(4) Application No: PAP/2017/0087

Unit 11 Netherwood Industrial Estate, Ratcliffe Road, Atherstone, CV9 1LF

Change of use from B8 storage to Fitness Centre (Use Class D2), for

Mr Karl Radbourne

Introduction

The application is brought to the Planning and Development Board at the discretion of the Head of Development Control.

The Site

The application site is an existing three storey industrial unit at the end of a row of four similar units within the Netherwood Industrial Estate on the northern side of Atherstone.

The Proposal

There are no proposed alterations to the building appearance or internal structure. The proposal is for change of use of an existing B2/B8 vacant industrial unit for D2 use as a gym (fitness centre) offering a range of exercise equipment and an area for fitness classes.

Background

There is no planning history for this property.

This small Industrial Estate is occupied by a haulage and warehousing company (Units 2, 9 and 10); a tool company (Unit 1) and fibre glass/decorative mirror company (Unit 8). These companies all use Heavy Goods Vehicles and trailers, as would be anticipated on an Industrial Estate.



Arrows show the accepted direction of travel through the site for HGVs on the Industrial Estate

Development Plan

The Core Strategy – NW1 (Sustainable Development); NW10 (Development Considerations) and NW12 (Quality of Development)

Saved Policies of the North Warwickshire Local Plan - ENV14 (Access Design)

Other Relevant Material Considerations

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

Representations

Although neighbouring occupiers of these units welcome the unit being occupied, they point out that the site is an industrial estate and lorries are moving backwards and forwards all day. Industrial estates can be dangerous so the general public should not be walking around where lorries and forklifts are driving.

Atherstone Town Council – No objection

Consultations

Environmental Health – No comments to make

Warwickshire County Council as Highway Authority - It objects

Observations

Unit 11 has been vacant for some time and has suffered from the appearance of graffiti and so it would be preferable for the unit to be occupied. However there are other issues that arise in this particular case.

The proposal is for a change of use to a gym and fitness studio involving no change to the construction or the external appearance of the building.

In part, there is a good quality footpath route into the site and it is already available within the site However the existing route does not provide a continuous defined pedestrian route to Unit 11 and this route is not separate from the vehicular access.



Existing access points into the Netherwood Industrial Estate from Ratcliffe Road.

Parking provision on site appears acceptable and several site visits have shown there is available parking. However, this is not the issue as there are significant safety concerns with regard to private vehicles and pedestrians accessing the site.

The proposed change of use could result in a significant increase in the amount of movements associated with the site, albeit of a different nature. However this generation would be spread throughout the day. The Highway Authority has no issue with the capacity of the junction or the local network to accommodate this increase. Its concern is with pedestrian access through the site – the unit is not at the frontage – and there is no clear, obvious and safe pedestrian point of entry of Ratcliffe Road. It advises that pedestrians need to be guided away from conflict. The Highway Authority therefore recommends a separate pedestrian route adjacent to the south eastern entrance (where the smaller 'Netherwood Industrial Estate' sign currently stands). This could then link with uncontrolled pedestrian crossings to the existing footpaths within the site so as to achieve a continuous dedicated pedestrian access to Unit 11 located to the rear of the site.

The main concern of the change of use is pedestrian access. If the use of the site was restricted to those 16 years old or over, this should reduce the number of pedestrians accessing the site, and therefore reduce the risk of pedestrian conflict with HGVs within the site. Adults also should have a better understanding of hazard perception. However, there is no dedicated footpath from the public highway into the site, and no continuous link for pedestrians to the site. The proposed development would result in a significant number of extra vehicles visiting the site, combined with large goods vehicles manoeuvring in shared spaces, and vehicles being loaded and unloaded, in potentially in low lit areas. This remains a risk of conflict. The Highway Authority supports the concerns of the neighbouring units in that mechanical handling equipment and manoeuvring HGV's should be kept away from pedestrians.

There is an additional issue on this site that the accepted and directed traffic flow is anticlockwise against the normal clockwise flow of traffic in the UK. It would be easy for drivers of private vehicles who are unfamiliar with the Industrial Estate to travel in a direction contrary to the accepted flow of traffic resulting in potential for head-on collisions.

Despite best endeavours the applicant is unable to obtain the freeholders consent for the construction of a footway link into the site necessary for the Highway Authority objection to be removed.

The Applicant compares this proposal to approvals for change of use in other Industrial Units in the Borough. However in access terms this site does not compare to other sites in that this site does not have an existing separate pedestrian access from the public highway; nor does it have a contained parking area accessed directly from the public highway and the unit is located well within the centre of industrial units.

On the other hand there is considerable benefit to Atherstone as a whole to provide a gym. This benefit is provided in a unit which has otherwise remained unoccupied for 10 months and where occupancy levels are low. The development proposed will provide significant social and economic benefits and improved services and supports the health agenda of the Council's plan.

Whereas the health of local people remains a priority of the Council it should not be at the expense of pedestrian or vehicular safety within the site. There is an existing commercial gym in Station Street and at the Council's leisure centre, within the town. There is also a current (undetermined) application for a further commercial gym on Long Street near the Council House. All of these are accessed from the public highway and are located in Atherstone, near to existing public car parks. There is also a Boxing Club in Manor Road, Mancetter. It is therefore not considered that a refusal here would be detrimental to the Council's health agenda, and should not therefore override the safety concerns on this site.

Recommendation

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

"The development has the potential for disruption to the established industrial businesses on the estate and does not provide a satisfactory pedestrian route through the Estate, such that there is an unacceptable risk to pedestrian safety. The proposed change of use is considered to be inappropriate in this location because it would not accord with Policy NW10 of the Core Strategy 2014 and saved policy ENV14 of the North Warwickshire Local Plan 2006."

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

Planning Application No: PAP/2017/0087

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	29/06/17
2	The Agent	Red line plan	23/02/17
3	The Agent	Floor plans	24/3/17
4	The Agent	Planning Statement	23/2/17
5	Case Officer	Site photographs	9/3/17
6	WCC Highways	Consultation	3/4/17

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.

(5) Application No: PAP/2017/0157

Blythways, Blythe Road, Coleshill, B46 1AH

Outline application for the erection of up to 40 dwellings (class C3) following demolition of existing residential development and outbuildings to include details of layout and access off Church Hill and Blythe Road, and appearance, landscaping and scale to be reserved for

Mr Daniel Hatcher - Rosconn Strategic Land

Introduction

Members will recall that this application was referred to the Board at an earlier meeting and in noting the application, the Board agreed to undertake a site visit. That has now occurred and the matter is referred back to the Board.

A note of that visit is at Appendix A.

The Site

Blythways is a large 1950's detached house set back from the road and within a large garden on the south side of Blythe Road just to the east of its junction with Church Hill. The house and garden comprise the southern part of the site. The northern portion contains several other outbuildings together with a tennis court, a small orchard and a paddock. In total it amounts to 1.2 hectares and extends south-eastwards towards a public footpath marking the boundary with open countryside. To the east is a frontage of other large detached houses set in large gardens. To the south there is a residential property and the former town Grammar School now converted to offices. There is residential property on the opposite side of the road. The site has two road frontages but the main access is presently off the Blythe Road, although there is a small gated access off Church Hill.

The site slopes from south to north with a drop of around ten metres and has a number of trees throughout.

The site's general location is shown at Appendix B.

The Proposal

This has been amended since the original submission and the report that was brought to the earlier Board meeting. The amendment is a reduction in the number of proposed houses from 50 to 40.

Re-consultation on this amendment has been undertaken

Additionally a Tree Preservation Order (TPO) has been made in respect of trees located along the boundary with neighbouring residential property.

In short therefore this proposal involves the demolition of the house and outbuildings together with the residential redevelopment of the site with up to 40 dwellings. The application is in outline and the only detail submitted is to show the means of access and layout. This would be the use of the existing arrangement from Blythe Road to

serve three dwellings with the remainder achieving access from Church Hill, but with no "through" connections.

An illustrative layout at Appendix C, suggests a combination of detached, semidetached and terraces. An indicative housing mix suggests 10 two bedroom apartments; 22 three bedroom dwellings and 8 four bedroom properties. The site would provide 30% affordable housing, relating to approximately 12 dwellings. 13 garages and 103 car parking spaces_are proposed.

The applicant suggests that the smaller units here would count towards the 30% on-site provision of affordable housing.

There is an ongoing discussion in respect of an on-site play area.

Possible draft Heads of Agreement for a Section 106 Agreement could include contributions for health, play space provision; footpath improvements and libraries.

Existing site photos can be viewed in Appendix D.

Additional Supporting Documentation

The following further documents have been submitted since the last Board meeting.

A Road Safety stage One Audit has been submitted and this found no issues.

The Transport Statement has been updated and concludes that the revised proposal would lead to an acceptable solution with no material or overriding highway or transport reason to support a highway reason for refusal.

A bat survey found no adverse impacts and recommends mitigation measures.

A written scheme of investigate for archaeology work followed by an archaeology evaluation document have been submitted. This has led to further onsite work. The Warwick Museum is satisfied with the work undertaken and do not now require any further information.

A revised tree survey has been undertaken to reflect the TPO within the site. It concludes that the trees can be protected and retained. Additional landscaping can also improve the site.

A revised Flood Risk Assessment to reflect the changed number of dwellings on the site concludes that the site is at low risk of flooding. However the proposal does increase the amount of non-permeable surfacing on the site and thus surface water flooding risk will increase. As a consequence sustainable drainage measures are to be included such as on site water storage with floor levels set higher than ground level so as to reduce the risk should these storage measures themselves fail.

Original Supporting Documents

For the benefit of Members the following documents were submitted with the original application.

An Ecological Appraisal concludes that the site is of low wildlife interest. The extensive garden is mostly laid to lawn but there is also semi-improved grassland within the

orchard. Trees are scattered throughout the site and there is a hedge along the site's eastern boundary. The grassland was found to be not particularly diverse in grasses and wildflowers. None of the trees supported features suitable for bat roosts or for foraging but the house has been used by a roosting bat. No signs of other protected species were found, which was anticipated due to the lack of suitable habitats. There was also limited connectivity to habitats outside of the site. The overall ecological impact of the proposal will thus be limited.

A Tree survey shows that the largest tree on the site is an oak tree on the northern boundary which is considered to be "unusually good". The front garden contains many other good trees including a red oak and several ornamental trees. The eastern and south east corner has many good trees including red and holm oaks, a pine, beech and a walnut tree. The orchard is over-mature and the trees are all poor in quality.

Hedgerows are strong features around the boundaries - the beech hedge along the northern boundary and the holly hedges on the east and southern boundaries. There is thus limited impact on existing trees and hedgerows from an arboricultural point of view provided the surrounding hedgerows and their main trees are retained and protected during development.

A Transport Statement together with speed survey information has been submitted. This concludes that there is no material or overriding highway or transport reason to support a highway reason for refusal.

A Flood Risk Assessment concludes that the site is at low risk of flooding. However the proposal does increase the amount of non-permeable surfacing on the site and thus surface water flooding risk will increase. As a consequence sustainable drainage measures are to be included such as on site water storage with floor levels set higher than ground level so as to reduce the risk should these storage measures themselves fail.

A Heritage Impact Assessment has been submitted as the site is partly within the Coleshill Conservation Area – its western frontage to Church Hill - and lies close to the Grade 1 Church of St Peter and St Paul as well as the Grade 2 Former Grammar School and the Grade 2 St Andrews House. The site's location close to the historic core of the town suggests that there is good potential for Saxon and medieval archaeological remains to be present. The site is also believed to have been occupied by the town jail throughout the post- medieval period. Further evaluative work is thus expected to be needed. The Assessment concludes that the proposal would have a less than substantial impact on the setting of the Listed Buildings or the character and appearance of the Conservation Area.

A plan illustrating the extent of the Conservation Area and the application site is at Appendix E.

A Design and Access Statement describes the setting of the site and outlines several different styles and designs of the variety of built form in the vicinity. This concludes by identifying a number of constraints and opportunities related to the proposed development of the site. The proposed illustrative layout is also explained in some detail.

A Planning Statement brings together all of these documents and puts them into a planning context. It explains the national and local policy background as well as

outlining the emerging policies for the town. It also draws attention to recent housing appeal decisions in the Borough in respect of the five year housing supply. It also refers to a pre-application exhibition in Coleshill. 68 members of the public attended with 33 completed questionnaires. The responses suggest half of these were supportive of the emerging layout with access issues being raised as a main concern as was the high density. Other matters raised included the need for sufficient parking and traffic management. Most respondents preferred market housing for the site. The Statement concludes that the proposal is sustainable development that should be permitted as there would be no significant or demonstrable harm arising.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment) and NW15 (Nature Conservation)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV8 (Water Resources), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Conservation), ENV16 (Listed Buildings), TPT1 (Transport Considerations) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

The Draft Local Plan for North Warwickshire 2016

The Coleshill Neighbourhood Plan 2017

The Designation Report for the Coleshill Conservation Area

The National Planning Policy Framework 2012 - (the "NPPF")

The National Planning Policy Guidance 2017 - (the "NPPG")

Consultations

Environmental Health Officer – No comments to make

AD (Housing) – There is support for affordable housing on the site due to local needs.

AD (L and CD) – There was an initial request for an off-site contribution for the enhancement of existing facilities. Alternatively, on-site provision together with a commuted management contribution would be acceptable.

Warwick Museum – It requested additional information which led to the additional works being undertaken on site. There is no further work required.

Warwickshire County Council as Flood Authority – Following the receipt of additional information there is no objection subject to conditions.

Warwickshire Fire Services – No objection subject to a condition

Warwickshire County Council (Public Rights of Way) – No objection, but it requests an off -site contribution of £2615 to aid the maintenance of surrounding public footpaths.

Warwickshire County Council as Highway Authority - No objection subject to conditions and notes.

Warwickshire Wildlife Trust – It originally requested more detailed information. A bat survey has been submitted which the Trust finds acceptable subject to mitigation measures. The current proposals show enhanced landscaping which will compensate for any loss of habitat.

Warwickshire Infrastructure – It requests a financial contribution for additional support for the Coleshill Library - £ 1046.

Warwickshire Public Health – It requests a financial contribution to support the Hazlewood Surgery of £10284.

AD (Streetscape) – Comments on bin collection measures within the site, which are acceptable.

Representations

Coleshill Town Council – It objects on highway grounds and the density being too great.

Coleshill Civic Society – No objection

The agent has provided 24 letters of support for the scheme.

The Council has received 14 letters of representation including objections and comments, two of which are in support. The responses are summarised below:

Those objecting and making comments:

- Traffic figures provided are not correct and the new housing would increase traffic in the area and particularly at the Green Man junction and on Blythe Road and Church Hill. These are not good at present.
- The traffic statement does not reflect the character of area.
- The vehicle access on Church Hill will have an impact upon visibility and road safety.
- The proposed layout shows a change to the existing building line on Church Hill.
- There will be an impact upon users of the public footpath.
- There will be impact upon the privacy of existing dwellings which adjoin the site.
- The site is of historic and archaeological interest.
- There will be an impact on wildlife and vegetation within the site.
- Views of the site will be reduced.
- New flats are out of keeping with the area.
- There would be strain on schools and health care facilities.
- There needs to be a car parking survey.

Those supporting the scheme say:

• The provision of both market housing and affordable housing will be good for Coleshill

- The layout is good and respects neighbours and the Conservation Area.
- There is plenty of on-site parking and this is a sustainable location.

Observations

a) Principle

The principle of this development is acceptable. Coleshill is identified in the Core Strategy as a settlement where new growth is appropriate and the site itself is within the town's development boundary. Moreover the site has been identified within the Coleshill Neighbourhood Plan which now carries full weight as part of the Development Plan. The site is also identified in the emerging new draft Local Pan for North Warwickshire. It is agreed too that this is sustainable development. The starting position for consideration of this application is thus the presumption that it can be supported in principle.

It is now necessary to see whether there is any significant harm that arises from the application together with the supporting evidence that would demonstrate that this presumption should be outweighed. Several matters will need to be considered.

b) Highways

The impact of additional traffic on the local highway network is a major concern given the existing arrangements particularly at the Green Man crossroads and Church Hill/Blythe Road junction. It is material however that the current proposal has reduced the scheme from 50 to 40 dwellings, as this has led the Highway Authority not to object to the proposal. The inclusion of a Road Safety Audit was also material. It thus considers in the terms of the NPPF, that the impacts arising would not give rise to "severe" impacts.

In response to concerns expressed locally about the possibility of additional on-street car parking arising on-site or indeed on Church Hill and its environs, the applicant has deliberately provided higher parking provision than is required under Council requirements – 300% rather than 200%. Whilst in terms of provision this might be deemed appropriate, Members will need to consider the design consequences of additional car parking areas.

The applicant has also asked the "layout" be approved as part of this current application. In highway terms that shown on the latest plan is acceptable and the Council's refuse service is also comfortable with that shown. However in planning terms and following on from the car parking issue raised above and the matter of the ground levels across the site as seen by Members, this will need further more detailed consideration and these other issues may lead to the need for alteration.

c) Neighbour Amenity

The site has residential neighbours and the impact of the proposal on the residential amenity of these occupiers needs to be assessed.

Hill House is on the northern edge of the site and plot 3 is around 10 metres away but will have a side facing wall and plots 4-8 are around 25 metres away when considering building to building. Subject to the position of new openings, the separation distances are acceptable.

70-72 Church Hill, which is a one and half storey building, will back onto a parking area for four vehicles and to gardens of plots 40-35. The side of plot 40 is 11 metres from the rear elevation, which is adjacent to the rear boundary of the site. Elinor on Church Hill is a dwelling and is not adjoining the application site, but through detailed design considerations and boundary treatments the proposal can be considered as acceptable.

To the east of the site is a public footpath. An access point from the site to this path is proposed and this will improve accessibility. The proposal is not considered to harm the users of the path.

When all of these matters are put together it is not considered that the proposal would cause materially adverse amenity impacts either to existing occupiers or indeed to the future occupants of the proposed dwellings.

d) Heritage

A small part of the frontage to the site along Church Hill – which includes plots 4, 5 and part of plot 6 - is within the Coleshill Conservation Area. Its boundary is illustrated at Appendix D. The Council's statutory duty in this respect is to consider whether the proposal "preserves or enhances the character and appearance of the Conservation Area".

The significance of this Conservation Area can be described as reflecting the evolution of the town through a range of different architectural styles, but predominantly Georgian, and the linear growth of the town along a pronounced ridgeline thus resulting in an uninterrupted skyline visible for some distance around. In this case the main issue is what harm if any, would be caused to this description and in particular to the skyline features and the views into and out of the Conservation Area by the whole development rather than its architectural attributes or just the impact of the proposal within the Conservation Area. It is thus the wider setting that is the central issue here.

The site slopes quickly away from the skyline here and given the scale of the development – two and two and a half storey houses – there is unlikely to be any visual interruption of the skyline or indeed from the proposed new buildings being viewed against the built form of that skyline. Views out of the Area as well as into the Area from outside are unlikely to be materially affected. The overall level of harm is thus considered to be less than substantial. However the final detail of the layout; its levels and the clustering of new buildings will all be important to ensuring that this conclusion remains.

The actual portion of the site in the Conservation Area will largely be taken up by the new access. Given the general far more modern character of Church Hill here it is not considered that there would be substantial harm caused to the overall significance of the Area.

With respect to Listed Buildings then the Council has a duty to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest that it possesses. Here the issue is the likely impact on the setting of the nearby Grade 1 Church of St Peter and St Paul and the Grade 2 Old Grammar School and St Andrews House. The proposals will not directly affect their external or internal interest. The site is sufficiently distant from the Church and the old School with intervening buildings so as not to interfere with settings. The scale and nature of the proposed built form does not alter this overall conclusion. There is unlikely

to be any harm on the setting of St Andrews as both that site and the application site are each visually self-contained with an intervening busy road. Moreover the houses proposed along the Blyth Road frontage, continue the existing pattern of larger detached houses. Overall there is less than substantial harm to these heritage impacts.

Even if the Board agrees that the harm here to all heritage assets is less than substantial it still has to weigh that harm against the public benefits of the proposal in order to meet the guidance set out in the NPPF. It is considered that the balance lies with the benefits, because of the delivery of a number of houses to assist in the maintenance of the Council's housing supply and through the benefit of affordable housing in a settlement which has need of such provision.

e) Design

There is limited scope in this current application to deal with design and appearance given its outline nature and pending any further discussions on the layout and levels etc.

f) Wildlife

There is no evidence to support a refusal on these grounds. Landscape matters will be dealt with at the detailed stage but the current layout shows enhanced landscaping over that which was originally submitted.

g) Other issues

Further archaeological work has been undertaken on site in line with the Museum's advice. There is no longer a need for further work according to the Museum. Similarly there is no objection from the flood authority

h) Section 106 Matters

There are matters to resolve in respect of a Section 106 Agreement. However the issue of the possible location of on-site play provision and compliance with the statutory requirements for the contributions suggested remains to be resolved. It is agreed that the affordable housing provision however could be dealt with by condition.

i) Conclusion

This is clearly a sustainable development and one that can be supported in principle. There have been no responses from the various technical Agencies and organisations to suggest that demonstrable harm will be caused. The main issue is to ensure the completion of a development that is high in quality of design and appearance given the site's setting. That will include layout as well as appearance. As the present application includes layout it is considered that further more detailed discussion is needed in order to ensure this overall outcome, Moreover as can be seen above, the content of a 106 Agreement does need further discussion. The recommendation below is worded accordingly.

Recommendations

a) The Council is minded to support the principle of an outline planning permission for this site through its residential development of up to for 40 dwellings, including

affordable housing, subject to a Section 106 Agreement as set out in this report, and conditions covering the general areas identified below,

- b) That the Council's Design Champions, the Vice Chairman of this Board and local Coleshill Ward Members, along with officers meet with the applicant to further discuss layout issues and design issues.
- c) That provided agreement is reached under (b), the grant of an outline permission be delegated to officers in consultation with the Members identified above.

Conditions

- Standard outline conditions,
- Plans,
- Materials,
- Removal of development rights,
- Highways,
- Flooding,
- Design / parameters,
- Number of dwellings and number of affordable houses,
- Garages to remain as garages,
- Building times,
- Construction management plan,
- Bins collection.

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

Planning Application No: PAP/2017/0157

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	5/4/17
2	Applicant	Local resident support cards	2/6/17
3	Representation neighbour	Objection – Bramble Close	21/4/17
4	Representation neighbour	Comments – Coventry Road	26/4/17
5	Representation neighbour	Objection – Church Hill	27/4/17
6	Representation neighbour	Comments – Blythe Road	26/4/17
7	Representation neighbour	Objection – Church Hill	30/4/17
8	Representation neighbour	Comments – Blythe Road	2/5/17
9	Representation neighbour	Objection – Digby Road	2/5/17
10	Representation neighbour	Objection – Church Hill	2/5/17
11	Representation neighbour	Objection – Blythe Road	4/5/17
12	Representation neighbour	Comments – Coleshill Church	5/5/17
13	Representation neighbour	Objection – Church Hill	9/5/17
14	Representation neighbour	Support – Parkfield Road	16/5/17
15	Representation neighbour	Support – Church Hill	17/5/17
16	Representation neighbour	Comments - Doctors Surgery	22/5/17
17	NWBC EH (pollution)	Consultation response	13/4/17
18	NWBC Housing	Consultation response	13/4/17
19	NWBC Green Space officer- trees	Consultation response`	26/4/17
20	WCC Museum	Consultation response	27/4/17
21	WCC FRM	Consultation response	28/4/17
22	NWBC Green Space Officer - trees	Consultation response	28/4/17
23	WCC Fire	Consultation response	2/5/17
24	WCC Footpaths	Consultation response	2/5/17
25	WCC Highways	Consultation response	3/5/17
26	Warwickshire Wildlife Trust	Consultation response	5/5/17
27	Coleshill Town Council	Consultation response	3/5/17
28	NWBC Green Space	Consultation response	12/5/17
29	NWBC Green Space officer - trees	Consultation response	12/5/17
30	WCC Archaeology	Consultation response	19/5/17
31	Coleshill Civic Society	Consultation response	25/5/17
32	WCC Infrastructure	Consultation response	1/6/17
33	WCC Health	Consultation response	12/6/17
34	WCC FRM	Consultation response	16/6/17
35	WCC Archaeology	Consultation response	22/6/17

36	WCC Infrastructure	Consultation response	3/7/17
37	Warwickshire Wildlife Trust	Consultation response	12/7/17
38	WCC FRM	Consultation response	17/7/17
39	NWBC Streetscape	Consultation response	17/7/17
40	NWBC Streetscape	Consultation response	20/7/17
41	NWBC Streetscape	Consultation response	24/7/17
42	Press notice		
43	Case officer	File note	3/5/17
44	Case officer	Letter to applicant	5/5/17
45	NWBC Open Space	Email to Case officer	12/5/17
45	Case officer	File note of meeting	11/5/17
46	NWBC Green Space Officer - Trees	Memo to Case officer	1/6/17
47	Applicant	Email to case officer	13/6/17
48	File note of meeting with neighbouring property	Case officer	15/6/17
49	Case officer	File note of meeting	16/6/17
50	Applicant	Revised FRM details	28/6/17
51	Applicant	Email to Case officer	10/7/17
52	Case officer	File note of meeting with Councillors	17/7/17
53	Applicant	Emails to Case officer	10/4 to 11/04/17
54	Case officer	Email to NWBC Housing officer	13/4/17
55	Case officer and applicant	Emails between Applicant and case officer	13/4/17 – 19/04/17
56	NWBC Solicitor	Email to Case officer	19/4/17
57	Case officer	Email to NWBC Solicitor	19/04/17
58	NWVC Solicitor	Email to Case officer	19/4/17
59	Applicant	Email to Case officer	19/4/17
60	NWBC Green Space officer	Email to Case officer	19/4/17
61	Case officer	Email to NWBC Green Space officer	19/4/17
62	Case officer and Councillors	Email to Councillors regarding site	19/4/17 – 4/5/17
63	Case officer	Email to applicant	20/4/17
64	Case officer	Email to applicant	24/4/17
65	Case officer	Email to applicant	26/4/17
66	Applicant	Email to Case officer	26/4/17
67	Case officer	Email to NWBC Green Space officer	26/4/17
68	NWBC Green Space officer	Email to Case officer	26/4/17
69	Case officer and applicant	Emails between Applicant and case officer	26/4/17 – 28/4/17
70	NWBC Tree officer	Email to case officer	28/4/17
71	Case officer	Emails to applicant	2/5/17
72	Case officer	Email to WCC highways	2/5/17
	Case officer and neighbour	Email correspondence	2/5/17
73			
73 74	Applicant	Emails to case officer	2/5/17

70	Case officer	Email correspondence with	0/E/47
76	Case officer	WCC highways	3/5/17
77	Case officer	Email to applicant	3/5/17
78	NWBC Solicitor	Email to case officer	3/5/17
79	Case officer and applicant	Emails between Applicant and case officer	5/5/17
80	Case officer	Email to Church commission	5/5/17
81	Email from Church commissioner	Case officer	11/5/17
82	Case officer	Email to applicant	9/5/17
00		Email to Councillors	9/5/17 –
83	Case officer and Councillors	regarding site	11/5/17
84	NWBC open space officer	Email to case officer	11/5/17
85	Case officer	Emails to applicant	12/5/17
86	NWBC Solicitor	Email to case officer	12/5/17
87	Case officer and NWBC tree officer	Emails	12/5/17
88	Case officer and neighbour	Email correspondence	15/5/17 – 16/5/17
89	Case officer and applicant	Emails between Applicant and case officer	15/5/17
90	Case officer and applicant	Emails between Applicant and case officer	16/5/17 – 18/5/17
91	Case officer and WCC Archaeology	Emails	19/5/17
92	NWBC Tree officer	Email to case officer	19/5/17 and 23/5/17
93	NWBC open space officer and case officer	Emails	22/5/17
94	Case officer	Email to WCC infrastructure	22/5/17
95	Case officer and Councillors	Email to Councillors regarding site	22/5/17 – 25/5/17
96	WCC health and case officer	Emails	22/5/17 – 23/5/17
97	Case officer	Email to applicant	24/5/17
98	Case officer	Email to NWBC Solicitor	31/5/17
99	WCC infrastructure team	Email to case officer	26/5/17
100	Case officer and applicant	Emails between Applicant and case officer	31/5/17
101	Case officer and Councillors	Email to Councillors regarding site	6/6/17 — 20/6/17
102	Case officer and neighbour	Email correspondence	6/6/17
103	Case officer and applicant	Emails between Applicant and case officer	6/6/17
104	Case officer	Email to applicant	12/6/17
105	WCC Health	Consultation response	12/6/17
106	Case officer and applicant	Emails between Applicant and case officer	12/6/17
107	Case officer	Email to FRM	13/6/17

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108	Case officer and applicant	Emails between Applicant and case officer	14/6/17 – 15/6/17
109	Case officer and applicant	Emails between Applicant and case officer	16/6/17
110	Case officer and NWBC Housing officer	Emails	16/6/17
111	Case officer and NWBC green space officer	Emails	19/6/17
112	Case officer and applicant	Emails between Applicant and case officer	19/6/17
113	Case officer	Email to applicant	20/6/17
114	Case officer	Emails to applicant	23/6/17 & 27/6/17
115	NWBC tree officer	Email to case officer	28/6/17
116	Applicant	Email to case officer	29/6/17
117	Case officer	Email to WCC FRM	29/6/17
118	Case officer and applicant	Emails between Applicant and case officer	29/6/17
119	WCC Infrastructure and case officer	Emails	3/7/17
120	House builder	Email to case officer	3/7/17
121	Case officer and applicant	Emails between Applicant and case officer	3/7/17 and 7/7/17
122	Case officer	Email to NWBC Housing officer	10/7/17
123	Case officer and applicant	Emails between Applicant and case officer	10/7/17
124	Case officer and applicant	Emails between Applicant and case officer	12/7/17 & 13/7/17
125	Case officer and NWBC open space officer	Emails	12/7/17 & 13/7/17
126	Case officer	Email to Councillors	13/7/17
127	Councillors	Emails to case officer	13/7/17 & 14/7/17
128	Case officer	Re-Consultation	17/7/17 & 18/7/17
129	Case officer and Councillors	Email to Councillors regarding site meeting	18/7/17 – 26/7/17
130	Applicant	Email to case officer	18/7/17
131	Case officer and WCC Health	Emails	18/7/17 & 19/7/17
132	Applicant	Email to case officer	19/7/17
133	Case officer	Email to NWBC Streetscape	19/7/17
134	NWBC Streetscape	Email to case officer	20/7/17
135	Case officer and applicant	Emails between Applicant and case officer	20/7/17
136	Applicant	Emails to case officer	21/7/17
137	Case officer	Email to WCC FRM	24/7/17
138	Case officer	Email to applicant	26/7/17
139	Case officer	Email to Coleshill Town Council	25/7/17

140	WCC highways	Email to case officer	25/7/17
141	Case officer and applicant	Emails between Applicant and case officer	25/7/17
142	Applicant	Email to case officer	26/7/17
143	Case officer and applicant	Emails	26/7/17
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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.

PAP/2017/0157

Blytheways, Blythe Road, Coleshill

Site Visit – 6pm on the 7th June 2017

Present: Councillors Chambers, L and N Dirveiks, Jenns, Phillips, Reilly and Sweet together with the agent for the applicant and J Brown

- 1. Members met at 6pm and were shown the plans of the extent of the site and also of the illustrative layout.
- They then went down to the existing access off Blythe Road in order to look at the visibility from the access.
- 3. As the group walked back to the rear of the house, the trees which were the subject of the Emergency Tree Preservation Order were pointed. At the rear of the house, the boundary hedgerow and trees were noted together with the slope of the land rising towards the Church as well as the visual impact of the Church.
- 4. Members then walked towards the Church Hill area. Here they noted the nature of the boundary with High House and that along the Church Hill frontage. The side elevation of the properties on Church Hill was noted together with the location of the new proposed access. The elevation of the offices at Stuart Granolithic was also noted. The overall changes in ground levels were noted.
- 5. Members then returned to the front of the house.
- 6. The group then moved onto Church Hill itself so that they could see the location of the new access in relation to the junction with Blythe Road and that with Mornington Crescent. The nature of the frontage was noted together with the side elevation of the nearest house on Church Hill.
- 7. The visit concluded at around 6.45pm

Appendix B – Site location plan



Appendix C – Site plan



Appendix D – Site photos











(6) Application No: PAP/2017/0289

Home Farm, Kingsbury Road, Lea Marston, B76 0DP

Erection of new tractor/machinery and storage shed, for

Mr Brian Cummings

Introduction

The application is brought to the Board following the local Member's concerns about the potential impact of this proposal.

The Site

The site lies within the Green Belt and is accessed off Seeney Lane, which itself is off Kingsbury Road. There are dwellings to the east and south. The mixed use farm holding amounts to some 28 hectares in extent. A civil engineering contractor's use also operates lawfully from the site. Photographs can be viewed in Appendix 1.

The Proposal

This is for the erection of a new tractor/machinery and storage shed for agricultural plant within the existing yard area. It would adjoin existing agricultural buildings to the east and south. The height and footprint is comparable to the adjacent building. The front elevation would be open. The relevant plans can be viewed below and in Appendix 2.



The applicant says that the farm enterprise has recently purchased new plant and equipment – tractors; telehandlers, harvesting plant and a large baler which are presently kept outside. As these are generally larger than those they replaced there is insufficient existing indoor storage.

Background

There have been various farm building applications on the site. The lawful use of the site is as a farm and for a civil engineering contractor's use. The last permission here was in 2016 (2016/0507) for a new agricultural cattle building, as per the plans below.



Representations

The Parish Council objects referring to the following matters:

- The activity on the site is not wholly agricultural
- If granted the building should only be used for agricultural purposes
- The site is in the Green Belt
- There would be loss of amenity affecting nearby occupiers
- The roads are inadequate to accommodate existing movement and are already damaged
- There should be improvements to the junctions and damage re-instated paid for through a Section 106 Agreement

Consultations

Environmental Health Officer – No comments

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW10 (Development Considerations) and NW12 (Quality of Development);

Saved Policies of the North Warwickshire Local Plan 2006 - ENV12 (Urban Design); ENV13 (Building Design) and ECON7 (Agricultural and Forestry Buildings and Structures)

Other Material Planning Considerations

The National Planning Policy Framework 2012 - ("the NPPF")

Observations

Members are reminded from the outset that the application is submitted as an agricultural storage building and that it should be determined on that basis. As a consequence it is important to stress, in response to the Parish Council's comments, that agricultural buildings are appropriate developments in the Green Belt and do not carry the presumption of refusal. Moreover there are two lawful uses operating from the site and it is important not to mix the relevant planning considerations applicable to each use.

Saved policy ECON7 requires that new agricultural buildings should be supported where they are needed to store equipment related to the farm use; they would improve he efficient long-term operation of the farm holding, that no existing buildings are suitable for the purpose, that new buildings or structures form a group with those existing and that siting and materials will not cause visual intrusion into the landscape. It is considered that the proposal fully meets this policy. The siting of the new farm building is very close to existing farm buildings and the appearance, scale, design and materials would match those buildings. The building is not considered to cause any visual intrusion in the landscape. The proposal is considered to accord with Development Plan policy.

There are nearby dwellings but it is material that the Councils Environmental Health Officer has not raised an objection. The building would be sited away from the boundary of the yard to the nearest neighbour properties which are to the east and south. The existing farm contains building on the east and north boundaries, and the central yard area. The proposed building is along the north boundary and further away from the existing cattle buildings. The building is for farm storage and machinery and therefore not considered to adversely impact on the residential amenity of residential properties.

It appears that another local concern is the suitability of the roads providing access to the site. There are lawful uses operating here that will involve the movement of larger vehicles. The issue is whether the proposed use of the building will materially worsen matters. The proposed use is for new agricultural machinery which replaces former vehicles and thus the likelihood of materially greater damage to the road network is unlikely. The matter however is one for the local community to take up with the Highway Authority as ultimately it is the County Council that is responsible for the upkeep of the adopted highway.

Appropriate conditions and notes can be added to ensure agricultural use and reference to the Highways Act.

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 elevation plan (drawing number 3), site location plan and site plan (drawing number 2) received by the Local Planning Authority on 5 June 2017.

REASON

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

3. The roof shall contain profile green cladding, and the walls shall contain box profile cladding in green above concrete walls, as shown on the approved elevation drawing as set out in condition 2, and maintained as such at all times.

REASON

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

4. The use of the building shall be for agricultural storage for tractors and machinery purposes only and for no other use whatsoever, and used in connection with Home Farm, Kingsbury Lane, Marston, B76 0DP.

REASON

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

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.

2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance

3. 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.

4. 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.

5. The applicant should be aware of Section 59 of the Highways Act 1980. He is advised to contact 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

development he will be required to undertake work to remediate damage as agreed with the Locality Officer.

6. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

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

Planning Application No: PAP/2017/0289

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	5/6/2017
2	NWBC Environmental Health	Consultation response	16/6/2017
3	Parish Council	Consultation response	10/7/2017
4	Parish Council	Email to case officer	21/6/2017
5	Case officer	Email to Parish Council	21/6/2017
6	Case officer	Email to applicant	14/7/2017
7	Applicant	Email to case officer	14/7/2017
8	Case officer	Email to applicant	14/7/2017
9	Applicant	Email to case officer	17/7/2017
10	Case officer	Email to applicant	17/7/2017
11	Applicant	Email to case officer	17/7/2017
12	Case officer	Email applicant	18/7/2017
13	Case officer	Email to councillors	10/7/2017
14	Councillors	Emails to case officer	10/7/2017
15	Case officer	Email to Councillors	13/7/2017
16	Councillor	Email to case officer	14/7/2017

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 1 - Photos





Appendix 2- Plans



(7) Application No: PAP/2017/0329

The Belfry Hotel, Lichfield Road, Wishaw, B76 9PR

Outline application for extensions and alterations to the existing buildings to create a new self-contained water entertainment area; enhanced conference and banqueting facilities; a new spa, hotel rooms and conference space, for

TB Resort Operations Limited

Introduction

The receipt of this application was reported to the July Board meeting. It noted the proposals and resolved to undertake a site visit. That has now taken place.

There have been no amended plans submitted since the original application was lodged.

As Members are aware this is a "departure" application and thus there will need to be a referral to the Secretary of State if the Board resolves to support the scheme. A resolution to refuse would not need to be referred.

A copy of the July Board report is at Appendix A and a note of the recent site visit is at Appendix B.

Representations

A letter of support has been received referring to the business and tourism opportunities arising

Consultations

Environmental Health Officer – No objections

Highways England – No objection

Warwickshire County Council as Flooding Authority – It submitted an initial holding objection requiring additional information. This has been provided and the response is awaited.

Warwickshire Police (Architectural Liaison) – No objection

Warwickshire County Council (Public Rights of Way) - A diversion of path M3 will be required and a draft proposal indicates that this can be accommodated.

Warwickshire County Council as Highway Authority – No response has presently been received.
Development Plan

There have been no changes to the Development Plan since the July Board report and thus the relevant policies remain as set out in Appendix A.

Other Material Planning Considerations

Similarly here there are no changes since the July Board.

Observations

a) The Green Belt- Not Appropriate Development

The site is in the Green Belt. The NPPF attaches great importance to the Green Belt and it requires that the Council gives substantial weight to any harm caused to the Green Belt. The construction of new buildings is inappropriate development by virtue of the NPPF. As inappropriate development is harmful to the Green Belt, it should not be approved except in very special circumstances. In other words there is a presumption of refusal. As a consequence this presumption is the starting point for consideration of the application.

Members will know that there are a number of exceptions to treating all new buildings as inappropriate development. None of these however applies in this particular case and thus the presumption of refusal remains.

b) Green Belt Harm

Apart from the "de facto" harm caused by the inappropriate development, Members are also asked to assess the actual harm to the Green Belt. This should be looked at in terms of the impact on the openness of the Green Belt if the development were to be allowed and secondly, the impact on the five purposes of including land within the Green Belt.

Taking the openness issue first, then Members are aware that there is no definition of "openness" in the NPPF. In planning terms it is generally taken to mean the "absence of development". In order to asses this; it is necessary to establish the setting of the area so as to define a base-line for the present level of "openness". In general geographic terms then the Belfry is itself in open countryside and more particularly associated with its three golf courses all of which are open and free from buildings. In landscape terms the site is on lower level land with land rising to the north-west. The area is generally well wooded to the extent that the Belfry's holding is to some degree self-contained visually, but there are the urbanising effects of the Motorways and busy Trunk Roads. The site of the proposed buildings is close to and within the existing footprint and grouping of a number of large three and four storey buildings with associated car parking and service areas. The great majority of the proposals will introduce new buildings within the existing grouping and range of buildings on site. The exception is the expansion of the Bel-Air building which stands a little apart from the main built range. In overall terms it is considered that the proposals will not materially worsen the openness of the Green Belt in this locality. There are several reasons for this. Firstly, the biggest and tallest new building - the water entertainment area and new accommodation block - will be constructed within a central courtyard surrounded by four storey development. The tallest part of the building will project beyond the surrounding built form, but will hardly be visible from the outside, because of the massing and depth

of that surrounding built perimeter. Secondly the extension to form the new ball room will be largely single storey and be constructed against the backdrop of much taller buildings. There will be an extension of the footprint of the main range of buildings but this is not material given the extent of the existing footprint and that its nature is rather "sprawling" at present. Thirdly the new car park will not impact on openness as the site is already hard surfaced and the redevelopment of the treatment works will be within its existing screened compound. Overall therefore each of these components "fits" within the existing range of large buildings and is proportionate in terms of scale and massing so as not to materially impact on the openness of the immediate locality or the wider setting. The exception to this as mentioned is the extension to the Be-Air building. This is because it sits apart from the main range at present and the proposed extension is substantial - about a 75% increase in footprint. The heights and appearance would be very similar though. This will impact on the openness of the local area because of its size and because it extends new development away from the main complex and towards the main road entrance. However in overall wider geographic terms its impact would be less as its setting is still within a hotel and golfing environment. In conclusion therefore in overall terms it is considered that the combined proposals would have a limited degree of harm on the openness of the Green Belt.

Turning to the second criterion then there are five purposes for including land within the Green Belt. The first is to check the unrestricted sprawl of large built up areas. This will not be affected as the site is some distance from the suburban fringes of Birmingham. The second is not applicable for the same reason as there are no nearby neighbouring towns. The third is not materially affected as the site is located within an artificial landscape, not countryside as it is generally understood. There is no relevance for the fourth factor as there are no historic towns affected and the final one does not apply as this proposal has no urban regeneration credentials. As such there is no harm caused to the five purposes of including land within the Green Belt.

In conclusion therefore this proposal is not appropriate development in the Green Belt and thus substantial weight has to be given to this "de facto" harm. However the actual Green Belt harm caused is considered to be limited and this is confined to the impact on the openness of the Green Belt.

The applicant agrees that the development is not appropriate in the Green Belt and has thus advanced planning considerations which he considers do provide sufficient weight to clearly outweigh both Green Belt harm and any other harm that might be caused. Before looking at these however it is necessary to see if there is any other harm caused by the proposals.

c) Other Harm

There are a number of potential areas to look at.

The first is landscape harm. The site is within the "Middleton to Curdworth – Tame Valley Farmland" Landscape Character Area as defined by the North Warwickshire Landscape Character Appraisal. This is defined as being "gently undulating and with open arable slopes and a small number of water courses; predominantly agricultural with large arable open fields, a sparsely populated areas with a scatter of small hamlets, villages and farms, a few quiet and winding narrow lanes with several busy "A" class roads connecting to the M42 and M6 Toll road junction and the presence of several golf courses". It is not considered that the proposals would materially affect this overall description. This is because they are within an existing range of buildings set within a

golfing landscape which itself is very largely self-contained. The landscape is not overly sensitive as described above and it is concluded that it has the capacity to absorb these proposals without harmful landscape affects.

This same conclusion would come about in respect of visual harm. The site is very well contained visually and the buildings as proposed are within the general range that exists and are all proportionate in mass and appearance. The footpath that runs through the complex is already greatly affected by the existing built form and thus the new proposals would not worsen that experience materially.

It is agreed with the applicant that there would be no adverse impact on the existing woodland tree perimeter or the ecology of the existing site. There is no impact on any heritage asset because of the separation distances involved; the nature of the proposals vis-à-vis the existing built form and the intervening woodland and transport corridors.

The drainage issues are capable of resolution and the objection received is technical in nature rather than being a matter of principle.

In terms of highway and traffic impacts then Highways England has not objected in respect of impacts on the Motorway and Trunk Road network. The County Council has as yet not responded but it is not anticipated that there will be an objection in principle given the scale of existing traffic movements and that the proposals do not generate high peak time movements.

There is a public footpath – the M3 - which crosses the site and it will need diversion. This is a separate matter and given the extent of the existing buildings it is concluded that a satisfactory diversion can be agreed. This is not considered to be an issue that would cause substantial harm.

As a consequence of all of these matters it is concluded that there is unlikely to be any other harm caused.

d) The Applicant's Case

The applicant acknowledges that the proposal is not appropriate development in the Green Belt. He has therefore put forward a number of considerations which he considers would amount to the very special circumstances needed to outweigh the Green Belt and other harm caused. The considerations put forward are now set out.

The first is that the site already benefits from lawful hotel and leisure uses and activity and thus the proposals do not introduce anything new in terms of varying or altering those uses. The proposals therefore do not introduce any re-consideration of the principle of the uses as they only extend existing arrangements. Moreover the applicant points out that in 2007 the Council agreed a complete redevelopment of the site and that the Secretary of State did not recover that proposal for his own decision. As such the applicant considers that the lawful uses and the planning history is material consideration of significant weight.

The second is that the Belfry makes a substantial contribution to the local economy directly employing over 670 people, and which contributes to a local supply chain estimated to be worth around £10 million. The applicant considers that the complex however is not delivering its full potential and the current set of proposals are made in order to build on the existing benefits by extending them further through the introduction of new and enhanced activities. For instance through providing bespoke family

accommodation; increased capacity for conferences and events, and a bespoke spa facility. Occupancy rates are predicted to increase as a consequence. It is argued too that these benefits can only be acquired by expanding the existing core activity rather than setting up new or alternative locations outside of the Green Belt. An expected 100 new jobs are said to be in prospect over and above those resulting from the construction phase.

The third follows on from this in that the brand of the Belfry in itself is a material consideration. International recognition through its association with for Ryder cups is thus unique to this site. Retention of this branding requires continual updating and refurbishment. Attraction for business and tourism relies on such a brand offering a range of activity and this proposal is said to meet this continuing demand.

The fourth is the location close to road, rail and air connections. These attributes are said to be significant in attracting business growth to the Midlands.

The Planning Balance

It is considered that there is substantial "de-facto" Green Belt harm caused by virtue of this inappropriate development, but that there is limited actual harm on the openness of the Green Belt. There is no other harm identified. The applicant has forwarded a selection of planning considerations which he considers carry weight on the other side of the planning balance. It is agreed that these together carry significant weight. The central issue is thus whether these amount to the very special circumstances necessary to "clearly" outweigh the total level of harm that has been identified, which is the test set out in the NPPF.

It is considered that this is the case here.

There is only limited Green Belt harm here for the reasons mentioned above and the benefits could be significant in terms of the growth potential for business and tourism growth. The Belfry is already recognised locally and regionally as being a significant "destination" in its own right and it is that feature which gives it the "very special" weight. In the wider context too this is important given the HS2 development and the potential airport growth as well as economic growth within the West Midlands that is predicted.

Recommendation

- a) That subject to there being no objections from the Highway Authority and the Lead Local Flood Authority that cannot be resolved through amended plans or through planning conditions, the Council resolves that it is minded to support the proposals subject to the conditions as set out below.
- b) That upon confirmation of there being no outstanding objections, delegated authority be given to refer the matter to the Secretary of State under the 2009 Direction.

Conditions

- 1. Standard Outline condition 1 with only access included
- 2. Standard Outline condition 2

- 3. Standard Outline condition 3
- 4. Standard Plan numbers condition the plans as received on 26/6/17

Notes

- 1. The Local Planning Authority has met the requirements of the NPPF in this case by engagement at the pre-application stage; resolving and technical issues and by reaching a speedy decision.
- 2. Attention is drawn to public footpath M3 which crosses the site. Appropriate diversions will need to be sought under Section 257 of the 1990 Planning Act and temporary diversions may be required during construction.

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
1	Mr & Mrs Smith	Representation	30/6/17
2	Environmental Health Officer	Consultation	13/7/17
3	Highways England	Consultation	14/7/17
4	WCC Flooding	Consultation	17/7/17
5	Warwickshire Police (Architectural Liaison)	Consultation	18/7/17
6	WCC Rights of Way	Consultation	18/7/17
7	Applicant	Letter	21/7/17

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.

(8) Application No: PAP/2017/0329

The Belfry Hotel, Lichfield Road, Wishaw, B76 9PR

Outline application for extensions and alterations to the existing buildings to create a new self-contained water entertainment area; enhanced conference and banqueting facilities; a new spa, hotel rooms and conference space, for

TB Resort Operations Limited

Introduction

Members will be aware of these proposals as a consequence of presentations made to them prior to submission and also because of the pre-application consultation with local residents a couple of months ago.

The purpose of this introductory report is to describe the proposals and to outline the relevant Development Plan policies that will need to be considered at a later date when a determination is made.

At this stage Members should be aware that this is a "departure" application as the scale of the proposed new building is over the threshold set out in the 2009 Direction in respect of development in the Green Belt. As such the Council cannot approve the development. If it is minded to support the proposals, then the case has to be referred to the Secretary of State to see if he wishes to "call-in" the application for his own determination. The Board is however free to refuse planning permission without referral.

There is no Environmental Statement accompanying the application following a Screening Opinion made under the Environmental Assessment Regulations which concluded that the proposals would not give rise to significant environmental impacts.

The Site

The Belfry Hotel with its three golf courses amounts to just over 200 hectares of land between the A4091 Tamworth and the A446 Lichfield Roads about a kilometre north of Junction 9 of the M42 Motorway, and to the north-east of the M6 Toll Road. Middleton is some three kilometres to the north. It is set in open countryside with a scatter of residential and agricultural properties in the area. The general location is illustrated at Appendix A.

The main hotel complex is concentrated at the southern end of the land holding with access off the A446. This comprises 320 hotel rooms; conferencing accommodation; a leisure centre, a golf driving range, the offices and training facilities for the PGA and the Bel-Air night club. There are significant wooded areas around the road frontages to this area as well as throughout the whole holding.

The main range of buildings here is a mix of three and four storey linked extensions that have been added at various times. In general terms they surround a couple of courtyards. The Bel-Air night club; the driving range and the PGA's training centre stand a little outside of this main area. Together all of the buildings have a complete variety of built form and appearance which reflects the respective dates of their construction. The latest alterations and adaptations were completed very recently.

The Proposals in Outline

In short these comprise a significant refurbishment of the existing complex involving major extensions and some redevelopment.

The applicant has set out the reasons for these proposals within a covering statement. In essence this is to expand the type of accommodation provided at the Belfry by widening the range of opportunities offered and to enhance existing accommodation.

The proposals are in outline but comprise four main elements:

- Development within the existing closed courtyard to provide a new indoor water entertainment area together with a 72 bedroom hotel extension, a single storey conference room and connecting links to existing hotel space and corridors.
- An extension to the south-west corner of the existing built form to accommodate
 a new 500 seated capacity ballroom and conference facility, with associated reconfiguration of the main access into the hotel entrance.
- The conversion and extension of the Bel-Air nightclub to create a spa and 40 new guestrooms
- Additional car parking to be provided on the former tennis courts on the east side of the main complex. There would be a net gain of around 37 spaces on site. There are presently just under 1000 spaces.

The general location of these proposals is illustrated at Appendix B.

Indicative sections are provided at Appendices C, D, E and F.

The Proposals – The Planning Case

In short the applicant acknowledges that the site is within the Green Belt and thus that the proposals are not appropriate within the terms of the NPPF. He considers that the degree of Green Belt however is not significant and that there is no other harm. The planning considerations put forward include the significant economic and tourism benefits that would be delivered and the continued reputation of the Belfry in terms of its national and international status. He considers that an additional 100FTE jobs would be provided and that there would be local additional visitor expenditure locally of around £6 million. It is his conclusion that these matters clearly outweigh the combined harm caused in order to amount to the very special circumstances necessary to support the development.

The application is accompanied by supporting documentation.

A Transport Assessment concludes that the new proposals would generate just under 50 two way movements in the morning and evening peak hours. However given the potential for combined trips; for length of stay and for check in and out times not coinciding with peak hours the report concludes there would not be a significant increase in traffic. The report believes that the existing access has the capacity to handle this increase.

A Travel Plan has a number of objectives including the reduction of single occupancy car journeys; encouraging different modes of transport and reducing business/visitor travel

A Landscape and Visual Impact Assessment has been submitted. This identifies the site as being within the "Middleton to Curdworth – Tame Valley farmland" Landscape Area. Here the key characteristics of this landscape are identified as being gently undulating and open arable slopes with a number of small watercourses; predominantly agricultural with large open fields, a sparsely populated area with a scatter of small hamlets, villages and farms, a few quiet and winding narrow lanes with several busy A roads connecting to the M42 and M6 Toll road junction and the presence of several golf courses. The Assessment concludes that the proposals would not adversely impact on this overall description as they could be successfully absorbed within the landscape. A similar judgement is made in respect of the visual impact on the proposals.

An Archaeological Assessment suggests that there would be less than substantial harm to heritage assets but that a degree of investigation should be undertaken prior to construction.

A Tree Report concludes that there will be little if no impact on the surrounding woodland areas to the south and west of the hotel complex.

An Ecology Appraisal indicates that there is little prospect of harm due to the setting of the developments within the existing built complex.

An Air Quality Assessment concludes that the increased traffic generated by the proposal would have an overall negligible impact on local air quality. Construction impacts would need mitigating through a Construction Management Plan.

Noise has also been assessed and it is recommended that appropriate planning conditions are imposed in conjunction with the advice from the Council's Environmental Health Officers.

Flood Risk and Drainage Issues are assessed. Existing arrangements would be used and enhanced for the disposal of surface water – i.e. through existing irrigation and balancing ponds/lakes - but a new foul water treatment plant will be needed to take flows from the expanded facilities. This will be on the site of the existing plant.

Ground Conditions are looked at. It is not anticipated that there will be any significant issues, but a full site investigation should be undertaken.

A Lighting Assessment concludes that there would be no overall difference to the amount of light that would be emitted outside of the Belfry complex. Conditions are recommended for any grant of planning permission.

A Design and Access Statement explains how the location and scale of the proposed new buildings were arrived at in the context of the existing setting and layout.

A Statement of Community Involvement describes the pre-application public consultation event. This was held in Middleton and attracted 20 visitors. Six feedback forms were returned. The concerns related to there being sufficient car parking provision on site and the impact on the local highway network.

Finally a Planning Statement draws all of these matters together and concludes with the planning case as summarised above.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW15 (Nature Conservation) and NW17 (Economic Regeneration)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV9 (Air Quality), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ECON10 (Tourism), ECON 11 (hotels and Guest Houses), TPT1 (Transport Considerations), TPT3 (Sustainable Travel) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

The National Planning Policy Framework 2012 – (the "NPPF")

The National Planning Practice Guidance 2017 – (the "NPPG")

The Draft North Warwickshire Local Plan 2016

Warwickshire Visitor Economy Framework 2013 - 2018

Observations

This is a significant application. The site is in the Green Belt and the proposed development described above amounts to development that is not appropriate in this location by virtue of the NPPF. As such there is a presumption of refusal here from the outset. Members however will be aware that this presumption has to be tested. The NPPF provides the background for that assessment and again Members will be familiar with the approach that has to be taken. Firstly the level of actual Green Belt harm has to be determined followed by the identification of any other harm and an overall weight has to be attached to this cumulative harm side of the balance. Secondly the planning considerations put forward by the applicant as the "benefits" of the proposals have to be identified and weighted. Finally the planning balance between harm and benefits has then to be concluded. Members will recall that the "test" here is that the considerations put forward by the applicant have to "clearly outweigh" the cumulative harm caused, such that it can be said that they provide the "very special circumstances" necessary to override the initial presumption of refusal. This approach will be followed in the later determination report.

The proposals will also need to be considered against the Development Plan as a whole. The site is not within a named settlement and in a countryside location. Other potential conflicts with the Development Plan will need to be identified and weighted – e.g. harm to heritage assets; to ecological interest in the site, to highways impacts and to the impact on the landscape of a large amount of new building. Whilst in outline, Members will also have to decide if they have sufficient detail on which to make an assessment of the design and appearance of the proposals such that in the event of

support, they feel confident to look at a number of defining planning conditions – e.g. maximum building heights and general locations of the new built form.

As the application is now submitted there is a period of consultation and Members are invited to look at the application and its supporting documentation on-line using the planning application reference. Alternatively, there are hard copies of the reports available on request.

Before determination is made, it is suggested that Members should visit the site. It is a little while since they last visited and this was before the recent set of improvement works was permitted. The visit will enable a better understanding of the nature of the setting here and thus there should be a better understanding of the impact of the development on the openness of the Green Belt.

Recommendation

That the receipt of the application is noted and that a site visit is undertaken prior to determination

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0329

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	23/6/17

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.



6/110



6/111



6/112



6/113

PAP/2017/0329

The Belfry Hotel

Site Visit - 22 July 2017 at 1030

Present: Councillors Chambers, Henney, Humphries, Jenns, Lea, Morson, Phillips, Simmonds, Simpson and Sweet with J Stewart (the Belfry) and J Brown

- 1. Members met at the main entrance and looked at a plan of the Belfry complex in order to see the location of the various components of the proposals.
- 2. Walking through the hotel, Members arrived at the central inner courtyard. Here they were shown the plans for the new water entertainment area and the additional hotel accommodation block. Whilst here Members saw the heights of the surrounding perimeter blocks and the extent of the area. Cross sections through the new building were shown so that comparisons could be viewed.
- 3. The group then walked out to the existing tennis courts which were being used for car parking. Whilst here Members were shown the general location of the main road and the service entrance together with the surrounding woodland. Members were able to look back at the main hotel complex.
- 4. Returning to the main hotel area, Members passed the existing water treatment works which is proposed for upgrading within its existing tree bound compound.
- 5. Members then passed in front of the hotel stopping to see the golf courses and the main image of the Belfry frontage together with the tenth tee on the Brabazon course.
- 6. Approaching the rear of the Bel-Air Club members were shown the location of the proposed extension together with plans illustrating its overall height and appearance.
- The group then walked to the front of the building so as to see its main façade and the site of the extension.
- 8. At the front of the main hotel entrance, Members saw plans for the proposed ball room and ancillary accommodation and how this fitted into the existing arrangements.
- 9. The visit concluded at around 1130.

(8) Application No: PAP/2017/0352

Land East of, St Lawrence Road, Ansley,

Outline application - erection of up to 70 dwellings with details of access, layout, scale, appearance and landscaping as reserved matters, for

Muller Property Group

Introduction

This application is reported to the Board for information at this stage with a determination report to follow in due course.

The Site

This is an L-shaped piece of equestrian grazing land, just under 2 hectares in area, at the immediate rear of a frontage of residential property in St Lawrence Road extending east on the northern side of residential properties fronting Birmingham Road and allotments. The eastern boundary is land at the rear of Croft Mead which already has the benefit of an outline residential permission granted at appeal in late 2016.

The northern boundary is marked by the residential curtilage of a detached residence known as Magnolia House.

The site is relatively level but does have a slope towards the north. It has hedgerow; garden fence and post and wire fence boundaries throughout.

It is illustrated at Appendix A. The land with the benefit of the outline permission is also identified.

Background

An outline planning permission was granted on appeal in late 2016 for the construction of 79 dwellings on land immediately to the east with sole residential access of Tunnel Road. Footpath connections into Croft Mead were to be part of the development together with an extension of the 30 mph speed limit beyond the new access point.

The Proposals

This is an outline planning application for up to 70 dwellings, with all matters reserved for later determination. Indicative plans suggest that vehicular access would solely be via an extension of the layout to be agreed on the land to the east. The surface water drainage arrangements – balancing ponds – would also be extended into the site from the land to the east.

The applicant is proposing 40% on-site provision of affordable housing – 28 units. Additionally the applicant would support a contribution towards the installation of a pedestrian crossing at Birmingham Road so as to assist access to the playing field/recreation ground and the convenience store and bus stops.

Other contributions would be considered provided they meet the statutory Section 106 Regulations.

A number of supporting documents have been submitted with the application.

An Agricultural Land Report concludes that the site comprises two gently sloping fields mainly used for equestrian grazing. The soils were found to be predominantly poor draining clay loams over slowly permeable clay. This limits use to pasture land or to autumn sown combinable arable crops. The land is Grade 3b on the land classification scale.

A Habitat Survey concludes that the fields here are separated by hedges and drains but that the overall ecological value is low with no evidence of protected species found. The development could lead to enhancement through new landscaping and the provision of drainage ponds adding to the retention of hedgerows.

An Arboricultural Impact Assessment shows that there are three trees – two oaks and a field maple - on the land all along an existing field boundary. Any layout for the site should not adversely impact on these trees.

A Flood Risk Assessment shows that the site is in Flood Zone 1. The Assessment points out that Government advice is that residential development can be appropriate in such a location provided that there is no increase in flood risk elsewhere as a consequence. The Assessment concludes that measures can be put in place to meet this objective. Because of the relatively impermeable clay soils and sub soils, infiltration is not considered to be an option here. Surface water would thus drain to an on-site attenuation pond to be located within the low point of the site near to the northern boundary. In short the arrangements that would be in place for the already permitted area would be expanded. Discharge from the pond would be into the existing on-site drainage ditch on the northern boundary which drains to the west. Foul water would be discharged via the existing on-site combined sewer which runs centrally through the site to meet the sewer running to the treatment works just to the north of the site.

A Ground Conditions Report does not show any constraint on the residential development of this land.

A Transport Assessment concludes that the existing arrangement of access onto Tunnel Road would remain appropriate for the extended site. It points out that the approval includes pedestrian/cycle access into Croft Mead which could also provide emergency access if required. Additional pedestrian access is suggested from the current site to existing public footpath at the rear of properties in Birmingham Road – the AE 138 at the rear of numbers 167 to 171.

A Design and Access Statement describes how a residential development could be provided so as to meet the site's constraints as well as connect to existing development and be in-keeping with the overall appearance of the surrounding area.

A Planning Statement brings these matters all together. This concludes that the site is sustainable development given its location and the range of local services, its public transport connections and local schools. It then sets out the Development Plan background as well as the position set out in national planning guidance. The Statement also draws attention to the recent appeal decision relating to adjoining land; the five year land supply situation and the triggering of Paragraph 14 of the NPPF where there is not such a supply and the criteria therein for "significant and demonstrable" adverse impacts to evidence a refusal. The applicant concludes that the Council does not have the appropriate five year housing supply and that in the event of the site's location; it

being sustainable development and without significant and demonstrable harm, the balance lies in favour of the grant of planning permission.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development) and NW13 (The Natural Environment)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV8 (Water Resources), ENV12 (Urban Design), ENV14 (Access Design), TPT1 (Transport Considerations) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

The National Planning Policy Framework 2014

National Planning Practice Guidance 2017

The Draft North Warwickshire Local Plan 2016

The Ansley Appeal Decision – APP/R3705/W/16/3149572

Observations

Members will be aware of the significance of the 2016 appeal decision affecting land to the east of this site and how that might affect their consideration of new housing proposals.

This application will be brought to the Board following full consultation so that Members have full knowledge of the responses from the various consultation agencies and from the local community. That report will necessarily draw Members attention to the five year housing land supply at the time of determination.

In the interim Members as asked to note receipt of the application and it is also suggested that a site visit be arranged.

Recommendation

That receipt of the application be noted and that a site visit be arranged prior to further consideration of the proposal.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0352

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	5/7/17

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.

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