

**To: The Deputy Leader and Members of the Planning and Development Board
Councillors Simpson, Bell, T Clews, Deakin, Dirveiks, Hancocks, Hayfield, D Humphreys, Jarvis, Lees, Macdonald, Morson, Moss, Parsons, H Phillips and Rose.**

For the information of other Members of the Council

For general enquiries please contact the Democratic Services Team on 01827 719237 via e-mail – democraticservices@northwarks.gov.uk

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

The agenda and reports are available in large print and electronic accessible formats if requested.

PLANNING AND DEVELOPMENT BOARD AGENDA

6 SEPTEMBER 2021

The Planning and Development Board will meet on Monday, 6 September 2021 at 6.30pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

The meeting can also be viewed on the Council's YouTube channel at [NorthWarks - YouTube](#).

AGENDA

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests**

REGISTERING TO SPEAK AT THE MEETING

Anyone wishing to speak at the meeting, in respect of a Planning Application, must register their intention to do so by 1pm on the day of the meeting, either by email to democraticservices@northwarks.gov.uk or by telephoning 01827 719237.

Once registered to speak, the person asking the question has the option to either:

- (a) attend the meeting in person at the Council Chamber; or
- (b) attend remotely via Teams.

If attending in person, precautions will be in place in the Council Chamber to protect those who are present however this will limit the number of people who can be accommodated so it may be more convenient to attend remotely.

If attending remotely an invitation will be sent to join the Teams video conferencing for this meeting. Those registered to speak should join the meeting via Teams or dial the telephone number (provided on their invitation) when joining the meeting and whilst waiting they will be able to hear what is being said at the meeting. They will also be able to view the meeting using the YouTube link provided (if so, they may need to mute the sound on YouTube when they speak on the phone to prevent feedback). The Chairman of the Board will invite a registered speaker to begin once the application they are registered for is being considered.

- 4 **Minutes of the meeting of the Board held on 2 August 2021** – copy herewith, to be approved and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

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

Summary

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

- 5a **PAP/2021/0394 – 6 Boulters Lane, Wood End, Atherstone, CV9 2QE**
Erection of detached double garage.
- 5b **PAP/2019/0679 – Land Opposite Delves Field Stables, Boulters Lane, Wood End, CV9 2QF**
Outline application for erection of 14 dwellings.

- 5c **PAP/2021/0250 – Land to rear of 1-3, Birmingham Road, Ansley, CV10 9PS**
Outline application for erection of 10 dwellings. Access to be considered with all other matters reserved.
- 5d **PAP/2021/0490 – 1 - 36 & 37 - 66 Alexandra Court, Princess Road, Atherstone, Warwickshire, CV9 1LB**
Proposed improvement works to include external wall insulation (EWI) render system, new pitched tiled roof and new Upvc double glazed windows.
- 5e **PAP/2021/0354 – Land adjacent to 54 Moor Road, Hartshill**
Works to trees by protected by a tree preservation order.
- 5f **PAP/2021/0355 – Land To The Rear Of 32 To 52, Chestnut Grove, Coleshill**
Works to trees in Conservation Area.
- 5g **PAP/2021/0254 - 72 Church Road, Hartshill, CV10 0LY**
Two storey side and rear storey extension, demolition of existing garage and replacement with integral garage.
- 5h **PAP/2018/0050 - Fir Tree Paddock, Quarry Lane, Mancetter**
Variation of conditions no: 2, 5 & 6 of planning permission ref PAP/2007/0730 (Appeal ref APP/R3705/A/08/2066891) relating to development shall be carried out in accordance with plan submitted 07_145C_003 and residential use hereby permitted shall be restricted to the stationing of no more than 2 caravans at any time; in respect of change of use to retain caravan for occupation by one gypsy/traveller family.
- 5i **PAP/2021/0288 - Kings Orchard, Curdworth, B76 9EY**
Erection of two dwellings.

The Contact Officer for this report is Jeff Brown (719410).

6 **Public Sector Infrastructure** – Report of the Head of Development Control

Summary

The report advises the Board of a new statutory duty in respect of public sector infrastructure planning applications.

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

7 **The National Planning Policy Framework - Report of the Head of Development Control**

Summary

The Report introduces the new Framework to the Board outlining the main changes.

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

8 **Support for South Staffordshire Council's approach to unmet housing needs and its alignment with the existing GBHMA evidence base - Report of the Chief Executive**

Summary

This report seeks Members' agreement for support towards South Staffordshire District Council's approach to unmet housing needs and its alignment with the existing GBHMA evidence base, including addressing a significant element of Birmingham's unmet need. Any additional comments raised at Board will be forwarded for inclusion along with the Council's initial response.

The Contact Officer for this report is Mike Dittman (719499).

9 **Appeal Update - Report of the Head of Development Control**

Summary

This report brings Members up to date with recent appeal decisions.

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

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

**MINUTES OF THE
PLANNING AND DEVELOPMENT BOARD**

2 August 2021

Present: Councillor T Clews in the Chair

Councillors Bell, D Clews, Dirveiks, Hancocks, Hayfield, D Humphreys, Lees, Macdonald, Moss, H Phillips, Rose and Symonds.

Apologies for absence were received from Councillors Jarvis (Sub D Clews) Parsons and Simpson (Sub Symonds).

6 Disclosable Pecuniary and Non-Pecuniary Interests

The following Councillors declared a non-pecuniary interest in Minute No 9 (Planning Applications):-

Councillors D Clews and T Clews – Application No PAP/2021/0101 (The Old Mortuary, North Street, Atherstone, CV9 1JN) - by virtue of their roles as Atherstone Town Councillors, left the meeting and took no part in the discussion or voting thereon.

7 Minutes

The minutes of the meeting of the Planning and Development Board held on 14 July 2021, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

8 Budgetary Control Report 2021/22 Period Ended 30 June 2021

The Corporate Director – Resources detailed the revenue expenditure and income for the period from 1 April 2020 to 30 June 2021. The 2021/2022 budget and the actual position for the period, compared with the estimate at that date, were also given, together with an estimate of the out-turn position for services reporting to this Board.

Resolved:

That the report be noted.

9 Planning Applications

The Head of Development Control submitted a report for the consideration of the Board.

Resolved:

- a That Application Nos PAP/2021/0302, PAP/2021/0303 and DOC/2021/0052 (Land south of Dairy House Farm, Spon Lane, Grendon) be approved, subject to the conditions set out in the report of the Head of Development Control;

[Speaker: Tammy Kariolis]

- b That Application No PAP/2021/0394 (6 Boulders Lane, Wood End CV9 2QE) be deferred to allow for amended plans to be submitted;

- c That Application No PAP/2020/0190 (19 Dordon Road, Dordon B78 1QW) be approved for the following reasons;

- (i) It is considered that the receipt of amended plans addressing the treatment of the side windows to 19 Dordon Road was of sufficient weight to overcome the matter of the “living conditions” at this address raised in the appeal decision;
- (ii) And that having visited the application site, Members of the Board considered that the proposals would not materially affect the character and appearance of the area given that it is within an area that has a variety of built form, and that the proposal would still retain the overall openness of the area.

And subject to the following conditions;

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission;
- 2 The development hereby approved shall not be carried out otherwise than in accordance with plan numbers 100 and 250 received on 1 April 2020, and 151B received on 18 June 2021;
- 3 No development shall commence on site until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall particularly include details relating to construction hours; delivery hours, the

measures to be taken to deal with reducing dust and deposits of extraneous material on the public highway, as well as reducing noise emissions during construction work and the logistics of creating and maintaining storage and construction compounds and yards on site;

- 4 No development shall commence on site until such time as full details of the facing, roofing and surfacing materials to be used as well as all boundary treatments have first been submitted to and approved in writing by the Local Planning Authority;**
- 5 No development shall commence on site until full details of electric charging points for the new dwellings and the space to be provided for a minimum of three refuse/waste bins for each of the new dwellings have first been submitted to and approved in writing by the Local Planning Authority;**
- 6 No development shall commence on site until such time as full details and specifications for a landscaping scheme for the site shall first have been submitted to and approved in writing by the Local Planning Authority;**
- 7 No development shall commence on site until details of the construction of the access, including levels and drainage details of the access, car parking and manoeuvring areas, including parking for 19 Dordon Road have first been submitted to and approved in writing by the Local Planning Authority;**
- 8 Neither of the two single storey dwellings hereby approved shall be occupied until the details approved under conditions (6) and (7) above, have been implemented in full on site to the written satisfaction of the Local Planning Authority;**
- 9 There shall be no gates hung within the access so as to open within 12 metres of the rear edge of the public highway footpath;**
- 10 The garages as hereby approved shall be used solely for the garaging of cars at all times and for no other residential purpose; and**

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, or as may be subsequently amended, no development within Classes A, B, C and D of Part One to Schedule Two of that Order shall be undertaken on the site of either dwelling hereby approved.

d That Application No PAP/2021/0188 (49 Friary Road, Atherstone CV9 2AQ) be approved, subject to the conditions set out in the report of the Head of Development Control;

e That Application Nos PAP/2021/0028, PAP/2021/0029 and PAP/2021/0030 (Old Rail Farm, Hurley Common, Hurley, CV9 2LS) be deferred so that clarification could be sought in respect of changes to the access arrangements and the scope of the applications;

Councillor Symonds took the Chair

f That Application No PAP/2021/0101 (The Old Mortuary, North Street, Atherstone, CV9 1JN) be approved, subject to the conditions set out in the report of the Head of Development Control;

Councillor T Clews returned to the Chair

g That Application No PAP/2018/0050 (Fir Tree Paddock, Quarry Lane, Mancetter CV9 2RD) be deferred for a site visit;

[Speakers: Nathaniel Green and Trevor Hopkins]

h That Application No PAP/2020/0684 (Meadow View Farm, Kinwalsey Lane, Meriden CV7 7HT) be deferred for clarification on the scope of the application;

i That Application Nos PAP/2021/0196 and PAP/2021/0203 (The Limes, 87 Main Road, Austrey, CV9 3EG) be refused for the reasons set out in the report of the Head of Development Control;

[Speaker: Gary Furnival]

- j **That in respect of Application No PAP/2020/0599 (92, Coleshill Road, Hartshill, CV10 0PH) the board is minded to approve the application 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.**

[Speakers: Roger Lee and Rachael Hartopp]

10 **Corporate Plan and Performance Targets**

The Head of Development Control updated Members on a number of Corporate Plan Targets and Performance Indicators relevant to the Board.

Resolved:

That the report be noted.

Councillor Simpson
Chairman

Planning and Development Board

2 August 2021

Additional Background Papers

Agenda Item	Application Number	Author	Nature	Date
9	PAP/2021/0302	Local Resident	Objection	28/7/21
9	PAP/2021/0394	Local Resident	Objection	24/7/21
9	PAP/2020/0190	Applicant	email	30/7/21
9	PAP/2021/0188	Site Visit	Note	22/7/21
9	PAP/2021/0101	Local Resident	Objection	26/7/21
9	PAP/2020/0684	Site Visit	Note	31/7/21
9	PAP/2020/0599	Applicant	Email	29/7/21
		Applicant	Email	27/7/21

Agenda Item No 5

Planning and Development Board

6 September 2021

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, 1 November 2021 at 6.30pm via Teams.

6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at:
https://www.northwarks.gov.uk/info/20117/meetings_and_minutes/1275/speaking_and_questions_at_meetings/3.

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
5/a	PAP/2021/0394	1	6 Boulters Lane, Wood End Erection of double garage.	General
5/b	PAP/2019/0679	7	Land opposite Delves Field Stables, Boulters Lane, Wood End. Outline application for erection of 14 dwellings	General
5/c	PAP/2021/0250	25	Land to the rear of 1-3 Birmingham Road, Ansley. Outline application for the erection of ten dwellings with all matters reserved except for access.	
5/d	PAP/2021/0490	34	1-36 & 37 -66 Alexandra Court, Princess Road, Atherstone Proposed improvement works to include external wall insulation (EWI) render system, new pitched tiled roof and new Upvc double glazed windows	
5/e	PAP/2021/0354	38	Land adjacent to 54 Moor Road, Hartshill To fell a protected Oak tree	
5/f	PAP/2021/0355	45	Land to the rear of Chestnut Grove, Coleshill Proposed works to trees in a Conservation Area	
5/g	PAP/2021/0254	52	72 Church Road, Hartshill Two storey side and rear storey extension, demolition of existing garage and replacement with integral garage	

5/h	PAP/2018/0050	60	Fir Tree Paddock Variation of conditions 2,5 & 6 of planning permission APP/R3705/A/08/2066891 relating to development to be carried out in accordance with plan submitted 07/145C/003 and residential use hereby permitted to be restricted to the stationing of no more than two caravans at any time; in respect of change of use to retain caravan for occupation by one gypsy/traveller family	
5/i	PAP/2021/0288	70	Kings Orchard, Curdworth Erection of two dwellings	

General Development Applications

(5/A) Application No: PAP/2021/0394

6, Boulters Lane, Wood End, Atherstone, CV9 2QE

Erection of detached double garage, for

Mr D Milligan

Introduction

This application was referred to the last Board meeting, but determination was deferred in order to see if an amended plan might be submitted following receipt of an objection.

The previous report is attached at Appendix A

Amended Plan

Following the last meeting, an amended plan has been received which shows a wooden car port arrangement rather than a brick and tile garage and with a lower roof. This is attached at Appendix B.

The objector has been reconsulted and the objection is withdrawn.

Recommendation

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

1. Standard three year condition
2. Standard plan numbers condition – plan numbers 772/01 and 02; DM/OO1 and 002.

Notes:

1. The Local Planning Authority has met the requirements of the NPPF in this case through responding to an objection by securing an amended plan thus leading to a positive outcome
2. Standard Party Wall Act Informatives

General Development Applications

(6/b) Application No: PAP/2021/0394

6, Boulters Lane, Wood End, Atherstone, CV9 2QE

Erection of detached double garage, for

Mr D Milligan

Introduction

This application is referred to the Board as the applicant is an employee of the Council.

The Site

This is central to a small row of five cottages on the east side of Boulters Lane just north of its junction with Tamworth Road. It is within a residential area.

The Proposals

These consist of a proposed double garage with a pitched roof at the rear of the garden. It would measure 7 by 7 metres and be 4.6 metres to its ridge. It would be constructed in red brick and clay tiles so as to match the materials on the house. Access would be via an existing drive by the side of the end cottage in the row.

These matters are illustrated at Appendix A

Representations

None received at the time of preparing this report. The notification period ends on the day before this Board meeting and thus a verbal update will be given at the meeting.

Development Plan

The Core Strategy 2014 – NW10 (Development Considerations)

Other Material Planning Considerations

The National Planning Policy Framework

The Submitted Regulation 19 Local Plan 2018 – LP31 (Development Considerations) and LP32 (Built Form)

Proposed Main Modifications to the Submitted Plan 2021 - MM74 (in respect of LP31) and MM75 (in respect of LP32)

Observations

The design of the garage is in keeping with the cottages here and there is unlikely to be any adverse impact on neighbouring residential amenity because of separation distances and the garage backing onto other garages.

Recommendation

That subject to there being no objections received by the expiration of the consultation period, planning permission be GRANTED subject to the following conditions:

1. Standard Three year condition
2. Standard plan numbers condition – 772/001; 002 and 003 received on 28/6/21

Notes:

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through the issue of a speedy decision.
2. Standard Party Wall Act Informatives.

BACKGROUND PAPERS

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

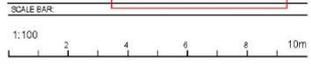
Planning Application No: PAP/2021/0394

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	28/6/21

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.

PAP/2021/0394



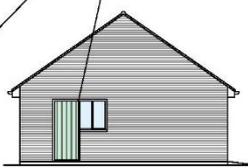
NEW ROOF
NEW BITUMED ROOF WITH PLAIN CLAY TILES, COLOUR TO MATCH EXISTING HOUSE ELEVATIONS.

NEW WALLS
NEW BRICKWORK TO BE RED FACING BRICK, COLOUR TO MATCH EXISTING HOUSE ELEVATIONS.

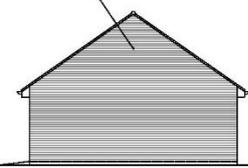
NEW WINDOWS AND DOORS
NEW WINDOW TO BE SPICE IN WHITE TO MATCH EXISTING.
NEW DOOR TO BE COLOURED COMPOSITE.



Proposed South Elevation



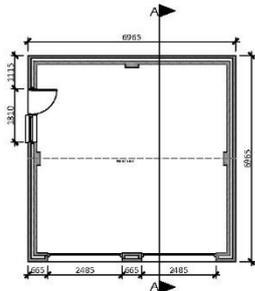
Proposed West Elevation



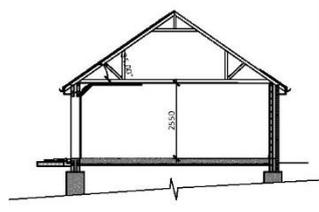
Proposed East Elevation



Proposed North Elevation



Proposed Layout Plan



Typical Section A-A

NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
28/06/2021
PLANNING & DEVELOPMENT
DIVISION

REVISION DESCRIPTION:		
REVISIONS:		
STATUS: PLANNING		
PROJECT:		
6 BOULTERS LANE WOOD END ATHERSTONE, WARWICKSHIRE CV9 2QE		
DRAWING TITLE:		
PROPOSED DETACHED GARAGE PLAN, SECTION A-A & ELEVATIONS		
DATE:	HAUS SET:	SCALE:
JUNE 2021	A3	1:100
DRAWN BY:	772-003	REVISION NUMBER:
All dimensions to be checked on site. This drawing is copyright.		

General Development Applications

(5/B) Application No: PAP/2019/0679

Land Opposite Delves Field Stables, Boulters Lane, Wood End, CV9 2QF

Outline application for erection of 14 dwellings, for

Mr Glover - Glover Properties Ltd

Introduction

This application is referred to the Board because of a proposed Section 106 Undertaking.

The Site

This is a rectangular piece of flat agricultural land of around a hectare being the northern half of a larger field lying to the north of a frontage of residential property along Boulters Lane. Access to the site is via an existing access which leads to the farm further to the north. There is also established residential property further to the west.

A site plan is attached at Appendix A.

The Proposals

This is an outline application for fourteen houses with access via an improved existing access off Boulters Lane undertaken following other recent housing development here.

No other detail is submitted.

The applicant considers that there is a change in circumstance since a recent November 2018 appeal decision on the same site – namely it is said that the Council does not have a five-year housing supply; that the National Planning Policy Framework supports smaller house builders, that the financial contributions are of significant weight and that the recent appeal decision should be given a different interpretation.

This appeal decision letter is at Appendix B and the applicant's case is set out in Appendix C.

Background

A frontage development of 12 houses along Boulters Lane has been completed and this addressed the access arrangements referred to above. A further fourteen houses were allowed at appeal behind half of these frontage houses.

An appeal on the current application site – also for fourteen houses – which is at the rear of the fourteen referred to above was dismissed in November 2018.

The current application is therefore a resubmission following that dismissal.

Representations

Five letters of objection have been received referring to:

- Parking in Boulters Lane
- Not in keeping
- Recent appeal decision refused permission here
- No affordable housing
- There is congestion at the local shop
- Pressure of services and facilities
- Potential for the removal of trees and hedgerows
- Increased surface water issues
- Loss of privacy

Consultations

WCC (Flooding) – It requires further information.

WCC (Highways) - It requires the improvements to the access onto Boulters Lane to be constructed in accordance with highway specifications.

WCC (Rights of Way) – No objection.

Warwickshire Fire Services – No objection subject to a standard condition.

Environmental Health Officer – No objection subject to conditions.

Draft Section 106 Contributions

The following contributions would be sought from a Section 106 Agreement:

Bio-diversity offsetting - £66,751

Rights of Way contribution - £1111

Off-Site Recreation improvements - £54,908

George Eliot NHS Trust – £11,595.

Affordable Housing Off-Site Contribution – £131,653.05.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Amount of Housing), NW6 (Affordable Housing Provision), NW10 (Development Considerations) and NW12 (Quality of Development).

Other Material Planning Considerations

The National Planning Policy Framework 2021– (the “NPPF”)

The Submitted Regulation 19 Local Plan as proposed to be Modified 2021 – MM21 (in respect of Sustainable Development); MM24 (in respect of the Settlement Hierarchy), MM50 (in respect of Affordable Housing Provision), MM58 (in respect of Landscape), MM74 (in respect of Development Considerations), MM75 (in respect of Built Form) and MM87 (in respect of Housing Allocations)

The “Wood End” appeal decision – APP/R3705/W/18/3207348

The “Islington Farm” appeal decision – APP/R3705/W/19/3234056

The “Daw Mill” appeal decision – APP/R3705/W/16/3149827

The North Warwickshire Five Year Housing Land Supply as at 31 March 2019

The Information Note on Housing Trajectory – NWBC32 – February 2021

The North Warwickshire Landscape Character Assessment 2010

Observations

a) Introduction

The Council submitted its Regulation 19 Plan as a review of its Development Plan in 2018. The Examination Inspector has now found it to be “sound” subject to Main Modifications. At the time of reporting this application to the Board, that Plan has not yet been adopted. However, because it is now in the final stage before adoption it is considered that it carries significant weight in its modified form by virtue of para 48 of the 2021 NPPF. In these circumstances, the Modified Policies may be considered to carry greater weight than their equivalent in the Development Plan. The report below will indicate the position in respect of the most important policies relevant to the determination of this application.

b) The Approach to be taken

The site is outside of the development boundary for the village as defined by the Development Plan. As such that Plan says that new development is restricted to community based affordable housing or to that which is required within a rural area. Neither applies in this case. The proposal would therefore appear to be contrary to the provisions of Policy NW2. However, as Members are aware the development boundaries of the Development Plan have been found to be out of date as set out in the

Daw Mill appeal decision. Matters have now advanced because Policy LP2 of the Emerging Plan as proposed to be modified by MM24, now carries significant weight and is considered to outweigh Policy NW2. It says that development directly adjacent to development boundaries may be acceptable in respect of some settlements – including Wood End – having regard to other policies in the Emerging Plan and including that which would enhance or maintain the vitality of rural communities provided that it is proportionate in scale to the relevant settlement – usually on sites of no more than ten units. As a consequence, it is necessary in this case to assess whether there are demonstrable and significant harms caused by the proposal such that it would not be acceptable in respect of other policies in the Plan and whether it would enhance or maintain the vitality of the village and be proportionate in scale. Whilst the representations that have been made saying that the proposal should be refused because it is outside of the development boundary are understandable, that is not the key “test” here for the reasons outlined above.

The consequence of this commentary is considered to be that Policy LP2 of the Emerging Local Plan as proposed to be modified by MM24, carries more weight than Core Strategy Policy NW2. It says that development directly adjacent to a development boundary “may be acceptable” for a Category Four settlement such as Wood End. The “tests” are whether the development satisfies other policies in the Emerging Plan; it would enhance or maintain the vitality of the village, be proportionate in scale to the village and would cater for windfall sites usually of no more than ten units depending on viability, services and infrastructure deliverability. The report below therefore looks at these matters. Weight will be ascribed to any such harm. In looking at these weights, Members are reminded that there is a need to identify the evidence that supports any harm. It will then be necessary to identify the other side of the planning balance and ascribe a weight to the benefits of the case as put forward by the applicant or as identified in the NPPF. Again, these benefits have to be evidenced. The Board will then have to make an assessment of that final planning balance.

c) Harms

There is concern that the proposal does not accord with Policy NW12 of the Core Strategy. Indeed, it is this non-compliance that was given significant weight by the Inspector in the Wood End appeal decision. There has been no change in circumstances surrounding the conclusion on this since the date of that decision. The site is exactly the same; there has been no review commenced of the Landscape Character Appraisal that provided the demonstrable evidence to support that decision and the landscape has not altered its character or appearance. Work may well have started on the fourteen houses to the south, but the existence of a planning permission for this was also known at the time the Inspector considered the appeal in late November 2018. The Inspector found that the development, “would be detached from the dwellings fronting Boulters Lane, more so than any development on the adjacent site, and would conflict with the generally linear pattern of development locally.” The proposal would therefore “conflict with the character and appearance of the area not according with policy NW12 of the Core Strategy which aims to ensure that development positively improves a settlement’s character.” In other words, there would be a material change in the character of Wood End by the development not improving its character.

This conclusion is not materially affected by the Inspector's Modifications to the Emerging Plan or the new NPPF. Indeed, it is strengthened by both. The equivalent policy to NW12 in that Plan is LP1 as proposed to be modified by MM21. This Modification repeats the content of NW12. It wholly accords too with Sections 2 and 12 of the new NPPF. Additionally, Policy LP14 of the Emerging Plan as to be modified by MM58, now explicitly refers to the 2010 Landscape Character Assessment in the assessment of whether a proposal conserves, enhances or restores landscape character. It too wholly accords with Section 12 of the NPPF. As a consequence, NW12 is not out of date and it carries full weight.

The applicant suggests that the strength of this argument has changed in that he will be developing this site in conjunction with the recent development to the south. That however does still not overcome the conclusion that this site in combination with the other will still be, in the terms described by the Wood End appeal Inspector, "back land development"; "incongruous" and "unrelated to the village and its strongly linear form in the vicinity of the site". It would be perceived visually and spatially as an "appendage", unrelated, unconnected and isolated from existing built form. As a consequence, the position in respect of NW12 remains. The proposal does not accord with it and there is demonstrable evidence to support the harm caused.

There is another harm here and one that was explored in the appeal. This development will lead to an isolated community with no connections to the existing community and divorced from the settlement. There is no planning here for a "place" or a "community". Even if there were connections to the site to the south, the combined area would still not connect to the village community visually, physically or spatially. The principles of the new NPPF are not followed – those set out in Sections 2 and 12. These matters add weight to the non-compliance with Policy NW12 of the Core Strategy by not proposing good quality development.

There are no adverse heritage or ecological impacts. Indeed, the appeal Inspector in the Wood End appeal referred to above, neither found evidence of significant harm arising from these matters.

In respect of the highway matters, then these can be dealt with by a pre-commencement condition in the event of an approval. Similarly, the detail required by the Lead Local Flood Authority can be dealt with that way. The appeal Inspector dealing with the previous case for the fourteen houses took this approach too.

As a consequence, it is considered that there is significant demonstrable harm caused here and that the presumption to grant planning permission is not satisfied. The issue therefore now becomes one of whether the harm caused is of sufficient weight to override any benefits that the development would accrue. This assessment now needs to be undertaken.

d) The Applicant's Case

The applicant as indicated above does not share the conclusion under the NW12 issue. Members will need to consider what weight should be given to his case.

The applicant makes three arguments which he considers outweigh the recent appeal decision and thus add weight to the request for approval. The first is that the Council does not have a five-year housing supply and this adds weight to the out of date argument; the second is that the NPPF indicates that small local builders should be supported and that this application will thus carry that benefit, and the third is that the proposal will provide an off-site affordable housing contribution together with additional contributions, as recorded above in draft Heads of Terms for an Agreement.

Cumulatively he considers that these arguments carry significant weight.

e) Planning Balance

It is not agreed that these considerations do carry significant weight. There are several reasons for this conclusion.

Firstly, the Council has a five-year supply of housing land including an appropriate buffer. The 2019 Annual Report shows a 6.29year supply; another very recent Wood End appeal decision at Islington Farm confirms this conclusion and the Council in updating the 2019 position for the Examination Inspector found there to be a 6.2year supply. Paragraph 11 (d) of the NPPF is therefore not engaged on this issue.

Secondly, the proposal would support a small local house builder and promote a smaller site, an objective which is set out in the NPPF. However, that cannot be overriding when the site is not appropriate. The applicant already is operating in the Borough and there is no evidence that the Council is preventing him from continuing in the Borough on appropriate sites. Moreover, the land supply report does show there being a number of small and medium sites being available. The Council is meeting this objective.

Thirdly, it is agreed that an affordable housing contribution is welcome, but it is not considered to be of overriding weight. It is for off-site provision. It may well not benefit Wood End and its value would not be a material or fatal loss in restricting the Council's ability to deliver affordable housing.

As a consequence, the combined weight of the applicant's considerations, carry only moderate weight.

The harm side is still of greater weight – there have been two appeal decisions both concluding that development in this location in Wood End is not appropriate and that it would not improve the quality of the settlement's character. There is evidence to support this position. Moreover, the development cannot satisfy the requirements of the Emerging Local Plan and the NPPF in promoting good quality development through well designed places.

Recommendation

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

1. "The proposal is not considered to accord with Policy NW12 of the North Warwickshire Core Strategy 2014; Policies LP1 and LP14 as Modified in the Submitted Regulation 19 Local Plan for North Warwickshire 2021 and the relevant sections of the National Planning Policy Framework 2021 – particularly Sections 2 and 12. This is because significant and demonstrable harm will be caused to the character and appearance of the settlement and its surrounding area which is not out-weighed by the benefits of allowing the development".

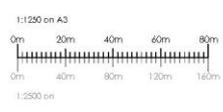
Notes:

1. The Local Planning Authority has met the requirements of the NPPF in this case through making a decision and engaging with the applicant in order to overcome technical matters.

Ordnance Survey (c) Crown Copyright.
All rights reserved. Licence number 100022432



NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
09/12/2019
PLANNING & DEVELOPMENT
DIVISION



Client	Mr A Glover	Scale	1:1250	Dwg No	19/037-01
Date	Nov 2019				
Job	proposed residential development of land at Delves Farm, Boulter's Lane WOOD END	MPI DESIGN ASSOCIATES Ltd 4 CHURCH STREET BARBICROUGH CHESTERFIELD, S43 4EP			
Title	Location Plan	Tel: 01246 819259 mob: 07841 353141 mpi@mpidesign.co.uk			



Appeal Decision

Site visit made on 23 October 2018

by **Andrew Owen BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26th November 2018

Appeal Ref: **APP/R3705/W/18/3207348** **Delves Farm, Boulters Lane, Wood End CV9 2QF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Ken Simmons against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2017/0599, dated 9 November 2017, was refused by notice dated 13 February 2018.
- The development proposed is erection of up to 14 dwellings.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline form with all matters except access reserved for later consideration. I have determined the appeal on the same basis.
3. During the appeal process it was brought to my attention that one of the owners of the appeal site had not been formally notified of the application and the appeal. The appellant has now formally notified that owner and they have had the opportunity to comment on the proposals. I was also alerted to the fact that this landowner is not a signatory to the submitted unilateral undertaking and I have considered the effect of that below.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether it is necessary to provide contributions to affordable housing and healthcare facilities and if so whether an appropriate mechanism for securing these has been provided.

Reasons

Character and appearance

5. The appeal site forms the northern half of a field used for grazing. The southern half has outline planning permission, granted on appeal¹, for 14

¹ Ref APP/R3705/W/17/3171093

houses. In that case the Inspector found that the development would harm the character and appearance of the area but that this did not significantly and demonstrably outweigh the benefits of the development. The conclusion he reached on character and appearance was consistent with an Inspector's view on that specific issue on a previous appeal² for 14 dwellings on that same site.

6. Though the site in this case is different to that adjacent site, it is very similar in terms of its visibility in the wider context. The development would be visible from Boulders Lane along the access road, from the rear of the houses fronting Boulders Lane and, albeit from a greater distance, from those dwellings fronting Tamworth Road to the west. A limited view, through hedgerows, would be possible from public footpaths AE67 and AE68 to the east.
7. Furthermore, the development would be detached from the dwellings fronting Boulders Lane, more so than any development on the adjacent site, and would conflict with the generally linear pattern of development locally. Indeed it is not certain that aforementioned outline planning permission would be implemented, leaving the development on this site surrounded by fields.
8. The proposal would therefore conflict with the character and appearance of the area and would fail to accord with policy NW12 of the North Warwickshire Core Strategy (NWCS) which aims to ensure that development positively improves a settlement's character.

Planning obligation

9. A unilateral undertaking has been provided which includes an obligation to make a financial contribution to the provision of affordable housing elsewhere within the borough. I consider this contribution is necessary, is directly related to the development and is reasonably related in kind and scale to the development and so would meet the tests in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations and paragraph 56 of the National Planning Policy Framework (the 'Framework').
10. The undertaking also includes an obligation to make a financial contribution towards additional healthcare facilities by the George Eliot Hospital NHS trust. I am satisfied that this contribution would also meet the tests in Regulation 122 and paragraph 56. Regulation 123 states that, where a CIL charging schedule is not in place, only five contributions to each project can be collected. In this case, as the contribution would relate to the running costs of the Trust, not an infrastructure project, it is not limited by this pooling restriction.
11. However, as referred to in paragraph 3 above, an owner of the land on which there would be a deed relating to financial obligations is not a party to that deed. This gives me concerns in respect of its execution and enforceability and therefore I am not satisfied that the Council could rely on it to secure the contributions. I have therefore not taken the undertaking into account in my decision.
12. Without these contributions the proposal would fail to accord with policy NW6 of the NWCS which seeks to secure appropriate levels of affordable housing through development, and NWCS policy NW22 which generally seeks contributions to infrastructure.

² Ref APP/R3705/W/16/3150188

13. The Council's comments on the undertaking are set out in their letter of 10 October 2018. However this only relates to the justification for the obligations and confirms that they do not object to the content of the undertaking. It does not demonstrate that the Council consider the document to be valid and enforceable. Moreover the Council's letter of 1 November 2018 also does not comment on the validity of the undertaking, and the emails from the Council in April 2018 pre-date by some months the revelations regarding the ownership of the site. My conclusion that the undertaking is flawed is not, therefore, inconsistent with the Council's correspondence.

Other Matters

14. Policies NW2 and NW5 of the NWCS are concerned with the distribution of housing across the settlements in the borough. I understand the target housing figure for Wood End, as set out in policy NW5, has already been reached and so any more housing could be considered disproportionate and hence would conflict with this policy. However the Council have stated that they have a 4.8 years supply of housing. Their policies relating to housing supply, such as NW2 and NW5, should therefore not be considered up to date. Indeed this view is consistent with the Inspectors into the appeals at Ansley³ and Daw Mill⁴ who attribute little weight to policy NW2. I recognise the supply of housing has increased recently (from 4.5 years in the appeal for the adjacent site and 3.5 years in the Ansley decision) and that housing completions over the past 3 years have exceeded their target, which illustrates good progress is being made. Nonetheless, I do not consider this justifies reaching a different view to the previous Inspectors with regard to policy NW2, and therefore NW5.

15. The emerging Local Plan is, I understand, currently being examined. As such whilst the submission version of the plan has been through public consultation, and in many respects it closely reflects the existing NWCS policies, it still cannot be given significant weight, and indeed the Council do not rely on it.

Planning balance & Conclusion

16. Part d) of paragraph 11 of the Framework advises that where relevant development plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

17. The proposal causes harm to the character and appearance of the area, but I consider the weight to be given to that harm would not be considerable. This is consistent with the Inspector of the appeal proposal for the adjacent site.

18. In its favour, the proposal would provide 14 houses to contribute to the Council's supply, and I recognise the support given in the Framework to small sites such as this. However the mechanism for securing a contribution to affordable housing is flawed and so this limits the weight I give to the benefit of the houses.

19. The contribution to healthcare would have mitigated the additional use of healthcare facilities generated by the occupiers of the development so would not have carried positive weight. Therefore the absence of an appropriate mechanism to secure it does not lend negative weight.

³ Ref APP/R3705/W/17/3189584

⁴ Ref APP/R3705/W/16/3149827

20. Overall I consider the adverse effect on the character and appearance of the area, whilst not considerable, does significantly and demonstrably outweigh the benefits of the development. Consequently the development would conflict with NWCS policy NW1 which says that in these circumstances permission will not be granted.
21. Consequently, for the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR

PAP/2019/0679

JVH TOWN PLANNING CONSULTANTS LTD

APPENDIX C

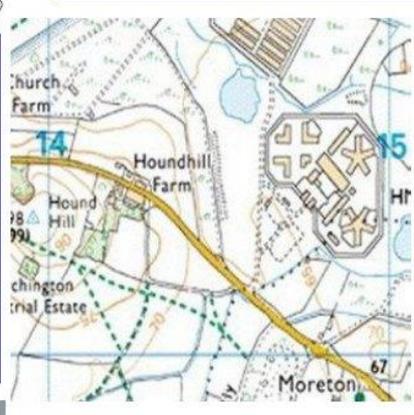
Houndhill Courtyard
Houndhill, Marchington
Staffordshire ST14 8LN
Telephone: 01283 820040 Fax: 01283 821226
email office@jvhplanning.co.uk

NORTH WARWICKSHIRE
BOROUGH COUNCIL

RECEIVED

09/12/2019

**PLANNING & DEVELOPMENT
DIVISION**



Houndhill Courtyard
Houndhill, Marchington
Staffordshire ST14 8LN
Telephone: 01283 820040 Fax: 01283 821226
email office@jvhplanning.co.uk

Planning Design and Access Statement to

For

Land opposite Delves Field Stables

Boulters Lane Wood end.

For

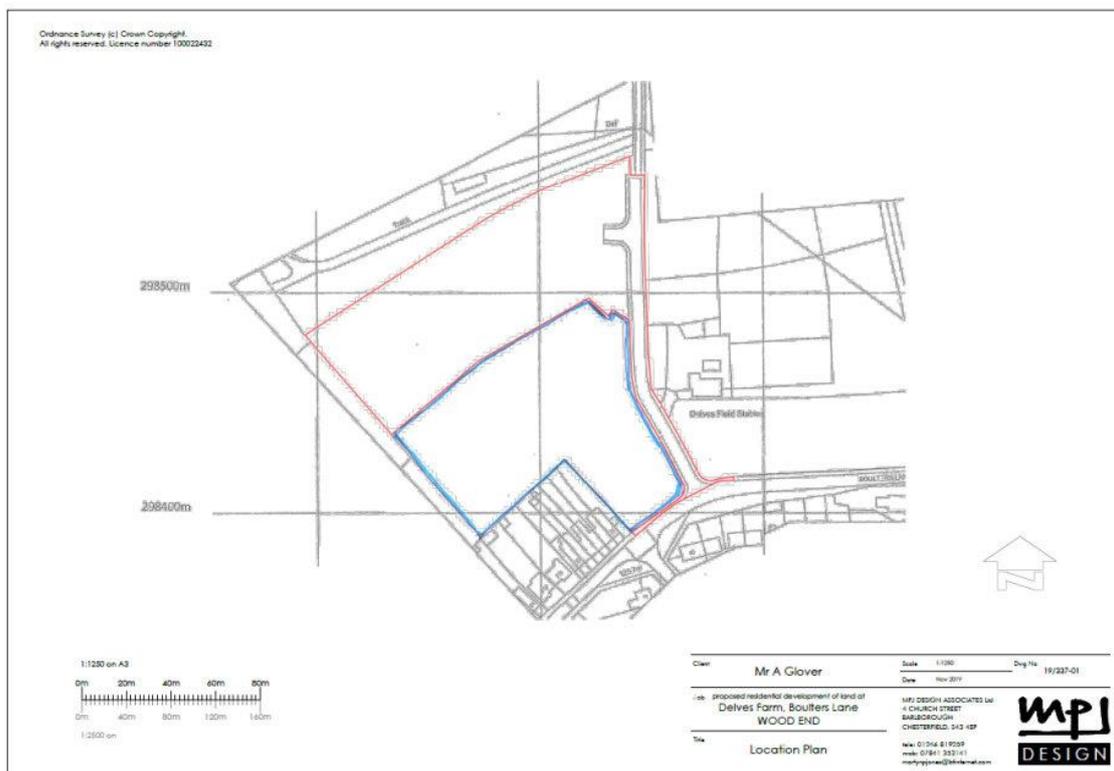
Glover Properties

1 Introduction..

This application is a resubmission of Application Ref 2019/0237. This application was refused by the Council on the 3rd September 2019. The reasons for refusal of that application are not considered to be valid planning reasons and on that basis a second application is submitted to allow a further consideration of the Planning Position given the circumstances prevailing in the area. Furthermore the reason for refusal relating to highway matters are overcome and the County Council have accepted that the junction onto Boulters Lane has been constructed in accordance with highway specifications.

2 The Site and Surroundings

The site comprises an area of 0.9 hectares lying to the rear of an existing housing site off Boulters Lane. The adjoining site is now under construction for the erection of 14 new homes served from Boulters lane. The site is generally flat in character with hedgerows surrounding the periphery. There are no significant features on the site itself..



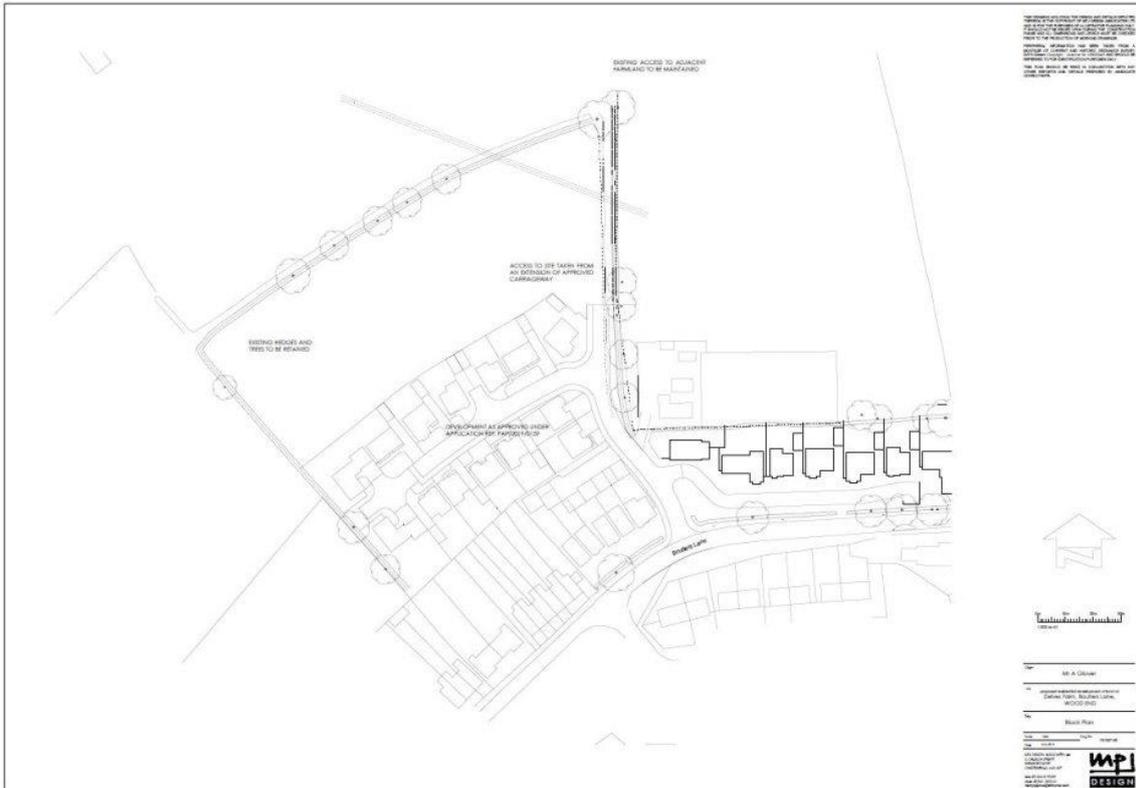
3 The Proposal

The proposal is in outline and proposes the erection of 14 new homes. Access is to be taken from, Boulters Lane at the existing access point.

The following plans are submitted

MJP Site Location Plan

MJP Block Plan.



4 The Planning Position.

The Core Strategy was adopted in 2014 and the development boundaries have been found to be out of date in the “ Daw Mill “ Appeal decision. As a result of this they carry very little weight.

The Local Plan Review is under examination at the current time and the latest proposed modification by the Council to Policy LP 2 is set out below

“Development within the Borough will be proportionately distributed and be of a scale that is in accordance with the Borough’s settlement hierarchy. Development will be commensurate with the level, type and quality of day to day service provision currently available and the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development in liaison with service providers.

In Categories 1 to 4 settlements development within development boundaries will be supported in principle. Development directly adjacent to settlement boundaries may also be acceptable, and which is appropriately located and would enhance or maintain the vitality of rural communities, provided such development is proportionate in scale to the relevant settlement and otherwise compliant with the policies in the plan and national planning policy considered as a whole (including in respect of Green Belt protections). “

In addition to this it is considered that the Council cannot demonstrate a five year land supply in accordance with the provisions in the NPPF, and in accordance with established case law and practice the “ tilted balance” in favour of the development applies. This matter is currently under review in both the Local Plan Examination and via a S 78 appeal on land East of Islington Farm Wood End in an Appeal to be heard in early in 2020.

It is considered that notwithstanding the land supply situation then the Application should be approved on the basis that it is compliant with the emerging policy LP2 in the new Local Plan because it is adjacent to the existing built form of the settlement, will help to sustain the community through a modest development than can easily be assimilated into the

social and community framework of the settlement and is compliant with other policies.

It is already accepted by the Council that the Core Strategy Policy relating to settlement boundaries is out of date and no further comment is needed on this point.

5 The Effect of the Proposal

The Council have indicated that there may be harm to the character and appearance of the Area based on the fact that currently there is ribbon development in this part of Wood End and that development in depth will alter the character of the settlement in a harmful way.

It is not considered that there is any harm caused by the development to the character of the settlement, the existing linear form is already disrupted by the 14 dwellings that are under construction and which lie at the back of the frontage properties. Further development beyond this does not impair the character, as the character is now that some development in depth is already taking place. Although the Council have relied on previous decisions in this respect these decisions have taken place before the published modifications to the new Local Plan, which clearly envisage small developments outside the settlement boundaries which are of a size that can easily be assimilated into this scale of settlement.

6 Summary

The Council are asked to re-consider this small scale proposal in Wood End, in an area where development is already taking place and is proving an attractive place to live.

Further submissions will be made regarding the land supply as the situation emerges through the Local Plan Examination and the appeal process currently under way.

Janet V. Hodson, BA (Hons), Dip. TP, MRTPI. Thomas W. Beavin, MTCP (Hons), MRTPI.
VAT Registered No. 670 0957 32
Registered in England No. 4817729

General Development Applications

(5/C) Application No: PAP/2021/0250

Land to rear of 1-3, Birmingham Road, Ansley, CV10 9PS

Outline application for erection of 10 dwellings. Access to be considered with all other matters reserved, for

Mr A Green

Introduction

This case is referred to the Board because of a related Section 106 Agreement

The Site

This is a rectangular piece of agricultural land just about half a hectare in area located behind frontage residential properties on the east side of the Birmingham Road at the northern end of the village. Is bounded by field hedgerows. There is open land further to the east as well as to the south. There is also a continuation of the residential frontage of the south, the range of buildings at Village Farm are on the opposite side of the Road and there is a single detached house to the north.

The site is illustrated at Appendix A

Background

Planning permission was granted in 2018 for a single house on land immediately to the north of number 1 together with a new access.

Appendix B illustrates the location of this house.

The Proposals

This is an outline application for up to ten houses and all matters reserved except for access which is shown to the north of number 1 Birmingham Road and in effect is an improved arrangement of that consented under the 2018 permission referred to above.

The applicant has agreed to complete a Section 106 Agreement subject to its requirements meeting the statutory regulations. The application includes the provision of four affordable dwellings – that is 40%.

A possible layout is attached at Appendix C solely for illustrative purposes.

Representations

Ansley Parish Council – It objects for the following reasons:

- The site is outside of the village's development boundary
- The Borough already has a five-year supply of housing land

- There are highway issues given the access proposed is opposite a farm
- There would be more traffic in the village
- The character of the village is being lost
- Local facilities and infrastructure are not adequate to cope with more development

119 letters of objection have been received. These matters raised replicate those covered by the Parish Council.

Consultations

Warwickshire County Council as Highway Authority – No objection

Warwickshire County Council as Lead Local Authority – To be reported

Warwickshire Fire and Rescue Service – No objection subject to standard conditions

Environmental Health Officer – No objection subject to standard conditions

Warwickshire Ecologist - There would be a net loss of habitat diversity and if no on-site provision is to be made then a suitable contribution for off-setting is required.

Housing Officer – Notwithstanding recent developments in the village, there is still a housing need evidenced by the waiting list.

Draft Section 106 Heads of Terms

The following matters would appear within a Section 106 Agreement:

- a) 40% on-site provision of affordable housing
- b) A contribution of £74,570 for bio-diversity offsetting
- c) A contribution of £46,099 for enhancement of local amenity, open and recreational space

Development Plan

The Core Strategy 2014 – NW2 (Settlement Hierarchy); NW5 (Split of Housing Numbers), NW9 (Affordable Housing Provision), NW10 (Development Considerations) and NW15 (Natural Environment)

Other Material Planning Considerations

The National Planning Policy Framework 2021 – (the “NPPF”)

Proposed Modifications to the Submitted Regulation 10 North Warwickshire Local Plan 2021 – MM24(in respect of Settlement Hierarchy); MM50 (in respect of Affordable Housing Provision), MM59 (in respect of Landscape), MM61 (in respect of the Natural Environment), MM74 (in respect of Development Considerations) and MM87 (in respect of Housing Allocations)

The Daw Mill appeal decision – APP/R3705/W/16/3149827

The “Islington Farm” appeal decision – APP/R3705/W/19/3234056

The North Warwickshire Landscape Character Assessment 2010

The North Warwickshire Five Year Housing Land Supply as at 31 March 2019

The Information Note on Housing Trajectory – NWBC32 – February 2021

Observations

a) Introduction

The Council submitted its Regulation 19 Plan as a review of its Development Plan in 2018. The Examination Inspector has now found it to be “sound” subject to Main Modifications. At the time of reporting this application to the Board, that Plan has not yet been adopted. However, because it is now in the final stage before adoption it is considered that it carries significant weight in its modified form by virtue of para 48 of the 2021 NPPF. In these circumstances, the Modified Policies may be considered to carry greater weight than their equivalent in the Development Plan. The report below will indicate the position in respect of the most important policies relevant to the determination of this application.

a) The Approach to be taken

The site is outside of the development boundary for the village as defined by the Development Plan. As such that Plan says that new development is restricted to community based affordable housing or to that which is required within a rural area. Neither applies in this case. The proposal would therefore appear to be contrary to the provisions of Policy NW2. However, as Members are aware the development boundaries of the Development Plan have been found to be out of date as set out in the Daw Mill appeal decision. Matters have now advanced as Policy LP2 of the Emerging Plan as proposed to be modified by MM24 now carries significant weight and is considered to outweigh Policy NW2. It says that development directly adjacent to development boundaries may be acceptable in respect of some settlements – including Ansley – having regard to other policies in the Emerging Plan and including that which would enhance or maintain the vitality of rural communities provided that it is proportionate in scale to the relevant settlement – usually on sites of no more than ten units. As a consequence, it is necessary in this case to assess whether there are demonstrable and significant harms caused by the proposal such that it would not be acceptable in respect of other policies in the Plan and whether it would enhance or maintain the vitality of the village and be proportionate in scale. Whilst the representations that have been made saying that the proposal should be refused because it is outside of the development boundary are understandable, that is not the key “test” here for the reasons outlined above.

The consequence of this commentary is considered to be that Policy LP2 of the Emerging Local Plan as proposed to be modified by MM24 carries more weight than Core Strategy Policy NW2. It says that development directly adjacent to a development boundary “may be acceptable” for a Category Four settlement such as Ansley. The

“tests” are whether the development satisfies other policies in the Emerging Plan; it would enhance or maintain the vitality of the village, be proportionate in scale to the village and would cater for windfall sites usually of no more than ten units depending on viability, services and infrastructure deliverability. The report below therefore looks at these matters. Weight will be ascribed to any such harm. In looking at these weights, Members are reminded that there is a need to identify the evidence that supports any harm. It will then be necessary to identify the other side of the planning balance and ascribe a weight to the benefits of the case as put forward by the applicant or as identified in the NPPF. Again, these benefits have to be evidenced. The Board will then have to make an assessment of that final planning balance

b) Harms

The first “test” set out above is the need to satisfy other policies in the Emerging Plan. There is concern that the proposal does not accord with Policy NW12 of the Core Strategy, which aims to ensure that development “positively improves a settlement’s character and environmental quality of an area.” The equivalent policy to NW12 in the Emerging Plan is LP1 as proposed to be modified by MM21. This Modification repeats the content of NW12. It wholly accords too with Sections 2 and 12 of the new NPPF. Additionally, Policy LP14 of the Emerging Plan as to be modified by MM58, now explicitly refers to the 2010 Landscape Character Assessment in the assessment of whether a proposal conserves, enhances or restores landscape character. It too wholly accords with Section 12 of the NPPF. As a consequence, NW12 is not out of date and it carries full weight.

Given this background it is thus necessary to describe the settlement’s character and the environmental quality of the area. This is best achieved by looking at the Landscape Character Assessment of 2010 which is now explicitly recognised in policy LP14 of the Emerging Plan as modified by MM58. The site is within the “Church End to Corley – Arden Hills and Valleys” area. This is characterised by “an elevated farmed landscape of low rounded hills, steep scarps and small incised valleys. This landform combined with extensive hilltop woodlands and tree cover creates an intricate and small-scale character punctuated by numerous scattered farms and hamlets.” The landscape management strategies promoted for the area include, “protecting and enhancing the internal open space and irregular outline of village settlements”. In respect of this northern end of Ansley then this is marked by frontage development along both sides of the Birmingham Road. The southern end of the village is now being extended beyond that frontage adding a significant depth to the overall built form.

The proposal in the conditions set out in Policy NW12 will not “improve the settlements character and appearance or the environmental quality of the area”. It neither “conserves, enhances or restores landscape character” as required by Policy LP14 as modified by MM58 and it is not “sympathetic to local character and history including the surrounding built environment and landscape setting” as set out in para 130 of the 2021 NPPF. This is because the village still retains in part its very linear character. That is being diminished and lost. This development is significant in size both spatially and visually, such that it introduces new development at the rear of other houses. This is not “infill” or “consolidation”. It is an extension to established development such that the overall linear character of this part of the village would be lost. It is a clear extension into open countryside with its own independent access. Additionally, the landscape management strategies for the village – now given substantial weight through MM58,

could not be followed – maintaining historic dispersed settlement patterns along with protecting internal open space and the irregular outline of villages.

There is another reason here to support the NW12 issue. This development will lead to an isolated cul-de-sac development with no connections to the existing community and divorced from the settlement. There is no planning here for a “place” or for a “community”. The principles of the new NPPF are not followed – those set out in Sections 2 and 12. These matters add weight to the non-compliance with Policy NW12 of the Core Strategy by not proposing good quality development.

The second “test” set out above is that the development should “enhance or maintain the vitality of the rural community”. No evidence has been submitted to show accordance with this test. The village has recently seen an increase in new development – close to 200 new houses. There has been no change in the level of service infrastructure in the village despite that scale of development and whilst the occupiers of the additional 200 units may well support the village shop and local facilities at times, as well as add patronage to public transport, an additional ten units will have no material impact in upgrading any of the local services or facilities. It is acknowledged too that an additional four affordable dwellings would be welcome that is not overriding in this case.

The third “test” is one of scale and proportionality. The proposal is for ten thus satisfying the test but as indicated above even with the additional development in the village, there has been no uplift in service provision.

It is acknowledged that there are no unacceptable harms in respect of highway or drainage impacts as a consequence of the consultation responses from the County Council. There are no adverse impacts or harms caused to local heritage assets and the ecological loss through development can be mitigated through both on-site provision as well as the off-site contribution.

Overall, therefore it is considered that significant and demonstrable harm will be caused through non-compliance with Policy NW12 of the Core Strategy as supplemented by Policies LP1 and LP14 of the emerging Local Plan as modified by MM21 and MM58, together with Sections 2 and 12 of the 2021 NPPF.

c) The Applicant’s Case

On the other side of the planning balance here the applicant is saying that the proposal accords with Policy LP2 of the Emerging Plan, as modified by MM24 as the site is directly adjacent to the development boundary and for ten houses. This argument does carry some weight.

d) The Final Planning Balance

Whilst the applicant’s case does indeed carry some weight, it doesn’t carry significant weight as he has not undertaken a full assessment of the tests set out in MM24 and as outlined above. There is no assessment against the “other policies in the Emerging Plan” and no analysis of how the proposal would “enhance or maintain the vitality of the rural community”. The report above has done so and found significant and demonstrable harm to Policy NW12 of the Core Strategy as supplemented through the

Emerging Plan and the 2021 NPPF. Moreover, the Council has a five-year housing land supply – 6.29 years as at March 2019 and 6.2 years as at February 2021. There is thus not the strength in the applicant’s case that could be afforded to this issue if there had not been an under-supply.

Recommendation

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

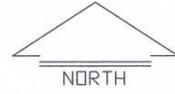
1. “The proposal is not considered to accord with Policy NW12 of the North Warwickshire Core Strategy 2014; Policies LP1 and LP14 as Modified in the Submitted Regulation 19 Local Plan for North Warwickshire 2021 and the relevant sections of the National Planning Policy Framework 2021 – particularly Sections 2 and 12. This is because significant and demonstrable harm will be caused to the character and appearance of the settlement and its surrounding area which is not out-weighed by the benefits of allowing the development”.

Notes:

- a) Notwithstanding working through consultation responses with the applicant to overcome technical matters, there remain planning policy issues that cannot be resolved and the Local Planning Authority has met the requirements of the NPPF in this case by undertaking a full assessment of the planning balance.

APPENDIX A

PAP/2021/0250

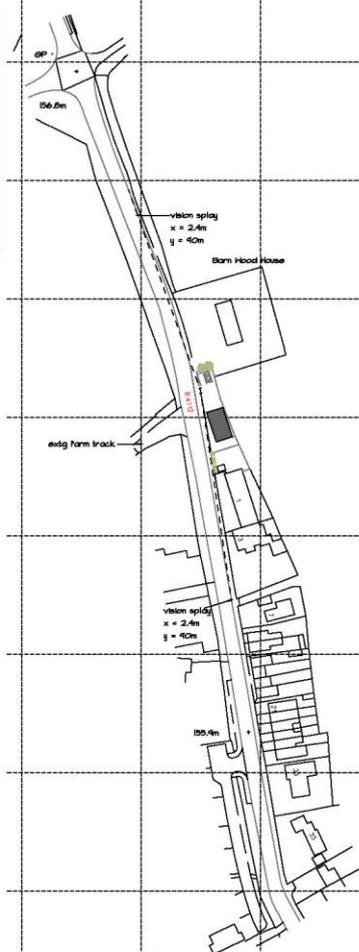
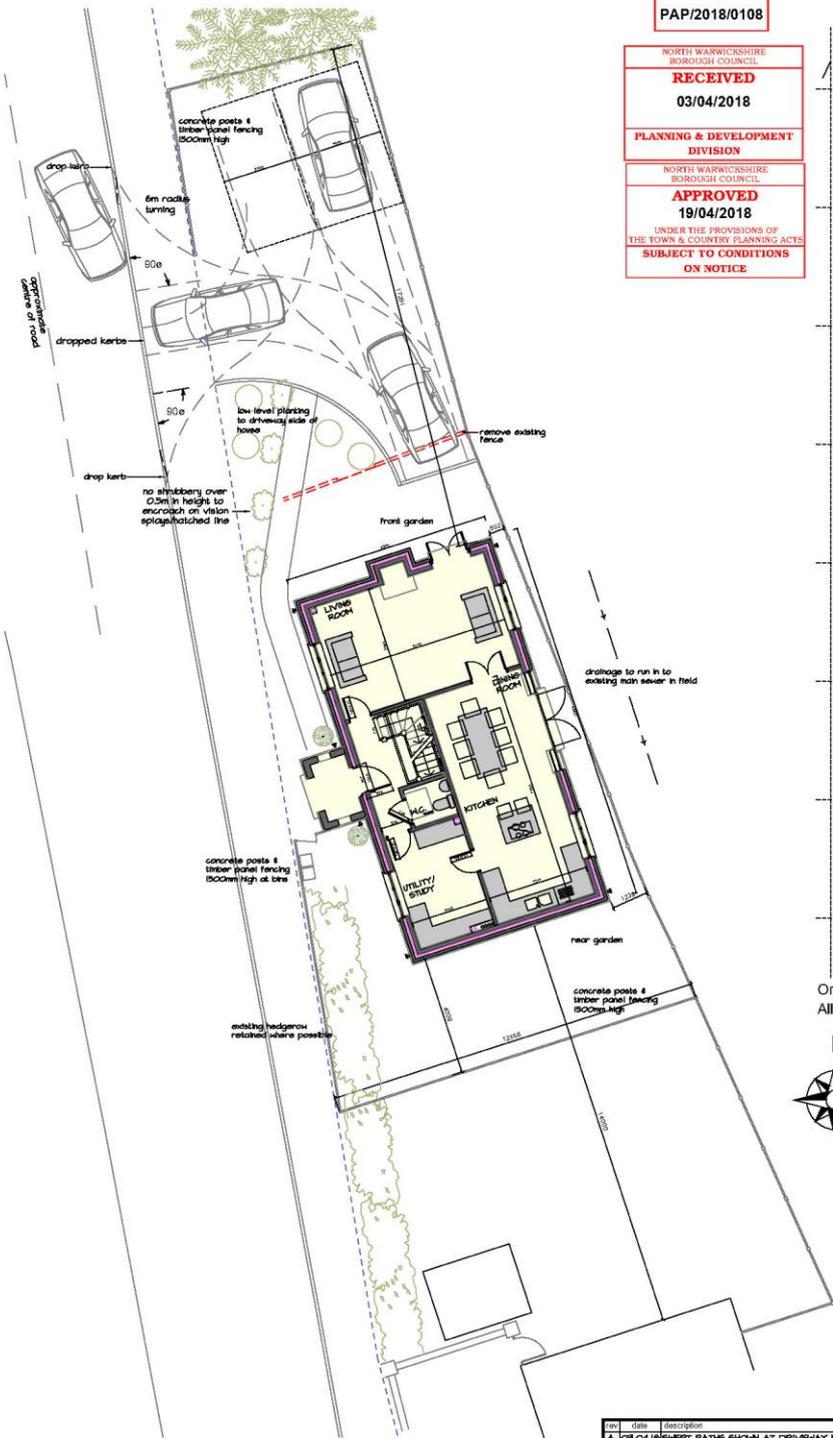


NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
22/04/2021
PLANNING & DEVELOPMENT
DIVISION

PROJECT			
PROPOSED RESIDENTIAL DEVELOPMENT THE GABLES, NO 1 BIRMINGHAM ROAD, ANSLEY			
CLIENT			
MR. A. GREEN			
DRAWING			
LOCATION PLAN			
ANDREW LARGE SURVEYORS LTD			
THE ESTATE OFFICE, STAUNTON HAROLD HALL MELBOURNE ROAD, ASHBY DE LA ZOUCH, LEICESTERSHIRE, LE65 1RT			
DRW BY	SCALE	DRAWING NUMBER	REV
DAC	1:1000	TG1.LOC.008	
18.3.21	@A4		

PAP/2018/0108

NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
03/04/2018
PLANNING & DEVELOPMENT
DIVISION
NORTH WARWICKSHIRE
BOROUGH COUNCIL
APPROVED
19/04/2018
UNDER THE PROVISIONS OF
THE TOWN & COUNTRY PLANNING ACTS
**SUBJECT TO CONDITIONS
ON NOTICE**



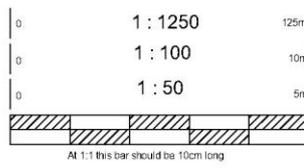
Ordnance Survey (c) Crown Copyright 2017.
All rights reserved. Licence number 100022432



1 : 1250 VISION SPLAY PLAN



1 : 100 SITE PLAN



rev	date	description	by
A	28/04/18	SHEEP PATHS SHOWN AT DRIVEWAY ENTRANCE, HEDGEROW SHOWN PART RETAINED	SL

Drawing title: PLANNING	Client: MR J HOLCROFT		
PROPOSED NEW DWELLING 1 THE GABLES, BIRMINGHAM ROAD, ANSLEY VILLAGE, CV10 9PS			
Drawn by: [blank]	Drawing No: 7274 - 02 A	Created On: 16-02-2018	Page: 02
Checked by: [blank]	Scale: AS NOTED	Sheet: A2	
Drawing status: proposed			

CDS
Cradock Design Services
Architects
1 The Courtyard
Goldsmith Way
Elix Business Park
Nuneaton, Warwickshire
CV10 7JZ
Tel: 024 7638 6769

APPENDIX C

SCHEDULE	NO
2 BEDROOM	4
3 BEDROOM	2
4 BEDROOM	4
TOTAL	10

PAP/2021/0250

NORTH WARWICKSHIRE
BOROUGH COUNCIL

RECEIVED

08/07/2021

**PLANNING & DEVELOPMENT
DIVISION**

REV. A - LAP ADDED. 2.7.21

PROJECT	PROPOSED RESIDENTIAL DEVELOPMENT THE GABLES, NO 1 BIRMINGHAM ROAD, ANSLEY
CLIENT	MR. A. GREEN
DRAWING	INDICATIVE SITE LAYOUT FOR 10 DWELLINGS
ANDREW LARGE SURVEYORS LTD	
THE ESTATE OFFICE, STURTON HAROLD HALL, MELBOURNE ROAD, ASHBY DE LA ZOUCH, LEICESTERSHIRE, LE65 1RT	
DATE	17.3.21
SCALE	1:500
BY	ALG
REV	TG1, IND.007
	A



General Development Applications

(5/D) Application No: PAP/2021/0490

1 - 36 & 37 - 66 Alexandra Court, Princess Road, Atherstone, Warwickshire, CV9 1LB

Proposed improvement works to include external wall insulation (EWI) render system, new pitched tiled roof and new Upvc double glazed windows, for

Angela Coates - North Warwickshire Borough Council

Introduction

This application is reported to the Board as the Council is the applicant.

The Site

This is a range of four blocks of three storey flats off Princess Road on the south side of the A5 and immediately to the west of the playing fields to the QE School.

A site plan is attached at Appendix A

The Proposals

These are as described in the application header.

Existing elevations of the blocks are at Appendix B and the proposed elevations are at Appendix C.

Representations

None received at the time of preparing this report

Development Plan

The Core Strategy 2014 – NW10 (Development Considerations)

Other Material Planning Considerations

The National Planning Policy Framework

Main Modifications to the Submitted Regulation 19 North Warwickshire Local Plan 2021 – MM74(in respect of development considerations) and MM75 (in respect of built form)

Observations

These proposals will significantly improve the appearance not only of the existing range of buildings but also the area generally. The blocks are very visible across the playing fields from the A5. The proposals follow similar works already taken on the other side of the A5 in Friary Road and in Chapel End.

There will be an increase in height of the buildings that will impact on the closest two storey houses in Bank Road and Queens Road but because of the very low pitch and hipped ends this is not considered to be material.

The consultation period for the application ends on 10 September and thus the recommendation is worded accordingly.

Recommendation

That subject to the receipt of no objections being received at the expiry of the consultation period, planning permission be **GRANTED** subject to the following conditions:

1. Standard Three year condition
2. Standard Plan number conditions – 2647/03; 04, 07 and 08.

Notes

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through the issue of a speedy decision.

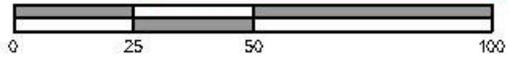
NOTES:

The copyright © of this drawing is vested in the Architect and must not be copied or reproduced without consent.

All Contractors must visit the site and be responsible for taking and checking dimensions relative to their work. Sutton and Wilkinson Chartered Architects to be advised of any variation between drawings and site conditions.



APPENDIX A



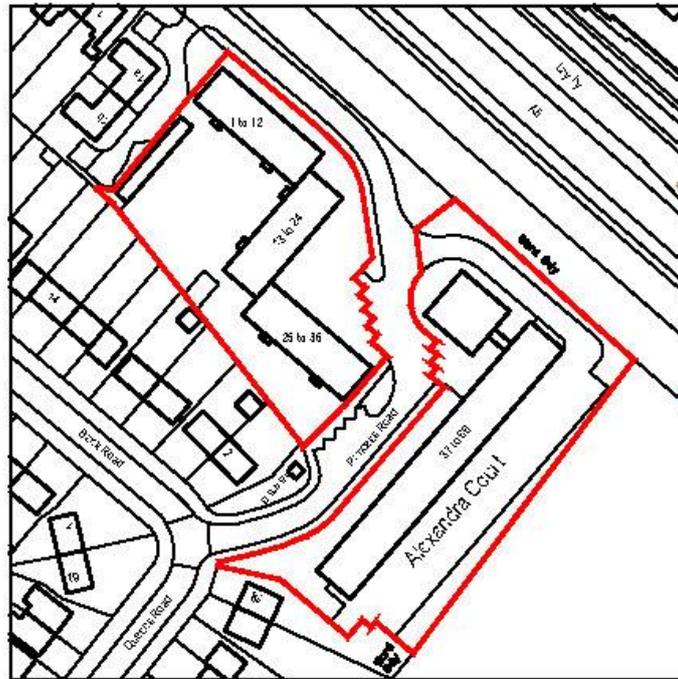
SCALE BAR 1:1250

**NORTH WARWICKSHIRE
BOROUGH COUNCIL**

RECEIVED

09/08/2021

**PLANNING & DEVELOPMENT
DIVISION**



Produced on 25 May 2021 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date.
This map shows the area bounded by 431371, 257764, 431513, 297764, 431513, 297906, 431371, 297906, 431371, 297764.
Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.
Crown copyright © 2021. Supplied by coppla ltd trading as UKPlanningMaps.com a licensed Ordnance Survey partner (100054135).
Data licence expires 25 May 2022. Unique plan reference: v2o63c354/862542

PROJECT:
Alexandra Court,
Princess Road
Atherstone
CV9 1LB

TITLE:
Location Plan

CLIENT:
Wates Living Space

SUTTON AND WILKINSON

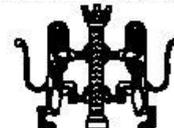
CHARTERED ARCHITECTS

Victoria House, 13 New Penridge Road,
Cannock, Staffs, WS11 1HW

Telephone: 01543 466441

Facsimile: 01543 462469

e-mail: office@suttonwilkinson.co.uk



SCALE 1:1250	DRAWN SC	DATE May 21	SIZE A4
DRAWING NUMBER 2647 - 03			REVISION

APPENDIX B



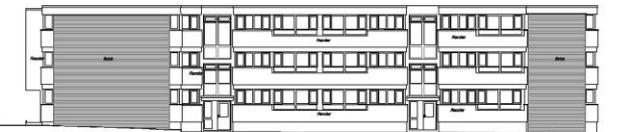
FRONT ELEVATION (Nos. 1 - 36 Alexandra Court)



REAR ELEVATION (Nos. 1 - 36 Alexandra Court)



SIDE ELEVATION (Nos. 1 - 36 Alexandra Court)



SIDE ELEVATION (Nos. 1 - 36 Alexandra Court)



EXISTING VIEW (Nos. 1 - 36 Alexandra Court)

NOTES

The copyright of this drawing remains the property of the author and shall not be copied or reproduced without consent.
 All dimensions shall be the responsibility of the design and building dimensions shall be to face, unless otherwise stated.
 All materials shall be of a quality suitable for the intended use and shall be of a standard suitable for the intended use.



SCALE BAR 1:100

RECEIVED
09/08/2021
PLANNING & DEVELOPMENT
DIVISION

PLANNING

PROJECT: Proposed EM & Ref works to 1-36 & 37-66 Alexandra Court, Princess Road, Altrincham, CV9 1LE

CLIENT: Wilkes Living Space

TITLE: Existing Elevations (Sheet 1 of 2) (Nos. 1 - 36 Alexandra Court)

SUTTON AND WILKINSON
CHARTERED ARCHITECTS

Victoria House, 15 Newington Street, Colchester, Essex, CO1 1NS
Telephone: 0206 200000
Mobile: 07529 424242
www.suttonandwilkinson.co.uk

NO.	DATE	BY	APP
1	15/05/21	SC	Aug 21
2	26/07/21	SC	Aug 21

APPENDIX C



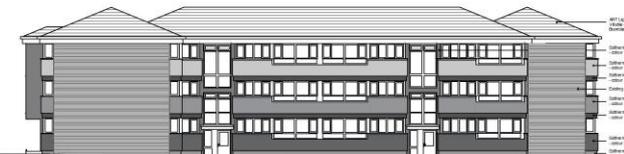
FRONT ELEVATION (Nos. 1 - 36 Alexandra Court)



REAR ELEVATION (Nos. 1 - 36 Alexandra Court)



SIDE ELEVATION (Nos. 1 - 36 Alexandra Court)



SIDE ELEVATION (Nos. 1 - 36 Alexandra Court)



PROPOSED VIEW (Nos. 1 - 36 Alexandra Court)

RECEIVED
09/08/2021
PLANNING & DEVELOPMENT
DIVISION

NOTE: Please refer to drawing 2647-02 latest revision for proposed colour chart.

PLANNING

PROJECT: Proposed EM & Ref works to 1-36 & 37-66 Alexandra Court, Princess Road, Altrincham, CV9 1LE

CLIENT: Wilkes Living Space

TITLE: Proposed Elevations (Sheet 1 of 2) (Nos. 1 - 36 Alexandra Court)

SUTTON AND WILKINSON
CHARTERED ARCHITECTS

Victoria House, 15 Newington Street, Colchester, Essex, CO1 1NS
Telephone: 0206 200000
Mobile: 07529 424242
www.suttonandwilkinson.co.uk

NO.	DATE	BY	APP
1	15/05/21	SC	Aug 21
2	26/07/21	SC	Aug 21

MATERIALS LEGEND

Solihull EM system Colour 35A	Solihull EM system Colour 27D
Solihull EM system Colour 36C	Solihull EM system Colour 35A
Solihull EM system Colour 36C	Solihull EM system Colour 38A

SCALE BAR 1:100

NOTES

The copyright of this drawing remains the property of the author and shall not be copied or reproduced without consent.
 All dimensions shall be the responsibility of the design and building dimensions shall be to face, unless otherwise stated.
 All materials shall be of a quality suitable for the intended use and shall be of a standard suitable for the intended use.

General Development Applications

(5/E) Application No: PAP/2021/0354

Land Adjacent 54, Moor Road, Hartshill,

Works to trees by protected by a tree preservation order, for

North Warwickshire Borough Council

Introduction

The application is reported to the Board as the tree is located on Council owned land

The Site

The tree is on the line of a public footpath – the AE175 - which runs through the Moorwood Estate in Hartshill close to the junction with Moor Road and surrounded by private residential property.

It is shown on the attached plan at Appendix A.

The Proposals

It is proposed to fell the oak tree which is protected within an Order confirmed in 1993. The background to the application is attached at Appendix B. Further discussion with the tree officer reveals that it has been inspected on seven occasions over the seasons. Its canopy is reducing in size every year, and whilst it continues to be in leaf during the summer, it is not re-generating and thus it will continue to decline. Alternative measures might be considered appropriate if the tree were on open land but it can be seen from the location plan it is not. As it weakens the risk of limb loss increases and failure increases.

Representations

Four letters of objection have been received saying that the tree is healthy and of amenity and wildlife value to the area.

Hartshill Parish Council – It considers that alternatives have not been fully considered.

Observations

Preservation Orders are confirmed for trees “in the interests of amenity” and the amenity value of this tree is reflected by its prominent position and the comments received from local residents. However, it has been inspected on several occasions now over a period of time and there is evidence over time that the tree is in decline. Alternative measures have been considered, but partial or full failure is still likely. Given the location of the tree next to a well-used public footpath and to private residential property there is concern that it represents an increasing risk.

Recommendation

That the works be agreed but that a suitable replacement be considered at an appropriate alternative location.

Near 54 Moor Road, Hartshill, CV10 0NQ



Cadcorp® T1-OAK

Stalling Court
 Norton Road
 Stoneage
 Leics. SG1 2JY
 UK
 Tel : +44 (0) 438 747886
 Fax : +44 (0) 438 747997
 Email: info@cadcorp.com

NORTH WARWICKSHIRE
 BOROUGH COUNCIL
RECEIVED
 8/06/2021
PLANNING & DEVELOPMENT
 DIVISION



ARBORICULTURAL APPRAISAL /INSPECTION/TREE REPORT

- **NWBC Ref No:** NWBC Trees 08.06.21
- **Site Address:** Near 54 Moor Road, Hartshill, CV10 0NQ
- **Prepared by** Andrew Watkins
- **Prepared for:** Planning Application
- **Date of Inspection:** 06/05/2021
- **Date of Report:** 08/06/2021

NORTH WARWICKSHIRE
BOROUGH COUNCIL**RECEIVED**

8/06/2021

**PLANNING & DEVELOPMENT
DIVISION****Works applied for:**

- Fell one Oak Tree protected by a Tree Preservation Order.

Observations:

- The tree within this report is located within a Green Space in the settlement of Hartshill that is owned and maintained by North Warwickshire Borough Council.
- This is protected by Tree Preservation Order 713.030/4 Placed 12th March 1993 and Confirmed 26th May 1993. It can be confirmed that other trees are protected by this same Order within this location and settlement.
- This Application follows the scheduled re-inspection of the trees by the North Warwickshire Borough Council Green Space Officer (Trees) (the author of this report).
- **T1. Oak.** This specimen is seen to be mature to over-mature in age class. This specimen is a single-stemmed variant. The Crown exhibits a high proportion of deadwood and very minimal regenerative growth given the season. The tree has been the focus of repeated inspections to assess and prove the decline of the tree. No works can be performed to the tree to stimulate growth and the only option seen is to remove the tree. The tree is in close proximity to a designated footpath through the area and is within falling distance of private property. The trees removal is requested at this time to prevent partial or full failure that may result in injury or damage given the dieback within the crown of the tree and the resulting decline in the structural integrity of the specimen (1).

Andrew Watkins *Tech Cert (Arbor A) Cert Arb (RFS)* Green Spaces Officer (Trees)

North Warwickshire Borough Council Tel: 01827 719212 Mob: 07875700111



Andrew Watkins *Tech Cert (Arbor A) Cert Arb (RFS)* Green Spaces Officer (Trees)

North Warwickshire Borough Council Tel: 01827 719212 Mob: 07875700111



Andrew Watkins *Tech Cert (Arbor A) Cert Arb (RFS)* Green Spaces Officer (Trees)

North Warwickshire Borough Council Tel: 01827 719212 Mob: 07875700111

- It must be noted that in relation to the Occupiers Liability Act of both 1957 and 1984 ⁽²⁾ an occupier with control over premises (which can be gardens and woodland) is liable to take such care that is “reasonable” to see that either the visitor (under the 1957 part of the Act) or trespasser (under the 1984 part of the Act) will be reasonably safe. A higher standard of care is owed to a visitor than for a trespasser and a higher standard still is required for a child compared with an adult. The works to remove the tree is deemed to be a reasonable response to the hazards posed by the specimen.

- **Recommendations:**

- Facilitate the removal of T1 after Statutory period has expired.

- **Modifications (if any):**

- None

Appendices

References

1. Diagnosis of ill-health in trees. R.G. Strouts and T.G. Winter
2. The Occupiers Liability Act (1957 and 1984).

Andrew Watkins *Tech Cert (Arbor A) Cert Arb (RFS)* Green Spaces Officer (Trees)

North Warwickshire Borough Council Tel: 01827 719212 Mob: 07875700111

General Development Applications

(5/F) Application No: PAP/2021/0355

Land To The Rear Of 32 To 52, Chestnut Grove, Coleshill,

Works to trees in Conservation Area, for

North Warwickshire Borough Council

Introduction

The application is referred to the Board as the trees are on Council owned land

The Site

These trees are within the Cole End Park lying between the rear of houses in Chestnut Grove and the bank of the River Cole at the northern end of Coleshill. The site is illustrated at Appendix A.

The Proposals

It is proposed to fell a group of five willow trees – marked as G1 on the plan – together with four other trees marked as T1 to T4 – a black poplar, a maple, a Lombardy poplar and a weeping willow. The background to the proposals is outlined in a report attached at Appendix B.

In short, the roots of the trees are causing trip hazards to the public footpath that runs alongside the river here. In order to remedy the hazards, it is necessary to sever these roots so as to repair the path. Their removal however will seriously affect the stability of the trees. As they are in close proximity to a public footpath and to overhead wires, the failure of the trees could cause a risk to the public.

Representations

Coleshill Town Council – It reluctantly agrees to the felling as there does not appear to be any realistic alternative due to their neglected state. However, replacement trees are needed together with a maintenance schedule for the path.

There have been three representations received from local residents concerned about their loss.

Observations

Members should be aware that this is a Notification application. The remit of the Board is solely to decide whether to make a Tree Preservation Order in respect of one or all of the trees, or not. The trees are presently “protected” by virtue of them being in the town’s Conservation Area. The “test” for making of an Order is “in the interests of amenity”. Members should also be aware that being a Notification, not an Application, the Board only has six weeks in which to make the Order or not. If not, the proposed works can be undertaken by default.

In this case, that six week period has passed. During that time however there has been discussion between officers and the Board will have seen the comments from the Town Council above. The Board is advised that there are Section 106 contributions available for works in the Cole End Park attached to planning permissions on other developments in the town. It is therefore recommended below that officers engage with the Town Council to follow this through.

Recommendation

That the works proceed subject to suitable replacement trees being planted in accordance with a scheme to be agreed by the Coleshill Town Council.

PAP/2021/0355

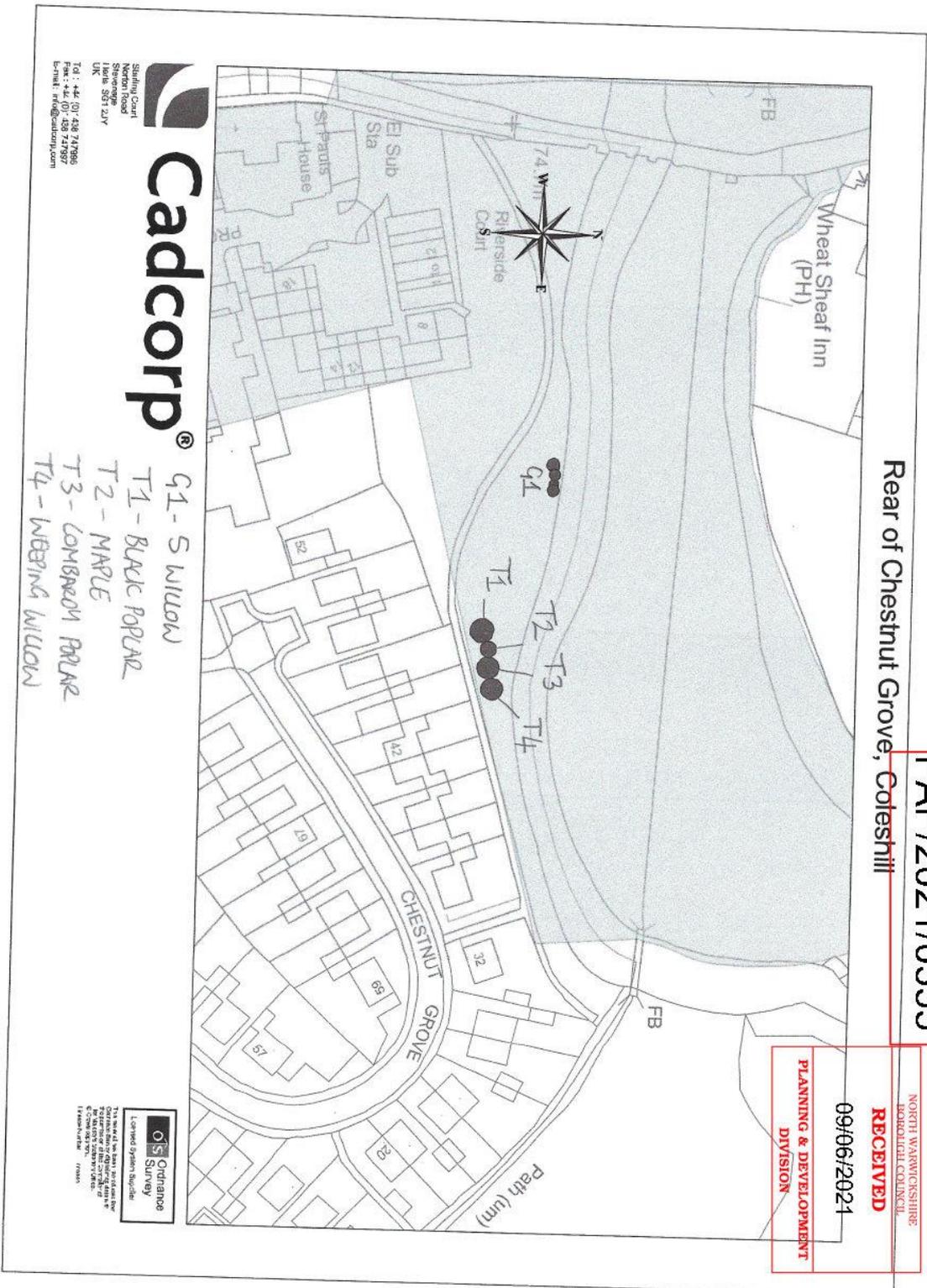
Rear of Chestnut Grove, Coteshill

NORTH WARWICKSHIRE
BOROUGH COUNCIL

RECEIVED

09/06/2021

PLANNING & DEVELOPMENT
DIVISION



- Q1 - S WILLOW
- T1 - BLACK POPLAR
- T2 - MARLE
- T3 - COMMON BIRCH
- T4 - WEEPING WILLOW

Stirling Court
Northampton
Sharncliffe
Leeds SN1 2JY
UK

Tel : +44 (0) 148 747896
Fax : +44 (0) 148 747897
E-mail : info@cadcorp.com



This map has been supplied for your use only. It is not to be used for any other purpose without the prior written consent of Ordnance Survey. For more information please contact Ordnance Survey on 0300 200 0000.

ARBORICULTURAL APPRAISAL /INSPECTION/TREE REPORT

- **NWBC Ref No:** NWBC Trees 08.06.21.2
- **Site Address:** Rear of Chestnut Grove, Coleshill
- **Prepared by** Andrew Watkins
- **Prepared for:** Planning Notification
- **Date of Inspection:** 06/05/2021
- **Date of Report:** 08/06/2021

**Works applied for:**

- Fell trees protected by a Conservation Area.
- T1 Black Poplar. Fell.
- T2. Maple. Fell.
- T3. Lombardy Poplar. Fell
- T4. Weeping Willow. Fell.
- G1. 5 x Crack Willow Trees. Fell.

Observations:

- The trees within this report are located within an NWBC Green Space in the settlement of Coleshill that is owned and maintained by North Warwickshire Borough Council. The trees are protected by the Coleshill Conservation Area given their sizes at the time of the Notification.
- This Notification follows the scheduled re-inspection of the trees by the North Warwickshire Borough Council Green Space Officer (Trees) (the author of this report) and a site meeting with the NWBC Streetscape Engineer to discuss remedial works to remove several highly evident trip hazards upon the public footpath in this location. These trip hazards have been caused by the surface roots of the trees and the Authority has no option other than to sever the roots of the trees to be able to facilitate the repair of the public footpath that has been affected. It must be noted that trees T1-T4 are also in very close proximity to overhead High Voltage powerlines and the severing of the roots would in effect severely reduce the structural integrity of the root plates of the trees which will in turn lead to the failure of the trees. The risk assessment of the Authority has concluded that the only option is to schedule the removal of trees T1-T4 before works may commence to repair the public footpath.

Andrew Watkins *Tech Cert (Arbor A) Cert Arb (RFS)* Green Spaces Officer (Trees)

North Warwickshire Borough Council Tel: 01827 719212 Mob: 07875700111

- G1 is a group of five Crack Willow trees, the conditions of which have, over time, deteriorated to a point that the trees require removal. This group of five trees is in close proximity to the overhead powerlines and their scheduled removal is seen as a required action in line with the Authority's risk assessment of the health of the trees, their condition and the risk they pose to the locality.
- **T1. Black Poplar**



- **T2. Maple**



Andrew Watkins *Tech Cert (Arbor A) Cert Arb (RFS)* Green Spaces Officer (Trees)

North Warwickshire Borough Council Tel: 01827 719212 Mob: 07875700111

- **T3. Lombardy Poplar**



- **T4. Weeping Willow**



Andrew Watkins *Tech Cert (Arbor A) Cert Arb (RFS)* Green Spaces Officer (Trees)

North Warwickshire Borough Council Tel: 01827 719212 Mob: 07875700111

- **G1. 5 x Crack Willow Trees**



- It must be noted that in relation to the Occupiers Liability Act of both 1957 and 1984 ⁽²⁾ an occupier with control over premises (which can be gardens and woodland) is liable to take such care that is “reasonable” to see that either the visitor (under the 1957 part of the Act) or trespasser (under the 1984 part of the Act) will be reasonably safe. A higher standard of care is owed to a visitor than for a trespasser and a higher standard still is required for a child compared with an adult. The works notified to the three trees is deemed to be a reasonable response to the hazards posed by these specimens.
- **Recommendations:**
- Facilitate the removal of all nine trees mentioned after Statutory period has expired.
- **Modifications (if any):**
- None

Appendices

References

1. Diagnosis of ill-health in trees. R.G. Strouts and T.G. Winter
2. The Occupiers Liability Act (1957 and 1984).

Andrew Watkins *Tech Cert (Arbor A) Cert Arb (RFS)* Green Spaces Officer (Trees)

North Warwickshire Borough Council Tel: 01827 719212 Mob: 07875700111

General Development Applications

(5/G) Application No: PAP/2021/0254

72, Church Road, Hartshill, Nuneaton, CV10 0LY

Two storey side and rear storey extension, demolition of existing garage and replacement with integral garage, for

Ms Parnell

Introduction

The application is brought to the Planning and Development Board because the applicant is the agent working on behalf of a Borough Councillor.

The Site

The site is an existing two-storey semi-detached dwellinghouse, located within the Hartshill Development Boundary, adjacent to Charity Farm, Hartshill. There are similar properties on either side of the road. However, there is an open area – presently part of a field – immediately to the north

The site is shown at Appendix A.

The Proposal

It is proposed to add a two storey side and rear storey extension, incorporating a new garage following demolition of an existing garage.

The proposals are illustrated at Appendices B and C

Background

Planning permission was granted for extensions and alterations with a replacement garage in 2017, which were similar to the current proposal under reference PAP/2017/0356. These however have not been implemented and the permission has expired.

Representations

None received

Development Plan

The Core Strategy 2014 - NW10 (Development Considerations) and NW12 (Quality of Development)

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

Other Relevant Material Considerations

National Planning Policy Framework

Main Modifications to the Submitted Regulation 19 Local Plan 2021 – MM21 (in respect of Sustainable Development); MM74 (in respect of Development Considerations) and MM75 (in respect of Built Form)

Supplementary Planning Guidance - A Guide to the Design of Householder Developments - 2003.

Observations

The previous planning permission was not implemented. Approval was granted for extensions and alterations, with a replacement garage, that was very similar to the current proposal, and as such that is a material consideration in determining the current application. The hipped roof of the previous 2017 approval for a two-storey side extension is now proposed to be a gable. There is also a change in materials which will help to break up the visual appearance of the long side elevation abutting the open space to the north boundary of the site. Verge and eaves corbelling has been introduced in lieu of bargeboards to be more in keeping with the Victorian character of the residential buildings in the vicinity. The facing brickwork and rendered walls are in keeping with the host dwelling and those in the immediate locality. The proposed front tiled canopy roof will align with and be in-keeping with that of the adjoining dwelling.

The proposal abuts a presently open area of land. This is included within a strategic housing allocation - known as H19 - in the Local Plan 2021. An outstanding planning application for the site shows retention of this land as open space for illustrative purposes. There is thus no adverse impact on the amenity of existing neighbours. The design of this elevation has been carefully considered and modified to provide an acceptable appearance from the open space.

The single storey rear extension abutting the boundary with the adjacent neighbour protrudes 1.865 metres from the original rear elevation. It also has a balcony with a glazed screen. This is the same as the previously approved extension. No objections have been received from neighbours.

Recommendation

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered CR(00)01 and CR(01)01, received by the Local Planning Authority on 23 April 2021; and the plans numbered CR(01)02, CR(01)03, CR(01)04, CR(01)05 and CR(01)06, received by the Local Planning Authority on 09 August 2021.

REASON

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

3. The new works shall be carried out with facing brickwork and white, cream or pale grey render, with roofing tiles to closely match the colour, shape, size and texture of those materials used in the host dwelling.

REASON

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

4. The screens around the balcony shall be a minimum of 1.7 metres high and shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 3 or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the screen structure and not by the use of film applied to clear glass. For the avoidance of doubt permanent or fixed roof coverings shall not be installed without the prior written consent of the Local Planning Authority.

REASON

To protect the privacy of the adjoining property and to prevent overlooking, and to ensure that the creation of additional first floor accommodation does not adversely impact on neighbours or the character of the locality.

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 can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>

3. The developer is reminded that the Control of Pollution Act 1974 restricts the carrying out of construction activities that are likely to cause nuisance or disturbance to others to be limited to the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays, with no working of this type permitted on Sundays or Bank Holidays. The Control of Pollution Act 1974 is enforced by Environmental Health.
4. Before carrying out any work, you are advised to contact Cadent Gas about the potential proximity of the works to gas infrastructure. It is a developer's responsibility to contact Cadent Gas prior to works commencing. Applicants and developers can contact Cadent at plantprotection@cadentgas.com prior to carrying out work, or call 0800 688 588.
5. It is understood that radon affects 10-30% of properties in this locality, this is considered a high risk. 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. 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 Central Building Control Partnership on 0300 111 8035 for further advice on radon protective measures.
6. 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. Further information is also available on the Coal Authority [website](#).
7. The proposed works may require building regulations consent in addition to planning permission. Building Control services in North Warwickshire are delivered in partnership with six other Councils under the Central Building Control Partnership. For further information please see Central Building Control (www.centralbc.org.uk), and the [Planning Portal](#); guidance is also available in the publication 'Building work, replacements and repairs to your home' available free to [download](#).
8. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning issues and suggesting amendments to improve the quality of the proposal and meetings and negotiations. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2021/0254

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Location Plan and Block Plan	23/4/21
2	The Applicant or Agent	Proposed Plans, Elevations and Sections	9/8/21

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.

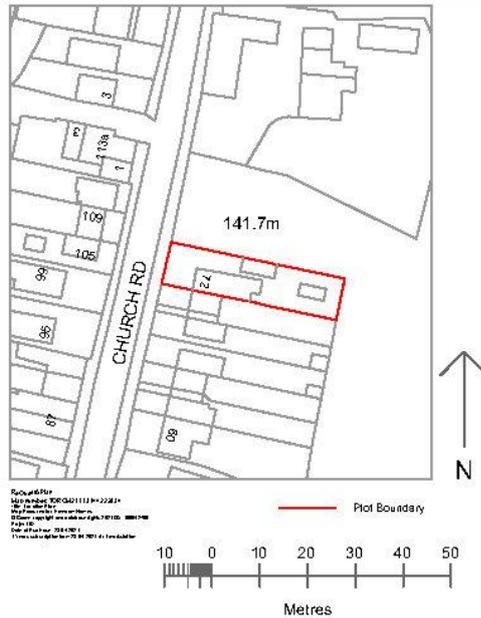
PAP/2021/0254

NORTH WARWICKSHIRE
BOROUGH COUNCIL

RECEIVED

23/04/2021

**PLANNING & DEVELOPMENT
DIVISION**



LOCATION MAP

1 : 1250



72 Church Road
Harthill, Nuneaton
CV10 0LY

Kerry & Marti Parker

CLIENT:

23.04.2021

1:1250

Date:

Scale (@ A4)

Rev. Date

Rev.

DOUBLE STOREY SIDE EXTENSION &
SINGLE REAR EXTENSION

LOCATION PLAN

Drawn by: RR

CR-EX-001

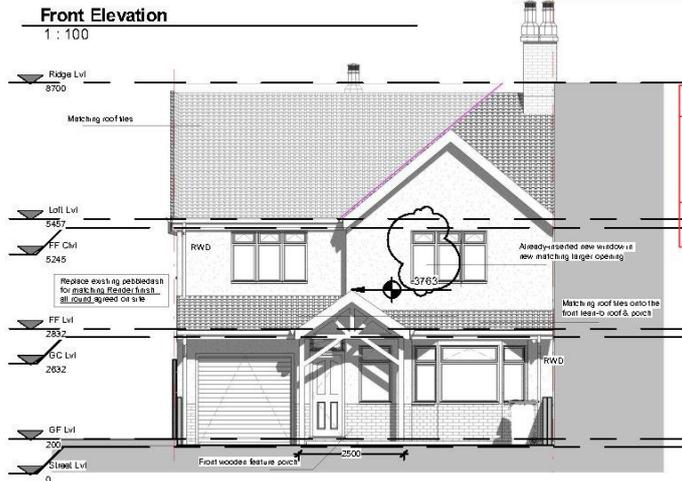
PROJECT:

DRAWING TITLE:

Checked by: CS

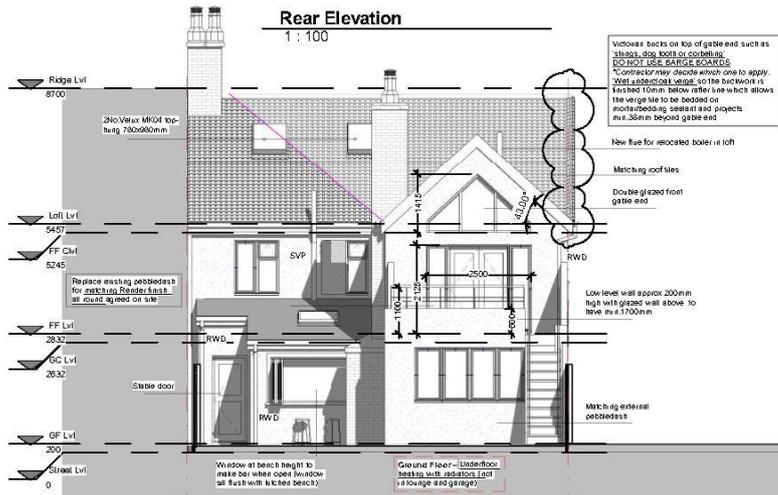
DRAWING NUMBER:

Front Elevation
1:100



NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
09/08/2021
PLANNING & DEVELOPMENT
DIVISION

Rear Elevation
1:100



Rear Eye View



 EXTENSION PLANS	72 Church Road Harhill, Nuneaton CV10 0LY	Kerry & Marli Parker			
	PROJECT ADDRESS:	CLIENT:	23.04.2021	1:100	24.06.2021
PROJECT:	DRAWING TITLE:	Scale (R.A.S)	RR	Rev. Date	06.08.2021
DOUBLE STOREY SIDE EXTENSION & SINGLE REAR EXTENSION	PROPOSED ELEVATIONS	Drawn by:	NH	Rev.	REVA_CR-PR-104
		Checked by:		DRAWING NUMBER:	

General Development Applications

(5/H) Application No: PAP/2018/0050

Fir Tree Paddock, Quarry Lane, Mancetter,

Variation of conditions no: 2, 5 & 6 of planning permission ref PAP/2007/0730 (Appeal ref APP/R3705/A/08/2066891) relating to development shall be carried out in accordance with plan submitted 07_145C_003 and residential use hereby permitted shall be restricted to the stationing of no more than 2 caravans at any time; in respect of change of use to retain caravan for occupation by one gypsy/traveller family, for

Mr Timothy Gough

Introduction

This application was referred to the last meeting of the Board, but determination was deferred in order to enable Members to visit the site. That has now occurred.

The previous report is attached for convenience at Appendix A.

Observations

In essence, this an application to add a second caravan to this lawful gypsy and traveller site.

At the previous meeting there was a question concerning the definition of a “caravan”. This is set out in the Caravan Sites and Control of Development Act 1960. It includes: “any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed or by being transported on a motor vehicle or trailer) and any motor vehicle which is so designed or adapted”. Later amendments include dimensions for twin unit caravans. It therefore can include a mobile home. The present lawful caravan on site is such a mobile home.

There was also reference to a “pitch”. This would include a touring van as well as a static mobile home. This is not being proposed here.

Members also asked about the use of a “personal” condition relating occupation to the applicant. It should be remembered that this is a variation application. There is an existing condition attached to the planning permission here limiting occupation to a gypsy and traveller as defined by the Government’s Planning Policy for Traveller Sites 2015. The variation sought does not include alteration of this condition and it would not be reasonable or proportionate to do so in this case, given that the present lawful caravan is not so conditioned. Such a condition is beyond the scope of the original permission. Additionally, Member’s attention is drawn to the Examination Inspector’s Main Modification MM53, where it explicitly states that existing authorised sites will be safeguarded for general gypsy and traveller use. This is an existing authorised site.

Recommendation

That the recommendation as set out in Appendix A be agreed.

APPENDIX A

General Development Applications

(6/g) Application No: PAP/2018/0050

Fir Tree Paddock, Quarry Lane, Mancetter,

Variation of conditions no: 2, 5 & 6 of planning permission ref PAP/2007/0730 (Appeal ref APP/R3705/A/08/2066891) relating to development shall be carried out in accordance with plan submitted 07_145C_003 and residential use hereby permitted shall be restricted to the stationing of no more than 2 caravans at any time; in respect of change of use to retain caravan for occupation by one gypsy/traveller family, for

Mr Timothy Gough

Introduction

The application is reported to Board at the discretion of the Head of Development Control given the interest in the site expressed by the Parish Council

The Site

The site lies on the north east side of a track off Quarry Lane at a position 400m south east of Quarry Lane. The Coventry Canal runs to the north east boundary of the land ownership. The site is as shown below:



The Proposal

The application is seeking the variation of conditions 2, 5 and 6 which are imposed on application ref: APP/R3705/A/08/2066891. The conditions to which this application refers are shown below:

Condition 2 read:

"The development shall be carried out in accordance with the amended appeal plan received at the hearing on 17 June 2008.

The applicant seeks to vary condition no.2 to read as:

"The development shall be carried out in accordance with the plan submitted 07_145C_003 Proposed Site."

Condition 5:

"The residential use hereby permitted shall be restricted to the stationing of no more than 1 caravan at any time."

The applicant also seeks to vary condition 5 to read as:

"The residential use hereby permitted shall be restricted to the stationing of no more than 2 caravans at any time."

Condition 6:

"Prior to the first use of the site for residential purposes, details of the intended site layout, including the siting of the caravan shall have been submitted to and approved by the local planning authority in writing. The caravan, or any replacement, shall only be positioned in the approved location, unless otherwise agreed in writing by the local planning authority."

The applicant considers that Condition 6 should be removed, as this application provides a plan for a new layout of the site. The drawing 07_145C_003 Proposed Site' satisfies condition 6 imposed in the appeal decision, therefore it is not required.

The proposed site plan is shown below:



Background

Appeal Ref: APP/R3705/A/08/2066891 was for the change of use in the retention of caravan for one gypsy /traveller family. Permission was simply sought for a site that could be occupied by anyone falling within the definition of a gypsies and travellers in paragraph 15 of Circular 01/2006.

The Inspector's key conclusions included the following:

- The impact on the surrounding countryside would in my opinion be minimal.

- Sites on the outskirts of built-up areas may be appropriate.
- Sites may also be found in rural or semi-rural settings. Rural settings, where not subject to special planning constraints, are acceptable in principle and local authorities should be realistic about availability, or likely availability, of alternatives to the car in accessing local services.
- The site, although outside any defined development boundary, is reasonably well located to Mancetter which contains a primary school, Church and some local shops including a post office and is adjacent to Atherstone.
- I consider the location of the appeal site would be acceptable in principle and in the context of gypsy sites, a sustainable location.
- The appeal site is well screened by existing vegetation from any public vantage points although additional planting would help assimilate it further with its immediate surroundings. The impact on the surrounding countryside would in my opinion be minimal.
- The Alvecote site was not be a suitable or an available alternative

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW7 (Gypsy and Travellers), NW8 (Gypsy and Travellers Sites), NW10 (Development Considerations) and NW12 (Natural Environment)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV13 (Building Design); ENV14 (Access Design and TPT3 (Access and Sustainable Travel and Transport)

Mancetter Neighbourhood Plan - DP1 (Sustainable Development Principles), SB2 (Residential Development outside the Settlement Boundaries), BE2 (Protecting and enhancing local character), NE & L1 (Protecting the Countryside and Landscape), NE & L2 (Nature Conservation)

Other Relevant Material Considerations

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

Planning Policy for Traveller Sites 2015 – (the “PPTS”)

The 2018 Submission Local Plan – LP1 (Sustainable Development); LP2 (Settlement Hierarchy); LP6 (Amount of Development), LP7 (Housing Development), LP8 (Windfall Allowance), LP9 (Affordable Housing Provision), LP10 (Gypsy and Travellers), LP11 (Economic Regeneration), LP14 (Landscape), LP16 (Natural Environment), LP31 (Development Considerations), LP32 (Built Form) and LP35 (Water Management)

North Warwickshire Local Plan, Main Modifications, January 2021 - LP1 (Sustainable Development), LP2 (Settlement Hierarchy), LP7 (Housing Development), LP8 (Windfall Allowance), LP10 (Gypsy and Travellers), LP14 (Landscape), LP31 (Development Considerations), LP32 (Built Form) and LP35 (Water Management)

Representations

Mancetter Parish Council – This application attempts to achieve the original planning which was refused. Much of the coniferous hedging was removed during the last

application and appeal time. This application still contravenes the original selling of these parcels of land for agricultural and recreational use. If the application is permitted, then future refusals will be extremely difficult.

Observations

Though the site lies beyond the development boundary for Mancetter and is in an area of open countryside, the Inspector who granted permission for the residential use of this site for occupation by a gypsy and traveller family, found the site to be a sustainable location for a gypsy traveller family. The application site therefore already has use for residential use. The increase in the number of caravans by an additional single caravan would not constitute a material change in the use of the land. It is necessary to consider whether there have been any material changes in the circumstances of the site since that time or whether there has been any material change in planning policy.

The Core Strategy requirement for Gypsy and Traveller sites over the plan period 2011 – 2028 was based on a GTAA dated 2008. Policy NW7 requires nine residential pitches as a consequence. The same GTAA was used in the preparation of the emerging Local Plan as Submitted in 2018. This was because no representations or evidence was submitted in the preparation of the Plan from any Gypsy and Traveller representative body to the contrary despite being consulted. As a consequence, the respective policy in the Submitted Local Plan – LP6 – retains the requirement of nine residential pitches.

The Inspector handling the Examination of the Submitted Plan queried this position. As neighbouring Local Authorities had already commissioned a new joint GTAA, the Borough Council joined in that commission and the Assessment was prepared in 2019. This was subsequently sent to the Inspector along with additional information that he had requested.

Planning permissions for traveller pitches have been granted by the Council or at appeal since the adoption of the Core Strategy. At present there have been 22 pitches permitted since 2011. The 2019 GTAA concludes that a further 19 are required from 2019 up to 2033 (the expiry date of the Submitted Local Plan).

The Council is now in receipt of the final version of the Main Modifications from the Examination Inspector. The modified policy now reads:

MM52:

A Gypsy and Traveller Plan will be brought forward and will include pitch allocations and follow the principles of the settlement hierarchy.

A Gypsy and Traveller Accommodation assessment was completed in early 2020. A Gypsy and Traveller Development Plan Document will be undertaken as soon as practicable to address this need, including the allocation of sites as identified in the Council's Local Development Scheme.

Sites for Travelling Show people will not be allocated specifically, albeit that if the above review or monitoring indicators (set out below) indicates needs arising in the future, the Council will similarly undertake further work as soon as practicable to address that.

MM53:

Sites will be allocated and/or permissible inside, adjoining or within a reasonable safe walking distance of a settlement development boundary outside of the Green Belt. Site suitability will be assessed against relevant policies in this Local Plan and other relevant guidance and policy. Sites will also be assessed using the following criteria:

- The size of the site and number of pitches is appropriate in scale and size to the nearest settlement in the settlement hierarchy and its range of services and infrastructure
- The site is suitably located within a safe, reasonable walking distance of a settlement boundary or public transport service and access to a range of services including school and health services'
- Avoiding or affected by any other environmental hazards that may affect the residents' health and welfare
- The site has access to essential utilities including water supply, sewerage, drainage and waste disposal
- The site can be assimilated into the surroundings' and landscape without any significant adverse effect

Safeguarding Established Gypsy, Traveller and Travelling Show people Sites

Existing Authorised sites listed in Appendix E will be safeguarded for Gypsy and Traveller Use for the number of pitches permitted a new Gypsy and Traveller sites granted planning permission will also be safeguarded for Gypsy and Traveller use for the number of pitches permitted.

Policy LP10 of the emerging Local Plan (as modified by MM53), is at an advanced stage of preparation and carries considerable weight (para 48 of the NPPF).

Policy LP10 identifies this site as an existing authorised site for gypsy and traveller use which will be safeguarded:

Appendix E	List of Existing and Sites with Planning Permission Authorised for Gypsy and Traveller Use
-------------------	---

Current Residential Sites

Alvecote Caravan Park	Socially rented (WCC)		17 pitches with amenity buildings
Kirby Glebe Farm, Atherstone Road, Hartshill	Private	PAP/2011/0273	7 pitches and one amenity building
Fir Tree Paddock, Quarry Lane, Mancetter	Private	PAP/2007/0730	1 pitch

The above sites were approved before the latest GTAA was produced in 2013 and so do not count towards the outstanding need. The GTAA identifies a the requirement for North Warwickshire of 9 residential and 5 transit pitches.

The additional mobile home is needed to allow the applicant’s son to reside at the family property, the family having grown since 2008. It would be sited wholly within the land authorised at appeal in 2008. Given the sustainability findings of the Inspector when he first granted permission here and given that the application does not alter the existing use of the site, as such, it is considered that the varied permission would still fit with the size and locational limitations for gypsy and traveller sites set out in the up-to-date Local Plan policy.

The additional caravan on this site would help Council to achieve identified continuing need in the Local Plan period. The site remains reasonably well screened from public view. Though a boundary fence has been erected a hedgerow has also been planted to supplement the fence and soften its visual impact. The additional caravan would not have a significantly detrimental impact on the character, appearance, landscape or views hereabouts. The site has the necessary services for power and water disposal. As such, it is considered that the varied permission would still fit with the amenity and infrastructure requirements for gypsy and traveller sites set out in the up-to-date Local Plan policy.

It is not considered that the variation of this approval to allow for one additional caravan would set any adverse precedent and it is considered that the application to vary the conditions of the approved use of the land can be supported.

It is considered necessary to vary the condition defining gypsies and travellers to an up-to-date definition. It previously referred to the definition in paragraph 15 of ODPM Circular 01/2006, but that should be updated to the definition contained in the Department for Communities and Local Government ‘Planning policy for traveller sites’ August 2015.

The original landscaping condition of the appeal decision was never formerly discharged. It is considered necessary and desirable to reapply the condition such that the original site is duly landscaped, with recognition of additional visual screening for the additional unit and to improve biodiversity in the locality.

Recommendation

That planning permission be GRANTED and the conditions attached to APP/R3705/A/08/2066891 be varied as follows:

1. The development shall be carried out in accordance with the plan submitted 07_145C_003 Proposed Site received by the Local Planning Authority on 08/03/2018.
2. The site shall not be occupied by any persons other than gypsies and travellers as defined in the Department for Communities and Local Government 'Planning policy for traveller sites' August 2015.
3. No commercial activities shall take place on the land, including the storage of materials.
4. The residential use hereby permitted shall be restricted to the stationing of no more than 2 caravans at any time.
5. Prior to the first occupation of the second caravan, a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, shall be submitted to and approved in writing by the local planning authority.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the second caravan; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0050

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	19/1/18 8/3/18
2	Mancetter Parish Council	Representation	22/2/18
3	Planning Inspectorate	Appeal Decision	17/6/08

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

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

General Development Applications

(5/I) Application No: PAP/2021/0288

Kings Orchard, Church Lane, Curdworth, B76 9EY

Erection of two dwellings, for

- ISHEM Holdngs Ltd

Introduction

This case is referred to the Board at the request of local Members concerned about the impacts of the proposals

The Site

This site is a predominantly residential area, being an L shaped area of land adjacent Church Lane and to the rear of 12 Church Lane extending to and including Kings Orchard. The land measures 0.08 hectare. It is overgrown and has previously been used as a garden area to the existing property which is to be retained as part of the proposal. Kings Orchard a hipped roof two storey property is in need of maintenance and repair.

The site is adjacent to Icons hairdressers at 12 Church Lane. The site has a long, street frontage which then returns north to the boundary with St Nicholas Walk. Aside from the hairdressers, it is surrounded by residential properties, including a bungalow (Creoda) almost opposite. To the south is the rear of dwellings on Breeden Drive and to the north is garden land to residential properties in St Nicholas Walk and Coleshill Road

A site plan is attached at Appendix A.

Background

Planning permission was granted for a two bedroomed bungalow in early 2017. This site extended across the front of the site and land adjacent to 12 Church Lane.

Appendix B illustrates the location of this bungalow.

The Proposal

The proposal is for two dwellings, one hipped roof two storey property adjacent to Kings Orchard and then a pitched roof one bedroomed bungalow adjacent to 12 Church Lane.

The site layout indicates two car parking spaces for each property including the original property, along with a pedestrian refuse point measuring 1.2m wide along the whole of the front of the site.

Plot 1 is the single storey one bedroomed bungalow, which measures 5.5 metres to ridge level, 2.4m to the eaves, with corbelling, dry eaves and arched headers. The bungalow measures 10.5m by 5.8m.

Plot 2 is a hipped roof two storey property, with four bedrooms, which measures 10m x 6.3m including a 3.15m x 5.16 two storey side wing. This measures 8m in height with a 7.5m subordinate wing. Car parking is provided in a tandem arrangement at the front/side of the property. The existing dwelling Kings Orchard is retained as part of the scheme and two parking spaces will be provided at the side of the property.

Appendices C, D, E, and illustrate the proposed site plan, elevations and street-scene of the proposals

Representations

Curdworth Parish Council objects for the following reasons:

- Concern over the height of the building and building line
- The building line not being in keeping with other properties

Fifteen objections from residents have been received referring to the following matters:

1. Church Lane is narrow and passing traffic is difficult.
2. Visibility is restricted.
3. Height of land
4. Closeness to Church Lane
5. Privacy implications
6. Loss of light to garden
7. Dispute sustainability of the proposal
8. Drainage capacity

Consultations

Warwickshire Fire and Rescue – No objection.

Warwickshire (Archaeology) – No objection subject to conditions

Warwickshire County Council as Highway Authority – No objections subject to conditions

Development Plan

Saved Policies of the 2006 Local Plan - ENV12 (Urban Design); ENV13 (Building Design), ENV14 (Access Design) and TPT6 (Vehicle Parking)

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency) and NW12 (Quality of Development)

Other Relevant Material Considerations

Main Modifications to the Submitted Regulation 19 North Warwickshire Local Plan 2021 – MM21 (in respect of Sustainable Development); MM24 (in respect of the Settlement Hierarchy), MM74 (in respect of Development Considerations), MM75 (in respect of Built Form), MM79 (in respect of LP34) and MM83 (in respect of Vehicle Parking)

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

National Planning Policy Guidance

A Guide for the Design of Householder Developments – September 2003

Observations

Introduction

The Council submitted its Regulation 19 Plan as a review of its Development Plan in 2018. The Examination Inspector has now found it to be “sound” subject to Main Modifications. At the time of reporting this application to the Board, that Plan has not yet been adopted. However, because it is now in the final stage before adoption it is considered that it carries significant weight in its modified form by virtue of para 48 of the 2021 NPPF. In these circumstances, the Modified Policies may be considered to carry greater weight than their equivalent in the Development Plan. The report below will indicate the position in respect of the most important policies relevant to the determination of this application.

Principle

The site is inside of the development boundary for the village as defined by the Development Plan. This does not change with the Main Modifications. Curdworth is also identified as a Category 4 settlement in both, where new development will be supported in principle within that boundary. This is the case here, and thus there is no objection in principle to this proposal.

The main planning issues around its determination rest with matters of detail and whether they give rise to significant and demonstrable harm.

Character of the area

The appearance of a development is a material planning consideration and in general terms the design of a proposal should not adversely impact on the character and appearance of the wider street scene. The NPPF is a material planning consideration in the determination of planning decisions. One of its core planning principles is to seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Policy LP32 of the New Local Plan as modified contains specific guidance for infill development such as this proposal, stating that “*Infill development should reflect the prevailing character and quality of the surrounding street scene. The more unified the character and appearance of the surrounding buildings and built form, the greater the need will be to reproduce the existing pattern.*”

Development within the Curdworth village was historically clustered around Coleshill Road with built form emanating sporadically from the village. More recently new construction in Curdworth has been limited, confined to a handful of infill schemes. Twentieth century development within the immediate setting has become highly variable, no longer consisting of a linear form with a variety of property styles, scales and plot sizes visually and physically evident from the surrounds of the application site. In this instance the hipped roof design of plot 2 and pitched roof single storey design of plot 1 provides a transition site in context with the existing adjacent development. Concerns have been expressed about building lines and height, however as can be seen from the plans the plots provide a stepped approach in height and mass, replicating the building line of 12 Church Lane with Plot 1 and Plot 2 with Kings Orchard. A recently built hipped roof bungalow (Creoda) to the south east of the site also provides precedent of mass and building line. The fall-back position of the previously approved bungalow on the site (Appendix B) is also relevant. Rather than an 18.2m long bungalow with a hipped roof (3.5m ridge), the design of plot 1 has a 10.5m long bungalow with a pitched roof (5.5m ridge) and is considered to provide a better design overall.

With regards to building design, the buildings proportions, height, width and overall massing are appropriate and therefore accord with policy LP32 and indeed with Saved policy ENV13. Roof types corresponds to those of the adjacent properties. While not presenting anything new, innovative or raising the design standard for the area, the development is in-keeping in appearance and of an appropriate scale, massing and height for infill development. Consequently, the proposal accords with saved policies ENV12 and ENV13 as well as Core Strategy policy NW12 and Modified Local Plan policy LP32.

Amenity of neighbouring properties and future occupiers

Policy NW10 (9) of the 2014 Core Strategy requires all development proposals to avoid and address *unacceptable* neighbouring amenity impacts (emphasis added). Paragraph 130(f) of the NPPF states that planning decisions should ensure that a high standard of amenity is provided for existing and future users. This is carried forward into Modified Policy LP32 of the new Local Plan.

The site is bounded by residential development to all aspects - the host dwelling to the west; Coleshill Road and St Nicholas Walk to the east and north and Breeden Drive to the south across Church Lane. In respect of the dwellings to the north and south, separation distances between first floor windows and plot two exceeds 24 metres and 26 metres respectively, thus preserving privacy. Plot one through a combination of window locations, controlled aspect design and single storey design, limits the potential for adverse overlooking. The level of plot one will need to be lowered to ensure there is no overlooking to the recently constructed bungalow at Creoda to the south of the site.

With regards to the impact by reason of loss of light to 34 Coleshill Road a combination of the bungalow's single storey height and the length of the garden of this property limits any adverse effect. Some shadowing may well occur later into the day to the rear sections of the garden however this is not considered to be sufficiently harmful to be 'unacceptable' and ultimately warrant a refusal on amenity grounds.

With regards to the living conditions for occupiers of the proposed dwellings, the gross internal floor space provided exceeds the minimum standards set out within the Nationally Described Space Standards (NDSS). The minimum floor space for a 2 bed, 4-person, single storey dwelling is 39m² and the property would provide c.60m². For a 4 bed, 5-person, two storey dwellings it is 97m² and the property would provide c 150m². Though not adopted by the Council, the document provides useful guidance. The external amenity space for both properties is considered to be sufficient and the window placement ensures that privacy for new occupants would be provided.

To ensure that neighbouring properties are not affected by future extensions, it is necessary to remove permitted development from the proposed dwellings and any potential extensions could be assessed on their respective merits.

Overall, it is considered that the proposed dwellings would not be materially detrimental to the amenity of future and existing occupants. The application is considered to comply with North Warwickshire Core Strategy Policy NW10, Modified Policy LP31 and 32 of the Submitted Local Plan as well as the NPPF.

Highway considerations

The development proposals should have particular regard to highway safety, service requirements and the capacity of the local road network and the adopted parking standards. The Highways advice for the proposal indicates that the proposal is acceptable.

With regards to highway implications, Policy TPT1 states that development is only supportable in situations whereby there is sufficient capacity within the highway network to accommodate the traffic generated and that it would not be hazardous to traffic safety and visibility. This policy approach is considered to be broadly consistent with paragraph 111 of the NPPF which only seeks for development to be refused on highway grounds where there would be an unacceptable impact on highway safety, or the cumulative impacts would be severe.

The Highway Authority do not object to the application. It has commented that the provision of parking, adequate visibility and the 1.2m pedestrian strip and access for kerbside refuge collection will actually improve pedestrian safety along the stretch of Church Lane. The proposal also provides a delivery vehicle waiting zone. These areas will have to be defined if approved, but overall, the proposal provides betterment. In terms of fire appliance access, a condition is required on the permission in terms of alternative provision which could be a sprinkler system.

Other considerations

The Planning Archaeologist at Warwickshire Museum advises that the proposed development lies within an area of significant archaeological potential, a written scheme of investigation will be required if approved.

Conclusion

Overall, residential development within this area is acceptable in principle and access to the site is considered to be acceptable subject to conditions and will provide betterment. The siting of a properties in this infill position is in accordance with the urban grain of the area. Although close to Church Lane, the proposal follows that of the previously approved scheme. The dwellings would not be materially detrimental to the amenities of the existing residential properties. Accordingly, the development complies to Policies within the emerging Local Plan, the adopted Core Strategy and in the absence of any other materials considerations, the application is recommended for approval.

RECOMMENDATION

That planning permission is: **GRANTED**, subject to the following conditions

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the submitted plan numbered P01 Location plan, P02 block plan, P03 topographical survey, P04D site plan, P05B Plot 1, P06 Plot 2, P07A Street-scene and levels.

REASON

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

Pre-commencement conditions

3. No development shall commence until full details of the surfacing, materials, drainage and levels of the access, car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Council. No dwelling shall not be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles.

REASON

In the interests of safety on the public highway.

4. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide for:
 - i) The parking of vehicles of site operatives and visitors
 - ii) Storage of plant and materials used in constructing the development;
 - iii) Delivery and construction working hours;
 - iv) measures to control the emission of dust during construction;
 - v) site lighting details; and
 - vi) details of the contact for any local concerns with the construction activities on the site.

The approved Construction Management Plan shall be adhered to throughout the construction period of the development.

REASON

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

5. No development shall take place until:
 - a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
 - b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.
 - c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents.

6. No development shall commence until full details of the width of the surfacing, drainage and levels of the access, pedestrian refuse area/delivery area, car parking, bin storage and pull-up area and manoeuvring areas have been submitted to and approved in writing by the Council. The dwelling hereby approved shall not be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles.

REASON

In the interests of safety on the public highway and to ensure adequate space for turning of delivery vehicles and emergency vehicles on site.

7. No development shall commence until a drainage plan for the attenuation and disposal of surface water and disposal foul sewage has been submitted to and approved by the Local Planning Authority. The scheme shall be carried out in conformity with the approved details prior to the first occupation of the dwelling.

REASON

To ensure adequate drainage is provided to the dwelling.

8. No development shall commence until details of access for emergency service vehicles, which may include a sprinkler system, has been submitted and approved in writing to the Local Planning Authority. The dwelling hereby approved shall not be occupied until the approved details have been carried out in accordance with the approved details.

REASON:

In the interests of fire safety.

9. Notwithstanding the submitted levels, no development shall commence until finished floor levels of the dwellings have been submitted and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

REASON:

In the interests of the neighbouring property, the visual impact and character of the area.

Slab level conditions

10. No development shall commence above slab level until details and/or samples of the facing materials, as well as ground surfacing materials, retaining walls and boundary treatment, to be used have been submitted to and approved in writing by the Local Planning Authority in writing. The development shall thereafter be constructed using the approved materials.

REASON

In the interests of the visual appearance of the buildings and the surrounding area

11. No development above slab level shall commence until details of one electric vehicle charging point/bay and a boiler <40mg/kWh is submitted to and approved in writing by the local planning authority. Prior to first occupation of the dwelling hereby approved the electric charging point and boiler shall be installed in accordance with the approved details.

REASON

In the interests of facilitating sustainable travel and reducing air pollution. To achieve sustainable development by reducing emissions in line with Local and National Policy and as set out in the adopted 2019 Air Quality Planning Guidance.

Occupation conditions

12. Any dwelling hereby approved shall not be occupied until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distances of 20.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON:

In the interests of highway safety.

13. Any dwelling hereby approved shall not be occupied until visibility splays have been provided to the pedestrian accesses to the site, passing through the limits of the site fronting the public highway, with 'x' distances of 1.0 metres and 'y' distances of 20.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON:

In the interests of highway safety.

On-going conditions

14. No development whatsoever within Class AA, A, B, C and E of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and 2020 or any re-enactment no extensions, roof alterations and outbuildings shall be erected on the existing or proposed dwellings without details first having been submitted to and approved by the Local Planning Authority, in writing.

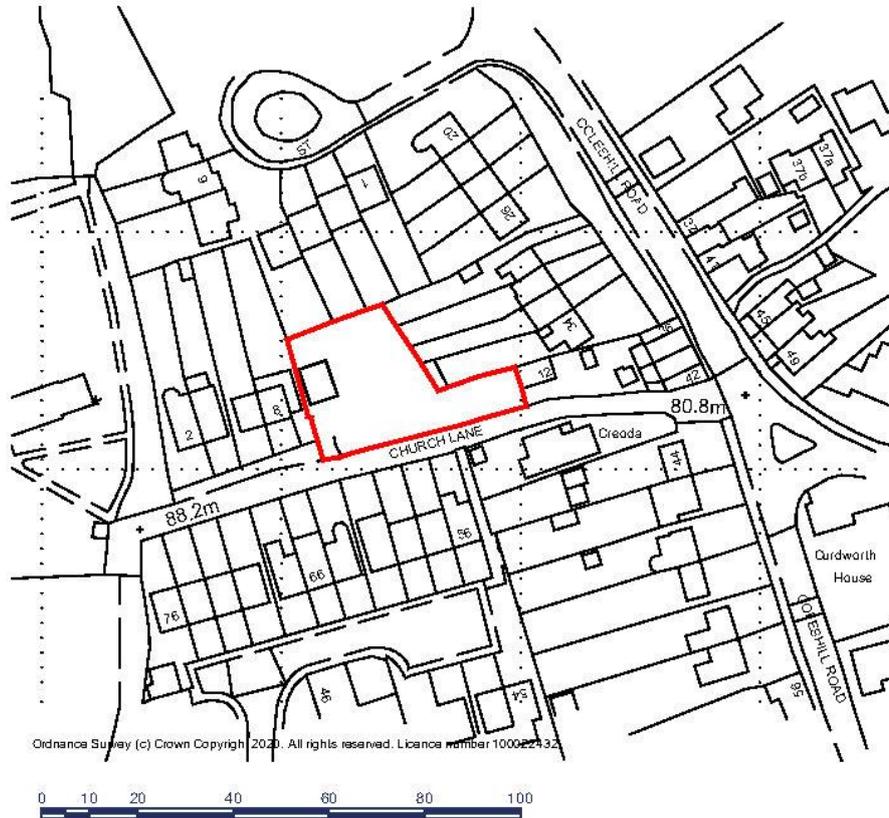
REASON

In the interests of the amenities of the area, the neighbouring properties, to ensure adequate parking and to protect the existing trees on the site.

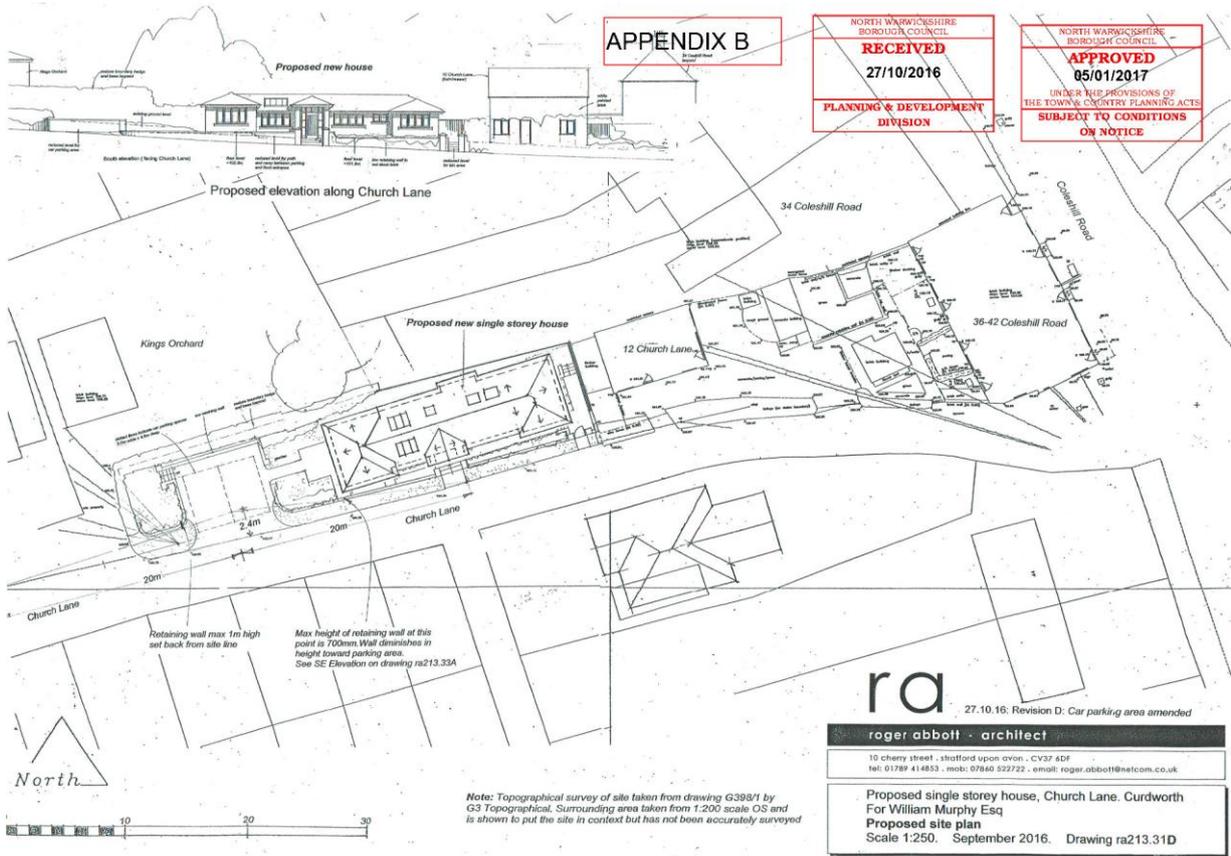
A4

This drawing and design is copyright of leverturnercowdell Ltd
 This drawing to be read in conjunction with the specification and other drawings
 All dimensions to be checked and verified on site by the responsible contractor
 prior to commencement of work.

WORTH WARDEN SCHEME
 WORTH COUNCIL
RECEIVED
 06/05/2021
 PLANNING & DEVELOPMENT
 DIVISION



client ISHEM Holdings Limited	project no. 208-0120	 ARCHITECTURE BUILDING SURVEYING TOWN PLANNING Central@Keys Keys Business Village Keys Park Road Mednesford Staffordshire WS12 2HA 01563 495717 r.k@leverturnercowdell.co.uk www.leverturnercowdell.co.uk
project name Proposed Residential Development Church Lane, Curdworth	drawing no. P01	
drawing name Site Location Plan	scale 1:1250	
	revision -	
	drawn by S.B.	
	date Apr '21	



APPENDIX B

NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
27/10/2016
PLANNING & DEVELOPMENT
DIVISION

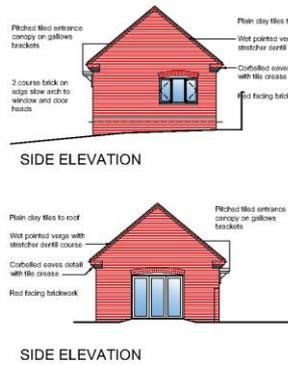
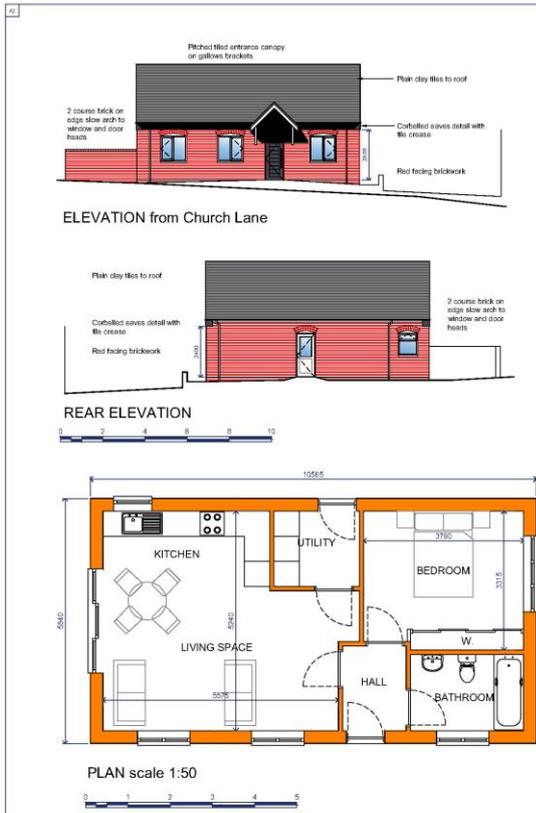
NORTH WARWICKSHIRE
BOROUGH COUNCIL
APPROVED
05/01/2017
UNDER THE PROVISIONS OF
THE TOWN & COUNTRY PLANNING ACTS
SUBJECT TO CONDITIONS
ON NOTICE

ra
27.10.16; Revision D: Car parking area amended
roger abbott - architect

10 chery street, stafford upon avon, CV37 4DF
tel: 01789 414853, mob: 07960 222722, email: roger.abbott@netcom.co.uk

Proposed single storey house, Church Lane, Curdworth
For William Murphy Esq
Proposed site plan
Scale 1:250, September 2016. Drawing ra213.31D

APPENDIX C



PAP/2021/0288

NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
30/07/2021
PLANNING & DEVELOPMENT
DIVISION

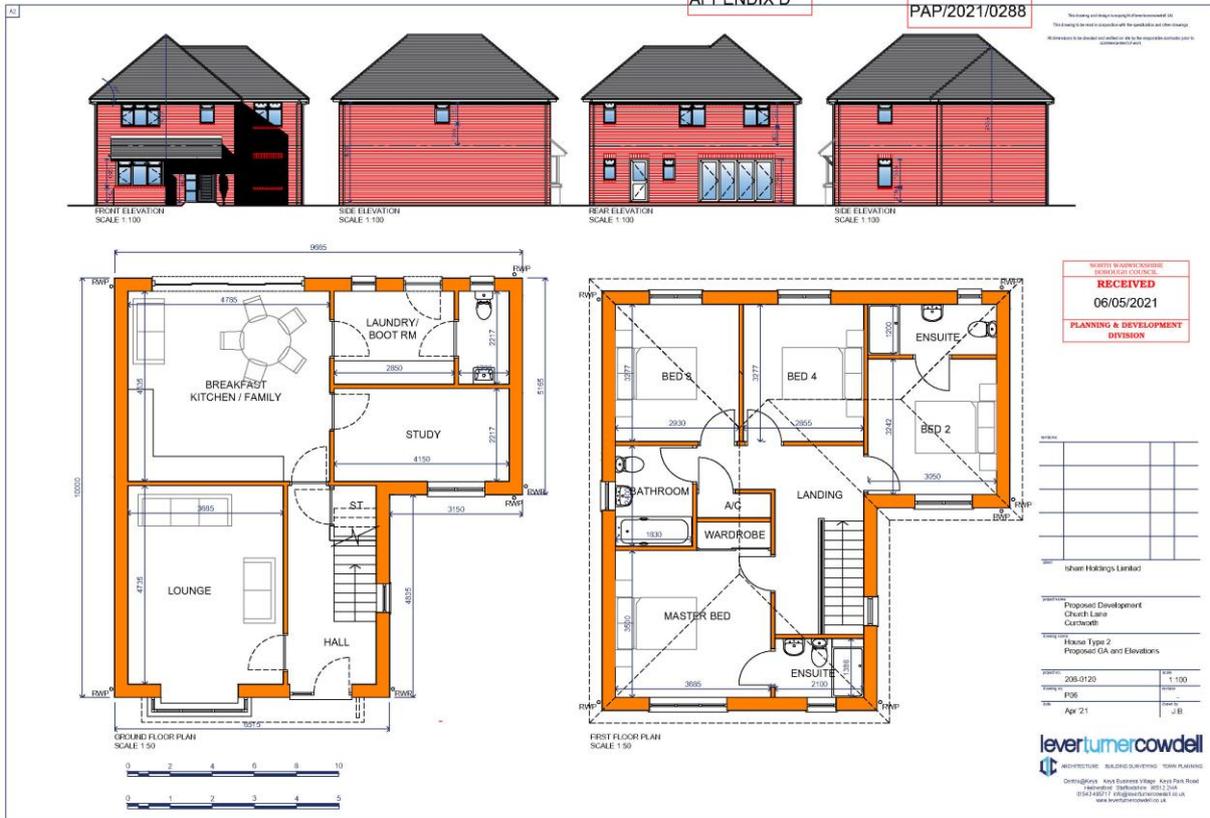
NO.	DATE	DESCRIPTION	BY	CHECKED
B	2018-01-20	Issue and stage details changed	J.C.	J.C.
A	2018-01-20	Redesign of layout	J.S.	J.C.

Proposed Development
 Church Lane
 Curdworth
 House Type 1
 Proposed GA and Elevations
 2018-01-20
 PDS
 July 21

leverturnercowdell
ARCHITECTURE BUILDING SERVICES TOWNPLANNING
Cannon Place, New Business Village, Kops Park Road
Redditch, Staffs, B97 2JH
01454 48717, info@leverturnercowdell.co.uk
www.leverturnercowdell.co.uk

APPENDIX D

PAP/2021/0288



APPENDIX E

This drawing and design is copyright of leverturnercowdell Ltd.
This drawing to be used in conjunction with the specification and other drawings.
Do not scale to avoid misinterpretation.
All dimensions to be checked and verified on site by the responsible contractor prior to commencement of work.

KEY
 - PAVED DRIVE
 - PATHS
 - PEDESTRIAN ZONE
 - GRASS
 - EXISTING HEDGE
 - TREES TO BE MAINTAINED
 - EXISTING TREES
 - VISIBILITY DISPLAY
 - SITE BOUNDARY AREA: 550m²

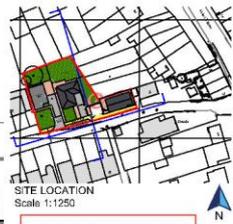
PAP/2021/0288

RECEIVED 19/08/2021
PLANNING & DEVELOPMENT DIVISION



APPENDIX F

This drawing and design is copyright of the architectural firm.
 This drawing to be used in accordance with the specifications and
 after planning.
 Do not make any amendments.
 All dimensions to be checked and verified on site by the
 contractor and/or prior to the start of work.



PAP/2021/0288

Street Scene A-A
 Scale 1:200

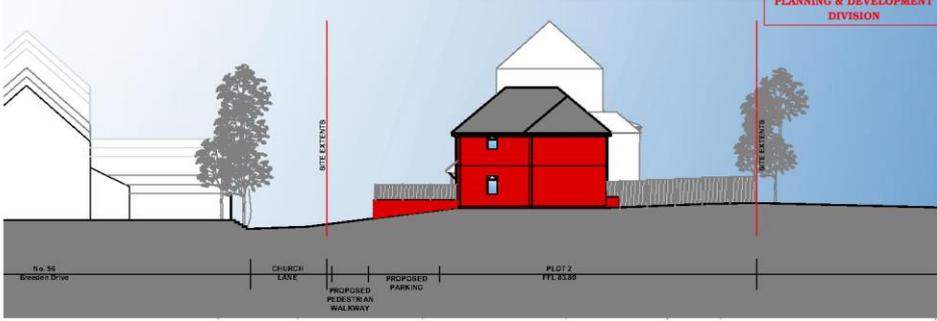
NORTH WAIRWICKSHIRE
 BOROUGH COUNCIL
RECEIVED
 19/08/2021
 PLANNING & DEVELOPMENT
 DIVISION

Amended to suit new boundary treatments & house positions J.S. 19.08.21

ISHEM Holding Limited

Proposed Residential Development
 Church Lane
 Curdworth, B76 9EY
 Proposed Street Scene

208-0120 1:200
 P07 A
 Apr '21 J.B.



Street Scene B-B
 Scale 1:200

leverturnercowdell
 ARCHITECTURE BUILDING SURVEYING TOWN PLANNING
 Central@Keys Keys Business Village Keys Park Road
 Redwood, Staffordshire ST12 2JG
 01843 469777 info@leverturnercowdell.co.uk
 www.leverturnercowdell.co.uk

Agenda Item No 6

Planning and Development Board

6 September 2021

**Report of the Head of Development
Control**

Public Sector Infrastructure

1 Summary

- 1.1 The report advises the Board of a new statutory duty in respect of public sector infrastructure planning applications.

Recommendation to the Board

That the report be noted.

2 Background

- 2.1 Members will recall the recent Board report which dealt with the Government's proposals to ensure that planning applications for public sector infrastructure were dealt with more quickly. Notwithstanding concerns raised by this Authority and others, new legislation has been published which takes this proposal into practice.

3 The "Direction"

- 3.1 The Direction confirms that the determination period for "public sector infrastructure" planning applications is ten weeks, and that the consultation period is reduced to 18 days – this includes for Parish Councils as well. Public Sector Infrastructure is defined, but essentially includes schools, colleges, health facilities and prisons.
- 3.2 The Direction requires Local Planning Authorities to notify the Ministry of Housing, Communities and Local Government of progress on these applications, so that the Government can monitor the expected time period of ten weeks from receipt to determination.
- 3.3 The Council is therefore mandated to:
- i. Notify the Secretary of State within seven working days of the receipt of a valid or non-validated planning application;

- ii. Seven working days after the end of the 7th week of the statutory determination period, to again notify the Secretary of State as to the decision in relation to the application or the date it expects to make a decision on the application as the case may be;
- iii. If that is expected to be after the 10 week determination period, the reasons why; and,
- iv. If the Council and the applicant have agreed an extended period for determination, the date that period ends.

3.4 Where a planning application does not contain all relevant information to allow a decision to be made the Council is not obliged to treat it as valid and the applicant may follow a legal process to request that the Council treats it as valid. If this occurs, then the Direction allows the time periods for notifying the Secretary of State to be delayed accordingly

3.5 There does not appear to be a “sanction” outlined in the Direction, other than the procedure set out being a statutory requirement.

4 **Observations**

4.1 The Council has to satisfy these requirements. This means that:

- Far greater emphasis is to be placed on pre-application engagement. Prospective applicants are expected to undertake consultations prior to submission with the Council, the statutory consultees and the local community. Officers will arrange pre-application meetings and invite local Ward Members to attend. They will also advise and give contacts for Parish and Town Councils as well as other local groups as appropriate, to the applicant.
- If a refusal of planning permission is being considered, that will need to be founded on evidence being available to demonstrate significant adverse harm.
- The applications will include far more technical detail so as to avoid any subsequent conditions requiring the submission of details at a later stage. In other words, there will be no outline applications, in which just the principle of the development is to be agreed.
- The opportunity for imposing pre-commencement and pre-occupation conditions on the grant of planning permissions is thus limited.
- Referral of applications to the Board will need consideration, especially if the Council would be “exposed” to the expiry of the ten-week period.

- Parish and Town Councils will be notified by Officers of this Direction.

5 Report Implications

5.1 Sustainability and Environment Implications

- 5.1.1 The impact on these matters will very largely depend on the quality of the pre-application engagement with the applicants and the degree to which they follow the advice and guidance given.

5.2 Links to the Council's Priorities

- 5.2.1 The priorities of protecting and enhancing the Borough's rural and urban characters as well as its heritage assets, will underly the approach taken in pre-application discussions.

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

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

Background Paper No	Author	Nature of Background Paper	Date

Agenda Item No 7

Planning and Development Board

6 September 2021

Report of the Head of Development Control

The National Planning Policy Framework

1 Summary

- 1.1 The Report introduces the new Framework to the Board outlining the main changes.

<p>Recommendation to the Sub-Committee</p> <p>That the report be noted.</p>

2 Background

- 2.1 The Government has now published a revised National Planning Policy Framework (the “NPPF”) which came into effect on 21 July. Members will recall the report earlier this year which outlined this outcome and was essentially required so as to include reference in the document to the National Design Code.

3 The NPPF

- 3.1 The main changes in the new NPPF are now outlined.

- a) There are measures inserted to improve design quality, including a new requirement for Local Planning Authorities to produce local design codes or guides. In short, the measures make “beauty” and “place-making” an overall strategic theme in the new document and says that this should be taken to be a statement of ambition, rather than as a policy test. It goes on to say that “significant weight” should be given to “development which reflects local design policies and government guidance on design, taking into account any local design guidance such as design codes and guides”. It continues by saying that, “Development that is not well designed should be refused, especially where it fails to reflect local design policies”. The expectation that Local Planning Authorities produce their own codes and guidance is thus central to this. Work has already commenced on this, with significant Member involvement and it will continue.

The NPPF gives a particular emphasis on ensuring that new streets are tree-lined and that opportunities are taken elsewhere in new developments to incorporate more tree planting as well as “bio-diversity improvements”

and “access to nature” including appropriate maintenance measures. These measures will need to be taken through into the forthcoming Residential Design Guide for the Borough, but more particularly through site specific design guidance.

- b) The section on “planning and flood risk” now sets out that new Plans should manage any residual flood risk through an emphasis on green infrastructure and natural flood management techniques as part of an integrated approach to flood risk management. This will be taken forward in the next review of the Local Plan once the overall approach to forward planning is established under the Government’s expected Planning Reforms.
- c) There is a slightly “tighter” approach towards isolated houses in the countryside such that, whereas previously they might be allowed if they were “truly outstanding or innovative”, the word “innovative” has now been removed. A new reference is included to refer to “statues”, in that when considering applications to “remove or alter a historic statue, plaque, memorial or monument (whether listed or not), a Local Planning Authority should have regard to the importance of their retention in situ, and where appropriate, explaining their historic and social context rather than removal”.
- d) The faster delivery of public sector infrastructure is set out and positive pre-application engagement is expected. This is now taken forward into new legislation which is reported elsewhere on this Board’s agenda.
- e) There is also reference to the removal of permitted development rights through Article Four Directions in respect of residential conversions. The approach now is to only use this Direction when “essential to avoid wholly unacceptable adverse impacts”. This particularly is focussed on enabling flexibility of use through the new Use Classes Order in town centres.

A copy of the new NPPF will be sent to Board members under separate cover.

- 3.2 The substantial emphasis on design quality throughout the planning system is emphasised in a further publication from the MHCLG. This is attached at Appendix A for Members.
- ...

4 Report Implications

4.1 Finance and Value for Money Implications

- 4.1.1 Work on preparing our Design Guidance will be resourced from existing budgets, but the additional work will lead to delays in the delivery of the Division’s “day-to-day” services.

4.2 **Environment, Sustainability and Health Implications**

4.2.1 The main content of the new NPPF will be taken into account in the forthcoming review of the next Local Plan and here sustainability issues will have even greater prominence.

4.3 **Links to Council's Priorities**

4.3.1 The new NPPF adds strength to achieving the outcomes from these priorities particularly in protecting and enhancing the character and appearance of the Borough.

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

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date



Design quality in the planning system

Good quality design of the built environment is key to securing better outcomes for places and communities.

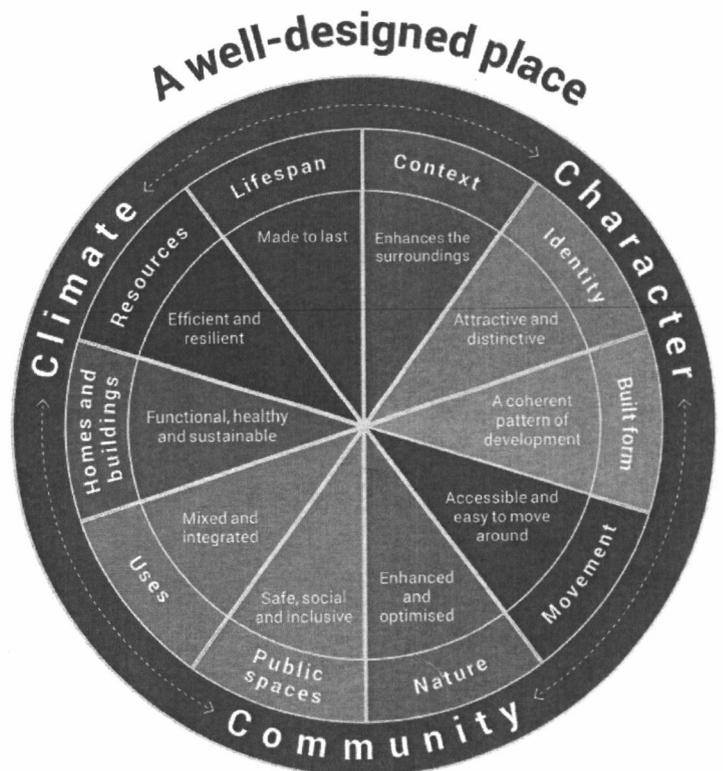
Our policies and programmes aim to ensure that new homes and neighbourhoods are beautiful, environmentally responsive, well-designed and locally led, reflecting and enhancing the character of local areas across England.

Design quality, placemaking and sustainability should be driven by local communities who will be setting the standards for development in their local area. High-quality places should consider design at various scales from the settlement where integration with infrastructure and landscape should be considered, to the neighbourhood where design should facilitate access to public spaces with streets and parks that support health and wellbeing, right down to the detail of individual homes and buildings.

In line with our 25-year environment plan goals, our approach should lead to more energy efficient buildings, enhancing nature, integrating with the natural environment and delivering progress towards the net zero carbon target by 2050.

We convened the **Building Better, Building Beautiful Commission**, a group of independent experts co-chaired by the late Sir Roger Scruton and Nicholas Boys Smith, to advise the Government on embedding beauty, high quality design and placemaking in the planning system and make practical recommendations that will help ensure new housing developments meet the needs and expectations of communities.

The Government is taking forward their recommendations, including changes to the National Planning Policy Framework, publishing a National Model Design Code and establishing an Office for Place within Government to lead this work going forward.

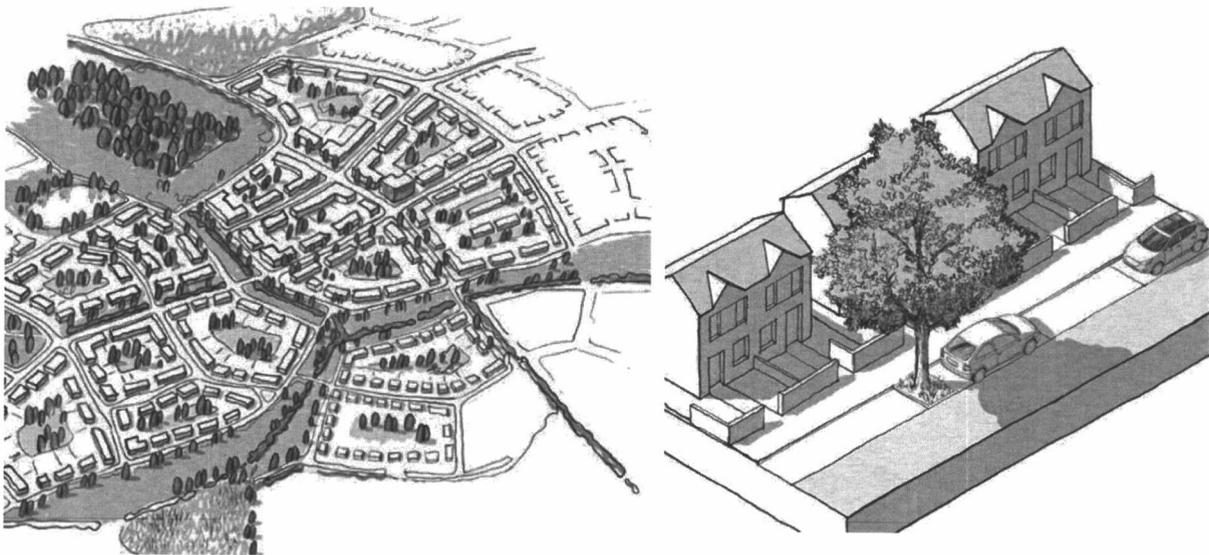


The ten characteristics of well-designed places

Our changes to the **National Planning Policy Framework**, which sets out the Government's planning policies for England and how these are expected to be applied, will help ensure the planning system creates more attractive buildings and places. It refocuses the relationship between development and the natural environment, whilst maintaining the Framework's existing strong focus on delivering the homes and other development which communities need, from the regeneration of the Bourne Estate in London to the community-led Marmalade Lane in Cambridge. The changes include:

- Making beauty and placemaking a strategic policy in the Framework
- Setting an expectation that local authorities produce their own design codes and guides setting out design principles which new development in their areas should reflect
- Local authorities should ensure that new streets are tree-lined
- Improving biodiversity and access to nature through design
- An emphasis on granting planning permission for well-designed development and refusing it for poor quality schemes

We have also produced a National Model Design Code, which provides a framework for creating healthy, sustainable and distinctive places. The National Model Design Code is a toolkit to help local councils and communities produce their own design codes, which will set clear standards and expectations for the design of new development and clarity for developers about what they are expected to deliver.



Excerpts from the National Model Design Code

We are establishing an **Office for Place** which will draw on Britain's world-class design expertise to pioneer design and beauty within the planning system. The Office for Place and its advisory board, which includes experts in this field and is chaired by Nicholas Boys Smith, are already working to drive up design standards. The Office for Place is working with local authorities, providing support and conducting research, to understand how the National Model Design Code can be used by councils to create user-friendly, but effective design codes in a variety of contexts. The application of the National Model Design Code is currently being tested with 14 local authorities across England. Building on the testing programme, a second phase of pilots are getting underway which will model best practice

approaches to developing a design code, in a range of different contexts with demonstrable support from communities, to produce an exemplar design code.

FAQ

What is a design code?

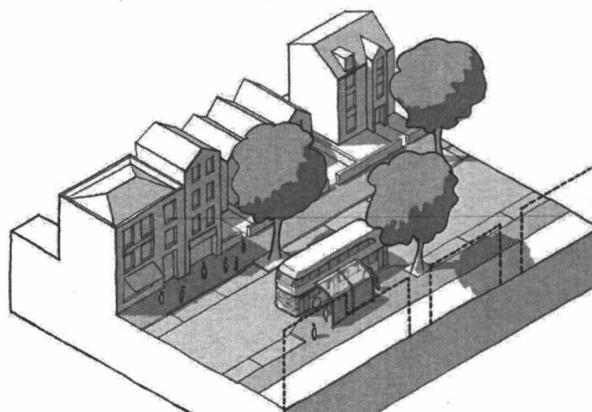
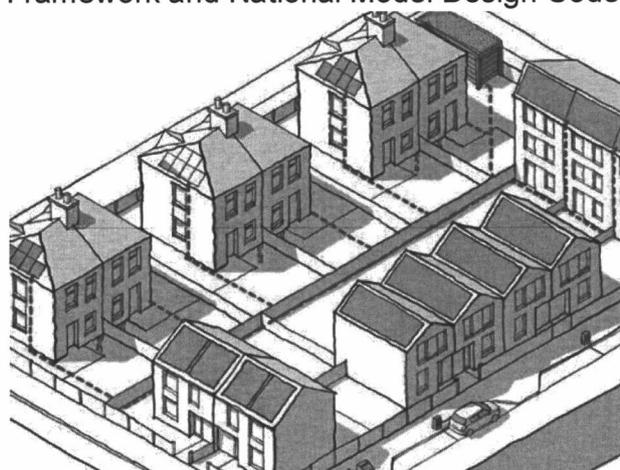
Design codes are simple, concise, illustrated design documents that set the standard of design for a local area. A design code combines text and diagrams, setting out requirements for the physical development of a site or area. They should be published online and easily accessible.

Design codes can specify baseline requirements around street pattern, landscaping, facades or the environmental performance of places and buildings.

They should be prepared by a local planning authority as part of their policy or guidance, or by neighbourhood planning groups, sometimes in partnership with developers. Developers can also prepare their own design codes that meet local requirements in support of a planning application.

Every community can now use the National Model Design Code to set the standards for new development to help and protect the local character and heritage through their involvement in developing a local design code.

As set out in Planning for the Future, we propose to bring democracy forward and giving people a greater role in shaping how their communities will look through their local plans and design codes. We will replace lengthy documents with easy to access digital tools and map-based local plans – allowing people to visualise local plans for development and participate more fully in the planning system. The updated National Planning Policy Framework and National Model Design Code are an important step towards this ambition.



Excerpts from the National Model Design Code

Are local planning authorities required to produce design codes?

The revised National Planning Policy Framework asks all local planning authorities to prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences.

Their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place and should allow a suitable degree of variety. They should be produced either as part of a local plan or as supplementary planning documents.

Are local authorities properly resourced to produce design codes?

We want to ensure that local authority planning departments have the right support to produce local design codes.

The Office for Place will begin the work to support local authorities to drive up design standards. This year it will be piloting the National Model Design Code with communities across England. The first phase is underway as we test the application of the National Model Design Code with 14 local authorities.

We are now seeking expressions of interest from local authorities and neighbourhood planning groups who want to work with us to develop an exemplar process for developing design codes which others can draw upon in developing their own design codes.

What further changes have you made to the National Planning Policy framework?

Most of the changes relate to policy on the quality of design of new development and take forward the Government's response to the recommendations of the Building Better, Building Beautiful Commission.

The National Planning Policy Framework changes also include:

- Changes to environmental policies – including those arising from our review of policy for building in areas at flood risk with assistance from Defra
- Changes to remove or amend out of date material (for example; the early thresholds of the Housing Delivery Test)
- An update to reflect a recent change made in a Written Ministerial Statement about retaining and explaining statues.
- Clarification on the use of Article 4 directions

How do the National Planning Policy framework changes relate to wider planning reform?

These are interim amendments, to incorporate recommendations made in the report of the Building Better, Building Beautiful Commission, ahead of further amendments to the National Planning Policy framework.

The importance of design codes was highlighted in Planning for the Future, and today's Building Beautiful Places announcement gives codes greater teeth: the changes to the National Planning Policy Framework will give authorities more power to refuse schemes which fail to reflect codes - something which is further reinforced by the publication of the National Model Design Code.

Our work in piloting the National Model Design Code also provides a strong platform from which to build and lays the foundation for ensuring that design codes are a key part of both the current and reformed planning systems. We will announce more detail on planning reforms in due course.

How do you assess beauty?

A series of studies have shown that it's possible for communities to come together and produce clear expressions of what fits with local character and what is popular. We think that it is possible to assess beauty and set standards for design quality. The Government has provided a clear framework, through policy and guidance, to enable this to be decided locally by local planning authorities, working together with developers and the community. This should be reflected in local plans, neighbourhood plans, design guides and codes, taking into account government guidance on design.

Clear design expectations are set through national planning policy, and this is supported by our National Design Guide which sets out the 10 characteristics of a well-designed place, and the new National Model Design Code.

Further Information

Revised National Planning Policy Framework

<https://www.gov.uk/guidance/national-planning-policy-framework>

National Model Design Code

<https://www.gov.uk/government/publications/national-model-design-code>

Office for Place

<https://www.gov.uk/government/groups/office-for-place>

Agenda Item No 8

Planning and Development Board

6 September 2021

Report of the Chief Executive

Support for South Staffordshire Council's approach to unmet housing needs and its alignment with the existing GBHMA evidence base

1 Summary

- 1.1 This report seeks Members' agreement for support towards South Staffordshire District Council's approach to unmet housing needs and its alignment with the existing GBHMA evidence base, including addressing a significant element of Birmingham's unmet need. Any additional comments raised at Board will be forwarded for inclusion along with the Council's initial response.

Recommendation to Board

- a That Members take note of the request for support for South Staffordshire District Council's approach to unmet housing needs and its alignment with the existing GBHMA evidence base (2021); and**
- b To note any observations or comments raised by Members regarding the request and forward them with the letter of response.**

2 Request for support

- 2.1 South Staffordshire District Council (SSDC) are progressing towards their Preferred Options Local Plan consultation later this year. Amongst other matters, this will set out proposed housing sites to meet the District's needs, whilst making a 4,000 dwellings contribution to the unmet needs of the GBHMA. The SSDC's contribution to the unmet needs is based on the spatial recommendations of the 2018 GBHMA Strategic Growth Study.

- 2.2 SSDC is seeking agreement from the GBHMA local authorities on the Council's approach to unmet housing needs and its alignment with the existing GBHMA evidence base. Their formal letter requesting support is included as Appendix A. Please note that SSDC has agreed to an extension to this deadline to allow for the matter to be brought to Board.

...

2.3 Although SSDC is simply seeking support to their approach and the level of contribution towards the GBHMA unmet need at the present time, it is expected that this will be translated into a Statement of Common Ground later this year in preparation for their examination into this Plan.

3 Observations

3.1 The approach being taken by SSDC is similar to that already taken by this Council in the preparation of our Local Plan, including a similar level of contribution towards the GBHMA unmet need. This approach should therefore be welcomed.

3.2 Officers consider that, as part of best practice under the Duty to Cooperate requirements to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters, the Borough should support SSDC in both the preparation of their local plan and their approach to significantly address the identified unmet need of the GBHMA area.

... 3.3 A draft letter of support is attached as Appendix B in response to the request. Members views are requested.

3.4 By providing support to SSDC this will benefit in helping to reduce external (sub-regional) development pressures on this Borough as well as contributing in a positive way towards the identified unmet needs, while supporting other proactive and positive development plan intentions from another local authority within and affected by the GHMA unmet housing need.

4 In Summary

4.1 This Council is in general support for South Staffordshire District Council's approach to meeting their own and the wider unmet housing needs and its alignment with the existing GBHMA evidence base.

5 Report Implications

5.1 Environment and Sustainability Implications

5.1.1 The progression of the South Staffordshire District Council's Local Plan will benefit housing and employment delivery. Although there may be environmental impacts from the Local Plan generated development, these are not directly impacting on North Warwickshire Borough and may have the benefit of reducing pressure on the Borough to accommodate further development.

5.2 Financial Implications

5.2.1 There are no financial implications arising from this consultation.

The Contact Officer for this report is Mike Dittman (719499).

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

Background Paper No	Author	Nature of Background Paper	Date



Please ask for: Ed Fox

Direct Dial: (01902) 696418

Email: e.fox@sstaffs.gov.uk

1 June 2021

Sent via email

Dear Sir/Madam,

We wrote to you on 8th January of this year setting out South Staffordshire's progress to date in reviewing its Local Plan, recapping the District's proposed contribution towards unmet needs of the Greater Birmingham Housing Market Area (GBHMA) and rationale for this. This letter also sought views whether adjoining authorities and those in the wider housing market area could reduce pressure on South Staffordshire's Green Belt by accommodating some of the District's proposed housing target.

Following responses received to this letter, we are now progressing towards our Preferred Options consultation later this year. Amongst other matters, this will set out proposed housing sites to meet the District's needs, whilst making a 4,000 dwelling contribution to the unmet needs of the GBHMA. As you will be aware from our previous correspondence, GBHMA officer meetings and Local Plan consultations, this contribution to the unmet needs is based on the spatial recommendations of the 2018 GBHMA Strategic Growth Study. The Council's use of this study and proposed contribution was first set out at the 2018 Issues and Options consultation to enable GBHMA authorities, particularly those with unmet housing needs, to consider the proposed approach.

To date we have not been made aware that there is any intention from the GBHMA authorities to update the GBHMA Strategic Growth Study, or that an alternative evidence will be prepared by GBHMA authorities to sustainably distribute unmet housing needs across the region. The Council has therefore maintained its proposed 4,000 dwelling contribution to the unmet housing needs of the GBHMA to date. Given the need for the Council to progress its plan, **we are now seeking your agreement on the Council's approach to unmet housing needs and its alignment with the existing GBHMA evidence base.** Ultimately this will need to be reflected in





a Statement of Common Ground, but in the shorter term a letter setting out your authority's initial position on this matter would be greatly appreciated.

The Council is keenly aware of the Government's requirement for all local authorities to have an up-to-date plan in place by the end of 2023 and the Council will need to continue to make progress with its Local Plan at pace to meet this deadline. I would therefore be grateful if you could respond to this letter no later than **1 July 2021**, and advise us at the earliest possible opportunity if you will be unable to meet this timescale.

Yours faithfully,

Annette Roberts

Corporate Director Planning & Infrastructure





North Warwickshire
Borough Council

Mr Edward Fox
Strategic Planning Team Manager
Strategic Planning
South Staffordshire Council
WV8 1PX

Steve Maxey BA (Hons) Dip LG Solicitor
Chief Executive
The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

Switchboard : (01827) 715341
Fax : (01827) 719225
E Mail :
planningpolicy@northwarks.gov.uk
Website : www.northwarks.gov.uk
This matter is being dealt with by
: Mike Dittman
Direct Dial : (01827) 719451
Your ref : |
Our ref : |
Date : **/0*/2021

Dear Mr Fox,

Re: Support for South Staffordshire Council's approach to unmet housing needs and its alignment with the existing GBHMA evidence base

In response to the letter from Annette Robert, the Corporate Director Planning & Infrastructure at South Staffordshire Council, seeking the North Warwickshire Borough Council's agreement on the approach to unmet housing needs by South Staffordshire and its alignment with the existing GBHMA evidence base, I am able to confirm the following;

I am happy to indicate that South Staffordshire have the Borough Council's support to the approach detailed in your letter, noting significantly your authority's intentions to make a 4,000 dwelling contribution to the unmet needs of the GBHMA (first set out at the 2018 Issues and Options consultation) and the inclusion of that contribution within the proposed Preferred Options Local plan consultation to be undertaken later this year.

I am also able to confirm our willingness to be part of a Memorandum of Understanding or Statement of Common Ground as appropriate or required and look forward to further discussions at the Preferred Options consultation stage.

I hope the above information is helpful and if you require any further information or clarification of the above please do not hesitate to contact me at this office.

Yours Sincerely,

Mike Dittman
Senior planning policy officer
Forward planning team
North Warwickshire Borough Council
Work Mobile - 07909213050

Agenda Item No 9

Planning and Development Board

6 September 2021

**Report of the
Head of Development Control**

Appeal Update

1 Summary

1.1 This report brings Members up to date with recent appeal decisions.

Recommendation to the Board

That the report be noted.

2 Appeal Decisions

a) Heart of England

2.1 This decision relates to a proposed new storage building to be erected next to an existing building close to the woodland edge and south of the main range of buildings. It can be seen from the dismissal that the impact of the proposal on the openness of the Green Belt and in this case, the proximity of the woodland, were the main issues. The decision is attached at Appendix A.

...

b) New Street, Dordon

2.2 This case dealt with a proposed dwelling at the rear of New Street where the main issues were the effect of the proposal on the character and appearance of the area and the substandard access arrangements. The decision is attached at Appendix B.

...

c) Tamworth Road, Wood End

2.3 This appeal relates to a proposed small dwelling between two established houses. As can be seen from the letter, the Inspector agreed that this would be out of keeping and would lead to poor living conditions. The decision is at Appendix C.

...

3 Report Implications

3.1 Links to Council's Priorities

3.1.1 These decisions accord with the Council's priorities on protecting the Borough's heritage and character, whether that be its open countryside or the appearance of its built-up areas.

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

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

Background Paper No	Author	Nature of Background Paper	Date



Appeal Decision

Site visit made on 15 June 2021

by **Benjamin Clarke BA (Hons.) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: Friday, 02 July 2021

Appeal Ref: APP/R3705/W/20/3247747

Heart of England Conference and Events Centre, Meriden Road, Fillongley CV7 8DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Stephen Hammon (Heart of England Conference and Events Centre) against the decision of North Warwickshire Borough Council.
 - The application Ref: PAP/2018/0745, dated 10 December 2018, was refused by notice dated 3 September 2019.
 - The development proposed is a new storage building.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I note references to an emerging North Warwickshire Local Plan. However, given the stage that this document has reached, I can only give its contents a limited amount of weight in my assessments.

Main Issues

3. The main issues relevant to this appeal are:
 - whether the proposed development is inappropriate in the Green Belt and the effect on the openness of the Green Belt;
 - the effect of the development upon the character and appearance of the surrounding area;
 - the effect of the development upon trees; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development and the effect upon openness

4. The appeal site is located in the Green Belt. The National Planning Policy Framework (the Framework), states that the erection of new buildings are generally considered inappropriate.

5. There are some exceptions to this, which are listed in Paragraph 145 of the Framework. These include the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor recreation. Whilst the proposed development would be used for the provision of storage, it would be associated with the use of the wider site as a location where outdoors recreation might take place.
6. However, for a development to not be inappropriate, the Framework is clear that it should not have an adverse effect on the openness of the Green Belt and not conflict with the purposes of including land in the Green Belt.
7. In this instance, the proposed development would result in an increase in the level of built form owing to the erection of a new storage building which would be close to the existing building. Therefore, the spatial sense of openness that is an intrinsic feature of the Green Belt would be eroded.
8. In addition, the proposed development would result in an adverse effect upon the Green Belt's physical sense of openness. Owing to the positioning of the proposed development, the development would be viewed alongside an existing structure, leading to a significant increase in the level of built form. This would, owing to the topography of the locality, be viewable for significant amounts of the appeal site. In addition, the gap between the existing buildings and trees would be reduced.
9. Given the usage of the appeal site, the loss of openness would be readily perceptible and would be experienced by a larger number of people. Whilst the appeal site features some screening arising from a number of trees within the wider area, the immediate environs of the appeal site are characterised by a more open landscape. Therefore, the proposed development would result in an adverse effect upon the level of openness.
10. The Framework, at Paragraph 134, sets out the reasons for including land in the Green Belt. In particular, the proposed development's form when viewed alongside the existing building, would result in an encroachment into the countryside of a more intensive built form. In result, the development would conflict with the purposes of including land within the Green Belt.
11. The Framework acknowledges the importance of access to a network of high-quality open space. However, the Framework should be read as a whole. Therefore, this does not overcome my previous concerns.
12. I therefore conclude that the proposed development would represent an inappropriate proposal in the Green Belt; and would have an adverse effect upon its openness. The development, in this regard, would conflict with Policy NW3 of the North Warwickshire Local Plan Core Strategy (2014) (the Core Strategy) and the Framework. Amongst other matters, these seek to define the Green Belt and avoid the erection of inappropriate developments; and maintain the openness of the Green Belt

Character and appearance

13. The appeal site and its immediate surroundings can be characterised as being one with a generally rolling landscape, with extensive woodland cover. This creates a rural, open and tranquil character. Development present within the surrounding area is proportionate towards this character.

14. The proposed development would result in an increase in the overall level of built form. This would be exacerbated as it would be viewed alongside an existing structure. This would therefore lead to an increase in the overall level of built form.
15. In addition, the appeal proposal would be spatially separate from the bulk of buildings located on the appeal site as it would be located on a different land level and there would be a large distance between them.
16. In consequence, the proposed building would erode the generally rural, open and undeveloped character of the appeal site. In addition, the appeal proposal, as a storage building, would result in it being serviced by vehicles. This would also add to the general more developed character that would emanate from the proposal in contrast to the existing rural character.
17. These matters are of particular concern given the overall prominence of the proposed development. Due to the general topography of the appeal site's environs, the development would be readily apparent from several different vantage points both in the immediate vicinity of the appeal site and further away. This renders the proposed development strident.
18. I therefore conclude that the proposed development would have a significant adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with Policies NW12 and NW13 of the Core Strategy and Policies FNP01 and FNP02 of the Fillongley Neighbourhood Plan (2019) (the Neighbourhood Plan). Amongst other matters, these seek to ensure that developments protect and enhance the local distinctiveness of the natural environment; demonstrate a high quality of sustainable design; conserve the character of the landscape; and enhance or conserve the natural environment.

Effect on trees

19. The proposed development would be located near to many trees including an area of ancient woodland. These contribute significantly to the rural landscape.
20. The proposed development would result in an increase in built form, such as through the installation of a pad on which the building would be built. This would reduce the available area from which trees could gain moisture. Therefore, the development would result in an adverse effect on the health of these trees. In result, the proposed development would result in an erosion of the verdant character of the surrounding area.
21. In addition, the proposed development would potentially be served by several vehicle movements making collections or deliveries from or to the storage building. These vehicle movements could be potentially numerous and would compact the ground surrounding the relatively large trees and their roots. This would adversely affect their health due to a diminished ability to absorb moisture.
22. Although it appears that the trees nearest the site of the proposed building are of a varying age, they do make a significant positive contribution to the site's rural character. In result, the potential loss of these trees through ill health would be detrimental to the general appearance of the appeal site's environs.

23. The proposed building has the potential to be constructed utilising methods that would ensure that the proposed foundations would not result in damage to the roots of the trees. However, this would not overcome the previously identified adverse effects owing to the potential harm arising from the manoeuvring of vehicles.
24. It has been suggested that some of these trees are self-set. Whilst this may be the case, they contribute to a general verdant and rural landscape and therefore an adverse effect upon their health would lead to a detrimental impact on the local environment.
25. I also acknowledge that the appellant has planted a notable number of trees on the appeal site. However, the proposal would affect several trees that are much older. Therefore, the presence of newer trees elsewhere would not offer sufficient mitigation as the character of the existing landscape is defined by the presence of trees of varying ages and sizes.
26. I therefore conclude that the proposed development would have an adverse effect on trees. The development, in this regard, would conflict with Policy NW13 of the Core Strategy. Amongst other matters, this seeks to protect the quality, character, diversity and local distinctiveness of the natural environment.

Other considerations

27. The proposed development would result in a facility that would support the local economy through a more efficient business. However, it has not been demonstrated that a building in this location is the only option for the storage of materials. Therefore, I give this matter a limited amount of weight.
28. In addition, the appellant has cited possible improvements to health and safety arising from the development. However, it has not been demonstrated that such benefits could not be provided in a different form and without the same adverse effects. In consequence, I give this matter only a limited amount of weight.
29. The proposed development would support the operation of the rural economy. However, the proposal would not result in additional economic activity taking place on the site given that the development pertains to a storage facility. Therefore, this also carries a limited amount of weight.
30. In consequence, I ascribe the circumstances cited in favour of the proposed development, either individually or in unison, limited weight.

Other Matters

31. I note comments regarding the age of the Council's local plan. However, given that I have found these policies to be consistent with the requirements of the Framework, these comments do not outweigh my previous findings.
32. I acknowledge concerns regarding the manner in which the planning application was considered by the Council. However, in considering this appeal, I have limited my assessment to the planning matters before me.
33. The proposed development was amended during the course of the planning application process. Whilst this is a matter of note, it is only one of all the

matters that must be taken into account when assessing a proposed development. It therefore does not overcome my previous conclusions.

Planning Balance and Conclusion

34. The development plan and the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
35. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. In so doing I have found harm to the openness of the Green Belt. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt.
36. The other considerations I have identified individually and collectively carry a limited weight in favour of the proposal. As such the harm to the Green Belt is not clearly outweighed by the other considerations identified, and therefore the very special circumstances necessary to justify the development do not exist.
37. In addition, the proposal would also harm the character and appearance of the area and trees. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR



Appeal Decision

Site Visit made on 28 June 2021

by Mark Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2021

Appeal Ref: APP/R3705/W/21/3269690

Rear of 50 New Street, Dordon, Warwickshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr O Carvalho against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2020/0245, dated 8 May 2020, was refused by notice dated 6 October 2020.
 - The development proposed is a new dormer bungalow.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development proposed on the character and appearance of the area, and highway safety, with particular regard to access.

Reasons

Character and Appearance

3. The appeal site comprises a broadly rectangular parcel of vacant land situated to the rear of 50-56 New Street within a residential area of Dordon. The site adjoins the rear gardens of properties on both New Street and Long Street and is accessed via a relatively long access road which runs between 40 New Street and Lyndhurst. The main body of the site is partly hard surfaced and includes two sheds on the southern part. The site is enclosed by concrete panels on the boundaries with the neighbouring properties. Directly to the south there is a further area of hardstanding and a detached garage.
4. The overriding character of development on both New Street and Long Street is that of two storey terraced properties following linear building lines with a road frontage and strong street scene presence, which contributes positively to the character of the area. Existing properties on the eastern side of New Street, and Long Street to a lesser extent, generally have very long rear gardens, which gives a spacious character. Although there are some domestic outbuildings within the rear gardens of neighbouring properties, the land between New Street and Long Street is otherwise free from built form.
5. The proposed dwelling would be a detached dormer bungalow with a gabled roof and two small dormers to the front elevation. Off road parking would be provided to the front and a small garden would be situated to the rear. Given

its siting to the rear of properties on New Street and Long Street, the proposal would not have a street presence in the way that the existing properties on those streets do. The proposal would therefore undermine the pattern of development on these streets and would erode one of the area's defining characteristics. Thus it would be wholly out of keeping with the established character of linear frontage development.

6. I saw no evidence of other backland development in the surrounding area during my visit. Although domestic outbuildings within the gardens of the existing dwellings provide some built form to the rear of the terraces, these are clearly read as ancillary structures to the frontage dwellings. Furthermore, they are of a significantly smaller scale than the appeal proposal and do not provide justification for it.
7. The harm arising from the siting of the proposed dwelling would be exacerbated by the positioning of the proposal near to the eastern and western site boundaries with limited external space surrounding it. The proposal would have a very small rear garden which would not reflect the more spacious gardens of neighbouring properties, further emphasising the failure of the development to respect the prevailing pattern of development. The proposed development would therefore appear cramped in relation to the size of the site.
8. Due to its position to the rear of the existing properties, the proposal would be largely screened from nearby public vantage points. However, the proposal would appear as a prominent and intrusive feature within its immediate setting and from numerous neighbouring dwellings and their rear gardens. The lack of public views of the dwelling does not justify the harmful effect it would have on the established pattern of development in the area.
9. The appellant refers to an approved scheme of 12 dwellings to the rear of the former Co-Operative store¹ to the north of the appeal site, which the appellant states will, if implemented, disrupt the historic pattern of separation between New Street and Long Street. Although I do not have the substantive details of that scheme before me, on the basis of the evidence, I do not consider that scheme to be comparable to the appeal development because it would be a comprehensive infill development with the dwellings fronting onto a road.
10. The appellant also refers to a permission for one dwelling at 80 New Street². That application was granted permission a significant amount of time ago and predates current planning policies. I have also been provided with an aerial photograph of a recent residential development at Dunn's Lane. I do not have the full details of these cases before me or the circumstances which led to their approval. The image of the development at Dunn's Lane provided by the appellant appears to show an infill development rather than a backland form of development. Accordingly, based on the evidence before me, I cannot draw any direct comparison between these developments and the proposal before me that weighs in its favour. In any event, I have determined the appeal on its own merits.
11. For the above reasons, I conclude that the proposal would cause significant harm to the character and appearance of the area. As such, it would be in conflict with saved Policy ENV12 of the North Warwickshire Local Plan 2006

¹ Council ref. PAP/2017/0659

² Council ref. PDORDV/1268/1999/FAP

(the Local Plan) and Policy NW12 of the North Warwickshire Core Strategy 2014 (the Core Strategy), which, amongst other things, seek to ensure that development harmonises with the character and appearance of its surroundings.

Highway Safety

12. The development would be accessed via the existing unadopted shared access road. For the majority of its length the access is bounded by the rear gardens of 40 New Street and Lyndhurst and is narrow. Two vehicles are not able to pass each other until further along the road, including to the rear of No 40, which is a substantial distance from the public highway and is on land outside the appeal site. Given the significant length of the access, its restricted width, and lack of passing opportunities, once a vehicle has committed to entering the access it would likely have to reverse back onto New Street if it met another vehicle. Such manoeuvres would be difficult, particularly for a larger vehicle such as a delivery van, since vehicles parked on the street generally restrict visibility and reduce its width. Reversing such a distance and on to New Street with insufficient visibility would lead to an unacceptable risk of conflict with other vehicles and pedestrians using the footway.
13. Due to the height of a garden wall and a fence to the front gardens of No 40 and Lyndhurst immediately adjoining the access, and the presence of vehicles parked on the street, visibility for drivers emerging onto New Street from the access is restricted in both directions. According to the Highway Authority, the visibility splays onto New Street are 3.8m, which represents a significant shortfall in the Highway Authority's requirement which is in the region of 33m based on average vehicle speeds. The appellant has not disputed these figures. During my site visit I saw that the footpath is well used. Although this was only a snapshot in time, there is no substantive evidence to indicate that it was not typical of its use. Consequently, there would be increased conflict between vehicles exiting the site access and users of the footpath. This risk would be exacerbated in the event of a vehicle having to reverse onto New Street to avoid an oncoming vehicle.
14. In addition, there are no pedestrian footways along the length of the access itself, which would further increase the risk of conflict between pedestrians and vehicles.
15. Furthermore, the Council's Waste and Transport Manager confirms that they would not consider accessing the road to provide waste services. According to the Council, the distance from the site to the public highway is about 75m. Therefore, future occupants of the dwelling would need to drag their bins a significant distance to New Street for collection. I consider that to be an unacceptable arrangement given the nature of the access, which is devoid of a pedestrian footway and lighting.
16. There is no evidence to suggest that the access road, including the visibility splays onto New Street, can be improved to an appropriate standard since that would likely involve land owned by third parties.
17. I acknowledge that the appellant and his family already use the access road to access the site. I could also see that it provides access for a small number of neighbouring properties. In this regard, I note that the Council approved an

application for the subdivision of 61 Long Street into two dwellings³ which shares the same access to New Street. However, it is likely that the proposed dwelling would result in increased vehicle trips, from future occupants and those visiting the site, including deliveries, which would lead to greater use of a substandard access with a consequent risk to highway safety.

18. I note the appellant's reference to other houses in Dordon having similar access arrangements. However, I do not have substantive details of these before me. In any case, this does not outweigh the harm to highway safety and the need to achieve safe and suitable access for new development.
19. For the above reasons, I conclude that the appeal scheme would have an unacceptable effect on highway safety due to the proposed access arrangements. Thus the proposal would be contrary to saved Policies TPT1 and TPT3 of the Local Plan and Policy NW10 of the Core Strategy, which, amongst other things, require development to make provision for safe vehicular access with appropriate visibility. There would also be conflict with paragraphs 108 (b), 110 (a) and 110 (d) of the National Planning Policy Framework (the Framework), which, amongst other things, seek to ensure that safe and suitable access to development can be achieved for all users.

Other Matters

20. The appellant argues that the site currently has an unkempt appearance which has a significant detrimental impact on the appearance of the area. He states that the proposal would prevent the site from becoming an eyesore, with growing security concerns and possible drug misuse. At the time of my visit, the site did not have a particularly unkempt appearance that detracted unduly from the appearance of the area. There is no evidence to suggest that the site would be at increased risk of criminal or anti-social behaviour in the absence of development taking place on the land.
21. The appellant claims that the proposal would be a modern ecologically sound building. However, there is little evidence to support the ecological credentials of the development. There is also no evidence to demonstrate that the proposal would meet a locally identified need for affordable housing as it is defined in the Framework or how it would be secured as such. I therefore attribute limited weight to these matters.
22. The development would offer potential benefits in terms of providing a new dwelling. It would also have economic benefits through employment opportunities created during the construction phase of the development, Council tax revenue and spending in the local area by future occupants. I have attached some weight to these factors. However, given the modest scale of the development proposed, the weight attributable to these matters is limited. I note the letter of support for the proposal from an elected member and lack of objections from nearby residents. However, these considerations collectively do not outweigh the significant harm that I have identified and the conflict with the policies I have referred to.

Conclusion

23. The proposed development would conflict with the development plan as a whole and there are no material considerations, including the Framework,

³ Council ref. PAP/2012/0099

which indicate that the decision should be taken otherwise than in accordance with the development plan. For the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

Mark Ollerenshaw

INSPECTOR



Appeal Decision

Site Visit made on 10 August 2021

by **Jonathan Edwards BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 August 2021

Appeal Ref: APP/R3705/W/21/3275610

125 Tamworth Road, Wood End CV9 2QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Marcus Rubensaat against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2021/0117, dated 3 March 2021, was refused by notice dated 29 April 2021.
 - The development proposed is new two bed detached bungalow.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the header above is taken from the application form. Part E of the appeal form states the description of development has not changed but a different wording has been entered. None of the main parties have confirmed that a revision has been agreed and so I have used the description from the original application.
3. Consultation has been carried out on proposed modifications to an emerging North Warwickshire Local Plan. However, no information has been provided on any outstanding objections to the plan's policies. As such, I am uncertain these will be adopted in the form provided to me and so they attract limited weight in my assessment. The main parties have been invited to submit comments on the revised National Planning Policy Framework, but none have been received.

Main Issues

4. The main issues are (i) the effect of the proposal on the character and appearance of the area, and (ii) whether it would provide acceptable living conditions in terms of privacy, outlook and the quality of outdoor space.

Reasons

Character and appearance

5. The appeal property (No 125) lies in a line of dwellings that face onto the road with back gardens that border onto a field behind. While the nearby properties vary in design and their proximity to the road, there is a degree of consistency in terms of the linear layout of the houses.
6. The proposed bungalow would be towards the back of the plot and away from the highway. As such, it would be markedly at odds with No 125 and the other nearby properties that are close to the road. The position of the bungalow

would not be comparable to houses further along Tamworth Road which are set back behind long front gardens but still face directly onto the street. Other buildings in the vicinity that lie behind dwellings appear to be small scale ancillary structures rather than residences. As such, the position of the proposal would be at odds with the general pattern of development.

7. In addition, the bungalow would be very close to the rear boundary of the site. This would be unusual as the surrounding houses are set away from the field and have reasonably long back gardens. Consequently, the proposal would appear cramped in comparison to nearby properties, particularly as it would also be close to the boundary with 123a Tamworth Road (No 123a).
8. As a single storey building set back in its plot, the bungalow would not be prominent in the street scene. Nonetheless, there could be views of its roof from the pavement along the access drive and over the gates. Also, it would be clearly seen from adjoining properties. Therefore, its incongruity in terms of the position behind the building line and close to the site boundaries would have a noticeable effect on the character and visual qualities of the area.
9. The design of the bungalow would be appropriate as there is a mix of local property styles. However, acceptability in this respect does not address or override the incompatible aspects of the scheme identified above.
10. For these reasons, I conclude the development would harm the character and appearance of the area. In these regards, it would not accord with saved policy ENV12 of the North Warwickshire Local Plan 2006 and policy NW12 of the North Warwickshire Core Strategy 2014 (CS). These aim, amongst other things, to ensure development harmonises with its surroundings.

Living conditions

11. The front windows of the proposed bungalow would serve a bedroom and a kitchen. As I saw on my visit, the first floor rear windows of No 125 would allow clear views from close proximity over the boundary fence and into these windows. Trees on the boundary currently prevent views onto the site from first floor windows at No 123a. However, these cannot be relied upon in the long term to prevent overlooking.
12. The kitchen would be served by another window in the side elevation and so to maintain privacy to this room the front window could reasonably be obscured glazed or covered. However, the bedroom would only be served by the front window. Due to the overlooking from No 125's rear windows and potentially from No 123a, this room would not have an acceptable level of privacy.
13. The windows in the rear of the bungalow would serve a bedroom and lounge and would be close to the boundary with the field to the rear. Currently, there is a gap in the nearby bushes that would allow views out of the rear windows onto the field. The proposed 1.2 m high boundary fence would not unacceptably curtail the outlook from these windows.
14. However, there is no indication that the field is owned by the appellant. The outlook from the rear windows would be significantly obstructed if the vegetation on the field edge is allowed to grow or new taller boundary features are introduced by the adjacent landowner. The lounge would have patio doors in the side elevation which would provide an alternative outlook to that room. However, the rear window would be the only one serving the bedroom. Given

its proximity to the boundary, the outlook from this window could become deficient through actions by others and outside the control of the bungalow's occupants.

15. The proposed outdoor space would be modest in size but it would allow for limited external storage, drying of clothes and private sitting out and recreation. It would be narrow compared to nearby houses but its shape would not significantly limit its useability. As such, I find the proposal would be provided with an adequate outdoor area.
16. However, for the reasons set out above, I conclude the proposal would not provide acceptable living conditions in terms of privacy and outlook. In these regards, it would not accord with CS policy NW10 and the Framework, which amongst other things, seek high standards of residential amenity.

Other Matters and Conclusion

17. The appellant identifies no specific benefits of the proposal, although it would add to the housing stock and provide construction employment. Future residents would support local and reasonably accessible facilities and businesses. However, these benefits are limited given the scheme would provide a single additional unit.
18. The harm identified in respect of the main issues means the proposal would be contrary to the development plan policies when read as a whole. The benefits of the scheme are of insufficient weight to justify a grant of planning permission contrary to the development plan. As such, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR