

General Development Applications

(5/f) Application No: DOC/2021/0075

92, Coleshill Road, Hartshill, CV10 0PH

Approval of details required by condition no's: 11,12 & 13 of planning permission PAP/2020/0599 dated 23/08/2021 relating to closing fence gaps, car park management plan and safety barrier, for

Mr S Chaudry - MAC Developments & Construction Ltd

Introduction

This application is being reported to the Board given the Board's past interest in the site.

The application was referred to the Board on 2 August 2021 and that report is attached at Appendix A with the decision notice at Appendix B.

As part of that decision, three conditions were attached requiring details to be submitted within six months of the approval. These are in respect of noise (condition 11); car parking management (condition 12) and a car park safety barrier (condition 13).

The Site

The site itself is to the rear of Coleshill Road. To the north of the site is land within the control of the applicant which includes a recently constructed shop and another row of shops with flats above. To the west of the site are the Council owned bungalows in Willow Close. To the east of the site are residential properties in Chancery Lane. To the south of the site are gardens of Chancery Lane and a small holding.

A general location plan is at Appendix C.

The Proposal

The planning permission was for a 50-space car park through the changing of levels of the land to the rear of 92 Coleshill Road. The development also included the formation of retaining walls, its enclosure by 2.4m high fencing together with lighting columns.

The Notice required the submission of details in respect of the closing of fence gaps, approval for a car park management plan as well as a safety barrier within six months of the date of this permission. Details have been submitted.

Condition 11 states:

11. Within six months of the date of this permission, details shall be submitted to the Local Planning Authority to show how the gaps between the bottom of the fences along the southern and eastern car park boundaries are to be permanently closed. Only the approved measures shall then be installed and within six months of their written approval by the Local Planning Authority.

Reason: In the interests of the reducing the risk of flooding.

A cross section has been submitted showing that a concrete pad is to be provided along the lengths of fencing specified by the condition. This barrier is said to remove the gap and thus retain surface water on the site as well as reducing the likelihood of noise from the car park filtering through to residential property.

12. Within six months of the date of this permission, a Car Park Management Plan shall be submitted to the Local Planning Authority. This Plan will show how the car park is to be managed and operated such as to ensure compliance with condition (2); retain separate areas for staff and customers, show how the risk of anti-social behaviour can be minimised and set out a timetable for the Plan's implementation. The Plan that is subsequently approved in writing by the Local Planning Authority shall then be implemented in full to the written satisfaction of the Local Planning Authority.

Reason: In the interests of the general amenities of the area and highway safety

The submitted Car Park Management plan has been submitted – Appendices C and D. This includes the provision of an electronic barrier close to the rear of the new retail unit. The electronic barrier has already been provided on site to reduce access by vehicles later into the evening. This is said to help reduce anti-social behaviour at times when ambient noise levels are lower.

13. Within six months of the date of this permission, details of a safety barrier to be located around the east, south and west boundaries of the car park so as to reduce the risk of damage to the fencing and walls together with a timetable for its implementation, shall be submitted to the Local Planning Authority. Details as subsequently approved in writing by the Local Planning Authority shall then be implemented in full to the written satisfaction of the Local Planning Authority.

Reason: In the interests of the amenities of neighbouring residential occupiers

The applicant has indicated that wooden knee-high barriers are to be placed along the eastern, western and southern boundaries of the car park – Appendix C.

Development Plan

North Warwickshire Local Plan 2021 - LP29 (Development Considerations) and LP30 (Built Form)

Hartshill Neighbourhood Plan 2017 – H4 (Good Quality Design in Hartshill) and H12 (Hartshill Retail Centre)

Other Relevant Material Considerations

National Planning Policy Framework

Consultations

Warwickshire County Council as Highway Authority – No objections to the submitted details

Environmental Health Officer – No objections to the submitted details

Warwickshire Police Architectural Liaison Officer – No objections
Representations

Two objections have been received which cover the following points

- Concerns that cars may crash over the boundary.
- Concern that the proposed fencing is not equivalent to metal barriers.
- There is a drop off onto neighbour land which could lead to accidents.
- Nothing issued in respect of CCTV and lighting.
- Proposal does not comply with Local Plan or Neighbourhood Plan.

Observations

i) Condition 11

There is no objection to the details as they achieve the reason for the condition

ii) Condition 12

Some comments have been received suggesting that the barrier is there for other reasons. However, officers consider that the CCTV cameras on the site and the barriers will provide a reasonable and proportionate response to the need to reduce the potential of crime and anti-social behaviour.

The location and position of the barrier will segregate the large car park. Its location will not affect the manoeuvring for delivery vehicles shown on the swept path drawings. There will be no outside storage within the car parking area other than that indicated on the approved plan - Conditions 7 and 8 of the main permission already control this area. The car park will be open at 0630 and closed off at 2230 every day of the week by use of the barrier. A member of staff will ensure that only authorised vehicles are on the car park. Signs will designate the staff parking areas. The plan will be monitored annually and if necessary additional measures considered in liaison with the local authority. The car park management plan has been the subject of engagement with both the Highway Authority and the Council's Environmental Health Officer and the final draft is the one attached at Appendix D. There is no reason not to support it.

iii) Condition 13

Representations have been received indicating that the provision of the wooden knee-high barriers are not a proper substitute for metal Armco barriers. As a consequence, the Warwickshire Police "Secure by Design" officer was asked to provide his professional opinion. After looking at the barriers, the existing fencing and kerbs, he considers that together they are robust enough to stop the vehicles breaking through onto neighbouring properties land. In these circumstances it is not considered that the details can be supported.

Other issues

A number of other issues have been raised by local residents during the consultation on this application, including re-visiting the principle of the overall development. The Board's remit in respect of the application before it is limited to an assessment of the details submitted under conditions 11 to 13. Other matters raised do not hold weight in the determination of this particular application.

The other matters raised particularly relate to the lighting that has been provided on site. Details of this provision are covered by conditions 1 and 6 of the main planning permission. As a consequence, officers will investigate whether there has been a breach of these conditions and if necessary, the appropriate action can be taken.

Recommendation

That the following details be approved in discharge of conditions attached to PAP/2020/0599 dated 23/8/21:

1. Plan number 3C in full discharge of condition 11
2. The Traffic Management Plan Revision B and plan number 3C in full discharge of condition 12
3. Plan number 3C in full discharge of condition 13.

INFORMATIVES

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

2. This discharge of condition application should be read in conjunction with PAP/2020/0599 and relevant discharge of condition application and amendments.

General Development Applications

(6/j) Application No: PAP/2020/0599

92, Coleshill Road, Hartshill, CV10 0PH

Formation of additional car parking including changing of levels, construction of boundary, retaining walls and lighting (retrospective), for

Mr S Chaudry - MAC Developments & Construction Ltd

Introduction

This application is being reported to the Board at the discretion of the Head of Development Control given the issues involved. An initial report for information was referred to the Board on 14 July 2021 and that is attached at Appendix A. An additional site visit has been programmed for Members unable to attend the one on 12 July.

Members will be aware that the proposed development is substantially completed and thus the application should be treated as one seeking retrospective permission.

The Site

The site itself is to the rear of Coleshill Road. To the north of the site is land within the control of the applicant which includes a recently constructed shop and another row of shops with flats above. To the west of the site are the Council owned bungalows in Willow Close. To the east of the site are residential properties in Chancery Lane. To the south of the site are gardens of Chancery Lane and a small holding. Part of the site is situated in Nuneaton and Bedworth Borough Council's jurisdiction and therefore a planning application has also been submitted to that Authority.

A general location plan is at Appendix B.

The Proposal

The application proposes the formation of a 50-space car park through the changing of levels of the land to the rear of 92 Coleshill Road. The development also includes the formation of retaining walls and its enclosure by 2.4m high fencing; lighting columns have been erected and the proposal also includes plastic 'camouflaged' netting to the retaining wall facing Willow Close. The proposal is to provide additional parking to serve the commercial units within the applicant's ownership on Coleshill Road. The car park is adjacent to the new store which has approved opening hours between 0700 and 2200 hours.

The original submission was for 60 spaces, but this has been reduced in order to provide better circulation as well as to allow for a recycling area.

The proposed layout is at Appendix B

6J/108

Background

Planning permission was granted for a retail unit on the land immediately to the north of the site in 2018 (ref PAP/2018/0082) with a variation to the plans approved in 2019 (ref PAP/2019/0036) to increase the height of the building by 1m. The proposals of this application are connected to those approvals so as to provide additional parking and new delivery space.

Development Plan

North Warwickshire Core Strategy (October 2014) - NW1 (Sustainable Development); NW10 (Development Considerations), NW12 (Quality of Development) and NW17 (Economic Regeneration)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV12 (Urban Design) and ENV13 (Building Design)

Hartshill Neighbourhood Plan 2017 – H4 (Good Quality Design in Hartshill) and H12 (Hartshill Retail Centre)

Other Relevant Material Considerations

National Planning Policy Framework 2019 – (the “NPPF”)

National Planning Practice Guidance

The North Warwickshire Local Plan Submission Version, March 2018 - LP1 (Sustainable Development); LP11 Economic Regeneration, LP31 (Development Considerations) and LP32 (Built Form)

Proposed Main Modifications to the Submitted Plan – MM21(in respect of LP1); MM 55 (in respect of LP11), MM74 (in respect of LP31) and MM75 (in respect of LP32)

Air Quality - Planning Guidance Document September 2019

Consultations

Warwickshire County Council as Highway Authority - It has raised concerns about an intensification of use of the access and it also considers that a Road Safety Audit should be submitted.

Environmental Health Officer – Noise and lighting assessments have been submitted and in principle it is considered that appropriate conditions and design specifications would be sufficient to mitigate adverse impacts.

Nuneaton and Bedworth Borough Council – It objects to the development in that the retaining wall and fencing will have a detrimental impact on visual amenity. This may also have a significant impact on the residential properties.

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Warwickshire Fire and Rescue Service – No objections.

Representations

A petition signed by 11 residents, objects to the scheme outlining the following concerns:

- Willow Close residents were advised that a new fence would be erected, not the concrete walls.
- Residents can no longer enjoy garden areas.
- Scale of the car park is huge.
- No consultation prior to the erection of the proposal.
- Proposals continued without planning permission.
- Disregard for neighbours.
- Great deal of stress created by the proposal.
- This is a supermarket carpark not just a staff car park
- Noise is an issue
- Oppressive structure with additional fence.
- Lighting columns 15 in total.
- Lighting turned off after 10pm
- Poor workmanship

There have been letters of objection from four local residents raising issues in respect of the following:

- The proposal does not accord to the application forms in terms of materials and surface water attenuation.
- Surface water attenuation should amount to 84 cubic metres of attenuation. This has not been included, which will lead to water on neighbouring properties. No plans have been submitted showing connections.
- The approved commercial development shows overland surface water.
- Kerbs not 1 metre away from the fencing.
- Landscaping has not been provided
- Lighting not shown on plans and incorrect.
- Car parking going to create noise issues.
- No maintenance details of the structure, landscaping.
- Workmanship is poor to the sheet piling, fencing and landscaping
- Landscaping removed and nothing put back as a replacement.
- Steel piles are reused and are likely to fail in the future. Maintenance difficult due to their position on the boundary.
- Unstable land
- Fences erected lead to sense of enclosure and lead to an impact on sunlight and daylight reaching the adjacent properties.
- The works have already been undertaken.
- Skips and waste areas for store to the rear of the car park.
- CCTV and lighting impact on the residential properties

6J/110

- Access from Chancery Lane flats has poor visibility, no barriers stopping cars running through fences.
- Impact on air and noise pollution
- Piles damaged main sewage system during construction.
- Completely changed the character of the area from a green outlook to a commercial/industrial estate. The store will be used for multiple business which the car park will be used to support.
- Concerns it is not be used as a car park but as a recycling centre or other commercial activities.
- Impact during construction, noise, vibration, dust
- Should be carbon off contributions from the development.
- The development echoes as noise is amplified

A further letter of objection has been received which is included at Appendix C.

Observations

i) The Principle of the Development

The proposal is situated adjacent to Chapel End Neighbourhood Centre as defined by Policy LP21 of the emerging local plan which is designated between 82-102 Coleshill Road. Additionally, Policy H12 of the Hartshill Neighbourhood Plan indicates that within this area expansion of retail provision will be supported. When planning permission is required, non-retail uses will be restricted in order to retain the level of retail provision in the area. The use of the northern element of site is already approved for retail use.

There is no objection in principle here as the proposal provides both staff and customer parking for an approved retail scheme within an established retail and community centre. It will also enable deliveries to be made on-site, removing vehicles from the road. There is thus a benefit in reducing the pressure for on-street carparking on the Coleshill Road. Additionally, the land has been used in the past for parking in association with the frontage properties and thus there is no material change of use involved.

The matters for consideration by the Board are therefore in respect of the details and these revolve around the matter of impacts arising from the redevelopment of the land.

ii) Impact on Residential Amenity

It is important to note that this is an urbanised mixed residential and retail area and therefore there are related adverse noise, lighting, highway, parking and amenity impacts already present throughout the day. This is more applicable to those residential properties directly opposite the site as this proposal has given the opportunity to reduce on-street parking and deliveries and thus provide some benefit. It is however the impact on the residential properties that adjoin the site that require the further assessment – Chancery Lane and Willow Close.

The most immediate impact to consider is the visual impact. The change from the original parking area here has been substantial. The surface of that area was unmade and there was a hedgerow and green natural boundary around the three boundaries.

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That has all been removed. The new boundaries are concrete retaining walls with high wooden fences. Lighting columns have been added. Some degree of mitigation has been added through the "greening" of the exposed walls through the application of netting with its applied artificial vegetation. The visual impact is at its most significant when viewed from the south from the open land beyond the site. This adverse impact is also apparent from the rear gardens of properties in Chancery Lane – which extend along the length of the southern boundary wall.

On the other hand, the rear boundary is "read" against the backdrop of the rear of the frontage properties to Coleshill Road. It is important to point out that the level of the former land here was also at a raised level from the surrounding land. The surface of the car park at its greatest, is some 0.5 metres above that former level of the car park and this is at its southern edge (Appendix D shows aerial photographs of the site and original photographs from Chancery Lane). That land had no retaining features and there was already evidence of some bank slippage. Some weight therefore is given to the argument that this land would have had to have been stabilised at some-time. Notwithstanding these matters it is considered that the current work has been engineered in a significant way such that the adverse visual impact has been exaggerated.

A number of neighbours have indicated that the development has led to a loss of sunlight and daylight in their gardens as well as there being an oppressive sense of enclosure because of the proximity of the retaining walls and the fencing. Appendix E provides dimensions to illustrate this matter. It cannot be argued that the proposal does not have an impact. This is most notably to properties at 25-29 Willow Close and numbers 7, 9 and 11 Chancery Lane. The impact on direct sunlight to their gardens is early in the morning and later in the afternoon and evening respectively. Members will have seen the difference in levels of the neighbouring gardens on site. In Willow Close the proximity of the retaining wall is 8 to 11 metres from the rear windows of the bungalows. There will be a difference in levels of between 4 to 5.5 metres when an acoustic fence is placed onto the retaining wall. This will lead to a high degree of enclosure for the bungalows both to their gardens and rear windows. On Chancery Lane the distance from existing windows is 8 to 14 metres. Again, there is a difference in levels of around 2 metres plus the 2.4 metre high fence. The size and layout of the gardens of these properties are also factors to consider, but the sense of enclosure is reduced by the set-back position of the fence and the size of their gardens. The increased height of the land and fencing does provide the benefit of privacy for the residential properties and ensures that they are not overlooked, as well as stopping noise and disturbance from the proposed use. However, there is a detrimental impact on all of these properties. This weighs against the application.

The applicant has submitted a noise report based on the proposed layout and mitigation and concludes that the noise impact will not exceed national planning guidance. The Environmental Health Officer is comfortable with the assessment subject seeing details of the fencing. The 2.4m high fence and 1.5m fence on the retaining wall which will be finished with concrete at the base covering the existing gap will mitigate much of the noise. The use as a car park will have to be conditioned. Comings and goings are likely to be perceptible, the main road provides some level of noise, though overall background/ambient noise levels are relatively low. Therefore, any alterations to the movements will be heard especially when background levels are low. To ensure that mitigation is provided in perpetuity a condition on the management of the attenuation is

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required and to ensure that the fencing is up to standard as required. The weight attributed to this issue is neutral in the overall balance.

To assess whether or not there is detrimental impact to the neighbouring residential properties in terms of lighting, a lighting assessment has been submitted. This has taken into account the 4m height of the 14 columns and the 2.4m high fencing. The cowlings and position of the lighting columns have all been amended to ensure that the proposal does not lead to a detrimental impact on neighbouring residential properties. From this and given that the setting of the site is suburban in character, it is considered that subject to conditions ensuring that the lighting is switched off after 2230 and not switched on before 0700; that the direction of the lighting source is horizontal and specification for the maximum level of lighting, the impacts would not be unacceptable.

iii) Drainage

Residents have raised concerns in respect of surface water drainage. For such a large area of car parking, drainage attenuation and mitigation are required.

The applicant has submitted a drainage layout for the scheme which shows drainage channels along two sides of the scheme which link into an underground drainage system leading to an underground attenuation storage tank that was already approved as part of the retail scheme. This approved tank however has been increased from 12 cubic metres to 140 cubic metres. There is an interceptor and a hydro-brake to filter and limit flows into the mains sewer system. Surface water is thus not discharged into a watercourse. Also, the stream that ran along the eastern boundary has been culverted. It is not considered that a refusal reason could be sustained in these circumstances subject to a condition requiring maintenance of the system.

Further concerns have been raised recently in respect of the drainage issues following a torrential rainstorm on the first weekend in July. This caused manholes on Coleshill Road and Chancery Lane to burst causing flooding at a number of properties – including those backing onto the site at Chancery Lane. There was also “ponding” on the car park itself as a consequence of the burst manholes in the Coleshill Road. It is considered that in these circumstances the car park was unlikely to be the source of the flooding.

iv) Highways

The car park brings substantial benefits in supporting the retail and commercial uses in this area through increasing capacity as well as through providing off-street delivery arrangements. The approved retail unit referred to above included access improvements to the existing provision onto Coleshill Road so as to enable increased provision at the rear of the site.

Paragraph 109 of the NPPF makes it clear that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of the scheme are severe. Although, the Highway Authority has had some concerns about the use and how the proposed car park would function, it recognises that access would be via an approved access off Coleshill Road with improved visibility and width. The Highway Authority also acknowledges the need for additional parking in close proximity to the shops to minimise the risk to highway safety,

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combined with the removal of on-street parking is a significant benefit. The applicant will have to provide a Road Safety Audit to look in detail at safety issues that might affect circulation at the access, and this is still awaited. Subject to there being no matters that cannot be dealt with by condition, it is considered that the proposals would not give rise to the "severe" impacts required to sustain a refusal.

v) Other issues

A range of planning mechanisms can be used to mitigate and minimise risks to development proceeding. During the progress of the development there have been discussions with Building Control and Environmental Health, however concerns have been raised in respect of land stability issues. These discussions continue.

The scheme will provide 6 electric charging points.

The proposal has removed a number of trees and hedges on site. The scheme will provide landscaping to mitigate loss. However that cannot wholly mitigate the overall loss.

Issues raised in terms of the noise experienced during the construction of the car park are not material considerations as part of this application and should not be taken into account. Also, there are private matters in terms of alleged damage and ownership which are also not material considerations.

Members will be aware that it is not an offence to carry out unauthorised works without planning permission. These works are not unlawful in that respect. Members are advised that the fact that the application is retrospective is not therefore a reason for refusal. It has to be dealt with on its merits based on an assessment of all relevant planning considerations. In this respect Government guidance advises that formal enforcement action should only be considered in the last resort and therefore the use of planning conditions can assist in many cases.

vi) The Planning Balance

The application is finely balanced. There are indeed adverse impacts visually as well as on the residential amenity which Members will have seen on their visits. In respect of lighting and noise impacts then it is considered that these have been and can be mitigated by planning condition. Drainage impacts are not considered to be unacceptable given that the site has become "self-contained" in that respect. There are outstanding highway safety matters, but given the approved improvements to the access here and its use to serve new car parking, it is acknowledged that support can be given in principle in highway terms. This leads to recognition of the significant highway, social and commercial benefits that have been outlined in this report on the other side of the balance. Members will also be aware of the residential allocations in the emerging Local Plan and thus the need to ensure that local services and infrastructure is delivered and that occupiers of these developments use those local services so as to enhance sustainability and the vitality of the local retail and commercial centre here.

It is considered that the greater long-term benefits here are strong enough to outweigh the harms caused.

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The recommendation below is thus one that supports this principle.

Recommendation

That the Board is **minded to support** the grant of planning permission and that subject to there being no objection from the Highway Authority as a consequence of the Road Safety Audit that cannot be dealt with by condition, and also taking into account consideration of ground stability and bio-diversity issues, a full schedule of conditions be delegated to the Chairman, the Vice-Chairman, the Opposition Planning Spokesperson and the local Members.

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BACKGROUND PAPERS

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

Planning Application No: PAP/2020/0599

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant	Application Forms, Plans and Documents	12/11/2020
2	Local resident	Objection – petition signed by 11 residents	26/02/2021
3	Local resident	Objection	26/02/2021
4	Environment Agency	Comments	05/03/2021
5	NBBC	Objection	19/03/2021
6	NWBC Environmental Health	Objection	30/03/2021
7	WCC Flood Authority	Objection	01/04/2021
8	WCC Highway Authority	Objection	08/04/2021
9	Hartshill Parish Council	Comments	08/04/2021
10	Warwickshire Fire Safety	Comments	09/04/2021
11	Local resident	Objection	09/04/2021
12	Local resident	Objection	09/04/2021
13	WCC Flood Authority	Comments	19/04/2021
14	Updated light assessment	Correspondence	20/04/2021
15	Local resident	Objection	30/06/2021
16	Noise assessment submitted	Correspondence	11/06/2021
17	Local resident	Objection	15/07/2021
18	Noise assessment, Lighting Assessment, Plans submitted	Correspondence	21/07/2021

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

(5/P) Application No: PAP/2020/0599

92, Coleshill Road, Hartshill, CV10 0PH

Formation of additional car parking including changing of levels, construction of boundary, retaining walls and lighting (retrospective), for

Mr S Chaudry - MAC Developments & Construction Ltd

Introduction

This application is being reported to the Board at the discretion of the Head of Development Control given the issues involved. A Board site visit was carried out on the 12 July 2021 at 1830.

Members should be aware the proposed development is substantially completed and thus the application should be treated as one seeking retrospective permission.

The Site

The site itself is to the rear of Coleshill Road. To the north of the site is land within the control of the applicant and includes the recently constructed shop and another row of shops and flats above. To the west of the site are the Council owned bungalows in Willow Close. To the east of the site are residential properties in Chancery Lane. To the south of the site are gardens of Chancery Lane and a small holding. Part of the site is situated in Nuneaton and Bedworth Borough Council's jurisdiction and therefore a planning application has also been submitted to that Authority.

The Proposal

The application proposes the formation of a car park through the changing of levels of the land to the rear of 92 Coleshill Road. The development has also included the formation of retaining walls, the land has also been enclosed by 2.4m high fencing; lighting columns erected and the inclusion of plastic 'camouflaged' netting to the retaining wall facing Willow Close. The proposal is to provide additional parking to serve the commercial units within the applicant's ownership on Coleshill Road. The car park is adjacent to the new store which has approved opening hours between 0700 and 2200 hours.

The latest plan is attached at Appendix A.

Background

Planning permission was granted for a retail unit on the land immediately to the north of the site in 2018 (ref PAP/2018/0082) with a variation to the plans approved in 2019 (ref PAP/2019/0036) to increase the height of the building by 1m. The proposals of this application are connected to those approvals in terms of the additional parking and boundary treatments.

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Development Plan

North Warwickshire Core Strategy (October 2014) - NW1 (Sustainable Development); NW10 (Development Considerations), NW12(Quality of Development) and NW17 (Economic Regeneration)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV12 (Urban Design) and ENV13 (Building Design)

Hartshill Neighbourhood Plan 2017 – H4 (Good Quality Design in Hartshill) and H12 (Hartshill Retail Centre)

Other Relevant Material Considerations

National Planning Policy Framework 2019 – (the “NPPF”)

The North Warwickshire Local Plan Submission Version, March 2018 - LP1 (Sustainable Development); LP11 Economic Regeneration, LP31 (Development Considerations) and LP32 (Built Form)

Proposed Main Modifications to the Submitted Plan – MM21(in respect of LP1); MM 55 (in respect of LP11), MM74 (in respect of LP31) and MM75 (in respect of LP32)

Air Quality - Planning Guidance Document September 2019

Consultations

Warwickshire County Council as Lead Local Flood Authority – It originally objected and following submission of additional details it has no further comments to make.

Warwickshire County Council as Highway Authority - It objects as it considers that a Road Safety Audit should be submitted.

Environmental Health Officer – It required both noise and lighting assessments to be undertaken

Nuneaton and Bedworth Borough Council – It objects to the development in that the retaining wall and fencing will have a detrimental impact on visual amenity. This may also have a significant impact on the residential properties.

Warwickshire Fire and Rescue Service – No objections.

Representations

A petition signed by 11 residents, objects to the scheme outlining the following concerns:

- Willow Close residents advised a new fence erected, but not the concrete walls.

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- Residents can no longer enjoy garden areas, consider overwhelmed and devastated.
- Scale of the car park is huge.
- No consultation prior to the erection of the proposal.
- Proposals continued without planning permission.
- Disregard for neighbours.
- Great deal of stress created by the proposal.
- This is a supermarket carpark not just a staff car park
- Noise is an issue
- Oppressive structure with additional fence.
- Lighting columns 15 in total.
- Lighting turned off after 10pm
- Poor workmanship

There have been letters of objection from four local residents raising issues in respect of the following:

- The proposal does not accord to the application forms in terms of materials and surface water attenuation.
- Surface water attenuation should amount to 84 cubic metres of attenuation. This has not been included, which will lead to water on neighbouring properties. No plans have been submitted showing connections.
- The approved commercial development shows overland surface water.
- Kerbs not 1 metre away from the fencing.
- Landscaping has not been provided
- Lighting not shown on plans and incorrect.
- Car parking going to create noise issues.
- No maintenance details of the structure, landscaping.
- Workmanship is poor to the sheet piling, fencing and landscaping
- Landscaping removed and nothing put back as a replacement.
- Steel piles are reused and are likely to fail in the future. Maintenance difficult due to their position on the boundary.
- Unstable land
- Fences erected lead to sense of enclosure and lead to an impact on sunlight and daylight reaching the adjacent properties.
- The works have already been undertaken.
- Skips and waste areas for store to the rear of the car park.
- CCTV and lighting impact on the residential properties
- Access from Chancery Lane flats has poor visibility, no barriers stopping cars running through fences.
- Impact on air and noise pollution
- Piles damaged main sewage system during construction.
- Completely changed the character of the area from a green outlook to a commercial/industrial estate. The store will be used for multiple business which the car park will be used to support.
- Concerns it is not be used as a car park but as a recycling centre or other commercial activities.
- Impact during construction, noise, vibration, dust
- Should be carbon off contributions from the development.

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- The development echoes as noise is amplified

Observations

Planning legislation states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise." (Section 38(6) of the Planning and Compulsory Purchase Act 2004, amending the Town and Country Planning Act 1990 (as amended)).

The statutory Development Plan comprises the North Warwickshire Core Strategy adopted in July 2014; Saved policies of the North Warwickshire Local Plan 2006 and the Hartshill Neighbourhood Plan. Other material planning considerations comprise the National Planning Policy Framework (NPPF) published February 2019, the National Planning Practice Guidance (NPPG), the emerging North Warwickshire Local Plan (2018) and the Council's Supplementary Planning Guidance.

The proposal is situated adjacent to Chapel End Neighbourhood Centre as defined by Policy LP21 of the emerging local plan which is designated between 82-102 Coleshill Road. Additionally, policy H12 of the Hartshill Neighbourhood Plan indicates that within this area expansion of retail provision will be supported. When planning permission is required, non-retail uses will be restricted in order to retain the level of retail provision in the area. The use of the northern part of the site is already approved for retail use.

There is no objection in principle here as the proposal provides both staff and customers car parking for an approved retail scheme within an established retail and community centre. It will also enable deliveries to be made on-site, removing vehicles from the road. There is thus a benefit in reducing the pressure for on-street car parking on the Coleshill Road.

There are however a number of detailed matters which need to be considered, particularly the impacts on the residential amenity of existing neighbouring properties in respect of visual impact, lighting and noise. These are the main issues raised through the representations which have been received. Other matters such as the disposal of surface water and highway safety need to be considered. The current documentation submitted however requires updating and there is also some clarification needed. This is being actively addressed by the applicant. As a consequence, officers are unable to prepare a determination report at this time. It is therefore recommended that that report is tabled at a subsequent Board meeting when the documentation is complete and after Members have visited the site.

Recommendation

That the current position is noted and that a determination report be referred to the Board in due course.

6J/120

BACKGROUND PAPERS

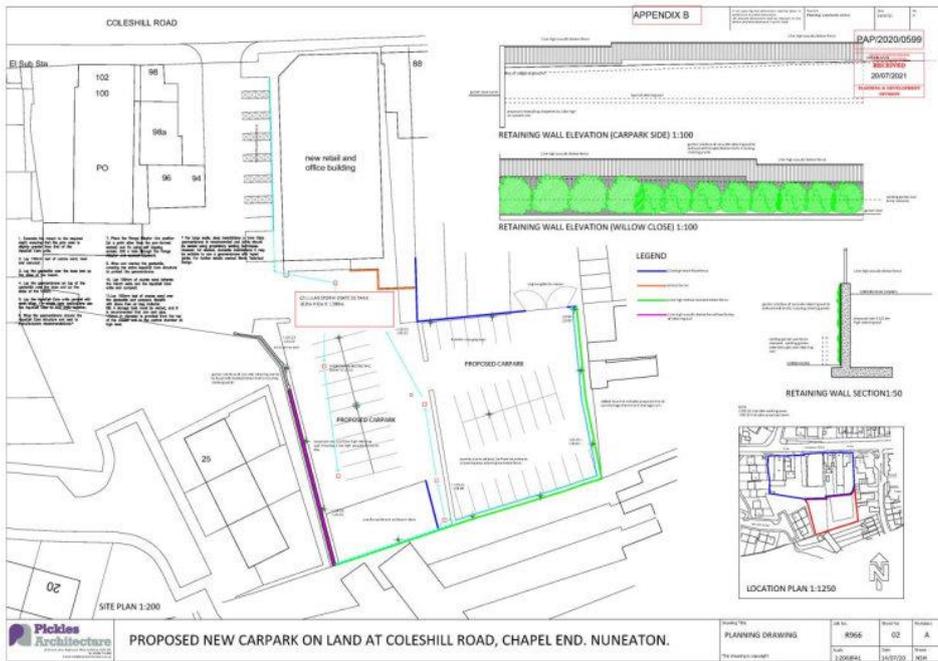
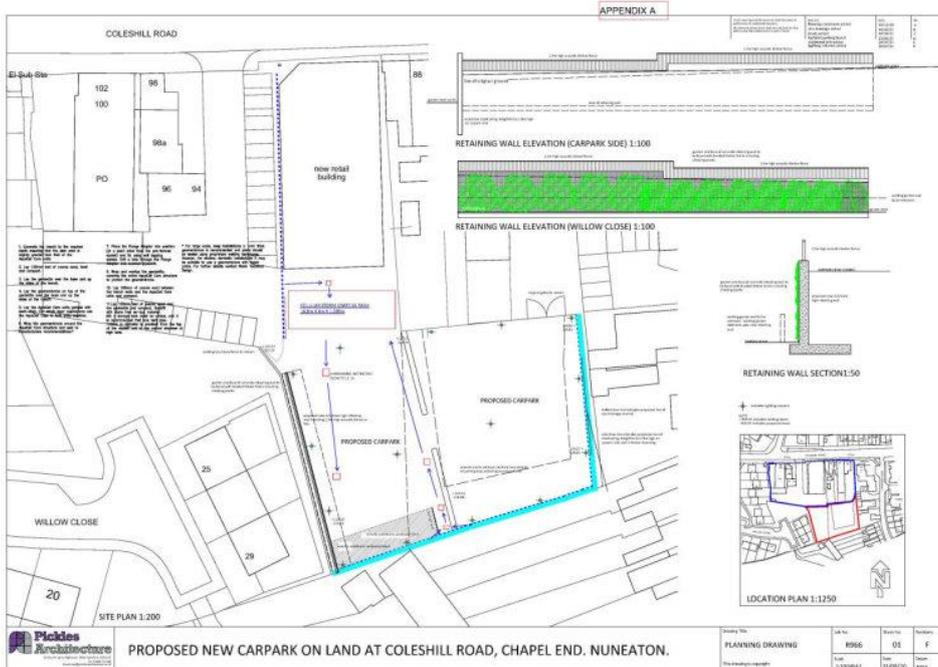
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2020/0599

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant	Application Forms, Plans and Documents	12/11/2020
2	Local resident	Objection – petition signed by 11 residents	26/02/2021
3	Local resident	Objection	26/02/2021
4	Environment Agency	Comments	05/03/2021
5	NBBC	Objection	19/03/2021
6	NWBC Environmental Health	Objection	30/03/2021
7	WCC Flood Authority	Objection	01/04/2021
8	WCC Highway Authority	Objection	08/04/2021
9	Hartshill Parish Council	Comments	08/04/2021
10	Warwickshire Fire Safety	Comments	09/04/2021
11	Local resident	Objection	09/04/2021
12	Local resident	Objection	09/04/2021
13	WCC Flood Authority	Comments	19/04/2021
14	Updated light assessment	Correspondence	20/04/2021
15	Local resident	Objection	30/06/2021
16	Noise assessment submitted	Correspondence	11/06/2021

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.



6J/122

5f/95

APPENDIX C

Dear Members of the planning committee

Ref: PAP/2020/0599

We all watched the discussion yesterday with a great deal on interest, made even more poignant with application sharing many of the attributes 92 Coleshill Road has.

To quote NWBC recent refusal of a nearby development, I see no difference in this application

'by virtue of its scale; height and massing forms a dominant and incongruous feature which fails to positively integrate with the existing built form or respect the immediate surroundings. Moreover it has an overbearing and unacceptable impact on the residential amenity of neighbouring occupiers thus conflicting with saved policies ENV12 and ENV13 of the 2066 NWBC local plan; policy H4 of the Hartshill Neighbourhood Plan and Policy NW10 (9) of the North Warwickshire Core Strategy 2014'

Points I would like all members of the committee to be furnished with are as follows, before its pushed through because its taken too long. This is not new information, it has been in the knowledge of members of NWBC since before this all started

The outcome of yesterday's meeting had 2 key points promoting its value and necessity for an oversized combined staff and customer parking area.

1st point – [REDACTED]
Where is the study with facts and figures that backs this claim up? Rather a subjective opinion. The applicant did build on a carpark on the former Chapel End Club, and I recall that there would be no consequences of any loss of amenity.

2nd point – [REDACTED] It didn't work last week. As some of you are aware our garden flooded with water cascading off the applicant's site.



Plans eventually submitted, after the site was constructed were misleading at best. Looking nothing like what was actually built and leaving residents guessing, what is going to happen next.

6J/123

5f/96

Application for the proposed Aldi employee car park, discussed issues of environmental and sustainable requirements embedding within planning framework. Electrification, cycling and walking to work to minimise impact of developments. Nothing has been submitted by applicant to show this is part of their sustainable and carbon neutral plan. Significant portion of the site is restricted to employee only parking according to rumour. This is for a small convenience store and an unknown activity in the shop roof space that developer claimed would be void to roof on their approved plan.

This now out ways the claims that shoppers and Coleshill Road will benefit from additional off road parking.

Ground height has only been discussed on 1 of the 3 residential boundaries. When will those in Chancery Lane be considered because they are anything but minor or insignificant?

Statement 'The ground height has barely changed levels' we find an insult. Why did it take over 100 lorry loads of rock to not increase ground levels (2 feet and rear of new shop) and still end up with a slope.

Ranging from 1.2m to 2.0m difference between residents gardens and carpark means something has changed. See attached report planning enforcement officer Lindon Morgan asked permission to use in his investigation into ground height change. There was talk from Lindon to us about an independent surveyor being used to clarify this.



6J/124

5f/97



Repeat again, this application has had

- no consultation,
- no construction methods plan,
- no agreed working hours for construction,
- no ground surveys for pipes and land stratigraphy for structures to retain huge amount of weight,
- ground water studies,
- No surveys as required for sheet piling before and after works.
- List goes on

Damage to main sewer in Chapel End by piling and sewage flooding into garden of 9 Chancery Lane.



Suitability of end of life, rusty, scrap steel piles. What is their lifespan before replacements are required or does the material collapse into resident's gardens?

Lighting and CCTV remain a mystery but are too high along the boundaries

6J/125

5f/98

Site now contains a substantial waste centre located above resident's gardens, as far from the shop as possible. Noise, smells all need to be considered when in this location.

Repeat, where is the carbon offset that is so important to the Aldi application and is embedded in the planning framework of all councils?

Can we please have a legible copy of the plan, because latest version has text written in our garden.

Site is dangerous in operation. Supermarket elevated carpark in Coleshill has crash barriers to stop run away vehicles from breaking through the boundary structure. Nothing on this site, just a kerb and wooden fence.

Sound studies conducted by applicant are flawed, because the microphones were somehow placed in residents gardens measuring an unoccupied carpark below carpark elevated ground levels.

Water drainage studies by the applicant has been shown to be incorrect and will never meet required standards. Independent surveyor has commented on this. Was tunnelling into private gardens looking for drainage acceptable?



We are aware all information and questions submitted to NWBC have been relayed to the applicant

6J/126

5f/99

Finally who is going to inform all residents and businesses connected to the sewer that was damaged during piling and construction, they will need to be rehoused?

Severn Trent and Warwickshire Flooding are jointly investigating the significant and terminal damage caused by months of heavy plant and violent vibrations. Done to compact 1000's of tonnes of imported stone, used to increase ground levels.



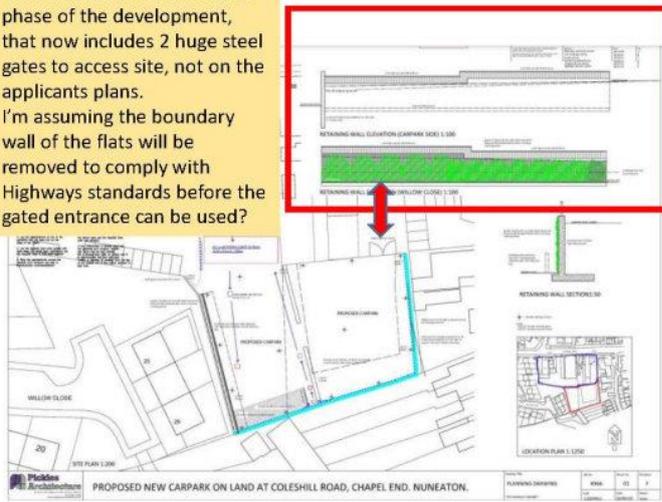
Attached is a professional survey of 40m of sewer under the applicant's site showing significant damage and cracks. Estimated life is 3 years, that's not including all the vibrations from an operational carpark and waste centre above. The high quality materials must now be removed to allow for replacement of entire sewer pipe.

If this is approved in its current state, it opens the flood gates and sets a precedent for even worse projects, allowing developers to do what they want, how they want, when they want.

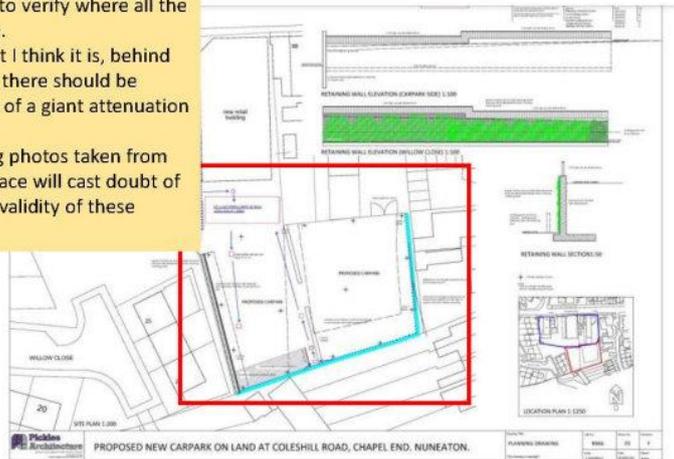
6J/127

5f/100

Why is this section hidden from view as it is critical next phase of the development, that now includes 2 huge steel gates to access site, not on the applicants plans. I'm assuming the boundary wall of the flats will be removed to comply with Highways standards before the gated entrance can be used?



Drainage plan. Needs investigation using cameras to verify where all the pipes are. If its what I think it is, behind the shop there should be evidence of a giant attenuation system. Following photos taken from public space will cast doubt of over the validity of these claims.



6J/128

5f/101



Drainage plan.
Original design for
plan PAP/2019/0036 shows high
level of technical engineering and
sound specification, where as recent
plan looks concept and inaccurate



6J/129

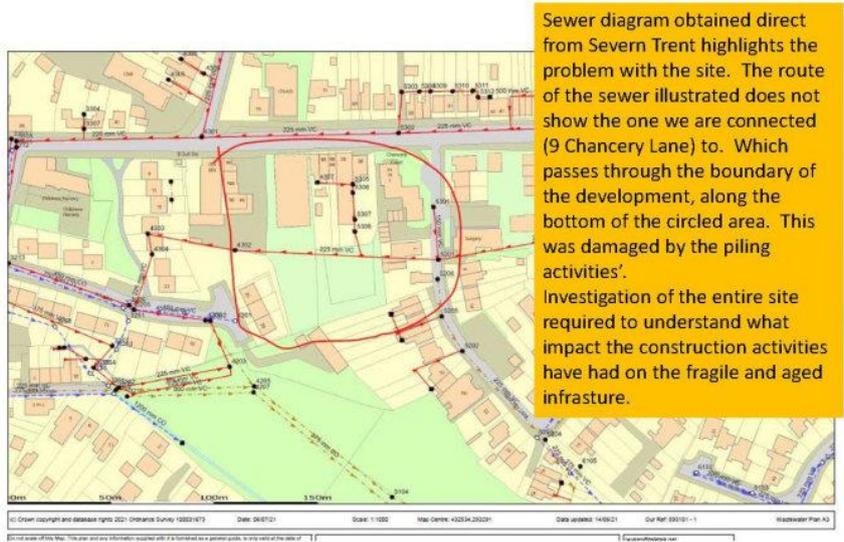


6J/130

5f/103

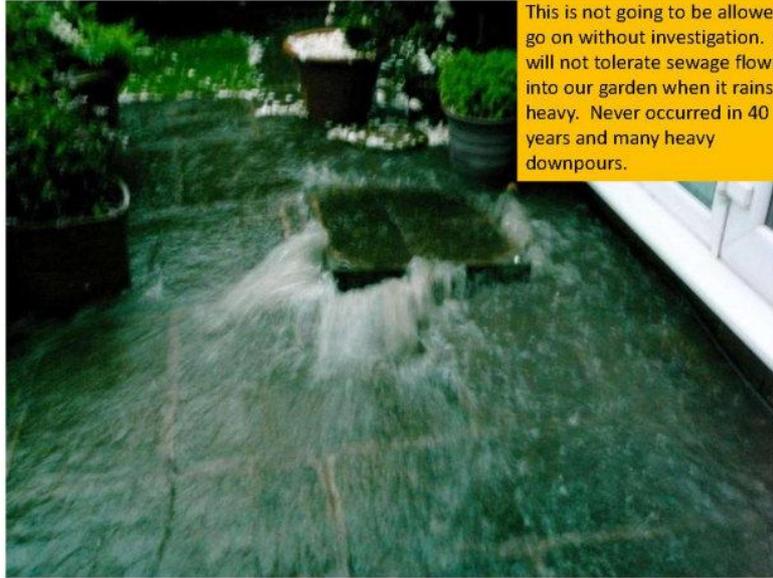


Not sure how this sewer connection and mains water pipe fit with the plan



Sewer diagram obtained direct from Severn Trent highlights the problem with the site. The route of the sewer illustrated does not show the one we are connected (9 Chancery Lane) to. Which passes through the boundary of the development, along the bottom of the circled area. This was damaged by the piling activities'. Investigation of the entire site required to understand what impact the construction activities have had on the fragile and aged infrasture.

6J/131



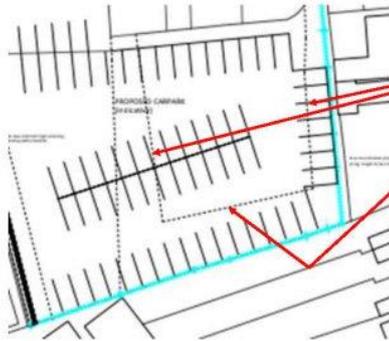
This is not going to be allowed to go on without investigation. We will not tolerate sewage flowing into our garden when it rains heavy. Never occurred in 40 years and many heavy downpours.



addition to the sewage fountain is the volume of surface water which poured off the carpark and into our garden. Has the surface drainage been plumbed directly into one of the combined sewer drains and caused a huge increase in volume to process?

6J/132

5f/105



The dotted lines here show that the ground was not a uniform level across the entire site. This is taken from the owners original application and shows there is variation. Which is the reason sheet piles have been used to raise it.

Ground outside the dotted line returns to natural ground levels. (See later slide showing OS contours)

Surrounding residential gardens and field have not been altered in height significantly since the last ice age.

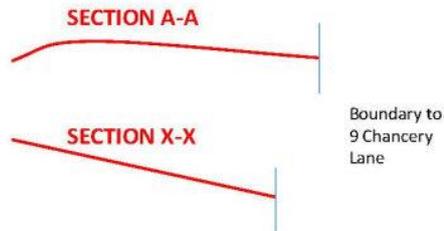
These levels vary in elevation as you progress around the boundary

See next slide for sections across the site



Large arrow shows natural slope of ground pre development. Direction high to low

Pre development natural ground levels

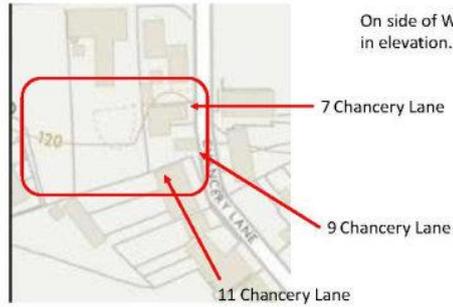


6J/133

OS map showing contour and ground height 120m.

In centre of the site ground is level until you reach boundary of 9 Chancery Lane, where it drops in elevation.

On side of Willow Close the ground level also drops in elevation.



6J/134

5f/107



Natural ground height to boundary of 9 Chancery Lane and illegal excavations over boundary line (search for non existent pipes) into 9 Chancery Lane property



Natural ground height to boundary of 9 Chancery Lane



Photo taken from corner of boundaries of 9 & 11 Chancery Lane is the lowest point of the development site . Stream has now been piped in where the breeze blocks are stacked

6J/135

5f/108



Photo taken from 11 Chancery Lane

Blue line shows final elevated ground level.

See next slide for actual levels when compared to tops of the metal piles



Raised ground level when compared to metal piles and original fence. Paved level will increase height even more.

6J/136

5f/109

Before any development had taken place, showing open stream and fence of no11 Chancery Lane. Embankment was raised to this level in 1980's. The crates are all from the Shambles building site on Coleshill Road Club



All vegetation removed, ready for piles. You can see the natural ground level of no11 Chancery Lane is considerably lower than the raised pre development level as you move towards the blue shed.



Change in height to rear of shop
Photo taken before any changes were made to ground levels

Area in red box shown in more detail on next slide

6J/137

5f/110



From original ground level to top of blue bricks is approximately 9 bricks at 75mm height. Allowing for a 10mm bed gives 765mm



If you can see through the clouds of thick brick dust we endured for weeks, you can see they have built a ramp up to the top of bottom of the rear access door. They have already started the process of raising ground levels at this time

6J/138

5f/111



View showing environmental massacre of trees and hedgerows in progress. You can clearly see how the land slopes down to the left and behind the panes of glass are the roofs of Willow Close.



View showing stone being delivered. Land still slopes but is now much higher. Roof tops of Willow Close can barely be seen.



Another view of Willow Close as trees are cleared. Ground slopes down to the left as does fence and roof tops visible

6J/139

5f/112



Stone and more stone. 2 of many lorry loads delivered to raise ground height



6J/140

5f/113



Showing arrival of metal piles, violent installation method and more stone deliver from Tarmac. Also building up of the layers of rock.



6J/141

5f/114



9 Chancery Lane
Chapel End
CV10 0PB

06/07/2021

Job Number: 004

M & N Drainage

Astley Cottage, Breach Oak Lane, Corley, Warwickshire, CV7 8AU
Tel: 07715 616 784

1

6J/142

5f/115

		Contents Page		<small>M & N Drainage and Plumbing Astley Cottage, Beech Oak Lane Corley Warwickshire CV7 8AU</small>
<small>Job Number</small> 004	<small>Surveyed by (Operator)</small> Neal Barford	<small>Base Unit</small> MINLOANUNIT	<small>Date</small> 06/07/2021	

Report Contents

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Page 7	Job Summary
Page 8	Survey Run Sheet(Survey 1 - FMH 1 to FMH OFF PROPERTY)
Page 14	Grade Defect Descriptions



M & N Drainage and Plumbing
Astley Cottage, Breach Oak Lane
Corley
Warwickshire
CV7 8AU
07715616784

Mr Wykes
9 Chancery Lane
Chapel End
CV10 0PB
004

06 July 2021

Hi Tom

You will see from the survey that at various locations from 1.74 mtr -8.55 mtr there are displaced joints. At 13.64 mtrs you will see what looks to be a partial collapse to the left hand side of the sewer. This will not help with the issues you have been having over the past week with back surging and flooding. I cannot say 100% this is a result from the works that have been going on to the rear of your property, but in my opinion it wont have helped matters. As you can also see from the survey from this point onwards there are several issues with cracking, from 25.50 mtrs to 29.90 mtrs, and again 34.83 mtrs along to 40.74 mtrs which is where it then joins another manhole.

If you have any furth questions then please do not hesitate to contact me.

Many Thanks

Neal

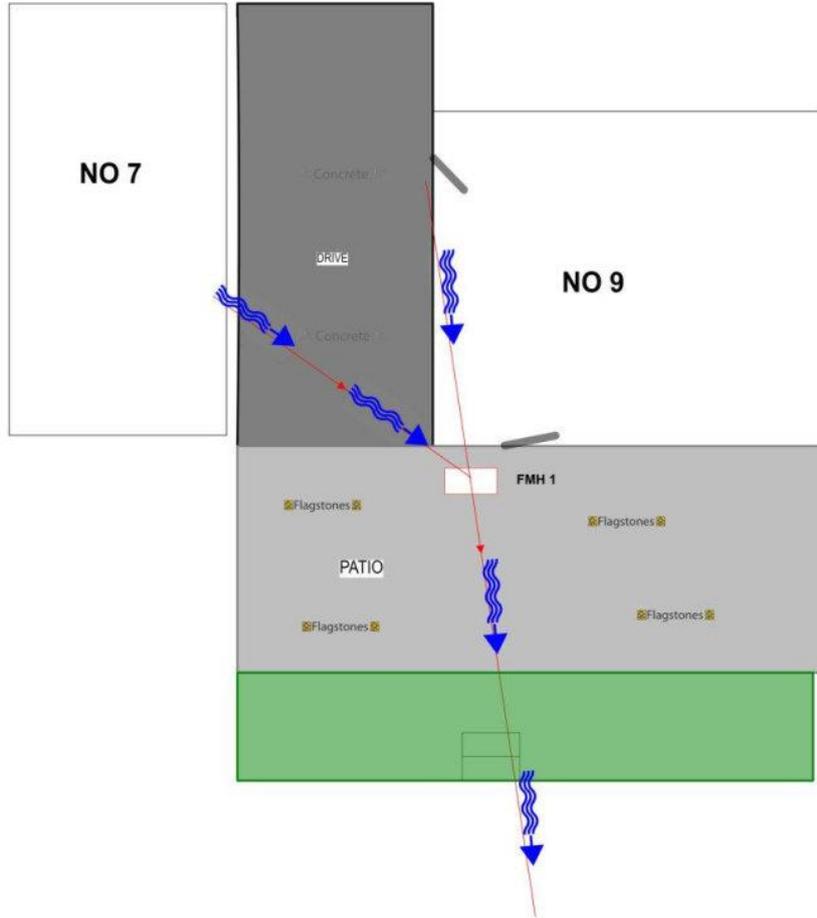
4

6J/145

5f/118

		Site Drawings/Photos		<small>M & N Drainage and Plumbing Astley Cottage, Beech Oak Lane Corley Warwickshire CV7 8AU</small>
Job Number 004	Surveyed by (Operator) Neal Barford	Base Unit MNLOANUNIT	Date 06/07/2021	

This sketch is not to scale and does not represent the exact routing of the drainage system



5

6J/146

5f/119



Site Photos

M & N Drainage and Plumbing
Astley Cottage, Beech Oak Lane
Cotley
Warwickshire
CV7 8AU

Job Number
004

Surveyed by (Operator)
Neal Barford

Base Unit
MINLOANUNIT

Date
06/07/2021



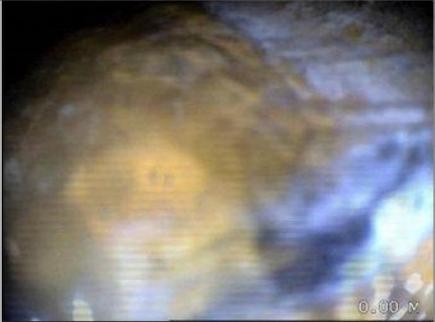
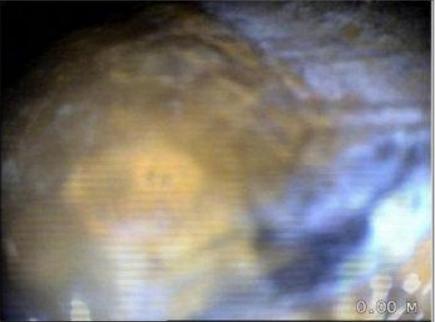
Manhole / Access Point: RMH 1 Location



Property: Rear Elevation

		Report Summary		<small>M & N Drainage and Plumbing Astley Cottage, Beach Oak Lane Dorley Warwickshire CV7 8AU</small>
Job Number 004	Surveyed by (Operator) Neal Barford	Base Unit MMLOANUNIT	Date 06/07/2021	
Job Information Total Distance Surveyed: 40.74 metres Engineer: Neal Barford Number of Surveys: 1 Number of Surveys grade 4 or above: 1				
Section 1 Overview (06/07/2021) Manholes: FMH 1 to FMH OFF PROPERTY Pipe Length: 40.74 metres Structural Grade: 5 Service Grade: 0 Material: Vitrified clay Pipe Size: 225mm Use: Foul				

M & N Drainage and Plumbing		CCTV Inspection Report			M & N Drainage and Plumbing Astley Cottage, Beach Oak Lane Corley Warwickshire CV7 8AU	
Surveyed by (Operator) Neal Barford	Job Number 004	Pipe Length Reference(PLR) FMH 1	Date 06/07/2021	Pre-Cleaned Not Cleaned		
Weather 1 - Dry	Customer Present	Service Grade/Structural Grade 0/5	Base Unit MNLOANUNIT	Section Number 1		
Road 9 Chancery Lane Place Chapel End Location CV10 0PB		Division District Location Details on the patio outside patio doors				
Purpose Investigation of a suspected operational problem Duty Fault Catchment		Shape/Size 225mm Material Vitrified clay Category	Start Node FMH 1 End Node FMH OFF PROPERTY Total length 40.74 metres			
Scale 1:2:10 Direction Downstream						
Start Node Ref:FMH 1 I/L : metres Depth: 1.40 metres						
	Position	Code	Description	Photo	Type/Grade	
	0.00	MH	Start node type, manhole, reference FMH 1	5262214	Comment / 0	
	0.00	WL	Water level 5% height/diameter	5262216	Comment / 0	
	1.74	JD	Joint displaced 15mm	5262218	Structural / 3	
	2.48	JD	Joint displaced 15mm	5262220	Structural / 3	
	4.02	JD	Joint displaced 15mm	5262221	Structural / 3	
	4.02	CC	Crack circumferential from 12 to 3 o'clock	5262222	Structural / 2	
	5.83	JN	Junction at 3 o'clock, diameter 100mm	5262223	Comment / 0	
	8.55	JD	Joint displaced 15mm	5262224	Structural / 3	
	13.64	XP	Collapsed drain/sewer 50%	5262226	Structural / 5	
	14.00	LCPF	Lining of drain/sewer changes to pitch fibre at this point	5262227	Comment / 0	
	14.62	LCVC	Lining of drain/sewer changes to vitrified clay at this point	5262228	Comment / 0	
	20.60	JD	Joint displaced 20mm	5262229	Structural / 3	
	21.40	JD	Joint displaced 20mm	5262230	Structural / 3	
	23.05	JN	Junction at 3 o'clock, diameter 100mm	5262233	Comment / 0	
	23.57	JN	Junction at 3 o'clock, diameter 100mm	5262234	Comment / 0	
	25.43	JD	Joint displaced 20mm	5262235	Structural / 3	
	25.50	CL (S01)	Crack longitudinal at 12 o'clock, Start	5262236	Structural / 2	
	26.21	JD	Joint displaced 15mm	5262238	Structural / 3	
	26.96	CC	Crack circumferential from 12 to 12 o'clock	5262239	Structural / 2	
	29.88	CL (C01)	Crack longitudinal at 12 o'clock - Remark: END OF CRACK , Changed	5262240	Structural / 2	
	29.90	CL (F01)	Crack longitudinal at 12 o'clock - Remark: END OF CRACK , Finished	5262241	Structural / 2	
	30.52	CC	Crack circumferential from 12 to 12 o'clock	5262242	Structural / 2	
	30.52	JD	Joint displaced 15mm	5262243	Structural / 3	
	34.83	CL (S02)	Crack longitudinal at 12 o'clock, Start	5262244	Structural / 2	
	40.00	CC	Crack circumferential from 12 to 12 o'clock	5262245	Structural / 2	
	40.71	CL (C02)	Crack longitudinal at 12 o'clock - Remark: END OF CRACK , Changed	5262246	Structural / 2	
	40.74	CL (F02)	Crack longitudinal at 12 o'clock, Finished	5262247	Structural / 2	
	40.74	MHF	Finish node type, manhole, reference FMH OFF PROPERTY	5262248	Comment / 0	
End Node Ref:FMH OFF PROPERTY I/L : metres						

		M & N Drainage and Plumbing Astley Cottage, Beach Oak Lane Corley Warwickshire CV7 8AU	
CCTV Inspection Photos			
Job Number	Surveyed by (Operator)	Base Unit	Date
004	Neal Barford	MINLOANUNIT	06/07/2021
			
Start node type, manhole, reference FMH 1		Water level 5% height/diameter	
			
From: FMH 1 / To: FMH OFF PROPERTY Size: 225mm Joint displaced 15mm		From: FMH 1 / To: FMH OFF PROPERTY Size: 225mm Joint displaced 15mm	
			
From: FMH 1 / To: FMH OFF PROPERTY Size: 225mm Joint displaced 15mm		From: FMH 1 / To: FMH OFF PROPERTY Size: 225mm Crack circumferential from 12 to 3 o'clock	

		M & N Drainage and Plumbing Astley Cottage, Beach Oak Lane Corley Warwickshire CV7 8AU	
CCTV Inspection Photos			
Job Number	Surveyed by (Operator)	Base Unit	Date
004	Neal Barford	MINILOANUNIT	06/07/2021
From: FMH 1 / To: FMH OFF PROPERTY Size: 225mm 	From: FMH 1 / To: FMH OFF PROPERTY Size: 225mm 		
Junction at 3 o'clock, diameter 100mm	Joint displaced 15mm		
From: FMH 1 / To: FMH OFF PROPERTY Size: 225mm 	From: FMH 1 / To: FMH OFF PROPERTY Size: 225mm 		
Collapsed drain/ sewer 50%	Lining of drain/ sewer changes to pitch fibre at this point		
From: FMH 1 / To: FMH OFF PROPERTY Size: 225mm 	From: FMH 1 / To: FMH OFF PROPERTY Size: 225mm 		
Lining of drain/ sewer changes to vitrified clay at this point	Joint displaced 20mm		

10

6J/151

5f/124

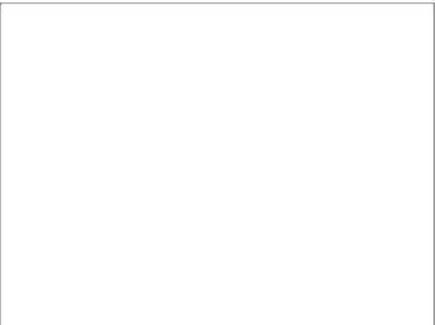
		M & N Drainage and Plumbing Astley Cottage, Beach Oak Lane Corley Warwickshire CV7 8AU	
CCTV Inspection Photos			
Job Number	Surveyed by (Operator)	Base Unit	Date
004	Neal Barford	MINILOANUNIT	06/07/2021
From: FMH 1 / To: FMH OFF PROPERTY Size: 225mm  21.36 M Joint displaced 20mm	From: FMH 1 / To: FMH OFF PROPERTY Size: 225mm  22.83 M Junction at 3 o'clock, diameter 100mm		
From: FMH 1 / To: FMH OFF PROPERTY Size: 225mm  23.52 M Junction at 3 o'clock, diameter 100mm	From: FMH 1 / To: FMH OFF PROPERTY Size: 225mm  25.43 M Joint displaced 20mm		
From: FMH 1 / To: FMH OFF PROPERTY Size: 225mm  25.50 M Crack longitudinal at 12 o'clock, Start	From: FMH 1 / To: FMH OFF PROPERTY Size: 225mm  26.19 M Joint displaced 15mm		

11

6J/152

5f/125

		M & N Drainage and Plumbing Astley Cottage, Beach Oak Lane Corley Warwickshire CV7 8AU	
CCTV Inspection Photos			
Job Number	Surveyed by (Operator)	Base Unit	Date
004	Neal Barford	MINLOANUNIT	06/07/2021
From: FMH 1 / To: FMH OFF PROPERTY Size: 225mm 	From: FMH 1 / To: FMH OFF PROPERTY Size: 225mm 	From: FMH 1 / To: FMH OFF PROPERTY Size: 225mm 	From: FMH 1 / To: FMH OFF PROPERTY Size: 225mm 
Crack circumferential from 12 to 12 o'clock	Crack longitudinal at 12 o'clock - Remark: END OF CRACK , Changed	Crack longitudinal at 12 o'clock - Remark: END OF CRACK , Finished	Crack circumferential from 12 to 12 o'clock
From: FMH 1 / To: FMH OFF PROPERTY Size: 225mm 	From: FMH 1 / To: FMH OFF PROPERTY Size: 225mm 		
Joint displaced 15mm	Crack longitudinal at 12 o'clock, Start		

		CCTV Inspection Photos		<small>M & N Drainage and Plumbing Astley Cottage, Beach Oak Lane Dorley Warwickshire CV7 8AU</small>
Job Number	Surveyed by (Operator)	Base Unit	Date	
004	Neal Barford	MINLOANUNIT	06/07/2021	
From: FMH 1 / To: FMH OFF PROPERTY Size: 225mm 		From: FMH 1 / To: FMH OFF PROPERTY Size: 225mm 		
Crack circumferential from 12 to 12 o'clock		Crack longitudinal at 12 o'clock - Remark: END OF CRACK , Changed		
		From: FMH 1 / To: FMH OFF PROPERTY Size: 225mm 		
Crack longitudinal at 12 o'clock, Finished		Finish node type, manhole, reference FMH OFF PROPERTY		

		Defect Grade Descriptions		M & N Drainage and Plumbing Astley Cottage, Beach Oak Lane Dorley Warwickshire CV7 8AU
Job Number	Surveyed by (Operator)	Base Unit	Date	
004	Neal Barford	MNLOANUNIT	06/07/2021	
<p>1: Occurences without damage. For example, laterals, joints, etc.</p> <p>NO DEFECTS WERE DETECTED.</p>				
<p>2: Constructional deficiencies or occurences with insignificant influence to tightness, hydraulic or static pressure or pipe: Eg. wide joints, badly torched intakes, minor deformation of plastic pipes, minor erosions etc.</p> <p>REHABILITATION CAN BE SCHEDULED LONG-TERM.</p>				
<p>3: Constructional deficiencies diminishing static, hydraulic and tightness: Eg. untorched intakes, cracks, minor drainage obstructions such as calcite build ups, protruding laterals, minor damages to pipe wall, individual root penetrations, corroded pipe walls etc.</p> <p>REHABILITATION IS NECESSARY MEDIUM-TERM WITHIN 3 TO 5 YEARS.</p>				
<p>4: Constructional damages with insufficient static safety, hydraulic or tightness: Eg. axial/radial pipe bursts, pipe deformations, visually noticeable infiltration/exfiltration, cavities, in pipe-wall, severe protruding, laterals severe root penetrations, severe corrosion of pipe wall etc.</p> <p>REHABILITATION PROCEDURE IS URGENT AND HAS TO BE COMPLETED WITHIN 1 TO 2 YEARS. NECESSITY FOR EMERGENCY OPERATIONS HAS TO BE EXAMINED.</p>				
<p>5: Pipe is already or will shortly be impermeable: Eg. collapsed pipe, deeply rooted pipe or other drainage obstructions. Pipe loses water or danger of backwater in basements etc.</p> <p>REHABILITATION IS URGENT AND SHORT-TERM. IN ORDER TO PREVENT FURTHER DAMAGE, NECESSARY TEMPORARY SPOT REPAIR HAS TO BE CONDUCTED ON EMERGENCY LEVEL.</p>				

APPENDIX D

Aerial Photograph - April 2020 Photograph



Photograph looking south, Chancery Lane boundary on left – pre development



6J/156

5f/129

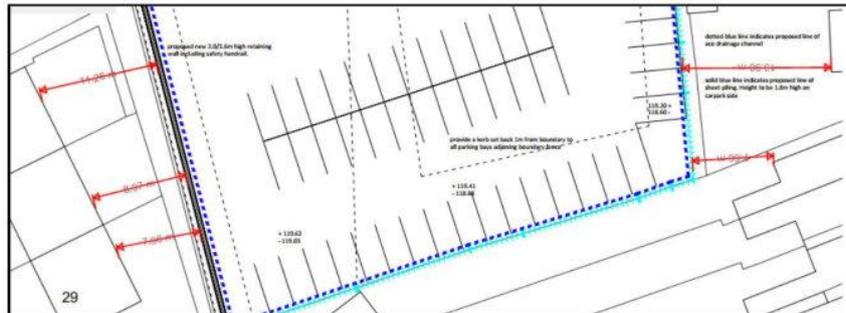
Photograph looking north towards Coleshill Road – Chancery Lane on right during development



APPENDIX E

Dimensions of boundary treatment to properties in Willow Close and Chancery Lane

11.26m, 8.97m, 7.96m Willow Close 13.98m, 7.66m Chancery Close



6J/157



North Warwickshire Borough Council

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Website: www.northwarks.gov.uk

Date: 23 August 2021

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

DECISION NOTICE

Full Planning Application

Application Ref: PAP/2020/0599

Site Address

92, Coleshill Road, Hartshill, CV10 0PH

Grid Ref:

Easting 432489.88
Northing 293287.95

Description of Development

Formation of additional car parking including changing of levels, construction of boundary, retaining walls and lighting (retrospective)

Applicant

Mr S Chaudry MAC Developments & Construction Ltd

Your planning application was valid on 17 March 2021. It has now been considered by the Council. I can inform you that:

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

1. The development hereby approved shall not be carried out otherwise than in accordance with the submitted plan numbered R966/02A received on 20/7/21 and the Lighting Specification and Details received on 20/4/21.

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

2. The car park hereby approved shall solely be used as a customer and staff car park in connection with the retail uses within the blue line as shown on the approved plan. For the avoidance of doubt there shall be no outside storage on the car park of any materials, plant, equipment or produce, other than that directly related to the approved retail use.

Reason: In view of the circumstances of this case so as to control the use of the car park in the interests of highway safety.

Authorised Officer: _____

Date: 23 August 2021

3. There shall be no HGV parked, stored or kept at any time on the car park other than those making deliveries to the retail unit as approved under planning permission PAP/2018/0082.

Reason: In the interests of the residential amenities of the area and in the interests of highway safety

4. The car park hereby approved shall only be in use for the purposes set out in condition (2) during the hours of 0630 to 2230 hours. No vehicles shall be left on the car park outside of these hours other than those directly related to the approved retail use.

Reason: In the interests of the residential amenities of the neighbouring occupiers.

5. The primary vehicular access into the car park shall be from the arrangements approved under PAP/2019/0082.

Reason: In the interests of highway safety.

6. All lights that are shown on the approved plan shall be turned off between 2230 and 0630 hours on every day.

Reason: In the interests of the residential amenities of neighbouring occupiers.

7. The pallet and cardboard store shown on the approved plan shall remain on the car park no later than 31 December 2022. Thereafter it shall be removed and the site re-instated as car parking to the written satisfaction of the Local Planning Authority.

Reason: In the interests of the residential amenities of neighbouring occupiers.

8. The pallet and cardboard store shown on the plan shall solely be for the use of the retail unit approved under planning permission PAP/2018/0082 and only used for that purpose. For the avoidance of doubt, it shall not be used by the general public.

Reason: In the interests of the residential amenities of neighbouring occupiers and highway safety.

9. The fencing that is erected around the southern and eastern perimeters of the car park shall be maintained at all times to the following specification - a mass per unit area of 9.4kg/m².

Reason: In the interests of reducing the risk of noise pollution

Other Conditions

10. Within the next planting season following the date of this permission, landscaping shall be provided along the outside of the southern boundary wall equivalent to that shown on the approved plan for the western wall.

Reason: In the interests of the visual amenities of the area

11. Within six months of the date of this permission, details shall be submitted to the Local Planning Authority to show how the gaps between the bottom of the fences along the southern and eastern car park boundaries are to be permanently closed. Only the approved measures shall then be installed and within six months of their written approval by the Local Planning Authority.

Reason: In the interests of the reducing the risk of flooding.

Authorised Officer: _____

Date: 23 August 2021

12. Within six months of the date of this permission, a Car Park Management Plan shall be submitted to the Local Planning Authority. This Plan will show how the car park is to be managed and operated such as to ensure compliance with condition (2); retain separate areas for staff and customers, show how the risk of anti-social behaviour can be minimised and set out a timetable for the Plan's implementation. The Plan that is subsequently approved in writing by the Local Planning Authority shall then be implemented in full to the written satisfaction of the Local Planning Authority.

Reason: In the interests of the general amenities of the area and highway safety

13. Within six months of the date of this permission, details of a safety barrier to be located around the east, south and west boundaries of the car park so as to reduce the risk of damage to the fencing and walls together with a timetable for its implementation, shall be submitted to the Local Planning Authority. Details as subsequently approved in writing by the Local Planning Authority shall then be implemented in full to the written satisfaction of the Local Planning Authority.

Reason: In the interests of the amenities of neighbouring residential occupiers

14. The surface water drainage system as shown on the approved plan shall be serviced /cleaned on an annual basis with evidence of such action forwarded to the Local Planning Authority immediately following each inspection. This shall be accompanied by a schedule of action required as a consequence and the timescales for implementing each action.

Reason: In the interests of reducing the risk of flooding.

INFORMATIVES

1. The Local Planning Authority has met the requirements of the NPPF in this case by fully engaging with the applicant as a consequence of consultation responses and the representations received in order to amend the plans so as to reach a positive outcome.
2. Attention is drawn to Class B of Part 4 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. Because this site is within the curtilage of a building, the benefits of this Class may not apply. Advice should be sought prior to consideration being given to any use/activity that might be considered for the car park outside of that permitted under Condition (2) above.
3. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.
For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.
4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

5. 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.
6. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
7. Condition numbers 5 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Applications 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.
8. 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.

APPEALS TO THE SECRETARY OF STATE

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

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

PURCHASE NOTICES

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

NOTES

1. This decision is for the purposes of the Town and Country Planning Act only. It is not a decision under Building Regulations or any other statutory provision. Separate applications may be required.
2. A report has been prepared that details more fully the matters that have been taken into account when reaching this decision. You can view a copy on the Council's web site via the Planning Application Search pages <http://www.northwarks.gov.uk/planning>. It will be described as 'Decision Notice and Application File'. Alternatively, you can view it by calling into the Council's Reception during normal opening hours (up to date details of the Council's opening hours can be found on our web site <http://www.northwarks.gov.uk/contact>).
3. Plans and information accompanying this decision notice can be viewed online at our website <http://www.northwarks.gov.uk/planning>. Please refer to the conditions on this decision notice for details of those plans and information approved.

Authorised Officer: _____

Date: 23 August 2021



APPENDIX D

Condition 12 – Car Park Management Plan Ref CB/RLP/PA/1B

1. There will be no outside storage of any plant, machinery, materials or produce except where this relates to the use of the retail premises.
2. The Car Park will be opened at 06:30 and closed off to the public at 22:30 on each day of the week.
3. The car park will be closed off with a barrier as shown on drawing number R966-03 rev C.
4. An appointed staff member (and deputy when absent) will check the car park area at both opening and closure times to ensure only authorised vehicles are within the car park between 22:30 and 06:30 on each day.
5. CCTV cameras will be in use throughout the night in order to reduce the potential for anti-social behaviour.
6. Six spaces in the car park will be reserved for staff use as shown on drawing number R966-03 rev C. These spaces will be identified for use for those purposes via a sign on the adjacent fence.
7. Management of the car park area will be the sole responsibility of the management team at the retail premises.
8. For unauthorised vehicles, there will be warnings to vehicle owners and threats of fines - take details of registration, warning letter on car, followed by another warning and parking management company issue fine.
9. The secondary access will be used only if the main access is not available only in times of emergency.
10. The Car Park Management Plan will be subject to review annually and should it be necessary alternative or additional car park management measures will be considered in liaison with the local authority.