

**To: The Deputy Leader and Members of the
Planning and Development Board**

**(Councillors Simpson, Reilly, Bell, L Dirveiks,
Henney, Humphreys, Jarvis, Jenns, Jones,
Morson, Moss, Phillips, Smitten, Sweet and
A Wright)**

For the information of other Members of the Council

This document can be made available in large print and electronic accessible formats if requested.

For general enquiries please contact David Harris, Democratic Services Manager, on 01827 719222 or via e-mail - davidharris@northwarks.gov.uk.

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

PLANNING AND DEVELOPMENT BOARD AGENDA

16 JANUARY 2017

The Planning and Development Board will meet in The Council Chamber, The Council House, South Street, Atherstone, Warwickshire CV9 1DE on Monday 16 January 2017 at 6.30 pm.

AGENDA

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

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

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

Summary

Town and Country Planning Act 1990 – applications presented for determination

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

- 5 **Warwickshire Minerals Plan - Consultation Publication version (Pre-Submission Draft)** – Report of the Assistant Chief Executive and Solicitor to the Council

Summary

This report informs Members of the consultation on Warwickshire County Council's Minerals Plan consultation, the Publication version of the plan. Further comments raised at Board will be forwarded for inclusion along with the Council's initial response.

The Contact Officer for this report is Mike Dittman (719451).

- 6 **Solihull Draft Local Plan – Reg 18 Consultation** – Report of the Assistant Chief Executive and Solicitor to the Council

Summary

This report informs Members of the consultation on the Solihull Draft Local Plan.

The Contact Officer for this report is Dorothy Barratt (719250).

- 7 **Tree Preservation Order - Rear of 62 Vicarage Road, Water Orton** – Report of the Head of Development Control.

Summary

The Board is invited to consider the confirmation of a Tree Preservation Order on land to the rear of 62 Vicarage Road, Water Orton.

The Contact Officer for this report is Christina Fortune (719481)

Agenda Item No 4

Planning and Development Board

16 January 2017

Planning Applications

Report of the Head of Development Control

1 Subject

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

2 Purpose of Report

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

3 Implications

- 3.1 Should there be any implications in respect of:

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

4 Site Visits

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

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 6 February 2017 at 6.30pm in the Council Chamber at the Council House.

6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at: www.northwarks.gov.uk/downloads/file/4037/.
- 6.2 If you wish to speak at a meeting of the Planning and Development Board, you may either:
- e-mail democraticservices@northwarks.gov.uk;
 - telephone (01827) 719222; or
 - write to the Democratic Services Section, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE enclosing a completed form.

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	CON/2016/0015	4	Coleshill Sewage Works, Lichfield Road, Coleshill, Installation of interim sludge dewatering facility and the relocation of sludge destruction plant and grit plant to accommodate the proposed route for High Speed 2 (HS2)	General
2	PAP/2015/0167 And PAP/2015/0168	10	Britannia Works, Coleshill Road, Atherstone, Full Planning Application and Listed Building Application for the development of the existing industrial/employment site for residential use, conversion of existing factory buildings to residential use; demolition of selected existing building and construction of new-build residential blocks. Total number of apartments – 54 dwellings.	General
3	PAP/2016/0060	36	Great Chapel Field, Wall Hill Road, Chapel Green, Fillongley, Retention of change of use of land from agricultural to dog training/exercising, including new access, car park and siting of moveable field shelter and dog agility course equipment	General
4	PAP/2016/0497	48	49, High Street, Polesworth, Outline application for clearance of derelict buildings and erection of 5 detached dwellings and access	General

General Development Applications

(1) Application No: CON/2016/0015

Coleshill Sewage Works, Lichfield Road, Coleshill,

Installation of interim sludge dewatering facility and the relocation of sludge destruction plant and grit plant to accommodate the proposed route for High Speed 2 (HS2), for

Severn Trent Water Ltd

Introduction

This application has been submitted to the County Council as the Waste Planning Authority and it will determine this in due course. The Borough Council has been invited to submit representations to assist in that process.

The Site

This large treatment works is sited to the north of Coleshill beyond the main Birmingham-Derby railway line, between the town's industrial estate and the Hams Hall Distribution Estate. The M6 and M42 motorways are to the west with the Coleshill Rail Freight terminal to the east.

The existing plant includes a Sludge Destruction Plant, a Grit Removal Plant, an incinerator and substantial areas of slurry lagoons and a sludge main linking to the Minworth works.

The Proposals

The proposals comprise two parts:

- The installation of an interim sludge dewatering plant and
- Relocation of the existing sludge destruction and grit plant together with associated equipment to accommodate the line of the HS2 railway.

The former is required regardless of the HS2 route so as to enable sludge to be converted to solid material and transported off site. This will replace the existing sludge main which "bursts" very frequently.

The second element will only take place if HS2 proceeds and is essential if the works are to continue to function. The re-location will be to an area now occupied by redundant lagoons along the northern boundary. The replacement buildings would be no taller than the existing – between 3 and 6 metres with only one being taller at seven metres in height. They would also be generally clustered together. The new plant would comprise three buildings measuring 1.7 by 6.7 metres and 2.7 metres tall.

A general location plan is at Appendix A and a more detailed plan is at Appendix B. Cross sections are at Appendix C.

Development Plan

The Warwickshire Waste Core Strategy 2013 to 2028 – Policies CS1 (Waste Management Capacity); CS2 (Spatial Waste Planning Strategy), DM1 (Protection and Enhancement of the Natural and Built Development), DM2 (Managing Health Economic and Amenity Impacts), DM4 (Design) and DM6 (Flood Risk)

The North Warwickshire Core Strategy 2012 – NW1 (Sustainable Development); NW3 (Green Belt) and NW10 (Development Considerations)

Other Material Planning Considerations

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

Observations

The site is in the Green Belt. Here the construction of new buildings is defined as being not appropriate development by the National Planning Policy Framework. There is thus a presumption of refusal here. However the NPPF also contains a number of exceptions to this presumption. One part of the current proposals potentially falls into one of these – the replacement of existing buildings in the same use class. However when treated together the whole proposal would fall into a second exception - the partial redevelopment of previously developed land.

The second half of the proposals as described above relates to the re-location of existing buildings due to demolition as required by HS2 if it proceeds. These buildings will thus be in the same use class and not materially larger than those presently on site. In these circumstances this part of the proposals would amount to appropriate development. Their new location remains within the overall treatment works site and would be clustered together within a setting of similar plant and equipment and the two employment sites at Gorse Way and Hams Hall.

Treating the proposal as a whole then the overall development could be seen as amounting to the partial redevelopment of previously developed land. There would be no material impact on the openness of the Green Belt due to the setting; the array of other plant and equipment in the area and the small scale of all of the new buildings. There would be no conflict with the purposes of including land in the Green Belt because operationally these buildings have to be located here.

Notwithstanding these comments, the applicant’s case is considered to carry weight and this would clearly outweigh any Green Belt harm - in general terms the treatment works has to continue to operate safely; efficiently and to current standards. The associated plant and equipment has to be located here for operational reasons.

The County Council will be undertaking other consultations to establish whether there is other harm resulting from any adverse impacts.

Recommendation

The Borough Council does not raise an objection but requires a planning condition requiring the replacement buildings only to be constructed following Royal Assent for HS2.

BACKGROUND PAPERS

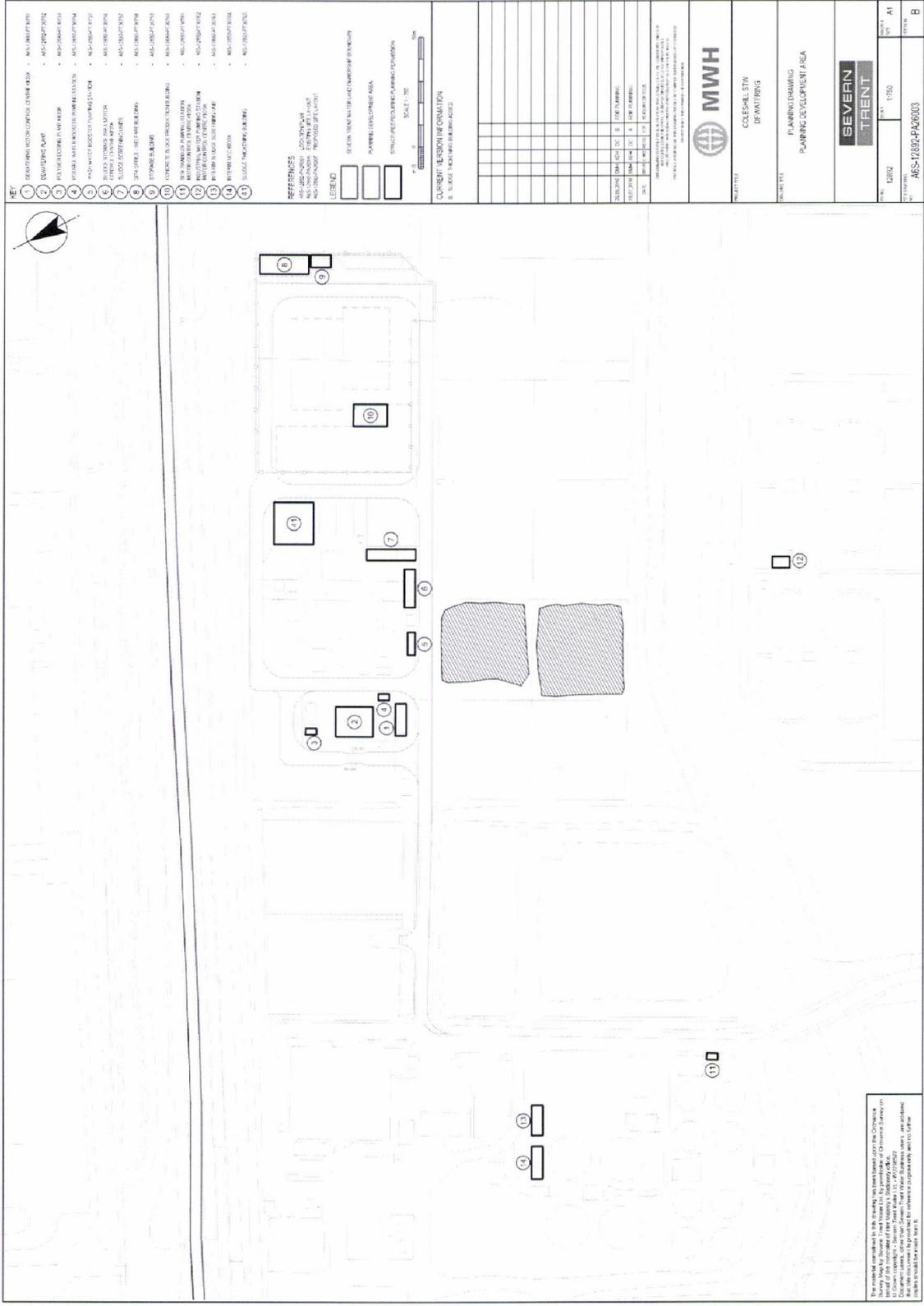
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: CON/2016/0015

Background Paper No	Author	Nature of Background Paper	Date
1	Warwickshire County Council	Letter	30/11/16

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.



- KEY**
- 1. SEVERN WATER CONTROL AREA
 - 2. SEVERN WATER CONTROL AREA
 - 3. SEVERN WATER CONTROL AREA
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REFERENCES

- 1. SEVERN WATER CONTROL AREA
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LEGEND

- SEVERN WATER CONTROL AREA
- PLANNING DEVELOPMENT AREA
- STRUCTURE FOOTPRINT PLANNING DEVELOPMENT

CURRENT LAYOUT INFORMATION

1. SEVERN WATER CONTROL AREA

NO.	DESCRIPTION	DATE	BY
1	SEVERN WATER CONTROL AREA	15/01/2010	...
2	SEVERN WATER CONTROL AREA	15/01/2010	...
3	SEVERN WATER CONTROL AREA	15/01/2010	...
4	SEVERN WATER CONTROL AREA	15/01/2010	...
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13	SEVERN WATER CONTROL AREA	15/01/2010	...
14	SEVERN WATER CONTROL AREA	15/01/2010	...
15	SEVERN WATER CONTROL AREA	15/01/2010	...

MWH

COLESHALL STW
DEWATERING

PLANNING DRAWING
PLANNING DEVELOPMENT AREA

SEVERN
TRENT

DATE: 15/01/2010
SCALE: 1:250

PROJECT NO: ARS-12824-PAR003

This drawing is the property of MWH and should not be used for any other purpose without the written consent of MWH. It is provided as a reference only and does not constitute a contract. The user of this drawing is responsible for ensuring that it is used in accordance with the terms and conditions of the contract. MWH is not responsible for any errors or omissions in this drawing. The user of this drawing is responsible for ensuring that it is used in accordance with the terms and conditions of the contract. MWH is not responsible for any errors or omissions in this drawing.

(2) Application No: PAP/2015/0167 and PAP/2015/0168

Britannia Works, Coleshill Road, Atherstone, CV9 2AA

Full Planning Application and Listed Building Application for the development of the existing industrial/employment site for residential use, conversion of existing factory buildings to residential use; demolition of selected existing building and construction of new-build residential blocks. Total number of apartments – 54 dwellings.

Hazelton Homes (Midlands) Ltd

Introduction

This planning application and application for Listed Building consent were reported to the Planning and Development Board in June 2015 for information only and to provide an introduction to the proposals, summarising them and the supporting documentation. The information in the June Board report will not be repeated in this report. A copy of the report however can be found at Appendix A.

Consultations

PAP/2015/0167 (Full planning application):

Environment Agency – The Agency confirms that it has no objections to the proposed development. A condition requiring a remediation strategy to be submitted to deal with the risks associated with contamination of the site is requested.

Warwickshire County Council as Highway Authority – It objects to the proposal for the following reasons:

1. The bellmouth vehicular accesses to the site cannot be constructed in accordance with guidance.
2. It has not been demonstrated that the visibility splays from the vehicular accesses to the site are in accordance with recommended guidance.
3. It has not been demonstrated that the recommended visibility splays have been provided to the pedestrian/NMU crossing points at the bellmouth accesses to the site.
4. It is not considered that pedestrian access into the site from the vehicular accesses to the site is safe. Pedestrians will have to share space where the priority is vehicular movements rather than priority to pedestrian movements.
5. No swept path analyses have been submitted with the application demonstrating that the site can be serviced in accordance with guidance.
6. It needs to be demonstrated that the proposed parking provision will not have a detrimental impact on the existing highway network or the proposed manoeuvring areas within the site.

Environmental Health Officer – It's confirmed that a geo-environmental assessment has already been submitted with a previous application in 2008. The testing carried out indicated that the site is significantly contaminated with lead. The Officer comments that they agree with the solution of providing a 300 mm growing medium over soft landscaped areas. They state that this should be lined with a barrier beneath the soil cap to distinguish between the contaminated layer and the imported growing medium of which the quality of which should be verified prior to completion of earthworks. This procedure is sound if the plots do not become private gardens. There is no mention of the requirement for the CS2 gas protection measures which will need to be incorporated. Because of the proximity of the Maid of the Mill Public House, a condition should be imposed to ensure that this part of the building is insulated. They also require the submission of a dust management plan along with the construction hours limited to 0800 to 1800 during weekdays and 0800 to 1300 on Saturdays.

Warwickshire County Council as Flood Authority – It continues to object to the proposal. Although a drainage strategy has been submitted, however no surface water drainage calculations have been provided. As such they require the submission of a full drainage strategy. The Council is aware that there are existing arrangements for drainage and thus conditions can be used here to ensure that these arrangements remain.

Warwickshire Wildlife Trust – The Trust confirms that it agrees with the recommendations of the bat report and as such a suitably worded condition should be included in any consent granted. With regards to Coventry Canal, the development should seek to enhance this feature by minimising the chance of light spillage onto the waterway and using the planting scheme to enhance the edges of the canal providing vegetation and therefore foraging habitat for bats and other wildlife.

Inland Waterways Association – It confirms that it supports the scheme and is pleased to see that the architecturally attractive frontage to Coleshill Road will be retained accepting that it is more appropriate to replace most of the canal side buildings. They consider that although they would have preferred a more Georgian appearance the large rectangular windows of the flats reflect a notable feature of the hat factory and will be a great improvement on the present scene especially with the open access to part of the canal frontage with an indicated boat mooring layby.

Warwickshire Police – They confirm that they are pleased to see that the applicant intends to address some of the security issues with electronic gates, active frontages and curtilage parking. Encouragement is given to the applicant to adopt all the principles of 'secured by design'.

Severn Trent Water Ltd – There is no objection to the proposal subject to the imposition of a drainage condition.

District Valuer – He confirms that the financial appraisal has been soundly prepared.

PAP/2015/0168 (Listed Building application):

Association for Industrial Archaeology – The Association confirms that it does not object to the application in principle as a residential re-use is the most secure. They originally objected to the complete removal of the three buildings – the two courtyard ranges (R1 and R2) and the canteen (N). Amended plans have been received showing the retention and conversion of ranges R1 and R2 and so their amended comments are awaited.

Council's Consultant Heritage Officer – He confirms that as this complex of listed industrial buildings is redundant, its conversion and adaptation of the buildings to new uses in order to secure their future viability is welcomed. He accepts that the significance of the buildings within the site varies and that it would be acceptable to remove some of the less significant buildings in order to be replaced by new buildings. However, there is concern about the loss of some of the buildings and the treatment of buildings to be retained. Amended plans have been submitted showing the retention of the narrow workshop ranges referred to as R1 and R2 and the Heritage Officer's amended comments are awaited.

Historic England – It confirms that the key issue for this scheme is whether or not the Council is convinced by the justification provided by the applicants. The financial appraisal needs to include an options appraisal, not just appraise the scheme presented, to show that this really is an appropriate level of change to secure the future of this historic site. The scheme involves a substantial amount of demolition, and it is clear the buildings are not in a perfect state of repair. The scheme needs to pass the tests set out in paragraph 133 of the NPPF. With regards to the scheme as submitted, further details on materials to be used etc. are required prior to determination.

Representations

PAP/2015/0167:

Atherstone Town Council – It confirms that it has no objection to this application. Following the receipt of additional information, the Town Council confirms that it still has no objection to the application.

Four letters of objection/concern from local residents – Whilst the writers are in general favour of redevelopment on the Britannia Works, they express their concerns about the lack of car parking provided on site in an area already congested with parked cars. The development will involve the loss of on-street parking along Richmond Road where the access roads are proposed and where the double yellow lines are proposed next to the junction with Coleshill Road. Concerns are also raised about the height of the apartment block proposed in the south east corner of the site in that it is too high and principle windows would deprive residents of Richmond Road of light and privacy. There are also very large bin stores proposed directly adjacent to people's gardens.

One letter of support from a local resident – This states that there is 110% support, as any development of this nature is good for the town.

PAP/2015/0168:

Atherstone Civic Society – The Society confirms that it warmly welcome this application. Britannia Works has been lying empty since 1999 and despite being a Listed Building it has shamefully been allowed to deteriorate to the point of dereliction and so they are grateful to this developer for taking on the task of repairing the damage and bringing the most significant buildings back to life thus saving one of Atherstone's most iconic landmarks. However, they state that they appreciate that this will be an expensive project and for this reason they believe that some concessions should be made to the developers to allow the project to be viable. Following the receipt of additional information, the Civic Society confirm that although they regret the loss of historic fabric, they are anxious to see this site developed as soon as possible and as such urge the Council to grant planning permission without further delay in the hope that the key buildings can still be saved.

Observations

The site lies within the development boundary for Atherstone where the principle of residential development is accepted. The Development Plan promotes the redevelopment of this site in that Policy NW18 (Atherstone) of the North Warwickshire Core Strategy 2014 encourages and supports the continued regeneration of Atherstone. The draft Site Allocations Plan allocates this site, indicating that it could provide 62 residential units. The reasoned justification further states that there is a need to bring this site, being one of Atherstone's most important Listed Buildings, back into use. It further goes on to state that there is a requirement for most of the buildings, particularly those on the Coleshill Road frontage, to be retained. This follows on from the North Warwickshire Local Plan 2006 which also allocated the site for residential redevelopment.

In addition to the above, support has previously been given to a planning application and listed building application submitted in 2008 for 62 residential dwellings and a Heritage Centre at this site under references PAP/2008/0405 and 0407.

As the buildings on this site are Grade II Listed Buildings, any redevelopment of this site needs to be finely balanced against the need to preserve and enhance these historic buildings. This proposed redevelopment scheme raises the following issues which need to be addressed during the determination of these applications.

Impact on the Listed Building

Britannia Works is a complex of Grade II Listed Buildings. The significance of this complex is that it is an eclectic mix of C19th and C20th industrial buildings which have evolved on the site to serve the hatting industry within Atherstone. The buildings have not been used since 1999 since Wilson and Stafford vacated them. They are an important group of buildings in Atherstone as they represent the only remaining hat factory in the town.

Being a complex of Listed Buildings the local planning authority is statutorily required to have special regard to the desirability of preserving them and their setting or any features of special architectural or historic interest they possess. Being vacant buildings, the conversion and adaptation of the buildings to new uses in order to secure their future viability is welcomed.

It is important that the amount of demolition proposed is the minimum required to facilitate the sites' redevelopment and includes only those buildings of lowest historic interest.

The proposals involve substantial demolition and so the level of harm needs to be rigorously justified. Policy NW14 (Historic Environment) states that the quality of the historic environment including Listed Buildings will be protected and enhanced commensurate to the significance of the asset. This Policy along with paragraphs 132 and 133 of the NPPF require any justification for the demolition of Listed Buildings to be strong. Following concerns raised by Historic England and the Council's Consultant Conservation Officer, additional information has been submitted by Building Historian, Richard Morris, on behalf of the applicant seeking to further explain the reasons for the extent of the demolition proposed and the value of those buildings which are giving way to new construction, whilst emphasising the architectural merit of the buildings being retained.

A structural report has been submitted seeking to demonstrate the structural effectiveness of the buildings proposed for demolition and the reasons why they are unsuitable for conversion and refurbishment. A detailed cost summary of the construction costs has been submitted along with a financial appraisal of the scheme to establish its financial viability in accordance with paragraphs 132 and 133 of the NPPF. The District Valuer has assessed these calculations on behalf of the Borough Council and concludes that the viability of the scheme would be detrimentally affected if it were not possible to demolish the buildings proposed.

In terms of the streetscene along Coleshill Road, the proposed elevational treatment remains largely unchanged owing to the historic domestication of the existing style of architecture which lends itself to be successfully converted to residential units.

The original proposal submitted under these applications included the demolition of two narrow workshop ranges referred to as R1 and R2 on the existing layout and Heritage Statement. These two ranges are shown on the demolition plan attached to this report at Appendix B. It is accepted that the northern range (R2) has been heavily altered over the years being reduced to two storeys and latterly being subject to fire damage. However, concerns were raised about the removal of these ranges which form part of the earlier evolution of the complex and are distinctive in their form as they reflect their former use as craft workshops. These buildings make a significant contribution to the character of the historic complex and their removal would be harmful to the significance of this complex of listed buildings. As such the amended proposal presented to the Board retains these two ranges and converts them into residential units is welcomed.

The demolition plan attached to this report at Appendix B shows the amount of demolition proposed. This is the same level of demolition as proposed under the 2008 planning proposal. Since 2008, the buildings have continued to deteriorate and Members will have observed on their site visit that a section of the corner range along Coleshill Road is collapsing.

Paragraph 133 of the NPPF states that: ““Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.”

It is thus recommended that the harm generated by the proposal to demolish parts of the buildings are outweighed by substantial public benefit including securing the future viability of the remaining listed buildings in compliance with paragraph 133 of the NPPF. It is also noted that none of the statutory heritage consultees for the Listed Building application have objected to this scheme.

Indeed, following the receipt of additional information, the Council’s Consultant Heritage Officer confirms that the current application represents a reasonable balance between protection of the significance of the listed buildings and regeneration of the site in order to secure the future viability of the listed buildings. As such the Officer concludes that the proposal is compliant with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 12 of the National Planning Policy Framework and North Warwickshire Local Plan saved policy ENV16.

Conditions are proposed to be imposed on any consent granted to ensure that the materials used to refurbish the Listed Building are suitable and to ensure that the Listed Buildings to be retained are completed to an appropriate standard prior to the commencement of any of the new buildings approved.

Building Design

The proposal involves the renovation of the buildings along Coleshill Road and the return building along the Coventry Canal; the two narrow workshop ranges and the small block known as Block E along the canal. If Members do accept that this is the only feasible renovation scheme for the site, then effectively the remaining land will be a cleared site. There is a need for any new build to reflect the importance of this heritage building. The adopted Design Brief for Britannia Mill states that the design of any new buildings should reflect and respect the buildings Grade II status as well as its canal side location. Any new buildings along the Canal should not be higher than the adjacent Listed Buildings to be retained. The existing buildings on the site, especially the 1930s factory block, are tall and generally out of character with the surrounding urban grain.

Clearly this is an exception within this largely residential area. As such the height and design of the new apartment blocks require careful consideration within this location.

Paragraph 131 of the National Planning Policy Framework 2012 advises that local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. There are concerns that no detailed materials palette appears to have been submitted to allow a better understanding of the ultimate finish and appearance of the canalside buildings. Full details of the materials to be used in the external finishes of these new build elements, including details of the window and balcony designs, materials and finishes and rainwater goods etc. are all necessary to permit a full understanding of the scheme. Without this, it is difficult to assess how far it creates an appropriate character which in turn makes a positive contribution to the character and appearance of the canal corridor. The submitted plans appear to suggest heavy use of rendered panels/finishes on Blocks A and C, which would not reflect the character of the existing site and may not sit well with the more historic elements to be retained.

The new buildings proposed range in height from two-storey to four stories. Through their modern design they do not attempt to compete with the historic buildings to be retained but reflect a different era of design being of 21st century design. The buildings proposed are no higher than the buildings planned to be demolished.

The proposed layout incorporates private garden areas immediately adjacent to the offside bank of the canal, and the plans suggest a simple post and rail/wire boundary fence, but again no further detail is available. How these garden areas are to be detailed and laid out- particularly the detail of the boundary treatment- requires careful consideration as this could have a significant impact on the character and appearance of the canal corridor and on how the development itself is perceived by users of the canal and towpath. It is important to avoid the introduction of domestic clutter such as washing lines, sheds etc.

The resemblance the proposed scheme has in comparison to the 2008 applications is outlined in the Supporting Statement attached at Appendix C which shows that a large part of the new build now being proposed is lower than the 2008 scheme. An important difference between the two schemes is also the gap between Block E and Block C-D where the intention is to create a snapshot view to the interior of the development via the communal focal point thus creating an opportunity to bring the vista on to the canal frontage for the enjoyments of the residents of the proposal as well as those using the canal and its towpath.

With regards to Policy NW10 (Development Considerations) and the need to avoid overlooking and loss of privacy for neighbouring properties, the balconies have been redesigned so that they only appear on the canal frontages. Small bedroom windows are now proposed on the elevation facing Richmond Road. The sub-station has been moved away from number 10 Richmond Road so as to reduce any risk of noise disturbance.

Permitted development rights can be removed for outbuildings and fences on the site to ensure that control is exercised over the private garden areas alongside the canal. It is considered that through the use of appropriately worded conditions full details of the palette of materials to be used can be approved. A series of detailed drawings can also

be required to be submitted for railings, fences and street furniture to ensure continuity of the design concept.

It is thus recommended that the design and layout proposed for the new buildings is supported.

Highways

It is important to understand that the whole of the site has a lawful use as a B2 General Industrial Unit. Both the vehicular accesses off Richmond Road and the pedestrian accesses off Coleshill Road are existing accesses which could be used in conjunction with a B2 Use at any time in the future without the need for any planning permissions. It must also be stressed that the existing vehicular access onto Coleshill Road will no longer be used as part of this proposed scheme and will become a pedestrian only access. A previous proposal in 2008 for 62 apartments and a Heritage Unit using the same vehicular accesses as those being proposed has also received support from the Council.

Policy NW10 (6) (Development Considerations) states that development shall provide for proper vehicular access, sufficient parking and manoeuvring for vehicles in accordance with adopted standards. The Highways Authority has objected to the proposal. They acknowledge that the number of proposed dwellings has increased from 54 to 59 so that ranges R1 and R2 can be retained and converted and that the applicant has made efforts to improve parking provision by providing 100% parking, so one car parking space per dwelling is now provided. However, they do not consider that this level of parking provision is sufficient and they fear that this will have a detrimental effect on the public highway. Indeed, the objections received all focus on the car parking issues around the site and consider that the proposal has too many residential units and does not accommodate enough parking within its boundary.

The site is located within walking distance of Atherstone Town Centre (approximately 8 minutes) which has access to public transport including buses and trains. The parking provision proposed relates to one space per unit. To reduce the number of units on the site will impact on the financial viability of the scheme. A condition is suggested whereby the parking provided on site is not allocated to specific units or numbered in any way. Some residents will not have access to a car and some may own two so this will ensure that each car parking space can be fully utilised. Secure bicycle storage areas are also proposed on the site.

The Highways Authority further states that it has not been demonstrated that the site can be serviced in accordance with guidance as the accesses do not appear suitable for large vehicles to enter the site so deliveries to the site by HGVs could result in more obstructions along Richmond Road and reversing in the highway. As stated previously, the site does have a lawful use as a B2 General Industrial Use and HGVs could use these accesses at any times in the future. Bin stores have been provided near to the accesses so that they can be emptied close to Richmond Road without the need for large vehicles to enter into the whole site.

The Highways Authority further goes on to object to the intensification of the existing junction of Richmond Road with Coleshill Road. Section 3.6.1 of the Transport Statement states that: “following inspection of the junctions adjacent to the site it is apparent that all operate within design guidelines and as such it is considered that no detrimental impact will be introduced through the extension proposed at the site.” The Highways Authority offers no evidence of why this junction cannot accommodate the residential traffic especially in light of the lawful use of the site as B2.

The final concern raised by the Highways Authority relates to vehicles and pedestrians sharing the same access surface from Richmond Road. As Members will have observed on their site visit there are currently three pedestrian access routes from this site onto Coleshill Road. These accesses will be retained and will be available for residents of the site to use. It is unlikely that any residents will need to use the vehicular access roads onto Richmond Road as most will be walking into Atherstone Town Centre or accessing the canal and the quickest route will be via one of these pedestrian accesses onto Coleshill Road. In any event the surface of these vehicular accesses can be designed so that vehicle users understand that this is a shared service and so that vehicle speeds can be lowered.

Based on the above assessments it is considered that the use of the two existing vehicular accesses and the pedestrian accesses is in general compliance with Policy NW10(6) in the Core Strategy 2014.

Lack of affordable housing proposed

The scheme as proposed is not in accordance with Policy NW6 (Affordable Housing Provision) in the Core Strategy. As such the applicant funded the Council’s employment of the District Valuer to assess the Viability Appraisal they had submitted which sought to justify the lack of affordable housing provision as required by Policy NW6. The District Valuer in the report to the Borough Council mentions that the assessments do not take into account any additional abnormal structural issues which may arise during construction and they acknowledge that converting existing buildings is less efficient in terms of saleable floor area delivery. The District Valuer thus agrees with the applicant in that the scheme proposed, with the new build elements, is only marginally viable without any affordable housing contribution and that any affordable housing contribution would mean that the scheme would be unviable.

Based on this assessment by the District Valuer, it is considered that the abnormal costs of renovating these Listed Buildings and remediating this contaminated site result in the scheme being unable to provide any affordable housing.

Flood Risk Assessment

At the request of Warwickshire County Council in their role as Lead Local Flood Authority a Flood Risk Assessment (FRA) has been submitted. This FRA and Drainage Strategy concludes that the site is at a negligible risk of flooding from its own private drainage systems, however, states that this can be mitigated by the channelling of flows within the development. The site lies within Flood Zone 1 where more vulnerable development uses can be permitted in accordance with the NPPF. With regards to the

additional information required by WCC by way of detailed engineering drawings, calculations and modelling for the final design, it is considered that this additional information can be provided by way of an appropriately worded condition.

Ground Contamination

A Geoenvironmental survey has been undertaken for the site which indicated that the testing carried out showed that the site was significantly contaminated with lead. The Council's Environmental Health Officer agrees with the applicant's recommendation to cap any soft landscaped areas with 300mm of soil and a planning condition is proposed for the approval of a suitable remediation scheme. It is also recommended that hardstanding should not be removed and that gas protection measures should also be incorporated into the buildings.

Conclusions

This complex of Listed Buildings with a prominent frontage along Coleshill Road and a prominent side view along the Coventry Canal is deteriorating as the buildings have been vacant for some time. Atherstone Civic Society has commented that although they regret the loss of historic fabric, they are anxious to see this site developed as soon as possible and as such urge the Council to grant planning permission without further delay in the hope that the key buildings can still be saved. This is a view that is supported by Officers and the Council's Consultant Heritage Officer and so it is recommended that the Board approves these two applications subject to the imposition of the conditions outlined below.

Recommendation

A) That planning application ref: PAP/2015/0167 be **GRANTED** subject to the following conditions:

- 1) Time Condition
- 2) Plans to be approved
- 3) Removal of permitted development rights from Part 1 Class E (outbuildings) and Part 2 (Minor Operations).
- 4) Prior to the commencement of any development on the site, samples of all the roofing, walling and hardsurfacing materials to be used on the site shall be submitted for the written approval of the local planning authority. Only the approved materials shall then be used.

REASON

In the interests of preserving these historic buildings and ensuring that any new build is sympathetic to these historic buildings.

- 5) Prior to the commencement of any development on the site, a sample panel of walling of both the buildings to be renovated and the new buildings shall be constructed on site to the written satisfaction of the local planning authority.

These two sample walls shall then remain on site during the works. The works shall be carried out in full accordance with these sample walls.

REASON

In the interests of preserving these historic buildings and ensuring that any new build is sympathetic to these historic buildings.

- 6) Prior to the commencement of any development on the site, scaled elevation and cross section drawings of the windows, external doors, balconies, fencing, lighting, gates, decking, street furniture and railings shall be submitted to the local planning authority for their approval in writing. Only the approval details shall then be used.

REASON

In the interests of preserving these historic buildings and ensuring that any new build is sympathetic to these historic buildings.

- 7) Prior to the commencement of any development on the site, full details of the colour finishes for the windows, external doors, balconies and railings shall be submitted to the local planning authority for their approval in writing. Only the approved details shall then be used.

REASON

In the interests of preserving these historic buildings and ensuring that any new build is sympathetic to these historic buildings.

- 8) For the avoidance of doubt, there shall be no uPVC windows or doors used on any of the buildings whatsoever. All of the windows and external doors shall be recessed back in their openings by a minimum of 75mm.

REASON

In the interests of preserving these historic buildings and ensuring that any new build is sympathetic to these historic buildings.

- 9) Phasing condition so that the Listed Building to be retained along Coleshill Road is converted to an appropriate standard prior to the commencement of the construction of any new buildings on the site.

10) A full drainage strategy shall be submitted including the following:

- Assessments of the nature of SuDS proposals to be used and calculations demonstrating their capacity is sufficient to allow discharge at the proposed discharge. A revised drainage strategy plan is required which includes proposed ground level data and indicative surface water invert level details in order to allow checking of the suitability of the proposals. There is now a requirement for 40% climate change to be assessed for residential dwellings in this area.
- Evidence that the existing site outfalls to the canal via the existing noted outfall and confirmation of the suitability of the existing outfall to discharge surface water from the whole site, including invert level and size. The upstream levels must allow connection to be made to this outfall.
- Overland flow routing drawings demonstrating that any flooding (through exceedance or blockage) would not reasonably impact on existing or proposed buildings.

REASON

To ensure that a satisfactory drainage scheme is implemented on site.

11) Prior to the commencement of development a written scheme for archaeological investigation appropriate to that phase of development shall be submitted to and approved in writing by the local planning authority. The written scheme shall include full details of the investigation to be undertaken, the extent of the area to be investigated and the arrangement for the deposit of the archaeological record. The approved scheme of investigation shall be implemented in accordance with the approved details.

REASON

In view of the proposed development's potential impact on these historic structures and the potential for the works to disturb any archaeological features associated with the industrial use of this site.

12) Prior to the occupation of the site, a detailed proposal for the remediation of any soft landscaping areas proposed to address the lead content of the underlying soils shall be submitted to the local planning authority for their approval in writing. The scheme shall then be implemented in accordance with the approved details.

REASON

In view of the former potentially contaminative uses of this site.

13)No hardstanding shall be removed unless remediation of the underlying ground has first been agreed in writing with the local planning authority. The scheme shall then be implemented in accordance with the approved details.

REASON

In view of the former potentially contaminative uses of this site.

14)Prior to the commencement of development, full details of the gas protection measures to be provided within the buildings shall be submitted to the local planning authority for their approval in writing. The scheme shall then be implemented in accordance with the approved details.

REASON

In view of the former potentially contaminative uses of this site.

15)The development shall not commence until a Landscape and Open Space Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape and open space areas, has been submitted to and approved by the local planning authority. The Plan shall include details of the mechanisms which will secure its implementation and will include details of the heritage assets from the former hat factory which will be placed in these open space areas. The Plan shall be carried out as approved.

REASON

In the interests of the amenity of the area.

16)Any tree or plants shown on the landscaping scheme approved to be planted or retained which die, are removed, are damaged or become diseased or grassed areas which become eroded or damaged within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost.

REASON

In the interests of the amenity of the area.

17)At least 59 car parking spaces shall be provided within the site and none of these spaces shall be dedicated to any one residential unit but shall be available for use by any resident occupying a residential unit in this complex.

REASON

In the interests of highway safety.

18) The secure covered bicycle storage areas as shown on the approved layout drawing shall be provided on site and remain available for use at all times.

REASON

In the interests of providing alternative modes of transport.

19) No development hereby permitted shall be commenced until a Construction Management Plan has been submitted to the local planning authority for their approval in writing. This Plan must contain full details of measures to:

- suppress dust generated from activities on the site;
- to prevent mud and debris on the public highway;
- construction hours between 0800 to 1800 hours during weekdays, 0800 to 1300 on Saturdays and no construction activity outside of these hours.

b) That listed building consent be GRANTED subject to the following conditions:

- 1) Plans to be approved
- 2) Removal of permitted development rights from Part 1 Class E (outbuildings) and Part 2 (Minor Operations)
- 3) Prior to the commencement of any development on the site, samples of all the roofing, walling and hardsurfacing materials to be used on the site shall be submitted for the written approval of the local planning authority. Only the approved materials shall then be used.

REASON

In the interests of preserving these historic buildings and ensuring that any new build is sympathetic to these historic buildings.

- 4) Prior to the commencement of any development on the site, a sample panel of walling of both the buildings to be renovated and the new buildings shall be constructed on site to the written satisfaction of the local planning authority. These two sample walls shall then remain on site during the works. The works shall be carried out in full accordance with these sample walls.

REASON

In the interests of preserving these historic buildings and ensuring that any new build is sympathetic to these historic buildings.

- 5) Prior to the commencement of any development on the site, scaled elevation and cross section drawings of the windows, external doors, balconies, fencing, lighting, gates, decking, street furniture and railings shall be submitted to the local planning authority for their approval in writing. Only the approval details shall then be used.

REASON

In the interests of preserving these historic buildings and ensuring that any new build is sympathetic to these historic buildings.

- 6) Prior to the commencement of any development on the site, full details of the colour finishes for the windows, external doors, balconies and railings shall be submitted to the local planning authority for their approval in writing. Only the approved details shall then be used.

REASON

In the interests of preserving these historic buildings and ensuring that any new build is sympathetic to these historic buildings.

- 7) For the avoidance of doubt, there shall be no uPVC windows or doors used on any of the buildings whatsoever. All of the windows and external doors shall be recessed back in their openings by a minimum of 75mm.

REASON

In the interests of preserving these historic buildings and ensuring that any new build is sympathetic to these historic buildings.

- 8) Phasing condition so that the Listed Buildings to be retained are converted to an appropriate standard prior to the commencement of the construction of any new buildings on the site.
- 9) Prior to the commencement of development a written scheme for archaeological investigation appropriate to that phase of development shall be submitted to and approved in writing by the local planning authority. The written scheme shall include full details of the investigation to be undertaken, the extent of the area to be investigated and the arrangement for the deposit of the archaeological record. The approved scheme of investigation shall be implemented in accordance with the approved details.

REASON

In view of the proposed development's potential impact on these historic structures and the potential for the works to disturb any archaeological features associated with the industrial use of this site.

BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0167 and PAP/2015/0168

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	16/3/2015
2	Council's Heritage Officer	Consultation	May 2015
3	Environment Agency	Consultation	21/5/15
4	S Wilkinson	E-mail to Agent	12/5/15
5	S Wilkinson	E-mail to Agent	13/5/15
6	Severn Trent Water Ltd	Consultation	15/5/15
7	WCC Highways	Consultation	6/5/15
8	S Wilkinson	E-mail to Agent	20/5/15
9	Atherstone Town Council	Consultation	22/5/15
10	M Mitchell	Letter of Concern	16/5/15
11	C Tomkins	Letter of Support	5/5/15
12	Pollution Control Officer	Consultation	6/5/15
13	WCC Flood Risk Officer	Consultation	11/5/15
14	Warwickshire Wildlife Trust	Consultation	1/5/15
15	D Watson	Objection	4/5/15
16	Inland Waterways Association	Consultation	7/5/15
17	Warwickshire Police	Consultation	7/5/15
18	Press Notice	Atherstone Herald	30/4/15
19	L Orton	Objection	2/5/15
20	J Jeremy	Letter of concern	22/5/15
21	Association for Industrial Archaeology	Consultation	17/5/15
22	Historic England	Consultation	18/5/15
23	Additional Statements	Agent	4/1/16
24	Additional Information/Statements	Agent	11/4/16
25	J Jeremy	Letter of concern	17/11/16
26	A Palmer	Objection	15/11/16
27	D Watson	Objection	30/11/16
28	WCC Flood Risk Manager	Objection	29/11/16
29	Senior Pollution Control Officer	Consultation	25/11/16
30	Agent	Amended plans	5/9/16
31	S Wilkinson	Site Visit Notes	12/12/16
32	Historic England	Consultation	2/12/16
33	Council's Consultant Heritage Officer	Consultation	30/12/16

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

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

General Development Applications

(#) **Application Numbers PAP/2015/0167 and PAP/2015/0168**

Britannia Works (Former Hatting Factory), Coleshill Road, Atherstone, CV9 2AB

Full Planning Application and Listed Building Application for the Development of the Existing Industrial/Employment Site for Residential Use; Conversion of Existing Factory Buildings to Residential Use; Demolition of Selected Existing Buildings and Construction of New-Build Residential Blocks. Total number of apartments = 54 dwellings.

For Hazelton Homes (Midlands) Ltd

Introduction

The receipt of this application is reported to the Board in view of its significance to the town, such that Members can understand the proposal and the issues involved prior to its determination at a later meeting. Some of the Members have already visited this site when a planning application and Listed Building application were being considered in 2008. No decision was made on these applications.

The Site

The site comprises an area of some 0.4 hectares and forms an angled plot between Coleshill Road, the Coventry Canal and Richmond Road. The site lies approximately one kilometre south-west of the town centre.

Britannia Works is a complex of Grade II Listed Buildings. There are two separate mill buildings on the site which have evolved on the site since the 19th Century to serve the hatting industry within Atherstone. The buildings across the site date from the early 19th Century to the early 20th Century and comprise a mixture of one, two, three and four-storey buildings. None of the buildings have been occupied since Wilson and Stafford's closed in 1999. The buildings were the subject of an Urgent Repairs Notice in view of the buildings being vandalised. This Notice was fully complied with.

There are presently vehicular and pedestrian accesses into the site from Coleshill Road and Richmond Road.

The site is illustrated at Appendix A.

The Proposals

There are two applications submitted. One is a full planning application and the second is a Listed Building application, both for a residential scheme comprising the following mix of market housing:

2 one-bed studio apartments;
9 one-bed apartments;
31 two-bed apartments;
2 two-bed houses; and,

10 three-bed houses.

51 car parking spaces are proposed within the site along with space for undercover cycle storage.

The proposed scheme seeks to retain the existing fabric of the building fronting onto the Coleshill Road and the two-storey building along the Coventry Canal. However, the remaining buildings are to be demolished. No details have been submitted with regards to the phasing of this redevelopment scheme.

The proposed layout is shown at Appendix B and the elevations are at Appendix C.

The planning application is accompanied by a Cost Plan presenting the applicant's arguments for being unable to provide any on-site affordable housing or off-site contribution. A further Financial Viability Appraisal has been requested to include the following additional details:

- a) Supporting reports for any abnormal site costs
- b) Market evidence, comprising:
 - (i) Estimate of sales values
 - (ii) Market evidence in support of the sales values, and
 - (iii) Values assessed for affordable housing.
- c) Detailed valuation reports (Include tenures, easements, description etc.).

A Viability appraisal including cash flow.
- d) A Development programme. This would show the anticipated period involved in development, including pre- build, build period and marketing period.

Also accompanying the applications are:

- A Design and Access Statement;
- An Outline Architectural and Archaeological Assessment prepared by Richard K. Morris Associates;
- Bat Survey Report;
- British Waterways Consultation;
- Structural Survey;
- Tree Survey Report;
- Gas Pipeline Search;
- Heritage Impact Assessment prepared by Richard K. Morris Associates;
- Schedule of Unit Locations and Areas prepared by KRT Associates Ltd; and a
- Transport Statement.

Development Plan

North Warwickshire's Core Strategy Adopted October 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split in Housing Numbers), NW6 (Affordable Housing Provision), NW9 (Employment), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of

Development), NW14 (Historic Environment), NW18 (Atherstone) and NW22 (Infrastructure).

Saved Policies of the North Warwickshire Local Plan 2006 - ENV9 (Air Quality); ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Conservation), ENV16 (Listed Buildings), ECON5 (Facilities relating to the Settlement Hierarchy), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

Other Material Considerations

National Planning Policy Framework 2012

The Council's Design Brief for Britannia Mill

Observations

The Core Strategy requires a minimum of 600 houses to be provided in Atherstone by 2029. The draft Site Allocations Plan allocates this site, indicating that it could provide 62 residential units. The Strategy would also require 30% of the units to be "affordable housing". The reasoned justification further states that there is a need to bring this site, being one of Atherstone's most important Listed Buildings, back into use. It further goes on to state that there is a requirement for most of the buildings, particularly those on the Coleshill Road frontage, to be retained. The design of the building should reflect and respect the buildings Grade II status as well as its canal side location. These matters are reflected in the adopted Design Brief.

In addition to the above, Policy NW18 (Atherstone) in the Core Strategy states that proposals that assist in the continued regeneration of Atherstone will be supported and encouraged.

The proposed redevelopment scheme highlights the following key issues which will need to be addressed:

- 1) Britannia Works is a complex of Grade II Listed Buildings. As such the local planning authority is statutorily required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. It is important that the amount of demolition proposed is the minimum required to facilitate the sites' redevelopment and to include only those buildings of lowest historic value. The conversion of the buildings to be retained needs to be to a high standard in order to preserve the fabric of the Listed Building. The design of the proposed new build needs to enhance the character, appearance and historic value of the Listed Building and its curtilage in accordance with Saved Policy ENV16. There is a large amount of new buildings required by the scheme. The most prominent new building proposed will be the four-storey buildings along the Coventry Canal. The application is accompanied by a Design and Access Statement; a Report on the conclusions of a Structural Survey of the Buildings and a Heritage Impact Assessment of the Proposed Development.

- 2) The site lies close to the boundary of the Atherstone Conservation Area. As such the local planning authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the locality as required by Policy NW14 (Historic Environment) and Saved Policy ENV15 (Conservation). The design and appearance of the scheme is important in this sensitive setting.
- 3) The proposed redevelopment scheme should not impact on the highway safety of road and pedestrian users along Coleshill Road and Richmond Road. The proposal involves the use of three existing pedestrian accesses off Coleshill Road and two existing vehicular accesses off Richmond Road. The proposal is to split the site into two with the first vehicular serving the majority of the site and the second vehicular access at the end of Richmond Road serving 14 apartments with 5 car parking spaces proposed. Policy NW10 and Saved Policies ENV14 and TPT3 stress the importance of ensuring that the vehicular access to the site is safe and the need to demonstrate that priority is given to pedestrians, cyclists and those using public transport. The application is accompanied by a Transport Statement.
- 4) The proposed redevelopment scheme, which provides 51 car parking spaces as well as secured undercover cycle storage and pedestrian access to the bus stops in Coleshill Road, should not cause highway issues with pressure for off-street parking and the need to service the site by larger vehicles. The application is accompanied by a Transport Statement.
- 5) The proposed development scheme should not have a detrimental impact on the residential amenity of neighbouring properties by virtue of overlooking, loss of privacy and disturbance due to traffic. Policy NW10 seeks to ensure that development proposals avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, fumes or other pollution.
- 6) The proposed redevelopment scheme does not include any affordable housing as required under Policy NW6 (Affordable Housing Provision). A Costs Plan is submitted and further information on a Viability Appraisal is being sought from the applicant.
- 7) The proposed mix of uses with some residential units proposed next to an established Public House and take-away will need to be considered against Saved Policy ENV9. Saved Policy ENV9 states that places of residence, employment or other noise-sensitive uses will not be permitted if the occupants would experience significant noise disturbance. The Environmental Health Officer has been consulted.
- 8) The conversion and redevelopment scheme should aim to support the development of a canal related tourist /heritage attraction. The Canal Trust has been consulted along with Atherstone Civic Society.

Recommendation

That the report be noted and that Members familiarise themselves with the site by viewing it either from Coleshill Road particularly the canal bridge on Coleshill Road and the canal towpath and from Richmond Road. It is not recommended that a member site visit takes place as most of the buildings on site are now inaccessible and there would be health and safety issues with accessing the remainder of the site.

BACKGROUND PAPERS

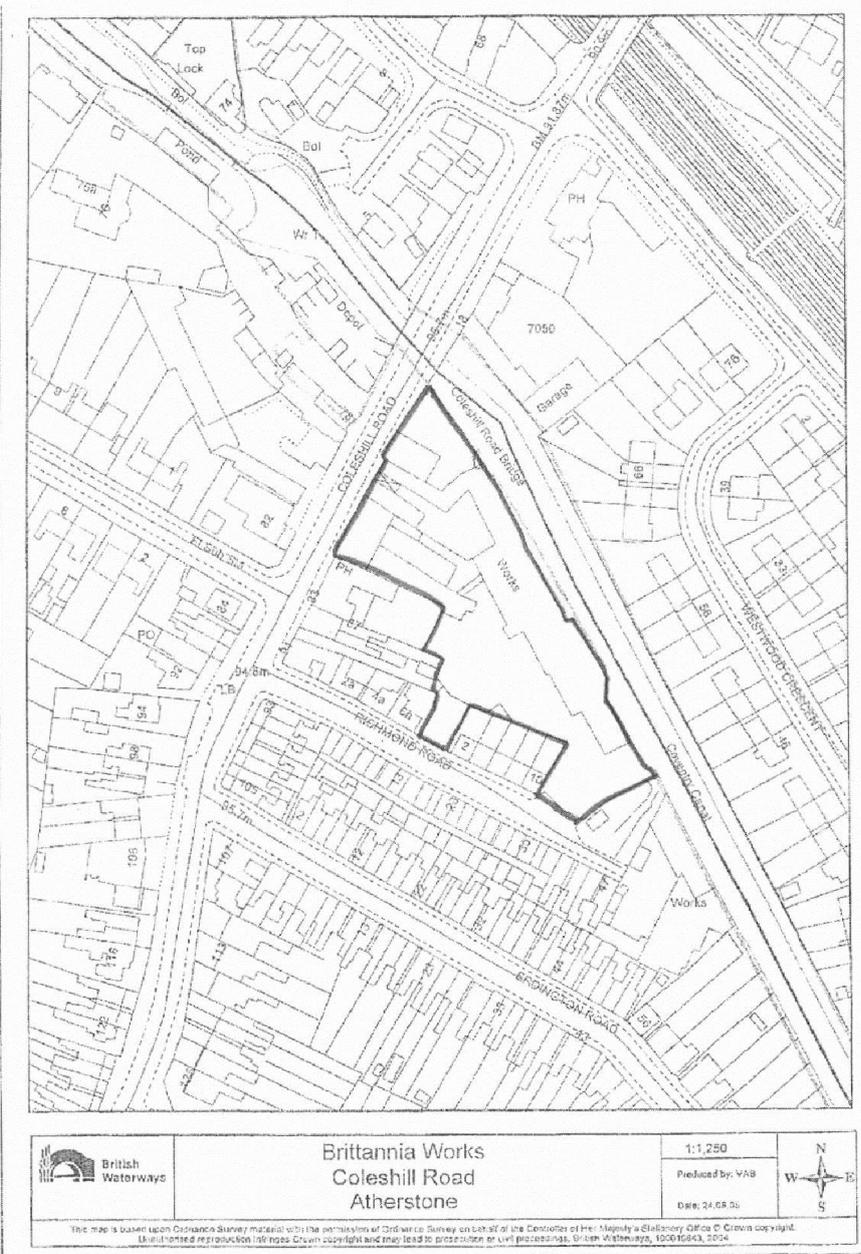
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

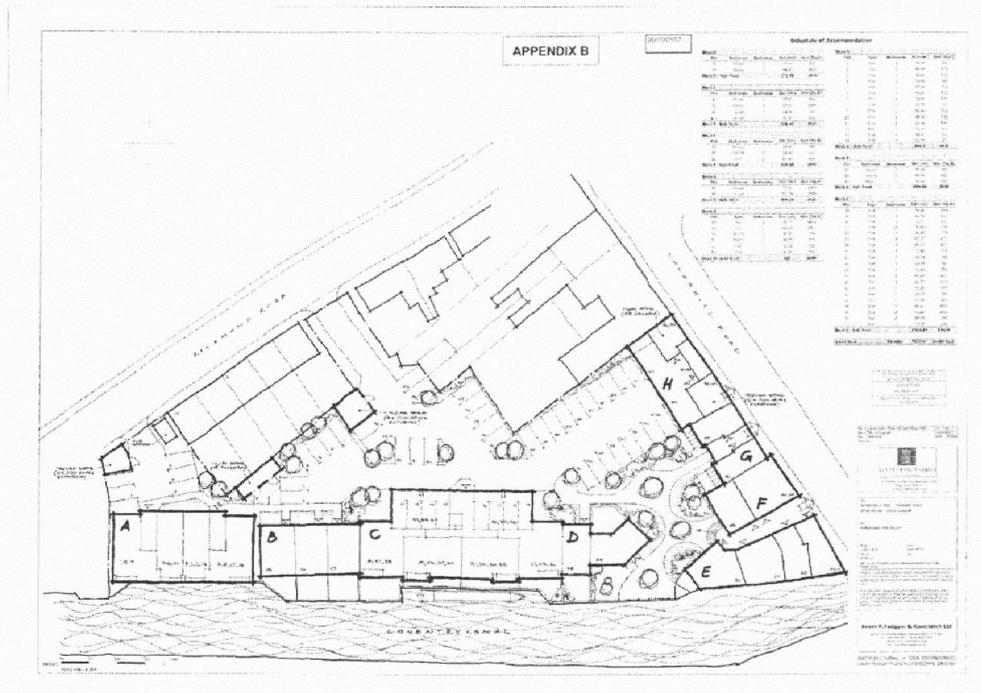
Planning Application No: PAP/2015/0167

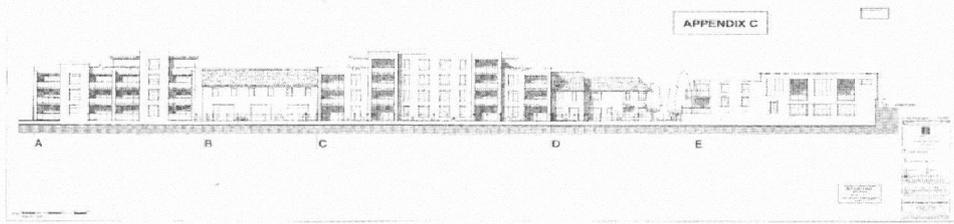
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	23/4/2015

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.







(3) Application No: PAP/2016/0060

Great Chapel Field, Wall Hill Road, Chapel Green, Fillongley,

Retention of change of use of land from agricultural to dog training/exercising, including new access, car park and siting of moveable field shelter and dog agility course equipment, for

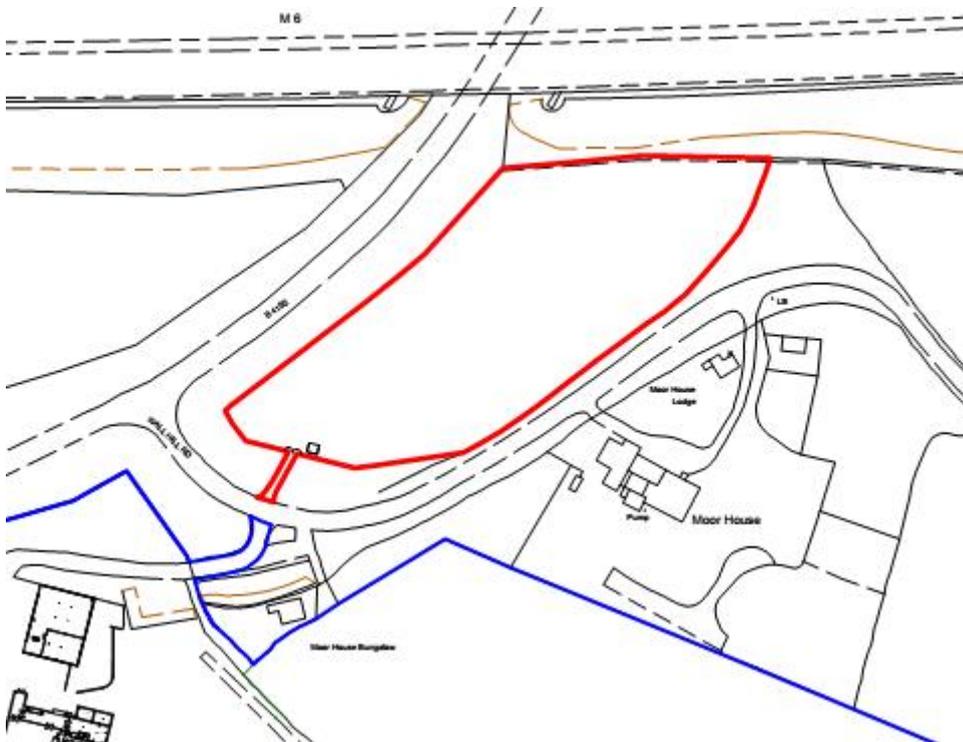
Mr Stephen Hammon - Heart Of England Promotions

Introduction

The application is reported to Board for determination in light of the receipt of representations and in recognition of the planning history of proposals presented by the applicant in this vicinity.

The Site

The site is a roughly rectangular field situated to the south of the M6 at Chapel Green Fillongley. It is bordered to the west by Meriden Road and to the south and east by Wall Hill Road. The Heart of England Conference and Events Centre lies to the south on the opposite side of Wall Hill Road and is in the same ownership as the applicant. The residential properties Moor House, Moor House Lodge and Moor House Bungalow all lie in the vicinity of the application site on the opposite side of Wall Hill Road. The site is shown in the plan extract below.

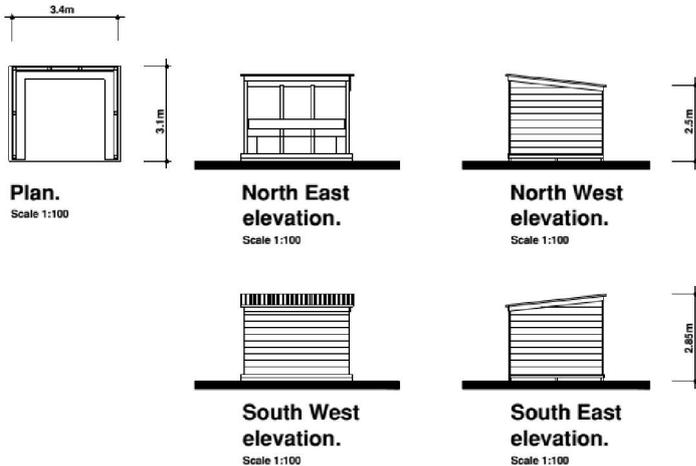


The Proposal

The application is partly retrospective and partly a proposal for new works. The change of use of land from agricultural to dog training/exercising commenced without the benefit of planning permission in late 2015.

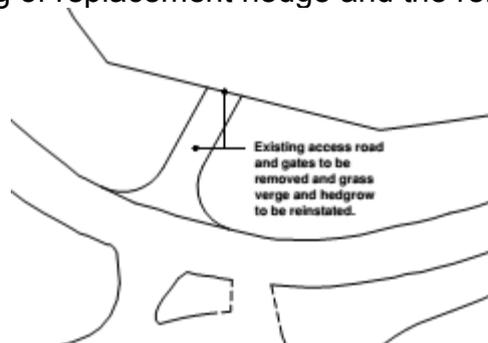
The proposed element of the application is the formation of a new access and car park and the siting of a moveable field shelter and dog agility course equipment.

A small, open fronted, timber shelter is proposed, with the design shown below:

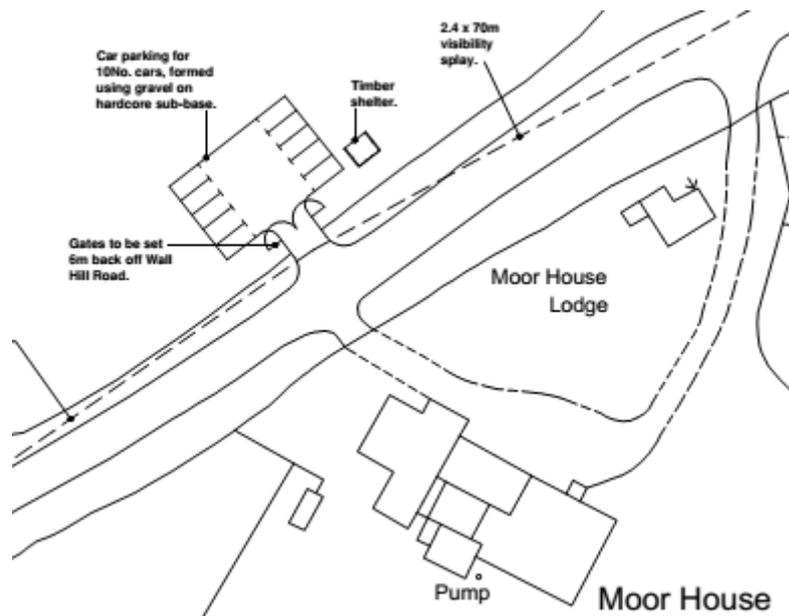


The shelter is the same as the one currently positioned close to the existing entrance. It would be removed from that position and relocated close to the proposed new entrance and the union flag would be removed from it.

The existing access shown below, would cease to be used and the land would be reinstated with the planting of replacement hedge and the reinstatement of the verge



An alternative access would be formed further along Wall Hill Road at the position shown below (into the hedgerow on the left hand side of the image)



The images below show the agility equipment positioned within the site. They also show the fencing that has been erected to separate the dogs from the public footpath which passes along the northern edge of the site.





Background

Since September 2015 the field has been rented out to a dog trainer/behaviourist who lives locally. She subsequently erected a small open-fronted timber shelter or pavilion at the southern edge of the field (with a flagpole) and set up a moveable suite of equipment for a dog agility course at the northern end. This was ready for use by 10 October 2015. The tenant then advertised the field as a dog agility course via her Facebook pages and set up a closed group called 'Coventry Agility Fun' to promote its use. It is described as a group for pet dog owners to encourage their dogs to have some fun on the agility course. The trainer is a qualified NASDU instructor (National Association of Security Dog Users) with qualifications in canine behaviour and learning and certificates in dog handling and training.

Development Plan

North Warwickshire Core Strategy (October 2014) - NW1 (Sustainable Development); NW3 (Green Belt), NW10 (Development Considerations) and NW12 (Quality of Development)

Other Relevant Material Considerations

Government Advice: National Planning Policy Framework - (the "NPPF").

Consultations

Warwickshire County Council Highway Authority - No objection subject to conditions

Rights of Way Team, Warwickshire County Council - Public footpath M295 runs along the northern boundary of the application site. It is noted that fencing has been provided to protect public footpath users from any disturbance by dogs. The Rights of Way team therefore has no objection in principle to the proposals but request that the requirement to maintain a fence to protect the public footpath, set back at least 3 metres from the boundary, is stated as a condition on any consent, if granted. Any consent should also carry an advisory note stating that public footpath M295 must remain open and unobstructed at all times.

Environmental Health Officer – Suggests that it would be appropriate to specify a maximum number of dogs on site at any one time. He expresses concern at the prospect of large congregations for activity such as dog shows but does not offer an objection in principle.

Representations

Letters of objection have been received from Fillongley and Corley Parish Councils and from five local residents. The concerns include the following:

- The land should not be lost from agricultural production.
- Nearby residents will suffer loss of amenity due to noise, traffic and parking issues.
- Training of dogs will inevitably require shouts/calls/whistles all of which will cause nuisance to neighbours. The use would be too close to residential properties.
- The objectors note that the applicant likens the proposed use to horse riding and take issue that horse riding not at all akin. The objectors point out that horse riding is a country activity which involves calm and quiet treatment of the animals involved. By contrast (and based on the 'taster' event held on the land) the type of dog training involves high pitch whistles and screaming and shouting from those attending. The dogs are really enthusiastic, and will constantly bark with excitement.
- The provision of a car park would adversely affect the openness of the Green Belt.
- The bright blue jumps etc. are left out constantly and are clearly visible from inside surrounding properties and are inappropriate development within the Green Belt, harming its openness and visual amenity.
- The "Shelter" and flag pole also add to the clutter and is inappropriate.
- The style of temporary urban fencing to cordon off the public footpath is inappropriate in this location due to its inappropriate visual impact.
- Dogs off the lead may be intimidating to walkers using the public footpath path.
- The achievable visibility splays are inadequate and below standard and the new access would be close to a blind bend and have a lack of visibility to the T-junction. Residents are concerned about the volume and speed of traffic using Wall Hill Road.
- There is concern that the permission would lead to other clutter such as signs and lighting which would change the character and appearance of the area and other activity such as the use of a generator that would be a disturbance to local residents and the provision of other facilities such as toilets.
- There are adequate dog training and agility centres for use by the general public within 2 miles – Corley Training Centre in Highfield Lane and regular Saturday morning sessions at Fillongley Village Hall, so there is no necessity to construct a third venue.
- If permission is granted the Council is requested to attach conditions limiting the character of the use to the use applied for only (i.e. not a general recreational use) and to limit hours of operation.
- Concern is expressed that any controlling conditions will not be adhered to.

Observations

The site lies within the Green Belt. Paragraph 79 of the National Planning Policy Framework (NPPF) sets out that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Paragraph 80 indicates that the Green Belt serves five purposes, including assisting in safeguarding the countryside from encroachment. Paragraph 81 sets out that Local Planning Authorities should plan positively to enhance

the beneficial use of the Green Belt, such as looking for opportunities to provide access and to provide opportunities for outdoor sport and recreation. Paragraph 87 establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 establishes that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, with exceptions, including provision of appropriate facilities for outdoor sport and outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

A dog training use is reasonably regarded as an outdoor sport/recreation. It is a use which facilitates access to the countryside and is in accord with the Green belt policy of the promotion of access to outdoor recreational opportunity. It is a use which requires the use of open land and is akin to other recreational and animal related uses that are commonly located in rural areas. Indeed, there are other established dog related uses in the locality of the application site which have been referred to by the objectors.

The application needs therefore to be assessed in relation to the impacts that would result from the grant of planning permission, including the impacts on openness, visual amenity, highway safety and residential amenity.

In terms of the impact on openness and the visual impacts from the proposed development, the site is enclosed by hedgerow and trees on all sides. The dog agility equipment is situated on the lower part of the land at the foot of the embankment for the M6 motorway. Whilst the equipment is primarily blue in colour, it is low level and occupies only a relatively small part of the overall site. It is of a quantity which could be considered reasonably required for the training/exercise of dogs and it is considered that it does not cause an undue intrusion into the openness of the area or any significant harm to visual amenity of the area, even given that a public footpath passes through the site. However, there would be potential for increased harm to openness and increased harm to visual amenity if the quantity, scale or extent of the equipment was increased. For that reason, if permission is granted, it would be appropriate to place conditional limits on the location, extent and scale of the dog training equipment used at the site. The siting of dog agility or other dog training equipment would be most appropriately limited to the northernmost fifth of the site, adjacent to the M6 motorway embankment, where it would cause least visual intrusion and where it would concentrate activity away from the nearby dwellings. It would also strike an appropriate balance between ensuring that the use of the land remained open and in keeping with the rural character of the land, whilst ensuring that the site enjoys a beneficial use. To ensure that the equipment remained of an appropriate scale, with limited visibility, it is considered that a height limit of 2 metres would be appropriate.

Though the application proposes the formation of a new vehicular access, it also proposes the closure and reinstatement of an existing access. The existing access is visible from both Wall Hill Road and the main Meriden Road. It is elevated and contains a relatively long hard surfaced route across a wide verge. The proposal would remove the hard surfaced route and reinstate the verge to a grassed surface and would remove the gateway and reinstate a hedgerow in the gap. Though the new access position would necessitate the loss of some roadside hedge it would be limited to the loss of the gateway alone because visibility splays can be achieved within the highway. The existing roadside tree would remain. The new access would arguably be less visually prominent than the existing access and its use would, with the limitations suggested by the Highway Authority, be less hazardous to highway safety. There is therefore no objection to the formation of a replacement access.

The timber shelter is of a modest size and limited height, being only 3.1 metres high at its tallest point, it will have very limited visibility behind the hedgerow boundary following the removal of the union flag. It is considered that the shelter is reasonably necessary for the activity as it affords a small amount of shelter and can be used for administrative tasks. It is not a storage building, as suggested by some objectors. It is considered to be the provision of appropriate facilities for outdoor sport and outdoor recreation, which will not substantially harm the openness of the Green Belt and will not conflict with the purposes of including land within it. The small scale shelter structure is therefore appropriate development in the Green Belt.

The proposed car park is possibly the element of development which has the greatest potential for adverse impact on the openness of the Green Belt, however, the extent of the car park is limited to 10 spaces and would be surfaced with a low key gravel finish. The parking would sit behind a roadside hedge which would provide some visual screening. It is considered that the transitional nature of this relatively small number of parked vehicles would not cause undue harm to openness. With a conditional requirement for additional tree planting to supplement the hedgerow fronting the length of the site which adjoins Wall Hill Road, the car parking area would not cause undue visual intrusion.

Residents and Parish Council's express the concern that the grant of planning permission for this use of the land would inevitably lead to other associated development – advertisements, toilet facilities, overnight stopping caravans, lighting etc. It is agreed that there would be potential for the development of the activity to lead to other more harmful visual impacts and detrimental change in the rural character of the land. For this reason it would be appropriate to attach conditions which introduce controls over such matters. A condition limiting the operation of the site to daylight hours only will obviate the need for the installation of exterior lighting and the removal of permitted development rights for temporary uses of land and some minor developments (means of enclosure and CCTV cameras), together with a requirement for approval of all signs, advertisements or flags, would be appropriate.

It is considered appropriate to place a limit on the number of dogs for dual reasons. Firstly, it is appropriate to limit the number of dogs on the land at any one time in order to limit the likelihood of disturbance from noise, and secondly, it is necessary to limit the number of vehicular movements to and from the site for highway safety reasons.

In respect of concerns about noise, it should be recognised that the land lies immediately adjacent to the M6 motorway and that there is consequently a higher background noise level than would be found in countryside locations more remote from the motorway. With the limit on the number of dogs on site at any one time the Environmental Health Officer does not object to the development. It is considered that the effect on residential amenity of nearby properties would not be so significant that it would justify the refusal of planning permission.

In terms of highway safety, the location of the proposed access will provide better visibility splays, and the gradient of the access will be an improvement compared to the existing access. Parking provision will be for 10 vehicles, and the applicant has also agreed to limit the use to 10 vehicle visits per day. As such, the highway authority considers that proposed parking should be acceptable. The proposed access to the site will also be wide enough to provide two way traffic flows. Capacity on the highway

network should not be an issue. Therefore, the Highway Authority's response to the amended details is one of no objection subject to conditions.

Given that the use has already commenced and that the use of the existing access is deemed to be unsafe, it would be appropriate to require the cessation of the dog training activity until such time as the replacement access is completed to the satisfaction of the Local Planning Authority in writing. It is further appropriate to require the permanent closure of the existing access at the same time.

Whilst it is recognised that the dog training use would alter the experience of walkers using the public footpath, it should be noted that the Rights of Way Officer does not object to the use of the land providing that an appropriate fence is erected in an appropriate location. Whilst the Heras fencing may have been an appropriate temporary solution to the enclosure of the land, it is of an urban character and not in keeping with this rural location. It would be appropriate to make the replacement of this fencing a conditional requirement of any planning permission granted.

On balance the use may be supported, with restrictions, as an appropriate development in the Green Belt.

Recommendation

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

1. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 01 Rev E received by the Local Planning Authority on 1 November 2016 and the plan numbered 355/216/02 received by the Local Planning Authority on 28 January 2016.

REASON

In order that the development is carried out in accordance with the appropriate plans.

2. The use hereby approved shall not operate at any time until the replacement access and car park have been completed and the existing access has been closed to the satisfaction of the Local Planning Authority in writing, in consultation with the Highway Authority.

REASON

In the interests of highway safety.

3. The use hereby approved is for the training and/or exercising of dogs only. It shall expressly not be used for any other purpose whatsoever. The number of dogs on site at any given time shall not exceed ten and the site shall not be used for the purpose of dog shows or competitions.

REASON

In the interests of the amenities of the area.

4. Prior to the commencement of development the design and appearance of the proposed entrance gates and any associated fencing shall be submitted to and approved by the Local Planning Authority in writing. The approved details shall be implemented in full and maintained as such at all times thereafter.

REASON

In the interests of the amenity of the area and in the interests of highway safety.

5. Prior to the commencement of development a scheme for additional tree planting to supplement the hedgerow along the length of the site where it adjoins Wall Hill Road and for the specification of the new section of hedgerow shall be submitted to and approved by the Local Planning Authority in writing. The approved scheme shall be planted in full within the first available planting season following the construction of the car park. In the event of any tree or plant failing to become established within five years thereafter, each individual tree or plant shall be replaced within the next available planting season to the satisfaction of the Local Planning Authority.

REASON

In the interests of the amenity of the area.

6. The siting of dog agility or other dog training equipment shall be limited to the northernmost fifth of the site, adjacent to the M6 motorway embankment. With the exception of the northernmost fifth of the site and the approved car park nothing whatsoever shall be stored, sited, constructed, displayed or parked on any other part of the site. The height of the dog agility or other dog training equipment shall not exceed 2 metres.

REASON

In the interests of the visual amenity of the area, in the interests of residential amenity and to maintain the openness of the Green Belt.

7. The approved car park shall be formed using gravel on a hardcore base and shall not have a bound finish, with the exception that it shall be constructed from a bound material for a distance of 6.0 metres, as measured from the near edge of the public highway carriageway. The use shall not operate at any time unless the car park is available for the parking and manoeuvring of vehicles.

REASON

In the interests of the amenity of the area and in the interests of highway safety.

8. The parking of cars and other vehicles shall be confined to the car park only and shall not be parked or stored at any other position within the site at any time.

REASON

In the interests of the amenity of the area.

9. The use hereby approved shall not operate between the hours of sunset and sunrise on any day. For the avoidance of doubt, sunset and sunrise shall be taken to be the times specified for Birmingham, UK, by the HM Nautical Almanac Office (<http://astro.ukho.gov.uk>). The site shall not be used for the purpose of overnight stays at any time.

REASON

In the interests of the amenity of the area.

10. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), no signs, flags or advertisement may be displayed without the express written consent of the Local Planning Authority.

REASON

In the interests of the amenity of the area.

11. No development whatsoever within Classes A and F of Part 2 and Class B of Part 4, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.

REASON

In the interests of the amenity of the area and to maintain the rural character and appearance of the area.

12. Within two calendar months of this permission details of a fence to replace the temporary Heras fencing alongside the public footpath shall be submitted to and approved by the Local Planning Authority in writing. The replacement fence shall be sufficient to provide for the safety of users of the public footpath, shall be of a design and appearance in keeping with the rural setting of the site and shall be erected at a position which is set back at least 3 metres from the boundary of the footpath. The approved replacement fencing shall be erected and the temporary fencing removed from the site within one calendar month of the approval of details and shall be maintained as such at all times thereafter.

REASON

In the interests of the amenity of the area, to maintain the accessibility of the public footpath and to protect users of the public footpath.

13. Access for vehicles to the site from the public highway (Wall Hill Road C63) shall not be made other than at the position identified on the approved drawing, number 355 / 216 / 01 Rev E, providing an access no less than 5.0 metres in width for a distance of 20.0 metres, as measured from the near edge of the public highway carriageway. Gates hung within the access shall not be hung so as to open within 6.0 metres of the near edge of the public highway carriageway.

REASON

In the interests of highway safety.

14. The access to the site for vehicles shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. The vehicular access to the site shall be surfaced with a bound material for a distance of 6.0 metres, as measured from the near edge of the public highway carriageway, and shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

REASON

In the interests of highway safety.

15. The development shall not be commenced until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distances of 70.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interests of highway safety.

16. No more than 10 vehicles shall visit the site per day (20 vehicle movements).

REASON

In the interests of highway safety.

17. The development hereby permitted shall not commence or continue unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material.

REASON

In the interests of highway safety.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0060

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	28 01 16 1 11 16
2	Warwickshire County Council Highways Authority	Consultation Response	3 3 16 31 10 16 3 1 17
3	Warwickshire County Council Footpaths	Consultation Response	29 2 16
4	Environmental Health Officer	Consultation Response	25 2 16 10 11 16
5	Corley Parish Council	Representation	21 11 16
6	Fillongley Parish Council	Representation	23 11 16
7	Hooke	Representation	23 11 16
8	Shipley	Representation	29 2 16 22 11 16
9	Y McHugh	Representation	29 2 16 22 11 16
10	M McHugh	Representation	29 2 16 22 11 16
11	Burrin	Representation	17 11 16

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.

(4) Application No: PAP/2016/0497

49, High Street, Polesworth, B78 1DX

Outline application for clearance of derelict buildings and erection of 5 detached dwellings and access, for

Mr Robert Steele

Introduction

The application is reported to Planning and Development Board at the request of a Local Member in view of the potential impacts of the proposals.

The Site

This is an irregular shaped yard set between houses on the north side of High Street to the rear of these houses and those fronting Nethersole Street at the rear. To the west side is a residential development known as Editha's Court which is a cul-de-sac off High Street. The site benefits from an existing access and this would be used to serve the development. The yard contains a series of single storey outbuildings distributed around its boundary. An aerial view of the site is illustrated below:



The Proposal

This is an outline application for clearance of the existing on-site derelict buildings and the erection of five detached dwellings. The application seeks approval of access and layout detail, but reserves details of appearance, landscaping and scale for later consideration. The general context of the site is available at Appendix A with the layout shown at Appendix B.

Background

The yard was used as a builder's yard for many years - a use which is understood to have commenced prior to 1948 and which has continued for many years though less intensively. The buildings which formed subsequent applications were built and used in connection with the builder's yard and were used for a series of uses including offices and stores. The buildings were then taken over by a series of other uses unconnected with the builder's yard such as an engineering company, a tool company and coach parts. The yard had been used communally by all companies involved for servicing purposes. A drinks distribution company was also found to have operated from there. Presently the site has run down the commercial uses but the yard remains.

Photographs of the site are available at Appendix C showing the current state of the site.

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy) , NW4 (Housing Development), NW5 (Split of Housing Numbers), NW12 (Quality of Development), NW13 (Natural Environment), NW15 (Nature Conservation) and NW19 (Polesworth and Dordon)

Other Material Considerations

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

Consultations

Warwickshire County Council Highways Authority – No objection subject to conditions

Environmental Health Officer – No objection subject to a ground conditions survey (including a coal mining assessment) and construction hours being conditioned.

Warwickshire Museum – No objection subject to a standard condition

Representations

Residents of three properties on High Street and Edithas Court have written objecting to the development. Their grounds for objection are as follows:

Amenity

- I would not object to bungalows but I would object to properties being overlooked at Editha's Court.

- There would be no loss of privacy, there would be less loss of light from my rear garden and the view from the rear of my property would be infringed to a lesser extent.

Access/highways

- Measured drive only 3.8 metres total, which includes 1 metre path to 49, giving drive 2.8 metre at widest, narrowing to 2 metre at top, my property is within 1/2 metre of driveway and will not stand large lorry's passing so close. I'm told that all new developments must leave 1 metre from existing development.
- Large number of cars using drive.
- Damage to my property council for allowing work to go ahead or development who do I sue.
- Already 6 lorry's stored there with no operator's licence.
- I am concerned that the plans entered here are not correct. Having looked at the plan submitted I have measured the drive to find that it is less than 4 metres wide at the widest point, which is less than stated.
- There is also a door on the house (49) that opens directly onto the "driveway", and as far as I am aware this requires a path for safety so reducing the driveway even more.
- I feel that the driveway will be too narrow to allow access for the large vehicles required to develop the site, and they will cause damage to property and fence.
- Not just the access track, but the drive marked as 'former petrol station' should be upgraded. As any houses would cause extra traffic and the track is only 4.5 m wide, there will be a tendency (which people already do, regularly) to drive over the old petrol station site.

Design

- The proposal for 5 houses is not in keeping with the existing bungalow developments that were carried out in Rof's Croft & Editha's Court.
- The new proposed development of 5, 2 storey houses on this site will impact on the privacy of the houses nearest to the development, in Edithas Court, High Street & Nethersole Street,
- We would prefer bungalows based on the precedent set at Abbey Croft and Edith's Court. This would fit in to the aesthetics of the village a lot better, as it would follow the trend in this area.
- The land at the back of the houses 43/45/47/49 is higher than the high street. Meaning two storey houses would cause a privacy issue and overlook the back of the houses significantly.
- I would object to 5 detached houses. The construction of 2 storey houses would mean my property being directly overlooked and a loss of privacy when in the rear lounge and kitchen. As the sun rises to the rear of my property a 2 storey dwelling would potentially cause my small rear garden to be in shadow during the morning. I would not object to the land being used to build 5 detached bungalows.
- The bungalows in the area sets a precedent and the building of 2 storey properties on the land behind 49 High Street would be out of character with the existing area.
- If two storey houses were to be built, then the layout shown in the site plan would be ok, as the front or back windows do not look down over the houses on high street too much.

Observations

a) Introduction - The Principle of Residential Development

The site lies within the development Boundary identified for Polesworth in the North Warwickshire Core Strategy and detailed in the North Warwickshire Local Plan 2006 (Saved Policies). Polesworth is identified as a Category 1 settlement. As such this is a sustainable location for new residential development. The scale of the development is appropriate and will contribute to meeting identified housing need in the settlement.

In these circumstances, the application can be supported in principle and the application falls to be considered having regard to detailed impacts such as highway safety, effect on residential amenity, ground conditions, effect on archaeology and affordable housing considerations.

b) Design, scale and appearance

The proposal is in outline and therefore only the principle of development is considered at this stage. The scale and height of the proposed dwellings are likely to be two storey rather than bungalows particularly as the frontage of the site is two storey dwellings.

It is therefore considered that a mixture of dwelling types can be considered at reserved matters stage such as one and a half storey dwellings at the two southernmost plots at the rear of Nos. 3 and 4 Editha's Court and at the bottom of the rear gardens to No. 41 and 45 High Street. One and a half storey dwellings can be achieved with dormer windows in the roof facing into the site rather than neighbours at Editha's Court. The height can be limited to not more than 6.5 metres; it is possible that two good sized dwellings can be achieved. The remainder of the dwellings can be at two-storey with no direct amenity implications to neighbouring dwellings. Detailed design considerations would be assessed at reserved matters stage.

The site is slightly elevated on a gentle topography compared with the dwellings along High Street and therefore a site levels plan would be considered at reserved matters to ensure the height of the dwellings can be assessed in terms of appropriate scale in relation to existing dwellings.

c) Residential Amenity

The site is surrounded on three sides by existing residential development. Those surroundings properties have good sized rear gardens.



The proposed layout is such that no significant harm to amenity will result from overlooking, loss of privacy or overshadowing provided design considerations such as scale and use of obscured glass in windows that would cause overlooking can be controlled.

The development would be north of the rear elevation to Nos, 41, 42, 45 and 47 High Street which has no effect from the development on loss of light or overshadowing from this orientation. There are also sufficient separation distances involved being approximately 22 metres from the rear elevation of these neighbouring dwellings to the nearest property on the development.

Comments received from neighbours at 3 and 4 Editha's Court have expressed the provision for bungalows. This may not be necessary for all of the development, though in light of comments received one and a half storey dwellings would be considered necessary to those proposed plots at the rear of No. 3 and 4 Editha's Court - particularly as these plots are due east of these neighbouring bungalows then the difference in scale would have a more noticeable impact. Though the separation distances are sufficient at 21 metres between rear windows of the neighbouring bungalows to the nearest two plots on the boundary of 3 and 4 Editha's Court, a lower scale to these two plots of the development would be required.

The development is at a sufficient distance from other neighbouring dwellings, being No. 51 High Street and Nos, 65, 67, 69, 71 and 73 Nethersole Street. As the development would be due south but achieves a separation distance of 22 metres to Nos. 67, 65 and 63 Nethersole Street and 30 metres to 73 and 71 Nethersole Street, such that no reduction to privacy or impact on light would be affected at this distance.

The neighbour at No. 51 is concerned with the close proximity of the access route to the development to his property. This is not an unusual arrangement as there are similar types of developments in the borough with similar access arrangements. It is considered that a construction management plan will consider the hours of working at the frequency and size of vehicles associated with the construction phase of the development and therefore will be considered under the reserved matters.

It would be appropriate to attach a condition controlling hours of construction given the proximity of the site to residential properties and the potential for noise and disturbance on neighbours. The use of construction vehicles is unlikely to pose any structural issues to the neighbours bungalow or that of No. 49 High Street which is also sited alongside the access, though the access width is narrow it has been fully assessed by Highways as the access could be used lawfully for the existing commercial yard without any planning control so there is considered to be a betterment to use the access for housing. Overall the residential amenity would not be considered to be harmed by the development; the current land use is considered more harmful and there is planning merit for its removal.

d) Highway Safety

The existing access to 49 High Street is proposed to be used. The application has been the subject of consultation with the highway authority. No concerns have been raised as the site access serves a commercial yard which has seen traffic generation to and from the site in previous years.

The assessment from the highways authority therefore advises that there is an existing shared dropped kerb access, which is approximately 14.5 metres wide. The access currently serves the proposed site and nos.43-51 High Street. The access reduces in width to approximately 7.3 metres wide, when measured 7.5 metres back from the edge of the carriageway. The existing access width is considered to be acceptable to serve multiple dwellings, as the Highway Authority would require a minimum access width of 5 metres wide for the first 7.5 metres. The minimum width of the access is approximately 3.8 metres wide, measured approximately 17.5 metres back from the edge of the carriageway. Although the application is for outline permission only with all matters reserved, it has been indicated that the access alongside no.49 High Street shall be widened to 4.5 metres wide. This is considered to be wide enough for two vehicles to pass each other, as Figure 7.1 of Manual for Streets (MfS) indicates that two vehicles should be able to pass each other on a carriageway with a width of 4.1 metres.

According to the application form submitted, the existing site currently has a permitted B1 (c) Class Use. Whilst the site may not currently be generating any vehicular trips, the site could be used at any point within the permitted class use. To establish the number of vehicular trips that the permitted use could generate, the TRICS database has been interrogated. TRICS indicated that the existing permitted development could generate approximately 23 vehicular trips throughout a 12 hour period (07:00 – 19:00). Approximately 2.5 vehicular movements would be generated during the peak hours (08:00-09:00 & 17:00-18:00). TRICS also indicated that the proposed development of 5 dwellings could generate 22 vehicular trips throughout the same 12 hour period, with approximately 2.5 vehicular trips being generated during the peak hours. According to the TRICS database, the proposed development could generate a comparable number of vehicular trips to the existing permitted use. Therefore, it is unlikely that the proposed development will have a detrimental impact on the operation of the highway network, or on public highway safety. Due to the distance that the proposed dwellings will be set back from the public highway carriageway, a turning area will have to be provided within the site. This is to enable a refuse vehicle to turn within the site and re-enter the public highway using a forward gear. Sufficient parking will also have to be provided within the site. Therefore with no objection from the Highways Authority there would be no safety concerns.

e) Ground Conditions

The Council's Environmental Health Officer advises that the proposed development is in a coal mining referral area and a site investigation will be required to look for contaminants associated with site uses. A condition requiring a site investigation to be carried out and the report including remedial measures required agreed with the Council in writing is suggested. Additionally, a coal mining risk assessment is also required. It is considered that with investigation and remediation, where necessary, the land is capable of development.

f) Archaeology

The Planning Archaeologist at Warwickshire Museum advises that the proposed development lies within an area of significant archaeological potential, within the probable extent of the medieval settlement of Polesworth (Warwickshire Historic Environment Record MWA9573). There is therefore a potential for archaeological deposits associated with the occupation of this area during the medieval and later periods to survive across this site. Although there is no objection to the principle of development, some archaeological work should be required. It is considered expedient to attach archaeological conditions.

g) Landscaping and Boundary Treatments and Ecology

Whilst landscaping is a reserved matter it is necessary to consider the potential impact of the development on existing trees and hedgerows and the effect on landscape/townscape character and appearance from the development of the site with 5 dwellings. There are limited trees to the perimeter of the site. It is proposed that the development will provide landscaping by condition. It is considered that the land can be developed without any significant harm to landscape or the ecology of the site as ecology and landscape within the site is not of a high value given the commercial yard, it might be that bats could be present in any disused structures a bat condition should be required.

h) Affordable Housing

Policy NW6 of the North Warwickshire Core Strategy indicates that on proposals of 1-14 dwellings the Council will seek 20% of the development as affordable housing. However, following a recent Appeal Court decision, paragraph 031 of the NPPG has been revised. The revision exempts small sites from affordable housing and play open space contributions where developments of 10-units or less, and which have a maximum combined gross floor space of no more than 1000sqm. The updated guidance indicates that the approach in Policy NW6 is now out of date.

In this instance, the development proposes 5 dwellings which have a combined floor area not exceeding 1,000sqm. The scheme is exempt from the need to provide affordable housing, in accordance with up to date planning guidance.

i) Overall Conclusion

The National Planning Policy Framework establishes a presumption in favour of sustainable development. The reasoning above sets out why it is considered that this development is sustainable in the context of the characteristics of this site and the settlement of Polesworth. Overall as the development would replace that of a commercial yard there is a considerable betterment on the design and amenity of the area.

Recommendation

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

1. This permission is granted under the provisions of Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015 on an outline approval, and the further approval of the Local Planning Authority shall be required with respect to the under-mentioned matters hereby reserved before any development is commenced:-
 - (a) appearance
 - (b) landscaping
 - (c) scale

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

2. In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of all reserved matters.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development hereby approved shall not be carried out otherwise than in accordance with the layout plan submitted to the Local Planning Authority.

REASON

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

5. No development whatsoever within Class A, B, C, E and F of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.

REASON

In the interests of the amenities of the area.

6. No development shall be commenced before details of all facing materials and including facing bricks and roofing tiles and surfacing materials to be used have been submitted to and approved by the Local Planning Authority in writing. The approved materials shall then be used.

REASON

In the interests of the amenities of the area.

7. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

REASON

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

8. The maximum number of dwelling units to be constructed on this site shall be 5, and none shall be more than two storeys in height, the plots nearest to the boundary with No. 3 and 4 Edithas Court shall be limited to not more than 6.5 metres in height to the ridge.

REASON

In the interests of the amenities of the area.

9. No development shall take place until:

a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.

b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority.

c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a

strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

REASON

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

10. No works other than demolition shall take place until a site investigation of the nature and extent of contamination, based on a Phase I Assessment for the application site (including a coal mining risk assessment), has been submitted to and approved in writing by the Local Planning Authority. If any unacceptable contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The report shall include a validation plan providing details of how the objectives of the remediation will be measured.
11. The site shall be remediated in accordance with the approved measures specified in Condition 10 and within three months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to and approved in writing by the Local Planning Authority.

REASON

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

12. No demolition or removal of dis-used buildings shall commence until a bat survey has been submitted to and approved in writing by the Local Planning Authority. If any evidence of bats is identified, a mitigation strategy shall be provided on site to the satisfaction of the Local Planning Authority.

REASON

In the interests of identifying the effects of the development on local ecology.

13. No development shall commence until a site levels plan showing existing datum levels has been submitted to and approved in writing by the Local Planning Authority.

REASON

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

14. The development hereby permitted shall not commence or continue unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material.

REASON

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

15. The development shall not be occupied until a turning area has been provided within the site so as to enable a refuse vehicle to leave and re-enter the public highway in a forward gear.

REASON

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

16. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. The Construction Management Plan must include details to prevent mud and debris being passed onto the highway; wheel washing facilities; vehicle routing plan; and parking and loading/unloading of staff/construction/delivery vehicles.

REASON

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

17. Deliveries and collections associated with the construction of the proposed development shall not occur during peak periods on the highway network (08:00 - 09:00 and 17:00 - 18:00) or during periods when children are going/or being collected from the local school.

REASON

In the interests of highway safety for all users.

18. No development shall commence until details of fencing and boundary treatments have been submitted to the Local Planning Authority and the boundary treatments shall remain in situ at all times. Details of fencing and boundary treatments.

REASON

In the interests of the amenity of the occupiers of the development.

19. No development shall commence on site until details of a scheme for the storage (prior to disposal) of refuse, crates and packing cases has been submitted to and approved in writing by the Local Planning Authority. The development shall not commence until the approved scheme has been fully implemented.

REASON

In the interests of the amenities of the area.

BACKGROUND PAPERS

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

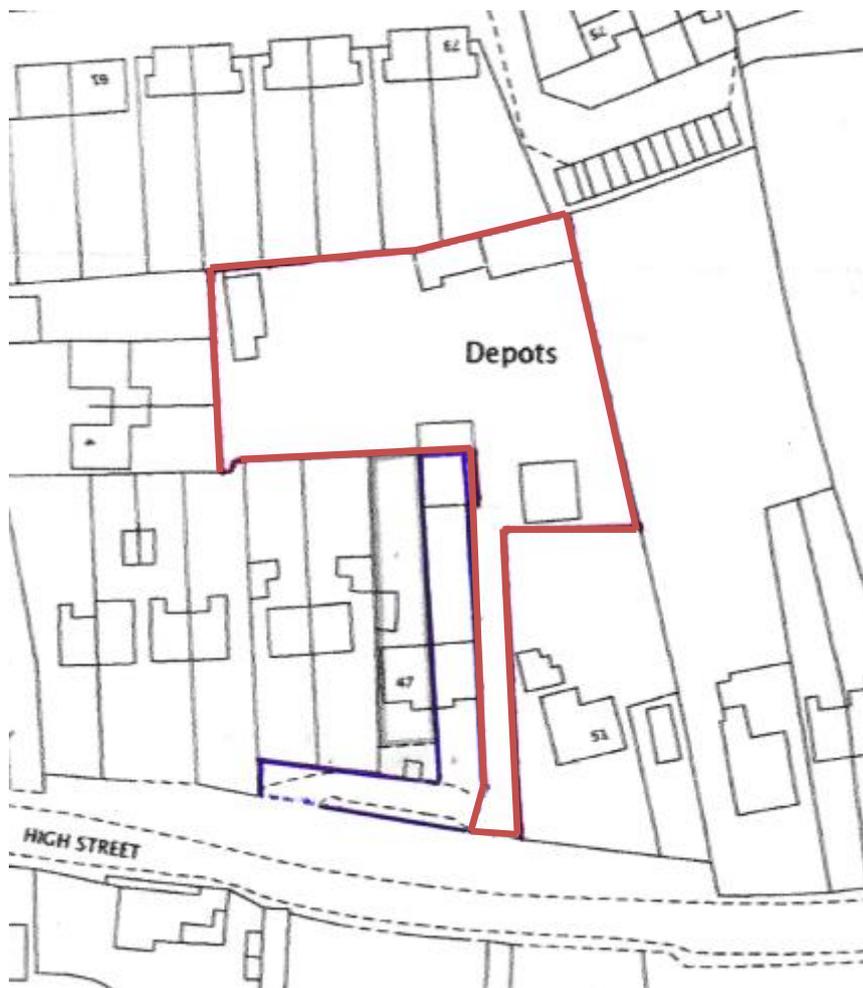
Planning Application No: PAP/2016/0497

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	25.8.16
2	Case Officer to Applicant	e-mail	07.09.16
3	Applicant to Case Officer	e-mail	07.09.16
4	Mr Spencer	Representation	19.9.16
5	Mr Lowe	Representation	20.9.16
6	Mr Spencer	Representation	27.9.16
7	Mr Peacock	Representation	28.9.16
8	WCC Museum (archaeology)	Consultation reply	29.9.16
9	NWBC EHO	Consultation reply	30.9.16
10	Ms Druce and Mr Guyan	Representation	3.10.16
11	Case Officer to applicant	e-mail	5.10.16
12	WCC Highways	Consultation reply	5.10.16
13	NWBC EHO	Consultation reply	6.10.16
14	Mrs Price	Representation	6.10.16
15	NWBC EHO	Consultation reply	12.10.16
16	Severn Trent Water	Consultation reply	3.11.16
17	Case Officer to Applicant	e-mail	25.11.16
18	Applicant to Case Officer	e-mail	25.11.16
19	Case Officer to Applicant	e-mail	28.11.16
20	NWBC Streetscape	Consultation reply	14.12.16
21	Case officer to Applicant	e-mail	23.12.16

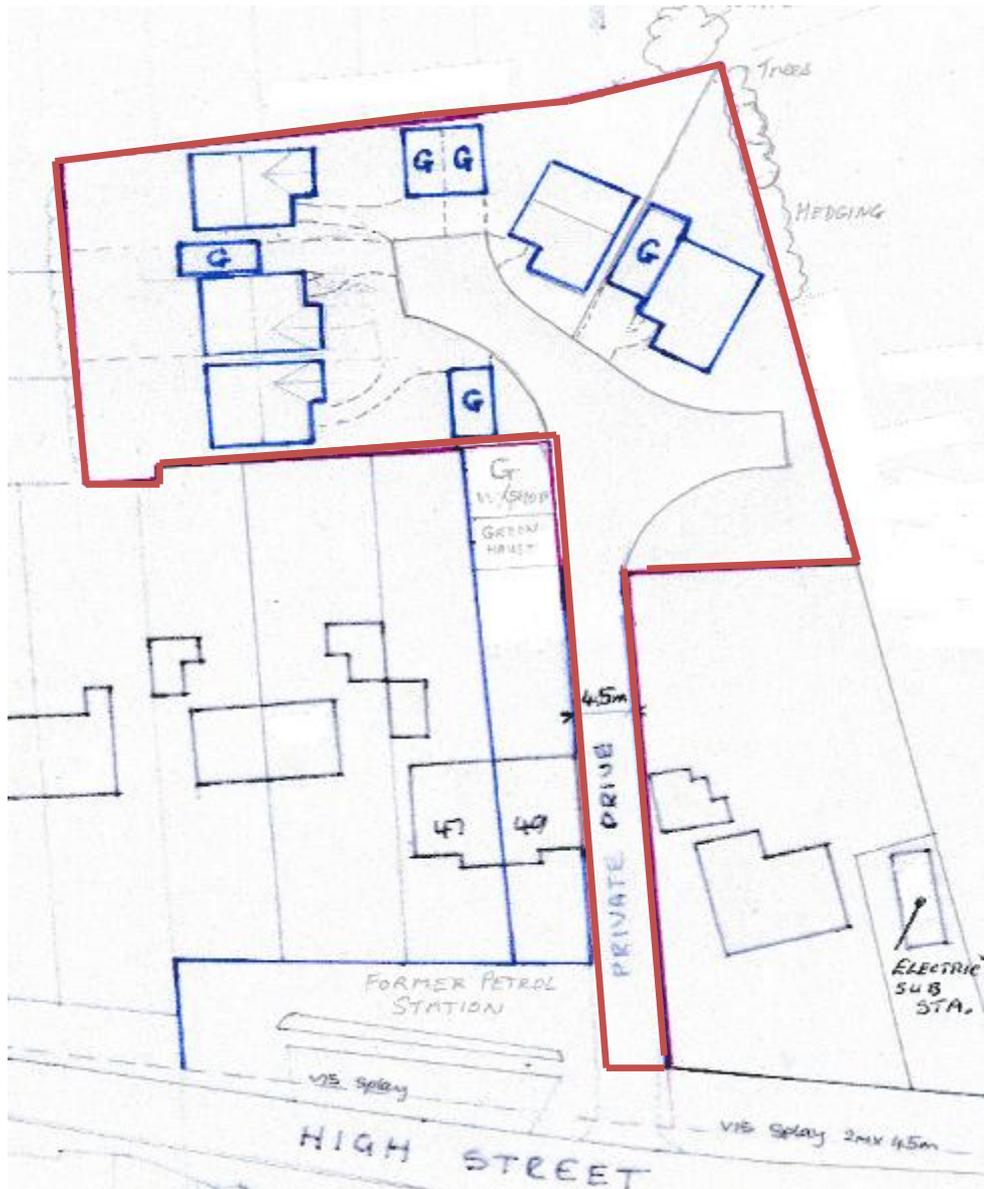
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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

Appendix A



Appendix B



Appendix C

Photographs of the site in its current state:



View of site looking towards Rear of No. 53 High Street



View from site towards rear of High Street, sweeping round to rear of Editha's Court



View from site towards the rear of Nethersole Street

Views of the site with storage and clutter of vehicles and disused lorry trailers





Dis-used buildings and vehicles in the site



View back towards entrance and access at 49 High Street, showing wide arrangement.



Access to the site from High Street and the side of No. 49 High Street and No. 51 High Street.



View towards rear garden of No. 53 High Street

Agenda Item No 5

Planning and Development Board

16 January 2017

**Report of the Assistant Chief Executive
and Solicitor to the Council**

**Warwickshire Minerals Plan -
Consultation Publication Version
(Pre-Submission Draft)**

1 Summary

- 1.1 This report informs Members of the consultation on Warwickshire County Council's Minerals Plan consultation, the Publication version of the plan. Further comments raised at Board will be forwarded for inclusion along with the Council's initial response.

Recommendation to the Board

- a That Members take note of the consultation of the Minerals Plan Publication Consultation which runs from Friday 9th December 2016 to Friday 3rd February 2017; and**
- b To forward any additional comments Members may raise following consideration of the issues at this Board.**

2 Consultation

- 2.1 A copy of the report has been forwarded to Councillors Waters, Reilly, Sweet and Simpson.
- 2.2 The Publication version consultation commenced on Friday 9 December 2016 to 5:00pm Friday 3 February 2017.

3 Warwickshire Minerals Plan

- 3.1 Members will be aware that the Borough Council responded to the consultation on the Minerals Preferred Option and Policies Plan between October 2015 and January 2016, following the Local Development Framework Sub-Committee on 3 December 2015. The County Council is now consulting on the next stage of the Minerals Plan, which is the Publication version (Pre-Submission Draft) of the plan. In commenting on the Plan, the emphasis should be on whether the Plan is "sound" and "legally compliant". Soundness means having regard to whether: it has been positively prepared; it is justified, effective and consistent with national policy. Legal compliance and the Duty

to Co-operate will additionally be areas where comments should also be focused.

3.2 The document and supporting information which form the consultation comprise the following:

- The Minerals Plan Publication version
- Sustainability Appraisal (main report)
- Sustainability Appraisal (Appendix I)
- Sustainability Appraisal (Appendix II)
- Sustainability Appraisal (Appendix III)
- Consultation Report - all past consultations (main report and Appendix A - D)
- Consultation Report (Appendix E)
- Consultation Report (Appendix F)
- Consultation Report (Appendix G)
- Consultation Summary (Preferred Option and Policies)
- Local Aggregates Assessment
- Duty to Cooperate Report
- Habitat Regulations Assessment
- Addendum to Habitat Regulations Assessment
- Site Identification and Assessment Methodology for Allocating Sand and Gravel Sites
- Local Development Scheme
- Equality Impact Assessment
- Statement of Community Involvement
- Formal Notification

These documents are available to view online at –

<http://www.warwickshire.gov.uk/mdf>

3.3 The National Planning Policy Framework (NPPF) requires the preparation and maintenance of an evidence base, 'the Local Aggregates Assessment' (LAA) to inform the annual production requirements based on a methodology of a rolling average of the previous 10 years' sales and other relevant local information such as levels of planned construction including housebuilding. The County's assessment informs the requirement and demand for sites in the Minerals Local plan.

3.4 Last year's LAA indicated a lower assessed demand for minerals and aggregates, which reduced pressure on the need for sites. However, this assessment was also based on the housing requirements in the Warwickshire Local Authorities Development Plans and joint SHMA (excluding Solihull Unitary authority) at that time. This requirement is likely to increase, particularly in view of the potential shortfall of housing arising from the Greater Birmingham and Black Country area and may necessitate an early review of the Plan.

- 3.5 In terms of minerals resources most relevant to and likely to affect North Warwickshire these are currently for crushed rock and sand and gravel. The main issue (Issue 1 on page 26) highlighted in the plan to address is the shortfall in sand and gravel. Without adequate sand and gravel there will not be enough aggregate to serve the construction industry in the County and the sub-region. An adequate landbank needs to be maintained throughout the plan period. There is no provision required to meet needs for other minerals during the plan period (See note in Issue 1 on page 26). For those minerals where landbanks are required to be maintained such as for brick clays and cement the resource will be safeguarded and planning applications will be treated on their merits in accordance with the policies in the development plan.
- 3.6 There are no proposals for coal extraction, although clearly reserves are affected by mineral safeguarding and prior extraction in the event application proposals impact on and threaten to sterilise reserves. In terms of crushed rock the outcrops, around Nuneaton up to Mancetter in North Warwickshire, are a vital source of high specification roadstone and aggregates which supply the main road networks of the West Midlands and neighbouring regions. Warwickshire produces approximately 1.4 million tonnes per annum (1) and still has a healthy landbank.
- 3.7 In terms of sand and gravel in North Warwickshire the main site and resource identified in the Plan is at Hams Lane, Lea Marston (serving North Warwickshire and Birmingham and Solihull development needs). This is a large site lying to the west of Lea Marston near to Junction 9 of M42 (Dunton Island) covering an area of 48ha. It has the potential to release 1.06 million tonnes of sand and gravel during the plan period to serve the markets of North Warwickshire and Birmingham and Solihull. Nevertheless, the Minerals Plan notes that Warwickshire's landbank currently stands at 8 years based on calculations within the most recent LAA (2016). A number of sites have closed since 2008 and until this year only one new site at Wolston Fields has been put forward by the industry and that started operating in late 2014. However, planning approval has now been given to extend the existing Brinklow Quarry (both in Rugby Borough) to provide an extra 3.4 million tonnes.
- 3.8 Issue 3 deals with reference to minerals safeguarding and Prior Extraction (see Plan Policies MCS5 and DM10) and this issue is dealt with in more detail in the 'Observations' section below .

4 Earlier NWBC Consultation Response

- 4.1 In summary, as noted in the 3 December 2015 Report, Members indicated support be given to the use of stand-off distances for the sites (between extraction activity and location of existing properties) within North Warwickshire to help minimise any impacts from minerals sites, developments and dust generating activities on existing properties. The Council also supported the need for Coal proposals to demonstrate national, local or

community benefits that clearly outweigh the adverse impacts arising from any proposal submitted to the County Council.

- 4.2 The Council urged the County to only seek prior extraction where there is a clear economic need and demand for the mineral resource and any extraction will not impact adversely on existing built development, particularly residential and associated development. The use and application of significant stand-off distances was encouraged where site development or significant plan allocations close to existing settlements and development may trigger the need to consider prior extraction.
- 4.3 In most cases the concerns raised have been noted and/or addressed by the County Council in the Plan. Other than the issues noted above the Borough Council did not raise any specific objections to any of the Policies and Proposals in the Minerals Preferred Option and Policies Core Strategy Document consultation.

5 **Observations**

- 5.1 As noted above, Members need to be aware that at this stage of the Mineral Plans process, when commenting on the Plan, the emphasis should be on whether the Plan is "sound" and "legally compliant". Soundness means having regard to whether: it has been positively prepared; it is justified, effective and consistent with national policy. Legal compliance and the Duty to Cooperate will additionally be areas where comments should also be focused.
- 5.2 Nevertheless, some concerns have been raised by the Member for Water Orton Ward regarding the potential impacts of extraction of this resource from the site at Lea Marston. These include the traffic and highways safety impact on all communities within the west of North Warwickshire Borough because the sole proposed road access and egress route for this site is onto Faraday Avenue, and hence the A446, Junction 9 (Dunton Hall) of the M42, the A4091 Tamworth road, and the A4097 Kingsbury Rd.
- 5.3 The combination of current peak hour's traffic with HS2 construction traffic from 2017 to 2033 to and from the HS2 Railhead Site on the A4097 may result in congestion on these road routes becoming significantly worse. The addition of minerals extraction traffic will further compound the traffic problem for local resident and business communities arising from HS2.
- 5.4 The Member for Water Orton notes that outside this consultation process there is no other direct impact or involvement that the Borough Council will have on the designation of extraction sites within the County. In view of the situation that Lea Marston will be the site of more permanent and temporary HS2 infrastructure than any other parish in the County and construction of this infrastructure will run for sixteen years from 2017, the associated traffic flows are likely to be significant and unlike anything experienced in this Borough before. Support is sought for consideration of the potential impact on the local

road infrastructure, and loss of local amenity to Lea Marston village through the inclusion of Site 9 in the Plan.

- 5.5 The relevant Policy on the Lea Marston site in the Publication version of the Plan, Policy S9, does include a criteria requiring development to take into account any mitigation approved to minimize the impact of HS2 on Lea Marston village. Nevertheless, with the approval of the Hybrid Bill and advancement of both Phase 1 and 2 of HS2 these concerns are gaining increasing concern and prominence. The Plan also, however, notes that *“It would appear sensible to try and work the site in conjunction with the construction of HS2 and the Kingsbury Rail Head to the north”* (para 7.34).
- 5.6 Although this could provide opportunities to improve restorations options, contribute to the Tame Valley Wetlands Partnership Scheme and the Trent and Tame Valleys Futurescape project as well as potentially linking with the Recycled aggregates site at Dunton by overland conveyor, thereby negating the need to erect a stand-alone processing part and provide a new access onto Hams Lane, there are still legitimate concerns over the likely impact of extraction from this site when allied to the expected traffic, access and highway infrastructure arising from HS2 and its associated infrastructure projects. The County need to give assurances that these traffic generation impacts will be addressed under the Duty to Cooperate. (Note: The recycling of aggregates is important in the County and there are 9 operational sites one of which, Dunton Quarry at Curdworth, is a major facility providing materials to the local and regional construction industry).
- 5.7 Although at this stage of the Plan the Borough Council is not challenging the Plan as “Unsound” and is therefore “Legally Compliant” it is still felt legitimate to note the Members concerns above. The Borough therefore supports and re-iterates the need for maintaining strict environmental criteria, against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health, including from noise, dust, visual intrusion, traffic, (as noted in para 2.2) or other issues.
- 5.8 The opportunities that may arise between HS2 and the working of the site are noted and appreciated, but these should be set against and assessed alongside the potential impacts on the community of Lea Marston and the increase in traffic generation and impact on highway network and infrastructure in the surrounding area of the Borough.
- 5.9 There are some minor clarifications and/or corrections needed, relating to “Figures” referred to in the Policy on Coal, Policy MCS8 and Issue 13. In the reasoned justification text for Policy MCS8, paragraph 8.34 notes that “The extent of the Warwickshire Coalfield is shown on Fig 1.5”. Unfortunately the current ‘Figure 1.5’ in the Planning Document is for Air Quality Management Areas and there is no ‘Figure’ clearly showing the extent of the Warwickshire Coalfield in isolation from other minerals safeguarding areas (only included on

the Minerals Safeguarding Areas Composite Map in Appendix 2, which does not include Deep Coal for clarity purposes).

- 5.10 Similarly in Issue 13 on page 31 the document refers to “Fig 1.8” when discussing potential future viability of coal reserves. However, Figure 1.8 in the document relates to Warwickshire Aggregates Recycling Sites. Some corrections and clarifications are therefore necessary to address these issues.
- 5.11 This is considered to be important as though the Plan notes there is no provision required to meet needs for other minerals during the plan period, the issue of Mineral Safeguarding and Prior Extraction highlighted in Policies MCS8 and DM10 states that “*Non-mineral development, except for those types of development set out in Appendix 3, should not normally be permitted in Mineral Safeguarding Areas if they would constrain or hinder existing or future mineral development*”. This applies unless there is evidence prior to the determination of the planning application that demonstrates the mineral concerned is no longer of any value, or potential value, or that the mineral can be extracted prior to the development taking place or that there is an overriding need for the non-mineral development. The absence of a clear Map for the Coal MSA Areas will clearly make this issue difficult to assess and determine potential implications for development allocations in other Local Plans under development.
- 5.12 Policy DM10 also notes that Prior extraction will be supported where; it is practicable; will not result in the approved non-mineral development being incapable of implementation and development; is environmentally feasible; can be carried out without any unacceptable adverse impacts; can be carried out within a reasonable timescale and there are proposals to restore the site.
- 5.13 In view of current allocations proposed within the Draft New Local Plan the implications on Coal reserves needs to be clearer. The Minerals Plan highlights that “*whilst the NPPF gives a general presumption against the extraction of coal there are large coal reserves in the County*”. The Plan also notes that “*As there are large coal reserves deep underground and on the surface in the north of the County and in the Warwickshire Coalfield and there is likely to be a shortage of energy nationally in the short to medium term, there is always going to be the possibility that coal may be considered economically viable to extract in the future*”. Previous information and assurances have been given that the coal reserves identified in the Minerals Safeguarding Areas (MSA’s) affected by the Borough Local Plan allocations are not economically viable and will not trigger the need for prior extraction. Re-assurance is therefore sought that this remains the case.
- 5.14 Finally, it is useful to re-inforce to Members that the areas identified in the Minerals Safeguarding Areas only reflect the known locations of specific mineral resources of local and national importance and does not create a presumption that resources defined will be worked (See the key policy messages in Para 2.2). It should be noted that much of the Borough is covered by one or more of the Minerals Safeguarding Areas, including all of

our main urban areas. Nevertheless, it would be useful to indicate whether the boundaries of MSA's will remain static for the foreseeable future or whether, as a result of development progressing or extraction of the minerals, the boundaries of the areas may be reassessed and revised?

6 Report Implications

6.1 Environment and Sustainability Implications

6.1.1 The Warwickshire Minerals Local Plan has a sustainability appraisal that considers the overall social, economic and environmental implications of the plan.

6.2 Financial Implications

6.2.1 There are no financial implications arising from this consultation.

The Contact Officer for this report is Mike Dittman (719451).

Agenda Item No 6

Planning and Development Board

16 January 2017

**Report of the Assistant Chief Executive
and Solicitor to the Council**

**Solihull Draft Local Plan – Reg 18
Consultation**

1 Summary.

1.1 This report informs Members of the consultation on the Solihull Draft Local Plan.

Recommendation to the Board

a That Members take note of the consultation of the Solihull Draft Local Plan which runs from 5 December 2016 to 30 January 2017; and

b To forward any comments Members may raise following consideration of the issues at this Board.

2 Consultation

2.1 A copy of the report has been forwarded to Councillors Waters, Reilly, Sweet and Simpson.

2.2 The Solihull Draft Local Plan, Regulation 18 consultation commenced on Monday 5 December 2016 and runs to 30 January 2017.

3 The Local Plan Review consultation (Dec 2016)

3.1 Solihull Council has published the Solihull Draft Local Plan, Regulation 18 document for consultation. The consultation documents are available on www.solihull.gov.uk/lpr. The Council is seeking views on the revised policies and proposed site allocations for housing and employment land, in addition to those in the existing Plan. The Council is also publishing the updated evidence base.

3.2 Members may recall the Borough Council previously commented on the Solihull Local Plan Review Scope, Issues and Options following consideration at the Local Development Framework Sub-Committee on Monday 29 February 2016. I have attached the Borough's previous comments as Appendix A to this report.

...

- 3.3 Responses to the Plan consultation should be received by midnight on Monday 30 January 2017. However, in view of the impending release of a number of evidence base documents, yet to be published, and in order to enable Members and Officers and North Warwickshire to respond within a reasonable time to any issues those documents raise, North Warwickshire Forward Planning team have requested an extension of time to respond to the Plan and associated documents from Solihull's Policy and Spatial Planning team.
- 3.4 The extension requested is until the week ending 12 February 2017 to enable a further Report to be taken to members for consideration at the 6th February Planning and Development Board, if necessary. A response is awaited and any confirmation will be provided to Members at the Board on the 16th. The extension would also allow a more detailed response, particularly to the series of questions specifically asked in the document in relation to the Plan's approach, policies, proposals and site allocations.

4 Plan Proposals

- 4.1 Following earlier consideration of a number of options the Plan indicates the locations where growth should be focused and land released from the Green Belt which are as follows:

Growth Option E (The UK Central Hub Area & HS2):

- Land to the east of the NEC

Growth Option F – Limited Expansion of Rural Villages/Settlements:

- Land to the east of Hampton-in-Arden
- Land to the west of Meriden
- Land south and south east of Balsall Common

Growth Option G – Large Scale Urban Extensions:

- Land to the north east of Damson Parkway
- Land south of Shirley (either side of Tanworth Lane)
- Land east of Solihull (between Lugtrout Lane and Hampton Lane)

Growth Option G – Significant Expansion of Rural Villages/Settlements:

- Land west of Dickens Heath
- Land south of Knowle
- Land north east of Knowle
- Land north east of Balsall Common

These growth locations are shown in the following diagram:



4.2 A number of Site allocations have been proposed, with an indicative average density of 36dph, to address the Metropolitan Borough Council's housing requirement. However, the Plan does note that the boundaries of these sites has not been fixed (Para 224) and further work will be undertaken on the options to be taken forward and included in the submission version of the plan.

- 4.3 The Borough Council congratulate Solihull in delivering a Local Plan that addresses their current housing needs, as identified in the November 2016 SHMA. However there are serious concerns over the lack of adequate response to the shortfall of 37900 arising from the Birmingham City Development Plan, and identified in the modifications to the Plan MM2 and MM3, which indicate that the focus of the search for capacity to address this shortfall will be within the authorities including The Black Country, Bromsgrove, Redditch, Solihull, North Warwickshire, Tamworth, Lichfield, Cannock Chase, South Staffordshire and parts of Stratford-on-Avon.
- 4.4 Through the Duty to Co-operate and in conjunction with adjoining authorities North Warwickshire have pro-actively addressed this issue in their own recent Local Plan process through examining levels of inward and outward commuting within the appropriate Travel to Work areas (using recent work by Metro Dynamics for the City of Wolverhampton) and determining an appropriate level of housing to accommodate from this shortfall. This approach or similar does not appear to have been seriously considered or undertaken for the purposes of the Solihull Local Plan Review and there is no clear rationale or evidence to help determine or indicate what the relevant level of additional housing Solihull should be accommodating to address this shortfall.
- 4.5 The work noted above examined the relationships and similarity between authorities in the Black Country, Coventry and Warwickshire and Greater Birmingham and Solihull LEAs. This document's findings showed the largest travel to work commuting flows in or out of the authority were between Birmingham and Solihull, and also that some of the largest Migration inflows and outflows were between Birmingham and Solihull.
- 4.6 The ONS in 2011 indicated that of people/residents travelling to work in Solihull, 36% of the total of all trips were between Birmingham and Solihull.

Local Authority	Number of Residents	% of Total
Solihull	32,114	39%
Birmingham	29,458	36%
All Solihull Residents Travelling to Work	81,316	100%

Source: ONS Census 2011

The number of Solihull residents travelling outside of the borough for work (49,202) is exceeded by the number of people living outside of the borough and travelling in to Solihull for work. (51,403). This work and other similar assessments would appear to indicate that the level of housing proposed to address the shortfall of housing in the Greater Birmingham Housing Market Area (GB HMA) is insufficient at 2000 to truly reflect the links and relationships between Solihull and Birmingham.

- 4.7 This is of particular concern for North Warwickshire given the clear economic, housing and transport links and relationships Solihull has with Birmingham, which are far greater than those between North Warwickshire and Birmingham. This gives rise to concerns that if Solihull does not adequately

address this issue the knock on effect on North Warwickshire will be further development pressure, both within and outside North Warwickshire's Green Belt and on settlements in an authority that (in comparison to Solihull) significantly lacks the infrastructure and service capacity to accommodate the levels of development likely to arise.

- 4.8 Similarly the Plans emphasis on regeneration, economic and employment growth and opportunities to 'deliver Solihull's future economic success' and 'enhance Solihull's competitive advantage' should be matched and balanced with housing growth that reflects the above relationship with Birmingham and wider sub-region, a "balance" sought and supported by the National Planning Policy Framework guidance (para 37).

5 Observations

- 5.1 In summary the following comments are considered relevant to the Solihull Local Plan Review consultation;

- The SHMA supporting the Plan for Solihull appears to deal only with their local need and not adequately address the wider GB HMA needs and shortfall. (Note Para 7.32 of SHMA; "*The OAN above does not consider any additional homes SMBC might provide to address unmet need from elsewhere in the HMA*").
- It is to be supported and encouraging that the Plan deals with the whole of their local need.
- It is to be supported and encouraging that the Plan agrees that it is the appropriate time for dealing with the Birmingham City Council shortfall, and that the shortfall will have to be met elsewhere within the Housing Market Area (HMA) (or other nearby areas) such as Solihull. (Para 4 of Plan)
- However, there is no clear rationale of how Solihull have got to 2000 dwellings figure (para 211) for dealing with the GB HMA shortfall, particularly in view of the clear, historic, transport routes and links, commuting and travel to work links the Plan notes/highlights elsewhere. This is considered a potentially serious failing in the Plan in terms of adequately addressing the "Duty to Co-operate", given the clear shortfall in need identified in the Birmingham City Local Plan, noted in the proposed Modifications to the Plan, and the comments from the earlier Solihull Local Plan Inspector. The Solihull Plan indicates the additional 2000 houses are specifically to address the strategic housing needs study (SHNS) 37,500 dwellings shortfall for the whole HMA, which was undertaken in 2015 over the period 2011-2031, but does not address the larger shortfall indicated in the Birmingham Development Plan Modifications of 37,900 homes, including about 14,400 affordable dwellings, within the Development Plan's period.
- The Plan notes that as the Birmingham airport expansion proposals aren't firm they have not reflected them in the Plan. Although the Plan seeks to "*maximise the capacity and benefits of the recently extended*

runway at Birmingham airport", Solihull are happy to look at putting any expansion proposals or considerations in the next version of the Plan.

- Nevertheless, the Plan needs to maximise development opportunities at a transport hub, which could be a combination of the HS2 International Interchange with any proposals for Airport expansion, and maximising links into the Birmingham Metropolitan area and opportunities of future links into North Warwickshire and Coventry as part of the wider Midlands Connect work and 'Movement for Growth' strategy.
- Topic papers are being prepared and will be put on their website. The Borough Council may need to respond to these documents and their findings once published.
- The Sustainability Appraisal is not yet available and should be on the website by the New Year.

5.2 Due to the stage of the Local Plan and the outstanding additional evidence base documents still awaited, there are still outstanding issues which will only be able to be answered as the Local Plan progresses. Further comments may need to be made to Solihull Metropolitan Borough Council once these documents have been examined to address any issues or concerns they may raise. This is the reason for the request for extension to the period for comments and representations to the Solihull Local Plan Review.

5.3 This Report should form the basis of the initial response to the Solihull Local Plan Review along with re-iteration of the Borough's previous comments attached as Appendix A to this report (which are considered still to be relevant to the current Plan), with the caveat that further comments are likely to be forwarded to Solihull once the additional evidence base documents are published. Any additional comments from Members will be added following consideration of this Report and the Plan consultation.

6 Report Implications

6.1 Human Resources Implications

6.1.1 Greater staff and member involvement may be required in the development of the Solihull Local Plan than previously due to the cross border issues and in particular the provision of housing, the need to address the shortfall in the GB SHMA, HS2 and UK Central implications and possibly employment land and housing balance.

6.2 Links to Council's Priorities

6.2.1 The Local Plan has links to all of the Council's priorities.

The Contact Officer for this report is Dorothy Barratt (719250).



North Warwickshire
Borough Council

Policy and Spatial Planning,
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This matter is being dealt with by

: |

Direct Dial : (01827) 719250

Your ref : |

Our ref : |

Date : 01st March 2016

Dear Mr Palmer

Solihull Local Plan Review – Additional comments following LDF Sub-Committee meeting on 29th February 2016

Further to my earlier letter of the 22nd January 2016 regarding a response from the Borough Council to the Solihull Local Plan review I can confirm a Report on the consultation was considered at the Local Development Framework Sub-Committee on Monday the 29th February.

I have attached a copy of the Report and its Appendices to this letter for your attention and information as part of the Borough Council's response to the Solihull Local Plan Review. Following consideration at the Sub-Committee, Members from the Borough Council would wish the following additional comments to be highlighted and noted as part of the Council's consultation response.

Members highlighted the potential huge implications on North Warwickshire of the development and growth at Solihull, particularly with reference to the "UK Central" proposals. There are significant local concerns over the impact this proposal will have on the local, rural highway network and rural settlements from increased traffic flows and levels. Measures need to be considered and included in the Local Plan review to address any potential adverse impacts, in parallel with maximising connectivity to the HS2 Interchange station.

Access to the rural road network should be restricted and focussed on local services and local settlement access only, with Interchange Station Traffic concentrated, directed and routed onto the Strategic Transport Network only. Where necessary, to avoid traffic conflict with local traffic and adverse impacts on rural settlements (particularly from heavy construction traffic and "rat running" by commuter and interchange traffic avoiding congestion points/routes), some route and road closures should be considered as an option.

This is also highlighted by the potential implications arising from the shortfall from Birmingham, which re-inforces the need for this to be reflected in the review of the plan. The implications of the Green Belt Review for Solihull, and indeed the Borough's own Green Belt Review also highlight the pressure on this location. The Solihull Local Plan Review should note concerns that any development growth must take account of, and address the highway infrastructure capacity, the need to address and minimise the traffic levels and impacts on the

rural settlements and rural road network and seek to separate local traffic and networks from the strategic traffic, that is both generated by and servicing the growth in Solihull, the shortfall from Birmingham and the construction and eventual commuting traffic to the HS2 Interchange Station.

I trust that you will find the above useful and look forward to on-going discussions on how Solihull will deal with the expected growth and consider any implications on this Borough.

Yours sincerely

D M Barratt

Dorothy Barratt
Forward Planning & Economic Strategy Manager

1 **Summary**

- 1.1 This report seeks Member approval of a letter sent to Solihull in response to their consultation on the scope, issues and options for a new Local Plan to meet their deadline of 22 January 2016 for any comments.

Recommendation to Executive Board

- a That the letter in response to the consultation by Solihull Metropolitan Borough Council is endorsed; and**
- b Any additional comments by Members be forwarded on to Solihull Metropolitan Borough Council.**

2 **The Review**

- 2.1 Solihull Council has published the Solihull Local Plan Review Scope, Issues and Options document for consultation. The consultation documents are available on www.solihull.gov.uk/lpr. The Council will use the responses to help to develop a Preferred Options document, which will be consulted on in autumn 2016.
- 2.2 The consultation marks the start of the process to review the existing Local Plan which was adopted in December 2013. This first stage focusses on scoping the local plan review; determining the issues that the review will need to address; and the identification of broad options for growth.
- 2.3 As part of the review of the plan, the Council will also identify what land is available for new development and have made a call for potential development sites.

3 **Previous Comments**

- 3.1 Solihull consulted on a document called "*HS2 Interchange Local Area Plan*" in 2015 to consider the area around and the potential development in and around the HS2 Interchange Station. It is now envisaged that the new Local Plan will cover this area in detail and so work has now stopped and transferred to this new Plan. We have asked therefore that our previous comments which are attached as Appendix B are also considered as part of this consultation.

4 **Observations**

- 4.1 In order to meet the deadline for comments officers sent the letter attached at Appendix A.
- 4.2 Due to the stage of the Local Plan there are many outstanding issues which will only be able to be answered as the Local Plan progresses. One of these is how the shortfall of housing from the GB HMA is going to be dealt with from Solihull's point of view.

5 Report Implications

5.1 Human Resources Implications

- 5.1.1 Greater staff and member involvement may be required in the development of the Solihull Local Plan than previously due to the cross border issues and in particular the provision of housing and possibly employment land.

5.2 Links to Council's Priorities

- 5.2.1 The Local Plan has links to all of the Council's priorities.

The Contact Officer for this report is Dorothy Barratt (719250).



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Borough Council

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APPENDIX A

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This matter is being dealt with by

: |

Direct Dial : (01827) 719250

Your ref : |

Our ref : |

Date : 22nd January 2016

Dear Mr Palmer

Solihull Local Plan Review

Thank you for consulting the Borough Council on the Scope, Issues & Options consultation document. Unfortunately due to the timing of meetings it has not been possible to take the consultation to a Board meeting. However I will endeavour to take the document to the next available meeting which is likely to be the end of February. If there are any additional comments I will pass those on. This letter therefore provides officer views of the consultation at this stage.

We would like to see the Borough Council's previous comments relating to the HS2 Interchange and Regulation 18 consultation to be taken into account.

It is agreed that the review of the plan should look forward to 2033 as there is a need to have 15 years post adoption.

The shortfall from Birmingham is now clear and will need to be reflected in the review of the plan. Officers are pleased to see it is recognised this review can help to address this shortfall.

Again officers are pleased to see that a Green Belt Review will be carried out and this will be carried out in accordance with the methodology agreed with the local authorities through the GB HMA Technical Officer Group.

The IDP may need to identify infrastructure required and provided for in North Warwickshire as a result of development close to the Borough boundary. On-going discussions will be required in relation to UK Central as well as the other growth locations once these are more clearly defined.

In relation to transport North Warwickshire Borough Council made comments on the West Midlands Transport Integrated Strategy. This Strategy only covers part of North Warwickshire. However issues may be identified elsewhere in this Borough. Further discussions between our two local authorities including Warwickshire County Council will be required to ensure that matters are not missed and are dealt with effectively.

The Meriden Gap is mentioned throughout the document but exactly where this lies and why it is important is unclear. Further evidence is required to understand the concept of the Meriden Gap better. It would be helpful for this to consider if exact boundaries are required and how it will shape the future development of the area between Coventry, North Warwickshire and Solihull.

The consultation document gives the impression that connectivity to the HS2 Interchange station is to a dispersed wider population. Indeed the Borough Council in its comments on the HS2 Action Plan wanted to see improvements to the accessibility of the new station with the existing population. However it was not envisaged that through this connectivity new housing would be dispersed but would be focussed within the Borough of Solihull itself.

Gypsy & Travellers – the need is identified up to 2027 and it is only queried as to whether this should be rolled forward to run concurrently with the Plan period.

It is agreed that there should be the additional challenge “*O Addressing the need for housing, in the context of the significant shortfall in the Housing Market Area*”. This challenge will be very important. The Council will be interested to see how Solihull proposes to deal with this issue and to discuss further any cross-border issues arising from those choices.

There are two matters of correction:

1. Not all the local authorities that are working to develop a solution to the housing shortfall are members of the GBSLEP so are therefore not constituent authorities.
(Para 46)
2. Para 51 is incorrect as the numbers will be known before a spatial strategy is produced for the wider GBSLEP area. As stated above not all the local authorities working on a solution for the HMA such as North Warwickshire are within the GBSLEP and therefore are not party to that strategy.

I trust that you will find the above useful and look forward to on-going discussions on how Solihull will deal with the expected growth and consider any implications on this Borough.

Yours sincerely

D M Barratt

Dorothy Barratt
Forward Planning & Economic Strategy Manager



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APPENDIX B

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This matter is being dealt with by
:Dorothy Barratt

Direct Dial : (01827) 719250

Your ref :

Our ref :

Date : January 2015

Dear Mr Harrison

**Proposed Local Area Plan for HS2 Interchange & Adjoining Area
Initial Consultation (Regulation 18) Consultation**

Thank you for consulting the Borough Council on the above document.

The document was presented to the LDF Sub-committee on 21st January 2015 and the comments below were supported.

The Borough Council would like to bring to your attention the following issues that it considers should be part of the development and progress of a Local Area Plan for the area around the HS2 Interchange Station.

1. Green Belt. The land in question all lies within the Green Belt. The Borough Council would recommend that a Green Belt Review is required to form part of the evidence base for the release of any of this land from the Green Belt. As a study has not yet been done it is unclear whether this site should be excluded from the Green Belt.
2. Sensitivity of the land and buildings surrounding this area should also be assessed. For example Packington Estate, a historic park and garden, lies to the east of the A446. Any sensitivity work should address any potential adverse impacts.
3. An options appraisal that looks at reasonable alternatives should also be undertaken. For example sites on the western side of the M42 may in fact be preferable for development rather than developing around the interchange station itself. The HS2 station will involve the development of people movers over the M42 so this option may be acceptable. Various options should be tested prior to the assumption that the site around the station is the optimum site.
4. Any development in this area should seek connectivity both to the local community in and outside of Solihull. For example: improved connectivity to Coleshill and rural areas within North Warwickshire. Specifically this would be public transport (bus and rail), cycling and walking. With the impact of HS2 being felt at some distance this connectivity should be considered in a much wider context than would normally be the case due to the type and nature of the station.

5. The issue of rat running needs to be considered and solutions introduced. The principle focus of road access should be directed to the main roads within the sub-region rather than through the many country lanes and local roads in the area.
6. Linkages to other sites providing employment opportunities should also be considered. In particular there will be strong synergies with MIRA Technology Park and Enterprise Zone. Linking those wanting jobs will also be important
7. Road transport implications – current assessments only consider the 7,500 potential cars to the train station. Further development around this area will require much greater and imaginative road solutions.
- 8 A Garden City approach gives the impression of low density development interspersed with green areas for walking, cycling and biodiversity. However the area around the station is a triangular restrained area. With parking for 7,500 cars at the station it will be important that these are provided in a way that allows for the comprehensive and most productive use of the site. It is difficult to see how the two fit together if surface parking is provided.

I trust you find the comments above useful. The Borough Council would like to be involved throughout the process and I am sure as ideas develop other issues may emerge.

Yours sincerely

D M Barratt

Dorothy Barratt
Forward Planning & Economic Development Manager

Agenda Item No 7

Planning and Development Board

16 January 2017

**Report of the
Head of Development Control**

**Tree Preservation Order
Rear of 62 Vicarage Road
Water Orton**

1 Summary

- 1.1 An initial enquiry to Central Services from a major tree surgery company suggested that a woodland may be at imminent risk of felling, The value of the woodland was assessed by the Council's Green Space Officer and was found to be worthy of protection. There is an existing Tree Preservation Order 713.081/5, dated 12 February 1993, on the adjacent site that is owned by a building contractor. The additional trees form part of the same woodland and it was therefore considered appropriate to revoke the existing TPO; and make a new TPO to include the additional trees at the rear of 62 Vicarage Lane. Authority was sought for the emergency protection of the tree under delegated powers. An emergency TPO was made on 6 October 2016 and notices were served on the owner, the tree surgeon and immediate neighbour. A notice was also posted on the site.

Recommendation to the Board

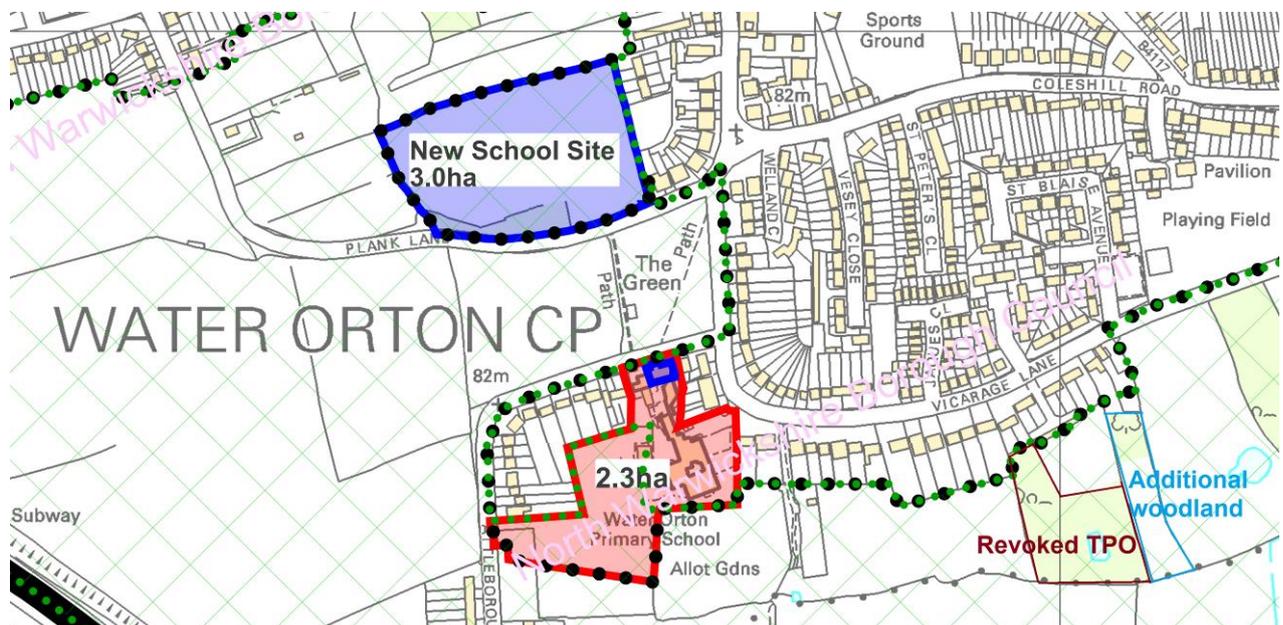
That the Tree Preservation Order made in respect of a woodland at Vicarage Lane, Water Orton, be confirmed without modification.

2 Background

- 2.1 A report was presented to the Board on 10 October 2016 that the Tree Preservation Order 713.081/5 be updated, in respect of the inclusion of the additional woodland to the rear of 62 Vicarage Lane, and that any representations received be referred to the Board for it to consider whether to make the Order permanent. The Order was made on 6 October 2016 and was served on 6 October 2016. It applies in provisional form until 6 April 2017.
- 2.2 The required minimum period for representations by interested parties in respect of this Tree Preservation Order expired on 12th November 2016. No representations were received.

3 Observations

- 3.1 The Council's Solicitor is satisfied that the Council has complied with the legislative requirements with regards to notifying adjoining owners/occupiers.
- 3.2 The Forestry Commission confirmed on 7 October 2016, that their records show no woodland grant supported by the Forestry Commission and no felling licence approved, on the land. Also the land is not in a forestry dedication scheme.
- 3.3 There was a suggestion from the owner of the land that HS₂ had expressed an interest in the site for run off. The consultation response from HS₂ was received on 23 December 2016, and confirmed that having liaised with their Town Planning Team they do not object to the Order, as any planned works to trees will be restricted to those required for the development of HS₂, therefore TPO's made under section 198(1) or 202(1) of the Town and Country Planning Act 1990 will not apply under the deregulation of powers listed in Section 30 of the Hybrid Bill.
- 3.4 The woodland at the adjacent site was protected by a tree preservation order in 1993 when the land was sold to a building contractor. The trees at 62 Vicarage Lane were not at that time considered to be at risk, and were not included in the original order. The trees to the rear of 62 Vicarage Lane are however considered to be part of the same woodland, and therefore the existing TPO 713.081/5 has been revoked and replaced by the emergency TPO that includes the additional trees.
- 3.5 The Green Space Officer visited the owner, and in conversation it was apparent that the owner has aspirations to develop the site, although the site currently falls in the Green Belt outside of the development boundary and the proposed settlement boundary for Water Orton. The plan below shows the proposed and approved development sites in Water Orton and the proposed settlement boundary. The trees covered by the revoked TPO and the additional woodland to be included.



4 Report Implications

4.1 Legal and Human Rights Implications

4.1.1 The owners of the land have been given the opportunity to make representations to the Council before the Order is confirmed as being permanent. There has been no formal response from the owners of the land they are aware that a tree preservation order is recommended by the tree officer to be permanent.

4.1.2 The trees to be protected exhibit significant amenity value for both the present and the future given the location on the edge of the village of Water Orton within the Green Belt.

The Contact Officer for this report is Christina Fortune (719481)

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	Case Officer	TEMPO	4/10/2016
2	Council's Solicitor	Extracts from TPO 713.081/5	12/02/1993

APPENDIX A:

TEMPO prepared by Andy Watkins, Green Space Officer, NWBC and proposed woodland plan

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

SURVEY DATA SHEET & DECISION GUIDE

Date: 04/10/2016		Surveyor: ANDREW WATKINS	
Tree details		OAK, HAWTHORN, Sycamore, Spruce,	
TPO Ref (if applicable):	Tree/Group No:	Species: CYPRESS, FIELD MARLE, MAPLE,	
Owner (if known):	Location: REAR of 62 VICARAGES.	ELM, PINE, HOLLY, CEDAR, MAPLE.	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

5) Good	Highly suitable	Score & Notes 5. SEMI MATURE SPECIMENS. PROVIDE A GOOD BIODIVERSE MIX WITHIN A SMALL AREA.
3) Fair	Suitable	
1) Poor	Unlikely to be suitable	
0) Dead	Unsuitable	
0) Dying/dangerous*	Unsuitable	
* Relates to existing context and is intended to apply to severe irremediable defects only		

b) Retention span (in years) & suitability for TPO

5) 100+	Highly suitable	Score & Notes 4. DIVERSE MIX GIVING GOOD PROTECTION AGAINST SPECIFIC SPECIES DISEASE CONCERNS.
4) 40-100	Very suitable	
2) 20-40	Suitable	
1) 10-20	Just suitable	
0) <10*	Unsuitable	
*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality		

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

5) Very large trees with some visibility, or prominent large trees	Highly suitable	Score & Notes 4
4) Large trees, or medium trees clearly visible to the public	Suitable	
3) Medium trees, or large trees with limited view only	Suitable	
2) Young, small, or medium/large trees visible only with difficulty	Barely suitable	
1) Trees not visible to the public, regardless of size	Probably unsuitable	

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

5) Principal components of arboricultural features, or veteran trees	Score & Notes 4
4) Tree groups, or members of groups important for their cohesion	
3) Trees with identifiable historic, commemorative or habitat importance	
2) Trees of particularly good form, especially if rare or unusual	
1) Trees with none of the above additional redeeming features	

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

5) Immediate threat to tree	Score & Notes 5. COMPANY THAT HAS REQUESTED INFO ON ANY CURRENT TPO ARE WELL KNOWN HIGH VOLUME ARB CONTRACTORS.
3) Foreseeable threat to tree	
2) Perceived threat to tree	
1) Precautionary only	

Part 3: Decision guide

Any 0	Do not apply TPO	Add Scores for Total: 22	Decision: WOODLAND TPO SUITABLE.
1-6	TPO indefensible		
7-10	Does not merit TPO		
11-14	TPO defensible		
15+	Definitely merits TPO		



**Tree Preservation Order: Land at Vicarage Lane
Water Orton
(Variation)**



Scale: 1:1250 Date: 05.10.16 File No: 713.081/11 Drawn By: J.S.

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Ordnance Survey 100017910



North Warwickshire Borough Council
Office of The Chief Executive

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Development Control

Telephone (01827) 715341

Appendix B:

Extracts from the revoked TPO 713.081/5, dated 12 February 1993.

Town and Country Planning Act 1990

Insert title of Order

NORTH WARWICKSHIRE BOROUGH COUNCIL (VICARAGE LANE, WATER ORTON)

TREE PRESERVATION ORDER, 19 93 .

Insert name of local planning authority

NORTH WARWICKSHIRE BOROUGH COUNCIL

in this Order called "the authority", in pursuance of the powers conferred in that behalf by sections 198 and 199 [[and] 201*] ~~and 300~~ of the Town and Country Planning Act 1990, and subject to the provisions of the Forestry Acts 1967 and 1979, hereby make the following Order:—

1. In this Order:—

"the Act" means the Town and Country Planning Act 1990;

"owner" means the owner in fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years; lessee (including a sub-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more; and a mortgagee in possession; and

"the Secretary of State" means the [Secretary of State for the Environment] ~~[Secretary of State for Wales]~~.

2.—Subject to the provisions of this Order and to the exemptions specified in the Second Schedule hereto, no person shall, except with the consent of the authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop, uproot, wilfully damage or wilfully destroy or cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of any tree specified in the First Schedule hereto or comprised in a group of trees or in a woodland therein specified, the position of which trees, groups of trees and woodlands is defined in the manner indicated in the said First Schedule on the map annexed hereto[‡] which map shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the said First Schedule.

3.—An application for consent made to the authority[‡] under Article 2 of this Order shall be in writing stating the reasons for making the application, and shall by reference if necessary to a plan specify the trees to which the application relates, and the operations for the carrying out of which consent is required.

4.—(1) Where an application for consent is made to the authority under this Order, the authority may grant such consent either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree by one or more trees on the site or in the immediate vicinity thereof), as the authority may think fit, or may refuse consent:

Provided that where the application relates to any woodland specified in the First Schedule to this Order the authority shall grant consent so far as accords with the principles of good forestry, except where, in the opinion of the authority, it is necessary in the interests of amenity to maintain the special character of the woodland or the woodland character of the area, and shall not impose conditions on such consent requiring replacement or replanting.

NOTE: Where appropriate this Order has been updated to reflect statutory amendments which have resulted in the need to show substitutions or repeals of the prescribed form.

* Include only where Order contains a direction under section 201 of the Act.

‡ Map to be to a scale of not less than 25 inches to one mile (1:2500), except in the case of large woodlands when the scale shall be 6 inches to one mile (1:10000 or 1:10560).

† NOTE: If it is proposed to fell any of the trees included in this Order and the felling requires a licence under the Forestry Act 1967, an application should be made in the first place to the Forestry Commission.

FIRST SCHEDULE
TREES SPECIFIED INDIVIDUALLY*

(encircled in black on the map)

<i>No. on Map.</i>	<i>Description.</i>	<i>Situation.</i>
None		

TREES SPECIFIED BY REFERENCES TO AN AREA*

(within a dotted black line on the map)

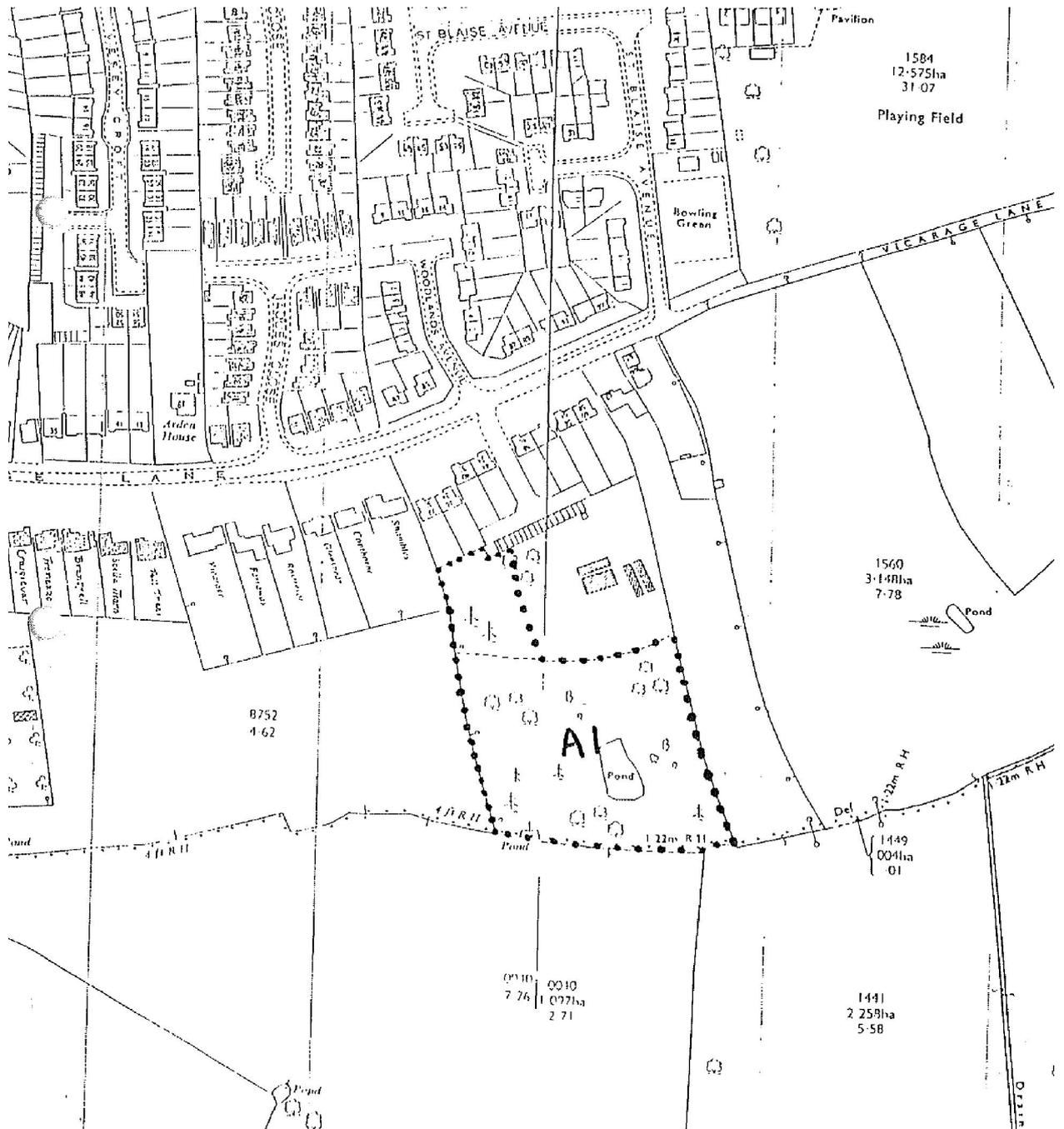
<i>No. on Map.</i>	<i>Description</i>	<i>Situation.</i>
A1	An area of approximately 1.06 hectares comprising mainly Alder, Beech, Birch, Elder, Hawthorn, Holly, Larch, Lime, Oak, Pine, Sycamore and Willow	Land behind properties fronting Vicarage Lane, Water Ōrton

GROUPS OF TREES*

(within a broken black line on the map)

<i>No. on Map.</i>	<i>Description.</i>	<i>Situation.</i>
None		

* The word "NONE" must be entered where necessary.



Dated 12th February

19 93

..... NORTH WARWICKSHIRE BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

TREE PRESERVATION ORDER

relating to

VICARAGE LANE, WATER ORTON
