

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

**For the information of other Members of the Council**

For general enquiries please contact the Democratic Services Team on 01827 719221 or via e-mail – [democraticservices@northwarks.gov.uk](mailto:democraticservices@northwarks.gov.uk)

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

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

## **PLANNING AND DEVELOPMENT BOARD AGENDA**

**2 NOVEMBER 2020**

The Planning and Development Board will meet on Monday 2 November 2020 at 6.30pm via Teams. An email invite will be sent to Board members and the meeting will be live streamed on the Council's YouTube channel, accessible from the home page of the Council's website or at <https://www.youtube.com/user/northwarks>

### **AGENDA**

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

## **REGISTERING TO SPEAK AT THE MEETING**

PLEASE BE AWARE THAT THIS MEETING WILL BE TAKING PLACE  
REMOTELY

Anyone wishing to speak at the meeting, in respect of a Planning Application, must register their intention to do so by 1pm on the day of the meeting, either by email to [democraticservices@northwarks.gov.uk](mailto:democraticservices@northwarks.gov.uk) or by telephoning 01827 719221.

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

## **ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)**

- 3 **Determination of Planning Applications – Report of the Head of Development Control**

### **Summary**

The report reviews the use of the temporary revisions to the Scheme, adopted in light of the national “lockdown”.

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

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

### **Summary**

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

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

- 4a **PAP/2020/0450 - Woodview, Westwood Road, Atherstone**  
Retention of garden room in rear garden.
- 4b **PAP/2020/0324 - 113 Church Road, Hartshill**  
Erection of first floor rear extension to provide additional residential accommodation at first floor and alterations to ground floor extensions to replace roof and incorporate a roof light and a lantern roof light.
- 4c **PAP/2020/0190 - 19 Dordon Road, Dordon**  
Erection of two single store dwellings with associated access and parking.
- 4d **CON/2020/0014 - Land East of Middle Bickenhill Lane between the A452, A446 and A45**  
Plans and specifications under Schedule 17 of the High Speed Rail (London to West Midlands) Act 2017.
- 4e **PAP/2019/0166 - Heart of England Conference and Events Centre**  
Erection of wedding venue extension to Conference Centre; creation of amphitheatre and pagoda for outdoor wedding ceremonies.

5 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - September 2020** - Report of the Chief Executive

**Summary**

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

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

6 **Appeal Update** – Head of Development Control

**Summary**

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

The Contact Officer for this report is Jeff Brown (01827 719310).

7 **Exclusion of the Public and Press**

**Recommendation:**

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

8 **Land at Hartshill** – Head of Development Control

The Contact Officer for this report is Jeff Brown (01827 719310).

STEVE MAXEY  
Chief Executive

**Agenda Item No 3**

**Planning and Development Board**

**2 November 2020**

**Report of the Head of Development  
Control**

**Determination of Planning  
Applications**

**1 Summary**

- 1.1 The report reviews the use of the temporary revisions to the Scheme, adopted in light of the national “lockdown”.

**Recommendation to the Board**

**That the temporary arrangements adopted by the Council in May 2020 not be continued.**

**2 Background**

- 2.1 In May this year, Council agreed a temporary change to the adopted Scheme of Delegation for the determination of planning applications as a consequence of the national “lockdown”. These changes are in place until next May but with reviews required in October this year and in January 2021.
- 2.2 The revisions enabled applications to be referred to the Board in a consultative capacity with comments received from Members being referred to the Chief Executive who then had delegated powers to determine the application following consideration of those comments.

**3 Observations**

- 3.1 This revised procedure has only been used once and as Members are aware there have now been three “virtual” meetings of the Board and future meetings are to follow the timetable that was agreed before the “lockdown”.
- 3.2 In these circumstances it is suggested that there is no longer a need to use the revised procedures. If there are future local or national restrictions imposed for “gatherings”, then the Board can continue to meet virtually.

**4 Report Implications**

**4.1 Legal, Data Protection and Human Rights Implications**

4.1.1 Not continuing with the revisions will enable applicants and objectors to address the Board and for Members of the public to view the proceedings.

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

**Background Papers**

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

Background Paper No	Author	Nature of Background Paper	Date

## **Agenda Item No 4**

### **Planning and Development Board**

**2 November 2020**

### **Planning Applications**

#### **Report of the Head of Development Control**

#### **1 Subject**

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

#### **2 Purpose of Report**

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

#### **3 Implications**

- 3.1 Should there be any implications in respect of:

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

#### **4 Site Visits**

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.
- 4.2 Members are reminded of the "Planning Protocol for Members and Officers dealing with Planning Matters", in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

## 5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: [www.northwarks.gov.uk](http://www.northwarks.gov.uk).
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 7 December 2020 - at 6.30pm via Teams.

## 6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at:  
[https://www.northwarks.gov.uk/info/20117/meetings\\_and\\_minutes/1275/speaking\\_and\\_questions\\_at\\_meetings/3](https://www.northwarks.gov.uk/info/20117/meetings_and_minutes/1275/speaking_and_questions_at_meetings/3).

## Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
4/a	PAP/2020/0450	1	<b>Woodview, Westwood Road, Atherstone</b> Retention of garden room in rear garden.	General
4/b	PAP/2020/0324	6	<b>113 Church Road, Hartshill,</b> Erection of first floor rear extension to provide additional residential accommodation at first floor and alterations to ground floor extensions to replace roof and incorporate a rooflight and a lantern roof light	General
4c	PAP/2020/0190	13	<b>19 Dordon Road, Dordon,</b> Erection of two single storey dwellings with associated access and parking	General
4d	CON/2020/0014	23	<b>Land East of Middle Bickenhill Lane Between the A452, A446 and A45</b> Plans and Specifications under Schedule 17 of the High Speed Rail (London to West Midlands) Act 2017	General
4e	PAP/2019/0166	28	<b>Heart of England Conference and Events Centre</b> Erection of wedding venue extension to Conference Centre; creation of amphitheatre and pagoda for outdoor wedding ceremonies	General



## Agenda Item No 5

### Planning and Development Board

2 November 2020

Report of the  
Chief Executive

Progress Report on Achievement  
of Corporate Plan and  
Performance Indicator Targets  
April -September 2020

#### 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 to September 2020.

#### **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 second quarter position with the achievement of the Corporate Plan and Performance Indicator targets for 2020/21. This is the first 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 to September 2020/21 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)

Amber – target currently behind schedule and requires remedial action to be achieved (shown as an amber circle)

Green – target currently on schedule to be achieved (shown as a green star)

## 5 Performance Indicators

- 5.1 The current performance indicators have been reviewed by each division and Management Team for monitoring for the 2020/21 year.

## 6 Overall Performance

- 6.1 The Corporate Plan performance report shows that 73% of the Corporate Plan targets and 67% of the performance indicator targets are currently on schedule to be achieved. The report shows the individual targets that have been classified as red, amber 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	12	75%
Amber	4	25%
Red	0	0%
Total	16	100%

### Performance Indicators

Status	Number	Percentage
Green	2	67%
Amber	0	0%
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 increasing opportunities for young people to access training and apprenticeships.

## 8.6 Links to Council's Priorities

8.6.1 There are targets and performance indicators included relating to protecting countryside and heritage, supporting employment and business, improving leisure and well-being opportunities and tackling climate change.

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 1	Quarter 2	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/Simon Powell	Infrastructure is sought where appropriate alongside the handling of planning applications.	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/Simon Powell	Meetings are regularly held when appropriate even at pre-application stage but this has been limited this quarter because of COVID	Meetings are regularly held when appropriate even at pre-application stage but this has been limited this quarter because of COVID	Amber	↓
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.	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	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	↔
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	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	↔
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/Simon Powell	Reference to these matters appears in reports when officers deal with planning applications.	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/Simon Powell	The report will be prepared on time	The report will be prepared on time	Green	↔
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/Simon Powell	Work is ongoing.	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	There have been no instances in the Borough to date	Green	↔

	Action	Priority		Reporting Officer	Quarter 1	Quarter 2	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	Local Plan work is continuing with adoption expected early 2021	Local Plan work is continuing with adoption expected early 2021. Virtual Hearings are in the process of being arranged with the Planning Inspectorate.	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	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	↑
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.	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.	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	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. 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	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. 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	↔
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	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	↑

	Description	Section	Priority	Year End Target 2020/21	Outturn 2019/20	April - Sept 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%	100.00%	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%	83.00%	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%	78.00%	Red	↓	Reflects number of householder applications submitted

**Agenda Item No 6**

**Planning and Development Board**

**2 November 2020**

**Report of the Head of Development Control**

**Appeal Update**

**1 Summary**

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

<p><b>Recommendation to the Board</b></p> <p><b>That the report be noted.</b></p>
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**2 Appeal Decisions**

**a) 143 Hill Top, Baddesley Ensor**

2.1 This appeal dealt with new houses outside of the Baddesley Ensor development boundary but adjacent to it. The main issue was identified as the impact of this proposal on the character and appearance of the area. The decision gives substantial support to Policy NW12 of the Core Strategy even though the proposal was only for two new houses – paras 19 and 20 of the decision - and the five year housing supply for the Borough was brought into play by the appellant – paras 22 and 23. The appeal letter is at Appendix A.

...

**b) 19 Dordon Road, Polesworth**

2.2 This appeal dealt with two dwellings to be sited at the rear of an established frontage and followed on from two other dismissed appeals, each case involving a reduction in the scale of the development. Once again it was the impact of the development on the character and appearance of the area and the importance of Policy NW12 that proved significant in the decision – paras 10 to 13. Additionally, the impact of additional traffic passing directly by established houses and windows was a significant harm – para20. The appeal letter is at Appendix B.

...

**c) School Lane, Shuttington**

2.3 This appeal case involved the same issues and in this case is particularly consistent with the appeal at (a) above. The appeal letter is at Appendix C.

**4 Observations**

4.1 Members will have noted the significant weight that was given in all three of these cases to the consequential adverse impacts on the character and appearance of the area from a proposed development. Policy NW12 of the Core Strategy is therefore confirmed as one of the most important policies in the determination of housing applications.

4.2 In respect of the five-year housing supply then the decisions reflect different weights given to this matter by each Inspector. The situation is not static as the weight to be given to this depends on the position at the date of the appeal; the position in respect of progress on the emerging Local Plan and significantly, the evidence put in front of the Inspector by each appellant. For instance, the Inspector in Appendix A acknowledges our five-year position but makes a supposition about where we might be, but that is in the absence of any evidence. In Appendix C the Inspector agrees on the five-year position, but he cannot make a conclusion on the deliverability of sites because he had no evidence from the appellant before him. It is thus important that in each appeal the Council evidences its position and that is, that we presently do have a five-year supply.

**5 Report Implications**

**5.1 Links to Council's Priorities**

5.1.1 The decisions all clearly reflect and support the Council's priority of safeguarding its rural character and heritage as expressed through its Development Plan.

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

**Background Papers**

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

Background Paper No	Author	Nature of Background Paper	Date

### Equality Impact Assessment Summary Sheet

Please complete the following table summarised from the equality impact assessment form. This should be completed and attached to relevant Board reports.

Name of Policy Procedure/Service	
Officer Responsible for assessment	

Does this policy /procedure /service have any differential impact on the following equality groups /people

- (a) Is there a positive impact on any of the equality target groups or contribute to promoting equal opportunities and improve relations or:
- (b) could there be a negative impact on any of the equality target groups i.e. disadvantage them in any way

Equality Group	Positive impact	Negative impact	Reasons/Comments
<b>Racial</b>			
<b>Gender</b>			
<b>Disabled people</b>			
<b>Gay, Lesbian and Bisexual people</b>			
<b>Older/Younger people</b>			
<b>Religion and Beliefs</b>			
<b>People having dependents caring responsibilities</b>			
<b>People having an offending past</b>			
<b>Transgender people</b>			
<b>Armed Forces Covenant</b>			

If you have answered **No** to any of the above please give your reasons below

Please indicate if you believe that this document

Should proceed to further Impact assessment

Needs no further action

## Risk Management Form

**NORTH WARWICKSHIRE  
BOROUGH COUNCIL**

**Division**

**Cost Centre or Service**

Risk Ref	Risk: Title/Description	Consequence	Likelihood (5 = high, 1 = low)	Impact (5 = high, 1 = low)	Gross Risk Rating	Responsible Officer	Existing Control Procedures	Likelihood( 5 = high, 1 = low)	Impact (5 = high, 1 = low)	Net Risk Rating
Risk Ref	Options for additional / replacement control procedure						Cost Resources	Likelihood (5 = high, 1 = low)	Impact (5 = high, 1 = low)	Net Risk Rating

Completed By:

Date:



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## Appeal Decision

Site visit made on 18 August 2020

by **A Blicq BSc (Hons) MA CMLI**

an Inspector appointed by the Secretary of State

Decision date: 24 August 2020

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**Appeal Ref: APP/R3705/W/20/3251009**

**143 Hill Top Cottage, Hill Top, Baddesley Ensor CV9 2BG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr and Mrs Croxton against the decision of North Warwickshire Borough Council.
  - The application Ref PAP/2019/0538, dated 23 September 2019, was refused by notice dated 13 December 2019.
  - The development proposed is outline planning permission for the erection of two dormer bungalows with access (all other matters reserved).
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. This is an outline application with all matters reserved save access. The description of development set out above has been agreed between the parties.
3. The appellant submitted revised indicative plans at appeal. Although these are not the plans submitted at application, this is an outline proposal. Consequently, I have considered it appropriate to take them into consideration in my reasoning. I am satisfied that this would not be prejudicial to other parties.
4. The emerging local plan has been submitted but the Inspector has raised issues which require resolution before the plan can be considered further. As such, I give the policies in the emerging plan limited weight, as they may yet change.

### Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.

### Reasons

#### *Character and appearance*

6. The appeal site lies on the edge of Baddesley Ensor, and is the plot of an existing dwelling with a long garden which extends along the road boundary of Hill Top.



7. Hill Top forms a distinct edge to the settlement and coincides with the settlement boundary under the Local Plan<sup>1</sup> (LP). Although there is a small cluster of development largely hidden within tree cover about 200 metres away, Hill Top Cottage (the Cottage) is remote from that development and separated from it by informal woodland and understorey, as well as its own garden.
8. The current settlement hierarchy allows growth within Baddesley Ensor and the other policies allow residential development alongside existing settlement boundaries. I acknowledge that the Council considers the settlement boundaries are out of date. However, even if I agreed that the settlement boundary carried no weight, the appeal site is adjacent to an existing building pattern. In my experience where settlement boundaries can no longer be upheld this generally leads to a more relaxed approach to development close to existing settlements. Consequently, I do not necessarily find harm in relation to the principal of development in the absence of other concerns.
9. Hill Top forms the boundary between a rural landscape with 'higher sensitivity' in the Landscape Character Assessment<sup>2</sup> (LCA) and the strong edge of the Baddesley Ensor. The LCA's description of this area outlines a distinct and steeply undulating landscape with a complex pattern of settlement, former industrial sites, upland woodland and heaths. The description also notes that in places the natural landscape penetrates the settlement of Baddesley Ensor. This appears to be the case immediately adjacent to the appeal site where a footpath emerges on to Hill Top from informal woodland forming the road boundary, and the rural landscape beyond.
10. The Cottage is fairly inconspicuous when viewed from Hill Top. This is a consequence of its orientation, distance and height relative to the road as well as the screening effects of its mature vegetation. It is also located at the widest point of the appeal site. Although it is residential land, it represents a buffer between Baddesley Ensore and the adjoining rural landscape.
11. Given the site's size constraints I am satisfied that there are not many options for locating two detached dormer bungalows within the available space. Wherever they were positioned, they would be close to the front and rear site boundaries. Although the dwellings would have first floor accommodation in the roof space, they would still introduce significant bulk and height close to the road boundary. This would be out of keeping with the other development on this side of Hill Top.
12. There would be an additional opening in the roadside hedge for access for Plot 2. A comparison between the site plan and that showing visibility splays suggests that the hedge would be significantly reduced in width to accommodate those splays. Without more accurate plotting of the hedge and its overall width and composition, it is difficult to know how far back it could be reduced and still remain healthy. On the basis of what is before me, I have concerns that the hedge could not be retained in its current state. Excessive cutting back to allow for visibility splays could result in its death or impair its ability to provide a screen for the development.

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<sup>1</sup> Local Plan 2006, Core Strategy 2014

<sup>2</sup> North Warwickshire Landscape Character Assessment 2010



13. Moreover, the site's limited width appears to preclude an additional landscaped strip behind the existing hedge-line to provide alternative screening. As such, I am not satisfied that the dwellings would be screened along all the road boundary.
14. In any case, given the site's limited size it is also likely that any road boundary treatment would be only a few metres away from the front elevation of Plot 2's dwelling. Even if the hedge was retained it seems highly unlikely that it would be allowed to remain at its current height in front of both dwellings. In my experience even in semi-rural situations there is a tendency to overly manage vegetation at entrances and on road boundaries, particularly where it obscures views from habitable rooms at close distance. The long term retention of the hedge at a particular height is not something that could realistically be required through the imposition of a condition.
15. As such, as well as requiring an additional opening through the existing hedge, the development would be likely to result in a manicured and lower plot boundary. The dwellings would be readily visible in the street scene and the development would urbanise this section of the road boundary.
16. It is argued that additional planting could be included on the site. However, again in my experience occupiers have little tolerance of mature trees in proximity to dwellings, particularly where there limited space which would be the case here. The plans show planting on the southern boundaries, but given the boundaries' inevitable proximity to the dwellings, and the views otherwise obscured, it seems unlikely that new planting would be retained, or kept in a relatively unmanaged state, in the longer term. The encroachment into this rural setting would therefore be apparent in views from the nearby footpath.
17. For these reasons I give little weight to the argument that trees could add screening or make a meaningful contribution to local biodiversity or green infrastructure. The development would fragment and urbanise the site's road boundary, and appear as encroachment into the sensitive landscape to the south of Hill Top.
18. Consequently, notwithstanding that these elevations and layout plans are indicative they do not support the arguments that the site could readily accommodate the development and create dwellings that blended into the area as the host dwelling does. Given the site's constraints it seems unlikely that other layouts for two dormer bungalows could address my concerns in this regard.
19. I conclude that the development would encroach into and urbanise the buffer between Baddesley Ensor and the sensitive rural landscape to the south. The Landscape Character Assessment notes that there is potential for built development at the edges of the settlement. However, it does not follow that the areas of development have to be located within areas of higher sensitivity.
20. In the light of the above, I conclude that the development would have an adverse effect on the character and appearance of the area. This would be contrary to LP Policy ENV12 which requires development to harmonise with its immediate setting and wider surroundings, and LP Policy NW12 which requires development to positively improve an individual settlement's character, appearance and environmental quality.

*Planning balance*

21. A recent appeal<sup>3</sup> has concluded that the Council can demonstrate five year housing land supply (HLS). Moreover, the latest housing delivery test figures for the Council are well above what is required<sup>4</sup>. However, these figures are based on the housing needs identified for the Core Strategy, adopted six years ago.
22. That recent appeal also acknowledges that future housing need figures have significantly increased since the adoption of the Core Strategy. Although the emerging plan process has stalled at the present time, on balance I conclude that it is unlikely that the Council can demonstrate five year housing land supply. Consequently, for the purposes of this appeal Paragraph 11d) of the National Planning Policy Framework (the Framework) is engaged.
23. Two dwellings would be deliverable and small sites can make an important contribution to local housing supply. However, on the basis of my reasoning with regard to the sensitive landscape I conclude that the adverse impacts of the development would significantly and demonstrably outweigh the limited benefits arising from two dwellings, when assessed against the policies in the Framework work taken as a whole.

**Conclusion**

24. I conclude that the development would fail to accord with relevant policies of the local development plan and national guidance. The conflict with the development plan taken as a whole would not be outweighed by other material considerations. Therefore, the appeal should be dismissed.

*A Blicq*

INSPECTOR

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<sup>3</sup> APP/R3705/W/19/3234056

<sup>4</sup> MHCLG February 2020



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## Appeal Decision

Site visit made on 27 July 2020

**by Chris Forrett BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 October 2020

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**Appeal Ref: APP/R3705/W/20/3247217**

**19 Dordon Road, Polesworth, Warwickshire B78 1QW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by A Roberts against the decision of North Warwickshire Borough Council.
  - The application Ref PAP/2019/0317, dated 6 June 2019, was refused by notice dated 22 August 2019.
  - The development proposed is the construction of 2 single storey dwellings with associated access and parking.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The appeal submission was initially missing details of the proposed garage buildings and the details of one of the bungalows. However, as part of the appeal submission these details have now been provided.
3. In accepting these details at this stage, I am mindful of the principles of the Wheatcroft case (Bernard Wheatcroft Ltd. v Secretary of State for the Environment and Another 1982). However, given that these details should ordinarily have been part of the original application, and were already described in the application documentation itself, I consider that there would be no prejudice to any party by accepting this detail at the appeal stage. I have therefore determined the appeal with these plans in mind.

### Main Issues

4. The main issues are the effect of the development on the character and appearance of the area and on the living conditions of the occupiers of the adjoining residential properties with particular regard to noise and disturbance from vehicles.

### Reasons

#### *Character and appearance*

5. The appeal site is located on the west side of Dordon Road which is largely a residential area, albeit that there is a school nearby. The properties on Dordon Road have a varied style and palette of materials, although the prevailing form of development in the area is that of properties which directly front onto the street.



6. As pointed out by the Appellant, there are some exceptions to this in the wider area, although this does not in itself define the overarching pattern of development.
7. The appeal site itself, is somewhat unusual in that it is 'L' shaped and wraps around the rear of 17 Dordon Road and is therefore substantially larger than many of the other properties in the area. That said, one of the characteristics<sup>1</sup> of the area is that properties have long or wide gardens.
8. My attention has been drawn to a previous appeal decision<sup>1</sup> at the site which, from the evidence before me, indicates was for three detached two-storey houses (albeit that this proposal was in outline only). Significantly, that appeal decision set out that the siting of the new dwellings within the rear garden would be at odds with the established pattern of development in the area.
9. The current proposal is different in that there is a reduction in the number of residential properties proposed and that they are bungalows rather than two-storey dwellings. In that sense, the visual implications of the current proposal are significantly less than the previous appeal development and it cannot be said that the proposal would result in the same level of visual harm to the area. In that sense, the current proposal would not restrict views across the appeal site to any great degree given its scale and single storey nature.
10. That said, the proposal would still be in contrast to the established pattern of development in the area and I find that this is the most important factor in my determination of the effect of the development on the character and appearance of the area.
11. Whilst the existence of ancillary domestic buildings to the rear of the existing dwellings provide some built form in a tandem fashion, it is significant that these are largely of a much smaller scale than the appeal proposal. I have also had regard to the buildings which form part of the school complex to the south of the site. However, these are part of a very different type of development and do not justify what is before me.
12. In addition to the above, the proposal would significantly reduce the size of the garden to the existing property. Whilst I acknowledge that the existing garden is probably the largest in the area, the resultant garden would neither be as long or as wide as other detached properties in the area. To that end, this would lead to further erosion of the character and appearance of the area.
13. For the above reasons the proposal would harm the character and appearance of the area and would be in conflict with Policy NW12 of the North Warwickshire Core Strategy (2014) (CS) and Policy ENV12 of the North Warwickshire Local Plan 2006 which amongst other matters seek to ensure that development relates well and harmonises with the immediate setting and wider surroundings and improves the settlements character. It would also conflict with the overarching aims of the National Planning Policy Framework.

#### *Living conditions*

14. The existing dwelling has a long driveway alongside the boundary with Fairbirch House and the appeal proposal would utilise this driveway to access the two new dwellings. This, combined with the relocation of the existing

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<sup>1</sup> Reference APP/R3705/A/14/2213784 dated 2 June 2014



dwellings parking provision to the property frontage, would mean that there would be a net gain of one additional property utilising this driveway.

15. However, the most significant issue is in relation to the occupants of the host property, No.19, as this property has four corner windows which are immediately adjacent to the driveway at both ground and first floor level. Whilst any existing vehicular activity along the driveway is currently associated with this dwelling, this would not be the case should the appeal proposal be allowed.
16. In the absence of any convincing evidence to the contrary, the noise and disturbance from vehicles associated with the two new properties would be likely to cause an unacceptable level of harm to the occupiers of No.19.
17. As noted by the Council, it would not be possible to control any such disturbance. Furthermore, users of the driveway would be able to have a clear view into the two habitable rooms through the corner windows which in turn would lead to a loss of privacy.
18. Turning to the adjoining properties, I am also conscious that the proposal would introduce new vehicle activity close to the rear boundary of No.17. However, this would be behind some existing outbuildings and as such any noise and disturbance associated with these movements would be largely shielded from the rear garden and dwelling of No.17. Given the single storey nature of the development, and the existing outbuildings, I consider that there would be no loss of privacy to the occupants of No.17 as a result of the front windows of the bungalow facing the rear of No.17.
19. In respect of Fairbirch House, there is an existing hedgerow which provides a degree of screening from the access driveway. Whilst the increased use of the driveway would lead to some additional noise and disturbance, given the amount of development proposed I consider that this would not lead to such a degree of harm which would warrant the withholding of planning permission.
20. For the above reasons the proposal would adversely affect the living conditions of the occupiers of 19 Dordon Road as a result of increased noise and disturbance from traffic passing along the driveway contrary to Policy NW10 of the CS which seeks to ensure that new developments avoids unacceptable impacts upon neighbouring amenities through overlooking and noise disturbance.

#### *Other matters*

21. I have also had regard to other developments which have been brought to my attention, including a new dwelling between 13 and 17 Dordon Road, and the Abbey Croft bungalows (and others off High Street).
22. However, the new dwelling between 13 and 17 Dordon Road sits broadly in line with the existing dwellings and is not a tandem style of development. In respect of the other bungalows off High Street, I note that these are not in the immediate vicinity of the appeal site. Furthermore, from the very limited information before me, it is not clear whether these were given permission under the same set of planning policies or similar circumstances. Moreover, each proposal must be considered on its individual merits.

23. I have also taken account that the proposal would contribute two new much needed dwellings to the area. However, the positive aspects of this do not outweigh the harm I have identified.
24. Finally, I have also had regard to the matters raised in the representations, including matters relating to traffic, access issues and the proximity of the school. However, none of these matters provide a further compelling reason why planning permission should be withheld.

**Conclusion**

25. Taking all matters into consideration, I conclude that the appeal should be dismissed.

*Chris Forrett*

INSPECTOR



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## Appeal Decision

Site visit made on 8 September 2020 by S Watson BA(Hons) MSc MRTPI

### Decision by Kenneth Stone BSc(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 14 October 2020

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### Appeal Ref: APP/R3705/W/20/3254000

### Land east of School Lane, Shuttington B79 0DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Adrian Hall against the decision of North Warwickshire Borough Council.
  - The application Ref PAP/2019/0608, dated 29 October 2019, was refused by notice dated 10 January 2020.
  - The development proposed is the erection of 3 bed dormer bungalow.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was carried out by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issues

3. The main issues in this case are:
  - Whether the appeal site is suitable for new housing and whether future occupants of the development would have reasonable access to shops and services; and,
  - The effect of the development on the character and appearance of the local area.

### Reasons for the Recommendation

4. The development plan for the area comprises The North Warwickshire Local Plan: Core Strategy (NWCS), adopted in October 2014 and the North Warwickshire Local Plan, adopted July 2006. An emerging North Warwickshire Local Plan was submitted for examination in 2018 and an Inspector's report and main modifications were received in 2019 but the plan has not yet been adopted.

### *Principle of Development*

5. Policy, NW2 of the NWCS, defines the settlement hierarchy for all development, including housing. Development is allowed within the settlement boundary of



Shuttington, which is identified as a category 4 settlement. The Officer report states that the appeal site is close to, but outside of, the settlement boundary where the policy does not allow for residential development except for where special circumstances exist. These have not been raised by either party. The appellant does not dispute that the site is outwith the settlement boundary but suggests it is recognised that certain settlements will have to expand beyond current limits of development if the proposed housing requirements are to be accommodated. On a reasonable interpretation of the policy and the proposals before me, the appeal site would not be within the boundary and would therefore conflict with Policy NW2.

6. Policy LP2 of the emerging North Warwickshire Local Plan reaffirms the settlement hierarchy and again identifies Shuttington as a category 4 settlement within the settlement hierarchy and where development will not be supported outside the current development boundaries. The appeal site is located adjacent to and opposite properties fronting School Lane. These demark a strong settlement boundary and the appeal site is part of paddock land more appropriately considered to be part of the open countryside surrounding the village than forming part of the village, in my view, it clearly therefore sits outside the built up area of the village. The proposal would therefore conflict with emerging policy LP2.
7. While I acknowledge that the appeal site would be within a reasonable walking distance of some services within the village, including a public house, shop and community hall, I find that these would not be sufficient to meet all the daily needs of a future occupier. Notably the small shop would not likely be sufficient for a family's weekly shop, there would also be no nearby schools and few places of employment within the village. As such occupiers would regularly need to travel further afield to reach services and facilities. I note that the appellant has identified the existence of a regular bus service, but no substantive details of this service have been provided. I have not therefore been provided with any substantive evidence to suggest that the buses would be suitable for necessary trips to support employment, community visits or shopping trips. I find that as a result future occupiers would not be provided with alternative modes of travel and would be under pressure to rely on private motor vehicles to supplement the limited facilities and services provided within walking distance.
8. The proposal would result in one dwelling and as such any benefit it may have towards supporting the economic viability of services and facilities within the village would be limited. I consider that the limited benefit would not outweigh the locational harm and additional trips required to support future occupiers in this location of the development outside of the settlement boundary, contrary to the development plan and emerging policies.
9. Given the appeal site's location outside of a named settlement, and its remote relationship to services and facilities resulting in a high dependency on the private motor vehicle, I conclude that it is not within a suitable location for a new dwelling and future occupants of the development would not have reasonable access to shops and services. The proposal is contrary to the locational strategy set out in policy NW2 of the development plan NWCS and Policy LP2 of the emerging NWLP. It would also be in conflict with the National Planning Policy Framework (Framework), which requires the planning system to



contribute to the achievement of sustainable development, with accessible services.

### *Character and Appearance*

10. The appeal site comprises part of a large, open and undeveloped field, and the parts of the boundaries forming the north-west corner. Although there is some sporadic development on this side of School Lane the site relates instead to its rural nature and the open countryside beyond. The closest dwelling on this side of School Lane is Stretton House which, due to its location around a bend is read as part of the built-up area, not the countryside. In contrast the appeal site and proposed dwelling would project out into the open countryside forming an incongruous feature. The proliferation of residential paraphernalia within the long rear garden would exacerbate the jarring nature of its location. Moreover, by way of the loss of some of the trees forming the boundary, as a result of the proposed driveway, the dwelling would be prominent within the street scene. The loss of the trees would also further erode the rural nature of this side of the road.
11. In conclusion I find the proposal would be an incongruous feature which relates poorly to the existing built environment. As such it would harm the character and appearance of the local area, contrary to Policy ENV12 of the North Warwickshire Local Plan, adopted 2006 and Policy NW12 of the NWCS which collectively require development to harmonise with the immediate and wider surroundings.

### **Other Matters**

12. The proposal would result in some construction activity and employment prospects during construction and as identified above economic activity associated with its future occupation. However, given the scale of development this is only a limited benefit.

### **Overall conclusions**

13. As part of their statement the Council has included a recent appeal decision<sup>1</sup> which was made subsequent to the Council's decision on this appeal scheme. The Inspector concluded that although the settlement boundaries should be given limited weight, as the main purpose of Policy NW2 of the NWCS is to define a settlement hierarchy, it is broadly consistent with the Framework and therefore up-to-date.
14. Furthermore, the Inspector found the Council to have a five-year housing land supply. I accept this to be the case as, while I note the appellant's concerns that some of the sites may not be achievable as they are not allocated through an adopted plan, no substantive evidence has been submitted to demonstrate that these sites are not achievable.
15. From the evidence before me I conclude that in this instance those policies most important for the determination of this appeal are up-to-date, and that the Council can provide a five-year housing land supply. As such Paragraph 11(d) and the tilted balance is not engaged.

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<sup>1</sup> APP/R3705/W/19/3234056

16. However, even if I were to accept the appellant's position on the five-year housing land supply, given that the proposal is only for one new dwelling the positive benefit of the scheme in this regard is limited. Overall, when associated with the economic benefits previously identified, I am satisfied that there is only a limited positive benefit associated with the development. On the basis of my conclusions above, and the evidence before me, I am satisfied that the harm the proposal would cause would significantly and demonstrably outweigh the benefits of the scheme in those circumstances.
17. In conclusion, the proposed development would conflict with the development plan and there are no material considerations that would indicate a decision otherwise would be appropriate.

### **Recommendation**

18. For the reasons given above, and having regard to all other matters raised, I recommend that the appeal should be dismissed.

*S Watson*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed.

*Kenneth Stone*

INSPECTOR

**Agenda Item No 7**

**Planning and Development Board**

**2 November 2020**

**Report of the  
Chief Executive**

**Exclusion of the Public and Press**

**Recommendation to the Board**

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

**Agenda Item No 8**

**Land at Hartshill** – Report of the Head of Development Control

Paragraph 6 – by reason of the need to consider the legal implications.

In relation to the item listed above members should only exclude the public if the public interest in doing so outweighs the public interest in disclosing the information, giving their reasons as to why that is the case.

The Contact Officer for this report is Amanda Tonks (719221)