

**To: The Deputy Leader and Members of the Planning and Development Board  
(Councillors Simpson, Bowden, L Dirveiks, Fox, Jenkins, Lea, Morson, B Moss, Sherratt, M Stanley, Swann, Sweet, Winter and Wykes)**

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

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

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

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

## **PLANNING AND DEVELOPMENT BOARD AGENDA**

**19 OCTOBER 2009**

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 19 October 2009 at 6.30 pm.

### **AGENDA**

- 1 **Evacuation Procedure.**
- 2 **Apologies for Absence / Members away on official Council business.**
- 3 **Declarations of Personal or Prejudicial Interests.**  
(Any personal interests arising from the membership of Warwickshire County Council of Councillors Fox, Lea, B Moss and Sweet and membership of the various Town/Parish Councils of Councillors Fox (Shustoke), B Moss (Kingsbury), Sherratt (Coleshill) and M Stanley (Polesworth) are deemed to be declared at this meeting.)

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

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

### **Summary**

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

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

## **PART C - EXEMPT INFORMATION (GOLD PAPERS)**

- 5 **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.**

- 6 **Breach of Planning Control** - Report of the Head of Development Control.

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

JERRY HUTCHINSON  
Chief Executive

## **Agenda Item No 4**

### **Planning and Development Board**

**19 October 2009**

### **Planning Applications**

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

#### **1 Subject**

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

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

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

#### **3 Implications**

- 3.1 Should there be any implications in respect of:

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

#### **4 Site Visits**

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

#### **5 Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site [www.northwarks.gov.uk](http://www.northwarks.gov.uk)
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 16 November 2009 at 6.30pm in the Council Chamber at the Council House.

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	PAP/2009/0154	3	<b>Car Park Park Road Coleshill</b> Outline - Erection of a Retail (A1) food store with associated parking, servicing and access - Seeking to discharge the reserved matters for access and layout	Significant
1	PAP/2009/0409	62	<b>Garage Site Eastlang Road Fillongley</b> The erection of 4 family houses to replace 15 existing garages	General
2	PAP/2009/0410	70	<b>Garage Site Bromage Avenue Kingsbury</b> Erection of 6 family houses to replace 15 existing lock-up garages	General
3	PAP/2009/0413	77	<b>Garage Site Sycamore Crescent Arley</b> Erection of 6 family houses to replace 16 lock-up garages	General
4	PAP/2009/0414	84	<b>Garage Site George Road Water Orton</b> Erection of 9 sheltered housing bungalows to replace existing garages and recreational space	General

## **Significant Development Application**

### **(1) Application No: PAP/2009/0154 – Car Park, Park Road, Coleshill, B46 3LA**

**Outline application for the erection of a Retail (A1) food store with associated parking, servicing and access – seeking to discharge the reserved matters for access and layout for Limes Developments Ltd**

#### **Introduction**

The receipt of this application was reported to the May Board, and it resolved to visit the site prior to consideration of the proposal. That visit has now taken place. Additionally it identified the main issues that it would need to consider in making its recommendation to Council on the planning merits of this application. These will now be addressed in this report.

For the convenience of Members the last report is attached at Appendix A. It is not proposed to repeat matters included in that report.

#### **Procedures**

##### **a) General**

It is considered important that the Board is aware of a number of procedural matters prior to its consideration of the application.

Firstly, the application is not one that is to be referred to the Secretary of State just because the Council owns part of the site. The requirements for referral where Local Authorities have an interest in a development proposal are covered by the Town and Country General Regulations 1988. Legal advice has been taken and it is agreed that this not an application that falls under the referral procedures. The matter however is to be referred to the Council for determination, rather than being decided by this Board because the proposal is a departure from the Development Plan.

However, the application, whilst it departs from the Development Plan in respect of Policies ECON5 and ENV5, as identified in the previous report, it is not one that has to be referred to the Secretary of State, if the Council is minded to support the proposal. This is because the proposal does not fall within the criteria set out for referral cases under the Town and Country Planning (Consultation) (England) Direction of 2009.

Thirdly, the application does not fall under the criteria for applications that are Regionally Significant as defined by the West Midlands Regional Assembly. The application is thus not one that is to be referred to that Assembly.

Fourthly, the application could be considered to be an “Urban Development Project” under the section 10(b) of Schedule 2 of the Town and Country Planning (Environmental Assessment) (England and Wales) Regulations 1999. For the avoidance of doubt the application has been treated as such. It is considered however that an Environmental Statement is not required. This is because it is considered that the proposal would not lead to significant environmental impacts. The reasons for this conclusion are set out in Appendix B. Additionally, the proposal is not a Regionally Significant Application, and neither is it one that falls under the 2009 Direction referred to above.

Finally, since the application was submitted, and the previous report made, the Local Plan expired in July. The policies that were identified in that earlier report and as referred to in Appendix A are now, nevertheless, all “saved” policies of that Plan.

## **b) The Application**

Members will be aware that this is an outline planning application. As such the remit of the Board is to establish whether in principle, the use as proposed – a food retail store - is appropriate on its planning merits at this site. The applicant has requested that the layout be considered as part of the application; the size of the building and its access arrangements. All other matters, including design, appearance, landscaping and drainage would be left, if the application is approved, for the later submission of details covering these matters. As will become apparent from the report, representations have been received that relate to both matters of principle and detail. There will be reference to the details in this report, but Members are requested to deal with the application in principle at this stage.

## **c) Emerging Government Guidance**

In the last report, mention was made in the section dealing with “other material planning considerations”, that Government advice in its PPS6 was under review. A further review, material to this application has now been published, that relating to revisions to PPG4, “Industrial and Commercial Development and Small Firms”. The report below will include a section that brings together all of this guidance so as to provide Members with the relevant framework in which to consider the application.

### **Additional Application Documentation**

The last report itemised an amount of supplementary documentation submitted by the applicant in support of the application. That has been added to as the application has progressed, particularly in response to officer’s requests for further information as well as responding to matters raised by consultations and representations received. Attached at Appendix C is an additional letter from the agents dealing with the application.

Further documentation received relates to a number of matters:

- The service yard. The applicant has agreed that in order to meet the recommendations of both his consultant’s report and those of the Environmental Health Officer, the service yard should be enclosed, and that conditions should be attached to control noise emissions. A revised plan has been submitted illustrating this addition – see Appendix D.
- Access arrangements. The applicant has had extensive discussions with the Warwickshire County Council as Highway Authority. This has not resulted in amended plans, other than a minor re-alignment of the service egress to improve visibility, and the alteration of the present zebra crossing to a signalised crossing. This is shown on the amended plan referred to above at Appendix E.
- Car Park Survey. There was criticism that the survey undertaken by the applicant, the findings of which were submitted with the planning application, did not include observations taken on weekdays (surveys were undertaken on a Friday but comments were received concerning higher car park usage on other weekdays) when the car park was said to be busier than the survey days. Additional survey work has now been completed.

### **Consultations**

**Severn Trent Water Ltd** – No objection subject to conditions.

**Warwickshire Wildlife Trust** – The overall conclusion is that the proposal will not have a significant effect on the integrity of local bio-diversity. However it does have a number of comments – it is satisfied that the applicant’s tree survey is sound and that the trees to be retained are those of greatest value; that new landscaping should include native species so as to enhance the site’s biodiversity, all trees to be retained should have their roots protected, a replacement hedgerow is required along the western boundary either replacing

or being adjacent to the retaining wall, and all removal of vegetation should be outside of the bird breeding season.

**County Forestry Officer** - Agrees with the applicant's tree report in respect of its conclusions and does not object to the removal of the trees and hedgerows as identified. There is concern however in respect of Tree Number One, the large oak tree off Park Road, which could have its roots affected by the built development. This matter was raised with the applicant, and the revised plan at Appendix E, shows a slight amendment to the location of the building. This would reduce the amount that the building would encroach into the recommended protection area to 4%. This is not considered to represent a threat to that tree.

**Sport England** – Initially objected to the proposals as the loss of the open space has not been justified or replaced. This was taken up with Sport England, and a revised response was received, withdrawing the original objection. The report below provides more detail in this respect.

**Solihull Metropolitan Borough Council** – No objections

**Warwickshire County Council as Highway Authority** – Originally the County could not support the proposed access arrangements. The main concerns were the access onto the Birmingham Road and secondly the visibility at the service egress onto Park Road. Further analysis and safety audits have led to the Authority to resolve not to object, subject to a number of conditions. This is examined in more detail within the report below.

**Environmental Health Manager** – The initial reaction was to understand why an acoustic wall has been included rather than having the service yard fully enclosed, as recommended by the applicant's own consultant. Operating and service delivery hours also needed to be conditioned. The applicant has taken these matters on board and now agrees to an enclosed service yard together with the conditions as suggested. This is explained more fully below.

**Council's Conservation and Heritage Officer** – The proposals demonstrate that a building of the size shown with the attendant car parking requirement can be satisfactorily accommodated on the site without detriment to the setting of the adjoining Conservation Area or Listed Building.

**The Assistant Director (Streetscape)** – Supports the proposal, confirming that the car parking survey reflects his understanding of the use of the car park; that Leisure Centre staff currently use the car park, and that other public car parks in the town centre are underused.

**Warwickshire Fire Services Authority** – No objection subject to a standard condition requiring the adequate provision of fire fighting facilities.

**Warwickshire Police** – Expresses concern that a reduction in car parking numbers, or introducing a charge after two hours, will displace parking to other areas in the town, leading to illegal parking and obstruction in the surrounding streets, and from a business point of view would lead to drivers avoiding the town. It is also considered that the proposal, involving larger numbers of customers, would have the potential to increase crime and disorder, as evidenced with the existing supermarkets in the town. The operator will need to look at measures to address this matter, including the use of CCTV.

**The Council's Retail Consultant** – The full letter is attached at Appendix F. This concludes that notwithstanding some concerns about methodology, there is a quantitative and qualitative need for this scale of floor space, and that given the limited convenience goods provision in the town and catchment area, residents have little alternative but to travel to do their main food shopping. The new store would provide consumer choice, and reduce the need to travel. The scale is not inconsistent with the role and function of the town, and that

any impact on existing traders would be insignificant. The site appears to be a good “edge of centre” location. Overall they conclude that the proposal meets the tests of PPS6.

The letter does draw attention to a number of issues and the applicant was given the opportunity to respond. This is at Appendix G, and was forwarded to the consultant. His further response is at Appendix H.

## **Representations**

**Coleshill Town Council** – Makes the following observations; the application does not meet the requirements of Policy ECON5, and the loss of the Open Space under Policy ENV5 has not been properly assessed, as it has knowledge of a waiting list for allotments; it quotes a minute from the Borough Council's Resources Board that says that car parking on site should continue to provide public car parking, and that a proposed supermarket should serve to increase overall car parking in the town. It points out that the application suggests a two hour limitation, and that 105 spaces are to be provided against the current 110. It considers that the car park survey was “shallow”, and that the two hour limit will not satisfy at least a quarter of current users. The Council believes that the conclusions from the pre-application consultation as reported in the applicant's documentation show that the proposal is not widely supported in the town; that traffic impacts will be adverse at the Park Road junction and at the High Street cross roads. It continues by saying that an archaeological survey is needed; the wall is not in keeping, vehicle reversing beepers should be prevented and the two hour limit is insufficient time for people to visit the store and the town.

**Coleshill Civic Society** – Strongly objects to the proposal. It is not considered that the proposal will benefit the town by way of retail regeneration, because it is not big enough to prevent residents from shopping at large supermarkets outside of the town, but will be sufficient in size to act as a magnet to draw shoppers away from the High Street; erode the valuable existing car park that supports a wide range of community interests as well as providing convenient long stay provision, the appearance is uninspiring, detracting from the approach to the town, spoiling the feeling of openness, and the wall will provide a “hard edge” out of character. No design brief has been prepared; the applicant's pre-application exhibition was inadequate, and the proposals underestimate the traffic and highway problems that presently exist and will be exacerbated by the proposals, and the noise will impact on local residents.

**Water Orton Parish Council** – Objection because the proposal would be of detriment to existing Coleshill shops; reduce public car parking, change the nature and character of the town, and lead to illegal parking.

**Curdworth Parish Council** – Objection because the application would take away free long term car parking for Curdworth residents; it would deter new users from using the Leisure Centre, and conflict with policy to encourage use of such leisure facilities, there would be significant traffic increases on Birmingham Road, there is no mention of traffic calming measures, and the wall is intrusive out of character with the town.

At the time of preparing this report five letters of support have been received. These include comments such as:

- It will bring more people into the town, rather than take people out to do their shopping
- What choice does Coleshill High Street offer now, and what is here is more expensive
- It will bring jobs
- It will reduce the requirement to travel out of town reducing the impact on the environment of these journeys

- We need our own supermarket here in Coleshill
- The plans look good
- The plans show a 100% improvement on the present eyesore in this area
- The shop keepers might object, but this is what is needed in Coleshill
- It will provide competition driving down prices in the High Street
- There are empty shops in the town and too many takeaways.

At the time of preparing this report, 82 letters of objection had been received, including one from the MP. The great majority of these cover the matters raised in the pre-application consultation work, which was undertaken by the applicant, and recorded in the previous report. They can mainly be divided up into the following matters:

- Respondents are unconvinced that there is a need for a new supermarket, because their needs are already met in the town itself, or by the larger stores that are close by; that it would adversely affect existing traders, particularly Somerfield and Tesco, and thus lead to a further reduction in the vitality of the town centre.
- The level of car parking is reduced. The existing car park is often at capacity used by shoppers and visitors to the Leisure Centre as well as employees of the town's businesses who use it as a long term car park. It is also used by visitors to the town, for people attending functions in the town and by visiting coaches. The proposals for a two hour limit would materially affect use of this facility leading to car parking requirements on existing surrounding roads that are already congested. There is no alternative long stay car parking provision.
- The proposal will generate traffic that will all have to use an already heavily used Birmingham Road, where there are junctions in close proximity to the site, and a significant zebra crossing. There are already well known capacity problems at the High Street cross roads. There are often queues on the surrounding roads at peak times now. Delivery vehicles would add to these concerns. The proposed access is thus inadequate and dangerous.
- Respondents consider that the design leaves a lot to be desired in that the building is not in keeping, being modern and unsympathetic, not in character with the town, and that it does not provide a satisfactory image when entering the town, and doesn't reflect the openness of the existing site. In particular the surrounding retaining wall has been mentioned as being unattractive. The provision of either a large acoustic wall, or an enclosed service yard, would exacerbate all of these criticisms.
- The location of the service yard would introduce unacceptable noise, light and pollution, particularly to the residents in the Park Court building, that abuts the eastern boundary. Long opening hours would add to these problems.
- Consultation on the proposals has been inadequate.

Additional matters include:

- The recycling facilities have not been replaced
- There is criticism of the car parking survey undertaken by the applicant- insufficient days and people surveyed.
- This will change the nature of Coleshill – not increasing the attractiveness of the town; reflecting its Georgian character, its market town status and not encourage visitors to stop

- Adverse impact on the trees around the site
- The wall will attract graffiti, and anti social behaviour
- The decision should be taken on planning merits alone.

## **Development Plan Update**

As Members are aware, the North Warwickshire Local Plan 2006, expired on 4 July this year. The Secretary of State has issued a Direction which confirms that all of those Plan's policies referred to in Appendix "A" have been saved.

## **Other Material Planning Considerations**

### **a) Government Guidance**

It was reported above that Government guidance in respect of retail development proposals is presently undergoing change. It is necessary to outline the current situation.

Planning Guidance is presently set out in PPS6, which deals with Town Centres. It was published in 2005, and sets out the Government's objectives in respect of planning for town centres. The key objective is to promote and to enhance existing centres. In respect of market towns, these should be the main service centres in rural areas, providing a range of facilities, services and shops at a scale appropriate to the needs and size of their catchment areas. Development Plan policy reflects this objective through saved policy ECON5 of the Local Plan. This defines a Town Centre for Coleshill, and a primary shopping core within that centre. Its overall thrust is to require new "town centre" developments to be located in this centre. As a consequence of PPS6, planning proposals for new retail development outside of this defined centre, such as the current proposal, have to undergo a series of five tests if they are to be supported exceptionally. These tests include the need for the development; that the development is of an appropriate scale, that there are no other more central sites available, that there are no unacceptable impacts on existing centres, and that the location is accessible.

In July 2008, the Government published proposed changes to PPS6. Whilst retaining the overall objective of the "town centre first" approach, it was proposed to adapt the objective such that planning for town centres should more readily encompass support for current and prospective town centre investment, and that planning for town centres should promote competition, consumer choice, retail diversity and should not unduly constrain the market. As a consequence there was a shift in emphasis in respect of how certain planning applications should be dealt with. The proposals remove the requirement for an applicant to demonstrate "need" for a proposal, which is in an edge of centre location and not in accordance with an up to date Development Plan. This is therefore directly relevant to the current proposal. The impact test referred to above is however strengthened as a consequence, and would now include a broader focus on social, economic and environmental impacts as well as just the impact on existing retail trade within the town centre. The sequential or "other sites" test remains. Hence the tests are reduced from five to two – a sequential test, and an impact assessment.

In May this year, the Government published revisions to its PPG4, which will eventually combine a number of other Planning Guidance Notes as well as incorporating the revisions to PPS6 as set out above. The aim is for it to include Government policy for economic development in general. The draft revisions reflect the approach towards new town centre development as set out in the July 2008 PPS6 publication. In particular, the requirements for the two tests referred to above are set out in some detail.

As a consequence of all of this, current Development Plan policy reflects 2005 PPS6 guidance. That is now out of date given the 2008 and 2009 publications referred to. As Members are aware, development proposals have to be determined in accordance with the

Development Plan, unless material planning considerations indicate otherwise. These two publications are material considerations in the determination of this application, and should be given weight, particularly as the Local Plan policies are now “saved”, and the replacement for the Local Plan has not yet reached a material stage.

For the avoidance of doubt, the applicant chose to submit supporting documentation in respect of all five tests under the 2005 PPS6, and has thus included evidence in respect of the “needs” test, as well as that for the sequential test, and the impact assessment.

## **b) Council Resolutions**

On 5 May 2009, the Council’s Executive Board resolved that the receipt from any sale of the car park in Park Road, would be ring fenced for a replacement indoor leisure facility in Coleshill, subject to the future preparation and acceptance of the required feasibility studies and business plans. This resolution is a material planning consideration in respect of this current application, because the Council would in any event, be seeking mitigation measures from the applicant for the loss of open space arising from this proposal.

In July 2008, the Council’s Resources Board resolved that any sale of the car park in Park Road, would be accompanied by an Agreement that retained public car parking provision at the site. This is a material planning consideration in respect of this current application, because the retention of public car parking space is an issue raised in the consultation process associated with the determination of this application.

## **The Approach to be taken**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material planning considerations indicate otherwise. It is therefore proposed to first look at the “fit” of the application with Development Plan policy, and particularly the two most relevant saved policies of the Local Plan – ECON 5 and ENV5. It was noted in the previous report (Appendix A) that it did not. As a consequence it will be necessary to establish how closely it might meet those policies, and then to identify whether there are any material planning considerations, that either individually or cumulatively, are of such significance to outweigh these policies.

It will then be necessary to address the issues identified in the previous report, and those raised throughout the consultation process, to see how the application fares in respect of what the Development Plan says about them.

Members are once again reminded that this is as an application for outline planning permission. The determination rests on whether, in principle, the proposal for a supermarket of this size, with the layout and access arrangements as proposed, is appropriate for this site in Coleshill.

## **Saved Policy ENV5 – Green Space**

The former bowling green and allotments that comprise the eastern third of the application site, are shown as being a “Green Space” in the Local Plan. Saved policy ENV5, says that, “Development resulting in the loss of open space which has been shown to be needed to meet the open space, sports and recreational needs of the Borough following the process of need assessment, audit and setting of local standards in accordance with paragraphs 1-9 of PPG17, will not be permitted”. As the work identified in the Policy under PPG17 has been completed, the “fit” of the proposal with the policy will depend wholly upon the conclusions of that work.

These indicate that in Coleshill, “there is a sufficient supply of open space across the area. There is an undersupply of children’s and young people’s provision, natural greenspace, and a small under supply of allotments”. (see Appendix D). The strategic priorities for open space

are also set out this Appendix. It can be seen that these do not include reference to this site, or to retention of its uses. Notably, one of the priorities is to development management plans for the town's two parks – including the Memorial Park opposite the application site. With such conclusions, it is not considered as a matter of principle, or of strategic priority, that the application should be refused on the basis of saved policy ENV5.

That being said, the PPG17 conclusions say that there is a small under supply of allotments in the town, and the Town Council say that it has evidence of demand for allotments. Given the conclusion that the Memorial Park needs enhancement, and notwithstanding that the Borough Council has resolved to direct receipts from any sale of the application site towards a new indoor leisure facility in the town, it is considered that there is an opportunity to explore the loss of the present facility through this process.

It is notable that Sport England has removed its original objection to the application proposal in light of the PPG17 conclusions and the Council's resolution on future leisure provision in the town. Additionally, it is noteworthy that there have been no objections received relating to the issues raised by saved policy ENV5.

### **Saved Policy ECON5 -The Principle of a Supermarket**

#### **a) Introduction**

In respect of new shopping proposals in Coleshill, this Policy states that, "Proposals for additional shopping floor space will only be permitted if they are located within the town centre boundary identified on the Proposals Map, and are less than 1000square metres. " This proposal is not located within the defined town centre for Coleshill, however the nett retail floor space proposed is 1000 square metres. As such the proposal does not wholly "fit" the Development Plan. The issues are therefore to see how large the gap is with the saved policy, and whether there are other material planning considerations that are of such weight that would overcome that gap.

It is not considered that this gap is insuperable, because there are other material planning considerations that need to be examined, and these could be of sufficient weight to overcome that gap. There are four main reasons for this.

- Firstly, the Local Plan now only has "saved" policies, which are to be replaced with the Core Strategy. However there is as yet no Preferred Option and thus no plan-led consideration of weight to guide the Council based on up to date evidence of retail demand, need and impact. In this respect the Local Plan is out of date, not in respect of the size of the current proposal, but in respect of its location
- Secondly, there is new Guidance set out in the proposed revisions to PPS6 (2008) and to PPG4 (2009). These have to be given weight in the absence of an up to date plan-led alternative to the Local Plan, as the present Local Plan was based on PPS6 2005 advice. These more recent documents need to be taken into account as part of the determination process
- Thirdly, this guidance provides the criteria against which the Council should consider proposals that do not "fit" the Development Plan, in particular where the proposal is for an "edge of centre" location, as is the case here. These criteria are therefore of material weight in the determination of this application, and they need to be explored
- Fourthly, the applicant has provided evidence to support his claim that the proposal meets these criteria, and those conclusions have been supported by the independent Consultant asked by the Council to appraise it on the applicant's own assessments.

As a consequence it is intended firstly to look at the size or scale of the proposal, and then to look more closely at the issues surrounding its location, before turning to examine its

potential impact, and then to conclude by visiting the representations made by the objectors relating to the “need” for the proposal.

#### **b) The Scale of the Proposal**

It is not considered that there are strong enough grounds to sustain an objection based on the size or scale of the food store proposed.

- Firstly, the proposal accords with the scale set out in the saved Local Plan policy
- Secondly that policy was adopted based on evidence arising from the Health Check undertaken on behalf Advantage West Midlands through its Market Town Initiative. The proposal itself aligns with that evidence
- As a consequence the proposal would meet the advice in PPS6 (2005) in respect of new development having to be appropriate to the role and purpose of a Market Town
- Finally, there is nothing in the independent appraisal undertaken on behalf of the Council, to suggest that this scale of development is inappropriate in that it would be inconsistent with the role and function of Coleshill town centre; that it would prejudice the hierarchy of centres already established in the Local Plan, neither, given present day evidence, that circumstances have changed so materially since the Health Check was undertaken, to warrant re-consideration of that view.

#### **c) The Location of the Proposal**

The applicant has assumed that this site is “edge-of-centre” for the purposes of his retail assessment. This is agreed, given the definition within PPS6 (2005) which defines such sites as being well connected to, and within easy walking distance from the primary shopping area. The independent consultant also agrees.

It was indicated above, both under the 2005 PPS6 guidance and the more recent revisions of 2008, that, if a proposal was submitted for an “edge-of-centre” site then the applicant would need to undertake a sequential test. In other words to show, with evidence, that there was little likelihood of a site becoming available within the defined town centre for an equivalent development to that proposed. In this case the applicant has identified four potential sites within the defined centre. These are illustrated in Appendix I. Before looking at these, it is important to outline six general factors that will apply to all searches for a site within the centre capable of accommodating a retail store of around 1000 square metres. Firstly, the whole centre is within a Conservation Area, given the character and appearance of that Area, it is considered that those attributes could not readily accommodate a built form of that size, without some adverse impact. Secondly there are a significant number of Listed Buildings that front the High Street. It is considered that, not only might their setting be affected, but importantly, they would not readily convert to modern retailing requirements. Thirdly, it is considered that demolitions would be likely in order to accommodate a High Street frontage site, or any site of a size sufficient to accommodate a 1000 square metre building. Fourthly, given the multiple land ownerships in the centre, land assembly would be likely to involve several parties, and the resultant site area might not readily accommodate the built form of retail store. Fifthly, no area was identified in the Local Plan as suitable or appropriate for such a development, unlike in Atherstone where land was allocated for a mixed use development clearly including retail uses, ie- the Aldi site. Finally, no planning application has been submitted for a new retail store in the town centre within a considerable time, nor have there been pre-application enquiries concerning such development, suggesting that these factors may well be having an impact. As a consequence of all of these factors, it is acknowledged that any search within Coleshill town centre will be limited and difficult.

As far as the four sites identified by the applicant are concerned, then the following assessments are made.

- Site A – the car park at the rear of Church Hill and High Street. This is a public car park, which would be lost if it was to be developed; it is a small site with a narrow access arrangements for service vehicles, and changing levels. If it was to be viable as a store, the site would need to be enlarged, leading to conservation issues and problems of land assembly
- Site B – the car parks at the rear of the Swan Hotel and Somerfields off Park Road. A development here would again result in the loss of car parking to the public and to other private facilities. Whilst service access would follow existing patterns, the combined site would be too small for a store of the size proposed. Additionally there would be Conservation impacts as well, given the grain of the existing historic built form, and the generally high ground levels impacting on to an historic skyline
- Site C – This is private car parking at the rear of the Post Office and neighbouring occupiers. This would be lost through any redevelopment scheme. Service access would be difficult and from High Street. It would be difficult to accommodate a retail store within the historic built form and demolitions would be likely
- Site D – This is the bowling green off Parkfield Road. This is very small and confined in area. Redevelopment would have an impact on the amenities of surrounding occupiers, and there would be the loss of the open space with its recreation facility.

The applicant concludes that none of these four sites is either suitable, available or viable given the matters mentioned above and the more general factors referred to earlier. This is not surprising given the existing built form and layout of the centre with its multiple ownerships and historic fabric. It is also difficult in the absence of an area identified in the Local Plan, or through the development industry itself over the past few years, to suggest that there are other sites that the applicant has omitted to explore as part of his case. This overall conclusion is also supported by the independent consultant who was asked to appraise the applicant's sequential approach.

#### **d) Retail Impact**

An assessment of impact is required for all retail developments proposed in "edge-of-centre" locations. This is a requirement under both the current 2005 PPS6 and its more recent proposed variations. These set out a checklist of six tests.

The first is whether the development would put at risk the spatial planning strategy of the area. It is considered that, because of its small size, the proposal would be unlikely to adversely affect the role of other shopping centres in the vicinity, or upset the hierarchy of service centres set out in the Local Plan for the Borough as a whole. It is noteworthy that the Solihull Metropolitan Borough Council does not object, and the independent consultant comes to the same conclusion. It is also considered that weight should be given to the argument that the proposal would enhance the role of Coleshill as a Market Town within that hierarchy, by "clawing back" trade that is presently being expended outside of the town, and indeed the Borough.

The second is the likely impact on future public and private sector investment needed to safeguard the vitality and viability of the centre. The application represents the first major new private investment into the town for some time. It could be expected that there would be further investment as a consequence if the store was successful because it would increase expenditure in the town; retain expenditure that might otherwise be made outside of the town, and provide opportunity for other businesses and traders. The consultant concludes that the proposed store would be unlikely to prevent, unduly delay or hold back new investment in the town. Because of the lack of investment in recent years, weight should be given to the opportunity that this proposal represents. Continuing lack of investment could lead to a lowering of the status of Coleshill within the hierarchy of service centres within the Borough.

The third relates to the likely impact of the proposal on existing trade and turnover and thus the vitality and viability of the town centre. This is the one matter that is mentioned by practically all of the representations made by the public, and the one that figured highly in the pre-consultation work undertaken by the applicant. This is all together understandable and to be expected. The applicant's response to this test is two-fold. Firstly, they say that existing traders only capture some 30% of the potential expenditure available in Coleshill's catchment for convenience goods, the remainder going outside. This merits expansion in order to reduce travel, and to enhance an existing centre. Secondly, they say, the new store would provide a greater variety of choice, not yet available in the town within the existing much smaller food stores, and thus reduce the need to travel out of Coleshill. In essence they say that the proposal will enhance, not reduce the viability of Coleshill as a local service centre. It has to be acknowledged that there is merit in these arguments. There are two considerations here. Firstly, the representations that have been received from objectors to the proposal nevertheless state that the authors regularly "shop out of town". The consultant too believes that there would be a "sizeable claw back" of expenditure that is presently going to the larger food stores outside of the catchment, and that the levels of claw back would be unlikely to impact on those stores because of their considerable size. Hence, that expenditure coming back into the town is material, and would benefit the town as a whole. Secondly, the consultant considers that the applicant's assessment of there being a 10% impact of trade diverting from the existing two food stores in the town, Tesco and Somerfield, to the new store is "broadly realistic", and that such a diversion would not be fatal to those stores. This is based on the fact that those stores are trading well; that they perform a "top up" shopping role rather than a "main" shop role, and would continue to do so, and that increased competition in the town would lead to greater choice, variety and price differentials. There is good anecdotal evidence too from Atherstone that existing supermarkets are still trading strongly, after the addition of the Aldi store within the town.

The fourth relates to any possible change in the role of services provided within the town centre. Both the applicant and the consultant agree that the new store would not reduce the range of services already in the town – eg banks and building societies; travel agents, opticians, pharmacists etc.

The fifth relates to the likely impact on the number of vacant properties in the primary shopping area should a proposed development on the edge of centre go ahead. The applicant takes the view that increased expenditure and trade in the town would remove the likelihood of increased vacancies. The consultant agrees, particularly as the site is close to the town centre; has good pedestrian accessibility to the town and from surrounding residential areas, such that more residents would be likely to shop locally, and that there would be a higher incidence of "linked" trips.

The sixth and final one, relates to whether the proposal would change the role of the centre in the economic and social life of the community. The applicant clearly thinks not, as would be expected. The consultant however also agrees. Again this "test" reflects quite a significant number of the representations received on the proposal from the public. In essence that the proposal would seriously impact on the "small market town" of Coleshill, and result in empty shops and the loss of services. There is one significant consideration to bear in mind in assessing this test. Coleshill's town centre is already seeing the loss of retail outlets. Objectors themselves readily refer to the number of takeaways, offices and other service outlets. This trend is likely to continue if there is no investment, and if the larger stores in the neighbouring conurbation continue to attract large volumes of trade. It is generally agreed that such a trend should not continue. The proposal therefore does represent an opportunity, particularly as there is presently a significant movement of shoppers travelling outside Coleshill.

#### **e) The Question of Need**

It was pointed out earlier that the most recent 2008 Government advice is that applicants no longer have to provide evidence of need with their application for retail stores, where they

are located on edge-of-centre sites. Nevertheless evidence has been submitted in this case, and as such it is pertinent to examine this, given that practically all of the objections received say that there is “no need” for this proposal. It is thus proposed to look through the case that is put forward by the applicant.

Two tests are undertaken by the applicant – looking at both quantitative and qualitative need. The first identifies whether there is likely to be sufficient expenditure in Coleshill’s catchment area, to support existing stores as well as the proposed supermarket. The second looks at the type of existing store within Coleshill, in order to assess whether there is a case for widening choice and variety within the town. The applicant’s appraisal supports their case under both of these tests.

The two tests are those that are advocated under the 2005 PPS6, and are thus relevant and material.

In respect of the former, then the Council’s independent consultant supports the conclusion that there is a quantitative need for the amount of floor space being sought. This depends on two assumptions made by the applicant. The first is that the catchment area for Coleshill has been appropriately identified. In this respect, officers agree that the catchment area has been reasonably defined, in that it is not too widely or tightly drawn around Coleshill. It is also noteworthy that none of those objecting to the proposal have indicated that the catchment area has been inappropriately drawn. Furthermore the Solihull MBC did not raise the matter, and neither did any of the other supermarket chains, whether or not represented in Coleshill. The second assumption is that expenditure levels in the catchment are relatively high. The independent consultant has examined this in more depth, but confirms that there still is capacity in this catchment for additional floorspace, even if expenditure patterns fluctuate. The quantitative need is thus substantiated. No evidence has been submitted to rebut this conclusion.

In respect of the second test, then the consultant accepts the points made by the applicant, in that the two existing stores would continue to trade. If one of these operators moved into the new store, then the consultant confirms that a discount chain could well move into the vacant store, again without overall detriment to the town. Members will know from evidence in Atherstone, that both Somerfield and the Co-oP operate here together with the Aldi group. Again there is no evidence submitted by objectors to rebut the applicant’s argument, nor the conclusions arising from the consultant’s report.

## **f) Conclusion**

Members are invited to return to the matter of principle – is a food retail store of the size proposed appropriate for Coleshill and if so, is this an appropriate location? The evidence from the independent work undertaken on behalf of the Council suggests that it is, on both counts. Development Plan policy in respect of retail developments now carries less weight than it did when the Local Plan was adopted, due to new national guidance, and there is little in the way of counter evidence submitted by objectors to rebut these conclusions. It is considered telling that no representations whatsoever have been received from other retail operators, whether represented in Coleshill or not, and also that the Coleshill Business Action Group, which represents traders in the town has made no comment at all on the proposal. As a consequence it is considered that the proposal can be supported in principle.

It is now necessary to examine other issues to see if they are of sufficient weight either on their own, or cumulatively, to warrant re-consideration of this conclusion.

## **Highway Considerations**

The proposed main access points from the site are onto Birmingham Road. This would be expected with such a proposal. However, there has been concern expressed by the local community and others, about actual local factors that affect traffic on this main road, and how the generation of additional turning movements into and out of the site would

exacerbate those concerns. These factors are the presence of other road junctions close by (Park Road and Lawnsdale Close); the existing pedestrian crossing between one of these and the proposed new customer access, the short distance of these features from the A446 roundabout, the existing capacity of the Green Man crossroads at peak hours leading to tail backs along the Birmingham Road, the incline up from those cross roads that leads to

drivers accelerating, the limited visibility at the crest in relation to the location of the service access, the pedestrian accessibility of the area, and the general speed of traffic. The County Council as Highway Authority shared these concerns, as its first consultation response was not supportive. An additional concern of the Authority was the available visibility to drivers on Park Road because of HGV drivers leaving the site through the proposed service egress here. The visibility is reduced because that access is to the left of two mature oak trees in the road verge.

As a consequence of these issues, the County Council has undertaken much detailed analysis of the site and surrounding road conditions. That work has involved safety audits of the proposed access points, applying potential traffic generation levels. These audits are undertaken to an agreed national specification. As a consequence and subject to conditions, the County Council now raises no objection to the proposal. Those conditions will require the upgrading of the zebra crossing to a signalised crossing, together with a limitation on the number of service vehicles using the site.

It is not considered that a refusal based on the access arrangements can be substantiated in these circumstances. The County Council as Highway Authority has undertaken extensive analysis of the proposals; examined all of the applicant's traffic predictions and impacts on the existing road network and its capacity, applied safety audits to the proposed access arrangements and has considered other potential solutions. In view of this, a refusal based on highway matters, whether capacity or safety led, would be difficult to defend in an appeal situation.

## **The Car Parking Issue**

### **a) Introduction**

Whilst the objection letters include a variety of different issues, it is the impact of the proposal on car parking provision, which is the one common theme throughout. It was also the issue that was almost universally identified through the applicant's own pre-application consultation work. The issue breaks down into matters concerning the overall numerical loss in provision and how the car park as proposed would be managed such that it continues to provide space for the general public as well as for customers to the proposed retail store, without leading to on street car parking elsewhere in the vicinity. It currently has 118 spaces including 8 disabled spaces, and provides both long and short stay parking, free to the public. The proposal is for a 105 space car park including 6 disabled spaces. It would remain as a free facility but have a two hour maximum stay period. The two changes - the reduction in spaces and the introduction of a two hour stay - thus need to be explored further to establish whether the proposal could sustain an objection.

### **b) Existing Use**

Survey work has been undertaken by the applicant in order to establish how the car park is currently used.

- This concluded that the car park was never full over the survey period of a Friday, Saturday and a Sunday, with the maximum accumulation being around 70% for only one particular hour period. The applicant was requested to repeat the work on weekdays too, as the community was aware that the car park was used more heavily during the week. Indeed, this work showed a higher maximum figure of 85 % for a one hour period on a Wednesday

- Figures on the length of stay show that on average around 85% of vehicles stayed for two hours or less. This was common for weekends as well as during the week
- When asked about the purpose for their visit, on average around half indicated that access to shops and services in the town was the main purpose, with 25% stating access to the Leisure Centre. These figures were reversed on Sundays. Longer term parking patterns reflected the figures identified above
- In terms of frequency of use, then less than 15% of users frequented the park daily, with the greatest proportion using it two or three times in a week (30%).

Different uses of the car park have been identified - visitors to the Church and other premises for occasional parking such as for weddings and other functions etc; as a drop off point for coaches etc, with people leaving cars here whilst travelling on with a coach party, and as a temporary stop for the re-cycling facilities here.

This evidence shows that the car park presently has a material amount of additional capacity, and that it is very largely used for short term parking. As such there is no immediate evidence on which to automatically base an objection. It is thus necessary to explore the issue further.

### **c) Impacts**

It is proposed to look firstly at the issue of numbers. Firstly, even with a reduced overall provision, there would still be spare capacity for some shoppers, based on current use patterns. Additionally, the impact of the store, including peak periods, would be reduced because a proportion of shoppers would already be using this car park in any event to visit the town for other visits, turnover of spaces would be more regular, and additional capacity created, as the two hour period would reduce longer term car parking, the store would attract pedestrian shoppers because of its location close to residential areas, and a requirement for a Green Travel Plan would reduce staff car parking requirements. Finally, in terms of actual numbers for a retail outlet of the proposed size, then the car park provides space that meets the Council's parking requirement as set out in the Local Plan.

As a consequence it is considered that there is limited scope here to provide evidence to support a refusal based on insufficient space being available for the store.

However the loss of the opportunity to use this car park for longer term car parking also needs to be considered, in that the proposal would displace some existing users. It is considered that there are factors here too, that reduce the significance of the impacts that would arise. Firstly, the scale of long term parking is small, some 15% of all users, hence the displacement would not be substantial. Secondly, that impact is further reduced because those long term visitors are known to include Leisure Centre staff who could park at that site, but choose to park on this car park. Additionally, other public car parks in the town centre – at Church Hill and off Parkfield Road, do have capacity, and could accommodate displaced cars, particularly if the parking management changed to enable longer term parking. Furthermore the space at Coleshill Parkway could be better promoted as a longer term car park for the town – particularly for employees/commuters as well as for the coach/bus collection drop-off situations as referred to above.

As a consequence it is again considered that there are factors that limit support for an objection based on adverse impacts arising from displacement of cars from this car park.

### **d) Conclusion**

There is real concern from the local community on this issue, but it is important for the Board, in considering this proposal to consider whether there is clear evidence to support a refusal here, or whether the issue is a “perceived” one. As always there will be a mixture of both in the assessment that has to be made. Material weight has to be given to the

conclusions from the survey work, because they outline the current scale and nature of the existing pattern of use. They do not suggest that a refusal could be automatically substantiated. As a consequence, the scale of the impact of the proposed store is much lessened. That position is given added weight through the factors set out above in looking at numbers, and in looking at the consequences of displacement. As a consequence there is no recommendation of refusal based on adverse car parking issues.

## **Design Matters**

This is an outline application and the applicant has requested that it be determined as such, with only access and layout being considered at this stage. This is because the actual operator of the food store is not yet known and the design and appearance of the new building would be for the operator to propose. Hence the sketch plans included with this application are for illustrative purposes only. They do show however, how a building might appear on the site. The role of the Council here therefore is to say how, if a planning permission is to be granted, it would condition that permission in terms of the design and appearance of the new building that it would like to see. In other words it sets the parameters or controls under which the final operator's architects will have to work.

The sketch plans are welcome. They show that a building of the size proposed could be achieved on this site with low impact in terms of height, mass and built form. The building can be set down such that it doesn't overpower the residential properties to the rear, or dominate the skyline when one approaches from the west. It can be articulated such that it has different form and appearance, rather than looking like a uniform rectangular "shed", and it can introduce the use of light modern materials so as to reduce its visual impact, and reflect its edge-of-centre location. The overall approach is supported by the Council's Conservation Officer. He sees it as potentially a good example of urban design that does not detract from the historic centre of Coleshill, nor diminish the local character of the town. So in terms of conditions, it is proposed to control the ground floor level in respect of OS datum levels; the overall height, and the need to differentiate between the store and office elements of the proposal. All materials, including surfacing would be reserved for later determination. The same would apply to future lighting proposals. Future advertisements and display panels will, by legislation, have to be the subject of further applications.

One feature of the design has drawn a lot of adverse criticism, and that is the impact of the retaining wall around the western half of the site. It is agreed that the current illustrations should not become the final outcome. As a consequence, a condition will require that the final design of this feature is placed under future control.

## **Amenity Considerations**

The proposed layout involves splitting customer and service traffic, with different arrangements for each. As a consequence the layout brings the service/delivery yard to the eastern end of the site, closest to existing residential property. Additionally, any air conditioning and refrigeration plant would also be on this side of the proposed new building. The potential for nuisance and disturbance to existing residential property is thus greatest on this part of the site.

The applicant's own consultants prepared an assessment that identified the potential for disturbance and looked at a number of mitigation measures to reduce that likelihood. The overall recommendation was for a covered/enclosed service area. The original plans as submitted, for some reason, did not follow this recommendation. The Council's Environmental Health Officers fully support the findings of the report and required the yard to be enclosed. The applicant has now agreed to this change, and an amended sketch plan has been submitted. Moreover the incorporation of this feature should be included as a condition in any grant of planning permission. In doing so the applicant and Environmental Health Officers have also agreed noise control conditions should the application be granted planning permission. Delivery times can likewise be controlled by condition. This agreement is significant, and provides the necessary comfort in order to remove a potential refusal reason for the overall assessment of the scheme.

Including this covered area will clearly affect the appearance of the building, but the sketch plan as submitted illustrates a possible curving roof form similar to that on the main building and not of such a height to warrant other amenity matters having to be considered. Members are again reminded that the application is in outline, and the appearance and design of the building are not the subject of this application, as referred to in the previous section.

### **Other Matters**

There are two other main issues that have been raised by the community – the need to retain the significant oak trees along Park Road, and the adequacy of the drainage systems. Members are asked to remember that this is an outline application, and consequently detail can be made subject to later approval through conditions. However it is important to ensure that neither of these two matters would prejudice any grant of planning permission.

On the former, then the applicant has prepared a full tree report that has been verified by the County Council's Forester in respect of the both the survey findings and the conclusions about impacts. All are agreed that the Park Road oak trees have to be retained and the applicants have now slightly amended the plan so that the building works are re-aligned so as to further reduce them impacting on the root protection areas of the trees. It is now estimated that about 4% of the area to the closest tree would be affected. This is not considered to be material or fatal to the longevity of that tree. Conditions can be recommended in respect of tree protection measures.

In respect of the drainage recommendations then the foul water would drain to a connection at Lawnsdale Close, because it is the most practicable; the one that causes least disruption, possibly the one at lowest cost and the one that is easiest to implement. Other solutions have been explored – one to Parkfield Road would require a pumping station, and the one to the A446 roundabout would require significant disruption. No objections have been received from the appropriate agencies. Surface water drainage would be via a sustainable system on site that would regulate discharge, and as such would enable the opportunity for a system to be implemented that actually improves existing run-off conditions from the car park. Whether this is achieved by oversized pipes; storage chambers or swales can be left for later determination.

Neither of these two issues are considered to warrant refusal of the proposal.

### **Overall Conclusion**

It is not considered necessary to run through the conclusions from this report, as they clearly point to a recommendation that the proposal should be supported in principle. The application has introduced the possibility of change, not only for visitors to an existing car park, but also one that has implications on the town as a small market town. Not all change is good, and there is always a perception that any change will have adverse impacts. These perceptions have been challenged in this report, to the extent that the Board may wish to view this application as an opportunity for the town, rather than as a threat. In doing so they will be moving towards looking at the management of new development in making better and more sustainable communities within the Borough.

### **Recommendation**

That the Board recommends to Council that it supports the **grant** of planning permission for this application, subject to the following conditions:

- a) General
  - i) Three Standard Outline conditions reserving details of landscaping; drainage and appearance for later approval.
  - iv) Plan numbers: 4803/01 of 14/4/09 and 4803/17F of 2/10/09.
  - v) For the avoidance of doubt, this permission approves the access arrangements and locations as shown on plan number 4803/17F.

Reason: So as to secure safe and efficient access to the site for all users

- vi) For the avoidance of doubt, this permission approves the general layout and configuration as shown on plan number 4803/17F.

Reason: In the interests of securing a development that meets the requirements of the Development Plan

b) Site Controls

- vii) The floor level of the building hereby approved shall be set at 97.00 metres above OS datum unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of the visual amenities of the area so as to reduce the impact of the building on the town's skyline and the adjoining Conservation Area.

- viii) The maximum height of the building hereby approved shall be 7.7 metres above the ground level set out in condition (vii) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to reduce the visual impact of the building given its setting adjoining a Conservation Area and on a main approach to the town.

- ix) The building hereby approved shall be constructed to a BREEAM "Very Good" standard, together with achieving an overall carbon saving as required by the Building Regulations at the time of construction, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the building is energy efficient.

- x) A variety of different facing materials shall be used in designing the appearance of the building hereby approved.

Reason: In order to articulate its setting and location adjoining a Conservation Area, an open recreation park and on a main approach into the town.

- xi) The service yard hereby approved shall be constructed as an enclosed roofed space.

Reason: In the interests of reducing the potential for noise nuisance arising from use of this area, given the proximity of residential properties.

- xii) The service yard hereby approved shall be constructed so as to provide sound insulation against internally generated noise of not less than 50dB through the walls; Rw 25dB through the roof and Rw 30dB through the doors.

Reason: In the interests of reducing the potential for noise nuisance arising from use of this area, given its proximity to residential properties.

- xiii) The maximum number of service vehicles leaving the service yard egress onto Park Road shall not exceed ten in any 24 hour period.

Reason: In the interests of highway safety given the reduced visibility at this junction.

- xiv) The retail opening hours of the building hereby approved shall be limited from 0700 hours to 2200 hours on weekdays and Saturdays and from 1000 hours to 1600 hours on Sundays.

Reason: In order to protect the residential amenity of adjoining occupiers of residential property.

- xv) No service vehicles shall enter the site, or deliveries be made to the site other than between 0700 hours and 1900 hours on weekdays; between 0700 hours and 1300 hours on Saturdays, and between 0900 and 1600 hours on Sundays.

Reason: In order to protect the residential amenity of adjoining occupiers of residential property.

c) Pre-Commencement

- xvi) No work whatsoever shall commence on site until such time as full details of the design and appearance of the retaining wall to be constructed around the site have first been submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be implemented.

Reason: In the interests of reducing the visual impact of this feature given the prominent setting of the site.

- xvii) No work shall commence onsite until full details of all of the new landscaping to be planted on the site, including all existing plant, tree and vegetation to be retained, has first been submitted to and approved in writing by the Local Planning Authority. The detail shall include the number and species of all new plants, shrubs and trees, their planting density, and the medium in which they are to be planted. The detail shall include all new earth mounding and contouring together with levels.

Reason: in the interests of the visual amenities of the area; to enhance the Development and to introduce greater bio-diversity to the site.

- xviii) No work shall commence on site until such time as the measures to be taken to protect the root systems of all trees and vegetation to be retained on the site have first been agreed in writing by the Local Planning Authority. Only the approved measures shall be used, and these shall be installed prior to any work commencing on site. The measures shall remain in place until their removal has been agreed by the Authority.

Reason: In order to protect the longevity of significant existing trees and vegetation given their substantial visual impact.

- xix) No development whatsoever shall commence on site until such time as full details of the measures to dispose of foul and surface water arising from the whole of the site have first been submitted to and approved in writing by the Local Planning Authority. The detail shall include means to store surface water on site so as to reduce runoff, and to harvest rain water for re-use. Only the approved measures shall then be implemented. They shall be maintained in working condition at all times.

Reason: In the interests of reducing the risk of pollution and flooding, and so as to provide a more sustainable drainage system particularly to enhance re-use of surface water.

- xx) No development shall commence on site until such time as a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has first been submitted to and approved in writing by the Local Planning Authority. The premises shall not be brought in to use until such time as the approved measures have been implemented in full.

Reason: In the interests of fire safety.

- xxi) No development shall commence on site until such time as details of all surface and external materials to be used 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 in order to ensure that the appearance of the building and its environs are in keeping with its setting, thus resulting in a building of quality.

- xxii) No development shall commence on site until such time as full details of all screen walls and fences; car parking barriers, trolley parks and any other street furniture to be installed has first been submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be implemented on site.

Reason: In the interests of the visual amenities of the site and its setting.

- xxiii) No development shall commence on site until such time as full details of all of the external lighting to be provided on the site, whether attached to the building or free standing in the main car park or service yard, has first been submitted to or approved in writing by the Local Planning Authority. Only the approved details shall then be implemented.

Reason: In order to reduce the risk of light pollution so as to protect the residential amenity of adjoining occupiers; to enhance the design of the building and its setting, and to ensure that any lighting does not detract from the appearance of the adjoining Conservation Area.

- xxiv) No development shall commence on site, until such time as details of any tannoy or public address systems to be used on site, have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be installed.

Reason: In order to reduce the potential for nuisance to adjoining occupiers.

- xxv) No development shall commence on site until such time details for all new refrigeration and air conditioning units and/or plant to be installed have first been submitted to and approved by the Local Planning Authority in writing. Only the approved measures shall then be installed, and these shall be kept in good working condition at all times.

Reason: In order to reduce the potential for noise nuisance and to ensure that this plant does not detract from the appearance of the building.

- xxvi) No work whatsoever shall commence on site until such time as fully detailed and scaled drawings of all of this access details have first been submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be implemented on site. The detail to be submitted shall include details of the kerbed radius turnouts; the

impact on any drain within the highway, and details of how all existing access points to the highway, not included in the approved measures, will be permanently closed and the highway reinstated.

Reason: In the interests of highway safety.

- xxvii) No development whatsoever shall commence on site until such time as a car park management plan has been submitted to and approved in writing by the Local Planning Authority. This Plan shall describe how the car park is to be made available to the general public and how the use of the car park is to be managed.

Reason: To ensure that the car park is made available to the general public as well as to customers.

c) Pre- Occupation

- xxviii) No occupation of the building for trading purposes shall commence, until the occupier has submitted a Green Travel Plan to the Local Planning Authority, and that Plan has been agreed in writing. This Plan shall specify targets for the proportion of employees and visitors to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use on non-renewable fuels; together with setting out measures designed to achieve those targets with timescales, and arrangements for their monitoring, review and continuous improvement. This Plan shall particularly apply to employees of the site.

Reason: In the interests of reducing use of the private car thus enhancing sustainable modes of travel.

- xxix) No occupation of the building for trading purposes shall commence, until the existing pedestrian crossing facility in Birmingham Road has been upgraded to a signalised crossing in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be installed.

Reason: In the interests of highway safety for all users.

- xxx) No occupation of the building for trading purposes shall commence, until such time as all of the access arrangements and details shown on the approved plan, and as approved under the conditions attached to this Notice have first been installed to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

- xxxi) No occupation of the building for trading purposes shall commence until such time as the car park as shown on the approved plan has been implemented in full and is fully available for use in accordance with the car park management plan referred to in these conditions.

Reason: In the interests of highway safety.

- xxxii) No occupation of the building for trading purposes shall commence until such time as details of a CCTV scheme covering the whole of the site has first been submitted to; approved in writing by the Local Planning Authority, and installed in accordance with the approved detail.

Reason: In order to reduce the risk of crime and disorder.

**Notes:**

- i) Policies – as outlined in Appendix A
- ii) Some conditions require works to be carried out within the limits of the highway. Continue with standard note.

**Justification:**

Whilst the proposal departs from the Development Plan, it is considered that there are planning considerations of such weight that override any harm that might be done to that Plan. In respect of the loss of open space, it is a material consideration that the Council has ring fenced the receipt of the capital receipt from this land to improvements to recreation provision in Coleshill. Sport England does not object as a consequence. In respect of the location of this retail store outside of the town's designated centre, then the store is of a size commensurate with Development Plan policy and it does accord with current Government policy and advice. Such policy and advice has changed since the Development Plan was adopted and it is now considered that it carries more weight than that Plan in respect of retail proposals. The proposal has been independently checked to explore whether it does accord with this current advice, and whether the applicant's evidence base and his retail argument are robustly based. It was found to be. Having examined all of the relevant tests for new retail development, including that of need; sequential testing and retail impact, it is considered that, in principle, the proposal is appropriate for Coleshill, and appropriate for this site. The Highway Authority following considerable additional analysis does not object to the access arrangements, and it has been shown that amenity and design considerations would not cause material impacts that warrant objection. Conditions particularly in respect of amenity matters are recommended. The loss of some car parking capacity and the addition of time periods are not considered to be fatal to the scheme given survey work that shows the car park is presently not used to capacity and that the main use is as a short term parking facility. Other options exist for those that park long term on this car park. In all of the circumstances, it is considered on balance that this is an appropriate development for this site, and that it can be implemented without adverse impacts.

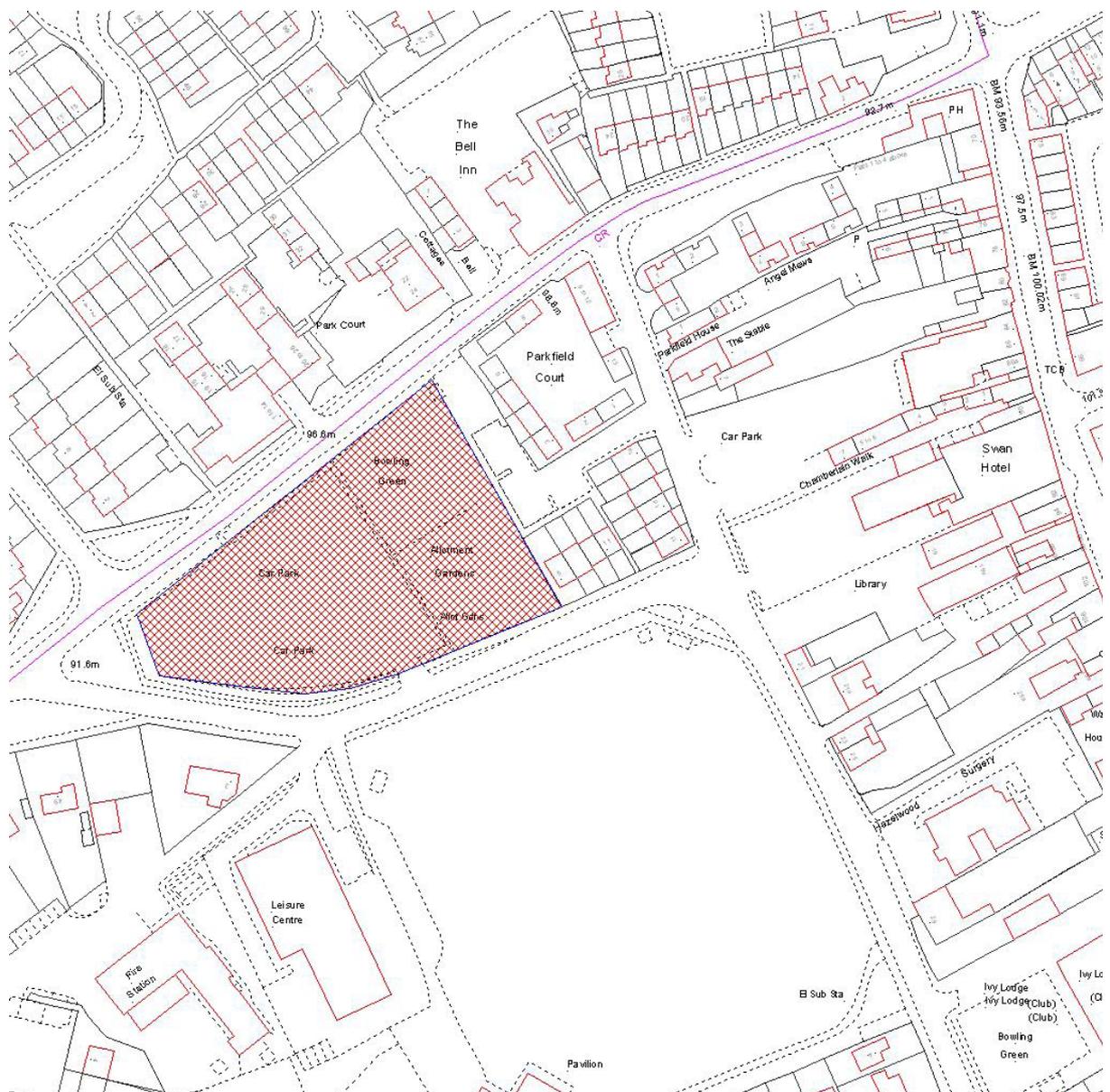
## Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date
1		Note of Meeting	16/2/2009
2		Application	14/4/2009
3	Mr Tweed	Support	24/4/2009
4	Mrs Connell	Objection	24/4/2009
5	Mr C Witter	Objection	25/04/2009
6	P Stacey	Objection	25/4/2009
7	K Perry	Objection	25/4/2009
8	Mrs Timms	Objection	27/4/2009
9	Mr and Mrs Chainey	Representation	27/4/2009
10	Mr Downes	Objection	27/4/2009
11	M Booth	Objection	27/4/2009
12	G Potter	Objection	25/4/2009
13	H Biggerstaff	Objection	28/4/2009
14	L Deakin	Objection	30/4/2009
15	M Coy	Objection	30/4/2009
16	B Allt	Objection	29/4/2009
17	T McConville	Representation	27/4/2009
18	Sport England	Objection	27/4/2009
19	P Rafferty	Objection	6/5/2009
20	M Groll	Representation	6/5/2009
21	L Setaro	Objection	6/5/2009
22	Anonymous	Objection	7/5/2009
23	K Sheppard	Objection	6/5/2009
24	Solihull Metropolitan Borough Council	No Objection	7/5/2009
25	B Farrell	Objection	1/5/2009
26	H Sharp	Objection	1/5/2009
27	D Axe	Representation	3/5/2009
28	Head of Development Control	Letter	6/5/2009
29	Head of Development Control	Letter	7/5/2009
30	J Barlow	Objection	8/5/2009
31	Mr Smith	Objection	3/5/2009
32	B Haste	Objection	10/5/2009
33	J Mills	Objection	8/5/2009
34	L Mallinson	Objection	9/5/2009
35	Anonymous	Objection	9/5/2009
36	D Billings	Objection	9/5/2009
37	P Smith	Objection	10/5/2009
38	D Tromans	Objection	8/5/2009
39	E Bailey	Objection	11/5/2009
40	Mr and Mrs Jones	Objection	8/5/2009
41	Severn Trent Water	Consultation	8/5/2009
42	Head of Development Control	Letter	11/5/2009
43	R Stuart	Objection	8/5/2009
44	P Lines	Objection	8/5/2009
45	C Claridge	Support	11/5/2009

46	J Rogers	Objection	11/5/2009
47	S Moore	Objection	11/5/2009
48	T Waters	Objection	12/5/2009
49	G Spencer	Objection	11/5/2009
50	I Cox	Objection	11/5/2009
51	M and N Sherwood	Objection	12/5/2009
52	V Sheedy	Objection	13/5/2009
53	B Smith	Objection	12/5/2009
54	D Clark	Objection	12/5/2009
55	M Lowe	Objection	12/5/2009
56	T Rees	Support	14/5/2009
57	Fire Services Authority	Consultation	12/5/2009
58	J Wood	Objection	14/5/2009
59	Head of Development Control	Letter	14/5/2009
60	M Richards	Objection	14/5/2009
61	P Twigge	Objection	13/5/2009
62	L Hatch	Objection	14/5/2009
63	G Egan	Objection	15/5/2009
64	G Jones	Objection	13/5/2009
65	R Smith	Objection	18/5/2009
66	V Whipps	Objection	18/5/2009
67	K and H Brunt	Objection	15/5/2009
68	S and P Nixon	Objection	14/5/2009
69	J Frame	Objection	15/5/2009
70	J Akhurst	Objection	15/5/2009
71	T Coates	Objection	13/5/2009
72	D Carter	Objection	18/5/2009
73	Curdworth Parish Council	Objection	18/5/2009
74	L Whitburn	Objection	17/5/2009
75	D Upton	Objection	14/5/2009
76	R Smith	Objection	15/5/2009
77	B Starkey	Representation	16/5/2009
78	J Bakker	Objection	15/5/2009
79	S Polak	Objection	18/5/2009
80	P Whitburn	Objection	18/5/2009
81	S Martin	Objection	19/5/2009
82	A and T Clark	Objection	18/5/2009
83	R Murray	Objection	17/5/2009
84	M Childs	Objection	15/5/2009
85	A Trefine	Objection	7/5/2009
86	A Jackson	Objection	17/5/2009
87	W Sheppard	Objection	16/5/2009
88	G Meer	Objection	18/5/2009
89	T and H Goodfellow	Objection	15/5/2009
90	P Cutler	Support	17/5/2009
91	J Reilly	Objection	19/5/2009
92	H Scott	Objection	19/5/2009
93	Coleshill Town Council	Representations	19/5/2009
94	Coleshill Civic Society	Objection	18/5/2009
95	Environmental Health Manager	Consultation	13/5/2009
96	Agents	Letters	13/5/2009
97	County Forestry Officer	Consultation	11/5/2009
98	Head of Development Control	Letters	19/5/2009

99	D Rogers	Objection	19/5/2009
100	J Hoyle	Objection	20/5/2009
101	B Taylor	Objection	19/5/2009
102	P Danks	Objection	14/5/2009
103	S Spencer	Objection	20/5/2009
104	D Pudge	Objection	19/5/2009
105	B Gill	Objection	19/5/2009
106	R and S Jones	Objection	20/5/2009
107	R Jones	Objection	25/5/2009
108	V Ward	Objection	20/5/2009
109	Mike O'Brien MP	Objection	2/6/2009
110	Head of Development Control	Letters	8/6/2009
111	Sport England	Consultation	27/4/2009
112	Sport England	Consultation	15/5/2009
113	DTZ	Consultation	12/6/2009
114	L Butler	Objection	25/9/2009
115	Warwickshire Police	Consultation	20/5/2009
116	Community Protection Officer	Consultation	27/5/2009
117	DTZ	Consultation	4/6/2009
118	WCC Highways	Consultation	18/6/2009
119	Applicant	e-mails	23/6/2009
120	AD Streetscape	e-mails	23/6/2009
121	Applicant	e-mails	24/6/2009
122	Applicant	e-mails	1/7/2009
123	Applicant	e-mail	6/7/2009
124	Agents	Letter	19/8/2009
125	Head of Development Control	Letter	20/8/2009
126	WCC Highways	e-mail	26/8/2009
127	WCC Highways	e-mail	1/6/2009
128	Head of Development Control	Letter	5/6/2009
129	Applicant	Letter	12/8/2009
130	Head of Development Control	Letter	13/8/2009
131	Head of Development Control	Letter	21/8/2009
132	Applicant's	e-mails	23/9/2009
133	Agent	Letter	25/9/2009
134	Applicant's	e-mails	29/9/2009
135	EHO	e-mails	30/9/2009
136	Applicant's	e-mails	30/9/2009
137	Applicant's	e-mails	2/10/2009
138	Applicant's	e-mails	5/10/2009
139	DTZ	e-mail	5/10/2009



**Report of the  
Head of Development Control**

**Planning and Development Board  
18 May 2009**

**Proposed Supermarket  
Park Road – Coleshill**

### **Summary**

The report records receipt of an outline planning application for a supermarket on land off Park Road in Coleshill. It describes the proposal and identifies the main issues involved that Members will need to consider when it determines the application at a later meeting.

### **Recommendation to the Board**

- a) **That the Board notes the report and identifies any further issues that it considers should be investigated, and**
- b) **That a Board site visit be arranged prior to it making a recommendation to Council.**

### **Introduction**

Members will be aware of the Council's decision to consider the disposal of its land at Park Road, Coleshill, for a potential supermarket. The outcome of that decision is the current outline planning application. This report records receipt of that application; describes the proposal, sets out the relevant Development Plan policies and Government Guidance that will set the framework for its determination, together with identifying the main planning issues involved.

Because the application involves land, currently owned by the Borough Council, the final determination of the application will rest with the Council.

Prior to making a recommendation, it is considered that a visit should be made to the site.

Members will also recall that the applicant gave a short presentation to the Board on 16 February 2009, outlining the main features of the proposal – see Appendix A for a note of that meeting. Since then the applicant has delivered a similar presentation to the Coleshill Town Council, and has carried out a pre-application exhibition in Coleshill so that residents could view the draft scheme in advance of the formal submission.

### **The Site**

A tri-angular shaped area of land, 0.61 hectares in extent, bounded on two sides by roads, Birmingham Road and Park Road, and to the east by residential development at Parkfield Court. The land presently comprises a car park, together with the land to the east that was used as allotments and as a bowling green, but is now overgrown and

disused. The site tapers to the south west where the two roads have a junction. There is a fall in levels between the eastern end and the south western tip of some 4 metres.

The land to the south is occupied by the Coleshill Memorial Park with its playing fields and pitches. Further to the west are the Coleshill Leisure Centre, the Warwickshire Fire Services depot and the Coleshill Police Station. To the north there is residential development comprising a residential estate of Colemeadow Road, and a recently completed block of apartments (Park Court).

The existing car park is accessed from Park Road. Apart from the road junction to the west, Birmingham Road has a junction with Colemeadow Road to the north of the site. There is also a zebra crossing close by. Pedestrian access to the car park is from both Park Road and the Birmingham Road. Birmingham Road has a roundabout junction with the main Coleshill By-pass (the A446), 150 metres to the west, and a cross roads junction with High Street, 200 metres to the east.

The existing car park is bounded by a mature hedgerow along the Birmingham Road, and this extends to the east, along the boundary with the former bowling green. The eastern boundary with Parkfield Court is heavily landscaped. The Park Road boundary is open. There are several large mature trees around the car park boundary within the surrounding grass verges.

The car park presently accommodates 110 spaces, plus 8 disabled spaces, together with recycling containers and bins at its eastern end.

The site is shown in its setting by the plan at Appendix B.

### **The Proposal**

This is an outline application, but which provides a significant amount of detail. The applicant is seeking permission in principle for this use at this site, and seeks to establish the basic parameters as to how the site will accommodate this use. Hence, the applicant expects a decision on a building of this size in floorspace; the general layout as illustrated, and with the access arrangements as shown. All other matters would be reserved for later approval - eg final building design, materials, landscaping and drainage. However in the event of a planning permission being granted, the Council may impose conditions governing matters that it considers should be controlled, provided that these are appropriate to the proposed development.

The application has been submitted in this form because the final occupier of the proposed premises is not yet known. Once confirmed, the occupier may well wish to introduce his own "brand" into the design of the building.

The proposed layout shows a single building towards the eastern end of the site, essentially sited over the former open land, with the car park to its front, mainly covering where it is now. Servicing would be from its rear at the far eastern end. Customer access would be off the Birmingham Road. Service access would be designed such that delivery vehicles would enter from the Birmingham Road but exit onto Park Road. Four deliveries a day are anticipated. Pedestrian access would be via

the two roads. 105 car parking spaces are to be provided, with 6 reserved as disabled parking spaces.

The building would be “lowered” into the site at the eastern end of the site, and the western end “filled” so as to reduce the impact of the new building and also to introduce a lesser fall in levels across the site. This means that a retaining wall would have to be provided around the external boundary of the whole car park.

The individual trees bounding the site would be retained, as would some of the hedgerow along Birmingham Road. However that close to Parkfield Court would be removed. A five metre “acoustic” wall is planned for the eastern boundary where it abuts Parkfield Court.

The building would comprise a total of 1394 square metres in total floorspace. This would be divided up into a 1000 square metre retail area, with the balance being office and administration space set over two floors, and an enclosed unloading and storage bay. The general configuration is to have the retail element close to Park Road, with the office segment on the Birmingham Road frontage.

Opening hours are not yet known, being dependant on the final occupier.

The car park would remain available to non-customers with a two hour limit being introduced during opening hours. There would be no parking charge. The car park would not accommodate staff spaces.

Plans attached at Appendices C to G illustrate these proposals.

#### **Supporting Documentation**

There have been a number of documents submitted with this application. These are identified below, together with a summary of their content.

- i) **Pre-Development Tree Survey.** This makes recommendations in order to protect the existing boundary trees, and identifies management works to those trees. A group of Sycamore and Ash along the Birmingham Road boundary are recommended for removal. The main building will impinge within the recommended Root Protection Area of trees in Park Road.
- ii) **Drainage Strategy.** This recommends that foul water be discharged via new infrastructure to connect to the existing system at Lawnsdale Close. In respect of surface water, then on site storage is recommended in order to reduce discharge into existing infrastructure at the junction of Park Road and Birmingham Road.
- iii) **Acoustics Report.** This recommends that there is unlikely to be increased road traffic noise arising from the proposal, but that attenuation measures, involving enclosure of the service yard are recommended, in order to reduce impact on local residents from this area of the site.
- iv) **Transport Assessment.** This concludes that the customer access point will operate efficiently, below its design capacity, without significant queues; that the impact will be minimal on the Colemeadow Road junction, marginal at the Park Road junction, and whilst the northern arm of the

roundabout junction with the Stonebridge Road is near capacity, there will be no significant impact on the Stonebridge Road roundabout. The report concludes that the High Street cross roads is at capacity, but that with or without the proposed development, the situation here will continue to deteriorate. The proposal would not accelerate that projection. HGV impact is considered to be minimal. The site is said to have good pedestrian access and the availability of public transport is good. In respect of car parking, the report includes findings from survey work involving the purpose for drivers using the car park; numbers, the length of stay and the frequency of use. The report concludes that because of the conclusions from this survey work, the proposed car park, although offering less car parking spaces than existing, will be sufficient to cater for the new development and other non-retail trips. A car park management strategy is needed in order to manage the car park, and a two hour limit is recommended. A Green Travel Plan is outlined such as to reduce employee trips to the site by car.

- v) **Design and Access Statement.** This shows how the design has been “lowered” into the site so as not to make it prominent against the town’s skyline, and to reduce its impact as a large building with a large car parking area.
- vi) **Retail Impact Assessment.** This undertakes a full retail analysis of the proposal within the context of the town and its hinterland following the guidance and criteria set out in Government Advice in PPS6. These relate to the need for the development; the scale of the proposal, the location of the proposal vis-a-vis the town centre, the impacts on the town centre and the accessibility of the site. It concludes that there is a good complement of service uses, and a reasonable representation of comparison goods retailers in the town. There is some deficiency, it continues, in the provision of convenience goods which the proposed store would address. Existing convenience stores are said to be trading strongly and primarily perform a “top up” shopping role. The new store would, it is said not compromise these stores or their role. It continues by saying that there is capacity within the area for a store of this size. It concludes that the store would have a beneficial impact by reducing shopping trips being made out of town. As the site is not within the town centre, the report includes an analysis of alternative sites.
- vii) **Statement of Community Involvement.** This expands on the description included in the Introduction above. It particularly focuses on the observations received from the public at the pre-application exhibition held at the Leisure Centre over the period 2 to 4 April. This shows that 186 written responses were received from visitors to the exhibition. The main issues revolved around the need for the supermarket; car parking issues, highway safety and the design of the building.

#### **Development Plan**

Regional Spatial Strategy 2004 – Policies PA11 (Network of Town and City Centres), PA13 (Out of Centre Retail Development), PA14 (Economic Development and the

Rural Economy), RR3 (Market Towns), RR4 (Rural Services), UR3 (Enhancing the role of City, Town and District Centres)

Warwickshire Structure Plan 1996-2011 – Policy TC2 (Hierarchy of Town Centres)

North Warwickshire Local Plan 2004 – Core Policies 1 (Social and Economic Regeneration), 2 (Development Distribution), 5 (Development in Towns and Villages), 6 (Local Services and Facilities), 11 (Quality of Development), and Policies ENV5 (Open Space), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation), ECON5 (Facilities Relating to the Settlement Hierarchy), TPT1 (Transport Considerations), TPT3 (Access and Sustainable Travel) and TPT6 (Vehicle Parking)

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

Regional Spatial Strategy (Phase Two Draft Revision) 2007 – Policies PA11 (The Network of Town and City Centres), PA12B (Non Strategic Centres), PA13 (Out of Centre Retail Development), PA14 (Economic Development and the Rural Economy), RR3 (Market Towns), RR4 (Rural Services)

Government Guidance – Planning Policy Statement Number 1 (Delivering Sustainable Development) 2005, Planning Policy Statement Number 6 (Planning for Town Centres) 2005, Proposed Changes to PPS6 2008, Planning Guidance Note Number 13 (Transport), Planning Policy Guidance Note Number 15 (Planning and the Historic Environment), Planning Policy Guidance Note Number 17 (Planning for Open Space, Sport and Recreation).

#### **Observations**

##### **a) The Central Issue**

The determination of the application must be made in accordance with the Development Plan, unless material considerations indicate otherwise. The proposal does not accord with Policy ECON5 of the North Warwickshire Local Plan 2004, because the location of the site is not within Coleshill's town centre as defined by that Plan. As such it neither accords with the general thrust of Government Advice as set out in PPS6. The central issue in the determination will be whether there are material considerations that are of such weight to warrant a grant of planning permission, notwithstanding the conflict with ECON5 and the general approach set out in PPS6. In examining this issue, the Board will have to explore the criteria set out in PPS6 in respect of new retail proposals, and particularly where they involve "edge of centre" locations, such as this.

##### **b) Open Space**

The proposal is sited on land identified in the Local Plan as being Open Space. The loss of this space would be contrary to Policy ENV5 of the Local Plan. The Board will need to explore whether there are planning circumstances of such weight as to

warrant the proposal being treated exceptionally to this Policy. In particular the guidance given in PPG17 will be significant.

#### **b) Impacts**

Regardless of any conclusions reached on the central issue, the Board will need to identify the potential impacts of the proposal, and assess whether these are harmful. The main impacts will be.

- The access arrangements and the likely traffic generation arising from the proposal, given the nature, capacity and use of the surrounding highway network.
- The adequacy of the car parking provision bearing in mind that the site is an existing car park.
- The design of the layout, and the general approach taken in respect of the appearance of the buildings, bearing in mind the location of the site on a main entrance into the town; the change in levels over the site, and its impact on the character and appearance of the adjoining Conservation Area.
- The adequacy of the drainage arrangements.
- The impact on the health of the surrounding trees.
- The impact of the proposal on the residential amenities of adjoining occupiers, particularly those whose property adjoins the site at Parkfield Court.

#### **Background Papers**

Application 14/4/09

**Presentation by Limes Developments Ltd to the P and D Board  
Proposed Coleshill Supermarket, Park Road  
16 Feb 2009**

**Present:**

Councillors Lea, Fowler, Swan, Fox, Welby, Gordon, Moss, Smith, Philips, Lewis, Sweet, Sherratt, and Wykes. Councillor Simpson arrived later.

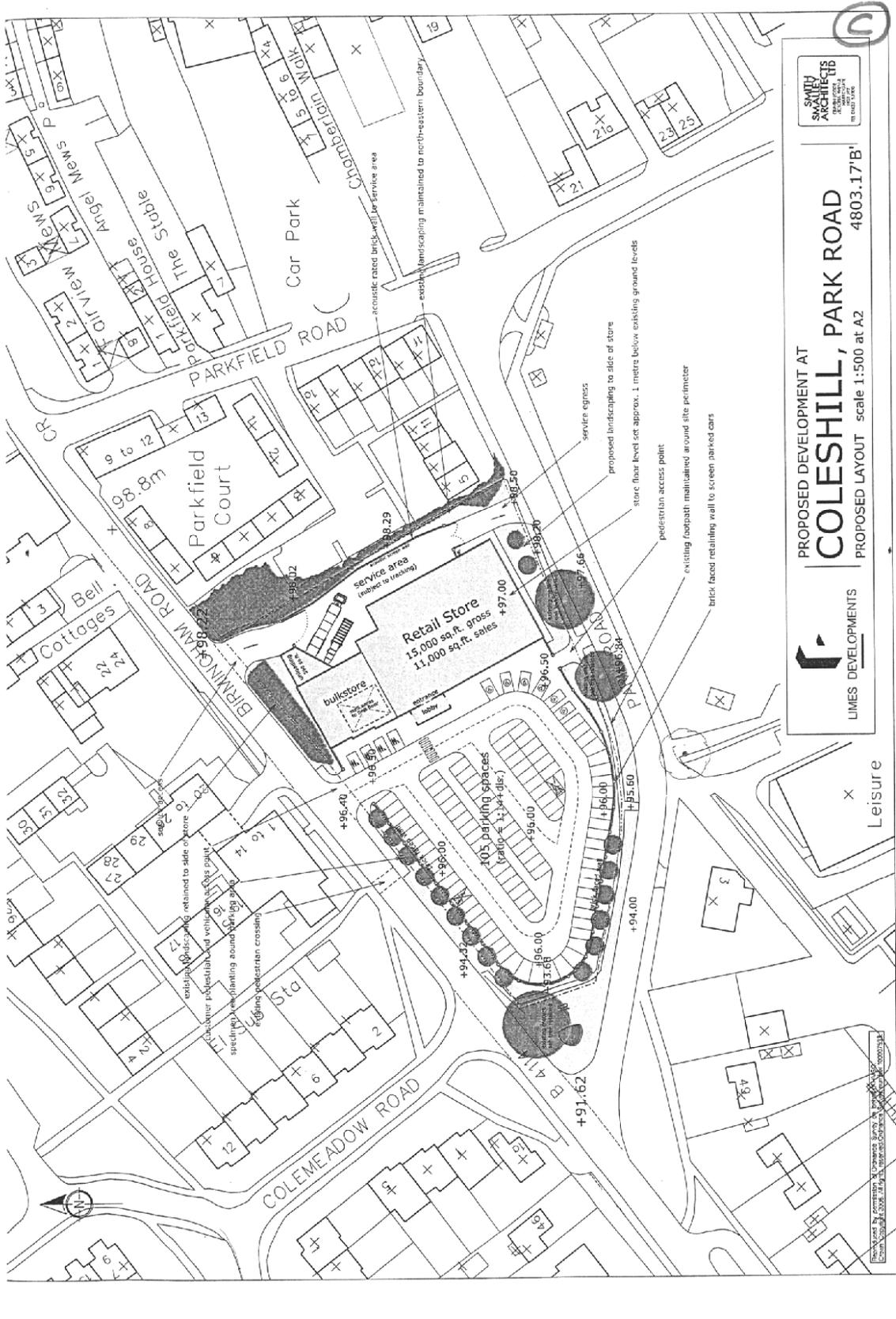
Messrs Whitford and Jolly - Limes Developments Ltd (Applicant)  
Chris Quinsee and Tamsin Cottle - Roger Tym Partners (Agents)

Ann McLauchlan and Jeff Brown - Officers

Apologies were received from Cllr L Dirveiks

1. Councillor Lea took the chair, and Ann McLauchlan opened the meeting by outlining the scope of the Planning Protocol to Members, reminding them that they should not pre-empt or pre-determine their position. The purpose of the meeting was to listen to the detail of the proposal, and for Members to ask questions about the proposal and/or to raise issues and concerns that needed to be investigated or followed through. The content of the meeting was agreed should remain confidential.
2. Chris Quinsee outlined the proposal with the aid of a number of plans and illustrations. The applicant considered that the land would be put to better use with the application; that the store would meet a retail need in the town, that it was well located close to the centre, that its design did not draw attention to the prominence of the location, the proximity of the residential area around, the current car park usage would be retained, and that the WCC highway people support the scheme's access arrangements.
3. Members asked questions about pre-application consultation with the public; how that would be recorded, how the proposal would affect the mature trees around the site, the impact on the Green Man crossroads, car parking numbers and management, the future of the recycling units, noise from HGV deliveries, the number and timing of those deliveries, opening times, and availability of the car park outside those hours.
4. The developers confirmed that they would be meeting the Town Council and that they would be conducting a pre-application exhibition with the comments and observations received being incorporated into a document to be submitted with the application. Many of the matters raised under 3 above would be answered in the application itself or the accompanying documentation.





  
 SWIRLY ARCHITECTS  
 100, COLLEGE ROAD, BIRMINGHAM, B15 2TT  
 TEL: 0121 717 1111

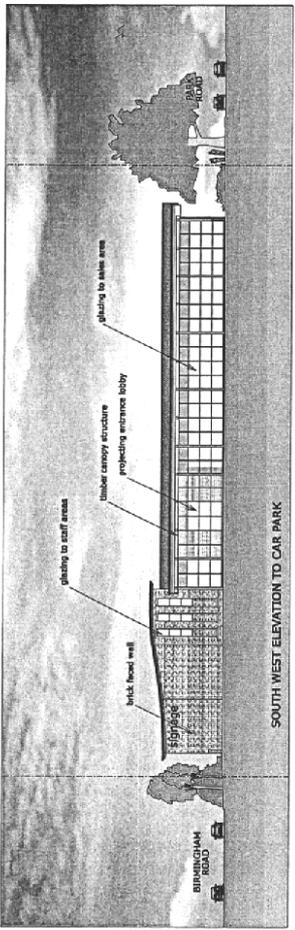
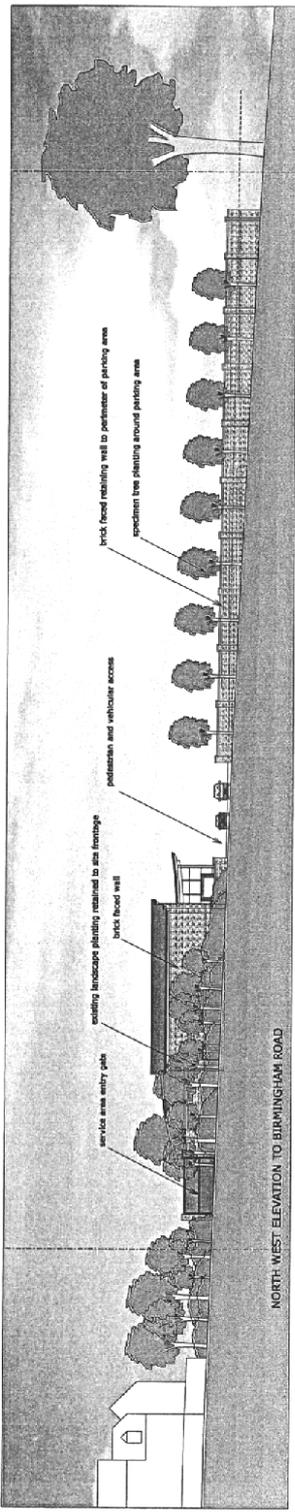
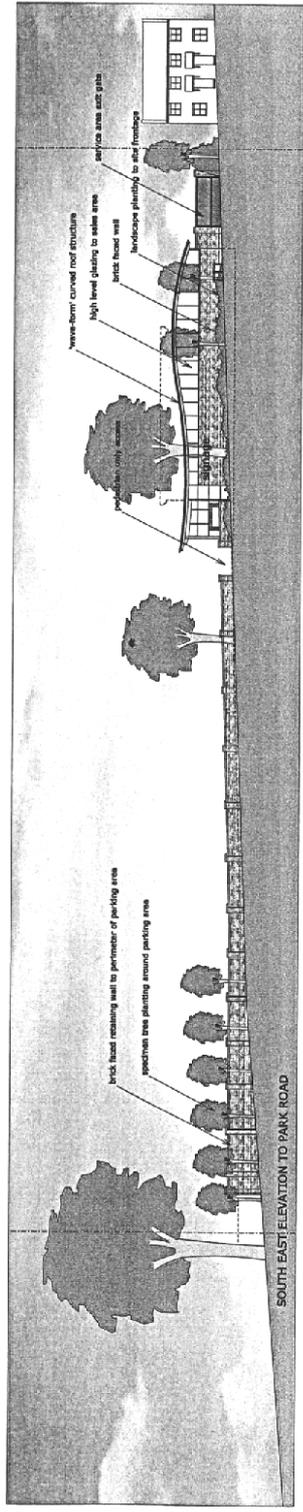
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PROPOSED DEVELOPMENT AT  
**COLESHILL, PARK ROAD**  
 4803.17'B'  
 PROPOSED LAYOUT scale 1:500 at A2

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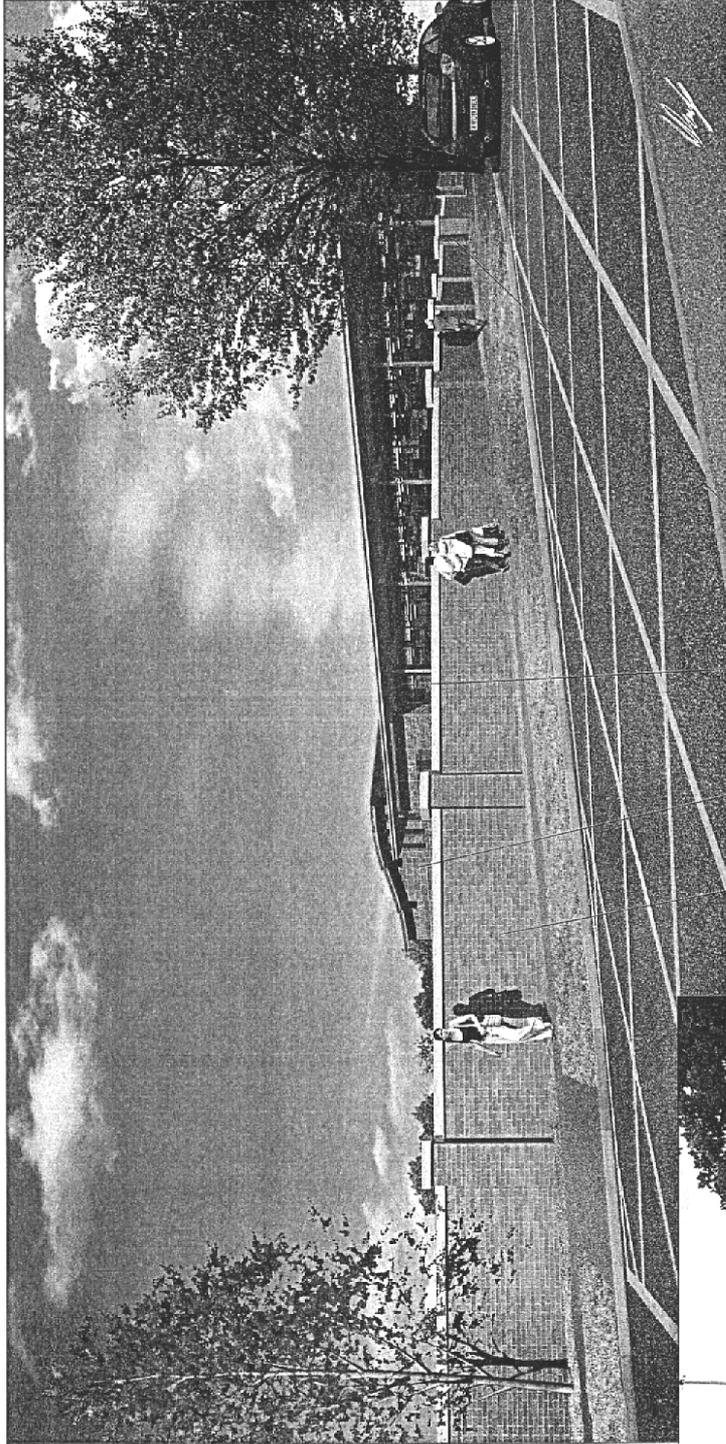
  
 LIMES DEVELOPMENTS

Drawn by: [unreadable] 2008  
 Checked by: [unreadable] 2008  
 Approved by: [unreadable] 2008



PROPOSED DEVELOPMENT AT  
**COLESHILL, PARK ROAD**  
 PROPOSED ELEVATIONS SCALE 1:200 AT A1 4803.18'A

LIMES DEVELOPMENTS



**Proposed View**

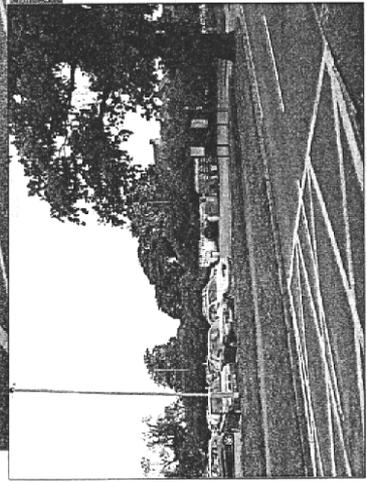
pedestrian site entrance between mature trees

timber framed canopy and entrance lobby

two storey brick faced element with curved roof

new brick wall to define site frontage and screen parked cars from view

**Existing View**




 LINES DEVELOPMENTS  
 PROPOSED DEVELOPMENT AT  
**COLESHILL, PARK ROAD**  
 4803.3.20  

 CITY OF ASHBURTON  
 PLANNING DEPARTMENT

Site 83, Progression - 1.jpg - 26/11/2008, 11:41:37

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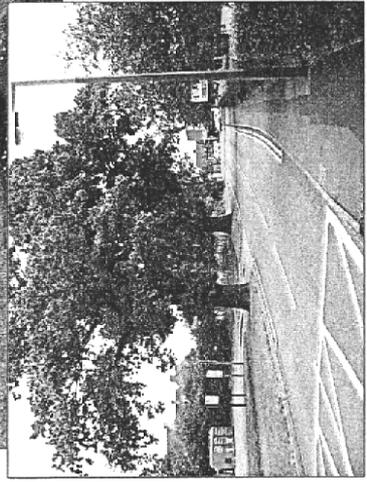
Proposed View

landscape planting to site frontage

brick faced side elevation with curved roof

timber framed canopy and entrance lobby

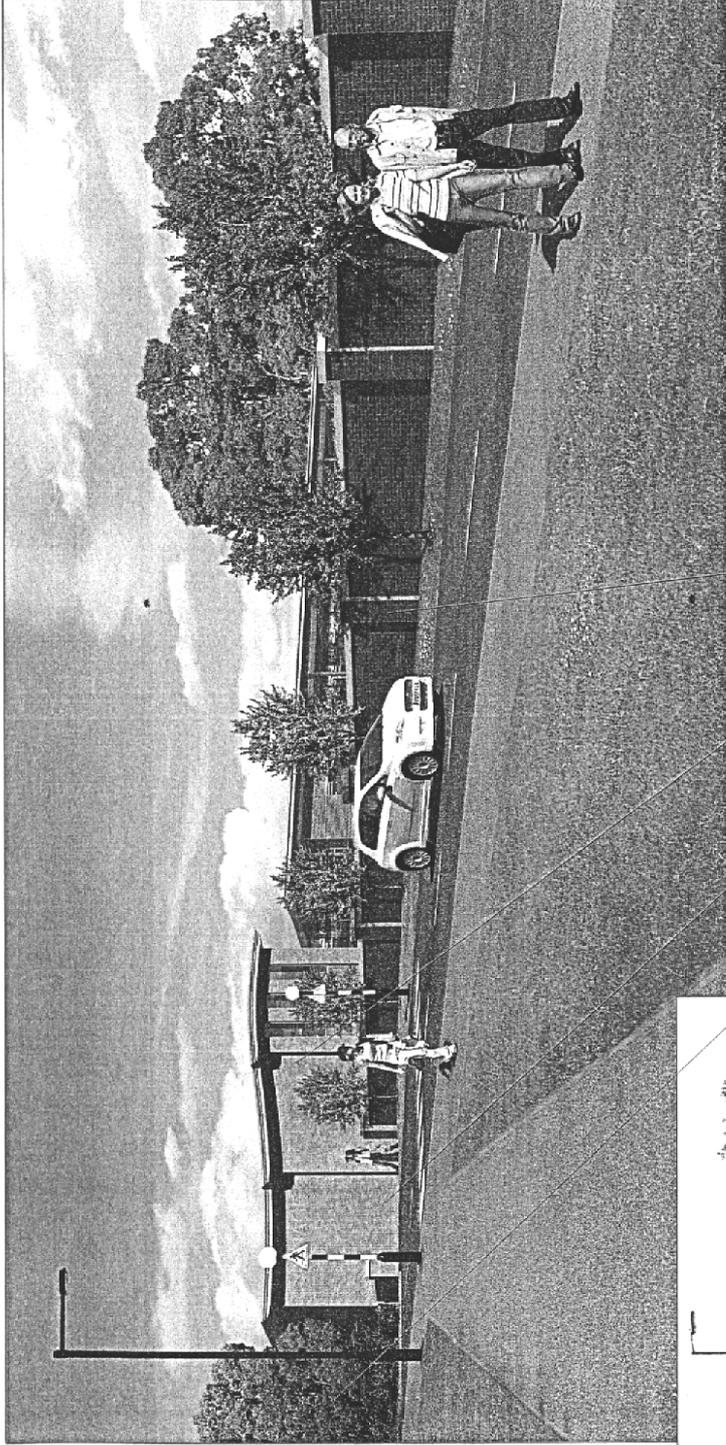
pedestrian site entrance between mature trees



Similar Existing View


 PROPOSED DEVELOPMENT AT  
**COLESHILL, PARK ROAD**  
 PERSPECTIVE VIEW 2  
 4803.21

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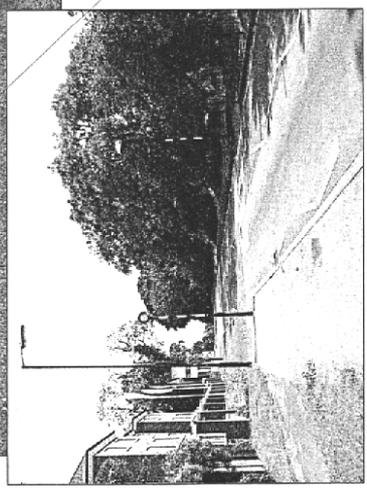
Proposed View

brick faced wall to screen parked cars

two-storey brick faced element

customer pedestrian and vehicular entrance

existing landscaping retained beside store



Similar Existing View

9



PROPOSED DEVELOPMENT AT  
**COLESHILL, PARK ROAD**  
4803.22

JAMES DEVELOPMENTS

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## North Warwickshire Borough Council

Planning and Development Division  
The Council House  
South Street  
Atherstone  
North Warwickshire CV9 1DE

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Switchboard : (01827) 715341  
(01827) 719363  
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 : Chris Quinsee  
Our ref : jgb 8086 2009/0154

Date : 6 May 2009

Roger Tym and Partners  
3 Musuem Square  
Leicester  
LE1 6UF

Dear Sirs

### Proposed Supermarket at Coleshill

I refer to the planning application submitted in respect of the proposal for a site in Park Road, Coleshill.

This development proposal in my view falls under 10(2) of the 1999 Environmental Impact Assessment Regulations, being for an urban development project on land exceeding 0.5 hectares in area. No Environmental Statement was submitted with the application and thus I have to consider the case under Regulation 7 of these Regulations. As a consequence this letter should be taken to be a Screening Opinion under Regulation 5(4).

It is my view that this development proposal will not have a significant environmental impact, and thus not constitute EIA development for the purposes of the Regulations. The reason for this is because potential adverse impacts have been identified and are covered in a series of supplementary reports accompanying the application. These include traffic matters; drainage issues, the likely impact on neighbouring residential amenity, the impact on the existing car park, the potential impacts on the existing retail context of the town and its hinterland, together with an assessment of need. The documents also include a Planning Statement outlining the proposal's "fit" or otherwise with the Development Plan, and follows Government Guidance in PPS3 in respect of applying the relevant tests in respect of its location. These matters were agreed with the applicant in advance of submission. They also reflect the issues raised by the general public when the applicant undertook a pre-submission public exhibition in the town. A Statement outlining the findings from that exhibition is also included with the application.

Yours faithfully

Jeff Brown  
Head of Development Control

Director of Community and Environment : Ann McLauchlan

Direct email: [chris.quinsee@tymconsult.com](mailto:chris.quinsee@tymconsult.com)

Your Ref: jgb 2009/0154

Our Ref: M9268le5

13 May 2009

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Dear Mr Brown

APPLICATION REFERENCE 2009/0154 - PROPOSED SUPERMARKET, BIRMINGHAM ROAD/PARK ROAD,  
 COLESHILL

I write in response to your letters dated 7 May and 11 May 2009. In these letters you outlined some of the concerns being expressed by those submitting representations on the current application, and invited us to respond. I am pleased to do so by way of this letter.

Your two letters raise a range of issues and I deal with each in turn, starting with the letter of 7 May.

*How to ensure the building is as sustainable as possible*

The current application is in outline only; design matters will be dealt with at the reserved matters stage. At that point in the process, design features that incorporate sustainability benefits will be settled; however, it is worth pointing out that the building will of course need to comply with the building regulations in force at the time and these require a range of features designed to improve the building's sustainability performance to be incorporated into the development.

As a more general point I would note that the application scheme will provide a development aimed at filling a clear gap in existing provision; on this basis it will enable Colehill to better serve local residents and reduce the need to travel further afield. This feature in itself offers potential sustainability benefits through the reduction in private car trip length and frequency.

*Car park and supermarket lighting*

Again, this is an issue to be dealt with at reserved matters stage. However, in our experience modern low-level lighting installations offer very good potential for ensuring that the car park areas are well lit (for safety and security purposes) but that 'leakage' of light that could adversely affect residential amenity is eliminated.

*How will construction be carried out to minimise disturbance*

At either the outline or reserved matters stage we would expect the local authority to include a condition on the permission requiring that a construction management scheme be submitted and approved in writing before development commences. Such a scheme can include restrictions on construction hours and measures to minimise dust, noise or any other adverse impacts on residential areas.

13 May 2009  
Page 2

*What will happen to the car park when the supermarket is closed?*

We expect that the planning permission will need to be accompanied by a clear car parking management regime that will clarify this point. We will be pleased to draft such an agreement and I would be pleased to discuss the content of this agreement with you.

*Where will staff be parking?*

We would expect that the operator will not want staff to use the customer car park; there is likely to be some limited opportunities for staff to park in the service yard area, but otherwise we anticipate that those staff that drive to work would use other long stay car parking facilities in the Coleshill area.

*What impact will the proposal have on surrounding trees?*

On this point we note also the comments from the County Forestry Officer. It would appear from these comments that specific protection is sought for tree number T1 and that works must not be carried out that could have a detrimental effect on the soil hydrology. The development team is fully aware of the need to protect this important tree and the building position as shown is based on the need to avoid the forecast extent of the root protection zone for this tree. Again, we anticipate that a planning permission can be conditioned to ensure that the tree is given adequate protection, and the issue can be further considered at the reserved matters stage when the building design is finalised.

*What impact will the covered service yard have, particularly from Park Court?*

The possible service yard roof design will be finalised at the reserved matters stage although we anticipate that it would be designed in such a way as to minimise impact on Park Court. The roof can be expected to a continuation of the store roof, and finished in the same material, so that it appears as a continuation of the store building itself.

*What will the acoustic wall look like?*

Again the appearance of this wall will be finalised at the reserved matters stage although we anticipate that the wall will be brick, finished to match the design and materials used in the main store building itself.

*Reason for selection of drainage options*

The drainage solution selected is based on Mouchel's assessment of the site and surrounding conditions and their evaluation of the requirements of the scheme. Full details are set out in the Mouchel Drainage Strategy that accompanies the application, and the various options that are available are considered in that report.

*Why has this size of supermarket been proposed?*

The scheme size is based upon a variety of factors, including (i) the level of expenditure available in the catchment; (ii) the extent of existing provision; (iii) the size required by operators that are expressing interest in occupying a store on the site; and (iv) the size of store that can be accommodated on the site area that is available.

As the retail study that accompanies the application makes clear, existing provision in Coleshill is very limited and in consequence many catchment area residents need to travel elsewhere for food shopping purposes. A smaller store would be less able to provide an alternative to larger stores elsewhere, and thus less able to meet catchment area needs, whilst also being unattractive to operators wishing to invest in Coleshill.

*Recycling facilities*

At present the intention is to accommodate a recycling facility on-site, but using latest technology to allow for the recycling materials deposited to be stored under ground awaiting collection. Again, however, we would expect that the exact arrangements for the continuation of the recycling facilities can be addressed when the scheme design is finalised at the reserved matters stage.

*Asda, Chelmsley Wood*

The proposed Asda has been taken into account in the retail study that accompanies the application. It is outside the catchment area used in that study; in our assessment, it will not cater as effectively for needs arising in Coleshill than would a store in Coleshill itself. If the Asda is assumed to be able to cater for Coleshill's catchment needs then the existing lack of local provision will be perpetuated and the need for most food shopping trips to be undertaken outside the catchment will continue without any reduction. Nor will other commercial activities in Coleshill benefit from any increase in shopper numbers in the town, as we anticipate will be the case when the application scheme is developed.

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Page 3

*Impact Study paragraph 8.28*

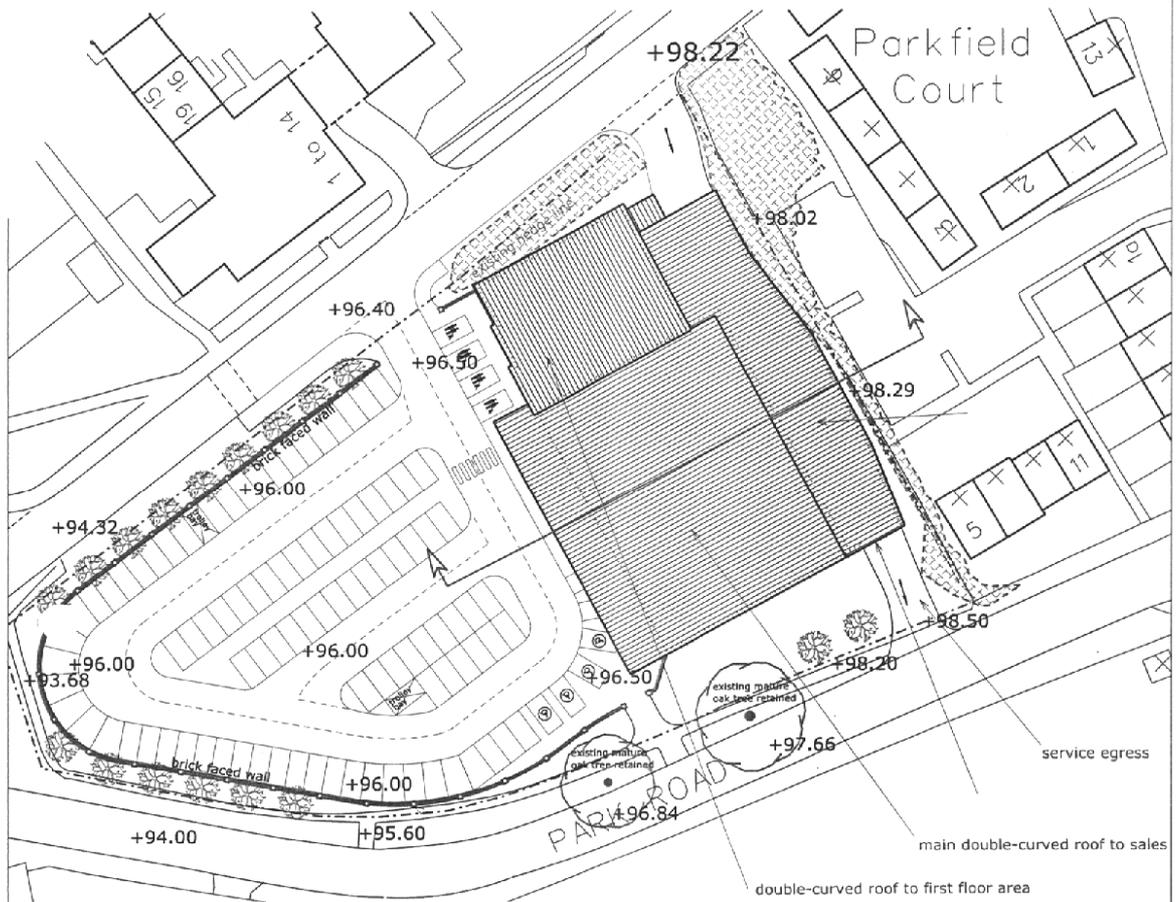
There is a small typographical error in this paragraph, which is in the 'health check' section of the report - the floor areas quoted are square feet, not square metres as shown. The correct figures are used elsewhere in the report (included in the quantitative need and impact sections) and thus the conclusions are unaffected.

I trust that the above provides sufficient response on the issues raised to date, although we would be happy to amplify any of the points raised above should it be helpful to do so.

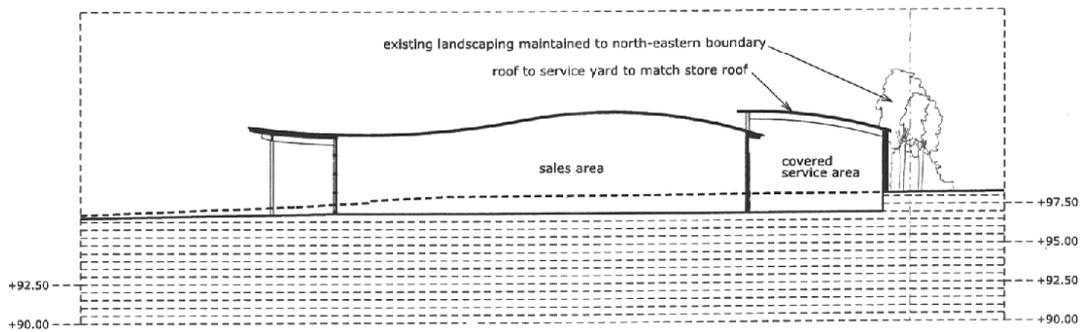
Yours sincerely

C P Quinsee  
Partner

cc M Jolly, Limes Developments Ltd



**ROOF PLAN**



**TYPICAL SECTION**

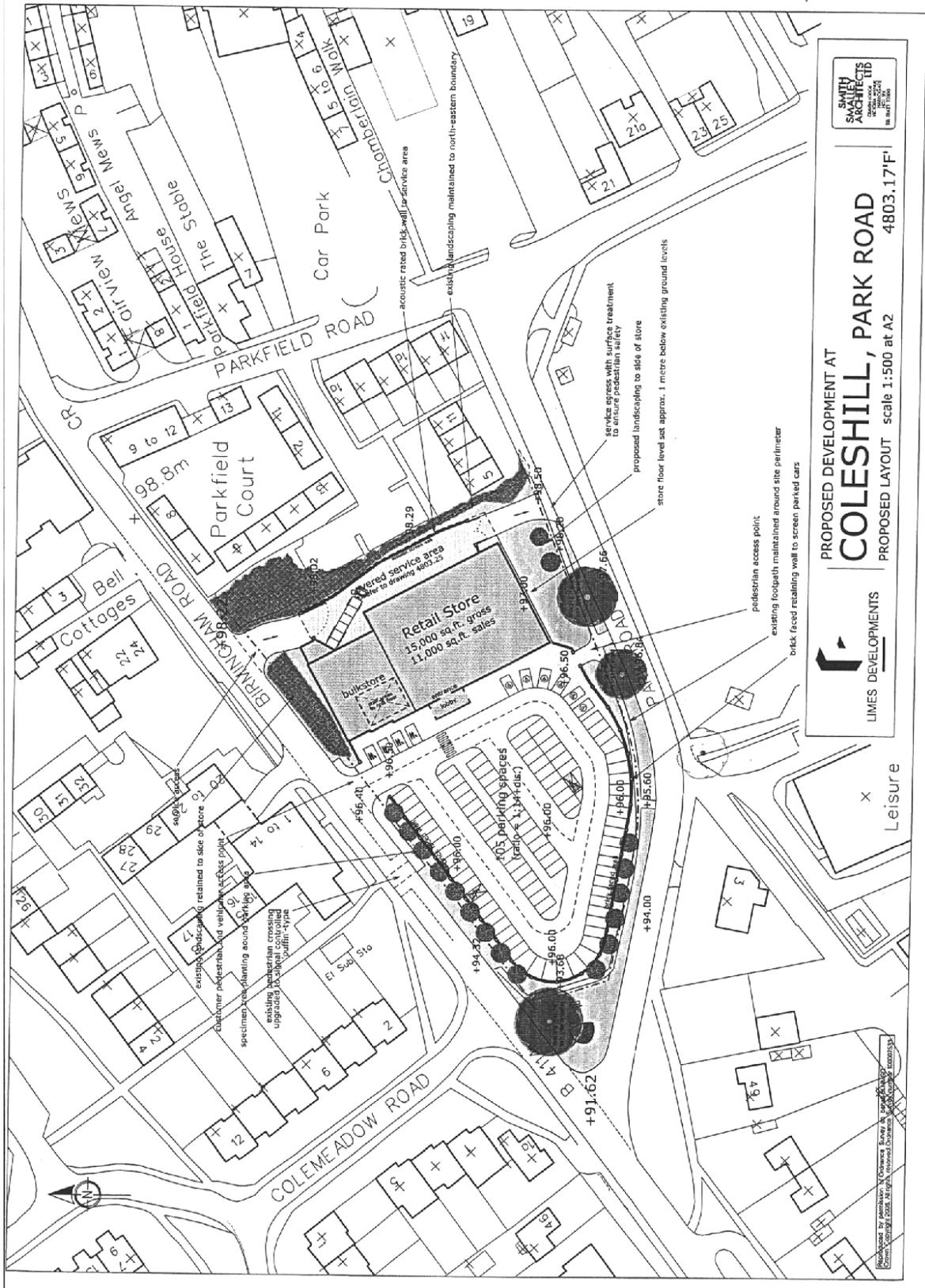
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PROPOSED DEVELOPMENT AT  
**COLESHILL, PARK ROAD**  
COVERED SERVICE YARD OPTION

4803.25





PROPOSED DEVELOPMENT AT  
**COLESHILL, PARK ROAD**  
 4803.17'F'  
 PROPOSED LAYOUT scale 1:500 at A2

LIMES DEVELOPMENTS

SIMPLY  
 SMART  
 ARCHITECTS  
 LTD  
 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000



Appendix F

Jeff Brown Esq.  
Head of Development Control  
Planning and Development Division  
North Warwickshire Borough Council  
The Council House  
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North Warwickshire CV4 1DE

**Email:** stephen.hill@dtz.com  
**Direct tel:** 020 3296 3154  
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**Your ref:** jgb 8111 2009/0154  
**Our ref:** Planning/SH

04 June 2009

Dear Jeff

### PROPOSED SUPERMARKET AT COLESHILL

Following the Council's instructions to review the Planning Policy and Retail Appraisal (April 2008) submitted by Roger Tym & Partners (RTP) in support of the above planning application, we are writing to set out the results of our review and critique. As instructed, we have focused on assessing compliance of the proposed development with national planning policies set out in PPS6. In particular, we have assessed whether or not there is a quantitative and qualitative need for the proposed supermarket; the impact it would have upon existing shops and stores in Coleshill; and whether or not it would comply with the sequential approach. We therefore set out our findings and conclusions under the main headings of need, scale, impact and the sequential approach.

It is understood that the Proposed Development is for a supermarket of approximately 1,394 sq m gross together with associated car, service areas and landscaping. It is further understood that the Application Site is located to the west of the Local Plan defined Coleshill Town Centre, on land to the west of the B114 Birmingham Road. The applicant contends that this is an edge-of-centre location in terms of the guidance in PPS6.

#### Quantitative Need

RTP note that North Warwickshire Borough Council (NWBC) has yet to undertake any quantitative retail need assessment across the Borough to inform their Local Development Framework (LDF). RTP have therefore undertaken their own need assessment in support of the proposed supermarket in Coleshill.

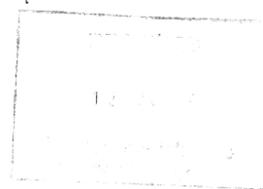
In summary, RTP's method of assessing retail capacity or quantitative need is as follows:

- Define a catchment area which they consider to be appropriate in the context of the Proposed Development. This has been based on a 10 minute drive-time for the area to the east of the M42 motorway with the exception of the M6 motorway where the catchment area is extended to include an area within 15 minute drive-time. To the west of the M42 motorway a catchment

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area of just 5 minutes has been used. The assumption being that the proposed supermarket would be unlikely to draw substantive amounts of trade from the West Midlands conurbations.

- Estimate the total current population within the defined catchment area using MapInfo data and thereafter applying growth on the basis of updated Office for National Statistics 2006 Sub-National Population Projections (SNPPs).
- Calculate available current expenditure on convenience goods (but not comparison goods) by catchment area residents, and forecast how this will grow in the future taking account of growth in population and per capita expenditure.
- Estimate the expenditure drawn from this catchment area by existing shops and stores, based on 'benchmark' company average levels.
- Estimate the expenditure which the proposed supermarket would attract from the defined catchment area.
- Compare forecast available expenditure with forecast sales in existing stores and the proposed supermarket, to assess whether or not there will be sufficient expenditure to support the proposed supermarket in addition to the existing shops and stores.

Before addressing the quantitative need assessment in detail, we would make two general points regarding the approach. First, it depends on the realism of the catchment area defined. If it is too widely drawn and overlaps with the catchment areas of nearby towns, the analysis will be likely to over-estimate the available expenditure and thus the need for additional floorspace. Second, without the use of a Household Interview Survey, it is not possible to know precisely where the residents of the defined catchment area currently shop, and thus to estimate reliably how much of the total available expenditure in the catchment area could realistically be attracted by the existing stores and the proposed supermarket.

#### **Convenience Goods**

Having reviewed RTP's quantitative need forecasts in relation to convenience goods, we would make the following comments:

1. Without any Household Interview Survey data, it is difficult to be definitive on whether the adopted catchment area is robust. However, the rationale for the catchment area appears to be logical having regard to the size and location of competing food stores and the scale of the supermarket proposed in Coleshill.
2. The fact that RTP have not undertaken a Household Interview Survey of shopping patterns means that their assumptions about shares of expenditure attracted from the catchment area by existing stores and the proposed supermarket are not evidence-based.



3. We consider that too high a rate of growth in per capita expenditure on convenience goods (1.5%pa from 2007 to 2016) has been assumed by RTP. This is unrealistic in the current recession. We consider that during 2008 and 2009 there will be no growth in per capita expenditure (and there may even be a fall). Thereafter, we expect a slow return to growth, which will be unlikely to exceed about 1.1%<sup>1</sup> pa even if the economy recovers from 2010. In our view, this has resulted in over-estimation by RTP of available catchment area expenditure.
4. Allowances for Special Forms of Trade (SFTs) have been made based on information in the Experian Retail Planner Briefing Note 6.0. RTP have therefore applied a discount of 5.9% to the total convenience goods expenditure to derive a residual pot of expenditure. We consider this to be a reasonable for SFTs and is not dissimilar to that which DTZ currently uses. Our own adjustments for SFTs are based on information for the UK published from Verdict on growth in internet shopping and forecast trends<sup>2</sup>.
5. RTP have calculated the sales turnovers of existing convenience stores within their defined catchment area. RTP note that there are no convenience stores within the 5 minute drive-time area to the west of the M42, but a number of large stores just beyond this (e.g. Morrisons and Aldi at Castle Bromwich and Somerfield at Chelmsley Wood). To the east of the M42, the catchment contains a limited provision, including Somerfield and Tesco Express in Coleshill itself and a Co-op store in Meriden. RTP state that they have used average sales turnover figures and calculations of net sales areas of the existing stores to work out the proportion of overall convenience goods expenditure accounted for these stores. They estimate this to be some £3.3m (growing to £3.5m by 2011). RTP have therefore concluded that there is approximately £36.4m of 'headroom' available to support new convenience goods floorspace within the catchment at 2011. We would make two comments:
  - First, using our estimates of company average sales densities for these two retailers (derived from 'UK Grocery Retailers 2008', Verdict Research Limited, April 2009), we estimate that the cumulative benchmark convenience goods turnover of both these stores, plus the Co-op at Meriden, is approximately £4.6m. Whilst higher than RTP's estimate of £3.3m, it is still significantly less than their estimated 'headroom' figure of £36.4m.
  - Second, this 'headroom' is not necessarily 'surplus' expenditure as stated by RTP, but is expenditure from residents within the catchment area which is made in shops and stores elsewhere. The key issue is whether those stores are likely to be closer or more accessible to residents living near the edge of the defined catchment area than the proposed supermarket in Coleshill. Without a Household Interview Survey to verify current shopping patterns and a plan showing the location of existing food stores outside the defined catchment area, it is not possible to be definitive on this. However,

<sup>1</sup> According to MapInfo Brief 08/02 (page 5), the most statistically robust estimate of trend growth calculated is for the period 1998-2007, when the annual growth rate averaged 1.1%

<sup>2</sup> 'UK e-Retail 2009', Verdict Research Limited (May 2009)

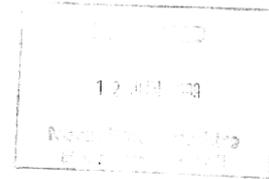


it appears that the proposed supermarket would be closer to a reasonable proportion of the catchment population, particularly on the eastern side, than food stores located outside the defined catchment area.

6. RTP has assumed that the proposed supermarket will have a sales area of 1,022 sq m (11,000 sq ft) which equates to a net to gross ratio of circa 73%. We consider this to be a broadly realistic assumption. However, it is not clear whether all the sales area of the proposed store will be used for the sale of convenience goods, or whether it will include an element of comparison goods floorspace. It is quite usual for stores even of the comparatively limited sales floorspace proposed to include some comparison good provision (e.g. 10-15% of its sales floorspace). Clarification from the applicant would be helpful in this regard.
7. RTP have assumed an average sales density for the proposed supermarket of £12,800 per sq m (£1,190 per sq ft). Again, we consider this to be a broadly realistic assumption and reflects the average sales densities of the main four food retailers. On this basis the proposed supermarket could have a turnover of approximately £13.09m. However, if the food store was occupied by one of the 'deep discounters' (i.e. Lidl, Aldi or Netto), then the turnover of the proposed store would be considerably less (i.e. nearer £6.9m, assuming an average sales density for such retailers of £5,000 per sq m). RTP's approach to estimating store turnover can therefore be said to be conservative from the point of view of need and impact considerations.
8. RTP assumes that 85% of the store's turnover will be drawn from the assumed catchment area, representing a draw from the defined catchment of £11.1m (i.e. 30% of RTP's estimated 'headroom' capacity figure). No explanation or justification is provided for the 85% assumption and given that no Household Interview Survey has been undertaken to inform shopping patterns and the likely extent of the proposed supermarket, the applicant should be asked to provide some justification for the 85% assumption. Our view is that given the relatively limited size of the store a greater proportion of the proposed store's turnover would be drawn from within the defined catchment area.
9. RTP contend that even after the development of the proposed supermarket, there would 'headroom' of £25.3m that would be available to support increased trading efficiencies in existing stores and other developments of convenience goods floorspace elsewhere in the catchment area. However, we would refer to our earlier comment regarding 'headroom' not necessarily equating to surplus capacity.

#### **Comparison Goods**

As detailed above, we note that no specific reference is made to any comparison goods floorspace that may be included within the proposed supermarket and as such no consideration has been given to demonstrating comparison goods capacity. Whilst, in practice, we would expect that convenience goods floorspace would constitute the great majority of the floorspace in the proposed supermarket, it



would be surprising if no provision for comparison goods were made. As noted above, clarification should be sought from the applicant in this respect.

### Summary

In summary, whilst we have identified a number of concerns regarding some of the assumptions and data inputs in RTP's analysis, on balance there appears to be a quantitative need for the amount of floorspace being sought by the proposed supermarket. However, the Council may wish to seek further clarification from RTP in respect of the following:

- Justification for what we consider to be too high a growth rate (1.5% pa) assumption for convenience goods.
- Use of seemingly low sales densities to calculate the average/benchmark turnover of existing food stores (e.g. in respect of Tesco – Figure 3 in RTP report).
- Justification for the 85% of turnover assumption for proposed store from within the catchment area.
- What proportion of the sales area of the proposed store, if any, will be devoted to the sale of comparison goods?

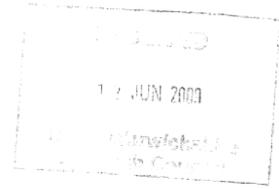
### Qualitative Need

RTP note in their Planning Policy and Retail Appraisal that PPS6 places greater weight on the demonstration of quantitative rather than qualitative need. In addition, their Appraisal refers to the need for local authorities to provide for consumer choice by ensuring an appropriate distribution of locations and the need to provide a range of sites for shopping (and other uses).

RTP reiterate that there is a significant outflow of convenience goods expenditure (estimated by RTP to be upwards of 83%) to larger food stores outside the defined catchment area. This, contend RTP, is corroborated by research undertaken by the County Council in 2004 (as part of their Market Towns initiative) which indicates that 90% of Coleshill's residents undertake their main food shopping outside of the town. Whilst we have not reviewed the Counties research, given the clearly limited provision of food stores in Coleshill, it appears reasonable.

RTP note that the proposed supermarket would address the current deficiency by providing a store approximately four times the size of existing convenience outlets in the town centre. By providing a greater range of convenience goods, RTP are of the view that the store would be capable of offering a genuine alternative to larger supermarkets and superstores in neighbouring centres. We accept that the increased size of the proposed store means that it is more capable of performing a main food shopping function than the existing small convenience stores in the town centre.

RTP also note that the proposed store would help to meet the needs of all the community and assist in achieving social inclusion. RTP contend that the store will be of particular benefit to the elderly and those without access to a car. Furthermore, RTP consider that the store will offer considerable benefits



in terms of generating new opportunities by attracting shoppers who currently use other centres for their shopping needs.

We acknowledge that there is a qualitative need for improved convenience goods provision in Coleshill and given the location of the Application Site close to the town centre boundary, the proposed supermarket has the potential to address this deficiency. The location of the Application Site is considered in more detail later.

#### Scale of Development

Paragraph 3.12 of PPS6 notes that an indicative upper limit for the scale of development which is likely to be acceptable in particular centres for different facilities may be set out in development plan documents. The purpose of this is to ensure that proposed developments should be directly related to the role and function of the centre and its catchment.

We note that Policy ECON5 (Facilities Relating to the Settlement Hierarchy) of the North Warwickshire Local Plan states:

**“Proposals for additional shopping, office, entertainment and leisure floorspace will only be permitted if they are located within the town centre boundary identified on the Proposals Map (Inset Nos. 6 and 14) and are of less than 1,000 sq m. Proposals for mixed-use developments will be welcomed within the town centres provided there is no loss of existing class A1 retail floorspace at ground floor level within the defined core areas.”**

The local authority has presumably identified a threshold of 1,000 sq m gross as a reasonable quantum of floorspace having regard to Coleshill's particular role in the centre hierarchy (a second-tier centre along with Polesworth) sitting below Atherstone. The supporting justification to this policy notes that the Council intends to undertake a retail needs assessment to examine the scope for additional floorspace within the Borough. As at this time, it is understood that this assessment has yet to be undertaken.

RTP note that their own assessment suggests there is scope for a new supermarket of at least the size proposed by the application, which is in excess of the 1,000 sq m threshold set out in Policy ECON5 of the Adopted Local Plan. That said, in our view, the size of store does not appear to be inconsistent with the role and function of Coleshill Town Centre and would not prejudice the hierarchy of centres established in the Adopted Local Plan (2006).

#### Retail Impact

RTP have considered the impact implications of the proposed food store having regard to the checklist of criteria set out in paragraph 3.22 of PPS6. RTP consider that the proposed supermarket will derive a significant proportion of its trade from 'clawback' of expenditure from food stores outside the defined catchment area.



Applying the tests for retail impact set out in paragraph 3.22 of PPS6, we make the following comments:

1. In our view the spatial planning strategy for Coleshill Town Centre would not be prejudiced by the proposed development. For example, the size of the proposed supermarket is not sufficient to raise concerns regarding the elevation of the centre in the shopping hierarchy.
2. Again, the size of the proposed store is such that, in our view, it is unlikely to prevent or unduly delay any new public or private sector investment in Coleshill Town Centre.
3. The proposed supermarket would not, in our view, undermine the vitality and viability of the town centre. Indeed, given the close proximity of the proposed store to the defined town centre, we consider there could be benefits for existing retailers & services generally in the centre in terms of increased shoppers and the greater incidence of linked shopping trips.
  - i) Figure 3 in RTP's Retail Appraisal summarises the likely trade diversion from existing food stores both within and outside of the defined catchment area. We consider the broad assumptions in terms of the spread of impact are reasonable (i.e. a sizeable proportion of the proposed supermarket's turnover is likely to be derived from claw back of expenditure leaking to larger food stores outside the catchment area). We do not anticipate that the levels of forecast trade diversion would be sufficient to lead to the closure of any of these stores.
  - ii) In terms of Coleshill Town Centre itself, RTP's Figure 3 suggests an impact of just below 10% on the Somerfield and Tesco stores. They qualify this by stating that both stores appear to be trading well and are therefore likely to be capable of withstanding this level of trade diversion. Given that both the Tesco and Somerfield stores, and indeed the other convenience stores in the town centre perform a predominantly top-up shopping role, and the likelihood that the proposed supermarket will be able to cater for more main food shopping, we consider the forecast levels of trade diversion to be broadly realistic.
  - iii) RTP do not, however, consider a scenario whereby if either Tesco or Somerfield were to occupy the proposed supermarket, what might then be the implications for the town centre convenience stores. It would be highly unlikely for a food store operator to continue trading two stores in a town the size of Coleshill. The local authority may wish to seek further information from the applicant in this regard.
4. We agree with RTP that the proposed supermarket would be unlikely to materially reduce the range of services provided by the town centre.
5. Likewise, we do not consider that the introduction of a new supermarket would be likely to result in a material increase in the number of vacant properties in the town centre. Indeed, we



consider that given the proximity of the Application Site and ease of accessibility to the town centre, there is some justification for RTP's conclusion that it could contribute to the take up of some of the vacant units through an increase in trade generally within the town centre (i.e. through encouraging more local residents to shop locally and a higher incidence of linked shopping trips).

6. We do not consider that the proposed supermarket would have an adverse effect upon the quality, attractiveness, physical condition and character of the town centre or any other centre, or upon its role in the economic and social life of the community.

Subject to receiving satisfactory clarification from RTP on the implications for the town centre should Tesco or Somerfield occupy the proposed supermarket, we consider that the proposed Development satisfies the impact test in PPS6.

#### **The Sequential Approach**

RTP have undertaken a review of alternative sites to establish whether there are any more sequentially preferable locations in which to accommodate a supermarket of the size proposed. RTP acknowledge that the Application Site sits outside of the town centre boundary, as defined in the Adopted Local Plan and is, in their view, an edge-of-centre location. PPS6 defines edge-of-centre locations as being a location that is well connected to and within easy walking distance (i.e. up to 300 metres) of the primary shopping area (Annex A, Table 2 of PPS6, March 2005). Having regard to the distance and absence of the major barriers to pedestrian movement, we agree that the Application Site can reasonably be described as being an edge-of-centre location in terms of PPS6.

RTP note that Coleshill is a small market town centred on an historic High Street and that a large proportion of the town centre is designated as a Conservation Area and to a large extent is bounded by other land uses, principally residential. We accept that opportunities for redevelopment are therefore limited.

RTP have identified four potential alternative sites within the town centre. They have all been dismissed by RTP on grounds availability, suitability and viability. Our initial views in this respect confirm that none of the four sites within the town centre would appear to be capable of satisfying the PPS6 criteria. Therefore, in the absence of any sequentially preferable locations, the Application Site appears to be the most appropriate in PPS6 terms - as it is located immediately next to the defined town centre and appears to be reasonably well related in accessibility terms to High street. The local authority with its more detailed knowledge of the individual sites will be able to comment more fully on the four alternative sites considered.

#### **Conclusions**

Whilst we have some concerns regarding the methodology and data inputs employed by RTP, on balance we consider that there is a quantitative need for the scale of floorspace proposed. The limited



convenience goods provision in the town centre, and more generally within RTP's defined catchment area, suggests that residents have little alternative but to travel some distance to do their main food shopping. The Council may, however, wish to obtain further clarification on the quantitative need justification. In particular, in respect of the following:

- Justification for what we consider to be too high a growth rate (1.5% pa) assumption for convenience goods.
- Use of seemingly low sales densities to calculate the average/benchmark turnover of existing food stores (e.g. in respect of Tesco – Figure 3 in RTP report).
- Justification for the 85% of turnover assumption for proposed store from within the catchment area.
- What proportion of the sales area of the proposed store, if any, will be devoted to the sale of comparison goods?

In terms of qualitative need, we consider there is a clearly defined need for improved convenience goods floorspace provision in the centre. The proposed store is likely to provide greater consumer choice and an opportunity for local residents to undertake their main food shopping in greater proximity to where they live.

Whilst the proposed store is in excess of the 1,000 sq m threshold set out in Policy ECON5 of the Adopted Local Plan, in our view its size is not inconsistent with the role and function of Coleshill Town Centre and would be unlikely to prejudice the hierarchy of centres established in the Adopted Local Plan.

We consider that it is reasonable to assume that the proposed supermarket would derive a significant proportion of its trade from 'claw back' of expenditure from food stores outside the defined catchment area. Therefore, whilst there will undoubtedly be an impact on existing convenience goods retailers in the town centre, we consider that given their mainly top up food shopping function, as opposed to main food shopping, the impact is unlikely to be significant. However, if either Tesco or Somerfield were to occupy the proposed supermarket, it would be highly unlikely for either retailer to continue trading their town centre store in a town the size of Coleshill. The local authority may wish to seek further information from the applicant regarding details of the likely end operator, and what they consider to be the implications for the town centre if either Tesco or Somerfield were to occupy the store.

Whilst we have not reviewed in detail the four alternative sites included by RTP's Planning Policy and Retail Appraisal, their reasons for dismissing them in preference to the Application Site appear to be reasonable. The Application Site appears to be a good 'edge-of-centre' location with the potential for the proposed supermarket to function as part of the town centre. However, the Council with their more detailed knowledge of the sites in question are better placed to comment on their sequential status.

Overall therefore, we conclude that in PPS6 terms the Proposed Development appears to satisfy the key tests considered in this letter. However, the Council may wish to seek further clarification from



RTP in respect of some of the aforementioned quantitative need assumptions and also the impact implications should the proposed store be occupied by one of the existing town centre food retailers.

We trust that this letter meets your needs, but if you require any clarification or further information, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Hill', written over a horizontal line.

**Stephen Hill**  
Director

Appendix G

ROGER TYM & PARTNERS  
Planners and Development Economists

Your Ref: 2009/0154

Our Ref: M9268

19 August 2009



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Leicester LE1 6UF  
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Offices also in London, Manchester, Exeter,  
Truro and Glasgow

A list of our partners is available for inspection  
at any of our offices

Mr Jeff Brown  
Planning and Development Division  
North Warwickshire Borough Council  
South Street  
Atherstone  
Warwickshire  
CV4 1DE

Dear Jeff,

**RE: PROPOSED FOODSTORE - BIRMINGHAM ROAD, COLESHILL**

We write in response to advice received by the Council from DTZ by way of letter dated 4 June 2009. DTZ were asked to review the Planning Policy and Retail Appraisal submitted by Roger Tym & Partners in April 2009 in support of the above named development.

We welcome DTZ's broad conclusions that the proposed development would satisfy the development control tests of PPS6 in terms of need, scale, the sequential approach and impact. However, we note that DTZ have suggested that the Council seek clarification on a number of points. We address these in turn below.

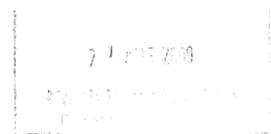
**Quantitative Need**

Overall DTZ is satisfied that there is a quantitative need for the proposed development, though clarification on a certain number of issues relating to the methodology employed by RTP was requested in their letter. These are generally minor points that would not affect DTZ's overall conclusions in respect of quantitative need.

In our assessment of quantitative need we adopted a growth rate for expenditure on convenience goods of 1.5%. These were based on figures produced by Map Info/Oxford Economics in October 2008. Since then Mapinfo, in common with other forecasters, have produced revised figures; in Mapinfo's case these were issued in March 2009. We acknowledge that the forecast growth figures have decreased, which will in turn decrease the level of available expenditure in the catchment area.

However, even taking into account these revised expenditure growth rates, the existing 'headroom' created by the shortfall of foodstore floorspace in the catchment area, and consequent 'leakage' of convenience goods expenditure to destinations outside the catchment, would remain more than sufficient to support the proposed foodstore without affecting the viability of established retailers and existing destinations. DTZ support this view as their assessment concludes that despite some of their questions in relation to our data inputs they still consider there to be a quantitative need for the proposal.

DTZ have queried the benchmark figures adopted to calculate the turnover of existing convenience stores within the catchment. We currently use data produced by Mintel (2008) for the average sales densities of the main supermarket groups which have rolled forward to 2011 and allowed for an increase in their floorspace efficiency. However, the available data does not provide separate figures for the different formats of individual store groups. For example, Tesco Express outlets may have a different average sales density than Tesco Extra format stores. We have therefore adopted sales densities for the smaller convenience stores in Coleshill that are slightly lower than the company averages to account for the format of these stores. The same considerations have been applied to the Tesco Metro store at Castle Bromwich.



DTZ have also query our assumption that 85% of the anticipated turnover of the proposed store would be drawn from the catchment, suggesting that this figure should be higher. We produced our assessment on the basis of the 85% figure in recognition of the fact that a small, but not insignificant, proportion of the store's turnover would be generated from customers who do not reside within the catchment. These will be people who work within the catchment, visitors to Coleshill and "passing trade" generated by the highly accessible location of the development. We believe that our assumption that 15% of turnover may be generated in this way is realistic but accept that it is possible that the proportion may be a little lower or higher. If it is lower, as DTZ imply, this would still not have any material impact on our assessment of need, given the overall headroom identified by our assessment and what DTZ refer to as a "conservative" figure for the anticipated turnover of the proposed store, which they believe could be at the high-end of expectations.

Finally, DTZ have queried the proportion of floorspace that might be given over to comparison goods which have not been considered in our assessment of quantitative need. We have undertaken our assessment on the basis of all of the sales area being given over to convenience floorspace, which we consider to be a robust approach. The size of the store means that the comparison element would be likely to be small. With a total net sales area of 1021sq m we would not anticipate more than some 200 sq m being used for comparison goods equating to a low turnover figure for this element of floorspace. Given that existing patterns of comparison goods expenditure are likely to be similar to those for convenience goods, and indeed could be expected to show even higher "leakage" from the catchment, there would certainly be sufficient headroom to support an element of comparison goods floorspace. In undertaking an assessment based purely on convenience goods we are taking a robust approach; if we were to remove a proportion of this floorspace for comparison sales then the case for convenience floorspace would become stronger.

#### **Impact**

DTZ conclude that the application proposal meets the necessary impact tests set out within PPS6 and that the proposed development would not cause harm to the vitality and viability of Coleshill town centre. However, they have suggested that we consider a scenario under which either Tesco or Somerfield take occupancy of the proposed store at Birmingham Road. Tesco and Somerfield already have convenience stores within Coleshill town centre and, in DTZ opinion, it would be "very unlikely" that either would continue to trade from two stores in Coleshill. We do not agree with this assumption.

The first point to make is that our client is not in discussion with either of the operators concerned and does not expect that the proposed store would be occupied by either, in which case the issue identified by DTZ will not arise. In any event, the letter from DTZ confirms their agreement that no more than 10% of trade would be diverted from the existing Tesco and Somerfield stores in Coleshill to the proposed foodstore. In our assessment both existing stores are currently trading well and perform a distinctive "top-up" food shopping role. In these circumstances, there would be sufficient quantitative need for either operator to support a presence on Birmingham Road and High Street. Furthermore both Tesco and Somerfield (now part of the Co-operative Group) are known for operating stores within close proximity, especially when these stores take different formats and therefore perform different roles.

#### **Other PPS Matters**

##### *Qualitative need*

DTZ recognise that there is a clearly defined need for improved convenience floorspace in the centre, and that the proposed store is likely to provide improved consumer choice.

##### *Scale*

DTZ conclude that that the proposal is of an appropriate scale and is consistent with the role and function of Coleshill town centre.

##### *Sequential Test*

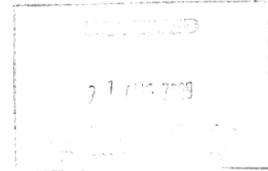
DTZ states that our sequential site analysis appears reasonable and that the application site is in a good edge of centre location, with potential to operate as part of the town centre.

20 August 2009  
Page 3

Overall, it is clear that DTZ agrees that the application scheme meets the requirements of national policy as set out in PPS6. I trust that the above provides sufficient information to address the queries raised, but if you require any further clarification on any of the points above then please do not hesitate to contact me.

Yours sincerely,

*Pf*   
Tamsin Cottle  
Associate  
Direct email: [Tamsin.cottle@tymconsult.com](mailto:Tamsin.cottle@tymconsult.com)



Appendix H

**Brown, Jeff**

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**From:** Peter Weatherhead/GBR/DTZ [Peter.Weatherhead@dtz.com]  
**Sent:** 05 October 2009 12:54  
**To:** Brown, Jeff  
**Subject:** RE: Proposed Coleshill Foodstore

Jeff

Thank you for forwarding the Roger Tym letter which I have now had the opportunity to review. I broadly accept the points that they are making.

RTP accept our point that convenience goods expenditure growth rates have declined in the latest forecasts (March 2009) from the 1.5% that they used. However, if the reduced growth rates were used there would still be considerable capacity to support additional floorspace. The same point applies to the benchmark turnovers applied to existing stores. If these were increased as we suggested there would still be sufficient "headroom" to support the proposed development.

I accept RTP's point on the comparison goods element of the development. Finally we made a point about the prospect of Tesco or Somerfield relocating to the proposed development. Should this be the case – and I note RTP's response – this would release a smaller store that could appeal to a discounter such as Lidl or Aldi but in any event the analysis suggests that there is capacity for this.

The fundamental conclusion of our review is that the proposed development is acceptable in retail planning policy terms and that still remains the case.

I hope that these comments are of help.

Regards

**Peter Weatherhead**  
Director, Consulting - Development, Planning & Economics

**DTZ**  
**Tel:** +44 (0)20 3296 3147  
**Mobile:** +44 (0)7771 604566

DTZ Debenham Tie Leung Limited  
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**From:** Brown, Jeff [mailto:JeffBrown@NorthWarks.gov.uk]  
**Sent:** 02 October 2009 15:52  
**To:** Peter Weatherhead/GBR/DTZ  
**Subject:** Proposed Coleshill Foodstore

Many thanks for taking this on late in the day

It would be very helpful if I could have an early view as to whether the explanation given is sound, so that I do not have to chase RTP.

<<Proposed Foodstore Birmingham Road Coleshill.pdf>>

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05/10/2009

the town centre, the number and size of any vacant sites, or plots with redevelopment potential, is extremely limited.

- 7.7 We have nevertheless identified four sites within the town centre which may offer some potential for redevelopment. These are shown marked A-D on the aerial photograph below.

Figure 2 - Aerial Photograph showing possible alternative sites



### Site A

- 7.8 Site A is the public car park operated by the Borough Council at Church Hill. It provides for 19 spaces to the rear of existing retail and commercial properties to High Street, Blythe Road and Church Hill. There is a narrow access into the site from Church Hill. Site A is approximately one fifth of the size of the application site and its redevelopment to accommodate the proposed foodstore would only be viable if it were to be developed in conjunction with neighbouring sites. However, it is unlikely that the demolition of adjoining buildings would be acceptable without causing the loss of historic buildings within a Conservation Area and causing harm to the street scene of High Street and the sensitive setting of the Parish Church. There would also be considerable difficulties in assembling land in multiple ownerships. Site A is therefore neither available, viable or suitable for the proposed development.

### Site B

- 7.9 Site B is a larger site located a short distance from the application site to the east of Parkfield Road. It is currently used as car parking, with a Council-operated car park

## **General Development Applications**

**(1) Application No: PAP/2009/0409**

**Garage Site, Eastlang Road, Fillongley**

**The erection of 4 family houses to replace 15 existing garages, for Angela Coates (Housing) of North Warwickshire Borough Council**

### **Introduction**

This application is being reported to Board due to the Council's ownership of the land concerned.

### **The Site**

The site lies at the end of Eastlang Road where presently 15 Council owned garages exist. This road also provides vehicular access. Other than the garages, the majority of the site is hard standing, with a public footpath bordering the north of the site. To the east, open countryside exists, with existing residential properties to other boundaries. The surrounding properties exhibit a range of 1960s and 1970s housing. There is no planting on the site, although there is a significant oak tree immediately adjacent. There is an existing access via this land to the rear of 32 Holbeche Crescent, granted through annual leases.

### **The Proposal**

It is proposed to demolish the existing garages and erect 4 family houses to compliment the Council's affordable housing stock. There will be additional planting around the site to soften the transition from the countryside to the urban environment, with additional parking to help offset the loss of existing provision.

### **Background**

The site lies within the Fillongley development boundary as defined by the North Warwickshire Local Plan 2006. The main considerations relate to the impact on neighbouring and visual amenity, and sustainable transport provision and parking.

### **Development Plan**

Saved policies of the North Warwickshire Local Plan 2006: CORE POLICY 2 (Development Distribution), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG4 (Densities), TPT1 (Transport Considerations In New Development), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking)

### **Other Relevant Material Considerations**

Supplementary Planning Guidance: Affordable Housing SPD (Adopted June 2008)

## **Representations**

A number of neighbour representations have been received. Generally, these query the impact that the removal of the garages will have on nearby on-street parking, on site parking provision (since increased through amended plans) and transport links to the site, loss of privacy, as well as highlighting the presence of the adjacent oak tree. One representation challenges the need, the density, perpetuity of affordable provision and sustainability of the development, as well as querying turning space for refuse vehicles and requesting removal of permitted development rights.

## **Consultations**

NWBC Streetscape – no objection subject to conditions

Fillongley Parish Council has registered strong objections, including the site does not fall within a strategic designation, there is not an identified need for the housing, that the housing does not appear to be affordable family homes for local people, and shared concerns over on-street parking.

WCC Highways – no objection subject to the inclusion of conditions and informatives.

At the time of writing, comments from Environmental Health are anticipated. Any comments made will be communicated verbally at Planning Board.

## **Observations**

The principle of developing the site for housing is established through its inclusion within the Fillongley development boundary. Due to the settlement category, any new housing must be affordable and only permitted where a need has been identified. The Council's Affordable Housing SPD supports this need, with a particular need in Fillongley for family houses. The provision of 4 houses gives a density of 43.8 dwellings per hectare, well above the minimum requirement, but without compromising the pattern of development in the area.

Concern has been raised over the loss of garages, and the resultant exacerbation of on-street parking. However, it must be considered that the site is not a publicly available parking provision; the use of the garages is permitted via leases only, and the Council reserves the right to withdraw this provision at any time – no different than if the land was privately owned. The provision of 8 spaces to serve the new dwellings accords to the maximum standards, and an additional 3 lay-by spaces is considered to assist towards alleviating pressure on neighbouring roads. There are both vehicular and pedestrian accesses to the site, allowing use of sustainable transport methods, with frequent bus services to Coventry, Colleshill and Nuneaton, and further services to Meriden and Bedworth.

Neighbouring amenity is not harmed by the proposals, with no significant overlooking or overshadowing to existing dwellings, and the design exhibits a contemporary design to not only bring forward the surrounding characteristics, but to also bring about an exemplar design of appropriate scale and mass. Proposed materials and detailing positively enhances the overall design. The development is also considered to demonstrate the opportunity to minimise the impact on the environment with the design making use of passive solar gain, whilst also meeting level 4 of the Code for Sustainable Homes, which reduces regulated CO<sub>2</sub> emissions by at least 44%.

Boundary treatments and additional landscaping can be controlled by way of conditions. Consideration is given to the neighbouring oak tree, but it is considered that subject to condition, it will not be threatened by the development. A ground investigation has not raised any concern over land contamination, and subject to a condition to control discharge rates from the site, drainage is also acceptable.

## **Recommendation**

That the application be **Granted** Subject to 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 NWBC.ERF\_PS Rev A, NWBC.ERF\_HTA Rev A, NWBC.ERF\_HTC Rev A and NWBC.ERF\_SS Rev A received by the Local Planning Authority on 22 September 2009.

### 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 materials and roof 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 shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls/fences/hedges to be erected. The approved screen walls/fences shall be erected before the dwellings hereby approved are first occupied and shall subsequently be maintained. 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.

5. Before the development commences a scheme for the construction of the surface and foul water drainage system shall be submitted to and approved in writing by the Local Planning Authority. Where possible sustainable means of surface water drainage shall be used. 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.

6. No development or site works whatsoever shall commence on site until details of measures for the protection of retained and neighbouring trees have been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the area.

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.

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 take place on site until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately-owned, domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

REASON

To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal public, nature conservation or historical significance.

10. The development shall not be commenced until a turning area has been provided within the site so as to enable the largest vehicle anticipated on site to leave and re-enter the public highway in a forward gear.

REASON

In the interests of safety on the public highway.

11. The construction of a new lay-by within the public highway as illustrated on the approved drawings shall not be commenced until detailed plans have been submitted and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

REASON

In the interests of safety on the public highway.

**Notes**

1. The applicant is encouraged to incorporate and utilise higher than minimum requirements for efficiency measures and incorporate appropriate on-site renewable energy technologies to further off-set the carbon footprint of the development. Planning consent may be required for the installation of some on-

site renewables, and the Local Planning Authority will be pleased to advise you on all associated aspects prior to the erection of any such technologies, and provide you with application forms.

2. Public footpath number M349 passes close to the site. Care should be taken, particularly during construction works, to ensure that this route is kept open at all times.
3. Condition number 11 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant 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. The Area Team at Coleshill 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 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.

4. The parking that will be provided by the new lay-by cannot be exclusive to the proposed new development as it is to be constructed within the extents of the public highway. Accordingly it will be available to all.
5. The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): CORE POLICY 2 (Development Distribution), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG4 (Densities), TPT1 (Transport Considerations In New Development), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

## Justification

The proposal is considered to be of innovative and high design quality without detriment to surrounding character, nor neighbouring amenity. There is no concern over land contamination, and drainage provision can be controlled through condition. The parking provision for the site is adequate, with sustainable transport links within easy reach. The sustainability credentials of the development are enhanced further through compliance with level 4 of the Code for Sustainable Homes. Furthermore, subject to conditions, the public realm will be enhanced through retention of and complimenting existing planting. The proposal is therefore in accordance with saved policies CORE POLICY 2, ENV4, ENV6, ENV8, ENV10, ENV11, ENV12, ENV13, ENV14, HSG2, HSG4, TPT1, TPT3 and TPT6 of the North Warwickshire Local Plan 2006. In response to the objections received, it is considered that the provision of affordable housing outweighs the concerns raised given the comments made above.

## BACKGROUND PAPERS

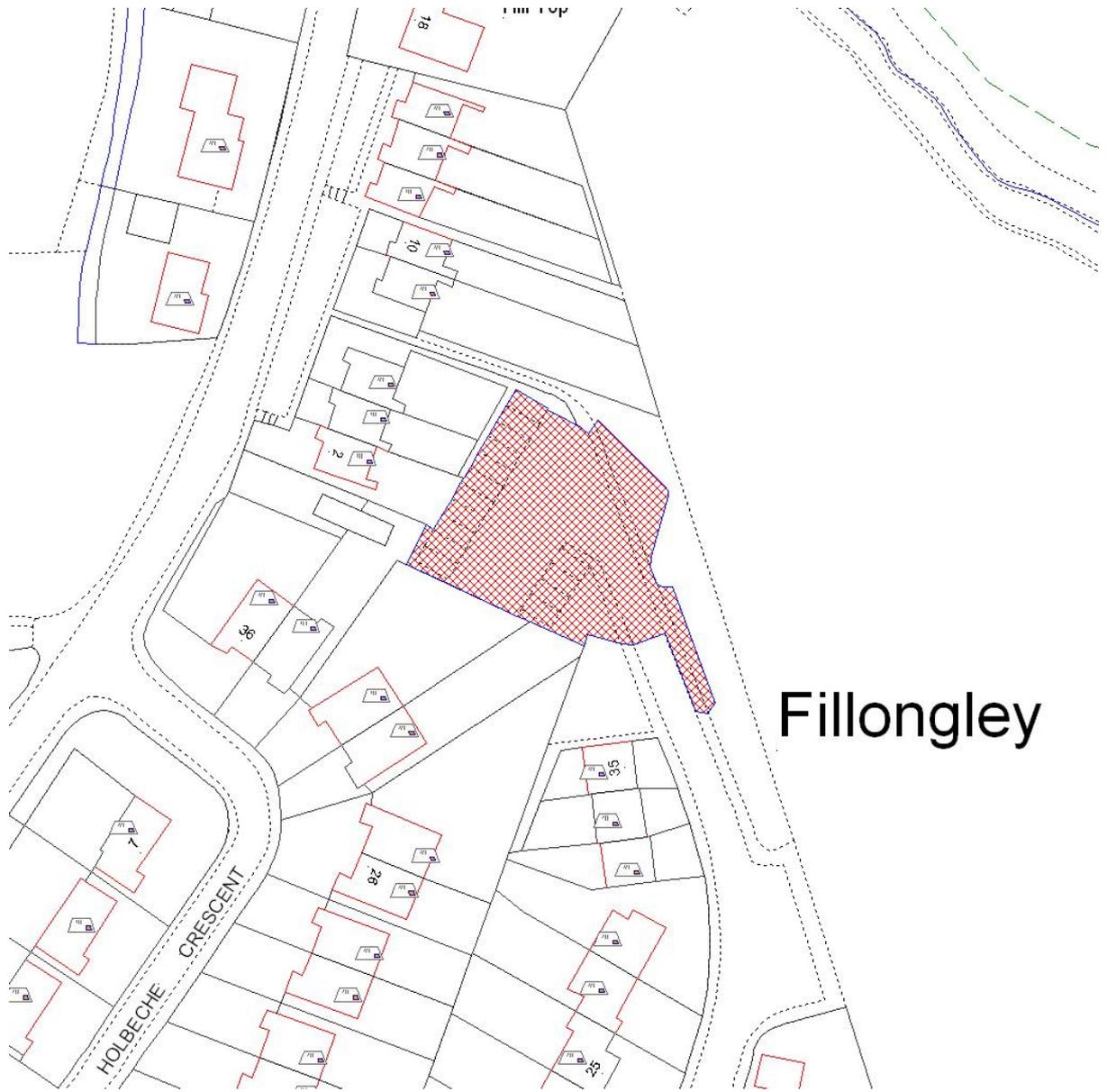
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

### Planning Application No: PAP/2009/0409

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Applicants Agent	Planning Application Forms and Plans	4/9/2009
2	Alex Smith	Neighbour representation	12/9/2009
3	Planning Officer	Email correspondence	14/9/2009
4	Councillor Simpson	Email correspondence	14/9/2009
5	Housing Officer	Minutes of meeting	15/9/2009
6	Planning Officer and Architects	Correspondence on amended plans	17, 18 & 21/9/2009
7	Fillongley Parish Council	Consultation reply	18/9/2009
8	NWBC Environmental Health	Consultation reply	21/9/2009
9	Architects	Certificate B & Notice No 1	21/9/2009
10	Planning Officer	Correspondence to WCC Highways	21/9/2009
11	Mr & Mrs Cadman	Neighbour representation	28/9/2009
12	D & M Hughes	Neighbour representation	29/9/2009
13	Mrs Bracken & Mr McCann	Neighbour representation	30/9/2009
14	Fillongley Parish Council	Consultation reply	30/9/2009
15	Chris Gardener	Neighbour representation	1/10/2009
16	Alexander Smith	Neighbour representation	6/10/2009
17	WCC Highways	Consultation reply	7/10/2009

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.



Fillongley

## **General Development Applications**

**(2) Application No: PAP/2009/0410**

**Garage Site, Bromage Avenue, Kingsbury**

**Erection of 6 family houses to replace 15 existing lock-up garages, for Angela Coates (Housing) of North Warwickshire Borough Council**

### **Introduction**

This application is being reported to Board due to the Council's ownership of the land concerned.

### **The Site**

The site lies at the end of Bromage Avenue where presently 15 Council owned garages exist. This road also provides vehicular access. Other than the garages, the majority of the site is hard standing, with a public footpath entering the site to the north and crossing the site, whilst a further footpath exists nearby along the southern edge. The site is largely surrounded by existing residential properties, with the library and nearby school to the open southern aspect. The surrounding properties exhibit a range of traditional housing styles. There is no planting on the site, and an established access via this land to the rear of 2 Bromage Avenue.

### **The Proposal**

It is proposed to demolish the existing garages and erect 6 family houses to compliment the Council's affordable housing stock. The pedestrian link through the site will be retained with suitable parking provision for the development, and additional planting around the site to compliment the urban environment.

### **Background**

The site lies within the Kingsbury development boundary as defined by the North Warwickshire Local Plan 2006. The main considerations relate to the impact on neighbouring and visual amenity, and sustainable transport provision and parking.

### **Development Plan**

Saved policies of the North Warwickshire Local Plan 2006: CORE POLICY 2 (Development Distribution), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG4 (Densities), TPT1 (Transport Considerations In New Development), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking)

### **Other Relevant Material Considerations**

Supplementary Planning Guidance: Affordable Housing SPD (Adopted June 2008)

## **Representations**

A number of neighbour representations have been received. These raise concern over loss of privacy suggesting boundary treatments to address this, the impact on highway capacity, access to existing properties, and the increased hazard to school children from on-street parking. One objection comments that their development was recently refused adjacent to this site due to access issues and environmental impact, and that the situation is no different under this application.

## **Consultations**

NWBC Streetscape – no objection subject to condition

WCC Highways – no objection in principle subject to conditions, although query the parking provision for the dwellings.

Severn Trent Water – no objection subject to condition

At the time of writing, comments from Environmental Health are anticipated. Any comments made will be communicated verbally at Planning Board.

## **Observations**

The principle of developing the site for housing is established through its inclusion within the Kingsbury development boundary. Due to the settlement category, a minimum of 40% of new housing must be affordable, but a 100% provision is offered here. The Council's Affordable Housing SPD supports the need for this additional provision, with a particular need in Kingsbury for family houses. The provision of 6 houses gives a density of 44.4 dwellings per hectare, complementing the pattern of development in the area.

Consideration is given to the loss of garages and space for parking during school runs (with the immediately adjacent facility), and the resultant exacerbation of on-street parking. However, it must be considered that the site is not a publicly available parking provision, and the Council reserves the right to withdraw the garage provision and restrict access at any time – no different than if the land was privately owned. The provision of 9 spaces to serve the new dwellings equates to 1.5 spaces per dwelling, and is in accordance with the parking standards given the good public transport links nearby. The pedestrian accesses to the site, allow the easy use of frequent bus services to Tamworth, Coleshill and Atherstone, and further services to Birmingham.

Neighbouring amenity is not harmed by the proposals, with no significant overlooking or overshadowing to existing dwellings despite the objection, and the design exhibits a contemporary design bringing about an exemplar design of appropriate scale and mass. Proposed materials and detailing positively enhances the overall design. The development is also considered to demonstrate the opportunity to minimise the impact on the environment with the design making use of passive solar gain, whilst also meeting level 4 of the Code for Sustainable Homes, which reduces regulated CO<sub>2</sub> emissions by at least 44%.

Boundary treatments and additional landscaping can be controlled by way of a condition. A ground investigation has not raised any concern over land contamination, and subject to a condition to control discharge rates from the site, drainage is also acceptable. The comment in relation to a previous refusal is not material to this application due to the individual merits of each case.

## Recommendation

That the application be **Granted** Subject to 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 NWBC.BAK\_PS Rev A, NWBC. BAK\_HTA1 Rev A, NWBC. BAK\_HTA2 Rev A, NWBC. BAK\_HTA3 Rev A, NWBC.BAK\_HTC Rev A, NWBC.BAK\_HTD Rev A and NWBC.ERF\_SS Rev A received by the Local Planning Authority on 22 September 2009.

### 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 materials and roof 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 shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls/fences/hedges to be erected. The approved screen walls/fences shall be erected before the dwellings hereby approved are first occupied and shall subsequently be maintained. 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.

5. Before the development commences a scheme for the construction of the surface and foul water drainage system shall be submitted to and approved in writing by the Local Planning Authority. Where possible sustainable means of surface water drainage shall be used. 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.

6. 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.

7. 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.

8. No development shall take place on site until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately-owned, domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

REASON

To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal public, nature conservation or historical significance.

9. 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 has been closed and the kerb and footway has been reinstated in accordance with the standard specification of the Highway Authority.

REASON

In the interests of safety on the public highway.

10. The access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.

REASON

In the interests of safety on the public highway.

11. The access to the site for vehicles shall not be used until it has been provided with not less than 6 metre kerbed radiused turnouts on each side.

REASON

In the interests of safety on the public highway.

12. The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.

REASON

In the interests of safety on the public highway.

**Notes**

1. The applicant is encouraged to incorporate and utilise higher than minimum requirements for efficiency measures and incorporate appropriate on-site renewable energy technologies to further off-set the carbon footprint of the

development. Planning consent may be required for the installation of some on-site renewables, and the Local Planning Authority will be pleased to advise you on all associated aspects prior to the erection of any such technologies, and provide you with application forms.

2. Condition numbers 9-12 require works to be carried out within the limits of the public highway. Before commencing such works the applicant 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. The Area Team at Coleshill may be contacted by telephone: (01926) 412515.
3. 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 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.
4. The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): CORE POLICY 2 (Development Distribution), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG4 (Densities), TPT1 (Transport Considerations In New Development), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

#### Justification

The proposal is considered to be of innovative and high design quality without detriment to surrounding character, nor neighbouring amenity. There is no concern over land contamination, and drainage provision can be controlled through condition. The parking provision for the site is adequate, with sustainable transport links within easy reach. The sustainability credentials of the development are enhanced further through compliance with level 4 of the Code for Sustainable Homes. Furthermore, subject to conditions, the public realm will be enhanced through additional planting. The proposal is therefore in accordance with saved policies CORE POLICY 2, ENV4, ENV6, ENV8, ENV10, ENV11, ENV12, ENV13, ENV14, HSG2, HSG4, TPT1, TPT3 and TPT6 of the North Warwickshire Local Plan 2006. In response to the objections received, it is considered that the provision of affordable housing outweighs the concerns raised given the comments made above.

## BACKGROUND PAPERS

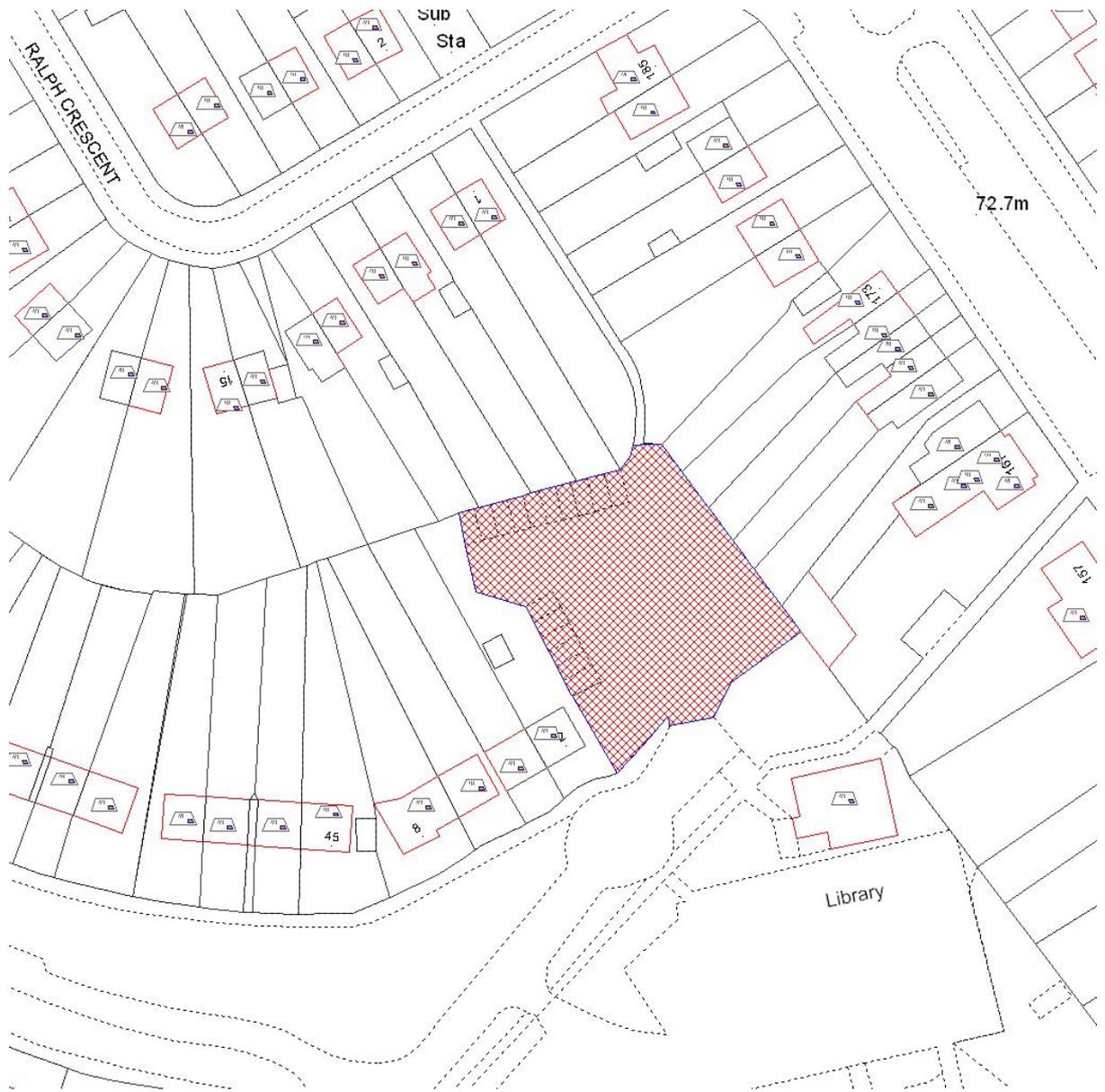
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

### Planning Application No: PAP/2009/0410

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Applicants Agent	Planning Application Forms and Plans	4/9/2009
2	NWBC Environmental Health	Consultation reply	11/9/2009
3	Councillor Simpson	Email correspondence	14/9/2009
4	Housing Officer	Minutes of meeting	15/9/2009
5	Planning Officer and Architects	Correspondence on amended plans	17, 18 & 21/9/2009
6	Planning Officer	Email correspondence	18/9/2009
7	Pauline Pointon	Neighbour representation	24/9/2009
8	NWBC Landscape Manager	Consultation reply	29/9/2009
9	Sarah Hawley	Neighbour representation	30/9/2009
10	Chris Gardener	Neighbour representation	2/10/2009
11	Joanne Smith	Neighbour representation	2/10/2009
12	Yvonne Skinner	Neighbour representation	4/10/2009
13	WCC Highways	Consultation reply	5/10/2009
14	Severn Trent Water	Consultation reply	7/10/2009
15	A Deeney	Neighbour representation	8/10/2009

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**

### **(3) Application No: PAP/2009/0413**

#### **Garage Site, Sycamore Crescent, Arley**

#### **Erection of 6 family houses to replace 16 lock-up garages, for Angela Coates (Housing) of North Warwickshire Borough Council**

### **Introduction**

This application is being reported to Board due to the Council's ownership of the land concerned.

### **The Site**

The site lies at the end of Sycamore Crescent where presently 16 Council owned garages exist. This road also provides vehicular access. Other than the garages, the majority of the site is hard standing, with a public footpath passing through the centre towards the eastern tip. To the north-east, east and south, open countryside and woodland exists, with existing residential properties to other boundaries. The surrounding properties are characteristic of 1950s semi-detached housing.

### **The Proposal**

It is proposed to demolish the existing garages and erect 6 family houses to compliment the Council's affordable housing stock. There will be additional planting around the site to soften the transition from the countryside to the urban environment, with on site parking to provide for the new dwellings.

### **Background**

The site lies within the Arley development boundary as defined by the North Warwickshire Local Plan 2006. The main considerations relate to the impact on neighbouring and visual amenity, and sustainable transport provision and parking.

### **Development Plan**

Saved policies of the North Warwickshire Local Plan 2006: CORE POLICY 2 (Development Distribution), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG4 (Densities), TPT1 (Transport Considerations In New Development), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking)

### **Other Relevant Material Considerations**

Supplementary Planning Guidance: Affordable Housing SPD (Adopted June 2008)

## **Representations**

A petition against the development has been received (carrying 68 signatures). This objects to additional vehicles accessing the estate, disruption, damage and dirt during the construction phase, loss of a turning space, the end of the site offers potential for anti-social behaviour, and the site would be more appropriate for sheltered housing.

## **Consultations**

NWBC Streetscape – no objection subject to condition

WCC Highways – no objection subject to the inclusion of informatives

Severn Trent Water – no objection subject to conditions

At the time of writing, comments from Environmental Health are anticipated. Any comments made will be communicated verbally at Planning Board.

## **Observations**

The principle of developing the site for housing is established through its inclusion within the Arley development boundary. Due to the settlement category, a minimum of 40% of new housing must be affordable, but a 100% provision is offered here. The Council's Affordable Housing SPD supports the need for this additional provision, with a particular need in Arley for family houses. The provision of 6 houses gives a density of 47.3 dwellings per hectare, well above the minimum requirement, whilst complementing the existing pattern of development in the area.

Consideration is given to the loss of garages, and the resultant exacerbation of on-street parking. However, it must be considered that the site is not a publicly available parking provision; the use of the garages is permitted via leases only, and the Council reserves the right to withdraw this provision at any time – no different than if the land was privately owned. The provision of 8 spaces to serve the new dwellings accords to the maximum standards, with a shared surface in-between the rows of properties to discourage further parking. There are both vehicular and pedestrian accesses to the site, allowing use of sustainable transport methods, with frequent bus services to Nuneaton and Coleshill, and further services to Coventry.

Neighbouring amenity is not harmed by the proposals, with no overlooking or overshadowing to existing dwellings, and the design exhibits a contemporary design bringing in elements of the surrounding characteristics, but to also bring about an exemplar design of appropriate scale and mass. Proposed materials and detailing positively enhance the overall design. The development is also considered to demonstrate the opportunity to minimise the impact on the environment with the design making use of passive solar gain, whilst also meeting level 4 of the Code for Sustainable Homes, which reduces regulated CO<sub>2</sub> emissions by at least 44%.

Boundary treatments and additional landscaping can be controlled by way of a condition, especially that necessary to soften the transition between the countryside and the urban environment. A ground investigation has not raised any concern over land contamination, and subject to a condition to control discharge rates from the site, drainage is also acceptable.

## Recommendation

That the application be **Granted** Subject to 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 NWBC.SCA\_PS Rev A, NWBC.SCA\_HTA Rev A, NWBC.SCA\_HTC Rev A, NWBC.SCA\_HTD, NWBC.SCA\_SS1 Rev A and NWBC.SCA\_SS2 Rev A received by the Local Planning Authority on 22 September 2009.

### 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 materials and roof 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 shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls/fences/hedges to be erected. The approved screen walls/fences shall be erected before the dwellings hereby approved are first occupied and shall subsequently be maintained. 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.

5. Before the development commences a scheme for the construction of the surface and foul water drainage system shall be submitted to and approved in writing by the Local Planning Authority. Where possible sustainable means of surface water drainage shall be used. 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.

6. There is a public sewer which crosses the site. No building shall be erected or trees planted within 3 metres of this sewer. The applicant may wish to apply to Severn Trent Water to divert the sewer in accordance with Section 185 of the Water Industry Act 1991, or for a Building Over or Close to a Public Sewer Agreement.

## REASON

To maintain essential access for maintenance, repair, renewal and to protect the structural integrity of the public sewerage system.

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.

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 take place on site until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately-owned, domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

## REASON

To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal public, nature conservation or historical significance.

## **Notes**

1. The applicant is encouraged to incorporate and utilise higher than minimum requirements for efficiency measures and incorporate appropriate on-site renewable energy technologies to further off-set the carbon footprint of the development. Planning consent may be required for the installation of some on-site renewables, and the Local Planning Authority will be pleased to advise you on all associated aspects prior to the erection of any such technologies, and provide you with application forms.
2. As the access road into the site is below 5 metres it is conceivable that in case of emergency, a vehicle may be forced to mount the kerb in order to pass an obstruction in the highway. Accordingly the proposed new footway within the curtilage of the development should be over-constructed to carriageway standards to allow for this possibility.
3. As the proposed development is to remain private the applicant may wish to consider provision of a bin store at a point no more than 25 metres from the public highway to ensure refuse collection.
4. It may be beneficial to move the proposed bollards east to allow for greater manoeuvring of vehicles parking in bay 1. If the bollard is moved then

consideration should be given to the possibility that if it is moved too far it is likely

5. to invite parking that would further compromise the amount of space available for the manoeuvring of vehicles parking in bay 1.
6. With regard to the new proposed bollards it would be preferable if a single reflective bollard was placed centrally rather than the provision of two bollards to ensure that the changes will not exclude wheelchair users from accessing the woods.
7. Public footpath number M341 passes close to the site. Care should be taken, particularly during construction works, to ensure that this route is kept open at all times.
8. The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): CORE POLICY 2 (Development Distribution), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG4 (Densities), TPT1 (Transport Considerations In New Development), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

#### Justification

The proposal is considered to be of innovative and high design quality without detriment to surrounding character, nor neighbouring amenity. There is no concern over land contamination, and drainage provision can be controlled through condition. The parking provision for the site is adequate, with sustainable transport links within easy reach. The sustainability credentials of the development are enhanced further through compliance with level 4 of the Code for Sustainable Homes. Furthermore, subject to conditions, the public realm will be enhanced through additional planting. The proposal is therefore in accordance with saved policies CORE POLICY 2, ENV4, ENV6, ENV8, ENV10, ENV11, ENV12, ENV13, ENV14, HSG2, HSG4, TPT1, TPT3 and TPT6 of the North Warwickshire Local Plan 2006. In response to the objections received, it is considered that the provision of affordable housing outweighs the concerns raised given the comments made above.

## BACKGROUND PAPERS

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

### Planning Application No: PAP/2009/0413

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Applicants Agent	Planning Application Forms and Plans	4/9/2009
2	Councillor Simpson	Email correspondence	14/9/2009
3	Housing Officer	Minutes of meeting	15/9/2009
4	Planning Officer and Architects	Correspondence on amended plans	17, 18 & 21/9/2009
5	Planning Officer	Email correspondence	18/9/2009
6	NWBC Environmental Health	Consultation reply	11/9/2009
7	NWBC Landscape Manager	Consultation reply	29/9/2009
8	Multiple residents	Petition	5/10/2009
9	WCC Highways	Consultation reply	6/10/2009
10	Severn Trent Water	Consultation reply	7/10/2009

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**

**(4) Application No: PAP/2009/0414**

**Garage Site, George Road, Water Orton**

**Erection of 9 sheltered housing bungalows to replace existing garages and recreational space, for Angela Coates (Housing) of North Warwickshire Borough Council**

### **Introduction**

This application is being reported to Board due to the Council's ownership of the land concerned.

### **The Site**

The site lies to the rear of properties on George Road, Overton Drive and Salisbury Drive, with the Birmingham to Leicester railway to the northern boundary. Presently 18 Council owned garages and a small recreation ground exist in this area. Vehicular access is gained via an arm off the main George Road, with pedestrian links from George Road and Overton Road into the south-east corner of the site. The garages are surrounded by hard standing, with the recreation space housing a small Multi Use Games Area. The railway is bordered by a palisade fence and mature planting, with further planting to the remaining boundaries with rear gardens. The surrounding properties are characteristic of 1950s and 1960s semi-detached housing.

### **The Proposal**

It is proposed to demolish the existing garages, remove the recreation space, and erect 9 sheltered housing bungalows to compliment the Council's affordable housing stock. There will be a central courtyard garden, additional planting around the site, and on site parking to provide for the new dwellings and contribute to offsetting the loss of garages.

### **Background**

The site lies within the Water Orton development boundary as defined by the North Warwickshire Local Plan 2006. The main considerations relate to the impact on neighbouring and visual amenity, loss of open space, potential disturbance from noise, and sustainable transport provision and parking.

At the time of writing, amended plans to address turning space for refuse vehicles are at consultation, and any comments will be communicated verbally at Planning Board.

### **Development Plan**

Saved policies of the North Warwickshire Local Plan 2006: CORE POLICY 2 (Development Distribution), ENV4 (Trees and Hedgerows), ENV5 (Open Space), ENV6 (Land Resources), ENV8 (Water Resources), ENV9 (Air Quality), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG4 (Densities), TPT1 (Transport Considerations In New Development), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking)

## **Other Relevant Material Considerations**

Supplementary Planning Guidance: Affordable Housing SPD (Adopted June 2008), Draft Green Space Strategy 2008-2018 (Revised), Water Orton Village Design Statement SPG (2003)

## **Representations**

A significant number of neighbour representations have been received. These raise concern over prevention of crime and anti-social behaviour, whether new boundary treatments will be installed, appropriate planting adjacent to existing boundaries, ongoing maintenance of communal areas, extra traffic generated by the proposal, whether larger vehicles will be able to access and navigate the site, the loss of garages and subsequent impact on on-street parking, site levels and ground conditions, surface water disposal, noise levels for the inhabitants, and the loss of open space. One representation also states the development does not conform with the Village Design Statement, nor account for other affordable schemes not yet built.

## **Consultations**

Network Rail – no objection subject to inclusion of an informative

Environmental Health – raise no objections on noise levels or potential land contamination, subject to conditions to ensure adequate noise insulation and a site investigation.

NWBC Streetscape – clarify the status of the open space and support its loss, and raise no objection to the proposed layout.

WCC Highways – following amended plans, no objection subject to conditions and an informative.

At the time of writing, comments from Severn Trent Water are anticipated.

## **Observations**

The principle of developing the site for housing is established through its inclusion within the Water Orton development boundary. Due to the settlement category, a minimum of 40% of new housing must be affordable, but a 100% provision is offered here. The Council's Affordable Housing SPD supports the need for this additional provision. The provision of 9 bungalows gives a density of 23.9 dwellings per hectare, which although below the minimum requirement, makes the best use of space whilst ensuring suitable access and amenity is maintained.

Consideration is given to the loss of garages, and the resultant exacerbation of on-street parking. However, it must be considered that the site is not a publicly available parking provision; the use of the garages is permitted via leases only, and the Council reserves the right to withdraw this provision at any time – no different than if the land was privately owned. The provision of 9 spaces to serve the new dwellings accords to the maximum standards, with a further 8 spaces to assist in offsetting the loss of garages. There are both vehicular and pedestrian accesses to the site, allowing use of sustainable transport methods, with frequent bus services to Birmingham, Coleshill and Tamworth, and further services to Atherstone and Nuneaton. The access is designed to meet pre-application discussions with County Highways such that refuse and emergency vehicles can access the site.

Neighbouring amenity is not harmed by the proposals, with no overlooking or overshadowing to existing dwellings, and the design exhibits a traditional bungalow design bringing in elements of the surrounding characteristics, but to also bring about a positive enhancement to the public realm through the central courtyard. It is considered this layout reduces the

opportunity for anti-social behaviour by improving natural surveillance from the new properties. Proposed materials and detailing positively enhance the overall design. The development is also considered to demonstrate the opportunity to minimise the impact on the environment with the design making use of passive solar gain, whilst also meeting level 4 of the Code for Sustainable Homes, which reduces regulated CO<sub>2</sub> emissions by at least 44%.

Boundary treatments and additional landscaping can be controlled by way of a condition. A ground investigation has satisfied any concern over land contamination, and subject to a condition to control discharge rates from the site, drainage is also acceptable. Consideration is also given to the noise impact of the Birmingham to Leicester railway, but following a noise assessment, it is considered adequate noise insulation can be ensured by way of condition.

Further consideration is also given to the loss of Open Space. Despite objections to its loss, and potential conflict with the Water Orton Village Design Statement, the space is classified as informal open space, of which there is sufficient supply in Water Orton. In addition, the detailed assessment of the site as part of the Draft Green Space Strategy recommends the need to consider the removal of equipment or significant improvement. Coupled with a history of anti-social behaviour, there is no objection to the loss of this open space.

## **Recommendation**

That the application be **Granted** Subject to 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 NWBC.GRWO\_PS Rev B received by the Local Planning Authority on 6 October 2009 and NWBC.GRWO\_HTB Rev A received by the Local Planning Authority on 22 September 2009.

### **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 materials and roof 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 shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls/fences/hedges to be erected. The approved screen walls/fences shall be erected before the dwellings hereby approved are first occupied and shall subsequently be maintained. 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.

5. Before the development commences a scheme for the construction of the surface and foul water drainage system shall be submitted to and approved in writing by the Local Planning Authority. Where possible sustainable means of surface water drainage shall be used. 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.

6. 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.

7. 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.

8. No development shall take place on site until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately-owned, domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

REASON

To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal public, nature conservation or historical significance.

9. No development shall take place until details of the noise mitigation measures to be installed in and around the dwellings have been submitted to and approved in writing by the Local Planning Authority. These measures shall consider appropriate acoustic glazing and mechanical ventilation provisions, and the installation of a suitably high acoustic fence to the northern and western boundaries of the site. The approved measures shall then be installed and subsequently maintained.

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

10. The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.

## REASON

In the interests of safety on the public highway.

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

## REASON

In the interests of safety on the public highway.

12. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

## REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with saved policy ENV6 of the adopted Local Plan 2006].

## **Notes**

1. The applicant is encouraged to incorporate and utilise higher than minimum requirements for efficiency measures and incorporate appropriate on-site renewable energy technologies to further off-set the carbon footprint of the development. Planning consent may be required for the installation of some on-site renewables, and the Local Planning Authority will be pleased to advise you on all associated aspects prior to the erection of any such technologies, and provide you with application forms.
2. Condition numbers 10 & 11 require works to be carried out within the limits of the public highway. Before commencing such works the applicant 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. The Area Team at Coleshill may be contacted by telephone: (01926) 412515.

3. 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 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.
4. The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): CORE POLICY 2 (Development Distribution), ENV4 (Trees and Hedgerows), ENV5 (Open Space), ENV6 (Land Resources), ENV8 (Water Resources), ENV9 (Air Quality), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG4 (Densities), TPT1 (Transport Considerations In New Development), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

#### Justification

The proposal is considered to be of innovative and high design quality without detriment to surrounding character, nor neighbouring amenity. There is no concern over land contamination, and drainage provision can be controlled through condition. The parking provision for the site is adequate, with sustainable transport links within easy reach. The sustainability credentials of the development are enhanced further through compliance with level 4 of the Code for Sustainable Homes. The loss of open space is considered to be outweighed by the status of this space and the merits of the application, and potential disturbance through noise can be controlled. Furthermore, subject to conditions, the public realm will be enhanced through additional planting. The proposal is therefore in accordance with saved policies CORE POLICY 2, ENV4, ENV5, ENV6, ENV8, ENV9, ENV10, ENV11, ENV12, ENV13, ENV14, HSG2, HSG4, TPT1, TPT3 and TPT6 of the North Warwickshire Local Plan 2006. In response to the objections received, it is considered that the provision of affordable housing outweighs the concerns raised given the comments made above.

## BACKGROUND PAPERS

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

### Planning Application No: PAP/2009/0414

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Applicants Agent	Planning Application Forms and Plans	4/9/2009
2	Network Rail	Neighbour representation	9/9/2009
3	Councillor Simpson	Email correspondence	14/9/2009
4	Housing Officer	Minutes of meeting	15/9/2009
5	Planning Officer and Architects	Correspondence on amended plans	17, 18 & 21/9/2009
6	Planning Officer	Email correspondence	17/9/2009
7	Mr P Hyde	Neighbour representation	17/9/2009
8	NWBC Streetscape	Consultation reply	18/9/2009
9	NWBC Environmental Health	Consultation reply	20/9/2009
10	Mr P Nightingale	Neighbour representation	22/9/2009
11	Mr/Mrs/Miss Griffiths	Neighbour representation	25/9/2009
12	Mr P Hyde	Neighbour representation	26/9/2009
13	NWBC Landscape Manager	Consultation reply	29/9/2009
14	Roy Jerromes	Neighbour representation	1/10/2009
15	Faith Jerromes	Neighbour representation	1/10/2009
16	WCC Highways	Consultation reply	2/10/2009
17	NWBC Environmental Health	Consultation reply	2/10/2009
18	Kevin Nicholls	Neighbour representation	3/10/2009
19	Anonymous	Neighbour representation	3/10/2009
20	Hugh Sharp	Neighbour representation	4/10/2009
21	Sally Selvey	Neighbour representation	5/10/2009
22	Thomas Foley	Neighbour representation	5/10/2009
23	Mrs Charles	Neighbour representation	5/10/2009
24	Jacqueline Hodkinson	Neighbour representation	5/10/2009
25	WCC Highways	Consultation reply	6/10/2009
26	Planning Officer and Architects	Email correspondence	6/10/2009
27	NWBC Environmental Health	Email correspondence	7/10/2009
28	Sue Follis	Neighbour representation	7/10/2009

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.

