

## **General Development Applications**

**(5/g) Application No: PAP/2020/0621**

**22, Maypole Road, Warton, B79 0HP**

**Conversion of former scout hut building to two dwelling houses including demolition of 2 no: brick outbuildings, for**

**The Trustees of Sir Francis Nethersole Foundation**

### **Introduction**

This case was referred to the Board's April meeting, but determination was deferred in order to enable Members to visit the site. With the agreement of the Chairman, Members were asked to view the site independently. This was because the focus of the Board's concern was solely the visibility at the access. This could be assessed from public land by Members individually, without the need for a formal joint visit.

In order to assist those Members unable to visit the site, photographs of the visibility from the access are at Appendix A and the previous report is at Appendix B

### **Observations**

The consultation period on the Proposed Modifications to the Emerging Local Plan expired on 14 April. At the time of preparing this report the comments of the Examination Inspector are still awaited. As a consequence, the position remains as set out in Appendix B.

There is no further update to report to the Board.

### **Recommendation**

That the recommendation as set out in Appendix B is agreed

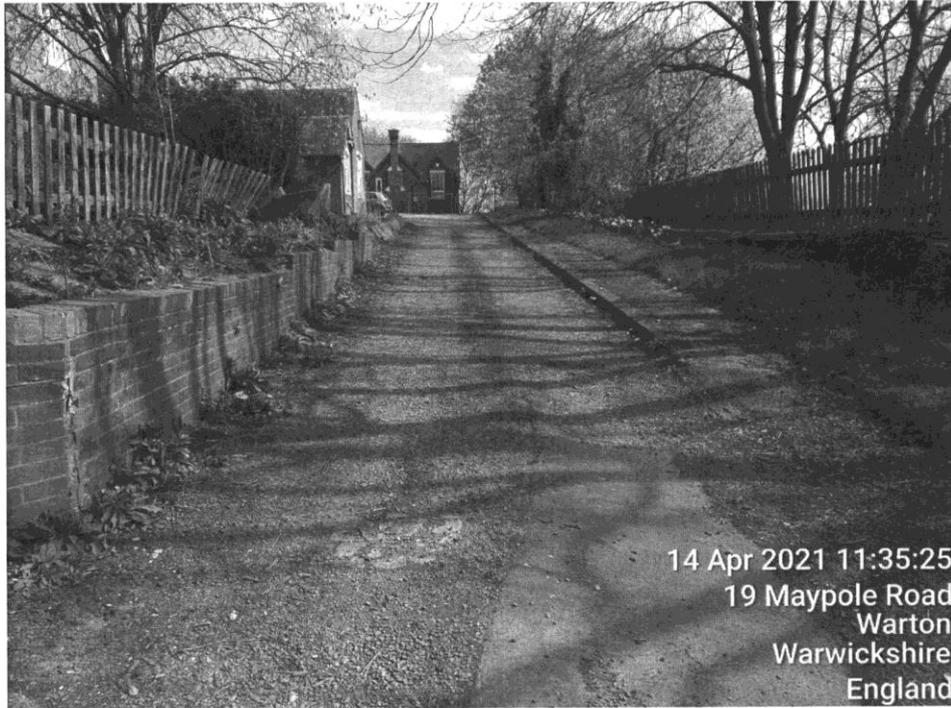
PAP/2020/0621 – Site Photographs



Right Hand Visibility – Photograph taken 2.4m back from the near edge of the carriageway (43m visibility achievable set against a requirement of 43m)



Left Hand Visibility – Photograph taken 2.4m back from the near edge of the carriageway (24.325m visibility set against a requirement of 43m)



View along access driveway – Scout Hut and Nursery visible in the background



View of access into the site – photograph taken on the opposing side of Maypole Road

The access road will be widened to 5m to accommodate a two-way flow of traffic. Currently the access is single width.

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**The Trustees of Sir Francis Nethersole Foundation**

**Introduction**

This application is reported to the Board at the request of the two local ward members as they consider that a satisfactory access cannot be provided.

**The Site**

The application site comprises a detached single storey brick and tile building, most recently used as a scout hut, situated to the east of Maypole Road within the village of Warton. The building physically adjoins and is to the rear of the residential property at 22 Maypole Road with an existing access provided from the site onto Maypole Road.

The property occupies a central location within the village with a nursery located immediately to the north-east, at the end of the driveway, and Warton Nethersole Primary School is contiguous with the sites south-eastern boundary. Residential development (Hill Crest Farm Close) is located immediately to the north/north-west.

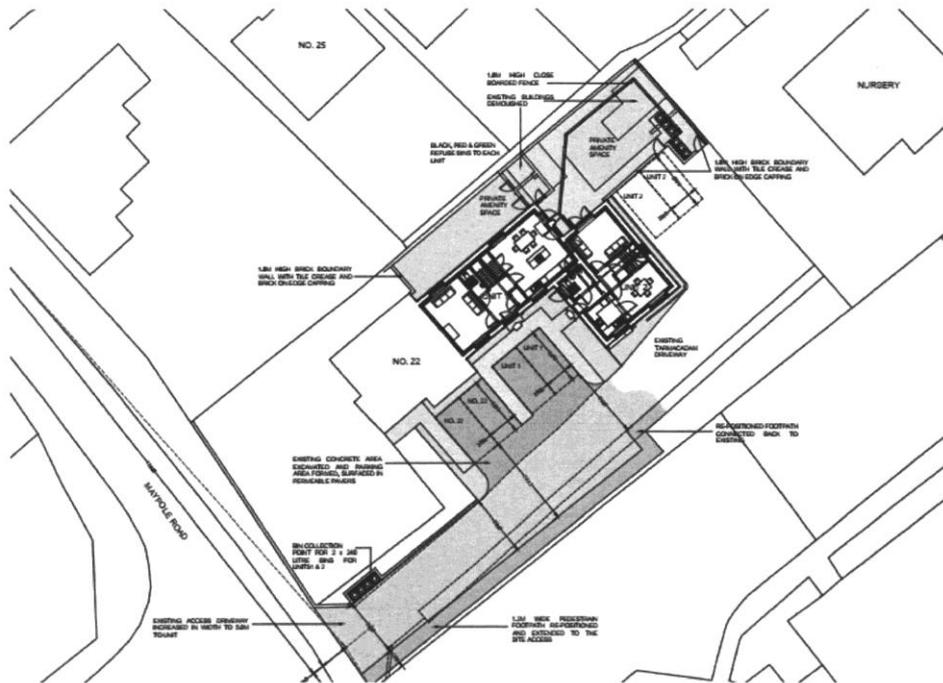
**The Proposal**

Planning permission is sought to convert the former scout hut building into two, two bed dwellinghouses together with the demolition of two small brick outbuildings. Brick walling and boundary fencing would serve as boundary treatments with private amenity space provided for both units at the rear.

Vehicular access would be obtained via an existing private road that serves the Scout Hut and 22 Maypole Road. As part of the proposals, the aisle width within the application site would be increased to 6m to facilitate egress from the site in a forward gear and the access would be widened to 5m for the first 13.2m to allow for a two-way flow of traffic, as required by the Highway Authority. Two parking spaces are to be provided for each unit with two also laid out for 22 Maypole Road.

A bin collection point is proposed adjacent to the highway with pedestrian access provided from the site onto Maypole Road.

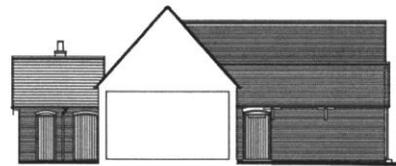
A site plan and elevations are provided below.



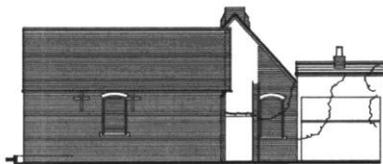
Proposed Site Plan



EXISTING SOUTH-EAST ELEVATION



EXISTING SECTIONAL SOUTH-WEST ELEVATION

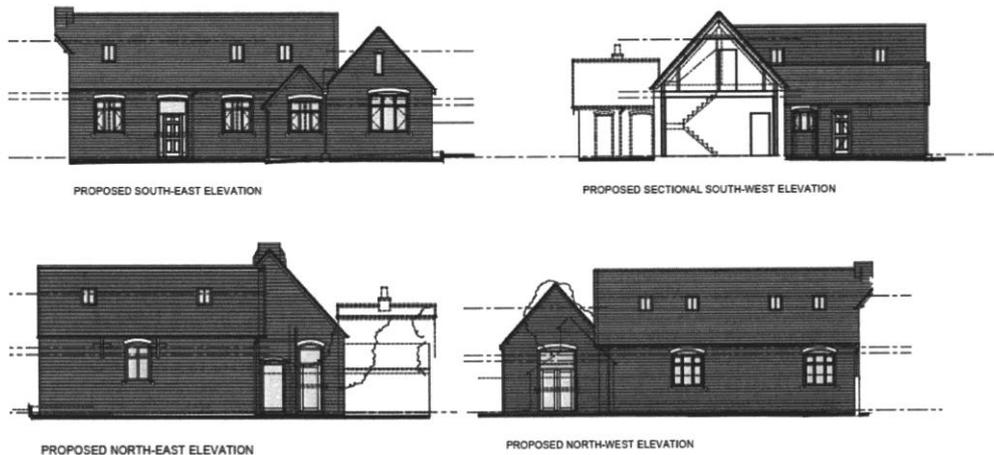


EXISTING NORTH-EAST ELEVATION



EXISTING SECTIONAL NORTH-WEST ELEVATION

Existing Elevations



### Proposed Elevations

#### **Background**

There is no recent planning history for the application site, but the buildings were formerly part of the previous Warton primary school and used most recently as a scout hut. The scout group's use of the premises ceased in 2006. In the interim, the site has been extensively marketed for an array of uses but remains vacant.

#### **Development Plan**

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy); NW10 (Development Considerations); NW12 (Quality of Development); NW13 (Natural Environment), NW14 (Historic Environment), NW15 (Nature Conservation) and NW20 (Services and Facilities)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV12 (Urban Design); ENV13 (Building Design); ENV14 (Access Design); TPT1 (Transport Considerations in New Development) and TPT3 (Access and Sustainable Travel and Transport)

#### **Other Material Planning Considerations**

The National Planning Policy Framework - (the "NPPF")

National Planning Practice Guidance

Natural Environment & Rural Communities Act 2006

Conservation of Habitats and Species Regulations 2017

The Submitted Regulation 19 Local Plan 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP15 (Historic Environment), LP16 (Natural Environment), LP21 (Services and Facilities), LP31 (Development Considerations), LP32 (Built Form) and LP36 (Parking)

Proposed Main Modifications to the Regulation 19 Local Plan 2021 – MM21 (in respect of Policy LP1); MM24 (in respect of LP2), MM60 (in respect of LP15), MM65 (in respect of LP21), MM74 (in respect of LP31), MM75 (in respect of LP32) and MM83 (in respect of LP36)

### **Consultations**

Warwickshire County Council as Highway Authority – Its initial response was to object to the development for the following reasons:

- The development would intensify the use of the existing access at peak times and visibility splays are below standard ('y' distances of 43m and 'x' distances of 2.4 are required)
- Access should be widened to accommodate two-way flows and visibility splays improved
- Occupiers of the nursery may not have parking if the school was sold on
- The bin collection point is 22m from the highway.

The applicant has submitted amended plans in response which:

- Widened the access to five metres so as to enable two-way traffic and
- The bin collection point has been moved forward to the highway.
- A visibility splay to the right of 43 metres can be achieved but that to the left remains at 24 metres.

The Highway Authority's objection in respect of the visibility splay remains.

### **Representations**

One objection has been received citing the following matters:

- Lack of infrastructure in the village to accommodate new housing
- Enough housing in Warton
- Impact on privacy of those within Hill Crest Farm Close and create disruption through building works

## **Observations**

### **a) Principle of Development**

The application site is located within the defined development boundary for Warton. In terms of emerging policy, then LP2 states that in category 1 to 4 settlements – Warton would be a category 4 settlement – in principle, development within development boundaries will be supported.

In addition to the above, emerging policy LP21 (services and facilities) applies here. The policy states that proposals resulting in the loss of an existing service or facility will only be supported if:

- a) an equivalent facility or service is wholly or partially provided elsewhere, in an equally a similar or more accessible location within that settlement;
- b) the land and buildings are shown to be no longer suitable for continued use in terms of their location, design and/or construction or the proposal would represent a net gain or improvement in provision,
- c) it can be demonstrated by evidence that there is no realistic prospect of an alternative service or facility using the site, such as through an appropriate marketing campaign or the internal procedures of the parent organisation; and,
- d) its loss will not harm the vitality of the settlement

Service provision within the settlement of Warton is limited. However, there is other hall/club space within the village. Consequently similar, accessible facilities would remain available if this building was to be converted to an alternative use.

In respect of b) and c) above then the buildings have been vacant since 2006 and evidence has been submitted to show a marketing exercise between November 2016 and February 2019. This yielded little positive interest with potential occupiers put off by the buildings physical condition and the proximity of the site to Warton school and nearby residential premises. Conditions b) and c) are thus considered to be satisfied. Finally, it is not perceived that the loss of a facility that has been vacant since 2006 (and is not recorded on the 2018 Settlement Sustainability Assessment) would harm the vitality of Warton.

Considering the above, the loss of a community facility can be supported here and thus in principle there is no objection to the development.

### **b) Highway Matters**

Saved policy TPT1 states that development is only permissible in situations whereby there is sufficient capacity within the highway network to accommodate the traffic generated and that the proposals would not be hazardous to traffic safety and visibility. Saved policy TPT3 stipulates that development will not be permitted “unless its siting, layout and design makes provision for safe and convenient pedestrian and vehicular access and circulation”.

Core Strategy Policy NW10 (6) requires proposals to provide proper vehicular access, parking, and manoeuvring space for vehicles in accordance with adopted standards. Policy LP31(6) in the emerging Local Plan continues this approach and the Proposed Modification to policy LP31 (MM74) does not change this matter.

Paragraph 109 of the NPPF indicates that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety, or in circumstances where the residual cumulative impacts of the scheme are severe.

The local highway authority originally objected to the development for the reasons outlined earlier in this report. Notwithstanding the receipt of amended plans, the visibility splay to the left of the access cannot be improved without the involvement of third-party land. The issue here is what weight that carries in the context of the site's setting and the "tests" set out in the policy background set out above.

It is accepted that the objection carries weight, but this is not sufficient to lead to a refusal. This is because:

- a) This is not a greenfield site. It is a building with a lawful planning use – that of a scout hut – which has the potential, subject to occupation, to generate vehicle movements to and from the site. Members will be aware that following the recent changes to the Use Classes Order, this lawful use falls into Class F2 (local community uses). As such its occupation as a shop or as a meeting hall would not require the submission of an application. This "fall-back" position is material as these alternative uses could be expected to generate greater traffic movements than the proposed development.
- b) Furthermore, whilst it is acknowledged that left-hand visibility from the access is below standard and that there may be increased movements (vehicular and pedestrian) during peak times, there is unlikely to be an intensification in terms of total vehicle movements and the trip generation from two dwellings would not be significant. This, combined with the provision of acceptable visibility to the right hand side of the access and the improvements made to the existing arrangements (widening of the access into the site and an increased aisle width), would lessen the weight to be given to the visibility to the left.
- c) Finally, without a use the building will deteriorate and fall into dis-repair. Whilst not a heritage asset it in its own right the building has community value in appearance and association. In other words, it is worth retaining.

As indicated above, in order for a planning application to be refused on highways grounds it would need to be demonstrated that there would be an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network arising from the development would be severe. It is not considered that these "tests" are satisfied.

Parking provision for the new units is 200% which meets local plan requirements. Furthermore, in respect of the nursery parking concerns, such parking is provided by the adjacent school, so the arrangements would not be implicated by the proposed development.

On balance therefore it is considered that the proposals would provide for safe, secure access for all users and that the impacts of the development on highway safety would not be severe. The proposal would thus accord with saved 2006 Local Plan policies TPT1 and TPT3, Core Strategy policy NW10 (6), Emerging Local Plan policy LP31(6) and the National Planning Policy Framework 2019.

#### **d) Amenity**

Policy NW10 (9) of the 2014 Core Strategy requires all development proposals to avoid and address *unacceptable* neighbouring amenity impacts (emphasis added), wording which is carried forward into emerging policy LP31(9). Paragraph 127(f) of the NPPF states that planning decisions should ensure that a high standard of amenity is provided for existing and future users.

The proposed use of the building for two dwellinghouses is not considered to give rise to any material amenity impacts in respect of noise (through both vehicle movements and use), pollution and general disturbance over and above its lawful permitted use. Moreover, the site is located within a predominately residential area. In terms of privacy for occupiers within Hill Crest Farm Close, the only openings in the roof space of unit 1 facing Hill Crest Close are small rooflights with the bottom of the windows elevated 1.8m above the finished floor levels.

It is acknowledged that the rear amenity space provision for both units is fairly limited. Notwithstanding, at least 55m<sup>2</sup> of useable space is available for each dwelling and internal space provision meets the Nationally Described Space Standards (NDDS). Therefore, on balance, a reasonable standard of amenity would be provided from the outset. Permitted development rights for new extensions and outbuildings will be removed in order to preserve this outdoor amenity space with rights also removed for new openings to preserve neighbouring privacy.

Referring to the representation received, implications from building operations are not a material planning consideration. Nonetheless, this proposal involves a conversion together with the demolition of two small buildings so the building operations (and the timescale for 'construction') would be much less impactful than that of a new build. Details of construction management are to be secured through condition and the hours of construction, demolition and delivery will be restricted to the usual working hours to minimise disturbance.

#### **e) Ecology**

In respect of ecology, emerging policy LP16 seeks to protect and enhance the natural environment and provide net gains for biodiversity where possible, the latter reflecting the wording of the NPPF at paragraph 170(d).

European Protected Species (such as bats, great crested newts, otters and dormice) receive full protection under Conservation of Habitats and Species Regulations 2017, legislation which transposes the EU Council Directive 92/43/EEC on the conservation of natural habitats of wild fauna and flora (the "Habitats Directive").

A phase 1 Bat Survey has been carried out which confirms that there is no evidence of roosting bats and makes recommendations to improve roosting opportunities in and around the application site. Subject habitat enhancements, the proposal accords to policy LP16 and the NPPF.

**f) Design**

Saved policy ENV12 of the 2006 Local Plan requires development proposals to harmonise with the immediate and wider setting while respecting natural features and policy NW12 of the 2014 Core Strategy seeks for development to positively improve a settlements character and appearance.

The conversion is sympathetic with ground floor apertures largely re-used and small, unobtrusive rooflights inserted into the roofscape. Brick walling is acceptable as a public facing boundary treatment. The final materials are to be provided at a later date.

**g) Further matters raised by representation**

The principle of development is accepted, and the infrastructure stresses created by two new dwellings is not considered to be so significant to warrant a refusal on such grounds.

**h) Conclusion**

Notwithstanding the objection from the local highway authority and the concerns of local members, each application must be considered on its own merits. Drawing on the improvements made to the access and the sites lawful planning use, it is not considered that the highways implications of the development are wholly unacceptable, or that the residual cumulative impacts on the road network would be severe. As such, considering the absence of any other harms, on balance, the development can be supported subject to conditions.

**i) Conditions**

The recommendation below includes the use of pre-commencement condition(s) (this is a condition imposed on a grant of planning which must be complied with before any building or operation comprised in the development is begun or use is begun). The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 provide that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition. In this instance the applicant has given such written permission.

**Recommendation**

That planning permission be granted subject to the following conditions

**Standard 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 2021-04 and 2021-02A received by the Local Planning Authority on 19th November 2020 and the plan numbered 2021-03C, received by the Local Planning Authority on 11th March 2021.

REASON

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

**Pre-commencement conditions**

3. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall provide for:

- Wheel washing facilities;
- Measures to control the emission of dust during construction;
- Noise control during construction in accordance with BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites; and
- 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 surrounding properties

4. No works other than demolition shall take place until a preliminary assessment for contaminated land has been undertaken. If the assessment identifies potential contamination a further detailed investigation shall be carried out and details of remediation measures shall be provided where necessary. All works shall be carried out by a competent person and agreed in writing by the Local Planning Authority prior to commencement of development.

REASON

To protect the health of the public and the environment from hazards arising from previous uses of the site

5. No development shall commence until details of the electric vehicle charging bays, each with an electric vehicle charging point, to be provided in accordance with the Council's standard (Parking Standards SPD) shall be submitted and approved in writing by the local planning authority. The details shall include signs and bay markings indicating that bays will be used for parking of electric vehicles only whilst being charged. Prior to first occupation the electric charging points and bays shall be installed in accordance with the approved details and shall thereafter be maintained for the life of the development. The frequency of the charging points should match the number of dwellings

REASON

In the interests of facilitating sustainable travel and reducing air pollution

**Pre-occupation conditions**

6. Prior to the first occupation of either dwelling, the driveway shall be widened and improved in accordance with the drawing 2021-03C.

REASON

In the interests of safety on the public highway.

7. Prior to the first occupation of either dwelling, the bat roost enhancement recommendations at section 5 of the Ridgeway Ecology Bat Survey, dated 5<sup>th</sup> August 2020, shall be implemented. The features shall be implemented so that physical measures are incorporated before the first occupation of each respective dwelling and thereafter retained and maintained in situ.

REASON

In the interests of nature conservation, thus achieving sustainable development objectives set out in the National Planning Policy Framework.

8. Prior to the first occupation of either dwelling, the parking and manoeuvring area shall be laid out in accordance with the approved plan(s), and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, such space shall be maintained throughout the life of the development free of any impediment to its designated use.

REASON

In the interests of highway safety

9. Prior to occupation of the dwelling(s) hereby approved a bin storage facility capable of holding a minimum of 3 x 240 litre wheeled bins shall be provided within the curtilage of each dwelling. The storage facility shall remain permanently available for that purpose at all times thereafter.

**REASON**

To enable effective storage and disposal of household waste and in the interests of the amenity of the area.

**Other conditions**

10. Except in an emergency, no demolition, site clearance, construction, site works or fitting out shall take place other than between 08:00 hours and 18:00 hours Mondays to Fridays, and between 08:00 hours and 13:00 hours on Saturdays. There shall be no such activities whatsoever on Sundays, public holidays and bank holidays

**REASON**

To safeguard the amenities of nearby occupiers

11. In the event that contamination is found under condition 4, at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**REASON**

To protect the health of the public and the environment from hazards arising from previous uses of the site

12. Where remediation works have been carried out in pursuance with the conditions 4 and 11, a post remediation verification report shall be submitted in writing to and approved by the Local Planning Authority before the development is first occupied.

**REASON**

To protect the health of the public and the environment from hazards arising from previous uses of the site

13. Notwithstanding the submitted plans, prior to their incorporation into the building and development site, specifications of facing bricks, roof tiles, windows, doors and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved facing materials.

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REASON

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

14. No additional windows or door openings in all elevations and roof planes shall be made, other than as shown on the plans hereby approved, nor shall any approved windows or doors be altered or modified in any manner.

REASON

To protect the privacy of the occupiers of adjoining properties.

15. No development whatsoever within Class A, B, C and E of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.

REASON

In the interests of preserving the amenity of neighbouring occupiers, preventing over-intensive development and to ensure an appropriate amount of external amenity space is provided having regard to the plot size.

16. Any gas boilers provided must meet a dry NO<sub>x</sub> emission concentration rate of <40mg/kWh. The specification of the gas boiler(s) shall be submitted to and approved in writing by the Local Planning Authority before they are fitted and the approved specification shall be implemented prior to the first occupation of the development.

REASON

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.

**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.

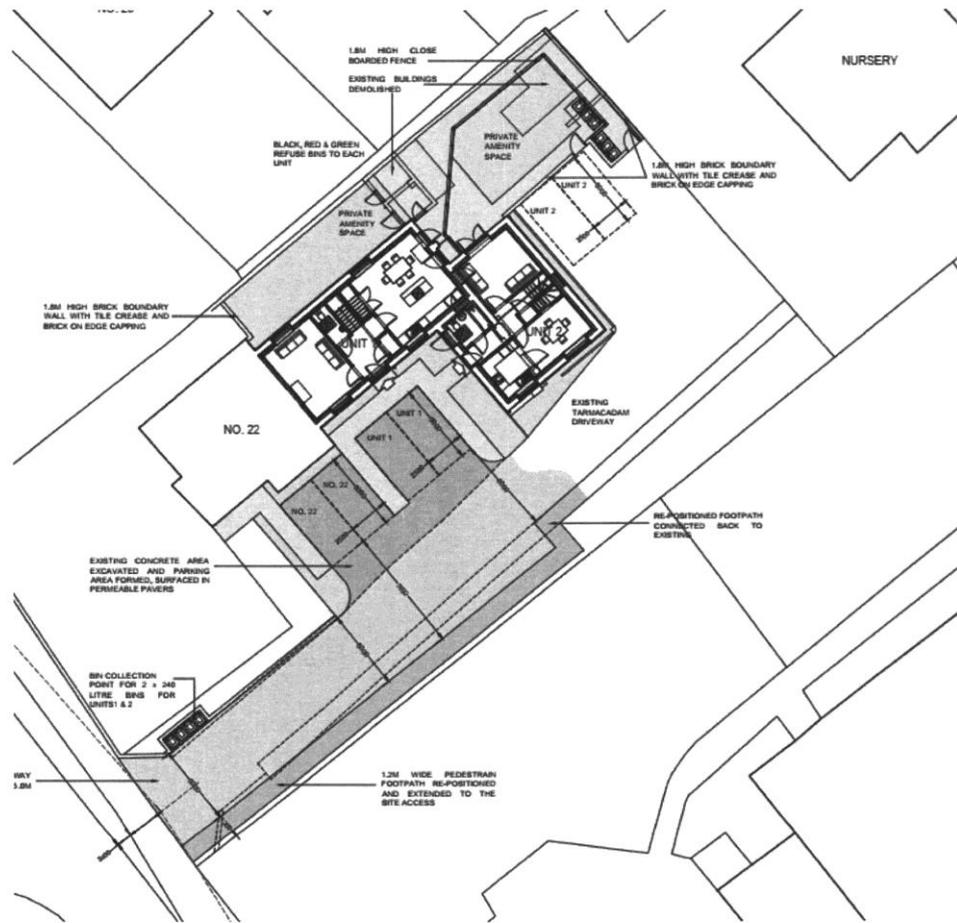
2. The proposed works may require building regulations consent in addition to planning permission. Building Control services in North Warwickshire are delivered in partnership with Nuneaton and Bedworth Borough Council. For further information please see:  
[https://www.nuneatonandbedworth.gov.uk/info/20025/planning\\_and\\_building\\_control](https://www.nuneatonandbedworth.gov.uk/info/20025/planning_and_building_control) and :  
[https://www.planningportal.co.uk/info/200187/your\\_responsibilities/38/building\\_regulations](https://www.planningportal.co.uk/info/200187/your_responsibilities/38/building_regulations); guidance is also available in the publication 'Building work, replacements and repairs to your home' available free to download from <https://www.gov.uk/government/publications/building-work-replacements-and-repairs-to-your-home>
3. 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](mailto:plantprotection@cadentgas.com) prior to carrying out work, or call 0800 688 588.
4. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £116.

Although the Local Planning Authority will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows a period of 8 weeks, and therefore this timescale should be borne in kind when programming development.

5. Prior to the occupation of the approved dwelling(s), please contact our Street Name & Numbering officer to discuss the allocation of a new address on 01827 719277/719477 or via email to [SNN@northwarks.gov.uk](mailto:SNN@northwarks.gov.uk).  
For further information visit the following details on our website:  
[https://www.northwarks.gov.uk/info/20030/street\\_naming\\_and\\_numbering/1235/street\\_naming\\_and\\_numbering\\_information](https://www.northwarks.gov.uk/info/20030/street_naming_and_numbering/1235/street_naming_and_numbering_information)
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 at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

7. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.



Proposed Site Layout

## **General Development Applications**

**(5/h) Application No: PAP/2019/0705**

**Land West of, Old Holly Lane, Atherstone,**

**Erection of a multi-storey car park providing 485 vehicular spaces, and stopping up a section of Whittington Lane with a diverted private road introduced to retain two access and egress points for residents of the neighbouring farm and two residential dwellings to the West of the site. The development will constitute a change of use from existing agricultural use to vehicular parking to serve the existing B1 (a) office development, for**

**Aldi Stores Limited**

**Aldi Stores Ltd**

### **1. Introduction**

1.1 This application is reported to the Board in light of the need for an associated Section 106 Agreement.

### **The Site**

2.1 This is an area of 3.8 hectares of agricultural land on the north side of Whittington Lane and some way west of Old Holly Lane to the north of the Aldi Warehouse and Office Centre on the Abeles Way/Rowland Way estate to the north-west of the Atherstone Town Centre. The eastern part of the site is currently occupied by a series of portacabins and the remnants of a construction compound associated with other property development that has recently taken place on the main Aldi site to the south. That included new office buildings and a multi-storey car park in the north-eastern corner, opposite the site of the current proposal. The remainder of the application site is vacant. There is agricultural land to the north and immediately to the east. The Durno's Nursery site is still further to the east on the other side of Old Holly Lane with a recently completed residential area off Rowland Way. Further to the west is a small group of buildings at Whittington. This comprises Whitley Farm House which is Grade 2 Listed building with its associated outbuildings, together with a further farmhouse and two residential dwellings. A water course – the Merevale Brook – crosses the centre of the site falling in a northerly direction discharging into the River Anker to the north. Whittington Lane continues from Old Holly Lane, past the buildings referred to so as to exit onto the A5.

2.2 The highest ground levels here are at the junction of Old Holly Lane with Whittington Lane, but these are outside of and to the east of the site. The Brook is at the lowest level on the site and the car park would be between the Brook and the higher land to the east – immediately to the east of the retained portacabins. The land falls to the north and to the north-west.

2.3 Appendix A illustrates the general location of the site

### 3. The Proposals

3.1 This is described in the application description set out in the header above. It is essentially for a 485 space multi-storey car park to be located at the eastern end of the site which has recently been used as a temporary construction compound for extension works on the main Aldi premises immediately to the south.

3.2 The applicant refers to a planning permission dated December 2019 which has been granted for the redevelopment of land to the south-east of the main Aldi site and to the south of Rowland Way. This involved new office and warehousing, as well as a multi storey car park accommodating 596 spaces and surface car parking for 185 spaces. The applicant has indicated that he does not propose to construct the office space here at this time, as the forecast staff numbers can now be accommodated on the main site. This follows a number of permissions here for additional office accommodation and experience from staff increasingly “working-from-home”. As a consequence, the current car parking proposal would be for these members of staff. The applicant has made it clear that this proposal is thus a replacement for the multi-storey car park that was granted planning permission in late 2019, off Rowland Way as referred to above. He agrees that a Section 106 Agreement is necessary in which he obligates not to implement the approved car park in the event that planning permission is granted for the new one, off Whittington Lane.

3.3 The proposed layout is at Appendix B.

3.4 Various measures have been taken to reduce the scale of the car park by using the changes in the existing ground levels. The eastern part of the site is the highest ground here. The measures include offsetting the different storeys so that they are stepped into two blocks rather than “stacked”; having the highest most levels cut within the highest ground levels at the eastern end of the site and having no cladding in certain parts of the structure so that the perception of its mass is reduced and using different cladding materials.

3.5 A series of sections have been submitted in order to illustrate the resulting development in its setting – see Appendix C.

3.6 Access into the car park would be from level 4 – with levels 1 to 3 below access/ground level and levels 5 to 8 above. As part of the proposal, that length of Whittington Lane between its access onto Old Holly Lane and just beyond the extent of the buildings at Whitley Farm at its western end would be “stopped -up” and taken into the Aldi site as a pedestrian way with the hedgerows retained. This is a length of some 400 metres. The lane would then be diverted around the western, northern and eastern side of the application site emerging via a new junction onto Old Holly Lane 70 metres to the south of its existing junction. This diversion would be a gated private road with access rights solely for Whitley Farm and the other two dwellings at Whittington. Vehicular access into the car park would be from this re-aligned length of new road at its closest to the new junction. The Lane would continue to its junction with the A5. Access into the car park could also be obtained from the Aldi premises itself. Pedestrian access would be directly from the car park onto the Aldi site. The extent of the closure of the Lane can be seen at Appendix D.

3.7 A landscaped bund would be added and the northern side of the application site. A surface water drainage pond would also be provided here.

3.8 The car park would be lit. The southern, western and eastern sides of the car park would have ten columns of 6 metres in height lighting the access and the perimeter. These would be illuminated only when ambient light levels fall. Inside the car park, lighting at all levels would be triggered by presence “detectors”.

3.9 The application is accompanied by a number of supporting documents.

3.10 An Archaeological Assessment concludes that the potential for prehistoric and Roman remains is low but that the western half of the site would yield records of the former Medieval village of Whittington as well as post medieval changes. Further evaluation is thus recommended prior to development commencing. Whitley farm-house and its outbuildings are to the west. Whilst there would be no direct impact on these buildings, the Assessment concludes that the proposal would cause less than substantial harm to their setting.

3.11 The Ecological Impact Assessment concludes that there would be an overall bio-diversity gain given the site of the car park has recently been used as a site compound together with the enhancements that are being proposed – the habitat creation adjacent to the new access driveway and throughout the site; a new surface water drainage pond and the introduction of a wild flower meadow over the open western end of the site together with additional tree planting.

3.12 The Flood Risk Assessment says that the majority of the site is in Flood Zone 1 but that Zones 2 and 3 do encroach into the site along the line of the Merevale Brook. The car park is not in either of these Zones. As the proposed development is not in a “sensitive” or “vulnerable” category, there is considered not to be a risk from fluvial flooding even with the proposed lowest floor levels of the structure. The proposed surface water drainage strategy is to discharge to the Brook via on off-line attenuation pond to the north of the car park. Its volume and design will need to be agreed to avoid excess discharge rates into the Brook.

3.13 A Transport Assessment concludes that there would not be additional capacity issues on the highway network as the car park being proposed is a re-location of the permitted car park off Rowland Way. The access arrangements and engineering layout for the proposals and the new re-aligned Whittington Lane all meet appropriate highway standards.

3.14 A Lighting Assessment points out that the lighting scheme would be designed to meet the standards of Zone E2 in the recognised Light Classification categories, namely “village or relatively dark outer suburban locations”.

3.15 A Design and Access Statement provides a more detailed analysis as to how the design of the car park has been arrived at.

3.16 A Planning Statement puts all of these considerations into a planning context with reference to the NPPF and to the Development Plan.

## **4. Background**

4.1 Members will be aware that there have been a number of permissions granted for office extensions on the main Aldi site to the south, including a multi-storey car park on the opposite side of Whittington Lane.

4.2 The permission for the redevelopment off Rowland Way and referred to above is referenced PAP/2018/0159.

4.3 The Council has resolved to grant a detailed planning permission for the residential redevelopment of the Durno's Nursery site mentioned above with 121 houses, as well to grant an outline approval for 620 houses either side of Old Holly Lane running from the northern boundary of the current application site northwards and from the northern boundary of the Nursery site to the River Anker.

4.4 The Draft Local Plan for North Warwickshire was submitted to the Secretary of State in March 2018. Its Examination has concluded and the Council has now proposed Main Modifications, which have been published for consultation purposes. The final report of from the Inspector is still awaited. The Plan allocates land to the north and west of the current application site for 1800 houses (including the house numbers referred to in the paragraph above). The allocations are known as H1 and H2. Both are illustrated at Appendix E. The two resolutions referred to in the paragraph above cover site H1 on Appendix E.

4.5 The site is presently outside of the settlement boundary as defined for Atherstone within the Development Plan. It can be seen from Appendix E that land to the north of Whittington Lane is excluded from sites H1 and H2 referred to above. This is the current application site.

## **5. Consultations**

5.1 The following consultation responses have been received.

Warwickshire County Council (Rights of Way) – No objection

Warwickshire County Council as Lead Local Flood Authority – No objection subject to conditions

Severn Trent Water Ltd – No objection

Environment Agency – No objection subject to conditions

Network Rail – No objections

County Planning Archaeologist – No objection subject to conditions

Environmental Health Officer – No objection subject to conditions

Highways England – No objection subject to conditions

Warwickshire County Council as Highway Authority – It originally objected but since the receipt of the application there has been substantial engagement with the applicant. This has resulted in no there being objection in principle, but subject to conditions yet to be agreed and technical approval for the Stopping-Up process.

## **6. Representations**

6.1 One representation has been received offering support for the scheme but expressing concerns about additional traffic particularly at the Holly Lane, Sheepy Road junction.

## **7. Development Plan**

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW17 (Economic Regeneration) and NW18 (Atherstone)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV13 (Building Design) and ENV14 (Access Design)

## **8. Other Material Planning Considerations**

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

The Emerging North Warwickshire Local Plan 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP11(Economic Regeneration), LP12 (Employment Areas), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP31 (Development Considerations), LP32 (Built Form) LP35 (Water Management) and LP39 (Housing Allocations)

Proposed Main Modifications to the Submitted Plan 2021 – MM21 (in respect of LP1); MM24 (in respect of LP2), MM55 (in respect of LP11), MM59 (in respect of LP14), MM60 (in respect of LP15), MM 61 (in respect of LP16), MM74 (in respect of LP31), MM75 (in respect of LP32), MM82 (in respect of LP35) and MM87(in respect of LP39)  
The Daw Mill Appeal Decision – APP/R3705/W/16/3149827 dated 21/3/18

## **9. Observations**

### **a) Introduction**

9.1 The application is to be determined against the policies of the Development Plan. The Core Strategy is one part of that Plan and it is currently under review. The Council has published proposed Main Modifications to the draft policies which were originally submitted to the Secretary of State in 2018. A period of consultation on these proposed Modifications expired in mid-April 2021. The Inspector’s final report is still awaited. The Modifications however do carry greater weight than the policies in the Submitted Plan, as they follow on from the Examination in Public into that Submitted Plan. They do not however carry full weight as the outcome from the Inspector’s report is still awaited. They may however amount to a change in the planning considerations affecting a proposal, should they be materially different to the policies in the Core Strategy. Where there have been no representations or to the proposed main

modifications, these policies may now carry significant weight. The weight to be given to the relevant policies in respect of the current application will be dealt with in this report.

9.2 This site is outside of the Atherstone settlement boundary as defined by the Development Plan, but it does adjoin it. Policy NW2 of the Core Strategy defines a settlement hierarchy to guide the location of new development. In respect of Atherstone – a Category One settlement – it says that development for employment, housing, services and other facilities will be permitted within the settlement boundary or adjacent to that boundary. Additionally, Policy NW18 specifically identifies the broad area to the north of the town as being the direction for its future growth beyond the current development boundary. Members will also be aware that following the Daw Mill appeal decision, those settlement boundaries are “out-of-date”. In these circumstances the NPPF says that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole. It is also of weight that the application site is surrounded by land allocated for residential development or where such development is to be implemented by virtue of the content of the new Emerging Local Plan – policy LP39 of that Plan. It is noteworthy that those allocations exclude the application site. It is in all of these circumstances therefore that the application is supported in principle.

9.3 Proposed Modification MM24 relates to Emerging Local Plan policy LP2 and in turn to Core Strategy policy NW2. The modification indicates that development directly adjacent to settlement boundaries such as at Atherstone, may be acceptable if amongst other things, it would be compliant with planning policies in the emerging Plan as well as national planning policy. The principle of the housing allocations set out in policy LP39 of the emerging plan as referred to in para 4.4 above is not proposed for change in the Proposed Modifications – MM87. As a consequence, the proposed modifications would not alter the overall conclusion in para 9.2 above but would indeed add more weight to it.

9.4 The key issue is thus as outlined by the NPPF – are there significant and demonstrable harms caused. Several potential harms will need to be considered.

## **b) Highway Issues**

9.5 It is of significant weight that neither Highways England nor the County Council as Highway Authority object in principle. This is because the proposal is in short, a replacement car park for one already approved and thus there would be no additional traffic generated from the proposal on the local highway network. It neither materially affects the distribution of how the traffic associated with that approved car park would be routed. Traffic would still be coming to the main Aldi premises either along Abeles Way, Rowland Way or Old Holly Lane. This is because the new length of road would be a private gated length of highway. Highways England still requires the improvements to the A5 roundabout as were approved under the former scheme and this is again conditioned in the recommendation below.

9.6 The County Council is responsible for the new access arrangements into the car park; the new junction onto Old Holly Lane and in respect of the “stopping-up” of part of Whittington Lane. The final response from the County Council is still awaited but pre-commencement conditions are recommended below. The reference points in these conditions are attached at Appendix F.

9.7 Proposed MM74 relates to Submitted Plan policy LP31. There is nothing in this Modification to warrant reconsideration of the above.

### **c) Heritage Issues**

9.8 The applicant's archaeological assessment has been reviewed by the County Archaeologist against the historic records held at the County Council and it can be seen from his consultation response that there is no objection subject to on-site evaluation, which can be undertaken prior to any approved development taking place.

9.9 There is Grade 2 Listed Building – Whitley Farmhouse and its attached outbuildings - some 300 metres to the west of the actual edge of the proposed car park and 70 metres from the route of the re-aligned Lane. The Council is under a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In order to undertake this duty, the Board should understand the significance of the asset such that it can then assess the development's impact against that understanding. In this case the significance of the asset is that it represents an agricultural range of buildings dating from the 18<sup>th</sup> Century retaining architectural detail of that period together with its layout; its linkages to its own outbuildings, the neighbouring later buildings and the line of Whittington Lane. Its setting is that of a small agricultural settlement enhanced by the lack of other buildings; the grouping and the open views of these across agricultural land, but less so from the south because of the Aldi premises.

9.10 There would be no direct impact on the architectural or historic characteristics of the building itself. The main impact is the effect on its setting. The setting would be affected because of the introduction of the new modern structure to the east and some loss of views particularly from Old Holly Lane. These impacts can be mitigated through extensive new planting around the perimeter of the site along the line of the new lane and in the vicinity of the car park itself. However, the impact cannot be wholly mitigated because the car park would sit on higher ground. It is in these circumstances that it is considered that the impact on the setting of the asset would be "less than substantial" in the terms of the NPPF, rather than there being no impact at all. However, given the changes that are going to occur within the setting of the heritage asset over time as explained in the background section above, the harm caused would be at the "lower" end of less than substantial. Nevertheless, the NPPF requires that this is still given significant weight in the final planning balance.

9.11 Proposed Main Modification MM60 relates to Policy LP15 of the Emerging Plan. There is nothing in that Modification which would lead to alteration in the conclusion reached above.

### **d) Drainage Issues**

9.12 It is of substantial weight that the three relevant drainage Authorities do not object to the proposal subject to conditions relating to the minimum floor levels of the car park being as depicted on the plans and to further details being agreed to confirm the design, volume and discharge rate from the proposed new attenuation pond.

9.13 Proposed Main Modification MM82 which relates to flood and water management, would not lead to the need to review this overall conclusion

## **e) Ecology Issues**

9.14 The ecological value of the application site is moderate and this has been worsened because of the presence of the site compound on the eastern half of the site. The most valuable bio-diversity areas are the Merevale Brook and its banks, together with the hedgerows alongside the Lane. The proposals do not affect the Brook itself, but they do include enhancements to its banks and the provision of wild-flower meadow planting over that part of the site not included in the construction of the car park. The Lane hedgerows too will be retained along the stretches that are to remain, supplemented by new planting either side of the new route. Additional landscaping around the perimeter of the car park and its new access road will also increase the overall value of the site. It is not considered in these circumstances that the proposal would be harmful.

9.15 Proposed Main Modification MM53 which relates to the natural environment would not lead to the need to review this overall conclusion.

## **f) Landscape and Visual Issues**

9.16 There will be both a visual and landscape impact here as the proposed car park will stand proud of the existing ground levels already being almost the highest in the immediate and surrounding setting. Additionally, the built form would be entirely regular and rectangular. Even with the design principles set out in the Design and Access Statement and repeated above, together with enhanced landscaping and agreement on the colours of the cladding to be applied, the proposal will have an adverse visual and landscape impact. It is considered that even with these mitigation measures the level of harm will be moderate because the impact will be wider than local due to the wide ranging visibility of the building from the north and from the west and it not being wholly seen against a built background.

9.17 However, this assessment is made in respect of the current character and appearance of the site's setting. The Board will have seen the references in the background section above, to the changing circumstances for this side of Atherstone – the resolution to grant residential development over site H1 and the proposed extension over H2 as allocated in the Emerging Local Plan. The resolutions on H1 carry substantial weight and with there being no Main Modification proposed for H2, its allocation will also carry significant weight. The potential landscape and visual impact of the car park will change in this new wholly residential landscape. As a consequence, the harm in these circumstances is considered to be limited.

9.18 Proposed Main Modification MM59 which relates to landscape matters would not lead to the need to review this conclusion.

## **g) Amenity Issues**

9.19 The greatest impact of the proposal on the residential amenity of neighbouring residents will be from the lighting of the car park. There is no immediate neighbouring property and the closest properties are in the small collection of buildings at Whittington and the house at Durnos's Nursery. These are all some distance away as are a scattering of residential properties further afield to the north along the Sheepy Road at Pinwall. To some degree occupiers of these houses are already aware of the lighting at

the main Aldi site and thus the impact of additional lighting will have a limited affect. The proposals include a lighting specification to meet the standards of a “village and relatively dark outer suburban” setting. It is agreed that this is the appropriate setting to work to and thus in the event of a planning permission this can be conditioned. The impact of the lighting is thus considered to be limited in both scale and scope in respect of the current situation.

9.20 As indicated previously the character and appearance of this area to the north-west of Atherstone is to change significantly and thus street and domestic lighting will be dominant. The car park lighting would thus be relatively insignificant in this setting – even to the occupiers of these new houses.

9.21 Proposed Main Modifications MM74 and MM75 which relate to development considerations and built form, would not lead to a review of this conclusion.

#### **h) The Harms**

9.22 Bringing these harms together, then it can be seen that there is the less than substantial heritage harm but which still does carry significant weight; the moderate landscape and visual harm reducing to limited harm over time and the limited harm to residential amenity.

### **10. The Final Planning Balance**

10.1 The issue for the Board is thus whether the cumulative harm identified above is significant and demonstrable to warrant outweighing the presumption to grant planning permission when assessed against the NPPF as a whole.

10.2 The applicant draws attention to several considerations. However, in summary these can be set out that he sees the development as one that facilitates the future expansion of Aldi being one of the most important national and international companies in the Borough as well continuing the regeneration of Atherstone through improved employment choice and opportunity. In these respects, the proposal does accord with several of the objectives of the NPPF – supporting economic growth and productivity, promoting sustainable development by providing economic and social benefits. This would all align in principle with Development Plan policies in supporting the continued regeneration of Atherstone – Policies NW17 and 18 of the Core Strategy. Proposed Modification MM55 in respect of Emerging policy LP11 says that proposals for new employment development outside of development boundaries will need to be considered against policies LP1 and LP2 as proposed to be modified under MM21 and 24. This has been considered above under paras 9.2 and 9.3 above where the principle of this proposal is supported. Modification MM55 also requires retention of rural character, appearance and openness of the countryside. As indicated above in para 9.17 above, the whole of the land surrounding this site is allocated for significant housing development over the life of the Emerging Plan period. This would thus limit the weight that can be attached to MM55.

10.3 The Council has already recognised the principle of enabling the future growth of this particular enterprise both on-site and more recently off Rowland Way. This current application is for the re-location of an already approved car park to a different location. This new site is acknowledged as being acceptable in principle under the Development Plan as well as in the emerging Local Plan. It is also one that gives rise to limited

cumulative harm. Although the heritage issues here carry significant weight it is considered that this is outweighed as the actual heritage harm is less than substantial; there is to be mitigation put in place and significantly, the whole setting of this asset is to be materially altered through new development promoted in the emerging Local Plan. In terms of the NPPF, it is considered that there are public benefits here which outweigh this heritage harm. These are the further enablement of employment generation supporting a substantial employer and national business to continue to grow within the town and a reduction in the reliance on on-site car parking. Additionally the proposal meets several of the objectives of the emerging local plan.

10.4 Subject to a Section 106 Agreement securing the exchange of the approved car park for the one proposed here, the application can be supported.

### **Recommendation**

That subject to the completion of a Section 106 Agreement as set out in this report; the following conditions together with others as may be recommended by the County Council, planning permission be GRANTED

1. Standard three year condition

#### **Defining Conditions**

2. Standard plan numbers – A13A75/P0001; 0002B, 0003A, 0004B, 010, 100, 203 and 204; plan numbers 19166/010, SU001 and SK191121.1, P19/2704/04, 05, B3549/P105/ROAD together with plan number 17067/011K.
3. The finished floor levels of the multi-storey car park shall be set no lower than the levels set out in Section 5.1 of Revision C of the Flood Risk Assessment dated 31 January 2020 carried out by Craddy's.

#### **REASON**

In the interests of reducing the risk of flooding.

4. The private access road and associated culvert crossing of the Merevale Brook shall be implemented as set out in Section 3.3 of Revision C of the Flood Risk Assessment dated 31 January 2020 carried out by Craddys.

#### **REASON**

In the interests of reducing the risk of flooding.

#### **Pre-Commencement Conditions**

- 5) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has first been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be installed on site.

#### **REASON**

In the interests of reducing the risk of flooding

6 No development shall commence on site until a Construction Management Plan has first been submitted to and approved in writing by the Local Planning Authority. The construction shall proceed in accordance with the approved Plan for the whole of the construction period. The Plan shall include details of wheel washing facilities; hours of construction and deliveries including HGV routing, measures to control the emission of dust, noise and vibration control and details of the contact for any local concerns about construction activity.

#### REASON

In the interests of the amenities of the area and highway safety as well as reducing the risk of pollution

7. No development shall commence on site until details of the provision of Electric Vehicle charging points within the car park have first been submitted to and approved in writing by the Local Planning Authority. The approved provision shall then be installed prior to the use of the car park and these shall be retained at all times

#### REASON

In the interests of sustainable development.

8. No development shall commence on site until:

- a) a Written Scheme of Investigation for a programme of archaeological evaluation of the site has first been submitted to and approved in writing by the Local Planning Authority and
- b) the programme as approved has been undertaken, and the associated post-excavation analysis and report together with details of archive deposition have all been submitted to the Local Planning Authority.
- c) An Archaeological Mitigation Strategy informed by the post-excavation analysis has been submitted to and approved in writing by the Local Planning Authority.

The development shall only proceed on approval of that Strategy by the Local Planning Authority and only then, in full accordance with its provisions.

#### REASON

In view of the heritage interest of the site.

9 No development shall commence on site until full details of all of the facing materials and cladding to be used in the construction of the car park have first been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used on site.

REASON

In the interests of the visual amenities of the area

10) No development shall commence on site until full details and specifications of the lighting scheme to be installed have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be installed on site.

REASON

In the interests of the visual amenities of the area.

11 No development shall commence on site until full details of the proposed alterations to the A5/B4116/Holly Lane roundabout as generally illustrated in drawing 17067/011K or as amended by Road Safety Audit or Detailed Design, have first been submitted to approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site

REASON

In the interests of highway safety and to ensure that the A5 continues to retain its purpose as part of the Strategic Road Network

12 No development shall commence on site until an Ecological Maintenance Plan has first been submitted to and approved in writing by the Local Planning Authority. It shall include:

- a) Measures for the protection and retention of existing trees and hedgerows;
- b) Descriptions and evaluation of the features to be managed,
- c) The aims and objectives of management,
- d) Appropriate options for achieving these objectives,
- e) A Works schedule including an annual work plan capable of being rolled forward every five years,
- f) Details of the body or organisation responsible for the management, monitoring and remedial actions set out in the Plan.

REASON

In the interests of protecting the bio-diversity interests of the site.

13 No development shall commence on any part of the development hereby approved until such time as all of the following details have first been submitted to and approved in writing by the Local Planning Authority.

- a) Full construction details of the whole of the new private road from its junction with Old Holly Lane at point A on the attached plan and Whittington Lane at point B on the same plan.
- b) Full details of the works to be undertaken to permanently close the junction of Whittington Lane with Old Holly and to re-instate the highway boundary at point C on the attached plan
- c) Full details of the works to be undertaken to improve the length of Old Holly Lane between points D and E on the attached plan.

REASON

In the interests of highway safety

### **Pre-Occupation Conditions**

14 There shall be no use of the development hereby approved until a detailed maintenance plan for the surface water drainage systems as approved under condition (5) above, has first been submitted to and approved in writing by the Local Planning Authority. The approved systems shall then be maintained in accordance with the approved Plan for the lifetime of the development.

REASON

In the interests of reducing the risks of flooding and pollution.

15 There shall be no use of the development hereby approved until the whole of the details approved under condition (11) above have been fully implemented to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety and to ensure that the A5 continues to retain its purpose as part of the Strategic Road Network

16 There shall be no use of the development hereby approved until all of the works identified in points (a) to (c) in condition (13), have been fully completed to the written satisfaction of the Local Planning Authority”

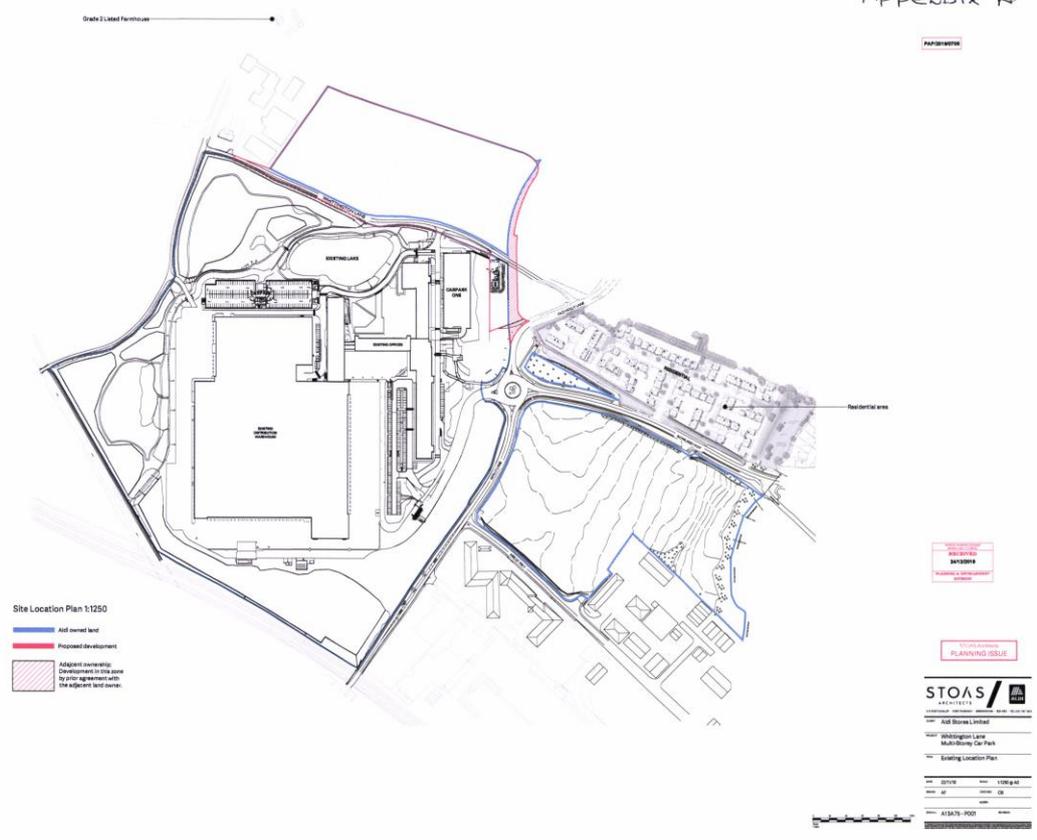
REASON

In the interests of highway safety

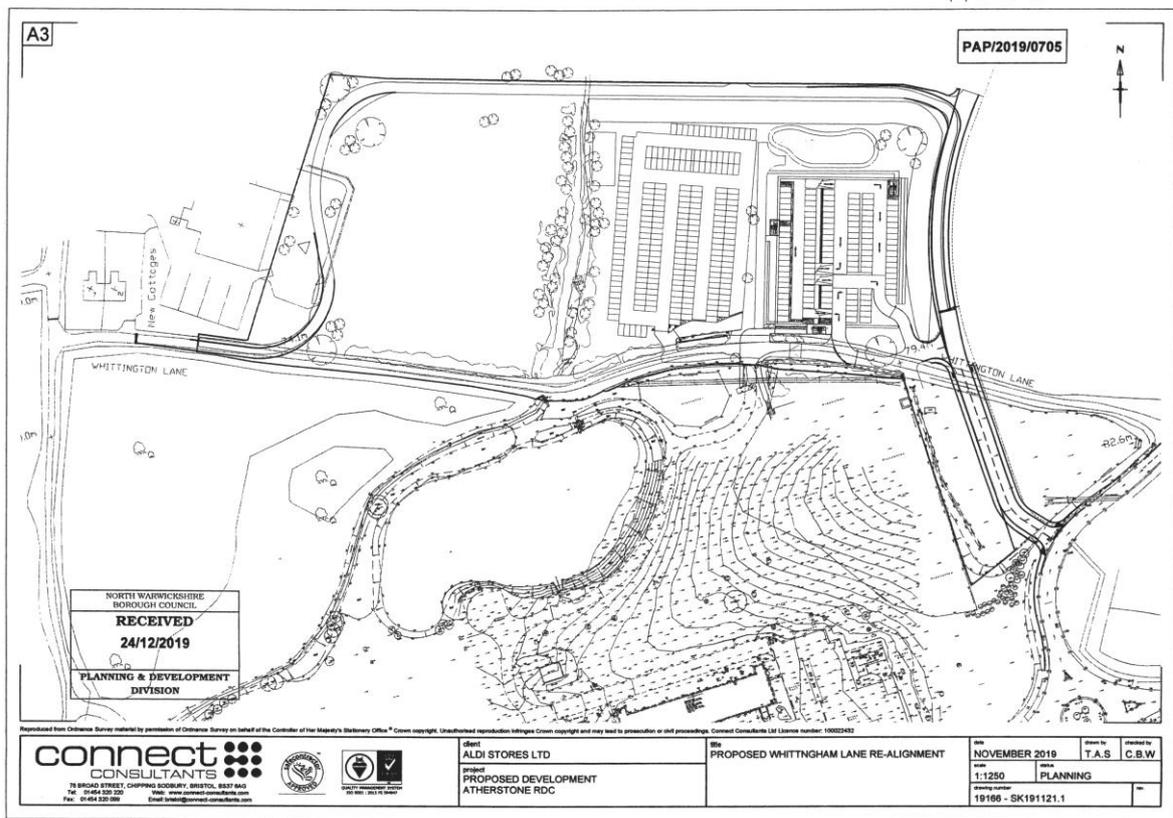
## Notes:

- a) The Local Planning Authority has met the requirements of the NPPF in this case through resolving technical issues that have arisen as a consequence of consultation responses in order to arrive at a positive outcome.
- b) Attention is drawn to condition (4) in that the specification for the design and construction of the culvert shall be agreed with the Lead Local Flood Authority.
- c) Severn Trent Water advise that there may be public sewers in the vicinity of the application site. These have statutory protection and may not be built over, close to or diverted without the appropriate consent from Severn Trent Water Ltd.
- d) The scheme to be submitted under Condition (5) shall be informed by infiltration testing results as carried out in accordance with BRE Digest 365 Soakaway Guidance in order to demonstrate suitability for a sustainable drainage scheme; compliance with CIRIA C753 – The “SUDS” Manual, evidence that the discharge rate generated by rainfall events has been limited to the QBAR discharge rate, detailed design plans and calculations over a range return periods and storm durations, agreement if appropriate by the Agency or Authority responsible for the receipt of the site’s surface water discharge, appropriate allowances for exceedance flows and associated overland flow routing.
- e) Condition (6) should pay regard to BS 5228-1:2009 plus A1: 2014
- f) Condition (10) shall be advised by the specifications set out for Zone E2 in the Institute of Lighting Engineers guidance
- g) Attention is drawn in respect to condition (11) to the design requirements and procedures set out in the Design Manual for Roads and Bridges as required by Highways England, including those relating to Road Safety Audits; Walking, Cycling and Horse Riding Assessments and Review.
- h) Standard Radon Informative
- i) Standard Coal Mining Informative
- j) Attention is drawn to Sections 149, 151, 163 and 278 of the Highways Act 1980; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice

APPENDIX A

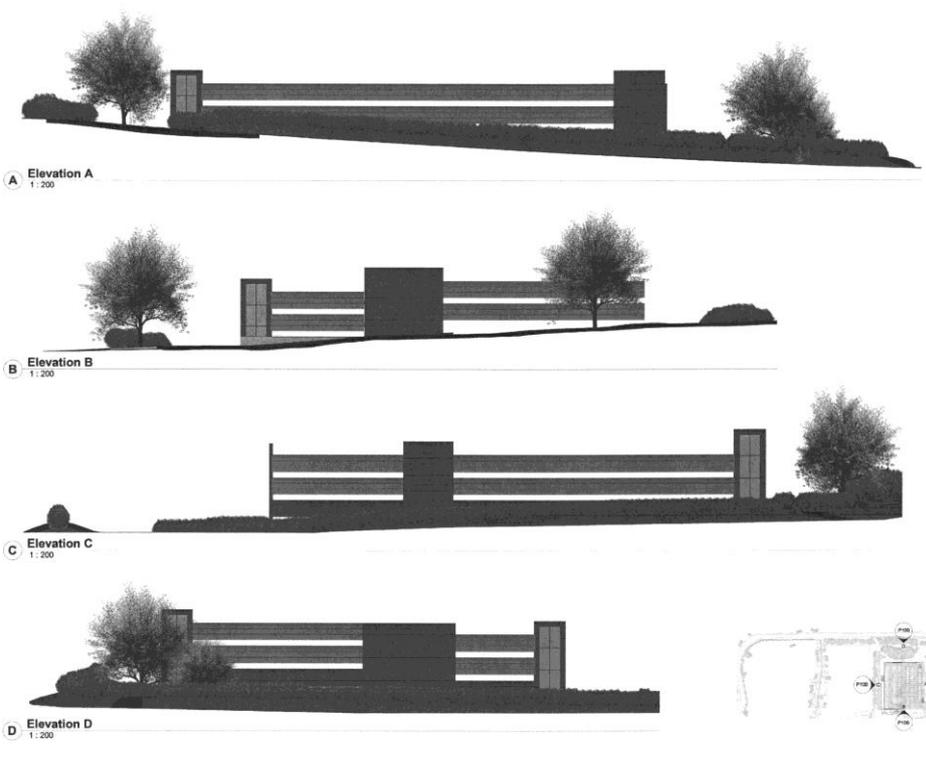


APPENDIX B



APPENDIX C

PAP/2019/0705



- Proposed materials
- Kwikon QuatCore 400F Natural  
P120  
Finish: Impregnated Stone 3000 (Acquafinish effect)
  - Kwikon QuatCore 400F Natural  
P120  
Finish: Impregnated Stone 3000 (Acquafinish effect)
- Drawn & Witnessed
- All areas and materials to be approved prior only, will require detailed info. DTS to agree with planning.

RECEIVED  
24/12/2019  
PLANNING & DEVELOPMENT  
DIVISION

Project/Client: ALDI STORES LIMITED

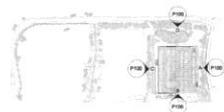
**STOAS** ARCHITECTS

ALDI STORES LIMITED

Whittington Lane - MSCP

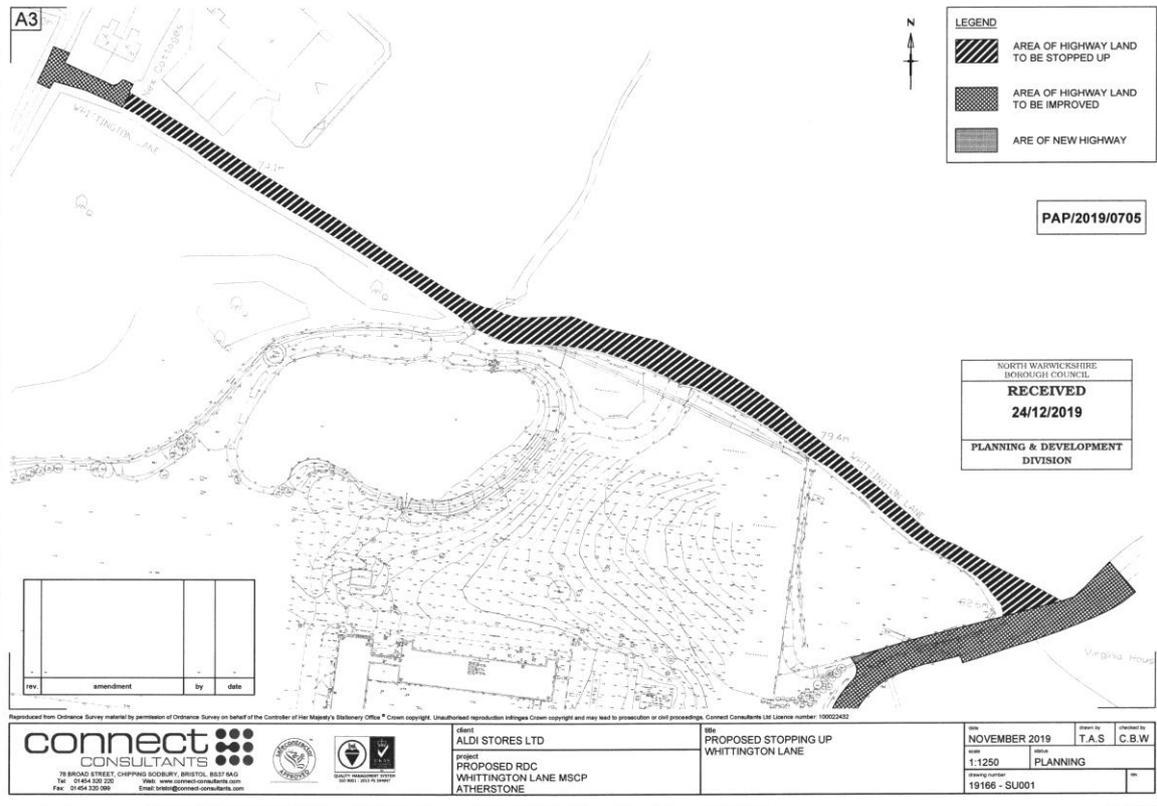
Proposed Elevations

DATE	NOV/19	BY	As Indicated
DATE	Author	Checked	
DATE			
DATE	13/05/19	Checked	



APPENDIX D

PAP/2019/0705



RECEIVED  
24/12/2019  
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DIVISION

connect CONSULTANTS

78 BRIDGES STREET, CHEPPING BOACREY, MK37 0JG  
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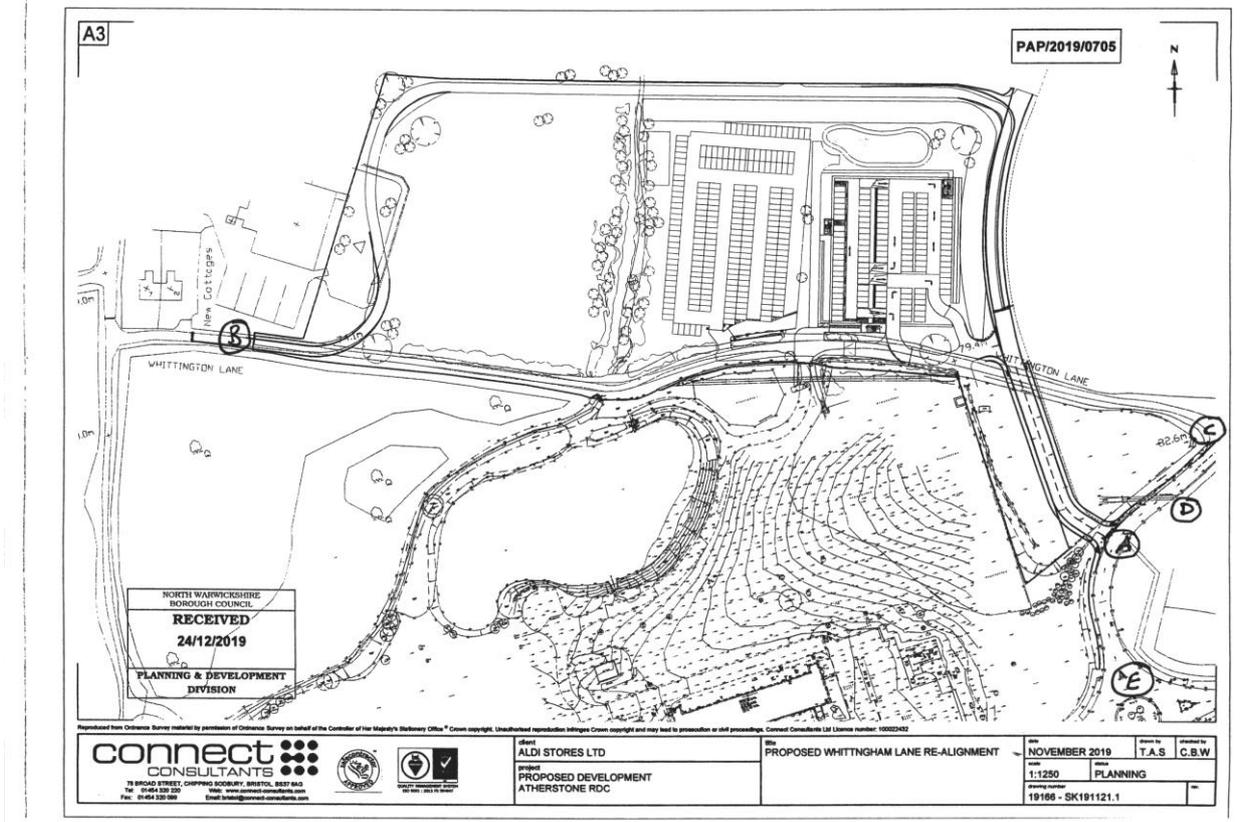
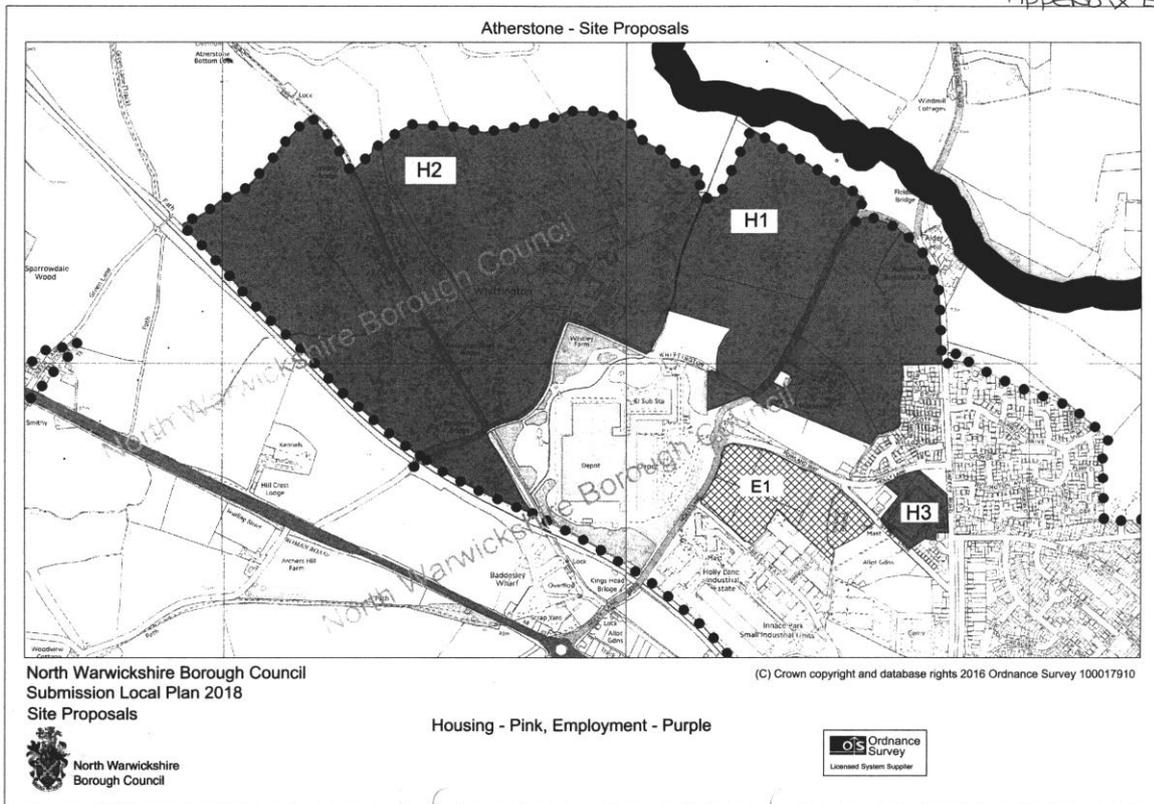


client: ALDI STORES LTD

project: PROPOSED RDC WHITTINGTON LANE MSCP AATHERSTONE

title: PROPOSED STOPPING UP WHITTINGTON LANE

DATE	NOVEMBER 2019	DESIGNED BY	T.A.S	CHECKED BY	C.B.W
SCALE	1:1250	DISCIPLINE	PLANNING		
PROJECT NUMBER	19166 - SU001				



## General Development Applications

(5/i) Application No: PAP/2020/0684

Meadow View Farm, Kinwalsey Lane, Meridan, CV7 7HT

Change of use from a field of agricultural or nil use, to that of sui generis dog walking, care and training and planting of trees, for

**Sara Skalka**  
**Introduction**

This application is brought before the Planning and Development Board because of the possibility of enforcement action in light of the recommendation.

### The Site



The application site comprises an irregular, 0.74ha agricultural field sited to the north of Meadow View Farm along Kinwalsey Lane, Meridan. The surroundings are rural in character, function and appearance, save for the urban influence of the M6 300m to the north and a scattering of dwellings along Kinwalsey Lane to the south of the application site (illustrated on the plan provided above). Kinwalsey House, a grade II listed timber framed cottage, is positioned immediately to the north of the application site.

The agricultural field is demarcated by 6ft high green mesh fencing with access afforded by a narrow, single-track lane to the west which links the site to Kinwalsey Lane and the surrounding road network. The application site is located within the Green Belt.

## **The Proposal**

Planning permission is sought to change the use of the agricultural field to that of dog walking, dog care and dog training – a sui generis use.

The new business would be operational between 0800 and 1500hours Monday to Friday, providing full-time employment for four people and seasonal employment for an individual during the summer months for grass cutting.

The applicant proposes to limit the number of dogs held on site to 20 at any one time.

Access is afforded by the narrow lane with hardstanding provided adjacent to the field to allow for parking and manoeuvring.

It is proposed that dogs would be collected from customers' homes by two vans before 0800. These would then transport the dogs back to their owners after 1500. No owners would be permitted at the site.

The applicant also proposes to plant a band of trees along the site's northern perimeter.

## **Development Plan**

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy); NW3 (Green Belt); NW10 (Development Considerations); NW12 (Quality of Development); NW13 (Natural Environment) and NW14 (Historic Environment)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV12 (Urban Design); ENV14 (Access Design); TPT1 (Transport Considerations in New Development) and TPT3 (Access and Sustainable Travel and Transport)

## **Other Relevant Material Considerations**

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework 2019 (NPPF)

Planning Practice Guidance (PPG)

The Submitted Regulation 19 Local Plan 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP13 (Rural Employment); LP15 (Historic Environment), LP16 (Natural Environment), LP31 (Development Considerations) and LP36 (Parking)

Proposed Main Modifications to the Regulation 19 Local Plan 2021 – MM21 (in respect of Policy LP1); MM24 (in respect of LP2), MM28 (in respect of LP3), MM60 (in respect of LP15), MM61 (in respect of LP16), MM74 (in respect of LP31) and MM83 (in respect of LP36)

## **Consultations**

Environmental Health Officer - There is an objection on amenity grounds.

Warwickshire County Council as Highway Authority - Following an initial objection, the authority considers that, subject to a management plan, the development would have no unacceptable impact on the highway network

Warwickshire County Council (Rights of Way) - Public footpath M284 runs along the track and must remain open and available for public use at all times.

## **Representations**

Fillongley Parish Council object to the application for the following reasons:

- Development has already caused noise problems and intrusion
- Permanent consent will result in a huge detrimental impact on the amenity of neighbours
- Noise adjacent to the garden area for two properties
- Fencing not in keeping
- Use could result in significant vehicle movements on the highway
- Application does not accord to Core Strategy policy NW10(9)
- Similar application in Corley was refused and upheld at appeal, reference PAP/2016/0060

Three representations have been received, objecting to the application for the following reasons:

- Nuisance from proposed use, adversely affecting the amenity of adjacent properties
- Site shouldn't be taken out of agricultural use
- Insufficient parking for development
- Local road network not suitable for the volume of traffic associated with the proposed use.
- Object to tree planting, leading to shading/shadowing of the adjacent properties.
- Green netting fails to contain dogs
- Tree planting will block light to properties

## **Observations**

### **a) Principle of Development**

Core Strategy policy NW1 effectively mirrors section 38(6) of the Planning and Compulsory Act 2004 which requires planning applications to be determined in accordance with development plan policies unless material considerations indicate otherwise.

The site lies in the Green Belt and thus consideration falls as to whether the development is appropriate having regard to the authority's development plan and if relevant, the National Planning Policy Framework (NPPF). Whilst Core Strategy Policy NW3 does not contain development specific guidance, emerging policy LP3 does.

Paragraph 5a of LP3 indicates that appropriate facilities for outdoor sport and outdoor recreation are appropriate providing that the openness of the Green Belt is preserved and no conflict arises to the purposes of including land within the Green Belt, reflecting the Green Belt exception found at 145(b) of the framework.

Accordingly, the change of use of land from agriculture to dog walking, care and training would not be inappropriate provided that the use preserves the openness of the green belt and does not conflict with the purposes of including land within it.

In the absence of any operational development, apart from the fencing of which the majority is likely to constitute permitted development, considering the transient nature of activity on the site and the limited vehicle movements, the openness of the Green Belt would be preserved. Moreover, there is no conflict with the purposes of including land within the Green Belt. Consequently, the development is appropriate within the Green Belt.

In principle the development is acceptable.

## **b) Amenity**

### **i) Introduction**

As an appropriate form of development in the Green Belt, consideration falls to other material considerations. The main area of consideration on this application is the developments' impact on the amenity of nearby residential properties.

2014 Core Strategy Policy NW10 (9) requires all development proposals to avoid and address unacceptable impacts upon neighbouring residents, such as, but not limited to noise, light, and other pollution.

The wording of this policy is amended and carried forward into policy LP31 (Development Considerations) of the emerging local plan. Furthermore, paragraph 180 of the NPPF states that planning decisions should consider the impacts of pollution on living conditions and "avoid noise giving rise to significant adverse impacts on health and the quality of life" (180c).

National Planning Practice Guidance (NPPG) on noise expands upon the policies set out within the NPPF and provides a noise exposure hierarchy which aims to establish in which circumstances noise would give rise to concern – as below

Response	Examples of outcomes	Increasing effect level	Action
<b>No Observed Effect Level</b>			
Not present	No Effect	No Observed Effect	No specific measures required
<b>No Observed Adverse Effect Level</b>			
Present and not intrusive	Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life.	No Observed Adverse Effect	No specific measures required
<b>Lowest Observed Adverse Effect Level</b>			
Present and intrusive	Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
<b>Significant Observed Adverse Effect Level</b>			
Present and disruptive	The noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant Observed Adverse Effect	Avoid
Present and very disruptive	Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory.	Unacceptable Adverse Effect	Prevent

The hierarchy relates the level of concern in respect of noise exposure to changes in behaviour, attitude or physiological response, referred to colloquially within the table as 'outcomes'. The initial two stages on the hierarchy require no mitigation however as the impacts of noise become more appreciable, the development would cross into the lowest observed effect level, the level at which noise causes minor behavioural changes i.e. turning up a television or needing to speak louder. The hierarchy states that such impacts should be mitigated and reduced to a minimum.

Further increases in exposure which trigger material changes in behaviour (such as keeping windows closed, avoiding activities at certain periods etc.) are found at the

Significant Observed Adverse Effect Level (SOAEL). The hierarchy advises that development generating such impacts should be avoided. The table furthers that extensive changes to behaviour, those which result in unacceptable adverse effects, should be avoided all together.

The PPG does not provide numerical values for the different effect levels, instead recognising that 'the subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation'

## **ii) The Site**

The relevancy of Policies NW10, LP31, the NPPF and NPPG to this application is that the use of the site for dog walking, training and care has the potential to have a detrimental impact on the amenity of nearby residential occupiers.

Immediately bordering the application site to the north is the Grade II listed building Kinwalsey House with a further residential property currently under construction at the site – Kinwalsey House is set-back 12m from the northern boundary with a separation of approximately 25m provided to the dwelling under construction. The amenity spaces for both dwellings sit between the buildings and the boundary to the application site. Further residential properties known as Rest Haven and Church Tree Barn are located 75m and 110m to the south-west respectively with Meadow View Farm and Kinwalsey Farm 55m and 140m to the east respectively.

The surroundings of the application site have a generally quiet, tranquil character save for the road noise generated from the M6 some 300m to the north, which is noticeable as a relatively low frequency, continuous rumble.

## **iii) Impact**

Whilst an intermittent source of noise, dogs have highly pitched sounding barks which have the potential to cause disturbance. These sharper sounds, together with high-pitched whistles from the employees (as well as shouting) have been observed by the nearest residents over and above the low frequency rumbling background sound of the motorway. Notwithstanding the restricted hours of use which would offer a degree of mitigation, limiting the period for noise exposure, the occupation of the site by up to 20 dogs, together with the inevitable barking, shouting and whistling (as the dogs are undergoing training), would preside for up to 7 hours a day, 5 days a week.

The site has been operational for over a year and the implications of the development have been readily observed by neighbouring occupiers. An objection cites the shouting, whistling and squeaking of toys as being distinctly aurally noticeable, disturbance which has led to a complaint to the council's planning enforcement and environmental health departments. It is material here that the EHO considers that the application should be refused due its adverse amenity impact.

Drawing on the experiences of nearby occupiers and the observations of the environmental health, it is considered here that the use of the site for dog training, dog walking and dog care has, and would continue to if consent was forthcoming, lead to heightened levels of noise and disturbance which would have a detrimental effect on the residential amenity within the immediate vicinity.

The impact of such a use would be particularly profound on occupiers of Kinwalsey House and the further property currently under construction given the proximity of these buildings and their available amenity space to the application site. The effects have been observed already and, with an increased proportion of homeworking during the pandemic, residents are more likely occupy properties throughout the day, reducing the mitigation afforded by the proposed hours of use.

The supporting statement articulates that dogs with an inclination to bark won't be permitted at the site. Notwithstanding, all dogs tend to bark, the noise implications of the use have been readably observed and no management plan and noise assessment has been submitted. Furthermore, the effectiveness of the tree planting along the boundary to Kinwalsey House as an acoustic buffer has not been articulated by the applicant.

Having regard to the noise exposure hierarchy and the complaints/objections received, it is considered that the development does and would continue to result in material changes in behaviour and diminish quality of life due to a change in acoustic character.

The scheme draws parallels to a refused application for dog training and walking along Wall Hill Road in Corley, reference PAP/2016/0060. That application was appealed and subsequently dismissed (APP/R3705/W/17/3177385), with the inspector citing that the use of the site for dog training would result in a poor standard of amenity for nearby occupiers.

As with this application, the development site was adjacent to the M6 and close to residential properties. However pertinently, the amenity implications in this instance are more readily apparent as the M6 road noise is less noticeable (the M6 is 300m away as opposed to 25m in the Corley case) and residential properties are located closer to the application site and not separated from it by an established highway, as was the case in Corley.

Drawing together the above, it is considered that the development would unacceptably impact upon neighbouring amenity and thus fails to comply with Core Strategy Policy NW10(9) and emerging policy LP31(9).

### **c) Heritage**

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 'special regard' should be given by the decision maker to the desirability of preserving a listed building or its setting. Core Strategy Policy NW14 and emerging local plan policy LP15 seek to conserve and enhance the quality, character, diversity and distinctiveness of the local historic environment.

Although there are no designated heritage assets within the site, Kinwalsey House, a Grade II listed building, is found immediately to the north. Kinwalsey House derives significance from its timber framed construction and associated features, presenting as a good example of 17<sup>th</sup> Century architecture typical of the vernacular for cottages of this age within the North Warwickshire landscape.

Although there is no direct, physical harm to the building itself, the implications of the proposals on the setting of Kinwalsey House requires consideration. Setting's represent the surroundings from which the heritage assets are experienced – these are not fixed, evolving over time and as such cannot be definitively mapped. It has been established through case law that the effect of a development on the setting of a listed building isn't merely confined to visual or physical impacts.

The principle setting of Kinwalsey House encapsulates its associated land, the house and the adjacent agricultural buildings which are to be reconstructed/converted into a private dwelling (PAP/2019/0602). The surrounding land also falls within the setting of the building, providing a contribution to the experience, appreciation and thus significance, of this rural, vernacular cottage.

It is considered that the proposed development would result in some harm to the setting of the listed building by reducing the 'experience' of the asset from increased noise and disrupting the remoteness of the building, the latter an important contributor to the building's significance. The harm would be less than substantial engaging paragraph 196 of the Framework. Paragraph 196 requires the decision maker to undertake a balancing exercise, weighing the harm to the heritage asset against the public benefits of the proposal.

On the harm side, there is a degree of harm, albeit limited, to the setting of the listed building. On the opposing side (the public benefits), the NPPG on the Historic Environment advise that public benefits 'could be anything that delivers economic, social or environmental objectives' and should 'flow from the development'.

The proposals are suggested to provide full time employment for four individuals, part-time seasonal employment for a single individual and would offer a service for nearby residents. There would be some socio-economic benefits arising here. However, the proposals would, as indicated in an earlier section of this report, lead to adverse harm to the amenity of neighbouring occupiers, a social harm. Any public benefit arising additional employment generation is thus substantially moderated by the identified social harms.

Nevertheless, it is considered that the public benefits would, in this instance, outweigh the modest harm to the setting of Kinwalsey House. The development thus accords to paragraph 196 of the Framework, together with policies NW14 and LP15.

#### **d) Highways and Access**

Saved Policy TPT1 supports development in situations whereby there is sufficient capacity within the highway network to accommodate the traffic generated and policy TPT3 stipulates that development will not be permitted “unless its siting, layout and design makes provision for safe and convenient pedestrian and vehicular access and circulation”. Emerging local plan policy LP31(6) reflects Core Strategy policy NW10(6) - both of which require safe and suitable access to be provided for all users.

Paragraph 109 of the NPPF makes it clear that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of the scheme are severe.

Warwickshire County Council (as the local highways authority) initially objected to the development, citing concerns over the insufficiency of the material presented to assess the impact of the development and the potential for a significant increase in vehicular movements on Kinwalsey Lane to the possible detriment of highway safety. Following the receipt of additional information from the applicant, (method of dog transportation and restrictions on client attendance), the highways authority is satisfied that, subject to a management plan, the development would not result in an unacceptable impact on highway safety or that the residual cumulative impacts of the scheme would be severe.

Subject to conditions, the proposals would accord with saved 2006 Local Plan policies TPT1 and TPT3, Core Strategy Policy NW10 (6), Emerging Policy LP31(6) and paragraph 109 of the National Planning Policy Framework.

#### **e) Conclusion**

Officers conclude that the proposals would be an appropriate form of development within the Green Belt. Notwithstanding this, the development is considered to result in an adverse impact on the amenity of nearby occupiers, particularly Kinwalsey House and the further property currently under construction given the proximity of these buildings and their available amenity space to the application site. No further harms have been identified.

#### **f) Enforcement Action**

As the application is retrospective and seeks to retain the current, unauthorised use of land, the Board will need to consider the expediency of enforcement action if the recommendation detailed below is agreed upon. From a planning policy perspective there are clear grounds for following up the recommendation with enforcement action as there is significant breach of Development Plan policies by fact and by degree.

There would be an impact here as the applicant would have to vacate the site and there may well be a loss of employment and the closure of the business if a suitable alternative site is not found.

Given the identified conflict with the Development Plan and the impact on neighbour amenity, it is considered that enforcement action is still expedient even given the potential impacts and that the requirements of any notice should require the use of land to cease with a compliance period of one month considered proportionate.

## Recommendation

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

1. The proposed change of use would result in an unacceptable adverse impact on the residential amenity of neighbouring occupiers and satisfactory mitigation measures could not be delivered to reduce any detrimental impact to the occupiers of such properties to an acceptable level. The development thus fails to accord to 2014 North Warwickshire Core Strategy Policy NW10(9) and Policy LP31(9) of the Submitted Regulation North Warwickshire Local Plan (2018) as supported by the NPPF 2019.

B) That authority be granted to the Chief Executive to issue an Enforcement Notice requiring the use of land for dog walking, care and training to cease with a compliance period of one month, for the reasons set out in this report.

## Notes:

1. Notwithstanding this refusal, the Local Planning Authority has worked with the applicant in a positive and proactive manner through early identification of the planning issues and providing the opportunity to overcome reasons for refusal. However, despite such efforts, the planning objections have not been satisfactorily addressed. 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/2020/0684

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	21/12/2020
2	Resident	Objection	9/2/2021
3	Resident	Objection	11/2/2021
4	Resident	Objection	7/2/2021
5	Fillongley Parish Council	Objection	10/2/2021
6	WCC Rights of Way	Consultation	10/2/2021
7	WCC Highways	Consultation	21/1/2021
8	NWBC Heritage	Consultation	12/2/2021
9	NWBC Environmental Health	Consultation	16/2/2021

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

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

## **General Development Applications**

**(5/j) Application No: PAP/2021/0165**

**Land Rear of 161, Tamworth Road, Kingsbury, B78 2HJ**

**Erection of two, 2 bedroom semi-detached properties, for**

**Miss Zowie Jackson - Edial Developments**

### **Introduction**

The application is reported to the Board at the request of a local Member who considers that the weight attributed to the objector's concerns should be re-considered.

### **The Site**

The development site measures 0.052ha and contains a number of outbuildings that were most recently used in connection with a former builder's yard with evidence of prior occupation by a uPVC window manufacturer. The site is demarcated by tall brick boundary walls to its southern and western elevations with a combination of timber fencing, interspersed with painted brick pillars, along the remaining boundaries. The site is located within the village of Kingsbury and falls inside its defined development boundary.

### **The Proposal**

Planning permission is sought to demolish the existing commercial structures at the rear of the site and construct a pair of semi-detached dwellings. The dwellings will stand 7.95 metres high to the apex of a hipped roof and measure 4.5 metres wide and 10 metres in length.

Features include canted bay windows at ground floor level surmounted by a canopy, arched headers above the windows on the front and side elevations and brick soldier courses at the rear. Facing bricks will be ibstock red laid under a tiled roof. Both properties will benefit from a landscaped frontage and amenity space to the rear, inclusive of a patio.

Two parking spaces in a tandem arrangement will be provided for plot 1 with a further two, independantly accessed spaces set out for plot 2. The three spaces for the flatted development at 161 Tamworth Road will remain undisturbed. Vehicular access will be obtained from the existing access to Tamworth Road.

Drawings illustrating the proposals are provided overpage:



Saved Policies of the North Warwickshire Local Plan 2006 - ENV12 (Urban Design); ENV13 (Building Design); ENV14 (Access Design); HSG4 (Housing Densities; TPT1 (Transport Considerations in New Development); TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking)

### **Other Relevant Material Considerations**

The Submitted Regulation 19 Local Plan 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy); LP6 (Amount of Development); LP7 (Housing Development); LP31 (Development Considerations); LP32 (Built Form) and LP36 (Parking)

Proposed Main Modifications to the Regulation 19 Local Plan 2021 – MM21 (in respect of Policy LP1); MM24 (in respect of LP2), MM39 (in respect of LP6); MM41 (in respect of LP7); MM74 (in respect of LP31); MM75 (in respect of LP32) and MM83 (in respect of LP36)

National Planning Policy Framework 2019 (NPPF)

### **Consultations**

North Warwickshire Waste and Refuse - A bin presentation point needs to be constructed

Environmental Health Officer - No objection, subject to conditions

Warwickshire County Council as Highway Authority - No objection, subject to conditions

### **Representations**

3 letters of objection have been received with a further letter offering comments. The objections are detailed below:

- Concern with access and egress for delivery vehicles from the site
- Inadequate parking, turning and loading areas
- Concerned with how all users will access and egress from the parking spaces
- Proposals represent overdevelopment of site
- Not enough parking is provided for the maximum number of vehicles for both units, leading to highway safety issues
- Increase in noise pollution for neighbours
- Overlooking, loss of privacy and overshadowing

## **Observations**

### **a) Principle of Development**

The site is within the settlement's development boundary and is thus in a sustainable and appropriate location given the status of Kingsbury within the defined settlement hierarchy. The fact that permission was granted here within the last twelve months for an equivalent development is of substantial weight. The principle of the proposal is agreed.

### **b) Highway Safety and Parking**

The main area of concern raised by local residents centres on parking provision and circulation space within the development.

Policy NW10(6) of the 2014 Core Strategy requires development to provide for proper vehicular access, sufficient parking and manoeuvring for vehicles in accordance with adopted standards.

Saved 2006 Local Plan Policy TPT1 states that development is only permissible in situations whereby there is sufficient capacity within the highway network to accommodate the traffic generated and that the proposals would not be hazardous to traffic safety and visibility.

Policy TPT3 stipulates that development will not be permitted "unless its siting, layout and design makes provision for safe and convenient pedestrian and vehicular access and circulation".

Appendix 4 to Saved policy TPT6 sets out maximum parking requirements. For 2+ bedroom properties the requirement is two spaces per unit.

The above policy approaches are considered to be consistent with the NPPF which confers that developments should provide safe and suitable access for all users (108b), give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas (110a) and allow for the efficient delivery of goods, and access by service and emergency vehicles (110d).

Paragraph 109 of the NPPF indicates that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of the scheme are severe.

Warwickshire County Council as the Highway Authority raises no objection to the application, commenting that they did not object to the previously approved application (PAP/2020/0015) and as the current proposal does not seek to fundamentally change the access arrangements, their response is again one of no objection. Their observations carry substantial weight.

Looking at the detail of the neighbouring concerns, it is considered that sufficient space is provided within the site for vehicles (both domestic and service/delivery vehicles) to enter, manoeuvre and egress in a forward gear – the aisle width between parking spaces serving the flatted development and the parking space along the southern

boundary of the site is 6.6m at its narrowest. 6m is the standard minimum requirement to allow for safe, comfortable manoeuvring. The highways authority has raised no concern in this respect.

In terms of parking provision, both new units will benefit from two dedicated spaces within the site, meeting the local plan parking requirements. These are two, small two-bed units and the parking demand would not be considered significant.

Whilst a tandem arrangement for plot 2 has been highlighted as a preferred option by objectors, this is not considered suitable for three reasons. Firstly, the arrangement would reduce the level of amenity space for occupiers of the plot 2. Secondly, accessing a space to the side of the property could prove difficult due to the proximity of the parking for the flatted development at 161 Tamworth Road. Thirdly and finally, tandem driveways can be less convenient as cars may need to be swapped around, leading to cars being left on the drive within the site which would not be suitable in this location.

Considered together, safe, secure access can be provided to and from the site and thus the proposals accord to saved policies TPT1, TPT3 and ENV14 as well as Core Strategy policy NW10.

### **c) Amenity**

Policy NW10 (9) of the 2014 Core Strategy requires all development proposals to avoid and address *unacceptable* neighbouring amenity impacts (emphasis added). Paragraph 127(f) of the NPPF states that planning decisions should ensure that a high standard of amenity is provided for existing and future users.

The dwellings will be surrounded by residential development to a number of aspects, 157, 161 and 163 Tamworth Road to the north-east and 5 and 6 Stanyers Close to the west and south-west; therefore, the impact of the development on residential amenity requires consideration.

The separation distances to neighbouring dwellings (discussed in more detail below) ensure that loss of light, sunlight and overshadowing resulting from the scheme would not be significant. The main area of consideration here is in relation to overlooking and loss of privacy.

In respect of the properties to the north-east, separation distances between first floor windows within the front elevation of plot 2 and first floor rear facing windows within 161 and 163 Tamworth Road, are 16 metres and 22 metres respectively. Though the distance to 161 Tamworth Road falls below the 21 metre guideline there are mitigating circumstances here, namely the angled orientation of both sets of windows which do not directly face one another. Consequently, direct overlooking and loss of privacy is inherently reduced.

On balance it is considered that, whilst a degree of mutual overlooking is likely to occur to both 161 and 163 Tamworth Road, such impacts would not be significantly adverse to warrant refusal of planning permission. As for 157 Tamworth Road, a separation distance of 20 metres would be maintained to the property's rear elevation across an oblique angle. The impact in respect of overlooking is not considered to be materially adverse.

As with the above the distance to the properties at the rear, 5 and 6 Stanyers Close though falling below the 21 metre guideline, standing at 21m and 18m respectively, is not considered to lead to adverse overlooking considering the oblique angles.

In respect of noise pollution this is an established residential area and a site which formerly was used as a builder's yard. Officers do not consider noise pollution to be materially harmful nor any greater than that generated by the sites lawful planning use.

The dwellings are located to the rear of the plot, to the east of properties along Tamworth Road; consequently, given the separation distances involved, any shadowing and loss of light to the surrounding properties would be limited and largely directed to garden areas.

Turning to the amenity for occupiers of the proposed dwellings, the private amenity space to the rear, while somewhat restricted at 68m<sup>2</sup> and 80m<sup>2</sup> respectively, is considered on balance to be acceptable. Gross Internal Area's for both dwellings meet the requirements of the nationally described space standards.

As a whole the development is considered to preserve the amenities of adjoining occupiers while also providing an acceptable standard of amenity for the proposed occupiers from the outset. Consequently, the development accords to Core Strategy Policy NW10 (9) and paragraph 127(f) of the NPPF.

#### **d) Design**

Saved policy ENV12 of the 2006 Local Plan requires development proposals to harmonise with the immediate and wider setting while respecting natural features and policy NW12 of the 2014 Core Strategy seeks for development to positively improve a settlements character and appearance. Part one of saved policy ENV13 relates to the physical characteristics of built form, only permitting development where the *'scale, massing, height and appearance of the proposal positively integrates into its surroundings'*.

The development presented here is considered to be backland, constructing two new dwellings to the rear of 161 Tamworth Road. Policy LP32 of the New Local Plan (Submission Version) contains specific guidance for back-land development;

*"Back-land development should be subservient in height, scale and mass to the surrounding frontage buildings. Access arrangements should not cause adverse impacts to the character and appearance, safety or amenity of the existing frontage development"*.

Properties along Tamworth Road are orientated in a ribbon pattern with a main façade addressing the highway. During the mid-20<sup>th</sup> Century substantial local authority housing estates constructed to the east have diluted and visually altered the local pattern of development. Stanyers Close to the rear is a recent small infill development, constructed on a former garage site, and is visible through the break in built form between 157 and 161 Tamworth Road.

It is acknowledged that the residential development would not respect the pattern and grain of the surroundings nevertheless, given the removal of a 'non-conforming use' and having regard to the diluted settlement pattern, subject to sensitive building design, it is considered that some form of residential development could be accommodated without appreciably harming local character.

Officers do not consider the proposals to represent overdevelopment of the site. Whilst at the maximum scale the site could accommodate, sufficient space is provided to the rear and side of the new dwellings to ensure that the development would not appear cramped or contrived to fit the available space.

With regards to building design, the buildings proportions, height, width and overall massing are appropriately subservient and therefore accord with Emerging Local Plan policy LP32 and saved policy ENV13. Roof type corresponds to that of the host property at 161 Tamworth Road and also serves to reduce the dwellings perceptible massing. Architectural detailing, bay windows, canopies and arched headers reflect the adjacent dwellings and ensure that local character is reinforced.

While not presenting anything new, innovative or raising the design standard for the area, the development is sympathetic in appearance and of an appropriate scale, massing and height for backland development. Consequently, the proposal accords to saved policies ENV12 and ENV13 as well as Core Strategy policy NW12 and New Local Plan policy LP32.

#### **e) Sustainability and Climate Change**

The NPPF sets out that the primary purpose of the planning system is to secure a sustainable pattern development with Emerging Local Plan policy LP1 requiring all proposals to 'demonstrate a high quality of sustainable design'. Additionally, Core Strategy policy NW10(11), together with emerging policy LP31(11), state that development should manage the impacts of climate change through considered design.

Reviewing the proposals in the context set out above, firstly it should be recognised that this is a sustainable location for new residential development given its proximity to Kingsbury's Village Core and the services and facilities found within it with bus stops located adjacent to the application site providing regular services to Tamworth Town Centre. The above combine to reduce reliance on private motor travel. Furthermore, High quality, low-carbon material usage can be secured through planning condition as well as the provision of EV charging points for both properties.

It is considered that the proposals demonstrate sustainable design and, subject to conditions, would manage the impacts of climate change.

#### **f) Conditions**

The recommendation below includes the use of pre-commencement condition(s) (this is a condition imposed on a grant of planning which must be complied with before any building or operation comprised in the development is begun or use is begun).

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 provide that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the

applicant to the terms of the condition. In this instance the applicant has given such written permission.

### **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 drawings numbered HGD20-54.1.1 Revision G, received by the Local Planning Authority on 27 May 2021.

#### 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, drainage and levels of the shared driveway, car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Council. No unit shall 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) Wheel washing facilities;
  - ii) Measures to control the emission of dust during construction;
  - iii) Noise control during construction in accordance with BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites;
  - iv) Delivery, demolition and construction working hours;
  - v) Details of the contact for any local concerns with the construction activities on the site; and

- vi) Avoid the use of diesel or petrol powered generators and use mains electricity or battery powered equipment where practicable.

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. Notwithstanding the submitted plans, no development shall commence until details and/or samples of the facing materials, as well as ground surfacing materials, 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 facing materials.

REASON

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

- 6. No development shall commence until details of one electric vehicle charging bay per dwelling have been submitted to and approved in writing by the local planning authority. Prior to first occupation the electric charging point and bay shall be installed in accordance with the approved details.

REASON

In the interests of facilitating sustainable travel and reducing air pollution.

- 7. No development shall commence until a Remediation Method Statement, based on the Georisk Management Ground Investigation (November 2020), has been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of each dwelling a validation report or certificate shall be provided to the Local Planning Authority which demonstrates that the land within its curtilage is not contaminated and that appropriate remediation and mitigation has taken place.

REASON

To protect the health of the public and the environment from hazards arising from previous uses of the site

- 8. No development, including preparatory works, shall commence until details of the finished floor levels of the buildings hereby approved, and of the proposed ground levels of the site relative to the finished floor levels and adjoining land levels, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be supplemented with locations, cross-sections and appearance of any retaining features required to facilitate the proposed levels. The development shall be constructed in accordance with the approved details.

## REASON

To protect the amenities of adjoining properties and the appearance of the area generally, recognising that site levels across the site as a whole are crucial to establishing infrastructure routeing/positions

9. No development shall commence until a drainage plan for the disposal of surface water and 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

In the interests minimising the likelihood of flooding incidents and damage to the environment, property or life

### **Pre-Occupation Conditions**

10. Prior to occupation of the dwellings hereby approved a bin storage facility capable of holding a minimum of 3 x 240 litre wheeled bins shall be provided within the curtilage of each dwelling. The storage facility shall remain permanently available for that purpose at all times thereafter.

## REASON

To enable effective storage and disposal of household waste and in the interests of the amenity of the area.

11. Prior to the occupation of the dwellings hereby approved, details of a bin storage facility adjacent to access into the site from Tamworth Road shall be provided.

## REASON

To enable effective storage and disposal of household waste and in the interests of the amenity of the area and highway safety.

12. Prior to the first occupation of the dwelling hereby approved a scheme for the provision of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All hard landscaping shall be carried out in accordance with the approved details whilst all planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling. The scheme shall also provide for details of the acoustic fencing. Any plants which within a period of five 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 and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

## REASON

In the interests of the visual amenity of the area.

13. Prior to occupation of the dwelling hereby approved a bin storage facility capable of holding a minimum of 3 x 240 litre wheeled bins shall be provided within the curtilage of the dwelling. The storage facility shall remain permanently available for that purpose at all times thereafter.

REASON

To enable effective storage and disposal of household waste and in the interests of the amenity of the area.

14. No dwelling shall be occupied until the access has been laid out in accordance with Drawing No. HGD20-54-1.1 Rev G, including the alterations to the intervisibility splays.

REASON

In the interests of safety on the public highway.

15. No dwelling shall be occupied until the proposed parking and turning facilities have been laid out and constructed in accordance with the Drawing No. HGD20-54-1.1 Rev G and these areas shall be thereafter set aside and retained for those Purposes.

REASON

In the interests of safety on the public highway.

**Other conditions**

16. The first floor windows in the dwellings south and north facing elevations, serving the bathrooms as indicated on the drawing HGD20-54-1.1 Rev G, shall be glazed in obscure glass and non-opening (except for elements that are situated higher than 1.7m above the finished floor level) and permanently maintained thereafter as such, 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 window structure and not by the use of film applied to clear glass.

REASON

To maintain control in the interest of the effect upon neighbouring properties.

17. Any gas boilers provided must meet a dry NOx emission concentration rate of <40mg/kWh. The specification of the gas boiler(s) shall be submitted to and approved in writing by the Local Planning Authority before they are fitted and the approved specification shall be implemented prior to the first occupation of the development.

## REASON

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.

18. No development whatsoever within Classes A, B, C and E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.

## REASON

In the interests of preserving the amenity of neighbouring occupiers, preventing over-intensive development and to ensure an appropriate provision of external amenity space having regard to the plot size.

## 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.
1. The proposed works may require building regulations consent in addition to planning permission. Building Control services in North Warwickshire are delivered in partnership with Nuneaton and Bedworth Borough Council. For further information please see [https://www.nuneatonandbedworth.gov.uk/info/20025/planning\\_and\\_building\\_control](https://www.nuneatonandbedworth.gov.uk/info/20025/planning_and_building_control) and [https://www.planningportal.co.uk/info/200187/your\\_responsibilities/38/building\\_regulations](https://www.planningportal.co.uk/info/200187/your_responsibilities/38/building_regulations) ; guidance is also available in the publication 'Building work, replacements and repairs to your home' available free to download from <https://www.gov.uk/government/publications/building-work-replacements-and-repairs-to-your-home>
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. 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](mailto:plantprotection@cadentgas.com) prior to carrying out work, or call 0800 688 588
4. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £116. Although the Local Planning Authority will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows a period of 8 weeks, and therefore this timescale should be borne in kind when programming development.
5. 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 at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)
6. Prior to the occupation of the approved dwelling(s), please contact our Street Name & Numbering officer to discuss the allocation of a new address on 01827 719277/719477 or via email to [SNN@northwarks.gov.uk](mailto:SNN@northwarks.gov.uk). For further information visit the following details on our website [https://www.northwarks.gov.uk/info/20030/street\\_naming\\_and\\_numbering/1235/street\\_naming\\_and\\_numbering\\_information](https://www.northwarks.gov.uk/info/20030/street_naming_and_numbering/1235/street_naming_and_numbering_information)
7. Condition number 14 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184.

In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer.

The Area Team may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice.

Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting

ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

8. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
9. Prior to commencement of development, the applicant is required enter into an agreement with the Highway Authority under Section 59 of the Highways Act 1980. Prior to works taking place on site and following completion of the development, a joint survey shall be undertaken with the County's Locality Officer to agree the condition of the public highway. Should the public highway be damaged or affected as a consequence of the works being undertaken during the development of the site, the developer will be required to undertake work to remediate this damage as agreed with the Locality Officer.
10. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through suggesting amendments to improve the quality of the proposal and quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2021/0165

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	19/3/21
2	Resident	Objection	4/5/21
3	Resident	Objection	13/5/21
4	Resident	Objection	13/5/21
5	Resident	Comments	19/5/21
6	WCC Highways	Consultation	13/5/21
7	NWBC Waste	Consultation	26/4/21

*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.*

## **General Development Applications**

**(5/k) Application No: PAP/2020/0582 and PAP/2020/0583**

**The Stables, Packington Estate, Meriden, CV7 7HF**

**Applications for Planning Permission and Listed Building Consent for the conversion and extension of late C18 stable building to provide flexible event and learning spaces, meeting facilities and rentable accommodation, car park, supporting facilities and landscaping, for**

**Packington Estate Enterprises Ltd**

### **Introduction**

These applications are reported to the Board in light of the significance of the buildings involved and to provide an update based on the requirements of the recommendations made by the Board when it first considered the applications, with regards to revised plans and outstanding objections.

### **The Site**

The site is bounded to the south by the A45 Birmingham Road, and to the east by a minor road, Maxstoke Lane. The context of the site and the layout of the proposed works were previously illustrated in the Board report at Appendix A.

### **The Proposal**

The proposal was previously presented to Planning Board on 12 April 2021 and the previous report is attached at Appendix A.

A further set of revised plans has been submitted, which has prompted a third round of consultation. The overall scheme will however continue to require the conversion and extension of the late C18 stable building to provide flexible event and learning spaces, meeting facilities and rentable accommodation together with the creation of a car park, supporting facilities and landscaping. It would be a venue for a range of uses for groups of up to 150 guests to include seminars, board meetings, networking events, screenings, exhibitions, award ceremonies, team building and workshops, with a hospitality base for events held on the estate grounds and black tie banquets and an artisan crafts learning centre together with the restoration of existing residential accommodation for rent, creating an estate hub for the family, staff, tenants and the Estate community.

The revised plans show a reduction to the loss of internal historic fabric, together with the retention of the main entrance door arrangement to the east portico. The glazed extension to the courtyard elevations is to remain as part of the proposal. The revised plans are illustrated at Appendix B and can be compared to that of the previous plans at Appendix A.

## **Background**

The background at the site is recorded in the previous Board report at Appendix A and that assessment does not alter. In summary the stable block earmarked for the change of use sits to the north of the Hall and was constructed between 1762 and 1766. Originally constructed to house the carriages, horses and ancillary rooms, its last use was that of offices with some residential quarters and storerooms. It has been long redundant as a stable block for horses. The stable block has been remodelled twice in its history. Minor works were completed in 1860, but with more extensive remodelling works being carried out in 1970 when the eastern half of the building was converted into offices.

## **Development Plan**

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW5 (Split of Housing Numbers), NW10 (Development Considerations), NW12 (Quality of Development), NW 14 (Historic Environment) and NW13 (Natural Environment)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV13 (Building Design), ENV14 (Access Design) and ENV16 (Listed Buildings, non-Listed Buildings of local historic value and sites of archaeological importance)

## **Other Material Planning Considerations**

The Submitted Regulation 19 Local Plan 2018 – LP1 (Sustainable Development); LP3 (Green Belt), LP11 (Economic Regeneration), LP14 (Landscape), LP15 ( Historic Environment), LP16 (Natural Environment), LP31 (Development Considerations), LP32 (Built Form) and LP35 (Water Management)

Proposed Main Modifications to the Regulation 19 Local Plan 2021 – MM21 (in respect of Policy LP1); MM28 (in respect of LP3), MM55 (in respect of LP11), MM59 (in respect of LP14), MM52 (in respect of LP15), MM60 (in respect of LP15), MM61 (in respect of LP16), MM53 (in respect of LP16), MM74 (in respect of LP31) and MM75 (in respect of LP32)

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

## **Consultations**

Historic England - On the basis of the additional information, it does not wish to offer any comment.

Environmental Health Officer - No further comments

Warwickshire County Council as Lead Flood Authority – No further comments raised, subject to required conditions.

Warwickshire County Council (Ecology) – No further comments made subject to required conditions.

Warwickshire County Council as Highway Authority – No objection subject to conditions.

The Georgian Group – Previous objections to the scheme have been received from the Georgian Group and following the receipt of the latest plans, the Group wish to retain its objection. In view of the significance of these objections, the full record is set out.

a) The initial objection to the original plan:

“The Group wishes to register its objection to this proposal for the following reasons.

The stables at Packington Hall were designed by the accomplished Midlands architects David and William Hiorne and built c1753-68. The design consists of a large quadrangle with pyramidal roofed corner turrets and a monumental central Tuscan loggia with a pediment above, on the eastern or entrance façade. The building originally housed stabling, coach houses, and other associated functions. The interiors of the four ranges of the stable block have unfortunately suffered from unsympathetic later twentieth century alterations to allow for their use as a dairy and offices. Much of their historic planform however remains. The stables adjoin the principal façade of the grade II\* Packington Hall which was designed by Brettingham and completed by Couchman. The Hall, stable and listed garden terraces form a nationally significant group and are also key features within the grade II\* registered designed landscape. The stable were probably slightly altered in the 1860s, possibly by the office of the distinguished country house architect William Burn who also altered and extended the Hall.

#### The proposed works

The proposed conversion works are designed to facilitate the use of the Packington Hall stables as a venue for corporate events and skills learning, and to refurbish the existing flats created in the 1970s. The Group has no objection to the proposed uses in principle, however we must recommend that the present proposals would cumulatively be highly damaging to the historic fabric and significance of the grade two stable block, and that they would cause a degree of harm to the setting of the adjoining grade two star listed Hall itself. We do not believe that it has been demonstrated that the proposed works are necessary to secure the future of the building, or indeed that the proposed uses could not be successfully accommodated within its fabric with fewer damaging interventions.

The Georgian Group must advise that these proposals would cause considerable harm to the historic and architectural significance of this listed building, and a degree of harm to the setting of the mansion itself, as set out within paragraphs 194 and 196 of the NPPF. Paragraph 194 of the NPPF stipulates that ‘any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification....’ The Group would question whether a convincing justification for such sweeping and destructive alterations has indeed been provided. The Group also has reservations regarding a number of the assumptions made within the applicant’s supporting documentation regarding the age and significance of some of the historic fabric which the applicant’s wish to remove.

*Proposed alterations to the eastern range's principal or eastern façade, and internal courtyard face*

The principal or eastern façade of the stable block forms an important part of the setting of the grade II\* listed mansion and faces into the grade II\* registered parkland. The proposed alterations to this façade would cause a considerable degree of harm to the historic fabric and significance of the listed building and have not been convincingly justified.

The Georgian Group strongly objects to the proposed creation of a large arched opening within the Tuscan loggia as we do not believe that the applicant has made a convincing case that there was ever a large carriage opening in this location. It is relatively rare for a stable block of this date to have a carriage opening in all four façades, and convincing documentary evidence illustrating the alleged 'original' appearance of this façade has not been provided. The proposed large, glazed opening within the centre of the façade, would also cause a degree of harm to the setting of the adjoining grade II\* listed mansion.

The Group also wishes to strongly object to the proposed full height glazed addition with internal staircases which will cover the courtyard face of this range, this will be highly damaging to the appearance and significance of the stable's central courtyard and harm the appearance not only of the courtyard elevation of the eastern range, but of those of the adjoining northern and southern ranges, the proportions of which will be considerably affected. The proposed twin staircases will be particularly harmful to the appreciation of the courtyard façade of the eastern range.

*Proposed internal alterations.*

Whilst the proposed internal alterations include the welcome removal of later twentieth partitions, the loss of a considerable amount of historic fabric is also proposed. This includes on the ground floor the removal of internal walls which define the internal face of two of the four corner turrets (the present 'office 4' and plant room). Other significant fabric would be lost on the ground floor through the removal of internal walls to the tack room and north lobby.

On the first floor an internal wall forming part of one of these corner turrets is also to be removed (office 15) as are two sections of wall which form the internal continuation of the sides of the loggia (office 17 and boardroom). Parts of the staircase landing within the present 'apartment one' would also be demolished. These works of demolition will further erode the historic planform of the listed building and remove internal spaces which were clearly defined for specific functions associated with its original use.

*Proposed car parking and other landscaping works*

The Group wishes to defer to the Gardens Trust over the impact of the proposed car parking and other landscaping works on the grade II\* registered landscape. We do however, have considerable reservations regarding the introduction of hedging and other low-level planting which will provide a visual barrier between the grade II\* registered landscape and the stable's monumental classical principal façade.

### Recommendation

The Georgian Group must strongly advise that this proposal would be damaging to the historic fabric and significance of this grade II listed building, and to the setting of the adjoining grade II\* listed mansion. Local authorities have a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. We would therefore strongly recommend that listed building consent and planning permission are refused. Should your authority be minded to grant consent, this application should be referred to the Secretary of State as set out in paras 3 & 7 of the 2015 Direction.”

- b) Objection to the first set of revised plans (consultation reply received after Planning Board):

“The Group wishes to reiterate its strong objection to the scheme which it has concluded to be of a highly damaging nature.

The stables at Packington Hall were designed by the accomplished Midlands architects David and William Hiorne and built c1753-68. The design consists of a large quadrangle with pyramidal roofed corner turrets and a monumental central Tuscan loggia with a pediment above, on the eastern or entrance façade. The building is discussed within Giles Worsley’s pioneering monograph on stable blocks *The British Stable* (Yale University Press, 2004, which describes the Packington stable as being the only apparent imitator surviving in England of Colin Campbell’s 1729 stables at Studley Royal in North Yorkshire which were designed to imitate a Palladian villa. The corner pavilions at Packington may also derive from Campbell’s design.

Much of the significance of the stable block therefore is located in the rarity of the design of its principal façade. The interiors of the four ranges of the stable have unfortunately suffered from alterations to allow for their use as a dairy and offices. Significant elements of the building’s historic planform however remain. The stables adjoin the principal façade of the grade II\* Packington Hall which was designed by Brettingham and completed by Couchman. The Hall, stable and listed garden terraces form a nationally significant group. These listed structures are also key features within the grade II\* registered designed landscape. The stable was slightly altered in the 1860s possibly by the office of the distinguished country house architect William Burn.

### The proposed works

The proposed conversion works are designed to facilitate the use of the Packington Hall stables as a venue for corporate events and skills learning, and to refurbish the existing flats created in the 1970s. The Group has no objection to the proposed uses in principle; however we must recommend that the present proposals would cumulatively be highly damaging to the historic fabric and significance of the grade two stable block, and that they would cause a degree of harm to the setting of the adjoining grade two star listed Hall itself. The applicant has not demonstrated that the proposed works are necessary to secure the future of the building, or indeed that the proposed uses could not be successfully accommodated within its fabric with fewer damaging interventions.

The Georgian Group must advise that these proposals would cause considerable harm to the historic and architectural significance of this listed building, and a degree of harm to the setting of the mansion itself, as set out within paragraphs 194 and 196 of the NPPF. Paragraph 194 of the NPPF stipulates that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification....' The Group would question whether a convincing justification for such sweeping and destructive alterations has indeed been provided. The Group also has reservations regarding a number of the assumptions made within the applicant's supporting documentation regarding the age and significance of key areas of the building's historic fabric which the applicant's wishes to destroy.

*Proposed alterations to the eastern range's principal or eastern façade, and internal courtyard face*

The principal or eastern façade of the stable block forms an important part of the setting of the grade II\* listed mansion and faces into the grade II\* registered parkland. The proposed alterations to this façade would cause a considerable degree of harm to the historic fabric and significance of the listed building and have not been convincingly justified.

The Georgian Group strongly objects to the proposed creation of a large arched opening within the Tuscan loggia as we do not believe that the applicant has made a convincing case that the building as originally completed ever had a large opening in this location. The Group's Casework Committee has reviewed the justification provided and notes that the applicant has failed to provide any documentary evidence that the existing arrangement of central doorcase and flanking niches within the loggia is not that which was in existence at the time of the building's completion. We note that a late eighteenth century drawing of the elevation of the stable survives within the RIBA drawings collection but that this has not been reproduced by the applicant to support their case. The Group's Casework Committee are strongly of the believe that this intervention would cause considerable harm to the significance of the listed building and that a convincing case for the necessity of undertaking this work has not been provided. The proposed large, glazed opening within the centre of the façade, would also cause a degree of harm to the setting of the adjoining grade II\* listed mansion.

The Group also wishes to strongly object to the proposed full height glazed addition with internal staircases which will cover the courtyard face of this range, this will be highly damaging to the appearance and significance of the stable's central courtyard and harm the appearance not only of the courtyard elevation of the eastern range, but of those of the adjoining northern and southern ranges, the proportions of which will also be negatively affected. The proposed twin staircases will be particularly harmful to the appreciation of the courtyard façade of the eastern range.

*Proposed internal alterations.*

The Group welcomes the fact that some moves have been made to retain further eighteenth century internal fabric, however we remain extremely concerned by the proposed removal of sections of internal wall which define the internal face of the corner turrets and those which flank the Tuscan loggia and form its internal continuation.

These interventions will also be harmful to the significance of the listed building and have not been robustly justified.

### Recommendation

The Georgian Group must strongly advise that this proposal would be damaging to the historic fabric and significance of this grade II listed building, and that it would also cause a degree of harm to the setting of the adjoining grade II\* listed mansion. Local authorities have a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. The Group's Casework Committee therefore strongly recommend that listed building consent and planning permission are refused. Given the highly controversial and damaging nature of this proposal, The Committee again wish to stipulate that should your authority be minded to grant consent, this application should be referred to the Secretary of State as set out in paras 3 & 7 of the 2015 Direction."

c) Response to the most recent set of revised plans are set out as follows:

"The Group wishes to forward the following advice (unfortunately it has not proved possible to download one of the documents, the 'planning objection review' and therefore this letter is written on the basis of an examination of the revised drawings only).

The stables at Packington Hall were designed by the accomplished Midlands architects David and William Hiorne and built c1753-68. The design consists of a large quadrangle with pyramidal roofed corner turrets and a monumental central Tuscan loggia with a pediment above, on the eastern or entrance façade. The building is discussed within Giles Worsley's pioneering monograph on stable blocks *The British Stable* (Yale University Press, 2004), which describes the Packington stable as being the only apparent imitator surviving in England of Colin Campbell's 1729 stables at Studley Royal in North Yorkshire which were designed to imitate a Palladian villa. The corner pavilions at Packington may also derive from Campbell's design.

Much of the significance of the stable block therefore is located in the rarity of the design of its principal façade and the Group therefore welcomes the fact that the latest revised drawings (date stamped by your authority as being received on the 11<sup>th</sup> May 2021) show that the Tuscan pedimented loggia at the centre of the eastern or principal façade would be retained unaltered. This welcome revision to the proposed design will significantly reduce the cumulative harmful impact of the proposed works.

Other works which would cause harm to the significance of the listed building have however previously brought to your authority's attention by The Georgian Group's National Casework Committee. We remain extremely concerned by the proposed removal of sections of internal walling which define the internal face of the corner turrets and by the removal of those which flank the Tuscan loggia and form its internal continuation. These interventions will also be harmful to the significance of the listed building and have not been robustly justified. The Group also wishes to maintain its strong objection to the proposed full height glazed addition with internal staircases which will cover the courtyard face of this range, this will be highly damaging to the appearance and significance of the stable's central courtyard and harm the appearance

not only of the courtyard elevation of the eastern range, but of those of the adjoining northern and southern ranges, the proportions of which will also be negatively affected. The proposed twin staircases will be particularly harmful to the appreciation of the courtyard façade of the eastern range.

The Georgian Group must advise that these proposals would still cause considerable harm to the historic and architectural significance of the listed stable building. The harm which would previously have been caused to the setting of the adjoining mansion has however been largely removed by these latest revisions. Paragraph 194 of the NPPF stipulates that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification....' The Group would question whether a convincing justification for these destructive alterations has indeed been provided. The Group also has reservations regarding a number of the assumptions made within the applicant's supporting documentation regarding the age and significance of key areas of the building's historic fabric which the applicant's wishes to destroy.

The Georgian group welcomes the latest revisions to the proposed conversion scheme for the former stables at Packington. However, we must reiterate our advice that the proposal would be cumulatively damaging to the historic fabric and significance of this grade II listed building, as many of our original concerns have not been satisfactorily addressed. All local authorities have a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. The Georgian Group therefore regretfully strongly recommends that listed building consent and planning permission are refused. "

The Gardens Trust – Its previous comments are recorded in full as follows:

"We have studied the online documentation and the proposals are well conceived and approached with a respect for the heritage value of the Grade II\* registered park and garden (RPG) at Packington, on which Capability Brown advised c1750. The proposed car park is to be located where there are currently miscellaneous outbuildings on existing hardstanding. The game larder is to be demolished but re-erected elsewhere on the estate. The proposed parking area is well screened by trees which are to be retained. We would suggest that there is no throughway between the house and the stable block frontages, which would further break up the large area of tarmac."

Response to the first revised plans were as follows:

"Thank you for consulting the Gardens Trust (GT) again regarding further amendments to the above application. Having checked what documents were new since our 2<sup>nd</sup> response on 16<sup>th</sup> February 2021, we had no additional comments in our 2<sup>nd</sup> response on 16<sup>th</sup> Feb 2021."

The Society for the Protection of Ancient Buildings; the Ancient Monuments Society, the Council for British Archaeology and The Victorian Society – These amenity groups have been consulted throughout the application process, but no responses have been received.

## **Representations**

No representations have been received from neighbours or from the Parish Council following the posting of a site notice and the publication of a press notice and following re-consultation on the latest revised plans.

## **Observations**

### **a) Introduction**

The revised plans need to be assessed in terms of the potential impacts arising from the revisions and whether harm on the significance of the heritage assets would occur. The comments made by the Georgian Group also need to be considered in terms of their views on that of the previous plans and the current revised plans, given they have a sustained objection to the proposal. The main consideration is therefore whether the most recent set of revised plans are supported and whether Members would change their previous recommendation in light of the objection received.

Notwithstanding the most recent set of revised plans, the main focus of the application continues to provide a sustainable and viable use for the stable block, as presently it is agreed that the condition of the building requires significant maintenance and repair. That opinion does not alter as clearly the stable block is in poor condition and the harm from the 1970's conversion to office space has provided a degree of intervention on the historic fabric that is required to be removed.

The application therefore remains to be determined against the policies of the Development Plan. The Core Strategy is one part of that Plan and it is currently under review. The Council has published proposed Main Modifications to the policies which were originally submitted to the Secretary of State. The consultation period has now expired and the Council is awaiting the Inspector's Report. The Modifications however do carry greater weight than the policies in the Submitted Plan, as they follow on from the Examination in Public into that Submitted Plan. They do not however carry full weight as they are still the subject of consultation. They may however amount to a change in the planning considerations affecting a proposal, should they be materially different to the policies in the Core Strategy. Where there have been no representations or proposed main modifications, these policies may now carry significant weight. The weight to be given to the relevant policies in respect of the current application will be dealt with in this report.

### **b) Principle**

The principle of the proposal has been highlighted through the previous referral of the application to the Planning Board based on the assessment made at Appendix A. In summary, as an un-used historic building deteriorates quickly, it is advantageous to promote a sustainable use which will enable a viable future for the unused stable block and to future proof the up-keep of one of the estate buildings which comprise the many heritage assets at this site. The thrust of the NPPF encourages the re-use of rural buildings, particularly where the development would represent the optimal viable use of a heritage asset.

Furthermore, there is an economic benefit in that a prosperous rural economy should be supported, particularly where there is a sustainable growth and expansion of business in rural areas, through conversion of existing buildings and for sustainable leisure developments which respect the character of the countryside.

The proposal would appear to achieve the objectives encouraged by the NPPF, where the re-use of the rural building is essentially a leisure and business use operating out of an existing building which optimises the use of the asset, thus Green Belt requirements under paragraph 146 of the NPPF are considered to be satisfied..

No transport concerns have been raised following no objection recorded from the Highway Authority. It is considered that in principle, the proposal in its revised format meets the sustainability objectives of the NPPF. The principle of the proposal does not therefore alter from that of the previous assessment in Appendix A.

### **c) Design**

The most recent set of revised plans are submitted in response to the content of the Georgian Group's objection on the grounds of:

- Inappropriate proposed main entrance door to the east portico
- Damage caused to the courtyard composition with the introduction of the glazed extension
- Extent of removal of internal 18th Century walls especially around the north east turret and internal walls flanking the main entrance east portico.

The most recent set of revised plans have therefore provided the following:

- Main Entrance - The east portico is now to be retained in its current configuration.
- Glazed Extension to Courtyard - The proposed use requires the creation of flexible spaces within the stables building to house a variety of events. These are arranged around a primary main room with a requirement to seat 150 guests for a formal dinner. This is an essential requirement of the business case for the creation of a sustainable and viable venue.

If the building is to be converted from its current private office use to public venue, the introduction of new circulation space to make all areas fully accessible, safe in use for groups of guests and compliant with means of escape requirements is essential. The new glazed extension to the courtyard achieves all these requirements for an accessible and safe environment whilst optimising the use of the original building. The applicant intends to retain the design as submitted within the proposed works and so the glazed extension to the courtyard elevation remains as part of the proposal.

- Removal of Original Internal Fabric - The revised design aims to create developing views through the building with linked spaces The main active spaces within the building for the entrance, lounge and gallery room are all arranged around the main hall to create strong visual links for a sequential journey through the building. This has resulted in the initial plan to remove some of the original

18<sup>th</sup> century fabric. The revised plans however now show a reduction to the loss of original historic fabric.

This is a conversion of an existing building and the methodology for any interventions relating to historic fabric would be conditioned so as to require a Method Statement and a full schedule of detailed specifications. New designs include the opening-up of the gateways and the new glazed extension which provides an entrance atrium and stairways. The remainder of the scheme involves new openings for windows, where historically some of these were closed up. More of the interior 18<sup>th</sup> century historic fabric is to be retained and the entrance doorway to the east portico is to be retained as existing.

There is the opportunity to repair and maintain the entire stable block as the structural report has highlighted areas for repair. With regards to the arrangement of the conversion from the exterior perspective then even with new apertures, the external architecture of the stables still conveys a very strong sense of its 18<sup>th</sup> century classically designed aesthetic, striking a clear and intentional relationship with the adjacent Packington Hall, particularly to the front, more so now that the east portico is to be retained in its existing configuration.

Internally, despite the 1970's alterations there is a remarkable survival of fabric at first and second floors associated with accommodation within the western range plan form of the accommodation, which is accessed from a pair of stairs flanking the western courtyard entrance, retaining flooring, wall and ceiling finishes, doors, architraves, and some notable fitted cupboards to a good degree, although many finishes are falling into disrepair.

All surviving historic fabric would be retained where proposed on the revised plans at Appendix B. The design assessment made under the previous Planning Board report does not alter in terms of describing the functioning and form relating to the significance of the existing stable block at Appendix A; however the following design considerations are further assessed, given the requirements of the most recent set of revised plans.

- i) Reason for the glazed extension to courtyard.

The extension is necessary to provide;

- Full access to all areas
- Safe circulation, sized for the occupancy
- Means of escape in the event of fire
- Suitable floor areas internally to spaces

It provides a lightweight structure with large areas of glazing so as to lighten its impact, ensuring a strong degree of visual permeability through to the solid eastern courtyard façade remains. The proposed glazed extension does meet the safety provisions as balanced above.

Design is subjective, though the glazed extension has been designed to be read specifically in the context of a modern addition to the heritage asset. Indeed, paragraph 131 of the NPPF requires that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help

raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

ii) Minimising the loss of Original Internal Fabric

The extent of the removal of 18<sup>th</sup> century historic interior fabric has been reduced and the alterations to the internal design has been illustrated at Appendix B. Furthermore an assessment has been provided by the applicant entitled 'Planning Objection Review', where illustrations are shown at Appendix C.

The loss of historic fabric has been minimised as illustrated on the revised plans, the balance is whether the loss of fabric is so harmful to warrant a recommendation of refusal of the application, given that the internal walls which define the internal face of the corner turrets and by the removal of those which flank the Tuscan loggia spaces has previously been altered to a degree by the 1970's alterations. Whilst this is not a reason alone to allow for the reduced removal of historic fabric it shows that previous interventions can be removed and enhancements are provided by re-defining the original features that have become obscured by the 1970's additions.

**d) Nature of the objections and comments received fromThe Georgian Group**

The nature of the previous objections made by the Georgian Group has prompted the submission of a second set of revised plans - illustrated at Appendix B and also detailed in the 'Planning Objection Review' at Appendix C. In summary, the Georgian Group's objection cannot be overcome following the most recent set of revised plans. The nature of their comments is therefore considered as follows:

It is positive that the Georgian Group welcome the reduction to the cumulative harm of the proposed works provided in the most recent set of revised plans. However they remain concerned on the harm caused to the significance of the stable block by the proposed removal of sections of internal walling which define the internal face of the corner turrets and by the removal of those which flank the Tuscan loggia and form its internal continuation. They do not feel these elements have been robustly justified.

In response to the Georgian Group's objection, then it is assessed that it is understood that as part of the assessment entitled 'Planning objection review', that the internal walls to the north wing do not align with the external wall of turret so a transfer structure by means of a primary arch across the junction to the east wing is visible. This arch was partially infilled with brickwork in 1970 with the right hand side left open.

The bearing of the arch was cut away to create the first floor corridor following the partial bricking in of the arch. The revised design will reinstate this arch to recreate the original arrangement of walls. This therefore does not provide a harmful intervention, but an enhancement.

The west wall between turret and north wing will be retained and openings formed within the wall. This arrangement, retaining the existing wall alignments will break the link between the first floor gallery room and main hall included in the original design. This will maintain this relationship whilst retaining the original wall alignments.

The flank walls to the entrance show signs of reconstruction to parts in the 1970 works and so considerably more intervention had occurred with the works in the 1970's. The

removal of original internal fabric to the flank walls at the entrance is referenced in the original sub-division. Illustrations are provided at Appendix C which reference the above points.

The balance is whether the minimal loss of fabric is so harmful to warrant a recommendation of refusal of the application as the spaces described above have previously been altered and whilst this is not a reason alone to allow for the reduced removal of historic fabric, it shows that previous interventions can be removed and enhancements provided by re-iterating the original features that have become obscured by the 1970's additions.

The overall loss of fabric is minimal through the most recent set of revised plans; such that harm is reduced.

The Georgian Group also maintains its objection to the full height glazed extension with the internal staircase which is proposed to be erected to the courtyard elevation of the eastern range, due to the damage to the appearance of the stable's central courtyard of which the proportions will be negatively affected, citing that the proposed twin staircases will be particularly harmful to the appreciation of the courtyard façade of the eastern range.

In response to the Georgian's Group objection to the glazed extension then, the design logic for providing the glazed link allows for a modern addition that does not compete architecturally, aesthetically nor functionally with the host stable block and provides fully accessible circulation space for physically disabled with the lift strategically located to access all first floor areas including the apartments. The extension is necessary to provide;

- Full access to all areas
- Safe circulation sized for the occupancy
- Means of escape in the event of fire
- Suitable floor areas internally to spaces

It provides a lightweight structure with large areas of glazing will alleviate the impact, ensuring a strong degree of visual permeability through to the solid eastern courtyard façade remains. The well-balanced traditional façade will however be obscured to a degree by internal staircases which, although they acceptably respond to the elevation's balanced symmetrical form, will be intrusive features. However no other means of provided circulation space could be achieved without placing this within the stable building which would result in considerably more harm on the surviving historic fabric - the narrow proportions of the stable block negate the use of the existing space for public circulation. The proposed glazed extension does meet the safety provisions as balanced above.

Design is subjective, though the glazed extension has been designed to be read specifically in the context of a modern addition to the heritage asset. Indeed, paragraph 131 of the NPPF requires that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. Therefore, the proposal is generally considered to comply with saved policies ENV13 of the North Warwickshire Local Plan

and policy NW12 of the Core Strategy and policy LP1 of the emerging Local Plan. The Proposed Main Modifications to the Regulation 19 Local Plan 2021 would not alter this assessment.

The Georgian Group also question whether a convincing justification for these destructive alterations has indeed been provided. The Group also has reservations regarding a number of the assumptions made within the applicant's supporting documentation regarding the age and significance of key areas of the building's historic fabric which the applicant wishes to destroy.

It is considered that the applicants justification for the works has been provided in a supporting document entitled; ' Planning Objection Review', this has enabled further assessment on the removal of the internal walls which define the internal face of the corner turrets and by the removal of those which flank the Tuscan loggia.

However, the Georgian Group have not been able to view this document in order to make further comments and so the information has been sent to them for their further consideration. Based on the assumption that they would not likely remove their objections then the nature of their comments remain based on their objections provided thus far.

The Georgian Group consider that the harm which would previously have been caused to the setting of the adjoining mansion has however been largely removed by these latest revisions.

Therefore in response to this point, the impact on setting of the Heritage Assets given the proximity of the Grade 2 \* Hall has considerably been reduced.

#### **e) Balancing Harm and the Public Benefit**

The Georgian Group clearly maintain that the cumulative works proposed equate to harm on the Heritage Asset.

In terms of the heritage principles at the site then the statutory provisions under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 state that, "in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have regard to the desirability of preserving the building or its setting or any features of special architecture or historic interest which it possesses".

Furthermore, the provisions of the NPPF under section 16, identify the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation indicating the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring.

In terms of harm on significance, then the Heritage Assessment submitted with the application outlines the significance of the asset, which draws on the architectural features which the building possesses and its context within the collective historic environment of the Grade 2 \* Listed Hall and the Grade 2 \* historic park and garden. Indeed, the assessment of significance submitted with the application concludes that there is high significance at the site.

i) Assessing Harm

Whilst a comprehensive scheme of renovation works is proposed for the stables, the works are almost entirely confined to internal areas and to the courtyard. The proposed development will have both positive and negative impacts on the architectural and historic interest of the Grade II listed stables. Positive impacts include removal of deleterious internal and external fabric associated with the 1970's conversion. The extent of alteration caused by the 1970's conversion is illustrated at Appendix C.

Harmful aspects include localised areas of removal of interior walls and the introduction of a two-storey glazed extension into the courtyard area. The works, which enable the creation of staircases to the canopy (rather than internally within the stables) and covered access between north and south wings at first floor level, but also will require the loss of the apex of the two easternmost arched bays. The bays form part of the arcaded pattern of openings that characterise the inner courtyard elevations and are consistently applied across each elevation regardless of internal historic uses. Although the pattern will not be lost entirely, demolition of the two archways in favour of rectangular openings will bring a notable and high degree of harm to the designed aesthetic of the courtyard.

Internally, harmful aspects are considerably more limited and the extent of removal of historic fabric has been diluted following the comments made by the Georgian Group which is evidenced by the submission of the document entitled 'Planning Objection Overview'.

The NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, *“great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification and where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.”*

The response from the Georgian Group is understood, they wish to maintain that there is still harm caused by the works proposed, even with regard to the most recent set of revised plans. In response to their assessment, it is considered that the revised works amount to less than substantial harm and the convincing justification is that harm is outweighed by the assessment provided in the document entitled 'Planning Objection Review', which establishes that the degree of intervention in the 1970's was substantial and the revised plans equate to less than substantial harm on the significance of the interior arrangement to the stable block and less than substantial harm to the significance of the architectural form attributed to the exterior of the stable block and the inner courtyard to the eastern range.

The proposed works cause no new harm to the setting of the grade II\* Packington Hall and the significance of the Grade II\* Park and Garden within which it stands. The experience of those surrounding built designated heritage assets that form part of the immediate setting of the hall, including the walled gardens, gate piers and garden terrace, will not be negatively impacted upon. In conclusion, the proposed scheme will bring about a less than substantial degree of harm to the Grade II Packington stables and have a neutral impact upon other designated Heritage Assets.

ii) Balancing the Public Benefit

Based on the above assessment of less than substantial harm to the stable block, a number of proposed interior works alongside localised repairs and maintenance will look to minimise and mitigate negative impacts can be addressed through planning conditions. However any works that fail to preserve the architectural and historic interest of the Grade II stables even if they bring about a less than substantial degree of harm, need to be weighed against the public benefits of the proposed development in the final planning balance.

In this case, the degree of harmful impact mentioned in the Georgian Group's objections is considered to be outweighed by the public benefits of the proposal. Positive weight should be given to those elements that conserve the architectural and historical interest of the stables and enhance the experience of designated heritage assets from within their settings.

Paragraph 192 of the NPPF states that the viable use of heritage assets and their contribution to the economic vitality of communities should be accounted for, so securing a new, adaptable and viable use for the building.

Therefore the scheme will enable access and experience of the Packington Estate for those visitors to the venue, including through events open to the public. The public benefits of the approach are well-attested by attendance at numerous estates, in both private and charitable ownership. No other viable use could be provided for the stable block, it could not be used for its original intended purpose into the future and has been vacant, (with the exception of the office use) for many years. Its condition is degrading quickly and so repairs and maintenance is required as a very minimum in any case. The stable block requires a secure future that will enable the public to benefit by such a proposal.

Following the most recent set of revised plans, the extent of harm has been reduced and is justified in order to be able to re-use the building in a way that would enable the main architectural features attributed to its significance to be preserved, it is considered that the most recent set of revised plans go some way to mitigate the level of harm attributed to the previous plans.

Notwithstanding the sustained objection from the Georgian Group, a material consideration of significant weight that Historic England has no objection to the scheme. Overall, the majority of works are considered to bring about a neutral or beneficial impact, satisfying Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy NW14 of the North Warwickshire Core Strategy (2014) alongside Saved Policies ENV15 and ENV16 of the North Warwickshire Local Plan (2006), which are echoed in policy LP15 of the emerging Local

Plan. The proposed Main Modifications in respect of LP15 to the Regulation 19 Local Plan 2021 do not affect this policy assessment.

**f) Landscape Setting**

The previous assessment made on the landscape setting does not alter. The proposed development for hard and soft landscaping is not altered by the revised plans and is considered to be satisfactory and in accordance with landscaping policies NW13 of the Core Strategy and policies LP14 and LP16 of the emerging Local Plan. The Proposed Main Modifications would not alter this conclusion. No further comments have been received from the Gardens Trust, beyond those comments previously made.

**g) Highways**

The access from the A45 already exists and the proposal will not require the access to be altered. The highway authority has responded with no objection.

**h) Drainage**

The Flood Risk Authority has been consulted on the revised plan given the ground area covered by the proposal with regards to the car-parking area. A response of no objection is recorded subject to a conditions.

**i) Ecology**

The NPPF requires the protection and enhancement for biodiversity; the conservation, restoration and enhancement of priority habitats, ecological networks, the protection and recovery of priority species; and the pursuit of opportunities for securing measurable net gains for biodiversity. There are bats present at the site and the bat activity survey shows that part of the northern wing is in use by roosting bats.

The revised plans does not alter the previous surveys and further surveys are required by condition, specifically restricting the phasing of the proposed works. An additional lighting plan has been provided to illustrate that bats would not be affected by the proposal. The response provided by the Warwickshire Ecologist remains one of no objection subject to conditional requirements for further surveys and consequential mitigation measures agreed.

**Summary**

Policy NW14 of the North Warwickshire Core Strategy sets out that the quality of the historic environment should be protected and enhanced, commensurate to the significance of the asset. Policy NW12 sets out that all development proposals must demonstrate a high quality of sustainable design that positively improves the environmental quality of an area and sustain, conserve and enhance the historic environment.

Furthermore, saved design policies ENV12 and ENV13 of the North Warwickshire Local Plan 2006 require developments to harmonise with their immediate settings, to positively integrate into the wider surroundings and to respect local distinctiveness.

As such, the proposal accords with the objectives of the NPPF and complies with policies NW12 and NW14 of the North Warwickshire Core Strategy, Saved policy ENV16 of the 2006 Local Plan and policies LP1, LP15 and LP32 of the emerging Local Plan. The Proposed Main Modifications to the emerging Local Plan do not alter this assessment.

### **Conditions**

Planning Regulations set out that if any of the National Amenity Societies object to an application then it must be referred to the Secretary of State for his determination. An objection has been received from the Georgian Group. The recommendation is one support for the proposal and hence the referral to the Secretary of State is necessary.

### **Recommendations**

- a) That the Board is minded in principle to grant both planning permission and Listed Building Consent for these applications.
- b) Conditions for both applications be delegated to the Head of Development Control in consultation with the Chairman of the Board and the Planning Opposition Spokesperson.
- c) As the objection from the Georgian Society cannot be overcome through the submission of revised plans or by planning conditions, then the applications be referred to the Secretary of State, to see if he wishes to intervene.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2020/0582 and PAP/2020/0583

Background Paper No	Author	Nature of Background Paper	Date
1	Agent to Case Officer	E-mail	13/4/21
2	Agent to Case Officer	E-mail	19/4/21
3	Agent to Case Officer	E-mail	23/4/21
4	Agent to Case Officer	E-mail	29/4/21
5	Agent to Case Officer	E-mail	30/4/21
6	Agent to Case Officer	Revised plans and supporting documents	10/5/21
7	Agent to Case Officer	E-mail	14/5/21
8	Agent to Case Officer	E-mail	20/5/21
9	Agent to Case Officer	E-mail	25/5/21
10	Agent to Case Officer	E-mail	1/6/21
11	Agent to Case Officer	E-mail	3/6/21
12	Agent to Case Officer	E-mail	7/6/21
13	Officer to Agent	E-mail	13/4/21
14	Officer to Agent	E-mail	13/4/21
15	Officer to Agent	E-mail	22/4/21
16	Officer to Agent	E-mail	29/4/21
17	Officer to Agent	E-mail	30/4/21
18	Officer to Agent	E-mail	14/5/21
19	Officer to Agent	E-mail	20/5/21
20	Officer to Agent	E-mail	25/5/21
21	Officer to Agent	E-mail	3/6/21
22	Officer to Agent	E-mail	11/6/21
23	Historic England	Consultation	13/4/21
24	The Georgian Group	Consultation	13/4/21
25	WCC Ecology	Consultation	22/4/21
26	The Georgian Group	Consultation	27/4/21
27	The Gardens Trust	Consultation	13/5/21
28	The Gardens Trust	Consultation	21/5/21
29	The Gardens Trust	Consultation	25/5/21
30	WCC FRM	Consultation	25/5/21
31	NWBC EHO	Consultation	28/5/21
32	Historic England	Consultation	28/5/21
33	The Georgian Group	Consultation	2/6/21
34	WCC Highways	Consultation	4/6/21
35	Officer to Georgian Group	E-mail	19/4/21
36	Officer to Georgian Group	E-mail	21/4/21
37	Officer to Georgian Group	E-mail	29/4/21
38	Officer to Georgian Group	E-mail	3/6/21

39	Officer to WCC Ecology	E-mail	11/6/21
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*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

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

## Appendix A

### General Development Applications

(4/g) Application No: PAP/2020/0582 and PAP/2020/0583

The Stables, Packington Estate, Meriden, CV7 7HF

**Applications for Planning Permission and Listed Building Consent for the conversion and extension of late C18 stable building to provide flexible event and learning spaces, meeting facilities and rentable accommodation, car park, supporting facilities and landscaping, for**

**Packington Estate Enterprises Ltd**

### Introduction

These applications are reported to the Board in light of the significance of the buildings involved.

### The Site

The site is the highly significant grade 2\* listed building known as Packington Hall which was designed by Matthew Brettingham in the 1760s and encased an earlier building on the site. Its significance as a substantial country house is acknowledged by its listing at Grade II\* status. In addition, the surrounding parkland is included as Grade II\* on the Register of Historic Parks and Gardens. The park is an early C17 park re-modelled in the mid C18 after a scheme by Lancelot Brown, with late C18 and early C19 picturesque elements. The stable block is Grade 2 and sits immediately to the north of the Hall and was constructed between 1762 and 1766. The site is bounded to the south by the A45 Birmingham Road, and to the east by a minor road, Maxstoke Lane. The context of the site and the layout of the proposed works are illustrated at Appendix A.

### The Proposals

The proposal requires the conversion and extension of the late C18 stable building to provide flexible event and learning spaces, meeting facilities and rentable accommodation together with the creation of a car park, supporting facilities and landscaping.

The refurbishment of the stable block is proposed in order to re-purpose redundant space. It would be a venue for a range of uses for groups of up to 150 guests to include seminars, board meetings, networking events, screenings, exhibitions, award ceremonies, team building and workshops, with a hospitality base for events held on the estate grounds and black tie banquets and an artisan crafts learning centre together with the restoration of existing residential accommodation for rent, creating an estate hub for the family, staff, tenants and the Estate community.

The original fabric of the existing building is to be maintained and repaired wherever possible throughout. Later additions such as 1970's interventions and non-original fabric will be treated with less sensitivity including the removal of modern interventions. The scheme proposes the following:

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- The infilling of the north and south arches which are to be removed to recreate access into the central courtyard.
- The extent of external landscaping would include the central courtyard and the building forecourt to the east elevation.
- The internal renovation is to create flexible space for corporate, media, entertainment or meeting uses with a distinctive entrance and strong links to the central courtyard for the expansion of activities.
- Inclusion of a canopy feature within the courtyard (east elevation) which comprises a staircase.
- Car-park area to be created in the existing yard area north of the stable block with landscaping and removal of an existing modern barn.
- Associated works include selective areas of demolition, new fenestration, internal stripping out and upgrading, a new courtyard canopy and landscaping works.

## Background

Situated in North Warwickshire the Packington Estate is an early 17th century park remodelled in the mid-18<sup>th</sup> century after a scheme by Lancelot (Capability) Brown, with late 18th and early 19th picturesque elements. The Hall itself was initially built by Sir Clement Fisher in 1693 and was re-modelled and re-faced by Matthew Brettingham in 1766. The site has 'significant internal vistas' both to and from the Hall from the surrounding gardens and parklands. The park land predominantly occupies the areas to the south, north and east of the Hall with the eastern portion incorporating a deer park.

The site also comprises the grade 2\* listed Hall and grade 2 stable block of grand proportions. It is a magnificent house set within a historic park and garden and within the green belt. The land levels are relatively even in the vicinity and presently put to lawn with peripheral tree planting around the house and with the ancillary buildings. To the north and south are further garden areas, with further parkland to the west.

The Historic England list entry is detailed as it includes an entry for the Historic Park and Garden and an entry for the Hall along with an entry for the Church of St James. Overall, the number of assets within the immediate surroundings of Packington Hall collectively form part of the significance of the Heritage Asset. The stable block list entry is described as follows:

*"Stable block at Packington 11/11/52 Hall (Formerly listed as Packington Hall and Stable block) GV II Stable block, now office. 1762-66. By William or David Hiorne for 3rd Earl of Aylesford. Buff sandstone ashlar to the front range and stucco to the rear. Low pitch slate roof with pyramidal roofs to the corner towers. Moulded main cornice of stone. Courtyard plan with square corner towers. 2 storeys. East front in 9 bays including pedimented Tuscan Doric recessed portico. Doorway with moulded stone architrave having the cornice carried on console brackets. Panelled reveals, but late C20 glazed double doors. First floor late C20 12-pane hung sashes. Ground floor has larger 12-pane hung sashes. Corner towers have raised surrounds to first floor hung sashes and a Venetian window at ground floor with pedimented centre light. The courtyard has red brick walls. 7 recessed round-headed bays to each wall, with the centre bay pedimented."*

The stable block earmarked for a change of use sits to the north of the Hall and was constructed between 1762 and 1766. Originally constructed to house the carriages, horses and ancillary rooms, its last use was that of offices with some residential quarters

and storerooms. It has been long redundant as a stable block for horses. The stable block has been remodelled twice in its history. Minor works were completed in 1860, but with more extensive remodelling works being carried out in 1970 when the eastern half of the building was converted into offices.

### **Development Plan**

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW5 (Split of Housing Numbers), NW10 (Development Considerations), NW12 (Quality of Development), NW 14 (Historic Environment) and NW13 (Natural Environment)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV13 (Building Design), ENV14 (Access Design) and ENV16 (Listed Buildings, non-Listed Buildings of local historic value and sites of archaeological importance)

### **Other Material Planning Considerations**

The Submitted Regulation 19 Local Plan 2018 – LP1 (Sustainable Development); LP3 (Green Belt), LP11 (Economic Regeneration), LP14 (Landscape), LP15 ( Historic Environment), LP16 (Natural Environment), LP31 (Development Considerations), LP32 (Built Form) and LP35 (Water Management)

Proposed Main Modifications to the Regulation 19 Local Plan 2021 – MM21 (in respect of Policy LP1); MM28 (in respect of LP3), MM55 (in respect of LP11), MM59 (in respect of LP14), MM52 (in respect of LP15), MM60 (in respect of LP15), MM61 (in respect of LP16), MM53 (in respect of LP16), MM74 (in respect of LP31) and MM75 (in respect of LP32)

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

### **Consultations**

Historic England - No objection following the receipt of revised plans.

Environmental Health Officer - No objection subject to an agreed Construction Management Plan.

The Georgian Group – No objection to the principle, however it recommends refusal because of some possible harmful impacts and thus requests referral to the Secretary of State

The Gardens Trust – No comments

Warwickshire County Council as Lead Flood Authority – No objection subject to standard conditions.

Warwickshire County Council (Ecology) – No objection subject to conditions.

The Highways Authority, The Society for the Protection of Ancient Buildings, the Ancient Monuments Society, the Council for British Archaeology and The Victorian Society – These are all yet to be received, but the Highway Authority has raised particular issues with the use of the access onto the A45.

## **Representations**

None have been received following the posting of a site notice and the publication of a press notice.

## **Observations**

### **a) Introduction**

This is a major and significant application in the context of an historic site and will need to be assessed in terms of the potential impacts arising from the proposal and whether harm on the significance of the heritage assets would occur. The main focus of the application is to provide a sustainable and viable use for the stable block, as presently it is agreed that the condition of the building requires significant maintenance and repair.

The application is to be determined against the policies of the Development Plan. The Core Strategy is one part of that Plan and it is currently under review. The Council has published proposed Main Modifications to the policies which were originally submitted to the Secretary of State. There is now a period of consultation on these proposed Modifications. The Modifications however do carry greater weight than the policies in the Submitted Plan, as they follow on from the Examination in Public into that Submitted Plan. They do not however carry full weight as they are still the subject of consultation. They may however amount to a change in the planning considerations affecting a proposal, should they be materially different to the policies in the Core Strategy. Where there have been no representations or proposed main modifications, these policies may now carry significant weight. The weight to be given to the relevant policies in respect of the current application will be dealt with in this report

### **b) Principle**

The principle of the proposal needs to be established. The wider site benefits from many heritage assets which require continued maintenance and up-keep. Presently the stable block is vacant following the closure of the 1970's office space which covered more than half of its floor plan. The existing apartments covered part of the floor plan to the west of the courtyard. The remainder of the structure included a former laundry room and boiler house, and other spaces within the building retain the utilitarian appearance of the former stable block. Essentially the stable block is now redundant and requires maintenance to its exterior and to parts of the interior. As un-used historic buildings deteriorate quickly it is advantageous to promote a sustainable use which will enable a viable future for the unused stable block and to future proof the up-keep of one of the estate buildings which comprise the many heritage assets here.

The thrust of the NPPF encourages the re-use of rural buildings, particularly where the development would represent the optimal viable use of a heritage asset. Furthermore, there is an economic benefit in that a prosperous rural economy should be supported, particularly where there is a sustainable growth and expansion of business in rural areas,

through conversion of existing buildings and for sustainable leisure developments which respect the character of the countryside.

Green Belt requirements under paragraph 146 of the NPPF advise that the re-use of rural buildings may not be inappropriate development provided that the buildings are of permanent and substantial construction. The proposal would also appear to achieve the objectives encouraged by the NPPF, where the re-use of the rural building is essentially a leisure and business use operating out of an existing building which optimises the use of the asset, subject to transport considerations. The final comments of the Highway Authority are yet to be received. In general terms it is considered that in principle the proposal could well meet the sustainability objectives of the NPPF.

### **c) Heritage Assets and Balancing Harm and the Public Benefit**

In terms of the heritage principles at the site then the statutory provisions under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 state that, "in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have regard to the desirability of preserving the building or its setting or any features of special architecture or historic interest which it possesses".

Furthermore, the provisions of the NPPF under section 16, identify the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation indicating the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring.

In terms of harm on significance, then the Heritage Assessment submitted with the application outlines the significance of the asset, which draws on the architectural features which the building possesses and its context within the collective historic environment of the Grade 2 \* Listed Hall and the Grade 2 \* historic park and garden. Indeed, the assessment of significance submitted with the application concludes that there is high significance at the site. This assessment is agreed.

#### **i) Assessing Harm**

A comprehensive scheme of renovation works is proposed for the stables, with works almost entirely confined to internal areas and to the courtyard. The proposed development will have both positive and negative impacts on the architectural and historic interest of the Grade II listed stables. Positive impacts include removal of deleterious internal and external fabric associated with the 1970's conversion. The extent of alteration caused on the 1970's conversion is illustrated in the archived photographs at Appendix B. The existing elevations of the stable block are shown in photographs at Appendix C and these can be compared with the proposed elevations also appended at D. Additionally, the proposals for the opening up of the cardinal gateways restores a sense of permeability and interaction with the surrounding designed landscape and buildings securing the prospect of a series of new uses for the vacant building.

Harmful aspects include localised areas of demolition, both internally and externally, and the introduction of a two-storey canopy into the courtyard area. The latter will impact upon the proportions and designed aesthetic of the courtyard, requiring partial and selective removal of elements of its regular arcaded design. The works, which enable the creation

of staircases to the canopy (rather than internally within the stables) and covered access between north and south wings at first floor level, but also will require the loss of the apex of the two easternmost arched bays. The bays form part of the arcaded pattern of openings that characterise the inner courtyard elevations and are consistently applied across each elevation regardless of internal historic uses. Although the pattern will not be lost entirely, demolition of the two archways in favour of rectangular openings will bring a notable and high degree of harm to the designed aesthetic of the courtyard.

Internally, harmful aspects are almost entirely confined to the historic laundry and first floor accommodation, which survive with good levels of historical integrity. Further opportunity, through the alteration of designs and more detailed specifications of works, could be taken to avoid, minimise and mitigate harmful impacts of the proposed development. The existing arrangement with the interior is illustrated in a range of photographs included in the Design and Access Statement submitted with the application and the extent of removal of historic fabric has been diluted following the comments made by the Georgian Group which is evidenced by the submission of an addendum to the Design and Access Statement with revised demolition plans illustrated in the floor plans and elevations at Appendix D.

The NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, *“great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification and where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.”*

In all respects the degree of impact to the architectural and historic interest of the Grade 2 stable block, both individually and cumulatively, is considered to be less than substantial. In many instances, the works are necessary and commensurate with a much-needed upgrade of internal spaces to modern day standards.

The response from the Georgian Group is understood, however the proposed development will only cause neutral harm to the setting of the grade II\* Packington Hall and the significance of the Grade II\* Park and Garden within which it stands. The experience of those surrounding built designated heritage assets that form part of the immediate setting of the hall, including the walled gardens, gate piers and garden terrace, will not be negatively impacted upon. In conclusion, the proposed scheme will bring about a less than substantial degree of harm to the Grade II Packington stables and have a neutral impact upon other designated Heritage Assets.

ii) Balancing the Public Benefit

A number of proposed internal works alongside localised aspects to better avoid, minimise and mitigate negative impacts can be addressed through planning conditions. However any works that fail to preserve the architectural and historic interest of the Grade II stables even if they bring about a less than substantial degree of harm, need to be

weighed against the public benefits of the proposed development in the final planning balance.

In this case, the degree of harmful impact is outweighed by the public benefits. Positive weight should be given to those elements that conserve the architectural and historical interest of the stables and enhance the experience of designated heritage assets from within their settings. Paragraph 192 of the NPPF also states that the viable use of heritage assets and their contribution to the economic vitality of communities should be accounted for, so securing a new, adaptable and viable use for the building. In so doing the scheme will enable access and experience of the Packington Estate for those visitors to the venue, including through events open to the public. The public benefits of the approach are well-attested by attendance at numerous estates, in both private and charitable ownership.

Following revised plans, the extent of harm has been justified and it is a material consideration of some significant weight that Historic England has no objection to the scheme. Overall, the majority of works are considered to bring about a neutral or beneficial impact, satisfying Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy NW14 of the North Warwickshire Core Strategy (2014) alongside Saved Policies ENV15 and ENV16 of the North Warwickshire Local Plan (2006), which are echoed in policy LP15 of the emerging Local Plan. The proposed Main Modifications in respect of LP15 to the Regulation 19 Local Plan 2021 do not affect this policy assessment.

### **c) Design**

This is a conversion of an existing building and so the methodology for any interventions relating to historic fabric would be conditioned so as to provide a Method Statement and a schedule of detailed specifications.

New designs include the opening up of the gateways and the canopy with the glass structure which provides an entrance atrium and stairways. There is also the alterations to the opening up of the loggia, otherwise the remainder of the scheme involves new openings for windows, where historically some of these were closed up.

There is the opportunity to repair and maintain the entire stable block as the structural report has highlighted areas for repair. With regards to the arrangement of the conversion from the exterior perspective then even with new apertures, the external architecture of the stables still conveys a very strong sense of its 18th century classically designed aesthetic, striking a clear and intentional relationship with the adjacent Packington Hall, particularly to the front.

Internally, despite the 1970's alterations there is a remarkable survival of fabric at first and second floors associated with accommodation within the western range plan form of the accommodation, which is accessed from a pair of stairs flanking the western courtyard entrance, retaining flooring, wall and ceiling finishes, doors, architraves, and some notable fitted cupboards to a good degree, although many finishes are falling into disrepair.

Skirting boards are more irregular and date from the 18th, 19th and 20th centuries. Fireplaces have been entirely replaced, although chimney breasts remain intact. The accommodation appears to have been upgraded to some degree in the Inter-war period,

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with partitions and new doors created. In the main the quality of interior fixtures and fittings within the rooms is utilitarian and of no remarkable craftsmanship, save for some panelled doors and cupboards. One highly remarkable observation was the re-use of early 17th century cupboard doors to rooms F18 and F19, the origins of which are unclear but may relate to a precursor of the main hall constructed by John Fisher.

The northern range, including Rooms G21 and F20 retain few notable features of interest having been stripped out for use as a dairy in the mid-20th century at ground floor level and as a filing area in the 1970s. The scissor braced floor is of interest, although the bracing may be later, supporting what appear to be a lime ash floor on lathes and bound with reed matting. Roof trusses above retain much of their original asymmetrical structure but have been adapted in places

The re-opening of the stables' cardinal gateways brings significant enhancement to the character of the building, as derived from its architectural and historic interest. A sense of permeability will be restored, creating an interaction between external areas and the courtyard, reinstating a sense of functionality to the utilitarian building which has been much lost. Proposed treatments to the openings are well-conceived around the existing and its historic interest and are thus considered appropriate.

Internal courtyard elevations are, in the main, retained in their current configuration, with minor works proposed to lower windows to create doorways and infill coach house openings with crittall style glazing to enable the re-use of internal areas. The glazing system works well with the designed aesthetic of the courtyard and is, subject to detailed specification, considered appropriate.

The proposed replacement canopy to the eastern elevation will bring a degree of harm to the dimensions and aesthetic of the courtyard through infill of the symmetrical space, obscuring its continuous arched walls, ridge and eaves lines, all of which are considered core parts of its designed aesthetic. The lightweight structure with large areas of glazing will alleviate the impact, ensuring a strong degree or visual permeability through to the solid eastern courtyard façade remains. The well-balanced traditional façade will however be obscured to a degree by internal staircases which, although they acceptably respond to the elevation's balanced symmetrical form, will be intrusive features.

Many of the works appear necessary and are commensurate with a need to upgrade the spaces, however several works are not well-formed around the rooms' sensitivities and qualities, including elements of architectural and historic interest. Under the current proposal however some 18th century and re-used 16th century fabric will be removed.

Paragraph 131 of the NPPF requires that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. Therefore, the proposal is generally considered to comply with saved policies ENV13 of the North Warwickshire Local Plan and policy NW12 of the Core Strategy and policy LP1 of the emerging Local Plan. The Proposed Main Modifications to the Regulation 19 Local Plan 2021 would not alter this assessment.

#### **d) Landscape Setting**

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The visual impact of the proposals is a key consideration here. The history of the parkland and pleasure grounds is well documented in the Historic England listing; in brief the parklands were originally set out in the middle to late 17<sup>th</sup> Century. Lancelot Brown was then commissioned to produce sketches in 1750 and 1751, which were implemented in a piecemeal fashion over the following 20 years. Various improvements and alterations were made up to the early 19<sup>th</sup> Century. This area has been in its current form since the 18<sup>th</sup> Century when the southern access drive from the Birmingham Road was created around 1785 with the eastern carriage turn or East Terrace in front of the house being levelled shortly after in 1787.

This entire scheme will allow the softening of the eastern and northern approach with some herbaceous planting to the courtyard wall and house. The proposal will also create a sense of arrival heralded by the two cattle grids and the change in surface materials, which should also have the welcome effect of slowing the car speeds immediately in front of the hall.

Proposed landscaping to the front of the stables will not detract from the ability to experience the hall and should improve the general configuration of a large poor-quality tarmac apron within the immediate setting of the hall. Planting should avoid any domestic character, ensuring the functional historical association between the main house and its stables remains clearly struck. Proposed lighting to the stables is minimal and will not unduly promote the stables within the setting of the main house.

Courtyard landscaping includes a decorative geometric pattern of granite flags, setts and reclaimed cobbles, the arrangement of which formalises the utilitarian space to a degree, but reflects the architectural form of the courtyard well. The associated impact of the works, which remove a poor-quality covering over much of the courtyard are considered beneficial.

Internal and external works to the stables will not impact upon the significance of the registered park and garden. The proposed area of parking within the area of farm buildings to the north is ideally located and will avoid the appearance of large areas of car parking that often form visual intrusions within similar estates that afford public access. The landscaping scheme is of a high quality and will not be a conspicuous feature within the designed landscape. Materials, layout, and planning reflect the status of the estate well. Lighting should be minimised and kept low level to ensure the presence of the stables and main hall in the parkland is retained during hours of dusk. Overall, the proposed development for hard and soft landscaping is considered to be satisfactory and in accordance with landscaping policies NW13 of the Core Strategy and policies LP14 and LP16 of the emerging Local Plan. The Proposed Main Modifications would not alter this conclusion.

#### **e) Highways**

The access from the A45 already exists and the proposal will not require the access to be altered. The highway authority has queried the extent of the use and the likely intensification in terms of compatibility with the parking required and a revised transport assessment has been provided during the application process. The final highway response is awaited.

#### **f) Drainage**

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The Flood Risk Authority has been consulted given the ground area covered by the proposal with regards to the car-parking area. Further information was requested and it has subsequently provided. A response of no objection, subject to a condition has been received.

### **g) Ecology**

The NPPF requires the protection and enhancement for biodiversity; the conservation, restoration and enhancement of priority habitats, ecological networks, the protection and recovery of priority species; and the pursuit of opportunities for securing measurable net gains for biodiversity.

There are bats present at the site and the bat activity survey shows that part of the northern wing is in use by roosting bats. The site contains a maternity colony roost for soprano pipistrelle (*Pipistrellus pygmaeus*) bats and day roosts of both brown long-eared (*Plecotus auritus*) and common pipistrelle (*Pipistrellus pipistrellus*) bats. Foraging, commuting, and roosting bats are also within the local landscape and their presence has been confirmed from the desktop study data and recent bat activity surveys.

The ecological value of the buildings has thus been deemed as 'high' for bats. The recommendations in a recent survey require further surveys to be carried out and specifically restrict the phasing of the proposed works.

The presumption in favour of sustainable development does not apply where a proposal is likely to have a significant effect on any protected habitat (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the project would not adversely affect the integrity of that habitat. Further information has been submitted to overcome these concerns. The response provided by the Warwickshire Ecologist is thus one of no objection subject to further surveys to be required by condition and consequential mitigation measures agreed.

### **h) Summary**

Policy NW14 of the North Warwickshire Core Strategy sets out that the quality of the historic environment should be protected and enhanced, commensurate to the significance of the asset. Policy NW12 sets out that all development proposals must demonstrate a high quality of sustainable design that positively improves the environmental quality of an area and sustain, conserve and enhance the historic environment.

Furthermore, saved design policies ENV12 and ENV13 of the North Warwickshire Local Plan 2006 require developments to harmonise with their immediate settings, to positively integrate into the wider surroundings and to respect local distinctiveness.

As such, the proposal accords with the objectives of the NPPF and complies with policies NW12 and NW14 of the North Warwickshire Core Strategy, Saved policy ENV16 of the 2006 Local Plan and policies LP1, LP15 and LP32 of the emerging Local Plan. The Proposed Main Modifications to the emerging Local Plan do not alter this assessment.

## **Conditions**

Conditions are not yet finalised given that further consultation responses are awaited.

Planning Regulations set out that if any of the National Amenity Societies object to an application then it must be referred to the Secretary of State for his determination. An objection has been received from the Georgian Group. The recommendation is one support for the proposal and hence the referral to the Secretary of State is necessary unless the nature of their objection can be resolved.

## **Recommendations**

a) That the Board is minded in principle to grant both planning permission and Listed Building Consent for these applications.

b).Notwithstanding the current position of the Highway Authority, conditions for both applications be delegated to the Head of Development Control in consultation with the Chairman of the Board and the Planning Opposition Spokesperson.

c) That if the Highway Authority objects to the proposals, then a further report is brought back to the Board for consideration.

d) Notwithstanding the outcome of recommendation (c), if the objection from the Georgian Society cannot be overcome through the submission of amended plans or by planning conditions, then the applications be referred to the Secretary of State to see if he wishes to intervene.

**BACKGROUND PAPERS**

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

Planning Application No: PAP/2020/0582 and PAP/2020/0583

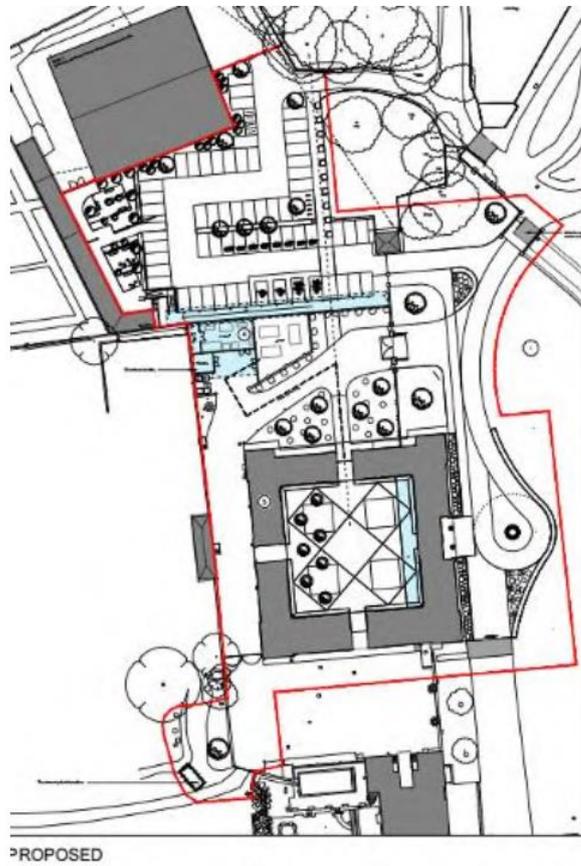
<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	30.10.20
2	Case Officer to Agent	e-mail correspondence	16.11.20
3	Case Officer to Agent	e-mail correspondence	18.11.20
4	Case Officer to Agent	e-mail correspondence	21.12.20
5	Case Officer to Agent	e-mail correspondence	22.12.20
6	Case Officer to Agent	e-mail correspondence	4.1.21
7	Case Officer to Agent	e-mail correspondence	5.1.21
8	Case Officer to Agent	e-mail correspondence	7.1.21
9	Case Officer to Agent	e-mail correspondence	11.1.21
10	Case Officer to Agent	e-mail correspondence	25.1.21
11	Case Officer to Agent	e-mail correspondence	8.2.21
12	Case Officer to Agent	e-mail correspondence	17.2.21
13	Case Officer to Agent	e-mail correspondence	26.2.21
14	Case Officer to Agent	e-mail correspondence	1.3.21
15	Case Officer to Agent	e-mail correspondence	2.3.21
16	Case Officer to Agent	e-mail correspondence	3.3.21
17	Case Officer to Agent	e-mail correspondence	4.3.21
18	Case Officer to Agent	e-mail correspondence	15.3.21
19	Case Officer to Agent	e-mail correspondence	19.3.21
20	Case Officer to Agent	e-mail correspondence	25.3.21
21	Agent to Case Officer	e-mail correspondence	9.11.20
22	Agent to Case Officer	Supporting information on roof repairs	12.11.20
23	Agent to Case Officer	e-mail correspondence	17.11.20
24	Agent to Case Officer	e-mail correspondence	18.11.20
25	Agent to Case Officer	e-mail correspondence	22.12.20
26	Agent to Case Officer	e-mail correspondence	24.12.20
27	Agent to Case Officer	e-mail correspondence	4.1.21
28	Agent to Case Officer	e-mail correspondence	5.1.21
29	Agent to Case Officer	e-mail correspondence	7.1.21
30	Agent to Case Officer	Supporting information on car park drainage	8.1.21
31	Agent to Case Officer	e-mail correspondence	11.1.21
32	Agent to Case Officer	e-mail correspondence	25.1.21
33	Agent to Case Officer	e-mail correspondence	3.2.21
34	Agent to Case Officer	e-mail correspondence	8.2.21
35	Agent to Case Officer	Supporting Information and plans and transport statement	10.2.21
36	Agent to Case Officer	e-mail correspondence	15.2.21
37	Agent to Case Officer	e-mail correspondence	23.2.21
38	Agent to Case Officer	e-mail correspondence	26.2.21

39	Agent to Case Officer	e-mail correspondence	1.3.21
40	Agent to Case Officer	Supporting information on drainage	2.3.21
41	Agent to Case Officer	Supporting information ecology	3.3.21
42	Agent to Case Officer	e-mail correspondence	4.3.21
43	Agent to Case Officer	e-mail correspondence	9.3.21
44	Agent to Case Officer	Supporting information addendum and plans	18.3.21
45	Agent to Case Officer	e-mail correspondence	24.3.21
46	Agent to Case Officer	e-mail correspondence	25.3.21
47	NWBC Green Space Officer	Consultation reply	4.12.20
48	The Gardens trust	Consultation reply	8.12.20
49	WCC FRM	Consultation reply	16.12.20
50	NWBC EHO	Consultation reply	16.12.20
51	The Gardens Trust	Consultation reply	22.12.20
52	WCC Fire and Rescue	Consultation reply	23.12.20
53	WCC Ecology	Consultation reply	7.1.21
54	WCC Highways	Consultation reply	7.1.21
55	The Gardens Trust	Consultation reply	17.2.21
56	Historic England	Consultation reply	8.1.21
57	Historic England	Consultation reply	26.2.21
58	The Georgian Group	Consultation reply	1.3.21
59	WCC Highways	Consultation reply	15.3.21
60	WCC Ecology	Consultation reply	19.3.21
61	WCC FRA	Consultation reply	25.3.21

*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.*

Appendix A

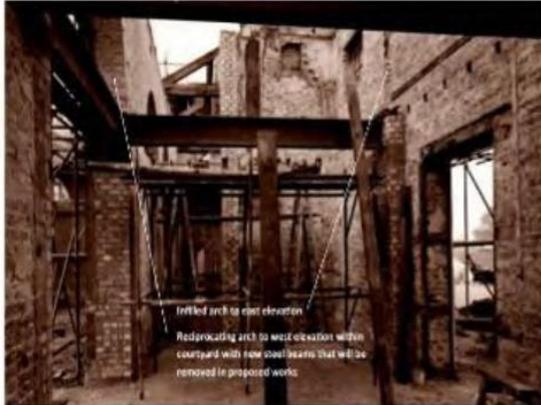


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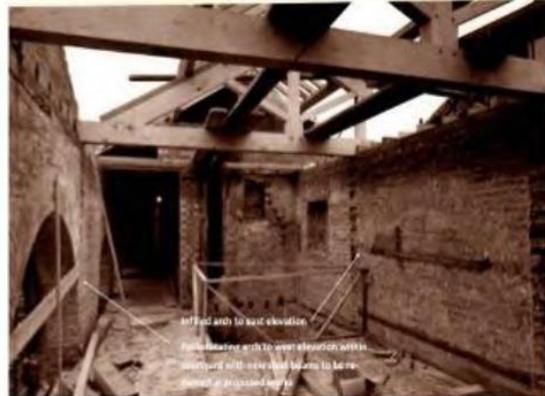
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## Appendix B

### Extent of previous historic alterations to the stable block



Ground floor looking north with the current front door opening visible on the right and the original arch into the courtyard on the left



First floor looking north with the bricked up arch to the east elevation visible on the right and the original arch into the courtyard on the left





Illustrations from 1970 demonstrating the extent of fabric removal undertaken during the refurbishment works

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**APPENDIX C**

Existing elevations



East Elevation



North Elevation



South Elevation – facing north elevation of Hall

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West Elevation



Courtyard south-west



Courtyard north east

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Courtyards windows



7 Part West Courtyard Elevation

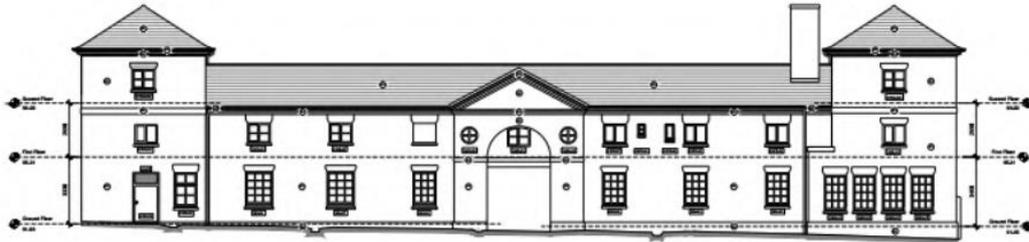


8 Part South Courtyard Elevation

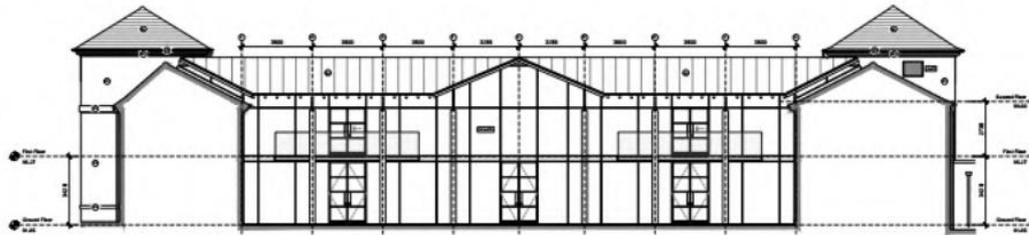
4G/89

5K/193

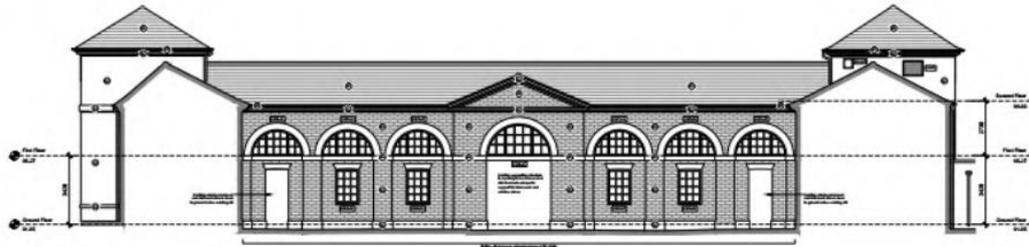
Proposed Elevations:



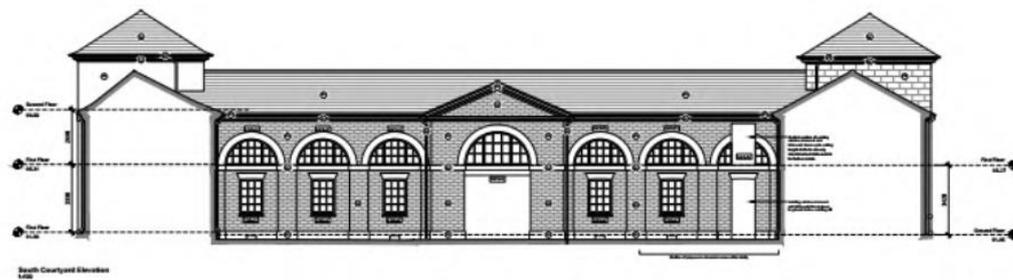
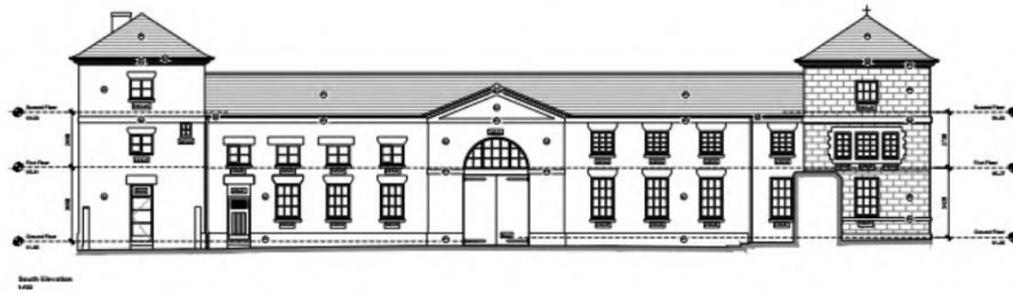
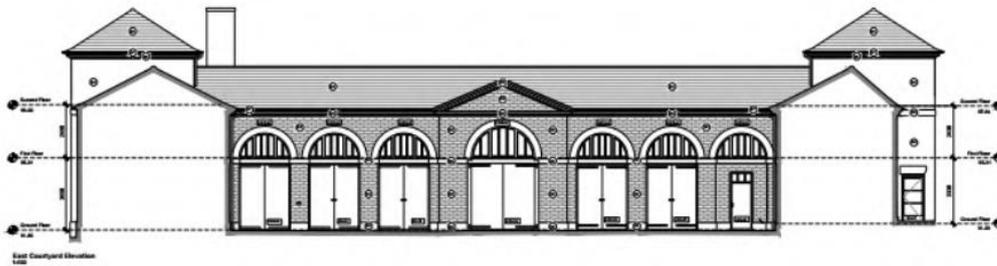
Steel Elevation  
L&B



Steel Courtyard Elevation  
L&B

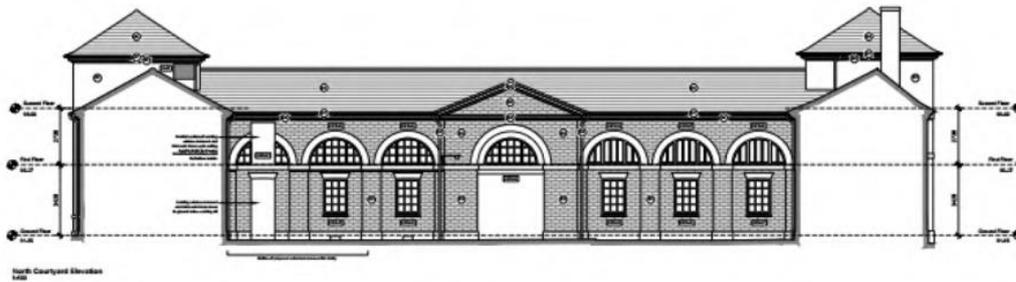
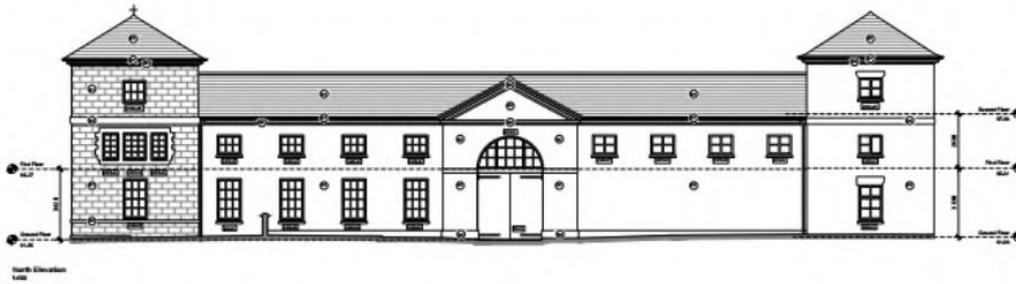


Steel Courtyard Elevation (extension omitted)  
L&B

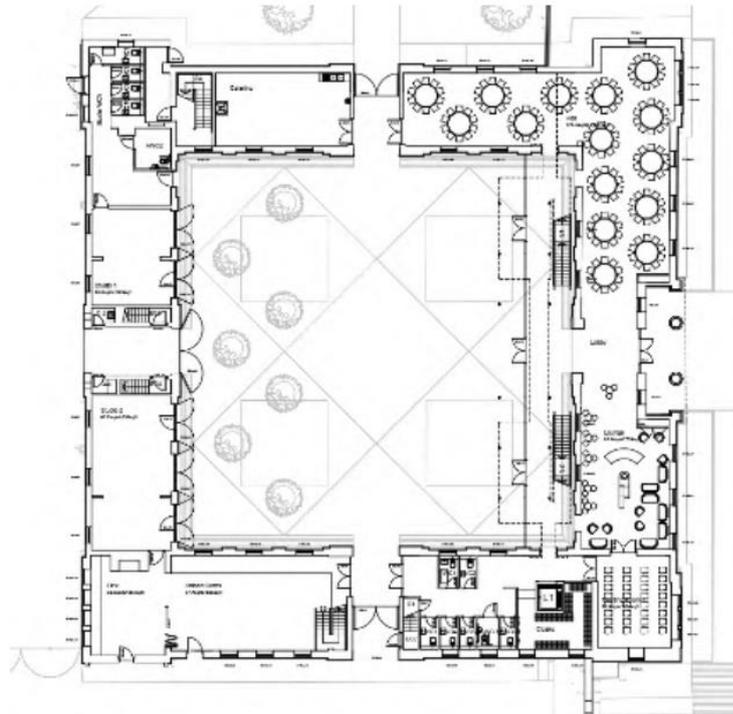


4G/91

5K/195

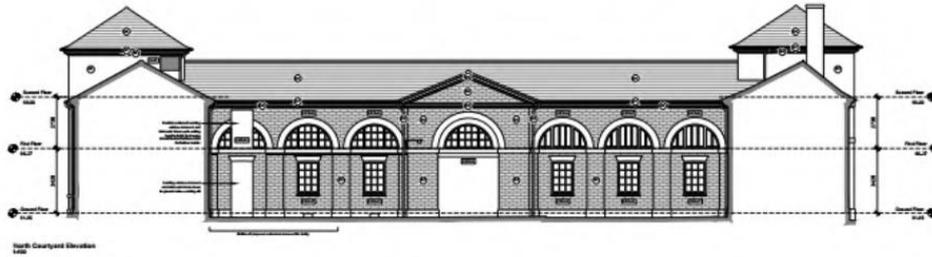
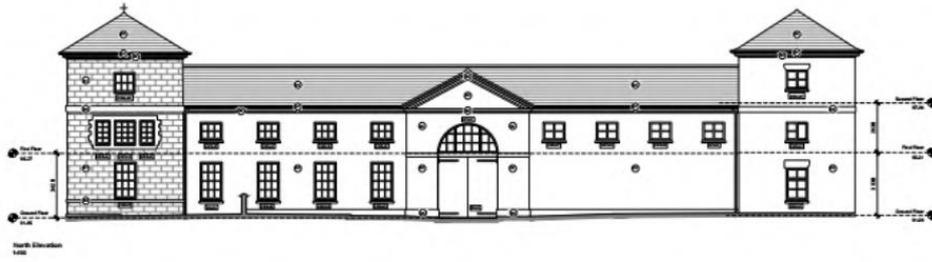


**Proposed floor plans**

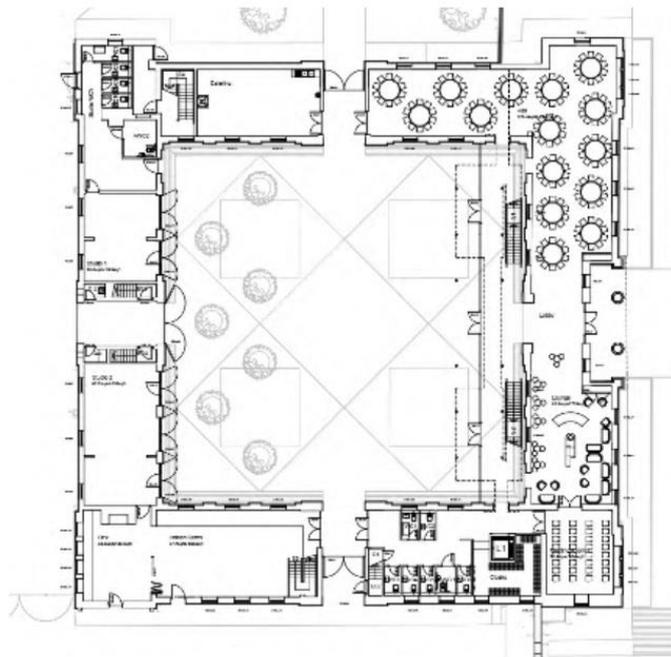


Ground floor plan

4G/92

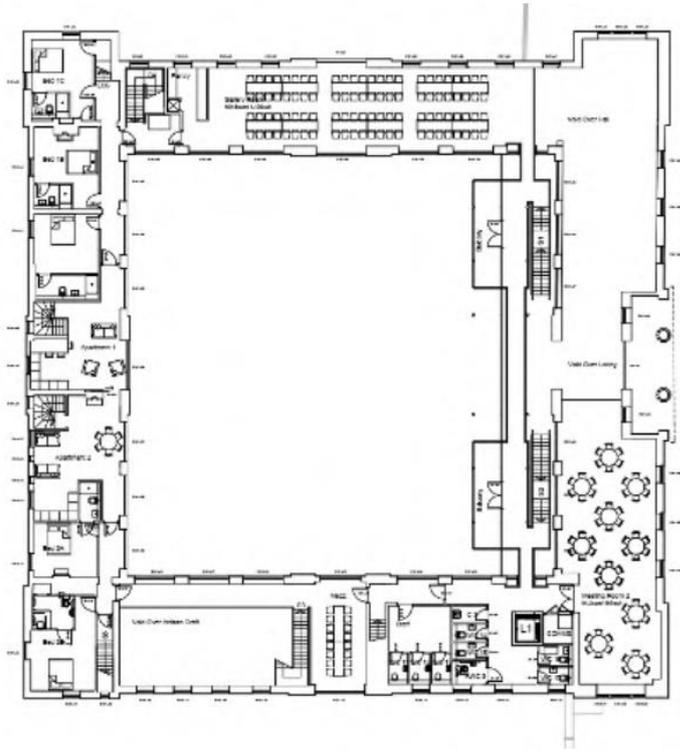


**Proposed floor plans**

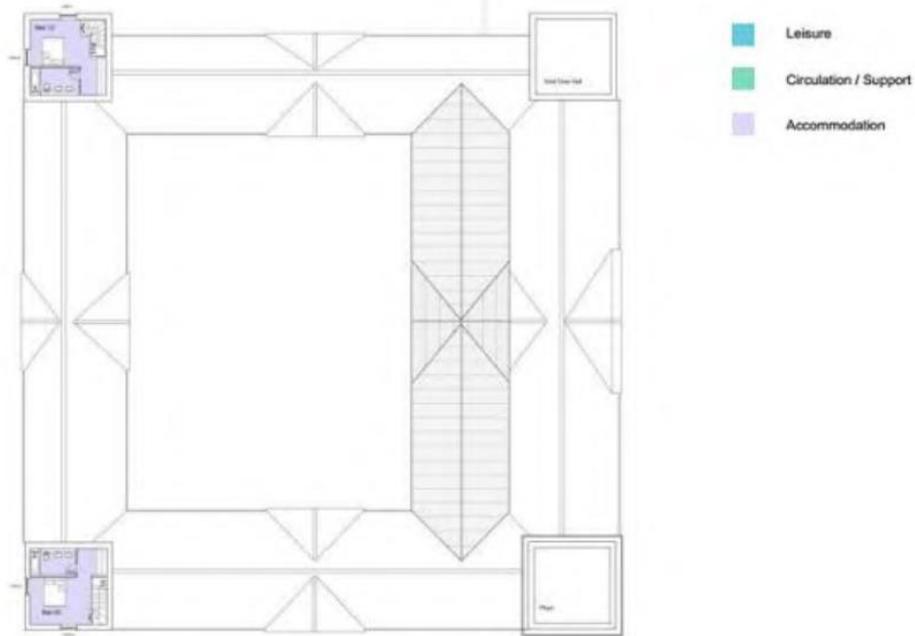


Ground floor plan

4G/92



First Floor Plan



Second Floor Plan

Second Floor Plan

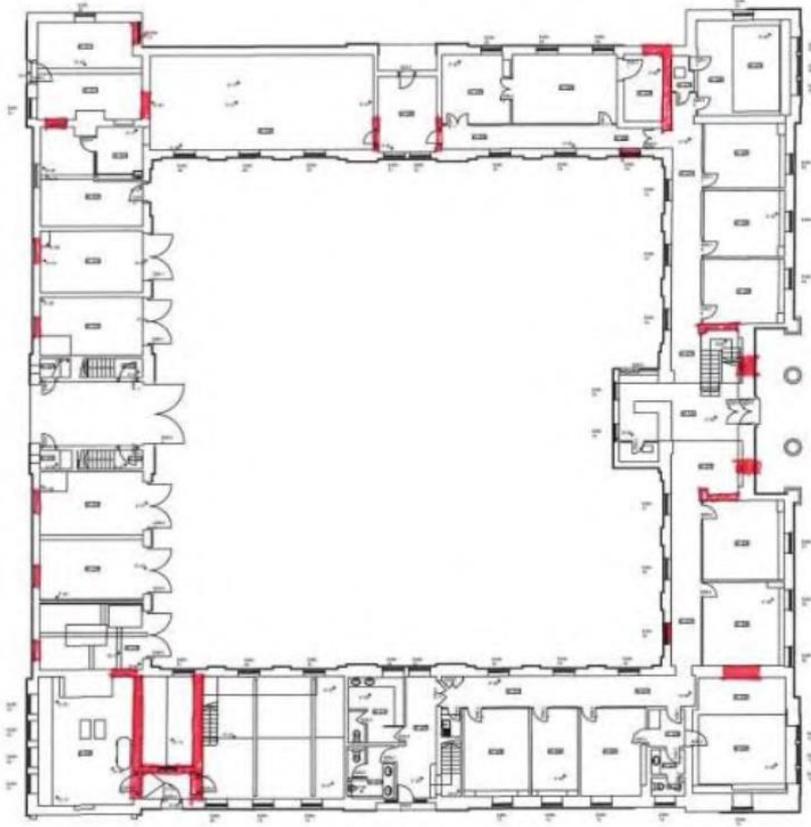
- Leisure
- Circulation / Support
- Accommodation

4G/93

5K/198

## Appendix D

Revised demolition plans – as per addendum to the Design and Access Statement



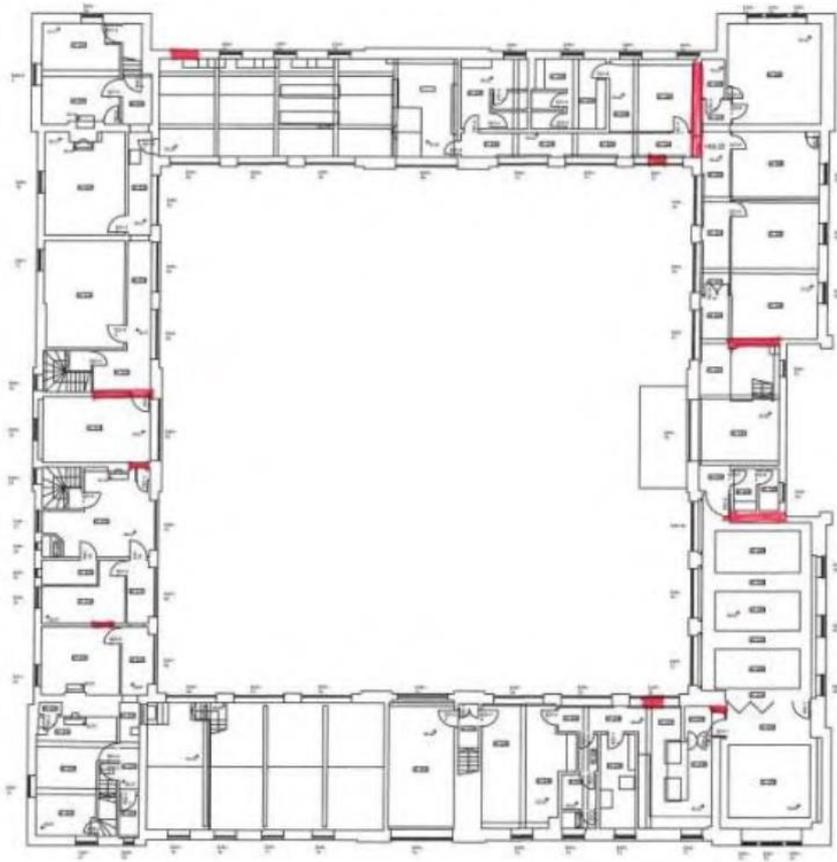
Revised extent with reduced removal of original fabric in studio, catering and hall spaces

Ground floor

4G/94

Page 108 of 248

5K/199

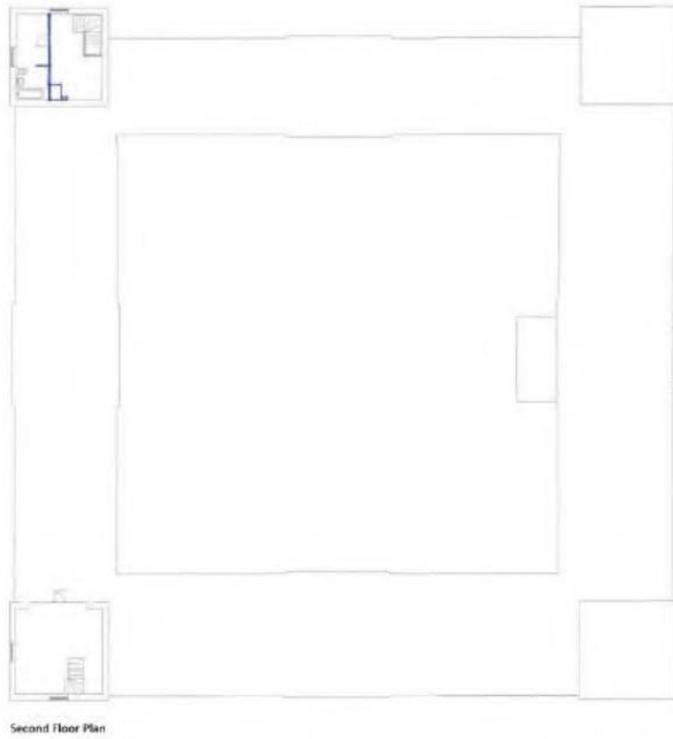


Revised extent with reduced removal of original fabric in apartment wing

First Floor

4G/95

5K/200



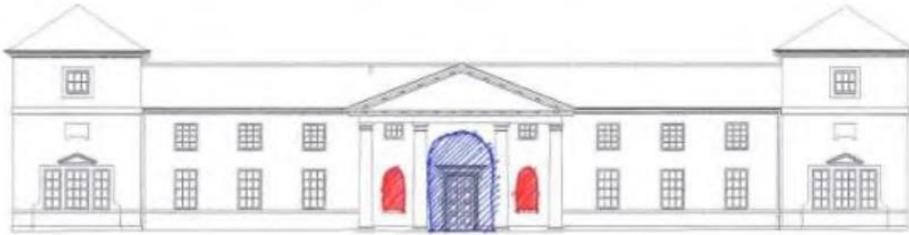
Second Floor

4G/96

5K/201

 Original fabric to be removed

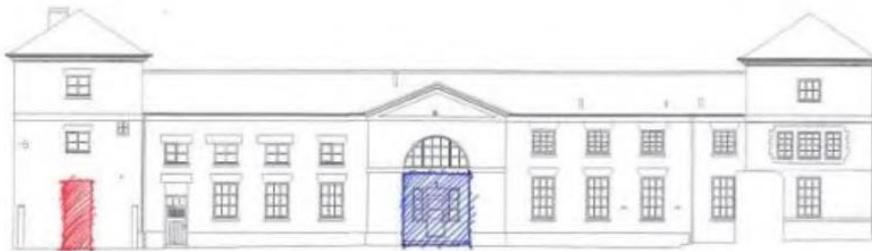
 Later added items to be removed



East Elevation



West Elevation



South Elevation

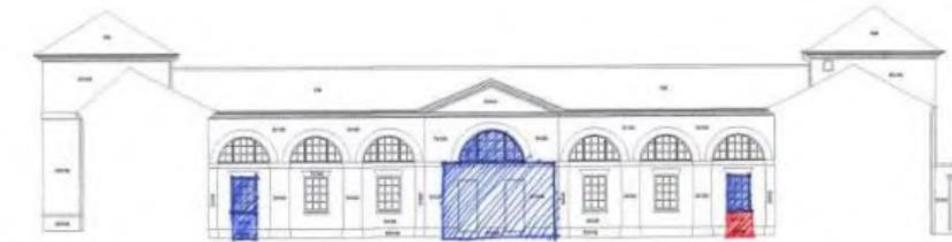


North Elevation

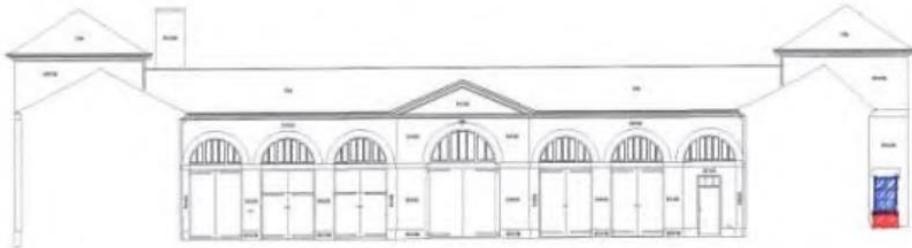
4G/97

5K/202

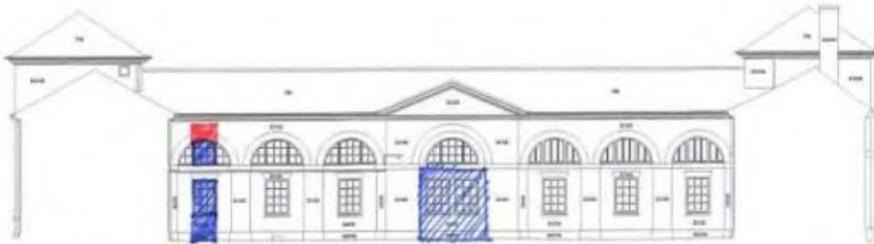
- Original fabric to be removed
- Later added items to be removed



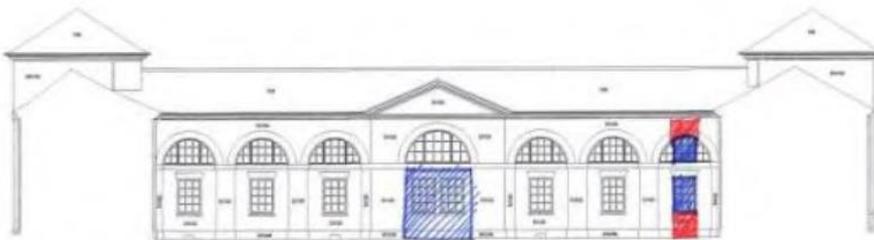
East Elevation



West Elevation



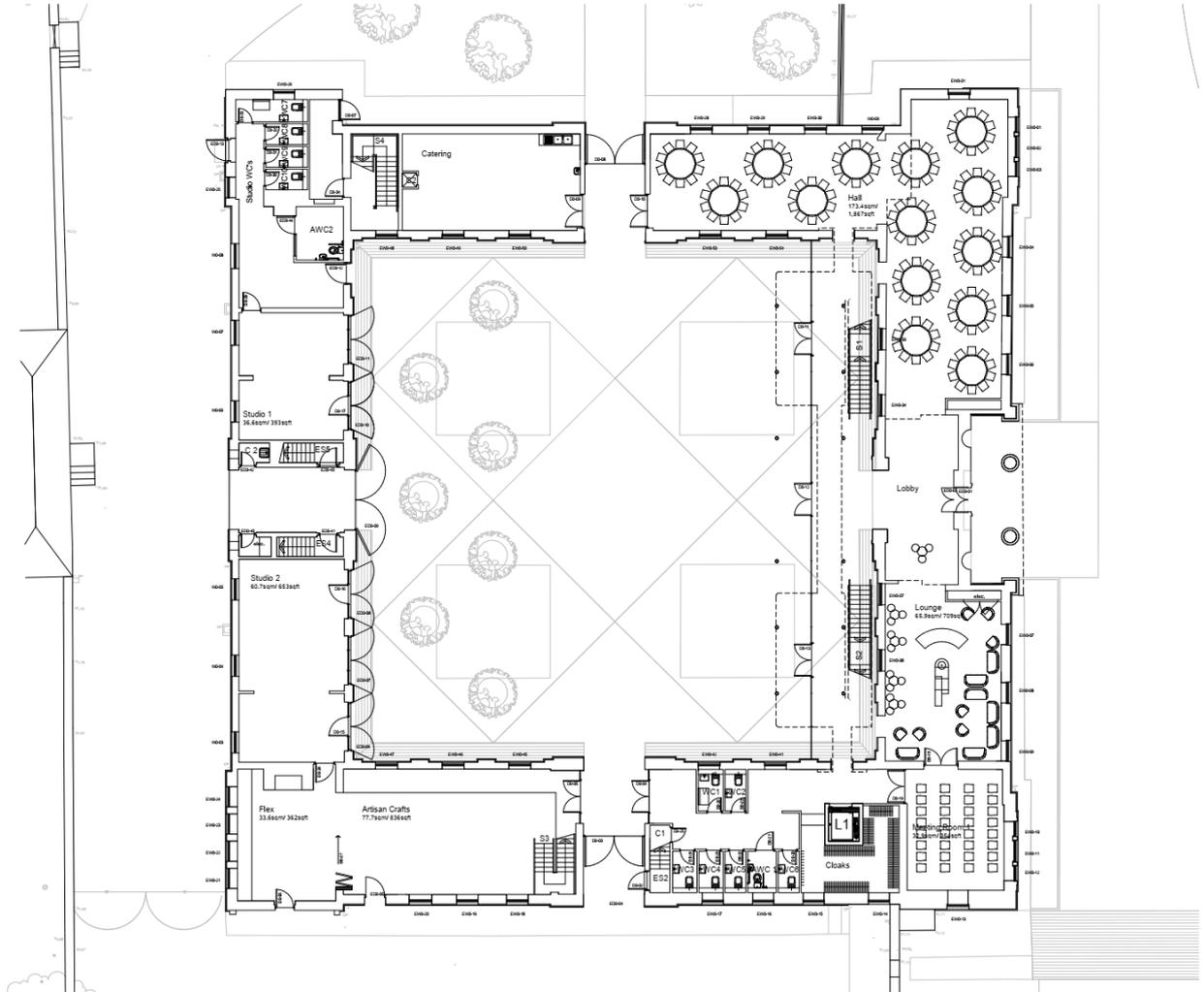
South Elevation

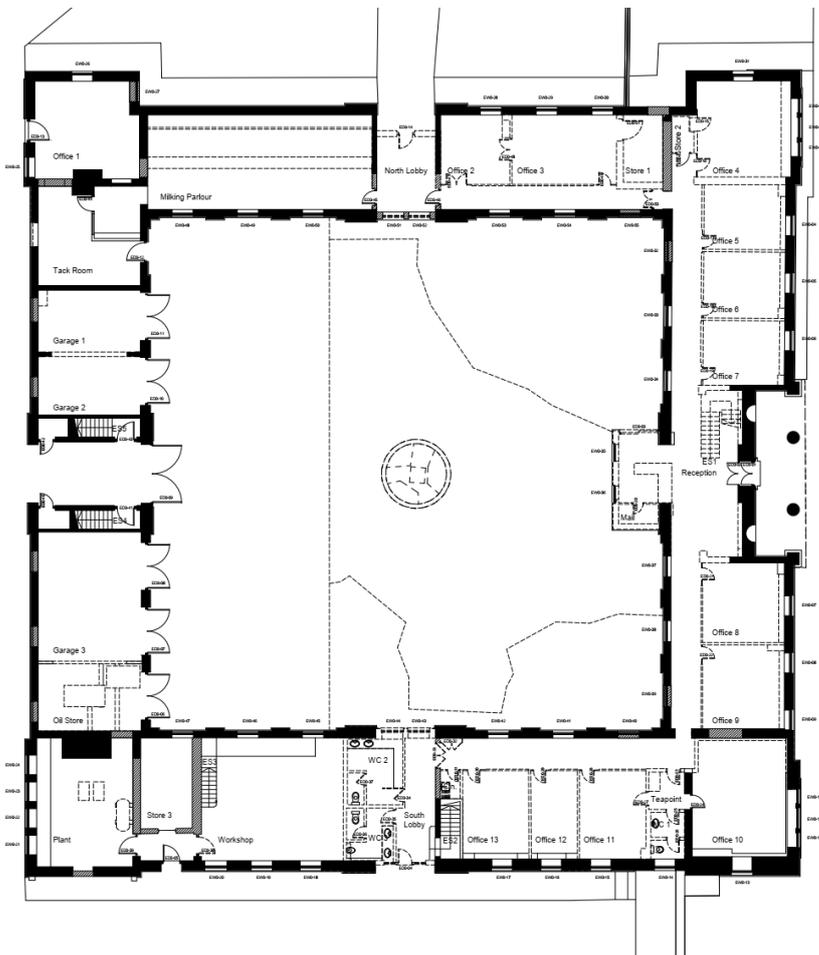


North Elevation

4G/98

# Revised Demolition Plan and illustrations





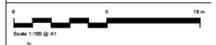
In addition to the nomenclature normally associated with the types of work detailed on this drawing, note the following notes and information.

Please listed here are not exhaustive. For residual architectural risks refer to DSA Risk Register.

**DEMOLITION (PRE-CONSTRUCTION) & CONSTRUCTION:**

For information relating to Use, Cleaning and Maintenance, refer to the above H&S Risk Register.

It is assumed that all works will be carried out by a competent contractor working, where appropriate, to an approved method statement.



- original building fabric retained
- original building fabric demolished
- non-original building fabric retained
- non-original building fabric demolished

P01 14/02/2011 RC IS A1 - Licensed Planning System  
 P02 14/02/2011 RC IS A1 - Licensed Planning System  
 P03 17/02/2011 SR A1 - Licensed Planning System  
 P04 14/02/2011 SR CP A1 - Licensed Planning System

Rev. | Date | Description | Issued

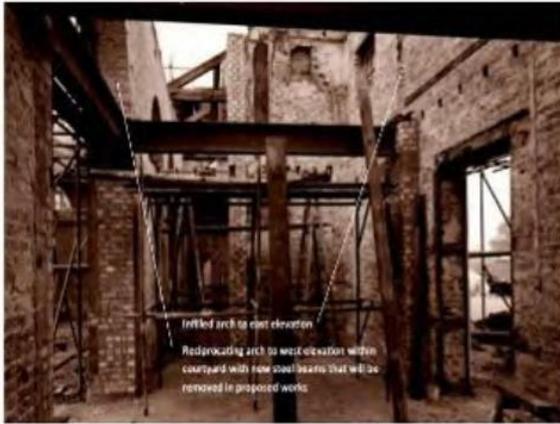


client  
**Packington Estate Enterprises Ltd.**  
 project  
**The Stables**  
 drawing title  
**Ground\_Floor\_Demolition\_Plan**  
 scale  
 1:100@A1  
 date  
 13/10/20  
 author  
 SR  
 drawing number  
 856 / DSA-00-ZZ-M3-A-001  
 CAD Format  
 Revit 2021  
 utility description  
 Stage 3 Approved  
 A3  
 revision  
 856-D5A-00-00-DR-A-0801 **P04**

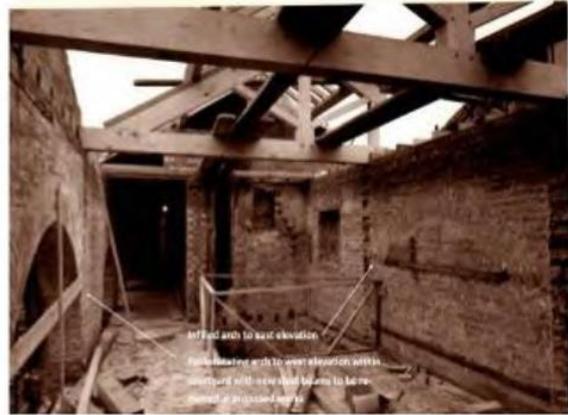
## Appendix B

## Appendix B

### Extent of previous historic alterations to the stable block



Ground floor looking north with the current front door opening visible on the right and the original arch into the courtyard on the left.



First floor looking north with the bricked up arch to the east elevation visible on the right and the original arch into the courtyard on the left.



4G/85

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5K/207



Illustrations from 1970 demonstrating the extent of fabric removal undertaken during the refurbishment works

4G/86

5K/208

## Appendix C

Justification for the works and the 1970's alterations

The image near right is taken from within the north east turret looking towards the internal corner of the courtyard.

The illustrations far right are taken from the other side of the arch at first floor level within the east wing looking towards the north east turret

Proposed hall view reinstating the main arch between the east wing and north east turret to identify the original alignment between these spaces.

Revised plan arrangement of to the north east turret retaining original structure and repairing the primary arch spanning across the east wing junction to the turret.

Overlay of current survey with 1970 survey.  
The 1970 survey completed prior to any refurbishment works gives us a scalable benchmark for comparison as the internal wall arrangements on this survey are as illustrated in the 1860 and 1890 drawings.

The illustrations right overlay the current design proposal on the 1970 survey to illustrate the comparative difference between the layout as it appears on the 1860's drawings and the design proposed in the application.

The chronology of alterations gives us the following wall types as illustrated on the right for ground and

first floors;

Walls indicated in heavy black line are existing as illustrated on the 1970, 1890 and 1860 drawings and are retained in the current proposals.

Wall indicated in dashed line were existing as illustrated on the 1970, 1890 and 1860 drawings and were removed in the refurbishment works of 1970

Walls illustrated hatched were existing as illustrated on the 1970, 1890 and 1860 drawings are proposed for removal in the current design.

### **Removal of Original Internal Fabric**

Flank Walls To Entrance

The same view of the main hall if the flank wall shown hatched on the wall types drawing is retained as existing and in full.

### **Removal of Original Internal Fabric**

Flank Walls To Entrance

The same view of the main hall with the flank walls partially retained and a new screen wall formed on the alignment of the original walls to the entrance of the lounge area beyond.

This retains some of the openness and development of space whilst referencing the original sub-division.

### **Removal of Original Internal Fabric**

Flank Walls To Entrance

Proposed plan with screen walls retained on the alignment of original walls and with the floor finish to the central lobby area subtly altered to illustrate the footprint described by the original wall positions.

**Agenda Item No 6**

**Planning and Development Board**

**23 June 2021**

**Report of the  
Head of Development Control**

**Blackgreaves Farm  
Blackgreaves Lane  
Lea Marston**

**1 Summary**

- 1.1 A Temporary Stop Notice was served in connection with works at this address on 7 June 2021. The report explains the background and seeks confirmation of the action taken.

**Recommendation to the Board**

**That the issue of a Temporary Stop Notice under Section 171 (E) of the town and Country Planning Act in respect of the uses described in this report relating to land a Blackgreaves Farm, be confirmed.**

**2 Background**

- 2.1 Blackgreaves Farm lies within the Green Belt and is accessed from Blackgreaves Lane which is a single carriageway rural lane. The land the subject of the Notice is adjacent to Blackgreaves Farmhouse, which is also within the ownership of the owner of Blackgreaves Farm and a cluster of privately owned residential properties, which are converted buildings, once part of Blackgreaves Farm.

- ... 2.2 The use of the land shown edged red on the attached plan, began approximately two months ago following the construction of an elevated cement silo, the construction of three large concrete bays for the storage of associated materials and the hard surfacing of the area, New security entrance gates were also erected - over two metres in height at the entrance to Blackgreaves Farm. This development on the land requires planning permission.

- 2.3 The service of the Temporary Stop Notice refers to the use of the land. The Notice was served under s 171 (E) of the Town and Country Planning Act 1990 on 7<sup>th</sup> June 2021, in respect of the unauthorised change of use of part of the land at Blackgreaves Farm, Blackgreaves Lane, Lea Marston, B76 0D, for a use in connection with the processing, storage, import of materials and distribution of cement together with the parking and operation of vehicles used in connection with the use of the land for the processing, storage, import of materials and distribution of cement.
- 2.4 Blackgreaves Farm is accessed, via a single carriageway, which also serves several residential properties, a Golf Club a Hotel, a camp site, a cricket ground, an Indian Restaurant, pavilion, and an established shooting club. The camp Site, shooting club, the cricket club ground is also within the ownership of the owner of Blackgreaves Farm. The remaining agricultural use of the land at Blackgreaves Farm appears to have now ceased. It has been noted that the land is currently being advertised for lease. (June 2021)
- 2.5 The unauthorised use of the land commenced approximately two months ago in April. Since it first commenced, however, the use has intensified. It is understood currently, that cement is hard to obtain for all building projects and the construction industry in general. Since the unauthorised installation of the equipment and development of the land for this purpose, the use has intensified significantly to the detriment of the occupants of the surrounding and nearby neighbours, in terms of noise, disruption, and general nuisance. HGV vehicles in connection with this use have been delivering, picking up and dropping off materials, on some occasions, at 2200 hours which is not acceptable and clearly impacts on the life of the occupants of nearby residential properties.
- 2.6 Furthermore, evidence of HGV vehicle queuing on the single carriageway has been provided, causing obstruction and inconvenience to other road users accessing the facilities and properties in Blackgreaves Lane. Damage to the metalled road, allegedly caused by the unauthorised use, has occurred at the entrance to Blackgreaves Farm. This matter has been reported to Warwickshire County Council.
- 2.7 Blackgreaves Farmhouse is a Grade II listed building. As such the Local Planning Authority is statutorily required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. Cement processing and storage/distribution works on the parcel of land alongside this heritage asset does have a harmful impact on its setting.
- 2.8 The significance of the Heritage asset lies in its strong architectural form and presence in the Arden landscape, comprising a farmstead with visual and functional links to the land which form part of the overall historic context of the site. The character of the 'setting' is diluted by such an operation and the harm caused to the significance of the Heritage Asset would not likely be outweighed by any public benefits.

- 2.9 Contact has been made with the owner of the land, who claims that the concrete is only for his own purposes. Whilst he does own a significant amount of land within the vicinity, no justification for the installation of plant and equipment and use of the land for this purpose, at this level, has been provided. It is believed that the owner is exporting the cement elsewhere and is making use of the fact that there is a national shortage in supplying cement. The owner has also indicated that the concrete facility will remain in situ and be relocated to another part of his land once his personal needs are met.
- 2.10 Verbal authorisation, from the Board Chairman was obtained prior to the service of a Temporary Stop Notice in order to provide a wider timescale for the consideration of any further formal action. A Planning Contravention Notice has also been issued, to establish the background. Following receipt of any further information, obtained in response to this Notice, further action may be necessary in respect of the breach identified in the Temporary Stop notice.

### **3 Planning Policy**

- 3.1 The reasons for the issue of the Notice relate to non-compliance with Development Plan policy.
- 3.2 The site is in the Green Belt. It is considered that the use is not appropriate development in the Green Belt because it does not preserve the openness of the Green Belt and because it conflicts with the purposes of including land within the Green Belt. By virtue of paras 143 and 144 of the National Planning Policy framework 2019 - (the "NPPF") - inappropriate development is harmful to the Green Belt and substantial weight should be given to that harm. The Council is not aware of any planning considerations that would provide the weight to clearly outweigh this harm and thus provide the very special circumstances to support the retention of the use as is required by para 143 of the NPPF. As a consequence, the use would not accord with Policy NW3 of the North Warwickshire Core Strategy 2014 and Section 13 of the NPPF.
- 3.3 The proposal is considered to cause substantial harm to the setting of an adjoining Grade 2 Listed Building - Blackgreaves Farmhouse. The Council is under a Statutory Duty to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural and historic interest it possesses. The significance of this heritage asset is that a former farmhouse is retained with its contemporaneous internal and external architectural attributes and characteristics together within its open countryside setting. Substantial harm is caused to the setting a consequence of the use the subject of this Notice because it reduces the extent of the open land around the asset and introduces a thoroughly modern and industrial alien character to its setting. There is not considered to be the substantial benefits to outweigh this harm as is required by para 195 of the NPPF. As such the use would not accord with Policy NW14 of the North Warwickshire Core Strategy 2014 and Section 16 of the NPPF.

- 3.4 The proposed development introduces an industrial process and use within a rural area where there are other private residential properties. As such the use introduces unacceptable impacts on neighbouring residential amenities through noise, light and increased traffic. As such the use would not accord with Policy NW10 (9) of the North Warwickshire Core Strategy 2014 and para 180 of the NPPF.

In respect of highway matters unauthorised works have been carried out to the public highway verge in order to widen a vehicular access at the location highlighted. Warwickshire County Council will pursue this with the landowner, as a contravention of the Highways Act. Additionally, the access appears to be partially block-paved and Warwickshire County Council does not give permission for this type of surface to be used in a vehicle access.

- 3.5 Additionally, Blackgreaves Lane carries an environmental weight limit of 2.5 Tonnes. Operations being carried out within this weight restriction without planning consent that require vehicles exceeding this weight limit to access the site, may be in contravention of this weight restriction and therefore subject to Police enforcement. Any repairs to damage caused to the highway through the use of vehicles exceeding this weight limit may be recharged back to the responsible party through S59 of the Highways Act. These other Agencies are aware of the situation.
- 3.6 It is considered that the harms identified above are substantial and carry significant cumulative weight. This warranted the service of the Notice. The Notice may well have an impact on the recipients and any business activity associated with the uses. Since no clear justification for the use has been provided, this loss appears to be limited to the loss of income from the unlawful use which is outweighed by the harm caused. The Notice enables these to be explored further, such that any future formal action can be considered with that in mind in the planning balance.

## **4 Report Implications**

### **4.1 Financial and Value for Money Implications**

- 4.1.1 There will be no implications for the Council as the service of such Notice will be dealt with through the service's own departmental budget.

### **4.2 Equality, Human Rights and Legal Implications**

- 4.2.1 There is no appeal against the issue of a Temporary Stop Notice, further engagement within the 28-day period in which it takes effect, will enable any future action to be considered in light of any information received in that period.

### 4.3 **Environmental and Sustainability Implications**

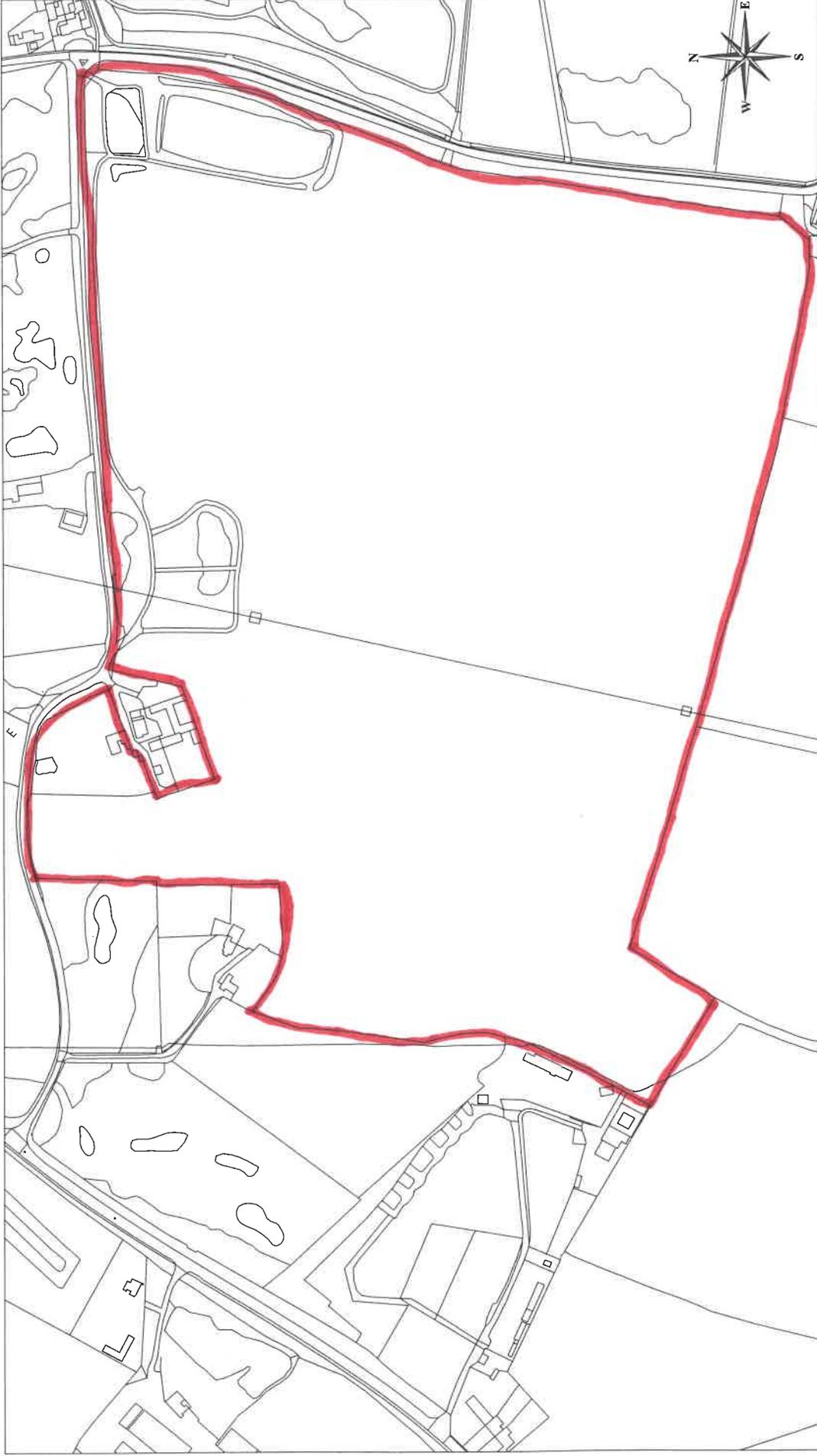
- 4.3.1 The unauthorised change of use of this land does not accord with the Development Plan such that there are adverse environmental impacts being caused in an unsustainable location.

### 4.4 **Links to Council Priorities**

- 4.4.1 This action aligns to the Council's priorities of protecting and improving the environment, defending the countryside and the openness of the Borough

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

# Temporary Stop Notice



Sterling Court  
Northon Road  
Stevenage  
Herts SG1 2JY  
UK

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Fax: +44 (0)1438 747997  
E-mail: [info@cadcorp.com](mailto:info@cadcorp.com)



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## Agenda Item No 7

### Planning and Development Board

23 June 2021

#### Report of the Chief Executive

#### Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April 2020 – March 2021

### 1 Summary

- 1.1 This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April 2020 to March 2021.

#### **Recommendation to the Board**

**That Members consider the performance achieved and highlight any areas for further investigation.**

### 2 Consultation

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

### 3 Background

- 3.1 This report shows the year end position with the achievement of the Corporate Plan and Performance Indicator targets for 2020/21. This is the fourth report showing the progress achieved so far during this year.

### 4 Progress achieved during 2020/21

- ... 4.1 Attached at Appendices A and B are reports outlining the progress achieved for all the Corporate Plan targets and the agreed local performance indicators during April 2020 to March 2021 for the Planning and Development Board.
- 4.2 Members will recall the use of a traffic light indicator for the monitoring of the performance achieved.

Red – target not being achieved (shown as a red triangle)

Green – target achieved (shown as a green star)

## 5 Performance Indicators

- 5.1 The year end returns are subject to review by Internal Audit and therefore maybe subject to changes. Any amendments to the returns will be reported to a future meeting of the board.

## 6 Overall Performance

- 6.1 The Corporate Plan performance report shows that 88% of the Corporate Plan targets and 67% of the performance indicator targets have been achieved. One target for processing other applications has not been achieved due to a combination delays in receiving consultation responses and the seeking of extensions in time. A target to prepare a report to the board was also delayed due to priority given for enforcement cases. A delay with work on preparing a sub-regional planning policy framework for sustainable construction has also been highlighted. The report shows the individual targets that have been classified as red or green. Individual comments from the relevant division have been included where appropriate. The table below shows the following status in terms of the traffic light indicator status:

### Corporate Plan

Status	Number	Percentage
Green	14	88%
Red	2	12%
Total	16	100%

### Performance Indicators

Status	Number	Percentage
Green	2	67%
Red	1	33%
Total	3	100%

## 7 Summary

- 7.1 Members may wish to identify any areas that require further consideration where targets are not currently being achieved.

## 8 Report Implications

### 8.1 Safer Communities Implications

- 8.1.1 Major applications are considered by the Police Architectural Liaison Officer who is looking to ensure that Secure by Design principles are applied for new developments.

## 8.2 Legal Data Protection and Human Rights Implications

8.2.1 The national indicators were specified by the Secretary of State for Communities and Local Government. They were replaced by a single list of data returns to Central Government from April 2011.

## 8.3 Environment and Sustainability Implications

8.3.1 Improvements in the performance and quality of services will contribute to improving the quality of life within the community. The actions to improve apprenticeships, training and employment opportunities and transport links for residents is contributing towards the raising aspirations, educational attainment and skills priority of the North Warwickshire Sustainable Community Strategy 2009 – 2026.

## 8.4 Risk Management Implications

8.4.1 Effective performance monitoring will enable the Council to minimise associated risks with the failure to achieve targets and deliver services at the required performance level.

## 8.5 Equality Implications

8.5.1 The action to improve employment opportunities for residents is contributing to equality objectives and is a positive impact in terms of the protected characteristics for age through the young people employment programme.

## 8.6 Links to Council's Priorities

8.6.1 There are targets and performance indicators included relating to supporting employment and business, protecting countryside and heritage, and promoting sustainable and vibrant communities.

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

### 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

Planning and Development 20/21										
	Action	Priority		Reporting Officer	Quarter 3	Status	Direction	Quarter 4	Status	Direction
21 (a)	To continue to manage development and to deliver its associated infrastructure, in line with the Infrastructure Delivery Plan and priorities in the Council's Corporate Plan and in the Sustainable Community Strategy	Protecting our Countryside & Heritage	Planning & Development Board	Jeff Brown	Infrastructure is sought where appropriate alongside the handling of planning applications.	Green	↔	Infrastructure is sought where appropriate alongside the handling of planning applications.	Green	↔
21 (b)	Use the Design Champions to ensure the best achievable designs are implemented and developed so as to reflect setting and local character	Protecting our Countryside & Heritage	Planning & Development Board	Jeff Brown	Meetings are regularly held when appropriate even at pre-application stage but this has been limited this quarter because of COVID	Amber	↓	Meetings are regularly held when appropriate even at pre-application stage but this has been limited this quarter because of COVID	Green	↔
21 (c)	To seek to secure the protection of the best of the Borough's built and rural heritage, including supporting the Tame Valley Wetlands Partnership and the area's Country Parks and reporting, by January 2021, on a review of the Borough's Conservation Area	Protecting our Countryside & Heritage	Planning & Development Board	Jeff Brown/Simon Powell	Heritage issues continue to feature in the handling of applications and the report is on course. The Tame Valley Partnership is referred to where appropriate in looking at Section 106 agreements.	Green	↔	Heritage issues continue to feature in the handling of applications and the report is on course. The Tame Valley Partnership is referred to where appropriate in looking at Section 106 agreements.	Green	↔
21 (d)	To continue to work with North Warwickshire Heritage Forum to protect, promote and develop the heritage and tourism of North Warwickshire in accordance with the priorities of the Destination Management Plan	Protecting our Countryside & Heritage	Planning & Development Board	Jeff Brown/Simon Powell	Whilst work has been diluted due to the COVID-19 pandemic, activity undertaken in support of local heritage, tourism and other priorities of the Destination Management Plan is continuing to evolve. These are material considerations in dealing with planning applications	Amber	↔	Whilst work was diluted due to the COVID-19 pandemic, activity undertaken in support of local heritage, tourism and other priorities of the Destination Management Plan continued to evolve. These are material considerations in dealing with planning applications	Green	↔
21 (e)	Review the Borough's tourism priorities and Destination Management arrangements in particular with a view to maximising the opportunities from the City of Culture 2021 and Commonwealth Games 2022 and related cycling events, and to include walking, cycling, water sports, horse riding and country parks	Protecting our Countryside & Heritage	Planning & Development Board	Jeff Brown/Simon Powell	Whilst work has slowed due to the COVID-19 pandemic, the Authority has continued to be engaged in forums reviewing the opportunities available through the planning of the City of Culture and Commonwealth Games events, as well as in respect of the further development of, for instance, cycling and walking in the Borough	Amber	↔	Whilst work slowed due to the COVID-19 pandemic, the Authority continued to be engaged in forums reviewing the opportunities available through the planning of the City of Culture and Commonwealth Games events, as well as in respect of the further development of, for instance, cycling and walking in the Borough	Green	↔
22	To regularly report on Growth pressures on the Borough, the protection of the Green Belt as far as possible and how to sustain the rurality of the Borough	Protecting our Countryside & Heritage	Planning & Development Board	Jeff Brown	Reference to these matters appears in reports when officers deal with planning applications.	Green	↔	Reference to these matters appears in reports when officers deal with planning applications.	Green	↔
23	Report on ways to improve enforcement of all planning and environmental powers by November 2020	Protecting our Countryside & Heritage	Planning & Development Board	Jeff Brown	The report will be prepared on time	Green	↔	The preparation of this report has been delayed due to substantial enforcement cases having to take priority	Red	↓
24	To press for maximum mitigation and benefits for the Borough arising from HS2, particularly during construction in partnership with other affected Councils and community action groups	Protecting our Countryside & Heritage	Planning & Development Board	Dorothy Barratt	Work is ongoing.	Green	↔	Work is ongoing.	Green	↔
25	To continue to oppose the principle of Opencast Mining and Mineral Extraction	Protecting our Countryside & Heritage	Planning & Development Board	Jeff Brown	There have been no instances in the Borough to date	Green	↔	There have been no instances in the Borough to date	Green	↔

Planning and Development 20/21										
	Action	Priority		Reporting Officer	Quarter 3	Status	Direction	Quarter 4	Status	Direction
30	To progress the Local Plan through Inquiry towards adoption and commence further work as agreed by the Local Development Framework Sub-Committee, including work to protect valued views, Member steering groups on major allocation sites (to include Section 106 requirements) and consideration of work for the next Local Plan period (2033-2045)	Protecting our Countryside & Heritage	Executive Board/Planning & Development Board/LDF Sub-Committee	Dorothy Barratt	Virtual hearings were held in December 2020 with work progressing to Main Modifications consultation.	Green	↔	Main Modification consultation ended on 14 April. The 46 representations were sent to the Local Plan Inspector. His final report is awaited.	Green	↔
33	Maximise the opportunity for Section 106 funding for leisure and open space in accordance with the Supplementary Planning Document and Infrastructure Delivery Plan	Improving Leisure & Wellbeing Opportunities	Planning & Development Board	Jeff Brown/Simon Powell	The Borough Council is maximising the opportunities to negotiate Section 106 funding in accordance with the provisions of the relevant Supplementary Planning Document. This is ongoing and regularly features in cases - eg. Community use at Polesworth School and the proposed Surf Park	Green	↔	The Borough Council is maximising the opportunities to negotiate Section 106 funding in accordance with the provisions of the relevant Supplementary Planning Document.	Green	↔
51 (a)	Better understand the employment and skills deficits in the Borough, particularly in respect of the changing nature of the logistics sector, so as to work with the County Council and other partners to provide and promote apprenticeships and training opportunities for North Warwickshire residents and to increase their accessibility to employment centres; and	Supporting Employment & Business	Planning & Development Board	Steve Maxey	The draft Economic Development Strategy will consider further projects to improve employment prospects for residents of the Borough. Discussions are taking place with MIRA in respect of a bespoke skills curriculum if the extension at their site is granted planning permission.	Amber	↔	The draft Economic Development Strategy will consider further projects to improve employment prospects for residents of the Borough. Discussions are taking place with MIRA in respect of a bespoke skills curriculum if the extension at their site is granted planning permission.	Green	↔
51 (b)	Administer funding provided by the developers and through other funding sources to maximise opportunities for employment of local people, in light of the evidence to be provided under (a) above	Supporting Employment & Business	Planning & Development Board	Steve Maxey	Work has started to ensure that when the opportunities are available that the Borough Council is in a position to use these funds.	Green	↔	Work has started to ensure that when the opportunities are available that the Borough Council is in a position to use these funds.	Green	↔
52	To work with the County Council, Town and Parish Councils and other partners to maximise section 106 contributions for infrastructure to support business such as communities such as the use of renewable energy, enhancement of sustainable transport initiatives, employment support, affordable employment space and enterprise hubs	Supporting Employment & Business	Planning & Development Board	Jeff Brown	This is ongoing and regularly features in the determination of planning applications - The proposed Surf park and Wall are cases in hand. But presently there have been few major applications to deal with	Green	↑	This is ongoing and regularly features in the determination of planning applications - The proposed Surf park and Wall are cases in hand. But presently there have been few major applications to deal with	Green	↔
54	Progress the North Warwickshire Transport Strategy to improve strategic roads such as the A5 (via the HIF bid) and A446, reduce overuse of rural routes and improve transport links, including cycle ways, footpath links, public transport, all forms of rail provision and HGV parking to local employment and report on progress by March 2021	Supporting Employment & Business	Planning & Development Board	Steve Maxey	Funding has been achieved in the March 2020 budget for a £79.5m scheme for the A5. Discussion continue with Government about the delivery of the project and a statement of common ground regarding delivery of the scheme was submitted to the Local Plan examination in December 2020. Officers are working with the County Council to improve the safety of the A446. Work on the NW Transport Plan is waiting for the next steps from the County Council	Green	↔	Funding has been achieved in the March 2020 budget for a £79.5m scheme for the A5. Discussion continue with Government about the delivery of the project and a statement of common ground regarding delivery of the scheme was submitted to the Local Plan examination in December 2020. Officers are working with the County Council to improve the safety of the A446. Work on the NW Transport Plan is waiting for the next steps from the County Council	Green	↔

Planning and Development 20/21										
	Action	Priority		Reporting Officer	Quarter 3	Status	Direction	Quarter 4	Status	Direction
62	Examine the case for a sub-regional Planning Policy Framework for sustainable construction to ensure high levels of sustainability for new buildings in the Borough	Tackle Climate Change	Executive Board Planning & Development Board	Steve Maxey	This will be picked up as part of the joint work on spatial planning which has been delayed slightly due to the COVID outbreak. The work programme for the joint spatial planning work has now been drafted and progressed by the CSW group of planning officers	Amber	↔	This will be picked up as part of the joint work on spatial planning which has been delayed slightly due to the COVID outbreak. The work programme for the joint spatial planning work has now been drafted and progressed by the CSW group of planning officers	Red	↔

NWPI Planning Board 20/21

	Description	Section	Priority	Year End Target 2020/21	Outturn 2019/20	April - Mar Performance	Traffic Light	Direction of Travel	Comments
@NW:NI157a	Processing of planning applications in 13 weeks for major application types	Development Control	Countryside and Heritage	60%	84.00%	94.00%	Green	↑	Continue to obtain extension of times
@NW:NI157b	Processing of planning applications in 8 weeks for minor application types	Development Control	Countryside and Heritage	80%	80.00%	80.00%	Green	↑	Continue to obtain extension of times
@NW:NI157c	Processing of planning applications in 8 weeks for other application types	Development Control	Countryside and Heritage	90%	76.00%	77.00%	Red	↓	Reflects significant increase in number of householder applications