

Agenda Item No 4

Planning and Development Board

5 November 2018

Planning Applications

Report of the Head of Development Control

1 Subject

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

2 Purpose of Report

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

3 Implications

- 3.1 Should there be any implications in respect of:

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

4 Site Visits

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

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 10 December 2018 at 6.30pm in the Council Chamber at the Council House.

6 **Public Speaking**

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

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	PAP/2016/0280	4	Land Opposite 84 To 104, Orton Road, Warton, Outline application for erection of 72 dwellings with associated access, parking and landscaping	General
2	PAP/2018/0231	60	Heart of England Conference and Events Centre, Meriden Road, Fillongley, Display of two pole-mounted banner signs with halo (internal) illumination (lettering only illuminated)	General
3	PAP/2018/0287	78	Former Sparrowdale School & Recycling Centre, Spon Lane, Grendon, Construction of 56 residential dwellings (class C3) including; construction of new vehicular access to Spon Lane, formalisation of existing vehicular access to Spon Lane, pedestrian accesses to Spon Lane and A5 (Watling Street), drainage infrastructure, landscaping, public open space and other works	General
4	PAP/2018/0312	100	Dunton Wharf, Lichfield Road, Curdworth, Demolition of existing buildings and erection of 3 buildings to provide offices, training/classrooms and industrial unit to facilitate the use of site for storage and ancillary digger driving school	General
5	PAP/2018/0426	106	Land Rear of 80-82, High Street, Coleshill, Residential development for one dwelling	General

General Development Applications

(1) Application No: PAP/2016/0280

Land Opposite 84 To 104, Orton Road, Warton, B79 0HU

Outline application for erection of 72 dwellings with associated access, parking and landscaping, for

Mr Ian Wilson - Warwickshire County Council

Introduction

Members will recall that this is one of three applications that have been reported to the Board in the past few months. Planning permissions have now been granted for two of these, thus leaving this final outstanding case.

The previous report to the Board is from August and this is attached for convenience at Appendix A. Members should be aware that this Appendix includes previous reports too relating to this and another site in Warton.

The site location plan is at Appendix B.

Background

By way of a summary, Members will recall that notwithstanding there being no objection from the Highway Authority to a proposed site access central to the Orton Road frontage, the Board asked for alternatives to be considered after hearing local representations on the proposal. That review resulted in the site access being proposed further towards the east. The Highway Authority did not object to that amended arrangement, but the Board considered that the option of relocating it still further to the east should be looked at in order to exhaust all options, even if this might involve the agreement of a third party – namely the adjoining land owner. Hence there was a further deferral at the August meeting and the County Council as applicant was asked to follow this through.

The location of the second access now part of the application is at Appendices C and D.

The Present Position

The County Council as applicant has considered the Board's request. However it considers that there is no planning or highway reason to look into a possible third access location. There has not been a refusal reason put forward based on planning policy matters and the Highway Authority has not objected to either access arrangement. In these circumstances it has asked the Board for a final determination of its application.

Representations

Members will be aware that objections were received from the residents of the residential properties opposite the second proposed site access and these were heard at the August Board meeting.

Observations

It is true to say that the Board has not received a recommended refusal reason on planning policy terms and the Board's deferrals have been wholly to do with site access arrangements.

The applicant agreed to review the position of the original site access and together with the Highway Authority agreed its re-location further to the east. That still has attracted objections from the local residents living opposite the site who are suggesting that the access into the site would be safer still further to the east. It was for this reason that there was the last deferral such that this possibility could be explored with the Highway Authority and the third party land owner whose land would be needed to accommodate the vision splay.

The applicant has looked at this further suggestion, but is saying that in light of the fact that there has been no objection from the Highway Authority to both the original site access and its alternative further to the east, that it now requests the Borough Council for a formal determination of its application.

The case is thus referred back to the Board and with a recommendation of approval including the second access.

Recommendation

That outline planning permission be **GRANTED** with site access as per the second scheme, subject to the completion of a Section 106 Agreement as set out in earlier reports and the conditions as set out in those reports.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0280

Background Paper No	Author	Nature of Background Paper	Date
1	Warton resident	Objection	2/8/18
2	Warton resident	Objection	6/8/18
3	Head of Development Control	Letter	7/8/18
4	Applicant	Letter	10/10/18
5	Head of Development Control	Letter	11/10/18

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

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

(3) Application No: PAP/2016/0280

Land Opposite 84 To 104, Orton Road, Warton, B79 0HU

Outline application for erection of 72 dwellings with associated access, parking and landscaping, for

Mr Ian Wilson - Warwickshire County Council

Introduction

Members will recall that this application was referred to the July Board meeting, but that determination was deferred to enable further discussions with the County Council on the prospect of securing an alternative access.

The previous report is attached at Appendix A. As Members will recall, that report also dealt with another application which has since been determined.

Amended Access

The key matter in this case has been the view of the local residents that a safer access into the site could be provided further to the east along Orton Road, even if that meant altering the location of the speed limits along that stretch of road.

There has been further discussion with the applicant and the County Council in this regard.

A different access location has now been proposed. This would be 30 metres to the east. This takes the access position to just beyond the line of residential property on the other side of the road; still retaining a meaningful access for the development of the land, maintaining the appropriate visibility splays within the existing speed limits and not involving third party land.

This is illustrated at Appendices B and C.

The tree the subject of the query about whether an Order should be made would almost certainly have to be removed if this alternative access was agreed.

Consultations

This revised plan has been forwarded to the County Council as Highway Authority and it has no objections subject to standard conditions.

Representation

The plan has also been forwarded to all of the residents in the cottages opposite the site. Responses will be reported verbally at the meeting.

Observations

This amendment is welcome and it is considered that it does respond to the local concerns. It is acknowledged that it does not alter the extent of the existing speed limits in this part of the village, but as Members are aware that is a separate issue which the County Council will have to deal with under other legislation that is in its remit.

Overall it is considered that the Board has now gone as far as it can in trying to balance all of the issues that have been raised in the course of its assessment of the proposal.

Recommendation

That outline planning permission be granted subject to completion of a Section 106 Agreement as set out in Appendix A, together with the conditions as also set out in the Board's March report, but with the relevant changes to plan numbers and highway conditions consequent to the receipt of the amended plan.

(3)-Application No's PAP/2016/0280 and PAP/2017/0551**A) PAP/2016/0280****Land opposite 84 to 104 Orton Road, Warton, B79 0HU****Outline application for erection of 72 dwellings with associated access, parking and landscaping for****Mr I Wilson – Warwickshire County Council****B) PAP/2017/0551****Land south of Warton Recreation Ground, Orton Road/Barn End Road, Warton****Outline application for up to 100 Dwellings; all matters reserved except for access for****Richborough Estates****Introduction**

Members will recall that determination of these two cases was deferred at the Board's February, March and April meetings. In each case the Board was minded to support the grants of planning permission, but that officers were asked to review the County Council's highway responses with that Council and to report back to a group of nominated Members. That has now occurred and the Member group considered that both cases should be referred back to the full Planning Board.

For convenience the past reports dealing with application "A" are at Appendix A and that for application "B" is at Appendix B.

Discussion with the Highway Authority

In both cases, the main reason for the deferrals was concern about the Highway Authority having no objection to either of the proposed access arrangements – in the case of application "A" onto Orton Road and for "B" onto Barn End Road. Having heard from objectors who live close to these access locations, the Board asked the County Council to consider alternative locations and to review the speed limits on the surrounding approach roads into Warton.

This exchange took the form of two parts. Firstly, officers specifically referred the site specific matters relating to the two applications to highways officers to see if there was the possibility of a change in their responses. The second was a meeting between the Leader of this Council, the Head of Transport and Economy at Warwickshire together with the Portfolio Holder at the County for Transport and the Environment in order to raise the more general point about traffic speeds and the potential for widening the extent of existing speed limits on the approach roads into Warton. This was followed up with news of recent accidents at Warton being forwarded to those representatives. They agreed to review the cases again, as well as to look at the issue of the speed limits.

The exchange arising from the first part described above resulted in their being no change from the initial consultation responses from the County Council. The letters are attached at Appendices C and D. As a consequence of the meeting referred to above,

the Head of Transport and Economy at the County agreed to undertake a review of this exchange and this resulted in there being no change of view, with no objections being retained.

In short, the County Council stands by its original consultation responses to both of these two planning applications.

Additional Material Planning Considerations

There are two planning considerations that have arisen since deferral of these cases.

The first is that Members will be aware from the report referred to its May meeting, that Policy NW2 of the Core Strategy is now out of date in respect of development boundaries. The Secretary of State has confirmed this in the recent Daw Mill appeal decision. This is a new material planning consideration affecting these applications since they were last reported to the Board and it is also referred to in other cases on the Board's agendas since that Daw Mill decision. The consequence of this is that Policy NW2 in respect of its development boundaries is out of date and thus carries limited weight. For it to be used as a refusal reason, the Board will have to show that there is significant harm caused by a proposal and that there is robust evidence available to demonstrate that level of harm. This is the "test" set out in the NPPF.

The second is that the Council has published its annual return for its five year housing land supply. This is dated the end of March 2018 and shows a 4.8 year supply. This would mean that the Core Strategy housing policies are out of date and thus as above, the presumption is to grant planning permission unless there is significant and demonstrable evidence to support an adverse harmful impact.

In short, these two considerations are of substantial weight and weigh heavily in favour of endorsing the Board's decision that it is minded to support the grant of planning permissions in both cases.

Observations

The Board has already resolved that it supports the grants of planning permission in both of these cases. That was an agreement in principle that the sites can be developed, as they have been identified as such in the emerging Local Plan. That resolution now carries even more weight following the matters raised in the paragraph above, particularly as that emerging Local Plan has now been submitted to the Secretary of State and the sites are thus seen by the Council as being sustainable developments.

This therefore brings the Board to consideration of whether there is significant and demonstrable harm. The Board has been advised on several occasions that this is the "test" that now applies because of the consequences of the Daw Mill decision. In both cases the Board has been investigating whether that test is applicable because of the locations of proposed access points for both developments. The NPPF states quite categorically that if a refusal is to be considered on highway grounds, then any residual harm occurring, that is harm after the imposition of planning conditions and/or off-site improvements, should be "severe" , if it is to warrant such a decision.

In the Orton Road case – application "A" - the County was asked to consider the re-location of the proposed access further along Orton Road, even if that meant the extension of the 30 mph speed limit further out of the village. It has done so, including

6/13

looking at moving it the other way. It can be seen from the County's responses that it will not accept either alternative.

In the Barn End Road case – application “B” – the County was asked to consider relocating the access onto Orton Road and for that to be accompanied by an extension of the 30 mph speed limit along that stretch of Orton Road. It can be seen from the response again that it will not accept that alternative.

It also refers to the requested review of speed limits. It does not agree that these applications directly warrant such work. There is a suggestion however that the developers make a contribution towards such work through Section 106 Agreements. The County quite properly leaves the consideration of that suggestion to this Council as Planning Authority.

Officer advice to the Board is that this suggestion should not be followed through. There are several reasons for this:

- It is work that is required to look into an existing problem. As such, it is not statutorily compliant with Section 106 of the Planning Act.
- It is not related to the direct impact of the proposals. As such it is not compliant.
- It is work that may result in actions that are wholly not within the gift of the developer. They are in the gift of the Highway Authority acting under the Highways Act. It is therefore not compliant.
- The outcome of the work is unknown. That is dependent on the procedures and process under the Highways Act. It is therefore not compliant
- The County Council as the Statutory Highway Authority has no objection to the current proposals.
- The developers quite reasonably and properly are following that highway advice.

As such, the Board would be strongly advised not to follow this route, as it could be under legal challenge if it did.

Member's concerns and frustrations are very well understood and officers have followed them through fully, which has clearly resulted in a higher level review of the initial responses. The Highway Authority maintains its position and in these circumstances, given the planning policy background; the changed circumstances, the substantial weight that is given to the NPPF and the statutory background to Section 106 matters, the recommendation to the Board on both cases is that planning permissions be granted.

However two suggestions can perhaps be made to assist Members - one for each case.

In respect of the Barn End Road application – “B” – the grant of an outline planning permission is followed through, but Members might wish to keep the option of a secondary access onto Orton Road open. This is because the application is an outline application. Whilst the access is presently shown to be solely via Barn End Road, the subsequent approval of reserved matters application will look at layout and it might be worth “flagging” the potential for safeguarding the option of a secondary access onto

Orton Road within the layout details. This is particularly so, if a construction access has to be sited off Orton Road.

In respect of the Orton Road application – “A” – the recommendation below is that planning permission now be granted, but the Board may wish to retain its resolution that it is minded to grant planning permission and that Members ask the County Council for one final review of the access provision here. This is because the applicant is in fact the County Council itself, and therefore the suggestion that traffic speed studies are undertaken for this stretch of road is far more appropriately addressed if the applicant is also the Highway Authority.

However, notwithstanding these suggestions, Members will undoubtedly want to follow through the wider issue of speed limits in and around the village with the Highway Authority and to supplement their previous concerns as expressed at earlier meetings. Officers are following through on making arrangements from a previous resolution for leading Planning Board members to meet County Council representatives. Members might also wish to request that the County Council gives priority in its programmes for exploring speed limit extensions within Warton.

Section 106 Matters

In respect of Section 106 matters then the report to the March Board - Appendix A – explains the Board’s concerns about the situation in respect of the emergency services for Application “A”.

There was also concern expressed about the apparent inconsistent approach from the County Education service in respect of Applications “A” and “B” together with a further application for residential development off Little Warton Road. This matter has now been resolved and the County Council has provided a coherent and comprehensive response. In short this enables a contribution of £369,072 towards the Village primary school from Application “A” together with a contribution of £52,070 towards the village school from Application “B”, plus a further £460,549 towards provision at Polesworth for secondary provision from Application “B”. The third application – that off Little Warton Road would provide £87,032 for the village school and £200,024 for post 16 provision in the area. In total therefore £1,168,747 is required for the education contributions.

In order to clarify matters therefore the following contributions would arise from Application “A”:

- £369,072 for the village school
- £104,477 for enhancement of open space in Warton
- £41,507 for the provision of health care services for the George Eliot NHS Trust
- 40% of the units to be affordable housing

In respect of Application “B” the contributions would be:

- £52,070 for the village school
- £460,549 for secondary provision
- £2189 for Library enhancements

6/15

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- £125,929 for recreation provision
- £21,702 for enhancements at the Polesworth and Dordon Group Practice.
- 40% of the units being affordable housing

It is important to stress that these contributions are not wholly focussed on Warton and that they should not be seen as "compensation" for the new development. They are directly related to the impact of the developments on services and facilities. It should be remembered too that those local services include locations outside of Warton.

Additionally enhancement of local recreation provision has its limits too and therefore the increase in population will be impacting on the need for playing pitch provision, which can only reasonably be provided elsewhere – e.g. at Polesworth.

Other Matters

During the course of application "A", a local resident requested that the Council consider the making of a Tree Preservation Order on an oak tree within the Orton Road frontage opposite the existing terrace of houses here. The Council's tree officer has inspected the tree and considers that it is not appropriate to make such an Order. His assessment is set out in Appendix E.

Members will also recall the issue of the configuration of the parking places outside the existing houses in Orton Road under application "A". The applicant has provided a further plan – Appendix F – which is supported by the County Council and now forms part of the plans under this application and will need to be substituted in the conditions.

Recommendations

A) PAP/2016/0280

That outline planning permission be granted subject to a Section 106 Agreement as set out in this report and the conditions as recorded in Appendix A.

B) PAP/2017/0551

1. That outline planning permission be granted subject to a Section 106 Agreement as set out in this report and the conditions as recorded in Appendix B
2. That notes be added to the Notice strongly recommending that the Council will be looking for the possibility of a secondary access onto Orton Road within the layout to be submitted under the subsequent application for the approval of reserved matters.

C) That the issue of traffic speed limits in the village is raised at the forthcoming meeting between leading Planning Board Members and the County Council to discuss local highway issues and the responses received from that Authority in respect of planning applications.

General Development Applications

(1) (A) Application No: PAP/2016/0280

Land Opposite 84 To 104, Orton Road, Warton, B79 0HU

Outline application for erection of 72 dwellings with associated access, parking and landscaping, for

Mr Ian Wilson - Warwickshire County Council

(B) PAP/2017/0202

Land rear of 29 to 40 Little Warton Road, Warton

Outline application for the erection of up to 56 dwellings and associated works, including a play area, the demolition of 47 Little Warton Road and details of the access for

Walton Homes

Introduction

Members will recall that as well as being reported to the last meeting, these sites adjoin each other. Determination of both applications was deferred at that meeting for a number of planning reasons as well as for Members to better understand the arrangements to be included in the respective draft Section 106 Agreements.

The cases are referred back to the Board to report progress on these matters.

Application B

In respect of the Little Warton Road site, Members sought inclusion of a small play area on the site given the distance of the existing play area in Warton from the site. The applicant has agreed to give explicit recognition of this addition within the description of the application and this is now outlined in the header above. However this led to the matter of maintenance of that play area. The applicant has already been asked to contribute to the enhancement of facilities at Abbey Green in Polesworth and therefore that contribution should be diverted either in whole or in part to the Council if it intends to take over the on-site play area. Discussions with the relevant Division are still continuing.

Moreover the Board asked officers to investigate why no education contribution was sought for this site of up to 56 houses whereas it was on the adjacent site for 72. This matter is still being pursued with the County Council.

Application A

In respect of the Orton Road site, Members sought clarification about two matters as well as Section 106 issues.

In respect of the former then the first was connected with the new on-street car parking provision to be proposed outside of the existing properties on the other side of the road.

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In particular they sought inclusion of a disabled space. The applicant responded to this with an amended plan but this was referred back to him as the disabled space was not considered to be the correct size and the parking provision appeared to block access ways to the rear of the properties. The applicant has responded by saying that no access rights exist here - access may be being obtained through practice and custom and thus it is informal. Moreover they do not have properly constructed cross-overs. Both the Highway Authority and the applicant point out that existing parking arrangements here are technically "illegal" with residents parking and thus trespassing on the opposite highway verge which also causes a safety hazard. The current proposals offer a major betterment with some regulated on-street provision and a new on-site car park specifically safeguarded for residents.

The matter of the dimension of the disabled space has been referred back to the applicant.

The second matter related to the location of the proposed site access. Officers were asked to see if an alternative could be provided further to the east. The applicant and the County Council have been engaged in the location of this access since the submission of the application and it has gone through several iterations as a consequence of highway authority guidance and advice. There are two main issues with a re-location to the east. Firstly the required vision splays would need third party land as the splays would be larger because the access would be outside of the 30mph zone. Secondly the provision of the on-street car parking provision outside the existing properties on the other side of the road and the re-alignment of the road to accommodate this, could be prejudiced because of the road engineering geometry to accommodate this provision - in short, it works with the current proposal. As a consequence it is considered when taken overall and therefore on balance, that there is a greater public benefit in that what is now being proposed as betterment over an adverse existing situation. There is however an on-going request from residents to explore a scheme where the re-alignment of the existing road extends much further into the application site thus suggesting that the "old" road becomes a cul-de-sac in front of the existing houses. This has been explored with the Highway Authority. There are detailed engineering reasons why this cannot be accommodated. In particular the appropriate highway construction standards would not be achieved at either end where the new road would "tie-in" with the existing - particularly at the western end where third party land would be required and it would lead to the re-location of the additional car parking area for existing residents. As referred to above, these matters had been raised earlier in the processing of this application and the Highway Authority has concluded that the current proposal offers the best overall highway solution. Members are reminded that the Board should take a decision on the proposals that are now in front of it. In this case there is no highway reason for refusal and both the applicant and the Highway Authority have considered alternatives prior to issuing its support for the current arrangement.

As a consequence of all of these matters it is considered that the current arrangements as proposed can be supported.

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The Board also asked officers to investigate contributions from the "blue light" services in respect of this application. The Fire Services Authority has not made a request as it sees the imposition of a condition on the grant of a planning permission as its best option. Members will be familiar with this approach whereby fire-fighting provision on site through hydrants and water supply is conditioned on practically every application. The same would apply here. In respect of the Ambulance service then Members from time to time see responses from Public Health Warwickshire – usually for contributions towards the CCG's. However Public Health Warwickshire provides a joint and coordinated response from the CCG's, its own service and the Ambulance Service. So should an explicit requirement arise from this service it would be recognised in the consultation response from Public Health Warwickshire. There was none in this case.

As far as the Police Authority is concerned then it has says that it only responds to applications of over 100 dwellings. Hence nothing has been requested here. However as reported above, this site adjoins a second site and the combined dwelling count is 128. The Police have been asked to comment and as a consequence have responded by asking for contributions to both sites - £8501 in respect of this one and £6611 for application B.

The report above refers to the apparent situation in respect of an inconsistent approach towards requests for education contributions. The outcome of the ongoing discussions may also affect this site.

Observations

It is considered that the matters raised by the Board in requesting deferral of decisions on these two cases have been considered since the last meeting. However the education contribution situation remains outstanding as does the recreation contribution for application B. Deferral of the applications is thus again requested. However if other matters are considered to be resolved by the Board, it is important that the respective applicants be given comfort that the only outstanding matters are by way of agreeing the terms of the respective Section 106 Agreements.

Recommendations

- a) That in respect of Application A, planning permission be **GRANTED** subject to the conditions set out in the previous report and subject to the completion of a Section 106 Agreement.
- b) That in respect of Application B, planning permission be **GRANTED** subject to the conditions contained in the previous report and subject to the completion of a Section 106 Agreement.
- c) That in both cases, the terms of the respective Agreements be referred back to the Board for confirmation.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0202

Background Paper No	Author	Nature of Background Paper	Date
1	Head of Development Control	Letters	06/02/2018
2	Applicant	E-mail	07/02/2018
3	WCC Education	E-mail	07/02/2018
4	Place Partnership	Letter	19/02/2018

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.

BACKGROUND PAPERS

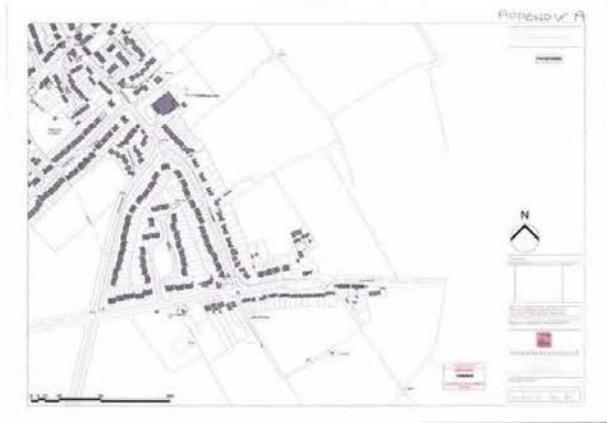
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2016/0280

Background Paper No	Author	Nature of Background Paper	Date
1	Head of Development Control	Letters	06/02/2018
2	Applicant	E-mail	13/02/2018
3	WCC Education	E-mail	13/02/2018
4	Applicant	E-mail	16/02/2018
5	Mr Newton	E-mail	15/02/2018
6	Place Partnership	Letter	19/02/2018

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

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5/9

6/21

4/28

4/18



Land to the Rear of 47 Little Warton Road, Warton B79 0HR



Promap

Drawing 4660.88 Context Plan : Scale 1:10000@A4 : April 2017

PLANNING PERMISSION
RESUBMITTED
24/06/2017
REMARKS IN DEVELOPMENT
OFFICE

5/10

6/22

4/29

(2) Application No: PAP/2017/0551

Land South Of Warton Recreation Ground, Orton Road/Barn End Road, Warton,

Outline application for up to 100 dwellings; all matters reserved except for access, for

Richborough Estates, M & A Caton

Introduction

This case is reported to Board at the request of Councillors in recognition of the scale of the development and the cumulative impacts of the developments proposed in Warton.

The Site and the Proposal

The site has an area of 4.48ha. It is situated on the south side of the village of Warton and has frontages to Barn End Road and Orton Road. Agricultural land lies to the south and west and the village recreation ground lies to the north-west. A site immediately to the north benefits from planning permission for 29 dwellings. The site is shown edged red in the aerial photograph below.



The site is in use for the production of crops and is broadly level land with no tree or shrub cover with the exception of at its outer boundary. The land is shown in the photograph below (taken from the junction of Barn End Road and Orton Road)



The application is accompanied by an Illustrative Masterplan (reproduced below) and other supporting documents:

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4/20

- Planning Statement, prepared by Pegasus Group;
- Design and Access Statement, prepared by Pegasus Group;
- Affordable Housing Statement, prepared by Pegasus Group;
- Open Space Statement, prepared by Pegasus Group;
- Landscape and Visual Appraisal, prepared by Pegasus Group;
- Agricultural Land Classification Report, prepared by Soil Environment Services;
- Transport Assessment, prepared by PTB Transport Planning;
- Travel Plan, prepared by PTB Transport Planning;
- Flood Risk Assessment, prepared by BWB;
- Sustainable Drainage Statement, prepared by BWB;
- Foul Water and Utilities Assessment, prepared by BWB;
- Ecological Appraisal, prepared by Just Ecology;
- Reptile Survey Report, prepared by Just Ecology;
- Great Crested Newt Survey Report, prepared by Just Ecology;
- Tree Survey, prepared by Midland Forestry; and
- Ground Conditions Desk Study, prepared by ASL.



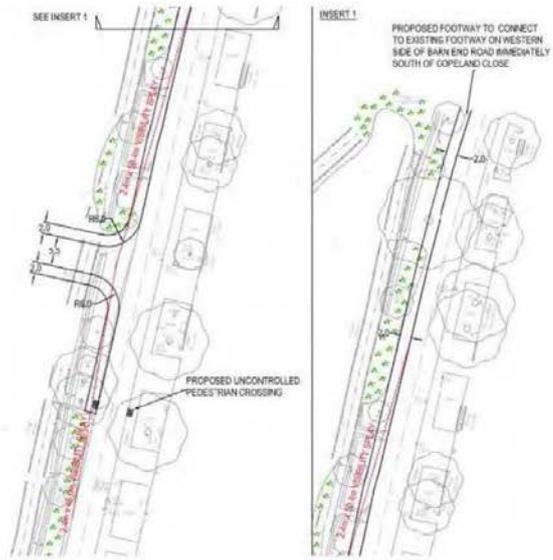
A new access is proposed to Barn End Road. Details of the access are shown below.

5/41

6/24

4/31

4/21



The photograph below shows the stretch of Barn End Road onto which the new access will be formed:



The proposal would be the subject of a Section 106 Agreement with the following elements and sums having been agreed (subject to final correction on the

5/42

6/25

4/32

4/22

apportionment of the education contributions between the three development sites in the same village):

- The application proposes 40% affordable housing on site as required by policy.
- County Council Contributions - Broken down as follows:

Two new bus stops on Little Warton Road near the junction with Barn End Road - **£9,000**.

Sustainable Travel Packs - Contribution of £75 per dwelling - **£7,500**

Libraries - Expansion of service to meet customer needs generated by residential developments. Monies will be used to improve, enhance and extend the facilities or services of a specified library service point where local housing development will mean an expected increase in numbers of people using those facilities – **£2,189**

Education:

Provision stage	Number of children generated	Provision	Contribution requested
Primary	16	Contribution towards provision at Warton Nethersole CofE Primary School	£228,690
Secondary	13	Contribution towards additional provision at The Polesworth School	£206,453
Post 16	5	Contribution towards additional provision at The Polesworth School	£90,920
Total Contribution			£526,063

- North Warwickshire Borough Council:
Recreation contribution addressing Built Sport Facilities and Playing Pitches - **£125,929**
- Public Health/CCG:
- Capital contribution of **£21,702** for the improvement and/or extension of the Polesworth and Dordon Group Practice.

Background

Members have expressed the view that the cumulative effect of development in the village should be considered and that there should be consistency of approach to the determination of all applications, particularly in respect of developer contributions.

The applications below are current applications proposing major residential development in the same village. They have been previously reported to Board, and

Board has resolved to approve the developments in principle, subject to the satisfactory resolution of developer contribution negotiations.

PAP/2016/0280	21	Land Opposite 84 To 104, Orton Road, Warton. Outline application for erection of 72 dwellings with associated access, parking and landscaping
PAP/2017/0202	39	Land Rear of 29 to 49, Little Warton Road, Warton. Outline application for erection of up to 56 no. dwellings and associated works, including the demolition of 47 Little Warton Lane (outline point of access)

Development Plan

North Warwickshire Core Strategy (October 2014): NW1 (Sustainable Development), NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW15 (Nature Conservation), NW16 (Green Infrastructure) and NW22 (Infrastructure) Saved Policies of the North Warwickshire Local Plan 2006: ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

The National Planning Policy Framework 2012 (NPPF)

Planning Practice Guidance 2017

The North Warwickshire Local Plan Submission Version, March 2018

Appeal Reference: APP/R3705/W/16/3149573 – Ansley

Consultations

Environmental Health Officer - Agrees with the findings of the desk study, that a further intrusive investigation for potential contamination will be required. A dust management plan will also be required for the development in line with the IAQM guidance. He recommends that, should permission be granted, hours of construction are limited to 08:00 to 18:00 on weekdays and 08:00 to 13:00 on Saturdays.

Natural England – Initially raised queries about the likely impact on the Alvecote Pools SSSI and the Birches Barn Meadow SSSI, however, upon receipt of additional information supplied by the applicant, it concluded that the development will not have significant impacts on designated sites.

Warwickshire Wildlife Trust – No objection. Comments on the issues relating to the presence of protected species and the need for additional surveys (bat and badger).

Lead Local Flood Authority – No objection subject to conditions.

5/44

6/27

4/34

4/24

Warwickshire County Council Highways Authority – No objection subject to conditions

Severn Trent Water – No objection subject to conditions.

Waste and Transport Manager, NWBC – Comments on what will be required at the approval of reserved matters stage - recommends a practical bin storage facility for every property, each capable of holding a minimum of 3 x 240L wheeled bins and the need to see a vehicle flow plan for a 26T RCV on all areas of adopted highway. Comments that the illustrative plan shows a high proportion of dwellings (40%) serviced from private drives where the refuse collection service will not enter (by vehicle or foot). Concrete collection points adjacent to the adopted highway to cater for properties located on private drives.

Warwickshire County Council Public Health (Public Health) and NHS Warwickshire North Clinical Commissioning Group (the CCG) – Comments that the design of the development should adhere to Building for Life 12 principles, advocates that parking should not dominate the street scene as on road parking can impact on the ability of emergency vehicles to navigate roads and asks that consideration be given to the inclusion of green gyms and the installation of electric vehicle charging point on this development.

Design Out Crime Officer Warwickshire Police – No objection.

Sport England – Raises no objection.

Fire Service - No objection subject to conditions

AD (Housing) – Advises that up to date demands suggest that an appropriate mix for affordable housing would be 20 x 2 bed houses, 5 x 3 bed houses and 2 x 4 bed houses.

Warwickshire County Council Footpaths – No objection but identifies that given that the section of public footpath crossing the site would be serving the proposed residential development and will link to the adjacent proposed development to the north, it would also expect the developer to improve the surface of the public footpath to bring it up to the same standard as other footways within the site, such as with a tarmac surface. The section of public footpath crossing the site should preferably also have street lighting and be included in any adoption agreement for the site. It seeks confirmation that such resurfacing works will be undertaken or funded by the applicant.

Tree Officer, NWBC – No objection. The trees at the site are mainly located to the edges of the proposed development site, these trees do provide a small amount of amenity to the local area but given the historic use of the land (agricultural) they have not been maintained to a high standard and as such do not warrant protection by way of Tree Preservation Orders. The tree removals and works are acceptable. The illustrative Masterplan re-planting scheme is well constructed and in keeping with the local area.

Planning Archaeologist, Warwickshire Museum – Advised that the site lies within an area of archaeological potential approximately 150 metres southwest of the medieval settlement of Warton (Warwickshire Historic Environment Record MWA9578) and approximately 500 metres east of a possible cropmark complex (MWA6728). Evidence of a possible Roman settlement has also been recorded approximately 850 metres to the northwest of the site (MWA 220). Whilst there is little other direct evidence for pre-

5/45

6/28

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medieval activity that has been identified from the immediate vicinity of the site, this may be a reflection of a lack of previous investigations across this area, rather than an indication of the potential for below ground archaeological deposits to survive across the site.

He therefore recommends that the applicant be requested to arrange for an archaeological evaluation to be undertaken before any decision on the planning application is taken.

Whilst the applicant has undertaken a geophysical survey, the Planning Archaeologist is of the view that trial trenching is also required.

Representations

Letters have been received from 19 individuals raising the following matters:

- The village will struggle to accommodate the traffic generated, particularly given that three other developments are also planned. Speeding and parking difficulties at the school are already a problem. The likely traffic generation is greater than that assumed in the Transport Assessment.
- The crossroads at Barn End Road and Orton Road is the site of many accidents (though most are non-reportable).
- Increased volumes of traffic on local roads will exacerbate congestion elsewhere in Polesworth, Grendon, Atherstone and Tamworth. The traffic report supplied has only considered traffic levels and the traffic leaving the village, and at the school in Polesworth, it has not considered other areas of existing traffic congestion.
- The village has inadequate services (sewerage, doctors and other health care, dentists, schools, public transport)
- The development impacts should be looked at collectively with other developments, including Dordon, Grendon, Polesworth and Tamworth's large development in Robey's Lane (off the B5000) and along the Ashby Road (B5493).
- There is no need for more houses.
- Housing should not be built on green fields.
- The scale of development will mean that the village will lose its village identity.
- Plans for up to 80 houses and now that has increased to up to 100.
- Residents of Barn End Road will suffer noise and headlight disturbance from the new junction and the volume of traffic using it.
- Loss of opportunity for on street car parking in the vicinity of the new junction will be a problem for existing households.
- An access off Orton Road, away from existing dwellings, would be preferable.
- Other amenities should be provided for a new larger village, such as improved sporting facilities.
- The density of housing is too high given its context.
- There would be no objection if 20 houses were proposed here.
- The development would be contrary to NPPF core planning principles and its promotion of sustainable travel.
- The site is outside of the defined development boundary.
- The site is productive arable land. BREXIT potentially means that this type of land will be of national importance.

5/46

6/29

4/36

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- The development will impact adversely on the quality of life for occupiers of properties on Barn End Road and Ivy Croft Road.
- The residents will not have access to high quality public transport.
- Costs of increased road maintenance should be identified and met.
- There will be an increase in risk to vulnerable road users because of increased traffic volumes.
- There would be an adverse impact on flora and fauna.
- Flooding has been an issue for the current residents bounding the proposed site and the current drainage will not be able to cope with the increase in dwellings.
- The village has already had the required housing development as per the local plan and this site is not preferred in the pending local plan, this build exceeds the identified housing requirement for the village.
- Warton is a dispersed settlement where development proposals should be considered very carefully; infilling could ruin the character of the village while estate development would overwhelm it.
- The layout of the new houses would result in loss of light and loss of view to adjacent properties
- existing property has a balcony from the bedroom with seating area. From this area the occupiers would be looking into bedroom windows and gardens.
- Loss of privacy to existing dwellings.
- Loss of property value.
- The maintenance of a landscaped strip between existing and new dwellings is advocated.
- Surface water drainage of adjacent properties on Ivycroft Road is still unresolved.
- Catering for Birmingham housing need is not providing housing for local people.
- If this application is to be decided by councillors at Board, the objector indicates a desire to speak.
- Bats roosting nearby make use of the trees and hedgerows lining the Barn End Road boundary.
- The development is advanced for political reasons.

Observations

Core Strategy Policy NW1 (Sustainable Development) states that planning applications which accord with the policies in the Core Strategy should be approved without delay, unless material considerations indicate otherwise. On this basis this report will assess the proposal against the Development Plan policies in the Core Strategy which are considered to be up-to-date.

a) The Principle of Development

The site lies outside the Development Boundary for Warton. Policy NW2 in North Warwickshire's Core Strategy seeks to develop a broad distribution pattern in accordance with the Borough's settlement hierarchy. Warton is a category 4 settlement where development is limited to that identified in the Plan or has been identified through a Neighbourhood or other locality plan.

The site lies adjacent to the development boundary for Warton as the development boundary includes the residential properties along Barn End Road and Ivy Croft Road. However, the site has been identified as an allocated housing site in Policy LP39 as part of housing site H27 (Land off Barn End Road, Warton) in the North Warwickshire Local Plan Submission Version March 2018.

5/47

6/30

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SAP part of Site Proposal WAR8

14.89 Some of the land off Barn End Road is being proposed for housing development. A developed site for a minimum of 80 can be created by the introduction of a landscaped area which effectively recreates a strong boundary to the open field beyond.

H27 Land off Barn End Road, Warton

Some 4.5 hectares is allocated for housing at land off Barn End Road, Warton providing for a minimum of 80 units. A landscaping strip will be provided to the east of the site to create a strong landscaped boundary to the field beyond. Contributions will be required for health and educational facilities. Improved and / or new recreational facilities will be provided.

The site allocation indicates that the site should provide for a minimum of 80 dwellings.

The site will have direct vehicular and pedestrian access onto Barn End Road. A bus service between Tamworth and Atherstone operates from the village (although improved access to bus stops would be a necessary requirement of the development). There is a shop and post office in Warton and a primary school on Maypole Road. There are pedestrian linkages to services within the village which comply with the requirements of Policy NW10 (4) and (5) to promote healthier lifestyles for the community to be active and to encourage sustainable forms of transport focussing on pedestrian access and provision of bike facilities.

Based on the above it is considered that the site proposed is in a sustainable location being located adjacent to the development boundary of Warton. The site is identified as an allocated housing site in the Emerging Local Plan. As such it is considered that the scheme complies with Policy NW2 and Policy NW10 in the Core Strategy.

The main impacts of approving residential development should now be considered.

b) Highway Infrastructure

Policy NW10 (Development Considerations) in the Core Strategy states that development will provide for proper vehicular access, sufficient parking and manoeuvring for vehicles in accordance with adopted standards.

The access to the site is proposed to be taken from Barn End Road, in the form of a priority 'T' junction. The Highway Authority offers no objection to the proposed access arrangements and raises no concern about highway capacity. It notes that the submitted Transport Assessment (TA) appropriately calculates trip generation of the proposed development utilising the TRICS database and uses a robust methodology. The modelling undertaken shows that the impact on the operation of the highway network will be minimal. The Highway Authority therefore concludes that the development can be accommodated and cannot be considered as 'severe' in accordance with Paragraph 32 of the National Planning Policy Framework.

The Highway Authority notes that the applicants have submitted a Travel Plan, however, it advises that it does not recognise Travel Plans for residential development as they are not enforceable once the development has been completed. Therefore the Highway Authority provides Sustainable Travel Packs for each dwelling at a cost of £75.00, equating to a total sum of £7,500.00.

5/48

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The Highway Authority has considered the access arrangements as identified in preliminary drawing number, T17533-001 Rev A. Though it considers the proposals to be acceptable in principle, when considering the provided tracking drawings, it is noted that a Road Safety Audit Stage 1 has not been provided to support the access arrangements. Based on its assessment of the proposal and accident records within the vicinity of the access the Highway Authority considers that the provision of the Road Safety Audit Stage 1 can be conditioned to accompany the need of technical detailed drawings prior to the commencement of development.

c) Loss of Biodiversity

The site consists of arable land surrounded by hedgerows.

The indicative site layout that has been supplied incorporates a substantial landscaped strip and shows that structural landscaping would be established/maintained in and around the site.

d) Archaeology

The Planning Archaeologist at Warwickshire Museum identified a potential for the site to have archaeology associated the medieval settlement of Warton, a possible cropmark complex and a possible Roman settlement. He indicated that whilst there is little other direct evidence for pre-medieval activity this may be a reflection of a lack of previous investigations across this area, rather than an indication of the potential for below ground archaeological deposits to survive across the site. He sought pre-determinative evaluation, with a geophysical survey being the initial phase.

The applicant has supplied a geophysical survey report which concludes that there were 'no anomalies of possible archaeological interest have been identified by the survey, with all the anomalies relating to various agricultural practices, natural variations and modern ferrous debris'.

The Planning Archaeologist has been supplied with this report. He remains concerned that a negative report does not fully demonstrate that there is no archaeology of importance. He points to current Historic England guidelines which indicate that any reference to 'negative evidence' must be fully qualified and explained. Lack of geophysical anomalies cannot be taken to imply a lack of archaeological features, and in such cases an alternative evaluation procedure such as trial trenching, should be considered. In light of the size of this application site and the lack of previous archaeological work having been undertaken within the vicinity of the proposal he does not consider that the potential for the site to contain archaeological deposits has been adequately demonstrated.

This stance has to be balanced against the stance taken at the other development sites in the village. The County Council's proposal on Orton Road for 72 dwellings identified a comparable historic context, however, the stance in that instance did not require pre-determinative evaluation, instead required a programme of evaluation ahead of the submission of reserved matters. Given the size of the current site and, dependent on the importance of any archaeology identified, there would be some scope for variances in the layout at reserved matters stage. It is considered that a consistent stance should be adopted and a programme of evaluation ahead of the submission of reserved matters will also be acceptable in this instance.

5/49

6/32

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e) Residential amenity and village character

With regards to the residents to the north and north east of the site, the application is submitted in outline format and so any reserved matters application can ensure that the units are all orientated to maintain a sufficient degree of privacy between existing and proposed residential properties. The proposed indicative layout shows properties side on to each other or with rear gardens abutting rear gardens. Whilst separation distances will need to be reviewed at the reserved matters stage, there is scope for these arrangements to be shown to cause no significant demonstrable harm to residential amenity.

As such it is not considered that to grant outline planning permission here for housing would result in the significant loss of privacy, over dominance or loss of light to nearby residents. The proposal thus complies with Policy NW10 (Development Considerations) in the Core Strategy 2014.

The site layout shown on the indicative plan makes provision for a broad landscaped belt around the periphery of the site to soften its visual impact on the setting of the village edge and to accord with the provisions of the emerging local plan in the site allocation. The development will abut other modern housing development and will achieve access via a road which has an existing frontage of dwellings. It is not considered the development will appear as an alien or disproportionately large addition to the settlement in this context.

To ensure that the site achieves the broad landscaped belt around the periphery it would be appropriate to control, by condition, the extent of the developable area, as shown below hatched blue:



The land beyond the hatched blue area shall be used for the purpose of landscaping, nature conservation and sustainable drainage measures only.

f) Affordable Housing

Policy NW6 (Affordable Housing Provision) requires that 40% of the dwellings shall be affordable units. This can be required through a Section 106 Agreement.

The proposed development will meet policy provisions of Core Strategy Policy NW6 and emerging Local Plan Policy LP9, which require green field sites of more than 10

dwellings to provide 40% affordable housing on site (40 dwellings). Whilst the policies prescribe a target affordable housing tenure mix of 85% affordable rent and 15% suitable intermediate tenure wherever practicable, informal discussions with the Council's Housing and Strategy Officer, have identified that approximately 65% affordable rent and 35% shared ownership would be reflective of the local housing market.

The submitted indicative masterplan is therefore based on the schedule of accommodation below.

Market Housing		
No. Beds	No. Dwellings Proposed	% of market total
2	8	13.3%
3	36	60.0%
4	16	26.7%
Total 48 units (60% of units proposed)		
Affordable Rented Housing		
No. Beds	No. Dwellings Proposed	% of affordable total
2	20	50%
3	5	12.5%
4	2	0.5%
Affordable rented sub-total 67.5%		
Affordable Shared Ownership Housing		
No. Beds	No. Dwellings Proposed	% of affordable total
3	13	32.5%
Affordable rented sub-total 32.5%		
Total 40 Dwellings (40% of total dwellings proposed)		

This is an appropriate, policy compliant, provision to meet local affordable housing need and the application can be supported in this respect. The provisions would be made a requirement of the associated S106 Agreement.

h) Access to services and education

A number of the objections received raise concerns about the pressure on the existing services in the area from the occupiers of these units.

Education providers, health service providers and the Borough Council, as the provider of formal sports and recreation provisions, have all set out the financial contributions that would be appropriate to cater for the needs arising from the development. The applicant has indicated a broad acceptance of the Heads of Terms and the sums of money sought (set out above). In these circumstances, it cannot be concluded that the development would be to the detriment of existing infrastructure provisions, as it would appropriately address the needs arising as a result of it. Having said this, the negotiations are not fully concluded at this stage, in terms of the distribution of contributions between the three Warton sites. The report recommendation caters for the conclusion of these ongoing negotiations.

These contributions sought are in accordance with Policy NW22 (Infrastructure) in the Core Strategy.

i) Surface water drainage

Warwickshire County Council as the Lead Local Flood Department has no objection to the proposal subject to the imposition of a planning condition requiring a detailed surface water drainage scheme to be submitted for the site. In view of the area of land

proposed to remain free from development it is considered that a satisfactory surface water drainage scheme can be submitted in accordance with the proposed wording of the planning condition. This is in accordance with Policy NW10 (Development Considerations).

j) Loss of Agricultural Land

The application is accompanied by an Agricultural Land Classification Analysis. The analysis determines that the site is Graded 3B. This is land of moderate quality – see table below.

Grade	Description
1	Excellent quality agricultural land with no or very minor limitations to agricultural use.
2	Very good quality agricultural land with minor limitations which affect crop yield, cultivation or harvesting.
3a	Good quality agricultural land capable of producing moderate to high yields of a narrow range of arable crops or moderate yields of a wider range of crops.
3b	Moderate quality agricultural land capable of producing moderate yields of a narrow range of crops or lower yields of a wider range of crops.
4	Poor quality agricultural land with severe limitations which significantly restrict the range of crops and/or level of yields.
5	Very poor quality agricultural land with very severe limitations which restrict use to permanent pasture or rough grazing, except for occasional pioneer forage crops.

This is therefore not land which is identified in the NPPF as being the 'Best and most versatile agricultural land', which the NPPF sets out is Land in grades 1, 2 and 3a of the Agricultural Land Classification.

An objector expresses concern that following Brexit land in agricultural production should be retained for food self sufficiency. There is no national or local policy that has this objective.

The application cannot be resisted on the basis that it would result in the loss of important agricultural land.

k) Ground Conditions

The application is accompanied by a desk study to determine any potential environmental and geotechnical risk issues and liabilities pertaining to the future development of the site. The report findings identified that, due to the limited potential for contamination to be present, the potential risk to the identified receptors is generally considered to be low. The potential risk posed by the migration of hazardous ground gases associated with the former onsite pond and landfills and infilled quarries and ponds within the vicinity of the site is considered to be moderate.

Any residual risk is likely to be mitigated by the use of physical barriers including cover layers, contaminant resistant water supply infrastructure and gas resistant membranes. It is considered that traditional strip or pad foundations may be appropriate for the proposed development with foundations placed within the natural strata. Foundations may need to be locally deepened within the vicinity of existing or proposed trees and through any Made Ground or organic materials. The report recommends that an intrusive ground investigation is required ahead of any development works to determine

the founding properties of the underlying ground conditions and to determine the actual contaminative ground conditions. The intrusive investigation should include an assessment of hazardous ground gases. The Council's Environmental Health Officer concurs with these findings and recommendations. There are no ground conditions that would preclude the development of the land subject to conditions.

I) Impact on Biodiversity

The site comprises predominantly arable land with semi-improved grassland field margins and hedgerows along the southern and eastern boundaries and part of the northern boundary along with an area of tussocky semi-improved grassland and tall ruderal, and broad-leaved trees. The wider landscape predominantly comprises arable and pasture fields bounded by hedgerows and trees.

Part of the northern boundary contains a species rich hedgerow of approximately 2 to 3 metres in height. Off site and adjacent the north-west boundary is a body of standing water. The southern boundary contains a well maintained species rich hedgerow of approximately 1 to 2 metres in height with a dry ditch on the south side of the hedge. The eastern boundary contains a well maintained species rich hedgerow on a half bank of approximately 1 to 2 metres in height.

Existing hedgerows and trees will be retained as inclusive, legible components or 'markers' of the development, ensuring the site field boundaries are maintained and safeguarded, in some instances historic hedgerows are reinstated. The strategy includes a landscaped edge of public semi-natural open space to the south, west and east linking to a public right of way and a reinforced green corridor to the north. This will curtail the development edges creating a strong, meaningful landscape buffer.

The Ecological Appraisal by Just Ecology makes a clear recommendation that the hedgerows should be retained as they are key wildlife corridors. The report recommends that wildlife corridors of at least 10m wide are retained to the north, east and southern boundaries. The Warwickshire Wildlife Trust points out that this will need to be incorporated in the design at the reserved matters stage.

A badger sett exists in the vicinity. The Warwickshire Wildlife Trust concludes that the development will not harm badgers or this sett as it is outside the developable area and can be protected by a suitable buffer and fenced off during construction. Foraging routes are retained to the south and west, but not to the north. As stated in the survey report, a badger survey will need to be conducted within a few months of the construction starting to make sure than no new setts have been dug elsewhere in on the site. This could be a planning condition.

Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

The application is proposes an ecology enhancement strategy indicates that it 'provides options which could provide an ecological net gain'. The National Planning Policy Framework, March 2012, looks to ensure that development achieves bio-diversity net gains if it is to be considered sustainable development (Paragraphs 9, 109 and 118). The approval of reserved matters applications should be able to demonstrate that this is achieved. It would therefore be appropriate to require the carrying out of a Bio-Diversity Impact Assessment as a conditional requirement of planning permission.

5/53

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It is considered that, subject to conditions the development would not cause harm to interests of nature conservation or bio diversity.

Conclusions

It is recommended that this outline proposal (with details of access) for residential development is supported. It is considered that the development would be sustainable development, being adjacent to the existing settlement and in accord with the emerging development plan. The proposed \$106 contributions address concerns raised about the capacity of local schools and health services and transport provision. This site is an allocated site for housing under Emerging Policy LP39 (Housing Allocations) of the Submission Version of March 2018. It has been demonstrated that the application site can be developed with up to 100 dwellings in accordance with the policies in the Development Plan. Detailed concerns about the effect of the built form on existing dwellings would be addressed at the reserved matters stage.

Recommendation

That subject to the signing of a Section 106 Agreement covering the draft Heads of Terms as set out in this report, the Council is minded to **GRANT** outline planning permission with the following conditions:

- 1) Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to the Local Planning Authority for approval in writing before any development takes place and the development shall be carried out as approved.

REASON

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

- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

REASON

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

- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

REASON

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

- 4) The development hereby approved shall be carried out in accordance with the site location plan numbered P17-0427-017-1 and the plan numbered Proposed Site Access Layout T17533_001_Rev A received by the Local Planning Authority on 13 October 2017, and no more than 100 dwellings shall be constructed on the site. The developable area of the site shall be confined to the area of land hatched blue on the attached plan – 'Plan One – Developable Area'. The land beyond the hatched blue area shall be used for the purpose of landscaping, nature conservation and sustainable drainage measures only.

5/54

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REASON

To reduce the impact of the proposal on the open countryside.

- 5) No development shall take place on site until a Construction Management Plan has been submitted to the Local Planning Authority for approval in writing, which shall remain in force throughout the construction period. The Plan shall provide details of the arrangements for:
- The location of storage compounds and car parking for site operatives and visitors;
 - The HGV Routing Plan;
 - The hours of working and the hours of delivery of goods, plant and materials;
 - Wheel washing facilities and any dust suppression measures particularly to prevent mud and debris entering the public highway;
 - Noise control during construction;
 - A dust management plan in line with the IAQM guidance
 - Site lighting details;
 - Measures for the protection of trees that are to be retained;
 - Household refuse from occupied dwellings during construction; and,
 - The contact for any local concerns with regards to the construction activities on the site.

REASON

In the interests of highway safety and of the amenity of neighbouring residents.

- 6) Prior to the commencement of the development detailed technical drawings, with a supporting Road Safety Audit, in general accordance with preliminary drawing T17533-001 Rev A, shall be submitted and approved in writing by the Local Planning Authority. Thereafter the approved highway access works shall be implemented in accordance with the approved plans. No part of the site shall be occupied until the approved highway access works have been completed, as evidenced by the issuing of a Certificate of Substantial Completion by the Highway Authority.

REASON

In the interests of highway safety.

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

REASON

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

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- 8) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA and Sustainable Drainage Statement, *Richborough Estates Ltd, Orton Road_BWB Consulting_ ORW-BWB-EWE-XX-RP-YE- 0001_October 2017* 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:
- Undertaken infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
 - Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753. If infiltration is not viable, limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 5 l/s for the site.
 - Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'.
 - 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.
 - 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.
 - Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.
 - Provide a maintenance plan to the LPA giving details on how the entire surface water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the Local Planning Authority.

REASON

To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

- 9) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall have the purpose of determining the founding properties of the underlying ground conditions to determine the actual contaminative ground conditions and shall include an assessment of hazardous ground gases. If any contamination is found, a report

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specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the Local Planning Authority within 28 days of the report being completed and approved in writing by the Local Planning Authority.

REASON

To ensure that risks from land contamination to the proposed end users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10) Prior to the submission of any Reserved Matters applications for any phase of development:

- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the Local Planning Authority.
- b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the Local Planning Authority.
- c) An Archaeological Mitigation Strategy document (including a WSI for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

REASON

In view of evidence recorded of proximity to the medieval settlement of Warton (Warwickshire Historic Environment Record MWA9578), a possible cropmark complex (MWA6728) and possible Roman settlement (MWA 220).

11) The hours of construction shall be limited to 08:00 to 18:00 on weekdays and 08:00 to 13:00 on Saturdays only. There shall be no construction at any other times.

REASON

5/57

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In the interests of residential amenity.

- 12) Prior to the commencement of development a badger survey shall be conducted to establish to up to date presence or absence of badger sets and badger activity. A report of the findings and recommendations for action in respect of the findings shall be submitted to and approved by the Local Planning Authority in writing. The agreed recommendations and actions shall be implemented in full thereafter.

REASON

In recognition of the presence of a protected species.

- 13) An ecological management plan (EMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The content of the EMP shall include the following:

- a) Measures for the protection and retention of existing trees and hedgerows.
- b) Description and evaluation of features to be managed.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving the aims and objectives.
- e) An up-to-date Biodiversity Impact Assessment demonstrating that 'no net loss' to biodiversity has been achieved.
- f) A work schedule, including an annual work plan capable of being rolled forward over a five-year period.
- g) Details of the body or organisation responsible for the implementation and ongoing management, monitoring and remedial actions of the plan, including the mechanism for funding.

The approved plan shall be implemented in full accordance with the approved details and maintained as such at all times thereafter.

REASON

In the interests of protecting the biodiversity interests of the site.

- 14) None of the residential units hereby permitted shall be occupied until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON

In the interest of public safety from fire and for the protection of the Emergency Fire Fighters.

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Notes

1. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
2. Warwickshire County Council as the Lead Local Flood Authority does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.
3. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.
4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at:
5. www.gov.uk/government/organisations/the-coal-authority
6. 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.
7. Public footpath AE11 must remain open and available for public use at all times unless closed by legal order, so must not be obstructed by parked vehicles or by materials during construction.
8. The applicant must make good any damage to the surface of public footpath AE11 caused during construction.
9. If it is necessary to temporarily close public footpath AE11 for any length of time during construction then a Traffic Regulation Order will be required. Warwickshire County Council's Rights of Way team should be contacted well in advance to arrange this.

5/59

6/42

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10. Any disturbance or alteration to the surface of public footpath AE11 requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public footpath.

11. The design of the reserved matters scheme shall have regard to the following:
The illustrative plan submitted with the application shows a significant proportion of the planned development (approximately 40%) accessible down private drives only. Please note that the Council's Waste and Recycling Service will not travel along (vehicle or on foot) paved/private drive areas to collect waste receptacles. It would require the placement of hard surfaced collection points adjacent to the adopted highway. It will require the submission of a vehicle flow plan for a 26T RCV on all areas of adopted highway for the development. The Council will require the provision of a bin storage facility capable of holding a minimum of 3 x 240 litre wheeled bins within the curtilage of each dwelling.

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 and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

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BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0551

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	13 10 17 28 11 17 09 01 18
2	Collett	Representation	01 11 17
3	Mark	Representation	01 11 17
4	Douglas	Representation	01 11 17
5	Studd	Representation	06 11 17
6	Armstrong	Representation	06 11 17
7	Simkins	Representation	06 11 17
8	Lytton	Representation	20 11 17
9	Atwood	Representation	20 11 17
10	Barker	Representation	20 11 17
11	Fletcher	Representation	20 11 17
12	Mrs Cater	Representation	20 11 17
13	Mr Cater	Representation	20 11 17
14	Miss Cater	Representation	20 11 17
15	Miss Cater	Representation	20 11 17
16	Middlesmoor	Representation	20 11 17
17	Clinton	Representation	20 11 17
18	Talbot	Representation	20 11 17
19	Briers	Representation	27 11 17
20	Lytton	Representation	14 12 17
21	Waste and Transport Manager	Consultation Response	01 11 17
22	Warwickshire County Council Public Health and NHS Warwickshire North Clinical Commissioning Group	Consultation Response	20 12 17
23	Jones	Representation	02 11 17
24	Design Out Crime Officer Warwickshire Police	Consultation Response	03 11 17
25	Lead Local Flood Authority	Consultation Response	09 11 17 4 12 17 20 12 17
26	Sport England	Consultation Response	04 12 17
27	Fire and Rescue	Consultation Response	15 11 17
28	NWBC Housing and Strategy Officer	Consultation Response	15 11 17
29	Warwickshire Wildlife Trust	Consultation Response	08 11 17
30	Environmental Health Officer	Consultation Response	20 11 17

5/62

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31	Natural England	Consultation Response	20 11 17 11 12 17
32	Planning Archaeologist, Warwickshire Museum	Consultation Response	22 11 17
33	Warwickshire County Council Footpaths	Consultation Response	29 11 17
34	NWBC Trees Officer	Consultation Response	05 12 17
35	Warwickshire County Council Highways Authority	Consultation Response	20 12 17 26 01 18
36	Severn Trent Water	Consultation Response	30 01 18

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

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

5/63

6/46

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Appendix C
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Website: www.northwarks.gov.uk

Date: 6th February 2018
Our ref: PAP/2016/0280
Your ref: 160280

Dear Ben

● **Proposed Residential Development at Orton Road, Warton**

I refer to the outline planning application for 72 dwellings at the above site. This matter was referred to the Council's Planning and Development Board on 5th February. It resolved to defer a determination and one of the matters involved in that decision was the position of the new access off Orton Road into the site.

I appreciate that your letter of 20 December indicated that there was no objection to the access as proposed. The Planning Board has asked me to investigate whether there is an acceptable alternative location. The present proposal is opposite the existing row of terraced properties here. It was considered that by moving the access further north that it would be more distant from those properties and thus safer.

I acknowledge that I do not have a plan on which to illustrate that potential alternative, but the agent acting on behalf of the applicant is likely to be in contact with you in order to follow this through. In the interim I'd welcome your thoughts on whether an alternative location is at all feasible. In this regard I'd appreciate a fairly swift response if that is possible

● Yours faithfully

Jeff Brown
Head of Planning Control

Your ref: PAP/2016/0280
My ref: 160280



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22nd February 2018

Dear Mr Brown

PROPOSAL: Outline application for erection of 72 dwellings with associated access, parking and landscaping

LOCATION: Land Opposite 84 To 104 Orton Road, Warton

APPLICANT: Mr I Wilson

Thank you for your letter dated the 6th February, firstly may I apologise for the delay in responding to the matters you have raised. I have now had the opportunity to review the matters raised and review the case file and provide the following information.

The Highway Authority as part of its assessment of the planning application and discussions with the applicants transport consultants have had lengthy discussions about the appropriateness of the access arrangements.

The proposed access is located within the existing 30mph speed limit area, and can achieve visibility splays in accordance with Manual for Streets, which states the minimum level of visibility which is required in a 30mph speed limit is 43 metres in either direction. The Highway Authority noted that the access would impact on existing parking arrangements on Orton Road which required mitigating which the applicants have proposed through the revised submissions for the access arrangements. However a Road Safety Audit Stage 1 had not been submitted, in contrary to Policy LUT 8 of the Warwickshire Local Transport Plan, however if was consider this could be conditioned prior to the start of construction alongside the provision of technical drawings.

*Working for
Warwickshire*

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If the North Warwickshire Planning and Development Board still consider the access arrangements to be unsafe then the lack of a Road Safety Audit Stage 1 can be utilised as a grounds for refusal, if the condition is not sufficient based on their consideration and deliberation of the application and access arrangements.

In terms of viable alternative locations these constrained by existing factors. I note that the Board have asked whether moving the access to the north away from the terraced houses would provide a safer access arrangement. It is difficult to consider this matter without technical drawings, and it should be noted that no communication with the applicant, nor their consultants has taken place in respect of the option identified. The following text provides a commentary of moving the access to the east and west of the existing proposed location.

Moving the Access to the East on Orton Road:

The Highway Authority considers this to be unfeasible, as the access would not be able to conform to our standards. The Highway Authority requires new access arrangements to a maximum distance of 25 metres from existing junctions, unless exceptional circumstances can be justified. If the access was moved to the East it would conflict with access for the lay-by serving existing properties. In addition this would cause the loss of 16 community parking bays and recycling arrangements to the local area, which would ease existing on-street parking issues on Orton Road.

In addition an access at this location would require the loss of existing hedgerow. In addition the visibility splay would cross third party land, outside their control. Therefore there would be no planning methods which would prevent the existing landowner of planting in this location and creating an obstruction to visibility. This is a Highway Safety issue which the Highway Authority would not accept.

Moving the Access to the West on Orton Road:

Relocating the access to the West would overcome the conflict with the properties, however the access would now be located on a section of road applicable to the national speed limit of 60mph. At this speed the Highway Authority requires the use of standards in accordance with Design Manual for Roads and Bridges. Therefore the Highway Authority would require a visibility splay with the 'y' axis distance of 90 metres to be achieved, unless a speed survey demonstrates a lower vehicle speed at this location.

It should also be noted that the width of the maintained adopted highway network at this part of the site narrows considerably. Therefore this would require the loss of a substantial amount of hedgerow and trees to achieve the full distance required for a safety level of visibility. Whilst this is not an highway issue, it is a material planning consideration, which the Local Planning Authority would have to take into the planning balance.

Once again the visibility splay would cross third party land, outside their control. Therefore there would be no planning methods which would prevent the existing landowner of planting in this location and creating an obstruction to visibility. This is a Highway Safety issue which the Highway Authority would not accept.

In conclusion, I cannot provide a definitive answer to a suitable local for a revised access location. This is due to no technical information being provided, and no communication with the applicants nor their consultants. The comments above are based on our assessment of the development site and highway network and not technical information. It should be noted that revised access arrangement drawings would need to be supported with the identified visibility, required vehicle tracking drawings for the refuse vehicle and a Road Safety Audit Stage 1.

I trust the above provides some clarification in regards to the matters you have raised in your email. However if you have any further questions please do not hesitate to contact me.

Yours sincerely

Ben Simm

Ben Simm
Development Group

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Website: www.northwarks.gov.uk

Date: 6th March 2018
Our ref: PAP/2016/0280
Your ref:

Dear Ben

Proposed Residential Development at Orton Road, Warton

I refer to my letter of 6th February and your reply of 22 February.

The case was referred back to the Council's Planning Board on 5th March. It resolved that it was minded to support the grant of planning permission subject to further research into a couple of highway matters and I would ask you to respond to these please as soon as you are able.

The first relates to the option of relocating the proposed access point further to the east along Orton Road. Whilst understanding the reasons for your concerns about this as expressed in your letter of 22 February, I have been asked to investigate whether the 30 mph limit could be extended further out of the village to the east. If this was the case, then it is suggested that the visibility splays for the new access also further to the east, would then be in a 30mph zone and might then be able to be provided without the need for third party land or the removal of hedgerows. I would welcome your thoughts on this.

The second relates to the lack of any request by your Authority for traffic calming in Orton Road at the point of the 30 mph limit and further to the west. It is suggested that these measures would reduce traffic speeds and thus increase road safety at the proposed site access location, whether as now proposed or as suggested further towards the east. Again I'd welcome your thoughts on this please.

I am under a degree of pressure from the applicant to resolve these outstanding queries and would thus welcome an early response.

Yours faithfully

Jeff Brown
Head of Planning Control

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Your ref: PAP/2016/0280
My ref: 160280



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FAO : Jeff Brown

23rd March 2018

Dear Mr Brown

PROPOSAL: Outline application for erection of 72 dwellings with associated access, parking and landscaping
LOCATION: Land Opposite 84 To 104 Orton Road, Warton
APPLICANT: Mr I Wilson

Thank you for your letter dated the 6th March, in response to your response dated the 22nd February. Please find below in the following text the response the enquiries raised in your further response.

Extension of the 30mph Speed Limit

The Committee as the determining can, if its is considered necessary to make the development acceptable, request a financial contribution to enable the speed limit to be extended. The contribution would be £12,000.00 and secured through a Section 106 Agreement.

However the extension of the Speed Limit would still not be guaranteed to be implemented, as it must follow its formal process under the Traffic Regulation Order process under the Highways Act 1980. There is no certainty that the 30mph speed limit would be extended especially based on 85th percentile speeds, and whether Warwickshire Police will support and enforce the speed limit.

If the application was improvement but the speed limit extension rejected through its separate process, then the access arrangements would not be sufficient for the existing identified speed of the road at this location, with insufficient visibility required.

*Working for
Warwickshire*

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Traffic Calming on Orton Road:

The Highway Authority can only request mitigation which is related to the proposed development, and not existing situations on the highway network, in accordance with the National Planning Policy Framework, Planning Practice Guidance, and Department for Circular 02/2013.

The Highway Authority has not requested traffic calming at this location as there is no accident record for personal injury accidents which suggest that Orton Road is unsafe with the cause being the excessive speed of vehicles. However the existing arrangements and layout of Orton Road, within the 30 limit is sufficient to support a low speed environment. The Highway Authority also has to consider bus services and operators who won't serve areas with physical traffic calming, especially vertical features, which cause delay and discomfort to passengers on their services.

In addition it is not the responsibility of the applicant to mitigate individual motorists behaviour on the network, which is a matter for Warwickshire Police.

I trust the above provides some clarification in regards to the matters you have raised in your email. However if you have any further questions please do not hesitate to contact me.

Yours sincerely

Ben Simm

Ben Simm
Development Group



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APPENDIX D
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Date: 11th April 2018
Our ref: PAP/2017/0551
Your ref:

Dear Ben

**Proposed Residential Development off Barn End Road, Warton
Richborough Estates**

I wrote to you recently – 6 March – in respect of two sites in Warton as a consequence of the referral of two planning applications to our Planning and Development Board. I received your reply dated 23 March. I am instructed by the Council's Planning and Development Board to write again in respect of a further third application for new housing in Warton – that for up to 100 dwellings off Barn End Road for Richborough Estates – PAP/2017/0551.

The reason for the request is similar to that of my 6 March letter.

The present proposal has a single access from Barn End Road and your Authority responded with no objection. This was reported to the Board on 9th April and it resolved to support the application in principle and thus it is minded to grant an outline planning permission. However, the Board had some reservations about the proposed access – particularly there being a lot more traffic using Barn End Road and the high level of existing on-street car parking. The Board has asked if you would consider an access on to Orton Road as an alternative. I would therefore ask for your response outlining the reasons for your reply and if this is considered not to be acceptable, why the Barn End Road proposal is preferable.

However, the Board anticipates that the alternative location off Orton Road is probably not going to be supported by your Authority because of the speed limit for that stretch of road. I have therefore been asked if you would extend your reply to explain whether it is possible or indeed likely for the village speed limit to be extended out of the village so as to include this stretch of Orton Road and if so, whether that would make the possibility of a relocated site access more acceptable.

Additionally, I would ask if you would look at the possibility of two access points into the site, one off Orton Road and one off Barn End Road – either joined through the internal layout, or as two cul-de-sacs.

I look forward to hearing from you on these matters. If it would be helpful, we could arrange a meeting to run through these Warton issues.

The applicant in the Richborough case was present at the 9th April Board meeting and I know that he has instructed his transport consultants to explore the scenarios set out above. I am sure that they will be in touch with you very soon.

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Yours faithfully
Jeff Brown
Head of Planning Control

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Your ref: PAP/2017/0551
My ref: 170551



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3rd May 2018

Dear Mr Brown

PROPOSAL: Outline application for up to 100 dwellings; all matters reserved except for access
LOCATION: Land South Of Warton Recreation Ground, Orton Road/Barn End Road, Warton
APPLICANT: Pegasus Group

Thank you for your letter dated the 11th April, in regards to whether an access would be feasible from Orton Road and a potential change in speed limit Please find below in the following text the response the enquiries raised in your further response.

Proposed Access onto Barn End Road:

The Highway Authority undertook a robust assessment of the proposed access arrangements, and accepted the visibility splays and design parameters which accord with Manual for Streets due to the 30mph speed limit of this section of highway. Whilst it was noted in our response, dated 20th December 2017, that a Road Safety Audit Stage 1 had not been provided, and therefore is contrary to Policy LUT 8 of the Warwickshire Local Transport Plan.

If the members have misgivings or concerns about the access, then they could defer the application and request this information which the Highway Authority would review. However it is unlikely that this would change the Highway Authority decision and I think it has been comfortably covered with a condition. I would not recommend it as a reason for refusal, as it can be easily overcome. However, I leave that for you to consider as an option as the Local Planning Authority.

*Working for
Warwickshire*

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Proposal for an Access onto Orton Road:

The Highway Authority considers that an access onto Orton Road would be problematic. Due to the speed of the road at 60mph, and possibly greater and access would have to be designed and visibility splays achieved in accordance with Design Manual for Roads and Bridges. For an access to acceptable a visibility splay of 4.5m x 215m.

This would result in a substantial loss of hedgerow, and the ecological and landscape impact would have to be considered as part of the proposal. In addition the full extent may not be achieved to the left as the crossroad junction would be within the visibility splay and impact upon highway safety, due to a plethora of movements at one location in proximity to the access.

Extension of the 30mph Speed Limit on Orton Road:

It is unlikely that an extension to the 30mph on Orton Road to accommodate a proposed access would be successful. The reason being is that Orton Road at this location is very rural in its nature with hedgerows either side. In addition it is very straight with dominance for the motorist, creating a high speed environment.

The 30 mph would not be supported by the Road Safety Team as it is unlikely that the 85th percentile speeds would be suitable for Warwickshire Police to enforce the speed limit. If Warwickshire Police will not enforce then technically the Highway Authority cannot support the proposed speed limit without exceptional circumstances, such as a significant accident record. Having check the accident data records there is no accident record at this location.

In addition whilst development would be on the south side it would be behind a buffer and significant screening, and there would be no development to the north of Orton Road. Therefore the road layout, except for an access, would not change and would still be conducive to a high speed environment.

I trust the above provides some clarification in regards to the matters you have raised in your email. However if you have any further questions please do not hesitate to contact me.

Yours sincerely

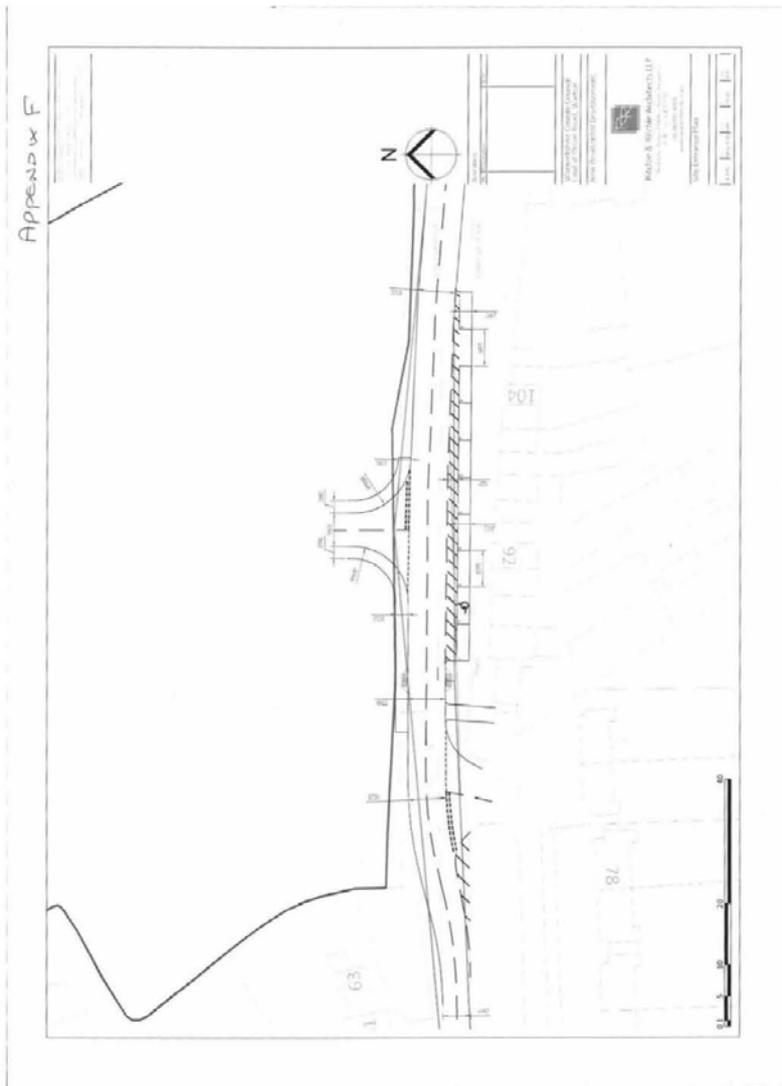
Ben Simm

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TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

SURVEY DATA SHEET & DECISION GUIDE

Date: 22/03/2018	Surveyor: ALWICKINS	
Tree details TPO Ref (if applicable):	Tree/Group No:	Species: OAK
Owner (if known):	Location: OPE ROAD, WICKHAM	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 4) Fair Suitable
- 3) Poor Unlikely to be suitable
- 2) Dead Unsuitable
- 1) Dying/dangerous* Unsuitable

Score & Notes: 3) SOME TENDRONS BROKEN IN THE CORNER OF THE TREE. TRUNK SHOWS SIGNS OF TREE DECAY NOT NEARLY STRUCTURAL INTEGRITY.

* Relates to existing context and is intended to apply to severe irreparable defects only

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

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 3) 20-40 Suitable
- 2) 10-20 Just suitable
- 1) < 10* Unsuitable

Score & Notes: 3) WILL REQUIRE REMOVAL TOWARDS LOWER END OF SPAN TO PREVENT HAZARD/DAMAGE TO HIGHWAY.

* Includes trees which are an existing or near future nuisance, including those clearly overgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider nuisance potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees
- 4) Large trees, or medium trees clearly visible to the public
- 3) Medium trees, or large trees with limited view only
- 2) Young, small, or medium/large trees visible only with difficulty
- 1) Trees not visible to the public, regardless of size

- Highly suitable
- Suitable
- Suitable
- Barely suitable
- Probably unsuitable

Score & Notes: 4) TREE IN CLOSE VIEW FROM HIGHWAY.

d) Other factors

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

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

Score & Notes: 1) NO REDEMING FEATURES

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes: 2) POTENTIAL PREDICAMENT SIGN IN CLOSE PROXIMITY TO THE TREE.

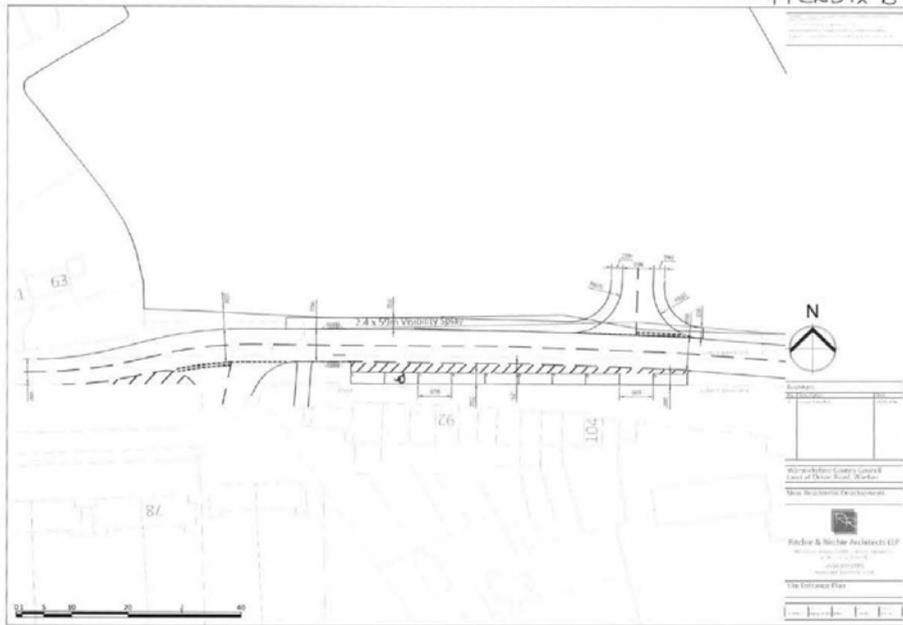
Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

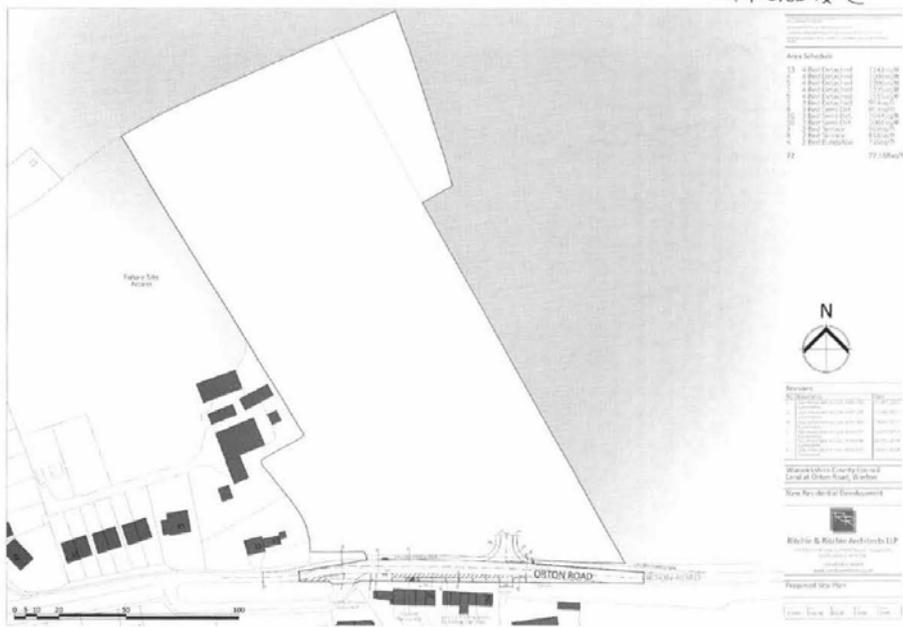
Add Scores for Total:
9

Decision:
DOES NOT MERIT TPO

APPENDIX B



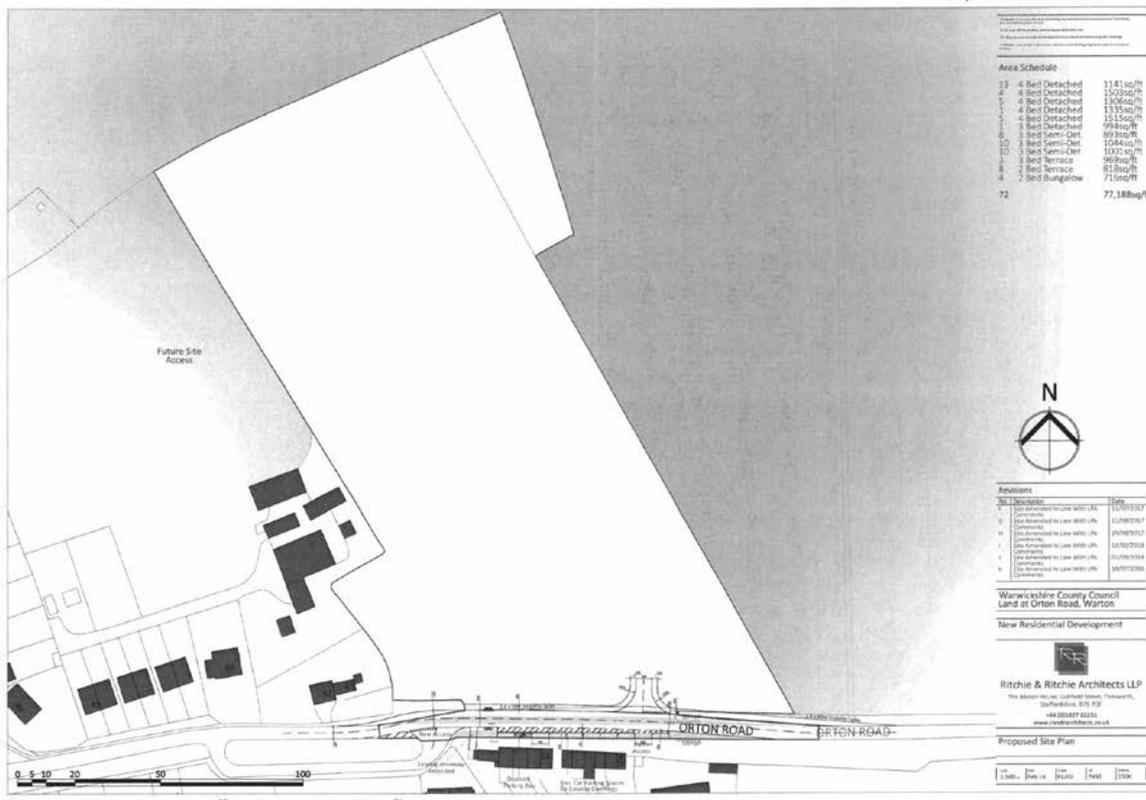
APPENDIX C



APPENDIX B



APPENDIX C





(2) Application No: PAP/2018/0231

Heart of England Conference and Events Centre, Meriden Road, Fillongley, CV7 8DX

Display of two pole-mounted banner signs with halo (internal) illumination (lettering only illuminated), for

Mr S Hammon - Heart Of England Promotions

Introduction

This application was referred to the Board in August. It resolved that in its present form the proposals were unlikely to be supported, but the applicant was asked to review the size of the signs and the degree of illumination. As a consequence the applicant has had a new sign manufactured and installed on the site so that its impact – particularly when lit – can be assessed.

Members have been invited to make their own visit during evening hours in order to view the new sign. The Parish Council too has been informed of the change. Any comments received from the Parish Council will be reported at the meeting.

The previous report is attached at Appendix A.

Other Material Planning Considerations

The new National Planning Policy Framework would not affect the issues concerned in this case.

Observations

The main issues with which the Board was concerned were the size of the sign and its illumination. The new installed sign, close to the main site entrance, is smaller and the degree of illumination has been reduced – the red bands have also been removed. It is considered that this alteration can be supported for the replacement of the second sign too at the junction of the Meriden Road with Wall Hill Road.

Recommendation

That the Council will **GRANT** Advertisement Consent for two signs here provided amended plans are received to reflect the specification of the new sign installed at the site entrance and subject to the following conditions:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

REASON

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

2. No advertisement shall be sited or displayed so as to -

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

REASON

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

REASON

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

REASON

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

REASON

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

REASON

6. Standard plan numbers condition pending receipt of amended plans

7. The internal luminance shall be limited to a maximum of 100cd/m² for both signs.

REASON

In the interests of the visual amenities of the area.

8. The signs shall no external source of lighting whatsoever.

REASON

In the interests of the visual amenities of the area.

9. The advertisements hereby approved shall not remain illuminated between 2330 hours on any day and dusk on the following day.

REASON

In the interests of the visual amenities of the area.

Notes

1. The developer is advised that the signs are in the vicinity of, or on, Common Land. You are strongly advised to address the implications of the presence of Common Land prior to any commencement of development. Information about Common Land and Guidance in relation to Works on Common Land can be found at the following link: <https://www.gov.uk/government/collections/common-land-guidance>
2. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions and seeking to resolve planning objections and issues. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

(12) Application No: PAP/2018/0231

Heart of England Conference and Events Centre, Meriden Road, Fillongley, CV7 8DX

Display of two pole-mounted banner signs with halo (internal) illumination (lettering only illuminated), for

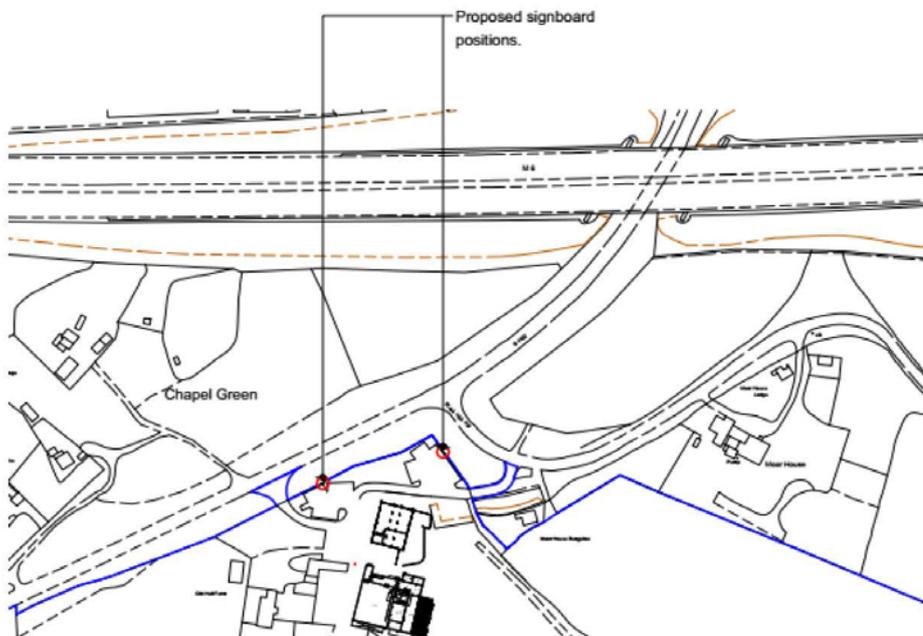
Mr Stephen Hammon - Heart Of England Promotions

Introduction

The application is reported at the discretion of the Head of Development Control given the history of the site, including the history of planning appeals.

The Site

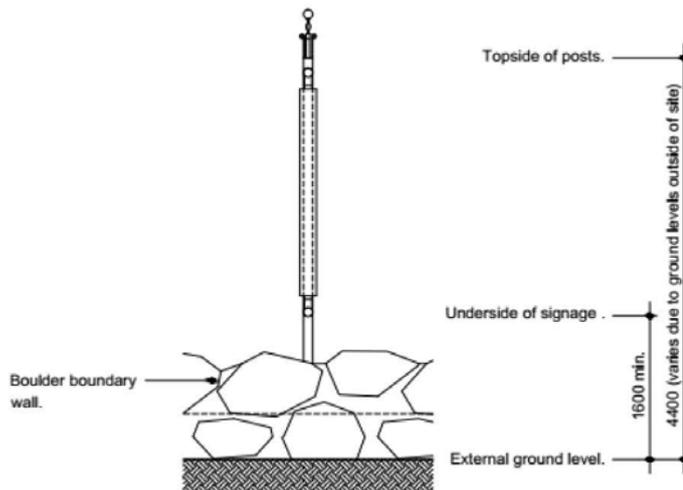
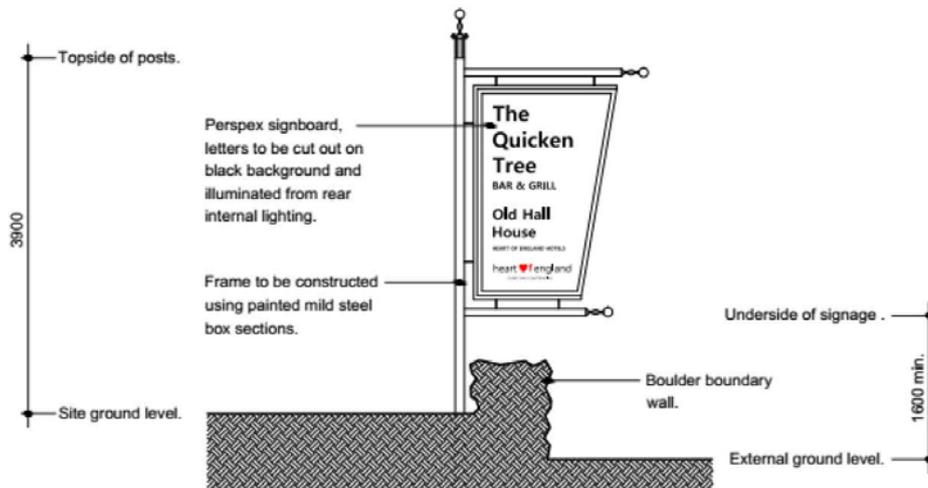
The plan below shows the locations of the two signs for which advertisement consent is sought. They are on the boundary of the site with Meriden Road and Wall Hill Road close to the main entrance to The Heart of England Conference and Events Centre.



The Proposal

Display of two pole-mounted banner signs with halo (internal) illumination (lettering only illuminated). The signs would be to the appearance and dimensions shown below.

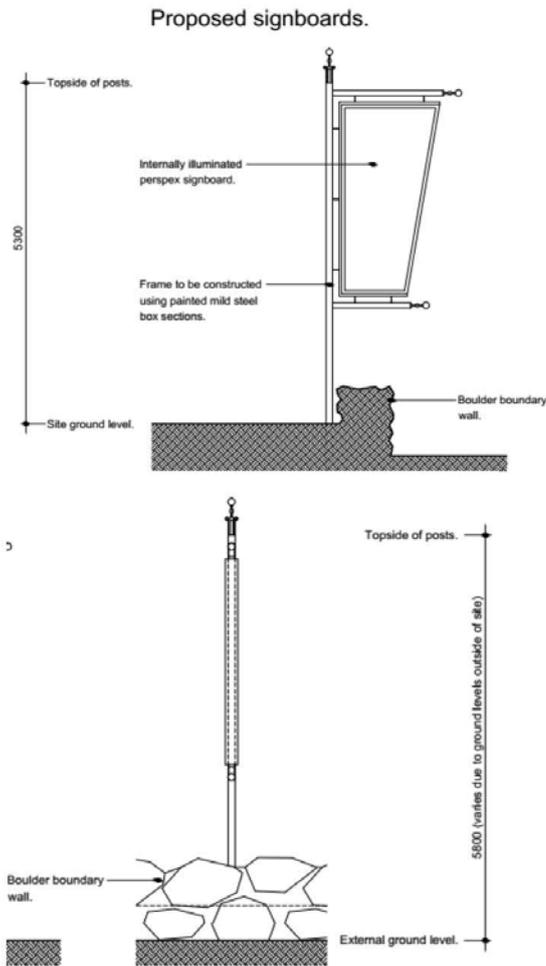
Proposed signboards.



Background

Two illuminated frontage signs were erected at this location in 2016. Retrospective consent was sought for their retention. Consent was refused and a subsequent appeal was dismissed. A copy of the Inspectors Decision is attached as Appendix A.

The appeal proposal related to the signs shown below:



Each sign was double sided, trapezoidal in shape, around 5.3 m high and approximately 3.7 m² in area, consisting of Perspex panels mounted in a steel frame and internally illuminated by LED lighting.

The Inspector's key findings were:

- He recognised that the setting was a lack of street lighting and dark surroundings.
- He found the signs to be unduly prominent when illuminated. This is because the white and red illuminated lettering contrasts with the black background of the signs. The signs appear visually intrusive and add to the level and clutter of illumination at the site in this sensitive Green Belt location.

- He found that the two banner signs conflicted with the Framework and did not constitute sustainable development. This was because they have an appreciable detrimental impact on their surroundings and a harmful effect on the visual amenity of this Green Belt location, through their height, scale and illumination in the hours of darkness.

Development Plan

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

North Warwickshire Local Plan 2006 (Saved Policies) - ENV12 (Urban Design)

Other Relevant Material Considerations

National Planning Policy Framework – (the “NPPF”)

The North Warwickshire Local Plan Submission Version, March 2018

Consultations

Warwickshire County Council as Highway Authority – No objection

Representations

CPRE objects to this application, on the grounds that an illuminated advertisement, visible from public land is completely inappropriate for this setting. The CPRE considers the proposal to be contrary to paragraph 125 of the NPPF

Fillongley Parish Council does not believe that this application is significantly better than the last and maintains the same objections. Whilst the Council understands that the applicant wishes to draw more notice to his business, this is now more easily done as he has removed all of the hedge and therefore the buildings are extremely visible from the nearby road. The Council believes that the applicant is mistaken in categorising the zone as “village or relatively dark outer suburban locations”; the area is not in the village nor in a sub-urban location. It is firmly a rural location in the green belt and is intrinsically dark. The signs appear to be approximately 1/5th less in size which is not significant enough. The Council believes that the signs are incongruous and are inappropriate development within the Green Belt and as such should be refused.

Observations

The main considerations in the determination of this application are the effect of the signs on amenity and the effect of the signs on highway safety. Paragraph 67 of the NPPF recognises that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. It identifies that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

The Highway Authority offers no objection to the proposed signs as it does not determine them to be detrimental to highway safety. There are no circumstances that would cause the planning authority to take a different view. As with the previous proposal, the signs raise no issues of public safety, subject to conditions. Although the

site is in a prominent location next to Meriden Road there is no evidential basis to form a contrary view. The main issue remains the effect of the advertisements on visual amenity and whether the concerns of the Inspector are addressed by the revised proposal.

The site is located within the Green Belt. Paragraph 81 of the Framework indicates, amongst other things, that once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to retain and enhance visual amenity.

Paragraph 125 of the Framework indicates that planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

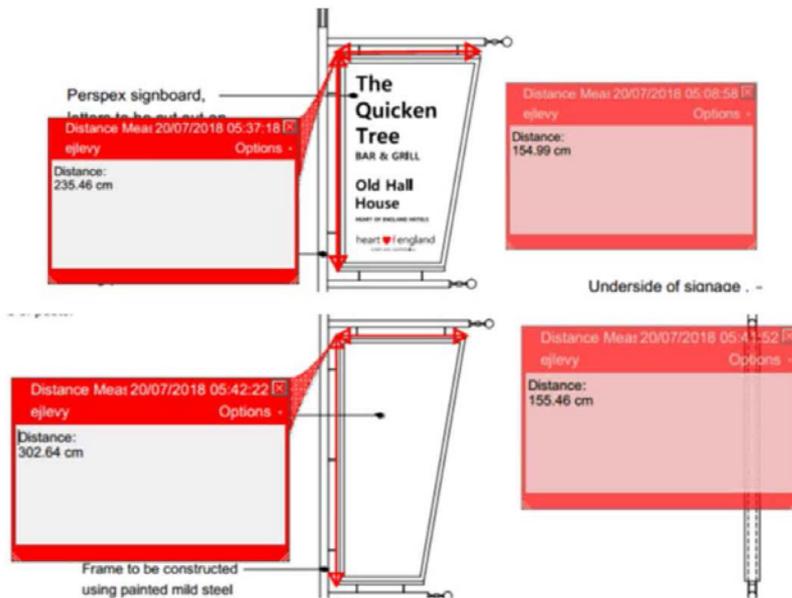
The previous scheme was found by the Inspector to *'have an appreciable detrimental impact on their surroundings and a harmful effect on the visual amenity of this Green Belt location, through their height, scale and illumination in the hours of darkness'*.

It is therefore necessary to compare the two proposals in respect of:

- Height
- Scale
- Illumination

The proposed new signs would replace the existing banners and support structures. The basic design would be similar, but the banners would be less tall, with the same width but a reduced height, with the height from the top to bottom (including the support arms) being 2.7 metres (a reduction of 1.4 metres on the existing). The overall height from the external ground level would be around 4.4 metres to the top of the vertical support post, or 4.9 metres if the decorative finial is included. This equates to an overall height reduction of 1.4 metres. The height from the external ground level to the underside of the bottom horizontal support arm would be 1.6 metres, a reduction of 0.7 metres on the existing signs.

The actual sign board itself would measure 2.35m deep by 1.55m at its widest point. This is smaller than the dimensions of the signs dismissed at appeal, which were 3.02m deep but the same width.



The overall height reduction and the reduction in the size of the sign board itself both address the concern raised by the Inspector about height and scale. The issue is whether the reductions are adequate enough to overcome the identified harm. There is no doubt that the reduced size signs will remain fairly large. This is not considered unreasonably large given that the signs are set back from the edge of the highway and given that they serve a site that has become a destination for a large number of visitors who will not necessarily be familiar with the locality. Although the changes are not dramatic, arguably on the balance of acceptability, the overall reduction in total height and area are now considered to strike a reasonable balance between the protection of the visual amenity of the area and the needs of the business.

The differences between the existing and proposed signs are shown below. The colour scheme is similar but is now almost exclusively restricted to black with white, as opposed to black with red and white. This is a noticeable improvement but again it is not a dramatic change. The reduction in overall size will make the colour scheme less intrusive.



In terms of illumination, the applicant refers to the Institute of Lighting Professionals 'The Brightness of Illuminated Advertisements' Lighting Guide. The following extracts are from that guide:

Zone	Surrounding	Lighting Environment	Examples
E0	Protected	Dark	UNESCO Starlight Reserves, IDA Dark Sky Parks
E1	Natural	Intrinsically dark	National Parks, Areas of Outstanding Natural Beauty etc
E2	Rural	Low district brightness	Village or relatively dark outer suburban locations
E3	Suburban	Medium district brightness	Small town centres or suburban locations
E4	Urban	High district brightness	Town/city centres with high levels of night-time activity

Illuminated area (m ²)	Zone E0	Zone E1	Zone E2	Zone E3	Zone E4
Up to 10	0	100	400	600	600
Over 10	0	n/a	200	300	300

The Inspector's observations in respect of the illumination were as set out below. From the application and the appellant's appeal statement, it was difficult to conclusively say what the level of illumination was when stated as a measurement (see paras 8 and 9 below) so the Inspector made an assessment on basis of visual assessment of what he saw first-hand only (para 10 below)

8. The sign company supplying the signs has advised that the output of a sign is 200 candelas and because the sign has only the letters illuminated it would be "a lot less at approximately 25 candelas". However, no technical documentation has been submitted to substantiate the 'output' of the signage. In addition, the application form indicates an illuminance level of '350 cd/m'.
9. The appellant refers to the Institute of Lighting Engineers' *Guidance Notes for the Reduction of Obtrusive Light GN01:2011* and considers that the application site falls into Zone E2 being rural, with low district brightness and "village or relatively dark outer suburban". This covers all poorly lit and unlit areas where there is no street lighting or street lighting is negligible. However, the up-to-date applicable guidance is the Institute of Lighting Engineers' *Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements 2015*. The appellant has mentioned this guidance but has not submitted documentation to support the contention that "for illuminated signs with an area of 2-5 m², 600 candelas is permitted".

10. I visited the site during daylight and the hours of darkness. Despite the submissions by the appellant regarding the limited 'output', I found the signs to be unduly prominent when illuminated. This is because the white and red illuminated lettering contrasts with the black background of the signs. The signs appear visually intrusive and add to the level and clutter of illumination at the site in this sensitive Green Belt location. This is within the context of the lack of street lighting and dark surroundings. Paragraph 125 of the Framework indicates that planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

This application initially sought to illuminate the sign at 400 cd/m². Following expressions of concern about the signs, the applicant offered the following explanation for his choice, but also then revised the proposal to a maximum luminance of 100 cd/m² (over an area up to 10 m²).

The explanation for the submitted figure of 400 cd/m² is that, in an effort to provide more reliable calculation, the applicant has referred to the Institute of Lighting Professionals' *Professional Lighting Guide 05: The Brightness of Illuminated Advertisements* – the luminance calculation is based on the advice given therein – the maximum permissible for the relevant conditions. This was done specifically to address the appeal inspector's criticism that the most up-to-date guidance had not previously been consulted.

Basically, there are two main criteria: (1) determine the appropriate 'environmental zone' applicable to the application location; and (2) calculate the area in square metres which it is desired to illuminate.

The problem at the Heart of England location was that it seemed to fall somewhere between two zones: Zone E2 is 'Rural: low district brightness', which seemed to to the applicant's agent to best fit the circumstances, although the example environments cited were "village or relatively dark outer suburban locations". The HoE site is not in a village or suburb, though it does fall within the Chapel Green hamlet. However, the next category up is Zone E1, described as "Natural: intrinsically dark". The examples here were National Parks, AONBs, etc – and the applicant considered, the HoE site was not at *that* level of sensitivity. As there was no middle ground, he plumped for Zone E2, as closest to the HoE environment.

The maximum permitted luminance for Zone E2 is 400 cd/m² for an illuminated area up to 10 m²

The applicant now proposes, in order to reach an acceptable compromise, that the site should be treated as though it were a Zone E1 scenario and states a maximum luminance of 100 cd/m². Though this may be below the sign supplier's usual standard, he sees no good reason why they could not reduce the luminance level to suit the individual circumstances.

He explains the background to the illuminated areas of the proposed sign boards at Heart of England measures 2.6 square metres for each side, equating to an area of 5.2 square metres per sign. If the illuminated area is measured as a single rectangle drawn more tightly around the edge of the block of lettering, the area falls to just 1.6 square metres per side, or 3.2 square metres overall. The applicant then argues that the signs therefore fall well within the "up to 10m²"

4/242

category and so the Zone E1 maximum luminance limit of 100 cd/m² applies here. The guidance explains that the maximum values of luminance apply to any point across the surface of an advertisement at any time during the night and they are not adjusted to take account of variable luminance distribution across the advertisement. The manufacturers of the new Heart of England signs will be instructed to ensure that the overall luminance of the illuminated sign boxes falls well within the acceptable limit stipulated in the professional guidance.

The revision to reduce the illumination to Zone E1 (described as "Natural: intrinsically dark") levels is encouraging because it responds appropriately to the dark skies location of the application site.

The previous approach of seeking a level of illumination equivalent to 'the maximum permissible for the relevant conditions in Zone E2' would have been deemed too intrusive because the locality is, as the applicant acknowledges, more of a dark skies environment than the Zone E2 location description. To seek the maximum permissible degree of illumination, given the Inspectors observations in dismissing the previous proposal, would have been inappropriate.

Given the fact that the Inspector made an assessment only on the basis of a visual assessment of what he saw first-hand and could not conclude what the illumination of the refused signage was, in terms of a measurement, it is not possible to say definitively that the current proposal is for lower levels of illumination than witnessed by the Inspector, however, it is highly probable, given the low level of illumination now proposed. The applicant advises that most consumer desktop liquid crystal (LCD) displays have luminance levels of 200 to 300 cd/m², which gives an idea as to what 100 cd/m² might be like. He suggests that 100 cd/m² is therefore not very bright. The Guidance suggests that the level of illumination now would be suitable for deeply rural locations (National Parks/AONB's) and such levels would therefore appear appropriate here.

Given the sensitivity of the site and the dismissal of the previous appeal, it would be appropriate to require the applicant to verify the level illumination of the signs before bringing the signs into operation in an illuminated form. It is suggested that a condition requiring this would be appropriate.

The premises is a night time venue and offers overnight accommodation and so will require the illumination of the signs until the early hours of the morning, however, in recognition of the countryside location it would not be appropriate to leave the signs illuminated throughout the night. An hours of operation condition for the illumination would be appropriate.

On this basis, it is recommended that advertisement consent can be granted

Recommendation

That the application be **GRANTED** subject to the following conditions:

Standard advertisement conditions:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to -
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Other conditions:

6. The advertisements hereby approved shall be constructed and operated such that the banner sign boards are made from black Perspex, with the letters cut out and illuminated from inside the sign box. Only the cut-out lettering shall be illuminated and not the background of the entire panels. The support frame shall be constructed using mild steel box section posts and arms, painted black. The level of luminance shall be within the limit recommended for natural Intrinsically dark rural areas (Zone E1, described as "Natural: intrinsically dark") in the Institute of Lighting Professionals guidance entitled *Professional Lighting Guide 05: The Brightness of Illuminated Advertisements*. The internal illumination luminance shall be restricted to a maximum of 100 cd/m². The signs shall have no external source of lighting whatsoever. The appearance and dimensions of the signs shall be as shown in the drawings numbered 370/216/03 Rev C, location plan and site plan received by the Local Planning Authority on 10 April 2018 and maintained as such at all times thereafter.
7. The advertisements hereby approved shall not remain illuminated between 0200 hours on any day and dusk the same day
8. Prior to bringing the signs into operation in an illuminated form, a lighting measurement shall be taken by a suitably qualified relevant professional to verify that the level of illumination complies with the requirements of condition 6 of this permission. The signs shall not be displayed in an illuminated form until the

4/244

Local Planning Authority has confirmed in writing that the lighting conforms with the requirements of condition 6.

Notes

1. The developer is advised that the signs are in the vicinity of, or on, Common Land. You are strongly advised to address the implications of the presence of Common Land prior to any commencement of development. Information about Common Land and Guidance in relation to Works on Common Land can be found at the following link: <https://www.gov.uk/government/collections/common-land-guidance>
2. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions and seeking to resolve planning objections and issues. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.



Appeal Decision

Site visit made on 11 April 2017

by Martin H Seddon BSc DipTP MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03rd May 2017

Appeal Ref: APP/R3705/Z/17/3168258

Heart of England Conference Centre, Meriden Road, Chapel Green, Fillongley, Coventry, Warwickshire, CV7 8DX

- The appeal is made under section 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Heart of England Promotions against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2016/0462 dated 10 August 2016 was refused by notice dated 12 January 2017.
 - The advertisements erected are two post-mounted banner signs on the site boundary, facing Meriden Road and Wall Hill Road.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The advertising units were erected prior to the application to the Council.
3. The Council has referred to policies NW10 and NW12 of the North Warwickshire Core Strategy, which generally concern development considerations and the quality of development. Development plan policies cannot be decisive because the regulations to control advertisements and the National Planning Policy Framework (the Framework) indicate that decisions should be made only in the interests of amenity and public safety, taking account of cumulative impacts. However, these policies have been taken into account as a material consideration in this appeal.
4. The sign which fronts Meriden Road lies within an area of land designated as Common Land. Whether the signs need Section 38 Consent of the Commons Act 2006 is not a matter before me in this appeal.

Main issue

5. The site is located within the Green Belt. Paragraph 81 of the Framework indicates, amongst other things, that once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to retain and enhance visual amenity. The Council raises no issues of public safety, subject to conditions. Although the site is in a prominent location next to Meriden Road there is no evidential basis to form a contrary view. The main issue is therefore the effect of the advertisements on visual amenity.
-

Reasons

6. The two banner signs are located at the boundary of the site with Meriden Road and Wall Hill Road at the Heart of England Conference and Events Centre. Each sign is double sided, trapezoidal in shape, around 5.3 m high and approximately 3.7 m² in area, consisting of Perspex panels mounted in a steel frame and internally illuminated by LED lighting.
7. The appeal site is located within a rolling landscape in the open countryside. The area is sparsely developed. The nearest dwelling to the appeal site is Moor House Bungalow. There is a small cluster of dwellings beyond the bungalow and at Chapel Green. The immediate area around the site has no street lights.
8. The sign company supplying the signs has advised that the output of a sign is 200 candelas and because the sign has only the letters illuminated it would be "a lot less at approximately 25 candelas". However, no technical documentation has been submitted to substantiate the 'output' of the signage. In addition, the application form indicates an illuminance level of '350 cd/m²'.
9. The appellant refers to the Institute of Lighting Engineers' *Guidance Notes for the Reduction of Obtrusive Light GNO1:2011* and considers that the application site falls into Zone E2 being rural, with low district brightness and "village or relatively dark outer suburban". This covers all poorly lit and unlit areas where there is no street lighting or street lighting is negligible. However, the up-to-date applicable guidance is the Institute of Lighting Engineers' *Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements 2015*. The appellant has mentioned this guidance but has not submitted documentation to support the contention that "for illuminated signs with an area of 2-5 m², 600 candelas is permitted".
10. I visited the site during daylight and the hours of darkness. Despite the submissions by the appellant regarding the limited 'output', I found the signs to be unduly prominent when illuminated. This is because the white and red illuminated lettering contrasts with the black background of the signs. The signs appear visually intrusive and add to the level and clutter of illumination at the site in this sensitive Green Belt location. This is within the context of the lack of street lighting and dark surroundings. Paragraph 125 of the Framework indicates that planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
11. I find that the two banner signs conflict with the Framework and do not constitute sustainable development. This is because they have an appreciable detrimental impact on their surroundings and a harmful effect on the visual amenity of this Green Belt location, through their height, scale and illumination in the hours of darkness.

Other Considerations

12. The appellant considers that the location and number of the signs is established in principle by the approved site plan for the planning permission for a hotel at the site (ref: PAP/2013/0391). However, although the approved plans show locations for the signage, no evidence has been submitted of any approved details of the proposed signs.

13. The appellant advises that before the signs were erected, taxis coming to the site after dark to pick people up often had difficulty finding their way. This resulted in taxis driving past the site and turning around, sometimes in private driveways. Now that the signs are in place, the appellant submits that this problem does not occur and the signage has therefore reduced road disruption at night.
14. The main entrance to the site from Meriden Road is a wide gateway bounded by two substantial high spot lit walls either side and with a flag pole and two lanterns on the top of each wall. Each wall has signage on its front elevation indicating 'Heart of England Events and Conference Centre'. In my opinion, it is likely that local taxi operators would become aware of the location of the site from their visits to drop off and pick up customers. Moreover, the other illumination at the site through the coloured lights on the buildings and lit main entrance would make it visible from Meriden Road for passing traffic in the evenings.

Conclusion

15. All other matters raised have been taken into account. For the reasons given above the appeal is dismissed.

Martin H Seddon

INSPECTOR

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0231

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	10 4 18
2	CPRE	Representation	24 4 18
3	Warwickshire County Council Highways Authority	Consultation Response	9 5 18
4	Fillongley Parish Council	Representation	18 5 18

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

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

(3) Application No: PAP/2018/0287

Former Sparrowdale School & Recycling Centre, Spon Lane, Grendon, CV9 2PD

Construction of 56 residential dwellings (class C3) including; construction of new vehicular access to Spon Lane, formalisation of existing vehicular access to Spon Lane, pedestrian accesses to Spon Lane and A5 (Watling Street), drainage infrastructure, landscaping, public open space and other works, for

Kier Living

Introduction

The receipt of this application was reported to the Board a little while ago. It is now referred back for determination.

A copy of the previous report is attached at Appendix A for convenience.

There have been no changes to the overall principles of the proposal or its layout. However, the applicant has revised the design of the frontage properties where they face the Grendon roundabout and a copy of the latest plan is at Appendix B. These have been reduced from three to two storey units. This is also reflected in the latest layout plan at Appendix C which now also includes an on-site play area.

Members will also be aware that the 2012 National Planning Policy Framework (the "NPPF") was replaced with a new Framework in July this year and took immediate effect. Any references in this report to the NPPF will be to this 2018 version.

Representations

Five letters have been received from local residents. The following matters are raised:

- The traffic situation on the A5 will be made worse
- There is a need here for a proper pedestrian crossing
- Impact on local services and facilities
- There are concerns about rights of access from the site through the residential frontage to the A5
- There are requests for full environmental controls to be in place during construction.

Grendon Parish Council – It highlights the existing traffic situation which it considers "is only going to get worse".

Consultations

Warwickshire Police (Architectural Liaison) – No objection

Warwickshire County Council (Public Rights of Way) – No objection but seeks a contribution of £5814 towards the upkeep of local public footpaths.

Warwickshire County Council (Education) – requests a total contribution of £175,478 for both primary and secondary provision.

Sport England – No objection, subject to appropriate contributions to the Council.

Warwickshire Fire Services – No objection subject to a standard condition.

George Eliot NHS Trust – It seeks a contribution of £32,283 towards health services.

Environmental Health Officer – No objection.

Warwickshire Museum – No objection subject to standard conditions.

Warwickshire Wildlife Trust – A holding objection was lodged pending further information on bio-diversity impacts. This has been received and following the receipt of amended plans, there is no longer an objection subject to conditions.

Warwickshire County Council as Highway Authority – It initially lodged an objection as there appeared to be limited information on the proposed impact on the wider highway network and there were a number of detailed comments on the internal layout. The final comments from the Authority are still awaited, but it has been informed of the position of Highways England as set out below.

Highways England – It initially submitted a “holding” objection requesting further information. This was received but there remained outstanding matters and thus a second holding objection was issued. This has now been removed subject to a condition. They do not object to the proposal.

Warwickshire County Council as Lead Local Flood Authority – The receipt of further information has led to the withdrawal of an initial objection and support for off-site works. These are outlined in Appendix D.

AD (Leisure and Community Development) - A contribution of £246,475 is sought.

Observations

a) The Principle

Members will be familiar with this site and the proposals to allocate the land for housing in the last few years, through the draft Site Allocations Plan of 2014 to its inclusion in the Submitted Version of the new North Warwickshire Local Plan of 2018. Additionally Members will be aware of the consequences of the Daw Mill appeal decision in which the development boundaries of the Core Strategy were found to be out of date and that the last Annual Report on the supply of Housing Land shows that we do not have the required minimum of five years. It is with all of these considerations in mind, that there is no objection in principle to the grant of planning permission.

Members will therefore be aware that the approach towards this application will thus be one of establishing whether there are significant harmful impacts that can be demonstrated through robust evidence. The two most significant areas where adverse impacts are likely to arise are highways and flooding.

b) Drainage and Flooding

The Warwickshire County Council as Lead Local Flood Authority had initial concerns. Whilst sustainable drainage measures are proposed on the site – the swales and suppressions alongside Spon Lane at the site's western side - the concern was about the discharge from them. This is to be to the roadside ditch in Spon Lane, but it was very clear that that ditch was not functioning efficiently. The applicant was therefore asked to explain why this was so. The County Council and the applicant have therefore together actively engaged with local residents in order to better understand the background. This has resulted in acceptance by the Flood Authority of those sustainable measures, together with significant improvement works to the roadside ditch along Spon Lane and the removal of some of the infrastructure here that was actually contributing to blockages in the ditch and obstructing the free flow of surface water.

This is explained in Appendix D and was sufficient for the County Council to withdraw its objection.

These works are the subject of a condition such that they are completed prior to first occupation and also that will be given added weight by inclusion of the same requirement within the Section 106 Agreement.

In response to potential questions concerning what happens beyond the extent of the works described in that Appendix, Members will be aware that an applicant's responsibility does not extend to resolving existing problems or to the future maintenance of existing arrangements; that the proposal here will actually reduce surface water entering the Spon Lane ditch because of the on-site arrangements and that the responsibility of maintaining the ditch further downstream will be that of the Highway Authority and/or the riparian land owners. The County Council acting as the Land Drainage Authority has enforcement powers in this respect.

Given this background and the engineering solution now put forward, it is not considered that a refusal reason could be sustained here.

c) Highways

It can be seen from the consultation section above that the two Highway Authorities have scrutinised the proposals requesting substantially greater amounts of information than that originally submitted in the initial Transport Assessment. All of the matters raised by the County Council in respect of the internal layout should be capable of resolution through the receipt of amended plans. However it is clearly the impact of the development on the wider surrounding highway network that has generated the greatest concerns. Both Highway Authorities have commented on this seeking additional information to accompany the applicant's Assessments. That significantly, has led Highways England to withdraw its initial concerns. It does not object to the proposal.

d) Other Impacts

It is agreed that there is no harm caused here to any heritage asset – either a Listed Building; the setting of a Listed Building, a Conservation Area or a Scheduled Ancient Monument.

Additional information has been submitted in respect of the bio-diversity impacts sought by the Warwickshire Wildlife Trust. The Trust recommended that bat boxes are attached to the larger of the trees to be retained on site given that a bat survey has

revealed their presence. Additionally the retention of roadside hedgerows and the introduction of the sustainable drainage measures would increase the bio-diversity level of the site from its present poor rating.

In terms of impacts on the residential amenity of neighbouring occupiers then this is considered to be limited to those properties which back onto the existing western frontage of Spon Lane. The separation distances here are some 30 metres (between rear elevations) which is considered to accord with the Council's guidelines.

Affordable housing is being provided on site at 30% amounting to 17 units – both shared ownership and rented. This level of provision satisfies Development Plan policy as the site is not a green-field site.

In terms of the impacts on local services then it can be seen that quite substantial contributions are being sought. Included in these is one for recreation provision. The applicant has included an on-site play area and the balance of the contribution would go towards enhancement of the Boot Hill recreation ground.

e) Other Matters

It can be seen from the representations received above that there was a concern raised in regard to the pedestrian access from the southern end of the site through to the A5. It is confirmed that this would be a pedestrian access only and that it is within the site owned by the applicant. Details of how this access would be designed can be conditioned. There will be an impact on the residential amenity of the neighbouring property but the details referred to above will need to include provision of proper and robust boundary treatments.

A Construction Management Plan has been submitted and it is supported by the Environmental Health Officer.

Recommendation

That subject to the completion of a Section 106 Agreement including the matters referred to above, and provided that the Warwickshire County Council does not raise objections which cannot be resolved through additional planning conditions, the Council is minded to **GRANT** planning permission, subject to the following conditions:

1. Standard Three Year condition
2. Standard Plan numbers condition
3. No works other than site preparation works, the laying out of the roads and the provision of foundations to slab level shall commence on site until a scheme for the provision of adequate water supplies and fire hydrants necessary for fighting purposes at the site has first been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented on site.

REASON

In the interests of public safety

4. No development shall take place on site until such time as:
- a). A Written Scheme of Investigation for a programme of archaeological evaluative work has first been submitted to and approved in writing the Local Planning Authority.
 - b) The programme of evaluative work; the associated post excavation analysis, report production and archive deposition as detailed in the Written Scheme has been fully undertaken and submitted to the Local Planning Authority.
 - c) An Archaeological Mitigation Strategy (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the evaluation.

The development and any archaeological fieldwork post-excavation analysis, the publication of results and archive deposition detailed in the Mitigation Strategy shall be undertaken in accordance with the approved Mitigation Strategy.

REASON

In view of the archaeological interest in the site.

5. No development shall take place on site until a detailed surface water drainage scheme for the site, based on sustainable drainage principles; the approved Flood Risk Assessment Rev of 4 May 2018, the Drainage Strategy Rev2 of May 2018 and the Investigation Report Rev A dated July 2018 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved plans. The scheme shall:
- a) Demonstrate that the surface water system(s) are designed in accordance with the SUDS Manual CIRIA report C753;
 - b) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus climate change critical rain storm to the maximum runoff rate of 41.5 litres/second for the site.
 - c) Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in Science Report SC030219
 - d) 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 and 1 in 100 year plus climate change return periods.

- e) 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

In order to prevent the increased risk of flooding; to improve and protect water quality, to improve habitat and amenity and to ensure the future maintenance of the sustainable drainage structures.

- 6. There shall be no occupation of any of the dwellings hereby approved until a detailed maintenance plan is submitted to and approved in writing by the Local Planning Authority giving details of how the surface water systems are to be maintained and managed in perpetuity.

REASON

To ensure the future maintenance of the sustainable drainage structures.

- 7. There shall be no occupation of any of the dwellings hereby approved until the whole of the works described in the Schedule of Works to the ditch adjacent to Spon Lane have first been fully completed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of reducing the risk of flooding.

- 8. No development shall commence on site until details of the facing and roofing materials to be used on site have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be used on site.

REASON

In the interests of the visual amenities of the area.

- 9. The development hereby approved shall be undertaken at all times throughout the whole construction period, in accord with the Construction Environmental Management Plan received on 4/10/2018.

REASON

In the interests of the residential amenities of the area and in the interests of highway safety.

10. No development shall commence on site until such time as a scheme for the provision of 17 of the dwellings hereby approved to be affordable dwellings, as defined by the NPPF 2018, has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify the size of the dwellings; their tenure and their location on the site. It shall also include the measures for ensuring the affordable houses are retained as such in perpetuity and the mechanism for ensuring that they are occupied by residents from the locality.

REASON

In order to meet the requirements of the Development Plan.

11. No development shall commence on site until a detailed specification for the design of the on-site play area, including its boundary treatment, has first been submitted to and approved in writing by the Local Planning Authority. Only the approved specification shall then be undertaken on site.

REASON

In the interests of securing an appropriate specification for the play area design and its equipment.

12. There shall be no occupation of more than 50 dwellings on the site until such time as the agreed specification for the on-site play area as approved under condition (11) has been fully completed to the written satisfaction of the Local Planning Authority.

REASON

In order to ensure timely provision of this facility.

13. No dwelling hereby approved shall be occupied until it has been provided with a bin storage facility capable of holding a minimum of three 240 litre wheeled bins within the curtilage of each property. This facility shall remain permanently available for that purpose at all times thereafter.

REASON

In order to provide timely provision of this facility

14. The landscaping details hereby approved shall be implemented in full prior to the occupation of the 50th dwelling hereby approved. In the event of any tree or plant failing to become established within five years thereafter, each individual tree or plant shall be replaced within the next available planting season, to the written satisfaction of the Local Planning Authority.

REASON

In the interests of the visual amenities of the development.

15. There shall be no occupation of any dwelling hereby approved until such time as a full specification for the construction, design and appearance, including boundary treatments and safety barriers for the whole of the pedestrian/cycle access at the southern end of the site beyond plot 48 extending all the way to the A5 Trunk Road between number 73a Watling Street and the Club premises has first been submitted to; approved in writing by the Local Planning Authority and fully completed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of enhancing connectivity from the site

16. Prior to first occupation, a full Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority. It shall contain details of actions to be taken to encourage the use of sustainable transport alternatives to the private car; targets for modal shift and timescales for their implementation. The actions so agreed shall then be implemented and monitored in accordance with the Travel Plan.

REASON

In order to maintain the safe and effective operation of the Strategic Road Network

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0287

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	3/5/18
2	Grendon resident	Objection	21/5/18
3	Grendon resident	Objection	12/5/18
4	Grendon resident	Objection	25/5/18
5	Grendon resident	Objection	31/5/18
6	Atherstone resident	Representation	3/9/18
7	Grendon Parish Council	Objection	6/8/18
8	Warwickshire Police	Consultation	18/5/18
9	WCC Rights of Way	Consultation	21/5/18
10	Sport England	Consultation	22/5/18
11	Warwickshire Fire Services	Consultation	2/5/18
12	G Eliot NHS	Consultation	24/5/18
13	Highways England	Consultation	29/5/18
14	WWT	Consultation	7/7/18
15	EHO	Consultation	7/6/18
16	WCC Highways	Consultation	8/6/18
17	Warwick Museum	Consultation	21/6/18
18	WCC Education	Consultation	21/6/18
19	Highways England	Consultation	24/8/18
20	Applicant	E-mail	24/8/18
21	Applicant	E-mail	21/8/18
22	WCC Education	Consultation	28/8/18
23	WTT	Consultation	19/10/18
24	HE	Consultation	24/10/18

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.

(9) Application No: PAP/2018/0287

Former Sparrowdale School & Recycling Centre, Spon Lane, Grendon, CV9 2PD

Construction of 56 residential dwellings (class C3) including; construction of new vehicular access to Spon Lane, formalisation of existing vehicular access to Spon Lane, pedestrian accesses to Spon Lane and A5 (Watling Street), drainage infrastructure, landscaping, public open space and other works, for

Kier Living

Introduction

This application is reported to the Board at this time for information as it has just recently been submitted. The report will outline the details of the proposals and identify the relevant Development Plan policies. A determination report will be prepared in due course when consultation responses have been received.

The Site

This is the site of the former Sparrowdale School together with the former household recycling site between the old and new lengths of Spon Lane, north of the Grendon roundabout on the A5 Watling Street. It has a combined area of 2.1 hectares. A brook course runs along the boundary between the former school site and waste site from Spon Lane to the rear of numbers 67 to 73a Watling Street. There is existing residential development on three sides of the site with the fourth being the new line of Spon Lane on the other side of which is open countryside and the local Severn Trent Water treatment works. The Grendon Working Mens Club is to the south and its bowling green also abuts the site to the east. There is also a small convenience and newsagent store close by.

The general location of the site and its setting is illustrated at Appendix A.

The Proposals

This is a detailed planning application for the residential redevelopment of the combined site. A total of 56 dwellings is proposed with a mix of houses types – single bedroom flats to four bedroom dwellings. These would all be two storey developments apart from a small block of three storey development fronting the Grendon roundabout. Parking overall is a 210 % provision with the larger houses having three spaces each.

Vehicular access to the great majority of the site would be via a new access onto the new length of Spon Lane. This would lead into a cul-de-sac extending into the site. The existing school access from the old Spon Lane would be closed to vehicular traffic but be retained for pedestrians and cycles. There would be an additional pedestrian link to the Watling Street at the far southern end of the site. The existing access serving the former household waste centre would be improved so as to provide access to six flats which would front the roundabout. Sustainable drainage features would be included on site. Seventeen affordable dwellings are proposed as part of the development amounting to a 30% provision. These would all be shared ownership and include the six units at the front of the site facing the roundabout.

The proposed layout is attached at Appendix B and a selection of elevations is at Appendix C.

Supporting documentation has been submitted with the application.

A Ground conditions investigation recommends conditions relating to clearing some areas of "made" ground" and that surface water from the development will require sustainable drainage designs as soakaways would not be appropriate here.

A tree survey concludes that the site contains a diverse range and quality of trees and hedgerows with the main interest being the new full length of the hedgerow fronting the line of the new Spon Lane. The proposals are considered by the author to have a limited impact on the amenity value of the retained features on the site.

An Ecology survey concludes that the majority of the site is grass land but with significant areas of hardstanding – the site of the now demolished school and the waste site service yard. The surrounding hedgerows are not species rich. No further work is suggested in respect of greater crested newts; reptiles, other amphibians or badgers.

However further research is needed in respect of bat roosts, but the site itself is considered to offer low quality opportunities for foraging and commuting.

A Noise Impact Assessment suggests that suitably designed acoustic measures built in to the new dwellings will be required.

A Heritage Assessment identifies that there are no heritage assets within the site itself and little potential for prehistoric or medieval remains. The overall conclusion is of there being no significant heritage constraints either underground or affecting the settings of other assets which are some distance away.

An Open Spaces and Recreation Statement refers to the recent qualitative and quantitative assessments made of the Borough's recreation facilities, and concludes that in the Baddesley and Grendon area there is local adequate provision. However enhancements to the Boot Hill recreation area were sought and the development could contribute to that work.

A Surface and Foul Water Strategy is provided. This confirms that surface water would not be discharged by soakaway, but via sustainable drainage measures discharging into the brook that crosses the southern end of the site and feeds in to the Penmire Brook.

A Transport Assessment concludes that the site is in a sustainable location given access to the road network; the regular bus services connecting to larger settlements with rail services and a wide range of facilities. Local facilities are nearby – a primary school, recreation facilities and a shop. The Statement concludes that the overall increase in traffic would be minimal on the surrounding network and no off-site works are recommended. The Statement refers to other recent studies that have concluded that a new crossing over the A5 cannot be substantiated.

A Statement of Community Involvement describes the pre-application community consultation work undertaken by the applicant prior to his submission. This took the form of an initial leaflet drop to 785 properties in early February 2018. 19 forms were returned with comments referring to the cumulative impact of new development in the area; traffic impact on the A5, a need for a pedestrian link over the A5, capacity at local facilities, need for bungalows and an on-site play area. A subsequent public consultation and exhibition took place in late March 2018. Similar comments were made at this event as previously.

A Planning Statement draws together all of these matters and places the application in its planning policy context.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW 4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW15 (Nature Conservation) and NW12 (Infrastructure)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT3 (Sustainable Travel) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

The National Planning Policy Framework 2012

Draft Site Allocations Plan - June 2014: Sites GRE 1 and GRE2.

The Submission Version of the North Warwickshire Local Plan 2018 - LP2 (Settlement Hierarchy); LP6 (Amount of Development), LP7 (Housing Development), LP8 (Windfall), LP9 (Affordable Housing Provision), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP24 (Recreational Provision), LP29 (Walking and Cycling), LP31 (Development Considerations), LP32 (Built Form) and LP39 (Housing Allocations)

The North Warwickshire Green Space Strategy – 2018

The Daw Mill Appeal Decision – APP/R3705/W/16/3149827

Observations

Members will be familiar with this site and the proposals to allocate the land here for housing in the last few years through the draft Site Allocations Plan of 2014 and the recently Submitted Version of the North Warwickshire Local Plan. Given this planning policy background, Members will be aware that the approach to this application will thus be one of establishing whether there are significant adverse impacts that can be demonstrated through robust evidence.

The determination report will outline the responses that are received from the various consultation bodies. In the interim Members are invited to comment on the details of the proposals as currently submitted.

Recommendation

That the receipt of the application be noted at this time

BACKGROUND PAPERS

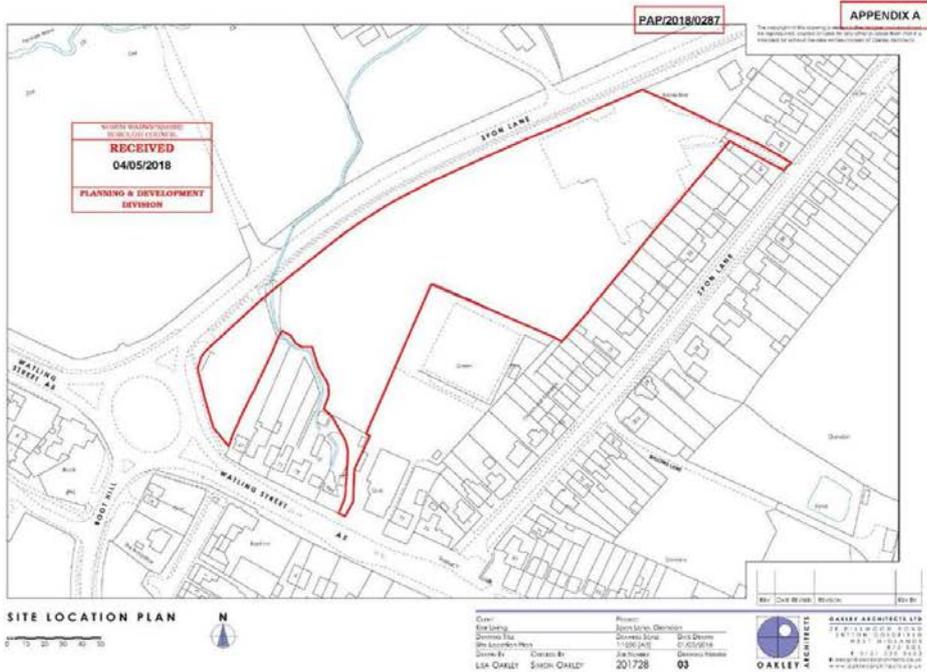
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2018/0287

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	4/5/18

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.



The consent of this planning is subject to the design and construction of the development being in accordance with the approved plans and subject to any other conditions that may be imposed by the planning authority.



PERSPECTIVE LOOKING TOWARDS PLOTS 1,11,12 &13

WORTH & ARDRE SQUARE
WORTHEN ROAD, WORTH
RECEIVED
04/05/2018
PLANNING & DEVELOPMENT
DIVISION

Date: 22.03.2018
Project: 201728
Client: LEA CHALEY
Site: 46A
Drawn: SHON CHALEY
Checked: SHON CHALEY

Approval table with columns for No. and Date. Includes OAKLEY ARCHITECTS LTD logo and contact information: 28, WILLOW ROAD, WORTH, LE19 1LJ, 01924 771122, www.oakleyarchitects.co.uk

The consent of this planning is subject to the design and construction of the development being in accordance with the approved plans and subject to any other conditions that may be imposed by the planning authority.



PERSPECTIVE LOOKING TOWARDS PLOTS 2-7

WORTH & ARDRE SQUARE
WORTHEN ROAD, WORTH
RECEIVED
04/05/2018
PLANNING & DEVELOPMENT
DIVISION

Date: 22.03.2018
Project: 201728
Client: LEA CHALEY
Site: 48A
Drawn: SHON CHALEY
Checked: SHON CHALEY

Approval table with columns for No. and Date. Includes OAKLEY ARCHITECTS LTD logo and contact information: 28, WILLOW ROAD, WORTH, LE19 1LJ, 01924 771122, www.oakleyarchitects.co.uk



PERSPECTIVE LOOKING TOWARDS PLOTS 10-12

SOUTH WAIKATO COUNTY
RECEIVED
04/05/2018
PLANNING & DEVELOPMENT
DIVISION

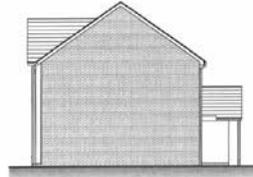
Case: 2017/000001
Site Name: 2017/000001
Project No: 2017/000001
Perspective ID: 2017/000001
Scale: 1:100
Checked By: S.M. CHAFFIN
Date: 2017/08/04
Sheet No: 49

No.	Date	Revised	Revision	By

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FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

Rev:	Drawn:	Revised:	Rev. No.:
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 OAKLEY ARCHITECTS LTD 18, 21 & 22, FIVE STAIRS, CHARTERS 10, 11 & 12, THE BARRACKS, 100 MARKET STREET, LONDON, EC3A 3AB Tel: 020 7463 2222 Fax: 020 7463 2223 www.oakleyarchitects.co.uk			
Project: 18 Park Gardens			
Drawing Title: 18 Park Gardens			
Drawn:	Scale:	Drawn:	Drawn:
1/200 (A3)		1/200 (A3)	
Rev. 01		Rev. 01	
18/03/2018		18/03/2018	
201728		34	



SCHEDULE OF ACCOMMODATION	
FIVE	No. FARMING
SALE UNITS	
LOCKWOOD 200	7 200K
LOCKWOOD 200	14 200K
LOCKWOOD 200	4 200K
HARTWOOD 180	2 200K
CRAYFORD 140	3 200K
HARTWOOD 140	7 200K
CRAYFORD 140	4 200K
TOTAL SALE	34
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SALE UNITS	34
200	200K
TOTAL ACCOMMODATION	34
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Ditch course - Schedule of Works

Ditch adjacent to Spon Lane, Atherstone

Former Sparrowdale School site



Kier Living Limited
Tungsten Building
Blythe Valley Park
Solihull
West Midlands
B90 8AU

Tel: 0121 713 6300



Contents

Introduction.....	3
Highway Land	3
Alterations to the network	3
Schedule of Works.....	3

Introduction

The following schedule provides details of the works required to repair, upgrade and renew the existing ditch course and culverts along Spon Lane in the areas adjacent to the boundary of the Application Site (former Sparrowdale School) and Greenacres.

Highway Land

The works required are all within land designated as Highway and as such will need appropriate approval and consents from Warwickshire County Highways, prior to commencement.

Alterations to the network

At point 'B' on the attached plan an existing manhole has been located. This historically connected the western portion of the ditch via a culvert, presumably into Penmire Brook. It is proposed to cap the connection point and provide a continuous connected ditch.

A short section of culvert will be installed as part of the new access road into the site. This will be detailed within the S38 agreement for the Application site, it is therefore excluded from this works.

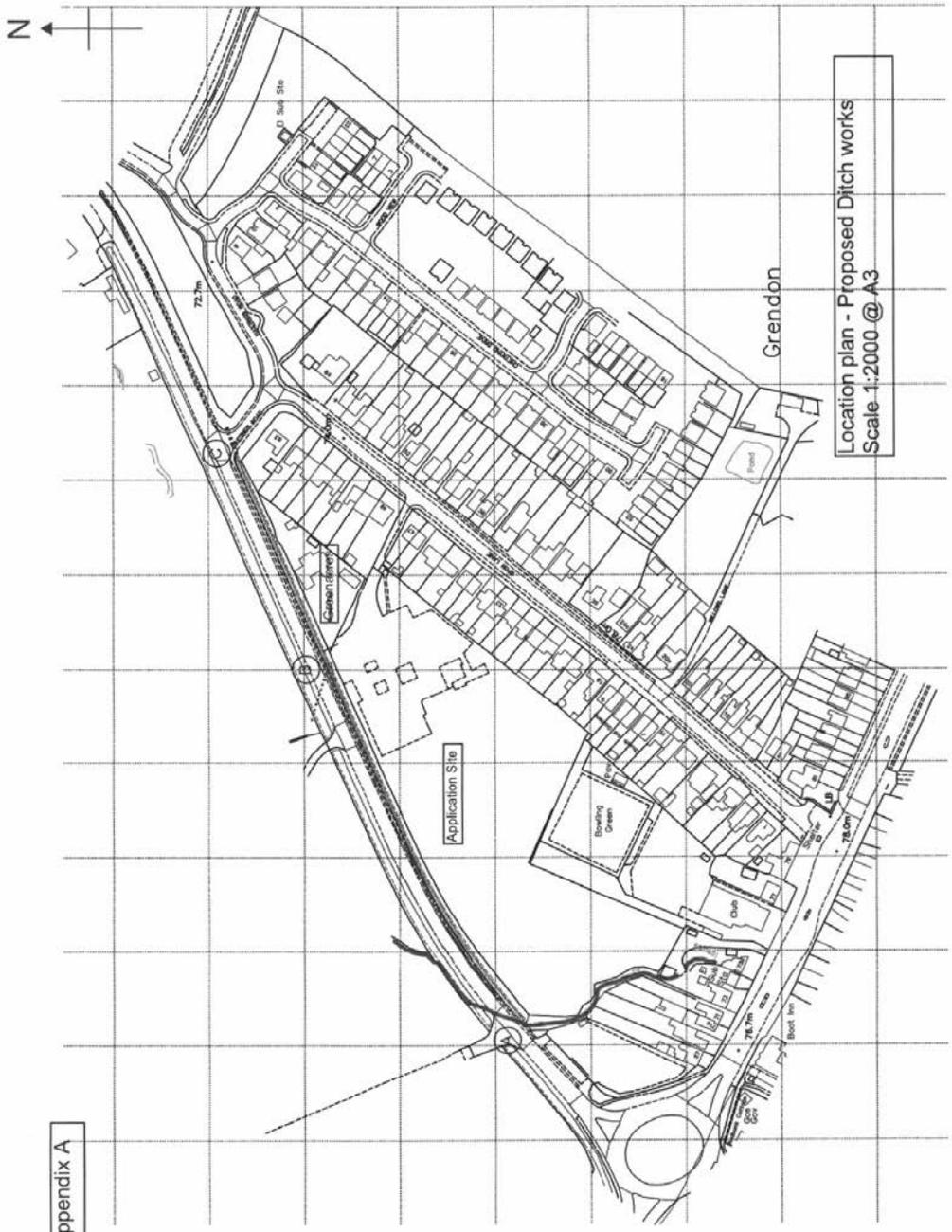
Schedule of Works

- At point 'B', remove the existing manhole and incoming short section of culvert. Reprofile the ground to allow the ditch to continue past this point connecting with the eastern ditch. The existing culvert crossing Spon lane is to be exposed in the verge capped and re-buried.
- Remove vegetation and silt from the ditch sides and base. Between points A and C.
- Reprofile and regrade the ditch between points A and C on the attached plan to give a continuous gradient. The base of the ditch to be reduced to the invert level of the existing culverted sections (adjacent to Greenacres) and exiting the eastern end at point 'C'
- Culverted sections between points 'A' and 'C' to be cleared by jetting.
- All vegetation and spoil from regrading to be removed from the ditch and surrounding and chipped or tipped responsibly.



Appendix A – Location Plan of Proposed Works





Appendix A

Location plan - Proposed Ditch works
Scale 1:2000 @ A3

(4) Application No: PAP/2018/0312

Dunton Wharf, Lichfield Road, Curdworth, B76 9EN

Demolition of existing buildings and erection of 3 buildings to provide offices, training/classrooms and industrial unit to facilitate the use of site for storage and ancillary digger driving school, for

P Flannery Plant Hire

Introduction

The receipt of this application is reported to Board at the discretion of the Head of Development Control in view of its potential link with the HS2 project.

The Site

This is a roughly rectangular shaped piece of land located immediately in the north-west quadrant of Junction 9 of the M42 Motorway with the A4097 and A446 and between the M42 and the M6 Toll Road. It is thus bound on three sides by substantial road infrastructure. Immediately to the north is the Birmingham/Fazeley canal. The whole site is set well down below the road levels on the junction, with a difference of some 7 to 8 metres at its southern end. The surrounding embankments are heavily landscaped with well-established tree and hedgerow cover. There is open countryside further to the west and on the other side of the canal is Dunton Lodge, a large detached house.

Curdworth is some 800 metres to the west.

The application site is illustrated at Appendix A.

Background

The present use of part of the site is a depot for road haulage and for a grain merchant. This is the lawful use following a grant of planning permission on 1985.

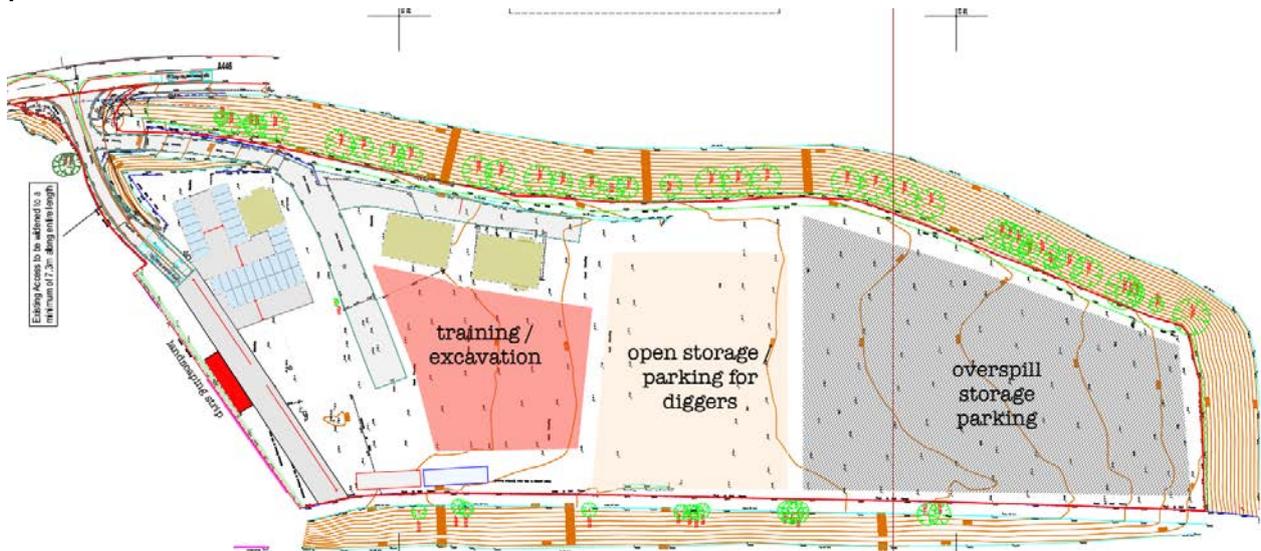
This use operates from a group of four conjoined buildings amounting to some 3360 cubic metres with a total footprint of some 690 square metres. These are all two storey in height. They are located towards the northern end of the site close to the single vehicular access rising up to the A446. Around these buildings is a hard surfaced service yard used for the parking and turning of HGV's and other light vehicles. In total the operational area of the site amounts to some 33% of the whole site – the remainder being open rough pasture land.

This operational area is shown on Appendix B but this existing arrangement is best illustrated with an aerial photograph at Appendix C.

The Proposals

It is proposed to demolish all of the existing buildings and to erect three new two storey buildings. One would be as a unit for the maintenance, repair and storage of the plant used on the site in connection with its use as a "digger" driving school. The other two buildings would be used for offices and as a classroom/training area. Below is a land use plan for the site which shows that other parts of the site would be used for practical

training purposes as well as an additional storage facility for construction plant understood to be partially used in connection with the HS2 project. The training programme would be focused to training sufficient numbers of operatives for use on this national infrastructure work.



It is estimated that the use would generate approximately ten full time jobs, with operating hours of 0600 to 1800 on Mondays to Saturdays only. 28 car parking spaces are proposed on the site for staff and for students arriving for training purposes. It is anticipated that up to 100 vehicles might be kept on site.

The new buildings on site would amount to 3851 cubic metres – a 15% increase in volume - but with a reduction of 22% in footprint.

The following documents have been submitted with the application.

A Flood Risk Assessment shows that the site is in flood zone 1. The conclusion of the document is that the site is at low risk of flooding and that a sustainable surface water drainage scheme can be designed.

An Ecological Assessment concludes that there would be no overall bio-diversity adverse impact but the boundary with the canal should be protected because of its value as a wildlife corridor.

A Transport Assessment advises that the traffic generation is likely to increase but by only a marginal number – two movements an hour – and that movements are more likely to be staggered through out the day than presently.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW3 (Green Belt), NW10 (Development Considerations), NW12 (Quality of Development) and NW13 (Natural Environment)

North Warwickshire Local Plan 2006 (Saved Policies) - ECON9 (Re-use of Rural Buildings); ENV11 (Neighbour Amenities), ENV13 (Building Design), ENV14 (Access Design) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

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

The Submitted Local Plan March 2018 – LP1 (Sustainable Development); LP3 (Green Belt), LP11 (Economic Regeneration), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP31 (Development Considerations), LP32 (Built Form) and LP35 (Water Management)

Observations

The site is in the Green Belt. Members will be aware that the redevelopment of previously developed land here may not necessarily amount to inappropriate development and thus carry a presumption of refusal. An assessment will need to be made of the impact of the proposal on the openness of the Green Belt and on the reasons for including land within it. In this case however, the proposal also involves a change of use of land which is not appropriate in the Green Belt and the extension of that development, beyond the area of the lawful previously developed land. The assessment is therefore not straight forward.

Additionally in this case the applicant has made reference to the HS2 project, but it is uncertain in planning terms as to what that connection is - either as an area for the storage of plant connected with its construction, or just as a facility to train personnel to work on that project as well as other construction sites. The variety of plant and equipment that might be present on site is thus unclear.

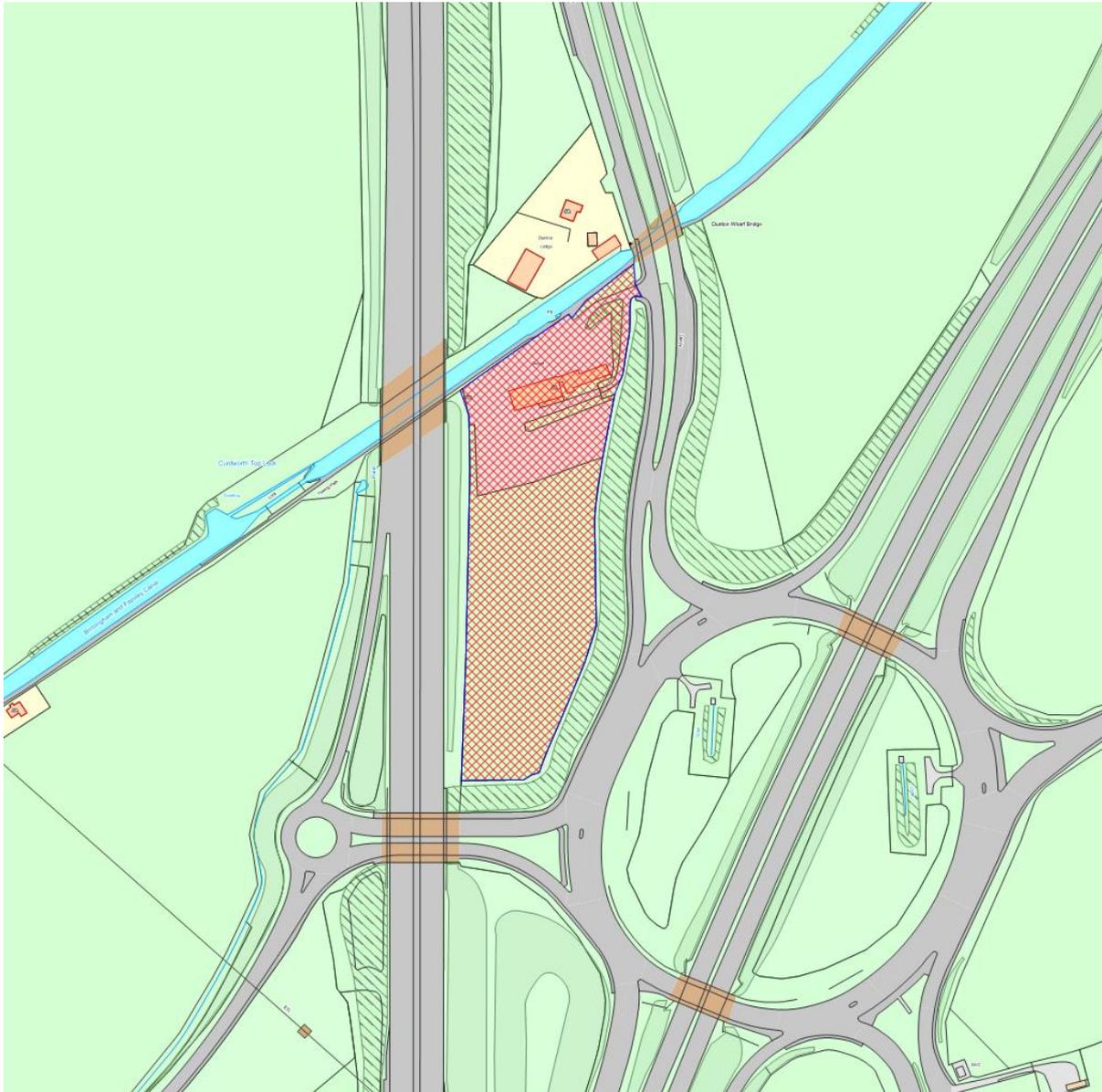
As a consequence it is recommended that Members visit the site in view of its setting in order to gain a better understanding of the likely impacts – particularly on the openness of the Green Belt. It is also suggested that a representative group of Members meet with officers and the applicant so as to get greater clarity on the scope of the proposal. In this way a determination can then be made with a better understanding of the planning implications of the proposal.

Recommendation

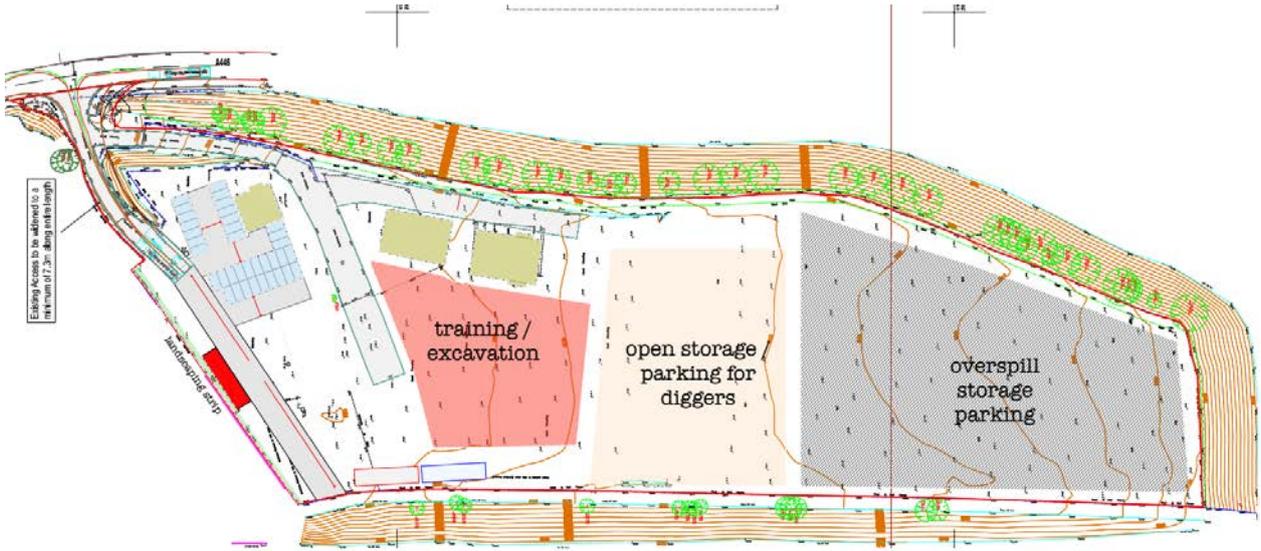
That the receipt of the application is noted and that:

- Members undertake a site visit and
- That a meeting be held with the applicant, officers and appropriate Board Members in order to seek greater clarity on the scope of the application
- The matter be reported back to the Board at a later date for determination.

Appendix A – Site Location Plan



Appendix B – Plans

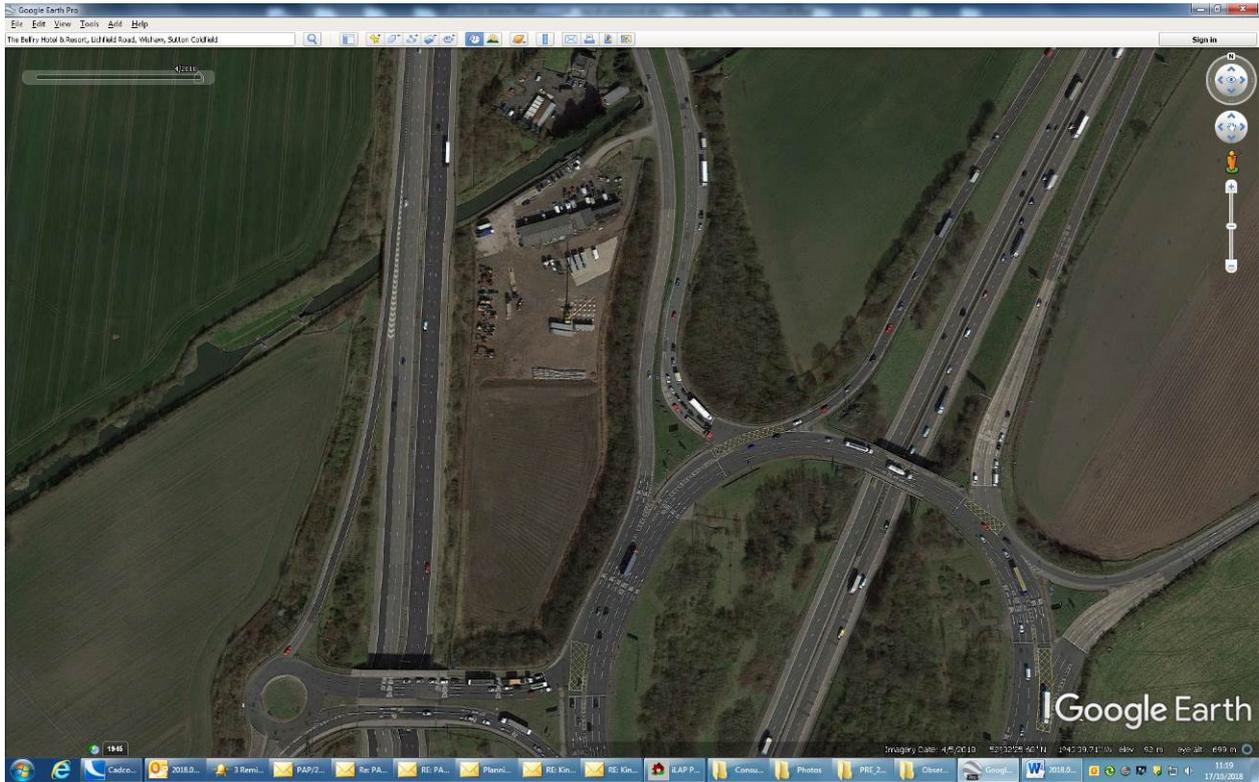


Key	
	car parking area
	buildings: offices/plant storage/training
	training / excavation
	open storage / parking for diggers
	overspill storage parking
	landscaping strip



Access Part Site Plan scale 1 : 200

Appendix C – Aerial Photography



Above is the aerial photography from 2018 (www.google.co.uk (google earth pro))

(5) Application No: PAP/2018/0426

Land Rear of 80-82, High Street, Coleshill, B46 3AH

Residential development for one dwelling, for Cavendish Blush

Introduction

The application is reported to the Board at the request of a Local Member who is considers that the objection from the Highway Authority should carry weight.

The Site

The site is located within the town centre boundary; the town’s conservation area and the development boundary for Coleshill. The site comprises the host buildings at the frontage of the site - numbers 80-82 High Street, Coleshill, which are grade 2 listed buildings – and to the rear is a rectangular parcel of land in part use as a car park. This retains access from Parkfield Road. To the north of the site lies the rear garden to number 78 High Street and properties along Angel Mews and Fairfield Mews. To the south is the car-park to a small supermarket. On the left of the entrance to the site from Parkfield Road is an office block with a small parking area. The boundary is not demarcated from that of the application site by any boundary treatment. The land earmarked for the development of one dwelling is presently in use as a car park for the businesses that occupy the site and for commercial deliveries to 80 and 82 High Street. The layout of the site and the location of the development in its overall townscape context are illustrated at Appendix A.

The Proposal

The proposal is for one detached dwelling to be located in the car park area of the site at 80-82 High Street Coleshill, as per the layout plan illustrated at Appendix B. General photographs of the site are illustrated at Appendix C and below is an aerial photograph of the site with the approximate location of the proposed dwelling outlined in red.



The development would retain existing parking spaces for the commercial use operating from the site which is the two ground floor retail units at numbers 80 and 82 High Street.

The first and second floors of these units are already approved so as to be occupied as residential apartments.

Background

An application proposing four town houses at this site was submitted in 2004 but was subsequently withdrawn. An application for three town houses was refused later in 2004 and an application proposing two houses was submitted in 2006, but again was also withdrawn. Subsequently, an application was approved for one dwelling in 2007 under application reference 2007/0678. The current proposal matches the location, size and general appearance of that 2007 approval which was never taken up.

Planning permission and listed building consents were gained for the residential conversion of the two listed frontage buildings in 2018 from an office use, under application references PAP/2018/0078 and PAP/2018/0079.

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW10 (Development Considerations), NW12 (Quality of Development) and NW14 (Historic Environment)

Saved Policies on the North Warwickshire Local Plan 2006 - ENV12 (Urban Design); ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation), ENV16 (Listed Buildings), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking)

The Coleshill Neighbourhood Plan 2017 – Policy ICENP1 (Employment Sites); ENP1 (Conservation Area) and CA1 (Road Safety)

Other Relevant Material Considerations

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

The Submitted North Warwickshire Local Plan 2018 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy, LP12 (Employment Areas), LP21 (Town Centres and Neighbourhood Centres), LP31 (Development Considerations), LP32 (Built Form) and LP36 (Parking)

Nationally Described Space Standards, DCLG, 2015

Consultations

Environmental Health Officer – No comments received

Warwickshire County Council as Highway Authority – It has objected referring to three matters – The County Council cannot support the use of shared surfaces at the present time; the site does not appear to be properly serviced and there might be parking impacts.

Warwick Museum – No objection subject to a standard condition

The Council’s Waste Officer – No objection – existing arrangements would continue

Representations

Coleshill Town Council – No objection provided the County Council is satisfied with regarding the volume of vehicle movements and the that no noise is created so as to affect nearby businesses.

Coleshill Civic Society – The Society object as the scheme presented for the proposed new building does not fit readily into the space available, it will be incongruous in this setting. There appears to be ill defined distances between the south facing door of the proposed dwelling and the boundary of the adjacent store car park and in general the arrangement is likely to be detrimental to the operation of neighbouring businesses. This is particularly so for the sandwich shop in High Street; with the issue of overall parking provision for the site again not made clear.

Observations

It is proposed to erect one new two bedroom dwelling with an associated car parking space and a small landscaped area. The property is to be of a cottage style appearance with facing brick and fenestration to match that of number seven Parkfield Road. The proposed appearance of a single dwelling is illustrated at Appendix D. The overall length of the front elevation is 9 metres; the depth of the side elevation is 5 metres and the height to the ridge is 5.93 metres, with single chimney stacks at each end of the roof. It is to be situated towards the western side of the site with its rear elevation positioned parallel to the boundary with the neighbouring car park.

Car parking for ten cars will be maintained at a central position within the land where the site is at its widest point. The vehicular access to the car parking will be along the northern side of the site.

No trees would be removed and supplementary landscaping would be proposed in any case.

A new 1.8 metre high brick wall is proposed along the boundary with the neighbouring car park for part of the length of the boundary and the existing boundary wall will be made good for the remainder of its length. It is indicated that the boundary wall with 78 High Street will be made good.

The main considerations are whether the development can be accommodated without creating adverse amenity, highway safety or other adverse impacts on the character and appearance of the area, particularly given the site lies within the Conservation Area and will be within the setting of the frontage Listed Buildings.

a) Principle

The site lies within the towns' development boundary, and Coleshill is a Category 2 settlement identified by the Core Strategy for appropriate new development. It is considered that the principle of the residential development is acceptable - a point given added weight by the 2007 approval.

The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively. Policy NW1 of the Core Strategy outlines that where planning applications accord with

policies within the Core Strategy, 2014, the proposal will be approved without delay, unless material considerations indicate otherwise.

The application site would have good access to transport links and local facilities within a short walking distance and therefore would be in a sustainable location.

b) Design and layout

The site is on a narrow plot that widens to the parking area to the east end of the car park. Based on the site plan there is capacity to site a dwelling and for vehicles to circulate.

The design of the dwelling is of cottage style proportions and not of a massing that would harm the street scape, it is comparable with the building on the entrance to the site at number seven Parkfield Avenue. As such there would be no objection to the on design of the proposed dwelling.

In terms of layout then the dwelling would be stand – alone. It is agreed that it would not directly relate to the existing urban form as the general context of the surroundings has car parks to the rear of commercial premises. However there are examples of neighbouring developments nearby on what would have been the linear burgage plots and the general spatial form is urbanised in outlook. Moreover consent was granted in 2007 and there has been no overall planning policy change since then.

With regards to developing on private car parks then the NPPF states at Paragraph. 118 that:

“Planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).”

The proposal here would accord with this general objective.

c) Heritage Assets

The host buildings at this site are listed and the site lies within the Conservation Area. It is not considered that the proposal for one dwelling would adversely impact on the character and appearance of the Coleshill Conservation Area or the nearby and host listed buildings. The proposed cottage is low in scale and of an appropriate design and thus does not detract from other the built form of other development in the area. It does not affect views in or out of the Conservation Area, given the rear aspect of many of the buildings with active frontages along High Street and there is a mixture of designs, particularly modern development in these rear yard areas.

The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Though it is considered that the development here would lead to less than substantial harm to the Listed Building, it is nevertheless harm to which great weight should be attached.

The NPPF guides that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this instance, the benefits are to assist with the costs of maintaining the up-keep of the host listed buildings and to add to the overall housing supply. Therefore, in balancing less than substantial harm on the significance on the Heritage Asset this can be outweighed by the public benefit in re-purposing the site for residential without loss of the existing ground floor retail to No 80-82 High Street.

It is considered that it would be appropriate to remove permitted development rights for the new dwelling, given the compact size of the curtilage and the need to protect the character and appearance of the Conservation Area.

d) Amenity

Policy NW10.9 of the Core Strategy requires that development should '*avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light and fumes or other pollution*'.

In terms of privacy and overlooking then the proposed dwelling is set on land which is elevated above neighbouring properties to the north at Fairfield Mews; Angel Mews and Parkfield House. The existing and proposed properties would be at a distance of 30 metres, or more, from Fairfield Mews; 25 metres to Parkfield House with an obscure view and up to 20 metres to Angel Mews. These separation distances would not be considered to result in a significant loss of privacy or create any significant overshadowing or over dominance issues. There would be no impact on the office at 7 Parkfield Road with no overlooking windows. An illustration of the surrounding neighbouring occupiers to that of the development is illustrated at Appendix E.

The application site has an elevated topography compared to surrounding neighbours. The difference in site levels from the approximate height of the proposal on elevated land compared with neighbouring properties at Fairfield Mews is illustrated as an example to show the difference in land levels at Appendix F. However taking into account the site levels (the application site being elevated) and the separation distances there would not be considered a discernible loss of privacy to warrant a refusal on amenity grounds. No other neighbours would be affected by the development in terms of a loss on their privacy or light as the immediate neighbouring buildings are commercial premises, with residential properties having good separation distances from the proposal as illustrated in these observations.

In terms of amenity afforded to future occupiers then there is a general acceptance that dwellings in town centres enjoy a reduced level of residential amenity in terms of the quietness of the location. Purchasers/occupiers are generally mindful of this when they choose the property. Nevertheless it is appropriate to question whether the residential amenity for the future occupiers of the dwelling would be acceptable. In this instance, a new brick boundary wall is proposed to shield the impact of the adjacent food store car park at ground floor level.

The application site would be located within a mixed use area of commercial uses and a car park. Deliveries to the retail offer at the host site will continue through the rear through the car park as permitted. As such this may have a detrimental impact on the future occupants by reasons of disturbance. There would be limited privacy afforded to the future occupier though a purchaser would be aware of this factor on purchase of a property.

Overall the proposal is not considered to be harmful to existing residential occupiers surrounding the site nor for future occupiers and therefore the application does not fail on policy NW10.9 of the Core Strategy.

e) Highway safety

In terms of impact on highway safety, Warwickshire County Council objects to the scheme on the possible lack of parking and the possible impact on existing delivery vehicles and refuse collection. The matter of shared surface schemes has also been raised.

In terms of an objection on shared surface schemes, this implies that the scheme for a dwelling would result in a shared surface with a commercial use and the access to these uses within the public highway will be shared space. The Highway Authority would require a traditional layout with full kerb upstand and footways and dropped kerb with tactile crossing points. However the current scheme is exempt from DfT guidance as it is being considered prior to revise guidance and because the DfT has made it clear that its shared surface guidance should only apply to highly used public areas – e.g High Streets. The guidance would also not apply to streets within new residential areas or the redesign of existing residential streets where traffic volumes are low. Hence this scheme can be determined on its own merits.

The site does not involve an intensive form of development, being limited to one dwelling. It is also private land with a private car park and so there is no unfettered pedestrian access across the site. The site would remain as a private car park shared with the existing commercial use and would not be a public space for pedestrians to circulate. Furthermore it is considered that to formalise the site to a full engineering standard with a full kerb upstand and footways with dropped kerb tactile crossing points would harm the character of the Conservation Area. Existing back land development to retail frontages in Coleshill has not involved a traditional form of estate road layout and as such the overriding factor here is the preservation of the Heritage Asset by providing one detached, cottage style dwelling which has a public benefit outweighing the requirement for a highway request for a traditional layout in this case.

In terms of parking capacity raised by highways, then the parking capacity remains the same as the existing arrangement. There would be sufficient parking provision with the ten spaces for the existing and approved uses, with one additional space for the single dwelling. The change of use of the host building from offices to residential will reduce the overall parking pressure. Additionally, this is a sustainable location and in a town centre, so planning policy does not require additional parking provision.

There is sufficient capacity for vehicles and delivery vehicles to service the existing commercial uses and a delivery vehicle would be able to pass within the site and turn around to re-enter in a forward gear. Moreover the Council's own Waste Manager has considered that provided the site can present a bin store nearer to the highway, then there would be no detriment in terms of waste collection. As such details of the waste collection facility would need to be provided by condition.

The objection from the Highway Authority in the officers' view cannot be sustained. The present circumstances and arrangements on site do work; there is space on site to physically accommodate all of the uses and the recent change of use will reduce car parking pressure. Moreover there has already been the grant of permission on this site

for an equivalent proposal. Overall it is considered that these matters indicate that there would be no demonstrable harm to highway safety.

f) Other matters

There is an archaeological interest in the site and therefore the Museum has requested an archaeology condition.

Given that the proposal does not involve the demolition of existing buildings it is not considered that there will be a significant impact on any local bat populations.

A Landscape Character Appraisal is not be required in this town setting, however it is considered that it would be appropriate to attach a condition requiring the submission of a landscaping scheme.

Representations

In response to the objection received by Coleshill Civic Society it is considered that a new building in this location would not be adverse in this 'yard' setting. There are examples of similar built form in Coleshill which have taken the opportunity to develop rear yards for residential purposes. Whilst a single standalone dwelling may be noticeable, it is set in a fully urban setting within the Development Boundary where development is directed. The car park on which the proposal would be developed is not of a setting which restricts development.

Recommendation

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the design and access statement, and the plans numbered SLA 20, SLA 21 and SLA 22 and the site location plan received by the Local Planning Authority on 10 July 2018.

REASON

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

3. No development whatsoever within Class A, B, C, D, E and G of Part 1 of Schedule 2 of the Town and Country (General Permitted Development Order) 1995, shall commence on site without details first having been submitted to, and approved in writing by, the Local Planning Authority.

REASON

In order to protect the character and appearance of the Conservation Area.

4. The dwelling hereby approved shall not be occupied before the whole of the car parking and servicing area shown on the approved plan and provision for a defined pedestrian walkway have been constructed, surfaced and marked out to the satisfaction, in writing, of the Local Planning Authority. These areas shall remain for such purposes at all times, including the car parking space within the curtilage of the approved dwelling.

REASON

In the interests of highway safety.

5. No development shall be commenced before samples of the facing bricks, roofing tiles, blocks for hard surfacing and screen wall facing bricks to be used have been submitted to and approved by the Local Planning Authority in writing.

REASON

In order to protect the character and appearance of the Conservation Area.

6. No development shall take place until:

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

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

- c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the LPA. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

- d) The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

REASON

In the interests of recording the historic environment.

7. The development shall not be occupied until the access for vehicles has been provided to the site not less than 5.0 metres in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway. This will allow two vehicles to pass at the entrance whilst both being clear of the highway.

REASON

In the interests of highway safety.

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

REASON

In the interests of highway safety.

9. The development shall not be occupied until space has been provided within the site for the parking of any vehicles required to use the development in accordance with details to be approved in writing by the Local Planning Authority.

REASON

In the interests of highway safety.

10. Before the development commences a scheme for the construction of surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON

In order to reduce the risks of pollution and flooding.

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

REASON

In view of the visual interests of the setting of the site.

12. The landscaping and planting scheme approved under condition 11 shall be implemented within six calendar months of the date of the approval of details, and in the event of any tree or plant failing to become established within five years thereafter, each individual tree or plant shall be replaced within the next available planting season, to the satisfaction of the Local Planning Authority.

REASON

In view of the visual interests of the setting of the site.

13. Details of refuse and recycling storage to serve the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the residential development. The refuse storage facilities shall be provided in accordance with the approved details prior to occupation and shall thereafter be retained as such for the duration of the permitted use.

REASON

In the interests of the amenities of the area.

INFORMATIVES

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>.
3. The applicant is encouraged to ensure that any demolition, construction works and deliveries do not cause nuisance to neighbouring properties and their occupiers. It is recommended that works are restricted to between 0730 and 1800 hours on weekdays, and 0800 and 1300 hours on Saturdays, with no demolition, construction works and deliveries on Sundays or recognised public holidays.
4. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway; or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
5. 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. 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

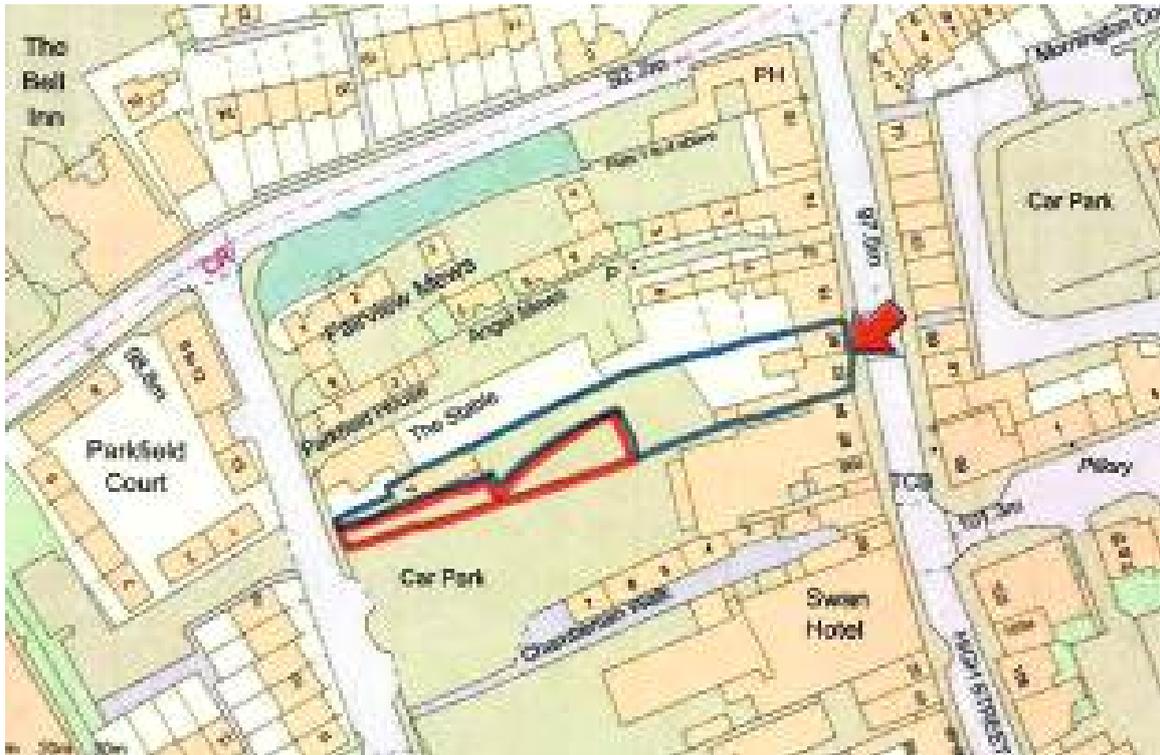
Planning Application No: PAP/2018/0426

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	
2	WCC Museum	Consultation reply	26/7/18
3	Coleshill Town Council	Consultation reply	2/8/18
4	WCC Highways Authority	Consultation reply	3/8/18
5	Coleshill Civic Society	Consultation reply	6/8/18
6	Case Officer to Agent	E-mail	7/8/18
7	Agent to Case Officer	E-mail reply	7/8/18
8	WCC Highways Authority	E-mail reply	3/8/18
9	Case Officer to Agent	E-mail	23/8/18
10	Agent to Case Officer	E-mail reply	23/8/18
11	Agent to Case Officer	E-mail	24/8/18
12	Agent to Case Officer	E-mail	29/8/18
13	Agent to Case Officer	E-mail	3/9/18
14	Case Officer to Agent	E-mail reply	4/9/18
15	Case Officer to Agent	E-mail	7/9/18
16	Agent to Case Officer	E-mail reply	7/9/18
17	Case Officer to Agent	E-mail	18/9/18
18	Agent to Case Officer	E-mail reply	18/9/18
19	Case Officer to Agent	E-mail	21/9/18
20	WCC Highways Authority	E-mail reply	21/9/18
21	WCC Highways Authority	E-mail reply	24/9/18
22	Agent to Case Officer	E-mail	24/9/18
23	Case Officer to Agent	E-mail reply	25/9/18
24	Agent to Case Officer	E-mail	25/9/18
25	Case Officer to Agent	E-mail	26/9/18
26	Agent to Case Officer	E-mail	26/9/18
27	WCC Highways Authority	E-mail reply	2/10/18
28	Case Officer to Agent	E-mail	2/10/18
29	Agent to Case Officer	E-mail reply	2/10/18
30	Case Officer to Agent	E-mail	10/10/18
31	Agent to Case Officer	E-mail reply	10/10/18
32	Case Officer to Agent	E-mail	12/10/18
33	Agent to Case Officer	E-mail reply	12/10/18
34	Agent to Case Officer	E-mail	15/10/18
35	Case Officer to Agent	E-mail	19/10/18

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

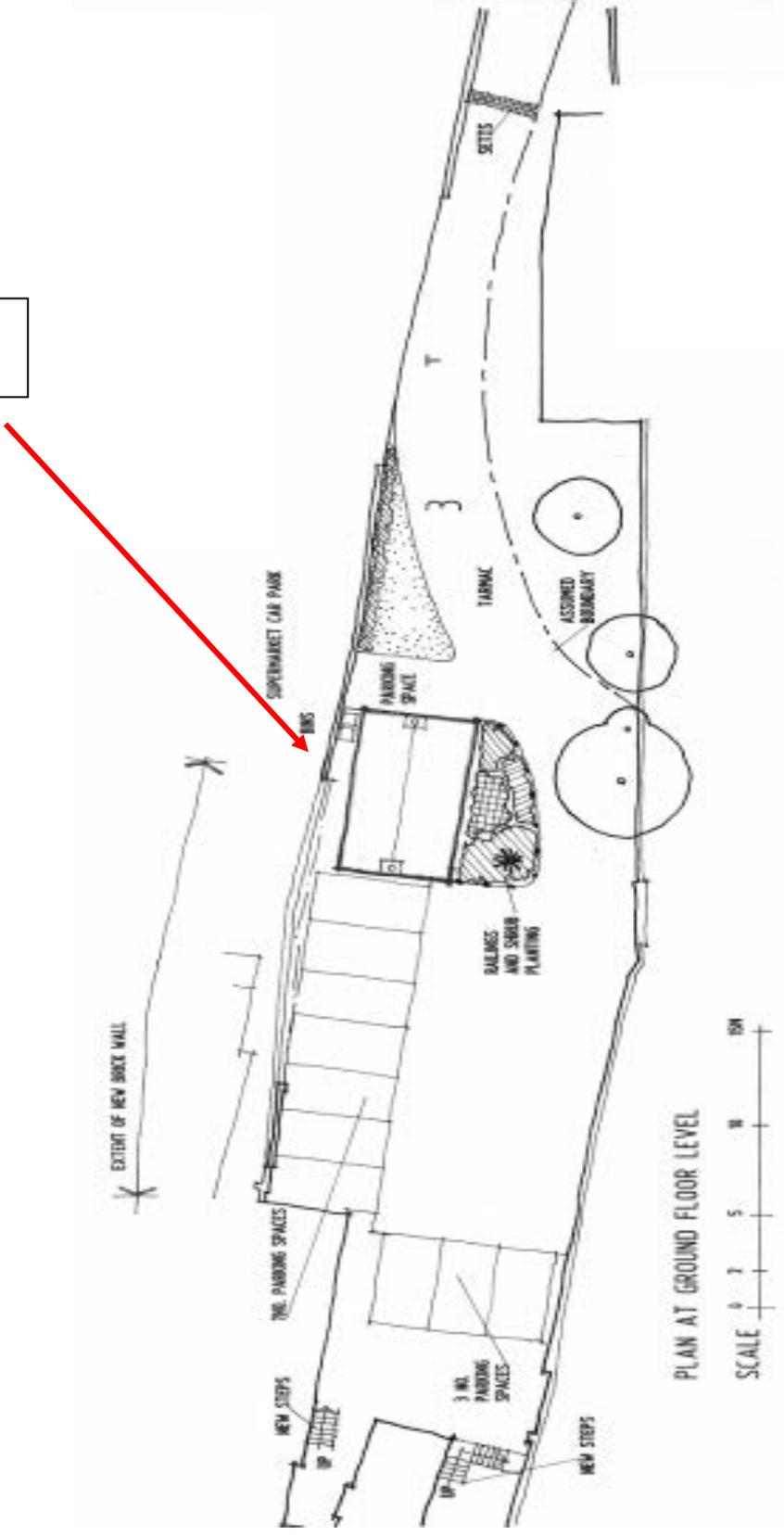
A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

Appendix A



Appendix B

Proposed dwelling



Appendix C



View looking towards rear of 80-82 High Street



Approx. location of development looking towards neighbouring car-park



View looking towards neighbouring properties at Angel Mews



View of site from entrance



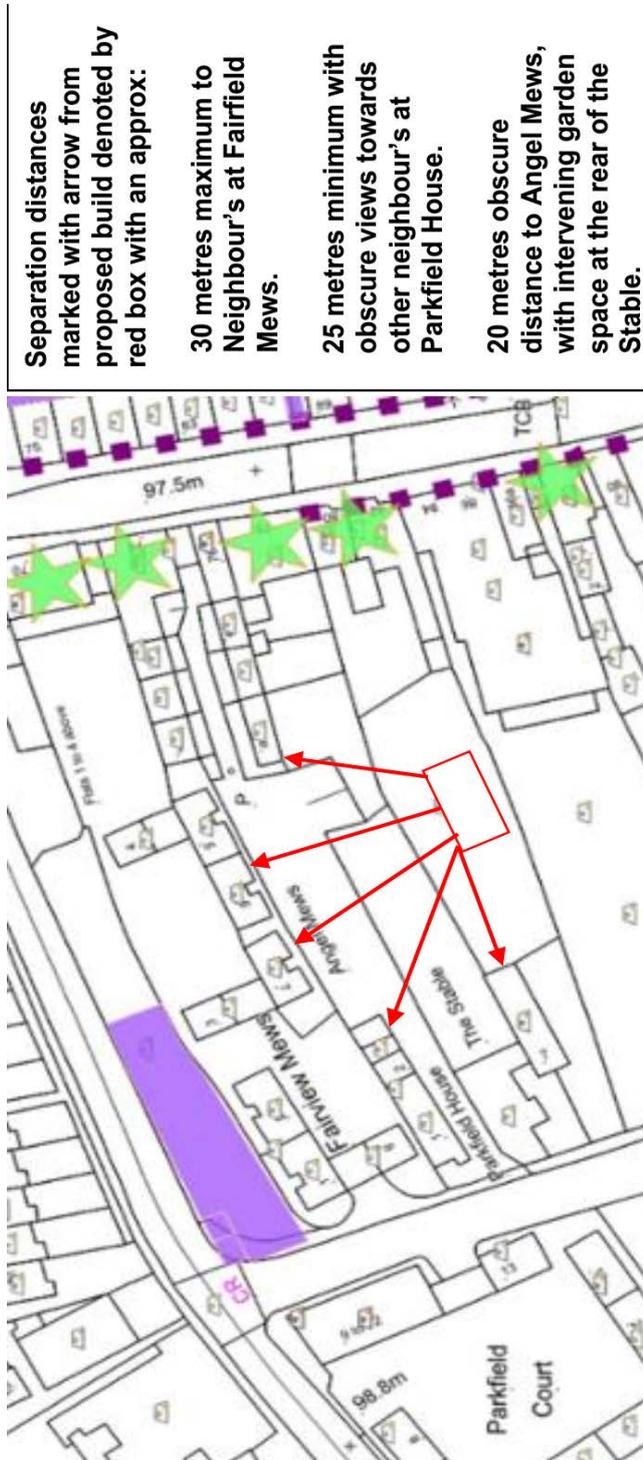
View of access into site

Appendix D

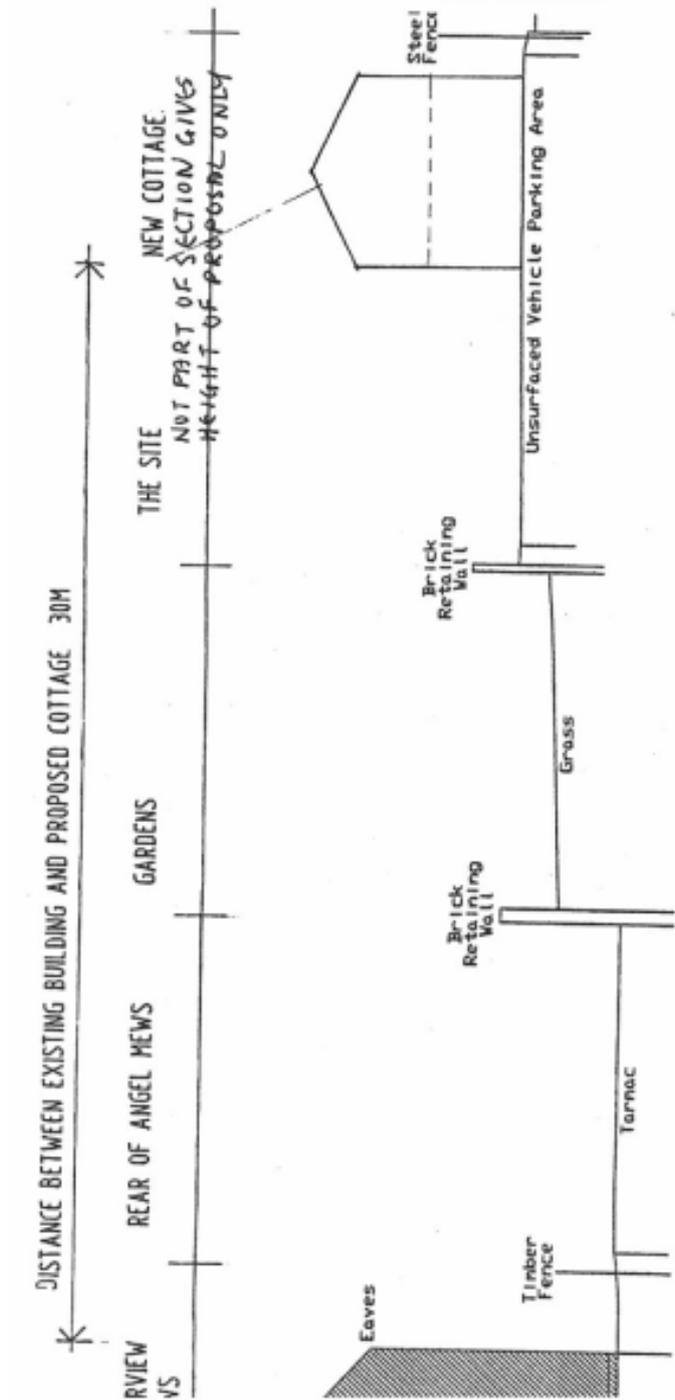


Appendix E

Approximate separation distances from application site to surrounding occupiers



Appendix F



The above section plan depicts a cross section from the new build towards surrounding building. Section is North to South and shows the difference in land levels, the application site being on higher land levels.