

General Development Applications

(5/e) Application No: PAP/2021/0155

Peel House, 79 Witherley Road, Atherstone, CV9 1NA

Extension and alterations to existing dwelling and construction of 1 new dwelling with access off nursery Road, for

Mr King

Introduction

The application is reported to the Planning Board at the request of local members concerned with the impacts of the proposals.

The Site

The application site amounts to some 0.1246ha, comprising a residential property known as 'The Cottage' and its garden land extending in a southerly direction to a boundary with 40 Nursery Road. Residential development surrounds the site in all directions; Peel House to the north; 39 Nursery Road to the west; 40 Nursery Road to the south; and garden land at 81 Witherley Road to the east. Boundaries are demarcated by vegetation, fencing and brick retaining walls.

Levels across the vary slightly, rising gently from north to south (81.16m at the rear of the cottage to 82.11m at the rear boundary with 40 Nursery Road) together with a slight west-east cross-fall - the highway at Nursery Road is approximately 1.5m higher than the natural ground level surrounding plot 1.

The context of the application site is illustrated below.



Fig 01. Site Location Plan

The Proposal

Planning permission is sought for extensions and alterations to The Cottage, together with the construction of a new dwelling towards the rear of the site, orientated to face onto Nursery Road.

The proposed site layout is provided below.



Fig 02. Proposed Site Plan

The new dwelling (Plot 1) is a detached two-storey property, standing 8m tall to the ridge, with an adjoining single-storey garage and a subservient, two-storey, forward projection. Parking is provided to the side of the attached garage with amenity space laid out at the rear.

Floor plans and elevations for the dwelling are provided in Appendix A.

The Cottage (plot 2) is to be subject to a one and a half storey extension to its eastern elevation, together with a forward extension which creates an I-shaped plan form. This extension will accommodate a granny annexe. Parking spaces are provided to the front and side of the dwelling with garden space laid out to the south of the building.

Floor plans and elevations of the extensions and alterations are provided in Appendix B.

Vehicular access for both units will be obtained via a new connection to the highway at Nursery Road, facilitated by the partial demolition of an existing brick boundary wall.

Detailed access plans are provided in Appendix C.

An Arboricultural Survey and Impact Assessment has been submitted, identifying three individual trees and a row of three Japanese maples within or adjacent to the boundary of the site. All are to be retained.

A Transport Technical Note has been supplied, affirming that safe and secure vehicular and pedestrian access has been demonstrated.

Background

Planning permission was sought in 2020 (PAP/2020/0166) for the erection of 4 new dwellings within the application site and land to the east which forms the rear garden of 81 Witherley Road, as well as for extensions to the cottage. This was subsequently withdrawn..

Development Plan

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP5 (Amount of Development), LP7 (Housing Development), LP8 (Windfall), LP14 (Landscape), LP16 (Natural Environment), LP29 (Development Considerations), LP30 (Built Form), LP33 (Water Management), LP34 (Parking) and LP35 (Renewable Energy and Energy Efficiency)

Other Relevant Material Considerations

National Planning Policy Framework 2021 – (the “NPPF”)

Planning Practice Guidance (NPPG)

MHCLG: National Design Guide

Natural Environment & Rural Communities Act 2006

Conservation of Habitats and Species Regulations 2017

Equality Act 2010

Consultations

Environmental Health Officer – No objection subject to standard conditions.

NWBC Waste Management – No objection to the proposed bin presentation point location

Heritage Officer – No objection

Warwickshire County Council (as the Highway Authority) – It has indicated an intention to provide a response of no objection, subject to conditions. However, at the time of

drafting this report, written confirmation of this has not been received. The Board will be updated at the meeting.

Representations

Atherstone Town Council - It objects to the latest scheme due to insufficient parking.

Three rounds of neighbour consultation have been undertaken for this application, commencing on 21 June 2021, 23 December 2021, and 21 February respectively. A focused, fourth consultation with immediate neighbours took place on 6 April.

Across the consultation periods, 36 representations have been received. Seven offering comments and 29 objecting, provided by 15 separate properties. The representations are summarised below:

a) Highway Safety

- Visibility off driveways within Nursery Road is poor. Additional traffic associated with the new dwellings will increase collision risk to both road users and pedestrians, particularly school children using the walkway from Witherley Road
- Nursery Road contains many elderly residents and wheelchair users, and the existing on-street parking hampers their movement. Proposals will exacerbate this issue.
- Why can't the existing access onto Witherley Road be used?
- Drawings are inaccurate, failing to show a small tree and privet hedge at Nursery Road which restricts visibility
- Refuse vehicles would struggle to enter the development
- Proposed footway should be 2000mm wide in accordance with Inclusive Mobility (2002)
- Neighbouring party is exploring the possibility of erecting a fence which would reduce the effect of visibility splays.
- There is a potential conflict between vehicles entering and exiting no's 40 and 39.

b) Design

- Alterations to The Cottage are 'overwhelming', leading to an awkward design
- Layout is an isolated pocket of development
- New house is over-bearing and out of scale and character
- The development is considered to be 'back-land' and the house is not subservient

c) Residential Amenity

- Increased noise from additional vehicle movements to the detriment of neighbour amenity
- General detrimental impact on the amenity of adjacent dwellings
- Loss of light, privacy, and amenity, as well as overlooking, to 39 Nursery Road

d) Ecology

- Adverse effects on wildlife and the environment
- Trees have already been removed
- Pressure on Birch Tree from vehicle movements

e) Heritage

- Boundary wall has historical importance, forming part of the former covenant's original enclosure - loss would be detrimental
- Adverse effect on non-designated heritage assets

f) Construction

- Building will generate a high volume of construction traffic, particularly concerning for the local elderly population, some of whom require wheelchair access
- Nowhere for builders to park

g) Other Matters

- Impact from building on neighbouring foundations
- Impact on existing sewage systems
- New road would compromise drain accessibility
- Will encourage further development to the rear of Witherley Road
- No designated refuse points
- Planning permission previously refused for development to the rear of 81 Witherley Road, reference PAP/2012/0097

Observations

a) Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan. In this instance that is the 2021 North Warwickshire Local Plan, unless material considerations indicate otherwise.

Local Plan Policy LP2 defines Atherstone as a category 1 settlement and indicates that new development inside its development boundary will be supported in principle. The application site falls within a residential setting inside the Atherstone development boundary. Accordingly, the principle of new residential development is deemed to be acceptable.

Consideration of the application now extends to the details of the scheme.

b) Highway Safety

A core area of concern raised by local residents' centres on highway safety.

The relevant highway related planning policy is Local Plan Policy, LP29(6). This requires new development to provide both safe and suitable access to a site for all users. This approach reflects the NPPF which says that all new development should promote sustainable modes of transport (para 110a); provide safe and suitable access for all users (110b), adhere to national guidance (110c) and allow for the efficient delivery of goods, and access by service and emergency vehicles (112d).

Paragraph 111 of the NPPF specifies that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety, or in situations where the residual, cumulative impacts of the scheme are severe.

Following numerous amendments to the proposals, Warwickshire County Council, as the Local Highway Authority, has indicated its intention to support the proposal, subject to conditions. As the Statutory Highway Authority, this response carries substantial weight particularly as there is no technical evidence submitted in rebuttal.

i) Public Sector Equality Duty

Third-party representations refer to school-age children crossing through Nursery Road via a pedestrian footpath which leads to Witherley Road. It is suggested that the proposals could create a degree of risk for these children. Furthermore, the advanced age of residents within Nursery Road is also referenced, some of whom are wheelchair users, and it is suggested that their movement is hampered by existing on-street parking. Neighbours assert that the proposals would exacerbate these issues.

Age and disability are protected characteristics under section 149(7) of the Equality Act 2010. Section 149(1) of the 2010 act, known as the Public Sector Equality Duty (PSED), requires local authorities to, in the exercise of their functions, have due regard to the need to eliminate discrimination, advance equality of opportunity between persons who

share a relevant protected characteristic and persons who do not share it and foster good relations.

With regards to comments surrounding an increased safety risk for school children, the footpath link to Witherley Road is some 70 metres from the proposed access to the site. The highway authority set outs that there have been no reported collisions on the road since at least 1990 (when records began), indicating that the existing traffic has not been detrimental to the safety of crossing children.

Correspondence received from the highway authority confirms that they consider that, given the separation between the site and the footway and the limited volume of traffic generated over and above the existing situation, the proposals would not be considered to detrimentally impact school children passing through Nursery Road.

As for wheelchair users and the elderly, the council do not consider a development which provides for parking in accordance with adopted standards (discussed in more detail below) would materially increase the incidence of on-street parking to the detriment of users of the adjoining footpaths. The council thus consider the duty imposed by section 149 of the 2010 Act to be discharged.

ii) Impact on 39 and 40 Nursery Road

Vehicular and pedestrian access from the site will be provided via a new access formed between 39 and 40 Nursery Road, facilitated by partial demolition of the existing brick boundary wall. It has been suggested that the new access would affect the safety of the occupiers of both 39 and 40 Nursery Road, who currently reverse off their driveways.

To provide context, an image of the existing walling and surrounds of the access at Nursery Road is provided overpage.



Fig 03. Officer photograph of the proposed access location at Nursery Road

As illustrated above, forward visibility for users of both 39 Nursery Road and 40 Nursery Road is restricted by the tall brick walling abutting the road.

Highway Authority officers consider that partial removal of the brick wall offers a betterment by allowing for greater inter-visibility between adjacent properties – occupants of number 39 would now be able to see vehicles and pedestrians exiting number 40 and vice-versa. The officer adds that The Highway Code suggests residents should be reversing onto drives and pulling out in a forward gear, where possible, which serves to improve visibility. They also confirm that pedestrian and vehicular visibility splays from the new access accord to guidance. Details of the surfacing and gradients can be considered at a later date, secured via planning conditions. Visibility splays will also be conditioned.

It should also be noted that Nursery Road is an unclassified road and thus a new access, carried out as a separate operation, would not require any planning application, simply consent from the Highway Authority. This “fall-back” position carries substantial weight in the traffic assessment of this application.

iii) On-street parking

Highway officers commented that during a previous site visit on-street parking had been minimal, adding that most dwellings on Nursery Road appear to have multiple off-street parking spaces. Notwithstanding these comments and having regard to the neighbour representations and supporting photographs supplied (depicting on-street parking), the development seeks consent for just two additional dwellings on Nursery Road.

Furthermore, three parking spaces are provided for the Cottage and two spaces plus a garage and additional hardstanding are set out for the new dwelling which is significantly in excess of Development Plan parking requirements.

Given these factors, it is not considered that a perceived increase in on-street parking could substantiate a refusal of planning permission.

iv) Additional Traffic

The proposed access point is at the end of a cul-de-sac within Nursery Road, an unclassified road of some 42 properties that adjoins Convent Close (22 dwellings). It is not considered that the addition of two further units would add materially to the volume of traffic flowing through the road and, again, it is material that Warwickshire County Council raises no concerns with regards to additional traffic/vehicle movements.

v) Access by service vehicles

Swept path drawings have been provided which demonstrate the ability for ‘store’ vehicles to enter the site and egress in a forward gear. Insufficient space is available for refuse vehicles to enter the site. A bin collection point is proposed adjacent to the parking spaces for plot 1, as shown on the proposed site plan. The Council’s waste management team is supportive of this arrangement.

vi) Pedestrian links

Highway officers consider that pedestrian safety would be improved, as presently there is not a continuous footway at the end of the cul-de-sac, necessitating that a pedestrian may be required to enter into the carriageway. With the alterations currently being proposed, the development would provide a continuous footway fronting the site, enhancing pedestrian accessibility. The footway is shown to be 1m in width, below Inclusive Mobility¹ guidance; however, the mere provision of a footway is a betterment over the existing situation (no footpath). Its inclusion is supported by WCC Highways and a 1m width does not exceed the absolute minimum set out within the guidance.

vii) Highway Concluding Remarks

Considering the proposals holistically and with regard to the Highway Authority's comments the development is considered to satisfy the terms of the relevant Local Plan Policy and the NPPF. Unacceptable or cumulatively severe impacts on highway safety have not been substantiated and thus a refusal could not be substantiated.

c) Design

The NPPF identifies that good design is a vital component of sustainable development, setting out that proposals which are poorly designed and fail to reflect local design policies and government guidance should be refused (para134). At the local level, several local plan policies demonstrate the Council's aim of securing high-quality developments within the Borough.

Local Plan policy LP1 declares that all development must demonstrate a high quality of sustainable design that positively improves an individual settlement's character, appearance, and environmental quality.

Policy LP30 requires all development to respect and reflect the existing pattern, character, and appearance of its setting, ensuring that all elements of a proposal harmonise with the immediate and wider setting, replicate characteristic local architecture and ensure that buildings and spaces connect to the surrounding environment.

i) Layout

The site falls within a residential setting bound by 1960s/70s residential development in Nursery Road to the south and west, Peel House to the north and garden land serving 81 Witherley Road to the east. Looking at the existing pattern of development, semi-detached dwellings initially predominated within Nursery Road save for a small run of three units positioned at the end of the cul-de-sac, adjacent to the application site. Subsequently, further properties were introduced (34a, 36a and 39) all of which are visible on the right-hand image below.

¹ Inclusive Mobility (2002) was replaced by Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure in January 2022.

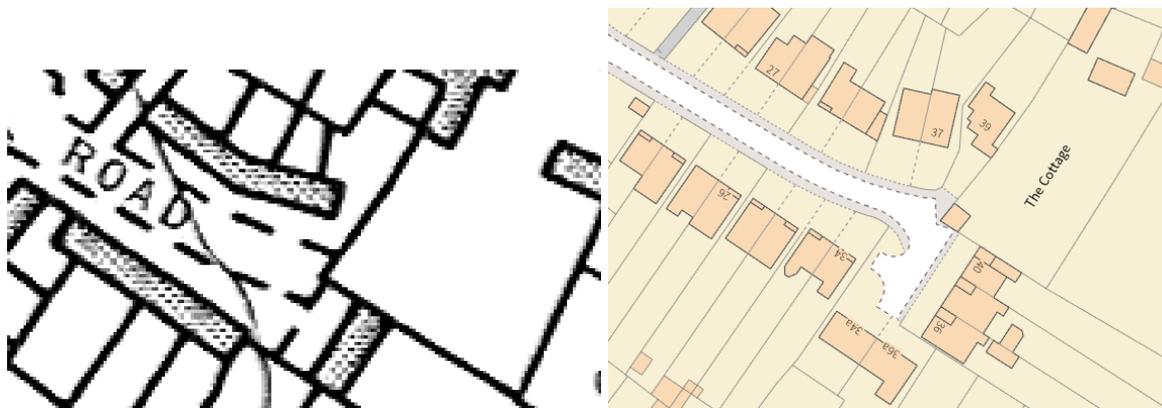


Fig 04 and Fig 05. Layout of Nursery Road in 1970-79 (left-hand image) and Nursery Road as it exists today (right-hand image)



Fig 06. Proposed Site Layout

As illustrated above, there is a well-established pattern of frontage development surrounding the cul-de-sac that provides both a visual and spatial context for a new dwelling in this location which effectively ‘rounds off’ the existing development at the end of the cul-de-sac. The development pattern and character of the setting are both reflected and respected as required by policy LP30.

Contrary to third-party representations, the proposals are not regarded as backland development as the new dwelling would front Nursery Road and benefit from direct access. Furthermore, the property would not be situated significantly behind the existing building line. While a detached unit would not reproduce the predominant housing type, this is not considered to lead to any planning harm; number 39, adjoining the site, is also detached.

Finally, this proposal is markedly different from the refused 2012 application to the rear of 81 Witherley Road which sought consent for three dormer bungalows extending linearly within the plot, presenting a very cramped, contrived layout.

ii) Plot One

In respect of building design, following revisions to the proposals, the massing of the new unit (plot 1) has been reduced and is now considered to be well-articulated, and broken effectively by the use of various building components. The ridgeline and eaves height of the new dwelling have also been lowered, with the property now sitting slightly lower than 39 and 40 Nursery Road. For these reasons, scale and massing are considered acceptable. Red facing brick and grey tiles reflect the adjacent buildings with window detailing and an end chimney stack adding character. Final material details can be secured by planning conditions for approval at a later date.

iii) The Cottage

Policy LP30 requires extensions and alterations to respect the scale, proportions, form, and material use of its host building.

The extensions proposed under this submission are revised versions of the first scheme presented to the Council in early 2020, clearly demonstrating a reduced scale. The new wing, orientated at 90 degrees to the existing building, appears as a converted linked outbuilding, reflecting the arrangement at Peel House to the rear. Both the side extension and the new wing are lower than the main house, and the catslide roof to the frontward extension serves to reduce the scale. All extensions will be rendered to match the host building. Furthermore, the site is visually well-contained, and thus there would be no 'street-scene' implications.

The proposals are considered to be recessive, sympathetic and preserve the dominance of the Cottage as the main, original building and thus wholly satisfy the requirements of policy LP30.

iv) Concluding Design Remarks

Considering the scheme as a whole with express regard to policies LP1 and LP30, it is considered that the proposal respects and reflects the existing pattern, character and appearance of its setting and demonstrates an acceptable scale, mass, and appropriate material usage.

d) Amenity

NWLP policy LP29 (9) requires all development proposals to avoid and address unacceptable impacts on neighbour amenity (emphasis added) and paragraph 130(f) of the NPPF requires planning decisions to ensure high standards of amenity are provided for existing and future users.

i) Number 39 Nursery Road

39 is a detached dwelling located at the end of Nursery Road and shares a boundary with the application site. Since the initial submission in 2020, the size and footprint of extensions to the cottage have been reduced. Moreover, the plot closest to 39 Nursery Road is repositioned away from the boundary. These alterations serve to reduce amenity implications for occupiers of no 39.



Fig 07 and 08. Relationship of The Cottage to 39 Nursery Road (39 is visible in the background of the left-hand image)

In respect of the implications arising from the proposed extensions, it should be noted that 39 Nursery Road is elevated from this property as illustrated above – the ridge height of number 39 is c. 2.5m greater than that of The Cottage. Furthermore, the new extension will be set off the boundary by 4.45m and sits some 9 metres from the number 39's rear elevation. These factors, together with the extensions catslide roof arrangement, ensure that shadowing, loss of sunlight, and loss of daylight would not be significant. In terms of overlooking, The Cottage contains just a single rooflight facing no 39, eliminating the potential for views into the rear garden with sightlines from the ground floor windows blocked by the existing brick boundary wall.

In terms of the new dwelling, 39 Nursery Road contains three windows within its side elevation facing onto Plot 1; a first-floor window serving a landing (a non-habitable room for planning purposes); a window on the left-hand side at ground floor level serving a garage (also non-habitable) and a window on the right-hand side, also at ground level, which appears to be a secondary window. Given case law, weighting attributed to loss of light to non-habitable rooms is limited.

Notwithstanding the windows' habitable status, the applicant has provided a 25-degree test drawing (commonly used to assess loss of light), and the test is passed to all three windows, indicating that loss of light would not be significant. The orientation of the two properties would result in limited shadowing implications for the garden of number 39. No windows at the first floor level in the elevation facing number 39 serve habitable rooms, preserving privacy.

Vehicle movements and residential use of the site would generate a level of noise and disturbance as the access road runs alongside the boundary with number 39. However, the number of vehicle movements created by the two dwellings would not be significant, and thus substantial levels of noise and disturbance would not be generated. Furthermore, the site already consists of a residential garden and could lawfully generate activity close to the adjoining properties. Additionally, the brick boundary wall will provide an element of noise attenuation. The implications are not considered sufficiently harmful to warrant a refusal, and it is material that our Environmental Health Officer has not objected in this respect.

ii) 40 Nursery Road

40 Nursery Road is an end-terraced unit along the southern boundary of the application site. The proposed new dwelling is to be separated from no. 40 by parking spaces and a single-storey attached garage which minimises the visual impact of the new built form through separation.

A single bedroom window is proposed in the new dwellings' south-facing elevation. A distance of 14 metres will be provided which is considered acceptable and it is noted the garden of number 40 is already overlooked by no 38. The remaining windows at the first-floor level on the elevation of plot 1 which faces 39 Nursery Road serve bathrooms and both would be obscurely glazed.

Vehicle movements and use of the site would generate a degree of noise and disturbance; however, given the scale of the development, the separation provided and the surrounding residential uses, the implications are not considered sufficient to warrant a refusal. It is material that our Environmental Health Officer has not raised objection in this respect.

It is not considered that occupants of 40 Nursery Road will be unacceptably implicated by the proposed development.

iii) 81 Witherley Road (including the proposed development)

Windows proposed in the eastern elevation of the new wing extension to The Cottage are set 14m from the boundary which is considered suitable and would not lead to unacceptable levels of overlooking. No aspect of the extensions and alterations are perceived to implicate number 81 in terms of light, sunlight, or shadowing. The new dwelling is set a sufficient distance away from number 81 to minimise its amenity implications.

Two properties are currently proposed under pending planning application (PAP/2022/0042) within the rear garden of no 81. Based on the latest plans, a 20m front to rear separation is provided which is considered acceptable and would ensure a satisfactory level of privacy for all occupiers.

e) Heritage

No buildings within the application site are listed, nor does the site fall within a designated conservation area. However, Peel House (79 Witherley Road), a Victorian dwelling with ornate detailing that pre-dates virtually all of the surrounding built form, is deemed to be a non-designated heritage asset given its historical and architectural qualities.

Paragraph 203 of the NPPF requires the effect of a development on non-designated heritage assets to be taken into account when determining planning applications. This wording is reflected within Local Plan policy LP15.

Although there is no direct harm to Peel House itself, the implications of the proposals on its 'setting' require consideration – "setting" represents the surroundings from which the heritage assets are experienced. This is not fixed and can evolve over time.

Originally, Peel House was designed and laid out for appreciation from Witherley Road, fronted by a formal garden, a landscaped setting eroded to accommodate the construction of 81 Witherley Road. The wider setting is also heavily implicated by post-war residential development.

The application site itself consists of the former kitchen garden serving the property, a functional rather than aesthetic relationship and the site has, in the past, been owned and occupied separately to Peel House.

Due to the physical separation between Peel House and the new development, together with the lack of a clear historical association, the relationship between Peel House and the garden is not regarded to be of any particular historical significance. Therefore, the proposals can only be considered as propagating very minimal harm to the setting of a building whose remaining significance lies chiefly within its historical and aesthetic quality, qualities which would not be offended by the proposed development.

The Cottage subject of this application was once a stable and grooms' quarters serving the main house converted to residential use sometime before 1947. It has an element of historical interest given its age (appearing on late 19th-century historical mapping) but lacks the rarity or aesthetic appeal to warrant consideration as a non-designated asset. In respect of the wall, then it has a degree of heritage value considering its age and potential relationship to the former priory. Nonetheless, the wall is not listed nor is it within a conservation area; therefore, its removal does not comprise "development" and thus no permissions would be needed to demolish it entirely. It is of weight that the Council's own Heritage Officer does not object.

In a balanced judgement of the proposals, officers conclude that the development poses less than substantial harm to the setting of Peel House.

f) Trees and Ecology

Local Plan policy LP14 requires new development to retain existing landscaping where possible and encourages new planting to incorporate native species and provide biodiversity benefits. Policy LP16 states that proposals should protect and enhance the natural environment.

The Tree Survey identified a row of three Japanese maples along the site's boundary with 81 Witherley Road, together with single pear, silver birch and ash trees. The ash and silver birch are mature, category B specimens.

All six trees will be retained, although the driveway for the new dwelling will encroach into the silver birch's root protection area. As a consequence sensitive construction methods within the root protection areas, together with tree protection barriers, are to be made a planning condition. Additional planting is provided around plot 1 and the parking spaces for plot 2. The requirements of policy LP14 are considered to be met.

A preliminary ecological report submitted to accompany the 2020 application concluded that the site has low ecological value yet did recommend the retention of existing vegetation. The application presented here achieves this and enhancements (both new

planting and bat and bird boxes) can be secured through appropriately worded planning conditions.

g) Other matters – third party representations

i) Sewerage

Given the quantum of development proposed here (a single new unit), it is not considered that the development would have a detrimental and ultimately unacceptable impact on local infrastructure. Surface water and foul drainage systems within the site can be considered at a later date, secured by way of a planning condition.

Potential alterations to existing utilities in order to facilitate the development are a matter for the applicant to address with the relevant authorities.

ii) Construction

Implications arising from construction operations are not material planning considerations, nor are concerns relating to impacts on neighbouring foundations. It is however common practice to request that a construction management plan (covering parking for site operatives, delivery processes etc) be submitted for consideration prior to any work commencing. This can be conditioned and is done so here.

Other legislation will be relevant to Party Way matters and under the Building Regulations in respect of foundations.

Speculation over potential future development at the rear of Witherley Road is not material to this application's determination.

iii) Fencing to 39 Nursery Road

Fencing potentially erected within the boundaries of number 39 would not implicate visibility splays as these follow the near-side edge of the highway, away from number 39. Furthermore, no fencing can be erected without planning permission that "creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons" – Article 3(6) of the General Permitted Development Order. Any fencing obstructing views and causing danger to road users requires planning permission and is unlikely to be supported.

iv) Trees

No trees on the site are protected by way of a Tree Preservation Order or a Conservation Area designation and thus their removal did not require consent.

h) Overall Conclusion

It is considered that the application accords to the Development Plan and consequently should be supported, subject to the conditions set out below.

Recommendation

That, subject to the Highway Authority's final consultation response, planning permission be GRANTED subject to the following conditions and others as recommended by that Authority:

Standard Conditions

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the following:

The Proposed Site Plan (160E) received by the Local Planning Authority on 5 April 2022

The Access Arrangements Drawing (LK/0271/AD/502) received by the Local Planning Authority on 5 April 2022

The Proposed Elevations (350E) received by the Local Planning Authority on 17 February 2022

The Proposed Site Section (352B) received by the Local Planning Authority on 17 February 2022

The Proposed Floor Plans (250C) received by the Local Planning Authority on 17 February 2022

The Location Plan (100) received by the Local Planning Authority on 17 March 2021

The Proposed Elevations (351B) received by the Local Planning Authority on 17 March 2021

The Proposed Floor Plans (251B) received by the Local Planning Authority on 17 March 2021

REASON

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

Pre-commencement Conditions

3. No development shall commence until full details of the surfacing, drainage and levels of the access, car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Council. The unit shall not be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles.

REASON

In the interests of Highway Safety.

4. No development shall commence, including demolition and any site clearance, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to through the construction period. The approved plan shall provide for:
 - i) The parking of vehicles of site operatives and visitors;
 - ii) Wheel washing facilities;
 - iii) Storage of plant and materials used in constructing the development;
 - iv) Noise control during construction in accordance with BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites parts 1 and 2;
 - v) Measures to control the emission of dust during construction
 - vi) Details of the contact for any local concerns with the construction activities on the site

REASON

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

5. No development, including preparatory works, shall commence until details of the finished floor levels of the buildings and extensions hereby approved, and of the proposed ground levels of the site relative to the finished floor levels and adjoining land levels, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be supplemented with locations, cross-sections and appearance of any retaining features required to facilitate the proposed levels. The development shall be constructed in accordance with the approved details.

REASON

In the interests of the visual amenities of the area and the amenity of neighbouring occupiers, recognising that levels across the site vary.

6. No works other than demolition shall take place until a preliminary assessment for contaminated land has been undertaken. If the assessment identifies potential contamination a further detailed investigation shall be carried out and details of remediation measures shall be provided where necessary. All works shall be carried out by a competent person and agreed in writing by the Local Planning Authority prior to commencement of development.

REASON

To protect the health of the public and the environment from hazards arising from previous uses of the site

Pre-occupation conditions

7. Prior to the first occupation of the new dwelling hereby approved, drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

REASON

To ensure that the development is provided with a satisfactory means of drainage and to minimize the risk of pollution.

8. Prior to their incorporation into the building(s) hereby approved, details and/or samples of the facing brick, render, roof tiles, windows, doors, eaves, verges, cills and lintels to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials.

REASON

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

9. Prior to the first occupation of the new dwelling hereby approved, a scheme for the provision of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All hard landscaping shall be carried out in accordance with the approved details whilst all planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling. The scheme shall also provide for details of the acoustic fencing. Any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

REASON

In the interests of the visual amenity of the area

10. The development shall not be occupied until the proposed parking and turning facilities have been laid out and constructed in accordance with the approved plans and thereafter be set aside and retained for those purposes.

REASON

In the interests of Highway Safety.

11. Prior to occupation of the new dwelling, a bin storage facility capable of holding a minimum of 3 x 240 litre wheeled bins shall be provided within the curtilage of each dwelling. The storage facility shall remain permanently available for that purpose at all times thereafter.

REASON

To enable effective storage and disposal of household waste and in the interests of the amenity of the area.

12. The bin collection point detailed on the Proposed Site Plan Drawing (160E) shall be provided prior to the first occupation of the new dwelling and shall be retained thereafter free from any impediment to their designated use as such.

REASON

To ensure safe and suitable conditions are maintained on the public highway, in the interests of highway safety, and to ensure appropriate waste/refuse facilities are provided for the occupiers of the development.

13. Prior to first occupation of the new dwelling hereby approved, details of the electric vehicle charging bays, each with an electric vehicle charging point, to be provided in accordance with the Council's standard (Parking Standards SPD) shall be submitted and approved in writing by the local planning authority. The details shall include signs and bay markings indicating that bays will be used for parking of electric vehicles only whilst being charged. Prior to first occupation the electric charging points and bays shall be installed in accordance with the approved details and shall thereafter be maintained for the life of the development. The frequency of the charging points should match the number of dwellings.

REASON

In the interests of facilitating sustainable travel and reducing air pollution

14. Prior to first occupation of the dwelling hereby approved, details of bat and bird boxes shall be submitted and approved in writing by the local planning authority. Once installed, the measures shall thereafter be maintained as such at all times.

REASON

In order to safeguard and enhance habitat on or adjacent to the site in order to secure an overall biodiversity gain.

Other conditions

15. In the event that contamination is found under condition 6, at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

REASON

To protect the health of the public and the environment from hazards arising from previous uses of the site

16. Where remediation works have been carried out in pursuance with the preceding conditions 6 and 15, a post remediation verification report shall be submitted in writing to and approved by the Local Planning Authority before the development is first occupied.

REASON

To protect the health of the public and the environment from hazards arising from previous uses of the site

17. The development shall proceed in accordance with the recommendations at paragraph 6.2 and section 7 of the Arboricultural Survey and Impact Assessment [03 March 2020]. The no-dig specification and tree protection measures (to all retained trees) shall be implemented prior to any works commencing on site and thereafter retained throughout the construction period.

REASON

In the interests of safeguarding existing habitat and the visual amenities of the area.

18. The two windows on the first floor in the west facing elevation of plot 1, serving the en-suite and bathroom as illustrated on drawing 250C, and the window on the first floor in the east facing elevation of plot 2, serving the en-suite as illustrated on drawing 251B, shall be glazed in obscure glass and non-opening (except for elements that are situated higher than 1.7m above the finished floor level) and permanently maintained thereafter as such, which shall provide a minimum degree of obscurity equivalent to privacy level 4 or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.

REASON

In the interests of the amenity of neighbouring occupiers.

19. Any gas boilers provided must meet a dry NO_x emission concentration rate of <40mg/kWh.

REASON

To achieve sustainable development by reducing emissions in line with Local and National Policy and as set out in the adopted 2019 Air Quality Planning Guidance.

20. No development whatsoever within Class A, AA, B and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), shall commence on site without details first having been submitted to, and approved in writing by, the Local Planning Authority.

REASON

To maintain control in the interest of the character and amenity of the area and the buildings concerned having regard to the setting of the development, the proximity to existing features on or adjacent to the site and the effect upon neighbouring properties.

21. Except in an emergency, no demolition, site clearance, construction, site works or fitting out shall take place other than between 08:00 hours and 18:00 hours Mondays to Fridays, and between 08:00 hours and 13:00 hours on Saturdays. There shall be no such activities whatsoever on Sundays, public holidays and bank holidays.

REASON

To safeguard the amenities of nearby occupiers.

22. For the avoidance of doubt there shall be no burning of waste construction materials on site.

REASON

In the interests of the amenities of the area.

23. In respect of the extensions, the accommodation hereby approved shall be occupied solely in connection with and ancillary to the main dwelling at Peel Cottage, Atherstone, and shall not be sold off, sub-let, or used as a separate unit of accommodation.

REASON

The creation of an independent unit of accommodation in this location is contrary to the provisions of the development plan and could lead to unacceptable impacts on highway safety and the amenity of neighbouring properties.

Notes

1. The submitted plans indicate that the proposed works come very close to or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining landowner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
3. Wildlife and Countryside Act 1981 - Birds. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.

4. The proposed works may require building regulations consent in addition to planning permission. Building Control services in North Warwickshire are delivered in partnership with Nuneaton and Bedworth Borough Council. For further information please see https://www.nuneatonandbedworth.gov.uk/info/20025/planning_and_building_control and https://www.planningportal.co.uk/info/200187/your_responsibilities/38/building_regulations ; guidance is also available in the publication 'Building work, replacements and repairs to your home' available free to download from <https://www.gov.uk/government/publications/building-work-replacements-and-repairs-to-your-home>
5. Before carrying out any work, you are advised to contact Cadent Gas about the potential proximity of the works to gas infrastructure. It is a developer's responsibility to contact Cadent Gas prior to works commencing. Applicants and developers can contact Cadent at plantprotection@cadentgas.com prior to carrying out work, or call 0800 688 588
6. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £116. Although the Local Planning Authority will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows a period of 8 weeks, and therefore this timescale should be borne in kind when programming development.
7. Prior to the occupation of the approved dwelling(s), please contact our Street Name & Numbering officer to discuss the allocation of a new address on 01827 719277/719477 or via email to SNN@northwarks.gov.uk. For further information visit the following details on our website https://www.northwarks.gov.uk/info/20030/street_naming_and_numbering/1235/street_naming_and_numbering_information
8. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.

For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the Central Building Control Partnership on 0300 111 8035 for further advice on radon protective measures.

9. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues, suggesting amendments to improve the quality of the proposal and through regular dialogue. As such, it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2021/0155

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	18/03/2021
2	Third Parties	Representations	18/06/2021 to 20/04/2022
3	Atherstone Town Council	Representation	21/03/2022
4	WCC Highways	Email correspondence and previous Consultation Responses	2021 to 2022
5	NWBC Environmental Health	Consultation Response	24/06/2021
6	NWBC Waste Management	Consultation Response	05/04/2022

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

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

Appendix A – Floor and Elevation Plans



PAP/2021/0155

RECEIVED
17/02/2022
PLANNING & DEVELOPMENT
DIVISION

No.	Description	Date

Land to the rear of 79 Witherley Road, Acherstone
New Residential Development

Ritchie & Ritchie Architects LLP
The Moor House, Lichfield Street, Tamworth,
Staffordshire, B79 7JZ
444 018267 62215
www.rrarchitects.co.uk

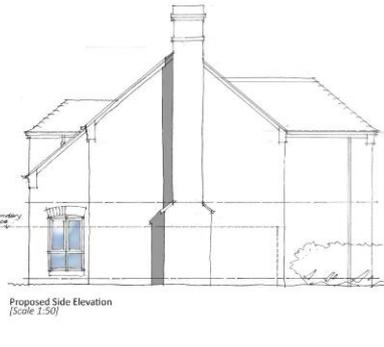
Proposed Floor Plans

No.	Date	Drawn	Checked	Scale	Notes
1:50	17 Feb 2022	DK/NET	TRN	1:50	



PAP/2021/0155

RECEIVED
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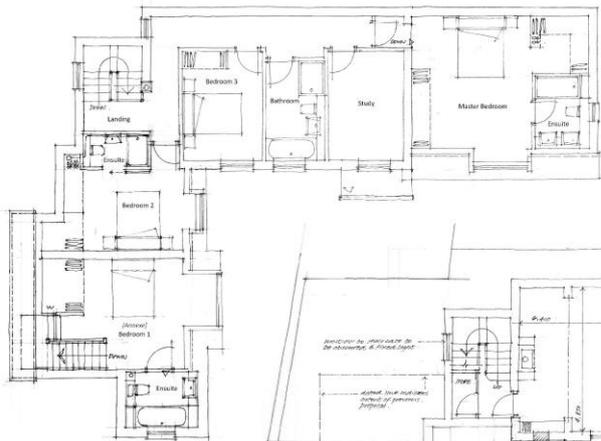
Proposed Elevations

No.	Date	Drawn	Checked	Scale	Notes
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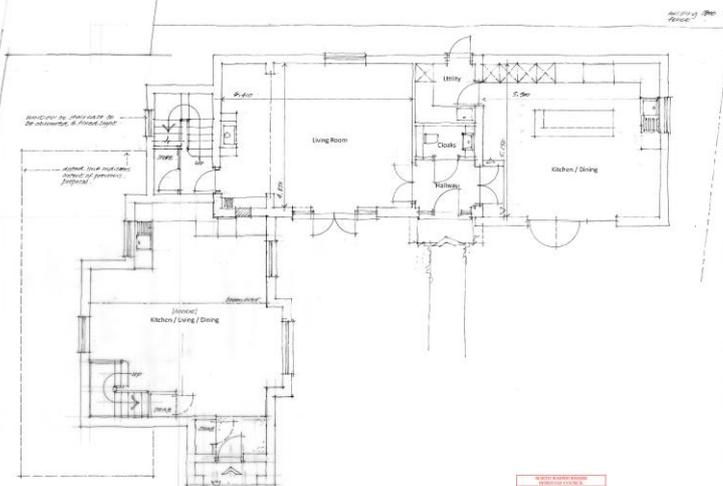
Appendix B – Floor Plans and Elevations

PAP/2021/0155

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Proposed First Floor Plan (With Annex)
[Scale 1:50]



Proposed Ground Floor Plan (With Annex)
[Scale 1:50]



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17/03/2021
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No.	Description	Date

Land to the rear of 79 Witherley Road, Atherstone

New Residential Development



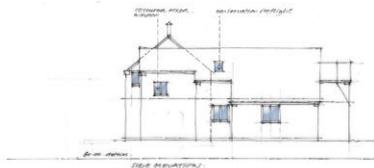
Ritchie & Ritchie Architects LLP
The Moor House, Lichfield Street, Tamworth,
Staffordshire, B79 7GF
+44 (0)1827 62215
www.rrarchitects.co.uk

Proposed Floor Plans

No.	Date	Drawn	Check/Rev'd	Scale	Sheet
150	17/03/2021	FRB	CRW/RTK	1:50	25/18

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PAP/2021/0155



Proposed Side Elevation
[Scale 1:100]



Proposed Rear Elevation
[Scale 1:100]



Proposed Side Elevation
[Scale 1:100]



Proposed Front Elevation
[Scale 1:50]



RECEIVED
17/03/2021
PLANNING & DEVELOPMENT DIVISION

No.	Description	Date

Land to the rear of 79 Witherley Road, Atherstone

New Residential Development

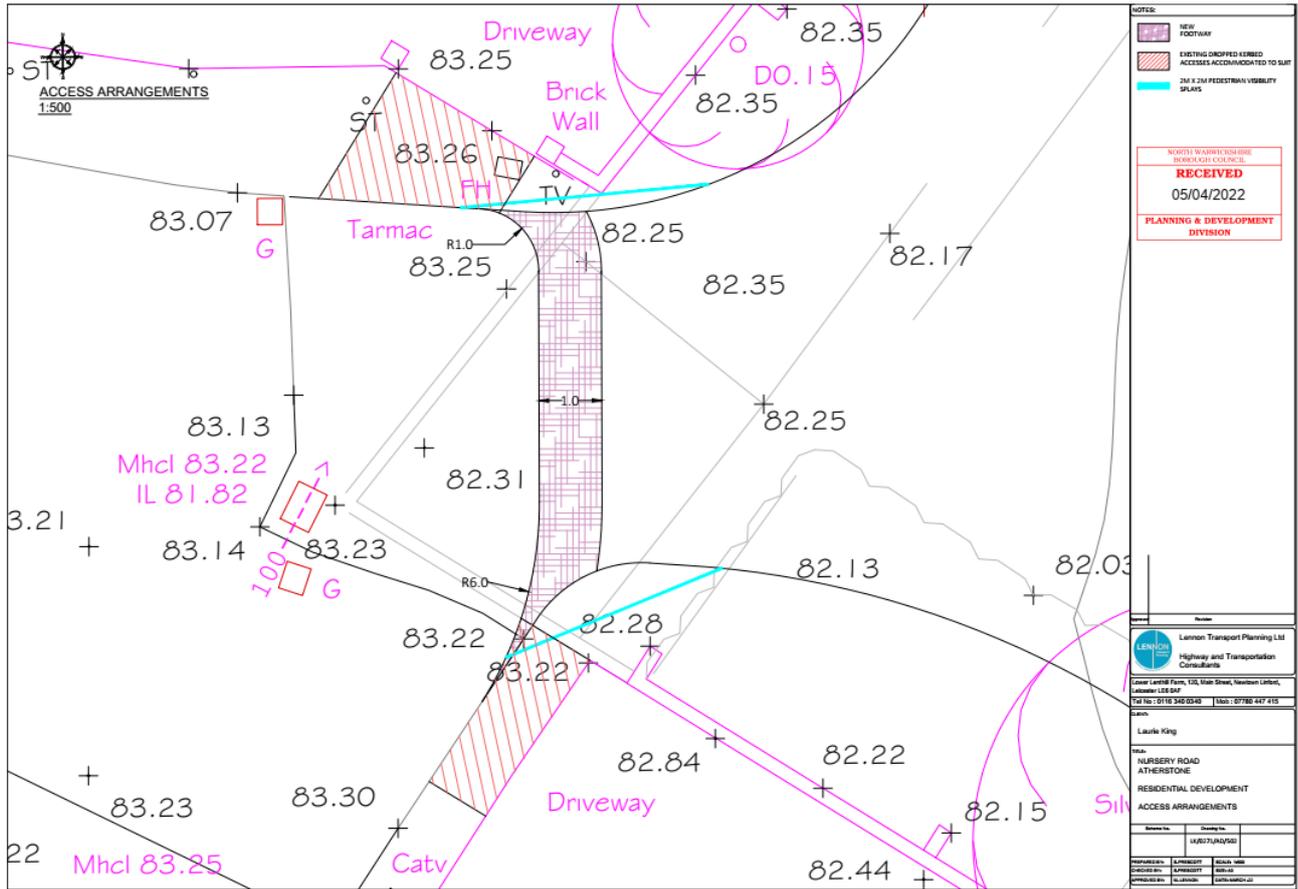


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Proposed Elevations

No.	Date	Drawn	Check/Rev'd	Scale	Sheet
150	17/03/2021	FRB	CRW/RTK	1:50	25/18

Appendix C – Detailed Access Arrangements



General Development Applications

(5/f) Application No: PAP/2020/0246

Land Adjacent 15, Curlew Close, Warton,

Erection of 28 affordable dwellings including associated landscaping, car parking and other ancillary works, for

Barley Developments

1. The Site

1.1 This is a rectangular piece of agricultural land immediately to the north of the residential cul-de-sac of Curlew Close on the north-east side of Warton. It is 0.77 hectares in area. Curlew Close has a frontage mix of eleven detached and semi-detached properties, but there is a gap on its northern side where it curves into the remainder of the Close. The Close then meets Austrey Road some 70 metres to the west. There are extensive rear gardens to the immediate north-west of the site and to the north there is open countryside.

1.2 The site is bounded by hedgerows and it slopes down towards its northern boundary.

1.3 Warton has a post office, a shop, a public house, a primary school and outdoor recreation space. There is an infrequent bus service into Polesworth and Tamworth, where there is a full range of services. The nearest bus stop is around 120 metres to the northwest on Austrey Road.

1.4 The location is illustrated at Appendix A

2. The Proposals

2.1 The proposals reported here are an amended scheme from the original proposal. That was for 34 affordable dwellings. The amendment is for 28.

2.2 The original scheme comprised 8 one-bed flats; 6 two-bed houses, 8 three-bed houses and 12 two-bed bungalows. An area of land at the far northern end would become an amenity area and existing boundary treatments would be enhanced.

2.3 The 28 affordable dwellings now proposed would comprise 8 one-bed flats, 8 two-bed houses, 6 three-bed houses and 6 two-bed bungalows. The flats would be socially rented accommodation and the remaining properties would be shared ownership – all to be managed through a Registered Provider. There is car parking shown for 59 spaces. The land in the far northern section would again include the surface water attenuation pond, the pumping station and an area of open amenity space, including off-setting.

2.4 The proposed layout is at Appendix A and some street scenes are shown at Appendix B.

2.5 This latest layout has been the subject of design review with the Council. It also addresses the detailed engineering comments of the Highway Authority arising from earlier submissions and to respond to the representations made on density and mix in the earlier scheme.

2.6 Documents accompanying the original application included the following and reference is made to any subsequent changes arising from the amended scheme.

2.7 A Housing Note has been provided which responds to the need to evidence the affordable housing need in the area.

2.8 A Transport Assessment concluded that there would be no severe impact on the local highway network. It says that the site has public transport links and that there is a range of local services within walking and cycling distance including a primary school and shops. It is proposed that the cul-de-sac would have a 20mph speed limit and appropriate visibility splays at the junction with Curlew Close. The layout enables access by refuse vehicles. The original Assessment has been updated to address the Highway Authority comments on the original submission and is supported by additional justification in the form of a Road Safety Audit and tracking plans.

2.9 The original Ecology Report concluded that all of the known designated areas were well separated from the site, with it being an arable field with boundary hedgerows and a ditch running along its north-western boundary. The majority of these hedgerows would remain and be enhanced. The site has limited potential for protected species and there was no evidence of them found on site. The amended scheme has been reviewed and the applicant has confirmed that the proposals now present the opportunity to secure bio-diversity gain including additional native tree and shrub planting; species-rich wildflower grassland and new bat roosting boxes.

2.10 A Design and Access Statement describes how the appearance and design of the amended proposal was formulated. It particularly makes reference to the improved design and enhancement of the layout through a less dense proposal with more open space.

2.11 A Design Assessment has also been submitted which concludes that the proposals as amended accord with all aspects of the recently published Building for a Healthy Life criteria.

2.12 An updated Planning Statement draws these matters together and identifies the main matters to be assessed in the final planning balance. There is particular reference to the new Development Plan.

3. Consultations

Warwickshire County Council (Highways) – It did not object in principle to the increased traffic impacts on the surrounding highway network as a consequence of the original proposal for 34 dwellings. However, it did object to the detail of much of the geometry of the proposed highway engineering in that original layout and had particular concerns about traffic entering Curlew Close from the site, as the Close is less than 5 metres wide. It requested that further details should be submitted along with Road Safety Audits. This was all submitted as additional documentation accompanying the latest

layout. The Highway Authority is satisfied with the amended layout apart from one matter – the potential for on-street parking on the initial curve of the new access leading into the development. This will be referred to later.

Warwickshire County Council (Lead Local Flood Authority) – No objection subject to standard conditions.

Warwickshire County Council (Ecology) – Objection as there is a net loss of bio-diversity arising from the development of this site. However, this could be remedied either through onsite provision when the detailed layout is approved or through an off-site contribution in lieu.

Warwick Museum – No objection subject to pre-commencement conditions requiring an agreed programme of fieldwork to be undertaken on the site.

Warwickshire County Council (Public Health)– No objection and no contribution sought.

NWBC Environmental Health Officer – No objection subject to standard conditions

NWBC Housing – No objection as there is still a need for affordable housing in the village as evidenced by the Council's own waiting list.

NWBC Tree Officer – No objection

4. Section 106 Contributions

A number of consultees have requested contributions in order to mitigate impacts arising from the proposed development. These are:

NWBC (Leisure and Community Development) - £134,621 towards enhancing existing facilities particularly for play areas and youth provision.

Warwickshire County Council (Ecology) – A scheme for off-site bio-diversity offsetting amounting to £50,644 in order to mitigate the ecology loss identified.

The George Eliot NHS Trust – A contribution of £28,158 to provide additional health care services.

Warwickshire County Council (Education) - A contribution of £74,307 towards the provision of Early Years and Secondary Education.

5. Representations

5.1 At the time of the original proposal there were 64 individual objections received from people living in Warton including some who have written more than once, covering the following matters:

- There is already too much housing being built in the village – with close to 300 new houses when the Core Strategy refers only to 45
- The Examination Inspector drew attention to this situation by specifically referring to Warton.
- Local facilities are already at capacity – schools, doctors and dentists
- Traffic through the village will increase
- Public transport is poor
- The site is outside of the village’s development boundary
- There is no need for more houses as there is a five-year housing supply
- There is no local proven need for more affordable or social housing
- There is no information on the proposed tenure mix
- The proposal is not small in scale
- Recent new social housing in the village has been occupied by people from outside Warton.
- The character of the village is changing
- The recent appeal decision of refusal at the Fox and Dogs should be heeded
- The layout will lead to loss of privacy and overlooking of neighbouring property
- The Applicant’s Statements contain incorrect information
- The access into Curlew Close is unsafe
- The road network is not capable of increased use
- There is on street parking in the Close and in Austrey Road
- The design is not sympathetic to the area; it’s too dense and there is not enough parking space.
- Intrusion into the open countryside
- There are existing sewerage difficulties
- Loss of wildlife

5.2 The MP, Craig Tracey, also referred several letters objecting to the scheme that he had received. He asked that full consideration was given to the comments made in those letters. These have been included in the numbers recorded above.

5.3 The Polesworth Parish Council commissioned its own Transport Consultant to review the applicant’s Transport Statement in respect of the original submission. A summary is attached at Appendix D. It aligns with the initial response of the Highway Authority as recorded above. No further comments have been received on the amended scheme.

5.4 In respect of the latest amended scheme, then 18 objections have been received – some of these from people who have written more than once. These refer to all of the matters summarised above in the earlier consultation responses. Additionally, there are

concerns about the revised layout – inadequate parking provision; the geometry of the access off Curlew Close into the site and impacts on the residential amenity of local residents bordering the site.

5.5 One letter of support has been received.

6. Development Plan

The North Warwickshire Local Plan 2021 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP9 (Affordable Housing), LP14 (Landscape), LP29 (Development Considerations), LP30 (Built Form), LP34 (Parking) and LP37 (Housing Allocations)

7. Other Material Planning Considerations

The National Planning Policy Framework 2021 – (“NPPF”)

The Fox and Dogs Appeal Decision – APP/R3705/W/19/3241218

The Wood End Appeal Decision - APP/R3705/W/19/3234056

The Newton Regis Appeal Decision – APP/R3705/W/21/3272381

The North Warwickshire Landscape Character Appraisal 2010

8. Observations

a) The Approach to be Taken

8.1 Policy LP2 of the 2021 Plan says that development in the Borough will be proportionately distributed in accordance with the Borough’s settlement hierarchy. Warton is identified as a Category 4 settlement in that hierarchy. In this regard the Policy says that in Category 1 to 4 settlements, development within development boundaries will be supported in principle. Development directly adjacent to settlement boundaries may also be acceptable, including that which would enhance or maintain the vitality of rural communities, provided such development is proportionate in scale to the relevant settlement and otherwise compliant with the policies in the plan and national planning policy considered as a whole. In respect of Category 4 Settlements, then development will be supported in principle within Warton’s development boundary. It continues by saying that development directly adjacent to the boundary may however also be acceptable. All development will be considered on its merits; having regard to other policies in the Plan and where development would enhance or maintain the vitality of rural communities provided it is proportionate in scale to the relevant settlement. In the case of Category 4 settlements then the policy says that this may also be for windfall housing usually on sites of no more than ten units at any one time depending on viability, services and infrastructure deliverability. Many of the representations recorded above cite the fact that this site is outside of the village development boundary and thus a refusal should follow. That is understood, but it is not a reason for refusal, given the full content of Policy LP2. The site is directly adjacent to the development boundary - consistent with Policy LP2 - and thus it is necessary to assess the

application against the “tests” set out in that Policy and other material planning considerations, before a refusal can be considered.

b) The First Test

8.2 The first “test” is to have regard to other policies in the 2021 Plan. There are several relevant policies to be assessed in the determination of the application and it will be necessary to establish whether there is significant and demonstrable harm caused to them, if they are to outweigh the general approach set out in LP2.

i) Policies LP1 and LP14 – Quality of Development and Landscape

8.3 The NPPF requires new development to be sympathetic to local character and history, including the surrounding built environment and landscape setting; to create places that are safe and accessible, with a high standard of amenity and which will function well. This is reflected in policies LP1 and LP14 of the 2021 Plan. LP1 requires all development to demonstrate a high quality of sustainable design that positively improves a settlement’s character and appearance as well as the environmental quality of an area. LP14 requires development to conserve, enhance and where appropriate restore landscape character. The application site is within the “No Mans Heath to Warton - Lowlands” Landscape Character Area. This describes a mixed open agricultural landscape with a scattering of small red brick nucleated hill-top villages of which Warton is an example. The Assessment identifies the need to conserve and strengthen the rural character and dispersed settlement pattern and recommends that new developments should reinforce the existing settlement pattern of the existing villages. Warton in general terms is nucleated, but it has a distinct linear form in the vicinity of the application site with the majority of the built development located along the frontage to Austrey Road with small culs-de-sac on either side. It is agreed that the proposal would introduce a “depth” of new built development to the rear of Austrey Road, but in a cul-de-sac form. However, this “depth” of development would extend well beyond existing built form. It would be poorly related to its surroundings and not be attached to the dwellings fronting Austrey Road, conflicting with the general linear pattern locally. It is not considered that it could be treated as an “infill” site as it is not contained by existing built development and it would reduce the openness of the area by fact and by degree. The applicant says that the site has development on three sides – the rear gardens of the houses fronting Austrey Road and Curlew Close (Appendix A) – and therefore it should be considered as “infill”. This conclusion is not agreed. The Local Plan defines “limited infilling” within Policy LP3 in respect of the Green Belt as a site “clearly part of the built form of a settlement - ie. where there is substantial built development around three or more sides of a site”. Furthermore, Policy LP30 refers to “infill development” reflecting the prevailing character and quality of the surrounding street scene. It is not considered that the site would accord with the approach adopted in these two policies. The site is large without substantial built development around it and with open views both into and out of the site. It is therefore not considered that the proposal would accord with the NPPF or the two policies in regard to these matters and that harm would be significant in weight. Additionally, it would be unrelated and unconnected to the village as a whole. The 2021 NPPF has an increased emphasis on planning for “places” and “communities”. This site is spatially, visually and physically unconnected to the village and its built form. The recent appeal decisions referred to

above support this reasoning. It is thus considered that the proposal does not accord with Policies LP1 and LP14 of the 2021 Local Plan as supported by the 2021 NPPF.

The harm caused is significant.

ii) Policy LP9 – Affordable Housing

8.4 The Reasoned Justification for Policy LP9 says that affordable housing needs still remain high in the Borough – on average around 267 units a year. New housing proposals should therefore cater for local affordable housing need. On greenfield sites such as this, the policy requires 40% on-site provision of affordable housing. The proposal is for 100% provision and thus the proposal fully accords with this policy. The policy also refers to a guide for the housing mix in such provision – 85% affordable rent and 15% intermediate tenure. In this case it would be 30% social rent and 70% shared ownership.

8.5 The representations received consider that there is not the local need for such provision and that recent permissions have allowed for any such need.

8.6 It is indeed the case that recent planning permissions have or will enable an additional 310 dwellings in the village. Of these then 127 are to be “affordable” - that is just over 40% in the village as a whole. However, as the Housing Officer points out, there is still a need for such provision in Warton, either from people residing in the village or from others wanting to live in the village. The Council’s latest waiting list figures (at April 2022) show 41 applicants wishing to live in the village – 2 from within Warton; 35 from applicants elsewhere in the Borough and 4 from outside. He also points out that this is an under-estimate of need, as the list only contains those who have applied to the Council for rented accommodation. He confirms that the mix of house types being proposed here would match the need as expressed through the list figures. As such, this proposal for 100% affordable housing would fully accord with Policy LP9 and assist the Borough as a whole in meeting its overall affordable housing target. Substantial weight has thus to be given to this evidence.

iii) Policy LP 16 - Ecology

8.7 As can be seen from the County Council consultation response, there would be a loss of bio-diversity on the site if the application is treated in “outline”. However, because of the increased provision of open space throughout the site within the amended scheme which can be landscaped and planted; the enhancement of boundary hedgerows and the provision of bio-diversity features at the attenuation pond, it is considered that there is scope for on-site bio-diversity gain which can be delivered through planning conditions attached to the grant of a planning permission. As such, accordance with Local Plan policy LP16 would be satisfied.

iv) Policy LP29 (11 and 12) - Drainage

8.8 Significant weight is given to the fact that there is no objection from the Lead Local Flood Authority and thus it is acknowledged that there would be no unacceptable harm caused. The fall of the land and the need to provide a sustainable drainage system for surface water means that in this case, it is necessary to locate the attenuation features and the pumping station at the northern end of the site. That has the consequence of

maintenance vehicles having to go through the cul-de-sac to reach these features. The frequency of such movements is very limited and cannot be avoided.

v) Policy LP15 - Heritage

8.9 It is not considered that there would be any unacceptable harm caused to heritage assets

vi) Policy LP29 (9) - Residential Amenity

8.10 This Policy requires developments to avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light air quality or other pollution. It is acknowledged that there would be new development alongside the north-western, south-eastern and south-western boundaries where the site adjoins established residential property. That will lead to increased overlooking even although there is some degree of this occurring presently. There are some gable ends proposed in these locations, but it is agreed that there will also be rear elevations adjoining existing property – particularly along the north-western boundary. This can be mitigated to a degree through strengthening boundary hedgerows. There would therefore be change. Members are aware that the loss of a view is not a material planning consideration. In this case there would be some harm caused. However, that is not considered to be “unacceptable” in the terms of the policy because of separation distances and that the layout and juxta-position of houses is very similar to established as well as new development throughout the village. It is concluded therefore that there would be limited harm caused due to the numbers involved.

vii) Policy LP29 (6) – Highways

8.11 This Policy requires new development to provide safe and suitable access to the site for all users. This mirrors the approach set out in the 2021 NPPF. The NPPF continues by saying that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this case the Highway Authority raised no objection in principle to the original submission only referring to the engineering details of the access off Curlew Close and the internal layout. The applicant has submitted his amended plan in order to overcome these matters. It is of substantial weight that the Highway Authority now has no objection in principle to the proposal or indeed to the detail of the amended plan – subject to one matter which will be dealt with below. Additionally, Members will have noted that the Parish Council commissioned an independent traffic consultant to review the initial submission. Its conclusions matched those of the County Council. No update has been submitted on the amended scheme by the Parish Council. In light of these two matters – the County Council’s “in principle” response and that of the Parish Council’s highway consultant - it is not considered that a highway refusal could be sustained given the wording of the NPPF. The proposal therefore accords with Policy LP29.

8.12 However, Members should be aware that there is still an issue to do with the potential of on-street car parking on the access into the site from Curlew Close for units 1 to 4. Because of the curve of this access, any on-street car parking could restrict forward visibility. Although these units do have off-street car parking provision close by, the Highway Authority does not think that this will be used in practice. The contrary

argument is that the curved access and residential set back here allows for a much improved street scene that enables open space to be linked to other such space in the scheme thus providing a visible and continuous area throughout the site. This feature is considered an important design response because of the rural nature of the site and the views to be had from within the scheme – see para 8.14 below. Furthermore, there are seven more parking spaces on-site than required by Development Plan policy to provide additional visitor parking demand.

8.13 It is considered that the “planning” approach here should prevail as it better reflects the character and distinctiveness of the site. Moreover, the traffic generated from the site is not considered to be substantial and thus usage of this access would not be great enough to warrant the situation being treated as “severe” in terms of the NPPF “test”. Members may come to a different conclusion, but the issue is whether it is sufficient weight to warrant a highway refusal.

viii) Policy LP30 and LP36 – Built Form and Parking

8.14 It is considered that the amended scheme is a significant improvement in terms of its layout and appearance over the original submission. This is due to the lower density which has enabled significant areas of open space to be included. This is important for development on the edge of a settlement as there would not be a “hard” edge. This is also supported by having the lower buildings (bungalows) at the lowest part of the site edge. As such the proposal would accord with Policy LP30 (b) and (f). Policy LP36 deals with parking provision. Given the mix of dwellings proposed – 8 one bed; 14 two-bed and 6 three-bed properties, the car parking provision of 59 spaces exceeds the requirement set out in the Policy LP36.

ix) The First Test – Conclusion

8.15 As a consequence of looking at the first test under Policy LP2, it is considered that the proposal would satisfy many of the other most important policies relevant to the determination of this planning application. There would however be significant harm caused under Policies LP1 and LP14 and limited harm under LP29(9).

c) The Second Test

8.16 The second test is that the development should enhance or maintain the vitality of rural communities provided such development is proportionate in scale to the relevant community. In the case of Warton, this is “usually of no more than ten units at any one time, depending on viability, services and infrastructure deliverability”. In this case the proposal is for 28 and thus it would appear that the proposal would not meet this test. However, the figure is not prescriptive and it is conditioned such that the development should more importantly depend on service and infrastructure deliverability.

8.17 The key theme running through the NPPF is the promotion and delivery of sustainable development. This is reflected in the identification of the settlement hierarchy in Policy LP2 of the North Warwickshire Local Plan 2021. Warton is a Category 4 settlement in that hierarchy. So, the issue here is whether the proposal harms the spatial strategy set out in LP2 and particularly the place of Warton within it. There has been growth recently in the village and there are outstanding permissions that have yet to be taken up. Together these amount to some 310 additional units. As a consequence, further development even of the scale as now proposed in the current

application – 28 – could result in growth which goes beyond the capacity of local services and facilities and cause harm to the development strategy for the Borough. This would find support in the Settlement Sustainability Appraisal evidence submitted for the new 2021 Local Plan. It led to a figure of around 200 as being proportionate. Anything above that, would not align with that evidence base. This would therefore amount to a policy conflict, given that the NPPF and policy LP2 are the most important to the determination of this application in that they identify the key spatial approach to new development.

8.18 This conclusion needs to be reviewed. This is because of the reference to service and infrastructure delivery in the “test”. It is to be noted that the County Council as both Education and Public Health Authority and the George Eliot NHS Trust have not objected. They seek proportionate contributions towards improved infrastructure. That reduces the weight to the policy conflict referred to above. However, it does not outweigh or overcome the basic issue here - the position of Warton in the settlement hierarchy. Apart from Early Years provision, the contributions are all for improvements to services located outside of the village and these rely on private transport. Also, there is some weight to the argument that affordable housing should ideally be located in settlements which have ready access to local services and facilities and/or to regular public transport links.

8.19 Overall, it is considered that the test is not met because the proposal is not supported by the status of the village within the spatial hierarchy.

d) Policy LP2 Conclusion

8.20 Overall, therefore it is considered that the proposal does not accord with Policy LP2 of the 2021 Local Plan being unsustainable development on the basis of the number proposed; causing significant harm through its visual and landscape impacts as well as limited harm caused to neighbouring residential amenity. This now has to be weighed in the final planning balance against the benefits of the proposal.

9. The Benefits of the Proposal

9.1 The benefit of the proposal is that it would provide 28 new affordable dwellings to explicitly meet housing need. This benefit carries substantial weight. This is because the NPPF says that it is the Government’s objective to “significantly boost” the supply of homes and as such it is important that a sufficient supply of land comes forward and that the needs of groups with specific housing requirements are addressed. As a consequence, planning policies are to reflect the housing needed for different groups including those who require affordable housing. Policies LP7 and LP9 of the 2021 Local Plan are such policies. The former refers to housing for older people and LP9 requires at least 40% affordable provision on sites for greenfield development. The housing evidence above concludes that this proposal accords fully with both of these policies and thus they will carry substantial weight in the final planning balance.

9.2 Furthermore, moderate weight can be given to the additional benefits of the provision of bungalows and of a landscape led low density scheme.

10. The Final Planning Balance

10.1 The determination of this application is to come to a planning judgement based on where the balance should lie between the harms identified in para 8.20 above and the benefits identified in 9.1 and 9.2.

10.2 The importance of providing affordable housing through a scheme that fully meets the housing evidence should not be under-estimated. Substantial weight is thus to be given to this benefit which would be delivered through a Registered Provider that already operates within the Borough. However on balance, it is considered that the integrity of the Local Plan through its spatial policy would not be satisfied through this proposal.

10.3 This conclusion is a matter of planning judgement and has been reached “on balance”. This is a case where that judgement is finely balanced and if Members were to attribute greater weight to the provision of affordable housing than to Policy LP2, then a different outcome would result.

Recommendation

That planning permission be REFUSED for the following reason:

1. Notwithstanding the recognised benefit of an above policy compliant provision of affordable housing, it is considered that the proposal does not accord with Policy LP2 of the 2021 Local Plan being unsustainable development as a consequence of the number of units proposed, causing significant harm through its visual and landscape impacts as well as limited harm caused to neighbouring residential amenity, thus not satisfying Policies LP1, LP14 and LP29(6) of the 2021 Local Plan and the relevant sections of the National Planning Policy Framework 2021. It is considered that on balance, the significant weight to be given to the recognised benefit, does not sufficiently outweigh the policies of the 2021 Local Plan when taken together.

(5/g) Application No: PAP/2021/0239

Land Between 3 And 17, Meadow Gardens, Baddesley Ensor, Warwickshire,

Erection of 17 affordable dwellings (2 and 3 bed) together with landscaping and parking, for

Mr Mark Fitzpatrick - The Fitzpatrick Group And Citizen Housing Group Limited

Introduction

This application is reported to the Planning and Development Board at the request of local members concerned about the impacts of the proposals.

The Site

The application site measures 0.41ha and consists of unmanaged smallholdings, allotments, and former garden land to the east of Meadow Gardens within the village of Baddesley Ensor.

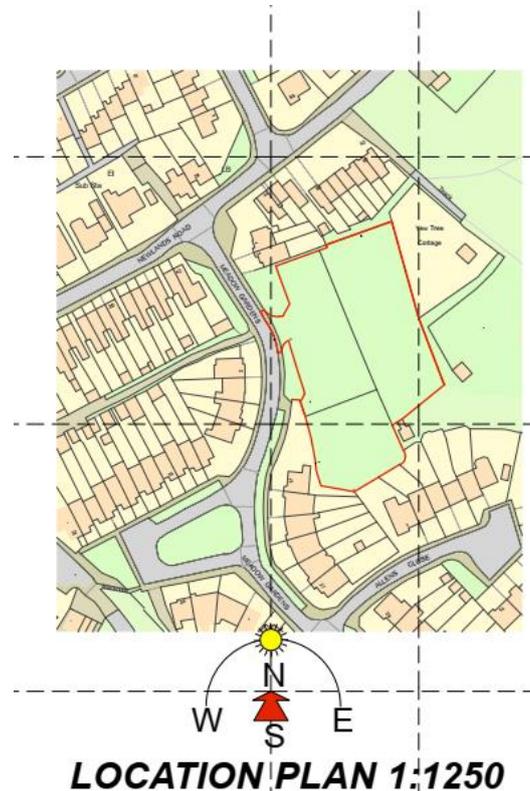


Fig 01. Site Location Plan

This is a greenfield site, characterised by ruderal (ryegrass, thistles, nettles, etc) and scrub (bramble and hawthorn) vegetation. Trees and hedgerows are present on most site boundaries, as well as extending through the middle on a north-south and east-west axis. A small grouping of fruit trees forming an old orchard occupies the southwestern corner.

Topography is variable with a cross fall of just over 2m along the northern perimeter (127.1m at the highway, rising to 129.4m in the north-eastern corner) and a sharper fall across the southern perimeter, falling from 126.3m to 121.5m east to west. The site slopes generally from north to south, falling from 129.4m in the north-eastern corner (129.4m) to 121.5m in the south-western corner (nearly 8 metres).

The site lies partially within and partially outside of the development boundary for Baddesley Ensor as identified within the 2021 Local Plan and is encircled by built form to all aspects – Meadow Gardens to the west, Newlands Road to the north, Yew Tree Cottage to the east and Allens Close to the south.

The Proposal

Planning permission is sought for the erection of 17 affordable dwellings (2 and 3 bedroom units) together with ancillary development including landscaping, open space, and hardstandings.

A new vehicular and pedestrian access will be formed off Meadow Gardens, linked to an internal road network that extends eastwards from the highway before turning right and later wrapping around towards the southwest corner.

All units will be semi-detached, apart from unit 7, each with dedicated garden space and parking – parking provision for each dwelling is 200% with four unallocated visitor spaces laid out to the rear of unit 17. Building designs are available at Appendix A.

An area of public open space is to be formed to the right-hand side upon entry to the site, addressed by plots 16 and 17. New landscaping is introduced throughout.



Fig 02. Proposed Site Layout

11 of the dwellings are to be affordable rental properties with 6 made available for shared ownership.

The submission is supported by the following reports and assessments:

A Tree Survey (dated March 2021) identified forty-four trees and two established hedgerows within or immediately adjacent to the site.

A Preliminary Ecological Appraisal (dated December 2020) has been submitted, commenting that the site has a landscape-scale role in connecting nearby woodland and common to the wider landscape. Further surveys for small reptiles are recommended.

A Reptile Report (dated October 2021) notes the presence of a small common lizard population and recommends a mitigation strategy.

A Drainage Statement (dated October 2021), confirming that there is sufficient capacity within the adopted sewage network to accommodate foul discharge from the development – a suitable outfall point within Meadow Gardens has been identified. Infiltration is an unsuitable method of surface water drainage (due to ground conditions); therefore, oversized pipes, cellular storage, and permeable paving will combine for surfacing drainage. A management company will be established to ensure long-term regular maintenance of these systems.

A Transport Statement (dated October 2021) states that the site is within an accessible location with regard to the presence of nearby education, healthcare, food retail and employment premises.

A Viability Report, concluding that there is no headroom to accommodate the requested contributions.

A Road Safety Audit Response Report, identifying the need for two uncontrolled crossings within the site.

Background

There is no relevant planning history for this site.

Development Plan

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development), LP2 (Settlement Hierarchy), LP5 (Amount of Development), LP7 (Housing Development), LP8 (Windfall), LP9 (Affordable Housing Provision), LP14 (Landscape), LP16 (Natural Environment), LP17 (Green Infrastructure), LP20 (Green Spaces), LP27 (Walking and Cycling); LP29 (Development Considerations), LP30 (Built Form), LP33 (Water Management), LP34 (Parking) and LP35 (Renewable Energy and Energy Efficiency)

Other Relevant Material Considerations

National Planning Policy Framework 2021 (NPPF)

National Planning Practice Guidance (NPPG)

MHCLG: National Design Guide

Natural Environment & Rural Communities Act 2006

Conservation of Habitats and Species Regulations 2017

Equality Act 2010

Consultations

Warwickshire County Council as the Highway Authority - Multiple discussions have taken place between the applicant and the authority since the initial submission. The authority raises no objection to the latest submission, subject to the imposition of six planning conditions.

Warwickshire County Council as the Lead Local Flood Authority - raises no objection subject to surface water drainage and maintenance plan conditions

Warwickshire Fire and Rescue - raise no objection subject to the imposition of a water supply and fire hydrant condition

Warwickshire Police - offered a series of recommendations relating to fencing, lighting, and emerging routing design

NWBC Environmental Health - recommends a series of conditions are imposed should planning permission be granted

NWBC Housing - satisfied with the proposed housing mix and affordable split

The Coal Authority commented that the site does not fall within a development high-risk area and thus a coal mining risk assessment is not required.

Draft Section 106 Contributions

NWBC Leisure - £99,741

WCC Education - £38,806

WCC Rights of Way - £2,222.18

WCC Sustainable Travel and Road Safety - £1020

NHS George Elliot Trust - £11,367

Representations

Baddesley Ensor Parish Council object on the basis of excessive development

18 letters have been received across the various consultations, 15 objecting and 3 offering comments. The concerns and comments are summarised below:

- Stream runs to the rear of Allens Close which floods every year.
- Stream blockage from fencing at the rear of Newlands Road – will have implications for surrounding homeowners
- Drainage strategy is unacceptable - the existing sewage system cannot cope with periods of heavy rain
- Number of local wells within the site may be adversely implicated by the development
- Have alternative methods of surface water retention been considered
- Proposals will increase the demand for on-street parking within adjoining roads
- Increased traffic on local roads
- Need plans with turning movement assessments
- Overlooking and loss of privacy to properties along Meadow Gardens and Newlands Road
- Impact on the security of neighbouring dwellings
- Impact on protected species and local wildlife – deer, nesting birds, badgers, rabbits, lizards, newts, snakes, etc, utilize the site
- Legal right of access is being overlooked – A right of way exists to the side of 3 Meadow Gardens
- Impact on local infrastructure
- Density of development is too high
- Construction disruption
- Site is greenfield, not brownfield
- No replacement planting
- Site should be used as a car park for local residents
- Enough affordable housing provision in the village
- Require 7ft panelled fence at the rear boundary of 3,4 and 5 Allens Close

Observations

a) Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan, in this instance the 2021 North Warwickshire Local Plan (NWLP), unless material considerations indicate otherwise.

Local Plan policy LP2 defines Baddesley with Grendon as a category 3 settlement, setting out that development inside its development boundary will be supported in principle. Just over half of the application site lies within the development boundary for Baddesley Ensor; thus, the principle of developing this section of the site is accepted.

The remainder adjoins the boundary. Policy LP2 supports development directly adjacent to development boundaries subject to conformity with a number of tests.

The first test requires the proposals to “enhance or maintain the vitality of rural communities”. It is considered that the proposals would do so due to increased patronage of local services and facilities. Furthermore, as all housing will be affordable, a local need is thus addressed and correspondingly this ensures that local residents should be able to remain within the area, sustaining community vitality.

The second test is one of proportionality with regard to the scale of the existing settlement. Baddesley’s population is estimated to be around 2000 (2020 estimate) with the proposals creating housing for approximately 41 people (17 dwellings* 2.4 people per household), a 2.05% increase. This is considered to be proportionate.

Thirdly and finally, the development must be compliant with the Development Plan and national policy considered as a whole. As reasoned within the subsequent sections of this report, the development is considered to comply with both the development plan and national planning policy.

Drawing on the above, the proposals gain support in principle under LP2.

b) Design

The NPPF identifies that good design is a vital component of sustainable development, adding that poorly designed proposals that fail to reflect local design policies and government guidance should be refused (para 134). Locally, several local plan policies demonstrate the council’s aim of securing high-quality developments within the borough.

Local Plan policy LP1 declares that all development must demonstrate a high quality of sustainable design that positively improves an individual settlement’s character, appearance, and environmental quality. LP30 requires all elements of a proposal to harmonise with the immediate and wider setting with new development expected to reflect characteristic local architecture and materials while ensuring that buildings and spaces connect to the surrounding environment.

Affording consideration initially to the character and appearance of the area, although the site presents greenfield characteristics, it does, both visually and physically, adjoin the existing built up-area, bound to three sides by housing. It is not considered to form part of the open countryside as Yew Tree Cottage to the west provides a defensible barrier to the open land and local wildlife sites beyond. By virtue of its location and the housing surrounding the site, the proposals would read as a well-related ‘infill’ development, conserving the existing pattern of development.

Regarding the housing layout proposed, as the urban grain (the pattern of buildings and streets) in the vicinity is highly variable/unstructured, there is no objection to the proposed layout. The layout presented is permeable and legible, with buildings facing public spaces to reinforce visual character and guarantee that they are well-defined.

A focal point is provided within the open space to the right on entering the site, generating community benefits, and softening the impact of the new built form. Varied parking treatments ensure that car parking does not form a dominant feature, and open spaces and footpaths are well-overlooked by the dwellings, allowing for informal supervision of public spaces by residents.

As for building design, the semi-detached, gabled form proposed for all but one of the units is acceptable. This is a common building type. The form of the detached unit is also suitable.

a)



b)



c)



Fig 03. Street Scenes - a) Meadow Gardens, b) plots 1-6 and c) plots 7-11

With regards to building heights, as illustrated above, units 1 and 2 sit lower than 3 Meadow Gardens, reducing visual impact and amenity implications (covered in more detail later in this report). Plot numbers 3,4,5, and 6 are slightly taller, which is expected given the sloping topography with levels and building heights falling southwards from plot 7 onwards – the indicative finished floor level of plot 7 is 2.7m greater than that of plot 15.

Finished floor and ground levels will be submitted for consideration in the future; however, the indicative finished floor levels provided appear generally suitable.

Massing on the larger I-shaped units is well articulated, and they both ‘turn-the-corner’ effectively with frontages to both aspects of the road. Generally, both scale and massing for buildings throughout the site are appropriate.

Red-brick dominates as a facing material which is contextually appropriate with render saved for select frontages and to emphasise the key building at number 7, a terminating vista. Render also combines well with the red-facing brick on the I-shaped units (1, 2 and 16,17) to demarcate the transition to another dwelling.

Throughout the site, buildings elevations are well-composed and generally consistent. Detailing is well-considered and adds character to the properties with the chimney stacks punctuating rooflines and providing visual interest.

Considering the proposals holistically, the development of the site for housing is not considered to harm the character and appearance of the area, the site’s layout and overall appearance are acceptable, as are the proposed building designs.

The proposals accord with policies LP1 and LP30.

c) Residential Amenity

Local Plan policy LP29 (9) requires all development proposals to avoid and address unacceptable impacts on neighbour amenity (emphasis added) and paragraph 130(f) of the NPPF requires planning decisions to ensure that high standards of amenity are provided for existing and future users.

i) Neighbouring occupiers

Meadow Gardens

3 Meadow Gardens borders plot 1 at the north-western corner of the site. Although plot 2 will be afforded views into the rear garden of the property, this does not materially worsen the existing situation with the dwelling’s rear garden already overlooked by 1 Meadow Gardens and properties along Newlands Road. 45-degree rules are not breached to habitable rooms within number 3 and, overall, the impact on this property is not considered to be unacceptable.

17 Meadow Gardens is located immediately beyond the southwest corner of the site. The orientation of plots 14 and 15 ensures that views from the first-floor windows of the new units would be directed to the rear gardens, not facing or towards habitable rooms – the rear elevations do not directly face the rear elevation of number 17. Moreover, the rear garden of number 17 is already overlooked by adjacent dwellings.

As 14 and 15 are located to the north of 17 Meadow Gardens, shadowing and loss of light would not be significant. In respect of an overbearing impact, at its closest, plot 15 is 9.5m from the rear elevation of number 17. Subject to acceptable finished floor and ground levels, the overbearing impacts on number 17 are not considered to be unacceptable.

Yew Tree Cottage Site

The separation distance between the side elevation of plot 6 and the rear elevation of the new dwelling under construction on the Yew Tree Cottage site is 10.75m at its shortest. 13m is a commonly applied figure in these situations; however, as plot 6 would not cover the entire rear elevation and due to the level differences (Plot 6 is lower than the adjacent dwelling), in these circumstances, the separation distance is considered to be acceptable. The elevation of plot 6 facing the new dwelling does not contain windows serving habitable windows. Yew Tree Cottage itself is not considered to be adversely affected given the distances and level differences involved. Subject to acceptable finished floor and ground levels, the impacts on the Yew Tree Cottage properties are not considered to be unacceptable.

Newlands Road

To the north lies Newlands Road. Back-to-back separation distances between plots 3-6 and properties within Newlands Road at two-storey exceed 21 metres, ensuring that overlooking is not unduly harmful, and maintaining an acceptable level of privacy. Land to the rear of the development site is also elevated, further reducing amenity implications.

In respect of the boundary comments from neighbouring occupiers, referencing the lack of vegetation proposed along the rear of units which back onto the rear gardens of properties within Newlands Road, a strip of vegetation already exists here between the site and Newlands Road. Accordingly, further planted 'buffer' is not considered necessary.

Allens Close

Occupiers of Allens Close are not considered to be unacceptably implicated by the proposals. 25m is provided between the rear of plot 12 and the closest property within Allens Close, a distance which ensures that overlooking, loss of light and shadowing would not be significant. Boundary fencing height concerns are accommodated with boundary treatments subjected to a condition for determination at a later date.

The amenity of the proposed occupiers

Sufficient external amenity space is provided for occupiers of the new units with such spaces not noticeably overlooked by adjacent dwellings. The internal space performs well against the Nationally Described Space Standards, although in some instances falling slightly below the minimum standards (c.90%). Notwithstanding, it is considered that a good standard of amenity will be provided for proposed occupiers from the outset.

d) Highways and Parking

Local Plan policy LP29(6) requires new development to provide both safe and suitable access to a site for all users. This approach reflects the National Planning Policy Framework (NPPF) which confers that new development should promote sustainable modes of transport (para 110a), provide safe and suitable access for all users (para 110b), adhere to national guidance (para 110c) and allow for the efficient delivery of goods, and access by service and emergency vehicles (para 112d).

Paragraph 111 of the NPPF specifies that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety, or in situations where the residual, cumulative impacts of the scheme are severe.

Following numerous amendments to the proposals, Warwickshire County Council as the Local Highway Authority, have raised no objection to the scheme subject to planning conditions which are detailed at the end of this report. As a statutory consultee, their consultation response carries substantial weight. The access arrangements are deemed to be safe and suitable with visibility and intervisibility splays according to guidance. Pedestrian access is provided throughout the site via dedicated footpaths and two crossings, one adjacent to the entrance to the site and the other fronting unit 7. Pedestrian access is also provided alongside plot 16. Numerous swept path analyses have been provided, signifying the ability of refuse vehicles to enter and leave the site within a forward gear.

Parking provision is at 200% (two spaces per property) provided in a mixed arrangement – tandem, on-plot and parallel to properties. This provision meets local plan requirements with a further four visitor spaces laid out at the rear of unit 17. It is not considered that the development would materially increase the incidence of on-street parking to the detriment of highway safety given this provision, and it is material that WCC highways have raised no objection to the parking layout.

Considering the proposals holistically and with clear regard to the highway authority's response of no objection, the development is considered to provide safe, secure access to the site for all users and does not detrimentally impact local residents. Unacceptable or cumulatively severe impacts on highway safety have not been identified and thus a refusal could not be substantiated under paragraph 111 of the NPPF. The development accords to policy Local Plan policies LP29(6), LP34 and the relevant paragraphs of the NPPF.

e) Trees and Ecology

Policy LP14 seeks for existing trees to be retained and, where natural features are lost natural, states that the council will seek for these to be replaced, preferably with native species that incorporate benefits for biodiversity.

The Tree Survey (dated March 2021) identified forty-four trees and two established hedgerows within or immediately adjacent to the site. The majority of the specimens are of limited amenity value (mostly mature or over-mature category C's and U's with just the two Category B trees).

The nature of the development necessitates that many trees require felling.

However, the landscaping details (subject to a condition for final approval at a later date) indicate that 10 trees will be retained, including one category B specimen and the hedgerow along the site's eastern boundary.

In addition, new planting will be introduced throughout the site, including new trees, over 550 hedges and 500 shrubs, and an area of grassed public open space formed in front

of plots 16 and 17. Furthermore, two areas of land highlighted yellow on the figure below, will be gifted to Warwickshire County Council for future tree planting.



Fig 04. – Site Plan

Subject to final details of replacement planting, the requirements of LP14 are considered to be met.

Local Plan policy LP16 requires proposals to assess the natural assets present within the site and seeks new development to minimise its impacts on, and provide net gains for biodiversity, where possible.

European Protected Species (such as bats, great crested newts, otters and dormice) receive full protection under the Conservation of Habitats and Species Regulations 2017, legislation which transposes the EU Council Directive 92/43/EEC on the conservation of natural habitats of wild fauna and flora (the “Habitats Directive”).

A Preliminary Ecological Appraisal (dated December 2020) has been submitted, identifying that the site has importance within the context of the surrounding landscape, including the nearby common and woodlands.

Notwithstanding the loss of vegetation arising from the proposals, the appraisal sets out that the development would not result in significant biodiversity impacts and only recommends further surveys for small reptiles. This survey has been carried out identifying a small common lizard population.

Recent clearance works have not recorded any lizards on-site; however, ecological management plans (to mitigate potential construction impacts) are to be conditioned, and two hibernacula within a fenced-off habitat ‘area’ will be provided as a

compensatory habitat measure. Further ecological enhancements will be achieved by virtue of the new and retained vegetation, 10 bat and bird boxes, and hedgehog-friendly fencing installed throughout the site.

The requirements of Local Plan policy LP16 are considered to be met.

f) Drainage

Local Plan policy LP29(9) requires the impacts of climate change to be managed through sustainable drainage with policy LP33 adding that water runoff should not exceed natural greenfield run-off rates and indicates a preference for infiltration as a method of surface water drainage.

The Drainage Strategy provides confirmation from Severn Trent that there is sufficient capacity within the adopted sewage network to accommodate foul discharge from the development – a suitable outfall point within Meadow Gardens has been identified and this new connection will be subject to a separate approvals process with Severn Trent. Infiltration is an unsuitable method of surface water drainage (due to ground conditions); therefore, oversized pipes, cellular storage, and permeable paving will combine for sustainable surfacing drainage.

The offline attenuation tank will discharge at a restricted rate of 3 l/s, greater than the greenfield run-off rate of 1.8l/s but this is deemed to be acceptable to Warwickshire County Council as the Lead Local Flood Authority.

A management company is to be established to ensure the long-term maintenance of these systems. The drainage plan demonstrates that the site can accommodate a 100-year flood event plus a 40% allowance for climate change.

Warwickshire County Council confirms that the Sustainable Drainage Systems (SuDS) are suitable and that the new connection to the combined sewer is a viable option. The Flood Authority raises no objection to the application, subject to conditions.

The topographical survey does not show the presence of a ditch within the site's boundary adjacent to Allens Close, contrary to third party comments. Notwithstanding the further concerns raised (stream blockages from fencing, existing systems cannot cope in periods of heavy rain, adverse effects on local wells), the LLFA does not object to the development (subject to a surface water drainage condition) and Severn Trent raise no concerns with the proposed foul sewage connection.

g) Contributions

Policy LP1 states that “infrastructure will be sought where it is necessary, directly related to the development and is fairly and reasonably related in scale and kind to the development”. This reflects the statutory tests set out within regulation 122 of the Community Infrastructure Levy Regulations 2010, as amended.

LP1 adds that “Where development is proposed in excess of plan requirements and would assist in the provision of or enabling infrastructure, particularly that related to facilitating development in the long term, or of affordable housing relative to needs, that will carry weight in favour of granting permission”.

As set out earlier, various agencies submitted requests for contributions to mitigate impacts arising from the development. None of these are unusual, and members will have seen these elsewhere. In this case, the requests have been forwarded to the applicant to establish the implications for scheme viability. Due to the proposed 100% affordable housing provision, the applicant sets out within their viability report that there is no financial headroom to accommodate the suggested contributions.

Affordable units generally net the developer between 50-60% of their open market value, substantially reducing a site's gross development value and resultantly in most cases, obligations levied against a site can make its development unviable. The NPPF sets out that weight attributed to a viability assessment is a matter for the decision-maker having regard to all the circumstances in the case (para 58).

In respect of affordable housing provision, North Warwickshire has an acute need and there is a demand for 24 two-bed dwellings and 16 three-bed dwellings within Baddesley Ensor as of May 2021.

The proposals directly address this local need and would deliver 17 two and three-bedroom affordable units, 10 more than would be obtained from an open-market development, resulting in substantial local community and social benefits. As set out under LP1, this should be attributed weight in the overall balance.

Additionally, as a wholly affordable development that will be subject to letting and occupancy criteria, occupants of these houses will likely be residents from Baddesley and the surrounding area – not new residents. Consequently, there would be a much-reduced pressure or impacts placed on local services than from a market development – e.g., the schools, libraries, health facilities, and public footpaths.

The issue therefore in the final planning assessment is thus whether the opportunity for increased affordable housing outweighs the other contributions that would otherwise be sought from the open-market residential development of this site. Officers consider that it does.

h) Other matters – third party representations not covered elsewhere in this report

An existing right of way to the side of 3 Meadow Gardens will be maintained, as shown on the latest site plan, accommodating neighbour concerns.

The density of development is 41.5 dwellings per hectare, which is not unusual within a residential setting and is not considered to represent overdevelopment of the site.

Implications arising from construction are not material to the determination of a planning application. Nonetheless, a construction management plan will be conditioned.

The suggested use of the site as a car park for local residents is considered to be an inefficient use of land and could generate vehicle movements well in excess of the suggested residential development.

Contrary to the third-party representations, as confirmed by NWBC's housing manager there is a demand for affordable housing within the village as referenced earlier.

Recommendation

That planning permission be GRANTED subject to the following conditions:

Standard Conditions

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the following:

Hibernaculum Specification received by the Local Planning Authority on 25th April 2022

Ecology and External Works Plan (2021-MG-09C) received by the Local Planning Authority on 25th April 2022

Proposed Site Plan (2021-MG-10E) received by the Local Planning Authority received by the Local Planning Authority on 25th April 2022

Plot 14 and Plot 15 Floor Plans and Elevations (2021-MG-13B) received by the Local Planning Authority on 16th March 2022

Plot 5 and Plot 6 Floor Plans and Elevations (2021-MG-12B) received by the Local Planning Authority on 16th March 2022

Plot 3 and Plot 4 Floor Plans and Elevations (2021-MG-11B) received by the Local Planning Authority on 16th March 2022

Plot 8 and Plot 9 Floor Plans and Elevations (2021-MG-08B) received by the Local Planning Authority on 16th March 2022

Plot 16 and Plot 17 Floor Plans and Elevations (2021-MG-07B) received by the Local Planning Authority on 16th March 2022

Plot 12 and Plot 13 Floor Plans and Elevations (2021-MG-06B) received by the Local Planning Authority on 16th March 2022

Plot 10 and Plot 11 Floor Plans and Elevations (2021-MG-05B) received by the Local Planning Authority on 16th March 2022

Plot 1 and Plot 2 Floor Plans and Elevations (2021-MG-04B) received by the Local Planning Authority on 16th March 2022

Plot 7 Floor Plans and Elevations (2021-MG-03B) received by the Local Planning Authority on 16th March 2022

Site Sections and Street Scene (2021-MG-02B) received by the Local Planning Authority on 16th March 2022

Tree Retention and Removal drawing (21-16-05) received by the Local Planning Authority on 16th March 2022

Drainage Statement (21034) received by the Local Planning Authority on 25th October 2021

Drainage Strategy Layout (21034/DS101 C) received by the Local Planning Authority on 25th October 2021

Drainage Area Plan (21034/SK102) received by the Local Planning Authority on 25th October 2021

Land Survey and Site Location Plan (9025-1A) received by the Local Planning Authority on 6th May 2021.

REASON

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

Pre-commencement conditions

3. No development shall commence until full details of the surfacing, drainage and levels of the access, car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Council. The unit shall not be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles.

REASON

In the interests of highway safety.

4. No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include:
 - (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained

- (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- (v) Details of hours of construction including all associated vehicular movements
- (vi) Details of the construction compound
- (vii) A plan showing construction traffic routes
- (viii) An audit of all waste generated during construction works

REASON

In the interests of the amenities of the area

5. No development, including preparatory works, shall commence until a Environmental Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall include the following:
 - (a) a risk assessment of potentially damaging construction activities;
 - (b) identification of biodiversity protection zones (e.g. buffers to trees and hedges or to protected wildlife habitat);
 - (c) practical measures (both physical measures and sensitive working practices, such as protective fencing, exclusion barriers and warning signs) to avoid or reduce impacts during construction (particularly in relation to works within canopy and root protection areas for hedgerows or protected trees);
 - (d) the location and timing of sensitive works to avoid harm to biodiversity features (in relation to breeding birds in particular);
 - (e) the times during construction when specialist ecologists need to be present on site to oversee works (as required);
 - (f) responsible persons and lines of communication; and
 - (g) the role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person (as necessary).

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless the ECoW otherwise sets out alternative details which are subsequently agreed by the Local Planning Authority.

REASON

In order to safeguard protected and/or priority species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts; and in order to secure an overall biodiversity gain.

6. No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site and adjacent to the site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details

of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered, or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

REASON

In the interests of the amenities of the area and the protection of trees and other features on site during construction.

7. No works other than demolition shall take place until a mining and ground report has been undertaken. If the assessment identifies potential contamination a further detailed investigation shall be carried out and details of remediation measures shall be provided where necessary. All works shall be carried out by a competent person and agreed in writing by the Local Planning Authority prior to commencement of development.

REASON

To protect the health of the public and the environment from hazards arising from previous uses of the site.

8. With the exception of demolition and site clearance, no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.

- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

REASON

To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity

9. Notwithstanding the plans hereby approved, no development shall commence until details of the finished floor levels of the buildings hereby approved, and of the proposed ground levels of the site, including garden areas, relative to the finished floor levels and adjoining land levels, have been submitted to and approved in writing by the Local Planning Authority. Such details shall be supplemented with locations, cross-sections and appearance of any retaining features required to facilitate the proposed levels. The development shall be constructed in accordance with the approved details.

REASON

In the interests of the visual amenities of the area and the amenity of neighbouring occupiers, recognising that levels across the site vary.

10. No development shall commence until a landscape and open space management plan (LOSMP) shall be submitted to and approved in writing by the Local Planning Authority. The LOSMP shall include long-term design objectives, delineate and detail how public land (including the public open space) and private land will be managed in perpetuity (including contact details and means of informing the Local Planning Authority of any change to those details) and set out maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. No dwelling shall be occupied until the landscape and open space management plan has been carried out in accordance with the approved details.

REASON

In the interest of the visual setting of the development and the surrounding area over the lifetime of the development, and to ensure appropriate recreation facilities remain available to the public.

11. No development shall commence until a scheme for the provision of 100% affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework 2021, or any document that amends or replaces it.

The scheme shall include:

- i) the type, tenure and location of the affordable housing units;

- ii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing (subject to the product concerned); and
- iii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

REASON

To ensure the provision of housing to meet particular needs in the interesting of delivering an inclusive and mixed community.

12. The development shall not be commenced until a turning area has been provided within the site so as to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear. The public highway shall not be used for the purposes of loading and unloading materials associated with the construction of the development.

REASON

In the interests of highway safety.

13. Notwithstanding the plans hereby approved, prior to the construction of a boundary wall, fence or gate, details of the position, appearance and materials of such boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in accordance with the approved details before the respective dwelling to which they serve are first occupied or in accordance with a timetable which shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of the character and appearance of the area.

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

REASON

In the interests of highway safety.

Pre-occupation conditions

15. Prior to first occupation, details of electric vehicle charging points (EVCPs), including the type of installation, the plots that will be provided with EVCPs and the location of the installation, will be submitted to and approved in writing by the

Local Planning Authority. The development will thereafter be carried out in accordance with the approved details and maintained for the life of the development.

REASON

In the interests of facilitating sustainable travel and reducing air pollution

16. No occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan.

REASON

To ensure the future maintenance of the sustainable drainage structures.

17. Prior to the installation of any external lighting a detailed lighting strategy (designed in accordance with the guidelines issued by the Institute of Lighting Engineers, or any equivalent guidelines which may supersede such guidelines) which shall include precise details of the position, height, intensity, angling and shielding of lighting, as well as the area of spread/spill of such lighting, has been submitted to and approved in writing by the Local Planning Authority. All lighting shall be installed in accordance with the approved strategy and thereafter retained in conformity with them.

REASON

In the interests of protecting the amenity and ecology of the area and adjoining from undue illumination impacts or distraction, and to minimise light pollution at night.

18. The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any dwelling to the satisfaction of the Local Planning Authority.

REASON

In the interests of Public Safety from fire and the protection of Emergency Fire Fighters.

19. The approved permanent measures of habitat enhancement, such as the bat and bird boxes, hedgehog friendly fencing and hibernaculum as illustrated on the Ecology and External Works Plan (2021-MG-09C) received by the Local Planning Authority on 25th April 2022 shall be implemented in full as construction proceeds and prior to first occupation of the development and thereafter maintained as such at all times.

REASON

In order to safeguard protected and/or priority species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts; and in order to secure an overall biodiversity gain.

20. The development shall not be occupied until the proposed parking and turning facilities have been laid out and constructed in accordance with the approved plans and thereafter be set aside and retained for those purposes.

REASON

In the interests of highway safety.

21. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 metres measured to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interests of highway safety.

22. All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the buildings or the completion of the development, whichever is the sooner; and any plants which within a period of five years (ten years in the case of trees) from the completion of the phase die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

REASON

In the interest of the visual setting of the development and the surrounding area.

23. Prior to occupation of each dwelling hereby approved, hard standing storage space capable of holding a minimum of 3 x 240 litre wheeled bins shall be provided within the curtilage of each dwelling. The storage facility shall remain permanently available for that purpose at all times thereafter.

REASON

To enable effective storage and disposal of household waste and in the interests of the amenity of the area.

Other conditions

24. In the event that contamination is found under condition 7, at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

REASON

To protect the health of the public and the environment from hazards arising from previous uses of the site

25. Where remediation works have been carried out in pursuance with the preceding conditions 7 and 24, a post remediation verification report shall be submitted in writing to and approved by the Local Planning Authority before the development is first occupied.

REASON

To protect the health of the public and the environment from hazards arising from previous uses of the site

26. The window on the first floor in the western elevation of plot 15 and on the first floor in the eastern elevation of plot 6, both serving bathrooms, shall be glazed in obscure glass and non-opening (except for elements that are situated higher than 1.7m above the finished floor level) and permanently maintained thereafter as such, which shall provide a minimum degree of obscurity equivalent to privacy level 4 or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.

REASON

In the interests of the amenity of neighbouring occupiers.

27. Access for vehicles to the site from the public highway (Meadow Gardens) shall not be made other than at the position identified on the approved drawing 2021-MG-10E, and shall not be used until a bellmouth has been laid out and constructed in accordance with the standard specifications of the Highway Authority. No gates shall be hung within the vehicular access to the site.

REASON

In the interests of highway safety.

28. Except in an emergency, no demolition, site clearance, construction, site works or fitting out shall take place other than between 08:00 hours and 18:00 hours

Mondays to Fridays, and between 08:00 hours and 13:00 hours on Saturdays. There shall be no such activities whatsoever on Sundays, public holidays and bank holidays.

REASON

To safeguard the amenities of nearby occupiers.

29. For the avoidance of doubt there shall be no burning of waste construction materials on site.

REASON

In the interests of the amenities of the area.

30. Any gas boilers provided must meet a dry NO_x emission concentration rate of <40mg/kWh.

REASON

To achieve sustainable development by reducing emissions in line with Local and National Policy and as set out in the adopted 2019 Air Quality Planning Guidance.

31. No development whatsoever within Class A, AA, B and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), shall commence on site without details first having been submitted to, and approved in writing by, the Local Planning Authority.

REASON

To maintain control in the interest of the character and appearance of the area, the amenity of neighbouring occupiers and to ensure an adequate provision of private amenity space.

Notes

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

2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
3. Wildlife and Countryside Act 1981 - Birds. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.
4. The proposed works may require building regulations consent in addition to planning permission. Building Control services in North Warwickshire are delivered in partnership with Nuneaton and Bedworth Borough Council. For further information please see https://www.nuneatonandbedworth.gov.uk/info/20025/planning_and_building_control and https://www.planningportal.co.uk/info/200187/your_responsibilities/38/building_regulations ; guidance is also available in the publication 'Building work, replacements and repairs to your home' available free to download from <https://www.gov.uk/government/publications/building-work-replacements-and-repairs-to-your-home>
5. Before carrying out any work, you are advised to contact Cadent Gas about the potential proximity of the works to gas infrastructure. It is a developer's responsibility to contact Cadent Gas prior to works commencing. Applicants and developers can contact Cadent at plantprotection@cadentgas.com prior to carrying out work, or call 0800 688 588
6. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £116. Although the Local Planning Authority will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows a period of 8 weeks, and therefore this timescale should be borne in kind when programming development.
7. Prior to the occupation of the approved dwelling(s), please contact our Street Name & Numbering officer to discuss the allocation of a new address on 01827 719277/719477 or via email to SNN@northwarks.gov.uk. For further information visit the following details on our website

https://www.northwarks.gov.uk/info/20030/street_naming_and_numbering/1235/street_naming_and_numbering_information

8. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.

For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the Central Building Control Partnership on 0300 111 8035 for further advice on radon protective measures.

9. Condition number 27 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184.

In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer.

The Area Team may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice.

Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

10. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

11. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

12. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues, suggesting amendments to improve the quality of the proposal and through regular dialogue. As such, it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2021/0239

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	21/04/2021 to 25/04/2022
2	Warwickshire County Council (Highways)	Consultation Response	07/04/2022
3	Warwickshire County Council (Infrastructure and Sustainable Communities)	Consultation Response	28/01/2022
4	Warwickshire Fire and Rescue	Consultation Response	21/05/2021
5	Warwickshire Police	Consultation Response	12/05/2021
6	The Coal Authority	Consultation Response	24/05/2021
7	Third Parties (Various)	Representations	2021 to 2022
8	Baddesley Parish Council	Representation	2021 to 2022
9	NWBC Housing	Consultation Response	08/11/2021
10	NWBC Leisure	Consultation Response	28/01/2022
11	North Warwickshire Borough Council (Waste Management)	Consultation Response	14/02/2022
12	North Warwickshire Borough Council	Consultation Response	07/06/2021

	(Environmental Health)		
13	NHS George Elliot Trust	Consultation Response	17/11/2021

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

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

Appendix A – Building Designs







Agenda Item No 6

Planning and Development Board

9 May 2022

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

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

Agenda Item No 7

Enforcement Action – Report of the Head of Development Control

Paragraph 6 – by reason of the need to consider the making of an order or service of a notice imposing requirements on a person.

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

The Contact Officer for this report is Julie Holland (719237).