

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

**(Councillors Bell, L Dirveiks, Henney,
Humphreys, Jarvis, Jenns, Jones, Lea, Morson,
Moss, Phillips, Simpson, 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.

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

PLANNING AND DEVELOPMENT BOARD AGENDA

13 JULY 2015

The Planning and Development Board will meet in The Council Chamber, The Council House, South Street, Atherstone, Warwickshire CV9 1DE on Monday 13 July 2015 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**

- 4 **Minutes of the meeting of the Planning and Development Board held on 3 June and 15 June 2015**, copies herewith, to be approved as a correct record and signed by the Chairman.

**PART A – ITEMS FOR DISCUSSION AND DECISION
(WHITE PAPERS)**

- 5 **Budgetary Control Report 2015 / 2016 - Period Ended 30 June 2015** - Report of the Assistant Director (Finance and Human Resources)

Summary

The report covers revenue expenditure and income for the period from 1 April 2015 to 30 June 2015. The 2015/2016 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

The Contact Officer for this report is Nigel Lane (719371).

- 6 **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).

**PART C – EXEMPT INFORMATION
(GOLD PAPERS)**

- 7 **Exclusion of the Public and Press**

Recommendation:

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

- 8 **Breaches of Planning Control** – Report of the Head of Development Control.

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

JERRY HUTCHINSON
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

3 June 2015

Present: Councillor Lea in the Chair.

Councillors Bell, L Dirveiks, Henney, Humphreys, Jarvis, Jenns, Jones, Lewis, Morson, Phillips, Simpson, Smitten, Sweet and A Wright.

An apology for absence was received from Councillors Moss

Councillors Chambers, Clews, Davey, N Dirveiks and Waters were also in attendance. With the consent of the Chairman Councillor Clews spoke on Minute No 3 Planning Applications (Application No 2015/0007 - Queen Elizabeth Academy, Witherley Road, Atherstone, Warwickshire, CV9 1LZ).

1 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Jarvis declared a pecuniary interest in Minute No 3 Planning Applications (Application No 2015/0007 - Queen Elizabeth Academy, Witherley Road, Atherstone, Warwickshire, CV9 1LZ) left the meeting and took no part in the discussion or voting thereon.

Councillor Morson declared a non-pecuniary interest in Minute No 3 Planning Applications (Application No 2015/0007 - Queen Elizabeth Academy, Witherley Road, Atherstone, Warwickshire, CV9 1LZ) by reason of being a member of the County Council's Regulatory Committee and took no part in the discussion or voting thereon.

2 **Minutes**

The minutes of the meetings of the Board held on 9 March and 13 April 2015, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

3 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board. Details of correspondence received since the publication of the agenda is attached as a schedule to these minutes.

Resolved:

- a** That in respect of Application No 2015/0007 (Queen Elizabeth Academy, Witherley Road, Atherstone, Warwickshire, CV9 1LZ)
- i)** The Borough Council welcomes the opportunities to be provided through the redevelopment of the QE School campus and thus supports the principle of new school buildings;
 - ii)** However it is not considered that the current proposals provide the best planning outcome and thus strongly objects to the detail on the following grounds. The proposals will substantially affect the openness of the setting of the present school campus to the detriment of the whole community. Moreover the design and appearance of the new buildings is poor, not reflecting any of the local character or distinctiveness of the town; the setting of the old school buildings. It will also materially have an adverse impact on the residential amenity of nearby residential property. As such the proposals do not accord with policies NW10, NW12 and NW13 of the North Warwickshire Core Strategy 2014;
 - iii)** Moreover the Borough Council strongly objects to the substantial lack of forethought given to the future of the site as the town grows further in line with the Core Strategy. This affects not only the possible extension of the buildings proposed but also extends to all of its associated and supporting infrastructure. The proposals do not accord with Policy NW18 of the Core Strategy; and
 - iv)** As a consequence the Borough Council considers that the re-location of the new school building to another location on the campus is required and therefore urgently requests that officers from our respective Authorities are asked to pursue other options.
- b** That Application No 2015/0210 (Lynbrook, Blythe Road, Coleshill, B46 1AH) be approved subject to the conditions specified in the report of the Head of Development Control;

[Speaker Mrs Parsons]

- c That Application No 2015/0197 (The Paddock, Birmingham Road, Ansley) be approved subject to the conditions specified in the report of the Head of Development Control;**
- d That Application No 2015/0205 (9, High Street, Hurley, CV9 2NQ) be approved subject to the conditions specified in the report of the Head of Development Control;**
- e That Application No 2015/0229 (Woodcorner Farm, Green End Road, Green End - Fillongley, CV7 8EP) be refused for the following reasons**

“The site lies in the Green belt. The proposal is inappropriate development in this location. It is not considered that the material planning considerations put forward by the applicant are of sufficient weight to override the harm caused by this inappropriateness. The proposals are thus contrary to policy NW3 of the North Warwickshire Core Strategy 2014 and to the NPPF 2012”; and
- f That Application No 2015/0294 (Land Adjacent to, 1 Princess Road, Atherstone) be approved subject to the conditions specified in the report of the Head of Development Control and that a meeting be arranged between Waterloo Housing and the Chairman and Design Champions to discuss design.**

J Lea
Chairman

**Planning and Development Board
3 June 2015
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
4/38	2015/0210	Applicant	Note	15/5/15
5/46	2015/0229	Smith Fillongley Parish Council CPRE	Representation No objection Representation	21/5/15 22/5/15 23/5/15
6/53	2015/0294	Atherstone Town Council	Representation	2/6/15

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

15 June 2015

Present: Councillor Lea in the Chair.

Councillors Bell, Davey, L Dirveiks, Henney, Humphreys, Ingram, Jarvis, Jones, Lewis, Morson, Phillips, Smitten, Sweet and A Wright.

Apologies for absence were received from Councillors Jenns (Substitute Councillor Davey), Moss (Substitute Councillor Lewis), and Simpson (Substitute Councillor Ingram)

Councillor Chambers was also in attendance and with the consent of the Chairman spoke on Minute No 5 Planning Applications (Application No 2014/0100 - The Cuckoos Rest, Whitehouse Road, Dordon, B78 1QE).

4 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Sweet declared a non-pecuniary interest in Minute No 5 Planning Applications (Application No 2015/0271 - Former Baddesley Colliery, Main Road, Baxterley, CV9 2LE) left the meeting and took no part in the discussion or voting thereon.

Councillor Morson declared a pecuniary interest in Minute No 5 Planning Applications (Application No 2014/0100 - The Cuckoos Rest, Whitehouse Road, Dordon, B78 1QE) left the meeting and took no part in the discussion or voting thereon.

Councillor Humphreys declared a non-pecuniary interest in Minute No 5 Planning Applications (Application No 2014/0275 - 17 - 19, Long Street, Atherstone) left the meeting and took no part in the discussion or voting thereon.

Councillor Bell declared a non-pecuniary interest in Minute No 5 Planning Applications (Application No 2014/0404 - Chapel End Social Club, 50, Coleshill Road, Hartshill, Nuneaton, CV10 0NY) left the meeting and took no part in the discussion or voting thereon.

5 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board. Details of correspondence received since the publication of the agenda is attached as a schedule to these minutes.

Resolved:

a i That provided the Applicant first enters in to a Section 106 Obligation in respect of the maintenance of the rail spur and the setting up of a trust fund for community projects, Application No 2015/0271 (Former Baddesley Colliery, Main Road, Baxterley, CV9 2LE) be approved subject to the following amended conditions

“5. For the avoidance of doubt, there shall be no HGV movements turning left out of the approved access or turning right into the approved access.

7. There shall be no occupation of the site for business purposes as approved until such time as any remediation work undertaken on the site beyond that already approved by the Local Planning Authority in September 1999 and June 2000, has first been agreed by the Local Planning Authority.

12. There shall be no occupation of the premises hereby approved for business purposes until details of additional landscaping measures beyond those approved in June 2001 together with details of the landscaping to be implemented around areas 6C and 6D on the approved plan, have first been submitted to and approved in writing by the Local Planning Authority.

17. There shall be no road vehicle movements between 2200 and 0600 hours in the areas marked 1 and 4 on the approved plan unless there is insufficient capacity to store the unloaded vehicles in area 5a during this same time period.

22. No more than a total of 180 transporter movements into and out of the site shall be permitted on any operating day, except that during March and September in any calendar year a total of 200 movements into and out of the site shall be permitted. For the avoidance of doubt 180 movements means 90 movements in and 90 movements out and 200 movements, means 100 movements in and 100 movements out. A daily log shall be kept of all vehicles entering and leaving the site and this shall be made available to the Local Planning Authority at 24 hours' notice.

23. Condition be deleted.”

- ii That a Local Liaison Group be established such that operations on the site can be monitored and that the two Local Ward Members be invited to sit on this Group.**

[Speakers Jane O'Mahoney, Gerald Sweeney and Gareth Williams]

- b That consideration of Application No 2013/0391 (Heart of England, Meriden Road, Fillongley, CV7 8DX) be deferred;**

[Speaker Emma Townsend]

- c That Application No 2015/0050 (Heart Of England, Meriden Road, Fillongley, Coventry, CV7 8DX) be refused for the reasons set out in the report of the Head of Development Control;**

- d That Application No 2012/0556 (2 Breeden Drive, Curdworth, Warwickshire, B76 9HJ) be approved subject to the conditions specified in the report of the Head of Development Control;**

- e That in respect of Application No 2013/0452 (Land adjacent to Castle Close, Coventry Road, Fillongley) the applicant be informed that the Council agrees to the variation of the Section 106 Agreement as set out in the report of the Head of Development Control;**

- f That Application No 2014/0100 (The Cuckoos Rest, Whitehouse Road, Dordon, B78 1QE) be refused for the following reasons**

- “i The proposal will result in the loss of the last public house in Dordon. As a consequence it is considered that the loss of this community facility would harm the vitality of Dordon. The proposal does not therefore accord with Policy NW20 of the North Warwickshire Core Strategy 2014.**

- ii Notwithstanding the comments of Warwickshire County Council as Highway Authority, the Local Planning Authority considers that the cumulative impact of the traffic generated by this development proposal when set against the setting of this location, with its nearby school and library and the general traffic levels on the surrounding roads will lead to an unacceptable highway situatuion to the detriment of**

road safety in this area. The proposal does thus not accord with Policy NW10 of the North Warwickshire Core Strategy 2014.”

[Speakers Donna Watts and Ian Ritchie]

- g That consideration of Application No 2014/0275 (17 - 19, Long Street, Atherstone) be deferred;

[Speakers Judy Vero and Andrew Taylor]

- h That Application No 2014/0404 (Chapel End Social Club, 50, Coleshill Road, Hartshill, Nuneaton, CV10 0NY) be approved subject to the following additional condition
“21 No work shall commence on the construction of Units 1, 2 and 3 as shown on the approved plan until such time as details illustrating the appearance of the north facing gable to Unit 3 have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.”

[Speaker Jeff Hayward]

- i That in respect of Application No 2015/0163 (Land East Of Fir Tree Cottage, Seckington Lane, Newton Regis, B79 0ND), plan number 7142/100 received on 12/3/15; 7142/150D; 250A, 251B, 252A and 253A received on 3/6/15 be approved in discharge of condition 1 of planning permission PAP/2013/0231 dated 14/4/14;
- j That the report in respect of Applications No 2015/0167 and 2008/0168 (Britannia Works (Former Hatting Factory), Coleshill Road, Atherstone, CV9 2AB) the report be noted and that Members be asked to 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;
- k That consideration of Application No 2015/0169 (Trent View Farm, Mancetter Road, Hartshill, CV10 0RS) be deferred;

[Speaker Dave Ritchie]

- l That Application No 2015/0180 (60, Whitehouse Road, Dordon, B78 1QF) be approved subject to the conditions specified in the report of the Head of Development Control;

m That Application No 2015/0200 (1, Lawnsdale Close, Coleshill, B46 1BS) be approved subject to the following additional condition

“2 Within three months of the date of this permission, details of a proposed landscaping scheme shall be submitted to the Local Planning Authority. The approved scheme shall be implemented within the next available planting season.”

[Speaker Richard Ellis]

n That Application No 2015/0201 (Land South of Dairy House Farm, Spon Lane, Grendon) be refused for the following reason

“The Local Planning Authority considers that the loss of this crossing will have a detrimental effect on road safety by removing the opportunity to have a controlled crossing in view of the increase in pedestrian and cycle use from the approved development and the overall highway and traffic environment in which the development is located. The proposal does not accord with Policy NW10 of the North Warwickshire Core Strategy 2014.”

[Speakers Jules Winckles and Justin Howell]

o That Application No 2015/0213 (103, Main Road, Baxterley, CV9 2LQ) be approved subject to the condition specified in the report of the Head of Development Control;

p That Application No 2015/0281 (Well Cottages, Coleshill Road, Ansley, CV10 0QP) be approved subject to the conditions specified in the report of the Head of Development Control;

[Speakers Andrew Down and Ashraf Ahmed]

q That Application No 2015/0290 (Perryman Drive Recreation Ground, Perryman Drive, Piccadilly) be approved subject to the conditions specified in the report of the Head of Development Control; and

r That Application No 2015/0291 (Kitwood Avenue Recreation Ground, Kitwood Avenue, Dordon) be approved subject to the conditions specified in the report of the Head of Development Control.

6 Meaningful Gap Assessment Responses to Consultation Meaningful Gap

The Assistant Chief Executive and Solicitor to the Council reported on the responses to the consultation held between 29 January and 12 March 2015 on the designation of the area that would constitute the “Meaningful Gap”, referred to in Policy NW19 of the Core Strategy, adopted October 2014. The Board was invited to consider any amendments to the designated area as a result of the consultation.

Resolved:

That consideration of the report be deferred and a presentation be arranged for Members on the Meaningful Gap Consultation.

7 Corporate Plan Targets 2014/15

The Head of Development Control reported on the action taken on a number of targets as set out in the 2014/15 Corporate Plan.

Resolved:

That the report be noted.

8 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April 2014 - March 2015

The Chief Executive and Deputy Chief Executive informed Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April 2014 to March 2015.

Resolved:

That the report be noted.

J Lea
Chairman

**Planning and Development Board
15 June 2015
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
4/18	2013/0391	Fillongley Parish Council	Objection	11/6/15
		Mrs & Mrs McHugh	Objection	10/6/15
		C Shipley	Objection	11/6/15
4/71	2014/0100	Applicant	E-mail	4/6/15
4/111	2014/0275	Atherstone Civic Society	E-mail	4/6/15
4/122	2014/0404	Applicant	E-mail	10/6/15
		Chancery Lane Surgery	E-mail	2/6/15
4/157	2015/0163	WCC Highways	Consultation	5/6/15
4/172	2015/0169	Mr White	Objection	5/6/15
4/181	2015/0180	Mr Charles	Representation	3/6/15
4/201	2015/0201	Applicant	E-mail	11/5/15
		Petition (22 names)	Objection	10/6/15
4/223	2015/0271	J Moore	Objection	5/6/15
		D Rollason	Objection	8/6/15
		S Bien	Objection	7/6/15
		M Hartland	Objection	8/6/15
		Mr & Mrs Weston	Objection	12/6/15
		D Russell	Objection	8/6/15
		Baxterley Parish Council	Objection	8/6/15
		G Osbourne	Objection	12/6/15
Baddesley Parish Council	No Objection	15/6/15		
4/240	2015/0281	Ansley Parish Council	No objection	9/6/15
		Applicant	E-mail	4/6/15
		Applicant	E-mail	5/6/15

Agenda Item No 5

Planning and Development Board

13 July 2015

Report of the Assistant Director (Finance and Human Resources)

Budgetary Control Report 2015 / 2016 Period Ended 30 June 2015

1 Summary

- 1.1 The report covers revenue expenditure and income for the period from 1 April 2015 to 30 June 2015. The 2015/2016 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

Recommendation to the Board

That the report be noted and that the Board requests any further information it feels would assist it in monitoring the budgets under the Board's control.

2 Consultation

- 2.1 Councillors Lea, Simpson and Sweet have been sent an advanced copy of this report for comment. Any comments received will be reported verbally at the meeting.

3 Introduction

- 3.1 Under the Service Reporting Code of Practice (SeRCOP), services should be charged with the total cost of providing the service, which not only includes costs and income directly incurred, but, also support costs relating to such areas as finance, office accommodation, telephone costs and IT services. The figures contained within this report are calculated on this basis.

4 Overall Position

- 4.1 Net controllable expenditure for those services that report to the Planning and Development Board as at 30 June 2015 is £8,227 compared with a profiled budgetary position of £71,584; an under spend of £63,357 for the period. Appendix A to this report provides details of the profiled and actual position for each service reporting to this Board, together with the variance for the period. Where possible, the year-to-date budget figures have been calculated with some allowance for seasonal variations in order to give a better comparison with actual figures. Reasons for the variations are given, where appropriate, in more detail below.

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4.2 **Planning Control**

4.2.1 Income is currently ahead of forecast which is attributable to one large planning application.

4.3 **Local Land Charges**

4.3.1 Income from Local Land Charges is currently ahead of profile due to the sale of additional searches.

5 **Performance Indicators**

5.1 In addition to the financial information provided to this Board when the budgets were set in February, performance indicators were included as a means of putting the financial position into context. These are shown at Appendix B.

...

5.2 The additional planning applications received has meant a reduction in the gross cost per application. The net cost per application is currently a net income per application, which reflects the fact that we have handled more medium to large applications in this period.

5.3 The gross and net cost per Land Charge is lower than expected due to the number of searches undertaken having exceeded the profiled level by 61%. This upturn reflects the increased buoyancy in the housing market.

6 **Risks to the Budget**

6.1 The key risks to the budgetary position of the Council from services under the control of this Board are:

- The need to hold Public Inquiries into Planning Developments. Inquiries can cost the Council around £50,000 each.
- A change in the level of planning applications received. A fall in applications would lead to a reduction in planning income, whilst an increase in applications would increase the pressure on staff to deal with applications in the required timescales.
- The Government require all planning applications to be dealt with within 26 weeks. If this is not achieved, the costs of the application must be borne by the authority. Whilst the Planning team deal with almost 100% of current applications within this time, there is a potential that some may slip, leading to a decline in the Planning income level.

6.2 A risk analysis of the likelihood and impact of the risks identified above are included in Appendix C

7 Estimated Out-turn

- 7.1 If planning income continues at the current level, the original estimate of £311,880 will be reduced. However it is still early in the financial year and, given the potential for variation, no changes have been made to the estimated out-turn.
- 7.2 The figures provided above are based on information available at this time of the year and are the best available estimates for this board, and may change as the financial year progresses. Members will be updated in future reports of any further changes to the forecast out turn.

8 Building Control

- 8.1 The Figures provided by the Building Control Partnership indicate that this Council's share of the costs up to 31 May 2015 show an unfavourable variance.
- 8.2 The approved budget provision for Building Control is £61,540, which would not be sufficient to cover the full year costs currently estimated by the Partnership. We will liaise with Nuneaton and Bedworth Borough Council to establish if this is expected to continue and additional budget provision will be needed.

9 Report Implications

9.1 Finance and Value for Money Implications

- 9.1.1 The Council's budgeted contribution from General Fund balances for the 2015/16 financial year is £594,090. Income and Expenditure will continue to be closely managed and any issues that arise will be reported to this Board at future meetings.

9.2 Environment and Sustainability Implications

- 9.2.1 The Council has to ensure that it adopts and implements robust and comprehensive budgetary monitoring and control, to ensure not only the availability of services within the current financial year, but in future years.

The Contact Officer for this report is Nigel Lane (719371).

APPENDIX A**North Warwickshire Borough Council****Planning and Development Board****Budgetary Control Report 2015/2016 as at 30 June 2015**

Description	Approved Budget 2015/2016	Profiled Budget June 2015	Actual June 2015	Variance	Comments
Planning Control	188,840	55,138	(3,433)	(58,571)	Comment 4.2
Building Control Non fee-earning	76,230	3,673	3,087	(586)	
Conservation and Built Heritage	42,490	13,423	13,410	(13)	
Local Land Charges	(4,470)	(2,848)	(6,882)	(4,034)	Comment 4.3
Street Naming & Numbering	8,790	2,198	2,044	(154)	
	311,880	71,584	8,227	(63,357)	

Key Performance Indicators for Budgets Reporting to the Planning and Development Board

	Budgeted Performance	Profiled Budgeted Performance	Actual Performance to Date
Planning Control			
No of Planning Applications	800	200	230
Gross cost per Application	£847.19	£886.83	£772.60
Net cost per Application	£236.05	£275.69	-£14.93
Caseload per Planning Officer			
All applications	148	37.0	42.6
Local Land Charges			
No of Searches	450	113	184
Gross cost per Search	£99.84	£84.46	£50.52
Net cost per Search	-£9.93	-£25.32	-£37.40

Risk Analysis

	Likelihood	Potential impact on Budget
Need for public enquiries into planning developments	Medium	Medium
Decline in planning applications leading to a reduction in Planning Income.	Low	Medium
Applications not dealt with within 26 weeks, resulting in full refund to applicant.	Low	Medium

Agenda Item No 6

Planning and Development Board

13 July 2015

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, 10 August 2015 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	PAP/2013/0391	5	Heart of England, Meriden Road, Fillongley, Erection of hotel north of (and linked to) existing conference centre; demolition of existing storage building and its adjuncts; formation of new carpark and courtyards; extensions to south and east sides of existing conference centre building	General
2	PAP/2014/0181	76	Land to north of, Overwoods Rd, Hockley, Erection of 88 no. dwellings and associated works (Outline)	General
3	PAP/2014/0275	96	17 - 19, Long Street, Atherstone, Variation of Conditon 2, Approved plans, attached to planning permission, ref. PAP/2009/0045 granted on 4/10/2012. Revised development includes changes to rear elevation to incorporate lift access tower and internal re-arrangement of retail / office building.	General
4	PAP/2014/0665	112	Hollow Oak Farm, Breach Oak Lane, Corley, Installation of small anaerobic digester to convert farmyard manure, straw and silage into renewable energy and organic fertiliser	General
5	PAP/2015/0040	142	Hatters Arms, Church Road, Warton, Conversion of former public house into four 2-bedroom apartments and construction of two 3-bedroom houses and one 2-bedroomed house on the former car park area	General
6	PAP/2015/0296	160	29, Lawnsdale Close, Coleshill, Erection of two storey dwelling and ancillary site works	General
7	PAP/2015/0297	169	Land North of 19, Southfields Close, Coleshill, Erection of two four bedroom semi-detached dwellings with integral garages	General
8	PAP/2015/0305	187	Ashleigh, Coventry Road, Fillongley, Erection of 6 dwellings, 2 detached garages and associated highways, landscaping and external works. Demolition of the "Ashleigh" garage and morning room	General
9	PAP/2015/0359	210	Long Street Recreation Ground, Long Street, Dordon, Erection of one 8m high lighting column to support a mobile CCTV camera	General

10	PAP/2015/0370	215	Land to the north of, Nuthurst Crescent, Ansley, Development of up to 79 dwellings with vehicle access onto Tunnel Rd. Outline planning application, Access only to be considered now with Layout, Scale, Appearance & Landscaping as reserved matters.	General
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General Development Applications

(1) Application No: PAP/2013/0391

Heart of England, Meriden Road, Fillongley, CV7 8DX

Erection of hotel north of (and linked to) existing conference centre; demolition of existing storage building and its adjuncts; formation of new carpark and courtyards; extensions to south and east sides of existing conference centre building, for

Mr Stephen Hammon - Heart of England Promotions

Introduction

This application was referred to the last meeting of the Board but determination was deferred in order to allow the two local Parish Councils and local residents more time to comment on the draft conditions as included in the report to the last meeting.

The matter is now referred back to the Board. The report from the last meeting is attached at Appendix A.

Additional Responses

Whilst the report at Appendix A does contain the initial response from the Corley Parish Council, it is perhaps convenient to include it again at Appendix B, which also contains a letter from the Fillongley Parish Council and two local residents. These four letters were submitted before the June Board meeting, but it is important in view of the deferral, to bring them to the Board's attention.

Following the Board meeting a letter was sent to both of the Parish Council's inviting further comments and giving officer's advice on the content of their original letters. This is attached at Appendix C.

All responses received following the deferral are attached at Appendix D including ones from both Parish Councils. If others arrive after the preparation of this report, they will be verbally referred to the meeting.

A Local Liaison Group

At the last meeting the applicant's representative suggested that a local liaison group be set up comprising local representatives and those of the applicant. This group would be the place where the applicant could outline future events and respond to resident's concerns and enable residents to draw attention to particular issues and concerns about the operation of the activities on the site.

Observations

Both Parish Councils raise a number of general concerns and these themes run through all of the correspondence generated following publication of the draft conditions. The overriding concern is that the applicant is said to have a poor “track record” in keeping to conditions and it is expected that this would continue. Members will understand the frustration of the Parish Councils’ concerns here, but as explained in the letter to them, this is not and never has been a material planning consideration. The enforcement of breaches of conditions is always available to the Council if it has the evidence available to take the matter forward. This is sometimes challenging as that evidence has potentially to undergo scrutiny in a Court. However the potential for the setting up of a local liaison group and its remit to discuss alleged breaches may very well secure better site management and allow potential breaches to be remedied voluntarily. This would be a positive step forward and initially take matters out of a formal setting allowing for voluntary remedy and compromise. The scepticism of the Corley Parish Council is mentioned in its letter of 30 June – Appendix D. Notwithstanding this it is considered that the process should at least be commenced and progress reviewed as a consequence.

The other matter here is that the applicant has agreed to revoke earlier planning permissions. These did contain conditions which were open to interpretation and which therefore led to a degree of frustration from the local community. This voluntary move enables a single set of conditions to be drawn up; enables a review to be undertaken of all of those existing conditions and it allows additional conditions to be drafted to cover some of the matters of interpretation that have arisen. In other words it is considered that the draft set of conditions is now an improved set of conditions.

The draft conditions have been assessed by the Council’s Solicitor as to whether they accord with Government advice on the use of planning conditions – Circular 11/1995. He confirms that they do.

Officers have completed a further review of the draft conditions again upon receipt of the full set of correspondence in Appendix D. Very minor changes are recommended as set out below to the initial set of conditions as set out in Appendix A.

The Fillongley Parish Council refers to other conditions outside of those referred to below. In respect of condition 12 – Renewable Energy features, then the reason that the condition doesn’t refer to 10% provision is because Core Strategy policy NW11 doesn’t refer to a figure. The Parish Council is quoting from a superseded policy. In respect of condition 15 – drainage, the reason cannot include the term (“in no way”) as accidents and incidents do occur. In respect of condition 36 – noise, then it is confirmed that both Parish Councils would be consulted on the submitted details.

Recommendation

- a) That a Local Liaison Group is established between representatives of the local community, including the local Ward Members and the representatives of the applicant company. The terms of reference of this group are to be agreed at its first meeting.
- b) That planning permission be **GRANTED** subject to the applicant agreeing to the revocation of planning permissions 1165/2000; 0214/2002, 1381/2002 and

0690/2005 without any claim for compensation, and subject to the conditions as set out in Appendix A but with the following alterations:

Condition 19. To add, "For the avoidance of doubt" at the beginning of the second sentence.

Condition 37. The condition to be split into two – one relating to fume extraction equipment and the second relating to air conditioning plant.

Condition 26. Alter the time in the final sentence to 2200 hours.

and an additional condition relating to the need to comply with the Considerate Constructor's guidelines

BACKGROUND PAPERS

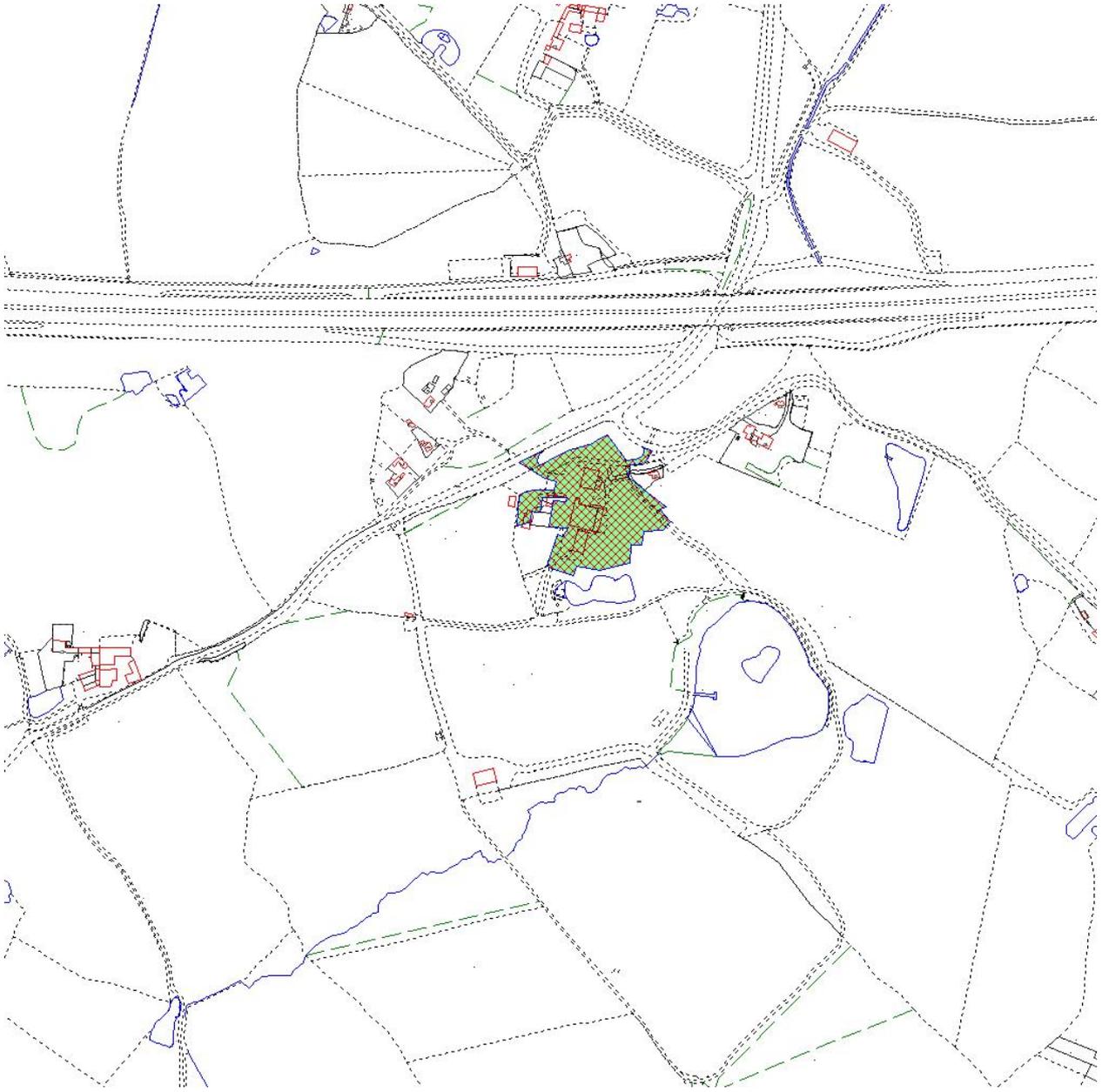
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2013/0391

Background Paper No	Author	Nature of Background Paper	Date
1	Fillongley Parish Council	Letter	11/6/15
2	Mr & Mrs McHugh	Letter	10/6/15
3	Miss Shipley	Letter	11/6/15
4	Head of Development Control	Letter	17/6/15
5	Corley Parish Council	Letter	30/6/15
6	Fillongley Parish Council	Letter	30/6/15
7	Mrs Gillian	Letter	25/6/15

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.



Application No: PAP/2013/0391

Heart of England, Meriden Road, Fillongley, CV7 8DX

Erection of hotel north of (and linked to) existing conference centre; demolition of existing storage building and its adjuncts; formation of new carpark and courtyards; extensions to south and east sides of existing conference centre building, for

Mr Stephen Hammon - Heart of England Promotions

Introduction

This application was reported to the Planning and Development Board on 9 March 2015. The Board resolved:

“That the Council indicates that it is minded to support Application No 2013/0391 (Heart of England, Meriden Road, Fillongley, CV7 8DX) and that the Application and Conditions be the subject of a further report to the Board”

Background

The above application was reported to the March 2015 meeting of the Planning and Development Board. The Board resolved that it was minded to support the grant of planning permission, subject to agreeing the conditions that would be attached to it. The proposed conditions would first be published and interested parties would be afforded an opportunity to comment on them.

The March 2015 Board Report is attached as Appendix 1 for reference.

If planning permission is granted it is the intention to revoke the earlier planning permissions relating to this part of the site. To enable this, the Local Planning Authority and the applicant have agreed that the current application should be considered as a full planning application rather than as an outline application. This should not have substantial effect because the only matter reserved in the outline proposal was the detail of landscaping, the application having sought approval of access, appearance, layout and scale.

For the avoidance of doubt the revocation would apply to the original planning permission for the buildings and associated land and subsequent amending applications. This will be the following permissions:

PFILXX/1165/2000/FAP (now referenced FAP/2000/6365)
PFILXX/0214/2002/FAP (now referenced FAP/2002/7287)
PFILXX/1381/2002/FAP (now referenced FAP/2002/7800)
PFILXX/0690/2005/FAP (now referenced FAP/2005/9733)

There would be no requirement to revoke the stand alone permission to use Old Hall Farm as a mixed guesthouse/C3 use (PAP/2010/0269) or the permission for office use of the converted farm building (PFILXX/1181/2000/FAP).

Update

When first received, this application was submitted with a companion application which proposed the change of use of land within the applicant's wider land holding (Application Referenced PAP/2013/0367). The change of use application has now been withdrawn and will not be determined. It is anticipated that a new change of use application will be re-presented in the near future.

The Council recently received reports of construction works at the site. A visit to the site has established the construction of an extension to the Conference Centre (the tall white coloured structure to the left hand side of the existing conference centre building shown in the image below)



The applicant claims that the structure is temporary to accommodate a booking for a large Asian wedding. The structure however does not appear as temporary and appears to be the unauthorised partial commencement of work for which permission is sought through this application. This matter is currently under investigation.

The Proposed Conditions and Associated Notes

This report is primarily to allow members the opportunity to consider the application proposal in the context of controlling and defining planning conditions.

Member of the public and other interested parties have been afforded an opportunity to comment on the draft conditions. The proposed conditions are set out below.

Standard Conditions

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

REASON

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

Defining Conditions

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered !*****! received by the Local Planning Authority on !*****! and the plan numbered !*****! received by the Local Planning Authority on !*****!.

REASON

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

3. The use of the buildings hereby approved within the area outlined on the attached plan (Plan 1) hatched green shall not be used for any other purpose, including any other purpose in Class D2 of the Town and Country Planning (Use Classes) Order 1987, (as amended), or in any statutory instrument revoking and re-enacting that Order with or without modification, other than for a conference centre and entertainment venue. For the avoidance of doubt, the conference centre and entertainment venue shall be defined as being for the holding of conventions, where individuals and groups gather to promote and share common interests. The use will be limited to the hosting of conferences, exhibitions, meetings, seminars, training sessions, team building, corporate family fun days, product launches and corporate entertainment. The entertainments venue shall be for the holding of social gatherings where individuals and groups gather for the purpose of entertainment or celebration. The use will be limited to the hosting of weddings, private parties, evening entertainment and annual celebrations.

REASON

In recognition of the circumstances of the case, to prevent over intensification of use and so as to prevent the unauthorised use of the site.

4. The use of the buildings hereby approved within the area outlined on the attached plan (Plan 2) hatched blue shall not be used for any other purpose, including any other purpose in Class C1 of the Town and Country Planning (Use Classes) Order 1987, (as amended), or in any statutory instrument revoking and re-enacting that Order with or without modification, other than for a hotel. Guests at the hotel shall be solely limited to booked-in users of the conference centre and entertainment venue, or users of the authorised recreational facilities on the adjacent land holding, as defined by the planning approval referenced PAP/2007/0503. The hotel shall not be open to guests who are not booked in to use these facilities.

(NOTE: This condition would need to be varied at a future date if a new change of use application is approved and PAP/2007/0503 is revoked)

REASON

In recognition of the circumstances of the case, to prevent over intensification of use and so as to prevent the unauthorised use of the site.

5. The use of the buildings hereby approved within the area outlined on the attached plan (Plan 3) hatched red shall not be used for any other purpose, including any other purpose in Class A3 of the Town and Country Planning (Use Classes) Order 1987, (as amended), or in any statutory instrument revoking and re-enacting that Order with or without modification, other than for a restaurant.

REASON

In recognition of the circumstances of the case, to prevent over intensification of use and so as to prevent the unauthorised use of the site.

6. The approved uses detailed in conditions 3, 4 and 5 shall operate only as a single enterprise. It shall operate and be used as one planning unit by the applicants or their successors in title. Under no circumstances shall the applicants or their successors in title subsequently sell, let or in any way dispose of or use or permit to be used any part of the land or buildings, independently of the remainder of the overall property.

REASON

In recognition of the circumstances of the case, to prevent over intensification of use, in recognition of the rural setting of the site and to maintain a sustainable development.

Pre-Commencement Conditions

7. Before the commencement of the development, a landscaping scheme shall be submitted to the Local Planning Authority for approval.

REASON

In the interests of the amenities of the area and to ensure that landscaping proposals are fully integral to the design of the site.

8. No development other than demolition shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

REASON

To ensure the recording and preservation of any items of archaeological interest and to avoid any harm to items of archaeological interest

9. No development shall be commenced before samples of the facing bricks, facing materials, roofing tiles and surface materials for all roadways, car parks, pathways and courtyards to be used have been submitted to and approved by the Local Planning Authority in writing. Only the approved materials shall then be used.

REASON

In the interests of the amenities of the area and to ensure the use of appropriate materials compatible with the location and setting of the buildings.

10. No development shall be commenced before details of the joinery of all new windows and doors to be used have been submitted to and approved by the Local Planning Authority in writing. The approved joinery detail shall then be installed and maintained as such at all times thereafter.

REASON

To secure an appropriate design and appearance given the former farmyard setting and given the proximity to the listed building.

11. No new or replacement exterior lighting shall be installed at the site without details having first been submitted to and approved by the Local Planning Authority in writing. Only the approved lighting shall then be installed and maintained as such at all times thereafter.

REASON

In the interests of the amenities of the area, to recognise the rural location of the site and to minimise adverse effects from the use of illumination.

12. No development other than demolition shall be commenced before details of a scheme for the incorporation of energy generation and energy conservation measures has been submitted to and approved by the Local Planning Authority in writing. The approved measures shall then be installed and maintained as such at all times thereafter.

REASON

To ensure a sustainable development, to ensure that energy related provisions are fully integral to the design of the site and to meet the requirements of Policy NW11 of the North Warwickshire Core Strategy October 2014.

13. No development or site works whatsoever, shall commence on site until details of measures for the protection of existing trees to be retained (as identified in the Tree Survey by T Dunlop dated 27 08 2013 and received by the Local Planning Authority on 18 September 2013) have been submitted to and approved in writing by the Local Planning Authority. The protection measures shall make provisions for the erection of protective fencing around the trees/hedges to be retained, in accordance with B.S. 5837, at a distance corresponding with the branch spread of the tree or hedge, or half the height of the tree or hedge, whichever is greater. Within the areas fenced off the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. No works shall be carried out within the fenced off area unless a method statement, detailing how those works shall be undertaken, has been submitted to and approved, in writing, by the Local Planning Authority. The approved protective fencing shall thereafter be retained at all times during construction works on the site.

REASON

To protect the health and stability of the trees to be retained on the site in the interests of amenity and to avoid any harm to the existing landscape and ecology of the site.

14. No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be implemented only in accordance with the approved details and maintained as such at all times thereafter.

REASON

In the interests of the amenities of the area, to protect the amenity of occupiers of adjacent properties and to ensure that an integrated design solution.

15. Prior to the commencement of development a detailed plan of the drainage network and hydro-brake control referred to in the Flood Risk Statement shall be submitted to and approved in writing by the Local Planning Authority.

REASON

To prevent pollution of the water environment and to minimise the risk of flooding on or off the site and to ensure that an integrated design solution addresses the water environment.

16. No development shall commence until full details of the provision of the access, car parking, manoeuvring and service areas, including surfacing, drainage and levels have been submitted to and approved in writing by the Council.

REASON

In the interests of safety on the public highway such measures needs to be in place before the commencement of development.

17. No development shall commence on site until details of a scheme for the storage and disposal of all refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the storage locations, provide detailed drawings of storage vessels or compounds and the methods and time limits for the collection or dispatch of waste materials. The approved scheme shall be implemented in full at all times thereafter.

REASON

To protect the amenities of the area and of nearby residential property and to ensure an integrated design solution.

18. Prior to the commencement of development a scheme for the inclusion of crime prevention measures to be incorporated in the development shall be submitted to and approved by the Local Planning Authority in writing.

REASON

In the interests of public safety and to ensure an integrated design solution.

Ongoing/Post-Occupation Conditions

19. The marquee and any other temporary structures on the site and their associated works shall be removed from the site and the adjacent land holding on (date three years from the date of the consent) or upon completion and bringing into use of the conference centre extension whichever date is the sooner. The land shall be restored to its former condition within 2 calendar months following the removal of the structure or structures. The restoration shall be in accordance with a scheme which shall first be submitted to and approved by the Local Planning Authority in writing. Thereafter, notwithstanding the provisions of Schedule 2 Part 4, Classes A and B of The Town and Country Planning (General Permitted Development) (England) Order 2015, no buildings, moveable structures, works, plant or machinery shall be sited or installed on any of the open land within the site at any time.

REASON

In recognition of the circumstances of the case, to maintain the openness of the Green Belt and in the interests of the amenities of the area.

20. The use of open land within the site shall be solely for the purpose of car parking, access, amenity space and service areas for the uses approved in conditions 3, 4 and 5 and for no other purpose whatsoever. The open land within the curtilage of the site shall expressly not be used for the storage, display or sale of anything whatsoever.

REASON

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

21. The operator of the hotel of the premises shall maintain an up to date register of the names of all occupiers of the accommodation and of their main home address, as well as the dates of their arrival and departure and the purpose of their stay in relation to the link to the conference centre and entertainment venue or use of the authorised recreational facilities on the adjacent land holding. This register shall be made available at all reasonable times to the Local Planning Authority.

REASON

In recognition of the circumstances of the case, so as to prevent the unauthorised use of the site.

22. Notwithstanding the provisions of Class A of Part 3 and Class D of Part 4 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, the use of the restaurant hereby approved shall remain for the purpose of restaurant only.

REASON

To prevent disturbance to the occupiers of nearby properties, to prevent over intensification of use, in recognition of the rural setting of the site and to enable the effect of the development to be kept under review.

23. Notwithstanding the provisions of Class T of Part 3 and Class D of Part 4 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, the use of the hotel hereby approved shall remain for the purpose of hotel only.

REASON

To prevent disturbance to the occupiers of nearby properties, to prevent over intensification of use, in recognition of the rural setting of the site and to enable the effect of the development to be kept under review.

24. Notwithstanding the provisions of Class D of Part 4 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, the use of the conference centre and entertainment venue hereby approved shall remain for the purpose of conference centre and entertainment venue only.

REASON

To prevent disturbance to the occupiers of nearby properties, to prevent over intensification of use, in recognition of the rural setting of the site and to enable the effect of the development to be kept under review.

25. The hotel use hereby approved, as defined by condition 4, may operate at any time on any calendar day throughout the year.

REASON

To define the operating provisions of this aspect of the site and in recognition that the hotel use is an overnight activity.

26. The restaurant, as defined by condition 5, shall operate only between the hours of 0800 hours to 0000 hours (midnight) on Mondays to Saturdays inclusive and between the hours of 0900 hours to 1800 hours on Sundays, Public Holidays and Bank Holidays in respect of customers who are not resident at the on-site hotel. The restaurant, as defined by condition 5, shall operate only between the hours of 0700 hours to 0000 hours (midnight) on Mondays to Saturdays inclusive and between the hours of 0800 hours to 1000 hours on Sundays, Public Holidays and Bank Holidays in respect of customers who are resident at the on-site hotel.

REASON

To prevent disturbance to the occupiers of nearby properties, to prevent over intensification of use and in recognition of the rural setting of the site.

27. The conference centre and entertainment venue hereby approved, as defined by condition 3, shall operate only between the hours of 0800 hours to 0000 hours (midnight) on Mondays to Thursdays inclusive, between the hours of 0800 hours to 0100 hours (the following day) on Fridays and Saturdays, and between the hours of 0900 hours to 1800 hours on Sundays, Public Holidays and Bank Holidays.

REASON

To prevent disturbance to the occupiers of nearby properties, to prevent over intensification of use and in recognition of the rural setting of the site.

28. Exceptions to Condition 27 will be permitted on 29 October to 2 November inclusive and 18 December to 2 January inclusive each year, when the conference centre and entertainment venue hereby approved, as defined by condition 3, shall operate only between the hours of 0800 hours to 0100 hours (the following day).

REASON

To prevent disturbance to the occupiers of nearby properties, to prevent over intensification of use and in recognition of the rural setting of the site, whilst balancing the commercial interests of the business at exceptional seasonal times of the year.

29. Delivery or dispatch of goods and the arrival and departure of service vehicles shall not take place between the hours of 2000 hours on any day and 0700 hours the following day.

REASON

To protect the amenities of nearby residential property.

30. Gates to the patio area shown on the approved drawing 233/21/Sk203 shall remain closed between the hours of dusk in the afternoon or evening until 07:30 hours the following day throughout the year.

REASON

To protect the amenities of nearby residential property.

31. On the approved hotel building (Building 2) and the hotel extension to the existing building (Building 1) all windows and doors shall be recessed by at least 75mm.

REASON

To secure an appropriate design given the former farmyard setting and given the proximity to the listed building.

32. No additional opening shall be made to the buildings other than shown on the plans hereby approved, nor any approved opening altered or modified in any manner thereafter.

REASON

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

33. Visibility splays shall be provided to the vehicular access to the site fronting Meriden Road (B4102), passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distances of 160.0 metres to the near edge of the public highway carriageway. These shall be retained at all times.

REASON

In the interests of safety on the public highway.

34. The Wall Hill Road Access shall be for the use of staff, deliveries (not associated with the construction period) and emergency use only at all times.

REASON

In the interests of the amenities of the area and of occupiers of nearby residential property and in the interests of safety on the public highway.

35. The management of surface water shall be carried out in accordance with the approved Flood Risk Statement prepared by RAB, dated 25/02/2014 Ref Number: 741 and the following mitigation measure detailed within, namely, restricting the discharge from the pond to 5 l/s so that it mimics the existing regime and therefore not increase the risk of flooding on or off-site.

REASON

To ensure the satisfactory drainage of the site and to minimise the risk of flooding on or off the site.

36. All amplified sound shall be controlled by a noise limiting device, set at a level agreed by the local planning authority, in consultation with the Council's Environmental Health Officer. Any such device shall be wired into the mains electricity to prevent amplified music bypassing the noise controls.

REASON

To protect the amenities of the area and of occupiers of nearby residential property.

37. There shall be no installation of fume extraction equipment or air conditioning units without details having first been submitted to and approved by the Local Planning Authority in writing.

REASON

In the interests of the amenities of the area.

38. All planting, seeding or turfing comprised in the landscaping scheme referred to in Condition Number 7 shall be carried out in the first planting and seeding seasons following the occupation of the extended premises for business purposes, and 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

To ensure the provision, establishment and maintenance of a reasonable standard of landscape.

39. Within 6 months of the date of this permission, the developer shall prepare and submit to the Local Planning Authority for their approval a Green Travel Plan to promote sustainable transport choices to the site, the measures proposed to be carried out within the plan to be approved by the Planning Authority in writing, in consultation with the County Council as Highway Authority. The measures (and any variations) so approved shall continue to be implemented in full at all time. The plan shall:

- (i) specify targets for the proportion of employees and visitors traveling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;
- (ii) set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;
- (iii) identify a senior manager of the business using the site with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development.

REASON

To ensure the sustainable development of the site.

40. The overspill car parking shown on the approved plans be available until such time as the temporary marquee has been removed from the site in accordance with the provisions of Condition number 19. During this time the overspill car park shall not be utilised for in excess of 28 days in any calendar year. Following the removal of the marquee in accordance with the provisions of Condition number 19 the land shown as overspill car park shall cease to be used for the purpose of car or vehicle parking. The existing grassed surface shall not be changed at any time.

REASON

In the interests of the amenities of the area, in the interests of safety on the public highway and to protect the setting of the listed building.

During Construction Conditions

41. 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.

42. No services trenches shall be positioned within the root protection area of retained trees.

REASON

To protect the health and stability of the trees to be retained on the site in the interests of amenity.

43. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal fitting out, shall take place before the hours of 0700 hours nor after 1900 Monday to Friday, before the hours of 0800 hours nor after 1300 hours Saturdays nor on Sundays or recognised public holidays.

REASON

To protect the amenities of nearby residential property.

44. All materials obtained from the demolition or partial demolition of existing building shall be permanently removed from the site and the wider land holding within twenty eight days of demolition being commenced.

REASON

In the interests of the amenities of the area.

Pre-Occupation Conditions

45. The development hereby approved shall not be brought into use at any time unless and until a temporary scheme for the collection, storage and transportation of foul sewage has been implemented in full, following the submission of a detailed scheme and its approval by the Local Planning Authority in writing, or until the reedbed scheme approved under planning application reference 2013/0230 has been installed fully in accordance with the approved details and is fully operational. For the avoidance of doubt the permanent reed bed solution shall be brought into operation at the earliest practicable date.

REASON

To prevent pollution of the water environment.

46. The approved hotel and conference centre extension shall not be brought into use until the access, car parking, manoeuvring and service areas have been fully laid out in accordance with the details approved under Condition 16. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.

REASON

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

47. Unless where otherwise permitted by the provisions of the Town and Country Planning Control of Advertisements Regulations 2007, prior to the extended conference centre, restaurant or hotel opening for business there shall be submitted to, and approved in writing by the Local Planning Authority a scheme for the display of any proposed advertisements to be affixed to the land or building.

REASON

To avoid a clutter of advertisements in the interests of amenity.

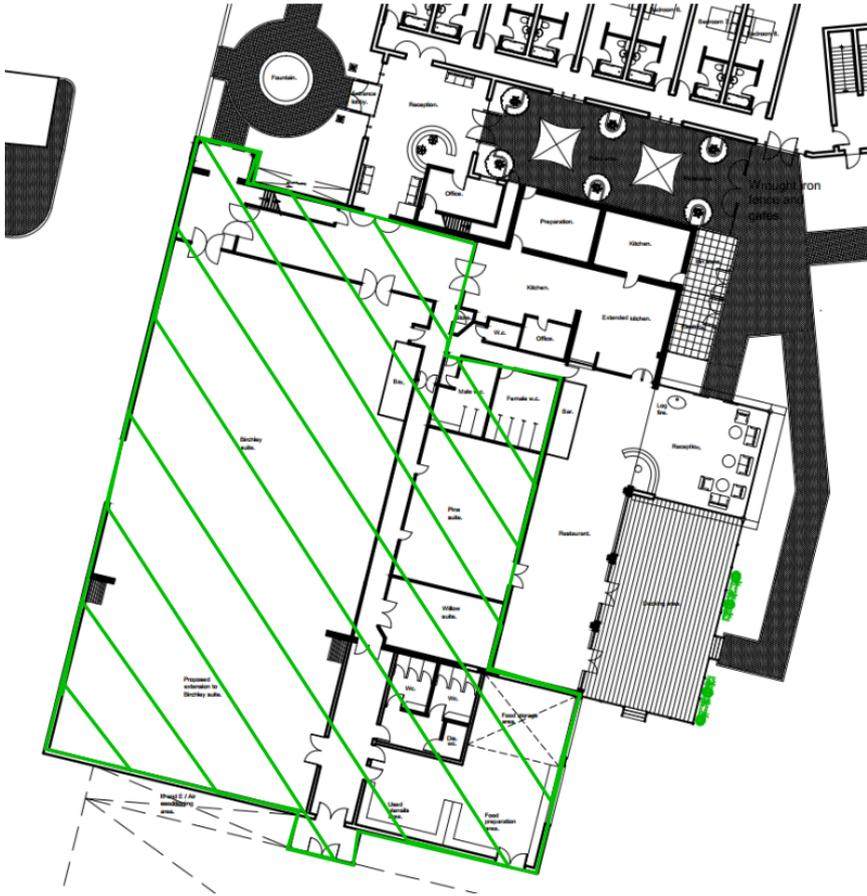
Notes

1. Public footpaths M292 and M293 cross the site on which planning permission for development is hereby permitted. It is an offence to obstruct or damage public footpaths. This permission does not authorise the interference in any way of the footpath which must be properly protected. For advice about the protection of public footpath during the construction of the development the applicant/developer should contact the County Council's Countryside Recreation Section – telephone: (01926) 413427.
2. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
3. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
4. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it,

without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.

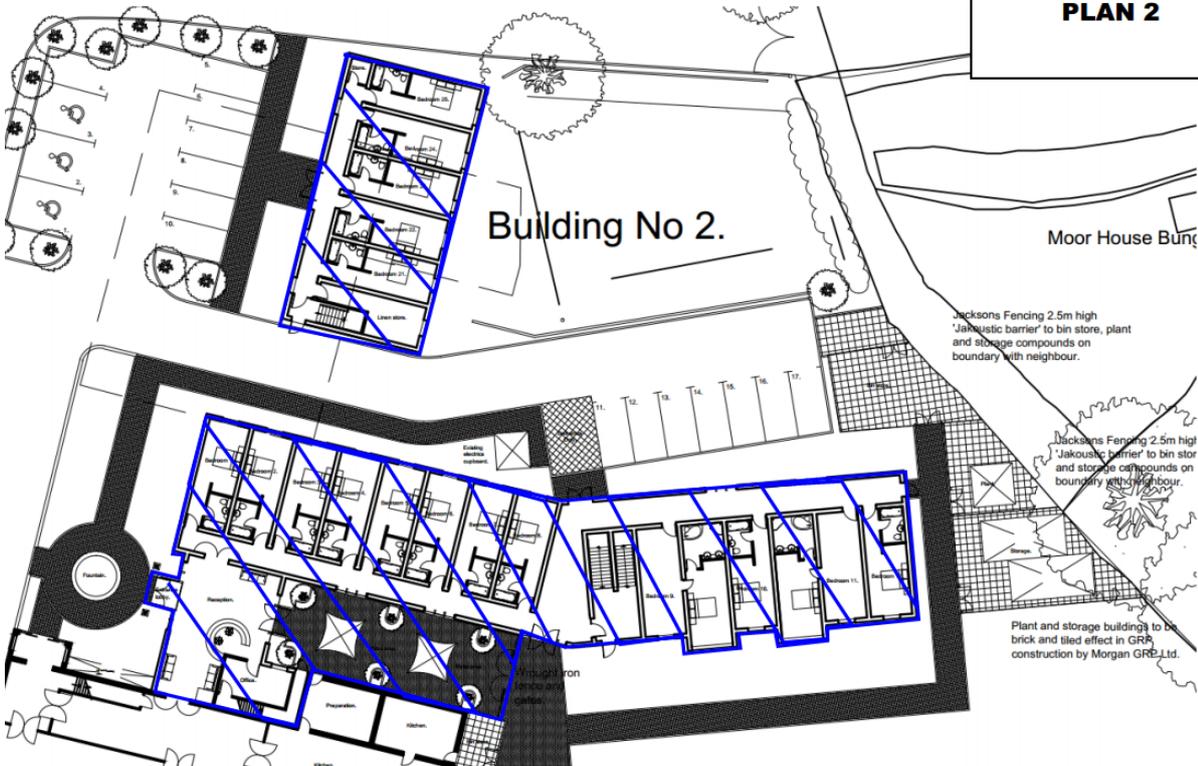
5. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.
6. The proposal includes works of demolition of existing buildings. Please be advised that there may be bats present at the property that would be disturbed by the proposed development. You are advised that bats are deemed to be European Protected species. Should bats be found during the carrying out of the approved works, you should stop work immediately and seek further advice from the Ecology Section of Museum Field Services, The Butts, Warwick, CV34 4SS (Contact Ecological Services on 01926 418060).
7. In respect of Condition Number 18, the Warwickshire Police Crime Prevention Liaison Officer advises the inclusion of the following:
 - a. All ground floor glazing and vulnerable windows to meet PAS 24:2012.
 - b. All external/internal hotel doors to meet PAS 24:2012
 - c. All glazing in and adjacent to doors must include one of laminate glass to a minimum thickness of 6.8mm.
 - d. Conference rooms have the facility to be locked and have a secure cabinet so visitors can secure their IT.
 - e. All routes to hotel rooms have access control in place whether it be by electronic fob or digital access
 - f. Barrier access control onto the site that is covered by CCTV, which opens automatically on entering but requires a code or similar to leave.
 - g. CCTV be installed throughout the site especially on the car parks and entry points into the complex in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.
8. The vehicular access to the site 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.
9. The applicant is advised that to comply with the condition relating to the standard of works to trees, the work should be carried out in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".
10. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

Conference Centre Extent



PLAN 1

Hotel Extent



PLAN 2

Restaurant Extent



PLAN 3

Consultations

Environment Agency – advises that, for a temporary period running up to the reedbed system coming into effective operation, it will be acceptable for the continuing use of existing cesspits providing that the frequency of removal by tanker is increased accordingly. It advises that it would commit to more regular monitoring of the temporary regime to ensure effectiveness.

Crime Prevention Design Advisor, Warwickshire Police - No objection subject to conditions.

Representations

At the time of preparing this report, one letter has been received raising the following concerns:

- I see that many of the reasons refer to the protection of the amenities and nearby residential property, however, there is no guarantee of such protection.
- Condition 34: We object strongly to the entrance from the Wall Hill Road being used for deliveries. These deliveries in vans and lorries would be passing in front of the neighbouring bungalow, disturbance to the privacy of the residents would occur especially when there is an event being held and extra equipment is required to enter and leave the site. We object strongly to this condition. We have no objection to the entrance being used for staff in cars or for emergency. I see many delivery vans and lorries using the entrance off the Meriden Road and cannot see reason why this use cannot continue to prevent disturbance to the residents of the bungalow.
- Condition 36: Our concern with the controlled noise limiting device. The close neighbours are already disturbed by noise and music from the park, which was also promised to be controlled at a certain level which was not upheld. How will this noise level be monitored in the future?
- There is nothing in writing in these conditions stating, that the applicant must comply to all the conditions, or the consequence if not.

Given the timing of consultation it is anticipated that further representations will be received. Any such representations will be reported verbally at the meeting.

A representation of Corley Parish Council is attached as Appendix 2.

In a separate communication, Corley Parish Council has written expressing serious concerns about the effects of construction and construction vehicles (in association with the construction of the reed beds). It acknowledges that temporary construction and traffic speeding concerns are a police matter, but wishes to draw the Board's attention to its view that permanent changes and development of the site i.e. the hotel; will have a significant ongoing effect on traffic movements.

Observations

As set out above, this report is primarily to allow members the opportunity to consider the application in the context of controlling and defining planning conditions.

Members will be aware that the current use of this site has evolved through the grant, and subsequent revision, of various planning permissions. The use has evolved over time to take advantage of the planning permissions, including some loosely defined permissions and conditions. The applicant acknowledges that if granting planning permission for the expansion of the use it is appropriate to more clearly define the nature of the use and the controls over its operation. The revocation of the former planning permissions and the conditions set out above seek to do this. They strike a balance between the reasonable business use of the site and the protection of local residents and the environment in the context of the sites rural green belt location.

Residents express concern about the potential for non-compliance with conditions. This is understandable because the applicant has a track record of non-compliance with conditions attached to planning permissions. This however, cannot be a reason for refusing the grant of future planning applications. If the development is supportable the onus will be on the drafting of conditions which meet the six tests set out in the NPPF that they are:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

The key here is that conditions need to be enforceable. In order to enforce a condition the Council would need to be able to evidence a breach. Officers do not suggest that enforcement will be uncomplicated but do suggest that the conditions, as drafted are capable of being enforced.

Recommendation

That, subject to their being no claim for compensation, planning permissions referenced

PFILXX/1165/2000/FAP (now referenced FAP/2000/6365)

PFILXX/0214/2002/FAP (now referenced FAP/2002/7287)

PFILXX/1381/2002/FAP (now referenced FAP/2002/7800)

PFILXX/0690/2005/FAP (now referenced FAP/2005/9733)

be revoked and that planning permission is granted subject to the conditions set out above.

BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0391

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	
2	Crime Prevention Design Advisor, Warwickshire Police	Consultation Reply	3 6 15
3	Corley Parish Council	Representation	2 6 15
4	Y McHugh	Representation	2 6 15

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.

(#) Application No: PAP/2013/0391

Heart of England, Meriden Road, Fillongley, CV7 8DX

Outline - erection of hotel north of (and linked to) existing Conference Centre; demolition of existing storage building and its adjuncts; re-organisation of existing parking areas and creation of new north car park and landscaped courtyards; extensions to south and east sides of existing Conference Centre building, for

Mr Stephen Hammon - Heart of England Promotions

Introduction

The receipt of this application was first referred to the Board in April 2014. That report recommended that the Council should be minded to refuse the submitted proposals and a full explanation was given for that approach. The Board agreed that recommendation and subsequently there were a series of meetings held with the applicant in order to explain and to clarify the Board's decision. Eventually revised proposals were submitted, and their receipt was referred to the Board at its December meeting. A copy of that report is attached as Appendix A. It described the site and the proposal, setting out the applicant's case with reference to his supporting evidence. Importantly, it set out the applicant's case as to how he had addressed the concerns of the Board which had led it to be minded to refuse the original submission. The relevant Development Plan background was also set out.

Since the December meeting there have been further minor revisions to the proposals as a direct consequence of consultation responses. This report will outline these latest alterations and summarise all of the consultations and representations received. Members should note that there has been full local consultation on these latest revisions.

It is now time to report the application to the Board for determination.

The Proposals in Brief

It might be helpful at the outset to summarise the overall proposals. In short, this is to add a thirty bedroom hotel to the existing conference and events centre through redevelopment and refurbishment of existing buildings. This redevelopment includes demolition; refurbishment and extensions. The main access into the site would be retained and car parking provision extended.

For convenience the general location of the site is illustrated at Appendix B; the general layout of the proposals is at Appendix C and the elevations are at Appendix D.

The Revisions made since December 2014

The changes made since the December meeting do not affect the overall proposals and have been made to address matters raised by consultation responses.

- An amended car parking layout has been received in order to address the Highway Authority's concerns about the overall provision. This now shows areas of overflow car parking to the south of the centre.
- The plans now show an acoustic fence and enclosed areas to the east of the proposals in order to reduce the potential for noise emissions close to the neighbouring bungalow which is in private ownership and occupation. These additions were requested by the Council's Environmental Health Officer.
- Gates have been added to the central portion of the proposals in order to limit the area where people might congregate in the "smokers" area thus limiting the potential for disturbance – again at the request of the Environmental Health Officers.

Consultations

Warwickshire Police – No objections

The Environment Agency – The Agency originally objected to the proposal because of the absence of a Flood Risk Assessment and because the site is sensitive in terms of groundwater protection. The sewage treatment works will also require upgrading and improvement. Upon receipt of an Assessment and consideration of its content, the Agency withdrew its original objection subject to standard conditions. This was largely due to the proposals for the reed beds being agreed.

Warwickshire Museum – No objection subject to a standard condition being added to any planning permission granted requiring pre-commencement investigations.

Heritage Consultant – Originally objected on the grounds that the original submission would have an adverse impact on the setting of the adjoining listed building because of the design and appearance of the new buildings. The revised plans address his concerns and there is no longer an objection.

Environmental Health Officer – The design of the hotel and extensions should incorporate measures to reduce the emission of noise and that the impact of the proposals on the neighbouring residential property needs to be fully addressed. The revised proposals show an enclosed "break –out" area for smokers and the inclusion of an acoustic fence and enclosed areas for the refuse area are supported. If the marquee is to be retained, then its use should be conditioned so as to prevent noise emissions.

Severn Trent Water Ltd – No objection subject to a standard condition requiring full details of foul and surface water drainage to be submitted and agreed prior to work commencing.

Coventry City Council – Wishes to make no comments.

Warwickshire County Council as Highway Authority – The Authority has no objection subject to conditions requiring adequate car parking space; the Wall Hill Road access

being closed, limitations on coach use and agreement for a Travel Plan. The Highway Authority's comments on the revised overflow car parking areas are awaited.

Warwickshire Rights of Way – No objection.

Representations

One representation received says that the scheme is a reasonable rationalisation of the existing buildings but that a smaller hotel would be preferred.

Seven individual letters of objection were received in respect of the original submission largely referring to the view that the proposals are inappropriate in the Green Belt; too large, not needed and would have a detrimental impact on the countryside and the adjoining listed building. Other matters raised refer to the proximity of the hotel to the neighbouring residence with the consequential loss of privacy and security; disturbance already caused by existing events and visitors – particularly noise and the potential for archaeological interest. None of the authors of these letters have removed their objections upon receipt of the amended plans.

Fillongley Parish Council objects to the hotel considering it to have adverse impacts and that it is not in-keeping with the rural setting. There is also concern about drainage and the impact on the loss of amenity to local residents. The revised plans do not overcome this objection. There are continued breaches of planning control occurring at the site. Corley Parish Council objects as it considers the hotel is inappropriate development in the Green Belt and because of its potential adverse impact on the existing highway and drainage infrastructure. The revised plans do not change its view. There are continued breaches of planning control at the site.

The Fillongley Flood Group object as it considers that there would be a consequential adverse impact on flooding issues in the village.

Four letters of support have been received referring to its beneficial impact in creating local employment opportunities; sustaining local services and businesses, preventing travel to and from the site and the need for extra on-site bedroom space.

Development Plan

The previous report – copied at Appendix A – outlined the relevant Development Plan policies. These have not altered since then.

Other Material Planning Considerations

Similarly here the National Planning Policy Framework 2012 (the “NPPF”) remains as consideration of significant weight in the determination of this application.

Observations

a) Introduction

The Council had resolved that it was minded to refuse this application and three refusal reasons were drafted. The first of these considered that the proposals amounted to inappropriate development in the Green Belt and that there were not the planning considerations of such weight to warrant overriding the presumption of refusal. The second considered that there would be an adverse impact on the residential amenity of

the neighbouring dwelling and thirdly the Council considered that the proposals would not sufficiently integrate into the surroundings. As reported to the Board in December 2014, revised proposals have been received together with additional supporting documentation and that report describes them in some detail. Members are referred to Appendix A.

The Board will have to consider whether the amended plans, as further varied as set out above, and the new supporting documentation is now sufficient to overcome the three areas of concern expressed above.

b) Green Belt

The site is in the Green Belt. New buildings are considered to be inappropriate development here as defined by the NPPF and therefore there is a presumption of refusal. However as Members are aware there are exceptions to this approach and the NPPF describes these. It is thus necessary to consider whether any of these should apply to this case.

The proposals could fall into any or all of four of these exceptions. These are where the development comprises:

1. The provision of appropriate facilities for outdoor sport and recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
2. The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original buildings.
3. The replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces.
4. Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The Board's current position is that the plans as originally submitted were inappropriate development because in short, they were too large and thus had a material adverse impact on the openness of the Green Belt. They could not meet the conditions as set out in the four exceptions. It is therefore first necessary to see whether this position still remains following the receipt of amended plans, particularly as those plans now show a reduced scale of building work.

It is proposed to first explore the fourth of the exceptions set out above. This is because the overall "mix" of proposals – including extension, alteration and replacement – can be reasonably said to constitute the partial redevelopment of a previously developed site. This is because the existing buildings benefit from planning permissions granting them recreational use and the proposals themselves are all associated with these existing buildings. As such it would appear that the overall development could fall into this exception. However there are conditions included in the exception which first need to be resolved. The first of these is that the proposals should have no greater impact on the openness of the Green Belt than the existing. Members generally approach this condition by looking at the issue both quantitatively and qualitatively. In respect of the former then the proposals would result in an additional 36% in footprint and an additional 72% in volume over the existing. These are not small increases. They are material and might suggest that the first condition has not been met. However the base-

line here is that the existing buildings are not small – they are large. It is thus the impact of this increase on the openness of the area which is therefore the critical assessment. This is why the qualitative assessment is important. There are several matters here which are considered to mitigate the impact of the material increase in building operations. Firstly, the proposed works will be seen together and are within the existing complex and range of buildings. They do not result in new isolated buildings; in buildings without built linkages to the existing and nor do they introduce a disjointed or dispersed scatter of new buildings. Secondly, the works, whilst in scale and proportion with the existing, do not follow the same built form as the existing, particularly in terms of heights - being lower - and their massing – splitting the buildings up with different sizes, alignments and linkages, thus reducing adverse visual impacts. Thirdly, the design and appearance of the works is in keeping with the rural setting and attention is not drawn to them because they are not visually intrusive. Finally there is a substantial tree cover forming a back drop to the building works such that they do not appear to be on the horizon and more particularly their visibility is confined internally to the site itself. In all of these circumstances it is concluded that, notwithstanding a material increase in footprint and volume, there would only be a limited impact on the openness of the Green Belt. The second condition in the exception is that the proposed development should have no worse impact on the purposes of including land within the Green Belt than the existing. There are five purposes for the inclusion of land in the Green Belt – to check unrestricted urban sprawl; to prevent the merger of neighbouring towns, to assist in safeguarding the countryside from encroachment, to preserve the setting of historic towns and to assist in urban regeneration. It is considered that none of these is prejudiced as the site is not adjacent to built-up areas or towns; the development is not urban sprawl and the land is already previously developed land. In all of these circumstances therefore the conclusion in respect of this particular exception, is that the proposals are inappropriate development because of the overall material increase in footprint and volume, but that the harm to the openness of the Green Belt is limited because of the mitigating factors referred to above.

The second and third exceptions described above – proposed extensions and replacements - are largely the same, but there are different measures. Extensions should not be “disproportionate” over the original building, but replacements should not be “materially larger” than the ones replaced. As reported above, the overall extensions, even when demolitions are taken into account, do constitute a material increase over the existing original buildings. The issue is whether this is a “disproportionate” addition. It is considered that it is not. There are demolitions involved; the scale, massing and heights match or are lower than the existing, the extensions do not over dominate the existing buildings and neither do they visually replace them with a new range of structures. Again, even though quantitatively the increases are material, the design, setting and context of the resultant built form is in proportion to the original buildings. The replacement in this case – that is to say the demolition of the separate former agricultural building to the north with the smaller hotel block – is not materially larger and thus would be considered to be not inappropriate development. Overall therefore it is considered that in respect of these two exceptions, the proposals would not be inappropriate development.

Finally it is necessary to look at the first exception – the one relating to appropriate facilities for outdoor sport and recreation. The applicant does focus on this particular exception. This is understandable given the scope of the existing lawful use of the wider site – that is to say the “recreational” use of the buildings and the land. It is acknowledged that extensions to existing lawful facilities together with the refurbishment, enhancement and improvement of the same facilities could well be

considered to be “appropriate facilities for outdoor sport and recreation”. This would apply here as the extensions would in part be used by visitors and customers participating in outdoor recreational uses; represent a reasonable refurbishment of existing facilities, facilitate the lawful uses whilst remaining ancillary and enable business expansion. However it is not the full picture as the lawful use also enables indoor recreation activity – particularly Corporate Events, Conferences and Weddings. The exception only refers to “outdoor” sport and recreation. As a consequence, given the scale and scope of these “indoor” events and activities, the proposals could not all together be treated as falling into this exception. Any extended and refurbished premises here would thus not solely be serving “outdoor” recreation. Additionally and critically the introduction of the hotel accommodation has to be assessed. This is not small in scale - it is a material addition in terms of a new use. The applicant addresses the issue by saying that the hotel accommodation is only being provided as a consequence of the existing lawful uses and that it would not operate as an independent or self-sufficient hotel as it would not be available to members of the public who were not using or attending on-site facilities. There are several concerns here.

Firstly in planning terms, a hotel is not to be treated as a “recreation” use as it has its own use class in the Use Classes Order. Secondly, in land use terms there is no imperative for a hotel to be sited here. They are equally appropriate to urban locations. Hence they are not necessarily “appropriate” to an outdoor recreational use in general terms. Thirdly, the hotel accommodation would not only be available to visitors using the site for “outdoor” recreation. The applicant has made it clear that his wedding business would be a significant “driver” for the additional investment in providing overnight accommodation. As a consequence therefore in general terms it is considered that the hotel accommodation would not be an “appropriate facility for outdoor sport and recreation”. However it is clear that there are already significant amounts of hotel accommodation provided at several very large outdoor recreation facilities in the Borough – the Belfry; the Heart of England and at Lea Marston. These are all in the Green Belt too. Therefore it is necessary to look at the particular merits of this application. The applicant has provided supporting documentation to show the demand for on-site accommodation and the withdrawal of business because of the lack of such provision. The documentation also looks at the wedding side of the business and the call for overnight accommodation. This will carry weight to the extent that overall it is considered that it gives some weight to the applicant’s case. In drawing together the matters under this exception it is therefore considered that there is not all together a case for treating the overall proposals here as being wholly “appropriate for outdoor sport and recreation”, and thus that the terms of this first exception are not fully satisfied. The remainder of the exception outlines two conditions, but it is not proposed to run through these as they have already been covered under the three other exceptions above.

It is now time to draw together all of the above and to come to a conclusion on the Green Belt issue. The proposals would be inappropriate development unless they fall into any of the four exceptions defined by the NPPF. In this case it is reasonable to treat the application as one overall proposal rather than to attempt to look its individual components. As such the two most relevant exceptions are those related to “appropriate facilities for outdoor sport and recreation” and “the partial redevelopment of previously developed land” – the first and fourth described above. It is concluded that whilst the proposals are not appropriate development in the Green Belt as they do not fully satisfy the first and fourth of these exceptions, the overall harm to the openness of the Green Belt is limited given that they satisfy the second and third exceptions.

As Members are aware, given this conclusion it is now necessary to see whether there are material planning considerations of sufficient weight to amount to the very special circumstances necessary to override the harm done to the Green Belt in this particular case by virtue of the inappropriateness of the development. The onus is on the applicant to advance such considerations.

The applicant's case here is set out in Appendix A and in essence his case is about making the site more attractive thus maintaining the viability of the business, promoting economic and business growth whilst sustaining local employment and the local economy. These objectives he says are given significant support by the NPPF. The supporting evidence submitted by the applicant is summarised in Appendix A and it is considered that it should carry significant weight. The evidence is relevant and up to date, focussing on the nature and scope of the proposals. It is acknowledged too that the existing buildings need refurbishment and improvement as part of any on-going repairs and maintenance and that extensions are required as part of anticipated business growth and in the interests of maintaining business continuity. Moreover demolitions and replacements would be reasonably appropriate here given that the existing buildings still very much retain the functional and utilitarian appearance reflecting their previous use. All of these objectives would be supported by the Development Plan and the NPPF. The one issue is the introduction of the hotel accommodation. It is significant here that it was concluded above that together with all of the other building operations, there would only be a limited impact on the openness of the Green Belt. Given this, it is accepted that there is sufficient weight to the applicant's case – in terms of the promotion of economic development and business growth - not only to balance the limited level of this harm but to also outweigh that harm. Moreover, whilst the applicant's case is wholly an economic growth argument, it is significant that it is very site specific, focussed on this particular site and its impact locally, thus enabling the case to be treated on its own merits. In all of these circumstances it is considered that there is now a case for supporting the amended proposals in this Green Belt location.

However, the NPPF states that “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. To date this report has just considered this balance in respect of harm to the Green Belt – ie. the impact on its openness. It is now necessary to consider whether, in terms of the NPPF, there is “any other harm”. The following section will do so.

Other Harm

It is considered that the main areas to explore are those which led the Council not to support the original submission – these were the overall design and appearance of the proposals and secondly, the impact on neighbouring residential amenity. There are also other areas which will need to be looked at afterwards.

There were two concerns about the appearance and design of the original submission – the failure to reflect the local character and distinctiveness of the area into the proposals, and secondly the impact of the development on the setting of the listed building, the original Old Hall farmhouse to the west of the redevelopment area.

Looking at the first of these matters then the revised proposals are significantly improved. The replacement building has replicated the appearance of a traditional barn; the hotel accommodation has been split into two different blocks with staggered

frontages and different ridge lines and the function room extension has been lowered. All together these changes have improved the appearance of the proposals and in effect would beneficially alter the visitor's perception of the site.

The Council's heritage advisor also concludes that the changes outlined above and the overall reduction in footprint and volume have reduced the "mass" of the original building operations such that there is far less impact on the perception of space around the listed building such that there is no longer an issue.

As a consequence it is concluded that the revised proposals do overcome the Council's concerns and that there would not "harm" arising from this particular issue.

The second of the Council's concerns was the impact of the proposals – and in particular the location of the refuse collection area close to the curtilage of the neighbouring residential property – in private ownership and unconnected with the site. Amendments have been made as outlined earlier in this report such that the Environmental Officer no longer has an issue. As such it is concluded that this particular issue has been resolved and that it would not give rise to "harm".

It is now proposed to see if there are any other matters that could give rise to "harm" to the degree that that would result in a re-consideration of the conclusion reached at the end of the last section. There are several matters to consider here – highway, traffic and parking impacts; drainage issues and finally the whole matter of sustainability.

As can be seen from the consultation responses there are no issues from a drainage point of view and neither in respect of the adequacy of the existing vehicular access arrangements or the capacity of the local highway network. There are matters to look at arising from the parking provision and this will be dealt with later. It is first however necessary to look at the issue of sustainability.

The site is not within a settlement being in a countryside location and thus in an unsustainable location. The issue is whether this is of such weight to constitute "harm" to the degree that it would override the conclusions reached under the Green Belt issue. On balance it is considered not. This is for several reasons. The weight of the business and economic development argument submitted by the applicant is significant in that it focusses on the particular business at this site; its local service and contract connections, the employment opportunities and the overall business plan. It is agreed that sustained continuation of the business here is thus important to the local economy.

Additionally there is evidence submitted to show loss of business and potentially viability due to the lack of on-site overnight accommodation. It is also significant that visitors and patrons using the site have to travel to and from the site for overnight accommodation, thus not leading to an all-together sustainable travel situation. Retaining visitors and patrons on site would thus be beneficial not only in terms of sustainable travel but also to sustaining the on-site business. As recorded above there are already large hotels in the Green Belt in North Warwickshire in countryside locations which provide over-night accommodation for on-site activity and uses – usually golf courses. In those cases the same arguments were forwarded by the respective developers in terms of sustainability arguments. The particular situation on this site strongly suggests that similar arguments would apply here. As a consequence it is considered on balance that the location here is not of sufficient weight to override the other sustainability factors referred to in this case and thus the "harm" would not be substantial.

One of the matters raised by the objectors has been potential on-going breaches of planning control at the site with particular reference to the presence of a marquee at the site. Members will recall that there is an extant Enforcement Notice requiring the removal of a marquee from this site and that this has resulted in successful prosecution. Consequential visits to the site have confirmed that the current marquee is not in breach of this Notice. However with the current proposals to extend the existing facilities the issue has arisen as to the future of such temporary structures. In short the accommodation they provide should be in any permanent building. The applicant has agreed to this in this current application as the extension would cater for this space. He has however asked that the marquee be allowed to remain for three years such that he can have continuity of business until such time as the extension is completed and operational. This is reasonable request and aligns with the overall economic development and business growth arguments that have been found to carry weight above. This issue can be covered through the use of planning conditions, but the time period should relate to actual physical progress on the ground and not to a preferred time period.

This then leads to the issue of parking provision. The Highway Authority was concerned that the retention of the marquee in addition to the extensions would require far more on-site car parking than had been originally been submitted. The applicant has responded to this through adding additional spaces but also through showing an area where overflow parking can be provided. This makes sense and is proportionate to the proposals. Subject to any Highway Authority comments it is considered that this is a satisfactory arrangement.

Members are aware that there is still an outstanding application relating to the recreational use of the wider site. The Council has taken the position that it is minded to refuse those proposals and the applicant is fully aware of the reasons for that approach. The objectors too have referred to this matter saying that all of the proposals should be treated together. It is considered however that the current application can be considered on its own merits. The issue of whether it is appropriate or not appropriate development is not materially influenced by the outstanding proposals as there are already permissions in place for outdoor recreational activities and because the assessment of impact on the openness of the Green Belt can be dealt with on the merits of the proposed design and appearance without reference to the other application. Consequential impacts such as highway and drainage matters are also bespoke to that application. As a consequence it is considered that the Board can deal with this application at this time

Objectors have also referred to past decisions relating to this site and in particular to the appeal decisions. Reference is made to the reasons by the appeal Inspectors for the dismissal of these appeals – notably the weight given to the Green Belt and to the impact of the appeal proposals on its openness. Members will be aware that each application is determined on its own merits and that this current application is materially different in its content to those proposals dealt with at appeal. The starting point may be the same – the site being in the Green Belt – but the assessment of whether the proposal is appropriate or not appropriate and any consequential material planning considerations arising from that assessment are different. This is why the section on the Green Belt issue here has been explored in some depth. In short the appeal decisions do not mean that there is a “ban” on all development here.

Conclusions

The final paragraph above is a useful start for the summing up of this current case. The appeal decisions arose because the proposed developments were not appropriate development in the Green Belt, causing significant harm to its openness and to the rural character and setting of the site. Moreover the case put forward by the applicant promoting “very special circumstances” was not considered to be evidenced or to carry the significant amount of weight to override the very substantial harm to the Green Belt by virtue of its inappropriateness and the other harm caused. With the current case, the proposals are still not appropriate development but they cause only limited harm to the openness of the Green Belt and they do not cause other harm. The case forwarded by the applicant is now properly evidenced and carries weight. It is also supported by both the Development Plan and the NPPF. In short therefore the balance in this case is different to that of the appeal decisions. Looking at this in a different way, Members will know that the NPPF states that for sustainable development to occur, there should be a balance between the economic, social and environmental roles that “planning” plays. In the appeal cases that balance was not satisfied with the environmental role being severely compromised. That is not the case with the current application and because the economic role has been strengthened.

Recommendation

That the Council is minded to support the current application subject to conditions, the wording of which are delegated to the Authorised Officer in conjunction with the Chair, Vice Chair and local Ward Members.

BACKGROUND PAPERS

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

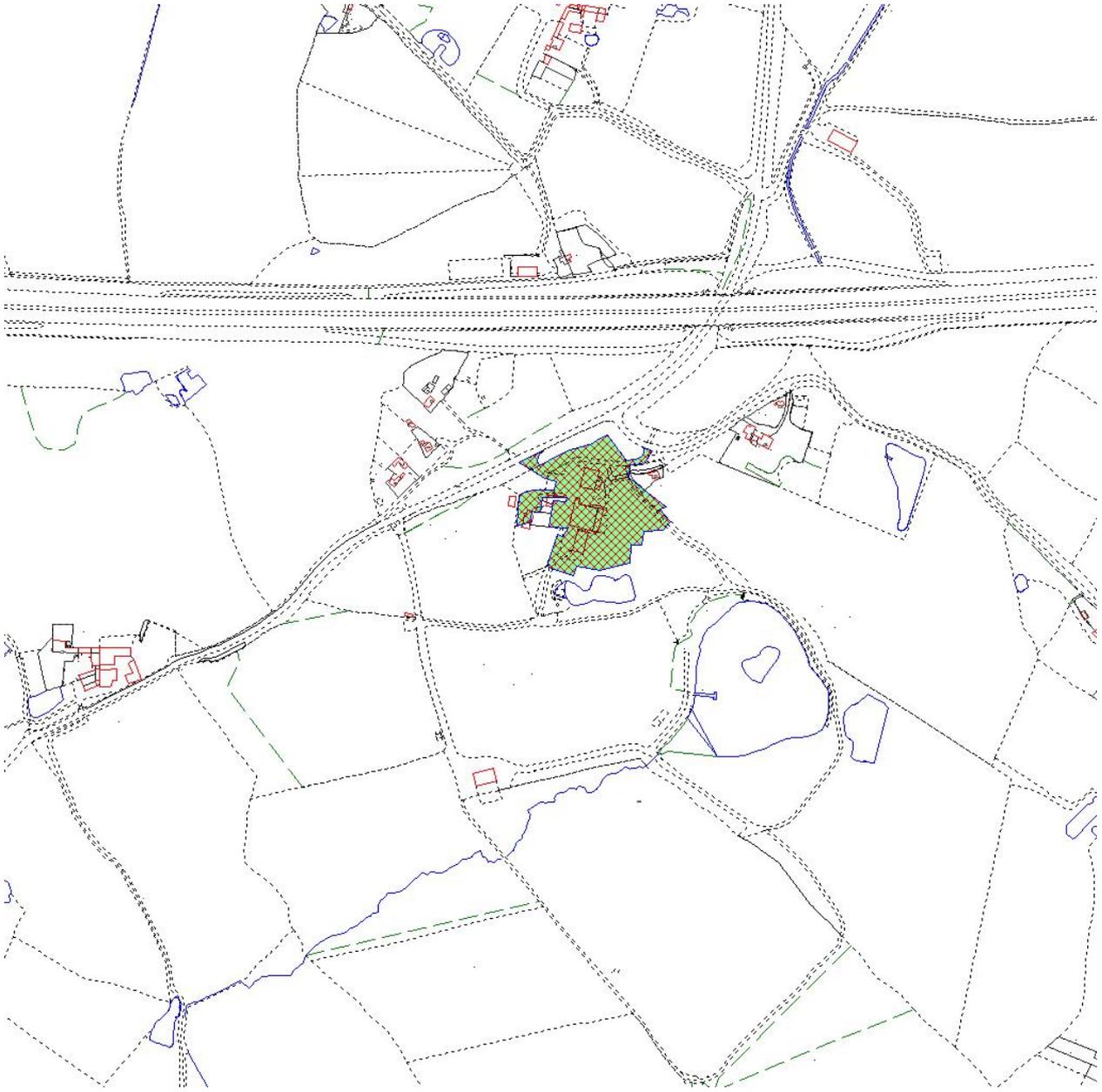
Planning Application No: PAP/2013/0391

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	7/10/13
2	Mrs Macdonald	Representation	16/10/13
3	Mrs Coyle	Objection	6/11/13
4	Mr Coyle	Objection	6/11/13
5	Warwickshire Police	Consultation	24/10/13
6	C Shipley	Objection	12/11/13
7	Mr & Mrs McHugh	Objection	13/11/13
8	Mrs Gibson and Mr Edwards	Objection	7/11/13
9	Mr Hooke	Objection	8/11/13
10	Mr and Mrs Smith	Objection	11/11/13
11	Environment Agency	Consultation	21/11/13
12	Warwickshire Museum	Consultation	21/11/13
13	Corley Parish Council	Objection	22/11/13
14	Mr and Mrs Burren	Objection	8/11/13
15	Fillongley Parish Council	Objection	20/11/13
16	A Goudie	Support	3/12/13
17	Heritage Consultant	Consultation	12/12/13
18	Environmental Health Officer	Consultation	29/11/13
19	Severn Trent Water Ltd	Consultation	25/11/13
20	L Luciani	Support	2/12/13
21	J Cockerill	Support	2/12/13
22	A Eden	Support	2/12/13
23	Case Officer	Letter	4/12/13
24	D Taylor	Support	16/12/13
25	RAB Consultants	Flood Risk Assessment	12/11/13
26	M Hunt	Support	8/1/14
27	Coventry City council	Representation	27/11/13
28	Applicant	Letter	2/2/14
29	Old Hall Farm Cottages	Support	25/1/14
30	Applicant	Letter	2/2/14
31	Applicant	Flood Risk Assessment	27/2/14
32	Applicant	Revisions and Amended plans	3/3/14
33	Warwickshire Police	Consultation	5/3/14
34	Warwickshire Highway Authority	Consultation	20/3/13
35	Environment Agency	Consultation	20/3/14
36	Mr and Mrs Burren	Objection	20/3/14

37	Mr Hooke	Objection	18/3/14
38	Mr and Mrs Smith	Objection	18/3/14
39	Mr and Mrs McHugh	Objection	18/3/14
40	Applicant	Supporting Documentation	3/3/14
41	Mrs Gibson and Mr Edwards	Objection	20/3/14
42	WCC Highways	Consultation	20/3/14
43	Corley Parish Council	Objection	21/3/14
44	Environment Agency	Consultation	20/3/14
45	Fillongley Flood Group	Objection	20/3/14
46	Fillongley Parish Council	Objection	21/2/14
47	Applicant	Further revised plans	22/12/14
48	WCC Rights of Way	Consultation	14/8/14
49	Fillongley Parish Council	Objection	16/1/15
50	Mr and Mrs Burrin	Objection	14/1/15
51	Mrs Gibson and Mr Edwards	Objection	14/1/15
52	J Gillian	Objection	15/1/15
53	Corley Parish Council	Objection	14/1/15
54	Mr and Mrs Coyle	Objection	13/1/15
55	C Shipley	Objection	11/1/15
56	Mr and Mrs McHugh	Objection	12/1/15
57	M McHugh	Objection	10/1/15
58	Severn Trent Water Ltd	Consultation	8/1/15
59	WCC Highways	Consultation	2/2/15
60	Environment Health Officer	Consultation	9/2/15

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

(1) Application No: PAP/2013/0391

Heart of England, Meriden Road, Fillongley, CV7 8DX

Outline - erection of hotel north of (and linked to) existing Conference Centre; demolition of existing storage building and its adjuncts; re-organisation of existing parking areas and creation of new north car park and landscaped courtyards; extensions to south and east sides of existing Conference Centre building, for

Mr Stephen Hammon - Heart of England Promotions

Introduction

Members will recall that three planning applications were reported to the Board in April this year. These were for proposed reed beds; a new hotel and for changes of use within the applicant's land holding. The Board resolved that it was minded to approve the reed bed proposals subject to the satisfactory outcome of a number of technical issues; but that it was minded to refuse both of the other applications. The reasons for these prospective refusals were also set out.

Since then planning permission has been granted for the new reed beds as the outstanding technical matters were agreed with both the Highway Authority and the County Council on drainage issues.

Additionally there have been a series of meetings with the applicant and his representatives in order that the Council's position could be thoroughly explained.

Revised proposals have now been submitted in respect of the proposed hotel and other building works around the existing conference centre. The applicant is now seeking formal determination of these revisions.

This report however is just for information purposes so that Members can acquaint themselves of the amended plans.

The Site

The Heart of England Conference and Events Centre comprises a range of former agricultural buildings which have been re-used in association with a conference centre/restaurant, recreation events business use, a lake and other land which benefit from planning permission for recreational purposes. This is located on the south side of the Meriden Road (the B4102) and Wall Hill Road just south of the M6 Motorway bridge over the B4102. This is 2.5 kilometres south of Fillongley and about a kilometre west of Corley Moor. The area is set in open countryside but there are private residential properties on both Wall Hill Road and the Meriden Road. There are three or four on Wall Hill Road the closest of which is 70 metres from the main complex of buildings and 170 metres from the lake. There are four or five other residences on the north-west side of the Meriden Road between it and the motorway. These are 100 metres from the main access and some 350 metres from the lake. There are further residential properties in Corley Moor some 700 and 800 metres to the east.

The site is accessed off Meriden Road by means of an approval dating from 2004. There is also a second access from that road. The former access to the farm is off Wall Hill Road and is now used primarily by staff.

The land slopes down from the south west to the north east with the land form of a small valley in which there is the lake. The Conference Centre overlooks the valley and the lake to the woodland beyond. Public footpaths cross this open land.

The plans for the hotel relate to the existing complex of buildings in the northern part of the land holding close to the main access and the former farm house a Grade 2 Listed Building which is used partly as a private house and also for guest house accommodation. All of the former farm buildings are now used for the centre, for storage purposes and for office accommodation.

Background

There is a substantial and material planning history to this site including appeal decisions and extant Enforcement Notices. However, much of this does not impact on the current proposals described below. Members will be advised where appropriate. The existing complex of buildings benefits from a planning permission for recreation purposes granted in 2002 with kitchen extensions approved in 2003 and 2004 including its use as a public restaurant dating from 2008. In 2014 permission was granted for some re-cladding of the existing buildings. Temporary buildings and structures in the form of marquees have been added from time to time both with and without the benefit of planning permission.

When the original proposals for a hotel here were reported to the Board, it resolved that it would be minded to refuse planning permission. The Board outlined two draft refusal reasons. These in summary related to:

- The proposals amounted to inappropriate development in the Green Belt for which there were no planning considerations amounting to the very special circumstances necessary to outweigh the presumption of refusal by virtue of that inappropriateness.
- The development would adversely affect the residential of the adjacent dwelling and which would not positively integrate into its surroundings.

In order to assist the applicant the Board highlighted a number of matters which it considered needed to be addressed if the draft refusal reasons were to be re-considered. These were:

- A substantial reduction in the scale of the new building work
- A travel plan was needed
- Archaeological work would be needed
- Changes to the design
- Inclusion of energy generation and energy conservation measures and
- The removal of permitted development rights for the erection of temporary

buildings, particularly marquees.

The Amended Proposals

There are several elements to the revised proposals, but in essence this is for a 30 bed room hotel.

This would be made up of two elements. The first is a two storey extension to the existing conference centre on its immediate northern side providing 16 bedrooms. There would be a single storey reception area between the main building and this new extension. The two storey extension would be 8 metres to its ridge thus sitting at the same height as the existing centre. To its east a further single storey would be added (6.8 metres to its ridge) and this would extend to the east by some 30 metres, providing 4 rooms. The extension would be brick and tile built taking on a very simple design.

The second is to demolish an existing detached storage building just to the north of the existing centre and in its place erect a detached two storey building which would provide the balance of 10 bedrooms (its ridge would be 10 metres). This too would be brick and tile but the design attempts to add a rural character incorporating a "barn" style of design.

The proposals also include a small glazed extension on the east side of the centre.

The applicant has asked to retain the existing marquee on the site to the immediate south of the centre for three years. This is because of pre-bookings for it to be used as a wedding venue and for continuity of business whilst the main construction works are undertaken on site.

Additionally the centre itself is proposed for extension – by 12 metres to the south but of the same width. As a single storey extension this would sit below the height of the main centre (8 metres) being 7 metres tall. The apex would be slightly off-set too. This extension would accommodate extra conference space as well as kitchen extensions.

Appendices A and B are plans of the proposed layout and the elevations.

The applicant has also provided detailed quantitative measures. He calculates that the overall nett increase in footprint would be 51% and the nett volume increase would be 62%. These figures take into account the demolitions proposed, but it should also be noted that they do not include the retention of the marquee for the three year period as requested. He points out that the revised proposals represent a 10% reduction in volume over the plans that were referred to the Board in April.

The changes from the original submission therefore are:

- An overall reduction in nett volume by 10%
- Reduction in heights of the centre extension and the east wing of the hotel accommodation
- A greater "splay" in the east wing away from the main centre
- A re-design of the buildings so to be more sympathetic to the rural location

Supporting Documentation

The applicant has provided his case in response to the Green Belt issues. He refers to the NPPF which says that new buildings need not necessarily be inappropriate development if they fall within one or other of a number of exceptions. He argues that the proposals could well fall into a number of these. They are:

- the one that says extensions or alterations to a building need not necessarily be inappropriate if the works do not result in “disproportionate” additions over and above the size of the original building.
- the one that says that new buildings need not necessarily be inappropriate if they provide “appropriate facilities for outdoor sport and recreation”, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, and
- the one that says that new buildings need not necessarily be inappropriate if they are to replace a building within the same use class and the new one is “not materially larger” than the one it replaces.

He argues that the overall impact of the development on the openness of the parkland setting of the whole site is improved because of the changes that have been made, particularly through the reductions in volume and height achieved by splitting up the bulk and massing of the new buildings. He considers too that the design is much more sympathetic to the rural setting. He also argues that the impact on the setting of the Listed farmhouse is improved as a consequence.

The applicant considers that the proposals are not inappropriate development in the Green Belt as the proposed buildings would in his view meet the terms of the “exception” definitions set out above. In particular he focuses on the one where the development provides appropriate ancillary facilities related to existing permitted uses. He argues that the hotel accommodation is a series of bedrooms dependent on the Conference Centre. He says that it could not operate as an independent and self-sufficient hotel and would not be available to members of the general public who were not using the other facilities on the site or attending events.

He continues by saying that if this argument is not accepted and the development proposals are deemed to be “inappropriate”, then there are planning considerations here of such weight to amount to the “very special circumstances” necessary to outweigh the presumption of refusal by virtue of the inappropriateness. Those circumstances are based on making the centre more attractive thus maintaining the viability of the business, promoting economic and business growth and sustaining local employment and the local economy.

He has submitted supporting documentation to evidence his case. He says that the new hotel would service existing corporate clients for weddings, conferences, team building events and thus give the business the opportunity to secure additional business as event organisers do not wish to accommodate delegates off-site for events. He cites lost revenue as a consequence of no on-site bedroom accommodation – in the period September 2013 to September 2014, 22 events were lost (equating to a loss of £38k in income) and seven conferences were lost (£105k in income). These figures are from two event booking agents but he says that the business currently works with twelve such agents. He has copied letters from companies expressing interest in the venue but declining to use it because of the lack of on-site bedroom accommodation.

In terms of weddings then he says that he has six large Asian weddings provisionally booked for 2015 on the basis of accommodation being available. The current accommodation in the former farmhouse he says is always filled for any wedding event. He hosted 39 weddings in 2013 with around 3300 guests and a large majority he says had to stay off-site.

He has provided a schedule of 37 suppliers to his business, who he says are "local". The schedule does include 12 North Warwickshire addresses – the remainder are based in Coventry; Solihull and Birmingham.

In terms of predicted revenue then he states that a 30 bed room hotel based on 40% occupancy would lead to an extra £328k in income; £492k with a 60% occupancy and £657k with a 80% occupancy. He also is saying that the average revenue generated by a wedding is £6k but the additional accommodation and extensions would raise that to £9k given increased restaurant use and the ability to promote "themed" weddings. Based on 40 weddings a year he suggests that even with an increased spend of £8k this would an additional £120k in income. He also says that the restaurant would benefit from an increase in the number of events perhaps leading to an additional £275k. Overall his business plan suggests a £1 million income in the next few years.

In terms of employment provision then he says that there are 30 existing jobs at the venue and that the approval of the hotel could add a further 30 based on an 80% take up in occupancy of the hotel.

Development Plan

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

Saved Policies of the North Warwickshire Local Plan 2006 – ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Building Design), ENV14 (Access Design), ENV16 (Listed Buildings), ECON 10 (Tourism), ECON11 (Hotels and Guest Houses), TPT1 (Transport Considerations); TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

Other Material Planning Considerations

The National Planning Policy Framework 2012

Observations

Re-consultation is underway on the amended plans that have been received and responses are still awaited from the key agencies. A determination report will be brought to the Board in due course and that will address the central issue as to whether these amendments are sufficient to overcome the matters which the Board raised when it set out its position in respect of the originally submitted plans

Recommendation

That the receipt of amended plans be noted at this time.

BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0391

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Amended plans	Nov 2014

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.

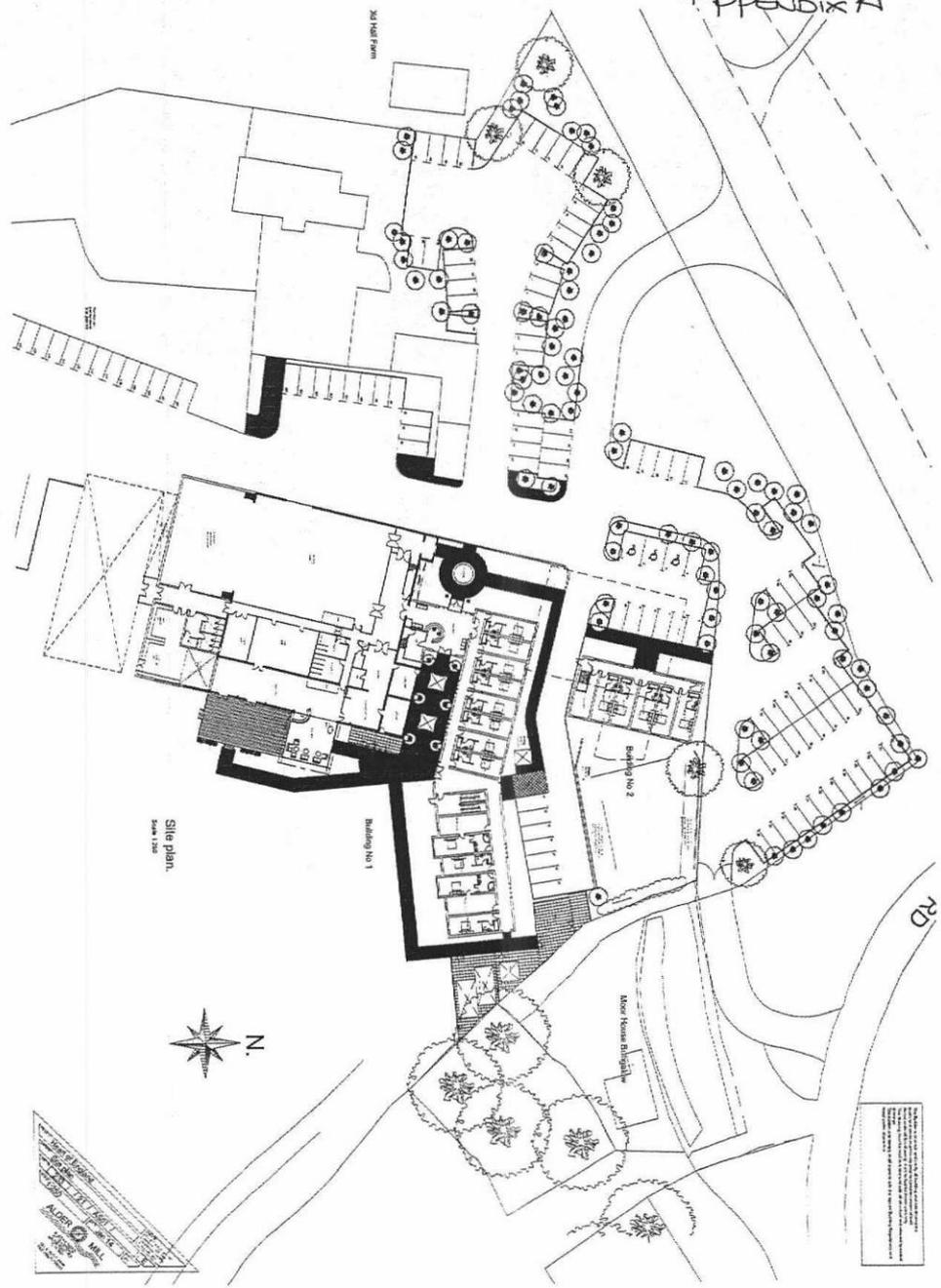
A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.



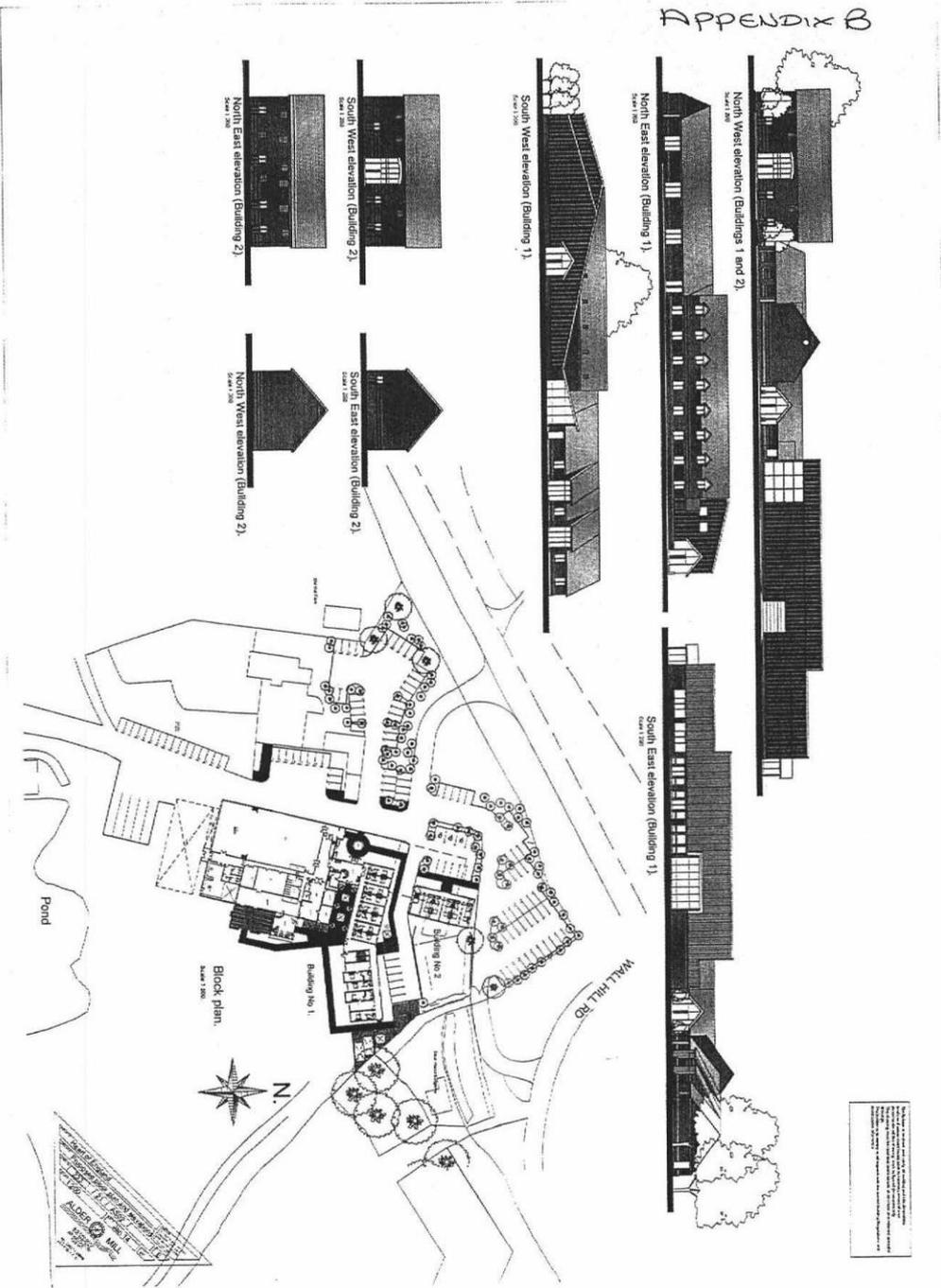
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APPENDIX A



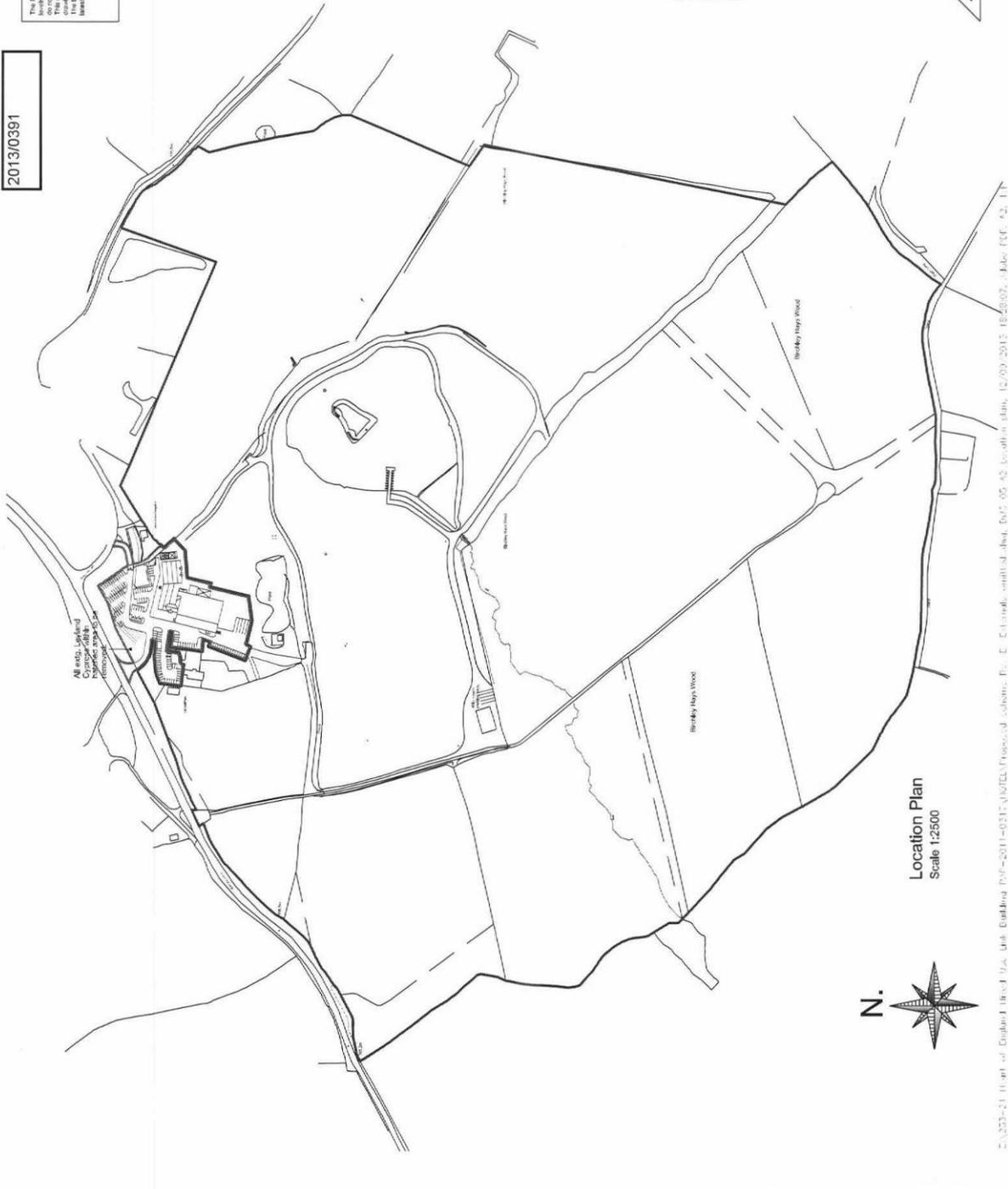
APPENDIX B



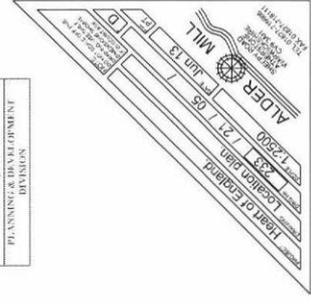
APPENDIX B

2013/0391

The Officer is to check and verify all building and site approvals, for the proposed development, are in accordance with the relevant legislation. The drawing must be read and checked with all structural and relevant specialists. The builder is to comply in all respects with the current Building Regulations and latest codes of practice.

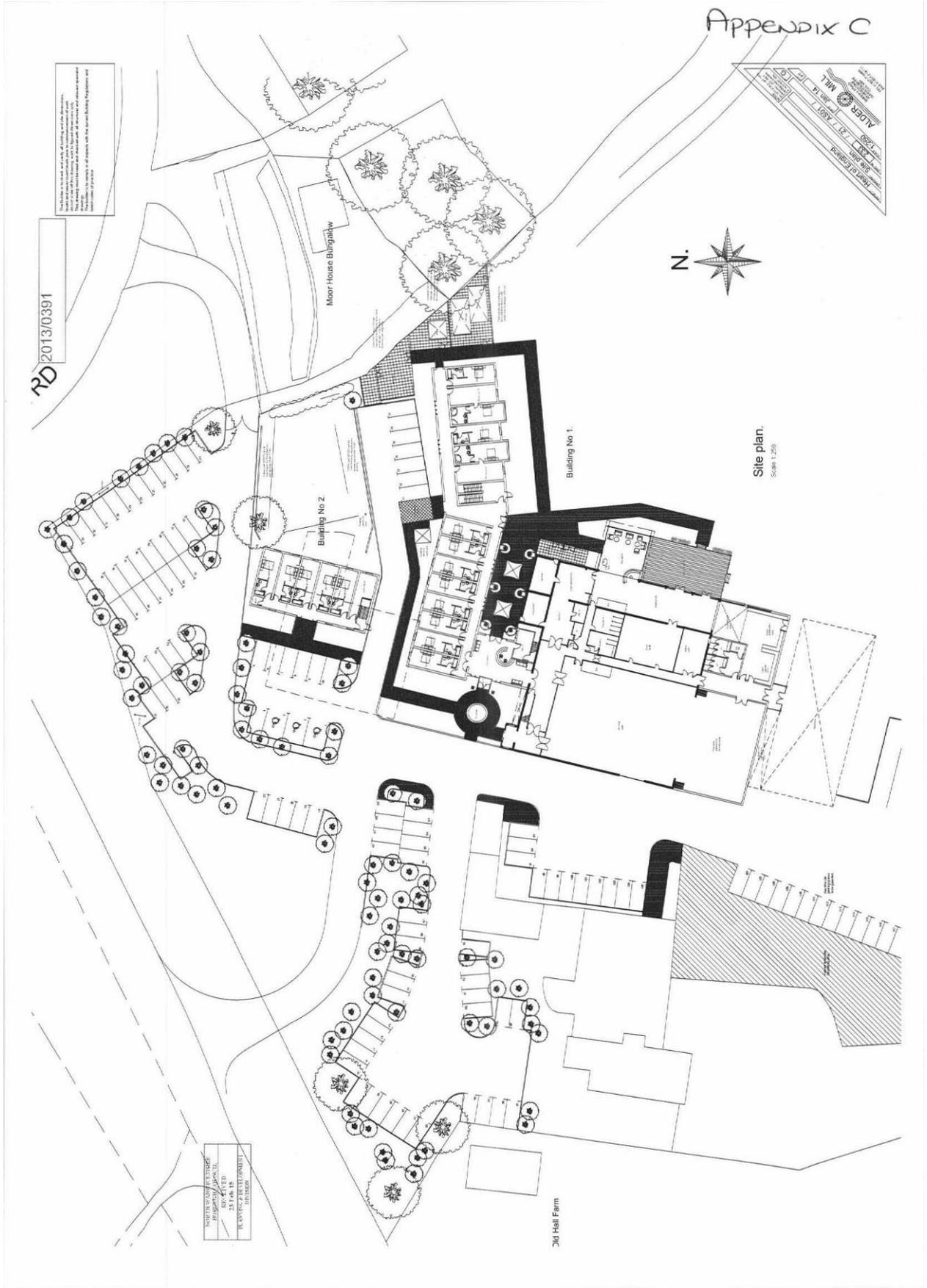


NORTH HAMPSHIRE
BOROUGH COUNCIL
RECEIVED
18 Sep 13
PLANNING & DEVELOPMENT
DIVISION



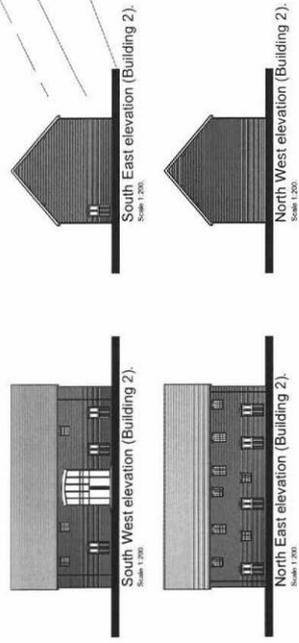
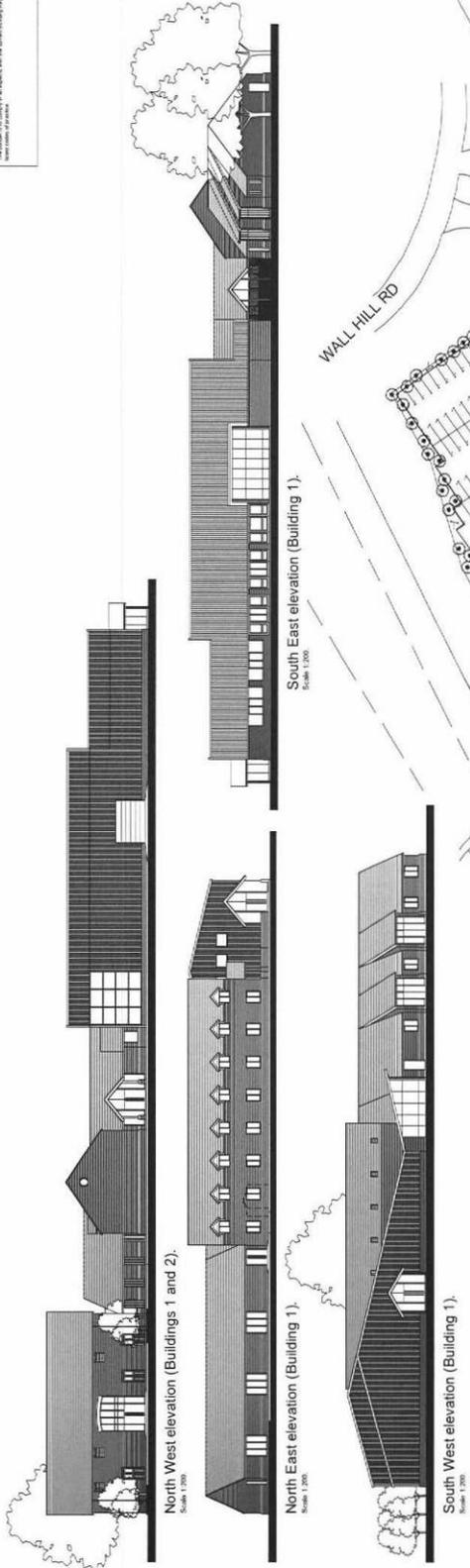
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Appendix C

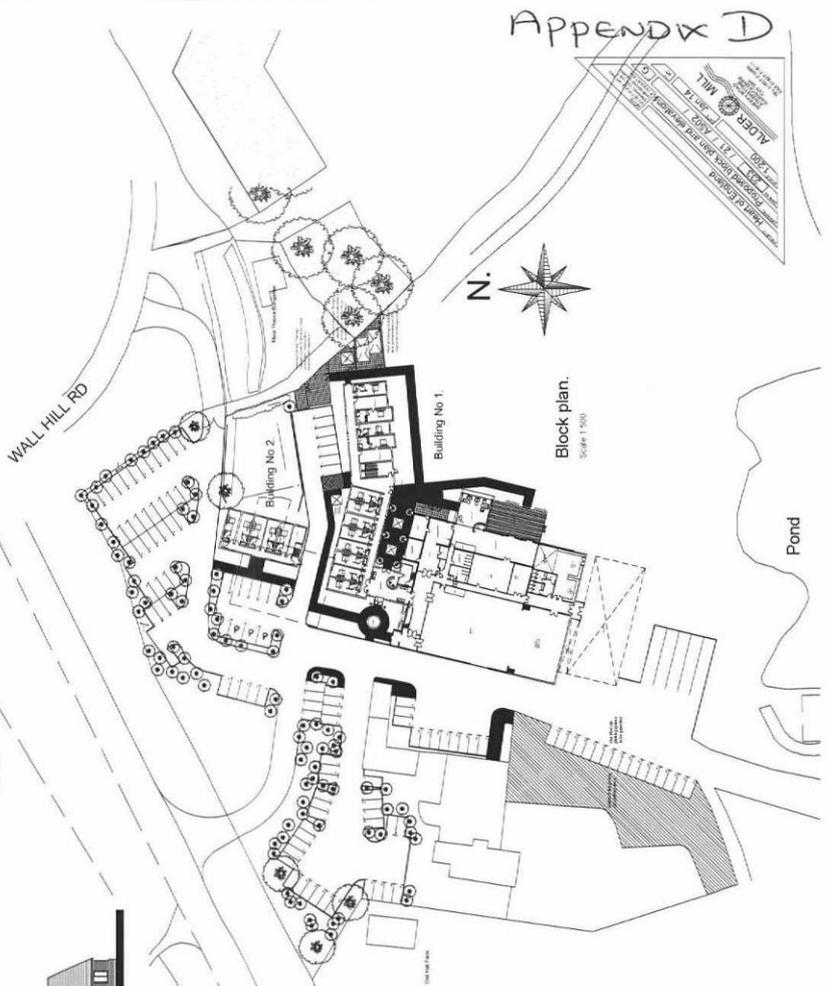


2013/0391

This Project is the work of the Architect and the Engineer. The Architect is responsible for the design and construction of the building. The Engineer is responsible for the design and construction of the mechanical, electrical, and plumbing systems. The Architect and the Engineer are not responsible for the design and construction of the foundation, the structural steel, or the site work. The Architect and the Engineer are not responsible for the design and construction of the landscape architecture or the interior design.



SEAL
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WEBSITE



APPENDIX D



Corley Parish Council

Clerk: Mrs. E. O'Toole
Mobile: 07789 263384
E-mail: corleyparishcouncil@yahoo.co.uk

102 Shorncliffe Road
Coundon
Coventry
CV6 1GP

Date: Wednesday 3rd June 2015

**RE: PAP/2013/0391 – HEART OF ENGLAND, MERIDEN ROAD, FILLONGLEY,
WARWICKSHIRE**

Corley Parish Council has reviewed this application and provides the following feedback. However, before going into any detail, it is worth giving some background information; which attempts to explain and substantiate our position.

Clearly, as a Parish Council, we have a duty of care to represent; to the best of our ability, the residents of our community. Additionally, we have wherever possible, given our total support to NWBC; on the myriad of planning applications and issues connected with Heart of England. WE would also point out, that NWBC has a responsibility to local residents and their elected Parish Councils, to protect the environment.

Whilst we fully understand that this application has to be viewed on its merits, it is in our view, absolutely essential to put this within the context of what has occurred over the last few years.

We believe that this is at least, the third or fourth time, the application has been submitted. This is also set against the following:

- A number of retrospective planning applications – starting / completing developments, before going through due process,
- Failure to comply with conditions applied to various planning approvals,
- Enforcement action on a variety of developments, for failure to comply,
- Constant complaints from residents, regarding unauthorised use, noise, access etc.

We have received representations from local residents; that their lives have been made an utter misery for the last five months – this due to very heavy machinery being used constantly on site and outside the hours that should be used (early in the morning and late into the night). Whilst we appreciate that for authorised development, it is unavoidable to use machinery, to do so with absolute no regard for anyone else; is an utter disgrace. It casts in serious doubt, two fundamental points:

- ❖ The assumption that if conditions are put in place, they will be abided by – if NWBC think this will be the case, at best, they are being utterly naive and at worst, we would suggest it amounts to a dereliction of duty,
- ❖ The 'claim' from the representative of Heart of England, that mistakes have been made in the past, but it is all different now – absolutely, not the case.

NWBC have, until recently, been consistent in refusing planning permission for this hotel; on the basis, it is totally inappropriate development in the Green Belt. It was, therefore, disappointing to say the least; when a recommendation to support this development was given, by the Head of Planning at the recent Planning Board meeting. This was despite significant local opposition from residents, both Corley and Fillongley Parish Councils and one of our local Borough Councillors; who pleaded for local input and real concerns to be considered.

We had Councillors at the Planning Board meeting and they were astonished, how a small reduction in the size of the proposed hotel; could 'tip the balance' in favour of approval. This is Green Belt land and the logic put forward, was, in our view flawed; inconsistent with previous recommendations and inexplicable. The fact that a number of 'recommendations' made by planning, have recently been overturned by the Planning Board; casts some doubt on the decision process and if local input and representations are being given enough weight.

ALL our previous objections stand – with particular focus on the Green Belt issue, road safety and the lack of main sewerage – a significant point; with regard to potential flooding in Fillongley. The Parish Council have also received representations, regarding traffic delays for local residents (especially in the evenings) and we understand there have been a number of minor accidents near the site. It is abundantly clear, the local road infrastructure is unsuitable for any increase in vehicular movements, in and out of the site and it will only be a matter of time, before a more serious RTA occurs.

We will now focus on the draft conditions; which have been issued for comment.

The main question on the conditions, which needs to be asked is; are they capable of being monitored by the Borough Council and if not been complied with, capable of being effectively enforced. On evidence to date, we have grave concerns on both counts – from our experience and representations, there has been many occurrences of non-compliance and rather 'patchy and ineffective' enforcement action – this does not bode well for the future.

Rather than go through each condition, we have grouped them in categories and make some overall comments as follows:

- ❖ **Standard Conditions (1 and 2)**

No comment.

- ❖ **Defining Conditions (3, 4, 5 and 6)**

Previous experience would suggest, that these conditions are just a wish list; are likely to be ignored and in our view, most unlikely to be enforced. Throughout the last few

years, NWBC has only reacted to complaints regarding various issues, rather than being proactive. Issues, such as excessive noise, have failed to be addressed adequately, not least, because the departments involved only work normal office hours and most incidents occur outside of these hours.

❖ **Pre Commencement Conditions (7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18)**

Whilst these conditions are not unreasonable, will they be fully enforced? We continue to hear rumours and hearsay (not in any way substantiated by the Parish Council), that some work on the hotel has already commenced. There has been significant activity on the site recently (subject to a separate complaint to NWBC from the Parish Council) and as a minimum, we would request an inspection be carried out; to ascertain if there is any truth in these rumours. If there is not, we would clearly acknowledge the fact, but if there is; that would be a clear demonstration of how the conditions are worthless.

❖ **Ongoing / Post Occupation Conditions**

19. Likely not to be enforced, based on previous non-compliance, relating to this marquee.

20. Likely to be unenforceable.

21. No comment.

22. No comment.

23. No comment.

24. Unenforceable.

25. No comment.

26. Unenforceable.

27. Unenforceable.

28. Unenforceable.

29. Unenforceable.

30. Unenforceable.

31. Little regard to local residents, has been given to date; so are things likely to change in the future??!!

32. No comment.

33. No comment.

34. Unenforceable.

35. There are still concerns regarding the knock on effect, of possible flooding in Fillongley.

36. Unenforceable and on previous experience, will be totally ignored.

37. No comment.

38. No comment.

39. Unenforceable.

40. No comment.

❖ **During Construction Conditions (41, 42, 43 and 44)**

Given recent experience, these conditions will not be enforced and will be totally disregarded.

❖ **Pre-Occupation Conditions (45, 46 and 47)**

No comment.

❖ **Notes**

In the later 'Notes', we notice, it makes reference to a Bat Survey for the building to be demolished – is this not mandatory?

It states that the Local Planning Authority has worked with the applicant in a 'positive and proactive manner', to resolve planning objections and issues. It would seem most unfortunate, that this work did not include any input from local Parish Councils and residents and has done absolutely NOTHING to remove the objections and issues, related to this TOTALLY inappropriate development.

❖ **Summary**

Putting conditions on something; that is fundamentally wrong, does not make it either right or acceptable. The fact that the conditions are unlikely to be either abided by or enforced (or indeed practical to enforce, on a day to day basis), just makes the situation worse.

The Green Belt in our community is precious and once it is gone, it is gone forever. The continued development of this site; for purely commercial gain, with a total disregard for residents, is in our view, totally unacceptable.

Some recent decisions by the NWBC Planning Department, have at best, surprised us and at worst, appalled us – indeed, as stated above; a number of recommendations from the Planning Department have been overruled by the Planning Board.

The Parish Council request the Planning Board, take a pragmatic approach and reject this totally unacceptable development and conditions; which look plausible in writing, but will in reality, mean nothing. NWBC need to stand up to its responsibilities to protect the Green Belt and the local residents, who have already had their lives blighted by existing development of this site.

Corley Parish Council

Clerk: Mrs. E. O'Toole
Mobile: 07789 263384
E-mail: corleyparishcouncil@yahoo.co.uk

102 Shorncliffe Road
Coundon
Coventry
CV6 1GP

Date: Wednesday 3rd June 2015

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years, NWBC has only reacted to complaints regarding various issues, rather than being proactive. Issues, such as excessive noise, have failed to be addressed adequately, not least, because the departments involved only work normal office hours and most incidents occur outside of these hours.

❖ **Pre Commencement Conditions (7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18)**

Whilst these conditions are not unreasonable, will they be fully enforced? We continue to hear rumours and hearsay (not in any way substantiated by the Parish Council), that some work on the hotel has already commenced. There has been significant activity on the site recently (subject to a separate complaint to NWBC from the Parish Council) and as a minimum, we would request an inspection be carried out; to ascertain if there is any truth in these rumours. If there is not, we would clearly acknowledge the fact, but if there is; that would be a clear demonstration of how the conditions are worthless.

❖ **Ongoing / Post Occupation Conditions**

19. Likely not to be enforced, based on previous non-compliance, relating to this marquee.
20. Likely to be unenforceable.
21. No comment.
22. No comment.
23. No comment.
24. Unenforceable.
25. No comment.
26. Unenforceable.
27. Unenforceable.
28. Unenforceable.
29. Unenforceable.
30. Unenforceable.
31. Little regard to local residents, has been given to date; so are things likely to change in the future??!!
32. No comment.
33. No comment.
34. Unenforceable.
35. There are still concerns regarding the knock on effect, of possible flooding in Fillongley.
36. Unenforceable and on previous experience, will be totally ignored.

37. No comment.

38. No comment.

39. Unenforceable.

40. No comment.

❖ **During Construction Conditions (41, 42, 43 and 44)**

Given recent experience, these conditions will not be enforced and will be totally disregarded.

❖ **Pre-Occupation Conditions (45, 46 and 47)**

No comment.

❖ **Notes**

In the later 'Notes', we notice, it makes reference to a Bat Survey for the building to be demolished – is this not mandatory?

It states that the Local Planning Authority has worked with the applicant in a 'positive and proactive manner', to resolve planning objections and issues. It would seem most unfortunate, that this work did not include any input from local Parish Councils and residents and has done absolutely NOTHING to remove the objections and issues, related to this TOTALLY inappropriate development.

❖ **Summary**

Putting conditions on something; that is fundamentally wrong, does not make it either right or acceptable. The fact that the conditions are unlikely to be either abided by or enforced (or indeed practical to enforce, on a day to day basis), just makes the situation worse.

The Green Belt in our community is precious and once it is gone, it is gone forever. The continued development of this site; for purely commercial gain, with a total disregard for residents, is in our view, totally unacceptable.

Some recent decisions by the NWBC Planning Department, have at best, surprised us and at worst, appalled us – indeed, as stated above; a number of recommendations from the Planning Department have been overruled by the Planning Board.

The Parish Council request the Planning Board, take a pragmatic approach and reject this totally unacceptable development and conditions; which look plausible in writing, but will in reality, mean nothing. NWBC need to stand up to its responsibilities to protect the Green Belt and the local residents, who have already had their lives blighted by existing development of this site.

Corley Parish Council

FILLONGLEY PARISH COUNCIL



Clerk to the Council: Mrs Heather Badham, The Crooked Stile, St Mary's Road,
Fillongley, Warwickshire, CV7 8EY

Telephone 01676 549193 fillongleypc@indigoriver.co.uk

Mrs Erica Levy
Senior Planning Officer
NWBC
South Street
Atherstone
Warwickshire
CV9 1DE

By email

11th June 2015

Dear Erica

REF: *Planning Application PAP/2013/0391 Outline – erection of hotel north of (and linked to) existing Conference Centre; demolition of existing storage building and its adjuncts; re-organisation of existing parking areas and creation of new north car park and landscaped courtyards; extensions to south and east sides of existing Conference Centre Building.*

AND

*PAP/2015/0050 Heart Of England, Meriden Road, Fillongley, Coventry, CV7 8DX
Installation of external lighting scheme: 18 x luminaires for route from conference centre buildings to lake jetty. 8 x LED bollard lights on lake jetty/landing stage; and 9 x round spotlights around margins of lake island.*

Fillongley Parish Council have previously OBJECTED to these applications.

Councillors have looked at the proposed Conditions for PAP/2013/0391 which were received by email on 5th June.

The Parish Council understood from the Minutes of the Planning Board Meeting of 9th March 2015, (when this application was determined) thus *“That the Council is minded to support the current application subject to conditions, the wording of which are delegated to the Authorised Officer in conjunction with the Chair, Vice Chair and local Ward Members.”* **The Council understand that local residents, as well as themselves, have had very little time to discuss the proposed Conditions, and do**

not believe that it should be put forward to the Board, without the consultation that was implied by the March Board.

Condition 2; No plan references are inserted. These are critical to controlling development and cannot be commented on without clarification.

Condition 3; The definition of “the Conference Centre and entertainments venue” (referred to in 3. Line 6) and “the entertainments venue” (referred to in 3. Line 11) seem to be separated, though it is unclear on the plan where these areas are. Could FPC please ask if these are BOTH planned to be permitted in the hatched area marked on Plan 1? Or are other areas to be included? This needs to be specified for the avoidance of doubt and to ensure clarity.

It is unclear what prevents “over intensification” in the current proposed wording, as any gathering could be classed as “users of authorised recreational facilities on the adjacent land holding”.

Condition 4; This condition will not achieve the aim of its Reason, as any user of the site is already included as “users of authorised recreational facilities on the adjacent land holding”.

Condition 5; It is unclear how the “Conference Centre” is catered for, with no kitchen shown, only a preparation area. Is the kitchen shown on Plan 3 not proposed to serve both facilities? Assuming this is the case, this condition is unworkable.

Condition 12; This does not establish if the development is considered “major development” in line with NW11, and therefore if the 10% rule would apply. If the 10% rule does apply then the application cannot be considered “detailed” as the provision of suitable renewable energy sources is not included. No reference to energy is made in the Design and Access Statement.

Condition 15; FPC request that the Reason for this Condition would be altered to; “To prevent pollution of the water environment and to *ensure that the development in no way increases* the risk of flooding on or off the site and to ensure that an integrated design solution addresses the water environment.”

Condition 19; FPC request that with reference to line 5, the “former condition” is stated, for the avoidance of doubt. When this is inserted, Councillors will have a full picture on which to comment on.

Condition 36; with reference to the “set at a level agreed....” FPC suggest that this level should be set. Based on acoustics calculations and achieving WHO standards for at the adjacent property. The Council would also suggest that the acoustic testing of the building fabric is conditioned.

Condition 37; It is unclear as to whether this Condition is aimed at controlling acoustics or air quality. FPC suggest that there should be 2 strands with regard to this; firstly that there should be no installation of any fume extraction, kitchen extraction or flues without details first having been submitted to and approved by the local planning authority in writing (EHO to state design requirements). Secondly that

there should be no installation of any noise generating plant or equipment without details first having been submitted to and approved by the local planning authority in writing (EHO to state design requirements) and they shall incorporate attenuation measures so they are not audible from any adjacent properties off site or Rights of Way.

Proposed Additional Note

Given the scale of the project it would not be unreasonable to ask the contractor to score 35 or above (certified) using the "considerate constructors scheme" within 2 months starting on site and maintain certification throughout the construction works.

Reason – in order to minimise disruption as a consequence of the works.

Furthermore it would appear that the applicant has already commenced building, certainly on the extension to the Conference Centre. This would appear to be in contravention of the request from Warwickshire Museum –“ No objection subject to a standard condition being added to any planning permission granted requiring pre-commencement investigations.“ Could the Parish Council ask NWBC to confirm that the Applicant has completed these investigations, or are we to assume that once again the Applicant has ignored the opinion of others? This perhaps gives credence to the necessity for STRICT, ENFORCEABLE, Conditions.

The Council maintain their original OBJECTIONS to the application, and do not believe that, though well intended, the Conditions will enable the neighbouring properties to maintain a reasonable level of amenity.

FPC would ask that more time be given to consider the application in conjunction with the Officers response to the comments above so that due process is shown to be followed and the best outcome achieved for all.

PAP/2015/0050 The Council are pleased to see that the carefully considered OBJECTIONS to this application are concurred with by the Officer and would request that the Board follow the Officers recommendation and REJECT this application.

Yours sincerely

Heather Badham

Mrs Heather Badham
Clerk to Fillongley Parish Council

The Moor House
Meriden Road
Fillongley
Coventry
CV7 8DX
10/6/15

Dear Mr Brown

We are replying with our concerns regarding conditions for the proposed hotel at Heart of England Conference Centre.

PAP/2013/0391

Condition 34

We strongly object, to the entrance from Wall Hill Road being used for lorries and vans delivering goods to the centre, which would include deliveries in the future to and from the hotel, plus the conference centre and restaurant, also when additional equipment is delivered for different events, making this driveway in front of the bungalow very busy with traffic, which is unacceptable. This use would cause disturbance and loss of privacy to the residents. I have seen many lorries and vans delivering goods through the main entrance to the centre from Meriden road, and cannot see any reason why deliveries cannot continue through this entrance, to prevent more disruption to the residents of the bungalow.

Condition 36

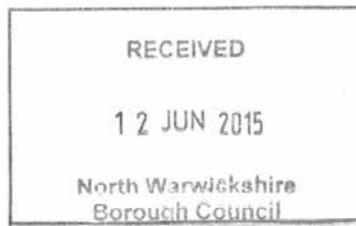
Our concern with the noise limiting device, is that it will not be maintained. The close neighbours are already disturbed by noise and music from the centre which was also promised to be controlled at a certain level which was never upheld. Question being asked is. How will noise levels be monitored in the future! I cannot find anywhere in the conditions to protect the neighbouring properties from further breaches from the applicant. Nothing in the conditions to say that the applicant must comply, or to give us confidence that the neighbours are of some consideration.

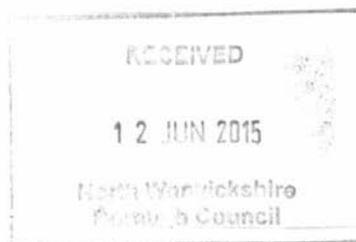
PAP/2015/0050

Installation of external lighting in green belt in the middle of the countryside is totally inappropriate. Lighting disturbs all wild life. Permission should not be granted.

Mr & Mrs McHugh

Mr & Mrs McHugh
E. McHugh





The Moor House Bungalow
Wall Hill Road
Chapel Green
Fillongley
Coventry
CV7 8DX
11/6/15

Dear Mr Brown

I am writing in response to conditions for the hotel at Heart of England Conference Centre.

Ref No **PAP/2013/0391**

Condition 34

I want to stress that my main concerns regarding the conditions, are the use of the driveway in front of my home and noise that we already experience from the conference centre

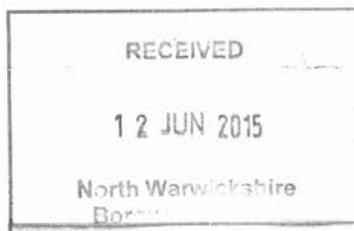
Myself and my family live in the bungalow adjacent to the Wall Hill Road entrance to the conference centre, the driveway leading to the entrance runs in front of my bungalow to the gates. This gateway has initially been used for the staff of the centre, but I also see high sided commercial vehicles entering through this gateway, often using the driveway leading to the bungalow, as it would be a straighter run for them. These vehicles are obviously not staff. If permission for the use of this entrance for delivery vehicles plus staff and emergencies was granted, I would be devastated, as it would mean lorries vans and cars passing in front of my bungalow constantly, this would be disturbing noisy, loss of privacy and intolerable.

Has it also been taken into account, that if and when the hotel is built in the near future, the delivery vehicles for the hotel would be included in the use of the entrance, creating a considerable increase in traffic adding to further noise and disturbance. It would be unbearable. Please consider alternatives.

Condition 36

We are already disturbed by noise and music from the conference centre when an event is being held, which should be controlled at a certain level, and is obviously is not working. Will a new noise levelling device be more efficient? Are the conditions really for the consideration of the neighbouring properties?

Sincerely
Miss Claire Shipley





North Warwickshire
Borough Council

Mrs H Badham
The Crooked Stile
St Mary's Road
Fillongley
Warwickshire
CV7 8EY

APPENDIX C

Jeff Brown BA Dip TP MRTPI
Head of Development Control Service

The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

Switchboard : (01827) 715341
Fax : (01827) 719225
E Mail : jeffbrown@northwarks.gov.uk
Website : www.northwarks.gov.uk
This matter is being dealt with by
: Mr J Brown
Direct Dial : (01827) 719310
Your ref :
Our ref : PAP/3013/0391
Date : 17th June 2015

Dear Heather

**Proposed Planning Conditions
Heart of England – Proposed Hotel**

I refer to your letter of 11 June containing your Council's observations on the conditions as drafted in the report to the Planning Board on 15th June. This matter was referred to the Board's meeting on 15th June. The Board also received a letter from the Corley Parish Council containing similar comments to those in your letter. The Board resolved to defer consideration of the draft conditions largely on the basis that there was a request from the local community – through both of the Parish Councils - to have more time to review those conditions. As a consequence the matter will now be referred back to the Board at its next meeting on 13th July.

Additionally at the meeting the applicant's representatives offered the formation of a local liaison group made up of local community representatives and of the applicant such that particular issues and potential breaches of planning conditions could be discussed and brought to the attention of the applicant at an early stage. I will return to this later.

I therefore turn to the conditions as drafted. As indicated above we now have comments from both Parish Councils and this letter will be sent to both. As a consequence the comments below will hopefully pick up on all of the combined comments from both Councils. I'll run through them in numerical order. However I must begin with two general comments. Firstly, in short any applicant's or developer's "track record" is not and has never been a material planning consideration in the preparation of planning conditions. Similarly any suspicion or speculation that conditions will not be adhered to, is not and never has been a material planning consideration. Conditions are governed by Government advice in Circular 11/1995 and this is the guide by which they are drafted. Secondly, you will have seen from the report that the applicant is agreeing to the revocation of earlier planning permissions such that they can then be replaced by this new consent. This enables the opportunity to re-visit all of those past conditions and to bring them up to date and/or to tighten the wording. This opportunity needs to be taken and this is why there are so many conditions drafted and why their wording has been drafted so explicitly.

Steve Maxey BA (Hons) Dip LG Assistant Chief Executive and Solicitor to the Council

So turning to the conditions as set out in the two letters:

2 – The plans are the latest plans as submitted and as referred to the Board in March 2015. They can be viewed using application reference PAP/2013/0391. They were also attached to the March Board report.

3, 4, 5 and 6 – These conditions are not a "wish list". They are examples of the very tight defining conditions that I referred to above. Without them there would be little control. Both "conference centre" and "entertainments venue" relate to the area defined under condition 3. They are not separate. We can remove "over intensification" from the reasons as the core concern here is to define the use. In condition 5 the kitchen would be ancillary to the use. The important point here is to define/restrict the conference centre use itself.

Condition 12 - The development is major development hence the 10% request. It is normal practice to reserve some matters for later agreement as here. There is no conflict

Condition 15 – The suggested wording is inadvisable

Conditions 7 to 18 generally - They will be enforced if the evidence is available

Condition 19 - We can add "for the avoidance of doubt" in respect of the reference to "former condition".

Condition 36 – Details can be submitted and then consultation can take place. However we will consult our Environmental Health Officer in respect of the suggestion made.

Condition 37 – We can split this condition into two, one for each component.

Additional Condition for compliance with the Considerate Constructor's scheme - agreed

Note 6 – The reference to the bat position is a reminder

Note 10 – This is a mandatory requirement of the Government. We have to explain on any Notice how we have engaged positively with the proposal - see paragraph 187 of the NPPF.

Hopefully this gives you our initial reaction to your comments on the draft conditions. Your Council now has the opportunity to review them in time for the next meeting. As this is on 13 July, the closing date for any further comments will be 1 July. Residents will be notified of this date too.

There is reference in this letter to the offer from the applicant to set up a Local Liaison Group to discuss the operation of the site. I welcome this and in referring to it in the 13 July report, will be recommending that the offer be taken up. You may wish to comment on this.

If there are any queries on the letter then please contact me.

Yours faithfully


Jeff Brown
Head of Development Control

Steve Maxey BA (Hons) Dip LG Assistant Chief Executive and Solicitor to the Council

Corley Parish Council

Clerk: Mrs. E. O'Toole
Mobile: 07789 263384
E-mail: corleyparishcouncil@yahoo.co.uk

102 Shorncliffe Road
Coundon
Coventry
CV6 1GP

Date: Tuesday 30th June 2015

Jeff Brown
Head of Development Control Service
North Warwickshire Borough Council

Dear Jeff

RE: HEART OF ENGLAND, MERIDEN ROAD, FILLONGLEY, COVENTRY
PAP/2013/0391 – PROPOSED HOTEL: PROPOSED PLANNING CONDITIONS
PAP/2015/0050 – INSTALLATION OF EXTERNAL LIGHTING SCHEME

Reference your letter dated 17th June 2015 (via email and post), we have to say we are most disappointed by its content; on a number of levels. Below, we will articulate the basis of our continued frustration; on how this most serious issue is being handled.

- Your letter, as referenced above, is dated 17th June 2015, but you state that Ms Erica Levy will send out formal notification, on the evening of the 22nd June 2015; to residents living near the Heart of England site. You then state, that comments have to be back by the 1st July 2015 – this for some residents, is just totally unacceptable. Perhaps you will understand, that especially at this time of year, individuals may be away – your other suggestion is that we might 'like to forward your email on'. We would much prefer NWBC, to follow due process and allow sufficient time to comment, rather than, on the face of it; try to rush this through.
- An identical letter has been prepared and sent out to Corley Parish Council and Fillongley Parish Council; despite each Parish Council responding to NWBC separately and differently. Whilst the two Parish Councils do communicate; it is just not acceptable to take this 'short cut' to responding to our individual concerns and observations. We want to be taken seriously and have confidence our communications are being fully considered – what has happened to date; does not give us any confidence in the process.
- You recommend we should participate in a liaison group with the applicant – our initial reaction is that, if we agreed; this would create a precedent for other future controversial applications (from other individuals or companies) to request similar treatment. This is by no means, the only reason we decline such a suggestion.
 - We hold monthly Parish Council meetings and have an Agenda Item for Public Participation and the applicant and / or his agent is welcome to attend.

- As Parish Councillors, we give freely of our time; but all of us have other commitments and do not have the capacity for additional meetings.
 - We have to question how productive such meetings would be; based on previous experience – the applicant has attended our meetings in the past and when asked by Parish Councillors and residents; what his future plans were, his response was 'whatever I have to do' – not particularly helpful.
 - It is unlikely that any residents would be prepared to be involved – we have had reports of allegedly aggressive and threatening behaviour, by the Applicant. Clearly, we say alleged and we are not in a position to validate, but we are fairly sure; that no residents would be prepared to be involved and would be very sceptical of their worth.
- You state that the previous 'track record' of the applicant or whether he will adhere to conditions; is not part of the planning process – however, from our perspective, NWBC's 'track record' on responding to complaints and taking decisive enforcement action; is extremely pertinent. On this basis; we do have issues as to the will, capacity and commitment, to impose conditions on this particular application. Our Parish Council (and we also understand Fillongley Parish Council) have seen evidence over the last few years, where enforcement notices have at best been complied with; but not in the prescribed time scales and at worst, totally ignored. How on earth, can we have any confidence that ALL the exhaustive list of conditions; will be policed and enforced? This is especially the case, where issues occur (not just this site, but generally) at a weekend; when there are no enforcement employees (if we understand correctly) available to take appropriate action.
- NWBC's Planning Department are 'on balance', in favour of giving approval to the development of a hotel (with conditions); despite previously ruling that this was inappropriate development in the Green Belt. We continue to find this 'about turn', completely mystifying and totally unacceptable and this is the point of principle here. Providing an exhaustive list of conditions, which will either not be abided by or enforced; is totally irrelevant, when the construction of the hotel should be refused, as before. Simply to argue, that because the proposed building is slightly smaller, it magically becomes acceptable; in our view is wrong.
- We do not propose to comment further on the list of conditions, as our previous comments stand and any amendments or clarifications are pointless, in the context of the 'bigger picture'. The Planning Board is requested to step up to its responsibilities to protect the Green Belt, from what is TOTALLY inappropriate development and is likely to have a devastating impact on the surrounding area.
- We are heartened by the recent decision by NWBC, to refuse the application for lighting on the site and clearly, both Parish Council objections have been taken into account. What we require, is similar treatment on the hotel application; as both Councils deem it inappropriate development in the Green Belt.

Summary

- ❖ We are open to discussion with the applicant, in our normal Parish Council meetings.
- ❖ We still have concerns at the haste and lack of 'due process'; being used on this application by NWBC.

- ❖ We will not comment further on the conditions and in our mind, they are irrelevant and in many cases unenforceable.
- ❖ NWBC need to reject the application for the hotel; as it did originally – putting conditions on something; that in our view, is fundamentally wrong, does not make it right or acceptable – once the Green Belt is lost, it is lost forever.

Corley Parish Council

FILLONGLEY PARISH COUNCIL



Clerk to the Council: Mrs Heather Badham, The Crooked Stile, St Mary's Road,
Fillongley, Warwickshire, CV7 8EY

Telephone 01676 549193 fillongleypc@indigoriver.co.uk

Mr J Brown
Head of Planning
NWBC
South Street
Atherstone
Warwickshire
CV9 1DE

By email

30th June 2015

Dear Jeff

REF: Planning Application PAP/2013/0391 Outline – erection of hotel north of (and linked to) existing Conference Centre; demolition of existing storage building and its adjuncts; re-organisation of existing parking areas and creation of new north car park and landscaped courtyards; extensions to south and east sides of existing Conference Centre Building.

Fillongley Parish Council maintain their previous OBJECTIONS to this application.

Councillors have received your response to the letter from FPC of 11th June 2015.

Fillongley Parish Council were dismayed to receive the same letter as Corley Parish Council. Whilst both Councils have objected, Fillongley Councillors felt that an individual response would have been more appropriate. There is no collusion or pre-determination and each Council responds how it sees fit. Whilst some of the Objections may have been the same, it could be viewed that this is because both Councils are correct in their views and their understanding of how this will impact local residents, rather than Councils having got together to decide their response beforehand.

The Council wish to reiterate, that at the time of the Parish Council meeting, some local residents had still not received consultation letters with regard to these Conditions. It would appear undemocratic to imply that there has been community consultation when in fact this has been severely hampered; how are the Parish Council to received views on something that has not been asked?

Condition 12; It would appear that the 10% rule does apply. The application cannot be considered “detailed” as the promotion of suitable renewable energy sources is not included. This should not be a reserved matter as it must be an inherent part of the design that 10% of energy required shall be from renewable sources. How will this be achieved within the envelope of the proposed building?

Condition 15; *FPC request that the Reason for this Condition would be altered to; “To prevent pollution of the water environment and to ensure that the development in no way increases the risk of flooding on or off the site and to ensure that an integrated design solution addresses the water environment.”* The Council would like to know why you state that the suggested wording above is “inadvisable”.

Condition 19; Thank you for your agreement.

Condition 36; with reference to your comment, FPC would request further consultation with ourselves when the WHO has made their comment. We are unable to comment on unknown statements.

Condition 37; Thank you for your agreement.

Conditions 7 – 18 Your comment presumably refers to comments from CPC. FPC would be interested to know who is likely to be providing evidence, and who will be enforcing these proposed Conditions?

Once again, the Council maintain their original OBJECTIONS to the application, and do not believe that, though well intended, the Conditions will enable the neighbouring properties to maintain a reasonable level of amenity.

FPC would ask that more time be given to consider the application in conjunction with the Officers response to the comments above so that due process is shown to be followed and the best outcome achieved for all.

Yours sincerely

Heather Badham

Mrs Heather Badham
Clerk to Fillongley Parish Council

FOL.

Allen, Jeanette

From: Janet Gillan <jc.gillan@tiscali.co.uk>
Sent: 25 June 2015 11:15
To: planappconsult
Subject: heart park planning application

Application Ref: PAP/2013/0391

Dear Ms Levy,

I wish to comment on the above building application. While I do feel that the building would be totally out of character with this area, this village is an agricultural area, when its gone its gone. Ancient trees and wildlife have already suffered. But I am also very concerned about possible noise levels. In the past my quality of life has been ruined by loud music and voices over HOE tannoy system. There have been sound tests before, but noise can still be heard. Putting a noise level will not work as Mr Hammon does not stick to it anyway. The sound does carry for quite a long way. I dread to think what its been like for all those people who live nearer to HOE than I do. There is also the question of extra traffic. This building is near a very bad bend, but Fillongley Rd itself is a very dangerous road anyway. If Mr Hammon gets permission he will do what he always does, make all our lives a misery.

Mrs J Gillan
Luckmans Farm
Watery Lane
Corley Moor
Coventry
CV7 8AJ

01676 541036

(2) Application No: PAP/2014/0181

Land to north of, Overwoods Rd, Hockley, B77 5NQ

Erection of 88 no. dwellings and associated works (Outline), for

Mr Steve Cassie - Walton Homes

Introduction

This application is reported to the Board for determination as the development proposal is for a significant major development that is a departure from the Development Plan.

The Site

This is an irregular shaped area of agricultural land amounting to 3.6 hectares on the north-east side of Overwoods Road, west of the M42 Motorway and east of the existing residential estate in Hockley, Tamworth. This forms a wedge of open countryside between the built area of Hockley and the M42. The boundary to the north-west is the former Freasley Lane, now closed following the construction of the M42. This is the route of a public footpath and cycle route. The land on the opposite side of this route, between the footpath and the residential estate in Hockley benefits from a recent planning permission granted by the Tamworth Borough Council for the erection of 29 dwellings. The boundary to the east is marked by a field hedgerow, with a further field beyond extending to the M42. The site is a generally level field, with a slight slope to the north, currently used to produce an arable crop.

The site is close to the potential route identified for consultation purposes for the second phase HS2 rail route from Birmingham to Leeds. There are no current provisions with regard to safeguarding of land for this phase.

The application site is shown on the plan attached as Appendix A.

The Proposals

This application seeks outline planning permission for a development of up to 88 dwellings. All matters are reserved for later determination; these reserved matters would require details of Access, Layout, Scale, Appearance and Landscaping to be submitted and approved. The decision to be made now thus concerns only the principle of the development and associated change in the use of the land from agriculture to residential use.

An illustrative layout for a development of 88 houses has been submitted to demonstrate that a development of this scale could be accommodated on this site. This shows a vehicle access from Overwoods Road leading into an estate of two-storey detached and semi-detached houses providing a mix of 2, 3, 4 and 5 bedroom houses. An area is identified for public open space within the centre of the site and there is landscaped area along the eastern boundary to provide a buffer zone to the M42 and the line of HS2. This illustrative layout should be reviewed to improve circulation, open space provision and links to existing footpaths and cycleways. The illustrative layout is shown at Appendix B

A Section 106 Agreement is proposed to provide mitigation for the adverse impacts identified that are directly attributable to a development.

The documents submitted with the application were referenced in the previous Board report this is attached as Appendix C.

Development Plan

The Core Strategy 2014 - Policies NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW% (Split of Housing Numbers), NW6 (Affordable Housing), NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW15 (Nature Conservation) and NW16 (Green Infrastructure).

Saved Policies of the North Warwickshire Local Plan 2006 - ENV4 (Trees and Hedgerows); ENV6 (Land Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV14 (Access Design), HSG3 (Housing Outside of Development Boundaries), HSG4 (Density), TPT1 (Transport in New Development), TPT2 (Traffic Management and Safety), TPT3 (Access and Sustainable Travel) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

National Planning Policy Framework 2012 – (the “NPPF”)
National Planning Practice Guidance 2014 – (the “NPPG”)

Consultations

Warwickshire Police – No objection to the principle of the development. They recommend that the principles set out in “Secured by Design” are incorporated within the design for the proposed new development.

Warwickshire Museum - No objection to the principle of the development. They recommend a condition to secure the appropriate archaeological investigation prior to submission of reserved matters.

Warwickshire County Council, Infrastructure Delivery – This is a request for a financial contribution of £31,515 towards the provision of additional school places required by the development.

Warwickshire County Council as Highway Authority – No objection to the principle of the development subject to conditions to ensure safe vehicle access and to secure the signalisation of the Overwoods Rd -Trinity Road junction.

Warwickshire County Council Flood Risk Management – No objection to the principle of the development. As it considers that the methodology used to the assess flood risk is no longer deemed to be the most appropriate, a revised assessment needs to be provided to establish the existing surface water runoff rate. This can be secured by a condition requiring a revised FRA to be submitted and approved prior to submission of reserved matters.

Environment Agency – No objection to the principle of the development. It recommends that a sustainable drainage scheme be provided

Tamworth Borough Council - No objection to the principle of the development. It considers that the development would contribute to meeting the identified need for housing and affordable housing and so request the mix of dwellings reflect the need for housing, by number of bedrooms, identified for the Tamworth area. It also requests that consideration is given to Section 106 contributions for education provision and sustainable modes of travel. It also suggests that existing natural site features - eg hedgerows, be retained where these make a positive contribution.

AD (Housing) - No objection to the principle of the development. There are concerns over the mix of dwellings shown in the illustrative layout. The current housing need would be for an increased number of two bedroom and four bedroom houses and less three bedroom houses. This would be a relevant consideration in the determination of the reserved matters of layout and scale.

Environmental Health Officer – He agrees with the noise assessment submitted and considers that the noise mitigation measures proposed are appropriate, subject to the prior approval of the details of the measures to be implemented.

Representations

Five representations have been received from local people citing the following concerns:

- conflict with the proposed HS2 rail route
- adverse impact on existing wildlife and ecology
- increase in vehicle traffic
- adverse impact for highway safety through additional vehicle access to Overwoods Road and on the Trinity Road / Overwoods Road junction
- The loss of an existing cycle way / footpath
- low water supply pressure and
- increased demand for public services.

These matters are considered more fully below. In summary with regard to HS2 then the proposed route for this phase is for consultation and is not subject to any safeguarding provisions. Measures to mitigate highway impacts are proposed, including traffic signalisation of the existing junction. A contribution for education provision is proposed. The existing footpaths and cycle-ways will be retained. Surveys of wildlife and ecology have been undertaken and measures to mitigate development impacts are recommended.

Observations

Significant matters considered below fall within three broad categories:

- The relevance of national planning policy and the Development Plan.
- The impact of a development on the character and appearance of the surroundings, the environment and for amenity
- The mitigation to offset adverse impacts associated with development of the site.

a) National Planning Policy and the Local Development Plan

The current Development Plan comprises the North Warwickshire Local Plan Core Strategy adopted in October 2014 and the saved policies of the North Warwickshire Local Plan 2006. The NPPF is also a material consideration. These provide the overarching policy guidance for Development Plan policies. Where Development Plan policies diverge from national policy guidance, the latter is afforded more significance.

The site is located on the edge of the built up area of Hockley which provides local services and facilities, including a regular bus service to Tamworth. These services are within reasonable walking distance from the proposed development. As a consequence the site is considered to be accessible and the development would be sustainable in accord with Core Strategy policy NW1 (Sustainable Development).

The proposal departs from Development Plan policy in that it does not fully accord with Core Strategy policies NW2 and NW4. This is because it is for new housing development outside of a development boundary defined in the Plan, and because it is not a small scale development or one that would only provide affordable housing.

The proposal would comply with other Core Strategy policies. These include NW6 on affordable housing provision which requires 40% of the total dwellings to be provided as affordable housing. In respect of policy NW19 on Polesworth and Dordon, then following the further work undertaken to assess the implication of new development between Polesworth and Dordon and Tamworth, the development of this site, adjoining the existing built area is not considered to compromise the 'meaningful gap' required to be maintained between these settlements in that Policy. Subject to the determination of the matters reserved and the approval of details required by conditions to ensure the provision of appropriate mitigation measures, the proposal could comply with policies NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW15 (Nature Conservation) and NW16 (Green Infrastructure),

Planning permission may be granted as an exception to development plan policy where this is justified by other material considerations.

The housing need within the Borough and the wider housing need within the Strategic Market Housing area is a material consideration. The NPPF makes clear that in preparing Development Plans, Councils must demonstrate a supply of housing land available for development that is sufficient to meet the need identified for the next five years plus a further 20%. It is also explicit with reference to need to "significantly boost" housing supply through promoting "sustainable development" to close any shortfall in housing supply identified by the Local Planning Authority.

Core Strategy Policies NW2 and NW4 reflect the housing requirement for North Warwickshire established through the Local Plan Core Strategy adoption process, including the Examination in Public and this was evidenced by the Strategic Housing Market Area Assessment undertaken at the time. Subsequently the Draft Pre-Submission Site Allocations Plan in June 2014 has identified preferred sites for housing development within the Borough to meet this housing need. This was subject to a period of public consultation and following this it is currently under review and a further submission draft will be published for consultation later this year. The Council believes this identifies sufficient land with a planning permission or that is available for development to fulfil the current housing requirement.

The housing requirement however continues to develop. Housing need across the wider strategic housing market area has been reviewed as national household projections have been revised. Also Inspectors have raised concerns over soundness with respect to housing provision in the progress towards adoption of Local Plans in other local authorities within our Strategic Housing Market Area. These authorities will have to review their housing requirements and provision. This will have implications for other authorities within the same Strategic Housing Market Area, given the 'duty to co-operate'.

The Council has agreed a Memorandum of Understanding with respect to the provision of housing to meet the requirements identified within Tamworth. This is a material consideration of substantial weight. This was predicated on the housing requirement identified at the time. The housing requirement within the draft Tamworth Local Plan has been reviewed since then and the requirement put forward for the Examination in Public, which is currently underway, is now significantly higher.

The implication is that, in the future, the requirement for housing is likely to be greater than that identified for the purposes of the adoption of the Core Strategy. The guidance within the NPPF makes clear that identified housing requirements should be considered as the minimum required and expresses the presumption in favour of permitting sustainable development to significantly boost housing supply to close any shortfall in housing supply.

In summary, residential development of the site does not fully in accord with the Development Plan housing policy, however the uncertainty concerning future housing requirements and their provision is a significant material consideration, particularly where there is considered to be a proposal for sustainable housing development.

b) The Impact of the Development on the surroundings; the environment and infrastructure.

The site is adjacent to the built up area of Hockley. The existing public footpath and cycleway provide access to the existing built up areas and to the nearby Kettle Brook Local Nature Reserve. The applicant has secured permission for a development of houses on the open land to the west of the site. A development of houses on this site that is in keeping with the scale and character of the existing houses would thus be seen as an extension to the built up area. The site is large enough to ensure that a development of two storey houses could be achieved with an appropriate scale, layout and appearance that respects the setting, and one that would retain existing boundary features and incorporate new landscaping and measures to protect amenity to ensure the development will harmonise with the surroundings.

The Transport Assessment concludes that a residential development as shown on the illustrative layout would be unlikely to have a significant impact on the local highway infrastructure and that a safe access for vehicles and other users can be provided to Overwoods Road. The Highway Authority generally agrees with this, however it considers that a large development would result in an adverse impact on the junction of Overwoods Road and Trinity Road and therefore requires traffic signalisation to be provided to the junction if more than 20 dwellings are developed on the site. Other improvements should include provision for cycle priority at the junction and a footpath along Overwoods Road. The applicant accepts the signalisation requirement and is prepared to fund these works and would enter into an agreement with the Highway

Authority under the Highways Acts. Implementation will be required by condition to limit occupation to only 20 dwellings until the signalisation measures have been implemented.

The site can be accessed from the nearby built up area via existing footpaths and cycle routes, which link to the Tamworth cycleway network. The terminus for the regular frequent bus service to Tamworth from Hockley is less than a kilometre from the site. Accessibility by modes of transport other than private car is thus good.

The Flood Risk Assessment confirms that the site is outside of any flood risk zone and that it is not within a ground water source protection zone. A sustainable surface water drainage system is recommended using a combination of swales, conventional pipework and controlled outfalls. These in particular would control the outfall discharge rate into the Kettle Brook to the north and onto Overwoods Road to the south. The Environment Agency raise no specific concern and recommends the surface water drainage system should incorporate principles of sustainable drainage. The Local Lead Flood Authority considers the methodology used to calculate the existing surface water runoff rates is no longer the most appropriate for this site and requires a further assessment to be undertaken using a more appropriate methodology. This is a technical matter required to inform the design of a sustainable drainage system. It will not preclude the development of this site and it can therefore be addressed by a condition to require the assessment to be undertaken prior to the submission of reserved matters.

The Ecology Appraisal demonstrates that the current site is not particularly ecologically diverse. It recommends that further focussed surveys are undertaken to establish the presence of bats and reptiles and that appropriate mitigation measures are provided if found to be necessary. The most ecologically significant features of arable land are usually the hedgerows which provide useful habitat and corridors for movement. The existing hedgerows can be retained within a development of this site. The retention of hedgerows and provision of mitigation measures would be a consideration in subsequent reserved matters applications. The recommended further surveys can be required by condition. There is thus no significant ecological objection to the principle of a development of the site.

Given the site is near to the M42 and to the possible route of HS2 rail link, a Noise Impact Assessment has been submitted. This recommends that appropriate acoustic glazing and ventilation measures should be incorporated within new dwellings. The Councils Environmental Health Officer concurs with this, subject to the prior approval of the details of the measures to be installed. He also recommends that site boundary treatments, such as earth mounding and acoustic fencing, be incorporated to minimise potential disturbance to residents in gardens and open amenity areas. The provision of the required noise mitigation measures and the prior submission and approval of details can be required by condition.

The Council's adopted Green Space Strategy indicates that no additional provision for informal open space or play is required within the local area.

Subject to the recommended conditions and the approval of reserved matters, a development on this site would not give rise to any significant adverse impacts for the natural environment.

c) Mitigation to offset adverse impacts of development.

The applicant is prepared to enter into a legal agreement under Section 106 to secure appropriate mitigation measures. A revised Draft Heads of Terms document for an agreement has been submitted. This identifies affordable housing; education, footpaths and cycle ways, public transport and open space as matters for consideration.

Affordable housing will be required and this will be provided on-site. This will be 40 % of the total number dwellings provided as required by Core Strategy policy NW6. The size and tenure of dwellings will be in accordance with the recommendations of the of the Council's Housing Officers. The location of the affordable dwellings will be considered in the reserved matters application.

Warwickshire County Council as the Education Authority, has also requested a financial contribution of £31,515 for the provision of additional primary and secondary school places. This is based on the illustrative layout submitted.

A Section 106 Agreement will be necessary to secure the provision of the affordable housing on site and the financial contribution towards the provision of additional school places.

Open space appropriate to the scale of this development will be required to be provided within the development itself and as the Council's Green Space Strategy does not identify a requirement for additional open space within the wider locality, there is no justification to seek a financial contribution from this development. Similarly with regard to public transport, the area is already served by a regular, frequent bus service into Tamworth. A contribution under this heading would not be justified as there is no adverse development impact.

With regard to transport issues the developer will fund the signalisation of the junction at Trinity Road and Overwoods Road. The implementation of this will be required by a condition to limit on the number of dwellings that can be occupied to only 20 dwellings until the signalisation measures have been implemented. This measure will mitigate the adverse impact of the proposed development on this junction where traffic incidents have been recorded previously.

d) Summary

The proposal is considered to be a sustainable development. The proposal is not in accord with the Development Plan housing policy but the uncertainty concerning future housing requirements and provision is a significant material consideration that provides mitigation to balance this policy harm. The site is not within the green belt but is outside of a settlement. It is however adjacent to the existing built up area and would be seen as an extension to this. There are existing local shops and services nearby. It is accessible by public transport and has good links to the Tamworth cycleway and footpath network. The adverse impacts associated with a development on the site will be mitigated through the required public highway improvements and the contribution to education provision. The residential development will be subject to the subsequent approval of details of access, layout, scale and appearance. This provides the opportunity to ensure a satisfactory development that will respect the setting and harmonise with the surroundings.

Recommendation

1. That planning permission be **GRANTED** subject to the following conditions and the a completion of a Section 106 Agreement to secure the provision of affordable housing and a financial contribution of £31,515 for education provision;

and
2. That the completion of this Agreement be delegated to the Assistant Chief Executive and Solicitor to the Council in consultation with the Chair, Vice Chair and relevant local ward members.

Conditions

1. This outline permission is granted under the provisions of Article 4(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2010. 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) Access
- (b) Appearance
- (c) Landscaping
- (d) Layout
- (e) 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 date of the final approval of reserved matters.

REASON

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

4. The development shall not be carried out otherwise than in accordance with the Site Location Plan numbered 3402/99, Application Boundary received by the Local Planning Authority on 14 April 2014.

REASON

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

5. No development shall commence until a further Flood Risk Assessment (FRA) has been submitted that has calculated the baseline rate for surface water runoff from the existing site in accordance with the methodology specified by the Local Lead Flood Authority. provides an includes

REASON

To reduce the risk of flooding.

6. Prior to the submission of reserved matters the recommendations set out in the submitted Preliminary Ecological Appraisal dated July 2013 prepared by Absolute Ecology Wildlife Surveys shall have been carried out and a report of the results of surveys together with details of any mitigation measures found to be necessary shall be submitted to and approved in writing by the Local Planning Authority

REASON

To minimise the ecological impact of the development and ensure that the protected species are not harmed.

7. Prior to the submission of any Reserved Matters applications for any phase of development :-

1 - a Written Scheme of Investigation (WSI) for a programme of archaeological evaluation across this site shall be submitted to and approved in writing by the Local Planning Authority.

2 - a report detailing the results of the archaeological evaluation shall be submitted to the Local Planning Authority.

The programme of archaeological field work and associated post-excavation analysis, report production and archive deposition shall be carried out in accordance with the approved WSI.

REASON

To secure archaeological investigation of the site.

8. Prior to the submission of Reserved matters an Archaeological Mitigation Strategy shall be submitted to and approved in writing by the LPA. This should detail the strategy and measures to mitigate the archaeological impact of the proposed development. This may include further a programme of archaeological evaluation and/or the preservation in situ of any archaeological deposits worthy of conservation.

REASON

To secure appropriate archaeological recording or conservation.

9. Prior to the submission of reserved matters a Noise Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. This should include details of the measures recommended in the submitted Environmental Noise Assessment dated 29/January 2014 and include details of boundary treatments eg mounding, acoustic fencing to minimise disturbance due to noise within outdoor areas of the site. Some of the recommendations set out in the submitted Preliminary Ecological Appraisal dated July 2013 prepared by Absolute Ecology Wildlife Surveys shall have been carried out and a report of the results of surveys together with details of any mitigation measures found to be necessary shall be submitted to and approved in writing by the Local Planning Authority

REASON

In the interest of amenity.

10. No development shall commence until all the archaeological field evaluation work detailed in the approved Archaeological Mitigation Strategy has been undertaken.

REASON

To secure appropriate archaeological recording or conservation.

11. No development shall commence until details of the proposed drainage systems for foul and surface water have been first submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt these should incorporate principles of sustainable urban drainage (SUDs) and include details of the surface water run off attenuation measures and their maintenance and management.

REASON

To reduce the risks of flooding and pollution of the water environment.

12. No development shall commence until such time as a Construction Method and Management Statement appropriate to the phase of the development to be implemented has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of how the site will be laid out during the construction period; the likely number of vehicular movements, the parking provision, the arrangements for deliveries, for the minimisation and removal of site waste, for the working and phasing of the ground works; the hours of working, the measures to minimise extraneous deposits from vehicles accessing the site on the surrounding highway network, the location of site compounds, storage facilities and of any site lighting to be provided during the construction phase. It shall identify the period during which plan shall have effect, the means by which the terms are to be monitored and reviewed, the person responsible for the handling of complaints and their contact details. The approved Plan shall be implemented at all times.

REASON

In the interest of amenity and to minimise the impact on the environment.

13. No development, including site clearance, shall commence until measures to protect existing trees or hedgerows within the site or adjacent to the boundaries have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full and maintained through out the construction of the development.

REASON

To ensure trees or hedgerows to be retained are not harmed during construction in the interest of amenity.

14. No more than 20 dwellings shall be occupied until a scheme for the improvement and signalisation of the junction of Overwoods Road with Trinity Road has been provided and constructed to the satisfaction of the Highway Authority.

REASON

In the interest of safety on the public highway.

15. No development shall commence unless full details of the construction of the road serving the development including footways, private drives and means of accessing individual plots, drainage (including the outfalls) and levels of the car parking and manoeuvring areas have been approved in writing by the Local Planning Authority. The site shall not be occupied until these areas have been laid out and substantially constructed. Such areas shall be permanently retained for the parking and manoeuvring of vehicles.

REASON

In the interest of safety on the public highway.

16. No development shall commence or continue unless a turning area has been provided within the site so as to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear.

REASON

In the interest of safety on the public highway.

17. No development shall 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 interest of safety on the public highway.

18. Access for vehicles to the site from the public highway (Overwoods Road C79) shall not be made other than at a position whereby the visibility splays of 120 metres, as measured from a setback of 2.4 metres, will be provided.

REASON

In the interest of safety on the public highway.

19. Prior to the first occupation of the development a strategy for the management of boundary buffer zones, open areas and or water courses or bodies within the site shall be submitted to and approved in writing by the Local Planning Authority. This should include details of measures to be implemented for ecological mitigation and enhancement and for habitat management and shall include measures for the monitoring of outcomes and the means of reviewing the strategy. The approved strategy shall be implemented at all times.

REASON

In the interest of protecting wildlife habitats and ecology.

Notes

1. In determining this application, the Local Planning Authority has worked proactively with the applicant through pre-application discussions and meetings to resolve issues and to revise and improve the proposal to achieve a positive outcome.
2. Public right of way, within Staffordshire County passes close to the western boundary of the application site. This permission does not authorise any diversion or carrying of works to this public right way and this must remain open at all times.

3. This planning permission is granted subject to a planning obligation completed under Section 106 of the Town and Country Planning Act 1990 (as amended). You should ensure you are familiar with the details of this legal obligation.

BACKGROUND PAPERS

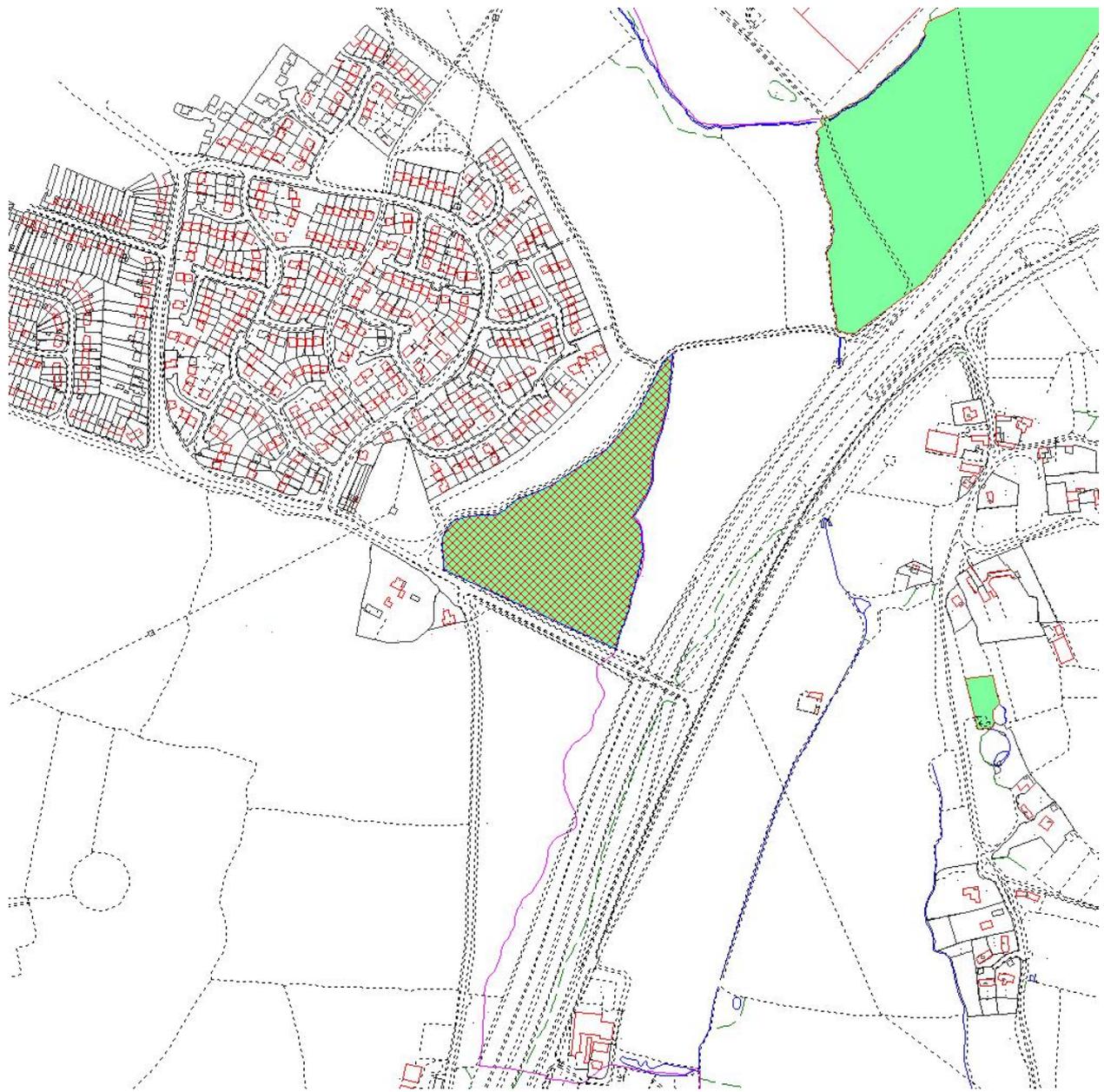
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2014/0181

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	
2	J Avery	Representation	7/5/2015
3	Hastilow	Representation	8/5/2015
4	K Baker	Representation	16/5/2015
5	Underhill	Representation	19/5/2015
6	T & B Dudley	Representation	19/5/2015

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.



Appendix A

2014/0181

LAND AT OVERWOODS ROAD, HOCKLEY, TAMWORTH, B77 5NE

NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED 14-Apr-14
PLANNING & DEVELOPMENT DIVISION



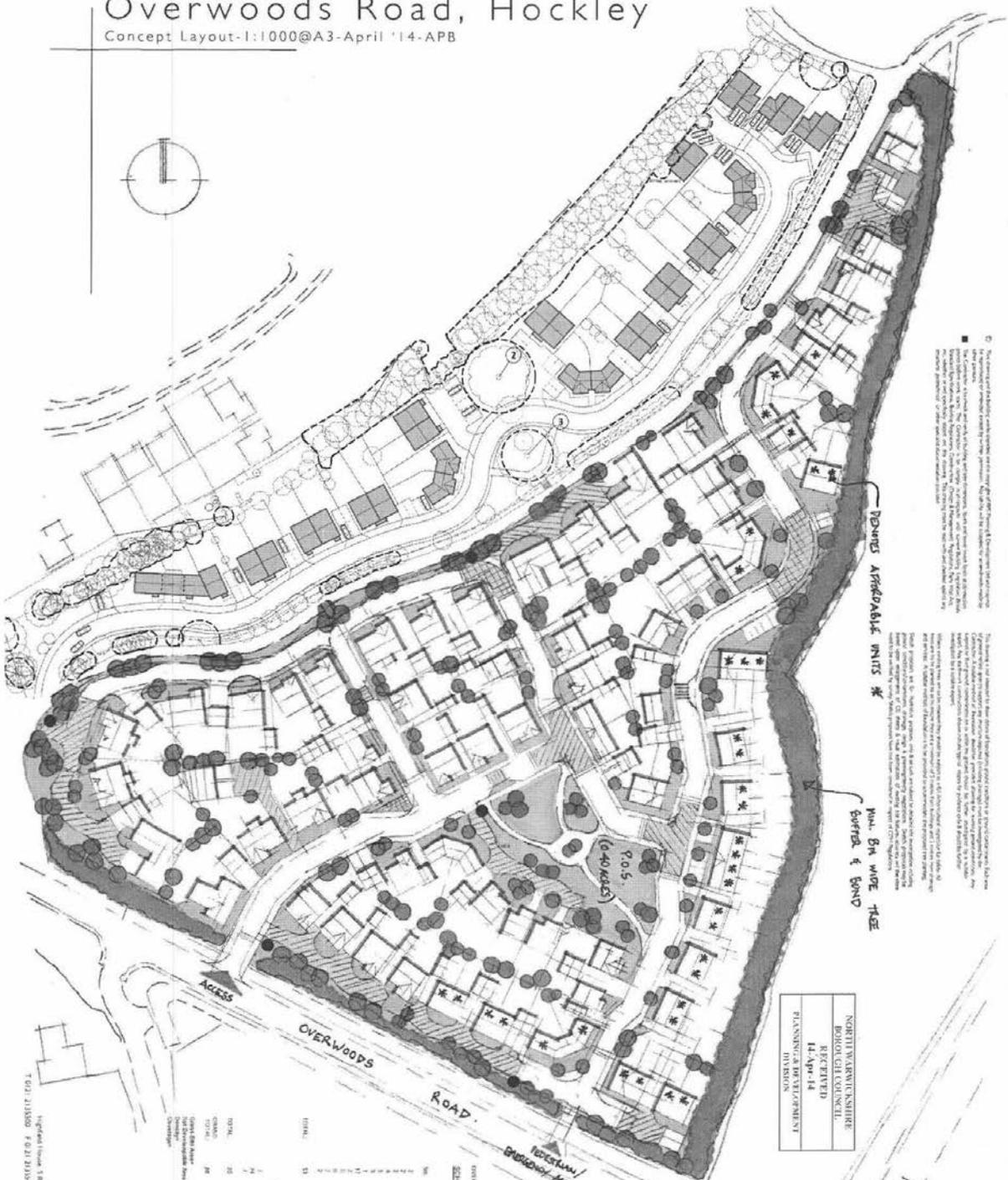
© Crown Copyright 2009. All rights reserved. Licence number 100020449. Plotted Scale - 1:2500

Examined by
GCS
Geomatics
Survey

Drawing 3402/99: Location Plan 1/2500 @ A4

Overwoods Road, Hockley

Concept Layout-1:1000@A3-April '14-APB



1. This drawing is not intended to be used for the purpose of a building permit or other regulatory approval. It is intended for informational purposes only. The information contained herein is for general informational purposes only and does not constitute a contract. The information contained herein is for general informational purposes only and does not constitute a contract. The information contained herein is for general informational purposes only and does not constitute a contract.

2. The information contained herein is for general informational purposes only and does not constitute a contract. The information contained herein is for general informational purposes only and does not constitute a contract. The information contained herein is for general informational purposes only and does not constitute a contract.

NORTHMANVILLE
BOROUGH COUNCIL
RECEIVED
14-Apr-14
PLANNING & DEVELOPMENT
DIVISION

2014/0181

OVERWOODS ROAD, HOCKLEY

PROPOSED LOTS

Lot No.	Proposed Area (sqm)	Lot Area (sqm)	Setback (m)	Frontage (m)	Depth (m)	Volume (cu m)	Notes
1	2,100	2,100	10	15	140	1,155	
2	2,100	2,100	10	15	140	1,155	
3	2,100	2,100	10	15	140	1,155	
4	2,100	2,100	10	15	140	1,155	
5	2,100	2,100	10	15	140	1,155	
6	2,100	2,100	10	15	140	1,155	
7	2,100	2,100	10	15	140	1,155	
8	2,100	2,100	10	15	140	1,155	
9	2,100	2,100	10	15	140	1,155	
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16	2,100	2,100	10	15	140	1,155	
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98	2,100	2,100	10	15	140	1,155	
99	2,100	2,100	10	15	140	1,155	
100	2,100	2,100	10	15	140	1,155	

RPS

AAHS167-03
2014/0181

Application No: PAP/2014/0181

Land North of, Overwoods Road, Hockley, B77 5NQ

Erection of 88 no. dwellings and associated works (Outline), for

Mr Steve Cassie - Walton Homes

Introduction

This application is reported to the Board at this time for information only. A determination report will be brought to the Board in due course. The draft heads for a section 106 Agreement also accompany the application.

The development proposal is a departure from the Development Plan.

The Site

This is an irregular shaped area of agricultural land amounting to 3.6 hectares on the north-east side of Overwoods Road, west of the M42 Motorway and east of the existing residential estate in Hockley, Tamworth. The boundary to the north-west of the site is a now public footpath – formerly Freasley Lane before the M42 was constructed – and the land between it and the residential estate in Hockley benefits from a recent planning permission for the erection of 29 dwellings. The boundary to the south-east is marked by a hedgerow and there is then open land before the M42 cutting is reached. The site as a whole is generally flat.

The site is illustrated on the attached plan at Appendix A.

The Proposals

This is an outline application for 88 dwellings with all matters reserved for later determination. As such the remit of the Board here is limited to the principle of the grant of a planning permission.

However for illustrative purposes, an indicative layout has been submitted. This shows a potential access off Overwoods Road leading into an estate with a mix of two storey detached and semi-detached 2, 3, 4 and 5 bed room houses. An area of Public Open Space is outlined within centre of the site and there is a possible buffer strip depicted along the eastern boundary to provide new tree planting and mounding. These features are illustrated at Appendix B

There are a number of documents submitted with the application.

An Ecology Appraisal concludes that the site is not particularly diverse but that provided further focused surveys are undertaken for bats and reptiles, together with proportionate mitigation measures then there is no objection in principle to the development.

A Transport Assessment concludes that there is unlikely to be a significant impact on the local highway infrastructure at peak times or at other times, and that an appropriate junction onto Overwoods Road can be designed. The Assessment also concludes that there is good accessibility to local services and facilities. These are illustrated at Appendix C.

A Flood Risk Assessment confirms that the site is outside of any flood risk zone and that it is not within a ground water source protection zone. A series of sustainable surface water drainage measures are recommended through a combination of swales, conventional pipework and controlled outfalls. These in particular would control discharge into Overwoods Road to the south and the Kettle Brook to the north.

A Noise Impact Assessment recommends suitable glazing and ventilation measures need to be installed in the new houses.

The draft terms for a Section 106 Agreement indicate that the applicant is prepared to contribute towards infrastructure where it can be justified as mitigating impacts directly attributable to the development. This is expanded in the Planning Statement where there is agreement for 40% on-site provision of affordable housing.

A Planning Statement sets out existing Development Plan policy; the content of the submitted Core Strategy, the matters discussed at the recent Examination and the content of the NPPF. Reference is also made to the Tamworth Local Plan, the Memorandum of Understanding between the two Authorities under the Duty to Cooperate and to the five year housing supply. It considers that the main policy issues are:

- Whether the development is supported by national and local planning policy
- The effect of the proposal on the character and appearance of the surroundings, and
- Whether suitable provision has been made to offset the impacts of the development on local infrastructure.

Development Plan

Saved policies of the North Warwickshire Local Plan – Core Policy 2 (Development Distribution); Core Policy 3 (Natural and Historic Environment), Core Policy 8 (Affordable Housing) and policies ENV1 (Protection and Enhancement of Natural Landscape), ENV4 (Trees and Hedgerows), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG3 (Housing Outside of Development Boundaries) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

The Submitted Core Strategy 2013 – policies NW1 (Settlement Hierarchy), NW3 (Housing Development), Nw5 (Affordable Housing), NW8 (Sustainable Development), NW11 (Natural and Historic Environment) and NW13 (Green Infrastructure)

The National Planning Policy Framework 2012 – (“NPPF”)

The National Planning Practice Guidance 2014 – (“NPPG”)

Observations

The proposal is a departure from the Development Plan as it is for new housing development in the countryside beyond and development boundary defined by that Plan. Neither is the proposal wholly for a local community affordable housing scheme. As such that Plan would point towards refusal of planning permission. However as Members are aware, the weight to be given to the housing policies of this Plan is now not very great as it is out of date. The submitted emerging Core Strategy provides a more up to date evidence base for future housing requirements and the NPPF explains how such housing applications as this should be treated in the absence of an out-of-date Plan with particular reference to “significantly boosting” housing supply through promoting “sustainable development” and closing any gap in a Local Planning Authority’s five year housing supply. Additionally in this case the planning policies of the Tamworth Borough Council and the Memorandum of Understanding between the two Authorities in respect of housing provision will be material planning considerations. These matters will all need to be assessed in respect of the current application along with the normal technical considerations such as drainage and access.

These matters will all need to be explored in the determination report which will be brought to the Board in due course once consultations have been completed.

Recommendation

That the application be noted at the present time.

(3) Application No: PAP/2014/0275

17 - 19, Long Street, Atherstone,

Variation of Conditon 2, Approved plans, attached to planning permission, ref. PAP/2009/0045 granted on 4/10/2012. Revised development includes changes to rear elevation to incorporate lift access tower and internal re-arrangement of retail / office building for

Arragon Properties

Introduction

This item was referred to the Board on 15th June but determination was deferred so that the Council's Design Champions could meet the applicant with a view to amending the scale of the proposals to reflect the initial concerns expressed by Members when the Board discussed the case.

That invitation was extended but the applicant has requested that the Board determine the application as reported to the June meeting.

The matter is thus referred back to this meeting for determination.

For convenience the last written report is attached at Appendix A.

Additional Information

In making his request the applicant has submitted additional information which is now placed before the Board.

The first is letter which is attached at Appendix B. Herein the applicant comments on the chronology of the case – the application first being submitted in June 2014. He also advances his arguments in support of the proposals responding to the main concerns of the Board as expressed at the last meeting.

The second is a plan, referred to in the letter. This plan is at Appendix C.

Any additional information that might be received will be reported at the meeting.

Observations

In light of the response from the applicant, Members are now invited to determine the application as submitted.

Recommendation

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

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0275

Background Paper No	Author	Nature of Background Paper	Date
1	Case Officer	Letter	16/6/15
2	Applicant	Letter	26/6/15

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 No: PAP/2014/0275

17 - 19, Long Street, Atherstone,

Variation of Conditon 2, Approved plans, attached to planning permission, ref. PAP/2009/0045 granted on 4/10/2012. Revised development includes changes to rear elevation to incorporate lift access tower and internal re-arrangement of retail/office building, for

Arragon Properties

Introduction

This application is referred to the Board for determination at the discretion of the Head of Development Control.

The Site

This is the presently vacant corner parcel of land at the junction of Long Street with Station Street at the western end of Long Street opposite the Memorial Hall and facing the Co-op Supermarket's car park. It backs onto the newer Aldi Supermarket. There is three storey development next to the eastern Long Street frontage as well as on the other side of the road. The area is in mixed development best described as retail at ground level with residential above.

The site's location is illustrated at Appendix A

Background

Planning permission was granted in 2009 for the redevelopment of this corner site. It was later amended in 2010. The approved plans show two blocks. The first was for a mixed use development comprising a complete built frontage facing the two streets thus turning the corner on the vacant site at 17/19 Long Street. This would accommodate five retail units on the ground floor, six self-contained office units on the first floor and seven one and two bedroom apartments on the second floor. The second block was at the rear of 25 Long Street and it was for six one and two bedroom apartments. All access to both blocks would be off Station Street leading to a parking area for eleven spaces and service access.

Work has commenced and the second of the blocks referred to above is complete. The permission is therefore extant.

The approved elevations for this corner block are at Appendix B

The Proposals

This application seeks to vary this 2010 permission in respect of the frontage block on the vacant corner site. This is not for a different mix of uses, but to accommodate them with some amendments. There would be no alteration to the overall appearance of the block as it would retain the different ridgelines; the chimneys, the individual shop fronts and the approved fenestration. There would neither be a reduction in parking spaces.

The changes proposed involve:

- The use of the ground floor for a single retail outlet rather than the five individual units. The six office units and seven apartments on the upper floors would remain.
- The removal of several rear access points to reach the offices and flats with one central service stairwell incorporating a lift shaft. This would appear as a new rear extension with a hipped roof.
- A corresponding increase in the total height of the approved ridgelines by 1.5 metres and a widening of the block facing Station Street.

The proposed street scene is attached at Appendix C.

The applicant is also seeking non-compliance with conditions 6 and 7 of the planning permission.

Condition 6 requires details to be submitted for a number of detailed matters – e.g. verge details; brick bonds and window materials. These are now all included in plans submitted with the current application and thus the applicant is saying that if these are approved, condition 6 will be redundant.

Condition 7 requires amendments to be made to the shop frontage. These are now all included in the submitted plans. As above the applicant is seeking non-compliance with the condition should the latest plans be approved.

Representations

Atherstone Town Council – The Town Council objects because of the scale of the building compared to surrounding properties and the lack of parking facilities for unloading at the retail unit.

Atherstone Civic Society - It objects to the proposed changes, because of the scale of the proposals which is out of character. It is “heavy”, “out of scale and poorly designed” with little affinity to the existing. This would result in a change of perception of visitors to the town as a small historic town and it therefore fails to meet Development Plan policy. Views will be lost across the area from Station Street.

Consultations

Warwickshire Police Architectural Liaison – No comments

Warwickshire County Council as Highway Authority – No objection

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development), NW14 (Historic Environment), NW15 (Social and Economic Regeneration), NW16 (Atherstone) and NW20 (Services and Facilities)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV12 (Urban Design); ENV14 (Access Design), ENV15 (Listed Buildings), ENV16 (Conservation) and TPT6 (Vehicle Parking).

Other Material Planning Considerations

The National Planning Policy Framework 2012 – (the “NPPF”)

The Atherstone Conservation Area Designation Report 1995

The Draft Atherstone Conservation Area Appraisal 2006

Observations

a) Introduction

There is no objection in principle here. There is an extant planning permission for this development and the adoption of the Core Strategy since the date of that permission only re-enforces that position. The mix of uses is entirely appropriate here and the principle of a three storey built form which turns the corner is similarly one that can be repeated. There has neither been any new planning consideration introduced since the date of the permission to warrant a wholly different approach to the redevelopment of this site in principle.

The main issues are thus going to be with the proposed amendments to see if they either individually or cumulatively are acceptable given the overall position.

Firstly however it is necessary to say that the parking; refuse and access arrangements remain exactly as approved. Similarly the layout and size of the living accommodation remains as previously approved. In these circumstances and given the extant permission, these matters are outside the remit of this current application.

Secondly, it is considered that there is no overall change in the external appearance of the proposed street scene or the detailing as approved in 2010. Indeed it is also concluded that the submitted details in respect of the matters included in conditions 6 and 7 of the original approval as set out above, are acceptable and that should consent be granted for the amended plans, then there would be no need to comply with these conditions.

b) The Heritage Issue

The central issue to this application is therefore the proposed increase in the height of the overall development. This translates itself into a single planning issue – namely that

the Board has to assess the impact of this increase on the character and appearance of this part of the Conservation Area.

In dealing with such assessments, both the Development Plan and the NPPF require that the significance of the heritage asset involved is first described and then an assessment made as to what level of harm there might be to that significance as a consequence of the development. In this case the substantial asset is the Conservation Area. The impact on the setting of Listed Buildings in the vicinity will also need to be addressed.

The significance of the Conservation Area is that covers a substantial area of the town centre reflecting the different architectural and historic development of the town throughout many different periods. This is portrayed in the retention of substantial contemporaneous built form; layout and open spaces depicting different uses from industrial through to residential and the service sector. Architectural character and attributes from these different periods and uses remains. The significance is thus very much about the conservation of the whole town's diverse history. The western end of Long Street depicts these features – the continuous three storey Georgian street frontages; the medieval rear burgage plots and the Victorian industrial and railway industries. It also has more modern additions – the new road layout; the Co-op supermarket, the recent Aldi supermarket and the Memorial Hall. In general terms the site itself is within an area of three storey development with other large buildings close by and in a prominent location on one of the main access ways into the town.

The approved development here was considered to enhance the Conservation Area in this part of the town through redevelopment of this prominent vacant corner site with a three storey development reflecting much detail and many characteristics seen in the Conservation Area. The assessment to be made is whether the proposed height increase maintains this conclusion.

The applicant says that the reason for the increased height has been the result of there being a known prospective occupier of the whole of the ground floor retail element requiring all of the available floor space together, with an operational requirement of having a higher ceiling. Additionally the need to be DDA compliant leads to the introduction of a lift and the necessary infrastructure for the accommodation above ground floor. He argues that the present amendments do retain the overall outcomes achieved by the approved scheme.

The Board is requested to look at several different factors that need to be considered individually here as part of making an overall assessment.

Firstly, a clear expression of retail interest in the town is welcomed and if this is pursued, it is very likely that it would provide the trigger for the completion of the redevelopment of this prominent corner site, thus removing uncertainty and enabling the site to be developed. This is a consideration of significant benefit for the wider town community and one that would be supported by the Core Strategy.

Secondly, in general terms the height difference is not material as the three storey Long Street frontage would importantly turn the corner and be continued around it into Station Street and then reduce down at its most southern end. There would indeed be a difference in height at the link between the site and the adjoining property at number 21 Long Street. However this is not considered to be an adverse impact for four reasons; the ridgelines in Long Street presently are certainly not uniform and display a number of different features – some with taller gable parapets for instance, this is the end plot in

the frontage and a slightly more prominent “end” building adds to the built form here, the increase in height here is not pronounced because of the link feature chimney and finally the height will not be noticeable at ground level from either side of the street or when approaching from the west.

Thirdly, the increase in height along the Station Street frontage is the matter which the Civic Society is mostly concerned. This is because central to this frontage is a larger three storey element – perceived as a separate building. It will be prominent as it will face the main western access into the town and be clearly visible to every visitor. However it is not considered that this would be a substantial adverse impact for the following reasons. Firstly, it has always been agreed that there should be a continuous street frontage here – if that had a uniform height it would not reflect the variety of different built styles in this area and wholly lack interest. Secondly, this prominent site demands a prominent building as a focus on the entrance into the town. Thirdly there are already a number of large buildings here – the Co-op supermarket, the Memorial Hall and the old industrial building behind the Aldi supermarket. It would not be out of place here. Fourthly this part of the town is very open when compared with other locations in the heart of Long Street. With open ground to the front and to the south there is not a perception of enclosure here. There would be no reduction in openness as a result. In fact, it might give more focus to that space. Fifthly the entrance into the town from the west is still retained with its trees; its green aspect and its open space. Finally, the front elevation along this frontage would be broken by the vertical lines of this main building as it would stand slightly forward of the buildings on either side.

Fourthly, there is the introduction of the new rear hipped gable to accommodate access requirements. Notwithstanding the matters raised above, it is this element that gives the most concern. This is because the gable runs against the grain of the historic built form in Atherstone – namely the long ranges running away from Long Street. There are a number of mitigating circumstances here that reduces the level of that harm to the historic character of the town. Firstly there are other examples of this in the Conservation Area - the adjoining Aldi supermarket and the Royal Mail’s sorting office. Secondly, the gable has been provided with a hipped roof. Thirdly, it will not be visible from Long Street or from the entrance into the town from the west and when viewed from Station Street itself behind the site it will be seen over the top of the Aldi roof lines. Fourthly it will cover several of the more unsightly rear elevations of Long Street. Fifthly it would not interfere with the new range at the rear of 25 Long Street referred to above and finally the site is at the end of Long Street and there is little opportunity to fully reflect an historic form on a site that is not naturally conducive to that arrangement.

It was recorded above that there are some Listed Buildings in the vicinity and it is now appropriate to assess what impact the increased height might have on the setting of those buildings. The most prominent Listed Building is the Station. Because of the distance between the two buildings and because of the intervening Co-op warehouse there is not considered to be any harm to the setting of the station as a consequence of the increased height. The group of buildings on the north side of the Watling Street numbers 2 to 10 are a collection of largely three storey structures. They overlook the Co-op car park and the new building would be close to them albeit at right angles. Nevertheless because of the open aspect it is not considered that an increase in the height of the proposed developments would materially impact on their setting by dominating their outlook or indeed by overpowering their setting.

c) Conclusion

When all these matters are brought together it is considered that there would be some harm to the character and appearance of the Conservation Area. This is probably inevitable given the amendments proposed. However the Board has to assess whether this harm is so substantial as to warrant refusal. There is clearly a public benefit in conserving the significance of the character and appearance of the Conservation Area but that must be weighed against the public benefit in enabling the redevelopment of this site to be completed. For all of the reasons outlined above it is considered that the harm to the significance of the heritage assets here is limited and that the balance lies in supporting the amendments. In other words the overall character and appearance of this part of the Conservation Area would not be materially harmed by the proposed increase in height of the redevelopment scheme or the introduction of the rear gable, and neither would the setting of the nearby Listed Buildings be materially compromised.

Recommendation

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

1. Standard Plan Numbers – plan numbers 5655/LP received on 7/5/09 and plan numbers 492/10G, 19H, 21M, 25, 24A, 23A, 22B, 20F all received on 28 May 2015. For the avoidance of doubt the details approved under application references DOC/2012/0021 dated 11/5/12 and DOC/2011/0032 dated 7/7/11 remain and only these details shall be commenced or installed on site.

REASON

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

2. The landscaping scheme approved under condition 1 shall be implemented within six calendar months of the first occupation of the commercial buildings or dwellings. 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 written satisfaction of the Local Planning Authority.

REASON

In the interests of the amenities of the area.

3. The parking spaces hereby approved shall not be used for any purpose other than for the parking of cars.

REASON

To ensure on-site provision thus reducing the risk of on-street car parking.

4. All exterior joinery shall be painted and not stained. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015, the exterior joinery shall not be painted other than in colours first agreed in writing by the Local Planning Authority.

REASON

In the interests of the heritage amenities of the area.

5. The development hereby approved shall not be occupied until the fire hydrant shown on plan has first been installed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of fire safety

6. The retail unit hereby approved shall not be used for any other use other than a use within Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended.

Notes

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case by resolving the planning issues arising from this proposal particularly looking at the impacts on the heritage assets.

BACKGROUND PAPERS

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

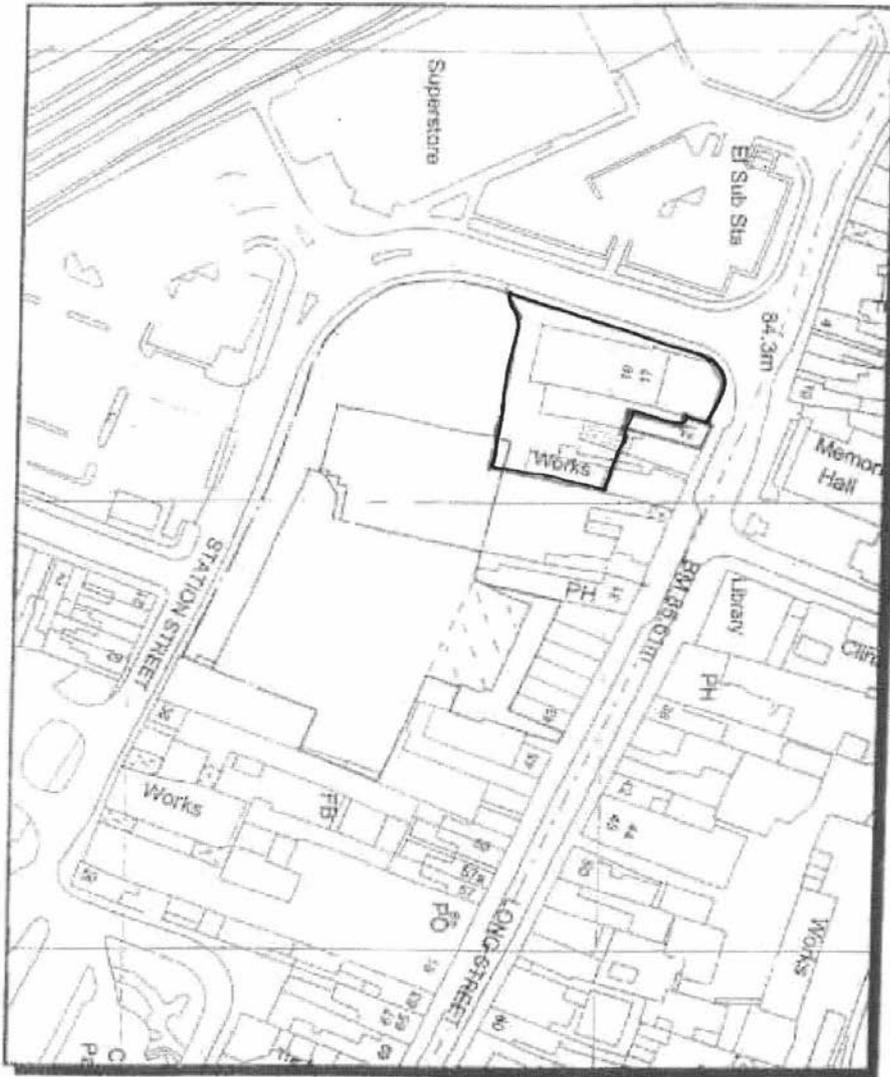
Planning Application No: PAP/2014/0275

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	6/6/14
2	Warwickshire Police	Consultation	17/6/14
3	Applicant	Letter	16/6/14
4	WCC Highways	Consultation	19/6/14
5	Atherstone Town Council	Representation	20/6/14
6	Atherstone Civic Society	Representation	1/7/14
7	Applicant	Letter	7/8/14
8	Case Officer	E-mail	17/9/14
9	WCC Highways	Consultation	16/9/14
10	Applicant	E-mail	17/9/14
11	Applicant	E-mail	25/11/14
12	Applicant	Letter	30/4/15
13	Applicant	Letter	14/5/15
14	Atherstone Town Council	Representation	22/5/15
15	Atherstone Civic Society	Representation	26/5/15

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
2010 / 0226

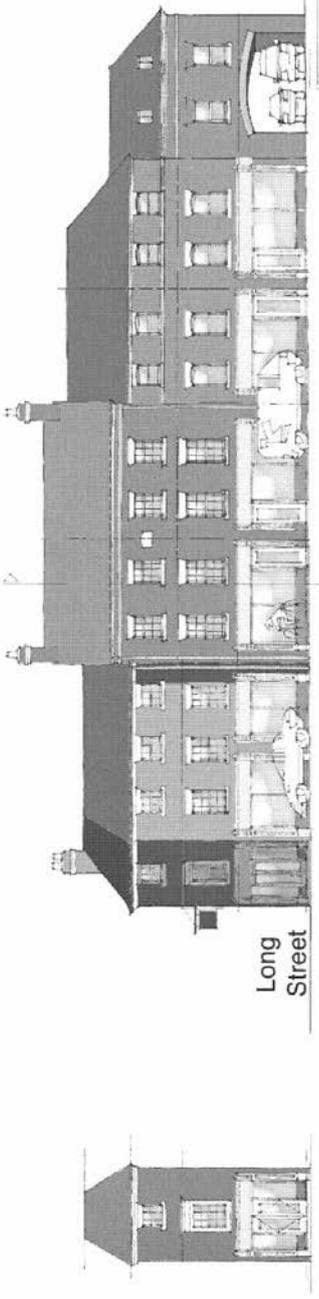


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10 MAY 2010
North Warwickshire
Borough Council

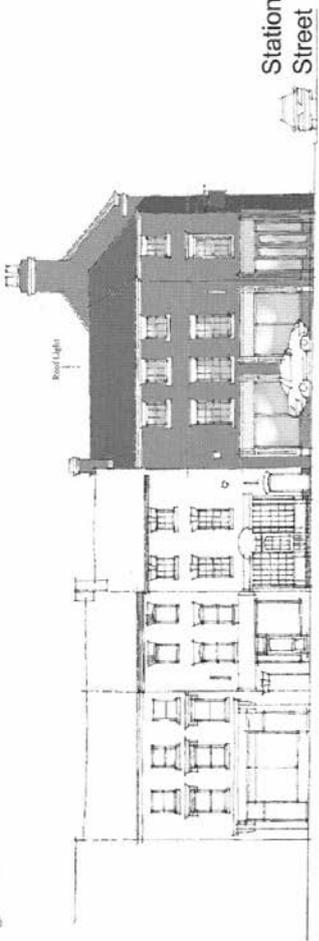
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THE ARCHITECTS
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Corner Elevation Between Long and Station Street @ 1:100

Front Elevation Facing Station Street @ 1:100



Street Scene Elevation Facing Long Street @ 1:100

NORTH WARWICKSHIRE
 BOROUGH COUNCIL
 APPROVED
 Oct 04, 2010
 FOR THE DEVELOPMENT
 THE ABOVE DEVELOPMENT
 SUBJECT TO CONDITIONS
 ON NOTICE.

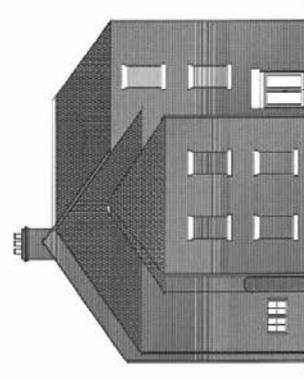
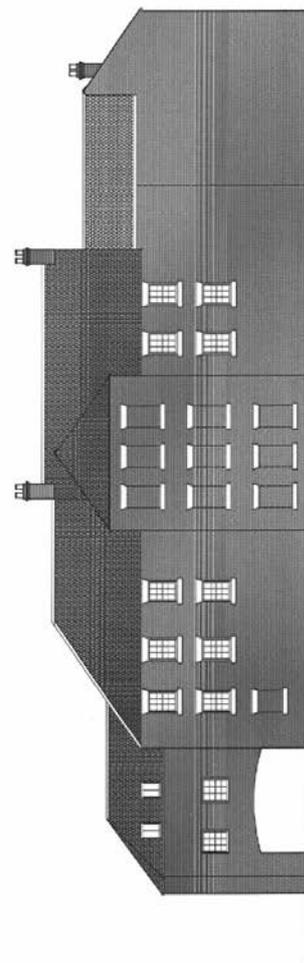
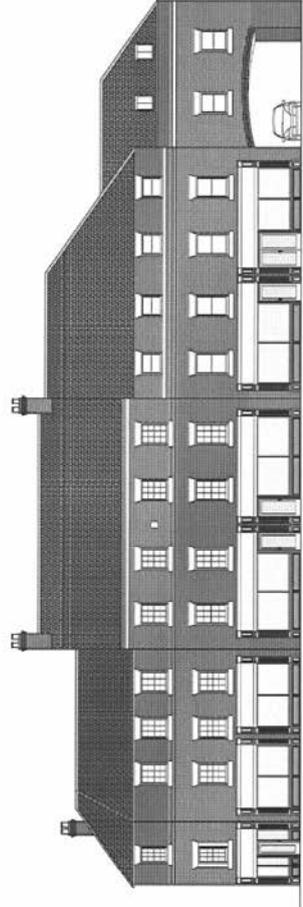
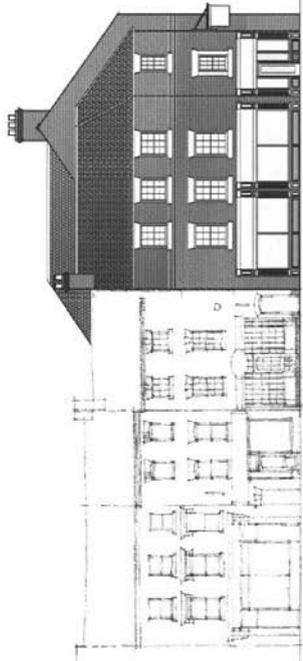
NORTH WARWICKSHIRE
 BOROUGH COUNCIL
 RECEIVED
 17 Sep 10
 PLANNING DEVELOPMENT
 DIVISION

MGEvans
 HADEN RITCHIE BAILEY
 ARCHITECTS

Proposed Mixed Development
 17 - 19 Long Street, Atherstone
 FRONT BLOCK ELEVATIONS
 Scale
 1:100 North 5655-60

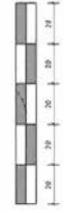
Mixed Development at 17 - 19 Long Street Atherstone

20140275



APPENDIX C

PLANNING DEPARTMENT
RECEIVED
28/05/2015
PLANNING & DEVELOPMENT
DIVISION



Project	RESIDENTIAL DEVELOPMENT	Planning No.	492-21	Revision	M
Address	17 - 19 LONG STREET	Site No.	1400		
Location	ATHRISTONE	Drawn By	ACT/PMT		
Client	CYS MAY	Drawn For	ARRAGON PROPERTIES		
Drawn By	ARRAGON PROPERTIES	Scale	AS/Scale 1:4		
Drawn For	ARRAGON PROPERTIES	Drawn Date	7 January 2015		
Drawn By	ARRAGON PROPERTIES	Drawn Date	7 January 2015		
Drawn For	ARRAGON PROPERTIES	Drawn Date	7 January 2015		
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26th June 2015

Mr. J. Brown
North Warwickshire Borough Council
The Council House
South Street
Atherstone
CV9 1DE

Dear Jeff

Re: 17-19 Long Street, Atherstone.

Thank you for your letter outlining the comments of the Planning Committee.

We are particularly disappointed by the outcome for a number of reasons.

Please impress upon the members the significant number of occasions on which we have met with your officers and yourself and considered fully the many different ways in which this very minor amendment could be made since this amendment was registered on June 6th 2014.

The dates of those meetings were as follows.

2014 – 22nd August and 26th November

2015 – 18th February, 2nd April and 21st April.

I fail to see how the Members can be highly critical of the present proposal when, in essence, the proposal is for a minor amendment which does not change the presentation to Long Street and Station Street at all and, to the rear, involves only the addition of a lift well which, as I have previously advised, is essential to the high street national multiple trader that presently wishes to take the entire ground floor and a significant amount of space on the floors above.

In addition, it is particularly incredible to expect that any regard can be given to the Members comments when the only criticisms are that the development is too large/dominant.

Factually, it is barely larger than the building approved under the present consent and the present proposals have the support of the Planning Authority.

I accept that the final drawing that was submitted showed a bland frontage which appeared to take on a significant unbroken mass. However, this is solely as a result of the elevations not showing the correct colouration as in the original drawings of approved consent and I have arranged to have an amended drawing delivered to you today.

At our meeting on Friday 19th June it was agreed by Allen Lloyd, Andrew Taylor and yourself and I that the proposed amendment could not be improved upon further so any changes were unnecessary.

I will take the opportunity to reiterate again that the actuality of the changes would almost certainly go unnoticed to most people. The lift shaft is only visible from the rear, away from the historic streetscape, so it is accurate to say that there cannot be any additional impact on the conservation area.

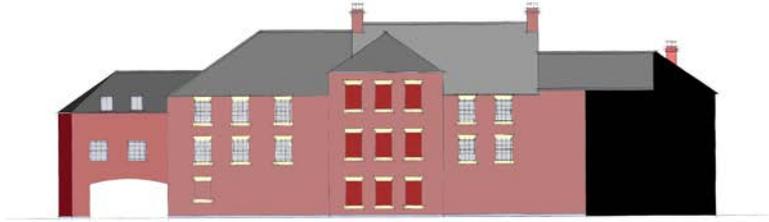
This proposal is an excellent scheme that is not only good for the local economy but provides an impressive frontage to a part of the town that has been sadly neglected for a long while.

As agreed at the meeting, could you please ensure that this is determined at the next meeting of the Planning Committee on the 13th July.

Yours sincerely,

John Bennetts
Arragon Construction Limited

**Registered Office: Arragon House, Santon, Isle of Man. IM4 1HH
Company No.75452C**



1:100 Rear Elevation



1:100 Side Elevation

YOUR APPLICATION
 HAS BEEN RECEIVED
 01/07/2015
 PLANNING & DEVELOPMENT
 SERVICE



1:100 Front Elevation Facing Station Street



1:100 Side Elevation Facing Long Street

YOUR APPLICATION
 HAS BEEN RECEIVED
 01/07/2015
 PLANNING & DEVELOPMENT
 SERVICE

(4) Application No: PAP/2014/0665

Hollow Oak Farm, Breach Oak Lane, Corley, CV7 8AW

Installation of small anaerobic digester to convert farmyard manure, straw and silage into renewable energy and organic fertiliser, for

Mr Joe Brandreth - AW and J Brandreth & Son

Introduction

The application is reported to Board at the discretion of the Head of Development Control

The Site

Hollow Oak Farm is a well-established agricultural working farm located off Breach Oak Lane, Fillongley and close to the Parish Boundaries of Corley and Astley. Farming activities at the site have diversified in recent years by the addition of caravan storage. The main farm house is not currently occupied by the farmer, but the site is still in use as part of an agricultural holding. Currently the activity at the farm is mainly confined to the storage of straw and hay, although some arable operations are also undertaken here on the surrounding fields. The farmer does keep beef cattle but these are at Astley Hall Farm, being some distance from the site - within 2 km - and he also owns several parcels of land associated with Hollow Oak farm, totalling 49 hectares, as well as other rented parcels of land in the immediate and surrounding area at approximately 155 hectares.

The site is wholly within the Green Belt and the land earmarked for the AD plant is 0.5 hectares. The arrangement at the farm consists of a cluster of buildings; the main farmhouse, a second farm house, modern steel portal framed barns for the storage of straw bales, and traditional brick and tile barns. The site earmarked for the digester plant is located to the north of the farm complex at the location identified in Appendix A.

The level of the land is on a sloping topography and drops away to the north. All buildings are on the higher land level, though the large modern buildings can be seen from some distance away at Astley Lane and Park Lane and are not obscured from view. The site levels are available at Appendix B. Due to the lay of the land the larger of the buildings on the holding are visible from open aspects along Howe Green Lane and Windmill Lane and from glimpses at Astley Lane and Park Lane. There is a public footpath to the north of the land at 340 metres and a bridle way to the south at 230 metres. Within 500 metres of the site is one scheduled monument, being the heritage designation of the WW2 anti-aircraft battery which is 280 metres south west of the site and two grade 2 listed buildings, one at Big House Farm within 300 metres of the site and one at Breach Oak Farm within 250 metres. There are no statutory designations in the immediate area in terms of AONB's or SSSI's.

The Proposal

It is proposed to install an anaerobic digester to convert farmyard waste silage, slurry, straw and cattle manure from the rented and owned land holding, with the by-product of liquid digestate to be used on the land as organic fertiliser. Biogas would be utilised in a containerised 500kWe combined heat and power engine to produce electricity and heat. The gas generated by the anaerobic process drives the generator which makes electricity. It would produce approximately 500kWe of combined heat and power for use by the farm and any surplus would be fed into the national grid.

A vehicular access would be altered off Howe Green Lane, where an existing informal access was located. A route across the applicant's land would enter the site from the north directing traffic movements associated with the AD plant from the north. The arrangement to the site is shown at Appendix C.

This digester plant will be for the processing of agricultural waste only to create energy to feed back to the grid and to produce a fertiliser.

The digester plant and associated works will incorporate the installation of the following:

- 1 silage clamp - 45m (L) x 45m (w) x 3m (h).
- 1 semi-submerged Induction tank with electric lid - 6.8m (w) x 2m (AGL) x 1m.
- 1 mixing tank - 13m (w) x 6m(h)
- 1 primary digester – 17m (w) x 11.8m (h)
- 1 secondary digester – 20.8m (w) x 6m (h)
- 1 digestate storage tank – 30m (w) x 4m(h)
- 1 pump house – 9.6m(l) x 6.4m (h) x 6.6m (h) 1 CHP container – 6.1m (l) x 2.5m(w) x 2.24m (h)
- 1 flare stack – 0.5m (l) x 0.5m (w) x 5m (h)

The arrangement to the tanks in terms of their elevations are illustrated at Appendix D.

The feedstock to be fed into the digester per annum would be 2,000 tonnes of cattle manure and litter; 2,000 tonnes of straw and 3,500 tonnes of grass silage - totalling 7,500 tonnes of feedstock. The total digestate to leave the site is 13,000 tonnes, the difference in figures is made up with water from rain water harvesting from roof of the structures and through a borehole on the site.

Background

Historically there have been planning applications at this site associated with the need for an agricultural dwelling; caravan storage and hay barns. Farm diversification at the site has occurred in recent years, which has resulted in the caravan storage and large barns for the storage of hay.

Development Plan

North Warwickshire Core Strategy 2014 – NW1 (Sustainable Development); NW3 (Green Belt), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment) and NW15 (Nature Conservation)

North Warwickshire Local Plan 2006 (Saved Policies) - Core Policy 10 (Agriculture and the Rural Economy); ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ECON 7 (Agricultural and Forestry), ECON 8 (Farm Diversification) and TPT1 (Transport Considerations)

Other Relevant Material Considerations

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

National Planning Policy Guidance 2014 - (the "NPPG")

Consultations

Environment Agency – No objection subject to standard notes

Natural England – No comments as it considers that its standing advice is adequate

The Council's Agricultural Advisor – No objection as the plant is proportionate to the needs of the whole holding.

Environmental Health Officer – No objection subject to mitigation measures by condition

Warwickshire Wildlife Trust – No objection subject to mitigation measures by condition.

Warwickshire Museum – No comments received

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

Warwickshire County Council Public Footpaths – No objection

Severn Trent Water – No objection

Police Architectural Liaison Officer – No objection

Warwickshire Fire Services – No representation received

Health and Safety Executive – The proposal is under the threshold for HSE to make a response.

National Grid – It makes comments relating to a schedule of work.

The Coal Authority – The site does not fall within a defined High Risk Area.

Representations

Fillongley Parish Council – No objection

Corley Parish Council – It submitted an initial objection and has made a further representation saying that it does not have the technical background and expertise to comment in detail on the application. It would wish to ensure that the details are correct; safety and environmental concerns are answered and the impact on the residents the

local roads and community are fully considered. Is the facility of this size and scale appropriate development in the Green Belt? The facility has eco-credentials but all relevant planning guidelines should be applied.

Astley Parish Council – It requests that the applicant should provide proven data on noise from 24 hour operation of the plant, taking into consideration wind direction and the humdrum from the M6.

Neighbours – There have been 72 individual objections from residents in the surrounding area of the site. A summary of the nature of the residents objections are as follows:

- Visual impact and Green Belt matters. It is industrialisation of the area and will not enhance the green belt, resulting in a blot on the landscape. It is unclear why the plant needs to be so large. More hardstanding and building would be added to the farm - some of the buildings are at least twice that of anything else. The height of the proposed structure at 12 metres on the top of a hill and 45 metres wide will change the rural landscape. The large ducting and flare stack will disfigure the Green Belt and the several large buildings with extraction vents would have the appearance of a factory and not a farm located in the green belt. It is unclear what the very special circumstances are. The proposal will be seen from many perspectives and directions. A Listed Building is nearby the visual impact assessment doesn't cover the impact on its setting.
- Drainage. There are no drains at the sides of Breach Oak Lane to take any excess rain water or water runoff from rain. There will not be enough spreadable waste to fertilise the land. It will cause pollution to groundwater and run of nutrients into streams and ponds.
- Input figures for waste and output for digestate. The straw to feed the digester will not be organic, brought in from normal arable farms. Hollow Oak Farm is not big enough to provide material for a digester of this size. Astley Hall Farm is only rented there is no guarantee there would be enough product to feed the digester. Some of the land at Astley Hall Farm was planned by Arbury Estate to be developed for housing; the loss of the rented land would have implications on the supply of the plant. Concerns that the figures are unclear, how can 7500 tonnes input produce a 13000 tonnes digestate output if the additional weight is the water being added to this process? How is this water sourced, as there is no reference to rainwater harvesting at this site? The plant is disproportionate to the current farm operations at the site. The applicant will move material to and from third party farms including his own. It appears to be an industrial waste plant; it is not self-sufficient to the existing farming activities. The farm has already diversified to caravan storage and straw wholesaling operation at the farm. There is no indication that either of these activities will cease. There is nothing to say in the application how the plant would be managed. How do we know if the applicant will only use his own produce to feed the plant and will not be using any from the surrounding farms to help in the supply? The applicant has only demonstrated the ability to support around a quarter of this large plant. The proposed plant is too big when you consider the land needed for a 500 kW plant. What stops the plant being sold off as a separate entity?

- Safety. Health and safety concerns including accidents. The bio-gas will produce 60% methane. Methane is a dangerous gas and is combustible. The technology is unique and not proven to be safe. Fears that should an incident occur there will be no earth bund to contain it. No fire and rescue details have been addressed. The facility appears to be monitored remotely there is no suggestion of the plant being manned and there is no reference to the creation of employment given it is a 24/7 operation. There are numerous examples in the UK of environmental accidents involving AD plants suffering structural failures or leaks. No reference is made to emergency planning or contingencies as AD's have a track record of failure. The environment agency doesn't permit AD's to be sited within 200m of dwellings. Beckfield Lodge Farm and High House Farm are just over this 200m minimum requirement.
- Highway Safety and Traffic. Safety concerns with use of HGV's or other large vehicles using the roads and lanes will present a traffic hazard. Breach Oak Lane is narrow. The new access at Howe Green Lane is not considered by residents to be any better in terms of visibility and the speed at which vehicles travel, with no footways or street lighting. It would be unsafe. The new access would use even more green field to form the road/track leading to the development. It is not clear if the caravans are to be ceased or if some will stay? It is unclear how the applicant would use the dual access points. Overall traffic would be increased dramatically. The traffic movements do not add up when comparing present and proposed movements. As there are many places where silage, straw and feedstuff would be taken from then this would mean several different routes to get to Hollow Oak Farm. As farming is seasonal, traffic patterns will be consolidated into large cycles of movements. There is no mention on how traffic would be handled. Existing straw and hay from movements has resulted in debris sat at the side of the roads. There is no mention in the application about keeping the lorries and tractors wheels clean. The traffic figures seem to be flawed.
- Noise, odour and lighting. The plant room and pump station will produce noise with generators running 2/7 for 365 days a year. The noise assessment assures that vehicles movements would be limited to normal working hours but nowhere in the planning application are normal working hours defined - this is a 24/7 operation. The noise assessment report indicates that the plant would exceed the target criteria and recommends a reduction of 5dB. How will noise mitigation measures be installed? Light pollution will occur as the plant will need strong lighting. As this plant is on a hill then lights will be visible for miles. The papers on the odour assessment indicate the majority of the materials being handled to be - in the open air which will pollute the environment. The odour assessment does not specifically name the AD model and size it is reporting on, how can we be sure the reports have been submitted based on the model proposed? There are no details of the make or specification of the equipment to be installed, no commitment to implement the mitigation measures on noise, odour, ecology. The impact on the environment can also be questioned in terms of vermin and flies. The fumes will be toxic and dangerous.
- Landscape and Ecology. The ecology survey advises on recommendations and a mitigation strategy. There are ponds within 240 and 180 metres of the plant which have potential to support great crested newts. The environment agency states the storage of solid wastes; liquids and sludge shall not be within 250m of great crested newts. How would planning ensure that the applicant adheres to the recommendations of the reports? The unit will supply 950 homes with

electricity; there is no mention of how this will be achieved. There is no mention of associated pylons, power distribution or connection. There are no calculations on the net impact of the CO2 emissions which are critical for demonstrating the primary reason why a proposal should be considered. If the plant is being proposed on its green credentials what about the CO2 emissions from the use of vehicles and road transport to serve the operations. The source of input comes from Bedworth and other areas resulting in a lot of journeys with more CO2 emissions so how can the plant be seen as green. How can these benefit carbon emissions if it is not limited to an on-site production.

- Other Issues. Emotional stress and effect on house prices. There is insufficient information to make a decision in the consultation time. The application is not fully supported by the published documents.

There have been letters in support of the application from the following organisations:

- NFU
- Friends of the earth
- Letter from Yeo Valley
- Letter from the Soil Association
- Letters from OMSCO (organic milk suppliers co-operative) and
- Friends of the Earth Briefing on Anaerobic Digestion

Observations

The starting point with this application is to establish whether the proposal is appropriate or inappropriate development in the Green Belt. If it is appropriate then consideration will need to be given to whether there is other harm in respect of likely impact of the development. If not, then the Board will need to assess whether there are any other material planning considerations that amount to the very special circumstances necessary to outweigh the harm done to the Green Belt by virtue of its inappropriateness. Other potential harmful impacts will also need to be assessed.

a) The Green Belt

Members will know that new buildings are inappropriate development in the Green Belt. However there are exceptions to this as defined in the NPPF. One such exception is that agricultural buildings are appropriate development and therefore do not carry the presumption of refusal. It is therefore necessary to come to a view on whether this proposal is an agricultural building or not. It is not considered that this proposal is an agricultural building. This is because its design, function and purpose are all for the development of a renewable energy project. It may be sited on a farm, but there is nothing intrinsic in the development or the process to say that it could not be re-sited elsewhere and be used for non-agricultural waste. There are at two other such plants in the Borough that are not fully dependant on agricultural waste – at Packington and Baxterley. Moreover the proposed building and plant in this case does not appear to have been adapted to deal solely with agricultural waste. The Council too has successfully argued at appeal that wind turbines located to provide renewable energy on farms are not agricultural buildings. Given this conclusion the proposal is inappropriate development on the basis of this particular exception.

Members will also be aware that the NPPF recognises that some elements of renewable energy projects themselves may be inappropriate development in the Green Belt. An assessment has therefore to be made as to whether that is the case here. It is

considered that the proposal will impact on the openness of the Green Belt hereabouts because of its size; its introduction into a location in an adjacent field beyond the present range of buildings and the general setting including the lie of the land. New built development is thus introduced into a presently open field and this would not be contained by other tall buildings or landscape features. It is concluded therefore that the development will impact on openness and the degree of that harm will be significant.

As a consequence the conclusion is that the proposed development will carry a presumption of refusal because of this inappropriateness and the significant harm caused.

In these circumstances it is necessary for the Board to consider whether there any material planning considerations of such weight that would amount to the very special circumstances that could outweigh that harm.

Before undertaking that assessment, the Board will first need to see if there is any other harm which needs to be added into that balancing exercise.

b) Landscape Character

The site is within the Church End to Corley Landscape Character Area as defined in the North Warwickshire Landscape Character Assessment. This is broadly defined therein as “an elevated farmed landscape of low, rounded hills, steep scarps and small incised valleys. The landform combined with extensive hilltop woodlands and tree cover creates an intricate and small scale character, punctuated by numerous scattered farms and hamlets”. This is amplified by reference to, “landform relates intimately with tree cover and field pattern to provide enclosure. In the more intimate pastoral areas, views tend to be restricted by thick roadside hedgerows and are often short, overlooking two or three fields to a wooded skyline”. The applicant considers that the proposed plant’s impact would be limited by the rolling topography and the mature vegetation with no significant impacts. The view of the site can be assessed at Appendix E. It is agreed that the proposal has been reduced in scale since the original submission and that the largest structures here would be painted dark green, but the buildings would still have an impact on the landscape character as described above. That description refers to intimate landscapes and to containment. The proposal would upset those characteristics because of its size and location within an open field. That impact would be sufficient to carry weight.

Additionally the plant and structures will be visible from both some roads – Howe Green Lane and Astley Lane - and certainly from public footpaths. The buildings will therefore be noticeable and appear out of character. This harmful visual impact will carry weight.

It is thus concluded that there will be visual and landscape harm here and that that harm will carry some weight.

c) Residential Amenity

The nearest residential dwelling is at Hollow Oak Farm house some 120 metres to the south of the proposal and the Acorns some 180 metres south. These are both included on the agricultural holding. The nearest neighbours are at Beckfield Lodge Farm approximately 255 metres to the south east and High House is 260 metres to the south west. These distances at more than 200 metres are significant such that the impact on their residential amenity and safety would not be considered detrimental.

In terms of potential odours then an odour assessment has been provided with the application and concluded that general livestock operations are likely to have the most significant odour source at the site rather than the AD plant. Some odours are always likely to result from agricultural activities. However, provided the silage clamp can be closed and digestate is transported in sealed containers, then resultant odours would not be unacceptable. An odour management plan can be reserved by planning condition to include such measures. Whilst it is agreed that potential odour releases may occur during the movement of materials on site; from the storage of materials, from the digester and from the movement of fertiliser around the farm holding, these will be controlled with relevant preventative and mitigation measures through an Environmental Permit which falls under the responsibility of the Environment Agency. It is significant that the Council's Environmental Health Officer does not object.

In terms of noise, then mitigation can be addressed by screening or silencers which would normally be addressed by condition. The Council's Environmental Health Officer agrees his course of action.

It is not considered therefore that the development will have a significant impact on the amenity of nearby residential properties, sufficient to cause harm.

d) Ecology

An Ecological Survey Report was submitted with the application which presents the results and evaluations following an extended Phase 1 Habitat Survey at Hollow Oak Farm. It concludes that there would be no significant ecological issues or impacts as a result of the development subject to the proviso that great crested newts may be located within the boundary hedgerows to the arable field. The Warwickshire Wildlife Trust has raised no objection to the proposal subject to a mitigation strategy in respect of the newts should they be found. There is thus not considered to be harm here of sufficient weight to warrant refusal.

e) Heritage Issues

The settings of the Grade 2 Listed building at Big House Farm – some 300 metres to the south west – and Breach Oak Farm some 600 metres to the east would not be considered to be compromised. This is because these assets are at sufficient distance from the site and because there are intervening trees and hedgerows such that their special historic or architectural character would not be directly or indirectly affected. There is thus not considered to be harm arising from this matter.

f) Highway safety and access

An existing field gate onto Howe Green Lane will be upgraded to accommodate the majority of the traffic associated with the AD plant. The access is proposed to be utilised together with the existing Breach Oak Lane access to the holding, which also would be subject to improvements.

Trip generation figures were submitted with the application giving details of traffic movements of the existing agricultural operation of the holding and the projected traffic movements anticipated for the proposed plant. These figures have been re-assessed following queries from residents and up-dated figures have been provided. It is now said that there are approximately 765 movements per annum to and from the farm

connected with the import and export of straw alongside another 765 movements from machinery needed to lift the straw. This amounts to some 1530 existing movements per annum associated with the storage of straw. There would also be some use by vehicles used in connection with arable operations although there is no figure provided. So the 1530 should be treated as the minimum figure associated with agricultural movements.

When the AD is operating the applicant says that the straw lifting equipment would stay on site thus removing 765 movements immediately and that because much of the straw imported here would be used in the AD plant rather than be exported for use elsewhere on the holding or sold, there could be a further reduction of some 320 movements. This would give a figure of some 445 movements. However to this must be added additional material for the AD plant – grass silage and slurry from the farm's wider holdings. The applicant suggests a further 620 movements from this source. Also the AD plant creates digestate/fertiliser. Whilst some of this would be spread on the fields around the AD plant without the need for road movements, the applicant suggests that the great majority would be transported off-site. This could amount to an extra 1000 movements. The total movements associated with a full working AD plant could thus amount to some 2300 movements. Even taking the existing 1530 – see above - as a minimum, the overall increase in traffic would be an increase of at least a third. If that is assumed to be a minimum of 500 movements, then that equates to say an extra ten movements a week. A couple of other points need to be made – this traffic will almost certainly be agricultural in nature; the transport of the digestate will be concentrated in the summer months and the traffic connected with the caravan storage has been excluded.

The Highway Authority has looked at the adequacy of the two proposed access points and following the receipt of survey information and road safety audits it has no objection to the use of these, subject to engineering improvements.

The Highway Authority also has no objection overall as it considers that the increased traffic generation is not material – ten vehicles a week. However this needs to be placed into a planning context. There are several issues here. There is no indication as to what proportion of the increased traffic would use which access or how that is to be controlled; there is no routing agreement or reference to how these access points might be accessed from the whole of the applicant's land holding, whether there is an underestimation about the import of water to facilitate the AD process, the nature of the surrounding highway network which is wholly rural in character, the inclusion of a lengthy and indirect "haul" road across open fields and the future of the caravan storage on the site.

It is considered that in view of the material increase in traffic associated with this proposal that there is insufficient clarity here to warrant a full assessment as to how this can be satisfactorily mitigated, if at all. In other words at present, there has not been shown to be no harm arising from the development and that is considered to carry weight.

g) Health and Safety

There is concern that the AD plant would not be manned 24/7 and that there is no earth bund around the site. These matters, whilst understood, are matters that will be dealt with under other legislative regimes with other Agencies enforcing the on-site operations – the Environment Agency in particular. The provision of an earth bund would seem to be advantageous for several reasons. In the event of a planning permission then this could be conditioned as would details of surface water disposal and the storage of water

on site for use in the plant. There is no refusal reason here in view of the other Agencies interests in the development.

h) Interim Conclusion

Having run through a number of issues other than the Green Belt an interim conclusion can be made.

This is inappropriate development in the Green Belt which is considered to cause significant harm to the openness of that Green Belt. Other harm is also caused because of the landscape and visual impacts and potential traffic and highway impacts which remain unclear. As a consequence the development proposal carries a presumption of refusal. The Board must now assess the material planning considerations which the applicant has put forward in order to see if they amount to the very special circumstances necessary to outweigh the harm caused by the inappropriateness and the other identified harm.

i) Very Special Circumstances

The applicant has identified two planning considerations which he considers provide the weight to override the presumption of refusal.

The first is an economic argument. He argues that the farm holding is operated as an organic farm which has resulted in less intensive farming requiring the farm diversification project and the need to save energy costs. Hence the proposal is submitted which would make the farm more efficient as well as not harming its organic credentials. The farm still keeps beef cattle as Astley Hall and the plant will assist in making that enterprise more efficient too by providing renewable energy. This argument does carry weight as all farm holdings now are coming under increasing pressure to become more efficient and sustaining the rural economy is one of the guiding principles of the NPPF and a Spatial Objective of the Core Strategy. That objective will also ensure that the rural character of the Borough is retained, as the landscape is inherently linked to the efficiency of the local agricultural holdings.

The second is the renewable energy argument. This does carry weight as well. The NPPF supports “the transition to a low carbon future” and the “encouragement of the use of renewable resources” as guiding principles and this is followed up in the Development Plan. Energy generated here would reduce costs for the farm; provide an additional income source for the farm through surplus electricity going to the Grid as well as increasing the proportion of renewable energy going to the Grid, making the disposal of waste more sustainable and naturally generating highly nutrient digestate and fertilisers. This therefore is a sustainable development from this perspective. The NPPF too makes very clear that the wider environmental benefits associated with increased production of energy from renewable sources may amount to “very special circumstances”.

These two considerations when added to gather carry significant weight.

The Board has to balance this conclusion against the significant harm caused to the openness of the Green Belt and the other harm identified above. It is considered that the latter should prevail.

In respect to the applicant's case then it is agreed that the scale of the proposal has been reduced since the original submission but these are still large buildings in an exposed setting. In general terms the matters raised by the applicant certainly carry weight but they do need to be applied to the case in hand. There are some caveats in this respect which weakens his position. These matters include that the holding has rented land and this is not necessarily a permanent position; there will be a material increase in traffic movements which is in itself not sustainable, there is no indication of how or where the connection to the National Grid is to be made and thus any consequential adverse impacts and there appears to be no benefit in terms of increased employment. The case is also weakened by the other harm created by the proposal – visual, landscape and traffic generation. In particular the latter issue has not been thoroughly dealt with.

The key issue here is that greatest attributes of the Green Belt are its permanence and its openness. These would be compromised here because one of the purposes of the Green Belt is to safeguard the countryside from encroachment and that has not been achieved here. Given the conclusion above it is considered that the balance here lies with the presumption of refusal.

Recommendation

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

“The proposed development is considered to be inappropriate development in the Green Belt causing significant harm to the openness of the Green Belt hereabouts. Additionally other harm is caused as a consequence of the impact of the development on landscape character and visual amenity. The development will also lead to a material increase in traffic movements but the full highway impact of the development has not been thoroughly assessed therefore further adding to the harm. It is not considered that the planning considerations advanced by the applicant are sufficient to amount to the very special circumstances needed to override the harm caused by the development's inappropriateness and the other harm caused. The development does not therefore accord with policies NW3, NW10, NW12 and NW13 of the North Warwickshire Core Strategy 2014 not with the NPPF.”

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0665

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	8.1.15
2	The Coal Authority	comments	14.1.15
3	NBBC	No objection	15.1.15
4	Fillongley PC	No objection	16.1.15
5	Mr Russell	comments	19.1.15
6	Natural England	No comments	20.1.15
7	M Hartley	objection	20.1.15
8	Mr Ward	objection	20.1.15
9	Mr Birch	objection	21.1.15
10	Applicant	Supporting information	22.1.15
11	HSE	No comments	23.1.15
12	Mr Coley	objection	23.1.15
12	Mr O'Brian	objection	23.1.15
13	Mr Sutherland	objection	23.1.15
14	Mrs Fox	No objection	24.1.15
15	Applicant	e-mail to case officer	25.1.15
16	Applicant	e-mail to case officer	25.1.15
17	Mr and Mrs Sharples	objection	25.1.15
18	Applicant	e-mail to case officer	26.1.15
19	Applicant	e-mail to case officer	27.1.15
20	Mr Russell	comments	28.1.15
21	Mr and Mrs Sharples	comments	28.1.15
22	Mrs Henri	objection	28.1.15
23	Applicant	e-mail to case officer	29.1.15
24	Markham	comments	30.1.15
25	Applicant	e-mail to case officer	30.1.15
26	Applicant	Plan and supporting information	30.1.15
27	Mr Pursey	comments	31.1.15
28	Consultant Land Agent	No objection/comments	1.2.15
29	Charlotte Houston	objection	2.2.15
30	Mr and Mrs Houston	objection	2.2.15
31	Case Officer	e-mail to agent	2.2.15
32	Applicant	Supporting information	2.2.15
33	Corley Parish Council	comments	2.2.15
34	Mr and Mrs Sharples	comments	3.2.15
35	Case Officer	e-mail to agent	3.2.15
36	Applicant	e-mail to case officer	3.2.15
37	Case Officer	Correspondence	4.2.15
38	Case Officer	e-mail to applicant	4.2.15

39	Coulter	objection	5.2.15
40	Mr Bond	objection	5.2.15
41	Mr Chambers	objection	5.2.15
42	Dan Byles	Correspondence	5.2.15
43	Planning Manager	e-mail	6.2.15
44	NFU	No objection	9.2.15
45	P. Lyons	objection	8.2.15
46	NWBC Environmental Health	comments	12.2.15
47	Mr and Mrs Smith	objection	13.2.15
48	WCC footways	No objection	16.2.15
49	Mrs Watts	objection	16.2.15
50	Agent	e-mail to case officer	16.2.15
51	Mr and Mrs Caine	objection	17.2.15
52	Mr Moran	objection	17.2.15
53	Mr Eyden	objection	17.2.15
54	Mr Liddiatt	objection	17.2.15
55	Mr Eyden	objection	18.2.15
56	G Simmons	objection	18.2.15
57	Mr Goddin	objection	18.2.15
58	Case Officer	e-mail	18.2.15
59	Mr Hancock	objection	18.2.15
60	T Court	objection	19.2.15
61	Corley Parish Council	comments	22.2.15
62	Mr Rollason	objection	23.2.15
63	DM Hurt	objection	24.2.15
64	Mrs Cooper	objection	24.2.15
65	Agent	e-mail – to case officer	24.2.15
66	Case Officer	e-mail – to agent	24.2.15
67	Severn Trent Water	No objection	27.2.15
68	Agent	e-mail to Case Officer	2.3.15
69	Environment Agency	No objection	3.3.15
70	Astley Parish Council	comments	4.3.15
71	Mr Sharples	objection	4.3.15
72	R Duffin	objection	4.3.15
73	Mr Heritage	objection	5.3.15
74	Agent	Supporting plans and information (amended)	5.3.15
75	J A Hill	objection	5.3.15
76	H Sharples	objection	6.3.15
77	D and R Gane	objection	6.3.15
78	D Sharples	objection	7.3.15
79	C Rooke	objection	8.3.15
80	J McAdam	objection	9.3.15
81	WCC Highways Authority	comments	9.3.15
82	Agent	e-mail to case officer	9.3.15
83	Mr Ward	objection	10.3.15
84	Mr Pymm	objection	11.3.15
85	Mr Siebert	objection	11.3.15
86	Mr Moran	objection	11.3.15
87	Mr Russell	objection	13.3.15

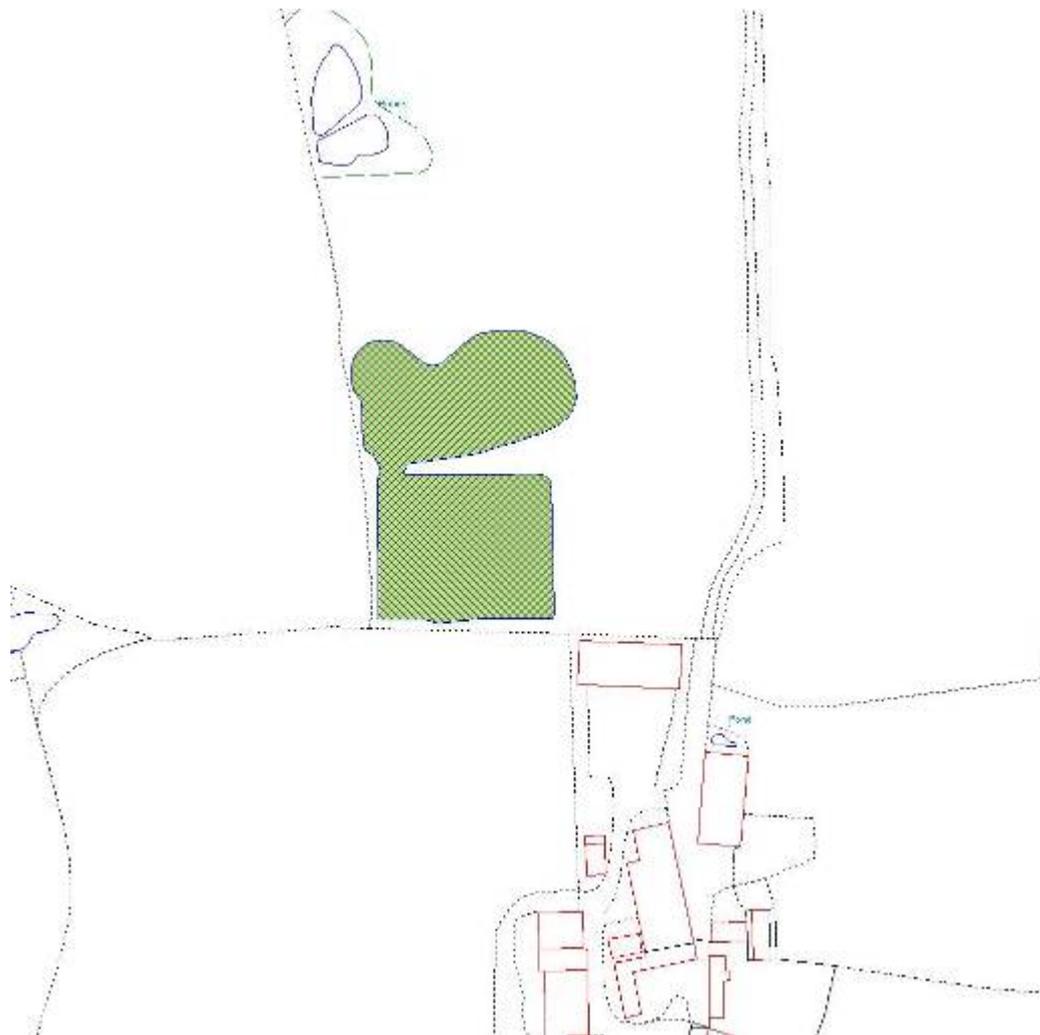
88	Mr and Mrs Hill	objection	12.3.15
89	Mrs Russell	objection	12.3.15
90	A Patchett	objection	12.3.15
91	Agent	e-mail to Case Officer	2.4.15
92	Case officer	e-mail to Agent	24.4.15
93	Agent	Supporting information	27.4.15
94	Case officer	e-mail to agent	28.4.15
95	Mr Birch	objection	29.4.15
96	Police Architectural Officer	No objection	30.4.15
97	Coal Authority	comments	30.4.15
98	Agent	Supporting information	30.4.15
98	Applicant	Supporting Information	5.5.15
99	Natural England	No objection	8.5.15
100	Mr Ball	objection	9.5.15
101	Mr Layton	objection	11.5.15
102	McIndoe	objection	11.5.15
103	Applicant	e-mail and correspondence	11.5.15
104	WCC rights of Way	No objection	12.5.15
105	J Sullivan	objection	12.5.15
106	Mr Rooke	objection	13.5.15
107	Mr Wilkinson	objection	13.5.15
108	Mr and Mrs Hill	objection	13.5.15
109	L Sullivan	objection	13.5.15
110	WCC Highways	objection	14.5.15
111	Case Officer	e-mail	15.5.15
112	Severn Trent Water	No objection	15.5.15
113	Mr Sharples	objection	15.5.15
114	Williamson	objection	16.5.15
115	H Sharples	objection	17.5.15
116	Mrs Box	objection	17.5.15
117	Agent	e-mail	18.5.15
118	Mr Duffin	objection	19.5.15
119	Corley Parish Council	comments	19.5.15
120	National Grid	comments	19.5.15
121	Mr Ward	objection	20.5.15
122	Mr Corrigan	objection	20.5.15
123	Mrs C Russell	objection	20.5.15
124	Mr Russell	objection	20.5.15
125	P Ward	objection	20.5.15
126	Applicant	e-mail and correspondence	21.5.15
127	S Sharples	objection	21.5.15
128	L Sharples	objection	21.5.15
129	M Ward on b/half of Mr Spacey	objection	22.5.15
130	Mr Smith	objection	22.5.15
131	J Hill	objection	27.5.15
132	P and T Hill	objection	27.5.15
133	Applicant	e-mail and correspondence	27.5.15
134	Agent	e-mail and supporting documents	28.5.15
135	Agent	Supporting plan	1.6.15

136	Agent	e-mail	3.6.15
137	NWBC Environmental Health	comments	11.6.15
138	Agent	e-mail	18.6.15
139	Mr L Smith	objection	22.6.15
140	Mr J Smith	objection	22.6.15
141	Warwickshire Wildlife Trust	No objection	23.6.15
142	Agent	e-mail to case officer	23.6.15
143	Fillongley Parish Council	No objection	24.6.15
144	Agent	e-mail to case officer	25.6.15
145	Natural England	No objection	25.6.15
146	WCC Highways Authority	No objection	25.6.15
147	Agent	e-mail to case officer	26.6.15
148	Mr Sharples	objection	28.6.15
149	Mr Russell	objection	28.6.15
150	Mrs Russell	objection	28.6.15
151	Mr J Smith	objection	29.6.15
152	Mr Sharples	objection	29.6.15
153	Mrs P Smith	objection	29.6.15
154	Mr J Smith	objection	29.6.15
155	Agent	e-mail to case officer	29.6.15
156	Agent	e-mail to case officer	30.6.15
157	Case Officer	e-mail to agent	30.6.15
158	Agent	e-mail to case officer	30.6.15
159	Mr J Smith	objection	30.6.15
160	Monika Heritage	objection	30.6.15
161	Mr Heritage	objection	30.6.15

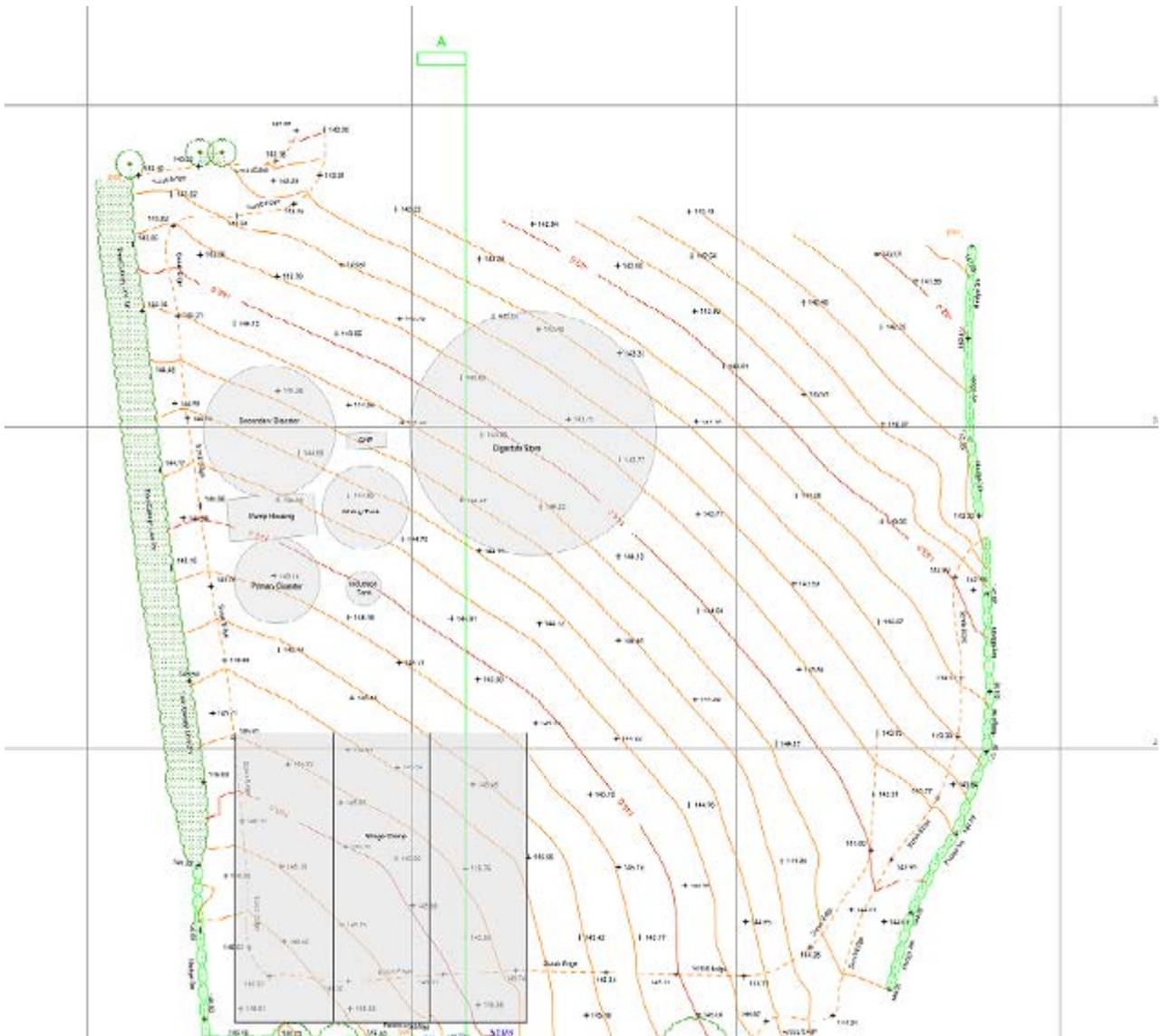
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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.

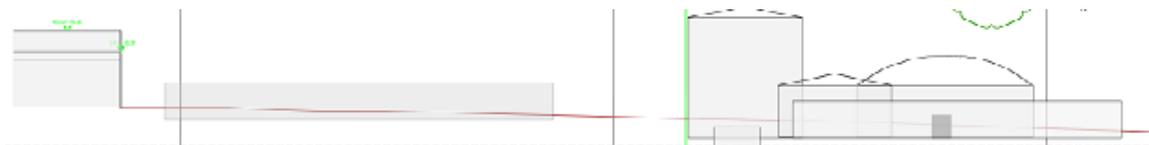
Appendix A



Appendix B



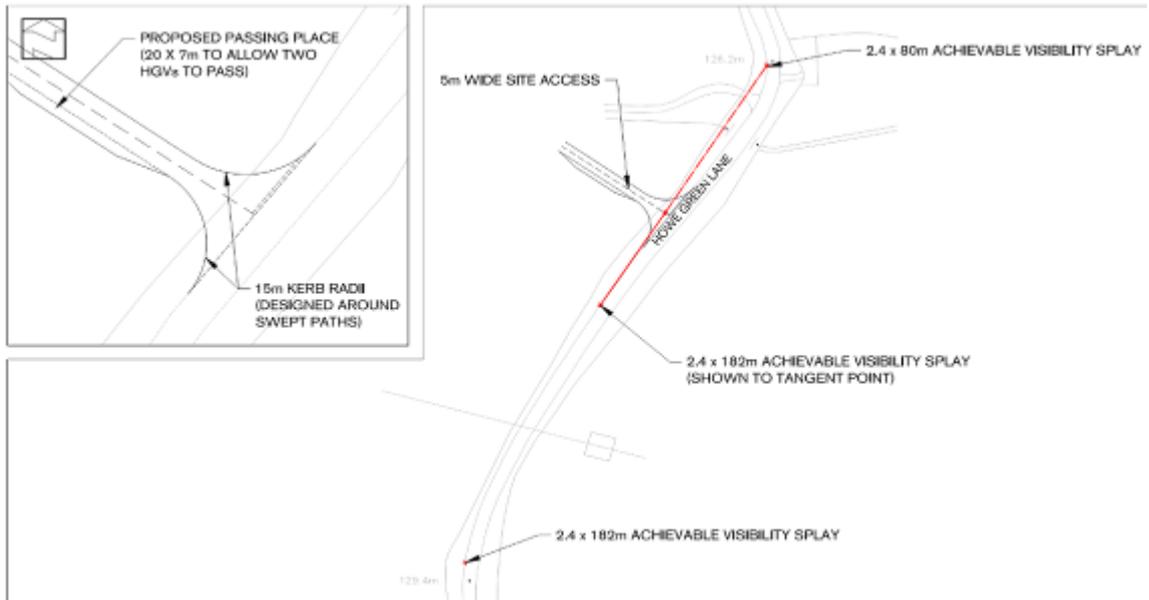
Section A/A



Appendix C



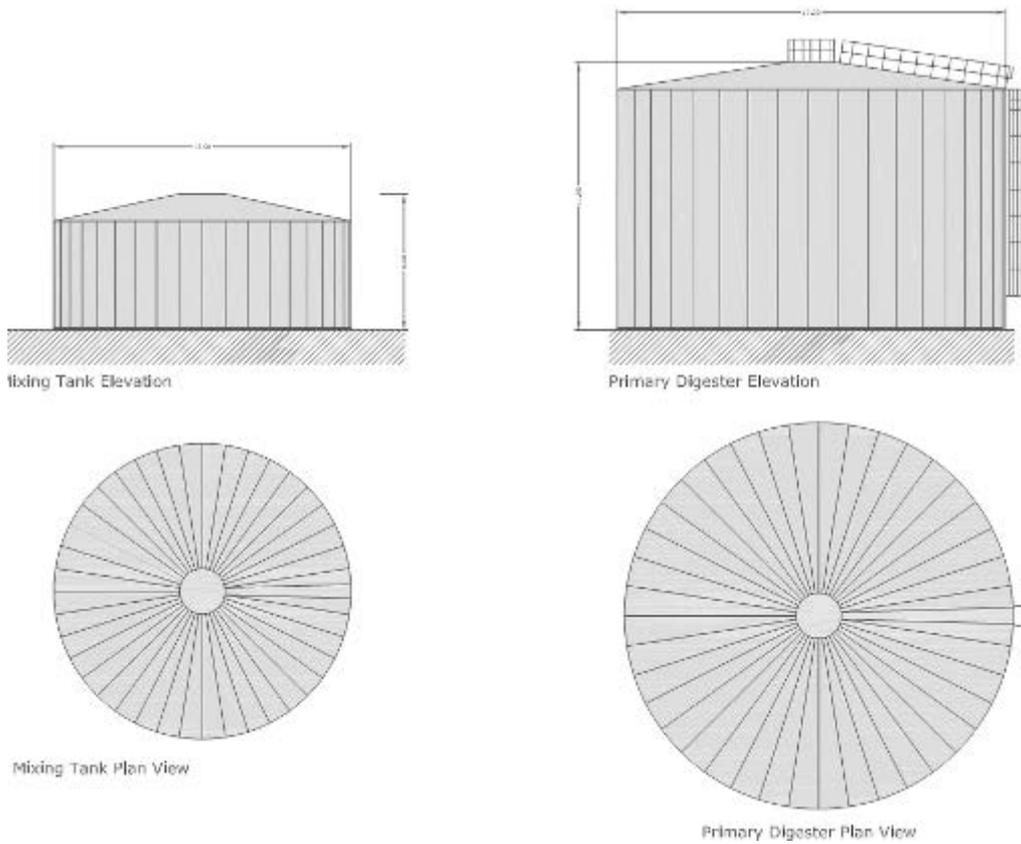
Access route to farm site



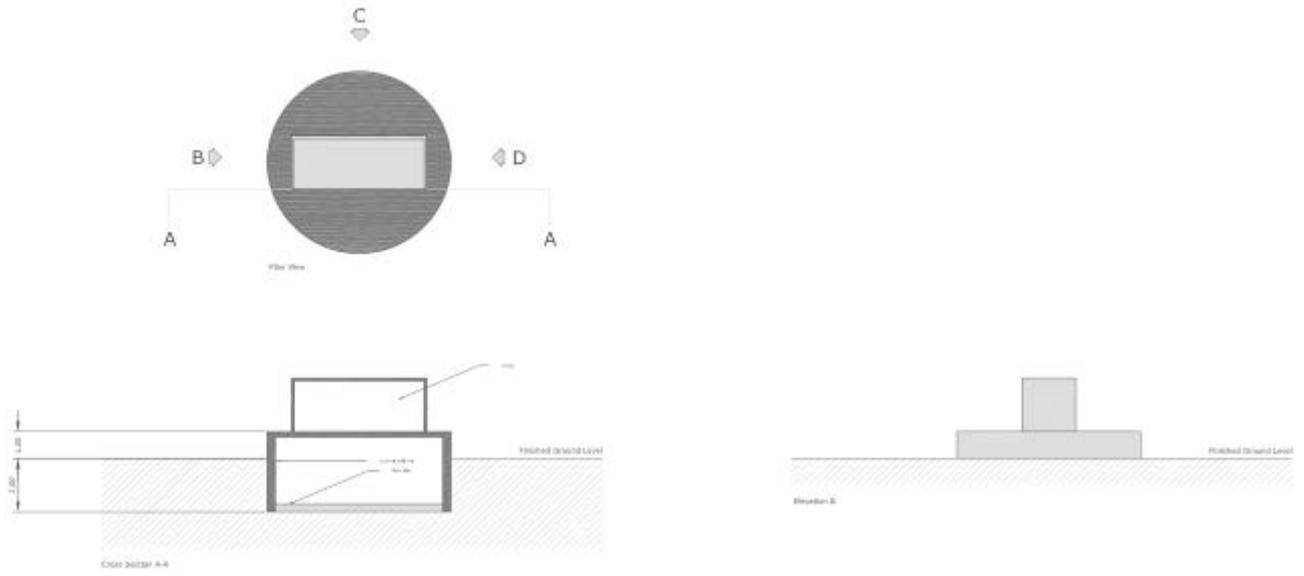
Improvements made to access

Appendix D

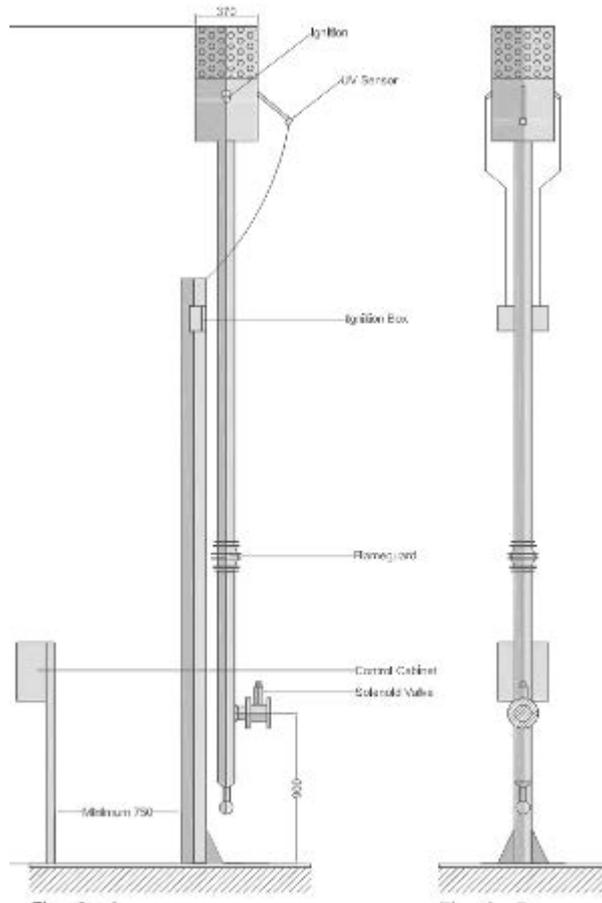
Mixing Tank and Primary Digester



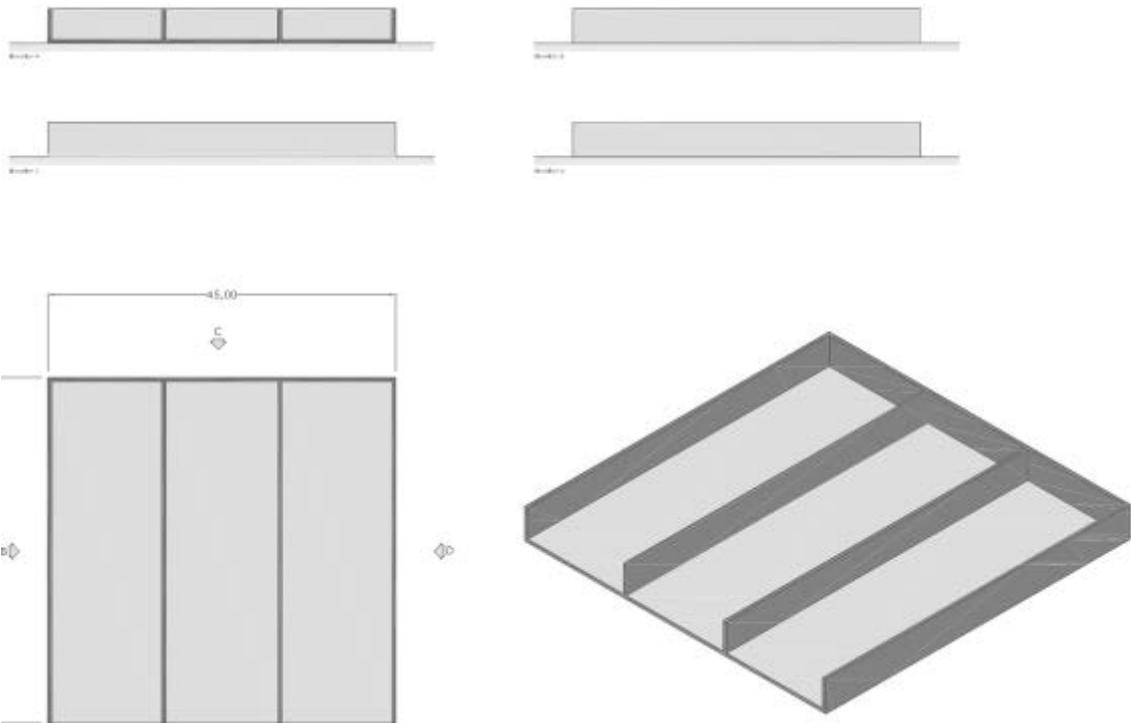
Intake tank (submerged)



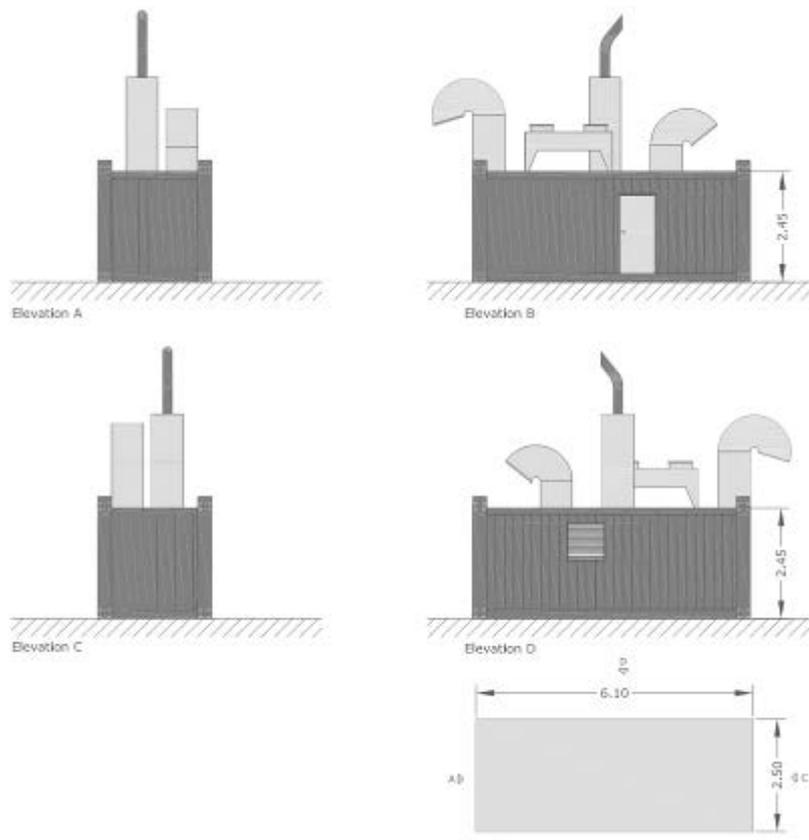
Flare stack



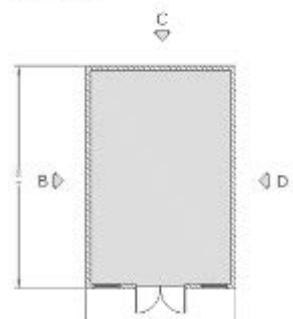
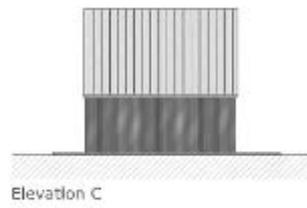
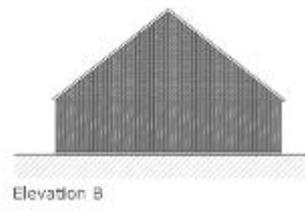
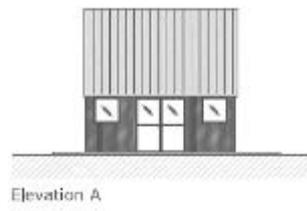
Silage clamp



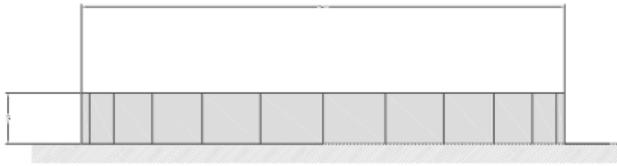
CHP Unit



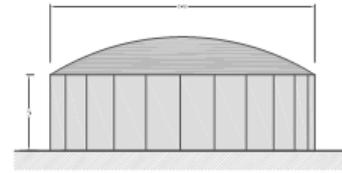
Technical building



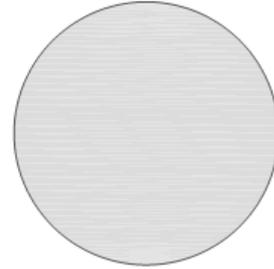
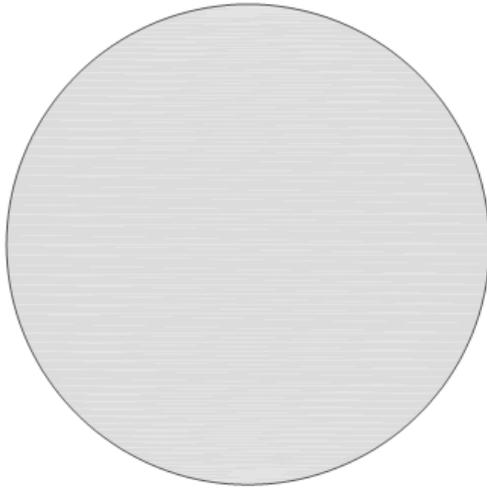
Digestate storage and secondary digester



Digestate Storage Tank Elevation



Secondary Digester Elevation



Secondary Digester Tank Plan View

Appendix E

Photographs following Landscape Assessment from different vantage points in the area including highways and public right of ways.

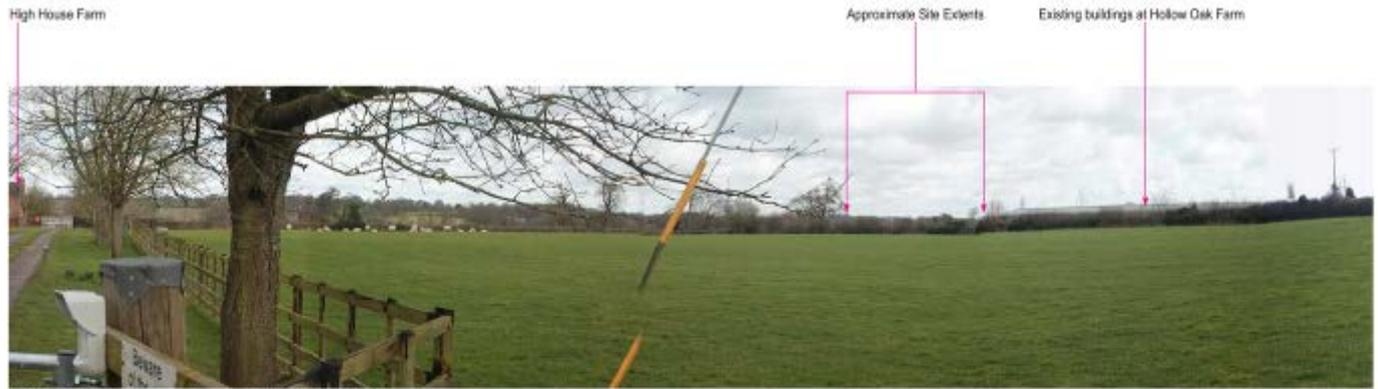


PHOTO VIEWPOINT 1: View north east towards the site from High House Farm



PHOTO VIEWPOINT 2: View north west towards the site from the junction of PRoW 'Coventry Way' and Breach Oak Lane adjacent to the site access lane



PHOTO VIEWPOINT 3: View north east towards the site from Coventry Way



PHOTO VIEWPOINT 4: View north east towards the site from PRoW between Square Lane and Highfield Lane



PHOTO VIEWPOINT 5: View east towards the site from PRoW adjacent to Breach Oak Lane and Fir Tree Farm



PHOTO VIEWPOINT 6: View east towards the site from adjacent to properties on Wood End Lane



PHOTO VIEWPOINT 7: View south east towards the site from junction of PRoW and Wood End Lane



PHOTO VIEWPOINT 7: continued...



PHOTO VIEWPOINT 8: View south east towards the site from the junction of PRoWs



PHOTO VIEWPOINT 8: continued...

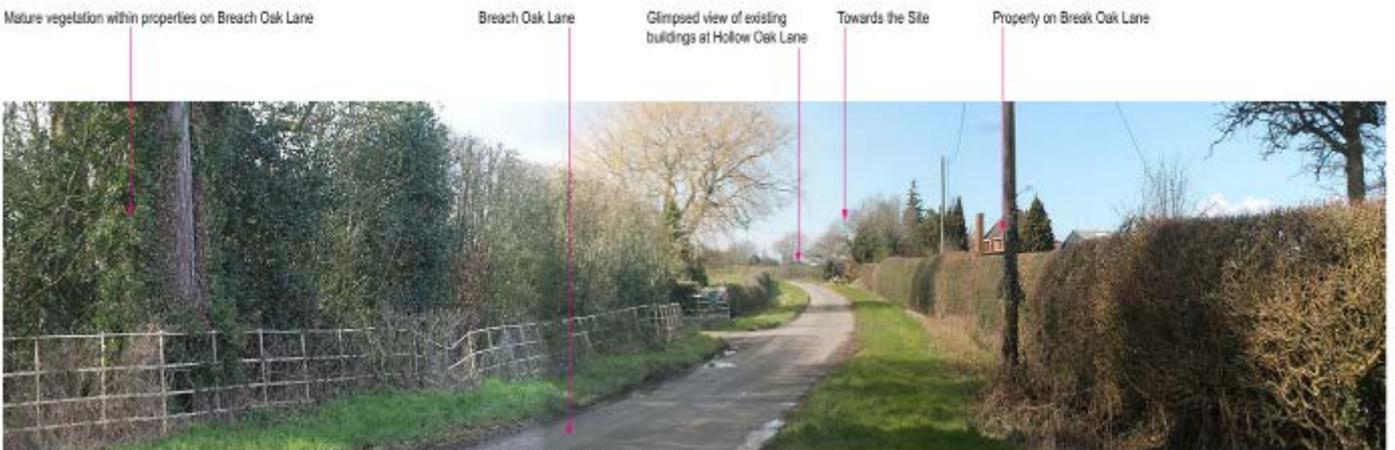


PHOTO VIEWPOINT 9: View west towards the site from junction of Breach Oak Lane and Howe Green Lane



PHOTO VIEWPOINT 10: View west towards the site from Howe Green Lane

Park Lane

Wilkinson's Wood

Buildings at Cottage Farm



PHOTO VIEWPOINT 11: View south towards the site from Park Lane

Towards the Site
Existing buildings at Hollow Oak Farm

Park Lane



PHOTO VIEWPOINT 11: continued...

Park Lane

Cottage Farm

Towards the Site
Buildings at Hollow Oak Farm

High House Farm

High ground at Corley

Fir Tree Farm

Holly Mount Farm



PHOTO VIEWPOINT 12: View south east towards the site from Park Lane

Old House Lane



PHOTO VIEWPOINT 13: Distant view north towards the site from Church Lane, Corley

Glimpsed views of Farm buildings on Breach Oak Lane

M6



PHOTO VIEWPOINT 13: continued



Existing view from Public Right of Way

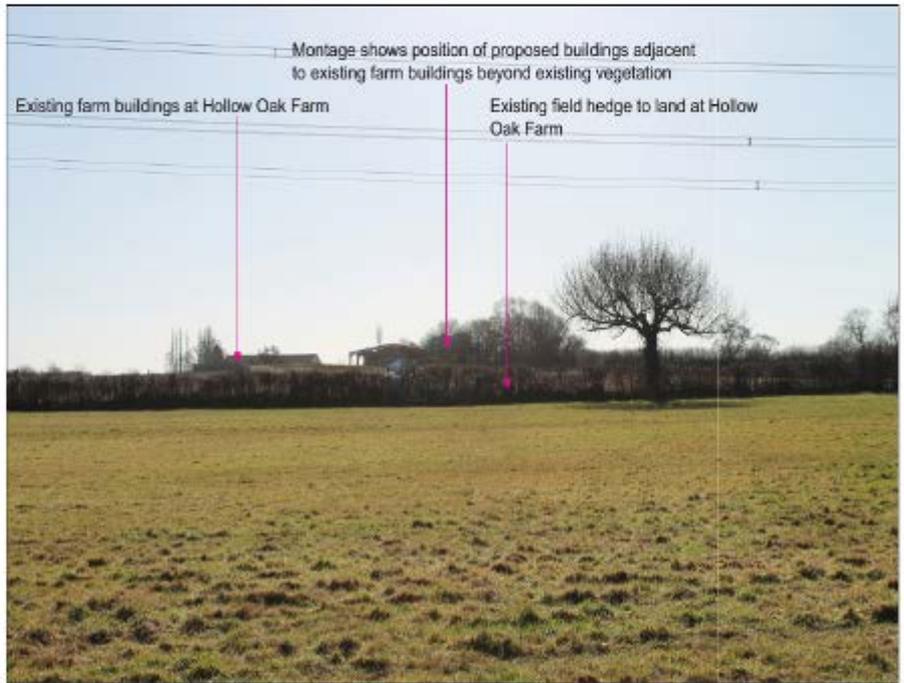


Photo montage from Public Right of Way

Proposed landscape plan for screening:

(5) Application No: PAP/2015/0040

Hatters Arms, Church Road, Warton, B79 0JN

Conversion of former public house into four 2-bedroom apartments and construction of two 3-bedroom houses and one 2-bedroomed house on the former car park area, for

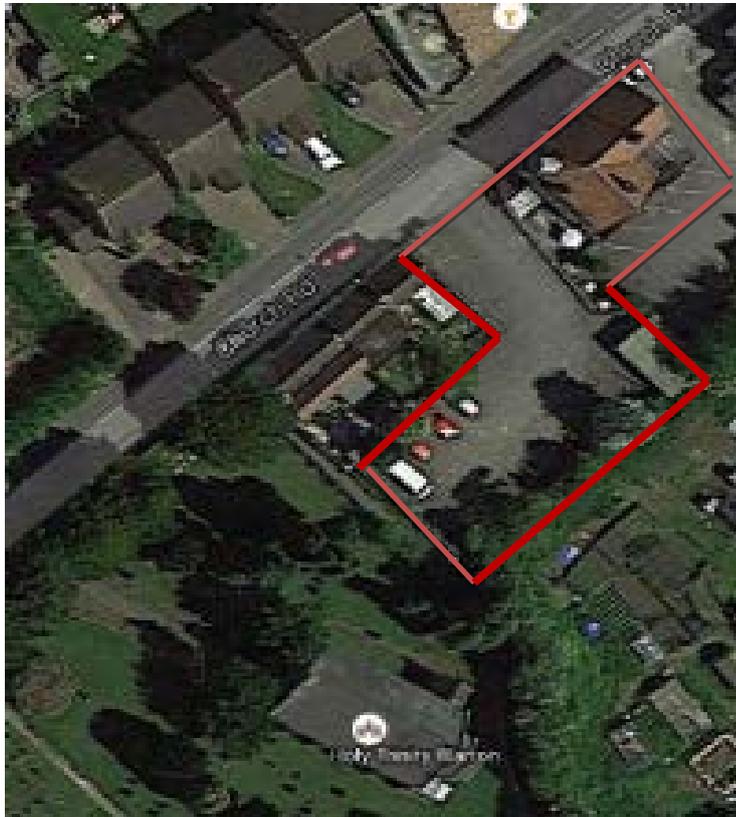
Mr S Wright - Wrightway Property Developments Ltd

Introduction

The application is reported to Board at the request of a Local Member for Warton concerned about the development's impact and the loss of the public house.

The Site

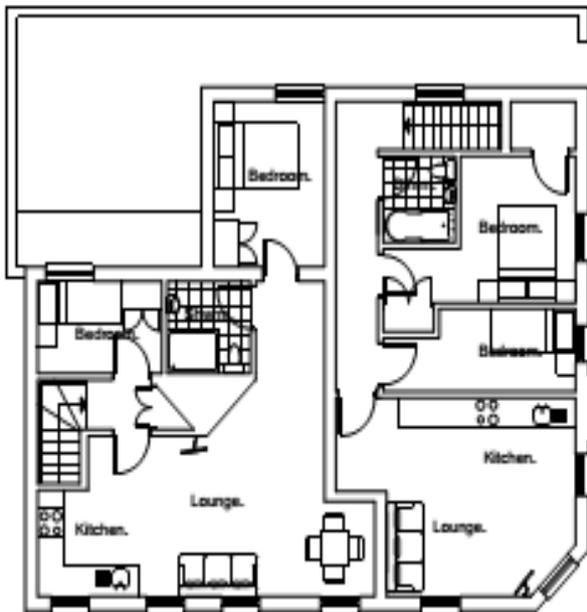
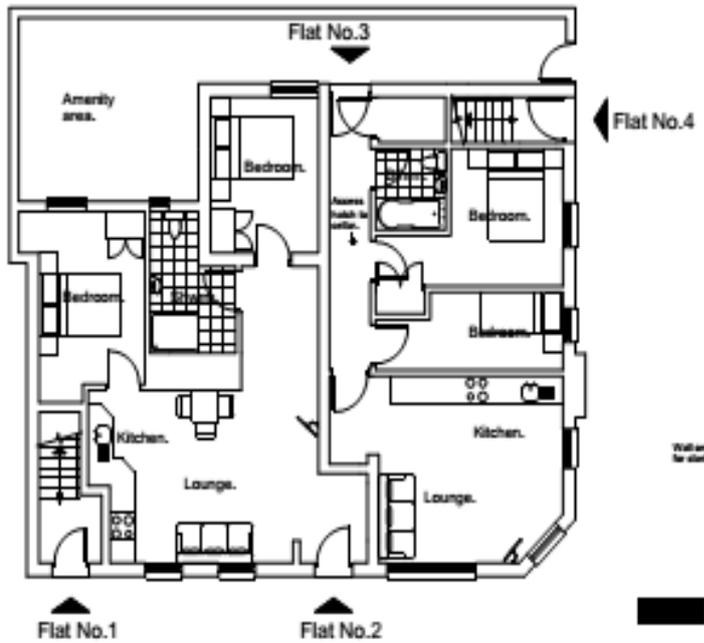
The site lies to the south side of Church Road and north-east of Holy Trinity Church at Warton. The Hatters Arms public house sits on the road frontage and benefits from a large car park area with an existing vehicular access onto Church Road which would serve as the access for the proposed development. The context of the site is at Appendix A. To the rear of the site (south-east) is open allotment gardens. Opposite the site along Church Road is a row of detached and semi-detached dwellings. To the north - east of the application site is the Boot Inn. The main frontage of the site consists of a row of four cottages behind which the new development for houses would be sited. The car park is bounded by close boarded fencing. The land is shown in the aerial photograph below.



The site consists of the existing Hatter Arms building and a car park. The previous use of the site until recently was as a public house, with associated car park and an outbuilding which is earmarked for demolition.

The Proposal

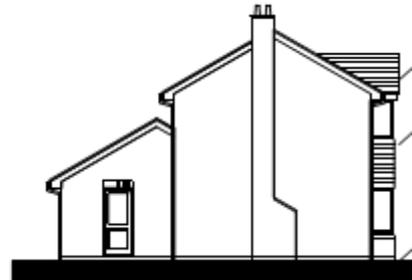
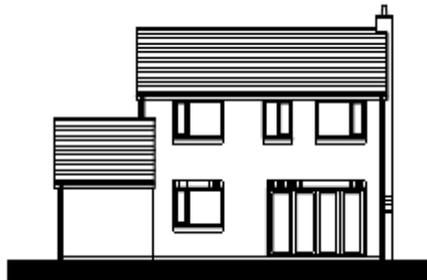
It is proposed to convert the former public house into four 2-bedroom apartments the arrangement to the apartments is illustrated below:



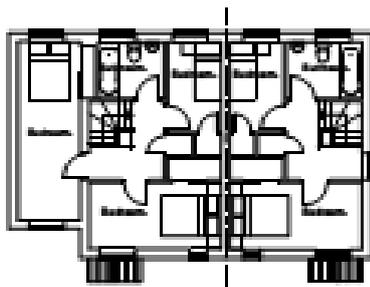
Ground floor

First floor

The external elevations of the building would remain unaltered and the building would not be extended. The proposal to construct one three bedroomed detached house has the arrangement as illustrated below:



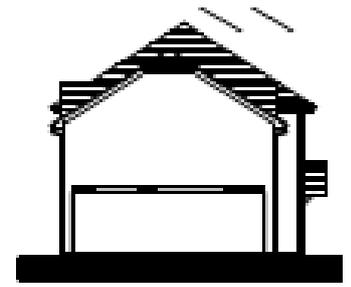
The proposal for the pair of semi-detached homes, one comprising of 3 bedrooms and one comprising two bedrooms is illustrated below:



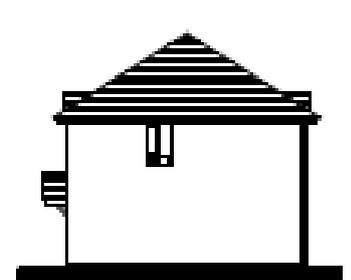
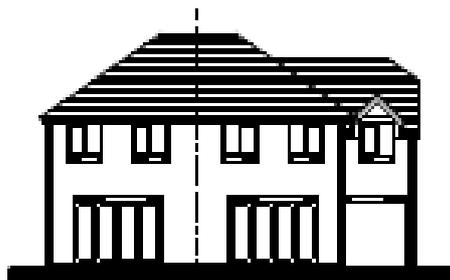
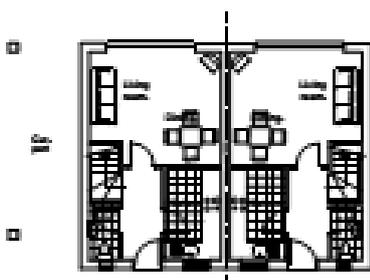
First floor plan.
Scale 1:50.



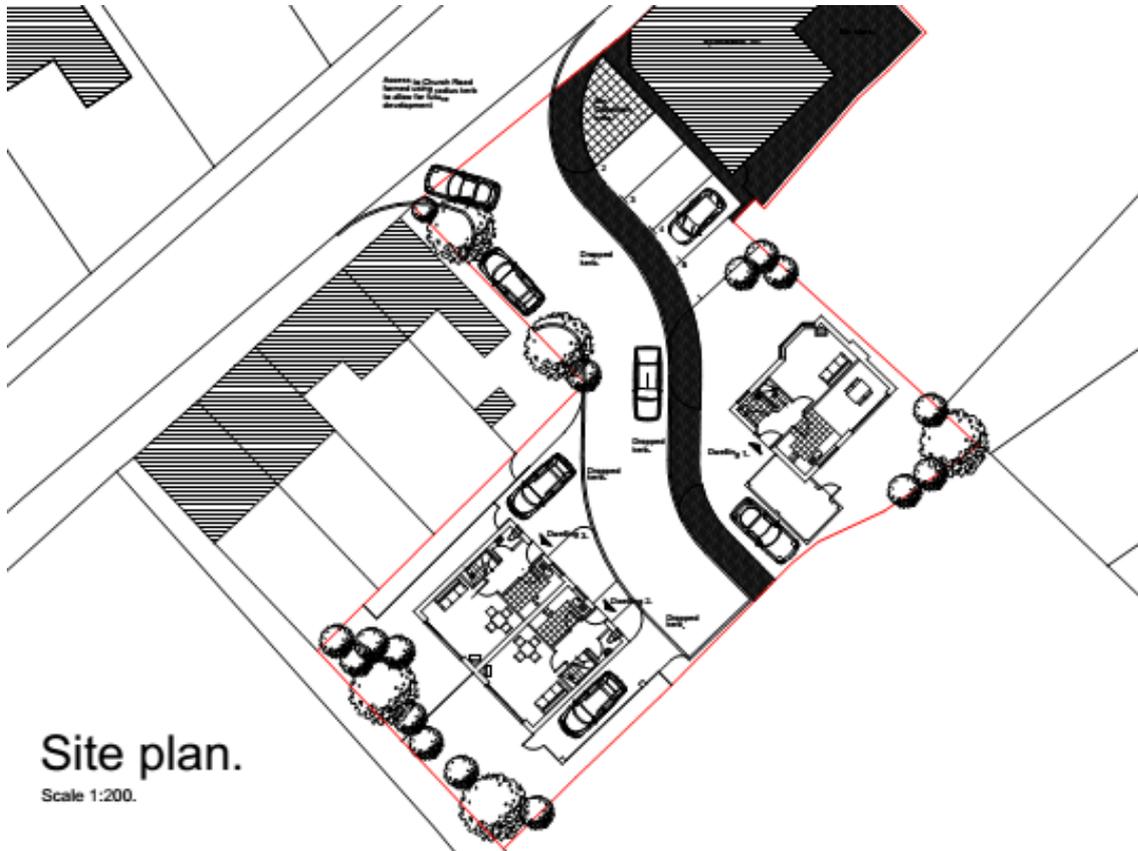
North East elevation.
Scale 1:50.



South East elevation.
Scale 1:50.



The proposed site layout is shown in the plan extract below.



Background

The site benefits from the backdrop of Holy Trinity Church which is a Grade 2* Listed Building and a footpath runs along the south-western boundary of the site. The development would obstruct the public footpath. The rear gardens proposed to the dwellings provide a green separation between the public footpath and the church beyond.

In terms of the setting of the Listed Church then the new buildings associated with the development are at a sufficient separation distance and at an oblique angle from the Church such that the historic setting of the Church is not immediately harmed by the nearest element of the development. Supplementary landscaping along the boundary with the footpath would further screen the development from the church in any case.

There is an archaeological interest in the site which requires investigation to be carried out prior to commencement of development.

The Hatters Arms is capable of conversion and is structurally sound. It has been placed on the market but there has been no interest to continue its use or for other community uses.

The site has not been allocated in the preferred options in the Council's Site Allocations Plan. However the allotment site to the south east has been identified as a potential site for 10 units. This site is landlocked and it would be beneficial for potential future development if an access route through the Hatters site could be maintained. The proposed layout of the development at the Hatters site does leave scope for an access to the allotment site.

Development Plan

The Core Strategy 2014 - Policies NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW8 (Sustainable Development), NW10 (Development Considerations), NW12 (Quality of Development), NW14 (Historic Environment) and NW22 (Infrastructure).

Saved Policies of the North Warwickshire Local Plan 2006 - Policies ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG3 (Housing Outside Development Boundaries), ECON12 (Services and Facilities), TPT1 (Transport Considerations), TPT2 (Traffic Management and Safety), TPT 3 (Access and Sustainable Travel) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

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

The Council's Preferred Locations for Site Allocations – 2014

Planning Contributions (Section 106 Planning Obligations) 2014

Consultations

Warwickshire County Council as Highways Authority – Following an initial objection and the receipt of revised plans there is no objection subject to conditions.

Severn Trent Water – No objection subject to a standard condition for foul and surface water drainage details.

Historic England – Do not consider that it is necessary for the application to be notified to them.

Crime Prevention Officer – No objection.

Warwickshire County Museum – A programme of archaeological work will be required to be secured by condition.

Environmental Health Officer - New dwellings will be introduced close to another public house which has been the subject of noise complaints by local residents in recent years. In the absence of a noise impact assessment, should planning permission be granted, I would recommend that a scheme of noise mitigation measures be incorporated into the design of the proposed dwellings such as acoustically treated

double glazing and ventilation for habitable rooms and acoustic fencing between the proposed site and the car park/beer garden.

Representations

There have been three letters of objection to the application raising the following matters which are summarised as follows:

- Concern that the Hatters has only been closed since March 2014 and that the re-opening of the Hatters would be welcome and more sustainable.
- The village has historically supported three pubs and a social club. They are all vulnerable to this sort of development.
- The Local Planning Authority operates a presumption in favour of sustainable development in Warton, but the increase in housing and the loss of facilities could be viewed as unsustainable.
- The preservation of limited leisure facilities is imperative to ensure development is sustainable. Both National and Local Government Policy recognises that the retention of Local Community facility
- The net gain of 7 dwellings which necessitates the permanent loss of a public house in a rural setting does not appear to equate with the policy aim of sustainable development.
- The proposal will not provide any affordable housing for the village.
- The proposal compromises the ability of future generations to enjoy the same quality of life that the recent generation aspires to.
- The proposal would not be adaptable for future uses.
- The proposal will not maintain and improve the provision of accessible local and community services.
- It cannot be demonstrated that the services are no longer needed by the community.
- The development cannot be said to deter crime as no crime has been reported in the area.
- The proposal may result in the significance loss of amenity for future occupiers.
- The cottages on the front of the development can no longer park their cars on the car park or access via their back gates.
- A window is introduced in the north-west elevation of the semi-detached dwelling; this would overlook the rear of the property at Church Row intruding on privacy.
- more sky glow and light trespass from the 7 dwellings.
- permanent loss of a historic leisure facility for the village of Warton.
- A total of 10 off road parking spaces is half that of the current car park. Therefore parking is inadequate.
- Two- bedroomed apartments would require two parking spaces associated with each, the proposal shows one parking space per unit.
- Potential for vehicles to be parked in Church Road. Additional on street parking could be dangerous; Church Road is busy, especially since cottage residents have had their vehicles displaced from the Hatters Arms.
- The parking problem will be compounded by the close proximity of the church (relieved by the Hatters Arms car park).

Observations

a) The Principle

The site lies wholly within the development boundary as defined by the Development Plan. Moreover Policy NW5 of the Core Strategy identifies a hierarchy of settlements and directs most new development to those with the greatest number of services. Warton is a relatively small rural village with limited facilities and a limited bus service. But the existing facilities are considered to be commensurate to the size of the settlement, comprising a village shop, two public houses and a working men's club. Additional facilities are being provided in the settlement such as a Co-op convenience store adjacent to the Fox and Dogs public House, which seeks to retain the Fox and Dogs as an ongoing public house.

Warton is thus described in the Core Strategy as a category 4 settlement, ('Other Settlements with a development boundary') and identified as a settlement that could expect a minimum of an 45 new housing units, usually on sites of no more than 10 units. The proposal would therefore go some way to achieving the number required for the settlement.

The National Planning Policy Framework is also key material consideration. This means that, as set out in paragraph 14, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The site is of an acceptable capacity to support three new units of accommodation in the form of houses and four units from the conversion of the flats and associated parking and amenity space per housing unit. However this would result in the loss of a community facility being a public house and its loss has raised concerns with neighbours.

In terms of the requirements of saved policy ECON12 then a change of use that would result in the loss of an existing service would not be supported except where other services or facilities exist. Existing facilities within the settlement are capable of providing a similar level of service, such as at the 'Office' formerly the 'Boot Inn'; the Fox and Dogs and the Working Men's Club. These are equally accessible within the settlement. The change of use of the Hatters Arms would also contribute to the mix of housing available within the settlement although not offered for affordable housing a mix of housing type would be provided.

In term of other suitable uses for the building then it is unlikely that any other community use would come forward as this would involve the up-keep of the building. Other uses would be available through the new flexible uses under permitted development, however these types of uses might be at odds with the residential amenity of the settlement, for example office use or other commercial use which might then lead to a disturbance. The balance is that whilst the proposal does lead to the loss of a public house, there is benefit in that the proposal retains the building for the benefits of the street scene and its juxtaposition to the Church and other buildings that feature in the immediate area.

In all of these above circumstances it is considered that the principle of the development can be supported.

b) Detailed Considerations – Design, Scale and Location

The land is contained by an existing established boundary which abuts the public footpath to the south west. The frontage of the site has the row of existing cottages, the existing access to the car park and the Hatters Arms. The housing development for a pair of semi-detached houses would lie immediately behind the row of existing cottages. The detached building would be visible from the access. Photographs below show the public house and the context of the site:



Although the proposed dwellings are of a larger scale than the immediate row of cottages, the scale of the new units has been altered in terms of their roof shape which is now hipped so as to limit any oppressive appearance of a gabled arrangement, and this also leads to a reduction in the height of the pair of semi-detached dwellings to under 8 metres in height resulting overall in a more proportionate scale of development.

Overall the scale of each of the dwellings is not higher than 8 metres to the ridge and 5 metres to the eaves. The separation distance between the new semis and the row of cottages is 10.4 metres where cottages have rear extensions and 13 metres where not. These separation distances are just considered to be sufficient to allow a standard

separation between neighbouring occupiers to ensure privacy is maintained and that there is limited loss of sunlight and overshadowing caused by the development.

The proposed built form is low density and not out of character with the surrounding properties. Existing pairs of semi-detached and detached dwellings lie on the opposite side of Church Road and are comparable to the scale of the pair of semi-detached properties. The scale of the proposed detached dwelling is comparable with the detached dwellings adjacent to the application site. The public house would be converted without any alteration to its external appearance. Overall the scale and density of the development are comparable with the immediate surroundings.

The images below show the neighbouring properties in the background of the photograph with the Hatters Arms to the right of the picture.



The scale of the proposed development in the context of the scale of the existing built form in the area is not considered to be of such proportions that it would lead to it being overly prominent or unduly out of keeping. Notwithstanding this, the semi-detached dwellings would be larger in scale by comparison to neighbouring cottages. If permission is granted it would be appropriate to remove permitted development rights to retain control over the scale of any extensions to ensure that the new dwellings remain in harmony with their immediate setting and wider surroundings.

The re-use of the Hatters would not detract from the existing architectural characteristics of the building and will be put to a use which retains the building for the benefit of the street scene.

In terms of the siting of Trinity Church, then the proposal is not considered to be harmful to this heritage asset. The main elevation of the church faces onto Church Road and it has some existing screening within the grounds. In any case there is a good degree of separation at 30 metres with a footpath between and the development is no closer to the church than the detached dwellings along Trinity Close. There is proposed to be further landscaping within the rear gardens of the dwellings and therefore the impact on the heritage asset would not be considered harmful. Heritage England has not raised any concern.

c) Highways

The Highway Authority initially objected concerned about the access, but following the receipt of amended plans has withdrawn its concerns. Neighbours have referred to parking issues through the consequential displacement of parking spaces which they currently use in the car park, resulting in them having to park on Church Road. As Members will recall from other recent cases, there is no right to park on private land and even the current owner could withdraw this voluntary agreement at any time. This is therefore not a material planning consideration of weight.

The Highway Authority was requested to look at traffic calming measures in Church Road as a consequence of this but does not consider that this alone is cause for such measures. The local community may wish to follow this matter through with the Highway Authority privately.

d) Landscape and Ecology

The scheme presents an opportunity to enhance the ecological value of the site by provision of garden spaces and landscaping. Currently there is no vegetation cover as the site is laid as a concrete car park. There is no beer garden but a courtyard space is used instead. There are trees to the perimeter of the site – both within the site ownership and outside - so an element of landscaping would be retained. This enhancement combined with the retention of existing boundary hedgerows will result in no significant overall harm to ecological interests. A landscaping scheme would be required by condition to require landscaping such as trees and garden space to encourage bio-diversity where currently there is none.

e) Affordable Housing

No affordable housing is proposed on site. There is neither an off-site contribution. This is due to the recent change in Government guidance.

f) Amenity

The conversion of the Hatters Arms to form four apartments has sufficient internal capacity but the apartments would not benefit from outdoor amenity space. Given there is a playground and recreational land in close walking distance then the apartments would benefit from being in close proximity to public open space. The layout of the apartments is acceptable as bedrooms are above bedrooms and kitchens above kitchen and therefore the transference of noise should not be excessive between the ground and first floor. In any case Building Regulation Approval would be required for the conversions and so relevant noise insulation can be considered at that stage. There would be no impact on neighbouring occupiers as a consequence of this conversion in terms of amenity issues relating to light or overlooking.

The proximity of the detached dwelling to neighbouring occupiers is acceptable as separation distances are sufficient. There are no windows overlooking towards neighbouring properties. No impact would result from the construction of the detached dwelling on the residential amenity.

The impact on the semi-detached homes would be noticeable on the amenity from the row of cottages fronting the application site. The orientation of the new build semis is south east of the rear of the row of cottages therefore some direct sunlight would be

reduced from the south east orientation of the rear rooms and gardens to the neighbouring cottages. However the extent of overshadowing would be limited by the design of the new builds because of the hipped roof which slopes away from the neighbouring property. The separation distances are also sufficient in order that the new building is at a distance where privacy to the neighbouring cottages would be maintained. The nearest semi-detached building to the row of cottages does have a landing window which would be required to be obscure glazed and non-opening except for a top opening light, in order to protect neighbours privacy.

Noise from the neighbouring public house now referred to as The Office has been identified as a potential issue. This is capable of being addressed with acoustic treatment of the properties and the site boundary.

g) Other matters

The Rights of Way team at Warwickshire County Council has advised there would be no impact on the public footpath as a result of the development.

There is an archaeological interest in the site relating to the provision of new building and an assessment is required.

Conclusion

It is considered that there are no material adverse impacts arising from the development which would significantly and demonstrably outweigh the benefits of this proposal. Though the proposal would result in the loss of a community facility it is considered that other existing facilities of an equivalent nature and which are accessible are available within the settlement.

Recommendation

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the revised plans numbered 319.214.04.A, 319/214/03/H received by the Local Planning Authority on 4 June 2015.

REASON

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

3. No development shall be commenced before details of the facing bricks, 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.

4. No development shall commence on the groundworks to the development of the houses and the access road hereby approved until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

REASON

To record items of an archaeological interest in the interests of the historic environment.

5. The window on the north west elevation of the proposed semi-detached dwelling shall be glazed with obscure glass to a privacy level 5 and shall be non opening, unless parts of the window that can be opening are set at a height of 1.7 metres above the floor of that room.

REASON

In the interests of the neighbours amenity.

6. Before the commencement of the development, a landscaping scheme shall be submitted to the Local Planning Authority for approval. The scheme shall incorporate the retention of existing boundary hedgerow and existing trees within the site ownership

REASON

In the interests of the amenities of the area.

7. The scheme referred to in Condition No 6 shall be implemented prior to the occupation of the first house approved for domestic purposes. 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 amenities of the area.

8. The dwellings and flats hereby approved shall be constructed using acoustically treated glazing, or secondary glazing in the case of the flats and ventilation.

REASON

In the interests of protecting the amenity of the occupiers of the new dwellings to minimise the potential for noise disturbance.

9. A solid close board acoustic fence shall be erected alongside the boundary with the adjacent public house and beer garden to supplement the existing boundary treatment. Prior to the commencement of development details of the design and siting of the fences within the development shall be submitted to and approved by the Local Planning Authority in writing. The approved fences shall be erected prior to the occupation of any of the approved dwellings and shall remain in situ at all times.

REASON

In the interests of protecting the amenity of the occupiers of new dwellings to minimise the potential for noise disturbance.

10. No development whatsoever within Classes A, B, C, D or E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995, as amended, shall commence on site without details first having been submitted in writing and approved by the Local Planning Authority.

REASON

In the interests of the amenities of the area.

11. The development shall be laid out in general accordance with drawing no. 319/214/03 Revision H

REASON

In the interests of Highway safety.

12. The development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access have been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority.

REASON

In the interests of safety on the public highway.

13. The site shall not be occupied until the parking areas have been laid out. Such areas shall be permanently retained for the parking and manoeuvring of vehicles.

REASON

In the interests of 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 safety on the public highway.

15. Before the development commences a scheme for the construction of the foul and surface water drainage systems shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON

To prevent pollution of the water environment and to minimise the risk of flooding on or off the site.

16. No work relating to the construction of the development hereby approved shall take place before the hours of 0700 nor after 1900 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays. There shall be no construction works whatsoever on Sundays or recognised public holidays.

REASON

To protect the amenities of the occupiers of nearby properties during the construction period.

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
2. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow - so far as is reasonably

practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

3. Conditions require works to be carried out within the limits of the public highway. The applicant/developer must enter into a [Minor] Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant/developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278. An application to enter into a Section 278 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant/developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months notice will be required.
4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning objections and issues. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0040

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	27.01.15
2	Agent	Correspondence	17.02.15
3	English Heritage	Representation of comments	24.02.15
4	Mr Jackson	Representation of objection	02.03.15
5	Forward Plans (NWBC)	Representation of comments	02.03.15
6	Police Design Officer	Representation of comments	03.03.15
7	WCC Museum	Representation of comments	03.03.15
8	Mrs Peak	Representation of comments	05.03.15
9	WCC Highways Authority	Representation of objection	06.03.15
10	Case Officer	E-mail	13.03.15
11	Agent	E-mail	13.03.15
12	Case Officer	E-mail	16.03.15
13	Agent	E-mail	16.03.15
14	WCC Museum	Representation of comments	23.03.15
15	NWBC Environmental Health	Representation of comments	24.03.15
16	Severn Trent Water	Representation of comments	13.04.15
17	Case Officer	E-mail	13.04.15
18	Agent	E-mail	14.04.15
19	Case Officer	E-mail	15.04.15
20	Agent	Extension of time agreed	15.04.15
21	Agent	Revised plans	16.04.15
22	Agent	E-mail	28.04.15
23	Mr Woodhall	Representation of comments	05.05.15
24	Case Officer	E-mail	05.05.15
25	Agent	E-mail	06.05.15
26	Mr Peak	Representation of objection	10.05.15
27	Case Officer	E-mail	11.05.15
28	Case Officer	E-mail to Housing Officer	13.05.15
29	Housing Officer	E-mail to Case Officer	13.05.15
30	Landscape Officer	E-mail to Case Officer	14.05.15
31	Forward Plans Officer	E-mail to NWBC Officers	14.05.15

32	WCC Highways Authority	Representation of objection	18.05.15
33	Agent	E-mail to Case Officer	21.05.15
34	Case Officer	E-mail to Agent	22.05.15
35	Agent	E-mail to Case Officer	26.05.15
36	Case Officer	E-mail to agent	27.05.15
37	Case Officer	E-mail to WCC Highways	27.05.15
38	WCC Highways Authority	Representation of objection	01.06.15
39	Agent	Revised plan	03.06.15
40	WCC Highways Authority	No objection	04.06.15
41	WCC Highways Authority	No objection	25.06.15

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



(6) Application No: PAP/2015/0296

29, Lawnsdale Close, Coleshill, B46 1BS

Erection of two storey dwelling and ancillary site works, for

Mr P Jarvis

Introduction

The application is brought before the Board, following a Local Member request concerned at the visual impact of the proposal.

The Site

The site lies within the Coleshill development boundary and is currently a fenced garden area to No.29 Lawnsdale Close. This is the southern (end) property in a row of five similar houses fronting the end of the cul-de-sac here. The site slopes down as looking from the rear of the site towards the bottom of Lawnsdale Close and the A446 beyond. There is residential property opposite to the site.

The Proposal

The proposed is for one new dwelling house attached to the side of number 29, thus in effect extending the row to six units. The rear garden area will contain a small amenity space with a side boundary fence. The proposed dwelling is 8 metres long and 4.3 metres wide and would be 7 metres high to the roof ridge, just lower than that of number 29. The dwelling would be set off the side road by 0.75 metres and also set back slightly from the front and rear of the number 29.

The facing materials would match those of the main dwelling and no onsite parking spaces are proposed.

The relevant plans can be viewed in Appendix 1 and photographs of the site can be viewed in Appendix 2.

Background

In 2014 an application for a three bedroom dwelling here was withdrawn following highway objections.

Development Plan

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

Saved Policies of the North Warwickshire Local Plan 2006 - ENV6 (Land Resources); ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design) and TPT6 (Vehicle Parking).

Other Relevant Material Considerations

National Planning Policy Framework 2012

National Planning Policy Guidance 2014

Supplementary Planning Guidance: - The Council's SPG – A Guide for the Design of Householder Developments – Adopted September 2003

Consultations

Environmental Health Officer – No objection subject to details being agreed for suitable glazing and ventilation given the proximity of the A444.

Warwickshire County Council as Highway Authority – No objection

Representations

Objections have been received from two neighbours raising the following issues:

- Another dwelling will look squashed and out of character.
- Building too close to the highway will enclose the area
- The landing window is not necessary and will cause overlooking

The Town Council objects on the grounds the proposal is small; out of character and this would lead to loss of amenity and reduced sight lines.

Observations

The proposal for an additional dwelling in Coleshill fully accords with the Core Strategy. The starting position is thus that the application can be supported in principle. The issues here therefore revolve around the detailed matters raised by the representations.

The dwelling is within an existing established residential area. The separation distance from the front of number 24 to the side of the proposed dwelling is approximately 18.5 metres. It is considered that this distance is acceptable given number 24 would face onto the side elevation. The side landing window referred to in the representations can be conditioned to be obscurely glazed. There would be a degree of overlooking to number 29 however there is already overlooking over these rear gardens and this would not be materially different.

The future occupiers have also to be considered and whilst the garden area would be small it would not be materially different to the existing properties.

The Highway Authority has no objection to the scheme, notwithstanding that there is no on-site parking. Lawnsdale Close on a whole has on-street parking. In the future the applicant could apply for a dropped kerb without the need to submit a planning application given the status of the road.

The proposed dwelling will be on land presently part of the garden to number 29. It is certainly relevant to consider whether this would so significantly alter the character of the area to warrant refusal. It is considered that it would not for the following reasons. Firstly the built form just continues and extends the existing form – a row or terrace of houses. Secondly the dwelling is very similar in appearance to its neighbours and thirdly it is designed such that is slightly smaller than the existing houses such that it subservient and not dominant in the street scene. Moreover the site is not in a Conservation Area.

Recommendation

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 01 B received by the Local Planning Authority on 12 June 2015; the site location plan received by the Local Planning Authority on 14 May 2015 and plan 02 REV A received by the Local Planning Authority on 26 June 2015.

REASON

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

3. No development shall be commenced before details of all facing materials including facing bricks and roofing tiles 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.

4. No development whatsoever within Class A, B and C of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall not commence on site.

REASON

In the interests of the amenities of the area.

5. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner.

REASON

To protect the privacy of the occupiers of adjoining properties.

6. The first floor north western facing landing window shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 4 or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.

REASON

To protect the privacy of the adjoining property and to prevent overlooking.

7. Before the occupation of the development, a landscaping scheme shall be submitted to the Local Planning Authority for approval.

REASON

In the interests of the amenities of the area.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON

In the interests of the amenities of the area.

9. No development shall commence until details have been provided and approved in writing with regards to acoustically treated glazing and ventilation which should be incorporated into the bedroom of the proposed development due to its' proximity to the A446 and the associated traffic noise.

REASON

To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in the interests of residential amenity

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.
3. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.
4. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
5. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

BACKGROUND PAPERS

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

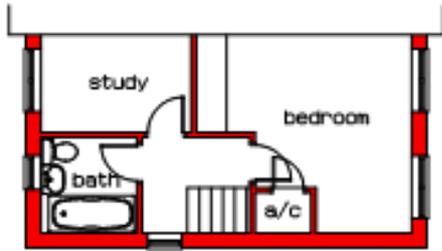
Planning Application No: PAP/2015/0296

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	14/5/15
2	Case Officer	Email to agent	18/5/15
3	Case Officer	Email to neighbour	27/5/15
4	Case Officer	Email to agent	27/5/15
5	Case Officer and Agent	Exchange of emails	27/5/15
6	Case Officer	Email to agent	2/6/15
7	Case Officer and Agent	Exchange of emails	2/6/15
8	Councillor Simpson and Case Officer	Exchange of emails	8/6/15 – 18/6/15
9	Councillor Ferro, Councillor Simpson & Case Officer	Exchange of emails	8/6/15 – 15/6/15
10	Case Officer	Email to Cllr Simpson	12/6/15
11	Agent	Emails of Case officer	9/6/15 – 12/9/15
12	Agent and Case Officer	Exchange of emails	26/6/15
13	Case Officer and Councillors	Email consultation and responses	17/6/15 – 20/6/15
14	NWBC Forward plans	Consultation response	18/5/15
15	WCC Highways	Consultation response	2/6/15
16	WCC Highways	Consultation response	15/6/15
17	NWBC Environmental Health	Consultation response	23/6/15
18	Neighbour	Consultation response	26/5/15
19	Town Council	Consultation response	3/6/15
20	Neighbour	Consultation response	8/6/15
21	Councillor Ferro	Email to Case officer	15/6/15

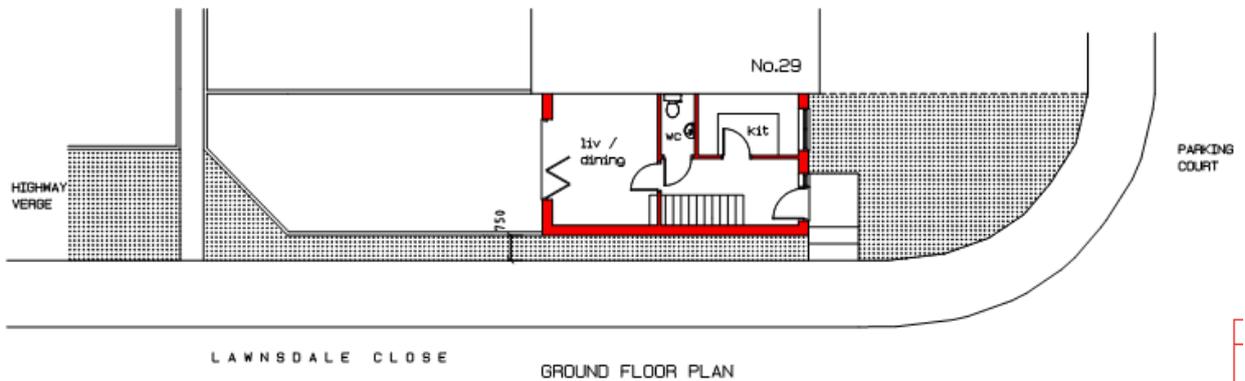
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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.





FIRST FLOOR PLAN



GROUND FLOOR PLAN

SITE LAYOUT



REAR ELEVATION



SIDE ELEVATION



FRONT ELEVATION

Appendix 2



(7) Application No: PAP/2015/0297

Land North of 19 Southfields Close, Coleshill,

Erection of two four bedroom semi-detached dwellings with integral garages for

Mr Alain Franck-Steier - D G Lewis Estate

Introduction

The application is brought to the Board following a Local member request because of concerns about the impacts on the locality.

The Site

The application site lies within the Coleshill development boundary and is on the east side of a residential cul-de-sac off Springfields to the south of the town centre. There is residential property to the east – the rear gardens of the frontage to Coventry Road and there is residential property opposite the site and to the south. To the north are the rear gardens referred to above. The application site itself is currently a fenced garden area and is generally level.

The site is inside the Coventry Road, Coleshill Conservation Area right on its western boundary.

The location is illustrated at Appendix A.

The Proposal

The proposed is for a pair of semi-detached dwellings fronting the cul-de-sac and which would have integral garages. They would be of matching design and be sited around 7 metres back from the highway edge.

The roof pitches would be low with the ridge running north to south. Vehicular access to both would off Southfields Close, with a garage being provided and a drive for at least two vehicles. The drives are proposed to be constructed with a permeable surface.

The dwellings would have lawns to the front with rear gardens and 1.8 metre close boarded fences around the boundaries. The materials would be brick and tile. Below is the proposed street scene view.



Further plans can be viewed in Appendix A and photographs of the site and area can be viewed in Appendix B.

Background

Southfields Close is a cul-de-sac within a short distance from the main Coventry Road. In 2011 outline planning permission was approved for a detached dwelling house further to the north. This is now constructed and is number 5. Planning permission for numbers 1 and 3 Southfields Close and for the two houses opposite the application site was granted in 1973. Planning permission was granted in 2005 for the current development of 19 and 21 Southfields immediately to the south.

Development Plan

North Warwickshire Core Strategy – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW9 (Employment), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW14 (Historic Environment), NW17 (Economic Regeneration) and NW20 (Services and Facilities)

Saved policies of the North Warwickshire Local Plan 2006 -- ENV12 (Urban Design); ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation), ENV16 (Listed Buildings) and TPT6 (Vehicle Parking)

Other Relevant Material Considerations

National Planning Policy Framework 2012

National Planning Policy Guidance 2014

Supplementary Planning Guidance: - The Council's SPG – A Guide for the Design of Householder Developments – Adopted September 2003

The Coleshill (Coventry Road) Conservation Area Designation Report - 1995

Consultations

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

Environmental Health Officer – No comments to make

Representations

Objections have been received from four neighbours raising the following matters:

- Southfields Close was designed as a cul-de-sac, with houses on one side.
- The road is 5.6 metres wide, leading a turning area at the end. The turning area is used for parking which leads to a reduction in highway capacity.
- Current owners on Southfields Close, park on the road, along with existing drives, and if the owners of the new dwellings do the same, then the highway could be blocked, leading to emergency vehicle issues.

- Increase in traffic along the road.
- Existing dwellings are linked detached, and it is considered that the semi-detached development will detract from the design, character and quality of the cul-de-sac.
- Impact upon privacy to existing dwellings opposite, and also the impact upon outlook.
- The Government has put an end to “garden grabbing”.
- Concerns over building works and the issues it may cause.
- Not appropriate within a Conservation Area.
- Reduce the value of dwellings in the area.

The Town Council objects raising the following matters:

- Out of character in appearance with the existing housing in the area.
- Unacceptable in density, and a further loss in gardens.

Observations

a) Introduction

This proposal for two additional dwellings within Coleshill wholly accords with the Core Strategy. The site is within the defined development boundary; the town is allocated for new housing and the site is sustainable development. The presumption here is therefore that the application can be supported in principle.

Because of the size of the proposal and its location, no on-site affordable housing provision is required, nor is any off-site contribution required in lieu.

It is important from the outset to say that there is no planning policy or statement requiring Southfields Close to be a cul-de-sac with only one side being developed. This representation will carry no weight.

Secondly reference is made to density. This is a residential area with a normal housing density. This proposal would not materially alter that position. Again this argument should carry no weight.

Reference is also made to “garden grabbing”. The Government changed the definition of “brown field” land in 2012 so as to exclude gardens. Its priority is for new housing to be located on brown field land but there is no embargo on the development of gardens as Members will have seen from decisions over many months.

The key issues here are matters of detail as recorded in the representations above.

b) Amenity

Looking firstly at amenity issues, then the neighbouring dwelling at number 19 does have windows in its side elevation facing the site. However, however these serve a utility room and kitchen at ground floor with a landing and bathroom window at first floor. The proposed dwellings do not protrude beyond the front or rear of number 19. The side three small side facing windows of the proposed dwellings will contain obscure glazing. The rear facing windows will lead to an element of overlooking however given the residential context of the area then there is already a degree of overlooking in the area Below are photos of 19 / 21 Southfields Close.



The nearest dwellings opposite are numbers 14, 12 and 10 Southfields Close. The proposal will have windows in their front elevations. The nearest windows on the proposed dwellings are to dining rooms, and are approximately 20 metres away from the existing properties opposite on Southfields Close. The first floor windows are to proposed bedrooms and they have two lights. Southfield Close dwellings opposite have one large window serving a bedroom. The separation distance from window to window on the first floor is approximately 22 metres. This is acceptable and used throughout the Borough as a general guideline. Indeed similar separation distances are evident within the Close itself.

It is acknowledged that the ground level of the proposed houses would be higher than that of the existing properties on the opposite side of the road. The cross-section at Appendix A shows this. This is not considered to be such an adverse impact as to warrant refusal because of the separation distance involved and the scale of the height difference. Below are photos of the dwellings opposite.



To the rear of the site are the dwellings on Coventry Road, and to the side of Plot 2 are the rear gardens to some of these. There again will be a degree of overlooking given the residential setting. The dwellings to the rear are approximately 27 metres to the nearest parts of 138 to 148 Coventry Road. As above this distance is considered to be acceptable. The rear elevation to the dwellings is approximately 7 metres to the boundary of the rear gardens to properties on Coventry Road, which are divided by a rear vehicle access point. Numbers 19 and 21 Southfields Close have similar separation distances to the properties on Coventry Road. Photos of the properties on Coventry Road, and views from the rear access point are included below.



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

c) Parking and Traffic

The proposal would include one garage and two off road parking spaces for each dwelling. As such this meets the Council's parking standards and thus the proposed arrangements enable satisfactory off-street parking. Vehicle parking is an issue affecting local residents, but for there to be a refusal here based on this matter, the Council would have to have substantial evidence that the additional houses would have a materially adverse impact on the existing traffic and parking situation. It is not considered that this is available. In this respect it is noteworthy that the Highway Authority has not raised the matter.

Indeed it is material that the Highway Authority does not object to the scheme even from a traffic point of view. That Authority considers that the proposed visibility splay and vision from the proposed dwellings would be similar to that which exists to other dwellings along Close. In the previous 2011 case for the single dwelling next to number 3, the County Council agreed that the carriageway width was 5.6 metres wide, and that this met the standard width set out in and required by the County Council's Design Guide for a D-class residential road to be adopted. The Design Guide states that such a class D road could accommodate up to 50 dwellings. There are 15 presently, and the application proposal will increase that to 17. Each of the existing houses on the Close has off-street parking provision for two cars – either with a garage and a single space on a front hard-standing or through two spaces on a front hard-standing. The proposed dwelling houses will have two off-road parking spaces and a garage. The parking requirement for a three bedroom house in this location as set out in the Development Plan is two spaces.

The location of the vehicle access is opposite existing access arrangements. There is an argument that this would lead to a possible conflict when occupiers wish to access their respective drives and property – particularly difficult it is said when vehicles are reversing. The issue to consider here is whether this situation would be such a hazard as to warrant refusal. It is considered not because actual access into and out of these

properties would not be on a regular or frequent basis; the low levels and frequency of passing traffic, the local knowledge of the occupiers, and the fact that this kind of situation of access opposite access is commonplace throughout the Borough. There is thus nothing particularly unusual here to be significant enough to warrant a refusal. There are no known records of any accidents on Southfields Close or Springfields within the last five years. This is not to say that minor collisions may not have happened or that they are not likely to do so in the future, but it does not provide the evidence on which to base a refusal.

d) Design

It is agreed that the design of the dwellings is different to other properties within Southfields Close as can be seen in the photographs. There are also at least three different house types in the immediate area and indeed in the Close itself there are differences in appearance. There is no refusal reason apparent here given this situation. The design of the new houses is acceptable and would be welcomed in many other locations in the Borough.

e) Heritage

The site is just inside the Coleshill Coventry Road Conservation Area. Its boundary is illustrated at Appendix C. The Council's statutory duty in this respect is to consider whether the proposal "preserves or enhances the character and appearance of the Conservation Area". The significance of this Conservation Area is two-fold. The primary factor is the recognition of the role of the Father Hudson's Society in the social history of the town and how that was reflected in a specific built form. The second was to recognise the street terraces in this part of the town. This proposal will not affect either of these two factors and there will be very little impact on the character and appearance of the Conservation Area. Members should be aware that number 19 and 21 Southfields Close were permitted in 2005 some years after the Area's designation.

f) Other Issues

Vehicles parking on the road causing obstruction are matters for the Highway Authority and the Police to address. Construction hours can be conditioned. Members will be aware that the value of properties is not a material planning consideration.

Recommendation

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered 4403 PL 01; and 4403 PL 06 (fence details) received by the Local Planning Authority on 15 May 2015; to the and the plan numbered 4403 PL 04 REV B received by the Local Planning Authority on 1 June 2015; and to the plans numbered 4403 PL 06 REV B; 4403 PL 05 REV B, and 4403 PL 03 REV B received by the Local Planning Authority on 16 June 2015.

REASON

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

3. No development shall be commenced before details of the facing bricks, roofing tiles, external materials 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.

4. No development whatsoever within Class A, B and C of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall not commence on site.

REASON

In the interests of the amenities of the area.

5. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner.

REASON

To protect the privacy of the occupiers of adjoining properties.

6. The garages hereby permitted shall not be converted or used for any residential purpose other than as domestic garages.

REASON

To ensure adequate on-site parking provision for the approved dwellings and to discourage parking on the adjoining highway in the interests of local amenity and highway safety.

7. All ground floor and first floor windows, and ground floor doors to the side elevations to the northern facing and southern facing elevations shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 4 or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.

REASON

To protect the privacy of the adjoining property and to prevent overlooking.

8. Before occupation of the dwellinghouses a landscaping scheme shall be submitted to the Local Planning Authority for approval.

REASON

In the interests of the amenities of the area.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON

In the interests of the amenities of the area.

10. Access for vehicles to the site from the public highway (Southfields Close D583) shall not be made other than at the positions identified on the approved drawing, number 4403 PL 01 , and shall not be used unless a public highway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.

REASON

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

11. No development shall commence until full details of the surfacing, drainage and levels of the car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Council. The units shall not be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles. The vehicular accesses to the site 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 the amenities of the area and safety on the public highway.

12. No structure, tree or shrub shall be erected, planted or retained fronting the site within 2.4 metres of the near edge of the public highway carriageway exceeding, or likely to exceed at maturity, a height of 0.3 metres above the level of the public highway carriageway.

REASON

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

13. 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 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.

14. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal fitting out, shall take place before the hours of 0700 nor after 1900 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.

REASON

To protect the amenities of the occupiers of nearby properties during the construction period.

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.
3. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues, by suggesting amendments to improve the quality of the proposal negotiations. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.
4. Condition numbers 10 and 11 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be

carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

5. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
6. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

BACKGROUND PAPERS

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

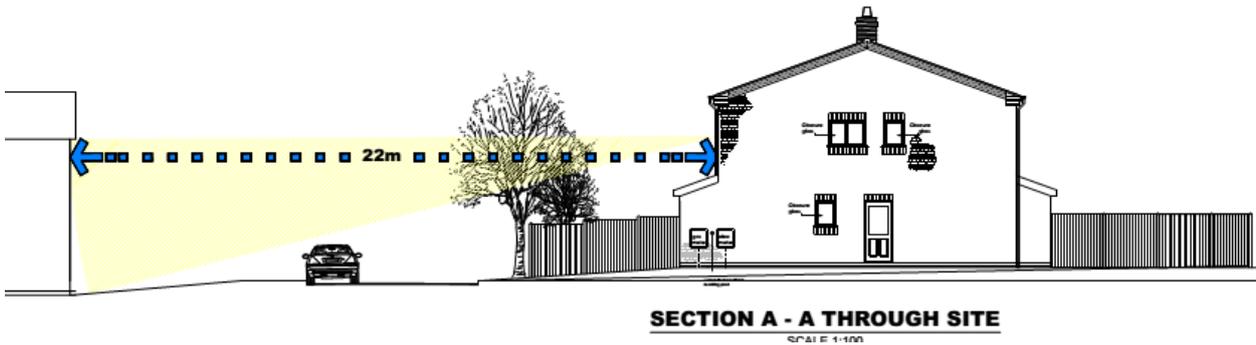
Planning Application No: PAP/2015/0297

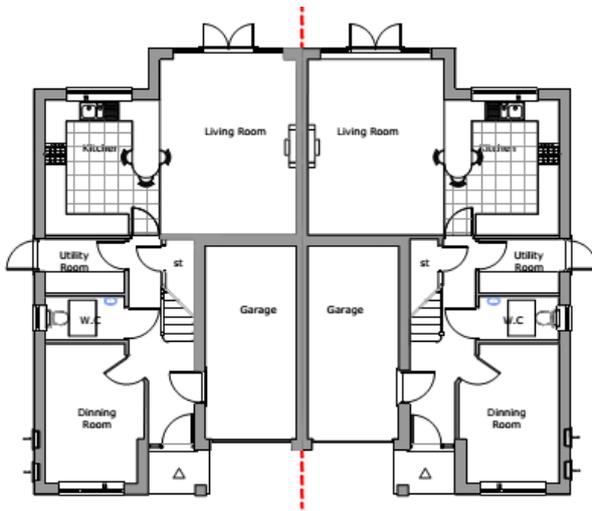
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	15/5/15
2	WCC Archaeology	Email to NWBC	22/5/15
3	NWBC Forward Planning	Consultation response	1/6/15
4	NWBC Environmental Health	Consultation response	3/6/15
5	WCC Highways	Consultation response	11/6/15
6	Neighbour	Representation response	4/6/15
7	Neighbour	Representation response	5/6/15
8	Coleshill Town Council	Representation response	3/6/15
9	Neighbour	Representation response	16/6/15
10	Neighbour	Representation response	25/6/15
11	Agent	Email to case officer	1/6/15
12	Agent	Email to case officer	27/5/15
13	Case officer	Email to agent	4/6/15
14	Agent	Email to case officer	16/6/15
15	Agent	Emails to case officer	26/6/15
16	Case officer	Emails to agent	26/6/15
17	Case officer	Email to WCC Archaeology	26/6/15
18	Case officer	Emails to agent	23/6/15
19	Case officer	Email to agent	18/6/15
20	Neighbour	Email to case officer	26/6/15
21	Case officer	Email consultation with Councillors	23/6/15
22	Cllr Jones	Request application taken to P and D board	26/6/15
23	Cllr Ingram	Request application taken to P and D board	26/6/15

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.

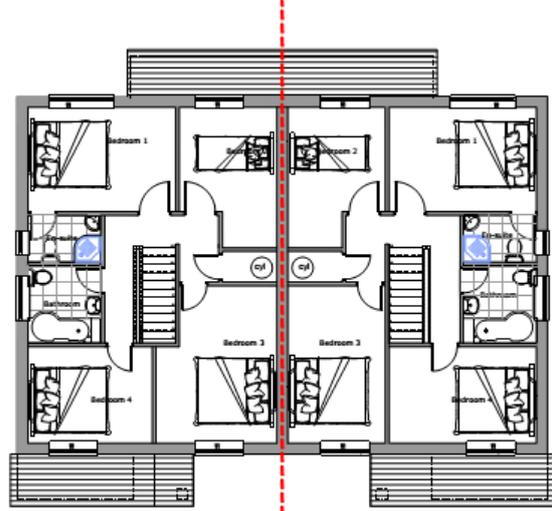
A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.







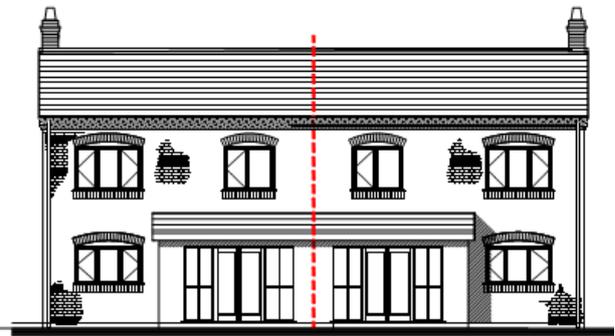
PROPOSED GROUND FLOOR



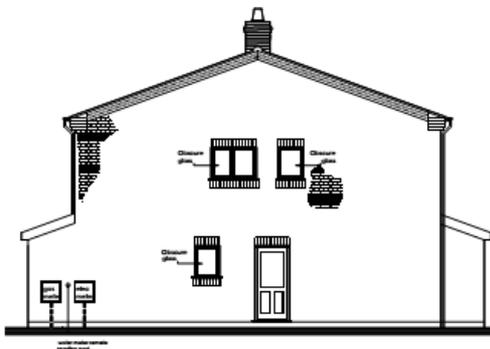
PROPOSED FIRST FLOOR



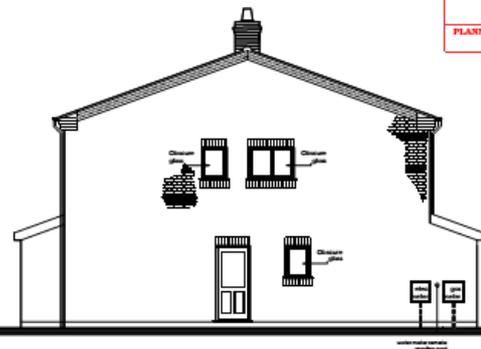
WEST ELEVATION



EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION

01/06/2
PLANNING & DESIGN
DESIGN



Appendix B – Photos







(8) Application No: PAP/2015/0305

Ashleigh, Coventry Road, Fillongley, CV7 8BZ

Erection of 6 dwellings, 2 detached garages and associated highways, landscaping and external works. Demolition of the "Ashleigh" garage and morning room, for

Mr James Cassidy - The Cassidy Group

Introduction

This application is referred to the Board for determination at the request of a local Member who considers that different weight should be attached to the Development Plan policies than that set out in the report.

The Site

This is a rectangular plot at the rear of Ashleigh and four other detached properties within a long frontage of similar residential property along the south side of the Coventry Road outside of the village centre. There is open countryside to the rear and on the other side of the Coventry Road. The frontage houses here are well set back from the road and have reasonably sized rear gardens.

The land is presently used as garden land by two of the frontage properties – Ashleigh and Penlan

The site is illustrated at Appendix A.

The Proposals

The existing garage and morning room on the south-east side of Ashleigh would be demolished so as to enable a new access to be constructed running from the road, alongside Ashleigh and then turning into a cul-de sac running through the centre of the site providing access for the construction of six detached houses. Ashleigh would retain its own independent access onto the main road. The new access would be 5 metres wide over its first 12 metres and then there would be a gate, beyond which it would be 4 metres in width. A turning area is proposed at the end of this approach such that larger vehicles can leave the site in a forward direction. The estate road would be lit using low level bollard lights not by normal street columns.

The six houses would back onto the open fields beyond. Each would be provided with a minimum of two parking spaces and a new garage would be provided for Ashleigh.

The proposed layout and street scene is attached at Appendix B. This also includes a cross section through the site.

The application is accompanied by the following documents.

A Planning Statement. This provides an overview of the proposal by placing it in its planning policy context describing the policies of the Development Plan and the National Planning Policy Framework. It concludes that there should be no objection in principle and that as there is no other harm identified, the proposals should be supported.

A Tree Survey. This says that the site is used as garden land that there are a number of mature and semi-mature trees most of which are on the site boundaries. These are of moderate or low quality. It is concluded that the site can be developed for residential development providing the better trees are retained and provided adequate root protection measures are in place during construction.

A Transport Statement. This describes the location of the local services and public transport provision as well as referring to pre-application discussions with the Highway Authority which are said to be supportive.

A Sustainability Statement. This says that there are local services and facilities within a kilometre of the site and that the village has public transport links. The houses would be constructed to modern energy efficiency standards with a sustainable drainage system to be installed.

A Utilities and Infrastructure Statement. This includes the replies from service providers to the applicant's request for information. Severn Trent Water says that there is capacity in the existing drainage infrastructure to accommodate both foul and surface water drainage and that there is adequate mains water supply. Electricity and gas providers have not raised objections.

A Public Consultation Statement. This describes a consultation that the developer undertook locally. 23 neighbours were consulted by way of a hand delivered letter and a pre-paid return envelope. The letter included the plans as included with the current application. 13 replies were returned and there were 6 verbal replies. Of the replies, 39% are said to be positive.

Representations

The Fillongley Parish Council objects referring to the following matters. The letter is attached in full at Appendix C.

- The housing need in Fillongley is for first time buyers and for those wishing to down size. The proposals would not meet that need.
- There is no local shop in Fillongley.
- The applicant's pre-application consultation has been mis-represented.
- It is not an allocated site.
- There will be a flooding impact in the village.
- This Greenfield site is not required.
- The application does not meet the objectively assessed need for housing.

- The emerging neighbourhood plan shows that the community values the rural character of the village.
- It impacts on the openness of the Green Belt.
- It doesn't enhance landscape or protect trees and hedgerows.
- It affects residential amenity of neighbouring property.
- It's too dense and out of character.
- The access will not be safe.

Thirteen letters of objection have been received. These refer in summary to the following matters:

- The development is not in keeping with an existing frontage character – particularly as some of these are bungalows.
- Highway safety with more traffic exiting and entering onto a fast road on the brow of a hill.
- The access is too narrow and emergency vehicles will not be able to enter. It will also be “gated”.
- Low water pressure.
- This is garden land not allocated for building.
- Street lighting will be added.
- Sunlight and light will be blocked into existing rear garden.
- Loss of privacy.
- There is no housing need.
- Over development - too dense.
- This is Green Belt.
- Loss of habitat and trees.
- There are more accidents in the village than that claimed by the applicant.
- The applicant's description of the facilities in the village is incorrect. They are in fact closing down not “thriving”
- No local facilities – the school is oversubscribed.
- Construction dangers and disruption.
- Increased likelihood of crime.

- There are restrictive covenants on the land.
- No affordable housing provided.
- The proposal does not accord with the Development Plan.
- Loss of open space – this is not brown-field land.

One letter of support has been received referring to:

- The development is attractive.
- It is not Green Belt.
- There is need for this housing and for an influx of people so as that the village is not standing still.
- There is no encroachment.

Consultations

Environmental Health Officer – No objection subject to standard conditions requiring site investigation and consequential remedial measures to be agreed if necessary.

Severn Trent Water Ltd – No objection

Warwickshire County Council as Highway Authority – No objection subject to standard conditions. This is attached in full at Appendix D.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations) and NW12 (Quality of Development)
 Saved Policies of the North Warwickshire Local Plan 2006 – ENV12 (Urban Design) and ENV13 (Building Design)

Other Material Planning Considerations

The National Planning Policy Framework 2012

Planning Contributions (Section 106 Planning Obligations) – DCLG Nov 2014

Observations

a) Introduction

This site is not in the Green Belt. It is within the development boundary defined for Fillongley by the Development Plan. Moreover Fillongley is identified in the Core Strategy as a Local Service Centre and that a minimum of 30 new houses is appropriate for the settlement between 2014 and 2029. As such there is no objection in principle to this development. It is necessary to amplify this conclusion in light of some of the representations made. The first is that the housing allocation for Fillongley is a minimum figure not a maximum figure. Secondly, it is accepted that numbers will increase through

conversions or replacements and that the recent approval at Castle Close added a further three. But this only contributes to the minimum figure. Thirdly the fact that this is not a preferred site carries little weight as the site is already “allocated” by being within the settlement’s development boundary. Fourthly and very significantly, the preferred sites for housing within Fillongley have not come forward and thus the longer the delay that there is in this, the greater the likelihood is that other sites inside the development boundary will be put forward by land owners in order to meet the minimum figure. This is an argument that will carry significant weight in any appeal. Government policy is very clear – it expects Local Planning Authorities to “significantly boost housing”. If that is not occurring on land within development boundaries where the principle of development has always been accepted, or through preferred sites, then the greater the risk there is of planning decisions taking place by appeal in an ad-hoc manner. It is considered that an objection here in principle could not be sustained at appeal.

It is agreed that this is not brown-field land or previously developed land by virtue of the NPPF definition. Whilst it is agreed that priority should be given to such land, the facts are firstly, that the site remains inside the development boundary for Fillongley and is thus already “allocated”. Secondly the preferred brown field land in the village is not coming forward for development. Therefore in order to meet the requirements of the NPPF and the Development Plan, land such as this has to be seriously considered.

The Parish Council refers to the Neighbourhood Plan. This is at an early stage of preparation with initial consultation underway. Whilst such plans can carry weight, at present, given the very early stages of that plan here, it will carry very limited weight.

It is also necessary to point out now that there is no affordable housing proposed on site or is there an off-site contribution in lieu. Members will be fully aware from previous cases that given the Government’s recent guidance on affordable housing provision there is no longer a requirement for such provision in developments of under ten dwellings as here. The Parish Council’s concerns about this development not meeting local need thus carries no weight given this recent change of approach by the Government. It is considered again that an objection on these grounds could not be sustained at appeal.

Attention therefore turns to detailed considerations and particularly on local impacts to see if these would be so harmful as to warrant refusal.

b) Change in Character

This particular issue carries weight. Clearly there would be new built development on this land where none exists now and thus there would be change as a matter of fact. The key issue is whether that is material enough to warrant refusal. That change would introduce a line of six dwellings behind existing ones which is often referred to as “back-land” development. This is not by itself a reason for refusal.

This site is inside the development boundary for Fillongley and rather than repeat the whole of the section above, it is necessary to emphasize that the principle of development here is accepted as Development Plan policy. Such developments have taken place throughout the Borough in similar circumstances. It is acknowledged that each case is determined on its own merits and here the site is not in a Conservation Area: there are no settings of Listed Buildings or other heritage matters to consider, the site is not identified as protected open space in the Development Plan, the development

would not change the overall character or built form of the village as a whole and as will be explained below, the harm caused by the proposal is considered to be limited. What is being said here is that Fillongley can “absorb” this development without causing significant harm.

c) Highway Impacts

Many of the representations received refer to the potential traffic generation from the site all emerging onto the Coventry Road and the harm that that could give rise to.

The demolition of the garage and a small side extension at Ashleigh enables a new access to be proposed onto the Coventry Road. It is clear from the Highway Authority’s comments that the visibility at the new junction meets standard specification; that there would be no conflict with Ashleigh retaining its own separate access, and that the geometry of the access road, its turning area and the gated arrangement does not give rise to concern. The Highway Authority has made it clear that it would not adopt the “estate” road and thus its maintenance will be a matter for the applicant and future occupiers. The County Council has however been fully involved with the design of the estate layout such that it does not cause an issue where it meets the public highway.

Parking provision is at 200% which accords fully with Development Plan policy.

There will be traffic impacts arising from this proposal but the advice from the Highway Authority is that that would not be so severe so as to warrant an objection and thus a refusal.

d) Amenity Impacts

There would be new development at the rear of existing houses and thus there will be some impact here on the residential amenity of existing occupiers. The Board has to evaluate whether that would be significant. It is not considered that it would be.

There are several reasons for this. Firstly the separation distances exceed the Council’s guidance in that the distance from the front elevation of the proposed houses to the rear elevations of the existing dwellings is between 35 and 45 metres, with the guide being 22 metres. Secondly there is a limited number of openings at first floor level looking towards the existing houses – see Appendix B. Thirdly it is agreed that some of the frontage properties are bungalows and that they are at a lower level than the land on which the new houses would be constructed. The street scene through the site at Appendix B shows that this does not give rise to this becoming a substantial issue. Indeed some of the proposed houses are not as tall as those fronting Coventry Road. Fourthly the estate road here would be lit by low level bollards – this can be conditioned. Fifthly the gated access is more likely to reduce access for anti-social behaviour. It is thus considered that in view of all of these matters, that the proposed built form would not give rise to significant or harmful loss of residential amenity.

It is agreed however that the line of the internal access route would be running at the rear of existing rear gardens and thus there would be vehicular movement along this line. The traffic from six houses is not considered to be so excessive as to be considered as significant or harmful. The greatest impact would be at peak times when in fact traffic noise from the Coventry Road is also likely to be at its greatest.

It is not considered that overall there would be sufficient grounds here for a refusal based in the impact on existing residential amenity.

e) Design

The proposed dwellings are not so poorly designed as to warrant refusal. Conditions can control the use of facing materials to a selection of appropriate red and rustic bricks with weathered clay tiles and slates.

f) Trees

The tree survey identified 24 individual trees on the site together with two other groups. Of the individual trees then the tree report shows that only seven are of a value worth retaining. None of the groups of trees were considered worthy of retention. The proposed layout retains all but one of the moderate quality trees as they are all in the surrounding hedgerow to the west. The retained trees would still enable the development to proceed as their root protection areas would not be affected. In these circumstances and based on the arboricultural evidence, it is not considered that a reason for refusal can be sustained. New landscaping can be conditioned.

g) Other Impacts

There is not considered to be evidence of any other adverse harmful impacts arising from the consultation responses and the details that are proposed to mitigate any such impacts –e.g. - the use of permeable surfaces.

If there are covenants attached to the land, then the land owners should look to the content of these; take their own private legal advice and follow any issues up privately.

As Members are fully aware, such Covenants are not material planning considerations.

g) Conclusions

Given that the site is within the development boundary here and that Fillongley is a settlement where new housing is proposed, it is considered that in the absence of material harm or adverse impacts that the application should be supported.

Recommendation

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

1. Standard Three year condition
2. Standard Plan numbers condition – plan numbers 6882/ 09E; 13, 14, 15, 16, 17 and 19 all received on 18/5/15.

Pre-Commencement Conditions

3. No work whatsoever shall commence on site until a site investigation into the nature and extent of contaminated land, based on a Phase 1 Assessment for the site has first been undertaken and submitted to the Local Planning Authority. This investigation shall also outline the measures to remediate any such contamination.

REASON

To reduce the risk of pollution

4. No work shall commence on the construction of any house or road hereby approved until such time as any measures consequent to condition (iii) have first been approved in writing by the Local Planning Authority. Only the approved measures shall be undertaken.

REASON

In order to reduce the risk of pollution.

5. No work shall commence on the construction of any house hereby or road hereby approved until such time as a Verification Report has been submitted to and approved in writing by the Local Planning Authority. This Report shall contain the evidence to verify completion of the approved remediation works.

REASON

In order to reduce the risk of pollution.

6. No work shall commence on site until full details of the means of surface and foul water disposal from the site have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be implemented on site.

REASON

In order to reduce the risks of flooding and pollution

7. No work shall commence on site until such time as the measures to be installed during construction, for the protection of the root systems of all trees to be retained as shown on the approved plan, have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall be installed on site and they shall only be removed with the written agreement of the Authority.

REASON

In the interests of the bio-diversity of the area and the visual amenity of the site.

8. No work shall commence on the development hereby approved until such time as full details of all of the facing materials for the houses and the surfacing materials for the road and the hard surfaced areas have first been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used on site.

REASON

In the interests of the visual amenities of the area.

9. No work shall commence on the development hereby approved until such time as full details of all boundary treatments and the bollards to light the estate road have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be used on site.

REASON

In the interests of the visual amenities of the area

10. No work shall commence on site until such time as a detailed Construction Management Statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the phasing of the development; working hours, delivery hours, the location of any site compound, the means of storing materials, plant and equipment on site, details of the means turning delivery vehicles on site such that they leave in a forward direction, details of reducing/minimising the deposit of waste materials onto the public highway and contact details of a site manager. The site shall be operated in accordance with the approved Statement.

REASON

In the interests of the amenities of the area and road safety

11. No development shall commence on site until full details of a pedestrian link from the site to the opposite side of the Coventry Road have first been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of highway safety.

Pre-Occupation Conditions

12. There shall be no occupation of any of the houses hereby approved until such time as the pedestrian link required by condition (xi) has first been provided in full to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety

13. There shall be no occupation of any house hereby approved until such time as the whole of the access arrangements as shown on the approved plan including the public highway verge crossing have first been fully completed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety

Other Conditions

14. The turning, parking and access areas as shown on the approved plan shall remain for these purposes at all times.

REASON

In the interests of highway safety

Notes

1. The Local Planning Authority has met the requirements of the NPPF in this case by involvement in pre-application discussion and resolving issues arising with technical consultees thus meeting the requirements of the NPPF.
2. UK Coal Standing Advice
3. Attention is drawn to Sections 59, 149, 151, 163, 184 and 278 of the Highways Act 1980; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice. Advice and guidance on these Sections and the consequent Agreements is provided by the Warwickshire County Council.

BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0305

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	18/5/15
2	M Rabone	Objection	24/5/15
3	P Bird	Support	26/5/15
4	Mr & Mrs Brooke	Objection	26/5/15
5	S Bailey	Objection	27/5/15
6	Mr & Mrs Broggan	Objection	2/6/15
7	M Gooling	Objection	3/6/15
8	R Free	Objection	2/6/15
9	Environmental Health Officer	Consultation	4/6/15
10	Severn Trent Water	Consultation	3/6/15
11	P Knight	Objection	7/6/15
12	S Lees	Objection	8/6/15
13	J Bailey	Objection	8/6/15
14	P Bird	Representation	9/6/15
15	A McIndoe	Objection	10/6/15
16	D Lees	Objection	9/6/15
17	D Thomas	Objection	10/6/15
18	Fillongley Parish Council	Objection	9/6/15
19	Warwickshire County Council Highways	Consultation	15/6/15

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

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



PAP/2015/0305

1. Title
 2. Date
 3. Author
 4. Department
 5. Project
 6. Location
 7. Status
 8. Date
 9. By
 10. For

SOUTH WALES FIRE & RESCUE
 BOARD/COUNCIL
RECEIVED
18/05/2015
 PLANNING & DEVELOPMENT
 DIVISION

11. Project
 12. Location
 13. Status
 14. Date
 15. By
 16. For

PROJECT
 NEW WATERS
 OPERATIVE ROAD
 DEVELOPMENT

LOCATION
 LADDER BRIDGE

DRAWING TITLE
 OPERATIVE ROAD

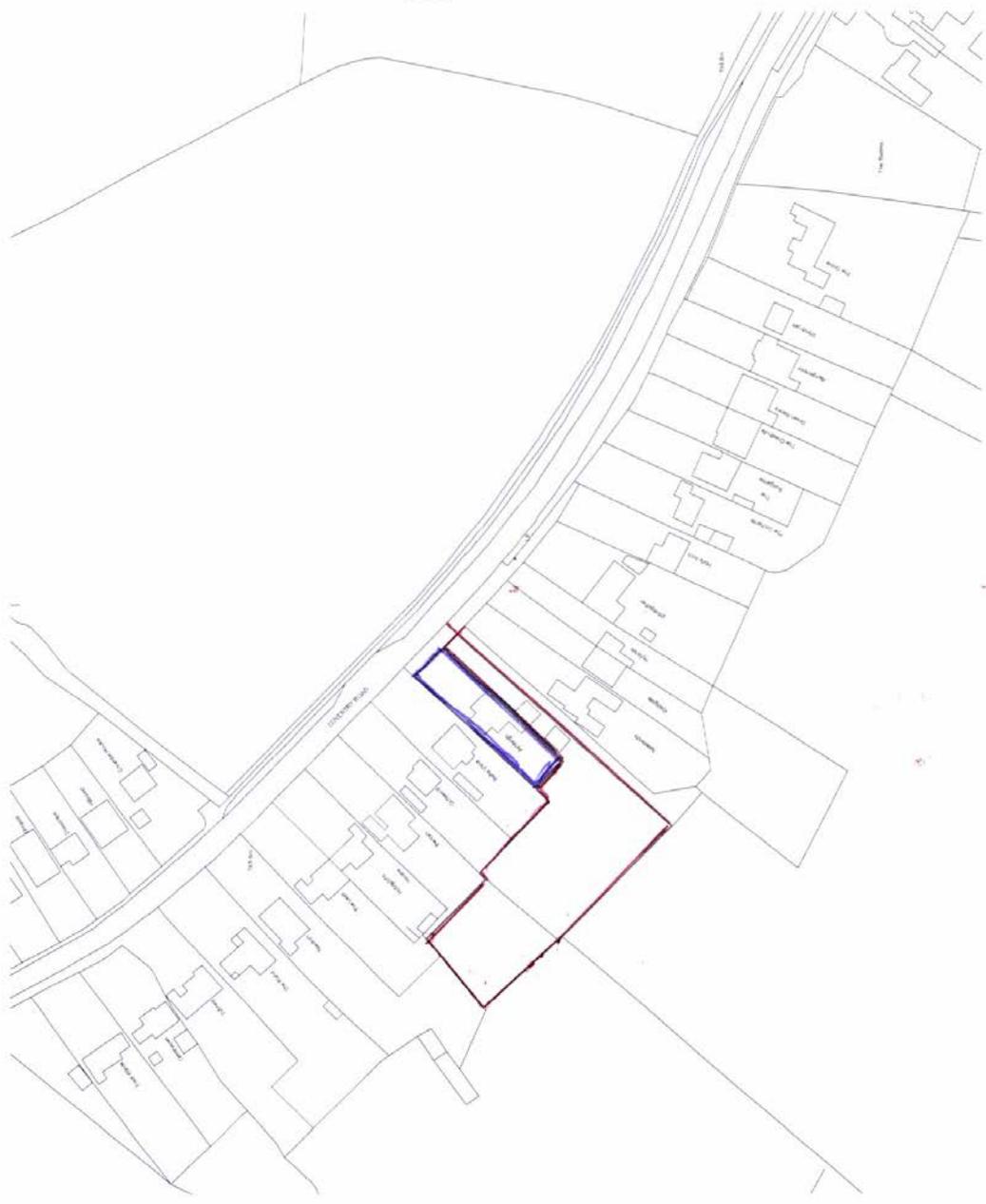
DRAWING BY
 A.J.L.

DRAWING DATE
 16-05-15

DRAWING NUMBER
 11250-A3

DRAWING POSITION
 Revision


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 100/102 WILSON STREET
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FILLONGLEY PARISH COUNCIL



Clerk to the Council: Mrs Heather Badham, The Crooked Stile, St Mary's Road,
Fillongley, Warwickshire, CV7 8EY

Telephone 01676 549193 fillongleypc@indigoriver.co.uk

Mr J Brown
NWBC
By Email

9th June 2015

Dear Jeff

REF PAP/2015/0305 Ashleigh, Coventry Road, Fillongley.

The Council wish to OBJECT to this ill-found application.

There are multiple points that need to be made as to why this should be REFUSED.

Numerous points should be noted, as for whatever reasons, the applicant makes various statements within the application which are either incorrect, misleading or both. If you were to read the application without this information, it has the danger of sounding reasonable, when in fact, when the inaccuracies are removed, the application can be seen in its true light.

Misleading/incorrect information;

- It has been established by FPC and NWBC in January 2014, that there is a small need for small sized properties both for first time buyers and also for people wishing to downsize. The specification proposed for these properties indicate that these will not be suitable for either of these groups. **Therefore to imply that this is being done for local people is misleading.** The one person who has stated that she may be interested in a property(dependent on price) has told me today that she is **not interested** at the prices suggested. This means that the proposal is contrary to Paragraph 11 of NPPF; it does not meet the development needs of the area as the applicant stated.
- "Social Role"help future generations"; this is again misleading, the village already has a large stock of this size property, many of which are bungalows; It is highly likely these would be enlarged (often upwards) in the future (as has happened before), which would in turn, not enhance the housing stock in Fillongley.
- A "sustainable development" argument is also negated with regard to the local people's affordability; in order for the Developer to get this location past the Planning Laws, they have to be of a high specification environmentally. The cost of these properties then makes them unaffordable to local people unless

these people, in turn, sell their houses for a lot more, in turn driving prices in the Parish up for everybody, making it harder for people to get on the housing ladder.

- The local shop referred to as a sustainable reason for development has closed. The only shops now available to residents are several miles away in all directions.
- These properties do not assist in any way with a “prosperous rural economy”, in the opinion of the PC, these bungalows are not “sustainable” and therefore are inappropriate development rather than serving a need.
- The applicant states that he has worked closely with those affected and that these people are in favour of the proposals. **This is wrong.** The applicants own written evidence, when correctly added up (and removing alleged “verbal responses”) shows the following:
 - 23 properties consulted, - including 2 who will directly and financially benefit from the proposals
 - there were 19 responses (presumably including the 2 beneficiaries)
 - 13 comments were received
 - 7 AGAINST
 - 2 NEUTRAL (with conditions)
 - 4 POSITIVE *though 1 has since altered their opinion.* (Presumably 2 of these are the property owners who should be discounted from calculations) **indicating 2 genuine positive, impartial comments out of 21.**

This shows that 90.63% people directly affected DO NOT WANT THIS PROPOSAL. Or conversely that it is only supported by 10% of those consulted.

- This site is **NOT** an NWBC allocated site therefore not subject to independent (NWBC) reports: HRA Report, ANY Sustainability Appraisals, Infrastructure Delivery Plan, Historic Environment Assessment
- The applicant states that the proposed homes are outside of a flood risk area. This is true however does not take into account the impact further into the village of additional water going into a system that is **ALREADY OVERLOADED** by current dwellings. The properties may comply with all regulations available but this does not help the people 500 metres down the hill when they are flooded again with a mixture of surface water and sewage.
- *“As a result of our investigations into existing utilities and infrastructure we can confirm that there is sufficient capacity in terms of utility services and that the existing infrastructure is capable of meeting the increased requirements of the proposed 6 dormer bungalows.”* At a multi-agency meeting, organised by the National Flood Forum in conjunction with Fillongley Flood Group, Mike Wood from Severn Trent Water stated that **“a recent flow rate and capacity survey indicated that the main sewer down Coventry Road and Church Lane has inadequate capacity”**. This survey was done from the top of Coventry Road, all the way to the centre of the village. This would mean that any waste water from these houses would feed into an already over stretched system, exacerbating flooding that already occurs the length of the road and particularly affects some properties in Castle Close, the properties in the centre of the village, and Church Lane.

- In the last Census, Fillongley has 1% unemployment. To suggest that building 6 properties is going to assist these 7/8 people is misleading. It further states that traineeships would only be offered would also only be during the construction period.

Notwithstanding these misleading inaccuracies, the Council wish to OBJECT to the application on the following grounds;

In accordance with the Local Plan, Fillongley is required to have 30 houses in 20 years, approximately half of these are already built with planning permission granted for numerous others. This **green field site is not required**, due to the number of applications coming forward under permitted Development Rights and also the brownfield sites that will be available during the allotted time period.

The application is contrary to NPPF in that it **does not meet** the objectively assessed need for market and affordable housing.

The application is contrary to Paragraph 66 of the NPPF; FPC have already shown that over **90% of representations received by the applicant were against the proposal**, which agrees with the comments received by the Parish Council.

Fillongleys emerging Neighbourhood Plan, which has been demonstrated to have planning weight, has shown from the earliest stages that local people value and wish **to protect both the fields, the environment and the rural nature of their homes**. Paragraph 69 of the NPPF should be adhered to and local people should be listened to by the local planning authority.

This proposal is wholly inappropriate as it **directly and negatively impacts the openness of the Greenbelt**.

The proposal is contrary to ENV 1. This neither enhances or protects the Ancient Arden landscape that we have in our Parish.

The proposal is contrary to ENV4. This area is currently green space and gardens. It cannot be said in anyones language that to replace this with 6 houses and 2 garages wouldnt result in loss of "positive contribution to the quality of the local environment".

This proposal is directly contrary to ENV 11. The applicant themselves have demonstrated that the people most directly affected do not want this development. Many neighbours will suffer from adverse loss of amenity from loss of privacy, disturbance (due to traffic and other residents), overlooking, and noise. Just one of these should be enough to warrant rejection of the application. The adverse impact to local people would demonstrably outweigh any benefit to the wider Borough/Coventry/Birmingham, from where the purchasers would come.

The proposal is contrary to ENV 12 and ENV 13. The design is too high density and it is inherently contrary to local distinctiveness to put them in this location. Our

Parish is made up of dispersed settlements throughout, with a majority of ribbon development on the roads towards the crossroads at the centre of the village.

The proposal is contrary to ENV 14 Access design. Though the applicant states that WCC Highways have approved their plans, it is not shown, and the letter supporting states that the comment was given on plan and without a site visit. FPC can see no evidence of this application having the support of WCC for access. The access proposed is very narrow and FPC believe that this has potential to cause problems with congestion on the inclined approach in and out of the village centre.

To summarise, the applicant has used inaccurate information throughout. The Council wish to object as it is;

- Over development
- High density
- Adversely impact neighbours by loss of amenity, loss of openness
- Negative visual impact from footpath
- Adverse impact on character and appearance of local area
- Likely to exacerbate current flood problems.

The Council dispute numerous, repeated statements by the Applicant and would urge you to dismiss this application.

Yours sincerely

H Badham

Mrs Heather Badham
Clerk to Fillongley Parish Council

Your ref: PAP/2015/0305
My ref: 150305
Your letter received: 02 June 2015



Mr J Brown BA Dip TP MRTPI
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15 June 2015

Dear Mr Brown

PROPOSAL: Erection of 6 dwellings, 2 detached garages and associated highways, landscaping and external works. Demolition of the "Ashleigh" garage and morning room
LOCATION: Ashleigh, Coventry Road, Fillongley
APPLICANT: Mr James Cassidy – The Cassidy Group

Thank you for your consultation dated 20 May 2015 in regard to the above application.

A new vehicular access to the site will be constructed on the southern side of Ashleigh, but the existing access will remain also. Conflict of vehicle movements should not be an issue as intervisibility between drivers can be considered good, all vehicles should be leaving the site using a forward gear and vehicle movements associated with Ashleigh should not be significant.

The visibility splays from the proposed vehicular access to the site appear to be in accordance with the speed limit for the site, providing splays of approximately 120 metres looking left (north-westerly) and over 120 metres looking right (south-easterly), as measured from a setback of 2.4 metres.

The new vehicular access will have to be built as a dropped kerb verge crossing, as a bellmouth access would affect the adjacent existing field gate access. But, the crossing will have to be built to withstand frequent movements by HGV's. As such, a standard dropped kerb crossing would not be strong enough, so a higher specification crossing will need to be constructed.

*Working for
Warwickshire*

The swept path of a refuse vehicle goes over the frontage of the field gate access. So, this access will need to be strengthened also.

The proposed vehicular access to the site will be approximately 5 metres in width for a distance of 12 metres, as measured from the near edge of the public highway carriageway. This will allow for the largest vehicle most likely to visit the site to pass / or be passed by another vehicle. So, the proposed shared access could be considered acceptable.

But please note, the Highway Authority will not consider adopting any part of the vehicular access to the site, other than what will be in the existing highway extent, as the layout does not accord with adoption policies.

Gates within the proposed vehicular access to the site will be hung so as not to open within 24 metres of the near edge of the public highway carriageway. This will allow the longest vehicle to wait off the public highway whilst the gates are operated, so no obstruction of the highway should occur.

Pedestrians will share the vehicular access to the site, which can be considered acceptable, as the access will be wide enough for vehicles to pass pedestrians without conflict.

However, pedestrian access will cease at the boundary of the site as there is no public highway footway fronting the site. The footway is on the other side of the carriageway. Therefore a suitable pedestrian crossing point should be constructed with associated pedestrian footway links to provide a continuous bound surfaced link for pedestrians.

Swept path analyses have been provided showing that the largest vehicle most likely to visit the site (a refuse vehicle 10.8 metres in length) can enter the site using a forward gear, turn around within the site and re-enter the public highway using a forward gear. This is considered necessary to accord with guidance on servicing. It still could result in vehicles being parked more than 25 metres from a dwelling, but the public highway will not be obstructed and goods will not have to be moved up to 130 metres from the public highway.

Parking provision is in accordance with policies, for the existing dwelling and proposed dwellings, and the hardstandings will be laid out so that vehicles will not have to be excessively manoeuvred.

The potential number of vehicle movements associated with the proposed development would not be considered significant compared to the existing number of vehicle movements passing the site, and should be able to be accommodated on the existing highway network.

Until the access road and manoeuvring area has been built parking and manoeuvring within the site will be restricted. As such, vehicles associated with the proposed development will probably have to park on the public highway. To ensure that any damage to the public highway will be repaired the Highway Authority will recommend that an agreement under Section 59 of the Highways Act 1980 will need to be undertaken.

Therefore, the Highway Authority's response to your consultation is one of no objection subject to the following conditions:

1. Access for vehicles to the site from the public highway (Coventry Road B4098) shall not be made other than at the position identified on the approved drawing number 6882/09E providing an access no less than 5.0 metres in width for a distance of 12 metres, as measured from the near edge of the public highway carriageway. No gates shall be hung within the vehicular access to the site so as to open within 20 metres of the near edge of the public highway carriageway.
2. 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 specification of the Highway Authority.
3. No development shall commence until full details of the provision of the access, car parking, manoeuvring and service areas, including surfacing, drainage and levels have been submitted to and approved in writing by the Council. No building shall be occupied until the areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be. The vehicular access to the site 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.
4. Notwithstanding the plans submitted no development shall commence until full details of the pedestrian link from the site to the opposite side of Coventry Road have been submitted to and approved in writing by the Council. No building shall be occupied until the pedestrian link has been laid out in accordance with the approved details.
5. The development shall not be commenced until a parking area and a turning area has been provided within the site so as to enable general site traffic and construction vehicles to park off the public highway and to leave and re-enter the public highway in a forward gear.
6. 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.

Notes:

- a. Condition numbers 1, 2 and 3 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months notice will be required.

- b. Condition number 4 requires works to be carried out within the limits of the public highway. The applicant / developer must enter into a [Minor] Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant / developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should *not* be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278.

An application to enter into a Section 278 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months notice will be required.

- c. Prior to commencement of development, the applicant is required enter into an agreement with the Highway Authority under Section 59 of the Highways Act 1980. Prior to works taking place on site and following completion of the development, a joint survey shall be undertaken with the County's Locality Officer to agree the condition of the public highway. Should the public highway be damaged or affected as a consequence of the works being undertaken during the development of the site, the developer will be required to undertake work to remediate this damage as agreed with the Locality Officer.
- d. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway

upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

- e. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- f. The County Council will not be held liable for any delays in the execution of any works carried out under the provisions of any Highway Works Agreement or issue of any licence which may be incurred as a result of the applicant's / developer's failure to make an application for such an agreement / licence sufficiently in advance of the works requiring to be executed, or for any delays which may be incurred as a result of service or plant alterations required by the public utility companies.

Yours sincerely

Tony Burrows
Highway Control Engineer

Copy to; Councillor Mr C Hayfield, - Arley, for information only.

(9) Application No: PAP/2015/0359

Long Street Recreation Ground, Long Street, Dordon,

Erection of one 8m high lighting column to support a mobile CCTV camera, for

North Warwickshire Borough Council

Introduction

The application is brought before the Planning and Development Board as the applicant is the Council.

The Site

The site is an existing recreation ground with a junior/toddler play area and a teen play and multi-use games area. There is residential development around the north, south and west boundaries and the doctor's surgery is prominent at the northern end.

The Proposal

It is proposed to install a tubular steel rigid column which would support a mobile CCTV camera at eight metres off the ground to provide surveillance of the recreation ground. It would be fitted with a CCTV socket and a floodlight which will be controlled by a photocell to operate between dusk and 10.00pm. The camera has been requested due to community safety concerns.

Representations

No representations have been received at the time of preparing this report. An updated position will be made verbally at the meeting.

Development Plan

North Warwickshire Core Strategy – NW1 (Sustainable Development); NW10 (Development Considerations), NW11 (Renewable Energy), NW12 (Quality of Development) and NW13 (Natural Environment).

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

Other Relevant Material Considerations

The National Planning Policy Framework 2012 – (the “NPPF”)

Observations

The site lies inside the Development Boundary of Dordon. There is no objection in principle to the development and so the main considerations here are whether the lighting column is appropriate in terms of its design, illumination and siting, given the area of open space, and whether there exists an amenity issue to neighbouring properties in respect of light pollution.

a) Design

In terms of design, then the lighting column is a standard feature of street furniture and is not inappropriate. The height of the lighting column is acceptable and in terms of intensity of illumination then this will be at 27 watts and is designed to direct lighting downwards. The lighting from this single column will not cause any glare or light spillage beyond the area that is proposed to be illuminated. Dark skies should not be affected by the proposed lighting scheme given that no upward lighting is proposed.

b) Open Space

The recreation ground is a green space as covered by Core Strategy Policy NW10. The scheme is considered to enhance the provision of open space and recreation as set out in part 7 of NW10. The proposal is in accordance with the Core Strategy and the NPPF. The proposal is also not considered to be obtrusive to the remainder of the open recreational area.

c) Amenity

In respect of the impact upon the amenity of neighbouring residents then the closest dwelling houses are in Derek Avenue which are some 110 metres from the proposed lighting column. The column is positioned to the south east corner of Dordon Group Medical Practice's building. Through its careful positioning, the scheme is considered not to result in a loss of amenity, privacy or loss of light that would result in an unacceptable impact upon the neighbouring properties or the users of the Medical Practice building. The proposal complies with the Core Strategy and the relevant part of the National Planning Policy Framework.

d) Overall

It is considered that the design, level of illumination and siting of this lighting column is acceptable in this area of the recreation ground.

Recommendation

That provided no objections are received, planning permission be **GRANTED** subject to the following conditions:

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

REASON

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

2) The development hereby approved shall not be carried out otherwise than in accordance with the Location Plan, the Floodlight Bulkhead data sheet for GXLH and the Base Hinged Column Data Sheet received by the Local Planning Authority on 9 June 2015.

REASON

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

Notes

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com.

2. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

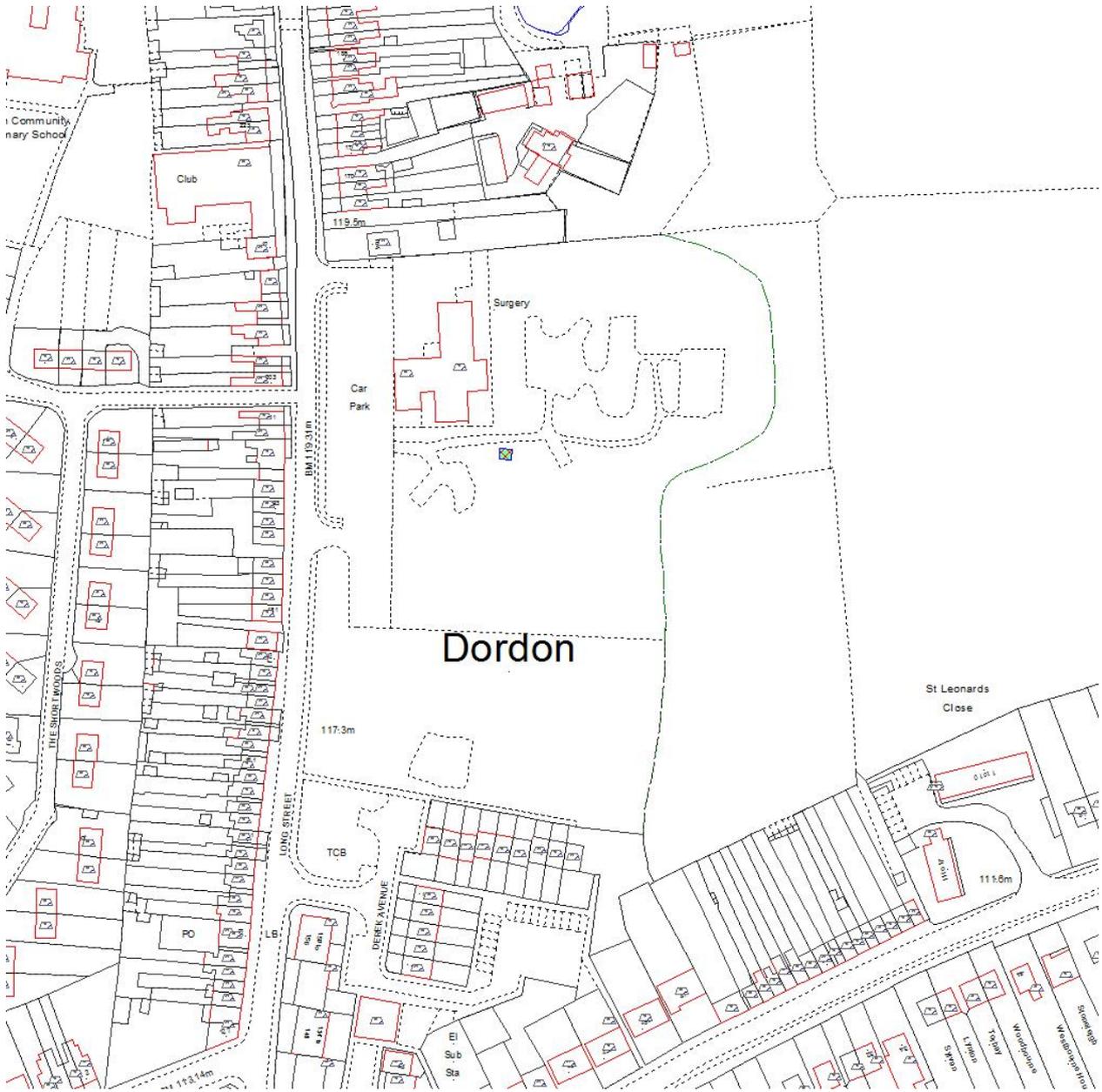
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2015/0359

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	9/6/15

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.



(10) Application No: PAP/2015/0370

Land to the North of, Nuthurst Crescent, Ansley, CV10 9PJ

Outline application for development of up to 79 residential units and associated access, for

Muller Property Group

Introduction

The receipt of this application is referred to the Board for information at the present time and a full determination report will be prepared in due course. This report describes the proposal; outlines the Development Plan background and identifies some of the issues that will need consideration.

The Site

This is two open pasture fields amounting to some 3.15 hectares to the north of Nuthurst Crescent and Croft Mead at the eastern end of Ansley. It extends from Tunnel Road westwards to the allotments at the rear of Croft Mead and the Birmingham Road. There is residential development to the south; open agricultural land to the north and on the opposite side of Tunnel Road with allotments to the west. The land slopes slightly towards the north. There are existing hedgerow boundaries around the site together with a post and rail fence along the western boundary. There are a number of trees across the site and within these boundaries – five of which are protected by Orders. There is also a public footpath running along the site's southern boundary.

A location plan is at Appendix A.

Appendix B is a useful aerial photograph.

The Proposals

This is an outline planning application seeking permission to develop the site in principle for up to 79 dwellings. The applicant however wishes the Local Planning Authority to agree details of the access at the present time. All other matters such as layout and design would be dealt with at a later stage once an outline has been granted.

Whilst an outline application, an illustrative layout has been submitted and the applicant does say that there could be mix of different house types here with a range of sizes. This also illustrates pedestrian and cycle connections to the existing residential development to the south – together with the safeguarding of an emergency access route through to Nuthurst Crescent. The applicant indicates that he would support a new pedestrian crossing over the Birmingham Road to improve connectivity to the facilities on the south-western side of that road.

The vehicular access proposed is off Tunnel Road and this would serve the whole of the development. The actual point of access would be at the northern end of the Tunnel Road frontage. This would involve the loss of two unprotected trees together with a length of hedgerow.

Surface water attenuation ponds are proposed in the north-west corner of the site – its lowest point.

Whilst in outline the applicant has however indicated that proposal includes 40% provision of affordable housing.

The applicant has submitted an illustration as to how his proposal might be laid out. This is attached at Appendix C. Members should be aware that this is not part of the application. It is merely an illustration.

The application is accompanied by a number of supporting documents.

A Planning Statement sets out the applicant's case and particularly draws attention to the relevant planning policy both at National and Local level. The statement suggests that the development is sustainable and that there should thus be a presumption of approval in line with the NPPF. Whilst the site is not a preferred location in the Council's Site Allocations Document, it is said that this does not carry sufficient weight to override the presumption in favour of sustainable development. The Council's housing supply figures are questioned and because of historic under-provision, the applicant suggests that a refusal based on this should carry little weight. In the absence of adverse impacts from matters such as traffic and flooding, the applicant argues that the development should be allowed.

A Design and Access Statement together with a set of "constraints" and "opportunities" plans, describe the physical characteristics of the site explaining how the illustrative layout has been arrived at.

An Arboricultural Impact Assessment shows that there are 22 trees affected by the development –the most prominent of which are the five mature oaks in the eastern half of the site. Of the 22 trees, 15 are said to be in good or moderate condition. The illustrative layout suggests that of these 22, five would be lost –all of poor quality to enable the access to be provided. The protected trees would remain.

A Habitat Survey draws attention to further survey work in order to better understand bird populations, but that there was no evidence of protected mammal species on site and that the ponds were unsuitable for great crested newts. The trees do have the potential for roosting and resting bats.

A Landscape Appraisal concludes that the development itself would not be out of context with the built fabric and scale of the existing settlement or setting. It would not adversely affect the wider setting. Retention of the boundary hedgerows and field trees would be beneficial.

A Ground Conditions Report does not suggest matters that would prevent the development of the site. The most significant factors are potential risks arising from contamination from the nearby sewage works and from asbestos in a stable building on the site.

An Agricultural Soil Study confirms that this is Grade 3b land with poorly drained soils. A Transport Assessment concludes that the proposed access meets all standard specifications and can accommodate the expected traffic movements arising from the development proposed. There would also be good opportunities as well for pedestrian

and cycle connections. There a number of community facilities in the village within walking distance and the village has reasonable public transport services too.

A flood Risk Assessment points out that the site is in Flood Zone 1, the least likely to suffer from fluvial floods. A surface water drainage strategy should not propose an infiltration solution due to the soils and geology of the site. As a consequence on-site surface water attenuation should be adopted. Discharge should then be to the ditch/water course running along the northern boundary. Foul water would be discharged to the existing on-site combined sewer.

An Affordable Housing Statement states that 40% on site provision will be made – 32 units – and that these could include a mix of tenures.

A Statement of Community Involvement describes a public consultation held in March in the village. However it needs to be pointed out that this showed a development of around 150 units. The applicants point out that the main issues raised were concern about the size and scale of the proposal; 40% affordable housing provision being too high, traffic impact, pedestrian safety crossing the Birmingham Road, traffic calming was necessary and that local facilities and services are already under pressure but that the bus services were too few.

Development Plan

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

Saved Policies of the North Warwickshire Local Plan 2006 - ENV4 (Trees and Hedgerows); ENV6 (Land Resources); ENV8 (Water Resources), ENV12 (Urban Design) and ENV14 (Access Design)

Other Material Planning Considerations

The National Planning Policy Framework 2012

Observations

The Board will have a major planning policy issue to assess with this case. The site itself is outside of the defined Development Boundary for Ansley but is not in the Green Belt. However the Core Strategy requires a minimum of 40 dwellings to be provided here but says that this usually should be on sites of no more than ten houses. The site is neither included in the preferred options for the allocation of the minimum of 40 dwellings. The applicant's case in his Planning Statement sets out his response to this policy background and at the determination stage Members will be asked to consider what weight these arguments should be given.

There are also a number of other detailed matters to look at – e.g. the adequacy of the access and surface water drainage arrangements as well as the impact on the protected trees. Members are reminded that the application is in outline and thus the layout as illustrated by the applicant is not part of the planning assessment here.

At the present time, consultations have commenced and the application will be reported to the Board in due course. A site visit is not suggested as the site is easily viewable from public roads and the footpath enables access onto the site itself.

Recommendation

That the receipt of the application be noted at this time.

BACKGROUND PAPERS

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

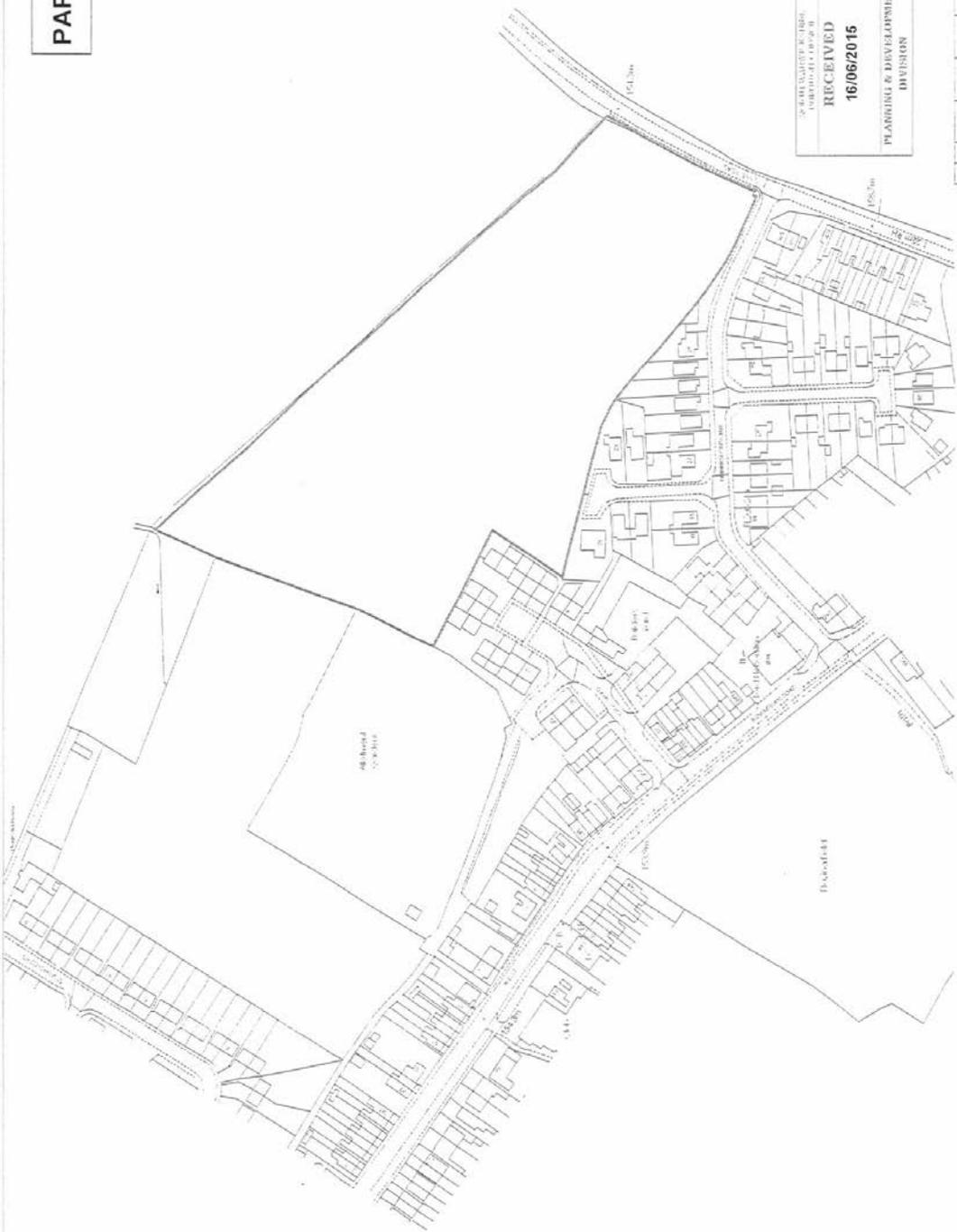
Planning Application No: PAP/2015/0370

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	16/6/15

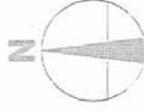
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PAP/2015/0370



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TUNNEL ROAD ANSLEY LOCATION PLAN
 MULLER PROPERTY GROUP

TUNNEL ROAD, ANSLEY

Design and Access Statement



May 2015

MÜLLER

Agenda Item No 7

Planning and Development Board

13 July 2015

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

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

Agenda Item No 8

Breaches of Planning Control - Report of the Head of Development Control.

Paragraph 6 – by reason of the need to consider appropriate legal action

The Contact Officer for this report is David Harris (719222).