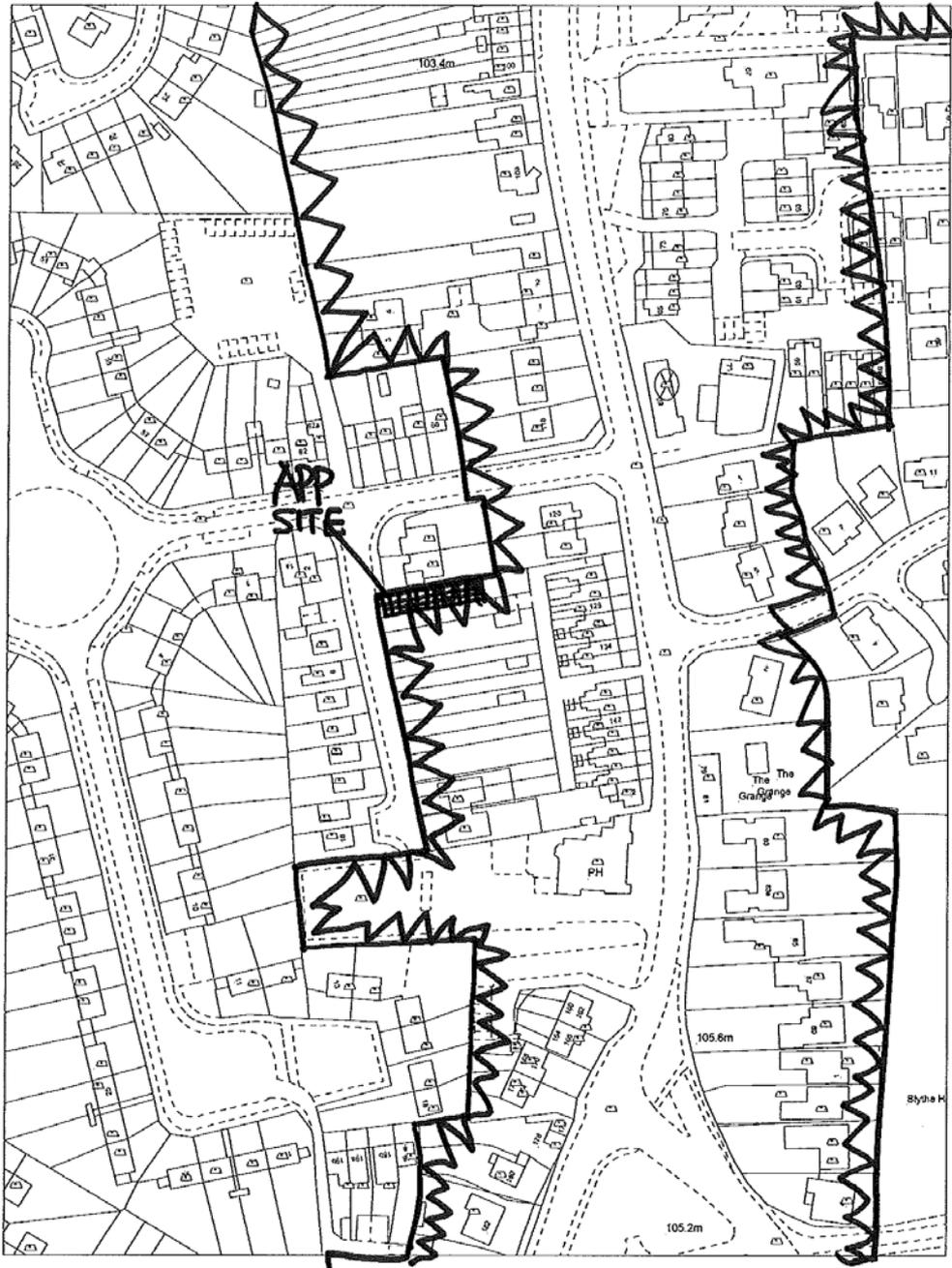
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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.

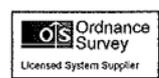


Plan to show the site within the Coleshill Conservation Area

Map Title



Conservation Area



Starling Court
Norton Road
Stevenage
Herts SG1 2JY
UK
Tel: +44 (0)1438 747996
Fax: +44 (0)1438 747997
E-mail: info@cadcorp.com

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Letters from Warwickshire County Council Highways

My ref: NW2089/100375



PO Box 43
Shire Hall
Warwick
CV34 4SX

DX 723360 WARWICK 5
Tel: (01926) 412642
Fax: (01926) 412641
www.warwickshire.gov.uk

Mr J Barry
2 Southfields Close
Coleshill
WARWICKSHIRE

30 November 2010

Dear Mr Barry

Planning application 2010/0375

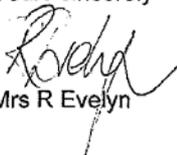
With reference to your email dated 26 November to Councillor Peter Fowler, relating to widening of Southfield Close.

In carrying out a routine visit/inspection of the site to the rear of Southfield Close, I was approached by two residents. During discussions the residents raised the issue of parking along the cul-de-sac and the potential widening of the carriageway. It was explained that as the proposed development was for a single dwelling, this would not be feasible. However, if this had been a housing developer proposing the development of the rear gardens extending from 124 to 146 Coventry Road, for example, then this could potentially have been a consideration. There was never the suggestion or confirmation during the discussions that Warwickshire County Council would undertake such works. This was purely mentioned as a scenario that could have addressed the concerns raised.

On undertaking my assessment of the site following these discussions, the carriageway was measured and found to be approximately 5.5 metres in width. This conforms with the standard width of a residential estate road as set out in The Warwickshire Design Guide.

I trust this clarifies the discussions that took place on site and sets out the final position of the Highway Authority.

Yours sincerely


Mrs R Evelyn

*Working for
Warwickshire*

direct line (01926) 412642
fax (01926) 412641
minicom (01926) 476817
email developmentgroup@warwickshire.gov.uk
your ref PAP/2010/0375
my ref NW2089/100375
your letter rec'd
date 27/08/2010

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

RECEIVED
01 SEP 2010
North Warwickshire
Borough Council



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

DX 723360 WARWICK 5

www.warwickshire.gov.uk

CC Councillor Mr P Fowler, COUNTY COUNCILLOR - COLESHILL, for information only

Dear Mr Brown

PROPOSAL: OUTLINE APPLICATION WITH ALL MATTERS RESERVED - ERECTION
OF NEW TWO STOREY 3 BED DWELLING
LOCATION: 124 COVENTRY ROAD COLESHILL WARWICKSHIRE
BY: MR DAVID STEPHENSON
ROAD No.: GRID REFERENCE: 420088.288010

The proposed dwelling will be accessed from Southfields Close and I understand from residents that there are existing problems relating to on-street parking. This is obviously of concern to the residents. However, this is insufficient grounds for an objection on highway grounds as the proposals are unlikely to exacerbate the existing parking issues as off road parking will be provided.

Therefore, the Highway Authority's response to your consultation in regard to the above application which was received by the Council on 12/08/2010, is one of **NO OBJECTION**, subject to the following conditions:

1. The access to the site for vehicles shall not be used in connection with the development hereby permitted until it has been surfaced with a bound macadam material for a distance 6.0 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority, in consultation with the Highway Authority.
2. The gradient of the access to the site shall not be steeper than 1:12 at any point for a distance of 6.0 metres, as measured from the near edge of the public highway carriageway.
3. The development shall not be occupied until visibility splays have been provided to the site, passing through the limits of the site fronting the public highway. No structure, tree or shrub shall be erected, planted or retained within the splays

*Working for
Warwickshire*

exceeding, or likely to exceed at maturity, a height of 0.60 metres above the level of the public highway carriageway.

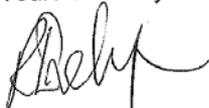
4. The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.

Note

Before commencing any works within the limits of the highway the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

Yours sincerely



Rose Evelyn
Development Group

direct line (01926) 412642
fax (01926) 412641
minicom (01926) 476817
email developmentgroup@warwickshire.gov.uk
your ref PAP/2010/0375
my ref NW2089/100375
your letter rec'd
date 25/10/2010

Environment and Economy

PO Box 43

Shire Hall

Warwick

CV34 4SX

DX 723360 WARWICK 5

www.warwickshire.gov.uk

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

CC: Councillor Mr P Fowler, COUNTY COUNCILLOR - COLESHILL, for information only

Dear Mr Brown

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Therefore, the Highway Authority's response to your consultation in regard to the above application which was received by the Council on 12/08/2010, is one of NO OBJECTION, subject to the following conditions:

1. The access shall not be used unless it has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.
2. The gradient of the access to the site shall not be steeper than 1:12 at any point for a distance of 6.0 metres, as measured from the near edge of the public highway carriageway.
3. The development shall not be occupied until visibility splays have been provided to the site, passing through the limits of the site fronting the public highway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.60 metres above the level of the public highway carriageway.

4. The access to the site shall not be used in connection with the development until it has been surfaced with a bound macadam for its whole length, as measured from the near edge of the public highway carriageway, in accordance with details to be approved in writing by the Highway Authority.
5. The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain within the limits of the public highway.

Note to Planner at NWBC

It has been suggested that the existing footway could be extended along the frontage of the proposed development site. This is something you may wish to consider as a planning decision, when the application is being discussed.

Notes for inclusion

1. Condition number 1 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515.
2. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.
3. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

Yours sincerely

Rose Evelyn
Development Group

Relevant plans submitted

Site Location plan



2010 / 0375
OS Sitemap®



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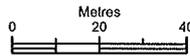
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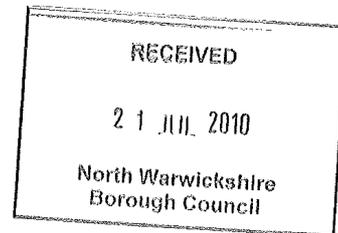
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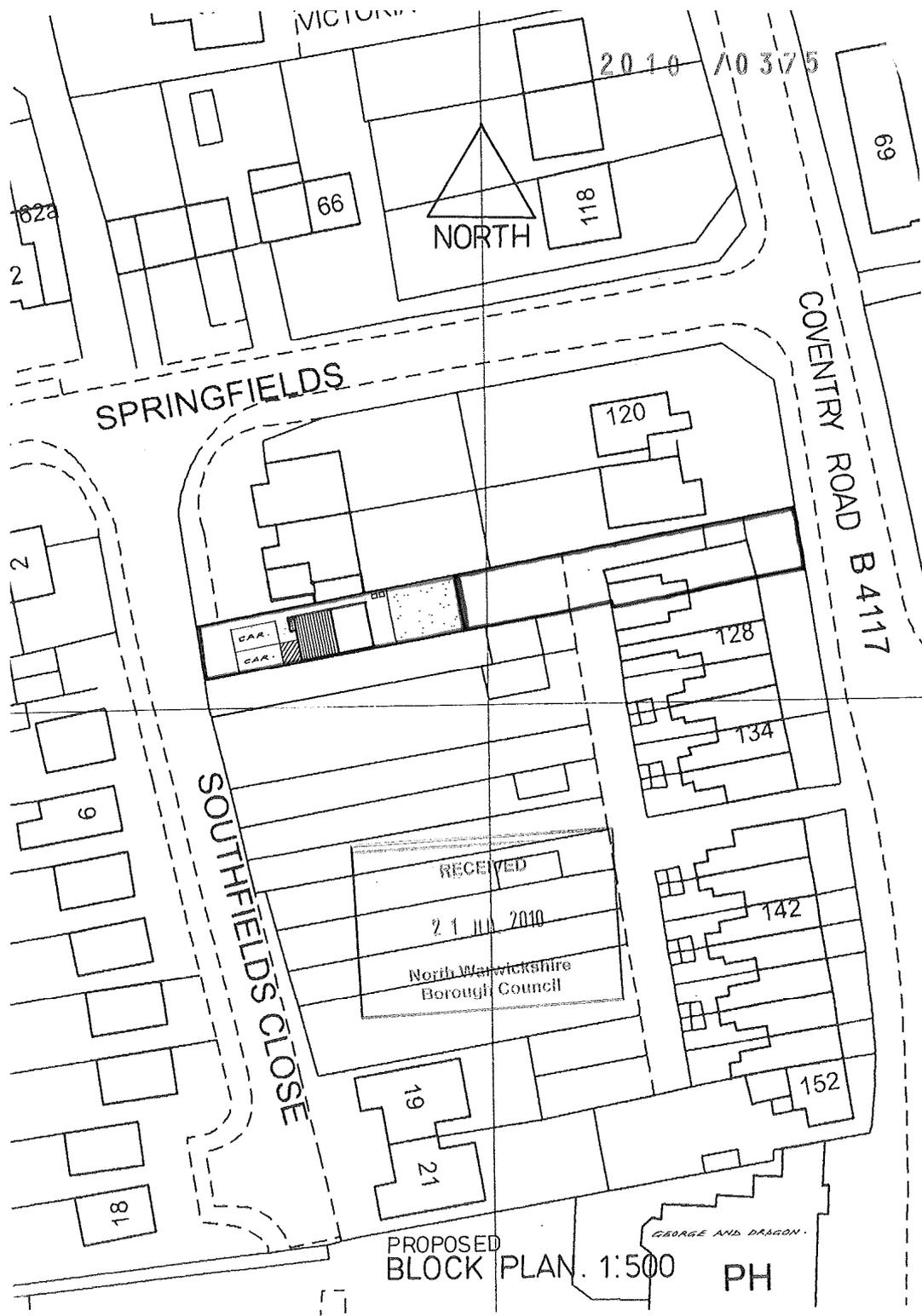
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Serial number: 00354500
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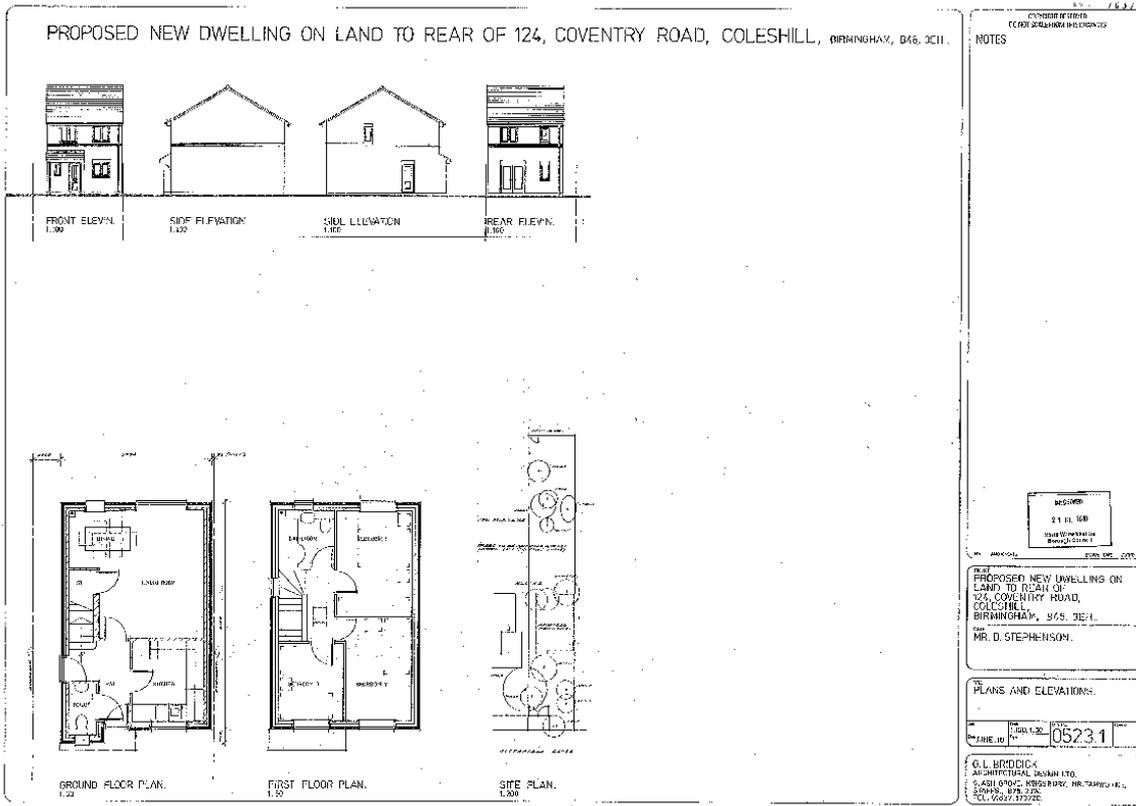
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Indicative Block plan



Indicative plan



Photos of the site







